An Extraordinary Meeting of Cumberland Local Planning Panel will be held at 11:30am at the Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Wednesday, 26 June 2019.

Business as below:

Yours faithfully

Hamish McNulty
General Manager

ORDER OF BUSINESS

1. Receipt of Apologies
2. Declaration of Interest
3. Address by invited speakers
4. Reports
   - Development Applications
   - Planning Proposals
5. Closed Session Reports
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</tr>
</tbody>
</table>
DEVELOPMENT APPLICATION FOR 24 VERLIE STREET, SOUTH WENTWORTHVILLE

Responsible Division: Environment & Planning  
Officer: Executive Manager Development and Building  
File Number: DA 2018/357/1

<table>
<thead>
<tr>
<th>Application lodged</th>
<th>4 October 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Baini Design</td>
</tr>
<tr>
<td>Owner</td>
<td>Mr G &amp; Mrs R Ishac</td>
</tr>
<tr>
<td>Application No.</td>
<td>2018/357/1</td>
</tr>
<tr>
<td>Description of Land</td>
<td>24 Verlie Street, South Wentworthville (Lot 33 in DP16442)</td>
</tr>
<tr>
<td>Proposed Development (as amended)</td>
<td>Demolition of existing structures, construction of a two storey building for use as a 35 place child care facility over basement car parking</td>
</tr>
<tr>
<td>Site Area</td>
<td>696.7m²</td>
</tr>
<tr>
<td>Zoning</td>
<td>R2 – Low Density Residential</td>
</tr>
<tr>
<td>Principal Development Standards</td>
<td></td>
</tr>
</tbody>
</table>
  - Floor Space Ratio – 0.5:1 (HLEP 2013)  
  - Height of Buildings – 9m (HLEP 2013) |
| Disclosure of political donations and gifts | Nil disclosure |
| Heritage           | The subject site does not contain a heritage item, is not located within the vicinity of the heritage item or heritage conservation area. |
| Issues             |  
  - Number of children and outdoor unencumbered space  
  - Site frontage  
  - Landscape area |

SUMMARY:

1. Development Application 2018/357/1 was received on 4 October 2018 for the demolition of existing structures and construction of a two storey building for use as a 35 place child care facility over basement car parking.

2. In accordance with Part E – Public Participation of Holroyd Development Control Plan 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 24 October 2018 to 7 November 2018. In response, 8 submissions and 1 petition were received.

3. Council through its assessment identified a number of concerns with the proposal, and requested amended plans and additional information on 6 December 2018.

4. Amended plans and additional information (children placement reduced to 41) were received on 31 January 2019 addressing some of Council’s concerns. The
proposal was publicly re-notified for 14 days from 20 February 2019 and 6 March 2019 in line with the original notification period, however re-notification was sent to a broader catchment of residents comprising all properties within the block bound by Friend Street, Frances Street, Verlie Street and Coleman Street, as well as properties located on the northern side of Verlie Street; following concerns raised during the initial notification period. In response, 1 submission was received and representation on behalf of the head petitioner was received confirming concerns as raised with the original proposal remain.

5. The application was deferred on 16 May 2019 to further reduce children placement to correspond with the provided unencumbered outdoor space and address traffic matters. Amended plans received reduced children placement for the centre to 40. Amended plans did not warrant re-notification of the proposal.

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

7. The proposed development seeks following notable variations:

<table>
<thead>
<tr>
<th>Control</th>
<th>Required</th>
<th>Provided</th>
<th>% variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of children and outdoor unencumbered space (regulation 108 and part 4.9 the Guideline)</td>
<td>7m² x 40 = 280m²</td>
<td>Assessing officer’s calculation = 247m² (excluding OSD pits, landscape buffer, retaining walls and dense planting)</td>
<td>11.8%</td>
</tr>
<tr>
<td></td>
<td></td>
<td>247m² / 7 = 35.28 children</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Recommendation = reduce number of children to 35</td>
<td></td>
</tr>
<tr>
<td>Landscape area (DCP)</td>
<td>Min. 20% = 139.34m²</td>
<td>16.2m² (2.3%)</td>
<td>88.4%</td>
</tr>
<tr>
<td>Setbacks from side boundary (DCP)</td>
<td>Driveway – 1.5m</td>
<td>Driveway – 1.4m</td>
<td>6.7%</td>
</tr>
<tr>
<td>Min. site frontage (DCP)</td>
<td>20m</td>
<td>15.24m</td>
<td>23.8%</td>
</tr>
</tbody>
</table>

8. The application has been referred to the Cumberland Local Planning Panel (CLPP) for determination due to the number of submissions received during the notification periods.
9. It is recommended that the application be approved for a maximum of 35 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 24 Verlie Street, South Wentworthville, and is legally described as Lot 33 in DP 16442. The site is located on the southern side of Verlie Street. The site is a rectangular block with a frontage of 15.24m, depth of 45.72m and a total site area of 696.7m². The site is currently occupied by a detached dwelling house and garage. Adjoining the subject subject site directly to the east and west is an attached two storey dual occupancy and single storey dwelling respectively. The immediate area is characterised by low density housing. The subject site and all adjoining properties are zoned R2 Low Density Residential. Properties located on the northern side of Verlie Street are zoned R3 Medium Density Residential.

Zoning Map – Subject site hatched in red.
Aerial Plan – Subject site hatched in red

Site photo

24 Verlie Street, South Wentworthville
**Description of The Proposed Development**

The proposed development, as amended, involves the demolition of existing structures and construction of a two storey, 35 place child care centre over basement parking accommodating 14 parking spaces.

Key features of the development proposal are as follows:-

- Demolition of the existing dwelling and garage.
- Construction of a two-storey child care facility accommodating 35 children.
- Construction of a basement level car parking area accommodating 14 car parking spaces, for staff and visitors (including 1 accessible space) and bin room.
- The facility (as amended) will accommodate 35 children, as follows:
  - 4 children – 0-2 yrs
  - 13 children – 2-3 yrs
  - 18 children – 3-5 yrs
- The proposed centre will operate from 7.00am to 6.00pm Monday to Friday, and will employ 7 staff.
- The ground floor level contains toilets, storage and indoor and outdoor play areas.
- The first floor level contains office, toilet, staff room, kitchen, laundry, storage and balcony facing Verlie Street.
- There is no signage proposed as part of the application.

**History**

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/10/2018</td>
<td>Development Application 2018/357 was lodged.</td>
</tr>
<tr>
<td>16/10/2018</td>
<td>The application was reviewed by Council’s DA Review team (DART)</td>
</tr>
<tr>
<td>19/10/2018</td>
<td>The application was referred to Council’s internal departments for review.</td>
</tr>
<tr>
<td>24/10/2018 to 7/11/2018</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, 8 submissions and 1 petition were received.</td>
</tr>
<tr>
<td>6/12/2018</td>
<td>Application was deferred due to non-compliances with SEPP (Educational Establishments and Child Care Facilities) 2017, Child Care Planning Guideline 2017, Holroyd Development Control Plan 2013, as well as traffic and environmental health matters.</td>
</tr>
<tr>
<td>17/12/2018</td>
<td>Application deferred to address stormwater matters.</td>
</tr>
<tr>
<td>31/01/2019</td>
<td>Amended plans and additional information were received by Council,</td>
</tr>
</tbody>
</table>
Applicant's Supporting Statement

The applicant provided a Statement of Environmental Effects prepared by Think Planners Pty Ltd dated 4 October 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 development is supportable in regards to flood mitigation measures, and the provision of on-site detention, subject to conditions.

Traffic Engineer

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

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 the removal of the street tree and property tree within the rear yard, protection of existing trees on the adjoining properties, and replacement tree planting subject to conditions.

Waste Management Officer

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

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>20/02/2019 to 6/03/2019</td>
<td>The application was renotified to a broader catchment, a notice was placed in the local press and a notice placed on the site for 14 days. In response, 1 submission was received and representation on behalf of the head petitioner was received confirming concerns as raised with the original proposal remain.</td>
</tr>
<tr>
<td>16/05/2019</td>
<td>Application deferred to reduce children placement and address traffic matters.</td>
</tr>
<tr>
<td>22/05/2019</td>
<td>Amended plans submitted were received by Council reducing children placement to 40.</td>
</tr>
<tr>
<td>26/06/2019</td>
<td>Application referred to CLPP for determination.</td>
</tr>
</tbody>
</table>
**Environmental Health Officer**

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

**Children’s Services**

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

**External Referrals**

N/A

**Planning Comments**

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

State Environmental Planning Policies

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

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

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

<table>
<thead>
<tr>
<th>Matters for consideration</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the application involve re-development of the site or a change of land use?</td>
<td>✗</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?</td>
<td>✗</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?</td>
<td></td>
<td>✗</td>
<td></td>
</tr>
</tbody>
</table>

- acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap
Matters for consideration

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation.</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Is the site listed on Council's Contaminated Land Database?</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Is the site subject to EPA clean-up order or other EPA restrictions?</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Has the site been the subject of known pollution incidents or illegal dumping?</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Does the site adjoin any contaminated land/ previously contaminated land?</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Details of contamination investigations carried out at the site:

In relation to clause 7(4) of SEPP 55, the land 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 application has been accompanied by a Preliminary Site Investigation report which concludes that the site can be made suitable for the proposed land use. Council’s Environmental Health section has also reviewed the proposal and considers the site is satisfactory subject to imposition of conditions.

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

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

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

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

<table>
<thead>
<tr>
<th>Control</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of</td>
<td>$7m^2 \times 40 = 280m^2$</td>
<td>The application indicates that an</td>
</tr>
<tr>
<td>children and outdoor unencumbered space (regulation 108 SEPP 2017 and part 4.9 the Guideline)</td>
<td>280m²</td>
<td>unencumbered area of 286m² is provided. However, this has not taken consideration of OSD pits, retaining walls and dense planting. The assessment officer’s calculation of the unencumbered outdoor space equates to 247m². This will accommodate only 35 children. This report recommends a condition to be imposed on any consent granted for a reduction in the number of children to 35.</td>
</tr>
</tbody>
</table>

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

The subject site does not adjoin land zoned or reserved for public open space. The proposal does not propose to disturb bushland zoned or reserved for public open space.

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

Removal of one (1) existing street tree and one (1) property tree within the rear yard is proposed as part of this application. Council’s Tree Management Officer has reviewed the proposal and raised no objections to tree removal subject to the impositions of conditions requiring the planting of a replacement street tree and one tree within the rear yard. In addition, the proposal does not exceed the biodiversity offsets scheme threshold. Therefore, the proposed vegetation removal is considered acceptable.

Regional Environmental Plans (Deemed State Environmental Planning Policies)

(e) **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

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

Note: The subject site is not identified in the relevant map as land within the ‘Foreshores and Waterways Area’ or ‘Wetland Protection Zone’, is not a ‘Strategic Foreshore Site’ and does not contain any heritage items. Hence the majority of the SREP is not directly relevant to the proposed development.

Local Environmental Plans

(a) **Holroyd Local Environmental Plan (LEP) 2013**

The proposed development is defined as a ‘centre based child care facility’ under the provisions of Holroyd Local Environmental Plan (LEP) 2013. Centre based child care facilities are a permissible land use with consent under the R2 – Low Density Residential zoning applying to the land under Holroyd LEP 2013.
A comprehensive assessment and compliance table is attached to this report in Appendix B which demonstrates the development proposal’s compliance with the relevant planning controls that are applicable to the site under the Holroyd LEP 2013.

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

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

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

(b) Holroyd Development Control Plan (HDCP) 2013

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

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

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

<table>
<thead>
<tr>
<th>No.</th>
<th>Clause</th>
<th>Comment</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>PART A – GENERAL CONTROLS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.5</td>
<td>Access, Manoeuvring and Layout</td>
<td>Driveways shall be setback a minimum of 1.5m from the side boundary.</td>
<td>The proposed driveway is setback 1.4m from the eastern side boundary which is less than what is required. Setback shortfall of 0.1m is considered acceptable given the provision of separate driveways which will ensure safe vehicular movement while entering and exiting the site.</td>
<td>×</td>
<td></td>
</tr>
<tr>
<td>PART B – RESIDENTIAL CONTROLS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>GENERAL RESIDENTIAL CONTROLS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.5</td>
<td>Landscape Area Min. 20% = 139.34m²</td>
<td>Area of 2.3% (16.2m²) is provided with min. 2m dimension. Landscaped area in the form of unencumbered outdoor space for the child care centre within the rear yard equates to 159.9m².</td>
<td></td>
<td>×</td>
<td></td>
</tr>
</tbody>
</table>
## PART I – CHILDCARE CENTRES

### 1 SIZE, DENSITY AND LOCATION

<table>
<thead>
<tr>
<th>No.</th>
<th>Clause</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>landscaped area is acceptable given that the rear yard comprises the unencumbered outdoor space for the child care centre, which cannot be calculated as landscaped area.</td>
</tr>
</tbody>
</table>

### Site Frontage

The minimum site frontage for a child care centre is 20 metres.

The site has a frontage of 15.24m. The deficiency of the property’s site frontage is considered supportable as the proposal (as amended) generally complies with relevant requirements for child care centres in terms of provision and quality of play spaces, amenity impacts of the centre, provision of parking and compatibility with surrounding properties. In addition, the subject property complies with site and location considerations contained within the Child Care Planning Guideline.

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
</table>

Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F (EP & A Act s79C(1)(a)(iiiia))

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 24 October 2018 to 7 November 2018. In response, 8 submissions and 1 petition were received.

Amended plans received was publicly re-notified for 14 days from 20 February 2019 and 6 March 2019 in line with the original notification period, however re-notification was sent to a broader catchment comprising all properties within the block bound by Friend Street, Frances Street, Verlie Street and Coleman Street, as well as properties located on the northern side of Verlie Street; following concerns raised during the initial notification period. In response, 1 submission was received and representation on behalf of the head petitioner was received confirming concerns as raised with the original proposal remain.

The issues raised in the public submissions and concerns raised in the petition are summarised and commented on as follows:

<table>
<thead>
<tr>
<th>Concern</th>
<th>Comment</th>
</tr>
</thead>
</table>
| 1. Traffic and parking  
There will not be enough car parking spaces to service the child care centre, traffic peak times within AM/PM are to be considered as this will affect pedestrian safety, traffic flow and availability of parking in Verlie Street. | Under the Holroyd Development Control Plan 2013, the required parking rate for child care centres is 1 space per 4 children and 1 space per 2 staff, which equates to total of 12 spaces (3 staff and 9 visitor spaces) required for the reduced 35 children placement. This rate has been provided on site, which takes into account staff and visitor parking demands. The proposal provides 4 staff and 10 visitor parking spaces which equates to 1 additional staff and 1 additional visitor parking space within the basement, which assists with providing additional parking off Verlie Street. |
<p>| | It is noted that Council’s rate of 1 car space per 4 children is consistent with the recently introduced NSW State Government document entitled Child Care Planning Guideline, in which the rate of 1 space per 4 children encompasses the whole centre including all staff. |
| | A condition is to be imposed to ensure that ratio |</p>
<table>
<thead>
<tr>
<th>Concern</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>of staff and visitor parking is allocated accordingly, which is at least 14 spaces for on-site parking spaces (surplus of 2 spaces) based on 35 children. The proposed parking arrangement and swept path have been reviewed by Council’s Traffic Engineer and considered satisfactory, subject to conditions.</td>
<td></td>
</tr>
<tr>
<td>The submitted traffic report has been carried out based on surveys during peak times AM and PM between 7.00am – 9.00am and 4.00pm – 6.00pm on 25 July 2018 (Wednesday). Council noted the additional traffic to be generated by the proposal and the findings from the Traffic and Parking Impact Assessment Report. The proposed development is a low trip generator and can be accommodated in the locality without affecting performance of on Verlie Street, or on the existing road network with respect to delays or queues of nearby intersections, and complies with Council’s parking requirements.</td>
<td></td>
</tr>
<tr>
<td>The provision of separate driveways for entry and exit allow all vehicles to enter and leave in a forward direction and provide adequate sight distance. It is envisaged that motorists will be capable of entering and exiting the site in a safe and efficient manner. In addition, there is a 1.2m separation distance between the two driveways which also provide pedestrians a safe refuge area to wait to cross when vehicles enter and exit the basement.</td>
<td></td>
</tr>
<tr>
<td>An additional condition is included to ensure any front fencing will allow clear sightlines for vehicular access. The number of parking spaces provided is considered acceptable and appropriate to meet the parking demand of the proposed centre without placing unacceptable demands on the availability of parking within the locality or on the local street network.</td>
<td></td>
</tr>
<tr>
<td>The entry/exit driveway is at an obvious location that will not be missed by parents and caregivers. The parents and caregivers will be regular visitors to the centre knowing in advance the location of car parking. An Operational</td>
<td></td>
</tr>
<tr>
<td>Concern</td>
<td>Comment</td>
</tr>
<tr>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td><strong>Management Plan (OMP) shall be enforced by way of conditions to encourage the use of the basement parking facility. All pickup and drop-off is expected to take place within the basement and it is not considered to create any adverse impact on the public space.</strong>&lt;br&gt;&lt;br&gt;Given the operation of the child care centre will be wholly contained in the subject site, disruption to any emergency and garbage vehicles access onto Verlie Street is not anticipated.</td>
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<td><strong>2. Noise</strong>&lt;br&gt;The proposed child care centre will be a noise nuisance to surrounding properties. Design of acoustic fencing location, height and thickness are not acceptable. Location of mechanical ventilation will impact neighbouring properties. Noise management plan will not effective in reducing noise.</td>
<td>The design of acoustic fencing location, height and thickness, contained within the submitted Noise Impact Assessment have been reviewed by Council’s Environmental Health Officer and are considered satisfactory to comply with the relevant noise control provisions. The acoustic report demonstrates that the proposed centre can be accommodated on the site without noise nuisance to adjoining and surrounding properties, as the noise generated from both indoor and outdoor play activities can comply with the relevant environmental noise guidelines with the imposition of a Noise Management Plan submitted with the application and the installation of relevant noise mitigation measures such as acoustic fencing. The acoustic consultant recommendation shall be captured within the required Noise Management Plan. The centre is proposed to operate from 7.00am to 6.00pm Monday to Friday. The acoustic assessment also has had regard to noise generated from mechanical plant, car park emissions and indoor activities, which only occur during the operation of child care centre. Conditions are to be imposed in the consent to avoid any breaches to the required noise threshold, including noise management to be incorporated in the OMP.</td>
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<td><strong>3. Disturbance to neighbouring properties – asbestos exposure during demolition and subsidence from basement excavation.</strong></td>
<td>The concerns raised have been reviewed in the assessment of the subject application. Should the building to be demolished be found to be wholly or partly clad with asbestos cement,</td>
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<tr>
<td>Concern</td>
<td>Comment</td>
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<td>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”, and demolition works must at all times comply with its requirements. 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”. In addition, all asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA). Conditions are imposed requiring the removal of asbestos to be in accordance with the relevant Australian Standards and health and safety requirements.</td>
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<tr>
<td>Excavation of basement is subject to conditions imposed to ensure that structural integrity of the adjoining properties is maintained.</td>
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<tr>
<td>In addition, the Applicant is required to carry out a dilapidation report of adjoining properties prior to the commencement of any construction works to determine if underpinning and supportive measures are required to ensure that there is no subsidence as a result of the proposal.</td>
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<tr>
<td>4. The proposed child care centre is not suitable for the street.</td>
<td>The site permits the construction of the child care centre, and the proposed bulk and scale complies with built form requirements contained within Holroyd DCP 2013. The unsuitability of the site for a child care centre due to traffic and parking impacts outlined in submissions received have been reviewed by Council’s Traffic Section and deemed satisfactory. The subject site satisfies the site and location criteria under the Child Care Planning Guideline and relevant regulations stipulated under the Educational Establishments and Child Care Facilities SEPP 2017 as discussed in the body of this report.</td>
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</tbody>
</table>
Concern | Comment
---|---
5. Notification of DA not received by all residents on Verlie Street | 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 24 October 2018 to 7 November 2018, in accordance with Part E – Public Participation of Holroyd Development Control Plan 2013. Concerns were raised with respect to the extent of properties notified of the application during the initial notification period. Having regard to concerns raised, amended plans received were publicly re-notified for 14 days from 20 February 2019 and 6 March 2019 in line with the original notification period; however, re-notification was sent to a broader catchment of residents comprising all properties within the block bound by Friend Street, Frances Street, Verlie Street and Coleman Street, as well as properties located on the northern side of Verlie Street.

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 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 development does not require the payment of contributions in accordance with Holroyd Section 94 Contributions Plan 2013.

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 No. 55 – Remediation of Land, State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, Education and Care Services National Regulations, Holroyd Local Environmental Plan 2013 and the Holroyd Development Control Plan 2013 and is considered to be satisfactory for approval, subject to reduction in number of children to 35 (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 2018/357/1 for demolition of existing structures and construction of a two storey, 35 place child care centre over basement parking accommodating 14 parking spaces on land at 24 Verlie Street, South Wentworthville be approved under Deferred Commencement, subject to the attached conditions, provided at Attachment 1.

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

ATTACHMENTS

1. Draft Notice of Determination
2. Architectural Plans Internal
3. Architectural Plans External
4. Landscape Plan
5. Noise Impact Assessment
6. Traffic & Parking Assessment & Addendum Statement
7. Submissions & Petition
8. Appendix A - State Environmental Planning Policy (Educational Establishments & Child Care Facilities) 2017

9. Appendix B - Holroyd Local Environmental Plan 2013

10. Appendix C - Holroyd Development Control Plan 2013

11. Appendix D - Child Care Planning Guideline 2017
DOCUMENTS
ASSOCIATED WITH
REPORT ELPP046/19

Attachment 1
Draft Notice of Determination
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
NOTICE OF DETERMINATION OF APPLICATION

26 June 2019

Baini Design
PO Box 2402
NORTH PARRAMATTA NSW 1750

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 33 in DP16442
STREET ADDRESS: 24 VERLIE STREET SOUTH WENTWORTHVILLE
DEVELOPMENT CONSENT NO: 2018/357/1
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 a 35 place two storey, child care centre over basement parking accommodating 14 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 and construction of a 35 place two storey, child care centre over basement parking accommodating 14 parking spaces shall not operate until all of the following Schedule “A” conditions have been complied with to Council’s satisfaction.

Stormwater drainage design within road reserve

1. Full detailed designs and calculations for the proposed extension of the public road drainage system within Verlie Street, South Wentworthville shall be provided. The design and detail shall start from the proposed on-site stormwater detention system to the existing Council’s gully pit in front of property 18 Verlie Street, South Wentworthville and the following shall include:

   i) The tail water level at the existing Council’s gully pit (Sag) is at the top of kerb.
   ii) All pipe within road reserve shall be steel reinforced concrete pipe (RCP).
   iii) All pipe sizes and minimum 1% grades;
   iv) All pit sizes and location including their surface and invert levels,
   v) Long sections of the proposed/existing drainage system;
   vi) Hydraulic grade line;
   vii) Covering over the drainage pipe within road reserve shall be annotated and shall comply with the relevant Australian Standards.
   viii) The new pipe line shall be designed to cater for the 1% AEP uncontrolled flow from the upstream properties of the development site.
   ix) The on-site stormwater detention (OSD) summary calculation shall be revised accordingly.

Note: Electronic modelling utilised in the report and plans for the design and detail above shall be submitted to Council.

• The on-site stormwater detention (OSD) plan shall be revised in accordance with the revised architectural plan. (i.e., layout and proposed surface level for Pit 8). Four (4) copies of plans and calculations for the design shall be submitted to Council, together with payment of a $712.00 checking fee. Inadequately prepared drawings and calculations will incur an additional checking fee of $237.00.

In accordance with clause 95(3) of the Environmental Planning and Assessment Regulation 2000, you must produce evidence to the Council within a period of 2 years, sufficient enough for Council to be able to be satisfied of the above matters.

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

**************************
SCHEDULE “B”

This consent cannot operate until such time as Council is satisfied with the evidence produced in response to Schedule “A” and has notified the applicant in writing of the date from which the consent operates.

PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced within five (5) years of the date of operation.

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

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<thead>
<tr>
<th>Dwg No.</th>
<th>Issue</th>
<th>Title</th>
<th>Date</th>
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<tbody>
<tr>
<td>02</td>
<td>C</td>
<td>Site / Site Analysis / Demolition Plan</td>
<td>21/05/2019</td>
</tr>
<tr>
<td>03</td>
<td>C</td>
<td>Floor Plans</td>
<td>21/05/2019</td>
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<tr>
<td>04</td>
<td>C</td>
<td>Elevations</td>
<td>21/05/2019</td>
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<td>05</td>
<td>C</td>
<td>Callout Elevations, Sections</td>
<td>21/05/2019</td>
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<tr>
<td>06</td>
<td>C</td>
<td>Shadow Diagrams, Streetscape Elevation</td>
<td>21/05/2019</td>
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<tr>
<td>07</td>
<td>C</td>
<td>Schedule of Finishes</td>
<td>21/05/2019</td>
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</tbody>
</table>

- Stormwater Plans submitted to satisfy Schedule A;
- Landscape plan prepared by Studio IZ, Job No. LA180620, Drawing No LA-00 to LA-04 (inclusive), Issue A, dated 28 August 2018 – as amended to satisfy Schedule A and Condition 15;
- Noise Impact Assessment prepared by Rodney Stevens Acoustics, Reference 180162R1, Revision 1, dated 20 August 2018; and
- Waste management plan prepared by Loka Consulting Engineers Pty Ltd, Job No. 18NL172-WMP2, dated 30 January 2019;

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

3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. Fully detailed plans including fire safety details shall be submitted with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

Appointment of Council or a Private Certifier as the Principal Certifying Authority (PCA)

4. Either Council or a Private Certifier is to be appointed as the Principal Certifying Authority (PCA) for the development in accordance with Section 109E of the Act.

Accordingly, wherever reference is made to the Principal Certifying Authority in this Consent, it refers to Council or the Private Certifier as chosen by you.
Note: Once you have chosen either Council or a Private Certifier as the PCA, you cannot change from one to the other, or from one Private Certifier or another, without the approval of Department of Planning & Infrastructure.

5. The applicant shall consult with, as required:
   
   (a) Sydney Water Corporation Limited
   (b) Integral Energy
   (c) Natural Gas Company
   (d) A local telecommunications carrier

   regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).

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

   The footing system is to be designed by a practising professional structural engineer.

7. Building materials, builders sheds, waste bins, site fencing, gates or any material of any description shall not be left or placed on any footway, road or nature strip. Footways and nature strips shall be maintained, including the cutting of vegetation, so as not to become unsightly or a hazard for pedestrians. Offenders will be prosecuted.

Child Care Centres

8. An approval shall be obtained from Department of Education and Communities (DEC) prior to commencement of operations. The number of children cared for in the new centre shall not exceed 35 aged up to 5 years.

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

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

Demolition

10. In the event that demolition is to occur prior to the issue/release of a Construction Certificate, all relevant fees and bonds such as the demolition inspection fee, kerb & gutter and tree protection bonds shall be paid in full to Council prior to demolition commencing (as per the relevant conditions elsewhere in this Development Consent). Furthermore, the applicant/developer is to ensure that all relevant conditions in this Development Consent relating to the protection of the site, adjoining lands and trees are adhered to in full prior to commencement of any demolition works.

11. Permission is granted for the nominated demolition works on the property, subject to strict compliance with the following:

   a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures. Note: Developers are reminded that WorkCover requires that all plant and equipment used in
demolition work must comply with the relevant Australian Standards and manufacturer specifications. a) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. The demolition must not commence prior to the date stated in the notification.

b) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Cumberland Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council’s inspection and works must also not commence prior to the commencement date nominated in the written notice.

c) On the first day of demolition, work is not to commence until Cumberland Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with WorkCover’s document “Your Guide to Working with Asbestos”, a copy of which accompanies this Development Consent and demolition works must at all times comply with its requirements.

d) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words “DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council’s officers. Advice on the availability of these signs can be obtained by telephoning Council’s Customer Service Centre during business hours on 8757 9000. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.

e) Demolition shall not commence until all trees required to be retained/transplanted are protected in accordance with those conditions stipulated under “Prior to Works Commencing” in this Consent.

f) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.

g) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover “Demolition Licence” and a current WorkCover “Class 2 (Restricted) Asbestos Licence”.

h) Demolition is to be completed within 5 days of commencement.

i) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 8.00pm. No demolition work is to be undertaken on Saturdays, Sundays or Public Holidays.

j) Protective fencing is to be installed to prevent public access to the site.

k) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Office of Environment and Heritage (OEH).

l) Before demolition operations begin, the property shall be connected to the sewer of Sydney Water to which a pedestal pan shall be temporarily connected for the use as the employees' toilet service during demolition operations.
m) After completion, the applicant shall notify Cumberland Council within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.

**NOTE:** The person responsible for disposing of the above asbestos waste is to telephone the OEH on (02) 9995 5000 or Council's Waste Officer on (02) 8757 9000 to determine the location of a tip licensed to receive asbestos. Within fourteen (14) days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving tip as evidence of proper disposal.

n) Within 14 days of completion of demolition, the applicant shall submit to Council:

i) An asbestos clearance certificate carried out by a licensed asbestos assessor (normally a NATA accredited occupational hygienist), or a person who has the knowledge and skills to be a licensed assessor, regardless of whether or not they are licensed; and

ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent under 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.

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

**Signage**

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

**NOTE: FEES, BONDS & CONTRIBUTIONS INDICATED IN CONDITIONS OF THIS CONSENT MAY VARY IN ACCORDANCE WITH THOSE ADOPTED BY COUNCIL AT SUBSEQUENT ANNUAL REVIEWS OF ITS “FEES AND CHARGES” AND SUBSEQUENT CHANGES TO THE BUILDING PRICE INDEX. FEES CHARGED WILL BE THOSE CURRENT AT THE TIME OF PAYMENT.**
PRIOR TO ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE/PRELIMINARY CONDITIONS FOR DEMOLITION

The following conditions must be complied with prior to the issue of a Construction Certificate, or where relevant prior to demolition occurring. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:-

Amended Plans

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

a) The levels of the pedestrian entrance (ramps and landings adjacent to building entry and lift) as shown on the ground floor plan shall be revised to correspond with levels shown on elevation and section plans.

b) The 0-2 year old indoor room is reduced to accommodate 4 children to correspond with the size of the cot room. The cot room shall be amended to position cots out evenly, to provide sufficient space between cots for a teacher to stand between cots.

c) The bottle preparation area within the 0-2 year old indoor room shall be relocated away from the craft bench to avoid potential cross contamination.

d) Supervision windows shall be provided to children’s bathroom facilities. Amended plans shall ensure that a hand basin is provided for every toilet in a bathroom in accordance with the Building Code of Australia.

e) Tandem parking spaces 1-4 (inclusive) shall be allocated to staff.

f) Parking spaces 5-14 (inclusive) shall be allocated to visitors.

g) Fixed privacy screening to a height of 1.8m (measured from the FFL of the balcony) on top of the balustrade shall be installed along the eastern elevation of the first floor balcony.

h) The provision of a bin tug shall be shown on plans. The bin tug shall be securely stored within the bin storage room.

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

Payment of Bonds, Fees and Long Service Levy

16. The Principal Certifying Authority is to ensure and obtain written proof that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes all Long Service Levy payments to be made to the Long Service Payments Corporation.
Damage Deposit

17. A cash bond/bank guarantee of $2,780.00 must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for 'six (6) months after the completion of works' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

Note:- The applicant/owner shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council's property, unless the applicant/owner notifies Council in writing and provides photographic proof of any existing damage to Council's property. Such notification shall occur prior to works/demolition commencing. However, if in the opinion of Council, during the course of construction existing damage has worsened, Council may require full reinstatement. If damage does occur during the course of construction, prior to reinstating any damage to Council's property, the applicant/owner shall obtain design specifications of all proposed restoration works. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the applicant/owners expense and shall be inspected by Council prior to placement of concrete and/or asphalt.

Consistency with Endorsed Development Consent Plans

18. The Principal Certifying Authority must ensure that any certified plans forming part of the Construction Certificate, are in accordance with the Development Consent plans.

Landscape Inspection Fee

19. Payment of a $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

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

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

22. Payment of a $1,253.50 fee for the inspection by Council of the stormwater drainage construction in Council's reserve at the key stages.

23. The applicant shall lodge with Council a $2,000.00 cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete footpath paving adjacent to the site. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.

24. The applicant shall lodge with Council a $2,500.00 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.
25. The applicant shall lodge with Council a $8,250.00 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.

26. The applicant shall lodge with Council a $6,135.00 cash bond to cover the registration of a Positive Covenant and Restriction as to User over the Onsite Stormwater Detention System. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land and Property Information NSW.

Road Works

27. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a $196.00 initial fee for the assessment of the Traffic Management Plan by Council, prior to commencing works within the road reserves. A copy of the approved Traffic Management Plan shall be kept on site during the course of construction for reference and compliance.

On-site Stormwater Detention

28. 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 2018-220 and Council's on-site stormwater detention policy shall be submitted to the certifying authority prior to the issue of a construction certificate. The following shall also be addressed:

i. Amendment in RED on Council's approved OSD drawing.
ii. The roof gutter and downpipe system shall be designed to convey the 5 minute duration 1% AEP storm event into the OSD system with no gutter overflows.

Public stormwater drainage system

29. All works, as listed below, shall be shown on the submitted drawings prior to the issue of a Construction Certificate and works commencing.

All engineering works shall be designed and undertaken in accordance with the relevant aspects of the following documents, except as otherwise authorised by this consent:

iii. 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). The design and construction of the above works shall be to the total satisfaction of the relevant road authority.
30. Construction details for the proposed extension of the public stormwater drainage system within Verlie Street, South Wentworthville shall be submitted to Council’s Engineering Section for approval. Details shall include:
   i. 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.
   ii. All services near the work area (e.g. 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.
   iii. Minimum 1% grade and cover must comply with Australian Standard.
   iv. Council’s gully pit and associated works shall be in accordance with Council’s standard drawing SD-8010.

   The following shall be indicated on the engineering drawing:
   o All conduits draining public property shall be Steel RCP (flush joints with sand band joints), or precast reinforced concrete box culverts; for slopes equal to or greater than 10%, the pipes shall be RRJ.
   o As per Clause 1.6.4, Note 3, of Council’s Specification for Subdivisions and Developments, all stormwater conduits shall have the size, class, manufacturers name, and date of manufacture, indelibly marked on the obvert of each conduit length.
   o As per Table 2 Schedule of Material Tests, of Council’s 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.

31. The applicant is to submit an application for a road opening permit and pay all relevant fees.

Traffic – Access & Parking

32. Boundary alignment levels shall not be assumed. The owner or builder must make application to Council’s Engineering Services Department to obtain the boundary line levels prior to issue of construction certificate.

33. 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 by the applicant and at no cost to Council.

34. 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.

35. 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 2880.6-2009 and the endorsed plans.

Sight Distance

36. 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.
Required Submissions to Certifying Authority

37. 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.

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

39. 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.

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

41. 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.

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

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

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

Acoustic

45. All recommendations contained in the Noise Impact Assessment prepared by Rodney Stevens Acoustics, Reference 180162R1, Revision 1, dated 20 August 2018 shall be adopted, implemented, and adhered to.

Salinity

46. The site has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction methods are to be incorporated for all 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

47. A building plan approval must be obtained from Sydney Water Tap In™ to ensure the development will not affect any sewer, water or stormwater mains or easements.

A copy of the building plan approval receipt from Sydney Water must be submitted to the certifying authority, prior to the issue of a construction certificate.

Please go to sydneywater.com.au/tapin to apply.

Fire Safety Upgrading & Essential Services

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

External Walls and Cladding Flammability

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

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

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

The following conditions are to be complied with prior to demolition / any works commencing on the site:

Appointment of Principal Certifying Authority and Notification of Commencement of Work

50. 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 6.8 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

51. The person having the benefit of the Development Consent must:

   a) Notify the Principal Certifying Authority that the person will carry out the work as an owner-builder, if that is the case;

   OR

   b) Appoint a Principal Contractor for the building work (who must be the holder of a contractor licence if any residential building work is involved), and notify the Principal Contractor of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work.

   c) Notify the Principal Certifying Authority of any such appointment.

Where Council is the Principal Certifying Authority, such notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.
Required Submissions to Council or the Principal Certifying Authority

52. To facilitate a complete assessment and enable the Certifying Authority to check compliance on site, truss validation and design, details certified by a qualified practising structural engineer shall be submitted to Council or the Principal Certifying Authority for examination and approval. Details shall include:
   a) job address and builder's name
   b) design wind velocity
   c) terrain category
   d) truss spacing
   e) roof pitch
   f) material of roof
   g) roof batten/purlin spacing
   h) material of ceiling
   i) job number

Photographic Record of Council Property – Damage Deposit

53. The applicant shall submit to Council, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full and satisfactory photographic record of the condition of Council’s property (i.e., road pavement, kerb and guttering, footway, stormwater drainage, etc.) adjacent to the subject site. The purpose of the photographic record is to establish any pre-existing damage to Council’s property to ensure that you are not liable for any re-instatement works associated with that damage. However, if in the opinion of Council, the existing damage has worsened or any new damage is caused during the course of construction, the Council may require either part or full re-instatement.

Note: Failure to provide a full and satisfactory photographic record described above, is likely to render the applicant liable to rectify all damages unless satisfactory proof can be provided that the damage was pre-existing.

Notification to Relevant Public Authority

54. 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

55. 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

56. 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

57. 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

58. 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

59. Suitable erosion and sediment control measures shall be provided at all vehicular entry/exit points and all other measures required with and/or shown on plans accompanying the Construction Certificate, to control soil erosion and sedimentation, are to be in place prior to the commencement of construction works. Such controls are to be provided in accordance with Holroyd City Council’s “Erosion & Sediment Control Policy.”

Note: On-the-spot fines may be issued by council where measures are absent or inadequate.
Footpaving, Kerbing and Guttering

60. 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.

61. 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

62. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land (including a public road and any other public place), the person causing the excavation to be made:
   a) must preserve and protect the building from damage, and
   b) if necessary, must underpin and support the building in an approved manner, and
   c) must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (In this clause, allotment of land includes a public road and any other public place).

63. 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

64. 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.

Roadworks

65. 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 applicable 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.

66. 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

67. 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.

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

69. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of $20,000,000 is to be submitted prior to commencement of works. Council shall be named on the Certificate of Currency as an interested party.
DURING CONSTRUCTION

The following conditions are applicable during construction:-

The following conditions are applicable during demolition/construction:-

Endorsed Plans & Specifications

70. 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

71. 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

72. 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.

73. 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.

74. 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 Sheetling

75. 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](http://www.nata.asn.au) and under ‘Find a Facility or Lab’ type in ‘asbestos identification’ in ‘keywords’ then click on ‘chemical testing’ in NSW then click on the search button. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

**Waste Management Plan**

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

77. 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**

78. 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

79. 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

80. 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

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

82. The applicant shall accept all responsibility for the accuracy of the information provided to Council for assessment. If any tree/s are not shown on the endorsed plan or are required to be retained/transplanted and protected but are threatened by demolition/construction work through unforeseen construction requirements or plan inaccuracy, all site and building works so affected are to cease until the matter is resolved to the satisfaction of Council. Council's Environmental and Planning Services Department is to be notified immediately upon such a problem being encountered.

83. 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 AS4973-1998 '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.

Acoustic Measures

84. In accordance with the Noise Impact Assessment prepared by Rodney Stevens Acoustics, Reference 180162R1, Revision 1, dated 20 August 2018, the fencing/barrier along proposed external play area shall be constructed to height of 2.1 metres from the finished
floor level with a 45° awning. The barrier(s) should be of solid continuous construction (i.e. free of gaps) and of masonry or SlimWall type construction at full cost to the developer.

In all other instances, new 1.8m high lapped and capped timber paling or colorbond fences (colour to be sympathetic with the development) determined in consultation with adjoining property owner(s), are to be erected along and within all side and rear boundaries and between courtyards at full cost to the developer, such fencing to be constructed on or within the property boundary.

In situations where the boundary fence is proposed on top of a retaining wall, the height of the fence (including lattice screen where applicable) shall not exceed a maximum of 2.4m as measured from the lower adjacent ground level. A Statutory Declaration or other documentary evidence of such consultation is to be submitted to the Principal Certifying Authority. Details shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

**Inspection of On Site Detention Works**

85. 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 – public road drainage**

86. 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 steel reinforced 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.

**Road Works and Footpaving**

87. 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”.

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

**Child Care Centre Kitchen**

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

**Underground Power Connection**

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

**Alarms**

91. 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**

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

93. An intercom device is to be located:

i) on the driver’s side wall at the top of the driveway to the basement carpark, so that visitors can access the carparking spaces; and

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

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

95. 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

96. All imported fill shall be validated in accordance with Council’s Contaminated Land Policy to ensure that it is suitable for the proposed land use from a contamination perspective.

Additional Information during Construction

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

Fitout of Food Preparation Area

98. 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.

99. The ceiling shall be painted with a light coloured washable paint.

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

101. 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.

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

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

104. 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.

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

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

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

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

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

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

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

112. 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.

113. 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.

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

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

116. 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.

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

**General**

118. The recommendations of the Noise Impact Assessment prepared by Rodney Stevens Acoustics, Reference 180162R1, Revision 1, dated 20 August 2018, shall be implemented.
PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

The following conditions are to be complied with prior to the issue of an occupation certificate:

Certificates/Documentary Evidence

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

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

121. A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal Certifying Authority and shall state that all foundation works/reinforced concrete/structural members have been carried out/erected in accordance with the Engineer's requirements and the relevant SAA Codes.

Note: Any such certificate is to set forth the extent to which the engineer has relied on relevant specifications, rules, codes of practice or publications in respect of the construction.

Playground Equipment Certification

122. 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

123. Certification is to be provided to the Principal Certifying Authority (PCA), from a suitably qualified person or the designer of the landscape proposal (as appropriate), that all tree planting/landscape works have been carried out in accordance with the endorsed plan. If Council is the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council is not the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.

124. 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.

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

Tree Planting

126. One (1) x Cupaniopsis anarcardioides (Tuckeroo) is are to be planted in the footpath area of Verlie Street. The tree is to come from a minimum 75L container and be planted, so as not to affect existing services, in accordance with the attached guidelines.
127. One (1) x *Tristaniopsis Laurina* (*Luscious*) is to be planted in a suitable location within the rear yard. The tree is to come from a minimum 75L container and be planted, so as not to affect existing services, and in accordance with the attached guidelines.

**Parking/Driveway**

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

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

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

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

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

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

**Operational Management Plan**

134. An Operational Management Plan (OMP) shall be prepared and submitted to Council prior to the issue of an Occupation Certificate and be approved by Council's Manager Development Assessment and reviewed in regular basis. The plan shall detail how the Childcare Centre will be managed to minimise impact on neighbouring properties (particularly on-street parking). The OMP should include but not limited to the below:

   a) Drop off/pick up time is staged and occurs within the basement carpark area,
   b) Encourage staff and parents to use public transport,
   c) Advice parents to not park outside neighbouring properties and respect residents' amenity,
   d) Regular monitoring of off-street and on-street parking,
   e) The Noise Impact Assessment prepared by Rodney Stevens Acoustics, Reference 180182R1, Revision 1, dated 20 August 2018,
   f) Any other conditions of this consent relevant to operational management of the centre.

**Fire Safety**

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

**NOTE:**

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

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

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

136. 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**

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

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

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

**On-Site Stormwater Detention, Certification, Covenant and Maintenance Schedule**

138. 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.

139. 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.

140. 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.

141. 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.

Road Works

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

143. The reconstruction of cracked and/or damaged concrete kerb and gutter, and any associated works along all areas of the site frontage. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council’s standard drawing SD 8100 and issued level sheets.

144. 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.

145. 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.

146. The construction or reconstruction of kerb and gutter and associated works along all areas of the site fronting Verlie Street, South Wentworthville. These works shall be carried out by a licensed construction contractor at the applicant’s expense and shall be in accordance with Council’s standard drawing SD-8100 and issued level sheets.

147. The construction or reconstruction of concrete footpath paving and associated works along all areas of the site fronting Verlie Street, South Wentworthville. 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.

148. 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.

149. 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.
Public stormwater Drainage

150. 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.

151. As per Table 2 Schedule of Material Tests, of Council’s Specification for Subdivisions and Developments, the CCTV verification and ‘No cracking’ of all stormwater drainage pipes, shall be complied with. The CCTV shall be undertaken following backfill over the pipe line at subgrade level. A copy of the CCTV shall be forwarded to Council for checking.

152. A copy of the as approved stormwater drainage plan showing work as executed details prepared by a Registered Surveyor shall be submitted to Council. The work as executed plan shall be in accordance with Council’s standards and specifications for stormwater drainage including external works with road reserve and on-site stormwater detention.

153. A hydraulic certificate of compliance in accordance with Council’s standards and specifications for the constructed stormwater drainage gully pit and pipe shall be issued to Council by a suitably professional civil engineer.

Covenant and Maintenance Schedule

154. 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.

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

156. A confined space danger sign shall be provided at all access points to the underground storage tank in accordance with the Upper Parramatta River Catchment Trust OSD handbook.

Child Care Centre Kitchen

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

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

159. To ensure compliance with the Australia/New Zealand Food Safety Standards Code, Food Safety Standards 3.2.3 “Food Premises and Equipment” and Australian Standard 4874.2004 Design, Construction & Fit Out of Food Premises”, Council is to be given forty eight (48) hours notice prior of intention to occupy the premises and commence trade.

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

161. Certification must be provided from a suitably qualified person that all work in connection with the occupation or use of the premises for the preparation, display and storage of food has been carried out in accordance with the terms of this development consent.
162. A notification/registration application shall be submitted to Council’s Compliance & Environment Department for the food business.

**Street Number**

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

**Air Conditioning**

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

**Noise Compliance Report**

165. The Principal Certifying Authority (PCA) shall obtain a certificate from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the Noise Impact Assessment prepared by Rodney Stevens Acoustics, Reference 180162R1, Revision 1, dated 20 August 2018 have been completed and that relevant noise criteria have been satisfied prior to the issue of any Occupational Certificate.

**General**

166. Documentary evidence and/or certificate of compliance must be submitted to Council to show that all works have been completed in accordance with this Development Consent and its accompanying Construction Certificate.
CONDITIONS RELATING TO USE

The following conditions are applicable to the use of the development:-

Safety and Amenity

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

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

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

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

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

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

173. Where an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

174. Within three months of the premises being occupied by the childcare centre, an acoustic report by a suitably qualified person, is to be submitted to the consent authority demonstrating that the noise emitted from the premises complies with the criteria contained in the acoustic report prepared by Noise Impact Assessment prepared by Rodney Stevens Acoustics, Reference 180162R1, Revision 1, dated 20 August 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. The report is to include post validation results.

Mechanical Ventilation System

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

176. Compliance with Operational Management Plan (OMP) (refer to Condition 134) throughout the life of this consent.

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

Parking

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

179. Fourteen (14) on site car parking spaces numbered and linemarked in accordance with the endorsed plan, are to be made available at all times for employees and visitors' vehicles only in conjunction with the occupation of the building/premises at 24 Verlie Street, South Wentworthville.

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

Acoustic Measures

181. In reference to the Noise Impact Assessment prepared by Rodney Stevens Acoustics, Reference 180162R1, Revision 1, dated 20 August 2018; the recommendations of the report shall be adhered to at all times.

Hygiene and Food Storage

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

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

Refuse & Trade Waste

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

Emergency Procedures

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

Air Emissions

186. The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act 1997 and shall be controlled in accordance with the requirements of such Act.
187. In the event of Council receiving complaints regarding air pollution or odour from the premises, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour exiting the premises.

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

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

**Noise - Outdoor play areas at childcare centre**

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

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

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

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

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

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

193. Noise and vibration from the use of the air conditioning system (if any installed) shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10:00pm and 7:00am on weekdays and 10:00pm and 8:00am on weekends and public holidays.

**Clean Water Discharge**

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

**Waste Collection**

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

Lighting

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

Storage

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

Waste Storage

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

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

Mechanical Ventilation

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

201. The mechanical exhaust ventilation system effectively capturing and conveying all heat, fumes and other aerosols to the hood exhaust openings, but in a case the capture velocity at any position over the face area of the hood, serving the cooking facilities, being not less than requirement under AS 1688 Parts 1 & 2.

General

202. The number of children cared for in the new centre shall not exceed 35 aged up to 5 years.

203. The first floor shall only be associated with administrative, office, kitchen or storage functions.

204. No retail sales or advertising of retail sales is to be undertaken from the subject site at any time.

205. Identification numbers are to be clearly displayed at the front of the premises.

206. All privacy measures shall be maintained in their approved condition for the life of the development and shall not be modified or removed without written consent from Council.
ADVISORY NOTES

Other Necessary Approvals

A. The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
   (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council's Tree Preservation Order protects trees by definition taller than 3.6m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council's Tree Management Officer.
   (b) Any fencing located forward of the proposed building and exceeding the limitations specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
   (c) The erection of any advertising sign, not being exempt from the need to obtain approval.
   (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.

B. Section 8.7 of the Act provides that an applicant who is dissatisfied with the Council's determination of the Development Application may appeal to the Land and Environment Court within 6 months of the date of determination, or as otherwise prescribed.

C. Section 8.3 of the Act provides that an applicant may request, within 6 months of the date of determination of the Development Application, that the Council review its determination (this does not apply to designated development). A fee is required for this review.

   It should also be noted that an application under Section 8.3 of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.3 application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.

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

E. A Construction Certificate shall be obtained in accordance with Section 6.7 of the Act, prior to the commencement of any work on site. Council can provide this service for you.

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

G. BANK GUARANTEES

   Bank guarantees will be accepted from list of banks which have at least an "A" rating from Standard and Poors and at least an "A2" or "Prime-1" standard from 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.

H. SMOKE DETECTORS

A system of self-contained smoke alarms complying with the requirements of AS3786-1993, Smoke Alarms or listed in the Scientific Services Laboratory Register of Accredited Products being installed in the dwelling, connected to the mains power supply and provided with a standby power supply. Alarms are to be positioned on the ceiling and setback a minimum distance of 300mm from any wall. Alarms are to be placed in the vicinity of each area containing bedrooms with a minimum of one (1) alarm required for each storey of the dwelling.

I. TERMITE PROTECTION

Structural members are to be protected from attacked by subterranean termites in accordance with the requirements of AS3660.1-2000 Protection of building from subterranean termites and a durable notice must be affixed within the metre box indicating the type of protection, its date of installation, life expectancy of any chemical barrier used, and system maintenance and inspection requirements. A certificate of compliance of the approved system must be submitted to Council or the Principal Certifying Authority on completion of the system installation. With respect to chemical protection, a pipe system shall be installed beneath the slabs plastic membrane to allow re-application of the chemical border.

J. WET AREAS

Wet areas in the dwelling are to be waterproofed in accordance with AS3740 Waterproofing of wet areas within residential buildings.

Where Council is the Principal Certifying Authority for the works, the submission of evidence of suitability for the waterproofing product used will be required at the wet area inspection stage. The evidence of suitability is to be in the form of:-

1. A current Certificate of Accreditation for the product.

AND

2. A certificate from the person responsible for the installation of the product advising that the product was applied in accordance with the relevant manufacturers specifications.

Note: Any copy of documentary evidence submitted, must be a complete copy of the original report or document.
K. SARKING

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

L. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

An administration fee per certificate (in accordance with Council’s adopted fees and charges) is payable to Council on lodgement of Construction and Occupation Certificates from Principal Certifying Authorities.

M. SOUND TRANSMISSION AND INSULATION

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

N. GLAZING CERTIFICATION

A certificate shall be submitted to the Principal Certifying Authority stating that safety glazing has been used in the building in accordance with AS1288 - “Glass in Buildings - Selection and Installation”.

O. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual’s responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

P. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra’s network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1985 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra’s infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra’s assets in any way, you are required to contact Telstra’s Network Integrity Team on Phone Number 1800810443.

Q. DIVIDING FENCES

Please be advised that arrangements concerning existing or proposed fences between properties are a civil matter determined by the involved parties under the Dividing Fences...
Act. You are therefore required to consult with the owners of neighbouring properties if fences are to be removed or constructed.

The Dividing Fences Act is administered by the Department of Lands who can act as a mediator in disputes.

Yours faithfully

Sohail Faridy
COORDINATOR DEVELOPMENT ASSESSMENT
DOCUMENTS ASSOCIATED WITH REPORT ELPP046/19

Attachment 2
Architectural Plans Internal
DOCUMENTS
ASSOCIATED WITH
REPORT ELPP046/19

Attachment 3
Architectural Plans External
**PROPOSED CHILD CARE FACILITY**

**LOCATION PLAN**

**COMPLIANCE TABLE**

<table>
<thead>
<tr>
<th>ITEM</th>
<th>PROPOSED</th>
<th>STANDARD</th>
<th>COMPLIANCE</th>
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<td>45m²</td>
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<td>136m²</td>
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<td>J. LANDSCAPING</td>
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<td>25m²</td>
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<tr>
<td>1-2 YEARS</td>
<td>25m²</td>
<td>0.5m² PER CHILD</td>
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### SCHEDULE OF MATERIALS AND FINISHES

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<td>EXISTENT WHITE</td>
<td>CONCRETE</td>
<td>CONCRETE</td>
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<td>02 RN-01</td>
<td>EXTERNAL WALL</td>
<td>BRICK</td>
<td>EXISTENT WHITE</td>
<td>CONCRETE</td>
<td>CONCRETE</td>
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<td>03 RN-01</td>
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<td>RENDERED BRET</td>
<td>EXISTENT WHITE</td>
<td>CONCRETE</td>
<td>CONCRETE</td>
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<td>GLASS SET IN Polished ALUMINIUM FRAME</td>
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<td>06 MF-01</td>
<td>PRIVACY SCREEN</td>
<td>TIMBER FRAME</td>
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<td>CONCRETE</td>
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<tr>
<td>07 RO-01</td>
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<td>CLADDING</td>
<td>EXISTENT WHITE</td>
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<td>08 SN-01</td>
<td>BALUSTRADE</td>
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Landscape Specification

General
Maintenance shall mean the care and maintenance of the landscape works by accepted institutional practice as well as the practice that becomes apparent in the landscape works under normal use. The landscape contractor shall attend the site on a weekly basis to maintain the landscape works for the full term approved at the stage of the maintenance period (commencing from practical completion).

Rubbish Removal
During the term of the maintenance period the Landscape Contractor shall undertake rubbish removal from the site on a weekly basis to ensure the site remains in tidy condition.

Weed Eradication
Weed growth which may originate, scatter or multiply in areas to be removed using environmentally acceptable methods i.e. non-chemical and ecological remediation (e.g. biological, applied in accordance with the manufacturer’s directions) or hand weeding.

Tree Replacement
Trees shall show signs of healthy vigorous growth and be free from disease and not exhibit signs of areas prior to being removed to the plant. Any trees or plants that die or fail to thrive, or are damaged or stilted will be replaced. Replacement material shall be of the maintenance period standard in accordance with the landscape contract conditions. Trees and plant materials shall be equal to the minimum requirements of species specified and approved material delivered to site. Should the conditions decline from the approved sample the Superintendent reserves the right to reject the free / fees / plants. Frequency: as required.

Pruning
Selective pruning may be required during the establishment period to promote a balanced canopy structure. These activities shall be carried out to the best horticultural and industry practice. All pruned materials to be removed from site.

Infiltration
A low volume drip irrigation system may be installed at the discretion of the Developer. Position of control box, solenoids and irrigation components to be designed by qualified irrigation engineers at the site. Controllers shall be housed in a weatherproof box. All sprinklers shall be of the stainless steel needle type with a full circle spray pattern. After establishment, irrigation can be decreased or eliminated in certain areas of the landscape depending on the species.

Irrigation
Irrigation system shall be of appropriate main and sub mains as in association with current watering programme to maintain plant health and vigour. The program shall reflect seasonal conditions and plant species. Frequency: Weekly or as required.

Drainage
All landscape areas to have positive drainage to SW systems. All areas with poor drainage are identified on the site plan should be brought to the site supervisor’s attention. Installation as soon as it can be undertaken.

Soils
Australian native garden beds to have soil installed consisting of 50% existing site topsoil and 50% new topsoil equal or equivalent to Organic Garden Mix as supplied by Australian Native Landscapes. Australian native garden beds to have soil installed consisting of 50% existing site topsoil and 50% new topsoil equal or equivalent to ‘Shaw’s Low P’ Mix as supplied by Australian Native Landscapes. Topsoil to be installed to depths of 300mm for tree and mass planting garden beds. 100mm of turf underlay should be used under turf areas.

Cultivation
All garden beds to be cultivated to a min depth of 100mm and free of any debris to the depth of the root ball only. If additives such as gypsum and deep root feeder or liquid such as quinone are required, soil be cultivated to the top 100mm of soil.

Planting
All planting to be grown to NADP SPECifications. Contractor to prepare site for planting including digging out, levelling, setting out and excavating. Excavate a hole for each plant large enough to provide root ball all around the root system of the plant. For free standing, each hole shall be dug with a shovel, backhoe or similar tool. Individual holes shall be excavated to allow root system to sit flat on the excavated hole and sit within each side of the root system. Black plastic planting holes with existing site topsoil as described in section ‘soil / free / trees / shall be set panels, with the root ball set slightly below the final soil level.

Stakes and ties
For 200 and 300mm plants 1.5-2.0 high stakes 20mm diameter stakes 150-200mm long per plant. Stakes are to be straight and free from kinks or twists and pointed at one end. Drive stakes into the ground at not more than a third of their length, avoiding damage to the root system. Provide two heritage ties (75mm wide flax each) each tied down. Ties to be made securely to the stakes, one at half the height of the main stem, others as necessary to stabilise the plant. Install tie around stake and stem in a figure of eight pattern.

Matching
The Landscape Contractor shall supply and install 15mm Eucalyptus to all garden beds shown on the landscape plans, to a minimum depth of 75mm. All mulch is to be free of deleterious matter such as rocks, debris and sticks. Mulched surfaces are to be kept clean and tidy and free of any deleterious material and flyover matter. Rainwater depths to a uniform level of 75mm with mulch as specified, mulch to be free of any wood material impregnated with CCC or similar toxic treatment. Maintain waterproofing rings around trees. Top up mulch levels prior to hardening to client.

Turfing
The landscape contractor shall supply and install 5e White Buffalo turf in the standard pattern to all turf areas shown on the landscape plans and to finish flush with adjacent surfaces. Turf to be at least thickness of 50mm with a 2:1 fall in the direction of the main or moving direction. Contractor to allow for forming, laying, tamping, watering, top dressing, maintenance and mowing. The landscape contractor shall supply and install turf underlay under all turf areas, consisting of 35mm thick layer of screened top soil.

Fertiliser and Disease Control
The landscape contractor shall spray for pests and diseases in accordance with the pest and disease management plan. The program shall reflect seasonal conditions and plant species. Frequency: Weekly or as required.

 öldking
Pest shall be in the form intended to uniformly release plant food elements for a period of approximately nine months equal to 3.5cm thick 25kg/1000lt KOKKs pellets, analysis 8.5.1.6.E.2.9 or similar approval. KOKK pellets shall be placed at the time of planting to the base of the plant, 50mm from the root ball at a rate of two pellets per 300mm of top growth to a maximum of 5 pellets per tree. Generally check for signs of infected areas (yellowing of leaves, failure to thrive), and adapt fertilizer regime to suit. Fertiliser should be applied at the beginning and the end of the summer growing season.
DOCUMENTS ASSOCIATED WITH REPORT ELPP046/19

Attachment 5
Noise Impact Assessment
REPORT 180162R1

Revision 1

Noise Impact Assessment

Proposed Child Care Centre

24 Verlie Street, South Wentworthville

PREPARED FOR:

Baini Design

18 Villiers Street

PARRAMATTA NSW 2150

20 August 2018
Noise Impact Assessment
Proposed Child Care Centre
24 Verlie Street, South Wentworthville

PREPARED BY:
Rodney Stevens Acoustics Pty Ltd
Telephone: 61 2 9943 5057 Facsimile 61 2 9075 1019
Email: info@rodneystevensacoustics.com.au
Web: www.rodneystevensacoustics.com.au

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DOCUMENT CONTROL

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<td>Rodney Stevens</td>
<td>Rodney Stevens</td>
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Table 5-3 Predicted Outdoor Play Activities Noise Emission
1 INTRODUCTION
Rodney Stevens Acoustics Pty Ltd (here forth referred to as RSA) has been engaged by Baini Design to prepare a Noise Impact Assessment Report for the proposed Child Care Centre to be located at 24 Verlie Street, South Wentworthville.

This report details the results of a noise survey and assesses the likely impact of noise (principally from traffic noise) incident upon the proposed Child Care Centre as well as noise from the proposed Child Care Centre upon nearby residential premises.

Specific acoustic terminology is used in this report. An explanation of common acoustic terms is provided in Appendix A.

2 PROPOSED DEVELOPMENT

2.1 Development Site
The proposed Child Care Centre is to be located at 24 Verlie Street, South Wentworthville. The development site is bounded by residential dwellings to the east, west and south and Verlie Street to the north.

The development site and its surrounding environment are mainly influenced by traffic noise from Verlie Street. Figure 2-1 shows an aerial image of the site area and the surrounding environment.

Figure 2-1 Site Location

Image Courtesy of Near Map © 2018.
The following figure presents the proposed Child Care Centre Layout:

Figure 2-2  Proposed Child Care Centre Layout

2.2  The Development

The proposal is to construct a double storey childcare centre. The building will have 1 outdoor play area to the as well as a basement carpark.

2.3  Hours of Operation

The following hours of operation are proposed:

- Monday to Friday  7:00 am until 6:00 pm

2.4  Enrolment Numbers

The proposed Child Care Centre plans to cater for up to 43 children between the ages of 0 and 5 years of age. The number of children and their age groups are as follows:

- 0-2 years old     8 Children
- 2-3 years old    - 15 Children
- 3-5 years old    - 20 Children

2.5  Outdoor Play Activities

In RSA's experience with Child Care Centres, potential noise issues occur primarily when children are engaged in outdoor play activities, in terms of intrusive environmental noise to the play areas and play area noise to nearby sensitive receivers.
3 BASELINE NOISE SURVEY

3.1 Unattended Noise Monitoring

In order to characterise the existing acoustical environment of the area unattended noise monitoring was conducted between the dates of Thursday 5th July and Thursday 13th July 2018 at the logging locations shown in Figure 2-1.

Two noise loggers were set up at the project site. One noise logger was located at the front of the site and the second logger was located at the rear of the site.

The first logger which was located on the eastern facade and monitored the road traffic noise from Varlin Street, while the second logger which was located at the rear of the site, this logger provides the baseline background noise environs of the surrounding residential areas adjacent to the project site.

Logger location was selected with consideration to other noise sources which may influence readings, security issues for noise monitoring equipment and gaining permission for access from residents and landowners.

Instrumentation for the survey comprised of 2 RION NL-42 environmental noise loggers (serial numbers 133013 and 710677) fitted with microphone windshields. Calibration of the logger was checked prior to and following measurements. Drift in calibration did not exceed ±0.5 dB(A). All equipment carried appropriate and current NATA (or manufacturer) calibration certificates. Measured data has been filtered to remove data measured during adverse weather conditions upon consultation with historical weather reports provided by the Bureau of Meteorology (BOM).

The logger determines $L_{10}$, $L_{100}$, $L_{RBL}$ and $L_{L_{eq}}$ levels of the ambient noise. $L_{10}$, $L_{100}$, $L_{RBL}$ are the levels exceeded for 1%, 10% and 90% of the sample time respectively (see Glossary for definitions in Appendix A). Detailed results at the monitoring location are presented in graphical format in Appendix B. The graphs show measured values of $L_{10}$, $L_{100}$, $L_{RBL}$ and $L_{L_{eq}}$ for each 15-minute monitoring period.

3.2 Data Processing

3.2.1 Noise Emission (Noise Policy for Industry)

In order to assess noise emission from the proposed Child Care Centre, the data obtained from the noise logger has been processed in accordance with the procedures contained in the NSW Environmental Protection Authority’s (EPA) Noise Policy for Industry (NPI, 2017) to establish representative noise levels that can be expected in the residential vicinity of the site. The monitored baseline noise levels are detailed in Table 3-1.

<table>
<thead>
<tr>
<th>Location</th>
<th>Measurement Descriptor</th>
<th>Measured Noise Level – dB(A) re 20 μPa</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Daytime (7 am - 6 pm)</td>
</tr>
<tr>
<td>Logger on southern boundary (Rear of site)</td>
<td>$L_{L_{eq}}$</td>
<td>514</td>
</tr>
<tr>
<td></td>
<td>RBL (Background)</td>
<td>41</td>
</tr>
</tbody>
</table>

$L_{L_{eq}}$ 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.

$L_{RBL}$ Noise level present for 90% of time (background level). The average minimum background sound level (in the absence of the source under consideration).
3.2.2 Noise Intrusion (Road Noise Policy)

To assess noise intrusion into the outdoor play areas and internal areas of the Child Care Centre, the data obtained from the logger location has been processed to establish representative ambient noise levels from Verrie Street.

The time periods used for this assessment are as defined in the EPA’s Road Noise Policy (RNP, 2011). Results are presented below in Table 3-2.

<table>
<thead>
<tr>
<th>Location</th>
<th>Period</th>
<th>External Noise Levels dBA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern Facade</td>
<td>Day Time 7:00 am - 10:00 pm</td>
<td>L_{Aeq(1hour)} 58 dB</td>
</tr>
<tr>
<td>Northern Facade</td>
<td>24 Hour</td>
<td>L_{Aeq(24hour)} 56 dB</td>
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4 NOISE GUIDELINES AND CRITERIA

4.1 Cumberland Council DCP 2013 criteria

Cumberland Council has specific acoustic requirements for child care centers in the DCP 2013, Part I, Section 3 Visual and Acoustic Privacy. The relevant excerpts are as follows:

C1 An acoustic assessment must be completed by a suitably qualified person and is to address, but not limited to the following:

- Identification of sensitive noise receivers to be potentially impacted.

- Analysis of the existing acoustic environment at the receiver locations. Measurement techniques and assessment period should be fully justified and in accordance with relevant Australian Standards and NSW DECC Industrial Noise Policy.

- Identification of all noise that is likely to emanate from the child care centre and the subsequent prediction of resulted noise at the identified sensitive receiver locations from the operations of the premises. Where appropriate, the prediction procedures should be justified and include an evaluation of prevailing atmospheric conditions that may promote noise propagation.

- Details of any acoustic control measures that will be incorporated into the proposal;

- The prevention of a sense of enclosure; and

- The background noise testing component of the assessment is to be carried out over a minimum of five (5) days if the proposed child care centre is located near a railway line, major road or other source which can potentially create noise above normal background level.

C2. A Noise Management Plan shall accompany the development application. This should, as a minimum, provide details of child to staff ratios, noise control measures of children while in outdoor play areas and seasonal play times.

C3. Consideration is to be given to the following design mechanisms in respect to noise abatement for properties in the surrounding area:

a) The appropriate design and siting of the child care centre;

b) The appropriate layout and arrangement of outdoor space and activities;
c) The appropriate location of outdoor play areas away from main living area or bedroom windows of any surrounding dwellings in predominantly residential areas, and away from external noise sources;

d) The use of acoustic barriers and design, such as screen fencing or planting as noise buffers for external noise sources or transmission of noise from the child care centre to surrounding properties; and

e) The appropriate location of mechanical plants such as exhaust fans and air conditioning units to ensure noise generation does not impact on surrounding properties.

C4. Noise abatement measures are to be undertaken to ensure that inside noise levels do not exceed 40dB(A) (Leq 24). Assessments should take background noise levels into account.

C5. Where the site is likely to be affected by heavy traffic or rail noise, the child care centre should be designed to locate playrooms, sleep rooms and playgrounds away from the noise source and reduce the impact of noise by barriers such as solid fencing and window glazing. Sites on main or arterial roads should be avoided.

C6. A landscape buffer with suitable screening plants and a minimum width of 1 metre shall be provided along the side and rear boundaries of the development to help minimise overhanging.

C7. Due to the potential generation of noise, if the proposed child care centre is to incorporate basement level car parking, details of mechanical ventilation are to be included in the application.

4.2 Noise Emissions from Centre

Criteria for the assessment of noise impact from the proposed child care centre to the surrounding residential receivers will be based on in accordance with the EPA's Noise Policy for Industry (NPPI) October 2017. The NPPI 2017 came into effect in October 2017 and replaces the EPA's Industrial Noise Policy (INP 2000).

4.3 Operational Noise Project Trigger Noise Levels

Responsibility for the control of noise emissions in New South Wales is vested in Local Government and the EPA. The EPA oversees the Noise Policy for Industry (NPPI) October 2017 which provides a framework and process for deriving project trigger noise level. The NPPI project noise levels 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.

4.3.1 Intrusiveness Noise Levels

For assessing intrusiveness, the background noise generally needs to be measured. The intrusiveness noise level essentially means that the equivalent continuous noise level (LAn) of the source should not be more than 5 dB(A) above the measured Rated Background Level (RBL), over any 15 minute period.

4.3.2 Amenity Noise Levels

The amenity noise 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 the impact. The noise levels 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 project trigger noise level 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 project trigger noise level.

4.3.3 Area Classification

The NPI characterises the “Suburban” noise environment as an area with an acoustical environment that:

- has local traffic with characteristically intermittent traffic flows or with some limited commerce or industry.
- This area often has the following characteristic: - evening ambient noise levels defined by the natural environment and human activity

The area surrounding the proposed development falls under the “Suburban” area classification.

4.3.4 Project Specific Trigger Noise Levels

Having defined the area type, the processed results of the attended noise monitoring have been used to determine project specific project trigger noise level. The intrusive and amenity project trigger noise level for nearby residential premises are presented in Table 4-1. These project trigger noise levels 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 project trigger noise level are adopted. These are shown in bold text in Table 4-1.

<table>
<thead>
<tr>
<th>Receiver</th>
<th>Time of Day</th>
<th>ANL 1</th>
<th>Measured</th>
<th>Project Trigger Noise Levels</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>ANL 1</td>
<td>RBL 2</td>
<td>Existing</td>
</tr>
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<td></td>
<td></td>
<td>L_{100}(10 min)</td>
<td>L_{100}(10 min)</td>
<td>L_{100}(Period)</td>
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<tr>
<td>Residential</td>
<td>Day</td>
<td>55</td>
<td>41</td>
<td>51</td>
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<td></td>
<td>Evening</td>
<td>45</td>
<td>44</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Night</td>
<td>40</td>
<td>43</td>
<td>51</td>
</tr>
</tbody>
</table>

Note 1: ANL = “Amenity Noise Level” for residences in Suburban Areas.
Note 2: RBL = “Rating Background Level”.

4.3.5 Noise Emissions from Children Play Activities

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 Technical Guideline Child Care Centre Noise Assessment, provides criteria for the assessment of noise intrusion into and noise emissions from Child Care Centres and also provides recommendations for treatment to minimise acoustical impacts upon neighbouring premises.

Since the time in which children are involved in outdoor play can be limited, the potential impact associated with these noise emissions reduces. The AAAC considers 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 of L_{Aequi}(10 min) noise level emitted from the outdoor play area not exceed the background noise level by more than 10 dB at the assessment location. A "background + 10 dB(A)" criterion has also been applied in other local government areas within the Sydney metropolitan area. However, if the proposed outdoor play time is more than 2 hours
per day, the $L_{Aeq(15 minute)}$ noise level emitted from the outdoor play area not exceed the background noise level by more than 5 dB at the assessment location.

We have assumed that the proposed child care center will operate more than 2 hours of outdoor play time per day, therefore, the noise criterion for noise emissions from outdoor activities to all surrounding residential receivers is (daytime $L_{Aeq} 41$ dB(A) + 5 dB(A) $L_{Aeq(15 minute)} 46$ dB(A)). This is based on a measured background noise level of $L_{Aeq(15 minute)} 41$ dB(A).

4.3.6 Road Noise Intrusion to Outdoor Playground

Noise levels within outdoor play areas are not covered in by the Cumberland Council's DCP 2013. For the assessment of road traffic noise impact on the outdoor play areas, the NSW EPA's Road Noise Policy (RNP) has been used to determine the appropriate noise level. In accordance with the RNP, the noise criterion for outdoor play areas is as follow:

- Outdoor play areas – $L_{Aeq(thour)} 55$ dB(A) (external).

4.3.7 Noise Intrusion to Indoor Areas

Cumberland Council's DCP 2013 requires the internal area noise levels to not exceed the $L_{Aeq(12 hour)} 40$ dB(A) (internal).

5 NOISE IMPACT ASSESSMENT

5.1 Road Traffic Noise Intrusion into Centre

5.1.1 Outdoor Play Area

Based on the measured road traffic noise level of $L_{Aeq(thour)} 58$ dB(A) from Verlie Street, the predicted traffic noise impacts at the outdoor play areas are presented in Table 5-1 below.

The following assumptions have been made in the noise modelling of the road traffic noise impacts on the outdoor play areas:

- A 2.1 meters high solid barrier with a 45° awning extending to 1 meter is in place along the boundaries (Refer to Figure 2-2)
- The height of children between the ages of 0 and 3 years have an average height of 0.5 meters, children 3 and 5 have an average height of 0.7 metre;
- The outdoor play areas are located to the south of the site and it is approximately 44 meters away from Verlie Street.
- Road traffic noise impacts have been modelled from the centre line of the road to approximately the middle of the outdoor play areas.

Table 5-1  Predicted Road Traffic Noise Intrusion Levels

<table>
<thead>
<tr>
<th>Area</th>
<th>Predicted $L_{Aeq}$ Road Traffic Noise Level – dB(A)</th>
<th>Noise Criterion $L_{Aeq(ref)}$ – dB(A)</th>
<th>Compliance (Yes / No)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor Play Area – South</td>
<td>40</td>
<td>55</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Existing road traffic noise levels in the Outdoor Play areas are predicted to comply with the $L_{Aeq(thour)} 55$ dB(A) (external) criterion stipulated in Section 4.3.6. Based on this assessment no additional no control measures will be required.
5.1.2 Indoor Areas

The typical outdoor to indoor noise reductions provided by most standard glazed facades (i.e. without special acoustical treatment) is generally accepted as being 10 dB(A) through an open window and in the order of 20 dB(A) with windows closed.

The facade road traffic noise at the proposed child care centre building is calculated to be $L_{Aeq(24hr)}$ 56 dB(A) on the northern facade. Taking into account the distance, shielding and glazing in the northern, the resultant indoor noise levels for opened and closed windows at the northern facade, corresponding to the typical noise reductions are as follows:

- **46 dB(A)** with windows opened; and
- **36 dB(A)** with windows closed.

The predicted internal noise levels are likely to exceed the 40 dB(A) criteria as required by Cumberland Council with windows opened. Therefore, all glazing on the northern facade and the cot room must remain closed in order to comply with the criteria.

5.2 Mechanical Plant Noise Assessment

Mechanical ventilation may be installed at the proposed childcare centre, the operation of such mechanical plant must be in accordance with the relevant regulations such as the Building Code of Australia (BCA Vol.1, Part 4.5 Ventilation of rooms) and AS1668.2-2002 The use of ventilation and air conditioning in buildings will be required.

A specific mechanical plant selection has not been supplied at this stage. It is anticipated that the building will be serviced by typical mechanical ventilation/air conditioning equipment.

It is likely that the criteria set out in Table 4-1 may be met through the use of conventional noise control methods (e.g. selection of equipment on the basis of quiet operation and, where necessary, providing enclosures, localised barriers, silencers and lined ductwork).

An appropriately qualified acoustic consultant should review the mechanical plant associated with the development at the detailed design stage when final plant selections have been made.

5.3 Operational Noise Emissions to Nearby Residences

5.3.1 Outdoor Play Activities Noise Impact

Potential noise management issues occur primarily when children are engaged in outdoor play activities. Noise generated by the children in the outdoor play area will occur at limited times throughout the day, with numbers of children playing and periods of play managed by the Centre staff.

The Association of Australian Acoustical Consultants (AAAC) provides a technical guideline for Child Care Centre Noise Assessment. Within this guideline it stipulates the following assumed sound power levels ($L_w$) for various age groups of children:

- 10 Children aged 0 to 2 years: 77 to 80 dB(A)
- 10 Children aged 2 to 3 years: 83 to 87 dB(A)
- 10 Children aged 3 to 5 years: 84 to 90 dB(A)

Spectra for energy-average noise levels ($L_{Aeq}$) have been measured by RSA of children at play at a similar facility, given below in Table 5-2. The measured spectra have been scaled based upon the overall sound power levels offered by the AAAC and the amount of children expected to be in the outdoor play area at any given time.
Table 5-2  Outdoor Free Play Activities Noise Spectrum Measured in a Typical Child Care Centre

<table>
<thead>
<tr>
<th>Noise Descriptor</th>
<th>Leq</th>
<th>63</th>
<th>125</th>
<th>250</th>
<th>500</th>
<th>1 k</th>
<th>2 k</th>
<th>4 k</th>
<th>8 k</th>
<th>Overall dB(A)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>61</td>
<td>58</td>
<td>53</td>
<td>54</td>
<td>57</td>
<td>56</td>
<td>48</td>
<td>41</td>
<td>61</td>
<td></td>
</tr>
</tbody>
</table>

Calculations have been made based on the spectra above and assuming 2 scenarios. Scenario 1 will consist of all children 0-3 years old playing outside at the one time and Scenario 2 will consist of all children 3-5 years old playing outside at the one time. The levels were scaled to reflect the overall power levels presented by the AAAC to determine the likely noise levels at nearby receivers due to 43 children playing in the Outdoor Play areas of the proposed Child Care Centre.

The following assumptions have been made in the noise modelling of the Outdoor Play areas noise impacts on the neighbouring residences:

- Scenario 1 will consist of 8 children between the ages of 0 and 2 with total sound power level of 77 dB(A) and 15 children between the ages of 2 and 3 with total sound power level of 89 dB(A) will be playing in the outdoor play area;
- Scenario 2 will consist of 20 children between the ages of 3 and 5 with total sound power level of 93dB(A) will be playing in the outdoor play area;
- The height of the residential receivers has been assumed to be 1.5 metres for residential buildings on ground level;
- Source height in the outdoor play area, i.e. children height, have been taken to be 0.5 meters for children between the ages of 0 and 3, and heights of 0.7 metre for children between the ages of 3 and 5;
- The proposed 2.1 meters high solid barrier with a 45° awning extending to 1 meter (Refer to Figure 2-2) along the boundaries of the outdoor play areas have been taken into account in the noise model;
The following figure shows the receiver locations in relation to the proposed Child Care Centre.

Figure 5-1  Receiver Locations

The predicted noise levels experienced by nearest residential receivers are presented in Table 5-3 below. Noise levels have been calculated at the most affected boundary heights. The noise levels presented below are representative of the worst case scenarios for receiver.

Table 5-3  Predicted Outdoor Play Activities Noise Emission

<table>
<thead>
<tr>
<th>Receiver</th>
<th>Predicted Outdoor Play Activities Noise at Neighbouring Residents – dB(A)</th>
<th>Criteria</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1</td>
<td>44</td>
<td>46</td>
<td>Yes</td>
</tr>
<tr>
<td>R2</td>
<td>42</td>
<td>46</td>
<td>Yes</td>
</tr>
<tr>
<td>R3</td>
<td>43</td>
<td>46</td>
<td>Yes</td>
</tr>
<tr>
<td>R4</td>
<td>26</td>
<td>46</td>
<td>Yes</td>
</tr>
</tbody>
</table>


### Scenario 2 – All Children Ages 3 - 5

<table>
<thead>
<tr>
<th>Receiver</th>
<th>Predicted Outdoor Play Activities Noise at Neighbouring Residents – dB(A)</th>
<th>Criteria</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1</td>
<td>44</td>
<td>46</td>
<td>Yes</td>
</tr>
<tr>
<td>R2</td>
<td>44</td>
<td>46</td>
<td>Yes</td>
</tr>
<tr>
<td>R3</td>
<td>47</td>
<td>46</td>
<td>Yes*</td>
</tr>
<tr>
<td>R4</td>
<td>25</td>
<td>46</td>
<td>Yes</td>
</tr>
</tbody>
</table>

* We note that an exceedance of 1 dB(A) is generally regarded as being acoustically insignificant

Noise from the outdoor play activities at the surrounding residences is predicted to comply with the 46 dB(A) criterion with scenarios presented above.

Based on the above assessment of the outdoor play activities noise emissions, a 2.1 meters high solid barrier with a 45° awning extending to 1 meter must be implemented along the boundaries. (Please refer to Figure 2-2 for further details)

#### 5.3.2 Noise Emissions from Indoor Activities

Calculations have been carried out to ascertain the noise breakout from indoor activities to the neighbouring premises. The predicted noise levels indicate that the noise criteria will not be exceeded if the doors and windows are in the configuration shown in Figure 2-2, the resulting noise levels are presented in Table 5-4 below. Noise levels have been calculated at the most affected boundary heights.

**Table 5-4 Predicted Indoor Play Activities Noise Emission – Doors and Windows Open**

<table>
<thead>
<tr>
<th>Receiver</th>
<th>Predicted Indoor Play Activities Noise at Neighbouring Residents – dB(A)</th>
<th>Criteria</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1</td>
<td>45</td>
<td>46</td>
<td>Yes</td>
</tr>
<tr>
<td>R2</td>
<td>36</td>
<td>46</td>
<td>Yes</td>
</tr>
<tr>
<td>R3</td>
<td>42</td>
<td>46</td>
<td>Yes</td>
</tr>
<tr>
<td>R4</td>
<td>25</td>
<td>46</td>
<td>Yes</td>
</tr>
</tbody>
</table>

The assessment criterion for indoor play of 46 dB(A) can be achieved with the windows and doors are in the configuration shown in Figure 2-2. Noise emissions from indoor activities will meet recommended design limits at the neighbouring residential receivers with the internal layout proposed.
5.3.3 Carpark Emission

The proposed car park is to be located on the north east of the site, it has a capacity of 4 employee and 11 visitor car spaces, calculations of noise from the carpark have been based on typical noise generating events within a carpark such as, door slams, engine starts and cars driving away. We have assumed a scenario were 15 cars enter or leave the carpark in a span of 15 minutes.

The calculated noise levels from the activities carried out within the carpark are presented in the table below:

<table>
<thead>
<tr>
<th>Receiver</th>
<th>Predicted Carpark Activities Noise at Neighbouring Residents - dB(A)</th>
<th>Criteria</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1</td>
<td>31</td>
<td>46</td>
<td>Yes</td>
</tr>
<tr>
<td>R2</td>
<td>&lt;20</td>
<td>46</td>
<td>Yes</td>
</tr>
<tr>
<td>R3</td>
<td>38</td>
<td>46</td>
<td>Yes</td>
</tr>
<tr>
<td>R4</td>
<td>31</td>
<td>46</td>
<td>Yes</td>
</tr>
</tbody>
</table>

We note that a 1.8 meter solid barrier on the eastern and western boundaries have been used for calculation purposes, please refer to Figure 2-2.

5 CONCLUSION

RSA has conducted a noise impact assessment of the proposed Child Care Centre at 24 Verlie Street, South Wentworthville. The assessment has comprised the establishment of noise criteria and assesses noise impacts with regard to relevant statutory requirements.

Traffic noise intrusion into the indoor areas has been assessed to exceed the noise criteria as set out in Section 3.2.2. Based on this assessment, the windows on the northern façade and cot room must remain closed.

Noise emissions from the indoor play activities to the nearest residential receivers have been calculated to comply with the noise criterion, with the configurations shown in Figure 2-2.

Noise emissions from the outdoor area play activities to the nearest residential receivers have been calculated to comply with the noise criterion, with the 2 scenarios presented. A 2.1 meters high solid barrier with a 45° awning extending to 1 meter along the boundaries must be implemented to minimise the noise impact from the outdoor areas (Refer to Figure 2-2).

Noise emissions from the carpark to the nearest residential receivers have been calculated to comply with the noise criterion, a 1.8 meter solid barrier on the eastern and western boundaries must be erected. (Refer to Figure 2-2).

Criteria for noise emissions from mechanical plant have been established, a further acoustic survey by a qualified acoustic consultant will be required once mechanical plant schedules have been selected.
Based on our assessment the proposed Child Care Centre at 24 Verlie Street, South Wentworthville is deemed to not cause "Offensive Noise" to neighbouring residences provided that the noise control measures recommended is implemented. It is therefore recommended that planning approval be granted for the proposed development on the basis of acoustics.

Approved:

Rodney Stevens
Manager/Principal
Appendix A – Acoustic Terminology

**A-weighted sound pressure**

The human ear is not equally sensitive to sound at different frequencies. People are more sensitive to sound in the range of 1 to 4 kHz (1000 – 4000 vibrations per second) and less sensitive to lower and higher frequency sound. During noise measurement an electronic ‘A-weighting’ frequency filter is applied to the measured sound level dBA to account for these sensitivities. Other frequency weightings (B, C and D) are less commonly used. Sound measured without a filter is denoted as linear weighted dB(liner).

**Ambient noise**

The total noise in a given situation, inclusive of all noise source contributions in the near and far field.

**Community annoyance**

Includes noise annoyance due to:

- character of the noise (e.g. sound pressure level, tonality, impulsiveness, low-frequency content)
- character of the environment (e.g. very quiet suburban, suburban, urban, near industry)
- miscellaneous circumstances (e.g. noise avoidance possibilities, cognitive noise, unpleasant associations)
- human activity being interrupted (e.g. sleep, communicating, reading, working, listening to radio/TV, recreation).

**Compliance**

The process of checking that source noise levels meet with the noise limits in a statutory context.

**Cumulative noise level**

The total level of noise from all sources.

**Extraneous noise**

Noise resulting from activities that are not typical to the area. Atypical activities may include construction, and traffic generated by holiday periods and by special events such as concerts or sporting events. Normal daily traffic is not considered to be extraneous.

**Feasible and reasonable measures**

Feasibility relates to engineering considerations and what is practical to build; reasonableness relates to the application of judgement in arriving at a decision, taking into account the following factors:

- Noise mitigation benefits (amount of noise reduction provided, number of people protected).
- Cost of mitigation (cost of mitigation versus benefit provided).
- Community views (aesthetic impacts and community wishes).
- Noise levels for affected land uses (existing and future levels, and changes in noise levels).

**Impulsiveness**

Impulsive noise is noise with a high peak of short duration or a sequence of these peaks. Impulsive noise is also considered annoying.
<table>
<thead>
<tr>
<th>Low frequency</th>
<th>Noise containing major components in the low-frequency range (20 to 250 Hz) of the frequency spectrum.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise criteria</td>
<td>The general set of non-mandatory noise levels for protecting against intrusive noise (for example, background noise plus 5 dB) and loss of amenity (e.g. noise levels for various land use).</td>
</tr>
<tr>
<td>Noise level (goal)</td>
<td>A noise level that should be adopted for planning purposes as the highest acceptable noise level for the specific area, land use and time of day.</td>
</tr>
<tr>
<td>Noise limits</td>
<td>Enforceable noise levels that appear in conditions on consents and licences. The noise limits are based on achievable noise levels, which the proponent has predicted can be met during the environmental assessment. Exceedance of the noise limits can result in the requirement for either the development of noise management plans or legal action.</td>
</tr>
<tr>
<td>Performance-based goals</td>
<td>Goals specified in terms of the outcomes/performance to be achieved, but not in terms of the means of achieving them.</td>
</tr>
<tr>
<td>Rating Background Level (RBL)</td>
<td>The rating background level is the overall single figure background level representing each day, evening and night time period. The rating background level is the 10th percentile min L_{eq} noise level measured over all day, evening and night time monitoring periods.</td>
</tr>
<tr>
<td>Receptor</td>
<td>The noise-sensitive land use at which noise from a development can be heard.</td>
</tr>
<tr>
<td>Sleep disturbance</td>
<td>Awakenings and disturbance of sleep stages.</td>
</tr>
<tr>
<td>Sound and decibels (dB)</td>
<td>Sound (or noise) is caused by minute changes in atmospheric pressure that are detected by the human ear. The ratio between the quietest noise audible and that which should cause permanent hearing damage is a million times the change in sound pressure. To simplify this range the sound pressures are logarithmically converted to decibels from a reference level of 2 x 10^-5 Pa. The picture below indicates typical noise levels from common noise sources.</td>
</tr>
</tbody>
</table>
dB is the abbreviation for decibel—a unit of sound measurement. It is equivalent to 10 times the logarithm (to base 10) of the ratio of a given sound pressure to a reference pressure.

Sound power Level (SWL)
The sound power level of a noise source is the sound energy emitted by the source. Notated as SWL, sound power levels are typically presented in dB(A).

Sound Pressure Level (SPL)
The level of noise, usually expressed as SPL in dB(A), as measured by a standard sound level meter with a pressure microphone. The sound pressure level in dB(A) gives a close indication of the subjective loudness of the noise.

Statistical noise levels
Noise levels varying over time (e.g. community noise, traffic noise, construction noise) are described in terms of the statistical exceedance level.

A hypothetical example of A weighted noise levels over a 15 minute measurement period is indicated in the following figure:

Key descriptors:

$L_{A,\text{max}}$ Maximum recorded noise level.

$L_{A,1}$ The noise level exceeded for 1% of the 15 minute interval.
$L_{A10}$ Noise level present for 10% of the 15 minute interval. Commonly referred to the average maximum noise level.

$L_{Aeq}$ Equivalent continuous (energy average) A-weighted sound pressure level. It is defined as the steady sound level that contains the same amount of acoustic energy as the corresponding time-varying sound.

$L_{A90}$ Noise level exceeded for 90% of time (background level). The average minimum background sound level (in the absence of the source under consideration).

Threshold
The lowest sound pressure level that produces a detectable response (in an instrument/person).

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 dB(A) penalty is typically applied to noise sources with tonal characteristics.
Appendix B - Logger Graphs

Traffic Logger

Road Traffic
24 Verlie St, South Wentworthville
Thursday 5/7/2019

Road Traffic
24 Verlie St, South Wentworthville
Friday 6/7/2019

Rodney Stevens Acoustics
Report Number 180320R1

Noise Impact Assessment - Proposed Child Care Centre
24 Verlie Street, South Wentworthville
Draft Planning
Appendix C – Calibration Certificates

Acoustic Research Labs Pty Ltd
Level 7 Building 2 423 Pennant Hills Rd
Pennant Hills NSW AUSTRALIA 2120
Ph: +61 2 9484 0600 A.B.N. 65 160 399 119
www.acousticsresearch.com.au

Sound Level Meter
IEC 61672-3.2013

Calibration Certificate

Calibration Number: C17335

Client Details: Rodney Stevens Acoustics Pty Ltd
1 Majura Close
ST IVES NSW 2075

Equipment Tested/Model Number: Ron NL-42EX
Instrument Serial Number: 00133013
Microphone Serial Number: 162572
Pre-amplifier Serial Number: 46604

Pre-Test Atmospheric Conditions
Ambient Temperature: 23°C
Relative Humidity: 38.8%
Barometric Pressure: 98.93 kPa

Post-Test Atmospheric Conditions
Ambient Temperature: 23°C
Relative Humidity: 37.7%
Barometric Pressure: 98.94 kPa

Calibration Technician: Lucky Jaiswal
Calibration Date: 04/07/2017
Secondary Check: Sandra Minns
Report Issue Date: 05/07/2017

Approved Signatory: Juan Aguero

Clause and Characteristic Tested

12: Acoustical Sig. tests of a frequency weighting
13: Electrical Sig. tests of frequency weightings
14: Frequency and time weightings at 1 kHz
15: Long Term Stability
16: Level linearity on the reference level range

Result
Pass
Pass
Pass
Pass
Pass
Pass

Clause and Characteristic Tested

17: Level linearity incl. the level range control
18: Toneburst response
19: C Weighted Peak Sound Level
20: Overload indication
21: High Level Stability

Result
Pass
Pass
Pass
Pass
Pass

The sound level meter submitted for testing has successfully completed the class 2 periodic tests of IEC 61672-3:2006, for the environmental conditions under which the tests were performed.

However, no general statement or conclusion can be made about conformance of the sound level meter to the full requirements of IEC 61672-3:2002, because evidence was not publicly available, from an independent testing organisation responsible for market approval, to demonstrate that the model of sound level meter fully conformed to the requirements of IEC 61672-3:2002, and because the periodic tests of IEC 61672-3:2006 cover only a limited subset of the specifications in IEC 61672-3:2002.

Acoustic Tests:
- 1/3 Octave: ±0.14 dB
- 1/12 Octave: ±0.24 dB
- 1/24 Octave: ±0.24 dB
- Electrical Tests:
  - 1/3 Octave: ±0.12 dB
  - 1/12 Octave: ±0.24 dB
  - 1/24 Octave: ±0.12 dB

Uncertainties of Measurement:
- Environmental Conditions: ±0.6 dB
- Temperature: ±0.05°C
- Relative Humidity: ±0.45%
- Barometric Pressure: ±0.01 kPa

All uncertainties are derived at the 95% confidence level with a coverage factor of 2.

This calibration certificate is to be read in conjunction with the calibration test report.

Rodney Stevens Acoustics
Report Number: 180320R1

NATA Accredited Laboratory Number 14172
24 Veric Street, South Wentworthville

Noise Impact Assessment Proposed Child Care Centre

NATA is a signatory to the ILAC Mutual Recognition Arrangement for the mutual recognition of the equivalence of testing, medical testing, calibration and inspection reports.

Page 1 of 1
Acoustic Research Labs Pty Ltd

Sound Level Meter
IEC 61672-3:2013

Calibration Certificate

Calibration Number: C17536

Client Details:
Rodney Stevens Acoustics Pty Ltd
1 Majora Close
St Ives Chase NSW 2075

Equipment Tested/Model Number:
Rion NL-42EX

Instrument Serial Number:
00730077

Microphone Serial Number:
147121

Pre-amplifier Serial Number:
33998

Pre-Test Atmospheric Conditions
Ambient Temperature: 22.9°C
Relative Humidity: 47.0%
Barometric Pressure: 99.43kPa

Post-Test Atmospheric Conditions
Ambient Temperature: 22.2°C
Relative Humidity: 45.9%
Barometric Pressure: 99.43kPa

Calibration Technician: Jason Coomes
Calibration Date: 13/10/2017

Secondary Check: Riley Cooper
Report Issue Date: 17/10/2017

Approved Signatory:
Ken Williams

Clause and Characteristic Tested | Result | Clause and Characteristic Tested | Result
--- | --- | --- | ---
12: Acoustical Sig. tests of a frequency weighting | Pass | 15: Level linearity incl. the level range control | Pass
13: Electrical Sig. tests of frequency weightings | Pass | 18: Timebase response | Pass
14: Frequency and time weightings at 1 kHz | Pass | 19: C Weighted Peak Sound Level | Pass
15: Long Term Stability | Pass | 20: Overload Indication | Pass
16: Level linearity on the reference level range | Pass | 21: High Level Stability | Pass

The sound level meter submitted for testing has successfully completed the class 2 periodic test of IEC 61672-3:2006, for the environmental conditions under which the tests were performed.

However, no general statement or conclusion can be made about conformance of the sound level meter to the full requirements of IEC 61672-3:2006 because evidence was not publicly available, from an independent testing organisation responsible for pattern approval, to demonstrate that the model of sound level meter fully conformed to the requirements in IEC 61672-3:2002 and because the periodic test of IEC 61672-3:2006 covers only a limited subset of the specifications in IEC 61672-3:2002.

Least Uncertainty of Measurements -

Acoustic Tests:
-10.3 dB to -11.01 dB
-12.3 dB to -12.01 dB
-14.0 dB to -13.91 dB

Environmental Conditions:
Temperature: ±0.1°C
Relative Humidity: ±0.5%
Barometric Pressure: ±0.14kPa

Electrical Tests:
-10.3 (±20 kHz)
-11.4 dB

All uncertainties are derived at the 95% confidence level with a coverage factor of 2.

This calibration certificate is to be read in conjunction with the calibration test report.

Acoustic Research Labs Pty Ltd is NATA Accredited Laboratory Number 4412.

NATA is a signatory to the ILAC Mutual Recognition Arrangement for the mutual recognition of the equivalence of testing, medical, testing, calibration and inspection reports.

Rodney Stevens Acoustics

Report Number: 180220R1

Noise Impact Assessment: Proposed Child Care Centre
24 Veale Street, South Wentworthville

Raelin Davidson

ELPP046/19 – Attachment 5 Page 116
DOCUMENTS ASSOCIATED WITH REPORT ELPP046/19

Attachment 6
Traffic & Parking Assessment & Addendum Statement
6 February, 2019

Cumberland Council
PO Box 42
Merrylands
NSW 2160

Attention: Ms D Hang, Environment & Infrastructure Division

Your reference: DA 2018/357/1

Dear Madam,

**PROPOSED CHILD CARE CENTRE**

**24 VERLIE STREET, WENTWORTHVILLE**

Reference is made to your correspondence dated 6th December, 2018 to Baini Design requesting additional information in relation to the abovementioned child care centre development at 24 Verlie Street, Wentworthville.


Following receipt of your correspondence, a number of alterations have been made to the development application, which are detailed within amended architectural plans prepared by Baini Design, copies of which are submitted under separate cover. These alterations include, but are not limited to, the following:

- A reduction in the capacity of the centre from 43 to 41 children; and

- Minor alterations to the site access arrangements to facilitate the provision of separate entry and exit driveways, in preference to the originally proposed single combined ingress / egress driveway.

This Practice has been retained by this applicant to address those items contained within your abovementioned correspondence originating from Council’s Traffic Department (denoted as item 10 of your letter), as follows:

10(a) *The provision of off-street parking spaces shall be in accordance with Council’s DCP 2013. The minimum requirement (non-tandem) for the proposed development area as follows:*

- 1 per 4 children = 43 / 4 = 10.75 spaces
- 1 per 2 staff = 7 / 2 = 3.5 spaces
- Total 10.75 + 3.5 = 14.25 (rounded up to min. 15 spaces)
The provision of 10 (non-tandem) parking spaces results in a shortfall of 5 parking spaces. In this regard, the required parking spaces shall be provided in accordance with Council’s DCP requirements.

Comment

The amended architectural plans involve a minor reduction in the originally proposed capacity of the centre from 43 to 41 children, as follows:

- 6 children aged 0 – 2 years;
- 15 children aged 2 – 3 years and
- 20 children aged 3 – 5 years.

The abovementioned amended centre capacity however maintains the originally proposed minimum staffing level of seven employees.

The following calculations are therefore provided with respect to the amended centre capacity:

1 per 4 children = 41 / 4 = 10.25 spaces
1 per 2 staff = 7 / 2 = 3.5) spaces
Total 10.25 + 3.5 = 13.75 (adopt 14) spaces

The proposed amended centre capacity therefore generates a requirement of 14 off-street parking spaces.

The centre was originally and is now proposed to be serviced by a single basement level of car parking containing 14 spaces, 4 of which are provided in a tandem arrangement.

It would appear that Council’s traffic department has not included the tandem spaces within the total development parking quantum. The provision of tandem parking is however commonly accepted for staff parking spaces within all commercial development, including child care centres. The operational characteristics of centres is such that staff generally arrive and depart the centre prior to peak children set-down / pick-up periods, thereby ensuring that the tandem nature of a small portion of the parking area does not unreasonably impact the accessibility and efficiency of other parking spaces servicing the development.

With regard to the above, there is no explicit development controls within the HDCP 2013 which indicate that tandem parking cannot be provided within child care centres, nor that tandem parking spaces are not to be included in parking quantum calculations. It is accordingly concluded that the development provides a total of 14 parking spaces, which adequately complies with the numerical requirements of HDCP 2013.

Notwithstanding the above, if considered necessary, the tandem parking spaces within the development could be governed by a site specific plan of management to ensure no unreasonable inefficiencies occur. The requirement for this plan of management could reasonably be imposed by Council as a condition of consent.
10(b) Separate entry and exit driveways shall be provided with a minimum width of 3m each in accordance with Council’s DCP 2013 Part I. This will produce the traffic circulation system, minimise the number of vehicles reversing out and improve safety for children in the car park.

Comment

The amended architectural plans provide for separate 3m wide ingress and egress driveways.

10(c) The aisle width between angle and parallel parking shall be minimum 6.3m in accordance with Australian Standard 2890.1-2004.

Comment

It is acknowledged that Clause 2.4.4(b)(iii) of AS 2890.1-2004 requires a minimum aisle width of 6.3m for parking arrangements that have parallel parking on one side and angle parking the other. This particular Clause of the Standard is however not considered to apply to the proposed parking arrangement as no parallel parking spaces are provided. In this regard, parking space nos. 9 – 14 are provided as 90 degree angled parking spaces being serviced by an adjoining aisle providing an north-south alignment, being an extension of the site access roadway / ramp. Parking space nos. 5 – 8 are also provided as 90 degree angled parking spaces being serviced by an adjoining aisle providing an east-west alignment (which intersects with the abovementioned north-south aisle at right angles).

In consideration of the above, the north-south and east-west aligned circulation aisles are subject to Clause 2.4.2 of AS2890.1:2004, which necessitates a minimum width of 5.8m. The proposed 5.8m wide aisle is therefore considered to be appropriately compliant with the relevant AS2890.1:2004 specifications and accordingly is concluded to be satisfactory. It should further be noted that swept path plans contained within Appendix 2 of the July 2018 Traffic & Parking Impact Assessment illustrated that the proposed geometrical aisle configuration is suitably capable of accommodating passenger vehicle manoeuvring requirements including adjacent parking space access / egress and internal turnaround movements. The originally provided swept path plans have been updated to reflect the amended architectural plans, copies of which are attached as Appendix 1.

10(d) Swept paths analysis shall be provided for a vehicle to enter, manoeuvre and exit the site in a forward direction. Details of the road including, kerbline, signs, traffic devices, power poles, other structures and neighbouring driveways shall be shown on the plans.

Comment

Detailed swept path analysis was produced within Appendix 2 of the July 2018 Traffic & Parking Impact Assessment prepared for the Development Application. This analysis, including public road network detail, indicated that vehicles are able to enter / manoeuvre and exit the site in a forward direction.

Notwithstanding the above, further swept path plans have been prepared to reiterate the above site access, internal manoeuvring and egress whereby the amended architectural plans have been utilised as a base. Copies of these additional swept path plans are attached to this correspondence as Appendix 1.

Verlie Street, South Wentworthville 18-105
10(e) The location of the existing street tree is required to be shown on plans, and the distance of the street tree from the proposed driveway/s.

Comment

The amended architectural plans provide details of existing public roadway furniture as obtained from survey information by others.

10(f) All vehicles shall be able to enter and exit the site in a forward direction.

Comment

The originally submitted and further amended attached swept path plans demonstrate that all vehicles are able to enter and exit the site in a forward direction.

10(g) Long section of the proposed driveway/ramp shall be provided to Council with gradients and dimensions. The transition at the top and bottom of the driveway/ramps should be checked for scraping and bottoming out.

Comment

The amended architectural plans provide for a longitudinal section including all gradients and dimensions of the proposed access roadway / ramp connecting the basement car parking level to Verlie Street. The gradients illustrated by the section are suitably compliant with the relevant requirements of AS2890.1:2004, providing the following criterion:

- Maximum gradient within 6m of the property boundary = 1:20;
- Maximum gradient = 1:4; and
- Maximum change in grade = 1:8.

The proposed site access roadway / ramp profile is accordingly considered to be satisfactory.

It would be appreciated if Council could consider the additional information contained within and attached to this correspondence to assist in its ongoing assessment of the subject development application.

Submitted for your consideration.

Yours sincerely,

Morgan Stanbury
Director
Traffic Engineer

Verlie Street, South Wentworthville

18-105
TRAFFIC & PARKING IMPACT ASSESSMENT

PROPOSED CHILD CARE CENTRE DEVELOPMENT
24 VERLIE STREET
SOUTH WENTWORTHVILLE

PREPARED FOR BAINI DESIGN
OUR REF: 18-105

JULY 2018

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1. **INTRODUCTION**

1.1 **Scope of Assessment**

Stanbury Traffic Planning has been commissioned by Baini Design to prepare a Traffic & Parking Impact Assessment to accompany a Development Application to be lodged with Cumberland City Council. The Development Application seeks consent for the demolition of an existing detached residence and the construction of a purpose built child care centre at 24 Verlie Street, South Wentworthville (hereafter referred to as the "subject site").

The two storey child care centre is proposed to be capable of accommodating up to 43 children. The centre is to be served by a single level of basement parking for up to 14 passenger vehicles. Vehicular access is proposed via a single combined ingress / egress driveway connecting with Verlie Street in the north-eastern corner of the site.

This aim of this assessment is to investigate and report upon the potential traffic and parking consequences of the 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.
1.2 Reference Documents

Reference is made to the following documents throughout this report:

- 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 3: Bicycle Parking Facilities (AS2890.3:2015); and
- 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 Baini Design 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.
1.3 Site Details

1.3.1 Site Location

The subject site is situated on the south-eastern corner of the intersection of Verlie Street and Hayes Avenue, South Wentworthville. The site location is illustrated below within a local and aerial context by Figure 1 and Figure 2, respectively.

**FIGURE 1**

SITE LOCATION WITHIN A LOCAL CONTEXT

Source: UBD’s Australian City Streets – Version 4

**FIGURE 2**

SITE LOCATION WITHIN AN AERIAL CONTEXT

Source: Nearmap (accessed 29/07/18)
1.3.2 Site Description

The subject site provides a street address of 24 Verlie Street, South Wentworthville.

The allotment provides a predominantly rectangular shaped parcel of land with approximate frontage of 15m to Verlie Street. The site extends away from Verlie Street approximately 46m to the south, resulting in a total site area in the order of 700m².

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 Verlie Street on the north-easter corner of the site.

1.3.3 Surrounding Uses

The site is adjoined by a mix of one and two storey detached residential dwellings located fronting Verlie Street and Hayes Avenue.
2. **PROPOSED DEVELOPMENT**

2.1 **Built Form**

The subject application seeks Council's approval to the demolition of existing detached residence and the construction of a purpose built child care centre capable of accommodating up to 43 children.

The child care centre is to be contained within a two storey building situated within the central portion of the site. The ground floor of the building is proposed to contain three separate indoor playrooms, sleeping areas, an entrance foyer, reception, play area in conjunction with ancillary amenities. The first floor is proposed to contain staff room, office, kitchen and ancillary amenities.

The building is proposed to be serviced by a single basement level of parking containing 14 passenger vehicle parking spaces.

Vehicular connectivity between the basement parking area and Verlie Street is proposed via a combined ingress / egress driveway located in the north-eastern corner of the site.

Pedestrian access between the building and the southern Verlie Street footway is proposed via a pathway located to the west and separate from the abovementioned vehicular access driveway.

2.2 **Proposed Operation**

The child care centre is proposed to accommodate up to 43 children as follows:

- Eight children aged between zero and two years of age;
- 15 children aged between two and three years of age; and
- 20 children aged between three and five years of age.

The centre is required to employ a minimum of seven staff in accordance with the current Children (Education and Care Services) National Law (NSW) requirements, as follows:

- Two staff associated with the children aged between zero and two years of age;
- Three staff associated with the children aged between two and three years of age; and
- Two 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 Passenger Vehicular Access

Vehicular access between the development and Verlie Street is proposed to be provided via a 6.1m wide combined ingress/egress driveway located within the north-eastern corner of the site.

The above driveway arrangement is proposed to provide direct connectivity to the basement car parking. The basement has 14 parking spaces.

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 Verlie Street, the child care centre land-use proposed and the passenger vehicle parking provision within the parking area of 14 spaces. The proposed combined ingress/egress driveway width of 6.1m therefore exceeds the minimum AS2890.1-2004 specifications and accordingly is 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.

The safety and efficiency of access/egress movements are also proposed to be assisted by the provision of a relatively level (less than 1:20) grade within the first 6m inside the property boundary.

Verlie Street provides a consistent vertical and horizontal alignment within the vicinity of the subject site, resulting in good sight distance between the frontage road and the proposed site access driveway.

3.1.2 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 Verlie Street footway.
3.2 Parking Provision

The development is proposed to be serviced by 14 on-site passenger vehicle parking spaces.

NSW Government’s Child Care Planning Guideline specifies that parking should be provided in accordance with HDCP 2013, which provides the following minimum vehicular parking rates for child care centres:

- One space per four children; plus
- One space per two employees (located with R2 zone).

Application of the abovementioned parking rates to the proposed centre capacity of 43 children results in a passenger minimum vehicle parking requirement of 15 spaces.

The proposed parking provision of 14 passenger vehicle parking spaces therefore represents a parking shortfall of one space in accordance with HDCP 2013.

It is however noted that the NSW Government’s Child Care Planning Guideline states the following with respect to car parking rates:

- A reduction in car parking rates may be considered where:
  - The site is in proximity to high frequency and well connected public transport.
  - There is sufficient on-street parking available at appropriate times within proximity of the site.

Section 4.4 of this report presents that the subject site is located within close proximity to high frequency and well connected public transport, being situated within walking distances of a series of bus services.

The site plans illustrate that at least one passenger vehicle is capable of parking immediately adjacent to the subject site within Verlie Street. In a slightly broader scale, it is further noted that safe and convenient on-street car parking capable of servicing the development users is provided within 100m walking distance of the subject site along the southern side of Verlie Street, without a requirement for pedestrians to cross any public roads, as follows:

- 12 parking spaces are provided along the southern kerb alignment of Verlie Street, between the site and 100m west of the site; and

- 10 parking spaces are provided along the southern kerb alignment of Verlie Street, between the site and 100m east of the site.

Surveys of parking demand within these portions of Verlie Street were undertaken by staff of this Practice in order to ascertain the existing demand for the surrounding public parking area safely and efficiently capable of servicing development users. Surveys were undertaken on the 25th of July 2018 between
7:00am - 9:00am and 3:00 - 6:00pm in order to capture the likely peak development set-down / pick-up periods associated with the centre.

Table 1 below provides a summary of the survey results.

<table>
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<tr>
<th>Time</th>
<th>Number of Parking Spaces Occupied</th>
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<th>Verlie St to the east</th>
<th>Total Occupied Spaces</th>
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Table 1 illustrates that the minimum number of occupied parking spaces within the adjoining portions of Verlie Street during peak operational set-down / pick-up periods of the centre was 12 spaces, thereby indicating that capacity exists to accommodate a minimum of 10 additional parked vehicles if so required.

It is accordingly clear that the abutting public parking infrastructure provides adequate capacity to accommodate the proposed potential for one additional passenger vehicles to park on-street for short periods during children set-down / pick-up periods, without unreasonable impacts on surrounding amenity. The proposed parking provision is therefore considered to be satisfactory.
3.3 Service Vehicle Parking

The centre is likely to necessitate regular servicing with respect to the collection of refuse. Refuse is proposed to be stored within a bin room located centrally in basement. These bins are to be wheeled to the Verlie Street frontage for collection in a similar manner to adjoining residential development.

Minor deliveries associated with the centre operation are expected to be undertaken by vans and utilities. Such servicing activities are proposed to be accommodated within single visitor passenger vehicle parking spaces located within the on-site car park. These activities are to be undertaken outside of the normal operational periods of the centre in accordance with operational requirements contained within the NSW Government’s Child Care Planning Guideline.

3.4 Parking Circulation and Manoeuvrability

Passenger vehicles upon entry to the site, will travel in a forward direction to access the basement parking area via an access roadway / ramp running along the eastern site boundary.

The basement parking area comprises a standard 90 degree angled parking row of eight spaces along the southern boundary in a stacked arrangement, serviced by a single central parking aisle forming an extension of the site access roadway / ramp. Seven of the eight stacked spaces are proposed to be specifically allocated to staff and the remaining one space for parents / visitors of the centre.

A further six parking spaces are proposed to be provided adjacent to the western basement wall provided in a perpendicular alignment to the abovementioned parking row to the south, being serviced by the abovementioned parking aisle.

The internal access roadway / ramp and basement parking area has generally been designed to accord with the minimum requirements of AS2890.1:2004 and AS2890.6:2009, providing the following minimum dimensions:

- Staff vehicle parking space width = 2.4m;
- Visitor vehicle parking space width = 2.6m;
- Disabled vehicle parking space width = 2.4m (plus adjoining 2.4m wide shared area);
- Additional space width adjoining obstruction = 0.3m;
- Vehicle parking space length = 5.4m;
- Parking aisle width = 5.8m;
- Clearance = 2.2m (2.5m above disabled parking spaces);
- Minimum two-way roadway = 5.5m;
• Maximum ramp grade = 1:5;

• Maximum ramp grade within 6m of property boundary = 1:20; and

• Maximum change in ramp grade = 1:8.

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 899 and 885 vehicle specifications provided within AS2890.1:2004.

Section 84.4 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.

Whilst the basement parking area forms a dead end aisle, the alignment of the internal parking aisle/s is such that passenger vehicles are capable of undertaking a three point turn in order to exit the site in a forward direction in the event of all parking spaces being occupied, if so required. The proposed basement parking area layout as it relates to passenger vehicle manoeuvrability is therefore considered to be satisfactory.

3.5 Pedestrian Circulation

Pedestrian connectivity between the child care centre building and the southern Verle Street footway is proposed via a pathway separate and to the west of the vehicular access driveway. Further, pedestrian connectivity between the parking spaces within the basement parking area and the building is proposed via a lift located on 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:

- **Verlie Street** performs a local access function, providing an east-west alignment between Frances Street in the west and Coleman Street in the east.

  Verlie Street provides an approximate 10m wide pavement providing one through lane of traffic in each direction in conjunction with untimed parallel parking along both kerb alignments, in the vicinity of the site. Traffic flow is governed by a speed limit of 50km/h.

  Verlie Street intersects Hayes Avenue immediately to the north-west of the subject site, operating under major / minor priority control with Verlie Street forming the priority route.

  To the west, Verlie Street forms a T-junction with Frances Street with Frances Street performing the priority route.

  To the east, Verlie Street forms a T-junction with Coleman Street with Coleman Street performing the priority route.

- **Hayes Avenue** performs a local access function, providing a north-south alignment between Verlie Street to the south and its termination to the south of the M4 Motorway corridor approximately 380m to the north.

  Hayes Avenue provides an 8m wide pavement providing one through lane of traffic in each direction in conjunction with untimed parallel parking along both kerb alignments, in the vicinity of the site. Traffic flow is governed by a speed limit of 50km/h.

  Hayes Avenue intersects with a series of local east-west access streets within the subject precinct in Brewer Crescent, Manson Street and Benson Street, operating under major / minor priority control with Hayes Avenue forming the priority route in each instance.

- **Frances Street** performs a higher order access function, providing a north-south alignment between Hamilton Street to the north and Hilltop Road to the south.

  Frances Street 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.
• **Coleman Street** performs a local collector function, providing a north-south alignment between the Great Western Highway to the north and Hilltop Road to the south.

Coleman Street 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.

Traffic signals are provided at the intersection of the Great Western Highway and Coleman Street with all movements permitted. Additional roundabout control is in place for the M4 Motorway westbound exit and Hilltop Road intersections.

### 4.2 Existing Traffic Volumes

Staff of Stanbury Traffic Planning have undertaken observations of traffic demands within the surrounding local road network in the vicinity of the site in order to accurately ascertain the traffic demands. Observations were undertaken between 7:00am – 9:00am and 4:00pm – 6:00pm on Wednesday 25 July 2018. The following provides a summary of the peak hour traffic demands observed within the immediate vicinity of the site:

- Directional traffic flows within Verlie Street adjacent to the site are less than 50 vehicles per hour; and
- Directional traffic flows within Hayes Avenue adjacent to the site are in the order of 10 vehicles per hour.

### 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 200 vehicles, such as that observed within Verlie Street and Hayes Avenue, provides a level of service ‘A’. Such a level service indicates free flow where drivers are virtually unaffected by other vehicles and have freedom to select their desired speed and to manoeuvre within the traffic stream.

Whilst traffic demands within the primary precinct access roads (Coleman Street and Frances Street) are higher commensurate with their functional hierarchy in the road network, the local road network provides safe and efficient connectivity to the surrounding regional and state road network as follows:

- Coleman Street intersects with the Great Western Highway under traffic signal control with all movement permitted; and
- Coleman Street intersects with Hilltop Road under roundabout control.
4.4 Public Transport

4.4.1 Heavy Rail

The site is located approximately 1.8km walking distance from Westmead Railway Station. This station provides access to train services which operate along the T1 (North Shore, Northern & Western) Line and the T5 (Cumberland) Line. Services along these lines provide efficient connectivity to the remainder of the Sydney metropolitan rail network via interchanges at Granville, Clyde, Lidcombe and the City to the east as well as Cabramatta and Glenfield to the south.

4.4.2 Buses

Transit Systems operate the following bus services in the immediate vicinity of the site:

- Route 809 Merrylands to Pemulwuy;
- Route 810 Merrylands to Parramatta;
- Route 811 Pemulwuy to Parramatta;
- Route T80 Parramatta to Liverpool;
- Route 810x Merrylands to Parramatta; and
- Route 811x Greystanes to Parramatta.

Routes 809, 810 and 811 operate along Frances Road, with stops being located within 300m walking distance of the site. Routes 809 and 811 provide a service frequency of 30 minutes during weekday commuter peaks, extending to 60 minutes during other periods. Route 810 provides a service frequency of 60 minutes.

Routes T80, 810x and 811x operate along the Great Western Highway serving stops approximately 700 metres distance to the north of the site. Route T80 provides a weekday commuter peak period frequency of between 5 and 10 minutes, extending to 10 – 15 minutes during other weekday periods and 25 minutes during weekends. Routes 810x and 811x combine to provide a weekday commuter peak period frequency of 10 minutes, extending to 30 minutes during other periods.

4.4.3 Pedestrians

Pedestrians are provided with the following access and mobility infrastructure within the immediate vicinity of the subject site:

- A footpath is provided along the northern side of Verlie Street;
- A footpath is provided along both sides of Coleman Street and Frances Street;
• Pedestrian refuges are provided over Coleman Street at its junction with the M4 Motorway westbound off-ramp; and

• Signalised pedestrian crossings are provided over the southern, eastern and northern approaches of the intersection of Great Western Highway and Coleman Street.

4.4.4 Cyclists

A dedicated shared path is provided on the southern side of the M4 Motorway with connectivity being provided via Coleman Street to the north-east.
5. PROJECTED TRAFFIC CONDITIONS

5.1 Traffic Generation

Traffic generation rates for various land-uses have been established through extensive surveys undertaken throughout NSW and published within the Roads & Maritime Services’ Guide to Traffic Generating Developments. This publication 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

Application of the above traffic generation rates to the proposed 43 place child care centre results in an estimated development traffic generation of 35 vehicle trips per hour during the morning peak hour, and 30 vehicle trips per hour during the evening peak hour.

5.2 Trip Assignment and Projected Traffic Volumes

The development generated trips are likely to be evenly distributed between inbound and outbound movements associated with the setting down and picking up of children during the morning and evening peak periods, respectively. The development is therefore projected to generate 18 ingress and 17 egress movements during the morning peak hour and 15 ingress and 15 egress movements during the evening peak hour.

5.3 Traffic Impacts

The development has been projected to generate up to 35 vehicle movements per hour during commuter peak periods. Such a peak hour traffic generation equates to approximately one additional vehicle movement every two minutes during commuter peaks, which is not projected to, in itself, result in any unreasonable impacts on the existing operational performance of the surrounding local road network. In this regard, the previous assessment contained within this report has revealed that traffic demands within the surrounding local road network are moderate and accordingly motorists are provided with a reasonable level of service with spare capacity.

Whilst it is acknowledged that traffic demands within the surrounding regional and arterial road network are more considerable, the presence of positive intersection control at and nearby the precinct access points provide motorists with safe and efficient means with which to access and exit the subject precinct.

In consideration of the above, the impact of the development is most likely to be a result of the safety and efficiency with which motorists are capable of entering and exiting the development. The low traffic demands within Verlie Street in conjunction with the good sight distance provisions between the frontage road and the driveway location is such that it is envisaged that motorists will be capable of entering and exiting the site in a safe and efficient manner.
5.3 Transport Impacts

The subject site is located within very close walking distance to bus services operating along Frances Road and the Great Western Highway and moderate walking distance to Westmead Railway Station. It is accordingly expected that a proportion of the future centre users 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.
CONCLUSION

This report assesses the potential parking and traffic implications associated with a proposed child care centre at 24 Verlie Street, South Wentworthville. Based on this assessment, the following conclusions are now made:

- The proposed 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 has a shortfall of one parking space in accordance with HDCP 2013, which can be accommodated within the immediately abutting and surrounding Verlie Street, without unreasonable impacts on surrounding amenity;

- The 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 35 vehicle movements to and from the site 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.
DOCUMENTS ASSOCIATED WITH REPORT ELPP046/19

Attachment 7
Submissions & Petition
From:                           Saturday, 27 October 2018 5:51 PM
Sent:                           Records Department
To:                            Submission (public): DA-357/2018 SOUTH WENTWORTHVILLE - DA's - 24 Verlie ST,
Subject:                       SOUTH WENTWORTHVILLE NSW 2145

I object to the building of a child care facility at 24 Verlie Street, South Wentworthville. I have lived in this area since 1980 and the streets are becoming more congested with traffic, especially Verlie Street with a large amount of on street parking. It is impossible to have two cars pass each other without having a near miss collision since on street parking increased dramatically.

If this property was approved for 43 child places, the underground basement parking would definitely not be enough at drop off and pick up time, therefore creating more on street parking and more likely a chance of accidents.

Kind Regards

Click here to report this email as spam.
CHRISTINE DECRUZ
ACTING EXECUTIVE ASSISTANT TO THE MAYOR

16 Memorial Avenue, PO Box 42 Merrylands NSW 2160
T +61 2 8757 9856
E christine.decruz@cumberland.nsw.gov.au
W www.cumberland.nsw.gov.au

From: Christine DeCruz <christine.decruz@cumberland.nsw.gov.au>
Sent: Wednesday, 7 November 2018 8:15 AM
To: Julie Liversys
Subject: FW: Child Care @ 24 Verlie Street
Attachments: img017.jpg; img018.jpg; img019.jpg; img020.jpg

Hi Greg,

This development has traffic safety problems for everyone living in the street. Add to that, not everyone in the street knows about it.

Click here to report this email as spam.
5 November 2018

Dania Elias
Senior Administration Officer
Cumberland Council
16 Memorial Avenue
Merrylands NSW 2160

LETTER OF OBJECTION
DEVELOPMENT APPLICATION NO. 2018/357/1
24 VERLIE STREET, SOUTH WENTWORTHVILLE

We refer to Council’s letter dated 22 October 2018 in relation to the above Development Application.

We submit our letter of objection of the following grounds:

1. **Car Parking** – There is already hardly any car parking available in the street as it is now. With the multiple duplexes already in the street, and not enough off street parking for each of these duplexes and most homes have more than one car already parked in the street.

   - If the child care centre is built, with minimal car parking available to parents/carers underneath the centre for dropping off and picking up their child, where else will they be parking? In the street? Where will staff be parking?

2. **Traffic** – Verlie Street is already a main thoroughfare for traffic coming off M4 Motorway to Coleman Street, to cut through to South Wentworthville, Merrylands West and up to Greystanes for people avoiding the Great Western Highway. The traffic already doesn’t follow the speed limit here, being a 50 km zone. Every time my children, family or friends visit, I basically have to walk out to the street, to ensure the street/traffic is clear for my visitors to be able to reverse out of my driveway safely. With cars parking in the street and the traffic cutting through, Verlie Street is already unsafe and visibility reversing out is extremely limited and dangerous.

   - A child care centre is only going to increase the traffic even more, especially during peak times during the working week of between 7 am – 9:30 am and 4:30 pm – 6:00 pm, making it unsafe for myself, my wife and family to come and go from my house.

   - It will also become dangerous for the child care centre parents/carers/staff to be exiting from their designated car park.
We strongly object to this child care centre being built in Vestie Street for the above reasons.

Yours faithfully
Diep Hang

From:                      Wednesday, 7 November 2018 9:31 AM
Sent:                      Records Department
To:                       Redevelopment at 24 Verlie Street South Wentworthville 2145, DA 2018/357/1
Subject:                   Dania Elassi
                           Senior Administration Officer
                           Cumberland Council

Dear Dania Elassi

We are writing regarding the Development Application at 24 Verlie Street South Wentworthville 2145 DA 2018/357/1.

The following are some questions that relate to the above application which we would like to have clarified:-

**Asbestos exposure during the demolition of existing structures.** As it is an old dwelling with what appears to be a fibro garage, could Council please advise on the correct procedure for identifying and removing asbestos and other debris. Is there an emergency contact in the event safe procedures are not being followed?

**Subsidence from the proposed excavation of the underground car park.** What conditions does Council place on the developer to prevent subsidence and who is responsible if a problem develops?

**Increased traffic flow.** Verlie Street is already a busy street with cars racing through using it as a thoroughfare to access other areas. We strongly urge Council to carefully consider the impact of increased traffic in Verlie Street with a possible view to alternative traffic flow measures when making a determination about this redevelopment.

Many thanks for providing an opportunity to respond to the above proposal.

We look forward to your response.

Kindest regards

South Wentworthville 2145

Click [here](#) to report this email as spam.
Diep Hang

From: Wednesday, 7 November 2018 2:56 PM
Sent: Records Department
To: DA 2018/357/1
Subject: 

We have been residents in Verlie Street for the past forty years & in recent times there has been an increase in the number of residents due to development of several duplexes in our community. This in turn has led to an increase in vehicles in this street. I recently counted 72 cars in 46 dwellings. There is a very limited amount of street parking currently & this presents issues such as where to place bins for garbage collection. These often end up in driveways as there is no other alternative.

This leads me to our objection to the proposed 43 place structure at 24 Verlie Street. We believe that street parking will be crucial for parents dropping off & collecting children. We cannot see past the possible dangers this may lead to with this development.

One extra note from us, there are several housing commission homes in this area, are they able to express any concerns they may have?? We also have some concerns regarding noise as we have a night worker in our home.
Hi dear Cumberland Council
First of all thanks a lot to letting me know about our neighbor project planes for child care.
Secondly I was in holiday sorry for a bit late reply.
I am Verlie street south Wentworthville 2145 I was informed that our neighbor 24 Verlie street want to get a child care da approval from you.
I have been living in here for more than three years as I can see how fast the cars passing here if they are making child care at the above address
Firstly making allot of traffic which is not safe for my kids and for child care kids because our street is up and down hills and the cars go fast up and down the hills and when cars passing they can not see kids so its not safe for child care kids and for my children's and also there are not enough street car park around the property on Verlie street.
If you got any concern please let me know thanks
Development Application 2018/357/1

Click here to report this email as spam.
Dear Officer-in-charge,

I am writing to express my view of the development application to build a 43 place child care facility on 24 Verlie Street South Wentworthville.

I am owner of the house located on Verlie Street South Wentworthville and have been living there for 5 years. Over the years, I have seen quite a few old houses demolished on Verlie Street and duplexes built on same premises. Tenants who move into duplexes are mostly working adults and own several cars. As a result, the street is now populated with cars making it very difficult for house owners to park their cars even along their frontage.

Verlie Street does not have excess parking capacity other than for existing household parking use. Building a child care centre will exacerbate parking shortage and force existing household owners to park their cars somewhere else. Can you please take this negativity into consideration when you review this application? Thank you.

Best regards,

Owner, Verlie Street South Wentworthville

Click here to report this email as spam.
Diep Hang

From: Wednesday, 28 November 2018 1:43 PM
To: Records Department
Subject: Development Application: 2018/357/1
Attachments: 24 Verlie St = Notice of Development Application.pdf

Attn: Dana Elashi

Development Application: 2018/357/1

I refer to the attached Notice of Development Application,

The owners of Verlie Street South Wentworthville (…) and Verlie Street South Wentworthville (…) do not support this development application.

The street is highly unsuitable for a child care facility. It is a very busy street, with motorists continually speeding at all hours of the day and night. Just the other week on 17 November, an accident occurred with a speeding driver and two stationary cars. These types of accidents have increased in frequency each year.

A child care centre would significantly increase the traffic on the street, which is already quite populated, and an increased risk of accidents. This poses a significant risk, not only to residents of the street, but also families and children.

I further note that several residents are quite disturbed as it appears the majority of residences did not receive the attached letter and had no knowledge of this proposed development. It was not until a concerned neighbour began door-knocking and providing residents with copies of the notice that we became aware. Please advise whether a copy of this notice was sent to the residences at Verlie Street and Verlie Street.

Please confirm receipt of this submission.

Kind regards,

WARNING: Clients of Australian Law Firms have been victims of fraudulent emails. DO NOT act on ANY email which provides details of our trust account. Our usual practice when asking for monies to be sent to our trust account is to refer to the plastic card our partners hand in person to our clients which contains those details.

Client referrals are very important to our business. If you know of any business associates or work colleagues who can benefit from our range of mortgage related services: advances, discharges, enforcement, trail disputes, aggregation and sub-broker structuring, mortgage-based asset protection, mortgage securitisation, mortgage fund compliance, negligent mortgage professional (solicitors, valuers & quantity surveyors), then please do not hesitate to contact me. We would be delighted to assist them.

Liability limited by a scheme approved under professional standards legislation.
From: 
Date: 29 November 2018 at 9:33:43 am AEDT
To: "karl.okorn@cumberland.nsw.gov.au" <karl.okorn@cumberland.nsw.gov.au> 
Subject: Child care centre

Dear Karl,

Thanks for taking the time to look into the below.

As discussed the majority of our neighbours have been addressed from 25 to 31 Verlie street and none of them have received a notice for development of a childcare centre at 24 Verlie Street.

Furthermore we would all like to make sure that the issue with speeding in the street, parking, trucks and the street being used as a bypass street is addressed.

All this will add up with the development of a childcare within the street and we are concerned about the safety of our street and the children.

Please feel free to contact me if you need further information.

Kind Regards,
Petition

To the councillor of Cumberland council of New South Wales

This petition of residents of Verlie Street in South Wentworthville.

Brings to the attention of the councillor our strong opposition to Development Application 2018/357/1 which will build a child care centre on the premise of 24 Verlie Street after existing house is demolished.

This Development Application disregards the reality that:

1. Street parking is already scarce due to the large number of parked cars which not only come from residents of Verlie Street but also from other side streets.
2. Verlie Street is the preferred route of drivers who commute between Parramatta and Merrylands/Greystanes/Pemulwuy/Wentworthville. This makes Verlie street very busy most time of the day.
3. Speed driving is not unusual on Verlie Street. It is getting unsafe for pedestrians to cross the street. Standing by the side of the street or walking along the side of street is not safe either.
4. Building a child care centre of 43 places on 24 Verlie Street will attract many more cars in such a tiny location, add more noise to this area, produce even more traffic and could cause potential traffic accidents making it even more unsafe for pedestrians and other road users.

The undersigned petitioners therefore respectfully request the councillor reject this Development Application 2018/357/1.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email</th>
<th>Signature</th>
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<tbody>
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<tr>
<td>Petitioner 1</td>
<td><a href="mailto:pet1@email.com">pet1@email.com</a></td>
<td>123 Main St, Anytown</td>
<td>Signature 1</td>
</tr>
<tr>
<td>Petitioner 2</td>
<td><a href="mailto:pet2@email.com">pet2@email.com</a></td>
<td>456 Elm St, Anytown</td>
<td>Signature 2</td>
</tr>
</tbody>
</table>

The undersigned petitioners therefore respectfully request the councillor reject this Development Application 2018/357/A.
Dear Miss. Hang,

After talking with you on the phone today, the revised plan forwarded by the developer has not substantially addressed any of the concerns we put forwards in our last petition. As a result, we maintain our view that we strongly oppose this development application DA 2018/357/1 on the grounds that:

1. Street parking space is already scarce on Verlie Street. A child care centre will aggravate situation further causing unnecessary contenions to existing residents.
2. Traffic volume on Verlie Street is already high. A child care centre will make traffic more congested.
3. Speed driving along Verlie Street is not unusual. It is not a safe place for pedestrians crossing the street, even standing by the street or walking along the side of street could be dangerous.
4. Building a child care centre with 41 places attracts too many cars in such a narrow, short and busy street like Verlie Street and will exacerbate existing problems in this area.

We ask the council to take our petition seriously in its review of this application.

Kindest regards,
Diep Hang

From:           
Sent:           Wednesday, 6 March 2019 7:12 PM
To:             Records Department

Dear Dani's Elasi,
I am from Verlie Street South Wentworthville. I'm writing regarding the approval of child care center of 24 Verlie Street south Wentworthville which is our neighbor.
We are not agree that they are building a child care center because our street is up and down hills it not save for my kids and the child care center children and also some times its hard to find parking and if they're building a childcare then we never find parking space on the street and also it not save for kids.

Thanks a lot for asking our ideas

family

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DOCUMENTS ASSOCIATED WITH REPORT ELPP046/19

Attachment 8

Appendix A - State Environmental Planning Policy (Educational Establishments & Child Care Facilities) 2017
APPENDIX A

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

The subject Development Application falls under Part 3 of the SEPP, entitled Early education and care facilities—specific development controls. An assessment against the relevant clauses of the SEPP is provided in the table below:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Required/Permitted</th>
<th>Provided</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes</td>
<td>Note 1. A service approval is required to operate an early education and care facility that is an education and care service to which the Children (Education and Care Services) National Law (NSW) applies or a State regulated education and care service to which the Children (Education and Care Services) Supplementary Provisions Act 2011 applies. Approved services are subject to various operational requirements under that legislation, including requirements for the physical environment of the approved service. Note 2. Complying development controls specifically for school-based child care are provided for in clause 40.</td>
<td>A service approval from the NSW Dept. of Education (DEC) is required to be obtained by the operator. To be conditioned.</td>
<td>To condition</td>
</tr>
<tr>
<td>22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development</td>
<td>(1) This clause applies to development for the purpose of a centre-based child care facility if: (a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or (b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.</td>
<td>The proposed development complies with Clause 107 of the National Regulations.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>(2) The consent authority must not grant development consent to development to which this clause applies except with the concurrence of the Regulatory Authority.</td>
<td>The proposed development complies with Clause 108 of the National Regulations.</td>
<td>Yes – subject to conditions</td>
</tr>
<tr>
<td>23 Centre-based child care facility—matters for consideration by consent authorities</td>
<td>Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.</td>
<td>Refer to assessment contained at Appendix D.</td>
<td>Refer to Appendix D</td>
</tr>
</tbody>
</table>

Extraordinary Cumberland Local Planning Panel Meeting
26 June 2019

ELPP046/19 – Attachment 8 Page 177
25 Centre-based child care facility—non-discretionary development standards

(1) The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.

(2) The following are non-discretionary development standards for the purposes of section 79C (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:

(a) location—the development may be located at any distance from an existing or proposed early education and care facility, Noted  Noted

(b) Indoor or outdoor space

(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or The proposed development complies with Clause 107 of the National Regulations. Yes

(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children Education and Care Services Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause, The proposed development complies with Clause 28(2) of the Supplementary Provisions Regulation. Yes

(c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth, Noted  Noted

(d) colour of building materials or shade structures—the development may be of any colour Noted  Noted
or colour scheme unless it is a State or local heritage item or in a heritage conservation area.

(3) To remove doubt, this clause does not prevent a consent authority from:

(a) refusing a development application in relation to a matter not specified in subclause (2), or

(b) granting development consent even though any standard specified in subclause (2) is not complied with.

### 26 Centre-based child care facility—development control plans

(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:

   (a) operational or management plans or arrangements (including hours of operation),

   (b) demonstrated need or demand for child care services,

   (c) proximity of facility to other early education and care facilities,

   (d) any matter relating to development for the purpose of a centre-based child care facility contained in:

      (i) the design principles set out in Part 2 of the Child Care Planning Guideline, or

      (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

(2) This clause applies regardless of when the development control plan was made.

Consideration of the relevant requirements of the Child Care Planning Guideline is provided at Appendix D to this report.
Attachment 9
Appendix B - Holroyd Local Environmental Plan 2013
APPENDIX B

Holroyd Local Environmental Plan 2013

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

A summary of the relevant provisions applicable to the Application is provided in the following table.

<table>
<thead>
<tr>
<th>Clause</th>
<th>Standard</th>
<th>Comment</th>
<th>Comply?</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Part 2 Permitted or prohibited development</td>
<td>Zone R2 - Low Density Residential</td>
<td>The proposed child care centre is consistent with the objectives of the zone as it provides a service that meets the day to day needs of residents.</td>
<td>No</td>
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<tr>
<td></td>
<td>Objectives of zone</td>
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<td>• To provide for the housing needs of the community within a low density residential environment.</td>
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<td>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</td>
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<td></td>
<td>• To allow residents to carry out a range of activities from their homes while maintaining neighbourhood amenity.</td>
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<td></td>
<td>Permissible Uses/Development</td>
<td>A childcare centre is a permissible form of development within the R2 – Low Density Residential Zone, and requires the consent of Council.</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>2.7 Demolition requires consent</td>
<td>Demolition is sought as part of this application.</td>
<td>No</td>
</tr>
<tr>
<td>Part 4 Principal development standards</td>
<td>4.3 Height of Buildings 9 metres</td>
<td>The maximum height of the proposed building is 8.3m, as measured from natural ground level.</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>4.4 Floor Space Ratio 0.5:1</td>
<td>Site Area: 696.7m²</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Maximum FSR: 0.5:1</td>
<td>Maximum GFA: 348.35m²</td>
<td>N/A</td>
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<tr>
<td></td>
<td>Provided: 324.7m² (0.466:1)</td>
<td></td>
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<td>4.6 Exceptions to development standards</td>
<td>N/A</td>
<td>No</td>
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<tr>
<td>Part 5 Miscellaneous provisions</td>
<td>5.9 Repealed</td>
<td></td>
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<td>5.10 Heritage conservation</td>
<td>The site is not identified as a heritage item and it is not located within a heritage conservation area or in the vicinity of other heritage item.</td>
<td>No</td>
</tr>
<tr>
<td>Clause</td>
<td>Standard</td>
<td>Comment</td>
<td>Comply?</td>
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<tr>
<td>6.1</td>
<td>Acid Sulfate Soils</td>
<td>The site is not affected by potential acid sulfate soils.</td>
<td>☒ ☐ ☐</td>
</tr>
<tr>
<td>6.4/6.7</td>
<td>Flood planning and Stormwater Management</td>
<td>Site is identified as a flood control lot. The finished floor levels of the building are set greater than the PMF level. The application was referred to Council’s Development Engineer, who raised no objection subject to the imposition of conditions.</td>
<td>☐ ☐ ☐</td>
</tr>
<tr>
<td>6.5</td>
<td>Terrestrial Biodiversity</td>
<td>The site is not identified as being affected by biodiversity.</td>
<td>☒ ☐ ☐</td>
</tr>
<tr>
<td>6.7</td>
<td>Riparian land and watercourses</td>
<td>N/A</td>
<td>☐ ☐ ☐</td>
</tr>
<tr>
<td>6.8</td>
<td>Salinity</td>
<td>The site is located on lands identified as being affected by moderate salinity potential. Standard conditions have been included within the Draft Notice of Determination.</td>
<td>☒ ☐ ☐</td>
</tr>
</tbody>
</table>
DOCUMENTS ASSOCIATED WITH REPORT ELPP046/19

Attachment 10
Appendix C - Holroyd Development Control Plan 2013
APPENDIX C

Holroyd Development Control Plan 2013

The relevant objectives and provisions of Holroyd Development Control Plan 2013 have been considered in the following assessment table:

<table>
<thead>
<tr>
<th>No.</th>
<th>Clause</th>
<th>Comment</th>
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<tbody>
<tr>
<td><strong>PART A – GENERAL CONTROLS</strong></td>
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<tr>
<td>2</td>
<td>Roads and Access</td>
<td></td>
</tr>
<tr>
<td>2.4</td>
<td>Access: Vehicular Crossings</td>
<td>Splay Corners, Kerb &amp; Guttering</td>
</tr>
<tr>
<td></td>
<td>VC to be reconstructed if in poor condition, damaged or design doesn’t comply.</td>
<td>Existing VC to be demolished and 2 x 3m wide VCs proposed to be constructed. Council’s development engineering department have reviewed this arrangement and have no objections.</td>
</tr>
<tr>
<td></td>
<td>Avoid services/facilities in road reserve, existing trees, pedestrian crossing, pram ramps etc.</td>
<td>There are no services that would be affected by the proposed driveway. The proposed existing street tree to be removed has been reviewed by Council’s Tree Management section and supported subject to condition.</td>
</tr>
<tr>
<td></td>
<td>Corner sites VC to be min. 6m from the tangent point.</td>
<td>Not Applicable.</td>
</tr>
<tr>
<td></td>
<td>Corner sites require 3m x 3m (residential) and 4m x 4m (commercial) splay corner to be dedicated.</td>
<td>Not Applicable.</td>
</tr>
<tr>
<td>2.7</td>
<td>Road Widening</td>
<td>Not Applicable.</td>
</tr>
<tr>
<td>3</td>
<td>Car Parking</td>
<td></td>
</tr>
<tr>
<td>3.1</td>
<td>Minimum Parking Spaces</td>
<td></td>
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<tr>
<td></td>
<td>1 per 4 children &amp; 1 per two employees.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>With the reduction of children to 35: No of children = 35/4 = 8.75 (9) No. of employees = 6/2 = 3</td>
<td>14 car parking spaces provided within basement level with the following ratio. Staff = 4 spaces Visitor = 10 spaces</td>
</tr>
<tr>
<td></td>
<td>Total Required: 12</td>
<td>Condition is to be imposed to ensure the car parking spaces allocation is in accordance to the above ratio, which is at least 10 spaces for visitor parking and 4 spaces for the employees.</td>
</tr>
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<td></td>
<td></td>
<td>Tandem parking spaces 1-4 shall be allocated to staff. Parking spaces 5-14 shall be allocated to visitors.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To be conditioned</td>
</tr>
<tr>
<td>3.3</td>
<td>Car Parking, Dimensions &amp; Gradient</td>
<td>The application was referred to Council’s Traffic Engineer, who</td>
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<td></td>
<td>Min. clear length 5.5m (5.4m AS2890.1-2004).</td>
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<tr>
<td>3.5</td>
<td>Access, Maneuvering and Layout</td>
<td>Driveways shall be setback a minimum of 1.5m from the side boundary. The proposed driveway is 1.4m from the eastern side boundary which is less than what is required. Setback shortfall of 0.1m is considered acceptable given that the proposed width of the separate driveways which will ensure safe vehicular movement while entering and exiting the subject site.</td>
</tr>
<tr>
<td>3.6</td>
<td>Parking for the Disabled</td>
<td>2 spaces per 100 spaces up to 400, and 1 per 100 thereafter, or part thereof. 1 accessible car parking space provided. Given the relatively low number of parking spaces in total this has been considered acceptable by Council’s Traffic Engineer.</td>
</tr>
<tr>
<td>4</td>
<td>Tree and Landscape Works</td>
<td>Council's Tree Management Officer has assessed the submitted plans and documentation and advised the proposal is acceptable, subject to conditions.</td>
</tr>
<tr>
<td>5</td>
<td>Biodiversity</td>
<td>The land is not environmentally sensitive land and is not zoned E2 Environmental Conservation.</td>
</tr>
<tr>
<td>6.1</td>
<td>Retaining Walls</td>
<td>Retaining walls are associated with the basement.</td>
</tr>
<tr>
<td>6.3</td>
<td>Erosion and Sediment Control Plan</td>
<td>The applicant has submitted an erosion and sediment control plan which is satisfactory.</td>
</tr>
<tr>
<td>7</td>
<td>Stormwater Management</td>
<td>The application was referred to Council’s Development Engineer, who raised no objection, subject to conditions.</td>
</tr>
<tr>
<td>8</td>
<td>Flood Prone Land</td>
<td>The site is identified as a flood control lot. The finished floor levels of the building are set greater than the PMF level. The application was referred to Council’s Development Engineer, who raised no objection subject to the imposition of conditions.</td>
</tr>
<tr>
<td>9</td>
<td>Managing External Road Noise and Vibration</td>
<td>The site is not affected by road or rail noise.</td>
</tr>
<tr>
<td>10</td>
<td>Safety and Security</td>
<td>The design is considered to be satisfactory from a safety and security perspective. A satisfactory level of passive surveillance to Varie Street is provided. The proposed treatment of the front setback areas allows visibility and discourages concealment, whilst</td>
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<td>front landscaping provides an appropriate demarcation of public and private space.</td>
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</tr>
<tr>
<td>1.1</td>
<td>Building Materials</td>
<td>A variety of construction materials proposed as well as finishing materials and colours provides a good variety of finishes for the building. The proposed childcare facility should add visual interest to the street and locality.</td>
</tr>
<tr>
<td>1.2</td>
<td>Fences</td>
<td>A front fence is not proposed. Side and rear fencing of 2.1m high (with 45° awning) is proposed to be erected in accordance with acoustic recommendations around the outdoor play area. The remaining side fencing is proposed to be 1.8m high. To be conditioned</td>
</tr>
<tr>
<td>1.3</td>
<td>Views</td>
<td>The proposed development does not impede existing views currently enjoyed by neighbouring properties.</td>
</tr>
</tbody>
</table>
| 1.4 | Visual Privacy             | • The proposed 1.8m - 2.1m high fence will maintain visual privacy at ground level.  
• The two (2) first floor windows proposed to the western side boundary, being the laundry and kitchen, have a sill height of 1.8m and 0.75m respectively.  
• The two (2) south/rear facing windows being the office and staff room, have a sill height of 1.8m. In addition, these windows area setback 33.8m from the rear boundary.  
• The first floor street facing balcony will be provided with full height screening on the east/side boundary. To be conditioned |     |    |     |
<p>| 1.5 | Landscape Area             | Area of 16.2m² (2.3%) of landscaping with min. 2m dimensions is provided within the front setback.                                                                                                    |     |    |     |</p>
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<th>No.</th>
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<td></td>
<td></td>
<td>Landscaped area in the form of unencumbered outdoor space for the child care centre within the rear yard equates to 159.9m². The variation to the landscaped area is acceptable given that the rear yard comprises and is required for unencumbered outdoor space for the child care centre.</td>
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<td></td>
<td>Max. 50% of provided landscaped area shall be forward of the front building line</td>
<td>16.2m² provided in front setback (11.6%)</td>
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<td>Only hard paved areas for driveways/pathways to be in front setback area. Not to cover entire area.</td>
<td>Only driveway is hardstand and pathways to the entry of the centre.</td>
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<tr>
<td>1.6</td>
<td>Safety &amp; Security</td>
<td>Safety and security has been maintained to an acceptable level, as identified above in Part A, Section 10.</td>
<td>☐</td>
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<tr>
<td>1.8</td>
<td>Sunlight Access</td>
<td>The site is of north-south orientation. Adequate solar access is provided to the child care centre and surrounding dwellings. The shadow diagrams indicate that the eastern or western adjoining dwellings would not be unreasonably affected.</td>
<td>☒</td>
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<tr>
<td>1.9</td>
<td>Cut and Fill</td>
<td>Cut and fill associated with basement.</td>
<td>☒</td>
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<tr>
<td>1.11</td>
<td>Vehicular Access and Driveways</td>
<td>Separate vehicular entry and exit proposed in the form of 2 x 3m driveways/VCs. Refer to comments by Council’s Development Engineering and Traffic Section – satisfactory subject to conditions. 2 VCs in total proposed.</td>
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<td>Basement Parking</td>
<td>Whilst basement parking shall not be located outside the building footprint for single dwellings and dual occupancies, this provision does not apply to child care centres.</td>
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<tr>
<td>2.2</td>
<td>Site Coverage</td>
<td>Max. 60% of the site area (Max. 418.02m²)</td>
<td>246.2m² or 58.3%</td>
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<td>2.3</td>
<td><strong>Setbacks</strong></td>
<td>6m setback provided to the building line from Verlie Street. Minimum 0.9m side setbacks. Rear setback: Ground Floor: Min. 16.5m (measured to external wall) First Floor: Min. 25.3m (measured to external wall)</td>
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<td>2.4</td>
<td><strong>Building Height</strong></td>
<td>8.3m total building height. Ground floor: 3m floor to ceiling height. First floor: 3m floor to ceiling height.</td>
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<td><strong>Building Appearance</strong></td>
<td>The appearance of the building as viewed from the street is acceptable. The proposal is considered to be compatible with a number of newer-style residential developments in the locality. In addition, it is important to note that the proposed development is commercial in nature, and in this regard, the architecture is considered to depict this function.</td>
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<td></td>
<td>Bulk and scale: Max. 10m blank wall on first floor side; min. 1m wide indent.</td>
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<td>Front Facade: Front door and a window of a habitable room on the ground floor to face Principal Street. Corner lot: Address Secondary Street with windows, architectural features, surveillance Building facades to be modulated in plan and elevation, articulated to reduce the appearance of bulk and express the elements of the buildings architecture.</td>
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<td></td>
<td>Satisfactory presentation, the front door faces the principal street. Proposed building articulation is considered to be satisfactory. Two storey component of the proposal is massed to the front of the building.</td>
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<td></td>
<td><strong>Part E – Public Participation</strong></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 from 24 October 2018 to 7</td>
<td>☒</td>
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<td>November 2018. In response, 8 submissions and 1 petition were received. Following the submission of additional information the proposal was re-notified to the objectors and a broader catchment of residents for 14 days between 20 February 2019 and 6 March 2019. In response, 1 submission was received and representation on behalf of the head petitioner was received confirming concerns as raised with the original proposal remain. The grounds of objections raised in the submissions have been addressed elsewhere in this report and are not considered sufficient to warrant refusal of the DA.</td>
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<td>Yes No N/A</td>
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<tr>
<td>1</td>
<td>SIZE AND DENSITY</td>
<td>Any proposed Child Care Centres in R2 zones should be limited in size to accommodate not more than forty-five (45) children. Capacities of child care centres located in other zones will be assessed on the merits of each application. Development in residential zones shall have an appropriate size, scale, bulk, etc. sympathetic to the surrounding residential development. The general design requirements for Child Care Centres located within R2 and R3 zones, should comply with the standards outlined in Part B of this DCP relating to one and two storey residential development. Note: If the proposed child care centre has a common boundary with an existing child care centre, the applicant must demonstrate that the new</td>
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<td>35 children proposed. Refer to recommendation for reduction in the number of children. The proposed two storey building is consistent with other newer-style two-storey dwellings in the locality. The design illustrates consistency with Part B. There are no child care centres located on the adjoining lots.</td>
<td>☒ ☐ ☐</td>
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<td>centre is not an addition to the existing centre by way of illustrating that the centre cannot be combined at a later stage.</td>
<td>The first floor will be used for kitchen and for staff facilities. The laundry for the childcare centre is also proposed to be located at the first floor level.</td>
<td>☒</td>
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<td></td>
<td>If the proposed child care centre is to be located in a building consisting of more than one level, the child care centre component must be located on the ground floor of the buildings with office and storage space permitted on the upper level.</td>
<td>The site has a frontage of 15.24m. The property complies with the site and location considerations contained within the Child Care Planning Guideline.</td>
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<td>The minimum site frontage for a child care centre is 20 metres.</td>
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<td></td>
<td><strong>LOCATION</strong></td>
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<td>The site must not be 300m from hazardous industries, LP gas sites, mobile telephone base stations and towers, and safe from any other environmental health hazards, such as high lead levels, chemical spraying in rural areas, or proximity to cooling tower drift in high rise building areas.</td>
<td>The subject site is located in a low density residential area and is surrounded by single and two storey detached residential developments within a 300m radius. An environmental site and locality analysis has not been undertaken, however, all development within the 300mm radius is residential, and in this regard, it is considered that there are no hazardous land uses within this locality.</td>
<td>☒</td>
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<tr>
<td></td>
<td>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:-</td>
<td>The proposed development has been assessed by Council’s Traffic Section, and is considered to be satisfactory from a locational perspective. The site does not have frontage to an arterial or sub-arterial road.</td>
<td>☒</td>
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<tr>
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<td>(a) prevailing traffic conditions;</td>
<td>The site / road is not listed within Appendix 1 or 2 of Part I of the HDCP 2013.</td>
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<td>(b) pedestrian and traffic safety; and</td>
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<td>(c) the likely impact of development on the flow of traffic on the surrounding street system.</td>
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<tr>
<td></td>
<td>In this regard child care centres should not be located having frontage to an arterial or sub-arterial road (see Appendix 1 to Part I of HDCP 2013).</td>
<td>The proposed development was accompanied by a traffic and parking study which has been reviewed and deemed acceptable</td>
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</table>
### Extraordinary Cumberland Local Planning Panel Meeting
26 June 2019

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<td></td>
<td>As a general guide the roads identified in Appendix 2 are also considered by Council to be generally unsuitable for the establishment of child care centres, without special consideration firstly being given to the prevailing traffic conditions. All applications are to be supported by a Traffic and Parking Report prepared by a suitably qualified person addressing the above issues to Council’s satisfaction.</td>
<td>by Council’s Traffic Engineering department.</td>
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<td>2</td>
<td><strong>VEHICULAR ACCESS AND PARKING</strong></td>
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<td><strong>ACCESS</strong></td>
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<td>Separate entry and exit driveways shall be provided where safe and convenient on street parking is not otherwise available, to Council’s satisfaction, for the setting down and picking up of children. The design of such driveways shall ensure that inbound and outbound vehicles are separated and that vehicles enter and leave the site in a forward direction.</td>
<td>Separate entry/exit driveways are proposed. The proposed development has been assessed by Council’s Traffic Section, and is considered to be satisfactory.</td>
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<td>Applications for Child Care Centres will not be favourably considered where the site has frontage to an arterial road, sub-arterial road or where the development would be contrary to the environmental capacity of the street or contrary to the traffic movement on the surrounding street system.</td>
<td>As discussed above, the site does not have frontage to an arterial or sub-arterial road. The application is supported by a Traffic and Parking Impact Assessment, which has been assessed by Council’s Traffic Section as satisfactory.</td>
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<td>All applications are to be supported by a Traffic and Parking Report prepared by a suitably qualified person addressing the above issues to Council’s satisfaction.</td>
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<td><strong>PARKING</strong></td>
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<td>All staff parking shall be provided on-site in any event. To eliminate the possibility of frontages and access ways</td>
<td>The development is compliant with regard to the minimum number of parking spaces to be provided, subject to condition regarding allocation.</td>
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ELPP046/19 – Attachment 10
Page 194
<table>
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<td>containing expanses of plain cement, decorative pavement treatment shall be provided to all driveways and parking areas. That is, the use of decorative paving materials such as exposed aggregate or pattern stamped and coloured concrete and paving bricks. Plain cement or coloured cement will not be accepted for driveways and parking areas for aesthetic and amenity purposes.</td>
<td>Driveway finishes to be conditioned.</td>
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**ACOUSTIC AND VISUAL PRIVACY**

An acoustic assessment must be completed by a suitably qualified person.

A Noise Management Plan shall accompany the development application. This should, as a minimum, provide details of child to staff ratios, noise control measures of children while in outdoor play areas and seasonal play times.

Noise abatement measures are to be undertaken to ensure that inside noise levels do not exceed 40dB(A) (Leq 24). Assessments should take background noise levels into account.

A landscape buffer with suitable screening plants and a minimum width of 1 metre shall be provided along the side and rear boundaries of the development to help minimise overlooking.

4 **INDOOR SPACES**

Where achievable, windows of indoor play areas are to be located with a northern orientation and should receive at least three hours of sunlight between the hours of 9am and 3pm on June 21.

For locations where a northern orientation for indoor play areas is not achievable,

<p>|     | All indoor play spaces are provided with good access to direct sunlight.                                                                                                                                  |     |    |     |</p>
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<td>they should be located where they will receive a minimum of 3 hours of sunlight, where possible</td>
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<td>5</td>
<td><strong>OUTDOOR SPACES</strong></td>
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<td></td>
<td>a) Located away from the main entrance of the child care centre, car parking areas or vehicle circulation areas;</td>
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<td>b) Integrated with indoor space and provide direct and easy access between those two areas;</td>
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<td>c) Of a design and layout to enable clear lines of sight to all areas of the outdoor space to allow direct staff supervision from other areas of the child care centre;</td>
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<td>d) Located away from existing and potential noise and environmental health sources;</td>
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<td>e) If the child care centre is located in a predominantly residential area, outdoor spaces are to be located away from the living/bedroom windows of surrounding dwellings;</td>
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<td>f) Inaccessible from public areas outside of the child care centre except in the case of an emergency evacuation or centre deliveries such as sand replacement;</td>
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<td>g) Located away from areas where objects can be projected down onto play areas; and</td>
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<td>h) Adequately fenced on all sides</td>
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**Transitional Areas**

<p>|     | a) A transitional area between the building and the play area supporting space for both indoor and outdoor activities is to be provided. It is space additionally required for the building and the playground and may only be included as either the outdoor or indoor space requirement, not both. It may comprise of a verandah; | A transitional area in the form of an outdoor deck has been provided, |     |    |     |
|     | b) The roof area of the transitional area must be a | The primary rear deck/transitional area is covered by roof, |     |    |     |
|     | a) The outdoor play areas are located away from the main entrance to the childcare centre, car parking areas and vehicle circulation areas, | |     |    |     |
|     | b) The indoor spaces lead onto the outdoor play area which provides a transitional space between the two areas. | |     |    |     |
|     | c) The levels proposed between the indoor areas and outdoor areas will enable sightlines to be maintained to allow direct staff supervision. | |     |    |     |
|     | d) The outdoor area is located away from existing and potential noise sources as it is located at the rear of the site. | |     |    |     |
|     | e) The outdoor areas are located away from the bedrooms/living area of surrounding dwellings, and any potential noise impacts will be mitigated by way of recommendations made within the acoustic report and conditions of consent. | |     |    |     |
|     | f) The proposed outdoor areas are inaccessible from public areas outside of the child care centre. | |     |    |     |
|     | g) Considered satisfactory. | |     |    |     |
|     | h) The facility is considered to be adequately fenced. | |     |    |     |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Clause</th>
<th>Comment</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>minimum of 4 meters in width to ensure sufficient activity zones with access space around them;</td>
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<td></td>
<td>c) The transitional area must be designed in a manner that offers protection from unfavourable weather conditions, including strong winds and rainfall;</td>
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<td></td>
<td>d) The transitional area must be designed in a manner that utilises natural temperature controlling measures, including cross ventilation.</td>
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<tr>
<td>6</td>
<td><strong>LANDSCAPING</strong></td>
<td>A detailed landscape plan prepared by a suitably qualified landscape professional should be submitted with all development applications for child care centres and should demonstrate the following: a) Separation of outdoor space into active quiet areas; b) Proposed planting, with a variety of trees and plants to be used which create visual interest for children, and can provide shading where appropriate; c) Locations of play equipment; d) Separation of outdoor space according to age ranges, including the locations of lower fencing or other structures which divide the outdoor spaces; and e) Outdoor spaces which include a variety of surfaces such as grass, soft porous paving and the like</td>
<td></td>
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<tr>
<td></td>
<td>A landscape plan was submitted in support of the DA and is considered satisfactory. Separation of outdoor space according to age range is not included in the landscape plan, however, such a control is not a requirement of the Education &amp; Care Services National Regulations, the Education and Child Care SEPP, or the Child Care Planning Guideline.</td>
<td></td>
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<tr>
<td></td>
<td>The landscape plan includes details of all equipment proposed. The landscape plan shows a variety of ground surfaces.</td>
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<tr>
<td>7</td>
<td><strong>FENCING</strong></td>
<td>Outdoor space is required to be fenced on all sides with a height of at least 1.8m. Acoustic fences should not be higher than 2m. If a fence higher than 2m is unavoidable it must be contained within the development site with a 1.8m traditional lapped and capped boundary fence and the remaining height to be of thick,</td>
<td></td>
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<td></td>
<td>Side and rear fencing is proposed to be erected in accordance with acoustic recommendations, as follows: 2.1m high fencing with 45° awning for the side and rear boundaries adjacent to outdoor spaces is recommended in the acoustic report.</td>
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<tr>
<td>No.</td>
<td>Clause</td>
<td>Comment</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
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<tr>
<td></td>
<td>transparent perspex to ensure any views are maintained.</td>
<td>A 1.8m high solid boundary fence is proposed to the remaining boundaries – this fencing is to be of thick, transparent perspex to ensure any views are maintained.  Fencing as stated above to be conditioned.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>FIRE SAFETY AND EMERGENCIES</td>
<td>An evacuation plan complying with AS3745-2002 Emergency Control Organisation and Procedures for Buildings, Structures and Workplaces shall be submitted as part of the Development Application</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>An evacuation plan submitted. Satisfactory.</td>
<td></td>
<td>❌</td>
<td></td>
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<tr>
<td>9</td>
<td>ACCESSIBILITY</td>
<td>All new child care centres, building conversions and additions to existing premises shall comply with the minimum access requirements outlined in Part D3 of the Building Code of Australia and AS 1428.1 Design for Access and Mobility – General Requirements for Access – New Building Work. Details are to be included on plans to be submitted with the application for development consent.</td>
<td></td>
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<tr>
<td></td>
<td>An accessibility report was submitted in support of the application. It is recommended that a standard condition of consent be imposed upon any development consent that requires compliance with the BCA, Disability Discrimination Act and Disability (Access to Premises – Buildings) Standards 2010.</td>
<td></td>
<td>❌</td>
<td></td>
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</tr>
</tbody>
</table>
DOCUMENTS ASSOCIATED WITH REPORT ELPP046/19

Attachment 11
Appendix D - Child Care Planning Guideline 2017
APPENDIX D– CHILD CARE PLANNING GUIDELINE 2017

The Guideline establishes the assessment framework to deliver consistent planning outcomes and design quality for centre-based child care facilities in NSW. Consent Authorities must consider Parts 2, 3 & 4 of the Guideline.

An assessment against Parts 2, 3 & 4 of the Guideline is provided in the tables below:

Part 2 – Design quality principles
The design quality principles establish the broad design context guide of all new proposals for child care facilities, regardless of whether they are stand alone, part of a mixed-use development, modifications or retrofits of existing buildings or seeking to occupy premises without incurring new building works.

Good design is integral to creating sustainable and liveable communities. There is growing appreciation of the significant role that good design can play in education with increasing evidence that learning outcomes are closely related to the quality of learning environments.

Factors such as air quality, ventilation, natural lighting, thermal comfort and acoustic performance have been shown to have a profound impact on learning, engagement, social interactions and competencies. They also contribute to wellbeing through creating a sense of belonging, self-esteem and confidence.

Comment:

The 7 design quality principles have been considered within the DCP assessment sections of this report, as well as in detail in Part 3 below, entitled Matters for consideration, which provide specific design controls and criteria to support the overarching design quality principles.

The proposed development is considered to have been designed having regard to the 7 design quality principles, however, additional detail is required to demonstrate full compliance, as outlined below.

Part 3 Matters for consideration
The considerations give guidance to applicants on how to design a high-quality proposal that takes account of its surroundings and any potential environmental impacts the development may cause and to be mindful of potential impacts that may arise from existing uses and conditions within a locality.

The matters support the design principles and must be considered by the consent authority when assessing a DA for a child care facility. Child care facilities can be developed in a broad range of locations and need to be flexible in how they respond to the requirements and challenges this brings.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1 Site selection and location</td>
<td>For proposed developments in or adjacent to a residential zone, consider:</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>• the acoustic and privacy impacts of the proposed development on the residential properties</td>
<td>Acoustic report submitted. Refer to discussion provided under Appendix C. Visual privacy considered satisfactory, subject to conditions. Setbacks and siting of the building comply with HDCP requirements.</td>
</tr>
<tr>
<td></td>
<td>• the setbacks and siting of buildings within the residential context</td>
<td>Traffic and parking report submitted. Refer to discussion provided under Appendix C.</td>
</tr>
<tr>
<td></td>
<td>• traffic and parking impacts of the proposal on residential amenity.</td>
<td></td>
</tr>
</tbody>
</table>
### 3.2 Local character, streetscape and the public domain interface

The proposed development should:

- contribute to the local area by being designed in character with the locality and existing streetscape
- reflect the predominant form of surrounding land uses, particularly in low density residential areas
- use landscaping to positively contribute to the streetscape and neighbouring amenity
- integrate car parking into the building and site landscaping design in residential areas.

<table>
<thead>
<tr>
<th>It is considered that the proposed contemporary design will enhance the locality.</th>
</tr>
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<tbody>
<tr>
<td>The proposed design is similar in form to a number of newer-style detached dwellings in the locality.</td>
</tr>
<tr>
<td>It is considered that the landscaping proposed will contribute positively to the visual amenity of the site and locality.</td>
</tr>
<tr>
<td>Basement car parking provided.</td>
</tr>
</tbody>
</table>

Create a threshold with a clear transition between public and private realms, including:

- fencing to ensure safety for children entering and leaving the facility
- windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community

| A front catchment area provided at the entrance for children safety. |
| The centre provides a satisfactory level of passive surveillance to the street. |

### 3.3 Building orientation, envelope and design

- Orient a development on a site and design the building layout to ensure visual privacy and minimise potential noise and overlooking impacts on neighbours.
- optimise solar access to internal and external play areas
- avoid overshadowing of adjoining residential properties
- minimise cut and fill
- building height should be consistent with other buildings in the locality

| Visual privacy considered to be satisfactorily maintained, subject to conditions. |
| Solar access to indoor and outdoor space is optimised. |
| The proposed development does not overshadow adjoining properties. |
| The extent of cut and fill is considered satisfactory. |
| The height of the building is 2 storey / 8.3m and is consistent with surrounding dwellings and complies with HLEP height standard. |
**CUMBERLAND LOCAL PLANNING PANEL**

- Building height should respond to the scale and character of the street.
- Setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility.
- Setbacks should provide adequate access for building maintenance.
- Setbacks to the street should be consistent with the existing character.

| Setbacks comply with HDCP controls for child care centres and are considered satisfactory. | Adequate access is provided for building maintenance. | Setbacks comply with HDCP controls for buildings in a residential zone and are consistent with new residential development. |

**Accessible design can be achieved by:**

- Linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry.

| All areas of the site are accessible through the use of lifts and ramps. |  |

**3.4 Landscaping**

- Appropriate planting should be provided along the boundary integrated with fencing.
- Screen planting should not be included in calculations of unencumbered outdoor space.
- Incorporate car parking into the landscape design of the site by:
  - Planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings.
  - Taking into account streetscape, local character and context when siting car parking areas within the front setback.
  - Using low level landscaping to soften and screen parking areas.

| Appropriate landscaping is provided. |  |

**3.5 Visual and acoustic privacy**

- Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:
  - Appropriate site and building layout.
  - Suitably locating pathways, windows and doors.
  - Permanent screening and landscape design.

| The centre has been designed to ensure visual and acoustic privacy is maintained between properties. |  |
| The provision of 2.1m high acoustic boundary fencing will eliminate any |  |
A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:

- provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence).
- ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure.

A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:

- identify an appropriate noise level for a child care facility located in residential and other zones
- determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use
- determine the appropriate height of any acoustic fence to enable the noise criteria to be met.

<table>
<thead>
<tr>
<th>3.6 Noise and air pollution</th>
</tr>
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<tbody>
<tr>
<td>An acoustic report should identify appropriate noise levels for sleeping areas and other non play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</td>
</tr>
<tr>
<td>- on industrial zoned land</td>
</tr>
<tr>
<td>- where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000</td>
</tr>
<tr>
<td>- along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 - on a major or busy road</td>
</tr>
<tr>
<td>Acoustic report submitted. The site is not affected by external noise or vibration.</td>
</tr>
</tbody>
</table>

Cumberland Local Planning Panel Agenda

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**CUMBERLAND LOCAL PLANNING PANEL**

- Other land that is impacted by substantial external noise.

<table>
<thead>
<tr>
<th>Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development</th>
<th>The site is not located adjacent to a major road and is not affected by air pollution.</th>
</tr>
</thead>
</table>

**3.7 Hours of operation**

<table>
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<tr>
<th>Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</th>
<th>The core operating hours for the centre proposed are contained to between 7.00am and 6.00pm.</th>
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</thead>
</table>

**3.8 Traffic, parking and pedestrian circulation**

- Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.

<table>
<thead>
<tr>
<th>Parking complies with HDCP 2013.</th>
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</table>

A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:

- The amenity of the surrounding area will not be affected
- There will be no impacts on the safe operation of the surrounding road network.

| Not applicable. | |

Alternative vehicular access should be provided where child care facilities are on sites fronting:

- A classified road

The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:

- Separate pedestrian access from the car park to the facility
- Delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities

<table>
<thead>
<tr>
<th>Pedestrian access is separate from vehicular access.</th>
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</table>

The proposed facility does not include a loading area. It is considered that, given the nature of the use, delivery trucks would not be servicing the site. At most, light commercial vans would deliver any required products to be used, if not brought to the centre by the operator.
CUMBERLAND LOCAL PLANNING PANEL

- Vehicles can enter and leave the site in a forward direction. Vehicles can enter and exit the site in a forward manner. Refer to traffic comments.

Car parking design should:
- Include a child safe fence to separate car parking areas from the building entrance and play areas. The basement car parking area is separated from the main building entrance and foyer area. The car parking area is also separated from any indoor and outdoor play areas.
- Provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards.
- Include wheelchair and pram accessible parking. 1 accessible space is provided, which is clearly marked, and located adjacent to the lift. Lift access is provided.

Part 4 – Applying the National Regulations to development proposals

4.1 Indoor space requirements

(Regulation 107)
Min. 3.25sqm of unencumbered indoor space (Regulation 107)

<table>
<thead>
<tr>
<th>Required: (Based on reduction of children to 35)</th>
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<tbody>
<tr>
<td>35 x 3.25sqm = 113.75sqm</td>
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</tbody>
</table>

Provided: 149.2sqm

Storage:
- Min. 0.3m³ per child of external storage
  35 x 0.3m³ = 10.5m³

13m³

- Min. 0.2m² per child of internal storage
  35 x 0.2m² = 7m²

9.5m²

4.2 Laundry and hygiene facilities

(Regulation 106)

On-site laundry facilities should contain:
- A washer or washers capable of dealing with the heavy requirements of the centre
- A dryer
- Laundry sinks
- Adequate storage for soiled items prior to cleaning.

Laundry is located on first floor. BCA compliance of size is required. To be conditioned.

4.2 Laundry and hygiene facilities

(Regulation 109)

Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants. Design considerations could include:
- Junior toilet pans, low level sinks and hand drying facilities for children
- A sink and handwashing facilities in all bathrooms for adults
- Direct access from both activity rooms and outdoor play areas

Achievable

Provided

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4.4 Ventilation and natural light

(Regulation 110)
Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.

Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility.

Designers should aim to minimise the need for artificial lighting during the day, especially in circumstances where room depth exceeds ceiling height by 2.5 times. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.

- The 0-2yrs and 2-3yrs indoor activity rooms receive adequate sunlight through the unroofed outdoor space between the rooms. Sunlight is also received to the 2-3yrs indoor spaces from openings along the eastern elevation.
- The 3-5yrs indoor activity rooms receive adequate sunlight from openings along the western elevation.
- BCA compliance is required for light and ventilation. To be conditioned.
- Room depths exceed 2.5 times the height, BCA compliant, and have good cross-flow ventilation. Considered satisfactory.

4.5 Administrative space

(Regulation 111)
A service must provide adequate area or areas for the purposes of conducting the administrative functions of the service, consulting with parents of children and conducting private conversations.

- Provided.

4.6 Nappy change facilities

(Regulation 112)
Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.

- Child care facilities must also comply with the requirements for nappy changing and bathing facilities that are contained in the National Construction Code.
- Condition accordingly for compliance with the BCA. To be conditioned.
### 4.7 Premises designed to facilitate supervision

(Regulation 115) A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate supervision of children at all times, having regard to the need to maintain their rights and dignity.

Child care facilities must also comply with any requirements regarding the ability to facilitate supervision that are contained in the National Construction Code. Condition accordingly for compliance with the BCA. To be conditioned.

### 4.8 Emergency and evacuation procedures

(Regulation 97 & 168) Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including:

- instructions for what must be done in the event of an emergency
- an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit
- a risk assessment to identify potential emergencies that are relevant to the service.

Information provided.

### 4.9 Outdoor space requirements

(Regulation 108) Min. 7sqm of unencumbered outdoor space per child.

35 x 7sqm = 245sqm

The assessment officer’s calculation of the unencumbered outdoor space equates to 247m². This will accommodate only 35.28 children. This report recommends a condition to be imposed on any consent granted seeking a reduction in number of children to 35. To be conditioned.

The 1m landscape buffer along the side and rear boundaries, OSD pits and retaining walls are not included in calculations.

Where a covered space such as a verandah is to be included in outdoor space it should:

- be open on at least one third of its perimeter

Rear covered deck is open to the rear and sides, greater than 1/3 open.
• have a clear height of 2.1 metres
  3m

• have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter
  N/A

• have adequate flooring and roofing
  Adequate flooring achievable.

• be designed to provide adequate protection from the elements
  The rear deck is covered.

### 4.10 Natural environment
(Regulation 113)
The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.

<table>
<thead>
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<th>Satisfactory</th>
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### 4.11 Shade
(Regulation 114)
Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall wellbeing. Outdoor play areas should be provided with controlled solar access throughout the year.

Outdoor play areas should:

• have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered.

• provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area.

• have evenly distributed shade structures over different activity spaces.

- The rear outdoor areas receive sunlight from the east and west.
- The shade structures provided total 77.8 m² in area, which equates to approximately 31.5% coverage (i.e. 77.8 m² / 247 m²).
- Shade structures and shade trees are provided.

### 4.12 Fencing
(Regulation 104)
Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.

| At least 1.8m high fencing is proposed for the boundaries, and secure fencing is provided at the front of the site to stop children from escaping or people entering from the sides. |
| ☒ | ☐ | ☐ |

### 4.13 Soil Assessment
(Regulation 25)
To ensure consistency between the development consent and the service approval application, a soil assessment report is required in accordance with the Child Care Planning Guideline issued by NSW Department of Planning and Environment.

| A soil assessment report is required in accordance with the Child Care Planning Guideline issued by NSW Department of Planning and Environment. |
| ☒ | ☐ | ☐ |
| Soil assessment should be undertaken as part of the development application process. Where children will have access to soil the regulatory authority requires a preliminary investigation of the soil. | The application has been accompanied by a Preliminary Site Investigation report which concludes that the site can be made suitable for the proposed land use. Council's Environmental Health section has also reviewed the proposal and considers the site is satisfactory subject to imposition of conditions. | ☐ | ☐ | ☐ |
Item No: LPP047/19

DEVELOPMENT APPLICATION FOR 2 BLAXCELL STREET, GRANVILLE

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: DA-529/2017

<table>
<thead>
<tr>
<th>Application lodged</th>
<th>15 December 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Nabil Georges Farah</td>
</tr>
<tr>
<td>Owners</td>
<td>Mrs T G Farah, Mr J G Farah, Mr N G Farah, Mr M G Farah, and Mrs T Morched</td>
</tr>
<tr>
<td>Application No.</td>
<td>DA-529/2017</td>
</tr>
<tr>
<td>Description of Land</td>
<td>2 Blaxcell Street, Granville</td>
</tr>
<tr>
<td>Proposed Development</td>
<td>Demolition of existing structures and construction of a 3 storey building and 4 storey building comprising 23 residential units and 2 commercial tenancies over 4 levels of basement parking.</td>
</tr>
<tr>
<td>Site Area</td>
<td>2,710m²</td>
</tr>
<tr>
<td>Zoning</td>
<td>B4 Mixed Use</td>
</tr>
<tr>
<td>Disclosure of political donations and gifts</td>
<td>Nil disclosure</td>
</tr>
<tr>
<td>Heritage</td>
<td>The subject site is not a heritage item, nor is it located within a heritage conservation area.</td>
</tr>
<tr>
<td></td>
<td>i) The subject site is located within the vicinity of 2 heritage items, which are as follows:-</td>
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<td>• 1A Glen Street, Granville – Scout Hall; and</td>
</tr>
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<td></td>
<td>• 104 South Street, Granville – Uniting Church.</td>
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</tbody>
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<thead>
<tr>
<th>Principal Development Standards</th>
<th>Floor Space Ratio</th>
<th>Height of Buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Permissible: 1.5:1</td>
<td>Permissible: 15m</td>
</tr>
<tr>
<td></td>
<td>Proposed: 1.01:1</td>
<td>Proposed: 17.1m</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Issues</th>
</tr>
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<tbody>
<tr>
<td>• Height of Buildings</td>
</tr>
<tr>
<td>• Rear Setbacks</td>
</tr>
</tbody>
</table>
Figure 1 – Perspective from William Street, looking south-west (Source: Design Cubicle, 2019)

Figure 2 – Perspective from William Street, looking south (Source: Design Cubicle, 2019)
SUMMARY:

Council is in receipt of a Development Application from Nabil Georges Farah seeking approval for demolition of existing structures and construction of a 3 storey building and a 4 storey building comprising 23 residential units and 2 commercial tenancies over 4 levels of basement parking at 2 Blaxcell Street, Granville. The Development Application Architectural Plans are provided as Attachment 1 to this report.

The site is affected by flooding, and is listed as being within a floodway and a high hazard area. The development has been assessed by Council’s Development Engineer to be acceptable, subject to conditions.

The Development Application was publicly notified for a period of 21 days from 16 January 2018 to 6 February 2018. In response, no submissions were received.

The site is zoned B4 Mixed Use, pursuant to the Parramatta Local Environmental Plan (PLEP) 2011. Mixed use development, comprising residential flat buildings and commercial premises are permissible with development consent in the B4 Mixed Use zone.

The proposal is consistent with the aims and objectives of State Environmental Planning Policy (State and Regional Development) 2011, State Environmental Planning Policy No. 55 (Remediation of Land), State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Sydney Environmental Plan (Sydney Harbour Catchment) 2005, Parramatta Local Environmental Plan (PLEP) 2011, Draft SEPP (Environment), and Parramatta Development Control Plan (PDCP) 2011.
The Development Application was referred for comments externally to Roads and Maritime Services and Endeavour Energy, to which the application was supported. The application was also referred externally to WaterNSW, and concurrence sought due to site dewatering in conjunction with the development. General Terms of Approval were subsequently issued.

The Development Application was referred for comments internally to Council’s Development Engineer, Tree Management Officer, Environmental Health Officer, and Public Art Coordinator, to which the application is supported.

The proposed development has been assessed against the relevant matters for consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act, 1979, including likely impacts, the suitability of the site for the development, and the public interest, and the proposed development is considered appropriate.

The variations sought via the subject modification application are as follows:

<table>
<thead>
<tr>
<th>Control</th>
<th>Required</th>
<th>Provided</th>
<th>% Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height of Buildings</td>
<td>Max. 15m</td>
<td>17.1m</td>
<td>14%</td>
</tr>
<tr>
<td>Rear Setbacks</td>
<td>Min. 9m</td>
<td>3.5m</td>
<td>61.11%</td>
</tr>
</tbody>
</table>

The application is being reported to the Cumberland Local Planning Panel for determination, as it is a development with more than 4 storeys to which State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Developments applies, and the exceedance to the height of buildings development standard exceeds 10%.

In light of the above, it is recommended that the Cumberland Local Planning Panel approve the Development Application, subject to the draft Notice of Determination provided at Attachment 3 to this report.

**REPORT:**

**Subject Site And Surrounding Area**

The subject site is known as 2 Blaxcell Street, Granville, and is legally described as Lot 1, DP 794229. The site is irregularly shaped, and has a frontage of 26.69 metres to Blaxcell Street and a frontage of 48.815 metres to William Street. The total site area is 2,710sqm, and is illustrated in Figure 4 below:
The subject site is currently built upon, occupied by a service station, with no existing trees or vegetation present on the subject site.

The surrounding locality is characterised as follows:

- **North**
  i) 35 Enid Avenue, Granville – 6 storey residential flat building.
  ii) 107 South Street, Granville – Part 1 / part 2 storey commercial premises.
  iii) 

- **East**
  iv) 54 William Street, Granville – Part 1, part 2 storey medium density development.
  v) 

- **South**
  vi) 4-6 Blaxcell Street, Granville – Single storey community centre.
  vii) 

- **West**
  viii) Duck Creek corridor
  ix) 64 William Street, Granville – 4 storey residential flat building.

The topography of the site is maintained to a 2.9% gradient, with a 1.67 metre fall from north to south-south west. The site is affected by flooding, and is listed as being within a floodway and a high hazard area.

An existing 9 metre wide easement for water supply transverses the site in a north-east, south-west alignment, with the easement benefited by Sydney Water.

The site is zoned B4 – Mixed Use, pursuant to the Parramatta Local Environmental Plan (PLEP) 2011, with an interface to the R4 - High Density Residential zone to the north, east and south of the site, as shown in Figure 5 below:
The subject site is situated to the west of Blaxcell Street and south of William Street. Figure 6 below illustrates an aerial perspective of the site and the general surroundings.

The subject site is located within the vicinity of 2 heritage items, which are as follows:

- 1A Glen Street, Granville – Scout Hall; and
- 104 South Street, Granville – Uniting Church.

**Description of The Proposed Development**

The proposal is for demolition of existing structures and construction of a 3 storey building and 4 storey building comprising 23 residential units and 2 commercial tenancies over 4 levels of basement parking.
Specific details of the proposed development are as follows:

**Built Form**

The proposal comprises a 4 storey building known as Building 1, and 3 storey building known as Building 2, with ground floor commercial tenancies, totalling 116m², residential units to the rear of Building 1, and residential units above both buildings. In detail:

**Building 1:** The ground floor comprises a single commercial tenancy with a central common area, dual cores accessed via a lift and stairwell, with 3 residential units and residential bin area. The remaining 3 storeys above propose a total of 18 units, consisting of 6 units within each floor, above which the roof level comprises a communal open space area.

**Building 2:** The ground floor comprises a single commercial tenancy with a central common area and core, accessed via a stairwell, with separate commercial and residential bin areas. The remaining 2 storeys above propose a total of 2 units, consisting of 1 unit within each floor.

The proposed development, as measured to both Blaxcell Street and William Street, maintains a 3 metre setback, with a side setback varying between 3 metres and 7.755 metres, as measured from the southern boundary, and rear setback varying between 3.5 metres and 9 metres.

**Parking (Basement Levels)**

<table>
<thead>
<tr>
<th></th>
<th>Basement 1</th>
<th>Basement 2</th>
<th>Basement 3</th>
<th>Basement 4</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Parking</td>
<td>Nil</td>
<td>8</td>
<td>12 spaces</td>
<td>11 spaces</td>
<td>31 spaces</td>
</tr>
<tr>
<td></td>
<td></td>
<td>~5 visitor</td>
<td>~2 accessible</td>
<td>~2 accessible</td>
<td></td>
</tr>
<tr>
<td>Commercial Parking</td>
<td>10 spaces</td>
<td>3 spaces</td>
<td>Nil</td>
<td>Nil</td>
<td>13 spaces</td>
</tr>
<tr>
<td></td>
<td>~1 accessible</td>
<td>~1 accessible</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bicycle Parking</td>
<td>Nil</td>
<td>Nil</td>
<td>7 spaces</td>
<td>7 spaces</td>
<td>14 spaces</td>
</tr>
</tbody>
</table>

**Residential Apartment Mix**

<table>
<thead>
<tr>
<th></th>
<th>Building 1</th>
<th>Building 2</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bedroom</td>
<td>4</td>
<td>Nil</td>
<td>4</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>7</td>
<td>2</td>
<td>9</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>10</td>
<td>Nil</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>23</strong></td>
</tr>
</tbody>
</table>
Access Arrangements

Pedestrian access to the development is maintained from Blaxcell Street and William Street. A dual core arrangement is designed to Building 1, designed to maintain access to the basement levels, ground floor commercial tenancy and residential units, and residential units above. A single core arrangement is designed to Building 2, designed to maintain access to the ground floor commercial tenancy and residential units above. Access to the basement from Building 2 is impeded by the existing 9 metre wide easement for water supply which transverses the site, with access maintained through the cores designed to building 1.

Communal Open Space

The proposal maintains the 3 communal open space areas, designed to the area between Building 1 and Building 2, the area to the north and north-west of Building 1, and within the roof level of Building 1. The overall communal open space area is designed to be 1,180.9m², equivalent to 49% of the site area.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Planning Direction Pty Ltd dated December 2017, and was received by Council on 15 December 2017 in support of the application.

Following design revisions, an amended Statement of Environmental Effects prepared by Planning Direction Pty Ltd dated February 2019, was lodged, which was received by Council on 20 February 2019 in support of the application.

Contact With Relevant Parties

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

Internal Referrals

Development Engineer

The Development Application was referred to Council’s Development Engineer for comments, as the site is affected by flooding, and so as to review the submitted stormwater plans. Council’s Development Engineer has advised the proposed development is supportable, subject to the imposition of deferred commencement conditions, to resolve flood, stormwater and waste management matters, which have been imposed within the draft Notice of Determination provided as Attachment 3 to this report.

Tree Management Officer

The Development Application was referred to Council’s Tree Management Officer for comments, noting the existing street trees, and so as to review the submitted landscape plans. Council’s Tree Management Officer has advised the proposed development is supportable, subject to standard conditions of consent, which have
been imposed within the draft Notice of Determination provided as Attachment 3 to this report.

**Environmental Health Officer**

The Development Application was referred to Council’s Environmental Health Officer for comments, noting the present use as a service station, as so as to review the submitted Detailed Site Investigation, Remedial Action Plan, Geotechnical Investigation, and Acoustic Report. Council’s Environmental Health Officer has advised the proposed development is supportable, subject to standard conditions of consent, which have been imposed within the draft Notice of Determination provided as Attachment 3 to this report.

**Public Art Coordinator**

The Development Application was referred to Council’s Public Art Coordinator for comments, so as to review the submitted Public Art Plan. Council’s Public Art Coordinator has advised the submitted Public Art Plan is acceptable, subject to standard conditions of consent, which have been imposed within the draft Notice of Determination provided as Attachment 3 to this report.

**External Referrals**

**WaterNSW**

The Development Application was referred to WaterNSW for comments, and concurrence sought due to site dewatering in conjunction with the development. General Terms of Approval were subsequently issued.

**Roads and Maritime Services**

The Development Application was referred to Roads and Maritime Services for comments who has advised the proposed development is supported.

**Endeavour Energy**

The Development Application was referred to Endeavour Energy for comments who has advised the proposed development is supported.

**Planning Comments**

**Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP & A Act)**

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

The following Environmental Planning Instruments are relevant to the assessment of the subject modification application:
(a) State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)

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

<table>
<thead>
<tr>
<th>Matters for consideration</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the application involve re-development of the site or a change of land use?</td>
<td>✗</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?</td>
<td>✗</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?</td>
<td>✗</td>
<td></td>
<td></td>
</tr>
<tr>
<td>acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the site listed on Council’s Contaminated Land Database?</td>
<td>✗</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the site subject to EPA clean-up order or other EPA restrictions?</td>
<td></td>
<td>✗</td>
<td></td>
</tr>
<tr>
<td>Has the site been the subject of known pollution incidents or illegal dumping?</td>
<td></td>
<td>✗</td>
<td></td>
</tr>
<tr>
<td>Does the site adjoin any contaminated land/formerly contaminated land?</td>
<td></td>
<td>✗</td>
<td></td>
</tr>
<tr>
<td>Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?</td>
<td>✗</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Details of contamination investigations carried out at the site:

The site is identified in Council’s records as being contaminated. A Detailed Site Investigation has been prepared by Aargus Pty Ltd, which has been submitted with the Development Application. The author of the report concludes that the risk to human health and the environment associated with soil / groundwater contamination at the site is low with the site being suitable for the proposed development, subject to the submission of a Remediation Action Plan. A Remediation Action Plan (RAP) has subsequently been prepared by Aargus Pty
Matters for consideration

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ltd, with the authors concluding the site can be rendered suitable for the proposed development, if remediation is carried out in accordance with the submitted RAP.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council’s Environmental Health Officer has reviewed the Detailed Site Investigation, and associated RAP, and is satisfied that the information has been prepared in accordance with the NSW EPA Guidelines for Consultants Reporting on Contaminated Sites and NSW EPA (2006, 2nd Edition) “Guidelines for the NSW Site Auditor Scheme.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

SEPP 65 and the associated Apartment Design Guide (ADG) apply to the assessment of the subject application as it includes residential flat buildings that are 3 storeys or more in height and contain more than 4 dwellings.

The Development Application has been accompanied by a Design Verification Statement from a Registered Architect. The proposed development has been assessed to comply with the requirements of SEPP 65 and the ADG. A comprehensive assessment against the ADG is contained in Attachment 4 to this report.

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

The provisions of the 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 occurs within 5 metres of an overhead and underground electricity power lines. As such, the Consent Authority is required to give written notice to an electricity supply authority. The Development Application was referred to Endeavour Energy, who advised the proposal is supported.

Clause 85 – Development adjacent to railway corridors

The application is not subject to clause 85 of the ISEPP, as the subject site is not located adjacent to a railway 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 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, and is not 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 a 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 annual average daily traffic volume of Blaxcell Street and William Street are less than 40,000 vehicles.

Clause 104 – Traffic generation developments

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

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

A BASIX Certificate has been lodged as a part of the Development Application. An amended BASIX Certificate was not lodged with the subject application, which have been imposed as a condition within the draft Notice of Determination provided as Attachment 3 to this report.

(e) State Environmental Plan (Sydney Harbour Catchment) 2005

The subject site is identified as being located within the area affected by the Sydney 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 State Environmental Plan is not directly relevant to the proposed development.

(f) Parramatta Local Environmental Plan 2010 (PLEP 2011)

The provision of the PLEP 2011 is applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the PLEP 2011 and the objectives of the B4 – Mixed Use zoning, with the exception of the height of building development standard, which is discussed below.

Permissibility

- The proposed development is defined as a mixed use development, comprising residential flat buildings and commercial premises, and is permissible in the B4 – Mixed Use zone with consent.
Mixed use development means a building or place comprising 2 or more different land uses.

Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note. Residential flat building is a type of residential accommodation.

Commercial premises means any of the following:

(a) Business premises,

(b) Office premises,

(c) Retail premises.

The relevant matters to be considered under PLEP 2011 and the applicable clauses for the proposed development are summarised below. A comprehensive LEP assessment is contained in Attachment 5 to this report.

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>Proposed</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height of Buildings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15 metres</td>
<td>17.1 metres.</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>A Clause 4.6 Statement has been submitted, justifying the contravention. Refer to commentary below.</td>
<td></td>
</tr>
<tr>
<td>Floor Space Ratio</td>
<td>1.01:1.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Clause 4.6 – Variation to Height of Buildings Development Standard

- Clause 4.6 allows the consent authority to vary development standards in certain circumstances, and provides an appropriate degree of flexibility to achieve better design outcomes. The consent authority may grant the exception as the Secretary’s concurrence can be assumed where clause 4.6 is adopted as per the Department of Planning Circular PS 18-003, dated 21 February 2018.

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

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

1. Is the proposed development consistent with the objectives of the zone?
The proposed development is considered to be consistent with the B4 – Mixed use zone objectives, as it provides a mixture of compatible uses, integrates commercial and residential in an accessible location, and providing high density residential development.

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

The objectives of Clause 4.6 is to ensure that a maximum building height is established to enable the appropriate development density to be achieved, and to ensure buildings are compatible with the character of the locality. The extent of the exceedance is limited to the lift overrun, parapet walls, planter boxes and bathroom facilities associated with the rooftop communal open space area, with habitable floor space maintained below the height limit. Therefore the built form is consistent with the density and desired future character of the area.

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

Strict compliance with the development standard in this instance is considered to be unreasonable and unnecessary in this instance as:

- The extent of the exceedance is limited to the lift overrun, parapet walls, planter boxes and bathroom facilities associated with the rooftop communal open space area. The habitable floor space is maintained below the height limit.

- The exceedance is a result of the flood affectation of the site, and the requirement to raise the building to respond to minimum freeboard levels.

- The variation will not result in noticeable bulk, height or scale, as viewed from the public domain, and will not result in additional solar access, view loss or privacy.

- The development is of an acceptable architectural design, which will contribute to the streetscape and visual amenity of the area.

b) Are there sufficient environmental planning grounds to justify contravening the development standard and therefore is the applicant’s written justification well founded?

The unique circumstances of the case are considered to warrant support of the departure. Given that the proposed development responds to the site and does so without unduly compromising relationships with adjoining development, and does not unduly compromise other relevant controls, the proposal is considered to be consistent with the objectives of the height of buildings development spaces, and development within the B4 Mixed Use zone. In this regard, the exception is well founded and can be supported.
Conclusion

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

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


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

(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.

As noted within the assessment above under the heading ‘State Environmental Plan (Sydney Harbour Catchment) 2005’, the proposed development raises no issues, as no impact on the catchment is envisaged.

The provisions of any Development Control Plans (EP & A Act s4.15 (1)(a)(iii))
The following Development Control Plans are relevant to the assessment of the subject modification application:

(a) Parramatta Development Control Plan 2011 (PDCP 2011)

The PDCP 2011 applies to the subject site. The proposed development has been assessed to comply with the provisions of the PDCP 2011, with the exception of the rear setback standard, which is discussed below. A comprehensive assessment against the provisions of the PDCP 2011 is contained in Attachment 6 to this report.

Rear Setback

- The Parramatta DCP 2011 requires a minimum rear setback of 9 metres. In this regard, the rear setback complies with the 9 metre requirement, with the exception of a small area, with the setback maintained to a minimum 3.5 metres.

A statement has been provided within the submitted Statement of Environmental Effects, in response to the above variation, which is noted as follows:

The subject site is unique with Duck Creek being the rear boundary. The site configuration, the flooding considerations, and easement affecting the site have generated the built form. The intent of provision a reasonable setback is met with the provision of substation deep soil planting opportunities. The proposal represents a vast improvement in terms of landscape opportunity, relative to the existing site circumstance. [Furthermore], the proposed setbacks do not give rise to adverse impacts to adjoining properties.

The Applicant’s written justification submitted to the variation of rear setback is considered well founded, and supportable on its merits. Council also notes that the variation is a result of the irregular site boundary, with the non-compliance limited to the area of the site where the boundary diverges from the general alignment of the middle of the concrete channel, and instead tapers into the site. Furthermore, the proposed development has been designed to comply with the Apartment Design Guide design criteria related to building separation, and as such, the proposal achieves reasonable levels of visual and acoustic privacy within the development and to adjoining properties.

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 planning agreement or 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 Regs).
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))

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 PDCP 2011, the proposal was publicly notified for a period of 21 days from 16 January 2018 to 6 February 2018. In response, no submissions were received.

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

The public interest is served by permitting the orderly and economic use of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis, it is considered that approval of the proposed development would not be contrary to the public interest.

Section 7.11 (Formerly S94 Contributions)

The subject development requires the payment of contributions in accordance with Parramatta Development Contributions Plan (Amendment No. 5). In accordance with the currently indexed rates, the following, the current rate of the required contribution is $100,223.06. The draft Notice of Determination at Attachment 3 includes a recommendation to reflect the above contributions.

Disclosure of Political Donations And Gifts

The NSW Government has introduced disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of various types of development proposals and requests to initiate environmental planning instruments or development control plans.

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

CONCLUSION:

The proposed development has been assessed against the matters for consideration listed in Section 4.15 of the EP & A Act, 1979, and is considered to be satisfactory. Any likely impacts of the development have been satisfactorily addressed and the proposal is considered to be in the public interest.
The proposed development is consistent with the objectives of Parramatta LEP 2011, and is permissible in the zone with Development Consent. A Clause 4.6 Variation Statement has been submitted, justifying the contravention to the height of buildings development standard, which is considered supportable on its merits. The proposal also complies with the Parramatta DCP 2011, with the exception of the rear setback provision, which is considered supportable on its merits.

CONSULTATION:

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

FINANCIAL IMPLICATIONS:

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

POLICY IMPLICATIONS:

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

COMMUNICATION / PUBLICATIONS:

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

REPORT RECOMMENDATION:

That Development Application 529/2017 seeking demolition of existing structures and construction of a 3 storey building and 4 storey building comprising 23 residential units and 2 commercial tenancies over 4 levels of basement parking at 2 Blaxcell Street, Granville, be Approved, subject to the conditions contained within the draft Notice of Determination provided as Attachment 3 to this report.

ATTACHMENTS

1. Architectural Plans
2. Clause 4.6 Variation Statement
3. Draft Notice of Determination
4. SEPP 65 Apartment Design Guide Compliance Assessment
5. Parramatta Local Environmental Plan 2011 Compliance Assessment
6. Parramatta Development Control Plan 2011 Compliance Assessment
DOCUMENTS ASSOCIATED WITH REPORT ELPP047/19

Attachment 1
Architectural Plans
DOCUMENTS
ASSOCIATED WITH
REPORT ELPP047/19

Attachment 2
Clause 4.6 Variation Statement
5.0 **CLAUSE 4.6 JUSTIFICATION TO THE BUILDING HEIGHT**

![Map of building heights](image)

Extract from the building height map

O1 = 15m:  L = 11m:  Q2 = 20m:  N2 = 14m

**Clause 4.6 of PLEP 2011**

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

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

**Comment:**

Clause 4.6 of the LEP notably is designed to provide flexibility when applying development standards particularly when the variation of the standard enables a better development outcome.

The proposed building height is up to 17m.
The proposed variation to the height control arises because of the unique site circumstances and challenges presented by the site. The proposed design has also been influenced by economic considerations directly relating to resolving Sydney Water and Council flooding issues. In addition a key consideration in developing the site is the removal of a redundant and undesirable land use from a prominent corner within the Granville Town Centre. Given the Council initiatives for the growth and prosperity of the Granville Town Centre consideration of the proposed development in exclusion of the building height control is necessary.

The revised design proposes the construction of a four level building, which can typically meet the 15m height control on a regular site. Given the flooding circumstances of the site, a freeboard area is required below the ground floor to achieve comparable flood storage. The building has therefore been raised to accommodate engineering requirements in respect of flooding and drainage.

Illustration of the extent of projecting building elements into the height plane.

Illustration of the freeboard area provided in-between the ground floor and parking levels.
A written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard (cl 4.6(3)(b) and cl 4.6(4)(a)(i)).

The term “environmental planning grounds” is broad and encompasses wide environmental planning grounds beyond the mere absence of environmental harm or impacts: Tuor C in Glenayr Avenue Pty Ltd v Waverley Council [2013] NSWLEC 125 at [50].

In Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1008, Pearson C held at [60] that environmental planning grounds as identified in cl 4.6 must be particular to the circumstances of the proposed development on a site. This finding was not disturbed on appeal (Pain J in Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 & Meabhr J, Leeming JA in Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248.

In this particular case the variation to the building height control does not impact on the ability of the proposal to accord with all other development standards and controls.

Having regard to the above there are well founded environmental planning grounds to vary the development standard in this instance.

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

Comment:

The height development standard is not expressly excluded from the operation of clause 4.6.

\(3\) 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.

Comment:

Strict compliance with the development standard is unreasonable and
unnecessary in the circumstances of the site for the following reasons:

- The need to protect Sydney Water's prime assets is crucial to moving
  forward. In doing so added expense and work is necessary prior to
developing the built form.
- Added measures are proposed to protect Sydney Water assets in this
  instance.
- To resolve overland flooding the building needs a freeboard area
  separating the ground level from levels above.
- The site needs to be decontaminated and tanks decommissioned to the
  overall benefit of the community.
- The footprint of the development has been reduced to maintain flood
  storage and flood flows.
- The driveway design, access and parking considerations are elaborate to
  address flooding and easement considerations.
- The provision of rooftop communal open space enhances amenity of
  residents however at added cost.
- The architectural treatment of elevations also is necessary to produce an
  attractive building.

From a streetscape perspective the proposed building will assist in framing the
round-a-bout and prominent corner.

The site benefits from an orientation which maximises solar access and a
commercial adjoining owner to the south ensuring no issues arise in terms of
privacy and overshadowing.

The project despite having a building height up to 17m resolves transition issues
from the 6 storey building to the north to the lower density zone to the south and
west.
The floor space ratio is well under that allowable on the site.

The proposed apartment yield is significantly less than the original scheme and includes a higher ground level setback and landscape content.

Strict compliance would unnecessarily erode quality floor space and aesthetics, without any material benefit derived.

The proposed development does not require fill.

It is reasonably concluded that “there are sufficient environmental planning grounds to justify contravening the development standard” in this instance.

(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

Comment:

The objectives of the B4 zone are:

- 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 development that contributes to an active, vibrant and sustainable neighbourhood.
- To create opportunities to improve the public domain and pedestrian links.
- To support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality.
- To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre.
The objectives of the height control are:

(a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,
(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,
(c) to require the height of future buildings to have regard to heritage sites and their settings,
(d) to ensure the preservation of historic views,
(e) to reinforce and respect the existing character and scale of low density residential areas.

Comment:

The proposed development is consistent with the zone objectives.

The proposed building height reduction with the revised design achieves a formal building transition from the north to the west and south.

No impacts arise as a result of the building height in terms of privacy loss, solar access, or views.

The subject site is distant from the nearest heritage item and the built form along the western edge of a lower scale.

There are no low density zones nearby.

The proposal has been designed in consideration of the Granville town centre context and initiatives for taller buildings.

Having regard to the above the proposal is consistent with the objectives of the height control and the objectives of the zone.

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

Comment:

It is expected that the Council will obtain the concurrence of the Director-General as required (possibly through delegation).
(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.

Comment:

The variation does not raise any matter of significance for State or regional environmental planning.

There is no particular public benefit that would be achieved by maintaining the development standard or compromised by approving the building as proposed. There is a public benefit in removing an undesirable and redundant land use from the town centre precinct.

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

Comment:

Not relevant as the development application is not for land subdivision nor is it within the zones specified in the clause.

(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).
Comment:

It is assumed that the consent authority will keep the required records.

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:
(a) a development standard for complying development,
(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
(c) clause 5.4.

Comment:

No adverse matters arise in respect of the above considerations.

Conclusion

The proposed development gives rise to only a substantial departure from the building height control for the reasons identified above.

All other development standards are met and the proposed development offers quality floor space to future residents. The proposed development has been carefully designed to avoid impacts in terms of loss of privacy, views and overshadowing.

The proposed development benefits from significant separation from adjoining sites and involves a built form proportionate with the site boundaries in a high density zone.

The variation from the building height control is unique to the site and circumstances. Council is requested to invoke the provision of clause 4.6 of the PLEP 2011 in this instance and approve the variation.
DOCUMENTS
ASSOCIATED WITH
REPORT ELPP047/19

Attachment 3
Draft Notice of Determination
CONVERSION OF DEVELOPMENT CONSENT

DA No: DA-529/2017  
Property: 2 Blaxcell Street, GRANVILLE  
Description: Demolition of existing structures and construction of a 3 storey building and 4 storey building comprising 23 residential units and 2 commercial tenancies over 4 levels of basement parking

1. Approved Plans and Documents

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

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<th>Prepared By</th>
<th>Rev.</th>
<th>Dated</th>
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### Stormwater Concept Design Music Catchment Plan / 20140059 / SW500

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<td>Acoustic, Vibration &amp; Noise Pty Ltd</td>
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(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. **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.

4. Parramatta Section 7.11 Development Contributions

Development Contributions are payable in accordance with the Parramatta Council’s Section 7.11 Development Contribution Plan (Amendment No. 5), which has been prepared under Section 7.11 of the Environmental Planning and Assessment Act 1979 (as amended).

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.

A sum of $100,223.06 is to be paid to Council for the purpose of the provision of additional services and public facilities that is likely to generate from employment generating development within the Cumberland LGA.

Council’s Development Contribution Plan 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 Section 7.11 Development Contributions.

5. No alteration without prior Council approval

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

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

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

Site works are not to commence until:-

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

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

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

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

b1) the principal certifying authority has, no later than 2 days before the building work commences:-
i) notified the consent authority and the council (if the council is not the consent authority) of his or her appointment, and

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

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

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

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

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

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

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

7. Principal Certifying Authority

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

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

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

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

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

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

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

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

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

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

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

8. Provision of Street Numbers

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

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

9. Compliance with the Building Code of Australia

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

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

10. Insurance requirements under the Home Building Act 1989

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

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

Contractors who carry out residential building work must still hold an appropriate licence with Fair Trading where the labour and materials involved are valued at over $1,000. Home owners should be wary of any builder or tradesperson who says they do not need insurance if the value of work exceeds $20,000, or who suggests you obtain an owner-builder permit while they carry out the work for you.

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

Reason: to comply with Clause 98 of the Environmental Planning and Assessment Regulation 2000.
11. **Disabled Access & Facilities**

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

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

12. **Commonwealth Disability Discrimination Act**

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

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

13. **Replacement of Principal Certifying Authorities**

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

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

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

14. **Notice to Allow Inspections**

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

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

15. **Erection of Signs**

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

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

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

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

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

Reason: to comply with the requirements of Clause 96A and 136B of the Environmental Planning and Assessment Regulations.

16. BASIX Requirements

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

a) Relevant BASIX Certification means:-
   i) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified) or;
   ii) If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and

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

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

17. 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.

18. Information required prior to the issue of Construction Certificate

The following documentation (where applicable) is to be submitted to Council or the accredited certifier, prior to the granting of the construction certificate:
a) Detailed building plans and specifications containing sufficient information to verify that the completed building will comply with the Building Code of Australia.

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

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

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

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

f) Method of ventilating the basement car park. (Note: If mechanical ventilation is required, mechanical ventilation plans shall be submitted that also confirm the minimum height clearances specified by AS 2850.1 – 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.

19. **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.

20. **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.

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

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

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

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

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

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

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

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

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

22. 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.

23. 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.
24. **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.

25. **Survey Report**

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

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

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

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

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

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

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

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

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

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

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

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

- Make payment to Council for the rental of the road reserve area in accordance
with Council’s adopted charges (per metre per month – minimum 3 months) BEFORE the fence/hoarding is erected.

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

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

27. **Sedimentation Control**

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

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

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

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

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

e) A vehicle wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.

f) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system.

g) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway and shall be protected with adequate sediment controls.

h) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.

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

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

28. **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.

29. **Engineering Design – Basement Excavation**

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

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

b) A report shall be prepared by a professional engineer and submitted to the certifying authority prior to the issuing of a construction certificate, detailing the proposed methods of excavation, 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.

30. 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.

31. Dilapidation Report - Prior to Excavation of Basement

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

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

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

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

The applicant shall bear the full cost of this certification and the Council or Principal Certifier reserves the right to request a full report as described in (a) above should the certification provided by the engineer be considered unacceptable or insufficient.

Reason: to enable the monitoring of any potential damage that may be caused to adjoining premises as a result of excavating and building in close proximity to the adjoining premises.

32. 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: the ensure the safety of pedestrians when passing the site.

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

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

- A payment to Council for the following fees in accordance with Council’s adopted charges:
  - Hoarding/Structure Application Fee
  - Rental of Footpath Area (per metre per month – minimum 3 months rental)
  - Footpath Bond
- Submit the following documents to Council with your application:
  - Certificate of Currency for Public Liability Insurance
  - Certificate of Currency for Worker's Compensation Insurance
  - Letter indemnifying Council against claims and expenses made in relation to the existence of the structure and/or traffic provisions
  - Traffic/Pedestrian Control Plan
  - In respect to any required Type B Hoarding, structural certification prepared and sign by an appropriately qualified practise 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.

34. **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.

35. **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.

36. **Remediation and validation**

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

a) Remediation and validation works shall be carried out in accordance with the approved Remediation Action Plan. The applicant shall inform Council in writing of any proposed variation to the remediation works. Council shall approve these variations in writing prior to the commencement of works. Please note that variations to the approved remediation works may require the submission to Council of a Section 96 Application or further Development Application pursuant to the Environmental Planning and Assessment Act 1979.

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

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

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

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

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

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

37. **Remediation works – contact details**

The applicant shall provide Council with a 24 hour contact number for the manager of the remediation works prior to the commencement of any works at the site.

**Reason:** to ensure a point of contact is provided to Council to liaise with, if necessary, in respect of the remediation works.
38. **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.

39. **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.

40. **Number of Car Parking Spaces**

A minimum of 34 off-street car parking spaces are to be provided to the development. Of this figure:

- A minimum of 25 spaces shall be dedicated as residential use (including 4 accessible spaces).
- A minimum of 5 spaces shall be dedicated as residential visitor use.
- A minimum of 4 spaces shall be dedicated as commercial use (including 2 accessible spaces).

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

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

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

41. **Signs for visitor and employee parking**

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

**Reason:** to delineate the spaces suitable for visitor and employee parking.

42. **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.
43. **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.

44. **Minimum height clearance for car parking spaces and entry to basement car parks**

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

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

45. **Size Limit of Delivery Vehicles**

Vehicles making deliveries to the premises shall be limited to Small Rigid Vehicles (SRVs) or smaller as defined by Australian Standard AS2890.2.

*Reason:* to ensure adequate manoeuvring space is provided at the site.

46. **Protective bar to vehicular entry**

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

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

47. **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.

48. **Internal Ramp**

The proposed driveway ramp shall be designed in accordance with the Australian Standards AS2890.1-2004. In this regard:

- Grades and levels shown on the plans shall be amended to comply with AS2890.1-2004.
- Headroom clearance of 2200mm shall be ensured to comply with the Australian Standards.
- The clearance on both sides of the circulation ramp shall be separated by a 300mm wide and 100mm high kerb.

*Reason:* to ensure that the ramp complies with Australian Standards.

49. **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.

50. Car Parking Spaces – Restrictive Covenant

The following shall be complied with:-

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

b) Prior to Occupation Certificate under the Environmental Planning and Assessment Act 1979 (as amended) a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 98E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.

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

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

51. Headroom clearance – within the Basement

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

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

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

52. 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.

53. Demolition of buildings

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

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

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

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

54. Fencing of demolition sites – Rental of road reserve/footpath area

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 application to Council for rental of the road reserve/footpath area BEFORE the fence/hoarding is erected.

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

55. Waste Management Plan – New works

The approved Waste Management Plan for the site must be displayed in an appropriate location on-site and complied with at all times during construction/remediation/demolition.

The builder/construction company shall be provided with at least one copy of the waste management plan.

Reason: to ensure waste is properly managed.
56. **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.

57. **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.

58. **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.

59. **Demolisher Details**

The demolisher/owner/applicant shall:-

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

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

ii) The demolisher’s full name and address.

iii) Details of Public Liability Insurance.

b) Comply with Australian Standard 2601 – 2001 "Demolition of Structures"; and,
c) Have a current public liability/risk insurance, and policy details of such shall be submitted to Council for its records.

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

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

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

60. Demolition Works – noise and vibration

The following shall be compiled with:-

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

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

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

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

61. 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;


vii) The Guide to the Control of Asbestos Hazards in Buildings and Structures
[NOHSC: 3002 (1998)] http://www.nohsc.gov.au; and


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

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

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

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

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

62. **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.

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

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

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

64. **Neighbour 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.

65. **Materials and Finishes**

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

a) Quality and durable materials are to be used throughout the development.

b) The applied external paint finishes to the building shall have a minimum aggregate thickness of 200 microns.
Reason: to ensure a high quality appearance to all materials within the development.

66. **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 Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

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

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

67. **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.

68. **Plumbing – separation and containment**

Prior to the issue of a Construction Certificate, construction drawings shall be submitted to the Principal Certifying Authority for approval to indicate that plumbing to each dwelling will be separated and adequately contained to prevent noise transmission and vibration.

Reason: to ensure adequate separation and containment of plumbing between dwellings.

69. **Lockable Pedestrian Entries**

All shared pedestrian entries to the buildings must be lockable.

Reason: to ensure adequate security provision to shared pedestrian entries to the development in accordance with Council’s Development Control Plan requirements.

70. **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.
71. **Switchboards/Service Panels**

Switchboards and/or service panels for utilities are not to be attached to the front facades/elevations of the building(s).

*Reason:* to ensure that switchboards and service panels are appropriately located and do not adversely impact on the appearance/presentation of the front building facade.

72. **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.

73. **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.

74. **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.

75. Fire Safety Notices

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

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

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

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

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

77. 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.
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Reason: to comply with the requirements of Section 6.9 of the Environmental Planning and Assessment Act (as amended).

78. 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.

79. 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.

80. 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.

81. Aboveground Power Lines

Where practicable, all existing overhead power lines adjacent to the development site shall be relocated underground to Energy Australia standards and specifications. If not practicable to relocate the power lines underground, arrangements shall be made with Energy Australia to place the conduit to carry those power lines underground so that they can be utilized at a later date by Energy Australia. In this regard all associated costs shall be borne by the applicant.

Reason: to improve the aesthetic quality of the area.
82. **Mail Box Structure**

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

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

83. **Separate consent required prior to occupation of premises**

Separate Development Consent must be obtained prior to occupation of the commercial tenancies situated on the ground floor of the building.

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

84. **Security fencing**

All security fencing shall be on an alignment of 4.5m to the street boundary. Under no circumstances are gates to open over Council’s footway or obstruct access to car parking spaces.

*Reason:* to ensure the development operates in accordance with the approval and does not cause a nuisance or a hazard to the public.

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

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

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

86. **Telecommunications Facilities - Residential**

The following requirements apply to telecommunication facilities in the building:-

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

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

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

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

*Reason:* to ensure adequate provision for telecommunication facilities within the development.

87. **Lighting to publicly accessible areas**

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

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

*Reason:* to ensure publicly accessible areas of the development are provided with sufficient illumination.

88. **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.

89. **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.

90. **Display of Waste Management Plan – Ongoing use**

The occupier/body corporate shall be provided with at least one copy of the waste management plan. An additional copy of the plan shall be displayed in a secure, visible and accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.

*Reason:* to ensure waste is properly managed by occupants of the building.

91. **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.

92. **Ongoing Waste Management**

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

a) Appropriate waste management practices are to be adopted within the development at all times.
b) The waste storage room shall be kept in a clean, tidy and hygienic condition at all times.

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

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

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

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

93. **Sight distance**

Adequate appears adequate vertical sight distance shall be provided along the access ramp. In this regard:

a) Appropriate measures shall be provided to improve the safety.

b) Detail plan shall be submitted to and approved by principal Certifying Authority.

Reason: to ensure adequate safety is provided in the access ramp.

94. **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.

95. **Unexpected Finds**

If during site works significant odours and or evidence of gross contamination (including asbestos) not previously detected are encountered or any other significant unexpected occurrence materializes then site works are to cease in that area temporarily and the environmental consultant notified immediately, who shall formulate a response to the unexpected find.

Reason: to comply with the recommendations of the Remediation Action Plan.

96. **Natural and/or Mechanical 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 (i.e. residential balcony perimeter) within the development does not exceed a noise level of more than 5 dBA above prevailing background level; and

c) When measured inside a sole occupancy unit with the sliding door and/or windows open is inaudible at any time.

Reason: to ensure the basement carpark is ventilated.

97. **Future Use of Commercial / Retail 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 ensure the commercial tenancies accommodate mechanical ventilation.

98. **Opaque glazing**

Opaque glazing shall be installed to the balustrading of the balconies.

Reason: to screen items within balcony areas, and provide an acceptable presentation, as viewed from the public domain.

99. **Landscaping podium and communal open space area**

All landscaped podium areas shall maintain a minimum soil planting depth of 600mm for tree provision and 300mm for turf provision. The minimum soil depth for terraces where tree planting is proposed is 800mm. All podium areas and communal open space areas, which are planted, shall be provided with a water efficient irrigation system.

Reason: to support to the healthy growth of flora.

100. **Clothes Drying Facilities**

Open air clothes drying facilities shall be provided in a sunny, ventilated and convenient location which is adequately screened from streets and other public places, where possible.

Reason: to encourage natural means of clothes drying in order to reduce the carbon footprint of the development, and to screen clothes drying facilities from the public domain.

101. **Smoke Detection/Alarm Systems – Class 2 Buildings**

The building is required to be provided with a smoke alarm system complying with Clause 3 of Specification E2.2a of the B.C.A. or a smoke detection system complying with Clause 4 of Specification E2.2a of the B.C.A. or a combination of a smoke alarm system within the sole
occupancy units and a smoke detection system in areas not within the sole-occupancy units.

Details of compliance with the provisions of the Building Code of Australia must be included in the plans/specification for the Construction Certificate.

Reason: to ensure that reasonable levels of fire safety are provided in the building.

102. Sanitary Compartment doors – All Buildings

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

Reason: to comply with BCA F2.5 and Part 3.8.3.3.

103. Exit Doors Installed in the Path of Travel

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

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

104. Termite Protection

Where a primary building element in a building may be subject to attack by termites, those members will need to be protected in accordance with Clause 3.1.3.0 of the Building Code of Australia. Satisfactory compliance with this requirement is achieved by applying a preventative treatment in accordance with AS 3660.1-2000.

Where a patented method of physical protection or chemical treatment is carried out, a certificate shall be submitted to The Principal Certifying Authority from the installer/pest control firm indicating that the protection used complies with AS 3660.1-2000 and the Building Code of Australia. This certificate shall be forwarded to The Principal Certifying Authority prior to the pouring of any slab on ground or prior to a bearers and joist inspection.

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

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

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

105. **Emergency Lighting and Illuminated Exit Signs**

A complete system of emergency lighting and illuminated exit signs is to be installed throughout the building.

**Reason:** to assist people exiting the building in the event of power failure.

106. **Portable fire extinguishers**

Portable fire extinguishers shall be provided throughout the building to the requirements of E1.6 of the BCA and AS2444.

**Reason:** to allow occupants to undertake initial attack on fire.

107. **WaterNSW**

The following General Terms of Approval are applied by WaterNSW:

a) A Water Supply Work Approval from WaterNSW must be obtained prior to commencing dewatering activity on the proposed site. Please complete an Application for approval for water supply works, and/or water use.

b) An application for a Water Supply Works Approval will only be accepted upon receipt of supporting documentation, and payment of the applicable fee (see Application fees for New or amended Works and/or Use Approvals). The information required for the processing of the water supply work application may include preparation of a dewatering management plan.

c) If approved, the Approval will be issued for a period of up to 24 months to cover the dewatering requirements during the construction phase. It will include conditions to ensure that impacts are acceptable and that adequate monitoring and reporting procedures are carried out. The Approval will be issued subject to the proponent meeting requirements of other agencies and consent authorities. For example, an authorisation by either Sydney Water or the local Council, depending where the water will be discharged. If contaminants are likely, or are found to be present in groundwater, and are being discharged to stormwater, including high salinities, a discharge licence under the *Protection of the Environment Operations Act 1997 (NSW)* may also be required.

d) WaterNSW prefers “tanking” (i.e. total water proofing below the seasonal high water table) of basement excavations, and avoids the ongoing extraction of groundwater after the initial construction phase. It is also advised to adopt measures to facilitate movement of groundwater post construction (e.g. a drainage blanket behind the waterproof membrane).

e) If the basement is not “tanked”, the proponent will require a Water Access Licence (WAL) and need to acquire groundwater entitlements equivalent to the yearly ongoing take of groundwater. Please note: Acquiring groundwater entitlements could be difficult, and may cause delay in project completion. If a WAL is required, please complete an Application for a new water access licence with a zero share component.

**Reason:** to ensure the WaterNSW General Terms of Approval are complied with.
108. **Public Art**

The following conditions are applied to the development regarding public art:

- a) Prior to the issue of an Occupation Certificate, the Applicant must supply information and documentation that the public art has been designed, produced, and installed as per the submitted Public Art Plan, and should include a maintenance plan. Liaison with Council's Public Art Coordinator shall be made to determine appropriate meeting times over the duration of the development.

- b) At the time of design development of the Indigenous Artwork proposed, the design shall be submitted to the Cumberland Aboriginal and Torres Strait Islander Committee for their consideration and approval.

*Reason:* to ensure the public art proposed is in accordance with the submitted Public Art Plan, and to provide the opportunity for the Cumberland Aboriginal and Torres Strait Islander Committee to consider the Indigenous Artwork.

109. **Tree Retention**

The recommendation with the Arboricultural Impact Assessment prepared by Urban Tree Management, Reference Number 20034, Revision 1, dated 5 February 2019, shall be complied with at all times. Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval, prior to the commencement of any site works and issue of a Construction Certificate.

The Council Street trees located on Blaxcell Street shall not be damaged during any works associated with the development, including demolition, site establishment, excavation for utilities / stormwater, and / or as a result of construction vehicle access.

*Reason:* to ensure the protection of existing trees on the site.

110. **Amended Landscape Plan**

An amended Landscape Plan shall be submitted to Council or the accredited Certifier for approval, prior to the issue of a Construction Certificate, and shall incorporate the following revisions:

- a) The container size of the proposed trees is to be a minimum of 45L.

- b) Two (2) *Angophora costata* (*Smooth-barked Apple*) trees are to be installed in appropriate locations within the turf area adjoining the canal, as feature trees. The *Angophora costata* trees are to come from a minimum 75L container.

- c) Tree protection fencing and associated annotations shall be in accordance with the Arboricultural Impact Assessment prepared by Urban Tree Management, Reference Number 20034, Revision 1, dated 5 February 2019. Annotations regarding any necessary tree protection measures to be implemented for the street trees to be retained and protected are also to be included, and advised by an AQF Level 5 Consulting Arborist.

*Reason:* to ensure appropriate planting on site.
111. **Communal Open Space Area**

The north-western communal open space area shall be fenced and gated to the northern side.

*Reason:* to ensure the communal open space area is secure.

112. **Amended BASIX Certificate**

An amended BASIX Certificate shall be submitted to the Certifying Authority for approval, prior to the issue of a Construction Certificate, which corresponds with the endorsed design.

*Reason:* to ensure the BASIX Certificate corresponds with the endorsed design.

113. **Remediation Action Plan**

The recommendations in section 7.3 of the Remediation Action Plan prepared by Aargus Pty Ltd, Reference Number ES5720/3, Revision 0, dated 18 December 2017, must be carried out during remediation to ensure ground water does not pose a risk to human health or the environment.

*Reason:* to ensure ground water does not pose a risk to human health or the environment.

114. **Validation Report**

A validation report must be prepared and submitted to Council prior to the issue of a Construction Certificate. The report shall be prepared in accordance with the EPA guidelines, "Consulting and reporting on contaminated Sites".

*Reason:* to ensure all remediation works have been carried out in accordance with the remediation action plan.

115. **Waste Management Plan**

The Waste Management Plan prepared by Design Cubicle Pty Ltd, Issue A, dated December 2017, is to be incorporated into the design, construction and operational use of the development.

*Reason:* to ensure waste is manageable and disposed of correctly.

116. **Acoustic Report**

The recommendations of the Acoustic Report prepared by Acoustic, Vibration & Noise Pty Ltd, Reference Number 2017-618, dated 11 February 2019, be accepted and followed throughout the demolition and construction of the proposed use.

*Reason:* to ensure the development will not impact on the acoustical amenity of sensitive receivers.

117. **Acoustic Report**

Prior to CC an acoustic report is to be prepared by an appropriately qualified acoustic consultant having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/or grade membership of the Australian Acoustical Society (MAAS). The report should also consider noise emissions from the
development including but not limited to proposed mechanical plant (air conditioners, automatic roller doors, ventilation plant for the underground car park). The report should be prepared in accordance with the NSW Environment Protection Authority Industrial Noise Policy.

**Reason:** to ensure mechanical plant will not impact on the acoustical amenity of sensitive receivers.

118. **Acoustic Report**

Within three months of the premises being occupied, an acoustic report prepared by a suitably qualified person, is to be submitted to the consent authority demonstrating that the development complies with noise levels in the NSW EPA Noise Policy.

**Reason:** to ensure the development compliances with noise levels in the NSW EPA Noise Policy.

119. **Erosion and Sediment Control**

Erosion and sediment control shall be in accordance with the Erosion and Sediment Control Plan and Details prepared by Design Cubicle, Job Number 20140058, Plan Number SW400, dated 21 February 2019.

**Reason:** to minimise soil erosion and sediment leaving the site and causing storm water pollution.

120. **Air emissions**

The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997*. Waste gases released from the premises must not cause a public nuisance nor be hazardous or harmful to human health or the environment.

**Reason:** to protect human health and the environment.

121. **Monitoring of field parameters**

Results of the monitoring of any field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council Officers on request throughout the remediation and construction works.

**Reason:** to ensure Council is informed as to monitoring of field parameters relevant to the remediation and/or construction works.

122. **Fill for residential premises**

(a) Should any importation of landfill material be required on the site, a validation report prepared in accordance with the Department of Environment and Conservation (DEC) (formerly known as the EPA) "Guidelines for Consultants Reporting on Contaminated Sites" shall be submitted to Council for approval. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

(b) "Chain of Custody" documentation shall be kept for the transportation of validated fill material from its point of origin to its arrival at the subject premises. A record of "Chain of Custody" shall be submitted to Council within seven (7) days of the fill
material being moved to or from the subject site.

Reason: to ensure appropriate validation and handling of fill for residential premises.

123. **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 (i.e. any outdoor areas for day and evening but closer to the façade at night time), unless other positions can be shown to be more relevant.

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

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

Reason: to ensure adequate acoustic amenity in the locality.

124. **Air conditioning units – location and acoustics**

a) Air conditioning units are to be located to the ground level of rear yards or within basement garages and not within the side setbacks or frontages of the property. Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the building.

b) The operation of air conditioning units shall be so:
   (i) as not to cause “offensive noise” as defined under the Protection of the Environment Operations Act 1997;
   (ii) as to be inaudible at the nearest affected residence between the hours of 10.00pm and 7.00am on weekdays and 10.00pm and 8.00am on weekends and public holidays;
   (iii) as not to discharge a condensate or moisture onto the ground surface of the premises or into a stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act 1997.

c) Should Council receive noise complaints from neighbouring residents in relation to the air conditioning units, Council may issue a Noise Notice. Such notice may require you to engage the services of a competent and appropriately qualified Acoustic Consultant to undertake a noise level assessment of the air conditioning unit. If the unit is assessed as exceeding the permitted noise criteria, you may be directed to provide noise attenuation measures such as an acoustic enclosure and/or relocation of the unit.
Reason:- to ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings and to ensure the operation of air conditioning units does not adversely impact on the acoustic amenity of the locality.

125. **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.

126. **Hydraulic Engineering Design Compliance Certificate**

Prior to issue of any Construction Certificate, a written verification from suitably qualified hydraulic engineer shall be obtained and shall be submitted to and approved by the Principal Certifying Authority. These documents shall be forwarded to Council as part of the construction certificate. The verification shall include that:

a) Construction certificate plans comply with approved Flood Study report and Addendum reports prepared by SG Consulting Pty Ltd.

b) Construction certificate plans comply with all flood related conditions of this consent.

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

Reason: to ensure construction plans comply with the flood report and related conditions.

127. **Hydraulic Engineering Construction Compliance Certificate**

Prior to issue of any Occupation Certificate, a written verification from suitably qualified hydraulic engineer shall be obtained and shall be submitted to and approved by Principal Certifying Authority. These documents shall be forwarded to Council as part of the Occupation Certificate. The verification shall include that:

a) The constructed development complies with approved Flood Study report and Addendum reports prepared by SG Consulting Pty Ltd.

b) The constructed development complies with the approved construction certificate plans which complied with all flood related conditions of this consent.

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

Reason: to ensure construction comply with the flood report, the conditions and approved plans.

128. **Flood Risk Management**

The subject development shall comply with Table 2.4.2.1.2 of the Parramatta Development Control Plan 2011. In this regard:

a) Supporting documents shall be prepared in order to ensure that the development
complies with the controls for medium flood risk precinct nominated in Table 2.4.2.1.2 of the Parramatta Development Control Plan 2011.

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

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

129. Flood Evacuation Management

The building must be designed and certified by a suitably qualified practicing engineer to ensure the building does not fail due to flooding.

A Flood Evacuation & Management Plan must also be prepared by a suitably qualified professional.

The design and certification of the building and the Flood Evacuation & Management Plan must be prepared and submitted with the application for a Construction Certificate to the satisfaction of the Certifying Authority.

Reason: To ensure the structure can withstand flooding events.

130. Flood Evacuation

An evacuation report and procedure shall be prepared by an appropriate consulting engineer. This report is to demonstrate how the occupants of the development will egress the site in the early stages of a storm event, together with how they will seek refuge in a peak stormwater event (i.e. first floor of the building etc.). The report shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. A copy of the report shall be attached to the Occupation Certificate when forwarded to Council.

Reason: To make property owners/residents aware of the procedure in the case of flood.

131. Floodplain Access Control

‘Pool type’ vertical bar fencing and access gates, all to Australian Standards, shall be installed and maintained in perpetuity to prevent casual access by children to any of the ground levels of the site adjacent to Duck Creek and also to the flood storage cavity beneath the ground floor slab. Maintenance of this fencing shall be the subject of covenants and instruments in terms satisfactory to Council which shall be placed on the title of the subject land prior to issue of any Occupation Certificate.

Reason: Protection of public safety and property, securing the safety of residents and managing risk from flooding.

132. Flood Warning System

The building must include a flood warning alarm system activated by a float valve. Details must be provided with the Construction Certificate plans and documentation to the satisfaction of the Certifying Authority.

The property owner/body corporate is to ensure the warning system is in good working order, through regular testing and maintenance.

Reason: To ensure the flood warning system is installed and maintained.
133. **On Street Drainage Design**

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

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

b) Stormwater shall be connected to the existing Council's stormwater pipe.

c) The depth of the Council pipe shall be verified and annotated on the plan.

d) A detailed service search shall be carried out to ensure that the existing stormwater pipes within the road reserve are incorporated in the design.

**Reason:** to ensure Council's assets are designed to Council's requirements and existing assets are incorporated in the design.

134. **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) Separate construction approval shall be obtained from Council's Engineering Section.

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

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

c) 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.

d) 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.

135. **Stormwater Disposal**

Stormwater runoff generated from the development shall be directed to the On Site Detention (OSD) system. Stormwater runoff generated from the area draining to OSD 1 shall be discharged to Council's stormwater system in Blaxcell Street and stormwater runoff from the area draining to OSD 2 shall be discharged to Duck Creek, and shall be subject to Sydney Water approval.

**Reason:** To ensure satisfactory stormwater disposal.
136. **Stormwater Quality**

Stormwater shall be drained by means of a water quality and bioretention stormwater management system prior to being discharge into Duck Creek. Details of the design, construction and long term operation of this stormwater management system shall be submitted to Council's Manager of Engineering and Traffic for approval, prior to the issue of any Construction Certificate. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

*Reason:* To ensure overland flow is maintained.

137. **Submission of Full Stormwater Disposal Details**

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

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

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

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

*Reason:* to ensure stormwater is suitably discharged.

138. **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.

139. **Stormwater Disposal – On-site Detention**

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

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

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

140. Overland Flowpath - Flooding

The overland flow through the site shall be maintained at all time in accordance with Council approved plan. In this regard, a positive covenant under Section 88E of the Conveyancing Act is to be created on the title of the property detailing the unimpeded overland flow path system incorporated in the development. The wording of the instrument is to be submitted and approved by Council prior to lodgement at the Land Property Information. Evidence confirming the positive covenant has been registered shall be submitted to Council prior to the issue of any Occupation Certificate.

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

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

141. 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.

142. 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.

143. 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.

144. Basement Drainage System

Basement drainage is to comply with the Parramatta Development Control Plans 2011. 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.

a) 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 of two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the “off” position or if there is a break in electrical supply.

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 the access ramp area only and subsoil drainage.

Reason: to prevent localised flooding.

145. Footpath Construction – William Street / Blaxcell Street

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

- Detail footpath design shall be submitted and approved by Council’s Works and Services section prior to the issue of any 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 the design of the footpath.
- 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 any Occupation Certificate.
- All associated cost shall be borne by the applicant.
**Reason:** to provide a safe footpath for increased pedestrian use and one that will complement the Cumberland Council requirements.

148. **Works-as-Executed Plan**

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

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

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

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

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


f) Approved verses installed Drainage Design (OSD) Calculation Sheet.

The above requirement shall be submitted to and approved by Council prior to Council endorsing the Positive Covenant documents.

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

147. **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.

148. **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 a 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.
149. **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 a 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.

150. **Street Boundary Levels**

Street boundary levels for vehicle access and drainage purposes are to be obtained at the applicant’s cost from Council’s Engineering section 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.

151. **Road Opening Permit**

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

**Reason:** to safeguard Council property against damage.

152. **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.

153. **Redundant Driveway**

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

Arrangements shall be made with Council’s Engineering section 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.
154. **Car Parking to Comply with Approved Details**

The area set aside for the parking of vehicles, and so delineated on the Architectural Plans prepared by Design Cubicle Pty Ltd, 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.

155. **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.

156. **Stamping of Development Application Plans by Sydney Water**

The approved development application plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be appropriately stamped.

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

- Quick Check agents details – see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building Developing and Plumbing then Building and Renovating

or telephone 13 20 92.

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

- ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate; or
- if there is a combined Development/Construction Certificate application, ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans prior to works commencing on site.

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

157. **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 Principal Certifying Authority **prior to the issue of any Construction Certificate**.
Reason: to ensure headroom clearance complies with Australian Standards AS 2890.1 AS2890.6 and the relevant DCP.

158. **Ramp Gradients**

Ramp grades shall comply with section 2.5.3 of Australian Standard 2890.1 - 2004. Detailed longitudinal sections of the ramps shall be submitted to and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate. The ramp section shall show all necessary headroom clearances to comply with the relevant Australian Standard.

A copy of the approved plan shall be submitted to Council as part of Construction Certificate.

Reason: to ensure the access ramps comply with Australian Standard AS28890.1:2004.

159. **Works within Council Controlled Lands**

1. For drainage works:
   a) Within Council controlled lands.
   b) Connecting to Council’s stormwater drainage system.

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

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.

160. **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.

161. **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.
162. **Foundation Near Easement**

Foundations adjacent to an easements and stormwater channel are to be constructed in accordance with Sydney Water requirements. The engineering details are to form part of the Construction Certificate documentation with the Sydney Water approval.

*Reason:* To ensure Council’s and Sydney Water’s assets are not damaged.

163. **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.

164. **Traffic Management**

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

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

165. **Flood Gauges**

To ensure that residents are appropriately aware of this risk, the following are to be installed on the site prior to the release of any Occupation Certificate for the development:

- Four flood gauges are to be provided measuring the depth of floodwaters.
- At all entry points to the building including the basement pedestrian and vehicular access flood warning signs are to be provided. The signs are to provide the warning in English and graphic only. These signs are to be of material that can withstand severe flooding.
- Provide 1 x 225mm approx. diameter stainless steel tube, capped, bolted to a suitable flood proof concrete base clearly marked with the 1% AEP / 1 in 100 year flood level located centrally in open space area at the rear of the site. This is to be designed to withstand floodwaters and vandalism.

These measures are to be installed to the satisfaction of the Principal Certifying Authority with appropriate documentary and photographic evidence of installation to be provided to Council for record keeping purposes.

*Reason:* To ensure that residents are aware of the flood conditions of the site and have sufficient infrastructure to understand the depth of floodwater around the site during flood events.
166. **Entrance to Building 2**

The entrance to Building 2 on the southern elevation of the ground floor shall be clearly demarked from the façade, so as to be identifiable as the point of entry for persons accessing the building.

*Reason:* To ensure access points are easy to identify.

167. **Amended Stormwater Plans**

Amended stormwater plans addressing the following shall be submitted to and approved by Council, prior to the issue of a Construction Certificate:

a) Onsite detention system shall be prepared by a suitably qualified person and must be in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Stormwater drainage Guidelines and "Australian Rainfall & Runoff 1987".

b) Permissible Site Discharge and Site Storage Requirement for the subject site are 80 L/s/ha and 470m³/ha respectively. OSD shall be redesigned with the above values.

c) An access grate shall be provided behind the flap.

d) The storm filter chamber shall be separate from the OSD tank storage.

e) All the access covers over the OSD tank shall be minimum 900x900 in size with double (2/900x450) hinged grates.

f) OSD tank dimension shall be annotated on the plan.

g) Basement pump out tank design calculations shall be provided.

*Reason:* To ensure the stormwater design complies with Council’s DCP and Upper Parramatta River Catchment Trust "On-Site Detention Handbook"

168. **Pier Design Details**

Full details of the overland flow path shall be submitted to Council’s Manager of Engineering and Traffic for approval, prior to the issue of a Construction Certificate. The proposed plan shall show all required details such as piers, walls, steps, lift, etc. The plan shall incorporate the recommendations made within the Flood Study report and Addendum reports prepared by SG Consultants Pty Ltd.

*Reason:* To ensure overland flow is maintained.
169. **Top Slab of the Basement**

The top slab of the basement shall be lowered to be level with the natural ground level (existing levels). In this regard, amended architectural plans detailing the above shall be submitted to Council for approval, prior to the issue of a Construction Certificate. The plan shall ensure compliance of ramp grades, and head room clearance.

*Reason:* To ensure overland flow is unobstructed.

170. **Access on the Driveway**

The pedestrian access steps located within the proposed access driveway shall be removed and relocated from the two way access driveway. Details, inclusive of a swept path analysis, shall be submitted to Council’s Manager of Engineering and Traffic for approval, prior to the issue of a Construction Certificate, demonstrating unobstructed access.

*Reason:* To ensure access to the basement car park is unobstructed.

171. **Setback to Duck Creek Corridor**

The setback to the Duck Creek corridor, as endorsed within the Architectural Plans prepared by Design Cubicle, shall be maintained. Details shall be submitted to Council’s Manager of Engineering and Traffic for approval, prior to the issue of a Construction Certificate.

*Reason:* To ensure the setback to the Duck Creek corridor is maintained.

172. **Fence Design**

All fences within the 100 year flood level shall be designed allow for overland flow to be maintained. Details shall be submitted to Council’s Manager of Engineering and Traffic for approval, prior to the issue of a Construction Certificate.

*Reason:* To ensure overland flow is maintained.

173. **Boundary Fence Approval**

Written acceptance shall be obtained from the affected all adjoining property owners for the proposed open style boundary fencing as required by Condition DC2 above, prior to the issue of a Construction Certificate. The approval letter shall address as a minimum the following:

i) They understand the intention for the proposed changes to the fencing is to improve the flood plain and overland flow path within the location.

ii) They have no objection to the proposed changes which require an opening to the base of the fence.

*Reason:* To ensure approval from affected property owners for boundary fence construction.
174. **Flood Report**

An amended Flood Report shall be submitted to Council's Manager of Engineering and Traffic for approval, prior to the issue of a Construction Certificate, and shall address the following:

i) The proposed boundary wall/fence within the floodplain, which interferes with the flood path.

ii) The existing condition for adjoining sites, and how it has been modified in the proposed scenario.

iii) The Flood Report shall refer to Table 2.4.2.1.2 of the Parramatta Development Control Plan 2011.

iv) The Flood Advice letter from Cumberland Council shall be incorporated in the flood report.

v) Flood level contours shall be provided in the report.

*Reason:* To ensure the flood report is updated.

175. **Bio Retention Facility**

Stormwater shall be drained by means of a water quality and bioretention stormwater management system, prior to being discharged into Duck Creek. Details of the design, construction and long term operation of this stormwater management system shall be submitted to Council's Manager Development Assessment for approval, prior to the issue of a Construction Certificate.

The Architectural, Stormwater and Landscape designs shall be redesigned to suit these requirements, and shall include details of the proposed bioretention stormwater management facility adjacent to the Duck Creek channel. All plans shall correspond.

The designs shall also include the provision for managing personal safety, especially for children, including but not limited to the use of protective fencing within the high hazard floodway and alongside the Duck Creek channel.

*Reason:* To ensure overland flow is maintained.

176. **DC9 - Waste Collection**

Details of the waste collection arrangements shall be submitted to Council’s Manager of Engineering and Traffic for approval, prior to the issue of a Construction Certificate. Waste collection shall be provided in accordance with the Parramatta Waste Management Guidelines for new Development 2016.

*Reason:* To ensure waste collection complies with the Parramatta Waste Management Guidelines for new Development 2016.
DOCUMENTS
ASSOCIATED WITH
REPORT ELPP047/19

Attachment 4
SEPP 65 Apartment Design
Guide Compliance Assessment
## SEPP 65 Apartment Design Guide

### Part 3 - Siting the Development

<table>
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<th>Required / Permitted</th>
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</tr>
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<td>3B</td>
<td>Orientation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3B-1</td>
<td>Building types and layouts respond to the streetscape and site while optimising solar access within the development.</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>3B-2</td>
<td>Overshadowing of neighbouring properties is minimised during mid-winter.</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>3C</td>
<td>Public Domain Interface</td>
<td></td>
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</tr>
<tr>
<td>3C-1</td>
<td>Transition between private and public domain is achieved without compromising safety and security.</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>3C-2</td>
<td>Amenity of the public domain is retained and enhanced.</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>3D</td>
<td>Communal and Public Open Space</td>
<td></td>
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<tr>
<td>3D-1</td>
<td>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</td>
<td></td>
<td>Yes</td>
</tr>
</tbody>
</table>

#### Design Criteria

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

  **Required:** \(25\% \times 2,410\text{m}^2 = 602.5\text{m}^2\)

- Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).

  **The communal open space area is maintained to 1,180.9\text{m}^2, equivalent to 49% of the site area.**

  **The proposed communal open space area receives a minimum of 50% direct sunlight to the principal usable part, for a minimum of 2 hours, mid-winter.**

### 3D-2 Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.

**Yes**

### 3D-3 Communal open space is designed to maximise safety.

**Comment:** The north-western communal open space area shall be fenced and gated.

**Yes,** with **Condition**

### 3D-4 Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.

**N/A**

### 3E Deep Soil Zones

<table>
<thead>
<tr>
<th>Design Criteria</th>
<th>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Site area</strong></td>
</tr>
<tr>
<td>less than 650m²</td>
<td>-</td>
</tr>
<tr>
<td>650m² - 1,500m²</td>
<td>3m</td>
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<tr>
<td>greater than 1,500m²</td>
<td>6m</td>
</tr>
</tbody>
</table>

**Required:** \(7\% \times 2,410\text{m}^2 = 168.7\text{m}^2\)

**Design guidance**

- On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:
  - 10% of the site as deep soil on sites with an area of 650m² - 1,500m²
  - 15% of the site as deep soil on sites greater than 1,500m²

**The deep soil zone area, is maintained to 552m², equivalent to 22.9% of the site area.**

**Yes**
### SEPP 65 Apartment Design Guide Compliance Assessment

<table>
<thead>
<tr>
<th>No.</th>
<th>Design guidance</th>
<th>Comment</th>
<th>Comply</th>
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</thead>
</table>
|    | Achieving the design criteria may not be possible on some sites including where:  
- the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres).  
- there is 100% site coverage or non-residential uses at ground floor level.  
Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure. | Not Applicable. | N/A |

#### 3F Visual Privacy

**3F-1 Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.**

**Design Criteria**

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

<table>
<thead>
<tr>
<th>Building height</th>
<th>Non-habitable rooms</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>8m</td>
<td>4.5m</td>
</tr>
<tr>
<td>over 25m (9+ storeys)</td>
<td>12m</td>
<td>6m</td>
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</tbody>
</table>

**Note:** Separation distances between buildings on the same site should combine required building separations depending on the type of room. Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.

**North / North-West Separation**

- Levels G, 1, 2 & 3  
  - Required = 3m / 6m  
  - Provided = 6m, with the exception of the point in which the boundary line deviates inward to the site, to which adequate separate is maintained by consequence of the Duck Creek canal.

**South-West Separation**

- Levels G, 1, 2 & 3  
  - Required = 0m  
  - Provided = 3m

**South Separation**

- Level G  
  - Required = 0m / 3m  
  - Provided = 3m – 7.854m

- Levels 1 - 3  
  - Required = 0m / 6m  
  - Provided = 3m – 7.755m

**Between Buildings**

- Level G to Level 3  
  - Required = 6m / 12m  
  - Provided = 12.004m

**Rooftop COS**

- Required = 6m  
  - Provided = 8m – 9.037m
### SEPP 65 Apartment Design Guide Compliance Assessment

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<td>3F-2</td>
<td>Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential developments to provide for a transition in scale and increased landscaping.</td>
<td>Not Applicable.</td>
<td>N/A</td>
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</table>

3G Pedestrian Access and Entries

3G-1 Building entries and pedestrian access connects to and addresses the public domain. **Yes**

3G-2 Access, entries and pathways are accessible and easy to identify. **Yes**

3G-3 Large sites provide pedestrian links for access to streets and connection to destinations. **N/A**

3H Vehicle Access

3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes. **Yes**

3J Bicycle and Car Parking

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

**Design Criteria**

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

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

- The subject site is within 800 metres of Granville Station.

**Required**

| 1 bedroom | 0.6 x 4 = 2.4 spaces |
| 2 bedroom | 0.9 x 9 = 8.1 spaces |
| 3 bedroom | 1.4 x 10 = 14 spaces |
| Visitor / unit | 0.2 x 23 = 4.6 spaces |
| **Total** | 29.1 spaces |

31 spaces have been provided, made up of 26 resident spaces and 5 visitor spaces.

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

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

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

3J-5 Visual and environmental impacts of on-grade car parking are minimised. **N/A**

3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised. **N/A**

### Part 4 - Designing the Building

4A Solar and Daylight Access

4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. **Yes**

**Design Criteria**

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.

**Required**: 70% x 23 units = 16 units

20 units achieve 2 hours direct sunlight between 9am and 3pm mid-winter, equivalent to 87% of units. **Yes**
### SEPP 65 Apartment Design Guide Compliance Assessment

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<td>A</td>
<td>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</td>
<td>3 units do not achieve any direct sunlight, equivalent to 13% of units.</td>
<td>Yes</td>
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<tr>
<td>4A-2</td>
<td><strong>Daylight access is maximised where sunlight is limited</strong></td>
<td></td>
<td>Yes</td>
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<tr>
<td>4A-3</td>
<td>Design incorporates shading and glare control particularly for warmer months</td>
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<td>Yes</td>
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<td>4B</td>
<td><strong>Natural Ventilation</strong></td>
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<tr>
<td>4B-1</td>
<td>All habitable rooms are naturally ventilated</td>
<td></td>
<td>Yes</td>
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<tr>
<td>4B-2</td>
<td>The layout and design of single aspect apartments maximises natural ventilation.</td>
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<td>Yes</td>
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<tr>
<td>4B-3</td>
<td>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.</td>
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<td>Yes</td>
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<tr>
<td><strong>Design Criteria</strong></td>
<td>At least 80% 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>14 units are naturally cross ventilated, equivalent to 60% of units.</td>
<td>Yes</td>
</tr>
<tr>
<td>Required: 60% x 23 units = 14 units</td>
<td>Overall depth of a cross-over or cross-through apartment does not exceed 16m, measured glass line to glass line.</td>
<td>The cross-over and cross-through units do no exceed 18m, measured glass line to glass line.</td>
<td>Yes</td>
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<td>4C</td>
<td><strong>Ceiling Heights</strong></td>
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<tr>
<td>4C-1</td>
<td>Ceiling height achieves sufficient natural ventilation and daylight access.</td>
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<td>Yes</td>
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<tr>
<td><strong>Design Criteria</strong></td>
<td>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</td>
<td>The proposed ceiling heights are as follows:</td>
<td></td>
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<tr>
<td></td>
<td>Minimum ceiling height for apartment and mixed use buildings</td>
<td>- Ground Floor 3.3m</td>
<td></td>
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<tr>
<td></td>
<td>Habitable rooms</td>
<td>- First Floor 3.3m</td>
<td></td>
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<td></td>
<td>Non-habitable</td>
<td>- Second Floor 2.7m</td>
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<tr>
<td></td>
<td>For 2 storey apartments</td>
<td>- Third Floor 2.7m</td>
<td></td>
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<td>2.7m for main living area floor</td>
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<td>2.4m for second floor, where its area does not exceed 50% of the apartment area</td>
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<td>Attic spaces</td>
<td>1.8m at edge of room with a 39 degree minimum ceiling slope</td>
<td></td>
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<tr>
<td></td>
<td>If located in mixed used areas</td>
<td>2.3m for ground and first floor to promote future flexibility of use</td>
<td></td>
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<tr>
<td></td>
<td>These minimums do not preclude higher ceilings if desired</td>
<td></td>
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<tr>
<td>4C-2</td>
<td>Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>4C-3</td>
<td>Ceiling heights contribute to the flexibility of building use over the life of the building</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>4D</td>
<td><strong>Apartment Size and Layout</strong></td>
<td></td>
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<tr>
<td>4D-1</td>
<td>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>No.</td>
<td>Design Criteria</td>
<td>Required / Permitted</td>
<td>Comment</td>
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<td><strong>SEPP 65 Apartment Design Guide</strong></td>
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<td></td>
<td>Apartments are required to have the following minimum internal areas:</td>
<td>The units comply with the minimum internal area requirements.</td>
<td>Yes</td>
</tr>
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<td><strong>Table</strong></td>
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<tr>
<td></td>
<td><strong>Apartment type</strong></td>
<td><strong>Minimum internal area</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Studio</td>
<td>35m²</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 bedroom</td>
<td>50m²</td>
<td></td>
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<tr>
<td></td>
<td>2 bedroom</td>
<td>70m²</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 bedroom</td>
<td>90m²</td>
<td></td>
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<td></td>
<td>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</td>
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<td></td>
<td>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</td>
<td>The proposed development complies with this requirement.</td>
<td>Yes</td>
</tr>
<tr>
<td>4D-2</td>
<td>Environmental performance of the apartment is maximised.</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td><strong>Design Criteria</strong></td>
<td>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</td>
<td>The proposed development complies with this requirement.</td>
</tr>
<tr>
<td></td>
<td>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</td>
<td>The proposed units comply with the maximum depth of 8m associated with living, dining and kitchen areas combined.</td>
<td>Yes</td>
</tr>
<tr>
<td>4D-3</td>
<td>Apartment layouts are designed to accommodate a variety of household activities and needs.</td>
<td>The bedrooms proposed comply with the minimum area requirements.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td><strong>Design Criteria</strong></td>
<td>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).</td>
<td></td>
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<tr>
<td></td>
<td>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</td>
<td>The bedrooms proposed comply with this requirement.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Living rooms or combined living/dining rooms have a minimum width of:</td>
<td>The living rooms or combined living / dining rooms proposed comply with this requirement.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>- 3.6m for studio and 1 bedroom apartments</td>
<td></td>
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<td></td>
<td>- 4m for 2 and 3 bedroom apartments.</td>
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<td></td>
<td>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</td>
<td>All cross-over or cross-through apartments are at least 4m wide.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
# SEPP 65 Apartment Design Guide Compliance Assessment

## Extraordinary Cumberland Local Planning Panel Meeting
26 June 2019

### SEPP 65 Apartment Design Guide

<table>
<thead>
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<th>No.</th>
<th>Required / Permitted</th>
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<tbody>
<tr>
<td>4E</td>
<td>Private Open Space and Balconies</td>
<td></td>
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<tr>
<td>4E-1</td>
<td>Apartments provide appropriately sized private open space and balconies to enhance residential amenity</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Design Criteria</strong></td>
<td>All apartments are required to have primary balconies as follows:</td>
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<tr>
<td>No.</td>
<td>SEPP 65 Apartment Design Guide</td>
<td>Required / Permitted</td>
<td>Comment</td>
</tr>
<tr>
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</tr>
<tr>
<td>4J-2</td>
<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>
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</tr>
<tr>
<td>4K-1</td>
<td>A range of apartment types and sizes is provided to cater for different household types now and into the future.</td>
<td></td>
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<tr>
<td>4K-2</td>
<td>The apartment mix is distributed to suitable locations within the building.</td>
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<tr>
<td>4L</td>
<td>Ground Floor Apartments</td>
<td></td>
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<tr>
<td>4L-1</td>
<td>Street frontage activity is maximised where ground floor apartments are located.</td>
<td></td>
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<tr>
<td>4L-2</td>
<td>Design of ground floor apartments delivers amenity and safety for residents.</td>
<td></td>
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<tr>
<td>4M</td>
<td>Facades</td>
<td></td>
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<tr>
<td>4M-1</td>
<td>Building facades provide visual interest along the street while respecting the character of the local area.</td>
<td></td>
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<tr>
<td>4M-2</td>
<td>Building functions are expressed by the façade.</td>
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<tr>
<td>4N</td>
<td>Roof Design</td>
<td></td>
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<tr>
<td>4N-1</td>
<td>Roof treatments are integrated into the building design and positively respond to the street.</td>
<td></td>
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<tr>
<td>4N-2</td>
<td>Opportunities to use roof space for residential accommodation and open space are maximised.</td>
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<tr>
<td>4N-3</td>
<td>Roof design incorporates sustainability features.</td>
<td></td>
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<tr>
<td>4O</td>
<td>Landscape Design</td>
<td></td>
<td></td>
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<tr>
<td>4O-1</td>
<td>Landscape design is viable and sustainable.</td>
<td></td>
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<tr>
<td>4O-2</td>
<td>Landscape design contributes to the streetscape and amenity.</td>
<td></td>
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<tr>
<td>4P</td>
<td>Planting on Structures</td>
<td></td>
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<tr>
<td>4P-1</td>
<td>Appropriate soil profiles are provided.</td>
<td></td>
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<tr>
<td>4P-2</td>
<td>Plant growth is optimised with appropriate selection and maintenance.</td>
<td></td>
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<tr>
<td>4P-3</td>
<td>Planting on structures contributes to the quality and amenity of communal and public open spaces.</td>
<td></td>
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<tr>
<td>4Q</td>
<td>Universal Design</td>
<td></td>
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<tr>
<td>4Q-1</td>
<td>Universal design features are included in apartment design to promote flexible housing for all community members.</td>
<td></td>
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<tr>
<td>4Q-2</td>
<td>A variety of apartments with adaptable designs are provided.</td>
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<tr>
<td>4Q-3</td>
<td>Apartment layouts are flexible and accommodate a range of lifestyle needs.</td>
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<tr>
<td>4R</td>
<td>Adaptive Reuse</td>
<td></td>
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<tr>
<td>4R-1</td>
<td>New additions to existing buildings are contemporary and complementary and enhance an area’s identity and sense of place.</td>
<td></td>
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<tr>
<td>4R-2</td>
<td>Adapted buildings provide residential amenity while not precluding future adaptive reuse.</td>
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<tr>
<td>4S</td>
<td>Mixed Use</td>
<td></td>
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<tr>
<td>4S-1</td>
<td>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.</td>
<td></td>
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<tr>
<td>4S-2</td>
<td>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.</td>
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<tr>
<td>4T</td>
<td>Awnings and Signage</td>
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<tr>
<td>4T-1</td>
<td>Awnings are well located and complement and integrate with the building design.</td>
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<tr>
<td>4T-2</td>
<td>Signage responds to the context and desired streetscape character.</td>
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<tr>
<td>4U</td>
<td>Energy Efficiency</td>
<td></td>
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<td>4U-1</td>
<td>Development incorporates passive environmental design.</td>
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<tr>
<td>4U-2</td>
<td>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.</td>
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<td>4U-3</td>
<td>Adequate natural ventilation minimises the need for mechanical ventilation.</td>
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<td>4V</td>
<td>Water Management and Conservation</td>
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<td>4V-1</td>
<td>Potable water use is minimised.</td>
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<td>4V-2</td>
<td>Urban stormwater is treated on site before being discharged to receiving waters.</td>
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<td>4V-3</td>
<td>Flood management systems are integrated into site design.</td>
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<td>4W</td>
<td>Waste Management</td>
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<tr>
<td>4W-1</td>
<td>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.</td>
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<td>4W-2</td>
<td>Domestic waste is minimised by providing safe and convenient source separation and recycling.</td>
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<td>4X</td>
<td>Building Maintenance</td>
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<tr>
<td>4X-1</td>
<td>Building design detail provides protection from weathering.</td>
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</table>
### SEPP 65 Apartment Design Guide Compliance Assessment

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<th>No.</th>
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<tbody>
<tr>
<td>4X-2</td>
<td>Systems and access enable ease of maintenance.</td>
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<td>Yes</td>
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<tr>
<td>4X-3</td>
<td>Material selection reduces ongoing maintenance costs.</td>
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<td>Yes</td>
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</table>
DOCUMENTS ASSOCIATED WITH REPORT ELPP047/19

Attachment 5
Parramatta Local Environmental Plan 2011 Compliance Assessment
<table>
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<td>Zoning B4 Mixed Use</td>
<td>The subject development is permissible and complies with the objectives of the zone.</td>
<td>Yes</td>
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</table>

2.7 Demolition requires consent. Demolition of existing structures on the site is proposed under the subject Development Application. Yes

Part 4 Principal development standards

4.3 Height of Buildings Max. 15m

| Max. 15m | The maximum height of buildings is maintained to 17.1m. Refer to commentary below under Clause 4.6 of the Parramatta LEP 2011. | No, but Acceptable |

4.4 Floor Space Ratio Max. 1.5:1

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<tbody>
<tr>
<td>Ground Floor</td>
<td>446.1m²</td>
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<tr>
<td>First Floor</td>
<td>692.7m²</td>
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<tr>
<td>Second Floor</td>
<td>602.7m²</td>
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<tr>
<td>Third Floor</td>
<td>606.5m²</td>
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<tr>
<td>Fourth Floor</td>
<td>3.9m²</td>
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<tr>
<td>Total Max. Permitted</td>
<td>2,419.6m² / 2,410m² = 1.01:1</td>
<td>Yes</td>
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4.6 Exceptions to Development Standards

The applicant has submitted a written request, justifying the contravention of the height of buildings standard, and considers that strict compliance is unreasonable and unnecessary in the circumstances.

The submitted Clause 4.6 Statement identifies the additional height is supportable on the following grounds:

- The extent of the exceedence is limited to the lift overrun, parapet walls, planter boxes and bathroom  

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<td>Yes</td>
<td>Clause 4.6 variation submitted at Attachment 2</td>
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<td>Required/Permitted</td>
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<td>facilities associated with the rooftop communal open space area. The habitable floor space is maintained below the height limit. - The exceedance is a result of the flood affection of the site, and the requirement to raise the building to respond to minimum freeboard levels. - The variation will not result in noticeable bulk, height or scale, as viewed from the public domain, and will not result in additional solar access, view loss or privacy. - The development is of an acceptable architectural design, which will contribute to the streetscape and visual amenity of the area.</td>
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</table>

The Clause 4.6 – Exceptions to Development Standards Statement is considered to be well founded, and supportable considering the merits of the proposal.

A copy of the Applicant’s written request is provided at Attachment 2

### Part 5 Miscellaneous provisions

| 5.1 | Development on Land Intended to be Acquired for Public Purposes | Not Applicable | N/A |
| 5.3 | Development Near Zone Boundaries | Not Applicable | N/A |
| 5.6 | Architectural Roof Features | Not Applicable | N/A |
| 5.7 | Development Below the Mean High Water Mark | Not Applicable | N/A |

| 5.10 | Heritage | The subject site is not heritage listed, however, is located within the vicinity of two heritage items, as follows: - 1A Glen Street, Granville – Scout Hall, and - 104 South Street, Granville – Uniting Church. The proposed development, based on the separation from the heritage items, is considered acceptable in the context of the heritage items. | Yes |

### Part 6 Additional local provisions

<p>| 6.1 | Acid Sulfate Soils | The site is affected by Class 4 Acid Sulfate Soils. An Acid Sulfate Soil Management Plan has been provided, which outlines an Acid Sulfate Management Strategy | Yes |
| 6.2 | Earthworks | The proposed earthworks are unlikely to disturb any relics, not have any detrimental effect on existing drainage patterns and soil stability of the locality, the likely future use or development of | Yes |</p>
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<td>the land, the existing and future amenity of adjoining properties, or the nearby watercourse.</td>
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<td>6.3</td>
<td>Flood Planning</td>
<td>The subject site is flood affected.</td>
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<td>Council's Development Engineer has reviewed the proposal, and raises no concerns, subject to conditions.</td>
<td>Yes</td>
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<td>6.4</td>
<td>Biodiversity Protection</td>
<td>Not Applicable.</td>
<td>N/A</td>
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<td>6.5</td>
<td>Water Protection</td>
<td>Not Applicable.</td>
<td>N/A</td>
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<tr>
<td>6.6</td>
<td>Development on Landslide Risk Land</td>
<td>Not Applicable.</td>
<td>N/A</td>
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<tr>
<td>6.7</td>
<td>Foreshore Building Line</td>
<td>Not Applicable.</td>
<td>N/A</td>
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Attachment 6

Parramatta Development Control Plan 2011 Compliance Assessment
## Parramatta Development Control Plan 2011 Compliance Assessment

### Part 2 – Site Planning

#### 2.4 Site Considerations

- **2.4.1 Views and Vistas**
  - No views or vistas are affected by the proposed development.

#### 2.4.2 Water Management

- **2.4.2.1 Flooding**
  - The subject site is flood affected.
  - Council's Development Engineer has reviewed the proposal, and raised no concerns, subject to conditions.
  - Yes

- **2.4.2.2 Protection of Waterways**
  - Not Applicable.
  - N/A

- **2.4.2.3 Protection of Groundwater**
  - A Hydrogeological Analysis Report has been submitted, which identifies de-watering will occur due to the development.
  - Yes
  - WaterNSW have reviewed the proposal, and subsequently issued General Terms of Approval.

#### 2.4.3 Soil Management

- **2.4.3.1 Sedimentation**
  - An erosion and sediment control plan has been provided, which is acceptable.
  - Yes

- **2.4.3.2 Acid Sulfate Soils**
  - The site is listed as being affected by Class 4 Acid Sulphate Soils.
  - Yes
  - An Acid Sulphate Soil Management Plan has been provided, which outlines an Acid Sulfate Management Strategy.

- **2.4.3.3 Salinity**
  - The site is affected by Moderate Salinity.
  - Yes

#### 2.4.4 Land Contamination

- A Detailed Site Investigation and Remedial Action Plan (RAP) has been submitted, in accordance with NSW EPA (2011) "Guidelines for Consultants Reporting on Contaminated Sites" and NSW EPA (2006, 2nd Edition) "Guidelines for the NSW Site Auditor Scheme". The report and RAP concludes that the site can be made suitable for the mixed use redevelopment, subject to remediation occurring in accordance with the RAP submitted.
  - Yes

  - Council’s Environmental Health Officer has reviewed the submitted report and RAP and agrees with the recommendations made, and if determined by way of approval, be subject to standard conditions of consent.

#### 2.4.5 Air Quality

- Council’s Environmental Health Officer has reviewed the application, and confirmed no concerns are raised, subject to standard conditions of consent.
  - Yes

#### 2.4.6 Development on Sloping Land

- The proposed development has been sited and designed to account for the slope and flood affection of the site.
  - Yes

#### 2.4.7 Biodiversity

- Not Applicable.
  - N/A

#### 2.4.8 Public Domain

- The development has been designed to address the public domain.
  - Yes

### Part 3 – Development Principles

#### 3.1 Preliminary Building Envelope

- **3.1.1 Height**
  - Refer to commentary provided under the Parramatta LEP 2011 compliance table.
  - No, but Acceptable
### Preliminary Building Envelope Tables

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<thead>
<tr>
<th>No.</th>
<th>Required/Permitted</th>
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<tbody>
<tr>
<td>3.1.2</td>
<td><strong>Height Transition</strong></td>
<td>Not Applicable.</td>
<td>N/A</td>
</tr>
<tr>
<td>3.1.3</td>
<td><strong>Height</strong></td>
<td>Refer to Parramatta LEP 2011 Height of Buildings Map Max. 16m</td>
<td>The maximum height of buildings is maintained to 17.1m. Refer to commentary provided the Parramatta LEP 2011 compliance table.</td>
</tr>
<tr>
<td></td>
<td><strong>Floor Space Ratio</strong></td>
<td>Refer to Parramatta LEP 2011 Floor Space Ratio Map Max. 1.8:1</td>
<td>The proposed Gross Floor Area is 2,447.0m², equivalent to an FSR of 1.01:1.</td>
</tr>
<tr>
<td></td>
<td><strong>Minimum Site Frontage</strong></td>
<td>18 metres where more than 10 metres in height</td>
<td>The site frontage is greater than 18 metres.</td>
</tr>
<tr>
<td></td>
<td><strong>Front Setback</strong></td>
<td>Three (3) metres except where specified in Part 4 of the DCP. A lesser setback may be permitted if consistent with predominant street setback.</td>
<td>The front setback of the development is maintained to 3 metres.</td>
</tr>
<tr>
<td></td>
<td><strong>Side Setbacks</strong></td>
<td>Dependent upon amenity impacts on adjoining development.*</td>
<td>Refer to the assessment of Special Precinct provisions with Part 4 of the Parramatta DCP 2011, below.</td>
</tr>
<tr>
<td></td>
<td><strong>Rear Setback</strong></td>
<td>15% of site length for residential component, and/or where boundary adjoins a residential development or a residential zone, and otherwise on merit.*</td>
<td>Refer to the assessment of Special Precinct provisions with Part 4 of the Parramatta DCP 2011, below.</td>
</tr>
<tr>
<td></td>
<td><strong>Deep Soil Zone / Landscaped Area</strong></td>
<td>Rear setback area is to be a deep soil landscaped area for the following: • In the B4 Zone if residential development is proposed at ground level. • For all business zones, if site adjoins residential development or a residential zone, or otherwise on merit.</td>
<td>Refer to the assessment of Special Precinct provisions with Part 4 of the Parramatta DCP 2011, below.</td>
</tr>
</tbody>
</table>

### 3.2 Building Elements

| 3.2.1 | **Building Form and Massing** | The proposed building form and massing responds appropriately to the site and streetscape. | Yes |
| 3.2.2 | **Building Facades and Articulation** | The proposed treatment of the building facades responds positively to the character of the locality. | Yes |
| 3.2.3 | **Roof Design** | The proposed roof form appropriately reflects the treatment of buildings in the locality. | Yes |
| 3.2.4 | **Energy Efficient Design** | The proposed development will be subject to the energy efficiency provisions of the Building Code of Australia. | Yes |
| 3.2.5 | **Streetscape** | The proposed building responds appropriately to the streetscape. | Yes |
### Parramatta Development Control Plan 2011 Compliance Assessment

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<tbody>
<tr>
<td>3.2.6</td>
<td>Fences</td>
<td>A front fence is not proposed.</td>
<td>N/A</td>
</tr>
<tr>
<td>3.3</td>
<td>Environmental Amenity</td>
<td></td>
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<tr>
<td>3.3.1</td>
<td>Landscaping</td>
<td>A landscape plan has been submitted with the Development Application, which has been reviewed by Council's Tree Management Officer to be acceptable, subject to conditions.</td>
<td>Yes</td>
</tr>
<tr>
<td>3.3.2</td>
<td>Private and Communal Open Space</td>
<td>Not Applicable. Refer to the Apartment Design Guide Compliance Assessment.</td>
<td>N/A</td>
</tr>
<tr>
<td>3.3.3</td>
<td>Visual and Acoustic Privacy</td>
<td>Not Applicable. Refer to the Apartment Design Guide Compliance Assessment.</td>
<td>N/A</td>
</tr>
<tr>
<td>3.3.4</td>
<td>Acoustic Amenity</td>
<td>A Noise Impact Assessment has been submitted with the Development Application, which has been reviewed by Council's Environmental Health Officer to be acceptable, subject to conditions.</td>
<td>Yes</td>
</tr>
<tr>
<td>3.3.5</td>
<td>Solar Access and Cross Ventilation</td>
<td>Solar access diagrams have been provided, demonstrating a minimum of 3 hours sunlight to habitable rooms and private open space areas are achieved to adjoining properties.</td>
<td>Yes</td>
</tr>
<tr>
<td>3.3.6</td>
<td>Water Sensitive Urban Design</td>
<td>Council's Development Engineer has reviewed the proposal, and raised no concerns, subject to conditions.</td>
<td>Yes</td>
</tr>
<tr>
<td>3.3.7</td>
<td>Waste Management</td>
<td>A Waste Management Plan has been submitted with the Development Application, which is considered acceptable.</td>
<td>Yes</td>
</tr>
<tr>
<td>3.4</td>
<td>Social Amenity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.4.1</td>
<td>Culture and Public Art</td>
<td>A Public Arts Plan has been submitted, which has been reviewed by Council's Place Making Coordinator to be acceptable, subject to conditions.</td>
<td>Yes</td>
</tr>
<tr>
<td>3.4.2</td>
<td>Access for People with Disabilities</td>
<td>The proposed development provides an appropriate level of accessibility.</td>
<td>Yes</td>
</tr>
<tr>
<td>3.4.3</td>
<td>Amenities in Building Available to the Public</td>
<td>The proposed development will be subject to the amenities provisions of the Building Code of Australia.</td>
<td>Yes</td>
</tr>
<tr>
<td>3.4.4</td>
<td>Safety and Security</td>
<td>Safety and security of the development has been maintained to an acceptable level.</td>
<td>Yes</td>
</tr>
<tr>
<td>3.4.5</td>
<td>Housing Diversity and Choice</td>
<td>The proposed unit mix is acceptable, and is subject to market forces. Three (3) adaptable units are required, with 3 adaptable units provided. Four (4) accessible residential spaces are provided.</td>
<td>Yes</td>
</tr>
<tr>
<td>3.5</td>
<td>Heritage</td>
<td>The subject site is not heritage listed; however, is located within the vicinity of two heritage items, as follows:</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### 3.6 Movement and Circulation

#### 3.6.2 Parking and Vehicular Access

<table>
<thead>
<tr>
<th>Required/Permitted</th>
<th>Provided</th>
<th>Comply</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed development is serviced by 31 residential car parking spaces, which complies with the Apartment Design Guide.</td>
<td>Four (4) commercial parking spaces are required. The proposed development is serviced by 13 commercial spaces. Residential and non-residential car parking spaces are separated. Fourteen (14) bicycle parking spaces are required. The proposed development is serviced by 14 bicycle parking spaces.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### 3.7 Residential Subdivision

#### 3.7.2 Site Consolidation and Development on Isolated Sites

<table>
<thead>
<tr>
<th>Part 4 – SPECIAL PRECINCTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

### 4.1 Town and Neighbourhood Centres

#### 4.1.6 Granville Town Centre

<table>
<thead>
<tr>
<th>Setbacks</th>
<th>B4 Mixed Use Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>For development in the B4 Mixed Use zone south of the railway line, setbacks shown in Figure 4.1.6.3 apply to the first 3 storeys of development. Remaining storeys are to be setback an additional 3 metres. Balconies are not to encroach the upper level setback area.</td>
<td>The subject site is not identified within Figure 4.1.6.3.</td>
</tr>
<tr>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rear Setbacks</th>
<th>B4 Mixed Use Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>A minimum rear setback of 9 metres is required for development up to 25 metres in height. A minimum rear setback of 12 metres is required for development above 25 metres in height.</td>
<td>The proposed development is less than 25 metres in height. The rear setback complies with the 9 metre requirement, with the exception of a small area, with the setback maintained to a minimum 3.5 metres. <em>Refer to commentary within the report.</em></td>
</tr>
<tr>
<td>No, but Acceptable</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Side Setbacks</th>
<th>B4 Mixed Use Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>A zero side setback is allowable for development up to 4 storeys (15 metres) in height, except where the development addresses a lane.</td>
<td>A side setback varies between 3 metres and 7.755 metres.</td>
</tr>
<tr>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land</th>
<th>The preferred pattern of land Lot amalgamation is not proposed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Required/Permitted</td>
</tr>
<tr>
<td>-----</td>
<td>--------------------</td>
</tr>
<tr>
<td></td>
<td><strong>Amalgamation</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Landscaping And Deep Soil</strong></td>
</tr>
</tbody>
</table>

4.2 **Special Character Areas**
Not Applicable. N/A

4.3 **Strategic Precincts**
Not Applicable. N/A

4.4 **Heritage Conservation Areas**
Not Applicable. N/A
Item No: LPP048/19

SECTION 4.55(2) MODIFICATION FOR 1/72-78 PERCIVAL ROAD, SMITHFIELD

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: DA 2010/206/5

<table>
<thead>
<tr>
<th>Application lodged</th>
<th>5 April 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Ms H H Cui C/O Weir Phillips Heritage &amp; Planning</td>
</tr>
<tr>
<td>Owner</td>
<td>Ms H H Cui</td>
</tr>
<tr>
<td>Application No.</td>
<td>2010/206/5</td>
</tr>
<tr>
<td>Description of Land</td>
<td>Lot 1 in SP37361; 1/72-78 Percival Road, Smithfield</td>
</tr>
<tr>
<td>Proposed Development</td>
<td>Section 4.55(2) modification for the internal alterations and additions to an existing brothel, including the extension of the mezzanine level to relocate kitchen and introduce a staff lounge, introduce three (3) additional service rooms to a total of nine (9) and increase the number of staff to a total of ten (10).</td>
</tr>
<tr>
<td>Site Area</td>
<td>15,348.2m²</td>
</tr>
<tr>
<td>Zoning</td>
<td>IN1 – General Industrial</td>
</tr>
<tr>
<td>Principal Development Standards</td>
<td>Minimum Lot Size: 1200sqm – No change sought</td>
</tr>
<tr>
<td>Disclosure of political donations and gifts</td>
<td>Nil disclosure</td>
</tr>
<tr>
<td>Heritage</td>
<td>The subject site does not contain a heritage item, is not located within the vicinity of a heritage item or within a heritage conservation area.</td>
</tr>
</tbody>
</table>
| Issues             | • Car Parking  
|                    | • Essential Services Maintenance  
|                    | • Evacuation Procedures |

SUMMARY:

1. DA2010/206/1 was lodged on 6 May 2010 for internal alterations of an existing industrial unit and fitout of premises and use as a brothel. This application was approved via Council on 21 January 2011.

2. DA2010/206/2 was lodged on 31 December 2010 seeking minor internal alterations including additional room to an approved brothel. This application was rejected by DART on 6 January 2011 for lack of Owners Consent, from the Strata Management of SP37361.

3. DA2010/206/3 was lodged on 12 January 2011 for approving minor internal alterations to brothel. This application was approved 21 January 2011.

4. DA2010/206/4 was lodged on 15 February 2012 for approving deletion of Condition 9 and amendment to condition 50 to remove the trial period of the operation of the brothel approved. This application was approved 12 July 2012.
5. The subject modification application is for internal alterations and additions to an existing brothel, including the extension of the mezzanine level to relocate kitchen and introduce a staff lounge, introduce additional service rooms to a total of nine and increase the number of staff to a total of ten.

6. The application was notified to surrounding properties from 8 to 22 May 2019, a site notice was placed on the site and was advertised in the local paper. No submissions were received as a result of the notification.

7. The application is being reported to the Cumberland Local Planning Panel (CLPP) for determination as it is a sensitive development type being for the purpose of sex services premises.

8. The subject application has been assessed against the relevant provisions of the Environmental Planning and Assessment Act 1979, Holroyd Local Environmental Plan 2013 and the Holroyd Development Control Plan 2013.

9. No variations are sought by the subject application.

10. The application is recommended for approval subject to the conditions in the draft determination at Attachment 3.

REPORT:

Subject Site And Surrounding Area

The subject site is known as Unit 1 72-80 Percival Road, Smithfield and is legally described as Lot 1 in SP 37361. The subject site is located on the western side of Percival Road. The site is irregular in shape with a frontage of 65.3m to Percival Road an eastern boundary of 67.72m, a northern boundary of 233.34m and a southern side boundary dimension of 236.45m and a total site area of 15,348.2m². The site is occupied by the existing approved single and two storey industrial style buildings. The subject unit is located in the north-western corner of the subject site and within a two storey industrial style building. The surrounding vicinity is occupied by industrial estates of one – two storey construction, accommodating various sized estates and various industrial uses.
Aerial view of the locality with subject site shown hatched. Source: Cumberland Council 2019

Zoning map. Source: Cumberland Council 2019
Site Layout with subject site shown outlined in red. Source: DS Group Constructions as edited by Cumberland Council 2019

Site frontage to Percival Road. Source: Cumberland Council 2019

Subject Site within Industrial Unit Development. Source: Cumberland Council 2019
Subject Industrial Unit Frontage. Source: Cumberland Council 2019

Subject Industrial Unit Parking Arrangement. Source: Cumberland Council 2019

**Description of Proposed Development**

The existing approval for the subject brothel (DA2010/206 and subsequent modifications) permits the operation 24 hours, 7 days a week. It provides six service rooms across two stories with 7 staff (6 sex workers and 1 receptionist/manager) and includes 5 car parking spaces, three external and two internal spaces.

The proposed modification seeks to reconfigure the ground level and increase the floor space of the first floor/mezzanine level of the brothel so as to increase the number of service rooms from 6 to 9 and provide reconfigured staff facilities (inclusive of a kitchen). The proposal seeks to increase staff numbers from 7 to 10 (9 sex workers and 1 receptionist/manager) in accordance with increasing the service rooms. The proposal retains the existing approved car parking provision.
Specifically the works proposed are:

- Demolition of unauthorised works including:
  - Walls of small room to south of entry lobby;
  - Partition on south side of kitchen.
- Rectification of unauthorised work:
  - Wall between laundry and garage;
  - Kitchen bench
  - Door to service room 6
- Construction Ground Floor:
  - New second stair to upper level;
  - Convert staff rest room to service room (no 8) and add WC, basin and shower;
  - Convert Waiting Room 4 to service room (no 7) and add WC, basin and shower;
  - Convert the Personnel Kitchen to service room (no 9) and add WC, basin and shower;
  - Enlarge laundry.
- Construction First Floor:
  - Infill existing void above garage to create a staff lounge;
  - Provide a new bathroom adjacent the staff lounge
  - Provide a new staff kitchen to the western end of the staff lounge;
  - Relocate the bathroom facilities in Service Room 4 to the northern wall to allow a corridor adjacent the A/C room to provide access to the new staff lounge.
  - New second stair to ground floor.

### Site History

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 January 2011</td>
<td>DA 2010/206/1 for Internal alterations of an existing industrial unit and fitout of premises and use as a brothel approved. Notice of Determination can be viewed at Attachment 7.</td>
</tr>
</tbody>
</table>
Extraordinary Cumberland Local Planning Panel Meeting  
26 June 2019

06 January 2011  DA 2010/206/2 for S96(2) application seeking minor internal alterations including additional room to an approved brothel rejected by DART for lack of Owners Consent. Notice of Rejection can be viewed at Attachment 8.

21 January 2011  DA 2010/206/3 for S96 (1A) application approving minor internal alterations to brothel approved. Notice of Determination can be viewed at Attachment 9.

15 February 2012  DA 2010/206/4 for S96(1A) modification approving deletion of Condition 9 and amendment to condition 50 to remove the trial period of the operation of the brothel approved. Notice of Determination can be viewed at Attachment 10.

Application History

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 April 2019</td>
<td>DA 2010/206/5 lodged with Council</td>
</tr>
<tr>
<td>29 April 2019</td>
<td>The application was referred externally to:</td>
</tr>
<tr>
<td></td>
<td>- New South Wales Police</td>
</tr>
<tr>
<td></td>
<td>The application was referred internally to:</td>
</tr>
<tr>
<td></td>
<td>- Environmental Health Unit</td>
</tr>
<tr>
<td></td>
<td>- Building Services Unit</td>
</tr>
<tr>
<td>8 to 22 May 2019</td>
<td>Application placed on public notification for 14 days</td>
</tr>
<tr>
<td>26 June 2019</td>
<td>Application referred to CLPP for determination</td>
</tr>
</tbody>
</table>

Applicant’s Supporting Statement

A Statement of Environmental Effects prepared by Weir Phillips Heritage and Planning, dated 29 March 2019 was submitted with the subject modification application and can be viewed at Attachment 4.

Further to this an amended Plan of Management has been submitted to support the subject modification application and can be viewed at Attachment 5.

Contact With Relevant Parties

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

Internal Referrals

Environmental Health

Satisfactory subject to conditions applied under previous consent and additional standard and non-standard conditions of consent.

Building Services Unit

Satisfactory subject to conditions applied under previous consent and additional conditions relating to fire safety.
External Referrals

New South Wales Police

The application was referred to NSW Police for comment who advised that the operation is deemed low crime risk. Accordingly, the NSW Police provided no further comment or conditions.

Planning Assessment

Section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EP & A Act)

Pursuant to Section 4.55(2), a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and</td>
<td>The development as proposed to be modified is substantially the same as the development for which consent was originally granted. The proposal provides for internal fit out changes and increase in staff numbers to the approved brothel.</td>
</tr>
<tr>
<td>(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and</td>
<td>The modified proposal was referred to NSW Police for comment. No objections were raised by the referral bodies beyond conditions recommended to be imposed.</td>
</tr>
<tr>
<td>(c) it has notified the application in accordance with:</td>
<td></td>
</tr>
<tr>
<td>(i) the regulations, if the regulations so require, or</td>
<td>The application was notified for 14 days from 8 to 22 May 2019, in accordance with HDCP 2013.</td>
</tr>
<tr>
<td>(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</td>
<td></td>
</tr>
<tr>
<td>(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the</td>
<td>No submissions were received in response to the notification period.</td>
</tr>
</tbody>
</table>
regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

The provisions of the applicable EPIs are discussed elsewhere in this report.

The provisions of the applicable DCP are discussed elsewhere in this report.

There are no planning agreements or draft planning agreements related to this application.

There are no relevant matters referred to in the regulations.

The likely impacts of the development as proposed to be modified are considered satisfactory.

The site is considered to be suitable for the development as proposed to be modified.

No submissions were received as a result of the notification.

Approval of the subject application is not contrary to the public interest.

(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

<table>
<thead>
<tr>
<th>Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP &amp; A Act)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Environmental Planning Instruments</strong></td>
</tr>
<tr>
<td>The following Environmental Planning Instruments are relevant to the assessment of the subject application:</td>
</tr>
</tbody>
</table>
(a) State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)

The requirement at clause 7 of SEPP 55 for Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development was considered under the original application. The proposed modifications do not include any building or ground works which will raise any new concerns about potential contamination.

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

The proposal is defined as ‘sex services premises’ under the provisions of HLEP 2013. ‘Sex Services Premises’ are not permissible within the IN1 – General Industrial zone which applies to the land. However, under Clause 12 of Schedule 1 Additional Permitted Uses the use of certain land at Smithfield including the subject site, permits development for the purposes of sex services premises with development consent.

The proposed modifications do not result in any change to the maximum lot size, which is the only development standard applicable to the subject site.

The site is identified as being of moderate salinity but as the proposed modifications do not include any building or ground works which will raise any new concerns about potential salinity levels on site.

Attachment 1 contains a full assessment against the HEL 2013.

Development Control Plans

(a) Holroyd Development Control Plan 2013

HDCP 2013 contains general controls which relate to all developments under Part A, and Part D contains Planning Controls for Brothels. Below is a discussion of the relevant provisions of the HDCP2013, Attachment 2 contains a full assessment against the planning controls for Sex Services Premises.

<table>
<thead>
<tr>
<th>8.5. Health and Building</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>C6. Ensure all essential services are serviced by a suitably qualified person and a Certificate of Compliance must be forwarded to Council annually.</td>
<td>Condition of consent to be applied requiring such.</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>C7. Establish and signpost evacuation procedures with instructions, and carry out emergency drills on a regular (minimum 3 monthly) basis. Ensure adequate general maintenance of all work buildings and structures. This should cover, for example, electrical safety and maintenance of floors</td>
<td>Condition of consent to be applied requiring such.</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>
As outlined above, the subject proposal does not include adequate documentation for servicing of essential services or details of evacuation procedures. Accordingly, if an approval is to be granted imposition of conditions of consent to ensure compliance with these provision is sought.

**Car Parking**

The subject application proposes to maintain the existing on site car parking provisions of two internal tandem car spaces and three external car parking spaces. This achieves compliance with the minimum required car parking number of 5 spaces inclusive of one disabled space as indicated on the approved plans and proposed plans.

External Car Parking Arrangement Source: DS Group Constructions
Internal Car Parking Arrangement Source: DS Group Constructions

During the assessing officer’s site visit to the site it was noted that Unit 7 within the Industrial Estate Development is being utilised as an overflow of additional car parking spaces. The subject application makes no mention of such an arrangement and accordingly this use of Unit 7 has not been assessed.

Despite this, if the applicant were to seek approval for such a parking arrangement on the site, a new development application would need to be lodged to support such an arrangement. An application would require the submission of architectural plans and owners consent in addition to engineering plans demonstrating the provision of adequate sized car parking spaces and ability to ensure manoeuvrability in and out of the industrial unit.
Additional Car Parking Area for subject tenancy within Unit 7 (not included in subject application). Source: Cumberland Council 2019

Site Layout with subject site (Unit 1) shown in red outline and Unit 7’s approximate location outline in green. Source: DS Group Constructions as edited by Cumberland Council 2019

Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

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

The provisions of the Regulations

The regulations do not proscribe any relevant matters for consideration.
Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)

There is no Coastal Zone Management Plan applicable to the subject site. **The likely impacts of the development**

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

**The suitability of the site for the development**

The site is considered suitable for the proposed development.

Submissions made in accordance with the Act or Regulation

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

In accordance with Part E - Public Participation of HDCP 2013, the proposal was publicly notified for a period of 14 days between 8 and 22 May 2019. As a result of the notification, Council received no public submissions.

**Section 7.11 of The Environmental Planning & Assessment Act 1979**

The subject development does not attract development contributions in accordance with Holroyd Section 94 Development Contributions Plan 2013.

Accordingly no condition was imposed on the original consent requiring payment of contributions, nor is there any condition required to be imposed under the subject application.

**The Public Interest**

The public interest is served by permitting the orderly and economic use of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis, it is considered that approval of the proposed development would not be contrary to the public interest.

**Disclosure of Political Donations And Gifts**

The NSW Government has introduced disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of various types of development proposals and requests to initiate environmental planning instruments or development control plans.

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

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, Holroyd Local Environmental Plan 2013 and the Holroyd Development Control Plan 2013 and is considered to be satisfactory.

CONSULTATION:

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

FINANCIAL IMPLICATIONS:

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

POLICY IMPLICATIONS:

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

COMMUNICATION / PUBLICATIONS:

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

REPORT RECOMMENDATION:

That Development Application 2010/206/5 for modification for the internal alterations and additions to an existing brothel, including the extension of the mezzanine level to relocate kitchen and introduce a staff lounge, introduce additional service rooms and increase the number of staff be approved subject to the conditions within the draft notice of determination provided at Attachment 3.

ATTACHMENTS

1. HLEP 2013 Compliance Table
2. HDCP 2013 Compliance Table
3. Draft Notice of Determination
4. Architectural Plans
5. Statement of Environmental Effects
6. Plan of Management
7. DA 2010/206 - Notice of Determination of Application
8. DA 2010/206/2 - Notice of Rejection of Application
9. DA 2010/206/3 - Notice of Determination of Application
10. DA 2010/206/4 - Notice of Determination of Application
DOCUMENTS ASSOCIATED WITH REPORT ELPP048/19

Attachment 1

HLEP 2013 Compliance Table
Attachment 1 – Holroyd Local Environmental Plan 2013 Compliance Table

<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land use table</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Zone IN1 General Industrial | ☒️ | No | N/A | The subject site is zoned IN1 General Industrial pursuant to HLEP 2013.  
The proposed development is defined as a sex services premises, which is prohibited development.  
Despite this the development is considered to be consistent with the IN1 zone objectives. |

Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

4.3 Height of buildings

(1) The objectives of this clause are as follows:
   (a) to minimise the visual impact of development and ensure sufficient solar access to properties,  
   (b) to ensure development is consistent with the landform,  
   (c) to provide appropriate scales and intensities of development through height controls.

(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.

4.4 Floor space ratio

(1) The objectives of this clause are as follows:
   (a) to support the viability of commercial centres and provide opportunities for economic development within those centres,  
   (b) to facilitate the development of a variety of housing types,  
   (c) to ensure that development is compatible with the existing and desired future built form and character of the locality.

In accordance with the Height of Buildings Map accompanying HLEP 2013, no maximum building height applies to the site.

The proposal does not seek to change the existing maximum building height on site.

In accordance with the FSR map accompanying HLEP 2013, no maximum FSR is applicable to the site.

The proposal will increase the GFA on site by 87m².
<table>
<thead>
<tr>
<th>Clause</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(d) to provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping.</td>
<td></td>
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</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>
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</tr>
<tr>
<td><strong>4.6 Exceptions to development standards</strong></td>
<td></td>
<td></td>
<td></td>
<td>No variation to development standards is proposed by the subject application.</td>
</tr>
<tr>
<td>(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</td>
<td></td>
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</tr>
<tr>
<td><strong>6.2 Earthworks</strong></td>
<td></td>
<td></td>
<td></td>
<td>No proposed earthworks included in the subject modification.</td>
</tr>
<tr>
<td>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,</td>
<td></td>
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</tr>
<tr>
<td>(b) the effect of the development on the likely future use or redevelopment of the land,</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>(c) the quality of the fill or the soil to be excavated, or both,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(d) the effect of the development on the existing and likely amenity of adjoining properties,</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>(e) the source of any fill material and the destination of any excavated material,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(f) the likelihood of disturbing relics,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(h) any appropriate measures proposed to avoid, minimise or</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>
<td>-----</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>mitigate the impacts of the development.</td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

| 6.7 Stormwater management                    |     |    |     | The proposal includes no changes to approved stormwater management system. |
| 6.8 Salinity                                 |     |    |     | The site is identified as having a moderate salinity potential.           |
| Consult the Salinity Map accompanying HLEP 2013 |     |    |     | No ground works are proposed as such no concerns are raised.             |

| Schedule 1 – Additional Permitted Uses       |     |    |     | The site is identified on the Additional Permitted Uses Map as “APU 12”. |
| Clause 12                                    |     |    |     | Accordingly development for the purpose of sex services premises is permitted. |
| (1) This clause applies to land at Smithfield that is identified as “APU 12” on the Additional Permitted Uses Map. | | | | |
| (2) Development for the purposes of sex services premises is permitted with development consent |     |    |     | |
DOCUMENTS ASSOCIATED WITH REPORT ELPP048/19

Attachment 2

HDCP 2013 Compliance Table
Attachment 2 – Holroyd Development Control Plan 2013 Compliance Table

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

**HOLROYD DEVELOPMENT CONTROL PLAN 2013**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Comments</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Part A – General Guidelines</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.1. Minimum Parking Spaces</td>
<td>Yes</td>
<td>N/A</td>
</tr>
<tr>
<td>Sex Services Premises: Minimum Spaces Required 1 per 2 employee on the premises (1 suitable for disabled)</td>
<td>Increase to 10 employees, 5 Car parking spaces provided including 1 accessible space</td>
<td>No</td>
</tr>
</tbody>
</table>

| **Part D – Industrial Controls** | | |
| 8. Planning Controls for Sex Services Premises | Operation of subject premises has occurred lawfully since DA approval in January 2011, nil complaints received and as such a trial period is not considered necessary for this modification application. | Yes |

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1. Development consents granted to brothel applications may be initially limited to a period of twelve (12) months. At the completion of this period, Council will re-evaluate the proposal in terms of any complaints received regarding the approved operations, and compliance with any conditions of development consent.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C2. If Council is satisfied that the brothel has operated in an orderly manner and with limited impact upon surrounding and nearby land uses, it shall then grant a permanent development consent.</td>
<td>As per above and previous modification applications, Council is satisfied that the brothel has and continues to operate in an orderly manner and permanent development consent remains.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C3. Council may also impose conditions of consent relating to the hours of operation. This will also be the subject of review after 12 months. If after the 12 month trial, the approved hours of operation are causing a disturbance in the neighbourhood, the Council may further restrict operating hours.</td>
<td>Subject application does not seek to alter the existing 24hr operation 7 days per week. Despite the proposed increase in staff numbers and service rooms there are nil concerns regarding the approved operating hours and possible disturbances in the neighbourhood given the location of the subject unit within an industrial estate.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C4. Where consent is granted, a specified operator will be nominated on the consent. Should the operator change, Council must be notified prior to work commencing. If the number of sex workers, hours of operation, or signage are proposed to be changed, a new development application may be required.</td>
<td>No changes proposed to operator.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### 8.1. Location, Access and Layout

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>C6. Provide sufficient off-street parking to cater for the specific needs of the brothel having regard to the scale of the activity and other activities situated on the same property.</td>
<td>Yes</td>
</tr>
<tr>
<td>C7. Access to the premises shall not be visible from a public place.</td>
<td>Yes</td>
</tr>
<tr>
<td>C8. Carparking areas, access corridors and entrances are to be adequately lit for the security of both workers and clients.</td>
<td>Yes</td>
</tr>
<tr>
<td>C9. It is imperative that suitable reception/waiting areas be provided to the brothel so as to prevent clients loitering outside these premises.</td>
<td>Yes</td>
</tr>
<tr>
<td>C10. The layout of the proposed brothel when in operation shall not cause any disturbance in the neighbourhood that is a direct result of its scale, (including the number of sex workers, support staff, clients, lighting and/or noise).</td>
<td>Yes</td>
</tr>
<tr>
<td>C11. In no circumstances should sex workers be visible in windows or doorways of their related premises.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### 8.2. Parking

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1. Parking for Sex Services Premises is to be at the rate of 1 space for each 2 employees on the premises at any given time.</td>
<td>Yes</td>
</tr>
<tr>
<td>C2. One space should be suitable for disabled parking.</td>
<td>Yes</td>
</tr>
<tr>
<td>C3. Parking areas are to be well lit and signposted.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### 8.3. Hours of Operation

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1. The hours of operation are not specified by this DCP. In the case of each development proposal, Council will exercise its discretion in relation to permitted hours of operation of Sex Services Premises in the</td>
<td>Yes</td>
</tr>
</tbody>
</table>
circumstances of each case, taking into consideration the nature of adjoining land uses, hours of operation/use of those premises and possible conflicts with such uses.

<table>
<thead>
<tr>
<th>8.4. Security and Public Safety</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1. Ensure that the development conforms to the objectives and controls within Section 10 of Part A of this DCP.</td>
<td>Compliance achieved.</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>C2. Provide details on measures to be undertaken to safeguard workers, clients and the general public. Such details are to include: a) security personnel; b) the lighting of access ways and car parking areas, particularly in respect of isolated premises; c) security doors; d) ‘active’ uses presented to the street to promote surveillance and safety; e) premises clearly numbered, with the number clearly visible from the street; f) avoid the use of isolated back lanes and poorly lit areas; g) any landscaping that is proposed must not obstruct the visibility from public areas of entrances and exits.</td>
<td>Operational Plan of Management updated to ensure worker, client and general public safety.</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8.5. Health and Building</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>C3. The licensing of premises for the sale or consumption of alcoholic beverages is strictly prohibited.</td>
<td>No licensing of premises proposed or approved under original approval.</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8.5. Health and Building</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1. Make adequate provision for amenities (shower, toilets, basins, etc) for use by workers and clients, having regard to the scale of the proposed development.</td>
<td>Adequate provisions of amenities proposed within new staff areas and service rooms for the use by workers and clients.</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>C2. Council’s health requirements are specified in Council’s Policy “Health Standards for sex premises” and must be complied with. A summary of the requirements is as follows:- a) the cleanliness of the premises; b) sanitary facilities;</td>
<td>Council’s EHU officer has reviewed the proposal and provided additional conditions to be imposed on any approval to ensure compliance with Council Policy.</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>
c) the safe storage and handling of contaminated waste (including its disposal by the OEH Licensed collectors);
d) the provision and cleaning of linen and laundry items;
e) pool and spa water complying with the NSW Health Department's "Guidelines for Disinfecting Public Swimming Pools and Spa Pools";
f) education of workers and their clients;
g) the provision and storage of condoms and other approved latex products under the Therapeutic Goods Accreditation;
h) health of sex workers;
i) the examination of clients;
j) ventilation and lighting;
k) noise; and
l) bars and food preparation areas.

<p>| | | |</p>
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<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>C3. Keep passageways, hallways, corridors, egress paths and the like clear of obstructions and accessible to a minimum width of one (1) metre or a greater distance if so directed by Council.</td>
<td>Provision of one metre width passageways and hallways proposed.</td>
<td></td>
</tr>
<tr>
<td>C4. Provide fire safety equipment, emergency lighting, exit signs, smoke detectors and any other essential services to the satisfaction of Council.</td>
<td>Provision of essential services in keeping with the scale of development proposed.</td>
<td></td>
</tr>
<tr>
<td>C5. Provide the correct type of portable fire extinguishers (for example, water-based extinguishers for paper and wood fires; dry chemical extinguishers for electrical fires). These must be appropriately identified, accessible and their location(s) made known to all employees.</td>
<td>Provision of portable fire extinguishers proposed in staff kitchen, first floor landing and ground floor laundry.</td>
<td></td>
</tr>
<tr>
<td>C6. Ensure all essential services are serviced by a suitably qualified person and a Certificate of Compliance must be forwarded to Council annually.</td>
<td>Condition of consent to be applied requiring such.</td>
<td></td>
</tr>
<tr>
<td>C7. Establish and signpost evacuation procedures with instructions, and carry out</td>
<td>Condition of consent to be applied requiring such.</td>
<td></td>
</tr>
<tr>
<td>emergency drills on a regular (minimum 3 monthly) basis. Ensure adequate general maintenance of all work buildings and structures. This should cover, for example, electrical safety and maintenance of floors to avoid trip hazards.</td>
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</tr>
</tbody>
</table>
DOCUMENTS ASSOCIATED WITH REPORT ELPP048/19

Attachment 3
Draft Notice of Determination
26 June 2019

Ms H H Cui
103 Hudson Street
HURSTVILLE NSW 2220

Dear Sir/Madam

PREMISES: 1/72-78 PERCIVAL ROAD SMITHFIELD
SECTION 96(2) MODIFICATION TO DEVELOPMENT CONSENT NO. 2010/206/1
S96(2) MODIFICATION NO. 2010/206/5

I refer to your application lodged on 5 April 2019 seeking amendment to Development Consent 2010/206/1 issued for internal alterations of an existing industrial unit and fitout of premises and use as a brothel. The modification seeks internal alterations and additions to an existing brothel, including the extension of the mezzanine level to relocate kitchen and introduce a staff lounge, introduce three (3) additional service rooms to a total of nine (9) and increase the number of staff to a total of ten (10).

Pursuant to Section 4.55(2) of the Environmental Planning & Assessment Act, 1979, Council grants approval for the modifications sought.

Accordingly, Development Consent 2010/206/1 is amended as follows:-

Condition 2 is amended to read as follows:

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

- Waste Management Plan dated 1 May, 2010; and
- Brothel Plan of Management dated May 2010 prepared by FK Planning Group;

a) As amended in red by Council. All amendments are to be incorporated in the Construction Certificate plans.
As amended by the following plans and documents approved by application 2010/206/3, dated 21 January 2011:

- Waste Management Plan dated 1 May, 2010; and

As amended by the following plans and documents approved by application 2010/206/5, dated 26 June 2019:

- Architectural plans prepared by DS Group Constructions, Project No. 02-19, Drawing Numbers: 1 – 5, Issue C dated 11/02/2019;
- Waste Management Plan received by Council on 5 April 2019; and
- Plan of Management for Sex Services Premises at Unit 1, 72 Percival Road, Smithfield

Condition 15a – 15c are to be inserted to read as follows:

**Fire Safety Upgrading of Existing Buildings - Fire Safety Report Required**

15a. The levels of fire safety for the premises are to be reviewed and upgraded where required. A report prepared by an appropriately qualified person (A1 Accredited Certifier - Unrestricted) in accordance with the requirements of Australian Standard 4655-2005 is to be submitted to the Principal Certifying Authority (PCA), prior to the issue of a Construction Certificate. The measures that are identified as required in this report for fire safety upgrading works are to be included in the Construction Certificate.

Please be advised that the fire safety report must detail the measures considered appropriate:

- to satisfy the relevant performance requirements of the Building Code of Australia;
- to protect persons using the building;
- to facilitate their egress from the building in the event of fire;
- to prevent the fire;
- to Suppress fire;
- to restrict the spread of fire; and
- to ensure or promote the safety of persons in the event of fire.

**Air Conditioning**

15b. Details and specifications for the mechanical ventilation system complying with the Australian Standard are to be submitted and approved by Council.

**Building Certificate**

15c. A Building Certificate application is to be lodged with and approved by Council for the unauthorised works carried out on site.
Condition 36a is to be inserted to read as follows:

**Asbestos Cement Sheeting**

36a. i) All asbestos cement sheeting must be removed by contractors with an appropriate licence issued by WorkCover and who are familiar with asbestos removal prior to the commencement of:

(a) Recladding or brick veneering of any building where the existing walls to be covered are currently clad with asbestos cement;

OR

(b) Construction work where new work abuts existing asbestos cement sheeting and/or where parts of the existing building clad with asbestos cement sheeting are to be altered or demolished.

Removal must be carried out strictly in accordance with WorkCover's “Your Guide to Working with Asbestos” (copy attached).

ii) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).

**Note:** The person responsible for disposing of the above asbestos waste is to telephone the EPA on (02) 9995 5000 or Council's Waste Officer on (02) 9840 9715 to determine the location of a tip licensed to received asbestos. **Upon completion of tipping operations the applicant shall lodge with the Council, all receipts issued by the receiving tip as evidence of proper disposal.**

iii) Within fourteen (14) days of completion of renovation or recladding or brick veneering works where asbestos cement sheeting was removed, the applicant shall submit to Council an asbestos clearance certificate prepared by a NATA accredited occupational hygienist.

**Note:** To find a list of NATA accredited facilities visit the NATA website at [www.nata.asn.au](http://www.nata.asn.au) and under ‘Find a Facility or Lab’ type in ‘asbestos identification’ in ‘keywords’ then click on ‘chemical testing’ in NSW then click on the search button. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

Condition 49a is to be inserted to read as follows:

**Fire Safety Upgrading of Existing Buildings - Fire Safety Report Required**

49a. The measures that are identified as required in the report for fire safety upgrading works as per Condition 15a are to be implemented prior to the issue of an Occupation Certificate.
Condition 51 is to be amended to read as follows:

51. The brothel shall be operated at all times in accordance with the endorsed plan of management (POM) dated March 2019. Should any changes occur to the Plan of Management, a copy is to be submitted to Cumberland Council’s Environmental Health Department. In this regards, the following matters shall be addressed:

- A 24 hour contact number is to be provided to Council
- An Incident Log (or computerised record) shall be maintained in which are recorded details of any details of any incident or complaint regarding the use (including time, date, nature of incident/complaint, name and contact number of complainant). The Incident Log shall record action taken in response to reports and the outcome achieved.
- The Incident Log shall be submitted to Council on a 6 monthly basis for Council’s records.
- The operator of the brothel shall prepare, on an annual basis (on the anniversary of the date of the Occupation Certificate) a report that reviews the POM and identifies the need to modify/update the POM. The updated POM shall not remove any existing requirement of the POM unless it is necessary to provide an adequate response to an identified issue and the reasons are documented in the report. Copy of the report and undated POM shall be submitted to Council for its records.

Condition 64a is to be inserted to read as follows:

64a. 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.

Condition 65a is to be inserted to read as follows:

65a. Used condoms shall be double bagged in plastic and placed in an approved waste receptacle within a storage area on the premises whilst awaiting disposal.

Condition 73 be amended to read as follows:

73. Each room. Cubicles, booths or the like shall contain its own sanitary facilities (including toilet, shower/bath and a wash hand basin) for the use of both sex workers and clients. Each room used for the provision of sexual services must be provided with separate sanitary facilities, directly accessible from that room, for the use of both sex workers and their clients. Such facilities shall comprise a toilet, shower and hand wash basin supplied with hot and cold water under mains pressure, mixed through a common outlet. Each hand wash basin shall be supplied with liquid soap and disposable hand towels.
Condition 73a is to be inserted to read as follows:

73a. Sanitary facilities must be provided in accordance with the Building Code of Australia 2006.

Condition 81a-81e are to be inserted to read as follows:

**Safety and Amenity**

81a. A hospital grade disinfectant and liquid styptic shall be used for cleaning floors and wet surfaces. All equipment and furnishings shall be cleaned and disinfected in accordance with the NSW Health Department Guidelines.

81b. Towels and linen shall be stored in receptacles made of impervious material.

81c. The activity and any building, or work associated with, or carried out in connection with the activity, must comply with the Health & Safety Guidelines for Brothels in NSW published by the WorkCover Authority of NSW and NSW Health Department.

81d. Lighting and ventilation must be provided in accordance with the Building Code of Australia.

81e. Access to the premises is to be granted to Council Environmental Health officers whilst the premises is in operation for the purposes of a health compliance inspection.

Condition 89a and 89b are to be inserted to read as follows:

**Emergency Procedures**

89a. All essential services on site are to be serviced by a suitably qualified person and a Certificate of Compliance must be forwarded to Council annually.

89b. Evacuation procedures must be established and adequately signposted. Regular emergency drills are to be carried out regularly (minimum 3 monthly basis).

*All other conditions of Development Consent 2010/206/1, Modifications 2010/206/3 and 2010/206/4 remain unchanged.*

Section 8.9 of the Environmental Planning & Assessment Act 1979 confers upon an applicant, dissatisfied with Council’s determination of an application made pursuant to Section 4.55(2) a right of appeal to the Land and Environment Court.

Section 8.2 of the Act provides that an applicant may request, within 28 days of the date of determination of the Section 4.55(2) Application, that the Council review its determination (this does not apply to designated development). A fee is required for this review.
If you have any further enquiries please contact Ms C L Burke of Council's Environment and Planning Department on 02 8757 9970, Monday to Friday.

Yours faithfully,

Karl Okorn
EXECUTIVE MANAGER DEVELOPMENT AND BUILDING
DOCUMENTS ASSOCIATED WITH REPORT ELPP048/19

Attachment 4
Architectural Plans
Attachment 5
Statement of Environmental Effects
STATEMENT OF ENVIRONMENTAL EFFECTS

1/72-78 Percival Road, Smithfield NSW
Section 4.55 Modification to DA/2010/206/1
29 March 2019 | P108

Weir Phillips
Heritage and Planning
Level 19, 100 William Street, Sydney, NSW 2011
Phone: (02) 8076 5317
### Report Preparation

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Qualifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Associate Director</td>
<td>Philip North, B.App.Sc(Env Des), BArch, MURP, MPA CPP RAIA RIBA</td>
<td></td>
</tr>
<tr>
<td>Consultant</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>
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1.0 INTRODUCTION

1.1 Purpose
This Statement of Environmental Effects has been prepared to accompany an application for a section 4.55 modification to development consent DA/2010/206/1 for a sex services premises at 1/72-78 Percival Road, Smithfield NSW.

1.2 Executive Summary
Performance against Council’s general numerical controls is summarised as follows:

<table>
<thead>
<tr>
<th>General Development Data</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area:</td>
<td>Zone</td>
<td>Heritage</td>
</tr>
<tr>
<td>Overall: 15,380m²</td>
<td>Zone IN1 General Industrial</td>
<td>N/A</td>
</tr>
<tr>
<td>Lot 1 (Internal): 203m²</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot 1 (Parking): 41m²</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Summary Numerical Compliance Table</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning Document</td>
<td>Standard</td>
<td>Control</td>
<td>Approved</td>
<td>Proposed</td>
<td>Comp</td>
</tr>
<tr>
<td>HLEP 2013</td>
<td>Zone</td>
<td>Zone IN1 General Industrial</td>
<td>Sex services premises</td>
<td>Sex services premises (no change)</td>
<td>Y</td>
</tr>
<tr>
<td>HDCP 2013</td>
<td>Parking</td>
<td>1 space per 2 employees, 10 staff x 0.5: 5 spaces (incl. 1 disabled space)</td>
<td>5 (incl. 1 disabled)</td>
<td>No change</td>
<td>Y</td>
</tr>
</tbody>
</table>

Legend:
Y=Complies, N = Does not Comply, C = Condition of consent, N/A = Not applicable, A = Does not strictly comply but acceptable

As can be seen above, the proposed modification would comply with the principal planning controls relevant to the development.

1.3 Material Relied Upon
This Statement of Environmental Effects is based upon the following material:
- architectural plans;
- Site survey;
- Applicable planning legislation.

WEIR PHILLIPS HERITAGE AND PLANNING | Statement of Environmental Effects (s.4.55) | 1/72-78 Percival St, Smithfield NSW.
2.0 THE SITE

2.1 Site Location

The premises is located in a light industrial development of 33 units located at 72-78 Percival Road, Smithfield, NSW in the Cumberland Local Government Area. It occupies Unit No. 1.

![Site Location](image1)

Figure 1: Site Location

2.2 Site Surrounds

The site is located in a light industrial area of predominantly light industrial buildings of one to two storeys.

![Site Surrounds](image2)

Figure 2: Site Surrounds
2.3 The Site

The site consists of a single lot divided into 23 individual strata titled industrial units along with common property consisting of driveways and circulation space situated on the western side of Percival Road. The proposal is in respect of Lot 1 in this development.

<table>
<thead>
<tr>
<th>Street Address</th>
<th>Lot No</th>
<th>Section</th>
<th>Strata Plan</th>
<th>Dimensions</th>
<th>Total Site Area (by title)</th>
</tr>
</thead>
<tbody>
<tr>
<td>72-78 Percival Road, Smithfield, NSW</td>
<td>-</td>
<td>-</td>
<td>37361</td>
<td>West: 67.72m; North: 233.34m; East: 65.30m; South: 236.45m</td>
<td>15,380m²</td>
</tr>
<tr>
<td>Unit 1/72-78 Percival Road, Smithfield, NSW</td>
<td>1</td>
<td>-</td>
<td>37361</td>
<td></td>
<td>Internal: 203m³; Parking: 41m²</td>
</tr>
</tbody>
</table>

Figure 3: Aerial photo of the site.

Figure 4: Part Strata Plan.
2.4 Existing Site Features

<table>
<thead>
<tr>
<th>Existing Development Summary</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item</td>
<td></td>
</tr>
<tr>
<td><strong>Use</strong></td>
<td>Sex services premises</td>
</tr>
<tr>
<td><strong>Hours of Operation</strong></td>
<td>7 days per week; 24 hours per day</td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td>Internal: 2; External: 3 (incl. disabled); TOTAL: 5</td>
</tr>
<tr>
<td><strong>Storeys</strong></td>
<td>2</td>
</tr>
<tr>
<td><strong>Service Rooms</strong></td>
<td>6</td>
</tr>
</tbody>
</table>
| **Staff**                   | • 6 operational staff  
                              | • 1 receptionist |
| **GFA**                     | Ground Floor: 123m²  
                              | First Floor: 155m²  
                              | TOTAL: 278m² |

Figure 5: Part Strata Plan

Figure 6: Existing exterior of the premises
Figure 7: Existing exterior of the premises showing surrounding industrial units

Figure 8: Existing exterior of the site from Percival Road

Figure 9: The site entry and surrounding Percival Road streetscape
3.0 THE PROPOSAL

3.1 Background

The site benefits from development consent No. DA/2010/206/1 granted on 21 January 2011 for:

*Internal alterations of an existing industrial unit and fitout of premises and use as a brothel.*

The site has been the subject of the following relevant development applications:

<table>
<thead>
<tr>
<th>DA No.</th>
<th>Description</th>
<th>Outcome</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>DA/2010/206/1</td>
<td>Internal alterations of an existing industrial unit and fitout of premises and use as a brothel.</td>
<td>Approved</td>
<td>21.01.2011</td>
</tr>
<tr>
<td>DA/2010/206/2</td>
<td>596(2) application seeking minor internal alterations including additional room to an approved brothel</td>
<td>DART Rejection</td>
<td>06.01.2011</td>
</tr>
<tr>
<td>DA/2010/206/3</td>
<td>596(1A) application approving minor internal alterations to brothel</td>
<td>Approved</td>
<td>21.01.2011</td>
</tr>
<tr>
<td>DA/2010/206/4</td>
<td>596(1A) modification approving deletion of Condition 9 and amendment to condition 50 to remove the trial period of the operation of the brothel</td>
<td>Approved</td>
<td>15.02.2012</td>
</tr>
</tbody>
</table>

3.2 Proposed Modification

The proposal involves modifications to the existing consent as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Modification</th>
<th>Rationale</th>
</tr>
</thead>
</table>
| Condition 2        | Modify to reflect the amended plans submitted with the application.                              | The proposal includes a full set of amended plans. The schedule of approved plans should be modified to reflect:  
  • the modified revision numbers and dates; and  
  • the modified Plan of Management. |
| Plan of Management | Modify Section 4.0 of the Plan of Management to reflect a change in the number of staff.        | Increased number of service rooms;                                         |
| Staffing           | Change the number of staff from:  
  • 7 (6 sex workers and 1 receptionist) to  
  • 10 (9 sex workers and 1 receptionist).                                                   | Increased number of service rooms;                                         |
| Demolition         | Unauthorised works including:  
  • Walls of small room to south of entry lobby;  
  • Partition on south side of kitchen.                                                        | Rectification of unauthorised work.                                         |
|                    | • Wall between laundry and garage;  
  • Kitchen bench;  
  • Door to service room 6                                                                     | Facilitate proposed modifications.                                          |
| Construction        | Ground Floor:  
  • New second stair to upper level;  
  • Convert staff rest room to service room (no 8) and add WC, basin and shower;  
  • Convert Waiting Room 4 to service room (no 7) and add WC, basin and shower;  
  • Convert the Personnel Kitchen to service room (no 9) and add WC, basin and shower;  
  • Enlarge laundry.                                                                         | Increased number of service rooms; Reduce number of waiting rooms which have proved surplus to operational requirements. |
|                    | First Floor:  
  • Infill existing void above garage to create a staff lounge;  
  • Provide a new bathroom adjacent the staff lounge;                                          | Improved staff amenities.                                                  |
3.3 Summary of Modified Development

The modified proposal is as follows:

<table>
<thead>
<tr>
<th>Item</th>
<th>Approved</th>
<th>Modified proposal</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use</td>
<td>Sex services premises</td>
<td>Sex services premises</td>
<td>None</td>
</tr>
<tr>
<td>Hours of Operation</td>
<td>7 days per week 24 hours</td>
<td>7 days per week 24 hours</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>per day</td>
<td>per day</td>
<td></td>
</tr>
<tr>
<td>Parking</td>
<td>Internal: 2 External: 3 (incl. disabled) TOTAL: 5</td>
<td>Internal: 2 External: 3 (incl. disabled) TOTAL: 5</td>
<td>None</td>
</tr>
<tr>
<td>Storeys</td>
<td>2</td>
<td>2</td>
<td>None</td>
</tr>
<tr>
<td>Service Rooms</td>
<td>6</td>
<td>9</td>
<td>Increase of 3</td>
</tr>
<tr>
<td>Staff</td>
<td>6 operational staff</td>
<td>9 operational staff</td>
<td>Increase of 3 operational staff</td>
</tr>
<tr>
<td></td>
<td>1 receptionist</td>
<td>1 receptionist</td>
<td></td>
</tr>
<tr>
<td>GFA</td>
<td>Ground Floor: 154m²</td>
<td>Ground Floor: 159m²</td>
<td></td>
</tr>
<tr>
<td></td>
<td>First Floor: 122m²</td>
<td>First Floor: 204m²</td>
<td></td>
</tr>
<tr>
<td></td>
<td>TOTAL: 276m²</td>
<td>TOTAL: 363m²</td>
<td></td>
</tr>
</tbody>
</table>

4.0 SECTION 4.55(2) – MODIFICATION OF CONSENTS

Under Section 4.55(2) of the Environmental Planning and Assessment Act, 1979, a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

<table>
<thead>
<tr>
<th>s4.55(2) clause</th>
<th>Provision</th>
<th>Performance</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all),</td>
<td>The proposed amendments would not alter the substance of the approved development in that: • The use would be unchanged. • The external appearance would not change. • The building envelope would not change.</td>
<td>Y</td>
</tr>
<tr>
<td>(b)</td>
<td>it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a compliance to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent</td>
<td>Not applicable.</td>
<td>N/A</td>
</tr>
<tr>
<td>(c)</td>
<td>it has notified the application in accordance with: (i) the regulations, if the regulations so require, or</td>
<td>The onus is on the consent authority to suitably notify the application.</td>
<td>N/A</td>
</tr>
</tbody>
</table>

WEIR PHILLIPS HERITAGE AND PLANNING | Statement of Environmental Effects (s4.55) | 1/72-78 Percival St, Smithfield NSW
Extraordinary Cumberland Local Planning Panel Meeting
26 June 2019

5.0 ENVIRONMENTAL PLANNING ASSESSMENT

This section provides an environmental assessment of the proposed development in respect of the relevant matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

Under Section 4.15(1), the consent authority must take into consideration the provisions of:

1) Section 4.15(1)(a)(i) Environmental Planning Instruments;
2) Section 4.15(1)(a)(ii) Draft Environmental Planning Instruments;
3) Section 4.15(1)(a)(iii) Development Control Plans;
4) Section 4.15(1)(a)(iv) Planning Agreements;
5) Section 4.15(1)(b) The Regulations;
6) Section 4.15(1)(b) Likely impacts of the development on natural and built environments;
7) Section 4.15(1)(c) Suitability of site for the development;
8) Section 4.15(1)(d) Submissions; and
9) Section 4.15(1)(e) The public interest.

5.1 Consent Authority

Cumberland Council is the relevant consent authority for the land on which the development is proposed.

5.2 Section 4.15(1)(a)(i): Environmental Planning Instruments

The relevant environmental planning instruments applicable to this proposal include:

- State Environmental Planning Policy No. 55 - Remediation of Land
- Holroyd Local Environmental Plan 2013 (HLEP 2013)

5.2.1 State Environmental Planning Policy No. 55: Remediation of Land

Under clause 7 of SEPP No. 55 Council cannot consent to the carrying out any development on land unless it has considered whether the land is contaminated, and if so, it is satisfied that the land is suitable (or will be suitable after remediation) for the purpose for which the proposed development is to be carried out.

Given the established use of the site for its current purpose, there is no reason to believe that the site may be contaminated. This would not be altered by the modification.

5.2.2 Holroyd Local Environmental Plan 2013

The proposed development is subject to the provisions of Holroyd Local Environmental Plan 2013 (HLEP 2013).

5.2.2.1 Zoning:

Clause 2.2: Zoning of land to which this clause applies: The site is zoned IN1 General Industrial under HLEP 2013.

5.2.2.2 Zone Objectives and land use table:

Clause 2.3: Zone objectives and land use table specifies the following objectives for the zone:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.

5.2.2.3 Land use table:

Clause 2.3: Zone objectives and land use table specifies the following land uses permitted in the zone:

Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Light industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Roads; Take away food and drink premises; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4

Item 4, however, lists sex services premises as prohibited. Despite this, clause 12 of Schedule 1, Use of certain land at Smithfield, permits development for the purposes of sex services premises on land identified as "APU 12" on the Additional Permitted Uses Map.

The site on which the development is proposed is identified as "APU 12" on the Additional Permitted Uses Map and consequently the use for the purposes of sex services premises is permissible in the zone.

5.2.2.4 Heritage

The site is not affected by any heritage listings.

5.2.2.5 Compliance Table:

The following table summarizes the relevant clauses of HLEP 2013 and the performance of the proposal against them.

<table>
<thead>
<tr>
<th>Holroyd Local Environmental Plan 2013</th>
<th>Compliance Table</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause</td>
<td>Clause</td>
</tr>
<tr>
<td>Part 2</td>
<td>Permitted or Prohibited Development</td>
</tr>
<tr>
<td>2.2</td>
<td>Zoning of the land to which Plan applies</td>
</tr>
<tr>
<td>2.6</td>
<td>Subdivision—consent requirements</td>
</tr>
<tr>
<td>2.7</td>
<td>Demolition requires development consent</td>
</tr>
<tr>
<td>Part 3</td>
<td>Exempt and complying development</td>
</tr>
<tr>
<td>Not applicable</td>
<td></td>
</tr>
<tr>
<td>Part 4</td>
<td>Principal Development Standards</td>
</tr>
<tr>
<td>4.3</td>
<td>Height of buildings</td>
</tr>
<tr>
<td>4.4</td>
<td>Floor space ratio</td>
</tr>
<tr>
<td>4.6</td>
<td>Exceptions to development standards</td>
</tr>
</tbody>
</table>

Legend:
Y = Complies, N = Does not Comply, C = Condition of consent, N/A = Not applicable, A = Does not strictly comply but acceptable.
As demonstrated in the above table, the proposed modified development would fully comply with the provisions of HELP 2013.

5.2.2.6 Summary:
Given the above, the proposed modification is considered to be consistent with the objectives and specific provisions of the applicable environmental planning instruments.

5.3 Section 4.15(1)(a)(ii) - Draft Environmental Planning Instruments
There are no draft environmental planning instruments applicable to the site.

5.4 Section 4.15(1)(a)(iii) - Development Control Plans
Development control plans applicable to this proposal include:
- Holroyd Development Control Plan
  - Part A: General Controls; and
  - Part D: Industrial Controls.

5.4.1 Holroyd Development Control Plan:
The proposed development is subject to the provisions of the Holroyd Development Control Plan 2013 (HDCP 2013). The following table provides a summary of compliance:

<table>
<thead>
<tr>
<th>Holroyd Development Control Plan 2013 Compliance Table</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause No.</td>
</tr>
</tbody>
</table>
---|---|---|---|---|---|
Part A | General Controls                |                                             |              |                  |            |
3       | Car Parking                     |                                             |              |                  |            |
3.1     | Minimum Parking Spaces          |                                             |              |                  |            |
C1      | Car Parking                     | Min Spaces                                  |              |                  |            |
|        | Sex services premises          | 1 space per 2 employees: 10 staff x 0.5: 5 spaces (incl. 1 disabled space) | 5 (incl. 1 disabled) | No change | Y |
3.3     | Dimensions and Gradients        | Dimensional criteria based on AS2890 and the other applicable Australian Standards. | All dimensions consistent with the applicable Australian Standards | No change | Y |
Part D  | Industrial Controls             |                                             |              |                  |            |
8       | Planning Controls for Sex Services Premises |                                             |              |                  |            |
8.1     | Location, Access and Layout     |                                             |              |                  |            |
C1      | Development Controls            | The preferred location for a brothel is either on first floor level or below street level. However, access may be provided from street level. If the brothel is at street level it should not be in a street front location. | Located at ground level well away from street frontage. | No change proposed to approved location, access or principal layout. | N/A       |
C10     | The layout of the proposed brothel when in operation shall not cause any disturbance in the neighbourhood that is a | The premises is discretely located at the rear of an industrial complex. | The small increase in the number of staff and operational capacity would not | Y          |
<table>
<thead>
<tr>
<th>8.2 Parking</th>
</tr>
</thead>
</table>
| **C1** Developmen t Controls | Parking for Sex Services Premises is to be at the rate of 1 space for each 2 employees on the premises at any given time.  
- 10 staff x 0.5 = 5 spaces | 5 spaces | 5 | Y |
| **C2** | One space should be suitable for disabled parking. | 1 disabled space | 1 of the 5 spaces is a disabled space | Y |
| **C3** | Parking areas are to be well lit and signposted. | | | N/A |

<table>
<thead>
<tr>
<th>8.3 Hours of Operation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>C1</strong> Developmen t Controls</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8.4 Security and Public Safety</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>C2</strong> Developmen t Controls</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1.5 Health and Building</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>C1</strong> Developmen t Controls</td>
</tr>
<tr>
<td><strong>C2</strong></td>
</tr>
<tr>
<td><strong>C4</strong></td>
</tr>
</tbody>
</table>
Table

<table>
<thead>
<tr>
<th>essential services to the satisfaction of Council</th>
<th>requirements if necessary</th>
</tr>
</thead>
</table>

Legend:
Y = Complies, N = Does not Comply, C = Condition of consent, N/A = Not applicable, A = Does not strictly comply but acceptable

As can be seen above, the proposed modifications would not alter compliance with the applicable development controls.

5.5 Section 4.15(1)(a)(iia) Planning Agreements
The site is not subject to any existing voluntary planning agreements.

5.6 Section 4.15(1)(a)(iv) Matters Prescribed by the Regulations
The proposal would not impact upon the applicable BCA provisions.

5.7 Section 4.15(1)(b) Likely Impacts of the Proposed Development

5.7.1 Overshadowing
The modified proposal would not alter the existing overshadowing impacts.

5.7.2 Privacy
The modified proposal would not alter the existing overshadowing impacts.

5.7.3 Streetscape
Given that it is entirely internal, the modified proposal would not alter the approved built form presenting to the street.

5.7.4 Amenity
The proposal does not alter the use or the manner in which the use is conducted. It simply slightly alters the internal layout and increases by a small amount the operational capacity of the use. The proposal also increases the space available for staff and, as such, would improve the amenity of the staff working environment. Given that the parking provision is consistent with that required by the HDCP, that no external modifications are proposed, and that the use is located in an industrial development, it is considered that the modification would not give rise to adverse amenity impacts upon the locality.

5.8 Section 4.15(1)(c) – Suitability of the Site for Development
The site is suitable for the proposed modified development:
- It is suitably zoned for the proposal.
- It would not result in unacceptable amenity impacts upon adjacent properties.
- It is consistent with the existing and desired future character of the locality.

5.9 Section 4.15(1)(d) – Submissions
Not applicable prior to public notification of application.

5.10 Section 4.15(1)(e) – Public Interest
The proposed development is consistent with the objectives of the Environmental Planning and Assessment Act in so far as it promotes the co-ordinated and orderly, and economic use and development of the land. Given this, the development is consistent with the public interest.

6.0 CONCLUSION
The proposal involves modifications to an existing development consent for a sex services premises including the addition of a larger staff area and a small increase in the number of service rooms. They do not alter the fundamental form or character of the approved development which would remain substantially the same. Further, the modifications would not alter compliance with the applicable planning controls, in particular those relating to car parking.

Given this, the proposal is consistent with the applicable statutory planning instruments and matters for consideration under sections 4.15 and 4.55 of the Environmental Planning & Assessment Act 1979.

WEIR PHELPS HERITAGE AND PLANNING | Statement of Environmental Effects (s.4.55) | 1/72-78 Percival St, Smithfield NSW 15

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DOCUMENTS ASSOCIATED WITH REPORT ELPP048/19

Attachment 6
Plan of Management
PLAN OF MANAGEMENT

FOR

SEX SERVICES PREMISES

AT

UNIT 1, 72 PERCIVAL ROAD, SMITHFIELD

March 2019
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1.0 INTRODUCTION

This Plan of Management (POM) provides the guidelines and daily controls for the operation and management of a brothel conducted at Unit 1, 72 Percival Road, Smithfield.

The purpose of this POM is to provide for the safe and orderly operation of the brothel having regard to the interests of staff and patrons as well as to ensure there is no adverse impact on the surrounding areas.

This POM has been prepared in accordance with the guidelines set out in the Planning Guidelines for Sex Premises, prepared by the Sex Services Premises Planning Advisory Panel, for management and operational arrangement for a commercial sex services premises (brothel).

2.0 GENERAL OBJECTIVES

This Plan of Management aims to ensure:

(a) the continued health and safety of all employee and clients of the premises at all times;
(b) that all staff on the premises are legally entitled to work on the premises;
(c) the provision of patron information on safe sex;
(d) that the premises are operated discretely;
(e) that the premises operate with minimal impact upon the surrounding area;
(f) the presentation, maintenance and repairs of the premises are carried out appropriately and adequately;
(g) the cleanliness of the premises;
(h) the safety and security of the premises;
(i) restricting access to the premises of undesirable elements;
(j) prohibitive control of illegal activities on the premises;
(k) control of any anti-social behaviour on the premises;
(l) updating and carrying out of emergency procedures; and
(m) occupational health and safety policies and procedures and adhered to.
3.0 **HOURS OF OPERATION**

The premises operate 24 hours a day, seven days per week.

4.0 **STAFF –**

The maximum number of staff to be employed on the premises at any one time is 10 consisting of:

- Nine (9) operational workers
- One (1) receptionist/manager.

5.0 **ROLES AND RESPONSIBILITIES of STAFF**

The duty receptionist/manager has overall responsibility for ensuring that the premises achieves the general objectives set out in this plan above, and in accordance with any condition of development consent contained therein.

The role and responsibilities of the receptionist/manager includes (but not limited to) the following:

- Open business at trading and secure business at close. Access to the premises for workers and visitors is from the car park whose entry point is off Percival Road.
- Supervise staff, clients and the premises.
- General office duties including answering phone calls/enquiries, taking bookings, co-ordinate appointments and keeping records.
- Assuring that all staff on the premises is legally entitled to work without discrimination.
- Upholding and implementing all policies and procedures set out in this POM with particular reference to monitoring underage access, illegal activities and difficult and/or anti-social behaviour or violent behaviour.
- Monitoring the entrance of the premises, communicating with police, and emergency services as required.
- Overseeing emergency procedures for evacuation in the case of fire or other emergencies.
• Induction and supervision of all personnel.
• Staff roster.
• Education and training of all personnel.
• Resolving any issues of conflict.
• Oversight of all health, safety and security measures.
• Regular evaluation of the premises for maintenance, repairs and replacements.
• Implementation of Equal Employment Opportunity requirements, NSW Health and WorkCover NSW requirements and regulations.
• Oversight of stocktaking with particular reference to ensuring a well-stocked supply of safe sex products.
• Instructing staff in case of an emergency and/or evacuation of the premises.
• Overseeing the cleaning and disinfecting of each rooms and amenities after each service.
• Overseeing spot cleaning on an hourly basis and more frequently (if required).
• Ensuring the changing of sheets and towels in rooms after each service.
• Laundering of sheets and towels.
• Emptying of waste baskets in the rooms after each service.
• Maintenance of cleaning schedules and spot cleaning checklists.
• A thorough once weekly cleaning and disinfection of work areas and amenities in the premises to ensure the premises are kept in a clean, hygienic and safe condition.

6.0 OPERATION AND MANAGEMENT

The objectives of POM will be achieved via the following in house operation and management policies/procedures:

6.1 Parking

Clients and staff are to be advised to park in the allocated spaces adjacent to the front entry and within the subject premises.

6.2 Safety and Security

The following facilities are provided for the safety and security of staff and clients:
• The entrance to the premises shall remain fully illuminated after dark during all times of operation of the premises.
• Security cameras are located in the entry foyer to provide images of clients facing the entrance to the premises and another camera located behind reception to provide images of clients facing reception.
• Security cameras are located in the internal passageways to provide images of clients moving to and from client waiting areas, working rooms and sanitary facilities.
• Entry to the premises, reception and staff area are by controlled access.
• Any controlled access to working rooms shall provide locks, which can be opened externally.
• Security monitors are located at reception and in staff rooms.
• Security camera recording devices are located in an area inaccessible to clients.
• Provide communication systems (intercoms) linked to reception from client waiting rooms.
• Reception, staff rooms and all working rooms are provided with both communication systems (intercoms) and separate duress alarms in discreet locations.
• An alarm system operated within the premises.
• Management provide on call security (if required) for emergencies.
• All money collected is placed in safe located at the reception desk, which is locked after each deposit or withdrawal. The reception safe is to be used for petty cash and outstanding payment for staff.
• A full first aid kit is maintained at reception. The first aid kit provides all necessary needs for this business. Management maintain/restock this kit as required.

In addition, the following procedures will be implemented:

• Fire and other emergency evacuation plan. All personnel are to be trained in emergency evacuation procedures before commencement of employment.
• Fire extinguishers, smoke detectors, exit signs and emergency services regularly checked for compliance in accordance with BCA.
• Training will be provided in dealing with difficult or intoxicated patrons and customers and in preventing under age access. Any client that appears aggressive severely affected by alcohol, under the effects of drugs or otherwise suspicious will be politely refused entry and requested to leave the premises. In the event a person refuses to leave the premises, the Police will be called immediately.

• Good lighting for security purposes is located at the entrance.

• Manager to maintain the incident book and accident / injury register. The incident book is to be provided to Police if and when requested.

6.3 Induction and Training

All employees must undergo the required training regardless of prior experience. The training will encompass all key elements of operation of the premises as outlined in this POM including management policies and procedures and occupational health and safety policies and procedures. In addition, all staff are to be briefed in relation to matters contained in the WorkCover NSW publication ‘Health and Safety Guidelines and for Brothel 2001’.

The Aids Council of NSW (ACON) handbook including information on HIV, STI’s, and hepatitis, PEP, drug and alcohol issues will be used as a complementary training aid.

Code of Conduct of Sex workers

When sexual services are requested, sex workers will, at all times, practice safe sex with all clients.

Staff in no time and under no circumstances shall solicit or displayed for customers outside of the premises. Any such behaviour shall lead to immediate dismissal.

6.4 Health Service Access

All sex workers and staff will be provided with information to enable them to perform their work in a safe manner. The information will include, but no be limited to, safe sex, sexually transmitted diseases including HIV infection and hepatitis A and B, blood borne infecting including hepatitis C, cleaning of equipment and first aid.

All the aforementioned information will be available by arrangement for any non-English speaking persons.
All information will be visible to all staff and client and regularly updated.

All sex workers are advised to have a medical check-up on a regular basis, the manager is responsible for the ongoing checking of any signs of infectious skin conditions during each shifts. An updated list of health service providers will be displayed in staff room.

All clients are to have shower before the service commencement. The sex worker is to discretely check the client for any sign of skin conditions. The sex worker has the right to refuse a service to a client or request a second opinion from management.

In addition to the above, the following health and safety policies and procedures are to be implemented:

- Safe sex products including condoms, lube, dental dams and disposable gloves are stored in a secure area and restocked regularly.
- Condoms and lube are provided close to and easily accessible for all sexual activity areas.
- Liquid soap and hand dryers are located in all bathrooms and hand washing areas.
- An accident / injury register is kept on premises and maintained by the manager.
- Up to date information is provided for staff on relevant occupational health and safety issues, safe sex, sexually transmitted infections and blood borne infections.
- Staff are encouraged to avail themselves of free immunisation against Hepatitis A and B.
- CPR procedures are in place in the caption area and in all working rooms.
- Management liaise regularly with Sex Workers Outreach Project (SWOP) staff to ensure and adequate supply of safe sex and related literature.

6.5 Cleaning and Cleanliness

All staff have a responsibility to ensure the premises are clean, hygienic, tidy and presentable at all times.
The premises must be kept in an adequate state of cleanliness and repair at all times. The cleaner has the responsibility to carry out spot cleaning and regular daily cleaning of the premises, in addition to laundry duties.

The cleaner must ensure that all dirt, dust and any bodily fluids and substances are collected and removed from the affected areas. All sanitary facilities and surfaces in sexual activity areas are cleaned first with neutral detergents and any bleach or disinfectants are used strictly in accordance with the manufacturer's instructions.

All equipment used for mopping including mop and bucket are to be cleaned with warm water and detergent after use and the equipment is then to be stored to dry within buckets placed upside down and mop heads supported off the ground. Clothes used for cleaning sanitary facilities and surfaces in the sexual activity area are to be disposed of after use.

The client waiting area is to be vacuumed and dusted. The reception area, staff room, entry lobby and stairs, passageway, laundry and kitchen are to be thoroughly swept and mopped and left in a tidy state.

Warning signs are posted in areas where floor surfaces may be damp and/or slippery during and after floor cleaning activities.

All cleaners are required to wear gloves when performing any cleaning duties and are advised to wash hands firstly with gloves on and again after removing gloves.

All washing and drying to be completed on the premises.

The operations manuals of the machines is kept on file in the office and must be adhered to. In particular, it is important for the cleaner to use the correct quantity of washing powder and regularly check and clean the washing machine and dryer filters. The washing machine supplier/service centre must be contacted if the machinery is faulty.

All working rooms must be turned over, presented with amenities and checked after/ before each appointment/service as follows:

Amenities (Client)

- Liquid soap (shower and basin)
- Towels – bath towel, hand towel and floor towel
Room Readiness
Before/after each appointment/service, each room must be turned over as follows:

- Bathroom floors, mirrors and room to be sprayed with antiseptic and wiped down;
- All mirrors to be cleaned (window cleaner);
- Replace linens and covers;
- All towels to be replaced. Hand towel to be folded and placed in the middle of the bed;
- Hand soaps replenished as necessary;
- Tissues/Wet wipes/Lube/Condoms/Dental Dams to remain stocked;
- Liquid soap in shower and bathroom to be maintained; and
- Antiseptic spray to be used in shower recess and surrounding floor after each appointment/service.

6.6 Waste Management

All staff are responsible for the disposal of their rubbish. Plastic lined bins shall at all times be available in all work rooms for the disposal of condoms, dams, tissues, etc. The bins shall be emptied into a designated clinical waste bin after each service.

The clinical waste bin will be replaced weekly or more frequently if necessary. The bins will be provided by a clinical waste contractor and stored securely. Other waste is disposed of through Council’s normal waste services.

6.7 Maintenance and Repairs

All staff must report to the manager on any property damage and/or obvious signs of wear and tear. The Manager is to undertake quarterly evaluation of the premises for maintenance, repairs and replacement purposes which include:

- All paint finishes. Any paint used will be of a wash and wear product.
- Tiling in amenity rooms, around hand washbasins and in staff tea/coffee making area. Any chipped or broken tiles will be replaced.
- All floor coverings will be kept clean and replaced when worn.
- Mattresses will be repaired or replaced as required.
- Furniture and fittings will be repaired or replaced as required.
6.8 **Emergency Procedures**

All staff are trained in emergency procedures as part of ongoing personnel training including familiarity with fire exits and position of fire extinguishers throughout the premises. In the event of fire or other emergency requiring evacuation of the premises, the manager will implement fire evacuation procedures. All staff will be removed from the premises immediately. The manager will report the fire or other emergency immediately to the appropriate emergency service via the 000 number.

6.9 **Employment**

Management requires all employees to provide the following essential criteria at time of initial interview:

- Full identification check and proof of age. At least one of the following must be provided – Drivers licence, birth certificate or ID card;
- Proof of citizenship/residential status; and
- Contact details

Additional preferential criteria:

- Relevant references; and
- Recent doctor/health certificate

7.0 **COPY OF MANAGEMENT PLAN**

A copy of this management plan must be publicly available and kept on the premises at all times. A copy must also be given to all employees and sex workers before commencing work or a contract at the premises.
DOCUMENTS
ASSOCIATED WITH
REPORT ELPP048/19

Attachment 7
DA 2010/206 - Notice of Determination of Application
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
NOTICE OF DETERMINATION OF APPLICATION

15 September 2010

Hui Hong Cui
103 Hudson Street
HURSTVILLE NSW 2220

Dear Sir/Madam

Pursuant to Section 81 of the Act, Council has granted conditional approval to your Development Application described as follows:

PROPERTY: Lot 1, SP 37361

STREET ADDRESS: 1/72-80 Percival Road, Smithfield

DEVELOPMENT CONSENT NO. 2010/206/1

DECISION Council

DATE OF EXpiry OF CONSENT: 15 September 2015

PROPOSED DEVELOPMENT: Internal alterations of an existing industrial unit and fitout of premises and use as a brothel

This Development Application is APPROVED in accordance with the Environmental Planning & Assessment Act 1979 and is subject to compliance with the requirements of Holroyd City Council, the Building Code of Australia, the Local Government Act 1993, and the following conditions as set out hereunder and/or endorsed upon the attached plans.
PRELIMINARY

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

2. Development shall take place in accordance with the attached endorsed plans:
   - Waste Management Plan dated 1 May, 2010; and
   - Brothel Plan of Management, dated May 2010 prepared by FK Planning Group;
   a) As amended in red by Council. The above amendments are to be incorporated in the Construction Certificate plans.

3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. Fully detailed plans including fire safety details shall be submitted with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

Appointment of Council or a Private Certifier as the Principal Certifying Authority (PCA)

4. Either Council or a Private Certifier is to be appointed as the Principal Certifying Authority (PCA) for the development in accordance with Section 109E of the Act.

Accordingly, wherever reference is made to the Principal Certifying Authority in this Consent, it refers to Council or the Private Certifier as chosen by you.

Note: Once you have chosen either Council or a Private Certifier as the PCA, you cannot change from one to the other, or from one Private Certifier or another, without the approval of DIPNR.

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.
Change Of Building Use

7. A building in respect of which this consent authorises a change of use must comply with the Category 1 fire safety provisions (as defined in Part 7B of the Environmental Planning and Assessment Regulation 2000) applicable to the proposed new use. This may require building work to be carried out even though none is proposed or required by other conditions of this consent and such building work will require the issue of a Construction Certificate.

Signage

8. No approval is expressed or implied for any signage to exterior of the building. Separate Development Consent is required for any future signage to be provided.

Trial Period

9. The brothel is to operate for a trial period of twelve (12) months (from the issue of the Occupation Certificate). To enable Council to assess the operation of the premises having regard to any complaints received and compliance with conditions of consent, no more than one month prior to the conclusion of this twelve (12) month period the applicant may apply to Council for a modification under Section 96 of the Environmental Planning and Assessment Act 1979 to delete this condition relating to the twelve (12) month trial. At the time of lodging the Section 96 application, it shall be adequately demonstrated that the brothel has been in operation for at least a continuous period of 6 months.

The trial period will continue pending Council’s determination of any Section 96 modification application lodged in relation to this condition.

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 BUILDING PRICE INDEX. FEES CHARGED WILL BE THOSE CURRENT AT THE TIME OF PAYMENT.
PRIOR TO ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of a Construction Certificate. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:

Payment of Bonds, Fees and Long Service Levy

10. 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.

Consistency with Endorsed Development Consent Plans

11. The Principal Certifying Authority must ensure that any certified plans forming part of the Construction Certificate, are in accordance with the Development Consent plans.

Required Submissions to Certifying Authority

12. A Section 73 Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation and submitted to the PCA.

(Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the web site www.sydneywater.com.au then follow the “e-Developer” icon or telephone 13 20 92 for assistance.

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

Submission a copy of Sydney Water’s Notice of requirements to the Principal Certifying Authority.

13. The Construction Certificate plans shall be amended to include smoke alarms and intercom systems to the reception area and Service Room 1.

Fire Safety Upgrading & Essential Services

14. The applicant/owner is to give written notice to the Certifying Authority of the measures that are currently implemented in the building or premises to ensure the safety of persons in the building in the event of fire. The schedule of measures must be provided with the Construction Certificate application.

Building Code of Australia Compliance

15. A comprehensive Building Code of Australia assessment is to be undertaken by a competent Building Code of Australia Consultant and the recommendations stemming from the BCA compliance assessment are to be included as part of the fire safety upgrade works. Details are to be provided to the Principal Certifying Authority prior to the release of any Construction Certificate.
PRIOR TO WORKS COMMENCING

The following conditions are to be complied with prior to any works commencing on the site:

Appointment of Principal Certifying Authority and Notification of Commencement of Work

16. 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 81A(2)(b) 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

17. 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.
Extraordinary Cumberland Local Planning Panel Meeting  
26 June 2019

Signs to be Erected on Sites

18. 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

19. 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.

Toilet Facilities

20. 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.
Sydney Water

21. The approved plans must be submitted to Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. (For Quick Check agent details please refer to the website www.sydneywater.com.au, see Your Business then Building & Development then Building & Renovating or telephone 13 2092.)

Waste Disposal

22. A recycling/disposal facility is to be nominated in regard to the removal of construction materials. Details are to be provided to the Principal Certifying Authority prior to the commencement of any works.

General

23. The applicant to arrange with the relevant public utility authority for the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
DURING CONSTRUCTION

The following conditions are applicable during construction:-

**Endorsed Plans & Specifications**

24. 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**

25. 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**

26. 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.

27. 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.

28. 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.

**Waste Management Plan**

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

30. 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

31. Section 109E(3)(d) 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.

Occupational Health and Safety

32. The premises are to be fitted out strictly in accordance with the Public Health Act 1991, Public Health (Skin Penetration) Regulation 2000, the Skin Penetration Guidelines March 2001 and the conditions of any Council consent.

33. The floor of the service rooms must be constructed of a material that is smooth, impervious and non-slip.

34. The walls of the service rooms are to be constructed of a material, which is rigid, smooth and impervious.

35. The premises shall be provided with artificial lighting to provide a level of illumination appropriate to the function or use of the buildings/spaces to enable safe use and movement of occupants in accordance with part F4 of the Building Code of Australia.

Additional Information during Demolition/Construction

36. 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 OCCUPATION CERTIFICATE

The following conditions are to be complied with prior to the issue of an occupation certificate:

Principal Certifying Authority

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

Certificates/Documentary Evidence

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

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

Notification of commencement

40. Registration shall be obtained from Council PRIOR to commencement of business operations.

41. To ensure compliance with the Public Health Act and the Regulations made thereunder, Council is to be given forty-eight (48) hours notice prior of the intention to occupy the premises and commence trade.

Parking/Driveway

42. "Disabled Parking" shall be clearly marked on the ground in accordance with Australian Standard (AS) 2890.1 and AS 2890.6.

Fire Safety

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

NOTE:
1. Such Certificate shall state, pursuant to Clause 36E in relation to each essential fire safety measure mentioned in the certificate:
   - that the service has been assessed by a properly qualified person (chosen by the owner of the building); and
   - that the service was found to be, when assessed, capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.

2. The person who carries out the assessment must inspect and verify the performance of each fire safety measure being assessed, and must test the operation of each new item of equipment installed in the building premises that is included in the current fire 'safety' schedules for the building.
3. The assessment must have been carried out within the three (3) months prior to the date on which the final fire safety certificate is issued.

Cooling/Water Systems

44. For the purpose of inhibiting or preventing the growth of micro organisms that are liable to cause Legionnaires' Disease, all cooling towers, evaporative condensers, and warm water systems shall be designed, constructed and installed in accordance with the requirements of Public Health Act 1991 (Part 4 Microbial Control) and Regulations and AS3666-2002 Air handling and water systems in building - microbial control.

Air Handling

45. All air handling, warm water and water cooling systems shall be designed, installed and maintained in accordance with the requirements of the Public Health Act 1991 (Part 4 Microbial Control) and Regulations and AS3666-2002 Air handling and water systems in building - microbial control.

Air Conditioning

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

Removal of Signage on Change of Occupation

47. All signage associated with the previous use is to be removed from the premises.

Occupational Health and Safety

48. NSW Health and Workcover NSW have developed detailed guidelines known as "Health and Safety Guidelines for Brothels Guide 2001" (publication number 120.1E) which address the key occupational health and safety responsibilities for those involved in the sexual service industry. It is a requirement of Council and the responsibility of the brothel proprietors and principle sex workers that a full copy of the Guidelines is obtained and utilised at the premises. The Guidelines can be obtained from Workcover NSW Ph: 1800 658 134.

General

49. 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:

Hours of Operation

50. The hours of operation for the brothel is permitted 24 hours a day, seven days a week for a trial period of 12 months (from the issue of the Occupation Certificate).

No more than one month prior to the expiry of this period, a modification application made pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 may be lodged to seek that the above "trial period" hours of operation continue on a permanent basis (and the modification of this condition in that regard).

Note: It should be demonstrated that the use has been in effective and continuous operation for at least 6 months during the above period.

The "trial period" hours of operation will continue pending the Council’s determination of any Section 96 modification application lodged in relation to this consent.

If Council is not satisfied that the above "trial period" hours have appropriately addressed the conditions of consent and are having adverse impact upon the locality/neighborhood, and/or Council refuses any Section 96 modification application seeking to continue the "trial period" hours of operation, then the hours of operation shall be in accordance with the following hours of operation:

7.00am to 6.00pm Monday to Friday
7.00am to 12 noon, Saturday, and
Sunday closed

Plan of Management

51. The brothel shall be operated at all times in accordance with the endorsed plan of management (POM). In this regard, the following matters shall be addressed:

• A 24 hour contact number is to be provided to Council.

• An Incident Log (or computerised record) shall be maintained in which are recorded details of any detail of any incident or complaint regarding the use (including time, date, nature of incident/complaint, name and contact number of complaint). The Incident Log shall record action taken in response to reports and the outcome achieved.

• The Incident Log shall be submitted to Council on a 6 monthly basis for Council’s records.

• The operator of the brothel shall prepare, on an annual basis (on the anniversary of the date of the Occupation Certificate) a report that reviews the POM and identifies the need to modify/update the POM. The updated POM shall not remove any existing requirement of the POM unless it is necessary to provide an adequate response to an identified issue and the reasons are documented in the report. Copy of the report and updated POM shall be submitted to Council for its records.
52. The operator shall ensure that all employees are fully aware of the Plan of Management, and comply with its requirements.

**Safety & Amenity**

53. 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.

54. 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.

55. 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.

56. The premises shall be maintained in a clean, sanitary condition and kept in a satisfactory state of repair at all times.

57. **X** The proprietor must provide clean linen (or a clean cover) and towels for the use of each client.

58. **X** All linen, including towelling and other bed coverings which comes into contact with clients shall be changed immediately after each use.

59. An adequate number of receptacles (suitably stored and protected from contamination) shall be provided for the separate storage of used and clean linen.

60. The proprietor shall, whilst the premises is operating, regularly change coverings used on beds, furnishings or the like.

61. The proprietor shall, whilst the premises is operating, immediately change any coverings used on beds, furnishing or the like that are visibly stained with body fluids.

62. It is recommended that private contractors be used to launder towels, sheets and linen. If laundering is carried out on the premises, then the proprietor must install and use a commercial washing machine capable of washing at a temperature of not less than 70 degrees Celsius.

63. All hazardous waste including sharps waste, used condoms, dental dams, soiled tissues, gloves and the like shall be stored in an appropriate containers and disposed of in accordance with the Department of Environment, Climate Change and Water NSW requirements.

64. All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive odour, offensive noise or pollution of land and/or water as defined within the Protection of the Environment Operations Act 1997. All waste generated shall be disposed of by an authorised contractor.

65. Adequate facilities shall be provided for the disposal of used condoms, soiled tissues and other waste products of sexual activity in all rooms, cubicles, booths or the like where sexual activity occurs.
66. The operator shall ensure that the workplace meets the requirements of the Occupational Health & Safety Act.

67. The proprietor shall ensure that all sex workers undertake regular health check-ups.

Note: The proprietors attention is drawn to the provisions of Section 13 of the Public Health Act 1991, which makes it an offence to knowingly permit sex workers suffering from a sexually transmissible disease to have sexual intercourse with other persons unless the client has been informed of the risk and voluntarily agrees to accept the risk.

68. The proprietor shall provide written information, i.e. pamphlets and brochures for sex workers and clients on sexually transmitted infectious diseases in a variety of languages including those of any sex worker who has difficulty communicating in and/or reading the English language.

69. The proprietor shall ensure that sex workers receive appropriate induction, are adequately trained and continually being provided with updated information to examine clients for any visible evidence of sexually transmitted diseases, and that examinations are conducted before any sexual contact.

70. The practice of safe sex should be the basis on which the brothel operates. The proprietor shall supply an adequate supply of condoms, dental dams and water based lubricant free of charge for sex workers and their clients. Condom vending machines are not permitted as a means of supply.

71. The lighting system being appropriately zoned to facilitate cleaning of rooms, cubicles, booths or the like during times when the premises is commercially open.

72. The lighting to all rooms, cubicles, booths or the like shall be fitted with user adjustable dimmer switches or the like to assist safe sexual practices.

73. Each room, cubicles, booths or the like shall contain its own sanitary facilities (including toilet, shower/bath and a wash hand basin) for the use of both sex workers and clients.

74. All required wash hand basins shall be provided with an adequate supply of potable warm water, at a temperature of at least 40 degrees Celsius, under mains pressure, mixed through a common outlet.

75. Liquid soap and disposable hand towels shall be provided near all required wash hand basins on the premises.

76. All chains, attachments and the like associated with slings and other sexual activity apparatus/equipment shall be capable of being easily cleaned.

77. Any equipment or sex toys that have contact with another person's body fluids should be covered by a new condom for each partner. The condom must be removed and discarded after each use, and the equipment cleaned using detergent and water, and then disinfected. All sex workers and staff must wash hands thoroughly after disposal of condoms.

78. Equipment which cannot tolerate immersion must be cleaned by wiping with detergent and water and then disinfected by wiping with either a solution of one part bleach to two parts water or 70% alcohol, rinsed and allowed to dry prior to use. Cleaning and disinfection should be compatible with the manufacturer's instructions.
79. Any douching facilities shall be installed in accordance with Sydney Water requirements for back-flow prevention.

80. Only single-use douche tubes of medical quality shall be available for use on the premises.

81. Skin penetration activities as defined by the Public Health Regulation 2000, shall not be conducted on the premises without the prior approval of Council.

Parking

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

83. At least 5 car parking spaces for the premises at 1/72-80 Percival Road (2 within the subject unit and 3 to the exterior) shall be provided at all times for employee and visitors' vehicles in conjunction with the use of the premises. One (1) of these spaces shall be provided as a disabled car space, and such space shall maintain a minimum width of 3.2 metres.

84. All external parking spaces are to be provided with adequate lighting to minimise potential security and safety concerns during the evening.

Refuse & Trade Waste

85. 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.

General

86. Identification numbers are to be clearly displayed at the front of the premises.

87. No approval is granted or implied with this Consent for the use of the premises as a domicile (that is, the premises shall not be used for residential purposes without prior approval of Council).

88. The licensing of the premises for the sale or consumption of alcoholic beverages is prohibited.

Emergency Procedures

89. 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.

General Noise Condition

90. 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 5\( \text{dB}(A) \) above the existing background \( L_{Aeq} \) level (in the absence of the noise under consideration).
91. 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.

92. 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.
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 Schedule 1 of Development Control Plan 2007, Part I "Exempt and Complying Development".
   (c) The erection of any advertising sign, not being exempt from the need to obtain approval.
   (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.

B. Section 97 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 twelve (12) months of the date of determination, or as otherwise prescribed.

C. Section 82A of the Act provides that an applicant may request, within twelve (12) months of the date of determination of the Development Application, that the Council review its determination (this does not apply to integrated or designated development). A fee is required for this review.

It should also be noted that an application under Section 82A of the Act cannot be reviewed/determined after 12 months of the date of determination. Therefore, the submission of a Section 82A Application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.

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

E. Information regarding the location of underground services may be obtained from Sydney One Call Service (NSW Dial Before You Dig), telephone 1100, Fax 1300 652 077. Inquirers should provide SOCS with the street/road name and number, side of street/road and the nearest cross street/road.

F. A Construction Certificate shall be obtained in accordance with Section 81A (2)(a) of the Act, prior to the commencement of any work on site. Council can provide this service for you.

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

III. SMOKE DETECTORS

A system of self contained smoke alarms complying with the requirements of AS3786-1993, Smoke Alarms, or listed in the Scientific Services Laboratory Register of Accredited Products being installed in the dwelling, connected to the mains power supply and provided with a standby power supply. Alarms are to be positioned on the ceiling and setback a minimum distance of 300mm from any wall. Alarms are to be placed in the vicinity of each area containing bedrooms with a minimum of one (1) alarm required for each storey of the dwelling.

J. 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.

K. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

An administration fee of $30.00 per certificate is payable to Council on lodgement of Construction and Occupation Certificates from Principal Certifying Authorities.
L. 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”.

M. FIRE SAFETY

Paths of travel a minimum of 1000mm wide in accordance with D1.6 of the Building Code of Australia are to be clearly defined and line marked on the floor prior to occupation.

N. In accordance with the requirements of D1.10 of the Building Code of Australia:

(a) bollards or some other method not less effective shall be provided to protect the discharge point of exit(s) and to prevent vehicles blocking the exit or access to the exit.
(b) the path of travel to an exit, road or open space shall be protected by bollards, vehicular kerbs or other physical barrier to ensure the safe passage of persons.
(c) a ramp having a gradient not steeper than 1:14 is to be provided to link the exit point to the public road.

Yours faithfully

Merv Ismay
GENERAL MANAGER

Per: [Signature]
MANAGER DEVELOPMENT
DOCUMENTS ASSOCIATED WITH REPORT ELPP048/19

Attachment 8
DA 2010/206/2 - Notice of Rejection of Application
06 January 2010

Ms H H Cui
103 Hudson Street
HURSTVILLE NSW 2220

Dear Sir/Madam

REJECTION OF DEVELOPMENT APPLICATION: 2010/206/2
SITE: 1/72 PERCIVAL ROAD SMITHFIELD

I refer to the abovementioned Development Application and advise that the application has been REJECTED by Council, in accordance with Clause 51 of the Environmental Planning and Assessment Regulation 2000.

In this regard, Council’s records indicate the owners of the subject site are Ms H H Cui and the Proprietors of Strata Plan 37361. However, the written consent of the Proprietors of Strata Plan 37361 to make the application has not submitted with the application.

Please note that given that the application has been REJECTED, the application is taken for the purposes of the Environmental Planning and Assessment Act 1979 never to be made (pursuant to Clause 51(3) of the Regulations). Accordingly, all fees submitted with the application shall be refunded in full and cheque will be forwarded to you shortly.

If you have any further enquiries please contact Jason Wong Council’s Environmental and Planning Services Department on 9840 9832, Monday to Friday.

Yours faithfully,

Merv Ismay
GENERAL MANAGER

Per: MANAGER, DEVELOPMENT
DOCUMENTS
ASSOCIATED WITH
REPORT ELPP048/19

Attachment 9
DA 2010/206/3 - Notice of Determination of Application
21 January 2011

Ms H H Cui
103 Hudson Street
HURSTVILLE NSW 2220

Dear Madam

PREMISES: 1/72 PERCIVAL ROAD, SMITHFIELD
SECTION 96(1A) MODIFICATION TO DEVELOPMENT CONSENT NO. 2010/206/1
MODIFICATION APPLICATION NO. 2010/206/3

I refer to your application lodged on 12 January 2011 seeking amendment to Development Consent 2010/206/1 issued for internal alterations of an existing industrial unit and fit out of premises and use as a brothel. The modification seeks minor internal alterations to brothel.

Pursuant to Section 96(1A) of the Environmental Planning & Assessment Act, 1979, Council grants approval to modify Development Consent 2010/206/1 as follows.

Condition 2 is amended to read as follows:

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

• Waste Management Plan dated 1 May, 2010; and
• Brothel Plan of Management, dated May 2010 prepared by FK Planning Group;

a) As amended in red by Council. The above amendments are to be incorporated in the Construction Certificate plans.

All other conditions of Development Consent 2010/206/1 (dated 15 September 2010) remain unchanged.

Section 96(6) of the Environmental Planning & Assessment Act 1979 confers upon an applicant, dissatisfied with Council’s determination of an application made pursuant to Section 96(1A) a right of appeal to the Land and Environment Court.
If you have any further enquiries please contact William Attard of Council’s Environmental and Planning Services Department on 9840 9835, Monday to Friday.

Yours faithfully,

Merv Ismay
GENERAL MANAGER

Per:
MANAGER DEVELOPMENT
DOCUMENTS ASSOCIATED WITH REPORT ELPP048/19

Attachment 10

DA 2010/206/4 - Notice of Determination of Application
12 July 2012

Ms H H Cui
103 Hudson Street
HURSTVILLE NSW 2220

Dear Sir/Madam,

PREMISES: 1/72-78 PERCIVAL ROAD SMITHFIELD
SECTION 96 (1A) MODIFICATION TO DEVELOPMENT CONSENT NO: 2010/206/1
MODIFICATION APPLICATION NO: 2010/206/4

I refer to your application lodged on 15 February 2012 seeking amendment to Development Consent 2010/206/1 issued for internal alterations of an existing industrial unit and fitout of premises and use as a brothel. The modification seeks to delete Condition 9 and amend Condition 50 to remove the trial period of the operation of the brothel.

Pursuant to Section 96(1A) of the Environmental Planning & Assessment Act, 1979, Council grants approval for the proposed modification.

Accordingly, Development Consent 2010/206/1 is amended as follows:-

Conditions 9 is deleted

Condition 50 is amended to read as follows:-

50. Hours of operation are permitted to be 24 hours a day, seven days a week.

All other conditions of Development Consent 2010/206/1 remain unchanged.

Section 96AB of the Act provides that an applicant may request, within 28 days of the date of determination of the Section 96 Application, that the Council review its determination (this does not apply to integrated or designated development). A fee is required for this review.

Section 97AA of the Environmental Planning & Assessment Act 1979 confers upon an applicant, dissatisfied with Council’s determination of an application made pursuant to Section 96(1A) a right of appeal to the Land and Environment Court within 6 months of the date of determination.
If you have any further enquiries please contact Mr S J Bell of Council's Environmental and Planning Services Department on 02 9840 9659, Monday to Friday.

Yours faithfully,

Merv Ismay
GENERAL MANAGER

Per:
MANAGER DEVELOPMENT