A meeting of the Cumberland Local Planning Panel will be held at 11:30am at the Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Wednesday, 12 June 2019.

Business as below:

Yours faithfully

Hamish McNulty
General Manager

ORDER OF BUSINESS

1. Receipt of Apologies
2. Confirmation of Minutes
3. Declarations of Interest
4. Address by invited speakers
5. Reports:
   - Development Applications
   - Planning Proposals
6. Closed Session Reports
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<td>439</td>
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Item No: LPP039/19

DEVELOPMENT APPLICATION FOR 20-24 BRIDGE STREET, LIDCOMBE

Responsible Division: Environment & Planning
Officer: Manager Development Assessment
File Number: DA-263/2018

<table>
<thead>
<tr>
<th>Application lodged</th>
<th>29-Aug-2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Moma Architects</td>
</tr>
<tr>
<td>Owner</td>
<td>Y L Pty Limited and Bridge Street Projects Pty Ltd</td>
</tr>
<tr>
<td>Application No.</td>
<td>DA-263/2018</td>
</tr>
<tr>
<td>Description of Land</td>
<td>20-24 Bridge Street, LIDCOMBE, Lot 692 DP 557863, Lot 691 DP 557863</td>
</tr>
<tr>
<td>Proposed Development</td>
<td>Demolition of existing structures and the construction of an 11 storey shop top housing development, comprising of 3 commercial tenancies and 60 residential units over 4 levels of basement parking and lot consolidation</td>
</tr>
<tr>
<td>Site Area</td>
<td>1095.68m²</td>
</tr>
<tr>
<td>Zoning</td>
<td>Zone B4 Mixed Use</td>
</tr>
<tr>
<td>Disclosure of political donations and gifts</td>
<td>Nil disclosure</td>
</tr>
<tr>
<td>Heritage</td>
<td>No</td>
</tr>
<tr>
<td>Issues</td>
<td>Height, deep soil zone, building separation, floor to ceiling height, podium level private open space</td>
</tr>
</tbody>
</table>

SUMMARY:

1. Development Application No.DA-263/2018 was received on 29-Aug-2018 for the demolition of existing structures and the construction of an 11 storey shop top housing development, comprising of 3 commercial tenancies and 60 residential units over 4 levels of basement parking and lot consolidation.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 11 September 2018 and 25 September 2018. In response, one submission were received. The application was renotified for a period of 14 days between 8 and 22 January 2019 and one re-submission was received.

3. The key 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>Height</td>
<td>36m</td>
<td>37.5m</td>
<td>4.2%</td>
</tr>
<tr>
<td>Building separation [Note: taken to be half the minimum separation distance measured to the boundary to distribute]</td>
<td>Up to 4 storeys (approximately 12m): 12m between habitable</td>
<td>Main non-compliances to the southern side are as follows: Level 1 – 4 = 5.555m</td>
<td>7.4%</td>
</tr>
</tbody>
</table>
the building separation equally between sites.]  

<table>
<thead>
<tr>
<th></th>
<th>rooms/balconies;</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>5 to 8 storeys (approximately 25m):</td>
<td>18m between habitable rooms/balconies;</td>
<td>9+ storeys (over 25m):</td>
<td>Levels 5 – 8 = 5.5m</td>
<td>38.9 %</td>
</tr>
<tr>
<td></td>
<td>24m between habitable rooms/balconies;</td>
<td></td>
<td>Levels 9+ = 5.555 to 11.02m</td>
<td></td>
</tr>
<tr>
<td>Deep soil zone</td>
<td>7% (76.7sqm)</td>
<td>Nil</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

4. The application is recommended for conditional approval subject to the conditions as provided in the attached schedule.

5. The application is referred to the Panel as the proposal is considered to be sensitive development as it relates to a development to which SEPP65 applies and is 4 or more storeys.

**REPORT:**

**Subject Site and Surrounding Area**

The site is identified as Lot 691 and 692 DP 557863, known as 20-24 Bridge Street, Lidcombe. The subject site is located on the western side of Bridge Street between Vaughan Street to the south and New Street to the north. The site is irregular in shape with an eastern front boundary measuring 39.4 m, western rear boundary measuring 30.77m and southern side boundary measuring 47.38 m and northern secondary boundary to New Street measuring 23.522m. The site has an area of 1095.68 m2 and is generally flat.

20 Bridge Street is occupied by a single storey retail shop and 22-24 Bridge Street is occupied by a two-storey commercial building with at grade parking accessed from Bridge Street.

The subject site is adjoined mixed use and commercial development to the south, the Renaissance reception and event centre to the west, Lidcombe Library and the commuter carpark to the north and east. Lidcombe railway station lies to the north-east and the rail line and Bridge St Gardens is to the north of the site. The site is within the Lidcombe Town Centre and is characterised by a variety of residential developments including commercial and mixed commercial / residential development.
Figure 1 – Locality Plan of subject site

Figure 2 – Aerial view of subject site
Description of the Proposed Development

Council has received a development application for demolition of existing structures and the construction of an 11 storey shop top housing development, comprising of 3 commercial tenancies and 60 residential units over 4 levels of basement parking and lot consolidation and includes:

- Summary of components within the mixed use building including:-
  i) 3 commercial tenancies on the ground floor
  o Total of 60 x 2 bedroom units (all units are 2 bedroom units)
  o 6 adaptable units - Units 01 on levels 1 to 6 are adaptable units
  o 74 car parking spaces to support all uses

The detailed breakdown of the proposal is as below:
Demolition

- Demolition of all existing structures on the site including commercial buildings, shops and at-grade parking.
- Removal of vegetation from site.

Construction

Basement 4:

- 19 resident car parking spaces (including 1 accessible space)
- 36 residential storage areas
- Main switch room
- Two stairs and two lifts have been provided to access the levels above.

Basement 3:

- 18 resident car parking spaces (including 2 accessible spaces)
- 12 residential storage spaces
- Communication room
- Two stairs and two lifts have been provided to access the levels above.

Basement 2:

- 14 resident car parking spaces (including 3 accessible spaces)
- 4 visitor spots for the residential component
- 12 residential storage spaces
- Central hot water plant room
- Two stairs and two lifts have been provided to access the levels above.

Basement 1:

- 5 commercial car parking spaces (including 1 accessible space)
- 8 visitor parking spaces
- 6 residential car parking spaces.
- Hydrant pump room
- 12 bicycle parking spaces
- Two stairs and two lifts have been provided to access the levels above.

Ground level:
- 3 commercial premises oriented to Bridge Street
- Separate commercial and residential garbage rooms, bulky waste storage in the residential garbage room and a waste loading bay with access to New Street East.
- Commercial amenities
- Separated residential lobby
- Accessible pedestrian ramp from street

Level 1:
- 6 x 2 bedroom units, each with ensuite, bathroom, laundry, storage, balcony and open kitchen / living / dining. Southern unit 6 has 2 balconies, one to the east and west.
- Unit 01 is adaptable and Unit 05 is silver level
- South-western communal circulation and open space.

Level 2 to 6 (on each level):
- 6 x 2 bedroom units, each with ensuite, bathroom, laundry, storage, balcony and open kitchen / living / dining. Southern unit 6 has 2 balconies, one to the east and west.
- Unit 01 is adaptable and Unit 05 is silver level

Level 7 to 10 (on each level):
- 6 x 2 bedroom units, each with ensuite, bathroom, laundry, storage, balcony and open kitchen / living / dining. Southern unit 6 has 2 balconies, one to the east and west.

Open circulation is provided to the communal corridors.

Roof:
- Landscaped communal open space with BBQ area, seating and shade sails.
History

Site History

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

- PL-6/2018: Demolition of existing structures and construction of a 10 storey building comprising 4 commercial tenancies, 70 residential apartments and basement parking – completed 6 April 2018

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects in support of the application prepared by Think Planners dated 27 August 2018 which was received by Council on 29 August 2018.

Contact with Relevant Parties

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process.

Internal Referrals

Development Engineer

The development application was referred to Council’s Development Engineer for comment who has advised that the development proposal may be supported subject to recommended conditions of consent including conditions related to requiring an updated flood impact report and stormwater plans as well as other stormwater drainage and parking design conditions.

Environment and Health

The development application was referred to Council’s Environment and Health Officer for comment who has advised that the development proposal is satisfactory subject to imposition of recommended conditions of consent, if supported. These conditions include requirements for amended plans demonstrating provisions for mechanical ventilation of cooking equipment for ground floor shops which vents and extends through the rooftop.

Landscape Architect

The development application was referred to Council’s Landscape Architect for comment who has advised that the landscape plan is satisfactory.

External Referrals

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

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

Regional Environmental Plans

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

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

The 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.

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 development application.

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

Does the site adjoin any contaminated land/Previously contaminated land?  Yes ☒ No

Details of contamination investigations carried out at the site:

The subject development has been supported by a Detailed Site Investigation, rep E23835.E02_Rev2, prepared by eiaustralia and dated 13 September 2018. The report concluded that soils are suitable for the proposed development subject to recommendations in section 12 of the report. The application was referred to Council’s Environment Health Officers for comment that raised no concerns to the subject development and supporting documentation, subject to the imposition of conditions. Specifically the following:

- Demolition of buildings and then excavation of site soils is to be undertaken in accordance with the recommendations contained at Section 12 of the Detailed Site Investigation Report prepared by El Australia, their reference E23835.E02_Rev2 dated 13 September 2018.

Council officers can therefore be satisfied that the provisions of Clause 7 of the SEPP have been satisfactorily addressed and consent can be granted.

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 No

(a) State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The provisions of the ISEPP 2007 have been considered in the assessment of the development application.

Clause 87 – Impact of rail noise or vibration on non-rail development and Clause 102 – Impact of road noise or vibration on non-road development

The site is approximately 90m from the Lidcombe railway corridor to the north and 15m from Olympic Drive to the west which is a classified road with annual average daily traffic volume of more than 20,000 vehicles. The application is subject to clause 87 and 102 of the ISEPP as it is likely to be adversely affected by rail and road noise or vibration. The applicant has submitted an Acoustic Assessment, ref 20180613.1/1206A/R1/JL, rev 1, and a supplementary letter regarding ventilation of sole occupancy rooms, ref 20180613.1/2009A/R0/JL, dated 20/09/2018, both prepared by Acoustic Logic (T072585/2018 and T065888/2018) to determine appropriate measures which need to be taken to protect residential amenity. As part of the assessment, consideration was given to the ISEPP and Department of Planning’s Development Near Rail Corridors and Busy Roads – Interim Guidelines and the required residential noise levels which are to be achieved. Section 4.3 of the report provided construction recommendations including glazing and door, external wall, ventilation and roof materials and design to ensure that the noise levels in the
SEPP and relevant guidelines are achieved. The application was referred to Council’s Environmental Health officers for comment and no objections were raised subject to conditions to comply with the acoustic report recommendations and certification of acoustic constructions. It is therefore considered that appropriate measures will be taken to comply with ISEPP requirements for residential noise amenity.

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

N/A – No significant vegetation removal is proposed. Only some small shrubs in planters exist on site.

(c) State Environmental Planning Policy (Coastal Management) 2018

The subject site is not identified as a coastal wetland or land identified as “proximity area for coastal wetlands” or land identified as such by the Coastal Wetlands and Littoral Rainforest Area Map.

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

BASIX Certificate 952517M_03 dated issued on 17 April 2019 prepared by Outsource Ideas P/l has been submitted with Council and is considered to be satisfactory. The BASIX Certificate lists measures to satisfy BASIX requirements which have been incorporated into the proposal. If supported, a standard condition is recommended ensuring the measures detailed in the BASIX Certificate are implemented.

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

SEPP 65 applies to the residential flat building part of the development as the building is 3 storeys or more, and contains more than 4 dwellings. A design statement addressing the 9 design quality principles prescribed by SEPP 65 was prepared by the project architect and submitted. 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 full assessment is in attachment 5.

<table>
<thead>
<tr>
<th>Design Criteria</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<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>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9+ storeys (over 25m):</td>
<td>No – acceptable</td>
<td>On the ground floor, the proposal is built to the boundary which is</td>
</tr>
<tr>
<td>• 24m between habitable</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>
<tr>
<td>rooms/balconies;</td>
<td>supportable as there are no openings facing adjoining sites on this level and given the town centre location, a nil setback is acceptable to support ground floor commercial, associated amenities and parking, loading and waste access. Above the ground floor, the residential units are built to the boundary which can be supportable given the town centre location. Blade wall extensions have been provided along the southern and western walls to provide additional privacy from future development. The development is in an L-shaped formation surrounding a podium courtyard. Future development is anticipated to adopt a similar layout. Other non-compliances at podium level 1, include stair 3, which is setback 5.555m from the southern boundary. No objections are raised with this as there are no windows proposed along the southern side of stair 3. The non-compliance of stair 3 carries through the upper levels and in addition, parts of the open circulation areas (which are treated as habitable spaces) do not meet the minimum 12m setback requirement to the southern boundary. Thus to address the privacy impacts arising from this, timber tone batten privacy screens are provided along parts of the circulation corridor to address the non-compliance which is</td>
<td></td>
</tr>
<tr>
<td>• 18m between habitable and nonhabitable rooms; and • 12m between nonhabitable rooms</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>
| **Objective 3B-2**  
Overshadowing of neighbouring properties is minimised during mid-winter | Yes – acceptable | As the subject site is located to the north of the street block, overshadowing of adjoining development is unavoidable. However, the shadow impacts are considered acceptable as it is anticipated by the building envelope envisaged by the development standards. It is noted that there is a minor height non-compliance, however, the areas of non-compliance have been setback from the southern boundary to minimise adverse shadow impacts to adjoining sites and thus is acceptable. Furthermore, the applicant has submitted shadow diagrams comparing a height compliant scheme against the proposal which demonstrates that there are negligible additional shadow impacts arising from the height non-compliance. The shadow will move from overshadowing the function centre and Olympic Drive in the morning to mainly shadowing the mid-block open hardstand parking area and then will move over the low scale mixed commercial development fronting Bridge Street in the afternoon. As the shadow moves throughout the day in midwinter, future development to the south will likely have sufficient solar access either in the morning or afternoon. |

| **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. | | |
| **Objective 3D-1**  
An adequate area of communal open space is provided to enhance residential amenity and | Yes | The communal open space includes bbq areas, seating, pergolas and suitable landscaping for the enjoyment of |
### Design Criteria

- **Compliance**
  - Yes
- **Comment**
  - Proposed common open space = 750.1m² (68.5%) (inclusive of 230.5sqm on the level 1 podium and the remainder being on the roof top)
  - 69.27% of the common open space, being that located on the roof, receives solar amenity throughout the day in midwinter.

### 3E Deep soil zones

**Objective 3E-1**
Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.

**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>7%</td>
</tr>
<tr>
<td>650m² - 1,500m²</td>
<td>3m</td>
<td></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>8m</td>
<td></td>
</tr>
</tbody>
</table>

- **Compliance**
  - No – acceptable
- **Comment**
  - Nil proposed.
  - The non-compliance is considered acceptable given the Town Centre nature of the site as the need to provide a functional basement carpark and commercial uses at ground floor makes the deep soil requirements difficult to achieve.

The proposal does however, propose a substantial area of landscaped common space upon at various levels including level 1 podium and roof top which is considered acceptable.

### 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.

**Objective 3F-1**
Adequate building separation

- **Compliance**
  - No – acceptable
- **Comment**
  - See discussion under 2F. Visual privacy has been
## Design Criteria

**Distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.**

### 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</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 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.

### Objective 3F-2

Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.

<table>
<thead>
<tr>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>No – acceptable</td>
<td>addressed through privacy screening where there is insufficient building separation.</td>
</tr>
</tbody>
</table>

### Objective 3J-1

Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.

<table>
<thead>
<tr>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>A combination of privacy screening, highlight windows and landscaping have been employed at the interface of residential units and public circulation/communal areas at the podium level and above. Windows have been provided where possible to improve ventilation, provide outlook and maximise solar access to habitable spaces on the residential levels.</td>
</tr>
</tbody>
</table>

### Objective 3J-1

Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.

<table>
<thead>
<tr>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>The ADG requires parking to be provided for the residential component as follows: 60 x 2br (0.9/unit) = 54 spaces</td>
</tr>
<tr>
<td>Design Criteria</td>
<td>Compliance</td>
</tr>
<tr>
<td>-----------------</td>
<td>------------</td>
</tr>
</tbody>
</table>
| **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;  
- 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  
| Yes |  
12 visitor spaces required (0.2/unit)  
Total required: 66 spaces required  
Total provided: 69 residential and visitor spaces provided  
There is sufficient parking provision on site to accommodate both residential and commercial uses on site as discussed under the DCP (see Appendices). |

<table>
<thead>
<tr>
<th>4A Solar and daylight access</th>
<th>Yes</th>
<th>The proposed development is considered to be generally consistent with the Solar and Daylight Access objectives as the orientation of units to the street, being to the north and east, allows for daylight infiltration. In this regard, all units, living areas and the main private open space receives at least 2 hours sunlight mid-winter.</th>
</tr>
</thead>
</table>
| **Objective 4A-1**  
To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space  
**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 | Yes | |
<p>| | Yes | |
| | Yes | |</p>
<table>
<thead>
<tr>
<th>Design Criteria</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4B Natural ventilation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Objective 4B-3</strong>&lt;br&gt;The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents</td>
<td>Yes</td>
<td>83.3% of units are naturally cross ventilated (50/60 units)</td>
</tr>
<tr>
<td><strong>Design criteria</strong>&lt;br&gt;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</td>
<td>Yes</td>
<td>N/A</td>
</tr>
<tr>
<td>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td><strong>4C Ceiling heights</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Objective 4C-1</strong>&lt;br&gt;Ceiling height achieves sufficient natural ventilation and daylight access</td>
<td>Yes</td>
<td>Sections have been provided showing that a 2.7m floor to ceiling height is achieved for the residential units. However, the ground floor use only provides 3.1m floor to ceiling. This minor non-compliance can be supported given the raised nature of the site due to flooding and the current exceedance in building height. The minor non-compliance will still result in sufficient floor to ceiling heights to accommodate commercial uses on the ground floor.</td>
</tr>
<tr>
<td><strong>Design criteria</strong>&lt;br&gt;1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</td>
<td>Yes – acceptable</td>
<td></td>
</tr>
<tr>
<td>Minimum ceiling height for apartment and mixed use buildings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Habitable rooms</td>
<td>2.7m</td>
<td></td>
</tr>
<tr>
<td>Non-habitable</td>
<td>2.4m</td>
<td></td>
</tr>
<tr>
<td>For 2 storey apartments</td>
<td>2.7m for main living area floor</td>
<td></td>
</tr>
<tr>
<td></td>
<td>2.4m for second floor, where its area does not exceed 50% of the apartment area</td>
<td></td>
</tr>
<tr>
<td>Attic spaces</td>
<td>1.8 m at edge of room with a 30 degree minimum ceiling slope</td>
<td></td>
</tr>
<tr>
<td>If located in mixed used areas</td>
<td>3.3 m for ground and first floor to promote future flexibility of use</td>
<td></td>
</tr>
<tr>
<td>These minimums do not preclude higher ceilings if desired</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>Objective 4E-1</strong>&lt;br&gt;Apartments provide appropriately</td>
<td>Yes</td>
<td>The shape and arrangement of the balconies support flexibility in</td>
</tr>
</tbody>
</table>
Design Criteria

- sized private open space and balconies to enhance residential amenity

**Design criteria**

1. All apartments are required to have primary balconies as follows:

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum area</th>
<th>Minimum depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio apartments</td>
<td>4m²</td>
<td>-</td>
</tr>
<tr>
<td>1 bedroom apartments</td>
<td>8m²</td>
<td>2m</td>
</tr>
<tr>
<td>2 bedroom apartments</td>
<td>10m²</td>
<td>2m</td>
</tr>
<tr>
<td>3+ bedroom apartments</td>
<td>12m²</td>
<td>2.4m</td>
</tr>
</tbody>
</table>

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

2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.

<table>
<thead>
<tr>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>private recreation. All primary balconies meet the minimum required depth of 2m for 2 bedroom units and annotations on plans show that all balconies meet the minimum area of 10sqm.</td>
</tr>
<tr>
<td>No – acceptable</td>
<td>Balconies facing the podium are secondary private open spaces accessed off bedrooms and a compliant balcony is provided which is oriented to the street. This is preferred in order to manage amenity at the interface of the balcony with the podium communal open space.</td>
</tr>
</tbody>
</table>

Local Environmental Plans

**Auburn Local Environmental Plan 2010 (ALEP)**

The provisions of Auburn LEP 2010 are applicable to the development proposal. It is noted that the development generally achieves compliance with the key statutory requirements and zone objectives of the B4 Mixed Use zone which seek to:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage high density residential development.
- To encourage appropriate businesses that contribute to economic growth.
- To achieve an accessible, attractive and safe public domain.
The proposal is well located within walking distance of Lidcombe railway station and town centre. The mixed use development is considered appropriate within the zone as ground floor commercial assists in activating the town centre and expanding the commercial core of Lidcombe Town Centre. The proposed high density residential component is suitably located near transport, shops and services.

Permissibility:

The proposal is defined as shop top housing, which is permitted with consent in the zone. Shop top housing means one or more dwellings located above ground floor retail premises or business premises.

The relevant matters to be considered under Auburn Local Environmental Plan 2010 for the proposed development are outlined below.

Figure 4 – Auburn LEP 2010 Compliance Table

<table>
<thead>
<tr>
<th>Provision</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Part 4 Principal development standards</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.3 Height of buildings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• 36m</td>
<td>No</td>
<td>The proposed height of 37.5m is non-compliant and a clause 4.6 exception to the development standards has been submitted with the application, as discussed in detail below.</td>
</tr>
<tr>
<td>4.4 Floor space ratio</td>
<td>Yes</td>
<td>The proposed FSR is 5:1 (2478sqm) as proposed.</td>
</tr>
<tr>
<td>4.6 Exceptions to development standards</td>
<td>See discussion</td>
<td>The application is accompanied by a written request pursuant to clause 4.6 of the LEP to vary the height development standard. A detailed discussion of the variation to the development standard is presented below this table.</td>
</tr>
<tr>
<td><strong>Part 6 Additional local provisions</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.1 Acid sulfate soils</td>
<td>Yes</td>
<td>The proposed development does not involve the carrying of works within 500m of adjacent class 1-4 land that is below 5m AHD and by which the watertable is likely to be lowered below 1m AHD. No further investigation is necessary in this instance.</td>
</tr>
<tr>
<td>• Class 5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.2 Earthworks</td>
<td>Yes</td>
<td>Earthworks associated with the basement are proposed. The basement excavation is located within the boundaries of the site and is not considered to have a detrimental impact on environmental</td>
</tr>
</tbody>
</table>
functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. Standard conditions of consent will be imposed regarding the excavation. The proposal has been considered against the criteria of the Clause and is satisfactory, subject to conditions of consent.

| 6.3 Flood planning | Yes – conditioned | The application was referred internally to Council’s Engineers who has provided recommended conditions to be imposed to address the flood related issues which have been included in the draft conditions of consent. |

The following is a detailed discussion of the issues identified in the compliance table above in relation to the Auburn LEP 2010.

Exceptions to Development Standards

Clause 4.3 Height of buildings

The proposal has an overall building height of 37.5m, which exceeds the height of buildings development standard of 36m prescribed under clause 4.3 of Auburn LEP 2010 by 1.5m or 4.2%.

A written request pursuant to clause 4.6 of Auburn LEP 2010 has been made, seeking to vary the development standard. The justification presented in the written request is summarised as follows:

- The habitable floor space is contained below the maximum building height line and the development complies with the FSR provision which indicates that the variation is not to achieve additional development yield on site.

- The height results from compliance with floor level requirements above the flood level and provision of rooftop common open space area.

- The development is predominantly consistent with the building height except for a small portion of the roof form, lift over-run and structures associated with the communal open space areas within the roof level.

- The development proposal is consistent with the intent of the height control with the primary portion of the height non-compliance limited to a parapet and lift overrun with all habitable floor space below the height limit.

- The building incorporates high-quality design with articulated façades to its street frontages with a mixture of quality external finishes and materials. The
The proposal will contribute positively to the streetscape and visual amenity of the area.

- The increased height is a response to flooding inundation.

- The variation is minor and will be visually unnoticeable given its recessed location and will have no adverse impact on the physical bulk, height or scale of the development as viewed from the street.

- The variation will not lead to a reduction in solar penetration on site or to adjoining properties nor will it lead to sunlight loss or overshadowing.

- The proposed variation will not lead to a reduction in privacy afforded to existing residents or future residents of the proposal.

- The proposal has been designed to comply with the maximum permitted FSR on the site and complies with key controls pertaining to setbacks, and car parking which indicates an appropriate scale of development on the site.

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

- The proposal ensures that the mixed-use nature of the zone is retained with the proposal aiming to be consistent with the upscaling of the built form within the immediate locality and delivers a mixed-use development in proximity to public transport and expands the delivery of housing.

- The proposal is responding to its prominence on a key corner. The departure from the height control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality.

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

- The proposal will not have any adverse effect on the surrounding locality in the context of the current planning controls, which is characterised by residential and mixed-use development of comparable height and character. The proposal promotes the economic use and development of the land consistent with its zone and purpose.

The relevant matters to be considered under clause 4.6 of the LEP are addressed below:

- **Clause 4.6 (3) (a)** that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,

The objectives of the height standard relevant to the proposal are:
(a) to establish a maximum height of buildings to enable appropriate development density to be achieved, and

(b) to ensure that the height of buildings is compatible with the character of the locality.

The heights nominated in the LEP are well considered and appropriate and provides for a higher height near the Olympic Drive corridor where the subject site is located. The non-compliance as identified in the applicant’s written statement is for a roof parapet, lift over-run and structures associated with the rooftop communal open space areas but confining the habitable spaces within the maximum height limit thus addressing the intention of the objectives.

Given the overall height of the structure, the minor non-compliance is unlikely to have significant visual impact as viewed from the street and surrounding development. The proposal is considered to be compatible with the desired future character of the locality as assessed in this report.

- **Clause 4.6 (3) (b)** that there are sufficient environmental planning grounds to justify contravening the development standard.

The proposal, as discussed above, is considered able to comply with the objectives of the height development standard as the majority of the height is compliant and the resulting built form responds to the desired character of the local area. It has been assessed in the report that the proposal has demonstrated that the scale of the development is able to preserve the environmental amenity of neighbouring properties and minimise adverse impacts on the amenity of the locality. The non-compliant roof structures also services and supports use of the roof top communal open space which enhances amenity for the residents of the development and is in a location supported by the ADG. The roof parapet to the architectural framing which exceeds the height standard can be supported as it is located on the northern elevation and thus is unlikely to result in significant additional amenity impact to adjoining sites. The area of non-compliance is also setback from the southern boundary thus mitigating adverse solar impacts to southern properties.

The proposal complies with the maximum allowable FSR and has a bulk and scale that addresses the streetscape corner, which is acceptable in terms of the requirements of the relevant controls. Accordingly it is considered there are sufficient planning grounds to justify contravening the standard in this instance.

- **Clause 4 (a) (i)** the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and

The applicant’s written request is considered to have adequately addressed the matters required under clause 4.6 and the proposal is considered able to meet the objectives of the standard.

- **Clause 4 (a) (ii)** the proposed development will be in the public interest because it is consistent with the objectives of the particular standard
and the objectives for development within the zone in which the development is proposed to be carried out

The proposed development is considered to be in the public interest as it satisfies the objectives of the height standard, as discussed previously, and also the objectives of the zone (as discussed in the LEP table above). The proposal is considered to be in the public interest as the proposal seeks to replace low scale commercial with shop top housing consistent with the town centre environment.

The objectives in the LEP indicate the future desired character of the area and the proposed building reflects that character. The proposal is generally consistent with the built form and scale of the future character of the town centre and the proposed building is of a contemporary form which is well articulated for visual interest. The proposal is consistent with the objectives of the development standard and the B4 zone. The applicant’s written request is considered to be satisfactory for the proposed development, considering the building has been designed to minimise adverse amenity impact upon the adjoining neighbours and the streetscape. Hence whilst the proposal exceeds the height standard, it is considered to be in the public interest given the above assessment.

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

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

(a) Draft State Environmental Planning Policy (Environment)

The draft SEPP relates to the protection and management of our natural environment with the aim of simplifying the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. The changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

The draft policy will repeal the above existing SEPPs and certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

Changes are also proposed to the Standard Instrument – Principal Local Environmental Plan. Some provisions of the existing policies will be transferred to new Section 117 Local Planning Directions where appropriate.

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

A full ADCP 2010 analysis is attached as Attachment 6 to this report. The proposal complies with the requirements of the ADCP 2010, with the exception of the following issues in the Local Centres part, which are considered acceptable on merit as discussed below:

Figure 6 – Excerpts of non-compliances from Auburn DCP 2010 Local Centres part

<table>
<thead>
<tr>
<th>Section</th>
<th>Control</th>
<th>Complies</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.0 Built Form</td>
<td>D1 Ceiling heights for the ground floor is to be a minimum of 3.6 metres</td>
<td>N</td>
<td>3.1m floor to ceiling height proposed for ground floor commercial. Non-compliance has been previously addressed under 4C of the ADG.</td>
</tr>
<tr>
<td></td>
<td>D3 Secure entries are to be provided to all entrances to private areas, including car parks and internal courtyards.</td>
<td>N</td>
<td>The proposal is generally considered to provide suitable security to all entries within the development with the exception of the loading dock. Conditions will be imposed to require the loading dock to be enclosed and be provided with a roller door at the entrance to improve security.</td>
</tr>
<tr>
<td>2.1 Number of storeys</td>
<td>D1 The minimum finished floor level (FFL) to finished ceiling level (FCL) shall be as follows:</td>
<td>N</td>
<td>3.1m floor to ceiling height proposed for ground floor commercial. Non-compliance has been previously addressed under 4C of the ADG.</td>
</tr>
<tr>
<td></td>
<td>• 3300mm for ground level (regardless of the type of development);</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• 3300mm for all commercial/retail</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.2 Articulation and proportion</td>
<td>D6 Where development has two (2) street frontages the streetscape should be addressed by both facades.</td>
<td>N</td>
<td>The development is orientated to Bridge Street being the primary frontage whilst New Street has been utilised as a secondary frontage and accommodates parking and loading access. This is acceptable as New Street is a dead-end street and it is considered more appropriate to locate vehicular access from that street.</td>
</tr>
<tr>
<td>3.0 Streetscape and Urban form</td>
<td>D3 Development shall provide direct access between the footpath and the shop.</td>
<td>N</td>
<td>Ground floor shops are raised due to overland flow and flooding on the subject site preventing direct access between the shop and the footpath.</td>
</tr>
<tr>
<td>4.3 Awnings</td>
<td>D1 minimum soffit height of 3.2m and maximum of 4m</td>
<td>N</td>
<td>Soffit height of awning = 4.3m which exceeds the maximum. However this can be supported as the awning matches the slab level between the ground and first floor with the exceedance due to raised ground floor being in response to the flood affectation of the site. The awning is higher than the awning to the southern adjoining neighbour, however this can be acceptable as the southern adjoining building is likely to be redeveloped in the future.</td>
</tr>
<tr>
<td>15.3 Active Frontage</td>
<td>D1 As a minimum, buildings shall provide active street frontages consistent with Figure 8.</td>
<td>N</td>
<td>Bridge Street has been provided as the active frontage as required, however New Street is not activated as space is required for basement and loading access as well as booster and these are considered appropriately located on New Street given that it is a cul-de-sac.</td>
</tr>
<tr>
<td>15.10 Site 5</td>
<td>D6 Outdoor dining shall be encouraged along</td>
<td>N</td>
<td>Outdoor dining cannot be accommodated due to the</td>
</tr>
</tbody>
</table>
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 11 September 2018 and 25 September 2018 and renotified 8 and 22 January 2019. The original notification generated one submission from RMS who made a submission as an adjoining landowner, which is addressed below. Further letters from RMS in relation to the amended plans stated that they did not raise any issues with the modified proposal.

Figure 5 – Submissions summary table

<table>
<thead>
<tr>
<th>Issue</th>
<th>Planners Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>The layout of the proposed car parking areas associated with the subject development (including driveways,)</td>
<td>Council’s Development Engineers have assessed the proposed parking, loading and access arrangements and have not</td>
</tr>
</tbody>
</table>
grades, turn paths, sight distance requirements, aisle widths, aisle lengths and, parking bay dimensions) should be in accordance with AS 2890.1-2004.

raised any issues in relation to compliance with the Australian Standards.

All vehicles are to enter and exit the site in a forward direction

This has been achieved for the development and will be reinforced via conditions of consent.

A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for determination prior to the issue of the construction certificate.

This will be addressed via conditions of consent.

All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

This will be addressed via conditions of consent.

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

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

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

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

Comments:

The development requires the payment of contributions in accordance with Council’s Section 94 Contributions Plans.

The calculation is based on:

- 60 x 2 bed
- $845,480.90 employment generating development (commercial cost of works)

As at 17 May 2019, the fee payable is $383,274.02. This figure is subject to indexation as per the relevant plan. The draft determination attached includes a condition requiring payment of the contribution prior to issue of a Construction Certificate.

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

CONCLUSION:

The development application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979*, relevant SEPPs and the Auburn LEP and DCP and is considered to be satisfactory for approval subject to conditions.

The proposed development is appropriately located within a B4 Mixed Use zone under the provisions of the Auburn LEP, however variations in relation to the height under the LEP is sought. Other minor non-compliances with the ADG and Council’s controls have been discussed in the body of this report.

Having regard to the assessment of the proposal from a merit perspective, Council may be satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents and satisfactorily incorporates ground floor commercial to activate the town centre location. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the departures noted in the report, 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*, 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-263/2018 for demolition of existing structures and the construction of an 11 storey shop top housing
development, comprising of 3 commercial tenancies and 60 residential units over 4 levels of basement parking and lot consolidation on land at 20-24 Bridge Street, Lidcombe be approved subject to attached conditions.

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, Landscape and Survey Plans
3. Stormwater/Engineering Plans
4. Clause 4.6 – Exception to the Development Standards
5. SEPP65 and Apartment Design Guide Assessment
6. Development Control Plan Assessment
7. Submissions Received
DOCUMENTS
ASSOCIATED WITH
REPORT LPP039/19

Attachment 1
Draft Notice of Determination
85. 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.

86. Redundant driveway

Prior to the issue of any Occupation Certificate, redundant driveway shall be removed and replaced with footpath and kerb and 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.

87. Works within Council controlled lands

(1) For drainage works:

a) Within Council controlled lands.
   a) Connecting to Council's stormwater drainage system.

   Inspections will be required:
   i) After the excavation of pipeline trenches.
   ii) After the laying of all pipes prior to backfilling.
   iii) After the completion of all pits and connection points.

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

(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.

88. Car parking to Comply with Approved Details

The area set aside for the parking of vehicles, and so delineated on the approved plans in condition 1, shall not be used for any other purpose.

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

89. Number of Car Parking Spaces

A total of 74 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
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](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.

27. **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.

28. **Neighbour 24 hours 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.

29. **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.

30. **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:


CONFIGURATIONS OF DEVELOPMENT CONSENT

DA No: DA-263/2018
Property: 20-24 Bridge Street, Lidcombe NSW 2141
Description: Demolition of existing structures and the construction of an 11 storey shop top housing development, comprising of 3 commercial tenancies and 60 residential units over 4 levels of basement parking and lot consolidation.

1. Approved Plans

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

<table>
<thead>
<tr>
<th>Plan Number</th>
<th>Prepared By</th>
<th>Revision No.</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Architectural plans drawing no. A1.00 to 1.09, 2.00 to 2.04, 3.00, 4.01 (materials and finishes only), 5.00 to 5.01 and 6.06</td>
<td>moMA architecture</td>
<td>A11</td>
<td>20/06/2019</td>
</tr>
<tr>
<td>Landscape plans DA-L101 and DA-L102 (as amended in red)</td>
<td>Canvas Landscape Architects</td>
<td>B</td>
<td>07/12/18</td>
</tr>
<tr>
<td>Stormwater Plans, drawing no Cover, A8200 - SW01 to SW07</td>
<td>Alpha Engineering &amp; Development</td>
<td>F</td>
<td>05/12/2018</td>
</tr>
<tr>
<td>BASIX Certificate Number 952517M_03</td>
<td>Outsource Ideas P/I</td>
<td>-</td>
<td>17 April 2019</td>
</tr>
<tr>
<td>DA Acoustic Assessment ref 20180613 11206A/R1/JL</td>
<td>Acoustic Logic</td>
<td>1</td>
<td>12/06/2018</td>
</tr>
<tr>
<td>Pedestrian Wind Environment Statement ref: WE223-0102 (REV1)- WS REPORT</td>
<td>Windtech</td>
<td>1</td>
<td>July 27, 2018</td>
</tr>
<tr>
<td>Detailed Site Investigation ref E38235.E02_Rev2</td>
<td>Eiaustralia</td>
<td>2</td>
<td>12 September 2018</td>
</tr>
<tr>
<td>Operational Waste Management Plan rep no 17117</td>
<td>Elephant's Foot Recycling Solutions</td>
<td>C</td>
<td>17/04/2019</td>
</tr>
</tbody>
</table>

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

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

2. Time period of consent

This consent shall lapse five (5) years from the date of determination unless the approved building, engineering or construction work has been physically commenced in accordance with this consent.
Development consent for the use of land does not lapse if the approved use of any land, building or work is actually commenced prior to the date on which the consent would otherwise lapse.

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

3. **Auburn DCP 2007: Section 7.11 Development Contributions**

Development Contributions are payable in accordance with Auburn Council Council’s Section 7.11 Development Contribution Plan 2007, which has been prepared under Section 7.11 of the Environmental Planning and Assessment Act 1979 (as amended).

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

Contributions will be adjusted at the payment date in accordance with the plan and payment is to be made prior to the issue of any Construction Certificate.

Council’s Development Contribution Plan 2007 is available for inspection at Council’s Customer Services Centre, Civic Place, 16 Memorial Avenue, Merrylands or online at: www.cumberland.nsw.gov.au

Reason: To ensure that the development complies with the Auburn DCP 2007: Section 7.11 Development Contributions.

4. **Auburn DCP 2007 - LGA Wide**

A sum of $383274.02 is to be paid to Council for the purpose of LGA Wide plans being the provision of open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking, additional services, public facilities and Council’s administration of the development contributions framework.

The above sum is broken down to the following items:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Facilities</td>
<td>$92432.97</td>
</tr>
<tr>
<td>Public Domain</td>
<td>$204432.62</td>
</tr>
<tr>
<td>Accessibility and Traffic</td>
<td>$56352.02</td>
</tr>
<tr>
<td>Administration</td>
<td>$21601.61</td>
</tr>
<tr>
<td>Employment Generating Developent</td>
<td>$8454.80</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$383274.02</strong></td>
</tr>
</tbody>
</table>

Reason: to provide open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking, additional services, public facilities and Council’s administration of the development contributions framework.

5. **Separate Development Consent**

No signs, whether for advertising, directory or identification purposes or for any other purpose, are to be erected on the land without the written consent of Council having first
been obtained.

**Reason:** to limit and control advertising.

6. **Loading dock is to be enclosed**

The loading dock to be enclosed and a roller door is to be provided at the loading dock entrance to improve security. Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of any Construction Certificate.

**Reason:** To improve security to the development.

7. **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.

8. **Consolidation of lots**

The individual lots are to be consolidated into a single parcel. Written evidence of registration of consolidation by the Land and Property Information Office is to be submitted to Council prior to the granting of the occupation certificate.

**Reason:** to ensure the whole of the land essential to the proper operation of the development is preserved.

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

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

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

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

Site works are not to commence until:-

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

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

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

i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and
ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

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

i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
ii) notified the principal certifying authority of any such appointment, and
iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

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

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

11. Principal Certifying Authority

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

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

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

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

a) that a construction certificate or complying development certificate has been issued for such of the building work or subdivision work as requires development consent and over which the principal certifying authority has control, before the work commences on the site, and
b) that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989, before any residential building work over which the principal certifying authority has control commences on the site, unless the work is to be carried out by an owner-builder, and

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

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

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

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

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

12. **Provision of Street Numbers**

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

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

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

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

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

14. **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.

15. **Disabled Access & Facilities**

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

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

16. **Commonwealth Disability Discrimination Act**

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

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

17. **Replacement of Principal Certifying Authorities**

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

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

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

18. **Notice to Allow Inspections**

To allow a principal certifying authority or another certifying authority time to carry out critical stage inspections or any other inspections required by the principal certifying authority, the principal contractor for a building site, or the owner-builder, must notify the principal certifying authority at least 48 hours before building work is commenced at the site if a critical stage inspection is required before the commencement of the work.
Reason: to comply with the requirements of Clause 163 of the Environmental Planning and Assessment Regulation.

19. Erection of Signs

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

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

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

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

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

20. BASIX Requirements

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

a) Relevant BASIX Certification means:-

i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 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.

21. Demolition of buildings

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

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

a) Protection of site workers and the general public.

b) Erection of hoardings where appropriate.

c) Asbestos handling and disposal where applicable.
d) Any disused service connections shall be capped off to Council's requirements.

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.

22. Demolition - Lead Management Work Plan

A Lead Management Work Plan shall be prepared in accordance with AS2601-2001 Demolition of Structures by a person with suitable expertise and experience and submitted to the PCA or Council for approval prior to the issuing of the Construction Certificate. The Lead Management Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials. The Lead Management Work Plan shall be prepared in accordance with:-

a) AS 4361:1998 Guide to lead paint management;
b) Australian Standard AS 2601: 2001 Demolition of Structures;
c) Lead Safe A renovator’s guide to the dangers of lead, NSW EPA, 1998 (booklet)

Reason: to ensure suitable procedures are employed to manage demolition activities involving lead paint.

23. 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.

24. 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.

25. 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 commencement.

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.

26. 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 docket are to be retained and able for viewing by Council officers on request.

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

c) Anyone who removes, repairs or disturbs bonded or 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.
a) Detailed building plans and specifications containing sufficient information to verify that the completed building will comply with the Building Code of Australia.

b) A list of any existing fire safety measures provided in relation to the land or any existing building on the land.

c) A list of any proposed fire safety measures provided in relation to the land or any existing building on the land.

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

e) Method of protecting window/door openings as required by BCA Part 3.

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

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

31. Prior to the issue of the construction certificate

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

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

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

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.

37. Survey Report

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

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

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

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

38. 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 Hoardings.

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

39. Sedimentation Control

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

a) A dish shaped diversion drain or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.

b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer’s specifications is to be placed below the construction area.

c) Vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.

d) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.

e) 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.

f) 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.

g) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.
Such measures are to be maintained at all times to the satisfaction of Council and the Principal Certifying Authority. **Failure to do so may result in the issue of penalty infringement notices.**

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

40. **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.

41. **Engineering Design – Basement Excavation**

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

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

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

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

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

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

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

**Reason:** to ensure the proposed method of excavation is suitable for the site and to prevent damage from occurring to adjoining premises.
42. **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.

43. **Dilapidation Report - Prior to Excavation of Basement**

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 buildings, garages, carparks, verandahs, fences, retaining walls, swimming pools and driveways etc.) located upon all of the premises adjoining the subject site.

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

**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.

44. **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.

45. **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
o Traffic/Pedestrian Control Plan
o In respect to any required Type B Hoarding, structural certification prepared and
  sign by an appropriately qualified practising Structural Engineer

- Comply with Council's specifications for the erection of Class A Hoardings.
- Supply evidence to the PCA and to any authorised Council officer that the road reserve
  rental fee has been paid.

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

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

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

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

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

The public safety provisions and temporary fences must be in place prior to the
commencement of any demolition, excavation or building works and be maintained
throughout construction. Details of the proposed hoardings or fences located upon the site
are to be submitted to the PCA and the public safety provision and temporary fences must
be in place prior to the commencement of any site works, demolition, excavation or building
works and maintained throughout construction.

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

46. 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.

47. Dial before you dig (advisory)

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

Before you dig call “Dial before you dig” on 1100 (listen to the prompts) or facsimile 1300
652 077 (with your street no/name, side of street and the distance to the nearest cross
street) or register on line at www.dialbeforeyoudig.com.au for underground utility services
information for any excavation areas.
The Dial Before You Dig service is also designed to protect Australia’s excavators. Whether you are a back yard renovator, an individual tradesman or a professional excavator the potential for injury, personal liability and even death exists every day. Obtaining accurate information about your work site significantly minimises these risks.

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

48. **SEPP 65 – Design Verification**

The following requirements arising from State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development 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 Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

**Reason:** to ensure that the requirements of SEPP No. 65 and the EP&AP Regulations are complied with in the carrying out of the 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 Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

**Reason:** to ensure that the requirements of SEPP No. 65 and the EP&AP Regulations are complied with in the carrying out of the development.

49. **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.

50. **Lockable Pedestrian Entries**

All shared residential pedestrian entries to the buildings must be lockable.

**Reason:** to ensure adequate security provision to shared pedestrian entries to the development.

51. **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.
52. **Basement appearance**

   a) Basement walls to the development that are visible above ground level are to be appropriately finished and be treated to be consistent with the appearance of the building.

   b) Where the basement wall extends within 1.2m of the side or rear boundary, ventilation grilles are not to be provided within these elevations.

   **Reason:** to ensure that the basement walls are appropriately treated and in accordance with Council's Development Control Plan requirements.

53. **Reflectivity Index of Glazing**

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

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

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

54. **Compliance with Submitted Acoustic Report**

   All noise control measures specified in the Acoustic Assessment Report prepared by Acoustic Logic Consultancy Pty Ltd, their reference 201806136.1/1206A/R1/JL dated 12/06/2018, shall be incorporated into construction of the development in strict accordance with the design details (like for glazing element thicknesses & locations; and external wall construction) provided in that Report.

   **Reason:** to provide a reasonable internal noise environment for sole occupancy units exposed to road and rail traffic.

55. **Future Use of Commercial Tenancies**

   Mechanical ventilation systems are to be designed to be capable of accommodating exhaust requirements for all ground floor commercial spaces in accordance with relevant standards so there is provision for future use of any or all of the commercial units as food premises or similar specialty use that requires specific local exhaust ventilation.

   **Reason:** to make provision for orderly use of ground floor shops as food and drink outlets with provision for mechanical ventilation of cooking / kitchen equipment.

56. **Ventilation of Basement Carpark**

   The basement carpark shall be naturally or mechanically ventilated. The ventilation system shall comply with the requirements of the Building Code of Australia and relevant Australian Standards.

   Any ventilation system for the basement carpark shall not give rise to an offensive odour emission so placement / position of air outlets will need to be appropriately considered.
Additionally any mechanical ventilation system shall emit noise that:

(a) when measured at any real property boundary does not exceed a noise level of more than 5 dBA above prevailing background level; and
(b) when measured at the strata boundary of any sole occupancy unit (ie residential balcony perimeter) within the development does not exceed a noise level of more than 5 dBA above prevailing background level; and

*Reason:* to deal with quality/safety of basement carpark air and minimize noise nuisance.

57. **Demolition of Buildings and Excavation of soils**

Demolition of buildings and then excavation of site soils is to be undertaken in accordance with the recommendations contained at Section 12 of the Detailed Site Investigation Report prepared by El Australia, their reference E23835.W02_Rev2 dated 13 September 2018.

*Reason:* to ensure site workers and general public is not placed in danger or inconvenienced, and to prevent harm to the environment during demolition and excavation works.

58. **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.

59. **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.

60. **Updated Flood Impact report**

*Prior to issue of any Construction Certificate,* updated Flood Impact Report addressing following shall be submitted to and approved by Cumberland Council’s Manager Engineering and Traffic:

1. Onsite stormwater detention (OSD) system shall be clear of the building floor area.
2. Submitted Flood impact Report incorrectly states that the site is located outside the flood extent. Survey levels indicates that the site is affected by 1 in 100 year flooding. In this regard, flood impact report shall be updated.

*Reason:* Developments are permitted subject to a flood impact study that demonstrates the proposal does not cause any increase in flood levels and there is no adverse impact on adjoining properties as a result of flooding and stormwater runoff.
61. Updated Stormwater plans

Prior to issue of any Construction Certificate, amended drainage plan addressing following shall be submitted to and approved by Cumberland Council’s Manager Engineering and Traffic:

a) OSD tank shall be located outside the floor areas.

Reason: to prevent localised flooding and to ensure stormwater disposal complies with Council’s relevant DCP.

62. Stormwater disposal

All stormwater runoff generated from the proposed development shall be directed to the On Site Detention system prior to being discharged to Council’s pipe system in Bridge Street.

Reason: to prevent localised flooding

63. Hydraulic engineering design certificate

A written verification from suitably qualified hydraulic engineer shall be obtained, stating that

a) Construction certificate plans comply with Flood Impact Report approved by Council.

a) The development has no adverse impact on flood levels and/or adjoining properties.

Prior to the issue of any Construction Certificate the written verification shall be submitted to and approved by Principal Certifying Authority.

Reason: to ensure construction plans comply with the flood study.

64. Hydraulic engineering certificate

Prior to the issue of any Occupation Certificate the written verification from a qualified hydraulic engineer shall be obtained and approved by Principal Certifying Authority. The written verification shall state that:


a) The development has no adverse impact on flood levels and/or adjoining properties.

Reason: to ensure construction comply with the flood study.

65. Flood Risk Management
Development shall comply with Chapter 6 of Council’s ‘Auburn Development Control Plan 2010 – Stormwater Drainage’. In this regard,

a) Supporting documents shall be prepared in order to ensure that the development complies with the controls nominated in Table 5 Auburn Development Control Plan 2010 – Stormwater Drainage.

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

Reason: to reduce flood risk to the people and properties.

66. **Flood Risk Evacuation Plan**

A flood risk evacuation plan shall be prepared by a suitably qualified person in conjunction with Council’s floodplain risk management plan. The flood risk management plan shall be in force at all times.

The evacuation plan shall be submitted to and approved by Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: to ensure adequate evacuation procedures are implemented on the premises in the event of flooding occurring on the site.

67. **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 Engineering and Traffic. In this regard,

a) 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.

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

68. **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.

a) Inspections will be required for the works related to the proposed connection to Council’s stormwater drainage system at following stages:

i) After the excavation of pipeline trenches.
ii) After the laying of all pipes prior to backfilling.

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

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

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

69. **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.

70. **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.

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

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

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

i. The proposed stormwater system shall be generally in accordance with the stormwater plans AS8200-SW01 to AS8200-SW07 issue F dated 06. 12. 2018 prepared by Alpha.

ii. All access grates to the detention facility shall be double (2/900x450) hinged grates.
ii. Maximum spacing between the grated access pits in the OSD shall not exceed 5.0m.

iii. A 900x900 size opening with double (2)/900x450 hinged grates access grate shall be provided behind the flap valve.

iv. Stormwater runoff from access ways will have to undergo some form of industrial standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.

Reason:- to ensure the stormwater is suitably discharged.

72. Stormwater disposal – on-site detention

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

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

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

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

73. 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
74. **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

75. **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.

76. **Basement drainage system**

*Basement drainage is to comply with "Auburn development control plans 2010 stormwater drainage". In this regard:*

a) Two pump units being installed, the capacity of each being calculated on the basis of a hundred year storm recurrence interval and a storm duration of 5 (five) minutes, one pump acting in reserve capacity.

b) The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.

b) 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 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 "out of position or if there is a break in electrical supply."
c) 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.

d) 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.

e) 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.

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

**Reason:** to prevent localised flooding.

77. **Footpath Construction – Bridge Street**

The footpath adjoining Bridge Street frontage shall be reconstructed in concrete unit paving in accordance with the Council’s *Town Centres Infrastructure Manual* specifications. 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 Cumberland Council requirements.

78. **Footpath Construction – New Street East**

The footpath adjoining New Street East street frontage shall be reconstructed in
concrete unit paving in accordance with the Council’s Town Centers Infrastructure Manual specifications. 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 Cumberland Council requirements.

79. Works-as-Executed Plan – Drainage Plans

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

i) Whether all works have been completed generally with the approved drainage plans.
ii) Any departure from the approved plan and conditions.
iii) Any additional work that has been undertaken.
iv) Location, levels and sizes of pipes and pits.
v) Finished floor and finished surface levels. The location of finished levels should in general correspond with those shown on Council’s approved drainage plan.
vi) Basement pump out volumes.

NOTE: The WAE surface level shall be taken after all landscaping has been completed.

In this regard:

- The above information is to be superimposed on a full sized copy of Council approved drainage plan and is to be submitted to Council.
- Checklists A3, A4 & A5 in the appendix of the “Auburn development control plans 2000 stormwater drainage” shall be completed and shall be certified by the
practicing hydraulic engineer and the registered surveyor.

Reason: to account for minor variations.

80. 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.

81. 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.

82. 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.

83. 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.

84. 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.
and freely accessible at all times. Visitor carparking spaces shall be a minimum width of 2.6 m.

Carparking 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. Carparking 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 DCP 2010.

90. Car Parking Allocation within Development

A plan shall be provided as part of the Construction Certificate documentation indicating the location of car parking spaces and their allocation to individual units within the development. In this regard, the number of spaces to be provided to each unit is as follows:

a) Each adaptable dwelling unit is to be allocated a disabled parking space.
  b) A minimum of 12 visitor car parking spaces are to be provided.
  c) A minimum of 54 parking spaces are allocated to 2 bedroom units
  d) A minimum of 5 parking spaces is allocated to the commercial tenancies.

Reason: to ensure sufficient car parking spaces are provided for the intended use of units.

91. Signs for Visitor Parking

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

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

92. Storage

A minimum of 50% of the required residential storage below is to be provided within individual units in addition to storage in kitchens, bathrooms and bedrooms.

  a) 2 bedroom unit 8m² of storage.

The remainder of the storage is to be provided in the basement levels with 60 secure storage areas, allocated to each unit in the development.

Compliant storage volumes are to be shown on plans submitted to the Principal Certifying Authority with the plans for the Construction Certificate.

Reason: To ensure that adequate storage is provided for each unit.

93. 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.

94. Vehicles Related to the Development to be Parked on the Development Site

All vehicles associated with the use of the premises shall be parked within the confines of
the site at all times.

**Reason:** to minimise the impacts of car parking on local streets does not impact surrounding development.

95. **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.

96. **Loading and Unloading of Vehicles**

All deliveries to and from the site are to be conducted from vehicles standing within designated loading areas and not on access driveways, car parking spaces or landscaped areas.

**Reason:** to ensure delivery vehicles do not obstruct these designated areas of the site.

97. **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.

98. **Traffic Management**

A traffic management plan prepared by a suitably qualified person shall be submitted to and approved by Council for all demolition, excavation and construction activities associated with the development **prior to commencement of any work within the subject development site.**

**Reason:** to minimise the impact on local road network.

99. **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.

100. **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.
101. **Headroom clearance - within the Basement**

The headroom clearance within the basement shall comply with the usage. In this regard, minimum 4.0m shall be provided in waste collection area and associated turning area. Other areas shall comply with AS 2890.1 and 2890.6 requirements.

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

*Reason:* to ensure headroom clearance complies with Australian Standards AS 2890.1, AS2890.6 and Council’s DCP.

102. **Works and regulatory signposting**

All works / regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

*Reason:* To confirm and clarify the terms of this approval.

103. **Ramp gradients**

Circulation ramp grades shall comply with section 2.5.3 of the Australian Standard AS2890.1:2004. In this regard detail longitudinal section of the ramps to a scale of 1:20, shall be submitted to and approved by the Principal Certifying Authority **prior to the issue of any Construction Certificate**.

Copy of the approved plan shall be submitted to Council.

*Reason:* to ensure the access ramps comply with Australian Standard AS2890.1:2004.

104. **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.

105. **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.

106. **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.

107. **Convex safety mirror**

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

a) 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.

b) Convex safety mirrors shall be maintained in good condition.

*Reason:* to improve the sight distance.

108. **Headroom clearance – Loading area**

The headroom clearance for the loading area shall comply with Australian standard AS2890.2. In this regard, minimum 3.5m headroom shall be provided in the loading areas and associated turning areas.

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

*Reason:* to ensure headroom clearance complies with Australian Standard AS 2890.2 and Councils DCP.

109. **Amenity**

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

*Reason:* to protect the amenity of the locality.

110. **Odour**

No offensive odour from any trade, industry or process shall be detected outside the premises by an authorised Council Officer as defined in the *Protection of the Environment Operations Act 1997*.

*Reason:* to protect the surrounding locality from offensive odours.

111. **Water Pollution**

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

Reason: to protect waterways and stormwater systems from pollution.

112. Lighting

a) Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the Australian Standard AS 4282:1997 Control of the Obtrusive Effects of Outdoor Lighting.

b) All external lighting fixtures should be vandal resistant.

c) Lighting should be carefully considered in areas covered by CCTV to allow for optimum viewing.

d) Lighting should be free of obstructions, such as tree branches, pipes, etc.

e) Transition lighting should also be used throughout the site to reduce vision impairment, i.e. impairment caused by walking from dark to light places and light to dark places.

f) All external area lights and carparks to multi-unit dwellings shall be on sensor switches to save energy and reduce light spill to the sky, low voltage solar powered lights to front entry footpaths are acceptable for continuously illuminated lighting.

Reason: to ensure light overspill arising from the development does not interfere with the amenity of the locality and complies with relevant Australian Standards.

113. 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.
114. **Annual Fire Safety Statement**

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

The certificate shall certify:-

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

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

**NOTES:**

1. As soon as practicable after an annual fire safety statement is issued, the owner of the building to which it relates:–

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

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

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

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

115. **Irrigation to Landscape Areas**

All landscaped podium areas and landscaped communal open spaces shall be provided with a water efficient (drip or similar) irrigation system.

   **Reason:** to ensure common landscaped areas within the development are provided with adequate irrigation.

116. **Street Trees Planting**

Any costs associated with this street tree planting shall be borne by the applicant.

The applicant shall be responsible for co-ordination with all relevant service authorities as required to facilitate planting. Planting shall be completed prior to the issuing of an Occupation Certificate and shall be maintained for a minimum 12 month period.

   **Reason:** to ensure planting and ongoing maintenance of street trees occurs to Council’s satisfaction.

117. **Noise and Vibration**

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

b) transmission of vibration to any place of different occupancy above the requirements of AS2670.
c) a sound pressure L\text{Aeq,period} at any noise sensitive position of any other premises or occupancy greater than the recommended amenity noise criteria detailed in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy.
d) a sound pressure L\text{Aeq,15min} at any noise sensitive position greater than the intrusiveness criteria determined in accordance with the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy and does not contain any tones, low frequency or impulsive factors as defined in the Department of Environment and Conservation, New South Wales (EPA) Industrial Noise Policy table 4.1.

For assessment purposes, the above L\text{Aeq} sound levels shall be assessed over a period of 10-15 minutes and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary.

Reason: to ensure adequate acoustic amenity in the locality.

118. 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 10.00am 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.

119. Intruder Alarms

Any intruder alarm at the premises shall be fitted with a timing device in accordance with the requirements of Section 53 of the Protection of the Environment Operations (Noise Control) Regulation 2000.
**Reason:** to prevent ongoing noise arising from intruder alarms and ensure compliance with relevant legislation.

120. **Drying Facilities**

Electric dryers are to be provided for each individual residential unit. Details are to be shown on plans and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

**Reason:** To ensure that adequate clothes drying facilities are to be provided on site.

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

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

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

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

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

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

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

Following application a “Notice of Requirements” will detail water and sewer extensions to be built or charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscaping design.

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

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

123. **Sydney Water Approval**

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

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

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

or telephone 13 20 92.
Note:
The consent authority or accredited certifier must either:
- ensure that a valid approval receipt has been obtained from Sydney Water before the issue of any Construction Certificate (receipt valid usually 1 year from the date of issue); or
- if there is a combined Development/Construction Certificate application, ensure that a valid approval receipt has been obtained prior to works commencing on site.

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

124. **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.

125. **Mail Box Structure**

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

*Reason:* to ensure compliance with Council's Development Control Plan requirements.

126. **Separate consent required prior to occupation of commercial premises**

Separate Development Consent must be obtained prior to occupation of the commercial tenancies.

*Reason:* to control and regulate the use of the premises.

127. **Removal of litter and graffiti**

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

The owner of the building shall also be responsible for the prompt removal of any graffiti from the building.

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

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

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

a) CCTV digital cameras shall be installed in and around the premises, particularly at the entry and exit points to assist police to identify offenders of crime. Surveillance footage is to be kept for a period of 30 days.

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

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

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

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

129. **No roller shutters**

No roller shutters are to be erected either externally or internally to the shop front. Any form of security devices to the facade such as grilles, shutters, screens or the like must form the subject of a further application to Council.

**Reason:** to protect the visual appearance of the streetscape and require further consent to be obtained for the erection of security devices to the premises.

130. **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.

131. **Garbage Storage and Collection**

All garbage shall be removed from the site directly via the at grade garbage storage area. Garbage bins shall not be stored on or collected from the footpath or kerb.

**Reason:** to ensure that all garbage storage and collection is managed efficiently and without significant impact on the street.

132. **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.

133. **Occupation Certificate**

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

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

**Reason:** to comply with the requirements of Section 6.9 of the Environmental Planning and Assessment Act (as amended).
DOCUMENTS
ASSOCIATED WITH
REPORT LPP039/19

Attachment 2
Architectural, Landscape and Survey Plans
## Development Summary

<table>
<thead>
<tr>
<th>Site Area</th>
<th>Required</th>
<th>Proposed</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total GFA</td>
<td>5478.4 m²</td>
<td>5478.6 m²</td>
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</tr>
<tr>
<td>FSR</td>
<td>5:1</td>
<td>5:1</td>
<td>✓</td>
</tr>
<tr>
<td>Height Unit</td>
<td>30m</td>
<td>24.9m (ROOF TOP)</td>
<td>x</td>
</tr>
<tr>
<td>No. of Units</td>
<td>80 units</td>
<td>2 BED + 60 UNITS</td>
<td>N/A</td>
</tr>
<tr>
<td>Adaptable Housing</td>
<td>10% of total no. of units = 6 units</td>
<td>6 ADPT. UNITS</td>
<td>✓</td>
</tr>
<tr>
<td>Silver Level Housing</td>
<td>20% of total no. of units = 12 units</td>
<td>12 SILVER LEVEL UNITS (INCLUDING ADPT. UNITS)</td>
<td>✓</td>
</tr>
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</table>

### Car Parking

- **Total:** 73 CAR PARKING SPACES (INCLUDING 2 DISABLED SPACES)
  - Residential: 56 spaces
  - Visitor Parking: 12 spaces
  - Commercial: 5 spaces
  - Commercial Area: 287.8 m²
- **Calculation under DCP Parking Rate:**
  - 2 BED: 1.5 parking per unit
  - 30 Parking per unit = 54 spaces
  - 60 units (1 space per 120)
- **Commercial:** 1 parking per 60m²
- **Disabled Parking:** Residential: 1 parking per adapt. unit
- **Commercial:** 10% of commercial parking

### Drawing Details

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<tr>
<th>Drawing No.</th>
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<td>SITE ANALYSIS</td>
</tr>
<tr>
<td>A 1.00</td>
<td>SITE PLAN &amp; ROOF GARDEN PLAN</td>
</tr>
<tr>
<td>A 1.01</td>
<td>BASEMENT 1</td>
</tr>
<tr>
<td>A 1.02</td>
<td>BASEMENT 2</td>
</tr>
<tr>
<td>A 1.03</td>
<td>BASEMENT 3</td>
</tr>
<tr>
<td>A 1.04</td>
<td>BASEMENT 4</td>
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<td>LEVEL 2-6</td>
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<tr>
<td>A 1.09</td>
<td>LEVEL 7-10</td>
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<td>A 2.00</td>
<td>NORTH ELEVATION</td>
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<td>A 2.01</td>
<td>EAST ELEVATION</td>
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<td>SOUTH ELEVATION</td>
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<td>WEST ELEVATION</td>
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<td>STREETSCAPE ELEVATIONS</td>
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<td>RAMP LONGITUDINAL SECTIONS</td>
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<td>ADAPTABLE UNIT BATHROOM</td>
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<td>A 6.00</td>
<td>SOLAR &amp; VENTILATION DIAGRAM</td>
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<tr>
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<td>SOLAR STUDY - DIRECT SUNLIGHT</td>
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<tr>
<td>A 6.02</td>
<td>LANDSCAPE &amp; COMMUNAL OPEN SPACE</td>
</tr>
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<td>A 6.03</td>
<td>GFA CALCULATIONS</td>
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<td>SHADOW DIAGRAMS</td>
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<td>CLAUSE 4.6 - HEIGHT COMPARISON</td>
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<td>A 6.06</td>
<td>CEILING HEIGHT DETAIL &amp; STORAGE COMPLAINE</td>
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<tr>
<td>A 6.07</td>
<td>PHOTOMONTAGES</td>
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</table>

---

For information only
### Direct Sunlight Analysis - Mid-Winter

#### 9AM
- **Azimuth:** 42°34'30"
- **Altitude:** 18°16'50"

#### 12PM
- **Azimuth:** 30°20'11"
- **Altitude:** 32°44'01"

#### 3PM
- **Azimuth:** 216°12'24"
- **Altitude:** 18°16'37"

<table>
<thead>
<tr>
<th>Level</th>
<th>Number of Units</th>
<th>Units with Direct Sunlight</th>
<th>Units Without Direct Sunlight</th>
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<tbody>
<tr>
<td>Level 1</td>
<td>6 units</td>
<td>6 units</td>
<td>0 units</td>
</tr>
<tr>
<td>Level 2-4</td>
<td>30 units</td>
<td>30 units</td>
<td>0 units</td>
</tr>
<tr>
<td>Level 7-18</td>
<td>24 units</td>
<td>24 units</td>
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</tr>
<tr>
<td>Total</td>
<td>60 units</td>
<td>60 units (100%)</td>
<td>0 units (0%)</td>
</tr>
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</table>

**For Information Only: Not For Construction**

**Architect:** MCA

**Contractors:**
- **Bridge St. Development Pty Ltd**
- **33-34 Bridge Street, Lismore**

**Drawing Title:** Solar Study - Direct Sunlight

**Drawing No:** LPP039/19

**Scale:** 1:200

**Drawn By:** S.J. Turner

**Issued:** 15.04.2019

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Cumberland Local Planning Panel Meeting
12 June 2019

Page 101
### APARTMENT DESIGN GUIDE STORAGE REQUIREMENTS

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Storage Per Unit</th>
<th>Storage in Basement</th>
<th>Total</th>
<th>Compliance</th>
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<td>5.2 m³</td>
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<td>TYPICAL UNIT 2</td>
<td>0 m²</td>
<td>5 m³</td>
<td>4.2 m³</td>
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<td>4.7 m³</td>
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#### Ceiling Height Detail Section

1:50

---

**For Information Only Not For Construction**

Architect: MAA

Client Name: BRIDGE ST. DEVELOPMENT PTY LTD

Location: 24 BRIDGE STREET, UNSW

Nominated Architects

---

**Drawing Title**

CEILING HEIGHT DETAIL & STORAGE COMPLIANCE

**Job No.**

**Scale**

**Drawn by**

**Rev.**

**Date**

---

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DOCUMENTS ASSOCIATED WITH REPORT LPP039/19

Attachment 3
Stormwater/Engineering Plans
Attachment 4
Clause 4.6 – Exception to the Development Standards
Annexure 1: Revised Clause 4.6 Variation Request

The development comprises of 11 storey mixed use building that predominantly complies with the 36m maximum building height control except for a small portion of the roof, lift over-run and structures associated with the common open space area on the roof level. The total extent of maximum building height is 37.5m which represents a 4% variation to the maximum building height.

Noting that all habitable floor space is contained below the maximum building height line and combined with compliance with FSR provision, indicates that the variation is not simply a means of achieving additional development yield on the site, but to an extent a by-product resulting from compliance with floor requirement (elevate floor level at least 0.5m above the flood level) and the need to provide a rooftop common open space area.

As such, variation pursuant to Clause 4.6 of the Auburn Local Environmental Plan 2010 is requested.
Clause 4.6 of the Auburn Local Environmental Plan 2010 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

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

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

(b) the concurrence of the Director-General has been obtained.

(5) In deciding whether to grant concurrence, the Director-General must consider:

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

Each of these provisions are addressed in turn.

Clause 4.6(3)

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

(1) The objectives of this clause are as follows:
(a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,
(b) to ensure development is consistent with the landform,
(c) to provide appropriate scales and intensities of development through height controls.
The current development proposal is predominantly consistent with the building height except for a small portion of the roof form, lift over-run and structures associated with the communal open space areas within the roof level. The current development proposal is consistent with the above objectives and is appropriate on environmental planning grounds based on the following:

- The development proposal is consistent with the intent of the height control with the primary portion of the height non-compliance limited to a parapet and lift overrun meaning that all habitable floor space is below the height limit.

- The proposed building incorporates a high-quality design with articulated façades to its street frontages with a mixture of quality external finishes and materials. The proposal will contribute positively to the streetscape and visual amenity of the area.

- The proposal has been increased in height to respond to flooding inundation (lifting the height of the ground floor).

- Due to the minor nature of the variation it will not have any adverse amenity impacts as compared to a compliant building height. In this regard it is noted:
  - The variation will be visually unnoticeable given its recessed location and will have no adverse impact on the physical bulk, height or scale of the development as viewed from the street.
  - The variation will not lead to a reduction in solar penetration on site or to adjoining properties nor will it lead to sunlight loss or overshadowing.
  - The proposed variation will not lead to view loss or interrupt on views to and from the site.
  - The proposed variation will not lead to a reduction in privacy afforded to existing residents or future residents of the proposal.

- The proposal has been designed to comply with the maximum permitted FSR on the site and complies with key controls pertaining to setbacks, and car parking which indicates an appropriate scale of development on the site;

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

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances, particularly having regard to the flooding affectation and the improved outcome of adopting the rooftop communal open space area. The absence of the additional height would not facilitate the rooftop area nor the freeboard without substantial reduction in yield below the maximum FSR.

The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control as the non-compliance facilitates the rooftop common area and achievement of suitable freeboard to the building whilst compliance with the FSR control which indicates a suitable density on the site.
Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3).

As addressed the proposed development is in the public interest as it remains consistent with the objectives of the building height control. In addition, the proposal is consistent with the objectives of the B4 zone, being:

- To provide a mixture of compatible land uses.
- To integrate suitable business, offices, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage high density residential development.
- To encourage appropriate businesses that contribute to economic growth.
- To achieve an accessible, attractive and safe public domain.

The proposal ensures that the mixed-use nature of the zone is retained with the proposal aiming to be consistent with the upscaling of the built form within the immediate locality and delivers a mixed-use development in proximity to public transport and expands the delivery of housing.

It is understood that the concurrence of the Director-General can be assumed in the current circumstances.

Clause 4.6(5)

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

a) The contravention of the height control does not raise any matter of significance for State or regional environmental planning given the highly unique site attributes that are not replicated in any meaningful way elsewhere within the Lidcombe Town Centre;

b) There is no public benefit in maintaining the development standard as it relates to the current proposal given that the proposal is responding to its prominence on a key corner. The departure from the height control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality.

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

The proposal will not have any adverse effect on the surrounding locality in the context of the current planning controls, which is characterised by residential and mixed-use development of comparable height and character. The proposal promotes the economic use and development of the land consistent with its zone and purpose.

The proposal responds to site constraints and opportunities such as the raising of the ground floor level due to flooding inundation. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.

The objection is well founded and considering the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.
Attachment 5
SEPP65 and Apartment Design Guide Assessment
Attachment 5

SEPP65 and Apartment Design Guide Assessment

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

The development has adequately addressed the 9 design quality principles in the following way:

<table>
<thead>
<tr>
<th>Design quality principle</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Context</td>
<td>The proposed development is considered to make a positive contribution to the locality and improve the existing streetscape. The character of this locality is undergoing transition from low/medium-density residential and commercial uses, to high density mixed use developments within the Lidcombe Town Centre. This proposal is consistent with that shift. The proposal appropriately includes ground floor commercial space to activate the street and contribute to the commercial core of Lidcombe Town Centre. The proposal is considered to satisfy the objectives of the LEP as well as being a permissible land use. The context of the building is appropriate for its location given the future desired town centre character.</td>
</tr>
<tr>
<td>2. Built form and scale</td>
<td>The design generally achieves an appropriate built form for the site and the building's purpose, in terms of building alignments, proportions, orientation, type and the manipulation of building elements to ensure reasonable spatial relationship is established between existing neighbouring buildings. The proposal is considered site responsive given the corner location and appropriately addresses both street frontages.</td>
</tr>
<tr>
<td>3. Density</td>
<td>The proposal has a density that corresponds with the future desired character of the area, in terms of floor space yield, number of units and potential number of new residents. The proposed density is considered to respond to the availability of infrastructure, services, shops, public transport, community facilities and environmental quality.</td>
</tr>
<tr>
<td>4. Sustainability, resource, energy and water efficiency</td>
<td>A BASIX Certificate has been submitted and the building meets the required energy and water efficiency targets.</td>
</tr>
<tr>
<td>5. Landscape</td>
<td>Given that the subject site is located in a town centre, deep soil zones are not considered to be practical due to requirements for basement parking and desired built forms requiring nil street setbacks to create a defined street edge. Notwithstanding, a landscape plan was submitted with the proposal which provides for landscaping at first floor podium and on the roof providing suitable visual amenity for the future building's occupants.</td>
</tr>
<tr>
<td>6. Amenity</td>
<td>Generally, the amended proposal is considered to be satisfactory by optimising internal amenity through orientation, access to sunlight, natural ventilation; visual and acoustic privacy, storage, open corridors, communal open space, outlook, which are consistent with the ADG amenity requirements. Suitable access is also provided to all parts of the building, through the efficient use of lift to access all levels.</td>
</tr>
<tr>
<td>7. Safety and security</td>
<td>The proposal is considered to be satisfactory in terms of natural</td>
</tr>
</tbody>
</table>
surveillance while maintaining internal privacy. Passive surveillance of public space is maximised through orientation of units. The position and orientation of the various building elements allow balconies and habitable rooms of apartments to overlook the streets and central courtyard on the podium level.

The building architecturally addresses the street and generally activates the frontages. Floor to ceiling clear glazing has been provided to these shop fronts to ensure street activation. Lift foyer and basement car parking can be appropriately secured with security cards and intercom access for visitors.

<table>
<thead>
<tr>
<th>8. Social dimensions/housing affordability</th>
<th>Whilst only 2 bedroom units have been provided, the housing choice responds to the social context to suit the existing and future social mix.</th>
</tr>
</thead>
<tbody>
<tr>
<td>9. Aesthetics</td>
<td>Generally, the mixed use building has a contemporary appearance considered to be appropriate in terms of building elements, textures, materials and colours when perceived from the two frontages. Additionally, visual interest has been incorporated to the highly visible western and southern boundary walls through patterns of different shades of grey FC cladding.</td>
</tr>
</tbody>
</table>

(b) Apartment Design Guide

Cumberland Council does not employ a formal design review panel and hence the design quality principles are considered above and an assessment against the provisions within the ADG is provided for the residential part of the development in the table below.

<table>
<thead>
<tr>
<th>Design Criteria</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2F Building Separation</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>No - conditioned. On the ground floor, the proposal is built to the boundary which is supportive as there are no openings facing adjoining sites on this level and given the town centre location, a nil setback is acceptable to support ground floor commercial, associated amenities and parking, loading and waste access. Above the ground floor, the residential units are built to the boundary which can be supportive given the town centre location. Blade wall extensions have been provided along the southern and western walls to provide additional privacy from future development. The development is in an L-shaped formation surrounding a podium courtyard. Future development is anticipated to adopt a similar layout. Other non-compliances at podium level 1.</td>
<td></td>
</tr>
<tr>
<td>Design Criteria</td>
<td>Compliance</td>
<td>Comment</td>
</tr>
<tr>
<td>-----------------</td>
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</tr>
<tr>
<td>nonhabitable rooms; and 12m between nonhabitable rooms</td>
<td>include stair 3, which is setback 5.555m from the southern boundary. No issues are raised with this as there are no windows proposed along the southern side of stair 3. The non-compliance of stair 3 carries through the upper levels and in addition, parts of the open circulation areas (which are treated as habitable spaces) do not meet the minimum 12m setback requirement to the southern boundary. Thus to address the privacy impacts arising from this, timber tone batten privacy screens are provided along parts of the circulation corridor to address the non-compliance which is considered satisfactory.</td>
<td></td>
</tr>
</tbody>
</table>

### 3B Orientation

**Objective 3B-1**

Building types and layouts respond to the streetscape and site while optimising solar access within the development

| Objective 3B-1 | Yes | The corner site has two frontages to the north and east and the building is arranged in an L-shaped fashion oriented to the street with open communal corridors facing internally to the site. The proposal provides a site responsive design in regards to addressing the corner and the future desired character of the Lidcombe Town Centre. The layout of the building is considered to be appropriate with regard to the general positioning and allows for units to optimise their solar access. The built form with associated podium on level one will allow for the majority of residential units enjoying good cross ventilation throughout the day and for future development to the south to follow a similar approach and maximise amenity for future development. |

**Objective 3B-2**

Overshadowing of neighbouring properties is minimised during mid winter

<p>| Objective 3B-2 | Yes – acceptable | As the subject site is located to the north of the street block, overshadowing of adjoining development is unavoidable. However, the shadow impacts are considered acceptable as it is anticipated by the building envelope envisaged by the development standards. It is noted that there is a minor height non-compliance however, the areas of non-compliance have been setback from the southern boundary to minimise adverse shadow impacts to adjoining sites and thus is acceptable. Furthermore, the applicant has submitted shadow diagrams |</p>
<table>
<thead>
<tr>
<th>Design Criteria</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>comparing a height compliant scheme against the proposal which demonstrates that there are negligible additional shadow impacts arising from the height non-compliance. The shadow will move from overshadowing the function centre and Olympic Drive in the morning to mainly shadowing the mid-block open hardstand parking area and then will move over the low scale mixed commercial development fronting Bridge Street in the afternoon. As the shadow moves throughout the day in midwinter, future development to the south will likely have sufficient solar access either in the morning or afternoon.</td>
</tr>
<tr>
<td>3C Public domain interface</td>
<td>Yes</td>
<td>An appropriate delineation between the private and public domain has been provided at ground floor with level changes at the Bridge Street frontage creating a distinct foyer entry area to both commercial and residential access. Service areas have been oriented to the secondary New Street frontage to enable Bridge Street to be activated with commercial premises with full height clear glazing on the ground floor. Clear balustrades have been provided to the foyer area to allow surveillance over the public domain and promote casual interaction between users of the site and the public domain. Upper level balconies have also been oriented to the streets.</td>
</tr>
<tr>
<td>Objective 3C-2</td>
<td>Yes</td>
<td>The amenity of the public domain is enhanced with ground floor commercial street frontage activation whilst the secondary frontage is largely dominated by services. Where possible, services and plant have been located in the basement and ramping for accessibility has been relegated to the southern side of the main frontage to minimise intrusion to the streetscape. To minimise blank walls, to the street, mailboxes have been located internally to the residential lobby and booster pumps have been articulated with timber screening.</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.

Objective 3D-1
An adequate area of communal open space
Yes
The communal open space includes BBQ areas, seating, pergolas and suitable
<table>
<thead>
<tr>
<th>Design Criteria</th>
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<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>space is provided to enhance residential amenity and to provide opportunities for landscaping</td>
<td>Yes</td>
<td>landscaping for the enjoyment of residents.</td>
</tr>
<tr>
<td><strong>Design criteria</strong></td>
<td></td>
<td>Proposed common open space = 750.1m² (68.5%) (inclusive of 230.5sqm on the level 1 podium and the remainder being on the roof top)</td>
</tr>
<tr>
<td>• Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)</td>
<td>Yes</td>
<td>69.27% of the common open space, being that located on the roof, receives solar amenity throughout the day in midwinter.</td>
</tr>
<tr>
<td>• 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)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Objective 3D-2</strong></td>
<td>Yes</td>
<td>The plans show that barbecue areas, pergolas and seating have been incorporated into the communal open spaces for the enjoyment of the residents.</td>
</tr>
<tr>
<td>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</td>
<td></td>
<td>The various locations of communal open space provides sufficient address to the microclimate and site conditions.</td>
</tr>
<tr>
<td><strong>Objective 3D-3</strong></td>
<td>Yes</td>
<td>Communal open space has been co-located with pedestrian thoroughfares through the site to maximise safety and are readily visible from upper level habitable rooms and private open spaces. Safety to elevated rooftop communal open space will be addressed through required compliance with the BCA as required by recommended conditions of consent.</td>
</tr>
<tr>
<td>Communal open space is designed to maximise safety</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 3E Deep soil zones                                                             |            |                                                                                                                                              |
| **Objective 3E-1**                                                            | No – acceptable | 76.7sqm required but nil proposed. The non-compliance is considered acceptable given the Town Centre nature of the site as the need to provide a functional basement carpark and commercial uses at ground floor makes the deep soil requirements difficult to achieve. |
| Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality |            | The proposal does however, propose a substantial area of landscaped common space upon at various levels including level 1 podium and roof top which is considered acceptable. |
| **Design criteria**                                                            |            |                                                                                                                                              |
| 1. Deep soil zones are to meet the following minimum requirements:             |            |                                                                                                                                              |
| ![Table](image)                                                                |            |                                                                                                                                              |

<p>| 3F Visual privacy                                                               |            |                                                                                                                                              |
| <strong>Separation</strong> - Building separation is measured from the outer face of building envelopes which includes balconies |            |                                                                                                                                              |
| <strong>Note:</strong> Where applying separation to buildings on adjoining sites, apply half the minimum |            |                                                                                                                                              |</p>
<table>
<thead>
<tr>
<th>Design Criteria</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>No – acceptable</td>
<td>See discussion under 2F. Visual privacy has been addressed through privacy screening where there is insufficient building separation.</td>
</tr>
<tr>
<td><strong>Objective 3F-1</strong> Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</td>
<td>No – acceptable</td>
<td></td>
</tr>
<tr>
<td><strong>Design criteria</strong> 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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Building height</strong></td>
<td><strong>Habitable rooms and balconies</strong></td>
<td><strong>Non-habitable rooms</strong></td>
</tr>
<tr>
<td>up to 12m (4 storeys)</td>
<td>6m</td>
<td>3m</td>
</tr>
<tr>
<td>up to 25m (5-8 storeys)</td>
<td>9m</td>
<td>4.5m</td>
</tr>
<tr>
<td>over 25m (9+ storeys)</td>
<td>12m</td>
<td>6m</td>
</tr>
<tr>
<td>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F-2)</td>
<td></td>
<td></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><strong>Objective 3F-2</strong> Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space</td>
<td>Yes</td>
<td>A combination of privacy screening, highlight windows and landscaping have been employed at the interface of residential units and public circulation/communal areas at the podium level and above. Windows have been provided where possible to improve ventilation, provide outlook and maximise solar access to habitable spaces on the residential levels.</td>
</tr>
<tr>
<td><strong>3G Pedestrian access and entries</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Objective 3G-1</strong> Building entries and pedestrian access connects to and addresses the public domain</td>
<td>Yes</td>
<td>The residential entry clearly addresses Bridge Street (primary street) and is accessed through the main foyer between the commercial tenancies through to a separated residential lift lobby. The foyer and lobbies provides sightlines to and from the street and commercial</td>
</tr>
<tr>
<td>Design Criteria</td>
<td>Compliance</td>
<td>Comment</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td>------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Objective 3G-2</strong></td>
<td>Yes</td>
<td>Access pathways and entries are clearly legible and are visible from the public domain or communal open spaces.</td>
</tr>
<tr>
<td>Access, entries and pathways are accessible and easy to identify</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>3H Vehicle access</strong></td>
<td>Yes</td>
<td>The vehicle access points are located to the north accessed from New Street (secondary street) to enable the primary frontage to Bridge Street to be activated by ground floor commercial development and pedestrian access.</td>
</tr>
<tr>
<td><strong>Objective 3H-1</strong></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>3J Bicycle and car parking</strong></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</td>
<td>Yes</td>
<td>The ADG requires parking to be provided for the residential component as follows:</td>
</tr>
<tr>
<td><strong>Design criteria</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. For development in the following locations:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area, or</td>
<td></td>
<td>60 x 2br (0.9/unit) = 54 spaces are required</td>
</tr>
<tr>
<td>• on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</td>
<td></td>
<td>12 visitor spaces required (0.2/unit)</td>
</tr>
<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, whichever is less</td>
<td></td>
<td>Total required: 66 spaces required</td>
</tr>
<tr>
<td>The car parking needs for a development must be provided off street</td>
<td></td>
<td>Total provided: 69 residential and visitor spaces provided</td>
</tr>
<tr>
<td><strong>Objective 3J-2</strong></td>
<td>Yes</td>
<td>There is sufficient parking provision on site to accommodate both residential and commercial uses on site as discussed under the DCP (see Appendices).</td>
</tr>
<tr>
<td>Parking and facilities are provided for other modes of transport</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Objective 3J-3</strong></td>
<td>Yes</td>
<td>12 bicycle parking spaces have been provided within basement 1.</td>
</tr>
<tr>
<td>Car park design and access is safe and secure</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Objective 3J-4</strong></td>
<td>Yes</td>
<td>Security measures have been incorporated to control access to the site including roller door / gate mechanisms. Within the basement, storage and plant have been appropriately located and lifts are clearly visible with safe waiting areas located adjacent to the lift entry.</td>
</tr>
<tr>
<td>Visual and environmental impacts of underground car parking are minimised</td>
<td></td>
<td>Basement is almost entire below ground and does not protrude more than 900mm above existing natural ground level. The basement will be mechanically ventilated and Council's Environmental Health</td>
</tr>
<tr>
<td>Design Criteria</td>
<td>Compliance</td>
<td>Comment</td>
</tr>
<tr>
<td>-----------------</td>
<td>------------</td>
<td>---------</td>
</tr>
<tr>
<td><strong>4A Solar and daylight access</strong></td>
<td></td>
<td>officer has provided conditions in relation to this, which will be included in the draft conditions.</td>
</tr>
<tr>
<td><strong>Objective 4A-1</strong>&lt;br&gt;To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space</td>
<td>Yes</td>
<td>The proposed development is considered to be generally consistent with the Solar and Daylight Access objectives as the orientation of units to the street, being to the north and east, allows for daylight infiltration. In this regard, all units, living areas and the main private open space receives at least 2 hours sunlight mid winter.</td>
</tr>
<tr>
<td><strong>Design criteria</strong>&lt;br&gt;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&lt;br&gt;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&lt;br&gt;3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td><strong>Objective 4A-3</strong>&lt;br&gt;Design incorporates shading and glare control, particularly for warmer months</td>
<td>Yes</td>
<td>Shading has been provided in the form of covered balconies to apartments as well as to exposed communal open spaces.</td>
</tr>
<tr>
<td><strong>Design guidance</strong>&lt;br&gt;• A number of the following design features are used:&lt;br&gt;  o balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas&lt;br&gt;  o shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting&lt;br&gt;  o horizontal shading to north facing windows&lt;br&gt;  o vertical shading to east and particularly west facing windows&lt;br&gt;  o operable shading to allow adjustment and choice&lt;br&gt;  o high performance</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Design Criteria</td>
<td>Compliance</td>
<td>Comment</td>
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<td>-----------------</td>
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</tr>
<tr>
<td>glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4B Natural ventilation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Objective 4B-1</strong>&lt;br&gt;All habitable rooms are naturally ventilated</td>
<td>Yes</td>
<td>All habitable rooms are provided with at least one window for natural ventilation.</td>
</tr>
<tr>
<td><strong>Objective 4B-2</strong>&lt;br&gt;The layout and design of single aspect apartments maximises natural ventilation</td>
<td>Yes</td>
<td>Light and ventilation to the single aspect apartments are still achieved as it is north facing. The building and apartment layouts are designed to maximise natural ventilation through the use of open-plan living areas and openings to living areas and bedrooms. The living rooms are adjacent to the balconies and generally promote natural ventilation. The proposal uses a combination of design (cross-through apartments), full height sliding doors, windows, and balconies to improve cross ventilation within the building.</td>
</tr>
<tr>
<td><strong>Objective 4B-3</strong>&lt;br&gt;The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents&lt;br&gt;&lt;br&gt;&lt;strong&gt;Design criteria&lt;/strong&gt;&lt;br&gt;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&lt;br&gt;2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</td>
<td>Yes</td>
<td>83.3% of units are naturally cross ventilated (50/60 units)</td>
</tr>
<tr>
<td><strong>4C Ceiling heights</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Objective 4C-1</strong>&lt;br&gt;Ceiling height achieves sufficient natural ventilation and daylight access&lt;br&gt;&lt;br&gt;&lt;strong&gt;Design criteria&lt;/strong&gt;&lt;br&gt;1. Measured from finished floor level to finished ceiling level, minimum</td>
<td>Yes</td>
<td>Sections have been provided showing that a 2.7m floor to ceiling height is achieved for the residential units. However, the ground floor use only provides 3.1m floor to ceiling. This minor non-compliance can be supported given</td>
</tr>
<tr>
<td>No – acceptable</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Design Criteria

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ceiling heights are:</td>
<td></td>
<td>the raised nature of the site due to flooding and the current exceedance in building height. The minor non-compliance will still result in sufficient floor to ceiling heights to accommodate commercial uses on the ground floor.</td>
</tr>
</tbody>
</table>
- Minimum ceiling height for apartment and mixed use buildings
  - Habitable rooms: 2.7m
  - Non-habitable: 2.4m
- For 2 storey apartments: 2.7m for man living area floor, 2.4m for second floor, where its area does not exceed 50% of the apartment area
- Attic spaces: 1.8m at edge of room with a 30 degree minimum ceiling slope
- If located in mixed used areas: 3.3m for ground and first floor to promote future flexibility of use

These minimums do not preclude higher ceilings if desired.

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

<table>
<thead>
<tr>
<th>Objective</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>4C-2</td>
<td>Yes</td>
<td>Appropriate ceiling height and room proportions have been incorporated.</td>
</tr>
</tbody>
</table>

#### Objective 4C-3
Ceiling heights contribute to the flexibility of building use over the life of the building

<table>
<thead>
<tr>
<th>Objective</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>4C-3</td>
<td>N/A</td>
<td>Given the design of the building, it is unlikely that the first floor will be utilised as commercial space in the future.</td>
</tr>
</tbody>
</table>

### 4D Apartment size and layout

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

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

<table>
<thead>
<tr>
<th>Design criteria</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>4D-1</td>
<td>Yes</td>
<td>Plans state that the internal areas of the units meet the minimum required for 2 bedroom 2 bathroom apartments. This has been assessed to be generally consistent. In this regard, the proposed units sizes and layout are acceptable. Sufficient glazing has also been provided to habitable rooms.</td>
</tr>
</tbody>
</table>

1. Apartments are required to have the following minimum internal areas:

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

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

A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.

2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.
### Design Criteria

<table>
<thead>
<tr>
<th>Objective 4D-2</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental performance of the apartment is maximised</td>
<td>Yes</td>
<td>The proposal is consistent with the objectives of this part of the ADG.</td>
</tr>
<tr>
<td>Design criteria</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 6.75m (2.5x2.7m).</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>All open plan living / dining / kitchen areas are less than 8m from a window.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Objective 4D-3</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment layouts are designed to accommodate a variety of household activities and needs</td>
<td>Yes</td>
<td>Various apartment layouts are provided for within the development to suit different household needs.</td>
</tr>
<tr>
<td>Design criteria</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 requirements in terms of dimensions and area.</td>
</tr>
<tr>
<td>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</td>
<td>Yes</td>
<td>All combined living/dining rooms satisfy the minimum widths.</td>
</tr>
<tr>
<td>3. Living rooms or combined living/dining rooms have a minimum width of:</td>
<td>Yes</td>
<td>Cross-through apartments are wider than 4m.</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>
</tbody>
</table>

### 4E Private open space and balconies

**Objective 4E-1**

Apartments provide appropriately sized private open space and balconies to enhance residential amenity

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Minimum area</th>
<th>Minimum depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio 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+ bedroom apartments</td>
<td>12m²</td>
<td>2.4m</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Objective</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>The shape and arrangement of the balconies support flexibility in private recreation.</td>
<td></td>
</tr>
<tr>
<td>No -</td>
<td>Balconies facing the podium are</td>
<td></td>
</tr>
<tr>
<td>Design Criteria</td>
<td>Compliance</td>
<td>Comment</td>
</tr>
<tr>
<td>----------------</td>
<td>------------</td>
<td>---------</td>
</tr>
<tr>
<td>on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m</td>
<td>acceptable</td>
<td>secondary private open spaces accessed off bedrooms and a compliant balcony is provided which is oriented to the street. This is preferred in order to manage amenity at the interface of the balcony with the podium communal open space.</td>
</tr>
<tr>
<td>Objective 4E-2 Primary private open space and balconies are appropriately located to enhance liveability for residents</td>
<td>Yes</td>
<td>Private open spaces are generally appropriately located adjoining living areas to serve as an extension of the living areas.</td>
</tr>
<tr>
<td>Objective 4E-3 Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</td>
<td>Yes</td>
<td>The design of the balconies and courtyards are integrated into, and contributes to, the architectural form and detail of the building. The finishes of the balconies is consistent with the contemporary palette of materials in the building overall and translucent glazed balustrades will ensure that privacy is provided to the residents.</td>
</tr>
<tr>
<td>Objective 4E-4 Private open space and balcony design maximizes safety</td>
<td>Yes</td>
<td>Appropriate balustrading has been proposed and conditions will ensure compliance with the BCA.</td>
</tr>
<tr>
<td>4F Common circulation and spaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Objective 4F-1 Common circulation spaces achieve good amenity and properly service the number of apartments</td>
<td>Yes</td>
<td>Maximum of six units are accessed from the central core on each level via open corridors for amenity.</td>
</tr>
<tr>
<td>Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents</td>
<td>Yes</td>
<td>On level 1 podium, the common circulation space is integrated with the communal open space to encourage social interaction. All other corridors are legible and open in design.</td>
</tr>
<tr>
<td>4G Storage</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>Objective 4G-1 Adequate, well designed storage is provided in each apartment</td>
<td>Yes</td>
<td>The proposal provides separate storage within each apartment and an allocated storage area in the basement. The storage provided meets the requirements and objectives of the ADG. A breakdown of storage volumes and distribution was submitted by the applicant indicating that at least half of the required storage is accommodated within the apartment (for 2 bedroom units a total of 8m³ is required).</td>
</tr>
<tr>
<td>Design criteria</td>
<td>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</td>
<td></td>
</tr>
<tr>
<td>Dwelling type</td>
<td>Storage size volume</td>
<td></td>
</tr>
<tr>
<td>Studio apartments</td>
<td>4m³</td>
<td></td>
</tr>
<tr>
<td>1 bedroom apartments</td>
<td>6m³</td>
<td></td>
</tr>
<tr>
<td>2 bedroom apartments</td>
<td>8m³</td>
<td></td>
</tr>
<tr>
<td>3+ bedroom apartments</td>
<td>10m³</td>
<td></td>
</tr>
<tr>
<td>At least 50% of the required storage is to be located within the apartment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Objective 4G-2 Additional storage is conveniently</td>
<td>Yes</td>
<td>Access to the individual storage areas within the basement do not conflict with</td>
</tr>
<tr>
<td>Design Criteria</td>
<td>Compliance</td>
<td>Comment</td>
</tr>
<tr>
<td>-----------------</td>
<td>------------</td>
<td>---------</td>
</tr>
<tr>
<td>Located, accessible and nominated for individual apartments</td>
<td>car parking. Conditions will be imposed to ensure that storage not located in apartments is secure and clearly allocated to specific apartments.</td>
<td></td>
</tr>
<tr>
<td><strong>4H Acoustic privacy</strong></td>
<td>Yes</td>
<td>Efforts have been made to minimise acoustic through grouping of like-use rooms in apartments together.</td>
</tr>
<tr>
<td><strong>Objective 4H-1</strong></td>
<td>Yes</td>
<td>Standard conditions requiring compliance with the BCA will be required which includes noise attenuation.</td>
</tr>
<tr>
<td>Noise transfer is minimised through the siting of buildings and building layout</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Objective 4H-2</strong></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Noise impacts are mitigated within apartments through layout and acoustic treatments</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4J Noise and pollution</strong></td>
<td>Yes</td>
<td>An acoustic assessment ref 20180613.1/1206A/R1/JL, rev 1 dated 12/06/2018, and an addendum letter ref 20180613.1/2009A/R0/JL, dated 20/09/2018, both prepared by Acoustic Logic was reviewed by Council’s Environmental Health section. No issues were raised subject to compliance with the recommendations which will be enforced through conditions of consent to be included in the draft consent.</td>
</tr>
<tr>
<td><strong>Objective 4J-1</strong></td>
<td>Yes</td>
<td>As per acoustic assessment recommendations as discussed above.</td>
</tr>
<tr>
<td>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Objective 4J-2</strong></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4K Apartment mix</strong></td>
<td>No - acceptable</td>
<td>Only 2 bedroom units have been provided. Whilst no mix of units have been provided, it can be acceptable as it is a response to market demand.</td>
</tr>
<tr>
<td><strong>Objective 4K-1</strong></td>
<td>No - acceptable</td>
<td></td>
</tr>
<tr>
<td>A range of apartment types and sizes is provided to cater for different household types now and into the future</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>4M Facades</strong></td>
<td>Yes</td>
<td>The proposal provides a contemporary designed building with modern materials. The street facades have also included architectural framing and are articulated with windows and balconies. Visual interest has been incorporated to the highly visible western and southern boundary walls through patterns of different shades of grey FC cladding. The building design is considered to be consistent with the desired future character of the Lidcombe Town Centre area which is for older buildings to be replaced with high density mixed use development, as is occurring with this</td>
</tr>
</tbody>
</table>
## Design Criteria

<table>
<thead>
<tr>
<th>Objective 4M.2</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building functions are expressed by the facade</td>
<td>Yes</td>
<td>Building functions are delineated through materials and finishes.</td>
</tr>
</tbody>
</table>

### 4N Roof design

<table>
<thead>
<tr>
<th>Objective 4N-1</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roof treatments are integrated into the building design and positively respond to the street</td>
<td>Yes</td>
<td>A contemporary flat roof form is proposed and consistent with other contemporary flat buildings in the vicinity. It is noted that the roof is punctuated with the lift overrun and stairs and efforts have been made to ensure that these are setback from the building's edge to minimise the visual impact to the street and adjoining development. Whilst the architectural framing is raised to a similar height of the lift overruns but is located on the building's edge, it is acceptable as there are negligible adverse impacts to adjoining development as it is on the northern side and any impacts are on the subject site itself.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Objective 4N-2</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opportunities to use roof space for residential accommodation and open space are maximised</td>
<td>Yes</td>
<td>Communal open space has been provided on the roof. The open space is surrounded by soft landscaping</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Objective 4N-3</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roof design incorporates sustainability features</td>
<td>Yes</td>
<td>The roof design does not hamper solar access to apartments below.</td>
</tr>
</tbody>
</table>

### 4O Landscape design and 4P Planting on structures

Council's Landscape Architect has raised no objections to the proposed landscape design.

### 4Q Universal design

<table>
<thead>
<tr>
<th>Objective 4Q-1</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Universal design features are included in apartment design to promote flexible housing for all community members</td>
<td>Yes</td>
<td>20% of all units or 12 silver level units have been provided (units 01 and 05 on levels 1 to 6 being those indicated as adaptable and silver level on plans).</td>
</tr>
</tbody>
</table>

**Design guidance**
- Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guidelines' silver level universal design features

<table>
<thead>
<tr>
<th>Objective 4Q-2</th>
<th>Compliance</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>A variety of apartments with adaptable designs are provided</td>
<td>Yes</td>
<td>The application is supported by a Disability Access Report, ref J000259, date 16 April 2019, prepared by Cheung Access and pre/post adaptable layouts have been provided by the applicant and indicates that the adaptable layouts are capable of complying with the BCA, Australian Standards and other relevant codes.</td>
</tr>
<tr>
<td>Design Criteria</td>
<td>Compliance</td>
<td>Comment</td>
</tr>
<tr>
<td>-----------------</td>
<td>------------</td>
<td>---------</td>
</tr>
<tr>
<td>Objective 4Q-3</td>
<td>Yes</td>
<td>Various apartment layouts are provided within the development for flexibility.</td>
</tr>
<tr>
<td>Objective 4S-1</td>
<td>Yes</td>
<td>The subject site is zoned for mixed use development given that it is part of Lidcombe Town Centre and is close to public transport, shops and services. Service areas have been oriented to the secondary New Street frontage to enable Bridge Street to be activated with commercial premises with full height clear glazing on the ground floor.</td>
</tr>
<tr>
<td>Objective 4S-2</td>
<td>Yes</td>
<td>Residential and commercial entries are separated. Both residential and commercial entries are accessible directly from Bridge Street. Residential and commercial waste, car parking and services areas are separated.</td>
</tr>
<tr>
<td>4T Awnings and signage</td>
<td>Yes</td>
<td>A 2.5m wide awning is proposed to both street frontages to provide weather protection to pedestrians. The location of the awning is also clear of the proposed street tree locations.</td>
</tr>
<tr>
<td>Objective 4T-1</td>
<td>Yes</td>
<td>A 2.5m wide awning is proposed to both street frontages to provide weather protection to pedestrians. The location of the awning is also clear of the proposed street tree locations.</td>
</tr>
<tr>
<td>4U Energy efficiency and 4V Water management and conservation</td>
<td>This is addressed in BASIX.</td>
<td></td>
</tr>
<tr>
<td>4W Waste management</td>
<td>Yes</td>
<td>The submitted waste management plan is satisfactory. Waste storage and collection/loading facilities of a sufficient size to serve the development, have been accommodated within the building with access from the secondary frontage (New Street).</td>
</tr>
<tr>
<td>Objective 4W-1</td>
<td>Yes</td>
<td>There is sufficient internal space within the apartments to accommodate temporary domestic waste storage and a garbage chute is provided on each level which connects to the bin room.</td>
</tr>
<tr>
<td>Objective 4W-2</td>
<td>Yes</td>
<td>Temporary domestic waste storage and a garbage chute is provided on each level which connects to the bin room.</td>
</tr>
<tr>
<td>4X Building maintenance</td>
<td></td>
<td>Objectives of this section can generally be achieved.</td>
</tr>
</tbody>
</table>
DOCUMENTS ASSOCIATED WITH REPORT LPP039/19

Attachment 6
Development Control Plan Assessment
and access to the town centre. The linkages shall enable connection between Vaughan Street and Bridge Street and Olympic drive and Bridge Street.

Development is on the northern part of the key site and will not impact any view corridors.

Development is on the northern part of the key site and will not impact any view corridors.

Outdoor dining cannot be accommodated due to the raised nature of the ground floor retail and flood affection of the site.

### Residential Flat Buildings

The relevant requirements and objectives of the Residential Flat Buildings part have been considered in the assessment of the development application. The majority of the matters in the DCP have been addressed in the Apartment Design Guide and where there are inconsistencies between the documents, the ADG prevails. Other relevant matters in the assessment against the DCP controls are as follows:

#### Adaptable Housing

For 60 units, the controls state that a minimum of 6 must be adaptable. 6 units, being unit 1 on levels 1 to 6 within the development have been designated as adaptable units and their design has been addressed in the submitted Access Report as discussed below.

### Access and Mobility

The relevant requirements and objectives of the Access and Mobility part have been considered in the assessment of the development application. Accessible pedestrian ramps have been provided from the street to the main entrance of the development and lift access is provided to all levels within the building. The application is supported by a Disability Access Report, ref J000259, date 16 April 2019, prepared by Cheung Access and pre/post adaptable layouts have been provided by the applicant. All adaptable units are provided with an associated accessible parking space within the basement and the information indicates that the adaptable layouts are capable of complying with the BCA, Australian Standards and other relevant codes. The report concludes that the proposal has the capacity to meet the requirements of the Disability (Access to Premises-Building) Standards 2010, BCA, Livable Housing Design Guidelines and relevant Australian Standards. In this regard, Council officers can be satisfied that the relevant provisions of this part of the ADCP 2010 have been satisfied. Suitable conditions will be imposed on the development to ensure that suitable access is provided within the development in accordance with the relevant provisions of the Disability Discrimination Act.

### Parking and Loading

The parking and loading section of the DCP has been considered in the assessment of the application. The proposal complies with the minimum parking rates in the ADG and as discussed previously in the report, the proposed basement accommodates sufficient parking to support the proposal.
Attachment 6  

Auburn Development Control Plan 2010 (ADCP) Assessment

The following DCP parts are applicable to the proposed development:

- Local Centres
- Residential Flat Buildings
- Parking and Loading
- Access and Mobility
- Stormwater Drainage
- Waste

Local Centres

The relevant objectives and requirements of the Local Centres part have been considered in the following assessment table:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.0 Built Form</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D1 To allow for their adaptive use, mixed use buildings are to incorporate the following flexible design requirements:</td>
<td>☑️</td>
<td>☑️</td>
<td>☑️</td>
<td>This is a post consent structural matter at construction.</td>
</tr>
<tr>
<td>the number of internal apartment structural walls are to be minimised; and</td>
<td></td>
<td></td>
<td></td>
<td>Ground floor ceiling heights of 3.1m proposed. The non-compliance is considered acceptable as discussed in the ADG.</td>
</tr>
<tr>
<td>ceiling heights for the ground floor is to be a minimum of 3.6 metres.</td>
<td></td>
<td></td>
<td></td>
<td>Whilst there is a shared commercial and residential entry, the residential lobby is separated and secureable.</td>
</tr>
<tr>
<td>D2 Residential components are to be provided with direct access to street level with entrances clearly distinguishable from entries to commercial premises.</td>
<td>☑️</td>
<td>☐</td>
<td>☑️</td>
<td>The proposal is generally considered to provide suitable security to all entries within the development with the exception of the loading dock. Conditions will be imposed to require the loading dock to be enclosed and be provided with a roller door at the entrance to improve security.</td>
</tr>
<tr>
<td>D3 Secure entries are to be provided to all entrances to private areas, including car parks and internal courtyards.</td>
<td>☑️</td>
<td>☑️</td>
<td>☑️</td>
<td>Commercial and residential parking is separated by a boom gate.</td>
</tr>
<tr>
<td>D4 Car parking provided for the residential component of the development is to be clearly delineated and provided separate to general customer parking.</td>
<td>☑️</td>
<td>☐</td>
<td>☑️</td>
<td>Loading and waste collection areas are located away from residential units and appropriately accessed from the secondary street.</td>
</tr>
<tr>
<td>D5 Development shall be designed to locate loading bays, waste storage/collection areas and any other noise and odour generating aspects of buildings away from residential areas.</td>
<td>☑️</td>
<td>☐</td>
<td>☑️</td>
<td></td>
</tr>
<tr>
<td><strong>D6</strong> Vehicular circulation areas must be legible and must differentiate between the commercial service requirements, such as loading areas, and residential access.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>Car parking and loading areas are separated.</td>
</tr>
<tr>
<td><strong>D7</strong> Mechanical plant is to be located on the roof or visually and acoustically isolated from residential uses.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>Plant has been appropriately accommodated within the basement.</td>
</tr>
</tbody>
</table>

### 2.1 Number of storeys

**D1** The minimum finished floor level (FFL) to finished ceiling level (FCL) shall be as follows:
- 3300mm for ground level (regardless of the type of development);
- 3300mm for all commercial/retail levels; and
- 2700mm for all residential levels above ground floor.

| ☐ | ☒ | ☐ | Ground floor commercial has a floor to ceiling height of 3.1m. The non-compliance is considered acceptable as discussed in the ADG. |
| ☐ | ☒ | ☐ | 2.7m floor to ceiling heights have been provided for residential levels. |

### 2.2 Articulation and proportion

**D1** Buildings shall incorporate:
- balanced horizontal and vertical proportions and well-spaced and proportioned windows;
- a clearly defined base, middle and top;
- modulation and texture; and
- architectural features which give human scale at street level such as entrances and porticos.

| ☒ | ☐ | ☐ | The amended design and appearance of the building is considered satisfactory and appropriate for the locality. |
| ☒ | ☐ | ☐ | There are no blank walls longer than 5m. |

**D2** The maximum width of blank walls for building exteriors along key retail streets shall be 5m or 20% of the street frontage, whichever is the lesser.

**D3** Articulation of the building exterior shall be achieved through recesses in the horizontal and vertical plane, adequate contrasts in materials, design features and the use of awnings.

**D4** Features such as windows and doors shall be in proportion with the scale and size of the new building and any adjoining buildings which contribute positively to the streetscape.

<p>| ☒ | ☐ | ☐ | The building is adequately articulated as discussed under the ADG. |
| ☐ | ☐ | ☐ | Fenestration provided is proportionate and relates to the internal uses. |</p>
<table>
<thead>
<tr>
<th>D5</th>
<th>Street awnings which appear as horizontal elements along the façade of the building shall be provided as part of all new development.</th>
</tr>
</thead>
<tbody>
<tr>
<td>D6</td>
<td>Where development has two (2) street frontages the streetscape should be addressed by both facades.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2.3 Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>D1. New buildings shall incorporate a mix of solid (i.e. masonry concrete) and glazed materials, consistent with the character of buildings in the locality. The use of cement rendering shall be minimised.</td>
</tr>
<tr>
<td>D2. Building materials and finishes complement the finishes predominating in the area. Different materials, colours or textures may be used to emphasise certain features of the building.</td>
</tr>
<tr>
<td>D3. Building facades at street level along primary streets and public places consist of a minimum of 80% for windows/glazed areas and building and tenancy entries.</td>
</tr>
<tr>
<td>D4. Visible light reflectivity from building materials used on the facades of new buildings shall not exceed 20%.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2.4 Roofs</th>
</tr>
</thead>
<tbody>
<tr>
<td>D1. Design of the roof shall achieve the following:</td>
</tr>
<tr>
<td>- concealment of lift overruns and service plants;</td>
</tr>
<tr>
<td>- presentation of an interesting skyline;</td>
</tr>
<tr>
<td>- enhancing views from adjoining developments and public places; and</td>
</tr>
<tr>
<td>- complementing the scale of the building.</td>
</tr>
<tr>
<td>D2. Roof forms shall not be designed</td>
</tr>
</tbody>
</table>

| Street awnings have been included in the development: |
| The development is oriented to Bridge Street being the primary frontage whilst New Street has been utilised as a secondary frontage and accommodates parking and loading access. This is acceptable as New Street is a dead-end street and it is considered more appropriate to locate vehicular access from that street. |

| The proposed materials are considered to be of high quality and contemporary appearance. The development is acceptable in this regard. |
| The facade of the development contains a mix of cladding, timber features and glazing materials appropriate to the mixed use building. |

| Building facades along the primary Bridge Street frontage is mostly glazed where commercial tenancies face the street. |
| Addressed via conditions of consent. |

| A flat roof is proposed. The lift over runs cannot be seen from the roadways due to their position on the roof area. The architectural framing on the building façade which extend to the roof will add visual interest to the skyline. |
### 3.0 Streetscape and Urban Form

#### 3.1 Streetscape

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<tbody>
<tr>
<td>D1</td>
<td>Applicants shall demonstrate how new development addresses the streetscape and surrounding built environment.</td>
<td>[x]</td>
<td>[ ]</td>
<td>[ ]</td>
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</tr>
<tr>
<td>D2</td>
<td>New shopfronts shall be constructed in materials which match or complement materials used in the existing building.</td>
<td>[x]</td>
<td>[ ]</td>
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<tr>
<td>D3</td>
<td>Development shall provide direct access between the footpath and the shop.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[x]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>D4</td>
<td>Development shall avoid the excessive use of security bars.</td>
<td>[x]</td>
<td>[ ]</td>
<td>[ ]</td>
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</tr>
<tr>
<td>D5</td>
<td>Block-out roller shutters are not permitted.</td>
<td>[x]</td>
<td>[ ]</td>
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</tr>
<tr>
<td>D6</td>
<td>Signage shall be minimised and coordinated to contribute to a more harmonious and pleasant character for the locality.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[x]</td>
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</tbody>
</table>

The materials schedule shows a building with an appropriate massing including suitable articulation and projections. The balconies are well defined and oriented towards the street and Level 1 podium communal open space. Shopfronts will be glazed to ensure street activation.

Ground floor shops are raised due to overland flow and flooding on the subject site preventing direct access between the shop and the footpath.

No security bars or roller shutters are proposed. Roller shutters for the basement car park are designed to setback from the front building line.

None proposed. Conditions will be included to ensure that separate consent is required for any signage.

---

#### 3.2 Setbacks

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<tr>
<td>D1</td>
<td>New development or additions to existing development shall adopt front setbacks, as shown</td>
<td>[x]</td>
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</table>

Building is built to the boundary as per the LTC setback requirements.

---

A shade structure is proposed to part of the outdoor recreation area.

Translucent glazed balustrades have been provided to balconies.

There are no enclosed balconies within the development.

Primary balconies are oriented to the street and secondary balconies overlook podium communal open space.

Addressed via conditions of consent.

Timber screening is provided to balconies.
### Mixed Use Developments

#### 4.1 Building design

- **D1** The architecture of ground level uses shall reflect the commercial/retail function of the centre.
- **D2** Buildings shall achieve a quality living environment that sympathetically integrates into the character of the commercial precinct.
- **D3** Commercial and retail servicing, loading and parking facilities shall be separated from residential access and servicing and parking.
- **D4** The design of buildings on corner sites or at the ends of a business/commercial zone shall emphasise the corner as a focal point.

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- The ground floor includes commercial tenancies to contribute to activation of the town centre.
- Achieved.
- Commercial and residential storage, waste, loading, parking and servicing will be separated.
- Building adequately addresses the corner.

#### 4.2 Active street frontages

- **D1** Retail outlets and restaurants are located at the street frontage on the ground level.
- **D2** A separate and defined entry shall be provided for each use within a mixed use development.
- **D3** Only open grill or transparent security (at least 70% visually transparent) shutters are permitted to retail frontages.

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- Commercial is located on the ground level facing the primary street frontage.
- Whilst there is a shared entry, the residential use has a separated and securable lobby.
- None proposed.

#### 4.3 Awnings

- **D1** Awnings dimensions shall generally be:
  - horizontal in form;
  - minimum 2.4m deep (dependent on footpath width);
  - minimum soffit height of 3.2m and maximum of 4m;
  - steps for design articulation or to accommodate sloping streets are to be integral with the building design and

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- Awnings are horizontal.
- Awning width = 2.5m.
- Soffit height of awning = 4.3m which exceeds the maximum. However this can be supported as the awning matches the slab level between the ground and first floor with the exceedance due to raised ground floor being in response to the flood affection of the site.
should not exceed 700mm:
- low profile, with slim vertical fascia or eaves (generally not to exceed 300mm height);
- 1.2m setback from kerb to allow for clearance of street furniture, trees, and other public amenity elements; and
- In consideration of growth pattern of mature trees.

D2 Awning design must match building facades, be complementary to those of adjoining buildings and maintain continuity.

D3 Awnings shall wrap around corners for a minimum 6m from where a building is sited on a street corner.

D4 Vertical canvas drop blinds may be used along the outer edge of awnings along north-south streets. These blinds must not carry advertising or signage.

D5 Under awning lighting shall be provided to facilitate night use and to improve public safety recessed into the soffit of the awning or wall mounted onto the building.

D6 Soft down lighting is preferred over up lighting to minimise light pollution.

D7 Any under awning sign is to maintain a minimum clearance of 2.8m from the level of the pavement.

D8 All residential buildings are to be provided with awnings or other weather protection at their main entrance area.

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<thead>
<tr>
<th>4.5 Amenity</th>
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</table>
| D1          | The internal environment of dwellings within mixed use developments in the vicinity of major arterial roads or railway lines shall provide an appropriate level of amenity for privacy, solar access and views. | Addressed under ADG.

<table>
<thead>
<tr>
<th>4.6 Residential flat building component of mixed use</th>
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<td></td>
<td>Noted and addressed later.</td>
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</table>
### Developments
Applicants shall consult the Residential Flat Buildings Part of this DCP for the design requirements for the residential flat building component of a mixed use development.

### 5.0 Privacy and Security

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Description</th>
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</table>
| D1 | Views onto adjoining private open space shall be obscured by:  
- Screening with a maximum area of 25% openings is permanently fixed and made of durable materials; or  
- Incorporating planter boxes into walls or balustrades to increase visual separation between areas. Existing dense vegetation or new planting may be used as a secondary measure to further improve privacy. |
| □ | □ | □ | Proposal does not provide views onto adjoining private open space. |
| D2 | Site layout and building design shall ensure that windows do not provide direct and close views into windows, balconies or private open spaces of adjoining dwellings. |
| □ | □ | □ |
| D3 | Shared pedestrian entries to buildings shall be lockable. |
| □ | □ | □ |
| D4 | Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area. |
| □ | □ | □ |
| D5 | Pedestrian walkways and car parking shall be direct, clearly defined, visible and provided with adequate lighting, particularly those used at night. |
| □ | □ | □ |
| D6 | Landscaping and site features shall not block sight lines and are to be minimised. |
| □ | □ | □ |
| D7 | Seating provided in commercial areas of a development shall generally only be located in areas of active use where it will be regularly used. |
| □ | □ | □ |
| D8 | Adequate lighting shall be provided to minimise shadows and concealment spaces. |
| □ | □ | □ |
| D9 | All entrances and exits shall be |
| □ | □ | □ |
made clearly visible.

D10 Buildings shall be arranged to overlook public areas and streets to maximise surveillance.

D11 Development shall be consistent with Council’s Policy on Crime Prevention Through Environmental Design.

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Entrance/exit points are visible.

The design does not raise any issues in regards to CPTED.

5.1 Lighting

D1 Lighting design shall be integrated with the interior design of a retail/commercial premise. The use of low voltage track lighting, recesses spotlighting and designer light fittings is encouraged.

D2 Lighting systems shall incorporate specific display lighting to reinforce merchandise and provide a contrast against the street lighting generally.

D3 Surface mounted fluorescent fixtures shall not be considered in any part of the retail areas of the premises.

D4 The light source shall be selected to provide the desired light effect, however, fitting and methods shall be chosen to produce the highest energy efficiency.

D5 Lighting shall not interfere with the amenity of residents or affect the safety of motorists.

D6 Excessive lighting shall not be permitted. Light spill onto the street into the public domain shall be minimised.

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Lighting will be addressed via conditions of consent.

5.3 Noise

D1 New development shall comply with the provisions of the relevant acts, regulations, environmental planning instruments, Australian Standards and guidelines produced by the NSW Department of Environment, Climate Change and Water, the NSW Roads and Traffic Authority and the NSW Department of

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An acoustic assessment ref 20180613.1/1206A/R1/JL, rev 1 dated 12/06/2018, and an addendum letter ref 20180613.1/2009A/R0/JL, dated 20/09/2018, both prepared by Acoustic Logic was reviewed by Council’s Environmental Health section. No issues were raised subject to compliance with the recommendations which will be enforced through conditions of consent to be included in the draft consent.
Planning as applicable for noise, vibration and quality assurance. This includes:
- Development Near Rail Corridors and Busy Roads, NSW Department of Planning, December 2008 – Interim Guidelines.
- NSW Industrial Noise Policy;
- Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects; and
- Environmental Criteria for Road and Traffic Noise.
Restaurant and cafe design shall minimise the impact of noise associated with late night operation on nearby residents. Operation includes loading/unloading of goods/materials and the use of plant and equipment at a proposed commercial premise.

D2 An acoustic report shall be submitted with a development application for a proposed commercial use in the local centre that operates during the hours between 10pm and 6am.

5.4 Wind Mitigation

D1 Site design for tall buildings (towers) shall:
- set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower;
- ensure that tower buildings are well spaced from each other to allow breezes to penetrate local centres;
- consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level; and
- ensure useability of open terraces and balconies.

D2 A Wind Effects Report is to be

A Pedestrian Wind Environment Statement, ref WE223-01FD2 (REV1)-WS REPORT, dated July 27, 2018, prepared by Windtech has been submitted with the application. The report will form part of the suite of approval documents and conditions will be included to ensure compliance with the recommendations.
Cumberland Local Planning Panel Meeting 12 June 2019

| submitted with the DA for all buildings greater than 35m in height. | ☒ | ☐ | ☐  |
| D3 For buildings over 48m in height, results of a wind tunnel test are to be included in the report. | ☐ | ☐ | ☒  |

### 6.0 Access and Car Parking

6.1 **Access, loading and car parking requirements**

D1 Car parking rates shall be provided in accordance with the Parking and Loading Part of this DCP.

Noted, addressed later.

### 7.0 Landscaping

Council’s Landscape Architect has raised no objections to the proposed landscape design.

### 8.0 Energy Efficiency and Water Conservation

A BASIX Certificate has been submitted, and the commitments of Water, Energy and Thermal Comfort have been met. Compliance with the BASIX Certificate will also be reinforced via conditions of consent.

### 8.3 Stormwater drainage

Applicants shall consult the Stormwater Drainage Part of this DCP for requirements for stormwater management.

Noted, addressed later.

### 9.0 Ancillary Site Facilities

#### 9.1 Provision for goods and mail deliveries

D1 Provision shall be made on-site for courier car parking spaces in a convenient and appropriately signposted location, preferably with access off the principal street frontage, for developments incorporating greater than 3,000m2 of gross leasable floor area devoted to commercial premises.

Development does not exceed 3000sqm gross leasable commercial floor area.

D2 Provision of mailboxes for residential units shall be incorporated within the foyer area of the entrance to the residential component of the mixed use developments.

Allowance has been made for residential mailboxes within the residential lift lobby.

### 10.0 Other Relevant Controls

#### 10.1 Waste

D1 Applicants shall consult the Waste Part of this DCP for requirements for disposal.

Noted, addressed later.

#### 10.2 Access and amenity

D1 Applicants shall consult the relevant provisions within the Access and Mobility Part of this

Noted, addressed later.
### 11.0 Public Domain

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<tr>
<td><strong>D1</strong></td>
<td>Any works within the public domain or which present to the public domain shall be consistent with Council’s Public Domain Manual and/or the Town Centre Infrastructure Manual and Council’s Policy on Crime Prevention Through Environmental Design.</td>
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- | | | Any works within the public domain such as new paving will be conditioned to be completed in accordance with relevant Council documents.

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<tr>
<td><strong>D2</strong></td>
<td>New buildings shall contribute to the public domain through the provision of awnings, sheltered building entries, verandahs and canopies, safe pedestrian linkages to car parks, landscaping, and open space, where appropriate.</td>
<td></td>
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- | | | Awnings are proposed around the entire building.

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<tr>
<td><strong>D3</strong></td>
<td>Outdoor dining on footpaths shall be limited. Refer to Council’s relevant Public Domain Plan, Outdoor Dining Policy and Public Art Policy.</td>
<td></td>
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</tbody>
</table>

### 12.0 Subdivision

None proposed as part of this application. Only lot consolidation sought, to which no issues are raised.

### 13.0 Residential Interface

N/A

### 15.0 Lidcombe Town Centre

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<tbody>
<tr>
<td><strong>15.1 Development to which this section applies</strong></td>
<td>This section applies to the Lidcombe Town Centre which is zoned B4 Mixed Use, RE1 Public Recreation and RE2 Private Recreation under the Auburn LEP 2010. Refer to Figure 6. Where there are inconsistencies between the controls contained within this Section and other controls within this DCP, these controls prevail to the extent of the inconsistency.</td>
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- | | | Subject site falls within the Lidcombe Town Centre area.

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<tr>
<td><strong>15.2 Setbacks</strong></td>
<td>Setbacks within the town centre shall be consistent with Figure 7.</td>
<td></td>
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- | | | Site is built to both street frontages as required.

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<tbody>
<tr>
<td><strong>15.3 Active Frontage</strong></td>
<td>As a minimum, buildings shall provide active street frontages consistent with Figure 8.</td>
<td></td>
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</table>

- | | | Bridge Street has been provided as the active frontage as required, however New Street is not activated as space is required for basement and loading access as well as booster and these are considered.
<table>
<thead>
<tr>
<th>15.4 Laneways</th>
<th></th>
<th>appropriately located on New Street given that it is a cul-de-sac.</th>
</tr>
</thead>
<tbody>
<tr>
<td>D1 Redevelopment within the Lidcombe Town Centre shall make provision for the creation of new laneways as shown in Figure 9.</td>
<td>☐ ☐ ☒</td>
<td>None required.</td>
</tr>
</tbody>
</table>

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<tr>
<th>15.5 Key sites</th>
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<th>Subject site is within key site 5 – Bridge Street.</th>
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<tbody>
<tr>
<td>Several sites within the Lidcombe Town Centre have been identified as having the greatest potential for intensification with commercial, residential and mixed use development, as shown in Figure 10. Each site has an inherent capacity to contribute to the transformation of the urban form into one which will generate more activity and lead the development of the town centre. The development controls for these sites apply in addition to the development controls presented in previous sections of this Part.</td>
<td>☒</td>
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<tr>
<th>15.10 Site 5 - Bridge Street</th>
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<th>As discussed in the ADG.</th>
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<tbody>
<tr>
<td>D1 Building separation distances shall be determined by having regard to the State Environmental Planning No. 65 – Design Quality of Residential Flat Development and accompanying Residential Flat Design Code.</td>
<td>☒</td>
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</tr>
<tr>
<td>D2 On the Olympic Drive frontage, development shall be designed to:</td>
<td>☐</td>
<td>Site does not front Olympic Drive.</td>
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<tr>
<td>• address Olympic Drive; and</td>
<td></td>
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</tr>
<tr>
<td>• provide an appropriately landscaped setback with a minimum depth of 6m. A double row of street trees shall be planted along the property boundary.</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>D3 Preferred primary access to the site shall be provided via Vaughan Street with a secondary access via Bridge Street.</td>
<td>☐</td>
<td>Site does not have a frontage to Vaughan Street.</td>
</tr>
<tr>
<td>D4 Through-site linkages shall be provided for pedestrians within the site to improve circulation</td>
<td>☐</td>
<td>The site is not marked for provision of a laneway and given the location and size of the subject site, it is not considered appropriate.</td>
</tr>
</tbody>
</table>
Parking required:

Residential (as per ADG) -
60 x 2br (0.9/unit) = 54 spaces are required
12 visitor spaces required (0.2/unit)

Commercial (town centre minimum parking provision 1/60sqm)

For total commercial net leasable area of 285.6sqm - 4.76 or 5 parking spaces required.

Total required for commercial and residential = 71 parking spaces
Total provided within four levels of basement = 74 parking spaces

Sufficient parking is provided to accommodate the proposed development. In addition, the design of parking and loading within the development has been assessed by Council’s Engineers and is considered acceptable subject to the imposition of recommended conditions.

Stormwater Drainage

The Stormwater Drainage section of the DCP has been considered in the assessment of the application. Council’s Development Engineer has recommended conditions of consent be imposed to ensure that the method of stormwater drainage from the site complies with DCP.

Waste

The Waste section of the DCP has been considered in the assessment of the application. An operational waste management plan has been submitted with the application which will form part of the suite of approval documents. Satisfactory provision is made for waste collection with provision of separate commercial and residential waste facilities and an at-grade bin room / bulky good store with sufficient clearance and access to/from New Street for waste collection/loading.
DOCUMENTS ASSOCIATED WITH REPORT LPP039/19

Attachment 7
Submissions Received
25 October 2018:

Our Reference: SYD18/01453 [A24577888]
Council Ref: DA-263/2018

The General Manager
Cumberland Council
PO Box 42
MERRYLANDS NSW 2160

Attention: Bianca Chiu

Dear Sir/Madam,

PROPOSED SHOP TOP HOUSING DEVELOPMENT
20 BRIDGE STREET, LIDCOMBE

Reference is made to Council’s letter dated 5 September 2018, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime has reviewed the submitted documents and raises no objection to the application. Roads and Maritime has the following comments for Council’s consideration in the determination of the application:

1. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004.

2. All vehicles are to enter and exit the site in a forward direction.

3. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for determination prior to the issue of a construction certificate.

4. All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

Any inquiries in relation to this application can be directed to Zhaleh Alamouti on 8849 2331 or by email at development.sydney@rms.nsw.gov.au

Yours sincerely,

Brendan Pegg
A/Senior Manager Land Use Assessment
South East Precinct, Sydney Division

Roads and Maritime Services:

27-31 Argyle Street, Parramatta NSW 2150
PO Box 978 Parramatta NSW 2150

www.rms.nsw.gov.au [ 533.782 ]
15 January 2019

Our Reference: SYD18/01453/02
Council Ref: DA-263/2018

The General Manager
Cumberland Council
PO Box 42
Merrylands NSW 2160

Attention: Bianca Chu

Dear Mr McNulty

PROPOSED SHOP TOP HOUSING DEVELOPMENT
20 BRIDGE STREET, LIDCOMBE

Reference is made to Council’s correspondence dated 2 January 2019, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime has reviewed the submitted application and raises no objection to the proposed development as it is unlikely to have a significant impact on the classified road network.

The comments made in Roads and Maritime’s correspondence dated 25 October 2018 remain relevant (copy attached).

If you have any further inquiries in relation to this development application Kerry Ryan would be pleased to take your call on 8849 2008 or e: development.sydney@rrms.nsw.gov.au.

Yours sincerely

Brendan Pegg
Senior Land Use Planner
South East Precinct, Sydney Division
1 May 2019

Our Reference: SYD18/01453/03
Council Ref: DA-263/2018

The General Manager
Cumberland Council
PO Box 42
Merrylands NSW 2160

Attention: Bianca Chiu

Dear Sir/Madam,

CONSTRUCTION OF AN 11 STOREY SHOP TOP HOUSING DEVELOPMENT.
20-24 BRIDGE STREET, LIDCOMBE

Reference is made to the Council’s letter dated 4 April 2019, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime has reviewed the information provided and notes that the proposed modifications will not impact the classified road network. As such, Roads and Maritime has no objections to the modification.

Should you have any further inquiries in relation to this development application please contact Mubeenah Ansari by email at: development.sydney@rms.nsw.gov.au.

Yours sincerely,

Brendan Pegg
Senior Land Use Planner
South East Precinct, Sydney Division
DEVELOPMENT APPLICATION FOR 9 MCCREDIE ROAD, GUILDFORD WEST

Application lodged: 17 December 2018
Applicant: Nabih Mannah
Owner: Danny Bourchdan & Raymond Bourchdan
Application No.: DA-2018/481/1
Description of Land: 9 McCredie Road, Guildford West (Lots 59, 60 & 61, all Section 1, all DP 1210)
Proposed Development: Demolition of existing structures and construction of 3 x 2 storey attached dwellings
Site Area: Lot 59 – 199.4m²
Lot 60 – 197.5m²
Lot 61 - 195.6m²
(All by calculation)
Zoning: R3 Medium Density Residential Zone
Disclosure of political donations and gifts: Nil disclosure
Heritage: No
Issues: Nil

SUMMARY:

1. Development Application No. DA-2018/481/1 was received on 17 December 2018 for the demolition of existing structures and construction of 3 x 2 storey attached dwellings.

2. The application was publicly notified to occupants and owners of the adjoining and opposite properties for a period of 21 days from 6 February 2019 to 27 February 2019. The development application was also advertised in the local newspaper with a site notice erected at the front of the site. In response, the application received 3 submissions.

3. The variations sought for the proposal includes:

<table>
<thead>
<tr>
<th>Control</th>
<th>Required</th>
<th>Provided</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.9 Maximum depth of cut outside the building envelope</td>
<td>C7. Cut is to be limited to 450mm where it is within 900mm of the rear or side boundaries.</td>
<td>A maximum cut depth of 750mm is proposed near the eastern rear side boundary.</td>
<td>66.6% Variation</td>
</tr>
</tbody>
</table>

The maximum depth of cut for the development which is approximately 750mm along the eastern rear boundary of the site (Lot 61) is considered...
acceptable. Having considered topographic conditions of the subject site, privacy of adjoining developments and soil management, the cut is considered appropriate in this instance. Following review of the proposal, Council’s Development Engineer raised no objections to the depth of cut in terms of stormwater runoff. Accordingly, there are no expected adverse impacts on neighbouring properties in terms of soil loss, privacy, solar access or stormwater runoff.

### 4.3 Maximum external side wall height.

<table>
<thead>
<tr>
<th>C2. The external side wall height shall be a maximum of 7 metres.</th>
<th>The proposal achieves a maximum external side wall height of 7.8m on the eastern elevation of the dwelling on Lot 61.</th>
<th>Variation – 11.43%</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed development achieves a maximum external side wall height of 7.8m on the eastern elevation. It is also noted that a maximum external side wall height of 7.6m representing a variation of 8.57% is proposed for the western elevation. The non-compliance is located in the front third of the development, the material impacts will be limited to minor overshadowing and visual impacts at the front sections of adjoining developments. Notwithstanding this, the development ensures compliant solar access and privacy for existing and future residents and the public domain. It also responds to the desired</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
scale and character of the street and local area. Noting the impacts are minimal and the variation relatively minor, the non-compliance is considered reasonable in this instance.

4. The application is recommended for deferred commencement approval subject to the conditions as provided in the attached schedule.

5. The application is referred to the Cumberland Local Planning Panel as one of the two owners of the subject site is a Council staff member.

REPORT:

Subject Site And Surrounding Area

The subject site is known as 9 McCredie Road, Guildford West. The site comprises of 3 lots and is legally described as Lot: 59 Section: 1 DP: 1210, Lot: 60 Section: 1 DP: 1210 and Lot: 61 Section: 1 DP: 1210.

The site is located on the northern side of McCredie Road within the R3 Medium Density Residential zone. The site comprises of 3 slightly irregular shaped allotments each with 6.745m frontages to McCredie Road and the following lot sizes:

- Lot 59 - 199.4m²
- Lot 60 – 197.5m²
- Lot 61 - 195.6m²

The site currently contains a single storey dwelling house, a detached secondary dwelling and a detached garage. The site exhibits a cross fall of approximately 2 metres from the north-western to the south-western corner of the site.

Adjoining developments to the subject site include a single storey dwelling house of brick finish to the east at No. 7A McCredie Road and a semi-detached dwelling to the west at Nos. 11 and 11A McCredie Road. Detached single storey and two storey dwellings also adjoin the site to the north and north-west off Guildford Road.
Figure 1 – Locality Plan of subject site

Figure 2 – Aerial view of subject site
Description of The Proposed Development

Council has received a development application for the Demolition of existing structures and construction of 3 x 2 storey attached dwellings.

Key features of the development proposal are as follows:-

- Demolition of existing structures on site including a single storey dwelling house, a detached secondary dwelling and a detached garage; and
- Construction of 3 x 2 storey attached dwellings incorporating:

Ground Floor

- Entry patio;
- A single garage;
- Toilet;
- Laundry;
- Walk in pantry (wip), storage;
- Dining room/kitchen/living room; and
- Outdoor alfresco/bbq area.
First Floor

- A total of 4 bedrooms (including 1 bedroom with an ensuite and walk in robe);
- Bathroom with toilet;
- Rear balconies; and
- Front balconies facing McCredie Road.

### History

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 December 2018</td>
<td>The Development Application was lodged for the demolition of existing structures and construction of 3 x 2 storey attached dwellings.</td>
</tr>
<tr>
<td>30 January 2019</td>
<td>The Development Application was referred to Council’s internal Development Engineering, Environmental Health, Landscape and Rates departments for review.</td>
</tr>
<tr>
<td>6 February 2019 to 27 February 2019</td>
<td>Application was placed on public notification for 21 days. 3 submissions were received.</td>
</tr>
<tr>
<td>23 March 2019</td>
<td>Council issued a letter to the applicant, requesting design changes to the proposal.</td>
</tr>
<tr>
<td>12 June 2019</td>
<td>Application referred to CLPP for determination.</td>
</tr>
</tbody>
</table>

### Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Nabih Mannah dated December 2018 and was received by Council on 17 December 2018 in support of the application.

### Contact With Relevant Parties

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process.

### Internal Referrals

- **Development Engineer**
  
The development application was referred to Council’s Development Engineer for comment who has advised that the proposal is satisfactory subject to deferred commencement conditions.

- **Environmental Health Officer**
  
The development application was referred to Council’s Environmental Health Officer for comment who has advised that the proposal is satisfactory subject to conditions.
Landscape

The development application was referred to Council’s Landscape Officer for comment who has advised that the proposal is satisfactory subject to deferred commencement conditions.

Rates – House Numbers

The application was referred to Council’s Rates Officer for comment who has raised no objections to the proposed development, subject to conditions of consent.

Planning Comments

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

State Environmental Planning Policies

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

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

The site is not identified in Council’s records as being contaminated. A site inspection reveals the site does not have any obvious history of a previous land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated. The subject site is currently used for residential purposes and contamination is not expected.

(b) State Environmental Planning Policy (Infrastructure) 2007

The provisions of the Infrastructure SEPP (ISEPP) 2007 have been considered in the assessment of the development application.

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

The subject development does not incorporate basement excavation in proximity (within 2 metres) to an electricity distribution pole nor does the development occur within 5 metres of an overhead electricity power line. As such, the Consent Authority is not required to give written notice to an electricity supply authority.

Clause 85 – Development adjacent to railway corridors

The application is not subject to clause 85 of the ISEPP as the site is not in or adjacent to a rail corridor.

Clause 86 – Excavation in, above, below or adjacent to rail corridors
The application is not subject to clause 86 of the ISEPP as the proposed redevelopment of the site does not involve excavation to a depth of at least 2m below ground level (existing), on land within, below or above a rail corridor, or within 25m (measured horizontally) of a rail corridor.

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

The application is not subject to clause 87 of the ISEPP as the site is not in or adjacent to a rail corridor nor is likely to be adversely affected by rail noise or vibration:

Clause 101 – Frontage to classified road

The application is not subject to clause 101 of the ISEPP as the site does not have frontage to a classified road.

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

The application is not subject to clause 102 of the ISEPP as the average daily traffic volume is less than 20,000 vehicles on McCredie Road.

Clause 104 – Traffic generation developments

The application is not subject to clause 104 as the proposal does not trigger the requirements for traffic generating developments listed in Schedule 3 of the ISEPP.

(c) Statement Environmental Planning Policy No 19 - Bushland in Urban Areas

The subject site does not adjoin land zoned or reserved for public open space.

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

Yes – The proposal does not exceed the biodiversity offsets scheme threshold. Therefore, the proposed vegetation removal is considered acceptable. Please refer to the DCP compliance table for further discussion.

(e) State Environmental Planning Policy (Coastal Management) 2018

The subject site is not identified as a coastal wetland or land identified as “proximity area for coastal wetlands” or land identified as such by the Coastal Vulnerability Area Map.

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

BASIX Certificate Nos. 973962S, 974393S and 974502S all issued on 12 December 2018 have been submitted with Council. The BASIX Certificates have been reviewed and are considered to be satisfactory.
Local Environmental Plans

Holroyd Local Environmental Plan (HLEP) 2013

The provisions of the HLEP 2013 is applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the HLEP 2013 and the objectives of the R3 Medium Density Residential Zone.

• Permissibility:

The proposed development is defined as a “attached dwelling” and is permissible in the R3 zone with consent.

attached dwelling means a building containing 3 or more dwellings, where:

(a) each dwelling is attached to another dwelling by a common wall, and

(b) each of the dwellings is on its own lot of land, and

(c) none of the dwellings is located above any part of another dwelling

The relevant matters to be considered under the HLEP 2013 and the applicable clauses for the proposed development are summarised below.

Figure 4 – Holroyd LEP 2013 Compliance Table

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARD</th>
<th>COMPLIANCE</th>
<th>DISCUSSION</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1 Minimum subdivision lot size</td>
<td>N/A</td>
<td>The proposal does not propose subdivision of land.</td>
</tr>
<tr>
<td>Min. 900sqm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.3 Height of Buildings</td>
<td>Yes</td>
<td>The maximum height is 8.1 metres</td>
</tr>
<tr>
<td>Max. 9m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.4 Floor Space Ratio</td>
<td>Yes</td>
<td>Lot 59 – With a site area of 199.4m², the floor area is 139.3m² which equates to an FSR of 0.70:1</td>
</tr>
<tr>
<td>Max. 0.7:1 for each lot</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lot 60 – With a site area of 197.5m², the floor area is 136.8m² which equates to an FSR of 0.69:1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lot 61 – With a site area of 195.6m², the floor area is 136.9m² which equates to an FSR of 0.7:1</td>
</tr>
<tr>
<td>4.6 Exceptions to development standards</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>5.10 Heritage conservation</td>
<td>N/A</td>
<td>The site is not heritage listed,</td>
</tr>
</tbody>
</table>
does not adjoin a heritage item nor is it located in the vicinity of a heritage conservation area.

<table>
<thead>
<tr>
<th>6.1 Acid sulfate soils</th>
<th>N/A</th>
<th>The site is not affected by Acid Sulfate Soils</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.2 Earthworks</td>
<td>Yes</td>
<td>Minor earthworks with no detrimental impacts</td>
</tr>
<tr>
<td>6.4 Flood planning</td>
<td>N/A</td>
<td>The site is not identified as being flood prone.</td>
</tr>
<tr>
<td>6.5 Terrestrial Biodiversity</td>
<td>N/A</td>
<td>There is no evidence of any terrestrial biodiversity on the site</td>
</tr>
<tr>
<td>6.6 Riparian land and watercourses</td>
<td>N/A</td>
<td>The site is not identified as riparian land or in vicinity of a watercourse.</td>
</tr>
<tr>
<td>6.7 Stormwater management</td>
<td>Yes</td>
<td>The Application was referred to Council's Development Engineer for comment who has recommended deferred commencement conditions of consent.</td>
</tr>
<tr>
<td>6.8 Salinity</td>
<td>Yes</td>
<td>The site is located on land identified as being affected by moderate salinity. Appropriate conditions of consent have been included within the draft conditions of consent, relating to salinity.</td>
</tr>
</tbody>
</table>

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

- Draft State Environmental Planning Policy (Environment)

The draft SEPP relates to the protection and management of our natural environment with the aim of simplifying the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. The changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

The draft policy will repeal the above existing SEPPs and certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

Changes are also proposed to the Standard Instrument – Principal Local Environmental Plan. Some provisions of the existing policies will be transferred to new Section 9.1 Directions by the Minister where appropriate.

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))

Holroyd Development Control Plan (HDCP) 2013

The provisions of the HDCP 2013 is applicable to the development proposal. It is noted that the development achieves general compliance with the key controls of the HDCP 2013. The following Parts of the HDCP 2013 are applicable to the proposed development:

- Part A - General Controls
- Part B - Residential Controls
- Figure 5 – Holroyd DCP 2013 Compliance Table

<table>
<thead>
<tr>
<th>Clause</th>
<th>Control</th>
<th>Proposed</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part A – General Controls</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Subdivision</td>
<td>The proposal does not involve subdivision of land.</td>
<td>N/A</td>
</tr>
<tr>
<td>2</td>
<td>Roads and Access</td>
<td>Proposed vehicular crossings (VC) and driveways are along the southern front boundary of the site. The driveway and vehicular crossing will provide access to the single garages. New VC’s and driveways are considered satisfactory.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Car Parking</td>
<td>The development proposes a single garage for each dwelling and sufficient stacked parking on the driveway.</td>
<td>Yes</td>
</tr>
<tr>
<td>3.1</td>
<td>Minimum Parking Spaces</td>
<td>1 car parking space per dwelling (1 undercover)</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Tree and Landscape Works</td>
<td>The development application was referred to Council's Tree Management Officer who has provided</td>
<td></td>
</tr>
</tbody>
</table>
comments and conditions. Accordingly, deferred commencement conditions have been imposed to provide protection for the existing *Jacaranda mimosifolia* located on the adjoining property at no. 7A McCredie Road. Other tree and landscaping conditions have also been provided.

<table>
<thead>
<tr>
<th>5</th>
<th><strong>Biodiversity</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>There is no evidence of any terrestrial biodiversity on the site. Therefore, these provisions are not applicable. As shown on Council’s Biodiversity Map, the site is not affected by ‘biodiversity’.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>6</th>
<th><strong>Soil Management</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>6.2</td>
<td><strong>Site Contamination and Land Filling</strong></td>
</tr>
<tr>
<td></td>
<td>The site is not identified in Council’s records as being contaminated. A site inspection reveals that the site does not have any obvious history of a previous land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated. The subject site is currently used for residential purposes and contamination is not expected.</td>
</tr>
</tbody>
</table>

| 6.4 | **Erosion and Sediment Control Plan** |
| | Submitted Erosion and Sediment Control Plan is considered to be satisfactory. | Yes |

<p>| 6.5 | <strong>Salinity Management</strong> |
| | The site is located on land identified as being affected by moderate salinity. Appropriate conditions of consent have been included within the draft conditions of | Yes |</p>
<table>
<thead>
<tr>
<th></th>
<th>consent, relating to salinity.</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td><strong>Stormwater Management</strong></td>
</tr>
<tr>
<td></td>
<td>The submitted stormwater plan has been reviewed by Council’s Development Engineering department and is subject to deferred commencement conditions.</td>
</tr>
<tr>
<td>8</td>
<td><strong>Flood Prone Land</strong></td>
</tr>
<tr>
<td></td>
<td>As shown on Council’s Flood Map, the site is not identified as flood prone land.</td>
</tr>
<tr>
<td>9</td>
<td><strong>Managing external road noise and vibration</strong></td>
</tr>
<tr>
<td></td>
<td>The site is located off McCredie Road which is nominated as a classified road under the HDCP 2013 which is affected by road noise. Noting that the development application is accompanied by an acoustic report, Council’s Environmental Health Officer has reviewed the report and recommended appropriate noise/acoustic conditions.</td>
</tr>
<tr>
<td>10</td>
<td><strong>Safety and Security</strong></td>
</tr>
<tr>
<td></td>
<td>The front entry, windows to habitable rooms and balconies address the street frontage to provide a high level of surveillance. Therefore, safety and security is considered to be satisfactory.</td>
</tr>
<tr>
<td>11</td>
<td><strong>Waste Management</strong></td>
</tr>
<tr>
<td></td>
<td>The submitted Waste Management Plan is considered to be satisfactory.</td>
</tr>
<tr>
<td>12</td>
<td><strong>Services</strong></td>
</tr>
<tr>
<td></td>
<td>Water, sewer, overhead electricity and telephone facilities are available to the proposed units.</td>
</tr>
</tbody>
</table>

**Part B - Residential Controls**

<p>| 1.1 | <strong>Building Materials</strong>  |
|   | Building materials for new residential development and for additions to existing residential development must be compatible with the streetscape and character of its locality. | Facades are well articulated with appropriate materials for the character of the streetscape. | Yes |
| 1.2 | <strong>Fences</strong>  |
|   | Front fence - maximum height of 1.5m, maximum 1m solid. | A front fence height of 1m is proposed. | Yes |
| 1.3 | <strong>Views</strong>  |
|   | Where significant and/or district views are currently enjoyed, or where views may be reasonably created, the design of development shall be designed to minimise the obstruction of such views. | The subject proposal does not obstruct the currently enjoyed views of adjoining properties. | Yes |</p>
<table>
<thead>
<tr>
<th>1.4 Privacy</th>
<th>North Elevation:</th>
<th>Yes – Subject to conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>The windows of dwellings are to be located so they do not provide direct and close views into the windows of habitable rooms and private open spaces of adjoining dwellings.</td>
<td>The rear ground floor level of the proposal is sufficiently setback. Subject to conditions, 3x 1.5m high fixed privacy screens shall be attached to the northern elevation of the 3 rear facing first floor balconies for Lots 59, 60 and 61. The north facing first floor level windows belong to bedrooms which are considered as low use rooms and will not have any significant privacy impacts.</td>
<td></td>
</tr>
<tr>
<td>Western Elevation With exception of the garage, a minimum 1.19m side setback is provided between the ground living room windows and the western side boundary. The window sill heights of the laundry (W2) -1.6m kitchen (W3)-1.5m and living room (W4)-2.1m are also considered acceptable in terms of protecting visual privacy. Further, conditions of consent are recommended to provide a 1.8m high boundary fence along the western boundary to protect privacy.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Western Elevation of dwelling on Lot 61</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The development proposes no openings at this elevation, both on the ground floor and first floor. As such, there are no privacy concerns from the elevation.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Eastern Elevation of the dwelling on Lot 61</th>
</tr>
</thead>
<tbody>
<tr>
<td>The 1m side building setback provided is considered acceptable. Further, the finished floor level of the development on the ground floor is such that the imposition of a condition in the consent for a 1.8m high boundary fence to be erected in consultation with the neighbour will ameliorate any immediate privacy impacts from the ground floor living area on the eastern adjoining property.</td>
</tr>
</tbody>
</table>

In regards to the first floor, the windows on this elevation belong to bedrooms and bathrooms which are low use rooms as such will not have any significant privacy impacts. As such the privacy impacts of the eastern elevation of the dwelling on Lot 61 is considered acceptable.
<table>
<thead>
<tr>
<th>Eastern elevation of dwelling on Lot 60</th>
</tr>
</thead>
<tbody>
<tr>
<td>The development proposes a 1.07m side setback at this elevation. Noting that the elevation will have an interface with no openings on the ground floor or first floor to the dwelling on Lot 61, there are no immediate privacy concerns. A condition of consent requiring that a 1.8m high side fence be installed in consultation with the owners of the immediate adjoining property on the boundary is also recommended.</td>
</tr>
<tr>
<td>Balconies shall not extend beyond the required setback.</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>The setbacks which are measured between the outer edge of the balconies and the front and rear boundary line all exceed the minimum setback required for an attached dwelling development.</td>
</tr>
<tr>
<td>Balconies to the rear facades of attached dwellings may be permitted, where they are a maximum of 2 metres wide, 10m² in area.</td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>Design change conditions are to be imposed for reduction of the rear first floor balcony size of the dwelling on Lot 60 to comply.</td>
</tr>
<tr>
<td>The rear first floor balcony sizes for the dwellings on Lots 59 and 61 are both less than 10m² and less than 2m wide.</td>
</tr>
<tr>
<td>All balconies and decks higher than 800mm above existing ground level shall incorporate privacy measures to ensure that the privacy of surrounding residents is not unduly reduced,</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>Window sills shall have a maximum height of 1500mm are required in ground floor living areas located higher than 1 metre above existing ground level and within 6 metres of the property boundary. Note: • The placing of windows shall be based on the detailed site analysis prepared for the development proposal. • The use of windows which are narrow, translucent or obscured for upper floors and bathrooms is recommended. • Further design controls for screening residential flat buildings are contained in section 6 of this Part.</td>
</tr>
<tr>
<td>Where a proposed deck overlooks outdoor living areas of adjacent dwellings, suitable screening is to be provided, at a minimum height of 1500mm.</td>
</tr>
<tr>
<td>Landscaping shall be designed to provide screening and filtering for control of privacy and to reduce overlooking of dwellings.</td>
</tr>
<tr>
<td>Developments shall utilise the site and building layout to maximise the potential for acoustic privacy by providing adequate building separation within the development and from neighbouring buildings.</td>
</tr>
<tr>
<td>Air conditioners, swimming pool pumps and the like are not to exceed 5dba above background noise levels and should not be audible from habitable rooms of neighbouring dwellings. Note: Air conditioners, swimming pool pumps and the like shall comply with the protection of the environment operations act and noise regulation.</td>
</tr>
</tbody>
</table>

### 1.5 Landscaping and open space

<p>| Landscaped area shall be a minimum of 2 metres wide and is to be, where possible, at ground level. | The landscaped area for the proposed development has a minimum width of 2 metres. | Yes |
| No more than 50% of the provided landscaped area shall be forward of the front building line. | The landscaped area for the proposal is predominantly in the rear yard of the proposed development. | Yes |
| Only hard paved areas for the purposes of driveways and pathways will be permitted within the front | The hard paved areas for the front setbacks of the proposed dwellings only | Yes |</p>
<table>
<thead>
<tr>
<th>Cumberland Local Planning Panel Meeting</th>
<th>12 June 2019</th>
</tr>
</thead>
</table>

**setback area, and shall be kept to a minimum. Hard paved areas shall not cover the entire front setback area.**

**constitute driveways and pathways as hard paved areas. All other areas in the front yard are covered with deep soil landscaping.**

| Where an access driveway is located on the side boundary or where an internal roadway is to be provided, a landscape strip of 1 metre shall be provided. | Yes |
| The access driveway for each dwelling has a landscape strip of 1 metre along the western and eastern side boundaries. |

| The % of the total site area to be provided as landscape area for each residential development type shall be as follows: |
| • 20% - Dwelling house, dual occupancy and attached housing development on lots less than 600m². |

| The subject application proposes the following landscape areas for the development: |
| Lot 59 – 21.36% (42.6m²) of landscaped area for the subject site at a minimum width of 2 metres. |
| Lot 60 – 21.6% (42.7m²) of landscaped area for the subject site at a minimum width of 2 metres. |
| Lot 61 – 21.7% (42.5m²) of landscaped area for the subject site at a minimum width of 2 metres. |

| Only be located at the rear or side of the dwelling |
| Be at located ground level. Structures such as decks proposed to be included as private open spaces, which are equal to or less than 500mm above ground level dwelling, and complies with all other criteria, may be considered by Council based upon their merits. |

<p>| The proposed private open space area for each dwelling: |
| - Is located at the rear of the subject site; |
| - Is located at ground level; |
| - Does not impact on the privacy of adjoining properties, subject |
| Yes |</p>
<table>
<thead>
<tr>
<th>Conditions</th>
<th>Consistency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimise overlooking opportunities and shall not decrease the visual privacy of neighbouring development.</td>
<td>Yes</td>
</tr>
<tr>
<td>Accommodate both passive and active recreation uses.</td>
<td>Yes</td>
</tr>
<tr>
<td>Must be directly accessible from a main living area of the dwelling (i.e. lounge/dining/rumpus room).</td>
<td>Yes</td>
</tr>
<tr>
<td>Provided for the exclusive use of the occupant(s) of the dwelling house;</td>
<td>Yes</td>
</tr>
<tr>
<td>Include an area for external clothes drying with good solar access where possible, which is not visible from a public area.</td>
<td>Yes</td>
</tr>
<tr>
<td>Shall not be steeper than a 1:8 gradient. For steeply sloping sites, Council may consider terrace type stepping, which must have a length to width ratio no greater than 3:1.</td>
<td>Yes</td>
</tr>
<tr>
<td>Rear private open space areas are to have external access either through an associated garage or directly from a common area in order to facilitate maintenance of the private open space and storage of garbage bins.</td>
<td>Yes</td>
</tr>
<tr>
<td>The private open space area for Lots 59 and 60 can be accessed from the side boundaries through the respective garages for maintenance. The private open space of Lot 61 can also be accessed directly from the eastern side boundary which can be utilised to maintain the area and for the storage of garbage bins.</td>
<td>Yes</td>
</tr>
<tr>
<td>Private open space shall be provided at ground level in a...</td>
<td>Yes</td>
</tr>
<tr>
<td>The proposed private open space area for...</td>
<td>Yes</td>
</tr>
</tbody>
</table>
single tract with a minimum dimension of not less than 3.0 metres.  

| Principal private open space shall have a minimum dimension of 4 metres, have direct access from a major living area of the dwelling and be clear of all structures, including posts. | The principal private open space for each dwelling has a minimum dimension greater than 4 metres, is directly accessible from the main living room and is clear of all structures. | Yes |

| 15% of the total site area is to be provided as private open space for dwelling house, dual occupancy and attached housing developments and this shall include a principal area of 25m2. | The proposed private open spaces for the Lots area as below:  
Lot 59- 25.9% - 51.7m²  
Lot 60- 25.7% - 50.7m²  
Lot 61- 22.3% - 43.6m²  
The principal private open spaces proposed are as below:  
Lot 59- 33m² with 4m width  
Lot 60- 31m² with 4m width  
Lot 61- 31m² with 4m width  
Accordingly, the proposal provides adequate private open space and principal private open spaces for all the units. | Yes |

### 1.6 Safety and security

| The front door of a development should either be visible from the street or internal roadway, or overlooked by a window, and should be clearly visible from the driveway. | The front door and first floor balconies of all the units are visible from the street and the driveways which helps maintain safety and security. The study | Yes |
The design and location of stormwater drainage structures, such as detention window for Lot 60 is also visible from the street. The design is considered to be consistent with the CPTED principles and therefore considered acceptable.

| Blank walls along street frontages are prohibited. | No blank walls are proposed along the street frontage. | Yes |
| Landscaping that may allow would-be intruders to hide shall be avoided. | The landscaping within the front will not allow intruders the opportunity to hide. | Yes |

### 1.7 Building and site sustainability

Residential building designs should incorporate the following design principles for achieving a more sustainable home:
- **Effective building Orientation**- attempt to take advantage of northerly aspects, where possible.
- **Energy efficient building materials** should be used.
- **Design to allow for cross ventilation** through window size, placement and ventilation.
- **Create sustainable landscaping** - deciduous trees on north side of dwelling and the planting of vegetable gardens.
- **Window Protection**- through external shading devices.
- **Draughtproofing and weathersealing**- to prevent potential air leaks.
- **Effective use of natural light**- dwellings should be designed so that artificial lighting is not needed during the day.

The subject development is designed to achieve a sustainable home through:
- The placement of windows to improve natural lighting;
- The window placements to maximise natural ventilation;
- Adequate landscaping; and
- The rainwater tanks to satisfy water sustainability.

3 BASIX Certificates for the development accompany the application detailing the compliance with the sustainable building design requirements under the BASIX Scheme.

The proposed above ground rainwater tanks which are located in

<p>| Yes |</p>
<table>
<thead>
<tr>
<th>and rainwater tanks, is to be integrated with the landscape design and fencing for the site. Above ground structures should not be visually intrusive.</th>
<th>the rear yard are integrated with the landscape design and are not visually intrusive.</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>All roofing shall be provided with adequate gutter and downpipes connected to roof water drainage systems.</td>
<td>The proposed development is provided with adequate gutter and downpipes connected to drainage systems as assessed by Council’s Development Engineer.</td>
<td>Yes</td>
</tr>
<tr>
<td>Full details of proposed rainwater tanks shall be submitted with a Development Application for approval. Details are to include (as a minimum): • Rainwater tanks shown on all plans, including floor plans and elevations, • the configuration of inlet/outlet pipe and overflow pipe, • the storage capacity, dimensions, structural details and proposed materials, and • the purposes for which the tank is intended to be used, that is for washing machine use, toilet use and outdoor watering use.</td>
<td>The details outlined in this provision have been met and detailed on the plans accompanying the application.</td>
<td>Yes</td>
</tr>
<tr>
<td>Rainwater tanks that are to be connected to toilets and washing machines and for outdoor water use are required (minimum 1 per dwelling) and must be located to the side or rear of the dwelling for single dwelling houses.</td>
<td>The BASIX commitments as stipulated in the BASIX certificates for the proposed development requires that at least an 800L rainwater tank is provided for each unit. The proposed rainwater tanks are situated in their respective rear yards of the lots.</td>
<td>Yes</td>
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</tbody>
</table>

### 1.8 Sunlight access
<table>
<thead>
<tr>
<th>Action</th>
<th>Details</th>
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</thead>
<tbody>
<tr>
<td>Residential development shall be designed to have as minimal impact as possible on the sunlight access and amenity obtained by existing adjacent properties and their dwellings.</td>
<td>The proposed development has been designed to have minimal impact on the sunlight access and amenity of the adjoining properties.</td>
</tr>
<tr>
<td>Applications for proposed dwellings shall demonstrate design mechanisms provided to ensure sunlight access to the proposed dwellings.</td>
<td>The proposed dwellings ensure sunlight access to the main living areas of the dwellings are achieved through the placement of east, west and north facing openings. The private open space of each dwelling has a direct north facing aspect which will receive adequate solar access.</td>
</tr>
<tr>
<td>New dwellings shall be designed to ensure direct sunlight access for a minimum of 3 hours between 9.00am and 4.00pm at the winter solstice (22 June) is provided to at least one main living area of the proposed dwelling/s.</td>
<td><strong>Lot 59</strong> The north and west facing living area openings will receive 3 hours of solar access between 9am and 4pm during the winter solstice. <strong>Lot 60</strong> The north facing living area openings will receive 3 hours of solar access between 9am and 4pm at winter solstice. <strong>Lot 61</strong> The north and east facing living area openings will receive 3 hours of solar access between 9am and 4pm during the winter solstice.</td>
</tr>
<tr>
<td>The shadow effect from a given the north-south</td>
<td></td>
</tr>
</tbody>
</table>
The proposed development on existing adjacent dwellings must be such that a minimum of 3 hours of direct sunlight between 9.00am and 4.00pm at the winter solstice (22 June) is to be provided to at least one main living area of existing dwellings.

Site orientation of the subject site, the massing of the development will still enable the dining/living area of the eastern adjoining property at No. 7A McCredie Road at the rear will receive the required solar access in mid-winter.

The dining/living area of the western adjoining property at No. 11 McCredie Road at the rear will continue to receive the required solar access in mid-winter.

A minimum of 50% of the required private open space areas of the proposed dwellings and any adjacent dwellings shall have access to 3 hours of direct sunlight between 9.00am and 4.00pm at the winter solstice (22 June).

Lot 59 - 50% of required POS = 15m² receives at least 3 hours solar access from 9am to 4pm.

Lot 60 - 50% of required POS = 14.8m² receives 3 hours solar access from 9am to 4pm.

Lot 61 - 50% of required POS = 14.7m² receives 3 hours solar access from 9am to 4pm.

The eastern adjoining property at No. 7A McCredie Road will continue to receive the required solar access to 50% of its required POS in mid-winter.

The western adjoining property at No. 11 McCredie Road will continue to receive the required solar access to 50% of its required POS in mid-winter.
<table>
<thead>
<tr>
<th></th>
<th>Continue to receive the required solar access to 50% of its required POS in mid-winter.</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Where sunlight is achieved through east and west facing windows, shading devices should be provided on those elevations for protection from the summer sun.</strong></td>
<td>Solar access will be mainly achieved through the north, facing openings of the proposed dwellings which will be shaded by the roof of the terrace area during summer.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Proposed development should endeavour not to overshadow any existing solar panels on adjacent properties.</strong></td>
<td>The immediate adjoining properties at Nos 7A &amp; 11 McCredie Road do not have any solar panels installed.</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>1.9 Cut and fill</strong></td>
<td>Development is should be designed and constructed to integrate with the natural topography of the site.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>The proposed attached dwelling development is integrated with the natural topography of the site with moderate cut proposed.</td>
<td></td>
</tr>
<tr>
<td>Fill, up to 300mm, is permitted within 900mm of side or rear boundaries.</td>
<td>No fill is proposed within 900mm of the side or rear boundary.</td>
<td>Yes</td>
</tr>
<tr>
<td>Fill, 600mm or greater is to be contained within the building envelope.</td>
<td>All fill proposed is contained within the building envelope.</td>
<td>Yes</td>
</tr>
<tr>
<td>Cut is permitted to a maximum of 1 metre.</td>
<td>The proposal involves a maximum cut of 750mm which is to be contained along the eastern boundary of the site (Lot 61). The cut proposed is considered acceptable given the topographic condition of the site.</td>
<td>Yes</td>
</tr>
<tr>
<td>Cut is to be limited to 450mm where it is within 900mm of the rear or side boundaries.</td>
<td>The maximum depth of cut for the development is approximately 750mm along the rear eastern boundary of the site.</td>
<td>No but acceptable</td>
</tr>
</tbody>
</table>
(Lot 61) which is considered acceptable. Accordingly, there are no expected adverse impacts on neighbouring properties in terms of soil loss, privacy, solar access or stormwater runoff.

<table>
<thead>
<tr>
<th>1.10 Demolition</th>
<th>Approval for the demolition of a dwelling, addition or outbuilding to a dwelling is required from Council.</th>
<th>Approval for the demolition of the existing structures is being sought under the subject application.</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.11 Car parking and roads</td>
<td>Garages are to be a maximum of 6 metres clear width or 50% of the width of the buildings street elevation whichever is the lesser.</td>
<td>The proposal provides the following garage widths:</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lot 59 – 2.5m</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Lot 60 – 2.5m</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lot 61 – 2.5m</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Accordingly, the respective widths of the garage are all less than 6m and measure at the following percentages comparative to the street elevation of the proposal:</td>
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<tr>
<td></td>
<td></td>
<td>Lot 59 – 37.3%</td>
<td></td>
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<td></td>
<td></td>
<td>Lot 60 – 37.3%</td>
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<tr>
<td></td>
<td></td>
<td>Lot 61 – 37.3%</td>
<td></td>
</tr>
<tr>
<td>Requirement</td>
<td>Description</td>
<td>Yes/No</td>
<td></td>
</tr>
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<td>-----------------------------------------------------------------------------</td>
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<td></td>
</tr>
<tr>
<td><strong>Garage widths</strong></td>
<td>The proposed garages are considered appropriate.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td><strong>Garages and carports at grade</strong></td>
<td>Garages and carports at grade are to be located a minimum of 1000mm behind the front wall of the building or 5.5 metres from the street boundary, whichever is greater. The proposed garages are all setback 5.5 metres from the street boundary and 1.07 metre behind their front wall of the building.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td><strong>Where the width of the proposed dwelling house or detached dual occupancy is greater than 12 metres</strong></td>
<td>The proposed garages are proposed behind the building line of the dwellings.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td><strong>The size of any garage</strong></td>
<td>The garages proposed for Lots 59, 60 and 61 do not exceed 20m² in size. Accordingly, the areas of the garages were excluded in the calculation of Floor Space Ratio as required by the HLEP 2013.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td><strong>A lockable storage closet for each dwelling should be provided within the garage</strong></td>
<td>Lockable storage areas are provided within the proposed garages. This is considered acceptable.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td><strong>For dwelling houses, dual occupancy and multi dwelling housing, parking in the case of each dwelling shall be separately accessible</strong></td>
<td>Separate access is provided to the garages of each dwelling.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td><strong>Vehicular access points are to be minimised and should not break the continuity of the streetscape</strong></td>
<td>The vehicular access point proposed as part of the application is along McCredie Road which will not break the continuity of the streetscape.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td><strong>Vehicle crossing/s shall be a minimum width of 3 metres (5 metres for single dwellings</strong></td>
<td>The proposal involves provision of 3x 3m vehicular crossings for</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>
and dual occupancies that propose double or adjacent garages) and a maximum width of 5 metres at the boundary line. A width up to 6 metres can be considered for multi-unit complexes. Generally only one vehicular crossing will be permitted per site.

Each unit. Accordingly, Council’s Development Engineer raised no objections. Noting that the proposed vehicular access will not break the continuity of the streetscape, it is considered acceptable.

All new driveways should be located at least 1 metre away from the side property boundaries. All 3 driveways are setback greater than 1 metre from side property boundaries. Yes

The maximum gradient for a driveway should be 20%, or 1:5. The proposed driveway gradients are less than 20% or 1:5. Yes

### 1.12 Universal Housing and Accessibility

Each unit provides for facilities on ground floor for people with a disability. Yes

### 1.13 Subdivision

Allotment orientation should ensure that living and private open space areas of any dwelling can be orientated to the north and that dwellings can be positioned so that the possible overshadowing impact on existing or future adjoining buildings can be minimised.

N/A – The proposal does not involve subdivision. The subject allotments have been historically subdivided.

Council will allow the Torrens subdivision of dual occupancies and the strata subdivision of multi dwelling development subject to compliance with all other related controls contained in this DCP.

N/A N/A

### 4.1 Attached and Small Lot Housing

The minimum lot size for each dwelling is 200m².

The subject lots are of the following sizes by calculation:

- Lot 59 - 199.4m²
- Lot 60 – 197.5m²
- Lot 61 – 195.6m²

Yes
Given that the development application is made on existing allotments and does not involve subdivision or resubdivision, the lot size areas are considered acceptable. Further, the lot sizes represent very minor non-compliances with the development control and will not adversely impact on the streetscape, amenity and safe access to the development.

<table>
<thead>
<tr>
<th>Attached and Small lot housing are not permitted on battleaxe allotments.</th>
<th>The subject lots do not constitute battleaxe allotments.</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached housing is not permitted on the ‘bulb’ section of a cul-de-sac.</td>
<td>The subject lots are not located in a cul-de-sac nor on the bulb section of a cul-de-sac.</td>
<td>Yes</td>
</tr>
<tr>
<td>Existing allotments shall have a minimum frontage of 6 metres at the building line.</td>
<td>The 3 existing subject lots all have widths of 6.745m by calculation in the submitted Survey Plan</td>
<td>Yes</td>
</tr>
<tr>
<td>A minimum lot frontage of 6.5 metres at the building line is required after subdivision.</td>
<td>The proposal does not involve any form of subdivision. Notwithstanding this, the subject site achieves a 6.5m frontage width at the building line on all 3 allotments.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**4.2 Setbacks**

<p>| The minimum setback from the principal street frontage shall be 4 metres. The maximum front setback is 5.5m. | The proposal provides the following front setbacks between the southern front boundary and the front building alignments of the dwellings: | Yes |</p>
<table>
<thead>
<tr>
<th><strong>Lot 59</strong> – 5.5m</th>
<th><strong>Lot 60</strong> – 5.5m</th>
<th><strong>Lot 61</strong> – 5.5m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garages shall be setback 1m behind the main façade, or 5.5m from the front boundary, whichever is greater, of each dwelling.</td>
<td>The proposal provides 1.07m setbacks for all 3 garages.</td>
<td>Yes</td>
</tr>
<tr>
<td>For a corner allotment, the minimum setback from the secondary street frontage shall be 4 metres, except where adjacent residential development is close to the boundary, in which case the setback may be similar to that which exists.</td>
<td>The subject allotments do not constitute corner allotments.</td>
<td>N/A</td>
</tr>
<tr>
<td>Basement car parks are not to extend beyond the building envelope into the front setback, and are not permitted for lots less than 8 metres in length.</td>
<td>The proposal does not involve provision of basement car parking.</td>
<td>N/A</td>
</tr>
<tr>
<td>The minimum side setback for remaining external side elevations shall be 900mm.</td>
<td>The proposal provides nil setbacks for all the garages with the exception of Lot 61 where a 1m side setback is provided. The remaining external side elevations achieve the following minimum side setbacks: Lot 59 – Ranging from nil to 1.19m (West) Lot 60 – Ranging from nil to 1.07m (East) Lot 61 – 1m (East)</td>
<td>Yes</td>
</tr>
<tr>
<td>Dwellings shall be built to at least one boundary (within 150mm of the boundary).</td>
<td>Lot 59 – Eastern boundary &amp; western boundary for the garage are built to one</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Side Boundary</strong></td>
<td><strong>Lot 60 – Eastern Boundary</strong></td>
<td>though the single garage is built to the boundary.</td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------------------------</td>
<td>-------------------------------------------------</td>
</tr>
<tr>
<td><strong>Lot 61 – Western Boundary.</strong></td>
<td><strong>The proposed massing of the building to the boundaries are considered acceptable as they are consistent with the desired character of the street.</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>The Minimum Rear Setback is 3 metres for each dwelling.</strong></th>
<th><strong>The proposal provides the following rear setbacks for the dwellings:</strong></th>
<th><strong>Yes</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lot 59 – 4.9m</strong></td>
<td><strong>Lot 60 – 4.6m</strong></td>
<td><strong>Lot 61 – 4.67m</strong></td>
</tr>
</tbody>
</table>

| **Any Elevation that is within 900mm of a boundary shall not contain any openings associated with the main living area.** | **The proposal does not provide any elevations that is within 900mm of a boundary associated with a main living area. To protect privacy, the proposal is subject to conditions requiring a 1.8m high side/rear fences.** | **Yes** |

<table>
<thead>
<tr>
<th><strong>4.3 Height</strong></th>
<th><strong>The proposal provides minimum floor to ceiling heights of 2.7m for all 3 dwellings.</strong></th>
<th><strong>Yes</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The minimum floor to ceiling height for all development shall be 2.4 metres.</strong></td>
<td><strong>The proposal achieves a maximum external side wall height of 7.8m on the eastern elevation of the dwelling on Lot 61.</strong></td>
<td><strong>No – However considered acceptable on merit.</strong></td>
</tr>
<tr>
<td><strong>The external side wall height shall be a maximum of 7 metres.</strong></td>
<td><strong>(See Summary)</strong></td>
<td></td>
</tr>
</tbody>
</table>
### 4.4 Building Appearance and Facilities

<p>| | | |</p>
<table>
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<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Attics are permitted in attached housing only where they comply with all other height and floor to ceiling height requirements.</td>
<td>N/A - The design of the proposal does not incorporate any attics</td>
<td>N/A</td>
</tr>
</tbody>
</table>

The design of a detached housing shall have regard to the size, shape and orientation of the allotment the dwelling is to be located on in relation to:
- the position of the dwelling on the allotment,
- opportunities for solar access,
- the maximisation of private open space, and
- minimising the potential for overlooking.

The proposed development is considered acceptable having regard to size, shape and orientation of the subject allotments. The bulk and scale of the development is proportionate to the subject allotments. The streetscape is appropriately considered in the design of the building and fits into the theme of the desired character of the vicinity. A good level of amenity in terms of sunlight access, private open spaces and privacy is also provided for the development and does not inhibit the amenity of neighbouring properties.

Dwelling design and its architectural style is to interpret and respond and not be in strong visual contrast to the positive character of the locality, including setbacks, height, and dominant patterns, textures and compositions of buildings and their elements such as roof shape, pitch and overhangs, entry porches, verandas, balconies and terraces, materials, and finishes.

The contemporary architectural design is not out of character with that of the streetscape. The immediate vicinity is characterised by varying architectural styles and various building typologies ranging from dwelling houses, dual occupancies and multi dwelling developments.
<p>| Finishes, fixtures, patterns, fenestrations, colours and detailing and the location and proportion of windows and doors. | The proposed dwellings will be consistent with the siting of developments on allotments within the immediate visual catchment and wider locality. The built form, setbacks and architectural elements will not detract from the existing street character given the variance in building stock and architectural style along McCredie Road. Accordingly, the proposal is consistent with the desired character of the vicinity. |
| Building articulation on side facades built to the boundary is not required. | The building articulation on side facades built to the boundaries are considered acceptable. | Yes |
| Whilst Council encourages innovative design, it is important that key character defining design elements such as setbacks, height, roof form, detailing and materials visible from public areas and adjoining properties, are not in strong visual contrast with buildings in the vicinity. | The contemporary building design is considered acceptable as key character elements of the development such as setbacks, height, form, detailing and materials are in keeping with the existing theme of the street. Noting that architectural styles and building typologies within the vicinity vary, the proposed design is considered acceptable. | Yes |
| Building design is to enhance the existing built character by translating into contemporary design solutions the themes found in the neighbourhood. | The design of the building is will positively contribute to the streetscape given the architectural design which provides | Yes |</p>
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Analysis</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwellings shall orientate the dwelling entry and at least one window to a habitable room overlooking all public domain areas on the ground floor.</td>
<td>The design considers street surveillance by providing street facing entries and balconies. This enables overlooking of the public domain on the ground floor and first floor of the development.</td>
<td>Yes</td>
</tr>
<tr>
<td>Complex roof forms shall be avoided.</td>
<td>The contemporary flat roof form provided for the development is considered acceptable as varying roof forms exist along McCredie Road. As such, the proposed roof form is acceptable and will not detract from streetscape quality.</td>
<td>Yes</td>
</tr>
<tr>
<td>Housing on steep or sloping blocks shall be built as a split level construction.</td>
<td>Given the topographic conditions of the site, which exhibits a fall from rear to front, the proposal incorporates a step architectural design which corresponds to the fall of the land.</td>
<td>Yes</td>
</tr>
<tr>
<td>The internal layout of the dwelling shall incorporate cross ventilation.</td>
<td>The internal layouts and placement of openings for the proposed development incorporate cross ventilation.</td>
<td>Yes</td>
</tr>
<tr>
<td>Bathrooms, ensuites, laundries and walk in wardrobes shall be located to the side and rear of the dwelling.</td>
<td>The internal layout of the dwellings place bathrooms, ensuites, laundries and walk in robes to the side and rear portions of the development.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
As indicated in the compliance table above, the proposed development generally complies with the provisions of Council’s DCP subject to conditions of consent with the exception of the maximum height of external side wall and maximum depth of cut.

4.15(1)(a)(iii) - any planning agreement that has been entered into under part 7.4, or any draft planning agreement that a developer has offered to enter into under part 7.4, and

There is no draft planning agreement associated with the subject Development Application.
The provisions of the Regulations (EP&A Act s4.15 (1)(a)(iv))

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

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

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts on the locality.

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

The subject site and locality is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, the site can be said to be suitable to accommodate the proposal. The proposed development has been assessed in regard to its environmental consequences and having regard to this assessment, it is considered that the development is suitable in the context of the site and surrounding locality.

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

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

In accordance with Council’s Notification requirements contained within the Holroyd DCP 2013, the proposal was publicly exhibited for a period of 21 days from 6 February 2019 and 27 February 2019. 3 submissions were received.

The issues raised in the submission have been considered as follows;

Submission 1

Concern 1: Non-conforming lot size for Attached & Small Lot Housing.

Comment: The subject lot sizes as indicated on the submitted Survey Plan prepared by Frankham Engineering Surveys, dated 31 January 2018 are outlined as below:

<table>
<thead>
<tr>
<th>LOT NUMBER</th>
<th>LOT SIZE BY DP</th>
<th>LOT SIZE BY CALCULATION</th>
<th>VARIATION (%)</th>
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</thead>
<tbody>
<tr>
<td>Lot 59</td>
<td>196m²</td>
<td>199.4m²</td>
<td>0.3%</td>
</tr>
<tr>
<td>Lot 60</td>
<td>196m²</td>
<td>197.5m²</td>
<td>1.25%</td>
</tr>
<tr>
<td>Lot 61</td>
<td>189.7m²</td>
<td>195.6m²</td>
<td>2.2%</td>
</tr>
</tbody>
</table>

Recognising that the site has been pegged and dimensions checked by a registered surveyor as of 31 January 2018, Council relies on the newly calculated lot sizes for the assessment of the proposal.

Notwithstanding this, each of the 3 existing allotment sizes by calculation do not comply with the minimum 200m2 stipulated by the HDCP 2013 for Attached & Small
Lot Housing development. The lot sizes as shown in the table above are however considered acceptable for the following reasons:

- The development application proposes construction of attached housing on 3 existing lots and does not involve subdivision or resubdivision of any of the 3 lots.
  - 

- The extent of the variations are considered to range from negligible to minor as indicated in the table above. Also, notwithstanding the lot sizes, the width of all the allotments comply with the minimum 6m required under the HDCP 2013. Accordingly, the existing lots will permit a development afforded with an appropriate level of urban design consistent with the desired character of the neighbourhood whilst also allowing for a good level of amenity for future occupants and adjoining residences.

It is also noted that the R3 Medium Density Residential zone of the subject sites permit attached dwelling developments. Further, the design, form and scale of the development will fit into the theme of the streetscape of the vicinity. The immediate visual catchment along McCredie Road consists of varying building typologies (i.e. dwelling houses, dual occupancies and multi dwelling housing development) with a good level of landscape quality in front yards. Accordingly, the proposed development is in keeping with this character.

Given the reasons above, it is considered that the existing lot sizes are acceptable and will help provide an appropriate development in the locality.

**Concern 2:** Inappropriate finished floor levels for the dwellings on Lots 59 and 60.

**Comment:** The development proposes minimum finished floor level of 33.330m AHD for all the 3 units at the rear. Noting that a stepping design is implemented in the development, a slightly higher finished floor level is achieved at the rear portion of the development to complement the slope of the site to the street. The finished floor levels present limited material impacts on neighbouring developments in terms of visual bulk, overshadowing, visual privacy and soil composition. As discussed above, the finished floor level of the proposed development is considered acceptable.

**Concern 3:** Visual Privacy

Comment: With exception of the garage, a minimum 1.19m side setback is provided between the ground living room windows and the western side boundary which adjoins the semi-detached dwelling at 11 McCredie Road. The western elevation windows which interface the eastern side of 11 McCredie Road consists of windows and their corresponding sill heights:

- Laundry (W2) -1.6m
- Kitchen (W3)-1.5m
- Living room (W4) -2.1m
Given the above sill heights and that a condition is imposed to install a 1.8m high boundary fence in consultation with the adjoining neighbour and the first floor windows belong to low activity rooms, the immediate privacy issues are ameliorated. Accordingly, the visual privacy impact from the proposed development is considered acceptable.

**Concern 4: Maximum height of external side wall**

**Comment:** The proposed development achieves a maximum external side wall height of 7.6m on the western elevation of the dwelling on Lot 59 and not 8.2m as suggested. Recognising that the extent of the variation is located in the front third of the development, the material impacts on neighbouring properties is expected to be minor and limited to overshadowing and visual impacts at the front sections of adjoining developments. Notwithstanding this, the development ensures compliant solar access and privacy for existing and future residents and the public domain. It also responds to the desired scale and character of the street and local area. Noting the impacts are minimal and the variation relatively minor, the non-compliance is considered reasonable in this instance.

**Concern 5: Inappropriate front & side setbacks for dwelling on Lot 59 and structural soundness of the western elevation of the development.**

**Comment:** The HDCP 2013 sets maximum front setbacks for attached dwelling developments at 5.5m and also requires a minimum side setback of 900mm. However, to better establish street character, the HDCP requires that dwellings be built to at least one boundary (within 150mm of the boundary). The development proposes to build the garage to the western side boundary whilst providing a 900mm setback for the remaining elongation of the ground floor. The first floor west elevation is also setback 1.19m from the western boundary. In regards to the front setback, the development complies with the HDCP 2013. The front setback is considered compatible with the established streetscape. The finished floor level of the development is considered acceptable and not expected to adversely impact the structural soundness of the development and neighbouring developments. The proposed development complies with the solar access requirements contained in the HDCP 2013 as such is considered acceptable. Conditions are imposed in the consent for the development to comply with the Building Code of Australia (BCA) to ensure the structural integrity of the dwellings.

**Concern 6: Overshadowing impacts on 11 McCredie Road**

**Comment:** The proposed development complies with the HDCP 2013 in terms of minimum solar access requirements into the private open spaces and main living areas of adjoining developments. The overshadowing impacts of the development is considered minor given the north-south orientation of the site. Whilst it is acknowledged that the eastern elevation rooms of the immediate western adjoining development will be impacted by shadows in the early hours of the winter solstice, it will receive sunlight from midday through to the end of the day. This exceeds the minimum 3 hours required by the HDCP 2013.
Concern 7: Side wall length exceeding 10m

Comment: The control for first floor side walls not to exceed 10m without articulation under the HDCP 2013, only applies to dwelling house and dual occupancy developments and not for attached dwelling developments on small lots. Notwithstanding this, the proposed design is acceptable, having considered, character of the street, bulk, scale and form. The development is also well articulated and complemented with a good mix of colours and finishes and window openings to enhance the appearance.

Concern 8: Excessive floor space ratio (FSR)

Comment: The first submission package for the development application consisted of architectural plans that exceeded the maximum gross floor area. Following initial assessment and deferral of the development application, the applicant submitted a set of revised plans that comply with the development standard. Accordingly, the gross floor area of the proposal is satisfactory having been revised to comply with the FSR.
Concern 9: Common wall between dwellings on Lot 59 and 60.

Comment: The common wall between Lot 59 and 60 does not encroach into the front setback as suggested. Rather, a common feature wall is provided between Lots 59 and 60 which presents as an articulation feature in the street. As such, it enhances the architectural presentation of the development along McCredie Road.

Concern 10: Stormwater/rainwater runoff/no stormwater plans on Council’s website

Comment: The application was referred to Council’s Development Engineer for review who has noted that the stormwater concept plan is deemed satisfactory. Notwithstanding this, deferred commencement conditions have been recommended in terms of On-site Detention. Following a conversation with the objector, the proposed stormwater concept plan which was erroneously omitted for display on DA tracker was published for public viewing.

Concern 11: Adverse impacts of the proposal on on-street parking and streetscape

Comment: Council’s Development Engineer raised no objections to the impacts of the development application on street parking following review. In regards to streetscape, the proposal is considered consistent with the exiting street character and provides a design that will be consistent with the desired character of the vicinity.

Submission 2

Concern 1: Non-conforming lot size for Attached & Small Lot Housing.

Comment: The subject lot sizes as indicated on the submitted Survey Plan prepared by Frankham Engineering Surveys, dated 31 January 2018 are outlined as below:

<table>
<thead>
<tr>
<th>LOT NUMBER</th>
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</tbody>
</table>

Recognising that the site has been pegged and dimensions checked by a registered surveyor as of 31 January 2018, Council relies on the newly calculated lot sizes for the assessment of the proposal.

Notwithstanding this, each of the 3 existing allotment sizes by calculation do not comply with the minimum 200m² stipulated by the HDCP 2013 for Attached & Small Lot Housing development. The lot sizes as shown in the table above are however considered acceptable for the following reasons:

- The development application proposes construction of attached housing on 3 existing lots and does not involve subdivision or resubdivision of any of the 3 lots.
The extent of the variations are considered to range from negligible to minor as indicated in the table above. Also, notwithstanding the lot sizes, the width of all the allotments comply with the minimum 6m required under the HDCP 2013. Accordingly, the existing lots will permit a development afforded with an appropriate level of urban design consistent with the desired character of the neighbourhood whilst also allowing for a good level of amenity for future occupants and adjoining residences.

It is also noted that the R3 Medium density Residential zone of the subject sites permit attached dwelling developments. Further, the design, form and scale of the development will fit into the theme of the streetscape of the vicinity. The immediate visual catchment along McCredie Road consists of varying building typologies (i.e. dwelling houses, dual occupancies and multi dwelling housing development) with a good level of landscape quality in front yards. Accordingly, the proposed development is in keeping with this character.

Given the reasons above, it is considered that the existing lot sizes are acceptable and will help provide an appropriate development in the locality.

**Concern 2:** Inappropriate finished floor levels for the proposed dwellings.

**Comment:** The development proposes minimum finished floor level of 33.330m AHD for all the 3 units at the rear. Noting that a stepping design is implemented in the development, a slightly higher finished floor level is achieved at the rear portion of the development to complement the slope of the site to the street. The finished floor levels present limited material impacts on neighbouring developments in terms of visual bulk, overshadowing, visual privacy and soil composition. As discussed above, the finished floor level of the proposed development is considered acceptable.

**Concern 3:** Maximum height of external side wall

**Comment:** The proposed development achieves a maximum external side wall height of 7.8m on the eastern elevation of the dwelling on Lot 61. Recognising that the extent of the variation is located in the front third of the development, the material impacts on neighbouring properties is expected to be minor and limited to overshadowing and visual impacts at the front sections of adjoining developments. Notwithstanding this, the development ensures compliant solar access and privacy for existing and future residents and the public domain. It also responds to the desired scale and character of the street and local area. Noting the impacts are minimal and the variation relatively minor, the non-compliance is considered reasonable in this instance.

**Concern 4:** Visual Privacy and Safety

**Comment:** The development provides a minimum 1m side setback along the eastern elevation which complies with the minimum requirements under the HDCP 2013. The eastern elevation windows which interface with the western side of the adjoining eastern property consists of windows and their corresponding sill heights and doors:
Given the above sill heights and the imposition of a condition requiring a 1.8m high boundary fence, the immediate privacy issues are considered to be ameliorated. Accordingly, the visual privacy impact from the development is considered acceptable. In regards to safety and security, the proposed development is considered acceptable as it generally complies with CPTED principles contained in the HDCP 2013. Also, the proposal is not expected to inhibit the safety and security of adjoining developments.

Concern 5: Side wall length exceeding 10m

Comment: The control for first floor side walls not to exceed 10m without articulation under the HDCP 2013, only applies to dwelling house and dual occupancy developments and not for small lot housing developments. Notwithstanding this, the proposed design is acceptable, having considered, character of the street, bulk, scale and form. The development is also well articulated and complemented with a good mix of colours and finishes and window openings to enhance the appearance.

Concern 6: Allotment size of Lot 61

Comment: As discussed in Concern 1, Council relies on the surveyors calculated lot sizes for the assessment of the proposal. Notwithstanding the minor non-conformity with 200m² required of involving subdivision or resubdivision, Lot 61 is an existing Torrens title lot which will provide the development adequate site opportunities for an appropriate level of urban design consistent with the desired character of the neighbourhood which also allows for a good level of amenity for future occupants and adjoining residences.

Concern 7: Excessive floor space ratio (FSR)

Comment: The first submission package for the development application consisted of architectural plans that exceeded the maximum gross floor area. Following initial assessment and deferral of the development application, the applicant submitted a set of revised plans that comply with the development standard. Accordingly, the gross floor area of the proposal is satisfactory having been revised to comply with the FSR.

Concern 8: Common wall between dwellings on Lot 59 and 60
Comment: The common wall between Lots 59 and 60 does not encroach into the front setback as suggested. Rather, a common feature wall is provided between Lots 59 and 60 which presents as an articulation feature in the street. As such, it enhances the architectural presentation of the development along McCredie Road.

Submission 3

Concern 1: Non-conforming lot size for Attached & Small Lot Housing.

Comment: The subject lot sizes as indicated on the submitted Survey Plan prepared by Frankham Engineering Surveys, dated 31 January 2018 are outlined as below:

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Recognising that the site has been pegged and dimensions checked by a registered surveyor as of 31 January 2018, Council relies on the newly calculated lot sizes for the assessment of the proposal.

Notwithstanding this, each of the 3 existing allotment sizes by calculation do not comply with the minimum 200m² stipulated by the HDCP 2013 for Attached & Small Lot Housing developments. The lot sizes as shown in the table above are however considered acceptable for the following reasons:

- The development application proposes construction of attached housing on 3 existing lots and does not involve subdivision or resubdivision of any of the 3 lots.
- The extent of the variations are considered to range from negligible to minor as indicated in the table above. Also, notwithstanding the lot sizes, the width of all the allotments comply with the minimum 6m required under the HDCP 2013. Accordingly, the existing lots will permit a development afforded with an appropriate level of urban design consistent with the desired character of the neighbourhood whilst also allowing for a good level of amenity for future occupants and adjoining residences.

It is also noted that the R3 Medium density Residential zone of the subject sites permit attached dwelling developments. Further, the design, form and scale of the development will fit into the theme of the streetscape of the vicinity. The immediate visual catchment along McCredie Road consists of varying building typologies (i.e. dwelling houses, dual occupancies and multi dwelling housing development) with a good level of landscape quality in front yards. Accordingly, the proposed development is in keeping with this character.

Given the reasons above, it is considered that the existing lot sizes are acceptable and will help provide an appropriate development in the locality.
Concern 2: Maximum height of external side wall

**Comment:** The proposed development achieves a maximum external side wall height of 7.6m on the western elevation of the dwelling on Lot 59 and not 8.2m as suggested. Recognising that the extent of the variation is located in the front third of the development, the material impacts on neighbouring properties is expected to be minor and limited to overshadowing and visual impacts at the front sections of adjoining developments. Notwithstanding this, the development ensures compliant solar access and privacy for existing and future residents and the public domain. It also responds to the desired scale and character of the street and local area. Noting the impacts are minimal and the variation relatively minor, the non-compliance is considered reasonable in this instance.

Concern 3: Overshadowing impacts on western adjoining development

**Comment:** The proposed development complies with the HDCP 2013 in terms of minimum solar access requirements into the private open spaces and main living areas of adjoining developments. It is noted that there are no overshadowing impacts on the development at 11A McCredie Road given the distance from the proposed development.

Concern 4: Side wall length exceeding 10m

**Comment:** The control for first floor side walls not to exceed 10m without articulation under the HDCP 2013, only applies to dwelling house and dual occupancy developments and not small lot housing developments. Notwithstanding this, the proposed design is acceptable, having considered, character of the street, bulk, scale and form. The development is also well articulated and complemented with a good mix of colours and finishes and window openings to enhance the appearance.

Concern 5: Excessive floor space ratio (FSR)

**Comment:** The first submission package for the development application consisted of architectural plans that exceeded the maximum gross floor area. Following initial assessment and deferral of the development application, the applicant submitted a set of revised plans that comply with the development standard. Accordingly, the gross floor area of the proposal is satisfactory having been revised to comply with the FSR.

Concern 6: Common wall between dwellings on Lot 59 and 60

**Comment:** The common wall between Lots 59 and 60 does not encroach into the front setback as suggested. Rather, a common feature wall is provided between Lots 59 and 60 which presents as an articulation feature in the street. As such, it enhances the architectural presentation of the development along McCredie Road.

Concern 7: Adverse impacts of the proposal on on-street parking and streetscape

**Comment:** Council’s Development Engineer raised no objections to the impacts of the development application on street parking following review. In regards to
streetscape, the proposal is considered consistent with the existing street character and provides a design that will be consistent with the desired character of the vicinity.

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

The public interest is served by permitting the orderly and economic development of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

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: The development would require the payment of contributions in accordance with Council’s Section 94 Contributions Plans. It is recommended that conditions be imposed on any consent requiring the payment of these contributions prior to the issue of any construction certificate for the development.

The calculation is based on 3 x 4 bedroom dwellings. As of 12 June 2019, the fee payable is $24,360.00 with a credit for one existing dwelling. This figure is subject to indexation as per the relevant plan.

Disclosure of Political Donations And Gifts

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

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

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, Holroyd LEP 2013 and Holroyd DCP 2013 and is considered to be satisfactory for deferred commencement approval subject to conditions.

The proposed development is appropriately located within the R3 medium density residential zone under the relevant provisions of Holroyd LEP 2013. The proposal is consistent with all statutory and non-statutory controls applying to the development. Minor non-compliances with Council controls has been discussed in the body of this report. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, and the development may be approved by deferred commencement subject to conditions.

CONSULTATION:

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

FINANCIAL IMPLICATIONS:

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

POLICY IMPLICATIONS:

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

COMMUNICATION / PUBLICATIONS:

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

REPORT RECOMMENDATION:

1. That Development Application No. 2018/481/1 for the demolition of existing structures and construction of 3 x 2 storey attached dwellings on land at 9 McCredie Road, Guildford West be granted deferred commencement approval subject to attached conditions in the attached schedule.

ATTACHMENTS

1. Draft Notice of Determination
2. Architectural Plans
3. Redacted Submission 1
4. Redacted Submission 2
5. Redacted Submission 3
6. Landscape Plan
7. Stormwater Plan
8. Shadow Diagram
9. Acoustic Report
DOCUMENTS ASSOCIATED WITH REPORT LPP040/19

Attachment 1
Draft Notice of Determination
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
NOTICE OF DETERMINATION OF APPLICATION

12 June 2019

N Mannah
473 Guildford Road
GUILDFORD NSW 2161

Dear Sir/Madam,

Pursuant to Section 4.16(3) of the Act, Council has granted “deferred commencement” consent to your development application described as follows:

PROPERTY: Lot 59 Sec: 1 DP: 1210, Lot 60 Sec: 1 DP: 1210, Lot 61 Sec: 1 DP: 1210

STREET ADDRESS: 9 MCCREDIE ROAD, GUILDFORD WEST

DEVELOPMENT CONSENT NO: 2018/481/1

DECISION: Cumberland Local Planning Panel

DATE FROM WHICH CONSENT OPERATES: TO BE ADVISED UPON SATISFACTORY COMPLETION OF SCHEDULE ‘A’

DATE OF EXPIRY OF CONSENT: TO BE ADVISED UPON SATISFACTORY COMPLETION OF SCHEDULE ‘A’

PROPOSED DEVELOPMENT: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF 3 X 2 STOREY ATTACHED DWELLINGS

This Development Application is APPROVED in accordance with the Environmental Planning & Assessment Act 1979 and is subject to compliance with the requirements of Cumberland Council, the Building Code of Australia, the Local Government Act 1993, and the following conditions as set out hereunder and/or endorsed upon the attached plans.

THIS CONSENT DOES NOT OPERATE
SCHEDULE “A”

Consent to the demolition of existing structures and construction of 3 x 2 storey attached dwellings shall not operate until all of the following Schedule “A” conditions have been complied with to Council’s satisfaction.

On-site Detention

1. The OSDs shall be designed as under submerged condition. The downstream water level shall be taken as 1% AEP flood level at the existing road gutter. An amended design of all OSDs along with calculations shall be submitted to Council prior Schedule B conditions becomes operational.

Four (4) copies of plans and calculations for the design shall be submitted to Council, together with the payment of a $712.00 checking fee.

Tree Protection Plan

2. Elements of the proposed development, specifically the driveway/carpark entry, excavation for storm water and the drainage swale are potentially within the Tree Protection Zone (TPZ), and the Structural Root Zone of an existing Jacaranda mimosifolia located on the adjoining property at no. 7A McCredie Road.

3. A Tree Protection Plan must be provided by an AQF Level 5 Consulting Arborist, whom shall advise if any design modification is required to ensure the tree can be retained and protected throughout the duration of the development. This Plan must show Tree Protection Zone and Structural Root Zone measurements for the Jacaranda mimosifolia.

4. The Tree Protection Plan must including specific offset measurements/ annotation regarding tree protection measures/tree sensitive construction methods to be implemented, in accordance with AS 4970 - ‘Protection of Trees on Development Sites’.

5. Impacts that may be the result of demolition, site establishment, bulk earthworks, tree pruning and construction vehicle access must considered, with necessary inspection of tree/Arborist supervision stages listed on the plan.

6. The Plan is to be to be submitted to Council for assessment and comment by Council’s Tree Management Officer.

In accordance with clause 95(3) of the Environmental Planning and Assessment Regulation 2008, 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.

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SCHEDULE “B”

This consent cannot operate until such time as Council is satisfied with the evidence produced in response to Schedule “A” and has notified the applicant in writing of the date from which the consent operates.

PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced within 5 years of the date of operation.

2. The development is to be carried out in accordance with the following endorsed plans and documents:

   Survey / Demolition plan prepared by Frankham Engineering Surveys, Drawing No. 218009, dated 31 January 2018; - as amended to satisfy Schedule A and condition 11

   • Architectural Plans prepared by Nabih Mannah, Job No.1809-01, Drawing Nos. 1 of 9, 2 of 9, 3 of 9 and 4 of 9, all Issue C, all dated April 2019; - as amended to satisfy Schedule A and condition 11

   • Landscape Plans prepared by Precinct Landscapes, Drawing No. 2988-1A submitted to Council on 2 April 2019; as amended to satisfy Schedule A and condition 11;

   • Stormwater Layout Plans prepared by Danmor Consulting Engineers Ltd, Job No. D18453, Drawing No. ST01, ST02 and ST03, all dated 30 October 2018 – as amended to satisfy Schedule A and condition 11;

   • BASIX Certificate Number 973962S, 974393S and 974502S, all issued on 12 December 2018; – as amended to satisfy Schedule A and condition 11;

   • Schedule of Colours and Finishes submitted to Council on 17 December 2018; – as amended to satisfy Schedule A and condition 11;

   • Waste Management Plan prepared by Nabih Mannah, dated November 2018 – as amended to satisfy Schedule A and condition 11;

   • Acoustic Report prepared by EMM Consulting, dated 26 November 2018– as amended to satisfy Schedule A and condition 11;

   except as otherwise provided by the conditions of this determination and/or marked in red.

3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. Fully detailed plans including fire safety details shall be submitted with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

Appointment of Council or a Private Certifier as the Principal Certifying Authority (PCA)

4. Either Council or a Private Certifier is to be appointed as the Principal Certifying Authority (PCA) for the development in accordance with Section 6.6 of the Act.
Accordingly, wherever reference is made to the Principal Certifying Authority in this Consent, it refers to Council or the Private Certifier as chosen by you.

**Note:** Once you have chosen either Council or a Private Certifier as the PCA, you cannot change from one to the other, or from one Private Certifier or another, without the approval of Department of Planning & Infrastructure.

5. The applicant shall consult with, as required:

   (a) Sydney Water Corporation Limited  
   (b) Integral Energy  
   (c) Natural Gas Company  
   (d) A local telecommunications carrier

   regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).

6. Building materials, builders sheds, waste bins, site fencing, gates or any material of any description shall not be left or placed on any footway, road or nature strip. Footways and nature strips shall be maintained, including the cutting of vegetation, so as not to become unsightly or a hazard for pedestrians. Offenders will be prosecuted.

**Demolition**

7. In the event that demolition is to occur prior to the issue/release of a Construction Certificate, all relevant fees and bonds such as the demolition inspection fee, kerb & gutter and tree protection bonds shall be paid in full to Council prior to demolition commencing (as per the relevant conditions elsewhere in this Development Consent). Furthermore, the applicant/developer is to ensure that all relevant conditions in this Development Consent relating to the protection of the site, adjoining lands and trees are adhered to in full prior to commencement of any demolition works.

8. Permission is granted for the demolition of the existing structures on the property, subject to strict compliance with the following:-

   a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures. **Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications. a) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. The demolition must not commence prior to the date stated in the notification.

   b) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Cumberland Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to
Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.

c) On the first day of demolition, work is not to commence until Cumberland Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with WorkCover's document "Your Guide to Working with Asbestos", a copy of which accompanies this Development Consent and demolition works must at all times comply with its requirements.

d) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 8757 9000. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.

e) Demolition shall not commence until all trees required to be retained/transplanted are protected in accordance with those conditions stipulated under "Prior to Works Commencing" in this Consent.

f) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.

g) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".

h) Demolition is to be completed within 5 days of commencement.

i) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

j) Protective fencing is to be installed to prevent public access to the site.

k) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Office of Environment and Heritage (OEH).

l) Before demolition operations begin, the property shall be connected to the sewer of Sydney Water to which a pedestal pan shall be temporarily connected for the use as the employees' toilet service during demolition operations.

m) After completion, the applicant shall notify Cumberland Council within 7 days to assess the site and ensure compliance with AS2631-2001 – Demolition of Structures.

**NOTE:** The person responsible for disposing of the above asbestos waste is to telephone the OEH on (02) 9996 5000 or Council's Waste Officer on (02) 8757 9000 to determine the location of a tip licensed to receive asbestos. Within fourteen (14) days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving tip as evidence of proper disposal.

n) Within 14 days of completion of demolition, the applicant shall submit to Council:
i) An asbestos clearance certificate carried out by a licensed asbestos assessor (normally a NATA accredited occupational hygienist), or a person who has the knowledge and skills to be a licensed assessor, regardless of whether or not they are licensed; and

ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent under Holroyd DCP 2013 Part A, Section 11.0. In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials; and

**Note:** To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and under ‘Facilities and Labs’ click on ‘Facilities List by Field’, then click on ‘Chemical Testing’, then click on ‘Asbestos’ and finally click on ‘identification’. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

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

**BASIX (Building Sustainability Index)**

10. Under Clause 138D of the Environmental Planning & Assessment Regulation 2000, it is a condition of this Development Consent that all the commitments listed as per Condition 2 in relation to BASIX are fulfilled.

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**NOTE: FEES, BONDS & CONTRIBUTIONS INDICATED IN CONDITIONS OF THIS CONSENT MAY VARY IN ACCORDANCE WITH THOSE ADOPTED BY COUNCIL AT SUBSEQUENT ANNUAL REVIEWS OF ITS “FEES AND CHARGES” AND SUBSEQUENT CHANGES TO THE BUILDING PRICE INDEX. FEES CHARGED WILL BE THOSE CURRENT AT THE TIME OF PAYMENT.**
PRIOR TO ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE/PRELIMINARY CONDITIONS FOR DEMOLITION

The following conditions must be complied with prior to the issue of a Construction Certificate, or where relevant prior to demolition occurring. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:

Amended Plans

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

   i. The rear first floor balcony of the dwelling on Lot 80 shall be reduced to a maximum of 10m² in area and the width reduced to 2m wide.

   ii. 3x 1.5m high fixed privacy screens shall be attached to the north elevations of the 3 first floor rear balconies as shown in red on the approved plans to protect privacy of adjoining sites.

Payment of Bonds, Fees and Long Service Levy

12. The Principal Certifying Authority is to ensure and obtain written proof that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes all Long Service Levy payments to be made to the Long Service Payments Corporation.

Section 7.11 Contribution

13. Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.11 of the Environmental Planning and Assessment Act 1979 and Holroyd Section 94 Development Contributions Plan 2013, for two (2) additional dwellings is to be paid to Council. At the time of this development consent, the current rate of the contribution is $24,360.00. The amount of the contribution will be determined at the time of payment in accordance with the relevant Contributions Plan in force at that time. A copy of the Holroyd Section 94 Development Contributions Plan 2013 can be viewed on Council’s website at www.cumberland.nsw.gov.au or inspected at Council’s Civic Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4:30pm Monday to Friday.

Damage Deposit

14. A cash bond/bank guarantee of $2,780.00 must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for six (6) months after the completion of works’ or six (6) months after the issue of ‘Final Occupation Certificate’ (whichever occurs last) to remedy any defects that may arise within this time.

Note: The applicant/owner shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council’s property unless the applicant/owner notifies Council in writing and provides photographic proof of any existing damage to Council’s property. Such notification shall occur prior to works/demolition commencing. However, if in the opinion of Council, during the course of construction existing damage has worsened, Council may require full
reinstatement. If damage does occur during the course of construction, prior to reinstating any damage to Council's property, the applicant/owner shall obtain design specifications of all proposed restoration works. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the applicant/owners expense and shall be inspected by Council prior to placement of concrete and/or asphalt.

Consistency with Endorsed Development Consent Plans

15. The Principal Certifying Authority must ensure that any certified plans forming part of the Construction Certificate, are in accordance with the Development Consent plans.

Landscape Inspection Fee

16. Payment of a $372.00 fee for the inspection by Council of landscape works and/or trees to be retained at the key stages, where Council is the Principal Certifying Authority.

Engineering Fees and Bonds

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

18. The applicant shall lodge with Council a $6,135.00 cash bond to cover the registration of a Positive Covenant and Restriction as to Use over the Onsite Stormwater Detention. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land and Property Information NSW.

Road Works

19. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council the initial fee of $196.00 for the assessment of the Traffic Management Plan by Council, prior to commencing works within the road reserves. A copy of the approved Traffic Management Plan shall be kept on site during the course of construction for reference and compliance.

Sight Distance

20. To maintain sight distance to pedestrians, all fencing and landscaping within 2.0m of a driveway shall have a maximum height of 1.0 m and 50% transparent above a height of 0.5m. All solid posts higher than 0.5m (but lower than 1m) shall have a maximum width 350mm and a minimum spacing of 1.2m. Details shall be shown on the drawings.

Access

21. Access to proposed site A shall have a minimum clearance of 1.2m from the existing edge of Telstra pit. A plan showing the clearances shall be submitted to Council.
On-site detention

22. The development has been identified as requiring an on-site storm water detention (OSD) system which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, OSD plan number 2019-038 and council’s on-site detention policy shall be submitted to the certifying authority prior to the issue of a construction certificate. The system shall generally be in accordance with the stamped approved drawings however the following shall also be addressed:

i. All pipe sizes and grades shall be annotated on the plan.

ii. A safety fence or an equivalent barrier shall be provided where there is a vertical drop of greater than 500mm from a walkway into an above ground basin area.

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

Overland Flow

23. Overland flows generated in a 1% AEP storm event passing through the site from the Northern boundary shall be collected and conveyed through the site to bypass the OSD systems. In this regard the stormwater drainage plan shall be amended while addressing all relevant items listed under clause 7.7 of the OSD policy, accordingly.


Required Submissions to Certifying Authority

25. Retaining walls greater than 1.0m above finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with any Construction Certificate application.

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

27. If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

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

Salinity

29. The site has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction methods are to be incorporated for all dwellings/buildings.
Details of proposed methods of construction are to be detailed in the engineering plans and submitted to the PCA.

**Note:** Further information for building in a saline environment is available in the following documents:
- "Building in Saline Environment" prepared by DIPNR 2003.
- Water Sensitive Urban Design in the Sydney Regions “Practice Note 12: Urban Salinity”
- Wagga Wagga City Council’s “Urban Salinity Action” October 1999

**Sydney Water**

30. A building plan approval must be obtained from Sydney Water Tap In™ to ensure the development will not affect any sewer, water or stormwater mains or easements.

A copy of the building plan approval receipt from Sydney Water must be submitted to the certifying authority, prior to the issue of a construction certificate.

Please go to sydneywater.com.au/tapin to apply.

**Acoustic Report**

31. The recommendations as outlined in acoustic report prepared by EMM Consulting dated 26 November 2018 are required to be incorporated into the design of the development and submitted to the PCA prior to the issue of a Construction Certificate.
PRIOR TO DEMOLITION / WORKS COMMENCING

The following conditions are to be complied with prior to demolition / any works commencing on the site:

Appointment of Principal Certifying Authority and Notification of Commencement of Work

32. The person having the benefit of the development consent, not the principal contractor (builder), must:

a) Appoint a Principal Certifying Authority in accordance with Section 6.6 of the Act.

b) Have the Principal Certifying Authority complete the ‘Accredited Certifier Details’ on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

c) Notify Council of the appointment of the Principal Certifying Authority and of the intention to commence building work, such notification is to be given to Council at least two (2) working days prior to the proposed commencement date, and be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

*If nominated, Council can provide this service for you and act as the Principal Certifying Authority.*

N.B. The Principal Certifying Authority must also notify the person having the benefit of the Development Consent of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work such notification must comply with Clause 103A of the Regulations.

Notification of Principal Contractor (Builder)/Owner-Builder

33. The person having the benefit of the Development Consent must:

(a) Notify the Principal Certifying Authority that the person will carry out the work as an owner-builder, if that is the case;

OR

(b) Appoint a Principal Contractor for the building work (who must be the holder of a contractor licence if any residential building work is involved), and notify the Principal Contractor of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work.

(c) Notify the Principal Certifying Authority of any such appointment.

Where Council is the Principal Certifying Authority, such notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.
Photographic Record of Council Property – Damage Deposit

34. The applicant shall submit to Council, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full and satisfactory photographic record of the condition of Council’s property (i.e., road pavement, kerb and guttering, footway, stormwater drainage, etc.) adjacent to the subject site. The purpose of the photographic record is to establish any pre-existing damage to Council’s property to ensure that you are not liable for any re-instatement works associated with that damage. However, if in the opinion of Council, the existing damage has worsened or any new damage is caused during the course of construction, the Council may require either part or full re-instatement.

Note: Failure to provide a full and satisfactory photographic record described above, is likely to render the applicant liable to rectify all damages unless satisfactory proof can be provided that the damage was pre-existing.

Required Submissions to Council or the Principal Certifying Authority

35. To facilitate a complete assessment and enable the Certifying Authority to check compliance on site, truss validation and design, details certified by a qualified practicing structural engineer shall be submitted to Council or the Principal Certifying Authority for examination and approval. Details shall include:
   a) job address and builder’s name
   b) design wind velocity
   c) terrain category
   d) truss spacing
   e) roof pitch
   f) material of roof
   g) roof batten/purlin spacing
   h) material of ceiling
   i) job number

Notification to Relevant Public Authority

36. The applicant shall ensure that relevant public utility authorities are made aware of the salinity problems that have been identified within the subject site by the Department of Land and Water Conservation, such that their services are designed to take into consideration the effects the saline soils may have on their installations.

Fencing of Sites

37. Fencing of sites is required to prevent public access when the site is unoccupied and building works are not in progress. In this regard the MINIMUM acceptable standard of fencing to the site is properly constructed chain wire fencing 1.8m high, clad internally with Hessian or Geotextile fabric. All openings are to be provided with gates, such gates are not at any time to swing out from the site or obstruct the footpath or roadway.

Signs to be Erected on Sites

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

(a) Showing the name, address and telephone number of the Principal Certifying Authority for the work, and
(b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours and at any time for business purposes, and

(c) Stating that unauthorised entry to the work site is prohibited.

The sign must be rigid and durable and be read easily by anyone in any public road or other public place adjacent to the site.

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

This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Note: Principal Certifying Authorities and Principal Contractors must also ensure that signs required by this clause are erected and maintained (clause 227A of the Regulations currently imposes a maximum penalty of $1,100).

Prohibited Signage

39. Advertising, Real Estate Agents, Architects, Designers, site suppliers and any other signage not mentioned in the conditions, is not to be placed or displayed on the site, such that the signage is visible from any public place. Offenders may be prosecuted.

Protection of Public Places

40. A hoarding or fence must be erected between the work site and any public place, if the work involved in the erection or demolition of the building; is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place.

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

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Site Control Measures

41. Suitable erosion and sediment control measures shall be provided at all vehicular entry/exit points and all other measures required with and/or shown on plans accompanying the Construction Certificate, to control soil erosion and sedimentation, are to be in place prior to the commencement of construction works. Such controls are to be provided in accordance with Holroyd’s “Erosion & Sediment Control Policy.”

Note: On-the-spot fines may be issued by council where measures are absent or inadequate.
Footpaving, Kerbing and Guttering

42. Protection must be provided for Council footpaving, kerbing and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.

43. Finished street levels shall not be assumed. The owner or builder must make application to Council’s Engineering Services Department for street levels.

Support for Neighbouring Buildings

44. If an excavation associated with the erection of a building extends below the level of the base of the footings of a building on an adjoining allotment of land (including a public road and any other public place), the person causing the excavation to be made:-

a) Must preserve and protect the building from damage, and
b) If necessary, must underpin and support the building in an approved manner, and
c) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (In this clause, allotment of land includes a public road and any other public place).

Toilet Facilities

45. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

a) Must be a standard flushing toilet, and
b) Must be connected:
   i) To a public sewer,
   ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
   iii) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
   iv) The position of the toilet on the site shall be determined by Council’s Building Surveyor and/or Sydney Water.

Residential Building Work - Insurance

46. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Cumberland Council) has given Cumberland Council written notice of the following information:-

(a) In the case of work for which a Principal Contractor is required to be appointed:
(i) The name and licence number of the Principal Contractor, and

(ii) The name of the insurer by which the work is insured under Part 6 of that Act,

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

(i) The name of the owner-builder, and

(ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Cumberland Council) has given Cumberland Council written notice of the updated information.

The notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

Roadworks

47. The applicant is to submit to Council an application for a road opening permit when the drainage connection into Council's system is within the road reserve. In this regard the applicant shall pay Council the relevant fee prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve.

48. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.

Works Within Council's Reserve

49. All works within the Council reserve shall be completed within three (3) weeks of the date of commencement. Council's Development Engineer shall be advised prior to the commencement of works.

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

51. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of $20,000,000 is to be submitted prior to commencement of works. Cumberland Council shall be named on the Certificate of Currency as an interested party.

Tree Protection

52. The trees identified on the endorsed plans as being retained shall be protected prior to and throughout the demolition/construction process as per Arborist Recommendation in Tree Protection Plan, the attached Guidelines for the Protection of Trees On and Adjacent To Demolition/Building sites, and relevant conditions of this Consent. All trees not authorised to be removed by this Consent must be retained. Prior to any work commencing,
53. Protective fencing is to be installed around the trees to be retained as per Arborist
Recommendation in Tree Protection Plan in line with the outer edge of the canopy which
overhangs the site and no further than 0.5m from any buildings. This fencing is to be
constructed of chainwire mesh 1.8m high, which is supported by steel stakes or piping and
braced to resist impacts. Where appropriate the trunk/s of the tree/s on the site and any
street tree/s (which are not to be fenced other than as mentioned above), shall also be
protected by vertical timber boards, installed by or under the supervision of a suitably
qualified person or the arborist (as appropriate) engaged to ensure the proper protection
and management of the trees required to be retained/transplanted to accepted horticultural
and TAFE standards.

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

The following conditions are applicable during demolition / construction:

Endorsed Plans & Specifications

54. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and approved Traffic Management Plan are to be retained on site at all times.

Hours of Work & Display of Council Supplied Sign

55. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited. Note: Demolition work is not permitted on weekends or Public Holidays - refer to specific demolition condition for approved hours.

The yellow “Hours of Building Work” sign (supplied by Council with the approval), is to be displayed in a prominent position at the front of the site for the duration of the work.

Site Control

56. All soil erosion measures required in accordance with the approved sediment and erosion control plan and any other relevant conditions of this Consent are to be put in place prior to commencement of construction works are to be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation. This includes the provision of turf laid on the nature strip adjacent to the kerb.

57. Builder’s refuse disposal and storage facilities are to be provided on the development site for the duration of construction works and all rubbish shall be removed from the site upon completion of the project.

58. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

Asbestos Cement Sheeting

59. i) All asbestos cement sheeting must be removed by contractors with an appropriate licence issued by WorkCover and who are familiar with asbestos removal prior to the commencement of:-

(a) Recladding or brick veneering of any building where the existing walls to be covered are currently clad with asbestos cement;

OR

(b) Construction work where new work abuts existing asbestos cement sheeting and/or where parts of the existing building clad with asbestos cement sheeting are to be altered or demolished.
Removal must be carried out strictly in accordance with WorkCover’s ‘Your Guide to Working with Asbestos’ (copy attached).

ii) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Office of Environment and Heritage (OEH).

Note: The person responsible for disposing of the above asbestos waste is to telephone the OEH on (02) 9985 5000 or Council’s Waste Officer on (02) 8757 9000 to determine the location of a tip licensed to received asbestos. Upon completion of tipping operations the applicant shall lodge with the Council, all receipts issued by the receiving tip as evidence of proper disposal.

iii) Within fourteen (14) days of completion of renovation or recladding or brick veneering works where asbestos cement sheeting was removed, the applicant shall submit to Council an asbestos clearance certificate prepared by a NATA accredited occupational hygienist.

Note: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and under ‘Find a Facility or Lab’ type in ‘asbestos identification’ in ‘keywords’ then click on ‘chemical testing’ in NSW then click on the search button. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

Waste Management Plan

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

61. Within seven (7) days of completion of construction/building works, the applicant shall submit a signed statement to Council or the Principal Certifying Authority verifying that demolition work and recycling of materials was undertaken in compliance with the Waste Management Plan. The Principal Certifying Authority shall submit a copy of the statement to Council.

In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

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

62. Section 6.5 of the Act requires certain specific inspections (prescribed by clause 162A of the Regulations) and known as ‘Critical Stage Inspections’ to be carried out for building work. Prior to permitting commencement of the work your Principal Certifying Authority is required to give notice of these inspections pursuant to clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out. Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.
Construction

63. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has been supplied with a check survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels (FFL)s and setbacks to boundary/ies. The slab shall not be poured, nor works continue, until the Principal Certifying Authority has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

In the event that Council is not the Principal Certifying Authority, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the Principal Certifying Authority has issued a Certificate stating that the Condition of approval has been complied with and that the slab has been poured at the approved levels.

Salinity

64. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has confirmed that all required construction measures addressing salinity, as required by this Consent and its accompanying Construction Certificate have been carried out.

Landscaping/Site Works

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

66. New 1.8m high lapped and capped timber paling or colorbond fences (colour to be sympathetic with the development) determined in consultation with adjoining property owner(s), are to be erected along and within the side and rear boundaries and between courtyards at full cost to the developer, such fencing to be constructed on or within the property boundary. In situations where the boundary fence is proposed on top of a retaining wall, the height of the fence shall not exceed a maximum of 2.4m as measured from the lower adjacent ground level. A Statutory Declaration or other documentary evidence of such consultation is to be submitted to the Principal Certifying Authority.

Arborist Report

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

i) Sets out maintenance work carried out on tree/s; and

ii) Assesses the health and condition of the tree/s required to be retained/transplanted and protected.

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

68. The applicant shall accept all responsibility for the accuracy of the information provided to Council for assessment. If any tree(s) are not shown on the endorsed plan or are required to be retained and protected but are threatened by demolition/construction work through unforeseen construction requirements or plan inaccuracy, all site and building works so affected are to cease until the matter is resolved to the satisfaction of Council. Council’s Environmental and Planning Services Department is to be notified immediately upon such a problem being encountered.

69. Branches of trees to be retained/transplanted within 1m of the approved building, may be pruned by an Arborist qualified to at least Australian Qualification Framework (AQF) Certificate Level 3 in accordance with Australian Standard AS4373-1996 ‘Pruning of Amenity Trees’ to enable demolition/construction works to occur.

Note: Any other pruning works not authorised by this Consent are subject to the approval of an application for General Tree Works activities.

Tree Protection Zone

70. No works are to occur within the fenced tree protection zone. All authorised works/activities within the fenced tree protection zone(s) are to be undertaken by hand held equipment under the supervision of the consulting Arborist. No roots over 50mm in diameter are to be cut within the tree protection zone without prior consultation with Council officers or the consulting Arborist. All roots over 50mm in diameter which are encountered outside the fenced tree protection zone(s) are to be cleanly cut and not ripped.

Inspection of On Site Detention Works

71. The stormwater drainage works are to be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council’s specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

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

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

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

(d) Final Inspection

Council’s standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Road Works and Footpaving

72. Pedestrian access, including disabled and pram access, is to be maintained as per Australian Standard AS1742.3 “Part 3 – Traffic Control Devices for Works on Roads”.
73. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

**Underground Cabling**

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

**Underground Power Connection**

75. Power connection to the site is to be underground. No intermediate power pole is permitted even where electricity reticulation cannot be obtained directly from the street.

**Rainwater Tank**

76. The design of any aboveground rainwater tank(s) should allow a horizontal clearance of at least 450mm for pedestrian movement. The tank(s) must not exceed 2.4 metres in height above ground level, including any stand for the tank(s).

**Vehicle Cleansing**

77. Concrete trucks and trucks used for the transportation of building materials shall not traffic soil, cement or similar materials onto the road. Hosing down of vehicle tyres shall be conducted in a suitable off-street area where wash water is prevented from entering the stormwater system or adjoining property.

**Importation of Fill**

78. All imported fill shall be validated in accordance with Council’s Contaminated Land Policy to ensure that it is suitable for the proposed land use from a contamination perspective.

**Acoustic Report**

79. The recommendations outlined in the acoustic report as per condition 31 shall be implemented appropriately during construction.

**Additional Information during Demolition/ Construction**

80. Any new information which comes to light during demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to Council immediately.
PRIOR TO ISSUE OF A FINAL OCCUPATION CERTIFICATE

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

Certificates/Documentary Evidence

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

Sydney Water

82. A Section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

Application can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to sydneynwater.com.au/section73 or call 1300 082 748 to learn more about applying through an authorised Water Servicing Coordinator or Sydney Water.

Following application, Sydney Water may issue a Notice of Requirements letter detailing all requirements that must be met prior to the issue of the section 73 certificate.

The section 73 compliance certificate must be submitted to the Principal Certifying Authority prior to the issue of a final occupation certificate.

83. A Structural Engineer’s certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal Certifying Authority and shall state that all foundation works/reinforced concrete/structural members have been carried out/erected in accordance with the Engineer’s requirements and the relevant SAA Codes.

Note: Any such certificate is to set forth the extent to which the engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction.

Landscaping/Tree Protection

84. Certification is to be provided to the Principal Certifying Authority (PCA), from the designer of the landscape proposal, that all tree planting/landscape works have been carried out in accordance with the endorsed plan. If Council is the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council is not the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.

Arborist Report

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

Fencing

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

On-Site Stormwater Detention, Certification, Covenant and Maintenance Schedule

87. A copy of the as approved stormwater drainage and On Site Detention plan showing work as executed details shall be submitted to Council. The work as executed plan shall be in accordance with Council’s standards and specifications for stormwater drainage and on-site stormwater detention.

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

89. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed On Site Detention shall be submitted to the authority benefited for approval prior to lodging with the Land and Property Information NSW. The wording of the terms of the Positive Covenant and Restriction On Use shall be in accordance with Council’s standards and specifications for stormwater drainage and on-site stormwater detention. The documents shall be approved by the benefiting authority for registration with Land and Property Information NSW.

Note: Prior to release of the documents creating the Restriction on Use and Positive Covenant, the benefiting authority shall be satisfied that the as-constructed On Site Detention is in accordance with the approved drawings and Council requirements.

The Positive Covenant and Restriction on Use documents shall be registered with the Land and Property Information NSW within six (6) months from the date of release by the benefiting authority.

90. A maintenance schedule for the stormwater and On-Site Detention system including a sketch plan of the components forming the sites stormwater and On-Site Detention system shall be submitted. The maintenance schedule shall be prepared by a qualified hydraulic engineer and shall be in accordance with the Upper Parramatta River Catchment Trust requirements.

WAE OSD Calculation

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

On-site Stormwater Detention Plate

92. An On-site Stormwater Detention plate shall be installed within the detention basin or tank. The plate shall be located in or near the Discharge Control Unit to alert future owners of their obligations to maintain the facility and its restrictions. The wording and plate shall be in accordance with Council’s standard requirements.
OSD Sign

93. The applicant shall provide a standard OSD sign within the aboveground basin area in accordance with Clause 7.1 (i) of the Council’s OSD policy.

Parking/Driveway

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

Road Works

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

96. A full width medium duty vehicular crossing shall be provided opposite the shared vehicular entrance for the development, with a maximum width of 3m and minimum width of 3m at the boundary line. These works shall be carried out by a licensed construction contractor at the applicant’s expense and shall be in accordance with Council’s issued drawings and level sheets.

97. The reconstruction of cracked and/or damaged concrete footpath, kerb and gutter, and any associated works along all areas of the site frontage. These works shall be carried out by a licensed construction contractor at the applicant’s expense and shall be in accordance with Council’s standard drawing SD-8100 and issued level sheets.

98. Removal of all redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. These works shall be carried out by a licensed construction contractor at the applicant’s expense and shall be in accordance with Council’s standard drawing number SD-8100.

99. A certificate of compliance for the construction of the vehicular crossing/s, footpath paving, kerb and guttering, roadworks and stormwater drainage shall be obtained from Council and be submitted to the Principal Certifying Authority.

House/Street Number

100. A house/street number must be displayed on all newly developed properties.

The unit/dwelling numbers are as follows:

- Lot 61 Section 1 DP 1210: 9A McCredie Road, Guildford West;
- Lot 60 Section 1 DP 1210: 9B McCredie Road, Guildford West; and
- Lot 59 Section 1 DP 1210: 9C McCredie Road, Guildford West

Easement

101. A reciprocal easement for support over Lot 59, Lot 60 and 61 shall be created and submitted to the Principal Certifying Authority prior to the release of the occupation certificate.
Acoustic Report

102. Prior to the issuing of the Occupation Certificate a Compliance Report will be required to be submitted to the Council. The compliance report shall be prepared by an acoustic consultant having the technical eligibility criteria for membership of the Association of Australian Acoustical Consultants (AAAC) and/or grade membership of the Australian Acoustical Society (MAAS) that certifies compliance with the recommendations outlined in Section 6 of the Acoustic report prepared by EMM Consulting dated 26 November 2018.

General

103. Documentary evidence and/or certificate of compliance must be submitted to Council to show that all works have been completed in accordance with this Development Consent and its accompanying Construction Certificate.
CONDITIONS RELATING TO USE

The following conditions are applicable to the use of the development:

Safety and Amenity

104. Where an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

Noise

105. The operation of the pump from the rainwater tank shall not give rise to an equivalent continuous (Lₐeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background Lₐ90 level (in the absence of the noise under consideration). Council may require an Acoustic Report to be submitted, prepared by a suitably qualified person, to ensure this requirement is met in the event of Council receiving complaints.

106. The operation of all plant and equipment shall not give rise to an equivalent continuous (Lₐeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background Lₐ90 level (in the absence of the noise under consideration).

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

108. Noise and vibration from the use of the air conditioning system (if any installed) shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10:00pm and 7:00am on weekdays and 10:00pm and 8:00am on weekends and public holidays.

General

109. All privacy measures as required by this development consent shall be maintained for the lifetime of the development and shall not be altered without prior approval of Council.
ADVISORY NOTES

Other Necessary Approvals

A. The applicant’s attention is drawn to the need to obtain Council’s separate approval for any ancillary activity not approved by this consent, including:
   (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council’s Tree Preservation Order protects trees by definition taller than 3.5m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council’s Tree Management Officer.
   (b) Any fencing located forward of the proposed building and exceeding the limitations specified in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
   (c) The erection of any advertising sign, not being exempt from the need to obtain approval.
   (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.

B. If you carry out building work as an owner builder and sell your home within seven (7) years from the date of completion (date of final occupation certificate), then a Certificate of Insurance must be attached to your Contract of Sale.

C. Modifications to the approved plans will require the lodgement and consideration by Council of a modification application pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

D. Section 8.7 of the Act provides that an applicant who is dissatisfied with the Council’s determination of the Development Application may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed.

E. Section 8.3 of the Act provides that an applicant may request, within six (6) months of the date of determination of the Development Application, that the Council review its determination (this does not apply to designated development). A fee is required for this review.

   It should also be noted that an application under Section 8.3 of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.3 Application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.

F. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual’s responsibility to anticipate and request the nominal location of plant or assets on the relevant property.
via contacting the Dial before you dig service in advance of any construction or planning activities.

G. A Construction Certificate shall be obtained in accordance with Section 6.7 of the Act, prior to the commencement of any work on site. Council can provide this service for you.

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

I. DEMOLITION

(a) Demolition is to be carried out in such a way and with such control measures as are necessary to prevent the occurrence of any dust, noise, runoff or other nuisance.

(b) All sediment/soil is to be prevented from entering Council's stormwater drainage system.

(c) The public footpath and roadway is to be protected against damage as a result of demolition activities and is to be kept clean and free of all soil and other materials.

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

(e) Cumberland Council has a Tree Management Order which applies to the entire Cumberland Council. No ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees exceeding 3.5m in height and 3m in branch spread shall take place without the prior written consent of Cumberland Council.

(f) There shall be no burning of any waste, as this is prohibited within the Cumberland Council.

(g) Demolition material can be recycled saving the environment and also tipping costs. For more information, contact the Environment Protection Authority's Recycling hotline on 9325 5555.

(h) Public roads shall be kept clean and free of any materials which may fall from vehicles or plant to ensure safety and amenity of the area.

J. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

An administration fee per certificate (in accordance with Council’s adopted fees and charges) is payable to Council on lodgement of Construction and Occupation Certificates from Principal Certifying Authorities.

K. BANK GUARANTEES

Bank guarantees will be accepted from list of banks which have at least an “A” rating from Standard and Poors and at least an “A2” or “Prime-1” standard from Moodys Investor Services.

To enable the bank guarantee to be enforceable during an entire project with consideration for delays, the guarantee must not contain a facility expiry date.

To get to Standard and Poors www.standardpoors.com then from Ratings Action choose Ratings Lists. Then click on Financial Institutions followed by clicking on Financial Institutions Counterparty Ratings List. Go to “Banks” and download to Australian Banks.

To get to Moodys www.moodys.com then look up Ratings and then Banking and then Bank Ratings list. It will take you to Bank Credit Research page. Look at the table of contents and choose Global Bank Ratings by Country. Look up Australian Banks.
L. SMOKE DETECTORS

A system of self-contained smoke alarms complying with the requirements of AS3786-1993, Smoke Alarms or listed in the Scientific Services Laboratory Register of Accredited Products being installed in the dwelling, connected to the mains power supply and provided with a standby power supply. Alarms are to be positioned on the ceiling and setback a minimum distance of 300mm from any wall. Alarms are to be placed in the vicinity of each area containing bedrooms with a minimum of one (1) alarm required for each storey of the dwelling.

M. TERMITE PROTECTION

Structural members are to be protected from attack by subterranean termites in accordance with the requirements of AS3660.1-2000 Protection of building from subterranean termites and a durable notice must be affixed within the metre box indicating the type of protection, its date of installation, life expectancy of any chemical barrier used, and system maintenance and inspection requirements. A certificate of compliance of the approved system must be submitted to Council or the Principal Certifying Authority on completion of the system installation. With respect to chemical protection, a pipe system shall be installed beneath the slabs plastic membrane to allow re-application of the chemical border.

N. WET AREAS

Wet areas in the dwelling are to be waterproofed in accordance with AS3740 Waterproofing of wet areas within residential buildings.

Where Council is the Principal Certifying Authority for the works, the submission of evidence of suitability for the waterproofing product used will be required at the wet area inspection stage. The evidence of suitability is to be in the form of:-

1. A current Certificate of Accreditation for the product.

AND

2. A certificate from the person responsible for the installation of the product advising that the product was applied in accordance with the relevant manufacturers specifications.

Note: Any copy of documentary evidence submitted, must be a complete copy of the original report or document.

O. LANDINGS

A landing having a minimum length of 750mm and a grade no steeper than 1.50, must be provided where the sill of a threshold of a doorway opens onto a stair that provides a change in floor level or floor to ground level greater than 3 risers or 570mm in accordance with Clause 3.9.1.3 (Stair Construction) of the Building Code of Australia.

P. SOUND TRANSMISSION AND INSULATION

To ensure the amenity of occupants in attached residential development (Class 1 buildings), separating walls must be constructed in accordance with Part 3.8.6 of the Building Code of Australia.
Q. GLAZING CERTIFICATION

A certificate shall be submitted to the Principal Certifying Authority stating that safety glazing has been used in the building in accordance with AS1288 - "Glass in Buildings - Selection and Installation".

R. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra’s network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra’s infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra’s assets in any way, you are required to contact Telstra’s Network Integrity Team on Phone Number 1800810443.

S. DIVIDING FENCES

Please be advised that arrangements concerning existing or proposed fences between properties are a civil matter determined by the involved parties under the Dividing Fences Act. You are therefore required to consult with the owners of neighbouring properties if fences are to be removed or constructed.

The Dividing Fences Act is administered by the Department of Lands who can act as a mediator in disputes.

Yours faithfully

Jai Shankar
TEAM LEADER – DEVELOPMENT ADVISORY SERVICES
DOCUMENTS ASSOCIATED WITH REPORT LPP040/19

Attachment 2
Architectural Plans
3x 1.5m high fixed privacy screens shall be attached to the north elevations of the 3 first floor rear balconies to protect privacy of adjoining sites.
DOCUMENTS ASSOCIATED WITH REPORT LPP040/19

Attachment 3
Redacted Submission 1
Cumberland Local Planning Panel Meeting
12 June 2019

RE: development application 481/2016/1, 9 Mc Credie Rd Guilford West

Dear Mr Opoku-Ware

The resident has issues with regards to this application for a three terrace site.

1. The lots are less then 200m2 (DCP & SEPP clearly states max m2 required) and overall site is less than 600m2. So right from the get go the development design for three properties does not comply. DP for lot 59 is 195m2 the other lots smaller in size. Not complying, Hence there is a SHORTFALL in the site areas and is a major DCP Non compliance so the SEE is wrong completely.

2. The ground floor and first floor FFL is too high. They both need to be dropped further down as the design is too large/bulky and high in scale. We will get over shadowing a lot especially in winter when we require most sunlight as you can imagine. Privacy issue as first floor window levels need to come down and louvers installed.

3. Building height side walls too high in front areas so needs to be brought down throughout. Too prominent and will be depressing to live with. Again currently does not comply as you are aware from the front and side elevations. Too boxy also regardless and has a little 100m step on the Hebel to the face brick which architecturally doesn’t look pleasing to the eye. Does not achieve anything or beneficial for aesthetes for neighbours and Council.

4. Privacy and security an issue. Lowering FFL ground floor and height of side walls will be a lot better not to mention are more compliant to our daily needs and way of living. Too many side doors for lot 61 also why?

5. The length of the side walls a greater than 10m. This is also a DCP-non-compliant also.

6. Shouldn’t lot 61 (only 185m2) be totally independent (not stuck on anywhere to lot 60 and lot 59)? The Architects calculations are over the DCP compliance measures.

7. The calculations FSR don’t work. Its way over on all three lots. Why?

8. Party wall between lots 59/60 doesn’t comply. If encroaches within front setback rules.

Cumberland Council needs to address the above and get it complaint for review again (if Council turns a blind eye intentionally on item 1) and must reduce the bulk/scale, building plane, side external walls, length of side walls, FFL ground floor, reduce FSR etc etc etc. Also once again the lots are less then 200m2 so why has this been sent through in the first place for review? I believe a three terrace design does not comply at all on this property. I eagerly await your response.

Regards
DOCUMENTS ASSOCIATED WITH REPORT LPP040/19

Attachment 4
Redacted Submission 2
Dear Mr Opoku-Ware,

As the Owner of the development, we reject this application in full as there is a considerable amount of non-compliance with the Cumberland Council DCP/LEPP & SEPP non-compliances and also isn’t practical which therefore plans need to be revised. I’m confident Cumberland Council will explain this to the applicant and rectify the plans to comply with the controls as well as to make sure the safety and privacy of existing properties assets are always maintained. This is what is required.

Point 1: Under the law of Development Control Plan (lot size & frontage), LEP and SEPP it clearly states that the minimum lot size for each dwelling has to be 200m2 or greater. Therefore this development application does not comply as you are aware. The lots are less than 200m2 and overall site is less than 600m2. DP for lot 59 is 195m2 only. The other lots are smaller in size down to 185m2 (the figures on the application are wrong by architect) so as you are aware this development does not comply. There is a SHORTFALL in the site area and is a major non-compliance. We believe that a Dual Occupancy is the best outcome for this property. Not a three terrace proposal. Plans therefore need to be re-submitted.

We would like to point out below the other non-compliances (see points 2 to 7 below) we need rectified on revised plans of this property as it would be beneficial for all parties. These must happen. New Developments under the DCP (point 1 above mentioned does not meet compliance which now all parties are aware) outlines designs should be carried out to assess the existing FFL’s of adjoining owners to minimise bulk/scale, side external dominating walls, overshadowing of neighbours habitable areas & overlooking into rear courtyards respectively.

Point 2: The maximum side wall heights have been compromised by a good 1.2m which is a major non-compliance. As you are aware the rules state that the maximum side wall height of 7m only is required. This along with the ground floor FFL needs to drop by at least 1000mm which will solve this issue.

Point 3: We will lose a considerable amount of important morning winter and summer sunlight as lot 59/60/61 rear side external wall will sit too high up blocking the sun so understandably we can’t accept this development application as the mooring sunlight is crucial.

Point 4: The proposed length of the proposed building design appears too long. The Architect’s calculations need to be reviewed. Side walls are longer then 10m which means under non-compliance. Please confirm. Setback on first floor required no doubt and side wall lengths reduced to code height requirements needs to be implemented at all time along the entire side wall run.

Point 5: Floor Space Ratio calculations don’t stack up based on the control measures and guidelines Council will need to review this for clarification. The rear end of the properties need to be pull back it seems. There will be massive privacy issue at the rear habitable area of our backyard and will also reduce the amount of sunlight required as mentioned above.
Point 6: There is another DCP non-compliance in that the party wall shared between lots 59/60 encroaches within in front of the setback requirements. This can’t happen under the DCP. The appearance of the proposed development is too bulky/boxy as it doesn’t blend it with the rest of the dwelling in this area.

Point 7: Street parking will be an issue with three driveways in front of this proposed development. The Road currently is full with cars and having another two council layback driveways will impact the streetscape and street parking greatly.

In Conclusion,

We object in full to this application until all the 7 points mentioned above are agreed upon to be changed please. A new redesign needs to be more compliant with the amount of dwelling allowed by law as well as proper FFLs and set back levels adjusted to cater for our privacy, security streetscape and sunlight concerns.

The only proposal is a dual occupancy development application and not a three terrace attached development application. Step 1: The new revised plans need to show point 1 taken place. Step 2 all the above non-conformance as well as our major concerns from points 2 to 7 must be rectified in order to comply and for us to be satisfied. All we ask is that the redesign need to be more:

(a) Practical in designing ground and first floor FFL levels blending in with adjoining property owner’s levels and Councils Street. Proposed ground floor and first floor FFLs need to be lowered by 1000mm.

(b) Compliant with the maximum entire length of walls allowed along with the external side walls maximum height tolerance code requirements. Currently it does not comply. It is over by a good 1.2m. Maximum height of side walls is 7m from side pathways. Proposed ground floor and first floor FFLs need to be lowered by 1000mm in order to us to maintain our current morning winter and summer sunlight at the rear.

(c) be practical and understanding to the daily needs for existing adjoining neighbours such as lack of already street parking, lack of sunlight to habitable areas and courtyard areas as well as privacy and security concerns due to this development application.

I eagerly await your response and happy to meet Council to discuss if required.

Regards
DOCUMENTS ASSOCIATED WITH REPORT LPP040/19

Attachment 5
Redacted Submission 3
24th of February 2019
Cumberland Council
16 Memorial Avenues
PO Box 42 Merrylands NSW 2160
Att: Mr B Opoku-Ware

RE: 9 Mc Credie Road Guildford West notice of development application lot 59.60&61 development application 2018/481/1

Dear Mr Opoku-Ware,

As the Owner of we reject this application as there is a considerable amount of (a) Cumberland Council DCP/LEP & SEPP non compliances and also (b) isn’t practical which therefore plans need to be revised. I’m confident Cumberland Council will explain this to the applicant and rectify the plans to comply with the controls as well as to make sure the safety and privacy of existing properties assets are always maintained. This is what is required.

Point 1: Under the law of Development Control Plan (lot size & frontage), LEP and SEPP it clearly states that the minimum lot size for each dwelling has to be 200m2 or greater. Therefore this development application does not comply as you are aware. The lots are less then 200m2 and overall site is less than 600m2. DP for lot 59 is 195m2 only. The other lots are smaller in size down to 185m2 (the figures on the application are wrong by architect) so as you are aware this development does not comply. There is a SHORTFALL in the site areas and is a major non-compliance. We believe that a Dual Occupancy is the best outcome for this property. Not a three terrace proposal. Plans therefore need to be re submitted.

We would like to point out below the other non-compliances (see points 2 to 11 below) we need rectified on revised plans of this property as it would be beneficial for all parties. These must happen. New Developments under the DCP/LEP & SEPP (point 1 above mentioned does not meet compliance which now all parties are aware) outlines designs should be carried out to assess the existing FFL’s of adjoining owners to minimise bulk/scale, front/side set back requirements, building plane, side external dominating walls, high boundary walls/fencing, overlooking, overshadowing of neighbours habitable and rear courtyards areas, height of rainwater tanks, side pathways FFL’s and existing site boundary constraints respectively.

Point 2: The current proposed FFL of lot 59/60 ground floor of 33300 is improper and does not work for us. The proper FFL however to eliminate a handful of non-compliances is that the development applications ground floor FFL needs to drop down to at least FFL 32390. This must happen regardless for any type of application on this property as it will have a massive burden on the property financially, emotionally, physically and as well as overshadowing/sunlight, privacy and security issues will be dramatically affected.

Point 3: This application needs more work on addressing the surrounding properties privacy and security requirements: My property’s window head RLS compared to the window sill height of the
proposed development next door lot 59 hasn’t been properly addressed due to the proposed ground floor & first floor finished floor levels (FFL) which created a majority of non-compliances.

My property’s ground floor FFL habitable front & rear (i.e. the living room, shower, toilet, and rumpus room kitchen, bedroom & rear habitable courtyard) areas will end up being dangerous way lower than the proposed ground floor and rear courtyard proposed FFLs of lot 59/60 respectively. Especially lot 59. As you can understand this can’t be allowed as it will severely impact on privacy issues which will cause general health, safety, and security being compromised. It will not ensure reasonable sunlight/solar access and privacy for adjoining resident’s dwellings and the public domain. I’m sure Council understands this.

At the moment the 1200x1200mm proposed windows on lot 59 ground floor and first floors western elevation will allow people looking straight into my property’s habitable rooms (i.e. ground floor shower room, bedroom, side door laundry room and front/rear habitable rooms) which are a major DCP non compliance. We set up levels on site and it demonstrated that the privacy of our property will be effected immensely. We can show this to Council if required.

Therefore understandably we can’t accept this development application. The new re design also will need to demonstrate that the proposed window openings need to be more staggered away from our window and laundry door openings to 100% eliminate all privacy issues.

Point 4: The maximum side wall heights have been compromised by a good 1.2m which is a major noncompliance. As you are aware the rules state that the maximum side wall height of 7m only is required. This along with the ground floor FFL needs to drop by at least 1m which will solve this issue.

Point 5: Lot 59 front and side set back hasn’t been thoughtful seriously enough also. The application has proposed half of lot 59 garages structurally loads as well as some structural loads of a section of the first floor front rooms to be transferred and built I’m assuming 150mm offset (development plans provided in A4 were too small to see) off the top of an existing retaining boundary wall which we are not structurally comfortable with and not in the Council DCPs garage objectives and control measures.

Their proposed living room ground floor therefore needs to show on revised plans a FFL at 32390 (no higher) which in turn the retaining boundary wall & fence can be safely lowered down accordingly and thus will become much safer for both adjoining properties structurally. Another reason why it is essential that the proposed ground floor FFL of lot 59 needs to drop down 1m.

Therefore also the proper proposed garage FFL of lot 59 should therefore be 31990 not 32350. By doing this it will also improve the internal off street hardstand gradient. Council will benefit with this obviously as you are aware as the street frontage will look more pleasing to the eye and be a lot safer. The contours of the RLS in front of LOT are not a true reflection of the NGL it should be. You can tell by the grass level behind its front fence in relation to the council’s adjacent footpath RL.

Common sense should always prevail where the location of the proposed garage wall for lot 59 can’t happen at this height due to the zone of influence of the boundary retaining wall at its current height. It’s not practical nor is it safe for both parties where is it proposed to be built. The design should have had lot 59 layout flipped around with lot 61 due to obvious site boundary constraints.
A high garage high wall on top of a high boundary retaining wall in relation to our side pathway FFLs will also look bizarre in our front yard as well as being a safety breach and does not comply with control measures. Aesthetically will not look right not to mention the Rumpus/living room at the front (unless lot 59 garage levels dropped) will now never get any sunlight at all into this important habitable room. This window has been neglected when preparing this development application.

Point 6: We will lose a considerable amount of important morning winter sunlight as all windows along our Eastern Elevation will be severely affected as lot 59/60/61 side external wall will sit too high up with the boundary fence.

We will also be cut off with natural sunlight during the summer morning sun. The habitable front and rear habitable rooms and courtyard will be cut off completely from both winter and summer morning sun as the proposed side walls are too high by 1m compared to our FFL levels. Therefore understandably we can’t accept this development application.

The proposed development rear layout (bbq area) room needs to be lowered down by a 1m and reviewed to be kindly pushed back by 1.6m as it will completely shut off on sunlight during both winter and summer mornings. This plus privacy issues also will be effected.

Point 7: The proposed length of the proposed building design appears too long. The Architects calculations need to be reviewed. Side walls are longer then 10m which means could be another non-compliance. Please confirm. Setback on first floor required no doubt and side wall lengths required to comply.

Point 8: Floor Space Ratio calculations don’t stack up based on the control measures and guidelines Council will need to review this for clarification again please. The rear end of the properties need to be pull back it seems. There will be massive privacy issue at the rear habitable area of our backyard and will also reduce the amount of sunlight required as mentioned above.

Point 9: There is another DCP non-compliance in that the party wall shared between lots 59/60 encroaches within in front of the setback requirements. This can’t happen under the DCP. The appearance of the proposed development is too bulky /boxy as it doesn’t blend it with the rest of the dwelling in this area.

Point 10: How is Lot 59, 60, 61 going to contain their own stormwater/rainwater runoff internally on their property?? I have not seen stormwater plans for review. Nothing is on the Cumberland Council Website to review. As you are aware I have Council requesting to review the stormwater plans. We don’t allow stormwater/rainwater runoff entering our property. Must be wholly contained in their land.

Point 11: Street parking will be an issue with three driveways in front of this proposed development. The Road currently is full with cars and having another two council layback driveways will impact the streetscape and street parking.
In Conclusion,

We object in full this application until all the 11 points mentioned above are agreed upon to be changed please. A new redesign needs to be more compliant with the amount of dwelling allowed by law as well as proper FFLs and set back levels adjusted to cater for our privacy, security streetscape and sunlight concerns.

The only proposal is a dual occupancy development application it seems and not a three terrace attached development application. Step 1: The new revised plans need to show point 1 taken place. Step 2 all the above non-conformance as well as our major concerns from points 2 to 11 must be rectified in order to comply and for us to be satisfied. All we ask is that the redesign need to be more:

(a) Practical in designing ground and first floor FFL levels blending in with adjoining property owner’s levels, boundaries and Councils Streetscape. Proposed ground floor and first floor FFLs need to be lowered by 1000mm and by 360mm for the proposed garage.

(b) Avoid privacy issues by avoiding people looking through our windows into my ground floor habitable rooms and bedroom as well as into our side pathway. Proposed ground floor and first floor FFLs need to be lowered by 1000mm and by 360mm for the proposed garage. Hence why the window head RL is to match our existing window height FFLs and proposed window openings need to be more staggered away from our window openings to 100% eliminate all privacy issues.

(c) Compliant with the maximum entire length of walls allowed along with the external side walls maximum height tolerance code requirements. Currently it does not comply. It is over by a good 1.2m. Maximum height of side walls is 7m from side pathways. Proposed ground floor and first floor FFLs need to be lowered by 1000mm and by 360mm for the proposed garages.

(d) Factor in boundary constraints between my property and lot 59. Front, Side setbacks need to be more practical to existing adjoining structures. The proposed development application is too high up and close to the boundaries zone of influence. Its bulky/boxy looking and FSR has been truly exhausted. Proposed ground floor and first floor FFLs need to be lowered by 1000mm and by 360mm for the proposed garage.

(e) be practical and understanding to the daily needs for existing adjoining neighbours when it comes to their health, bulk/scale, side wall heights and building plane, security and privacy requirements.

I eagerly await your response and happy to meet Council to discuss if required.

Regards
DOCUMENTS ASSOCIATED WITH REPORT LPP040/19

Attachment 6
Landscape Plan
DOCUMENTS ASSOCIATED WITH REPORT LPP040/19

Attachment 7
Stormwater Plan
### On-Site Detention Calculation Sheet

**Project Location:** Proposed Residential Development, 9 McCredie Street, Guildford West  
**Designer:**  
**Plan Number:**  

<table>
<thead>
<tr>
<th>Project</th>
<th>Location</th>
<th>Designer</th>
<th>Plan Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>OGD A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OGD B</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OGD C</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### OGD A
- **UPRC:**  
- **UPRC:**  
  - **Area:**  
  - **Volume:**  
- **Discharge:**  
  - **Basic Discharge:**  
  - **Adjusted Discharge:**  

#### OGD B
- **UPRC:**  
- **UPRC:**  
  - **Area:**  
  - **Volume:**  
- **Discharge:**  
  - **Basic Discharge:**  
  - **Adjusted Discharge:**  

#### OGD C
- **UPRC:**  
- **UPRC:**  
  - **Area:**  
  - **Volume:**  
- **Discharge:**  
  - **Basic Discharge:**  
  - **Adjusted Discharge:**  

---

**Checked By:** D.M.  
**Date Checked:** 28-Nov-18  
**OGD Plan Number:** S191/S109

---

**Checked By:** D.M.  
**Date Checked:** 28-Nov-18  
**OGD Plan Number:** S191/S109

---

**Checked By:** D.M.  
**Date Checked:** 28-Nov-18  
**OGD Plan Number:** S191/S109

---

**AMENDMENTS**  
**DRAIN:** D.M.  
**DESIGNER:** D.M.  
**PROJECT:** Proposed 9 x Dwelling House, 9 McCredie Road, Guildford West, NSW  
**CLIENT:** Danny Bouchdan  
**TITLE:** Site Stormwater Drainage Plan  
**DRAWING NO.:** S732  
**DATE:** 28-11-18  
**REV.:** 1

---

Cumberland Local Planning Panel Meeting  
12 June 2019
DOCUMENTS ASSOCIATED WITH REPORT LPP040/19

Attachment 8
Shadow Diagram
ROOF PLAN & SHADOW
DIAGRAM - 22 JUNE, 9AM
1:200

designed by
NABIH MANNAH

JOB DESCRIPTION
PROPOSED 2 X ATTACHED TWO STORY DWELLINGS

DRAWING TITLE
ROOF PLAN & SHADOW

CURRENT DETAILS
Dennis O’Shea

JOB DETAILS

DATE
APR 19

SCHEDULE
1:30PM

ISSUE
C

GENERAL NOTES

1. GENERATED AS PART OF PLANNING APPLICATION AND IS APPROXIMATESTIMATING SCHEDULE
2. APPLICATION EXPENSES
3. GENERAL ISSUES

ADDENDUMS AS PER COUNCIL DATED 26TH MARCH

DESIGN

APPLICATION LODGEMENT

RECEIVED
R.M. DATED
R.M. DATED
R.M. DATED

See Plan for Details

Cumberland Local Planning Panel Meeting
12 June 2019

LPP040/19 – Attachment B

Page 281
ROOF PLAN & SHADOW
DIAGRAM - 22 JUNE, 12PM
1:200
DOCUMENTS ASSOCIATED WITH REPORT LPP040/19

Attachment 9
Acoustic Report
26 November 2018

Nabih Mannah
Designer
9 McCredie Road
Guildford West, NSW 2161

Re: Acoustic assessment: Proposed residential development 9 McCredie Road, Guildford West

1 Introduction

EMM Consulting Pty Ltd (EMM) has been engaged by Nabih Mannah to conduct a road traffic and operational noise assessment for a proposed residential development at 9 McCredie Road, Guildford West (Lots 59, 60 and 61 DP1210). The assessment has been requested by Cumberland Council to satisfy Holroyd Development Control Plan (DCP) (2013) requirements for developments on classified roads.

This assessment references development application (DA) architectural drawings provided by Nabih Mannah dated October 2018 (refer to Appendix A). The proposed development consists of three, two-storey dwellings with living, kitchen, dining, bathroom, laundry and study areas on the ground floor, with bedrooms and bathrooms on the first floor.

2 Existing environment

2.1 Unattended noise monitoring

EMM completed unattended noise monitoring to establish existing road traffic noise levels at the site of the proposed development. The monitoring location was chosen to represent noise levels at the worst affected façade of the proposed development (ie facing McCredie Road, on the southern boundary of site).

The unattended noise monitoring was carried out using a SVANTEK 977 environmental noise monitoring logger (S/N 59681). The noise logger was in place from 6 to 19 November 2018, and was programmed to record statistical noise level indices continuously in 15 minute intervals. Calibration of the noise logger was checked prior to and following unattended noise monitoring. Drift in calibration did not exceed ±0.5dB. The equipment carried appropriate and current NATA calibration certificates.

Weather data for the unattended noise monitoring period was obtained from the closest Bureau of Meteorology's (BoM) Automatic Weather Station (AWS ID 066137). The wind speed and rainfall data were used to exclude noise data during periods of any rainfall and/or wind speed in excess of 5 m/s in accordance with the Environmental Protection Authority's (EPA) Noise Policy for Industry (NPII) 2017 methods.

A summary of the unattended noise monitoring results is provided in Table 2.1. The daily summary data and charts are provided in Appendix B.
Table 2.1  Summary of unattended noise monitoring

<table>
<thead>
<tr>
<th>Monitoring location</th>
<th>Period</th>
<th>Measured $L_{eq}$ Noise level, dB</th>
<th>RBL$^2$</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 McCredie Road</td>
<td>Day (7 am–6 pm)</td>
<td>63</td>
<td>43</td>
</tr>
<tr>
<td></td>
<td>(evening) 6 pm–10 pm</td>
<td>62</td>
<td>41</td>
</tr>
<tr>
<td></td>
<td>Night (10 pm–7 am)</td>
<td>58</td>
<td>36</td>
</tr>
</tbody>
</table>

Notes: 1. The energy averaged noise level over the measurement period and representative of general ambient noise.
2. The Rating Background Level is an MPF term and is used to represent the background noise level.

3  Attended noise monitoring

EMM completed 15 minute attended noise measurements on 6 November 2018 at the proposed facade of the development and the rear yard of a neighbour, to identify noise sources contributing to the ambient noise environment.

Operator-attended measurements were conducted using a Bruel & Kjaer Type 1 integrating sound level meter (serial number 3008201) to both quantify and qualify the existing noise sources. Field calibration of the instrument was completed using a Bruel & Kjaer type 4230 calibrator. Attended measurements were guided by AS 1055-1997 Description and Measurement of Environmental Noise, Parts 1, 2 and 3. Meteorological conditions throughout the survey period were relatively calm and clear with no winds above 5 m/s or rain.

A summary of results of the attended noise monitoring is provided in Table 3.1.

Table 3.1  Summary of 15-minute attended noise measurements

<table>
<thead>
<tr>
<th>Location</th>
<th>Start time</th>
<th>Measured noise level dB</th>
<th>Comments (8 &amp; $L_{max}$ levels)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Logger location -</td>
<td>10:00am</td>
<td>$L_{eq}$ 62 $L_{A90}$ 44</td>
<td>Approx 84 Light vehicle passbys, 6 Heavy vehicles, 76 dB light vehicle passbys, 74 dB heavy vehicle passbys, 73 dB when quiet. Occasional birdsong 30–35 dB. Distant aircraft 40–45 dB.</td>
</tr>
<tr>
<td>front yard 9 McCredie Rd</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear yard of</td>
<td>10:30am</td>
<td>49 $L_{A90}$ 37 $L_{max}$ 70</td>
<td>Helicopter distant passby 46 dB. Traffic passbys 43–46 dB. Distant birdsong 37–39 dB. 36 dB when quiet. Garbage truck activities 54 dB. Light aircraft flyover 64 dB. Motorcycle passby 54 dB.</td>
</tr>
<tr>
<td>neighbour – 7 McCredie Rd</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4  Acoustic criteria

4.1 SEPP (Infrastructure) 2007

Clause 102 of State Environmental Planning Policy (SEPP) (Infrastructure) provides noise and vibration criteria for noise sensitive developments adjacent to busy roads and rail corridors. Of relevance to this project, Sub-clause 3 states:
If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following $L_{eq}$ levels are not exceeded:

a) in any bedroom in the building - 35 dB(A) at any time between 10 pm and 7 am; and

b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time.

This is consistent with Holroyd DCP (2013 Section 9).

4.2 NSW Planning 'Development near rail corridors and busy roads – interim guideline' (December 2008)

The NSW Department of Planning and Infrastructure (DP&I) 2008 document “Development near rail corridors and busy roads – interim guideline” provides added context and explanation on acoustic criteria provided in Clause 102 of SEPP (Infrastructure). The internal noise criteria of this document are consistent with the SEPP Infrastructure targets outlined in Section 4.1.

Of relevance to this project, the guideline states that:

If internal noise levels with windows or doors open exceed the criteria by more than 10 dB(A), the design of the ventilation for these rooms should be such that occupants can leave windows closed, if they so desire, and also to meet the ventilation requirements of the Building Code of Australia.

The guideline also clarifies that the noise criteria presented in Section 4.1 are to be determined as an $L_{eq,15min}$ for the day (7 am to 10 pm) and $L_{eq,1hr}$ for the night time period (10 pm to 7 am).

4.3 Noise Policy for Industry

Responsibility for the control of noise emission in New South Wales is vested in Local Government, DPE or the EPA. The NPI (EPA 2017) provides a framework and process for deriving noise trigger levels. The NPI trigger levels for industrial noise sources (eg mechanical plant), has two components:

1. Controlling the intrusive noise impacts for residents and other sensitive receivers in the short term; and

2. Maintaining noise level amenity for particular land uses for residents and sensitive receivers in other land uses.

4.3.1 Assessing intrusiveness

For assessing intrusiveness, the background noise generally needs to be measured. The intrusiveness trigger level essentially means that the equivalent continuous noise level ($L_{eq}$) of the source should not be more than 5 dB above the measured (or default) Rated Background Level (RBL) over any 15 minute period. This applies to residential properties only.

4.3.2 Assessing amenity

The amenity trigger level is based on land use and associated activities (and their sensitivity to noise emission). The cumulative effect of noise from industrial sources needs to be considered in assessing impact. The amenity trigger levels relate only to Industrial-type noise sources and do not include road, rail or community noise. The noise levels from new industrial-type noise sources, (including air-conditioning and other mechanical plant) need to be designed so that the cumulative effect does not produce total noise levels that would significantly exceed the relevant amenity trigger level.
In all cases above, the NPII requires that the assessment location be the most affected location within the receiver property and not more than 30 m from a dwelling in the case of residential receivers.

The site is considered as a suburban amenity category according to the NPII. A suburban area is described in the NPII as—an area that has local traffic with characteristically intermittent traffic flows or with some limited commerce or industry and that has evening ambient noise levels defined by the natural environment and human activity. The suburban amenity criteria are shown in Table 4.1.

Cumulative industrial noise is not a necessary consideration because no other industries are present in the area, or likely to be introduced into the area in the future. In such cases the relevant amenity noise level is assigned as the project amenity level for the development (refer Section 2.4 of NPII).

### Table 4.1 Project amenity noise level

<table>
<thead>
<tr>
<th>Assessment location</th>
<th>Indicative area</th>
<th>Time period</th>
<th>Recommended amenity noise level, $L_{Aeq,\text{period}}$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Suburban</td>
<td>Day</td>
<td>55</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Evening</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Night</td>
<td>40</td>
</tr>
</tbody>
</table>

**Source:** NRW NPII (EDA 2017).

**Notes:**
1. Day: 7 am to 6 pm Monday to Saturday; 8 am to 6 pm Sundays and public holidays; Evening: 6 pm to 10 pm, Night: 10 pm to 7 am.
2. The recommended amenity noise level has been adopted for the project due to the absence of other industry in the area, as per Section 2.4 of the NPII.

#### 4.3.3 Project noise trigger levels

Noise trigger levels for mechanical equipment for each of the defined day, evening and night periods have been derived from noise levels measured during the ambient noise survey and processed in accordance with the NPII.

The project noise trigger level (PNTL) is the lower of the intrusive or amenity trigger levels. The project noise trigger level for the relevant day, evening and night assessment periods at the nearest assessment locations are given (in bold) in Table 4.2.

The difference between the $L_{A90}$ at the rear of the property (attended measurement) and the $L_{A90}$ at the front of the property (unattended noise logger) was 6 dB. This correlation is used to set noise criteria for the management of potential noise impacts at the rear of neighbouring properties from mechanical plant at the proposed development during the day and evening periods.
Table 4.22  Project noise trigger levels

<table>
<thead>
<tr>
<th>Location</th>
<th>Period (^1)</th>
<th>Measured RBL</th>
<th>Intrusiveness trigger level, L_{eq},\text{minute}</th>
<th>Suburban amenity trigger level, L_{eq},\text{day}</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard of neighbour</td>
<td>Day</td>
<td>43</td>
<td>48</td>
<td>55</td>
</tr>
<tr>
<td></td>
<td>Evening</td>
<td>41</td>
<td>46</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td>Night</td>
<td>36</td>
<td>41</td>
<td>40</td>
</tr>
<tr>
<td>Rear yard of neighbour</td>
<td>Day</td>
<td>37</td>
<td>42</td>
<td>55</td>
</tr>
<tr>
<td></td>
<td>Evening</td>
<td>37(^2)</td>
<td>42</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td>Night</td>
<td>36(^3)</td>
<td>41</td>
<td>40</td>
</tr>
</tbody>
</table>

Notes:  
1. Day: 7 am to 8 pm Monday to Saturday; 8 am to 10 pm Sundays and public holidays; Evening: 8 pm to 10 pm; Night: 10 pm to 7 am Monday to Saturday, 10 pm to 8 am Sundays and public holidays; Morning: 6 am to 7 am.  
2. The RSL measured for day has been adopted for the evening period in accordance with EN61266 procedures.  
3. Day time combined RSL values have been adopted for the evening at the rear of neighbours due to no assuming LAD correlation measurement being available.  
4. Night time RSL has not been adjusted. Due to the decrease of traffic at night, it is assumed L eq levels at front and rear yard of property would not vary.

5  Road traffic noise assessment

The Roads and Maritime Services (RMS) 2001 document, “Environmental Noise Management Manual” provides typical noise reductions achieved by standard residential building constructions. These typical noise reductions, provided in Table 5.1, have been used as an initial screening test to estimate internal noise levels at 9 McCredie Road. Internal noise levels were estimated based on measured road traffic noise levels in Table 2.1, for windows open and closed scenarios.

Table 5.1  Indicative building noise reduction (adapted from FHWA 1995)

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Windows</th>
<th>Internal noise reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>All</td>
<td>Open</td>
<td>10 dB</td>
</tr>
<tr>
<td>Light frame</td>
<td>Single glazed (closed)</td>
<td>20 dB</td>
</tr>
<tr>
<td>Masonry</td>
<td>Single glazed (closed)</td>
<td>25 dB</td>
</tr>
<tr>
<td></td>
<td>Double glazed (closed)</td>
<td>35 dB</td>
</tr>
</tbody>
</table>

Source:  

The estimated internal noise levels for the proposed development are summarised in Table 5.2. Brick veneer construction with single glazed windows is proposed and therefore noise reductions afforded by the masonry building type with single glazed windows in Table 5.1 have been adopted.

The noise levels to the sides of the building have been adjusted to account for the additional distance and shielding provided due to their offset from the road and neighbours houses.

---

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### Table 5.2
**Calculated internal noise levels**

<table>
<thead>
<tr>
<th>Dwelling Facade</th>
<th>Period</th>
<th>Worst case external ( L_{eq} ) dB</th>
<th>Predicted internal ( L_{eq} ) dB</th>
<th>Criteria ( L_{eq} ) dB</th>
<th>Exceedance dB</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Windows open (-10dB)</td>
<td>Windows closed (-25dB)</td>
<td>Windows open</td>
<td>Windows closed</td>
</tr>
<tr>
<td>Facing S McCredie</td>
<td>Day</td>
<td>63</td>
<td>53</td>
<td>40 (living)</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Night</td>
<td>58</td>
<td>48</td>
<td>35 (bedroom)</td>
<td>13</td>
</tr>
<tr>
<td>Side of building</td>
<td>Day</td>
<td>58</td>
<td>48</td>
<td>35 (living)</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Night</td>
<td>54</td>
<td>44</td>
<td>35 (bedroom)</td>
<td>9</td>
</tr>
</tbody>
</table>

**Notes:**
1. Based on measured noise levels in Table 2.1.
2. Existing road traffic noise levels at the facades of the dwelling facing east from McCredie Road have been estimated based on the likely attenuation due to increased distance from McCredie Road relative to the noise monitoring location and the shielding provided by the proposed dwelling that is closest to McCredie Road.

The results with windows closed for all rooms demonstrate that internal criteria for living areas and bedrooms are predicted to be satisfied with standard building construction. The need to have windows closed to achieve internal noise criteria in bedrooms and living rooms will mean that mechanical ventilation will be required in accordance with BCA’s requirements (e.g. to include fresh air reticulation).

### 6 Recommendations

#### 6.1 Acoustic performance of building elements

The following recommended building upgrades are based on the DPE’s “Development near rail corridors and busy roads - interim guideline” (2008) – Appendix C – “Acoustic Treatment of Residences”. As per the guideline, the acoustic performance of each building element is predicted for each category of noise control treatment. In Table 6.1, this is presented in terms of Weighted Sound Reduction Index (Rw) values.

### Table 6.1 **Acoustic performance of building elements**

<table>
<thead>
<tr>
<th>Category of Noise Control Treatment</th>
<th>( R_w ) of Building Elements (minimum assumed)</th>
<th>Windows/Sliding Doors</th>
<th>Frontage Facade</th>
<th>Roof</th>
<th>Entry Door</th>
<th>Floor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category 1</td>
<td></td>
<td>24</td>
<td>38</td>
<td>40</td>
<td>28</td>
<td>29</td>
</tr>
<tr>
<td>Category 2</td>
<td></td>
<td>27</td>
<td>45</td>
<td>43</td>
<td>30</td>
<td>29</td>
</tr>
<tr>
<td>Category 3</td>
<td></td>
<td>32</td>
<td>52</td>
<td>48</td>
<td>33</td>
<td>30</td>
</tr>
<tr>
<td>Category 4</td>
<td></td>
<td>35</td>
<td>55</td>
<td>52</td>
<td>33</td>
<td>30</td>
</tr>
<tr>
<td>Category 5</td>
<td></td>
<td>43</td>
<td>55</td>
<td>56</td>
<td>40</td>
<td>50</td>
</tr>
</tbody>
</table>

#### 6.2 Building recommendations

Based on measured representative external noise levels, more detailed desktop calculations were completed as per British Standard BS EN 12354-3:2000 - Building acoustics – “Estimation of acoustic performance in buildings from the performance of elements - Airborne sound insulation against outdoor sound”. These results were used to determine the minimum required acoustic rating of facade elements.
The following recommendations are based on architectural drawings provided by Nabih Mannah (October 2018) (refer to Appendix A).

6.2.1 Lot 59

i Bedroom 4

Bedroom 4 on the first floor requires the following building upgrades:

- Category 2 wall construction (eg 6mm fibre cement sheeting, weatherboards, plank cladding or brick masonry externally, 90mm deep timber stud or 92mm metal stud, 13mm standard plasterboard internally with R2 insulation in wall cavity);

- Category 2 roof construction (eg Pitched concrete or terracotta tile or metal sheet roof with sarking, 10mm plasterboard ceiling fixed to ceiling joists, R2 Insulation batts in roof cavity); and

- Category 4 glazing (eg openable with minimum 10.38mm laminated glass and full perimeter acoustic seals) for the sliding door.

6.2.2 Lot 60

i Study/Entry

The study area on the ground floor requires the following building upgrades:

- Category 4 wall construction (eg 110mm brick, 90mm timber stud or 92mm metal stud, minimum 50mm clearance between masonry and stud frame, R2 insulation batts in wall cavity, 10mm standard plasterboard internally);

- Category 4 glazing (eg openable with minimum 10.38mm laminated glass and full perimeter acoustic seals) for the window; and

- Category 3 door (eg 45mm solid core timber door fitted with full perimeter acoustic seals) for the front door.

ii Bedroom 3

Bedroom 3 on the first floor requires the following building upgrades:

- Category 2 wall construction (eg 6mm fibre cement sheeting, weatherboards, plank cladding or brick masonry externally, 90 mm deep timber stud or 92 mm metal stud, 13 mm standard plasterboard internally with R2 insulation in wall cavity);

- Category 3 roof construction (eg Pitched concrete or terracotta tile or sheet metal roof with sarking, 1 layer of 13 mm sound-rated plasterboard fixed to ceiling joists, R2 Insulation batts in roof cavity); and

- Category 4 glazing (eg openable with minimum 10.38 mm laminated glass and full perimeter acoustic seals) for the sliding door.

iii Bedroom 4

Bedroom 4 on the first floor requires the following building upgrades:
• Category 2 wall construction (eg 6mm fibre cement sheeting, weatherboards, plank cladding or brick masonry externally, 90 mm deep timber stud or 92 mm metal stud, 13 mm standard plasterboard internally with R2 insulation in wall cavity);

• Category 3 roof construction (eg Pitched concrete or terracotta tile or sheet metal roof with sarking, 1 layer of 13 mm sound-rated plasterboard fixed to ceiling joists, R2 insulation batts in roof cavity); and

• Category 4 glazing (eg openable with minimum 10.38 mm laminated glass and full perimeter acoustic seals) for the window.

6.2.3 Lot 61

1 Bedroom 4

Bedroom 4 on the first floor requires the following building upgrades:

• Category 2 wall construction (eg 6mm fibre cement sheeting, weatherboards, plank cladding or brick masonry externally, 90 mm deep timber stud or 92 mm metal stud, 13 mm standard plasterboard internally with R2 insulation in wall cavity);

• Category 2 roof construction (eg Pitched concrete or terracotta tile or metal sheet roof with sarking, 10 mm plasterboard ceiling fixed to ceiling joists, R2 insulation batts in roof cavity);

• Category 4 glazing (eg openable with minimum 10.38 mm laminated glass and full perimeter acoustic seals) for the window; and

• Category 3 door/category 4 glazing (eg 45 mm solid core timber door fitted with full perimeter acoustic seals/10.38 mm laminated glass door with full perimeter seals) for the balcony door.

The above example construction details are minimum requirements, eg thicker sheeting externally or internally can be used.

6.2.4 Building recommendations (all rooms and dwellings)

Standard brick veneer construction for the walls, standard door construction and standard single glazing (with perimeter seals) is predicted to satisfy criteria for all other rooms in all dwellings if windows remain closed. The need to have windows closed to achieve internal noise criteria in bedrooms and living rooms will mean that mechanical ventilation will be required to satisfy BCA’s requirements. This applies to all bedrooms at the front of dwellings, facing McCredie Road.

7 Mechanical plant

Mechanical plant may operate through all periods (day and night). It is noted that the specifications for the air conditioning system have not yet been specified, however it will likely comprise a small package unit or split system. Given the night time criterion of $L_{eq,15\text{minute}}$ 40 dB, typical low noise condenser units would be expected to achieve this limit with the implementation of typical engineering noise controls including judicious equipment selection, placement and screening.

8 Conclusion

EMM has completed a noise intrusion assessment for the proposed residential development at 9 McCredie Road, Guildford West. Measured noise levels were assessed against Clause 102 of the infrastructure SEPP (2007) and as detailed further in DPE’s “Development near Rail Corridors and Busy Roads – Interim Guidelines” (2008), which is consistent with the Holroyd DCP.
It was found that building upgrades are required to satisfy criteria for rooms at the front of buildings facing McCredie Road (refer to Section 6). Standard construction will satisfy criteria for all other rooms within the dwellings. The need to have windows closed to achieve internal noise criteria in select bedrooms and living rooms will mean that mechanical ventilation in accordance with the BCA will be required for all dwellings to satisfy acoustic requirements.

Criteria for noise impacts from mechanical ventilation have been established, and potential impacts reviewed. Typical low noise condenser units would be expected to achieve this limits derived with the implementation of typical engineering noise controls including judicious equipment selection, placement and screening.

We trust the above information meets your needs and if you have any further questions please contact our office.

Yours sincerely

Rick Scully
Acoustic Consultant
rscully@emmconsulting.com.au

Review: Ni (23/11/18)
Appendix A

Architectural drawings
Appendix B

Unattended noise monitoring results
### 8.1 Summary

<table>
<thead>
<tr>
<th>Date</th>
<th>ABL Day</th>
<th>ABL Evening</th>
<th>ABL Night</th>
<th>L_{eq,24hr} Day</th>
<th>L_{eq,4hr} Evening</th>
<th>L_{eq,24hr} Night</th>
<th>L_{eq,4hr} Day</th>
</tr>
</thead>
<tbody>
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<td>0</td>
<td>42</td>
<td>39</td>
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<td>58</td>
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<td>Wednesday, 07-11-18</td>
<td>0</td>
<td>44</td>
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<td>62</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Thursday, 08-11-18</td>
<td>45</td>
<td>41</td>
<td>38</td>
<td>64</td>
<td>63</td>
<td>59</td>
<td>64</td>
</tr>
<tr>
<td>Friday, 09-11-18</td>
<td>43</td>
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<td>36</td>
<td>63</td>
<td>63</td>
<td>57</td>
<td>63</td>
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<tr>
<td>Saturday, 10-11-18</td>
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<td>33</td>
<td>65</td>
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<td>0</td>
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</tr>
<tr>
<td>Sunday, 11-11-18</td>
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<td>35</td>
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<td>60</td>
<td>59</td>
<td>63</td>
</tr>
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<td>Monday, 12-11-18</td>
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<td>32</td>
<td>63</td>
<td>63</td>
<td>58</td>
<td>63</td>
</tr>
<tr>
<td>Tuesday, 13-11-18</td>
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<td>29</td>
<td>64</td>
<td>62</td>
<td>59</td>
<td>63</td>
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<tr>
<td>Wednesday, 14-11-18</td>
<td>43</td>
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<td>39</td>
<td>64</td>
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<td>63</td>
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<td>Thursday, 15-11-18</td>
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<td>37</td>
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<td>63</td>
<td>58</td>
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<td>Sunday, 18-11-18</td>
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<td>36</td>
<td>61</td>
<td>61</td>
<td>59</td>
<td>61</td>
</tr>
<tr>
<td>Monday, 19-11-18</td>
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<td>0</td>
<td>0</td>
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<td>0</td>
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</table>

**Summary Values**

<table>
<thead>
<tr>
<th>RBL</th>
<th>43</th>
<th>41</th>
<th>36</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leq</td>
<td>64</td>
<td>62</td>
<td>58</td>
</tr>
</tbody>
</table>

**Notes:**
1. 0 indicates periods with too few valid samples due to weather or logger operation
2. Leq:24hr encompasses the period 7am to 7am
DEVELOPMENT APPLICATION FOR ADJACENT TO 28A CAMPBELL STREET, BERALA

Responsible Division: Environment & Planning
Officer: Manager Development Assessment
File Number: DA-63/2019

Applicant: Jcdecaux Australia P/L.
Owner: Cumberland Council.
Application No.: DA-63/2019.
Description of Land: Adjacent to 28A Campbell Street Berala.
Proposed Development: Use of a digital display sign affixed to a Telstra payphone for third party advertising.
Site Area: N/A.
Zoning: B2 Local Centre Zone.
Disclosure of political donations and gifts: Nil disclosure.
Heritage: No.
Principal Development Standards: Floor space ratio
Permissible floor space ratio: 2:0.
Proposed: Nil.

And:

Height of Building
Permissible: 14 metres
Proposed: Not applicable. No building is proposed.

Issues: Submissions.

SUMMARY:

1. Development Application No. DA-63/2019 was received by Council on the 20 March 2019 for use of a digital display sign affixed to a Telstra payphone for third party advertising.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of fourteen (14) days between Tuesday 30 April and Tuesday 14 May 2019. In response, twenty (20) submissions were received.

3. There are no variations to the planning controls.

4. The development application is recommended for approval subject to conditions as provided within the attached schedule.
5. The application is referred to the Panel for determination as this proposal is considered to be contentious development.

**REPORT:**

**Subject Site And Surrounding Area**

The site is situated close to the intersection of Campbell Street with Burke Avenue. The locality is situated south of a railway line and railway station but within the southern portion of the Berala Town Centre. There is a group of shops situated at 19 to 37 Burke Avenue and 28 and 28A Campbell Street that defines the southern portion of the Berala Town Centre.

The remainder of the locality on the southern side of the railway line is residential in nature.

The Berala Railway Station is situated along the northern side of Campbell Street to the north. A Woolworths Supermarket and a small number of specialty shops is situated on a site to the immediate north of the railway station being Lot 100 in DP 1177777 which is known as 157 Woodburn Road Berala.

A pedestrian tunnel and pathway links the southern portion of the Berala Town Centre with the remainder of the town centre to the north.

The Berala Railway Station is identified as an archaeological feature (Item Number A53) within the Auburn Local Environmental Plan 2010.

There is presently one Telstra payphone situated at the front of 28A Campbell Street that will be replaced with a new payphone. The replacement payphone to the site does not require development consent.

The site and immediate locality is also subject to flooding during a 1 in 100 year flood event; however, flooding is not an issue for a public payphone or an advertising panel attached to such a structure.

There is also a foreshore building line applying to land situated along the northern side of Campbell Street and this occurs because there is a stormwater channel situated between the roadway that forms Campbell Street and the Berala Railway Station. The site is not within the foreshore building line.

The location of the site is shown below.
The aerial photo of the site is shown below.
A photo of the site is provided below.

Description of The Proposed Development

Council has received a development application for consent to install third party advertising arising from the upgrade to Telstra’s payphone infrastructure and technology. The third party advertising will be integrated into an upgraded public payphone to be installed under Schedule 3 of the Telecommunications Act 1997. A new replacement payphone will be established at the front of the site known as 28A Campbell Street Berala which does not require consent.

The Smart City payphone including electronic display screen will be initially installed under Schedule 3 of the Telecommunications Act 1997.

The subject development application is limited to the third party advertising content change only. The applicant is requesting that a 15 year consent be issued for the third party advertising on a static electronic display screen within the exempt payphone structure.

The third party advertising will be displayed on a screen that has an area of 2.36 square metres and with dimensions of 1.973 metres x 1.2 metres. The proposed sign will display six (6) advertisements per minute.

There will also be a screen within the payphone that will display Telstra advertising. The advertising content for this screen will not require development consent.

The luminance of the main advertising screen will not exceed a maximum of 0.25 cd/per square metre.
Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Urbis and dated March 2019. The report was submitted with the development application on March 20 2019.

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

Council’s Properties Department

The development application was referred to Council’s Properties Department for land owners consent. Council’s Properties Department has authorised the development application to permit third party advertising on Council land being the pedestrian footpath.

External Referrals

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

Planning Comments

Permissibility

The site is within zone B2 “Local Centre” which permits signage with consent.

The payphone structure has been defined by the applicant as a low impact facility pursuant to Clause 3.1 of the Telecommunications (Low Impact Facilities) Determination 2018. As per Clause 3.1, the installation of the payphone structure would not require consent from Council if all relevant provisions of the determination were satisfied.

In consideration of this, the Panel would only be approving of the signage under the Auburn Local Environmental Plan 2010. Furthermore:-

- No consent is required for the public payphone.
- Council’s consent is required for the use of signage for third party advertising.
- Council’s Properties Department has given owners consent for the lodgement of the development application.
The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))

State Environmental Planning Policies

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

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

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

<table>
<thead>
<tr>
<th>Matter for Consideration</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the application involve re-development of the site or a change of land use?</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>Is the development going to be used for a sensitive land use (eg: residential, educational, recreational, childcare or hospital)?</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>Is the site listed on Council’s Contaminated Land database?</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>Is the site subject to EPA clean-up order or other EPA restrictions?</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>Has the site been the subject of known pollution incidents or illegal dumping?</td>
<td>☑ Yes</td>
</tr>
<tr>
<td>Does the site adjoin any contaminated land/Previously contaminated land?</td>
<td>☑ Yes</td>
</tr>
</tbody>
</table>

Details of contamination investigations carried out at the site:

The site is identified as a public footpath and the development application is for content signage within an electronic signage panel attached to a telephone booth. No excavation work is required. Given the nature of the development application, it is considered that the development sought is acceptable for the purpose of the State Policy.

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 | ☑ Yes  |
(b) State Environmental Planning Policy (Infrastructure) 2007

A public payphone is exempt development for the purpose of Schedule 3A of State Environmental Planning Policy “Infrastructure” 2007 (Item 15) if it meets certain criteria. In this situation, the payphone is meeting the criteria of Item 15 and as such development consent for the payphone is not required. No further assessment using the State Policy is required.

(c) State Environmental Planning Policy No. 64 - Advertising and Signage

The provisions of SEPP 64 have been considered in the following compliance table:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part 1 - Preliminary</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clause 3(1)(a)(i) Aims, objectives</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Signage is compatible with the desired amenity and visual character of an area.</td>
<td>✗</td>
<td>□</td>
<td>□</td>
<td>It is considered that the signage (Content) is satisfactory.</td>
</tr>
<tr>
<td>Requirement</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Comment</td>
</tr>
<tr>
<td>-------------</td>
<td>-----</td>
<td>----</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td>Clause 3(1)(a)(ii), Aims, objectives</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>Third party advertising as well as content change is proposed.</td>
</tr>
<tr>
<td>Signage provides effective communication in suitable locations.</td>
<td></td>
<td></td>
<td></td>
<td>An internal screen will display Telstra advertising but the content does not require Council consent.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>An advertising panel will be installed to the rear of the payphone for third party advertising. The content displayed will be non Telstra advertising (third party) advertising.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>The panel will display a maximum of six (6) advertisements per minute with an instantaneous transition time. The content will be illuminated with images being no greater than 2,500 cd/ square metres. Content will vary depending on what is advertised.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>The type of advertising proposed is considered as being acceptable.</td>
</tr>
<tr>
<td>Clause 3(1)(a)(iii), Aims objectives</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>Old technology is being replaced with new advertising technology. It is considered that signage is of high quality design and finish.</td>
</tr>
<tr>
<td>Signage is high quality design and finish.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Requirement</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Comment</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>-----</td>
<td>----</td>
<td>-----</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Clause 3(1)</td>
<td></td>
<td></td>
<td></td>
<td>The applicant has requested a time limited consent of fifteen (15) years for the development application which should be supported.</td>
</tr>
<tr>
<td>(b) to regulate signage (but not content) under Part 4 of the Act, and</td>
<td></td>
<td></td>
<td></td>
<td>Council’s Property Department has raised no objection to the time limitation consent that is sought.</td>
</tr>
<tr>
<td>(c) to provide time-limited consents for the display of certain advertisements, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(d) to regulate the display of advertisements in transport corridors, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clause 4 - Definitions</td>
<td></td>
<td></td>
<td></td>
<td>Definition:- The SEPP defined the proposal as “Advertisement” which means “Signage to which Part 3 applies”.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Given that the LED screen is not a business identification or a building identification sign an assessment is required using Part 3 where applicable.</td>
</tr>
<tr>
<td>Part 2 - Signage Generally</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clause 8 Granting of consent to signage</td>
<td></td>
<td></td>
<td></td>
<td>Compliance is achieved.</td>
</tr>
<tr>
<td>A consent authority must not grant consent to an application to display signage unless:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) that signage is consistent with the objectives of the Policy at clause 3(1)(a)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) (b) that the signage satisfies the assessment criteria specified in Schedule 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Part 3 - Advertisements (this part does not apply to business identification signs, building identification signs, signage that, or the display of which, is exempt development under an EPI, signage on vehicles)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Requirement</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Comment</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
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<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Clause 10 - Prohibited advertisements</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(1) Despite the provisions of any other environmental planning instrument, the display of an advertisement is prohibited on land that is an environmentally sensitive area, heritage area (excluding railway stations), natural or other conservation area, open space, waterway, residential (but not a mixed residential and business zone or similar zone), scenic protection area, national park, nature reserve</td>
<td>☒</td>
<td></td>
<td></td>
<td>The site is not situated within an environmentally sensitive area of Beralal.</td>
</tr>
<tr>
<td>(2) This clause does not apply to the following:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) The Mount Panorama Precinct.</td>
<td></td>
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</tr>
<tr>
<td>(b) The display of an advertisement at a public sporting facility situated on land zoned public recreation under an EPI being an advertisement that provides information about the sponsors of the teams or organisations using the sporting facility or about the products of those sponsors.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Berala Railway Station situated along the northern side of Campbell Road is identified as an archaeological feature (Item Number A53) within the Auburn Local Environmental Plan 2010.</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>The screen will not impact onto the nearby archaeological heritage listed item.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>It is considered that an archaeological impact statement is not required.</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>
## 12. Consent authority

For the purposes of this Policy, the consent authority is:

(a) the council of a local government area in the case of an advertisement displayed in the local government area (unless paragraph (c), (d) or (e) applies), or

(b) the Maritime Authority of NSW in the case of an advertisement displayed on a vessel, or

(c) the Minister for Planning in the case of an advertisement displayed by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or Transport NSW on a railway corridor, or

(d) the Minister for Planning in the case of an advertisement displayed by or on behalf of the RMS on:
   (i) a road that is a freeway or tollway (under the Roads Act 1993 or associated road use land that is adjacent to such a road, or
   (ii) a bridge constructed by or on behalf of the RMS on any road corridor, or
   (iii) land that is owned, occupied or managed by the RMS, or

(e) the Minister for Planning in the case of an advertisement displayed on transport corridor land comprising a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, or associated road use land that is adjacent to such a road.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>12. Consent authority</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>Council is the consent authority for advertising content for third party advertising in this situation.</td>
</tr>
</tbody>
</table>
Clause 13

1. A consent authority must not grant consent to an application to display an advertisement unless the advertisement or advertising structure as the case requires:
   (a) is consistent with the objectives of the Policy at clause 3(1)(a)
   (b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 1 and the proposal is acceptable in terms of its impacts and
   (c) satisfies any other relevant requirements of this Policy.

2. If the Minister for Planning is the consent authority or clause 18 or 24 applies to the case, the consent authority must not grant consent to an application to display an advertisement to which this Policy applies unless the advertisement or the advertising structure, as the case requires:
   (a) is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and
   (b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 1 and in the Guidelines and the consent authority is satisfied that the proposal is acceptable in terms of:
      (i) design, and
      (ii) road safety, and
      (iii) the public benefits to be provided in connection with the display of the advertisement, and
   (c) satisfies any other relevant requirements of this Policy.

(3) In addition, if clause 18 or 24 applies to the case, the consent authority must not grant consent unless arrangements that are consistent with the Guidelines have been entered into for the provision of the public benefits to

The sign panel is determined as being acceptable to the location.

The development application is limited to the third party advertising content change only. The third party advertising will be displayed on a screen that is 1.973 metres tall, and 1.2 metres wide (Area 2.367 square metres).

The sign panel is within or forms part of a payphone operated by Telstra. The site is within a pedestrian thoroughfare of Campbell Road and there will be minimal impact or disruption to traffic flows within Campbell Road or nearby Burke Avenue.

Subclause 2 will not apply to the development application because Clause 18 or 24 does not apply to the development application.

The screen within the payphone will display Telstra advertising content and such advertising does not require Council consent.

Note:- The Transport Corridor Outdoor Advertising and Signage Guidelines do not require consideration because the telephone booth is not situated within a transport corridor and the panel the subject of this application is not affected by Clause 18 or 24 of the State Policy.
Clause 14 Duration of Consents

(1) A consent granted under this part ceases to be in force:
   (a) on the expiration of 15 years after the date on which the consent becomes effective and operates
   (b) if a lesser period is specified by the consent authority, that lesser period

(2) The consent authority may specify a period less than 15 years only if:
   (a) before the commencement of this Part, the consent authority had adopted a policy of granting consents in relation to applications to display advertisements for a lesser period and the duration of the consent authority is consistent with that policy
   (b) the area in which the advertisement is undergoing change in accordance with an EPI that aims to change the nature and character of development and where the proposed advertisement would be inconsistent with that change
   (c) (c) the specification of a lesser period if required by another provision of this Policy.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 14 Duration of Consents</td>
<td>☑</td>
<td></td>
<td></td>
<td>No objection is raised to the fifteen (15) year consent that is sought by the applicant.</td>
</tr>
</tbody>
</table>
Clause 16 Transport corridor land

(1) Despite the provisions of any other environmental planning instrument, the display of an advertisement on transport corridor land is permissible with development consent in the following cases:

(a) the display of an advertisement by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or Transport NSW on a railway corridor,

(b) the display of an advertisement by or on behalf of the RMS on:

(i) a road that is a freeway or tollway (under the Roads Act 1993 or associated road use land that is adjacent to such a road, or

(ii) a bridge constructed by or on behalf of the RMS on any road corridor, or

(iii) land that is owned, occupied or managed by the RMS and that is within 250 metres of a classified road,

(c) the display of an advertisement on transport corridor land comprising a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, or associated road use land that is adjacent to such a road.

(2) Before determining an application for consent to the display of an advertisement in such a case, the Minister for Planning may appoint a design review panel to provide advice to the Minister concerning the design quality of the proposed advertisement.

(3) The Minister must not grant consent to the display of an advertisement on transport corridor land.

Clause 16 will not apply to the development application because the advertising panel and payphone is not situated within land designated as a transport corridor.
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 17 Advertisements with display area greater than 20m² or higher than 8m above ground (2) The display of an advertisement to which this clause applies is advertised development for the purposes of the Act (3) The consent authority must not grant consent to an application under this clause unless: (a) the applicant has provided an impact statement that addressed the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts and (b) the application has been advertised in accordance with s79A of the Act (c) At the same time as advertisement, a copy of application was given to the RMS (if it is an advertisement to which clause 18 applies)</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>Clause 17 will not apply to the development application. In particular:-</td>
</tr>
<tr>
<td></td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>- The screen within the telephone booth has dimensions of 900 mm x 225 mm and occupying an area of 0.202 square metre. The screen does not require Council consent as third party advertising is not proposed.</td>
</tr>
<tr>
<td></td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>- The larger panel has dimensions of 1,973 mm x 1,200 mm and occupying an area of 2.36 square metres.</td>
</tr>
<tr>
<td></td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>The screen to which third party advertising is proposed is less than 20 square metres in area and less than 8 metres in height.</td>
</tr>
<tr>
<td>Requirement</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Comment</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
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</tr>
<tr>
<td><strong>Clause 18 Advertisements greater than 20m² and within 250m of, and visible from, a classified road</strong></td>
<td></td>
<td></td>
<td></td>
<td>Clause 18 will not apply to the development application.</td>
</tr>
<tr>
<td>(2) Consent must not be granted without the concurrence of the RMS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) In deciding whether or not concurrence should be granted, RMS must take into consideration:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) the impact of the display of the advertisement on traffic safety, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) the Guidelines.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) (Repealed)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) If RMS has not informed the consent authority within 21 days after the copy of the application is given to it under clause 17 (3) (c) (ii) that it has granted, or has declined to grant, its concurrence, RMS is taken to have granted its concurrence.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5) Nothing in this clause affects clause 16.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(6) This clause does not apply when the Minister for Planning is the consent authority.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Requirement</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Comment</td>
</tr>
<tr>
<td>-------------</td>
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<td>---------</td>
</tr>
<tr>
<td>Clause 19 Advertising display area greater than 45m²</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>Clause 19 is not relevant to the development application.</td>
</tr>
<tr>
<td>(a) No consent must be granted to the display of an advertisement with an advertising display area greater than 45m² unless a DCP is in force that has been prepared on the basis of an advertising display analysis for the relevant area or precinct</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>(b) In the case of the display of an advertisement on transport corridor land, the consent authority is satisfied that the advertisement is consistent with the Guidelines.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>Clause 20 Location of certain names and logos</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>All technology and logos associated with the electronic screen and third party advertising is integrated within the exempt structure. There are no logos within the frames or devices to be erected.</td>
</tr>
<tr>
<td>(1) The name or logo of the person who owns or leases an advertisement or advertising structure may appear only within the advertising display area</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>(2) If the advertising display area has no border or surrounds, any such name or logo is to be located:</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>(a) within the advertisement, or</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>(b) within a strip below the advertisement that extends for the full width of the advertisement</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>(3) The area of any such name or logo must not exceed 0.25m²</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>(4) The area of any such strip is to be included in calculating the size of the advertising display area</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td></td>
</tr>
</tbody>
</table>
### Clause 23 Freestanding advertisements

(1) Consent may only be granted if the advertising structure on which the advertisement is displayed does not protrude above the dominant skyline, including any buildings, structures or tree canopies when viewed from ground level within a visual catchment of 1km.

(2) This clause does not prevent the consent authority, in the case of a freestanding advertisement on land within a rural or non-urban zone, from granting consent to the display of the advertisement under clause 15.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 23 Freestanding advertisements</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>A free standing structure is not proposed.</td>
</tr>
</tbody>
</table>

### Schedule 1 Assessment Criteria

#### Character of the area

<table>
<thead>
<tr>
<th>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</th>
<th>☒</th>
<th>☐</th>
<th>☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>The character and nature of the locality will not be changing. The immediate locality is characterised by commercial and retail land uses and high levels of pedestrian movement. The signage content is compatible with the locality.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</th>
<th>☐</th>
<th>☐</th>
<th>☒</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is no advertising theme for the locality.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Special areas

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
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<td>----</td>
<td>-----</td>
</tr>
<tr>
<td>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</td>
<td>☒</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Views and vistas</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the proposal obscure or compromise important views?</td>
<td>☒</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the proposal dominate the skyline and reduce the quality of vistas?</td>
<td>☒</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the proposal respect the viewing rights of other advertisers?</td>
<td>☒</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Streetscape, setting or landscape</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</td>
<td>☒</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</td>
<td>☒</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</td>
<td>☒</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the proposal screen unsightliness?</td>
<td></td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>Requirement</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
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<td>-----</td>
</tr>
<tr>
<td><strong>Requirement</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Does the proposal require ongoing vegetation management?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td><strong>Site and building</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which proposed signage is to be located?</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Does the proposal respect important features of the site or building, or both?</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Does the proposal show innovation and imagination in its relationship to the site or building or both?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td><strong>Associated devices and logos with advertisements and advertising structures</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is displayed?</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td><strong>Illumination</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Would illumination result in unacceptable glare?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>Would illumination affect safety for pedestrians, vehicles or aircraft?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>Would illumination detract from the amenity of any residence or other form of accommodation?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>
### 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>Can the intensity of the illumination be adjusted, if necessary?</td>
<td>✗</td>
<td></td>
<td></td>
<td>The electronic display screen have inbuilt light sensors that measure the ambient light around the structure that gradually adjusts the screen brightness based on the need for light. The adjustments occur within small increments to avoid dramatic change in illuminance levels. The luminance will never exceed 0.25 cd/ square metre. Additionally, the screens will not contain fluorescent bulbs or spotlights. An appropriate condition is provided within the recommendation addressing illuminance levels.</td>
</tr>
<tr>
<td>Is the illumination subject to a curfew?</td>
<td></td>
<td></td>
<td>✗</td>
<td></td>
</tr>
</tbody>
</table>

### Safety

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the proposal reduce the safety for any public road?</td>
<td>✗</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Would the proposal reduce the safety for pedestrians or bicyclists?</td>
<td>✗</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sight lines from public areas?</td>
<td>✗</td>
<td></td>
<td></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 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 provisions of the Auburn Local Environmental Plan 2010 are applicable to the development application.

The land is within zone B2 Local Centre which permits signage with consent. In this regard, the development sought is best considered as being signage. Signage is defined as:-

“Signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:-

(a) an advertising structure,
(b) a building identification sign,
(c) a business identification sign,

but does not include a traffic sign or traffic control facilities”.

Signage is not identified as being prohibited within the zone. It is identified that the proposal achieves compliance with the key statutory requirements of the Auburn Local Environmental Plan 2010 and the objectives of the B2 Local Centre zone.

The relevant matters to be considered under the Auburn Local Environmental Plan 2010 are summarised below. A comprehensive LEP assessment is contained in Appendix A.

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARD</th>
<th>COMPLIANCE</th>
<th>DISCUSSION</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.3 Height of Buildings 14 metres.</td>
<td>Yes</td>
<td>A building is not proposed and building height is generally not relevant in this instance. However, the advertising panel will have dimensions of 1.973 metres x 1.2 metres and will be positioned 754 mm above the footpath level. The top of the sign panel screen will be no higher than approximately 2.47 metres above the footpath level.</td>
</tr>
</tbody>
</table>
4.4 Floor Space Ratio

| 2:0          | N/A | Not applicable for signage. |

5.10 Heritage conservation

| Yes | The Berala Railway Station situated along the northern side of Campbell Road is identified as an archaeological feature (Item Number A53) within the Auburn Local Environmental Plan 2010. The advertising content earmarked for the signage panel will have no known impact towards the heritage archaeological item. It is considered that the signage panel is acceptable when taking into account the proximity of the heritage item to the payphone and subsequent advertising content. |

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

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

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

The Auburn Development Control Plan provides guidance for the design and operation of development to achieve the aims and objectives of the Auburn Local Environmental Plan 2010. It is identified that the provisions will have limited applicability to the development as follows.

Advertising and Signage

The only provision relevant to the development application is the “Advertising and Signage” chapter of the Auburn Development Control Plan 2010. In this regard:-

- Part 2.0 (Subpart D1) - Advertising and Signage shall be consistent with State Environmental Planning Policy 64 “Advertising and Signage”.

- Part 3.0 (Subpart D1) - Advertising shall be displayed in English but may include a translation in another language.

The evidence provided by Telstra in this application would indicate that compliance would be achieved for the advertising content that would be displayed. Furthermore, it is also identified that the advertising content would be compliant with State Environmental Planning Policy 64 “Advertising and Signage”.

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)(iii))
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 Development Control Plan 2010 the proposal was publicly notified for a period of fourteen (14) days between Tuesday 30 April and Tuesday 14 May 2019. The notification generated twenty (20) form submissions in respect of the proposal. The issues raised are the same as follows:

1- Digital signage is a road hazard to cars and pedestrians and will create a distraction to both pedestrians and drivers and add to excessive clutter of the streetscape.

Comments

The development application is seeking third party advertising within a payphone that is being replaced at the same location.

There is already an electronic advertising panel situated at the site close to the pedestrian crossing. The new replacement sign panel and signage would not be excessive in size (2.36 square metres). The proposed sign:

- Is not expected to change traffic conditions in the locality.
- Create adverse traffic conditions.
- Impair traffic flows within the locality.
• Will not impair pedestrian movements or worsen the operations of the adjoining street corner.

• Will not add to clutter that will contribute to a deterioration of the immediate road network.

• Will have an acceptable level of illumination in which light levels would be controlled based on the need for light.

Proposed condition 3 addresses the operation of the signage including lighting and display of messages.

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

The development does not require the payment of contributions in accordance with Council’s Section 94 Contributions Plans.

Disclosure of Political Donations And Gifts

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

CONCLUSION:

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy 64 “Advertising and Signage”, the Auburn Local Environmental Plan 2010 and the Auburn Development Control Plan 2010. The development sought is considered as being satisfactory for approval subject to conditions.

The proposed development is appropriately located within the B2 Local Centres Zone under the relevant provisions of the Auburn Local Environmental Plan 2010. The proposal is consistent with all statutory and non-statutory controls applying to the development. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and the development may be approved subject to conditions.
CONSULTATION:
There are no further consultation processes for Council associated with this report.

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

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

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

REPORT RECOMMENDATION:
1. That Development Application Number 63/2019 for use of a digital display sign affixed to a Telstra payphone for third party advertising on land adjacent to 28A Campbell Street Berala be approved subject to attached conditions.

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. Submission received
4. Appendix A
DOCUMENTS ASSOCIATED WITH REPORT LPP041/19

Attachment 1
Draft Notice of Determination
CONDITIONS OF DEVELOPMENT CONSENT

Property: Adjacent to 28A Campbell Street Beralu.
Description: Use of a digital display sign affixed to a Telstra payphone for third party advertising.

1. Approved Plans

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

<table>
<thead>
<tr>
<th>Plan Number</th>
<th>Prepared By</th>
<th>Revision No.</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telstra Payphone</td>
<td>JC Decaux Australia Pty Ltd</td>
<td>26/10/2018</td>
<td></td>
</tr>
<tr>
<td>Telstra Digital Phone</td>
<td>JC Decaux Australia Pty Ltd</td>
<td>7 June 2018</td>
<td></td>
</tr>
<tr>
<td>Payphone with STS Content</td>
<td>JC Decaux Australia Pty Ltd</td>
<td>March 2019</td>
<td></td>
</tr>
<tr>
<td>Payphone with 3rd Party Content</td>
<td>JC Decaux Australia Pty Ltd</td>
<td>March 2019</td>
<td></td>
</tr>
<tr>
<td>Telstra Digital Phone with screen</td>
<td>JC Decaux Australia Pty Ltd</td>
<td>7 June 2018</td>
<td></td>
</tr>
</tbody>
</table>

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

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

2. Time period of consent

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

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

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

3. Advertising signage

The advertisement shall comply with the following:-

a) The approved signage shall be appropriately maintained at all times.

b) The signage shall not:-

i) flash, move, be animated, scintillate or be decorated with rotating flashing lights;
ii) include any apparatus to provide any sound;
iii) carry a message which is offensive;
iv) give instructions to traffic by the use of the words 'Halt', 'Stop', or any other direction, nor imitate traffic signs in respect to shape, layout or colour;
v) impair or distract the vision of a driver through the intensity of the illumination of the sign;

c) The wording to the signage shall be primarily displayed in English but may include a translation in another language.

Any reported vandalism to the advertising panel and screen shall be repaired within fourteen (14) days of being reported.

Reason:- to ensure the appearance and operation of the signage is in an orderly fashion.

4. Maximum time limit of advertising structures

Consent is granted to the signage for a period of fifteen (15) years in accordance with Clause 14(1)(a) of State Environmental Planning Policy 64 “Advertising and Signage” from the date of the consent.

The consent shall lapse after fifteen (15) years from the date of this determination.

At the time the consent lapses, the third party signage shall cease operation. A new development application may be lodged with the Council for any third party signage to be situated on the public payphone following the lapse date.

Reason:- to comply with Clause 14 of State Environmental Planning Policy 64 - Advertising and Signage.

5. Signage illumination

Maximum light spill from the illumination shall be in accordance with the Australian Standard AS 4282:1997 “Control of the Obtrusive Effects of Outdoor Lighting”.

Should any substantive complaints be received or should the proposed illumination have an adverse impact on surrounding amenity, Council reserves the right to request modifications to the illumination of the signage panels.

Reason:- to ensure excessive light spill not will occur from the advertising panels.
DOCUMENTS ASSOCIATED WITH REPORT LPP041/19

Attachment 2
Architectural Plans
Payphone with STS content

Smaller screen on front of structure will only display standard telephone services (STS) in accordance with the Telco Act.

Structure (including large digital screen displaying Telstra Standard Telephone Services) is approved under Telco Act and not assessed in this DA.

A network bigger than a laneway coffee queue

Note: Under Telco Act Telstra can display digital advertising of standard telephone services with consistent transitions and dwell times as proposed for the 3rd party advertising.
**Payphone with 3rd Party content**

Smaller screen on front of structure will only display standard telephone services (STS) in accordance with the Telco Act.

Structure (including large digital screen displaying Telstra Standard Telephone Services) is approved under Telco Act and not assessed in this DA.

Change from Telstra Standard Telephone Services content to 3rd party advertising content on the sign is subject to the DA process with Council (only element to be assessed by Council).

Note: Under Telco Act Telstra can display digital advertising of standard telephone services with consistent transitions and dwell times as proposed for the 3rd party advertising.
DOCUMENTS ASSOCIATED WITH REPORT LPP041/19

Attachment 3
Submission received
Attention: Mr. Hamish McNulty
General Manager
Cumberland Council
PO Box 42
Merrylands NSW 2160
council@cumberland.nsw.gov.au

Reference: DA-63/2019 (Use of digital advertising 28A Campbell St, Berala.)

Dear Sir,

I would like to submit an objection to DA-63/2019 digital advertising screen near the corner of Campbell Street and Burke Ave, Berala.

I believe the digital advertising signage proposed for 28A Campbell Street is a traffic hazard to pedestrians and vehicle users.

The position of the proposed digital screen is only five meters from the pedestrian crossing on the corner of Campbell Street and Burke Ave, the pedestrian crossing extends to Berala Station and receives a high volume of pedestrian traffic from the station.

This type of digital advertising is completely inappropriate for this location as it is a severe traffic hazard and is distracting for both pedestrians and drivers.

This type of signage competes with traffic control devices for the drivers' attention.

There is much local anecdotal evidence to say there is a current problem of vehicles speeding and failing to stop at the pedestrian crossing and the digital advertising will increase the risk of a fatality.

The signage will add to the visual clutter of our streetscape.

Digital advertising desensitizes drivers to other traffic signs.

It seems that this type of proposal with a traffic impact should be viewed by Council's Traffic Committee.

I ask Council for the above reasons to reject DA-63/2019.

Yours Sincerely
DOCUMENTS ASSOCIATED WITH REPORT LPP041/19

Attachment 4
Appendix A
### APPENDIX A

**Auburn Local Environmental Plan (LEP) 2010**

<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Part 1 Preliminary</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.1 Name of Plan</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>This is noted.</td>
</tr>
<tr>
<td>1.3 Land to which Plan applies</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>The plan will apply to the site.</td>
</tr>
<tr>
<td>(1) This Plan applies to the land identified on the Land Application Map.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td><strong>Note.</strong> Part 23 of Schedule 3 to the State Environmental Planning Policy (Major Development) 2005 applies to certain land identified on the Land Application Map.</td>
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</tr>
<tr>
<td>(2) Despite subclause (1), this Plan does not apply to the land identified on the Land Application Map as &quot;Deferred matter&quot;:</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td><strong>1.6 Consent authority</strong></td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>Council is the consent authority for the development application.</td>
</tr>
<tr>
<td>The consent authority for the purposes of this Plan is (subject to the Act) the Council.</td>
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<tr>
<td><strong>1.9 Application of SEPPs and REPs</strong></td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>The relevant State Environmental Planning Policies have been addressed earlier in the report.</td>
</tr>
<tr>
<td>(1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>(2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies:</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>The state policies stated below are not relevant to the development application.</td>
</tr>
<tr>
<td>State Environmental Planning Policy No 1—Development Standards.</td>
<td></td>
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<tr>
<td>Sydney Regional Environmental Plan No 24 Homebush Bay Area.</td>
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<tr>
<td><strong>Part 2 Permitted or prohibited development</strong></td>
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</tr>
<tr>
<td><strong>2.7 Demolition requires consent</strong></td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>No demolition work is proposed.</td>
</tr>
<tr>
<td>The demolition of a building or work may be carried out only with consent.</td>
<td></td>
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</tr>
<tr>
<td>If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development, the Act enables it to be carried out without development consent.</td>
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<tr>
<td><strong>Land Use Table</strong></td>
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<tr>
<td><strong>Note.</strong> A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:</td>
<td></td>
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</tr>
</tbody>
</table>
CUMBERLAND LOCAL PLANNING PANEL

<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Environmental Planning Policy (Affordable Rental Housing) 2009 (including provision for secondary dwellings).</td>
<td></td>
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</tr>
<tr>
<td>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.</td>
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</tr>
<tr>
<td>State Environmental Planning Policy (Infrastructure) 2007 (relating to public facilities such as those for air transport, correction, education, electricity generation, health services, ports, railways, roads, waste management and water supply systems).</td>
<td></td>
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<tr>
<td>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.</td>
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<tr>
<td>State Environmental Planning Policy (Rural Lands) 2008.</td>
<td></td>
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</tr>
<tr>
<td>State Environmental Planning Policy No 33—Hazardous and Offensive Development.</td>
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<tr>
<td>State Environmental Planning Policy No 50—Canal Estate Development.</td>
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<tr>
<td>State Environmental Planning Policy No 62—Sustainable Aquaculture.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Environmental Planning Policy No 64—Advertising and Signage.</td>
<td></td>
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</tr>
</tbody>
</table>

**Note:** A public payphone is exempt development for the purpose of Schedule 3A of State Environmental Planning Policy “Infrastructure” 2007 (Item 15) although under subpart (d), commercial advertising is not exempt. As such, development consent is required for the advertising content for the panel.

**Zone B2 Local Centre**

1 **Objectives of zone**

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage high density residential development.
- To encourage appropriate businesses that contribute to economic growth.
- To achieve an accessible, attractive and safe public domain.

<table>
<thead>
<tr>
<th>Zone B2 Local Centre</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 Objectives of zone</strong></td>
<td></td>
<td></td>
<td></td>
<td>The relevant objectives are complied with.</td>
</tr>
</tbody>
</table>

2 **Permitted without consent**

- Nil

3 **Permitted with consent**

- Boarding houses;
- Centre-based child care facilities;
- Commercial premises;
- Community centres;
- Educational establishments;
- Entertainment facilities; Function centres;
- Group homes; Information and education facilities; Medical centres; Oyster aquaculture;
- Passenger transport facilities; Recreation facilities (indoor); Registered clubs;
- Residential flat buildings; Resort day care centres; Restricted premises; Roads; Self-storage units; Service stations; Serviced apartments; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Warehouse or distribution centres;
- Any other development not specified in Item 2 or 4

4 **Prohibited**

Cumberland Local Planning Panel Agenda
<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture; Air transport facilities; Animal breeding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemetery; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mooring; Open cut mining; Pond-based aquaculture Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies</td>
<td></td>
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</tr>
<tr>
<td>Part 4 Principal development standards</td>
<td></td>
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<tr>
<td>4.1 Minimum subdivision lot size</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>(1) The objectives of this clause are as follows:</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>(a) to ensure that lot sizes are able to accommodate future development consistent with relevant development controls, and</td>
<td></td>
<td></td>
<td></td>
<td>A subdivision is not proposed. As such, Clause 4.1 does not need to be considered.</td>
</tr>
<tr>
<td>(b) to ensure that subdivision of land is capable of supporting a range of development types.</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(3A) Despite subclause (3), the minimum lot size for dwelling houses is 450 square metres.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(3B) Despite subclause (3), if a lot is a battle-axe lot or other lot with an access handle and is on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone IN1 General Industrial and Zone IN2 Light Industrial, the minimum lot size excludes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clause</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Comment</td>
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<tr>
<td>-----------------------------------------------------------------------</td>
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</tr>
<tr>
<td>(3Q) Despite subclauses (3)-(3P), the minimum lot size for development on land within the Former Lidcombe Hospital Site, as shown edged blue on the Lot Size Map, is as follows in relation to development for the purpose of:</td>
<td></td>
<td></td>
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<tr>
<td>(a) dwelling houses:</td>
<td></td>
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</tr>
<tr>
<td>(i) 350 square metres, or</td>
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<tr>
<td>(ii) if a garage will be accessed from the rear of the property - 290 square metres, or</td>
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</tr>
<tr>
<td>(iii) if the dwelling house will be on a zero lot line - 270 square metres, or</td>
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</tr>
<tr>
<td>(b) semi-detached dwellings - 270 square metres,</td>
<td></td>
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<td></td>
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<tr>
<td>(c) multi dwelling housing - 170 square metres for each dwelling,</td>
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<tr>
<td>(d) attached dwellings - 170 square metres,</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>(4) This clause does not apply in relation to the subdivision of any land:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(b) by any kind of subdivision under the Community Land Development Act 1996.</td>
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</tr>
<tr>
<td>4.3 Height of buildings</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) The objectives of this clause are as follows:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) to establish a maximum building height to enable appropriate development density to be achieved, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) to ensure that the height of buildings is compatible with the character of the locality</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2A) Despite subclause (2), the maximum height of office premises and hotel or motel accommodation is:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) if it is within the Paramatta Road Precinct, as shown edged orange on the Height of Buildings Map—27 metres,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) if it is on land within Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Height of Buildings Map—14 metres.</td>
<td></td>
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</tr>
<tr>
<td>4.4 Floor space ratio</td>
<td></td>
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</tr>
</tbody>
</table>

Cumberland Local Planning Panel Agenda
### CUMBERLAND LOCAL PLANNING PANEL

#### Clause

<table>
<thead>
<tr>
<th>(1) The objectives of this clause are as follows:</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>To establish a maximum floor space ratio to enable appropriate development density to be achieved, and</td>
<td></td>
<td></td>
<td></td>
<td>A floor space ratio of 2.0 is permitted on the site.</td>
</tr>
<tr>
<td>To ensure that development intensity reflects its locality.</td>
<td></td>
<td></td>
<td></td>
<td>Notwithstanding this provision, the matter of floor space ratio is not relevant to this application.</td>
</tr>
<tr>
<td>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2A) Despite subclause (2), the maximum floor space ratio for development for the purpose of multi dwelling housing on land other than land within the Former Lidcombe Hospital Site, as shown edged black on the Floor Space Ratio Map, is as follows:</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(a) for sites less than 1,300 square metres—0.75:1,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) for sites that are 1,300 square metres or greater but less than 1,800 square metres—0.80:1,</td>
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<td></td>
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</tr>
<tr>
<td>(c) for sites that are 1,800 square metres or greater—0.85:1.</td>
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</tr>
<tr>
<td>(2B) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Parramatta Road Precinct, as shown edged orange on the Floor Space Ratio Map, is as follows:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) 3:1 for office premises and hotel or motel accommodation</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>(2C) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Floor Space Ratio Map, is as follows:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) 2:1 for office premises and hotel or motel accommodation.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2D) Despite subclause (2), the maximum floor space ratio for retail premises on land in Zone B6 Enterprise Corridor within the Commercial Precinct, as shown edged green on the Floor Space Ratio Map is 1.5:1.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 4.6 Exceptions to development standards

<table>
<thead>
<tr>
<th>(1) The objectives of this clause are:</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) to provide an appropriate degree of flexibility in applying certain</td>
<td></td>
<td></td>
<td></td>
<td>The clause will not be applicable to this application.</td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

Cumberland Local Planning Panel Agenda

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Page 355
<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>development standards to particular development, and (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating: (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b) that there are sufficient environmental planning grounds to justify contravening the development standard.</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Consent must not be granted for development that contravenes a development standard unless: (a) the consent authority is satisfied that: (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and (b) the concurrence of the Director-General has been obtained.</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>In deciding whether to grant concurrence, the Director-General must consider: (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and (b) the public benefit of maintaining the development standard, and</td>
<td>☐</td>
<td>☐</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
### CUMBERLAND LOCAL PLANNING PANEL

<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>(a) The subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) The subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(8) This clause does not allow consent to be granted for development that would contravene any of the following:</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>(a) a development standard for complying development,</td>
<td></td>
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</tr>
<tr>
<td>(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,</td>
<td></td>
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</tr>
<tr>
<td>(c) clause 5.4.</td>
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</tr>
</tbody>
</table>

### Part 5 Miscellaneous provisions

#### 5.10 Heritage conservation

**Note.** Heritage items, if any are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

**1. Objectives**

The objectives of this clause are as follows:

(a) to conserve the environmental heritage of Auburn, |     |    |     | The site is not listed in the Auburn Local Environmental Plan 2010 as containing items of heritage, archaeological artefacts or Aboriginal relics.

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Cumberland Local Planning Panel Agenda
### CUMBERLAND LOCAL PLANNING PANEL

<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views,</td>
<td></td>
<td></td>
<td>☑</td>
<td>The heritage provisions stated here will not be applicable to the application.</td>
</tr>
<tr>
<td>(c) to conserve archaeological sites,</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</td>
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</tr>
<tr>
<td>(2) Requirement for consent</td>
<td></td>
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</tr>
<tr>
<td>Development consent is required for any of the following:</td>
<td></td>
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</tr>
<tr>
<td>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>(i) a heritage item,</td>
<td></td>
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<tr>
<td>(ii) an Aboriginal object,</td>
<td></td>
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</tr>
<tr>
<td>(iii) a building, work, relic or tree within a heritage conservation area,</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(d) disturbing or excavating an Aboriginal place of heritage significance,</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(e) erecting a building on land:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) on which a heritage item is located or that is within a heritage conservation area, or</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(f) subdividing land:</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>(i) on which a heritage item is located or that is within a heritage conservation area, or</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### CUMBERLAND LOCAL PLANNING PANEL

<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</td>
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<tr>
<td><strong>(3) When consent not required</strong></td>
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<tr>
<td>However, development consent under this clause is not required if:</td>
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</tr>
<tr>
<td>(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) is of a minor nature, or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site, or a building, work, relic, tree or place within the heritage conservation area, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) the development is in a cemetery or burial ground and the proposed development:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or</td>
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</tr>
<tr>
<td>(d) the development is exempt development.</td>
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</tr>
<tr>
<td><strong>(4) Effect of proposed development on heritage significance</strong></td>
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</tr>
<tr>
<td>The consent authority must, before granting consent under this clause, in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under</td>
<td></td>
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</tr>
<tr>
<td>Clause</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Comment</td>
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</tr>
<tr>
<td>subclause (6).</td>
<td>♠️</td>
<td>♠️</td>
<td>☒️</td>
<td>The Beralia Railway Station situated along the northern side of Campbell Road is identified as an archaeological feature (Item Number AS23) within the Auburn Local Environmental Plan 2010. The advertising content earmarked for the sign panel will have no known impact towards the heritage archaeological item. It is considered that the sign panel is acceptable when taking into account the proximity of the heritage item to the phone booth and subsequent advertising panel/ advertising content.</td>
</tr>
<tr>
<td>(5) Heritage assessment</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) on land on which a heritage item is located, or</td>
<td>♠️</td>
<td>♠️</td>
<td>☒️</td>
<td></td>
</tr>
<tr>
<td>(b) on land that is within a heritage conservation area, or</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5) Heritage conservation management plans</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</td>
<td></td>
<td></td>
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<tr>
<td>(7) Archaeological sites</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>(a) notify the Heritage Council of its intention to grant consent, and</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</td>
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<td></td>
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</tr>
<tr>
<td>(8) Aboriginal places of heritage significance</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance: 2010 No 816 Auburn Local Environmental Plan 2010 Clause 5.11 Miscellaneous provisions Part 5 Page 47</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clause</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Comment</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----</td>
<td>----</td>
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<td>---------</td>
</tr>
<tr>
<td>(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate about the application and take into consideration any response received within 28 days after the notice is sent.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(9) Demolition of nominated State heritage items</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) notify the Heritage Council about the application, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(10) Conservation incentives</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
CUMBERLAND LOCAL PLANNING PANEL

<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Part 6 Additional local provisions

6.1 Acid sulfate soils

(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

<table>
<thead>
<tr>
<th>Class</th>
<th>Works of land</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Any works.</td>
</tr>
<tr>
<td>2</td>
<td>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</td>
</tr>
<tr>
<td>3</td>
<td>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</td>
</tr>
<tr>
<td>4</td>
<td>Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</td>
</tr>
<tr>
<td>5</td>
<td>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 6 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</td>
</tr>
</tbody>
</table>

(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.

(4) Despite subclause (2) Development consent is not required under this clause for the carrying out of works if:

(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not

The site is not situated close to land affected by acid sulphate soils and no excavation work is required or proposed. Acid sulphate soils are not considered to be an issue in this instance.
required for the works, and
(b) the preliminary assessment has been
provided to the consent authority and the
consent authority has confirmed the
assessment by notice in writing to the
person proposing to carry out the works.

(5) Despite subclause (2), development
consent is not required under this clause for
the carrying out of any of the following works
by a public authority (including ancillary work
such as excavation, construction of access
ways or the supply of power):

(a) emergency work, being the repair or
replacement of the works of the public
authority required to be carried out
urgently because the works have been
damaged, have ceased to function or
pose a risk to the environment or to
public health and safety;
(b) routine maintenance work, being the
periodic inspection, cleaning, repair or
replacement of the works of the public
authority (other than work that involves
the disturbance of more than 1 tonne of
soil);
(c) minor work, being work that costs less
than $20,000 (other than drainage work).

(6) Despite subclause (2), development
consent is not required under this clause to
carry out any works if:

- the works involve the
disturbance of more than 1 tonne of
soil, such as occurs in carrying out
agriculture, the construction or
maintenance of drains, extractive
industries, dredging, the construction
of artificial water bodies (including
canal, dams and detention basins)
or foundations, or flood mitigation
works, or
- the works are likely to lower the
water table.

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

(a) to ensure that earthworks for which a
development consent is required will
not have a detrimental impact on
environmental functions and
processes, neighbouring uses or
eritage items and features of the
surrounding land,
(b) to allow earthworks of a minor nature
without separate development
consent.

No earthworks are proposed.
CUMBERLAND LOCAL PLANNING PANEL

<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) Development consent is required for earthworks, unless:</td>
<td></td>
<td></td>
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<tr>
<td>(a) the work does not alter the ground level (existing) by more than 600</td>
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<tr>
<td>millimetres, or</td>
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<tr>
<td>(b) the work is exempt development under this Plan or another applicable</td>
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<tr>
<td>environmental planning instrument, or</td>
<td></td>
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<tr>
<td>(c) the work is ancillary to other development for which development</td>
<td></td>
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<tr>
<td>consent has been given.</td>
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<tr>
<td>(3) Before granting development consent for earthworks, the consent</td>
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<tr>
<td>authority must consider the following matters:-</td>
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<tr>
<td>(a) the likely disruption of, or any detrimental effect on, existing</td>
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<tr>
<td>drainage patterns and soil stability in the locality,</td>
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<tr>
<td>(b) the effect of the proposed development on the likely future use</td>
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<tr>
<td>or redevelopment of the land,</td>
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<tr>
<td>(c) the quality of the fill or of the soil to be excavated, or both,</td>
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<tr>
<td>(d) the effect of the proposed development on the existing and likely</td>
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<tr>
<td>amenity of adjoining properties,</td>
<td></td>
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<tr>
<td>(e) the source of any fill material and the destination of any</td>
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<tr>
<td>excavated material,</td>
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<tr>
<td>(f) the likelihood of disturbing roads,</td>
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<tr>
<td>(g) the proximity to and potential for adverse impacts on any</td>
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<tr>
<td>watercourse, drinking water catchment or environmentally</td>
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<tr>
<td>sensitive area.</td>
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<tr>
<td>Note. The National Parks and Wildlife Act 1974, particularly section</td>
<td></td>
<td></td>
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<tr>
<td>80, deals with disturbing or excavating land and Aboriginal</td>
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<tr>
<td>objects.</td>
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</tbody>
</table>

6.3 Flood planning

(1) The objectives of this clause are:

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

The site and locality is prone to flooding and overland flow however an advertising panel / advertising content within an advertising panel situated on a telephone booth will not impact on flood regimes within the locality. There are no significant flooding issues to address.

(2) This clause applies to:

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

(a) land that is shown as “Flood planning area” on the Flood Planning Map, and  
(b) other land at or below the flood planning level.

(3) Development consent must not be granted for development on land to which

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

Cumberland Local Planning Panel Agenda
### CUMBERLAND LOCAL PLANNING PANEL

<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>this clause applies unless the consent authority is satisfied that the development:</td>
<td></td>
<td></td>
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<tr>
<td>(a) is compatible with the flood hazard of the land, and</td>
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<tr>
<td>(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affection of other development or properties, and</td>
<td></td>
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<tr>
<td>(c) incorporates appropriate measures to manage risk to life from flood, and</td>
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<tr>
<td>(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</td>
<td>✗</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(4) A word or expression used in this clause has the same meaning as it has in the NSW Government’s Floodplain Development Manual published in 2005, unless it is otherwise defined in this clause.</td>
<td></td>
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</tr>
<tr>
<td>(5) In this clause; flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard. Flood Planning Map means the Auburn Local Environmental Plan 2010 Flood Planning Map.</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

#### 6.4 Foreshore building line

(1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.

(2) This clause applies to land identified as below the foreshore building line on the Foreshore Building Line Map.

(3) Development consent must not be granted for development on land in the foreshore area except for the following purposes:

(a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,

(b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,

(c) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoor).

(4) Development consent must not be granted under subclause (3) unless the consent authority is satisfied that:

There is a foreshore building line applying to land situated along the northern side of Campbell Street and this occurs because there is a stormwater channel situated between the roadway that forms Campbell Street and the Beraila Railway Station.

The boundary of the foreshore building passes through the road reserve and just to the north of the pedestrian footpath area. The pedestrian footpath area outside the group of shops facing Campbell Street is outside that boundary.

This is noted but a detailed assessment using the clause is not required.
CUMBERLAND LOCAL PLANNING PANEL

Clause | Yes | No | N/A | Comment
--- | --- | --- | --- | ---
(a) the development will contribute to achieving the objectives for the zone in which the land is located, and  
(b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and  
(c) the development is not likely to cause environmental harm such as:  
(i) pollution or siltation of the waterway, or  
(ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or  
(iii) an adverse effect on drainage patterns, and  
(d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and  
(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised; and  
(f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and  
(g) in the case of development for the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area, the extension, alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and  
(h) sea level rise or change of flooding patterns as a result of climate change have been considered

6.5 Essential Services

(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:
   (a) the supply of water,
   (b) the supply of electricity,
   (c) the disposal and management of sewage,
   (d) stormwater drainage or on-site conservation,
   (e) suitable road access.

(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.

Schedule 1 Additional permitted uses "Nil"

Essential services required to support the telephone booth are provided to the site and no change is proposed.
DEVELOPMENT APPLICATION FOR ADJACENT TO 174 WOODBURN ROAD, BERALA

Responsible Division: Environment & Planning
Officer: Manager Development Assessment
File Number: DA-83/2019

Application lodged 22 March 2019.
Applicant Jcedaux Australia P/L.
Owner Cumberland Council.
Description of Land Adjacent to 174 Woodburn Road Berala.
Proposed Development Use of a digital display sign affixed to a Telstra payphone for third party advertising.
Site Area N/A.
Zoning B2 Local Centre Zone.
Disclosure of political donations and gifts Nil disclosure.
Heritage No.

Principal Development Standards

<table>
<thead>
<tr>
<th>Floor space ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permissible floor space ratio: 2:0.</td>
</tr>
<tr>
<td>Proposed:- Nil.</td>
</tr>
</tbody>
</table>

And:

Height of Building

| Permissible: 14 metres |
| Proposed: Not applicable. No building is proposed. |

Issues Submissions.

SUMMARY:

1. Development Application No.DA-83/2019 was received by Council on the 22 March 2019 for use of a digital display sign affixed to a Telstra payphone for third party advertising.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of fourteen (14) days between Tuesday 30 April and Tuesday 14 May 2019. In response, thirteen (13) submissions were received.

3. There are no variations to the planning controls.

4. The development application is recommended for deferred commencement approval subject to conditions as provided within the attached schedule.
5. The application is referred to the Panel for determination as this proposal is considered to be contentious development.

REPORT:

Subject Site And Surrounding Area

The site is situated on the northern side of Woodburn Road adjacent to shops and adjacent to the intersection of Crawford Street with Woodburn Road.

There are shops and small businesses situated at street addresses 174 to 188 Woodburn Road that forms part of the Berala Town Centre. There are residential apartment buildings to the north of the shops but separated from the shops by Nicol Lane that connects Crawford Street with Elizabeth Street.

The Berala Woolworths Supermarket and the Berala Hotel and an associated car park is situated on land to the south of Woodburn Road.

There is presently one Telstra payphone situated on the footpath of Crawford Street adjacent to the shops at 170 - 172 Woodburn Road but this payphone will be relocated to the new site.

The site and immediate locality is not subject to flooding and there are no heritage listed items within the immediate vicinity of the site.

The location of the site is shown below.
The aerial photo of the site is shown below.

A photo of the site is provided below.

**Description of The Proposed Development**

Council has received a development application for consent to install third party advertising arising from the upgrade to Telstra’s payphone infrastructure and technology. The third party advertising will be integrated into a public payphone which will be installed subject to the provision of the Telecommunication (Low Impact Facilities) Determination 2018.

A new payphone will be established at the front of the site known as 174 Woodburn Road Berala. This will be achieved by relocating the existing phone from outside 172 Woodburn Road to the new location and upgrading the device.
The subject development application is limited to the third party advertising content change only. The applicant is requesting that a 15 year consent be issued for the third party advertising on a static electronic display screen within the payphone structure at the site.

The third party advertising will be displayed on a screen that has an area of 2.36 square metres and with dimensions of 1.973 metres x 1.2 metres. The proposed sign will display six (6) advertisements per minute.

There will also be a screen within the telephone booth that will display Telstra advertising. The advertising content for this screen will not require development consent.

The luminance of the main advertising screen will not exceed a maximum of 0.25 cd/per square metre.

**Applicants Supporting Statement**

The applicant has provided a Statement of Environmental Effects prepared by Urbis and dated March 2019. The report was submitted with the development application on March 22 2019.

**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**

**Council’s Properties Department**

The development application was referred to Council’s Properties Department for land owners consent. Council’s Properties Department has authorised the development application to permit third party advertising on Council land being the pedestrian footpath.

**External Referrals**

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

**Planning Comments**

**Permissibility**

The site is within zone B2 “Local Centre” which permits signage with consent.
The payphone structure has been defined by the applicant as a low impact facility pursuant to Clause 3.1 of the Telecommunications (Low Impact Facilities) Determination 2018. As per Clause 3.1, the installation of the payphone structure would not require consent from Council if all relevant provisions of the determination were satisfied.

In consideration of this, the Panel would only be approving of the signage under the Auburn Local Environmental Plan 2010. Furthermore:

- No consent is required for a low impact facility.
- Council’s consent is required for the use of signage for third party advertising.
- Council’s Properties Department has given owners consent for the lodgement of the development application.

The applicant will be required to demonstrate to Council that a payphone structure has been erected prior to the operation of any consent issued and an appropriate deferred commencement consent condition is provided addressing the matter.

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

State Environmental Planning Policies

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

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

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

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

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

The site is identified as a public footpath and the development application is for content signage within an electronic signage panel attached to a telephone booth. No excavation work is required. Given the nature of the development application, it is considered that the development sought is acceptable for the purpose of the State Policy.

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  
☒ No

### (b) State Environmental Planning Policy (Infrastructure) 2007

A public payphone is exempt development for the purpose of Schedule 3A of State Environmental Planning Policy “Infrastructure” 2007 (Item 15) if it meets certain criteria. In this situation, the applicant will be required to demonstrate to Council that a payphone structure has been erected prior to the operation of any consent issued and an appropriate deferred commencement consent condition is provided addressing the matter.
(c) State Environmental Planning Policy No. 64 - Advertising and Signage

The provisions of SEPP 64 have been considered in the following compliance table:

<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>Part 1 - Preliminary</strong></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Clause 3(1)(a)(i), Aims, objectives</td>
<td></td>
<td></td>
<td></td>
<td>Signage is compatible with the desired amenity and visual character of an area.</td>
</tr>
<tr>
<td></td>
<td>☑</td>
<td>☐</td>
<td>☐</td>
<td>It is considered that the signage (Content) is satisfactory.</td>
</tr>
<tr>
<td>Clause 3(1)(a)(ii), Aims, objectives</td>
<td></td>
<td></td>
<td></td>
<td>Signage provides effective communication in suitable locations.</td>
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<td></td>
<td>☑</td>
<td>☐</td>
<td>☐</td>
<td>Third party advertising as well as content change is proposed.</td>
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<tr>
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<td></td>
<td>An internal screen will display Telstra advertising but the content does not require Council consent.</td>
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<tr>
<td></td>
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<td></td>
<td>An advertising panel will be installed to the rear of the telephone phone booth for third party advertising. The content displayed will be non Telstra advertising (third party) advertising.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>The panel will display a maximum of six (6) advertisements per minute with an instantaneous transition time. The content will be illuminated with images being no greater than 2,500 cd/square metres. Content will vary depending on what is advertised.</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>The type of advertising proposed is considered as being acceptable.</td>
</tr>
<tr>
<td>Clause 3(1)(a)(iii), Aims objectives</td>
<td></td>
<td></td>
<td></td>
<td>Signage is high quality design and finish.</td>
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<tr>
<td></td>
<td>☑</td>
<td>☐</td>
<td>☐</td>
<td>Old technology is being replaced with new advertising technology. It is considered that signage is of high quality design and finish.</td>
</tr>
</tbody>
</table>
### 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>Clause 3(1)</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>The applicant has requested a time limited consent of fifteen (15) years for the development application.</td>
</tr>
<tr>
<td>(b) to regulate signage (but not content) under Part 4 of the Act, and</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>Council’s Property Section has raised no objection to the time limitation consent that is sought.</td>
</tr>
<tr>
<td>(c) to provide time-limited consents for the display of certain advertisements, and</td>
<td>☒</td>
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<td>☐</td>
<td></td>
</tr>
<tr>
<td>(d) to regulate the display of advertisements in transport corridors, and</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>Clause 4 - Definitions</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>Definition:- The SEPP defined the proposal as “Advertisement” which means “Signage to which Part 3 applies”.</td>
</tr>
<tr>
<td>Definition: The SEPP defined the proposal as “Advertisement” which means “Signage to which Part 3 applies”.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>Given that the LED screen is not a business identification or a building identification sign an assessment is required using Part 3 where applicable.</td>
</tr>
<tr>
<td>Part 2 - Signage Generally</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>Compliance is achieved.</td>
</tr>
<tr>
<td>Clause 8 Granting of consent to signage</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>Compliance is achieved.</td>
</tr>
<tr>
<td>A consent authority must not grant consent to an application to display signage unless:</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>(a) that signage is consistent with the objectives of the Policy at clause 3(1)(a)</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>(b) (b) that the signage satisfies the assessment criteria specified in Schedule 1</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>Part 3 - Advertisements (this part does not apply to business identification signs, building identification signs, signage that, or the display of which, is exempt development under an EPI, signage on vehicles)</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>Requirement</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Comment</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>-----</td>
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<td>-----------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Clause 10 - Prohibited advertisements</td>
<td>❌</td>
<td>☑️</td>
<td>☑️</td>
<td>(1) Despite the provisions of any other environmental planning instrument, the display of an advertisement is prohibited on land that is an environmentally sensitive area, heritage area (excluding railway stations), natural or other conservation area, open space, waterway, residential (but not a mixed residential and business zone or similar zone), scenic protection area, national park, nature reserve.</td>
</tr>
<tr>
<td></td>
<td>☑️</td>
<td>☑️</td>
<td>☑️</td>
<td>(2) This clause does not apply to the following:</td>
</tr>
<tr>
<td></td>
<td>☑️</td>
<td>☑️</td>
<td>☑️</td>
<td>(a) The Mount Panorama Precinct.</td>
</tr>
<tr>
<td></td>
<td>☑️</td>
<td>☑️</td>
<td>☑️</td>
<td>(b) The display of an advertisement at a public sporting facility situated on land zoned public recreation under an EPI being an advertisement that provides information about the sponsors of the teams or organisations using the sporting facility or about the products of those sponsors.</td>
</tr>
<tr>
<td></td>
<td>☑️</td>
<td>☑️</td>
<td>☑️</td>
<td>The site is not situated within an environmentally sensitive area of Berala and there are no heritage listed items close by to the site.</td>
</tr>
<tr>
<td></td>
<td>☑️</td>
<td>☑️</td>
<td>☑️</td>
<td>It is considered that a heritage report is not required.</td>
</tr>
</tbody>
</table>
12. Consent authority

For the purposes of this Policy, the consent authority is:

(a) the council of a local government area in the case of an advertisement displayed in the local government area (unless paragraph (c), (d) or (e) applies), or

(b) the Maritime Authority of NSW in the case of an advertisement displayed on a vessel, or

(c) the Minister for Planning in the case of an advertisement displayed by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or Transport NSW on a railway corridor, or

(d) the Minister for Planning in the case of an advertisement displayed by or on behalf of the RMS on:
   (i) a road that is a freeway or tollway (under the Roads Act 1993 or associated road use land that is adjacent to such a road, or
   (ii) a bridge constructed by or on behalf of the RMS on any road corridor, or
   (iii) land that is owned, occupied or managed by the RMS, or

(e) the Minister for Planning in the case of an advertisement displayed on transport corridor land comprising a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, or associated road use land that is adjacent to such a road.

<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>12. Consent authority</strong></td>
<td>☑</td>
<td></td>
<td></td>
<td>Council is the consent authority for advertising content for third party advertising in this situation.</td>
</tr>
</tbody>
</table>
## Clause 13

1. A consent authority must not grant consent to an application to display an advertisement unless the advertisement or advertising structure as the case requires:
   (a) is consistent with the objectives of the Policy at clause 3(1)(a)
   (b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 1 and the proposal is acceptable in terms of its impacts and
   (c) satisfies any other relevant requirements of this Policy.

2. If the Minister for Planning is the consent authority or clause 18 or 24 applies to the case, the consent authority must not grant consent to an application to display an advertisement to which this Policy applies unless the advertisement or the advertising structure, as the case requires:
   (a) is consistent with the objectives of this Policy as set out in clause 3(1)(a), and
   (b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 1 and in the Guidelines and the consent authority is satisfied that the proposal is acceptable in terms of:
      (i) design, and
      (ii) road safety, and
      (iii) the public benefits to be provided in connection with the display of the advertisement, and
   (c) satisfies any other relevant requirements of this Policy.

3. In addition, if clause 18 or 24 applies to the case, the consent authority must not grant consent unless arrangements that are consistent with the Guidelines have been entered into for the provision of the public benefits to

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 13</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The sign panel is determined as being acceptable to the location.

The development application is limited to the third party advertising content change only. The third party advertising will be displayed on a screen that is 1.973 metres tall, and 1.2 metres wide (Area 2.367 square metres).

The sign panel is within or forms part of a phone booth operated by Telstra. The site is within a pedestrian thoroughfare of Woodburn Road (The footpath) and there will be minimal impact or disruption to traffic flows within Woodburn Road and adjacent Crawford Street.

Subclause 2 will not apply to the development application because Clause 18 or 24 does not apply to the development application.

The screen within the telephone booth will display Telstra advertising content and such advertising does not require Council consent.

Note: The Transport Corridor Outdoor Advertising and Signage Guidelines do not require consideration because the payphone is not situated within a transport corridor and the panel the subject of this application is not affected by Clause 18 or 24 of the State Policy.
### Clause 14 Duration of Consents

(1) A consent granted under this part ceases to be in force:

   (a) on the expiration of 15 years after the date on which the consent becomes effective and operates

   (b) if a lesser period is specified by the consent authority, that lesser period

(2) The consent authority may specify a period less than 15 years only if:

   (a) before the commencement of this Part, the consent authority had adopted a policy of granting consents in relation to applications to display advertisements for a lesser period and the duration of the consent authority is consistent with that policy

   (b) the area in which the advertisement is undergoing change in accordance with an EPI that aims to change the nature and character of development and where the proposed advertisement would be inconsistent with that change

   (c) the specification of a lesser period if required by another provision of this Policy.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>C14 Duration of Consents</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>No objection is raised to the fifteen (15) year consent that is sought by the applicant.</td>
</tr>
</tbody>
</table>
Clause 16 Transport corridor land

(1) Despite the provisions of any other environmental planning instrument, the display of an advertisement on transport corridor land is permissible with development consent in the following cases:

(a) the display of an advertisement by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or Transport NSW on a railway corridor,

(b) the display of an advertisement by or on behalf of the RMS on:

(i) a road that is a freeway or tollway (under the Roads Act 1993 or associated road use land that is adjacent to such a road, or

(ii) a bridge constructed by or on behalf of the RMS on any road corridor, or

(iii) land that is owned, occupied or managed by the RMS and that is within 250 metres of a classified road,

(c) the display of an advertisement on transport corridor land comprising a road known as the Sydney Harbour Tunnel, the Eastern Distributor, the M2 Motorway, the M4 Motorway, the M5 Motorway, the M7 Motorway, the Cross City Tunnel or the Lane Cove Tunnel, or associated road use land that is adjacent to such a road.

(2) Before determining an application for consent to the display of an advertisement in such a case, the Minister for Planning may appoint a design review panel to provide advice to the Minister concerning the design quality of the proposed advertisement.

(3) The Minister must not grant consent to the display of an advertisement unless the Minister is satisfied that the conditions set out in this clause have been satisfied.

Clause 16 will not apply to the development application because the advertising panel and payphone is not situated within land designated as a transport corridor.
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 17 Advertisements with display area greater than 20m² or higher than 8m above ground</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>(2) The display of an advertisement to which this clause applies is advertised development for the purposes of the Act</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(3) The consent authority must not grant consent to an application under this clause unless:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(a) the applicant has provided an impact statement that addressed the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts and</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(b) the application has been advertised in accordance with s79A of the Act</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(c) At the same time as advertisement, a copy of application was given to the RMS (if it is an advertisement to which clause 18 applies)</td>
</tr>
<tr>
<td></td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>Clause 17 will not apply to the development application. In particular:-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• The screen within the telephone booth has dimensions of 900 mm x 225 mm and occupying an area of 0.202 square metre. The screen does not require Council consent as third party advertising is not proposed.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• The larger panel has dimensions of 1,973 mm x 1,200 mm and occupying an area of 2.36 square metres.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>The screen to which third party advertising is proposed is less than 20 square metres in area and less than 8 metres in height.</td>
</tr>
<tr>
<td>Requirement</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Comment</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------------------</td>
<td>-----</td>
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<td>-----</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Clause 18 Advertisements greater than 20m² and within 250m of, and visible from, a classified road</td>
<td>□</td>
<td>□</td>
<td>✗</td>
<td>Clause 18 will not apply to the development application.</td>
</tr>
<tr>
<td>(2) Consent must not be granted without the concurrence of the RMS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) In deciding whether or not concurrence should be granted, RMS must take into consideration:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) the impact of the display of the advertisement on traffic safety, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) the Guidelines.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) (Repealed)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4) If RMS has not informed the consent authority within 21 days after the copy of the application is given to it under clause 17 (3) (c) (ii) that it has granted, or has declined to grant, its concurrence, RMS is taken to have granted its concurrence.</td>
<td>□</td>
<td>□</td>
<td>✗</td>
<td></td>
</tr>
<tr>
<td>(5) Nothing in this clause affects clause 16.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(6) This clause does not apply when the Minister for Planning is the consent authority.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Requirement</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Comment</td>
</tr>
<tr>
<td>-------------</td>
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<td>----</td>
<td>-----</td>
<td>---------</td>
</tr>
<tr>
<td><strong>Clause 19 Advertising display area greater than 45m²</strong></td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>Clause 19 is not relevant to the development application.</td>
</tr>
<tr>
<td>(a) No consent must be granted to the display of an advertisement with an advertising display area greater than 45m² unless a DCP is in force that has been prepared on the basis of an advertising display analysis for the relevant area or precinct</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>(b) In the case of the display of an advertisement on transport corridor land, the consent authority is satisfied that the advertisement is consistent with the Guidelines.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td><strong>Clause 20 Location of certain names and logos</strong></td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>All technology and logos associated with the electronic screen and third party advertising is integrated within the exempt structure. There are no logos within the frames or devices to be erected.</td>
</tr>
<tr>
<td>(1) The name or logo of the person who owns or leases an advertisement or advertising structure may appear only within the advertising display area</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>(2) If the advertising display area has no border or surrounds, any such name or logo is to be located:</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>(a) within the advertisement, or</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>(b) within a strip below the advertisement that extends for the full width of the advertisement</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>(3) The area of any such name or logo must not exceed 0.25m²</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>(4) The area of any such strip is to be included in calculating the size of the advertising display area</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td></td>
</tr>
</tbody>
</table>
## Cumberland Local Planning Panel Meeting
12 June 2019

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 23 Freestanding advertisements</td>
<td></td>
<td></td>
<td></td>
<td>A free standing structure is not proposed.</td>
</tr>
<tr>
<td>(1) Consent may only be granted of the advertising structure on which the advertisement is displayed does not protrude above the dominant skyline, including any buildings, structures or tree canopies when viewed from ground level when viewed from ground level within a visual catchment of 1km.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) This clause does not prevent the consent authority, in the case of a freestanding advertisement on land within a rural or non-urban zone, from granting consent to the display of the advertisement under clause 15.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Schedule 1 Assessment Criteria

#### Character of the area

<table>
<thead>
<tr>
<th>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</th>
<th>☒</th>
<th></th>
<th></th>
<th>The character and nature of the locality will not be changing. The immediate locality is characterised by commercial and retail land uses and high levels of pedestrian movement. The signage content is compatible with the locality.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</th>
<th>☐</th>
<th>☒</th>
<th></th>
<th>There is no advertising theme for the locality.</th>
</tr>
</thead>
</table>

#### Special areas

<table>
<thead>
<tr>
<th>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</th>
<th>☒</th>
<th></th>
<th></th>
<th>The site is not within an environmental sensitive area, heritage area, natural or other conservation area. There are no heritage listed items close by to the site.</th>
</tr>
</thead>
</table>

#### Views and vistas

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
</table>


<table>
<thead>
<tr>
<th>Requirement</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the proposal obscure or compromise important views?</td>
<td>☒</td>
<td></td>
<td></td>
<td>The proposal will not impact onto any existing views or vistas.</td>
</tr>
<tr>
<td>Does the proposal dominate the skyline and reduce the quality of vistas?</td>
<td>☒</td>
<td></td>
<td></td>
<td>The panel will not dominate the skyline or reduce the quality of vistas.</td>
</tr>
<tr>
<td>Does the proposal respect the viewing rights of other advertisers?</td>
<td>☒</td>
<td></td>
<td></td>
<td>There are no other advertisers on site affected by the change to the panel.</td>
</tr>
<tr>
<td><strong>Streetscape, setting or landscape</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</td>
<td>☒</td>
<td></td>
<td></td>
<td>The advertising content will be integrated within an exempt structure within a commercial location being a footpath adjacent to shops and associated businesses. The advertising content will have no additional impacts in terms of scale, proportion and form.</td>
</tr>
<tr>
<td>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</td>
<td>☒</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</td>
<td>☒</td>
<td></td>
<td></td>
<td>There is no clutter of signage proposed.</td>
</tr>
<tr>
<td>Does the proposal screen unsightliness?</td>
<td>☒</td>
<td></td>
<td></td>
<td>There is no unsightliness to screen.</td>
</tr>
<tr>
<td>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</td>
<td>☒</td>
<td></td>
<td></td>
<td>The panel or content of advertising will not impact on the built form of the exempt telephone booth or surrounding buildings.</td>
</tr>
<tr>
<td>Does the proposal require ongoing vegetation management?</td>
<td>☒</td>
<td></td>
<td></td>
<td>No ongoing management of vegetation is required.</td>
</tr>
<tr>
<td><strong>Site and building</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which proposed signage is to be located?</td>
<td>☒</td>
<td></td>
<td></td>
<td>The proposed signage is compatible with the subject site’s character, and surrounding area.</td>
</tr>
<tr>
<td>Does the proposal respect important features of the site or building, or both?</td>
<td>☒</td>
<td></td>
<td></td>
<td>This is achieved.</td>
</tr>
<tr>
<td>Does the proposal show innovation and imagination in its relationship to the site or building or both?</td>
<td>☒</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Associated devices and logos with advertisements and advertising structures</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### 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>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is displayed?</td>
<td>☒</td>
<td></td>
<td></td>
<td>All logos associated with the electronic displays screen and third party advertising are already integrated within the exempt structure.</td>
</tr>
<tr>
<td><strong>Illumination</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Would illumination result in unacceptable glare?</td>
<td>☐</td>
<td>☒</td>
<td></td>
<td>The new panel will be illuminated but illumination is considered not excessive.</td>
</tr>
<tr>
<td>Would illumination affect safety for pedestrians, vehicles or aircraft?</td>
<td>☐</td>
<td>☒</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Would illumination detract from the amenity of any residence or other form of accommodation?</td>
<td>☐</td>
<td>☒</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Can the intensity of the illumination be adjusted, if necessary?</td>
<td>☒</td>
<td></td>
<td></td>
<td>The electronic display screen have inbuilt light sensors that measure the ambient light around the structure that gradually adjusts the screen brightness based on the need for light. The adjustments occur within small increments to avoid dramatic change in illuminance levels. The luminance will never exceed 0.25 cd/ square metre. Additionally, the screens will not contain flourescent bulbs or spotlights. An appropriate condition is provided within the recommendation addressing illuminance levels.</td>
</tr>
<tr>
<td>Is the illumination subject to a curfew?</td>
<td>☐</td>
<td></td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td><strong>Safety</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Would the proposal reduce the safety for any public road?</td>
<td>☒</td>
<td></td>
<td></td>
<td>The sign and content will not interfere with traffic or pedestrian flows.</td>
</tr>
<tr>
<td>Would the proposal reduce the safety for pedestrians or bicyclists?</td>
<td>☒</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Requirement | Yes | No | N/A | Comment
--- | --- | --- | --- | ---
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sight lines from public areas? | ☒ | | | |

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 provisions of the Auburn Local Environmental Plan 2010 are applicable to the development application.

The land is within zone B2 Local Centre which permits signage with consent. In this regard, the development sought is best considered as being signage. Signage is defined as:-

“Signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:-

(a) an advertising structure,

(b) a building identification sign,

(c) a business identification sign,

but does not include a traffic sign or traffic control facilities”.

Signage is not identified as being prohibited within the zone. It is identified that the proposal achieves compliance with the key statutory requirements of the Auburn Local Environmental Plan 2010 and the objectives of the B2 Local Centre zone.
The relevant matters to be considered under the Auburn Local Environmental Plan 2010 are summarised below. A comprehensive LEP assessment is contained in Appendix A.

<table>
<thead>
<tr>
<th>DEVELOPMENT STANDARD</th>
<th>COMPLIANCE</th>
<th>DISCUSSION</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.3 Height of Buildings 14 metres.</td>
<td>Yes</td>
<td>A building is not proposed and building height is generally not relevant in this instance. However, the advertising panel will have dimensions of 1.973 metres x 1.2 metres and will be positioned 754 mm above the footpath level. The top of the sign panel screen will be no higher than approximately 2.47 metres above the footpath level.</td>
</tr>
<tr>
<td>4.4 Floor Space Ratio 2:0</td>
<td>N/A</td>
<td>Not applicable for signage.</td>
</tr>
<tr>
<td>5.10 Heritage conservation</td>
<td>Yes</td>
<td>The site is not within an environmental sensitive area, heritage area, natural or other conservation area. There are no heritage listed items close by to the site.</td>
</tr>
</tbody>
</table>

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

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

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

The Auburn Development Control Plan provides guidance for the design and operation of development to achieve the aims and objectives of the Auburn Local Environmental Plan 2010. It is identified that the provisions will have limited applicability to the development as follows.

Advertising and Signage

The only provision relevant to the development application is the “Advertising and Signage” chapter of the Auburn Development Control Plan 2010. In this regard:-

- Part 2.0 (Subpart D1) - Advertising and Signage shall be consistent with State Environmental Planning Policy 64 “Advertising and Signage”.

-
Part 3.0 (Subpart D1) - Advertising shall be displayed in English but may include a translation in another language.

The evidence provided by Telstra in this application would indicate that compliance would be achieved for the advertising content that would be displayed. Furthermore, it is also identified that the advertising content would be compliant with State Environmental Planning Policy 64 “Advertising and Signage”.

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)(iii))

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 Development Control Plan 2010 the proposal was publicly notified for a period of fourteen (14) days between Tuesday 30 April and Tuesday 14 May 2019. The notification generated thirteen (13) x form submissions in respect of the proposal. The issues raised are the same as follows:

1- Digital signage is a road hazard to cars and pedestrians and will create a distraction and add to excessive clutter of the streetscape.

Comments

The development application is seeking third party advertising within a payphone that is upgraded and relocated from its present position adjacent to 172 Woodburn Road.
to a site adjacent to 174 Woodburn Road. Hence there is already an electronic advertising panel situated at this intersection but at a different location.

The new replacement sign panel and signage would not be excessive in size (2.36 square metres).

The proposed sign:

- Is not expected to change traffic conditions in the locality.
- Create adverse traffic conditions.
- Impair traffic flows within the locality.
- Will not impair pedestrian movements or worsen the operations of the adjoining street corner.
- Will not add to clutter that will contribute to a deterioration of the immediate road network.
- Will have an acceptable level of illumination in which light levels would be controlled based on the need for light.

Proposed condition 3 addresses the operation of the signage including lighting and display of messages.

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

The development does not require the payment of contributions in accordance with Council’s Section 94 Contributions Plans.

Disclosure of Political Donations And Gifts

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

CONCLUSION:

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy 64 “Advertising and Signage”, the Auburn Local Environmental Plan 2010 and the Auburn Development Control Plan 2010. The development sought is considered as being satisfactory for deferred commencement consent subject to conditions.
The proposed development is appropriately located within the B2 Local Centres Zone under the relevant provisions of the Auburn Local Environmental Plan 2010. The proposal is consistent with all statutory and non-statutory controls applying to the development. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and the development may be approved as 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:**

1. That Development Application Number 83/2019 for use of a digital display sign affixed to a Telstra payphone for third party advertising on land adjacent to 174 Woodburn Road Berala be approved as deferred commencement consent subject to attached conditions.

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. Submissions Received
4. Appendix A
ATTACHMENT 1
Draft Notice of Determination
CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-83/2019
Property: Adjacent to 174 Woodburn Road Beralu.
Description: Use of a digital display sign affixed to a Telstra payphone for third party advertising

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 4.16(3) of the Environmental Planning and Assessment Act 1979, this development consent will not operate until the Applicant satisfies the Council as to the matters set out in these “deferred commencement” conditions.

DC1 - Separate approval for the public payphone

A payphone shall be installed at the subject location pursuant to the provision of the Telecommunication (Low Impact Facilities) Determination 2018. Evidence shall be provided to the Council demonstrating that the payphone structure has been erected prior to the operation of this consent.

Reason: to ensure a payphone is erected on site in accordance with the relevant legislation prior to the consent operating.

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>Telstra Payphone</td>
<td>JC Decaux Australia Pty Ltd</td>
<td>26/10/2018</td>
<td></td>
</tr>
<tr>
<td>Telstra Digital Phone</td>
<td>JC Decaux Australia Pty Ltd</td>
<td>7 June 2018</td>
<td></td>
</tr>
<tr>
<td>Payphone with STS Content</td>
<td>JC Decaux Australia Pty Ltd</td>
<td>March 2019</td>
<td></td>
</tr>
<tr>
<td>Payphone with 3rd Party Content</td>
<td>JC Decaux Australia Pty Ltd</td>
<td>March 2019</td>
<td></td>
</tr>
</tbody>
</table>
The plans will not be “stamped” by Council until the modifications required by the deferred commencement condition have been incorporated into revised plans.

(Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 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. Advertising signage

The advertisement shall comply with the following:-

a) The approved signage shall be appropriately maintained at all times.

b) The signage shall not:-

i) flash, move, be animated, scintillate or be decorated with rotating flashing lights;
ii) include any apparatus to provide any sound;
iii) carry a message which is offensive;
iv) give instructions to traffic by the use of the words ‘Halt’, ‘Stop’, or any other direction, nor imitate traffic signs in respect to shape, layout or colour;
v) impair or distract the vision of a driver through the intensity of the illumination of the sign;

C) The wording to the signage shall be primarily displayed in English but may include a translation in another language.

Any reported vandalism to the advertising panel and screen shall be repaired within fourteen (14) days of being reported.

Reason:- to ensure the appearance and operation of the signage is in an orderly fashion.

4. Maximum time limit of advertising structures

Consent is granted to the signage for a period of fifteen (15) years in accordance with Clause 14(1)(a) of State Environmental Planning Policy 64 “Advertising and Signage” from the date of the consent.
The consent shall lapse after fifteen (15) years from the date of this determination.

At the time, the consent lapses, the third party signage shall cease operation. A new development application may be lodged with the Council for any third party signage to be situated on the public payphone following the lapse date.

Reason:- to comply with Clause 14 of State Environmental Planning Policy 64 - Advertising and Signage (SEPP 64).

5. **Signage Illumination**

Maximum light spill from the illumination shall be in accordance with the Australian Standard AS 4282:1997 “Control of the Obtrusive Effects of Outdoor Lighting”.

Should any substantive complaints be received or should the proposed illumination have an adverse impact on surrounding amenity, Council reserves the right to request modifications to the illumination of the signage panels.

Reason:- to ensure excessive light spill not will occur from the advertising panels.
DOCUMENTS ASSOCIATED WITH REPORT LPP042/19

Attachment 2
Architectural Plans
Payphone with 3rd Party content

Smaller screen on front of structure will only display standard telephone services (STS) in accordance with the Telco Act.

Structure (including large digital screen displaying Telstra Standard Telephone Services) is approved under Telco Act and not assessed in this DA.

Change from Telstra Standard Telephone Services content to 3rd party advertising content on the sign is subject to the DA process with Council (only element to be assessed by Council).

Approved in accordance with the Telco Act.

To be assessed by Council.

Note: Under Telco Act Telstra can display digital advertising of standard telephone services with consistent transitions and dwell times as proposed for the 3rd party advertising.
Payphone with STS content

Smaller screen on front of structure will only display standard telephone services (STS) in accordance with the Telco Act.

Structure (including large digital screen displaying Telstra Standard Telephone Services) is approved under Telco Act and not assessed in this DA.

A network bigger than a laneway coffee queue

Note: Under Telco Act Telstra can display digital advertising of standard telephone services with consistent transitions and dwell times as proposed for the 3rd party advertising.
DOCUMENTS ASSOCIATED WITH REPORT LPP042/19

Attachment 3
Submissions Received
Attention: Mr. Hamish McNulty
General Manager
Cumberland Council
PO Box 42
Merrylands NSW 2160
.council@cumberland.nsw.gov.au


Dear Sir,
I wish to record my objection to DA-83/2019 digital display signage on the corner of Crawford St and Woodburn Rd, Beralba.
I believe that digital signage as described is a road traffic hazard in this position, not only to vehicle users but also pedestrians.
I am sure you are aware that this corner has high vehicle and pedestrian use, it has two pedestrian crossings and without any advertising is the subject often of near misses and minor accidents.
The type of digital advertising on a television type flat screen is distracting both for vehicle users and pedestrians.
It also competes with traffic control devices for the driver’s attention.
It adds visual clutter to our streetscape and obscures the drivers’ view of other vehicles and pedestrians.
The dazzle of digital screens can also cause discomfort to those drivers with an eye condition.
This type of digital advertising desensitizes drivers to other traffic signage.
Cumberland Council has invested a lot of our rate money in a rejuvenation of the shopping precinct along Woodburn Road and I think it would be a terrible shame to detract from that with visual pollution.
For all the above reasons I think Council should reject this Development Application.

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Yours Sincerely,

[Signature]
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Cumberland Council
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Merrylands NSW 2160
Email: cumberland.nsw.gov.au


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General Manager  
Cumberland Council  
PO Box 42  
Merrylands NSW 2160  
council@cumberland.nsw.gov.au

Reference: DA-83/2019 (Use of a digital display sign 174 Woodburn Rd Bereal)

Dear Sir,
I wish to record my objection to DA-83/2019 digital display signage on the corner of Crawford St and Woodburn Rd, Bereal.
I believe that digital signage as described is a road traffic hazard, in this position, not only to vehicle users but also pedestrians.
I am sure you are aware that this corner has high vehicle and pedestrian use, it has two pedestrian crossings and without any advertising is the subject of near misses and minor accidents.
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council@cumberland.nsw.gov.au


Dear Sir,

I wish to record my objection to DA-83/2019 digital display signage on the corner of Crawford St and Woodburn Rd, Beraha.

I believe the display signage as described is a road traffic hazard in this position, not only to vehicle users but also pedestrians.

I am sure you are aware that this corner has high vehicle and pedestrian use, it has two pedestrian crossings and without any advertising is the subject often of near misses and minor accidents.

The type of digital advertising on a television type flat screen is distracting both for vehicle users and pedestrians.

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Cumberland Council has invested a lot of our rate money in a rejuvenation of the shopping precinct along Woodburn Road and I think it would be a terrible shame to detract from that with visual pollution.

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The type of digital advertising on a television type flat screen is distracting both for vehicle users and pedestrians.
It also competes with traffic control devices for the driver’s attention.
It adds visual clutter to our streetscape and obscures the drivers’ view of other vehicles and pedestrians.
The dazzle of digital screens can also cause discomfort to those drivers with an eye condition.
This type of digital advertising desensitizes drivers to other traffic signage.
Cumberland Council has invested a lot of our rate money in a rejuvenation of the shopping precinct along Woodburn Road and I think it would be a terrible shame to detract from that with visual pollution.
For all the above reasons I think Council should reject this Development Application.

Yours Sincerely,
### APPENDIX A
Auburn Local Environmental Plan (LEP) 2010

<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Part 1 Preliminary</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>1.1 Name of Plan</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>This Plan is Auburn Local Environmental Plan 2010.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>This is noted.</td>
</tr>
<tr>
<td><strong>1.3 Land to which Plan applies</strong></td>
<td></td>
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</tr>
<tr>
<td>(1) This Plan applies to the land identified on the Land Application Map.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>The plan will apply to the site.</td>
</tr>
<tr>
<td><strong>Note.</strong> Part 23 of Schedule 3 to the State Environmental Planning Policy (Major Development) 2005 applies to certain land identified on the Land Application Map.</td>
<td></td>
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</tr>
<tr>
<td>(2) Despite subclause (1), this Plan does not apply to the land identified on the Land Application Map as &quot;Deferred matter.&quot;</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td><strong>1.6 Consent authority</strong></td>
<td></td>
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</tr>
<tr>
<td>The consent authority for the purposes of this Plan is (subject to the Act) the Council.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>Council is the consent authority for the development application.</td>
</tr>
<tr>
<td><strong>1.9 Application of SEPPs and REPs</strong></td>
<td></td>
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</tr>
<tr>
<td>(1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 38 of the Act.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>The relevant State Environmental Planning Policies have been addressed earlier in the report.</td>
</tr>
<tr>
<td>(2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies:</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>The state policies stated below are not relevant to the development application.</td>
</tr>
<tr>
<td>State Environmental Planning Policy No 1—Development Standards.</td>
<td></td>
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<tr>
<td>Sydney Regional Environmental Plan No 24 Homebush Bay Area.</td>
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<tr>
<td><strong>Part 2 Permitted or prohibited development</strong></td>
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<tr>
<td><strong>2.7 Demolition requires consent</strong></td>
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</tr>
<tr>
<td>The demolition of a building or work may be carried out only with consent.</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>No demolition work is proposed.</td>
</tr>
<tr>
<td>If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development, the Act enables it to be carried out without development consent.</td>
<td></td>
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</tr>
</tbody>
</table>

### Land Use Table

*Note. A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:-*
### Zone B2 Local Centre

**1 Objectives of zone**
- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage high density residential development.
- To encourage appropriate businesses that contribute to economic growth.
- To achieve an accessible, attractive and safe public domain.

<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Themanote</td>
<td></td>
<td></td>
<td></td>
<td>The relevant objectives are complied with.</td>
</tr>
</tbody>
</table>

**2 Permitted without consent**
- Nil

**3 Permitted with consent**
- Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Group homes; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoors); Registered clubs; Residential flat buildings; Retail day care centres; Restricted premises; Roads; Self-storage units; Service stations; Serviced apartments; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Warehouse or distribution centres; Any other development not specified in item 2 or 4

<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Themanote</td>
<td></td>
<td></td>
<td></td>
<td>The land is within zone B2 Local Centre which permits signage with consent. In this regard, the development sought is considered as being &quot;signage&quot;. Signage is not identified as being prohibited within the zone under subclause 4. The &quot;signage&quot; is compliant with the permissibility provision of the Auburn Local Environmental Plan 2010.</td>
</tr>
</tbody>
</table>

**4 Prohibited**
- Agriculture; Air transport facilities; Animal...
<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cloning or training establishments; Boat building and repair facilities; Boat sheds; Caravan grounds; Caravans; Cemeteries; Charler and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>Part 4 Principal development standards</td>
</tr>
</tbody>
</table>

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows:
   
   (a) to ensure that lot sizes are able to accommodate development consistent with relevant development controls, and
   
   (b) to ensure that subdivision of land is capable of supporting a range of development types.

   (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

   (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

   (3A) Despite subclause (3), the minimum lot size for dwelling houses is 450 square metres.

   (3B) Despite subclause (3), if a lot is a battle-axe lot or other lot with an access handle and is on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone IN1 General Industrial and Zone IN2 Light Industrial, the minimum lot size excludes the area of the access handle.

   A subdivision is not proposed. As such, Clause 4.1 does not need to be considered.
### CUMBERLAND LOCAL PLANNING PANEL

<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(3C) Despite subclauses (3)-(3B), the minimum lot size for development on land within the Former Lidcombe Hospital Site, as shown edged blue on the Lot Size Map, is as follows in relation to development for the purpose of: (a) dwelling houses: (i) 360 square metres, or (ii) if a garage will be accessed from the rear of the property - 290 square metres, or (a) if the dwelling house will be on a zero lot line - 270 square metres, (b) semi-detached dwellings - 270 square metres, (c) multi dwelling housing - 170 square metres for each dwelling, (d) attached dwellings - 170 square metres.</td>
<td></td>
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</tr>
<tr>
<td>(4) This clause does not apply in relation to the subdivision of any land: (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or (b) by any kind of subdivision under the Community Land Development Act 1999.</td>
<td></td>
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</tr>
</tbody>
</table>

#### 4.3 Height of buildings

- The objectives of this clause are as follows:
  - (a) to establish a maximum building height to enable appropriate development density to be achieved, and (b) to ensure that the height of buildings is compatible with the character of the locality.

- The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

- Despite subclause (2), the maximum height of office premises and hotel or motel accommodation is: (a) if it is within the Parramatta Road Precinct, as shown edged orange on the Height of Buildings Map—27 metres, (b) if it is on land within Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Height of Buildings Map—14 metres.

#### 4.4 Floor space ratio

- The objectives of this clause are as follows: [Note: The table cell contains a list of objectives, but the text is not fully visible.]
CUMBERLAND LOCAL PLANNING PANEL

<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</td>
<td>☒</td>
<td></td>
<td></td>
<td>A floor space ratio of 2:0 is permitted on the site. Notwithstanding this provision, the matter of floor space ratio is not relevant to this application.</td>
</tr>
<tr>
<td>(2A) Despite subclause (2), the maximum floor space ratio for development for the purpose of multi dwelling housing on land other than land within the Former Lidcombe Hospital Site, as shown edged black on the Floor Space Ratio Map, is as follows:</td>
<td>☒</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) for sites less than 1,300 square metres—0.75:1,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) for sites that are 1,300 square metres or greater but less than 1,800 square metres—0.80:1,</td>
<td></td>
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<tr>
<td>(c) for sites that are 1,800 square metres or greater—0.85:1.</td>
<td></td>
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</tr>
<tr>
<td>(2B) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Parramatta Road Precinct, as shown edged orange on the Floor Space Ratio Map, is as follows:</td>
<td></td>
<td></td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and</td>
<td></td>
<td></td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>(b) 3:1 for office premises and hotel or motel accommodation.</td>
<td></td>
<td></td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>(2C) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Floor Space Ratio Map, is as follows:</td>
<td></td>
<td></td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and</td>
<td></td>
<td></td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>(b) 2:1 for office premises and hotel or motel accommodation.</td>
<td></td>
<td></td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>(2D) Despite subclause (2), the maximum floor space ratio for retail premises on land in Zone B6 Enterprise Corridor within the Commercial Precinct, as shown edged green on the Floor Space Ratio Map is 1:5:1.</td>
<td></td>
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<tr>
<td>4.6 Exceptions to development standards</td>
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</tr>
<tr>
<td>(1) The objectives of this clause are:</td>
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<td></td>
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</tr>
<tr>
<td>(a) to provide an appropriate degree of flexibility in applying certain development standards to particular</td>
<td></td>
<td>✔</td>
<td>✔</td>
<td>The clause will not be applicable to this application.</td>
</tr>
<tr>
<td>Clause</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Comment</td>
</tr>
<tr>
<td>--------</td>
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<tr>
<td>development, and (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating: (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b) that there are sufficient environmental planning grounds to justify contravening the development standard.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>(4) Consent must not be granted for development that contravenes a development standard unless: (a) the consent authority is satisfied that: (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and (b) the concurrence of the Director-General has been obtained.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>(5) In deciding whether to grant concurrence, the Director-General must consider: (a) whether contravention of the development standard raises any matter of significant public or regional environmental planning, and (b) the public benefit of maintaining the development standard, and (c) any other matters required to be</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Clause</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
<td>Comment</td>
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<tr>
<td>-----------------------------------------------------------------------</td>
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</tr>
<tr>
<td>(6) Development consent must not be granted under this clause for a</td>
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<tr>
<td>subdivision of land in Zone RUI Primary Production, Zone RU2 Rural</td>
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</tr>
<tr>
<td>Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots,</td>
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<tr>
<td>Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2</td>
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<tr>
<td>Environmental Conservation, Zone E3 Environmental Management or Zone E4</td>
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<tr>
<td>Environmental Living if:</td>
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<tr>
<td>(a) The subdivision will result in 2 or more lots of less than the</td>
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<tr>
<td>minimum area specified for such lots by a development standard, or</td>
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<tr>
<td>(b) The subdivision will result in at least one lot that is less than</td>
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<tr>
<td>90% of the minimum area specified for such a lot by a development</td>
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<tr>
<td>standard.</td>
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<tr>
<td>(7) After determining a development application made pursuant to this</td>
<td></td>
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<tr>
<td>clause, the consent authority must keep a record of its assessment of</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>the factors required to be addressed in the applicant's written</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>request referred to in subclause (3).</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(8) This clause does not allow consent to be granted for development</td>
<td></td>
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<tr>
<td>that would contravene any of the following:</td>
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<td></td>
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</tr>
<tr>
<td>(a) a development standard for complying development,</td>
<td></td>
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<tr>
<td>(b) a development standard that arises, under the regulations under</td>
<td></td>
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<tr>
<td>the Act, in connection with a commitment set out in a BASIX certificate</td>
<td></td>
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<tr>
<td>for a building to which State Environmental Planning Policy (Building</td>
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<tr>
<td>Sustainability Index: BASIX) 2004 applies or for the land on which</td>
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<tr>
<td>such a building is situated,</td>
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<tr>
<td>(c) clause 5.4</td>
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</tr>
</tbody>
</table>

### Part 5 Miscellaneous provisions

#### 5.10 Heritage conservation

**Note.** Heritage items, if any are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

**1. Objectives**

The objectives of this clause are as follows:

(a) to conserve the environmental heritage of Auburn, The site is not listed in the Auburn Local Environmental Plan 2010 as containing items of heritage, archaeological artefacts or Aboriginal relics.
CUMBERLAND LOCAL PLANNING PANEL

<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views,</td>
<td></td>
<td></td>
<td></td>
<td>The heritage provisions stated here will not be applicable to the application.</td>
</tr>
<tr>
<td>(c) to conserve archaeological sites,</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2) Requirement for consent</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development consent is required for any of the following:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) a heritage item,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) an Aboriginal object,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(iii) a building, work, relic or tree within a heritage conservation area,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(d) disturbing or excavating an Aboriginal place of heritage significance,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(e) erecting a building on land:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) on which a heritage item is located or that is within a heritage conservation area, or</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</td>
<td></td>
<td></td>
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<tr>
<td>(f) subdividing land:</td>
<td></td>
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<tr>
<td>(i) on which a heritage item is located or that is within a heritage conservation area, or</td>
<td></td>
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<tr>
<td>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance</td>
<td></td>
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</tr>
</tbody>
</table>
(3) **When consent not required**

However, development consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

(i) is of a minor nature, or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site, or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development:

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) **Effect of proposed development on heritage significance**

The consent authority must, before granting consent under this clause, in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(5) Heritage assessment</td>
<td></td>
<td></td>
<td>✗</td>
<td>There are no heritage listed items close by to the site of the payphone and advertising panel.</td>
</tr>
<tr>
<td>The consent authority may, before granting consent to any development:</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>(a) on land on which a heritage item is located, or</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) on land that is within a heritage conservation area, or</td>
<td></td>
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</tr>
<tr>
<td>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(6) Heritage conservation management plans</td>
<td></td>
<td></td>
<td>✗</td>
<td></td>
</tr>
<tr>
<td>The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</td>
<td></td>
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</tr>
<tr>
<td>(7) Archaeological sites</td>
<td></td>
<td></td>
<td>✗</td>
<td></td>
</tr>
<tr>
<td>The consent authority must, before granting consent under this clause to the carrying out of development on an archaeologica site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):</td>
<td></td>
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</tr>
<tr>
<td>(a) notify the Heritage Council of its intention to grant consent, and</td>
<td></td>
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</tr>
<tr>
<td>(b) take into consideration any response received from the Heritage Council within 20 days after the notice is sent.</td>
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</tr>
<tr>
<td>(8) Aboriginal places of heritage significance</td>
<td></td>
<td></td>
<td>✗</td>
<td></td>
</tr>
<tr>
<td>The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance: 2010 No 816 Auburn Local Environmental Plan 2010 Clause 5.11 Miscellaneous provisions Part 5 Page 47</td>
<td></td>
<td></td>
<td></td>
<td>(a) consider the effect of the proposed</td>
</tr>
</tbody>
</table>
### CUMBERLAND LOCAL PLANNING PANEL

<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate about the application and take into consideration any response received within 28 days after the notice is sent.</td>
<td></td>
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<tr>
<td>(9) Demolition of nominated State heritage items</td>
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</tr>
<tr>
<td>The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:</td>
<td></td>
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</tr>
<tr>
<td>(a) notify the Heritage Council about the application, and</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</td>
<td></td>
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</tr>
<tr>
<td>(10) Conservation incentives</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</td>
<td></td>
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<tr>
<td>(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and</td>
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</tr>
<tr>
<td>(e) the proposed development would not have</td>
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</tr>
</tbody>
</table>
### CUMBERLAND LOCAL PLANNING PANEL

<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>any significant adverse effect on the amenity of the surrounding area</td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Part 6 Additional local provisions</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>6.1 Acid sulfate soils</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</td>
<td></td>
<td></td>
<td></td>
<td>The site is not situated close to land affected by acid sulphate soils and no excavation work is required or proposed. Acid sulphate soils are not considered to be an issue in this instance.</td>
</tr>
<tr>
<td>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Class</strong></td>
<td><strong>Works of land</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Any works.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>(4) Despite subclause (2) Development consent is not required under this clause for the carrying out of works if:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**Cumberland Local Planning Panel Agenda**
(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):

(a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
(b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
(c) minor work, being work that costs less than $20,000 (other than drainage work).

(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:

- the works involve the disturbance of more than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or
- the works are likely to lower the water table.

6.2 Earthworks

(1) The objectives of this clause are as follows:
(a) to ensure that earthworks for which a development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land,
(b) to allow earthworks of a minor nature without separate development consent.

No earthworks are proposed.
CUMBERLAND LOCAL PLANNING PANEL

<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2) Development consent is required for earthworks, unless: (a) the work does not alter the ground level (existing) by more than 600 millimetres, or (b) the work is exempt development under this Plan or another applicable environmental planning instrument, or (c) the work is ancillary to other development for which development consent has been given.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or of the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area. Note. The National Parks and Wildlife Act 1974, particularly section 89, deals with disturbing or excavating land and Aboriginal objects.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
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</tr>
</tbody>
</table>

6.3 Flood planning

(1) The objectives of this clause are:

- to minimise the flood risk to life and property associated with the use of land,
- to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
- to avoid significant adverse impacts on flood behaviour and the environment.

<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 and locality is not prone to flooding.</td>
</tr>
</tbody>
</table>

(2) This clause applies to:
(a) land that is shown as "Flood planning area" on the Flood Planning Map, and
(b) other land at or below the flood planning level. |

Cumberland Local Planning Panel Agenda
<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development: (a) is compatible with the flood hazard of the land, and (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affection of other development or properties, and (c) incorporates appropriate measures to manage risk to life from flood, and (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.</td>
<td>✗</td>
<td></td>
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</tr>
<tr>
<td>(4) A word or expression used in this clause has the same meaning as it has in the NSW Government’s Floodplain Development Manual published in 2005, unless it is otherwise defined in this clause.</td>
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</tr>
<tr>
<td>(5) In this clause: flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard. Flood Planning Map means the Auburn Local Environmental Plan 2010 Flood Planning Map.</td>
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</tr>
<tr>
<td>6.5 Essential Services</td>
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<tr>
<td>(1) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required: (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road access.</td>
<td>✗</td>
<td></td>
<td></td>
<td>Essential services required to support the telephone booth are required to be provided to the site and no change is proposed.</td>
</tr>
<tr>
<td>(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.</td>
<td></td>
<td>✗</td>
<td></td>
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</tr>
</tbody>
</table>

Schedule 1 Additional permitted uses “Nil”
Item No: LPP043/19

DEVELOPMENT APPLICATION FOR 14 HILTOP ROAD, MERRYLANDS

Responsible Division: Environment & Planning
Officer: Manager Development Assessment
File Number: DA 2018/416/1

<table>
<thead>
<tr>
<th>Application lodged</th>
<th>8 November 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>George Andary</td>
</tr>
<tr>
<td>Owner</td>
<td>Mr G and Mrs J Andary</td>
</tr>
<tr>
<td>Application No.</td>
<td>2018/416/1</td>
</tr>
<tr>
<td>Description of Land</td>
<td>14 Hilltop Road, Merrylands (Lot 84 in DP 5296)</td>
</tr>
<tr>
<td>Proposed Development</td>
<td>Demolition of existing structures; construction of a 4 storey shop top housing development comprising 50 place child care centre on the ground floor; 1 commercial tenancy, and 14 residential units above 2 levels of basement parking accommodating 41 car parking spaces.</td>
</tr>
<tr>
<td>Site Area</td>
<td>1380m².</td>
</tr>
<tr>
<td>Zoning</td>
<td>B1 Neighbourhood Centre</td>
</tr>
</tbody>
</table>
| Principal Development Standards | • Floor Space Ratio – 1.2 :1 (HLEP 2013)  
  • Height of Buildings – 14m |
| Disclosure of political donations and gifts | Nil disclosure |
| Heritage                 | No              |
| Issues                   | - Number of children and outdoor unencumbered space  
  - Car parking ratio  
  - Landscape area |

SUMMARY:

1. Development Application 2016/289 was approved on 14 July 2017 for Demolition of existing structures; construction of a 4 storey shop top housing development comprising 1 commercial tenancy; 16 residential units above basement parking accommodating 26 car parking spaces

2. A S96(2) modification 2016/289/2 was approved on 23 March 2018 for alterations and additions including 2 additional residential units, conversion of the ground floor commercial tenancy into 2 tenancies and additional parking spaces totalling 18 residential units and 29 parking spaces.

3. Development Application 2018/416/1 (subject of this report) was received on 8 November 2018 for demolition of existing structures; construction of a 4 storey shop top housing development comprising 60 place child care centre on the ground floor; 1 commercial tenancy, and 14 residential units above 2 levels of basement parking accommodating 41 car parking spaces.
4. The application was publicly notified to adjoining and opposite owners, a notice was placed in the local press and a notice placed on the site for 14 days from 21 November 2018 to 5 December 2018. In response, one (1) submission was received.

5. Council through its assessment identified a number of concerns with the proposal, and requested amended plans and additional information on 7 February 2019.

6. Amended plans and additional information were received on 25 February 2019 addressing some of Council’s concerns.

7. The proposed development seeks following notable variations:

<table>
<thead>
<tr>
<th>Control</th>
<th>Required</th>
<th>Provided</th>
<th>% variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Separation</td>
<td>Under the Apartment Design Guide, separation between windows and balconies is required to ensure acoustic and visual privacy is achieved. Minimum separation distances for buildings up to four storeys from buildings to the side and rear boundaries shall be 6m.</td>
<td>Minimum separation of 6m is required. All elevations vary from 0m – 6m. Refer to commentary provided under Appendix D, Part C, 1.4 of the Holroyd DCP 2013.</td>
<td>Up to 100% variance</td>
</tr>
<tr>
<td>Number of children and outdoor unencumbered space</td>
<td>Under the State Environmental Planning Policy (Educational Establishments and Child Care Facilities)2017 Regulation 108 and part 4.9 the Guideline 7m² x 57 = 399m²</td>
<td>404.87m² (including pedestrian walkway on the eastern elevation) Assessing officer’s calculation = 354.3m²/7 (excluding the walkway on the eastern elevation) = 50.6 children Recommendation = reduce number of children to 50</td>
<td>12.3%</td>
</tr>
<tr>
<td>Building Height</td>
<td>Under the Holroyd Development Control Plan, the maximum building height in storeys shall be 3 storeys.</td>
<td>The development proposes 4 storeys. Refer to commentary provided under Appendix D, Part C, 1.3 of the Holroyd DCP 2013.</td>
<td>25%</td>
</tr>
</tbody>
</table>
Under the Holroyd Development Control Plan, child care centres should not be located having frontage to an arterial or sub-arterial road (see Appendix 1 to Part I of HDCP 2013).

Hilltop Road is listed within Appendix 2 of Part I of the HDCP 2013 as unsuitable road for Child care centre. Refer to commentary provided under Appendix D, Part I of the Holroyd DCP 2013.

The application is being reported to the Cumberland Local Planning Panel (CLPP) for determination as it is a development incorporating 4 storeys and is affected by the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Developments applies.

It is recommended that the application be approved for a maximum of 50 children (due to the available unencumbered outdoor space/play area) subject to conditions provided in the Draft Notice of Determination held at Attachment 1.

REPORT:

Subject Site And Surrounding Area

The subject site is known as 14 Hilltop Road, Merrylands, and is legally described as Lot 84 in DP 5296. The site is a regular block with a frontage of 25.945m, depth of 67.32m on the eastern boundary and 68.365m on the western boundary and a total site area of 1380m².

The site is located on the southern side of Hilltop Road. The subject site and part of adjoining properties on the eastern side are zoned B1 Neighbourhood Centre and part R3 Medium Density Residential. The adjoining properties to the west and south are zoned R3 Medium Density Residential Zones. Properties directly opposite the site to the north are zoned R2 Low Density Residential.

Existing improvements on the site include a single-storey dwelling house and a shed. Adjoining development on the eastern side contains a single storey medical centre and development on the western side contains a single storey place of public worship (church).
Area hatched in red is 14 Hilltop Road, Merrylands (Locality)

14 Hilltop Road, Merrylands (Aerial)
Description of The Proposed Development

The proposed development, as amended involves demolition of existing structures; construction of a 4 storey shop top housing development comprising 1 commercial tenancy; 14 residential units above 2 levels of basement parking accommodating 41 car parking spaces.

Key features of the development proposal are as follows:-

- Demolition of the existing dwelling.

Basement Level

- Car parking in the basement (two levels) as follows:
  
  ii)  
  - 21 (3 disabled) space for residential
  - 3 Visitor space
  - 14 (1 disabled) space for the childcare facility
  - 3 commercial space
  
  Total car space = 41 car space

- 1 Carwash space

- 9 bicycles space

- Separate commercial and residential lift
- Fire stairs
- Storage space for residential units

Ground Floor

- Waste bins at grade:
  - 9 General Bins and 6 recyclable bins, totalling 15 bins for residential
  - 5 General bins and 5 recyclable bins, totalling 10 bins for child care facility and commercial premises

- Childcare facility:
  - The proposed childcare will accommodate 50 children
  - The proposed centre will operate from 7am to 6.00pm Monday to Friday
  - 20 Children in the 2-3 year bracket and 30 children in the 3-6 year bracket
  - A total of 8 staff will be employed (this excludes any staff associated with administration and food preparation)

- Commercial area:
  - One commercial tenancy of 37.91m²
  - Loading bay for commercial tenancy

- Substation

- Separate commercial and residential lift

- Fire stairs

2nd Floor

- 1 (adaptable) x 1 bedroom unit
- 6 (1 adaptable) x 2 bedroom units
- Residential lift

3rd Floor

- 1 (adaptable) x 1 bedroom unit
- 4 x 2 bedroom units
- 1 x 3 bedroom unit
- Communal Open space
- Residential lift

4th Floor
- 1 x 4 bedroom unit (penthouse)
- Communal Open Space
- Residential lift

**History**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>24 February 2016</td>
<td>Pre Development Advisory PDA/200 was held for construction of a 4 storey mixed use building over basement parking accommodating 19 units and 32 car parking spaces.</td>
</tr>
<tr>
<td>14 July 2017</td>
<td>Development Application 2016/289 was approved for Demolition of existing structures; construction of a 4 storey shop top housing development comprising 1 commercial tenancy; 16 residential units above basement parking accommodating 26 car parking spaces</td>
</tr>
<tr>
<td>23 March 2018</td>
<td>A S96(2) modification 2016/289/2 was approved for alterations and additions including 2 additional residential units, conversion of the ground floor commercial tenancy into 2 tenancies and additional parking spaces totalling 18 residential units and 29 parking spaces.</td>
</tr>
<tr>
<td>25 July 2018</td>
<td>Pre Development Advisory Application PDA/777 was held for modification to an approved shop top housing development (DA/2016/289) via the lodgement of an amending Development Application, to incorporate a 58 place child care centre within the ground floor. Also associated changes to the residential units in terms of the common open space area, additional basement level and parking, and the consolidation of a number of units at the top level to form a penthouse.</td>
</tr>
<tr>
<td>25 October 2018</td>
<td>Development Application 2018/366 was rejected by the Development Application Review Team (DART) due to insufficient information.</td>
</tr>
<tr>
<td>08 November 2018</td>
<td>Development Application 2018/416 was lodged for demolition of existing structures; construction of a 4 storey shop top housing development comprising 60 place child care centre on the ground floor; 1 commercial tenancy, and 14 residential units above 2 levels of basement parking accommodating 41 car parking spaces.</td>
</tr>
<tr>
<td>14 November 2018</td>
<td>The application was referred to Council’s internal departments for review.</td>
</tr>
<tr>
<td>21 November 2018</td>
<td>The application was publicly notified to adjoining and opposite owners, a notice was placed in the local press and a notice placed on the site for 14 days. In response, 1 submission was received.</td>
</tr>
<tr>
<td>7 February 2019</td>
<td>Application was deferred due to non-compliances with SEPP (Educational Establishments and Child Care Facilities) 2017, Child Care...</td>
</tr>
</tbody>
</table>
Care Planning Guideline 2017, Holroyd Local Environmental Plan 2013, and Holroyd Development Control Plan 2013.

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 February 2019</td>
<td>Amended plans and additional information were received by Council. In response to the issues raised, the primary change being to reduce the number of childcare placements to 57. The amended application was not considered to be notified.</td>
</tr>
<tr>
<td>26 February 2019</td>
<td>The application was re-referred to Council’s internal departments for review.</td>
</tr>
<tr>
<td>12 June 2019</td>
<td>Application referred to CLPP for determination.</td>
</tr>
</tbody>
</table>

**Applicant's Supporting Statement**

The applicant provided a Statement of Environmental Effects prepared by Think Planners Pty Ltd dated 1 October 2018 and 25 February 2019 in support of the application.

**Contact With Relevant Parties**

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process.

**Internal Referrals**

**Development Engineer**

The development application was referred to Council’s Development Engineer for comment who has advised that the development is supportable in regards to stormwater measure, and on-site detention provision, subject to deferred commencement conditions.

**Traffic Engineer**

The development application was referred to Council’s Traffic Engineer for comment who has advised that the development is supportable in regards to traffic management and median island works, subject to deferred commencement conditions.

**Tree Management Officer**

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

**Waste Management Officer**

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

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

Children’s Services

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

External Referrals

Endeavour Energy

The development application was referred to Endeavour Energy for comment who has advised that the development is satisfactory. However, a letter from the Applicant states that the proposed distance of the substation from the proposed childcare facility may cause Electromagnetic Radiation (EMR) levels generated by the proposed substation. According the letter recommends testing on the location once both facilities are constructed would be required to confirm the levels present. To ensure safety measures are taken into account, a condition prior to the occupation of the childcare centre has been imposed.

Transgrid

The development application was referred to Transgrid for comment who has advised that the development is supportable.

Planning Comments

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

State Environmental Planning Policies

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

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

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

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

**Does the application involve re-development of the site or a change of land use?**

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

**Is the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?**

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

**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.

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

**Is the site listed on Council's Contaminated Land Database?**

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

**Is the site subject to EPA clean-up order or other EPA restrictions?**

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

**Has the site been the subject of known pollution incidents or illegal dumping?**

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

**Does the site adjoin any contaminated land/previoulsly contaminated land?**

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

**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?**

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

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

In relation to clause 7(4) of SEPP 55, the land of concerned is not located within an investigation area (clause 7(4)(a)), development for a purpose referred to in Table 1 of the Contaminated Land Planning Guidelines is not known to have been carried out on the land (clause 7(4)(b), and historic zoning controls of the land did not make lawful the carrying out of activities nominated in Table 1. Based on these considerations, clauses 7(2) and 7(3) of SEPP 55 have no application. The site is not identified in Council’s records as being contaminated. A site inspection reveals the site does not have any obvious signs or history of a previous land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated. On this basis, SEPP 55 has no further application. Notwithstanding, a soil assessment report is required in accordance with the Child Care Planning Guideline issued by NSW Department of Planning and Environment. The proposal is considered satisfactory, subject to imposition of condition with regard to submission of a soil assessment report prior to issue of construction certificate.

### (b) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
The application is accompanied with BASIX Certificate 738748M_03 prepared by Taylor Smith Consulting issued on 3 October 2018 has been submitted. This certificate is a revision of certificate number 738748M lodged on 15 July 2016 with application 2016/289/1. A deferred commencement condition will be imposed for a new BASIX certificate for DA/2018/416/1.

The BASIX Commitments specified in the BASIX Certificate shall be nominated on the architectural drawings and will need to be incorporated into the construction and fit-out of the development. A condition to require the BASIX commitments to be implemented in the construction of the development has been included in the draft conditions of consent.

(c) 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.

A comprehensive assessment against SEPP 65 and the ADG is contained in Appendix A. The proposal involves the following non-compliances with the ADG controls.

<table>
<thead>
<tr>
<th>Control</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visual Privacy/Acoustic/Separation</td>
<td>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:</td>
<td>Northern Elevation (Hilltop Road) Ground Floor – 0m  2nd Storey – 0m  3rd Storey – 0m  4th Storey – 2.99m</td>
</tr>
<tr>
<td></td>
<td><strong>Building Height</strong> = 12m / 4 storeys  - Habitable Rm / Balc. = 6m  - Non-Habitable Rm = 3m</td>
<td>Eastern Elevation (Interfaces 12 Hilltop Road, 98 and 100 Burnett Street) Ground Floor – 3m – 5.8m  2nd Storey – 0m – 6m  3rd Storey – 0m – 6m  4th Storey – 0m – 6m</td>
</tr>
<tr>
<td></td>
<td><strong>Building Height</strong> = 25m / 5-8 storeys  - Habitable Rm / Balc. = 9m  - Non-Habitable Rm = 4.5m</td>
<td>Southern elevation (Interfaces 37 Richardson Street) Ground Floor – 13,675m  2nd Storey – 13,675m  3rd Storey – 13,675m  4th Storey – 13,675m</td>
</tr>
<tr>
<td></td>
<td>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room.</td>
<td>Western elevation (Interfaces 16 Hilltop Road)</td>
</tr>
</tbody>
</table>
(d) State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

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

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

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

<table>
<thead>
<tr>
<th>- Control</th>
<th>- Required</th>
<th>- Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Number of children and outdoor unencumbered space (regulation 108 SEPP 2017 and part 4.9 the Guideline)</td>
<td>7m²x 57 = 399m²</td>
<td>The application indicates that an unencumbered area of 404.87m² is provided (including pedestrian walkway on the eastern elevation). Assessing officer’s calculation = 354.3m² (excluding the walkway on the eastern elevation) = 50 children</td>
</tr>
</tbody>
</table>

This report recommends a condition to be imposed on any consent granted seeking a reduction in number of children to 50.

(e) Statement Environmental Planning Policy No 19 - Bushland in Urban Areas

The subject site does not adjoin land zoned or reserved for public open space. The proposal does not propose to disturb bushland zoned or reserved for public open space.

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

No vegetation removal is proposed.
Regional Environmental Plans (Deemed State Environmental Planning Policies)

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

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

Note: The subject site is not identified in the relevant map as land within the ‘Foreshores and Waterways Area’ or ‘Wetland Protection Zone’, is not a ‘Strategic Foreshore Site’ and does not contain any heritage items. Hence the majority of the SREP is not directly relevant to the proposed development.

Local Environmental Plans

(a) Holroyd Local Environmental Plan (LEP) 2013

The proposed development is defined as a ‘shop top housing’ and ‘centre based child care facility’ under the provisions of Holroyd Local Environmental Plan (LEP) 2013. Shop top housing and Centre based child care facilities are a permissible land use with consent under the B1 Neighbourhood Centre zone applying to the land under Holroyd LEP 2013.

“shop top housing means one or more dwellings located above ground floor retail premises or business premises”

The development proposes a child care facility and 1 commercial tenancy on the ground floor level. The child care facility is not a “retail premises” or “business premises”, however, the centre provides a service directly to members of the public on a regular basis. For most centres, members of the public are unable to walk in off the street and have their child minded. Rather, it is usual that that the child needs to be registered and attendance is subject to availability within the centre.

It is noted the development also has a commercial tenancy on the ground floor which would be capable of being used as such and accordingly, the development satisfies the definition of “shop top housing”. The commercial tenancy is 37.91m² in area. The size of the commercial tenancy may create restrictions on the type of commercial use the tenancy may operate in the future. It is not necessary that the retail or business premises occupy the whole of the ground floor or the entire footprint for the dwellings above.

In Affinity Property Investment Pty Ltd v Wollongong City Council [2017] NSWLEC 1756 (albeit by way of a s.34 agreement), the Court approved 1 retail/business premises and a child care centre on the ground floor and 44 apartments above.

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

The provisions of any draft Environmental Planning Instruments (EP & A Act Section 4.15(1)(a)(ii))
The proposed development is not affected by any relevant Draft Environmental Planning Instruments.

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

(b) Holroyd Development Control Plan (HDCP) 2013

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

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

The assessment provided in Appendix D indicates that there are some minor non-compliances with the HDCP 2013 which are discussed in the following section:

<table>
<thead>
<tr>
<th>No.</th>
<th>Clause</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.3</td>
<td>Building Height</td>
</tr>
</tbody>
</table>

Maximum building height in storeys shall be provided in accordance with the table below:

<table>
<thead>
<tr>
<th>Permitted Height (storeys)</th>
<th>Height</th>
<th>Storeys</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height</td>
<td>Storeys</td>
<td></td>
</tr>
<tr>
<td>10m</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>11m</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>12.5m</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>14m</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>17m</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>20m</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>23m</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>26m</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>29m</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>32m</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>38m</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>41m</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>50m</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>53m</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>65m</td>
<td>20</td>
<td></td>
</tr>
</tbody>
</table>

The Holroyd Development Control Plan states the maximum building height in storeys shall be 3 storeys for the subject site. The development proposes 4 storeys which does not comply with the prescriptive requirement. The 4 storey mixed used development is considered acceptable in this instance because it is located at the western edge of a neighbourhood commercial precinct. The scale and design is sympathetic to the future streetscape of the area. It is noted that DA/2016/289/1 had previously approved a 4 storey building. Therefore the current application is keeping consistent with the approved number of storeys. Furthermore, the overall height of the
PART I – CHILDCARE CENTRES

1 Location

Child care centres should not be located having frontage to any road, which in the opinion of Council, is unsuitable for the establishment of a child care centre having regard to:-

(a) prevailing traffic conditions;
(b) pedestrian and traffic safety; and
(c) the likely impact of development on the flow of traffic on the surrounding street system.

In this regard child care centres should not be located having frontage to an arterial or sub-arterial road (see Appendix 1 to Part I of HDCP 2013).

As a general guide the roads identified in Appendix 2 are also considered by Council to be generally unsuitable for the establishment of child care centres, without special consideration being given to the prevailing traffic conditions. All applications are to be supported by a Traffic and Parking Report, prepared by a suitably qualified person addressing the issues to Council’s satisfaction.

The proposed development was accompanied by a traffic and parking study which suggests a median island on Hilltop Road, to prevent any right turn movement and this has been reviewed and deemed acceptable by Council’s Traffic Engineering department subject to deferred commencement conditions.

Hilltop Road is listed within Appendix 2 of Part I of the HDCP 2013 as unsuitable road for Child care centre.
Section 4.15(1)(a)(iii) - any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

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

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

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

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

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

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

The likely impacts of the development have been considered in the assessment of the application and it is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality.

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

The site is considered suitable to accommodate the proposed development. The proposed development has been assessed in regard to its environmental consequences and having regard to this assessment, it is considered that the development is suitable in the context of the site and surrounding locality.

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

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

In accordance with Part E - Public Participation of the Holroyd DCP 2013, the application was publicly notified to adjoining and opposite owners, a notice was placed in the local press and a notice placed on the site for 14 days from 21 November 2018 to 5 December 2018. In response, 1 (one) submission was received.

The issues raised in the public submission is summarised and commented on as follows:

<table>
<thead>
<tr>
<th>Concern</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concerns raised regarding potential privacy impacts on adjoining properties</td>
<td>The proposed development is considered to provide appropriate separation to the adjoining properties that will in turn achieve reasonable levels of external and internal visual privacy for future residents and residents of adjoining</td>
</tr>
<tr>
<td><strong>Concern</strong></td>
<td><strong>Comment</strong></td>
</tr>
<tr>
<td>-------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Over development</td>
<td>The proposed development is permitted with consent on the subject site and the uses are compliant with the relevant controls and standards.</td>
</tr>
<tr>
<td>Concerns raised regarding the effects of electromagnetic energy on the health and safety of local residents and also the patrons of the child care centre from the power substation.</td>
<td>The application was referred to Transgrid and Endeavour energy for comments for the proposed substation. Accordingly, the substation is considered satisfactory. To ensure duty of care, Council will impose a condition for electric and magnetic field measurement detailing any effects of the proposed substation on the child care centre, and any mitigation measures required. Testing on the location once both facilities are constructed would be required to confirm the levels present prior to the operation of the childcare centre.</td>
</tr>
<tr>
<td>Concerns raised that the development would create traffic impacts for the local area and in particular, the intersection of Hilltop Road and Burnett Street.</td>
<td>Due to the provision of the required on-site parking spaces, it is considered that traffic generated by this development will not adversely affect the existing traffic in the street. The proposed development was accompanied by a traffic and parking study which suggests a median island on Hilltop Road, to prevent any right turn movement and this has been reviewed and deemed acceptable by Council’s Traffic Engineering Unit, subject to deferred commencement conditions.</td>
</tr>
<tr>
<td>Concerns raised that the proposed child care centre will be a noise nuisance to surrounding properties. In particular the outdoor play area, height of acoustic fencing and mechanical plant equipment.</td>
<td>Council’s Environmental Health Unit has assessed the proposed development having regard to the acoustic reports submitted and considers the development to be satisfactory subject to the implementation of acoustic measures recommended within those reports. The acoustic report demonstrates that the proposed centre can be accommodated on the site without noise nuisance to adjoining and surrounding properties, as the noise generated from both indoor and outdoor play activities can comply with the relevant environmental noise guidelines with the imposition of a noise...</td>
</tr>
</tbody>
</table>
Concern | Comment
--- | ---
management plan submitted with the application and the installation of relevant noise mitigation measures such as acoustic fencing. The acoustic consultant recommendation is captured within the Noise Management Plan.

Conditions are to be imposed in the consent to avoid any breaches to the required noise threshold, including noise management to be incorporated in the Operational Management Plan.

Garbage and waste management | The plans include a bin room at grade to accommodate garbage bins and recycling bins. The bin store room is accessible via the lift or stairs and via the rear door and side setback area or street. The proposed waste arrangements have been reviewed by Council’s waste services who advised that waste arrangements are satisfactory.

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

The public interest is served by permitting the orderly and economic development of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the Draft Notice of Determination, will have no significant adverse impacts in the locality.

**Section 7.11 of The Environmental Planning & Assessment Act 1979**

The subject development requires the payment of contributions in accordance with Holroyd Section 94 Development Contributions Plan 2013.

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

- 2 x 1 bedroom dwellings - $5,144 x 2 = $10,288
- 10 x 2 bedroom dwellings – $8,700 x 10 = $87,000
- 2 x 3 bedroom dwellings or more – $12,180 x 2 = $24,360
- minus credit for the existing 1 x 3 bedroom dwellings – $12,180

At the time of this development consent, the current rate of the contribution is $109,468. The Draft Determination at attachment 1 includes a condition to require payment of contributions prior to the issue of a construction certificate.

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

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

CONCLUSION:

The Application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development, State Environmental Planning Policy No. 55 – Remediation of Land, State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, Education and Care Services National Regulations, Apartment Design Guide, Holroyd Local Environmental Plan 2013 and the Holroyd Development Control Plan 2013 and is considered to be satisfactory for approval subject to reduction in number of children to 50 (to comply with the outdoor unencumbered space) and the draft conditions.

CONSULTATION:

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

FINANCIAL IMPLICATIONS:

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

POLICY IMPLICATIONS:

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

COMMUNICATION / PUBLICATIONS:

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

REPORT RECOMMENDATION:

1. That Development Application 2018/416/1 for demolition of existing structures; construction of a 4 storey shop top housing development comprising 50 place child care centre on the ground floor; 1 commercial tenancy, and 14 residential units above 2 levels of basement parking accommodating 41 car parking spaces on land at 14 Hilltop Road, Merrylands, be Approved, subject to the deferred commencement conditions, provided at Attachment 1.
2. That the applicant and those persons who lodged a submission in respect of the application be notified of the determination of the application.

ATTACHMENTS

1. Draft Notice of Determination
2. Architectural Plans - Site Plan
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6. Architectural Plans - Floor Plan
7. Landscape Plan
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10. Traffic Report
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Attachment 1
Draft Notice of Determination
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
NOTICE OF DETERMINATION OF APPLICATION

12 June 2019

George Andary
14 Hilltop Road
MERRYLANDS NSW 2160

Dear Sir/Madam

Pursuant to 4.16(3) of the Act, Council has granted “deferred commencement” consent to your development application described as follows:

PROPERTY: Lot 84, DP 5296
STREET ADDRESS: 14 Hilltop Road, Merrylands
DEVELOPMENT CONSENT NO: 2018/394/1
DECISION: Cumberland Local Planning Panel

DATE FROM WHICH CONSENT OPERATES:
TO BE ADVISED UPON SATISFACTORY COMPLETION OF SCHEDULE ‘A’

DATE OF EXPIRY OF CONSENT: TO BE ADVISED UPON SATISFACTORY COMPLETION OF SCHEDULE ‘A’

PROPOSED DEVELOPMENT: Demolition of existing structures; construction of a 4 storey shop top housing development comprising 50 place child care centre on the ground floor; 1 commercial tenancy, and 14 residential units above 2 levels of basement parking accommodating 41 car parking spaces.

This Development Application is APPROVED in accordance with the Environmental Planning & Assessment Act 1979 and is subject to compliance with the requirements of Cumberland Council, the Building Code of Australia, the Local Government Act 1993, and the following conditions as set out hereunder and/or endorsed upon the attached plans.

THIS CONSENT DOES NOT OPERATE UNTIL COUNCIL IS SATISFIED THAT ALL SCHEDULE ‘A’ CONDITIONS HAVE BEEN SATISFIED.
SCHEDULE “A”

Consent to the demolition of existing structures; construction of a 4 storey shop top housing development comprising 50 place child care centre on the ground floor; 1 commercial tenancy, and 14 residential units above 2 levels of basement parking accommodating 41 car parking spaces shall not operate until all of the following Schedule “A” conditions have been complied with to Council’s satisfaction.

Traffic - Carpark, Proposed Entry/Exit Driveway Access and Median Island Works

1. A plan showing a raised median island on Hilltop Road in front of the subject site shall be provided to Council for approval. In this regard, the following shall be addressed:
   a. The plans shall be prepared in consultation with Council’s Traffic Engineering Section.
   b. Consultation to the properties which may be affected the traffic movement by the median island shall be undertaken by the applicant and the consent of the affected properties owner for the proposed works shall be submitted to Council.
   c. A detailed survey plan shall be prepared by a registered surveyor indicating that all existing driveways located on either side and opposite side of the proposed development (i.e., up to 30m from the site) and the new proposed driveway, existing signs and line marking and any traffic measures.

2. All associated works cost above shall be borne by the applicant at no cost to Council.

Note: All proposals for modification or installation of traffic signs, linemarking or devices on any public road are subject to the approval through the Cumberland Traffic Committee. Applicant shall contact Council’s Traffic Engineer to include an item into the Traffic Committee meeting.

3. The submitted basement 1 floor plan revealed columns to be proposed adjacent to the disable parking space which is not supported. In this regard, the proposed column shall be removed or parking bay shall be reallocated/swapped with another parking bay.

4. Swept path analysis shall be provided to demonstrate a vehicle can pass another vehicle at intersection points (e.g. at the top and bottom of the proposed basement ramps and on the internal roadway).

5. Long sections of the proposed driveway/ramps shall be provided with gradients and dimensions. The transition at the top and bottom of the driveway/ramps should be checked for scraping and bottoming out.

Stormwater Design

6. Full detailed designs and calculations for the proposed extension of the public road drainage system within Hilltop Road, Merrylands shall be provided. The design and detail shall start from the subject site to the existing Council’s gully pit in front of property 41 Richardson Street, Merrylands and the following shall include:
   a. All pipe sizes and grades;
   b. All pit sizes and location including their surface and invert levels;
   c. Long sections of the proposed/existing drainage system;
   d. Minimum 1% grade;
   e. Hydraulic grade line;
f. Covering over the drainage pipe within road reserve shall be annotated and shall comply with the relevant Australian Standards.

Note: Electronic modelling utilised in the report and plans for the design and detail above shall be submitted to Council.

Checking fee

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

Acoustic Report

8. An acoustic report must be prepared by a suitably qualified acoustic consultant* and submitted to the satisfaction of the Manager – Health & Environmental Protection confirming that noise from the child care centre development can comply with the following criteria when assessed within a habitable room of any residential receiver within the same building:
   a. An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 minute (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence at any time; and
   b. The criteria shall apply with all windows and doors of the affected residence closed; and
   c. Both internal and external noise transmission paths shall be considered.

*Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

Plan of Management

9. The Plan of Management shall be amended to include safety measures for children using the same lift as visitors for the commercial premises.

Residential Storage

10. The storage area for the residential units shall be relocated from Basement Level 1 to Basement Level 2. The Storage areas for each unit shall be provided at the following rates:
   - 1 bedroom units - 6m$^3$
   - 2 bedroom units - 8m$^3$
   - 3 bedroom units - 10m$^3$

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

BASIX Certificate

Signage

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

Surrender of Development Application


Note: Any changes to the endorsed plans may require lodgement of a Section 4.55 modification application.

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.

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SCHEDULE “B”

This consent cannot operate until such time as Council is satisfied with the evidence produced in response to Schedule “A” and has notified the applicant in writing of the date from which the consent operates.

PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced within 5 years of the date of operation of this consent.

2. The development is to be carried out in accordance with the following endorsed plans and documents:


   - Landscape Plan prepared by RFA Landscape Architects, Project No. 4427b, Drawing No. L-01/2 and L-02/2, Issue B, dated 21 February 2019 - as amended to satisfy Schedule A;

   - Stormwater Layout Plans prepared by Australian Consulting Engineers, Project No. 181054, Issue C, Drawing No. 000, 101, 102, 103, 104, 105 and 107, dated 21 February 2019 - as amended to satisfy Schedule A;

   - Acoustic assessment report prepared by Rodney Stevens Acoustic Pty Ltd Reference number R160258R1, dated 14 September 2018 - as amended to satisfy Schedule A;


   - Plan of Management prepared by Idraft Architects, dated 10 December 2018 - as amended to satisfy Schedule A;

   - BASIX Certificate Number 738748M_03, issued on 3 October 2018 - as amended to satisfy Schedule A;

   - Waste Management Plan prepared by AAA Affordable Concrete Works dated 2 October 2018 - as amended to satisfy Schedule A;


except as otherwise provided by the conditions of this determination and/or marked in red.

3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. Fully detailed plans including fire safety details shall be submitted with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.
Appointment of Council or a Private Certifier as the Principal Certifying Authority (PCA)

4. Either Council or a Private Certifier is to be appointed as the Principal Certifying Authority (PCA) for the development in accordance with Section 6.6 of the Act. Accordingly, wherever reference is made to the Principal Certifying Authority in this Consent, it refers to Council or the Private Certifier as chosen by you.

Note: Once you have chosen either Council or a Private Certifier as the PCA, you cannot change from one to the other, or from one Private Certifier or another, without the approval of Department of Planning & Infrastructure.

5. The applicant shall consult with, as required:

(a) Sydney Water Corporation Limited
(b) Integral Energy
(c) Natural Gas Company
(d) A local telecommunications carrier

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).

6. Building materials, builder’s sheds, waste bins, site fencing, gates or any material of any description shall not be left or placed on any footway, road or nature strip. Footways and nature strips shall be maintained, including the cutting of vegetation, so as not to become unsightly or a hazard for pedestrians. Offenders will be prosecuted.

Child Care Centres

7. An approval shall be obtained from Department of Education and Communities (DEC) prior to commencement of operations. The number of children cared for in the new centre shall not exceed 50 aged up to 5 years.

Note: The age group ratio of the children will be as the following:
- 2-3 years – 20 places
- 3-6 years – 30 places

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

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

Demolition

9. In the event that demolition is to occur prior to the issue/release of a Construction Certificate, all relevant fees and bonds such as the demolition inspection fee, kerb & gutter and tree protection bonds shall be paid in full to Council prior to demolition commencing (as per the relevant conditions elsewhere in this Development Consent). Furthermore, the applicant/developer is to ensure that all relevant conditions in this Development Consent relating to the protection of the site, adjoining lands and trees are adhered to in full prior to commencement of any demolition works.

10. Permission is granted for the demolition of the existing structures on the property, subject to strict compliance with the following:-
a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - *Demolition of Structures*. Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications. a) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. The demolition must not commence prior to the date stated in the notification.

b) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Cumberland Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council’s inspection and works must also not commence prior to the commencement date nominated in the written notice.

c) On the first day of demolition, work is not to commence until Cumberland Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with WorkCover’s document “Your Guide to Working with Asbestos”, a copy of which accompanies this Development Consent and demolition works must at all times comply with its requirements.

d) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council’s officers. Advice on the availability of these signs can be obtained by telephoning Council’s Customer Service Centre during business hours on 8757 9000. This sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.

e) Demolition shall not commence until all trees required to be retained/transplanted are protected in accordance with those conditions stipulated under “Prior to Works Commencing” in this Consent.

f) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.

g) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover “Demolition Licence” and a current WorkCover “Class 2 (Restricted) Asbestos Licence”.

h) Demolition is to be completed within 5 days of commencement.

i) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

j) Protective fencing is to be installed to prevent public access to the site.

k) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Office of Environment and Heritage (OEH).
l) Before demolition operations begin, the property shall be connected to the sewer of Sydney Water to which a pedestal pan shall be temporarily connected for the use as the employees' toilet service during demolition operations.

m) After completion, the applicant shall notify Cumberland Council within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.

NOTE: The person responsible for disposing of the above asbestos waste is to telephone the OEH on (02) 9595 5000 or Council's Waste Officer on (02) 8757 9000 to determine the location of a tip licensed to receive asbestos. Within fourteen (14) days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving tip as evidence of proper disposal.

n) Within 14 days of completion of demolition, the applicant shall submit to Council:

i) An asbestos clearance certificate carried out by a licensed asbestos assessor (normally a NATA accredited occupational hygienist), or a person who has the knowledge and skills to be a licensed assessor, regardless of whether or not they are licensed; and

ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent under Holroyd DCP 2013 Part A, Section 11.0. In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials; and

Note: To find a list of NATA accredited facilities visit the NATA website at [www.nata.asn.au](http://www.nata.asn.au) and under 'Facilities and Labs' click on 'Facilities List by Field', then click on 'Chemical Testing', then click on 'Asbestos' and finally click on 'Identification'. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

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

BASIX (Building Sustainability Index)

12. Under Clause 136D of the Environmental Planning & Assessment Regulation 2000, it is a condition of this Development Consent that all the commitments listed as per Condition 2 in relation to BASIX are fulfilled.

Future Use

13. No use is granted or implied for the ground floor commercial unit. Separate development consent shall be sought for the commercial unit prior to use.

Fire Hydrant Booster

14. No approval is granted or implied for the installation of fire hydrant booster pumps and construction of associated encasing structures. Separate Development Consent is required.
Cranes on Building Sites

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

NOTE: FEES, BONDS & CONTRIBUTIONS INDICATED IN CONDITIONS OF THIS CONSENT MAY VARY IN ACCORDANCE WITH THOSE ADOPTED BY COUNCIL AT SUBSEQUENT ANNUAL REVIEWS OF ITS “FEES AND CHARGES” AND SUBSEQUENT CHANGES TO THE BUILDING PRICE INDEX. FEES CHARGED WILL BE THOSE CURRENT AT THE TIME OF PAYMENT.
PRIOR TO ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE/PRELIMINARY CONDITIONS FOR DEMOLITION

The following conditions must be complied with prior to the issue of a Construction Certificate, or where relevant prior to demolition occurring. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:

Amended Plans

16. Amended plans shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate addressing the following issues:
   i. The outdoor play area shall detail any shade structures and play equipment.
   ii. 1.5m privacy screen shall be installed along the southern, eastern and western elevation of the communal open space areas on the 3rd and 4th storey.

Design and Construction Specification

17. All engineering works to be carried out within public property shall be designed and undertaken in accordance with the relevant aspects of the following documents, except as otherwise authorised by this consent:
   b. Development Control Plan (Holroyd) 2013
   c. Austroads, Australian Standards and RMS Supplements.

18. For any works proposed or required within the existing public roads, the approval of the designs via the Construction Certificate, and the supervision of the construction, shall be the responsibility of the road authority (Council or RMS). In this regard, the authority that is accountable for the particular area of the road reserve shall be as per the Roads Act. The design and construction of the above works shall be to the total satisfaction of the relevant road authority.

Road Design

19. Fully detailed engineering construction drawings (with 4 copies) shall be lodged for the proposed raised median island works within Hilltop Road. In this regard the detailed drawings shall be prepared in consultation with Council’s Traffic Engineer and shall be in accordance with the Council’s Work Specifications for subdivisions and developments.

20. A survey plan shall prepared by a registered surveyor indicating all lane widths, proposed median island and location of existing and proposed vehicular crossings fronting the site and adjoining/opposite or northern properties.

21. The concrete median island proposed within the road shall be treated as follows:
   a. The median island dimensions shall be to Austroads, Australian Standards and RMS Supplements.
   b. Mountable kerbing shall be provided to all median perimeters with reflective white paint and a keep left sign shall be installed at the western end of the median island.
c. Raised reflective markers shall be installed within the pavement along the perimeter of the median island at maximum 8.0 metre centres.

d. The existing line marking shall be adjusted accordingly to RMS Guidelines.

e. The median island shall not encroach on the minimum laneway widths. Minimum laneway widths shall be in accordance with RMS Guidelines.

22. Traffic sign posting and line markings shall be provided within Hilltop Road, Merrylands. In this regard, the sign posting and line marking shall be in accordance with Australian Standards and RMS Supplements and accepted by Council's Traffic Engineer.

23. All line marking proposed on the roads shall be thermoplastic.

24. It is noted that the median island to final design and consultation result is subject to further reporting to the Cumberland Council Traffic Committee.

25. Payment of a $1,130 fee for the design checking and inspection at the key stages by Council for the median island works.

26. The applicant shall lodge with Council a $15,000 cash bond or bank guarantee to cover the satisfactory construction of the median island works within Hilltop Road, Merrylands. This bond will be released following a satisfactory 6-month maintenance period following completion of these works to the satisfaction of Council.

Public stormwater drainage system

27. Construction details for the proposed extension of the public stormwater drainage system within Hilltop Road, Merrylands shall be submitted to Council's Engineering Department – Infrastructure Design Unit for approval. Details shall include:

a. Full detailed designs and calculations for the proposed road drainage system shall be submitted to Council which include all pipe sizes, grades and class, pit sizes and locations including their surface and invert levels, long and cross sections of the proposed drainage system.

b. All services near the work area (eg pits (Telecom, stormwater), poles, sewer etc) shall be shown on the drawings. Levels will be required where services cross the path of the proposed stormwater line.

c. Minimum 1% grade and cover must comply with the latest Australian Standard.

d. Council's gully pit and associated works shall be in accordance with Council's standard drawing SD-8010.

28. The following shall be indicated on the engineering drawing:

a. All conduits draining public property shall be Steel RCP (flush joints with sand band joints); for slopes equal to or greater than 10%, the pipes shall be RRJ.

b. As per Clause 1.6.4, Note 3, of Councils' Specification for Subdivisions and Developments, all stormwater conduits shall have the size, class, manufacturers name, and date of manufacture, indebibly marked on the obvert of each conduit length.

c. As per Table 2 Schedule of Material Tests, of Councils' Specification for Subdivisions and Developments, the CCTV verification and 'No cracking', shall be complied with. Satisfactory testing shall be carried out at subgrade level, prior to proceeding with the next layer.

29. The applicant is to submit an application for a road opening permit and pay all relevant fees.
Payment of Bonds, Fees and Long Service Levy

30. The Principal Certifying Authority is to ensure and obtain written proof that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes all Long Service Levy payments to be made to the Long Service Payments Corporation.

Section 7.11 Contribution

31. Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.11 of the Environmental Planning and Assessment Act 1979 and Holroyd Section 94 Development Contributions Plan 2013, for two (2) 1 bedroom unit, ten (10) 2 bedroom unit and two (2) 3 or more bedroom unit (minus credit for existing 1 x 3 bed dwelling) is to be paid to Council. At the time of this development consent, the current rate of the contribution is $109,468. The amount of the contribution will be determined at the time of payment in accordance with the relevant Contributions Plan in force at that time. A copy of the Holroyd Section 94 Development Contributions Plan 2013 can be viewed on Council’s website at www.cumberland.nsw.gov.au or inspected at Council’s Civic Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

Damage Deposit

32. A cash bond/bank guarantee of $1,780.00 must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for six (6) months after the completion of works’ or six (6) months after the issue of ‘Final Occupation Certificate’ (whichever occurs last) to remedy any defects that may arise within this time.

Note:- The applicant/owner shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council’s property unless the applicant/owner notifies Council in writing and provides photographic proof of any existing damage to Council’s property. Such notification shall occur prior to works/demolition commencing. However, if in the opinion of Council, during the course of construction existing damage has worsened, Council may require full reinstatement. If damage does occur during the course of construction, prior to reinstating any damage to Council’s property, the applicant/owner shall obtain design specifications of all proposed restoration works. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the applicant/owners expense and shall be inspected by Council prior to placement of concrete and/or asphalt.

Consistency with Endorsed Development Consent Plans

33. The Principal Certifying Authority must ensure that any certified plans forming part of the Construction Certificate, are in accordance with the Development Consent plans.

Landscape Inspection Fee

34. Payment of a $334.00 fee for the inspection by Council of landscape works and/or trees to be retained at the key stages, where Council is the Principal Certifying Authority.
Engineering Fees and Bonds

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

36. Payment of a $609 fee for the inspection by Council of the stormwater drainage and Onsite Stormwater Detention System at the key stages, where Council is the Principal Certifying Authority.

37. The applicant shall lodge with Council a $3,000 cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete footpath paving adjacent to the site. This bond will be held for ‘Six (6) months after the completion of works’ or issue of a ‘Final Occupation Certificate’ (whichever occurs last) to remedy and defects that may arise within this time.

38. The applicant shall lodge with Council a $4,000 cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete kerb and guttering adjacent to the site. This bond will be held for ‘Six (6) months after the completion of works’ or issue of a ‘Final Occupation Certificate’ (whichever occurs last) to remedy and defects that may arise within this time.

39. The applicant shall lodge with Council a $4,000 cash bond or bank guarantee for the satisfactory completion of the construction of the drainage system through a public area or adjoining private property. This bond will be held for ‘Six (6) months after the completion of works’ or issue of a ‘Final Occupation Certificate’ (whichever occurs last) to remedy and defects that may arise within this time.

40. The applicant shall lodge with Council a $6,135 cash bond to cover the registration of a Positive Covenant and Restriction as to User over the Onsite Stormwater Detention System. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land and Property Information NSW.

41. The applicant shall lodge with Council a $2,000 cash bond or bank guarantee to cover the satisfactory construction and/or reconstruction of Council’s gully pit/s and associated works along all areas of the site fronting Hilltop Road. This bond will be held for ‘Six (6) months after the completion of works’ or issue of a ‘Final Occupation Certificate’ (whichever occurs last) to remedy and defects that may arise within this time.

Construction and Traffic Management Plan

42. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a $198.00 initial fee for the assessment of the Traffic Management Plan by Council, prior to commencing works within the road reserves. A copy of the approved Traffic Management Plan shall be kept on site during the course of construction for reference and compliance.

43. The applicant shall also provide a Construction and Traffic Management Plan, prepared by a suitably qualified consultant and submitted to Council for approval. A fee $232.00 initial fee for the assessment of the plan shall also be lodged to Council. The following matters must be specifically addressed in the Plan:
a. A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
   i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
   ii. Signage type and location to manage pedestrians in the vicinity;
   iii. The locations of any proposed Work Zones in the frontage roadways – note: Work Zone fees apply in accordance with Council’s Fees and Charges;
   iv. Locations and type of any hoardings proposed along all street frontages;
   v. Area of site sheds and the like;
   vi. Location of any proposed crane standing areas;
   vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
   viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
   ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible; and

b. A Traffic Control Plan for the site must be prepared for approval by Council incorporating the following: -
   i. Traffic control devices proposed in the road reserve must in accordance with the RMS publication “Traffic Control Worksite Manual” and designed by a person licensed to do so (minimum RMS ‘red card’ qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
   ii. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing:
      - Light traffic roads and those subject to a load or height limit must be avoided at all times; and
      - A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
   iii. Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial Road.
   iv. A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements;
   v. For those construction personnel that drive to the site, the Applicant shall provide on-site parking so that their personnel’s vehicles do not impact on the area.

c. Council’s adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.
d. Any use of Council property shall require appropriate approvals and demonstration of liability insurances prior to such work commencing.

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

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

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

Sight Distance

44. To maintain sight distance to pedestrians, all fencing and landscaping within 2.0m of a driveway shall have a maximum height of 1.0 m and 50% transparent above a height of 0.5m. All solid posts higher than 0.5m (but lower than 1m) shall have a maximum width 350mm and a minimum spacing of 1.2m.

On-site stormwater detention (OSD)

45. The development has been identified as requiring an on-site stormwater detention (OSD) system which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, OSD plan number 2018-223 and Council’s on-site detention policy shall be submitted to the certifying authority prior to the issue of a construction certificate. The system shall generally be in accordance with the stamped approved drawings however the following shall also be addressed:

a. The roof gutter and downpipe system shall be design to convey the 5 minute duration 1% AEP storm event into the OSD system with no gutter overflows.

b. As the internal depth of the proposed OSD tank is less than 900mm. The following items shall be addressed:

i. All grates accessing the tank and in child play area shall be child-proofing grates.

ii. The grate shall not be located adjacent to any accessing door.

iii. All grates accessing the tank shall be a minimum of 900mm x 900mm, and a maximum lifting weight of 20kg;

iv. Grates to be placed at the extremities of the tank with a maximum distance of 3m from any point in the tank to the edge of the nearest grate. This should all any point in the tank to be reached with a broom or similar implement without the need to enter the tank

v. The base of the tank is shaped with a 2% crossfall to a V drain and with a 2% longitudinal slope along the V drain;

c. Amendments in red on the OSD drawing.

Proposed vehicular access

46. Prior to issue of any Construction Certificate, a detailed section of the building along the truck travel path including turning bay shall be submitted to the Principal Certifying
Authority and shall be approved as part of construction Certificate. In this regard the following minimum shall be addressed:

a. A minimum clear headroom clearance of 3.5m shall be available for SRV trucks for the full travel length and manoeuvring areas (including turning bay area).

b. Details of the structures and services shall be clearly shown and the clearance shall be dimensioned at all critical points.

47. The separation raised median within the development site shall be designed to allow for future installation of two travel lanes along Hilltop Road, Merrylands. A 'Left Only' sign facing the proposed exit driveway shall be provided on the median. Other signages and signposting shall be installed in accordance with Australian Standards and RMS Supplement.

Car parking


Car Wash Bay

49. A vehicle wash bay shall be provided for residents of the development. Collection, reuse and ultimate disposal of water used in the vehicle wash bay shall be in accordance with Sydney Water's requirements. The car wash bay shall be designed so that the following requirements are met:-

- Have an adequate parking and washing floor space.
- Provide a water supply.
- Minimise water use with appropriate devices (e.g., such as a gun-type nozzle which closes when released and a timer operative valve, collection and use of rainwater).
- Have a water supply cut out system/fail-safe mechanisms provided to ensure that mechanical failure; drainage blockage or lack of maintenance cannot result in wastewater surcharge into the stormwater system.
- Be designed to ensure that over spray, drift of water or detergent does not cause a nuisance to persons, vehicles, residences, other buildings, neighbouring properties or the environment.
- Be located so that washing can occur with minimal disturbance to other residents,

Details shall be submitted to the Principal Certifying Authority.

Required Submissions to Certifying Authority

50. Retaining walls greater than 1.0m above finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with any Construction Certificate application.

51. Structural engineer's details prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.
52. If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

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

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

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

56. The colour and finish of the proposed driveway shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

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

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

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

60. The acoustic report prepared by Rodney Stevens Acoustics (Report R160258R1) dated 14 September 2018 shall be consistent with the endorsed architectural plans.

Acoustic

61. The recommendations of the acoustic report prepared by Rodney Stevens Acoustics (Report R160258R1) dated 14 September 2018 are required to be incorporated into the design/use of the proposed development.

Fire Safety Upgrading & Essential Services

62. The Construction Certificate is to include a schedule specifying all of the essential fire or other safety measures (both current and proposed) that are required for the building or premises to ensure the safety of persons in the building in the event of fire.

External Walls and Cladding Flammability

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

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

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

Food Preparation and Storage Areas.

64. The food preparation and storage area/s must be designed in accordance with;
   ii) Food Regulation 2015.
   iii) Food Safety Standards 3.2.2 and 3.2.3.
   iv) AS 4674 - 2004 (Design, construction and fit-out of food premises).

65. Details of compliance with the above must form part of the documentation accompanying the application for a Construction Certificate. A copy of the plans and specifications complying with the above requirements shall be submitted to Council’s Manager Health & Environmental Protection for assessment and concurrence prior to the issue of any Construction Certificate.

Design Verification Statement

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

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

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

Soil Assessment

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

A copy of the soil assessment report shall be submitted to Council for approval by the Manager Health & Environmental Protection prior to the issue of a Construction Certificate.
Salinity

68. The site has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction methods are to be incorporated for all dwellings/buildings.

Details of proposed methods of construction are to be detailed in the engineering plans and submitted to the PCA.

Note: Further information for building in a saline environment is available in the following documents:
  “Building in Saline Environment” prepared by DIPNR 2003.
  Water Sensitive Urban Design in the Sydney Regions “Practice Note 12: Urban Salinity”
  Wagga Wagga City Council’s “Urban Salinity Action” October 1999

Sydney Water

69. A building plan approval must be obtained from Sydney Water Tap In™ to ensure the development will not affect any sewer, water or stormwater mains or easements.

A copy of the building plan approval receipt from Sydney Water must be submitted to the certifying authority, prior to the issue of a construction certificate.

Please go to sydneywater.com.au/tapin to apply.
PRIOR TO DEMOLITION /WORKS COMMENCING

The following conditions are to be complied with prior to demolition / any works commencing on the site:

Appointment of Principal Certifying Authority and Notification of Commencement of Work

70. The person having the benefit of the development consent, not the principal contractor (builder), must:

   a) Appoint a Principal Certifying Authority in accordance with Section 6.6 of the Act.

   b) Have the Principal Certifying Authority complete the ‘Accredited Certifier Details’ on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

   c) Notify Council of the appointment of the Principal Certifying Authority and of the intention to commence building work, such notification is to be given to Council at least two (2) working days prior to the proposed commencement date, and be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

   *If nominated, Council can provide this service for you and act as the Principal Certifying Authority.*

N.B. The Principal Certifying Authority must also notify the person having the benefit of the Development Consent of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work such notification must comply with Clause 103A of the Regulations.

Notification of Principal Contractor (Builder)/Owner-Builder

71. The person having the benefit of the Development Consent must:

   (a) Notify the Principal Certifying Authority that the person will carry out the work as an owner-builder, if that is the case;

   OR

   (b) Appoint a Principal Contractor for the building work (who must be the holder of a contractor licence if any residential building work is involved), and notify the Principal Contractor of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work.

   (c) Notify the Principal Certifying Authority of any such appointment.

Where Council is the Principal Certifying Authority, such notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.
Photographic Record of Council Property – Damage Deposit

72. The applicant shall submit to Council, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full and satisfactory photographic record of the condition of Council’s property (i.e., road pavement, kerb and guttering, footway, stormwater drainage, etc.) adjacent to the subject site. The purpose of the photographic record is to establish any pre-existing damage to Council’s property to ensure that you are not liable for any re-instatement works associated with that damage. However, if in the opinion of Council, the existing damage has worsened or any new damage is caused during the course of construction, the Council may require either part or full re-instatement.

Note: Failure to provide a full and satisfactory photographic record described above, is likely to render the applicant liable to rectify all damages unless satisfactory proof can be provided that the damage was pre-existing.

Required Submissions to Council or the Principal Certifying Authority

73. To facilitate a complete assessment and enable the Certifying Authority to check compliance on site, truss validation and design, details certified by a qualified practicing structural engineer shall be submitted to Council or the Principal Certifying Authority for examination and approval. Details shall include:
   a) job address and builder’s name
   b) design wind velocity
   c) terrain category
   d) truss spacing
   e) roof pitch
   f) material of roof
   g) roof batten/purlin spacing
   h) material of ceiling
   i) job number

Notification to Relevant Public Authority

74. The applicant shall ensure that relevant public utility authorities are made aware of the salinity problems that have been identified within the subject site by the Department of Land and Water Conservation, such that their services are designed to take into consideration the effects the saline soils may have on their installations.

Fencing of Sites

75. Fencing of sites is required to prevent public access when the site is unoccupied and building works are not in progress. In this regard the MINIMUM acceptable standard of fencing to the site is properly constructed chain wire fencing 1.8m high, clad internally with Hessian or Geotextile fabric. All openings are to be provided with gates, such gates are not at any time to swing out from the site or obstruct the footpath or roadway.

Signs to be Erected on Sites

76. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
   a) Showing the name, address and telephone number of the Principal Certifying Authority for the work, and
(b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours and at any time for business purposes, and

(c) Stating that unauthorised entry to the work site is prohibited.

The sign must be rigid and durable and be read easily by anyone in any public road or other public place adjacent to the site.

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

This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

**Note:** Principal Certifying Authorities and Principal Contractors must also ensure that signs required by this clause are erected and maintained (clause 227A of the Regulations currently imposes a maximum penalty of $1,100).

**Prohibited Signage**

77. Advertising, Real Estate Agents, Architects, Designers, site suppliers and any other signage not mentioned in the conditions, is not to be placed or displayed on the site, such that the signage is visible from any public place. Offenders may be prosecuted.

**Protection of Public Places**

78. A hoarding or fence must be erected between the work site and any public place, if the work involved in the erection or demolition of the building; is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place.

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

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

**Site Control Measures**

79. Suitable erosion and sediment control measures shall be provided at all vehicular entry/exit points and all other measures required with and/or shown on plans accompanying the Construction Certificate, to control soil erosion and sedimentation, are to be in place prior to the commencement of construction works. Such controls are to be provided in accordance with Holroyd’s “Erosion & Sediment Control Policy.”

**Note:** On-the-spot fines may be issued by council where measures are absent or inadequate.
Footpaving, Kerbing and Guttering

80. Protection must be provided for Council footpaving, kerbing and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.

81. Finished street levels shall not be assumed. The owner or builder must make application to Council’s Engineering Services Department for street levels.

Support for Neighbouring Buildings

82. If an excavation associated with the erection of a building extends below the level of the base of the footings of a building on an adjoining allotment of land (including a public road and any other public place), the person causing the excavation to be made:-

   a) Must preserve and protect the building from damage, and
   b) If necessary, must underpin and support the building in an approved manner, and
   c) Must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (In this clause, allotment of land includes a public road and any other public place).

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

Toilet Facilities

84. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

   a) Must be a standard flushing toilet, and
   b) Must be connected:
      i) To a public sewer,
      ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
      iii) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
      iv) The position of the toilet on the site shall be determined by Council’s Building Surveyor and/or Sydney Water.
Residential Building Work - Insurance

85. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Cumberland Council) has given Cumberland Council written notice of the following information:

(a) In the case of work for which a Principal Contractor is required to be appointed:

(i) The name and licence number of the Principal Contractor, and

(ii) The name of the insurer by which the work is insured under Part 6 of that Act,

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

(i) The name of the owner-builder, and

(ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information noted under this condition becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Cumberland Council) has given Cumberland Council written notice of the updated information.

The notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

Roadworks

86. The applicant is to submit an application for a road opening permit when the drainage connection into Council's system is within the road reserve, including payment of the relevant fee prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve.

87. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.

Works Within Council's Reserve

88. All works within the Council reserve shall be completed within three (3) weeks of the date of commencement. Council’s Development Engineer shall be advised prior to the commencement of works.

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

90. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of $20,000,000 is to be submitted prior to commencement of works. Cumberland Council shall be named on the Certificate of Currency as an interested party.
Property/Street Number

91. Council is the authority responsible for the allocation of all official property addresses. For ease of identification of your new development, it is important that the allocated property numbers are used and displayed prominently. It is requested that you contact Council as soon as possible before construction is commenced to discuss proposed addressing for your development.

Please email your site plan to hcc@holroyd.nsw.gov.au or contact Council’s Rates Section by Phone on 9840 8767.

DURING DEMOLITION / CONSTRUCTION

The following conditions are applicable during demolition / construction:

Endorsed Plans & Specifications

92. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and approved Traffic Management Plan are to be retained on site at all times.

Inspection of On Site Detention Works

93. The stormwater drainage works are to be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

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

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

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

(d) Final Inspection

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Inspection of Works – Median Island

94. The roadworks associated with the raised median island shall be inspected during construction, by the Council. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

a. After completion of set-out and prior to excavation.

b. Prior to pouring any concrete islands or any other concrete works within roadway.

c. Final inspection.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Note:

- A private certifier or PCA cannot be engaged to do this inspection.
- A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Section during office hours.
- Work is not to proceed until the works are inspected and approved by Council.
Inspection of Works – public road drainage

95. The stormwater drainage works within the Road Reserve shall be inspected during construction by the Council. Documentary evidence of compliance with Council’s specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

a. Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the stormwater drainage extension.

b. Prior to backfilling of the trenches following the laying of the 375mm diameter concrete pipes. No less than two inspections are required.

c. Prior to placing of concrete for the proposed Council grated gully pit. No less than two inspections are required.

d. Upon compaction and watering of the sand backfill material.

e. Upon compaction of the lower layer of road base.

f. Upon compaction of the upper layer of road base.

g. Final Inspection.

Council’s standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Note: A private certifier or the PCA cannot be engaged to do this inspection.

Hours of Work & Display of Council Supplied Sign

96. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited. **Note: Demolition work is not permitted on weekends or Public Holidays - refer to specific demolition condition for approved hours.**

The yellow “Hours of Building Work” sign (supplied by Council with the approval), is to be displayed in a prominent position at the front of the site for the duration of the work.

Site Control

97. All soil erosion measures required in accordance with the approved sediment and erosion control plan and any other relevant conditions of this Consent are to be put in place prior to commencement of construction works are to be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation. This includes the provision of turf laid on the nature strip adjacent to the kerb.

98. Builder’s refuse disposal and storage facilities are to be provided on the development site for the duration of construction works and all rubbish shall be removed from the site upon completion of the project.

99. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.
Asbestos Cement Sheetng

100. i) All asbestos cement sheeting must be removed by contractors with an appropriate licence issued by WorkCover and who are familiar with asbestos removal prior to the commencement of:-

(a) Recladding or brick veneering of any building where the existing walls to be covered are currently clad with asbestos cement;

OR

(b) Construction work where new work abuts existing asbestos cement sheeting and/or where parts of the existing building clad with asbestos cement sheeting are to be altered or demolished.

Removal must be carried out strictly in accordance with WorkCover's "Your Guide to Working with Asbestos" (copy attached).

ii) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Office of Environment and Heritage (OEH).

Note: The person responsible for disposing of the above asbestos waste is to telephone the OEH on (02) 9995 5000 or Council's Waste Officer on (02) 8757 9000 to determine the location of a tip licensed to received asbestos. Upon completion of tipping operations the applicant shall lodge with the Council, all receipts issued by the receiving tip as evidence of proper disposal.

iii) Within fourteen (14) days of completion of renovation or recladding or brick veneering works where asbestos cement sheeting was removed, the applicant shall submit to Council an asbestos clearance certificate prepared by a NATA accredited occupational hygienist.

Note: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and under 'Find a Facility or Lab' type in 'asbestos identification' in 'keywords' then click on 'chemical testing' in NSW then click on the search button. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

Waste Management Plan

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

102. Within seven (7) days of completion of construction/building works, the applicant shall submit a signed statement to Council or the Principal Certifying Authority verifying that demolition work and recycling of materials was undertaken in compliance with the Waste Management Plan. The Principal Certifying Authority shall submit a copy of the statement to Council.

In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.
Compliance with Critical Stage Inspections and other Inspections nominated by the Principal Certifying Authority

103. Section 6.5 of the Act requires certain specific inspections (prescribed by clause 162A of the Regulations) and known as ‘Critical Stage Inspections’ to be carried out for building work. Prior to permitting commencement of the work your Principal Certifying Authority is required to give notice of these inspections pursuant to clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out. Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

Construction

104. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has been supplied with a check survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels (FFLs) and setbacks to boundary/ies. The slab shall not be poured, nor works continue, until the Principal Certifying Authority has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

In the event that Council is not the Principal Certifying Authority, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the Principal Certifying Authority has issued a Certificate stating that the Condition of approval has been complied with and that the slab has been poured at the approved levels.

Salinity

105. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has confirmed that all required construction measures addressing salinity, as required by this Consent and its accompanying Construction Certificate have been carried out.

Landscaping/Site Works

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

Tree Protection

107. The applicant shall accept all responsibility for the accuracy of the information provided to Council for assessment. If any tree/s are not shown on the endorsed plan or are required to be retained and protected but are threatened by demolition/construction work through unforeseen construction requirements or plan inaccuracy, all site and building works so affected are to cease until the matter is resolved to the satisfaction of Council. Council’s Environmental and Planning Services Department is to be notified immediately upon such a problem being encountered.
108. Branches of trees to be retained/transplanted within 1m of the approved building, may be pruned by an Arborist qualified to at least Australian Qualification Framework (AQF) Certificate Level 3 in accordance with Australian Standard AS4373-1996 'Pruning of Amenity Trees' to enable demolition/construction works to occur.

Note: Any other pruning works not authorised by this Consent are subject to the approval of an application for General Tree Works activities.

Road Works and Footpaving

109. Pedestrian access, including disabled and pram access, is to be maintained as per Australian Standard AS1742.3 "Part 3 – Traffic Control Devices for Works on Roads".

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

Communications Cabling

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

Power Connection

112. Power connection to the site is to be either underground or through an intermediate power pole as per relevant authority requirements.

Rainwater Tank

113. The design of any aboveground rainwater tank(s) should allow a horizontal clearance of at least 450mm for pedestrian movement. The tank(s) must not exceed 2.4 metres in height above ground level, including any stand for the tank(s).

Alarms

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

- a flashing light with warning sign at each pedestrian and vehicular entrance into the basement from outside the building; and

- a warning system, such as an audible alarm with flashing light and warning sign installed within a common area or areas of the building, such as the ground floor lobby.

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

Basement Parking

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

116. An intercom device is to be located:
a. on the driver’s side wall at the top of the driveway to the basement carpark, so that visitors can access the carparking spaces; and

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

**Vehicle Cleansing**

117. Concrete trucks and trucks used for the transportation of building materials shall not traffic soil, cement or similar materials onto the road. Hosing down of vehicle tyres shall be conducted in a suitable off-street area where wash water is prevented from entering the stormwater system or adjoining property.

**Importation of Fill**

118. All imported fill shall be validated in accordance with Council’s Contaminated Land Policy to ensure that it is suitable for the proposed land use from a contamination perspective.

**Stormwater Drainage**

119. The stormwater drainage system shall be constructed in accordance with Section 7, Part A of the Holroyd Development Control Plan 2013.

**Additional Information during Demolition/ Construction**

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

**Child Care Centre Kitchen**

121. The construction fit-out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4874 ‘Design, construction and fit out of food premises’. Prior to any Occupation Certificate (OC) being issued certification is to be provided by a suitably qualified person, capable of being a member of Environmental Health Australia, that the fit-out complies with the above requirement.

**Fitout of Food Preparation Area**

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

123. The ceiling shall be painted with a light coloured washable paint.

**Lighting**

124. All fluorescent light fittings shall be fitted with a smooth faced diffuser. The light fitting shall be either:
   a. recessed so that the diffuser is flush with the ceiling, or
   b. designed to ensure that no horizontal surface exists which would allow dust and grease to accumulate
Floor

125. The floor is to be constructed of concrete or other material impervious to moisture, finished to a smooth steel trowelled finish, coved at the intersections with the walls and graded and drained to approved sewerage connections.

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

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

Walls

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

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

Fitting Out Installation of Refrigeration Counters Cupboards

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

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

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

Plumbing and Drainage Fittings

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

Windows/Doors

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

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

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

137. A kitchen exhaust hood is to be provided above all appliances of heating capacity greater than 8kW in accordance with AS 1668 Part 2. A test certificate shall be submitted to the Principal Certifying Authority with application for an Occupation Certificate.

Commercial Tenancies

138. All windows for the commercial tenancies facing Hilltop Road are to be clear glazing.

General

139. The recommendations of the Acoustic Impact Assessment prepared by Rodney Stevens Acoustics (Report R160258R1) dated 14 September 2018; shall be implemented.

140. The applicant shall ensure that deleterious materials deposited as a result of the works is immediately removed (the same day) from roads, footpaths and public areas. Any damage to road reserve as a result of the Works shall be reinstated by the applicant/developer as directed by Council.
PRIOR TO ISSUE OF A FINAL OCCUPATION CERTIFICATE

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

Certificates/Documentary Evidence

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

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

143. A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal Certifying Authority and shall state that all foundation works/reinforced concrete/structural members have been carried out/erected in accordance with the Engineer's requirements and the relevant SAA Codes.

Note: Any such certificate is to set forth the extent to which the engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction.

144. An Accredited Certifier shall submit to the Principal Certifying Authority a signed checklist as per Appendix A of AS4239-1995 confirming that units 4, 5 and 8 have achieved the required level of adaptability (i.e., Adaptable House Class A or B*).

Playground Equipment Certification

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

Landscaping/Tree Protection

146. Certification is to be provided to the Principal Certifying Authority (PCA), from a suitably qualified person of the landscape proposal, that all tree planting/landscape works have been carried out in accordance with the endorsed plan. If Council is the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council is not the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.

147. Certification is to be provided to the Principal Certifying Authority (PCA), from a designer of the landscape proposal (as appropriate), that all tree planting/landscape works have been carried out in accordance with the endorsed plan. If Council is the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council is not the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.

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

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

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

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

151. A copy of the as approved stormwater drainage and On Site Detention plan showing work as executed details shall be submitted to Council. The work as executed plan shall be in accordance with Council’s standards and specifications for stormwater drainage and on-site stormwater detention.

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

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

154. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed On Site Detention shall be submitted to the authority benefited for approval prior to lodging with the Land and Property Information NSW. The wording of the terms of the Positive Covenant and Restriction On Use shall be in accordance with Council’s standards and specifications for stormwater drainage and on-site stormwater detention. The documents shall be approved by the benefiting authority for registration with Land and Property Information NSW.

*Note: Prior to release of the documents creating the Restriction on Use and Positive Covenant, the benefiting authority shall be satisfied that the as-constructed On Site Detention is in accordance with the approved drawings and Council requirements.*

The Positive Covenant and Restriction on Use documents shall be registered with the Land and Property Information NSW within six (6) months from the date of release by the benefiting authority.

155. An On-site Stormwater Detention plate shall be installed within the detention basin or tank. The plate shall be located in or near the Discharge Control Unit to alert future owners of their obligations to maintain the facility and its restrictions. The wording and plate shall be in accordance with Council’s standard requirements.

156. A maintenance schedule for the stormwater and On-Site Detention system including a sketch plan of the components forming the sites stormwater and On-Site Detention system shall be submitted. The maintenance schedule shall be prepared by a qualified hydraulic engineer and shall be in accordance with the Upper Parramatta River Catchment Trust requirements.
OSD design summary calculation sheets using the WAE levels shall be submitted to Council.

The applicant shall provide a standard OSD sign within the aboveground basin area in accordance with Clause 7.1 (i) of the Council's OSD policy.

**Public stormwater Drainage**

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

A copy of the approved stormwater drainage plan showing work as executed details shall be submitted to Council. The work as executed plan shall be in accordance with Council’s standards and specifications for stormwater drainage and on-site stormwater detention.

A hydraulic certificate of compliance in accordance with Council’s standards and specifications for stormwater drainage works within Council’s road reserve shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.

As per Table 2 Schedule of Material Tests, of Councils' Specification for Subdivisions and Developments, the CCTV verification and 'No cracking', shall be complied with. Satisfactory testing of the pipe works shall be carried out at sub grade level (within roadway) following back fill and compaction within the site.

**Road Works**

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

A full width Heavy duty vehicular crossing shall be provided opposite the separate entry/exit driveway to the development site, with a width of 3 metres (for each access) at the boundary line and a minimum 1.2m length concrete footpath panel in between the separate crossing. These works shall be carried out by a licensed construction contractor at the applicant’s expense and shall be in accordance with Council’s issued drawings and level sheets.

The reconstruction of concrete footpath paving and associated works along 2.5m wide Hilltop Road, Merrylands. These works shall be carried out by a licensed construction contractor at the applicant’s expense and shall be in accordance with Council’s standard drawing SD-8100 and issued level sheets.

The reconstruction of kerb ramps and associated works at Hilltop Road, Merrylands. These works shall be carried out by a licensed construction contractor at the applicant’s expense and shall be in accordance with Council’s standard drawing SD8101 and issued level sheets.

The construction/reconstruction of a Council’s gully pit and associated works. These works shall be carried out by a licensed construction contractor at the applicant’s expense and shall be in accordance with Council’s standard drawing SD-8010.

Removal of all redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. These works shall be carried out by a licensed construction contractor at the applicant’s expense and shall be in accordance with Council’s standard drawing number SD-8100.
169. A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and roadworks shall be obtained from Council and be submitted to the Principal Certifying Authority.

**Median Island Works**

170. The roadworks associated with the raised median island (including signs and line marking) fronting Hilltop Road, Merrylands. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with the approved plans, Council’s standard drawing and issued level sheets.

171. Four (4) copies of Works as Executed plans together with an electronic copy shall be submitted for the constructed median island and installation signs and line marking.

172. A compliance certificate for the construction of median island works within the Hilltop Road, Merrylands shall be obtained from Council and be submitted to the Principal Certifying Authority

**Traffic**

173. All units and associated car parking spaces shall be numbered on site in accordance with numbering on the endorsed plans. These numbers shall also be consistent with any strata plan for the completed development.

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

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

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

177. The driveway shall be signposted indicating availability of visitor off-street parking. Spaces reserved for this purpose shall be marked as such.

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

179. All residents and visitors parking spaces shall be signposted, line-marked and wheel stops installed in accordance with the endorsed signs and line marking plans and Australian Standards (i.e. AS2890.1-2004 and 2890.6-2009).

180. All parking spaces, aisle, driveway and internal roadways dimensions shall be in accordance with Australian Standard 2890.1.2004 and 2890.6.2009.

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

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

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

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

NOTE:

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

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

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

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

External Walls and Cladding Flammability

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

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

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

Child Care Centre Kitchen

187. A certificate shall be submitted to Council for the air conditioning system, together with a copy of the test report done at completion of installation and balancing in accordance with the minimum requirements of AS.1668, Part 1 and 2.

188. Food Business registration shall be obtained from Council, PRIOR to commencement of business operations, in accordance with Council’s adopted policy.
189. To ensure compliance with the Australia/New Zealand Food Safety Standards Code, Food Safety Standards 3.2.3 “Food Premises and Equipment” and Australian Standard 4674.2004 Design, Construction & Fit Out of Food Premises, Council is to be given forty eight (48) hours notice prior of intention to occupy the premises and commence trade.

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

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

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

Design Verification Statement

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

(i) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);

(ii) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the Construction Certificate, having regard to the design quality principles set out in Part 2 SEPP 65.

Lighting

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

Air Conditioning

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

Noise Compliance Report

196. The noise control measures specified in the acoustic report prepared by Rodney Stevens Acoustics (Report R160258R1), shall be installed prior to the issuing of the occupation certificate. All noise reduction measures specified in the acoustic report shall be complied with at all times during the operation of the premises.
Substation/ Electromagnetic Field (EMF)

197. Prior to the operation of the child care facility, a review shall be done for electric and magnetic field measurement detailing any effects of the proposed substation on the child care centre, and any mitigation measures required. Testing on the location once both facilities are constructed would be required to confirm the levels present.

Property/Street Number


General

199. Documentary evidence and/or certificate of compliance must be submitted to Council to show that all works have been completed in accordance with this Development Consent and its accompanying Construction Certificate.
CONDITIONS RELATING TO USE

The following conditions are applicable to the use of the development:

Safety and Amenity

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

201. The approved hours of use for the Child care centre are 7.00am to 8.00pm Monday to Friday. Any use of the childcare centre outside the approved hours of use may require further amendments to the development application and a further acoustic report to support those hours of use. All deliveries shall occur only during the approved hours of operation. Any use of the childcare centre outside those hours for meetings, training, early drop-offs, late pick-ups, cleaning, maintenance etc will require an amended acoustic report to be prepared and modification to the Development Consent for the approved hours of use.

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

203. Where an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

204. Access to the residential areas of the development shall be limited to residents via an intercom swipe card system / pin pad access system.

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

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

Noise

207. Within three months of the premises being occupied by the childcare centre, an acoustic report prepared by a suitably qualified person, is to be submitted to the consent authority demonstrating that the noise emitted from the premises complies with the criteria contain in the acoustic report prepared by Rodney Stevens Acoustics (Report R180258R1) dated 14 September 2018. Where the criteria are not met the acoustic report is to include recommendation of noise control measures that are to be implemented to ensure compliance with the criteria.

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

The Leq, 15min noise level emitted from the outdoor play area shall not exceed the background noise level by more than 5 dB for any outdoor play periods.
The noise level assessment shall be measured at the most affected point on or within any residential receiver property boundary.

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

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

210. The operation of the pump from the rainwater tank shall not give rise to an equivalent continuous \( (L_{Aeq}) \) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background \( L_{A90} \) level (in the absence of the noise under consideration). Council may require an Acoustic Report to be submitted, prepared by a suitably qualified person, to ensure this requirement is met in the event of Council receiving complaints.

211. The operation of all plant and equipment shall not give rise to an equivalent continuous \( (L_{Aeq}) \) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background \( L_{A90} \) level (in the absence of the noise under consideration).

212. Noise and vibration from the use of the air conditioning system (if any installed) shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10:00pm and 7:00am on weekdays and 10:00pm and 8:00am on weekends and public holidays.

Acoustic Measures

213. In reference to the Acoustic Impact Assessment prepared by Rodney Stevens Acoustics (Report R160258R1) dated 14 September 2018 the recommendations under Section 6 shall be adhered to at all times.

Mechanical Ventilation System – Car Park

214. Noise and vibration from the use of the (mechanical exhaust ventilation) system shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10.00pm and 7.00am on weekdays and 10.00pm and 8.00am on weekends and public holidays.

Mechanical Ventilation System – Food Shop

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

Air Emissions

216. The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act 1997 and shall be controlled in accordance with the requirements of such Act.
217. In the event of Council receiving complaints regarding air pollution or odour from the premises, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour exiting the premises.

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

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

**Clean Water Discharge**

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

**Signage on Stormwater Drains (Commercial)**

221. Signs shall be displayed adjacent to all stormwater drains on the premises indicating that only clean water is allowed to enter these drains. Examples of possible signage include: 'Clean Rainwater Only', 'Clean water only - NO waste' or 'H₂O only'.

**Operational Management Plan**

222. An Operational Management Plan shall be implemented for ongoing activities of the centre to ensure any damage that may occur to the neighbouring properties is to be resolved by the management of the child care centre in an efficient and orderly manner.

**Emergency Procedures**

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

**Lighting**

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

**Refuse & Trade Waste**

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

**Storage**

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

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

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

Waste Collection

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

230. The development shall be provided with:
   - 9 x 240 litre garbage bins
   - 6 x 240 litre recycling bins

Car wash bay

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

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

Traffic and Parking

233. At least 42 car parking spaces (including a car wash space) numbered and line marked in accordance with the endorsed plan, are to be made available at all times for residents and visitors’ vehicles only in conjunction with the occupation of the building/premises.

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

235. The largest vehicle permitted to serve the site is a small rigid vehicle.

236. The car parking spaces, driveways and manoeuvring areas are to be used for residents, visitors and childcare centre vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
237. The number of children cared for in the new centre shall not exceed 50 aged up to 5 years.

238. All privacy measures as required by this development consent shall be maintained for the lifetime of the development and shall not be altered without prior approval of Council.

239. Identification number/s is/are to be clearly displayed at the front of the premises.

240. No roller shutters are permitted to be installed for the commercial tenancy at any time.
ADVISORY NOTES

Other Necessary Approvals

A. The applicant’s attention is drawn to the need to obtain Council’s separate approval for any ancillary activity not approved by this consent, including:
   (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council’s Tree Preservation Order protects trees by definition taller than 3.5m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council’s Tree Management Officer.
   (b) Any fencing located forward of the proposed building and exceeding the limitations specified in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
   (c) The erection of any advertising sign, not being exempt from the need to obtain approval.
   (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.

B. If you carry out building work as an owner builder and sell your home within seven (7) years from the date of completion (date of final occupation certificate), then a Certificate of Insurance must be attached to your Contract of Sale.

C. Modifications to the approved plans will require the lodgement and consideration by Council of a modification application pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

D. Section 8.7 of the Act provides that an applicant who is dissatisfied with the Council’s determination of the Development Application may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed.

E. Section 8.3 of the Act provides that an applicant may request, within six (6) months of the date of determination of the Development Application, that the Council review its determination (this does not apply to designated development). A fee is required for this review.

   It should also be noted that an application under Section 8.3 of the Act cannot be reviewed/determined after 8 months of the date of determination. Therefore, the submission of a Section 8.3 Application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.

F. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property.
via contacting the Dial before you dig service in advance of any construction or planning activities.

G. A Construction Certificate shall be obtained in accordance with Section 6.7 of the Act, prior to the commencement of any work on site. Council can provide this service for you.

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

I. DEMOLITION

(a) Demolition is to be carried out in such a way and with such control measures as are necessary to prevent the occurrence of any dust, noise, runoff or other nuisance.

(b) All sediment/soil is to be prevented from entering Council's stormwater drainage system.

(c) The public footpath and roadway is to be protected against damage as a result of demolition activities and is to be kept clean and free of all soil and other materials.

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

(e) Cumberland Council has a Tree Management Order which applies to the entire Cumberland Council. No ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees exceeding 3.5m in height and 3m in branch spread shall take place without the prior written consent of Cumberland Council.

(f) There shall be no burning of any waste, as this is prohibited within the Cumberland Council.

(g) Demolition material can be recycled saving the environment and also tipping costs. For more information, contact the Environment Protection Authority's Recycling hotline on 9325 5555.

(h) Public roads shall be kept clean and free of any materials which may fall from vehicles or plant to ensure safety and amenity of the area.

J. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

An administration fee per certificate (in accordance with Council’s adopted fees and charges) is payable to Council on lodgement of Construction and Occupation Certificates from Principal Certifying Authorities.

K. BANK GUARANTEES

Bank guarantees will be accepted from list of banks which have at least an “A” rating from Standard and Poors and at least an “A2” or “Prime-1” standard from Moodys Investor Services.

To enable the bank guarantee to be enforceable during an entire project with consideration for delays, the guarantee must not contain a facility expiry date.

To get to Standard and Poors [www.standardpoors.com](http://www.standardpoors.com) then from Ratings Action choose Ratings Lists. Then click on Financial Institutions followed by clicking on Financial Institutions Counterparty Ratings List. Go to “Banks” and download to Australian Banks.

To get to Moodys [www.moodys.com](http://www.moodys.com) then look up Ratings and then Banking and then Bank Ratings list. It will take you to Bank Credit Research page. Look at the table of contents and choose Global Bank Ratings by Country. Look up Australian Banks.
L. SMOKE DETECTORS

A system of self-contained smoke alarms complying with the requirements of AS3786-1993, Smoke Alarms or listed in the Scientific Services Laboratory Register of Accredited Products being installed in the dwelling, connected to the mains power supply and provided with a standby power supply. Alarms are to be positioned on the ceiling and setback a minimum distance of 300mm from any wall. Alarms are to be placed in the vicinity of each area containing bedrooms with a minimum of one (1) alarm required for each storey of the dwelling.

M. TERMITE PROTECTION

Structural members are to be protected from attacked by subterranean termites in accordance with the requirements of AS3660.1-2000 Protection of building from subterranean termites and a durable notice must be affixed within the metre box indicating the type of protection, its date of installation, life expectancy of any chemical barrier used, and system maintenance and inspection requirements. A certificate of compliance of the approved system must be submitted to Council or the Principal Certifying Authority on completion of the system installation. With respect to chemical protection, a pipe system shall be installed beneath the slabs plastic membrane to allow re-application of the chemical border.

N. WET AREAS

Wet areas in the dwelling are to be waterproofed in accordance with AS3740 Waterproofing of wet areas within residential buildings.

Where Council is the Principal Certifying Authority for the works, the submission of evidence of suitability for the waterproofing product used will be required at the wet area inspection stage. The evidence of suitability is to be in the form of:-

1. A current Certificate of Accreditation for the product.

AND

2. A certificate from the person responsible for the installation of the product advising that the product was applied in accordance with the relevant manufacturers specifications.

Note: Any copy of documentary evidence submitted, must be a complete copy of the original report or document.

O. LANDINGS

A landing having a minimum length of 750mm and a grade no steeper than 1.50, must be provided where the sill of a threshold of a doorway opens onto a stair that provides a change in floor level or floor to ground level greater than 3 risers or 570mm in accordance with Clause 3.9.1.3 (Stair Construction) of the Building Code of Australia.

P. SOUND TRANSMISSION AND INSULATION

To ensure the amenity of occupants in attached residential development (Class 1 buildings), separating walls must be constructed in accordance with Part 3.8.6 of the Building Code of Australia.
Q. GLAZING CERTIFICATION

A certificate shall be submitted to the Principal Certifying Authority stating that safety glazing has been used in the building in accordance with AS1288 - “Glass in Buildings - Selection and Installation”.

R. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra’s network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra’s infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra’s assets in any way, you are required to contact Telstra’s Network Integrity Team on Phone Number 1800810443.

S. DIVIDING FENCES

Please be advised that arrangements concerning existing or proposed fences between properties are a civil matter determined by the involved parties under the Dividing Fences Act. You are therefore required to consult with the owners of neighbouring properties if fences are to be removed or constructed.

The Dividing Fences Act is administered by the Department of Lands who can act as a mediator in disputes.

Yours faithfully

Sohail Faridy
COORDINATOR DEVELOPMENT ASSESSMENT
DOCUMENTS ASSOCIATED WITH REPORT LPP043/19

Attachment 2
Architectural Plans - Site Plan
DOCUMENTS
ASSOCIATED WITH
REPORT LPP043/19

Attachment 3
Architectural Plans - Perspectives
DOCUMENTS ASSOCIATED WITH REPORT LPP043/19

Attachment 4
Architectural Plans - Roof Plan
DOCUMENTS ASSOCIATED WITH REPORT LPP043/19

Attachment 5
Architectural Plans - Elevations
DOCUMENTS
ASSOCIATED WITH
REPORT LPP043/19

Attachment 6
Architectural Plans - Floor Plan
DOCUMENTS ASSOCIATED WITH REPORT LPP043/19

Attachment 8
Stormwater Plan
DOCUMENTS ASSOCIATED WITH REPORT LPP043/19

Attachment 9
Acoustic Report and Noise Management Plan
Proposed Child Care Centre
Acoustic Impact Assessment

14 Hilltop Road
Merrylands NSW 2160

REPORT R160258R1
Revision 0

Prepared for:
George Andary
14 Hilltop Road
MERRYLANDS NSW 2160

14 September 2018
Proposed Child Care Centre
Acoustic Impact Assessment
14 Hilltop Road, Merrylands NSW 2160

PREPARED BY:
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DOCUMENT CONTROL

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<td>R160256R1</td>
<td>Revision 0</td>
<td>14 September 2018</td>
<td>Thomas Carney</td>
<td>Desmond Raymond</td>
<td>Rodney Stevens</td>
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Rodney Stevens Acoustics
Report Number R160256R1
Revision 0

Proposed Child Care Centre Acoustic Impact Assessment
14 Hilltop Road, Merrylands NSW 2160
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Table 4-1 Measured Ambient Noise Levels Corresponding to NSW NPII Assessment Time Periods 13
1 INTRODUCTION

Rodney Stevens Acoustics Pty Ltd (RSA) has been commissioned by George Andary to undertake an acoustical assessment of a proposed 58 place child care centre located at 14 Hilltop Road, Merrylands NSW 2160. This assessment has been prepared to assist council’s consideration of the submission.

This report details the results of ambient noise measurements, calculations of potential noise emissions and the assessment of operational noise emissions from the proposed facility upon surrounding potentially affected sensitive receivers. The report also addresses the impact of road traffic noise upon the proposed centre.

A glossary of the acoustical terminology used throughout this report is contained within Appendix A.

2 PROJECT DESCRIPTION

2.1 Proposed Development

The proposal is to build a child care centre to accommodate 58 children. The centre is proposed to operate between 7:00 am and 6:00 pm, Monday to Friday.

The proposed children age groups are:

- 2 years – 3 years: 20 children
- 3 years – 6 years: 40 children

A variety of activities will be provided throughout the day, those activities involve both indoor free-play and structured learning and play.

The times and the number of children engaged in play varies, however, conservative calculations have been based on the assumption that all children may be involved in play in the proposed play areas.

2.2 Site Location

The proposed child care centre (CCC) is located at 14 Hilltop Road, Merrylands NSW.

The site will be exposed to contributions from local traffic. The surrounding premises are residential.

The site location is shown in Figure 2-1.
Figure 2-1  Site Location

Aerial image of courtesy of © 2018 Nearmap Ltd

Sensitive receiver: 15 Hilltop Rd
Sensitive receiver: Churches of Christ in NSW
Sensitive receiver: 98 Burnett St
Sensitive receiver: 35 Richardson St
Unattended logger location

Proposed development site
The proposed site plan is presented in Figure 2-2 to Figure 2-7.

Figure 2-2  Basement Two Plan

Figure 2-3  Basement One Plan
3 ASSESSMENT CRITERIA

3.1 Association of Australian Acoustical Consultants (AAAC)

A guideline for the assessment of noise from child care centres has been prepared by the Association of Australian Acoustical Consultants (AAAC) as a result of a NSW Australian Acoustical Society (AAS) Technical Meeting held in September 2007 on Child Care Noise. The document, AAAC Guideline for Child Care Centre Acoustic Assessment, October 2013, provides criteria for the assessment of noise intrusion into and noise emissions from child care centres and provides recommendations for treatment to minimise acoustical impacts upon neighbouring premises. The guideline has been placed before the Land and Environment Court during matters involving child care centre applications.

3.1.1 Indoor Activities, Mechanical Plant & On-Site Traffic

The AAAC recommended criterion is that the L_{Aeq(1h)} noise level emitted from the cumulative operation of indoor activities, mechanical plant and traffic on the site shall not exceed the background noise level by more than 5 dB at the assessment location. The assessment location is defined as the most affected point on or within any sensitive receiver property boundary.

The limiting criterion for continuous operational noise emissions, such as indoor activity noise and mechanical plant is "background noise level by not more than 5 dB" based upon the NPRI procedures. However in accordance with NPRI principles, where a noise source occurs over a limited duration throughout the day, adjustments are applied to the acceptable noise level at the receiver.

These adjustments generally apply where a single event noise is continuous for a period less than two and a half hours in any 24-hour period. Applying such an adjustment to the assessment criterion for a CCC carpark operation would not seem unreasonable given the operation of the source of noise is mainly concentrated over a one-hour period (at most) during the morning arrival and afternoon departure periods.

Although it could be argued that this is not a single event noise (since it occurs over two separate periods throughout the day) the essentially (and expected) short duration nature of the activity does not warrant the application of an intrusiveness based criterion. In consultation with the NPRI procedures, a more reasonable criterion against which to compare and assess noise emissions associated with a carpark of this nature is an additional 5 dBA increase in the acceptable noise level at the receptor, (ie L_{Aeq} + 5 dBA).

3.1.2 Outdoor Play

Since the time in which children are involved in outdoor play is limited, the potential impact associated with these noise emissions is minimised. The AAAC consider a total limit of 2 hours outdoor play per day (typically 1 hour in the morning and 1 hour in the afternoon) reasonable to apply a criterion that the L_{Aeq(1h)} noise level emitted from the outdoor play area not exceed the background noise level by more than 5 dB at the assessment location. A "background + 5 dBA" criterion has also been applied in other local government areas within the Sydney Metropolitan area and has been found acceptable within Land and Environment Court hearings.

3.1.3 Noise Intrusion to Child Care Centres

The AAAC child care centre guideline also presents recommendations for external noise impact upon children in child care centres.

- The L_{Aeq(1h)} intrusive noise level from road traffic or industry at any location within an outdoor play area should not exceed 55 dBA.

- The L_{Aeq(1h)} intrusive noise level from road traffic or industry within the indoor play or sleeping areas should not exceed 40 dBA.
3.2 Operational Noise Criteria

Responsibility for the control of noise emissions in New South Wales is vested in Local Government and the EPA. The EPA oversees the Noise Policy for Industry (NPII) October 2017 which provides a framework and process for deriving noise criteria. The NPII criteria for industrial noise sources have two (2) components:

- Controlling the intrusive noise impacts for residents and other sensitive receivers in the short term; and
- Maintaining noise level amenity for particular land uses for residents and sensitive receivers in other land uses.

Intrusiveness Criterion

For assessing intrusiveness, the background noise generally needs to be measured. The intrusiveness criterion essentially means that the equivalent continuous noise level (L_{Aeq}) of the source should not be more than 5 dB(A) above the measured Rated Background Level (RBL), over any 15 minute period.

Amenity Criterion

The amenity criterion is based on land use and associated activities (and their sensitivity to noise emission). The cumulative effect of noise from industrial sources needs to be considered in assessing the impact. The criteria relate only to other industrial-type noise sources and do not include road, rail or community noise. The existing noise level from industry is measured.

If it approaches the criterion value, then noise levels from new industrial-type noise sources, (including air-conditioning mechanical plant) need to be designed so that the cumulative effect does not produce total noise levels that would significantly exceed the criterion.

Area Classification

The NPII characterises the “Suburban” noise environment as an area with an acoustical environment that:

- has local traffic with characteristically intermittent traffic flows or with some limited commerce or industry.
- This area often has the following characteristic: - evening ambient noise levels defined by the natural environment and human activity

The area surrounding the proposed development falls under the “Suburban” area classification.

Project Specific Noise Levels

Having defined the area type, the processed results of the attended noise monitoring have been used to determine project specific noise criteria. The intrusive and amenity criteria for nearby residential premises are presented in Table 3-1.

These criteria are nominated for the purpose of assessing potential noise impacts from the proposed development.

In this case, the ambient noise environment is not controlled by industrial noise sources and therefore the project amenity noise level are assigned as per Table 2.2 of the NPII (Recommended Amenity Noise Levels). For each assessment period, the lower (i.e. the more stringent) of the amenity or intrusive criteria are adopted.

These are shown in bold text in Table 3-1.
Table 3-1  Operational Project Trigger Noise Levels

<table>
<thead>
<tr>
<th>Receiver</th>
<th>Time of Day</th>
<th>ANL 1 L_{\text{eq}(15\text{min})}</th>
<th>Measured L_{\text{eq}(15\text{min})}</th>
<th>Criteria for New Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>Day</td>
<td>55</td>
<td>41</td>
<td>53</td>
</tr>
</tbody>
</table>

Note 1: ANL = "Amenity Noise Level" for residences in Suburban Areas.
Note 2: RBL = "Rating Background Level".

In summary, the project specific noise level for the assessment of (continuous L_{\text{eq}(15\text{min})}) operational noise emissions between 7:00 am and 6:00 pm, based upon the procedures documented within the NSW NPL, is 46 dBA.

4 EXISTING NOISE ENVIRONMENT

4.1 Surrounding Environment

The surrounding community consists of residential properties and the adjacent church. The acoustical environment is generally controlled by noise emissions from vehicular movements largely associated with through and local traffic and other activities associated with the area.

The nearest potentially sensitive receiver locations in relation to noise emissions from the proposed development are the properties to the north (15 Hilltop Road), east (68 Burnett Street), south (35 Richardson Street) and west (Churches of Christ in NSW) and the future residential receivers above the proposed centre.

4.2 Ambient Noise Survey

In order to quantify the existing ambient noise environment of the area, noise monitoring was conducted at the proposed development site and is shown in Figure 2-1. This location was selected after a detailed inspection of the project area giving consideration to other noise sources which may influence the readings, the proximity of noise-sensitive receivers, security issues for the noise monitoring device and gaining permission for access from the residents or landowners.

Unattended environmental noise monitoring was conducted between 14 June to 21 June 2018.

The measured data was processed according to the NSW EPA's Noise Policy for Industry (NPII) and the NSW SEPP (Infrastructure) 2007 assessment time periods. The processed noise monitoring results (based upon noise levels recorded during the weekday daytime period) are presented in Table 4-1.
Table 4.1  Measured Ambient Noise Levels Corresponding to NSW NPI Assessment Time Periods

<table>
<thead>
<tr>
<th>Logger Location</th>
<th>Daytime 7.00 am – 8.00 pm</th>
<th>Evening 6.00 pm – 10.00 pm</th>
<th>Night-time 10.00 pm – 7.00 am</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RBL</td>
<td>L_Aeq</td>
<td>RBL</td>
</tr>
<tr>
<td>14 Hilltop Road (ambient)</td>
<td>41</td>
<td>53</td>
<td>45</td>
</tr>
<tr>
<td>14 Hilltop Road (road traffic)</td>
<td>49</td>
<td>63</td>
<td>49</td>
</tr>
</tbody>
</table>

Note 1: The RBL noise level is representative of the average minimum background sound level (in the absence of the source under consideration), or simply the background level.

Note 2: The L_Aeq is essentially the average sound level. It is defined as the steady sound level that contains the same amount of acoustical energy as a given time-varying sound.

5  NOISE IMPACT ASSESSMENT

5.1 Noise Emissions from Mechanical Plant

Precise mechanical plant selection has not been determined. It is recommended the selection and its acoustic impact to the nearby sensitive receivers is to be determined prior to the installation of any mechanical plant before the issuing of a Construction Certificate.

The criteria for mechanical plant has been established, any mechanical plant equipment must comply with 46 dB(A) at the nearest sensitive receiver.

5.2 Noise Emissions from Indoor Activities

Noise level predictions for internal noise emissions at the site have been predicted by utilising NSW EPA recognised and approved computer noise model SoundPlan 8 software. SoundPlan is a fully integrating software suite that specialises in computer simulations of noise situations incorporating over 50 calculation standards. The model calculates overall noise levels at receiver locations considering distance, atmospheric absorption, barriers effects of intervening ground types, source levels, source and receiver locations and topography.

Based on an internal reverberant sound pressure level of 90 dB(A) within the largest internal play areas, the predicted cumulative L_Aeq 10 min noise level at the residential receivers adjacent to the proposed centre with the proposed internal configuration and associated capacity, is 63 dB(A) with windows open. Noise emissions to the level at the residential receiver is predicted to be 63 dB(A) with the glazing closed.

The recommended assessment criterion of 46 dB(A) will be achieved criteria at all sensitive receivers with recommendations set out in this report.

5.3 Noise Emissions from Outdoor Play Areas

5.3.1 Outdoor Activity Noise Levels

Noise generated by the children outside in the play area will occur generally after morning arrival, continuing until commencement of the indoor programme (likely to be around 9:00 am), possibly for short periods during the day after morning tea and lunch and again in the later afternoon prior to departure. The number of children involved in outdoor activities outside these main free-play times may vary and would be generally be in smaller groups managed by the centre staff.

The AAAC Child Care Centre guideline recommends the following range of sound power levels for groups of 10 children playing:

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Rodney Stevens Acoustics
Report Number R160268R1

Proposed Child Care Centre Acoustic Impact Assessment
14 Hilltop Road, Merrylands NSW 2160

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Based upon the results of extensive measurements of noise levels associated with a wide range of vocal efforts and of noise emissions from child care centres, it is extremely unlikely that these sound power levels could be sustained over a 15 minute period by a child between the ages of 3 and 6 years, particularly given the Department of Community Services (DOCS) requirements in relation to the management of child care centres and the typical behaviour patterns observed of young children engaged in outdoor play.

Notwithstanding this consideration, we have used these guideline source noise levels in the calculation of noise emissions from the outdoor play area of the CCC.

5.3.2 Assessment of Noise Emissions from Outdoor Play Area

Noise level predictions for external noise emissions at the site have been predicted by utilising NSW EPA recognised and approved computer noise model SoundPlan 8 software. SoundPlan is a fully integrating software suite that specialises in computer simulations of noise situations incorporating over 50 calculation standards. The model calculates overall noise levels at receiver locations considering distance, atmospheric absorption, barriers effects of intervening ground types, source levels, source and receiver locations and topography.

Calculations have been conducted to determine the expected typical (maximum) noise levels ($L_{Aeq(15min)}$) from the outdoor play area at the neighbouring properties to the north (15 Hilltop Road), east (98 Burnett Street), south (35 Richardson Street) and west (Churches of Christ in NSW ) and the future residential receivers above the proposed centre.

Using the noise levels applied to groups of children located across the overall outdoor play area, the expected maximum $L_{Aeq(15min)}$ noise levels have been predicted to the nearest neighbouring residential receivers, including the shielding loss provided by the proposed building itself. The noise source locations representing each group of children have been distributed across the playground area and the cumulative emissions from all children have been calculated to each of the neighbouring residential properties.

With 58 children engaged in outdoor play on the site, the predicted maximum $L_{Aeq(15min)}$ noise levels are expected to be in the order of 58 dBA to the east, west and south, 46 dBA to the future first floor receiver, and below 30 dBA to the north site boundaries. Actual levels may at times be expected to vary from these projected levels depending upon the locations of the children and the activities in which they are engaged.

The assessment criterion relative to emissions to residential receivers, based upon the recommendations of the AAAC, is that the $L_{Aeq(15min)}$ noise level emitted from the outdoor play area not exceed the background noise level by more than 5 dB at the assessment location. The weekday background level at the site, based upon the ambient noise survey results was 41 dBA during the daytime. The criterion for the assessment of noise emissions from the proposed outdoor play area therefore becomes 46 dBA. The proposed outdoor play area shows exceedance with criteria with all children engaged in outdoor play at some of the sensitive receivers with 1.8m standard fencing. The proposed development will comply with regulatory criteria with recommendations set out in this report.

5.4 External Noise Intrusion

5.4.1 Indoor Spaces

Based on a daytime road traffic (and other environmental sources) noise level $L_{Aeq(15)}$ of 63 dBA, predicted noise intrusion to the indoor play area is 53 dBA with windows open and 43 dBA with windows closed (assuming standard 4mm glass and seals). The proposed development will meet the recognised criteria for external noise intrusion with windows closed and recommendations in this report.
5.4.2 Outdoor Spaces

A design limit of 55 dBA is recommended at outdoor play areas and based upon the ambient noise survey results, this level will be achieved with the design proposed. Based on a daytime road traffic (and other environmental sources) noise level LAeq(1 hour) was 63 dBA, predicted noise intrusion to the outdoor play area is 63 dBA. The proposed outdoor play area shows compliance with criteria.

5.5 Carpark and Road Traffic

Given the location and the times at which vehicles can be expected to arrive (and leave), vehicle and traffic noise is not considered likely to constitute an adverse impact upon the acoustical amenity of neighbouring residents. Vehicular movements associated with the centre will begin to occur around 6:30 am when the first staff arrive and the morning drop-offs commence and will then continue, likely in regular intervals across the period until around 9:00 am.

A similar traffic flow is expected during the afternoon period, commencing from around 3:00 pm with the majority of children likely to be picked up between 4:00 pm and 6:00pm. In context with the existing environment, vehicles arriving and leaving the site are comparable with any typical situation and on-street events will not be discernible above the prevailing vehicular activity.

Typical sound power levels for low speed vehicle activities are included in Table 5-1 along with the corresponding predicted noise levels at the identified residential dwellings.

Table 5-1 Typical Vehicle Related Noise Emissions at Nearby Noise Sensitive Receiver

<table>
<thead>
<tr>
<th>Location</th>
<th>Typical Maximum Sound Power Level Lw (dBA)</th>
<th>Predicted Noise Impact</th>
<th>Criteria</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Car Accelerating</td>
<td>93 – 99</td>
<td>41 – 46</td>
<td>46</td>
<td>Compliance</td>
</tr>
<tr>
<td>Car Starting</td>
<td>91 – 97</td>
<td>88 – 93</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Car Door Closing</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjacent residents on Hilltop Road</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The additional traffic generated due to contribution from the proposed centre will result in compliance at all the nearby sensitive receivers. There will be no appreciable change to existing traffic noise levels currently experienced at the other receivers in the vicinity. The maximum noise levels due to individual vehicular events currently received at surrounding properties will remain unchanged.
6 RECOMMENDATIONS

The following measures are recommended to be incorporated in the design of the proposed centre in order for the child care centre to operate in an acoustically compliant manner.

- Precise type and location of proposed mechanical plant is currently unknown. It is recommended a mechanical plant noise assessment for the proposed air conditioning system(s) and site specific plant equipment should be carried out for the proposed development before the issuing of a Construction Certificate.

  The accumulative noise impact of all mechanical plant operating at one time cannot exceed the criteria level of 46 dB(A) @ the boundary of the proposed development site.

- The mechanical plant should not be used, or left on, after the centre’s hours of operation (excluding a window period before and after opening hours) in order to minimise any adverse impacts to nearby sensitive receivers.

- Windows to be closed to control noise emissions from the centre to nearby sensitive receivers and noise from road traffic.

- Windows to be upgraded to minimum Rw 30 glazing.

- A 2.1m barrier should be constructed around the proposed external play area. The barrier(s) should be of solid continuous construction (ie free of gaps) and of metal (Colorbond), brick, masonry or SlimWall type construction. The location of the proposed wall is shown in red below.
The following rules should be incorporated into the centre's management plan in order to achieve acoustic compliance:

- A contact phone number for the centre's director should be made available to parents and neighbours.
- Crying children should be taken inside the centre and comforted.
- The behaviour of children should be monitored and modified as required by adequately trained child care workers.
- Parents and guardians should be informed of the importance of noise minimisation when entering the site, dropping off or picking up children.

7 CONCLUSION

Rodney Stevens Acoustics has conducted an acoustical assessment of a proposed child care centre at 14 Hilltop Road, Merrylands NSW. The assessment has included acoustical measurements to characterise the ambient noise environment of the area, establishment of noise criteria, and a comparison of predicted noise levels with regard to guidelines established by council.

Noise emissions associated with the proposed development to the surrounding nearest sensitive receivers have been calculated with the noise criteria as established in accordance with the council criteria if recommendations in this report are followed.

Approved:-

Rodney Stevens – MAAS.
Principal/Manager
## Appendix A – Acoustical Terminology

<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-weighted sound pressure</td>
<td>The human ear is not equally sensitive to sound at different frequencies. People are more sensitive to sound in the range of 1 to 4 kHz (1000 – 4000 vibrations per second) and less sensitive to lower and higher frequency sound. During noise measurement an electronic 'A-weighting' frequency filter is applied to the measured sound level dBA to account for those sensitivities. Other frequency weightings (B, C and D) are less commonly used. Sound measured without a filter is denoted as linear weighted dBLinear.</td>
</tr>
<tr>
<td>Ambient noise</td>
<td>The total noise in a given situation, inclusive of all noise source contributions in the near and far field.</td>
</tr>
<tr>
<td>Community annoyance</td>
<td>Includes noise annoyance due to:</td>
</tr>
<tr>
<td></td>
<td>- character of the noise (e.g. sound pressure level, tonality, impulsiveness, low-frequency content)</td>
</tr>
<tr>
<td></td>
<td>- character of the environment (e.g. very quiet suburban, suburban, urban, near industry)</td>
</tr>
<tr>
<td></td>
<td>- miscellaneous circumstances (e.g. noise avoidance possibilities, cognitive noise, unpleasant associations)</td>
</tr>
<tr>
<td></td>
<td>- human activity being interrupted (e.g. sleep, communicating, reading, working, listening to radio/TV, recreation).</td>
</tr>
<tr>
<td>Compliance</td>
<td>The process of checking that source noise levels meet with the noise limits in a statutory context.</td>
</tr>
<tr>
<td>Cumulative noise level</td>
<td>The total level of noise from all sources.</td>
</tr>
<tr>
<td>Extraneous noise</td>
<td>Noise resulting from activities that are not typical to the area. Atypical activities may include construction, and traffic generated by holiday periods and by special events such as concerts or sporting events. Normal daily traffic is not considered to be extraneous.</td>
</tr>
<tr>
<td>Feasible and reasonable measures</td>
<td>Feasibility relates to engineering considerations and what is practical to build; reasonableness relates to the application of judgement in arriving at a decision, taking into account the following factors:</td>
</tr>
<tr>
<td></td>
<td>- Noise mitigation benefits (amount of noise reduction provided, number of people protected).</td>
</tr>
<tr>
<td></td>
<td>- Cost of mitigation (cost of mitigation versus benefit provided).</td>
</tr>
<tr>
<td></td>
<td>- Community views (aesthetic impacts and community wishes).</td>
</tr>
</tbody>
</table>
• Noise levels for affected land uses (existing and future levels, and changes in noise levels).

**Impulsiveness**
Impulsive noise is noise with a high peak of short duration or a sequence of these peaks. Impulsive noise is also considered annoying.

**Low frequency**
Noise containing major components in the low-frequency range (20 to 250 Hz) of the frequency spectrum.

**Noise criteria**
The general set of non-mandatory noise levels for protecting against intrusive noise (for example, background noise plus 5 dB) and loss of amenity (e.g., noise levels for various land use).

**Noise level (goal)**
A noise level that should be adopted for planning purposes as the highest acceptable noise level for the specific area, land use and time of day.

**Noise limits**
Enforceable noise levels that appear in conditions on consents and licences. The noise limits are based on achievable noise levels, which the proponent has predicted can be met during the environmental assessment. Exceedance of the noise limits can result in the requirement for either the development of noise management plans or legal action.

**Performance-based goals**
Goals specified in terms of the outcomes/performance to be achieved, but not in terms of the means of achieving them.

**Rating Background Level (RBL)**
The rating background level is the overall single figure background level representing each day, evening and night time period. The rating background level is the 10th percentile min L_Aeq noise level measured over all day, evening and night time monitoring periods.

**Receptor**
The noise-sensitive land use at which noise from a development can be heard.

**Sleep disturbance**
Awakenings and disturbance of sleep stages.

**Sound and decibels (dB)**
Sound (or noise) is caused by minute changes in atmospheric pressure that are detected by the human ear. The ratio between the quietest noise audible and that which should cause permanent hearing damage is a million times the change in sound pressure. To simplify this range the sound pressures are logarithmically converted to decibels from a reference level of 2 x 10^-5 Pa.

The picture below indicates typical noise levels from common noise sources.
dB is the abbreviation for decibel – a unit of sound measurement. It is equivalent
to 10 times the logarithm (to base 10) of the ratio of a given sound pressure to
a reference pressure.

Sound power level (SWL)  
The sound power level of a noise source is the sound energy emitted by
the source. Notated as SWL, sound power levels are typically presented in
dB(A).

Sound pressure level (SPL)  
The level of noise, usually expressed as SPL in dB(A), as measured by a
standard sound level meter with a pressure microphone. The sound
pressure level in dB(A) gives a close indication of the subjective loudness
of the noise.

Statistical noise levels  
Noise levels varying over time (e.g. community noise, traffic noise,
construction noise) are described in terms of the statistical exceedance
level.

A hypothetical example of A weighted noise levels over a 15 minute
measurement period is indicated in the following figure:
Key descriptors:

$\text{L}_{\text{max}}$  Maximum recorded noise level.

$\text{L}_{1}$ The noise level exceeded for 1% of the 15 minute interval.

$\text{L}_{10}$ Noise level present for 10% of the 15 minute interval. Commonly referred to the average maximum noise level.

$\text{L}_{eq}$ Equivalent continuous (energy average) A-weighted sound pressure level. It is defined as the steady sound level that contains the same amount of acoustic energy as the corresponding time-varying sound.

$\text{L}_{A90}$ Noise level exceeded for 90% of time (background level). The average minimum background sound level (in the absence of the source under consideration).

**Threshold**

The lowest sound pressure level that produces a detectable response (in an instrument/person).

**Tonality**

Tonal noise contains one or more prominent tones (and characterised by a distinct frequency components) and is considered more annoying. A 2 to 5 dBA penalty is typically applied to noise sources with tonal characteristics.
Appendix B – Unattended Noise Monitoring Results

14 Hilltop Road, Merrylands
Back Yard
Tuesday 14-06-16

14 Hilltop Road, Merrylands
Back Yard
Wednesday 15-06-16

Rodney Stevens Acoustics
Report Number H16239R1
Revision 0

Proposed Child Care Centre Acoustic Impact Assessment
14 Hilltop Road, Merrylands NSW 2160
Page 22
Attachment 10
Traffic Report
TRAFFIC & PARKING IMPACT ASSESSMENT

PROPOSED AMENDING DEVELOPMENT APPLICATION
MIXED USE DEVELOPMENT
14 HILTOP ROAD, MERRYLANDS

PREPARED FOR IDRAFT ARCHITECTS
OUR REF: 18-135

OCTOBER 2018

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1. INTRODUCTION

1.1 Background

Development consent (DA/2016/289/1) was granted by Cumberland Council on 14 July 2017 for a mixed use development comprising 16 residential dwellings (comprising 2 x 1 bedroom dwellings, 13 x 2 bedroom dwellings and 1 x 3 bedroom dwelling) above a single ground floor commercial tenancy providing a floor area of 118m². The development was approved to be serviced by a single level of basement car parking containing 26 spaces in conjunction with an at-grade servicing bay. Vehicular access to the development was approved via a single combined ingress / egress driveway connecting with Hilltop Road in the north-eastern corner of the site.

A Traffic Impact Assessment dated June 2016 was prepared by Thompson Stanbury Associates in support of the original development application. This report concluded the following:

- The proposed off-street commercial and residential parking provision complies with the general intent of Cumberland Council’s relevant requirements contained within DCP 2013;

- The proposed access, internal circulation and manoeuvring arrangements are in accordance with AS2890.1:2004, AS2890.2:2002, AS2890.3:2015 and AS2890.6:2009, and are capable of providing for safe and efficient vehicular movements;

- The surrounding road network is currently operating with an acceptable level of service during peak traffic periods;

- Based on the RMS traffic generation rates, the proposed development has been assessed to generate an additional 13 vehicle trips per hour over the existing traffic generation; and

- The additional traffic projected to be generated by the subject development is not projected to have any unreasonable impacts on the existing level of safety and efficiency of the surrounding road network.

Development consent (DA/2016/289/2) was granted by Cumberland Council on 23 March 2018 for the following modifications to the original approval:

- The addition of two dwellings resulting in a 2 x 1 bedroom dwellings, 15 x 2 bedroom dwellings and 1 x 3 bedroom dwelling;

- The splitting of the approved single ground floor commercial tenancy into two tenancies, resulting in a total floor area of approximately 120m²; and

- The provision of three additional car parking spaces, resulting in a total provision of 29 spaces.
The originally approved vehicular access and servicing arrangements were not altered.

A Traffic Impact Assessment was not prepared in support of DA/2016/289/2.

1.2 Current Proposal & Scope of Assessment

It is now proposed that an Amending Development Application be lodged with Council, involving the following:

- The provision of a child care centre capable of accommodating 60 children in place of one of the approved ground floor commercial tenancies;

- A reduction in approved commercial tenancy floor space to approximately 47.5m²; and

- The modification to the approved site access, internal circulation and servicing arrangements, including the provision of an additional basement parking level resulting in a site-wide parking provision of 41 spaces.

Stanbury Traffic Planning has been commissioned by George Andary to prepare a Traffic & Parking Impact Assessment to accompany the current Amending Development Application to be lodged with Cumberland City Council.

This aim of this assessment is to investigate and report upon the potential traffic and parking consequences of the Amended Development Application and to recommend appropriate ameliorative measures where required. This report provides the following scope of assessment:

- Section 1 provides a summary of the site location, details, existing and surrounding land-uses;

- Section 2 describes the proposed development;

- Section 3 assesses the adequacy of the proposed site access arrangements, parking provision, internal circulation and servicing arrangements with reference to relevant Council, Roads & Maritime Services, Australian Standard and State Environmental Planning Policy specifications;

- Section 4 assesses the existing traffic, parking and transport conditions surrounding and servicing the subject development site including a description of the surrounding road network, traffic demands, operational performance and available public transport infrastructure; and

- Section 5 estimates the traffic generating ability of the proposed development and assesses the ability or otherwise of the surrounding road network to be capable of accommodating the altered demand in a safe and efficient manner.

The report has been prepared pursuant to State Environmental Planning Policy (Infrastructure) 2007. The application is not of sufficient scale to be referred to the Roads & Maritime Services under this instrument.
1.3 Reference Documents

Reference is made to the following documents throughout this report:

- Traffic Impact Assessment (June 2016): Proposed Mixed Use Development, 14 Hilltop Road, Merrylands prepared by Thompson Stanbury Associates;
- The Roads & Maritime Services’ Guide to Traffic Generating Developments;
- Holroyd Council’s Holroyd Development Control Plan 2013 (HDCP 2013);
- Australian Standard for Parking Facilities Part 1: Off-Street Car Parking (AS2890.1:2004);
- Australian Standard for Parking Facilities Part 2: Off-Street Commercial Vehicle Facilities (AS2890.2:2002);
- Australian Standard for Parking Facilities Part 3: Bicycle Parking Facilities (AS2890.3:2015);
- Australian Standard for Parking Facilities Part 6: Off-Street Parking for People with Disabilities (AS2890.6:2009);
- NSW Government’s Children (Education and Care Services) Supplementary Provisions Regulation 2012;
- NSW Government’s State Environmental Planning Policy (Educational Establishment and Child Care Facilities) 2017; and
- NSW Government’s Child Care Planning Guideline.

Architectural plans have been prepared by Idraft Architects and should be read in conjunction with this report, reduced copies of a selection of which (ground and basement plans only) are included as Appendix 1 for reference.

1.4 Site Details

1.4.1 Site Location

The subject site is situated on the southern side of Hilltop Road, approximately midway between Burnett Street and Richardson Street, Merrylands. The site location is illustrated overleaf within a local and aerial context by Figure 1 and Figure 2, respectively.
1.4.2 Site Description

The subject site provides a real property description of Lot 84 within DP 5296 and a street address of 14 Hilltop Road, Merrylands.

The allotment provides a predominantly trapezoidal shaped parcel of land with approximate frontage of 25m to Hilltop Road. The site extends to the south away from Hilltop Road approximately 68m to the south.
1.3.3 Existing Site Use

The subject site currently contains a single detached residential dwelling. This dwelling is currently serviced by a single ingress / egress driveway connecting with Hilltop Road in the north-western corner of the site.

1.4.3 Surrounding Uses

Detached residential dwellings occupy land to the north and south, fronting and being serviced by Hilltop Road and Richardson Street, respectively. A place of worship adjoins the site to the west and strip retail development adjoins the site to the east.
2. PROPOSED DEVELOPMENT

2.1 Built Form

The proposal includes modification to the approved shop top housing development (DA/2016/289/2), incorporating the following:

- A reduction in the approved residential dwelling yield from 18 to 14 dwellings, incorporating the following:
  - 2 x 1 bedroom dwellings;
  - 10 x 2 bedroom dwellings;
  - 1 x 3 bedroom dwelling; and
  - 1 x 4 bedroom dwelling.

- The provision of a child care centre capable of accommodating 60 children in place of one of the approved ground floor commercial tenancies;

- A reduction in approved commercial tenancy floor space from 120m² to 47.5m²; and

- The modification to the approved site access, internal circulation and servicing arrangements, including the provision of an additional basement parking level resulting in a site-wide parking provision of 41 spaces.

2.2 Proposed Child Care Centre Operation

The additional child care centre use is proposed to accommodate up to 60 children as follows:

- 20 children aged between two and three years of age; and

- 40 children aged between three and five years of age.

The centre is required to employ a minimum of eight staff in accordance with the current Children (Education and Care Services) National Law (NSW) requirements, as follows:

- Four staff associated with the children aged between two and three years of age; and

- Four staff associated with the children aged between three and five years of age.

The centre is proposed to operate between 7:00am and 6:00pm Monday to Friday.
3. **SITE ACCESS & INTERNAL CIRCULATION**

3.1 **Vehicular Access**

3.1.1 **Approved Access Arrangements**

Vehicular access servicing the development was approved via the provision of an 8m wide combined ingress driveway, connecting with Hilltop Road in the north-eastern corner of the site. This access driveway was approved to facilitate unrestricted turning movements to and from the site.

3.1.2 **Access Design**

The approved access arrangement is proposed to be modified whereby two separated 4m wide ingress and egress only driveways are proposed, being slightly offset from the north-eastern corner of the site.

The above driveway arrangement is proposed to provide direct connectivity to an internal roadway which runs along the eastern site boundary in a similar manner to that approved, facilitating the provision of ingress and egress lanes, separated by an internal median.

AS2890.1:2004 provides driveway design specifications based on the proposed primary land use, the functional order of the access road and the number of spaces the driveway is to serve. Tables 3.1 and 3.2 of AS2890.1:2004 specify that, at minimum, a Category 1 type driveway is required, providing a combined ingress/egress driveway width of between 3m and 5.5m based on the local (non-arterial) functional order of Hilltop Road, the mixed use of the development and the on-site passenger vehicle parking provision 41 spaces. The proposed separated 4m wide ingress and egress driveways therefore exceed the minimum AS2890.1:2004 specifications and accordingly are considered to be satisfactory.

Swept path plans have been prepared in order to demonstrate the ability of passenger vehicles to enter and exit the site, copies of which are included as **Appendix 2**.

It is further noted that the development required to service vehicles up to and including Small Rigid Vehicles (SRVs) associated with refuse collection and deliveries. Additional swept path plans have been prepared to demonstrate the ability of such vehicles to enter and exit the site, copies of which are contained within **Appendix 2**.

The safety and efficiency of access/egress movements are also proposed to be assisted by the provision of a relatively level (maximum of 1:20) grade within the first 6m inside the property boundary.
3.1.3 Access Management

Access movements between the site and Hilltop Road are proposed to be restricted to left in/ left out movements only through the provision of an internal raised island and supplementary ‘Left Turn Only’ and ‘No Right Turn’ signage facing exiting traffic and eastbound traffic within Hilltop Road, respectively.

3.1.4 Pedestrian Access

Pedestrian access to the development is proposed via a pathway located to the west and separate to the vehicular access driveway, connecting the building to the southern Hilltop Road footway. Separate direct connectivity between the southern Hilltop Road footway and the commercial tenancy is also proposed.

3.2 Passenger Vehicle Parking Provision

The development is proposed to be serviced by 41 on-site passenger vehicle parking spaces, as follows:

**Basement Level 1**

- Eight child care centre staff spaces;
- Seven child care centre visitor spaces; and
- Three commercial parking spaces.

**Basement Level 2**

- Four residential visitor spaces; and
- 19 resident spaces.

Cumberland Council refers to locally sensitive minimum parking requirements relevant to the subject development within HDCP 2013, contained within Table 1 below.

<table>
<thead>
<tr>
<th>TABLE 1</th>
<th>OFF-STREET PARKING RATES</th>
<th>HOLROYD DEVELOPMENT CONTROL PLAN 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use</td>
<td>Measure</td>
<td>Minimum Spaces Required</td>
</tr>
<tr>
<td>Residential Flat Buildings</td>
<td>Studio/1 bedroom</td>
<td>0.8</td>
</tr>
<tr>
<td></td>
<td>2 bedroom</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>3 bedroom</td>
<td>1.2</td>
</tr>
<tr>
<td></td>
<td>4 bedroom</td>
<td>1.5</td>
</tr>
<tr>
<td></td>
<td>Visitor/dwelling</td>
<td>0.2</td>
</tr>
<tr>
<td>Commercial</td>
<td>Floor space</td>
<td>1/20m²</td>
</tr>
<tr>
<td>Child Care Centre</td>
<td>Number of children</td>
<td>1 space / 4 children</td>
</tr>
</tbody>
</table>

---

Hilltop Road, Merrylands 18-135
Table 2 below identifies the off-street parking required to satisfy Holroyd Development Control Plan 2013.

<table>
<thead>
<tr>
<th>Measure</th>
<th>Development Yield</th>
<th>Minimum Spaces Required</th>
<th>Maximum Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bedroom</td>
<td>2</td>
<td>1.6</td>
<td>2</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>10</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>3 bedroom</td>
<td>1</td>
<td>1.2</td>
<td>2</td>
</tr>
<tr>
<td>4 bedroom</td>
<td>1</td>
<td>1.5</td>
<td>2</td>
</tr>
<tr>
<td>Visitor/dwelling</td>
<td>14</td>
<td>2.8</td>
<td>7</td>
</tr>
<tr>
<td>Commercial</td>
<td>46.5m²</td>
<td>2.3</td>
<td>4.7</td>
</tr>
<tr>
<td>Child Care Centre</td>
<td>60 children</td>
<td>15</td>
<td>Unlimited (15)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>34.4</strong></td>
<td><strong>47.7</strong></td>
<td></td>
</tr>
</tbody>
</table>

Based on the parking rates of HDCP 2013, the proposed development requires a minimum of 36 off-street parking spaces, comprising 15 resident, three visitor, three commercial car spaces and 15 child care centre spaces.

The proposed parking provision of 41 spaces comprising 19 resident, four visitor, three commercial car spaces and 15 child care centre spaces, therefore complies with the relevant HDCP 2013 requirements.

### 3.2.1 Child Care Centre Parking Allocation

The 15 on-site passenger vehicle parking spaces provided for to the child care centre are to be allocated as follows:

- Eight staff parking spaces; and
- Seven visitor / parent / guardian parking spaces (including one disabled space).

#### 3.2.1.1 Staff Parking

The staff parking provision represents a parking rate of one space per staff member required in accordance with current Children (Education and Care Services) National Law (NSW) requirements specified within Section 2.2 of this report.

### 3.2.1.2 Parent / Guardian Parking

In order to undertake an assessment of the suitability of the proposed visitor parking provision of seven spaces, reference is made to the Roads & Maritime Services' Guide to Traffic Generating Developments. This publication specifies that the average length of stay of parents / guardians when setting-down / picking-up children at child care centres is 6.8 minutes. On the basis of all children being set-down and picked-up with an even distribution over a period of two hours (say, 7:00am - 9:00am and 4:00pm - 6:00pm), the approximate arrival rate of parents / guardians will be one parent / guardian every two minutes.
The above length of stay and arrival rate results in an average of four parents / guardians being on-site at any one time during the peak set-down / pick-up periods. The average parent / guardian parking demand during peak pick-up / set-down periods is therefore projected to be four spaces.

It should however be noted that the above analysis represents an absolute worst case scenario for the following reasons:

• It assumes that all parents / guardians will drive their children to and from the centre;

• It assumes a zero sibling rate; and

• It assumes that all children will be set-down and picked-up within a two hour period, when children can be set-down / picked-up at any time during the operational hours.

The above analysis, indicating a parent / guardian parking demand of four spaces has however been retained in order to account for variations in average demand associated with short term peak influxes of parents / guardians during set-down / pick-up periods. In consideration of this and the above discussion, the proposed parent / guardian parking allocation of seven spaces is considered to be readily capable of accommodating the projected parent parking demand, providing ready capacity to accommodate short term peak influxes of parent vehicles over short periods if necessary.

In consideration of the above, it is not expected that the proposed development will result in demand for on-street parking in the vicinity of the site.

3.3 Bicycle Parking Provision

The subject development is to provide 12 bicycle storage racks within the lower basement parking level.

Table 3 provides a summary of the bicycle parking rates applicable to the development sourced from Section 3.1 of Part A within HDCP 2013.

<table>
<thead>
<tr>
<th>TABLE 3</th>
<th></th>
<th>Minimum Spaces Required</th>
<th>Maximum Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BICYCLE PARKING RATES</strong></td>
<td><strong>HOLROYD DEVELOPMENT CONTROL PLAN 2013</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>Measure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Flat Building</td>
<td>Resident</td>
<td>0.5</td>
<td>Unlimited</td>
</tr>
<tr>
<td></td>
<td>+Visitors/Unit</td>
<td>0.1</td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>Employees / m²</td>
<td>1/200m²</td>
<td>Unlimited</td>
</tr>
<tr>
<td></td>
<td>Customers / m²</td>
<td>1 / 2,500m²</td>
<td>Unlimited</td>
</tr>
</tbody>
</table>

Table 4 overleaf establishes the required bicycle parking.
The proposed development therefore has a requirement for a minimum of 12 bicycle parking spaces. Compliance with Council’s requirements are therefore achieved.

3.4 Parking Circulation and Maneuvrability

3.4.1 Parking Allocation / Location

Upon entry into the site, passenger vehicles will proceed in a forward direction in order to access a ramp running along the eastern site boundary connecting with the upper basement parking level. This parking level is proposed to provide eight staff parking spaces for the child care centre provided within a stacked arrangement, three commercial car parking spaces and seven visitor / parent spaces for the child care centre.

A roller door (governed by in-vehicle remotes held by residents and an intercom at the site access driveway for visitors) also governs access to a further ramp running along the eastern boundary, facilitating connectivity to the lower basement level. The lower basement level is proposed to accommodate resident and residential visitor parking spaces only.

3.4.2 Parking Design

Passenger vehicle parking spaces within the basement parking areas comprise a series of standard 90 degree angled rows of spaces serviced by adjoining parking aisles. The basement parking areas have been designed to accord with the requirements of AS2890.1:2004 and AS2890.6:2009, providing the following minimum characteristics:

- Staff and resident vehicular parking space width = 2.4m;
- Retail and child care centre visitor parking space width = 2.6m;
- Disabled vehicular parking space width = 2.4m (with adjoining 2.4m wide shared area provided within manoeuvring aisle);
- Additional vehicular space width where parking spaces adjoins an obstruction = 0.3m;
- Standard and disabled vehicular parking space length = 5.4m;
- Vehicular parking aisle width adjoining parking spaces = 5.8m;

- Headroom = 2.2m;

- Headroom above disabled parking spaces and adjoining shared areas = 2.5m; and

- Parking aisle extension past dead end parking bays = 1m or additional manoeuvring area provided.

Safe and efficient internal manoeuvring and parking space accessibility is anticipated to result, taking into consideration the above compliance with the relevant AS2890.1:2004 and AS2890.6:2009 specifications.

In order to demonstrate the internal passenger vehicle manoeuvrability within the vicinity of these areas and generally throughout the overall parking area, this Practice has prepared a number of swept path plans which are included as Appendix 2. The turning paths provided on the plans have been generated using Autoturn software and derived from BBS vehicle specifications provided within AS2890.1:2004.

Section B4.4 of AS2890.1:2004 states the following with regard to the use of templates to assess vehicle manoeuvring:

‘Constant radius swept turning paths, based on the design vehicle's minimum turning circle are not suitable for determining the aisle width needed for manoeuvring into and out of parking spaces. Drivers can manoeuvre vehicles within smaller spaces than swept turning paths would suggest.’

It would therefore appear that whilst the turning paths provided within AS2890.1:2004 can be utilised to provide a ‘general indication’ of the suitability or otherwise of internal parking and manoeuvring areas, vehicles can generally manoeuvre more efficiently than the paths indicate. Notwithstanding this, the swept path plans illustrate that passenger vehicles can manoeuvre throughout and enter and exit the most difficult passenger vehicle parking spaces within the parking areas.

3.5 Site Servicing

The development was originally approved to be serviced by a single loading bay situated at ground floor level capable of accommodating SRVs. The development is proposed to continue to be serviced by SRVs within a single loading bay in a similar, but slightly altered arrangement to that approved.

A series of swept path plans provided as Appendix 2 demonstrate that SRVs are able to access the site in a forward direction from Hilltop Road, reverse into the loading bay prior to exiting the site back to Hilltop Road in a forward direction.

Hilltop Road, Merylands
3.5 Child Care Centre Pedestrian Circulation

Pedestrian connectivity between the child care centre component of the development and the southern Hilltop Road footway is proposed via pathway separate and to the west of the vehicular access driveway. Further, pedestrian connectivity between the visitor parking spaces within the upper basement parking area and the child care centre tenancy is proposed via a lift located within the north-western corner of the car park. A pathway connecting this lift with all visitor parking spaces within the basement is provided, separate to the internal vehicle manoeuvring / circulation aisle.
4. **EXISTING TRAFFIC CONDITIONS**

4.1 Surrounding Road Network

The following provides a description of the local road network surrounding the subject site:

- **Hilltop Road** performs a local access function, providing an east-west alignment between Clarence Street and Holroyd Road.

  Hilltop Road provides a 13m wide pavement providing one through lane of traffic in each direction in conjunction with parallel parking along both kerb alignments, in the vicinity of the site. Traffic flow is governed by a speed limit of 50km/h.

  Hilltop Road intersects with Burnett Street approximately 120m to the east of the site under traffic signal control. Right turn movements from Burnett Street to Hilltop Road are prohibited.

  Hilltop Road forms off-set T-junctions with Richardson Street and Slapp Street approximately 70m to the west of the site, under major / minor priority control, with Hilltop Road performing the priority route.

  Hilltop Road also intersects with Coleman Street to the west under single lane circulating roundabout control.

- **Burnett Street** performs a sub-arterial road function under the care and control of Cumberland Council however funding for maintenance is shared with the Roads & Maritime Services. It provides an important north-south connection between Great Western Highway in the north and Merrylands Road in the south, intersecting with both under traffic signal control. It also intersects with M4 Motorway (east facing on and off ramps only) to the north of the site under traffic signal control.

  Burnett Street provides a 9m wide carriageway in the vicinity of the subject site providing one through lane of traffic in each direction. Traffic flow is governed by a sign posted speed limit of 50km/h.

- **Richardson Street** performs a local access function under the care and control of Cumberland Council between abutting residential development and Hilltop Road and Blackwood Road to the north and south respectively. Richardson Street provides a 10m wide pavement providing one through lane of traffic in each direction in conjunction with parallel parking along both kerb alignments. Traffic flow is governed by a continuation of the surrounding local road network speed limit of 50km/h.
4.2 Existing Traffic Volumes

The original Development Application Traffic Impact Assessment provided directional weekday commuter peak hour traffic demands within Hilltop Road adjacent to the subject site. Whilst these surveys are now two years old, recent check surveys indicate that the results remain valid. The following provides a summary of the peak hour traffic demands immediately adjacent to the subject site:

- Eastbound peak hour traffic volumes are between 500 – 550 vehicles; and
- Westbound peak hour traffic volumes are between 450 – 550 vehicles.

4.3 Existing Road Network Operation

Reference is made to the Roads & Maritime Services' Guide to Traffic Generating Developments in order to undertake an assessment of the operational performance of the surrounding local road network. This publication indicates that a single lane of traffic accommodating peak hour traffic demands of less than 600 vehicles, such as that surveyed within Hilltop Road, provides a level of service 'C'. Such a level service indicates stable traffic flow, whereby drivers are restricted to some extent in their freedom to select their desired speed and manoeuvre within the traffic stream. Notwithstanding this, the traffic signal and roundabout traffic controls to the east and west of the site respectively punctuate directional traffic (particularly westbound traffic) in the vicinity of the site resulting in regular and extended gaps in traffic flow thereby allowing vehicular turning movements between abutting sites and indeed, intersecting roads to occur with a reasonable level of efficiency.

4.4 Public Transport

4.4.1 Heavy Rail

The site is located approximately 1.5km to the north-west of Merrylands Railway Station. Merrylands Railway Station provides access to train services which operate along the T2 (Airport, Inner West and South West) Line and the T5 (Cumberland) Line.

The T2 Line provides regular services between the City and Campbelltown, also linking with numerous other lines servicing the greater Sydney metropolitan area and beyond via interchanges at Guildford, Liverpool, Cabramatta, Granville, Clyde, Lidcombe, Strathfield Cabramatta, Redfern and the City.

The T5 Line provides regular services between Schofields and Campbelltown, also linking with numerous other lines servicing the greater Sydney metropolitan area and beyond via interchanges at Blacktown, Parramatta, Cabramatta, Liverpool and Glenfield.
4.4.2 Buses

Transit Systems operate the following bus services in the immediate vicinity of the site:

- Route 809 – Merrylands to Pemulwuy;
- Route 830 Merrylands to Parramatta;
- Route 811 Merrylands to Parramatta; and
- Route 818 Merrylands to Westmead.

All services operate along Hilltop Road (whilst Routes 810 and 811 also operate along Burnett Street to the north of Hilltop Road). The closest stops are located within Hilltop Road, to the west of Burnett Street 300m walking distance from the subject site.

Routes 809 and 811 provide services with a 30 minute frequency during weekday commuter peaks, extending to 60 minutes at other times. Routes 810 and 818 provide services with a 60 minute frequency, with Route 818 only operating on weekdays.

Further to the above, the Parramatta – Liverpool Transitway route operates along Centenary Road, with the closest station being situated to the north of Wirralea Street, some 1.1km to the north-west of the site.

4.4.3 Pedestrians

Pedestrians are provided with the following access and mobility infrastructure within the immediate vicinity of the subject site:

- Footpaths are provided along both sides of Burnett Street and Hilltop Road and on the eastern side of Richardson Road;
- Signalised pedestrian crossings are provided over the northern, southern and western approaches of the intersection of Burnett Street and Hilltop Road; and
- Pedestrian refuges are provided over the western and northern approaches at the junction of Hilltop Road and Coleman Street.

4.4.4 Cyclists

Figure 4 overleaf illustrates the bicycle routes established in the Parramatta/Mays Hill region.
The routes in the immediately vicinity of the subject site include:

- On-road route along the Holroyd Road, Chelsea Street, Haven Street, Hilltop Road, Chester Street, Frances Street, Norman Street, Webb Street and Coleman Street; and

- Off-road routes are provided between Merrylands Park and Treves Street to the south and primarily along the M4 Motorway route between Greystanes and Parramatta to the north.
5. **PROJECTED TRAFFIC CONDITIONS**

5.1 Traffic Generation

5.1.1 Traffic Generation Rates

The original Development Application Traffic Impact Assessment referenced the following established existing and proposed weekday commuter peak hour traffic generation rates sourced from the Roads & Maritime Services *Guide to Traffic Generating Developments*:

- 0.85 trips per detached dwelling;
- 4.6 trips per 100m² retail floor space;
- 0.5 trips per one and two bedroom dwelling; and
- 0.65 trips per three or more bedroom dwelling.

Further to the above, the Roads & Maritime Services’ *Guide to Traffic Generating Developments* specifies the following traffic generation rates for child care centres:

- 0.8 vehicle trips per child during the morning commuter peak hour
- 0.7 vehicle trips per child during the evening commuter peak hour

5.1.2 Existing Traffic Generation

Application of the established traffic generation rate of 0.85 trips per dwelling to the existing site use results in an existing peak hour traffic generating capacity of one vehicle trip.

5.1.3 Approved Traffic Generation

Application of the established traffic generation rates to the approved development yield of 120m² commercial floor space and 18 dwellings, results in 16 peak hour trips being calculated (6 trips associated with the commercial floor space and 10 trips associated with the residential dwellings).

5.1.4 Proposed Traffic Generation

Application of the established traffic generation rates to the proposed amended development yield of a 60 place child care centre, 45.5m² of commercial floor space and 14 dwellings results in the following estimated development traffic generation:

- 59 weekday morning peak hour vehicle trips comprising 48 child care centre trips, eight residential trips and three commercial trips; and
5.2 Trip Distribution

The development has been projected to generate up to 59 vehicle movements to and from the subject site during peak hours, or 43 additional vehicle movements over and above that previously approved.

Whilst residential trips are primarily likely to comprise egress movements during the morning peak period and ingress movements during the evening peak period, the child care centre and commercial trips are likely to be approximately evenly split between ingress and egress movements.

The restricted access arrangements proposed to govern the Hilltop Road driveway is such that motorists will be required to approach the site from the east and depart to the west. Vehicles wishing to access the site from the west will be required to utilise the surrounding road network (most likely Hilltop Road, Burnett Street and Clarence Street) to access the westbound Hilltop Road traffic lane. Motorists wishing to exit the site and travel to the east are most likely to utilise the roundabout intersection control at the junction of Hilltop Road and Coleman Street to access the Hilltop Road eastbound travel lane.

5.3 Traffic Impacts

The proposed development has been projected to generate up to 59 peak hour trips to and from the site, or 43 additional vehicle movements over and above that previously approved. This equates to less than one vehicle movement every minute during commuter peaks. Such a level of additional traffic is not projected to, in itself, result in any unreasonable impacts on the existing operational performance of the surrounding road network.

The previous assessment contained within this report has revealed that whilst traffic demands within Hilltop Road are notable, gaps are provided within traffic flow by nearby intersection controls allowing motorists to enter and exit abutting sites and intersecting public roads with a reasonable level of efficiency.

The prohibition of right turn movements to / from the Hilltop Road access driveways ensures that there will be no unreasonable impact / interaction between the development and eastbound Hilltop Road traffic flow. The consistent vertical and horizontal alignment of Hilltop Road to the east of the site is such that good sight distance provisions prevail between the proposed driveway and approaching traffic to the east. Development traffic is therefore projected to be capable of entering and exiting the site in a safe and efficient manner.
The development is also proposed to generate a minor level of additional traffic throughout the local road network, primarily consisting of Hilltop Road, Burnett Street and Clarence Street. The extent of the additional traffic to these roads is however projected to be minor and recent observations have indicated that there is spare capacity to accommodate additional traffic demands as required in a safe and efficient manner.

5.4 Suitability of the Site

Locally sensitive requirements for child care centres are provided within Part I of HDCP 2013. Control No. 7 of Part I of HDCP 2013 specifies the following with respect to child care centre size, density and location:

C7 Child care centres should not be located having frontage to any road which, in the opinion of Council, is unsuitable for the establishment of a child care centre with regard to:
   a) Prevailing traffic conditions;
   b) Pedestrian and traffic safety; and
   c) The likely impact of development on the flow of traffic on the surrounding road system.

Further to the above, HDCP 2013 identifies sites having a frontage to Hilltop Road as being, in the opinion of Council, 'generally' unsuitable for the establishment of a child care centre through Control No. C9 of Part I. This Control specifies that

In order to ensure that the current proposal is assessed on its specific individual merits, the following analysis is provided with respect to the abovementioned heads of consideration of Control C7 of HDCP 2013:

Prevailing Traffic Conditions

This report has previously presented the following with respect to prevailing traffic conditions within Hilltop Road adjacent to the site:

- Directional traffic demands in the order of 450 – 550 vehicles per hour prevail past the site during weekday commuter peaks;

- Such demands provide motorists with a level of service ‘C’ during weekday peak periods, representing stable flow;

- Existing positive traffic signal and roundabout control to the east and west of the site punctuate traffic flow resulting in regular and extended gaps allowing motorists to undertake turning movements to / from abutting development sites in a reasonably efficient manner; and

- The abovementioned positive intersection controls also provide motorists with safe and efficient connectivity to the surrounding regional road network.

Hilltop Road, Merrylands 18-135

LPP043/19 – Attachment 10
Pedestrian and Traffic Safety

This report has previously presented the following with respect to general prevailing pedestrian and traffic safety:

- Pedestrians are provided with the following access and mobility infrastructure within the immediate vicinity of the subject site:
  - Footpaths are provided along both sides of Burnett Street and Hilltop Road and on the eastern side of Richardson Road;
  - Signalised pedestrian crossings are provided over the northern, southern and western approaches of the intersection of Burnett Street and Hilltop Road; and
  - Pedestrian refuges are provided over the western and northern approaches at the junction of Hilltop Road and Coleman Street.

- The positive intersection control at the Hilltop Road intersections with Burnett Street and Coleman Street to the east and west of the site provide motorists with safe connectivity to the surrounding regional road network;

- The proposed restriction of site access movements to left in / left reduces potential interaction between the development and eastbound Hilltop Road traffic flow;

- The prevailing consistent vertical and horizontal alignment of Hilltop Road in the vicinity of the site results in a good level of sight distance between the proposed access driveway and the adjoining public road.

With respect to the specific child care centre operation and pedestrian safety, the following is also presented:

- Pedestrian connectivity between the child care centre component of the development and the southern Hilltop Road footway is proposed via pathway separate and to the west of the vehicular access driveway;

- Pedestrian connectivity between the child care centre visitor parking spaces within the upper basement parking area and the child care centre tenancy is proposed via a lift located within the north-western corner of the car park;

- A pathway connecting this lift with all visitor parking spaces within the basement is provided, separate to the internal vehicle manoeuvring / circulation aisle; and

- The proposed separation of the development ingress and egress driveways provide for a refuge for pedestrians crossing the driveways within the southern Hilltop Road footpath.
Impact on Traffic Flow

This report has previously presented the following with respect to impact of the development on traffic flow:

- The proposed development has been projected to generate up to 59 peak hour trips to and from the site, or 43 additional vehicle movements over and above that previously approved;

- This equates to less than one vehicle movement every minute during commuter peaks;

- Whilst traffic demands within Hilltop Road are notable, gaps are provided within traffic flow by nearby intersection controls allowing motorists to enter and exit abutting sites and intersecting public roads with a reasonable level of efficiency;

- The prohibition of right turn movements to/from the Hilltop Road access driveways ensures that there will be no unreasonable impact/interaction between the development and eastbound Hilltop Road traffic flow;

- The development is also proposed to generate a minor level of additional traffic throughout the local road network, primarily consisting of Hilltop Road, Burnett Street and Clarence Street; and

- The extent of the additional traffic to these roads is however projected to be minor and recent observations have indicated that there is spare capacity to accommodate additional traffic demands as required in a safe and efficient manner.

5.5 Transport Impacts

The subject site is located approximately within easy walking distance to a number of bus services and a 10 – 15 minute walk to train and Transilway services. It is accordingly expected that a proportion of the future residents within the subject development will utilise the surrounding public transport infrastructure to access destinations throughout the Sydney metropolitan area. The capacity of the existing public transport system is however not envisaged to be measurably affected by any additional demand associated with the development, given its limited scale.
6. CONCLUSION

This report assesses the potential parking and traffic implications associated with a proposed Amending Development Application associated with an approved mixed use development at 14 Hilltop Road, Merrylands. Based on this assessment, the following conclusions are now made:

- Development consent (DA/2016/289/2) was granted by Cumberland Council in March 2018 for a mixed use development comprising the following:
  - 18 residential dwellings; and
  - Two ground floor commercial tenancies providing a floor area of 120m².

- The development was approved to be serviced by a single level of basement car parking containing 29 spaces in conjunction with an at-grade servicing bay;

- Vehicular access to the development was approved via a single combined ingress / egress driveway connecting with Hilltop Road in the north-eastern corner of the site;

- It is now proposed that an Amending Development Application be lodged with Council, involving the following:
  - The reduction of the residential development yield from 18 to 14 dwellings;
  - The provision of a child care centre capable of accommodating 60 children in place of one of the approved ground floor commercial tenancies;
  - A reduction in approved commercial tenancy floor space to approximately 47.5m²; and
  - The modification to the approved site access, internal circulation and servicing arrangements, including the provision of an additional basement parking level resulting in a site-wide parking provision of 41 spaces.

- Vehicular access and egress movements are proposed to be separated and restricted to left turn only movements in order to minimise potential interaction with adjoining public road users;

- The proposed amended site access arrangements are projected to result in motorists being capable of entering and exiting the subject site in a safe and efficient manner;

- The proposed off-street parking provision complies with the requirements of HDCP 2013 and is accordingly projected to be satisfactory;

- The amended internal passenger vehicle circulation arrangements are envisaged to provide for safe and efficient internal manoeuvring;

- The surrounding road network operates with a reasonable level of service during peak periods;
• The subject development has been projected to generate up to 43 additional vehicle movements to and from the site over and above that previously approved during weekday commuter peak hours; and

• The surrounding road network is considered to be capable of accommodating the additional traffic projected to be generated by the subject development.

It is considered, based on the contents of this report and the conclusions contained herein, there are no parking or traffic related issues that should prevent approval of the subject application. This action is therefore recommended to Council.
# 14 Hilltop Road, Merrylands

**Amending DA for**

Demolition of Existing and Construction of 14 units & Commercial Space over Basement Parking and Childcare Centre (60 places)

## Calculations

<table>
<thead>
<tr>
<th>Site Details</th>
<th>14 Hilltop Road, Merrylands</th>
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<tbody>
<tr>
<td>Lot 56, DP 8264</td>
<td></td>
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<tr>
<td>Site Area</td>
<td>585m²</td>
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**Compliance**

<table>
<thead>
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<th>Category</th>
<th>Requirement - AS 5039</th>
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<tr>
<td>Density</td>
<td>3.5 High Density</td>
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<tr>
<td>FSR</td>
<td>1.21: GFA: 1.5:10m²</td>
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<tr>
<td>Zoning</td>
<td>4 Storeys</td>
</tr>
<tr>
<td>Car Parking</td>
<td>22</td>
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<tr>
<td>Landuse</td>
<td>Residential (R2)</td>
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<tr>
<td>Setback</td>
<td>5.1: 1.5:1.0:1.0:1.5m</td>
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<tr>
<td>Height Limit</td>
<td>12.5m (roof height)</td>
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<tr>
<td>Building Design</td>
<td>70% habitable, 30% public areas</td>
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<tr>
<td>Villa Access</td>
<td>60% of units, 6.4m level 2</td>
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## Unit Breakdown

<table>
<thead>
<tr>
<th>Unit Breakdown</th>
<th>14 Hilltop Road</th>
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<tbody>
<tr>
<td>Ground Floor</td>
<td>201.5m²</td>
</tr>
<tr>
<td>Level 1</td>
<td>201.5m²</td>
</tr>
<tr>
<td>Level 2</td>
<td>201.5m²</td>
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<tr>
<td>Total Area</td>
<td>604.5m²</td>
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</tbody>
</table>

## Content

### Children's Daycare

- 30 Children
- Total Area: 604.5m²
- Classroom Capacity: 30 Children

### Children's Play Area Breakdown

<table>
<thead>
<tr>
<th>Play Area</th>
<th>30 Children</th>
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<tbody>
<tr>
<td>30 Children</td>
<td>90m²</td>
</tr>
<tr>
<td>Play Area</td>
<td>40m²</td>
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<tr>
<td>Total</td>
<td>130m²</td>
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</tbody>
</table>

### Children's Spaces

- 23 Car Spaces
- 6 Car Spaces
- 2 Car Spaces
- 1 Car Space
- 1 Van Space
- 1 Motorcycle Space

---

**Note:** The image contains a diagram of the building and a detailed breakdown of the site and unit specifications.
APPENDIX 2
Attachment 11
Plan of Management
Plan of Management

CHILD CARE CENTRE DEVELOPMENT
14 HILLTOP ROAD, MERRYLANDS

Child Care Facility
Date: 10 December 2018
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CHILD CARE CENTRE OPERATION ............................................................... 4
DAILY PROGRAMMES AND ROUTINES ......................................................... 5
TRAFFIC AND PARKING MANAGEMENT ..................................................... 7
NOISE MANAGEMENT .................................................................................. 8
MECHANISM FOR CONVEYING POLICIES & UPDATES TO PARENTS ............ 9
POLICY & PROCEDURAL ASPECTS ............................................................... 9
POLICY & PROCEDURAL IMPLEMENTATION ............................................. 10
SECURITY MEASURES ................................................................................. 11
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DEPARTURE PROCEDURES ......................................................................... 12
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WASTE MANAGEMENT AND COLLECTION ............................................... 17
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PLAN OF MANAGEMENT OVERVIEW

This Plan of Management has been prepared for the operation and management of a Child Care Centre at 14 Hilltop Road, Merrylands

The Child Care Facility accommodates a total of 60 child care placements and will operate 7am to 7pm Monday to Friday. The development is serviced by a total of 19 carspaces that connect to the ground floor via a lift.

This Plan of Management identifies appropriate strategies and procedures to address operational elements of the facility.

A plan of management is an accepted concept in environmental law and can be used in a range of circumstances. This plan of management assists in addressing a better understanding of the proposal and the way in which it is proposed to operate.

This Plan of Management will require ongoing revision to reflect operational needs and may need to be updated to reflect any DA conditions of consent imposed by Council.
CHILD CARE CENTRE OPERATION

The Child Care Facility accommodates a total of 60 child care placements and will operate 7am to 7pm Monday to Friday. The development is serviced by a total of 19 car spaces that connect to the ground floor via a lift.

The various age groupings of the children are as follows:

- 20 children in the 2-3 year bracket
- 40 children in the 3-5 year bracket;

Staffing arrangements are proposed to align with the provisions of the Education and Care Services National Regulation as follows:

<table>
<thead>
<tr>
<th>Age Group &amp; Children Number</th>
<th>Educator Ratio</th>
<th>Staff Required</th>
<th>Staff Provided</th>
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<tr>
<td>0-2 years:</td>
<td>1 per 4</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>2-3 years: 20</td>
<td>1 per 5</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>3-5 years: 40</td>
<td>1 per 10</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>8</td>
<td>8</td>
</tr>
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</table>

It is noted that this will exclude any person associated with the administration of the centre and any staff associated with food preparation.

On that basis a minimum of 8 educators involved in the supervision of children are required and a total of 8 are to be provided.
DAILY PROGRAMMES AND ROUTINES

DAILY PROGRAMME AND ROUTINE FOR AGES 2 – 3 YEARS

7am- Centre Opens

7.30-8.30am  Breakfast/Morning Tea (A quiet time for children)

8:30-9.30    Free Indoor/Outdoor Play (small groups-Discuss child’s interests, transition).

9:30-10.15   Child interest based learning (Talk about child’s interests, weekly topics, story time)

10:15-10:30  Packing away followed by Music & movement

10:30-10.45  Art and craft

10:45-11.00  Nappy changing & preparing beds

11:00-11.30  Lunch time

11:30-1.30   Rest time/ Quiet activities for the children who do not sleep

1:30-2.00    Small group activities.

2:00-2.15    Afternoon Nappy change

2:15-2.30    Afternoon tea

2:30-4.00    Interest based learning

4:00-4.15    Late afternoon tea/snack

4:15-5.30    Combined groups for free play.
DAILY PROGRAMME AND ROUTINE FOR AGES 3 – 5 YEARS

7am     Centre Opens

7.30-8.30am  Breakfast/Morning Tea (A quiet time for children)

8:30-9.30  Free Indoor/Outdoor Play (small groups-Discuss child's interests, transition).

9:30-10.15  Education(Talk about child's interests, weekly topics, story time, colours, numbers, shapes, days of the week)

10:15-10:30  Packing away followed by music & movement

10:30-10.45  Art and craft (children explore, and express ideas through creative arts)

10:45-11.00  Preparing their beds

11:00-11.30  Lunch time (children wash their hands, and choose a seat to be served an alternate meal)

11:30-1.30  Rest time/Quiet activities for the children who do not sleep

1:30-2.00-  Small group activities

2:00-2.15  Learning centres (encourage children to explore, and try things)

2:15-2.30  Afternoon tea (children are given an alternate nutritious snack/fruit)

2:30-4.00  Interest based learning (children will be engaged with educators and focus on their own interests to further their development)

4:00-4.15  Late afternoon tea/snack

4:15-5.30  Combined groups for free play.
TRAFFIC AND PARKING MANAGEMENT

The following procedures are to be adopted for the use of the childcare centre car parking area:

- There should be a total of 19 parking spaces made available;
- All parking associated with the childcare must occur within the sign posted spaces;
- Vehicles must enter and exit the site car parking area in a forward direction at all times;
- The disabled car spaces must be used by people with a valid disability permit;
- The pedestrian walkway connecting the car parking spaces to be kept clear at all times;
- No double parking is permitted in the car parking aisle;
- The security door at the entrance to the car park should remain open during childcare centre operating hours;
- The car parking area is not to be used for storage purposes, thereby reducing the number of available car spaces;
- Staff, parents and carers must be encouraged to report improper use of the car parking area to the centre’s manager;
- Staff are to regularly monitor the car park during operating hours to ensure the above items are adhered to, particularly during peak drop off/pickup periods;
- This traffic & parking management plan must be issued to all new parents, staff, with a copy to be included on the centre’s website;
- This traffic & parking management plan is to be regularly reviewed & amended as deemed necessary.
NOISE MANAGEMENT

The following procedures are to be adopted in relation to the management of noise:

- The childcare centre is to operate as per the relevant recommendations of the approved Acoustic Report.

- Time out of doors is an essential component of the child’s experience of the centre. When children are in the ‘active’ play area, each group will be fully supervised at all times.

- To control activity noise, there will be restrictive outdoor activity before 8:00am and after 5:30pm.

- The 0-2 year children will be maintained separately from older children.

- Windows and doors to the indoor play areas are to be closed when music is played (live or recorded). However at all other times windows are able to remain open (subject to weather conditions) to enable natural ventilation and fresh air.

- Centre management recognizes the importance of ensuring all educators and carers are properly trained.

- In-house training will include familiarization with the procedures in the operation of the centre.

- Staff will be instructed to engage the children in educational play and activities that children find mentally and physically stimulating at all times.

- Centre management will maintain a log of any, and all complaints received.

- Centre management will endeavour to respond to any noise complaint at the time of the event and record such events in a daily log.

- A laminated copy of the noise management plan will be displayed in the foyer.

- All educators are required to read the noise management plan.
MECHANISM FOR CONVEYING POLICIES & UPDATES TO PARENTS

- The centre operations are documented in our policies and procedures.
- These policies and procedures make up many volumes. All educators and carers must read the policies and procedures and confirm in writing that they have done so. The policies and procedures are discussed at staff meetings and continually updated and redistributed as they are amended.
- Policies are also located in the front foyer for all families and visitors to have access to at all times.
- Centre policies are reviewed throughout the year on a monthly basis following a schedule. All revised policies are mentioned in the centres monthly newsletter, and displayed in the front foyer for the families to be updated and advised of any changes that have been made.

POLICY & PROCEDURAL ASPECTS

The following provisions of the National Quality Standard are relevant and will be adhered to:

**QA4**

4.2 Educators, co-ordinators and educators are respectful and ethical.
4.2.1 Professional standards guide practice, interactions and relationships.
4.2.2 Educators and coordinators work collaboratively and affirm, challenge, support and learn from others to further develop their skills.
4.2.3 Interactions, convey mutual respect, equity and recognition of each other's strengths and skills.

**QA7**

7.2.3 An effective self-assessment and quality improvement process is in place.
7.3.2 Administrative systems are established and maintained to ensure the effective operation of the service.
7.3.5 Service practices are based on effectively documented policies and procedures that are available at the service and reviewed regularly.
The following provisions of the Education and Care Services National Regulations are to be complied with:

- 31. Condition on service approval-QIP
- 55-56. QIP
- 168. Education and care services must have policies and procedures
- 170. Policies and procedures to be followed
- 171. Policies and procedures to be kept available
- 172. Notification of change to policies and procedures affecting ability to family.

**POLICY & PROCEDURAL IMPLEMENTATION**

Our centre believes that reflection and evaluation is an important aspect of quality improvement. Reviewing the centre's practices and strategies will ensure that we continually strive to improve our service to families and the children in our care. To this end, we have implemented the strategies below.

Policies and procedures will be made available to families, located in the service.

Educators will ensure that families can have access to policies and procedures, this gives both families and educators opportunities to suggest elements the need improving.

For educators and management this will occur :-

- At meetings
- At the policy review points
- Family meetings
- Newsletters
- Parent educator meetings

Who is affected by this policy :-

- Children
- Families
- Educators/Staff
- Management
SECURITY MEASURES

The centre will have the following security measures in place:

- Surrounding child proof fences and gates, security cameras and CCTV.

The relevant legislative provisions outlined below are also to be complied with.

QA2

2.3.2 Every precaution is taken to protect children from harm and any hazards likely to cause injury.
2.3.4 Educators, coordinators and staff members are aware of their roles to respond to every child at risk of abuse or neglect.

National Regulations

84 Awareness of child protection law
99 Children leaving the education and care service premises
158 Children’s attendance record to be kept by approved provider

Aim

The aim of this policy is to ensure that delivery and collection procedures are consistent with the safety of children. Children are delivered and collected from the centre by an authorized person only.

Implementation

The nominated supervisor, educators, staff will adhere to the following procedures at all times to ensure the safety of children.

Children and families will not be allowed to enter the service before opening hours. We encourage you to drop children off before 10.30am, as we program daily for children and a late drop off may make it difficult to effectively include children in learning stories/daily journals.

If your child is going to be away on the day for any reason, please inform the centre via email.
ARRIVAL PROCEDURES

- All children are to be brought into the centre by an adult to an educator;
- Parent are required to make contact with educators when collecting their child;
- All children must be signed in by their parent or person who delivers them to the centre. If for any reason they are unable to sign, the nominated supervisor may sign them in;
- An educator will greet and receive the child;
- A locker or shelf space will be available for the child’s belongings.

DEPARTURE PROCEDURES

- All children must be signed out by their parent or person who collects the child;
- Children can only be collected by a parent, authorized nominee who information is located on enrolment;
- It is the parent’s responsibility to ensure there information is regularly updated;
- No child will be released into the care of unauthorized persons;
- Educators will always ensure the safety of the child first, if a person become aggressive or violent Educators may not release the child and ring the police on 000;
- Nominated supervisor will make sure that the child’s records are kept up to date;
- No child will be released into the care of anyone not known to the educators

Parent must give prior notice when :-

- The person collecting the child is someone other than those mentioned on enrolment;
- There is a variation in the persons picking up of the child;
- If educators do not recognize the person by face they may need to provide a form of identification (license);
- If the person collecting the child appears to be intoxicated, or under the influence of drugs, educators are to bring the matter to the persons attention before releasing the child;
- Signing in & out is a condition of your child’s enrolment at the centre;
- Two educators verify and initial the open and close sign in sheets of the day;
- Individuals visiting the premises must sign in and out of the centre (visitors);

If a child has not been collected by the time we are due to close the service, the Nominated supervisor will :-

- Attempt to contact the parents, authorized person;
- Leave a voice-mail and call again;
- Wait a few minutes and attempt to re dial, if the person has yet not arrived, ring the protection hotline for guidance before ringing emergency services (000)
The review will be conducted by :-

- Management;
- Families;
- Employees.
SUPERVISION OF CHILDREN

Activities

Outdoor activities vary from day to day and are dependent upon the weather and program. They include:-

- Ball games
- Team play
- Free Play
- Water-based play
- Sand play
- Balancing and climbing games
- Gross motor skills
- Supervised play

There will be restrictive outdoor activity before 8:00am and after 5:30pm.

Monitoring process for outdoor play is the same as for indoor.

SUPERVISION POLICY

The following legislation is to be followed with regard to supervision.

NQS
QA2
2.3.2 Every reasonable precaution is taken to protect children from harm and any hazards or injury
4.1.1 Educator to child ratios requirements are maintained at all times.
5.2.3 The dignity and rights of every child are maintained at all times

National regulations
168- Policies & procedures are required in relation to health & safety

Implementation

The service defines ‘supervision’ as actively watching and attending their environment. Educators should avoid carrying out activities that will draw attention away from supervision. The supervision policy is committed to :-

- Complying with education and care services
- ensuring that children are supervised at all times
- considering the design and arrangement of children's environments
- guiding educators to make decisions about when children’s play needs to be interrupted
- identifying high risk experiences and developing strategies, depending on the age and development of children.
The procedures relating to the supervision policy are laminated, clearly labelled and displayed for everyone to read:

- Supervision procedures & practices are made easy to read and interpret
- The service will consider obtaining information in community languages
- The centre will have a supervision plan.

Procedure

Supervision is one of the most important care giving strategies and skills required by educators to develop and master. Listening and watching is an active combination of supervising. Children learn about who they are, how they react in situations, and discover interests. There are vital skills to develop as they assist staff to predict children's play patterns.

Positioning of educators

- It is important carers are able to move around effortlessly and view play areas from different angles
- Carers should be close enough to children to intervene promptly and prevent injury;
- Educators should ensure that students are being considered when coordinating supervision.

Listening when children play

- Listening is important and different sounds can alert educators to potential risks.

Knowledge of the environment and its potential risks

- Please refer to the maintenance policy

Setting up of the environment

- It is important that the design and layout should be safe enough to allow adults to freely interact.

Promoting play and learning experiences

- Supervision can ensure that children’s play is enjoyable and their learning opportunities are promoted.

Risk management strategies

- Please refer to the services OH&S policy
Children’s arrival & departure

- To ensure only authorized persons collect children from the centre
- Upon enrolment and first starting day a parent is shown where to sign the child in & out

In relation to parents

- Parents or authorized persons MUST be responsible for the supervision of children not enrolled at the centre
- Parent must ensure that staff are aware of their child’s arrival/departure
- Parent must hand the child over personally to staff/educators

In relation to staff

- Educators are to ensure that no child will exit the centre without a parent or authorized person
- While on duty, educators have a first priority to ensure safety of children

Nappy changes & toileting

- Please refer to the policy (toileting, nappy change)

Transporting children

- Please refer to the services OH&S policy

Protective behaviours & practices

- Staff, students, carers are role models
- Children learn through example and modelling to teach children

Staff professional development opportunities

- The service aims to maintain and strengthen the skills and knowledge of educators in relation to active supervision.
WASTE MANAGEMENT AND COLLECTION

Waste management and collection during the ongoing use of the building is set out in the Amended Waste Management Plan prepared by Dickens Solutions dated October 2018.

EMERGENCY EVACUATION PLAN

An Emergency Evacuation Plan will be prepared and attached to this Plan of Management prior to commencement of operations of the child care centre. The plan will contain pictorial instructions detailing evacuation steps in the case of an emergency. The plan is to include evacuation routes, assembly points, and a plan of action once a fire alarm has been activated. The Emergency Evacuation Plan is to be prominently located in each room and in the common area. The phone numbers of appropriate contacts will be maintained in the administrative centre. The preliminary Emergency Evacuation Plan is contained at Annexure 1 to this document.
Annexure 1: Copy of Emergency Evacuation Plan
DOCUMENTS ASSOCIATED WITH REPORT LPP043/19

Attachment 12
Endeavour Energy Comments
ATTENTION: Ms S KC, Environment & Infrastructure Division

Further to the below email sent earlier today to Council regarding Development Application 2018/416/1 at 14 HILLTOP ROAD MERRYLANDS (Lot 84 DP 5296) for ‘Alterations and additions to approved mixed use development including addition of a 60 place child care centre on the ground floor, reduction of units from 18 to 14, relocation of communal open space from ground floor to rooftop level, and additional level of basement parking’, please find attached a copy of Endeavour Energy’s Mains Construction Instruction MCI 0006 ‘Underground distribution construction standards manual’, Section 7 ‘Substations & Switching Stations’ which was too large to attach to the previous email.

Yours faithfully
Cornelis Duba
Development Application Specialist
Network Environment & Assessment
T: 9853 7896
E: Cornelis.Duba@endeavourenergy.com.au
51 Huntingwood Drive, Huntingwood NSW 2148
www.endeavourenergy.com.au

From: Cornelis Duba
Sent: Friday, 23 November 2018 9:58 AM
To: council@cumberland.nsw.gov.au
Subject: CUMBERLAND COUNCIL DEVELOPMENT APPLICATION 2018/416/1 RE 14 HILLTOP ROAD MERRYLANDS

The General Manager
Cumberland Council

ATTENTION: Miss S KC, Environment & Infrastructure Division

Dear Sir or Madam

I refer to Council’s letter of 14 November 2018 regarding Development Application 2018/416/1 at 14 HILLTOP ROAD MERRYLANDS (Lot 84 DP 5296) for ‘Alterations and additions to approved mixed use development including addition of a 60 place child care centre on the ground floor, reduction of units from 18 to 14, relocation of communal open space from ground floor to rooftop level, and additional level of basement parking’. Submissions need to be made to Council by 5 December 2018.

Please find attached a copy of Endeavour Energy’s submission made to Council on 9 August 2016 regarding Development Application 2016/289 at 14 HILLTOP ROAD MERRYLANDS (Lot 84 DP 5296) for ‘Demolition of existing structures; construction of a 4 storey shop top housing development’.
comprising 1 commercial tenancy; 16 residential units above basement parking accommodating 26 carparking spaces'. The recommendations and comments are also valid to this Development Application.

Subject the foregoing and the following further recommendations and comments, Endeavour Energy has no objection to the Development Application.

. Network Capacity / Connection

Endeavour Energy has noted that as shown in the following extracts of the Internal Plans that provision has been made for a substation on the site. Although the Statement of environmental Effects refers to the 'future on-site pad mount substation', in effect it appears that the applicant is proposing / requires and indoor / chamber substation ie. it appears the substation is over the basement with units above and in proximity of the boundary requiring a fire screen/ wall?
Please find attached for the applicant’s information copies of Endeavour Energy’s:

- Mains Design Instruction MDI 0044 ‘Easements and Property Tenure Rights’
- Mains Construction Instruction MCI 0006 ‘Underground distribution construction standards manual Section 7 – Substations & Switching Stations’.
- Mains Design Instruction MDI 0028 ‘Underground distribution network design’.

From Endeavour Energy’s perspective, that provision is being made for the substation is a positive. Substations are to be located on the ground floor / street level with direct access from a public road. The proposed substation type and location will require a detailed assessment to consider the suitability of access, safety clearances, fire ratings. Generally it is the Level 3 Accredited Service Provider’s (ASP) responsibility (engaged by the developer) to make sure that the substation location and design complies with Endeavour Energy’s standards. As a condition of the Development Application consent Council should request the submission of documentary evidence from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation, prior to the release of the Construction Certificate / commencement of works.

- Safety Clearances

Despite the previous advice provided in regards to Development Application 2016/289, the Statement of Environmental Effects and other documents do not appear to address the safety clearances between the proposed building and the existing overhead power lines. For further guidance please find attached a copy of Endeavour Energy Drawing ‘Overhead Lines Minimum Clearances Near Structures’.

As shown in the following extract of the photomontage from the External plans, with the zero front building setback and the awning encroaching the front boundary, the applicant will need to
have the safety clearances to the overhead power lines assessed by a suitably qualified electrical engineer / Accredited Service Provider. This will require the provision of a detailed survey plan showing the location of the conductors to enable the assessment / modelling of the clearances for which there are software packages available. If the safety clearances are inadequate, the parts of the building encroaching the required clearances will need to be redesigned to provide the required clearances. Alternatively an asset relocation / undergrounding of the existing overhead power lines may be required.

Even if there is no issue with the safety clearances to the building, ordinary persons must maintain a minimum safe approach distance of 3.0 metres to all voltages up to and including 132,000 volts / 132 kV. For future access and maintenance of buildings and structures, in order to avoid the need to work within the safe approach distances for ordinary persons (which requires an authorised or instructed person with technical knowledge or sufficient experience to perform the work required and a safety observer for operating plant) or possibly an outage request and/or erection of a protective hoarding, the retention of adequate building setbacks and/or suitable building design eg. not having parts of the building normally accessible to persons in close proximity of the overhead power lines, the use of durable / low maintenance finishes to reduce the need to access areas within the safe approach distances, is recommended.
Consideration also needs to be provided to SafeWork NSW document *Guide to Work Near Overhead Power Lines Code of Practice 2006* states the following when work in proximity to overhead service lines:

<table>
<thead>
<tr>
<th>Ordinary Persons (m)</th>
<th>Hand held tools</th>
<th>Operation of crane or mobile plant</th>
<th>Handling of metal materials (Scaffolding, roofing, guttering, pipes, etc)</th>
<th>Handling of non-conductive materials (Timber, plywood, PVC pipes and guttering, etc)</th>
<th>Driv</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.5</td>
<td>3.0</td>
<td>4.0</td>
<td>1.5</td>
<td>0</td>
</tr>
</tbody>
</table>

In addition the developer/builder should consider ‘tiger tailing’/matting the low voltage overhead service lines to provide a distinct visual of the location of overhead construction i.e. these are still not regarded as insulated conductors and safe approach distances need to be maintained.

**. Earthing**

The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy’s electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 ‘Electrical installations’ as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. Inadequate connection to the earth to allow a leaking/fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury.

Endeavour Energy’s ‘Design certification checklist for ASP L3’ the design must comply with Endeavour Energy’s ‘Earthing Design Instruction EDI 001 – Earthing design risk assessment’ in which schools are regarded as a ‘special location’ – please see the following extract of EDI 001.

**Special location**

The ‘special’ location category implies an area within close proximity to there is a high likelihood that shoes will not be worn and/or the risks associated system has the potential to be exposed to a number of people simultaneously affected metalwork. This includes (but is not limited to) schools, pre-school aquatic centres, recreational swimming areas and beaches.
The applicant should check with their ASP responsible for the network connection to the site that the padmount substation earthing has been designed to comply with the ‘special location’ requirements under EDI 100.

- Prudent Avoidance

Endeavour Energy has noted the following in the ‘Letter on Substation’ from EMC Technologies Pty Ltd dated 28 September 2018:

The proposed distance of the substation from the proposed childcare facility generated by the proposed substation to be under the ARPANSA RPS3 limits proposed childcare facility. Testing on the location once both facilities are constructed would be required present.

Endeavour Energy’s Network Environment Assessment Section has provided the following additional advice in regards to another child care centre proposed to be developed in proximity of electricity infrastructure:

As far as I know there are no restrictions in legislation that stop a child care centre being placed next to an easement for electricity infrastructure.

Prudent avoidance measures must however be implemented. Prudent avoidance was a policy recommended by former Chief Justice of the High Court of Australia, Sir Harry Gibbs, as a result of an inquiry he conducted into community need and high voltage transmission lines including issues in relation to electromagnetic fields (EMF) back in 1991. The findings in the Gibbs report are consistent with subsequent inquiries and are still relevant today.

Prudent avoidance is defined as doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to new high voltage transmission facilities. In practical terms, this means designing new transmission and distribution facilities having regard to their capacity to produce EMFs, and siting them having regard to the proximity of houses, schools and the like.

Although the Gibbs report was particularly aimed at electricity distributors to consider when placing their infrastructure, and bearing in mind that there are childcare centres and schools adjacent to our infrastructure in various locations right across our franchise area, it is nonetheless Endeavour Energy’s recommendation it that a child care centre not be built adjacent to electricity infrastructure.

Should such a development proceed, the design of the child care centre should also consider prudent avoidance measures such as any rooms which the children will occupy (play areas, sleeping rooms, eating areas) be arranged such that they are on the side of the site/building which is furthest away from the electricity infrastructure.

There is scientific consensus that health effects have not been established but that the possibility cannot be ruled out. Accordingly, if there are any concerns regarding the location
of the child care centre (or any other ‘sensitive uses’) in proximity to the electricity infrastructure, in order to make an informed conclusion, the applicant may need to commission an independent review to provide an overall assessment including electric and magnetic field measurement and advice. Applying a precautionary approach early on in the Development Application will hopefully result in the adoption of prudent avoidance principles benefiting the eventual development of the site.

Further details regarding EMF in relation to substations is available by contacting Endeavour Energy’s Substation Primary Design Section via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or email earthingenquiry@endeavourenergy.com.au.

- Public Safety

If the applicant has any concerns over the proposed works in proximity of the Endeavour Energy’s electricity infrastructure, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of multiple stakeholders across the company in order to provide more effective lines of communication with the general public who may be undertaking construction activities in proximity of electricity infrastructure such as builders, construction industry workers etc. The email address is Construction.Works@endeavourenergy.com.au.

Could you please pass on a copy of this submission and the attached resources to the applicant? Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified above or in the attachment in relation to the various matters. Due to the high number of development application / planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to property.development@endeavourenergy.com.au is preferred.

Yours faithfully
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Endeavour Energy
DOCUMENTS
ASSOCIATED WITH
REPORT LPP043/19

Attachment 13
Submission
3 December 2018

THE GENERAL MANAGER
CUMBERLAND COUNCIL
16 MEMORIAL AVENUE
MERRYLANDS NSW 2160

Dear Sir,

RE: NOTICE OF DEVELOPMENT APPLICATION
14 HILLTOP ROAD, MERRYLANDS
D.A. 2018 416

I wish to raise the following concerns for consideration by Cumberland Council when reviewing the above cited development application.

Whilst our property does not share any common boundaries with the site, the proposed development will adversely affect our privacy & quiet enjoyment of our home.

I am concerned that this development application represents an over-development of the site. Not only will there be a significant residential component, but also retail & now a proposed 60 place child care centre. This seems excessive.

I note that a power sub station is proposed for this site. This raises concerns regarding the effects of electromagnetic energy on the health & safety of local residents & also the pupils of the child care centre.

Yours sincerely,

[Signature]

[Handwritten address]

[Handwritten date]
Due to the multi-purpose uses proposed on the D.A., there will certainly be a significant impact on noise levels in the neighbourhood. This will stem from the following:

1. The child care centre - the drop-off/pick-up of 60 young children each day, play in the outdoor play area. Also, the air conditioning provided for the child care centre will generate a lot of noise.

2. Unit residents living on the site, including additional cars entering and departing from the address. Also, the noise emitted from the two outdoor community areas.

3. Commercial activity including deliveries, rubbish removal and property maintenance.

4. Mechanical plant equipment including the power sub station and the operation of two lifts.

5. Additional traffic on very busy Hilltop Rd near the congested intersection with Burnett Street.

In addition to the concerns raised regarding excessive noise, I am also worried about the impact of the D.A. on our privacy. We spend much of our time in our living room and on our verandah, both of which directly face the rear of the proposed...
development. I note here that a 2.1m acoustic fence is shown planting are included in the plans however, regarding the outdoor
development, the only details provided are a
sandpit. There is no detailed information
regarding shade cover over the outdoor
play area. Nor has any detail
been provided concerning the layout of
play equipment, tool storage etc.
Before I can make informed decisions on how any structures may impact
our property, I will require further
information.

We have lived in our home for many
years and have always enjoyed our
privacy and the peace and quiet of this
eighbourhood. I request that the Council
take into account the above concerns
to preserve our continued enjoyment of
our property.

Yours Sincerely