An Extraordinary Meeting of Cumberland Local Planning Panel will be held at 11:30am at the Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Wednesday, 15 May 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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Extraordinary Cumberland Local Planning Panel Meeting
15 May 2019

Item No: LPP032/19

DEVELOPMENT APPLICATION FOR 322 RAILWAY TERRACE, GUILDFORD

<table>
<thead>
<tr>
<th>Responsible Division:</th>
<th>Environment &amp; Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officer:</td>
<td>Manager Development Assessment</td>
</tr>
<tr>
<td>File Number:</td>
<td>DA-441/2017</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Application lodged</th>
<th>19 October 2017.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Form Architects.</td>
</tr>
<tr>
<td>Owner</td>
<td>Mrs M Saliba and Mr A Saliba.</td>
</tr>
<tr>
<td>Application No.</td>
<td>DA-441/2017.</td>
</tr>
<tr>
<td>Description of Land</td>
<td>Lot 4 DP 661098, 322 Railway Terrace Guildford.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed Development</th>
<th>Demolition of an existing building and construction of a 5 storey mixed use development comprising a ground floor commercial tenancy, a ground floor residential apartment and four levels of apartments above including a two storey split level basement car park under State Environmental Planning Policy Affordable Rental Housing 2009.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area</td>
<td>674.5 Square metres.</td>
</tr>
<tr>
<td>Zoning</td>
<td>B4 Mixed Use under Parramatta Local Environmental Plan 2011.</td>
</tr>
<tr>
<td>Principal Development Standards</td>
<td>Floor space ratio - 1.4:1 (For affordable Housing Bonus 0.428:1) Total FSR - 1.828:1. Height of buildings - 17 metres.</td>
</tr>
<tr>
<td>Disclosure of political donations and gifts</td>
<td>Nil disclosure.</td>
</tr>
<tr>
<td>Heritage</td>
<td>Number 332 to the immediate south is listed as a heritage item being a former bakery.</td>
</tr>
<tr>
<td>Issues</td>
<td>Site width. Building separation.</td>
</tr>
</tbody>
</table>

SUMMARY:

1. Development application 441/2017 was received by Council on the 19 October 2017 for demolition of an existing building and construction of a 5 storey mixed use development comprising a ground floor commercial tenancy, a ground floor apartment and four levels of apartments above including a basement car park under State Environmental Planning Policy Affordable Rental Housing 2009.

2. The application was publicly notified to occupants and owners of nearby properties from December 5 2017 to 2 January 2018 and there were no submissions to the development sought.

3 The variations to the planning controls are as follows:-
<table>
<thead>
<tr>
<th>Control</th>
<th>Required</th>
<th>Provided</th>
<th>% variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 14(1)(c)(ii) of State Environmental Planning Policy</td>
<td>Landscaped area - 30% of the site to be landscaped.</td>
<td>Landscaping is 124 square</td>
<td>38.6%</td>
</tr>
<tr>
<td>“Affordable Rental Housing - Landscaped area.”</td>
<td></td>
<td>metres or 18.38% of the site.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>At least 15% to be a deep soil zone.</td>
<td>46.2 square metres or 6.85%</td>
<td>54.3%</td>
</tr>
<tr>
<td>Clause 14(1)(d)(i) of State Environmental Planning Policy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>“Affordable Rental Housing - Deep soil zone.”</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Part 2F - Building envelopes (Building separation) distances of the Apartment Design Guide.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Up to four storeys (approximately 12 metres)</td>
<td>A balcony on Level 1 attached to Apartment U1.03 is setback 4 metres from the southern boundary.</td>
<td>Up to 33.3%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The north facing balconies of apartments U1.03, U2.03 and U3.03 are setback 5.9 metres from northern boundary.</td>
<td></td>
<td>1.7%</td>
</tr>
<tr>
<td>Five to eight storeys (approximately 25 metres):</td>
<td>Kitchen window of Apartment U4.02 setback 6.4 metres from boundary.</td>
<td></td>
<td>28.8%</td>
</tr>
<tr>
<td></td>
<td>The north facing balcony of apartment U4.02 is setback 5.9 metres from northern boundary.</td>
<td></td>
<td>34.5%</td>
</tr>
</tbody>
</table>
in zone from apartment buildings to a lower density area, building separation should be increased by 3 metres.

**Up to four storeys**
(approximately 12 metres)
- 15m between habitable rooms / balconies;
- 12m between habitable and non-habitable rooms; and 9m between non-habitable rooms.

**Five to eight storeys**
(approximately 25 metres):
- 21m between habitable rooms / balconies;
- 15m between habitable and non-habitable rooms; and 12m between non-habitable rooms.

<table>
<thead>
<tr>
<th>Part 3E - Deep soil zone Apartment Design Guide</th>
<th>Minimum 7% of a site.</th>
<th>6.85% of the site.</th>
<th>2.2%.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part 3F - Visual Privacy - Apartment Design Guide</td>
<td>Separation between windows and balconies be provided to ensure visual privacy is achieved.</td>
<td>Balconies of units U3.02 and 4.01 setback 4.6 to 6.6 metres from a bedroom and 7.6 metres from a kitchen window.</td>
<td>15.6%.</td>
</tr>
<tr>
<td>Part 3.1 of the Parramatta DCP</td>
<td>18 Metres.</td>
<td>16.75 metres.</td>
<td>1.25 metres or 9.3%.</td>
</tr>
</tbody>
</table>
REPORT:

Subject Site and Surrounding Area

The site has the shape of a trapezoid but has varying dimensions as follows:-

- Northern boundary 42.295 metres.
- Southern boundary 43.975 metres.
- Eastern boundary 15.735 metres.
- Western boundary 16.75 metres.

This provides a site area of 674.5 metres.

A two storey brick commercial / residential building exists on site. There is a single storey attached double garage at the rear and vehicle access is provided from Railway Terrace.

The site is within zone B4 Mixed use under the Parramatta Local Environmental Plan 2011.

A number of site constraints are identified within the immediate locality surrounding the site as follows:-

- Number 332 to the immediate south is a commercial premise but listed as a local heritage item - Number I232 being a former bakery shop.

- Land to the rear at 11 to 13 Cross Street is within zone R4 (High Density Residential) and a residential apartment building has been constructed across that site. The building on that site is setback 7 metres from the rear property boundary.

- A five storey mixed use development has recently been constructed across number 320 Railway Terrace to the immediate north.
The site is within that part of the Guildford Town Centre that is undergoing change which is evident from the number of developments that have or are occurring.

The main street of Guildford is located less than 100 metres north of the site. The shopping centre supports two local supermarkets for local shopping needs for the residents.

The location of the site is shown below.

The aerial photo of the site is shown below.
Photos of the site are provided below.

Description of the Proposed Development

Development application Number 441/2017 is proposing the demolition of the existing buildings and construction of a five storey mixed use development encompassing commercial and residential uses on the ground floor with four levels of residential apartments above. A two storey (Split level) basement car park for eighteen (18) vehicles to support the development will also be constructed with vehicle access from Railway Terrace.

The following is proposed.

Demolition

The building on site will be demolished and excavation work will be undertaken. Excavation work is expected to extend down to 8.2 metres below the natural ground level to a minimum RL level of 19.04 metres AHD for the lift shaft.

Basement car park

A two level, split level basement car park will be constructed on site with room for the following:-
Eighteen (18) vehicles. Of the total of eighteen spaces, two of the car spaces are earmarked for people with disabilities and two are designated for the commercial / retail unit.

- Provision of twelve storage cages.
- Provision for parking six bikes.
- Provision of a lift and stair access.

Construction of a five storey building

A five storey mixed use building is proposed to be constructed comprising of one commercial tenancy and twelve (12) apartments as follows:

Ground floor

The ground floor comprises one commercial / retail tenancy occupying an area of 58.76 square metres and one two bedroom apartment at the rear.

The ground floor is also serviced with a separate bin store area for the residents and for the commercial / retail unit, a common open space area and lift access.

First floor

The first floor comprises 2 x 2 bedroom and 1 x 3 bedroom apartments including lift and stairwell access.

Second floor

The second floor comprises 3 x 2 bedroom apartments including lift and stairwell access.

Third floor

The third floor comprises 1 x 1 bedroom apartments, 1 x 1 bedroom and study apartment and 1 x 2 bedroom apartment including lift and stairwell access.

Fourth floor (Top floor)

The fourth storey comprises 1 x 3 bedroom and 1 x 2 bedroom apartments. A lift and stairwell core is provided to level four.

Number of apartments

There are twelve apartments within the development as follows:

- 2 x 1 bedroom apartments.
- 8 x 2 bedroom apartments.
• 2 x 3 bedroom apartments.

Other features

The development has a maximum height of 16.9 metres when measured from the natural ground level to the topmost roof ridge of the building and lift over run.

The proposed floor space ratio is 1.785:1. A higher floor space ratio is being requested because the development is supporting affordable housing under State Environmental Planning Policy “Affordable Rental Housing” 2009.

There is 515.8 square metres of floor area within the development that is designated as affordable rental housing comprising of six apartments. The affordable housing apartments are U1.01, U1.02, U2.01, U2.02, U 2.03 and U3.03.

History

30 June 2016

A pre lodgement is held at Council where a number of issues were discussed including:-

• Permissibility of having affordable housing within a mixed use development.

• Floor space ratio.

• Height.

• Design and built form.

• Traffic issues within and external to the site.

19 October 2017

The development application is lodged to the Council for assessment and ultimately determination.

5 December 2017

Following extensive assessment, a number of issues were identified and correspondence was issued requesting the applicant to undertake certain modifications to the development to address matters of permissibility and compliance with the local planning controls.

The application was publicly notified to occupants and owners of nearby properties from December 5 2017 to 2 January 2018 and there were no submissions to the development sought.
27 July 2018

Modified concept plans were submitted to the Council on July 27 2018 for discussion purposes and advice.

24 August 2018

Modified architectural plans were lodged on August 24 2018 for assessment.

24 October 2018

Stormwater plans were lodged with Council for assessment.

5 February 2019

Following a meeting with the applicants engineers and Council engineers, further amendments were required to the ramp access.

The applicant lodged amended plans on February 11 2019 to address the engineering concerns.

11 April 2019

The applicant lodged amended plans addressing concerns raised at a meeting of Monday 1 April 2019. The plans are the subject of this report.

**Applicants Supporting Statement**

The applicant has provided a Statement of Environmental Effects prepared by Willana Associates and dated August 2017. This was received on 19 October 2017.

**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**

The development application was referred to the following departments:-

**Development Engineer**

As per the memorandum dated 20 April 2019, the development application is supported subject to conditions. It is identified that the basement access ramp will require further minor modification being a reduction of the southern access ramp grade. This may be addressed as a condition (Proposed Condition 50) for approval by the panel.
Environment and Health

The development application was referred to Council’s Environment and Health Officer for comment who has advised that the development is satisfactory. The development is supported subject to conditions addressing demolition work, amenity, noise and waste management.

Heritage Officer

As per correspondence dated 7 December 2017, the proposed development:

- Has a building line that is aligned with or set back to the heritage item.
- Uses a neutral or complimentary colours compared to the heritage item.
- Appears to use some building materials similar to that of the building at 320 Railway Terrace.
- The laneway provides a visual and physical break with the heritage item.

The development is considered as being acceptable from a heritage perspective and may be supported. There are no conditions provided by the heritage officer.

External Referrals

The development application was referred to Sydney Trains because concurrence consent is required as per Clause 86 of State Environmental Planning Policy “Infrastructure” 2007. As per written advice dated 27 July 2018, Sydney Trains will grant concurrence to the development proposed subject to deferred commencement conditions and subject to operational conditions. The conditions must be included into the consent otherwise Sydney Trains will not grant concurrence to the development application.

Planning Comments

The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))

State Environmental Planning Policies

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

State Environmental Planning Policy “Infrastructure” 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application. The site is situated 20 metres from the rail corridor and as a result, Clause 85, 86 and 87 of State Environmental Planning Policy Infrastructure 2007 will apply to the development.

Clause 85 - Development immediately adjacent to rail corridors
The development application was referred to Sydney Trains for written advice on 5 December 2017. As per correspondence dated 27 July 2018, Sydney trains will grant concurrence to the development subject to conditions. The conditions provided address the use of a crane in the vicinity of the railway line.

**Clause 86 - Excavation in, above or adjacent to rail corridors**

The site is within 25 metres of the Rail corridor and excavation to a depth greater than 2 metres is occurring on site. As such, the development application requires concurrence from Sydney Trains. The development application has been referred to Sydney Trains for concurrence with the matter being addressed under Clause 85 above.

**Clause 87 - Impact of rail noise or vibration on non-rail development**

Clause 87 will apply to the development because the site is situated less than 25 metres from the rail corridor which is situated opposite the site on the western side of Railway Terrace.

There will be apartments facing the railway line and there will be an impact from passing trains.

The interim guidelines for ‘Development near Rail Corridors and Busy Roads’ Page 15 provides a guide to the level of assessment required when noise sensitive developments are located in the vicinity of rail lines. Zone A and B are indicative acoustic assessment zones where sensitive land uses are likely to be affected. The railway line is used for transporting freight and passengers. In this regard:

- Zone A is 40 metres.
- Zone B is 80 metres.

The development falls within Zone A and a detailed noise assessment is required.

The matter of railway noise has been considered and an acoustic report has been prepared by Acoustic Logic and dated 14/9/2016. The report addresses noise in an appropriate manner and proposed condition 22(e) addresses noise in an appropriate manner.

**State Environmental Planning Policy 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:-
### Matter for Consideration

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the application involve re-development of the site or a change of land use?</td>
<td>Yes</td>
</tr>
<tr>
<td>Is the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?</td>
<td>Yes</td>
</tr>
<tr>
<td>Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? (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>No</td>
</tr>
<tr>
<td>Is the site listed on Council’s Contaminated Land database?</td>
<td>Yes</td>
</tr>
<tr>
<td>Is the site subject to EPA clean-up order or other EPA restrictions?</td>
<td>Yes</td>
</tr>
<tr>
<td>Has the site been the subject of known pollution incidents or illegal dumping?</td>
<td>Yes</td>
</tr>
<tr>
<td>Does the site adjoin any contaminated land/previously contaminated land?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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

A preliminary contamination assessment prepared by Geotechnique Pty Ltd and dated 20 January 2017 was submitted with the application. The report did not reveal any potential matters of concern with regard to contamination and concludes that the site is suitable for its intended use.

Council’s Environmental Health Officer has reviewed the reports and determined that the site is suitable to support such a development given that the report provides that the site is suitable for the proposed use.

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? | Yes |

**State Environmental Planning Policy “Building Sustainability Index” 2004**

The BASIX Certificate has been assessed and determined as being mostly satisfactory. There is a minor anomaly relating to “common area landscape”. The
matter is addressed is Condition 22(f) attached to the recommendation for approval by the Panel.

State Environmental Planning Policy “Affordable Rental Housing” 2009.

The relevant provisions are assessed below.

<table>
<thead>
<tr>
<th>Development to which Division applies</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:</td>
<td>❌</td>
<td>✅</td>
<td>⬜</td>
<td>The development is determined as being permitted with consent in the B4 Mixed Use zone under the Parramatta Local Environmental Plan 2011.</td>
</tr>
<tr>
<td>(a) the development concerned is permitted with consent under another environmental planning instrument, and</td>
<td>❌</td>
<td>✅</td>
<td>⬜</td>
<td>The land does not contain a heritage item. However, a heritage listed item is situated on land to the immediate south at 332 Railway Terrace.</td>
</tr>
<tr>
<td>(b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the Heritage Act 1977.</td>
<td>❌</td>
<td>✅</td>
<td>⬜</td>
<td>The land is situated within an accessible area.</td>
</tr>
<tr>
<td>(2) Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Despite subclause (1), this Division does not apply to development on land that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use, or within a land use zone that is equivalent to any of those zones.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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.

(2) The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:

(a) if the existing maximum floor space ratio is 2.5:1 or less:
   (i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or
   (ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:
   \[
   Y = \frac{AH}{100}
   \]

   or

(b) if the existing maximum floor space ratio is greater than 2.5:1:
   (i) 20 per cent of the existing maximum floor space ratio—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or
   (ii) Z per cent of the existing maximum floor space ratio—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:
   \[
   Z = \frac{AH}{2.5}
   \]

(3) In this clause, gross floor area

The development has a floor space ratio of 1.785:1.

The amount of affordable housing is calculated at 515.8 square metres which is 42.8% of the total floor area of the building.

A maximum floor space ratio of 1.4:1 is permitted for the site. However, given that affordable housing is proposed being six dwellings, a bonus floor space ratio may be applied to the development being 0.428:1.

The maximum floor space ratio with the bonus is 1.828:1.

The development is compliant with the floor space ratio provision.

This is noted.
### 14 Standards that cannot be used to refuse consent

(1) Site and solar access requirements. A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>The site occupies an area of 674.5 square metres.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Subclause (b)(i) will not apply to the development because the applicant is not a social housing provider.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>At least 124 square metres (18.38%) of the site is landscaped. The variation is 38.6%</td>
</tr>
</tbody>
</table>

- Site area if the site area on which it is proposed to carry out the development is at least 450 square metres,
- Landscaped area if:
  - In the case of a development application made by a social housing provider—at least 35 square metres of landscaped area per dwelling is provided, or
  - In any other case—at least 30 per cent of the site area is to be landscaped,
- Deep soil zones if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed:
  - There is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone), and
  - Each area forming part of the deep soil zone has a minimum dimension of 3 metres, and
  - If practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,
14 Standards that cannot be used to refuse consent

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

(a) parking if:

(i) in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms, or

(ii) in any other case—at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms,

(b) dwelling size if each dwelling has a gross floor area of at least:

(i) 35 square metres in the case of a bedsitter or studio, or

(ii) 50 square metres in the case of a dwelling having 1 bedroom, or

(iii) 70 square metres in the case of a dwelling having 2 bedrooms, or

(iv) 95 square metres in the case of a dwelling having 3 or more bedrooms.

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

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

The development application is not made by a social housing provider.

Parking required:

2 x 1br = 1.2 spaces.
8 x 2br = 7.2 spaces.
2 x 3br = 2.8 spaces.

12 resident spaces are required.
3 visitor spaces required as per ADG.

Minimum 15 spaces required for the residential portion of the development. There are 18 spaces shown on the plans. There is adequate car parking provided for the development.
### 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.

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>✗</td>
<td></td>
<td></td>
<td>See discussion below.</td>
</tr>
</tbody>
</table>

### 17 Must be used for affordable housing for 10 years

(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:

(a) for 10 years from the date of the issue of the occupation certificate:
   (i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and
   (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and

(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) are met.

(2) Subclause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority.

Proposed Conditions 18, 19 and 20 attached to the Recommendation addresses such matters for approval by the Panel.
Clause 16A - Character of local area:

The SEPP requires Council to consider whether the design of the development is compatible with the character of the local area. There are no guidelines associated with the SEPP to provide Council with guidance in the determination of what is compatible development with the character of the local area. However, the Land and Environment Court has issued a planning principle on this matter that is a useful guide for the purposes of this assessment. The character assessment for the current proposal is provided in the following section:-

Part A - Identify the local area

The local area for the purposes of this application is shown on the zoning map below:-

The Guildford Railway Station lies to the west of Railway Terrace and the Guildford Town Centre lies to the north. Land to the east is within zone R4 High density Residential and apartment buildings are changing the landscape character of the locality.

Part B - Determine the character of the local area.

The site is within the B4 Mixed Use zone and land to the east is within the R4 High Density Residential zone. The area is in a state of transition and there are properties
not yet developed in accordance with the density standards. The predominant building type along Railway Terrace is mixed use with commercial premises on the ground floor and residential accommodation on the upper levels. Further to the north, commercial and retail properties dominate.

The pattern of development along Railway Terrace is a street wall with zero side setbacks and zero or minimal front setbacks which is common for a suburban commercial shopping area. The proposed development will maintain the setback pattern.

Part C - Determine if development is compatible with the character of the local area.

Compatibility within the urban environment is an issue that has been given detailed consideration by the Land and Environment Court. In the decision of Project Ventures Development Pty Limited and Pittwater Council, the Senior Commissioner of the Court was asked to consider the process of deciding whether a building is compatible with its surroundings. This led to the development of a Planning Principle that planners could refer to as a guide on this particular issue.

The planning principle states there are two important aspects of compatibility that need to be satisfied:

1. Are the proposal's physical impacts on surrounding development acceptable?

Physical impacts generally include noise, overlooking, overshadowing and constraining development potential.

In terms of the physical impacts of the development, the following points are made:

a) Noise impacts are reduced through siting usable communal areas to the rear away from the street.

b) Privacy impacts to the adjoining developments especially to the north are generally mitigated.

c) The proposal will not impact on the development potential of adjoining sites by unduly constraining them through site design.

d) The subject site has an east to west orientation. Submitted shadow diagrams show that the shadows will fall across a commercial site. There are no adverse shadow impacts to residential properties.

2. Is the proposal's appearance in harmony with the buildings around it and the character of the street?

It is identified that the locality is being transformed to higher density living. This is occurring because the area is or adjacent to a town centre with train and bus services being available. It is considered that the development is appropriate for the locality and for the town centre.
To be considered compatible, a development should contain or at least respond to the essential elements that make up the character of the surrounding area. It is identified that newer developments along Railway Terrace are permitted to be 5 storeys in height or 17 metres. Furthermore, developments to the rear facing Cross Street are also permitted to be 17 metres in height.

The proposed building is consistent with the height limit imposed for the site.

The top two storeys are recessed further from the street to reduce its prominence within the streetscape and to introduce a variation to the design. There are variations to the building separation controls contained within the Apartment Design Guide but the variations have been minimised as much as possible given the constraints of the site. The development is also found to respect the heritage listed shop to the south at 332 Railway Terrace.

It is concluded that the development is compatible with the locality.

**Statement Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65)**

State Environmental Planning Policy 65 - “Design Quality of Residential Apartment Development” applies to the development because the building is 3 or more storeys in height and contains more than 4 dwellings. A design statement addressing the design quality principles prescribed by SEPP 65 has been prepared by the project architect. Integral to SEPP 65 is the Apartment Design Guide (ADG), which sets benchmarks for the appearance, acceptable impacts and residential amenity of the development as shown below. A detailed assessment is at Appendix A.

<table>
<thead>
<tr>
<th>Design Criteria</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Part 2</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2F Building Separation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Separation - Building separation is measured from the outer face of building envelopes which includes balconies</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Note:</strong> Where applying separation to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary. This distributes the building separation equally between sites.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Up to 4 storeys (approximately 12m):</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 12m between habitable rooms/balconies;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 9m between habitable and nonhabitable rooms; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 6m between nonhabitable rooms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Up to 8 storeys (approximately 25m):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 18m between habitable rooms/balconies;</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>To the Southern boundary</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ground floor - 0 metres for the ground floor with a solid wall situated on the boundary.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Levels to 1 - 3 on the boundary with a solid wall.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A corridor is setback 3 metres from the southern boundary and features obscured glazed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design Criteria</td>
<td>Compliance</td>
<td>Comment</td>
</tr>
<tr>
<td>-----------------</td>
<td>------------</td>
<td>---------</td>
</tr>
</tbody>
</table>
| • 12m between habitable and nonhabitable rooms; and  
• 9m between nonhabitable rooms | No | Level 4 is on the boundary with a solid wall featuring to the south. |
<p>| | No | A balcony on Level 1 at the rear attached to Apartment U1.03 is setback 4 metres (Variation 33.3%). |
| | Yes | The balconies on Level 2, 3 and 4 attached to the rear are setback 2.8 metres from the southern boundary (Variation 46% to 69%). |
| | Yes | To the Northern boundary |
| | Yes | Ground floor - 6.8 metres for the habitable room being a solid wall and 8.6 metres for the bedrooms. |
| | Yes | Levels 1, 2 and 3 |
| | No | Apartments U1.02, U2.02 and U3.02 are on the boundary and solid walls feature. |
| | No | Living area windows of Apartments U1.03, U2.03 and U3.03 are setback 7 metres. |
| | No | The windows kitchens of Apartments U2.03, U3.03 are setback 6.4 metres. |
| | Yes | Bedroom windows of Apartments U1.03, U2.03 and U3.03 are setback 6.4 metres. |
| | No | Level 4 Apartment U4.02 |
| | No | Living area window is setback 7 metres from the boundary (Variation is 22%). |</p>
<table>
<thead>
<tr>
<th>Design Criteria</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rear setback</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>At the boundary between a change in zone from apartment buildings to a lower density area, building separation should be increased by 3 metres.</td>
<td>No</td>
<td>The kitchen window of the apartment is setback 6.4 metres from the boundary (Variation 28.8%).</td>
</tr>
<tr>
<td><strong>Up to four storeys</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(approximately 12 metres)</td>
<td>Yes</td>
<td>A bedroom window is setback 6.4 metres from the boundary.</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>Balconies for Levels 1 to 4</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>Balconies of apartments U1.03, U2.03, U3.03 and U4.02 are setback 5.9 metres (Variation 1.7% to 34.5%).</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>Rear of the building</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>Ground floor 5 metres to boundary and 12 metres to adjoining building (Variation 33.4%).</td>
</tr>
<tr>
<td><strong>Five to eight storeys</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(approximately 25 metres):</td>
<td>No</td>
<td>Levels 1 to 3 apartments - 7.6 to 9.5 metres.</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>Level 4 apartment - 9.2 metres (Variation 12.4%).</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>Balconies</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>Level 1 - 5.9 metres (Variation 21.3%).</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>Level 2 - 7.7 metres.</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>Level 3 - 8.1 metres.</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>Level 4 - 8.1 metres (Variation 22.8%).</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>Comments</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>The applicant has achieved an appropriate level of compliance given the width and location of the site within the Guildford Town Centre.</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>The building at 320 Railway</td>
</tr>
</tbody>
</table>

**(Apply half the minimum separation).**
Terrace to the north has been built with habitable rooms facing south at a distance of 3 to 4 metres from the southern property boundary which did not comply with the Residential Flat Design Code building separation requirements which has compromised compliance.

If this application were to be supported, appropriate louvres would be required for certain balconies to address privacy.

### Part 3

#### 3C Public domain interface

**Objective 3C-1**
Transition between private and public domain is achieved without compromising safety and security.

<table>
<thead>
<tr>
<th>Design Criteria</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terrace to the north has been built with habitable rooms facing south at a distance of 3 to 4 metres from the southern property boundary which did not comply with the Residential Flat Design Code building separation requirements which has compromised compliance.</td>
<td>Yes</td>
<td>Appropriate delineation between the private and public domain is provided. In this regard, there is a door separating the public and private domain. The secure door would be accessible to residents of the building.</td>
</tr>
</tbody>
</table>

#### 3D Communal and public open space

*COS should have a minimum dimension of 3m. Where COS cannot be provided at ground level, it should be provided on a podium or roof.*

**Design criteria**

- Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)
- 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)

<table>
<thead>
<tr>
<th>Design criteria</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed common open space = 186.9 square metres (27.7%). A portion of the area is underneath part of the building being 32.37 square metres or 17.3%.</td>
<td>Yes</td>
<td>All parts of the site have appropriate access.</td>
</tr>
</tbody>
</table>

#### 3D1 Direct equitable access
Direct equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies.
### Design Criteria

#### Design criteria

1. Deep soil zones are to meet the following minimum requirements:

<table>
<thead>
<tr>
<th>Site area</th>
<th>Minimum dimensions</th>
<th>Deep soil zone (% of site area)</th>
</tr>
</thead>
<tbody>
<tr>
<td>less than 650m²</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>650m² - 1,500m²</td>
<td>3m</td>
<td>6.85% (46.2 square metres)</td>
</tr>
<tr>
<td>greater than 1,500m²</td>
<td>6m</td>
<td></td>
</tr>
<tr>
<td>greater than 1,500m² with significant existing tree cover</td>
<td>6m</td>
<td>7%</td>
</tr>
</tbody>
</table>

#### Compliance

No.

6.85% (46.2 square metres) of the site is deep soil zone.

The deep soil zone has dimensions of 3 metres x 3 metres.

#### Comments

The matter has been addressed within Clause 14 of State Environmental Planning Policy “Affordable Rental Housing” 2009 above. In this regard, it is considered appropriate to support the development as the variation is calculated at 2.2% which is minor.

---

### 3F Visual privacy

**Separation** - Building separation is measured from the outer face of building envelopes which includes balconies

**Note:** Where applying separation to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary. This distributes the building separation equally between sites.

Separation between windows and balconies is provided to ensure visual privacy is achieved.

Adjoining a different zone with a less density, add 3.0m.

Retail, office spaces and commercial balconies use habitable room separation.

No separation is required between blank walls.

#### Design criteria

1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

<table>
<thead>
<tr>
<th>Building height</th>
<th>Habitable rooms and balconies</th>
<th>Non-habitable rooms and balconies</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 (9+ storeys)</td>
<td>12m</td>
<td>6m</td>
</tr>
</tbody>
</table>

**Note:** Separation distances between buildings on the same site should combine required

No.

Building separation to the adjoining allotments is addressed in detail under 2F above. It is identified that there are variations to certain balconies and Apartment U4.02. The greatest variation is the position of the living room and kitchen windows of Apartment U4.02 on Level 4 in which the living area is setback 7 metres from the boundary and the kitchen is setback 6.4 metres from the
<table>
<thead>
<tr>
<th>Design Criteria</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>building separations depending on the type of room (see figure 3F.2)</td>
<td></td>
<td>Internally, the balcony attached to the rear bedrooms of Apartments U3.02 and U4.01 are setback 4.6 to 6.6 metres from a bedroom and at least 7.6 metres from a kitchen window. While these are offset to avoid a direct line of sight into rooms, it would be possible to establish view lines between opposing features. Proposed condition 40 attached to the recommendation addresses such matters.</td>
</tr>
<tr>
<td>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other circulation space by the apartments service areas.</td>
<td>Yes</td>
<td>The north facing ground floor bedroom windows of the ground floor apartment are facing towards the external apartment entry area which in turn faces the common space. The private outdoor space is fenced by a fence and gate 1.8 metres in height.</td>
</tr>
</tbody>
</table>

### 3J Bicycle and car parking

**Objective 3J-1**
Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas

**Design criteria**
1. For development in the following locations:
   - on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or
   - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre

|            | Yes | The development application is not made by a social housing provider. Parking required: 2 x 1br = 1.2 spaces. 8 x 2br = 7.2 spaces. 2 x 3br = 2.8 spaces. 12 resident spaces are required. 3 visitor spaces required as per |
### Design Criteria

<table>
<thead>
<tr>
<th>Design Criteria</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>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, <strong>whichever is less</strong>. The car parking needs for a development must be provided off street.</td>
<td></td>
<td>ADG. Minimum 15 spaces required for the development. There are 18 spaces shown on the plans. There is adequate car parking provided for the development.</td>
</tr>
</tbody>
</table>

### Part 4

#### 4A Solar and daylight access

**Design criteria**

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.
2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter.
3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.

<table>
<thead>
<tr>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>90.9% (11 of 12) of units receive at least 2 hours mid winter. The proposal is consistent with the remaining objectives of this part of the ADG ensuring that daylight access is satisfactory.</td>
</tr>
<tr>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>9.1% of the apartments (1 apartment) will receive less than 2 hours of sunlight at the winter solstice.</td>
</tr>
</tbody>
</table>

**Design criteria**

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.
2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.

<table>
<thead>
<tr>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>At least 90.9% of the apartments are cross ventilated.</td>
</tr>
<tr>
<td>Yes</td>
<td>The cross through apartments are 10 metres in length.</td>
</tr>
</tbody>
</table>

#### 4C Ceiling heights
### Design Criteria

#### Design criteria

1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:

<table>
<thead>
<tr>
<th>Category</th>
<th>Minimum Ceiling Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Habitable rooms</td>
<td>2.7m</td>
</tr>
<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 50% of the apartment area</td>
</tr>
<tr>
<td>Attic spaces</td>
<td>1.8m at edge of room 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.

#### 4D Apartment size and layout

The minimum internal areas include one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.

### Compliance

<table>
<thead>
<tr>
<th>Design criteria</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes The ceiling heights within all units comply with the minimum 2.8m requirement.</td>
<td>Yes The ground floor apartment is 3.4 metres in height.</td>
<td></td>
</tr>
<tr>
<td>Yes The apartments range in size from 60.37 to 72.7 square metres for the one bedroom apartments, 83.9 square metres to 88.27 square metres for the two bedrooms apartments and 99.9 to 110 square metres for the three bedroom apartments. This demonstrates that all the apartments exceed the minimum area quoted at this Part.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Yes Satisfactory.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Design Criteria

<table>
<thead>
<tr>
<th>Design criteria</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>hallways or entry space).</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Design criteria</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Habitable room depths are limited to a maximum of 2.5 x the ceiling height</td>
<td>Yes</td>
<td>Habitable room depths do not exceed 6 m (2.5x2.8m). The maximum depth is 7.8 metres.</td>
</tr>
<tr>
<td>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td><strong>Design criteria</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space)</td>
<td>Yes</td>
<td>All bedrooms meet the minimum area requirements.</td>
</tr>
<tr>
<td>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</td>
<td>Yes</td>
<td>All bedrooms meet the minimum 3m dimension.</td>
</tr>
<tr>
<td>3. Living rooms or combined living/dining rooms have a minimum width of:</td>
<td></td>
<td>The living rooms of the various apartments have adequate size.</td>
</tr>
<tr>
<td>• 3.6m for studio and 1 bedroom apartments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 4m for 2 and 3 bedroom apartments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4E Private open space and balconies</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Design criteria</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. All apartments are required to have primary balconies as follows:</td>
<td>Yes</td>
<td>All the balconies and private open space are compliant.</td>
</tr>
<tr>
<td><img src="image" alt="Dwelling type" /></td>
<td></td>
<td></td>
</tr>
<tr>
<td><img src="image" alt="Minimum area" /></td>
<td></td>
<td></td>
</tr>
<tr>
<td><img src="image" alt="Minimum depth" /></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Studio apartments</td>
<td>4m²</td>
<td></td>
</tr>
<tr>
<td>1 bedroom apartments</td>
<td>8m²</td>
<td></td>
</tr>
<tr>
<td>2 bedroom apartments</td>
<td>10m²</td>
<td></td>
</tr>
<tr>
<td>3+ bedroom apartments</td>
<td>12m²</td>
<td></td>
</tr>
<tr>
<td>The minimum balcony depth to be counted as contributing to the balcony area is 1m</td>
<td>2.4m</td>
<td></td>
</tr>
<tr>
<td>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Design Criteria

<table>
<thead>
<tr>
<th>Design Criteria</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>15m² and a minimum depth of 3m</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4F Common circulation and spaces</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Design criteria</strong></td>
<td>Yes</td>
<td>Maximum of 3 units are accessed from the central core on each level.</td>
</tr>
<tr>
<td>1. The maximum number of apartments off a circulation core on a single level is eight.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4G Storage</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage is accessible from either circulation or living areas. Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Design criteria</strong></td>
<td>Yes</td>
<td>The proposal provides adequate internal storage within each apartment and separate storage for each unit within the basement. The storage provided meets the requirements and objectives of the ADG.</td>
</tr>
<tr>
<td>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</td>
<td></td>
<td></td>
</tr>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td></td>
<td>At least 50% of the required storage is to be located within the apartment</td>
</tr>
<tr>
<td><strong>4Q Universal design</strong></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td><strong>Design guidance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline’s silver level universal design features</td>
<td></td>
<td></td>
</tr>
<tr>
<td>There should be convenient access to communal and public areas.</td>
<td>Yes</td>
<td>Satisfactory.</td>
</tr>
</tbody>
</table>

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

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

The site is located within the Sydney Harbour Catchment area and SREP (Sydney Harbour Catchment) 2005 is applicable to the development application. The development application raises no issues as to consistency with the requirements and objectives of the planning instrument and associated development control plan.

(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).

Parramatta Local Environmental Plan 2011

The provisions of the Parramatta Local Environmental Plan 2011 are applicable to the development application. A mixed use development is a permitted development within the zone subject to consent.

In addition, the Parramatta Local Environmental Plan 2011 defines a “Mixed use development” as “A building or place comprising 2 or more different land uses”. A mixed use development is permitted with consent.

The relevant matters to be considered under the Parramatta Local Environmental Plan 2011 and the applicable clauses for the proposed development are summarised below. A comprehensive LEP assessment is contained in Appendix 1.

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARD</th>
<th>COMPLIANCE</th>
<th>DISCUSSION</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.3 Height of Buildings - 17 Metres.</td>
<td>Yes.</td>
<td>Compliance is achieved.</td>
</tr>
<tr>
<td>Proposed 16.9 metres.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.4 Floor Space Ratio - 1.4:1</td>
<td>Yes</td>
<td>The floor space ratio of the building is calculated at 1.785:1.</td>
</tr>
<tr>
<td>For affordable housing, a bonus floor space ratio of 0.428:1 exists. As such, an increase of floor space ratio to 1.828:1 may be supported.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.6 Exceptions to development standards</td>
<td>N/A</td>
<td>Not required.</td>
</tr>
<tr>
<td>Clause 5.10 Heritage Conservation.</td>
<td>Yes</td>
<td>The development is considered as being acceptable from a heritage perspective and may be supported.</td>
</tr>
<tr>
<td>The development is occurring to the immediate north of number 332 Railway Terrace which is</td>
<td></td>
<td></td>
</tr>
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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
listed as heritage item Number I232 in the Parramatta Local Environmental Plan 2011.

The development has potential to affect the building at 332 Railway Terrace. The shop is a former bakery being two storeys in height with an awning at the front. The shop is significant for the locality for historical reasons and a representative example of Federation shops within the local area.

The provisions of any proposed instrument that is or has been the subject (EP&A Act s4.15 (1)(a)(ii))

Draft State Environmental Planning Policy (Environment)

The development is not affected by any draft environmental planning instrument.

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

The Parramatta Development Control Plan 2011 is relevant to the development application however many provisions are overridden by State Environmental Planning Policy “Affordable Rental Housing” 2009, State Environmental Planning Policy 65 “Design Quality of Residential Apartment Development” and the associated Apartment Design Guide.

The variations are outlined in the table below and a detailed assessment is at Appendix 1.

<table>
<thead>
<tr>
<th>Control</th>
<th>Compliance</th>
<th>Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frontage</td>
<td>No</td>
<td>16.75 metres with a variation of 1.25 metres.</td>
</tr>
<tr>
<td>Number 332 Railway Terrace is listed as a heritage item within the Parramatta Local Environmental Plan 2011. Any redevelopment of that site would require demolition of the heritage item which may not be supported. As such, it is considered appropriate not to pursue site amalgamation with</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Extraordinary Cumberland Local Planning Panel Meeting  
15 May 2019

<table>
<thead>
<tr>
<th>Height (refer also to LEP table)</th>
<th>Yes</th>
<th>The maximum permitted height limit of the building is 17 metres however the building has a maximum height of 16.9 metres. Compliance is achieved.</th>
</tr>
</thead>
</table>

It is identified that the site to the north has recently been redeveloped for a similar sized mixed use apartment building. It is not practical to amalgamate this site with the development site on the grounds that the adjoining property has recently been redeveloped.

3.3.3 Visual Privacy

The minimum separation between habitable rooms and balconies is 12 metres up to and including the third storey and 18 metres above the third storey.

<table>
<thead>
<tr>
<th>3.4.2 Access for people with disabilities</th>
<th>Yes</th>
<th>Access throughout the site is satisfactory.</th>
</tr>
</thead>
</table>

Equitable access be provided for people with a disability.

3.6 Parking provision

Retail premises.

<table>
<thead>
<tr>
<th>1 space per 30 square metres of gross floor area. Require a minimum of 2 car spaces for a shop of 58.7 square metres in floor area.</th>
<th>Yes</th>
<th>Two spaces are provided.</th>
</tr>
</thead>
</table>
Part 4.1 to Part 4.3 - Special Precinct Guildford Town Centre

The site is situated within the Guildford Town Centre which is a special precinct. As such, additional development controls will apply to the development. The development is found to be compliant with the relevant provisions.

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

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

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

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

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 Cumberland Council area.

The likely environmental, social or economic impacts (EP&A Act s4.15 (1)(b))

The site is constrained which has limited the development potential of the allotment of land. However, it is identified that the form of development is appropriate for the site and locality and one that is generally consistent with most of the planning controls that apply to the land notwithstanding the site constraints.

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

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on a future development.

The site is constrained which has limited the development potential of the allotment of land. It is identified that the site is capable of supporting the development in the form as shown. As such, the development may be supported.

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

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

In accordance with the Parramatta Development Control Plan, the proposal was publicly exhibited for a period of twenty one (21) days between Tuesday 5 December 2017 and Tuesday 2 January 2018. There were no submissions to the development application.
The public interest (EP&A Act s4.15(1)(e))

The public interest is served by permitting the orderly and economic development of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis it is considered that the development should be supported in its current form.

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

This part of the Act relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The Act reads as follows:-

‘(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:

(a) the dedication of land free of cost, or

(b) the payment of a monetary contribution, or both.

(2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.’

Comments:

A Section 7.11 Contribution is applicable to the development that is sought. For the development within the Woodville Ward, the contribution amount is 1% of the cost of works. The contribution amount is $40,362.73. The matter is addressed within proposed Condition 3 for approval by the Panel.

Disclosure of Political Donations and Gifts

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

The NSW Government introduced The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 (NSW). This disclosure requirement is for all members of the public relating to political donations and gifts. The law introduces disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of various types of development proposals and requests to initiate environmental planning instruments or development control plans.

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

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy “Affordable Rental Housing” 2009, State Environmental Planning Policy 65 “Design Quality of Residential Apartment Development” and the Associated “Apartment Design Guide”, the Parramatta Local Environmental Plan 2011 and the Parramatta Development Control Plan 2011 and is considered as being satisfactory for approval.

Having regard to the relevant matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is acceptable for the reasons as outlined within the report. It is recommended that the development be given deferred commencement consent subject to conditions.

CONSULTATION:

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

FINANCIAL IMPLICATIONS:

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

POLICY IMPLICATIONS:

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

COMMUNICATION / PUBLICATIONS:

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

REPORT RECOMMENDATION:

That Development Application 441/2017 for “Demolition of an existing building and construction of a 5 storey mixed use development comprising a ground floor commercial tenancy, a ground floor residential apartment and four levels of apartments above including a two storey split level basement car park” under State Environmental Planning Policy Affordable Rental Housing 2009 be approved as deferred commencement consent subject to conditions as outlined in the attachment provided.

ATTACHMENTS
1. Draft Conditions of Consent
2. Architectural Plans
3. Stormwater / Engineering Plans
4. Landscape Plan
5. Appendix Assessment Sheet
DOCUMENTS ASSOCIATED WITH REPORT EEELPP032/19

Attachment 1
Draft Conditions of Consent
CON召ULTIONS OF DEVELOPMENT CONSENT

DA No: DA-441/2017.
Property: 322 Railway Terrace Guildford.
Description: Demolition of an existing building and construction of a 5 storey mixed use development comprising a ground floor commercial tenancy, a ground floor residential apartment and four levels of apartments above including a two level / split level basement car park under State Environmental Planning Policy Affordable Rental Housing 2009.

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

Consent is granted subject to the following “deferred commencement” conditions. In accordance with Section 4.18(3) of the Environmental Planning and Assessment Act (as amended), this development consent will not operate until you satisfy the Council as to the matters set out in these “deferred commencement” conditions.

DC1 - Sydney Trains requirements.

The applicant shall prepare and provide to Sydney Trains for approval / certification the following final version items in compliance with relevant ASA Standards:

a. Geotechnical and Structural report / drawings that meet Sydney Trains requirements. The geotechnical report must be based on actual borehole testing conducted on site closest to the rail corridor.

b. Construction methodology with construction details pertaining to structural support during excavation. The applicant is to be aware that Sydney Trains will not permit any rock anchors / bolts (whether temporary or permanent) within its land or easements.

c. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a registered surveyor.

d. Detailed survey plan showing the relationship of the proposed development with respect to Sydney Trains easements and rail corridor land.

e. If required by Sydney Trains, an FE analysis which assesses the different stages of loading / unloading of the site and its effect on the rock mass surrounding the rail corridor.

A copy of the Sydney Trains approval demonstrating compliance with the condition (Parts a to e) shall be submitted to the Council for its records.

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.

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

1. **Approved Plans - Deferred Commencement**

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

<table>
<thead>
<tr>
<th>Plan Number</th>
<th>Prepared By</th>
<th>Revision No.</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cover Sheet</td>
<td>Form Architects</td>
<td>F</td>
<td>15/4/2019</td>
</tr>
<tr>
<td>Site Plan Drawing Number AR 10 01</td>
<td>Form Architects</td>
<td>H</td>
<td>15/4/2019</td>
</tr>
<tr>
<td>Demolition and Landscape Diagrams Drawing Number AR 10 002</td>
<td>Form Architects</td>
<td>B</td>
<td>1/1/2017</td>
</tr>
<tr>
<td>Proposed Floor Plans Basement Plan Drawing Number AR 20 01</td>
<td>Form Architects</td>
<td>R</td>
<td>15/4/2019</td>
</tr>
<tr>
<td>Proposed Floor Plans Drawing Number AR 20 02</td>
<td>Form Architects</td>
<td>Q</td>
<td>15/4/2019</td>
</tr>
<tr>
<td>Proposed Floor Plans (Level 1 and 2) Drawing Number AR 20 03</td>
<td>Form Architects</td>
<td>M</td>
<td>15/4/2019</td>
</tr>
<tr>
<td>Proposed Floor Plans Penthouse and Roof Plan Drawing Number AR 20 04</td>
<td>Form Architects</td>
<td>F</td>
<td>15/4/2019</td>
</tr>
<tr>
<td>Proposed Floor Plans Roof Plan Drawing Number AR 20 05</td>
<td>Form Architects</td>
<td>K</td>
<td>15/4/2019</td>
</tr>
<tr>
<td>Proposed Sections Section AA Drawing Number AR 30 01</td>
<td>Form Architects</td>
<td>O</td>
<td>15/4/2019</td>
</tr>
<tr>
<td>Proposed Sections Section BB Drawing Number AR 30 02</td>
<td>Form Architects</td>
<td>O</td>
<td>15/4/2019</td>
</tr>
<tr>
<td>Proposed Sections Section CC and DD Drawing Number AR 30 03</td>
<td>Form Architects</td>
<td>M</td>
<td>15/4/2019</td>
</tr>
<tr>
<td>Proposed Elevations North and South Elevations Drawing Number AR 40 01</td>
<td>Form Architects</td>
<td>L</td>
<td>15/4/2019</td>
</tr>
<tr>
<td>Proposed Elevations West and East Elevations Drawing Number AR 40 02</td>
<td>Form Architects</td>
<td>L</td>
<td>15/4/2019</td>
</tr>
<tr>
<td>Adaptable Unit Layout Drawing Number AR 85 01</td>
<td>Form Architects</td>
<td>F</td>
<td>15/4/2019</td>
</tr>
<tr>
<td>Material Schedule Sheet</td>
<td>Form Architects</td>
<td>October 2017</td>
<td></td>
</tr>
<tr>
<td>Landscape Concept Plan Drawing Number 17016 DA1</td>
<td>Vision Dynamics Pty Ltd</td>
<td>C</td>
<td>11/4/2019</td>
</tr>
<tr>
<td>Description</td>
<td>Consultant</td>
<td>Date</td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>---------------</td>
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<tr>
<td>Stormwater Drainage Site Layout and Details Sheet SWDA-1/5</td>
<td>Sabbagh Engineering Consultancy</td>
<td>8/4/2019</td>
<td></td>
</tr>
<tr>
<td>Stormwater Drainage OSD Tank Details Typical Details and OSD Calculations Sheet SWDA-2/5</td>
<td>Sabbagh Engineering Consultancy</td>
<td>8/4/2019</td>
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<tr>
<td>Stormwater Drainage Roof Layout and Details Sheet SWDA-3/5</td>
<td>Sabbagh Engineering Consultancy</td>
<td>8/4/2019</td>
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<tr>
<td>Stormwater Drainage Pump System and Details Sheet SWDA-4/5</td>
<td>Sabbagh Engineering Consultancy</td>
<td>8/4/2019</td>
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</tr>
<tr>
<td>Sediment and Erosion Details and Notes Sheet SWDA-5/5</td>
<td>Sabbagh Engineering Consultancy</td>
<td>8/4/2019</td>
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</tr>
<tr>
<td>Waste Management Plan</td>
<td>Form Architects</td>
<td>Un dated</td>
<td></td>
</tr>
<tr>
<td>Fire Safety Engineering Design</td>
<td>Scientific Fire Services</td>
<td>15 February 2017</td>
<td></td>
</tr>
<tr>
<td>Nationwide House Energy Rating Scheme</td>
<td>Robyn Jaber</td>
<td>10 September 2018</td>
<td></td>
</tr>
<tr>
<td>Certificate L00CSTFUAQ (Main)</td>
<td>Number</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Certificate 90S4AWPV0U</td>
<td>Number</td>
<td>9 September 2018</td>
<td></td>
</tr>
<tr>
<td>Certificate 80F6CQZQUNB</td>
<td>Number</td>
<td>9 September 2018</td>
<td></td>
</tr>
<tr>
<td>Certificate 58OGVM6E86</td>
<td>Number</td>
<td>9 September 2018</td>
<td></td>
</tr>
<tr>
<td>Certificate N8P592XGGT</td>
<td>Number</td>
<td>10 September 2018</td>
<td></td>
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<tr>
<td>Certificate KZ80J9T6B1</td>
<td>Number</td>
<td>9 September 2018</td>
<td></td>
</tr>
<tr>
<td>Certificate 3MN6LANG8H</td>
<td>Number</td>
<td>9 September 2018</td>
<td></td>
</tr>
<tr>
<td>Certificate GESROFVPA5</td>
<td>Number</td>
<td>9 September 2018</td>
<td></td>
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<tr>
<td>Certificate YPOB25TUQH</td>
<td>Number</td>
<td>9 September 2018</td>
<td></td>
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<tr>
<td>Certificate DNS5913CHX</td>
<td>Number</td>
<td>9 September 2018</td>
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<tr>
<td>Certificate 2GOFZHUME</td>
<td>Number</td>
<td>9 September 2018</td>
<td></td>
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<tr>
<td>Certificate NEABTO8MEP</td>
<td>Number</td>
<td>9 September 2018</td>
<td></td>
</tr>
<tr>
<td>Certificate R22Z3D3HPRF</td>
<td>Number</td>
<td>9 September 2018</td>
<td></td>
</tr>
<tr>
<td>BCA Compliance Capability Report Project No J160376</td>
<td>Vic Lili and Partners Consulting</td>
<td>25 July 2017</td>
<td></td>
</tr>
</tbody>
</table>
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The plans will not be “stamped” by Council until the modifications required by the deferred commencement condition have been incorporated into revised plans.

(Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act (as amended)).

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

2. Time period of consent

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

Development consent for the use of land does not lapse if the approved use of any land, building or work is actually commenced prior to the date on which the consent would otherwise lapse.

Reason:- to satisfy the requirements of Section 4.53 of the Environmental Planning and Assessment Act (as amended).

3. Section 7.12 Contribution

A monetary contribution comprising $40,362.73 is payable to Cumberland Council in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 (as amended) and the Parramatta Section 7.12 Development Contributions Plan (Amendment No. 5).

The contribution is to be paid to Council prior to the issue of a Construction Certificate.

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation.

Parramatta Section 7.12 Development Contributions Plan (Amendment No. 5) can be viewed on Cumberland Council’s website at: www.cumberland.nsw.gov.au
4. **Submission of Construction Certificate**

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

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

Any modification involving building works to the approved development made under Section 4.55 of the Environmental Planning and Assessment Act 1979 (as amended) requires the submission of an amended construction certificate.

*Reason:* to comply with the requirements of Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Environmental Planning and Assessment Act (as amended) and clause 142 of the Environmental Planning and Assessment Regulation 2000.

5. **No alteration without prior Council approval**

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

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

6. **Appointment of Principal Certifying Authority/Notice of Commencement of Work**

Site works are not to commence until:-

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

b) the person having the benefit of the development consent has:-

   i) appointed a principal certifying authority for the building work, and

   ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and

b1) the principal certifying authority has, no later than 2 days before the building work commences:-

   i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and

   ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:-

   i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
ii) notified the principal certifying authority of any such appointment, and  

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

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

Reason: - to comply with the requirements of Section 4.19, 6.6, 6.7, 6.12, 6.13, 6.14 of the Environmental Planning and Assessment Act (as amended).

7. Principal Certifying Authority

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

1A) Despite subsection (1), such an appointment may not be made by any contractor or other person who will carry out the building work or subdivision work unless the contractor or other person is the owner of the land on which the work is to be carried out.

2) Despite subsection (1), an accredited certifier must not be appointed as the principal certifying authority for development involving subdivision work unless the subdivision to which the work relates is of a kind identified by an environmental planning instrument as one in respect of which an accredited certifier may be a certifying authority.

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

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

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

c) that the owner-builder is the holder of any owner-builder permit required under the Home Building Act 1989, before an owner-builder commences on the site any residential building work over which the principal certifying authority has control, and

d) that building work or subdivision work on the site has been inspected by the principal certifying authority or another certifying authority on such occasions (if any) as are prescribed by the regulations and on such other occasions as may be required by the principal certifying authority, before the principal certifying authority issues an occupation certificate or subdivision certificate for the building or work, and

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

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

*Reason:* to comply with the requirements of Section 6.5 of the Environmental Planning and Assessment Act (as amended).

8. **Provision of Street Numbers**

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

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

9. **Compliance with the Building Code of Australia**

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

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

10. **Insurance requirements under the Home Building Act 1989**

A contract of insurance for residential building work must be in force before any building works commence, where the works are being undertaken by a builder and tradesperson and the works have a market value of greater than $20,000 (or as varied from time to time by the Home Building Act 1989).

Where the contract price or the reasonable market cost of the labour and materials involved does not exceed $20,000, there is no legal requirement for home warranty insurance to be obtained.

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

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

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

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

11. **Disabled Access & Facilities**

Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the Building Code of Australia (for all new building work) and in addition, with the relevant requirements of the 'Disability (Access to Premises - Building) Standards 2010' (including for existing buildings, whether or not any works are proposed). Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans/specifications for the construction certificate.
Reason: to ensure compliance with the requirements of the Building Code of Australia.

12. Commonwealth Disability Discrimination Act

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

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

13. Replacement of Principal Certifying Authorities

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

A principal certifying authority appointed to replace another principal certifying authority must ensure that notice of the appointment and of the approval of that appointment is given to the consent authority (and, if the consent authority is not the council, to the council) within 2 days of the appointment.

Reason: to comply with the requirements of Section 6.5 of the Environmental Planning and Assessment Act (as amended) and clause 162 of the Environmental Planning and Assessment Regulation.

14. Notice to Allow Inspections

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

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

15. Erection of Signs

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

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

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

Note: Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of $1,100.)
Reason: to comply with the requirements of Clause 98A and 136B of the Environmental Planning and Assessment Regulations.

16. BASIX Requirements

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

a) Relevant BASIX Certification means:-

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

ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and

b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

Reason: to comply with the Environmental Planning and Assessment Regulations.

17. Sydney Trains conditions

a) If required by Sydney Trains:-

- Prior to the commencement of works.
- Prior to the issue of any Occupation Certificate.
- Or at any time during the excavation and construction period deemed necessary by Sydney Trains.

A joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the applicant.

The dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

b) The following items are to be submitted to Sydney Trains for review and endorsement prior to the issue of a construction certificate.

- Machinery to be used during excavation / construction.

The Principal Certifying Authority is not to issue the construction certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

c) An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning’s document titled “Development Near Rail Corridors and Busy Roads Interim Guidelines”.

d) Prior to the issue of a Construction Certificate, the applicant is to engage an
Electrolysis Expert to prepare a report on the electrolysis risk to the development from stray currents. The applicant must incorporate into the development, all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a construction certificate.

e) The design, installation and use of lights, signs and reflective materials whether permanent or temporary which are (or from which reflected light might be) visible from the rail corridor must not create glare and reflectivity. The Principal Certifying Authority is not to issue the construction certificate until written confirmation has been received from Sydney Trains confirming that the condition has been satisfied.

f) If required by Sydney Trains, prior to the issue of a construction certificate, a Risk Assessment / Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Water for review and comment on the impacts on the rail corridor. The Principal Certifying Authority is not to issue the construction certificate until written confirmation has been received from Sydney Trains confirming that the condition has been satisfied.

g) If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issue of a construction certificate. The Principal Certifying Authority is not to issue a construction certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan and if required, that it has been endorsed.

h) Unless advised by Sydney Trains in writing, all excavation, showing and piling works within 25 metres of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.

i) No rock anchor bolts are to be installed into Sydney Trains property or easements.

j) Prior to the issuing of an Occupation Certificate, the applicant is to submit as built drawings to Sydney Trains and Council. The as built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements unless agreed to by the authorities. The Principal Certifying Authority is not to issue the construction certificate until written confirmation has been received from Sydney Trains confirming that the condition has been satisfied.

k) If required, prior to the issue of a construction certificate, the applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for public liability insurance cover. If insurance cover is deemed necessary, the insurance shall be for the sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor rail infrastructure. The applicant is to contact Sydney Trains Engineering Management Interfaces to obtain the level of insurance required for this particular proposal. Prior to the issue of the construction certificate, the Principal Certifying Authority must witness written proof of the insurance cover in conjunction with Sydney Trains written advice to the applicant on the level of insurance required.

l) If required, prior to the issue of a construction certificate, the applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for the lodgment of a bond or bank guarantee for the duration of works. The bond / bank guarantee shall be for the sum as determined by Sydney Trains. Prior to the issue of the construction certificate, the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgment of the bond / bank guarantee.
m) Sydney Trains or Transport NSW and persons authorised by the entity for the purpose of this condition are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and the conditions of consent on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.

n) Prior to the issuing of a construction certificate, the applicant is to submit to Sydney Trains, a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the construction certificate until written confirmation has been received from Sydney Trains confirming that the condition has been satisfied.

o) Copies or any certificates, drawings, approvals / certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a construction certificate.

18. Units to be used for affordable housing for a minimum of ten years

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

i) A minimum of 515.8 square metres of the gross floor area being Apartments U1.01, U1.02, U2.01, U2.02, U2.03 and U3.03 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.

Reason: to ensure the requirements of Clause 17 of State Environmental Planning Policy (Affordable Rental Housing) 2009 are complied with.

19. Restriction as to User

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 the Condition requiring the use of Apartments U1.01, U1.02, U2.01, U2.02, U2.03 and U3.03 (Being a minimum area of 515.8 square metres) 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.

Reason: - to ensure the requirements of Clause 17 of State Environmental Planning Policy (Affordable Rental Housing) 2009 are complied with.

20. **Use of Affordable Housing**

Apartments numbered U1.01, U1.02, U2.01, U2.02, U2.03 and U3.03 being a floor area of 515.8 square metres 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.

Reason: - to ensure the requirements of Clause 17 of State Environmental Planning Policy (Affordable Rental Housing) 2009 are complied with.

21. **Construction/Demolition Hours**

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

Prior to commencement of any demolition or construction work the applicant is to erect signs on the site, which are clearly visible from the footpaths adjoining the site boundaries, which state the permitted construction/demolition hours. These signs must also state "Any instances of site works, building works, demolition works or deliveries outside the permitted hours can be reported to Cumberland Council on 8757 9000 during office hours or 0417-287-113 outside office hours".

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

22. **Information required prior to the issue of Construction Certificate**

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

a) Detailed building plans and specifications containing sufficient information to verify that the completed building will comply with the Building Code of Australia.

b) A list of any proposed fire safety measures provided in relation to the land or any existing building on the land (not applicable to dwellings or outbuildings).

c) A report prepared by a professional engineer detailing the proposed methods of excavation, shoring or pile construction, and what measures are to be implemented to prevent damage from occurring to adjoining or nearby premises as a result of the
proposed excavation works. (NOTE: Any practices or procedures specified to avoid damage to adjoining or nearby premises are to be incorporated into the plans and specifications for the construction certificate).

d) Method of ventilating the basement car park. (Note: If mechanical ventilation is required, mechanical ventilation plans shall be submitted that also confirm the minimum height clearances specified by AS 2890.1 - Car parking, will be achieved).

e) Detailed building plans and specifications containing sufficient information to verify that the completed building will be consistent with the recommendations of the acoustic report prepared by Acoustic Logic (Report Number 20161273.1/1409A/RO/JR) and dated 14/9/2016.

f) A modified BASIX Certificate addressing the anomaly with the total area of garden and lawn. The certificate shall be modified identifying that the area of Garden and Lawn is calculated at 128 square metres and not 289.6 square metres.

Reason: - to ensure that adequate information is submitted to enable assessment or that the development can proceed with the concurrence of others.

23. **Infrastructure Fee**

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

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

24. **Maintain plans on-site**

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

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

25. **PCA - Inspection of works - general & site management**

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

Documentary evidence of compliance with Council’s approval and relevant standards of construction is to be maintained by the principal certifying authority.

Upon inspection of each stage of construction, the principal certifying authority (or other suitably qualified person on behalf of the applicant) is also required to ensure that adequate provisions are made for the following measures (as applicable), to ensure compliance with the terms of Council’s approval:

- Sediment control measures.
- Provision of perimeter fences or hoardings for public safety and restricted access to building sites.
- Maintenance of the public place free from unauthorised materials, waste containers or other obstructions.

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

a) Prior to the commencement of Building Works, ensure erosion controls PCA and the Builders signs are displayed and a temporary toilet is located on site.
b) The pier holes before they are filled with concrete.
c) The foundation material prior to covering.
d) The steelwork when in position and before concrete is poured (footings, lintels, beams, columns, floors, walls, retaining walls or the like).
e) The dampcourse level, ant caping and floor timbers before the floor materials are laid.
f) The framework including roof members when completed and prior to the fixing of any internal sheets.
g) Prior to covering waterproofing in any wet area.
h) Fire resisting construction before concealment.
i) Upper floor beams and joists before the fixing of any flooring material.
j) The rainwater drainage lines within the property boundaries when completed and before covering.
k) Final inspection.

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

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

26. Items not to be placed on roadway

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

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

Reason:- to ensure the public is not inconvenienced, placed in danger and to prevent harm to the environment occurring.

27. Sign to be erected concerning unauthorised entry to the site

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

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

28. Toilet accommodation for people working at the site

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

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

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

29. Survey Report

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

(Setbacks and levels at commencement)

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

(Setbacks and levels at completion)

b) On completion of the erection of the building showing the area of the land, the position of the building and boundary setbacks and verifying that the building has been constructed at the approved levels and the maximum height of the building has not exceeded 17 metres.

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

30. Fencing of Construction Sites - Rental details to be provided to the PCA

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

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

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

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

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

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

Reason: to provide protection to public places and to prevent unauthorised access to the
31. **Sedimentation Control**

Prior to the commencement of site works, the following measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project:-

- a) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system.
- b) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.
- c) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.

Such measures are to be maintained at all times to the satisfaction of Council and the Principal Certifying Authority. **Reason:** Failure to do so may result in the issue of penalty infringement notices.

**Reason:** to minimise soil erosion and control sediment leaving the site during construction and to prevent water pollution from occurring.

32. **Display of a warning sign for soil and water management**

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

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

33. **Engineering Design - Basement Excavation**

The following engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifying Authority (Council or accredited certifier) prior to the issuing of a construction certificate:-

- a) Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the certifying authority, that confirms the suitability and stability of the site for the proposed excavation and building as well as certifying the suitably and adequacy of the proposed design and construction of the building for the site.

- b) A report shall be prepared by a professional engineer and submitted to the certifying authority prior to the issuing of a construction certificate, detailing the proposed methods of excavation, sheltering or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building and excavation works.

Any practices or procedures specified in the engineer’s report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the construction certificate.

A copy of the engineer’s report is to be submitted to the Council, if the Council is not
the certifying authority.

c) Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the certifying authority, prior to the issuing of a construction certificate, which states that damage should not occur to any adjoining premises and public place as a result of the works.

d) The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without the specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority prior to the commencement of any excavation or building works.

Reason:- to ensure the proposed method of excavation is suitable for the site and to prevent damage from occurring to adjoining premises.

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

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

Reason:- to ensure the support for neighbouring buildings.

35. Dilapidation Report - Prior to Excavation of Basement

(a) A dilapidation report prepared by a professional engineer or suitably qualified building professional shall be submitted to the Principal Certifying Authority prior to the commencement of demolition, excavation or building works.

The report shall detail the current condition and status of all buildings, including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.) located upon all of the premises adjoining the subject site.

The report is to be supported with photographic evidence of the status of the buildings and a copy of the report must also be forwarded to the Council and to the owners of each of the abovementioned premises, prior to the commencement of any works. The applicant shall bear the full cost of this report.

(b) Notwithstanding (a) above, certification by a practicing professional engineer in lieu of a dilapidation report may be provided prior to the commencement of demolition, excavation or building works certifying that the demolition, excavation and or building works will not have an impact on any adjoining structure including ancillary structures (i.e. including dwellings, residential flat buildings, commercial/industrial building, garages, carports, verandahs, fences, retaining walls, swimming pools and driveways etc.).

The applicant shall bear the full cost of this certification and the Council or Principal Certifier reserves the right to request a full report as described in (a) above should the certification provided by the engineer be considered unacceptable or insufficient.
Reason: to enable the monitoring of any potential damage that may be caused to adjoining premises as a result of excavating and building in close proximity to the adjoining premises.

36. Footpath area to be illuminated

Where any hoarding or awning is constructed over the public place, the footpath area shall be kept illuminated between sunset and sunrise.

Reason: to ensure the safety of pedestrians when passing the site.

37. Fencing of construction sites - Rental details to be provided to the PCA (A & B Type Hoardings)

A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect any hoarding or scaffolding in a public place and such application is to include:-

- A payment to Council for the following fees in accordance with Council’s adopted charges:
  - Hoarding/Structure Application Fee
  - Rental of Footpath Area (per metre per month - minimum 3 months rental).
  - Footpath Bond.
- Submit the following documents to Council with your application:
  - Certificate of Currency for Public Liability Insurance.
  - Certificate of Currency for Worker’s Compensation Insurance.
  - Letter indemnifying Council against claims and expenses made in relation to the existence of the structure and/or traffic provisions.
  - Traffic/Pedestrian Control Plan.
  - In respect to any required Type B Hoarding, structural certification prepared and signed by an appropriately qualified practising Structural Engineer.
- Comply with Council’s specifications for the erection of Class A Hoardings.
- Supply evidence to the PCA and to any authorised Council officer that the road reserve rental fee has been paid.

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

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

Note: A “B Class” overhead type hoarding is required to be provided to protect the public, located adjacent to the development, prior to the commencement of any works on the site which comprise:

- Any works or hoisting of materials over a public footway or adjoining premises, or
- Any building or demolition works on buildings which are over 7.5 metres in height and located within 3.6 metres of the street alignment.

Hoardings or fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.
The public safety provisions and temporary fences must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction. Details of the proposed hoardings or fences located upon the site are to be submitted to the PCA and the public safety provision and temporary fences must be in place prior to the commencement of any site works, demolition, excavation or building works and maintained throughout construction.

**Reason:** to provide protection to public places, prevent unauthorised access to the site and a safe working environment.

38. **Noise from construction activities**

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

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

39. **Dial before you dig (advisory)**

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

Before you dig call “Dial before you dig” on 1100 (listen to the prompts) or facsimile 1300 662 077 (with your street no./name, side of street and the distance to the nearest cross street) or register online at www.dialbeforeyoudig.com.au for underground utility services information for any excavation areas.

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

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

40. **Privacy screens for balconies**

Privacy screens or louvres shall be incorporated into the following balconies for additional privacy to the north and south of the development and to within the development:-

- The south facing balustrades of the balconies of Apartments numbered U103, U203, U303 and U402.

- The north facing balustrades of the balconies of Apartments numbered U103, U203, U303 and U402.

- The east facing balustrade of the balcony of Apartment numbered U402.

- The east facing balustrade of apartments numbered U3.02 and U4.01.

The screens shall be constructed of horizontal louvres permitting solar access to the balconies and be permanently fixed, made of durable materials and blend into the final design of the building. The screen shall have a maximum height of 1.6 metres above the...
finished floor levels of each respective balcony.

Details shall be shown in the construction certificate plans for approval by Council or the Accredited Certifier.

Reason:- to ensure an appropriate level of privacy is provided to the north and south of the development and to within the development.

41. Demolition of buildings

The building shall only be demolished in accordance with the requirements of AS 2601-2001 "The Demolition of Structures".

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

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

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

42. Demolition - Lead Paint Disposal

The demolition and disposal of materials incorporating lead such as lead paint and dustpaint shall be conducted in accordance with AS2601-2001 Demolition of Structures. Removal, cleaning and disposal of lead-based paint shall conform with relevant EPA guidelines including the Lead Safe A renovator’s guide to the dangers of lead, NSW EPA, 1998. Hazardous dust shall not be allowed to escape from the site. Any existing accumulations of dust (eg; ceiling voids and wall cavities) shall be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work shall be suppressed by a fine water spray. Water shall not be allowed to enter the street and stormwater systems. Demolition shall not be performed during high winds, which may cause dust to spread beyond the site boundaries. Please note that Council may require testing to verify that the soil lead levels are below acceptable health criteria.

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

43. Demolition - common sewerage system

If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.

Reason:- to ensure demolition activities do not disrupt the operation of the sewerage system for other users of the system.

44. Demolisher Details

The demolisher/owner/applicant shall:-
a) Lodge with Council, and at least forty-eight (48) hours prior to the commencement of work (due to the potential impact on Council’s infrastructure):-
   i) Written notice, indicating the date when demolition of the building is to commence.
   ii) The demolisher’s full name and address.
   iii) Details of Public Liability Insurance.

b) Comply with Australian Standard 2601 - 2001 "Demolition of Structures"; and,

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

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

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

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

45. Demolition Works - noise and vibration

The following shall be compiled with:-

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

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

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

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

46. Asbestos

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

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

c) Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with:-
i) Work Health and Safety Act 2011;
ii) The Work Health and Safety Regulation 2011;

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

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

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

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

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

47. Services to be capped

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

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

48. Site to be kept in a clean condition

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

*Reason:* to control soil erosion, and not have any unsightly views.

49. Neighbour 24 notification of commencement of demolition

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

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

Prior to issue of any Construction Certificate, amended plans addressing following shall be submitted to and approved by Cumberland Council's Manager engineering and Traffic:-

- Basement access ramp designed shall be modified to reduce the southern access ramp grades. In this regard, the northern ramp 1 in 8 (12.5%) grades transition lengths shall be limited to 2.0m and 1 in 4 (25%) grades transition lengths shall be increased by 1.0m.
- Overland flow along the eastern boundary shall not be impeded. In this regard, architectural and landscape pails shall be modified.
- Van loading area shall be annotated on the plan.
- Convex mirrors shall be annotated on the plans.

*Reason:* to minimise the ramp grade along one-way ramp and to ensure overland flow path is maintained.

51. **Reinstatement of footpath and footpath crossing**

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

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

52. **Vehicle Driveway Crossings and Gutter Laybacks**

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

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

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

53. **Carrying capacity of driveways - Heavy duty**

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

*Reason:* to ensure the driveways can support the expected weight of heavy vehicles likely to frequent the site.
54. **Street boundary levels**

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

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

55. **Road opening permit**

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

*Reason:* to safeguard Council property against damage.

56. **Restoration works**

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

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

57. **Structural Engineering Certificate**

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

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

58. **Water Reuse**

The stormwater generated from the roof area shall be reused for the irrigation of the landscape area within the subject development site.

Full details of the Water reuse facilities shall be submitted to Council or the Accredited Certifier with the Construction Certificate.

On completion, a certificate from a registered plumber shall be submitted for the pipe network. The certification shall indicate the water reuse system has been installed in accordance with the approved water reuse design plans.

*Reason:* to ensure the water reuse facilities within the development are constructed and maintained in good working order.

59. **Stormwater Disposal**

Stormwater runoff generated from the development shall be directed to the On Site Detention system prior to being discharged to Council's pipe system in Railway Terrace by gravity system.
**Reason:** to ensure the stormwater is suitably discharged.

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

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

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

i. The proposed stormwater system shall be generally in accordance with the stormwater concept plans SEC-17004 issue C dated 08.04.2019 prepared by Sabbagh Engineering Consultancy including amendments marked in red on the plans.

   i. OSD tank access grates shall be minimum 900x900 in size with double (2/900x450) hinged grates.

ii. Stormwater plans shall be updated to comply with the approved Architectural plans.

iii. Overflow flow path shall be maintained.

iv. Maximum spacing between the grated access pits in the OSD shall not exceed 5.0 m.

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

**Reason:** to ensure the stormwater is suitably discharged.

61. **Stormwater disposal - on-site detention**

On-site stormwater detention storage is to be provided in conjunction with the stormwater disposal. The storage is to comply with Council’s on-site stormwater detention parameters. Where multiple detention basins with differing top water levels are used, the basins must be routed to the outlet pit independent of each other.

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

Work as executed plan(s) and engineers' certifications shall be submitted to and approved by Council prior to the endorsement of Positive Covenant.

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

62. **Maintenance schedule - OSD**

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

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

63. Annual maintenance inspection of OSD

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

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

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

64. Engineer Certificate for pump

A certificate from a practising hydraulic engineer verifying that the stormwater pump installation and the design with the executed levels shall be submitted to the Council with the work as executed plan prior to the release of Occupation Certificate.

Reason: to ensure the system has been constructed Council’s standards and specifications.

65. Basement drainage system

Basement drainage is to comply with the "Parramatta Development Control Plans 2011 stormwater drainage". In this regard:-

- Two pump units being installed, the capacity of each being calculated on the basis of a hundred year storm recurrence interval and a storm duration of 5 (five) minutes, one pump acting in reserve capacity.
- The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.
- A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration of ninety minutes. In addition to this an above ground storage shall be provided up to a hundred year storm recurrence interval and storm duration of two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the "off" position or if there is a break in electrical supply.
- A storm of two hours’ duration has been adopted as a basis for determining the size of the well, the assumption being that electrical supply will be reinstated within this period.
- The pump out system is to be independent of any gravity drainage lines, except at the property boundary where a grated surface pit is to be constructed from which a connection will be permitted to the gravity drainage system. The invert levels of the
pipes in the grated surface pit are to be such that the outlet from the pump out system is above the inlet of the gravity system.

- Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.

- The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.

**Reason:** to prevent localised flooding.

66. **Footpath Construction - Railway Terrace**

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

- Detail footpath design shall be submitted and approved by Council’s Works and Services section prior to the issue of a Construction Certificate.

- Street boundary levels obtained from Council shall be incorporated in the design.

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

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

- All associated cost shall be borne by the applicant.

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

- All associated cost shall be borne by the applicant.

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

67. **Works-as-Executed Plan**

Prior to occupation of the building or issue of the occupation certificate, two (2) copies of the Works-as-Executed (W.A.E.) Plan prepared by a registered surveyor and certified by the design engineer shall be submitted to Principal Certifying Authority. Copy of the documents shall be submitted to Council if Council is not the Principal Certifying Authority. Works-As-Executed stormwater plans are to address the following:-

a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.

b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.

c) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth versus volume table).

d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).


f) Approved versus installed Drainage Design (OSD) Calculation Sheet.
The above requirement shall be submitted to and approved by Council prior to Council endorse the Positive Covenant documents.

**Reason:** to ensure works comply with approved plans and adequate information is available for Council to update the Upper Parramatta River Catchment Trust.

68. **On street drainage design**

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

- A longitudinal section, of the proposed stormwater outlet pipe to Council’s pipe system, showing the depth and location of all the services within the area of the proposed works shall be submitted.

- A standard grated kerb inlet pit shall also be provided at the eastern side of the Railway Terrace.

**Reason:** to ensure design is clear of services and connection to Council’s stormwater is designed to Council’s requirements.

69. **On street drainage construction**

Prior to the commencement of any works the street drainage works shall be completed to Council’s satisfaction at no cost to Council. In this regard:

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

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

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

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

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

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

Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” Icon or telephone 132 092.

Following application a “Notice of Requirements” will detail water and sewer extensions to be built or charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscaping design.
The Section 73 Certificate must be submitted to the Principal Certifying Authority (Council or accredited certifier) prior to release of the final plan of subdivision or occupation of the development.

**Reason:** to ensure that adequate water and sewer services can be provided to the site.

### 71. Redundant driveway

Prior to the issue of any Occupation Certificate, redundant driveway shall be removed and replaced with footpath and kerb & gutter at no cost to Council. Nature strip area also be restored at applicants cost.

Arrangements shall be made with Council’s Service Planning Department for the prepaid for the removal of all disused driveway crossings and gutter laybacks. Alternatives to the pre-payment for this work will be considered if written request is made to Council.

**Reason:** to ensure Council’s assets are restored in accordance with Council’s standard.

### 72. Ramp gradients

Circulation ramp grades shall comply with section 2.5.3 of the Australian Standard AS2880.1:2004. In this regard, detailed longitudinal section along the inside and outside of curved ramp to a scale of 1:20, shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

A copy of the approved plan shall be submitted to Council.

**Reason:** to ensure the access ramps comply with Australian Standard AS2880.1:2004.

### 73. Headroom clearance along the ramp

Headroom clearance shall comply with section 5.3 of the Australian Standard AS2880.1:2004. A minimum 2.2 metre headroom clearance shall be provided. In this regard, detailed longitudinal section of curved ramps to a scale of 1:20 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Copy of the approved plan shall be submitted to Council.

**Reason:** to ensure the access ramps comply with Australian Standard AS2880.1:2004.

### 74. Minimum Headroom - adaptable parking spaces

Head room clearance within accessible parking shall be minimum 2500mm to comply with AS2880 requirements. Headroom shall be measured clear of any beams and service ducts.

Sectional plans to comply with these headroom requirements showing all beams and service ducts shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

**Reason:** to ensure headroom complies with AS2880.

### 75. Works within Council controlled lands

(1) For drainage works:-
• Within Council controlled lands.
• Connecting to Council’s stormwater drainage system.

Inspections will be required:-

a) After the excavation of pipeline trenches.
b) After the laying of all pipes prior to backfilling.
c) After the completion of all pits and connection points.

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

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

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

76. **Footpath /Nature strip maintenance during and after construction**

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

Reason:- to ensure pedestrian safety during the construction period.

77. **Convex safety mirror**

Convex safety mirrors shall be provided in the curved sections of the ramp to improve the sight distance. In this regard:-

- Detail plans showing the compliance of above requirements shall be submitted and approved by the Principle Certifying Authority prior to issue of a Construction Certificate.

- Convex safety mirrors shall be maintained in good condition.

Reason:- to improve the sight distance.

78. **Surface runoff**

Allowances shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.

Reason:- to prevent adverse impact on adjoining properties.

79. **Sediment control**

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

Reason:- to ensure sediment and erosion controls are maintained during the construction process to prevent water pollution from occurring.
80. **Service relocation / Adjustment**

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

All the costs shall be borne by the applicant.

*Reason:* to protect utility services.

81. **Traffic Management**

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

*Reason:* to minimise the impact on street traffic.

82. **Sydney Water Approval**

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

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

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

or telephone 13 20 92.

*Note:* The consent authority or accredited certifier must either:

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

*Reason:* to ensure the development does not damage or interfere with Sydney Water assets.

83. **Remediation and validation**

The following shall be complied with in respect of remediation and validation works at the property:

a) Remediation and validation works shall be carried out in accordance with the approved Remediation Action Plan. The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to the commencement of works. Please note that variations to the approved remediation works may require the submission to Council of a Section 96 Application or further Development Application pursuant to the *Environmental Planning and

b) After completion of the remedial works, a copy of the Validation Report shall be submitted to Council prior to the commencement of construction works. The Occupation Certificate shall not be issued until Council reviews and approves the final Validation Report. The validation report shall be prepared in accordance with the EPA guidelines, Consulting Reporting on Contaminated Sites, and shall:

i) Describe and document all works performed;
ii) Include results of validation testing and monitoring;
iii) Include validation results of any fill imported on to the site;
iv) Show how all agreed clean-up criteria and relevant regulations have been complied with; and
v) Include clear justification as to the suitability of the site for the proposed use and the potential for off-site migration of any residual contaminants.

c) Following the preparation of the validation report, Council may require that the applicant engage an accredited auditor under the Contaminated Land Management Act 1997 to review the Validation Report prepared by the contaminated land consultant and issue a Site Audit Statement. The accredited auditor shall consult with Council prior to finalising and issuing the Site Audit Statement. The Site Audit Statement should allow for soil access to occur as per the approved Remedial Action Plan.

The accredited auditor shall provide Council with a copy of the Site Audit Report and Site Audit Statement, prior to the issuing of the Occupation Certificate.

In circumstances where the SAS conditions (if applicable) are not consistent with the consent, the consent shall prevail to the extent of the inconsistency and a Section 96 Application or further Development Application pursuant to the Environmental Planning and Assessment Act 1979 will be required.

Reason: to ensure the provisions of State Environmental Planning Policy No. 55 - Remediation of Land and the Contaminated Land Management Act are complied with.

84. Discovery of additional information during remediation, demolition or construction

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

Reason: to ensure Council is informed of any new information relevant to site conditions and site contamination associated with the development.

85. Off-site soil disposal

Any soil disposed of offsite shall be classified in accordance with the procedures in the NSW EPA Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes (1999).

Reason: to ensure soil disposed off-site is classified in accordance with relevant EPA requirements.

86. Future use of commercial tenancy

Mechanical ventilation systems are to be designed to be capable of accommodating exhaust
requirements for the ground floor commercial tenancy in accordance with the relevant Australian Standards in order to allow for the event that the tenancy will be used as a food premise or other uses that require mechanical ventilation.

Reason: - to ensure the tenancy can be adapted for a food premise.

87. Ventilation of the basement car park

The basement car park shall be naturally or mechanically ventilated. The ventilation system shall comply with the requirements of the Building Code of Australia and relevant standards including AS1688.1 - 1998 (The Use of Ventilation and Air conditioning in Buildings) Part 1: Fire and Smoke Control in Multi Compartment Buildings and/or AS 1868.2-2002; The Use of ventilation and Air conditioning in Buildings Part 2: Ventilation Design for Indoor Air Contaminant Control.

The system shall be certified by a suitably qualified and experienced engineer at the completion of installation prior to the issue of an Occupation Certificate. A copy of the certificate shall be provided to the Principal Certifying Authority (PCA). A copy shall also be provided to Council if Council is not the Principal Certifying Authority.

Any mechanical ventilation provided to the basement car park shall not create an offensive odour emission nor shall it create an offensive noise and shall comply with the requirements of the Protection of Environment Operations Act and all subsequent relevant Regulations.

Reason: - to ensure the basement car park is adequately ventilated.

88. Number of Car Parking Spaces

A minimum of 18 off-street car parking spaces are to be provided to the development. The spaces are to have minimum dimensions of 5.5 m x 2.4 m and be suitably sealed, marked, drained and freely accessible at all times. Visitor car parking spaces shall be a minimum width of 2.6 m.

In regard to the above:-

- A minimum 12 spaces shall be provided for residential use and of this figure, 2 spaces shall be provided for people with disabilities.
- A minimum 3 spaces shall be provided for visitor use.
- A minimum 2 spaces shall be provided for the shop.

Furthermore one space shall be provided for parking a motorbike. This may be achieved by reducing the number of bike bays from six (6) to four (4). In this regard, the two bike bays situated adjacent to Car space RT1 on Basement Level 1A may be reassigned / designated for parking one motor bike.

Car parking spaces are not to be enclosed by any device, such as a wire or mesh cage, walls or other similar fixtures unless there is a minimum clear internal width of 3 metres. Car parking spaces shall not be enclosed without the prior consent of council.

Reason: - to ensure there is sufficient car parking for the development and to comply with Auburn Parking & Loading DCP.

89. Signs for Visitor Parking

Suitable signs shall be erected at the front of the property indicating the availability of visitor
parking within the property. All visitor parking spaces shall be clearly sign marked.

**Reason:** to ensure the visitor parking spaces are clearly identified.

90. **Adequate Signs and Pavement Markings Required to Assist Traffic Flow on Site.**

Adequate signs and pavement markings are to be provided to direct the flow of traffic within the site. Details are to be provided prior to the issue of the construction certificate.

**Reason:** to assist with traffic flow within the development.

91. **Vehicles Driven in Forward Direction**

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

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

92. **Minimum height clearance for car parking spaces and entry to basement carparks**

The minimum height clearance between any structure or fixtures and the driveway/carpark floor level shall be 2.2 metres.

**Reason:** to ensure vehicles and pedestrians can safely use the car parking facility.

93. **Protective bar to vehicular entry**

A protective bar shall be installed at the vehicular entry to the development to prevent damage from vehicles that are too high or those that fail to wait for the opening of any roller shutter etc. Details and installation of the proposed protective bar shall be noted on the Construction Certificate drawings and installed prior to the issue of Occupation Certificate.

**Reason:** to prevent damage from oversized vehicles when entering the premises.

94. **Roller doors and shutters - silent operation**

The roller doors or other shutters to the car park shall operate silently and be appropriately maintained.

**Reason:** to ensure quiet operation and ongoing maintenance to car park doors.

95. **Intercom/remote access to basement**

An intercom and remote access system shall be provided at all vehicular access points to the basement car park and connected to all residential units. Details of the proposed intercom and remote access system to the basement car park are to be submitted with the Construction Certificate plans/specifications and the locations detailed on the construction drawings.

**Reason:** to ensure that visitor car parking spaces are easily and conveniently accessible for visitors to the premises.

96. **Car Parking Spaces - Restrictive Covenant**

The following shall be complied with:-
a) The on site car parking spaces, exclusive of service and visitor spaces, are not to be used by those other than the occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee in the building.

b) Prior to Occupation Certificate under the Environmental Planning and Assessment Act 1979 (as amended) a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.

c) Any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking lots in the strata scheme.

Reason: to ensure the car parking spaces are used in accordance with the details of the development approval.

97. Materials and Finishes

Materials and finishes to the development shall be in accordance with the details of the approved plans and the following requirements:

a) Quality and durable materials are to be used throughout the development.
b) The applied external paint finishes to the building shall have a minimum aggregate thickness of 200 microns.

Reason: to ensure a high quality appearance to all materials within the development.

98. SEPP 65 - Design Verification

The following requirements arising from State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Buildings must be complied with:

a) A certifying authority must not issue a Construction Certificate in respect of the development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specification achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.

b) A certifying authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of the development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development.

Reason: to ensure that the requirements of SEPP No. 65 and the EP&A Regulations are complied with in the carrying out of the development.
99. **Architect - Notify Council if Changed**

   The architect of the project, as approved, should not be changed without prior notice to Council.

   *Reason:* to ensure Council is aware and kept informed of the current project architect.

100. **Underside of balconies**

   The underside of the balconies within the development must be designed to prevent exposed pipes and utilities being visible.

   *Reason:* to ensure an attractive appearance to the development in accordance with Council’s Development Control Plan requirements.

101. **Reflectivity Index of Glazing**

   The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written conformation of the reflectivity index of materials is to be submitted with the Construction Certificate.

   *Note:* The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

   *Reason:* to ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development.

102. **Side/Rear Boundary Fencing**

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

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

103. **Fencing/gates and adjoining land**

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

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

104. **Telecommunications Facilities - Residential**

   The following requirements apply to telecommunication facilities in the building:

   a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.

   b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and
broad-band cabling to each apartment of the building.

c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979 (as amended).

d) A separate Development Application must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development.

_Reason:_ to ensure adequate provision for telecommunication facilities within the development.

105. **Lighting to publicly accessible areas**

The following lighting requirements shall be complied with:

a) The public areas shall be provided with lighting to ensure pedestrian safety. Such lighting shall be at a minimum level of 10 lux in the horizontal and vertical plane.

b) Details of the lighting is to be submitted for the approval of the Principal Certifying Authority prior to issue of the Construction Certificate and location of the lighting endorsed on the construction drawings.

_Reason:_ to ensure publicly accessible areas of the development are provided with sufficient illumination.

106. **Television Aerial/Satellite Dish**

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

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

107. **Mail Box Structure**

An Australia Post approved lockable mail box structure(s) shall be centrally located to the primary street entry of the site.

_Reason:_ to ensure compliance with Council’s Development Control Plan requirements.

108. **Air conditioning units - location and acoustics**

a) Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the building.

b) The operation of air conditioning units shall be so:

(i) as not to cause “offensive noise” as defined under the Protection of the Environment Operations Act 1997;

(ii) as to be inaudible at the nearest affected residence between the hours of 10.00pm and 7.00am on weekdays and 10.00pm and 8.00am on weekends and public holidays;

(iii) as not to discharge a condensate or moisture onto the ground surface of the premises or into a stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act 1997.

c) Should Council receive noise complaints from neighbouring residents in relation to the
air conditioning units, Council may issue a Noise Notice. Such notice may require you to engage the services of a competent and appropriately qualified Acoustic Consultant to undertake a noise level assessment of the air conditioning unit. If the unit is assessed as exceeding the permitted noise criteria, you may be directed to provide noise attenuation measures such as an acoustic enclosure and/or relocation of the unit.

_Reason:_ to ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings and to ensure the operation of air conditioning units does not adversely impact on the acoustic amenity of the locality.

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

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

_Reason:_ to ensure adequate garbage and recycling services are provided for the development.

110. **Ongoing Waste Management**

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

- a) Appropriate waste management practices are to be adopted within the development at all times.
- b) The waste storage room shall be kept in a clean, tidy and hygienic condition at all times.
- c) The waste and recyclable storage area shall be fully enclosed, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls covering the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hot and cold hose cock shall be provided within the room. Details shall be provided with the Construction Certificate and endorsed on the construction drawings, and works completed prior to the issue of an Occupation Certificate.
- d) A person shall be employed/nominated to manage the collection of waste material by Council, including, but not limited to bin placement at the road edge and retrieval of bins soon after collection of contents, cleansing of bins, storage of bins in the compound and the like.
- e) The nature strip is to be kept in a clean and tidy condition upon garbage collection.

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

111. **Waste and recyclables storage area:**

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

_Reason:_ to ensure the waste and recyclables storage area is appropriately constructed and able to be readily cleaned and maintained.
112. **Final Fire Safety Certificate**

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

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

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

**NOTES:**

1. As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-  
   i) Must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and  
   ii) Must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.

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

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

113. **Annual Fire Safety Statement**

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

The certificate shall certify:-

a) That each essential fire safety measure has been assessed by a properly qualified person and was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule.  
b) That a properly qualified person has inspected the building and has certified that, as at the date of inspection, the condition of the building did not disclose any grounds for a prosecution under Division C.

**NOTES:**

1. As soon as practicable after an annual fire safety statement is issued, the owner of the building to which it relates:-  
   i) must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and  
   ii) must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.
2. A “fire safety measure” is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be implemented in the building to ensure the safety of persons using the building in the event of fire.

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

114. Fire Safety Notices

The fire-isolated stairway, fire-isolated passageway or fire-isolated ramp must contain a notice advising of “Offences relating to fire exits”. The notice shall contain the wording prescribed by Clause 183 of the Environmental Planning and Assessment Regulation, 2000 and the Building Code of Australia.

Reaso:- to comply with Clause 183 of the Environmental Planning and Assessment Regulation 2000 and the BCA.

115. Submission of Works-as-Executed Fire Services Plan

A works-as-executed fire services plan is to be submitted to the Council prior to occupation of the development, detailing the location of the essential fire safety measures installed within the building premises.

Reaso:- to ensure a record of the location and type of fire safety services is documented.

116. Occupation Certificate

A person must not commence occupation or use of the whole or part of a new building unless an occupation certificate has been issued in relation to the building or part.

The application for an Occupation Certificate must be made to the Principal Certifying Authority (Council or an accredited certifier) using the approved form.

Reaso:- to comply with the requirements of Section 6.9 of the Environmental Planning and Assessment Act (as amended).

117. Separate consent required prior to occupation of premises

Separate Development Consent or a complying development certificate (Whichever is appropriate) must be obtained prior to occupation of the ground floor retail / commercial tenancy.

Reaso:- to control and regulate the use of the premises.

118. Sanitary Compartment doors - All Buildings

The door to a fully enclosed sanitary compartment must open outwards OR slide OR be readily removable from the outside of the compartment, unless there is a clear space of at least 1.2m between the closet pan within the sanitary compartment and the nearest part of the doorway.

Reaso:- to comply with BCA F2.5 and Part 3.8.3.3.
119. **Exit Doors Installed in the Path of Travel**

A door in a required exit, forming part of a required exit or in the path of travel to a required exit, must be readily openable without a key from the side facing a person seeking egress, by a single handed downward action or pushing action on a single device.

**Reason:** to ensure people can exit the building at all times and to comply with the requirements of D2.21 of the BCA.

120. **Termite Protection**

Where a primary building element in a building may be subject to attach by termites, those members will need to be protected in accordance with Clause 3.1.3.0 of the Building Code of Australia. Satisfactory compliance with this requirement is achieved by applying a preventative treatment in accordance with AS 3680.1-2000.

Where a patented method of physical protection or chemical treatment is carried out, a certificate shall be submitted to The Principal Certifying Authority from the installer/pest control firm indicating that the protection used complies with AS 3680.1-2000 and the Building Code of Australia. This certificate shall be forwarded to The Principal Certifying Authority prior to the pouring of any slab on ground or prior to a bearings and joist inspection.

Where an alternative method of treatment is proposed, it is to be provided in accordance with the requirements of Clause 3.1.3 and Clause P2.1 in Section 2 of the Building Code of Australia. Details of any proposed performance based compliance system must be submitted to The Principal Certifying Authority for approval.

A durable notice must be permanently fixed to the building in a prominent location regarding the installation of termite barriers, such as in a meter box or the like indicating:-

i) The method of protection; and
ii) The date of installation of the system; and
iii) Where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
iv) The installer’s or manufacturer’s recommendations for the scope and frequency of future inspections for termite activity.

**Reason:** to comply with Clause 3.1.3.0 of the Building Code of Australia and AS 3680.1-2000.
DOCUMENTS ASSOCIATED WITH REPORT EEELPP032/19

Attachment 2
Architectural Plans
DOCUMENTS ASSOCIATED WITH REPORT EEELPP032/19

Attachment 4
Landscape Plan
DOCUMENTS ASSOCIATED WITH REPORT EEELPP032/19

Attachment 5
Appendix Assessment Sheet
# APPENDIX 1 - ASSESSMENT SHEETS

## 1 - BASIX CERTIFICATE

The BASIX Certificate achieves a score of 52 and 36 for water and energy use which reaches the minimum of 40 and 35 for both elements.

<table>
<thead>
<tr>
<th>BASIX Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PROJECT DETAILS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street address, postcode &amp; LGA shown on BASIX Certificate matches rest of DA package.</td>
<td>☒</td>
<td></td>
<td></td>
<td>All details are correctly identified.</td>
</tr>
<tr>
<td><strong>Dwelling type</strong> is correctly identified based on BASIX definitions.</td>
<td>☒</td>
<td></td>
<td></td>
<td>Residential flat building.</td>
</tr>
<tr>
<td><strong>Number of bedrooms</strong> shown on BASIX Certificate is consistent with plans.</td>
<td>☒</td>
<td></td>
<td></td>
<td>There are one, two and three bedroom apartments within the development. The certificate is correct in relation to bedrooms.</td>
</tr>
<tr>
<td><strong>Site area</strong> shown on BASIX Certificate matches rest of DA package.</td>
<td>☒</td>
<td></td>
<td></td>
<td>The BASIX Certificate identifies a site area of 674.5 square metres which is accurate. The site has an area of 674.5 square metres.</td>
</tr>
<tr>
<td><strong>Roof area</strong> shown on BASIX Certificate matches rest of DA package.</td>
<td>☒</td>
<td></td>
<td></td>
<td>The certificate identifies a roof area of 263 square metres. The roof area is calculated at 263 square metres.</td>
</tr>
<tr>
<td>Conditioned &amp; Unconditioned floor areas are in accordance with the BASIX Definitions. (These are for BASIX compliance only; they do not replace any other definitions of floor area)</td>
<td>☒</td>
<td></td>
<td></td>
<td>The BASIX Certificate suggests that the unconditioned area per dwelling is zero square metres which is determined as being correct.</td>
</tr>
<tr>
<td><strong>Total area of garden &amp; lawn indicated on submitted plans is consistent with BASIX Certificate.</strong></td>
<td>☒</td>
<td></td>
<td></td>
<td><strong>A landscaped common area occupying 289.8 square metres is identified by the certificate.</strong> The total common area lawn and garden is calculated at 124 square metres which creates an anomaly. An amended BASIX Certificate is required addressing the anomaly.</td>
</tr>
<tr>
<td><strong>WATER</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Landscape plan</strong> indicates areas and species to be planted (where indigorous or low-water use plant species are nominated). Rainwater tank shown on plans, tank size stated and tank drawn to scale. If underground tank proposed, then this is clearly stated. Plans show and state roof area draining to rain tank, and match the BASIX Certificate. Rainwater tank meet all other consent authority requirements e.g. height limits at boundary, pump noise standards, insect screens. Size of swimming pool on plan consistent with volume indicated in BASIX Certificate.</td>
<td>☒</td>
<td></td>
<td></td>
<td>All details are correctly identified. The certificate requires a 1,000 litre tank to be provided to the development. The rainwater tank is provided to the development.</td>
</tr>
</tbody>
</table>

Cumberland Local Planning Panel Agenda
### BASIX Requirement

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>THERMAL COMFORT - RAPID</strong></td>
<td>🍎</td>
<td>☑️</td>
<td>☑️</td>
<td>Details are provided on the plans.</td>
</tr>
<tr>
<td>Floor construction, eaves, insulation and glazed areas are marked on plans.</td>
<td>🍎</td>
<td>☑️</td>
<td>☑️</td>
<td></td>
</tr>
<tr>
<td><strong>THERMAL COMFORT - DO-IT-YOURSELF</strong></td>
<td>🍎</td>
<td>☑️</td>
<td>☑️</td>
<td></td>
</tr>
<tr>
<td>Floor/wall/ceiling/roof insulation commitments and roof colour are marked on plans.</td>
<td>🍎</td>
<td>☑️</td>
<td>☑️</td>
<td></td>
</tr>
<tr>
<td>Wall, floor, ceiling and roof construction types are marked on plans.</td>
<td>🍎</td>
<td>☑️</td>
<td>☑️</td>
<td></td>
</tr>
<tr>
<td>Glazing is indicated on plans in accordance with BASIX Certificate and if performance glazing is nominated check that it is clearly labelled.</td>
<td>🍎</td>
<td>☑️</td>
<td>☑️</td>
<td></td>
</tr>
<tr>
<td>All shading devices and overshadowing objects are clearly marked on the plans in accordance with the BASIX Certificate.</td>
<td>🍎</td>
<td>☑️</td>
<td>☑️</td>
<td></td>
</tr>
<tr>
<td>If floor concession is claimed, check that ‘site slops’ or ‘flood prone’ claim is valid.</td>
<td>☑️</td>
<td>☑️</td>
<td>🍎</td>
<td>A floor concession is not requested.</td>
</tr>
<tr>
<td><strong>THERMAL COMFORT - SIMULATION</strong></td>
<td>🍎</td>
<td>☑️</td>
<td>☑️</td>
<td>A Certificate using the Nationwide House Energy Rating Scheme is provided for each apartment. The certificate shows that the development achieves an average score of 8.5 out of 10. The lowest score is 4.8 while the highest score is 7.9.</td>
</tr>
<tr>
<td>Assessor Certificate and ABSA-stamped plans are provided. ABSA Specification block is physically attached to plan. Assessor and Certificate numbers in DA package match those on BASIX Certificate.</td>
<td>🍎</td>
<td>☑️</td>
<td>☑️</td>
<td></td>
</tr>
<tr>
<td>Floor/wall/ceiling/roof insulation commitments and roof colour in BASIX Certificate are marked on plans.</td>
<td>🍎</td>
<td>☑️</td>
<td>☑️</td>
<td></td>
</tr>
<tr>
<td>If suspended floor concession is claimed on BASIX Certificate, check this has been approved by Assessor on Assessor Certificate.</td>
<td>☑️</td>
<td>☑️</td>
<td>🍎</td>
<td></td>
</tr>
<tr>
<td><strong>ENERGY</strong></td>
<td>🍎</td>
<td>☑️</td>
<td>☑️</td>
<td>A 5 Star hot water system is suggested by the BASIX Certificate for each apartment.</td>
</tr>
<tr>
<td>Star rating of any proposed gas hot water system is marked on plans.</td>
<td>🍎</td>
<td>☑️</td>
<td>☑️</td>
<td>Not proposed.</td>
</tr>
<tr>
<td>If solar hot water (SHW), check that system is drawn to scale (typical two panel SHW system is 4m2) and that panels are located with a northerly aspect. Ensure SHW panels will not be significantly overshadowed by neighbouring buildings/trees.</td>
<td>☑️</td>
<td>☑️</td>
<td>🍎</td>
<td>An air conditioner is to be installed within each apartment being a 5 Star unit.</td>
</tr>
<tr>
<td>Any external air conditioning unit is marked on plans and is located such that it does not impact onsite or neighbour’s amenity (avoid noise source near bedrooms) and complies with any other consent authority requirements.</td>
<td>☑️</td>
<td>☑️</td>
<td>🍎</td>
<td>A condition will be required to address noise emissions from the ducted systems should the Panel support the development.</td>
</tr>
<tr>
<td>Any BASIX energy efficient lighting commitment is annotated on plans.</td>
<td>🍎</td>
<td>☑️</td>
<td>☑️</td>
<td>No pool or spa is proposed.</td>
</tr>
<tr>
<td>Any pool or spa heating system and timer control is annotated on plans.</td>
<td>☑️</td>
<td>☑️</td>
<td>🍎</td>
<td>None proposed.</td>
</tr>
<tr>
<td>Photovoltaic panels are not going to be significantly overshadowed.</td>
<td>☑️</td>
<td>☑️</td>
<td>🍎</td>
<td></td>
</tr>
<tr>
<td>Panel area is approximately drawn to scale: surface area of a 1kWh photovoltaic system is approximately 8 m².</td>
<td>☑️</td>
<td>☑️</td>
<td>🍎</td>
<td></td>
</tr>
</tbody>
</table>

### Comment

Cumberland Local Planning Panel Agenda
There is one anomaly with the BASIX Certificate that will require attention otherwise the certificate is satisfactory for approval.

## 2 - State Environmental Planning Policy 65 “Design Guidelines for Residential Apartment Development” 2009

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) This Policy aims to improve the design quality of residential flat development in New South Wales.</td>
<td>✗</td>
<td></td>
<td></td>
<td>The development would contribute to the availability of housing stock within an area that is within the Guildford Town Centre.</td>
</tr>
<tr>
<td>(2) This Policy recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.</td>
<td>✗</td>
<td></td>
<td></td>
<td>The design would make a positive contribution to the locality and proposes apartments with suitable levels of amenity.</td>
</tr>
<tr>
<td>(3) Improving the design quality of residential flat development aims:</td>
<td>✓</td>
<td></td>
<td></td>
<td>If constructed, the building would be consistent with other recent developments in the vicinity of the site or developments that are proposed.</td>
</tr>
<tr>
<td>(a) to ensure that it contributes to the sustainable development of New South Wales:</td>
<td>✗</td>
<td></td>
<td></td>
<td>The locality is considered to be in transition and the building is generally consistent with the broader intentions for the zone as expressed in the Parramatta LEP 2010.</td>
</tr>
<tr>
<td>(i) by providing sustainable housing in social and environmental terms, and</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) by being a long-term asset to its neighbourhood, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(iii) by achieving the urban planning policies for its regional and local contexts, and</td>
<td>✗</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and</td>
<td>✗</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and</td>
<td>✗</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and</td>
<td>✗</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions</td>
<td>✗</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(f) to contribute to the provision of a variety of dwelling types to meet population growth, and</td>
<td>✗</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(g) to support housing affordability, and</td>
<td>✗</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.</td>
<td>✗</td>
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<td>(4) This Policy aims to provide:</td>
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<tr>
<td>(a) consistency of policy and mechanisms across the State, and</td>
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<tr>
<td>(b) a framework for local and regional planning to achieve identified outcomes for specific places.</td>
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<td>Requirement</td>
<td>Yes</td>
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<tr>
<td>28 Determination of development applications</td>
<td>☐</td>
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<td>☒</td>
<td>A Design Review Panel has not been constituted for the Cumberland municipality. In the absence of such a panel, it is not possible to undertake such a referral. Generally, the provisions of Clause 28 cannot apply to the development application.</td>
</tr>
</tbody>
</table>

(1) After receipt of a development application for consent to carry out development to which this Policy applies (other than State significant development) and before it determines the application, the consent authority is to refer the application to the relevant design review panel (if any) for advice concerning the design quality of the development.

(2) In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):

(a) the advice (if any) obtained from the design review panel, and

(b) the design quality of the development when evaluated in accordance with the design quality principles, and

(c) the Apartment Design Guide.

(3) However, if the relevant design review panel fails to inform the consent authority of its advice concerning the design quality of the development to which this Policy applies within 14 days after its first meeting to deal with the application concerned, the consent authority may determine the development application without considering any such advice and a development consent so granted is not voidable on that ground.

(4) The 14 day period referred to in subclause (3) does not increase or otherwise affect the period within which a development application is required to be determined by a consent authority.

(5) A consent authority is not required to obtain the advice of a relevant design review panel under subclause (1) if an architectural design competition that is consistent with the Design Excellence Guidelines has been held in relation to the proposed development.
### CUMBERLAND LOCAL PLANNING PANEL

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<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
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<tbody>
<tr>
<td><strong>29 Determination of applications for development consent modifications</strong></td>
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<td>Clause 29 is not relevant to the development application.</td>
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<tr>
<td>(1) This clause applies if a consent authority is required by clause 115</td>
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<td>3A of the Environmental Planning and Assessment Regulation 2010 to refer</td>
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<td>an application for the modification of development consent (other than in</td>
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<td>relation to State significant development) to a relevant design review</td>
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<td>panel (if any) for advice as to whether the modifications diminish or</td>
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<td>detract from the design quality, or compromise the design intent, of the</td>
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<td>development for which the consent was granted.</td>
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<td>(2) In determining an application to which this clause applies, the</td>
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<td>consent authority is to take into consideration (in addition to any</td>
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<td>other matters that are required to be, or may be, taken into</td>
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<td>consideration):</td>
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<td>(a) the advice (if any) obtained from the design review panel, and</td>
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<td>(b) the design quality of the development (as modified) when evaluated</td>
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<td>in accordance with the design quality principles, and</td>
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<tr>
<td>(c) the Apartment Design Guide.</td>
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<td>(3) However, if the relevant design review panel fails to inform the</td>
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<td>consent authority of its advice within 14 days after its first meeting</td>
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<td>determine the application without considering any such advice and a</td>
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<td>modification of consent so granted is not voidable on that ground.</td>
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<td>(4) The 14-day period referred to in subclause (3) does not increase or</td>
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<td>otherwise affect the period within which an application for the</td>
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<td>modification of development consent is required to be determined by a</td>
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<td>consent authority.</td>
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<td>Requirement</td>
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<td>No</td>
<td>N/A</td>
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<tr>
<td>30 Standards that cannot be used as grounds to refuse development consent or modification of development consent</td>
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<td>(1) If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters:</td>
</tr>
<tr>
<td>(a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,</td>
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<td>The car parking controls under the State Environmental Planning Policy 65 &quot;Design Quality of Residential Apartment Development&quot; will apply to the development.</td>
</tr>
<tr>
<td>(b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,</td>
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<td>Given that the site is within 800 metres of a railway station, the Roads and Maritime Services provision will prevail. In this regard: –</td>
</tr>
<tr>
<td>(c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.</td>
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<td>• 0.6 spaces are required for a 1 bedroom apartment.</td>
</tr>
<tr>
<td>Note. The Building Code of Australia specifies minimum ceiling heights for residential flat buildings.</td>
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<td>• 0.9 spaces are required for a 2 bedroom apartment.</td>
</tr>
<tr>
<td>(2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to:</td>
<td></td>
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<td>• 1.4 spaces are required for a 3 bedroom apartment.</td>
</tr>
<tr>
<td>(a) the design quality principles, and</td>
<td></td>
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<td>Plus 0.2 spaces for visitor parking per dwelling.</td>
</tr>
<tr>
<td>(b) the objectives specified in the Apartment Design Guide for the relevant design criteria.</td>
<td></td>
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<td>Therefore, 12 spaces would be required for the residential component and 3 spaces are required for visitor use (Total 15 spaces).</td>
</tr>
<tr>
<td>(3) To remove doubt:</td>
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<td>There are 18 spaces shown on the plans which is adequate for the development.</td>
</tr>
<tr>
<td>(a) subclause (1) does not prevent a consent authority from refusing an application in relation to a matter not specified in subclause (1), including on the basis of subclause (2), and</td>
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<td>1(b) - The apartments are found to comply with the minimum size areas specified by the Apartment Design Guide.</td>
</tr>
<tr>
<td>(b) the design criteria specified in subclause (1) are standards to which clause 76C (2) of the Act applies.</td>
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<td>1(c) - The floor to ceiling height of the apartments is compliant with the Guidelines.</td>
</tr>
<tr>
<td>Requirement</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Comment</td>
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</tr>
<tr>
<td><strong>Principle 1: Context and neighbourhood character</strong></td>
<td></td>
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<td></td>
<td>The site is situated within the Guildford Town Centre opposite the Guildford Railway Station and train lines.</td>
</tr>
<tr>
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<td>The area is dominated by a mixture of land uses including commercial and residential uses. The locality is in a state of transition and newer developments are occurring. For newer developments, commercial or retail uses are positioned on the ground floor while apartments dominate the upper levels.</td>
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<td>It is likely that this will continue for the foreseeable future.</td>
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<td>The site benefits from being close to a transport node where trains and bus services are available. Thus residents will be close to a transport node.</td>
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<td></td>
<td>Additionally, residents will be close to two supermarkets and a diverse shopping precinct along Guildford Road.</td>
</tr>
<tr>
<td><strong>Principle 2: Built form and Scale</strong></td>
<td>☒</td>
<td></td>
<td></td>
<td>The building presents a hard urban form towards Railway Terrace although the front elevation is modulated.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>The ground floor consists of a single commercial tenancy facing the street with an apartment towards the rear. Levels 1 to 3 have similar floor plates while the upper floor has a smaller footprint.</td>
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<tr>
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<td>The residential tower is designed in such a manner to allow light and ventilation to as many apartments as feasible.</td>
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<td>There is affordable housing proposed within the development and as a result, a bonus floor space ratio may be applied to the development. Even with the addition of a bonus floor space ratio, the building exhibits an acceptable appearance towards Railway Terrace.</td>
</tr>
</tbody>
</table>

Cumberland Local Planning Panel Agenda
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
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<th>Comment</th>
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</thead>
</table>
| **Principle 3: Density** | ✗ | □ | □ | The floor space ratio for the whole development is calculated at 1.765:1. A maximum floor space ratio of 1:4:1 has been established for the site under the Parramatta Local Environmental Plan. Due to the fact that affordable housing is proposed within the development being 8 apartments, a floor space ratio bonus as per State Environmental Planning Policy “Affordable Rental Housing” 2009 may apply to the development. The bonus floor space ratio to be applied to the building is 0.428:1. The maximum floor space ratio with bonus is 1.828:1. Given that the development achieves a floor space ratio that is less than 1.828:1, the development is found to comply with the State Policy. The specifics of the development are:-  
  - 2 x 1 bedroom apartments including one apartment that is a study apartment.  
  - 8 x 2 bedroom apartments.  
  - 5 x 3 bedroom apartments. Of those, there are 2 adaptable apartments out of a total of 12 apartments. The apartments have adequate size for their intended use. There are no south facing apartments within the development. |
<p>| <strong>Principle 4: Sustainability</strong> | ✗ | □ | □ | The development meets the targets established by the BASIX Certificate. Suitable floor to ceiling heights for the apartments are provided with minimum floor to ceiling heights of 2.7 metres being provided for the apartments. The apartment on the ground floor has a higher floor to ceiling height of 3.4 metres. The site is located within the commercial town centre and close to the Guildford Railway station. This would to some degree reduce car use and dependence for future residents of the building. |</p>
<table>
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<tr>
<th>Requirement</th>
<th>Yes</th>
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<th>N/A</th>
<th>Comment</th>
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<tbody>
<tr>
<td><strong>Principle 5: Landscape</strong></td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>The site is situated within the Guildford Town Centre and commercial premises are at grade level. Support services and a basement car park is proposed. A small deep soil zone covering 46.2 square metres is introduced to the rear of the site. Landscaping occupies 124 square metres of the site. The amount of landscaping is limited due to the constrained nature of the site. The landscaping and deep soil zone is capable of being increased by at least 4 square metres to address a mirror shortfall in deep soil zone area coverage.</td>
</tr>
<tr>
<td><strong>Principle 6: Amenity</strong></td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>A range of apartment sizes are proposed in the development, most of which have satisfactory solar access and natural ventilation in conjunction with appropriate floor to ceiling heights. The site is provided with the relevant services including storage areas, mail boxes, garbage room and a common area. A common area is situated at the rear of the site but at grade. The apartments have suitably sized outdoor areas. The development is considered to provide an appropriate level of amenity for future residents.</td>
</tr>
<tr>
<td><strong>Principle 7: Safety</strong></td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>External areas to the site and street views are overseen by the orientation of external balconies and or windows creating casual surveillance opportunities for the locality. Private open spaces such as terraces and balconies are clearly defined and screened where appropriate. The main pedestrian entrance is facing Railway Terrace but secured via a door. Safety is achieved by separating the pedestrian path from the vehicular driveway. Dark unit areas and entrapment areas within the basement have been avoided or minimised.</td>
</tr>
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</table>
### Principal 8: Housing diversity and social interaction

- **Requirement:** Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.
- **Comment:** Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.
- **Requirement:** Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.
- **Comment:** It is considered that this is achieved. The development achieves the following:
  - 2 x 1 bedroom apartment which includes 1 study apartment.
  - 8 x 2 bedroom apartments.
  - 2 x 3 bedroom apartments.
  - Of those there are 2 adaptable apartments.
  - There are six apartments designated as affordable housing units.
  - Apartments have adequate sizes for furniture layout.

### Principal 9: Aesthetics

- **Requirement:** Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.
- **Comment:** The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.
- **Comment:** The development has been suitably treated and includes appropriate finishes. A combination of building materials will be used such as masonry, glass, steel, Boral Brown brickwork and panel cladding.
- A combination of a flat roof and skillion roof form is proposed.

### Apartment Design Guide

#### Part 3B - Orientation

- **3B-1 Design Guidance**
  - **Requirement:** Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1).
  - **Comment:** Where the street frontage is to the east or west, rear buildings should be orientated to the north.
  - **Comment:** Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2).
- **Comment:** There is direct access to the building from Railway Terrace. The pedestrian access is clearly defined and visible for residents and visitors.
- **Comment:** Where possible, apartments are orientated to the east or west towards a view rather than north or south.
- **Comment:** There is some orientation of the building towards the north to promote improved view lines for certain rooms such as bedrooms.

- **3B-2 Design Guidance**
  - **Requirement:** Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access.
  - **Requirement:** Solar access to living rooms, balconies and private open spaces of neighbours should be considered.
  - **Comment:** At least 11 of 12 apartments or 90.9% of the total number of apartments within the development will be capable of receiving adequate solar access at the winter solstice.
  - **Comment:** The development will create a shadow impact to the south across Number 332 Railway Terrace. However, this is a commercial site. There is no shadowing of residential properties.
### 3C-1 Design Guidance

Terraces, balconies and courtyard apartments should have direct street entry where appropriate.

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Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings.

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Upper level balconies and windows should overlook the public domain.

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Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m.

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Length of solid walls should be limited along street frontages.

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In developments with multiple buildings and/or entries, pedestrian entries and spaces associated with individual buildings/entries should be differentiated to improve legibility for residents, using a number of the following design solutions:

- architectural detailing.
- changes in materials.
- plant species.
- colours.

Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets.

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Opportunities for people to be concealed should be minimised.

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This will not apply to the development.

The development is too small to offer front gardens and dwelling entries at or above street level. There are no apartments at grade facing the street.

Compliance is achieved.

The main entrance to the building is well designed and easily identifiable. The main entry separates the commercial / retail tenancy to the apartments.

This is a relatively small development comprising one building and one pedestrian entry.
### 3C.2 Design Guidance

- Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking.
- Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.
- The visual prominence of underground car park vents should be minimised and located at a low level where possible.
- Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view.
- Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels.
- Durable, graffiti resistant and easily cleanable materials should be used.
- Where development adjoins public parks, open space or bushland, the design positively addresses this interface and uses a number of the following design solutions:
  - street access, pedestrian paths and building entries which are clearly defined.
  - paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space.
  - minimal use of blank walls, fences and ground level parking.

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<tr>
<th>Requirement</th>
<th>Met (Yes)</th>
<th>Not Met (No)</th>
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<tbody>
<tr>
<td>Planting in the rear of the site.</td>
<td>No</td>
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<tr>
<td>Mail boxes for the building are located at the main pedestrian entry facing Railway Terrace.</td>
<td>Yes</td>
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<tr>
<td>Basement car park is barely seen or not identifiable from the street.</td>
<td>Yes</td>
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<tr>
<td>The services and critical access points to the building are found within the basement car park area.</td>
<td>Yes</td>
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</tr>
<tr>
<td>The development does not adjoin a public park, open space or bushland.</td>
<td>No</td>
<td></td>
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<tr>
<td>The site is relatively flat. There is no protrusion of car parking out of the ground.</td>
<td>Yes</td>
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</table>

#### Part 3D - Communal and public open space

**3D-1 Design Criteria**

- Communal open space has a minimum area equal to 25% of the site (see figure 3D.3).
- 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).
- Proposed common open space = 186.9 square metres (27.7%).
- A portion of the area is underneath part of the building being 32.37 square metres or 17.3%.
- The common space is located within an appropriate area of the site to receive maximum sunlight potential notwithstanding the development that exists to the immediate north.
- Communal open space should be consolidated into a well-designed, easily identified and usable area.
- Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions.
- The common area has dimensions exceeding 3 metres and the common area is co-located with a deep soil zone.

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**Cumberland Local Planning Panel Agenda**
### Communal open space

- Should be co-located with deep soil areas.

- Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies.

- Where communal open space cannot be provided at ground level, it should be provided on a podium or roof.

- Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should provide communal spaces elsewhere such as:
  - a landscaped roof top terrace or a common room.
  - 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.

### 3D-2 Design Guidance

Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements:

- Seating for individuals or groups.
- Barbecue areas.
- Play equipment or play areas.
- Swimming pools, gyms, tennis courts or common rooms.

The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts.

Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks.

### 3D-3 Design Guidance

Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include:

- Bay windows.
- Corner windows.
- Balconies.

Communal open space should be well lit.

Where communal open space / facilities are provided for children and young children they are safe and contained.

### 3D-4 Design Guidance

The public open space should be well connected with public streets along at least one edge.

The public open space should be connected...
with nearby parks and other landscape elements.

Public open space should be linked through view lines, pedestrian desire paths, termination points and the wider street grid.

Solar access should be provided year round along with protection from strong winds.

A positive address and active frontages should be provided adjacent to public open space.

Boundaries should be clearly defined between public open space and private areas.

### Part 3E1 - Deep soil zones

#### 3E-1 Design criteria

Deep soil zones are to meet the following minimum requirements:

<table>
<thead>
<tr>
<th>Site Area</th>
<th>Dimensions</th>
<th>Deep Soil</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 650m²</td>
<td>7%</td>
<td></td>
</tr>
<tr>
<td>650m² to 1,500m²</td>
<td>7%</td>
<td></td>
</tr>
<tr>
<td>Greater than 1,500m²</td>
<td>6m, 7%</td>
<td></td>
</tr>
<tr>
<td>Greater than 1,500m² with significant existing tree</td>
<td>6m, 7%</td>
<td></td>
</tr>
</tbody>
</table>

- 6.85% (46.2 square metres) of the site is deep soil. There is a minor variation of 2.2%. The variation is not considered to be excessive.

#### 3E-1 Design Guidance

On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:

- 10% of the site as deep soil on sites with an area of 650m² - 1,500m².
- 15% of the site as deep soil on sites greater than 1,500m².

Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include:

- basement and sub basement car park design that is consolidated beneath building footprints.
- use of increased front and side setbacks.
- adequate clearance around trees to ensure long term health.
- co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil.

Achieving the design criteria may not be possible on some sites including where:

- the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres).
- there is 100% site coverage or non-

The deep soil zone occupies 6.85% of the site but compliance is capable of being achieved.

This site is within the Town Centre of Guildford where such compliance is difficult to achieve due to the planning controls that prevail.
residential uses at ground floor level.

Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure.

3F-1 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 &amp; 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 (8+ storeys)</td>
<td>12m</td>
<td>6m</td>
</tr>
</tbody>
</table>

Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F-2).

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

3F-1 Design Guidance

Generally one storey in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a “ziggurat” appearance.

For residential buildings next to commercial buildings, separation distances should be measured as follows:

- for retail, office spaces and commercial balconies use the habitable room distances.
- for service and plant areas use the non-habitable room distances.

New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include:

- site layout and building orientation to minimise privacy impacts (see also section 3B Orientation).
- on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F-4).

Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for

It is identified that there are variations to certain balconies and Apartment U4.02. The greatest variation is the position of the living room and kitchen of Apartment U4.02 on Level 4 in which the living area is setback 7 metres from the boundary and the kitchen is setback 6.4 metres from the boundary.

Internally, the balcony attached to the rear bedrooms of Apartments U3.02 and U4.01 are setback 4.6 to 6.6 metres from a kitchen window. While these are offset to avoid a direct line of sight into rooms, it would be possible to establish view lines between opposing features. If this application were to be supported, privacy screens would be required for the balconies to address an internal privacy concern.

The building is setback 5 metres from the rear property boundary. The rear allotment facing Cross Street is within zone R4 High Density Residential. The planning controls allow for building heights to be 17 metres.
### 3F-2 Design Guidance
Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows. Design solutions may include:
- setbacks,
- solid or partially solid balustrades to balconies at lower levels,
- fencing and/or trees and vegetation to separate spaces,
- screening devices,
- bay windows or pop out windows to provide privacy in one direction and outlook in another,
- raising apartments/private open space above the public domain or communal open space.
- planter boxes incorporated into walls and balustrades to increase visual separation.
- pergolas or shading devices to limit overheating of lower apartments or private open space.
- on constrained sites where it can be demonstrated that building layout opportunities are limited, fixed louvres or screen panels to windows and/or balconies.

| Bedroom access and entries |  |
|---------------------------|--|----------------|
| Recessed balconies and/or vertical fins should be used between adjacent balconies. | | |

### Part 3G - Pedestrian access and entries

| 3G-1 Design Guidance |  |
|----------------------|--|----------------|
| Multiple entries (including communal building entries and individual floor entries) should be provided to activate the street edge. | | |
| Entry locations relate to the street and subdivision pattern and the existing pedestrian network. | | |
| Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries | | |

The north facing ground floor bedroom windows of the ground floor apartment are facing towards the external apartment entry area which in turn faces the common space. There is a private outdoor space provided separated by an appropriate fence structure and gate. The fence and gate addresses privacy to the windows in a satisfactory manner.

This is achieved.
<table>
<thead>
<tr>
<th>Where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with clear sight lines and pathways to secondary building entries.</th>
</tr>
</thead>
<tbody>
<tr>
<td>☒</td>
</tr>
</tbody>
</table>

### 3G-2 Design Guidance

Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces.

The design of ground floors and underground car parks minimise level changes along pathways and entries.

Steps and ramps should be integrated into the overall building and landscape design.

For large developments 'way finding' maps should be provided to assist visitors and residents (see figure 41.3).

For large developments electronic access and audio/video intercom should be provided to manage access.

### 3G-3 Design Guidance

Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport.

Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate.

<table>
<thead>
<tr>
<th>Part 3H - Vehicle Access</th>
</tr>
</thead>
<tbody>
<tr>
<td>☒</td>
</tr>
</tbody>
</table>

### 3H-1 Design Guidance

Car park access should be integrated with the building's overall facade. Design solutions may include:

- the materials and colour palette to minimise visibility from the street.
- security doors or gates at entries that minimise voids in the facade.
- where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed.

Car park entries should be located behind the building line.

Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout.

Car park entry and access should be located on secondary streets or lanes where available.

Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided.

Access point locations should avoid headlight glare to habitable rooms.

| ☒ | ☐ | ☑ |

**This is achieved.**

**A way finding map is not required.**

**A pedestrian link through the site is not provided or required.**

**A roller shutter door is provided to the basement for added security measures.**

**The car park entry is situated in an appropriate part of the building.**

**The driveway has a width of 5.6 metres.**

**This is achieved.**

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<table>
<thead>
<tr>
<th>Adequate separation distances should be provided between vehicle entries and street intersections.</th>
<th>□</th>
<th>□</th>
<th>□</th>
</tr>
</thead>
<tbody>
<tr>
<td>The width and number of vehicle access points should be limited to the minimum.</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Visual impact of long driveways should be minimised through changing alignments and screen planting.</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>The need for large vehicles to enter or turn around within the site should be avoided.</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Garbage collection, loading and servicing areas are screened.</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Clear sight lines should be provided at pedestrian and vehicle crossings.</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>Traffic calming devices such as changes in paving material or textures should be used where appropriate.</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>
| Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include:  
• changes in surface materials.  
• level changes.  
• the use of landscaping for separation. | □ | □ | □ |

#### Part 3J - Bicycle and car parking

#### 3J-1 Design Criteria

- on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area, or  
- on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre.

The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.

The car parking needs for a development must be provided off street.

The site is within 800 metres of the Guildford Railway Station.

Given the location of the site to the Guildford Railway Station, the Roads and Maritime Services car parking provisions will apply to the development. In this regard:

- 0.6 spaces are required for a 1 bedroom apartment.
- 0.9 spaces are required for a 2 bedroom apartment.
- 1.4 spaces are required for a 3 bedroom apartment.

Plus 0.2 spaces for visitor parking per dwelling.

Therefore, 12 spaces would be required for the residential component and 3 spaces are required for visitor use for a total of 15 spaces.

There are 18 spaces shown on the plans which is adequate for the development including the commercial/retail tenancy.

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### 3J-1 Design Guidance
Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces when provided should be on site.

Where less car parking is provided in a development, Council should not provide on street resident parking permits.

### 3J-2 Design Guidance
Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters.

Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.

Conveniently located charging stations are provided for electric vehicles, where desirable.

There are no spaces designated for motorbikes however there are six spaces allocated to the parking of bikes. The matter could be addressed by reallocation of one or two of the bike parking spaces to the parking of motor bikes. There is room to achieve this. The matter could be addressed as a condition should the development be supported.

### 3J-3 Design Guidance
Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces.

Direct, clearly visible and well lit access should be provided into common circulation areas.

A clearly defined and visible lobby or waiting area should be provided to lifts and stairs.

The car park is provided with additional facilities such as storage areas and lift access.

For larger car parks, safe pedestrian access should be clearly defined and circulation areas have good lighting, colour, line marking and/or bollards.

### 3J-4 Design Guidance
Excavation should be minimised through efficient car park layouts and ramp design.

Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles.

Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites.

Natural ventilation should be provided to basement and sub-basement car parking areas.

Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design.

The car park is not seen from the street.

Ventilation of the car park
The car park will be mechanically ventilated.

### 3J-5 Design Guidance
On-grade car parking should be avoided.

Where on-grade car parking is unavoidable, the following design solutions are used:
- parking is located on the side or rear of the lot away from the primary street frontage.
- cars are screened from view of streets, buildings, communal and private open space areas.

There is no on grade car parking provided within the development. Thus far, the provisions under Part 3J-5 will not be applicable to the development.

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- Safe and direct access to building entry points is provided.
- Parking is incorporated into the landscape design of the site, by extending planting and materials into the car park space.
- Stormwater run-off is managed appropriately from car parking surfaces.
- Bio-swales, rain gardens or on site detention tanks are provided, where appropriate.
- Light coloured paving materials or permeable paving systems are used and shade trees are planted between every 4-5 parking spaces to reduce increased surface temperatures from large areas of paving.

#### 3J-6 Design Guidance
Exposed parking should not be located along primary street frontages.

- Screening, landscaping and other design elements including public art should be used to integrate the above ground car parking with the facade. Design solutions may include:
  - Car parking that is concealed behind the facade, with windows integrated into the overall facade design (approach should be limited to developments where a larger floor plate podium is suitable at lower levels).
  - Car parking that is 'wrapped' with other uses, such as retail, commercial or two storey Small Office/Home Office (SOHO) units along the street frontage (see figure 3J.9).

Positive street address and active frontages should be provided at ground level.

#### Part 4A - Solar and daylight access

<table>
<thead>
<tr>
<th>4A-1 Design Criteria</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<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></td>
<td></td>
</tr>
<tr>
<td>In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter.</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></td>
<td></td>
</tr>
</tbody>
</table>

**4A-1 Design Guidance**

- The design maximises north aspect and the number of single aspect south facing apartments is minimised.
- Single aspect, single storey apartments should have a northerly or easterly aspect.
- Living areas are best located to the north and service areas to the south and west of

There is no exposed car parking provided within the development.

There is 1 apartment within the development that will not receive direct sunlight penetration. This is 9.1% of the total number of apartments within the development that will have no sunlight. At least 90.9% of apartments receive the sunlight penetration.

Generally this is achieved.

This is achieved where possible.

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To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used:

- dual aspect apartments.
- shallow apartment layouts.
- two storey and mezzanine level apartments.
- bay windows.

To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m² of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.

Achieving the design criteria may not be possible on some sites. This includes:

- where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source.
- on south facing sloping sites.
- where significant views are oriented away from the desired aspect for direct sunlight.

Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective.

### 4A-2 Design Guidance

Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms.

Where courtyards are used:

- use is restricted to kitchens, bathrooms and service areas.
- building services are concealed with appropriate detailing and materials to visible walls.
- courtyards are fully open to the sky.
- access is provided to the light well from a communal area for cleaning and maintenance.
- acoustic privacy, fire safety and minimum privacy separation distances (see section 3F Visual privacy) are achieved.

Opportunities for reflected light into apartments are optimised through:

- reflective exterior surfaces on buildings opposite south facing windows.
- positioning windows to face other buildings or surfaces (on neighbouring sites or within the site) that will reflect light.
- integrating light shelves into the design.
- light coloured internal finishes.

Every apartment has dual aspect.

The site is situated close to a railway line but this does not inhibit the ability to achieve the design criteria for residential amenity.

The ground floor apartment is provided with a courtyard that includes an area for lawn. The form of courtyard shown is different to that suggested under Part 4A-2.

The provisions of Part 4A-2 will not apply to the development.

### 4A-3 Design Guidance

A number of the following design features are used:
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<table>
<thead>
<tr>
<th>Feature</th>
<th>Yes</th>
<th>No</th>
<th>Partial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Horizontal shading to north facing windows.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Vertical shading to east and particularly west facing windows.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Operable shading to allow adjustment and choice.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>High performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 50% (reflective films are avoided).</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Part 4B - Natural Ventilation**

#### 4B-1 Design Guidance

- The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms.
- Depths of habitable rooms support natural ventilation.
- The area of unobstructed window openings should be equal to at least 5% of the floor area served.
- Light wells are not the primary air source for habitable rooms.
- Doors and operable windows maximise natural ventilation opportunities by using the following design solutions:
  - Adjustable windows with large effective operable areas.
  - A variety of window types that provide safety and flexibility such as awnings and louvres.
  - Windows which the occupants can reconfigure to tunnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>Partial</th>
</tr>
</thead>
<tbody>
<tr>
<td>At least 90.9% of the apartments are cross ventilated.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

#### 4B-2 Design Guidance

- Apartment depths are limited to maximise ventilation and airflow.
- Natural ventilation to single aspect apartments is achieved with the following design solutions:
  - Primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation).
  - Stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries.
  - Courtyards or building indentations have a width to depth ratio of 2.1 or 3.1 to ensure effective air circulation and avoid trapped smells.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>Partial</th>
</tr>
</thead>
<tbody>
<tr>
<td>The depths of apartments do not exceed 8 metres.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

#### 4B-3 Design Criteria

- At least 60% of apartments are naturally cross ventilated in the first nine storeys of the

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>Partial</th>
</tr>
</thead>
<tbody>
<tr>
<td>At least 90.9% of the apartments are cross ventilated.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
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**4B-3 Design Guidance**
- The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths.
- In cross-through apartments, external windows and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the external window and door opening sizes/areas on the other side of the apartment.
- Apartments are designed to minimize the number of corners, doors and rooms that might obstruct airflow.
- Apartment depths, combined with appropriate ceiling heights, maximize cross ventilation and airflow

<table>
<thead>
<tr>
<th>Type / Use</th>
<th>Minimum ceiling height</th>
<th>2.7m.</th>
<th>2.4m.</th>
<th>2.4m.</th>
<th>2.7m.</th>
<th>1.8m.</th>
<th>3.3m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Habitable rooms</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non habitable rooms</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>For 2 storey</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>apartments</td>
<td>2.7m for main living area floor.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attic spaces</td>
<td>1.8m at edge of room with a 30 degree minimum ceiling slope.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If located in mixed use areas</td>
<td>3.3m for ground and first floor to promote future flexibility of use.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

These minimums do not preclude higher ceilings if desired.

**4C-1 Design Guidance**
- Ceiling height can accommodate use of ceiling fans for cooling and heat distribution.

**4C-2 Design Guidance**
- A number of the following design solutions can be used:
  - The hierarchy of rooms in an apartment is defined using changes in ceiling heights and alternatives such as raked or curved ceilings, or double height spaces.
  - Well-proportioned rooms are provided, for example, smaller rooms feel larger and more spacious with higher ceilings.
  - Ceiling heights are maximised in

The cross through apartments are 10 metres in length thus complying with the provision.

There are 11 dual aspect apartments contained within the development.

This is achieved.

This is achieved where possible.

Floor to ceiling heights for all apartments above the ground level are 2.8 metres. The ground floor apartment has a floor to ceiling height of 3.4 metres.

Floor to ceiling heights of each apartment is adequate.
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| Habitable rooms by ensuring that bulkheads do not intrude. The stacking of service rooms from floor to floor and coordination of bulkhead location above non-habitable areas, such as robes or storage, can assist. |
|---|---|---|

4C-3 Design Guidance

Ceiling heights of lower level apartments in centres should be greater than the minimum required by the design criteria allowing flexibility and conversion to non-residential uses.

<table>
<thead>
<tr>
<th>4D - Apartment size and layout</th>
</tr>
</thead>
<tbody>
<tr>
<td>4D-1 Design Criteria</td>
</tr>
</tbody>
</table>

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>95m²</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.

4D-1 Design Guidance

Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space).

A window should be visible from any point in a habitable room.

Where minimum areas or room dimensions are not met apartments need to demonstrate that they are well designed and demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas.

These circumstances would be assessed on their merits.

4D-2 Design Criteria

Habitable room depths are limited to a maximum of 2.5 times 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.

4D-2 Design Guidance

Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths.

The ground floor apartment has a floor to ceiling height of 3.4 metres to improve ventilation and light penetration into the habitable space.

The apartments range in size from 60.37 to 72.7 square metres for the one bedroom apartments, 83.9 square metres to 88.27 square metres for the two bedrooms apartments and 99.9 to 110 square metres for the three bedroom apartments. This demonstrates that all the apartments exceed the minimum area quoted at this Part.

All rooms are provided with windows for light and ventilation.

The layout of each apartment is satisfactory.

Compliance is achieved for every apartment.

The maximum room depth does not exceed 8 metres for any apartment.
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| All living areas and bedrooms should be located on the external face of the building. Where possible: |
| - bathrooms and laundries should have an external operable window |
| - main living spaces should be oriented toward the primary outlook and aspect and away from noise sources. | ☑ | ☐ | ☐ | Given the design, it is not possible to have all bathrooms and laundries provided with a window. Most bathrooms do not have external operable windows. As such, mechanical ventilation would be required for those apartments. |

| 4D-3 Design Criteria |
| Master bedrooms have a minimum area of 10m² and other bedrooms 8m² (excluding wardrobe space). | ☑ | ☐ | ☐ | Master bedrooms have areas of 13.3 to 14.4 square metres. Other bedrooms have areas of between 9.5 and 11.4 square metres. |
| Bedrooms have a minimum dimension of 3m (excluding wardrobe space). | ☐ | ☐ | ☐ | The widths of the living areas of apartments are compliant and minimum dimensions are achieved. |
| 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. | ☐ | ☐ | ☐ | |

| 4D-3 Design Guidance |
| Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas. | ☑ | ☐ | ☐ | This is achieved where possible for a majority of the apartments within the development. |
| All bedrooms allow a minimum length of 1.5m for robes. | ☐ | ☐ | ☐ | |
| The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high. | ☐ | ☐ | ☐ | Main bedrooms have wardrobes with minimum length of 1.8 metres and minimum width of 600 mm. |
| Apartment layouts allow flexibility over time, design solutions may include: |
| - dimensions that facilitate a variety of furniture arrangements and removal. | ☑ | ☐ | ☐ | The living spaces of apartments allow for adequate and appropriate furniture layouts. |
| - spaces for a range of activities and privacy levels between different spaces within the apartment. | ☑ | ☐ | ☐ | |
| - dual master apartments. | ☐ | ☐ | ☐ | |
| - dual key apartments Note: dual key apartments which are separate but on the same title are regarded as two separate occupancy units for the purposes of the Building Code of Australia and for calculating the mix of apartments. | ☑ | ☐ | ☐ | |
| - room sizes and proportions or open plans (rectangular spaces (2:3) are more easily furnished than square spaces (1:1)). | ☑ | ☐ | ☐ | |
| Efficient planning of circulation by stairs, corridors and through rooms to maximise the amount of usable floor space in rooms. | ☑ | ☐ | ☐ | |

| Part 4E - Private open space and balconies |
| 4E-1 Design Criteria |
| All apartments are required to have primary balconies as follows: | ☐ | ☐ | ☐ | |

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

<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>8m²</td>
<td>2m</td>
</tr>
<tr>
<td>2 bedroom apartments</td>
<td>10m²</td>
<td>2m</td>
</tr>
<tr>
<td>3 plus bedroom apartments</td>
<td>12m²</td>
<td>2.4m</td>
</tr>
</tbody>
</table>

The balconies are compliant in many instances, the balconies exceed the minimum areas recommended under Part 4E-1.

This is not required as the balconies of each apartment have adequate size and dimensions.

There are no storage areas proposed for any balcony.

The building has a maximum height of 5 storeys above the natural ground level. The site is close to a railway line and hence railway noise would be audible from the building. The matter of railway noise is addressed within the design of the building and an acoustic report provides recommended construction techniques to be employed throughout the building.

4E-2 Design Guidance
Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space.

Private open spaces and balconies predominantly face north, east or west.

Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms.

A majority of the balconies are facing the east or west of the site.

This is achieved where possible.

It would be appropriate to extend the privacy screens to the rear facing balconies to prevent view lines towards the residential apartment building situated at 11 to 13 Cross Street.

4E-3 Design Guidance
Solid, partially solid or transparent fences and balustrades are selected to respond to the location. They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. Solid and partially solid balustrades are preferred.

Full width full height glass balustrades alone are generally not desirable.

The balustrades of the development are shown to be solid masonry or glass panel depending on location.

Projecting balconies should be integrated into

The balconies at the rear project outwards.
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| the building design and the design of soffits considered. | ✗ | | | but form part of the design of the building. |
| Operable screens, shutters, hoods and pergolas are used to control sunlight and wind. | ✗ | | | |
| Balustrades are set back from the building or balcony edge where overlooking or safety is an issue. | ✗ | | | |
| Downpipes and balcony drainage are integrated with the overall facade and building design. | ✗ | | | |
| Air-conditioning units should be located on rooftops, in basements, or fully integrated into the building design. | ✗ | | | This will be addressed as a condition attached to any consent issued. |
| Where clothes drying, storage or air conditioning units are located on balconies, they should be screened and integrated in the building design. | ✗ | | ✗ | |
| Ceilings of apartments below terraces should be insulated to avoid heat loss. | ✗ | | ✗ | |
| Water and gas outlets should be provided for primary balconies and private open space. | ✗ | | ✗ | |

**4E-4 Design Guidance**

Changes in ground levels or landscaping are minimised.

Design and detailing of balconies avoids opportunities for climbing and falls.

**Part 4F - Common circulation and spaces**

**4F-1 Design criteria**

The maximum number of apartments off a circulation core on a single level is eight.

For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.

**4F-1 Design Guidance**

Greater than minimum requirements for corridor widths and/or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors.

Daylight and natural ventilation should be provided to all common circulation spaces that are above ground.

Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors.

Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include:

- a series of foyer areas with windows and spaces for seating,
- wider areas at apartment entry doors and varied ceiling heights.

Design common circulation spaces to maximise opportunities for dual aspect.

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| Apartments, including multiple core apartment buildings and cross over apartments. Achieving the design criteria for the number of apartments off a circulation core may not be possible. Where a development is unable to achieve the design criteria, a high level of amenity for common lobbies, corridors and apartments should be demonstrated, including:  
- sunlight and natural cross ventilation in apartments.
- access to ample daylight and natural ventilation in common circulation spaces.
- common areas for seating and gathering.
- generous corridors with greater than minimum ceiling heights.
- other innovative design solutions that provide high levels of amenity.  
Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.  
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled. |
|---|---|---|---|
| 4F-2 Design Guidance | Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines. 
- Tight corners and spaces are avoided. 
- Circulation spaces should be well lit at night. 
- Legible signage should be provided for apartment numbers, common areas and general way finding.  
In incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided.  
In larger developments, community rooms for activities such as owners corporation meetings or resident use should be provided and are ideally co-located with communal open space. Where external galleries are provided, they are more open than closed above the balustrade along their length. |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>4G - Storage</td>
<td>The apartments have appropriate storage space. The storage space for each apartment within the basement is satisfactory.</td>
<td></td>
</tr>
</tbody>
</table>

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**Table:**

<table>
<thead>
<tr>
<th>Dwelling Type</th>
<th>Storage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio apartments</td>
<td>4m²</td>
</tr>
<tr>
<td>1 bedroom apartments</td>
<td>6m²</td>
</tr>
</tbody>
</table>
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<table>
<thead>
<tr>
<th>2 bedroom apartments</th>
<th>8m²</th>
<th>3 plus bedroom apartments</th>
<th>10m²</th>
</tr>
</thead>
</table>

#### 4G-1 Design Guidance
- Storage is accessible from either circulation or living areas.
- Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street.
- Left over space such as under stairs is used for storage.

There are no storage areas provided within balconies.

#### 4G-2 Design Guidance
- Storage not located in apartments is secure and clearly allocated to specific apartments.
- Storage is provided for larger and less frequently accessed items.
- Storage space in internal or basement car parks is provided at the rear or side of car spaces or in cagos so that allocated car parking remains accessible.
- If communal storage rooms are provided they should be accessible from common circulation areas of the building.
- Storage not located in an apartment is integrated into the overall building design and is not visible from the public domain.

The storage space for each apartment within the basement car park is satisfactory.

Storage space within the basement car park is provided for each apartment.

#### Part 4H - Acoustic Privacy

#### 4H-1 Design Guidance
- Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F Building separation and section 3F Visual privacy).
- Window and door openings are generally orientated away from noise sources.
- Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas.
- Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources.
- The number of party walls (walls shared with other apartments) are limited and are appropriately insulated.
- Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.

This is achieved where practical and possible.

The number of party walls to other apartments are limited or appropriate.

#### 4H-2 Design Guidance
- Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions:

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- rooms with similar noise requirements are grouped together.
- doors separate different use zones.
- wardrobes in bedrooms are co-located to act as sound buffers.

Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions:
- double or acoustic glazing.
- acoustic seals.
- use of materials with low noise penetration properties.
- continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements.

This is achieved where possible.

An acoustic report has been prepared by Acoustic Logic. The report is making numerous recommendations to address railway noise and external noise from adversely impacting future residents.

### Part 4J - Noise and pollution

**4J-1 Design Guidance**

To minimise impacts the following design solutions may be used:

- physical separation between buildings and the noise or pollution source.
- residential uses are located perpendicular to the noise source and where possible buffered by other uses.
- non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces.
- non-residential uses are located at lower levels vertically separating the residential component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources.
- buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer.
- where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable (see figure 4J.4).
- landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry.

Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas:

- solar and daylight access.
- private open space and balconies.
- natural cross ventilation.

An acoustic report prepared by Acoustic Logic (Reference Number 2016/1273.1/1409AR/MJR) and dated 14/9/2016 has been prepared to address the impact of rail noise onto the development.

Internal noise likely to be generated by the development.

Internal noise levels will primarily be as a result of noise transfer through the windows and doors as these are relatively light building elements that offer less resistance to the transmission of sound. Noise transfer through masonry walls is not considered to be an issue.

Numerous recommendations are made to address noise impacts especially from passing trains which are addressed earlier in the report.

The development is capable of achieving acceptable noise reduction outcomes.

### 4J-2 Design Guidance

Design solutions to mitigate noise include:

- limiting the number and size of openings facing noise sources.
- providing seals to prevent noise transfer through gaps.
- using double or acoustic glazing, acoustic

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### Part 4K - Apartment mix

#### 4K-1 Design Guidance
A variety of apartment types is provided.

The apartment mix is appropriate, taking into consideration:
- the distance to public transport, employment and education centres.
- the current market demands and projected future demographic trends.
- the demand for social and affordable housing.
- different cultural and socioeconomic groups.

Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households.

There is a mix of 1, 2 and 3 bedroom apartments within the development.

The site is located close to railway and bus services which would assist in reducing vehicle use.

#### 4K-2 Design Guidance
Different apartment types are located to achieve successful facade composition and to optimise solar access (see figure 4K.3).

Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available.

There is one large apartment situated on the top floor of the building.

### 4L - Ground floor apartments

#### 4L-1 Design Guidance
Direct street access should be provided to ground floor apartments.

Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include:
- both street, foyer and other common internal circulation entrances to ground floor apartments.
- private open space is next to the street.
- doors and windows face the street.

Retail or home office spaces should be located along street frontages.

Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor amenities for easy conversion.

There is one apartment situated on the ground floor of the development although it is at the rear due to the presence of a commercial tenancy / shop facing the street.

#### 4L-2 Design Guidance
Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include:
- elevation of private gardens and terraces above the street level by 1-1.5m (see figure 4L.4).
- landscaping and private courtyards.

Part 4L-2 will not apply to the development application.
### Facades

**4M-1 Design Guidance**
Design solutions for front building facades may include:

- A composition of varied building elements
- A defined base, middle and top of buildings.
- Revealing and concealing certain elements.
- Changes in texture, material, detail and colour to modify the prominence of elements.

Building services should be integrated within the overall façade.

Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include:

- Well composed horizontal and vertical elements
- Variation in floor heights to enhance the human scale
- Elements that are proportional and arranged in patterns
- Public artwork or treatments to exterior blank walls
- Grouping of floors or elements such as balconies and windows on taller buildings

Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, eaves or colonnade heights.

Shadow is created on the façade throughout the day with building articulation, balconies and deeper window reveals.

**4M-2 Design Guidance**

Building entries should be clearly defined.

Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height.

The apartment layout should be expressed externally through façade features such as party walls and floor slabs.

**4N - Roof design**

**4N-1 Design Guidance**

Roof design relates to the street. Design solutions may include:-

- Special roof features and strong corners.
- Use of skeleton or very low pitch hipped roofs.
- Breaking down the massing of the roof by using smaller elements to avoid bulk.

The development features the use of masonry material including brick, cladding and painted finish work.

Building materials to be used include:-

- Brickwork such as "Bowral Brown" coloured material.
- Polished stone finish for the walls coloured Atlas Beige.
- Natural white render to walls.

A defined base is achieved.
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<table>
<thead>
<tr>
<th><strong>4N-2 Design Guidance</strong></th>
<th>There is no habitable roof space within the development.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Habitable roof space should be provided with good levels of amenity. Design solutions may include:</td>
<td></td>
</tr>
<tr>
<td>- penthouse apartments.</td>
<td></td>
</tr>
<tr>
<td>- dormer or clerestory windows.</td>
<td></td>
</tr>
<tr>
<td>- openable skylights.</td>
<td></td>
</tr>
<tr>
<td>Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>4N-3 Design Guidance</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access).</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>4O - Landscape Design</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating:</td>
<td></td>
</tr>
<tr>
<td>- diverse and appropriate planting.</td>
<td></td>
</tr>
<tr>
<td>- bio-filtration gardens.</td>
<td></td>
</tr>
<tr>
<td>- appropriately planted shading trees.</td>
<td></td>
</tr>
<tr>
<td>- areas for residents to plant vegetables and herbs.</td>
<td></td>
</tr>
<tr>
<td>- Composting.</td>
<td></td>
</tr>
<tr>
<td>- green roofs or walls.</td>
<td></td>
</tr>
<tr>
<td>Ongoing maintenance plans should be prepared.</td>
<td></td>
</tr>
<tr>
<td>Microclimate is enhanced by:</td>
<td></td>
</tr>
<tr>
<td>- appropriately scaled trees near the eastern and western elevations for shade.</td>
<td></td>
</tr>
<tr>
<td>- a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter.</td>
<td></td>
</tr>
<tr>
<td>- shade structures such as pergolas for balconies and courtyards.</td>
<td></td>
</tr>
<tr>
<td>Tree and shrub selection considers size at maturity and the potential for roots to compete.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>4O-2 Design Guidance</strong></th>
<th>There are no significant landscape features on site that require retention.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landscape design responds to the existing site conditions including:</td>
<td></td>
</tr>
<tr>
<td>- changes of levels.</td>
<td></td>
</tr>
<tr>
<td>- Views.</td>
<td></td>
</tr>
<tr>
<td>- significant landscape features including trees and rock outcrops.</td>
<td></td>
</tr>
<tr>
<td>Significant landscape features should be protected by:</td>
<td></td>
</tr>
<tr>
<td>- tree protection zones (see figure 4O.5).</td>
<td></td>
</tr>
<tr>
<td>- appropriate signage and fencing during construction.</td>
<td></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Plants selected should be endemic to the region and reflect the local ecology.</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4P - Planting on structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>4P-1 Design Guidance</td>
</tr>
<tr>
<td>Structures are reinforced for additional saturated soil weight.</td>
</tr>
<tr>
<td>Soil volume is appropriate for plant growth, considerations include:</td>
</tr>
<tr>
<td>- modifying depths and widths according to the planting mix and irrigation frequency.</td>
</tr>
<tr>
<td>- free-draining and long soil life span.</td>
</tr>
<tr>
<td>- tree anchorage.</td>
</tr>
<tr>
<td>Minimum soil standards for plant sizes should be provided in accordance with Table 5.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4P-2 Design Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plants are suited to site conditions, considerations include:</td>
</tr>
<tr>
<td>- drought and wind tolerance.</td>
</tr>
<tr>
<td>- seasonal changes in solar access.</td>
</tr>
<tr>
<td>- modified substrate depths for a diverse range of plants.</td>
</tr>
<tr>
<td>- plant longevity.</td>
</tr>
<tr>
<td>A landscape maintenance plan is prepared.</td>
</tr>
<tr>
<td>Irrigation and drainage systems respond to:</td>
</tr>
<tr>
<td>- changing site conditions.</td>
</tr>
<tr>
<td>- soil profile and the planting regime.</td>
</tr>
<tr>
<td>- whether rainwater, stormwater or recycled grey water is used.</td>
</tr>
<tr>
<td>The landscape plan is prepared by a landscape architect.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4P-3 Design Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building design incorporates opportunities for planting on structures. Design solutions may include:</td>
</tr>
<tr>
<td>- green walls with specialised lighting for indoor green walls.</td>
</tr>
<tr>
<td>- wall design that incorporates planting.</td>
</tr>
<tr>
<td>- green roofs, particularly where roofs are visible from the public domain.</td>
</tr>
<tr>
<td>- planter boxes.</td>
</tr>
<tr>
<td>Note: structures designed to accommodate green walls should be integrated into the building facade and consider the ability of the facade to change over time.</td>
</tr>
<tr>
<td>There are planter boxes provided as part of the landscaping theme for the site.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4Q - Universal design</th>
</tr>
</thead>
<tbody>
<tr>
<td>4Q-1 Design Guidance</td>
</tr>
<tr>
<td>Developments achieve a benchmark of 20% of the total apartments incorporating Livable Housing Guideline’s silver level universal design features.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4Q-2 Design Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adaptable housing should be provided in accordance with the relevant council policy.</td>
</tr>
<tr>
<td>Design solutions for adaptable apartments include:</td>
</tr>
<tr>
<td>- convenient access to communal and public areas.</td>
</tr>
<tr>
<td>There are two adaptable apartments within the development which equates to 16.6% of the total number within the development.</td>
</tr>
<tr>
<td>In addition, there are six affordable housing units proposed which equates to 50% of the total number within the development.</td>
</tr>
<tr>
<td>There are two adaptable apartments provided within the development which is considered to be an acceptable number for such a development.</td>
</tr>
<tr>
<td>This is achieved.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

Cumberland Local Planning Panel Agenda
## Extraordinary Cumberland Local Planning Panel Meeting
15 May 2019

### CUMBERLAND LOCAL PLANNING PANEL

<table>
<thead>
<tr>
<th><strong>4Q-3 Design Guidance</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment design incorporates flexible design solutions which may include:</td>
<td></td>
</tr>
<tr>
<td>- rooms with multiple functions.</td>
<td>X</td>
</tr>
<tr>
<td>- dual master bedroom apartments with separate bathrooms.</td>
<td>X</td>
</tr>
<tr>
<td>- larger apartments with various living space options</td>
<td>X</td>
</tr>
<tr>
<td>- open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom.</td>
<td>X</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>4R - Adaptive reuse</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4R-1 Design Guidance</strong></td>
<td></td>
</tr>
<tr>
<td>Design solutions may include:</td>
<td></td>
</tr>
<tr>
<td>- new elements to align with the existing building.</td>
<td>X</td>
</tr>
<tr>
<td>- additions that complement the existing character, styling, scale, proportion, pattern, form and detailing.</td>
<td>X</td>
</tr>
<tr>
<td>- use of contemporary and complementary materials, finishes, textures and colours.</td>
<td>X</td>
</tr>
</tbody>
</table>

Additions to heritage items should be clearly identifiable from the original building.

New additions allow for the interpretation and future evolution of the building.

<table>
<thead>
<tr>
<th><strong>4R-2 Design Guidance</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Design features should be incorporated sensitively into adapted buildings to make up for any physical limitations, to ensure residential amenity is achieved. Design solutions may include:</td>
<td></td>
</tr>
<tr>
<td>- generously sized voids in deeper buildings.</td>
<td>X</td>
</tr>
<tr>
<td>- alternative apartment types when orientation is poor.</td>
<td>X</td>
</tr>
<tr>
<td>- using additions to expand the existing building envelope.</td>
<td>X</td>
</tr>
</tbody>
</table>

Some proposals that adapt existing buildings may not be able to achieve all of the design criteria in this Apartment Design Guide. Where developments are unable to achieve the design criteria, alternatives could be considered in the following areas:

- where there are existing higher ceilings, depths of habitable rooms could increase subject to demonstrating access to natural ventilation, cross ventilation (when applicable) and solar and daylight access (see also sections 4A Solar and daylight access and 4B Natural ventilation).
- alternatives to providing deep soil where less than the minimum requirement is currently available on the site.
- building and visual separation - subject to demonstrating alternative design approaches to achieving privacy.
- common circulation.
- car parking.

This is not an adaptive reuse type of development. As such, the provisions specified at this part will not be applicable to the development sought.

This is not applicable to the development sought.

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<table>
<thead>
<tr>
<th>4S - Mixed use</th>
<th>4S-1 Design Guidance</th>
<th>4S-2 Design Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mixed use development should be concentrated around public transport and centres.</td>
<td>The site is situated 20 to 30 metres from the Guildford Railway Station where public transport is available in the form of bus and train services.</td>
<td>Compliance is achieved.</td>
</tr>
<tr>
<td>Mixed use developments positively contribute to the public domain. Design solutions may include:</td>
<td>The development addresses Railway Terrace in an appropriate manner.</td>
<td></td>
</tr>
<tr>
<td>• development addresses the street.</td>
<td>• residential entries are separated from commercial entries and directly accessible from the street.</td>
<td></td>
</tr>
<tr>
<td>• active frontages are provided.</td>
<td>• commercial service areas are separated from residential components.</td>
<td></td>
</tr>
<tr>
<td>• diverse activities and uses.</td>
<td>• residential car parking and communal facilities are separated or secured.</td>
<td></td>
</tr>
<tr>
<td>• avoiding blank walls at the ground level.</td>
<td>• security at entries and safe pedestrian routes are provided.</td>
<td></td>
</tr>
<tr>
<td>• flexi-work apartments on the ground floor level, rather than commercial.</td>
<td>• concealment opportunities are avoided.</td>
<td></td>
</tr>
</tbody>
</table>

Landscaped communal open space should be provided at podium or roof levels.

<table>
<thead>
<tr>
<th>4T - Awnings and signage</th>
<th>4T-1 Design Guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awnings should be located along streets with high pedestrian activity and active frontages.</td>
<td>A small awning is provided at the front of the commercial tenancy. A continuous awning is not proposed. The awning proposed compliments the character of the street in the immediate area.</td>
</tr>
<tr>
<td>A number of the following design solutions are used:</td>
<td>This is only provided for the commercial tenancy.</td>
</tr>
<tr>
<td>• continuous awnings are maintained and provided in areas with an existing pattern.</td>
<td></td>
</tr>
<tr>
<td>• height, depth, material and form complements the existing street character.</td>
<td></td>
</tr>
<tr>
<td>• protection from the sun and rain is provided.</td>
<td></td>
</tr>
<tr>
<td>• awnings are wrapped around the secondary frontages of corner sites.</td>
<td></td>
</tr>
<tr>
<td>• awnings are retractable in areas without an established pattern.</td>
<td></td>
</tr>
</tbody>
</table>

Awnings should be located over building entries for building address and public domain amenity.

Awnings relate to residential windows, balconies, street tree planting, power poles and street infrastructure.

Gutters and downpipes should be integrated and concealed.

Lighting under awnings should be provided for pedestrian safety.

<table>
<thead>
<tr>
<th>4T-2 Design Guidance</th>
<th>Ceremony Planning Panel Agenda</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signage should be integrated into the building design and respond to the scale, proportion</td>
<td>There is no signage proposed for the building.</td>
</tr>
</tbody>
</table>
CUMBERLAND LOCAL PLANNING PANEL

and detailing of the development.
Legible and discrete way finding should be provided for larger developments.
Signage is limited to being on and below awnings and a single facade sign on the primary street frontage.

<table>
<thead>
<tr>
<th>4U - Energy efficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>4U-1 Design Guidance</td>
</tr>
<tr>
<td>Adequate natural light is provided to habitable rooms.</td>
</tr>
<tr>
<td>Well located, screened outdoor areas should be provided for clothes drying.</td>
</tr>
</tbody>
</table>

- An outdoor clothes drying area is not proposed for the building.

- The BASIX Certificate will determine the energy efficiency for the development. The certificate is required to be included into any consent that is issued.

4U-2 Design Guidance
A number of the following design solutions are used:
- the use of smart glass or other technologies on north and west elevations.
- thermal mass in the floors and walls of north facing rooms is maximised.
- polished concrete floors, tiles or timber rather than carpet.
- insulated roofs, walls and floors and seals on window and door openings.
- overhangs and shading devices such as awnings, blinds and screens.

Provision of consolidated heating and cooling infrastructure should be located in a centralised location (e.g. the basement).

4U-2 Design Guidance
A number of the following design solutions are used:
- rooms with similar usage are grouped together.
- natural cross ventilation for apartments is optimised.
- natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible.

This is achieved where possible.

4V - Water management and conservation

4V-1 Design Guidance
Water efficient fittings, appliances and wastewater reuse should be incorporated.

- Apartments should be individually metered.
- Rainwater should be collected, stored and reused on site.
- Drought tolerant, low water use plants should be used within landscaped areas.

This is determined by the BASIX Certificate generated for the development.

- The BASIX Certificate identifies the need for a 1,000 litre rainwater tank within the development.

4V-2 Design Guidance
Water sensitive urban design systems are designed by a suitably qualified professional.

A number of the following design solutions are used:
- runoff is collected from roofs and balconies in water tanks and plumbed into toilets, laundry and irrigation.
- porous and open paving materials is

Cumberland Local Planning Panel Agenda
### 4V - Waste Management

**4V-3 Design Guidance**
Detention tanks should be located under paved areas, driveways or in basement car parks.
- [ ]
- [ ] On large sites parks or open spaces are designed to provide temporary on site detention basins.

**Compliance is achieved.**

**4W - Waste Management**

**4W-1 Design Guidance**
- Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park.
- Waste and recycling storage areas should be well ventilated.
- Circulation design allows bins to be easily manoeuvred between storage and collection points.
- Temporary storage should be provided for large bulk items such as mattresses.
- A waste management plan should be prepared.

**A waste storage area is provided on the ground level and within a separate room. To achieve garbage collection on site and within the driveway, an additional doorway is required linking the ground floor foyer with the driveway. A condition is required to address the matter.**

**4W-2 Design Guidance**
- All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days worth of waste and recycling.
- Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core.
- For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses.
- Alternative waste disposal methods such as composting should be provided.

### 4X - Building Maintenance

**4X-1 Design Guidance**
A number of the following design solutions are used:
- roof overhangs to protect walls.
- hoods over windows and doors to protect openings.
- detailing horizontal edges with drip lines to avoid staining of surfaces.
- methods to eliminate or reduce planter box leaching.
- appropriate design and material selection for hostile locations.

### 3 - Parramatta Local Environmental Plan 2011

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARD</th>
<th>COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1 Minimum jet size</td>
<td></td>
</tr>
</tbody>
</table>

Cumberland Local Planning Panel Agenda
## DEVELOPMENT STANDARD

<table>
<thead>
<tr>
<th>DISCUSSION</th>
<th>COMPLIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not applicable in a town centre environment.</td>
<td>N/A</td>
</tr>
<tr>
<td>4.3 Height of Buildings</td>
<td>N/A</td>
</tr>
<tr>
<td>Height Map shows that the maximum height of new developments for the subject site is 17 metres.</td>
<td>Yes The height of the building reaches 16.9 metres which is compliant.</td>
</tr>
<tr>
<td>4.4 Floor Space Ratio</td>
<td>N/A</td>
</tr>
<tr>
<td>Floor Ratio Map shows that the maximum FSR of new developments for the subject site is 1.4:1.</td>
<td>Yes The development has a floor space ratio of 1.785:1.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>4.6 Exceptions to development standards</td>
<td>N/A</td>
</tr>
<tr>
<td>5.1 and 5.1A Development on land intended to be acquired for public purposes</td>
<td>N/A</td>
</tr>
<tr>
<td>Is any portion of the land identified for acquisition for local road widening on the Land Reservation Acquisition Map?</td>
<td>No The site is not identified on the map for acquisition.</td>
</tr>
<tr>
<td>5.6 Architectural roof features</td>
<td>N/A</td>
</tr>
<tr>
<td>5.9 Preservation of trees</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>There are no trees on site. The matter concerning tree preservation is not relevant to the development application.</td>
</tr>
<tr>
<td>5.10 Heritage Conservation</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>According to the Heritage item and heritage conservation maps, the subject site is not a heritage item or within a heritage conservation area.</td>
</tr>
<tr>
<td></td>
<td>However, the property to the immediate south of 332 Railway Terrace is listed as a heritage item (Item Number 1232) being a former bakery.</td>
</tr>
<tr>
<td></td>
<td>The development application addresses the heritage listed item in a satisfactory manner.</td>
</tr>
<tr>
<td>5.10.8 Aboriginal Places of Heritage Significance</td>
<td>Yes The site is identified as being of low significance by Council's Aboriginal Heritage Sensitivity Database.</td>
</tr>
<tr>
<td></td>
<td>The proposal is not considered to impact an aboriginal place of heritage significance.</td>
</tr>
<tr>
<td>6.1 Acid sulfate soils</td>
<td>N/A</td>
</tr>
<tr>
<td>Is an Acid Sulfate Soils Management Plan Required?</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>The site is identified as containing Class 5 Acid Sulphate Soil. A management plan is not required.</td>
</tr>
<tr>
<td>6.2 Earthworks</td>
<td>N/A</td>
</tr>
<tr>
<td>Are the earthworks associated with the development appropriate?</td>
<td>Yes Excavation works to a depth of 8.2 metres is proposed. The earthworks are required because a two storey basement car park is proposed. The proposed earthworks are appropriate for the</td>
</tr>
</tbody>
</table>
### DEVELOPMENT STANDARD DISCUSSION

#### 6.3 Flood planning
- **Is the site flood prone?**
  - Yes
  - The site is not identified as being prone to flooding.

#### 6.4 Biodiversity protection
- **Is the site identified as containing biodiversity on the ‘Natural Resources - Biodiversity Map’?**
  - N/A
  - The site is not identified on the map.

#### 6.5 Water protection
- **Is the site identified as being riparian land on the ‘Riparian Land and Waterways Map’?**
  - N/A
  - The site is not identified on the map.

#### 6.6 Development on landslide risk land
- **Is the site identified as being landslide risk land on the ‘Landslide Risk Map’?**
  - N/A
  - The site is not identified on the map.

#### 6.7 Affected by a Foreshore Building Line
- **No**
  - The site is not located in the foreshore area.

---

### 4 - Parramatta Development Control Plan 2011

#### DEVELOPMENT CONTROL COMPLY DISCUSSION

| 2.4.1 Views and Vistas | N/A | Preserve significant features and areas of high visibility
|------------------------|-----|-------------------------------------------------------------------
| 2.4.2 Flood affection  | N/A | The site is not identified as containing significant views.        
| 2.4.2.1 Flood affection| N/A | The site is not identified as containing significant views.        
| 2.4.2.2 Protection of Waterways | N/A | The site does not adjoin a waterway.                              
| 2.4.2.3 Protection of Groundwater | N/A | The site does not adjoin a waterway.                              
| 2.4.3.1 Soil Management | Yes | Are there adequate erosion control measures?                      
| 2.4.3.2 Acid sulfate soils | Yes | The site is situated within an area affected by acid sulphate soils.
| 2.4.3.3 Salinity | Yes | The site is of low salinity potential and accordingly salinity is unlikely to impact on the development. 
| 2.4.4 Land Contamination | Yes | The site is determined as not being affected by land contamination. 
| 2.4.5 Air Quality | Yes | Will demolition and construction contribute to increased air pollution? 
| 2.4.6 Development on Sloping Land. | Yes | Does the design of the development appropriately respond to the slope of the site? 
| 2.4.7 Biodiversity | Yes | Is vegetation removal appropriate? 
| 2.4.7.2 Does the land adjoin the E2 Environmental Protection zone or W1 Natural Waterways zone. | Yes | The site does not adjoin land zoned E2 or W1. 
| 2.4.8 Public Domain | Yes | Does the building address the public domain, provide appropriate passive surveillance opportunities, and have appropriate public domain enhancements? 

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<table>
<thead>
<tr>
<th>DEVELOPMENT CONTROL</th>
<th>COMPLY</th>
<th>DISCUSSION</th>
</tr>
</thead>
</table>
| Frontage
Minimum 18m if the development is more than 10 metres in height. | No | 16.75 Metres. A variation of 1.25 metres is identified which is relatively minor. It is determined that there is no opportunity available to amalgamate the site with another site. The variation is not significant. The applicant has not entered into any agreement with the owner of Number 332 Railway Terrace to the immediate south because it is identified that the property can also be developed in an appropriate manner similar to 320 Railway Terrace and 322 Railway Terrace. The other matter to consider is that number 332 Railway Terrace is listed as a heritage item within the Parramatta Local Environmental Plan 2011. Any redevelopment of that site would require demolition of the heritage item which may not be supported. As such, it is considered appropriate not to pursue site amalgamation with 332 Railway Terrace to the south. It is identified that the site to the north has recently been redeveloped for a similar sized mixed use apartment building. It is not practical to amalgamate this site with the development site on the grounds that the adjoining property has recently been redeveloped. |
| Height (refer also to LEP table)
Does the proposal exceed the number of storeys outlined in the DCP height table? | Yes | The maximum permitted height limit of the building is 17 metres however the building has a maximum height of 19.9 metres. Compliance is achieved. |
| Front Setback
Ground floor consistent with predominant street setback?
Guildford Town Centre Special precinct | Yes | |
| Nil setback applies to the first three storeys. For taller buildings, additional storeys are to be setback a minimum 3 metres from the front boundary. Balconies may encroach into the setback area. An unroofed terrace area is permitted to the fourth storey and the balustrade can extend from building line to storey below. | Yes | The ground and Levels 1 to 3 have a setback ranging from 0 metres to 2.6 metres (Varies). The upper storey is setback 3.7 to 6.8 metres from the front property boundary. The front balcony in Level 4 is consistent with this provision. |
| Side Setback
For the Guildford Special Precinct Area | Yes | The front part of the building has a nil side setback to both north and south property boundaries to achieve a continuous street frontage. The rear part of the building is setback away from property boundaries to address privacy concerns, light and ventilation |

Cumberland Local Planning Panel Agenda
## Development Control

<table>
<thead>
<tr>
<th>DEVELOPMENT CONTROL</th>
<th>COMPLY</th>
<th>DISCUSSION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rear setback</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The rear setback should be 15% for the residential component or where the rear boundary adjoins residential development within a residential zone.</td>
<td>Yes.</td>
<td>The rear setback is 5 metres.</td>
</tr>
<tr>
<td>The rear adjoins an R4 High Density Residential zone. The rear setback should be 2.5 metres.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Deep Soil and Landscaping</strong></td>
<td>Yes</td>
<td>A specific control is not specified. There is an area of 40.2 square metres to be established as deep soil at the rear ground level of the building which is considered as being satisfactory for the development.</td>
</tr>
<tr>
<td>Required to the rear setback if any residential occurs at ground level.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 3.2. Building Elements

#### 3.2.1 Building Form and Massing

| Height, scale and bulk consistent with existing or planned building patterns in the street? | Yes |  

#### 3.2.2 Building Façade and Articulation

| Does the building exceed the building envelope by more than: | Yes. | There are no projections beyond the allowable building envelope. |
| 800mm for balconies and awnings: | Yes. | Compliance is achieved. |
| 600mm for Juliet balconies and bay windows | |  
| Are the building facades modulated in plan and elevation to reduce building bulk? | N/A | Only one lift core is required to service the building. |
| Are Multiple stair lift cores provided to encourage multiple street entries? | |  

#### 3.2.3 Roof Design

| Does that roof form minimise the bulk and scale of the building, and respond to the existing or planned form? | Yes. |  

#### 3.2.5 Streetscape

| Does the development respond to the existing or planned character of the street? | Yes | Yes. |
| Are garages and parking structures dominant? | Yes | There are no parking structures or garages dominant to the streetscape. |
| Are pedestrian or vehicular laneways activated? | N/A |  
| Are the mail boxes visually integrated within the built form and conveniently accessed? | Yes |  
| Does the development provide for active non-residential uses with at grade pedestrian access? | Yes | A commercial tenancy is provided at grade level. |
| Minimal solid walls used on the ground floor shop front. | Yes | The commercial tenancy will have a glazed frontage. |

#### 3.2.6 Fences

| Front fence a maximum height of 1.2metres? | N/A |  

### 3.3 Environmental Amenity

#### 3.3.1 Landscaping

| Natural features retained and incorporated? | N/A | There are no natural features on site. Planter boxes are proposed and it is identified that the soil depth within the planter boxes will reach 1,000 mm in |
| Minimum soil depth of 1m provided above basement? | Yes |  

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<table>
<thead>
<tr>
<th>DEVELOPMENT CONTROL</th>
<th>COMPLY</th>
<th>DISCUSSION</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.3.2 Private Open Space</td>
<td>Yes</td>
<td>The ground level apartment is provided with a courtyard which includes planter boxes that occupies an area of 41.1 square metres. The upper level apartments are provided with main terraces or balconies that range in size from 11.13 to 25.4 square metres in area. Apartments Numbered U3.02 and U4.01 are provided with a second smaller balcony attached to a rear bedroom that has an area of 5.9 square metres. The additional feature provides additional amenity for the two apartments.</td>
</tr>
<tr>
<td>3.3.2 Common Open Space</td>
<td>Yes</td>
<td>The common open space occupies 180.9 square metres of the site which equates to 27.7% of the site. A portion of this area is underneath part of the building being 32.37 square metres or 17.3%. Additionally, much of the common area under the building is hard paved area. The common open space landscaped area occupies 124 square metres or 18.38% of the site.</td>
</tr>
<tr>
<td>Swimming Pool proposed?</td>
<td>N/A</td>
<td>A swimming pool is not proposed.</td>
</tr>
<tr>
<td>3.3.3 Visual Privacy</td>
<td>Yes</td>
<td>There are balconies facing the street. The matters of side and rear setbacks are addressed within the Apartment Design Guide and a number of variations are identified.</td>
</tr>
<tr>
<td>Do balconies face the street or another element of the public domain such as a park?</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Is a minimum building separation of 12m provided between habitable rooms' balconies?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.3.4 Acoustic Amenity</td>
<td>Yes</td>
<td>The site lies opposite a railway line. An acoustic report has been submitted to address railway noise and vibration and found to be satisfactory.</td>
</tr>
<tr>
<td>Does the dwelling adjoin a noise-generating land use?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.3.5 Solar Access (refer also to RFDC section)</td>
<td>Yes</td>
<td>Considered to be acceptable due to the site to the south being located within the EH Mixed use zone. The shadows cross over a commercial premise and not a residential property.</td>
</tr>
<tr>
<td>Will adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and 50% of their private open space areas between 8am and 3pm on 21 June?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cross Ventilation</td>
<td>Yes</td>
<td>Ground Floor = 3.4 metres. Upper levels = 2.7 metres.</td>
</tr>
<tr>
<td>Minimum floor to ceiling height ground (3.3 metres) and upper levels (2.7m)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Are 80% of dwellings naturally cross ventilated?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Are single aspect apartments limited in depth to 8m from a window?</td>
<td>Yes</td>
<td>There are no apartments that exceed a depth of 8 metres within their primary living spaces.</td>
</tr>
</tbody>
</table>
### Development Control

<table>
<thead>
<tr>
<th>Clause</th>
<th>Question</th>
<th>Comply</th>
<th>Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.3.6 Water Sensitive Urban Design</td>
<td>On-site detention system appropriately designed?</td>
<td>Yes</td>
<td>Council's engineer has supported the development subject to conditions.</td>
</tr>
<tr>
<td>3.3.7 Waste Management</td>
<td>Is the waste management plan satisfactory?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Is the bin room appropriately sized for the number of bins required?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Will a private contractor be required to minimise bins on the street for pickup?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>3.4 Social Amenity</td>
<td>3.4.1 Public Art - is an Arts Plan provided? (CTV of more than $5,000,000.00, and located in CBD/town centre)</td>
<td>Yes</td>
<td>An arts wall is provided along the southern side of the building.</td>
</tr>
<tr>
<td></td>
<td>3.4.2 Access for People with disabilities. Does the development contain adequate access for people with a disability?</td>
<td>Yes</td>
<td>Satisfactory.</td>
</tr>
<tr>
<td>3.4.4 Safety and Security</td>
<td>Has the development been designed in accordance with crime prevention principles?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>3.4.5 Housing Diversity and Choice</td>
<td>Is the unit mix in accordance with the following:</td>
<td>Yes</td>
<td>Provided:</td>
</tr>
<tr>
<td></td>
<td>3 bedroom 10% - 20%</td>
<td>2 x 1 bedroom units (18%).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 bedroom 60% - 75%</td>
<td>8 x 2 bedroom units (68%).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 bedroom 10% - 20%</td>
<td>2 x 3 bedroom units. (10%).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Adaptable dwelling provision</td>
<td>This can be varied due to location and provision of social housing.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Less than 10 units = 1</td>
<td>The development is providing for affordable housing with 6 apartments earmarked as affordable housing.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10-20 units =2</td>
<td>Given the presence of affordable housing, the mix of apartments is considered to be acceptable.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>More than 20 units = 10%</td>
<td>Adaptable Apartments</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Apartments numbered U1.01 and U2.01 are designated as being adaptable apartments.</td>
<td></td>
</tr>
</tbody>
</table>

### Heritage and Archaeology

Refer to the Heritage referral section.

Drafting note - Heritage referral section to discuss European built heritage and European and Aboriginal archaeology as relevant.

The site is not listed as a heritage item in the Parramatta Local Environmental Plan 2011. However, the site to the south is listed as an item. The development application has been referred to the Heritage Officer for assessment. The development application is supported as the development would not have an adverse impact onto the heritage item.

### Sustainable Transport

<table>
<thead>
<tr>
<th>Question</th>
<th>N/A</th>
<th>Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is a publicly accessible car share parking space required and provided, with evidence of an offer to car share providers?</td>
<td>This is not required for such a development.</td>
<td></td>
</tr>
</tbody>
</table>
## DEVELOPMENT CONTROL

### 3.6 Parking Provision

**Retail premises:** 1 space per 30 square metres of gross floor area.

**A minimum of 2 car parking spaces are required to support the shop. The plans show two (2) car parking spaces being provided for the shop.**

Car parking for the remaining components of the building are addressed at:-

- State Environmental Planning Policy “Affordable Rental Housing” for the affordable housing units.
- State Environmental Planning Policy 65 “Design Quality of Residential Apartment Development”.

The planning instruments over ride Council controls for the remainder of the development due to the type of development that is proposed and location opposite a railway station.

### 3.6.3 Accessibility and Connectivity

| Is a 3m wide pedestrian through link required and provided? | N/A | This is not required. |

### 3.7.2 Site consolidation and isolation

There is one site at 332 Railway Terrace that has the same size and shape as number 320 and 322 Railway Terrace. It is considered that number 332 could be developed in an appropriate manner which has been demonstrated on two adjoining existing sites within the immediate locality.

The matter that may prevent redevelopment is the fact that the building at 332 Railway Terrace is listed as a heritage item within the Parramatta Local Environmental Plan 2011. Any redevelopment of that site would require demolition of a heritage item.
SECTION 4.55(1A) MODIFICATION TO 172 SOUTH PARADE, AUBURN

Application lodged | 17 January 2019
Applicant | G Murphy
Owner | Allam 2 Pty Ltd
Application No. | DA-219/2015/B
Description of Land | 172 South Parade, AUBURN NSW 2144, Lot 10 DP 1244706

Proposed Development | Section 4.55(1A) modification to the roof form, including minor changes to the lift overrun and mechanical plant room heights, removal of windows on the south western elevation and changes to the street awning

Site Area | 770.40m²
Zoning | Zone
Disclosure of political donations and gifts | Nil disclosure
Heritage | No

Principal Development Standards | FSR (unchanged)
Permissible: 5:1
 Proposed: 4.97:1

AND

Height of Building
Permissible: 38m
Proposed: 43.33m

Issues | Height

SUMMARY:

1. Development Application No.DA-219/2015/B was received on 17 January 2019 for the Section 4.55(1A) modification to the roof form, including minor changes to the lift overrun and mechanical plant room heights, removal of windows on the south western elevation and changes to the street awning.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 28 January 2019 and 11 February 2019. In response, one submission was received.
3. The variations are as follows:

<table>
<thead>
<tr>
<th>Control</th>
<th>Required</th>
<th>Provided</th>
<th>% variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum height</td>
<td>38m</td>
<td>DA-219/2015 41.70m</td>
<td>9.74%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>DA-219/2015/A 42.81m</td>
<td>12.66%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>DA-219/2015/B 43.33m</td>
<td>14.02%</td>
</tr>
</tbody>
</table>

i)

4. The s. 4.55 application is recommended for conditional approval.

5. The application is referred to the Panel as the proposal contravenes a development standard by more than 10%. The panel also specifically added a condition that related to the communal open space on the roof top which is being directly changed with this modification application.

REPORT:

**Subject Site And Surrounding Area**

The subject site is identified as Lot 1 DP 622544 and is known as 172 South Parade, Auburn. The site is a corner allotment located immediately to the south-western side of South Parade and north-western side of Park Road. The site is generally regular in shape has primary frontage to South Parade (north east boundary) of 15.82m in width and a secondary frontage to Park Road (south east boundary) of 39.45m in length, 23.48m (south-western rear boundary) and 39.51m (north-western side boundary). It has a total area of approximately 769.61m².

The development is currently under construction.

Surrounding development largely consists of three to four storeys commercial or residential development. Located along South Parade across Park Road to the south-eastern side of the site is the three storeys Salvation Amy building. A four storeys residential flat building is located to the south-western side of the site along South Parade. Located to the rear of the site is a three storeys mixed use development with commercial tenancy located on the ground floor and first level with shop-top housing above.

Further southeast from the site is the commercial precinct of Auburn Town Centre and further to the northwest of the site along South Parade is the existing St John’s Primary School.
Description of The Proposed Development

Council has received a development application for Section 4.55(1A) modification to the roof form, including minor changes to the lift overrun and mechanical plant room heights, removal of windows on the south western elevation and changes to the street awning.

- Deletion of windows: Small windows on the south western elevation are to be deleted. These windows are ensuite windows and mechanical ventilation is proposed for these rooms.
- Addition of plant rooms on the roof (in the communal open space).
- Removal of a small section of canopy/awning to Ausgrid substation to meet clearance requirements as shown below clouded:
- Increase height of lift overrun and plant room on the upper roof area. Further details are provided in the report below.
To give a better understanding of the differences APPENDIX A shows the elevations side by side from what was approved to what is being proposed now.

History

- DA-219/2015 was approved by the CLPP on the 6 April 2016 via a Deferred Commencement approval. The deferred commencement conditions related to requirements sought from Sydney Trains;

- The Deferred Commencement compliance notice was issued on 9 March 2017;

- DA-219/2015/A sought approval to raise the building by 1110mm and to modify the drainage system and relocation of the OSD tank. Condition No. 14 of determination notice DA-219/2015 required the applicant to relocate an existing power pole with the concurrence from relevant authorities. This in turn required an increase in clearance height and therefore the ground floor is increased by 560mm. Each floor is being increased by 50mm due to fire service requirements. This was supported under delegated authority on 10 September 2018.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Planning Ingenuity dated 19 December 2018 and was received by Council on 17 January 2019 in support of the application.

Contact With Relevant Parties

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process.

Internal Referrals

The application was not required to be referred to any internal Council teams for comment.

External Referrals

The application was sent to Sydney Trains for comments. They have provided additional conditions to be imposed on the consent.

Planning Comments

Section 4.55(1A):

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed modification is of minimal environmental impact</td>
<td>Proposed modification is of minimal environmental impact</td>
</tr>
</tbody>
</table>
It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and the development as proposed to be modified is substantially the same as the original consent. That is, a mixed use development 12 storeys in height.

<table>
<thead>
<tr>
<th>It has notified the application in accordance with:</th>
<th>See discussion on “Public Notification” in this report.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) the regulations, if the regulations so require, or</td>
<td></td>
</tr>
<tr>
<td>(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</td>
<td></td>
</tr>
</tbody>
</table>

It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be. See discussion on “Public Notification” in this report.

**The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))**

**State Environmental Planning Policies**

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

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

Clause 7 of SEPP 55 requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development. The matters listed within Clause 7 have been considered in the assessment of the original development application.

(b) **Statement Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65)**

SEPP 65 applies to the development as the building is 3 storeys or more, and contains more than 4 dwellings. A design statement addressing the design quality principles prescribed by SEPP 65 was prepared by the project architect. Integral to SEPP 65 is the Apartment Design Guide (ADG), which sets benchmarks for the appearance, acceptable impacts and residential amenity of the development.

Following a detailed assessment of the proposal against the provisions of SEPP 65 and the ADG, the modification application is generally considered compliant. The changes do not alter the nature of the parent approval to the extent that further non-compliances with the ADG are noted and therefore performs satisfactorily. The only
change made by this modification relates to the requirements listed for communal open space discussed below.

Communal open space

The new plans rooms on the roof (communal open space) will reduce the communal open space by 19.3m² which will maintain a provision of communal open space on the roof level of 413.3m². This in addition to the communal open space provision at Level 1 of 94.3m² will provide a total of 507.70m² being 65.9% in excess of the 25% required under the ADG.

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

The provisions of the ISEPP 2007 have been considered in the assessment of the modification application.

Sydney Trains was notified of the modification application under Clause 85 of the ISEPP. Sydney Trains has provided four additional conditions for the consent which will be added as part of this modification application.

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

The number of units or layouts have not changed to warrant a new BASIX Certificate. Bathroom windows are proposed to be deleted as part of this modification application, however the BASIX Certificate states that all bathrooms will be mechanically ventilated and therefore an amended BASIX Certificate is not required.

Regional Environmental Plans

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

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

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

(Note: - the subject site is not identified in the relevant map as ‘land within the ‘Foreshores and Waterways Area’ or ‘Wetland Protection zone’, is not a ‘Strategic Foreshore Site’ and does not contain any heritage items. Hence the majority of the SREP is not directly relevant to the proposed development).

Local Environmental Plans

Auburn Local Environmental Plan, 2010

The provision of the Auburn Local Environmental Plan, 2010 is applicable to the modification application. It is noted that the proposal achieves compliance with the
key statutory requirements of the ALEP, 2010 except for the maximum building height discussed below.

- **Clause 4.6 - Exceptions to Development Standards within ALEP 2010**

The clause will not be applicable to this application. In accordance with case law, as outlined in the Land Environment Court Case of Gann & Anor v Sutherland Shire Council [2008] that there is power to modify a development application where the modification would result in the breach of development standards. The court took the view that development standards within an LEP did not operate to prohibit the grant of consent if they were not complied with (and no objection pursuant to SEPP No. 1 (now cl 4.6) had been lodged). Notwithstanding, the court held that despite a SEPP No. 1 Objection not being required, Section 96(3) (now known as cl 4.55(3)) of the Environmental Planning and Assessment Act 1979 (The Act) still requires the consent authority to take into consideration those matters referred to in Section 79C (now Cl4.15) of the Act. This case law has been applied to Clause 4.6 of the Standard instrument (on which the ALEP 2010 is derived).

*Variation to building height*

The maximum building height permitted on the site is 38m. Original application was approved at 41.7m with a breach of 3.7m (9.74%). Under modification application DA-219/2015/A this breach is increased by 1110mm to 4.81m (12.66%). Bringing the overall building height to 42.81m.

The subject modification to the plant room above the staircase means that the building height is increased by a further 0.53m bringing the overall building height to 43.33m (14.02%).

The plant located at the upper roof area is the ductwork on top of the stairs providing 'stair pressurisation' to the fire escape stair.

*Applicant comments*

The applicant has addressed the objectives of Clause 4.3 as follows:

*Objective (a):*

Objective (a) seeks to limit building height to enable the appropriate development density to be achieved. The proposed changes to the plant room detail at the upper roof level does not add any floor space and consequently the building density remains the same as previously approved.
Planners Comments

The development is generally consistent with the objectives of the height standard as it provides for a height that is compatible with the future envisioned appearance of the area. It is also in line with the emerging urban character in Auburn town centre given a considerable number of recently constructed developments and development approvals.

It is considered that the bulk and scale of the building is acceptable with this additional breach given the site is constrained by its shape and location. The additional height to the plant room is on the northern part of the building which means if any additional shadowing was to occur it would be across the road on the roof of existing commercial buildings and the additional impact would be minimal.

The proposal does not exceed the FSR requirement as identified in the ALEP 2010. The additional non-compliance is relatively minor and will not result in unacceptable amenity issue to the adjoining properties. The applicant has provided 3D perspectives of the proposed changes (attached as APPENDIX B) which shows that the modification will not make an impact when viewed from neighbouring buildings or from the street.

As such, the variation to this provision is deemed acceptable in this regard.

The provisions of any proposed instrument that is or has been the subject (EP&A Act s4.15 (1)(a)(ii))

The proposed development is not affected by any relevant Draft Environmental Planning Instruments.
The provisions of any Development Control Plans (EP&A Act s4.15 (1)(a)(iii))

The Auburn Development Control Plan, 2010 provides guidance for the design and operation of development to achieve the aims and objectives of the Auburn Local Environmental Plan, 2010.

Local Centres, Residential Flat Buildings, Parking & Loading, Access & Mobility and Stormwater Drainage chapters of the ADCP 2010 are applicable to the development. The proposed modifications do not alter the nature of the parent approval to the extent that further non-compliances with this DCP are noted.

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

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

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

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

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

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

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

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

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

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

In accordance with Council’s Notification requirements contained within the Auburn DCP 2010, the proposal was publicly notified for a period of 14 days between 28 January 2019 and 11 February 2019. The notification generated one submission in respect of the proposal with none disclosing a political donation or gift. The issues raised in the public submissions are summarised and commented on as follows:

1. Issue: Ladder access will be prominent element

   Planner's comment: The ladder access has been deleted.
The public interest (EP&A Act s4.15(1)(e))

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

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

There are no proposed changes to the number of units and therefore no additional S7.11 contribution is required.

Disclosure of Political Donations And Gifts

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

CONCLUSION:

The modified development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, Auburn Local Environmental Plan 2010 and the Auburn Development Control Plan 2010 and is considered to be satisfactory for approval subject to modified conditions.

The development is appropriately located within the B4 Mixed use zone under the relevant provisions of Auburn Local Environmental Plan 2010. However, variation in relation to height is sought. Having regard to the assessment of the proposal from a merit perspective, Council officers are satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the departures noted above, is consistent with the intentions of Council’s planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979(as amended), and the development may be approved subject to conditions.

CONSULTATION:

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

FINANCIAL IMPLICATIONS:

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

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

COMMUNICATION / PUBLICATIONS:

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

REPORT RECOMMENDATION:

1. That Development Application No. DA-219/2015/B for Section 4.55(1A) modification to the roof form, including minor changes to the lift overrun and mechanical plant room heights, removal of windows on the south western elevation and changes to the street awning on land at 172 South Parade, AUBURN NSW 2144 be approved subject to the following appropriate modified conditions:

A: Amend Condition No 2 as follows:

Approved Plans

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

<table>
<thead>
<tr>
<th>Plan No.</th>
<th>Description</th>
<th>Prepared By</th>
<th>Rev</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project 15-006 Dwg No. 01</td>
<td>Site Plan &amp; Site Analysis</td>
<td>Urban Link Architecture</td>
<td>E</td>
<td>8 Novembe r 2016</td>
</tr>
<tr>
<td>Project 15-006 Dwg No. 02</td>
<td>Basement 5 &amp; 4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project 15-006 Dwg No. 03</td>
<td>Basement 2 &amp; 3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project 15-006 Dwg No. 04</td>
<td>Basement 1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project 15-006 Dwg No. 05</td>
<td>Ground Floor</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project 15-006 Dwg No. 06</td>
<td>Level 1</td>
<td></td>
<td>E</td>
<td></td>
</tr>
<tr>
<td>Project 15-006 Dwg No. 07</td>
<td>Level 2 &amp; 3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project 15-006 Dwg No. 08</td>
<td>Level 4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project 15-006 Dwg No. 09</td>
<td>Level 5 to 10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project 15-006 Dwg No. 10</td>
<td>Level 11</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project 15-006 Dwg No. 18</td>
<td>Colour Schedule</td>
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</tr>
<tr>
<td>Project P4779 – A3318</td>
<td>Level Roof</td>
<td>Algorry Zappia</td>
<td>C</td>
<td>02/04/19</td>
</tr>
</tbody>
</table>

...
### Extraordinary Cumberland Local Planning Panel Meeting
15 May 2019

#### Project P4779 – A3319
- Level Upper
- Rood
- Associates: C
- 02/04/19

#### Project P4779 – A7703
- Section
- Associates: B
- 02/04/19

#### Project P4779 – A8801
- South East
- Elevation
- Associates: D
- 16/04/19

#### Project P4779 – A8802
- North East
- Elevation
- Associates: D
- 16/04/19

#### Project P4779 – A8803
- North West
- Elevation
- Associates: D
- 16/04/19

#### Project P4779 – A8804
- South West
- Elevation
- Associates: D
- 16/04/19

#### L/01
- Roof Top
- Garden
- Discount
- Landscape
- Plans
- Associates: B
- 9 June 2016

#### A5260- COVER
- (as per Condition No. 70)
- General
- Notes

#### A5260-SW01 (as per Condition No. 70)
- Sediment and
- Erosion
- Control Plan

#### A5260-SW02 (as per Condition No. 70)
- Basement 4 &
- 5 Drainage
- Plan

#### A5260-SW03 (as per Condition No. 70)
- Basement 2 &
- 3 Drainage
- Plan

#### A5260-SW04 (as per Condition No. 70)
- Basement 1
- Drainage Plan

#### A5260-SW05 (as per Condition No. 70)
- Ground Floor
- Drainage Plan

#### A5260-SW06 (as per Condition No. 70)
- First Floor
- and Roof
- Drainage Plan

#### A5260-SW07 (as per Condition No. 70)
- Stormwater
- Drainage
- Details

#### Certificate No. 636884M
- BASIX
- Certificate

#### Certificate No. 1007729674
- ABSA
- Certificate

#### Documents
<table>
<thead>
<tr>
<th>Prepared by</th>
<th>Rev</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stormwater</td>
<td>Alpha Engineering &amp;</td>
<td>8 December 2015</td>
</tr>
<tr>
<td>Document Description</td>
<td>Prepared by</td>
<td>Rev</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>Preliminary Site Assessment – ref: S8354</td>
<td>HIBBS &amp; Associates Pty Ltd</td>
<td></td>
</tr>
<tr>
<td>BCA Capability Report – ref: J150167</td>
<td>Urban Link</td>
<td>-</td>
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<tr>
<td>Pedestrian Wind Environment Statement – document no. WC512-01F02</td>
<td>Windtech Consultants Pty Ltd</td>
<td>0</td>
</tr>
<tr>
<td>Geotechnical Desk Top Study – Report No. 15/1018 Project No. 20354/5535C</td>
<td>STS Geo Environmental Pty Ltd</td>
<td>-</td>
</tr>
<tr>
<td>Waste Management Plan – 172 South Parade, Auburn</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>Documents - referenced by Sydney Trains dated 27 February 2017</td>
<td>Prepared by</td>
<td></td>
</tr>
<tr>
<td>Retention Wall Design Report - Job No. 160504</td>
<td>Xavier Knight Consulting Engineers Pty</td>
<td>D</td>
</tr>
<tr>
<td>Construction Methodology Plan (CMP)</td>
<td>Binah by Design</td>
<td>2</td>
</tr>
<tr>
<td>Overhead Main Clearance Report</td>
<td>AA Power Engineering Pty Ltd</td>
<td>1</td>
</tr>
<tr>
<td>Survey Plan – ref: 350049</td>
<td>Alan Bardsley Registered Surveyors</td>
<td>-</td>
</tr>
</tbody>
</table>

except as otherwise provided by the conditions of the determination (Note:-
modifications to the approved plans will require the lodgement and
consideration by Council of a modification pursuant to Section 96 of the
Environmental Planning and Assessment Act).
[As amended by Section 4.55 Application No DA-219/2015/B]

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

B: Insert Condition No 124 as follows:

Sydney Trains Conditions

- The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
  - oversees the carrying out of the Applicant’s obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
  - acts as the authorised representative of the Applicant; and
  - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

- Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

- Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains external party interface team. In this instance the relevant interface team is Central Interface and they can be contacted via email on Central_Interface@transport.nsw.gov.au.

- All works within 6 metres of the nearest transmission line conductor must comply with:
  - ISSC 20 – Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure.

Reasons: - To ensure Sydney Trains infrastructure is not compromised.

C: Insert Condition No 125 as follows:

Modification No DA-219/2015/B
Modification No DA-219/2015/B only relates to the following three items:

- Deletion of part of awning on ground floor;
- Deletion of ensuite windows on South Western elevation; and
- Changes to the roof and upper roof area.

Reason: - To clarify what the modification relates to.

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

ATTACHMENTS

1. Draft Notice of Determination
2. Architectural Plans
3. Substation restriction zone
4. Submissions Received
5. Appendix A: Side by side elevations
6. Appendix B: Perspectives
DOCUMENTS ASSOCIATED WITH REPORT EEELPP033/19

Attachment 1
Draft Notice of Determination
1. Amend Condition No 2

**Approved Plans**

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

<table>
<thead>
<tr>
<th>Plan No.</th>
<th>Description</th>
<th>Prepared By</th>
<th>Rev</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project 15-006 Dwg No. 01</td>
<td>Site Plan &amp; Site Analysis</td>
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<td></td>
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</tr>
<tr>
<td>Project 15-006 Dwg No. 02</td>
<td>Basement 5 &amp; 4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project 15-006 Dwg No. 03</td>
<td>Basement 2 &amp; 3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project 15-006 Dwg No. 04</td>
<td>Basement 1</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Project 15-006 Dwg No. 05</td>
<td>Ground Floor</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Project 15-006 Dwg No. 06</td>
<td>Level 1</td>
<td>Urban Link Architecture</td>
<td>E</td>
<td>8 November 2016</td>
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<tr>
<td>Project 15-006 Dwg No. 07</td>
<td>Level 2 &amp; 3</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Project 15-006 Dwg No. 08</td>
<td>Level 4</td>
<td></td>
<td></td>
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<tr>
<td>Project 15-006 Dwg No. 09</td>
<td>Level 5 to 10</td>
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<td></td>
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<tr>
<td>Project 15-006 Dwg No. 10</td>
<td>Level 11</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Project 15-006 Dwg No. 18</td>
<td>Colour Schedule</td>
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<tr>
<td>Project P4779 – A3318</td>
<td>Level Roof</td>
<td>Algory Zappia and Associates</td>
<td>C</td>
<td>02/04/19</td>
</tr>
<tr>
<td>Project P4779 – A3319</td>
<td>Level Upper Roof</td>
<td></td>
<td>C</td>
<td>02/04/19</td>
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<tr>
<td>Project P4779 – A7703</td>
<td>Section</td>
<td></td>
<td>B</td>
<td>02/04/19</td>
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<tr>
<td>Project P4779 – A8801</td>
<td>South East Elevation</td>
<td></td>
<td>D</td>
<td>16/04/19</td>
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<tr>
<td>Project P4779 – A8802</td>
<td>North East Elevation</td>
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<td>Project P4779 – A8804</td>
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<td>L/01</td>
<td>Roof Top Garden</td>
<td>Discount Landscape Plans</td>
<td>B</td>
<td>9 June 2016</td>
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<td>A5260- COVER (as per Condition No. 70)</td>
<td>General Notes</td>
<td></td>
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<td>A5260-SWV01 (as per Condition No. 70)</td>
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<td>ALPHA Engineering &amp; Development</td>
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<td>8 December 2015</td>
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<td>Document Description</td>
<td>Prepared by</td>
<td>Rev</td>
<td>Date</td>
<td></td>
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<td>Stormwater Compliance Certificate</td>
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<td>Preliminary Site Assessment - ref: S8354</td>
<td>HIBBS &amp; Associates Pty Ltd</td>
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<td>BCA Capability Report - ref: J150167</td>
<td>Urban Link</td>
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<td>June 2015</td>
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<td>Windtech Consultants Pty Ltd</td>
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<td>22 May 2015</td>
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<tr>
<td>Geotechnical Desk Top Study - Report No. 15/1018 Project No. 20354/5535C</td>
<td>STS Geo Environmental Pty Ltd</td>
<td>-</td>
<td>May 2015</td>
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</tr>
<tr>
<td>Waste Management Plan – 172 South Parade, Auburn</td>
<td>-</td>
<td>-</td>
<td>Undated</td>
<td></td>
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</table>

Documents referenced by Sydney Trains dated 27 February 2017

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<th>Document Description</th>
<th>Prepared by</th>
<th>Rev</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retention Wall Design Report - Job No. 160504</td>
<td>Xavier Knight Consulting Engineers Pty</td>
<td>D</td>
<td>7 February 2016</td>
</tr>
<tr>
<td>Construction Methodology Plan (CMP)</td>
<td>Binah by Design</td>
<td>2</td>
<td>Undated</td>
</tr>
<tr>
<td>Overhead Main Clearance Report</td>
<td>AA Power Engineering Pty Ltd</td>
<td>1</td>
<td>2 August 2016</td>
</tr>
<tr>
<td>Survey Plan - ref: 350049</td>
<td>Alan Bardsley Registered Surveyors</td>
<td>-</td>
<td>8 January 2005</td>
</tr>
</tbody>
</table>

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Reason: To clarify what the modification relates to.
DOCUMENTS ASSOCIATED WITH REPORT EEELPP033/19

Attachment 2
Architectural Plans
Attachment 3
Substation restriction zone
DOCUMENTS ASSOCIATED WITH REPORT EEELPP033/19

Attachment 4
Submissions Received
I wish to make comments in relation to the above amended development application.

I own an apartment in Auburn which is a level 7 unit in the building and my unit faces the northern aspect of the development. I will see directly at the roof of the development on its northern side. I currently rent out my unit.

The modification to the roof form now involves a visible maintenance access ladder and a partially screened roof plant area. I am unable to locate the application on the council website so I can only rely on the printed material council has provided. It appears a metal screen is to be placed on the eastern perimeter of the plant area and some screening will be placed on the northern perimeter but is unclear whether this will be on the northern side of the lift no.2 wall or on half of the northern perimeter of the plant area identified as 63.71.

The ladder access will now be a prominent element of the building when viewed by my unit. A utilitarian aspect of the building will now be a prominent and unattractive visible feature.

I would request the metal screens for the roof of the plant area be extended to screen the ladder so the whole of the area be uniform in appearance - this could be achieved by placing screens beside the ladder on its northern side, or by re-orienting the ladder so it was attached to the eastern side of the plant area and the screens ran along the entire northern perimeter of the plant area. I would request the applicant's architect review and provide suggestions on how the ladder and access can be screened so the roof modifications present a uniform and attractive appearance that is consistent with the rest of the development.

I do not object to the increased height and I understand the roof area will now provide residents with access hence the pergola, but the service elements of the building should not become a prominently visible feature as a consequence of such amendments especially if alterations can hide their existence.

Many thanks,

Click here to report this email as spam.
Attachment 5
Appendix A: Side by side elevations
DOCUMENTS ASSOCIATED WITH REPORT EEELPP033/19

Attachment 6
Appendix B: Perspectives
MINIMUM LOT SIZE PLANNING PROPOSAL

Responsible Division: Environment & Planning
Officer: Manager Strategic Planning
File Number: S-57-63

Lodged for a Gateway Determination 27 July 2018
(Council-initiated Planning Proposal)

Land related to the Proposal
Land zoned R2 Low Density Residential and R3 Medium in the former Auburn and Holroyd Local Government Area (LGA)

Proposal Summary
Seeks to amend both the Auburn Local Environmental Plan 2010 (Auburn LEP 2010) and the Holroyd Local Environmental Plan 2013 (Holroyd LEP 2013) by inserting an LEP clause setting minimum lot area standard provisions for dual occupancies. A minimum lot size of 600m² is proposed for dual occupancy development within Cumberland LGA. No amendment to the Parramatta LEP 2011 is proposed, since the minimum lot area provisions for dual occupancies are already specified under that LEP.

Objectives of the Planning Proposal
- to maintain reasonable residential amenity and dwelling density in low density areas of Cumberland
- to mitigate the capacity of local infrastructure in line with the projected population growth
- to ensure the future dual occupancy development facilitates good urban design outcome with appropriate built form, driveways and sufficient landscaped areas
- to achieve a consistency of minimum lot size controls across Cumberland LGA

Existing and Proposed Planning Controls

<table>
<thead>
<tr>
<th>Minimum lot size for dual occupancies (attached)</th>
<th>Existing Parramatta LEP 2011 Controls</th>
<th>Existing Auburn LEP 2010 Controls</th>
<th>Existing Holroyd LEP 2013 Controls</th>
<th>Proposed Controls in R2 &amp; R3 zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>600m²</td>
<td>N/A (450m² under the Auburn DCP)</td>
<td>N/A (500m² under the Holroyd DCP)</td>
<td>600m²</td>
<td></td>
</tr>
<tr>
<td>Minimum lot size for dual occupancies (detached)</td>
<td>600m² (600m² under the Auburn DCP)</td>
<td>N/A (500m² in R2 zone under the Holroyd DCP and 450m² in R3)</td>
<td>600m²</td>
<td></td>
</tr>
</tbody>
</table>
SUMMARY:

The purpose of this report is to provide the Cumberland Local Planning Panel (CLPP) details of a Council-initiated Planning Proposal that seeks to amend both the Auburn Local Environmental Plan 2010 (Auburn LEP 2010) and the Holroyd Local Environmental Plan 2013 (Holroyd LEP 2013) to insert an LEP clause that sets a minimum lot area of 600m² for dual occupancy development. This development standard is already contained in the Parramatta LEP 2011 and thus no amendment to the Parramatta LEP is sought.

This planning proposal has been initiated in response to the introduction of the State Government’s Low Rise Medium Density Housing Code which introduces, amongst other things, a minimum lot size of 400m² for dual occupancy development, unless a minimum lot size is specified in a council’s LEP.

Cumberland Council was granted a 12 month deferral from the introduction of the Code because it currently has three LEPs applying across the LGA and only one of these contains minimum lot size controls.

The status of the planning proposal is provided in Figure 1. Public exhibition has now been completed together with the additional analysis required by the Gateway Determination, which is discussed in this report.
REPORT:

1. **Background**

The planning proposal was initiated in response to the Low Rise Medium Density Housing Code (the Code) released by the NSW State government. The Code introduces a minimum lot size requirement for dual occupancies which is lower than what Council’s current controls allow. A concern for Council was that the lower minimum lot size requirement of 400m$^2$ would result in cumulative impacts on the low density areas of Cumberland LGA, particularly in terms of pressure on, and capacity of, existing infrastructure such as roads, open space, hospitals and schools.

In July 2018, Council requested deferral of the Code as both the former Auburn and Holroyd City minimum lots size controls were contained their development controls plans. The minimum lot size controls for the former Parramatta City area were contained in the LEP, and the numerical controls for each of the three former council areas differed.

The then Department of Planning & Environment (DP&E) granted Council a temporary deferral of the application of the Code to the Cumberland LGA until 1 July 2019. A condition of the deferral was that councils with minimum lot size controls in their DCPs were required to submit planning proposals to amend their LEPs to include the minimum lot size controls.

As part of the preparation of the planning proposal, a report was prepared for Council that assessed different minimum lot size control scenarios. The report provided an assessment of the number of eligible lots and the likely future mid- and long-term dwelling densities (Attachment 4). Council resolved to proceed to public exhibition with a 600m$^2$ LGA wide minimum lot control for dual occupancy development, as this control was considered to:

- protect the general low-density scale of our residential neighbourhoods;
- minimise any unintended implication of the reduced lot size requirement by the Code on the amenity of the R2 and R3 zones and on the capacity of local infrastructure;
- provide better opportunities for good design and ensure sufficient areas available for adequate landscaping, setbacks and a built form that does not detract from the local residential character; and
- align with the minimum lot size control of the Parramatta LEP, potentially introducing a consistent approach across Cumberland.

On 6 September 2018, the then DP&E issued a Gateway Determination with conditions that required additional scenario-based analysis that compared potential and existing dwelling capacity as follows.

The planning proposal was revised and forwarded to the then DP&E with Council receiving approval to release the proposal for public consultation in February 2019. The proposal was publicly exhibited for a period of 36 days from 13 March 2019 to 17 April 2019 (refer to Section 6 of this report for further discussion).
2. **Land to which the Planning Proposal applies**

This Planning Proposal applies to all R2 Low Density Residential and R3 Medium Density Residential zoned land within Cumberland LGA.

3. **Local Context**

Cumberland LGA has a current population of 231,604 with an area of 72km² making it the smallest and most densely populated LGA within the Central City District. The R2 Low Density zone is the predominant land use zone across Cumberland and the majority of suburbs contain land zoned R2. The R3 zone generally applies to land bordering key centres and transport infrastructure, as well as masterplanned estates such as Pemulwuy and Botanica.

The lot sizes in the R2 zone in the former Holroyd LGA are often larger than those in the eastern areas of Cumberland; however, there are some significant local variations across the LGA.

4. **Planning Controls (Auburn DCP 2010 and Holroyd DCP 2013)**

The minimum lot sizes for dual occupancies stated in these LEPs and DCPs are provided in Table 1.
Table 1 - Minimum Lot Size Controls for Dual Occupancies

<table>
<thead>
<tr>
<th>Planning Controls</th>
<th>Auburn DCP 2010</th>
<th>Holroyd DCP 2013</th>
<th>Parramatta LEP 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>450m² (attached), 600m² (detached) in R2 and R3 zones</td>
<td>500m² (attached or detached) in R2 and 450m² in R3</td>
<td>600m² (attached or detached) in R2, R3 and R4 zones</td>
</tr>
</tbody>
</table>

5. The Planning Proposal

The key objectives for this planning proposal are to:
- ensure the lot size proposed for dual occupancy development facilitates good design that can accommodate an appropriate built form, driveways and sufficient landscaped areas;
- retain the low density residential character of the R2 Low Density Residential zone;
- identify the appropriate locations for growth, and to align projected growth with existing and proposed local roads, transport and social infrastructure; and
- achieve a consistency of minimum lot size across LGA.

The intended outcome of the planning proposal is to introduce the minimum lot size for dual occupancies to the Auburn LEP 2010 and the Holroyd LEP 2013. This proposed minimum lot size would align with that currently required under the Parramatta LEP 2011, and will implement a consistent minimum lot size for dual occupancy development across the Cumberland LGA.

The proposed outcome will be achieved by the inclusion of a written clause in the Auburn LEP 2010 and the Holroyd LEP 2013 to introduce a minimum lot size provision for the development of a dual occupancy.

The proposed clause will apply to land in the R2 Low Density Residential and R3 Medium Density Residential zones where a minimum lot size of 600m² (both attached and detached) would be required for the development of a dual occupancy.

6. Community Consultation

The proposal was publicly exhibited for a period of 36 days from 13 March 2019 to 17 April 2019.

Council sent out an exhibition package to all affected landowners via mail. This exhibition package included a FAQ to provide the landowners with an easy to understand overview of the proposal (Attachment 2). Council also posted details on Facebook inviting interested parties to visit Council’s Have Your Say page to make a submission during the exhibition period.

A total of 169 written submissions were received. 96 submissions supported and 69 submissions objected to the proposal. 4 submissions did not indicate whether they supported or objected to the proposal. A further 28 individuals made comment via the Facebook post.
Submissions received in support of the proposal were based on the following key principles that the 600m\(^2\) would:

- reduce street congestion by allowing for sufficient onsite parking;
- allow for sufficient landscaping to protect existing streetscapes;
- limit demand for existing infrastructure and reduce the need for new infrastructure; and
- protect amenity and local character.

Submissions received in opposing the proposal objected for the following principles that the 600m\(^2\) would:

- have a negative impact on landowners existing investment;
- reduces a landowner’s ability do derive revenue from their property;
- potential to reduce the property value due to the inability to develop a property for a dual occupancy development; and
- potential to impact housing affordability through reduced housing supply and choice.

Of the submissions in support, 13 requested that a control requiring larger lot sizes of between 650m\(^2\) and 800m\(^2\) apply, and 24 submissions objecting to the proposal requested that smaller lot sizes of between 400m\(^2\) and 550m\(^2\) apply.

### 7. Response to submissions requesting smaller minimum lot sizes

Following the receipt of submissions, further scenario testing analysis (beyond what was requested by the then DP&E as part of the Gateway) was undertaken. This included:

- eligible lots under the new Code;
- eligible lots with a minimum lot size of 600m\(^2\) (as per the Council resolution);
- eligible lots minimum lot sizes of 500m\(^2\) and 550m\(^2\), which could be applied across the LGA (including in the former parts of the Parramatta LGA) as possible alternate minimum lot sizes to the 600m\(^2\); and
- eligible lots with the retention of existing minimum lot size controls (whether in the LEP or DCP) as they currently apply to the Auburn, Holroyd and Parramatta LEPs.

The outcomes of the analysis is provided in Table 2.
Table 2 - Additional Analysis undertaken to address the Gateway requirements

<table>
<thead>
<tr>
<th></th>
<th>Baseline: Minimum lot size under new Code</th>
<th>Scenario 1: 600m² minimum lot size</th>
<th>Scenario 2: 550m² minimum lot size</th>
<th>Scenario 3: 500m² minimum lot size</th>
<th>Scenario 4: As per current minimum lot size controls</th>
</tr>
</thead>
</table>

Notes:
Analysis based on:
- i. Lots not meeting the minimum lot frontage requirement of the Code
- ii. (Lots with 12m~15m frontage should have secondary roads or parallel roads for vehicle access to rear)
- iii. Lots that are exempted from complying development
- iv. battle-axed lots
- v. business lots with multiple ownerships
- vi. council-owned or state-owned lots that are reserved for infrastructure
- vii. lots that are within the planned residential density area

CONCLUSION:

In response to the State Government’s introduction of the new Low Rise Medium Density Housing Code, Cumberland Council resolved to proceed to public exhibition of a proposed minimum lot size of 600m². A minimum lot size of 600m² would maintain the suburban character of Cumberland lower density suburbs as well as providing sufficient space to enable good design of dual occupancy development, particularly in terms of setbacks, landscaping and accommodating parking on site. A minimum lot size control of 600m² would also introduce a consistent requirement across Cumberland as a whole.

Public consultation has been undertaken on the planning proposal, with more than 160 submissions received. The majority of submission were in support of the proposed minimum lot size.

Following public exhibition, further detailed analysis was undertaken on a number of different minimum lot size scenarios.

Advice is sought from the Cumberland Local Planning Panel on the minimum lot size planning proposal, including scenarios tested, prior to being considered by Council.

CONSULTATION:

Post Gateway consultation has been completed and the outcomes of this consultation are outlined in section 6 of this report.
FINANCIAL IMPLICATIONS:

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

POLICY IMPLICATIONS:

The timing of this planning proposal has been set by the State Government, and it is anticipated that the proposed minimum lot size amendment to the Auburn and Holroyd DCPs will be in place prior to the new Cumberland LEP being completed. On this basis, the new minimum lot size controls resulting from the planning proposal is intended to be included in the Cumberland LEP when this is prepared.

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 the Cumberland Local Planning Panel (CLPP) recommend:

1. That the Panel provides advice on Council’s resolution of a minimum lot size control of 600m²; and

2. That the Panel provides advice on alternate minimum lot size scenarios, should Council wish to consider those in making a decision on the proposal.

ATTACHMENTS

1. Slides Illustrating Additional Analysis
2. FAQ Consultation Sheet
3. Gateway Determination
6. Summary of Submissions Received
DOCUMENTS ASSOCIATED WITH REPORT EEELPP034/19

Attachment 1
Slides Illustrating Additional Analysis
Planning Proposal – Minimum lot size provisions for dual occupancies
Monica Cologna, Manager Strategy
May 2019
DOCUMENTS ASSOCIATED WITH REPORT EEELPP034/19

Attachment 2
FAQ Consultation Sheet
**What is a dual occupancy dwelling?**

A dual occupancy dwelling includes attached buildings (commonly referred to as ‘duplexes’ or ‘semis’) and detached buildings (where one is typically located at the rear of the other). Dual occupancy dwellings are allowed in low and medium density residential zones across Cumberland, subject to Council approval.

**What planning controls are changing for dual occupancy dwellings?**

The NSW Government has introduced a new Planning Code on dual occupancies which will commence in July 2019 for Cumberland. This Low Rise Medium Density Housing Code allows larger dual occupancy buildings than what Council controls currently allow. For a typical block in Cumberland’s low density residential zones, this could be as much as 80% larger. This would be allowed without Council approval or the need to consult with the community.

To find out more information on the Low Rise Medium Density Housing Code, refer to the Department of Planning website:


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**What is Council proposing in response?**

In response to this change, Council is proposing to increase the minimum lot size required for a dual occupancy development to 600m² in residential zones (R2 Low Density Residential and R3 Medium Density Residential).

The proposed minimum lot size of 600m² provides better opportunities for good design and ensures that sufficient area is available for adequate landscaping, setbacks and a built form that does not detract from the local residential character.

For landholders with a lot size less than 600m², the proposal would mean that the ability for dual occupancy development on their site is no longer available.

**How can I have a say on the proposal?**

Consultation on the proposal will be held from 13 March 2019 to 17 April 2019. We will be asking the community on their views whether they support or object to the proposal, or would like to propose an alternative minimum lot size.

**You can provide your comment by:**

- completing an online submission on Council’s Have Your Say page or
- emailing council@cumberland.nsw.gov.au or
- write to us at: The General Manager, Cumberland Council PO Box 42, Merrylands NSW 2160.

Please quote ‘S-56-63’ as the subject reference on your submission.

**What happens next?**

Following public consultation, Council will consider community submissions and make a decision on whether to proceed with the proposal to limit dual occupancies to lots over 600m².

Any change would not come into effect until later in 2019.
DOCUMENTS ASSOCIATED WITH REPORT EEELPP034/19

Attachment 3
Gateway Determination
Gateway Determination

Planning proposal (Department Ref: PP_2018_CUMBE_002_00): to amend the Auburn Local Environmental Plan (LEP) 2010 and the Holroyd LEP 2013 to include minimum lot size provisions for dual occupancy housing.

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the Environmental Planning and Assessment Act 1979 (the Act) that an amendment to the Auburn Local Environmental Plan (LEP) 2010 and the Holroyd LEP 2013 to include minimum lot size provisions for dual occupancy housing should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is required to:
   (a) amend the objectives to justify the planning proposal on the basis of demonstrated urban design outcomes and maintaining local character rather than mitigating the impacts of complying development;
   (b) update the explanation of provisions to remove the suggested legal drafting and include a plain English explanation that clearly outlines the intent of the planning proposal;
   (c) complete further analysis of current lot sizes in the R2 Low Density Residential and R3 Medium Density Residential zone to demonstrate that the proposed minimum lot size is appropriate. This should include confirming the total number of lots within the LGA that are capable of accommodating dual occupancies under:
      i. a 400m² minimum lot size scenario under the Low Rise Medium Density Housing Code;
      ii. Council’s current controls; and
      iii. the proposed 600m² lot controls.
   (d) include a summary of the number of dual occupancy developments approved under Council’s current 450m² (Auburn), 500m² (Holroyd) and 600m² (Parramatta) controls in the past five years, the minimum development lot size and the number of dual occupancies produced;
   (e) explain whether the proposal is supported by a housing strategy that has been developed in consultation with the community; and
   (f) include a new saving/transition clause to ensure that the proposed amendments do not affect any development applications or appeal processes.

2. The revised planning proposal is required to be referred to the Department for review and approval prior to exhibition.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
   (a) the planning proposal must be made publicly available for a minimum of 28 days;
   (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment 2016);
   (c) Council is to write to all affected landowners providing notice of the proposal and public exhibition; and
   (d) Council is to write to the City of Parramatta Council advising of the planning proposal.

4. No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The LEP is to be completed by 1 July 2019.

Dated 6th day of September 2018.

[Signature]
Executive Director, Regions
Planning Services
Department of Planning and Environment
Delegate of the Greater Sydney Commission
DOCUMENTS ASSOCIATED WITH REPORT EEELPP034/19

Attachment 4
Item No: C07/18-136

PLANNING PROPOSAL - MINIMUM LOT AREA FOR LOW-MEDIUM DENSITY DUAL OCCUPANCY HOUSING

Responsible Division: Environment & Infrastructure
Officer: Group Manager - Planning
File Number: S-57-63
Community Strategic Plan Goal: A resilient built environment

SUMMARY

| Land related to the Proposal | R2 Low Density Residential and R3 Medium Density Residential zones |
| Proposed Planning Controls | Insert an LEP clause setting minimum lot area standard provisions for dual occupancies |
| Disclosure of political donations and gifts | Nil |

This report seeks a Council resolution to prepare a Planning Proposal for submission to the Department of Planning and Environment (DP&E or Department) for Gateway Determination to enable the deferral of the State governments Low Rise Medium Density Housing Code (the Code) within Cumberland, as requested by Council resolution on 6 June 2018.

This report has been prepared following a receipt of a response and recent meeting with DP&E where the Council was advised to submit a Planning Proposal by 27 July 2018. This report outlines three potential scenarios as options for Council's consideration and implementation during the deferral period.

The DP&E has clarified that deferrals are only being granted for the Part B3B Low Rise Medium Density Code for a limited time, and are only being considered in order for Councils to make relevant preparations, such as transferring minimum lot area controls into their LEPs. After this time period lapses the Codes full provisions will take effect. This report presents Council an opportunity to minimise the impact of the State Government’s Code on low density residential zones within Cumberland LGA.

RECOMMENDATION

That Council:

1. Prepare a Planning Proposal to amend the Auburn Local Environmental Plan 2010, Holroyd Local Environmental Plan 2013 and Parramatta Local Environmental Plan 2011 to introduce a minimum lot area for dual occupancy development within Cumberland LGA.
2. Nominate 600m² as the minimum lot area for the development of dual occupancies within Cumberland LGA.

3. Consult with the community and the Local Planning Panel on the Planning Proposal, following Gateway Determination by the Department of Planning and Environment.

REPORT

The Department of Planning and Environment (DP&E) released the new Low Rise Medium Density Housing Code (the Code) and an associated Design Guide, which commence this month. Complying development under the State Code is a fast-track approval that can be issued by a certifier, without Council officer merit assessment or opportunity for neighbours to make submissions.

The Code forms a new section of the State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2008. It will allow two-storey manor houses and terraces as complying development in the R3 Medium Density Residential zones where multi dwelling housing is currently permitted under Cumberland’s three Local Environmental Plans (LEPs). It will also allow dual occupancies (with Torrens subdivision) as complying development in both the R2 Low Density Residential and R3 Medium Density Residential zones.

The Code provides a 400m² minimum lot area requirement for dual occupancies. The Code’s standards will apply to the new development for the above listed housing types unless the lot area provisions are contained within an LEP. DCP provisions will not apply to such complying development.

At the Ordinary Meeting of 6 June 2018 Council considered a report prepared by Council officers following a review of the Code. This report identified a number of concerns about the Code’s inconsistency with Council’s Local Environmental Plans (LEPs) and Development Control Plans (DCPs). Three LEPs, namely Auburn LEP 2010, Holroyd LEP 2013 and Parramatta LEP 2011 apply within the Cumberland LGA. These are each supported by a DCP which provide more detailed guidance.

The Council 6 June 2018 resolved [Item C06/18-106] that:

"Council write to the Minister for Planning requesting a deferral of the commencement of the Low Rise Medium Density Housing Code within Cumberland until a new Housing Strategy and draft Cumberland comprehensive Local Environmental Plan is completed, consistent with the deferral granted to other Councils."

Consistent with this resolution, a letter requesting a deferral of the commencement of the Code within Cumberland was sent to the DP&E. Council has subsequently received correspondence from the Acting Executive Director, Planning Policy at the Department advising that in response to Council’s request the Code will be deferred in the Cumberland local government area (LGA), meaning that applicants will not be able
to lodge a complying development application for dual occupancies, manor houses or terraces until 1 July 2019. (See attachment 1).

At a recent meeting, DP&E staff advised that councils who have their minimum lot area controls in their DCPs will be required to submit Planning Proposals by 27 July 2018, in order for the Department to agree to continue the 12 month deferral from the Code. In any case, the amendment could take up to 12 months from commencement and so should not be delayed if it is to be in place by 1 July 2019. The draft Amendment was published on 5 July and has commenced. (See attachment 2).

This Planning Proposal would need to outline the issues that would result from the application of the controls in the Code, given the inconsistencies of the Code with Council’s Local Environmental Plans (LEPs) and Development Control Plans (DCPs).

Due to the limited time available, it is recommended that the Planning Proposal be prepared and submitted for a Gateway Determination as soon as possible following the Council Meeting on 18 July 2018, should Council decide to proceed.

It is further recommended that, in this instance, the planning proposal be referred to the Cumberland Local Planning Panel (CLPP) for advice following the Gateway Determination, due to the timeframe imposed by the DP&E.

**The Code Provisions**

This report outlines three scenarios for Council’s consideration which seek to minimise the adverse impacts of the Code as it applies to the R2 and R3 zones of Cumberland. Council’s preferred scenario would form the basis of a planning proposal to amend the relevant LEPs accordingly.

The new planning controls proposed would not change the zoning, height of buildings, or floor space ratio in the LEPs. Rather the proposed amendments seek to incorporate minimum lot area controls for dual occupancies in the LEPs that apply within the Cumberland LGA.

**Minimum lot area and width for dual occupancy in The Code**

The Code provides for a minimum lot area of 400m² for a dual occupancy consisting of two adjacent dwellings on R2 or R3 zoned land, unless Council’s LEP has a different control. It also provides for a minimum lot width of 12m, where there is access to more than one street (i.e. a corner site, or site with rear-lane access), and defaulting to 15m otherwise. Unlike the minimum lot area provision, the minimum lot width in the Code will override any controls in an LEP.

The Code also permits a dual occupancy of one dwelling above part of another dwelling (i.e. two storey dual occupancy) on a minimum lot area of 400m² and a minimum lot width of 15m. The other development standards for this type of housing are the same standards set for manor houses.
Existing Controls within Cumberland

The Parramatta LEP 2011 has a minimum lot area for dual occupancies of 600m². This would become the minimum under the Code and override the Codes 400m² minimum standard for the former Parramatta LGA (Woodville Ward) area.

However, this would not be the case for the remainder of the Cumberland LGA. The minimum lot area (or site area) controls for these areas are contained within the DCP, rather than the LEP, and the DCP will have no effect on complying development under the Code. As such, the minimum lot area for a dual occupancy as complying development would become 400m² for most of Cumberland.

Dual occupancies are mostly developed in the Low Density residential zones because higher yielding multi dwelling housing development is permitted in the R3 Medium Density Residential zone. A comparison of the minimum lot areas for dual occupancies within the R2 Low Density Residential zone is as follows:

<table>
<thead>
<tr>
<th>Area</th>
<th>Attached Dual Occupancy</th>
<th>Detached Dual Occupancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>East (Auburn DCP 2010)</td>
<td>450m²</td>
<td>600m²</td>
</tr>
<tr>
<td>Centre (Parramatta LEP 2011)</td>
<td>600m²</td>
<td>600m²</td>
</tr>
<tr>
<td>West (Holroyd DCP 2013)</td>
<td>500m²</td>
<td>500m²</td>
</tr>
</tbody>
</table>

It is noted that currently at least 900m² (450m² each) is required for Torrens subdivision of dual occupancies under the Auburn LEP provisions and 450m² is the minimum in the R3 Medium Density zone under the Holroyd DCP.

Scenarios

Three scenarios are provided to address minimum lot areas for dual occupancies for Council’s consideration. All three scenarios propose that a minimum lot area control be added to the Auburn and Holroyd LEPs. This is to ensure that at least the standard in R2 Low Density Residential zones does not drop to such a level (400m²) that it would be a de-facto, unplanned and underserviced medium density zone.

Scenario 1

Scenario 1 would move the existing lot area requirements for dual occupancies from the current Auburn DCP 2010 and Holroyd DCP 2013 to the relevant LEPs (refer to Figure 1). As noted above, Parramatta LEP 2011 already has a minimum lot area of 600m² for dual occupancies, so no change would be required.

This scenario would essentially maintain the status quo and would present as the least change. Incorporating the current DCP controls into the LEPs allows future development to be generally consistent with the planned residential density under each set of Plans. (Refer to Attachment 3 – Scenario 1 map).
However, Scenario 1 does not provide an easily understood, consistent approach to minimum lot area across Cumberland that is easy for the community to understand. The complying development buildings would no longer be subject to merit assessment of the design, impacts and submissions from neighbours. Buildings become ‘tighter’ and more difficult to design well on smaller lots. Further, while Auburn had the lowest lot area requirements in the R2 Low Density Residential zone, these could not previously be Torrens subdivided. The ability to Torrens subdivide dual occupancies as complying development will increase the prevalence of this form of development and the intensification of the Low Density Zones.

![Diagram showing R3 and R2 zones in Cumberland LGA with distances to Paramatta CBD and Sydney CBD](image)

**Figure 1. Scenario 1**

**Scenario 2**

In an alternative approach, Scenario 2 would:

- apply the minimum 500m² lot area (from the Holroyd DCP) to attached dual occupancies in all to R2 and R3 zones in the Auburn and Holroyd LEPs, and
- apply the minimum 600m² lot area (from the Auburn DCP) to detached dual occupancies in all R2 and R3 zones in the Auburn and Holroyd LEPs, and
- maintain the minimum 600m² lot area for attached and detached dual occupancies in all R2 and R3 zones in the Parramatta LEP 2011. (see Figure 2)

Scenario 2 would increase the minimum lot area requirement for attached dual occupancies by 50m² for the former Auburn LGA, though this is considered reasonable given merit assessment is being removed and Torrens subdivision introduced. It would also increase by 50m² for the R3 zone in the former Holroyd LGA, though minimal dual occupancy development occurs within this zone as discussed earlier. As can be seen from the maps at Attachment 3 - Scenario 2 map, this would not affect a large significant number of lots, but would provide a more consistent approach within the Cumberland LGA. Scenario 2 represents a middle ground between the Scenarios 1 and 3. It is noted that with this scenario, Council would need to address this further as part of the development of the one single LEP for Cumberland.
**Scenario 3**

A third scenario, Scenario 3, would be to require a consistent minimum lot area for dual occupancies throughout the entire Cumberland LGA, applying the existing minimum 600m² lot area under the Parramatta LEP 2011 (and for detached dual occupancies under the Auburn DCP) to both the Auburn LEP 2010 and the Holroyd LEP 2013 (Figure 3).

Scenario 3 delivers a uniform approach to lot areas for dual occupancy development across Cumberland LGA (Refer to Attachment 3 - Scenario 3 map). The proposed minimum lot area of 600m² ensures that the sufficient areas are available for adequate landscaping, setbacks and a built form that does not detract from the local residential character. It would best maintain a density that is consistent with the planned Low Density Residential zoning and the associated planned infrastructure.

Whilst the Code will still have some impact when it comes to force, the increased minimum lot area under this scenario would provide the greatest potential for reasonable design outcomes, and allow more space around the building and between driveways for on street parking and street tree planting. Given the lag in infrastructure provision, this scenario is likely to have the least impact of the three scenarios identified on infrastructure such as schools and hospitals.

Scenario 3 would increase of the minimum lot area for former Auburn and Holroyd LGAs by 150m² and 100m² respectively. Again, this is considered reasonable given merit assessment of design and impact is being removed. Dual occupancy development is not currently highly prevalent in the east (because of current Torrens subdivision limitations) and will be introduced to this area under the State Low Rise Medium Density Code. It is also noted that there are more large (600m²+) lots available in the central-west area of Cumberland compared to the far west and east, and sufficient to ensure that there would continue to be ample opportunity for small
residential developers on the most suitably sized lots. This is also the most consistent with the standard for most comparable Sydney Councils.

![Diagram of Cumberland LGA with Parramatta CBD and Sydney CBD marked]

Figure 3. Scenario 3

### Scenario Density Comparison

A comparison of each of the scenarios (including the 'do nothing' scenario where the Codes 400m² minimum would apply), the resulting number of eligible lots and projected dwellings densities in the R2 Low Density Residential zone over the medium and long term is provided below:

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Minimum lot areas</th>
<th>Eligible sites</th>
<th>Forecast R2 zone density</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Medium Term</td>
</tr>
<tr>
<td>Do Nothing (Code Standard Applies)</td>
<td>400m² (all - ALEP &amp; HLEP) 600m² (all - PLEP)</td>
<td>30,258 lots</td>
<td>&gt;17 dw/ha</td>
</tr>
<tr>
<td>Scenario 1</td>
<td>450m² (R3 zone - HELP) 450m² (attached - ALEP) 500m² (R2 zone - HLEP) 600m² (detached - ALEP) 600m² (all - PLEP)</td>
<td>25,888 lots</td>
<td>&gt;16 dw/ha</td>
</tr>
<tr>
<td>Scenario 2</td>
<td>500m² (attached - ALEP, HLEP) 600m² (detached - ALEP, HLEP) 600m² (all - PLEP)</td>
<td>24,268 lots</td>
<td>&gt;16 dw/ha</td>
</tr>
<tr>
<td>Scenario 3</td>
<td>600m² (all - ALEP, HELP, PLEP)</td>
<td>13,747 lots</td>
<td>15 dw/ha</td>
</tr>
</tbody>
</table>

*Note: In the table above, ALEP is the Auburn LEP area, HLEP is the Holroyd LEP area and PLEP is the Parramatta LEP area. Cumberland R2 zone is approx. 3,000 ha.*
Over 25 dwellings per hectare is generally considered to be medium density, and this is reflected in statements in the State governments ‘Medium Density Guide’. 15 dwellings per hectare is traditional suburban low density and R2 zones are currently around 14 dwellings per hectare.

Pemulwuy, a medium density residential suburb in a remote location away from major transport, has a density of 18 dwellings per hectare and will reach 22 dwellings per hectare on completion. It is car-dependent, so has a high level of car ownership and experiences street car parking issues. As it has developed over the past 15 years the additional pressure it has placed on road networks and car parking at stations has been visible. Scenarios 1 and 2 reach this density across Cumberland’s R2 zone in the medium term and exceed it in the longer term.

**Recommended Scenario**

Whilst each of the three scenarios outlined have merit, this report recommends Council pursue Scenario 3 (that is increasing the minimum lot area to 600m² for dual occupancies in the R2 and R3 zone) for the following reasons:

- Increasing the minimum lot area for dual occupancy development (in comparison to the alternative 400m² minimum lot area in the Code) will allow for building forms, landscaped areas and vehicle access provision that is more compatible with the low density residential character and would better maintain a reasonable level of amenity for residents.

- The 600m² lot area would maintain a somewhat low density population density in largely car-dependent areas which have not been planned for medium density development, limiting the impact on existing road network, parking, stormwater and social infrastructure.

- This 600m² lot area would enable planting or retention of tree canopy on private land which is important to manage the urban heat island effect in central Sydney.

- The consistent application of a 600m² lot area across Cumberland would be simple and easy for the community to understand.

Once the deferral period ends, the Code will have an impact on the ‘take-up’ and form of development in the R2 and R3 zones. However the more cautious approach outlined in Scenario 3 seeks to manage this impact in low density residential zones as best as possible within the parameters set by DP&E, at least in the interim. The forthcoming preparations of Council’s Housing Strategy and Council’s Comprehensive LEP will enable further review of the minimum lot area provisions under which ever scenario Council elects to pursue.

**COMMUNITY ENGAGEMENT**

The proposed process involves a deviation from Council’s normal practice of early consultation, however this is considered to be reasonable in the circumstances given the urgency of the matter. Formal community consultation would be undertaken
following gateway determination, in accordance with the conditions listed on the determination as per section 3.34(2) of the Environmental Planning and Assessment Act 1979. The community would be engaged by a letter mail out, notices in local newspapers, notices on Council website and information at customer service centres and libraries.

It is important to note that Council can reconsider the minimum lot area after consultation, and again as part of the wider residential housing strategy developed as part of the new Cumberland LEP. Delaying the planning proposal at this stage would result in the Codes 400m² minimum applying in all but the Parramatta LEP area.

POLICY IMPLICATIONS

There are significant policy implications for Council associated with this report, outlined for each of the scenarios. The report proposes amendments to three LEPs by introducing a minimum lot area requirement for the development of dual occupancies and by excluding lands from the Code.

RISK IMPLICATIONS

There are minor risk implications for Council associated with this report. The report recommends Council prepare a Planning Proposal to amend three LEPs and exclude certain lands from the Code. The Planning Proposal also seeks a deferral of the commencement of the Code within Cumberland until a Residential Housing Strategy and Cumberland comprehensive LEP is completed.

If the Code is applicable to Cumberland at its commencement day on 6 July 2018 without submitting the Planning Proposal to amend Cumberland’s the LEPs and the associated map, the Code will permit complying development applications to be reviewed and approved by private certifiers for these types of developments in the R2 and R3 zones across Cumberland, rather than requiring a merit based assessment of a Development Application.

FINANCIAL IMPLICATIONS

There are minimal direct financial implications for Council associated with the work recommended by this report. There are financial implications relating to the efficient provision and maintenance of infrastructure associated with not proceeding with an LEP amendment to introduce a minimum lot size for dual occupancies.

CONCLUSION

Further to the report of 6 June 2018, this report provides Council with the Departments response to the request for an exemption to the Low Rise Medium Density Code and outlines three potential scenarios for amending the LEPs applying to the Cumberland LGA.

This report recommends Council pursue Scenario 3, which would which would introduce a consistent 600m² minimum lot area standard for dual occupancies across the low density residential zones of Cumberland LGA.
The forthcoming preparation of Council's Residential Housing Strategy as part of the preparation of the new comprehensive Cumberland LEP would enable density and lot size to be considered again in more detail, in the context of infrastructure provision, local character and amenity.

A Planning Proposal will be required to implement these recommended amendments. Whilst all of the scenarios would be effective, Scenario 3 is considered to best minimise the impacts of the mandatory Code at this stage, particularly in terms of amenity in the R2 Low Density Residential zone, as well as pressure on existing infrastructure.

ATTACHMENTS

1. DP&E Response to Council Request for Exemption to LRMDH Code
2. Codes SEPP Further Amendment - Deferred Application to Cumberland
3. Lot Size Map - Scenario 1, 2 and 3
DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-136

Attachment 1
DP&E Response to Council
Request for Exemption to LRMDH Code
Mr Hamish McNulty
Acting General Manager
Cumberland Council
PO Box 42
MERRYLANDS NSW 2160

Attention: Mr Brendan Groves, Acting Deputy General Manager, Environment & Infrastructure

Dear Mr McNulty,

I refer to our recent correspondence on the Low Rise Medium Density Housing Code (the Code).

Many councils are commencing with implementation of the Code on 5 July 2018.

Where councils have requested further time a deferral has been granted by the Minister. As such, I am writing to advise that in response to your request, the Code will be deferred in the Cumberland local government area until 1 July 2019.

For your council area this will mean that applicants will not be able to lodge a complying development application for dual occupancies, manor houses or terraces until 1 July 2019. Applicants will also not be able to lodge a development application for manor houses or terraces until 1 July 2019, unless your Local Environmental Plan already permits this form of housing.

We encourage you to remain engaged with your community about the housing requirements for your local area during this time. If you have questions about preparation of local housing strategies or planning proposals, please contact Ms Anne-Marie Carruthers, Director, Sydney Region, NSW on 02 9274 6270.

The Department’s website will be updated, and further information can be found at planning.nsw.gov.au/Policy-and-Legislation/Housing/Medium-Density-Housing.

Should you have any further questions in relation to the temporary deferral, I have arranged for Ms Lynne Sheridan, Director, Codes and Approval Pathways, to be available to assist. Ms Sheridan can be contacted on 02 9274 6423.

Yours sincerely,

[Signature]

Deborah Brill
Acting Executive Director
Planning Policy
DOCUMENTS ASSOCIATED WITH REPORT C07/18-136

Attachment 2
Codes SEPP Further Amendment - Deferred Application to Cumberland
State Environmental Planning Policy
(Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) Further Amendment 2018
under the
Environmental Planning and Assessment Act 1979

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the Environmental Planning and Assessment Act 1979.

ANTHONY ROBERTS, MP
Minister for Planning

Published in Government Gazette 2 July 2018 (2018 No. 373)
State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) Further Amendment 2018

under the
Environmental Planning and Assessment Act 1979

1 Name of Policy
   This Policy is State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) Further Amendment 2018.

2 Commencement
   This Policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy
   (1) This Policy is repealed on the day following the day on which this Policy commences.
   (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the Interpretation Act 1997, affect any amendment made by this Policy.
Schedule 1  Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) 2017

Insert after the definition of Low Rise Medium Density Housing Code:

manor house means a residential flat building containing 3 or 4 dwellings, where:
(a) each dwelling is attached to another dwelling by a common wall or floor; and
(b) at least 1 dwelling is partially or wholly located above another dwelling, and
(c) the building contains no more than 2 storeys (excluding any basement).

Insert after the definition of Medium Density Design Guide:

multi dwelling housing (terrace) means multi dwelling housing where all dwellings are attached and face, and are generally aligned along, 1 or more public roads.

[3] Schedule 1 [18], Part 3B, Division 7, heading
Omit the heading. Insert instead:

Division 7  Miscellaneous

[4] Schedule 1 [18], clause 3B.63
Insert after clause 3B.62:

3B.63 Deferred application of Part 3B in certain local government areas

(1) This Part (other than this clause) does not apply to or in respect of land in a deferred area.

(2) For the purposes of this clause, land is in a deferred area if the land is in any of the following local government areas:
Armidale Regional, Ballina, Bayside, Ballina, City of Blue Mountains, Burwood, Buryan, Camden, City of Campbelltown, Camden, Cataract-Bricktown, Central Coast, City of Coffs Harbour, Cumberland, Georges River, City of Hawkesbury, Hills, Hornsby, Hunter's Hill, Inner West, Kiama, Lane Cove, Mid-Coast, Mid-Western Regional, Moree Plains, Mosman, Narrabeen, Northern Beaches, City of Parramatta, City of Randwick, City of Ryde, City of Shellharbour, City of Shoalhaven, Snowy Monaro Regional, Strathfield, Sutherland Shire, City of Sydney, Tamworth Regional, The Hills Shire, Tweed, Upper Lachlan Shire, City of Willoughby, Wingecarribee, Woolondilly, City of Wollongong, Wollondilly, Yass Valley.

(3) This clause ceases to have effect on 1 July 2019.

Page 3
DOCUMENTS ASSOCIATED WITH REPORT C07/18-136

Attachment 3
Lot Size Map - Scenario 1, 2 and 3
Attachment 5
Minimum Lot Sizes Planning Proposal (May 2019)
PLANNING PROPOSAL

Minimum Lot Area for Low and Medium Density Dual Occupancy Housing

May 2019
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<th>Date</th>
<th>Status</th>
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<tr>
<td>27/07/2018</td>
<td>Planning Proposal sent to the DP&amp;E for a Gateway Determination</td>
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<tr>
<td>11/01/2019</td>
<td>Amended Planning Proposal (Post Gateway)</td>
</tr>
<tr>
<td>06/05/2019</td>
<td>Amended Planning Proposal with a further analysis following the community consultation</td>
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1 INTRODUCTION

1.1 EXECUTIVE SUMMARY

The Planning Proposal has been prepared in accordance with section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) and the relevant Department of Planning and Environment (DP&E or Department) guidelines including A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals. This Planning Proposal has been amended to provide further analysis supporting the proposal as per the conditions listed on the Gateway Determination issued on 6 September 2018.

This Planning Proposal is prepared in accordance with the resolution (Min.223, C07/18-136), of Council on 18 July 2018 and the previous Council report and resolution (Min.175, C06/18-108) of 6 July providing an initial review of the new Low Rise Medium Density Housing Code (the Code). The Code forms a new section of the State Environmental Planning Policy (Exempt and Complying Development Code) 2007 (SEPP).

The Code allows dual occupations, manor houses and terraces as complying development in the R1, R2 and R3 residential zones where permitted under a Local Environmental Plan (LEP). The Code provides development standards such as a minimum lot size of 400m² for dual occupations. The Code’s standards will apply to the new development for the above listed housing types unless the lot size provisions are contained within an LEP.

The review of the Code identified a number of concerns about the inconsistency of minimum lot size that apply under the Code and to the LEPs that apply to the Cumberland LGA, being Auburn LEP 2010, Holroyd LEP 2013, Parramatta LEP 2011, and associated Development Control Plans (DCPs), as the existing lot standards requirement varies across the three LEPs and DCPs.

The provisions of the Code will permit dual occupancies on allotments which are up to 100m² smaller than Council’s current DCP controls. This could result in larger building capacity and residential population than envisaged under the LEPs and DCPs which would have implications to the local and surrounding areas, particularly in terms of pressure on, and capacity of, existing infrastructure such as roads, open space, hospitals and schools.

The Planning Proposal will set a minimum lot size control of 600m² for dual occupancies to all R2 Low Density Residential and R3 Medium Density Residential zones. The Planning Proposal seeks to add a clause in the Auburn LEP 2010 and the Holroyd LEP 2013 to introduce a minimum lot size provision for the development of a dual occupancy. No change is proposed for the Parramatta LEP 2011.

1.2 PURPOSE OF THIS PROPOSAL

The Planning Proposal has been prepared in response to a resolution of Council on 18 July 2018 (Min. 223, C07/18-136) below:

CARRIED 18 July 2018 (Min. 223, C07/18-136)

"That Council:

1. Prepare a Planning Proposal to amend the Auburn Local Environmental Plan 2010, Holroyd Local Environmental Plan 2013 and Parramatta Local Environmental Plan 2011 to introduce a minimum lot area for dual occupancy development within Cumberland LGA.

2. Nominate 600m² as the minimum lot area for the development of dual occupancies within Cumberland LGA.

Cumberland Council • 3"
3. Consult with the community and the Local Planning Panel on the Planning Proposal, following Gateway Determination by the Department of Planning and Environment."

The Council minutes and report are included at Attachment 1 of this report.

A separate Planning Proposal may be developed in the near future that may seek to exclude certain lands, such as those within environmentally sensitive areas, from the Code's complying development.

1.3 THE PROPOSAL

The Planning Proposal seeks to insert a clause setting minimum lot area standard provisions for dual occupancies under the Part 4 Principal development standards of the Auburn LEP 2010 and Holroyd LEP 2013.

The proposed minimum lot area is 600m² on R2 and R3 zoned land. This is to ensure the lot size proposed for dual occupancy development facilitates good urban design outcomes and to retain the low density residential character. The proposed 600m² would also achieve a consistency of minimum lot size across Cumberland LGA.

1.4 BACKGROUND

The Department of Planning and Environment (DP&E or Department) released the new Low Rise Medium Density Housing Code (the Code) and an associated Design Guide, which commenced on 6 July 2018.

The Code forms a new section of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. It allows dual occupancies, manor houses and terraces (multi-dwelling housing (terraces)) as complying development in the R1, R2 and R3 residential zones where permitted under a Council's Local Environmental Plan (LEP).

The Code also provides development standards such as minimum lot size requirements for a development of dual occupancies, manor houses and terraces. Note that a minimum lot size under the Code is 400m² for dual occupancies. The Code's standards will apply to the new development for the above listed housing types unless the Council LEP specifies lot sizes.


The Council at the meeting of 6 June 2018, resolved that:

'Council write to the Minister for Planning requesting a deferral of the commencement of the Low Rise Medium Density Housing Code within Cumberland until a new Housing Strategy and draft Cumberland comprehensive Local Environmental Plan is completed, consistent with the deferral granted to other Councils.'

Consistent with this resolution, a letter requesting a deferral of the commencement of the Code within Cumberland, pending a new Housing Strategy and draft comprehensive Cumberland Local Environmental Plan, was sent to the DP&E.
At a subsequent meeting with the DP&E staff, which discussed the requested deferral, the DP&E advised that Councils who have their minimum lot size controls in their DCPs will be required to submit Planning Proposals in order for the DP&E to defer the Code for a year (being the time anticipated for the finalisation of the Planning Proposal). Accordingly Cumberland Council would need to submit a Planning Proposal to the DP&E by 27 July 2018 to amend minimum lot size control within the LEPs, with the intention that this amendment be finalised by July 2019.

Council has subsequently received correspondence from the Acting Executive Director, Planning Policy at the Department advising that in response to Council's request, the Code will be deferred in the Cumberland local government area (LGA) until 1 July 2018 (See Attachment 3).

Therefore this Planning Proposal is to amend the Auburn LEP 2010 and Holroyd LEP 2013 to impose a minimum lot size of 600m² on R2 and R3 zoned land. This amendment is to minimise and manage the impacts of the Code, particularly in terms of amenity in the R2 Low Density Residential zone, as well as pressure on existing infrastructure.

1.5 LAND TO WHICH THIS PLANNING PROPOSAL APPLIES

This Planning Proposal applies to all R2 Low Density Residential and R3 Medium Density Residential zoned land within Cumberland LGA.

Cumberland Local Government Area (LGA) includes the suburbs of Auburn, Berain, Chester Hill (part), Girraween, Granville (part), Greystanes, Guildford, Guildford West, Holroyd, Lidcombe (part), Merrylands, Merrylands West, Pennant Hills, Pendle Hill (part), Regents Park (part), Rootwood, Smithfield (part), South Granville, South Wentworthville, Toongabbie (part), Wentworthville (part), Westmead (part), Woodpark and Yennora (part).

1.6 LOCAL CONTEXT

Cumberland LGA has a current population of 231,604 with an area of 72km² bounded by the City of Parramatta in the north, the Strathfield LGA in the east, the City of Canterbury Bankstown and Fairfield LGA in the south and Blacktown LGA in the west. Cumberland LGA is within the Central City District along with the Blacktown, Parramatta and the Hills Shire LGA’s as recognised in the Central City District Plan.

R2 Low Density and R3 Medium Density Residential zones across Cumberland vary in local character and lot sizes as the objectives of zone and permitted uses differ across the three LEPs.

The lot sizes in the R2 zone in the former Holroyd LGA are often larger than those in the more eastern areas of Cumberland.

1.7 CURRENT PLANNING CONTROLS

There are three LEPs and three DCPs that apply to respective areas of the LGA.

- Auburn Local Environmental Plan 2010 and Auburn Development Control Plan 2010
- Holroyd Local Environmental Plan 2013 and Holroyd Development Control Plan 2013
- Parramatta Local Environmental Plan 2011 and Parramatta Development Control Plan 2011

The minimum lot sizes for dual occupancies stated in these LEPs and DCPs are provided in Table 1.
### Minimum Lot Size Controls for Dual Occupancies

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>Not specified</td>
<td>450m² (attached), 600m² (detached) in R2 and R3 zones</td>
<td>Not specified</td>
<td>500m² (attached or detached) in R2 and 450m² in R3</td>
<td>600m² (attached) in R2, R3 and R4 zones</td>
<td>600m²</td>
</tr>
</tbody>
</table>

#### Table 1. Comparison of lot size controls for dual occupancies of three LEPs and DCPs

The *Auburn LEP 2010* and the *Holroyd LEP 2013* do not provide the minimum lot size controls for dual occupancies. Controls for minimum lot sizes are contained within the corresponding development control plan (DCP).
Planning Proposal

The Planning Proposal has been prepared in accordance with section 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the relevant Department of Planning and Environment (DP&E) guidelines including A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals.

Section 3.33 (2) of the EP&A Act outlines that a Planning Proposal must include the following components:

- A statement of the objectives or intended outcomes of the proposed instrument;
- An explanation of the provisions that are to be included in the proposed instrument;
- The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under 9.1);
- Maps, where relevant, to identify the intent of the Planning Proposal and the area to which it applies;
- Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

This Planning Proposal has been amended to update the Planning Proposal to include conditions of requirement as per the Gateway Determination issued on 6 September 2018.

2.1 PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The key objectives for this Planning Proposal are:

- To ensure the lot size proposed for dual occupancy development facilitates good design that can accommodate an appropriate built form, driveways and sufficient landscaped areas,
- To retain the low density residential character of the R2 Low Density Residential zone,
- To identify the appropriate locations for growth and align projected growth with existing and proposed local roads, transport and social infrastructure,
- To achieve a consistency of minimum lot size for dual occupancy development across LGA.

The intended outcomes of the Planning Proposal are:

- To introduce the minimum lot size for dual occupancies under the Auburn LEP 2010 and the Holroyd LEP 2013. This minimum lot size would align with that currently provided with the Parramatta LEP 2011 and will implement a consistent minimum lot size for dual occupancy development across the Cumberland LGA.

2.2 PART 2 - EXPLANATION OF PROVISIONS

2.2.1 Proposed Auburn LEP 2010 and Holroyd LEP 2013 Amendments

The proposed outcome will be achieved by the inclusion of a written clause in the Auburn LEP 2010 and the Holroyd LEP 2013, to introduce a minimum lot size provision for the development of a dual occupancy.
The proposed clause will apply to land in the R2 Low Density Residential and R3 Medium Density Residential zones where a minimum lot size of 600m² (both attached and detached) will be introduced for the development of a dual occupancy.

Table 2 below compares the existing Auburn and Holroyd LEPs and DCPs’ minimum lot size controls to the proposed amendment to the respective LEPs. The draft Minimum Lot Sizes for Dual Occupancy Development Maps are provided in Appendix 1.

<table>
<thead>
<tr>
<th>Auburn LEP 2010 Controls</th>
<th>Existing ALEP 2010 Controls</th>
<th>Existing ADCP Controls</th>
<th>Proposed ALEP 2010 Controls in R2 &amp; R3 zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size for dual occupancies (attached)</td>
<td>N/A</td>
<td>450m²</td>
<td>600m²</td>
</tr>
<tr>
<td>Minimum Lot Size for dual occupancies (detached)</td>
<td>N/A</td>
<td>600m²</td>
<td>600m²</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Holroyd LEP 2013 Controls</th>
<th>Existing HLEP 2013 Controls</th>
<th>Existing HDCP Controls</th>
<th>Proposed HLEP 2013 Controls in R2 &amp; R3 zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size for dual occupancies (attached or detached) on a lot in Zone R2</td>
<td>N/A</td>
<td>500m²</td>
<td>600m²</td>
</tr>
<tr>
<td>Minimum Lot Size for dual occupancies (attached or detached) on a lot in Zone R3</td>
<td>N/A</td>
<td>450m²</td>
<td>600m²</td>
</tr>
</tbody>
</table>

Table 2. Existing and Proposed Controls

The proposed outcome delivers a consistent approach to lot sizes for dual occupancy development across the Cumberland LGA. The proposed minimum lot area of 600m² ensures that there is sufficient area available on a lot for adequate landscaping and setbacks. It also aims to deliver a built form that does not detract from the low density residential character of a neighbourhood.

The inclusion of the proposed clause in the Auburn LEP 2010 and Holroyd LEP 2013 would improve certainty relating to consistent minimum lot sizes for Council and the local community. It will also achieve a density that is consistent with the R2 Low Density Residential zoning and the associated planned infrastructure. It is unlikely that the proposed lot size will impact on the planned densities of the R3 Medium density zone as multi dwelling housing will be the preferred land use as it achieves the highest and best use of the land from a development perspective.

The Planning Proposal does not propose to amend the planning controls relating to the site for zoning, height of buildings, or floor space ratio.

The inclusion of a savings provision of up to 3 months is proposed to allow for the industry to respond to the new controls. This should ensure that the new controls do not affect any existing Development Applications.

No amendment to the Parramatta LEP 2011 is proposed since a minimum lot size of 600m² is already specified under clause 6.11 of this LEP.
2.3 PART 3 - JUSTIFICATION

2.3.1 Section A. Need for the Planning Proposal

Q1: Is the Planning Proposal a result of any strategic study or report?

Yes. The Planning Proposal was prepared as a result of the Council report, Item C07/18-136 and resolution of 18 July 2018 (Attachment 1). The Council report was prepared following Council officer’s review of the State Environmental Planning Policy (Exempt and Complying Development Code) 2007 (SEPP) which introduces the Low Rise Medium Density Housing Code (the Code).

The Code allows dual occupancies, manor houses and terraces as complying development in the R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential zones where permitted under a Council’s Local Environmental Plan (LEP). Details of the review findings are provided in Council report, Item C06/18-108 for the Council meeting on 6 June 2018 (Attachment 2).

The Council reports identify a number of concerns about the Code’s inconsistency with Council’s LEP and DCP and raises implications for Cumberland. The Code provides built form, landscape and amenity development standards such as minimum lot size requirements, maximum gross floor area, minimum setbacks, minimum landscaped area, car parking and vehicle access requirements. The Code states that a development must meet the minimum lot size requirements under the relevant LEP, and if the LEP does not specify lot sizes, the Code’s standards will apply.

In the case of Cumberland LGA, the existing lot standards requirement for dual occupancies varies across the three LEPs and DCPs.

The Parramatta LEP specifies a minimum 600m² lot area which will continue to apply. However, for the remainder of Cumberland (i.e. land within former Auburn and Holroyd LGAs), lot size controls are specified in the DCPs only. These lot sizes are 450m² in Auburn DCP and 500m² in Holroyd DCP. These controls would be overridden by the Code’s minimum 400m² lot size. This will result in the minimum lot size being inconsistent across different low density areas of Cumberland LGA.

The Council report identifies adverse impacts of this inconsistency to Council’s development standard to low density residential areas of Cumberland LGA. The provisions of the Code will permit dual occupancies on allotments which are up to 100m² smaller than Council’s current DCP controls. This larger building capacity and residential population could result in cumulative impacts on surrounding areas, particularly in terms of pressure on, and capacity of, existing infrastructures. Roads, transport and social infrastructure are currently planned for a population based on low population density and the existing planned local character of low density suburban areas.

Therefore, this Planning Proposal has been prepared to protect the general low-density scale of Cumberland’s residential neighbourhoods and minimise any unintended implication of the reduced lot size requirement by the Code on the amenity of the R2 and R3 zones and on the capacity of local infrastructure.

It is also important to note that Cumberland Council is one of the priority councils allocated funding to prepare a new comprehensive Cumberland LEP over the next 2 years. The comprehensive Cumberland LEP would be supported by a Residential Housing Strategy and Local Strategic Planning Statement, which will identify local character and consideration of how and where future housing density increases should occur.
Q2: Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, a Planning Proposal is the best means of achieving the objectives and intended outcomes as amendments are required to the two LEPs; *Auburn LEP 2010* and *Holroyd LEP 2013* to stipulate the minimum lot size for dual occupancies in R2 and R3 zones.

Council considered following scenarios, minimum lot size for dual occupancies as shown in Table 3. On 18 July 2018, Council resolved to adopt Scenario 3 which will provide uniform approach to lot sizes for dual occupancy development across the entire Cumberland LGA.

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Options to proceed with the Planning Proposal</th>
<th>Assessment</th>
</tr>
</thead>
</table>
| 1        | Adopt existing lot size controls as specified in DCPs to the relevant LEPs.  
Auburn LEP 2010  
- Minimum lot area of 450m²  
Holroyd LEP 2013  
- Minimum lot area of 500m²  
Paramatta LEP 2011  
- No change required as PLEP already sets a minimum 600m² lot area | Scenario 1 delivers the minimal impact to the community since the same minimum lot size requirements are currently being enforced under the assessment of development applications under the Council’s DCPs.  
Incorporating the controls set in the DCPs into the LEPs allows the future development to be consistent with the planned residential density and would not have any greater impact on the capacity of the existing infrastructure than currently envisaged.  
However, this approach does not unify the controls across the entire Cumberland LGA nor does it take into account the difference in the existing subdivision lot size patterns in different parts of the LGA. |
| 2        | Adopt existing lot size controls of Holroyd DCP to Auburn LEP 2010 and Holroyd LEP 2013.  
Auburn LEP 2010  
- Minimum lot area of 500m²  
Holroyd LEP 2013  
- Minimum lot area of 500m²  
Paramatta LEP 2011  
- No change required as PLEP already sets a minimum 600m² lot area | Scenario 2 is the middle ground approach between the Scenario 1 and 3. This Scenario applies the existing minimum 500m² lot area set in Holroyd DCP to Auburn LEP 2010 and Holroyd LEP 2013.  
It would increase the minimum lot size requirement for attached dual occupancies by 50m² for the former Auburn LGA, and for the R3 zone in the former Holroyd LGA reducing the existing development potential for the lots between 450m² and 499m² in these locations.  
This approach would not affect a large number of lots, but would provide a more consistent approach than Scenario 1 within the Cumberland LGA. |
| 3        | Adopt existing lot size controls of Paramatta LEP 2011 to Auburn LEP 2010 and Holroyd LEP 2013.  
Auburn LEP 2010  
- Minimum lot area of 600m²  
Holroyd LEP 2013  
- Minimum lot area of 600m²  
Paramatta LEP 2011 | Scenario 3 delivers a uniform approach to lot sizes for dual occupancy development throughout the entire Cumberland LGA.  
This approach ensures that the sufficient areas are available for adequate landscaping, setbacks and a built form that does not detract from the local residential character. It would maintain a density that is consistent with the planned Low Density Cumberland Council • 10
Table 3. Review of minimum lot size Scenario 1, 2 and 3 for dual occupancies

Increasing the minimum lot size for development of dual occupancy (in comparison to the minimum lot sizes used in the Code) will allow for building forms, landscaped areas and vehicle access provision that is compatible with the local residential character and maintains a reasonable level of amenity for residents. The Planning Proposal aims to maintain a density that is consistent with the planned low density residential zoning and the associated infrastructure.

The nominated lot sizes also enable the planting or retention of trees on private lands and increase opportunities for street tree planting which will help to mitigate heat island effects and improve streetscapes which also supports the vision of the Greater Sydney Green Grid.

The Planning Proposal adopting the 600m² minimum lot area also feed into the preparation of Council's Housing Strategy and the Local Strategic Planning Statement, as part of the preparation of the new comprehensive Cumberland LEP.

2.3.2 Section B. Relationship to strategic planning framework

Q3: Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The Planning Proposal is consistent with the relevant actions and provisions of the following state government strategic planning policies:

- Greater Sydney Region Plan - A Metropolis of Three Cities
- Central City District Plan

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Greater Sydney Region Plan – A Metropolis of Three Cities

The Greater Sydney Commission’s Greater Sydney Region Plan – A Metropolis of Three Cities (the Plan), is built on a vision of three cities (to 2056) where most residents live within 30 minutes of their jobs, services and great places. Cumberland is within the Central River City. The Plan seeks to achieve the vision by aligning land use, transport and infrastructure outcomes for Greater Sydney concurrently with Future Transport 2056 (Transport for NSW) and State Infrastructure Strategy (Infrastructure NSW). The Plan identifies objectives and actions under 10 Directions for the Metropolis, under the following four key themes:

<table>
<thead>
<tr>
<th>Themes</th>
<th>Directions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infrastructure and collaboration</td>
<td>1. A city supported by infrastructure</td>
</tr>
<tr>
<td></td>
<td>2. A collaborative city</td>
</tr>
<tr>
<td>Liveability</td>
<td>3. A city for people</td>
</tr>
<tr>
<td></td>
<td>4. Housing the city</td>
</tr>
<tr>
<td></td>
<td>5. A city of great places</td>
</tr>
<tr>
<td>Productivity</td>
<td>6. A well-connected city</td>
</tr>
<tr>
<td></td>
<td>7. Jobs and skills for the city</td>
</tr>
<tr>
<td>Sustainability</td>
<td>8. A city in its landscape</td>
</tr>
<tr>
<td></td>
<td>9. An efficient city</td>
</tr>
<tr>
<td></td>
<td>10. A resilient city</td>
</tr>
</tbody>
</table>

Central City District Plan

The Central City District Plan (Greater Sydney Commission, March 2018) outlines planning priorities and actions to support the Greater Sydney Region Plan, under the same set of themes and directions. Part 3.8 of the Environmental Planning and Assessment Act 1979 (EP&A Act) requires planning authorities to give effect to the District Plan in preparing or considering Planning Proposals.

The Greater Sydney Region Plan and the Central City District Plan’s key planning priorities and actions relevant to this Planning Proposal are discussed below in Table 4 and details are provided at Appendix 2.

<table>
<thead>
<tr>
<th>Directions for a Greater Sydney</th>
<th>Greater Sydney Region Plan - Objectives</th>
<th>Central City District Plan - Planning Priority</th>
<th>Central City District Plan - Actions</th>
<th>Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. A city supported by infrastructure</td>
<td>02. Infrastructure aligns with forecast growth</td>
<td>C1. Planning for a city supported by infrastructure</td>
<td>A3. Align forecast with infrastructure</td>
<td>Consistent</td>
</tr>
<tr>
<td>4. Housing the City</td>
<td>O10. Greater housing supply</td>
<td>C5. Providing housing supply, choice and affordability, with access to jobs and services</td>
<td>A16. Prepare local or district housing strategies</td>
<td>Consistent</td>
</tr>
<tr>
<td></td>
<td>O11. Housing is more diverse and affordable</td>
<td></td>
<td>A17. Prepare Affordable Rental Housing Target schemes following development of implementation arrangements</td>
<td>Consistent</td>
</tr>
</tbody>
</table>
### Planning Proposal

<table>
<thead>
<tr>
<th>places</th>
<th>heritage is conserved and enhanced</th>
<th>places and local centres, and respecting the District’s heritage</th>
<th>throughout planning, design, development and management deliver great places by.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>8. A city in its landscape</strong></td>
<td>O25. The coast and waterways are protected and healthier and the corresponding strategies</td>
<td>C13. Protecting and improving the health and enjoyment of the District’s waterways</td>
<td>A60. Protect environmentally sensitive waterways. A62. Improve the health of catchments and waterways through a risk-based approach to managing the cumulative impact of development including coordinated monitoring of outcomes.</td>
</tr>
<tr>
<td></td>
<td>O27. Biodiversity is protected, urban bushland and remnant vegetation is enhanced</td>
<td>C15. Protecting and enhancing bushland and biodiversity</td>
<td>A65. Protect and enhance biodiversity. A66. Identify and protect scenic and cultural landscapes.</td>
</tr>
<tr>
<td></td>
<td>O30. Urban tree canopy cover is increased</td>
<td>A20. Adapting to the impacts of urban and natural hazards and climate change</td>
<td>A82. Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards. A83. Mitigate the urban heat island effect and reduce vulnerability to extreme heat.</td>
</tr>
<tr>
<td></td>
<td>O32. The Green Grid links parks, open spaces, bushland, and walking and cycling paths</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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Table 4. Consistency with key Planning Priorities and Actions

Q4: Is the Planning Proposal consistent with a council’s local strategic or other local strategic plan?

**Cumberland Community Strategic Plan 2017-2027**

Council’s Community Strategic Plan 2017-27 provides a 10 year strategic vision and planning framework for balancing its commitment to social cohesion, the local economy, the natural and built environments and the wider community. The key strategies relevant to the Planning Proposal are:

- Strategic Goal 1 - A great place to live
- Strategic Goal 4 - A strong local economy
- Strategic Goal 5 - A resilient built environment

The Planning Proposal is consistent with strategic goals of the Cumberland Community Strategic Plan as outlined in Table 5.

<table>
<thead>
<tr>
<th>Relevant CSP Strategic Goals</th>
<th>Relevant CSP outcome/s</th>
<th>Council’s commitment to the outcome</th>
<th>How the proposal achieves the outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategic Goal 1, A great place to live</td>
<td>We have high quality community facilities and spaces that fit our purposes</td>
<td>Council encourages the provision of facilities in line with community expectations, population growth and intended uses</td>
<td>The Planning Proposal proposes the amendment to the Auburn LEP 2010 and Holroyd LEP 2013 to introduce minimum lot area standard provisions for dual occupancies. This ensures that the amenity of the R2 Low Density Residential zone is maintained and minimises the impacts of the Code to the pressure on existing local infrastructure from unplanned population growth and density.</td>
</tr>
<tr>
<td>Strategic Goal 4, A strong local economy</td>
<td>We have access to great local education and care services</td>
<td>Council continues to advocate on behalf of our growing community for continual increases in access to education at all levels</td>
<td>The Planning Proposal aims to align the planned social infrastructure with the planned population growth by setting minimum lot area standard provisions for dual occupancies.</td>
</tr>
<tr>
<td>Strategic Goal 5, A resilient built environment</td>
<td>Our planning decisions and controls ensure the community benefits from development;</td>
<td>Council ensures planning controls benefit the community and decisions are made with</td>
<td>The Planning Proposal aims to maintain a density that is consistent with the planned Low Density Residential zoning and the associated</td>
</tr>
</tbody>
</table>

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We have a range of transport options that connect our town centres and to wider Sydney, consideration to a strategic vision; Local infrastructure is maintained and used sustainably.

Table 5. Consistency with the Cumberland Community Strategic Plan.

Cumberland Residential Housing Strategy and comprehensive Cumberland LEP

The forthcoming preparation of Council’s Residential Housing Strategy as part of the comprehensive Cumberland LEP will enable this issue to be considered in more detail and also in the context of infrastructure provision, as well as giving due consideration to local character and amenity. The Planning Proposal’s uniform approach of setting a minimum lot size across the entire Cumberland LGA would support the preparation of comprehensive Cumberland LEP.

Q5: Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (deemed SEPPs) deal with issues significant to the state and people of New South Wales.

The Planning Proposal is consistent or justifiably inconsistent with the applicable SEPPs and deemed SEPPs as outlined below with details provided in Appendix 3.

- **SEPP 55 Remediation of Land** provides a State wide planning approach for the remediation of contaminated land. The Low Rise Medium Density Code permits dual occupancy and medium density housing as complying development. The Code permits (and in some cases encourages) basement car parking as complying development, increasing the likelihood of disturbing contaminants that may affect human health. These matters would normally be considered as part of a DA, however, this assessment would not occur under the Code.

  Council’s mapping shows lands in the R2 and R3 zones identified by Council or the EPA as contaminated. Some of these have been remediated and have Site Audit Statements to verify this. Further work is required to update the remediation status of these contaminated lands for parts of the LGA.

  A separate Planning Proposal may be developed to recognise sites that are identified by Council or the EPA as contaminated, but which do not have Site Audit Statements be identified, seeking possible exclusion from the Code’s complying development.

- **SEPP Exempt and Complying Development Codes 2008** aims to provide a streamlined assessment process for development that complies with specified development standards. The Low Rise Medium Density Code when in effect, will form part of this SEPP. This Planning Proposal seeks amendments to the Auburn and Holroyd LEPs to address issues raised as a result of this, as discussed throughout this Planning Proposal and the Reports to Council at 6 June and 18 July 2018.

- **SEPP (Affordable Rental Housing) 2009** aims to provide a consistent planning regime for the provision of affordable rental housing and facilitate the effective delivery of affordable housing. The SEPP includes provisions providing FSR incentives for infill housing, such as dual occupancies and multi dwelling housing in locations within 800m walking distance from a rail station or 400m from a bus stop.
Permitting complying development for dual occupancies in the R2 zones, and manor houses, terraces, and dual occupancies in the R3 zones, at the lot sizes and FSRs proposed in the Code would discourage applicants from providing infill affordable housing via the Affordable Rental Housing SEPP. The applicants would favour the Code's provision for similar development potential for such sites.

However, a review of DAs lodged under the Affordable Housing SEPP for this type of infill housing for the former Holroyd and Auburn areas identified that only one DA lodged in each of the relevant areas, both of them for dual occupancies. Both used the SEPP to seek a dual occupancy on a lot below the permitted lot size under the LEP or DCP. Only one sought to use the FSR incentive (in part). A review of similar DAs for the former Parramatta LGA has not been undertaken, as the lot size provisions are already contained in the Parramatta LEP 2011.

No applications for townhouses under this SEPP have reached beyond pre-lodgement stage, with significant issues identified for the limited sites where interest has been expressed.

Given the apparent minimal uptake of this form of affordable housing, it is considered that the Planning Proposal is justifiably inconsistent with SEPP (Affordable Housing) 2009.

- **SEPP 19 - Bushland in Urban Areas** aims to protect bushland within urban areas. Specific attention to bushland, remnant and endangered vegetation and bushland zoned or reserved for public open space.

  The SEPP requires a consent authority to consider the aims of the policy, and give priority to retaining bushland unless there are significant environmental, economic or social benefits which outweigh the value of the bushland.

  The residential land affected by the Code includes land that adjoins land containing bushland, zoned or reserved for public open space, which is subject to the SEPP. The Code does not make any provision to avoid adverse impacts on such bushland from the residential development types identified as complying. Given the urgent need for this Planning Proposal, there has not been an opportunity to map these lands. Nevertheless, SEPP (Vegetation in Non-Rural Areas) 2017 still requires a permit or other consent for the removal of bushland. In addition, the Code's SEPP requires the new development to be compliant with the relevant DCP in relation to stormwater drainage. These requirements will minimise, but not prevent, other potential adverse impacts on adjoining publicly reserved bushland.

  Whether such lands should be included on an 'Environmentally sensitive areas – Buffer Map' could be considered as part of Council's Biodiversity Strategy which is currently being prepared. It is also anticipated that a separate Planning Proposal will be developed that may seek to exclude these identified lands in environmentally sensitive areas, from the Code's complying development.

- **SREP (Sydney Harbour Catchment) 2005** aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways. It establishes planning principles and controls for the catchment as a whole.

  Most of Cumberland LGA is within this catchment. Planning principles for development under this SREP include (but are not limited to):

  - Protection and where practicable, improvement of the hydrological, ecological and geomorphological processes on which the catchment depends;
  - Improvement of water quality, rehabilitation of watercourses, wetlands, riparian corridors remnant native vegetation and ecological connectivity;
  - Protection and rehabilitation of land affected or potentially affected by urban salinity;

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- Minimisation of the disturbance of acid sulfate soils;
- Reduction of quantity and frequency of urban runoff;
- Protection of the functioning of natural drainage systems on floodplains;
- Protection of visual qualities of the foreshores; and
- Take into account the cumulative impacts of development in the catchment.

A number of waterways and riparian zones within Cumberland LGA are identified on the SREP Foreshores and Waterways Area Map. The planning principles for the development of land within these areas include:

- Protection and enhancement of natural assets, visual qualities and the unique environmental qualities of the foreshores; and
- Increasing public access along foreshores and to the waterways while minimising the impact on watercourses, wetlands, riparian lands and remnant vegetation.

Development under the Low Rise Medium Density Code has certain requirements regarding the management of stormwater, to support some of the above principles in relation to the catchment as a whole.

However, where sites are located within riparian lands and waterways, it would result in a number of inconsistencies with the above principles, both for the catchment as a whole, and for the identified foreshores and waterways. For example, such development would result in increased impermeable surfaces, reduce vegetated riparian areas, and/or areas that could be rehabilitated to assist in filtering pollutants from runoff and protect the stability of creek banks.

Limiting the areas by the topographical features as described, means that land near most channelled waterways is not excluded from the Code. Council may consider a future Planning Proposal to address.

Clause 1.19 (1) (e) of the Exempt and Complying Development SEPP excludes complying development from land identified by an environmental planning instrument as being within a 'river front area'. Again, the terminology is not consistent with the SREP.

To ensure consistency with the SREP, and to protect the environmental and social qualities of the waterways and adjoining lands, a separate Planning Proposal may be prepared seeking to exclude the application of the Code to riparian areas in the LGA that retain the topography to support the above principles.

The Holroyd and Parramatta LEPs have mapped lands identified as 'Riparian lands and Watercourses' and 'Natural Resources – Riparian Land and Waterways'. It is anticipated that mapping of such lands will be updated if needed in those areas, and a similar map included for the former Auburn Council area in the future, under the title 'Environmentally sensitive areas'.

This would exclude them from Complying Development.

As listed above, the SREP also seeks to minimise the disturbance of acid sulphate soils and to protect and rehabilitate land affected or potential affected by urban salinity. Acid sulphate soils are discussed under the relevant Ministerial Direction. Urban Salinity is discussed under the Section 2.3.3 in regard to other environmental impacts.

Other relevant SEPPs

The following SEPPs and deemed SEPPs are relevant to the type of residential development proposed under the Code.

- SEPP (Building Sustainability Index – BASIX) 2004 aims to ensure consistency in the implementation of the BASIX scheme throughout the State.
Compliance with this SEPP BASIX is required for complying development of the types permitted under the Code.

- **SEPP (Coastal Management) 2018** aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone. Certain lands in Cumberland LGA are identified as part of the coastal zone, mapped as coastal wetlands, and proximity area for coastal wetlands.

  Clause 1.19 of **SEPP (Exempt and Complying Codes) 2008** identifies coastal wetlands and lands within 100m of these wetlands (i.e. land that is mapped as ‘Proximity to coastal wetlands’) as land within an ‘environmental sensitive area’. To protect these areas consistent with the Coastal Management SEPP, the Codes SEPP does not permit complying development on this land.

- **SEPP (Vegetation in Non-Rural Areas) 2017** aims to protect the biodiversity and amenity values of trees and other vegetation in non-rural areas of the State.

  The Code would not override the need for a permit or other consent for the removal of vegetation identified in Council’s DCPs and other vegetation specified in the SEPP.

**Q6: Is the Planning Proposal consistent with applicable Ministerial Directions (sec 9.1)?**

Section 9.1 directions are directions to councils from the Minister for Planning and Infrastructure that need to be considered or given effect to in the preparation of draft LEPs.

The following Directions are relevant to this Planning Proposal. The Planning Proposal is consistent or justifiably inconsistent with these Directions. Discussion of these is provided in Appendix 4.

<table>
<thead>
<tr>
<th>S9.1 Ministerial Directions</th>
<th>Consistency with the Planning Proposal</th>
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<tbody>
<tr>
<td>2.1 Environment Protection Zones</td>
<td>Consistent</td>
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<td>2.2 Coastal Protection</td>
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<td>2.3 Heritage Conservation</td>
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<tr>
<td>3.1 Residential Zones</td>
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<tr>
<td>3.4 Integrating Land Use and Transport</td>
<td>Consistent</td>
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<tr>
<td>4.1 Acid Sulphate Soils</td>
<td>Consistent</td>
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<tr>
<td>4.3 Flood Prone Land</td>
<td>Consistent</td>
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<td>5.10 Implementation of Regional Plans</td>
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<tr>
<td>6.1 Approval and Referral Requirements</td>
<td>Consistent</td>
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<tr>
<td>6.3 Site Specific Provisions</td>
<td>Not applicable</td>
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<tr>
<td>7.1 Implementation of a Plan for Growing Sydney</td>
<td>Consistent</td>
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<tr>
<td>7.3 Parramatta Road Corridor Urban Transformation Strategy</td>
<td>Consistent</td>
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<tr>
<td>7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</td>
<td>Consistent</td>
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</tbody>
</table>

**Table 6. Consistency with section 9.1 Directions.**
Planning Proposal

The Planning Proposal is consistent with Direction 3.1 Residential Zones as the Planning Proposal does not intend to restrict residential development, reduce the planned residential density, nor reduce the opportunity for housing diversity. The Planning Proposal does not back zone land nor does it seek to reduce the range of permissible residential land uses in the R2 or R3 zones.

The Planning Proposal only seeks to introduce a minimum lot size requirement of 600m² for dual occupancy development under the Auburn and Holroyd LEPs to align with the minimum lot size control of the Parramatta LEP. The introduction of lot size requirement for dual occupancy development across Cumberland LGA would minimise the adverse impact to the capacity of existing local infrastructure.

The proposed minimum lot size of 600m² provides better opportunities for good design and ensures that the sufficient areas are available for adequate landscaping, setbacks and a built form that does not detract from the local residential character.

Council has undertaken further analysis to ensure that the planning proposal does not constrain housing supply. The Code would still apply to over 12,200 lots within the Cumberland LGA.

2.3.3 Section C. 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?

This Planning Proposal is not anticipated to create any adverse impacts on critical habitat or threatened species, populations or ecological communities or their habitat, as it applies to land zoned R2 Low Density Residential and R3 Medium Density Residential only.

The initial review of land identified as ‘Remnant Native Vegetation’ on the Biodiversity Map of the Holroyd LEP 2013, and land identifies as ‘Biodiversity’ on the Natural Resources - Biodiversity Map of the Parramatta LEP 2011, revealed that most of the lands are identified within RE1 Public Recreation zone or IN1 General Industrial zone.

However, many of these RE1 zoned lands are bounded by R2 Low Density Residential and R3 Medium Density Residential zones. Development of residential zoned lands in vicinity of those identified RE zoned lands were assessed as minor based through Council’s Development Application. However the eastern section of Cumberland LGA could not be assessed as the Auburn LEP 2010 does not have a Biodiversity Map.

Council may consider a future Planning Proposal to further address this, or it may address this more thoroughly through its forthcoming comprehensive Cumberland LEP Review.

Q8: Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Flooding

The Low Rise Medium Density Housing Code does not enable low and medium density housing on any part of a lot with the following characteristics in relation to flooding:

- a flood storage area;
- a floodway area;

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- a flow path;
- a high hazard area; or
- a high risk area.

There are also controls in the Code that apply to 'flood control lots' to minimise flood risk, such as minimum floor levels.

While it is noted that increased density outside these areas, either on the same site or other sites, there will be some continued mitigation if the requirements for stormwater management under the Code are properly applied by designers and overseen by certifiers.

It is therefore not considered feasible to exclude such lands from the Code.

Riparian protection

There are a number of creeks and rivers running through the LGA. While many have been channelled as part of previous development, before there was general recognition of the important values of a natural waterway and the adjoining lands, there remain areas where the waterways are open. Some of these are protected by appropriate zonings, such as E2 Environmental Conservation, W1 Natural Waterways or RE1 Public Recreation; however, some are on private land, including land in R2 and R3 residential zones.

It is anticipated that Council may prepare a separate future Planning Proposal to seek to better address this issue.

Urban salinity

Concentrations of salt and certain kinds of salt can affect plant growth, soil chemistry and structure as well as the lifespan of materials such as bitumen, concrete, masonry and metal. This means that both ecosystems and various aspects of any development and infrastructure can be affected.

Urban salinity is caused by urban development however, the impacts can be moderated by careful design, construction methods and use of materials. For development on these sites, Council imposes conditions of consent requiring the use of measures to minimise the potential for salinity.

The Code does not include such conditions. Accordingly, it is appropriate that a DA be required for dual occupancy or medium density development, at least in those areas identified as having high salinity potential.

The former Holroyd LGA is identified as having moderate potential for urban salinity, with certain areas identified in the LEP as having high potential.

There are also lands within the former Parramatta and Auburn LGAs which have high salinity potential. However relevant maps are not provided in the Auburn and Parramatta LEPs.

Further work would be required to map these lands for the consistent approach across the Cumberland LGA, potentially as part of the comprehensive Cumberland LEP.

Q9: Has the Planning Proposal adequately addressed any social and economic effects?

Yes. The Planning Proposal seeks to improve certainty relating to consistent minimum lot sizes for Council and the local community.

The proposal would best maintain a density that is consistent with the R2 and R3 zone area and the associated planned infrastructure.

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Details of its effects are addressed below.

**Character and amenity and human health impacts**

Stipulating the minimum lot size for dual occupancy development (in comparison to the minimum lot sizes used in the Code) to 600m² will allow for building forms, landscaped areas and vehicle access provision that is compatible with the local residential character and would better maintain a reasonable level of amenity for existing and future residents.

In addition, this 600m² lot area would enable planting or retention of tree canopy on private land which is important to mitigate the urban heat island effect and for streetscape.

**Infrastructure and services**

The proposed minimum 600m² lot area would maintain a low density population in largely car-dependent areas which have not been planned for medium density development, limiting the impact on existing road network, parking, stormwater and social infrastructure.

Low and medium density suburban areas of Cumberland, such as Pemulwuy, Auburn south, Regents Park east or Granstanes where services and public transport are less available have the potential to be impacted significantly with the Code’s 400m² minimum lot size for dual occupancy and the potential resulting increase in building capacity.

For example, Pemulwuy, a medium density residential suburb in a remote location away from major transport, has a density of 18 dwellings per hectare and will reach 22 dwellings per hectare on completion. These car-dependent suburbs have a high level of car ownership and experience street car parking issues. As it has developed over the past 15 years the additional pressure placed on road networks and car parking at stations has been visible.

**Housing supply and diversity**

It is expected that a total of 12,200 lots are eligible for Dual Occupancy development under the proposed 600m² of minimum lot size control. Based on current approval rates for Dual Occupancy development, this planning proposal provide would provide up to 52 years’ worth of housing supply for dual occupancy development.

To determine this figure, Council undertook a scenario mapping exercise to identify total number of eligible lots that would be available for Dual Occupancy development under the following scenarios;

- Baseline: Applying the controls of the LRMDH Code,
- Scenario 1: Applying the proposed 600m² of minimum lot size control,
- Scenario 2: Applying 550m² minimum lot size control,
- Scenario 3: Applying 500m² minimum lot size control,
- Scenario 4: Current LEP/DCP controls for minimum lot size across the Cumberland area

The above scenario exercises also considered controls for minimum lot frontage requirement and excluded certain lots that are exempted from complying development.

The scenario mapping exercise also excluded the following lots:

- Strata Plans,
- Schools,
- Battle-axe lots,
- Business lots with multiple ownerships,
- Council-owned or State-owned Lots that are reserved for Infrastructure,
- Lots that are within the planned residential density area; i.e. former Lidcombe Hospital precinct (Botanica).
Table 7. Analysis of eligible lots for development of dual occupancies under three Scenarios.

Council also undertook a review of approvals for dual occupancy development to determine the current demand for dual occupancy development with Council approving a total of 1,166 dual occupancies developments over the past five years or 233 dual occupancy developments per year.

<table>
<thead>
<tr>
<th>Former Auburn LGA</th>
<th>Former Parramatta LGA</th>
<th>Former Holroyd LGA</th>
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<tbody>
<tr>
<td>Approved DAs (from 2013 to October 2018*)</td>
<td>184</td>
<td>155</td>
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*Note: The above data is generated based on Council’s recording of DAs that have been approved over the past five years, up to the first week of October 2018 when this research was conducted. The count of approved DAs includes deferred commencement.

2.3.4 Section D. State and Commonwealth interests

Q10: Is there adequate public infrastructure for the Planning Proposal?

The introduction of the Code would have some adverse impact to the public infrastructure of Cumberland. The population density will increase incrementally without consideration of the implications to existing infrastructure and its capacity.

Cumberland is established and (in part) densely populated LGA, with a population density of 32.32 per hectare, and the majority of the land zoned as R2 Low Density Residential but with higher density areas and centres. Therefore it is crucial to plan for a growth to align with any planned and existing public infrastructure, so forecast growth population can be accommodated with adequate infrastructure support.

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A dwelling density of 15-20 dwellings per hectare that this Planning Proposal will achieve is consistent with the planned density of the R2 Low density residential zone and will ensure that future dual occupancy development will increase a location's dwelling density to a point that will place strain on the capacity of existing and planned infrastructure.

Q11: What are the views of state and commonwealth public authorities consulted in accordance with the Gateway Determination?

The Gateway Determination has been issued on 6 September 2018, which advises Council to undertake a public exhibition for a minimum of 28 days. Prior to undertaking exhibition, the Planning Proposal is required to be revised to meet the conditions set in the Gateway Determination and the revised Planning Proposal to be referred to the Department for review.

No consultation is required with public authorities/organisations under section 3.34(2)(d) of the Act.
3 MAPPING

Please refer to Appendix 1 for an indicative amendment to the Auburn LEP 2010 and the Holroyd LEP 2013 - introducing a Minimum Lot Sizes for Dual Occupancy Development Map, should the Planning Proposal be adopted.
4 COMMUNITY CONSULTATION

4.1 POST-GATEWAY COMMUNITY CONSULTATION

The Planning Proposal was publicly exhibited for a period of 36 days from 13 March 2019 to 17 April 2019.

Council sent out an exhibition package to all affected landowners via mail. This exhibition package included a FAQ to provide the landowners with an easy to understand overview of the proposal. Council also posted details on Facebook inviting interested parties to visit Council’s Have Your Say page to make a submission during the exhibition period.

A total of 169 written submissions were received. 98 submissions supported and 69 submissions objected to the proposal. 4 submissions did not indicate whether they supported or objected to the proposal. A further 28 individuals made comment via the Facebook post.

Submissions received in support of the proposal were based on the following key principles that the 800m² would:

- reduce street congestion by allowing for sufficient onsite parking;
- allow for sufficient landscaping to protect existing streetscapes;
- limit demand for existing infrastructure and reduce the need for new infrastructure; and
- protect amenity and local character.

Submissions received in opposing the proposal objected for the following principles that the 600m² would:

- have a negative impact on landowners existing investment;
- reduces a landowner’s ability to derive revenue from their property;
- potential to reduce the property value due to the inability to develop a property for a dual occupancy development; and
- potential to impact housing affordability through reduced housing supply and choice.

Of the submissions in support, 13 requested that a control requiring larger lot sizes of between 650m² and 800m² apply, and 24 submissions objecting to the proposal requested that smaller lot sizes of between 400m² and 550m² apply.
5 **ANTICIPATED PROJECT TIMELINE**

(An amended timeline followed by a post-gateway public exhibition)

The timeline presented below indicates the anticipated steps for completion of the Planning Proposal and submission of the final, exhibited and amended version to the Department for making and notification (gazetted) of the Auburn LEP 2010 and Holroyd LEP 2013.

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<td>Receive and evaluate submissions and revise controls of PP</td>
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<td>Submit PP to the Department for legal drafting and finalisation</td>
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7 ATTACHMENTS

The following documents are provided in support of the Planning Proposal:

- Attachment 1. Council report and minutes of 18 July 2018 (Min. 223, C07/18-136)
- Attachment 2. Council report and minutes of 6 June 2018 (Min. 175, C06/18-106)
- Attachment 3. DP&E Response to Council Request for Exemption to LRMDH Code
- Appendix 1. draft Minimum Lot Sizes for Dual Occupancy Development Map
- Appendix 2. Consistency with NSW broader strategic framework
- Appendix 3. Consistency with SEPPs and deemed SEPPs
- Appendix 4. Consistency with Section 9.1 Ministerial Directions
Attachment 1. Council report and minutes of 18 July 2018 (Min. 223, C07/18-136)
Item No: C07/18-136

PLANNING PROPOSAL - MINIMUM LOT AREA FOR LOW-MEDIUM DENSITY DUAL OCCUPANCY HOUSING

Responsible Division: Environment & Infrastructure
Officer: Group Manager - Planning
File Number: S-57-63
Community Strategic Plan Goal: *A resilient built environment*

**SUMMARY**

<table>
<thead>
<tr>
<th>Land related to the Proposal</th>
<th>R2 Low Density Residential and R3 Medium Density Residential zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Planning Controls</td>
<td>Insert an LEP clause setting minimum lot area standard provisions for dual occupancies</td>
</tr>
<tr>
<td>Disclosure of political donations and gifts</td>
<td>Nil</td>
</tr>
</tbody>
</table>

This report seeks a Council resolution to prepare a Planning Proposal for submission to the Department of Planning and Environment (DP&E or Department) for Gateway Determination to enable the deferral of the State governments Low Rise Medium Density Housing Code (the Code) within Cumberland, as requested by Council resolution on 6 June 2018.

This report has been prepared following a receipt of a response and recent meeting with DP&E where the Council was advised to submit a Planning Proposal by 27 July 2018. This report outlines three potential scenarios as options for Council’s consideration and implementation during the deferral period.

The DP&E has clarified that deferrals are only being granted for the Part B3B Low Rise Medium Density Code for a limited time, and are only being considered in order for Councils to make relevant preparations, such as transferring minimum lot area controls into their LEPs. After this time period lapses the Codes full provisions will take effect. This report presents Council an opportunity to minimise the impact of the State Government’s Code on low density residential zones within Cumberland LGA.

**RECOMMENDATION**

That Council:

1. Prepare a Planning Proposal to amend the Auburn Local Environmental Plan 2010, Holroyd Local Environmental Plan 2013 and Parramatta Local Environmental Plan 2011 to introduce a minimum lot area for dual occupancy development within Cumberland LGA.
2. Nominate 600m² as the minimum lot area for the development of dual occupations within Cumberland LGA.

3. Consult with the community and the Local Planning Panel on the Planning Proposal, following Gateway Determination by the Department of Planning and Environment.

REPORT

The Department of Planning and Environment (DP&E) released the new Low Rise Medium Density Housing Code (the Code) and an associated Design Guide, which commence this month. Complying development under the State Code is a fast-track approval that can be issued by a certifier, without Council officer merit assessment or opportunity for neighbours to make submissions.

The Code forms a new section of the State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2008. It will allow two-storey manor houses and terraces as complying development in the R3 Medium Density Residential zones where multi dwelling housing is currently permitted under Cumberland’s three Local Environmental Plans (LEPs). It will also allow dual occupations (with Torrens subdivision) as complying development in both the R2 Low Density Residential and R3 Medium Density Residential zones.

The Code provides a 400m² minimum lot area requirement for dual occupations. The Code’s standards will apply to the new development for the above listed housing types unless the lot area provisions are contained within an LEP. DCP provisions will not apply to such complying development.

At the Ordinary Meeting of 6 June 2018 Council considered a report prepared by Council officers following a review of the Code. This report identified a number of concerns about the Code’s inconsistency with Council’s Local Environmental Plans (LEPs) and Development Control Plans (DCPs). Three LEPs, namely Auburn LEP 2010, Holroyd LEP 2013 and Parramatta LEP 2011 apply within the Cumberland LGA. These are each supported by a DCP which provide more detailed guidance.

The Council 6 June 2018 resolved [Item C06/18-106] that:

"Council write to the Minister for Planning requesting a deferral of the commencement of the Low Rise Medium Density Housing Code within Cumberland until a new Housing Strategy and draft Cumberland comprehensive Local Environmental Plan is completed, consistent with the deferral granted to other Councils."

Consistent with this resolution, a letter requesting a deferral of the commencement of the Code within Cumberland was sent to the DP&E. Council has subsequently received correspondence from the Acting Executive Director, Planning Policy at the Department advising that in response to Council’s request the Code will be deferred in the Cumberland local government area (LGA), meaning that applicants will not be able
to lodge a complying development application for dual occupancies, manor houses or terraces until 1 July 2019. (See attachment 1).

At a recent meeting, DP&E staff advised that councils who have their minimum lot area controls in their DCPs will be required to submit Planning Proposals by 27 July 2018, in order for the Department to agree to continue the 12 month deferral from the Code. In any case, the amendment could take up to 12 months from commencement and so should not be delayed if it is to be in place by 1 July 2019. The draft Amendment was published on 5 July and has commenced. (See attachment 2).

This Planning Proposal would need to outline the issues that would result from the application of the controls in the Code, given the inconsistencies of the Code with Council’s Local Environmental Plans (LEPs) and Development Control Plans (DCPs).

Due to the limited time available, it is recommended that the Planning Proposal be prepared and submitted for a Gateway Determination as soon as possible following the Council Meeting on 18 July 2018, should Council decide to proceed.

It is further recommended that, in this instance, the planning proposal be referred to the Cumberland Local Planning Panel (CLPP) for advice following the Gateway Determination, due to the timeframe imposed by the DP&E.

**The Code Provisions**

This report outlines three scenarios for Council’s consideration which seek to minimise the adverse impacts of the Code as it applies to the R2 and R3 zones of Cumberland. Council’s preferred scenario would form the basis of a planning proposal to amend the relevant LEPs accordingly.

The new planning controls proposed would not change the zoning, height of buildings, or floor space ratio in the LEPs. Rather the proposed amendments seek to incorporate minimum lot area controls for dual occupancies in the LEPs that apply within the Cumberland LGA.

**Minimum lot area and width for dual occupancy in The Code**

The Code provides for a minimum lot area of 400m² for a dual occupancy consisting of two adjacent dwellings on R2 or R3 zoned land, unless Council’s LEP has a different control. It also provides for a minimum lot width of 12m, where there is access to more than one street (i.e. a corner site, or site with rear-lane access), and defaulting to 15m otherwise. Unlike the minimum lot area provision, the minimum lot width in the Code will override any controls in an LEP.

The Code also permits a dual occupancy of one dwelling above part of another dwelling (i.e. two storey dual occupancy) on a minimum lot area of 400m² and a minimum lot width of 15m. The other development standards for this type of housing are the same standards set for manor houses.
Existing Controls within Cumberland

The Parramatta LEP 2011 has a minimum lot area for dual occupancies of 600m². This would become the minimum under the Code and override the Codes 400m² minimum standard for the former Parramatta LGA (Woodville Ward) area.

However, this would not be the case for the remainder of the Cumberland LGA. The minimum lot area (or site area) controls for these areas are contained within the DCP, rather than the LEP, and the DCP will have no effect on complying development under the Code. As such, the minimum lot area for a dual occupancy as complying development would become 400m² for most of Cumberland.

Dual occupancies are mostly developed in the Low Density residential zones because higher yielding multi dwelling housing development is permitted in the R3 Medium Density Residential zone. A comparison of the minimum lot areas for dual occupancies within the R2 Low Density Residential zone is as follows:

<table>
<thead>
<tr>
<th>Area</th>
<th>Attached Dual Occupancy</th>
<th>Detached Dual Occupancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>East (Auburn DCP 2010)</td>
<td>450m²</td>
<td>600m²</td>
</tr>
<tr>
<td>Centre (Parramatta LEP 2011)</td>
<td>600m²</td>
<td>600m²</td>
</tr>
<tr>
<td>West (Holroyd DCP 2013)</td>
<td>500m²</td>
<td>500m²</td>
</tr>
</tbody>
</table>

It is noted that currently at least 900m² (450m² each) is required for Torrens subdivision of dual occupancies under the Auburn LEP provisions and 450m² is the minimum in the R3 Medium Density zone under the Holroyd DCP.

Scenarios

Three scenarios are provided to address minimum lot areas for dual occupancies for Council’s consideration. All three scenarios propose that a minimum lot area control be added to the Auburn and Holroyd LEPs. This is to ensure that at least the standard in R2 Low Density Residential zones does not drop to such a level (400m²) that it would be a de-facto, unplanned and underserviced medium density zone.

Scenario 1

Scenario 1 would move the existing lot area requirements for dual occupancies from the current Auburn DCP 2010 and Holroyd DCP 2013 to the relevant LEPs (refer to Figure 1). As noted above, Parramatta LEP 2011 already has a minimum lot area of 600m² for dual occupancies, so no change would be required.

This scenario would essentially maintain the status quo and would present as the least change. Incorporating the current DCP controls into the LEPs allows future development to be generally consistent with the planned residential density under each set of Plans. (Refer to Attachment 3 – Scenario 1 map).
However, Scenario 1 does not provide an easily understood, consistent approach to minimum lot area across Cumberland that is easy for the community to understand. The complying development buildings would no longer be subject to merit assessment of the design, impacts and submissions from neighbours. Buildings become ‘tighter’ and more difficult to design well on smaller lots. Further, while Auburn had the lowest lot area requirements in the R2 Low Density Residential zone, these could not previously be Torrens subdivided. The ability to Torrens subdivide dual occupancies as complying development will increase the prevalence of this form of development and the intensification of the Low Density Zones.

![Figure 1. Scenario 1](image)

**Scenario 2**

In an alternative approach, Scenario 2 would:

- apply the minimum 500m² lot area (from the Holroyd DCP) to attached dual occupancies in all to R2 and R3 zones in the Auburn and Holroyd LEPs, and
- apply the minimum 600m² lot area (from the Auburn DCP) to detached dual occupancies in all R2 and R3 zones in the Auburn and Holroyd LEPs, and
- maintain the minimum 600m² lot area for attached and detached dual occupancies in all R2 and R3 zones in the Parramatta LEP 2011. (see Figure 2)

Scenario 2 would increase the minimum lot area requirement for attached dual occupancies by 50m² for the former Auburn LGA, though this is considered reasonable given merit assessment is being removed and Torrens subdivision introduced. It would also increase by 50m² for the R3 zone in the former Holroyd LGA, though minimal dual occupancy development occurs within this zone as discussed earlier. As can be seen from the maps at Attachment 3 - Scenario 2 map, this would not affect a large significant number of lots, but would provide a more consistent approach within the Cumberland LGA. Scenario 2 represents a middle ground between the Scenarios 1 and 3. It is noted that with this scenario, Council would need to address this further as part of the development of the one single LEP for Cumberland.
**Scenario 3**

A third scenario, Scenario 3, would be to require a consistent minimum lot area for dual occupancies throughout the entire Cumberland LGA, applying the existing minimum 600m² lot area under the Parramatta LEP 2011 (and for detached dual occupancies under the Auburn DCP) to both the Auburn LEP 2010 and the Holroyd LEP 2013 (Figure 3).

Scenario 3 delivers a uniform approach to lot areas for dual occupancy development across Cumberland LGA (Refer to Attachment 3 - Scenario 3 map). The proposed minimum lot area of 600m² ensures that the sufficient areas are available for adequate landscaping, setbacks and a built form that does not detract from the local residential character. It would best maintain a density that is consistent with the planned Low Density Residential zoning and the associated planned infrastructure.

Whilst the Code will still have some impact when it comes to force, the increased minimum lot area under this scenario would provide the greatest potential for reasonable design outcomes, and allow more space around the building and between driveways for on street parking and street tree planting. Given the lag in infrastructure provision, this scenario is likely to have the least impact of the three scenarios identified on infrastructure such as schools and hospitals.

Scenario 3 would increase of the minimum lot area for former Auburn and Holroyd LGAs by 150m² and 100m² respectively. Again, this is considered reasonable given merit assessment of design and impact is being removed. Dual occupancy development is not currently highly prevalent in the east (because of current Torrens subdivision limitations) and will be introduced to this area under the State Low Rise Medium Density Code. It is also noted that there are more large (600m²+) lots available in the central-west area of Cumberland compared to the far west and east, and sufficient to ensure that there would continue to be ample opportunity for small
residential developers on the most suitably sized lots. This is also the most consistent with the standard for most comparable Sydney Councils.

![Figure 3. Scenario 3](image)

**Scenario Density Comparison**

A comparison of each of the scenarios (including the 'do nothing' scenario where the Codes 400m² minimum would apply), the resulting number of eligible lots and projected dwellings densities in the R2 Low Density Residential zone over the medium and long term is provided below:

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Minimum lot areas</th>
<th>Eligible sites</th>
<th>Forecast R2 zone density</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Medium Term</td>
</tr>
<tr>
<td><strong>Do Nothing</strong></td>
<td>400m² (all - ALEP &amp; HLEP) 600m² (all - PLEP)</td>
<td>30,258 lots</td>
<td>&gt;17 dw/ha</td>
</tr>
<tr>
<td>(Code Standard Applies)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Scenario 1</strong></td>
<td>450m² (R3 zone - HELP) 450m² (attached - ALEP) 500m² (R2 zone - HLEP) 600m² (detached - ALEP) 600m² (all - PLEP)</td>
<td>25,888 lots</td>
<td>&gt;16 dw/ha</td>
</tr>
<tr>
<td><strong>Scenario 2</strong></td>
<td>500m² (attached - ALEP, HLEP) 600m² (detached - ALEP, HLEP) 600m² (all - PLEP)</td>
<td>24,268 lots</td>
<td>&gt;16 dw/ha</td>
</tr>
<tr>
<td><strong>Scenario 3</strong></td>
<td>600m² (all - ALEP, HELP, PLEP)</td>
<td>13,747 lots</td>
<td>15 dw/ha</td>
</tr>
</tbody>
</table>

*Note:* In the table above, ALEP is the Auburn LEP area, HLEP is the Holroyd LEP area and PLEP is the Parramatta LEP area. Cumberland R2 zone is approx. 3,000 ha.
Over 25 dwellings per hectare is generally considered to be medium density, and this is reflected in statements in the State Government’s ‘Medium Density Guide’. 15 dwellings per hectare is traditional suburban low density and R2 zones are currently around 14 dwellings per hectare.

Pemulwuy, a medium density residential suburb in a remote location away from major transport, has a density of 18 dwellings per hectare and will reach 22 dwellings per hectare on completion. It is car-dependent, so has a high level of car ownership and experiences street car parking issues. As it has developed over the past 15 years the additional pressure it has placed on road networks and car parking at stations has been visible. Scenarios 1 and 2 reach this density across Cumberland’s R2 zone in the medium term and exceed it in the longer term.

**Recommended Scenario**

Whilst each of the three scenarios outlined have merit, this report recommends Council pursue Scenario 3 (that is increasing the minimum lot area to 600m² for dual occupancies in the R2 and R3 zone) for the following reasons:

- Increasing the minimum lot area for dual occupancy development (in comparison to the alternative 400m² minimum lot area in the Code) will allow for building forms, landscaped areas and vehicle access provision that is more compatible with the low density residential character and would better maintain a reasonable level of amenity for residents.

- The 600m² lot area would maintain a somewhat low density population density in largely car-dependent areas which have not been planned for medium density development, limiting the impact on existing road network, parking, stormwater and social infrastructure.

- This 600m² lot area would enable planting or retention of tree canopy on private land which is important to manage the urban heat island effect in central Sydney.

- The consistent application of a 600m² lot area across Cumberland would be simple and easy for the community to understand.

Once the deferral period ends, the Code will have an impact on the ‘take-up’ and form of development in the R2 and R3 zones. However, the more cautious approach outlined in Scenario 3 seeks to manage this impact in low density residential zones as best as possible within the parameters set by DP&E, at least in the interim. The forthcoming preparations of Council’s Housing Strategy and Council’s Comprehensive LEP will enable further review of the minimum lot area provisions under which ever scenario Council elects to pursue.

**COMMUNITY ENGAGEMENT**

The proposed process involves a deviation from Council’s normal practice of early consultation, however this is considered to be reasonable in the circumstances given the urgency of the matter. Formal community consultation would be undertaken.
following gateway determination, in accordance with the conditions listed on the
determination as per section 3.34(2) of the Environmental Planning and Assessment
Act 1979. The community would be engaged by a letter mail out, notices in local
newspapers, notices on Council website and information at customer service centres
and libraries.

It is important to note that Council can reconsider the minimum lot area after
consultation, and again as part of the wider residential housing strategy developed as
part of the new Cumberland LEP. Delaying the planning proposal at this stage would
result in the Codes 400m² minimum applying in all but the Parramatta LEP area.

POLICY IMPLICATIONS

There are significant policy implications for Council associated with this report, outlined
for each of the scenarios. The report proposes amendments to three LEPs by
introducing a minimum lot area requirement for the development of dual occupancies
and by excluding lands from the Code.

RISK IMPLICATIONS

There are minor risk implications for Council associated with this report. The report
recommends Council prepare a Planning Proposal to amend three LEPs and exclude
certain lands from the Code. The Planning Proposal also seeks a deferral of the
commencement of the Code within Cumberland until a Residential Housing Strategy
and Cumberland comprehensive LEP is completed.

If the Code is applicable to Cumberland at its commencement day on 6 July 2018
without submitting the Planning Proposal to amend Cumberland’s the LEPs and the
associated map, the Code will permit complying development applications to be
reviewed and approved by private certifiers for these types of developments in the R2
and R3 zones across Cumberland, rather than requiring a merit based assessment of
a Development Application.

FINANCIAL IMPLICATIONS

There are minimal direct financial implications for Council associated with the work
recommended by this report. There are financial implications relating to the efficient
provision and maintenance of infrastructure associated with not proceeding with an
LEP amendment to introduce a minimum lot size for dual occupancies.

CONCLUSION

Further to the report of 6 June 2018, this report provides Council with the Departments
response to the request for an exemption to the Low Rise Medium Density Code and
outlines three potential scenarios for amending the LEPs applying to the Cumberland
LGA.

This report recommends Council pursue Scenario 3, which would which would
introduce a consistent 600m² minimum lot area standard for dual occupancies across
the low density residential zones of Cumberland LGA.
The forthcoming preparation of Council’s Residential Housing Strategy as part of the preparation of the new comprehensive Cumberland LEP would enable density and lot size to be considered again in more detail, in the context of infrastructure provision, local character and amenity.

A Planning Proposal will be required to implement these recommended amendments. Whilst all of the scenarios would be effective, Scenario 3 is considered to best minimise the impacts of the mandatory Code at this stage, particularly in terms of amenity in the R2 Low Density Residential zone, as well as pressure on existing infrastructure.

ATTACHMENTS

1. DP&E Response to Council Request for Exemption to LRMDH Code
2. Codes SEPP Further Amendment - Deferred Application to Cumberland
3. Lot Size Map - Scenario 1, 2 and 3
DOCUMENTS ASSOCIATED WITH REPORT C07/18-136

Attachment 1

DP&E Response to Council Request for Exemption to LRMDH Code
Mr Hamish McNulty  
Acting General Manager  
Cumberland Council  
PO Box 42  
MERRYLANDS NSW 2160  

Subject: Mr Brendan Govers, Acting Deputy General Manager, Environment & Infrastructure  

Dear Mr McNulty  

I refer to our recent correspondence on the Low Rise Medium Density Housing Code (the Code). Many councils are commencing with implementation of the Code on 5 July 2018. Where councils have requested further time a deferral has been granted by the Minister. As such, I am writing to advise that in response to your request, the Code will be deferred in the Cumberland local government area until 1 July 2019. For your council area this will mean that applicants will not be able to lodge a complying development application for dual occupancies, manor houses or terraces until 1 July 2019. Applicants will also not be able to lodge a development application for manor houses or terraces until 1 July 2019, unless your Local Environmental Plan already permits this form of housing. We encourage you to remain engaged with your community about the housing requirements for your local area during this time. If you have questions about preparation of local housing strategies or planning proposals, please contact Ms Ann-Marie Carruthers, Director, Sydney Region, West, on 02 9274 6270. The Department’s website will be updated, and further information can be found at planning.nsw.gov.au/Policy-and-Legislation/Housing/Medium-Density-Housing. Should you have any further questions in relation to the temporary deferral, I have arranged for Ms Lynne Sheridan, Director, Codes and Approval Pathways, to be available to assist. Ms Sheridan can be contacted on 02 9274 6423.

Yours sincerely,

Deborah Brill  
Acting Executive Director  
Planning Policy
DOCUMENTS ASSOCIATED WITH REPORT C07/18-136

Attachment 2
Codes SEPP Further Amendment
- Deferred Application to Cumberland
State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) Further Amendment 2018

under the Environmental Planning and Assessment Act 1979

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the Environmental Planning and Assessment Act 1979.

ANTHONY ROBERTS, MP
Minister for Planning
State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) Further Amendment 2018

under the
Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) Further Amendment 2018.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy

(1) This Policy is repealed on the day following the day on which this Policy commences.

(2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the Interpretation Act 1987, affect any amendment made by this Policy.
Schedule 1  Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) 2017

Insert after the definition of Low Rise Medium Density Housing Code:

manor house means a residential flat building containing 3 or 4 dwellings, where:
(a) each dwelling is attached to another dwelling by a common wall or floor, and
(b) at least 1 dwelling is partially or wholly located above another dwelling, and
(c) the building contains no more than 2 storeys (excluding any basement).

Insert after the definition of Medium Density Design Guide:

multi dwelling housing (terraces) means multi dwelling housing where all dwellings are attached and face, and are generally aligned along 1 or more public roads.

[3] Schedule 1 [18], Part 3B, Division 7, heading
Omit the heading. Insert instead:
Division 7  Miscellaneous

[4] Schedule 1 [18], clause 3B.63
Insert after clause 3B.62:

3B.63 Deferred application of Part 3B in certain local government areas

(1) This Part (other than this clause) does not apply to or in respect of land in a deferred area.

(2) For the purposes of this clause, land is in a deferred area if the land is in any of the following local government areas:

Armidale Regional, Ballina, Bayside, Ballina, City of Blue Mountains, Burwood, Ryde, Camden, City of Campbelltown, Camden, Canterbury-Bankstown, Central Coast, City of Coffs Harbour, Cumberland, Georges River, City of Hawkesbury, Hills, Hornsby, Hunter's Hill, Inner West, Kiama, Lane Cove, Mid-Coast, Mid-Western Regional, Moree Plains, Mosman, Narrabeen, Northern Beaches, City of Parramatta, City of Fairfield, City of Ryde, City of Sutherland, City of Shoalhaven, Snowy Monaro Regional, Shoalhaven, Sutherland Shire, City of Sydney, Tamworth Regional, The Hills Shire, Tweed, Upper Lachlan Shire, City of Willoughby, Wingecarribee, Wollondilly, City of Wollongong, Woolloomooloo, Yass Valley.

(3) This clause ceases to have effect on 1 July 2019.
DOCUMENTS ASSOCIATED WITH REPORT C07/18-136

Attachment 3
Lot Size Map - Scenario 1, 2 and 3
C07/18-135 Planning Proposal and Draft DCP Controls for Woodville Road Neighbourhood Centre Precinct, corner of Lansdowne Street, Merrylands

This item was dealt with earlier in the meeting.

Min.223 C07/18-136 Planning Proposal - Minimum Lot Area for Low-Medium Density Dual Occupancy Housing

Motion (Attie/Zreika)

That Council:

1. Prepare a Planning Proposal to amend the Auburn Local Environmental Plan 2010, Holroyd Local Environmental Plan 2013 and Parramatta Local Environmental Plan 2011 to introduce a minimum lot area for dual occupancy development within Cumberland LGA.

2. Nominate the minimum lot areas for the development of dual occupancies within Cumberland LGA as identified on figure 1 scenario 1 of this report.

3. Consult with the community and the Local Planning Panel on the Planning Proposal, following Gateway Determination by the Department of Planning and Environment.

Amendment (Elmore/Christou)

That Council:

1. Prepare a Planning Proposal to amend the Auburn Local Environmental Plan 2010, Holroyd Local Environmental Plan 2013 and Parramatta Local Environmental Plan 2011 to introduce a minimum lot area for dual occupancy development within Cumberland LGA.

2. Nominate 600m² as the minimum lot area for the development of dual occupancies within Cumberland LGA.

3. Consult with the community and the Local Planning Panel on the Planning Proposal, following Gateway Determination by the Department of Planning and Environment.

The Amendment moved by Councillor Elmore seconded by Councillor Christou on being Put to the meeting was declared CARRIED.

A division was called, the result of the division required in accordance with Council’s Code of Meeting Practice is as follows:

Councillor(s) For the Amendment: Campbell, Christou, Cummings, Elmore, Hamed, Huang, Lake and Saha.
Councillor(s) Against the Amendment: Attie, Garrard, Grove, Zaiter and Zreika.

The Amendment moved by Councillor Elmore seconded by Councillor Christou then became the motion.

The motion moved by Councillor Elmore seconded by Councillor Christou on being Put was declared **CARRIED to become the resolution of Council** (as shown in the amendment).

A division was called, the result of the division required in accordance with Council’s Code of Meeting Practice is as follows:

Councillor(s) For the Motion: Campbell, Christou, Cummings, Elmore, Hamed, Huang, Lake and Saha.

Councillor(s) Against the Motion: Attie, Garrard, Grove, Zaiter and Zreika.

Councillor Hamed left the Meeting at 8:14pm and returned to the Meeting at 8:20pm during the consideration of this item.

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**C07/18-137 Hyland Road Reserve - Review of Appropriate Uses**

This item was dealt with earlier in the meeting.

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**C07/18-138 Accelerated Cumberland Local Environmental Plan Funding Offer**

This item was dealt with earlier in the meeting.

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**Min.224 C07/18-139 Response to Notice of Motion - Construction of Public Toilet Dellwood Street, South Granville**

**Resolved (Garrard/Zreika)**

That Council:

1. Approve the construction of a public toilet within the reserve area at the western end of the Dellwood Street Shops; and

2. Amend the 2018/2019 Capital Works Program to include the construction of the public toilet and that funding be allocated from the Woodville Ward Reserve Fund.
Attachment 2. Council report and minutes of 06 June 2018 (Min. 175, C06/18-106)
Item No: C08/18-106

LOW RISE MEDIUM DENSITY HOUSING CODE IMPLICATIONS FOR CUMBERLAND

Responsible Division: Environment & Infrastructure
Officer: Group Manager - Planning
File Number: HC-23-04-39
Community Strategic Plan Goal: A resilient built environment

SUMMARY

An amendment to State Environmental Planning Policy (Exempt and Complying Development Code) 2007 (SEPP) was recently released by the NSW Department of Planning (DP&E). This amendment, due to commence on 6 July 2018, introduces a Low Rise Medium Density Housing Code (the Code), which allows dual occupancies, manor houses and terraces as complying development in the R1, R2, and R3 residential zones where permitted under a Council’s Local Environmental Plan (LEP).

This report recommends that Council write to the Minister for Planning requesting a deferral of the commencement on the Low Rise Medium Density Housing Code as it applies to Cumberland.

RECOMMENDATION

That Council write to the Minister for Planning requesting a deferral of the commencement of the Low Rise Medium Density Housing Code within Cumberland until a new Housing Strategy and draft Cumberland comprehensive Local Environmental Plan is completed, consistent with the deferral granted to other Councils.

REPORT

Background

The Department of Planning and Environment (DP&E) released the new Low Rise Medium Density Housing Code (the Code) and an associated Design Guide in April 2018. These documents were accompanied by an amendment to the Standard Instrument (LEP) which introduced two new terms: manor houses and terraces. Manor houses are a type of multi dwelling housing that consists of three or four dwellings within in a two storey building. Terraces are a form of attached multi dwelling housing where all dwellings generally face the street.

The Code permits manor houses and terraces as complying development wherever multi dwelling housing is permitted. Multi dwelling housing is permitted in the R3
Medium Density Residential zones under *Auburn LEP 2010, Holroyd LEP 2013* and *Parramatta LEP 2011*. Multi dwelling housing is also permitted in the R1 General Residential zone under the *Parramatta LEP 2011*.

The Code also applies to the development of dual occupancies (detached or attached) within the R1 General, R2 Low Density and R3 Medium Density Residential zones.

Dual occupancies, manor houses and terraces which meet the specific requirements of the Code will be able to be determined by Council or private certifiers as fast-track complying development applications, without community input or merit assessment of design and impacts. The Code sets new development standards including minimum lot size requirements, setbacks, minimum landscaped area, car parking and vehicle access requirements.

The development must meet the minimum lot size requirements under the Council LEP, and if the LEP does not specify lot sizes, the Code's standards will then apply. In the case of Cumberland, minimum lot size controls are contained in the Parramatta LEP 2011, however for the remainder of the LGA, lot size controls are located in the Development Control Plans (DCPs). This will result in the minimum lot size being inconsistent across different low density areas of Cumberland.

**Dual Occupancies**

Overall, the Code lowers the lot standards for dual occupancies as complying development and increases potential population densities in the R2 Low Density Residential zone. The Code sets a minimum 400m² lot area and a minimum 12m lot width for complying dual occupancy development. The Parramatta LEP specifies a minimum 600m² lot area which will continue to apply under the Code. The minimum lot area under the Auburn and Holroyd DCPs is 450m² and 500m² in R2 zones respectively. These DCP controls will not apply for complying development and the Codes standard of 400m² will apply. All three DCPs currently specify a minimum width of 15m for dual occupancy development (refer to Attachment 1- Summary of Provisions for Dual Occupancies).

In reviewing the Code, Council's planners have undertaken modelling and testing of the minimum requirements set out in the Code. A number of concerns and inconsistencies have been identified, including that careful design is required to ensure adequate and suitable dwelling size/layout and landscaped area within an allotment with a minimum 12m frontage. The car parking and vehicle access requirements under the Code further restricts the dwelling layout on 400m² a lot with 12m frontage. Under the Gross Floor Area criteria stated in the new Code the maximum FSR equivalent is 1:1 for a 400m² lot, 0.85:1 for a 500m² lot and 0.8:1 for a 550m² lot. This is 30%-100% higher than the FSR density controls under the three LEPs and represents an increase in stormwater run-off and parking demand in areas that have not been planned for such. There is also concern about the inconsistency of this standard with the minimum landscaped area and setbacks requirements.
Manor Houses / Terraces

The Code sets a minimum 600m² lot size and minimum 15m lot width for manor houses; and a minimum 600m² lot size and minimum 18m lot width for terraces. These dwelling types will be allowed in the zones where multi dwelling housing is permitted. Therefore, under the Code, all R3 Medium Density Residential zones within Cumberland LGA will accommodate manor houses and terraces as complying development, subject to them meeting the requirements of the Code. The maximum FSR achievable for manor houses is 0.7:1, and 0.8:1 for terraces, based on a minimum lot area requirement.

Issues for Cumberland

As shown on the attached map (Attachment 2), the Code would potentially permit additional dwellings and increase population in low density residential areas that are not well supported by infrastructure. Attachment 2 contains a series of maps which show all land with a lot size of 400m² or greater; land with lot size 500m² and greater; and land with a lot size of 600m² and greater, to give some indication of the extent of the area to which these provisions may apply across Cumberland. Low density suburban areas such as Penrith, Auburn south, Regents Park east or Greystanes where services and public transport are less available have the potential to be impacted significantly with the introduction of this Code. Roads, transport and social infrastructure are currently planned for a population based on low population density. The provisions of the Code will permit dual occupancies as complying development on allotments which are up to 100m² smaller than Council’s current DCP controls with larger building capacity and residential population, which could result in cumulative impacts on surrounding areas, particularly in terms of pressure on, and capacity of, existing infrastructure such as roads, open space, hospitals and schools.

Council has exceeded its dwelling targets under the Plan for Growing Sydney and is likely do so again under the Central City District Plan and the current Greater Sydney Region Plan – A Metropolis of Three Cities, by providing for housing concentrated around centres with good access to infrastructure and services. By facilitating certain types of development as complying development which can be assessed on a fast-track timeframe, the Code has the potential to impact on the character of Cumberland’s Residential zones.

Council is preparing a new Comprehensive LEP over the next 2 years, including a Residential Housing Strategy and Local Strategic Planning Statement which identifies local character and consideration of how and where future housing density increases should occur. Whilst the Code seeks to provide housing diversity it is likely to permit these medium density housing types across low density areas at a higher rate, ahead of any planning for associated State and local infrastructure.

COMMUNITY ENGAGEMENT

There are no consultation processes for Council associated with this report, as the Code has been prepared by the NSW State government, and is due to come into force on 6 July 2018. Council’s website will be updated to reflect any significant change, such as this, and information will be provided to Council’s customer service and call

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centre staff to assist in answering enquiries. Should Council wish to seek, and be granted, a deferred commencement of the Code provisions, these updates would be undertaken at an appropriate time ahead of the changes coming into force.

POLICY IMPLICATIONS

There are significant policy implications for Council associated with this report. The report recommends that Council seek a deferral of the commencement of the Code so that Council can develop a new Residential Housing Strategy and form a policy position on minimum allotment size for dual occupancies.

Should Council either not seek, or not be granted a deferred commencement of this Code, then the changes will commence on 6 July 2018. An anticipated effect of this is that where applications for these types of developments do not comply with the Code, a Development Application will then be required, and there will be a significant gap between the numerical standards of the Code (to which many such applications will have been designed) and Council’s DCP controls for these types of development, particularly dual occupancies.

RISK IMPLICATIONS

There are minor risk implications for Council associated with this report. The report recommends Council seek a deferral of the commencement of the Code; however it is possible that a deferral may not be granted. A meeting with senior staff at the Department of Planning and Environment will be sought to further discuss Council’s position, concerns and inconsistencies identified in the Code and Guidelines.

One of the likely outcomes of the Code, is a reduction in scrutiny and regulation of these low-rise forms of medium density development, with the Code permitting compliant applications to be assessed by private certifiers, rather than Development Applications which are assessed by Council’s planners.

FINANCIAL IMPLICATIONS

There are minor financial implications for Council associated with this report. However, as the Code will permit certain types of medium density development as complying development which can be assessed by private certifiers, there may be some reduction in income from Development Applications fees annually. Any such reduction is not anticipated to be significant at this stage, given the volume and varied scale of Development Applications which Council assesses each year.

CONCLUSION

Due to the cumulative impact of the Low Rise Medium Density Housing Code on Council’s R2 and R3 zoned land, this report recommends that Council prepare a letter to the Minister for Planning requesting a deferral of the commencement of the Low Rise Medium Density Housing Code within Cumberland. A deferral would enable Council and the State government to plan the infrastructure necessary to support growth and would also enable Council to substantially progress the preparation of the Cumberland comprehensive LEP and DCP with the development of a Residential

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Housing Strategy including minimum lot sizes for dual occupancies in Low Density Residential zones.

ATTACHMENTS

1. Summary of Provisions for Dual Occupancies
2. Lot Size Maps
DOCUMENTS ASSOCIATED WITH REPORT C06/18-106

Attachment 1

Summary of Provisions for Dual Occupancies
## Attachment 1 - Summary of Provisions for Dual Occupancies

<table>
<thead>
<tr>
<th>Planning Controls</th>
<th>SEPP Low-Rise Medium Density Housing</th>
<th>Auburn LEP/DCP</th>
<th>Holroyd LEP/DCP</th>
<th>Parramatta LEP/DCP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Lot Area</td>
<td>400m²</td>
<td>450m²</td>
<td>500m² in R2, 450m² in R3</td>
<td>800m² (*0.11 of LEP)</td>
</tr>
<tr>
<td>Min. Site Width</td>
<td>12m</td>
<td>15m</td>
<td>15m</td>
<td>15m</td>
</tr>
<tr>
<td>Max. Building Height</td>
<td>8.5m / (2) storey</td>
<td>9m / (2) storey</td>
<td>9m / (2) storey</td>
<td>9m / (2)</td>
</tr>
<tr>
<td>Max. GFA</td>
<td>25% of lot area + 30m² (typically 0.75:1 - 1:1)</td>
<td>0.8:1 in R2 zone</td>
<td>0.75:1 in R3 zone</td>
<td>0.5:1 in R2 zone, 0.6:1 in R3 zone</td>
</tr>
<tr>
<td>Setback (Primary) 400-900m²</td>
<td>Adjoining or 4.5m</td>
<td>5.5-6m</td>
<td>6m</td>
<td>5-9m</td>
</tr>
<tr>
<td>Setback (side)</td>
<td>0.9m for 12-24m</td>
<td>0.9m</td>
<td>0.9m</td>
<td>1.5m</td>
</tr>
<tr>
<td>Setback (rear)</td>
<td>3m for 400-900m², with a height &lt;4.5m, 8m for 400-900m², with a height ranges 4.5-9.5m</td>
<td>10m</td>
<td>min. 35% of site length (typically 10m - 12m)</td>
<td>min. 30% of site length (typically 10m - 12m)</td>
</tr>
<tr>
<td>Setback (secondary street &lt;900m²)</td>
<td>2m</td>
<td>For corner allotments, 3m (secondary street frontage) if &gt;12m wide, 2m if &lt;12m wide</td>
<td>For corner allotments, 4m (secondary street frontage)</td>
<td>For corner allotment, 3m (secondary street frontage) of the site area</td>
</tr>
<tr>
<td>Min. Landscaped (deep soil) area and width</td>
<td>90% of lot area minus 100m², 25% of frontage area, min. 1.5m width</td>
<td>30% of the site area (deep soil zone) min. 0.9m width</td>
<td>20% of lots &lt;900m², 25% of lots &gt;900m², min. 2m width</td>
<td>(deep soil zone) min. 2m width</td>
</tr>
<tr>
<td>Min. Principal private open space</td>
<td>16m², min. 3m width</td>
<td>50m² per dwelling, min. 5m width</td>
<td>15% of site area, (typically 60m² - 100m²), Principle area of 16m², min. 4m width</td>
<td>100m² and 6m, min. 6m width</td>
</tr>
<tr>
<td>Min Car parking</td>
<td>Parking space max. 2 spaces per dwelling (lots with less than 15m frontage require car parking at rear)</td>
<td>Single-level garage at the front</td>
<td>2 spaces per dwelling (covered)</td>
<td>1 space per dwelling &lt;125m², 2 spaces per dwelling &gt;125m²</td>
</tr>
</tbody>
</table>
DOCUMENTS ASSOCIATED WITH REPORT C06/18-106

Attachment 2
Lot Size Maps
Scenario 1 -
R2 Land zoning, Lot area
greater than & equal to 400 m²,
Exclude Strata Plans (SP)
Scenario 2 -
R2 Land zoning, Lot area
greater than
& equal to 500 m²,
Exclude Strata Plans (SP)

Legend
- R2 Land zoning, Lot area
greater than & equal to 500 m²
- Excluded Strata Plans (SP)
- Cadastre
- Cumberland Council Boundary

Road Classes By RMS:
- Motorway
- State Road
- Regional Road
- Collector Road
- Local Road

NORTH
C06/18-104 Adoption of the Asbestos Policy

This item was dealt with earlier in the meeting.

C06/18-105 Report on Submissions Received for Companion Animals Advisory Committee

This item was dealt with earlier in the meeting.

Min.175 C06/18-106 Low Rise Medium Density Housing Code Implications for Cumberland

Resolved (Sarkis/Elmore)

That Council write to the Minister for Planning requesting a deferral of the commencement of the Low Rise Medium Density Housing Code within Cumberland until a new Housing Strategy and draft Cumberland comprehensive Local Environmental Plan is completed, consistent with the deferral granted to other Councils.

Carried Unanimously

Min.176 C06/18-107 Notice of Motion - Granville Train Disaster Memorial Service

Resolved (Hamed/Elmore)

That Council:

1. Work with the Granville Train Disaster Association to coordinate the delivery of future annual Granville Train Disaster Memorial Services, noting that in-kind support to the value of $10,000 is already being provided in 2019 under the Community Grants Program, which covers:
   a) Events management and logistical services including marquee, chairs, public address system and staff to set up and take down the equipment;
   b) Traffic management and temporary closure of Carlton Street and Bold Street Bridge, Granville for the event; and
   c) Provision of the Granville Town Hall and refreshments.

2. Write to Parramatta City Council requesting financial assistance with sharing the cost of holding the service.
Attachment 3. DP&E Response to Council Request for Exemption to LRMDH Code
Mr Hamish McNulty
Acting General Manager
Cumberland Council
PO Box 42
MERRYLANDS NSW 2160

Attention: Mr Brendan Govers, Acting Deputy General Manager, Environment & Infrastructure

Dear Mr McNulty,

I refer to our recent correspondence on the Low Rise Medium Density Housing Code (the Code).

Many councils are commencing with implementation of the Code on 1 July 2018.

Where councils have requested further time a deferral has been granted by the Minister. As such, I am writing to advise that in response to your request, the Code will be deferred in the Cumberland local government area until 1 July 2019.

For your council area this will mean that applicants will not be able to lodge a complying development application for dual occupancies, minor houses or terraces until 1 July 2019. Applicants will also not be able to lodge a development application for minor houses or terraces until 1 July 2019, unless your Local Environmental Plan already permits this form of housing.

We encourage you to remain engaged with your community about the housing requirements for your local area during this time. If you have questions about the preparation of local housing strategies or planning proposals, please contact Ms Anu-Marie Carruthers, Director, Sydney Region, West, on 02 9274 6270.

The Department's website will be updated, and further information can be found at planning.nsw.gov.au/Policy-and-Legislation/Housing/Medium-Density-Housing.

Should you have any further questions in relation to the temporary deferral, I have arranged for Ms Lynne Sheridan, Director, Codes and Approval Pathways, to be available to assist. Ms Sheridan can be contacted on 02 9274 6423.

Yours sincerely,

Deborah Brill
Acting Executive Director
Planning Policy

[Signature]

C07/18.136 – Attachment 1
Appendix 1. draft Minimum Lot Sizes for Dual Occupancy Development Map
### Appendix 2. Consistency with NSW broader strategic framework

**Greater Sydney Region Plan and Central City District Plan**

<table>
<thead>
<tr>
<th>Directions for a Greater Sydney</th>
<th>Greater Sydney Region Plan - Objectives</th>
<th>Central City District Plan - Planning Priority</th>
<th>Central City District Plan - Actions</th>
<th>Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. A city supported by infrastructure</td>
<td>O2. Infrastructure aligns with forecast growth</td>
<td>C1. Planning for a city supported by infrastructure</td>
<td>A3. Align forecast with infrastructure</td>
<td>Consistent</td>
</tr>
</tbody>
</table>

The Planning Proposal seeks to impose minimum lot size requirement for dual occupancies under the Auburn and Holroyd LEPs. This minimum lot size is consistent with that already in place under the Parramatta LEP 2011. As such the minimum lot size for dual occupancy would be 600m².

Current and planned infrastructure is based on the low and medium densities of residential areas and not increased capacity - unplanned - as would be permitted under the lot size prescribed by the Code.

If the Code comes in effect without amendment to Council’s LEPs, it is envisaged that the existing infrastructure of Cumberland may not be serviced fully to accommodate the unplanned population density.

Future housing need and associated infrastructure would be considered under the future Cumberland Residential Housing Strategy and Local Strategic Planning Statement and the Cumberland LEP.
### Directions for a Greater Sydney

<table>
<thead>
<tr>
<th>Greater Sydney Region Plan - Objectives</th>
<th>Central City District Plan - Planning Priority</th>
<th>Central City District Plan - Actions</th>
<th>Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>O10. Greater housing supply</td>
<td>C5. Providing housing supply, choice and affordability, with access to jobs and services</td>
<td>A16. Prepare local or district housing strategies</td>
<td>Consistent</td>
</tr>
<tr>
<td>O11. Housing is more diverse and affordable</td>
<td>A17. Prepare Affordable Rental Housing Target schemes following development of implementation arrangements</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 8. A city in its landscape

| O25. The coast and waterways are protected and healthier and the corresponding strategies | C13. Protecting and improving the health and enjoyment of the District’s waterways | A60. Protect environmentally sensitive waterways. | Not Inconsistent |
|                                                                                                               | A62. Improve the health of catchments and waterways through a risk-based approach to managing the cumulative impact of development including coordinated monitoring of outcomes. |                                      |             |
| O27. Biodiversity is protected, urban bushland and remnant vegetation is enhanced | C15. Protecting and enhancing bushland and biodiversity | A65. Protect and enhance biodiversity. |                                      |             |
| O28. Scenic and cultural landscapes are protected. |                                                                                   | A66. Identify and protect scenic and cultural landscapes. |                                      |             |

### 10. A resilient

| O30. Urban tree canopy cover is increased | C16. Increasing urban tree canopy cover and delivering Green Grid connections | A68. Expedite urban tree canopy in the public realm. |                                      |
| O32. The Green Grid links parks, open spaces, bushland, and walking and cycling paths |                                               | A69. Progressively refine the detailed design and delivery of. |                                      |
| O36. People | C20. Adapting to | A82. Avoid |                                      |
### Directions for a Greater Sydney

<table>
<thead>
<tr>
<th>Greater Sydney Region Plan - Objectives</th>
<th>Central City District Plan - Planning Priority</th>
<th>Central City District Plan - Actions</th>
<th>Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>and places adapt to climate change and future shocks and stresses</td>
<td>the impacts of urban and natural hazards and climate change</td>
<td>locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards.</td>
<td>A separate Planning Proposal may be developed seeking to exclude certain lands within environmentally sensitive area from the Code's complying development. Ideally, the revised controls and its separate Planning Proposal would come into effect as soon as possible after July 2019.</td>
</tr>
<tr>
<td>O37. Exposure to natural and urban hazards is reduced</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>O38. Heatwaves and extreme heat are managed</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Implementation

<p>| | |</p>
<table>
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</thead>
<tbody>
<tr>
<td>O39. A collaborative approach to city planning</td>
<td>C21. Preparing local strategic planning statements informed by local strategic planning</td>
</tr>
</tbody>
</table>

The Planning Proposal and associated LEP amendment would inform and be taken into consideration in the preparation of a Residential Housing Strategy and a Local Strategic Planning Statement, as part of development of comprehensive Cumberland LEP.
### Appendix 3. Consistency with SEPPs and deemed SEPPs

#### State Environmental Planning Policies (SEPPs)

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Summary</th>
<th>Application and Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Development Standards</td>
<td>Aims to provide flexibility in the application of planning controls where strict compliance of development standards would be unreasonable, unnecessary or hinder the attainment of specified objectives of the Act.</td>
<td>Does not apply to Cumberland LGA. SEPP repealed by Auburn LEP 2010, Holroyd LEP 2013 and Parramatta LEP 2011 (clause 1.9).</td>
</tr>
<tr>
<td>55</td>
<td>Remediation of Land</td>
<td>Provides a State wide planning approach for the remediation of contaminated land.</td>
<td>Applies State-wide Justifiably Inconsistent</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The Low Rise Medium Density Housing Code permits dual occupancy and medium density housing as complying development. The Code permits (and in some cases encourages) basement car parking as complying development, increasing the likelihood of disturbing contaminants that may affect human health. These matters would normally be considered as part of a DA, however this assessment would not occur under the Code’s complying development.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Certain lands in the R2 and R3 zones are identified by Council’s mapping as contaminated. Some of these have been remediated and have Site Audit Statements to verify this. Further work is required to update the remediation status of these lands for parts of the LGA.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Accordingly, it is recommended that a separate Planning Proposal to be developed to recognise sites that are identified by Council or the EPA as contaminated, but which do not have Site Audit Statements be identified, and seeks to exclude these sites from Code.</td>
</tr>
<tr>
<td>70</td>
<td>Affordable Housing (Revised Schemes)</td>
<td>Aims to insert affordable housing provisions into EPts and to address expiry of savings made by EP&amp;A Amendment (Affordable Housing) Act 2000.</td>
<td>Does not apply to the Cumberland LGA Applies to land within the Greater Metropolitan Region particularly City of South Sydney, City of Sydney, City of Willoughby and Leichhardt.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Building Sustainability Index: BASIX 2004</td>
<td>Aims to ensure consistency in the implementation of the BASIX scheme throughout the State</td>
<td>Applies State-wide Compliance with this BASIX is required for complying development of the types permitted under the Code.</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Summary</th>
</tr>
</thead>
</table>
| 1   | Exempt and Complying Development Codes 2008 | Aims to provide streamlined assessment process for development that complies with specified development standards. | Applies State-wide  
Consistent  
The Low Rise Medium Density Housing Code when in effect, will form part of this SEPP. This Planning Proposal seeks amendments to the Auburn and Holroyd LEPs to address issues raised as a result of this, as discussed throughout this Planning Proposal and Council reports.  
On 5 July 2018, Cumberland Council was granted a deferred application of the Code until 1 July 2019. The amendment to the Auburn and Holroyd LEPs as sought under this Planning Proposal should be finalised by 1 July 2019. |
| 2   | Affordable Rental Housing 2009             | Aims to provide a consistent planning regime for the provision of affordable rental housing and facilitate the effective delivery of affordable housing | Applies State-wide  
Justifiably Inconsistent - outside the control of Council  
Permitting complying development for dual occupancies in the R2 zones, and manor houses, terraces, and dual occupancies in the R3 zones, at the lot sizes and FSRs proposed in the Low Rise Medium Density Housing Code would discourage applicants from providing infill affordable housing in these forms via the Affordable Rental Housing SEPP, as the Code provides for similar development potential for such sites in many instances. |
| 3   | Urban Renewal 2010                         | Aims to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts | Applies Cumberland LGA  
Applies to land within a potential precinct – land identified as a potential urban renewal precinct. This includes Granville – parts of which are within the Cumberland LGA. |
| 4   | Three Ports 2013                           | Aims to provide consistent planning regime for the development and delivery of infrastructure on land in Port Botany, Port Kembla and Port Newcastle. | Does not apply to Cumberland LGA  
Applies to the land within Botany City Council in the area known as Port Botany. It also applies to land within Wollongong City Council in an area known as Port Kembla and land within New Castle City Council in an area known as Port Newcastle. |
### Deemed SEPPs

<table>
<thead>
<tr>
<th>No</th>
<th>Title</th>
<th>Summary</th>
<th>Application and Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td><strong>Extractive Industry No. 2 1995</strong></td>
<td>Aims to facilitate development of extractive industries in proximity to the population of the Sydney Metropolitan Area.</td>
<td>Applies to the Cumberland LGA. Applies to LGAs listed in Schedule 4 (includes former Parramatta and Holroyd LGAs). Not Inconsistent Residential zoned land would not likely be affected by this SEPP.</td>
</tr>
<tr>
<td></td>
<td><strong>SREP (Sydney Harbour Catchment) 2005</strong></td>
<td>Aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways. It establishes planning principles and controls for the catchment as a whole. Planning principles for development under the SEPP include (but are not limited to): Protection and where practicable, improvement of the hydrological, ecological and geomorphological processes on which the catchment depends, Improvement of water quality, rehabilitation of watercourses, wetlands, riparian corridors remnant native vegetation and ecological connectivity Protection and rehabilitation of land affected or potentially affected by urban salinity Minimisation of the disturbance of acid sulfate soils Reduction of quantity and frequency of urban runoff Protection of the functioning of natural drainage systems on floodplains Protection of visual qualities of the foreshores Take into account the cumulative impacts of development in the catchment.</td>
<td>Applies to the area of Sydney Harbour, including Parramatta River and its tributaries and the Lane Cove River. Justifiably Inconsistent Applies to some land within the Cumberland LGA. A number of waterways and riparian zones within Cumberland LGA are identified on the SREP Foreshores and Waterways Area Map. Development under the Low Rise Medium Density Housing Code has certain requirements regarding the management of stormwater to support principles of this Plan in relation to the catchment as a whole. However, where sites are located within riparian lands and waterways, it would result in a number of inconsistencies with the principles, both for the catchment as a whole, and for the identified foreshores and waterways. For example, such development would result in increased impermeable surfaces, reduce vegetated riparian areas, and/or areas that could be rehabilitated to assist in filtering pollutants from runoff and protect the stability of creek banks. Limiting the areas by the topographical features as described, means that land near most channelled waterways is not excluded from the Code. It is anticipated that further work to finalise boundaries may be required as part of the work for the comprehensive Cumberland LEP. It is appropriate that any proposed development that would increase density or permeable surfaces on these lands be assessed through the DA process.</td>
</tr>
</tbody>
</table>
### Appendix 4. Consistency with Section 9.1 Ministerial Directions

<table>
<thead>
<tr>
<th>Direction</th>
<th>Applicability / Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Employment and Resources</td>
<td></td>
</tr>
<tr>
<td>1.1 Business and Industrial Zones</td>
<td>N/A</td>
</tr>
<tr>
<td>1.2 Rural Zones</td>
<td>N/A</td>
</tr>
<tr>
<td>1.3 Mining, Petroleum Production and Extractive Industries</td>
<td>N/A</td>
</tr>
<tr>
<td>1.4 Oyster Aquaculture</td>
<td>N/A</td>
</tr>
<tr>
<td>1.5 Rural Lands</td>
<td>N/A</td>
</tr>
<tr>
<td>2. Environment and Heritage</td>
<td></td>
</tr>
<tr>
<td>2.1 Environment Protection Zones</td>
<td><strong>Consistent</strong>&lt;br&gt;The Planning Proposal does not reduce the environmental protection standards that apply to the land. However, certain lands in R2 Low Density Residential and R3 Medium Density Residential zones are identified in areas with high salinity potential and contaminated land. Council is undertaking a separate study in relation to this issue and anticipated to prepare a separate Planning Proposal to exclude these identified lands from the <em>Low Rise Medium Density Housing Code</em>'s complying development so that development on these lands would be assessed based on the usual DA merit assessment process.</td>
</tr>
<tr>
<td>2.2 Coastal Protection</td>
<td><strong>Consistent</strong>&lt;br&gt;The objective of this direction is to protect and manage coastal areas of NSW.&lt;br&gt; This direction applies to land that is within the coastal zone, as defined under the <em>Coastal Management Act 2016</em> – comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area – and as identified by the <em>State Environmental Planning Policy (Coastal Management)</em> 2018.</td>
</tr>
<tr>
<td>2.3 Heritage Conservation</td>
<td><strong>Consistent</strong>&lt;br&gt;The <em>Low Rise Medium Density Housing Code</em> does not enable these forms of housing as complying development on heritage sites or heritage conservation areas.</td>
</tr>
<tr>
<td>2.4 Recreation Vehicle Areas</td>
<td>N/A</td>
</tr>
<tr>
<td>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</td>
<td>N/A</td>
</tr>
</tbody>
</table>
### Direction

<table>
<thead>
<tr>
<th>Direction</th>
<th>Applicability / Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3. Housing, Infrastructure and Urban Development</strong></td>
<td><strong>Consistent</strong></td>
</tr>
<tr>
<td>3.1 Residential Zones</td>
<td>The Planning Proposal does not intend to restrict residential development nor reduce the opportunity for housing diversity.</td>
</tr>
<tr>
<td><strong>What a relevant planning authority must do if this direction applies:</strong></td>
<td>The Planning Proposal does not back zone land nor does it seek to reduce the range of permissible residential land uses in the R2 or R3 zones.</td>
</tr>
<tr>
<td>A planning proposal must include provisions that encourage the provision of housing that will:</td>
<td>The Planning Proposal only seeks to introduce a minimum lot size requirement of 600m² for dual occupancy development under the Auburn and Holroyd LEPs to align with the minimum lot size control of the Parramatta LEP. The introduction of lot size requirement for dual occupancy development across Cumberland LGA would minimise the adverse impact to the capacity of existing local infrastructure.</td>
</tr>
<tr>
<td>(a) broaden the choice of building types and locations available in the housing market, and</td>
<td>The proposed minimum lot size of 600m² provides better opportunities for good design and ensures that the sufficient areas are available for adequate landscaping, setbacks and a built form that does not detract from the local residential character.</td>
</tr>
<tr>
<td>(b) make more efficient use of existing infrastructure and services, and</td>
<td>Council has undertaken further analysis to ensure that the planning proposal does not constrain housing supply. The Code would still apply to over 12,200 lots within the Cumberland LGA.</td>
</tr>
<tr>
<td>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</td>
<td>In addition, the report analysed increased impact potential for each different lot sizes over the council’s current LEP/DCP controls to the controls of the Code. The result revealed that the proposed 600m² lot size conveys the least impact to the built form and the site coverage when applying the controls of the Code.</td>
</tr>
<tr>
<td>(d) be of good design.</td>
<td>The proposed 600m² lot area would allow for building forms, landscaped areas and vehicle access provisions that is more compatible with the low density residential character and would better maintain a reasonable level of amenity for residents.</td>
</tr>
<tr>
<td><strong>Consistency</strong></td>
<td></td>
</tr>
<tr>
<td>A planning proposal must, in relation to land to which this direction applies:</td>
<td></td>
</tr>
<tr>
<td>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</td>
<td></td>
</tr>
<tr>
<td>(b) not contain provisions which will reduce the permissible residential density of land</td>
<td></td>
</tr>
<tr>
<td><strong>3.2 Caravan Parks and Manufactured Home Estates</strong></td>
<td>N/A</td>
</tr>
<tr>
<td><strong>3.3 Home Occupations</strong></td>
<td>N/A</td>
</tr>
</tbody>
</table>
### Direction

<table>
<thead>
<tr>
<th>3.4</th>
<th>Integrating Land Use and Transport</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What a relevant planning authority must do if this direction applies</strong></td>
<td></td>
</tr>
<tr>
<td>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</td>
<td></td>
</tr>
<tr>
<td>(a) <strong>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</strong></td>
<td></td>
</tr>
<tr>
<td>(b) <strong>The Right Place for Business and Services – Planning Policy (DUAP 2001).</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Consistency</strong></td>
<td></td>
</tr>
<tr>
<td>A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</td>
<td></td>
</tr>
<tr>
<td>(a) justified by a strategy which:</td>
<td></td>
</tr>
<tr>
<td>(i) gives consideration to the objective of this direction, and</td>
<td></td>
</tr>
<tr>
<td>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</td>
<td></td>
</tr>
<tr>
<td>(iii) is approved by the Director-General of the Department of Planning, or</td>
<td></td>
</tr>
<tr>
<td>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</td>
<td></td>
</tr>
<tr>
<td>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</td>
<td></td>
</tr>
<tr>
<td>(d) of minor significance.</td>
<td></td>
</tr>
</tbody>
</table>

| 3.5 | Development Near Licensed Aerodromes | N/A |

### Applicability / Consistency

| Consistent | The Planning Proposal seeks to minimise the disconnect between increased density as provided through the Code and the location of existing transport infrastructure. This disconnect may result in increased dependence on cars, and distances travelled by car, contrary to the objectives of the Direction and the associated Guidelines. |
|consistent | It is recognised that the types of development permitted by the Code are already permitted in the relevant zones, in this urban infill area, and that parts of these zones have reasonable transport choice. However, requiring larger minimum lot sizes and widths will reduce the overall increase in new dwellings located away from rail stations, especially in the Greystanes area, which has the poorest public transport access in the LGA. |

### Hazard and Risk

<table>
<thead>
<tr>
<th>4.1</th>
<th>Acid Sulfate Soils</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</td>
<td>The Low Rise Medium Density Housing Code does not enable these forms of housing as complying development on lands affected by Class 1 or Class 2 Acid Sulfate Soils that is the most sensitive sites. Accordingly, the Planning Proposal does not seek any changes in regard to this matter.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4.2</th>
<th>Mine Subsidence and Unstable Land</th>
<th>N/A</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>4.3</th>
<th>Flood Prone Land</th>
<th>Consistent</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Low Rise Medium Density Housing Code does</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Direction</td>
<td>Applicability / Consistency</td>
<td></td>
</tr>
<tr>
<td>-----------</td>
<td>-----------------------------</td>
<td></td>
</tr>
<tr>
<td>4.4 Planning for Bushfire Protection</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td><strong>5. Regional Planning</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.1 Implementation of Regional Strategies</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>5.2 Sydney Drinking Water Catchments</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>5.8 Second Sydney Airport: Badgerys Creek</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>5.9 North West Rail Link Corridor Strategy</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>5.10 Implementation of Regional Plans</td>
<td>Consistent</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Consistency with the Greater Sydney Region Plan - <em>A Metropolis of Three Cities</em> is discussed in the main body of this Planning Proposal and in Appendix 2.</td>
<td></td>
</tr>
<tr>
<td><strong>6. Local Plan Making</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.1 Approval and Referral Requirements</td>
<td>Consistent</td>
<td></td>
</tr>
<tr>
<td>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development, and minimise the inclusion of concurrence, consultation or referral requirements to other agencies.</td>
<td>The Planning Proposal does not seek any concurrence or referrals to other agencies, nor nominate any development as ‘designated development’.</td>
<td></td>
</tr>
<tr>
<td>6.2 Reserving Land for Public Purposes</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>6.3 Site Specific Provisions</td>
<td>Not applicable</td>
<td></td>
</tr>
<tr>
<td>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</td>
<td>This Planning Proposal does not seek to allow a particular development to be carried out that is not already permitted.</td>
<td></td>
</tr>
<tr>
<td>When this direction applies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>7. Metropolitan Planning</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.1 Implementation of A Plan for Growing Sydney</td>
<td>Consistent</td>
<td></td>
</tr>
<tr>
<td>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in <em>A Plan for Growing Sydney</em>.</td>
<td>The Greater Sydney Region Plan - <em>A Metropolis of Three Cities (2018)</em> states that:</td>
<td></td>
</tr>
<tr>
<td></td>
<td><em>In line with legislative requirements, a review of the current regional plan for Greater Sydney, A Plan for Growing Sydney (2014) identified that while most of the directions in A Plan for Growing Sydney were still relevant, they required updating</em></td>
<td></td>
</tr>
</tbody>
</table>
### 7.2 Implementation of Greater Macarthur Land Release Investigation

**Direction**

Note. The Greater Sydney Region Plan is now the Metropolitan Plan, effective from March 2018.

**Applicability / Consistency**

or strengthening to respond to new challenges for planning Greater Sydney to 2056.' The Greater Sydney Region Plan has now been made, and incorporates, updates or strengthens the requirements of the earlier plan. Consistency with the subsequent Greater Sydney Regional Plan is discussed above (at Direction 5.10) and in the main body of this report and in Appendix 2.

N/A

### 7.3 Parramatta Road Corridor Urban Transformation Strategy

**The objectives of this Direction are to:**

- (a) facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November, 2016) and the Parramatta Road Corridor Implementation Tool Kit,
- (b) provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community, and
- (c) guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure.

**Consistent**

Though the majority of the land within Cumberland that is affected by the Parramatta Road Corridor Urban Transformation Strategy are business/enterprise or industrial zoned lands at present, there are also R2 and R3 zoned lands within the Auburn precinct (designated for release now) and R2 zoned lands in the Granville Western Frame area (designated for release after 2023).

Council is working with the City of Parramatta and the Department of Planning to prepare a transport study, required to enable this Strategy. Following this, a Planning Proposal will be prepared to implement the Strategy. Landowners are aware of the Strategy, and some landholders are already keen for it to be implemented. Where the Strategy will result in greater development potential, it is unlikely landholders would develop using the Code, which would then make further redevelopment more expensive.

The Planning Proposal, the subject of this report, will not prevent the achievement of the objectives of the Strategy, or prevent consistency with the various requirements of the Implementation Toolkit.

N/A

### 7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan

**Consistent**

Though the majority of the land within Cumberland that is affected by the Parramatta Road Corridor Urban Transformation Strategy are business/enterprise or industrial zoned lands at present, there are also R2 and R3 zoned lands within the Auburn precinct (designated for release now) and R2 zoned lands in the Granville Western Frame area (designated for release after 2023).

Council is working with the City of Parramatta and the Department of Planning to prepare a transport study, required to enable this Strategy. Following this, a Planning Proposal will be prepared to implement the Strategy. Landowners are aware of the Strategy, and some landholders are already keen for it to be implemented. Where the Strategy will result in greater development potential, it is unlikely landholders would develop using the Code, which would then make further redevelopment more expensive.

The Planning Proposal, the subject of this report, will not prevent the achievement of the objectives of the Strategy, or prevent consistency with the various requirements of the Implementation Toolkit.

N/A

### 7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan

**Consistent**

Residential land in the Parramatta Road corridor is located within the area identified in this Plan. This has been discussed above.

R2 and R3 zoned land in Westmead is also located within the area identified under this plan. This area is being progressed as a Planned Precinct by the Department of Planning & Environment.
DOCUMENTS ASSOCIATED WITH REPORT EEELPP034/19

Attachment 6
Summary of Submissions Received
<table>
<thead>
<tr>
<th>Ref. No.</th>
<th>Suburb</th>
<th>Received</th>
<th>Position</th>
<th>Key themes</th>
<th>Issues raised</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Auburn</td>
<td>18/03/2019</td>
<td>Support</td>
<td>Infrastructure, Parking,</td>
<td>Supportive The submission expressed concerns on the capacity of current infrastructure to the increased density. Concerns raised on the issue of a build-up of street parking resulting from the increased dwelling density.</td>
<td>Noted. The submitter may have misinterpreted the term; minimum lot size to minimise lot size. Concerns raised in the submission are related to the implication of the increased dwelling density that may be happen if Council lowers the lot size control for dual occupancies. Submission is considered to be supportive of the proposal as the proposed control will maintain the low density of residential character.</td>
</tr>
<tr>
<td>2</td>
<td>Merrylands</td>
<td>18/03/2019</td>
<td>Support</td>
<td>Good design</td>
<td>Supportive The submission supports the proposal by commenting that the proposed 600sqm is optimum size for duplex that provides for good design.</td>
<td>Noted. Aligns with the proposed outcome.</td>
</tr>
<tr>
<td>3</td>
<td>Greystanes</td>
<td>18/03/2019</td>
<td>Support</td>
<td>Public transport</td>
<td>Supportive The submission expressed concerns on the implication of the LRMHD Code to Cumberland.</td>
<td>Noted. Aligns with the proposed outcome.</td>
</tr>
<tr>
<td>4</td>
<td>South Wentworthville</td>
<td>18/03/2019</td>
<td>Support</td>
<td>Landscape, Good design</td>
<td>Supportive The submission supports the proposal by commenting on the issues of current dual occupancy development that are lacking, including providing adequate landscapes and good design built form. The submission further raised a concern on the affordability of house prices for a single dwelling house, due to house price increases from development favouring land for dual occupancies.</td>
<td>Noted. Aligns with the proposed outcome.</td>
</tr>
<tr>
<td>5</td>
<td>Greystanes</td>
<td>18/03/2019</td>
<td>Support</td>
<td></td>
<td>Supportive The submission supports the proposed changes to the minimum lot size requirement for development of dual occupancies.</td>
<td>Aligns with the proposed outcome.</td>
</tr>
<tr>
<td>6</td>
<td>Girraween</td>
<td>18/03/2019</td>
<td>Support</td>
<td>Landscape, Urban heat island,</td>
<td>Supportive The submission expressed concerns on the increased dwelling density from the development of dual occupancies over a removal of single storey bungalows. Raised concerns on the urban heat island effect from the lack of tree planting and increased density. Issues also raised on the capacity of infrastructure and on rafts.</td>
<td>Noted. Aligns with the proposed outcome.</td>
</tr>
<tr>
<td>7</td>
<td>Greystanes</td>
<td>19/03/2019</td>
<td>Neutral/alternate lot size</td>
<td>Alternate lot size</td>
<td>Alternate lot size The submission proposes an alternate minimum lot size of 650sqm.</td>
<td>Noted. The submitter's proposed alternate lot size is larger than Council's proposal.</td>
</tr>
<tr>
<td>8</td>
<td>Guildford</td>
<td>19/03/2019</td>
<td>Support</td>
<td></td>
<td>Supportive The submission supports the proposal.</td>
<td>Aligns with the proposed outcome.</td>
</tr>
<tr>
<td>9</td>
<td>Guildford</td>
<td>19/03/2019</td>
<td>Support</td>
<td></td>
<td>Supportive The submission supports the proposal.</td>
<td>Aligns with the proposed outcome.</td>
</tr>
<tr>
<td></td>
<td>Location</td>
<td>Date</td>
<td>Support</td>
<td>Comments</td>
<td>Alignment of Proposed Outcome</td>
<td></td>
</tr>
<tr>
<td>---</td>
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<td>--------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>10</td>
<td>Pendle Hill</td>
<td>19/03/2019</td>
<td>Support</td>
<td>The submission supports the proposal.</td>
<td>Aligns with the proposed outcome.</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Lidocone</td>
<td>18/03/2019</td>
<td>Support</td>
<td>The submission supports the proposal.</td>
<td>Aligns with the proposed outcome.</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Auburn</td>
<td>18/03/2019</td>
<td>Support</td>
<td>Dwelling density, Parking, Streetscape, Infrastructure. The submission expressed concerns on the implications of increased dwelling density that is present on the streets in Auburn. Issues raised in relation to the lack of community cohesion and a limited kerb-side space due to a build-up of street car parking and a lack of infrastructure to support the population growth. Raised a question on how Council is approaching and spending to improve current lack of infrastructure.</td>
<td>Noted. The submitter raised concerns on the increase in residential density and the implication to the capacity of infrastructure and social cohesion. The intended outcome of Council's proposal is to maintain the low density residential character and to achieve better outcomes for built form, landscapes and to maintain reasonable residential amenity and on the capacity of local infrastructure. The submission comments raised are aligned with the proposed outcome.</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Greystanes</td>
<td>20/03/2019</td>
<td>Support</td>
<td>The submission supports the proposal.</td>
<td>Aligns with the proposed outcome.</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Greystanes</td>
<td>20/03/2019</td>
<td>Support</td>
<td>The submission supports the proposal. The comments raised on the implication of the current smaller lot size requirement.</td>
<td>Noted. Aligns with the proposed outcome.</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Greystanes</td>
<td>19/03/2019</td>
<td>Support</td>
<td>The submission supports the proposal.</td>
<td>Aligns with the proposed outcome.</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Greystanes</td>
<td>19/03/2019</td>
<td>Support</td>
<td>The submission supports the proposal.</td>
<td>Aligns with the proposed outcome.</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Greystanes</td>
<td>19/03/2019</td>
<td>Support</td>
<td>The submission supports the proposal.</td>
<td>Aligns with the proposed outcome.</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Merrylands West</td>
<td>20/03/2019</td>
<td>Support</td>
<td>Landscape, Amenity, Local character. The submission supports the proposal. Commented that the proposed lot size will ensure retaining the current low density character, amenity and green space.</td>
<td>Noted. Aligns with the proposed outcome.</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Wentworthville</td>
<td>20/03/2019</td>
<td>Support</td>
<td>The submission supports the proposal.</td>
<td>Aligns with the proposed outcome.</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Greystanes</td>
<td>21/03/2019</td>
<td>Support</td>
<td>Street congestion, Parking, Landscapes, Streetscape, Infrastructure, Local character. The submission supports the proposal. Issues raised included the current status of street congestion, lack of car parking, reduced area for landscaping and lack of good design.</td>
<td>Noted. Aligns with the proposed outcome.</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Location</td>
<td>Date</td>
<td>Support/Neutral/Alternate lot size</td>
<td>Alternate lot size</td>
<td>Comments</td>
<td>Decision</td>
</tr>
<tr>
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<td>--------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>21</td>
<td>Morrells</td>
<td>19/03/2019</td>
<td>Neutral/alternate lot size</td>
<td>The submission proposes an alternate minimum lot size of 700sqm. Commented that the larger land area is required to allow for sufficient landscaping, car parking spaces, and maintain consistent streetscapes, residential amenity and local character.</td>
<td>Noted. The submitter’s proposed alternate lot size is larger than Council’s proposal. The comments raised are aligned with the proposed outcome.</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Greystanes</td>
<td>20/03/2019</td>
<td>Support</td>
<td>Dwelling density, Parking, Landscapes, Streetscape, Local character, Infrastructure</td>
<td>The submission supports the proposal. Issues raised on the increased dwelling population density and its consequences on street parking issues, lack of landscapes (trees) and infrastructure. Commented on the developments that are happening around the neighbourhood that did not undergo community consultation and raised the need for regulation to control the density to Aligns with the limited parkland and infrastructure</td>
<td>Noted. Aligns with the proposed outcome.</td>
</tr>
<tr>
<td>23</td>
<td>Pendle Hill</td>
<td>20/03/2019</td>
<td>Support</td>
<td>Street congestion, Parking, Dwelling density Private space</td>
<td>The submission supports the proposal. Comments made on high rise development outside scope of this proposal</td>
<td>Noted. Aligns with the proposed outcome.</td>
</tr>
<tr>
<td>24</td>
<td>Guildford West</td>
<td>20/03/2019</td>
<td>Support</td>
<td>Street congestion, Parking, Dwelling density Private space</td>
<td>The submission supports the proposal. Issues raised on the current status of street congestion on narrow streets that weekly services struggle to pass through. Comments made on the population/dwelling density - too crowded and loss of sense of place.</td>
<td>Noted. Aligns with the proposed outcome.</td>
</tr>
<tr>
<td>25</td>
<td>Greystanes</td>
<td>20/03/2019</td>
<td>Support</td>
<td>Street congestion, Parking, Dwelling density Private space</td>
<td>The submission supports the proposal.</td>
<td>Aligns with the proposed outcome.</td>
</tr>
<tr>
<td>26</td>
<td>Auburn</td>
<td>18/03/2019</td>
<td>Support</td>
<td>Street congestion, Parking, Dwelling density Private space</td>
<td>The submission supports the proposal.</td>
<td>Aligns with the proposed outcome.</td>
</tr>
<tr>
<td>27</td>
<td>Guildford West</td>
<td>21/03/2019</td>
<td>Support</td>
<td>Street congestion, Parking, Dwelling density Private space</td>
<td>The submission supports the proposal.</td>
<td>Aligns with the proposed outcome.</td>
</tr>
<tr>
<td>28</td>
<td>Greystanes</td>
<td>21/03/2019</td>
<td>Support</td>
<td>Street congestion, Parking, Dwelling density Private space</td>
<td>The submission supports the proposal. Issues raised on the street congestion from the increased dwelling population density that creates more cars parking on the road. Comments made on the need for adequate backyards.</td>
<td>Noted. Aligns with the proposed outcome.</td>
</tr>
<tr>
<td>30</td>
<td>Woodpark</td>
<td>22/03/2019</td>
<td>Support</td>
<td>Street congestion, Parking, Streetscape</td>
<td>The submission supports the proposal. Issues raised on the street congestion from the increased dwelling population density that creates more cars parking on the road and increased illegal rubbish/abandoned vehicles.</td>
<td>Noted. Aligns with the proposed outcome.</td>
</tr>
<tr>
<td></td>
<td>Date</td>
<td>Support/ alternate lot size</td>
<td>Planning Proposal</td>
<td>Supportive / Alternate lot size</td>
<td></td>
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</tr>
<tr>
<td>31</td>
<td>21/03/2019</td>
<td>Support</td>
<td>Street Congestion, Amenity</td>
<td>Supportive The submission supports the proposal. Comments made that the proposal would reduce congestion and increase amenity.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Noted. Aligns with the proposed outcome.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>22/03/2019</td>
<td>Support</td>
<td>Street Congestion, Parking, Amenity, Dwelling density</td>
<td>Supportive The submission supports the proposal. Concerns raised on the street congestion from the increased dwelling population density that creates more cars parking on the road that leads to insufficient road space available for service vehicles (garbage collections).</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Noted. Aligns with the proposed outcome.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>23/03/2019</td>
<td>Support</td>
<td>Local character, Built form</td>
<td>Supportive The submission supports the proposal. Comments made that the proposed lot size would support buildings that will not detract from the local residential character.</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Noted. Aligns with the proposed outcome.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>24/03/2019</td>
<td>Support</td>
<td>Built form, LRMDH code</td>
<td>Supportive The submission supports the proposal. Comments made that the Code's 400sqm is too small for a dual occupancy.</td>
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<td></td>
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<td></td>
<td></td>
<td>Noted. Aligns with the proposed outcome.</td>
<td></td>
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</tr>
<tr>
<td>35</td>
<td>24/03/2019</td>
<td>Neutral / alternate lot size</td>
<td>Alternate lot size, Street Congestion, Built form, Parking, LRMDH code</td>
<td>Alternate lot size The submission proposes an alternate lot size of 700 sqm with Council's approval as opposed to the Code's complying development on dual occupancies. Issues raised on the street congestion from the increased dwelling population density that creates street blockage with parked cars. Raised concern on the speeding issue on local roads and safety concerns. Recommends a speed bump on Millicent Street Greystanes.</td>
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<td></td>
<td>Noted. The submitter's proposed alternate lot size is larger than Council's proposal. The comments raised are aligned with the proposed outcome.</td>
<td></td>
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</tr>
<tr>
<td>36</td>
<td>23/03/2019</td>
<td>Support</td>
<td></td>
<td>Supportive The submission supports the proposal. Comments made that even Council's proposed 600 sqm is too small, and that Council's letter did not state the current minimum lot size.</td>
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<td>Noted. The notification letter invites the community to view further information available on Council's website and libraries, and the planning proposal report includes a detailed information including the current minimum lot size required for dual occupancy development.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>23/03/2019</td>
<td>Support/ alternate lot size</td>
<td>Dwelling density, Amenity, Street Congestion, Infrastructure</td>
<td>Supportive / Alternate lot size The submission supports Council's proposed increase in minimum lot size requirement. Recommends an alternate lot size of 690 sqm. Issues raised on the street congestion from the increased dwelling population density that creates street blockages with parked cars. Issues raised on the insufficient road space available for garbage collections and the social and educational infrastructure that are not aligned with the increased density. Commented that the elderly are put under pressure by developers to sell.</td>
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<td>Noted. Aligns with the proposed outcome.</td>
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<tr>
<td>S. No.</td>
<td>Date</td>
<td>Support</td>
<td>LRMDH Code, Infrastructure, Landscapes</td>
<td>Action</td>
<td>Description</td>
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<tr>
<td>38</td>
<td>25/03/2019</td>
<td>Support</td>
<td>LRMDH Code, Infrastructure, Landscapes</td>
<td>Support</td>
<td>The submission supports the proposal. Comments made that the controls in the LRMDH code do not seem to consider the impact on infrastructure such as the increased pressure on roads, traffic, waste management and structure of society. Commented on the importance of open space for children to grow and play in a safe backyard. Sought clarification as to whether Council is proposing any other changes for dual occupancy development such as frontage, FSR and setbacks.</td>
<td>Noted. Aligns with the proposed outcome. No changes proposed for site frontage width, FSR or setbacks at this stage. Council's proposal is for the increase in minimum lot size requirement only.</td>
</tr>
<tr>
<td>39</td>
<td>25/03/2019</td>
<td>Support</td>
<td>LRMDH Code, Infrastructure, Landscapes</td>
<td>Support</td>
<td>The submission supports the proposal.</td>
<td>Aligns with the proposed outcome.</td>
</tr>
<tr>
<td>40</td>
<td>25/03/2019</td>
<td>Support</td>
<td>LRMDH Code, Infrastructure, Landscapes</td>
<td>Support</td>
<td>The submission supports the proposal.</td>
<td>Aligns with the proposed outcome.</td>
</tr>
<tr>
<td>41</td>
<td>25/03/2019</td>
<td>Support</td>
<td>LRMDH Code, Infrastructure, Landscapes</td>
<td>Support</td>
<td>The submission supports the proposal. Issues raised on the insufficient road space available due to street parking in Greystanes. Recommends at least two parking spaces to be required per dwelling.</td>
<td>Noted. Aligns with the proposed outcome. The issues raised on the parking requirement will be considered as part of future planning work.</td>
</tr>
<tr>
<td>42</td>
<td>26/03/2019</td>
<td>Support</td>
<td>LRMDH Code, Infrastructure, Landscapes</td>
<td>Support</td>
<td>The submission supports the proposal. Comments raised on the increase in dwelling density in Girraween and its impact on local character. Recommends no more new development approvals except for knockdown and rebuild of single dwellings, and a 5 year freeze on new development.</td>
<td>Noted. Council's proposal is addressing issues on impact of the LRMDH Code on potential increase in dwelling density in low density residential area. The proposed 600sqm minimum lot size would effectively limit dual occupancy development to larger blocks and helps to provide better designed built form that suits to the local character. The proposal does not related to the regulation around new development approvals.</td>
</tr>
<tr>
<td>43</td>
<td>25/03/2019</td>
<td>Support</td>
<td>LRMDH Code, Infrastructure, Landscapes</td>
<td>Support</td>
<td>The submission supports the proposal.</td>
<td>Aligns with the proposed outcome.</td>
</tr>
<tr>
<td>44</td>
<td>25/03/2019</td>
<td>Support</td>
<td>LRMDH Code, Infrastructure, Landscapes</td>
<td>Support</td>
<td>The submission supports the proposal. Comments made on the insufficient road space available, especially around schools due to increased population density. Commented that the proposed regulation should have been put in place a long time ago.</td>
<td>Noted. Aligns with the proposed outcome.</td>
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<tr>
<td>No.</td>
<td>Date</td>
<td>Supporter</td>
<td>Street Congestion, Parking, Dwelling density</td>
<td>Action/Supportive Details</td>
<td>Action/Note</td>
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<td>45</td>
<td>29/03/2019</td>
<td>Neutral/Support</td>
<td>Neutral/Supportive</td>
<td>The submission did not indicate whether the submitter is supportive or objective for the proposal. However, if the applicant raised an issue on the increase in on-street parking by the people occupying dual occupancies. Commented that there are more than two or three families living in one of half a dual occupancy with three to four cars parked on a street.</td>
<td>Noted. The content of the submission raised issues on the impact of increased dwelling density and increased number of dual occupancy developments, which leads to on-street parking issues. Council's proposal is addressing issues of this potential dwelling density and the impact on residents amenity and street car parking.</td>
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<tr>
<td>46</td>
<td>28/03/2019</td>
<td>Support</td>
<td>Built form</td>
<td>Supportive</td>
<td>Noted. Aligns with the proposed outcome.</td>
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<tr>
<td>47</td>
<td>29/03/2019</td>
<td>Support</td>
<td>Local character, Built form, Parking</td>
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<td>Noted. Aligns with the proposed outcome.</td>
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<td>48</td>
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<td>Local character, Built form, Parking</td>
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<td>Noted. Aligns with the proposed outcome.</td>
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<td>49</td>
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<td>54</td>
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<td>55</td>
<td>1/04/2019</td>
<td>Support</td>
<td>Landscape, Setbacks, Local character</td>
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<td>Noted. Aligns with the proposed outcome.</td>
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<tr>
<td>Location</td>
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<td>Statement</td>
<td>Outcome</td>
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<tr>
<td>Guildford</td>
<td>2/04/2019</td>
<td>Support</td>
<td>The submission supports the proposal. Aligns with the proposed outcome.</td>
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<tr>
<td>Merrylands</td>
<td>2/04/2019</td>
<td>Support</td>
<td>The submission supports the proposal. Aligns with the proposed outcome.</td>
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<tr>
<td>Wentworthville</td>
<td>3/04/2019</td>
<td>Support</td>
<td>The submission supports the proposal. Recommends further increase of minimum lot size to 700 sqm. Comments made are supportive of Council's objectives. Raised issue that when LRMDH Code comes into effect, Council will no longer be the approval authority and the future development may not be regulated. Recommends retention of trees on private land, and that tree preservation on properties and street tree planting should be mandatory in Council's DAs and proposals.</td>
<td>Noted. Aligns with the proposed outcome.</td>
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<tr>
<td>Merrylands</td>
<td>3/04/2019</td>
<td>Support</td>
<td>The submission supports the proposal. Aligns with the proposed outcome.</td>
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<tr>
<td>Guildford</td>
<td>3/04/2019</td>
<td>Support</td>
<td>The submission supports the proposal. Comments made on the existing dual occupancy developments that are not aligned with the local character and built form.</td>
<td>Noted. Aligns with the proposed outcome.</td>
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<tr>
<td>Smithfield</td>
<td>1/04/2019</td>
<td>Support</td>
<td>The submission supports the proposal.</td>
<td>Aligns with the proposed outcome.</td>
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<tr>
<td>Guildford West</td>
<td>5/04/2019</td>
<td>Support</td>
<td>The submission supports the proposal.</td>
<td>Aligns with the proposed outcome.</td>
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</tr>
<tr>
<td>Guildford West</td>
<td>7/04/2019</td>
<td>Support</td>
<td>The submission supports the proposal. Comments made on the protection of front and backyards in houses. Raised issue of street congestion arising from the increased dwelling density in Guildford and Merrylands.</td>
<td>Noted. Aligns with the proposed outcome.</td>
<td></td>
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</tr>
<tr>
<td>Wentworthville</td>
<td>5/04/2019</td>
<td>Support</td>
<td>The submission supports the proposal. Supports having a minimum lot size for dual occupancies and allowing dual occupancy development without the need for council approval or consideration of community views.</td>
<td>Noted. Aligns with the proposed outcome.</td>
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<tr>
<td></td>
<td>5/04/2019</td>
<td>Neutral</td>
<td>Comments raised included street congestion issues (street parking, damages due to traffic on local streets, increase in number of accidents due to speeding), capacity of infrastructure and loss of green spaces in land blocks.</td>
<td>Noted.</td>
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</tbody>
</table>
## Extraordinary Cumberland Local Planning Panel Meeting
15 May 2019

<table>
<thead>
<tr>
<th>No.</th>
<th>Date</th>
<th>Source/Type</th>
<th>Issue/Concerns</th>
<th>Position/Action</th>
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<tbody>
<tr>
<td>66</td>
<td>7/04/19</td>
<td>Support</td>
<td>Alternate lot size, Affordability</td>
<td>Noted. Supportive / Alternate lot size</td>
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<tr>
<td>67</td>
<td>8/04/19</td>
<td>Support</td>
<td>Street Congestion, Parking, Dwelling density</td>
<td>Noted. Supportive</td>
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<td>68</td>
<td>28/03/19</td>
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<td>LRMHD Code, Infrastructure, Landscapes</td>
<td>Noted. Supportive</td>
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<td>69</td>
<td>8/04/19</td>
<td>Support</td>
<td>Parking, Street Congestion, Amenity</td>
<td>Noted. Supportive</td>
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<td>70</td>
<td>9/04/19</td>
<td>Support</td>
<td>Parking, Street Congestion, Amenity, Dwelling density</td>
<td>Noted. Supportive</td>
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<td>71</td>
<td>9/04/19</td>
<td>Support</td>
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<td>Noted. Supportive / Alternate lot size</td>
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<td>72</td>
<td>10/04/19</td>
<td>Support</td>
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<td>Aligns with the proposed outcome.</td>
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<td>Date</td>
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<td>73</td>
<td>10/04/19</td>
<td>Support</td>
<td>Dwelling density, Street congestion</td>
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<td>74</td>
<td>10/04/19</td>
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<td>Alternate lot size</td>
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<td>75</td>
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<td>Support</td>
<td>Alternate lot size</td>
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<td>76</td>
<td>13/04/19</td>
<td>Support</td>
<td>Parking, Street congestion</td>
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<tr>
<td>77</td>
<td>14/04/19</td>
<td>Support</td>
<td>Lifestyle, character</td>
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<td>79</td>
<td>15/04/19</td>
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<td>Alternate lot size, Parking, Built form</td>
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<td>80</td>
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<td>82</td>
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<td>Dwelling density, LRMHD Code, Local Character</td>
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<td>83</td>
<td>16/04/19</td>
<td>Support</td>
<td>Setbacks</td>
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<td>Stall</td>
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<td>Dwelling density, Built form, Landscapes, Streetscapes, Street congestion, Parking</td>
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<td>85</td>
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<td>17/04/2019</td>
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<td>16/04/2019</td>
<td>Support</td>
<td>Street congestion, Parking, Landscapes, Streetscape, Infrastructure, Local character</td>
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<td>16/04/2019</td>
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<td>Street congestion, Parking, Landscapes, Streetscape, Infrastructure, Local character</td>
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<td>16/04/2019</td>
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<td>Street congestion, Parking, Landscapes, Streetscape, Infrastructure, Local character</td>
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<td>Reference</td>
<td>Date</td>
<td>Support</td>
<td>Street congestion, Noise</td>
<td>Neutral</td>
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<tr>
<td>91 Wentworthville 17/04/2019 Support</td>
<td>Street congestion, Noise</td>
<td>Neutral</td>
<td>The submission expresses concerns on the noise and traffic generated from increased dwelling density. Comments made that smaller dual occupancy dwellings would create problems.</td>
<td>Noted.</td>
</tr>
<tr>
<td>92 Guildford 17/04/2019 Support</td>
<td>Built form, Local character</td>
<td>Supportive</td>
<td>The submission supports the proposal. Comments made on the quality of dual occupancy. Supports Council's proposal to protect the character of residential areas while supporting development in the area.</td>
<td>Noted. Aligns with the proposed outcome.</td>
</tr>
<tr>
<td>93 Wentworthville 17/04/2019 Support</td>
<td>Local character, Landscapes, Streetscapes, Investment, Parking, Street Congestion, Infrastructure</td>
<td>Supportive</td>
<td>The submission supports the proposal. The submitter made following comments on the implication of the smaller lot size: 1. Loss of green space/landscaped area, 2. Increase in number of street parking, 3. Capacity of infrastructure. Smaller lot size than Council's proposed 600 sqm would only benefit the developers. Consideration should be given to future grandchildren being deprived of a playing area.</td>
<td>Noted. Aligns with the proposed outcome.</td>
</tr>
<tr>
<td>94 Merrylands West 17/04/2019 Support</td>
<td>Alternate lot size, Dwelling density, Parking, Local character, Landscape, Urban heat island</td>
<td>Supportive / Alternate lot size</td>
<td>The submission supports the proposal. Recommends an alternate lot size of 800 sqm. Comments raised on the implication of the smaller lot size - street parking issues, loss of landscaped area and urban heat island. A larger lot allows for more on site parking and less street parking. There are a larger number of trades and small business occupations in the district which means their work vehicles also need off street parking space.</td>
<td>Noted. Aligns with the proposed outcome.</td>
</tr>
<tr>
<td>95 Guildford West 17/04/2019 Support</td>
<td></td>
<td>Supportive</td>
<td>The submission supports the proposal.</td>
<td>Noted. Aligns with the proposed outcome.</td>
</tr>
<tr>
<td>96 Pendle Hill 18/04/2019 Support</td>
<td>Alternate lot size, Street congestion, Parking</td>
<td>Alternate lot size</td>
<td>Recommends alternate lot size of 700-800 sqm. The submission raised issues on already built-up street parking and street congestion on a narrow street (such as Boyne Avenue) from increased dwelling density in the area.</td>
<td>Noted. The proposed 600sqm minimum lot size would effectively limit dual occupancy development in low to medium density area and would mitigate the issues raised.</td>
</tr>
<tr>
<td>Reference</td>
<td>Date</td>
<td>Developer</td>
<td>Type</td>
<td>Issue</td>
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<td>97</td>
<td>18/03/19</td>
<td>Merrylands West</td>
<td>Negative</td>
<td>Alternate lot size</td>
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<tr>
<td></td>
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<td>Duplicate of above</td>
<td>Duplicate of above</td>
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<tr>
<td>99</td>
<td>18/03/19</td>
<td>Greystanes</td>
<td>Negative</td>
<td>Investment, Development potential, Roads</td>
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<tr>
<td>100</td>
<td>18/03/19</td>
<td>Regents Park</td>
<td>Negative</td>
<td>Alternate lot size</td>
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<tr>
<td>101</td>
<td>18/03/19</td>
<td>Toongabbie</td>
<td>Negative</td>
<td>Investment, Property value</td>
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<td>102</td>
<td>19/03/19</td>
<td>South Wentworthville</td>
<td>Negative</td>
<td>Alternate lot size</td>
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<tr>
<td>103</td>
<td>19/03/19</td>
<td>Merrylands</td>
<td>Negative</td>
<td>Alternate lot size</td>
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<tr>
<td>Merrylands</td>
<td>19/03/2019</td>
<td>Negative</td>
<td>Investment</td>
<td>The submission opposes the proposal. Comments raised on the loss of development/investment potential by losing a capacity for dual occupancies on land between 500-800 sqm.</td>
</tr>
<tr>
<td>Duplication of above</td>
<td>19/03/2019</td>
<td>Negative</td>
<td>Duplication of above</td>
<td></td>
</tr>
<tr>
<td>Merrylands West</td>
<td>19/03/2019</td>
<td>Negative</td>
<td>Property value</td>
<td>The submission opposes the proposal. Commented that the proposal would affect more than 18,000 other homes and would reduce property value.</td>
</tr>
<tr>
<td>Housing market, Streetscape, Setback, Local jobs</td>
<td>18/03/2019</td>
<td>Negative</td>
<td>Neutral / Objection</td>
<td>The submission raised issues on the affordability of current housing market and potential loss of development capacity for dual occupancies and loss of local jobs. Commented that the market does not favour a big rear yard but consideration need to be given to the setbacks and streetscapes.</td>
</tr>
<tr>
<td>Alternate lot size, Revenue, Local jobs, House market, Housing density</td>
<td>18/03/2019</td>
<td>Negative</td>
<td>Objection/Alternate lot size</td>
<td>Very similar to #97.</td>
</tr>
<tr>
<td>Alternate lot size, Revenue, Local jobs, House market, Housing density</td>
<td>18/03/2019</td>
<td>Negative</td>
<td>Objection/Alternate lot size</td>
<td>Very similar to #97.</td>
</tr>
<tr>
<td>South Wentworthville</td>
<td>19/03/2019</td>
<td>Negative</td>
<td>Alternate lot size</td>
<td>The submission opposes the proposal. Proposed an alternate lot size of 550 sqm. Commented that the proposed change is unfair for landowners whose land size is around 550 sqm.</td>
</tr>
<tr>
<td>Lot</td>
<td>Area</td>
<td>Date</td>
<td>Type</td>
<td>Decision</td>
</tr>
<tr>
<td>------</td>
<td>------------------</td>
<td>------------</td>
<td>---------------</td>
<td>----------</td>
</tr>
<tr>
<td>112</td>
<td>Merrylands</td>
<td>20/03/2019</td>
<td>Housing market, Investment</td>
<td>Negative</td>
</tr>
<tr>
<td>113</td>
<td>Girraween</td>
<td>20/03/2019</td>
<td>Property value, Investment</td>
<td>Negative</td>
</tr>
<tr>
<td>114</td>
<td>South Wentworthville</td>
<td>20/03/2019</td>
<td></td>
<td>Negative</td>
</tr>
<tr>
<td>115</td>
<td>South Wentworthville</td>
<td>20/03/2019</td>
<td></td>
<td>Negative</td>
</tr>
<tr>
<td>116</td>
<td>Wentworthville</td>
<td>20/03/2019</td>
<td>Alternate lot size</td>
<td>Negative</td>
</tr>
<tr>
<td>117</td>
<td>South Wentworthville</td>
<td>21/03/2019</td>
<td>Investment, Property value</td>
<td>Negative</td>
</tr>
<tr>
<td>118</td>
<td></td>
<td>21/03/2019</td>
<td>Revenue, Granny flats, Parking</td>
<td>Negative</td>
</tr>
<tr>
<td>119</td>
<td>Merrylands</td>
<td>25/03/2019</td>
<td>Alternate lot size</td>
<td>Negative</td>
</tr>
<tr>
<td>120</td>
<td>20/03/2019</td>
<td>Negative</td>
<td>LRMDH Code, Property value</td>
<td>Objection</td>
</tr>
<tr>
<td>121</td>
<td>29/03/2019</td>
<td>Negative</td>
<td>Investment</td>
<td>Objection</td>
</tr>
<tr>
<td>122</td>
<td>29/03/2019</td>
<td>Neutral</td>
<td>Street congestion, Landscape</td>
<td>Objection</td>
</tr>
<tr>
<td>123</td>
<td>1/04/2019</td>
<td>Negative</td>
<td>Property value, Local character</td>
<td>Objection</td>
</tr>
<tr>
<td>124</td>
<td>20/04/2019</td>
<td>Negative</td>
<td>Local character, Street congestion, Parking, Infrastructure</td>
<td>Objection</td>
</tr>
<tr>
<td>125</td>
<td>30/04/2019</td>
<td>Negative</td>
<td>No change</td>
<td>Objection</td>
</tr>
<tr>
<td>126</td>
<td>31/03/2019</td>
<td>Negative</td>
<td>Property value, Alternate lot size</td>
<td>Objection / Alternate lot size</td>
</tr>
<tr>
<td>127</td>
<td>20/03/2019</td>
<td>Negative</td>
<td>Duplicate of above</td>
<td>Duplicate of #126</td>
</tr>
<tr>
<td>128</td>
<td>20/04/2019</td>
<td>Negative</td>
<td>Property value, Alternate lot size</td>
<td>Objection / Alternate lot size</td>
</tr>
<tr>
<td>Reference</td>
<td>Name</td>
<td>Date</td>
<td>Rating</td>
<td>Object to</td>
</tr>
<tr>
<td>-----------</td>
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<td>-----------</td>
</tr>
<tr>
<td>129</td>
<td>Merrylands</td>
<td>20/4/2019</td>
<td>Negative</td>
<td>Property value, Alternate lot size</td>
</tr>
<tr>
<td>130</td>
<td>Greystanes</td>
<td>3/04/2019</td>
<td>Negative</td>
<td>Landscape, Local character, Built form, Infrastructure</td>
</tr>
<tr>
<td>131</td>
<td>Westmead</td>
<td>4/04/2019</td>
<td>Negative</td>
<td>Local character, Property value</td>
</tr>
<tr>
<td>132</td>
<td>Greystanes</td>
<td>4/04/2019</td>
<td>Negative</td>
<td>Investment</td>
</tr>
<tr>
<td>133</td>
<td>Greystanes</td>
<td>4/04/2019</td>
<td>Negative</td>
<td>Property value, Investment, Alternate lot size</td>
</tr>
<tr>
<td>134</td>
<td>Guildford</td>
<td>31/03/2019</td>
<td>Negative</td>
<td>Alternate lot size</td>
</tr>
<tr>
<td>135</td>
<td>Merrylands</td>
<td>4/04/2019</td>
<td>Negative</td>
<td>Property value, Investment, Local character</td>
</tr>
<tr>
<td>137</td>
<td>Merrylands</td>
<td>4/04/2019</td>
<td>Negative</td>
<td>Dwelling density, Young family</td>
</tr>
<tr>
<td>138</td>
<td>Regents Park</td>
<td>5/04/2019</td>
<td>Negative</td>
<td>Local character, Affordability, Young family, Alternate lot size</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
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<td>----------</td>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Opposes the proposal. Recommends alternate lot size of 500-550 sqm, especially within a certain radius of train lines to help with affordable living. Comments based on the consequences of subdividing lots in terms of increased on-street parking.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>139</th>
<th>Greystanes</th>
<th>9/04/2019</th>
<th>Negative</th>
<th>Affordability</th>
<th>Objection</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Opposes the proposal. More dual occupancies are needed in the area to accommodate smaller households who cannot afford big new houses.</td>
<td>Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>140</th>
<th>Merrylands</th>
<th>9/04/2019</th>
<th>Negative</th>
<th>Alternate lot size, Investment</th>
<th>Objection</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Opposes the proposal. Recommends alternate lot size of 500 or 550 sqm.</td>
<td>Noted.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>141</th>
<th>Parramatta</th>
<th>9/04/2019</th>
<th>Negative</th>
<th>Investment</th>
<th>Objection</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>The submission opposes the proposal.</td>
<td>Noted.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>142</th>
<th></th>
<th>9/04/2019</th>
<th>Negative</th>
<th>Investment</th>
<th>Objection</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Opposes the proposal because it would prevent people from building dual occupancies. Commented that streets facing dual occupancies should be allowed in an R2 zone.</td>
<td>Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>143</th>
<th></th>
<th>9/04/2019</th>
<th>Negative</th>
<th>Affordability</th>
<th>Objection</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Opposes the proposal. Smaller homes on smaller lots create affordability for the young generation, allowing them to buy close to their families.</td>
<td>Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>144</th>
<th></th>
<th>9/04/2019</th>
<th>Negative</th>
<th>Investment, Property value</th>
<th>Objection</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Opposes the proposal. Comments made that Council's proposed change would limit the capability for dual occupancy development, and would impact on their property value.</td>
<td>Noted. Council's proposal is to maintain the low density residential character and to align with planned density and infrastructure.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>145</th>
<th>Merrylands West</th>
<th>10/04/2019</th>
<th>Negative</th>
<th>Alternate lot size, Investment</th>
<th>Objection</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Opposes the proposal. Recommends alternate lot size in a range of 500-600 sqm.</td>
<td>Noted.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>146</th>
<th>Wentworthville</th>
<th>11/04/2019</th>
<th>Negative</th>
<th></th>
<th>Objection</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Opposes the proposal for the areas of Westmead and Wentworthville.</td>
<td>Noted.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>147</th>
<th>Granville</th>
<th>11/04/2019</th>
<th>Negative</th>
<th>Built form</th>
<th>Objection</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Opposes the proposal. Commented that consideration should be given to lots with a wide frontage and lot size close to the 600 sqm.</td>
<td>Noted.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>148</th>
<th>Merrylands</th>
<th>11/04/2019</th>
<th>Negative</th>
<th>Alternate lot size</th>
<th>Objection</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Opposes the proposal. Recommends maintaining the current minimum lot size for dual occupancy.</td>
<td>Noted.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>149</th>
<th></th>
<th>11/04/2019</th>
<th>Negative</th>
<th>Alternate lot size</th>
<th>Objection</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Opposes the proposal. Recommends maintaining the current minimum lot size for dual occupancy.</td>
<td>Noted.</td>
</tr>
<tr>
<td>150</td>
<td>Merrylands West</td>
<td>11/04/2019</td>
<td>Negative</td>
<td>Granny flats</td>
<td>Objection</td>
</tr>
<tr>
<td>151</td>
<td></td>
<td>11/04/2019</td>
<td>Negative</td>
<td></td>
<td>Objection</td>
</tr>
<tr>
<td>152</td>
<td>Wentworthville</td>
<td>12/04/2019</td>
<td>Negative</td>
<td>Alternate lot size</td>
<td>Objection</td>
</tr>
<tr>
<td>153</td>
<td>Greystanes</td>
<td>13/04/2019</td>
<td>Negative</td>
<td>Alternate lot size</td>
<td>Objection / Alternate lot size</td>
</tr>
<tr>
<td>154</td>
<td>Greystanes</td>
<td>14/04/2019</td>
<td>Negative</td>
<td>Alternate lot size</td>
<td>Objection / Alternate lot size</td>
</tr>
<tr>
<td>155</td>
<td>Merrylands West</td>
<td>14/04/2019</td>
<td>Negative</td>
<td></td>
<td>Objection</td>
</tr>
<tr>
<td>156</td>
<td>Greystanes</td>
<td>14/04/2019</td>
<td>Negative</td>
<td></td>
<td>Objection</td>
</tr>
<tr>
<td>157</td>
<td></td>
<td>15/04/2019</td>
<td>Negative</td>
<td></td>
<td>Objection</td>
</tr>
<tr>
<td>158</td>
<td>Auburn</td>
<td>16/04/2019</td>
<td>Negative</td>
<td>Alternate lot size, LRMDH Code</td>
<td>Objection / Alternate lot size</td>
</tr>
<tr>
<td>159</td>
<td>Catherine Field</td>
<td>16/04/2019</td>
<td>Negative</td>
<td></td>
<td>Objection</td>
</tr>
<tr>
<td>160</td>
<td>Greystanes</td>
<td>17/04/2019</td>
<td>Negative</td>
<td>Aged housing stock</td>
<td>Objection</td>
</tr>
<tr>
<td>161</td>
<td>Auburn</td>
<td>16/04/2019</td>
<td>Negative</td>
<td>LRMDH Code, Housing diversity,</td>
<td>Objection</td>
</tr>
<tr>
<td>Location</td>
<td>Date</td>
<td>Vote</td>
<td>Issue(s)</td>
<td>Decision</td>
<td>Note</td>
</tr>
<tr>
<td>--------------</td>
<td>------------</td>
<td>-------</td>
<td>-----------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Auburn</td>
<td>16/04/2019</td>
<td>Negative</td>
<td>Alternate lot size, Granny flats</td>
<td>Objection / Alternate lot size</td>
<td>Opposes the proposal. Recommends alternate lot size of 560 sqm, or each submission be judged on its own merits. Submission author indicated their intention to redevelop their existing house for a dual occupancy but Council's proposed lot size would limit the development potential, and they would need to look at other options such as granny flats.</td>
</tr>
<tr>
<td>Greystanes</td>
<td>17/04/2019</td>
<td>Negative</td>
<td>Development potential</td>
<td>Objection</td>
<td>Opposes the proposal. Submission author indicated they had bought the land of 550 sqm with an intention to redevelopment for a dual occupancy.</td>
</tr>
<tr>
<td>Guildford West</td>
<td>17/04/2019</td>
<td>Negative</td>
<td>Development potential</td>
<td>Objection</td>
<td>Opposes the proposal. Intended to redevelop their land (560 sqm) for dual occupancies as they are surrounded by dual occupancies. Comments raised that their future financial potential would be impacted.</td>
</tr>
<tr>
<td>Greystanes</td>
<td>18/04/2019</td>
<td>Negative</td>
<td>Local character, Property value, LRMDH code</td>
<td>Objection</td>
<td>Opposes the proposal. Commented that dual occupancies (in most cases) improve the general appearance of the suburb. Concerns raised about the impact on property value of lots under 600 sqm.</td>
</tr>
<tr>
<td>North Parramatta</td>
<td>18/03/2019</td>
<td>N/A</td>
<td>Not relevant</td>
<td>Not relevant</td>
<td>Opposes rezoning of the dwelling [sic].</td>
</tr>
<tr>
<td>Parramatta</td>
<td>22/03/2019</td>
<td>N/A</td>
<td>Neutral</td>
<td>Neutral</td>
<td>Sydney Water has determined that the proposed changes do not require commentary by Sydney Water at this stage.</td>
</tr>
<tr>
<td>Westmead</td>
<td>9/04/2019</td>
<td>N/A</td>
<td>Not relevant</td>
<td>Not relevant</td>
<td>Opposes any development for units. Commented that such development causes issues in terms of traffic, parking, privacy and school capacity.</td>
</tr>
<tr>
<td>Merrylands</td>
<td>15/04/2019</td>
<td>N/A</td>
<td>Not relevant, Dwelling density, R4 zone, LRMDH code</td>
<td>Not relevant</td>
<td>The submission did not address Council's proposal, and instead focused on high density residential development. Also recommended Council consider lot sizes for all residential areas. Commented that the LRMDH Code and its complying development provisions for dual occupancies should have been highlighted in this exhibition.</td>
</tr>
</tbody>
</table>