

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

Business as below:

Yours faithfully

Hamish McNulty
General Manager

ORDER OF BUSINESS

1. Receipt of Apologies
2. Confirmation of Minutes
3. Declarations of Interest
4. Address by invited speakers
5. Reports:
 - Development Applications
 - Planning Proposals
6. Closed Session Reports

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Item No: LPP078/19

DEVELOPMENT APPLICATION 2019/254/1- 43 IRRIGATION ROAD ,SOUTH WENTWORTHVILLE (LOT 32,DP 27474)

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: DA 2019/254/1

Application lodged	28 June 2019
Applicant	DWELL DESIGNS AUSTRALIA
Owner	John Rahme & Belinda Rahme
Application No.	2019/254/1
Description of Land	43 Irrigation Road South Wentworthville (Lot 32, DP 27474)
Proposed Development	Demolition of existing structures and construction of an attached two storey dual occupancy and associated Torrens title subdivision into 2 lots
Site Area	615.9m ²
Zoning	R2 – Low Density Residential
Disclosure of political donations and gifts	Nil disclosure
Heritage	No
Issues	Relative of Councillor

SUMMARY:

1. Development Application No. 2019/254/1 was received on 28 June 2019 for the "Demolition of existing structures and construction of an attached two storey dual occupancy and associated Torrens title subdivision into 2 lots" at 43 Irrigation Road, South Wentworthville.
2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 (fourteen) days between August 7 and August 21 2019. In response, no submissions were received.
3. There are no significant non-compliances with the proposed development having considered the provisions of the Holroyd Local Environmental Plan 2013 (LEP) and Holroyd Development Control Plan 2013 (DCP).
4. The application is recommended for deferred commencement approval subject to the conditions as provided in the attached schedule.
5. The application is referred to the Panel as part owner of the subject site is the relative (brother) of a sitting Councillor of Cumberland Council.

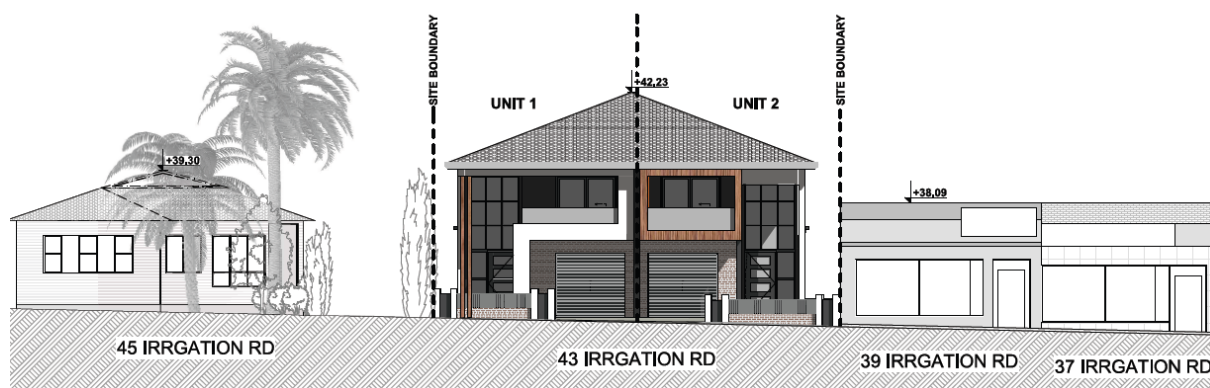


Figure 1 – Streetscape Perspective from Irrigation Road, Looking North (Source: Dwell Designs, 2019)

REPORT:

Subject Site And Surrounding Area

The subject site is known as 43 Irrigation Road, South Wentworthville and is legally described as Lot 32, DP 27474. The site is located on the Northern side of Irrigation Road within the R2 Low Density Residential zone. The site is a regular shaped block with a frontage of 15.24 metres to Irrigation Road. The subject site has a depth of 43.275 metres along the eastern side, 39.625 metres along the western side and a 14.72 metre rear northern boundary. The total site area is 615.9m² by calculation.

The site currently contains a single storey dwelling house with a detached garage and rear shed. The topography of the site is fairly consistent with a slight fall of 680mm from south to north. There is an existing Public Drainage Easement located along the rear boundary of the property measuring 3.6m wide.

Adjoining developments to the subject site include a single storey dwelling to the west at 45 Irrigation Road and a single storey commercial building with shopfront to the east at 39 Irrigation Road.

Figure 2 – Locality Plan of subject site

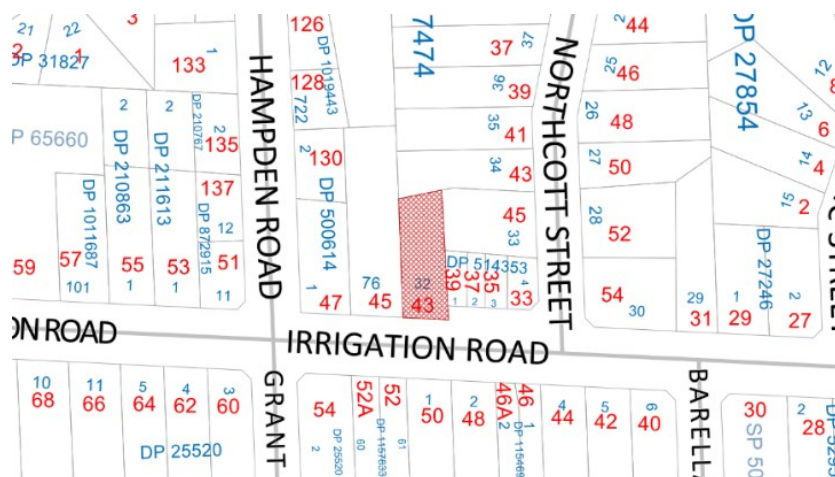


Figure 3 – Aerial view of subject site

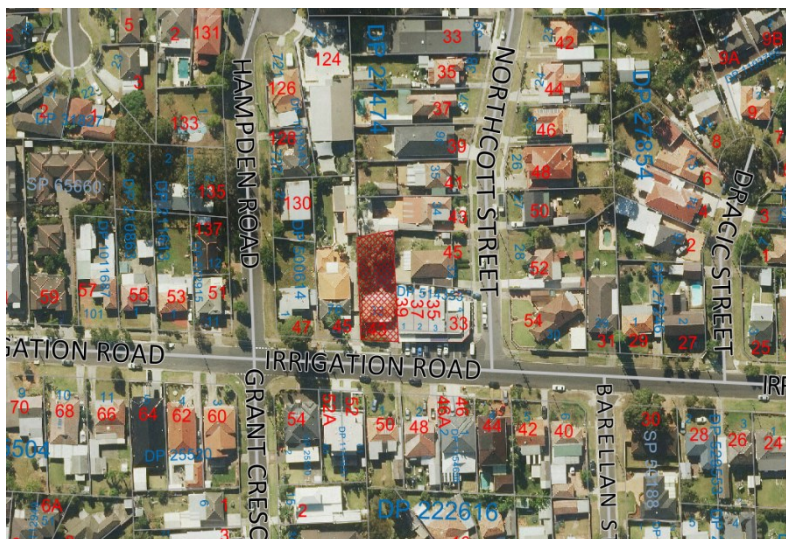


Figure 4 – Street view of subject site



Figure 5 – Street view of the adjoining commercial premises



Description of The Proposed Development

Council has received a development application 2019/254/1 seeking approval for the “Demolition of existing structures and construction of an attached two storey dual occupancy and associated Torrens title subdivision into 2 lots”.

The detailed breakdown of the proposal is as below:

Demolition:

- Single storey dwelling

Construction:

- Two storey attached dual occupancy
 - Unit 1- five (5) bedrooms, three (3) bathrooms and single car garage
 - Unit 2- five (5) bedrooms, three (3) bathrooms and single car garage

History

There is no applicable history of development for the subject site.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Dwell Designs Australia and was received by Council on 28 June 2019 in support of the application.

Contact With Relevant Parties

The assessing officer has undertaken a site inspection of the subject site and surrounding properties on the 16 October 2019 and has been in regular contact with the applicant throughout the assessment process.

Internal Referrals**Development Engineer**

The development application was referred to Council's Development Engineer for comment who has advised that the development proposal is satisfactory and therefore can be supported, subject to recommended conditions of consent.

Tree Management Officer

The development application was referred to Council's Tree Management Officer for comment who has advised that the development proposal is satisfactory and therefore can be supported, subject to recommended conditions of consent.

Rates Officer

The development application was referred to Council's Rates Officer for comment who have advised that the development proposal is supported, subject to recommended conditions of consent.

External Referrals

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

Planning Comments

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

State Environmental Planning Policies

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

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

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

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

The provisions of the Infrastructure SEPP (ISEPP) 2007 have been considered in the assessment of the development application and does not apply to this application.

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

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

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

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

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

BASIX Certificate 1025965M issued on 28 June 2019 prepared by Sustainability-Z Pty Ltd has been submitted with Council and is considered to be satisfactory.

Regional Environmental Plans

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

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

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

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

Local Environmental Plans

Holroyd Local Environmental Plan (HLEP) 2013

The provisions of the HLEP 2013 is applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the HLEP 2013 and the objectives of the R2 Low Density Residential Zone.

(a) Permissibility:-

The proposed development is defined as a "dual occupancy" and is permissible in the R2 zone with consent.

A dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

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

Figure 6 – Holroyd LEP 2013 Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.1 Minimum subdivision lot size	No	However, complies with Clause 4.1A
1. 4.1A Exceptions to minimum lot sizes for certain residential development	2. Yes	3. Proposal is for the purpose of a dual occupancy development

4.3 Height of Buildings Max. 9m	Yes	8.87m building height
4.4 Floor Space Ratio Max. 0.5:1	Yes	Proposed FSR 0.5:1 (307.9m ²)
4.6 Exceptions to development standards	N/A	N/A

A comprehensive assessment and compliance table is contained within attachment 5.

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

(a) Draft State Environmental Planning Policy (Environment)

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

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

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

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

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

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

Holroyd Development Control Plan (HDCP) 2013

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

- Part A - General Controls
- Part B - Residential Controls

A comprehensive assessment and compliance table is contained within attachment 6.

The following table highlights non-compliances with the DCP, which relate primarily to the first floor wall length, and the variation sought is considered satisfactory on merit in this instance:

Figure 7 – Holroyd DCP 2013 Compliance Table

Clause	Control	Proposed	Complies
3.8	Maximum length of walls along the first floor side boundaries shall be 10 metres without any indentations, offsets or other articulation features.	The first floor level side elevations exceed 10m east measuring 14.86m and west measuring 14.13m	No

As indicated in the compliance table above, the proposed development departs from the Part B provisions of Council's Holroyd DCP 2013.

Irrespective of this departure, it is considered that the proposal performs adequately from an environmental planning viewpoint and may be supported for the reasons discussed below:

First Floor Wall Length

The length of the eastern and western first floor walls are non-compliant with Holroyd DCP 2013, which stipulates the maximum length of walls along the first floor side boundaries shall be 10m without any indentations or offsets or other articulation features. However, the proposed wall length of 14.86m and 14.13m respectively are considered acceptable on merit, as there is no bulk and scale impact due to the design of the development. For the reason specified above, and the absence of any detrimental planning impacts, the eastern and western external first floor wall length non-compliance can be acceptable on merit in this specific instance.

The proposed development generally complies with the provisions of Council's Holroyd DCP 2013 and is considered acceptable from an environmental planning view point.

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)(iia))

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

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

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

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

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

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

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

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

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

In accordance with Council's Notification requirements contained within the Holroyd DCP 2013, the proposal was publicly notified for a period of 14 days between 7 August 2019 and 21 August 2019. No submissions were received in respect of the proposed development.

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

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

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

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

Comments:

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

As at 13 November 2019, the fee payable is \$12,318.00.

The amount of the contribution will be determined at the time of payment in accordance with the relevant Contributions Plan in force at that time. This figure is subject to indexation as per the relevant plan. The draft determination attached includes a condition requiring payment of the contribution prior to issue of a Construction Certificate.

Disclosure of Political Donations And Gifts

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

CONCLUSION:

The application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, Holroyd LEP 2013 and Holroyd DCP 2013 and is considered to be satisfactory for approval subject to deferred commencement conditions.

The proposed development is appropriately located within the R2 Low Density Residential Zone under the relevant provisions of the Holroyd Local Environment Plan 2013. The proposal is consistent with all statutory and non-statutory controls applying to the development.

The minor non-compliance with Council's controls has been discussed in the body of this report. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and the development may be approved subject to the deferred commencement conditions.

CONSULTATION:

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

FINANCIAL IMPLICATIONS:

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

POLICY IMPLICATIONS:

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







COMMUNICATION / PUBLICATIONS:

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

REPORT RECOMMENDATION:

1. That Development Application No. 2019/254/1 for Demolition of existing structures and construction of an attached two storey dual occupancy and associated Torrens title subdivision into 2 lots on land at 43 Irrigation Road South Wentworthville be approved under deferred commencement, subject to the conditions contained in Attachment 1 of this report.

ATTACHMENTS

1. Draft Notice of Determination [↓](#) 
2. Architectural Plans [↓](#) 
3. Stormwater Plans [↓](#) 
4. Locality Map [↓](#) 
5. Holroyd Local Environmental Plan 2013 Compliance Assessment [↓](#) 
6. Holroyd Development Control Plan 2013 Compliance Assessment [↓](#) 

DOCUMENTS
ASSOCIATED WITH
REPORT LPP078/19

Attachment 1
Draft Notice Of Determination

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
NOTICE OF DETERMINATION OF APPLICATION****DEFERRED COMMENCEMENT**

11 December 2019

Dwell Designs Australia
PO Box 2294
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: 32 DP: 27474

STREET ADDRESS: 43 IRRIGATION ROAD SOUTH WENTWORTHVILLE

DEVELOPMENT CONSENT NO: 2019/254/1

DECISION: Cumberland Local Planning Panel

DATE FROM WHICH CONSENT OPERATES: TO BE ADVISED UPON SATISFACTORY COMPLETION OF SCHEDULE ‘A’

DATE OF EXPIRY OF CONSENT: TO BE ADVISED UPON SATISFACTORY COMPLETION OF SCHEDULE ‘A’

PROPOSED DEVELOPMENT: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF AN ATTACHED TWO STOREY DUAL OCCUPANCY AND ASSOCIATED TORRENS TITLE SUBDIVISION INTO 2 LOTS

This Development Application is APPROVED in accordance with the Environmental Planning & Assessment Act 1979 and is subject to compliance with the requirements of Cumberland Council, the Building Code of Australia, the Local Government Act 1993, and the following conditions as set out hereunder and/or endorsed upon the attached plans.

THIS CONSENT DOES NOT OPERATE UNTIL COUNCIL IS SATISFIED THAT ALL SCHEDULE ‘A’ CONDITIONS HAVE BEEN SATISFIED.

SCHEDULE “A”

Consent to the demolition of existing structures and construction of an attached two storey dual occupancy and associated Torrens title subdivision into 2 lots shall not

operate until all of the following Schedule “A” conditions have been complied with to Council’s satisfaction.

Bus Stoppage

1. There is an existing seat at the street frontage of the site across the proposed driveway. The seat is associated with an existing bus stoppage at the front. The applicant shall contact the relevant bus authority/service provider to get their consent for relocating the seats. A written letter from the concerned authority shall be submitted to Council in this regard. The seats must be relocated if it is recommended by the concerned authority prior to schedule B conditions becomes operable.

Boundary fencing flood affected areas

2. The development site has been identified as a flood affected site in the 1% Annual Exceedance Probability (AEP) storm event. The boundary fences within the flood affected area(s) are therefore required to be constructed in accordance with Council’s standard detail SD8025. Owners’ consent from all affected property owner(s) stating that they consent to the new fence construction is required to be submitted to Council.

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 by the date of expiry shown on the front page of this consent.
2. The development is to be carried out in accordance with the following endorsed plans and documents:

- Architectural Plans prepared by Dwell Designs Australia, Job no. 1810536 – as amended to satisfy Condition 11 and Schedule 'A';

Title	Drawing no.	Revision/issue	Dated
Site Plan	3/18	A	27 June 2019
Ground floor plan	4/18	A	27 June 2019
First floor plan	5/18	A	27 June 2019
South & West elevations	6/18	A	27 June 2019
North & East elevations	7/18	A	27 June 2019
Building Sections	9/18	A	27 June 2019
Driveway section	10/18	A	27 June 2019
Front Fence Plan	13/18	A	27 June 2019
Demolition Plan	14/18	A	27 June 2019
Sediment Control Plan	15/18	A	27 June 2019
Subdivision Plan	16/18	A	27 June 2019

- Landscape Plan prepared by Monaco Designs, Job No. 5336, Sheet 1 of 2 and 2 of 2, dated 27 June 2019;
- Stormwater Layout Plans prepared by SGC Consulting Engineers (OSD Plan 2019-166), Sheets 1 of 4 to 4 of 4 (inclusive), all revision A, 28 June 2019;
- BASIX Certificate Numbers 1025965M, issued on 28 June 2019;
- Schedule of External Colours and Finishes, prepared by Dwell Designs Australia, job no. 180536, dated 27 June 2019;
- Waste Management Plan prepared by Dwell Designs Australia, dated 27 June 2019;

- a) Except as otherwise provided by the conditions of this determination and/or marked in red.

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

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

4. Either Council or a Private Certifier is to be appointed as the Principal Certifying Authority (PCA) for the development in accordance with Section 6.6 of the Act.

Accordingly, wherever reference is made to the Principal Certifying Authority in this Consent, it refers to Council or the Private Certifier as chosen by you.

Note: Once you have chosen either Council or a Private Certifier as the PCA, you cannot change from one to the other, or from one Private Certifier or another, without the approval of Department of Planning & Infrastructure.

5. The applicant shall consult with, as required:

- (a) Sydney Water Corporation Limited
- (b) Integral Energy
- (c) Natural Gas Company
- (d) A local telecommunications carrier

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

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

Demolition

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

8. Permission is granted for the demolition of the existing structures on the property, subject to strict compliance with the following:-

- a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - *Demolition of Structures*. **Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications. a) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. The demolition must not commence prior to the date stated in the notification.
- b) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Cumberland Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to

Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.

- c) On the first day of demolition, work is not to commence until Cumberland Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with WorkCover's document "Your Guide to Working with Asbestos", a copy of which accompanies this Development Consent and demolition works must at all times comply with its requirements.
- d) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 8757 9000. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
- e) Demolition shall not commence until all trees required to be retained/transplanted are protected in accordance with those conditions stipulated under "Prior to Works Commencing" in this Consent.
- f) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- g) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" **and** a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- h) Demolition is to be completed within 5 days of commencement.
- i) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- j) Protective fencing is to be installed to prevent public access to the site.
- k) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Office of Environment and Heritage (OEH).
- l) Before demolition operations begin, the property shall be connected to the sewer of Sydney Water to which a pedestal pan shall be temporarily connected for the use as the employees' toilet service during demolition operations.
- m) After completion, the applicant shall notify Cumberland Council within 7 days to assess the site and ensure compliance with AS2601-2001 – *Demolition of Structures*.

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

- n) Within 14 days of completion of demolition, the applicant shall submit to Council:
 - i) An asbestos clearance certificate carried out by a licensed asbestos assessor (normally a NATA accredited occupational hygienist), or a person who has the knowledge and skills to be a licensed assessor, regardless of whether or not they are licensed; and

ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent under Holroyd DCP 2013 Part A, Section 11.0. **In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials;** and

Note: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and under 'Facilities and Labs' click on 'Facilities List by Field', then click on 'Chemical Testing', then click on 'Asbestos' and finally click on 'identification'. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

9. Payment of **\$482.00** fee for inspection by Council of the demolition site prior to commencement of any demolition works.

BASIX (Building Sustainability Index)

10. Under Clause 136D of the Environmental Planning & Assessment Regulation 2000, it is a condition of this Development Consent that all the commitments listed as per Condition 2 in relation to BASIX are fulfilled.

NOTE: FEES, BONDS & CONTRIBUTIONS INDICATED IN CONDITIONS OF THIS CONSENT MAY VARY IN ACCORDANCE WITH THOSE ADOPTED BY COUNCIL AT SUBSEQUENT ANNUAL REVIEWS OF ITS "FEES AND CHARGES" AND SUBSEQUENT CHANGES TO THE BUILDING PRICE INDEX. FEES CHARGED WILL BE THOSE CURRENT AT THE TIME OF PAYMENT.

PRIOR TO ISSUE/RELEASE OF CONSTRUCTION
CERTIFICATE/PRELIMINARY CONDITIONS FOR DEMOLITION

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

Amended Plans

11. Amended plans shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate addressing the following issues:
 - i. The unit 1 alfresco opening shall be fitted with a privacy screening along the west elevation to a minimum height of 1.5m from the finished floor level;
 - ii. The unit 2 alfresco opening shall be fitted with a privacy screening along the east elevation to a minimum height of 1.5m from the finished floor level;
 - iii. The internal door to the garage of both unit 1 and unit 2 shall be amended to provide either an outwards opening or sliding door to maintain a clear length and width for car parking;
 - iv. The subdivision plan shall be amended to reflect the sum of the all lots as a total of 615.9sqm;
 - v. Basix commitments including water tanks shall be consistently shown on all plans (including architectural plans and stormwater plans).

Payment of Bonds, Fees and Long Service Levy

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

Section 7.11 Contribution

13. Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.11 of the *Environmental Planning and Assessment Act 1979* and Holroyd Section 94 Development Contributions Plan 2013, for one (1) additional dwelling is to be paid to Council. At the time of this development consent, the current rate of the contribution is **\$12,318.00**. The amount of the contribution will be determined at the time of payment in accordance with the relevant Contributions Plan in force at that time. A copy of the Holroyd Section 94 Development Contributions Plan 2013 can be viewed on Council's website at www.cumberland.nsw.gov.au or inspected at Council's Civic Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

Damage Deposit

14. A cash bond/bank guarantee of **\$2,850.00** must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for 'six (6) months after the completion of works' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

Note:- The applicant/owner shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council's property unless the applicant/owner notifies Council in writing and provides photographic proof of any

existing damage to Council's property. Such notification shall occur prior to works/demolition commencing. However, if in the opinion of Council, during the course of construction existing damage has worsened, Council may require full reinstatement. If damage does occur during the course of construction, prior to reinstating any damage to Council's property, the applicant/owner shall obtain design specifications of all proposed restoration works. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the applicant/owners expense and shall be inspected by Council prior to placement of concrete and/or asphalt.

Consistency with Endorsed Development Consent Plans

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

Landscape Inspection Fee

16. Payment of a **\$343.00** fee for the inspection by Council of landscape works and/or trees to be retained at the key stages, where Council is the Principal Certifying Authority.

Engineering Fees and Bonds

17. Payment of a **\$626.00** fee for the inspection by Council of the stormwater drainage and Stormwater Detention System at the key stages, where Council is the Principal Certifying Authority.
18. The applicant shall lodge with Council a **\$1,500.00** cash bond or bank guarantee to cover the removal of redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
19. The applicant shall lodge with Council a **\$1,000.00** 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.
20. The applicant shall lodge with Council a **\$6,290.00** 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

21. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a **\$201.00** fee for the assessment of the Traffic Management Plan by Council, prior to commencing works within the road reserves. A copy of the approved Traffic Management Plan shall be kept on site during the course of construction for reference and compliance.

Sight Distance

22. To maintain sight distance to pedestrians, all fencing and landscaping within 2m of a driveway shall have a maximum height of 1.0m 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 0.35m and a minimum spacing of 1.2m. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

On-Site Stormwater Detention

23. The development has been identified as requiring an on-site stormwater detention (OSD) system which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, OSD plan number 2019-166 and Council's on-site detention policy shall be submitted to the certifying authority prior to the issue of a construction certificate. The system shall generally be in accordance with the stamped approved drawings.
24. The OSDs for both the units are proposed within 1% AEP flood extent areas, which is not accepted by Council's OSD policy. As such, both the OSDs shall be relocated to flood free areas preferably at the front.
25. Detailed design drawings and calculations shall be prepared by a practising Civil Engineer. Design and construction of the OSD system shall be in accordance with Council's OSD policy and UPRCT handbook volume 3. The amended plan shall be submitted to Council for approval by the manager Engineering Services and Traffic.
26. The discharge pipes of both the OSDs shall be connected to Council's stormwater pipe running through the rear boundary at a single point.

Proposed vehicular access

27. Final boundary location and levels at the driveway shall be approved by Council. A long section shall be provided at each driveway and include the public road and footpath profile, with relevant levels and dimensions shown.

Required Submissions to Certifying Authority

28. 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.
29. Structural engineer's details prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.
30. 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.
31. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

Salinity

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

Details of proposed methods of construction are to be detailed in the engineering plans and submitted to the PCA.

Note: Further information for building in a saline environment is available in the following documents:

“Building in Saline Environment” prepared by DIPNR 2003.

Water Sensitive Urban Design in the Sydney Regions “Practice Note 12: Urban Salinity”

Wagga Wagga City Council’s “Urban Salinity Action” October 1999

“Guide to Residential Slabs and Footings in Saline Environments” prepared by Cement Concrete and Aggregates Australia, May 2005.

Sydney Water

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

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

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

PRIOR TO DEMOLITION /WORKS COMMENCING

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

Appointment of Principal Certifying Authority and Notification of Commencement of Work

34. The person having the benefit of the development consent, not the principal contractor (builder), must:
- a) Appoint a Principal Certifying Authority in accordance with Section 6.6 of the Act.
 - b) Have the Principal Certifying Authority complete the 'Accredited Certifier Details' on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.
 - c) Notify Council of the appointment of the Principal Certifying Authority and of the intention to commence building work, such notification is to be given to Council at least two (2) working days prior to the proposed commencement date, and be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

If nominated, Council can provide this service for you and act as the Principal Certifying Authority.

N.B. The Principal Certifying Authority must also notify the person having the benefit of the Development Consent of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work such notification must comply with Clause 103A of the Regulations.

Notification of Principal Contractor (Builder)/Owner-Builder

35. The person having the benefit of the Development Consent must:
- (a) Notify the Principal Certifying Authority that the person will carry out the work as an owner-builder, if that is the case;

OR

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

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

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

Photographic Record of Council Property – Damage Deposit

36. The applicant shall submit to Council, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full and satisfactory photographic record of the condition of Council's property (i.e., road pavement, kerb and guttering, footway, stormwater drainage, etc.) adjacent to the subject site. The purpose of the photographic record is to establish any pre-existing damage to Council's property to ensure that you are not liable for any re-instatement works associated with that

damage. However, if in the opinion of Council, the existing damage has worsened or any new damage is caused during the course of construction, the Council may require either part or full re-instatement.

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

Required Submissions to Council or the Principal Certifying Authority

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

Notification to Relevant Public Authority

38. 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

39. 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

40. 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

41. 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

42. 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

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

Note: On-the-spot fines may be issued by council where measures are absent or inadequate.

Footpaving, Kerbing and Guttering

44. 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.
45. 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

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

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

Toilet Facilities

47. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- a) Must be a standard flushing toilet, and
- b) Must be connected:
 - i) To a public sewer,
 - ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - iii) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
 - iv) The position of the toilet on the site shall be determined by Council's Building Surveyor and/or Sydney Water.

Residential Building Work - Insurance

48. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Cumberland Council) has given Cumberland Council written notice of the following information:-

- (a) In the case of work for which a Principal Contractor is required to be appointed:
 - (i) The name and licence number of the Principal Contractor, and
 - (ii) The name of the insurer by which the work is insured under Part 6 of that Act,
- (b) In the case of work to be done by an owner-builder:
 - (i) The name of the owner-builder, and
 - (ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Cumberland Council) has given Cumberland Council written notice of the updated information.

The notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

Roadworks

49. The applicant is to submit to Council an application for a road opening permit when the drainage connection into Council's system is within the road reserve. In this regard the

applicant shall pay Council the **relevant fee** prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve.

50. 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

51. 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.
52. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
53. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of \$20,000,000 is to be submitted prior to commencement of works. Cumberland Council shall be named on the Certificate of Currency as an interested party.

Property/Street Number

54. Council is the authority responsible for the allocation of all official property addresses. For ease of identification of your new development it is important that the allocated property numbers are used and displayed prominently. It is requested that you contact Council as soon as possible before construction is commenced to discuss proposed addressing for your development.

Please email your site plan to council@cumberland.nsw.gov.au or contact Council's Rates Section by phone on 8757 9000.

DURING DEMOLITION / CONSTRUCTION

The following conditions are applicable during demolition / construction:

Endorsed Plans & Specifications

55. 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

56. 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

57. 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.
58. 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.
59. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

Asbestos Cement Sheeting

60. i) All asbestos cement sheeting must be removed by contractors with an appropriate licence issued by WorkCover and who are familiar with asbestos removal prior to the commencement of:-
- (a) Recladding or brick veneering of any building where the existing walls to be covered are currently clad with asbestos cement;
- OR
- (b) Construction work where new work abuts existing asbestos cement sheeting and/or where parts of the existing building clad with asbestos cement sheeting are to be altered or demolished.

Removal must be carried out strictly in accordance with WorkCover's "Your Guide to Working with Asbestos" (copy attached).

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

Note: The person responsible for disposing of the above asbestos waste is to telephone the OEH on (02) 9995 5000 or Council's Waste Officer on (02) 8757 9000 to determine the location of a tip licensed to receive asbestos.
Upon completion of tipping operations the applicant shall lodge with the Council, all receipts issued by the receiving tip as evidence of proper disposal.

iii) Within fourteen (14) days of completion of renovation or recladding or brick veneering works where asbestos cement sheeting was removed, the applicant shall submit to Council an asbestos clearance certificate prepared by a NATA accredited occupational hygienist.

Note: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and under 'Find a Facility or Lab' type in 'asbestos identification' in 'keywords' then click on 'chemical testing' in NSW then click on the search button. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

Waste Management Plan

61. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.
62. 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

63. 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

64. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has 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

65. 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

66. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
67. New 1.8m high lapped and capped timber paling or colorbond fences (colour to be sympathetic with the development) determined in consultation with adjoining property owner(s), are to be erected along and within the side and rear boundaries and between courtyards at full cost to the developer, such fencing to be constructed on or within the property boundary. In situations where the boundary fence is proposed on top of a retaining wall, the height of the fence shall not exceed a maximum of 2.4m as measured from the lower adjacent ground level. A Statutory Declaration or other documentary evidence of such consultation is to be submitted to the Principal Certifying Authority.

Tree Protection

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

Pruning of Branches

69. Branches of trees to be retained/transplanted within 1m of the approved building, may be pruned by an Arborist qualified to at least Australian Qualification Framework (AQF) Certificate Level 3 in accordance with Australian Standard AS4373-1996 'Pruning of Amenity Trees' to enable demolition/construction works to occur.

Note: Any other pruning works not authorised by this Consent are subject to the approval of an application for General Tree Works activities.

Inspection of Works

70. 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 the construction of the detention basin/tank.
 - (b) Prior to landscaping of the 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.

71. The stormwater drainage works connecting into the Council stormwater pipe shall be inspected by Council during construction. 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:
- Initial inspection to discuss concept and site conditions/constraints prior to commencement of the drainage connection.
 - Prior to backfilling of the trench following the laying and connection of the storm water pipe.
 - Final Inspection.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Note: A private certifier or PCA cannot be engaged to do this inspection.

Road Works and Footpaving

72. Pedestrian access, including disabled and pram access, is to be maintained as per Australian Standard AS1742.3 "Part 3 – Traffic Control Devices for Works on Roads".
73. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

Underground Cabling

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

Power Connection

75. Where power connection is not available on the same side of the street an intermediate power pole (one power pole per development site) can be provided within the front setback of the property to allow above-ground connection from the existing power lines (for dwellings, secondary dwellings and dual occupancy developments only).

Connection from the intermediate power pole to each dwelling must be underground.

Rainwater Tank

76. The design of any aboveground rainwater tank(s) should allow a horizontal clearance of at least 450mm for pedestrian movement. The tank(s) must not exceed 2.4 metres in height above ground level, including any stand for the tank(s).

Vehicle Cleansing

77. Concrete trucks and trucks used for the transportation of building materials shall not traffic soil, cement or similar materials onto the road. Hosing down of vehicle tyres shall be conducted in a suitable off-street area where wash water is prevented from entering the stormwater system or adjoining property.

Importation of Fill

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

Additional Information during Demolition/ Construction

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

PRIOR TO ISSUE OF A FINAL OCCUPATION CERTIFICATE

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

Certificates/Documentary Evidence

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

Sydney Water

81. A Section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

Application can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised Water Servicing Coordinator or Sydney Water.

Following application, Sydney Water may issue a Notice of Requirements letter detailing all requirements that must be met prior to the issue of the section 73 certificate.

The section 73 compliance certificate must be submitted to the Principal Certifying Authority prior to the issue of a final occupation certificate.

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

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

Landscaping/Tree Protection

83. Certification is to be provided to the Principal Certifying Authority (PCA), from the designer of the landscape proposal, that all tree planting/landscape works have been carried out in accordance with the endorsed plan. If Council **is** the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council **is not** the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.
84. Two (2) Acer Palmatum trees are to be planted in a suitable location within the property in the front rear yard. The trees are to come from a minimum 45L container and be planted, so as not to affect existing services, and in accordance with the attached guidelines.

Fencing

85. Boundary and courtyard fences must be erected and finished in a professional manner.
86. The development site has been identified as a flood affected site in the 1% Annual Exceedance Probability (AEP) storm event. In this regard, the entire northern fence and half of eastern and western fence on the northern side shall need to be constructed in

accordance with Council's standard detail SD8025. The pool type fencing shall need to be provided at the base of the boundary fence to the extent of the 1% AEP post development flood level. The fencing shall need to be constructed in consultation with adjoining affected property owners at full cost of the owner of this development prior to the issue of any occupation certificate.

Certification

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

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

88. 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.
89. A certificate of compliance in accordance with Council's standards and specifications for stormwater and On Site Detention plan shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.
90. 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.

91. A maintenance schedule for the stormwater and On-Site Detention system including a sketch plan of the components forming the sites stormwater and On-Site Detention system shall be submitted. The maintenance schedule shall be prepared by a qualified hydraulic engineer and shall be in accordance with the Upper Parramatta River Catchment Trust requirements.

On-site Stormwater Detention Plate

92. An On-site Stormwater Detention plate shall be installed within the detention basin or tank. The plate shall be located in or near the Discharge Control Unit to alert future owners of their obligations to maintain the facility and its restrictions. The wording and plate shall be in accordance with Council's standard requirements.
93. The applicant shall provide a standard OSD sign within the aboveground basin area in accordance with Clause 7.1 (i) of the Council's OSD policy.

Inter-allotment drainage

94. Stormwater pipe running through a lot while serving another lot shall be covered by a one meter wide easement. The easement shall be shown on the linen plan and noted on

section 88B instrument specifying burdened and benefiting lots. Documents relative to the creation of the easement to be lodged with the NSW Land Registry Services with registration being effected prior to subdivision certificate is issued.

Parking/Driveway

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

Road Works

96. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
97. A full width **medium** duty vehicular crossing shall be provided opposite the shared vehicular entrance for the development, with a minimum and maximum width of **5m** at the boundary line. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.
98. The reconstruction of cracked and/or damaged concrete footpath, kerb and gutter, and any associated works along all areas of the site frontage. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD 8100 and issued level sheets.
99. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting at Irrigation Road, 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.
100. 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.
101. A certificate of compliance for the construction of the vehicular crossing/s, footpath paving, kerb and guttering, roadworks and stormwater drainage shall be obtained from Council and be submitted to the Principal Certifying Authority.

House/Street Number

102. A house/street number must be displayed on all newly developed properties

The unit /dwelling numbers are as follows:

- Unit/Lot 1: 43B Irrigation Road, South Wentworthville; and
- Unit /Lot 2: 43A Irrigation Road, South Wentworthville.

General

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

PRIOR TO RELEASE OF LINEN PLAN

The following conditions are to be complied with prior to the Release of the Linen Plan:

Linen Plan

104. The linen plans for the subdivision when lodged for final approval must be accompanied by four (4) copies and linen plan release fee of **\$200.90**.

88B Instrument

105. As per condition 90 of this Development Consent a restriction on the use of the land and a positive Covenant are to be created for the protection and ongoing maintenance of the On Site Detention. The Section 88B instrument required is to be created in association with the subdivision and is to be in accordance with Cumberland Council's standard wording. The instrument should also be used to create any Right of Carriageway and easement required. Provision is to be made for the General Manager of the Council or his/her designate to sign the document and it is to be appropriately noted on the linen plan of strata subdivision.

Public Utilities

106. The Principal Certifying Authority is to be provided with a current Section 73 Certificate for the property from Sydney Water.
107. Public utility services (including water, sewer, electricity and telephone) shall be provided and any easements necessary created to the satisfaction of the relevant servicing authorities.

Evidence of such is to be submitted prior to release of the linen plan of subdivision.

Easements

108. A reciprocal easement for support over proposed Unit/Lot 1 and proposed Unit/Lot 2 shall be created and submitted to the Principal Certifying Authority prior to the release of the subdivision certificate.

General

109. 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

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

Noise

111. The operation of the pump from the rainwater tank shall not give rise to an equivalent continuous (LA_{eq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA₉₀ level (in the absence of the noise under consideration). Council may require an Acoustic Report to be submitted, prepared by a suitably qualified person, to ensure this requirement is met in the event of Council receiving complaints.
112. The operation of all plant and equipment shall not give rise to an equivalent continuous (LA_{eq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background L_{A90} level (in the absence of the noise under consideration).
113. Noise and vibration from the use of the air conditioning system (if any installed) shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10:00pm and 7:00am on weekdays and 10:00pm and 8:00am on weekends and public holidays.

General

114. All privacy measures as required by this development consent shall be maintained for the life of the development and shall not be altered without prior approval of Council.

ADVISORY NOTES**Other Necessary Approvals**

- A. The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
- (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council's Tree Preservation Order protects trees by definition taller than 3.5m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council's Tree Management Officer.
 - (b) Any fencing located forward of the proposed building and exceeding the limitations specified in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
 - (c) The erection of any advertising sign, not being exempt from the need to obtain approval.
 - (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.
- B. If you carry out building work as an owner builder and sell your home within seven (7) years from the date of completion (date of final occupation certificate), then a Certificate of Insurance must be attached to your Contract of Sale.
- C. Modifications to the approved plans will require the lodgement and consideration by Council of a modification application pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.
- D. Section 8.7 of the Act provides that an applicant who is dissatisfied with the Council's determination of the Development Application may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed.
- E. Section 8.3 of the Act provides that an applicant may request, within six (6) months of the date of determination of the Development Application, that the Council review its determination (this does not apply to designated development). A fee is required for this review.

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

F. **DIAL BEFORE YOU DIG**

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

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

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

I. DEMOLITION

- (a) Demolition is to be carried out in such a way and with such control measures as are necessary to prevent the occurrence of any dust, noise, runoff or other nuisance.
- (b) All sediment/soil is to be prevented from entering Council's stormwater drainage system.
- (c) The public footpath and roadway is to be protected against damage as a result of demolition activities and is to be kept clean and free of all soil and other materials.
- (d) On completion of demolition the site is to be left in a clean and tidy condition.
- (e) Cumberland Council has a Tree Management Order which applies to the entire Cumberland Council. No ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees exceeding 3.5m in height and 3m in branch spread shall take place without the prior written consent of Cumberland Council.
- (f) There shall be no burning of any waste, as this is prohibited within the Cumberland Council.
- (g) Demolition material can be recycled saving the environment and also tipping costs. For more information, contact the Environment Protection Authority's Recycling hotline on 9325 5555.
- (h) Public roads shall be kept clean and free of any materials which may fall from vehicles or plant to ensure safety and amenity of the area.

J. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

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

K. BANK GUARANTEES

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

To enable the bank guarantee to be enforceable during an entire project with consideration for delays, **the guarantee must not contain a facility expiry date.**

To get to Standard and Poors www.standardpoors.com then from Ratings Action choose Ratings Lists. Then click on Financial Institutions followed by clicking on Financial Institutions Counterparty Ratings List. Go to "**Banks**" and download to Australian Banks.

To get to Moodys www.moodys.com then look up Ratings and then Banking and then Bank Ratings list. It will take you to Bank Credit Research page. Look at the table of contents and choose Global Bank Ratings by Country. Look up Australian Banks.

L. SMOKE DETECTORS

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

M. TERMITE PROTECTION

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

N. WET AREAS

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

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

1. A current Certificate of Accreditation for the product.

AND

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

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

O. LANDINGS

A landing having a minimum length of 750mm and a grade no steeper than 1:50, must be provided where the sill of a threshold of a doorway opens onto a stair that provides a change in floor level or floor to ground level greater than 3 risers or 570mm in accordance with Clause 3.9.1.3 (Stair Construction) of the Building Code of Australia.

P. SOUND TRANSMISSION AND INSULATION

To ensure the amenity of occupants in attached residential development (Class 1 buildings), separating walls must be constructed in accordance with Part 3.8.6 of the Building Code of Australia.

Q. GLAZING CERTIFICATION

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

R. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

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

S. DIVIDING FENCES

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

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

Yours faithfully

Jai Shankar
COORDINATOR

-

DEVELOPMENT








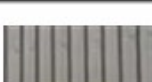

ADVISORY

SERVICES

DOCUMENTS
ASSOCIATED WITH
REPORT LPP078/19

Attachment 2
Architectural Plans

Sheet Index	
Layout ID	Layout Name
.1	Cover Sheet
.2	Site Analysis
.3	Site Plan
.4	Ground Floor Plan
.5	First Floor Plan
.6	South & West Elevations
.7	North & East Elevations
.8	Pervious/Impervious Calculation
.9	Building Sections AA & BB
.10	FSR Calculation / Driveway Sections
.11	Doors and Windows List
.12	Shadow Diagrams - Winter Solstice
.13	Front Fence / Streetscape
.14	Demolition Plan/ Traffic Management Plan
.15	Sediment Control Plans
.16	Subdivision Plan
.17	3D Views
.18	Survey

Colour Scheme		
SAMPLES	COLOUR	SURFACE
	Charcoal Stamped Concrete	Driveway
	'Black' by Dulux or Similar	- External walls rendered and painted (refer to 3D views and Elevations)
	'Gaveman' by Dulux or Similar	- External walls rendered and painted (refer to 3D views and Elevations) - Front fence elements
	'Vivid White' by Dulux or Similar	- External walls rendered and painted (refer to 3D views and Elevations) - Front fence elements
	Timber	- External Feature Elements (refer to 3D views and Elevations)
	'Everyday Life - Freedom' by Austral or Similar	- External Walls Face brick (refer to 3D views and Elevations) - Front fence elements
	- Grey Tiles	- Porch and Terrace
	'Sudimist' Corrugated Colorbond Sheet	- Roof, roofing at rear (refer to 3D views and Elevations)
	- Terra Shingle Ghost by Dulux or Similar	- Roof tiles on both houses

Note : Colour of proposed samples may change upon execution.



CONSTRUCTION OF A DETACHED DUAL OCCUPANCY WITH BASEMENT

LOT 32, D.P. 27474, AREA = 619.70 m²
43 IRRIGATION RD, SOUTH WENTWORTHVILLE, NSW 2160



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SCALE 1 : 100

AMENDMENTS

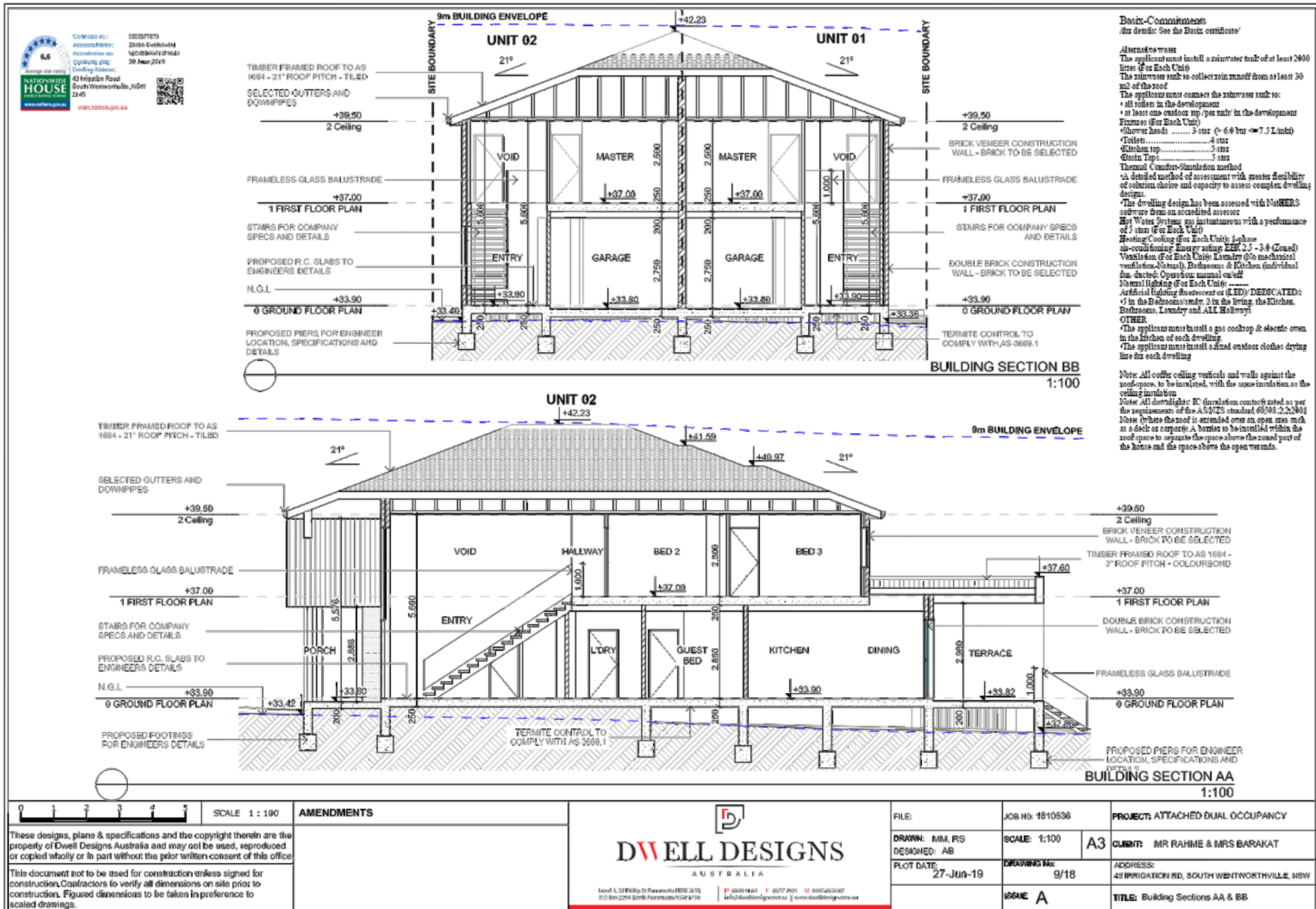
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FILE:	JOB NO: 1810536	PROJECT: ATTACHED DUAL OCCUPANCY
DRAWN: MM, RS DESIGNED: AB	SCALE: A3	CLIENT: MR RAHIME & MRS BARAKAT
PLOT DATE: 27-Jun-19	DRAWING NO: 1/18	ADDRESS: 43 IRRIGATION RD, SOUTH WENTWORTHVILLE, NSW
	ISSUE A	TITLE: Cover Sheet



GENERAL NOTES:

ALL CONCRETE FOOTINGS, FLOOR SLABS, COLUMNS AND TIMBER ROOF FRAMING TO STRUCTURAL ENGINEER'S DETAILS.
EXTERNAL RL TO CIVIL ENGINEER'S DRAWING.
SELF-CONTAINED SMOKE ALARM REQUIREMENTS IN ACCORDANCE WITH CLAUSE 9 OF SPECIFICATION E 1.7 OF S.C.A.
ALL ASPECTS OF THE BUILDING WORK SHALL COMPLY WITH THE RELEVANT PROVISIONS OF THE LOCAL GOVERNMENT REGULATIONS 1993 AND BUILDING CODE OF AUSTRALIA.

GENERAL LEGEND

- PROPOSED LEVEL POINTS
- EXISTING LEVEL POINTS
- FOOTPRINT OF PROPOSED FLOOR PLAN
- FOOTPRINT OF EXISTING HOUSE

COMPLIANCE TABLE

CONTROL	PROPOSAL	REQUIREMENT	CONTROL
FSR	UNIT 01: 154.55 m ² 0.5:1 UNIT 02: 154.55 m ² 0.5:1	UNIT 01: 154.55 m ² 0.5:1 UNIT 02: 154.55 m ² 0.5:1	YES
HEIGHT	UNIT 01: 4.35 - 5.0m UNIT 02: 4.35 - 5.0m	BUILDING = 0m	YES
SIDE SETBACK	UNIT 01: 0.0m - 1.82m UNIT 02: 0.0m - 1.72m	0.9m	YES
FRONT SETBACK	6.0m - 6.4m	4.5m (ARTICULATED ZONE)	YES
REAR SETBACK	UNIT 01: 19.50 - 19.44m UNIT 02: 13.35 - 17.10m	20% (SITE COVERAGE) = 11.85m - 12.56m	YES
LANDSCAPE AREA	UNIT 01: 103.54 m ² 41.02% UNIT 02: 103.54 m ² 41.02%	UNIT 01: 77.46 m ² 31% UNIT 02: 77.46 m ² 31%	YES
SITE COVERAGE	UNIT 01: 103.54 m ² 41.02% UNIT 02: 103.54 m ² 41.02%	UNIT 01: 154.55 m ² 50% max UNIT 02: 154.55 m ² 50% max	YES
PRIVATE OPEN SPACE AREA	UNIT 01: 0.01 m ² 0.00% UNIT 02: 0.01 m ² 0.00%	UNIT 01: 0.01 m ² 0.00% max UNIT 02: 0.01 m ² 0.00% max	YES

DESIGN DATA SCHEDULE :

SITE AREA	= 619.70 m ²
UNIT 01	LOT 01 = 309.85 m ²
GROUND FLOOR AREA	= 77.23 m ²
FIRST FLOOR AREA	= 77.70 m ²
GARAGE AREA	= 20.83 m ²
GROSS FLOOR AREA (exc garage)	= 154.93 m ²
OPEN SPACE AREA	= 94.31 m ²
UNIT 02	LOT 02 = 309.85 m ²
GROUND FLOOR AREA	= 77.27 m ²
FIRST FLOOR AREA	= 77.66 m ²
GARAGE AREA	= 18.77 m ²
GROSS FLOOR AREA (exc garage)	= 154.93 m ²
OPEN SPACE AREA	= 91.81 m ²
TOTAL GROSS FLOOR AREA (exc garage)	= 309.86 m ²



NOTE:

- ALL EXTERNAL GROUND FLOOR CONSTRUCTION WALLS TO BE DOUBLE BRICK
- ALL EXTERNAL FIRST FLOOR CONSTRUCTION WALLS TO BE BRICK VENEER
- ALL ALUMINIUM DOORS & WINDOWS TO BE ANODISED ALUMINIUM (REFER TO COLOUR SCHEME)

Basic Commitments

For details: See the Basic Certificate

Alternative water

The applicant must install a rainwater tank of at least 2400 litres (For Each Unit)
The rainwater tank to collect rain runoff from at least 34 m² of the roof

The applicant must connect the rainwater tank to:

- all toilets in the development
- at least one outdoor tap per unit in the development

Fixtures (For Each Unit)

Shower heads 3 star (> 6.0 but <= 7.5 L/min)

Toilets 4 star

Kitchen tap 3 star

Basin taps 3 star

Thermal Comfort Simulation method

• A detailed method of assessment with greater flexibility of solution choice and capacity to assess complex dwelling designs.

• The dwelling design has been assessed with

HERS software from an accredited assessor

Hot Water System gas instantaneous with a

performance of 3 stars (For Each Unit)

Heating/Cooling (For Each Unit): 1-phase

air-conditioning. Energy rating EER 2.5 - 3.0

(Zoned)

Ventilation (For Each Unit): Laundry & mechanical

ventilation (Natural). Bathrooms & Kitchen

(individual fan, ducted: Operator manual on/off

Natural lighting (For Each Unit):

Artificial lighting fluorescent or (LED)

DEDICATED:

• in the Bedroom/study, 2 in the living, the kitchen,

Bathrooms, Laundry and ALL Hallways

OTHER:

• The applicant must install a gas cooktop & electric

oven in the kitchen of each dwelling.

• The applicant must install a fixed outdoor clothes

drying line for each dwelling

Note: All ceiling ceiling verticals and walls against the

roof space, to be insulated, with the same insulation as

the ceiling insulation

Note: All downlights: IC (insulation contact) rated as

per the requirements of the AS/NZS standard

68398.2.2:2004

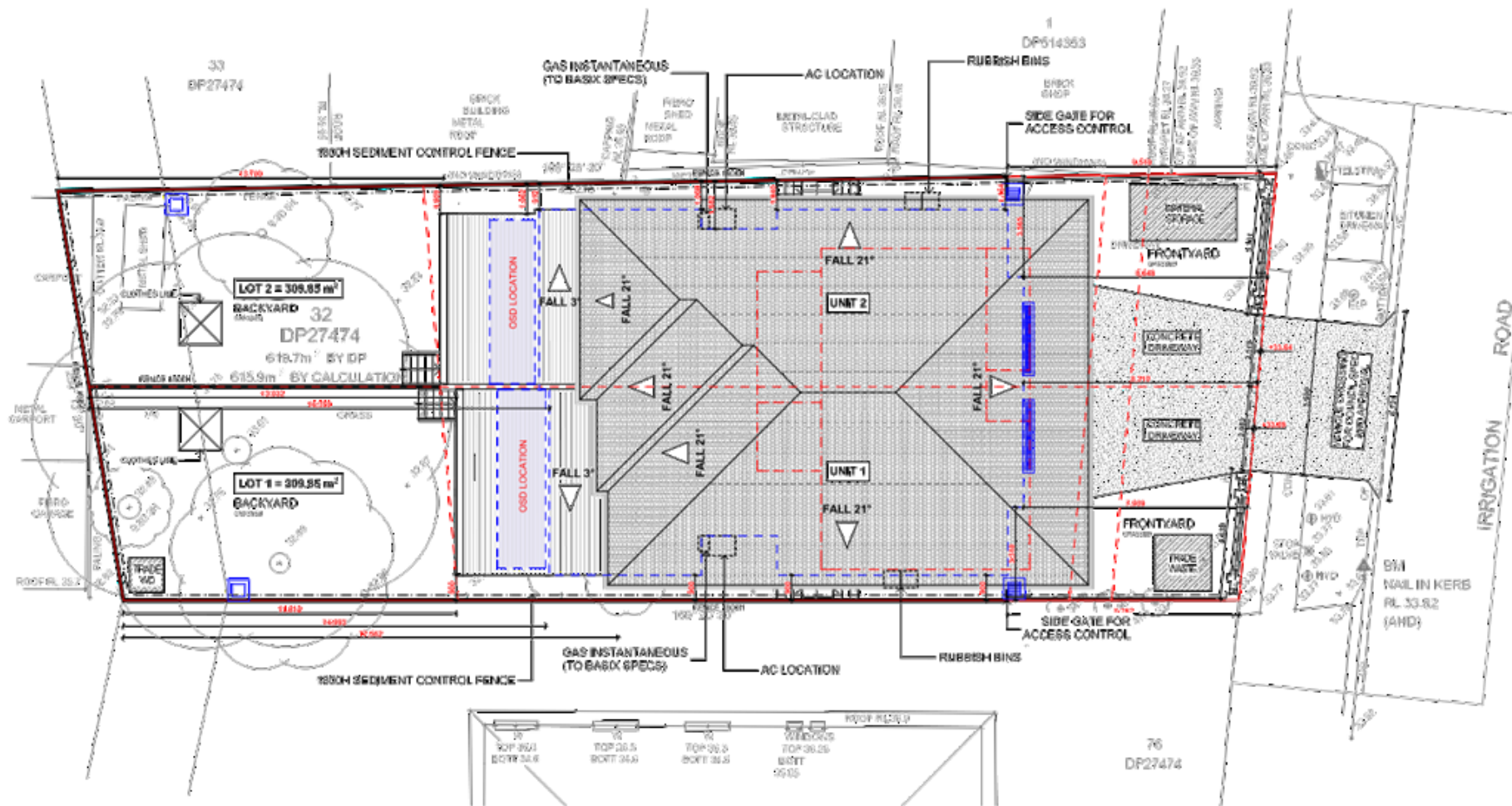
Note: Where the roof is extended over an open area

such as a deck or carport: A barrier to be installed

within the roof space to separate the space above the

zoned part of the house and the space above the open

veranda.



SITE PLAN
1:200

0 1 2 3 4 5 SCALE 1:100

AMENDMENTS

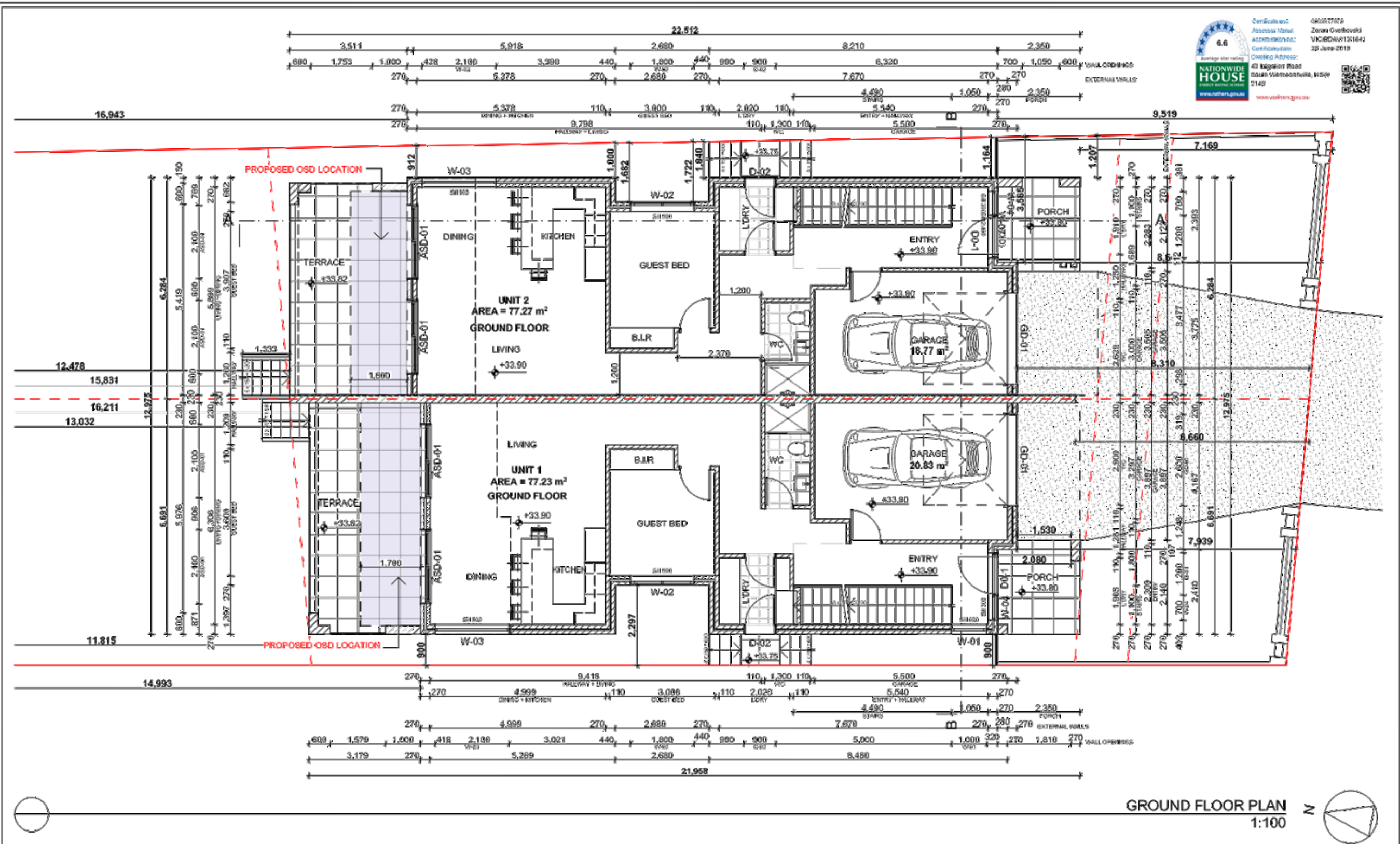
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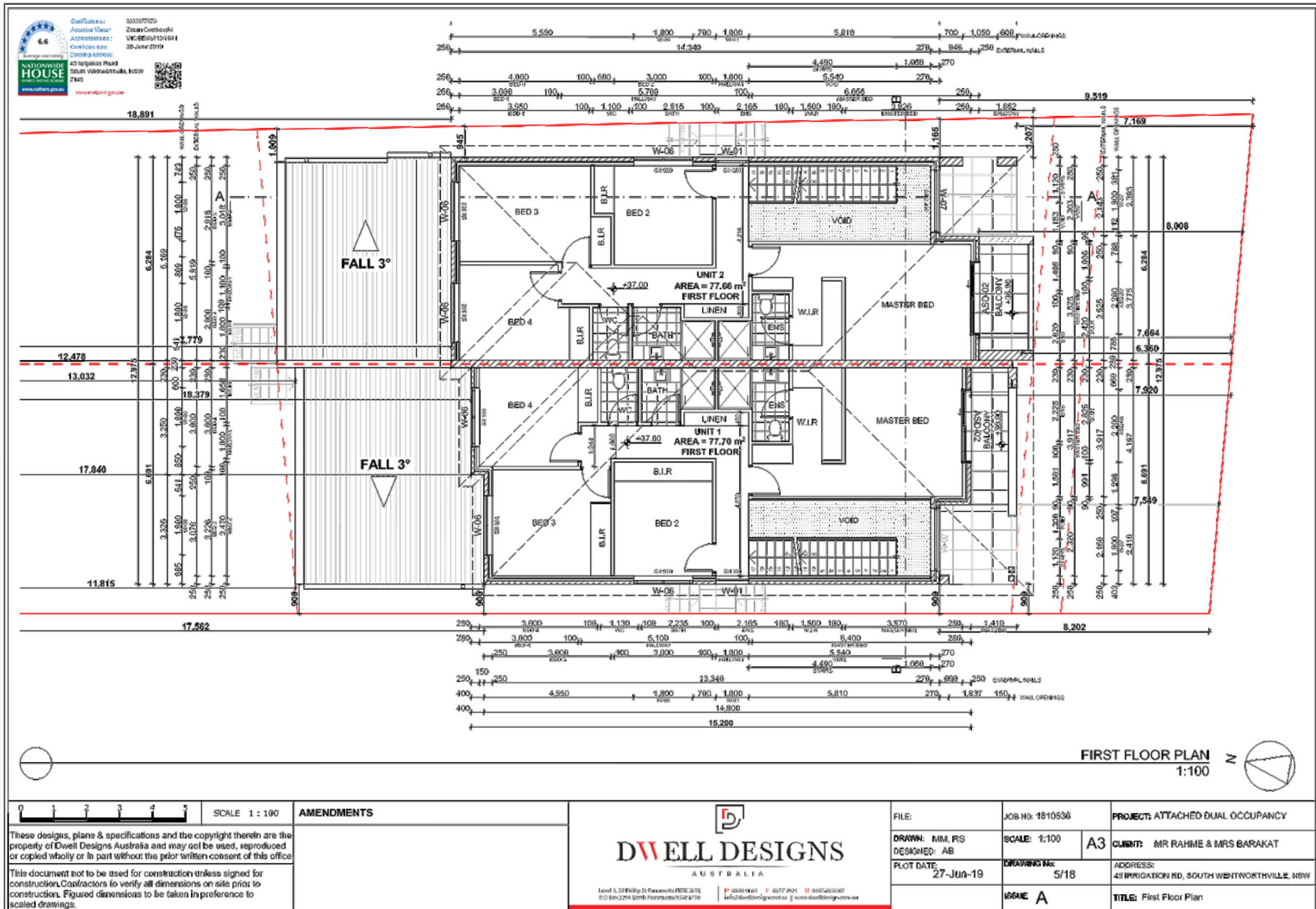


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FILE:	JOB NO: 1810536	PROJECT: ATTACHED DUAL OCCUPANCY
DRAWN: MM, RS	SCALE: 1:200	A3
DESIGNED: AB		CLIENT: MR RAHIME & MRS BARAKAT
PLOT DATE: 27-Jun-19	DRAWING NO: 3/18	ADDRESS: 43 IRRIGATION RD, SOUTH WENTWORTHVILLE, NSW
	ISSUE A	TITLE: Site Plan

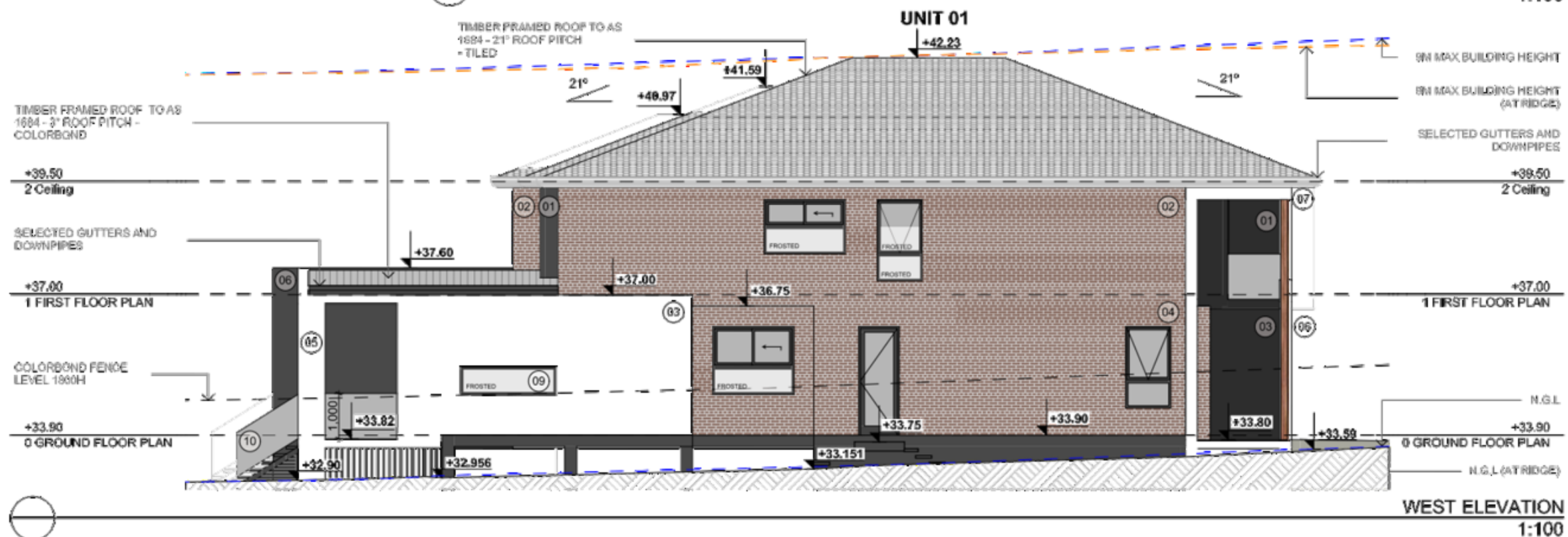
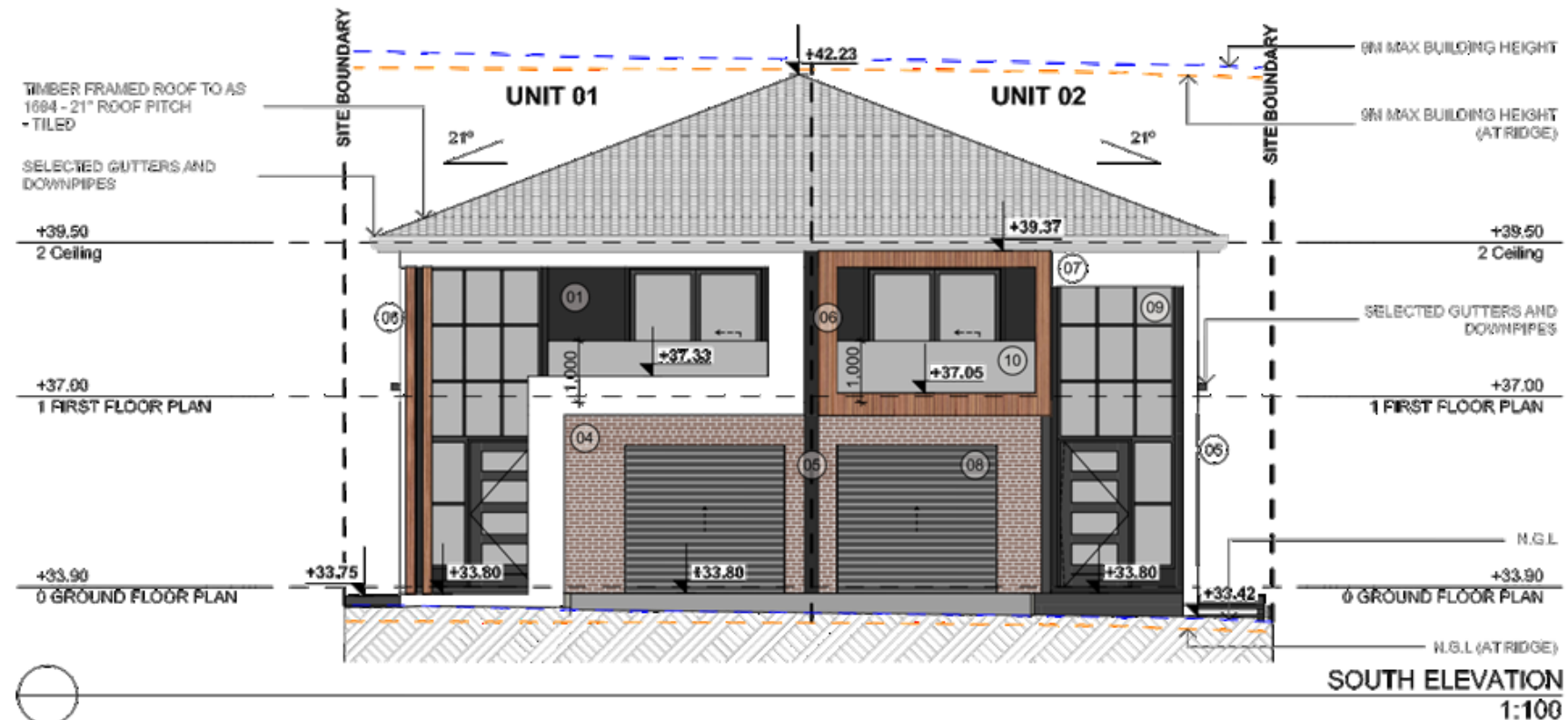


<div><div>012345</div><div>SCALE 1:100</div></div>	AMENDMENTS	<div><div><div><div></div><div></div></div><div>DWELL DESIGNS</div><div>AUSTRALIA</div></div><div><div>Level 1, 20 Phillip St Parramatta NSW 2150</div><div>P.O. Box 2294 South Parramatta NSW 2150</div></div><div><div>P 02 8689 9441</div><div>F 02 8677 2921</div><div>M 0407 665007</div></div><div><div>info@dwelldesigns.com.au</div><div>www.dwelldesigns.com.au</div></div></div>	FILE:	JOB NO: 1810536	PROJECT: ATTACHED DUAL OCCUPANCY	
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			PLOT DATE: 27-Jun-19	DRAWING No: 4/18	ADDRESS: 43 IRRIGATION RD, SOUTH WENTWORTHVILLE, NSW	
				ISSUE A	TITLE: Ground Floor Plan	



MATERIAL LIST

REFERENCE #	MATERIALS & FINISHES
01	BRICK VENEER CONSTRUCTION - REVERSED & TYPICAL FINISH
02	BRICK VENEER CONSTRUCTION - FACE BRICK FINISH
03	DOUBLE BRICK CONSTRUCTION - REVERSED & TYPICAL FINISH
04	DOUBLE BRICK CONSTRUCTION - FACE BRICK FINISH
05	BRICK CONSTRUCTION - REVERSED & TYPICAL FINISH
06	BRICK CONSTRUCTION - WITH TYPICAL FINISH
07	LIGHT MATERIAL CONSTRUCTION - REVERSED & TYPICAL FINISH
08	GARAGE DOOR - POWDER COATED FINISH
09	POWDER COATED ALUMINIUM WINDOWS - REFER TO COLOUR GUIDE
10	FRAMELESS GLASS BALUSTRADE



0 1 2 3 4 5 SCALE 1 : 100

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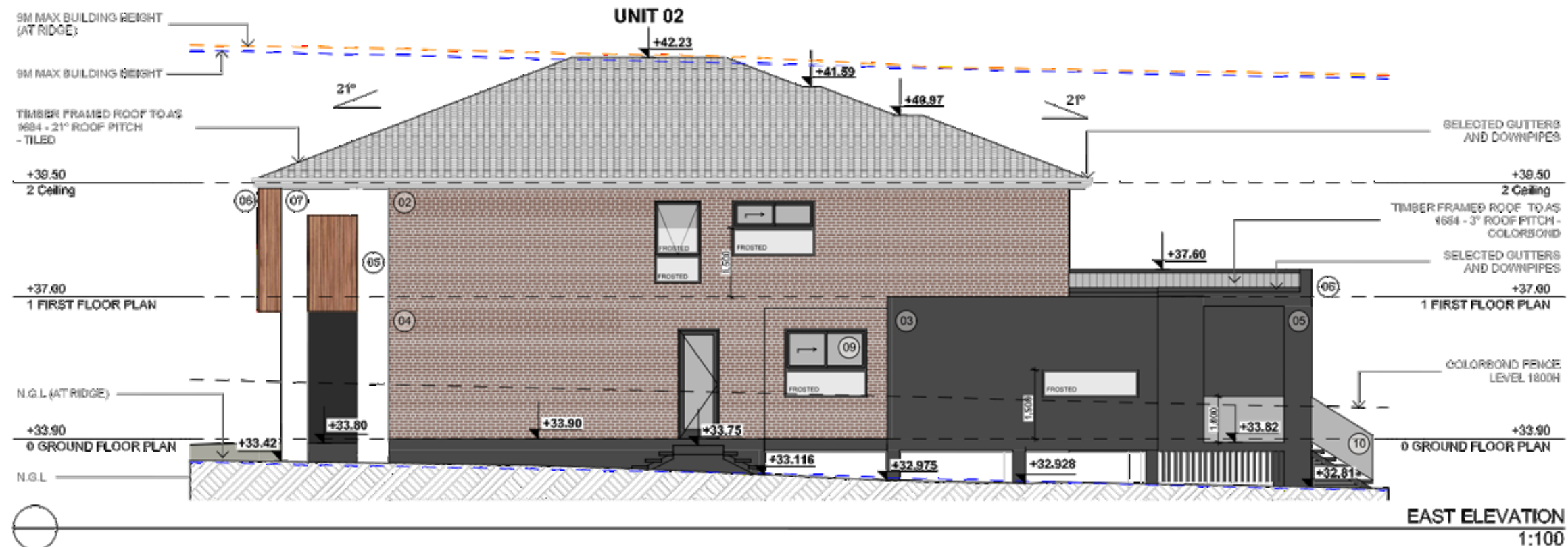
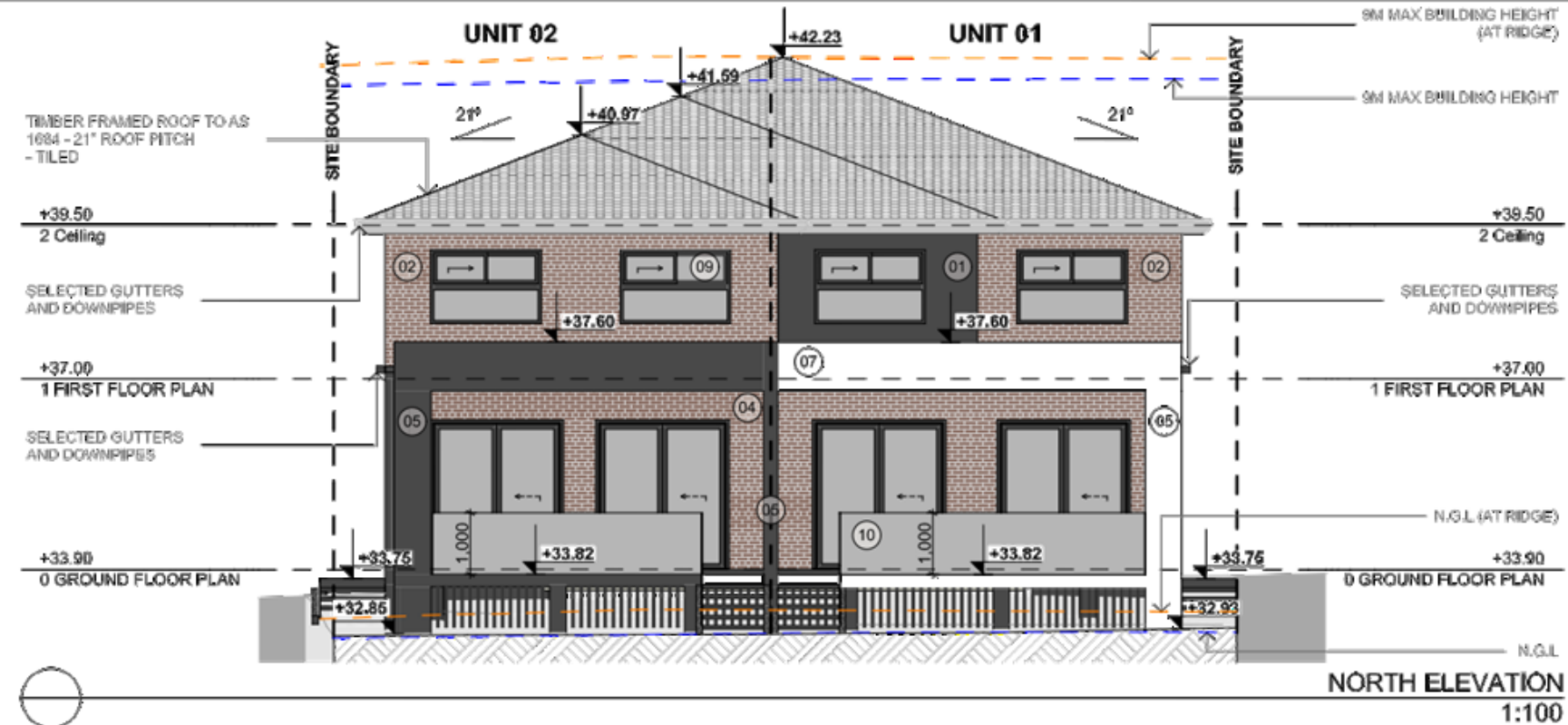
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FILE:	JOB NO: 1810536	PROJECT: ATTACHED DUAL OCCUPANCY
DRAWN: MM, RS	SCALE: 1:100	A3
DESIGNED: AB	CLIENT: MR RAHME & MRS BARAKAT	
PLOT DATE: 27-Jun-19	DRAWING NO: 6/18	ADDRESS: 43 IRRIGATION RD, SOUTH WESTWORTHVILLE, NSW
	ISSUE A	TITLE: South & West Elevations

MATERIAL LIST

REFERENCE #	MATERIALS & FINISHES
01	BRICK VENEER CONSTRUCTION - REMOVED & FINISHED
02	BRICK VENEER CONSTRUCTION - FACE BRICK FINISH
03	DOUBLE BRICK CONSTRUCTION - REMOVED & FINISHED
04	DOUBLE BRICK CONSTRUCTION - FACE BRICK FINISH
05	BRICK CONSTRUCTION - REMOVED & FINISHED
06	BRICK CONSTRUCTION - WITH TYPICAL FINISH
07	LIGHT MATERIAL CONSTRUCTION - REMOVED & FINISHED
08	GARAGE DOOR - POWDER COATED FINISH
09	POWDER COATED ALUMINIUM WINDOWS - REFER TO COLOUR GUIDE
10	FRAMELESS GLASS BALUSTRADE



0 1 2 3 4 5 SCALE 1 : 100

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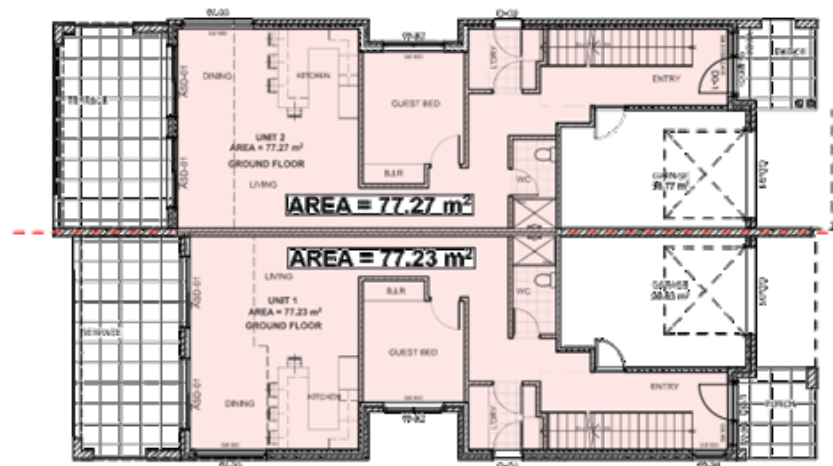
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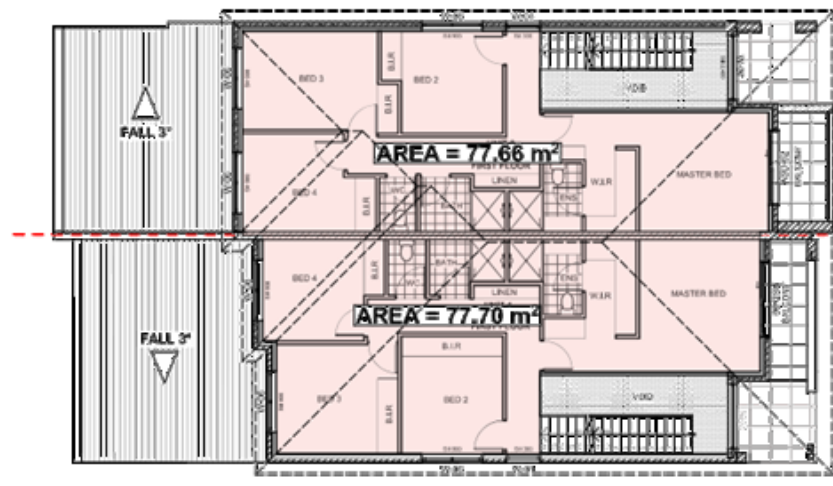
DWELL DESIGNS
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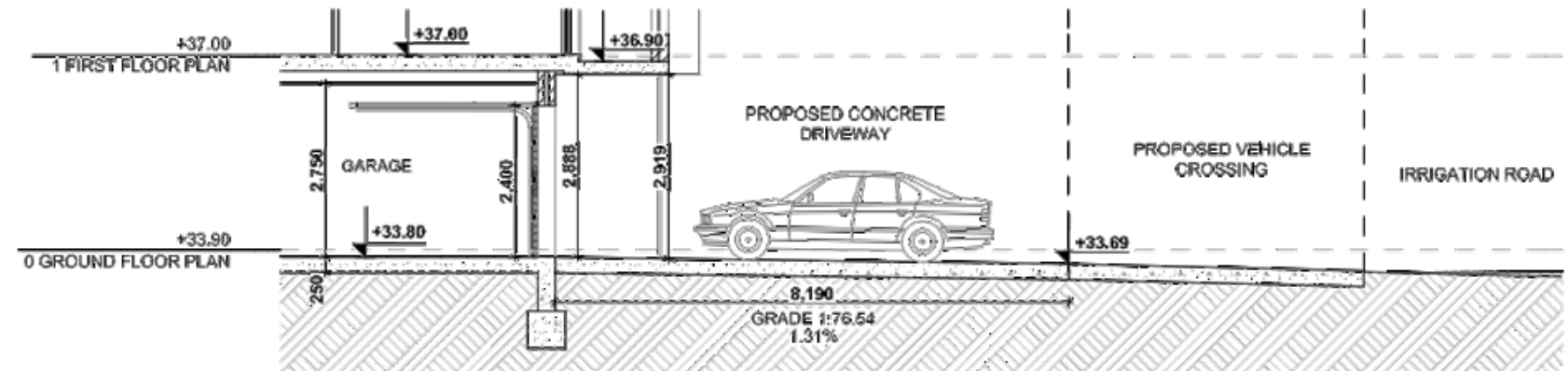
FILE:	JOB NO: 1810536	PROJECT: ATTACHED DUAL OCCUPANCY
DRAWN: MM, RS	SCALE: 1:100	A3
DESIGNED: AB	DRAWING NO: 7/18	CLIENT: MR RAHME & MRS BARAKAT
PLOT DATE: 27-Jun-19	ISSUE: A	ADDRESS: 45 IRRIGATION RD, SOUTH WESTWORTHVILLE, NSW
		TITLE: North & East Elevations



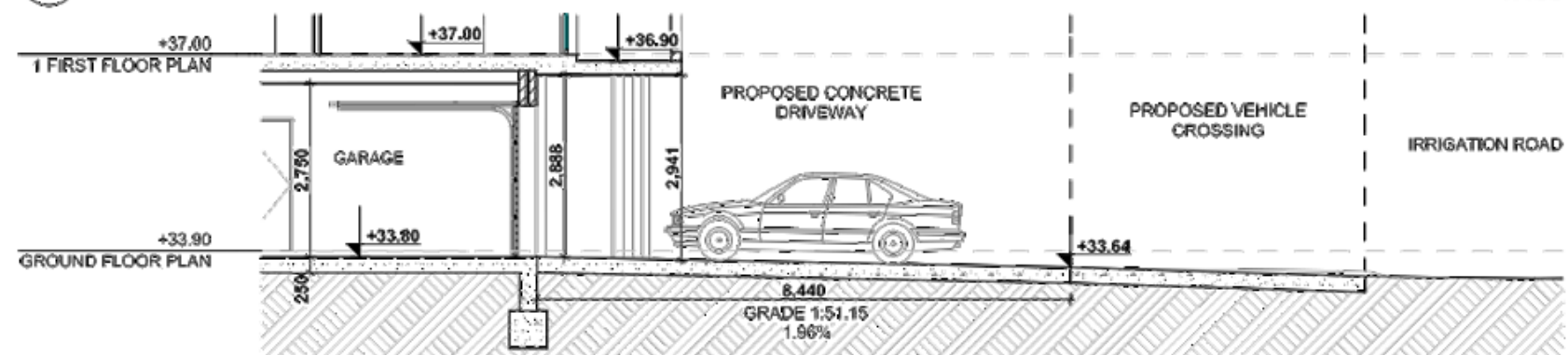
FSR GROUND FLOOR
1:200



FSR FIRST FLOOR
1:200



DRIVEWAY SECTION - UNIT 01
1:100



DRIVEWAY SECTION - UNIT 02
1:100

FSR - UNIT 01	
ID	Surface Area
UNIT 01 FSR FF	77.70
UNIT 01 FSR GF	77.23
	154.93 m ²

FSR - UNIT 02	
ID	Surface Area
UNIT 02 FSR FF	77.66
UNIT 02 FSR GF	77.27
	154.93 m ²

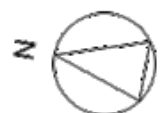
FSR CALCULATION

UNIT 01	LOT = 309.85 m ²	UNIT 02	LOT = 309.85 m ²
REQUIREMENT =	154.93 m ² 50%	REQUIREMENT =	154.93 m ² 50%
PROPOSAL =	154.93 m ² 50%	PROPOSAL =	154.93 m ² 50%

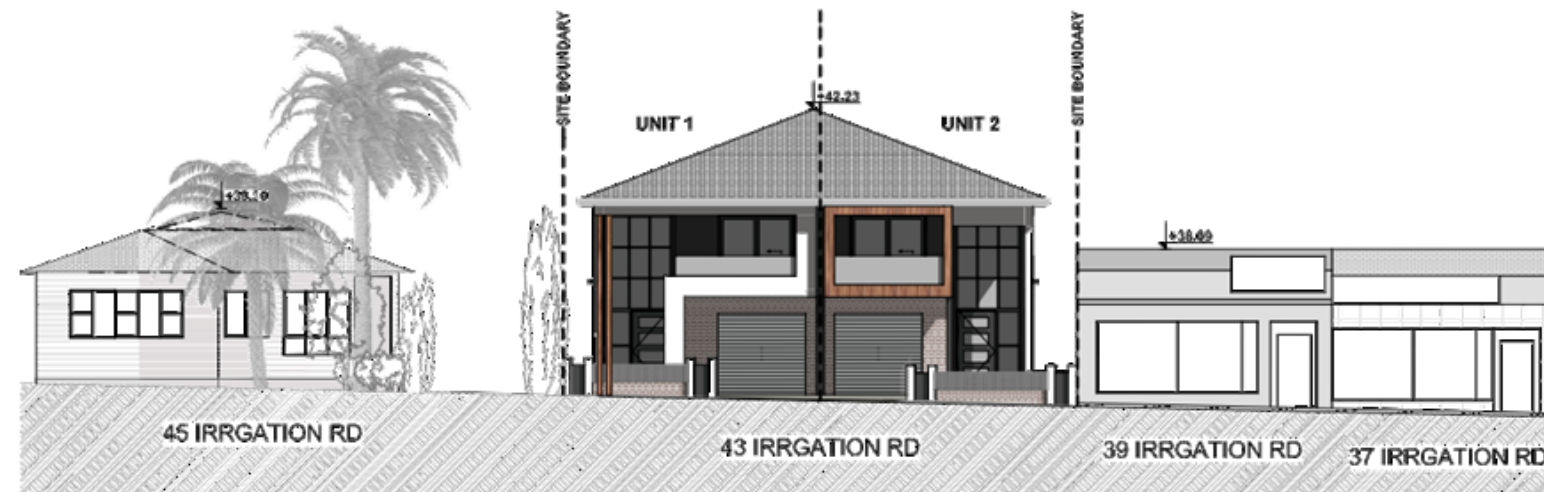
SITE AREA = 619.70 m² OVERALL CALCULATION = 309.86 m² | 50%



Contract no: 000077670
Approved Name: Zoran Cvetkovic
Account Name: NCH/BA/0121841
Certificate date: 28 June 2019
Drawing Address: 42 Wrigley Road, South Wentworthville, NSW 2145
www.nwra.com.au



0 1 2 3 4 5 SCALE 1:100	AMENDMENTS	DWELL DESIGNS AUSTRALIA Level 6, 20 Phillip St Parramatta NSW 2150 P 02 837 2294 F 02 837 2921 M 0407 60 5007 info@dwelldesigns.com.au www.dwelldesigns.com.au	FILE: 1810536	JOB NO: 1810536	PROJECT: ATTACHED DUAL OCCUPANCY
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			PLOT DATE: 27-Jun-19	ISSUE: A	TITLE: FSR Calculation / Driveway Sections



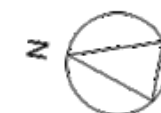
STREETSCAPE ELEVATION
1:200



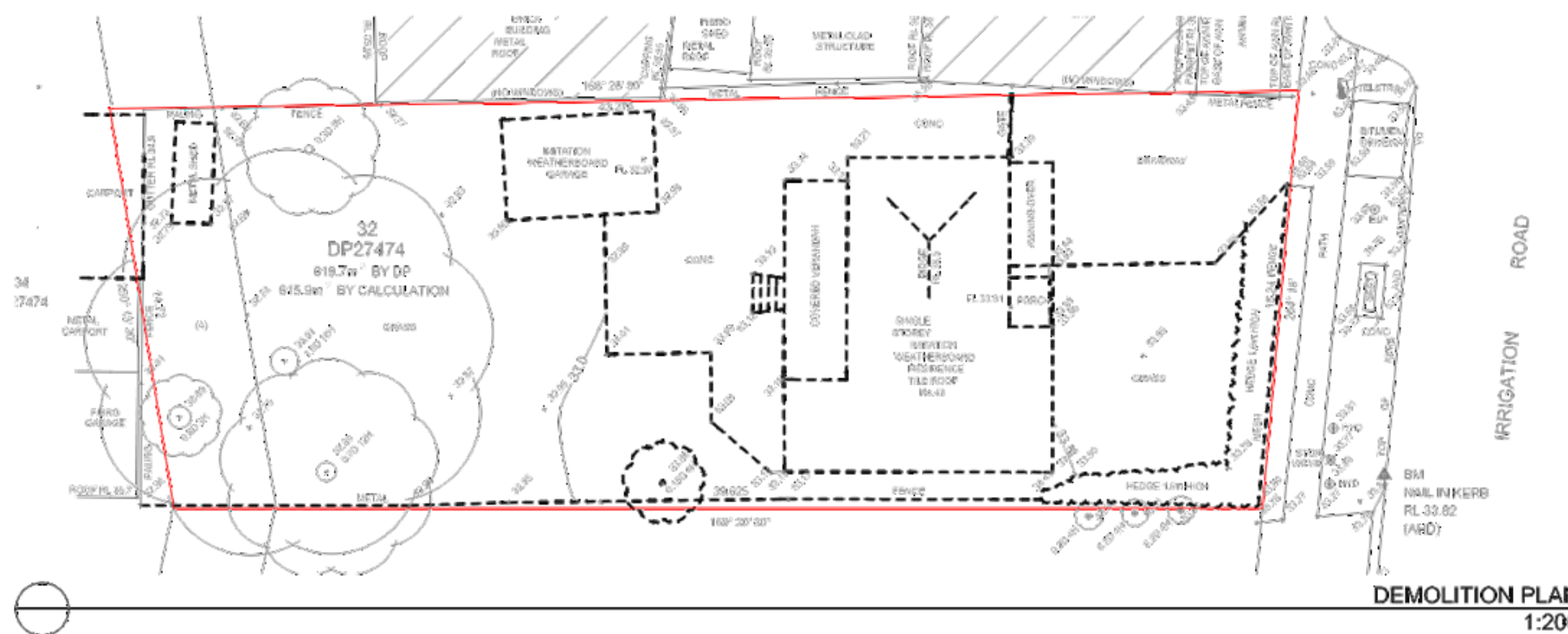
FRONT FENCE ELEVATION
1:100



FRONT FENCE PLAN
1:100

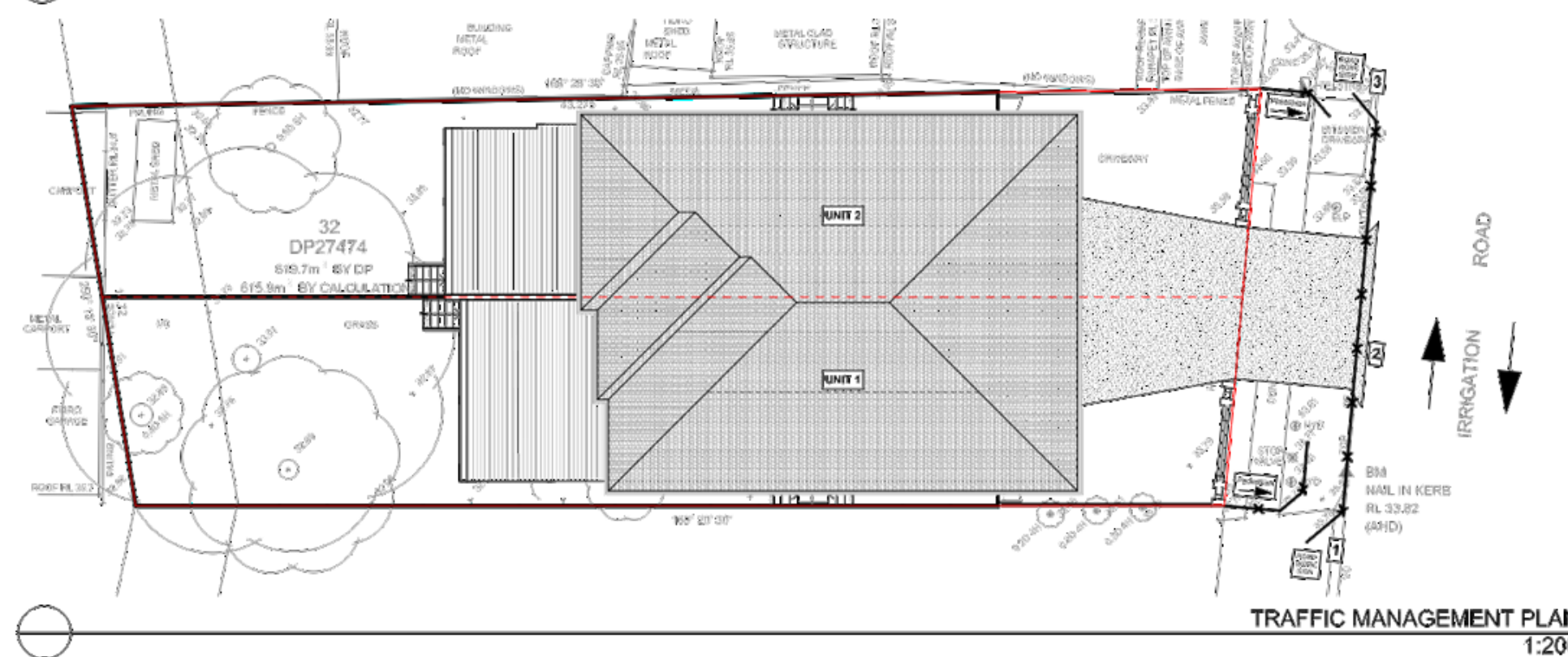


<div><div>012345</div><div>SCALE 1 : 100</div></div> <div>AMENDMENTS</div>	<div><div><div><div><div></div><div></div></div><div></div></div><div>DWELL DESIGNS</div><div>AUSTRALIA</div><div><div>Level 6, 20 Phillip St Parramatta NSW 2150 P.O. Box 2294 South Parramatta NSW 2150</div><div><div>P 0883 9441 F 0877 2921 M 0877 60 5007</div><div>info@dwelldesigns.com.au www.dwelldesigns.com.au</div></div></div></div></div>	<div><div><div>FILE:</div><div>JOB NO: 1810536</div><div>PROJECT: ATTACHED DUAL OCCUPANCY</div></div><div><div><div>DRAWN: MM, RS DESIGNED: AB</div><div>SCALE:</div><div>A3</div></div><div>CLIENT: MR RAHIME & MRS BARAKAT</div></div><div><div><div>PLOT DATE: 27-Jun-19</div><div>DRAWING No: 13/18</div><div>ADDRESS: 43 IRRIGATION RD, SOUTH WENTWORTHVILLE, NSW</div></div><div><div><div>ISSUE A</div><div>TITLE: Front Fence / Streetscape</div></div></div></div></div>
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GENERAL LEGEND

	ALL TREES SHOWN LINE TO REMAIN
	ALL ELEMENTS SHOWN DASHED TO BE REMOVED



GENERAL LEGEND

1	PROHIBIT VEHICLES STOPPING ALONG THE LENGTH OF THE NARROWED CARRIAGE WAY
2	PROVIDE A MINIMUM TRAFFIC ZONE WIDTH OF 3.5M
3	PROVIDE A MINIMUM CLEAR WIDTH OF 1.5M FOR PEDESTRIAN ACCESS



AMENDMENTS

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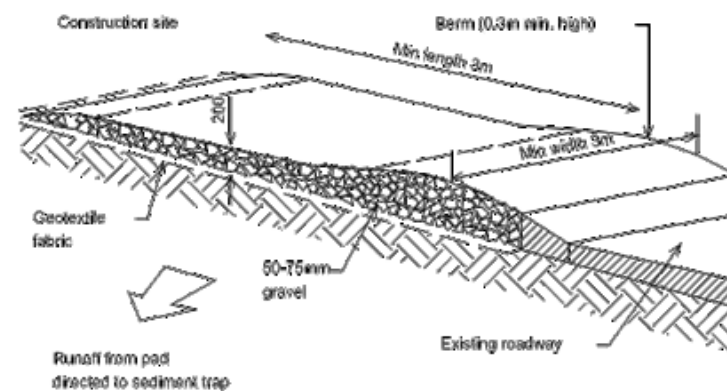
Level 4, 20 Phillip St Parramatta NSW 2150
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info@dwelldesigns.com.au | www.dwelldesigns.com.au

FILE:	JOB NO: 1810536	PROJECT: ATTACHED DUAL OCCUPANCY
DRAWN: MM, RS DESIGNED: AB	SCALE: 1:200 A3	CLIENT: MR RAHIME & MRS BARAKAT
PLOT DATE: 27-Jun-19	DRAWING NO: 14/18	ADDRESS: 45 IRRIGATION RD, SOUTH WESTWORTHVILLE, NSW
	ISSUE A	TITLE: Demolition Plan/ Traffic Management Plan

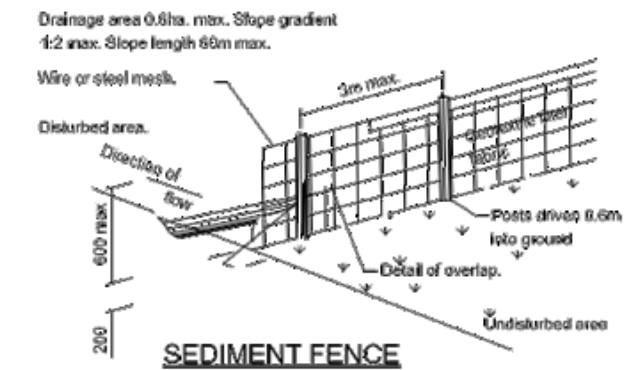
ENVIRONMENTAL SITE MANAGEMENT NOTES

EROSION AND SEDIMENT CONTROLS:

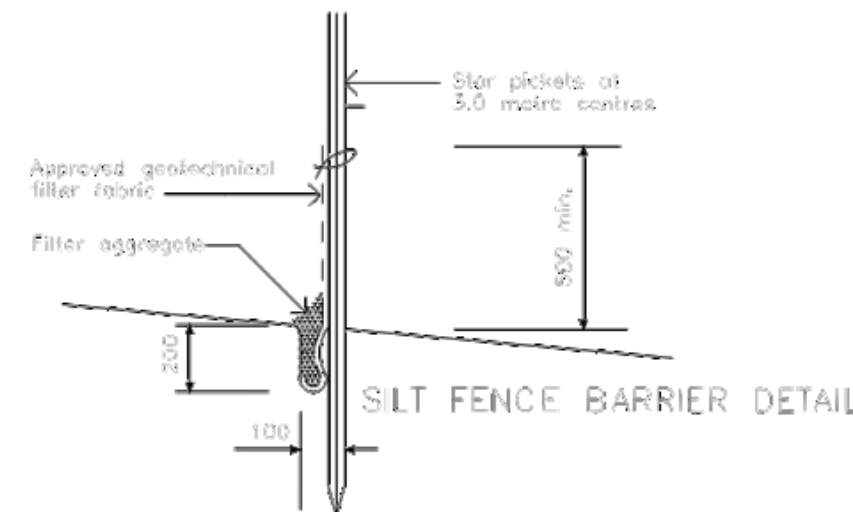
1. ALL EXISTING TREES TO BE RETAINED UNLESS SHOWN OTHERWISE ON APPROVED ARCHITECT'S OR ARBORIST REPORT. TREES RETAINED ARE TO BE PROTECTED WITH A HIGH VISIBILITY FENCE, PLUS TO INDIVIDUAL TREES AS NECESSARY.
2. RETAIN ALL EXISTING PLANT COVER WHEREVER POSSIBLE.
3. SEDIMENT AND EROSION CONTROLS MUST BE IN PLACE PRIOR TO THE COMMENCEMENT OF ANY EARTHWORKS OF DEMOLITION ACTIVITY.
4. INSTALL TEMPORARY SEDIMENT BARRIERS TO ALL INLET PITS LIKELY TO COLLECT SILT LADEN WATER, UNTIL SURROUNDING AREAS ARE PAVED OR REGRASSD
5. ALL SILT FENCES AND BARRIERS ARE TO BE MAINTAINED IN GOOD ORDER AND REGULARLY DESILTED DURING THE CONSTRUCTION PERIOD.
6. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT ALL MEASURES ARE TAKEN DURING THE COURSE OF CONSTRUCTION TO PREVENT SEDIMENT EROSION & POLLUTION OF THE SUPERVISING ENGINEER SHOULD BE CONTACTED IF IN DOUBT.
7. WASTE MATERIALS ARE TO BE STOCKPILED OR LOADED INTO SKIP BINS LOCATED AS SHOWN ON PLAN.
8. STOCKPILES OF LOOSE MATERIALS SUCH AS SAND, SOIL, GRAVEL MUST BE COVERED WITH GEOTEXTILE SILT FENCE MATERIAL, PLASTIC SHEETING OR MEMBRANE MUST NOT BE USED. SAFETY BARRICADING SHOULD BE USED TO ISOLATE STOCKPILES OF SOLID MATERIALS SUCH AS STEEL REINFORCING, FORMWORK, SCAFFOLDING.
9. ALL VEHICLES LEAVING THE SITE MUST PASS OVER THE 'BALLAST' AREA TO SHAKE OFF SITE CLAY AND SOIL. IF NECESSARY WHEELS AND AXLES ARE TO BE HOSED DOWN. BALLAST IS TO BE MAINTAINED AND REPLACED AS NECESSARY DURING THE CONSTRUCTION PERIOD.
10. TRUCKS REMOVING EXCAVATED MATERIAL SHOULD TRAVEL ON STABILISED CONSTRUCTION PATHS AND MATERIAL SHOULD BE TAKEN TO THE TRUCK TO REDUCE TRUCK MOVEMENT ON THE SITE. TRUCKS TO BE LIMITED TO SINGLE UNIT HEAVY RIGID VEHICLES. (NO SEMI-TRAILERS)
11. ANY SEDIMENT DEPOSITED ON THE PUBLIC WAY, INCLUDING FOOTPATH RESERVE AND ROAD SURFACE, IS TO BE REMOVED IMMEDIATELY.
12. PROVIDE BARRIERS AROUND ALL CONSTRUCTION WORKS WITHIN THE FOOTPATH AREA TO PROVIDE SAFE ACCESS FOR PEDESTRIANS.
13. CONCRETE PUMPS AND CRANES ARE TO OPERATE FROM WITHIN THE BALLAST ENTRY DRIVEWAY AREA AND ARE NOT TO OPERATE FROM THE PUBLIC ROADWAY UNLESS SPECIFIC COUNCIL PERMISSION IS OBTAINED.
14. DELIVERY VEHICLES MUST NOT STAND WITHIN THE PUBLIC ROADWAY FOR MORE THAN 20 MINUTES AT A TIME.
15. ANY EXCAVATION WORK ADJACENT TO ADJOINING PROPERTIES OR THE PUBLIC ROADWAY IS NOT TO BE COMMENCED UNTIL THE STRUCTURAL ENGINEER IS CONSULTED AND SPECIFIC INSTRUCTIONS RECEIVED FROM THE ENGINEER.
16. TOILET FACILITIES MUST BE EITHER A FLUSHING TYPE OR APPROVED PORTABLE CHEMICAL CLOSET. CHEMICAL AND SERVICED ON A REGULAR BASIS SO THAT OFFENSIVE ODOUR IS NOT EMITTED.



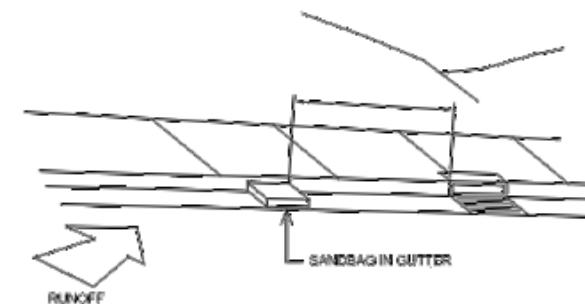
TEMPORARY CONSTRUCTION EXIT



SEDIMENT FENCE

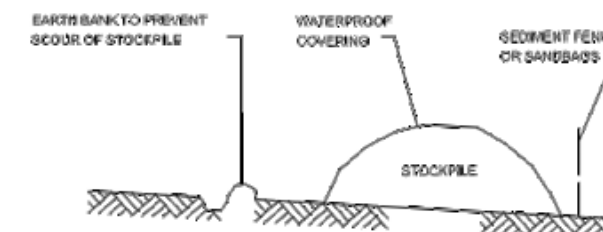


SILT FENCE BARRIER DETAIL



SANDBAG KERB SEDIMENT TRAP

NTS



BUILDING MATERIAL STOCKPILES

NTS



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				PLOT DATE: 27-Jun-19	ISSUE: A	TITLE: Sediment Control Plans

DOCUMENTS
ASSOCIATED WITH
REPORT LPP078/19

Attachment 3
Stormwater Plans

[illegible]

PROPOSED DUPLEX 43 IRRIGATION ROAD, MERRYLANDS STORMWATER CONCEPT DESIGN



LOCALITY PLAN
NOT TO SCALE
COPYRIGHT OF GOOGLE MAPS, VERSION 8

DRAWING REGISTER			
SHEET No.	No.	TITLE	REV
1	SW100	COVER SHEET	A
2	SW200	STORMWATER CONCEPT DESIGN - GROUND FLOOR AND ROOF PLAN	A
3	SW300	STORMWATER CONCEPT DESIGN - DETAILS SHEET	A
4	SW400	EROSION AND SEDIMENT CONTROL - PLAN AND DETAILS	A



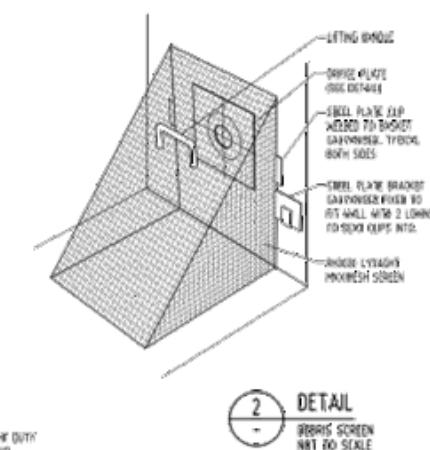
PREPARED BY:
SGC Consulting Engineers
Suite 5.03, Level 5
156 Pacific Highway
St Leonards, NSW 2065
T: +61 2 8883 4239
Email: office@sgce.com.au
Web: www.sgce.com.au

ARCHITECT:

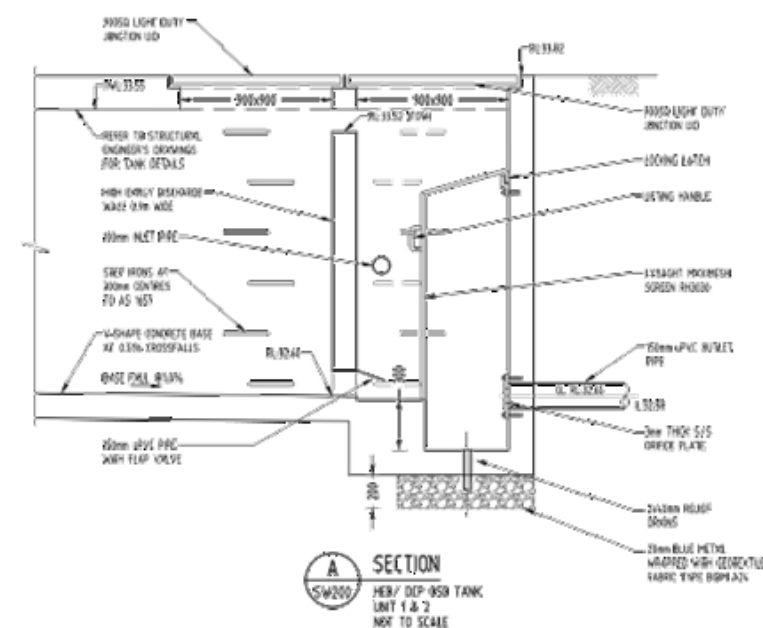


CLIENT :

**MR RAHME & MRS
BARAKAT**



UNIT 2			
On-Site Detention Calculation Sheet			
Project:	20190136	Lot No.	32
Location:	43 IRRIGATION ROAD, ME	DP No.	27474
Designer:	AA	D.A. No.	
Phone:	8883 4239		
OSD Area:		HCC	HCC
			Drowned
Site Area	0.017		0.017
Basic Storage Volume	4.97		4.97
Basic Discharge	2.32		2.32
Area of Site to Storage	0.017	100%	0.017
Percentage of Site	100.00		100.00
Storage per ha of contributing area	300.00		300.00
Volume/PSD Adjustment	148.35		148.35
PSD for site	2.45		2.45
Maximum Head to Orifice Centre	0.870		0.420
Calculated Orifice Diameter	0.035		0.035
Maximum discharge	2.454		1.706
Head for high early discharge	0.770		0.320
High Early Discharge	2.309	94%	1.489
Mean Discharge	2.381		1.598
Average Discharge per Hectare	143.890		96.537
Final Site Storage Ratio	308		412
Site Storage Volume	5.10		6.82
Volume Provided	6.90	135%	6.902
Date Checked:	27-Jun-19		

[illegible]

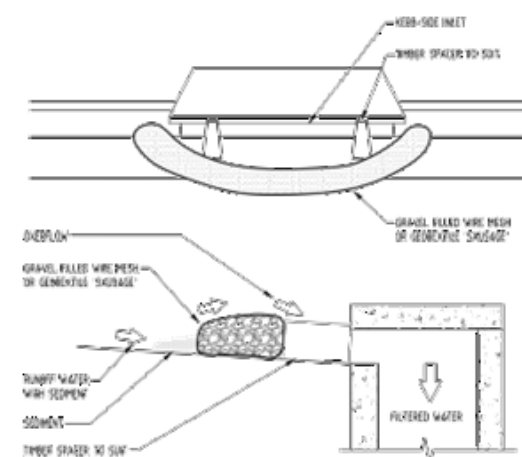


4. CONSTRUCTION SHALL PROVIDE EROSION FENCING MATERIALS DURING CONSTRUCTION TO THE NEW SIDE OF THE WORK. THE EROSION FENCING MATERIAL, TO CYCLING AND SECURITY FENCE, CONSTRUCTION FENCING SHALL BE AN APPROVED MATERIAL. THE FENCE SHOULD BE 5' HIGH, STANDING 10" FROM ABOVE GROUND & EXTENDING 10" FROM BELOW GROUND.
5. EXISTING GRANT LOCATED WITHIN THE SAME SHALL ALSO BE RELATION TO EXISTING FENCING MATERIAL.
6. NO PAVING OR UNDERLAY OF MATERIALS IS PERMITTED ON THE OTHER SIDE OF THE EROSION FENCE.
7. GRASS VERGES SHOULD BE MAINTAINED AS MUCH AS PRACTICED, TO PROVIDE A BUFFER ZONE TO THE CONSTRUCTION SITE.
8. CONSTRUCTION ENTRY/EXIT SHALL BE VIA THE LOCATIONS NOTED ON THE EROSION CONTROL PLAN. SHALL BE RESPONSIBLE FOR THE EROSION CONTROL TO PROVIDE TO THE EROSION CONTROL PLAN. EXISTING SITE CONSTRUCTION SHALL ENSURE ALL CONSTRUCTION TRAFFIC ENTERING & LEAVING THE SITE DOES IN A FORWARD DIRECTION.

4. THIS DRAINAGE IS A CONCEPT PLAN ONLY FOR STORMWATER DISPOSAL & EROSION CONTROL. IT IS NOT SUITABLE FOR CONSTRUCTION. THIS PLAN SHOULD BE ADOPTED BY THE OWNER DURING DEMOLITION, EXCAVATION & CONSTRUCTION PHASES TO ENSURE ADEQUATE PERFORMANCE.

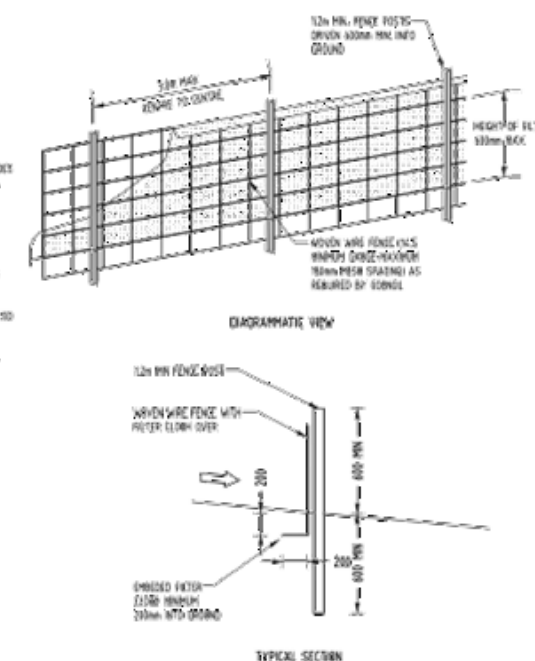
5. ALL DRAINAGE LAYOUT & DETAILS ARE DIMENSIONAL & INDICATING ONLY. ACTUAL LOCATIONS, SIZES, USAGES & SPACES MAY VARY AFTER FIELD VISUAL OBSERVATION AND/OR ADJUSTMENT.

4. SPS VMS SHALL BE INSTALLED TOGETHER.
5. WASTEWATER TREATMENT PLANT WITH SUSPENDED SOLIDS FROM CITY AND PUMP TRUCKS.
6. WASTE THE TREATMENT PLANT WITH SUSPENDED SOLIDS TO THE DISCHARGE SYSTEM MUST BE CONTROLLED. TREATMENT PLANT DISCHARGE SYSTEM MUST BE MONITORING CONCENTRATION OF SUSPENDED SOLIDS THAT DOES NOT EXCEED 10 MILLIGRAMS PER LITER IN ACCORDANCE WITH THE PROTECTION OF THE ENVIRONMENT OPERATION AND SPEED HERE AND SHALL BE APPROVED BY LOCAL COUNCIL.



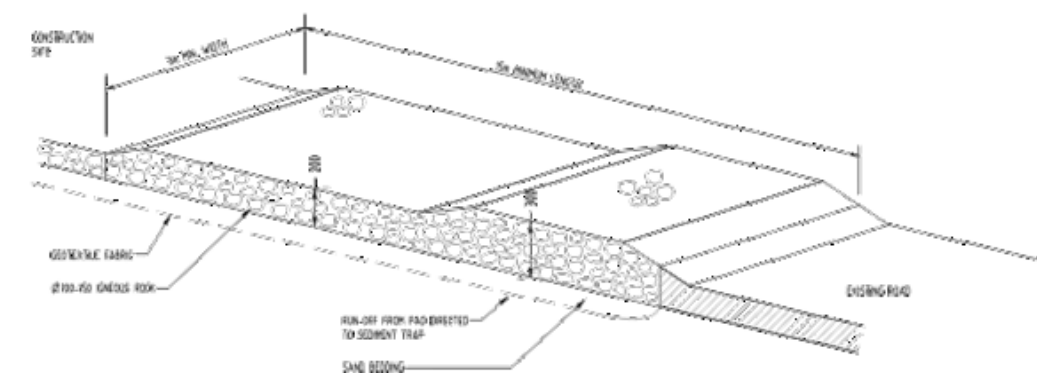
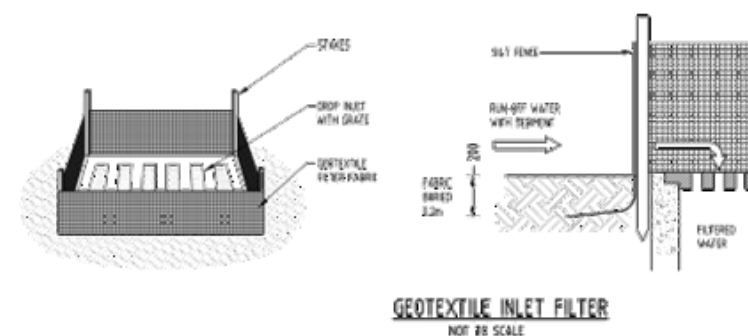
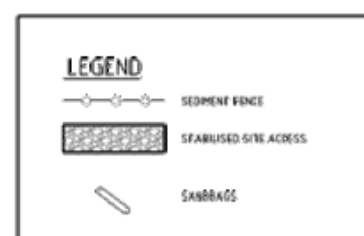
CONSTRUCTION NOTES:

- FABRICATE A SLEEVE MADE FROM GREENHILL OR WIRE MESH LONGER THAN THE LENGTH OF THE INLET PIPE
- FEEL THE SLEEVE WHEN 25MM W/ 30MM GROUND
- FORM AN OVAL SHAPE CROSS-SECTION OF THE KERN INLET LEAVING A 10MM GAP AT THE TOP TO ACT AS AN EMERGENCY RELEASE
- POSITION THE OPENING WITH SPACER BLOCKS
- FORM A SEAL WITH THE KIRRING AND PREVENT SEEPAGE BYPASSING THE FILTER
- PUT 10-15MM KERN INLETS AT 500 POUNDS



GEOTEXTILE INLET FILTER

GEOTEXTILE INLET FILTERS ARE PLACED IN EVERY PIT WITHIN THE SITE TO PREVENT THE RUNOFF WATER DURING CONSTRUCTION NOT ENTER THE PITS.



TEMPORARY CONSTRUCTION EXIT
RUBBLE ALTERNATIVE
NOT TO SCALE

[illegible]

DOCUMENTS
ASSOCIATED WITH
REPORT LPP078/19

Attachment 4
Locality Map

The map displays a residential area with the following streets and lot numbers:

- Streets:** NORTH COTT STREET, DRACIC STREET, IRRIGATION ROAD, GRANT CRESCENT, BARELLAN STREET.
- Lot Numbers (Red):** 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 267, 269, 271, 273, 275, 277, 279, 281, 283, 285, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 367, 369, 371, 373, 375, 377, 379, 381, 383, 385, 387, 389, 391, 393, 395, 397, 399, 401, 403, 405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, 427, 429, 431, 433, 435, 437, 439, 441, 443, 445, 447, 449, 451, 453, 455, 457, 459, 461, 463, 465, 467, 469, 471, 473, 475, 477, 479, 481, 483, 485, 487, 489, 491, 493, 495, 497, 499, 501, 503, 505, 507, 509, 511, 513, 515, 517, 519, 521, 523, 525, 527, 529, 531, 533, 535, 537, 539, 541, 543, 545, 547, 549, 551, 553, 555, 557, 559, 561, 563, 565, 567, 569, 571, 573, 575, 577, 579, 581, 583, 585, 587, 589, 591, 593, 595, 597, 599, 601, 603, 605, 607, 609, 611, 613, 615, 617, 619, 621, 623, 625, 627, 629, 631, 633, 635, 637, 639, 641, 643, 645, 647, 649, 651, 653, 655, 657, 659, 661, 663, 665, 667, 669, 671, 673, 675, 677, 679, 681, 683, 685, 687, 689, 691, 693, 695, 697, 699, 701, 703, 705, 707, 709, 711, 713, 715, 717, 719, 721, 723, 725, 727, 729, 731, 733, 735, 737, 739, 741, 743, 745, 747, 749, 751, 753, 755, 757, 759, 761, 763, 765, 767, 769, 771, 773, 775, 777, 779, 781, 783, 785, 787, 789, 791, 793, 795, 797, 799, 801, 803, 805, 807, 809, 811, 813, 815, 817, 819, 821, 823, 825, 827, 829, 831, 833, 835, 837, 839, 841, 843, 845, 847, 849, 851, 853, 855, 857, 859, 861, 863, 865, 867, 869, 871, 873, 875, 877, 879, 881, 883, 885, 887, 889, 891, 893, 895, 897, 899, 901, 903, 905, 907, 909, 911, 913, 915, 917, 919, 921, 923, 925, 927, 929, 931, 933, 935, 937, 939, 941, 943, 945, 947, 949, 951, 953, 955, 957, 959, 961, 963, 965, 967, 969, 971, 973, 975, 977, 979, 981, 983, 985, 987, 989, 991, 993, 995, 997, 999.
- Lot Numbers (Blue):** 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 267, 269, 271, 273, 275, 277, 279, 281, 283, 285, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 367, 369, 371, 373, 375, 377, 379, 381, 383, 385, 387, 389, 391, 393, 395, 397, 399, 401, 403, 405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, 427, 429, 431, 433, 435, 437, 439, 441, 443, 445, 447, 449, 451, 453, 455, 457, 459, 461, 463, 465, 467, 469, 471, 473, 475, 477, 479, 481, 483, 485, 487, 489, 491, 493, 495, 497, 499, 501, 503, 505, 507, 509, 511, 513, 515, 517, 519, 521, 523, 525, 527, 529, 531, 533, 535, 537, 539, 541, 543, 545, 547, 549, 551, 553, 555, 557, 559, 561, 563, 565, 567, 569, 571, 573, 575, 577, 579, 581, 583, 585, 587, 589, 591, 593, 595, 597, 599, 601, 603, 605, 607, 609, 611, 613, 615, 617, 619, 621, 623, 625, 627, 629,

**DOCUMENTS
ASSOCIATED WITH
REPORT LPP078/19**

Attachment 5

**Holroyd Local Environmental Plan
2013 Compliance Assessment**

ATTACHMENT 5			
-Holroyd Local Environmental Plan (HLEP) 2013			
Holroyd Local Environmental Plan 2013 Compliance Assessment			
No.	Required/Permitted	Comment	Comply
Part 2 Permitted or prohibited development			
	Zoning R2 Low Density Residential	The proposal meets the objective of the zone "to provide for the housing needs of the community within a low density residential environment"	Yes
	Permissible Uses/Development	'Dual occupancies' are permitted with consent in the R2 Zone	Yes
2.7	Demolition requires consent	Consent sought for demolition	Yes
Part 4 Principal development standards			
4.1	Minimum subdivision lot size	However, complies with Clause 4.1A	No
4.1A	Exceptions to minimum lot sizes for certain residential development	Proposal is for the purpose of a dual occupancy development	Yes
4.3	Height of Buildings Max 9m	8.87m building height	Yes
4.4	Floor Space Ratio Max 0.5:1	Site Area: 615.9m ² FSR: 0.5:1 GFA: 307.9m ²	Yes
4.6	Exceptions to Development Standards	N/A	N/A
Part 5 Miscellaneous provisions			
5.10	Heritage	The development is not within the vicinity of a heritage item	N/A
Part 6 Additional local provisions			
6.1	Acid Sulfate Soils	The site is not affected by potential acid sulfate soils.	N/A
6.4 & 6.7	Flood Planning and Stormwater Management	Flood levels and stormwater management is deemed satisfactory	Yes
6.5	Terrestrial Biodiversity	N/A	N/A
6.6	Riparian land and watercourses	N/A	N/A
6.8	Salinity	The site is located on lands identified as being affected by moderate salinity, conditions shall be imposed	Yes
6.9	Buffer between industrial and residential	The development is not in a buffer zone	N/A

DOCUMENTS
ASSOCIATED WITH
REPORT LPP078/19

Attachment 6
Holroyd Development Control
Plan 2013 Compliance
Assessment

ATTACHMENT 6

Holroyd Development Control Plan 2013

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

Part A – General Controls					
1	Subdivision				
	Comment	Yes	No	N/A	
	Torrens title subdivision is proposed as part of the application and is compliant with Clause 4.1A of the Holroyd Local Environmental Plan 2013.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2	Roads and Access				
	Comment	Yes	No	N/A	
	Proposed vehicular crossing (VC) and driveway are centralised. The driveway width is 5 metres and will provide access to the single garages.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3	Car Parking				
No.	Clause	Comment	Yes	No	N/A
3.1	Minimum Parking Spaces 2 car parking spaces per dwelling (1 undercover)	The development proposes a single garage for each dwelling and an additional stacked parking space on the driveway.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Trees and Landscape Works				
No.	Clause	Comment	Yes	No	N/A
	Trees at rear to be removed. The tree advice received on 21 August 2019 suggests the removal of the trees is satisfactory.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Biodiversity				
No.	Clause	Comment	Yes	No	N/A
	There is no evidence of any terrestrial biodiversity on the site. Therefore, these provisions are not applicable. As shown on Council’s Biodiversity Map, the site is not affected by ‘biodiversity’.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6	Soil Management				
No.	Clause	Comment	Yes	No	N/A
6.2	Site Contamination and Land Filling	The site is not identified in Council's records as being contaminated. A site inspection reveals the subject site is currently used for residential purposes and that the site does not have any obvious history of a previous land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.3	Erosion and Sediment Control	Submitted Erosion and Sediment Control Plan is considered to be satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.5	Salinity Management	The site is located on land identified as being affected by moderate salinity; appropriate conditions of consent have been included within the draft conditions of consent.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	Stormwater Management	The submitted stormwater plan has been reviewed by Council's Development Engineering department and is considered to be satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	Flood Prone Land	The subject site is subject to stormwater flooding. The submitted	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		plans have been reviewed by Council's Development Engineering department and are considered satisfactory.			
9.	Managing external road noise and vibration	The site is not located in or adjacent to a classified road or rail corridor.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.	Safety and Security	The front entry and windows to habitable rooms address the street frontage to provide a high level of surveillance Safety and security is satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11.	Waste Management	The submitted Waste Management Plan is considered to be satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.	Services	Water, sewer, overhead electricity and underground telephone facilities are available to the proposed units.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Part B – Residential Controls

1.1 Building Materials

No.	Clause	Comment	Yes	No	N/A
	Building materials for new residential development and for additions to existing residential development must be compatible with the streetscape and character of its locality.	Facades are well articulated for the character of the streetscape.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1.2 Fences

No.	Clause	Comment	Yes	No	N/A
	Maximum height of 1.5m, maximum 1m solid.	1.2m front fence with solid to a maximum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		height of 471mm			
1.3	Views				
No.	Clause	Comment	Yes	No	N/A
	Where significant and/or district views are currently enjoyed, or where views may be reasonably created, the design of development shall be designed to minimise the obstruction of such views.	The proposal does not obstruct the views of adjoining properties.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.4	Privacy				
No.	Clause	Comment	Yes	No	N/A

	<p>The windows of dwellings are to be located so they do not provide direct and close views into the windows of habitable rooms and private open spaces of adjoining dwellings.</p>	<p><u>Northern Elevation:</u> Views from the living/dining room windows and the alfresco area on the ground floor level will be minimised by the rear setback of more than 11m, additionally planting is proposed along the rear boundary to maintain visual privacy. First floor rear facing windows are bedrooms and do not impact the visual privacy of adjoining dwellings.</p> <p><u>East Elevation</u> Ground floor east facing living room window is privacy treated to a height of 1.5m from the FFL. First floor east facing windows are privacy treated to a height of 1.5m from the FFL. The first floor windows belong to bedrooms and a hallway and do not impinge on visual privacy.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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		<p><u>West Elevation</u> Ground floor west facing living room window is privacy treated to a height of 1.5m from the FFL. First floor west facing windows are privacy treated to a height of 1.5m from the FFL. The first floor windows belong to bedrooms and a hallway and do not impinge on visual privacy.</p> <p><u>South Elevation</u> Street facing and will not cause any privacy impacts.</p>			
	<p>Window sills shall have a maximum height of 1500mm are required in ground floor living areas located higher than 1 metre above existing ground level and within 6 metres of the property boundary.</p> <p>Note:</p> <ul style="list-style-type: none"> • The placing of windows shall be based on the detailed site analysis prepared for the development proposal. • The use of windows which are narrow, translucent or obscured for upper floors and bathrooms is recommended. 	The floor levels of the dwellings are less than 1 metre above the exiting ground level and do not require high sill windows.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Where a proposed deck	The rear	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	overlooks outdoor living areas of adjacent dwellings, suitable screening is to be provided, at a minimum height of 1500mm.	alfresco/terrace area of unit 1 and unit 2 will have overlooking impacts. A condition shall be imposed for the alfresco openings to be fitted with a privacy screening along the east and west elevations with a minimum height of 1.5m above the finished floor level.			
	Landscaping shall be designed to provide screening and filtering for control of privacy and to reduce overlooking of dwellings.	Adequate landscaping is provided throughout the site with garden beds along the rear boundaries within the courtyards to provide adequate screening.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Developments shall utilise the site and building layout to maximise the potential for acoustic privacy by providing adequate building separation within the development and from neighbouring buildings.	Adequate building separation is proposed to maximise acoustic privacy. A minimum of 900mm setback from side boundaries is achieved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Air conditioners, swimming pool pumps and the like are not to exceed 5dba above background noise levels and should not be audible from habitable rooms of neighbouring dwellings. Note: Air conditioners, swimming pool pumps and the like shall comply with the	The development consent shall include relevant conditions to ensure the air conditioners do not exceed 5dba above background noise levels.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	protection of the environment operations act and noise regulation.				
	Balconies shall not extend beyond the required setback.	All balconies proposed are within the required setbacks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	All balconies and decks higher than 800mm above existing ground level shall incorporate privacy measures to ensure that the privacy of surrounding residents is not unduly reduced, Note: Privacy measure may include (but are not limited to:) • screening in the form of walls, screens or louvers • landscape planting • lattice or similar on top of side and rear fencing	A condition shall be imposed for the alfresco openings to be fitted with a privacy screening along the east and west elevations with a minimum height of 1.5m above the finished floor level.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.5	Landscaping and open space				
No.	Clause	Comment	Yes	No	N/A
	Landscaped area shall be a minimum of 2 metres wide and is to be, where possible, at ground level.	The landscaped area for the proposed development has a minimum width of 2 metres.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	No more than 50% of the provided landscaped area shall be forward of the front building line.	The landscaped area is predominantly in the rear yard of the proposed development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Only hard paved areas for the purposes of driveways and pathways will be permitted within the front setback area, and shall be kept to a minimum. Hard paved areas shall not cover the entire front setback area.	The front setbacks of the proposed dwellings only include driveways and as hard paved area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Where an access driveway is located on the side boundary or where an internal roadway is to be provided, a landscape strip of 1 metre shall be provided.	Central driveways are proposed, therefore >1m landscaping is proposed along the side boundary of the driveway	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The % of the total site area to be provided as landscape area for each residential development type shall be as follows: • 25% - Dwelling house, dual occupancy and attached housing development on lots greater than 600m ² .	The subject application proposes 32.3% of landscaped area for the subject site at a minimum width of 2 metres. (199.5m ² landscaped area)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<ul style="list-style-type: none"> • Only be located at the rear or side of the dwelling • Be at located ground level. Structures such as decks proposed to be included as private open spaces, which are equal to or less than 500mm above ground level dwelling, and complies with all other criteria, may be considered by Council based upon their merits. • Minimise overlooking opportunities and shall not decrease the visual privacy of neighbouring development. • Accommodate both passive and active recreation uses. • Must be directly accessible from a main living area of the dwelling (i.e. lounge/dining/rumpus room). • Provided for the exclusive use of the occupant(s) of the dwelling house; • Include an area for external clothes drying with good solar access where possible, which is not visible from a public area. • Shall not be steeper than a 1:8 gradient. For steeply sloping sites, Council may consider terrace type stepping, which must have a length to width ratio no greater than 3:1. 	<p>The proposed private open space area for each dwelling:</p> <ul style="list-style-type: none"> - Is located at the rear of the subject site; - Is located at ground level; - Does not impact on the privacy of adjoining properties; - Is directly accessible from the main living area; - Is for the use of the occupants of the dual occupancy units; - Includes an area for clothes drying not visible from the street with adequate solar access; and - Is not steeper than a 1:8 gradient. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<p>Rear private open space areas are to have external</p>	<p>The private open space area for each</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	access either through an associated garage or directly from a common area in order to facilitate maintenance of the private open space and storage of garbage bins.	dwelling can be accessed directly from the side boundaries which can be utilised to maintain the area and for the storage of garbage bins.			
	Private open space shall be provided at ground level in a single tract with a minimum dimension of not less than 3.0 metres.	The proposed private open space area for each unit is at ground level with a minimum width of 3 metres.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Principal private open space shall have a minimum dimension of 4 metres, have direct access from a major living area of the dwelling and be clear of all structures, including posts.	The principal private open space for each dwelling has a minimum dimension of 4 metres, is directly accessible from the main living area and is clear of any structures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	15% of the total site area is to be provided as private open space for dwelling house, dual occupancy and attached housing developments and this shall include a principal area of 25m ² .	The proposed private open space is approximately 38.8% (239.5m ²) of the site area. Proposed PPOS area for unit 1 is 85m ² at min. 4m wide. Proposed PPOS area for unit 2 is 83m ² at min. 4m wide.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.6	Safety and security				
No.	Clause	Comment	Yes	No	N/A
	The front door of a development should either be visible from the street or	The front door is visible from the street for both the	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	internal roadway, or overlooked by a window, and should be clearly visible from the driveway.	dwellings.			
	Blank walls along street frontages are prohibited.	No blank walls are proposed along the street frontage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Landscaping that may allow would-be intruders to hide shall be avoided.	The landscaping within the front will not allow intruders the opportunity to hide.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.7	Building and site sustainability				
No.	Clause	Comment	Yes	No	N/A
	Residential building designs should incorporate the following design principles for achieving a more sustainable home: <ul style="list-style-type: none"> • Effective building Orientation- attempt to take advantage of northerly aspects, where possible. • Energy efficient building materials should be used • Design to allow for cross ventilation- through window size, placement and ventilation. • Create sustainable landscaping - deciduous trees on north side of dwelling and the planting of vegetable gardens. • Window Protection- through external shading devices. • Draught proofing and weather sealing- to prevent potential air leaks. • Effective use of natural 	The subject development is designed to achieve a sustainable home through: <ul style="list-style-type: none"> - The placement of windows to improve natural lighting; - The window placements to maximise natural ventilation; - North facing living room for optimum solar access; - Adequate landscaping; and - The rainwater tanks to satisfy water sustainability. A BASIX Certificate for the development accompanies the application detailing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	light- dwellings should be designed so that artificial lighting is not needed during the day.	the compliance with the sustainable building design requirements under the BASIX Scheme.			
	The design and location of stormwater drainage structures, such as detention and rainwater tanks, is to be integrated with the landscape design and fencing for the site. Above ground structures should not be visually intrusive.	The proposed underground rainwater tanks are integrated with the landscape design and are not visually intrusive.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	All roofing shall be provided with adequate gutter and downpipes connected to roof water drainage systems.	The proposed development is provided with adequate gutter and downpipes connected to drainage systems as assessed by Council's Development Engineers.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Full details of proposed rainwater tanks shall be submitted with a Development Application for approval. Details are to include (as a minimum): <ul style="list-style-type: none"> • Rainwater tanks shown on all plans, including floor plans and elevations, • the configuration of inlet/outlet pipe and overflow pipe, • the storage capacity, dimensions, structural details and proposed materials, and 	Council shall impose a condition for Rainwater tanks to be shown on elevation plans prior to construction certificate. The details outlined in this provision have been detailed on the stormwater plans accompanying the application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	• the purposes for which the tank is intended to be used, that is for washing machine use, toilet use and outdoor watering use.				
	Rainwater tanks that are to be connected to toilets and washing machines and for outdoor water use are required (minimum 1 per dwelling) and must be located to the side or rear of the dwelling for single dwelling houses.	The proposal includes a 2000L (minimum) rainwater tank for each dwelling which are located to the side of the dwellings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.8	Sunlight access				
No.	Clause	Comment	Yes	No	N/A
	Residential development shall be designed to have as minimal impact as possible on the sunlight access and amenity obtained by existing adjacent properties and their dwellings.	The proposed development has been designed to have minimal impact on the sunlight access and amenity of the adjoining properties.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Applications for proposed dwellings shall demonstrate design mechanisms provided to ensure sunlight access to the proposed dwellings.	The proposed dwellings ensure sunlight access to the main living areas of the dwellings are achieved through the placement of east, north and west facing openings. The private open space of each dwelling has a direct north facing aspect which will receive adequate solar access.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	New dwellings shall be designed to ensure direct sunlight access for a minimum of 3 hours between 9.00am and 4.00pm at the winter solstice (22 June) is provided to at least one main living area of the proposed dwelling/s.	Unit 1 The north facing living area openings will receive 3 hours solar access from 9am to 4pm in mid-winter. Unit 2 The north facing living area openings will receive 3 hours solar access from 9am to 4pm in mid-winter.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The shadow effect from a proposed development on existing adjacent dwellings must be such that a minimum of 3 hours of direct sunlight between 9.00am and 4.00pm at the winter solstice (22 June) is to be provided to at least one main living area of existing dwellings.	The adjoining properties will continue to receive the required solar access to main living areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	A minimum of 50% of the required private open space areas of the proposed dwellings and any adjacent dwellings shall have access to 3 hours of direct sunlight between 9.00am and 4.00pm at the winter solstice (22 June).	Unit 1 and unit 2 receive at least 3 hours solar access from 9am to 4pm in mid-winter. The neighboring properties at receive the required solar access to 50% of POS between 9am and 4pm.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Where sunlight is achieved through east and west facing windows, shading devices should be provided on those elevations for protection from the summer sun.	Solar access is mainly achieved through the north facing openings on each unit.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Proposed development should endeavour not to overshadow any existing solar panels on adjacent properties.	The southern adjoining properties do not include any solar panels.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.9	Cut and fill				
No.	Clause	Comment	Yes	No	N/A
	Development is should be designed and constructed to integrate with the natural topography of the site.	The proposed dual occupancy development is integrated with the natural topography of the site with moderate cut and fill proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fill, up to 300mm, is permitted within 900mm of side or rear boundaries.	No fill proposed	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Fill, 600mm or greater is to be contained within the building envelope.	Generally contained within the building envelope.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Cut is permitted to a maximum of 1 metre.	No cut proposed	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Cut is to be limited to 450mm where it is within 900mm of the rear or side boundaries.	Maximum 450mm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.10	Demolition				
No.	Clause	Comment	Yes	No	N/A
	Approval for the demolition of a dwelling, addition or outbuilding to a dwelling is required from Council.	Approval for the demolition of the existing structures is being sought under the subject application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	If the demolition involves removing asbestos, compliance with Council's Asbestos Cement Policy for the safe removal and disposal is required.	The proposed demolition works will be managed in compliance with Workcover's Asbestos Cement Policy.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.11	Car parking and roads				
No.	Clause	Comment	Yes	No	N/A
	Garages are to be a maximum of 6 metres clear width or 50% of the width of the buildings street elevation whichever is the lesser.	The garage widths are 3 metres which equates to 46.2% of the width of the building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Garages and carports at grade are to be located a minimum of 1000mm behind the front wall of the building or 5.5 metres from the street boundary, whichever is greater.	The proposed garages are setback 8.3 and 7.939 metres from the street boundary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Where the width of the proposed dwelling house or detached dual occupancy is greater than 12 metres, garages and carports may extend 1.5m from the	Building width exceeds 12m; garages extend 270mm from building facade.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	building façade.				
	The size of any garage shall be no more than a maximum of 40m ² . If the proposed garage is to be greater than 40m ² , any area in excess of this will be considered to be floor space.	The garages have an area less than 20m ² and therefore will not be considered as part of the floor space.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	A lockable storage closet for each dwelling should be provided within the garage.	A storage space/open area in the garage can be provided for each dwelling.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	For dwelling houses, dual occupancy and multi dwelling housing, parking in the case of each dwelling shall be separately accessible.	Separate accesses to the garages are provided for each dwelling.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Vehicular access points are to be minimised and should not break the continuity of the streetscape.	The vehicular access point proposed as part of the application is along 43 Irrigation Road which will not break the continuity of the streetscape.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Vehicle crossing/s shall be a minimum width of 3 metres (5 metres for single dwellings and dual occupancies that propose double or adjacent garages) and a maximum width of 5 metres at the boundary line. A width up to 6 metres can be considered for multi-unit complexes. Generally only one vehicular crossing will be permitted per site.	The proposed single vehicular crossing of 5.5m wide (conditioned) is compliant with the requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	All new driveways should be located at least 1 metre away from the side property boundaries, or 1.5 metres in the case of Residential Flat Buildings.	The driveways are setback more than 1 metre from side boundaries.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The maximum gradient for a driveway should be 20%, or 1:5.	The proposed driveway gradients are less than 20% or 1:5.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.12	Universal Housing and Accessibility				
No.	Clause	Comment	Yes	No	N/A
	Each unit provides for facilities on ground floor for people with a disability.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.13	Subdivision				
No.	Clause	Comment	Yes	No	N/A
	Allotment orientation should ensure that living and private open space areas of any dwelling can be orientated to	The orientation of the living areas and private open space areas maximises the	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	the north and that dwellings can be positioned so that the possible overshadowing impact on existing or future adjoining buildings can be minimised.	solar access achieved for the development. The proposed dwellings have minimal impact on the solar access of the adjoining properties.			
	Council will allow the Torrens subdivision of dual occupancies and the strata subdivision of multi dwelling development subject to compliance with all other related controls contained in this DCP.	The subject application proposes the Torrens Title subdivision into 2 lots.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3.1	Specific requirements for attached dual occupancy development				
No.	Clause	Comment	Yes	No	N/A
	<p>No more than one attached dual occupancy may be erected on a single allotment of land.</p> <p>The minimum allotment size for an attached dual occupancy development is 500m² in Zone R2 Low Density Residential and 450m² in Zone R3 Medium Density Residential.</p> <p>The minimum site frontage for an attached dual occupancy, as measured from the building line is 15 metres.</p> <p>Mirror reverse designs for attached dual occupancies are not permitted.</p> <p>Architectural differentiation between the dwellings, such as variable setbacks is required. Compatibility with the adjoining dwelling should be retained through roof pitch, colour schemes, materials etc.</p>	<p>One attached dual occupancy proposed</p> <p>Lot size=615.9sqm with 15.24m frontage</p> <p>Architectural differentiation proposed</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.5	Site coverage				
No.	Clause	Comment	Yes	No	N/A
	The maximum site coverage for a dual occupancy is 50% of the site area.	The proposal achieves site coverage of 39.45% (243m ²).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.6	Setbacks				
No.	Clause	Comment	Yes	No	N/A
	The minimum setback from the principal streetscape frontage is 6 metres (with the exception of dwellings to rear laneways or secondary streets).	The minimum proposed front setback is 8.310m for unit 2 and 7.939m for unit 1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Side setbacks are to be a minimum of 900mm.	The minimum side setbacks for the proposed dwellings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		are a minimum of 900mm on side boundaries.			
	Rear setbacks shall be a minimum 30% of the length of the site. This is irrespective of the location of private open space. This does not apply to corner lots.	The proposed rear setback is 14.993 metres which is 37.8% of the length of the site on the shortest boundary.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	For corner lots, rear setbacks shall be a minimum of 4 metres. Rear setback relate to the proposed rear setback of the dwellings, not the existing rear setback.	The subject site is not a corner allotment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	An articulation zone shall be permitted in the front setback to the primary street frontage. The articulation zone is limited in width to 25% of the building width and 1.5 metres in length.	No encroachment into articulation zone of the 6m setback area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.7	Building height				
No.	Clause	Comment	Yes	No	N/A
	The maximum height of a dual occupancy dwelling is two (2) storeys.	The proposed dual occupancy is a maximum of 2 storeys in height (8.87m).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	The minimum floor to ceiling height for a dual occupancy is 2.4 metres (Figure 26).	Each dwelling achieves the minimum floor to ceiling height of 2.4metres.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.8	Building appearance				
No.	Clause	Comment	Yes	No	N/A
	Maximum length of walls along the first floor side boundaries shall be 10 metres without any indentations, offsets or other articulation features.	The first floor level side elevations exceed 10m east measuring 14.86m and west measuring 14.13m	<input type="checkbox"/>	<input checked="" type="checkbox"/> Acceptable on merit as discussed within main report	<input type="checkbox"/>
	At a minimum, the front façade of each dwelling in a dual occupancy shall orientate the front door and a window of a habitable room on the ground floor to address the principal street frontage.	Each dwelling includes a front door entry and a window on the ground floor level which addresses the street frontage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Item No: LPP079/19

SECTION 4.55(1A) MODIFICATION APPLICATION FOR 84-88 WARREN ROAD, SMITHFIELD

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: DA-2016/8/4

Application lodged	12 August 2019
Applicant	Planning Law Solutions Pty Ltd
Owner	K Q Thai, Q D Thai & T K Nguyen
Application No.	2016/8/4
Description of land	84-88 Warren Road, Smithfield
Proposed development	Section 4.55(1A) application to allow for permanent continuation of extended hours of operation and out of hours limited vehicle access to commercial laundry
Site Area	4186 m ²
Zoning	IN2 – Light Industrial
Principal development standards	Floor Space Ratio – N/A Height of Buildings – N/A
Disclosure of political donations and gifts	Nil disclosure
Heritage	Site is not heritage listed and is not within a heritage conservation area.
Issues	<ul style="list-style-type: none"> Hours of operation which do not comply with HDCP 2013 Public submissions

SUMMARY:

1. DA 2016/8/1 was approved under delegated authority for the use of an existing factory building as a commercial laundry on 31 May 2016. Condition 20 of that consent limited the hours of operation to 7 am to 4 pm Monday to Friday and 8 am to 12 pm Saturdays.
2. Modification application 2016/8/2 sought to change the hours of operation to 7 am to 7 pm, 7 days per week. That application was approved by the Cumberland Independent Hearing and Assessment Panel subject to amended trading hours of 7 am to 7 pm Monday to Saturday, no work Sundays or public holidays, subject to a 12 month trial period.
3. The applicant lodged a class 1 appeal against CIHAP's determination of 2016/8/2 in the Land and Environment Court. Following a section 34 conference, an agreement was reached between the parties to modify the approved hours to include Saturdays 7 am to 7 pm and Sundays & public holidays 9 am to 4 pm.

4. DA 2016/8/3 was lodged with Council on 14 March 2018 and sought consent for additional truck movements outside the approved hours of operation as follows:

- Up to two delivery vehicles departing the site between 4 am and 7 pm on any day of the week, and
- Up to one delivery vehicle entering the site between 4 pm and 7 pm on a Sunday or Public Holiday.

That application also sought to end the trial period for the extended hours which was imposed under the previous modification application. DA 2016/8/3 was approved by the Cumberland Local Planning Panel on 14 November 2018, subject to a further 12 month trial period, and an additional condition requiring non-high frequency reversing beepers to be installed for the delivery trucks.

5. The subject application was lodged with Council on 12 August 2019, and notified for a period of fourteen days from 4 to 18 September 2019. Two public submissions were received as a result of the notification. Additional correspondence was received from the same objectors following conclusion of the notification period.
6. The application does not involve any new non-compliances with the relevant development standards or planning controls.
7. The application is being reported to the Cumberland Local Planning Panel for determination as the modification relates to a condition specifically imposed/altered by the Panel.
8. The application is recommended for approval subject to the conditions in the draft determination at attachment 3.

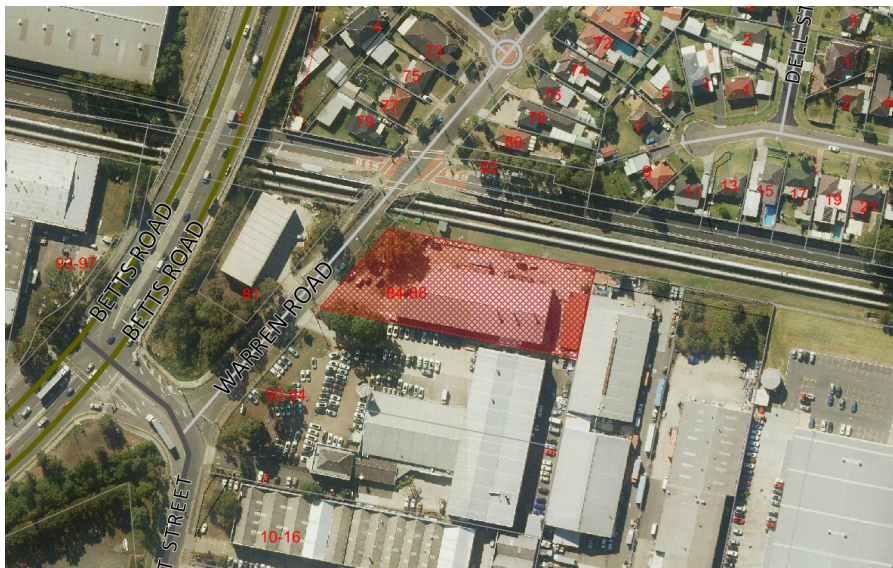
REPORT:

Subject Site And Surrounding Area

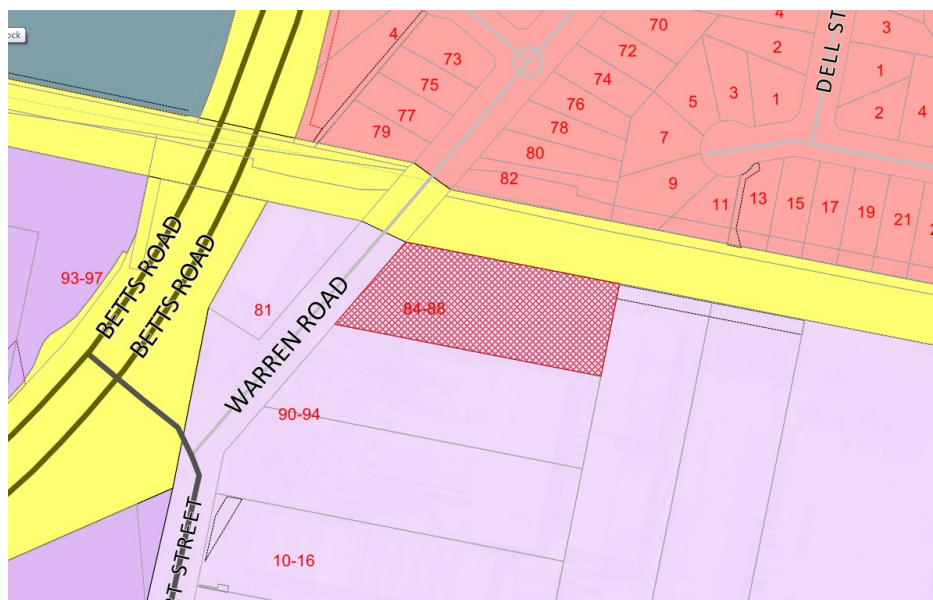
The subject site is known as 84-88 Warren Road, Smithfield. The legal description of the site is lot 42 in deposited plan 10958. The site is zoned IN2 – Light Industrial under the zoning provisions of the HLEP 2013.

The site has a splayed frontage of 46.448 m to the eastern side of Warren Road, and a total area of 4,186 m².

The site is located within an established light industrial area of Smithfield. The surrounding properties are predominantly industrial. However, there are residential properties to the north of the site on the opposite side of the Liverpool – Parramatta Transitway.



Aerial view of subject site and locality. Source: Cumberland Council 2019



Zoning map – subject site shown hatched. Source: Cumberland Council 2019

Description of The Proposed Development

The laundry operations are currently subject to a trial period for extended hours, and additional delivery vehicle movements outside the approved hours. This application seeks to conclude the trial period.

It was also identified during assessment of the application, that the wording of the condition regarding the additional vehicle movements requires refinement as it relates to vehicles departing the site on Sundays and public holidays.

The following table sets out the relevant site history.

Date	Action
31 May 2016	DA approved for the use of an existing factory building as a commercial laundry.
2 March 2017	Section 96(1A) modification application 2016/8/2 lodged with Council seeking approval to operate from 7 am to 7 pm, 7 days per week.
14 June 2017	DA 2016/8/2 approved by Cumberland Independent Hearing and Assessment Panel (CIHAP), subject to condition preventing any work from being carried out on Sundays or public holidays
27 July 2017	Applicant filed a class 1 appeal against the CIHAP determination
13 September 2017	Orders made to give effect to section 34 agreement between the parties to provide for the following hours of operation: <ul style="list-style-type: none"> • 7 am to 7 pm Monday to Saturday • 9 am to 4 pm Sundays and Public Holidays, subject to a 12 month trial period
14 March 2018	Modification application DA 2016/8/3 lodged with Council seeking to allow for additional truck movements outside the approved hours of operation.
14 November 2018	DA 2016/8/3 approved by CLPP, subject to a further 12 month trial period.
12 August 2019	DA 2016/8/4 (subject modification application) lodged with Council
4 October 2019	Application deferred, seeking additional information from the applicant
10 October 2019	Additional information submitted by the applicant
25 October 2019	Further clarification sought from the applicant regarding the early morning truck movements
7 November 2019	Additional information submitted by the applicant
10 December 2019	DA 2016/8/4 reported to CLPP for determination

Applicant's Supporting Statement

A statement in support of the application prepared by Planning Law Solutions dated 5 August 2019 was submitted with the application.

Contact With Relevant Parties

The assessment 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

The application was referred to Council's Environmental Health Unit for comment. The response received 11 September 2019 indicates that the proposal is satisfactory, subject to an additional condition requiring annual review of the Plan of

Management. The recommendation has been adopted in the draft determination at attachment 3.

Development Compliance

The application was referred to Council's Development Compliance Officer for comment. The Development Compliance Officer provided the following comments:

- Development Compliance have received 35 complaints via e-mail (between 7/4/2019 – 12/5/2019) from 1 complainant [name redacted] regarding noise allegedly emanating from the Kong HWA Laundry.
- Development Compliance undertook covert surveillance of the Laundry on Sunday 14 and Monday 15 April 2019. During surveillance of the subject premises, it was observed that the laundry was not operating outside of their approved hours. This officer also noticed absence of activities and noise emanating from the subject premises. Officers are of the opinion that there are noises in the vicinity of the laundry; however cannot be directly assigned as coming from the laundry itself.
- Development Compliance is aware that on 19/4/2019, [name redacted] phoned the afterhours number to report a noise complaint at 6:34am; however also advised that Council not to attend due to lack of access to property.
- Development Compliance is aware that on 12/5/2019, [name redacted] phoned the afterhours number to report a noise complaint and a possible asbestos dump outside the laundry. A Council Ranger attended but was unable to substantiate noise from laundry, but identified a possible source from a nearby industrial estate.
- Development Compliance referred the issue to the NSW Environment Protection Agency (EPA), as the facility where the possible source was identified is operating under an Environment Protection Licence.
- Development Compliance has not had any complaints lodged since 12/5/2019.

External Referrals

The application was not required to be referred to any external agencies.

Planning Assessment

Section 4.55 (1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act)

Pursuant to section 4.55(1A), 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:

Requirement	Comment
It is satisfied that the proposed modification is of minimal environmental impact	Council is satisfied that the proposed modifications involve minimal environmental impact. There is no change to the existing built form or the nature of the business being carried out. The extended hours of operation and additional vehicle movements have been in place for more than 12 months and information from Council's Development Compliance Team indicates that the laundry has been complying with the approved hours.
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	<p>The original application consented to the use of an existing factory building as a commercial laundry.</p> <p>The modification application proposes to conclude the trial period, which has now been in place for more than 12 months.</p> <p>There is no change to the existing built form or the nature of the business being carried out. Accordingly, the Panel can be satisfied that the development as proposed to be modified is substantially the same as that for which consent was originally granted.</p>
It has notified the application in accordance with: <ul style="list-style-type: none"> (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and 	The application was notified in accordance with Part E of Holroyd Development Control Plan 2013.
It has considered any submissions made concerning the proposed modification within	Two submissions were received as a result of the notification. See

any period prescribed by the regulations or provided by the development control plan, as the case may be.	discussion below regarding the issues raised in the submissions.
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 as are of relevance to the development the subject of the application.	<p>The provisions of the applicable EPIs are discussed elsewhere in this report</p> <p>The provisions of the applicable DCP are discussed elsewhere in this report.</p> <p>There are no planning agreements or draft planning agreements related to this application.</p> <p>The regulations do not prescribe any matters for consideration.</p> <p>The likely impacts of the proposal are considered satisfactory.</p> <p>The site is considered to be suitable for the development as proposed to be modified.</p> <p>Two submissions were received as a result of the notification. See discussion below regarding the issues raised in the submissions.</p> <p>Approval of the subject application would not be contrary to the public interest.</p>
The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.	<p>There were no reasons given by the consent authority for the grant of the original consent.</p> <p>See comments below regarding reasons provided for the determination of DA 2016/8/3.</p>

The CLPP gave the following reason for its decision to approve DA 2016/8/3:

1. The Panel is of the opinion at this point in time that the trial period should not be eliminated but continue for a period expiring on 13 September 2019 in order to permit the Council to monitor and assess the noise impact of the premises on neighbours, as well as the noise impact of the additional truck movements outside the operating hours.

2. The additional condition 20B is imposed in order to minimise the noise impact on nearby properties outside normal operating hours.

The trial period has been in operation for more than 12 months, and whilst a number of complaints were received by Council in that period, none have been substantiated and Council's Development Compliance Officer is of the view that the laundry operators are complying with their consent conditions. The complaints that have been received regarding the laundry operations allege that noise from washers and/or dryers is being emitted outside the approved hours. There have been no complaints received regarding the additional vehicle movements that were approved under the previous modification application.

Information submitted by the applicant indicates that a switch has been installed in each of the operator's delivery trucks to silence the reversing beeper to address condition 20B. This is discussed in more detail at the HDGP 2013 section of this report.

Section 4.15 of the Environmental Planning and Assessment Act 1979

The provisions of any Environmental Planning Instruments (EP&A Act s 4.15(1)(a)(i))

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

(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 modification does not involve any physical works and does not raise any new concerns about potential contamination.

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

The use is defined as 'light industry' under the provisions of HLEP 2013. Light industry is permitted with consent in the IN2 – Light Industrial land zone which applies to the land.

The Holroyd LEP 2013 defines **light industry** as "a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- high technology industry,
- home industry"

Holroyd LEP 2013 defines industrial activity as “the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.”

Subject to compliance with the conditions imposed on the original consent, and as modified by the previous modifications, the use will satisfy these LEP definitions.

There are no LEP non-compliances associated with the subject application. An HLEP 2013 compliance table is provided at attachment 1.

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

No draft environmental planning instruments apply to the proposal.

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

(a) Holroyd Development Control Plan 2013

The provisions of Part D – Industrial Controls of HDCP 2013 apply to the proposed modification application. Section 4, Part D of HDCP 2013 provides that industrial operations be limited to the following hours:

- 7am to 7pm Monday to Friday
- 7am to 12 noon Saturday and no work on Sunday.

The development as approved does not comply with the hours of operation specified in the DCP. The original approval provided for use of the site as a commercial laundry subject to the following hours of operation:

- Monday to Friday 7 am to 4 pm;
- Saturday 8 am to 12 pm;
- Sunday and Public Holidays No Work

DA 2016/8/2 (approved by the LEC on appeal) provided for the following amended hours of operation:

- 7 am to 7 pm Monday to Saturday
- 9 am to 4 pm Sundays and public holidays

DA 2016/8/3 was approved by CLPP on 14 November 2018, and provided for limited vehicular access to the site outside the approved hours of operation.

The extended hours and additional truck movements are currently subject to a trial period. The applicant seeks to delete references to the trial period as approved under previous modifications, and allow for permanent continuation of the extended hours and additional truck movements.

Council's Development Compliance Team indicates that the operators have been generally complying with the conditions, and that the extended hours and additional truck movements are not having adverse noise or other impacts in the locality. Accordingly, it is considered appropriate to modify conditions 20, and 20A of the consent to remove references to the trial period.

Condition 20B was imposed by the Panel under the previous modification application (DA 2016/8/3). Condition 20B reads as follows:

20B. The vehicles mentioned in condition 20A shall be provided with a reversing warning system other than high frequency beepers to the satisfaction of Council's Manager of Development Assessment.

Information submitted by the applicant indicates that switches have been installed in the delivery trucks to allow for silencing of the reversing beepers. This is not strictly in accordance with the terms of condition 20B. However, provided that the switch is utilised appropriately, it would have the desired effect of minimising the noise impact on nearby properties. It is recommended that condition 20B be modified to require the reversing beepers to be silenced for all truck movements that occur outside the approved operating hours, pursuant to condition 20A.

It is also recommended that condition 20A be amended to clarify the time for AM truck departures on Sundays and public holidays. As it currently reads, condition 20A allows for up to two delivery vehicles to depart the site between 4 am and 7 am on any day of the week. On Sundays and public holidays, the laundry operations are not to commence until 9 am. The applicant has requested that condition 20A be amended to provide for up to two vehicle departures between 4 am and 9 am. This is considered acceptable given there are no additional truck movements proposed, and as such there would not be any increase in noise emissions beyond that which has already been assessed and approved. This is reflected in the amended condition set provided at attachment 2.

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)(iia))

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

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

The regulations do not prescribe any relevant matters for consideration.

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

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 (EP&A Act s4.15 (1)(c))

The site is considered suitable for the development as proposed to be modified.

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 from 4 to 18 September 2019. As a result of the notification, Council received two public submissions.

The issues raised in the submissions are addressed in the following table:

Concern	Response
Ongoing non-compliance with approved hours – trucks leave well before 7 am and arrive well after 7 pm	The laundry is currently operating subject to a trial period for extended hours of operation. The conditions that currently apply provide for up to two truck movements between 4 am and 7 am, and one truck movement between 4 pm and 7 pm. Council has no record of any complaints regarding trucks arriving at the site after 7 pm. However, this would constitute a non-compliance with the consent.
Over 40 complaints made to Council since September 2017 regarding operation outside approved hours, resulting in 6 infringement notices being issued by Council	Since the determination of the previous modification application (DA 2016/8/3) by the CLPP in November 2018, Council has received a number of complaints regarding noise from the premises. This includes 35 complaints via email between 7 April 2019 to 12 April 2019. However, none of those complaints have been substantiated by Council, and no penalty notices have been issued.
Acoustic reports indicate that noise increases overnight	Acoustic impacts of the hours of operation and additional vehicle movements were assessed under previous modifications, and were considered satisfactory subject to conditions. No new acoustic report was submitted with this application.
Majority of machinery at the laundry is operated by gas and as such electricity data does not prove that the laundry isn't operating overnight.	According to Council's Environmental Health Officer, gas is used to generate hot water and steam and is not used as a motive power source (to drive washing machine and/or dryer baskets/drums) and therefore, gas would not be consumed independent of the washing machine or dryer being used.

	<p>All machines other than a boiler are operated by electricity. Council requested electricity data from the provider in October 2017 to assist in investigating allegations that the laundry was operating outside the approved hours.</p> <p>Council officers were satisfied, following their review of the electricity data, and other available information, that the laundry is not operating outside the approved hours.</p>
EPA investigation established that noise is not emanating from an operation in Herbert Place, Smithfield.	Council has requested, but as yet has not received, confirmation from EPA regarding whether the identified operation at Herbert Place, Smithfield, is complying with the conditions of its EPA licence.
Trucks associated with the laundry continue to use high frequency reversing beepers.	Information provided by the applicant indicates that low frequency reversing beepers have not been installed as required by condition 20B. However, switches have been installed to silence the reversing beepers, and this has been confirmed by Council's Development Compliance Officer. It is recommended that condition 20B be modified to require that the silencing switches be engaged when truck movements permitted by condition 20A are occurring. High frequency reversing beepers can still be utilised when truck movements occur within the standard operating hours, or if the truck is being used at a different location.
Out of hours water usage	The mains water supply pressure is inadequate for the laundry during the normal operating times. Therefore, it is necessary to fill the water tanks at a time when other nearby businesses are closed and/or not drawing water. The automatic filling of water tanks is not considered to be an 'activity' for the purposes of condition 20, and as such, water usage (in the absence of electricity data) is not considered to constitute evidence that the laundry is 'operating' outside its approved hours.
Request for the application to be referred to the Cumberland Local Planning Panel for determination.	The application is being reported to the CLPP for determination in accordance with State and local policies.

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 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 application would not be contrary to the public interest.

Disclosure of Political Donations And Gifts

The application and notification process did not result in disclosure of any political donations or gifts.

CONCLUSION:

The subject modification 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. There is no evidence that the extended hours of operation, or the additional truck movements are resulting in any adverse impacts in the locality. Accordingly, it is considered appropriate to approve this application and allow for permanent extension of the hours of operation and additional out of hours truck movements.

CONSULTATION:

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

FINANCIAL IMPLICATIONS:

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

POLICY IMPLICATIONS:

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






COMMUNICATION / PUBLICATIONS:

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 DA 2016/8/4 which seeks approval for permanent continuation of extended hours of operation and out of hours, limited vehicle access to commercial laundry, be approved subject to the conditions within the draft notice of determination provided at attachment 3.
2. That the persons who lodged a submission in respect of the application be notified of the determination.

ATTACHMENTS

1. HLEP 2013 Compliance Table [!\[\]\(756219e9389f679d57027482aa5cf5fc_img.jpg\)](#) 
2. HDCP 2013 Compliance Table [!\[\]\(8175e06aff05874f50e11ffc448e6860_img.jpg\)](#) 
3. Draft Notice of Determination [!\[\]\(d0fe824e371dd316453cda01cf34ca98_img.jpg\)](#) 
4. Applicant's Planning Statement [!\[\]\(8b973f5add5af5083ee0afc186cd5414_img.jpg\)](#) 
5. Redacted Public Submissions [!\[\]\(d5f663f113d4d7bec37dcda4fee36bc6_img.jpg\)](#) 

DOCUMENTS
ASSOCIATED WITH
REPORT LPP079/19

Attachment 1
HLEP 2013 Compliance Table

Attachment 1 – Holroyd Local Environmental Plan 2013 compliance table

Clause	Yes	No	N/A	Comment
Land use table				
Zone IN2 – Light Industrial				
1 Objectives of zone <ul style="list-style-type: none">To provide a wide range of light industrial, warehouse and related land usesTo encourage employment opportunities and to support the viability of centresTo minimise any adverse effect of industry on other land usesTo enable other land uses that provide facilities or services to meet the day to day needs of workers in the areaTo support and protect industrial land for industrial uses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal satisfies the objectives of the zone by providing a light industrial land use and encouraging employment opportunities.
2 Permitted without consent				
Nil				
3 Permitted with consent <p>Depots; Food and drink premises; Garden centres; Hardware and building supplies; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Places of public worship; Plant nurseries; Roads; Timber yards; Warehouse or distribution centres; Any other development not specified in item 2 or 4</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed use is a light industry. See further comment in the body of the report regarding characterisation of the subject development.
4 Prohibited <p>Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco-tourist facilities; Educational establishments; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Restricted premises; Rural industries; Sewage treatment plants; Sex services premises; Tourist and visitor accommodation; Vehicle body repair workshops; Veterinary hospitals; Waste disposal facilities; Water recreation structures;</p>				

Clause	Yes	No	N/A	Comment
Water recycling facilities; Water supply systems; Wharf or boating facilities.				
4.3 Height of buildings 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 .	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No height standard applies to the subject site.
4.4 Floor space ratio 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 .	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No FSR standard applies to the subject site.
6.4 Flood planning This clause applies to land at or below the flood planning level. Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development: (a) is compatible with the flood hazard of the land, and (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and (c) incorporates appropriate measures to manage risk to life from flood, and (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The subject site is identified as flood affected on Council's mapping. However, the subject application relates to a modification of the hours of operation only. Appropriate conditions were imposed on the original consent to manage the flood hazard.

DOCUMENTS
ASSOCIATED WITH
REPORT LPP079/19

Attachment 2
HDCP 2013 Compliance Table

Attachment 2 - Holroyd Development Control Plan 2013 compliance table

No.	Requirement	Comment	Yes	No	N/A
PART D – INDUSTRIAL CONTROLS					
2	Design Guidelines				
2.3	Amenity Impacts on nearby and adjoining uses				
C.14	Accompany all Development Applications for potential noise generating industries adjacent to residential zoned land with documentation from a qualified Acoustic Engineer specifying noise standards.	An acoustic report was submitted with the application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C.15	Ensure compliance with the relevant requirements such as the Noise Guide for Local Government and the New South Wales Industrial Noise Policy.	The acoustic report submitted with the application indicates that the proposal complies with the relevant guidelines for noise emissions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Retail & Commercial Uses in Industrial Zones				
	Hours of Operation				
C.3	The Council, under normal circumstances, restricts the hours of industrial operations to the hours of <ul style="list-style-type: none"> 7am to 7pm Monday to Friday 7am to 12 noon Saturday and no work on Sunday. 	<p>The hours of operation approved under DA 2016/8/2 are;</p> <ul style="list-style-type: none"> 7 am to 7 pm Monday to Saturday 9 am to 4 pm Sundays or public holidays <p>These hours are currently subject to a trial period and this application seeks to conclude the trial period.</p> <p>See further discussion in the body of this report.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C.5	Provide a noise impact assessment with Development Applications that propose activities with operating hours outside Council's standard business hours.	Acoustic report provided with the previous modification application. Not required here as this modification does not seek to amend the approved hours of operation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DOCUMENTS
ASSOCIATED WITH
REPORT LPP079/19

Attachment 3
Draft Notice Of Determination

10 December 2019

Planning Law Solutions Pty Ltd
Level 11, 65 York Street
SYDNEY NSW 2000

Dear Sir/Madam

Premises: 84-88 Warren Road Smithfield
Section 4.55(1A) modification to development consent no. 2016/8/1
Modification application no. 2016/8/4

I refer to your application lodged on 12 August 2019 seeking amendment to DA 2016/8/1 issued for use of premises as a commercial laundry. The modification application seeks consent for permanent continuation of extended hours of operation and out of hours limited vehicle access.

Pursuant to section 4.55(1A) of the Environmental Planning & Assessment Act 1979, Council grants approval for the modification sought.

Accordingly, Development Consent 2016/8/1 is amended as follows:-

Condition 20 is amended to read as follows:-

20. For the purposes of preserving the amenity of neighbouring occupations and residents, hours of operation of the premises are to be restricted to between:-
- 7 am to 7 pm Monday to Saturday
 - 9am to 4pm on Sundays and public holidays.

Outside the approved hours of operation, there shall be no activity on the site. "Activity" includes, but is not limited to, cleaning, maintenance, running of machines and arrival or departure of delivery vehicles.

Condition 20A is amended to read as follows:-

- 20A. Despite condition 20, the following arrival and departure of delivery vehicles is permitted:
- (a) Between 4 am and 7 am on any day of the week, up to two delivery vehicles may depart the site;
 - (b) Between 4 am and 9 am on Sundays and public holidays, up to two delivery vehicles may depart the site; and

(c) Between 4 pm and 7 pm on Sundays and public holidays, one delivery vehicle may enter the site,

provided that such vehicle movements do not involve the loading or unloading of that vehicle within these hours.

Condition 20B is amended to read as follows:-

20B. High frequency reversing beepers are not to be used for any vehicle movement occurring pursuant to condition 20A.

The following condition is added:-

38. The endorsed Plan of Management is to be reviewed every 12 months and any necessary modifications approved by Council's Manager Health & Environmental Protection prior to implementation.

All other conditions of Development Consent 2016/8 as amended 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(1A) a right of appeal to the Land and Environment Court within 6 months of the date of determination.

Section 8.3 of the Act provides that an applicant may request, within 28 days of the date of determination of the section 4.55(1A) 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 Miss S Pritchard of Council's Environment & Infrastructure Division on 02 8757 9959, Monday to Friday.

Yours faithfully,

Sohail Faridy

COORDINATOR DEVELOPMENT ASSESSMENT

**DOCUMENTS
ASSOCIATED WITH
REPORT LPP079/19**

**Attachment 4
Applicant's Planning Statement**



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**Planning Report to Accompany Section 4.55(1A) Application to Cumberland Council
Proposed amendment in respect of permanent continuation of trial hours at 84-88 Warren Rd
Smithfield**

**Prepared by Planning Law Solutions for Kong Hwa Laundry & Dry Cleaners
5 August 2019**

1. Introduction

Kong Hwa Laundry & Dry Cleaners operates a commercial laundry at Lot 42 DP 10958, 84-88 Warren Road Smithfield. Planning Law Solutions has been engaged by Kong Hwa to prepare this planning report to accompany an application under section 4.55(1A) of the *Environmental Planning and Assessment Act* to modify the current development consent for the premises (DA2016/8/3). The proposed modifications are for:

- the permanent continuation of the extended hours of operation outlined in condition 20 of modification application No.2016/8/3; and
- the permanent continuation of out of hours limited access outlined in condition 20A of modification application No.2016/8/3.

Development consent DA2016/8 as originally granted approved the establishment of a commercial laundry on the subject land. The operating hours originally approved (condition 20) were:

7am -4pm, Monday – Friday,
8am -12pm, Saturday
No work on Sunday and Public Holidays.

The original development consent was issued on 31 May 2016 under delegated authority. Demand for laundry services increased in 2017 to the point where extended hours of operation were required to keep up with demand. This was in part due to the business servicing airlines at Sydney Airport who require daily exchange of linen for inflight services.

2. Operating Hours Under DA 2016/8/2 (Modification 2)

On 12 September 2017 the Land and Environment Court modified development consent DA2016/8/1 to extend the approved hours of operation. The operating hours in the development consent **as modified** on 12 September 2017 (which are the currently approved hours) are outlined in condition 20, which reads as follows:



Liability limited by a scheme approved under professional standards legislation.
Solicitors employed by Planning Law Solutions Pty Ltd (ABN 59 136 914 773) are members of that scheme.

“20. For the purposes of preserving the amenity of neighbouring occupations and residents, hours of operation of the premises are to be restricted to between:-

- ***Monday to Friday 7 am to 4 pm;***
- ***Saturday 8 am to 12 pm;***
- ***Sunday and Public Holidays No work.***

For a trial period of 12 months, commencing from the date of approval of modification application No. 2016/8/2, the hours of operation are restricted to between:-

- ***7 am to 7 pm Monday to Saturday***
- ***9am to 4pm on Sundays or public holidays.***

Outside the approved hours of operation, there shall be no activity on the site. “Activity” includes, but is not limited to, cleaning, maintenance, running of machines and arrival or departure of delivery vehicles.

At the conclusion of the trial period the hours of operation are to revert to the following:-

- ***7 am to 4 pm Monday to Friday***
- ***8 am to 12 pm Saturday***
- ***No work on Sundays and public holidays***

A separate application may be submitted to Council 3 months prior to the expiration of the 12 month trial period seeking the continuation of the extended hours of operation. If such an application is lodged, the extended hours of operation shall continue until such time as that application is determined by Council or the Court.”

3. Modification Application DA 2016/8/3 (Modification 3)

In July 2018 the applicant submitted modification application DA 2016/8/3 which sought approval for limited truck access to the site outside the approved hours of operation and the permanent continuation of the 12-month trial period extended hours of operation in accordance with condition 20 of DA2016/8/2.

The Planning Panel resolved at its meeting on 14 November 2018 to approve the application in part, namely, the limited access to the site outside the approved hours of operation. The Planning Panel resolved that the trial period should continue for a further period expiring on 13 September 2019 in order to permit the Council to monitor and assess the noise impact of the premises.

Conditions 20, 20A and 20B (imposed by the Planning Panel) under modification 3 reads as follows:

20. For the purposes of preserving the amenity of neighbouring occupations and residents, hours of operation of the premises are to be restricted to between:

- Monday to Friday 7 am to 4 pm;**
- Saturday 8 am to 12 pm;**

Sunday and Public Holidays no work.

For a trial period of 2 years, commencing from the date of approval of modification application No. 2016/8/2 (13 September 2017), the hours of operation are restricted to between:-

7 am to 7 pm Monday to Saturday
9am to 4pm on Sundays and public holidays.

Outside the approved hours of operation, there shall be no activity on the site.

“Activity” includes, but is not limited to, cleaning, maintenance, running of machines and arrival or departure of delivery vehicles.

At the conclusion of the trial period the hours of operation are to revert to the following:

7 am to 4 pm Monday to Friday
8 am to 12 pm Saturday
No work on Sundays and Public holidays.

A separate application may be submitted to Council 2 months prior to the expiration of the 2 year trial period seeking the continuation of the extended hours of operation. If such an application is lodged, the extended hours of operation shall continue until such time as that application is determined.

20A. Despite condition 20, the following arrival and departure of delivery vehicles is permitted for a trial period corresponding with the trial period referred to in condition 20:

(a) Between 4 am and 7 am on any day of the week, up to two delivery vehicles may depart the site;
and

(b) Between 4 pm and 7 pm on Sunday and any Public Holiday, one delivery vehicle may enter the site,

provided that such vehicle movements do not involve the loading or unloading of that vehicle within these hours.

20B. The vehicles mentioned in condition 20A shall be provided with a reversing warning system other than high frequency beepers to the satisfaction of Council’s Manager of Development Assessment.

4. Details of This Modification Application (Modification 4)

This section 4.55 modification application seeks:

- a) the permanent continuation of the 12-month trial period extended hours of operation in accordance with condition 20 of DA2016/8/3 (as reprinted at paragraph 3); and

- b) the permanent continuation of limited access to the site outside the approved hours of operation in condition 20A.

Note that no change is proposed to condition 20B. The effect of these modifications is to enable the following permanent hours of operation:

- 7 am to 7 pm Monday to Saturday
- 9am to 4pm on Sundays or public holidays.

The amendment will be achieved by deleting the words struck out in condition 20 and 20A as shown below:

~~“20. For the purposes of preserving the amenity of neighbouring occupations and residents, hours of operation of the premises are to be restricted to between:-~~

- ~~• Monday to Friday 7 am to 4 pm;~~
- ~~• Saturday 8 am to 12 pm;~~
- ~~• Sunday and Public Holidays No work.~~

~~For a trial period of 12 months, commencing from the date of approval of modification application No. 2016/8/2, the hours of operation are restricted to between:-~~

- 7 am to 7 pm Monday to Saturday
- 9am to 4pm on Sundays or public holidays.

Outside the approved hours of operation, there shall be no activity on the site. “Activity” includes, but is not limited to, cleaning, maintenance, running of machines and arrival or departure of delivery vehicles.

~~At the conclusion of the trial period the hours of operation are to revert to the following:-~~

- ~~• 7 am to 4 pm Monday to Friday~~
- ~~• 8 am to 12 pm Saturday~~
- ~~• No work on Sundays and public holidays~~

~~A separate application may be submitted to Council 3 months prior to the expiration of the 12 month trial period seeking the continuation of the extended hours of operation. If such an application is lodged, the extended hours of operation shall continue until such time as that application is determined by Council or the Court.”~~

20A. Despite condition 20, the following arrival and departure of delivery vehicles is permitted ~~for a trial period corresponding with the trial period referred to in condition 20:~~

(a) Between 4 am and 7 am on any day of the week, up to two delivery vehicles may depart the site; and

(b) Between 4 pm and 7 pm on Sunday and any Public Holiday, one delivery vehicle may enter the site,

provided that such vehicle movements do not involve the loading or unloading of that vehicle within these hours.

4. Explanation of the Proposed Amendment for Permanent Continuation of Trial Period Hours of Operation

The purpose of condition 20 generally is to mitigate the noise impact of the laundry to preserve the amenity of neighbouring residents. The purpose of the trial period in condition 20 was to enable an assessment of noise impact of the use during the extended hours identified in the trial period in condition 20. The laundry has been operating during the trial hours during the trial period and the limited truck movements have been occurring during the trial period.

The below aerial photograph illustrates the proximity of the laundry to the surrounding residential area.



Figure 2 - Aerial Photograph of 84-88 Warren Road Smithfield (source: maps.six.nsw.gov)

The subject site is zoned IN2 Light Industrial under *Holroyd Local Environmental Plan 2013*. The below extract of the zoning map indicates that the site is surrounded by multiple zones including Low Density Residential, General Industrial and Business Development.

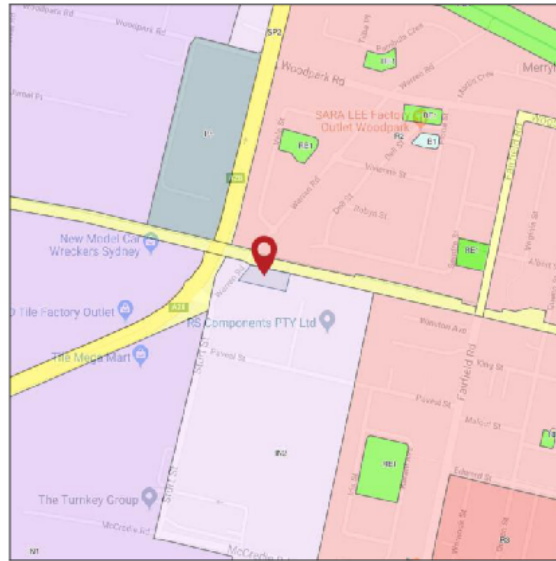


Figure 3 – Extract of Zoning Map identifying 84-88 Warren Road Smithfield.

5. Legislative Framework and Assessment

The proposed modification is to be assessed under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, “Modification of Consents – generally”.

Pursuant to Section 4.55(1A) 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 a consent if:

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) *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*
- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (a) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Section 4.55(3) also applies and requires:

“In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are

of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified."

Assessment against s4.55(1A)

Proposed Amendment for Permanent Continuation of Trial Period Hours of Operation

S4.55(1A)(a) - Minimal Environmental Impact

The laundry has been operating under the approved trial operation hours outlined in condition 20 since 12 September 2017. Acoustic reports have been prepared by Day Design Pty Ltd on behalf of Kong Hwa on 4 occasions: 7 March 2017, 17 August 2017, 14 May 2018 and 25 June 2018. Council also obtained its own report by Renzo Tonin and Associates dated 18 April 2018.

The March 2017 report recommended acoustic measures be implemented to ensure compliance with Industrial Noise Policy standards. The March 2017 report was superseded by the August 2017 report. The Renzo Tonin report was prepared for the purposes of a Notice of Intention to Issue a Prevention Notice under the Protection of the Environment Operations Act 1997. The notice was withdrawn by letter dated 23 May 2018.

The results of the reports produced by Day Design in August 2017, May 2018 and June 2018 are summarised below.

Acoustic Report prepared by Day Design dated 17 August 2017

This report was prepared to accompany the application for modification 2 (DA2016/8/2) and assessed the noise emissions from the laundry during the hours:

- 7 am to 7 pm Monday to Saturday
- 9am to 4pm on Sundays or public holidays.

This report concluded that provided all activity and operations occur between the hours of 7am to 7pm each day, the level of noise emitted by the commercial laundry at 84-88 Warren Road, Smithfield will meet the acceptable noise level requirements of Cumberland Council and The NSW Environment Protection Authority's Industrial Noise Policy.

This report is annexed and marked **Annexure "A"**

Acoustic Report prepared by Day Design dated 5 March 2018

This report was prepared for the purpose of modification 3 (DA2016/8/3) seeking consent for limited truck movements out of approved trading hours. Attended noise measurements were carried out on the subject site to measure the level of truck noise emission from delivery vehicles accessing the Kong Hwa Laundry site between 4am and 7am, seven days a week and 4pm to 7 pm on Sundays.

This acoustic report concluded that for truck movements during the early morning and in the evening the acceptable noise levels were met and were considered acceptable.

This report is annexed and marked **Annexure “B”**

Acoustic Report prepared by Day Design dated 25 June 2018

This report was prepared at the request of Council officer Michael Randall in order to assess differences in the background noise levels at Woodpark. This report assessed the background noise levels recorded at Woodpark (surrounding the subject site) and concluded that the noise emission from Kong Hwa Laundry was considered to meet the predicted acceptable noise level.

This report is annexed and marked **Annexure “C”**.

Ultimately, the 3 Acoustic reports annexed to this application conclude that the impact of the extended hours of operation is minimal. This modification application does not propose any changes to the activities being carried out at the premises (from that occurring during the earlier reports) nor does it propose any change to the trial period hours. Therefore a new acoustic report is not required.

Complaints

We have assessed the nature and extent of complaints received during the trial period. On 19 July 2019 we made a GIPA application to Council requesting a copy of all complaints relating to 84-88 Warren Road Smithfield since September 2017 when the trial period initially started. On 23 July 2019 Council provided a register of complaints, a copy of which is annexed and marked **annexure “D”**.

The register of complaints identifies 39 complaints were received since approval of modification application DA2016/8/3 in September 2018. Of those complaints, 34 were about activities occurring outside the current hours of operation of the laundry (7 am to 7pm Monday to Saturday and 9am to 4pm Sundays or public holidays) and outside the hours of the limited truck access. We are instructed that Kong Hwa Laundry has not been operating outside its approved hours of operation. Kong Hwa management has previously offer to provide Council’s enforcement officers with electricity data to prove that no work is occurring out of hours. Therefore, we consider that these complaints are not relevant to the assessment of this modification application.

The 5 remaining complaints were about activities occurring during the current hours of operation of the laundry and out of hours limited access to the site. We have been unable to ascertain the nature of the complaint or if it was noise related, the source of the noise, because full details of the complaint have been withheld. Access to the full complaint was denied due to “overriding public interest” against disclosure. The validity and relevance of the complaint is unable to be addressed. In the absence of specific details, Kong Hwa relies on the acoustic reports by Day Design that conclude the laundry is operating within acceptable noise levels.

Plan of Management

The Laundry’s current Plan of Management dated August 2017 is annexed and marked **annexure “E”**. It imposes a duty on Kong Hwa to record all complaints about noise, to investigate those complaints and take action if necessary, to comply with approved noise levels. If there are complaints in relation to noise level, the operation manager is to use a noise meter to measure the noise level to ensure that the noise generated from dryers and pumps are within the noise limit specified in the Acoustic report prepared by Day Design dated 17 August 2017.

We have been instructed that the Laundry has received no complaints from the public and the Plan of Management is constantly observed by management.

We are advised that the low frequency reversing beepers required by condition 20B were installed shortly after the approval of modification 3 in November 2018.

Consequently, there are no additional environmental or planning impacts arising from the proposed modification for the permanent continuation of the extended hours of operation outlined in condition 20 and 20A of modification application No. 2016/8/3.

S4.55(1A)(b) - 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)

The original consent (DA2016/8) is for the use of the premises for a commercial laundry. The effect of the proposed modifications is to make permanent the temporary hours of operation. The amendments will not change the purpose or type of activities as described in and approved under the original development consent.

In the case of *Moto Projects (No 2) Pty Ltd v North Sydney Council [1999] NSWLEC 280*, the Land and Environment Court stated that the “substantially the same development” test involves consideration of quantitative and qualitative elements of the development.

In applying the quantitative and qualitative consideration, continuing the trial hours of operation does not result in any qualitative changes to the commercial laundry. All the activities of the laundry remain unchanged. While the proposed amendment proposes a quantitative change to the hours of operation (from temporary to permanent), it does not change the development as originally approved rather it serves to permanently expand its operation. This change has already been approved and operating for a 24-month trial period.

Therefore, the permanent continuation of the trial period hours of operation will result in substantially the same development for which consent was originally granted.

S4.55(1A)(c) - Notification

This a matter for Council.

S4.55(1A)(d) - Consideration of any submissions

This a matter for Council.

Section 4.55(3) EP&A Act - Assessment against s4.15(1) EP&A Act

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) of the EP&A Act as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified. Our assessment is set out below:

a) Holroyd Local Environmental Plan 2013

LEP Control	Proposed Amendment	Compliance
Clause 2.3(2) Zone objectives (zone IN2) <ul style="list-style-type: none"> To provide a wide range of light industrial, warehouse and related land uses. To encourage employment opportunities and to support the viability of centres. To minimise any adverse effect of industry on other land uses. To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. To support and protect industrial land for industrial uses. 	<p>The noise impact of the proposal has been assessed by Day Design Pty Ltd Consulting Acoustical Engineers.</p> <p>The acceptable noise levels are met and therefore the proposal is deemed acceptable as it has a minimal adverse impact on other land uses.</p>	Complies.
Clause 2.1 Zoning The site is zoned IN2 Light Industrial	No change to approved use as a commercial laundry.	Complies. The existing use of the site is a permissible use in the IN2 Light Industrial zone.
Clause 4.3 Height of buildings (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. The Height of Buildings Map does not specify a maximum height for the subject site.	The proposal does not propose any change to the height of the building.	N/A
Clause 4.4 Floor Space Ratio (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. The Floor Space Ratio Map does not specify a maximum floor space ratio for the subject site.	The proposal does not propose any change to the floor space ratio of the existing building.	N/A
Clause 6.9 Buffer area between industrial and residential zones The objectives of this clause are to maintain adequate separation between industrial and residential land uses to protect the amenity of residential uses.	N/A	N/A

The subject site is not identified in the Site-Specific Provisions Map.		
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b) Holroyd Development Control Plan 2010

DCP Control	Proposed Amendment	Compliance
<p>PART D – Industrial Development</p> <p>2.3 Amenity Impacts on Nearby Adjoining Zones</p> <p>Objectives The principal objective of this control is to reduce land use conflict between residential and non-residential uses.</p> <p>Controls The primary issue arising under this modification application is the potential impact of noise generation.</p>	<p>The existing consent allows for the use of the site for a commercial laundry and was found to operate within acceptable environmental noise limits for the approved trial hours of operation.</p> <p>The applicant has provided acoustic reports that support the proposal and conclude that the noise impact of the current trial hours is acceptable.</p>	Complies
<p>4 Retail & Commercial uses in Industrial Zones</p> <p>Objectives The principal objective of this clause is to preserve the amenity of neighbouring occupations.</p> <p>Controls C3. The Council, under normal circumstances, restricts the hours of industrial operations to the hours of 7.00am to 7.00pm, Monday to Friday; 7.00am to 12 noon, Saturday and no work on Sunday.</p>	<p>Hours of operation of the premises are to be restricted to between:</p> <p>7 am to 7 pm Monday to Saturday 9am to 4pm on Sundays or public holidays.</p> <p>The proposed hours of operation for Monday to Friday are compliant with the DCP control.</p> <p>The hours of operation are in breach of the DCP control for Saturday, Sunday and Public Holidays. However, the applicant has provided acoustic reports that support the proposal and conclude that the noise impact arising out of the modification is acceptable.</p>	Partial Compliance
<p>PART 5 – Design Controls</p> <p>2.6 Parking and Vehicular Access</p> <p>Objectives</p>	<p>The development has been approved with sufficient parking and loading facilities on-site. The demand for parking will not increase under this modification application.</p> <p>There is no increase in staff numbers as a result of</p>	Complies

<p>The general objectives of this part of the DCP are to ensure sufficient parking is provided on-site and to reduce potential conflict with street traffic and pedestrians.</p> <p>Further that there are appropriate arrangements for loading and unloading of vehicles.</p>	<p>the modification of operating hours.</p>	
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c) The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality

It is considered that the proposal, which seeks the permanent continuation of the trial period hours of operation is of minimal environmental impact as noise generation and parking demand will be demonstrated to comply with the relevant environmental noise criteria and DCP requirements.

In summary, no unreasonable adverse environmental, social or economic impact is considered to result from the proposed modification.

d) The suitability of the site for the development

The suitability of the site for the use of the land as a commercial laundry has already been established under the approval of the original application DA 2016/8.

The current modification sought does not impact on the suitability of the site for use as a commercial laundry.

e) Public Interest

The proposal will have a minimal impact on the environment, the character of the locality and any adjoining properties. Therefore, it can be concluded that this proposal is not contrary to the public interest.

f) Reasons given by the consent authority for the grant of the consent that is sought to be modified

There does not appear to be any reasons given by the consent authority for the grant of the consent that is sought to be modified. Therefore, this will not preclude approval of this modification application.

6. Conclusion

This application aims to modify modification consent DA2016/8/3 to allow the permanent continuation of the extended hours of operation outlined in condition 20 of modification application and the permanent continuation of limited use outside trading hours outlined in condition 20A.

The modification sought is justified on the grounds that it is of minimal environmental impact and the modification to which it relates is substantially the same development as the development for which the consent was originally granted.

As demonstrated in this report, the use of the site remains as a commercial laundry as was approved in the original development consent DA 2016/8/1.

After considering the legislative requirements under the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2001* this report concludes that the modification sought satisfies all planning and legislative requirements and should be approved.

Planning Law Solutions
5 August 2019

ANNEXURE 'A'

**Acoustic Report prepared by Day Design
dated 17 August 2017**

ANNEXURE 'B'

**Acoustic Report prepared by Day Design
dated 5 March 2018**

ANNEXURE 'C'

**Acoustic Report prepared by Day Design
dated 25 June 2018**

Annexure 'D'

Register of Complaints

Annexure 'E'

Plan of Management dated August 2017

DOCUMENTS
ASSOCIATED WITH
REPORT LPP079/19

Attachment 5
Redacted Public Submissions

Sarah Pritchard

From:
Sent: Wednesday, 18 September 2019 12:52 PM
To: Records Department
Subject: Submission (public): DA-8/2016.4 SMITHFIELD - DA's - 84 - 88 Warren RD, SMITHFIELD NSW 2164
Attachments: Local Residents Submission for DA 201684 .pdf; Equipment Listing Kong HWA Laundry.pdf; KONG HWA LAUNDRY WATER METER READINGS 210517 UNTIL 310517.pdf

Dear Sir/Madam,

Please find attached the Local Residents Submission for DA 2016:8:4, Water Usage Log and Image

Kind regards,



Box around water meter at Kong HW Laundry 84-88 Warren Road Smithfield

Your Reference: 2016/8/4
Contact:
Phone:

16th September 2019

Cumberland Council
16 Memorial Avenue
MERRYLANDS NSW 2160

Dear Sir/Madam,

We are writing in reference to:

NOTICE OF DEVELOPMENT APPLICATION

PREMISES: 884-88 WARREN ROAD SMITHFIELD

**PROPOSAL: SECTION 4.55(1A) APPLICATION TO ALLOW FOR PERMANENT
CONTINUATION OF EXTENDED HOURS OF OPERATION AND OUT OF
HOURS LIMITED VEHICLE ACCESS TO COMMERCIAL LAUNDRY**

APPLICANT: PLANNING LAW SOLUTIONS (PLS)

DEVELOPMENT APPLICATION: 2016/8/4

My family, local residents of Sandra Street and Warren Road Woodpark and myself, still **STRONGLY OPPOSE** the above proposal to permanently allow extended hours of operation and limited vehicle access to Kong HWA Laundry at 84-88 Warren Road Smithfield.

On 14th November 2018 at a Cumberland Local Planning Panel Meeting the following conditions were set out in **Condition 20** which states:

20. For the purpose of preserving the amenity of neighbouring occupations and residents,
hours of operation of the premises are to be restricted between:

- Monday to Friday 7am to 4pm
- Saturday 8am to 12pm
- Sunday and Public Holidays no work

For a trial period of 2 years commencing from the date of approval of modification application No 2016/8/2 (13 September 2017), the hours of operations are restricted to between:

- 7am to 7pm Monday to Saturday
- 9am to 4pm Sundays and public holidays

-2-

Outside the approved hours of operation, there shall be no activity on the site. "Activity" includes, but is not limited to cleaning, maintenance, running of machines and arrival or departure of delivery vehicles.

We would like to point out to date over 40 complaints have been made to Cumberland Council since September 2017 in regards to the commercial laundry operating outside of the above hours resulting in six infringement notices. While a few of the complaints could not be substantiated by Cumberland Council, I have evidence which I believe proves the laundry definitely works outside the operating hours above and continues to do so on a daily basis. The noise we hear from the laundry outside of the above hours is the same noise that prompted the complaints resulting in six infringement notices. If there was no noise coming from the laundry there would be no reason to complain.

It is stated in the Environmental Report prepared by Planning Law Solutions dated 5th August 2019, that the laundry has supplied electricity usage which proves there are no overnight operations, however, the majority of their equipment is operated by gas. A list of the laundries equipment is attached, which shows the dryers and boilers are operated by gas. This information was retrieved from the Kong HWA Laundry website. The dryers, boilers and water pumps are the machinery noises we hear outside of the operating hours above. Due to the fact that gas is used to operate a lot of machinery, the Council should also request gas usage readings.

At the end of May 2018, I collected the water usage of Kong HWA Laundry for one week, which clearly shows that a large amount of water is being used outside the above operating hours. The water usage log collected was emailed to Qasim Malik in the Compliance Department at Cumberland Council. Once the laundry was made aware of the water usage log, a box was built around the water meter, so it could not be seen ticking over or read during after hours operation, unless you had a key to the padlock. Please find the water meter log and a photo of the box attached.

During the day especially on Sundays, public holidays when all the dryers, boilers, ironing machines and water pumps are operating at the same time, the noise levels in our opinion does not comply. It appears that when previous acoustic checks have been carried out, the laundry limits the use of what machinery is operating at any one time. In all the acoustic checks completed to date, the noise levels at night increase rather than decrease. Shouldn't the noise levels decrease rather than increase at night?

During the night, the noise heard is mainly from the dryers and water pump, which is situated at the rear of the factory building and premises. This noise during the night carries over to the properties on the north side of the transit way from the laundry.

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On Sunday 12th May 2019 at 8:36pm I drove around to Kong KWA Laundry, where I witnessed and videoed water running through the pipes on the property near the water meter. The video can be supplied if needed.

Inspector Joanne Meekin attended my residence and witnessed the noise I believed to be coming from the laundry, while walking up my driveway, in my backyard and from my upstairs bedroom. At the time, Ms Meekin established that there was a definite disruptive noise being heard, which she did agree at the time sounded like dryers. Whilst in my upstairs bedroom Ms Meekin saw the steam that comes from the Visy stacks, approximately one kilometre from my residence, which has been in the same location for over 30 years and never having any noise related issues from our local community in Woodpark. At the end of her visit Ms Meekin believed the noise was coming from Visy and not the laundry and refused to attend the laundry to view the water running through the pipes that I had witnessed.

On Monday 13th May 2019 I lodge a complaint with the EPA regarding possible noise coming from Visy. An investigation was completed and it has been established after extensive testing, that the noise was definitely not emanating from Visy. I have been in close contact with Stephen Rudan the National HSE Manager for Visy at Smithfield and he is more than happy to talk to any council member if they have any concerns or questions.

A noise at night has been confirmed by Inspector Joanne Meekin, it is our opinion that it is Cumberland Councils responsibility to find out where the noise is definitely coming from, so the local residents can go back to the peaceful existence they enjoyed prior to the commercial laundry moving in at the end of 2015.

On 14th November 2018 at a Cumberland Local Planning Panel Meeting the following conditions were set out in **Condition 20B** which states:

20B. The vehicles mentioned in condition 20A shall be provided with a reversing warning system other than high frequency beepers to the satisfaction of the Councils Manager of Development Assessment.

It states in the Statement of Environmental Effects prepared by Planning Law Solutions on 5th August 2019:

“We have been advised that the low frequency beepers required by Condition 20B were installed shortly after the approval of modification 3 in November 2018”

We believe this statement to be false and can be backed up with video evidence obtained, which can be supplied if required.

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I witnessed trucks reversing in to the premises at 84-88 Warren Road Smithfield still using high frequency beepers on Friday 5th May 2019 and Tuesday 10th September 2019.

On 14th November 2018 at a Cumberland Local Planning Panel the following **Reasons for Decision** states:

1. The Panel is of the opinion at this point in time that the trial period should be eliminated but continue for a period expiring on 13 September 2019 in order to permit the Council to monitor and assess the noise impact of the premises on neighbours, as well as the noise impact of the additional truck movements outside the operating hours.
2. The additional condition 20B is imposed in order to minimise the noise impact on properties outside normal operating hours.

We would like to view all the reports completed by the Council in relation to the monitoring and noise assessment impact of the premises on neighbours that have been carried out since 13th September 2018.

We would also like to view any reports stating that the Councils Manager of Development Assessment is satisfied with any reversing warning system other than high frequency beepers.

We implore the Council to stop rewarding Kong HWA Laundry, who blatantly continue to disregard any rules or regulations put in place, to **preserve the amenity of neighbouring operations and residents**. We have suffered enough and feel that the Council has failed us by either siding with the laundry or not taking the proper steps to ensure the laundry is complying with its Development Application.

If the Council is at all serious about the following statement “**for the purpose of preserving the amenity of neighbouring occupations and residents**” please consider giving the local residents of Sandra Street and Warren Road Woodpark back our Sundays and Public Holidays. There is nothing worse than the sound of dryers, ironing machines and water pumps impacting on our Christmas day celebrations etc. In our opinion allowing any industry to operate 365 days of the year so close to a residential area, is definitely not living up to the above statement.

If Kong HWA Laundry is found to be in contempt of the order above by operating outside of the above operating hours, hopefully they will be penalised accordingly and be denied to work the extended hours requested above.

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Due to the seriousness of the above matter and for the fact that residents have been effected since 3rd May 2016 without any satisfactory outcome, we would like to request that this matter goes before the Cumberland Local Planning Panel, so we can have the opportunity to produce more evidence and have legal representation.

We look forward to your prompt response in sending out

Kind regards,

On behalf for the local residences of Sandra Street and Warren Road Woodpark

Equipment Listing

KONG HWA LAUNDRY EQUIPMENT LISTING

1 X 150 HP Cleaver Brooks gas fired steam boiler

1 X 100 HP Cleaver Brooks gas fired steam boiler

1 X Continuous Batch Washer Senking P18.9

1 X Continuous Batch Washer Poensgen PWZ351-11

2 X 300 lb Milnor float air mount washer-extractor

4 X 35 lb Milnor fixed mount washer-extractor

2 X 300 lb Sea Lion XGO130F Washer-extractor

4 X 42 kg Passat gas heated dryer

5 X 46 kg Passat steam heated dryer

2 X Burton five roll steam heated roll ironer

2 X Burton one roll steam heated roll ironer

2 X Jensen modular LX Folder

2 X Jensen Armstrong Twin Twolane folder

2 X Jensen Wishbone Nova towel folder

4 X Tom Tyre tying machine

2 X 35 lb Union L735.S dry cleaning machine

1 X 35 lb Union XL835.S dry cleaning machine

5 X Utility steam pressers

1 X Garment steam heated former

1 X Spotting board with steam air vacuum

KONG HWA LAUNDRY & DRY CLEANERS WATER METER READINGS AND USAGE

DATE	TIME	METER READING	WATER USAGE
21/05/17 (SUNDAY)	4:41PM	5224	
21/05/17 (SUNDAY)	7:06PM	5225	1.00 KL = 1,000 LTRS
22/05/17	7:05PM	5290	65.00 KL = 65,000 LTRS
23/05/17	12:16AM	5304	14.00 KL = 14,000 LTRS
23/05/17	4:49PM	5272	68.00 KL = 68,000 LTRS
23/05/17	9:10PM	5384	12.00 KL = 12,000 LTRS
24/05/17	5:45AM	5404	20.00 KL = 20,000 LTRS
24/05/17	5:00PM	5458	54.00 KL = 54,000 LTRS
25/05/17	6:08AM	5490	32.00 KL = 32,000 LTRS
25/05/17	5:03PM	5500	10.00 KL = 10,000 LTRS
26/05/17 *	6:04AM	5501	1.00 KL = 1,000 LTRS
26/05/17	5:10PM	5522	21.00 KL = 21,000 LTRS
27/05/17 (SATURDAY)	9:52PM	5559	37.00 KL = 32,000 LTRS
28/05/17 (SUNDAY)	9:04AM	5676	117.00 KL=117,000 LTRS
28/05/17 (SUNDAY)	4:13PM	5694	18.00 KL = 18,000 LTRS
28/05/17 (SUNDAY)	7:49PM	5703	9.00 KL = 9,000 LTRS
29/05/17	5:37AM	5729	26.00 KL = 26,00 LTRS
29/05/17	9:06PM	5799	70.00 KL = 70,000 LTRS
30/05/17	5:14PM	5880	81.00 = 81,000 LTRS
31/05/17	5:41AM	5912	32.00 KL = 32,000 LTRS

- SYDNEY WATER CALCULATOR WAS USED TO CALCULATE WATER USAGE.
- ON 26/05/17* A GAS TRUCK WAS PARKED AT THE PREMISES CARRYING OUT WORK, THIS WOULD EXPLAIN THE SMALL AMOUNT OF WATER USAGE ON THIS DAY, HOWEVER OVERNIGHT WORK WAS STILL CARRIED OUT.
- WATER USAGE IN **BOLD** IS DEFINITE OUT OF HOURS OVERNIGHT WATER USAGE.
- THE REMAINDER OF THE WATER USAGE INCLUDES NORMAL WORKING HOURS AND OUT OF WORKING HOURS, THEREFORE, IT IS IMPOSSIBLE TO ACHIEVE A CORRECT READING.

Sarah Pritchard

From:
Sent: Wednesday, 18 September 2019 4:43 PM
To: Records Department
Cc: Sarah Pritchard
Subject: Submission (public): DA-8/2016.4 SMITHFIELD - DA's - 84 - 88 Warren RD,
SMITHFIELD NSW 2164

To WHOM IT MAY CONCERN

In regards to the abovementioned DA ,the business operating from these premises have NEVER followed the conditions of their DA, trucks leave well before 7am and arrive well after 7pm ,I have been behind the laundry's trucks on the way to the airport as I sometimes have to start work there at 7am,so obviously they have left before 7am

I understand there can be traffic holdups causing them to be late back however ,as I

Understand the conditions of the DA , "no activity ,including trucks delivering or leaving before 7am"

I live approximately 150 meters from this address and hear noise all the time from the trucks returning late

This business has NEVER complied with council rules since day one ,and WILL continue to break the terms of its DA .

So to finish .I implore the Council to REJECT the DA to make the extended hour's permanent and make the Laundry go back to the hours agreed to in the original DA

Yours Faithfully

Kind regards,

Item No: LPP080/19

SECTION 4.55(2) MODIFICATION APPLICATION FOR 127-129 GREAT WESTERN HIGHWAY, MAYS HILL

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: DA 2016/490/4

Application lodged	23 August 2019
Applicant	Baini Design Pty Ltd
Owner	Dardas (Aust) Pty Ltd
Application No.	2016/490/4
Description of Land	127-129 Great Western Highway Mays Hill
Proposed Development	Section 4.55(2) modification application for internal and external alterations and additions including additional cleaner's storage and WC at upper basement level, reconfiguration of unit 31, changes to external materials and finishes, provision of a communal WC within the rooftop communal open space, and modifications to median strip requirements
Site Area	1085.7 m ²
Zoning	B6 – Enterprise Corridor
Principal development standards	Height of Buildings – 23 m & 17 m Floor Space Ratio – 2.0:1
Disclosure of political donations and gifts	Nil disclosure
Heritage	Subject site is not within the vicinity of any heritage item or heritage conservation area
Issues	<ul style="list-style-type: none"> • Height non-compliance • Streetscape presentation • Design quality

SUMMARY:

1. The subject application was lodged on 23 August 2019 and notified to surrounding properties from 18 September to 9 October 2019. No submissions were received as a result of the notification.
2. The application was deferred on 17 October 2019 and amended plans were submitted on 31 October 2019.
3. The application is being reported to the Cumberland Local Planning Panel (CLPP) for determination as it involves a variation to the height of buildings development standard.

4. The subject application has been assessed against the relevant provisions of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development, State Environmental Planning Policy (Infrastructure) 2007, Holroyd Local Environmental Plan (HLEP) 2013 and Holroyd Development Control Plan (HDCP) 2013.
5. The proposed modification application seeks consent for additional structures within the rooftop communal open space area that would exceed the applicable height of buildings standard. These variations are not supported, as discussed in detail in the report. The proposal also results in a minor increase in the overall height to the top of the lift overrun which is considered supportable. The extent of the variation proposed is as follows:

Control	Required	Proposed	% Variation
Height of building	23 m max	25.485 m	10.8%

6. The application is recommended for part approval subject to the conditions set out in the draft determination at **attachment 4**.

REPORT:

Introduction

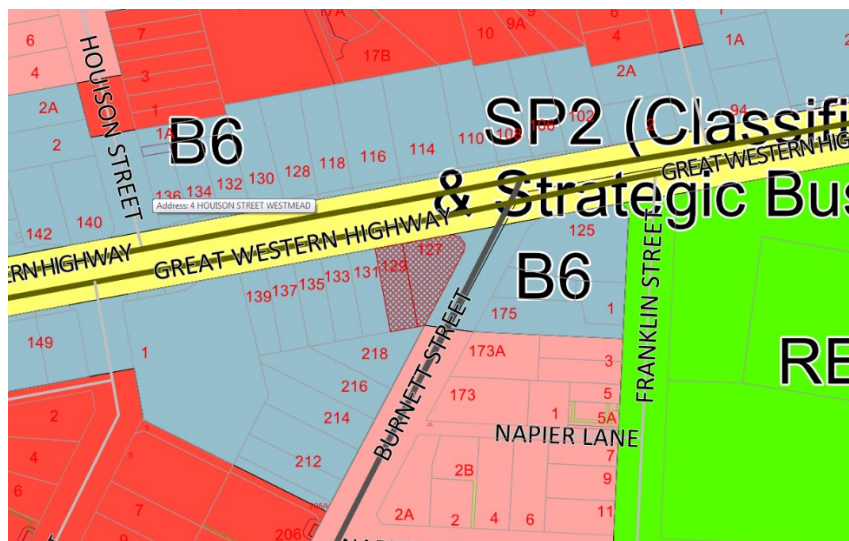
The subject site is known as 127-129 Great Western Highway Mays Hill, and is legally described as lot 1 in DP 433208, and lot 332 in DP 13239. The site has an area of 1014.91 m², frontage of 47.245 m to Great Western Highway and 39.985 m to Burnett Street. The site currently contains two detached dwellings with associated outbuildings and a number of established trees. Demolition of existing structures and removal of trees was approved under the original application.

The site is zoned B6 – Enterprise Corridor, as are the majority of the surrounding sites. The land to the south east is zoned R2 – Low Density Residential.

There is current approval for a seven storey mixed use development with ground floor business space, and 31 residential units on the subject site. The locality is undergoing transition to higher density developments in line with the planning controls that currently apply.



Aerial view of the locality with subject site shown hatched. Source: Cumberland Council 2019



Zoning map with subject site shown hatched. Source: Cumberland Council 2019



Subject site – Great Western Highway frontage. Source: Google maps 2019



Subject site – Burnett Street frontage. Source: Google maps 2019

Description of The Proposed Development

Proposed amendments as identified in the planning statement submitted with the application are as follows:

- Inclusion of cleaner's storage and WC at upper basement level
- Reconfiguration of unit 31 layout on sixth floor
- Additional pool/spa, toilet and outdoor entertaining area to roof top terrace
- Change of brick finish to Hebel system for external and internal walls
- Amendment to façade to remove 'birds nest' treatment
- Adjustment to planter boxes to adopt potted plants
- Provision of roof awning to the top floor lift entries
- Adjustment to awning to construct it of concrete instead of steel
- Change the deferred commencement condition to remove Roads and Maritime as an approval agency for the median strip works as this is a matter for Council.
- Median strip condition to be moved to prior to OC instead of deferred commencement.

There is no change to the unit mix under this modification application. The development as approved provides for 4 x 1 bedroom units (12.9%), 24 x 2 bedroom units (77.4%), 3 x 3 bedroom units (9.6%).

Application History

Date	Action
3 October 2017	DA 2016/490 approved under delegated authority for 7 storey mixed use development with 27 residential units and 41 car spaces under SEPP ARH.
18 December 2018	DA 2016/490/2 approved by CLPP for internal and external modifications including an additional 4 x 1 bedroom units.
24 July 2019	DA 2016/490/3 rejected due to insufficient information being submitted with the application
23 August 2019	DA 2016/490/4 (subject modification application) lodged with Council.
18 September to 9 October 2019	DA 2016/490/4 placed on public notification. No submissions were received as a result of the notification.
17 October 2019	Application deferred seeking additional information and amended plans.
31 October 2019	Amended plans and additional information submitted by the

	applicant.
10 December 2019	Application referred to CLPP for determination.

Applicant's Supporting Statement

A Statement of Environmental Effects prepared by Think Planners dated 20 August 2019 was submitted with 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 Engineering

The application was referred to Council's Development Engineer for comment. The response received 20 November 2019 indicates that the proposal is satisfactory, subject to some minor amendments to the proposed conditions.

The applicant seeks to move condition 2 of schedule A, to the 'prior to the issue of an occupation certificate' section of the consent. Condition 2 requires that the applicant obtain approval from RMS, City of Parramatta Council and from the Cumberland Local Traffic Committee for the design of the median strip to be constructed in Burnett Street.

Burnett Street is a local road under the control of Council, with Cumberland having responsibility for the western half, and City of Parramatta for the eastern half of the street. Specific approval from RMS is not required for works in a local road. It is noted that, following consideration by the City of Parramatta Traffic Committee, the matter was reported to the Cumberland Local Traffic Committee (LTC) on 6 November 2019. Final approval will be obtained when the matter is reported to Council on 4 December 2019.

It is not considered necessary to move condition 2 to the 'prior to the issue of an occupation certificate' section of the consent, as the LTC approval will have already been obtained prior to the commencement of works. Conditions 183 to 186 on the original consent require the median strip works to be completed, and documentation submitted to Council prior to the issue of an occupation certificate. There is also a condition requiring payment of a \$20,000 bond for the satisfactory completion of the works, prior to the issue of a construction certificate. Accordingly, it is recommended that condition 2 of schedule A be deleted.

External Referrals

The application was not required to be referred to any external agencies. However, it is noted that the applicant has provided written confirmation from RMS with the application that there are no concerns with the proposed modification, and that RMS has no approval role in the design or construction of a median strip in Burnett Street. Accordingly, it is recommended that references to any RMS approval for the median strip be deleted from the conditions. This is reflected in the draft determination at **attachment 5**.

Planning Assessment

Section 4.55 of the Environmental Planning and Assessment Act 1979 (EP & A Act)

Pursuant to section 4.55(2) of the Act, a consent authority may, on application being made by the applicant or any other person entitled to act on a consent and subject to and in accordance with the regulations, modify the consent if:

Requirement	Comment
It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	The Panel can be satisfied that the development will be substantially the same as that for which consent was originally granted in terms of the building envelope, mix of uses, nature and extent of environmental impact.
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	No Minister, public authority or other approval body was required to be consulted.
It has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that	The application was notified in accordance with Holroyd Development Control Plan 2013.

requires the notification or advertising of applications for modification of a development consent, and	
It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received as a result of the notification.
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.	<p>i) The provisions of the applicable EPIs are discussed elsewhere in this report.</p> <p>The provisions of the applicable DCP are discussed elsewhere in this report.</p> <p>There are no planning agreements or draft planning agreements related to this application.</p> <p>There are no relevant matters prescribed by the regulations.</p> <p>The likely impacts of the development as proposed to be modified are considered satisfactory.</p> <p>The site is considered to be suitable for the development as proposed to be modified.</p> <p>No submissions were received as a result of the notification.</p> <p>Approval of the subject application would not be contrary to the public interest.</p>
The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.	There were no reasons given for the grant of the original consent. The reason given for the approval of the previous modification application is not relevant to the subject modification application.

Section 4.15 of the Environmental Planning and Assessment Act 1979

Environmental Planning Instruments

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

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

The requirement at clause 7 of SEPP 55 for the consent authority 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 raise any new concerns about site contamination.

(b) State Environmental Planning Policy (Infrastructure) 2007

The relevant provisions of the SEPP (clauses 45, 101, 102, 103) were considered in assessment of the original application. The proposed modification do not raise any new concerns regarding the impact of the proposal on the Great Western Highway, or the impact of road noise on the proposed development. The application was not required to be notified to any public authority.

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

BASIX certificate 933380M_02 dated 19 July 2018 was submitted with the amended plans. The certificate achieves target scores and is generally consistent with the architectural plans.

A condition was imposed on the original consent to require that 3 star gas instantaneous hot water systems be shown on the architectural plans prior to the issue of a construction certificate. The amended BASIX certificate provided with this application requires a central hot water system for connection to all dwellings. The draft determination at attachment 5 provides for the relevant condition to be amended to reflect the updated BASIX commitment.

The BASIX certificate also requires an 8 kwh photovoltaic system. Amended plans provided by the applicant show some of the required PV cells on the roof over the eastern lift overrun and communal toilet. As the toilet is recommended to be deleted, this will reduce the amount of roof area available. As such, a condition is included in the draft determination to require the location of the PV system to be clearly shown on the plans prior to the issue of a construction certificate.

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

The subject development is defined as 'in-fill affordable housing' under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

The provisions of the SEPP were considered in the assessment of the original application, and the proposed modification results in a reduction in the total amount of landscaped area provided. The application has not been made by a social housing provider. As such, 30% of the site (minimum 325.71 m²) is required to be landscaped.

Amended plans show a total of 163.2 m² of landscaped area which equates to 15% of the site. This is less than the required minimum, and less than the 23% approved under the previous modification. However, given the location of the site within the B6

zone and the DCP setback controls that apply, the variation is considered supportable.

The proposed modifications do not affect compliance with any of the other relevant standards of the SEPP. A comprehensive assessment is provided at attachment 1.

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

The proposal is classified as a residential apartment development and SEPP 65 applies. A design verification statement was submitted with the amended application. The statement does not address the requirement of the Regulation (115(3A)(c)) to verify that the modifications do not diminish or detract from the design quality, or compromise the design intent, of the development for which the development consent was granted. It also fails to specifically address the amendments to the design that are proposed under this modification application. However, subject to amendments as set out in the draft conditions, Council is satisfied that the design quality of the development will be maintained.

The approved schedule of finishes includes a mix of face brick, Alucobond cladding, and rendered painted surfaces. The subject application seeks to replace the Alucobond and brick elements with rendered Hebel. This is considered satisfactory, as the proposed finishes schedule still contains a mixture of different colours, and the facades are well articulated.

The proposed deletion of the ‘birds nest’ element is not supported. This is considered to be an important element of the approved design that contributes significantly to the visual interest of the development from both frontages. A condition is included in the draft determination to require that this element be reinstated.

A comprehensive assessment against the Apartment Design Guide (ADG) controls is provided at attachment 2.

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

The subject site is not identified as a coastal wetland nor is it ‘land identified as “proximity area for coastal wetlands”’ as per Part 2, Division 1 of the SEPP Coastal Management 2018.

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

The proposal is defined as ‘shop top housing’ (one or more dwellings located above ground floor retail premises or business premises) under the provisions of HLEP 2013. Shop top housing is permitted with consent in the B6 – Enterprise Corridor zone which applies to the land.

The proposed modifications do not result in any new non-compliances with the relevant LEP standards. However, the proposal does increase the volume and extent of the height exceedance. An assessment against all relevant LEP provisions is provided at attachment 3. The height variation is discussed in detail below.

Height of buildings

In accordance with the Height of Buildings Map accompanying HLEP 2013, a maximum height of 23 m applies to the majority of the site. The southern portion that is to be developed for the purpose of a laneway connecting Burnett and Robilliard Streets has a height limit of 17 m.

The development as approved includes a height variation of approximately 2 m at the easternmost lift overrun. The western lift overrun, and the majority of the balustrading surrounding the rooftop COS also exceeds the height limit.

The subject modification application seeks to introduce the following additional building elements above the maximum height limit:

- spa pool
- feature wall and shade sail
- BBQ
- communal toilet and sink
- cabana

The spa pool, feature wall, and cabana proposed under this application will exceed the maximum height limit are not considered supportable in this instance for the following reasons:

- the proposed structures will result in additional visual bulk, as viewed from the public domain and from surrounding properties.
- the development as approved already provides for sufficient communal open space for residents of the building.
- the approved height variation relates only to the common circulation spaces and balustrading, which are required to provide access and safety to the rooftop area.
- approval of the proposed structures would set an undesirable precedent for other development in the locality.
- sufficient environmental planning grounds to justify the departure have not been advanced by the applicant.

A condition is included in the draft determination to require that those additional rooftop elements be deleted.

Having communal toilet facilities on the rooftop is considered generally desirable, as these facilities will make it possible for a wider range of residents to make use of the rooftop communal open space area, and to spend more time enjoying that space. Without a communal toilet, elderly residents or people with young children may find it

impractical to use the rooftop terrace. However, in this case the proposed facilities would result in a non-compliance with both the FSR and height of buildings standards. Council is not satisfied that the location of the toilet as shown on the plans is the most appropriate for minimising impacts on the streetscape and neighbouring properties. Furthermore, no information was submitted by the applicant to support a variation to the FSR standard. Accordingly, the toilet facilities are recommended to be deleted.

The proposal also seeks to increase the overall height of the building at the roof over the communal toilet to 25.485 m. This represents a 10.8% variation to the height standard of 23 m. Although this is a modification application and clause 4.6 does not apply, the applicant provided a written request to vary the standard to allow for the additional structures, as listed above. However, the applicant's request does not accurately detail the extent of the variation, nor does it provide any specific environmental planning grounds that would justify the contravention of the standard.

The applicant's variation request is included in the SEE, provided at attachment 7 to this report.

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

No draft Environmental Planning Instruments apply to the proposal.

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

(a) Holroyd Development Control Plan 2013

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

A comprehensive HDCP compliance table is attached to this report at attachment 4. Subject to compliance with the draft conditions, there are no new DCP non-compliances as a result of the proposed modifications.

The following table provides a summary of the proposed modifications that have not been addressed elsewhere in this report.

Proposed modification	Comment
Inclusion of cleaner's storage and WC at upper basement level	Basement storage is specifically excluded from the definition of Gross Floor Area. However, the proposed WC has been included in the FSR calculation.
Reconfiguration of unit 31 layout on sixth floor	As proposed to be modified, apartment 31 will comply with all relevant ADG controls including internal storage, living room size. The reconfiguration of this

	unit is supported.
Adjustment to planter boxes to adopt potted plants	The proposed adjustment from planter boxes to potted plants is considered satisfactory. Details of the pot design have been provided on the amended landscape plan.
Adjustment to awning to construct it of concrete instead of steel	Council has no concerns with the proposal to construct the awning from concrete instead of steel.

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)(iia))

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

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

The regulations do not prescribe any relevant matters for consideration.

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

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 (EP&A Act s4.15 (1)(c))

The site is considered suitable for the development as proposed to be modified.

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 Part E - Public Participation of HDCP 2013, the proposal was publicly notified from 18 September to 9 October 2019. No submissions were received as a result of the notification.

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, as amended by the conditions included in the draft determination, would not be contrary to the public interest.

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

The subject development requires the payment of contributions in accordance with Holroyd Section 94 Development Contributions Plan 2013. A condition was imposed on the original consent requiring the payment of contributions prior to the issue of a construction certificate. The proposed modifications do not affect the value of the required contributions.

Disclosure of Political Donations And Gifts

The application and notification process did not result in any disclosure of any political donations or gifts.

CONCLUSION:

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

CONSULTATION:

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

FINANCIAL IMPLICATIONS:

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

POLICY IMPLICATIONS:

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


COMMUNICATION / PUBLICATIONS:








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

REPORT RECOMMENDATION:

That DA 2016/490/4 which seeks consent for internal and external alterations and additions including additional cleaner's storage and WC at upper basement level, reconfiguration of unit 31, changes to external materials and finishes, provision of a communal WC within the rooftop communal open space, and modifications to median strip requirements, be approved in part, subject to the conditions within the draft notice of determination provided at attachment 5.

ATTACHMENTS

1. SEPP (ARH) 2009 Compliance Table [↓](#) 

2. ADG Compliance Table [↓](#) 
3. HLEP 2013 Compliance Table [↓](#) 
4. HDCP 2013 Compliance Table [↓](#) 
5. Draft Notice of Determination [↓](#) 
6. Architectural Plans [↓](#) 
7. Applicant's SEE [↓](#) 
8. Original Consent- DA 2016/490/1 [↓](#) 

DOCUMENTS
ASSOCIATED WITH
REPORT LPP080/19

Attachment 1
SEPP (ARH) 2009 Compliance
Table

Attachment 1 – State Environmental Planning Policy (Affordable Rental Housing) 2009

Clause	Yes	No	N/A	Comment
<p>10(1) - In-fill affordable housing</p> <p>Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:</p> <p>(a) the development concerned is permitted with consent under another environmental planning instrument, and</p> <p>(b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, or an interim heritage order or on the State Heritage Register under the <i>Heritage Act 1977</i>.</p> <p>(2) Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Residential flat buildings are permitted with consent on the subject site pursuant to HLEP 2013.</p> <p>The land does not contain a heritage item and is not subject to an interim heritage order.</p> <p>The land is within an accessible area as defined within the SEPP. The site is 120 m walking distance from the Mays Hill T-way Station. The station is serviced by the T80 bus service which operates between 5 am and 12 pm Monday to Friday (10 minute service frequency) and 6 am to Midnight Sundays (20 minute service frequency).</p>
<p>13 – Floor Space Ratio</p> <p>(1) This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.</p> <p>(2) The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:</p> <p>(a) if the existing maximum floor space ratio is 2.5:1 or less:</p> <p>(i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or</p> <p>(ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:</p> <p>AH is the percentage of the gross floor area of the development that is used for affordable housing.</p> <p>Y = $AH \div 100$</p> <p>or</p> <p>(b) if the existing maximum floor space ratio is greater than 2.5:1:</p> <p>(i) 20 per cent of the existing maximum floor space ratio—if the percentage of the gross floor area</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The maximum FSR applying to the site pursuant to HLEP 2013 is 2.0:1.</p> <p>The total floor area as approved under the previous modification was 2,636.3 m². The cleaner's WCs at upper basement level will add 4.1 m², resulting in total GFA of 2,640.4 m² (FSR 2.431:1)</p> <p>To qualify for an FSR of 2.431:1, 43.1% (1138 m²) of the floor space is required to be provided for the purpose of affordable housing.</p> <p>The total GFA of the affordable units, as approved under the previous modification is 1,149 m², or 43.5% of total GFA.</p> <p>The proposal complies.</p>

Clause	Yes	No	N/A	Comment
<p>of the development that is used for affordable housing is 50 per cent or higher, or</p> <p>(ii) Z per cent of the existing maximum floor space ratio—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:</p> <p>AH is the percentage of the gross floor area of the development that is used for affordable housing.</p> <p>Z = $AH \div 2.5$</p> <p>(3) In this clause, gross floor area does not include any car parking (including any area used for car parking).</p>				
Standards that cannot be used to refuse consent				
Site area if the site is at least 450m ²	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Site area is 1085.7 m ²
<p>Landscape</p> <p>if</p> <p>(i) in the case of a development application made by a social housing provider—at least 35 square metres of landscaped area per dwelling is provided, or</p> <p>(ii) in any other case—at least 30 per cent of the site area is to be landscaped,</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The application has not been made by a social housing provider. As such, 30% of the site (minimum 325.71 m²) is required to be landscaped.</p> <p>Amended plans show a total of 163.2 m² of landscaped area which equates to 15% of the site. This is less than the required minimum, and less than the 23% approved under the previous modification. However, given the location of the site within the B6 zone and the DCP controls that apply, the variation is considered supportable.</p>
<p>Deep soil zone</p> <p>if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed:</p> <p>(i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone), and</p> <p>(ii) each area forming part of the deep soil zone has a minimum dimension of 3 metres, and</p> <p>(iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>162.85 m² deep soil required, nil provided.</p> <p>This is consistent with the original approval and is not proposed to be modified under this application.</p>
<p>Solar access</p> <p>if living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>31 units x 70% = 21.7 (22 units)</p> <p>27/31 (87% of units) receive 3 hours solar access at mid-winter.</p>

Clause	Yes	No	N/A	Comment
in mid-winter.				
Parking – (i) in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms, or (ii) in any other case—at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The application has not been made by a social housing provider. As such the following rates apply: <ul style="list-style-type: none"> • 0.5 spaces per 1 bedroom, • 1 space per 2 bedroom, and • 1.5 spaces per 3 bedroom $4 \times 0.5 = 2$ $24 \times 1 = 24$ $3 \times 1.5 = 4.5$ Total = 30.5 (31) residential spaces 33 spaces provided.
Dwelling size if each dwelling has a gross floor area of at least: (i) 35 square metres in the case of a bedsitter or studio, or (ii) 50 square metres in the case of a dwelling having 1 bedroom, or (iii) 70 square metres in the case of a dwelling having 2 bedrooms, or (iv) 95 square metres in the case of a dwelling having 3 or more bedrooms.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All units comply with minimum dwelling sizes.
SEPP 65 to be considered	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ADG compliance table provided at attachment 3 .
Character of local area	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The design of the development as proposed to be modified is considered to be compatible with the emerging character of the local area. The environmental impacts on surrounding properties are minimal, and the built form is generally consistent with the applicable building envelope controls.
Must be used for affordable housing for 10 years	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Conditions were imposed under the previous modification application to restrict the management and use of the affordable units for a minimum of 10 years from the date of issue of the occupation certificate.
Subdivision Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Subdivision of land not proposed under this application.

DOCUMENTS
ASSOCIATED WITH
REPORT LPP080/19

Attachment 2
ADG Compliance Table

Attachment 2 - Apartment Design Guide compliance table

No.	Control	Comments	Compliance															
PART 3 – SETTING THE DEVELOPMENT																		
3A	Site Analysis		Yes	No	N/A													
3A-1	Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
3B	Orientation		Yes	No	N/A													
3B-1	Building types and layouts respond to the streetscape and site while optimising solar access within the development.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
3B-2	Overshadowing of neighbouring properties is minimised during mid-winter.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
3C	Public Domain Interface		Yes	No	N/A													
3C-1	Transition between private and public domain is achieved without compromising safety and security.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
3C-2	Amenity of the public domain is retained and enhanced.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
3D	Communal and Public Open Space		Yes	No	N/A													
3D-1	An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
	Design Criteria Communal open space has a minimum area equal to 25% of the site.		409.5 m ² (29.4%) proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
	Required: 25% x 1085.7 m ² = 271.42 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 rooftop area will receive direct solar access throughout the day.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
3D-2	Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
3D-3	Communal open space is designed to maximise safety.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
3D-4	Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													
3E	Deep Soil Zones		Yes	No	N/A													
3E-1	Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
	Design Criteria Deep soil zones are to meet the following minimum requirements:		Deep soil not required for B6 zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
	<table><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr><tr><td>less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m² - 1,500m²</td><td>3m</td></tr><tr><td>greater than 1,500m²</td><td>6m</td></tr><tr><td>greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr></table>						Site area	Minimum dimensions	Deep soil zone (% of site area)	less than 650m ²	-	7%	650m ² - 1,500m ²	3m	greater than 1,500m ²	6m	greater than 1,500m ² with significant existing tree cover	6m
	Site area	Minimum dimensions					Deep soil zone (% of site area)											
	less than 650m ²	-					7%											
	650m ² - 1,500m ²	3m																
	greater than 1,500m ²	6m																
greater than 1,500m ² with significant existing tree cover	6m																	
Required: 7% x 1085.7 m ² = 759.99 m ²																		
3F	Visual Privacy		Yes	No	N/A													
3F-1	Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													

	<p>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:</p> <table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room.</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	No change to building separation under this application	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Building height	Habitable rooms and balconies	Non-habitable rooms															
up to 12m (4 storeys)	6m	3m															
up to 25m (5-8 storeys)	9m	4.5m															
over 25m (9+ storeys)	12m	6m															
3F-2	Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
3G	Pedestrian Access and Entries	Yes	No	N/A													
3G-1	Building entries and pedestrian access connects to and addresses the public domain.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
3G-2	Access, entries and pathways are accessible and easy to identify.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
3G-3	Large sites provide pedestrian links for access to streets and connection to destinations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													
3H	Vehicle Access	Yes	No	N/A													
3H-1	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
3J	Bicycle and Car Parking	Yes	No	N/A													
3J-1	Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
	<p>Design Criteria For development in the following locations:</p> <ul style="list-style-type: none">on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; oron land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre, <p>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.</p>	<p>The site is not located within 800 metres of a railway station – SEPP parking rate applies for residential component.</p> <p>See DCP compliance table for commercial parking requirement.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												

	The car parking needs for a development must be provided off street.																
	<table><tr><th colspan="2">Control</th></tr><tr><td>1 bedroom spaces</td><td>0.6</td></tr><tr><td>2 bed</td><td>0.9 spaces</td></tr><tr><td>3 bed</td><td>1.4 spaces</td></tr><tr><td>4+ bed</td><td>1.4 spaces</td></tr><tr><td>Visitor</td><td>0.2 spaces per dwelling</td></tr></table>		Control		1 bedroom spaces	0.6	2 bed	0.9 spaces	3 bed	1.4 spaces	4+ bed	1.4 spaces	Visitor	0.2 spaces per dwelling			
Control																	
1 bedroom spaces	0.6																
2 bed	0.9 spaces																
3 bed	1.4 spaces																
4+ bed	1.4 spaces																
Visitor	0.2 spaces per dwelling																
3J-2	Parking and facilities are provided for other modes of transport.	No change to number of bicycle parking spaces under this application.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
3J-3	Car park design and access is safe and secure		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
3J-4	Visual and environmental impacts of underground car parking are minimised.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
3J-5	Visual and environmental impacts of on-grade car parking are minimised.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
3J-6	Visual and environmental impacts of above ground enclosed car parking are minimised.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
PART 4 – DESIGNING THE BUILDING																	
4A	Solar and Daylight Access		Yes	No	N/A												
4A-1	To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
	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 31 units = 21.7 (22) units minimum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
		A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter. Maximum: 15% x 31 units = 4.65 (4) units maximum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
4A-2	Daylight access is maximised where sunlight is limited.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
4A-3	Design incorporates shading and glare control, particularly for warmer months.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
4B	Natural Ventilation		Yes	No	N/A												
4B-1	All habitable rooms are naturally ventilated.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
4B-2	The layout and design of single aspect apartments maximises natural ventilation.	Satisfactory	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
4B-3	The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
	Design Criteria		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												

	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. Required: 60% x 31 = 18.6 (19) units	27 units (87%) are naturally cross ventilated.															
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Maximum apartment depth is 15 m	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
4C	Ceiling Heights		Yes	No	N/A												
4C-1	Ceiling height achieves sufficient natural ventilation and daylight access.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
	<p>Design Criteria Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1"> <tr> <th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th> </tr> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> <tr> <td>For 2 storey apartments</td> <td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room with a 30 degree minimum ceiling slope</td> </tr> <tr> <td>If located in mixed used areas</td> <td>3.3m for ground and first floor to promote future flexibility of use</td> </tr> </table> <p>These minimums do not preclude higher ceilings if desired.</p>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	<p>The proposed ceiling heights are as follows:</p> <ul style="list-style-type: none"> • Ground floor 4 m • First floor 2.7m • Second floor 2.7m • Third floor 2.7m • Fourth floor 2.7m • Fifth floor 2.7m • Sixth floor 2.7m <p>Subject site is in a mixed use area. However, 3.3 m ceiling height not provided at first floor level. This was approved under the original application.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Minimum ceiling height for apartment and mixed use buildings																	
Habitable rooms	2.7m																
Non-habitable	2.4m																
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area																
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope																
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use																
4C-2	Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
4C-3	Ceiling heights contribute to the flexibility of building use over the life of the building.	3.3 m ceiling height not provided at first floor level. However, this was approved under the original application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>												
4D	Apartment Size and Layout		Yes	No	N/A												
4D-1	The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
	<p>Design Criteria Apartments are required to have the following minimum internal areas:</p> <table border="1"> <tr> <th>Apartment type</th> <th>Minimum internal area</th> </tr> <tr> <td>Studio</td> <td>35m²</td> </tr> <tr> <td>1 bedroom</td> <td>50m²</td> </tr> <tr> <td>2 bedroom</td> <td>70m²</td> </tr> <tr> <td>3 bedroom</td> <td>90m²</td> </tr> </table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	All units comply with the minimum internal areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Apartment type	Minimum internal area																
Studio	35m ²																
1 bedroom	50m ²																
2 bedroom	70m ²																
3 bedroom	90m ²																

	A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each.																		
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	All habitable rooms have adequate access to daylight and ventilation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
4D-2	Environmental performance of the apartment is maximised.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
	Design Criteria Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	All units comply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	All units comply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
4D-3	Apartment layouts are designed to accommodate a variety of household activities and needs.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
	Design Criteria Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	All units comply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	All units comply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
	Living rooms or combined living/dining rooms have a minimum width of: • 3.6 m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments.	All units comply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	All units comply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
4E	Private Open Space and Balconies		Yes	No	N/A														
4E-1	Apartments provide appropriately sized private open space and balconies to enhance residential amenity.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
	Design Criteria All apartments are required to have primary balconies as follows:																		
	<table><thead><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr></thead><tbody><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></tbody></table>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m			
	Dwelling type	Minimum area	Minimum depth																
	Studio apartments	4m ²	-																
	1 bedroom apartments	8m ²	2m																
2 bedroom apartments	10m ²	2m																	
3+ bedroom apartments	12m ²	2.4m																	
The minimum balcony depth to be counted as contributing to the balcony area is 1m.		Amended plans provide compliant balconies for all residential units.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.		No ground floor apartments	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>														
4E-2	Primary private open space and balconies are appropriately located to enhance liveability for residents.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														

4E-3	Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4E-4	Private open space and balcony design maximises safety.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4F	Common Circulation and Spaces		Yes	No	N/A										
4F-1	Common circulation spaces achieve good amenity and properly service the number of apartments.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
	Design Criteria The maximum number of apartments off a circulation core on a single level is eight.	2 cores with maximum of 4 units per core per level.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Not applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
4F-2	Common circulation spaces promote safety and provide for social interaction between residents.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4G	Storage		Yes	No	N/A										
4G-1	Adequate, well designed storage is provided in each apartment.														
	Design Criteria In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:	Amended layout for unit 31 provides for sufficient internal storage.													
	<table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table>	Dwelling type	Storage size volume	Studio apartments	4m³	1 bedroom apartments	6m³	2 bedroom apartments	8m³	3+ bedroom apartments	10m³		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dwelling type	Storage size volume														
Studio apartments	4m³														
1 bedroom apartments	6m³														
2 bedroom apartments	8m³														
3+ bedroom apartments	10m³														
	At least 50% of the required storage is to be located within the apartment.														
4G-2	Additional storage is conveniently located, accessible and nominated for individual apartments.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4H	Acoustic Privacy		Yes	No	N/A										
4H-1	Noise transfer is minimised through the siting of buildings and building layout.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4H-2	Noise impacts are mitigated within apartments through layout and acoustic treatments.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4J	Noise and Pollution		Yes	No	N/A										
4J-1	In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4J-2	Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4K	Apartment Mix		Yes	No	N/A										
4K-1	A range of apartment types and sizes is provided to cater for different household types now and into the future.	No change to approved unit mix under this application.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
4K-2	The apartment mix is distributed to suitable locations within the building.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4L	Ground Floor Apartments		Yes	No	N/A										
4L-1	Street frontage activity is maximised where ground floor apartments are located.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
4L-2	Design of ground floor apartments delivers amenity and safety for residents.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
4M	Façades		Yes	No	N/A										
4M-1	Building facades provide visual interest along the street while respecting the character of the local area.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										

4M-2	Building functions are expressed by the façade.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4N	Roof Design	Yes	No	N/A
4N-1	Roof treatments are integrated into the building design and positively respond to the street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4N-2	Opportunities to use roof space for residential accommodation and open space are maximised.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4N-3	Roof design incorporates sustainability features.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4O	Landscape Design	Yes	No	N/A
4O-1	Landscape design is viable and sustainable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4O-2	Landscape design contributes to the streetscape and amenity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4P	Planting on Structures	Yes	No	N/A
4P-1	Appropriate soil profiles are provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4P-2	Plant growth is optimised with appropriate selection and maintenance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4P-3	Planting on structures contributes to the quality and amenity of communal and public open spaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4Q	Universal Design	Yes	No	N/A
4Q-1	Universal design features are included in apartment design to promote flexible housing for all community members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	5 adaptable units (16%) provided in accordance with DCP control.			
4Q-2	A variety of apartments with adaptable designs are provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4Q-3	Apartment layouts are flexible and accommodate a range of lifestyle needs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4R	Adaptive Reuse	Yes	No	N/A
4R-1	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4R-2	Adapted buildings provide residential amenity while not precluding future adaptive reuse.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4S	Mixed Use	Yes	No	N/A
4S-1	Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4S-2	Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4T	Awnings and Signage	Yes	No	N/A
4T-1	Awnings are well located and complement and integrate with the building design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4T-2	Signage responds to the context and desired streetscape character.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4U	Energy Efficiency	Yes	No	N/A
4U-1	Development incorporates passive environmental design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4U-2	Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4U-3	Adequate natural ventilation minimises the need for mechanical ventilation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4V	Water Management and Conservation	Yes	No	N/A
4V-1	Potable water use is minimised.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4V-2	Urban stormwater is treated on site before being discharged to receiving waters.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4V-3	Flood management systems are integrated into site design.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4W	Waste Management	Yes	No	N/A
4W-1	Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4W-2	Domestic waste is minimised by providing safe and convenient source separation and recycling.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4X	Building Maintenance	Yes	No	N/A
4X-1	Building design detail provides protection from weathering.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4X-2	Systems and access enable ease of maintenance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4X-3	Material selection reduces ongoing maintenance costs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**DOCUMENTS
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**Attachment 3
HLEP 2013 Compliance Table**

Attachment 3 – Holroyd Local Environmental Plan 2013 compliance table

Clause	Yes	No	N/A	Comment
Land use table				
Zone B6 – Enterprise Corridor				
1 Objectives of zone <ul style="list-style-type: none"> To promote businesses along main roads and to encourage a mix of compatible uses. To provide a range of employment uses (including business, office, retail and light industrial uses). To maintain the economic strength of centres by limiting retailing activity To provide for residential uses, but only as part of a mixed use development. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal provides for residential uses as part of a mixed use development.
2 Permitted without consent Nil				
3 Permitted with consent Boarding houses; Bulky goods premises; Business premises ; Community facilities; Food and drink premises; Garden centres; Group homes; Hardware and building supplies; Hostels; Hotel or motel accommodation; Landscaping material supplies; Light industries; Multi dwelling housing; Neighbourhood shops ; Passenger transport facilities; Plant nurseries; Residential flat buildings ; Roads; Shop top housing ; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Shop top housing, neighbourhood shops, business premises, and residential flat buildings are permitted with consent.
4 Prohibited Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Home occupations (sex services); Industrial retail outlets; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Sewage treatment plants; Sex services premises; Storage				

Clause	Yes	No	N/A	Comment
premises; Truck depots; Vehicle body repair workshops; Veterinary hospitals; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities				
4.3 Height of buildings (1) The objectives of this clause are as follows: <ul style="list-style-type: none"> (a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties, (b) to ensure development is consistent with the landform, (c) to provide appropriate scales and intensities of development through height controls. (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 .	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>In accordance with the Height of Buildings Map accompanying HLEP 2013, a maximum height of 23 m applies to the majority of the site. The southern portion that is to be dedicated for the purpose of a laneway connecting Burnett and Robilliard Streets has a height limit of 17 m.</p> <p>The development as approved exceeds the maximum height at both lift overruns, and the balustrade to the rooftop COS area.</p> <p>The subject modification application seeks to introduce additional building elements above the maximum height limit. And increase the overall height to 25.485 m.</p> <p>The additional building elements exceeding the height standard are not considered supportable. See further discussion in the body of this report.</p>
4.4 Floor space ratio 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 .	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>In accordance with the FSR map accompanying HLEP 2013, a maximum FSR of 2.0:1 applies to the site.</p> <p>The proposal has an FSR of 2.431:1. See comments under SEPP ARH above</p>

Clause	Yes	No	N/A	Comment
4.6 Exceptions to development standards				
(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proposal is for modifications to an existing consent.
Part 6 Additional local provisions				
6.2 Earthworks				
(3) Before granting development consent for earthworks, the consent authority must consider the following matters: (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable to subject modification application.
6.4 Flood planning				
This clause applies to land at or below the flood planning level.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The site is located above the flood planning level.
6.7 Stormwater management				
Development consent must not be granted to development on any land unless the consent authority is satisfied that the development: (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and (c) avoids any adverse impacts of stormwater runoff on adjoining properties, native vegetation and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No changes to the approved stormwater management system under this modification application.
6.8 Salinity				
This clause applies to land identified as "Known Salinity", "High Salinity Potential" or "Moderate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is identified as having moderate salinity potential. Appropriate

Clause	Yes	No	N/A	Comment
Salinity Potential" on the Salinity Map.				conditions were imposed on the original consent to address this issue.

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Attachment 4
HDCP 2013 Compliance Table

Attachment 4 - Holroyd Development Control Plan 2013 compliance table

No.	Clause	Comment	Yes	No	N/A
PART A – GENERAL CONTROLS					
1	Subdivision				
	Subdivision not proposed.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Roads and Access				
2.4	Access: Vehicular Crossings, Splay Corners, Kerb & Guttering				
	VC to be reconstructed if in poor condition, damaged or design doesn't comply.	No change under this application	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Avoid services/facilities in road reserve, existing trees, pedestrian crossing, pram ramps etc.	No change under this application	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Corner sites VC to be min. 6m from the tangent point.	No change under this application	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Corner sites require 3m x 3m (residential) and 4m x 4m (commercial) splay corner to be dedicated.	No change under this application	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.7	Road Widening				
	The subject site is affected by road widening. This was addressed under the original application.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Car Parking				
3.1	Minimum Parking Spaces				
	Car Parking – Commercial Minimum spaces required: • 1 per 20m ² - 160 m ² / 20 = 8 • Neighbourhood shop – 1 per 30m ² - 160 m ² / 30 = 5.3 (6)	8 commercial parking spaces, including 1 accessible space proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Car Parking - Residential Minimum spaces required: 1 bedroom = 0.8 2 bedroom = 1 3 bedroom = 1.2 4+ bedroom = 1.5 Visitor/dwelling = 0.2	See comment under SEPP ARH	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Bicycle Parking - Residential Minimum residential spaces required: • Studio / 1 bed. unit = 0.5 • bed unit = 0.5 • 3+ bed unit = 0.5 • Visitor = 0.1 per unit.	31 x 0.5 = 15.5 31 x 0.1 = 3.1 15.5 + 3.1 = 18.6 (19) required 18 spaces approved under previous modification.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Bicycle Parking - Commercial Minimum commercial spaces required: GLFA: Employee 1 per 300 m ² GLFA: Visitor 1 per 2500 m ²	160/300 = 0.53 160/2500 = 0.064 0.53 + 0.064 = 0.594 (1) No commercial bicycle parking proposed. No change under this modification application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.3	Car Parking, Dimensions & Gradient				
	Council's Traffic Engineer reviewed the application and advised that is satisfactory subject to conditions.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.5	Access, Maneuvering and Layout				
	Driveways shall be setback a minimum of 1.5m from the side boundary.	No change under this modification application.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.6	Parking for the Disabled				
	2 spaces per 100 spaces up to 400, and 1 per 100 thereafter, or part thereof.	5 accessible residential car spaces provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Required: 5 accessible spaces				
4	Tree and Landscape Works				
	No amendments to approved landscape works as part of this modification		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	Biodiversity				
	The subject site is not identified on the Environmentally Sensitive Land Map and is not within an E2 - Environmental Conservation zone.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	Soil Management				
6.1	Retaining Walls				
	Full details of retaining walls can be required by condition prior to the issue of a construction certificate.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.3	Erosion and Sediment Control Plan				
	Endorsed under original application		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Stormwater Management				
	The application was reviewed by Council's Development Engineer and is considered satisfactory subject to conditions.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Flood Prone Land				
	The site is not identified as flood prone		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Managing External Road Noise				
	Acoustic report submitted and assessed under the original application. Proposed modifications would not alter conclusions or recommendations of the endorsed report.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Safety and Security				
	Design new development to reduce the attractiveness of crime by minimising, removing or concealing crime opportunities.	Proposed design minimises crime opportunities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Incorporate and/or enhance opportunities for effective natural surveillance by providing clear sight lines between public and private places, installation of effective lighting, and the appropriate landscaping of public areas.	Design provides for passive surveillance with clear sightlines between public domain and building entrances.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Minimise opportunities for crime through suitable access control. Use physical or symbolic barriers to attract, channel and/or restrict the movement of people. Use landscaping and/or physical elements to direct people to destinations, identify where people can and cannot go and restrict access to high crime risk areas such as car parks.	Suitable access control is proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Clearly define the boundaries between public and private spaces as a method of territorial reinforcement. Methods other than gates, fences and enclosures are encouraged.	Private spaces are clearly defined.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	When incorporating crime prevention measures in the design	Proposal provides for adequate crime prevention measures whilst	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	of new buildings and spaces, apply subtle design techniques to blend into facades and places, and to be sympathetic with the quality of the streetscape.	being sympathetic to the quality of the streetscape.			
11	Waste Management				
	No change to waste management arrangements under this application		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12	Services				
	Appropriate conditions were included in the original consent requiring consultation with relevant service providers.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PART B – RESIDENTIAL CONTROLS					
1	GENERAL RESIDENTIAL CONTROLS				
1.1	Building Materials				
	The proposal involves a change of the external finishes from face brick, render, and Alucobond to Hebel. Considered satisfactory as discussed in the body of this report.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.2	Fences				
	No new fences proposed		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.3	Views				
	No significant views will be affected by the proposed development.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.8	Sunlight Access				
	1 main living area of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	No additional shadow impact on existing adjacent dwellings as a result of proposed modifications.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Min. 50% of required POS of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	Proposed modifications will not impact on solar access to POS of existing adjacent dwellings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.9	Cut and Fill				
	Cut is permitted to a maximum of 1 metre	No change to original approval	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Cut is to be limited to 450mm where it is within 900 mm of rear or side boundaries	No change to original approval	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.10	Demolition				
	Approval for demolition is required from Council.	Demolition of existing structures approved under original application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Photographic record capturing the external configuration of the building proposed to be demolished is required.	Submitted with original application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.11	Vehicular Access and Driveways				
	VCs to be a minimum width of 3 m and maximum width of 5m at the boundary	No change to approved VC	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	All new driveways should be located at least 1.5 m from side property boundaries	No change to approved driveway	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Council favours the use of a central under-building access with arrangement for cars to exit the property in a forward direction.	Central under building access arrangement for cars	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Maximum gradient to be 20%	No change to driveway gradient under this application.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Basement parking is mandatory for all residential flat buildings and multi-dwelling developments within the R4 zone.	All parking is located in the basement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1.12	Universal Housing and Accessibility			
	15% of units shall be adaptable units Class B. Required: 15% x 31 = 4.65 (5) units	5 adaptable units proposed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.0	Residential Flat Buildings			
	Minimum lot frontage for residential flat buildings is 24m or 28m	Site has frontage of 50.4 m to Great Western Highway.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Residential flat buildings are not permitted on battleaxe lots	Site is not a battleaxe lot	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Maximum site coverage of any residential flat development shall not exceed 30%	No change to site coverage under this application	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Setbacks			
	Front setback from principal street minimum 6m	Site is zoned B6 – see comment under commercial control below	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Front setback from secondary street minimum 4m	Site is zoned B6 – see comment under commercial control below	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Minimum rear setback required: Up to four storeys – 20% Five storeys or more – 30% 13.0215 m required in this case	No change to rear setback as part of this application	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Side setback minimum 3m	No change to side setbacks under this application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.7	Building appearance			
	Facades to be composed with an appropriate scale, rhythm and proportion	Design response is appropriate in the context of the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.8	Building entry and pedestrian access			
	Building entries shall be visible from the street, sheltered and well lit	Building entry is covered and directly visible from the street	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Main building entry is to be separate from car park entry	Separate pedestrian path provided from the street	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Only basement car parking is permitted for residential flat buildings	All parking spaces are in the basement	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Where possible, vehicular parking entries shall be located off secondary streets.	Vehicular access is via the secondary street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PART C – COMMERCIAL, SHOP TOP HOUSING AND MIXED USE CONTROLS				
1.1	Lot Size and Frontage			
	Min. lot frontage for Zone B2, B4, B5 and B6 is: • Up to 3 storeys – 20m • 4-8 storeys – 26m • ≥9 storeys – 32m No minimum lot frontage applicable in Zone B1.	33.765 m frontage to Great Western Highway	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Commercial development is not permitted on battleaxe lots	Not a battleaxe lot	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Council may require consolidation of more than 1 existing allotment to meet the DCP.	Not relevant to this modification application	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Proposals that cannot be amalgamated shall: • Provide two written independent valuations representing the affected sites value.	Not relevant to this modification application	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<ul style="list-style-type: none"> Provide evidence that a reasonable offer has been made to the affected owners. <p>Demonstrate how future development on the isolated sites will achieve vehicle access, basement parking and appropriate built form.</p>																								
1.2	Floor Area																								
	Bulky good development: bulky goods shall occupy min. 60% TFA.	No bulky goods proposed	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																				
	Food and drink premises in Zone B6: Max. GFA 1000m ² .	No food and drink premises proposed	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																				
	Shops in Zone B1: Max. GFA 1000m ² .	No shops proposed	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																				
	Building Use																								
	Commercial development shall be located at street level, fronting the primary street, and where possible the secondary street.	Commercial component fronts both primary and secondary streets.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																				
	Residential development is permitted at ground floor in Zone B1 and B6.	No residential units proposed at ground floor.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																				
	Residential development is not permitted at ground floor in Zone B2 and B4.	Site is zoned B6, no residential units proposed at ground floor.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																				
	Where residential development is located at ground level and faces the street, they shall be constructed as flexible floor plates to enable future commercial development.	No residential units at ground floor.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																				
1.3	Building Height																								
	<p>Min. floor to ceiling height of commercial development / component:</p> <table border="1"> <thead> <tr> <th>Floor</th> <th>Min. Floor to Ceiling</th> </tr> </thead> <tbody> <tr> <td>Ground Floor</td> <td>3.5m</td> </tr> <tr> <td>First Floor (regardless of use)</td> <td>3.3m</td> </tr> <tr> <td>All other floors</td> <td>2.7m</td> </tr> </tbody> </table>	Floor	Min. Floor to Ceiling	Ground Floor	3.5m	First Floor (regardless of use)	3.3m	All other floors	2.7m	<p>The proposed ceiling heights are as follows:</p> <ul style="list-style-type: none"> Ground floor – 3.3m Levels 1, 2 & 3 – 2.7m <p>Ground level floor to ceiling dimension complies with ADG. First floor does not provide required 3.3 m. However, this was approved under the original application and no further changes to the floor to ceiling heights are proposed under this modification application.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>												
Floor	Min. Floor to Ceiling																								
Ground Floor	3.5m																								
First Floor (regardless of use)	3.3m																								
All other floors	2.7m																								
	<p>Maximum building height in storeys shall be provided in accordance with the table below:</p> <table border="1"> <thead> <tr> <th colspan="2">Permitted Height (storeys)</th> </tr> <tr> <th>Height</th> <th>Storeys</th> </tr> </thead> <tbody> <tr> <td>11m</td> <td>2</td> </tr> <tr> <td>12.5m</td> <td>2</td> </tr> <tr> <td>14m</td> <td>3</td> </tr> <tr> <td>17m</td> <td>4</td> </tr> <tr> <td>20m</td> <td>5</td> </tr> <tr> <td>23m</td> <td>6</td> </tr> <tr> <td>26m</td> <td>7</td> </tr> <tr> <td>29m</td> <td>8</td> </tr> </tbody> </table>	Permitted Height (storeys)		Height	Storeys	11m	2	12.5m	2	14m	3	17m	4	20m	5	23m	6	26m	7	29m	8	<p>The subject site has a 23 m / 6 storey maximum height control.</p> <p>The approved development was part 7 storey with a total height of 24.6 m above natural ground.</p> <p>Non-compliance with the number of storeys control and height of buildings standard assessed as satisfactory under the original application.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Permitted Height (storeys)																									
Height	Storeys																								
11m	2																								
12.5m	2																								
14m	3																								
17m	4																								
20m	5																								
23m	6																								
26m	7																								
29m	8																								

1.4	Setbacks, Separation and Depth				
	Zone B1 shall observe established front setbacks.	N/A – site is zoned B6	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Zone B2 and B4 are within site specific section of DCP.	N/A – site is zoned B6	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Zone B5: <ul style="list-style-type: none">Greystanes and Smithfield – 10 m.Holroyd/Granville – 6 m.Church St Granville – 0 m.All other areas not stated in other sections of DCP – 4 m.	N/A – site is zoned B6	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Zone B6: <ul style="list-style-type: none">South Wentworthville – 6m.All others areas not stated in other sections of DCP – 4m.	See Part N setback controls	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Upper storey setback				
	Street wall height of 3 storeys (11-14m) is required for all commercial development and mixed use development, unless otherwise stated in site specific controls.	Five storey street wall height approved under the original application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Street wall height of 4 storeys (14-17m) is required: <ul style="list-style-type: none">Zone B6 on GWH at Mays Hill and Finlayson Transit Precincts.Zone B5 – Church St.	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	3m setback required above street wall height.	3 m additional setback provided above street wall height.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Side setback				
	Where site adjoins a business zone, no side setback requirement, unless otherwise stated in site specific controls.	The site adjoins a business zone to the west. Therefore, 0 m setback is acceptable	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Where site adjoins a residential zone (not separated by road), side setback shall be 3m and shall demonstrate solar access and privacy to adjoining residential development.	Site does not adjoin any residential zoned land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Development adjoining residential shall have a rear setback of 6m.	Site does not adjoin any residential zoned land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	In Zone B6, 0m setback where access to rear laneway provided.	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Sunlight and privacy shall be maintained to adjoining residential developments.	No additional privacy or overshadowing impacts on adjoining properties as a result of the proposed modifications.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.5	Landscaping and Open Space				
	Landscaped areas not required in business zones, unless stated in site specific controls.	Noted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.0	Movement				
2.1	Rear Laneways and Private Access ways				
	Vehicular access must be provided where access to existing laneways is possible.	Approved vehicular access is via proposed laneway.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Laneways shall be min. 8m in width.	Laneway assessed under original application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2.2	Pedestrian Access			
	Direct access shall be provided from the car park to all residential and commercial units.	Lift access to all floors provided	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Main building entry points shall be clearly visible.	The main building entries are clearly visible from the public domain.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.3	Building Entries			
	Separate entries from the street shall be provided for cars, pedestrians, multiple uses and ground floor apartments.	Separate entries have been provided for cars, and pedestrians. No ground floor apartments proposed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Residential entries must be secure where access is shared between residential and commercial uses.	Conditions on original consent require access to residential levels to be restricted by swipe card system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Multiple cores which access above ground uses shall be provided where the site frontage $\geq 30m$.	2 cores provided	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.4	Vehicle Access			
	Driveways shall be provided from laneways, private access ways and secondary streets where possible.	Driveway is accessed from the secondary street	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Loading and unloading facilities shall be provided from a rear lane, side street or right of way where possible.	Loading / unloading provided via secondary street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.5	Parking			
	Onsite parking is to be provided underground where possible.	All parking is provided within the basement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Basement parking shall be consolidated to maximise landscaping.	Parking is consolidated under building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Parking shall not be visible from main street frontages.	Parking not visible from main frontage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Natural ventilation or ventilation grills shall be provided to basement parking.	Assessed as satisfactory under original application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Visitor parking is not to be stacked parking.	Visitor parking is not stacked	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.0	Design and Building Amenity			
3.1	Safety and Security			
	Casual surveillance is to be achieved through active street frontages and creating views of common internal areas.	No change from original approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Building entries are to be provided with clear lines of site, should be provided in visually prominent locations and separate residential and commercial entries shall be observed.	Building entries considered satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Adequate lighting shall be provided within the development i.e. pedestrian access ways, common areas and communal open space, car parking areas and all entries.	Assessed as satisfactory under original application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Landscaping shall avoid opportunities for concealment.	Satisfactory	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.2	Facade Design and Building Materials			
	All walls are to be articulated via windows, verandahs, balconies or blade walls. Articulation elements	The proposed facades of the development are adequately articulated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	forward of the building line max. 600mm.			
3.4	Shop Fronts			
	Solid roller shutters and security bars are not permitted.	None proposed	<input type="checkbox"/>	<input type="checkbox"/>
	Open grill (concertina) and transparent grill shutter security devices are permitted.	None proposed	<input type="checkbox"/>	<input type="checkbox"/>
	All windows on the ground floor to the street frontage are to be clear glazing.	Clear glazing proposed to all street facing ground floor windows	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.5	Daylight Access			
	Design and orientate dwelling to maximise northerly aspect.	The proposed development maximises the northerly aspect.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	1 main living area of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	The additional overshadowing from the proposed modifications is minimal	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Min. 50% of required POS of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm.	No impact on POS of existing adjacent dwellings from proposed modifications	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.8	Awnings			
	Awnings: • Should be flat. • Must be 3m deep. • Setback from the kerb a min. 600mm. • Min. soffit height of 3.2m-3.3m. • To be located over all building entries.	No change under this application. No awning shown on approved plans.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Permitted on laneways where active street frontages are required. Shall be retractable and only used in hours of operation.	Not applicable.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Shall wrap around street corners.	Proposed awning complies	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.10	Flexibility and Adaptability			
	15% of units shall be adaptable units. Required = 4.65 (5)	5 adaptable units provided	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.11	Corner Buildings			
	Corner buildings shall articulate street corners and present each frontage as a main frontage	Subject to compliance with the recommended conditions, presentation to both frontages is satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.18	Waste Management			
	Garbage/recycling storage areas should be located to be easily accessible	Waste storage areas are considered satisfactory	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.0	Environmental			
	Wind Mitigation			
	A winds effect report shall be submitted where buildings ≥ 41 m in height.	Not applicable	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Balconies shall be designed to minimise wind impacts through recessed balconies, openable screens, pergolas and shutters.	Not applicable	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.3	Hours of Operation			

	Refer to table on pg. 287 of DCP for applicable hours of operation.	Hours of operation not provided for commercial activities. Condition imposed on original consent requiring separate approval for use of commercial units	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	For hours extending outside 6am – 12am, applicants must submit an acoustic report, social impact statement, CPTED report and plan of management.	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PART N – TRANSITWAY STATION PRECINCT CONTROLS					
<i>The site is located within the Mays Hill Transitway Station precinct</i>					
1.1	Site Consolidation and Frontage				
	Amalgamation of lots in accordance with Figure 4 (a) and (b) is required	The subject site does not follow the amalgamation pattern specified in the DCP. However, this was assessed as satisfactory under the original application and is not relevant to the assessment of this application.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	In instances where amalgamation cannot be achieved, the following information must be submitted with any development application: <ul style="list-style-type: none"> Two written valuations indicating the value of the remaining sites that were to be developed in conjunction with the applicants properties. These are to be undertaken by two independent valuers registered with the Australian Valuers Institute, and Evidence that a reasonable offer has been made to the owners(s) of the affected sites to purchase and valuation reports. 	As above	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Minimum lot frontage for development fronting the Great Western Highway is 45 m	Site has frontage of 47.245 m	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.2	Private Accessway, Laneways and Vehicular Access				
	Vehicular access from the Great Western Highway is not permitted from properties with secondary street access	Vehicular access is from Burnett Street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	A pedestrian link shall be provided between Telfer Place and the Great Western Highway in accordance with Figure 7a	Figure 7a does not apply to the subject site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.3	Building Height				
	Maximum height detailed in HLEP 2013	See HLEP 2013 above	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Maximum building height of 6 storeys permitted for subject site	7 storeys as per original approval.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Street wall heights, setbacks and floor to ceiling heights specified in Parts B and C	See comments under Parts B and C above	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.4	Building Setbacks				

	Setbacks shall be in accordance with Figures 10 & 11.	0 m front setback and 0 m side setbacks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Buildings facing the Great Western Highway are to be built to the boundary of adjoining properties to form a continuous street edge	Proposal complies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.5	Site Design and Appearance				
	Developments shall be oriented to front boundaries	Development is oriented to the front boundary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Development on properties 84-88 Great Western Highway shall incorporate high quality, innovative and sustainable design solutions to emphasise and represent their gateway location.	N/A - development is at 127-129 Great Western Highway	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Vertical articulation and a break in the façade is required above the fourth storey for buildings exceeding 25 metres in length.	Vertical articulation is provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.6	Road Widening				
	Road widening is required along both sides of the Great Western Highway to result in a footpath width of 5.5 metres from the kerb to the property boundary as indicated in Figure 12.	Road widening applies to the subject site and is shown on the floor plans.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<p>Properties located behind the Transitway stops shall have a 4 metre separation between the rear of the bus shelter and the building line to allow for the continuation of the shared pedestrian/cycle footpath.</p> <p>Note: The 5.5 metre wide setback shall allow for a shared footpath consisting of the following dimensions:</p> <ul style="list-style-type: none"> • A 1.5 metre verge from the kerb • A 2.5 metre shared path • A 1.5 metre distance from the shared path to the building line. <p>Note: The amount of land required to meet the minimum 5.5 metre reserve is variable and will depend on each individual property's existing setback.</p>	Property is not located behind a Transitway Station.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DOCUMENTS
ASSOCIATED WITH
REPORT LPP080/19

Attachment 5
Draft Notice Of Determination

10 December 2019

Baini Design
PO Box 1750
NORTH PARRAMATTA NSW 1750

Dear Sir/Madam

Premises: 127-129 Great Western Highway Mays Hill
Section 4.55(2) modification to development consent no. 2016/490/1
Modification no. 2016/490/4

I refer to your application lodged on 23 August 2019 seeking amendment to DA 2016/490/1 issued for demolition of existing structures; construction of a 7 storey mixed use development comprising 27 residential units; ground floor commercial space above basement parking accommodating 41 car parking spaces under Affordable Rental Housing SEPP 2009. The modification application seeks approval for internal and external alterations and additions including additional cleaner's storage and WC at upper basement level, reconfiguration of unit 31, changes to external materials and finishes, provision of a communal WC within the rooftop communal open space, and modifications to median strip requirements.

Pursuant to section 4.55(2) of the Environmental Planning & Assessment Act 1979, Council grants approval for the modifications sought, subject to the following conditions:

Development Consent 2016/490/1 is amended as follows:-

Schedule A

Condition 2 of schedule A is deleted.

Median Island

2. ~~The median island on Burnett Street shall be extended to Napier Street subject to consultation and approval of the City of Parramatta Council, Roads and Maritime Services and Cumberland Councils' Traffic Committee.~~

~~A plan of the proposal and supporting documentation including traffic reports/studies is required to be submitted two weeks prior to the Cumberland Traffic Committee meeting date. It is also noted that the traffic consultant, applicant or representatives will generally be required to present and answer questions at the Cumberland Traffic Committee meeting.~~

Schedule B

Condition 2 of schedule B is amended to read as follows:

2. Development shall take place in accordance with the following plans and information, except where amended by the conditions of this consent:
 - Architectural plans prepared by DA Designworx, Project Number 15-029, listed below:

Drawing No. DA-01	Site Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-03	Lower Basement Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-04	Upper Basement Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-05	Ground Floor Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-06	First Floor Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-07	Second Floor Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-08	Third Floor Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-09	Fourth Floor Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-10	Fifth Floor Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-11	Sixth Floor Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-12	Roof Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-13	Section A-A / Streetscape Elevations	Iss. C	Dated 10/07/2017
Drawing No. DA-14	Section B-B, C-C, D-D, E-E / Driveway Section	Iss. C	Dated 10/07/2017
Drawing No. DA-15	North Elevation	Iss. C	Dated 10/07/2017
Drawing No. DA-16	East Elevation	Iss. C	Dated 10/07/2017
Drawing No. DA-17	South Elevation	Iss. C	Dated 10/07/2017
Drawing No. DA-18	West Elevation	Iss. C	Dated 10/07/2017

- Landscape plans prepared by Vision Dynamics Pty Ltd, listed below:

Drawing No. 16060 DA 1-2	Rev. C	Dated 07/04/2017
Drawing No. 16060 DA 2-2	Rev. C	Dated 07/04/2017

- Stormwater plans prepared by Umbrella Consulting Engineers, Project Number ACE151163.SW.DA, OSD Plan Number 2016-335, listed below:

Drawing No. 101	Stormwater Layout Plan Lower Basement Level Sheet 1 of 2	Iss. F	Dated 05/04/2017
Drawing No. 102	Stormwater Layout Plan Basement Level Sheet 2 of 2	Iss. F	Dated 05/04/2017
Drawing No. 103	Stormwater Layout Plan Upper Basement Level	Iss. F	Dated 05/04/2017
Drawing No. 104	Stormwater Layout Plan	Iss. F	Dated 05/04/2017
Drawing No. 105	Stormwater Layout Plan Level 1, 2 & 3	Iss. F	Dated 05/04/2017
Drawing No. 106	Stormwater Layout Plan Level 4 & 5	Iss. F	Dated 05/04/2017
Drawing No. 107	Stormwater Layout Plan Level 6	Iss. F	Dated 05/04/2017

	& Roof Plans		
Drawing No. 108	On-Site Detention Details and Calculation Sheets	Iss. F	Dated 05/04/2017
Drawing No. 109	Catchment Plan & Miscellaneous Details Sheet	Iss. F	Dated 05/04/2017

- Annexure "A" to Transfer Granting Easement prepared by Peter Terence Wright, Undated;
 - Waste Management Plan, dated August 2016;
 - External Materials and Finishes prepared by Design Cubicle, Job Number 160778, Undated;
 - BASIX Certificate Number 718366M_02, dated 26 October 2016;
 - Acoustic Report prepared by Rodney Stevens Acoustics, Report Number 150520R1, Revision 0, dated 18 January 2017;
 - Correspondence from Roads and Maritime Services, Reference Number SYD15/01288/03, dated 12 December 2016 (copy attached), and all conditions contained therein;
 - Correspondence from NSW Police Force – Holroyd Local Area Command Correspondence, Police Reference Number D/2016/679416, dated 17 January 2017(copy attached), and all conditions contained therein; and
 - All details, including plans and reports, approved by Council in accordance with the conditions in Schedule 'A';
- 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 2016/490/2, dated 18 December 2018:

Architectural Plans prepared by Bains Design, Project No. 18051			
Dwg No.	Issue	Title	Date
01	H	Cover Sheet	Nov 2018
02	H	Lower Basement Floor Plan	Nov 2018
03	H	Upper Basement Floor Plan	Nov 2018
04	G	Site Plan/Ground Floor Plan	Oct 2018
05	E	First Floor Plan	May 2018
06	E	Second Floor Plan	May 2018
07	E	Third Floor Plan	May 2018
08	E	Fourth Floor Plan	May 2018
09	E	Fifth Floor Plan	May 2018
10	G	Sixth Floor Plan	Oct 2018
11	E	Roof Terrace Plan	May 2018
12	E	North Elevation, West Elevation	May 2018
13	E	South Elevation, East Elevation	May 2018
14	E	Section A-A	May 2018
15	E	Section B-B	May 2018

- Landscape plans prepared by Vision Dynamics Pty Ltd, Drawing Nos. 16060 S96 1-2 & 16060 S96 2-2, Revision C, dated 3 April 2018;

- Stormwater plans prepared by Australian Consulting Engineers, Project Number 151163, OSD Plan Number 2016-335, listed below:

Drawing No.	Title	Revision	Date
000	Cover Sheet, Notes & Legend	G	09/03/2018
101	Stormwater Layout Plan, Lower Basement Level, Sheet 1 of 2	G	09/03/2018
102	Stormwater Layout Plan, Basement Level, Sheet 2 of 2	G	09/03/2018
103	Stormwater Layout Plan, Upper Basement Level	G	09/03/2018
104	Stormwater Layout Plan, Ground Level	G	09/03/2018
105	Stormwater Layout Plan, Level 1	G	09/03/2018
106	Stormwater Layout Plan, Level 2	G	09/03/2018
107	Stormwater Layout Plan, Level 3	G	09/03/2018
108	Stormwater Layout Plan, Level 4	G	09/03/2018
109	Stormwater Layout Plan, Level 5	G	09/03/2018
110	Stormwater Layout Plan, Level 6	G	09/03/2018
111	Stormwater Layout Plan, Roof Plan	G	09/03/2018
112	On-Site Detention Details and Calculation Sheets	G	09/03/2018
113	Catchment Plan & Miscellaneous Details Sheet	G	09/03/2018

- BASIX Certificate Number 921961M, dated 27 April 2018;
- Correspondence from Roads and Maritime Services, Reference Number SYD15/01288/06, dated 18 June 2018 (copy attached), and all conditions contained therein.

As amended by the following plans and documents approved under the subject modification application dated 10 December 2019:

Architectural Plans prepared by Baini Design, Project No. 18051			
Dwg No.	Issue	Title	Date
01	B	Cover Sheet	Jun 2019
02	C	Lower Basement Floor Plan	Oct 2019
03	C	Upper Basement Floor Plan	Oct 2019
04	B	Site Plan/Ground Floor Plan	Jul 2019
05	B	First Floor Plan	Jul 2019
06	B	Second Floor Plan	Jul 2019
07	B	Third Floor Plan	Jul 2019
08	B	Fourth Floor Plan	Jul 2019
09	B	Fifth Floor Plan	Jul 2019
10	B	Sixth Floor Plan	Jul 2019
11	C	Roof Terrace Plan	Oct 2019
12	C	North Elevation, West Elevation	Oct 2019
13	C	South Elevation, East Elevation	Oct 2019

14	B	Section A-A	Jul 2019
15	B	Section B-B	Jul 2019
16	C	Roof plan	Oct 2019

- Landscape plans prepared by Vision Dynamics Pty Ltd, Drawing Nos. 16060 S4.55 1-2 & 16060 S4.55 2-2, revision E, dated 23 October 2019;
- BASIX certificate number 921961M_02, dated 15 August 2019;

Condition 46 is amended to read as follows:

46. The location and specifications of the central hot water system shall be clearly shown on the architectural plans, and submitted to the certifying authority for approval prior to the issue of a construction certificate.

Condition 46A is added to read as follows:

- 46A. The location of the 8kwh solar PV system as required by BASIX certificate number 921961M_02 is to be clearly shown on the architectural plans, and submitted to the certifying authority for approval prior to the issue of a construction certificate.

Condition 51 is amended to read as follows:

51. The boom gate alongside car parking spaces R1, R10 and C5 at upper basement level shall be redesigned to allow a vehicle to enter and exit those car parking spaces in accordance with AS2890.1 – 2004.

Swept path diagrams shall be submitted to demonstrate that a vehicle can enter and exit accessible parking space R21 for unit 6 in accordance with AS2890.6-2009.

Details shall be submitted to the certifying authority for approval, prior to the issue of a construction certificate.

Condition 51A is added to read as follows:

- 51A. The spa pool, surrounding feature wall, toilet, cabana and shade sail at rooftop level are to be deleted. Amended plans demonstrating compliance with this condition are to be submitted to the certifying authority for approval prior to the issue of the relevant construction certificate.

Condition 51B is added to read as follows:

- 51B. The architectural 'birds nest' treatment as detailed on architectural plans prepared by DA Designworx, project no. 15-029, drawing numbers DA-15 and DA-16, issue C, dated 10 July 2017, is to be reinstated. Amended plans demonstrating compliance with this condition are to be submitted to the certifying authority for approval prior to the issue of the relevant construction certificate.

Condition 62 amended to read as follows:

62. Fully detailed engineering construction drawings for the proposed median island extension within Burnett Street shall be submitted to the satisfaction of Council's Manager Engineering and Traffic prior to the issue of a construction certificate.

Condition 68 is deleted

68. ~~All line marking proposed on the public road shall be thermoplastic.~~

Condition 69 is amended to read as follows:

69. Any changes to the median island design are subject to consultation with City of Parramatta Council, and approval by Cumberland Local Traffic committee.

All other conditions of Development Consent 2016/490/1 remain unchanged.

As there are no more deferred commencement conditions to be satisfied, this consent is now operative. The date from which the consent operates is **10 December 2019**. The date of expiry is **10 December 2024**.

Note: This determination is strictly for the changes sought under the modification application 2016/490/4. No approval is granted or implied for any other works/changes to the subject development.

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 8.3 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 Miss S Pritchard of Council's Environment and Planning Department on 02 8757 9959, Monday to Friday.

Yours faithfully,

Sohail Faridy
COORDINATOR DEVELOPMENT ASSESSMENT

DOCUMENTS
ASSOCIATED WITH
REPORT LPP080/19

Attachment 6
Architectural Plans

18051

127-129 GREAT WESTERN HIGHWAY, MAYS HILL

DRAWING LIST

18051/01	DRAWING LIST, CALCULATIONS, LOCATION PLAN	N.T.S
18051/02	LOWER BASEMENT PLAN	1:100@A1
18051/03	UPPER BASEMENT PLAN	1:100@A1
18051/04	GROUND FLOOR PLAN	1:100@A1
18051/05	FIRST FLOOR PLAN	1:100@A1
18051/06	SECOND FLOOR PLAN	1:100@A1
18051/07	THIRD FLOOR PLAN	1:100@A1
18051/08	FIRST FLOOR PLAN	1:100@A1
18051/09	FIFTH FLOOR PLAN	1:100@A1
18051/10	SIXTH FLOOR PLAN	1:100@A1
18051/11	ROOF TOP TERRACE FLOOR PLAN	1:100@A1
18051/12	NORTH (GREAT WESTERN HWY) ELEVATION, WEST ELEVATION	1:100@A1
18051/13	SOUTH ELEVATION, EAST (BURNETT ST) ELEVATION, WEST ELEVATION	1:100@A1
18051/14	SECTION A-A, DRIVEWAY SECTION	1:100@A1
18051/15	SECTION B-B	1:100@A1
18051/16	SHADOW DIAGRAM	1:400@A1



CALCULATIONS

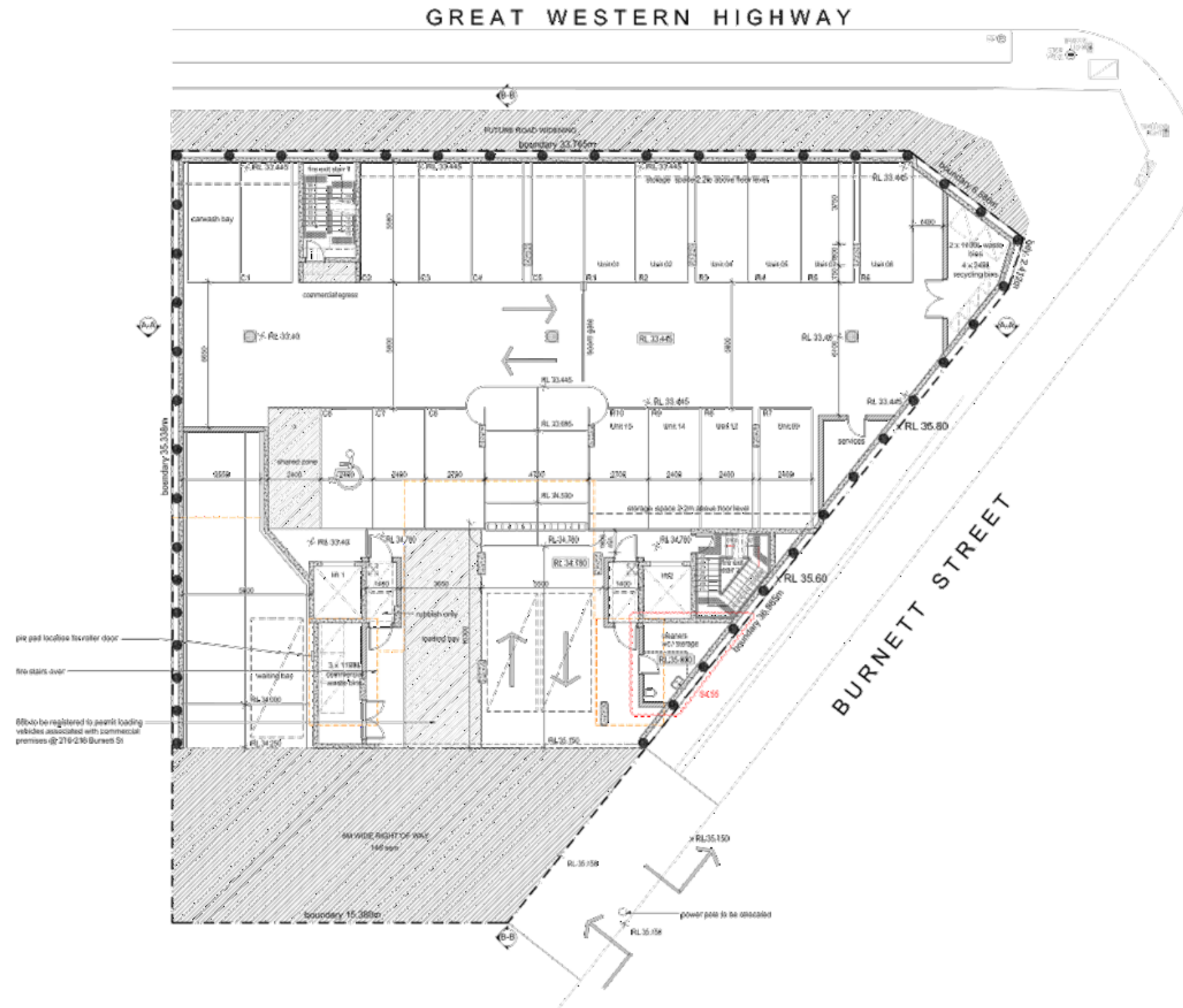
Site area	= 1014.97 sqm			
Commercial area:	= 65.00 sqm			
T1	= 65.00 sqm			
T2	= 228.00 sqm			
Commercial C.O.S.	= 2624.00 sqm			
Total Floor area	= 2.9 : 1			
Floor space ratio	= 247.00 sqm (2%)			
Loadspace area	= 349.00 sqm			
Commercial area				

UNIT NO.	BED	UNIT SQM	BALC. SQM	CAR SPACES	APPROXIMATE HOUSING ALLOWANCE
UNIT 01	2	75.00 SQM	21.00 SQM	1	PRIVATE LEASE
UNIT 02	2	75.00 SQM	21.00 SQM	1	PRIVATE LEASE
UNIT 03	4	98.00 SQM	11.00 SQM	0	APPROPRIATE
UNIT 04	2	75.00 SQM	21.00 SQM	1	APPROPRIATE
UNIT 05	2	75.00 SQM	21.00 SQM	1	APPROPRIATE
UNIT 06	2	75.00 SQM	16.00 SQM	1	APPROPRIATE
UNIT 07	2	75.00 SQM	21.00 SQM	1	PRIVATE LEASE
UNIT 08	2	75.00 SQM	21.00 SQM	1	PRIVATE LEASE
UNIT 09	3	98.00 SQM	11.00 SQM	1	PRIVATE LEASE
UNIT 10	2	75.00 SQM	21.00 SQM	1	APPROPRIATE
UNIT 11	2	75.00 SQM	21.00 SQM	1	APPROPRIATE
UNIT 12	2	75.00 SQM	16.00 SQM	1	APPROPRIATE
UNIT 13	2	75.00 SQM	21.00 SQM	1	PRIVATE LEASE
UNIT 14	2	75.00 SQM	21.00 SQM	1	PRIVATE LEASE
UNIT 15	3	98.00 SQM	11.00 SQM	1	PRIVATE LEASE
UNIT 16	2	75.00 SQM	21.00 SQM	1	APPROPRIATE
UNIT 17	2	75.00 SQM	21.00 SQM	1	APPROPRIATE
UNIT 18	2	75.00 SQM	16.00 SQM	1	APPROPRIATE
UNIT 19	2	75.00 SQM	21.00 SQM	1	PRIVATE LEASE
UNIT 20	2	75.00 SQM	21.00 SQM	1	PRIVATE LEASE
UNIT 21	4	98.00 SQM	11.00 SQM	1	PRIVATE LEASE
UNIT 22	2	75.00 SQM	21.00 SQM	1	APPROPRIATE
UNIT 23	2	75.00 SQM	21.00 SQM	1	APPROPRIATE
UNIT 24	2	75.00 SQM	16.00 SQM	1	APPROPRIATE
UNIT 25	2	75.00 SQM	20.00 SQM	1	PRIVATE LEASE
UNIT 26	2	75.00 SQM	22.00 SQM	1	PRIVATE LEASE
UNIT 27	2	95.00 SQM	20.00 SQM	1	APPROPRIATE
UNIT 28	2	98.00 SQM	46.00 SQM	1	APPROPRIATE
UNIT 29	3	126.00 SQM	27.00 SQM	2	PRIVATE LEASE
UNIT 30	3	149.00 SQM	27.00 SQM	2	PRIVATE LEASE
UNIT 31	3	155.00 SQM	40.00 SQM	2	PRIVATE LEASE
TOTAL		3424.00 SQM			

Window Schedule				
Win No.	Start	Stop	Qty.	Notes
001	0000	0004	20	1000000000
002	0008	0009	4	1000000000
003	1200	1800	4	1000000000
004	1800	1805	2	1000000000
005	0000	0004	2	1000000000
006	0008	0009	4	1000000000
007	1200	1800	4	1000000000
008	1800	1805	4	1000000000
009	1200	1800	4	1000000000
010	1200	1800	4	1000000000
011	1800	1805	4	1000000000
012	0000	0004	4	1000000000
013	0008	0009	4	1000000000
014	1200	1800	4	1000000000
015	1800	1805	4	1000000000

REV	DESCRIPTION	DATE	BY	PROJECT TITLE	Project No: 14050-000 Client: The Housing Corporation No: 000000000000000000 APD B03 0422 1008 Rev 000001 M09 1705 At: 14/06/16, 21/06/2016, 02/07/2016
0	12-55	JUL 19	RT	PROPOSED RESIDENTIAL FLAT BUILDING	
1	5.5.55 ADDITIONAL INFO	JUL 19	RT		
				PROJECT ADDRESS	
				127-129 GREAT WESTERN HWY., MA7S 7HL	
				DISPERSED FILE	
				COVER SHEET	
				DESIGN BY	
				CHIEF DESIGNER	
				12-55	
				REVISION	
				0	
				DATE	
				JUL 19	
				PROJECT NUMBER	
				19059	
				SHOWN NUMBER	
				01	

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UPPER BASEMENT FLOOR PLAN

REV	DESCRIPTION	DATE	BY	PROJECT TITLE	PROJECT NUMBER
A	S4.55	18/09/19	R1	PROPOSED RESIDENTIAL FLAT BUILDING	127-129 GREAT WESTERN HWY, MAXS HILL
B	S4.55 ADDITIONAL INFO	18/10/19	R1		
C	S4.55 ADDITIONAL INFO	18/10/19	R1		
DRAWING TITLE					
UPPER BASEMENT FLOOR PLAN					
DRAWN BY	CHECKED BY	SCALE	REVISION	DATE	PROJECT NUMBER
R1	C8	1:100	C	18/10/19	18051
				DRAWING NUMBER	DRAWING REVISION
				03	

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SITE PLAN / GROUND FLOOR PLAN

REV	DESCRIPTION	DATE	BY	PROJECT TITLE	DESIGNER
A	S4.55	JUN 19	R1	PROPOSED RESIDENTIAL FLAT BUILDING	21/06/2019
B	S4.55 ADDITIONAL INFO	JUL 19	R1	PROPOSED RESIDENTIAL FLAT BUILDING	21/06/2019
				PROPOSED ADDRESS	21/06/2019
				127-129 GREAT WESTERN HWY, MAXS HILL	21/06/2019
				DRAWING TITLE	21/06/2019
				SITE PLAN / GROUND FLOOR PLAN	21/06/2019
				DRAWN BY	21/06/2019
				CHECKED BY	21/06/2019
				SCALE	21/06/2019
				REVISION	21/06/2019
				DATE	21/06/2019
				REVISION NUMBER	21/06/2019
				DRAWING NUMBER	21/06/2019

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LPP080/19 – Attachment 6



LPP080/19 – Attachment 6



REV	DESCRIPTION	DATE	BY	PROJECT	
A	54.55	JAN 19	RT	PROPOSED RESIDENTIAL FLAT BUILDING	
B	54.55 ADDITIONAL INFO	JUL 19	RT	PROJECT ADDRESS	
				127-129 GREAT WESTERN HWY, MAKS HILL	
				DRAWING TITLE	
				THIRD FLOOR PLAN	
				ORIGINATOR	
				RT	
				CHECKED BY	
				CS	
				SCALE	
				1:100	
				REVISION	
				B	
				DATE	
				JUL 19	
				PROJECT NUMBER	
				18051	
				DRAWING NUMBER	
				07	

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LPP080/19 – Attachment 6

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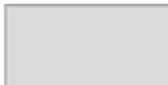

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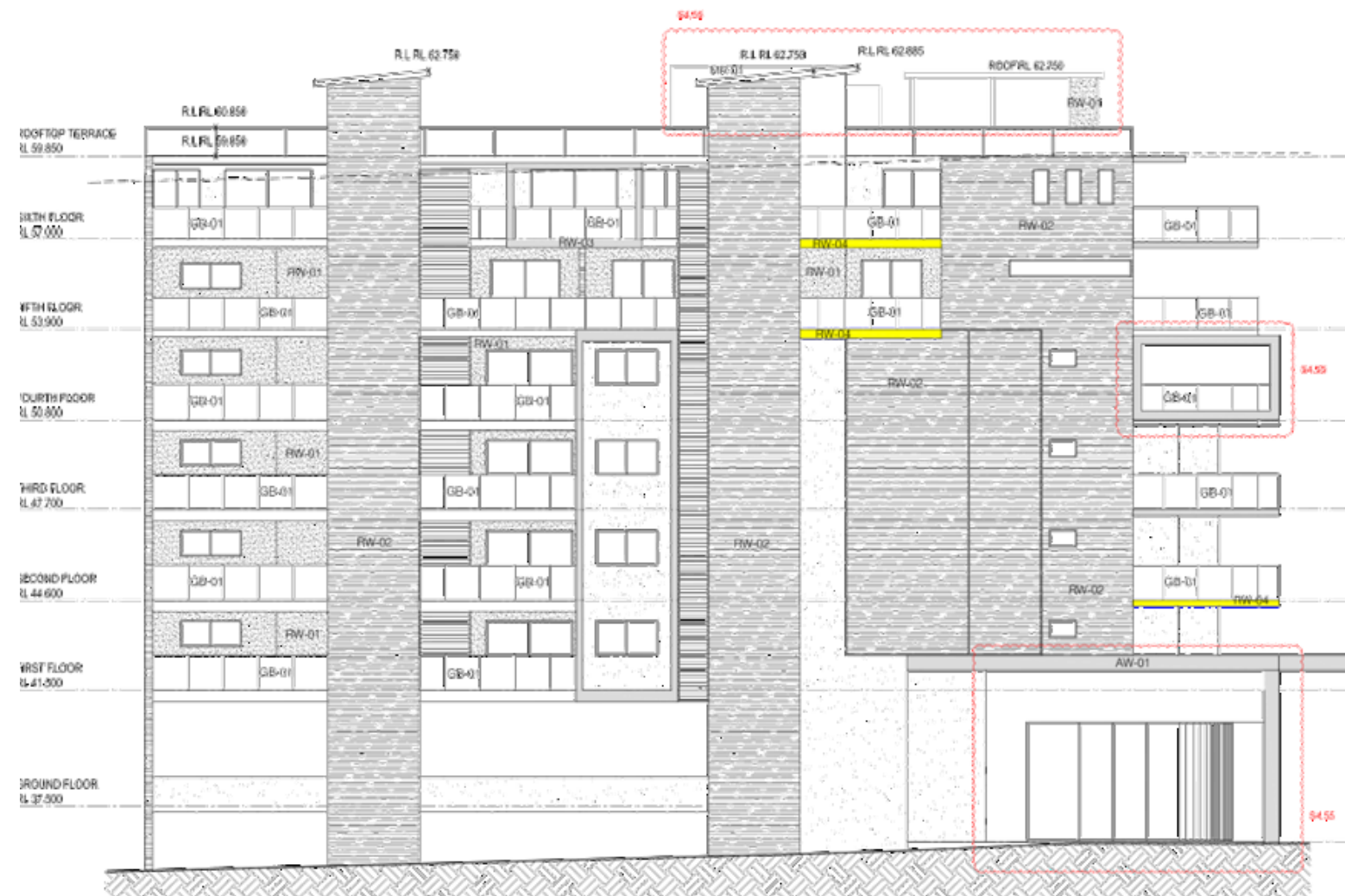
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A	54.55	JUN 19	RT	PROPOSED RESIDENTIAL FLAT BUILDING	51. 100% 100% 100% 100%
B	54.55 ADDITIONAL INFO	JUL 19	RT		52. 100% 100% 100% 100%
C	54.55 ADDITIONAL INFO	OCT 19	RT	PROJECT ADDRESS	53. 100% 100% 100% 100%
				127-129 GREAT WESTERN HWY, MAHLS HILL	54. 100% 100% 100% 100%
				DRAWING TITLE	55. 100% 100% 100% 100%
				ROOF TERRACE PLAN	
				DATE	
				18051	
				DRAWING NUMBER	
				14	

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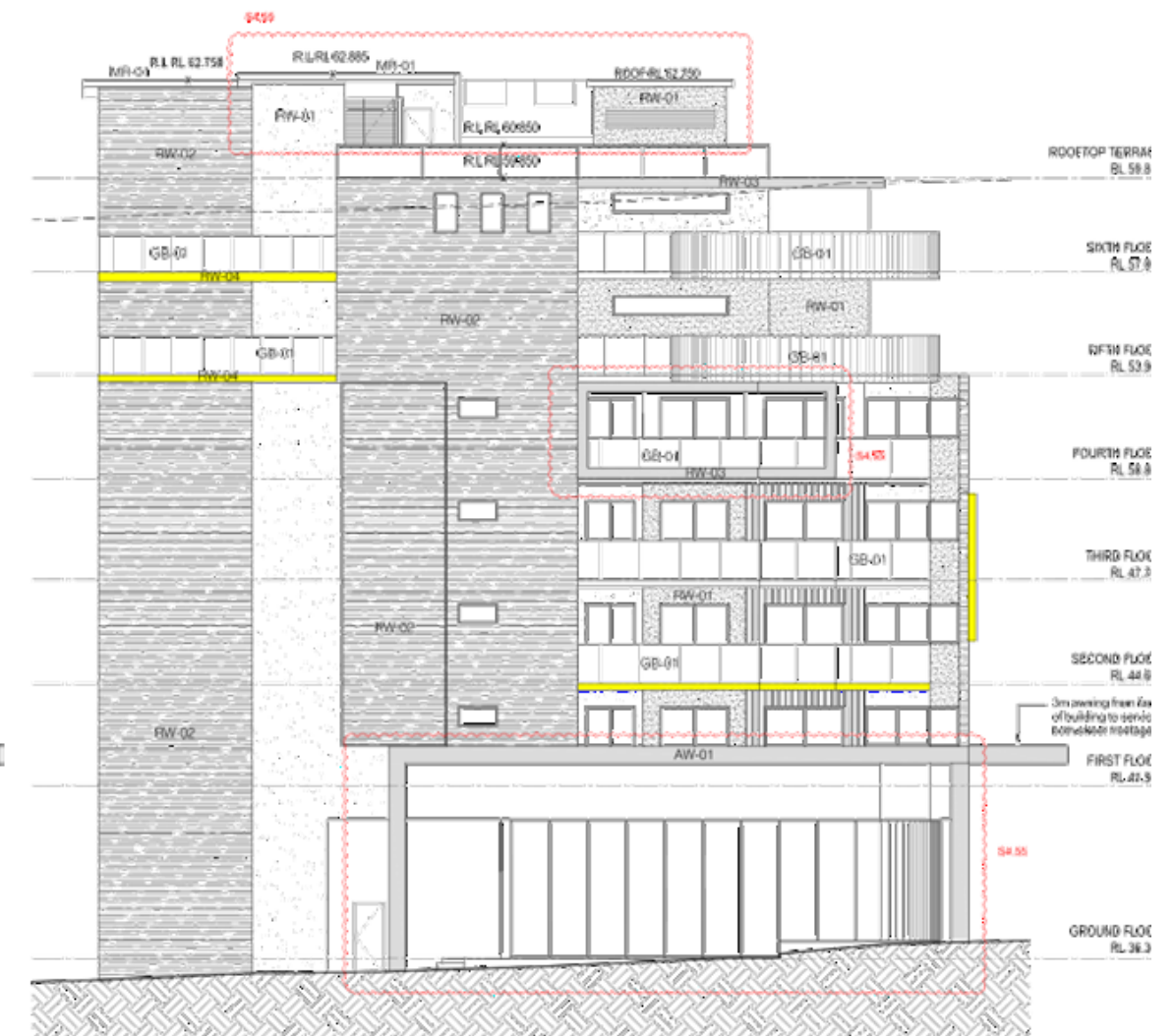


			
RW-01	RW-02	RW-03	RW-04
RW-01	WALLS/RENDERED EXT- PAINT FINISHDULUX - GR12 DESKALI		
RW-02	WALLS/RENDERED EXT- PAINT FINISHDULUX - GR23 TEAHOUSE		
RW-03	WALLS/RENDERED EXT- PAINT FINISHDULUX - GW LEXICON		
RW-04	WALLS/RENDERED EXT- PAINT FINISHDULUX - A206 SUNBOUND		
AW-01	AWING		
GB-01	GLASS BALUSTRADE		
MR-01	COLORBOND ROOF SHEETING		
AL-01	ALUMINIUM LOUVRE		

REV	DESCRIPTION	DATE	BY	PROJECT FILE	
A	14.55	JAN 19	RI	PROPOSER RESIDENTIAL FLAT BUILDING	2. 161 2188-6550
B	14.55 ADDITIONAL INFO	JUL 19	RI		3. 161 2188-6550 (161 2188-6550)
C	14.55 ADDITIONAL INFO	OCT 19	RI	PROPOSER DOORS	4. 161 2188-6550 (161 2188-6550)
				127-129 GREAT WESTERN HWY, MAHS HILL	5. 161 2188-6550 (161 2188-6550)
					6. 161 2188-6550 (161 2188-6550)
				DESIGN TITLE	
				NORTH ELEVATION, WEST ELEVATION	
				ORIGIN BY	
				CREATED BY	
				SCALE 1/4" = 1'-0"	
				REVISION	
				DATE	
				PROJECT NUMBER	
				DRAWING NUMBER	



SOUTH ELEVATION



EAST ELEVATION (BURNETT STREET)

MATERIALS, FINISHES & COLOUR SCHEDULE

RW-01	RW-02	RW-03	RW-04
AW-01	AWING		
GB-01	GLASS BALUSTRADE		
MR-01	COLORBOND ROOF SHEETING		
AL-01	ALUMINIUM LOUVRE		

REV	DESCRIPTION	DATE	BY	PROJECT TITLE	PROJECT ADDRESS
A	S4.55	18/09/19	R1	PROPOSED RESIDENTIAL FLAT BUILDING	127-129 GREAT WESTERN HWY, MAXS HILL
B	S4.55 ADDITIONAL INFO	20/11/19	R1		
C	S4.55 ADDITIONAL INFO	OCT19	R1		
DRAWING TITLE: SOUTH ELEVATION, EAST ELEVATION					
DRAWN BY	CHECKED BY	SCALE	REVISION	DATE	REVISION NUMBER
R1	C8	1:100	C	OCT19	18051

[illegible]

[illegible]

[illegible]

DOCUMENTS
ASSOCIATED WITH
REPORT LPP080/19

Attachment 7
Applicant's SEE

Statement of Environmental Effects S4.55 Modification

SECTION 4.55(2) APPLICATION FOR ALTERATIONS AND ADDITIONS TO AN APPROVED MIXED USE BUILDING AT 127-129 GREAT WESTERN HIGHWAY, MAYS HILL



Prepared by: **Think Planners Pty Ltd**
Document Date: 20 August 2019
Consent Authority: Cumberland Council



S4.55 (2) - 127-129 Great Western Highway, Mays Hill

QUALITY ASSURANCE

PROJECT: Statement of Environmental Effects– S4.55(2) modification to approved 7 Storey Mixed Use Development

DDRESS: Lot 1 DP 433208 and Lot 332 DP 13239: 127-129 Great Western Highway, Mays Hill

COUNCIL: Cumberland Council

AUTHOR: Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
9 November 2016	Draft Issue for Comment	Draft	SK/JW	AB
10 November 2016	DA Lodgement Issue	Final	SK/JW	AB
10 April 2017	Revised DA Issue	Final	JW	JW
20 August 2019	Modification Issue	Final	LK/JW	JW

Integrated Development (under S91 of the EP&A Act). Does the development require approvals under any of the following legislation?	
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mine Subsidence Act 1992	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No
Concurrence	
SEPP 1- Development Standards	No
SEPP 64- Advertising and Signage	No
SEPP 71 – Coastal Protection	No
SEPP (Infrastructure) 2007	No
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No



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Executive Summary

This Statement of Environmental Effects has been prepared in support of a Section 4.55 (1A) modification application for amendments to the approved plans at No. 127-129 Great Western Highway, Mays Hill.

The subject site is located within the recently amalgamated Cumberland Council, however it is noted that the development site is still subject to planning instruments associated with the former Holroyd City Council, including the Holroyd Local Environmental Plan 2013 & Holroyd Development Control Plan 2013.

It should be noted; the proposal has two development application approvals by Cumberland Council. The relevant approvals are as follows:

DA-490/2016

- Demolition of existing structures; consolidation of 2 lots into 1 lot; construction of a 7 storey mixed use development comprising 27 residential units; ground floor commercial space above basement parking accommodating 41 carparking spaces under Affordable Rental Housing SEPP 2009

DA-490/2016.2

- S4.55(2) modification approving internal and external alterations and additions to an approved 7 storey mixed use development including an additional 4 x 1 bedroom units, totalling 31 units under Affordable Rental Housing SEPP 2009.

Proposed Amendments

The current modification proposes minor changes with full detail of the changes on the plans that have amendments clouded in red. The full list of amendments are as follows:

- Inclusion of cleaner's storage and WC to ground floor;
- Reconfiguration of Unit 31 layout on sixth floor;
- Additional pool/spa, toilet and outdoor entertaining area to roof top terrace;
- Change of brick finish to hebel system for external and internal walls;
- Amendment to façade to remove 'birds nest' treatment;
- Adjustment to planter boxes to adopt potted plants;
- Provision of roof awning to the top floor lift entries;
- Adjustment to awning to construct it of concrete instead of steel;
- Change the deferred commencement condition to remove Roads and Maritime as an approval agency for the median strip works as this is a matter for Council. In addition it is requested that this condition be amended to be required to be satisfied prior to the issue of an Occupation Certificate instead of a Deferred Commencement/Construction Certificate given the length of time the traffic committee will take.



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Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, and that the proposal represents an appropriate use of well-located land; the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the modification application subject to necessary, relevant and appropriate conditions of consent.



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Site & Locality Description

Legal Description

The subject site is legally known as Lot 1 DP 433208 and Lot 332 DP 13239, more commonly known as 127-129 The Great Western Highway, Mays Hill.

Subject Site

Located within close proximity to Parramatta City Centre, the development site resides on the intersection of the Great Western Highway and Burnett Street Mays Hill. Once consolidated the site will be an irregular shaped land parcel with a frontage of 47.245m to the Great Western Highway and 47.245m to Burnett Street with a total site area of 1014.91m². The site also has a cross-fall from the south-west to the north-eastern corner of the site.

Moreover, the site is within proximity of services including a petrol station, child care centres, local primary and high schools, parks/reserves and land parcels along the southern side of The Great Western Highway zoned B6 Enterprise Corridor that is to provide future commercial opportunities for Mays Hills. A T-Way bus stop with regular services to Parramatta and Greystanes is situated within a 200m radius of the development site. A photograph of the subject site is provided below.

Photograph 1: Shows 127-129 Great Western Highway, Mays Hill





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Locality

Situated on a prominent corner location on a key arterial road leading into a major regional centre from the west, the development proposes a contemporary mixed use development presenting a strong and attractive interface whilst activating the streetscape through the provision of commercial tenancy along its frontage to The GWH.

The existing low density building stock within the redevelopment corridor are significantly underutilising the sites full development potential given the B6 Enterprise Corridor permits higher density residential developments such as mixed use buildings with a maximum height of 23m. The amalgamation of two (2) land parcels will permit an orderly development of the site whilst contribute towards increasing commercial space, housing stock and housing choice within Mays Hill. The site is bounded by single storey residential dwellings to its western and southern boundary with Burnette Street separating the site from a church and dwelling house to the east and The GWH separating the site from low density housing to the north. This is illustrated by an aerial extract of the site below to provide context to the development site.



Figure 1: Aerial Map Extract of the Subject Site (Source: Six Maps)



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Zoning Control

As evident in the extract below, the subject site is zoned B6 – Enterprise Corridor under the provisions of the Holroyd Local Environmental Plan 2013.

'Business Premises', 'Neighbourhood Shops' and 'Residential Flat Buildings' are permissible with consent within the B6 zone and the subject site is permitted a maximum split building height of 23m and a maximum FSR of 2:1- noting the 0.5:1 bonus affordable under the Affordable Housing SEPP.

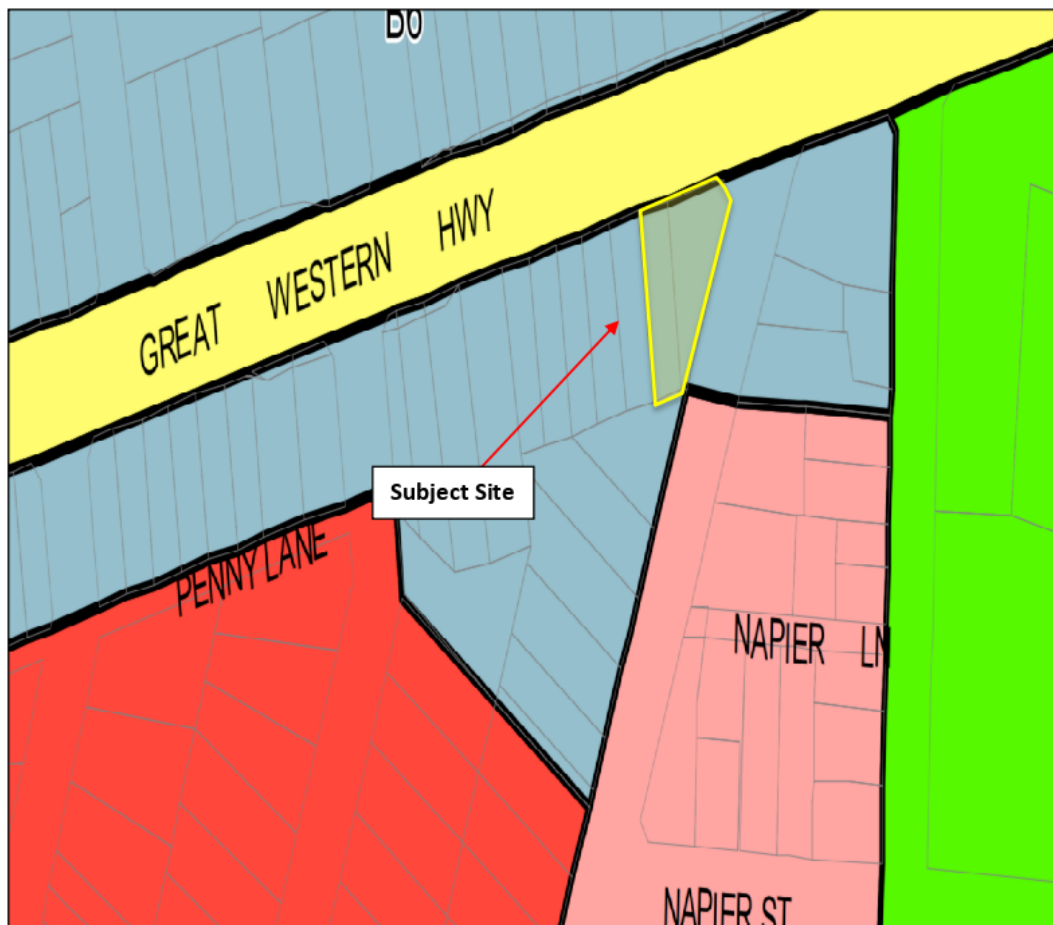


Figure 2: Zoning Map Sheet LZN_008 Extract (Source: Holroyd LEP 2013)



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Mays Hill Transitway Station Precinct

The B6 Enterprise Corridor will provide commercial opportunities for local resident's whilst increasing housing opportunities within close proximity to a key Regional City, that will help to support and sustain the function of the Mays Hill Transitway Station Precinct. Figure 4 below depicts the strategic location of the subject site within the Transitway Station Precinct.



Figure 3: Part N Figure 1 Extract: Mays Hill Transitway Station Precinct (Source: Holroyd DCP)

With the current demand for housing in Sydney and its proximity to a major regional centre, essential services, public transportation and recreational opportunities combined with an absence of heritage items, it is expected that the remaining low density residential developments within the residential block will be redeveloped for higher densities over the medium term. This is evident within the Transitway Station Precinct including the redevelopment corridor and surrounding R4 zoned land parcels undergoing a significant transformation of its built form towards higher densities. It is noted that this trend is expected to continue with more comparable DAs currently with Council.



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Proposed Section 4.55 Modification

This Section 4.55(2) Application seeks approval for the following key modifications: with full detail of the changes on the plans that have amendments clouded in red. The modification proposes minor changes with full detail of the changes on the plans that have amendments clouded in red, with the following key changes listed below.

Proposed Amendments

The current modification proposes minor changes with full detail of the changes on the plans that have amendments clouded in red. The full list of amendments are as follows:

- Inclusion of cleaner's storage and WC to ground floor;
- Reconfiguration of Unit 31 layout on sixth floor;
- Additional pool/spa, toilet and outdoor entertaining area to roof top terrace;
- Change of brick finish to hebel system for external and internal walls;
- Amendment to façade to remove 'birds nest' treatment;
- Adjustment to planter boxes to adopt potted plants;
- Provision of roof awning to the top floor lift entries;
- Adjustment to awning to construct it of concrete instead of steel;

Amendments to Conditions

- Change the deferred commencement condition to remove Roads and Maritime as an approval agency for the median strip works as this is a matter for Council. In addition it is requested that this condition be amended to be required to be satisfied prior to the issue of an Occupation Certificate instead of a Deferred Commencement/Construction Certificate given the length of time the traffic committee will take. Confirmation has been received from RMS that RMS is not the relevant authority as per the screenshot over the page.
- Change Condition 1 to reflect the relevant architectural plan amendments prepared by Baini Design.



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On 1 Dec 2017, at 4:14 pm, HO Ken <ken.ho@rms.nsw.gov.au> wrote:

Hi Ibby,

Based on a review of your deferred commencement, it is understood that Council has required for Roads and Maritime approval for the extension of the median strip on Burnett Street (local road).

It is noted that Roads and Maritime has no approval role in the construction and design of the proposed extension of the median strip as Council are the roads authority for Burnett Street. As such, approval should be sought from Council and the requirement for Roads and Maritime approval within your deferred commencement should be modified in this regard. This may require a lodgement of a S96(1A) application to change the deferred commencement condition to remove Roads and Maritime as an approval agency for the median strip works.

I trust the above assists you.

Message Status

Regards,

Ken Ho
Land Use Planner

Network Sydney | South Precinct
www.rms.nsw.gov.au
Every journey matters

<image015.jpg>

Roads and Maritime Services
Level 11 27 Argyle Street Parramatta NSW 2150



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Consideration of Planning Controls

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

S.4.55(2) Environmental Planning and Assessment Act 1979

Pursuant to S.4.55(2) of the Act, Council may consider an application to amend a development consent provided that, inter alia:

(2) Other modifications

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:

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

(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

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

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

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

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

Subsections (1) and (1A) do not apply to such a modification.

As such it is appropriate to conclude that the current application is substantially the same as the approved development, with the development concept remaining physically the same as that granted consent with no physical changes to the approved plans.

It is anticipated that the modification may be notified to adjoining property owners although as it has no additional impacts beyond those identified as part of the original assessment and therefore no additional issues are anticipated.



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State Environmental Planning Policy No. 55 – Contaminated Land

A detailed site Investigation was prepared and was submitted with original Development Application and the site confirmed to be suitable for the development.

State Environmental Planning Policy (Infrastructure) 2007

The development site has frontage to Great Western Highway, which is identified as a classified road. It should be noted that the provisions of Clause 101, 102, and 104 of the SEPP have been addressed via DA-490/2016.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

It should be noted, State Environmental Planning Policy No. 65- Design Quality of Residential Apartment Development has been addressed via DA-490/2016. However, a brief table provided below demonstrates the minor changes for this proposed modification.

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
Part 3 – Siting the Development			
3A Site Analysis	Appendix 1 of the ADG	Provided	Yes
3B Orientation	Building to define the street, by facing it and incorporating direct access from the street	The proposed mixed use building will continue to address its frontage. No changes to approved orientation and access.	Yes
	Where an adjoining building does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by > 20%	Not applicable	N/A
	4 hours of solar access should be retained to solar collectors on neighbouring buildings	No changes.	N/A



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3H Vehicle Access	Car park access should be integrated with the building's overall façade	No changes. Vehicle access point to the basement level is integrated with the proposed building's overall façade.	Yes
	Car park entry and access should be located on secondary streets or lanes where available	No changes. Vehicle access is to be provided from a future planned service laneway that is to run along the site's southern boundary via Burnett Street to ensure no access is provided from the GWH.	Yes
	Garbage collection, loading and servicing areas are screened	No changes. The proposed 7 storey shop top housing development has accommodated service areas within the upper basement level which provide sufficient size that is of sufficient size and height to permits the collection of garbage, loading and other requirements internally thus ensuring these activities are sufficiently screened from the street level.	Yes
3J Carparking	<p><u>Design Criteria:</u> Carparking for sites within 800m of a railway station or light rail stop can provide parking at the rate of: >20 units</p> <p><u>Metropolitan Sub-Regional Centres:</u> 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking)</p> <p><u>Design Guidelines:</u> Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.</p>	No change to car parking rates as per DA-490/2016	N/A



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Part 4 – Designing the Building			
4D Unit Sizes			
1 bed	<u>Design Criteria:</u> 50m ²	All units comply with many units exceeding, see attached plans for detail.	Yes
2 bed	70m ²		
3 bed	90m ²		
+ 5m ² for each unit with more than 1 bathroom.	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10%	Every habitable room is provided with a window.	Yes
Habitable Room Depths	<u>Design Guidelines:</u> Limited to 2.5m x Ceiling Height	Open plan apartments are provided.	Yes
Bedroom sizes			
Master	10m ²	All existing units are complying.	
Other	9m ²		
Living rooms/dining areas have a minimum width of:			
3.6m			Yes
4m	Studio/1 br 2br/ 3br	Complies. Min 4.2m	Yes
Open Plan Layouts that include a living, dining room and kitchen.	8m to a window	Complies given unit depths and design layouts.	Yes
4E Private Open Space			
Balcony Sizes	<u>Design Criteria:</u>		
1 bed	8m ² & 2m depth	Complies	Yes
2 bed	10m ² & 2m depth	Complies	Yes
3 bed	12m ² & 2.4m depth	Complies	Yes
Ground level/ podium apartments	15m ² & 3m depth	Not applicable	NA



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4K Apartment Mix 7	A variety of apartment types is provided	A diversity of apartments is proposed as follows: 4 x 1 bedroom units. 26 x 2 bedroom units 1 x 3 bedroom units.	Yes
4M Facades	Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale	The proposed facades are well articulated with a mixture of vertical and horizontal features including windows, projecting walls and balconies and framed elements. Overall the proposed facade is considered a quality design outcome that is compatible with other comparable modern mixed use buildings within the redevelopment corridor and the wider LGA.	Yes

State Environmental Planning Policy (Affordable Rental Housing) 2009

It should be noted that the provisions under State Environmental Planning Policy (Affordable Rental Housing) 2009 Part 2- New Affordable Rental Housing: Division 1 In-fill affordable housing have been addressed via DA-490/2016 and the amendments do not alter compliance with the relevant requirements of the SEPP.



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Holroyd Local Environmental Plan 2013

The development site is zoned B6 Enterprise Corridor, as per the zoning map extract below, under the provisions of the Holroyd LEP 2013.

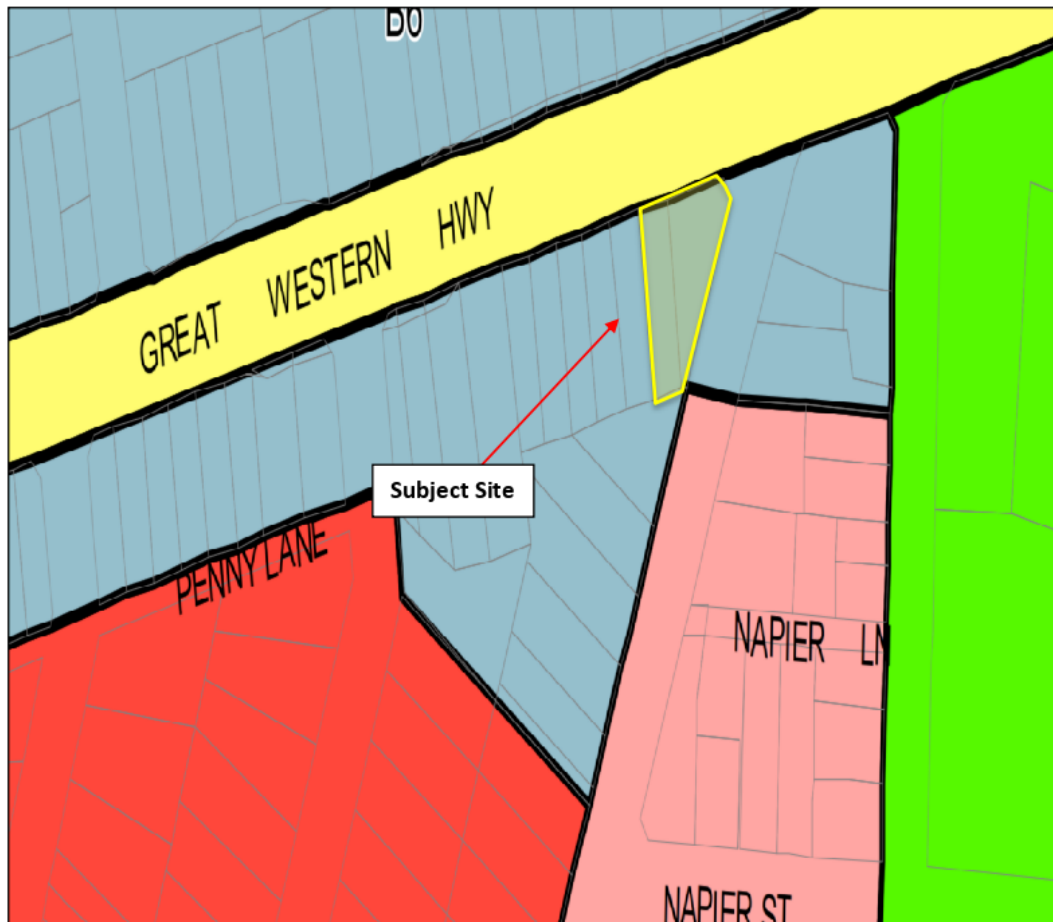


Figure 4: Zoning Map Sheet LZN_008 Extract (Source: Holroyd LEP 2013)

The development proposal is also consistent with the prescribed zone objectives that are stipulated as:

- To provide business along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maximise the economic strength of centres by limiting retailing activity.
- To provide for residential uses, but only as part of a mixed use development.

The section 4.55(2) modification continues to propose a mixed-use development that will address its multiple frontages while strongly contributing towards the expansion of the



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existing redevelopment corridor as envisioned by Council. Furthermore, the development will contribute towards providing additional business and alternative residential accommodation opportunities whilst promoting activity at the street level.

The site is well located and is situated within proximity essential services, public transportation and recreation opportunities.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Holroyd Local Environmental Plan 2013 – Compliance Table			
Clause	Controls	Comment	Complies
Zoning	B6 – Enterprise Corridor	No changes to the proposed land uses under this modification.	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal remains consistent with the zone objectives of the B6 – Enterprise Corridor	Yes
2.7	Demolition Requires Consent	Demolition addressed via approved DA.	Yes
Part 4 Principal Development Standards			
4.3	Height of Buildings: 23m	The lift cover, cabana, and pool exceed the height limit. And an address of this is provided at the end of this table.	Variation
4.4	Floor Space Ratio: 2:1	A maximum floor space ratio of 2:1 is identified for the site under Holroyd Local Environmental Plan 2013 Floor Space Ratio Map. Using the Affordable Housing SEPP bonus the proposal is able to achieve a 2.5:1. The proposal has a maximum FSR of 2.5:1 and complies noting the ARH SPP bonus.	Yes
Part 5 Miscellaneous Provisions			
5.10	Heritage Conservation	The site is not located within a Heritage Conservation Area, it does not contain any heritage-listed items and it is not within the vicinity of any heritage listed item. As such, the subject site is neither benefitted nor burdened by any heritage restrictions.	N/A



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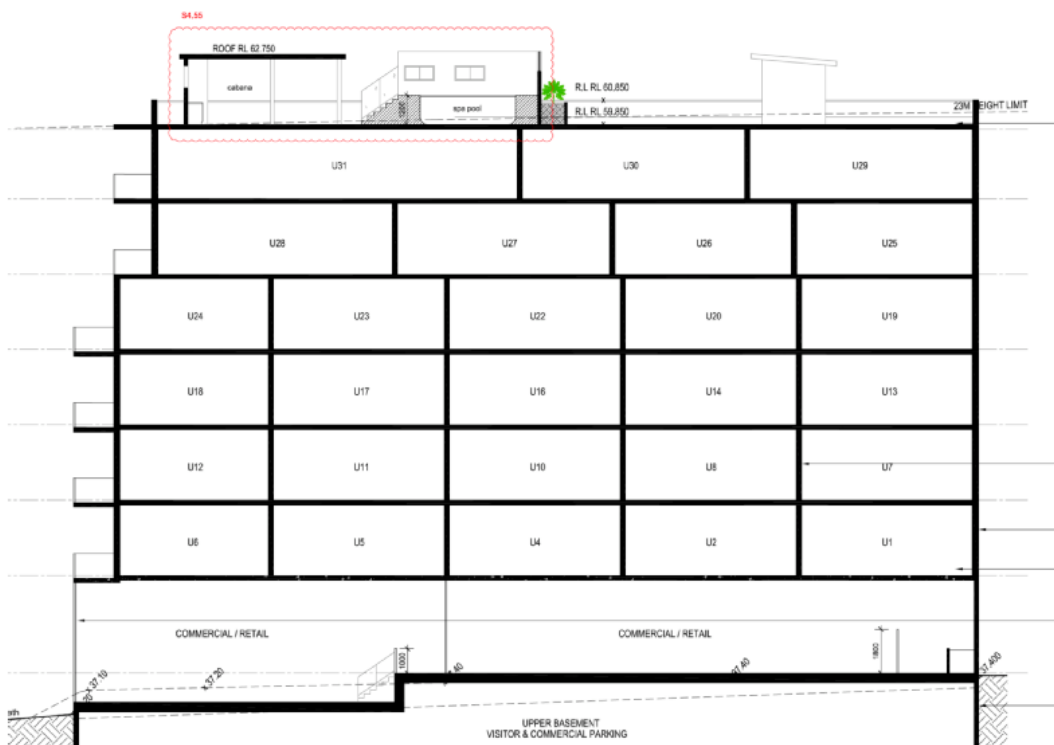
Part 6 Additional Local provisions			
6.1	Acid Sulfate Soils	Acid Sulfate Soils has been addressed via approved DA.	N/A
6.2	Earthworks	The proposed modification does not seek to amend the approved earthworks.	N/A
6.3	Essential Services	The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	N/A
6.4	Flood Planning	Addressed via approved DA.	N/A
6.5	Terrestrial Biodiversity	Addressed via approved DA.	N/A
6.6	Riparian Land and Watercourses	Addressed in approved DA.	N/A
6.7	Stormwater Management	The proposed modification does not seek to amend the approved stormwater plans.	Yes
6.8	Salinity	Addressed in approved DA.	Yes



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Discussion on Building Height Variation

The amendments maintain the existing building height with the exception of the new cabana, pool, and amenities (toilet and sink) to the rooftop common area). This is reflected on the section drawing below and the height departure is 2.9m or 12.6% departure. It is noted the existing lift core and balustrades were approved and were in exceedance of the height limit (approximately 2m) so the additional height is not materially greater than approved- however the portion of the building over the height limit increases to these new structures.



The design of the building ensures that the majority of habitable floor space is contained below the maximum building height line which indicates that the variation is not simply a means of achieving additional development yield on the site but is proposed to enhance amenity to the common areas.

It is noted that the lift overruns are recessed and not visible from the street level, nor will the lightweight structures be highly visible and as addressed below the proposal continues to be consistent with the underlying intent of the control and the variation is considered appropriate.



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

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) the concurrence of the Director-General has been obtained.*
- (5) In deciding whether to grant concurrence, the Director-General must consider:*
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*



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Each of these provisions are addressed in turn.

Clause 4.6(3)

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

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

- (1) The objectives of this clause are as follows:*
- (a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,*
 - (b) to ensure development is consistent with the landform,*
 - (c) to provide appropriate scales and intensities of development through height controls.*

The current development proposal is predominantly consistent with the building height with the exception of a small portion of the building and lift overrun and the proposal remains consistent with the objectives based on the following:

- Non-compliance is minor in nature with the majority of the building being compliance with the building height control and with the lift core recessed, its impact to the streetscape is negligible as it will be visually unnoticeable when viewed from the street level.
- Due to the minor nature of the variation it will not have any adverse amenity impacts. In this regard it is noted:
 - The variation will be visually unnoticeable and will have no adverse impact on the physical bulk, height or scale of the development.
 - The variation will not lead to a reduction in solar penetration on site or to adjoining properties nor will it lead to sunlight loss or overshadowing.
 - The proposed variation will not lead to view loss or interrupt on views to and from the site.
 - The proposed variation will not lead to a reduction in privacy afforded to existing residents or future residents of the proposal.
- The proposal has been designed to ensure that privacy impacts are mitigated that the proposal will not obstruct existing view corridors.
- The proposed development will permit the site to develop to its full zoning potential whilst complementing the future vision envisioned for the site by providing an attractive mixed use building that provides good address to the street frontage and complying with key planning controls applying to the proposal



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- The proposal is not located within a low-density area and the proposal represents an appropriate built form on the site.

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

Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest as it remains consistent with the objectives of the building height control. In addition the proposal is consistent with the objectives of the B6 zone, being:

- *To provide business along main road and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*
- *To provide for residential uses, but only as part of a mixed use development.*

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

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

Clause 4.6(5)

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

- a) The contravention of the height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal and minor nature of the variation;
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal as the proposal is consistent with the underlying objectives of the control and the fact that the minor non-compliance does not lead to excessive bulk and scale and it will not set an undesirable precedent for future development within the locality.



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

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

The proposal will not have any adverse effect on the surrounding locality, which will be characterised by residential development of comparable height and character. The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.

The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.



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Holroyd Development Control Plan 2013 – Part A General Controls

The table below provides detail on the development standards relevant to the current proposal.

Holroyd Development Control Plan 2013 – Part A General Controls Compliance Table			
Clause	Controls	Comment	Complies
3. Car Parking			
3.	Minimum Parking Spaces:	The modification does not seek to change the car parking rates approved under DA-490-2016.	Yes
3.2	Parking Design Guidelines	<u>External Appearance:</u> No changes to existing. Vehicle crossover and access to the site is to be provided via a right of way.	Yes
3.3	Dimensions and Guidelines	Proposed dimensions for car parking spaces remain consistent with Council controls.	Yes
3.4	Site Works	<u>Drainage, Light & Ventilation:</u> Addressed in approved DA. <u>Landscaping of Open Car Parks:</u> Not applicable	Yes NA
3.5	Access, Manoeuvring and Layout	<u>General Layout:</u> The proposed car parking layout continues to incorporate a logical and simple design that aims to expedite vehicle circulation, minimise congestion points and be appropriately dimensioned. In addition vehicles can enter and leave the site in a forward direction. The car park entrance to the basement will remain unchanged from the approved DA.	Yes



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		<u>Minimum Setbacks from Side Property Boundaries to Driveways:</u> Unchanged.	Yes
		<u>Clearances:</u> Unchanged.	Yes
		<u>Pedestrian Circulation:</u> The proposed basement car parking arrangement is to remain appropriately integrated into the proposal and is consistent with existing, surrounding development. It is considered that the proposal continues to provide an appropriate outcome on site that provides adequate parking arrangements as well as ensuring the safe and efficient movement of vehicular and pedestrian traffic.	Yes
3.6.	Parking for the Disabled	Addressed via approved DA.	Yes
4. Tree and Landscape Works			
4.1	Preservation of Trees	Addressed via approved DA.	Yes
5. Biodiversity			
5		The proposed development will not impact on any significant flora and fauna. Not applicable.	N/A
6. Soil Management			
6.1	Cut & Fill and Retaining Walls	Addressed via approved DA.	Yes
6.2	Site Contamination and Land Filling	Addressed via approved DA.	Yes
6.3	Erosion and Sediment Control	Addressed via approved DA.	Yes
6.5	Salinity Management	Addressed via approved DA.	Yes
7. Stormwater Management			
		Addressed via approved DA.	Yes
8. Flood Prone Land			
		Addressed via approved DA.	N/A



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10. Safety and Security			
		<p>The proposed development will continue to incorporate an active façade that will permit casual surveillance of both the Great Western Highway, Burnett Street and to the future planned service laneway that is to run along the site's southern boundary, as well as the driveway areas and communal open space at the rear of the site.</p> <p>The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposal incorporates built elements and landscaping that clearly distinguishes between the public and private domain.</p> <p>Clear entry points are proposed, that are easily read by resident, visitor and passer by alike.</p> <p>It is considered that the proposal does not impact on amenity or the streetscape of the area but is in context with development and street presentation of surrounding development.</p> <p>All materials and finishes are appropriate. The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p>	Yes
11. Waste Management			
		Waste management has been addressed via the approved DA.	Yes



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12. Services			
		The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	Yes

Holroyd Development Control Plan 2013 – Part C Commercial, Shop Top Housing and Mixed Use Development

The table below provides detail on the development standards relevant to the current proposal.

Holroyd Development Control Plan 2013 – Part C Commercial, Shop Top Housing and Mixed Use Development Controls Compliance Table			
Clause	Controls	Comment	Complies
1. Building Envelope			
1.1	Lot Size and Frontage: 26m	Addressed via approved DA.	No changes
1.2	Site Coverage, Floor Area and Building Use	<u>Site Coverage</u> No changes to approved site coverage. <u>Floor Area</u> This section of the DCP is not applicable to the proposed development noting the proposed commercial ground floor use. <u>Building Use</u> The proposed mixed use development will continue to provide commercial development at street level fronting the Great Western Highway which is the primary street. Residential dwellings are not proposed at ground level.	N/A N/A Yes
1.3	Building Height	No changes to height or floor to ceiling heights are proposed. See previous discussion against building height development standard.	N/A



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1.4	Setbacks, Separation and Depth	<p><u>Front Setback</u> No changes to approved front setback.</p> <p><u>Upper Storey Setback</u> No changes to approved upper storey setback.</p> <p>The upper level for this development is not setback due to the site being located on a prominent corner within Mays Hill. The proposal adopts a 3m recess above the 5th storey (top 2 floors). This aligns with the intent of the control. See discussion.</p> <p><u>Side Setback</u> No changes to western side boundary setback. The DCP does not require a side setback where a site adjoins a property with a business zone, as is the case with the subject site. The development proposes a 0m side setback to be consistent with future development to the west and west that is facilitated by the built to boundary blank wall.</p> <p>The development continues to provide a minimum setback of 6m to its southern side boundary.</p> <p><u>Rear Setback</u> The development does not have a rear boundary due to its status as a corner allotment. Not applicable.</p>	<p>No changes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
1.5	Landscaping and Open Space	<p>Considering that the proposal is located within a commercial zone, the proposal provides for landscaping works that will improve and enhance the subject site more than what currently exists.</p> <p><u>Deep Soil Zones</u> No changes to approved DA.</p> <p><u>Communal Open Space - Residential Uses</u> The Holroyd DCP requires a communal open space area of 25% of the total site area.</p>	<p>Yes</p> <p>No changes</p> <p>Yes</p>



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		<p>The development provides a communal open space area of 319m² or 31.4% and is therefore compliant.</p> <p><u>Private Open Space - Residential Uses</u> The proposal continues to provide a minimum of one balcony for each residential unit, with the majority of balconies having a northern aspect.</p> <p>The development will continue to provide the 2+ bedroom apartments with balconies with an area of 10m² and a minimum dimension of 2.4m.</p> <p>The proposed 1 bedroom units will be provided with a POS of >10m², and minimum dimensions of 2m, which is compliant for 1 bedroom units.</p> <p><u>Roof Garden and On Structure Planting</u> Where appropriate, planter boxes are provided. Please see plans for detail.</p> <p><u>Landscape Design</u> The proposed landscaping and materials have been designed in accordance with the DCP and by a fully qualified Landscape Architect. Please refer to the Landscape plan for further details.</p> <p><u>Pedestrian Areas</u> The proposal will provide a shop top housing development with ground commercial use. The proposed commercial unit will permit the activation of the street level along both The GWH and Burnett Street.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
2. Movement			
2.1	Rear Laneways	The proposed development is not benefitted by a rear laneway; however, the proposal incorporates an 8m wide right of way to facilitate a right of way and access along the rear of the site to 131-133 GWH and further to the west.	Consistent



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2.2	Pedestrian Access	As stated previously in this report, the proposal will contribute towards activating the streetscape along the Great Western Highway and Burnett Street while improving pedestrian access within subject site.	Yes
2.3	Building Entries	No change to approved DA.	Yes
2.4	Vehicle Access	No change to approved DA.	Yes
2.5	Parking	The modification does not seek to change car parking rates.	Yes
3. Design and Building Amenity			
3.1	Safety and Security	<p>The proposed development incorporates an active façade that will permit casual surveillance of The Great Western Highway, Burnett Street, right of way that is to run along the site's southern boundary and the internal areas of the site including the at-grade parking area.</p> <p>The proposal incorporates ground floor circulation areas, open space and landscaped areas that will contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposal incorporates design elements including clearly defined and controlled access points as well as clearly defined public and private spaces in order to minimise opportunity for criminal activity.</p> <p>The proposal incorporates built elements and landscaping that clearly distinguishes between the public and private domain. Clear entry points are proposed, that are easily read by resident, visitor and passer by alike.</p>	Yes



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		<p>It is considered that the proposal does not impact on amenity or the streetscape of the area but is in context with development and street presentation of surrounding development.</p> <p>All materials and finishes are appropriate. The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p>	
3.2	Facade Design and Building Materials	<p>The proposed top shop housing development represents a modern mixed use building that addresses its frontage with facades that are well articulated with a mixture of vertical and horizontal features including windows, projecting and receding walls and balconies, framed elements, planter boxes, louvers and a mixed palette of materials, colours and finishes.</p> <p>The range of materials will significantly contribute to the articulation of the building and will help to reduce the overall bulk and mass of the building. Please see attached plans for detail.</p> <p>The materials and finishes to be used will be consistent with that existing in the area while also being contemporary in character.</p> <p>The proposed balconies represent an extension of internal living areas and the development provides an interface with the public domain in a visually prominent location.</p>	Yes
3.4	Shopfronts	No change to approved DA.	Yes
3.5	Daylight Access	No change to approved DA	Yes



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3.6	Visual & Acoustic Privacy	<p><u>Visual Privacy</u></p> <p>The proposal will provide adequate separation and setbacks in accordance with the DCP. It is noted that the subject site is located within a business zone with the building built to the boundary to be consistent with the prevailing pattern within commercial centres.</p> <p>The proposal contains design elements that seek to reduce potential visual, privacy and acoustic impacts and promote a high standard of residential amenity. This includes the smart siting/layout of units and habitable areas of units and the location/size of windows and balconies.</p> <p>It is considered that the proposed development produces an appropriate outcome on site that will provide a high level of residential amenity for future residents and will not adversely impact upon residential amenity currently enjoyed by adjoining properties or prejudice future development on adjoining sites.</p> <p><u>Acoustic Privacy</u></p> <p>The proposal will have limited acoustic impacts to adjoining properties given the design and layout of the proposed development as it relates to surrounding properties.</p> <p>Internal places are appropriately zoned into passive and more active areas. Appropriate mitigation methods have been incorporated to minimise potential noise from the Great Western Highway and an acoustic report is supplied with this application.</p>	<p>Yes</p> <p>Yes</p>
3.8	Awnings	No change to approved DA in terms of awning location- however the material has changed from steel to concrete which is considered suitable.	Yes
3.9	Apartment Layout		



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	1 bedroom dwelling: 50m ² 2 bedroom dwelling: 70m ² 3 bedroom dwelling: 95m ²	The proposed residential unit sizes comply with the minimum apartment provision under the DCP and the ADG. It should be noted the proposal. Moreover, it should be noted the proposed changes are considered to be minor with the biggest implementation being the reconfiguration of unit 31 to deliver a penthouse suite with a private pool/spa, toilet and outdoor entertaining area on the roof top terrace for the owner of this suite.	Yes
3.10	Flexibility and Adaptability - Residential Mix	No changes to approved DA.	Yes
3.11	Corner Buildings	No changes to approved DA.	Yes
3.12	Ground Floor Apartments	The proposal does not propose any residential units within the ground floor.	N/A
3.13	Internal Circulation and Storage for Residential Uses	No changes to approved DA.	Yes
3.14	Balconies	No changes to approved DA.	Yes
3.15	Natural Ventilation	No changes to approved DA.	Yes
3.16	Roof Design	The proposal presents minor changes to the roof form with regard to the cabana and spa element however it still presents a similar form to the approved development and meets the DCP.	Yes
3.17	Maintenance	The proposal will comply with the controls outlined within this section of the HDCP 2013.	Yes
3.18	Waste Management	A Waste Management Plan is attached as part of this application. Notwithstanding it is noted that waste is to be appropriately managed during the demolition and construction stages of the development. Further, appropriate waste facilities will be provided for future residents and commercial tenants of the proposal.	Yes



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5. General			
5.2	Signage	Signage for the commercial tenancy will be addressed under a separate future DA, therefore not applicable to the current DA.	N/A
5.3	Hours of Operation	Hours of operation for the commercial tenancy will be addressed under a future DA, therefore not applicable to the current DA.	N/A
7. Residential Mixed for Business Zoned Land			
		<p>The development proposes a mix of apartment types including:</p> <ul style="list-style-type: none"> ➤ 4 x 1 bedroom units; ➤ 26 x 2 bedroom units; and ➤ 1 x 3 bedroom units. 	Yes



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Holroyd Development Control Plan 2013 – Part N Transitway Station Precinct Controls.

The subject site is strategically located within the Mays Hill Transitway at a prominent location at the south edge of the redevelopment corridor and as such will play an important role in setting the design standard for future comparable mixed use developments.

The DCP outlines that the desired future character for Mays Hill is to be an active, urban area, which makes full use of its proximity to public transport and services, as well the Parramatta Central Business District. In addition, and away from the highway, a transition between higher and lower density dwellings will occur.

As such, the surrounding streets will be more domestic in scale that easily accesses the shops and services of Mays Hill and the extensive open space and will provide the opportunity for social interaction whilst buildings directly addressing streets will promote a sense of community. The key Mays Hill Transitway Station Precinct Controls are summarised below.

Holroyd Development Control Plan 2013 – Part N Transitway Station Precinct Controls - Compliance Table			
Clause	Controls	Comment	Complies
1.1	Site Consolidation	No changes to approved DA.	No change
1.2	Accessways	No changes to approved DA.	Vehicular Access from Burnett Street
1.3	Building Height	No changes to approved DA other than the cabana, pool, and lift roof structure which is addressed under the LEP provisions.	Variation
1.4	Building Setbacks – 0m front setback	No changes to approved DA.	Yes
1.6	Road Widening	No changes to approved DA.	Yes



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Conclusion

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate amended conditions of consent including the amendment to the condition relating to the traffic committee.

**DOCUMENTS
ASSOCIATED WITH
REPORT LPP080/19**

**Attachment 8
Original Consent- DA 2016/490/1**



Our Reference:
Contact:
Phone:

2016/490
William Attard
02 8745 9766

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
NOTICE OF DETERMINATION OF APPLICATION**

DEFERRED COMMENCEMENT

3 October 2017

Dardas (Aust) Pty Ltd
PO Box 1111
MERRYLANDS NSW 2160

Dear Sir/Madam

Pursuant to Section 81 of the Act, Council has granted "deferred commencement" to your Development Application described as follows:

PROPERTY: Lot 1, DP 433208 & Lot 332, DP 13239

STREET ADDRESS: 127 & 129 Great Western Highway, Mays Hill

DEVELOPMENT CONSENT NO: 2016/490/1

DECISION: Delegated Authority

**DATE FROM WHICH
CONSENT OPERATES:** TO BE ADVISED UPON SATISFACTORY
COMPLETION OF SCHEDULE 'A'

DATE OF EXPIRY OF CONSENT: 3 October 2022

PROPOSED DEVELOPMENT: Demolition of existing structures; consolidation of 2 lots
into 1 lot; construction of a 7 storey mixed use
development comprising 27 residential units; ground
floor commercial space above basement parking
accommodating 41 car parking spaces under Affordable
Rental Housing SEPP 2009

This Development Application is APPROVED in accordance with the Environmental Planning & Assessment Act 1979 and is subject to compliance with the requirements of Cumberland 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.

**PURSUANT TO SECTION 80(3) OF THE ACT, THIS CONSENT IS NOT TO OPERATE
UNTIL COUNCIL IS SATISFIED THAT ALL SCHEDULE 'A' CONDITIONS HAVE BEEN
SATISFIED.**

16 Memorial Avenue, PO Box 42, Merrylands NSW 2160

T 02 8757 9000 F 02 9840 9734

E council@cumberland.nsw.gov.au W cumberland.nsw.gov.au

Important

English

This letter contains important information. If you do not understand it please ask a relative or friend to translate it or come to Council and discuss this letter with Council's staff using the Telephone Interpreter Service.

هام

Arabic

تحتوي هذه الرسالة على معلومات هامة. إذا لم تكن تفهمها يرجى طلب ترجمتها من قريب أو صديق أو إحضر إلى المجلس وناقش هذه الرسالة مع موظفي المجلس عن طريق الاستعانة بخدمة الترجمة الهاتفية.

重要資訊

Cantonese

本函包含重要的資訊。如果您無法理解相關內容，可請您的親屬或朋友翻譯成中文，或者前往市政府並通過電話傳譯服務與市政府的工作人員討論本函內容。

مهم

Dari

این نامه حاوی معلومات مهم است. اگر شما آن را نمی فهمید، از دوستان یا فامیل تان بخواهید که برایتان ترجمه کند و یا به شورا آمده و در مورد این نامه با کارمندان شورا با استفاده از خدمات ترجمه تلفونی بحث کنید.

Σημαντικό

Greek

Αυτή η επιστολή περιέχει σημαντικές πληροφορίες. Εάν δεν την καταλαβαίνετε, ζητήστε από ένα συγγενή ή φίλο να σας την μεταφράσει, ή ελάτε στο Συμβούλιο και συζητήστε για την επιστολή με το προσωπικό του Συμβουλίου χρησιμοποιώντας την Τηλεφωνική Υπηρεσία Διερμηνέων.

महत्वपूर्ण

Hindi

इस पत्र में महत्वपूर्ण जानकारी दी गई है। यदि आप इसे नहीं समझ पाते हैं तो कृपया अपने रिश्तेदार या दोस्त से कहें कि वे इसे अनुवाद कर बताएँ या परिषद में आएँ और टेलीफोन दुभाषिया सेवा का इस्तेमाल करते हुए परिषद के स्टाफ के साथ इस पत्र पर चर्चा करें।

IMPORTANTE

Italian

Questa lettera contiene informazioni importanti. Se non la comprende chiedi ad un parente od amico di tradurgliela, o venga al Municipio a discuterla col personale del Comune con l'aiuto del Servizio Telefonico Interpreti.

중요

Korean

이 서신에는 중요한 정보가 포함되어 있습니다. 잘 이해되지 않으면, 친척이나 친구에게 번역을 부탁하거나 또는 위원회를 방문하여 전화 통역 서비스로 위원회 직원과 이 서신에 대해 논의하십시오.

Importanti

Maltese

Din l-ittra fiha taghrif importanti. Jekk ma tifimhiex, jekk joghgbok staqsi lil qarib jew habib biex jittraducihielek jew ejja sal-Kunsill u ddiskuti din l-ittra ma' l-istaff tal-Kunsill billi tuza s-Servizz Telefoniku tal-Interpreti.

重要信息

Mandarin

本函包含重要的信息。如果您无法理解相关内容，可请您的亲属或朋友翻译成中文，或者前往市政府并通过电话传译服务与市政府的工作人员讨论本函内容。

Mahalaga

Tagalog

Ang sulat na ito ay naglalaman ng mahalagang impormasyon. Kung hindi mo ito nauunawaan, mangyaring hilingin ang isang kamag-anak o kaibigan na isalin ito o lumapit sa isang Council at talakayin ang sulat na ito sa kawani ng Council gamit ang Serbisyo ng Interpreter sa Telepono.

முக்கிய குறிப்பு:

Tamil

இந்த கடிதத்தில் முக்கிய தகவல் அடங்கியுள்ளது. உங்களுக்கு இது புரியவில்லையென்றால், உங்கள் உறவினர் அல்லது நண்பரை மொழிபெயர்க்க சொல்லி கேட்கவும் அல்லது அமைச்சகத்திற்கு வருகை அளித்து, அமைச்சக ஊழியருடன் தொலைபேசி மொழிபெயர்ப்பு சேவை உதவியுடன் இந்த கடிதத்தைப் பற்றி விவாதிக்கவும்.

Önemli

Turkish

Bu mektup önemli bilgiler içermektedir. Bu bilgileri anlamıyorsanız lütfen bir akrabanızdan veya arkadaşınızdan onu çevirmesini isteyin ya da Konseye gelin ve Telefonla Sözlü Çeviri Hizmeti'ni kullanarak bu mektup hakkında Konsey personeli ile görüşün.

TIN QUAN TRỌNG

Vietnamese

Tin tức trong thư này rất quan trọng. Nếu quý vị không hiểu rõ, xin hỏi những người thân hoặc bạn bè phiên dịch cho quý vị hoặc đến hỏi nhân viên Tòa Hành Chánh, tại đây có phương tiện Thông Ngôn Qua Điện Thoại

SCHEDULE "A"

Consent to the demolition of existing structures; consolidation of 2 lots into 1 lot; construction of a 7 storey mixed use development comprising 27 residential units; ground floor commercial space above basement parking accommodating 41 car parking spaces under Affordable Rental Housing SEPP 2009 shall not operate until all of the following Schedule "A" conditions have been complied with to Council's satisfaction.

Please note that this consent shall lapse if the approved development is not physically commenced by the "date of expiry of consent" shown on the front page of this document. It is therefore in your interest to attend to the following matters as soon as possible. When Council is satisfied that Schedule "A" has been complied with, a letter will be issued advising of the "date from which Consent operates".

Affordable Housing Allocation

1. Details shall be submitted to Council for approval, prior to the operation of this consent, which indicates that 50% of units within the development, will be allocated for the purposes of affordable housing as required under the Affordable Rental Housing SEPP 2009.

Median Island

2. The median island on Burnett Street shall be extended to Napier Street subject to consultation and approval of the City of Parramatta Council, Roads and Maritime Services and Cumberland Councils' Traffic Committee.

A plan of the proposal and supporting documentation including traffic reports/studies is required to be submitted two weeks prior to the Cumberland Traffic Committee meeting date. It is also noted that the traffic consultant, applicant or representatives will generally be required to present and answer questions at the Cumberland Traffic Committee meeting.

Notes: If changes are required to the plans, other than what is required through the above conditions, an application shall be lodged with Council and approval obtained under Section 96 of the Environmental Planning and Assessment Act 1979.

Three (3) copies of amended plans shall be submitted to Council for assessment. Please ensure all plans correspond (i.e. architectural, landscape and storm water plans).

SCHEDULE "B"

This consent cannot operate until such time as the Council is satisfied that the deferred commencement conditions in the Schedule A have been complied with and has notified the applicant in writing of the date from which this consent operates.

PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced by the date of expiry shown on the front page of this Consent.
2. Development shall take place in accordance with the following plans and information, except where amended by the conditions of this consent:
 - Architectural plans prepared by DA Designworx, Project Number 15-029, listed below:

Drawing No. DA-01	Site Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-03	Lower Basement Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-04	Upper Basement Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-05	Ground Floor Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-06	First Floor Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-07	Second Floor Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-08	Third Floor Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-09	Fourth Floor Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-10	Fifth Floor Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-11	Sixth Floor Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-12	Roof Plan	Iss. C	Dated 10/07/2017
Drawing No. DA-13	Section A-A / Streetscape Elevations	Iss. C	Dated 10/07/2017
Drawing No. DA-14	Section B-B, C-C, D-D, E-E / Driveway Section	Iss. C	Dated 10/07/2017
Drawing No. DA-15	North Elevation	Iss. C	Dated 10/07/2017
Drawing No. DA-16	East Elevation	Iss. C	Dated 10/07/2017
Drawing No. DA-17	South Elevation	Iss. C	Dated 10/07/2017
Drawing No. DA-18	West Elevation	Iss. C	Dated 10/07/2017

- Landscape plans prepared by Vision Dynamics Pty Ltd, listed below:

Drawing No. 16060 DA 1-2	Rev. C	Dated 07/04/2017
Drawing No. 16060 DA 2-2	Rev. C	Dated 07/04/2017

- Stormwater plans prepared by Umbrella Consulting Engineers, Project Number ACE151163.SW.DA, OSD Plan Number 2016-335, listed below:

Drawing No. 101	Stormwater Layout Plan Lower Basement Level Sheet 1 of 2	Iss. F	Dated 05/04/2017
Drawing No. 102	Stormwater Layout Plan Basement Level Sheet 2 of 2	Iss. F	Dated 05/04/2017

Drawing No. 103	Stormwater Layout Plan Upper Basement Level	Iss. F	Dated 05/04/2017
Drawing No. 104	Stormwater Layout Plan	Iss. F	Dated 05/04/2017
Drawing No. 105	Stormwater Layout Plan Level 1, 2 & 3	Iss. F	Dated 05/04/2017
Drawing No. 106	Stormwater Layout Plan Level 4 & 5	Iss. F	Dated 05/04/2017
Drawing No. 107	Stormwater Layout Plan Level 6 & Roof Plans	Iss. F	Dated 05/04/2017
Drawing No. 108	On-Site Detention Details and Calculation Sheets	Iss. F	Dated 05/04/2017
Drawing No. 109	Catchment Plan & Miscellaneous Details Sheet	Iss. F	Dated 05/04/2017

- Annexure "A" to Transfer Granting Easement prepared by Peter Terence Wright, Undated;
- Waste Management Plan, dated August 2016;
- External Materials and Finishes prepared by Design Cubicle, Job Number 160778, Undated;
- BASIX Certificate Number 718366M_02, dated 26 October 2016;
- Acoustic Report prepared by Rodney Stevens Acoustics, Report Number 150520R1, Revision 0, dated 18 January 2017;
- Correspondence from Roads and Maritime Services, Reference Number SYD15/01288/03, dated 12 December 2016 (copy attached), and all conditions contained therein;
- Correspondence from NSW Police Force – Holroyd Local Area Command Correspondence, Police Reference Number D/2016/679416, dated 17 January 2017(copy attached), and all conditions contained therein; and
- All details, including plans and reports, approved by Council in accordance with the conditions in Schedule 'A';

a) As amended in red by Council. All 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 Department of Planning & Infrastructure.

5. The applicant shall consult with, as required:
 - (a) Sydney Water Corporation Limited
 - (b) Endeavour 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.

Demolition

8. 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.
9. Permission is granted for the demolition of existing structures on the property, subject to strict compliance with the following:-
 - a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - *Demolition of Structures*. **Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications. 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 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 Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with WorkCover's document "Your Guide to Working with Asbestos", a copy of which accompanies this Development Consent and demolition works must at all times comply with its requirements.
 - d) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 9840 9840. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
 - e) Demolition shall not commence until all trees required to be retained/transplanted are protected in accordance with those conditions stipulated under "Prior to Works Commencing" in this Consent.
 - f) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
 - g) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
 - h) Demolition is to be completed within 5 days of commencement.
 - i) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
 - j) Protective fencing is to be installed to prevent public access to the site.
 - k) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
 - l) Before demolition operations begin, the property shall be connected to the sewer of Sydney Water to which a pedestal pan shall be temporarily connected for the use as the employees' toilet service during demolition operations.
 - m) After completion, the applicant shall notify 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) 9840 9715 to determine the location of a tip licensed to receive asbestos. Within fourteen (14) days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving tip as evidence of proper disposal.

- n) Within 14 days of completion of demolition, the applicant shall submit to Council:
- i) An asbestos clearance certificate carried out by a licensed asbestos assessor (normally a NATA accredited occupational hygienist), or a person who has the knowledge and skills to be a licensed assessor, regardless of whether or not they are licensed; and
 - ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent under Holroyd DCP 2013, Part A, Section 11. **In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials; and**

Note: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and under 'Facilities and Labs' click on 'Facilities List by Field', then click on 'Chemical Testing', then click on 'Asbestos' and finally click on 'identification'. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

10. Payment of **\$459.20** fee for inspection by Council of the demolition site prior to commencement of any demolition works.

BASIX (Building Sustainability Index)

11. Under Clause 136D of the Environmental Planning & Assessment Regulation 2000, it is a condition of this Development Consent that all the commitments listed as per Condition 2 in relation to BASIX are fulfilled.

Future Use

12. No approval is granted or implied for the use of the ground floor business tenancies of the development. Separate Development Consent is required for the business tenancies, PRIOR to use / occupation.

Substations and Fire Hydrant Boosters

13. No approval is granted or implied for the installation of substations and fire hydrant booster pumps and construction of associated encasing structures i.e. blast walls and radiant heat shields. Separate Development Consent is required.

Cranes on Building Sites

14. No approval is granted or implied for the installation of any crane on the premises that has the potential to swing beyond the boundaries of the subject site. Separate necessary

approvals, including but not limited to Section 138 of the Roads Act and/or Section 68 of the Local Government Act, must be obtained from Council prior to installation of any such cranes.

NOTE: FEES, BONDS & CONTRIBUTIONS INDICATED IN CONDITIONS OF THIS CONSENT MAY VARY IN ACCORDANCE WITH THOSE ADOPTED BY COUNCIL AT SUBSEQUENT ANNUAL REVIEWS OF ITS "FEES AND CHARGES" AND SUBSEQUENT CHANGES TO THE BUILDING PRICE INDEX. FEES CHARGED WILL BE THOSE CURRENT AT THE TIME OF PAYMENT.

**PRIOR TO ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE/PRELIMINARY
CONDITIONS FOR DEMOLITION**

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

Payment of Bonds, Fees and Long Service Levy

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

Section 94 Contribution

16. Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 94 of the *Environmental Planning and Assessment Act 1979* and Holroyd Section 94 Development Contributions Plan 2013, for 27 units made up of, 24 x 2 bedroom units, and 3 x 3 bedroom units (with a credit of 2 x 3 bedroom units) and 165m² of GFA, is to be paid to Council. At the time of this development consent, the current rate of the contribution is **\$353,984**. The amount of the contribution will be determined at the time of payment in accordance with the relevant s94 Contributions Plan in force at that time. A copy of the Holroyd Section 94 Development Contributions Plan 2013 can be viewed on Council's website at www.cumberland.nsw.gov.au or inspected at Council's Civic Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

Damage Deposit

17. A cash bond/bank guarantee of **\$5,872.10** 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 **\$453.50** fee for the inspection by Council of landscape works and/or trees to be retained at the key stages, where Council is the Principal Certifying Authority.

Engineering Fees and Bonds

20. Payment of a **\$253.40** fee for the design, specifications and inspection by Council of the vehicular crossing/s prior to placement of concrete.
21. Payment of a **\$946.70** fee for the design, specifications and inspection by Council of the footpath paving prior to placement of concrete.
22. Payment of a **\$946.70** fee for the design, specifications and inspection by Council of the kerb and guttering prior to placement of concrete.
23. Payment of a **\$702.50** 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.
24. Payment of a **\$669.00** fee for the inspection by Council of the stormwater drainage construction in the road reserve at the key stages.
25. The applicant shall lodge with Council a **\$4,500** cash bond or bank guarantee to cover the removal of redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
26. The applicant shall lodge with Council a **\$8,010** 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.
27. The applicant shall lodge with Council a **\$9,010** 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.
28. The applicant shall lodge with Council a **\$6,000** 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.

Structures near Easements

29. Special footings will be required where the proposed/existing structure is adjacent to a drainage easement to protect Council's stormwater drainage infrastructure. 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. A Structural Engineer's certificate for the special footings referred to above is to be submitted to the Principal Certifying Authority.

Construction and Traffic Management Plan (*Major Developments*)

30. 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 **\$511.20** 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.
31. The applicant shall also provide a Construction and Traffic Management Plan, prepared by a suitably qualified consultant and submitted to Council for approval. The following matters must be specifically addressed in the Plan:
- (a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
 - Signage type and location to manage pedestrians in the vicinity;
 - The locations of any proposed Work Zones in the frontage roadways – note: Work Zone fees apply in accordance with Council's Fees and Charges;
 - Locations and type of any hoardings proposed along all street frontages;
 - Area of site sheds and the like;
 - Location of any proposed crane standing areas;
 - A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
 - The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible; and
 - (b) A Traffic Control Plan for the site must be prepared for approval by Council incorporating the following: -
 - (i) Traffic control devices proposed in the road reserve must in accordance with the RMS publication "Traffic Control Worksite Manual" and designed by a person licensed to do so (minimum RMS 'red card' qualification). The main

stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.

- (ii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing: -
 - a. Light traffic roads and those subject to a load or height limit must be avoided at all times; and
 - b. A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
- (iii) Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial Road.
- (iv) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements;
- (v) For those construction personnel that drive to the site, the Applicant shall provide on-site parking so that their personnel's vehicles do not impact on the area.
- (c) Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.
- (d) Any use of Council property shall require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- (e) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.
- (f) Dependent on the circumstances of the site, Council may request additional information to that detailed above.
- (g) Subject to an application for the occupation of public roadway or footway (Section 138, Local Govt. Act 1993), and Covered by a \$20M public liability insurance policy, with the policy noting Council as an interested party.

Sight Distance

- 32. To maintain sight distance to pedestrians, all fencing and landscaping within 2.0m of a driveway shall have a maximum height of 1m and 50% transparent above a height of 0.5m. All solid posts higher than 0.5m (but lower than 1m) shall have a maximum width 350mm and a minimum spacing of 1.2m. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Required Submissions to Certifying Authority

33. 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.
34. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.
35. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.
36. Retaining walls greater than 1.0m above finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with any Construction Certificate application.
37. Structural engineer's details (in duplicate) prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.
38. A Construction Management Plan (CMP) prepared by a suitably qualified consultant shall be prepared to address issues such as traffic control, noise, dust, etc. during construction. All measures / works / methods / procedures / control measures / recommendations made within the Construction Management Plan shall be implemented accordingly. Detail is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.
39. The development shall comply with the Access to Premises Standards. Detail is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.
40. Signs and line marking plans shall be prepared prior to the issue of Construction Certificate and to be in accordance with AS 2890.1-2004, AS 2890.6-2009 and the endorsed plans. Detail is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.
41. Storage areas for each unit shall be provided at the following rates:-
- 1 bedroom units - 6m³
 - 2 bedroom units - 8m³
 - 3 bedroom units - 10m³

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

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

42. A lighting plan shall be provided, detailing lighting along pedestrian access ways, common areas, communal open space areas, car parking entries and all entries. Detail is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.
43. A screened area for clothes drying, 1.5 metres in height, shall be provided to each balcony within the development, which has an elevation to the public domain. Detail is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.
44. Plans shall be submitted to Principal Certifying Authority for consideration and approval, prior to the issue of a Construction Certificate, showing articulation to the western elevation blank wall of the development. The design shall generate visual interest until such time that 131 Great Western Highway, Mays Hill, is developed.
45. An amended BASIX Certificate shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate, detailing 27 units, 41 car parking spaces and Unit 25 as a 3 bedroom unit.
46. The gas instantaneous 3 star hot water systems shall be noted on the architectural plans. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.
47. A 1.5 metre high wall shall be constructed adjoining the western boundary of the rooftop communal open space area. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.
48. A visual privacy mechanism, to a height of 1.5 metres as measured from the respective finished floor level, shall be designed to the western and southern portions of the lobby area surrounding the lift and fire stairs core on level 6 (fifth floor), associated with Units 21 and 22 (as amended in red on approved plans). Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.
49. A visual privacy mechanism, to a height of 1.5 metres as measured from the respective finished floor level, and as amended in red on approved plans, shall be designed to:-
 - The eastern portion of the lobby area surrounding the lift and fire stairs core on level 2 (first floor), associated with Units 1 and 2;
 - The western portion of the lobby area surrounding the lift and fire stairs core on level 2 (first floor), associated with Units 3, 4 and 5;
 - The eastern portion of the lobby area surrounding the lift and fire stairs core on level 3 (second floor), associated with Units 6 and 7;
 - The western portion of the lobby area surrounding the lift and fire stairs core on level 3 (second floor), associated with Units 8, 9 and 10;

- The eastern portion of the lobby area surrounding the lift and fire stairs core on level 4 (third floor), associated with Units 11 and 12;
- The western portion of the lobby area surrounding the lift and fire stairs core on level 4 (third floor), associated with Units 13, 14 and 15;
- The eastern portion of the lobby area surrounding the lift and fire stairs core on level 5 (fourth floor), associated with Units 16 and 17;
- The western portion of the lobby area surrounding the lift and fire stairs core on level 5 (fourth floor), associated with Units 18, 19 and 20; and
- The eastern portion of the lobby area surrounding the lift and fire stairs core on level 6 (fifth floor), associated with Units 21 and 22.

Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

50. The Stormwater Plans and Landscape Plans shall be amended to reflect the approved set of Architectural Plans and submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.
51. The boom gate alongside car parking spaces R32, R24 and C6 shall be redesigned to allow a vehicle to enter and exit car parking spaces R32, R24 and C6 in accordance with AS2890.1 – 2004. Details shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Fire Safety Upgrading & Essential Services

52. The Construction Certificate is to include a schedule specifying all of the essential fire or other safety measures (both current and proposed) that are required for the building or premises to ensure the safety of persons in the building in the event of fire.

External Walls and Cladding Flammability

53. 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.

Car Wash Bay

54. A vehicle wash bay shall be provided for residents of the development. Collection, reuse and ultimate disposal of water used in the vehicle wash bay shall be in accordance with Sydney Water's requirements. The car wash bay shall be designed so that the following requirements are met:-

- Have an adequate parking and washing floor space.
- Provide a water supply.
- Minimise water use with appropriate devices (e.g., such as a gun-type nozzle which closes when released and a timer operative valve, collection and use of rainwater).
- Have a water supply cut out system/fail-safe mechanisms provided to ensure that mechanical failure; drainage blockage or lack of maintenance cannot result in wastewater surcharge into the stormwater system.
- Be designed to ensure that over spray, drift of water or detergent does not cause a nuisance to persons, vehicles, residences, other buildings, neighbouring properties or the environment.
- Be located so that washing can occur with minimal disturbance to other residents,

Details to be submitted to the Principal Certifying Authority

Air Conditioning

55. Details and specifications for the mechanical ventilation system complying with the Australian Standard are to be submitted and approved by Council.

Design Verification Statement

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

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

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

Residential Flat Development Residential Waste Storage Area

57. The waste storage area shall be roofed, screened from public view and provided with:-
- Openings, 5% of the floor area and recessed into the walls, positioned to provide cross floor ventilation OR mechanical ventilation to Council's satisfaction;
 - An adequate water supply provided by a hose cock and hose (hot water for commercial premises)

- The floor shall be made of an impervious surface, drained to sewer in accordance with Sydney Water requirements and include a dry arrestor pit with a removable basket.

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

Salinity

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

Details of proposed methods of construction are to be detailed in the engineering plans and submitted to the PCA.

Note: Further information for building in a saline environment is available in the following documents:

- "Building in Saline Environment" prepared by DIPNR 2003.
- Water Sensitive Urban Design in the Sydney Regions "Practice Note 12: Urban Salinity"
- Wagga Wagga City Council's "Urban Salinity Action" October 1999
- "Guide to Residential Slabs and Footings in Saline Environments" prepared by Cement Concrete and Aggregates Australia, May 2005

On-site Stormwater Detention

59. 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 buildings shall include the construction of the OSD system. In this regard, design and construction details for the OSD system demonstrating compliance with this Development Consent, OSD Plan Number: 2016-335 and Council's On-site Detention policy shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Acoustic Measures

60. Prior to the issue of a Construction Certificate, 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) and the demolition/construction noise & vibration intrusion. The report should be prepared in accordance with the NSW Environment Protection Authority *Industrial Noise Policy* & NSW EPA *Interim Construction Noise Guidelines*.
61. Plans and/or specifications indicating how compliance with the recommendations of the Acoustic Report prepared by Rodney Stevens Acoustics, Report Number 150520R1,

Revision 0, dated 18 January 2017, and the Acoustic Report required by Condition 58, will be achieved, are to be submitted to the Principal Certifying Authority.

Median Island

62. Fully detailed engineering construction drawings (with minimum 2 copies) shall be lodged for the proposed median island extension within Burnett Street, Mays Hill.
63. All engineering works to be carried out within public property shall be designed and undertaken in accordance with the relevant aspects of the following documents, except as otherwise authorised by this consent:
 - (a) Council's Works Specification for Subdivisions and Developments. (Current Version).
 - (b) Austroads, Australian Standards, and RMS Supplements and relevant technical directions.
 - (c) For any works proposed or required within the existing public roads, the approval of the designs via the Construction Certificate, and the supervision of the construction, shall be the responsibility of the road authority (Council or RMS). In this regard, the authority that is accountable for the particular area of the road reserve shall be as per the Roads Act. The design and construction of the above works shall be to the total satisfaction of the relevant road authority.
64. All works to be provided shall be shown on the submitted drawings prior to the issue of the Construction Certificate and works commencing.
65. A survey plan (scale 1:200) shall prepared by a registered Surveyor indicating all lane widths, proposed median island and location of existing and proposed vehicular crossings fronting the site and adjoining/opposite.
66. The concrete median island proposed within the road shall be treated as follows:
 - (a) The island shall be white paint finish.
 - (b) Barrier kerbing, unless otherwise required by Council, shall be provided to all median perimeters with reflective white paint.
 - (c) Raised reflective markers shall be installed within the pavement along the perimeter of the median island at maximum 6.0 metre centres.
 - (d) The existing line marking shall be adjusted accordingly.
 - (e) The median island extension shall not encroach on the minimum laneway widths. Minimum laneway widths shall be in accordance with RMS Guidelines.
 - (f) All linemarking proposed on the roads shall be thermoplastic.
67. Traffic sign posting and line markings shall be provided within Hilltop Road. In this regard, the sign posting and line marking shall be in accordance with RMS Guidelines and accepted by Council's Traffic Engineer.
68. All line marking proposed on the public road shall be thermoplastic.
69. It is noted that the median island is subject to consultation with Parramatta Council, RMS and Cumberland Councils Traffic Committee.

70. A Traffic Management and Staging Plan shall be lodged with Council for the median island and associated works to be carried out within public road reserve 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 **\$511.20** fee for the assessment of the Traffic Management Plan (TMP), prior to works commencing within the road reserve. A copy of the approved TMP shall be kept on site during the course of construction for reference and compliance.
71. Payment of a **\$1,780** fee for the design checking and inspection at the key stages by Council for the median island extension.
72. The applicant shall lodge with Council a **\$20,000** cash bond or bank guarantee to cover the satisfactory construction of the median island works within Burnett Street, Mays Hill. This bond will be released following a satisfactory 6-month maintenance period following completion of these works.

Driveway/Right of Carriageway (ROW)

73. Final boundary levels shall be approved by Council.
74. Provision of a stormwater collection and drainage system for the ROW and driveway areas. In this regard the design of the stormwater drainage system shall provide effective measures to not adversely alter the flow characteristics of stormwater leaving the site and minimise alteration of flow distributions and velocities to avoid adverse impacts on other properties. This shall include:
 - Collect and convey stormwater flows for storm events up to the 1% Annual Exceedance Probability (AEP) storm event.
 - A grated drain shall be provided within the driveway at the front property boundary.
75. Pavement shall be designed by a suitably qualified practising Civil Engineer based upon soil tests performed by a registered N.A.T.A Soils Laboratory. The pavement and designs (plus traffic loadings) and associated Geotechnical report for the proposed driveway detailing the strength of the existing sub-grade, design of the proposed pavement and pavement construction requirements, shall be completed prior to issue of the Construction Certificate. The pavement shall be designed for the future intended traffic loadings, including garbage collection and truck deliveries.

PRIOR TO WORKS / DEMOLITION COMMENCING

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

Appointment of Principal Certifying Authority and Notification of Commencement of Work

76. 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

77. 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

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

Photographic Record of Council Property – Damage Deposit

79. 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

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

Fencing of Sites

81. 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

82. 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

83. 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

84. 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

85. 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 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

86. 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.
87. 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

88. 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).

89. 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

90. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- Each toilet provided:
- a) Must be a standard flushing toilet, and

- b) Must be connected:
 - i) To a public sewer,
 - ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - iii) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
 - iv) The position of the toilet on the site shall be determined by Council's Building Surveyor and/or Sydney Water.

Residential Building Work - Insurance

91. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Council) has given Council written notice of the following information:-

- (a) in the case of work for which a Principal Contractor is required to be appointed:
 - (i) the name and licence number of the Principal Contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Council) has given Council written notice of the updated information.

The notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

Roadworks

92. The applicant is to submit to Council an application for a road opening permit when the drainage connection into Council's system is within the road reserve. In this regard the applicant shall pay Council a **\$168.60** 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.
93. 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.

94. The developer shall arrange with the Endeavour Energy for the relocation of the power pole affected by the proposed vehicular crossing.
95. Any required adjustment to utility services, trees, signs and other street furniture requires approval of the appropriate authority and shall be undertaken by the applicant at no cost to Council.
96. 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.

Works Within Council's Reserve

97. 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.
98. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
99. 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.

Property/Street Number

100. Council is the authority responsible for the allocation of all official property addresses. For ease of identification of your new development, it is important that the allocated property numbers are used and displayed prominently. It is requested that you contact Council as soon as possible before construction is commenced to discuss proposed addressing for your development.

Please email your site plan to hcc@cumberland.nsw.gov.au or contact Council's Rates Section by Phone on 9840 9767.

DURING DEMOLITION / CONSTRUCTION

The following conditions are applicable during demolition / construction:-

Endorsed Plans & Specifications

101. 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

102. 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

103. 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.
104. 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.
105. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

Asbestos Cement Sheeting

106. 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 receive asbestos. **Upon completion of tipping operations the applicant shall lodge with the Council, all receipts issued by the receiving tip as evidence of proper disposal.**

- iii) Within fourteen (14) days of completion of renovation or recladding or brick veneering works where asbestos cement sheeting was removed, the applicant shall submit to Council an asbestos clearance certificate prepared by a NATA accredited occupational hygienist.

Note: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and under 'Find a Facility or Lab' type in 'asbestos identification' in 'keywords' then click on 'chemical testing' in NSW then click on the search button. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

Waste Management Plan

- 107. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.
- 108. 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

- 109. 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.

Construction

110. 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

111. 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

112. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
113. New 1.8m high lapped and capped timber paling or colorbond fences (colour to be sympathetic with the development) determined in consultation with adjoining property owner(s), are to be erected along and within all side and rear boundaries and between courtyards at full cost to the developer, such fencing to be constructed on or within the property boundary. In situations where the boundary fence is proposed on top of a retaining wall, the height of the fence shall not exceed a maximum of 2.4m as measured from the lower adjacent ground level. A Statutory Declaration or other documentary evidence of such consultation is to be submitted to the Principal Certifying Authority.
114. Fences are to taper from the front building line to be not more than 900mm high at the front boundary.

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

Tree Protection

116. 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.

Works within Council's Reserve

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

Inspection of On Site Detention Works

118. 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 Stormwater Drainage Construction in Road Reserve

119. The stormwater drainage works within the Road Reserve shall be inspected during construction by 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 site conditions/constraints prior to commencement of the construction of the Stormwater Drainage extension.

- (b) Prior to backfilling of trenches following the laying of the 375mm diameter concrete pipes. No less than two inspections are required.
- (c) Prior to pouring 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 to 400mm below the finished road pavement level.
- (e) Upon compaction of the lower layer of 150mm thick road base.
- (f) Upon compaction of the upper layer of 150mm thick road base.
- (g) Upon final compaction of the 100mm thick AC10 Hotmix and bitumen joint seal with the existing road pavement.

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 Principal Certifying Authority cannot be engaged to do this inspection.

Inspection of Median Island works

120. The road works associated with the raised median island extension shall be inspected during construction, by the Council. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

- (a) After completion of set-out and prior to excavation.
- (b) Prior to pouring any concrete kerbs, islands or any other concrete works within roadway.
- (c) Final inspection.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Road Works and Footpaving

121. 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".
122. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

Structures Near Easements

123. The proposed structure/s to be located clear of the existing Council easement. A certificate from a Registered Surveyor is to be submitted to Council verifying the location of the structure/s after footings have been poured and before the construction of any walls.

Underground Cabling

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

Underground Power Connection

125. Power connection to the site is to be underground. No intermediate power pole is permitted even where electricity reticulation cannot be obtained directly from the street.

Alarms

126. The developer/builder shall not install any audible intruder alarms within the units. If the building is to be provided with a burglar alarm system, this shall incorporate back to base monitoring such that residents can connect thereto from each individual unit.
127. With regard to the basement level pump out system, a suitable audible alarm with flashing light system shall be positioned at the first floor level of each common property stairwell within the building and a flashing light only shall be positioned at each common property entrance to the car parking area to provide a flood warning in the case of pump failure. The alarm system shall be to the satisfaction of Council's Engineer.

Basement Parking

128. A convex mirror is to be provided so that drivers can see up the driveway from within the basement.
129. 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 visitor carparking spaces; and
 - ii) within the basement foyer so that disabled persons can contact any unit if the lift is not working.
130. The entry point shall be provided with a suitable communication system to allow the security gate to be opened remotely by the occupants of the building. The width of the access driveway / ramp adjacent to the control device/s shall not restrict access for residents / visitors and shall be in accordance with the Australian Standards.

Vehicle Cleansing

131. 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

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

Additional Information during Demolition / Construction

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

Acoustic Measures

134. The recommendations provided within the Acoustic Report prepared by Rodney Stevens Acoustics, Report Number 150520R1, Revision 0, dated 18 January 2017, and the Acoustic Report required by Condition 58, shall be implemented.

PRIOR TO ISSUE OF FINAL OCCUPATION CERTIFICATE

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

Certificates/Documentary Evidence

135. A final clearance is to be obtained from Endeavour Energy if such clearance has not previously been issued.
136. A Section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

Application can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised Water Servicing Coordinator or Sydney Water.

Following application, Sydney Water may issue a Notice of Requirements letter detailing all requirements that must be met prior to the issue of the section 73 certificate.

The section 73 compliance certificate must be submitted to the Principal Certifying Authority prior to the issue of a final occupation certificate.

137. 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.

138. An Accredited Certifier shall submit to the Principal Certifying Authority a signed checklist as per Appendix A of AS4299-1995 confirming that five (5) units (Units 1, 2, 3, 4 and 5) have achieved the desired level of adaptability (i.e. "Adaptable House Class A or B").

Landscaping/Tree Protection

139. Certification is to be provided to the Principal Certifying Authority (PCA), from the designer of the landscape proposal, that all tree planting/landscape works have been carried out in accordance with the endorsed plan. If Council is the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council is **not** the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.
140. 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.

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

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

Parking/Driveway

143. All dwellings/units and associated car parking spaces shall be numbered on site in accordance with numbering on the endorsed plans. These numbers shall also be consistent with any strata plan for the completed development.
144. All resident, visitor and commercial parking spaces shall be signposted and line marked in accordance with Australian Standards 2890.1.2004 and 2890.6.2009.
145. The entry / exit driveway shall be indicated with appropriate signage and linemarking to avoid conflict at the driveway.
146. Directional signage shall be designed and provided on site to direct visitors to the residential and commercial visitor parking spaces and the commercial units. The signage shall be positioned in a location which will not impact on vehicle movements or damage the signage, visible to drivers and to be endorsed by a suitably qualified Traffic Practitioner.
147. Directional arrows for internal circulation shall be proximately displayed on the pavement approaches to, and within, the car park area.
148. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.
149. All disabled parking spaces shall be provided with a shared area, bollards and slip resistant surface in accordance with Australian Standard 2890.6.2009.
150. The ramps down to the basement car park and the lobby entry doors shall have secured access and an intercom service to restrict access to the building.
151. Wheel stops shall be provided at appropriate parking locations and in accordance with AS 2890.1-2004.

Fire Safety

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

NOTE:

1. Such Certificate shall state, pursuant to Clause 80E in relation to each essential fire safety measure mentioned in the certificate:–
 - that the service has been assessed by a properly qualified person (chosen by the owner of the building); and
 - that the service was found to be, when assessed, capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.
2. The person who carries out the assessment must inspect and verify the performance of each fire safety measure being assessed, and must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedules for the building.
3. The assessment must have been carried out within the three (3) months prior to the date on which the final fire safety certificate is issued.

External Walls and Cladding Flammability

153. 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 and Covenant

154. 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.
155. 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.
156. A certificate of compliance for the pump out drainage system of the basement level shall be issued to the Principal Certifying Authority by the pump installers stating that the pump out system has been installed to operate in accordance with the Council requirements and approved drawings.
157. 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.

158. 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.
159. An On-site Storm water 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. This plate is required to be displayed prominently among the other required signage, as specified in the current Upper Parramatta River Catchment Trust handbook & on the Approved Plans.

Road Works

160. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
161. A full width **medium** duty vehicular crossing shall be provided opposite the vehicular entrance to the site, with a maximum width of 6 metres and a minimum width of 5.5 metres at the boundary line. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.
162. The reconstruction of kerb and gutter and associated works along all areas of the site at the corner of Great Western Highway and Burnett Street. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD-8100 and issued level sheets.
163. The reconstruction of concrete footpath paving and associated works along all areas of the site at the corner of Great Western Highway and Burnett Street. The foot paving shall be 2.5m wide fronting Great Western Highway, and 1.5 metres wide fronting Burnett Street. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD-8100 and issued level sheets.

164. The reconstruction of Council's gully pit/s and associated works along all areas of the site fronting Great Western Highway. 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.
165. The Applicant shall arrange the removal of any damaged footpath and/or kerb, and reconstruction of such Council owned concrete works along all areas of the site fronting Great Western Highway & Burnett Street, as directed by Council's engineer. These works shall be carried out by a licensed construction contractor at the applicant's cost and shall be in accordance with RMS standards and issued level sheets.
166. Dedication and construction of a **5.5 metre** wide road verge and footpath along the Great Western Highway. Documents relative to the creation of the road and footpath widening shall be lodged with the Land and Property Information NSW with Registration being effected prior to issue of the Occupation Certificate. All costs associated with the construction, creation and dedication of the road and footpath widening are to be borne by the applicant.
167. The removal of existing footpath and construction of a **2.5 metre** wide concrete shared footpath paving and associated works along the entire site fronting Great Western Highway. 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.
168. All footpath areas within the road reserves that are not concrete shall be turfed with ST85 Buffalo or 'Sir Walter'.
169. 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.
170. 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.

Right of Way

171. A right of way shall be created over the *8 metre wide right of way* to the rear of the subject site, as denoted within the endorsed architectural plans, to benefit the adjoining properties at 131, 133, 135, 137 and 139 Great Western Highway, Mays Hill, to permit vehicular access. Documents relative to the creation of the right of way shall be lodged with Land and Property Information NSW with registration being effected prior to the issue of the Occupation Certificate. All costs associated with creation of right of way shall be borne by the applicant.
172. A right of way shall be created over the *8 metre wide right of way and loading bay* to the rear of the subject site, as denoted within the endorsed architectural plans, to benefit the adjoining properties at 216 and 218 Burnett Street, Mays Hill, to permit vehicular access, limited to loading and unloading functions. Documents relative to the creation of the right of

way shall be lodged with Land and Property Information NSW with registration being effected prior to the issue of the Occupation Certificate. All costs associated with creation of right of way shall be borne by the applicant.

Lot Consolidation

173. Lot 1, DP 433208 and Lot 332, DP 13239 are to be consolidated into one lot on title and all works shall be completed in accordance with this Development Consent.
174. The rights of way required by Conditions 170 and 171 shall be carried out over the newly consolidated allotment.

Air Conditioning

175. 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.

House/Street Number

176. A house/street number must be displayed on all newly developed properties in accordance with Council's "Policy on the Display of House Numbers" available from the Customer Services Counter.

The street address shall be 127 Great Western Highway, Mays Hill.

Design Verification Statement

177. In accordance with Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Apartment Development", the subject development must be undertaken or directed by a "qualified designer" (i.e., a "registered architect" under the Architects Act). In this regard, prior to the issue of an occupation certificate a design verification statement shall be submitted to the Principal Certifying Authority (PCA) assessing the development, upon completion of all works subject of this consent. The PCA shall ensure that the statement prepared by the qualified designer provides the following:-
 - (i) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
 - (ii) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the Construction Certificate, having regard to the design quality principles set out in Part 2 SEPP 65.

Noise Compliance Report

178. A noise compliance report shall be submitted to Council prior to the issuing of the Occupation Certificate. The report shall state that the noise reduction measures detailed within the Acoustic Report prepared by Rodney Stevens Acoustics, Report Number 150520R1, Revision 0, dated 18 January 2017, and the Acoustic Report required by Condition 58, have been implemented, and confirm that the noise emissions from the premises complies with Council's noise criteria specified in this consent.

Restriction as to User and Positive Covenants

179. Use for Affordable Housing for 10 years: -

For 10 years from the date of the issue of the Occupation Certificate, a minimum of 50% of units within the development, as per the plans / documents submitted as a part of Schedule "A", must: -

- (i) Be used for the purposes of affordable housing; and
- (ii) Be managed by a registered community housing provider.

180. Details of the registered community housing provider responsible for the management of the affordable rental housing shall be submitted to the Principal Certifying Authority and Council, prior to the issue of the Occupation Certificate.

181. A restriction as to user must be registered, before the date of the issue of the Occupation Certificate, against the title of the property, in accordance with Section 88E of the Conveyancing Act 1919, to ensure that the requirements of Condition, requiring the use of 50% of units for the purpose of affordable housing, that that accommodation will be managed by a registered community housing provider.

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

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

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

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

182. On the day that the Occupation Certificate is issued, Council is to be notified in writing.

Reason: For Council's records on affordable rental housing to be updated accordingly.

Median Island Works

183. Completion of road works associated with the raised median island within Burnett Street, Mays Hill. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with the approved plans and Council's standard drawings.
184. Four (4) copies of Works as Executed plans together with an electronic copy shall be submitted for the constructed median island.
185. A certificate of compliance for the construction of median island works within Burnett Street, Mays Hill shall be obtained from Council and be submitted to the Principal Certifying Authority.
186. Data shall be submitted to Council in electronic EXCEL format with the issue of WAE drawings. EXCEL spreadsheets shall contain the following table for the Median Island works:

	Type	Length (m)	Area (m ²)	Number	Construction completion date (month & year)	Total Value(\$)
Median Island	N/A			N/A		
Street signs		N/A	N/A			
Traffic signs (by type)		N/A	N/A			

General

187. 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.
188. The glass balustrading associated with the balcony areas of the development, facing the public domain, shall be maintained to opaque glass.
189. The glazing proposed to the commercial units on the ground floor shall be maintained to clear glass.
190. The lift provided from the basement level is to be installed with a security measure so as to not allow visiting persons of the commercial tenancies access to the residential levels above and the roof top communal open space.

CONDITIONS RELATING TO USE

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

Safety & Amenity

191. 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.
192. No approval is granted or implied for the use of the commercial tenancies. Separate Consent is required PRIOR to occupation of each separate commercial tenancy.
193. The future use of the commercial tenancies shall comply with the nominated prescribed land uses within the Holroyd Local Environmental Plan 2013.
194. Access to the residential areas of the development shall be limited to residents via an intercom swipe card system.

Mechanical Ventilation System – Car Park

195. Noise and vibration from the use of the (mechanical exhaust ventilation) system shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10.00pm and 7.00am on weekdays and 10.00pm and 8.00am on weekends and public holidays.

Traffic and Parking

196. 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.
197. At least 41 car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for residents, employees and visitors' vehicles only in conjunction with the occupation of the building/premises.
198. All vehicles shall enter and leave the site in a forward direction.
199. All loading and unloading of service vehicles shall be undertaken on site.
200. The maximum size vehicle that will enter/exit the site shall be restricted to a heavy rigid vehicle.
201. The car wash bay shall be a common, independent area, and not serve as a visitor parking space.

Refuse & Trade Waste

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

Maintenance of Waste Storage Area

203. All waste and recycling containers shall be stored in the designated waste storage area. The body corporate shall be responsible for movement of the waste and recycling containers to the footpath for weekly collections, and the return of waste and recycling containers to the waste storage area. The Body Corporate shall clean the waste storage area, dry arrestor pit and waste collection containers.

Waste Storage Area

204. The waste storage area shall comply with the requirements of Part A, Section 11 of Council's Holroyd Development Control Plan 2013, including:
- A water supply is to be provided to the storage area for cleaning purposes.
 - The floor is to be graded and drained to the sewer with the consent of Sydney Water.
 - The access ramp is to have a maximum grade of 1:8.
 - Ventilated to applicable standard.

Air Emissions

205. 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.

Alarms

206. Where audible intruder alarms are installed in the units by residents, they shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997. (Note: Conditions 126 and 127 above, prevents the developer/builder from installing audible alarms).

Emergency Procedures

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

Noise

208. The operation of the pump from the rainwater tank shall not give rise to an equivalent continuous (LAeq) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background LA90 level (in the absence of the noise under consideration). Council may require an Acoustic Report to be submitted, prepared by a suitably qualified person, to ensure this requirement is met in the event of Council receiving complaints.

209. The operation of all plant and equipment shall not give rise to an equivalent continuous (LA_{eq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background L_{A90} level (in the absence of the noise under consideration).
210. 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.
211. 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.

Signage on Stormwater Drains (Commercial)

212. Signs shall be displayed adjacent to all stormwater drains on the premises indicating that only clean water is allowed to enter these drains. Examples of possible signage include: 'Clean Rainwater Only', 'Clean water only - NO waste' or 'H₂O only'.

Car Wash – Residential/Commercial

213. Washing of vehicles shall be conducted in a car washbay, which is roofed and bunded to exclude rainwater. The carwash bay shall be regularly cleaned and maintained. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.
214. The car wash bay shall be managed and maintained so that the following requirements are met:
 - The Body Corporate or owner should advise all users of the car wash facilities how to operate, maintain and use the equipment so that good housekeeping practices can be adopted at all times.
 - Have clearly visible sign(s) indicating that no degreasing, engine washing or mechanical work is to be undertaken in the car wash bay, informs car wash bay users of how to use and maintain the system, and encourages users to minimise the use of detergents and water.

Lighting

215. 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*.

Landscaping

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

Use for Affordable Housing

217. 50% of units within the development, as per the plans / documents submitted as a part of Schedule "A", must be used for the purposes of affordable housing and that accommodation must be managed for the purposes of affordable housing by a registered community housing provider for a period of 10 years from the date of the issue of the occupation certificate.

General

218. All privacy measures shall be maintained at all times, throughout the lifetime of the development, and shall not be modified or removed without written consent from Council.

ADVISORY NOTES

Other Necessary Approvals

- A. The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
- (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council's Tree Preservation Order protects trees by definition taller than 3.5m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council's Tree Management Officer.
 - (b) Any fencing located forward of the proposed building and exceeding the limitations specified in Local Environmental Plan 2013, Part 3 *"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.

NOTE: * If you carry out building work as an owner builder and sell your home within seven (7) years from the date of completion (date of final occupation certificate), then a Certificate of Insurance must be attached to your Contract of Sale.

- 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 6 months of the date of determination, or as otherwise prescribed.
- C. Section 82A 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 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 6 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 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 81A (2)(a) of the Act, prior to the commencement of any work on site. Council can provide this service for you.

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

G. DEMOLITION

- (a) Demolition is to be carried out in accordance with AS2601-2001, *Demolition of Structures*.
- (b) Demolition is to be carried out in such a way and with such control measures as are necessary to prevent the occurrence of any dust, noise, runoff or other nuisance.
- (c) All sediment/soil is to be prevented from entering Council's stormwater drainage system.
- (d) The public footpath and roadway is to be protected against damage as a result of demolition activities and is to be kept clean and free of all soil and other materials.
- (e) On completion of demolition the site is to be left in a clean and tidy condition.
- (f) Council has a Tree Management Order which applies to the entire City of Cumberland. No ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees exceeding 3.5m in height and 3m in branch spread shall take place without the prior written consent of Council.
- (g) There shall be no burning of any waste, as this is prohibited within the City of Cumberland.
- (h) Demolition material can be recycled saving the environment and also tipping costs. For more information, contact the Environment Protection Authority's Recycling hotline on 9325 5555.
- (i) Public roads shall be kept clean and free of any materials which may fall from vehicles or plant to ensure safety and amenity of the area.

H. BANK GUARANTEES

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

To enable the bank guarantee to be enforceable during an entire project with consideration for delays, **the guarantee must not contain a facility expiry date.**

To get to Standard and Poors www.standardpoors.com then from Ratings Action choose Ratings Lists. Then click on Financial Institutions followed by clicking on Financial Institutions Counterparty Ratings List. Go to "**Banks**" and download to Australian Banks.

To get to Moodys www.moodys.com then look up Ratings and then Banking and then Bank Ratings list. It will take you to Bank Credit Research page. Look at the table of contents and choose Global Bank Ratings by Country. Look up Australian Banks.

I. SMOKE DETECTORS

A system of self contained smoke alarms complying with the requirements of AS3786-1993, *Smoke Alarms* or listed in the *Scientific Services Laboratory Register of Accredited Products* being installed in the dwelling, connected to the mains power supply and provided with a standby power supply. Alarms are to be positioned on the ceiling and setback a minimum distance of 300mm from any wall. Alarms are to be placed in the

vicinity of each area containing bedrooms with a minimum of one (1) alarm required for each storey of the dwelling.

J. TERMITE PROTECTION

Structural members are to be protected from attacked by subterranean termites in accordance with the requirements of *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.

K. WET AREAS

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

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

1. A current Certificate of Accreditation for the product.

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.

L. LANDINGS

A landing having a minimum length of 750mm and a grade no steeper than 1:50, must be provided where the sill of a threshold of a doorway opens onto a stair that provides a change in floor level or floor to ground level greater than 3 risers or 570mm in accordance with Clause 3.9.1.3 (Stair Construction) of the Building Code of Australia.

M. 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.

N. MINIMISING WATER USE

Examples of ways water use can be minimised in the car wash facility are:

- the use of a gun type nozzle on the hose that closes when released and
- filter and recycle wash water where possible.

O. 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.

P. 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.

Q. 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.

R. 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".

S. 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.

T. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

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

U. 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. For further information please refer to the following information on Council's website:
www.holroyd.nsw.gov.au/building_and_development/local_plans_and_policies/dividing_fences

Yours faithfully,



Karl Okorn
MANAGER DEVELOPMENT ASSESSMENT

Noted : 

Item No: LPP081/19

SECTION 4.56 APPLICATION FOR 44-46 PEGLER AVENUE, SOUTH GRANVILLE

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: DA-454/2017/B

Application lodged	Thursday 22 August 2019.
Applicant	Unity Link (Vic) Pty Ltd.
Owner	Pegler Street Pty Ltd.
Application No.	DA-454/2017/B.
Description of Land	44 to 46 Pegler Avenue South Granville being Lot 62 Sec 1 in DP 5121 and Lot 4 in DP 36280.
Proposed Development	Section 4.56 application for various modifications to the approved mixed use development including an extension of slab and blade walls on the northern side of the building, increase the height of the lift overruns, reconfiguration of the ground floor and minor alterations to two apartments on Level 4, addition of a substation and fire hydrant booster, amendments to building materials and stormwater design.
Site Area	1,539.88 Square metres.
Zoning	B1 Neighbourhood Centre Zone.
Disclosure of political donations and gifts	Nil disclosure.
Heritage	The site is not listed as a heritage item within the Parramatta Local Environmental Plan 2011. The nearby Dellwood Street shops situated at 12 Dellwood Street to the north is listed as a heritage item in the Parramatta Local Environmental Plan 2011 - Heritage Item I605.
Principal Development Standards	<u>Floor Space Ratio</u> Permissible: - 2:1. Proposed: - 1.893:1 which is reduced from 1.924:1. And <u>Height of Building</u> Permissible: - 15 metres. Proposed: - 16.5 metres at the lift overrun which is an increase of 700 mm and a variation of 10% to the control.
Issues	Height of the two lift over runs. New Level 1 balconies.

SUMMARY:

1. As per a Section 34 Agreement under Section 34(3) of the Land and Environment Court Act 1979, consent orders for demolition of the existing dwellings and structures and construction of a five storey mixed use building complex comprising of two ground floor retail tenancies with four levels of apartments above and a two level basement car park for 54 vehicles was issued by the Land and Environment Court as deferred commencement consent on 9 July 2018, subject to conditions.

The deferred commencement consent has given two years for the deferred commencement consent conditions DC1 to be complied with.

2. A Section 4.56 modification application was received on Thursday 22 August 2019 for various modifications to the approved mixed use development including an extension of slab and blade walls on the northern side of the building, increase the height of the lift overruns, reconfiguration of the ground floor and minor alterations to two apartments on Level 4, addition of a substation and fire hydrant booster, amendments to building materials and stormwater design.
3. The application was publicly notified to occupants and owners of the adjoining properties including previous objectors for a period of fourteen (14) days between Tuesday 3 September and Tuesday 17 September 2019. There were no submissions to the modification sought.
4. The variations are as follows:-

Control	Required	Provided	% variation
Clause 4.3 - Height of buildings of the Parramatta Local Environmental Plan 2011.	15 metres.	16.5 metres at one of the lift overruns.	10% variation to the control but an increase of 700 mm from the Court approval.

5. The application is recommended for conditional approval subject to the conditions as provided in the attached schedule.
6. The application is referred to the Panel as the proposal contravenes a development standard by 10%.

REPORT:

Subject Site And Surrounding Area

The site is located at 44 to 46 Pegler Avenue South Granville and comprises two allotments that have different size and dimensions. As a combined entity, the site has dimensions of 51.82 metres x 29.716 metres and a total area of 1,539.88 square metres.

Both allotments are used for residential purposes with both sites comprising a dwelling house with outbuildings such as sheds, a carport and awnings.

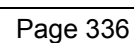
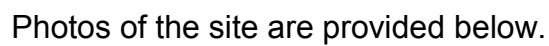
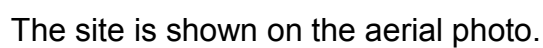
There is one tall eucalyptus tree situated across 44 Pegler Avenue. There are smaller trees scattered across the site including palms which are not significant species. The trees are approved to be removed as per the original approval.

The site has a fall towards Pegler Avenue by between 1.99 metres and 2.17 metres with the lowest point of the site situated at the south east corner.

The land uses within the locality vary considerably as follows:-

- Single storey and two storey dwelling houses across various nearby allotments.
- A dual occupancy development situated at 47 Pegler Avenue.
- A Strata Title two storey townhouse development situated at 48 to 50 Pegler Avenue.
- A medium density villa and townhouse development situated at 6 to 14 Adam Street and 284 Blaxcell Street.
- A medical centre situated at 42 Pegler Avenue including a car park with vehicle access from a laneway.
- A heritage listed group of shops with shop top housing above situated at 12 Dellwood Street (Dellwood Street shops). The shops act as a neighbourhood centre group of shops.
- A TAB situated at 288 Blaxcell Street.
- Parklands situated on the northern side of Dellwood Street at 11 Dellwood Street.
- A car park situated adjacent to the parkland.

The site is shown on the aerial photo.





History

As per a Section 34 Agreement under Section 34(3) of the Land and Environment Court Act 1979, consent orders for demolition of the existing dwellings and structures and construction of a five storey mixed use building complex comprising of two ground floor retail tenancies with four levels of apartments above and a two level basement car park for 54 vehicles was issued by the Land and Environment Court as deferred commencement consent on 9 July 2018, subject to conditions.

Modification Application 454/2017/B

The Section 4.56 modification application was received by Council on Thursday 22 August 2019 for various modifications to the approved mixed use development. The application is the subject of the report to the Panel for determination.

Description of The Modified Development

Council has received a Section 4.56 modification application to undertake changes to the mixed use development. In detail the changes are:-

Basement car park

No changes are proposed to the basement car park and hence no formal assessment of the car park is required.

Ground floor

A number of alterations are proposed to the layout of the service rooms including the store room, pump room, bin stores and mechanical rooms. The alterations are:-

- The bin store rooms are relocated and there is one bin store for the shops and one bin store for the residents.
- The pump room is relocated from the northern side of the foyer and corridor to the southern side of the foyer and corridor.
- A gas heating room and mechanical room is provided.
- There is a slight change to the shops as shown in the table below.

Retail Tenancy	Approved size	Modified size
G01	49.44 square metres	46.07 square metres (A reduction of 3.37 square metres.
G02	133.43 square metres.	133.43 square metres (No change).
Total retail floor area	182.87 square metres.	179.5 square metres. A reduction of 3.37 square metres.

- An electricity substation is provided to the southern side of the building to provide an adequate electricity supply to the development.
- A fire hydrant is incorporated into the front of the approved development which impacts on the size of retail tenancy G01.
- The bin collection zone is mostly removed. The previous approval included a bin collection zone which would have required a garbage truck to be manoeuvred between two stairs which would have been difficult to achieve. Part of the zone is retained to allow for garbage collection within the driveway area. There is adequate room within the driveway to allow vehicles to pass safely.

There are minor changes to on site landscaping which is the result of the addition of the electricity substation to the development. In this regard, there is a minor reduction of landscaping at the south eastern corner of the development and a pathway is altered.

Level 1

The alterations to Level 1 are minor in extent and generally do not alter the configuration of the approved floor. In this regard:

- The main bedroom of apartment 101 and 109 are provided with small balconies that occupy areas of 4.34 and 3.36 square metres respectively. In addition, the

balconies are provided with planter boxes to allow for the planting of vegetation to act as privacy screens. It is considered appropriate not to support the additional balconies for apartments numbered 101 and 109 because they do not provide additional amenity to the bedrooms. There is no outlook from the bedrooms given the proposed planter boxes at the front of the balconies. Furthermore, there is an erosion of privacy within the affected bedrooms and limited opportunity to relocate windows. A condition is provided addressing the matter.

- A blade wall is extended 800 mm for the main bedroom for apartments 101 and 109.
- A fire rated window (glass block window) is relocated 1.2 metres for the main bedroom of apartment numbered 109 (Note: - The size of the approved window remains the same).
- An area situated on the southern side of the building and above the car park ramp is now roofed rather than being left open. The roofed area is not accessible to residents.

Level 2

The alterations to Level 2 are minor in extent and generally do not alter the configuration of the approved floor. In this regard:

- A blade wall is extended 800 mm for the main bedroom for apartments 201 and 209.
- A fire rated window (glass block window) is relocated 1.2 metres for the main bedroom of apartment numbered 209 (Note: - The size of the approved window remains the same).
- A rainwater concrete hob is provided for a non-trafficable roofed area at the front of the development to allow for improved stormwater drainage.

Level 3

The alterations to Level 3 are minor in extent and generally do not alter the configuration of the approved floor. In this regard:

- A blade wall is extended 800 mm for the main bedroom for apartments 301 and 309.
- A fire rated window (glass block window) is relocated 1.2 metres for the main bedroom of apartment numbered 309 (Note: - The size of the approved window remains the same).

Level 4

The alterations to Level 3 are minor in extent and there are minor alterations to apartments numbered 401, 402 and 405. In this regard:

- A blade wall is extended 800 mm for the main bedroom for apartments 401 and 405.
- The ensuite for the main bedroom of apartment 405 is relocated and modified in layout.
- Apartment numbered 401 is reduced in size by 1.4 square metres to 98.3 square metres.
- Apartment numbered 402 is increased in size by 1.5 square metres to 81.62 square metres. The increase affects a bedroom facing the rear.
- Service ducts are provided to a corridor which is a minor addition to the plans.
- The bathroom of apartment 403 is rearranged to improve its functionality.
- A rainwater concrete hob is provided for two non-trafficable roofed areas along the southern side of the building to allow for improved stormwater drainage.

Other changes to the development

Lift over runs

The lift over runs of the development are increased in height by 700 mm to accommodate the supplier minimum requirements. As such, the development has a maximum height of 16.5 metres above the natural ground level which results in a variation to Clause 4.3 (Height) of the Parramatta Local Environmental Plan 2011. The variation is as much as 1.5 metres from the development standard.

As part of the Section 34 Agreement and subsequent Court approval to the original development application, the Land and Environment Court was required to determine a Clause 4.6 variation request to Clause 4.3 (Height) of the Parramatta Local Environmental Plan. This was granted as part of the proceedings.

The development initially breached Clause 4.3 (Height) provision of the Parramatta Local Environmental Plan by as much as 800 mm (5.3% variation). The modification increases the variation by as much as 700 mm (4.7%) thus resulting in a variation of 10% to the development standard. The 10% variation is most pronounced for the lift over run closest to the street with the variation to the rear lift over run being less at 6.6%.

The height of the remainder of the building including levels remains the same as that approved and no assessment is required.

Building materials

There is one change to the building materials to be used within the development being the cladding to be used. In this regard, Equitone Vitrabond G2 finish cladding is replaced with Hebel Power pattern cladding.

Floor space ratio

The floor space ratio of the development has been reduced slightly from 1.92 to 1.89 which has occurred due to a reduction of retail floor area of 3.37 square metres and a rearrangement of the ground floor services. The change to floor space ratio is relatively minor.

Stormwater drainage, parking and aisle access

An amendment to the stormwater drainage system, parking and vehicle access and deletion of the deferred commencement consent Condition DC1 is proposed. The deferred commencement consent was issued with the following deferred commencement consent condition that reads as:-

DC1 - Amended plans

Amended plans (3 Sets) addressing following shall be submitted to and approved by Cumberland Council:-

Connection to Council's pipe system

- a) The proposed stormwater connection shall be redesigned in consultation with Cumberland Council's stormwater engineers.
 - i)
- b) A longitudinal section of the proposed 375 mm diameter and 300 mm diameter pipes, showing the depth and location of all the services within the area of the proposed works shall be submitted.
 - ii)
- c) Kerb inlet pit shall be a minimum 1.2m from the driveway / layback.
 - iii)
- d) Existing pit and pipe levels shall be verified and annotated on the plan.
 - iv)
- e) Overland flow from upstream site shall be maintained.
 - v)
- f) Amended final drainage plans shall be submitted. 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".

Parking /Access

Aisle width between the 90 degree parking and parallel parking spaces shall be a minimum 6.3 metres in accordance with Section 2.4.4 (b) of Australian standard AS2890.1.

Width of the visitor parking spaces 15 and 38 shall be minimum 2.4m.

Reason: to ensure Connection to Council's pipe comply with Council's requirements and waste collection complies with Council's requirements and the development control plan.

As per correspondence dated 6 May 2019 from SGC Engineering, the drainage condition cannot be complied with due to the Council kerb inlet pit in front of 52 Pegler Street being too shallow to make an appropriate connection and a clash with an underground sewer line. An alternate drainage system is proposed. The applicant seeks to have the Deferred Commencement Consent Condition DC1 deleted because the condition specific to stormwater drainage cannot be complied with.

The amended stormwater plans is showing stormwater connection and a discharge to the street at the south eastern corner of the site at RL 17.23 metres AHD.

Parking and access

The amended plans are showing the aisle width between the 90 degree parking and parallel parking spaces on basement levels 02 and 01 as being 6.3 metres as marked. Furthermore, the width of the visitor parking spaces 15 and 38 are 2.4 metres as marked on the plans.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Morphology Design Associates Design Associates Pty Ltd and dated May 2019, which was received as part of the modification application lodged on 22 August 2019.

Contact With Relevant Parties

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

Internal Referrals

Development Engineer

The modification application was referred to Council's Development Engineer for comment who has advised that the changes sought are acceptable. Furthermore:-

- The stormwater component of Condition DC1 is no longer required and the car park requirement is complied with.

- Conditions 62 and 63 of the development consent may be deleted as they are no longer required.

The Council engineer did not raise any objection to the traffic arrangements including the change to the bin store and how collection would be achieved.

Furthermore, the second part of the deferred commencement consent condition relating to parking and access has been complied with. In general, there are no objections to the applicant's request to have Condition DC1 removed.

External Referrals

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

Planning Comments

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

Section 4.56 of the Environmental Planning and Assessment Act 1979 (as amended) allows Council to modify a development consent granted by the Court if:

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

Comment

The modification seeks minor alterations to the development with the most substantial alterations occurring within the ground floor. Generally:

- The bulk, scale, mass, density and footprint of the development remains the same.
- The number of apartments, bedrooms and number of car parking spaces within the development remains the same as that approved.
- Other than a change to the height of the lift over runs, the levels and height of the building remains the same.
- There are no changes to the approved setbacks of the development across all five levels.
- The development remains generally the same as that approved being a five storey mixed use building comprising of two ground floor retail tenancies with four levels of apartments above and a two level basement car park for 54 vehicles.

It is considered that the development is substantially the same as that initially approved.

- (b) it has notified the application in accordance with:
 - (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent
- vi)

Comment

The modification application was notified as per the requirements of the Parramatta Development Control Plan guidelines between Tuesday 3 September and Tuesday 17 September 2019. There were no submissions to the modification that is sought.

- (c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person
- vii)

Comment

There were four objections to the original development application. Council records show that the residents who previously objected were notified of the modification application. The residents who previously objected to the development did not object to the modification that is being sought.

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

Comment

There were no submission to the modification application.

State Environmental Planning Policies

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

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

Clause 7 of SEPP 55 requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development. Appropriate reports have been submitted addressing land contamination matters within the initial development application.

There are no changes to site conditions and there is no change to any environmental conditions attached to the development consent issued. As such, the matters

addressing the State Policy do not require further review for the purpose of the modification application.

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

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

Following a detailed assessment of the proposal against the provisions of SEPP 65 and the ADG, the proposal is generally considered compliant and therefore performs satisfactorily with respect to building amenity, landscaping design, appearance and provision of services. A comprehensive assessment against SEPP 65 and the ADG is contained in Appendix 2.

(c) State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy “Infrastructure” 2007 has been reviewed because the site is located close enough to Blaxcell Street which carries reasonable traffic in the locality due to the presence of shops and bus stops. However Blaxcell Street is not identified as being a Classified Road. A detailed assessment using Clause 101 and 102 is not required. Furthermore, the development is one that does not fall under Schedule 3 “Traffic Generating Developments to be referred to RMS” because the development is considered as being too small for such referral to occur. No further assessment is required using the State Policy.

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

All trees on site are approved to be removed to facilitate the development. There is no change to the proposal in terms of tree removal or vegetation removal. The removal of all trees and vegetation on site is considered acceptable and no further assessment is required.

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

BASIX Certificate (Certificate Number 855924M-03) issued on 4 September 2019 prepared by Sustainable Thermal Solutions has been submitted with Council and is considered to be satisfactory.

Regional Environmental Plans

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

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

The subject site is identified as being located within the area affected by the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The modified 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 plan is not directly relevant to the proposed development.

Local Environmental Plans

Parramatta Local Environmental Plan 2011

The development is determined as being a mixed use commercial / retail / residential apartment building.

The applicant previously argued that the development was defined as a mixed use development comprising a commercial premise with shop top housing which is permitted with consent within the B1 Neighbourhood Centre zone.

To qualify as "Shop top housing", the relevant part of the building must be truly above the relevant retail or business parts. In this regard, all the dwellings must be situated above the ground floor business and there shall be no dwellings on the ground floor. Shop top housing is defined by the Parramatta Local Environmental Plan 2011 as "One or more dwellings located above ground floor retail premises or business premises".

The definition of the development was supported by Council officers and the Land and Environment Court during the Court proceedings for the original application. As such, there is no issue regarding permissibility and the form of development in terms of permissibility has not changed.

The relevant matters to be considered under the Parramatta Local Environmental Plan 2011 and the applicable clauses for the proposed development are summarised below. A comprehensive LEP assessment is contained in Appendix 3.

Parramatta Local Environmental Plan 2011 - Compliance table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
Clause 4.3 Height of Buildings Maximum height 15 metres.	No	Propose 16.5 metres at one of the lift over runs which is a variation of 1.5 metres to the development standard (Variation is 10%). Propose 16 metres at another lift over run which is a variation of 1

		<p>metre to the development standard (Variation is 6.6%).</p> <p>There is no change to the height of the remainder of the building.</p> <p>The variation to the height of the building facing Pegler Avenue of 700 mm is approved by the Court and no change is proposed.</p>
4.4 Floor Space Ratio Maximum 2:1.	Yes	Propose 1.893:1 which is reduced from 1.924:1.
4.6 Exceptions to development standards	Yes	A justification to a Clause 4.6 variation is provided and assessed below.

(a) Clause 4.6 - Exceptions to Development Standards of the Parramatta Local Environmental Plan

The clause will not be applicable to this application. In accordance with case law as outlined in the Land Environment Court Case of Gann & Anor v Sutherland Shire Council [2008], there is power to modify a development application where the modification would result in the breach of development standards. The court took the view that development standards within an LEP did not operate to prohibit the grant of consent if they were not complied with (and no objection pursuant to SEPP No. 1 (now cl 4.6) had been lodged). Notwithstanding, the court held that despite a SEPP No. 1 Objection not being required, Section 96(3) (now known as cl 4.55(3)) of the Environmental Planning and Assessment Act 1979 (The Act) still requires the consent authority to take into consideration those matters referred to in Section 79C (now Cl4.15) of the Act. The case law has been applied to Clause 4.6 of the Standard instrument on which the Parramatta Local Environmental Plan 2011 is derived.

Variation to building height

The maximum building height permitted on the site is 15 metres. The original development application was approved at 15.8 metres (five storeys). Under the S4.56 modification application, the number of storeys within the building remains the same and all five storeys including finished floor levels have not been altered. The only alteration to the height occurs at the two lift over runs.

The modification increases the variation by up to 700 mm (4.7%) thus resulting in a variation of 10% to the development standard. It should be noted that the 10% variation is most pronounced for the lift over run closest to the street with the variation to the rear lift over run being less at 6.6%.

The applicant has addressed the objectives of Clause 4.3 as follows:

Applicant's commentsObjective (a):

The proposed additional 700 mm increase in height of the lift core will not affect the transition of the approved mix use development with existing and future land use on the adjoining B1 Neighbourhood Centre and R4 High Density residential zones.

Objective (b):

The additional 700 mm increase in the height of the lift core will have negligible impact on overshadowing and unlikely to be discernible from the public domain.

Objective (c):

This is not applicable to the modification application.

Objective (d):

This is not applicable to the modification application.

Objective (d):

The surrounding land use is zoned B1 Neighbourhood Centre and R4 High Density Residential. The envisaged character and scale is high density. There is no change proposed.

Objective (e):

The setbacks remain the same as that approved which will continue to provide towers with sufficient separation for residential amenity.

Further to the above:

- a) The objectives of the development standard are achieved notwithstanding the non-compliance with the numerical standard. The development presents a suitable scale of development relative to surrounding development and future development within the locality given the provisions of the Parramatta Local Environmental Plan 2011.
- b) Strict numerical compliance with the building height would result in the removal of the fifth storey and a consequential four storey development which would tend to thwart objectives (a) and (f).
- c) The original consent has been granted with a variation of 800 mm.
- d) The additional height is limited to the lift overrun given the realistic and functional specifications. The roof level remains the same as that approved being RL 33.36. The lift cores are located centrally and setback from street

boundaries and other properties. There is no discernible additional overshadowing.

- e) The modification proposed is to facilitate the construction phase of the development. Given the lift specification provided by Schindler, the required clearance is 4,100 mm above the finished floor level for the lift to be used on this building. The proposed 1,500 mm exceedance will enable a total of 4,500 mm height for the lift overrun including the finish above the structural slab, lift clearance, structural slab and rainwater hob on top.
- f) 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.

Planning comment

The discussion provided by the applicant is supported. In this regard, the development is consistent with the objectives of the height standard as the height of the approved bulk of the building is not changing. The change in height is limited to two lift overruns and of this, only one of the overruns reaches a height of 1,500 mm above the maximum height limit of 15 metres or 10%.

When considering the above, the variation sought is considered as being acceptable.

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

(a) Draft State Environmental Planning Policy (Environment)

There are no draft State Environmental Planning Policies that will apply to the Section 4.56 modification application.

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

The Parramatta Development Control Plan provides guidance for the design and operation of development to achieve the aims and objectives of the Parramatta Local Environmental Plan 2011.

A comprehensive assessment and compliance table is contained in Appendix 4.

The following table highlights the variations to the Parramatta Development Control Plan arising from the modification application. The variations sought are considered satisfactory on merit in this instance:

Clause	Control	Proposed	Complies
Height (Refer to the LEP table)	15 metres	16.5 metres at the lift over run closest to the street.	No Variation is 10% for one of the lift over runs.

		<p>16 metres at the lift over run closest to rear.</p> <p>No other changes to the approved building height occurs.</p> <p>The variation to the height of the building facing Pegler Avenue of 700 mm is approved by the Court and no change is proposed.</p>	<p>No The variation is 6.6% for the second lift over run.</p> <p>(No This is a Court approved variation and no change is proposed).</p>
3.3.2 Private Open Space	<p>Minimum of 10m² private open space with minimum dimensions of 2.5m per unit?</p> <p>This provision is provided within the Apartment Design Guide which over rides the provision.</p>	<p>Studio apartment 4.16 square metres (As approved).</p> <p>For the one bedroom apartments 11.26 square metres minimum.</p> <p>For the two bedroom apartments 10 to 30.7 square metres.</p> <p>Secondary balconies occupying 4.34 and 3.6 square metres are now provided to one of the bedrooms of Apartments 101 and 109 to improve amenity. This is acceptable.</p> <p>For the three</p>	<p>No No change from the Court approval and considered satisfactory.</p> <p>Yes No change.</p> <p>Yes No change.</p> <p>Yes No change.</p> <p>Yes</p>

		bedroom apartment 12 to 12.4 square metres.	No change.
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As indicated in the compliance table above:

- The height variation is addressed earlier within the report
- The amount of private open space for each apartment is satisfactory. The matter is reassessed due to the inclusion of two additional balconies for apartments numbered 101 and 109 which improves amenity for the affected apartments. Generally, the balconies provided within the development are satisfactory.

South Granville Precinct - (Part 4.1.10)

The site is situated within the South Granville Precinct being a Special Precinct. The development control plan provisions allow for an expansion of retail and business uses with shop top housing above. Future developments will be centred around the Dellwood Shops. An improved interface to the existing laneway behind the Dellwood Shops while maintaining pedestrian and vehicular access is envisaged.

Comments

The development is consistent with the stated provisions and generally there is no change to the setbacks of the development that were approved as part of the Section 34 Agreement through the Land and Environment Court proceedings.

The modified development is compliant with the relevant provisions and no further assessment is required.

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)(iia))

There is no draft planning agreement associated with the approved Development Application and or the S4.56 modification application.

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

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

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

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

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

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

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

Advertised (newspaper) <input checked="" type="checkbox"/>	Mail <input checked="" type="checkbox"/>	Sign <input checked="" type="checkbox"/>	Not Required <input type="checkbox"/>
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In accordance with Council's Notification requirements contained within the Parramatta Development Control Plan 2011, the proposal was publicly notified for a period of fourteen (14) days between Tuesday 3 September 2019 and Tuesday 17 September 2019. There were no submissions to the modified development.

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

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

Section 7.12 (Formerly S94a) Fixed Development Consent Levies

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

Comments:

The matter is addressed as Condition 4 attached to the development consent issued with the amount being \$98,408.55 (subject to indexation). The matter does not require further review on the account that the cost of works have not increased.

Disclosure of Political Donations And Gifts

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

CONCLUSION:

The modification application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy "Infrastructure" 2007, State Environmental Planning Policy "Remediation of Land", State Environmental Planning Policy "Building Sustainability Index" 2004, State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development, the Parramatta Local Environmental Plan 2011 and the Parramatta Development Control Plan 2011. A variation to Clause 4.3 of the Parramatta Local Environmental Plan 2011 specific to height is sought.










Having regard to the assessment of the proposal from a merit perspective, the Panel may be satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents. It is considered that the modified proposal successfully minimises adverse impacts onto the amenity of neighbouring properties. Hence the development, irrespective of the departure noted above, is consistent with the intentions of Council's planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and the modification may be approved subject to conditions.

REPORT RECOMMENDATION:

1. That the Development Application number 454/2017/B being a Section 4.56 application for various modifications to the approved mixed use development including an extension of slab and blade walls on the northern side of the building, increase the height of the lift overrun, reconfiguration of the ground floor and minor alterations to two apartments on Level 4, addition of a substation and fire hydrant booster, amendments to building materials and stormwater design be approved subject to the attached modified conditions.

ATTACHMENTS

1. List of Conditions of Consent [↓](#) 
2. Architectural Plans [↓](#) 
3. Variation To Height of Buildings Statement [↓](#) 
4. Appendix 1- State Environmental Planning Policy [↓](#) 
5. Appendix 2- Apartment Design Guide [↓](#) 
6. Appendix 3-Paramatta Local Environmental Plan 2011 [↓](#) 
7. Appendix 4 - Paramatta Development Control Plan 2011 [↓](#) 
8. Original Deferred Commencement Consent [↓](#) 
9. Original Architectural Plans [↓](#) 

**DOCUMENTS
ASSOCIATED WITH
REPORT LPP081/19**

**Attachment 1
List of Conditions Of Consent**

CONDITIONS OF DEVELOPMENT CONSENT

DA No: DA-454/2017/B.
Property: 44 to 46 Pegler Avenue South Granville.
Description: Section 4.56 application for various modifications to the approved mixed use development including an extension of slab and blade walls on the northern side of the building, increase the height of the lift overruns, reconfiguration of the ground floor and minor alterations to two apartments on Level 4, addition of a substation and fire hydrant booster, amendments to building materials and stormwater design.

1. **A) Delete the following Conditions 1 (DC1), 62 and 63 that reads as**

DC1 – Amended plans

~~Amended plans (3 Sets) addressing following shall be submitted to and approved by Cumberland Council:-~~

~~Connection to Council's pipe system~~

- ~~a) The proposed stormwater connection shall be redesigned in consultation with Cumberland Council's stormwater engineers.~~
- ~~a) A longitudinal section of the proposed 375 mm diameter and 300 mm diameter pipes, showing the depth and location of all the services within the area of the proposed works shall be submitted.~~
- ~~b) Kerb inlet pit shall be a minimum 1.2m from the driveway / layback.~~
- ~~c) Existing pit and pipe levels shall be verified and annotated on the plan.~~
- ~~d) Overland flow from upstream site shall be maintained.~~
- ~~e) Amended final drainage plans shall be submitted. 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".~~

~~Parking /Access~~

~~Aisle width between the 90 degree parking and parallel parking spaces shall be a minimum 6.3 metres in accordance with Section 2.4.4 (b) of Australian standard AS2890.1.~~

~~Width of the visitor parking spaces 15 and 38 shall be minimum 2.4m.~~

~~Reason: to ensure Connection to Council's pipe comply with Council's requirements and waste collection complies with Council's requirements and the development control plan.~~

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

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

whether or not the consent will operate.

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

Approved Plans – Deferred Commencement

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

Plan Number	Prepared By	Revision No.	Dated
Drawing Number A.0000 Title Page	Ghazi Ali Ali Architect Pty Ltd		
Site Analysis Drawing Number A1000	Ghazi Ali Ali Architect Pty Ltd	B	22/5/2018
Site Plan Drawing Number A1010	Ghazi Ali Ali Architect Pty Ltd	B	22/5/2018
Demolition Plan Drawing Number A1101	Ghazi Ali Ali Architect Pty Ltd	B	22/5/2018
Basement 01 Plan Drawing Number A1202	Ghazi Ali Ali Architect Pty Ltd	C	12/6/2018
Basement 02 Plan Drawing Number A1201	Ghazi Ali Ali Architect Pty Ltd	C	12/6/2018
Ground Floor Plan Drawing Number A1203	Ghazi Ali Ali Architect Pty Ltd	C	12/6/2018
Floor Level 01 Plan Drawing Number A1204	Ghazi Ali Ali Architect Pty Ltd	C	12/6/2018
Floor Level 02 Plan Drawing Number A1205	Ghazi Ali Ali Architect Pty Ltd	C	12/6/2018
Floor Level 03 Plan Drawing Number A1206	Ghazi Ali Ali Architect Pty Ltd	C	12/6/2018
Level 04 Plan Drawing Number A1207	Ghazi Ali Ali Architect Pty Ltd	C	12/6/2018
Roof Plan Drawing Number A1208	Ghazi Ali Ali Architect Pty Ltd	C	12/6/2018
Elevations Drawing Number A1301	Ghazi Ali Ali Architect Pty Ltd	C	12/6/2018
Elevations Drawing Number A1302	Ghazi Ali Ali Architect Pty Ltd	C	12/6/2018
Section BB Drawing Number A1401	Ghazi Ali Ali Architect Pty Ltd	C	12/6/2018



Section BB Drawing Number A1402	Ghazi Al Ali Architect Pty Ltd	G	12/6/2018
Section CC Ramp Detail Drawing Number A1403	Ghazi Al Ali Architect Pty Ltd	G	12/6/2018
Storage Diagram Drawing Number A2040	Ghazi Al Ali Architect Pty Ltd	G	12/6/2018
Material Schedule Drawing Number A2201	Ghazi Al Ali Architect Pty Ltd	G	12/6/2018
Material Schedule Drawing Number A2202	Ghazi Al Ali Architect Pty Ltd	G	12/6/2018
Waste Management Plan	Ghazi Al Ali Architect Pty Ltd		August 2017
Building Code of Australia Report	Design Right Consulting		21 September 2017
Disability Access Report	Access Solutions NSW Pty Ltd		19 September 2017
Geotechnical Investigation Report	Geo Environmental Engineering		6 September 2016
Noise Assessment Reprt Report Number 160723-01L-DD	Acoustic Consulting Engineers	01	5 September 2017
Cover Sheet Drawing Number 20170206 SW100	SGC Engineering Value	A	20/9/2017
Stormwater Concept Design Basement 02 Plan Drawing Number 20170206 SW200	SGC Engineering Value	B	19/6/2018
Stormwater Concept Design Ground Floor Plan Drawing Number 20170206 SW201	SGC Engineering Value	B	19/6/2018
Stormwater Concept Design Level 01 Plan Drawing Number 20170206 SW202	SGC Engineering Value	B	19/6/2018
Stormwater Concept Design Roof Plan Drawing Number 20170206 SW203	SGC Engineering Value	B	19/6/2018
Stormwater Concept Design Drawing Number 20170206 SW300	SGC Engineering Value	A	19/6/2018



Erosion and Sediment Control Plan and Details Drawing Number 20170206 SW400	SGC Engineering Value	A	19/6/2018
Stormwater Concept Design Drawing Number 20170206 SW500	SGC Engineering Value	A	19/6/2018
Landscape Plan DWG LPDA17-365 P1	Concept Landscape Architects	E	21/6/2018
Specification and Detail DWG LPDA17-365 P2	Concept Landscape Architects	B	19/6/2018
BASIX Certificate Number 855924M-02			19 June 2018
Nationwide House Energy Rating Scheme Certificate Number 0002868300			19 June 2018
Revised Heritage Impact Statement Letter	Urbis		28 June 2018

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

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

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

~~[Condition 1 (DC1) deleted by Section 4.56 modification DA454/2017/B]~~

~~62 On street drainage design~~

~~Prior to the issue of any Construction Certificate a detailed design for the proposed connection to existing Council's stormwater pipe shall be submitted to and approved by Cumberland Council's Manager Engineering and Traffic. In this regard:-~~

- ~~• A longitudinal section of the proposed 375 mm diameter and 300mm diameter pipes, showing the depth and location of all the services within the area of the proposed works shall be submitted.~~
- ~~• Existing pit and pipe levels shall be verified and annotated on the plan.~~

~~Reason:- to ensure Council's assets are designed to Council's requirements.~~

~~[Condition 62 deleted by Section 4.56 modification DA454/2017/B]~~

~~63 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 the works related to the proposed connection to Council's storm water drainage system at following stages:

 - ~~After the excavation of pipeline trenches.~~
 - ~~After the laying of all pipes prior to backfilling.~~
 - ~~After the completion of all pits and connection points.~~~~
- ~~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.~~

[Condition 63 deleted by Section 4.56 modification DA454/2017/B]

2. B Add a new condition 1, 124, 125 and 126 to read as:-

1 Approved Plans

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

Plan Number	Prepared By	Revision No.	Dated
Drawing Number A.0000 Title Page	Ghazi Al Ali Architect Pty Ltd		5/4/2019
Site Plan Drawing Number A1010	Ghazi Al Ali Architect Pty Ltd	A	5/4/2019
Demolition Plan Drawing Number A1101	Ghazi Al Ali Architect Pty Ltd	B	22/5/2018
Basement 02 Plan Drawing Number A1201	Ghazi Al Ali Architect Pty Ltd	A	5/4/2019
Basement 01 Plan Drawing Number A1202	Ghazi Al Ali Architect Pty Ltd	A	5/4/2019
Ground Floor Plan Drawing Number A1203	Ghazi Al Ali Architect Pty Ltd	B	23/10/2019
Floor Level 01 Plan Drawing Number A1204	Ghazi Al Ali Architect Pty Ltd	A	5/4/2019
Floor Level 02 Plan Drawing Number A1205	Ghazi Al Ali Architect Pty Ltd	A	5/4/2019
Floor Level 03 Plan Drawing Number A1206	Ghazi Al Ali Architect Pty Ltd	A	5/4/2019



Level 04 Plan Drawing Number A1207	Ghazi Al Ali Architect Pty Ltd	A	5/4/2019
Roof Plan Drawing Number A1208	Ghazi Al Ali Architect Pty Ltd	A	5/4/2019
Elevations Drawing Number A1301	Ghazi Al Ali Architect Pty Ltd	A	5/4/2019
Elevations Drawing Number A1302	Ghazi Al Ali Architect Pty Ltd	A	5/4/2019
Section AA Drawing Number A1401	Ghazi Al Ali Architect Pty Ltd	A	5/4/2019
Section BB Drawing Number A1402	Ghazi Al Ali Architect Pty Ltd	A	5/4/2019
Section CC-Ramp Detail Drawing Number A1403	Ghazi Al Ali Architect Pty Ltd	C	12/6/2018
Builders Work / Layout - Lift 1	Schindler	B	22/2/2019
Storage Diagram Drawing Number A2040	Ghazi Al Ali Architect Pty Ltd	C	12/6/2018
Material Schedule Drawing Number A2201	Ghazi Al Ali Architect Pty Ltd	A	5/4/2019
Material Schedule Drawing Number A2202	Ghazi Al Ali Architect Pty Ltd	A	5/4/2019
Waste Management Plan	Ghazi Al Ali Architect Pty Ltd		August 2017
Building Code of Australia Report	Design Right Consulting		21 September 2017
Disability Access Report	Access Solutions NSW Pty Ltd		19 September 2017
Geotechnical Investigation Report	Geo Environmental Engineering		6 September 2016
Noise Assessment Reprt Report Number 160723-01L-DD	Acoustic Consulting Engineers	01	5 September 2017
Cover Sheet	SGC Engineering Value	A	Undated
Stormwater Concept Design Specifications Sheet Drawing Number 20170206 SW101	SGC Engineering Value	A	2/5/2019



Stormwater Concept Design Basement 02 Plan Drawing Number 20170206 SW200	SGC Value	Engineering	A	2/5/2019
Stormwater Concept Design Ground Floor Plan Drawing Number 20170206 SW201	SGC Value	Engineering	A	3/5/2019
Stormwater Concept Design Level 01 Plan Drawing Number 20170206 SW202	SGC Value	Engineering	B	19/6/2018
Stormwater Concept Design Roof Plan Drawing Number 20170206 SW203	SGC Value	Engineering	B	19/6/2018
Stormwater Concept Design Details Sheet Drawing Number 20170206 SW300	SGC Value0.	Engineering	A	3/5/2019
Erosion and Sediment Control Plan and Details Drawing Number 20170206 SW400	SGC Value	Engineering	A	3/5/2019
Stormwater Concept Design Music Catchment Plan Drawing Number 20170206 SW500	SGC Value	Engineering	A	3/5/2019
Landscape Plan DWG LPS4.56 17-365 P1	Concept Landscape Architects		G	23/5/2019
Specification and Detail DWG LPS4.56 17-365 P2	Concept Landscape Architects		C	26/4/2019
BASIX Certificate Number 855924M-03				4 September 2019
Nationwide House Energy Rating Scheme Certificate Number 0002868300				19 June 2018

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

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

[Condition 1 added by Section 4.56 modification DA454/2017/B]**124. Waste collection**

The applicant shall use a private contractor for all waste collection from the building. All private contractors shall undertake waste collection from adjacent to the bin storage areas and vehicles may use the turning bay for manoeuvring within the site.

Furthermore, all waste collection shall occur during the early morning period between 6 am and 8 am to minimise conflict between garbage trucks and vehicles entering and leaving the basement.

Reason:- to ensure there is minimal impact to the development during garbage collection times.

[Condition 124 added by Section 4.56 modification DA454/2017/B]**125. Exit doors facing the garbage bin collection zone**

The exit doors facing the garbage collection area along the northern driveway area (Ground level) shall be modified as follows:-

- The exit door of the “Bin Area Residential” shall be modified to either a roller shutter door or a sliding door.
- The door to the “mechanical room” and “gas room” shall be modified to a roller shutter door (One roller shutter door per room).
- The exit doors to the two fire isolated stairs shall be relocated. In this regard, the exit doors shall be repositioned 1 metre to the south of their present suggested positions to prevent the swing of the doors from crossing into the garbage collection zone.

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

Reason:- to ensure the garbage collection zone functions in a satisfactory manner.

[Condition 125 added by Section 4.56 modification DA454/2017/B]**126. New Level 1 balconies of apartments Numbered 101 and 109**

The new Level 1 balconies of apartments numbered 101 and 109 attached to the Master bedrooms of the respective apartments (The two new balconies) shall be deleted to improve the degree of privacy to the bedrooms to the immediate south of the new structures.

Amended plans shall be submitted to Council or the Private Certifier for inclusion into the construction certificate for approval showing the balconies removed.

Reason:- to maintain a satisfactory level of privacy to the bedrooms of apartments numbered 101 and 109.

[Condition 126 added by Section 4.56 modification DA454/2017/B]

DOCUMENTS
ASSOCIATED WITH
REPORT LPP081/19

Attachment 2
Architectural Plans

DRAWING SCHEDULE - ISSUE A

A 0000 TITLE PAGE
A 1000 SITE PLAN
A 1201 BASEMENT 02
A 1202 BASEMENT 01
A 1203 GROUND FLOOR PLAN
A 1204 LEVEL 01
A 1205 LEVEL 02
A 1206 LEVEL 03
A 1207 LEVEL 04
A 1208 ROOF PLAN
A 1301 ELEVATIONS
A 1302 ELEVATIONS
A 1401 SECTION AA
A 1402 SECTION BB
A 2000 GFA CALCULATION
A 2101 SHADOW DIAGRAM 9.00 AM 21 JUNE
A 2102 SHADOW DIAGRAM 12.00 PM 21 JUNE
A 2103 SHADOW DIAGRAM 3.00 PM 21 JUNE
A 2201 MATERIAL SCHEDULE
A 2202 MATERIAL SCHEDULE

FOR S4.56

FSR

SITE AREA: 1539.88 SQM
PERMISSIBLE FSR: 2:1
PERMISSIBLE GFA: 3076.65
SQM
GFA: 2915.21 SQM
TOTAL FSR: 1.89:1

UNIT MIX

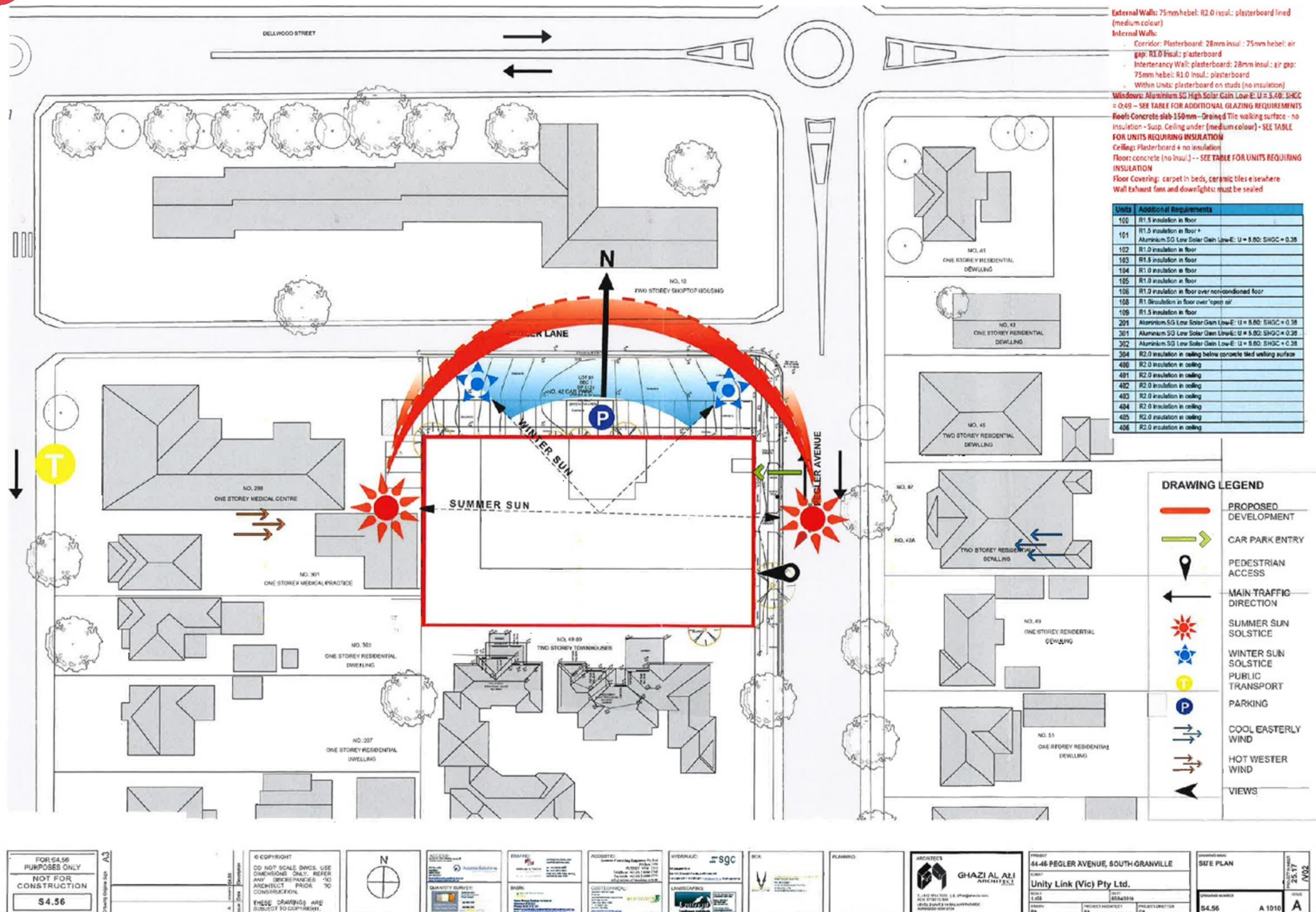
STUDIO: 3
1 BED: 3
2 BED: 22
3 BED: 4
COMMERCIAL: 2

UNITS TOTAL: 32 + 2
COMMERCIAL



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ARCHITECT PTY LTD
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BURWOOD NSW 2134
T. +612 9744 7035 E. office@ghazialali.com
ACN: 67167131848 NSW Reg. No. 7542

PROPOSED MIXED-USE DEVELOPMENT
PEGLER AVENUE
44-46 Pegler Avenue, South Granville

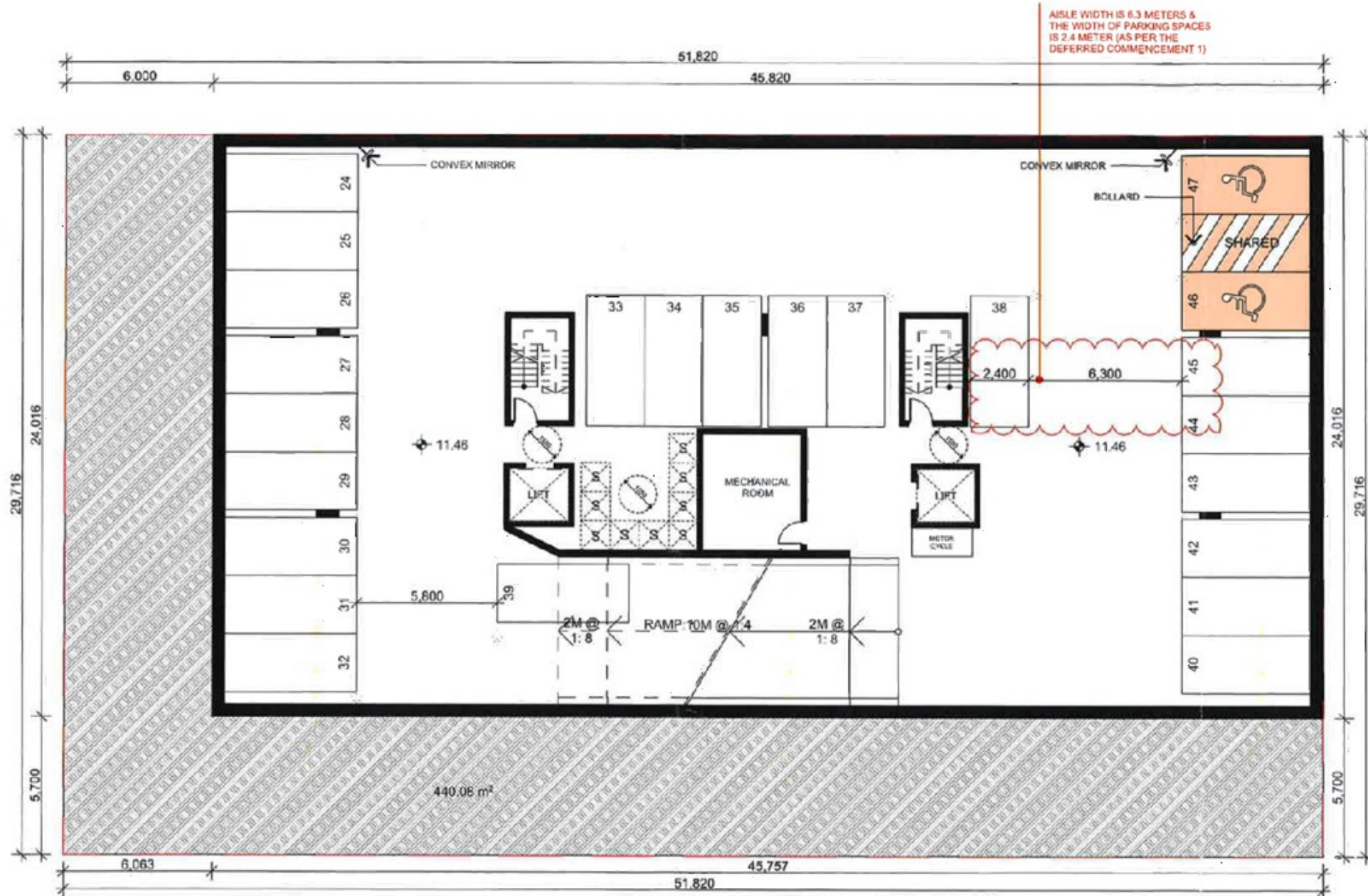


External Walls: 75mm hebel: R2.0 insul.: plasterboard lined (medium colour)
Internal Walls:

- Corridor: Plasterboard: 28mm insul.: 75mm hebel: air gap: R1.0 Insul.: plasterboard
- Intertenancy Wall: plasterboard: 28mm insul.: air gap: 75mm hebel: R1.0 Insul.: plasterboard
- Within Units: plasterboard on studs (no insulation)

Windows: Aluminium SG High Solar Gain Low-E: U = 5.40: SHGC = 0.49
Roof: Concrete slab 150mm - Drained Tile walking surface - no insulation - Susp. Ceiling under (medium colour) - SEE TABLE FOR UNITS REQUIRING INSULATION
Ceiling: Plasterboard + no insulation
Floor: concrete (no insul.) - - SEE TABLE FOR UNITS REQUIRING INSULATION
Floor Covering: carpet in beds, ceramic tiles elsewhere
Wall Exhaust fans and downlights: must be sealed

Units	Additional Requirements
101	R1.0 Insulation in floor
102	R1.5 Insulation in floor + External louvers over living room awning window
103	R1.0 Insulation in floor
104	R2.0 Insulation in floor
105	R1.0 Insulation in floor
106	R1.0 Insulation in floor
107	R1.5 Insulation in floor
108	R1.0 Insulation in floor
109	R1.5 Insulation in floor
202	External louvers over living room awning window
302	External louvers over living room awning window
304	R2.0 Insulation in ceiling below concrete tiled walking surface
305	R2.0 Insulation in ceiling below concrete tiled walking surface
306	R2.0 Insulation in ceiling below concrete tiled walking surface
307	R2.0 Insulation in ceiling below concrete tiled walking surface
401	R2.0 Insulation in ceiling below concrete tiled walking surface
402	R2.0 Insulation in ceiling below concrete tiled walking surface
403	R2.0 Insulation in ceiling below concrete tiled walking surface
404	R2.0 Insulation in ceiling below concrete tiled walking surface
405	R2.0 Insulation in ceiling below concrete tiled walking surface

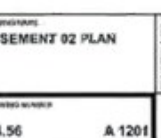
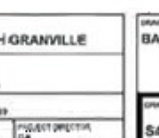
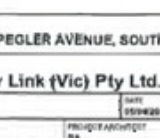
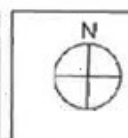


BASEMENT 02 PLAN @ 1: 200

SCALE 1:200 @ A3
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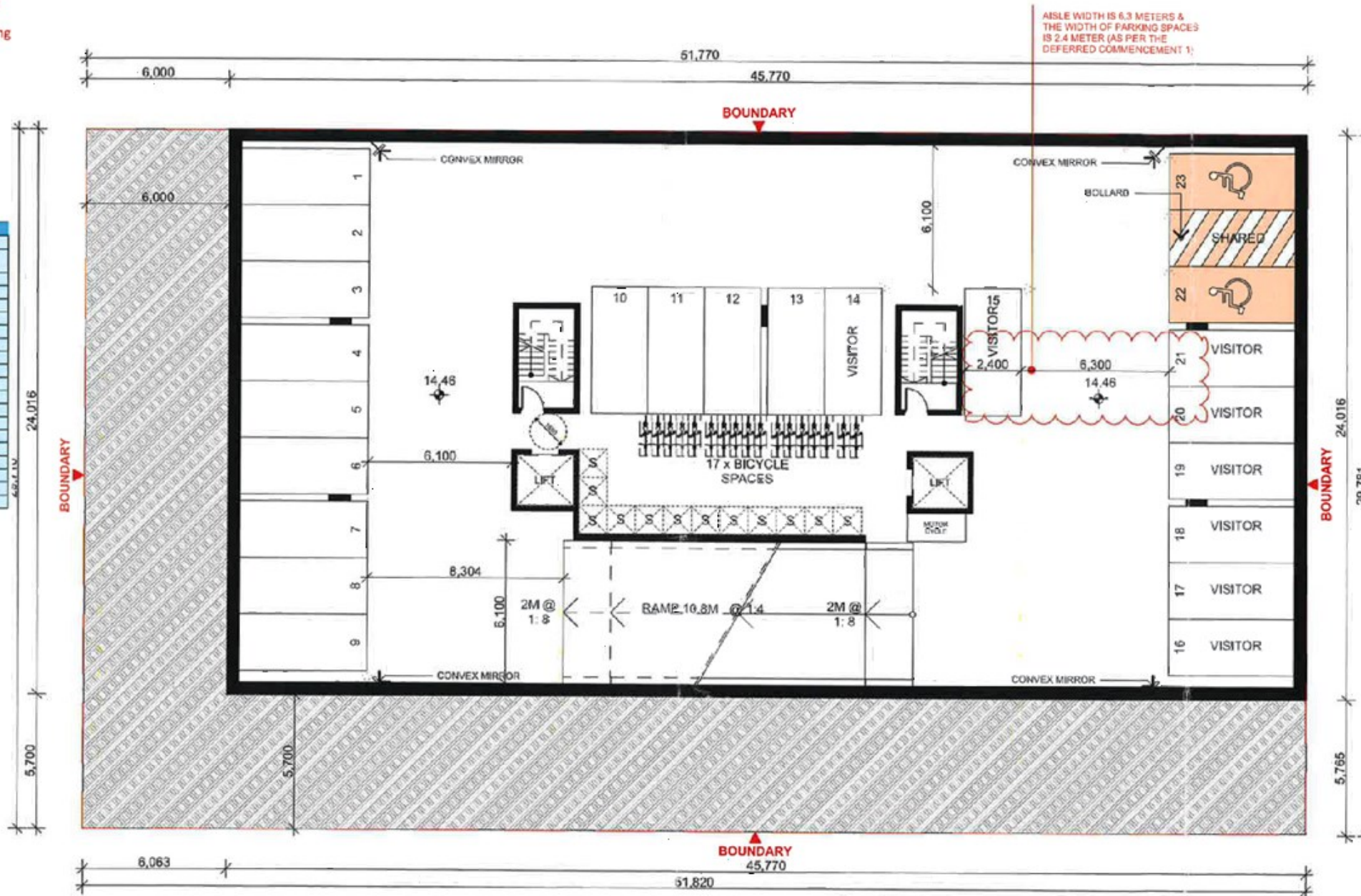
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External Walls: 75mm hebel: R2.0 Insul.: plasterboard lined (medium colour)
Internal Walls:
- Corridor: Plasterboard: 28mm insul.: 75mm hebel: air gap: R1.0 Insul.: plasterboard
- Intertency Wall: plasterboard: 28mm insul.: air gap: 75mm hebel: R1.0 Insul.: plasterboard
- Within Units: plasterboard on studs (no insulation)
Windows: Aluminium SG High Solar Gain Low-E: U = 5.40: SHGC = 0.49
Roof: Concrete slab 150mm - Drained Tile walking surface - no insulation - Susp. Ceiling under (medium colour) - SEE TABLE FOR UNITS REQUIRING INSULATION
Ceiling: Plasterboard + no insulation
Floor: concrete (no insul.) - - SEE TABLE FOR UNITS REQUIRING INSULATION
Floor Covering: carpet in beds, ceramic tiles elsewhere
Wall Exhaust fans and downlights: must be sealed

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103	R1.0 Insulation in floor
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405	R2.0 Insulation in ceiling below concrete tiled walking surface

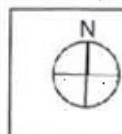


BASEMENT 01 PLAN @ 1:200

SCALE 1:200 @ A3
0 2 4 6 8 10M

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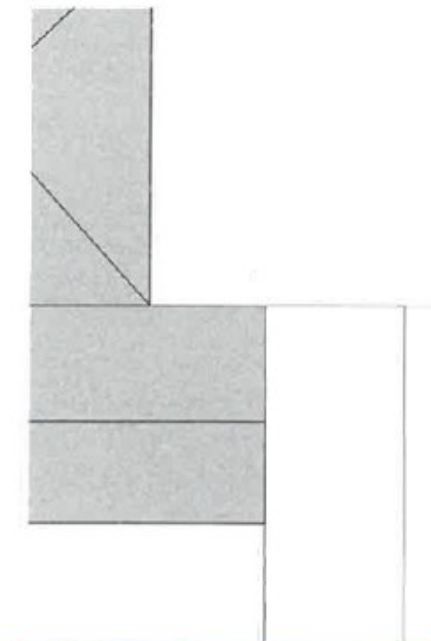
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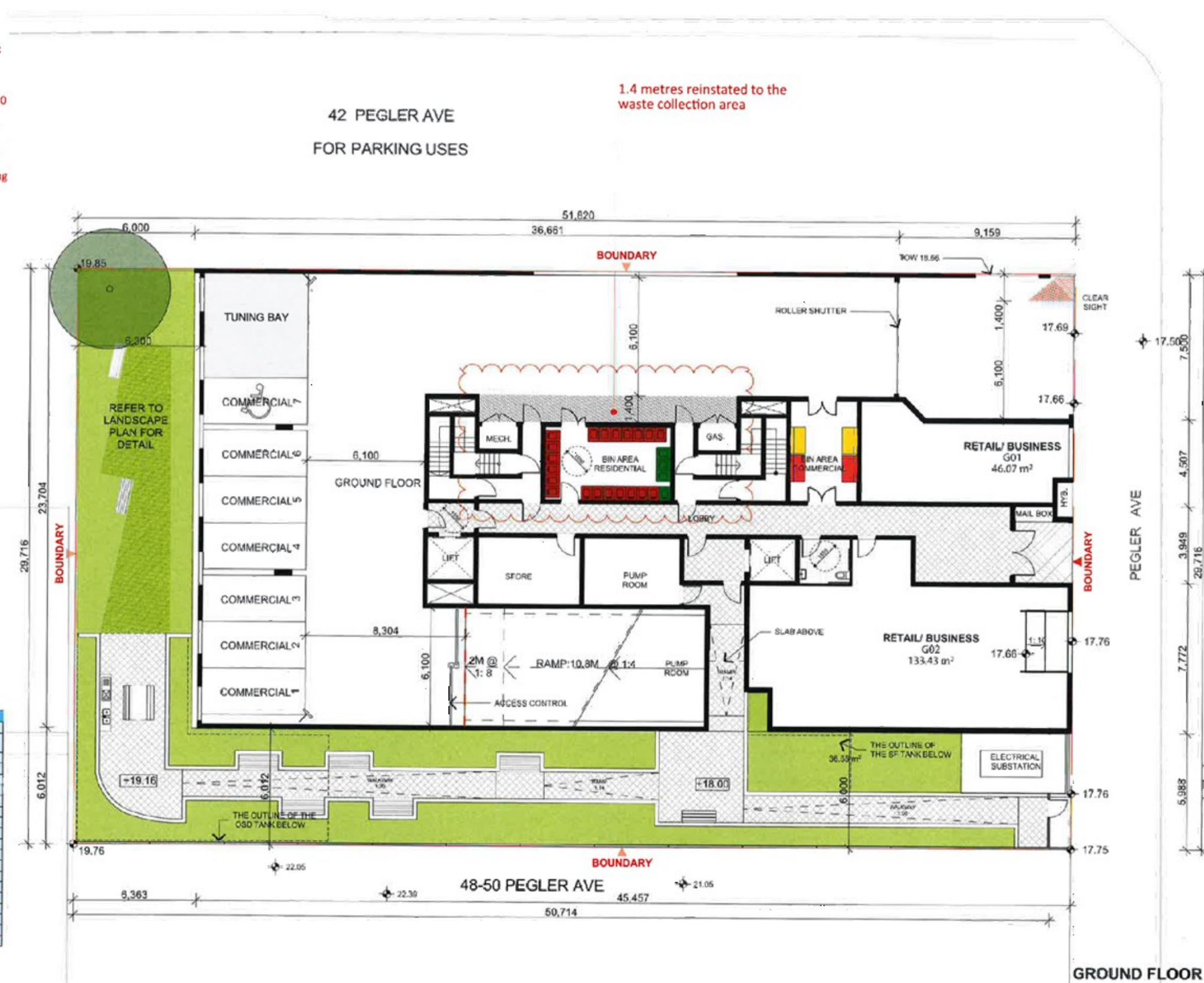
PROJECT: 44-46 PEGLER AVENUE, SOUTH GRANVILLE
CLIENT: Unity Link (Vic) Pty Ltd.
DATE: 25/03/19
DRAWN: NA
CHECKED: RA
PROJECT DIRECTOR: GA

PROJECT NAME: BASEMENT 01 PLAN
PROJECT NUMBER: S4.56
PROJECT SCALE: A 1:200
PROJECT DATE: 25.17
PROJECT NUMBER: IV02
PROJECT SCALE: A

External Walls: 75mm hebel: R2.0 insul.: plasterboard lined (medium colour)
Internal Walls:
Corridor: Plasterboard: 28mm insul.: 75mm hebel: air gap: R1.0 Insul.: plasterboard
Intertency Wall: plasterboard: 28mm insul.: air gap: 75mm hebel: R1.0 Insul.: plasterboard
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Ceiling: Plasterboard + no insulation
Floor: concrete (no insul.) - SEE TABLE FOR UNITS REQUIRING INSULATION
Floor Covering: carpet in beds, ceramic tiles elsewhere
Wall Exhaust fans and downlights: must be sealed



Units	Additional Requirements
101	R1.0 insulation in floor
102	R1.5 insulation in floor + External louvers over living room window
103	R1.0 insulation in floor
104	R2.0 insulation in floor
105	R1.0 insulation in floor
106	R1.0 insulation in floor
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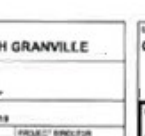
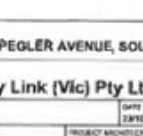
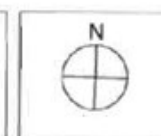


GROUND FLOOR PLAN @ 1: 200



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- Corridor: Plasterboard: 28mm insul.: 75mm hebel: air gap: R1.0 insul.: plasterboard
- Intertenancy Wall: plasterboard: 28mm insul.: air gap: 75mm hebel: R1.0 insul.: plasterboard
- Within Units: plasterboard on studs (no insulation)

Roof: Concrete slab 150mm - Drained Tile walking surface - no insulation - Susp. Ceiling under (medium colour) - SEE TABLE FOR UNITS

REQUIRING INSULATION

REQUIRING INSULATION
Ceiling: Plasterboard + no insulation

Floor: concrete (no insul.) - - SEE TABLE FOR
UNITS REQUIRING INSULATION

Floor Covering: carpet in beds, ceramic tiles elsewhere

Wall Exhaust fans and downlights: must be sealed

31

NO. 303

42 PEGLER AVE
FOR PARKING USES

SLAB HAS BEEN EXTENDED FOR
STRUCTURAL PURPOSES AND
HAS BEEN UTILISED FOR BETTER
ABILITY

SLAB HAS BEEN EXTENDED FOR
STRUCTURAL PURPOSES AND
HAS BEEN UTILISED FOR BETTER
MINORITY

WINDOW RELOCATED FOR
STRUCTURAL PURPOSES.

PEGLER AVENUE

**MEDIA/
STORAGE**

FLOOR LEVEL 01 @1: 200



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PLANNING

ARCHITECT

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ARCHITECT

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BANDARUD-KUAP 2114

PROJECT 44-46 PEGLER AVENUE, SOUTH GRANVILLE		
CLIENT Unity Link (Vic) Pty Ltd.		
SCALE 1:500		DATE 06/04/2018
DRAWN BY SA	PROJECT ARCHITECT SA	PROJECT SUPERVISOR SA

(project) name LEVEL 01 PLAN		project no. 25.17
drawing no. S4.56		

Internal Walls:

- Corridor: Plasterboard; 28mm insul.: 75mm hebel; air gap: R1.0 Insul.: plasterboard
- Intertencyancy Wall: plasterboard: 28mm insul.: air gap: 75mm hebel: R1.0 Insul.: plasterboard
- Within Units: plasterboard on studs (no insulation)

Roof: Concrete slab 150mm - Drained Tile walking surface - no insulation - Susp. Ceiling under (medium colour) - SEE TABLE FOR UNITS

REQUIRING INSULATION

Ceiling: Plasterboard + no insulation

Floor: concrete (no insul.) - - SEE TABLE FOR UNITS REQUIRING INSULATION

Floor Covering: carpet in beds, ceramic tiles elsewhere

Wall Exhaust fans and downlights: must be sealed

31

NO. 303

42 PEGLER AVE
FOR PARKING USES

WALL EXTENDED FOR
CONSISTENT DESIGN WITH
LEVEL 01

WALL EXTENDED FOR
CONSISTENT DESIGN
LEVEL 01

WINDOW RELOCATED FOR
STRUCTURAL PURPOSES.

BOUNDARY

GLASS

RAINWATER CONCRETE
HOB HAS BEEN ADDED

PEGLER AVENUE

48-50 PEGLER AVE

FLOOR LEVEL 02@ 1:200



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Industrial & Marine
 10000 Highway 101
 904-447-8888
 904-447-8899
 904-447-8890
 904-447-8891

ACOUSTIC:
Acoustic Consulting Engineers Pty Ltd
PO Box 1478
PUTNEY NSW 2112
Telephone: +61 (0)2 8500 1760
Facsimile: +61 (0)2 8500 1755
E-Mail: acoustic@acoustic.com.au

GEOTECHNICAL:
Geotechnical Consultants Pty Ltd
PO Box 1478
PUTNEY NSW 2112
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Facsimile: +61 (0)2 8500 1755
E-Mail: geotech@acoustic.com.au



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ARCHITECTS

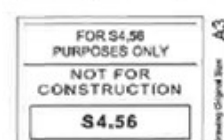
Tel: +92 300 9094201 | E: info@ghazi-arshad.com
A/CN: 8718110348

SARNO, PUNJABI & PARTNERS PAKISTAN
SULLY ROAD KARACHI

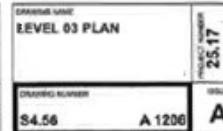
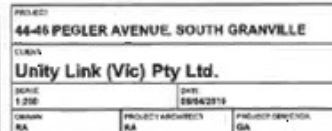
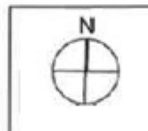
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44-46 PEGLER AVENUE, SOUTH GRANVILLE		
CLIENT		
Unity Link (Vic) Pty Ltd.		
SCALE	DATE	
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DRAWN	PROJECT ARCHITECT	PROJECT DIRECTOR

DRAWING NAME LEVEL 02 PLAN	PROJECT NUMBER 25.17
PROJECTED QUANTITY S4.56 A 1205	ISSUE A

Wall Exhaust fans and downlights: must be sealed

31

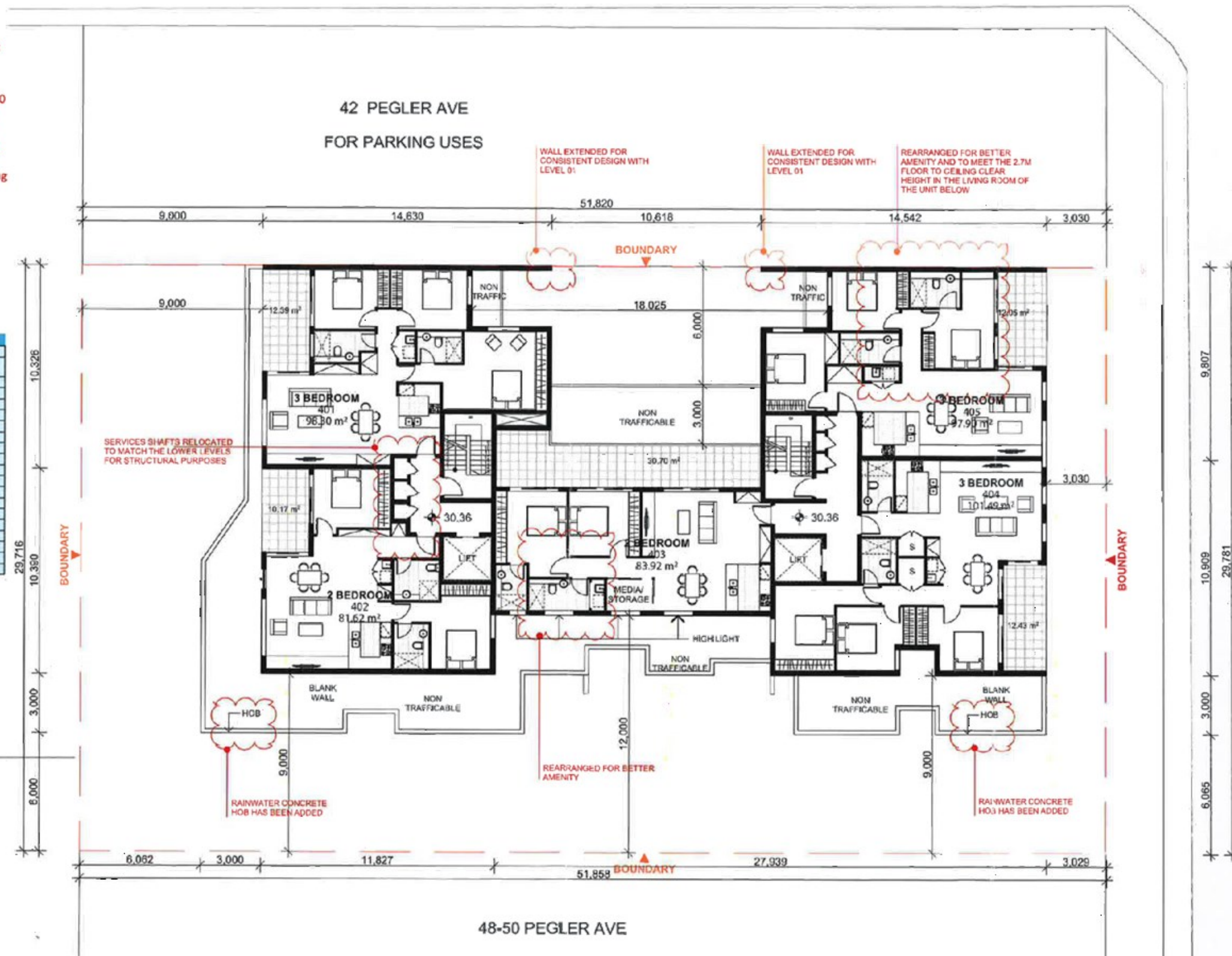
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FLOOR LEVEL 03@ 1:200

External Walls: 75mm hebel: R2.0 insul.: plasterboard lined (medium colour)
Internal Walls:
- Corridor: Plasterboard: 28mm insul.: 75mm hebel: air gap: R1.0 Insul.: plasterboard
- Intertency Wall: plasterboard: 28mm insul.: air gap: 75mm hebel: R1.0 Insul.: plasterboard
- Within Units: plasterboard on studs (no insulation)
Windows: Aluminium SG High Solar Gain Low-E: U = 5.40: SHGC = 0.49
Roof: Concrete slab 150mm - Drained Tile walking surface - no insulation - Susp. Ceiling under (medium colour) - SEE TABLE FOR UNITS REQUIRING INSULATION
Ceiling: Plasterboard + no insulation
Floor: concrete (no insul.) - SEE TABLE FOR UNITS REQUIRING INSULATION
Floor Covering: carpet in beds, ceramic tiles elsewhere
Wall Exhaust fans and downlights: must be sealed

Units	Additional Requirements
101	R1.0 Insulation in floor
102	R1.0 Insulation in floor + External louvers over living room awning window
103	R1.0 Insulation in floor
104	R2.0 Insulation in floor
105	R1.0 Insulation in floor
106	R1.0 Insulation in floor
107	R1.0 Insulation in floor
108	R1.0 Insulation in floor
109	R1.0 Insulation in floor
202	External louvers over living room awning window
304	External louvers over living room awning window
305	R2.0 Insulation in ceiling below concrete tiled walking surface
306	R2.0 Insulation in ceiling below concrete tiled walking surface
307	R2.0 Insulation in ceiling below concrete tiled walking surface
401	R2.0 Insulation in ceiling below concrete tiled walking surface
402	R2.0 Insulation in ceiling below concrete tiled walking surface
403	R2.0 Insulation in ceiling below concrete tiled walking surface
404	R2.0 Insulation in ceiling below concrete tiled walking surface
405	R2.0 Insulation in ceiling below concrete tiled walking surface
406	R2.0 Insulation in ceiling below concrete tiled walking surface



NO. 303

48-50 PEGLER AVE

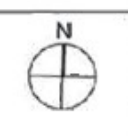
PEGLER AVENUE

FLOOR LEVEL 04@ 1:200

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ARCHITECT
GHAZI AL ALI ARCHITECTS

PROJECT
44-46 PEGLER AVENUE, SOUTH GRANVILLE
CLIENT
Unity Link (Vic) Pty Ltd.
SCALE
1:200
DATE
05/04/2019
PROJECT ARCHITECT
RA
PROJECT DIRECTOR
GA

DRAWING NAME
LEVEL 04 PLAN
DRAWN BY
S4.56
CHECKED BY
A 1207
DATE
25.17
NO.2
A

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Internal Walls:

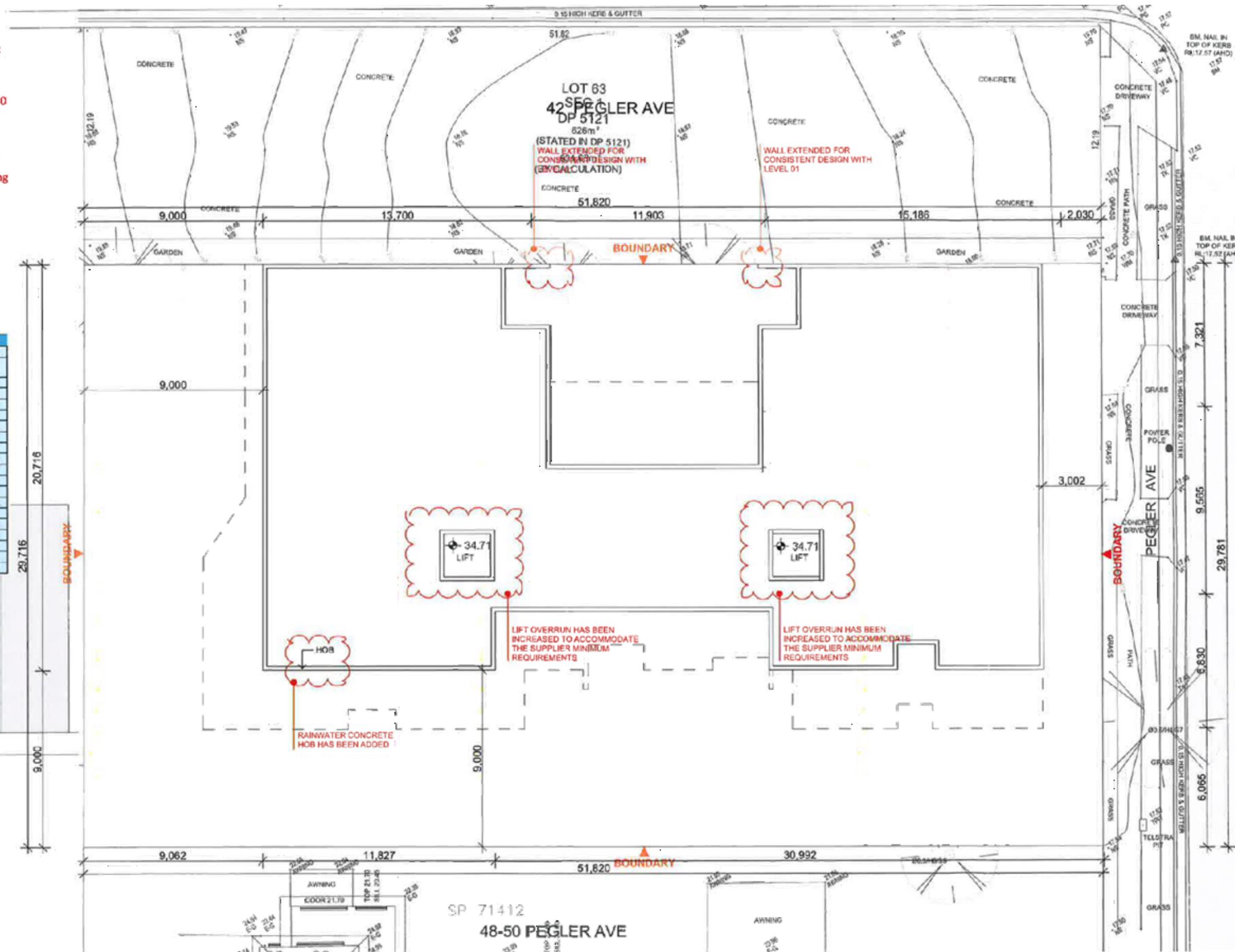
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- Intertency Wall: plasterboard: 28mm insul.: air gap: 75mm hebel: R1.0 insul.: plasterboard
- Within Units: plasterboard on studs (no insulation)

Windows: Aluminium SG High Solar Gain Low-E: U = 5.40: SHGC = 0.49
Roof: Concrete slab 150mm - Drained Tile walking surface - no insulation - Susp. Ceiling under (medium colour) - SEE TABLE FOR UNITS REQUIRING INSULATION
Ceiling: Plasterboard + no insulation
Floor: concrete (no insul.) - SEE TABLE FOR UNITS REQUIRING INSULATION
Floor Covering: carpet in beds, ceramic tiles elsewhere
Wall Exhaust fans and downlights: must be sealed

Units	Additional Requirements
101	R1.0 insulation in floor
102	R1.5 insulation in floor + External louvers over living room awning window
103	R1.0 insulation in floor
104	R2.0 insulation in floor
105	R1.0 insulation in floor
106	R1.0 insulation in floor
107	R1.5 insulation in floor
108	R1.0 insulation in floor
109	R1.5 insulation in floor
202	External louvers over living room awning window
302	External louvers over living room awning window
304	R2.0 insulation in ceiling below concrete tiled walking surface
305	R2.0 insulation in ceiling below concrete tiled walking surface
306	R2.0 insulation in ceiling below concrete tiled walking surface
307	R2.0 insulation in ceiling below concrete tiled walking surface
401	R2.0 insulation in ceiling below concrete tiled walking surface
402	R2.0 insulation in ceiling below concrete tiled walking surface
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NO. 303

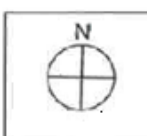


ROOF PLAN

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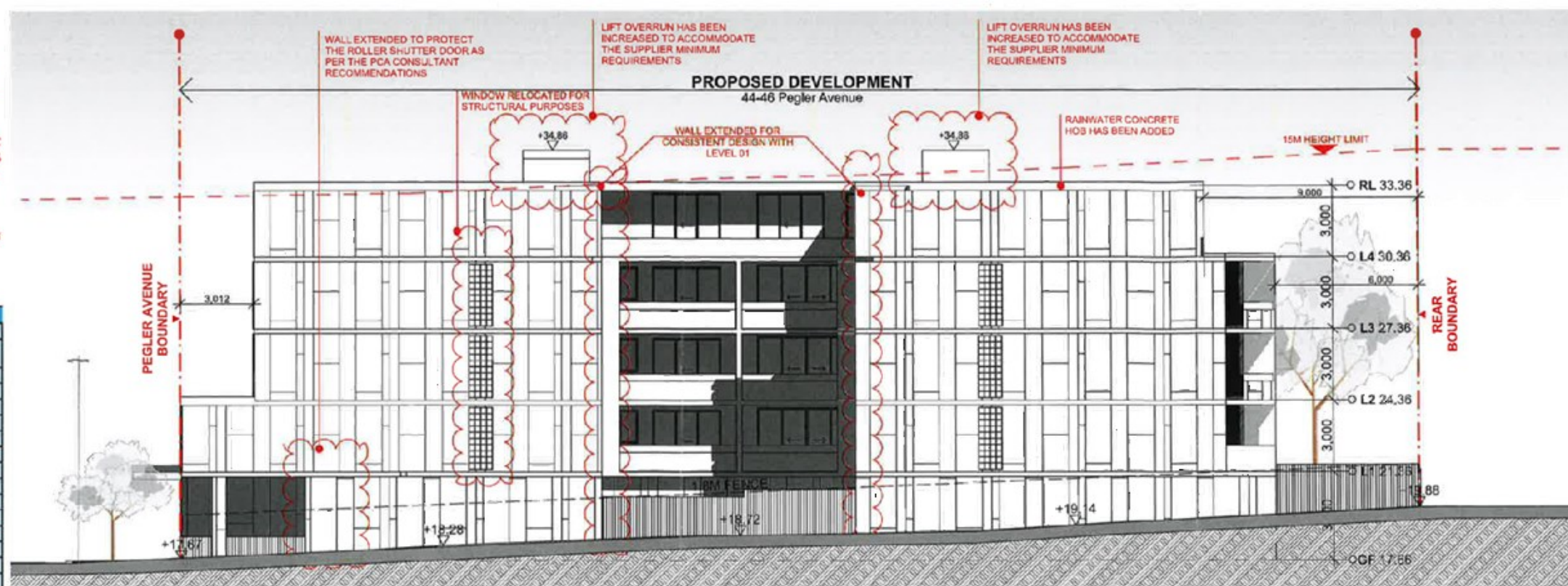
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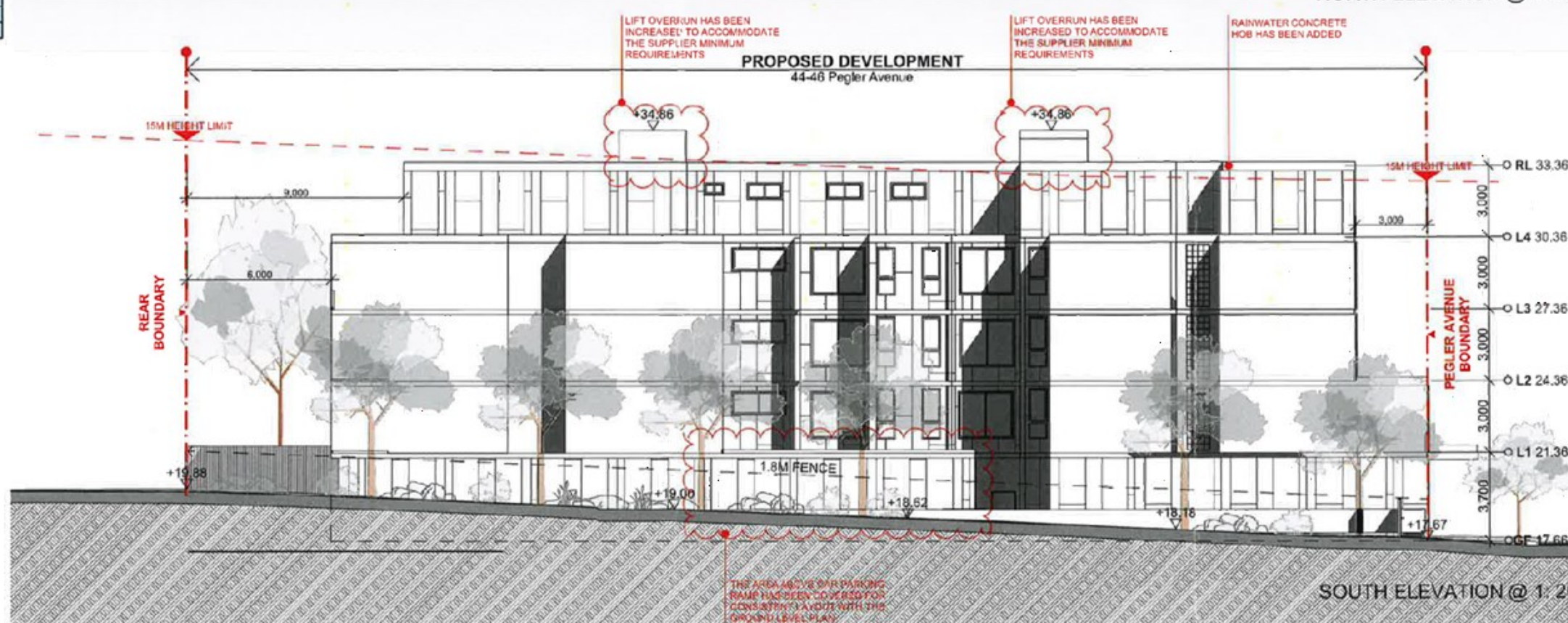
PROJECT NUMBER
S4.56

PROJECT NUMBER
S4.56

Units	Additional Requirements
190	R1.5 insulation in floor
191	R1.5 insulation in floor + Aluminium SG Low Solar Gain Low-E: U = 5.80; SHGC = 0.36
192	R1.0 insulation in floor
193	R1.5 insulation in floor
194	R1.0 insulation in floor
195	R1.0 insulation in floor
196	R1.0 insulation in floor over non-conditioned floor
198	R1.0 insulation in floor over open air
199	R1.5 insulation in floor
201	Aluminium SG Low Solar Gain Low-E: U = 5.80; SHGC = 0.36
391	Aluminium SG Low Solar Gain Low-E: U = 5.80; SHGC = 0.36
392	Aluminium SG Low Solar Gain Low-E: U = 5.80; SHGC = 0.36
394	R2.0 insulation in ceiling below concrete tiled walking surface
490	R2.0 insulation in ceiling
491	R2.0 insulation in ceiling
492	R2.0 insulation in ceiling
493	R2.0 insulation in ceiling
494	R2.0 insulation in ceiling
495	R2.0 insulation in ceiling
496	R2.0 insulation in ceiling



NORTH ELEVATION @ 1: 200



SOUTH ELEVATION @ 1: 200



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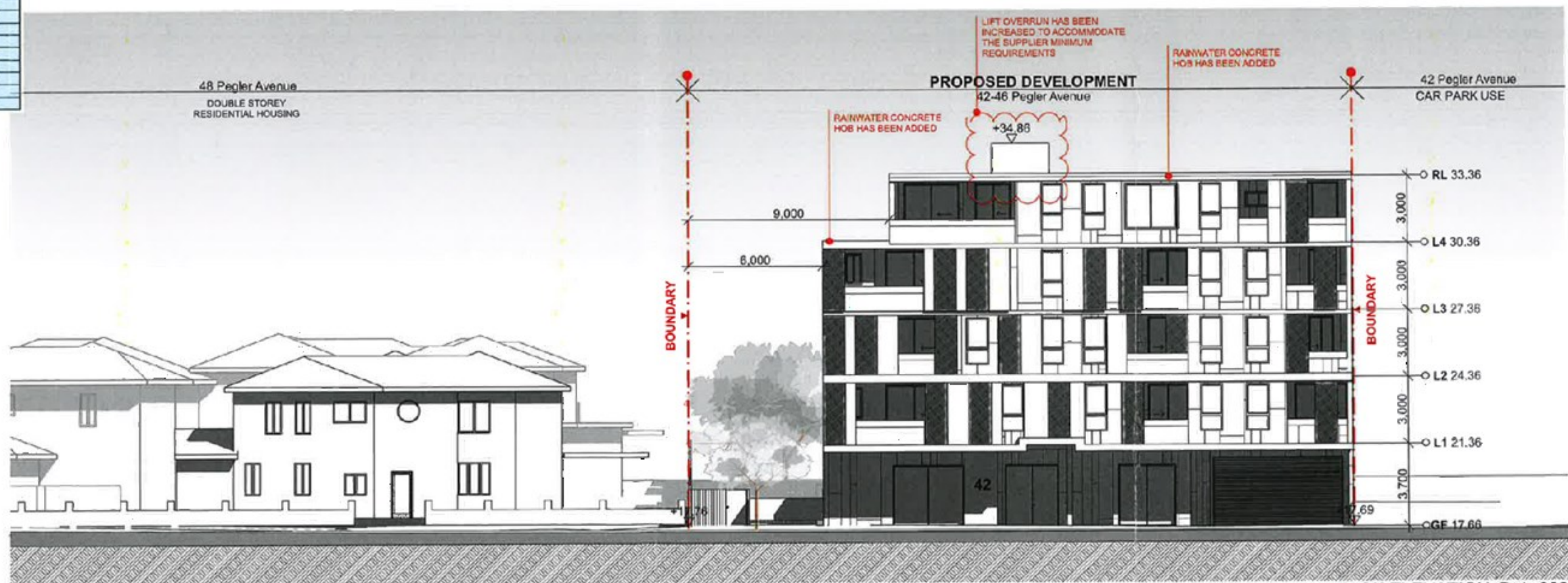
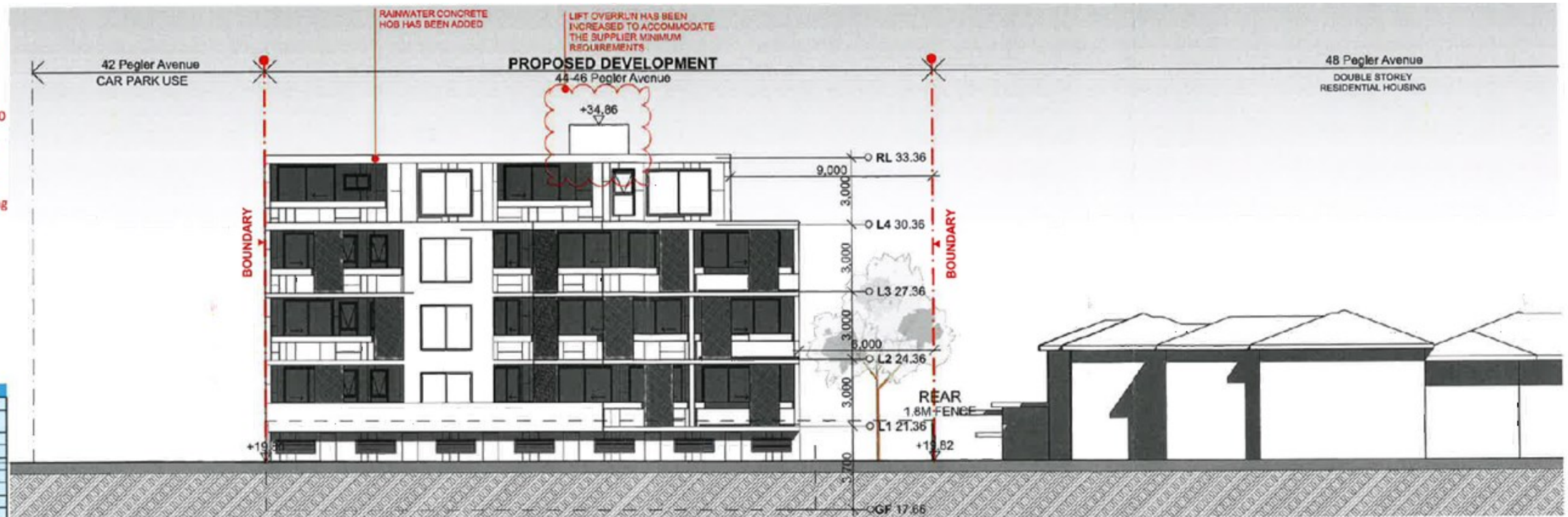
<p>© COPYRIGHT DO NOT SCALE DIMS. USE DIMENSIONS ONLY. REFER ANY DISCREPANCIES TO ARCHITECT PRIOR TO CONSTRUCTION.</p> <p>THESE DRAWINGS ARE SUBJECT TO DISCREPANCY.</p>	<p>N</p> 	<p>ACCESS Access to the site is via the road from the north-east corner of the site. The access is via the road from the north-east corner of the site.</p> <p>TRAFFIC The site is located on a major road. The traffic is heavy and the site is located on a major road.</p> <p>ACCESSION The site is located on a major road. The access is via the road from the north-east corner of the site.</p> <p>HYDRAULIC The site is located on a major road. The access is via the road from the north-east corner of the site.</p> <p>PLANNING The site is located on a major road. The access is via the road from the north-east corner of the site.</p>	<p>ARCHITECT The site is located on a major road. The access is via the road from the north-east corner of the site.</p> <p>GHAZI AL ALI ARCHITECTS The site is located on a major road. The access is via the road from the north-east corner of the site.</p> <p>UNITY LINK (VIC) PTY LTD The site is located on a major road. The access is via the road from the north-east corner of the site.</p>	<p>PROJECT 44-46 PEGLER AVENUE, SOUTH GRANVILLE</p> <p>CLIENT Unity Link (Vic) Pty Ltd</p> <p>DATE 09/04/2019</p> <p>REVISION 1.000</p> <p>PROJECT ARCHITECT PROJECT ARCHITECT</p> <p>PROJECT INVENTOR PROJECT INVENTOR</p>	<p>STRUCTURAL ELEVATIONS</p> <p>25.17</p>
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External Walls: 75mm hebel; R2.0 insul.; plasterboard lined (medium colour)
Internal Walls:

- Corridor: Plasterboard; 28mm insul.; 75mm hebel; air gap: R1.0 insul.; plasterboard
- Intertenancy Wall: plasterboard; 28mm insul.; air gap: 75mm hebel; R1.0 insul.; plasterboard
- Within Units: plasterboard on studs (no insulation)

Windows: Aluminium SG High Solar Gain Low-E; U = 5.40; SHGC = 0.49
Roof: Concrete slab 150mm - Drained Tile walking surface - no insulation - Susp. Ceiling under (medium colour) - SEE TABLE FOR UNITS REQUIRING INSULATION
Ceiling: Plasterboard + no insulation
Floor: concrete (no insul.) - - SEE TABLE FOR UNITS REQUIRING INSULATION
Floor Covering: carpet in beds, ceramic tiles elsewhere
Wall Exhaust fans and downlights: must be sealed

Units	Additional Requirements
101	R1.0 insulation in floor
102	R1.5 insulation in floor + External louvers over living room awning window
103	R1.0 insulation in floor
104	R2.0 insulation in floor
105	R1.0 insulation in floor
106	R1.0 insulation in floor
107	R1.5 insulation in floor
108	R1.0 insulation in floor
109	R1.5 insulation in floor
202	External louvers over living room awning window
302	External louvers over living room awning window
304	R2.0 insulation in ceiling below concrete tiled walking surface
305	R2.0 insulation in ceiling below concrete tiled walking surface
306	R2.0 insulation in ceiling below concrete tiled walking surface
307	R2.0 insulation in ceiling below concrete tiled walking surface
401	R2.0 insulation in ceiling below concrete tiled walking surface
402	R2.0 insulation in ceiling below concrete tiled walking surface
403	R2.0 insulation in ceiling below concrete tiled walking surface
404	R2.0 insulation in ceiling below concrete tiled walking surface
405	R2.0 insulation in ceiling below concrete tiled walking surface



SCALE 1:200 @ A3
0 1 2 5 10M

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ARCHITECT:

PROJECT: 44-46 PEGLER AVENUE, SOUTH GRANVILLE
CLIENT: Unity Link (Vic) Pty Ltd.
SCALE: 1:200
DATE: 05/04/2019
DRAWN BY: RA
PROJECT DIRECTOR: GA

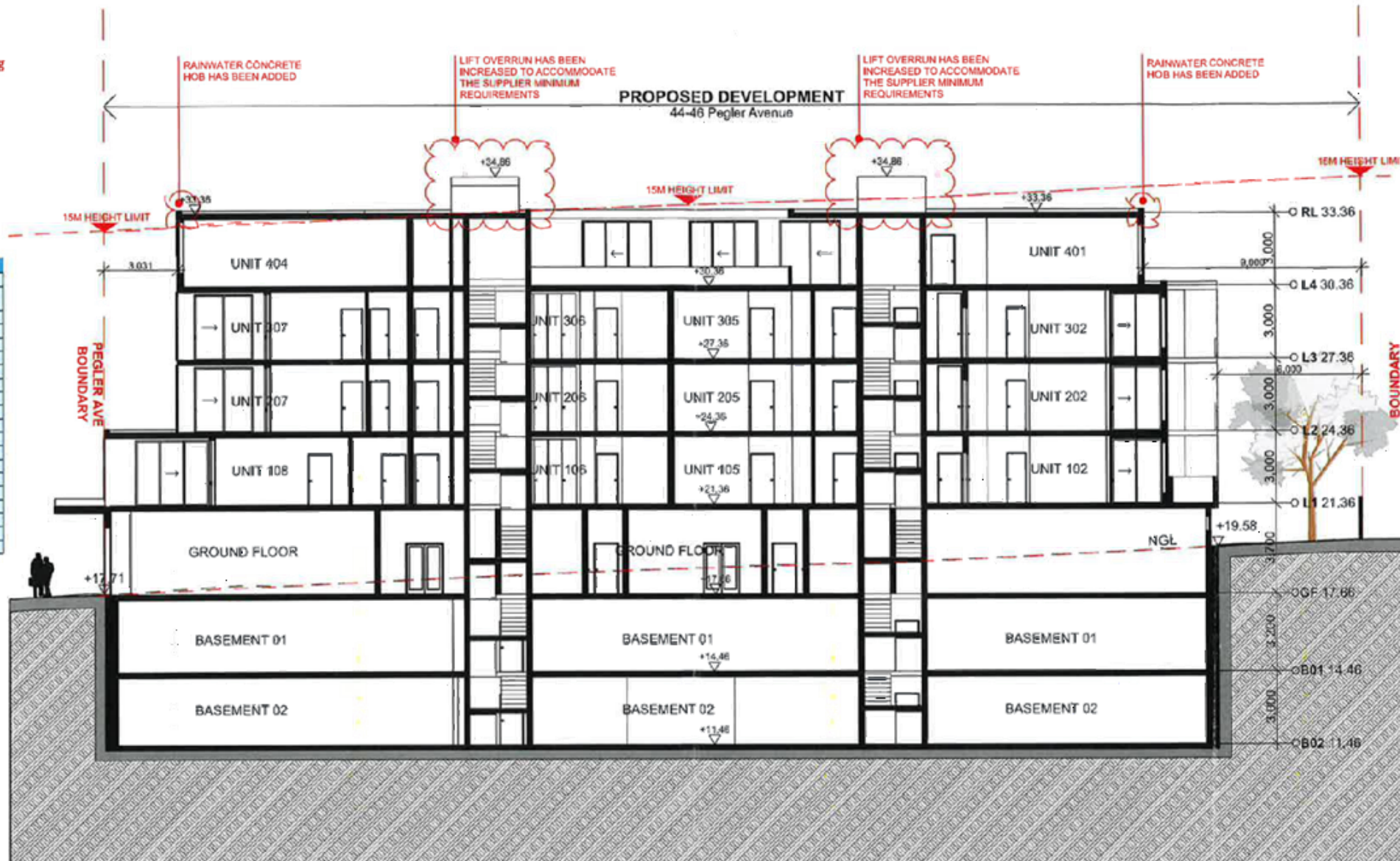
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SHEET NUMBER: S4.56
A 1302
A

External Walls: 75mm hebel: R2.0 insul.: plasterboard lined (medium colour)
Internal Walls:

- Corridor: Plasterboard: 28mm insul.: 75mm hebel: air gap: R1.0 Insul.: plasterboard
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Units	Additional Requirements
101	R1.0 insulation in floor
102	R1.5 insulation in floor + External louvres over living room awning window
103	R1.0 insulation in floor
104	R2.0 insulation in floor
105	R1.0 insulation in floor
106	R1.0 insulation in floor
107	R1.5 insulation in floor
108	R1.0 insulation in floor
109	R1.5 insulation in floor
202	External louvres over living room awning window
302	External louvres over living room awning window
304	R2.0 insulation in ceiling below concrete tiled walking surface
305	R2.0 insulation in ceiling below concrete tiled walking surface
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307	R2.0 insulation in ceiling below concrete tiled walking surface
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402	R2.0 insulation in ceiling below concrete tiled walking surface
403	R2.0 insulation in ceiling below concrete tiled walking surface
404	R2.0 insulation in ceiling below concrete tiled walking surface
405	R2.0 insulation in ceiling below concrete tiled walking surface



SECTION AA @ 1:200



SCALE 1:200 @ A3
0 1 2 5 10M

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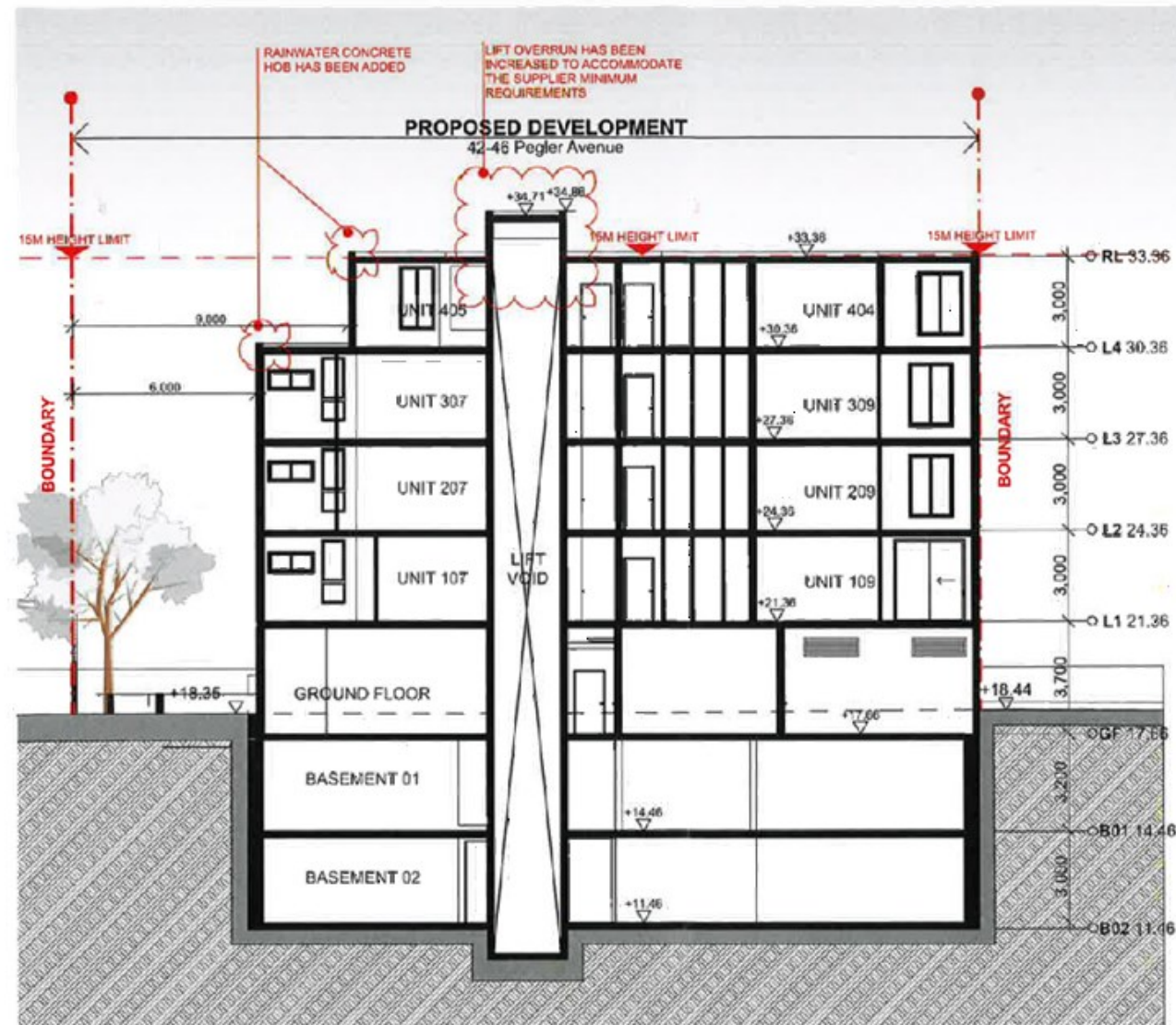
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External Walls: 75mm hebel: R2.0 insul.: plasterboard lined (medium colour)
Internal Walls:
- Corridor: Plasterboard: 28mm insul.: 75mm hebel: air gap: R1.0 insul.: plasterboard
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Floor: concrete (no insul.) - SEE TABLE FOR UNITS REQUIRING INSULATION
Floor Covering: carpet in beds, ceramic tiles elsewhere
Wall Exhaust fans and downlights: must be sealed

Units	Additional Requirements
161	R1.0 insulation in floor
162	R1.5 insulation in floor + External louvers over living room awning window
163	R1.0 insulation in floor
164	R2.0 insulation in floor
165	R1.0 insulation in floor
166	R1.0 insulation in floor
167	R1.5 insulation in floor
168	R1.0 insulation in floor
169	R1.5 insulation in floor
262	External louvers over living room awning window
362	External louvers over living room awning window
364	R2.0 insulation in ceiling below concrete tiled walking surface
365	R2.0 insulation in ceiling below concrete tiled walking surface
366	R2.0 insulation in ceiling below concrete tiled walking surface
367	R2.0 insulation in ceiling below concrete tiled walking surface
461	R2.0 insulation in ceiling below concrete tiled walking surface
462	R2.0 insulation in ceiling below concrete tiled walking surface
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464	R2.0 insulation in ceiling below concrete tiled walking surface
465	R2.0 insulation in ceiling below concrete tiled walking surface



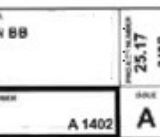
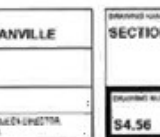
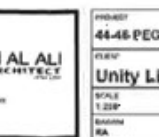
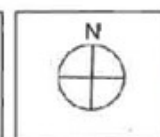
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DOCUMENTS
ASSOCIATED WITH
REPORT LPP081/19

Attachment 3
Variation To Height of Buildings
Statement

Justification for Height Variation

Modification Application 454/2017/B

44-46 Pegler Ave, South Granville NSW 2142

OCTOBER 2019

SUBMITTED TO
CUMBERLAND COUNCIL

PREPARED FOR
UNITY LINK (VIC) PTY LTD

PREPARED BY



Morphology Design Associates Pty Ltd.
ABN 12 620 205 852
P: (02) 9744 7035
E: office@ghazia.com
Suite 2, Level 2, 14 Railway Parade Burwood NSW 2134

Table of Contents

1. Introduction	1
2. Approved Variation under DA 454/2017	1
3. Proposed Variation under Modification Application 454/2017/B	2
4. Justification	2
1) Unreasonable and unnecessary strict compliance	2
2) Sufficient environmental planning grounds	4
3) Consistency with objectives of the development standard	5
4) Consistency with the objectives of the zone.....	6
5. Conclusion	7

1. Introduction

This report is providing justification for variation sought to building height to accompany the subject Modification Application 454/2017/B lodged on 22 August 2019 to Cumberland Council for 44-46 Pegler Ave, South Granville:

The proposed modification has been illustrated on the Architectural Plan Issue A, dated 05/04/2019, Project No. 25.17, prepared by Ghazi Al Ali Architect Pty Ltd.

2. Approved Variation under DA 454/2017

The modification application seeks to amend the development consent granted for the Development Application DA 454/2017 under case number 2018/00060530 by the NSW Land and Environment Court under the provision of the Environmental Planning and Assessment Act 1979 dated 09 July 2018, which granted the following:

"Development application DA 454/2017 lodged on 2 November 2017 seeking approval for the demolition of all existing structures, removal of trees and the construction of a five (5) storey mixed use development encompassing two retail tenancies on the ground floor with four (4) levels of residential use above, over two levels of basement car parking is approved to the conditions in Annexure A"

The development consent has been granted with 800mm variation to building height development standard, which is a percentage variation of 5.3%. The highest RL at the top of the lift overrun is RL 34.16.



Figure 1. Section AA showing extent of **approved** height exceedance
(Architectural Plan Issue C, A1401 Sections AA, dated 12/06/2018)

3. Proposed Variation under Modification Application 454/2017/B

In the proposed modification plans, the highest RL at the top of the lift overrun is RL 34.86. An additional 700mm height exceedance has been sought, which equals a total of 1500mm variation to building height development standard, and is a percentage variation of 10%.

Approved plans under DA-454/2017	Proposed modification plans under Modification Application 454/2017/B
Roof Slab RL 33.36	Roof Slab RL 33.36 Same as approved
Lift Overrun RL 34.16 800mm above 15m height limit (5.3% variation)	Loft Overrun RL 34.86 1500mm above 15m height limit (10% variation)

The changes made to the extent of height variation is indicated in the table above.

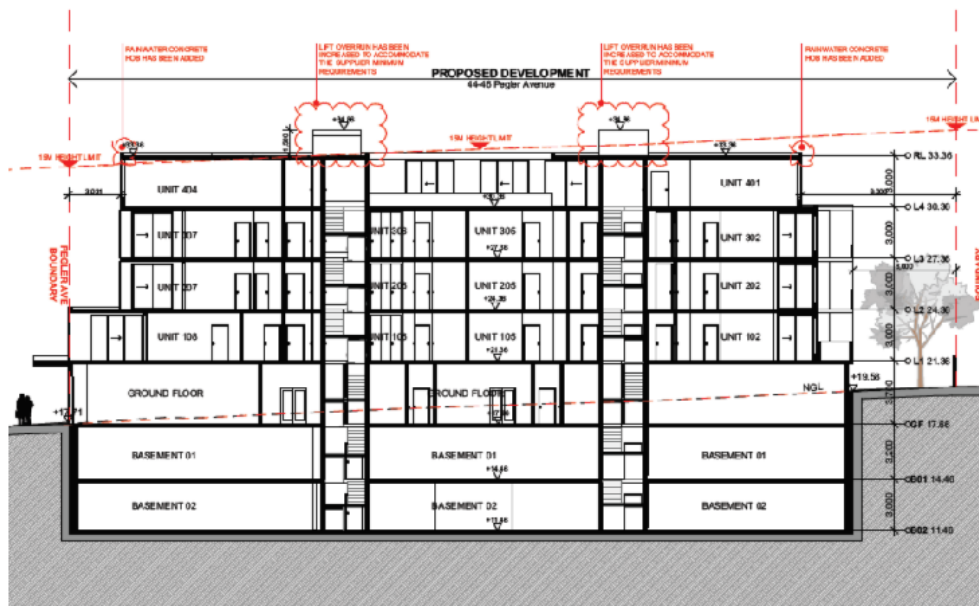


Figure 2. Section AA showing extent of **modified** height exceedance
(Architectural Plan Issue A, A1401 Sections AA, dated 05/04/2019)

4. Justification

1) Unreasonable and unnecessary strict compliance

The development seeks to depart from the height control noting that the proposal remains consistent with the objectives of the clause and is a more appropriate outcome on the site because of the following.

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

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

- (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,*
- (f) *to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.*

In *Wehbe v Pittwater Council* [2007] NSWLEC 827 Preston CJ comprehensively established five potential tests for determining whether strict compliance with a development standard is unreasonable or unnecessary.

These are examined below:

The Five Part Test (<i>Wehbe</i>)		
Part	Test	Discussion
1	the objectives of the standard are achieved notwithstanding noncompliance with the standard;	The objectives of the development standard are achieved notwithstanding the non-compliance with the numerical control in the standard. The proposal presents a suitable scale of development relative to surrounding development and future development within the locality given the provisions of the Parramatta LEP 2011. The proposed development will permit the site to develop to its full zoning potential.
2	the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;	The objectives of the standard are relevant to the proposal and an assessment of consistency is provided above. It is considered that the objectives of the standard have been met and therefore strict compliance is unnecessary.
3	the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;	Strict numerical compliance with the building height would result in the removal of the fifth storey and a consequential four-storey development given the provision of universal lift access. Arguably this compliant development would tend to thwart the objective (a) and (f) in particular and result in a lower but potentially bulkier dominating development given the same development density.
4	the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents	The original consent under DA-454/2017 has been granted with the 800mm departure from the development standard.

	departing from the standard and hence compliance with the standard is unnecessary and unreasonable;	
5	the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.	The zoning of the land is considered appropriate and reasonable. Therefore, this part of the test is not applicable.

In *Wehbe* Preston CJ states:

The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard...

The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective, strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).

Flexibility should be applied to this variation because the objectives of the maximum height development standard are achieved notwithstanding the non-compliance with the numerical control in the standard.

2) Sufficient environmental planning grounds

The discussion below demonstrates that there are sufficient environmental planning grounds to justify the departure from the control:

Nil Change to the Actual Building Height

The proposed modification will have zero impact on the actual height of the building. The additional height is only limited to the lift overrun given the realistic and functional specifications. The roof level remains the same as approved under DA-454/2017 being RL 33.36. The lift cores are located centrally, setback from street boundaries and other properties. Therefore, the additional height in lift overrun are unlikely to be discernible from the public domain and would not result in discernible additional overshadowing.

Practical Construction of the Building

The modification proposed is to facilitate the construction phase of the development. Given the lift specification provided by Schindler, the required clearance is 4100mm above the finished floor level for the lift to be used on this building. The proposed 1500mm exceedance will enable a total of 4500mm height for the lift overrun, including the finish above structural slab, lift clearance, structural slab and rainwater hob on top. Please refer to "Builder Work/Layout", Revision B, dated 22/02/2019, provided by Schindler Lifts Australia Pty Ltd.

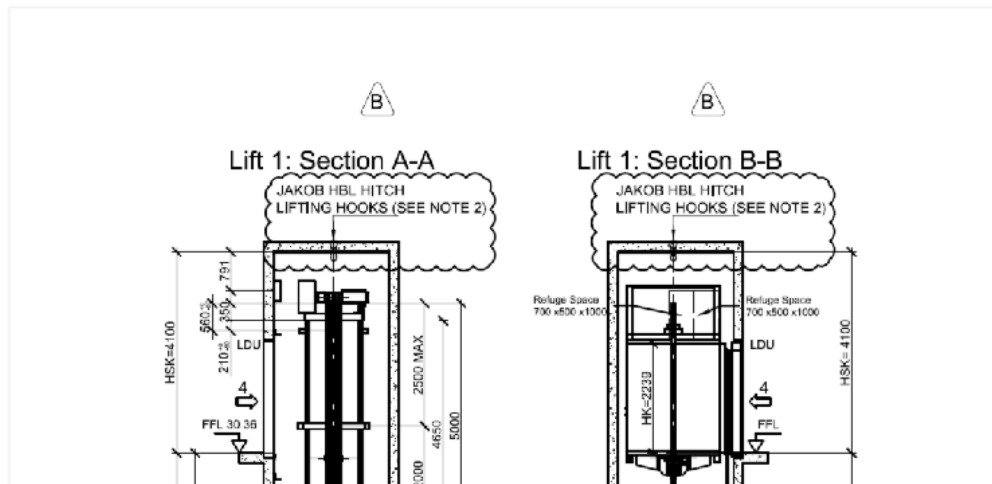


Figure 3. Extract of Schindler lift specification

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.

3) Consistency with objectives of the development standard

The table below demonstrates how the proposed development satisfies the objectives of Clause 4.3 of the Parramatta LEP 2011, although the numerical non-compliance with height standard exists.

Clause	Objectives	Justification
4.3	Height of buildings	
(a)	(a) to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,	The proposed additional 700mm increase in lift core will not affect the transition of the approved mixed-use development with existing and future land use on the adjoining B1 neighbourhood centre and R4 high density residential zones.
(b)	(b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,	The proposed additional 700mm increase in lift core will have negligible impact on overshadowing and will be unlikely to be discernible from the public domain.
	(c) to require the height of future buildings to have regard to heritage sites and their settings,	Not applicable to this application
	(d) to ensure the preservation of historic views,	Not applicable to this application

	(e) to reinforce and respect the existing character and scale of low-density residential areas,	As the surrounding is zoned B1 neighbourhood centre and R4 high density residential, the envisaged character and scale is high density. Therefore, it is not applicable to this application
	(f) to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.	The setbacks remain the same as approved, which will continue to provide towers with sufficient separation for residential amenity.

The proposal has improved the land utilisation of B1 Neighbourhood Centre zoned land in South Granville, comparing to existing situation as being left as underdeveloped dwelling houses.

The proposed development contributes to additional housing supply in B1 Neighbourhood Centre zone to meet the growing population in Cumberland local governmental area and the wider Sydney metropolitan area.

The thoughtfully-designed and well-articulated built form of the proposed development is of good input into the redevelopment of the locality.

4) Consistency with the objectives of the zone

The table below demonstrates how the proposed development consistent with the objectives of zone B1 Neighbourhood Centre under Parramatta LEP 2011.

2.3	Zone B1 – Neighbourhood Centre	
	To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood	The proposal is consistent with the Zone B1 objectives as it provides retail/business premises on a site within proximity to essential services, public transportation and recreation opportunities in William Lamb Park. The proposal will be capable of providing a range of small-scale retail or business use along with a diverse housing mix to serve the needs of the community.

5. Conclusion

The modification application is to amend the approved mixed-use development at 44-46 Pegler Avenue, South Granville. An exception is sought to the maximum permissible height limit specified under Parramatta Local Environmental Plan 2011.

The proposed maximum variation to the development standard is 1500mm (10% of 15m height limit) at the lift overrun. It is acknowledged that the non-compliant elements do not generate unacceptable adverse environmental impacts. The above assessment finds that the variation will not result in unreasonable environmental impacts. Strict compliance with the height standard is unnecessary and unreasonable as the proposed modified development will continue be consistent with the objectives of the development standard.

There is nil change to the actual building given the roof level remains as approved. The only increase in height is for the practical provision of lift cores given the technical specification from Schindler Lifts Australia Pty Ltd.

With the variation of height, the proposed development is capable to deliver the lift access during construction and operation. The modified proposal will continue to be consistent with relevant objectives of both the Height of Building standard and the B1 Neighbourhood Centre zone. Therefore, the exception sought is in line with public interest.

For the above reasons, this justification presented for the building height variation and is worthy of council's support.

DOCUMENTS
ASSOCIATED WITH
REPORT LPP081/19

Attachment 4

Appendix 1- State Environmental
Planning Policy

Appendix 1

1 - State Environmental Planning Policy 65 "Design Guidelines for Residential Apartment Development"

Requirement	Yes	No	N/A	Comment
2 Aims, objectives etc				
(1) This Policy aims to improve the design quality of residential flat development in New South Wales.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The approved and now modified development would contribute to the availability of housing stock within an area that is close to the Dellwood neighbourhood shopping centre.</p> <p>The planning controls allow this form of development and the height and floor space ratio is generally within expectations of the local planning instruments.</p>
(2) This Policy recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high quality design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(3) Improving the design quality of residential flat development aims:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(a) to ensure that it contributes to the sustainable development of New South Wales:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(i) by providing sustainable housing in social and environmental terms, and				
(ii) by being a long-term asset to its neighbourhood, and				
(iii) by achieving the urban planning policies for its regional and local contexts, and				
(b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(f) to contribute to the provision of a variety of dwelling types to meet population growth, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(g) to support housing affordability, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2(4) This Policy aims to provide:				
(a) consistency of policy and mechanisms across the State, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(b) a framework for local and regional planning to achieve identified outcomes for specific places.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
28 Determination of development applications				
(1) After receipt of a development application for consent to carry out development to which this Policy applies (other than State significant development) and before it determines the application, the consent authority is to refer the application to the relevant design review panel (if any) for advice concerning the design quality of the development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Clause 28 will not apply to the modification application.
(2) In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration): (a) the advice (if any) obtained from the design review panel, and (b) the design quality of the development when evaluated in accordance with the design quality principles, and (c) the Apartment Design Guide.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) However, if the relevant design review panel fails to inform the consent authority of its advice concerning the design quality of the development to which this Policy applies within 14 days after its first meeting to deal with the application concerned, the consent authority may determine the development application without considering any such advice and a development consent so granted is not voidable on that ground.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) The 14 day period referred to in subclause (3) does not increase or otherwise affect the period within which a development application is required to be determined by a consent authority.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) A consent authority is not required to obtain the advice of a relevant design review panel under subclause (1) if an architectural design competition that is consistent with the Design Excellence Guidelines has been held in relation to the proposed development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
29 Determination of applications for development consent modifications				
(1) This clause applies if a consent authority is required by clause 115 (3A) of the Environmental Planning and Assessment Regulation 2000 to refer an application for the modification of development consent (other than in relation to State significant development) to a relevant design review panel (if any) for advice as to whether the modifications diminish or detract from the design quality, or compromise the design intent, of the development for which the consent was granted.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>A design review panel has been established however Council officers are only required to refer developments to the panel if they exceed 25 metres in height.</p> <p>The approved and now modified development has a maximum height of 16.5 metres above the natural ground level. As such, referral to the panel is not required.</p>
<p>(2) In determining an application to which this clause applies, the consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):</p> <p>(a) the advice (if any) obtained from the design review panel, and</p> <p>(b) the design quality of the development (as modified) when evaluated in accordance with the design quality principles, and</p> <p>(c) the Apartment Design Guide.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) However, if the relevant design review panel fails to inform the consent authority of its advice within 14 days after its first meeting to deal with the application concerned, the consent authority may determine the application without considering any such advice and a modification of consent so granted is not voidable on that ground.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) The 14-day period referred to in subclause (3) does not increase or otherwise affect the period within which an application for the modification of development consent is required to be determined by a consent authority.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
<p>30 Standards that cannot be used as grounds to refuse development consent or modification of development consent</p> <p>(1) If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters:</p> <p>(a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,</p> <p>(b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,</p> <p>(c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.</p> <p>Note. The <i>Building Code of Australia</i> specifies minimum ceiling heights for residential flat buildings.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>There is adequate car parking to support the development and number of apartments that are proposed.</p> <p>The development provides for 54 car parking spaces (47 for residential and visitor use). The minimum number of residential and visitor spaces identified is 47 spaces. The development provides adequate car parking numbers as per the Apartment Design Guide.</p> <p>The apartments are found to comply with the minimum size areas specified by the Apartment Design Guide.</p> <p>The floor to ceiling height of the apartments are compliant with the Guidelines.</p>
<p>(2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to:</p> <p>(a) the design quality principles, and</p> <p>(b) the objectives specified in the Apartment Design Guide for the relevant design criteria.</p> <p>(3) To remove doubt:</p> <p>(a) subclause (1) does not prevent a consent authority from refusing an application in relation to a matter not specified in subclause (1), including on the basis of subclause (2), and</p> <p>(b) the design criteria specified in subclause (1) are standards to which clause 79C (2) of the Act applies.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>This is noted.</p>
Part 2 Design quality principles				

Requirement	Yes	No	N/A	Comment
Principle 1: Context and neighbourhood character Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is situated within or adjacent to the Dellwood shops neighbourhood centre. The Dellwood neighbourhood shopping centre is a small centre comprising a row of ground level shops facing Dellwood Street with flats above and a medical centre situated at 299 to 301 Blaxcell Street with car parking situated at 42 Pegler Avenue. The planning controls allows for an expansion of the neighbourhood centre across adjacent allotments. The area is dominated by a mixture of land uses including commercial and residential uses. The planning controls allow this form of development and the height and floor space ratio is generally within expectations of the local planning instruments.
Principle 2: Built form and Scale Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Generally, the design and appearance of the building is not changing. There is a change to the type of cladding proposed for the external walls however the change is acceptable.

Requirement	Yes	No	N/A	Comment
Principle 3: Density Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The floor space ratio for the whole development is calculated at 1.89:1. A maximum floor space ratio of 2:1 has been established for the site under the Parramatta Local Environmental Plan. The specifics of the development are:- <ul style="list-style-type: none"> • 3 x studio apartments. • 3 x 1 bedroom apartments. • 22 x 2 bedroom apartments. • 4 x 3 bedroom apartments. Of those, there are 4 adaptable apartments out of a total of 32 apartments. The studio apartments have areas of 38.26 square metres. The single bedroom apartments have areas of 50.6 square metres. The two bedroom apartments range from 75 to 100.6 square metres. The three bedroom apartments occupy areas of 95.1 to 101 square metres.
Principle 4: Sustainability Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development meets the targets established by the BASIX Certificate. Suitable floor to ceiling heights for the apartments are provided with minimum floor to ceiling heights of 2.7 metres being provided for the apartments. The site is located on the edge of the Dellwood neighbourhood shopping centre. A bus stop is provided to the locality but given the size of the centre, motor vehicle use would not be expected to be reduced.

Requirement	Yes	No	N/A	Comment
Principle 5: Landscape <p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Common open space occupies 385.5 square metres of the site and of that, 127.2 square metres (8.26%) is deep soil zone .</p> <p>The amount of common open space landscaping is limited to the southern and western portions of the site. It is identified that an adequate area of landscaping is provided to the site.</p>
Principle 6: Amenity <p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>A range of apartment sizes are proposed within the development, all of which have satisfactory solar access, aspect and natural ventilation in conjunction with appropriate floor to ceiling heights.</p> <p>The site is provided with the relevant services including storage areas, mail boxes, garbage room and a common area. A common area is situated at the southern and western sides of the site and features seating and a BBQ facility to encourage its use.</p> <p>The apartments have suitably sized outdoor balcony areas.</p> <p>The development is considered to provide an appropriate level of amenity for future residents.</p>
Principle 7: Safety <p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>External areas to the site and street views are overseen by the orientation of external balconies and or windows creating casual surveillance opportunities for the locality.</p> <p>Private open spaces such as terraces and balconies are clearly defined and screened where appropriate.</p> <p>The main pedestrian entrance is facing Pegler Avenue but secured via a door a fence and gate.</p> <p>Safety is achieved by separating the pedestrian path from the vehicular driveway.</p> <p>Dark unlit areas and entrapment areas within the basement have been avoided or minimised.</p>

Requirement	Yes	No	N/A	Comment
Principal 8: Housing diversity and social interaction Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	It is considered that this is achieved. The development achieves the following:- <ul style="list-style-type: none"> • 3 x studio apartments. • 3 x 1 bedroom apartments. • 22 x 2 bedroom apartments. • 4 x 3 bedroom apartments. Of those there are 4 adaptable apartments provided. Apartments have adequate sizes for furniture layout.
Principal 9: Aesthetics Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development has been suitably treated and includes appropriate finishes. A combination of building materials will be used such as masonry, glass and steel. Building materials to be used include Bronze and Grey painted rough render, Equitone Vitrabond G2 cladding, frosted glass balustrades, locker steel perforated panel and Iron bark battens. A flat roof form is proposed. Note:- The building materials approved at the Section 34 Conference and Agreement are generally retained except for the type of cladding panels to be used.

DOCUMENTS
ASSOCIATED WITH
REPORT LPP081/19

Attachment 5
Appendix 2- Apartment Design
Guide

Appendix 2 - Apartment Design Guide

Requirement	Yes	No	NA	Comment
Part 3B - Orientation				
3B-1 Design Guidance Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There is direct pedestrian and vehicle access to the street.
Where the street frontage is to the east or west, rear buildings should be orientated to the north.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The building has an east to west axis generally consistent with the axis of the allotment.
Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3B-2 Design Guidance Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All the apartments within the development will receive adequate solar and daylight access at the winter solstice.
Solar access to living rooms, balconies and private open spaces of neighbours should be considered.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The shadows generated by the development will not increase as a result of the changes made. The shadows were determined as being satisfactory during the Court proceedings of 2018.
Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The approved development is setback 6 metres from the southern property boundary (Ground to Level 3) and 9 to 12 metres for the top floor (Level 4) which reduces the shadow impact towards the south. There are no changes to setbacks or to the height of the building except for the lift over runs. The lift over runs do not contribute to shadowing because the shadow impact created by the over runs fall across the roof of the building.
If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Overshadowing should be minimised to the south or downhill by increased upper level setbacks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This will be achieved to the townhouse development situated at 48 to 50 Pegler Avenue to the south.
Part 3C - Public domain interface				
3C-1 Design Guidance Terraces, balconies and courtyard apartments should have direct street entry where appropriate.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This will not apply to the development.
Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no apartments at grade.

Upper level balconies and windows should overlook the public domain.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Compliance is achieved.
Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A fence and two gates are provided for the southern part of the development between the property boundary and building.
Length of solid walls should be limited along street frontages.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Solid walls are limited in extent along the street frontage.
In developments with multiple buildings and/or entries, pedestrian entries and spaces associated with individual buildings/entries should be differentiated to improve legibility for residents, using a number of the following design solutions:-				
<ul style="list-style-type: none"> architectural detailing. changes in materials. plant species. colours. 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	This is a single building with one pedestrian entry. The suggestions at this part are generally not required.
Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This is achieved especially within the common areas where BBQ facilities and seating is provided.
Opportunities for people to be concealed should be minimised.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3C-2 Design Guidance				
Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Planting is provided towards the southern and western parts of the site.
Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mail boxes for the building is situated at the main pedestrian entry facing Pegler Avenue.
The visual prominence of underground car park vents should be minimised and located at a low level where possible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The basement car park is barely seen or not identifiable from the street.
Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The services and critical access points to the building are located within the ground floor car park level but at the rear of the commercial tenancies.
Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Durable, graffiti resistant and easily cleanable materials should be used.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Where development adjoins public parks, open space or bushland, the design positively addresses this interface and uses a number of the following design solutions:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> street access, pedestrian paths and building entries which are clearly defined. paths, low fences and planting that clearly delineate between 	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	The development does not adjoin a public park, open space or bushland.

<p>communal/private open space and the adjoining public open space.</p> <ul style="list-style-type: none"> minimal use of blank walls, fences and ground level parking. <p>On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The basement level car park (Level 01 and 02) does not protrude above the natural ground level.</p> <p>There is at grade car parking provided on site but situated at the rear of the shops and enclosed within the building. The car park arrangements are approved and no change is proposed.</p>
Part 3D - Communal and public open space				
<p>3D-1 Design Criteria</p> <p>Communal open space has a minimum area equal to 25% of the site (see figure 3D.3).</p> <p>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).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The common open space occupies 385.5 square metres of the site which equates to 25.5% of the site. This includes hard paved surfaces and landscaped areas. The common space is located within the southern and western portions of the site.</p> <p>The western portion of the site or the common area will receive sunlight from 11.30 am to approximately 2 pm. There is no change to the approval given. The western open space area occupies 180.8 square metres or 46.9% of the total area of common space on site.</p>
<p>3D-1 Design Criteria</p> <p>Communal open space should be consolidated into a well-designed, easily identified and usable area.</p> <p>Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions.</p> <p>Communal open space should be co-located with deep soil areas.</p> <p>Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies.</p> <p>Where communal open space cannot be provided at ground level, it should be provided on a podium or roof.</p> <p>Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should:</p> <ul style="list-style-type: none"> provide communal spaces elsewhere such as a landscaped roof top terrace or a common room. provide larger balconies or increased private open space for apartments. demonstrate good proximity to public open space and facilities and/or provide contributions to public open space. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The common area has dimensions exceeding 3 metres and the common area at grade is co-located with a deep soil zone.</p>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<p>3D-2 Design Guidance Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements:</p> <ul style="list-style-type: none"> • seating for individuals or groups. • barbecue areas. • play equipment or play areas. • swimming pools, gyms, tennis courts or common rooms. <p>The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts.</p> <p>Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks.</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>The common area features seating and a BBQ area.</p>						
<p>3D-3 Design Guidance Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include:-</p> <ul style="list-style-type: none"> • Bay windows. • Corner windows. • Balconies. <p>Communal open space should be well lit.</p> <p>Where communal open space / facilities are provided for children and young children they are safe and contained.</p>	<input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The common area is visible from the living areas of four apartments on level one. There are other living areas facing the common area across Levels 2 to 4 but residents would need to view the common area from the balconies.</p>						
<p>3D-4 Design Guidance The public open space should be well connected with public streets along at least one edge.</p> <p>The public open space should be connected with nearby parks and other landscape elements.</p> <p>Public open space should be linked through view lines, pedestrian desire paths, termination points and the wider street grid.</p> <p>Solar access should be provided year round along with protection from strong winds.</p> <p>A positive address and active frontages should be provided adjacent to public open space.</p> <p>Boundaries should be clearly defined between public open space and private areas.</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<p>There is no public open space provided within the development.</p>						
<p>Part 3E1 - Deep soil zones</p>										
<p>3E-1 Design criteria Deep soil zones are to meet the following minimum requirements:</p> <table border="1" data-bbox="279 1803 715 1872"> <thead> <tr> <th>Site Area</th> <th>Dimensions</th> <th>Deep Soil</th> </tr> </thead> <tbody> <tr> <td>Less than 650m²</td> <td></td> <td>7%</td> </tr> </tbody> </table>	Site Area	Dimensions	Deep Soil	Less than 650m ²		7%				
Site Area	Dimensions	Deep Soil								
Less than 650m ²		7%								

[illegible]

Over 25m (9 + storeys)	12m	6m				
Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The building is 5 storeys high. The separation distance between the ground level and Level 3 of the building and the townhouse development to the south is 6 metres to the fence and another 3 metres to the building for a total of 9 metres. This increases to 9 to 12 metres for the top storey (Level 4).
Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The setback to the rear boundary is 6 metres for the Ground Level, Level 1, 2 and 3 which increases to 9 metres for the top level.</p> <p>The setback to the northern boundary ranges from "Nil" metres to 6 metres for the Ground Level, Level 1, 2 and 3 and Nil metres to 9 metres for the top level.</p> <p>It becomes difficult to provide suitable setbacks along the northern and western property boundaries because the sites are occupied by a medical centre and a car park. At the present time, there are no plans afoot to redevelop the medical centre site.</p> <p>The degree of building separation is determined as being satisfactory.</p>
3F-1 Design Guidance Generally one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance. For residential buildings next to commercial buildings, separation distances should be measured as follows:- <ul style="list-style-type: none"> for retail, office spaces and commercial balconies use the habitable room distances. for service and plant areas use the non-habitable room distances. New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include: <ul style="list-style-type: none"> site layout and building orientation to minimise privacy impacts (see also section 3B Orientation). on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4). Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5). Direct lines of sight should be avoided for windows and balconies across corners. No separation is required between blank walls.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The top storey has a greater setback from the southern and western property boundary than the lower floors and no change is proposed.</p>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The building is setback 6 metres from the rear property boundary. The rear allotment is within the B1 Neighbourhood Centre zone but that site is used as a medical centre.</p>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The planning controls allow for similar sized buildings with similar height and stature across that site (299 to 301 Blaxcell Street).</p> <p><u>Northern boundary</u></p> <p>The adjoining site to the north forming the</p>

	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>medical centre car park has the same zoning as the development site.</p> <p><u>Southern boundary</u></p> <p>The development at 48 to 50 Pegler Avenue is within zone R4 High Density Residential. The site to the south has a maximum allowable floor space ratio of 0.8:1 and a maximum height of 11 metres. Hence, a lower form of development is envisaged by the planning controls.</p> <p><u>Comment</u></p> <p>The separation distance of the first four storeys of the building and the townhouse development to the south is 6 metres to the fence and another 3 metres to the building for a total of 9 metres. Generally, a 9 metre separation distance is required. Hence a 9 metre separation distance is provided.</p> <p>The separation distance is increased to 12 metres for the top storey which is consistent with the requirement of Part 3F-1.</p>
3F-2 Design Guidance Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows. Design solutions may include: <ul style="list-style-type: none"> • setbacks. • solid or partially solid balustrades to balconies at lower levels. • fencing and/or trees and vegetation to separate spaces. • screening devices. • bay windows or pop out windows to provide privacy in one direction and outlook in another. • raising apartments/private open space above the public domain or communal open space. • planter boxes incorporated into walls and balustrades to increase visual separation. • pergolas or shading devices to limit overlooking of lower apartments or private open space. • on constrained sites where it can be demonstrated that building layout opportunities are limited, fixed louvres or screen panels to windows and/or balconies. <p>Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.</p> <p>Balconies and private terraces should be located in front of living rooms to increase internal privacy</p> <p>Windows should be offset from the windows of</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<p>Part 3F-2 will not apply to the modification application because there are no ground floor apartments proposed.</p>

adjacent buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Recessed balconies and/or vertical fins should be used between adjacent balconies.				
Part 3G - Pedestrian access and entries				
3G-1 Design Guidance				
Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The modified development is provided with one entry from Pegler Avenue. The main pedestrian access to the building is subject to minor modifications. The main entry of the building is retained as a clearly identifiable feature.
Entry locations relate to the street and subdivision pattern and the existing pedestrian network.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with clear sight lines and pathways to secondary building entries.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3G-2 Design Guidance				
Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This is achieved.
The design of ground floors and underground car parks minimise level changes along pathways and entries.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This is achieved for the ramp and pathway that connects the landscaped area to the building.
Steps and ramps should be integrated into the overall building and landscape design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
For large developments 'way finding' maps should be provided to assist visitors and residents (see figure 4T.3).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
For large developments electronic access and audio/video intercom should be provided to manage access.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3G-3 Design Guidance				
Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A pedestrian link through the site is not provided or required.
Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Part 3H - Vehicle Access				
3H-1 Design Guidance				
Car park access should be integrated with the building's overall facade. Design solutions may include:-				A roller shutter door is provided to the basement for added security measures.
• the materials and colour palette to minimise visibility from the street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• security doors or gates at entries that minimise voids in the facade.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
				The car park entry is situated in an appropriate

Car park entries should be located behind the building line.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	part of the building.
Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Car park entry and access should be located on secondary streets or lanes where available.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The driveway has a minimum width of 6.1 metres but this increases in width to 7.5 metres adjacent to the roller shutter door.
Access point locations should avoid headlight glare to habitable rooms.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This is achieved.
Adequate separation distances should be provided between vehicle entries and street intersections.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The width and number of vehicle access points should be limited to the minimum.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Visual impact of long driveways should be minimised through changing alignments and screen planting.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
The need for large vehicles to enter or turn around within the site should be avoided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The approved bin collection zone is reduced in area although the turning bay at grade is retained. Council engineers have reviewed the traffic arrangements and as per the memorandum dated 14/10/2019, there are no objections to the changes on traffic, parking and loading and unloading grounds.
Garbage collection, loading and servicing areas are screened.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Clear sight lines should be provided at pedestrian and vehicle crossings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Traffic calming devices such as changes in paving material or textures should be used where appropriate.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The previous approval included a bin collection zone which would have required a garbage truck to be manoeuvred between two stairs which would have been difficult to achieve. Most of the bin collection zone has been removed to address the issue. A minor collection zone still exists which is satisfactory according to Council's engineers.
Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include:				A garbage truck would still need to park within or partially within the driveway but there is still adequate room to allow vehicles to pass safely.
<ul style="list-style-type: none"> changes in surface materials. level changes. the use of landscaping for separation. 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	The bin store rooms are provided with wide doors to allow ready access to and from the rooms on garbage collection days. The door of the bin store room for "residential purposes" would need to be replaced with a roller shutter door or sliding door to ensure the collection zone is still functional. Additionally, roller doors would be required for the mechanical and gas rooms facing the collection zone and the fire exit doors will need to be adjusted. This may be addressed as a condition attached to any consent issued.
Part 3J - Bicycle and car parking				
3J-1 Design Criteria				
For development in the following locations:				
<ul style="list-style-type: none"> on sites that are within 800 metres of a 				The site is not situated close to a railway line.

<p>railway station or light rail stop in the Sydney Metropolitan Area; or</p> <ul style="list-style-type: none">on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre. <p>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.</p> <p>The car parking needs for a development must be provided off street.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Given the location of the site away from a railway line, Council's car parking provisions will apply to the development.</p> <p>The development must be provided with 54 car parking spaces. With 54 spaces available, there is adequate car parking to support the development. It is identified that the approved car parking provisions have not been altered and there is no change to apartment configuration in terms of bedroom numbers or number of apartments.</p>
<p>3J-1 Design Guidance</p> <p>Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces when provided should be on site.</p> <p>Where less car parking is provided in a development, Council should not provide on street resident parking permits.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>3J-2 Design Guidance</p> <p>Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters.</p> <p>Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.</p> <p>Conveniently located charging stations are provided for electric vehicles, where desirable.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>3J-3 Design Guidance</p> <p>Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces.</p> <p>Direct, clearly visible and well lit access should be provided into common circulation areas.</p> <p>A clearly defined and visible lobby or waiting area should be provided to lifts and stairs.</p> <p>For larger car parks, safe pedestrian access should be clearly defined and circulation areas have good lighting, colour, line marking and/or bollards.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The car park is provided with additional facilities such as storage areas, lift access and plant storage area.</p>
<p>3J-4 Design Guidance</p> <p>Excavation should be minimised through efficient car park layouts and ramp design.</p> <p>Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles.</p> <p>Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The car park is not seen from the street.</p>

LPP081/19 – Attachment 5

In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no south facing apartments within the development.
4A-1 Design Guidance The design maximises north aspect and the number of single aspect south facing apartments is minimised.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This is achieved.
Single aspect, single storey apartments should have a northerly or easterly aspect.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This is achieved where possible.
Living areas are best located to the north and service areas to the south and west of apartments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used:				
• dual aspect apartments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are 23 dual aspect apartments within the development.
• shallow apartment layouts.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• two storey and mezzanine level apartments.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• bay windows.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m ² of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Achieving the design criteria may not be possible on some sites. This includes:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The site is not situated close to a railway line or a busy road.
• where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• on south facing sloping sites.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• where significant views are oriented away from the desired aspect for direct sunlight.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4A-2 Design Guidance Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Where courtyards are used:				The provisions of Part 4A-2 will not apply to the development.
• use is restricted to kitchens, bathrooms and service areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• building services are concealed with appropriate detailing and materials to visible walls.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• courtyards are fully open to the sky.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• access is provided to the light well from a	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<p>communal area for cleaning and maintenance.</p> <ul style="list-style-type: none"> acoustic privacy, fire safety and minimum privacy separation distances (see section 3F Visual privacy) are achieved. <p>Opportunities for reflected light into apartments are optimised through:</p> <ul style="list-style-type: none"> reflective exterior surfaces on buildings opposite south facing windows. positioning windows to face other buildings or surfaces (on neighbouring sites or within the site) that will reflect light. integrating light shelves into the design. light coloured internal finishes. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>4A-3 Design Guidance</p> <p>A number of the following design features are used:</p> <ul style="list-style-type: none"> balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas. shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting. horizontal shading to north facing windows. vertical shading to east and particularly west facing windows. operable shading to allow adjustment and choice. high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided). 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development where appropriate features certain overhangs and louvres to shade balconies.
Part 4B - Natural ventilation				
<p>4B-1 Design Guidance</p> <p>The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms.</p> <p>Depths of habitable rooms support natural ventilation.</p> <p>The area of unobstructed window openings should be equal to at least 5% of the floor area served.</p> <p>Light wells are not the primary air source for habitable rooms.</p> <p>Doors and openable windows maximise natural ventilation opportunities by using the following design solutions:</p> <ul style="list-style-type: none"> adjustable windows with large effective openable areas. a variety of window types that provide safety and flexibility such as awnings and louvres. windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are 6 apartments that are not ventilated representing 19% of the total number of apartments within the development.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	At least 81% of apartments are ventilated within the building.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Compliance is achieved.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4B-2 Design Guidance				

Apartment depths are limited to maximise ventilation and airflow.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Compliance is achieved. There is no change to the plans approved by the Court following the Section 34 Agreement.												
Natural ventilation to single aspect apartments is achieved with the following design solutions:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													
• primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													
• stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													
• courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
4B-3 Design Criteria At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	At least 81% of apartments are ventilated within the building.												
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The depth of the building does not exceed 17 metres.												
4B-3 Design Guidance The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are 26 dual aspect apartments contained within the development.												
In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the external window and door opening sizes/areas on the other side of the apartment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This is achieved.												
Apartments are designed to minimise the number of corners, doors and rooms that might obstruct airflow.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This is achieved where possible.												
Apartment depths, combined with appropriate ceiling heights, maximise cross ventilation and airflow.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
4C - Ceiling heights																
4C-1 Design Criteria Measured from finished floor level to finished ceiling level, minimum ceiling heights are:																
<table><tr><th>Type / Use</th><th>Minimum ceiling height</th></tr><tr><td>Habitable rooms</td><td>2.7m.</td></tr><tr><td>Non habitable rooms</td><td>2.4m.</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor. 2.4m for second floor where its area does not exceed 50% of the apartment area.</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope.</td></tr><tr><td>If located in</td><td>3.3m for ground and first</td></tr></table>	Type / Use	Minimum ceiling height	Habitable rooms	2.7m.	Non habitable rooms	2.4m.	For 2 storey apartments	2.7m for main living area floor. 2.4m for second floor where its area does not exceed 50% of the apartment area.	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope.	If located in	3.3m for ground and first	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Floor to ceiling heights for all apartments is 2.7 metres. There are no ground floor apartments within the building.
Type / Use	Minimum ceiling height															
Habitable rooms	2.7m.															
Non habitable rooms	2.4m.															
For 2 storey apartments	2.7m for main living area floor. 2.4m for second floor where its area does not exceed 50% of the apartment area.															
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope.															
If located in	3.3m for ground and first															
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A floor to ceiling height of 2.7 metres was												

mixed use areas	floor to promote future flexibility of use.				agreed to at the Section 34 Conference and approved by the Land and Environment Court. There is no change to the approval given.
These minimums do not preclude higher ceilings if desired.					
4C-1 Design Guidance Ceiling height can accommodate use of ceiling fans for cooling and heat distribution.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4C-2 Design Guidance A number of the following design solutions can be used:					
<ul style="list-style-type: none"> the hierarchy of rooms in an apartment is defined using changes in ceiling heights and alternatives such as raked or curved ceilings, or double height spaces. 		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> Well-proportioned rooms are provided, for example, smaller rooms feel larger and more spacious with higher ceilings. 		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Floor to ceiling heights of each apartment is adequate.
<ul style="list-style-type: none"> ceiling heights are maximised in habitable rooms by ensuring that bulkheads do not intrude. The stacking of service rooms from floor to floor and coordination of bulkhead location above non-habitable areas, such as robes or storage, can assist. 		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4C-3 Design Guidance Ceiling heights of lower level apartments in centres should be greater than the minimum required by the design criteria allowing flexibility and conversion to non-residential uses.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no ground floor apartments within the development.
4D - Apartment size and layout					
4D-1 Design Criteria Apartments are required to have the following minimum internal areas:					The specifics of the development are:-
Apartment type	Minimum internal area				<ul style="list-style-type: none"> 3 x studio apartments. 3 x 1 bedroom apartments. 22 x 2 bedroom apartments. 4 x 3 bedroom apartments.
Studio	35m ²	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1 bedroom	50m ²	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Of those there are 4 adaptable apartments out of a total of 32 apartments.
2 bedroom	70m ²	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> The studio apartments have areas of 38.26 square metres.
3 bedroom	95m ²	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> The single bedroom apartments have areas of 50.6 square metres.
<ul style="list-style-type: none"> The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. 		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> The two bedroom apartments range from 75 to 100.6 square metres.
<ul style="list-style-type: none"> A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each. 		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<ul style="list-style-type: none"> The three bedroom apartments occupy areas of 95.1 to 101 square metres.
<ul style="list-style-type: none"> 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. 		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Compliance is achieved.
4D-1 Design Guidance Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space).		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The kitchens of each apartment are located within appropriate areas and do not form part of the circulation space.
A window should be visible from any point in a habitable room.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This is achieved for every apartment.
Where minimum areas or room dimensions are not met apartments need to demonstrate that		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

they are well designed and demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas.				
These circumstances would be assessed on their merits.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4D-2 Design Criteria Habitable room depths are limited to a maximum of 2.5 times of the ceiling height.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Compliance is achieved for every apartment.
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4D-2 Design Guidance Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
All living areas and bedrooms should be located on the external face of the building. Where possible:				
• bathrooms and laundries should have an external openable window	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Many bathrooms do not have external openable windows. As such, mechanical ventilation would be required for those apartments.
• main living spaces should be oriented toward the primary outlook and aspect and away from noise sources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4D-3 Design Criteria Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The bedrooms are compliant with the provision and consistent with the plans agreed to at the Section 34 Conference and subsequent Court approval.
Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Living rooms or combined living/dining rooms have a minimum width of:				
• 3.6m for studio and 1 bedroom apartments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• 4m for 2 and 3 bedroom apartments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The widths of the living areas of apartments are compliant and minimum dimensions are achieved.
4D-3 Design Guidance Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This is achieved where possible for a majority of the apartments within the development.
All bedrooms allow a minimum length of 1.5m for robes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This is achieved and generally no change is identified.
The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This is achieved.
Apartment layouts allow flexibility over time, design solutions may include:				
• dimensions that facilitate a variety of furniture arrangements and removal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The living spaces of apartments allow for adequate and appropriate furniture layouts.
• spaces for a range of activities and privacy levels between different spaces within the apartment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• dual master apartments.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• dual key apartments <i>Note: dual key</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<p>apartments which are separate but on the same title are regarded as two sole occupancy units for the purposes of the Building Code of Australia and for calculating the mix of apartments.</p> <ul style="list-style-type: none"> room sizes and proportions or open plans (rectangular spaces (2:3) are more easily furnished than square spaces (1:1)). 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																
Efficient planning of circulation by stairs, corridors and through rooms to maximise the amount of usable floor space in rooms.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																
Part 4E - Private open space and balconies																			
4E-1 Design Criteria																			
All apartments are required to have primary balconies as follows:																			
<table border="1"> <thead> <tr> <th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr> </thead> <tbody> <tr> <td>Studio apartments</td><td>4m²</td><td>-</td></tr> <tr> <td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr> <tr> <td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr> <tr> <td>3 plus bedroom apartments</td><td>12m²</td><td>2.4m</td></tr> </tbody> </table>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3 plus bedroom apartments	12m ²	2.4m	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dwelling type	Minimum area	Minimum depth																	
Studio apartments	4m ²	-																	
1 bedroom apartments	8m ²	2m																	
2 bedroom apartments	10m ²	2m																	
3 plus bedroom apartments	12m ²	2.4m																	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																
The minimum balcony depth to be counted as contributing to the balcony area is 1m.				<p>The balconies are compliant. In some instances, the balconies exceed the minimum areas recommended under Part 4E-1.</p> <p>There are two new balconies proposed on Level 1 that are attached to bedrooms of Apartments Numbered 101 and 109. The balconies are provided with sliding door access and planter boxes.</p> <p>There is concern of a potential loss of privacy occurring between the adjoining bedrooms to the immediate south of both balconies and the new balconies due to window placement and position of the balconies.</p> <p>It is considered appropriate to remove the balconies to address the privacy concerns raised and an appropriate condition is provided which addresses the matter.</p>															
4E-1 Design Guidance																			
Increased communal open space should be provided where the number or size of balconies are reduced.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This is not required as the balconies of each apartment have adequate size and dimensions.															
Storage areas on balconies is additional to the minimum balcony size.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no storage areas proposed for any balcony.															
Balcony use may be limited in some proposals by:																			
<ul style="list-style-type: none"> consistently high wind speeds at 10 storeys and above. close proximity to road, rail or other noise sources. exposure to significant levels of aircraft noise. heritage and adaptive reuse of existing buildings. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																
In these situations, Juliet balconies, operable walls, enclosed wintergardens or bay windows may be appropriate, and other amenity benefits for occupants should also be provided in the apartments or in the development or both. Natural ventilation also needs to be demonstrated.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The building has a maximum height of 5 storeys above the natural ground level and as such, the provision is not required.															

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single lift is 40.				
4F-1 Design Guidance				
Greater than minimum requirements for corridor widths and/ or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Daylight and natural ventilation should be provided to all common circulation spaces that are above ground.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The corridors that are provided are relatively small. The position and nature of the internal access corridors have not been altered.
Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include:				
• a series of foyer areas with windows and spaces for seating.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The internal corridors are 7 to 9 metres in length and considered as being too small to be articulated. Generally, there are no changes to the approved development in terms of access corridors (position, location and size).
• wider areas at apartment entry doors and varied ceiling heights.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Design common circulation spaces to maximise opportunities for dual aspect apartments, including multiple core apartment buildings and cross over apartments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Achieving the design criteria for the number of apartments off a circulation core may not be possible. Where a development is unable to achieve the design criteria, a high level of amenity for common lobbies, corridors and apartments should be demonstrated, including:				
• sunlight and natural cross ventilation in apartments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• access to ample daylight and natural ventilation in common circulation spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• common areas for seating and gathering	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• generous corridors with greater than minimum ceiling heights.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• other innovative design solutions that provide high levels of amenity.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There is a maximum of 5 apartments being serviced by each corridor.
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This is achieved as much as possible and no change is identified from the Court approved plans.
4F-2 Design Guidance				
Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The access way to each apartment is simple to negotiate for the residents.
Tight corners and spaces are avoided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



Circulation spaces should be well lit at night.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A community room is not required for the development.										
Legible signage should be provided for apartment numbers, common areas and general way finding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											
Incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>											
In larger developments, community rooms for activities such as owners corporation meetings or resident use should be provided and are ideally co-located with communal open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>											
Where external galleries are provided, they are more open than closed above the balustrade along their length.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>											
4G - Storage														
4G-1 Design Criteria In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table border="1" data-bbox="279 840 726 974"> <thead> <tr> <th>Dwelling type</th> <th>Storage</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m³</td> </tr> <tr> <td>1 bedroom apartments</td> <td>6m³</td> </tr> <tr> <td>2 bedroom apartments</td> <td>8m³</td> </tr> <tr> <td>3 plus bedroom apartments</td> <td>10m³</td> </tr> </tbody> </table>	Dwelling type	Storage	Studio apartments	4m ³	1 bedroom apartments	6m ³	2 bedroom apartments	8m ³	3 plus bedroom apartments	10m ³	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The apartments have appropriate storage space as per the plans supported by the Court. There is no change to the storage space provided within the development.
Dwelling type	Storage													
Studio apartments	4m ³													
1 bedroom apartments	6m ³													
2 bedroom apartments	8m ³													
3 plus bedroom apartments	10m ³													
4G-1 Design Guidance Storage is accessible from either circulation or living areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are no storage areas provided within balconies.										
Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>											
Left over space such as under stairs is used for storage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											
4G-2 Design Guidance Storage not located in apartments is secure and clearly allocated to specific apartments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The storage space for each apartment within the basement car park area is satisfactory.										
Storage is provided for larger and less frequently accessed items.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											
Storage space in internal or basement car parks is provided at the rear or side of car spaces or in cages so that allocated car parking remains accessible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											
If communal storage rooms are provided they should be accessible from common circulation areas of the building.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>											
Storage not located in an apartment is integrated into the overall building design and is not visible from the public domain.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											
Part 4H - Acoustic Privacy														
4H-1 Design Guidance Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F Building separation and section 3F Visual	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											

<p>privacy).</p> <p>Window and door openings are generally orientated away from noise sources.</p> <p>Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas.</p> <p>Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources.</p> <p>The number of party walls (walls shared with other apartments) are limited and are appropriately insulated.</p> <p>Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>This is achieved where practical and possible.</p> <p>The number of party walls to other apartments are limited or appropriate.</p>
<p>4H-2 Design Guidance</p> <p>Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions:</p> <ul style="list-style-type: none"> rooms with similar noise requirements are grouped together. doors separate different use zones. wardrobes in bedrooms are co-located to act as sound buffers. <p>Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions:</p> <ul style="list-style-type: none"> double or acoustic glazing. acoustic seals. use of materials with low noise penetration properties. continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>This is achieved where possible.</p> <p>An acoustic report was prepared by Acoustic Consulting Engineers and included into the consent issued. No change is proposed or required.</p>
<p>Part 4J - Noise and pollution</p>				
<p>4J-1 Design Guidance</p> <p>To minimise impacts the following design solutions may be used:</p> <ul style="list-style-type: none"> physical separation between buildings and the noise or pollution source. residential uses are located perpendicular to the noise source and where possible buffered by other uses. non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces. non-residential uses are located at lower levels vertically separating the residential component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources. buildings should respond to both solar access and noise. Where solar access is 	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<p>An acoustic report prepared by Acoustic Consulting Engineers (Reference Number 160723-01L-DD) and dated 5 September 2017 has been prepared to address noise impacts and included into the consent that has been issued.</p> <p>The report address the need for certain glazing, seals between windows and protection of balconies close to the commercial tenancy.</p> <p>Numerous recommendations are made to address noise impacts at Part 7.0 of the report.</p>

<p>away from the noise source, non-habitable rooms can provide a buffer.</p> <ul style="list-style-type: none"> where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable (see figure 4J.4). landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry. <p>Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas:</p> <ul style="list-style-type: none"> solar and daylight access. private open space and balconies. natural cross ventilation. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>4J-2 Design Guidance</p> <p>Design solutions to mitigate noise include:</p> <ul style="list-style-type: none"> limiting the number and size of openings facing noise sources. providing seals to prevent noise transfer through gaps. using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens). using materials with mass and/or sound insulation or absorption properties e.g. solid balcony balustrades, external screens and soffits. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Part 4K - Apartment mix				
<p>4K-1 Design Guidance</p> <p>A variety of apartment types is provided.</p> <p>The apartment mix is appropriate, taking into consideration:</p> <ul style="list-style-type: none"> the distance to public transport, employment and education centres. the current market demands and projected future demographic trends. the demand for social and affordable housing. different cultural and socioeconomic groups. <p>Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>There is a mix of studio, 1, 2 and 3 bedroom apartments within the development.</p> <p>The site is located close to shops and a minor public transport node being bus stops.</p>
<p>4K-2 Design Guidance</p> <p>Different apartment types are located to achieve successful facade composition and to optimise solar access (see figure 4K.3).</p> <p>Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>There are 3 x 3 bedroom apartments situated on the top floor of the building (As approved by the Court).</p>
4L - Ground floor apartments				
<p>4L-1 Design Guidance</p> <p>Direct street access should be provided to ground floor apartments.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Part 4L-1 will not apply to the modification application.</p>

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adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights. Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals.				
4M-2 Design Guidance Building entries should be clearly defined.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The main building entry is well defined.
Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The apartment layout should be expressed externally through facade features such as party walls and floor slabs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4N - Roof design				
4N-1 Design Guidance Roof design relates to the street. Design solutions may include:- <ul style="list-style-type: none"> special roof features and strong corners. use of skillion or very low pitch hipped roofs. breaking down the massing of the roof by using smaller elements to avoid bulk. using materials or a pitched form complementary to adjacent buildings. Roof treatments should be integrated with the building design. Design solutions may include:- <ul style="list-style-type: none"> roof design proportionate to the overall building size, scale and form. roof materials complement the building. service elements are integrated. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>The roof is flat.</p> <p>The two lift over runs are situated on top of the building. While they are being increased in height by 700 mm, the shadow impacts created by the elements are contained on top of the roof of the building.</p>
4N-2 Design Guidance Habitable roof space should be provided with good levels of amenity. Design solutions may include: <ul style="list-style-type: none"> penthouse apartments. dormer or clerestory windows. openable skylights. Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	There is no habitable roof space within the development.
4N-3 Design Guidance Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access). Well located, screened outdoor areas should be provided for clothes drying.	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
4O - Landscape Design				
4O-1 Design Guidance Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating:- <ul style="list-style-type: none"> diverse and appropriate planting. bio-filtration gardens. appropriately planted shading trees. areas for residents to plant vegetables and herbs. Composting. green roofs or walls. Ongoing maintenance plans should be prepared.	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<p>The landscaping for the site is prepared by a landscape architect "Conzept Landscape Architects" which identifies appropriate plant species and location for the development.</p> <p>A landscape maintenance strategy is prepared as part of the landscaping for the site which</p>

<p>Microclimate is enhanced by:</p> <ul style="list-style-type: none"> appropriately scaled trees near the eastern and western elevations for shade. a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter. shade structures such as pergolas for balconies and courtyards. <p>Tree and shrub selection considers size at maturity and the potential for roots to compete.</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>involves appropriate water of plants and lawns, mulching, regular pruning of plants, pest removal or control, edging of gardens and removal of rubbish.</p>
<p>40-2 Design Guidance Landscape design responds to the existing site conditions including:</p> <ul style="list-style-type: none"> changes of levels. Views. significant landscape features including trees and rock outcrops. <p>Significant landscape features should be protected by:</p> <ul style="list-style-type: none"> tree protection zones. appropriate signage and fencing during construction. <p>Plants selected should be endemic to the region and reflect the local ecology.</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>There are no significant landscape features on site that require retention.</p>
4P - Planting on structures				
<p>4P-1 Design Guidance Structures are reinforced for additional saturated soil weight.</p> <p>Soil volume is appropriate for plant growth, considerations include:-</p> <ul style="list-style-type: none"> modifying depths and widths according to the planting mix and irrigation frequency. free draining and long soil life span. tree anchorage. <p>Minimum soil standards for plant sizes should be provided in accordance with Table 5.</p>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>There will be a requirement for water proofing a small portion of the podium slab to prevent water penetration into concrete slabs.</p> <p>All slab areas are to be water proofed where appropriate.</p>
4P - Planting on structures				
<p>4P-2 Design Guidance Plants are suited to site conditions, considerations include:</p> <ul style="list-style-type: none"> drought and wind tolerance. seasonal changes in solar access. modified substrate depths for a diverse range of plants. plant longevity. <p>A landscape maintenance plan is prepared.</p> <p>Irrigation and drainage systems respond to:</p> <ul style="list-style-type: none"> changing site conditions. soil profile and the planting regime. whether rainwater, stormwater or recycled grey water is used. 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>The landscape plan is prepared by a landscape architect and such matters are addressed.</p>
<p>4P-3 Design Guidance Building design incorporates opportunities for planting on structures. Design solutions may include:</p>				

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<p>orientation is poor.</p> <ul style="list-style-type: none"> using additions to expand the existing building envelope. <p>Some proposals that adapt existing buildings may not be able to achieve all of the design criteria in this Apartment Design Guide. Where developments are unable to achieve the design criteria, alternatives could be considered in the following areas:</p> <ul style="list-style-type: none"> where there are existing higher ceilings, depths of habitable rooms could increase subject to demonstrating access to natural ventilation, cross ventilation (when applicable) and solar and daylight access (see also sections 4A Solar and daylight access and 4B Natural ventilation). alternatives to providing deep soil where less than the minimum requirement is currently available on the site. building and visual separation - subject to demonstrating alternative design approaches to achieving privacy. common circulation. car parking. alternative approaches to private open space and balconies. 	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
4S - Mixed use				
<p>4S-1 Design Guidance</p> <p>Mixed use development should be concentrated around public transport and centres.</p> <p>Mixed use developments positively contribute to the public domain. Design solutions may include:</p> <ul style="list-style-type: none"> development addresses the street. active frontages are provided. diverse activities and uses. avoiding blank walls at the ground level. live/work apartments on the ground floor level, rather than commercial. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The site is situated within the Dellwood Neighbourhood Centre which is a small shopping centre comprising a row of shops and a medical centre. There are bus services to and from the centre. The shopping precinct acts as a minor node for the locality.</p> <p>There are no apartments situated on the ground floor.</p>
<p>4S-2 Design Guidance</p> <p>Residential circulation areas should be clearly defined. Design solutions may include:</p> <ul style="list-style-type: none"> residential entries are separated from commercial entries and directly accessible from the street. commercial service areas are separated from residential components. residential car parking and communal facilities are separated or secured. security at entries and safe pedestrian routes are provided. concealment opportunities are avoided. <p>Landscaped communal open space should be provided at podium or roof levels.</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>Compliance is achieved.</p>
4T - Awnings and signage				
<p>4T-1 Design Guidance</p> <p>Awnings should be located along streets with high pedestrian activity and active frontages.</p> <p>A number of the following design solutions are used:-</p> <ul style="list-style-type: none"> continuous awnings are maintained and provided in areas with an existing pattern. 	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<p>An awning is provided at the front of the site facing Pegler Avenue.</p>

<ul style="list-style-type: none"> height, depth, material and form complements the existing street character. protection from the sun and rain is provided. awnings are wrapped around the secondary frontages of corner sites. awnings are retractable in areas without an established pattern. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Awnings should be located over building entries for building address and public domain amenity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Awnings relate to residential windows, balconies, street tree planting, power poles and street infrastructure.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Gutters and down pipes should be integrated and concealed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Lighting under awnings should be provided for pedestrian safety.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4T-2 Design Guidance Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no signage proposed for the building.
Legible and discrete way finding should be provided for larger developments.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Signage is limited to being on and below awnings and a single facade sign on the primary street frontage.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4U - Energy efficiency				
4U-1 Design Guidance Adequate natural light is provided to habitable rooms.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Well located, screened outdoor areas should be provided for clothes drying.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	An outdoor clothes drying area is not proposed for the building.
4U-2 Design Guidance A number of the following design solutions are used:				
<ul style="list-style-type: none"> the use of smart glass or other technologies on north and west elevations. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The BASIX Certificate determines the energy efficiency for the development. The certificate is included into the consent that has been issued.
<ul style="list-style-type: none"> thermal mass in the floors and walls of north facing rooms is maximised. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> polished concrete floors, tiles or timber rather than carpet. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> insulated roofs, walls and floors and seals on window and door openings. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> overhangs and shading devices such as awnings, blinds and screens. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Provision of consolidated heating and cooling infrastructure should be located in a centralised location (e.g. the basement).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4U-2 Design Guidance A number of the following design solutions are used:				
<ul style="list-style-type: none"> rooms with similar usage are grouped together. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This is achieved where possible.
<ul style="list-style-type: none"> natural cross ventilation for apartments is optimised. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> natural ventilation is provided to all 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible.				
4V - Water management and conservation				
4V-1 Design Guidance				
Water efficient fittings, appliances and wastewater reuse should be incorporated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This is determined by the BASIX Certificate generated for the development.
Apartments should be individually metered.	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
Rainwater should be collected, stored and reused on site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Drought tolerant, low water use plants should be used within landscaped areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4V-2 Design Guidance				
Water sensitive urban design systems are designed by a suitably qualified professional.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Condition 53 of the development consent addresses the need for a rainwater tank on site.
A number of the following design solutions are used:				
• runoff is collected from roofs and balconies in water tanks and plumbed into toilets, laundry and irrigation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• porous and open paving materials is maximised.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• on site stormwater and infiltration, including bio-retention systems such as rain gardens or street tree pits.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4V-3 Design Guidance				
Detention tanks should be located under paved areas, driveways or in basement car parks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Compliance is achieved.
On large sites parks or open spaces are designed to provide temporary on site detention basins.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4W - Waste management				
4W-1 Design Guidance				
Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A waste storage area is provided within the ground floor basement / car park. There is room within the waste storage room for housing 24 bins.
Waste and recycling storage areas should be well ventilated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Circulation design allows bins to be easily manoeuvred between storage and collection points.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Temporary storage should be provided for large bulk items such as mattresses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
A waste management plan should be prepared.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4W-2 Design Guidance				
All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days worth of waste and recycling.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
For mixed use developments, residential waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

and recycling storage areas and access should be separate and secure from other uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Alternative waste disposal methods such as composting should be provided.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4X - Building Maintenance				
4X-1 Design Guidance				
A number of the following design solutions are used:				
• roof overhangs to protect walls.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• hoods over windows and doors to protect openings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• detailing horizontal edges with drip lines to avoid staining of surfaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• methods to eliminate or reduce planter box leaching.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• appropriate design and material selection for hostile locations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

DOCUMENTS
ASSOCIATED WITH
REPORT LPP081/19

Attachment 6

Appendix 3-Paramatta Local
Environmental Plan 2011

Appendix 3 - Parramatta Local Environmental Plan 2011

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.1 Minimum lot size Not applicable in a Neighbourhood Centre environment.	N/A	Not applicable for the site.
4.3 Height of Buildings Height Map shows that the maximum height of new developments for the subject site is 15 metres.	No	The building has a maximum height of 16.5 metres above the natural ground level at one of the lift over runs. A variation of 1.5 metres is identified. The matter is comprehensively addressed within the main body of the report.
4.4 Floor Space Ratio Floor Ratio Map shows that the maximum FSR of new developments for the subject site is 2:1.	Yes	The modified development has a maximum floor space ratio of 1.89:1.
4.6 Exceptions to development standards	Yes	The applicant has lodged a justification to the height variation to Clause 4.3 of the Parramatta Local Environmental Plan 2011. This has been assessed as being satisfactory.
5.1 and 5.1A Development on land intended to be acquired for public purposes Is any portion of the land identified for acquisition for local road widening on the Land Reservation Acquisition Map?	N/A	The site is not identified on the map for acquisition.
5.6 Architectural roof features	N/A	An architectural roof feature is not proposed for the development.
5.9 Preservation of trees	N/A	There are no significant trees on site. The matter concerning tree preservation is not relevant to the development application.
5.10 Heritage Conservation	Yes	According to the Heritage Item and Heritage Conservation Maps, the subject site is not a heritage item or within a heritage conservation area. However, the property at 12 Dellwood Street being the Dellwood Street shops to the north is listed as a heritage item within the Parramatta Local Environmental Plan (Number I605). The nearby heritage item has been addressed within the original development application and as part of the Section 34 Agreement and Court proceedings. It is considered that the conclusions made will not change. It is considered that the modification application raises no further issues in relation to nearby heritage buildings.
5.10.8 Aboriginal Places of Heritage Significance	Yes	The site is identified as being of low significance by Council's Aboriginal Heritage Sensitivity Database. The proposal is not considered to impact an aboriginal place of heritage significance.
6.1 Acid sulfate soils Is an Acid Sulfate Soils Management Plan Required?	Yes	The site is identified as containing Class 5 Acid Sulphate Soil. A management plan is not required.
6.2 Earthworks Are the earthworks associated with the development appropriate?	Yes.	Excavation works to a depth of 6.8 metres is proposed. The earthworks are required because a two storey basement car park is proposed. The earthworks are approved and no additional change is identified.
6.3 Flood planning Is the site flood prone?	Yes	The site is not identified as being prone to flooding.

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
6.4 Biodiversity protection Is the site identified as containing biodiversity on the 'Natural Resources - Biodiversity Map'?	N/A	The site is not identified on the map.
6.5 Water protection Is the site identified as being riparian land on the 'Riparian Land and Waterways Map'?	N/A	The site is not identified on the map.
6.6 Development on landslide risk land Is the site identified as being landslide risk land on the 'Landslide Risk Map'?	N/A	The site is not identified on the map.
6.7 Affected by a Foreshore Building Line	N/A	The site is not located in the foreshore area.

DOCUMENTS
ASSOCIATED WITH
REPORT LPP081/19

Attachment 7

Appendix 4 - Paramatta
Development Control Plan 2011

Appendix 4 - Parramatta Development Control Plan 2011

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
2.4.1 Views and Vistas Preserve significant features and areas of high visibility.	N/A	The site is not identified as containing significant views. The most significant view lines are towards the road and to a lesser extent, the rear of the Dellwood Street shops.
2.4.2.1 Flood affectation	N/A	The site is not identified in Councils database as being flood prone.
2.4.2.2 Protection of Waterways Does the site adjoin a waterway?	N/A	The site does not adjoin a waterway.
2.4.2.3 Protection of Groundwater Is a basement car park proposed?	Yes	The basement car park is approved and no change is proposed to any part of the basement car park component.
2.4.3.1 Soil Management Are there adequate erosion control measures?	Yes	An erosion and sedimentation plan has been approved as part of the original consent. No change is proposed.
2.4.3.2 Acid sulfate soils	Yes	The site is not within an area affected by acid sulphate soils.
2.4.3.3 Salinity Moderate, high or known salinity potential?	Yes	The site has low salinity potential and accordingly salinity is unlikely to impact on the development.
2.4.4 Land Contamination	Yes	The site has previously been determined as not being affected by land contamination. The conclusions made within the original application would still be valid for the modification application.
2.4.5 Air Quality Will demolition and construction contribute to increased air pollution?	Yes	There are no matters to consider under Part 2.4.5.
2.4.6 Development on Sloping Land. Does the design of the development appropriately respond to the slope of the site?	Yes	
2.4.7 Biodiversity Is vegetation removal appropriate?	Yes	Satisfactory.
2.4.7.2 Does the land abutt the E2 Environmental Protection zone or W1 Natural Waterways zone.	Yes	The site does not adjoin land zoned E2 or W1.
2.4.8 Public Domain Does the building address the public domain, provide appropriate passive surveillance opportunities, and have appropriate public domain enhancements?	Yes	
3. Preliminary Building Envelope		
Frontage (From Table 3.1.3.8) Site frontage should be 18 metres where the building is more than 10 metres in height.	Yes	The site has a frontage of 29.781 metres.
Height (refer also to LEP table) Does the proposal exceed the number of storeys outlined in the DCP height table? 15 Metres - 5 storeys.	No	Propose 16.5 metres at one of the lift over runs which is a variation of 1.5 metres to the development standard (Variation is 10%). Propose 16 metres at another lift over run which is a variation of 1 metre to the development standard (Variation is 6.6%). There is no change to the height of

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
		<p>the remainder of the building.</p> <p>The issue is addressed within the main body of the report.</p> <p>The variation to the height of the building facing Pegler Avenue of 700 mm is approved by the Court and no change is proposed.</p>
<p>Front Setback (From Table 3.1.3.8)</p> <p>Nil - A greater setback may be required to align with the predominant street setback.</p> <p><u>Note</u>:- The Dellwood Shops is within a Special area and hence there is a variation to this control for that precinct. This is addressed within the main body of the report.</p>	Yes	<p>The development has a "Nil" setback to Pegler Avenue and the development displays a street setback that is significantly different to other developments within the locality.</p> <p>The street setbacks are determined as being satisfactory and no change to the approved setbacks are proposed.</p>
<p>Side Setback</p> <p>Separation distance should be that specified for habitable rooms and balconies in Section 3F of the Apartment Design Guide.</p>	Yes	<p>The setbacks of the development are the same as those approved by the Court as part of the Section 34 Agreement. There are no changes to the side and rear setbacks.</p> <p>This matter is addressed under Part 3F Design Criteria of the Apartment Design Guide above. No further assessment is required.</p> <p>The degree of building separation is determined as being satisfactory in this instance.</p>
<p>Rear setback (From Table 3.1.3.8)</p> <p>The rear setback should be 15% for the residential component or where the rear boundary adjoins residential development within a residential zone or otherwise on merit.</p>	Yes.	<p>The setback to the rear boundary is 6 metres for the Ground Level, Level 1, 2 and 3 which increases to 9 metres for the top level.</p> <p>Given the zoning of the rear property and the use of that property for a medical centre, the proposed rear setback is considered as being acceptable.</p> <p>The setbacks as approved as part of the Section 34 conference with the Court have not been altered.</p>
<p>Deep Soil zone. (From Table 3.1.3.8)</p> <p>For lots greater than 400 square metres in area, 50% of the rear setback should be deep soil zone or 30 square metres across the entire site, whichever is greater.</p>	Yes	<p>The deep soil zone occupies 127.2 square metres or 8.2%.</p>
3.2. Building Elements		
3.2.1 Building Form and Massing		
<p>Height, scale and bulk consistent with existing or planned building patterns in the street?</p>	Yes	

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
3.2.2 Building Façade and Articulation Does the building exceed the building envelope by more than: <ul style="list-style-type: none"> 800mm for balconies and eaves: 600mm for Juliet balconies and bay windows 	Yes.	There are no projections beyond the building envelope.
Are the building facades modulated in plan and elevation to reduce building bulk?	Yes.	Compliance is achieved.
Are Multiple stair lift/cores provided to encourage multiple street entries?	Yes	There are two lift cores within the approved building.
3.2.3 Roof Design Does that roof form minimise the bulk and scale of the building, and respond to the existing or planned form?	Yes.	A flat roof is provided with lift shaft projections.
3.2.5 Streetscape Does the development respond to the existing or planned character of the street?	Yes	The development is substantially different to the existing built form of the locality however it is consistent with the plans as approved as part of the Section 34 Agreement with the Land and Environment Court. The built form of the development including mass, bulk and density is satisfactory. The modified development is satisfactory for the location.
Are garages and parking structures dominant?	Yes	
Are pedestrian or vehicular laneways activated?	N/A	
Are the mail boxes visually integrated within the built form and conveniently accessed?	Yes	
Does the development provide for active non-residential uses with at grade pedestrian access?	Yes	
Minimal solid walls used on the ground floor shop front.	Yes	
3.2.5 Streetscape Mixed use development must provide for ground floor active non residential uses with at grade pedestrian access.	Yes	The commercial tenancies are situated on the ground floor and facing the street.
3.2.5 Streetscape Ground floor retail and business shopfronts are to involve minimal use of solid walls with frontages divided into discrete sections.	Yes	The ground floor retail tenancies feature glazing that faces Pegler Avenue.
3.2.5 Streetscape Where buildings align to the front boundary, continuous awnings are to be provided.	Yes	An awning structure is provided along the street frontage to provide all weather protection.
3.2.6 Fences Front fence a maximum height of 1.2metres?	N/A	No front fences are approved or proposed.
3.3 Environmental Amenity		
3.3.1 Landscaping Natural features retained and incorporated? Minimum soil depth of 1m provided above basement?	N/A Yes	There are no natural features on site. Planter boxes are proposed and it is identified that the soil depth within the planter boxes will reach 1,000 mm in depth.
3.3.2 Private Open Space Minimum of 10m ² private open space with minimum dimensions of 2.5m per unit? This provision is provided within the Apartment Design Guide which has an over riding provision.	No for the studio apartments but acceptable.	The balconies are compliant with the requirements of the Apartment Design Guide and consistent with the plans approved as part of the Section 34 Agreement through the Land and Environment Court.
3.3.2 Common Open Space		

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
A minimum of 10 square metres per dwelling should be provided. This provision is provided within the Apartment Design Guide which has an over riding provision.	Yes.	The common space occupies 385.5 square metres.
Swimming Pool proposed?	N/A	A swimming pool is not proposed.
3.3.3 Visual Privacy Do balconies face the street or another element of the public domain such as a park? Is a minimum building separation of 12m provided between habitable rooms/ balconies?	Yes Yes	There are balconies facing the street. The building cannot be compared to adjoining buildings due to differences in land uses, zoning and built form. As described under "Side setbacks" and "Rear setbacks" above, the proposed side and rear setbacks are determined as being satisfactory and consistent with the planning controls and Court approved plans. <u>New balconies</u> There are two new balconies proposed on Level 1 that are attached to bedrooms of Apartments Numbered 101 and 109. The balconies are provided with sliding door access and planter boxes. There is concern of a potential loss of privacy occurring between the adjoining bedrooms to the immediate south of both balconies and the new balconies due to window placement and position of the balconies. It is considered appropriate to remove the balconies to address the privacy concerns raised and an appropriate condition is provided which addresses the matter.
3.3.4 Acoustic Amenity Does the dwelling adjoin a noise-generating land use?	Yes	A significant noise source is not identified.
3.3.5 Solar Access (refer also to RFDC section) Will adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and 50% of their private open space areas between 9am and 3pm on 21 June?	Yes	The shadowing created by the development has not changed when comparing the Court approved plans with the modification application plans. No additional assessment is required.
3.3.5 Cross Ventilation Minimum floor to ceiling height ground (3.3 metres) and upper levels (2.7m). Are 80% of dwellings naturally cross ventilated? Are single aspect apartments limited in depth to 8m from a window? Does the building have a maximum depth of 18m?	Yes Yes Yes Yes	Ground Floor retail = 3.5 metres. Upper levels = 2.7 metres. There are 6 apartments that are not ventilated which equates to 19% of the total number of apartments not cross ventilated. Compliance is achieved. The building has a maximum depth of 17 metres.
3.3.6 Water Sensitive Urban Design		

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
On-site detention system appropriately designed?	Yes	Council's engineer has supported the modified development subject to conditions.
3.3.7 Waste Management		
Is the waste management plan satisfactory?	Yes	
Is the bin room appropriately sized for the number of bins required?	Yes	
Will a private contractor be required to minimise bins on the street for pickup?	Yes	
3.4 Social Amenity		
3.4.1 Public Art - is an Arts Plan provided? (CIV of more than \$5,000,000.00, and located in CBD/town centre).	Yes	Satisfactory.
3.4.2 Access for People with disabilities. Does the development contain adequate access for people with a disability?	Yes	The development is provided with four apartments that are adaptable.
3.4.4 Safety and Security Has the development been designed in accordance with crime prevention principles?	Yes	A roller shutter door is provided within the basement. The common area at the front facing Pegler Avenue is fenced from the public space.
3.4.5 Housing Diversity and Choice Is the unit mix in accordance with the following: 3 bedroom 10% - 20% 2 bedroom 60% - 75% 1 bedroom 10% - 20% Adaptable dwelling provision Less than 10 units = 1 10-20 units = 2 More than 20 units = 10%	Yes	The development is provided with the following:- <ul style="list-style-type: none">• 3 x studio apartments (9.3%).• 3 x 1 bedroom units (9.3%). When combined 18.6%. <ul style="list-style-type: none">• 22 x 2 bedroom units (68.75%).• x 3 bedroom units. (12.5%). This is consistent with the Section 34 Agreement and the Court approval given. There are four adaptable apartments within the development consistent with the stated provision and the Section 34 Agreement and Courts decision.
3.5 Heritage and Archaeology Refer to the Heritage referral section. The site is not listed as a heritage item in the Parramatta Local Environmental Plan 2011. However, the nearby Dellwood Shops to the north are listed as a heritage item within the Parramatta Local Environmental Plan 2011. The nearby heritage item has been addressed within the original development application and as part of the Section 34 Agreement and Court proceedings. It is considered that the conclusions made will not change. It is considered that the modification application raises no further issues in relation to nearby heritage buildings.		
3.6.2 Sustainable Transport Is a publicly accessible car share parking space required and provided, with evidence of an offer to car share providers?	N/A	This is not required for such a development.
3.6 Parking Provision The car parking controls under the Parramatta Development Control Plan provisions will need to apply to the development as follows:-		

DEVELOPMENT CONTROL	COMPLY	DISCUSSION
<ul style="list-style-type: none"> • 1 space per 1 bedroom apartment. • 1.25 spaces per 2 bedroom apartment. • 1.5 spaces per 3 bedroom apartment. <p>Visitor parking 0.25 spaces per dwelling.</p> <p>The following is provided:-</p> <ul style="list-style-type: none"> • 6 x 1 bedroom units = 6 spaces. • 22 x 2 bedroom units = 27.5 spaces. • 4 x 3 bedroom units = 6 spaces. <p>Visitor parking = 8 spaces.</p> <p>The residential component requires 48 spaces. An additional 6 spaces are needed for the commercial component for a total of 54 spaces. The development is provided with 54 spaces. Thus, there is adequate car parking to support the development and expected intensity of use.</p>		
3.6.3 Accessibility and Connectivity Is a 3m wide pedestrian through link required and provided?	N/A	This is not required.
3.7.2 Site consolidation and isolation There are no issues in relation to site isolation. Notwithstanding this, Number 42 Pegler Avenue is a slender allotment of land being 12.19 metres wide. That allotment forms part of the medical centre and its associated car park. In the event the medical centre site being 299 to 301 Blaxcell Street is redeveloped, that allotment would need to be incorporated into that site to form an integrated site.		

**DOCUMENTS
ASSOCIATED WITH
REPORT LPP081/19**

**Attachment 8
Original Deferred
Commencement Consent**



**Land and Environment
Court**
of New South Wales

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Your Ref:



D00010KPGP

9 July 2018

NOTICE OF ORDERS MADE

Case number 2018/00060530
Case title Unity Link (Vic) Pty Ltd v Cumberland Council

On 9 July 2018 the following orders (and/or directions) were made:

The final orders to give effect to the parties' agreement under s 34(3) of the Land and Environment Court Act 1979 are:

(1) The Applicant is given leave to amend the development application and rely upon the following plans in the proceedings:

- Drawing A1000, Revision B, dated 22/5/2018
- Drawing A1010, Revision B, dated 22/5/2018
- Drawing A1101, Revision B, dated 22/5/2018
- Drawing A1202, Revision C, dated 12/6/2018
- Drawing A1201, Revision C, dated 12/6/2018
- Drawing A1203, Revision C, dated 12/6/2018
- Drawing A1204, Revision C, dated 12/6/2018
- Drawing A1205, Revision C, dated 12/6/2018
- Drawing A1206, Revision C, dated 12/6/2018
- Drawing A1207, Revision C, dated 12/6/2018
- Drawing A1208, Revision C, dated 12/6/2018
- Drawing A1301, Revision C, dated 12/6/2018
- Drawing A1302, Revision C, dated 12/6/2018
- Drawing A1401, Revision C, dated 12/6/2018
- Drawing A1402, Revision C, dated 12/6/2018
- Drawing A1403, Revision C, dated 12/6/2018
- Drawing A2040, Revision C, dated 12/6/2018
- Drawing A2201, Revision C, dated 12/6/2018
- Drawing A2202, Revision C, dated 12/6/2018

(2) The appeal is upheld.

(3) Development application DA 454/2017 lodged on 2 November 2017 seeking approval for the demolition of all existing structures, removal of trees and the construction of a five (5) storey mixed use development encompassing two retail tenancies on the ground floor with four (4) levels of

residential use above, over two levels of basement car parking is approved subject to the conditions in Annexure A.

For the Registrar

Annexure A
Unity Link (Vic) Pty Ltd v Cumberland Council
Conditions of Development Consent

DA No: DA-454/2017
Property: 44 to 46 Pegler Avenue South Granville.
Description: Demolition of existing dwellings and structures and construction of a five storey mixed use building complex comprising two ground floor retail tenancies with four levels of apartments above and a two level basement car park for 54 vehicles.

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

Consent is granted subject to the following “deferred commencement” conditions. In accordance with Section 4.16(3) of the Environmental Planning and Assessment Act (as amended), this development consent will not operate until you satisfy the Council as to the matters set out in these “deferred commencement” conditions.

DC1 - Amended plans

Amended plans (3 Sets) addressing following shall be submitted to and approved by Cumberland Council:-

Connection to Council's pipe system

- a) The proposed stormwater connection shall be redesigned in consultation with Cumberland Council's stormwater engineers.
- b) A longitudinal section of the proposed 375 mm diameter and 300 mm diameter pipes, showing the depth and location of all the services within the area of the proposed works shall be submitted.
- c) Kerb inlet pit shall be a minimum 1.2m from the driveway / layback.
- d) Existing pit and pipe levels shall be verified and annotated on the plan.
- e) Overland flow from upstream site shall be maintained.
- f) Amended final drainage plans shall be submitted. 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”.

Parking /Access

Aisle width between the 90 degree parking and parallel parking spaces shall be a minimum 6.3 metres in accordance with Section 2.4.4 (b) of Australian standard AS2890.1.

Width of the visitor parking spaces 15 and 38 shall be minimum 2.4m.

Appeal No: 2018/60530

Reason:- to ensure Connection to Council's pipe comply with Council's requirements and waste collection complies with Council's requirements and the development control plan.

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

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

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

Approved Plans - Deferred Commencement

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

Plan Number	Prepared By	Revision No.	Dated
Drawing Number A.0000 Title Page	Ghazi Al Ali Architect Pty Ltd		
Site Analysis Drawing Number A1000	Ghazi Al Ali Architect Pty Ltd	B	22/5/2018
Site Plan Drawing Number A1010	Ghazi Al Ali Architect Pty Ltd	B	22/5/2018
Demolition Plan Drawing Number A1101	Ghazi Al Ali Architect Pty Ltd	B	22/5/2018
Basement 01 Plan Drawing Number A1202	Ghazi Al Ali Architect Pty Ltd	C	12/6/2018
Basement 02 Plan Drawing Number A1201	Ghazi Al Ali Architect Pty Ltd	C	12/6/2018
Ground Floor Plan Drawing Number A1203	Ghazi Al Ali Architect Pty Ltd	C	12/6/2018
Floor Level 01 Plan Drawing Number A1204	Ghazi Al Ali Architect Pty Ltd	C	12/6/2018
Floor Level 02 Plan Drawing Number A1205	Ghazi Al Ali Architect Pty Ltd	C	12/6/2018
Floor Level 03 Plan Drawing Number A1206	Ghazi Al Ali Architect Pty Ltd	C	12/6/2018
Level 04 Plan Drawing Number A1207	Ghazi Al Ali Architect Pty Ltd	C	12/6/2018
Roof Plan Drawing Number A1208	Ghazi Al Ali Architect Pty Ltd	C	12/6/2018

Elevations Drawing Number A1301	Ghazi Al Ali Architect Pty Ltd	C	12/6/2018
Elevations Drawing Number A1302	Ghazi Al Ali Architect Pty Ltd	C	12/6/2018
Section BB Drawing Number A1401	Ghazi Al Ali Architect Pty Ltd	C	12/6/2018
Section BB Drawing Number A1402	Ghazi Al Ali Architect Pty Ltd	C	12/6/2018
Section CC-Ramp Detail Drawing Number A1403	Ghazi Al Ali Architect Pty Ltd	C	12/6/2018
Storage Diagram Drawing Number A2040	Ghazi Al Ali Architect Pty Ltd	C	12/6/2018
Material Schedule Drawing Number A2201	Ghazi Al Ali Architect Pty Ltd	C	12/6/2018
Material Schedule Drawing Number A2202	Ghazi Al Ali Architect Pty Ltd	C	12/6/2018
Waste Management Plan	Ghazi Al Ali Architect Pty Ltd		August 2017
Building Code of Australia Report	Design Right Consulting		21 September 2017
Disability Access Report	Access Solutions NSW Pty Ltd		19 September 2017
Geotechnical Investigation Report	Geo Environmental Engineering		6 September 2016
Noise Assessment Reprt Report Number 160723-01L-DD	Acoustic Consulting Engineers	01	5 September 2017
Cover Sheet Drawing Number 20170206 SW100	SGC Engineering Value	A	20/9/2017
Stormwater Concept Design Basement 02 Plan Drawing Number 20170206 SW200	SGC Engineering Value	B	19/6/2018
Stormwater Concept Design Ground Floor Plan Drawing Number 20170206 SW201	SGC Engineering Value	B	19/6/2018
Stormwater Concept Design Level 01 Plan Drawing Number 20170206 SW202	SGC Engineering Value	B	19/6/2018

Stormwater Concept Design Roof Plan Drawing Number 20170206 SW203	SGC Value	Engineering	B	19/6/2018
Stormwater Concept Design Drawing Number 20170206 SW300	SGC Value	Engineering	A	19/6/2018
Erosion and Sediment Control Plan and Details Drawing Number 20170206 SW400	SGC Value	Engineering	A	19/6/2018
Stormwater Concept Design Drawing Number 20170206 SW500	SGC Value	Engineering	A	19/6/2018
Landscape Plan DWG LPDA17-365 P1	Concept Architects	Landscape Architects	E	21/6/2018
Specification and Detail DWG LPDA17-365 P2	Concept Architects	Landscape Architects	B	19/6/2018
BASIX Certificate Number 855924M-02				19 June 2018
Nationwide House Energy Rating Scheme Certificate Number 0002868300				19 June 2018
Revised Heritage Impact Statement Letter	Urbis			28 June 2018

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

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

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

2. Time period of consent

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

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

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

3. 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. Section 7.12 Contribution

A monetary contribution comprising **\$98,408.55** is payable to **Cumberland Council** in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 (as amended) and the Parramatta Section 7.12 Development Contributions Plan (Amendment No. 5).

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

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

Parramatta Section 7.12 Development Contributions Plan (Amendment No. 5) can be viewed on Cumberland Council's website at: www.cumberland.nsw.gov.au

Reason:- to comply with legislative requirements.

5. Consolidation of lots

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

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

6. 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.

7. 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).

8. 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:-

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- 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).

9. **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.

10. **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.

11. **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.

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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.

12. **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.

13. **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.

14. **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.

15. **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

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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.

16. Erection of Signs

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

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

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

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

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

17. 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.

18. 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.

19. 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 ventilating the basement car park. (Note: If mechanical ventilation is required, mechanical ventilation plans shall be submitted that also confirm the minimum height clearances specified by AS 2890.1 - Car parking, will be achieved).
- f) An acoustic report shall be prepared by an appropriately qualified acoustic consultant addressing noise emissions from the development including but not limited to construction noise and vibration intrusion from demolition and construction activities. The report shall be prepared in accordance with the New South Wales Environmental Protection Authority Industrial Noise Policy and New South Wales EPA Interim Construction Noise Guidelines.
- g) Details of the digital CCTV camera system to be installed within the building for security purposes and associated warning signage.

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

20. Infrastructure Fee

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

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

21. 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.

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

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

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

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

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

ADVISORY NOTE

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

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

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

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

23. **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.

24. **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.

25. **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.

26. **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)

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

(Setbacks and levels at completion)

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

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

27. **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.

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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.

28. **Sedimentation Control**

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

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

Such measures are to be maintained at all times to the satisfaction of Council and the Principal Certifying Authority. **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.

29. **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.

30. **Engineering Design - Basement Excavation**

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

- a) Documentary evidence prepared by a suitably qualified *professional geotechnical engineer* shall be submitted to the certifying authority, that confirms the suitability and stability of the site for the proposed excavation and building as well as certifying the suitability and adequacy of the proposed design and construction of the building for the site.
- b) A report shall be prepared by a *professional engineer* and submitted to the certifying authority prior to the issuing of a construction certificate, detailing the proposed methods of excavation, shoring or pile construction, including details of vibration emissions and detailing any possible damage which may occur to adjoining or nearby premises that may be caused by the proposed building and excavation works.

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

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

- c) Driven type piles/shoring **must not be provided** unless a geotechnical engineer's report is submitted to the certifying authority, **prior to the issuing of a construction certificate**, which states that damage should not occur to any adjoining premises and public place as a result of the works.
- d) The installation of ground or rock anchors underneath any adjoining premises including (a public roadway or public place) must not be carried out without the specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the certifying authority **prior to the commencement of any excavation or building works**.

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

31. **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.

32. **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**.

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

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

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

The applicant shall bear the full cost of this certification and the Council or Principal Certifier reserves the right to request a full report as described in (a) above should the certification provided by the engineer be considered unacceptable or insufficient.

Reason:- to enable the monitoring of any potential damage that may be caused to adjoining premises as a result of excavating and building in close proximity to the adjoining premises.

33. **Footpath area to be illuminated**

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

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

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

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

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

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

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

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

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

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

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

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

35. **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.

36. **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.

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

37. **Demolition of buildings**

The buildings 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.

38. **Demolition - Lead Paint Disposal**

The demolition and disposal of materials incorporating lead such as lead paint and dust paint shall be conducted in accordance with *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.

39. **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.

40. **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.

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- li) 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.

41. **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 3mmsec 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.

42. **Asbestos**

- a) In the event that asbestos is on a site or building under demolition or construction, WorkCover NSW is to be contacted to ascertain the appropriate response, to ensure the safety and protection of existing and future workers and residents. An Asbestos Removal Contractor licensed by WorkCover NSW is to handle/remove/transport and dispose of any products containing asbestos in a manner approved of by the Department of Environment and Conservation (DEC). Copies of tipping dockets are to be retained and able for viewing by Council officers on request.
- b) Asbestos material can only be disposed of at a landfill site nominated by Waste Services NSW for that purpose. An appointment must be made with Waste Services NSW to dispose of asbestos materials at the nominated landfill.
- c) Anyone who removes, repairs or disturbs bonded or a friable asbestos material must hold a current removal licence from Workcover NSW. Before starting work, a work site-specific permit approving each asbestos project must be obtained from Workcover NSW. A permit will not be granted without a current Workcover licence. All removal, repair or disturbance of or to asbestos material must comply with:-
 - i) Work Health and Safety Act 2011;
 - ii) The Work Health and Safety Regulation 2011;
 - iii) Protection of the Environment Operations Act 1997
 - iv) Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes, NSW EPA, May 1999

- v) *Waste Avoidance and Resource Recovery Act 2001.*
- vi) *The Code of Practice for the Safe Removal of Asbestos [NOHSC: 2002 (1998)];*
- vii) *The Guide to the Control of Asbestos Hazards in Buildings and Structures [NOHSC: 3002 (1998)] <http://www.nohsc.gov.au> ; and*
- viii) *The Workcover NSW Guidelines for Licensed Asbestos Removal Contractors.*

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.

43. **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.

44. **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.

45. **Neighbour 24 notification of commencement of demolition**

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

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

46. **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.

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

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

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

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

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

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

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

49. **Street boundary levels**

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

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

50. **Road opening permit**

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

Reason:- to safeguard Council property against damage.

51. **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.

52. 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.

53. Water Reuse

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

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

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

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

54. Submission of full stormwater disposal details

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

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

- i. The proposed stormwater system shall be generally in accordance with the stormwater concept plans to be approved as part of the consent.
- ii. OSD tank access grates shall be a minimum 900 x 900 mm in size with double (2/900 x 450 mm) hinged grates.
- iii. Maximum spacing between the grated access pits in the OSD shall not exceed 5.0m.

Note: "Parramatta Development Control Plan 2011" is available to purchase at Council or the document can be found at Cumberland Council's web page www.cumberland.nsw.gov.au

Reason:- to ensure the stormwater is suitably discharged.

55. 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.

56. **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.

57. **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.

58. **Basement drainage system**

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

- a) Two pump units being installed, the capacity of each being calculated on the basis of a hundred year storm recurrence interval and a storm duration of 5 (five) minutes, one pump acting in reserve capacity.
- b) The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.
- c) A holding well being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration of ninety minutes. In addition to this an above ground storage shall be provided up to a hundred year storm recurrence 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.
- d) A storm of two hours' duration has been adopted as a basis for determining the size of the well, the assumption being that electrical supply will be reinstated within this period.
- e) The pump out system is to be independent of any gravity drainage 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.
- f) Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.

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

Reason:- to prevent localised flooding.

59. **Footpath Construction - Pegler Avenue**

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

- Detailed footpath design shall be submitted and approved by Council's Works and Services section prior to the issue of a Construction Certificate.
- Street boundary levels obtained from Council shall be incorporated in the design.
- The details of construction requirements shall be requested from the Council prior to commencement of construction.
- Formwork inspection and footpath inspection shall be carried out by Council.
- All associated cost shall be borne by the applicant.
- The footpath shall be constructed at the completion of works and finished to the satisfaction of Council prior to the issue of an Occupation certificate.
- All associated cost shall be borne by the applicant

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

60. **Works-as-Executed Plan - Drainage Plans**

Prior to occupation of the building or issue of the occupation certificate, two (2) copies of the Works-as-Executed (W.A.E.) Plan prepared by a registered surveyor and certified by the design engineer shall be submitted to 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 verses volume table).
- d) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- e) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- f) Approved verses installed Drainage Design (OSD) Calculation Sheet.
- g) The above requirement shall be submitted to and approved by Council prior to Council endorse the Positive Covenant documents.

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

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

61. **Stormwater disposal**

Stormwater runoff generated from the development shall be directed to the On Site Detention system prior to being discharged to Council's pipe system by gravity system.

Reason:- to prevent localised flooding

62. **On street drainage design**

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

- A longitudinal section of the proposed 375 mm diameter and 300mm diameter pipes, showing the depth and location of all the services within the area of the proposed works shall be submitted.
- Existing pit and pipe levels shall be verified and annotated on the plan.

Reason:- to ensure Council's assets are designed to Council's requirements.

63. **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 the works related to the proposed connection to Council's storm water drainage system at following stages:
 - After the excavation of pipeline trenches.
 - After the laying of all pipes prior to backfilling.
 - After the completion of all pits and connection points.
- 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.

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

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

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

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

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

designed.

65. **Redundant driveway**

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

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

Reason:- to ensure Council's assets are restored in accordance with Council's standard.

66. **Ramp gradients**

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

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

Reason:- to ensure the access ramps comply with Australian Standard AS28890.1:2004.

67. **Headroom clearance along the ramp**

Headroom clearance shall comply with section 5.3 of the Australian Standard AS2890.1:2004. In this regard, a minimum 2.2m headroom clearance shall be provided.

Detailed longitudinal section of curved ramps to a scale of 1:20, shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

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

Reason:- to ensure the access ramps comply with Australian Standard AS28890.1:2004.

68. **Minimum Headroom - adaptable parking spaces**

Head room clearance within accessible parking shall be a minimum 2,500 mm to comply with AS2890 requirements. Headroom shall be measured clear of any beams and service ducts.

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

Reason:- to ensure headroom complies with AS2890.

69. **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.

70. 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 the flows shall not adversely affect any other property.

Reason:- to prevent adverse impact on adjoining properties.

71. Works within Council controlled lands

(1) For drainage works:

Within Council controlled lands.

Connecting to Council's stormwater drainage system.

Inspections will be required:-

- After the excavation of pipeline trenches.
 - After the laying of all pipes prior to backfilling.
 - 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.

72. 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.

73. 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.

74. Traffic Management

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

commencement of work.

Reason:- to minimise the impact on street traffic.

75. **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.

76. **Sydney Water Approval**

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

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

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

or telephone 13 20 92.

Note:

The consent authority or accredited certifier must either:

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

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

77. **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.

78. **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.

79. **Number of Car Parking Spaces**

A total of 54 off-street car parking spaces are to be provided to the development. In this regard:-

- A minimum of 39 spaces shall be allocated for residential use.
- A minimum of 8 spaces shall be allocated for visitor parking.
- A minimum of 7 spaces shall be allocated for the shops.

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.

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

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

80. **Signs for Visitor Parking**

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

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

81. **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.

82. **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.

83. **Loading and Unloading of Vehicles**

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

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

84. **Minimum height clearance for carparking spaces and entry to basement carparks**

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

Reason:- to ensure vehicles and pedestrians can safely use the carparking facility.

85. **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.

86. **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.

87. **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.

88. **Driveway surface treatment**

Driveway surface treatments must finish at the property boundary.

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

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

The following shall be complied with:-

- a) The on site car parking spaces, exclusive of service and visitor spaces, are not to be used by those other than the occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee in the building.
- b) Prior to Occupation Certificate under the Environmental Planning and Assessment Act 1979 (as amended) a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no

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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.

90. **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.

91. **SEPP 65 - Design Verification**

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

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

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

92. **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.

93. **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.

94. **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.

95. **Recommendations of Detailed Site Investigation**

The recommendations of the Detailed Site Investigation prepared by Alliance Geotechnical (Report No: 6840-ER-2-1) dated 21 May 2018 are required to be adhered to prior to and during construction of the proposed development.

Reason:- to ensure the contamination report is followed during demolition and construction work.

96. **Asbestos management plan**

Prior to the issuing of the Construction Certificate an asbestos management plan shall be submitted to Cumberland Council for assessment and comment.

The Asbestos Management Plan shall be prepared by an appropriately experienced environmental consultant with reference to NSW OEH (2011) and the Detailed Site Investigation prepared by Alliance Geotechnical (Report No: 6840-ER-2-1) dated 21 May 2018.

Reason:- to ensure the recommendations of the Detailed Site Investigation report prepared by Alliance Geotechnical is complied with.

97. **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.

98. **Side/Rear Boundary Fencing**

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

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

99. **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

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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.

100. **Removal of litter and graffiti:**

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

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

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

101. **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.

102. **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.

103. **Sydney Water Approval**

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

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

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

or telephone 13 20 92.

Note:

The consent authority or accredited certifier must either:

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

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

104. **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.

105. **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.

106. **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.

107. **Display of Waste Management Plan - Ongoing use**

The occupant/body corporate shall be provided with at least one copy of the waste management plan. An additional copy of the plan shall be displayed in a secure, visible and accessible position within or adjacent to the waste storage area. The approved Waste Management Plan must be complied with at all times during occupation.

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Reason:- to ensure waste is properly managed by occupants of the building.

108. **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.

109. **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.

110. **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

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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.

111. **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.

112. **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.

113. Separate Development Consent

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

Reason:- to limit and control advertising.

114. Separate consent required prior to occupation of premises

Separate Development Consent must be obtained prior to occupation of the retail tenancies on the ground floor.

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

115. Side/Rear Boundary Fencing

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

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

116. 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.

117. CCTV Camera System

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

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

118. 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.

119. Occupation Certificate

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

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

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

120. 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.

121. 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.

122. 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.

123. 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.

Reason:- to comply with Clause 3.1.3.0 of the Building Code of Australia and AS 3660.1-2000.

**DOCUMENTS
ASSOCIATED WITH
REPORT LPP081/19**

**Attachment 9
Original Architectural Plans**

DRAWING SCHEDULE - ISSUE C

A 0000 TITLE PAGE

A 1201 BASEMENT 02
A 1202 BASEMENT 01
A 1203 GROUND FLOOR PLAN
A 1204 LEVEL 01
A 1205 LEVEL 02
A 1206 LEVEL 03
A 1207 LEVEL 04
A 1208 ROOF PLAN

A 1301 ELEVATIONS
A 1302 ELEVATIONS

A 1401 SECTION AA
A 1402 SECTION BB
A 1403 SECTION CC-RAMP DETAIL

A 2000 GFA CALCULATION
A 2010 SOLAR ACCESS DIAGRAM 2D
A 2011 SOLAR ACCESS DIAGRAM 3D
A 2020 CROSS-VENTILATION DIAGRAM 2D
A 2040 STORAGE DIAGRAM

A 2101 SHADOW DIAGRAM 9.00AM 21 JUNE
A 2102 SHADOW DIAGRAM 12.00AM 21 JUNE
A 2103 SHADOW DIAGRAM 3.00PM 21 JUNE

A 2111 COMPARISON SHADOW DIAGRAM 9.00AM
A 2112 COMPARISON SHADOW DIAGRAM 10.00AM
A 2113 COMPARISON SHADOW DIAGRAM 11.00AM
A 2114 COMPARISON SHADOW DIAGRAM 12.00PM
A 2115 COMPARISON SHADOW DIAGRAM 1.00PM
A 2116 COMPARISON SHADOW DIAGRAM 2.00PM
A 2117 COMPARISON SHADOW DIAGRAM 3.00PM

A 2201 MATERIAL SCHEDULE
A 2202 MATERIAL SCHEDULE

A 3000 HEIGHT PLANE DIAGRAM 3D

1047744/2018
FOR S34 REVIEW

FSR

SITE AREA: 1539.88 SQM
PERMISSIBLE FSR: 2:1
PERMISSIBLE GFA: 3076.65
SQM
GFA: 2896.48 SQM
TOTAL FSR: 1.88:1

UNIT MIX

STUDIO: 3
1 BED: 3
2 BED: 22
3 BED: 4
COMMERCIAL: 2

UNITS TOTAL: 32 + 2

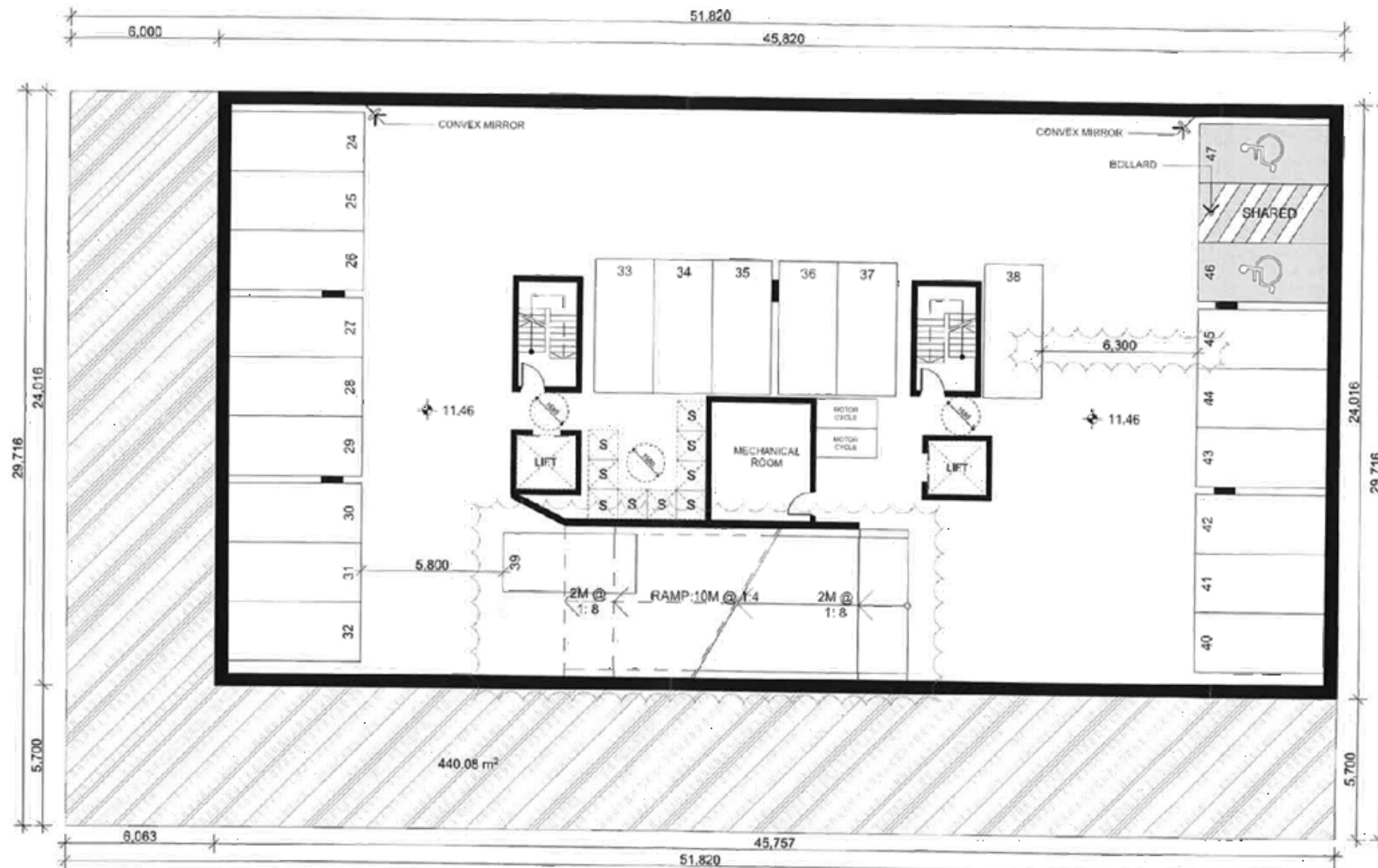


GHAZI AL ALI
ARCHITECT PTY LTD
LEVEL 2, UNIT 2, 14 RAILWAY PARADE
BURWOOD NSW 2134
T. +612 9744 7635 E. office@ghazia.com
ACN: 67167131848 NSW 152, 56, 7642

PROPOSED MIXED-USE DEVELOPMENT
PEGLER AVENUE
44-46 Pegler Avenue, South Granville

External Walls: 75mm hebel, R2.0 insul., plasterboard lined (medium colour)
Internal Walls:
Corridor: Plasterboard, 28mm insul., 75mm hebel, air gap, R2.0 insul., plasterboard
Interference Wall: plasterboard, 28mm insul., air gap, 75mm hebel, R2.0 insul., plasterboard
Within Units: plasterboard on studs (no insulation)
Windows: Aluminium SG High Solar Gain Low-E, U = 5.50, SHGC = 0.49 - SEE TABLE FOR ADDITIONAL GLAZING REQUIREMENTS
Roof: Concrete slab 150mm - Drained Tile walking surface - no insulation - Susp. Ceiling under (medium colour) - SEE TABLE FOR UNITS REQUIRING INSULATION
Ceiling: Plasterboard - no insulation
Floors: concrete (no insul.) - SEE TABLE FOR UNITS REQUIRING INSULATION
Floor Covering: carpet in beds, ceramic tiles elsewhere
Wall Exhaust fans and downlights: 1 unit per 100 sqm

Units	Additional Requirements
100	R1.5 insulation in floor
101	R1.5 insulation in floor + Aluminium SG Low Solar Gain Low-E, U = 5.50, SHGC = 0.38
102	R1.0 insulation in floor
103	R1.5 insulation in floor
104	R1.0 insulation in floor
105	R1.0 insulation in floor
106	R1.0 insulation in floor over non-conditioned floor
108	R1.0 insulation in floor over open air
109	R1.5 insulation in floor
201	Aluminium SG Low Solar Gain Low-E, U = 5.50, SHGC = 0.38
301	Aluminium SG Low Solar Gain Low-E, U = 5.50, SHGC = 0.38
302	Aluminium SG Low Solar Gain Low-E, U = 5.50, SHGC = 0.38
304	R2.0 insulation in ceiling below concrete tiled walking surface
400	R2.0 insulation in ceiling
401	R2.0 insulation in ceiling
402	R2.0 insulation in ceiling
403	R2.0 insulation in ceiling
404	R2.0 insulation in ceiling
405	R2.0 insulation in ceiling
406	R2.0 insulation in ceiling



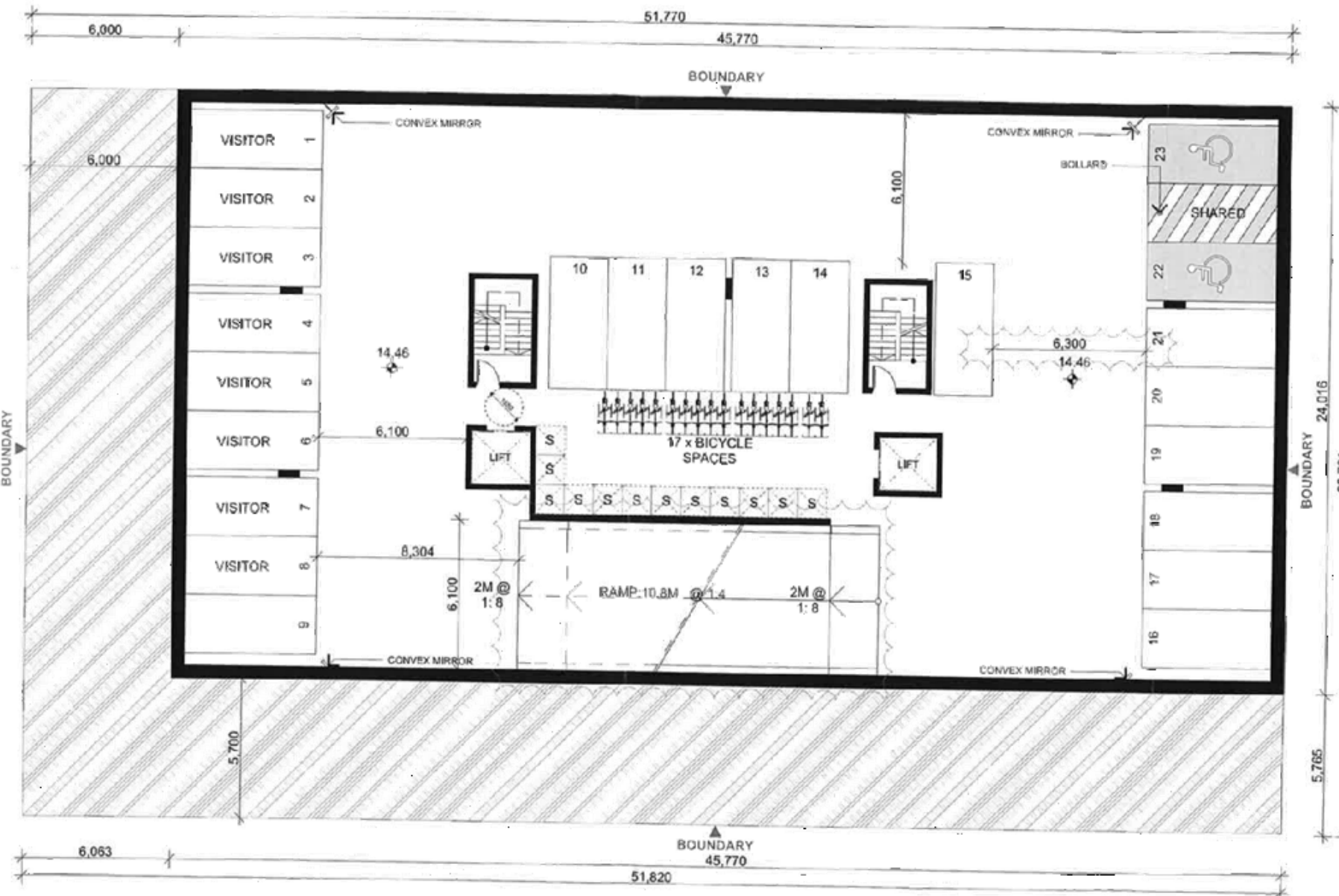
BASEMENT 02 PLAN @ 1: 200

SCALE 1:200 @ A3
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External Walls: 75mm hebel; R2.0 insul; plasterboard lined (medium colour)
Internal Walls:
Corridor: Plasterboard; 28mm insul; 75mm hebel; air gap; R3.0 insul; plasterboard
Interferance Wall: plasterboard; 28mm insul; air gap; 75mm hebel; R3.0 insul; plasterboard
Within Units: plasterboard on studs (no insulation)
Windows: Aluminium SG High Solar Gain Low-E; U = 5.46; SHGC = 0.45 - SEE TABLE FOR ADDITIONAL GLAZING REQUIREMENTS
Roof: Concrete slab 150mm - Drained Tile walking surface - no insulation - Susp. Ceiling under (medium colour) - SEE TABLE FOR UNITS REQUIRING INSULATION
Ceiling: Plasterboard - no insulation
Floor: concrete (no insul) - SEE TABLE FOR UNITS REQUIRING INSULATION
Floor Coverings: carpet in beds, ceramic tiles elsewhere
Wall Exhaust fans and downlights must be sealed

Units	Additional Requirements
100	R1.5 insulation in floor
101	R1.5 insulation in floor + Aluminium SG Low Solar Gain Low-E; U = 5.80; SHGC = 0.39
102	R1.0 insulation in floor
103	R1.5 insulation in floor
104	R1.0 insulation in floor
105	R1.0 insulation in floor
106	R1.0 insulation in floor over non-conditioned floor
107	R1.0 insulation in floor over open air
108	R1.5 insulation in floor
201	Aluminium SG Low Solar Gain Low-E; U = 5.80; SHGC = 0.39
301	Aluminium SG Low Solar Gain Low-E; U = 5.80; SHGC = 0.39
302	Aluminium SG Low Solar Gain Low-E; U = 5.80; SHGC = 0.39
304	R2.0 insulation in ceiling below concrete tiled walking surface
400	R2.0 insulation in ceiling
401	R2.0 insulation in ceiling
402	R2.0 insulation in ceiling
403	R2.0 insulation in ceiling
404	R2.0 insulation in ceiling
405	R2.0 insulation in ceiling
406	R2.0 insulation in ceiling



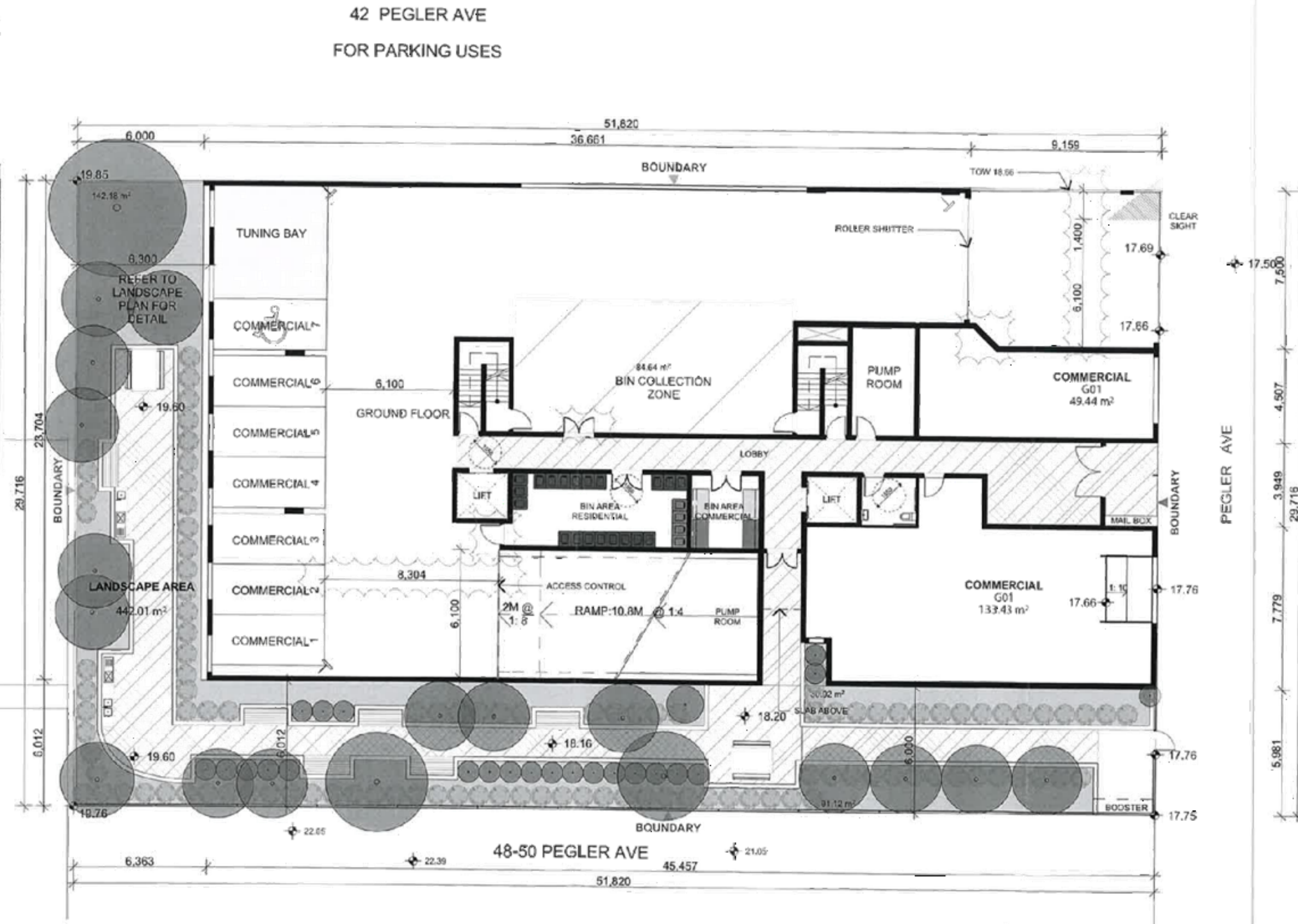
BASEMENT 01 PLAN @ 1:200

SCALE 1:200 @ A3
0 1 2 5 10M

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External Walls: 75mm hebel: R2.0 insul: plasterboard lined (medium colour)
Internal Walls:
Corridor: Plasterboard: 28mm insul: 75mm hebel: air gap: R1.0 insul: plasterboard
Intertency Wall: plasterboard: 28mm insul: air gap: 75mm hebel: R1.0 insul: plasterboard
Within Units: plasterboard on studs (no insulation)
Windows: Aluminium SG High Solar Gain Low-E: U = 5.40: SHGC = 0.45 - SEE TABLE FOR ADDITIONAL GLAZING REQUIREMENTS
Roof: Concrete slab 150mm - Drained Tile walking surface - no insulation - 550p. Ceiling under (medium colour) - SEE TABLE FOR UNITS REQUIRING INSULATION
Ceilings: Plasterboard + no insulation
Floors: concrete (no insul.) - SEE TABLE FOR UNITS REQUIRING INSULATION
Floor Coverings: carpet in beds, ceramic tiles elsewhere
Wall Exhaust fans and downlights: must be sealed

Units	Additional Requirements
100	R1.5 insulation in floor
101	R1.5 insulation in floor + Aluminium SG Low Solar Gain Low-E: U = 5.90: SHGC = 0.39
102	R1.0 insulation in floor
103	R1.5 insulation in floor
104	R1.0 insulation in floor
105	R1.0 insulation in floor
106	R1.0 insulation in floor over non-conditioned floor
108	R1.0 insulation in floor over open air
109	R1.5 insulation in floor
201	Aluminium SG Low Solar Gain Low-E: U = 5.90: SHGC = 0.39
301	Aluminium SG Low Solar Gain Low-E: U = 5.90: SHGC = 0.39
302	Aluminium SG Low Solar Gain Low-E: U = 5.90: SHGC = 0.39
304	R2.0 insulation in ceiling below concrete tiled walking surface
400	R2.0 insulation in ceiling
401	R2.0 insulation in ceiling
402	R2.0 insulation in ceiling
403	R2.0 insulation in ceiling
404	R2.0 insulation in ceiling
405	R2.0 insulation in ceiling
406	R2.0 insulation in ceiling



GROUND FLOOR PLAN @ 1: 200

SCALE 1:200 @ A3
0 1 2 5 10M

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ACCESS
QUANTITY SURVEY

TRAFFIC
BASE

ACOUSTIC
GEOTECHNICAL

HYDRAULIC
LANDSCAPING

SGC

PLANNING
wjlone

GHAZI ALI ARCHITECT

PROJECT
44-46 PEGLER AVENUE, SOUTH GRANVILLE
Unity Link (Vic) Pty Ltd.

GROUND FLOOR PLAN
DA A1203 C

Units	Additional Requirements
100	R1.5 insulation in floor
101	R1.5 insulation in floor + Aluminum SG Low Solar Gain Low-E: U = 5.80 SHGC = 0.50
102	R1.9 insulation in floor
103	R1.5 insulation in floor
104	R1.0 insulation in floor
105	R1.5 insulation in floor
106	R1.0 insulation in floor over non-conditioned floor
108	R1.0 insulation in floor over open air
109	R1.5 insulation in floor
291	Aluminum SG Low Solar Gain Low-E: U = 5.80 SHGC = 0.36
301	Aluminum SG Low Solar Gain Low-E: U = 5.80 SHGC = 0.50
302	Aluminum SG Low Solar Gain Low-E: U = 5.80 SHGC = 0.36
304	R2.0 insulation in ceiling below concrete tiled walking surface
400	R2.0 insulation in ceiling
401	R2.0 insulation in ceiling
402	R2.0 insulation in ceiling
403	R2.0 insulation in ceiling
404	R2.0 insulation in ceiling
405	R2.0 insulation in ceiling
406	R2.0 insulation in ceiling

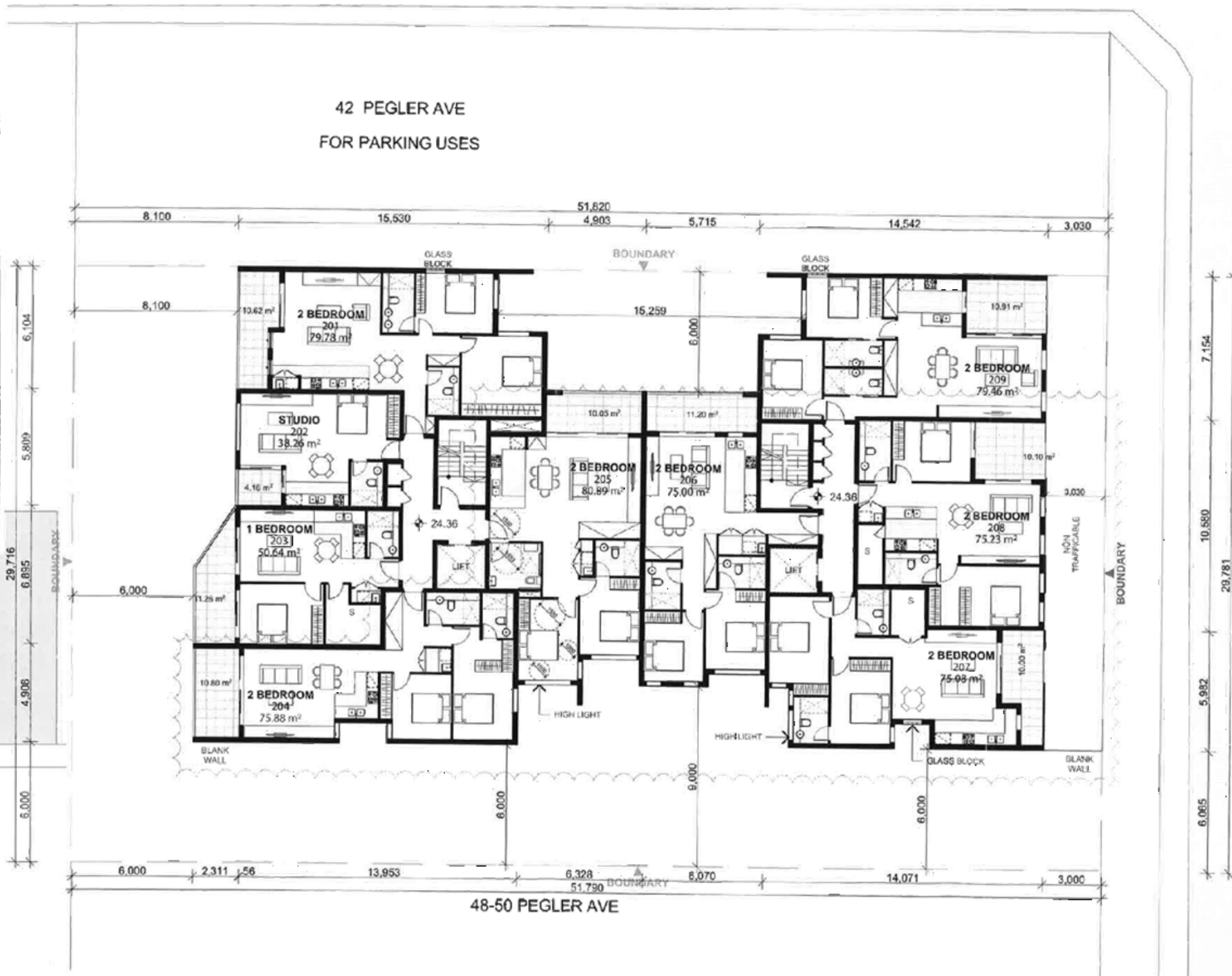
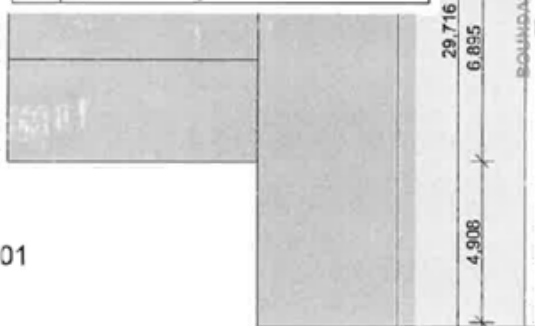


NO. 303

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External Walls: 75mm hebel, R2.0 insul., plasterboard lined (medium colour)
Internal Walls:
Corridor: Plasterboard, 28mm insul., 75mm hebel; air gap; R1.0 insul.; plasterboard
Interchange Wall: plasterboard, 28mm insul.; air gap; 75mm hebel; R1.0 insul.; plasterboard
Within Units: plasterboard on studs (no insulation)
Windows: Aluminium SG High Solar Gain Low-E; U = 5.40; SHGC = 0.49 - SEE TABLE FOR ADDITIONAL GLAZING REQUIREMENTS
Roof: Concrete slab 150mm - Drained tile walking surface - no insulation - Susp. Ceiling under (medium colour) - SEE TABLE FOR UNITS REQUIRING INSULATION
Ceilings: Plasterboard - no insulation
Floors: concrete (no insul.) - SEE TABLE FOR UNITS REQUIRING INSULATION
Floor Coverings: carpet in beds, ceramic tiles elsewhere
Wall Exhaust fans and downlights: must be sealed

Units	Additional Requirements
100	R1.5 insulation in floor
101	R1.5 insulation in floor + Aluminium SG Low Solar Gain Low-E; U = 5.40; SHGC = 0.39
102	R1.6 insulation in floor
103	R1.8 insulation in floor
104	R1.0 insulation in floor
105	R1.0 insulation in floor
106	R1.0 insulation in floor over non-conditioned floor
108	R1.0 insulation in floor over open air
109	R1.5 insulation in floor
201	Aluminium SG Low Solar Gain Low-E; U = 5.40; SHGC = 0.36
301	Aluminium SG Low Solar Gain Low-E; U = 5.40; SHGC = 0.36
302	Aluminium SG Low Solar Gain Low-E; U = 5.40; SHGC = 0.36
304	R2.0 insulation in ceiling below concrete tiled walking surface
400	R2.0 insulation in ceiling
401	R2.0 insulation in ceiling
402	R2.0 insulation in ceiling
403	R2.0 insulation in ceiling
404	R2.0 insulation in ceiling
405	R2.0 insulation in ceiling
406	R2.0 insulation in ceiling



PEGLER AVENUE

SCALE 1:200 @ A3
0 1 2 5 10M

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GHADI AL ALI ARCHITECT

PROJECT
44-46 PEGLER AVENUE, SOUTH GRANVILLE
Client: Unity Link (Vic) Pty Ltd.
Date: 12/08/2019
Project Director: DA

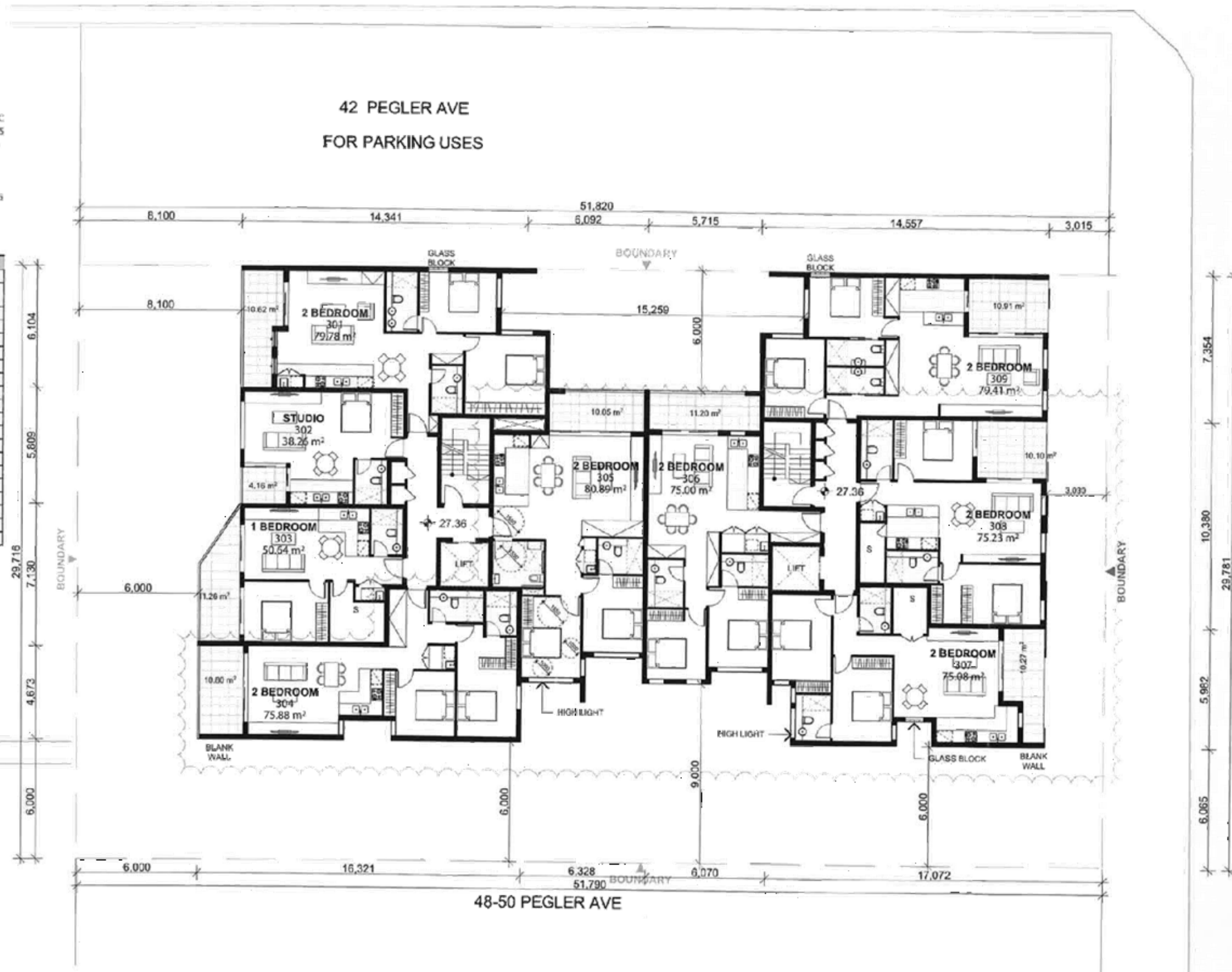
LEVEL 02 PLAN
Drawing Number: A 1205
Scale: 1:200

External Walls: 75mm hebel R2.0 insul: plasterboarded (medium colour)
Internal Walls:
Corridor: Plasterboard: 28mm insul: 75mm hebel air gap: R1.0 insul: plasterboard
Interunitary Wall: plasterboard: 28mm insul: air gap: 75mm hebel R4.0 insul: plasterboard
Within Units: plasterboard on studs (no insulation)
Windows: Aluminium SG (high Solar Gain Low-E: U = 5.40: SHGC = 0.45) - SEE TABLE FOR ADDITIONAL GLAZING REQUIREMENTS
Roof: Concrete slab 150mm - Drained Tile walking surface - no insulation - Susp. Ceiling under (medium colour) - SEE TABLE FOR UNITS REQUIRING INSULATION
Ceiling: Plasterboard - no insulation
Floor: concrete (no insul) - SEE TABLE FOR UNITS REQUIRING INSULATION
Floor Coverings: carpet in beds, ceramic tiles elsewhere
Wall Exhaust fans and downlights: must be sealed

Units	Additional Requirements
100	R1.5 insulation in floor
101	R1.5 insulation in floor + Aluminium SG Low Solar Gain Low-E: U = 5.40: SHGC = 0.38
102	R1.0 insulation in floor
103	R1.5 insulation in floor
104	R1.0 insulation in floor
105	R1.0 insulation in floor
106	R1.0 insulation in floor over non-suspended floor
106	R1.0 insulation in floor over open air
109	R1.5 insulation in floor
201	Aluminium SG Low Solar Gain Low-E: U = 5.40: SHGC = 0.38
301	Aluminium SG Low Solar Gain Low-E: U = 5.40: SHGC = 0.38
302	Aluminium SG Low Solar Gain Low-E: U = 5.40: SHGC = 0.38
304	R2.0 insulation in ceiling below concrete tiled walking surface
400	R2.0 insulation in ceiling
401	R2.0 insulation in ceiling
402	R2.0 insulation in ceiling
403	R2.0 insulation in ceiling
404	R2.0 insulation in ceiling
405	R2.0 insulation in ceiling
406	R2.0 insulation in ceiling

01

NO. 303



PEGLER AVENUE

FLOOR LEVEL 03@ 1:200



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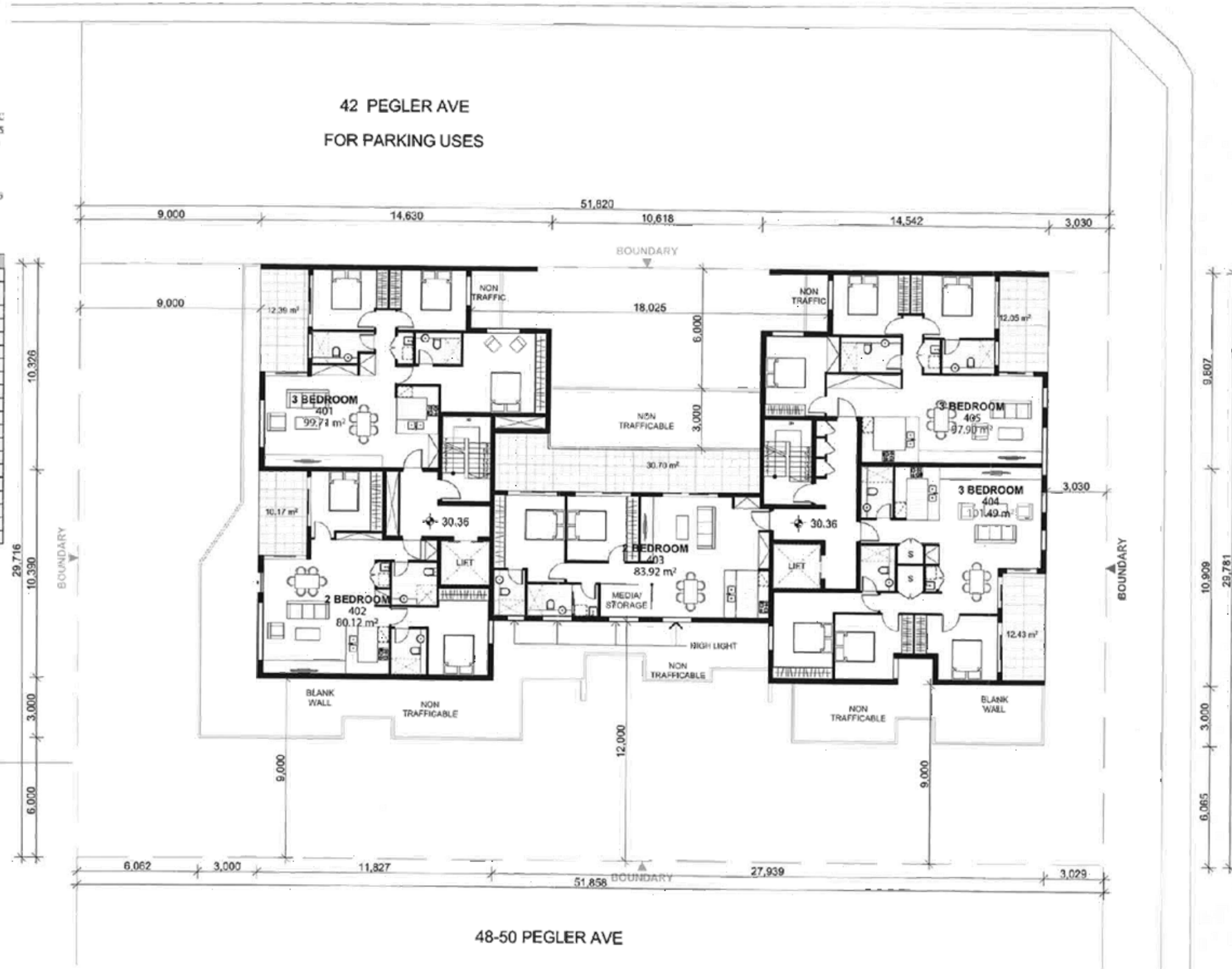
DA

DA

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External Walls: 75mm hebel; R2.0 insul; plasterboard lined (medium colour)
Internal Walls:
Corridor: Plasterboard; 28mm insul; 75mm hebel; air gap; R1.0 insul; plasterboard
Interferency Wall: plasterboard; 28mm insul; air gap; 75mm hebel; R1.0 insul; plasterboard
Within Units: plasterboard on studs (no insulation)
Windows: Aluminium SG High Solar Gain Low-E; U = 5.40; SHGC = 0.49 - SEE TABLE FOR ADDITIONAL GLAZING REQUIREMENTS
Roof: Concrete slab 150mm - Drained Tile walking surface - no insulation - Susp. Ceiling under (medium colour) - SEE TABLE FOR UNITS REQUIRING INSULATION
Ceiling: Plasterboard + 7.0 insulation
Floor: concrete (no insul) - SEE TABLE FOR UNITS REQUIRING INSULATION
Floor Coverings: carpet in beds, ceramic tiles elsewhere
Wall Exhaust fans and downlights: must be sealed

Units	Additional Requirements
100	R1.5 insulation in floor
101	R1.5 insulation in floor + Aluminium SG Low Solar Gain Low-E; U = 5.40; SHGC = 0.38
102	R1.0 insulation in floor
103	R1.5 insulation in floor
104	R1.0 insulation in floor
105	R1.0 insulation in floor
106	R1.0 insulation in floor over non-conditioned floor
108	R1.0 insulation in floor over open air
109	R1.5 insulation in floor
201	Aluminium SG Low Solar Gain Low-E; U = 5.40; SHGC = 0.38
301	Aluminium SG Low Solar Gain Low-E; U = 5.40; SHGC = 0.38
302	Aluminium SG Low Solar Gain Low-E; U = 5.40; SHGC = 0.38
304	R2.0 insulation in ceiling below concrete tiled walking surface
400	R2.0 insulation in ceiling
401	R2.0 insulation in ceiling
402	R2.0 insulation in ceiling
403	R2.0 insulation in ceiling
404	R2.0 insulation in ceiling
405	R2.0 insulation in ceiling
406	R2.0 insulation in ceiling



PEGLER AVENUE

NO. 303

48-50 PEGLER AVE

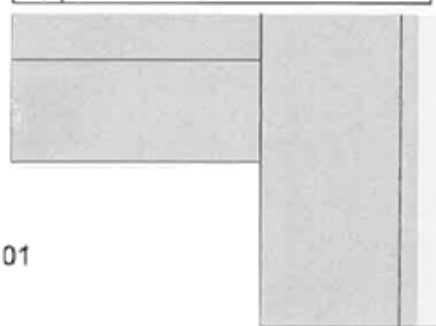
FLOOR LEVEL 04@ 1:200



<p>FOR DA PURPOSES ONLY NOT FOR CONSTRUCTION</p> <p>DA</p>	<p>UNITS: 1:200 DATE: 14/09/2019 PROJECT: 44-46 PEGLER AVENUE, SOUTH GRANVILLE CLIENT: Unity Link (Vic) Pty Ltd.</p>	<p>LEVEL 04 PLAN</p> <p>DA A1207</p>
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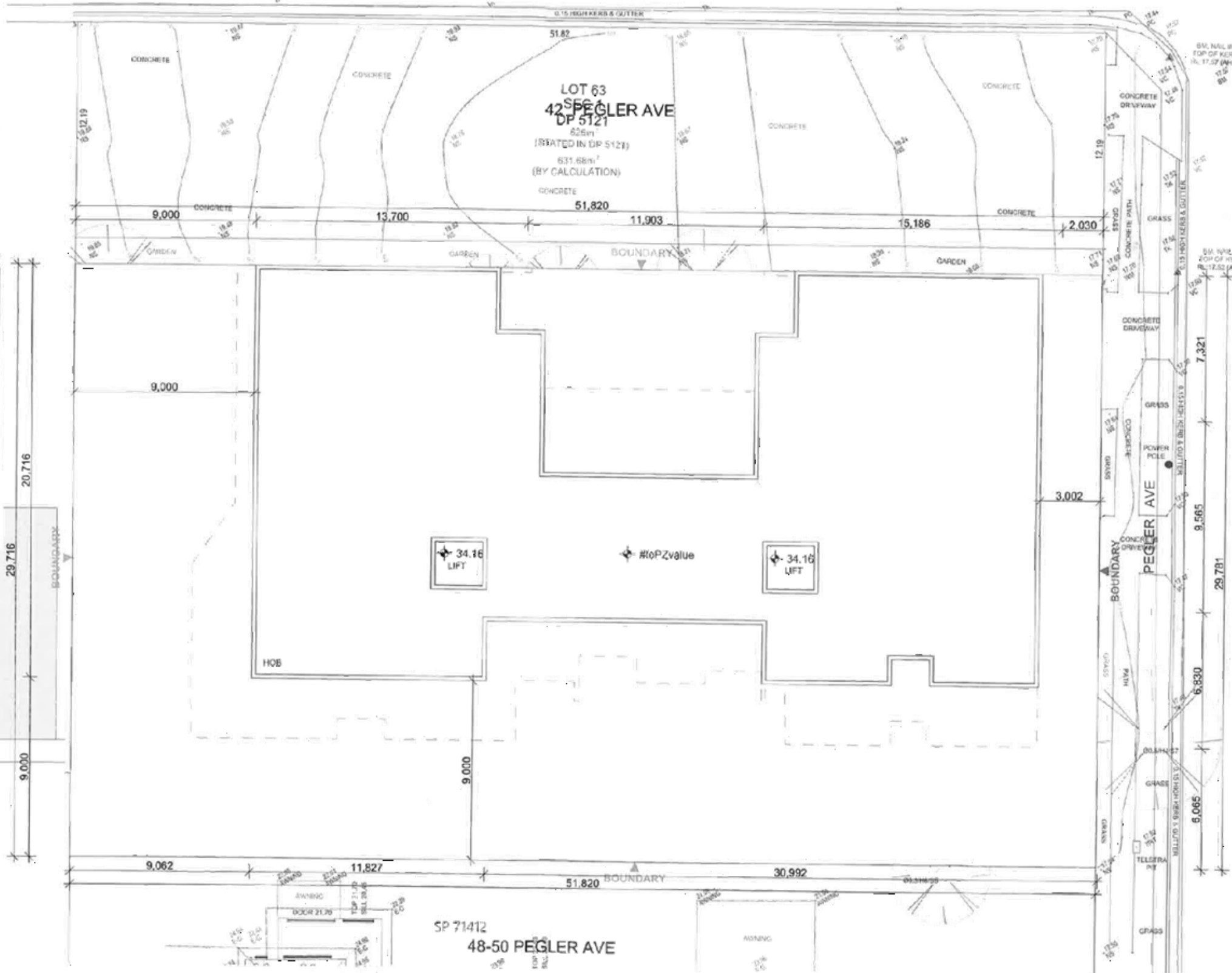
External Walls: 75mm hebel; R2.0 insul; plasterboard lined (medium colour)
Internal Walls:
Corridor: Plasterboard; 28mm insul; 75mm hebel; air gap; R1.0 insul; plasterboard
Interference Wall: plasterboard; 28mm insul; air gap; 75mm hebel; R1.0 insul; plasterboard
Within Units: plasterboard on studs (no insulation)
Windows: Aluminium SG High Solar Gain Low-E; U = 5.48; SHGC = 0.49 - SEE TABLE FOR ADDITIONAL GLAZING REQUIREMENTS
Roof: Concrete slab 150mm - Drained Tile walking surface - no insulation - Susp. Ceiling under (medium colour) - SEE TABLE FOR UNITS REQUIRING INSULATION
Ceiling: Plasterboard + no insulation
Floor: concrete (no insul) - SEE TABLE FOR UNITS REQUIRING INSULATION
Floor Coverings: carpet in beds, ceramic tiles elsewhere
Wall Exhaust fans and downlights: must be sealed

Units	Additional Requirements
100	R1.0 insulation in floor
101	R1.5 insulation in floor + Aluminium SG Low Solar Gain Low-E; U = 5.80; SHGC = 0.39
102	R1.0 insulation in floor
103	R1.5 insulation in floor
104	R1.0 insulation in floor
105	R1.0 insulation in floor
106	R1.0 insulation in floor over non-conditioned floor
108	R1.0 insulation in floor over open air
109	R1.5 insulation in floor
201	Aluminium SG Low Solar Gain Low-E; U = 5.80; SHGC = 0.39
301	Aluminium SG Low Solar Gain Low-E; U = 5.80; SHGC = 0.39
302	Aluminium SG Low Solar Gain Low-E; U = 5.80; SHGC = 0.39
304	R2.0 insulation in ceiling below concrete tiled walking surface
400	R2.0 insulation in ceiling
401	R2.0 insulation in ceiling
402	R2.0 insulation in ceiling
403	R2.0 insulation in ceiling
404	R2.0 insulation in ceiling
405	R2.0 insulation in ceiling
406	R2.0 insulation in ceiling



01

NO. 303



PEGLER AVENUE

ROOF PLAN

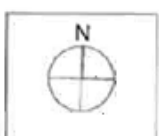
SCALE 1:200 @ A3
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QUANTITY SURVEY

TRAFFIC

ACOUSTIC

HYDRAULIC

SCA

PLANNING

GHAZI AL ALI ARCHITECT

44-45 PEGLER AVENUE, SOUTH GRANVILLE
Unity Link (Vic) Pty Ltd.

DA

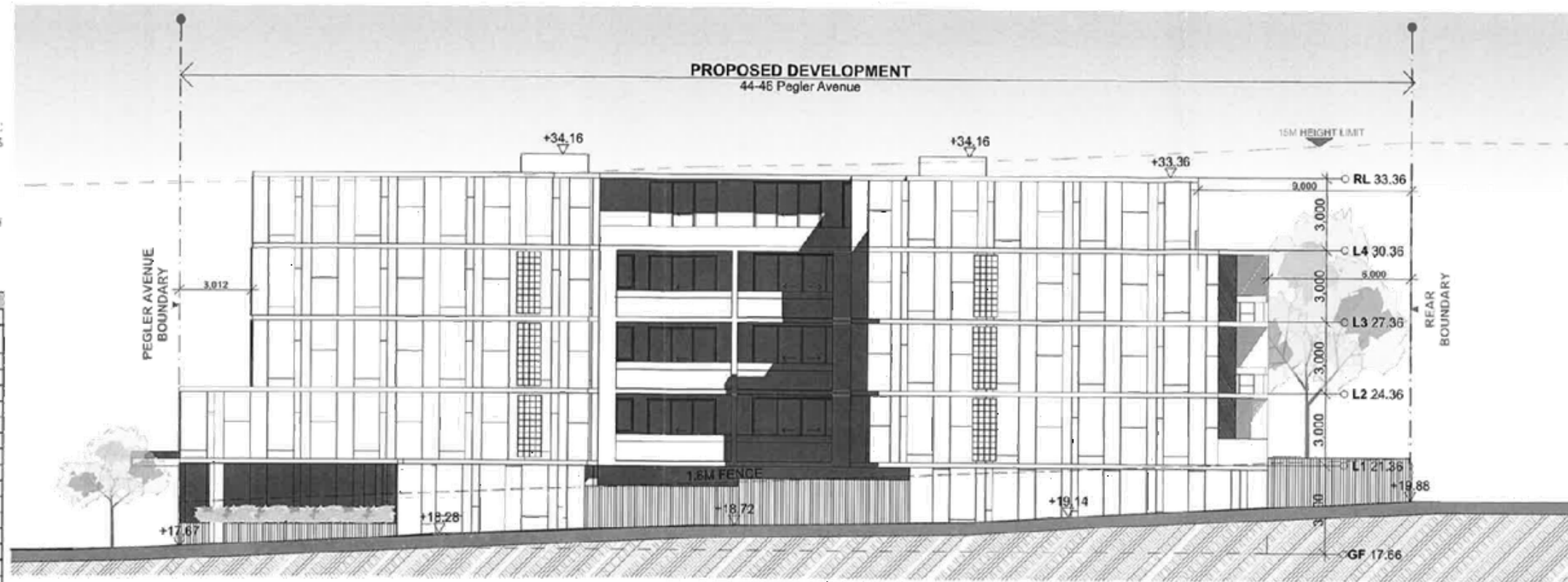
DA

DA

DA

External Walls: 75mm hebel; R2.0 insul; plasterboard lined (medium colour)
Internal Walls:
Corridor: Plasterboard; 28mm insul; 75mm hebel; air gap; R1.0 insul; plasterboard
Interference Wall: plasterboard; 28mm insul; air gap; 75mm hebel; R1.0 insul; plasterboard
Within Units: plasterboard on studs (no insulation)
Windows: Aluminium SG High Solar Gain Low-E; U = 5.40; SHGC = 0.49 – SEE TABLE FOR ADDITIONAL GLAZING REQUIREMENTS
Roof: Concrete slab 150mm - Drained Tile walking surface – no insulation - Susp. Ceiling under (medium colour) – SEE TABLE FOR UNITS REQUIRING INSULATION
Ceiling: Plasterboard – no insulation
Floors: concrete (no insul) – SEE TABLE FOR UNITS REQUIRING INSULATION
Floor Coverings: carpet in beds; ceramic tiles elsewhere
Wall Exhaust fans and downlights: must be sealed

Units	Additional Requirements
100	R1.5 insulation in floor
101	R1.5 insulation in floor + Aluminium SG Low Solar Gain Low-E; U = 5.40; SHGC = 0.36
102	R1.5 insulation in floor
103	R1.5 insulation in floor
104	R1.5 insulation in floor
105	R1.5 insulation in floor
106	R1.5 insulation in floor over non-conditioned floor
108	R1.0 insulation in floor over open air
109	R1.5 insulation in floor
201	Aluminium SG Low Solar Gain Low-E; U = 5.40; SHGC = 0.36
301	Aluminium SG Low Solar Gain Low-E; U = 5.40; SHGC = 0.36
302	Aluminium SG Low Solar Gain Low-E; U = 5.40; SHGC = 0.36
304	R2.0 insulation in ceiling below concrete tiled walking surface
400	R2.0 insulation in ceiling
401	R2.0 insulation in ceiling
402	R2.0 insulation in ceiling
403	R2.0 insulation in ceiling
404	R2.0 insulation in ceiling
405	R2.0 insulation in ceiling
406	R2.0 insulation in ceiling



NORTH ELEVATION @ 1: 200



SOUTH ELEVATION @ 1: 200

SCALE 1:200 @ A3
0 1 2 5 10M

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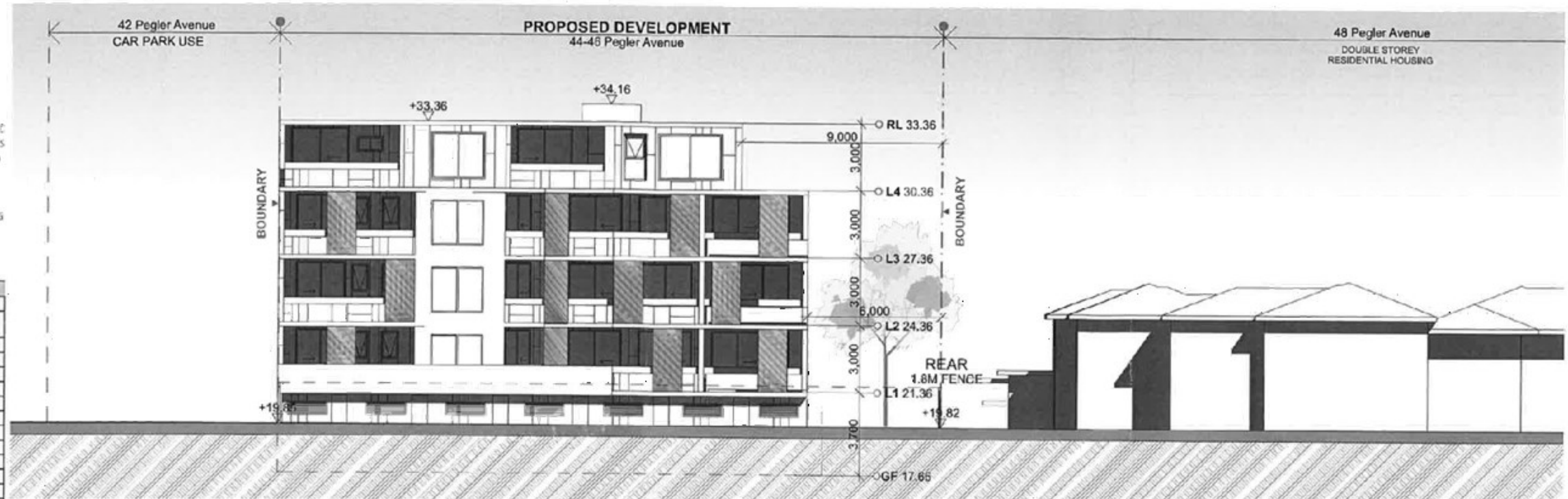
ARCHITECT
GHAZI AL ALI
ARCHITECTS

PROJECT
44-46 PEGLER AVENUE, SOUTH GRANVILLE
CLIENT
Unity Link (Vic) Pty Ltd.
SCALE
1:200
DATE
10/12/2019
PROJECT ARCHITECT
12
PROJECT DIRECTOR
GA

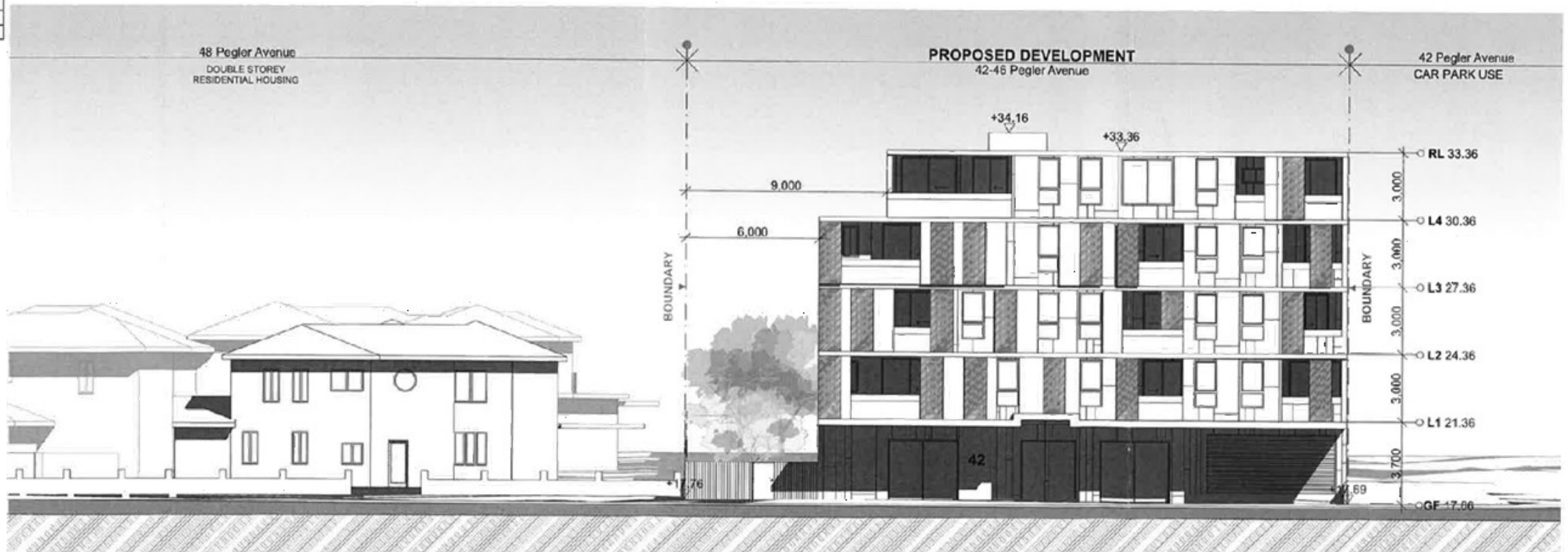
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ELEVATIONS
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External Walls: 75mm fibrebet, R2.0 insul., plasterboard lined (medium colour)
Internal Walls:
Corridor: Plasterboard; 28mm insul.; 75mm fibrebet; air gap; R2.0 insul.; plasterboard
Interzone Wall: plasterboard; 28mm insul.; air gap; 75mm fibrebet; R2.0 insul.; plasterboard
Within Units: plasterboard on studs (no insulation)
Windows: Aluminium SG High Solar Gain Low-E; U = 5.40; SHGC = 0.49 - SEE TABLE FOR ADDITIONAL GLAZING REQUIREMENTS
Roof: Concrete slab 150mm - Drained Tile waterproofing - no insulation - Susp. Ceiling under (medium colour) - SEE TABLE FOR UNITS REQUIRING INSULATION
Ceilings: Plasterboard - no insulation
Floors: concrete (no insul.) - SEE TABLE FOR UNITS REQUIRING INSULATION
Floor Coverings: carpet in beds, ceramic tiles elsewhere
Wall Exhaust Fans and downlights must be sealed

Units	Additional Requirements
100	R1.5 insulation in floor
101	R1.5 insulation in floor + Aluminium SG Low Solar Gain Low-E; U = 5.40; SHGC = 0.38
102	R1.0 insulation in floor
103	R1.5 insulation in floor
104	R1.0 insulation in floor
105	R1.0 insulation in floor
106	R1.0 insulation in floor over non-conditioned floor
108	R1.0 insulation in floor over open air
109	R1.5 insulation in floor
201	Aluminium SG Low Solar Gain Low-E; U = 5.40; SHGC = 0.38
301	Aluminium SG Low Solar Gain Low-E; U = 5.40; SHGC = 0.38
302	Aluminium SG Low Solar Gain Low-E; U = 5.40; SHGC = 0.38
304	R2.0 insulation in ceiling below concrete tied walking surface
400	R2.0 insulation in ceiling
401	R2.0 insulation in ceiling
402	R2.0 insulation in ceiling
403	R2.0 insulation in ceiling
404	R2.0 insulation in ceiling
405	R2.0 insulation in ceiling
406	R2.0 insulation in ceiling



WEST ELEVATION @ 1: 200



EAST ELEVATION @ 1: 200

SCALE 1:200 @ A3
0 1 2 5 10M

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ENVIRONMENTAL: [Logo] [Text]

HYDRAULIC: [Logo] [Text]

PLANNING: [Logo] [Text]

ARCHITECT: [Logo] [Text]

PROJECT: 44-46 PEGLER AVENUE, SOUTH GRANVILLE
CLIENT: Unity Link (Vic) Pty Ltd.
SCALE: 1:200
DRAWN: [Name]
CHECKED: [Name]
PROJECT MANAGER: [Name]
PROJECT DIRECTOR: [Name]

DRAWING NO: ELEVATIONS
DA A 1392
SCALE: 89.15
DATE: C

Item No: LPP082/19

**DEVELOPMENT APPLICATION FOR 284 - 288 GREAT WESTERN HIGHWAY,
WENTWORTHVILLE**

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: DA 2019/285/1

Application lodged	18 July 2019
Applicant	Zhinar Architects
Owner	Skyblue Developments
Application No.	2019/285/1
Description of Land	284-288 Great Western Highway, Wentworthville
Proposed Development	Demolition of existing structures and construction of a six storey residential flat building containing 49 units (6 x 1 bedroom units, 39 x 2 bedroom units and 4 x 3 bedroom units) over 1.5 level of basement car parking pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009
Site Area	2,069.4m ²
Zoning	R4 High Density Residential
Disclosure of political donations and gifts	Nil disclosure
Heritage	No
Principal Development Standards	FSR Permissible: 1.91:1 (including 1.5:1 under HLEP 2013 and bonus 0.41:1 under ARHSEPP) Proposed: 1.91:1 Height of Building Permissible: 18m Proposed: 18.5m
Issues	Submission and Height non-compliance

SUMMARY:

1. Development Application No. 20119/285/1 was received on 18 July 2019 for the demolition of existing structures and construction of a six storey residential flat building containing 49 units (6 x 1 bedroom units, 39 x 2 bedroom units and 4 x 3 bedroom units) over 1.5 level of basement car parking pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.
2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 21 days between 21 August 2019 and 11 September 2019. In response, 2 submissions were received.
3. The submission raised concerns regarding oversupply in affordable housing within the area and along Great Western Highway.

4. The application was deferred on 24 September and amended plans were submitted on 24 October 2019. The amended plans did not require re-notification.
5. The application has been assessed against the relevant provision of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Affordable Rental Housing) 2009; State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development; Holroyd Local Environmental Plan 2013 and Holroyd Development Control Plan 2013.
6. The application involves the following numerical non-compliances with the relevant planning controls which are considered supportable as discussed elsewhere in the report.

Control	Required	Provided	% Variation
Height of building (HELP 2013)	18m	18.5m	2.78%
Number of storeys (HDCCP 2013)	5 storeys	6 storeys	20%

7. The application is being reported to the Cumberland Local Planning Panel (CLPP) for determination due to the proposal being more than 4 storey and to which SEPP 65 applies.
8. The application is recommended for deferred commencement approval, subject to the conditions as provided in the attached schedule.

REPORT:

Subject Site And Surrounding Area

The subject site consists of two lots, Lot 182 in DP 1079320 and Lot 17 in DP 10054 and SP42943; known as 284-288 Great Western Highway, Wentworthville. It has a combined area of approximately 2,069.4m² and a frontage of 50.29m to Great Western Highway. The site is generally levelled with a slight fall of approximately 690mm from the rear northeast corner to the front southwest corner.

The subject site is zoned R4 High Density Residential pursuant to Holroyd Local Environmental Plan 2013. The proposal is defined as a “residential flat building” and is considered to be permissible in the R4 zone. The site is within the Finlayson Transit way Station Precinct under Part N of Holroyd Development Control Plan 2013.

The site inspection on 28 August 2019 confirmed the site is free of vegetation with only one vacant detached dwelling left on site.

The existing developments adjoining the site consists single and 2 storey residential dwellings to the north facing Essington Street, 5 storey residential flat building to the east at 280-282 Great Western Highway and another 5 storey residential flat building

to the west at 288A-290 Great Western Highway. The subject allotment is zoned R4 – High Density Residential under the Holroyd Local Environmental Plan 2013.

Figure 1 – Locality Plan of subject site

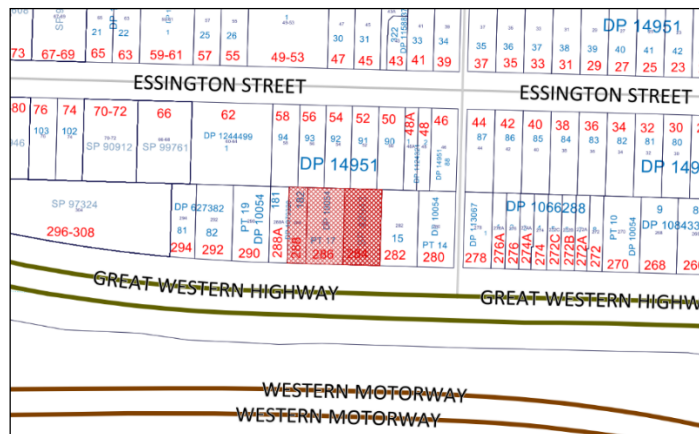


Figure 2 – Aerial view of subject site

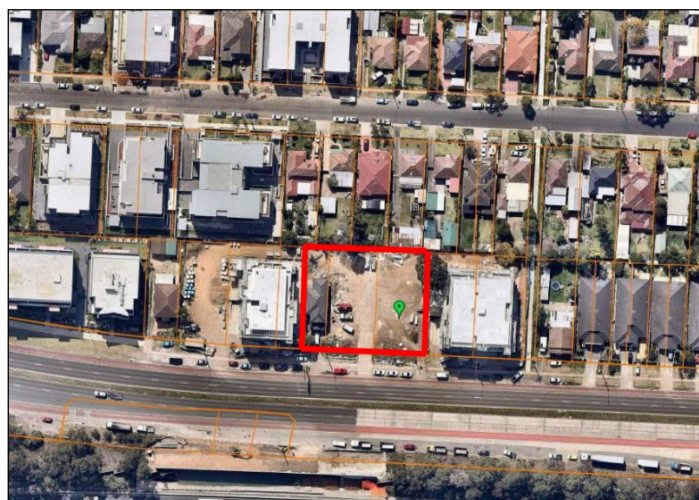


Figure 3 – Street view of subject site

(Subject site and the western adjoining new RFB at 288A-290 Great Western Highway, Wentworthville)



Figure 4 – Street view of subject site

(Subject site and the western adjoining new RFB at 280-282 Great Western Highway, Wentworthville)



Description of The Proposed Development

Council has received a development application for demolition of existing structures and construction of a six storey residential flat building containing 49 units (6 x 1 bedroom units, 39 x 2 bedroom units and 4 x 3 bedroom units) over 1.5 level basement car parking pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009. Specific details as provided within are provided below:

- Demolition of existing structures;
- Consolidation of 3 lots into 1 lot;
- Construction of a 6 storey residential flat building in 2 blocks (Block 1 contains 24 units and Block 2 contains 25 units) comprising:
 - 6 x 1 bedroom units;
 - 39 x 2 bedroom units;
 - 4 x 3 bedroom units;
- One and a half levels of basement parking accommodating 48 car parking spaces, 1 car wash bay and 36 storage compartments;
- 30 at grade bicycle parking spaces;
- At grade communal open space;
- Vehicular access ramp from Great Western Highway;
- Two pedestrian accesses from Great Western Highway;

- Two lifts connecting the basement with upper floors;
- Garbage storage room and bulky waste storage room; and
- Associated earthworks and landscaping works.

The building will have a height of 18.5m from the natural ground level to the topmost part of the building, being the lift overrun setback from the building façade.

The application is proposed to provide 22 affordable rental units with a total floor area of 1,564m² under the State Environmental Planning Policy (Affordable Rental Housing) 2009.

The proposal includes a communal open space at the ground level of the development occupying an area of approximately 628.9m² and partial shade created by a pergola.

History

Date	Action
11 April 2019	Pre lodgement meeting seeking Council's planning advice in relation to construct a 6 storey residential flat building with 49 units over 1 level of basement parking for 49 vehicles pursuant to <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> at 284A-288 Great Western Highway, Wentworthville.
18 July 2019	DA 2019/285/1 (subject application) for the construction of a 6 storey residential flat building with 49 units over 1.5 level of basement parking for 49 vehicles pursuant to <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> at 284-288 Great Western Highway, Wentworthville was lodged with Council.
14 August 2019	DA 2019/285/1 referred to the following sections for comment: Internal: <ul style="list-style-type: none"> • Engineering • Waste Management • Environmental Health • Landscaping External: <ul style="list-style-type: none"> • NSW Police • Endeavour Energy (Clause 45 of State Environmental Planning Policy (Infrastructure) 2007) • TransGrid (Clause 45 of State Environmental Planning Policy (Infrastructure) 2007)
21 August – 11 September 2019	DA 2019/285/1 was placed on public notification for 21 days. Council received two submissions in respect of the proposal during the notification period.
24 September	The application was deferred seeking additional information and

2019	amended plans.
29 October 2019	Amended plans and additional information submitted to Council. The amended plans were not required to be renotified.
11 December 2019	Application referred to CLPP for determination.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Think Planner dated 15 July 2019 and a SEPP 65 Design Verification Statement prepared by Zhinar Architects dated July 2019 (Issue A) were received by Council on 19 July 2019 in support of the application.

Contact With Relevant Parties

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

Internal Referrals

Development Engineer and Traffic Engineer

The development application was referred to Council's Development Engineer and Traffic Engineer for comment. The composited response received on 13 November 2019 indicates that the development proposal is satisfactory and therefore can be supported, subject to recommended conditions of consent.

Environment and Health

The development application was referred to Council's Environment and Health Officer for comment. The comment received on 27 August 2019 confirmed the application is considered satisfactory and therefore can be supported, subject to recommended conditions of consent.

Landscape Architect/Officer

The development application was referred to Council's Landscape Architect/Officer for comment. The response received on 8 November 2019 indicates that the development proposal is satisfactory and therefore can be supported, subject to recommended conditions of consent.

Waste Management

The development application was referred to Council's Waste Management Officer for comment. The response received on 30 October 2019 indicates that the development proposal is satisfactory and therefore can be supported.

External Referrals

Roads and Maritime Services (RMS)

The application was referred to RMS for comment in accordance with Clause 101 of the State Environmental Planning Policy (Infrastructure) 2007. The comment received on 26 November 2019 confirmed RMS raised no objection to the proposed development subject to the imposition of the conditions.

TransGrid

The application was referred to TransGrid for comment in accordance with Clause 45 of the State Environmental Planning Policy (Infrastructure) 2007. The comment received on 20 August 2019 confirmed TransGrid raised no objection to the proposed development.

Endeavour Energy

The development application was referred to Endeavour Energy for comment in accordance with Clause 45 of the State Environmental Planning Policy (Infrastructure) 2007. The comment received on 28 August 2019 confirmed Endeavour Energy raised no objection to the proposed development.

NSW Police

The application was referred to the NSW Police for comment. Cumberland LAC has provided a general assessment against the Crime Prevention Guidelines and Crime Prevention Through Environmental Design (CPTED) principles in their letter dated 12 November 2019. Relevant conditions provided have been included in conditions of consent.

Planning Comments

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

State Environmental Planning Policies

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

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

Clause 7 of SEPP 55 requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development. The matters listed within Clause 7 have been considered in the assessment of the development application.

Figure 5 SEPP 55 Table

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4. Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
In the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site listed on Council's Contaminated Land database?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the site adjoin any contaminated land/previously contaminated land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>Details of contamination investigations carried out at the site:</p> <p>5. The site has been used for residential purposes for many years and contamination is not expected. The site is not identified in Council's records as being contaminated. A site inspection reveals the site does not have any obvious history of a previous land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated. No further investigation is considered necessary in the circumstances.</p>	

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

SEPP 65 applies to the development as the building is 3 storeys or more, and contains more than 4 dwellings. A design statement addressing the design quality principles prescribed by SEPP 65 was prepared by the project architect. Integral to SEPP 65 is the Apartment Design Guide (ADG), which sets benchmarks for the appearance, acceptable impacts and residential amenity of the development.

Following a detailed assessment of the proposal against the provisions of SEPP 65 and the ADG, the proposal is generally considered compliant and therefore performs satisfactorily with respect to building amenity, room sizes and landscape design).

Figure 6 SEPP 65 Design Quality Principles Table

Design Quality Principle	Response
1. Context and neighbourhood character	<p>The proposal reflects the desired character of the existing precinct which lies in an area undergoing transition.</p> <p>The proposal generally meets the requirements of the <i>Holroyd Local Environmental Plan 2013</i> (HLEP) with respect to the density and scale, as well as being a permissible land use. The context of the building is appropriate for its location given the future desired character defined by HLEP 2013.</p>
2. Built form and scale	<p>The design generally achieves an appropriate built form for the site and the building's purpose, in terms of building alignments, proportions, type and the manipulation of building elements to ensure reasonable spatial separation is established between existing neighbouring residential buildings and proposed buildings within the site.</p> <p>It is noted that the development will introduce a height in breach of the HLEP 2013 which specifies an 18m height limitation. However, as discussed within this report, the breach primarily relates to the lift overrun and as such is not considered to create a significant impact. It is noted that the development is compliant with the floor space ratio (FSR) of the area given the floor space bonus provided by <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>.</p> <p>The scale of the building in itself is considered suitable within the future desired character of its locality and it generally meets the envelope and footprint controls contained under the ADG and <i>Holroyd Development Control Plan 2013</i> (HDCP).</p>
3. Density	<p>The development will contribute 49 apartments within the residential flat building (including 22 affordable rental units) that will contribute to the redevelopment of the area. The proposal is within the total allowable FSR. The development is also compliant with ADG recommendations regarding building separation, ventilation and solar access.</p> <p>The proposal has a density that corresponds with the desired future character of the area, in terms of floor space yield. The proposed density is considered to respond to the availability of</p>

	infrastructure, public transport, community facilities and environmental quality.
4. Sustainability	<p>A BASIX Certificate and relevant reports have been submitted with the development application. The certificates require sustainable development features to be installed into the development.</p> <p>The design and construction of the development will incorporate features relating to sustainable design such as water efficient fixtures and energy saving devices.</p> <p>The development achieves a good level of cross ventilation throughout the development with a majority of the proposed units having dual aspects or diagonal cross ventilation.</p>
5. Landscape	A landscape plan was submitted with the proposal. The landscaping options are considered to be adequate. The ground level perimeter landscaping will provide suitable visual amenity for the future building occupants.
6. Amenity	<p>Generally, the proposal is considered to be satisfactory in this regard. The internal amenity of each apartment is optimised through appropriate room dimensions and efficient layouts, access to sunlight, natural ventilation; visual and acoustic privacy and storage. Suitable access is provided to all parts of the building, through the provision of lift to access all levels of the residential flat building.</p> <p>The development provides sufficient setbacks and building separation between the proposals and adjoining uses to mitigate privacy impacts.</p>
7. Safety	The residential flat building addresses the street and has clear legible pedestrian and driveway entrances. Passive surveillance of public space is maximised through orientation of units. The position and orientation of the various building elements allow balconies and habitable rooms of apartments to overlook the streets and communal open space. Lift foyer and basement car parking can be appropriately secured.
8. Housing diversity and social interaction	<p>This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community.</p> <p>The building will introduce an appropriate mix of 1, 2 and 3 bedroom residential apartments in accordance with the zoning of the site and future desired character of a locality undergoing transition.</p> <p>The proposal also incorporates 22 affordable units to provide for affordable rental housing, as well as a compliant number of</p>

	<p>adaptable units.</p> <p>The proposal is located within close proximity to the B2 Local Centre and B6 Enterprise Corridor zoning of the Finlayson Transitway Station precinct. It is seen to be suitably located near local business and local transport systems.</p>
9. Aesthetics	<p>The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the building. The proposed building has a contemporary appearance that does not compromise the streetscape or detract from the appearance of existing surrounding development. The building provides an appropriate response to the existing and likely future character of the locality.</p>

Apartment Design Guide

Pursuant to clause 28(2)(c) of SEPP 65, a consent authority must consider the provisions of the Apartment Design Guide (ADG) in the assessment of a residential flat development. The proposal complies with key provisions within the ADG. A comprehensive assessment against the ADG controls is provided at Attachment 1.

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

The proposed development is defined as an 'infill development' under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP). The proposal complies with the relevant provisions of the ARHSEPP 2009, as detailed in the compliance table provided in Attachment 2.

Character of the Local Area

Clause 16A the ARHSEPP requires Council to consider whether the design of the development is compatible with the character of the local area.

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

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

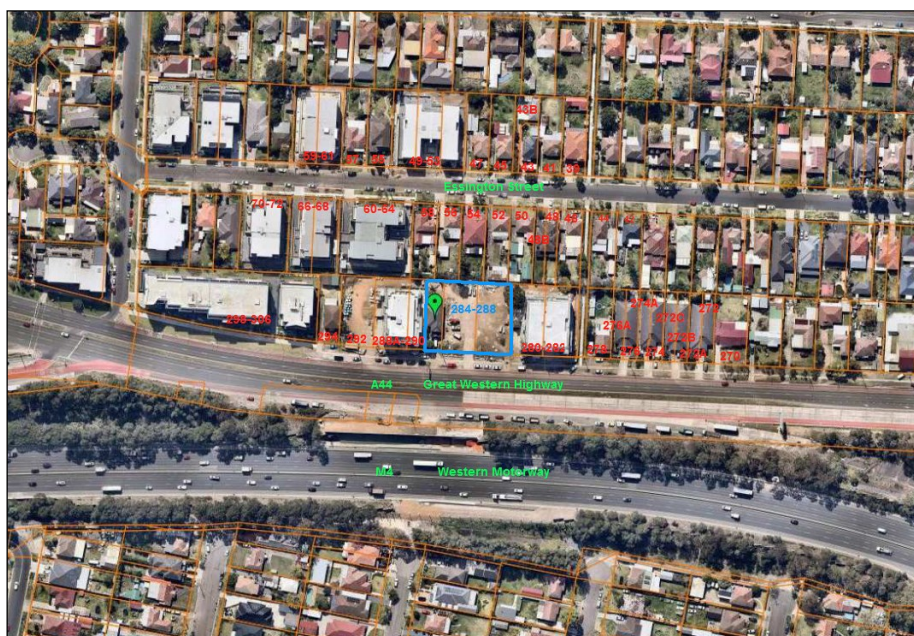
A merit assessment of the character of the local area should consider the following 3 steps:

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

An assessment against each step is provided below:

Step 1 – Identify the 'local area'

The local area is identified in the map below as the area within the blue lines.



Step 2 – Identify the character of the 'local area'

The identified character area is within the zone R4 High Density Residential under *Holroyd Local Environmental Plan 2013 (HLEP)* and contains primarily high density residential developments on large blocks. The emerging building form in the locality is 5 storey residential flat buildings interspersed with older single and two storey housing stock. Whilst there are a number of one and two storey dwellings within the locality, the area is transitioning to higher density developments in accordance with the planning controls that currently apply. The area is subject to a maximum height limit of 18 m and maximum floor space ratio (FSR) of 1.5:1. The emerging character of the area is generally that of small to medium sized (5 storey) residential flat buildings.

Step 3 – Determine whether the design of the proposed development is compatible with the character of the 'local area'

The following questions assist in determining whether a building is compatible with its surroundings:

- Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include noise, overlooking, overshadowing and constraints on the development potential of surrounding sites.

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

- Noise impacts are reduced through siting usable communal areas on the ground level and mostly located to the rear of the site away from the road traffic areas.
- Privacy impacts are mitigated through the use of adequate building separation and privacy treatment where warranted.
- The proposal will not impact on the development potential of adjoining sites by isolating as they have all been developed already for residential flat buildings.
- Given the north-south orientation, shadows cast by the proposed development will fall mainly to Great Western Highway street frontage.
- The proposed residential flat building complies with the applicable FSR and the height non-compliance of 340mm (1.8%) is limited to lift overrun only.

Therefore, it is considered the proposed development will not impose negative impacts to the neighbouring developments.

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

The scale of the proposed building is consistent with the anticipated character of residential buildings in the area. The predominant building types within the local area are residential flat buildings with a small number of low density dwelling houses. Given that predominant future character of the area is for high density residential use in terms of usage and building type, with the majority of the proposed development containing high density residential it is considered that the proposal with the higher density residential flat building portion facing the street is in harmony with the emerging surrounding development.

To be considered compatible, a development should contain or at least respond to the essential elements that make up the character of the surrounding area. The proposed flat roof flat building is consistent with the architectural style of newer flat development in the vicinity. The proposed front setback is also consistent with immediately adjoining development. Building separation for the flat building facing the street is also consistent with the Apartment Design Guide (ADG) which guides future development. The proposal is also considered to be in keeping with the future desired character of the area as defined in the planning controls that apply to the site, as discussed elsewhere in this report.

The setback to Great Western Highway is compliant with the 3m control as required in Figure 17 Part N of the HDCP 2013 for Finlayson Transitway Station Precinct and the relationship of the building to the site is consistent with that of the surrounding developments. Whilst the proposal is one storey higher than surrounding developments, the main body of the proposed development is compliant with the height of buildings standard with the lift overrun setback from the edges of the proposed development exceeding the maximum allowable building height by 500mm (2.78%) only.

The proposal provides for horizontal and vertical articulation to both façades, with window shades, small balconies, and the level 5 terrace adding visual interest and depth to the building.

In this regard, the design and presentation of the proposed development is considered to be visually compatible within this context and in harmony with the high density character of the surrounding environment.

(d) 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 relevant energy providers raised no objections to the proposed development.

Clause 101 – Frontage to classified road

The application is subject to clause 101 of the ISEPP 2007 as the site has frontage to Great Western Highway which is identified as a classified road.

The proposal is considered to meet the objectives of clause 101. The proposal is not considered to compromise the effective and ongoing operation and function of Great Western Highway and will not have a negative impact on adjoining development in terms of traffic noise and vehicle emission. The proposal is considered to be satisfactory in this regard.

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

The application is subject to clause 102 of the ISEPP 2007 as the annual average daily traffic volume is greater than 40,000 vehicles.

An Acoustic Report prepared by Acouras Consultancy dated 16 July 2019 (reference no. SYD2019-1033-R001B) was submitted with the application and reviewed by Council's Environmental Health Officer. Section 3 of the report outlines the recommended glazing requirements, external wall and roof/ceiling requirements for the proposed development. The author also notes that some dwellings may require further mechanical services. In addition, the author notes that the choice of mechanical services will only be determined at the Construction Certificate stage, therefore further information in this regard will be conditioned.

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

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

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

The subject site is not identified as a coastal wetland and is not or land identified as “proximity area for coastal wetlands”.

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

BASIX certificate 1020010M dated 8 July 2019 was submitted with the amended application. The proposal achieves the target scores for energy, water and thermal comfort and relevant commitments are shown on the architectural plans.

Regional Environmental Plans

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

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

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

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

(b) Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

The subject site is not affected by acid sulphate soils, does not disturb the bank or foreshore along the Georges River tributaries, and the proposed development will not increase flooding or stormwater runoff, will not discharge industrial waste and will not cause land degradation by way of erosion, sedimentation, pollution, salinity or acidity. The proposed development will not cause adverse impacts to the sensitive natural environments within the Catchment area and sewer is proposed to be connected directly into the Sydney Water sewerage system.

Local Environmental Plans**Holroyd Local Environmental Plan 2013 (HLEP)**

The provision of the HLEP 2013 is applicable to the development proposal. The proposed development is defined as a “Residential Flat Building and is permissible in

the R4 High Density Residential zone with consent. A comprehensive assessment against the relevant provisions of the HLEP 2013 is detailed in the compliance table provided at Attachment 3.

The development achieves compliance with the permissible Floor Space Ratio (FSR) on site with the bonus FSR credited by the ARHSEPP and the objectives of the R4 High Density Residential zone.

However, the proposal seeks a variation to Clause 4.3 – Height of Buildings that stipulates that the height of building is not to exceed 18m on the subject site. The proposed building has an overall height of 18.5m (RL45.35) to the lift overrun. The proposal breaches the maximum overall height by 500mm representing a maximum variation of 2.78%.

Figure 7 3D Height study plan

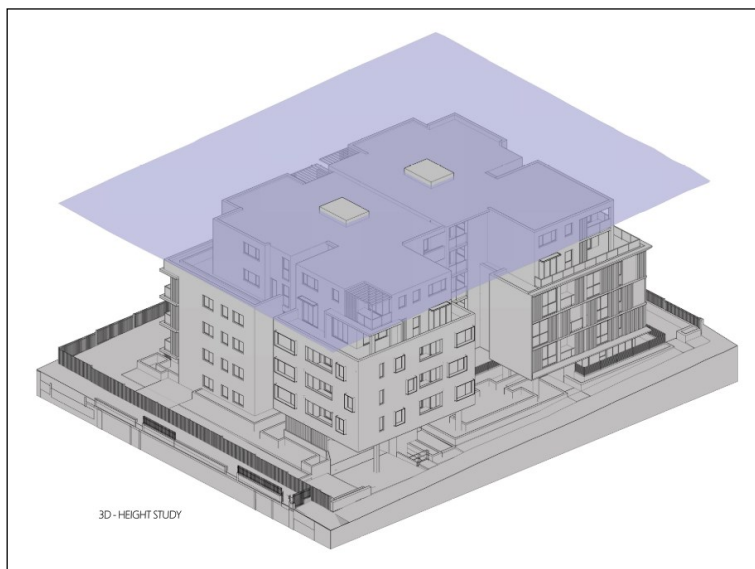


Figure 8 Section plan



Figure 9 Northern elevation plan



Clause 4.6 – Variation to Building Height

Clause 4.6 allows the consent authority to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. The consent authority may grant the exception as the Secretary's concurrence can be assumed where clause 4.6 is adopted as per the Department of Planning Circular PS 18-003, dated 21 February 2018.

The applicant has submitted a written request to vary the development standards for Clause 4.3 Height of Building of the HLEP 2013. 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 and recent case law in *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130, a 3 part assessment framework for a variation request proposed under clause 4.6 has been considered and an assessment of the proposed variance, following the 3 part test is discussed in detail below.

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

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

Applicant's justification:

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

As addressed the proposed development is in the public interest as it remains consistent with the objectives of the building height control. In addition, the proposal is consistent with the objectives of the R4 zone, being:

- To provide for the housing needs of the community within a high density residential environment.

- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provides facilities or services to meet the day to day needs of residents.

The proposal is consistent with the objectives of the R4 zone, insofar as the development is not antipathetic to the zone objectives (per Schaffer Corporation v Hawkesbury City Council (1992) 77 LGRA 21).

The development is consistent with the zone objectives noting that:

- The development will provide for the housing needs of the community within a high density environment;
- The development contributes to a variety of housing types in a high density environment;
- The development will maximise public transport patronage by providing residential accommodation in an accessible location;
- The development is designed to respond to the context and setting of the locality and the development is consistent with the desired future character of the locality;
- The development is designed to minimise impact on the amenity of the area and adjoining properties.

Planner's comment:

Residential Flat Building development is a permitted land use and the locality is undergoing a transition particularly to support the increasing demand of housing within the close proximity of public transport hub and commercial centre. The proposed development is considered to be consistent with the objectives of the R4 High Density Residential zone.

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

Applicant's justification:

The development seeks to depart from the height control noting that the proposal remains consistent with the objectives of the clause and is a more appropriate outcome on the site because of the following:

- The overall height of the development presents as a compatible form of development with only a small component of the lift cores exceeding the height limit. This upper level of the building is recessed in so that the top of the building will be less visually prominent when viewed from the street level and the height

protrusion will not be visible from the adjoining properties which aligns with the intent of the planning controls contained within Holroyd LEP 2013;

- Non-compliance is minor in nature with the majority of the building being compliant with the building height control and with the lift overruns recessed, their impact to the streetscape is negligible as it will be visually unnoticeable when viewed from the street level;
- Due to the minor nature of the variation it will not have any adverse amenity impacts. In this regard, it is noted:
 - The variation will be visually unnoticeable and will have no adverse impact on the physical bulk, height or scale of the development.
 - The variation will not lead to a reduction in solar penetration on site or to adjoining properties nor will it lead to sunlight loss or overshadowing.
 - The proposed variation will not lead to view loss or interrupt views to and from the site.
 - The proposed variation will not lead to a reduction in privacy afforded to existing residents or future residents of the proposal.
- The proposal has been designed to ensure that privacy impacts are mitigated and that the proposal will not obstruct existing view corridors;
- The proposed development will permit the site to develop to its full zoning potential whilst complementing the future vision envisioned for the site by providing an attractive mixed use building that provides good address to the street frontage and complying with other key planning controls applying to the proposal;
- The scale of the proposed development will be appropriate and will be visually consistent with the permitted building height with the upper level recessed and designed using a lighter design style to ensure a positive streetscape presentation.

The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control. This also satisfies Wehbe Test 1.

Planner's comment:

The objectives of the building height standard are to enable appropriate development density to be achieved and to ensure that the height of the building is compatible with the existing and desired future character of the locality. The proposal is compliant with the maximum FSR standard, deep soil zone and communal open space requirement. The proposal is considered to be of an appropriate bulk, scale and height for the subject site, which has been amended to address concerns raised by Council in relation to the provision of terraced built form to provide an appropriate transition with the adjoining residential developments.

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

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

Applicant's justification:

- The development is lodged pursuant to the ARHSEPP 2009. Objective 3(b) of the ARHSEPP states that an objective of the ARHSEPP 2009 is to facilitate the effective delivery of new affordable rental housing by providing by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.
- Given the height control is based on a modelled building envelope that has regards to ADG setbacks, it is inevitable that 'something has to give' in order to give effect to the provisions in the ARHSEPP 2009 relating to bonus FSR. It is not that this is without merit limitation, it is of course, however, those are to be guided by the other provisions in the ARHSEPP 2009 as well as looking at other general merit matters. The variation to the height control is consistent with the objective of the ARHSEPP 2009;
- The upper levels of the building is recessed from the front setback. This enables there to be a 6th level or useable floorspace as permitted by the maximum floors pace ratio under the HLEP 2013/ ARHSEPP 2009 while at the same time minimising the visual impact of this level of the building; and
- The proposal is not located within a low-density area and the proposal represents an appropriate built form on the site.

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

Planner's comment:

Council officers are satisfied that the proposed variation has been appropriately justified and can be supported in this instance. The height breach is limited to the height of RL 45.35 for the top of the lift core. This additional height of the lift overrun is setback from the building façade and will not be visually distracting from the adjacent streets and properties. The departure sought is considered to be modest and does not unreasonably impact on adjoining properties. It is considered,

therefore, that the non-compliance with the Development Standard is not unreasonable or unnecessary in the circumstances of the case.

b) Are there sufficient environmental planning grounds to justify contravening the development standard and therefore is the applicant's written justification well founded?

Applicant's justification:

As outlined above, the proposal remains consistent with the underlying objectives of the control. In addition to the above, it is noted that the development, including the departure to the height control enables the following to occur which demonstrates environmental planning grounds to support the numerical non-compliance.

- Adopt an appropriate Urban Form: The proposal provides for a variety of building heights and building modulations, with the development to be viewed within a high density urban setting at the front of the site and a landscaped setting at the rear that exceeds the required levels of landscaped area, deep soil, and common open space.
- Articulate / Undulated Roof Form: The roof form reflects the emerging rhythm in this high density precinct. The roof form will provide visual interest to the proposal whilst having negligible impact on the amenity of neighbouring properties in terms of overshadowing or privacy.

It demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

Planner's comment:

The additional height does not result in the appearance of bulk when viewed from the existing streetscape, does not result in additional overshadowing to the adjoining properties because of the appropriate separation and staggered built form and would not impinge on the desired future character of the area.

Given that the proposed development responds to the site and does so without unduly compromising relationships with adjoining development, and does not unduly compromise other relevant controls, the proposal is considered to be consistent with the objectives of building height, and development within the R4 High Density Residential zone. In this regard, the exception is well founded and can be supported.

Conclusion

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

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

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

(a) Draft State Environmental Planning Policy (Environment)

There are no draft SEPPs applicable to the proposed development.

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

The Holroyd Development Control Plan (2013) (HLEP) contains general controls which relate to all developments under Part A General Controls, Part B Residential Controls and Part N Transitway Station Precincts are relevant to the assessment of the subject application in that they establish the desired character of the area with regard to building form and the relationship of buildings to the site.

Whilst majority of the HDCP 2013 controls have been overridden by the SEPP 65 and ADG controls, the proposal still demonstrates non-compliance with the site coverage, maximum number of storeys and the location of bin storage area requirements for residential flat building under Part B Section 6.2, Section 6.4 and Part N Section 2.3 of the HDCP 2013 respectively. The following table highlights the relevant non-compliances with the HDCP 2013, and the variations sought are considered satisfactory on merit in this instance:

A comprehensive HDCP 2013 compliance table is attached to this report at Attachment 4. A summary of the non-compliances with the relevant HDCP 2013 provisions is provided in the following table.

Figure 10 Holroyd Development Control Plan 2013 Compliance Table

Clause	Control	Proposed
Part A – General Controls		
3.1 Minimum Parking Spaces	Car Parking <u>Residential</u> Studio/1 bedroom unit = 0.8 spaces 2 bedroom unit = 1 space 3bedroom unit = 1.2 space Visitor = 0.2 spaces per unit	The proposal is not located within 800m of a railway station or light rail station. Therefore, the HDCP car parking rates shall apply in general. The proposed RFB is designed to provide 49 residential dwelling with the following arrangement: <ul style="list-style-type: none"> - 6 x 1 bedroom dwellings - 39 x 2 bedroom dwellings - 4 x 3 bedroom dwellings Accordingly, the proposal shall provide a total of 49.8 car parking spaces in accordance with the HDCP 2013 car parking rates.

		<p>However, given the development triggers an assessment against the ARHSEPP 2009, the HDCP 2013 car parking rates will be superseded by the relevant car parking rates in accordance with the ARHSEPP 2009.</p> <p>The Clause 14(2)(a)(ii) of the ARHSEPP 2009 car parking rates:</p> <ul style="list-style-type: none"> - 0.5 parking space per 1 bedroom dwellings - 1 parking space per 2 bedroom dwellings - 1.5 parking space per 3 bedroom dwellings <p>In this regard, the proposal will require 48 car parking spaces to service the proposed 49 residential dwellings.</p> <p>As shown on the proposal plan, the development will provide 48 car parking spaces plus 1 car wash bay within the proposed 1.5 level basement car park which complies with the requirement.</p>
Part B – Residential Controls		
1.5 Landscaping and Open Spaces	<p>Minimum 30% of the total site area to be provided as landscape area for residential flat buildings.</p> <p>Note: landscaped area shall be a minimum of 2m wide.</p>	<p>Proposed 22.39% (463.5m²).</p> <p>The proposal fails to achieve the minimum landscaping requirement for RFB and the proposal present a shortfall of 157.32m² (7.61%) of landscaped area.</p> <p>These landscaped area figures differ from those in the ARHSEPP 2013 due to the different minimum dimension requirements.</p> <p>Whilst the proposal fails to provide the required landscaped area in accordance with the HDCP 2013, the proposal provides sufficient building separation from the property boundary to protect the amenity of the residents.</p> <p>In addition, Council cannot refuse this application based on the non-compliance given the proposal has been designed to provide 32.78% of the site as landscaped area. In accordance with clause 14(1)(c) of the ARHSEPP 2009, the consent authority must</p>

		not refuse consent to development that provides at least 30% of the site area is to be landscaped. Therefore, clause 14(1)(c) ARHSEPP 2009 prevailed landscaped area requirement of the HDCP 2013.																		
6.2 Site Coverage	Maximum site coverage of any residential flat development shall not exceed 30% of the site area	<p>Proposed 33.37% (690.6m²).</p> <p>The proposal exceeds the maximum allowable site coverage for RFB. However, the proposed development satisfies the deep soil planting, landscaping and setback requirements as required in the HDCP 2013.</p> <p>The additional front setback from Great Western Highway increases the openness of the street and pedestrian footpath. This also minimise the visual impact from the proposed RFB and the proposed communal open space and landscaping on the ground level will screen and soften the scale of the proposed development from street view.</p> <p>The development also complies with the building separations as required in the HDCP 2013 and the ADG which protect the amenity of the adjoining residential properties.</p> <p>It is considered the proposed development has been designed to satisfy the objectives of the site coverage for RFB and therefore, that the non-compliance with the site coverage is acceptable in this instance.</p>																		
6.4 Height	<p>Maximum building height in storeys shall be provided in accordance with the table below:</p> <table><tr><th colspan="2">Permitted Height (storeys)</th></tr><tr><th>Height</th><th>Storeys</th></tr><tr><td>9m</td><td>1</td></tr><tr><td>11m</td><td>2</td></tr><tr><td>12.5m</td><td>3</td></tr><tr><td>15m</td><td>4</td></tr><tr><td>18m</td><td>5</td></tr><tr><td>21m</td><td>6</td></tr><tr><td>24 m</td><td>7</td></tr></table>	Permitted Height (storeys)		Height	Storeys	9m	1	11m	2	12.5m	3	15m	4	18m	5	21m	6	24 m	7	<p>6 storey building proposed.</p> <p>The proposal exceeds the maximum number of storeys for RFB. As discussed above, the main body and all habitable floors of the development maintain within the 18m height of building control pursuant to the HLEP 2013 and the bulk and scale of the development is compatible with the future character and desired outcome of the local area as R4 High Density Residential Zone.</p> <p>It is considered the variation of this numerical requirement will not add unwanted bulk of the development</p> <p>The top 2 levels (5th and 6th floor) are setback</p>
Permitted Height (storeys)																				
Height	Storeys																			
9m	1																			
11m	2																			
12.5m	3																			
15m	4																			
18m	5																			
21m	6																			
24 m	7																			

		<p>from the building's edge and site boundary to minimise the visual impact as viewed from the street and surrounding development. Privacy impacts are not considered to be unreasonable as adequate building separation has been provided and access to the non-habitable spaces is likely to be infrequent. Solar impacts to adjoining development are assessed as satisfactory elsewhere in the report.</p> <p>It is considered, therefore, that the non-compliance with the number of storeys for height of building is acceptable in this instance.</p>
Part N – Transitway Station Precinct		
2.3 Building Height	The maximum building storey limit of 5 storeys applies to the subject site. (Figure 16)	See discussion above regarding non-compliance with maximum number of storeys.

As indicated in the compliance table above, the proposed development departs from the site coverage and in number of storey provisions of Council's HLEP 2013.

These non-compliances are considered acceptable as the proposal will protect the amenity of adjoining sites, permit adequate solar access and minimise overshadowing, and will provide for a landscaped residential setting including generous communal and private open space proposed as part of this development.

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)(iia))

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

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

Pursuant to clause 92 of the regulation, the provisions of AS2601 – Demolition of structures must be considered in the case of a development application involving the demolition of a building. Standard conditions are included in the draft determination to require that demolition be carried out in accordance with AS 2601.

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

The likely environmental, social and economic impacts of the development have been considered in the assessment of the application. As discussed in detail elsewhere in the report, the impacts in the locality are considered acceptable.

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

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

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

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

The proposal was publicly notified for a period of 21 days from 21 August until 11 September 2019 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Part E Public Participation of HDCP 2013. As a result of the notification, Council received two public submissions. The issues raised in the public submissions are addressed in the following table:

Figure 11 Submissions summary table

Issue	Response
Inappropriate percentage of units assigned for affordable rental housing	The proposal complies with the required number of affordable housing units as per the provisions of the ARHSEPP.
Decrease in property value	No evidence have been provided to support this claim. In addition, it is considered the change in property value is not a matter for consideration under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> .

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 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) Contribution Towards Provision or Improvement of Amenities or Services

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

Comments:

The development requires the payment of contributions in accordance with Holroyd Section 94 Contributions Plan 2013.

In accordance with the currently indexed rates (September 2019) for the South Wentworthville Centre contribution area, the following contributions apply:

- 6 x 1 bedroom dwellings = \$57,228.00
- 39 x 2 bedroom dwellings = \$629,070.00
- 4 x 3 bedroom dwellings = \$80,000.00

As at 30 October 2019, the fee payable is \$706,298.00 with the inclusion of the contribution credit for the existing 3 x 3 bedroom dwellings. This figure is subject to indexation as per the relevant plan. The draft determination attached includes a condition requiring payment of the contribution prior to issue of a Construction Certificate.

Disclosure of Political Donations And Gifts

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

CONCLUSION:

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

The proposed development is appropriately located within the R4 High Density Residential zone under the relevant provisions of the Holroyd Local Environmental Plan 2013. The proposal is consistent with all statutory and non-statutory controls applying to the development. Minor non-compliances with Council's controls have been discussed in the body of this report. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and the development may be determined, subject to imposition of the deferred commencement conditions.

FINANCIAL IMPLICATIONS:

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

POLICY IMPLICATIONS:

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












COMMUNICATION / PUBLICATIONS:

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 the Local Planning Panel approve the variation to the Development Standard relating to building height as contained within Clause 4.3 of the Holroyd Local Environmental Plan 2013 as the applicant's Clause 4.6 objection has adequately addressed the matters required to be demonstrated by Clause 4.6(3) and the development will be in the public interest because it is consistent with the objectives of the Height Standard and the objectives of the R4 High Density Residential zone.
2. That Development Application 2019/285/1 for demolition of existing structures and construction of a six storey residential flat building containing 49 units (6 x 1 bed/studio units, 39 x 2 bed units and 4 x 3 bed units) over a level of basement car parking pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 be approved via deferred commencement, subject to the attached conditions provided at Attachment 5.
3. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

ATTACHMENTS

1. ADG Compliance Table [↓](#) 
2. ARHSEPP Compliance Table [↓](#) 
3. HLEP 2013 Compliance Table [↓](#) 
4. HDCP 2013 Compliance Table [↓](#) 
5. Draft Notice of Determination [↓](#) 
6. Locality Map [↓](#) 
7. Architectural Plans [↓](#) 
8. Landscape Plans [↓](#) 
9. Stormwater/Engineering Plans [↓](#) 
10. Clause 4.6 Variation Request [↓](#) 
11. Submissions Received [↓](#) 

DOCUMENTS
ASSOCIATED WITH
REPORT LPP082/19

Attachment 1
ADG Compliance Table

		creating a skyline. The proposed building is to have a flat roof which will not have any impact upon its overall appearance.			
4N-2	Opportunities to use roof space for residential accommodation and open space are maximised.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4N-3	Roof design incorporates sustainability features.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4O	Landscape Design		Yes	No	N/A
4O-1	Landscape design is viable and sustainable.	A landscape plan, prepared by Paul Scrivener Landscape, dated 28 October 2019 Issue C, is submitted with the application. The plan identifies relevant landscaping elements to soften the built form within the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4O-2	Landscape design contributes to the streetscape and amenity.	Landscaping is provided at ground level and within the communal open space.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4P	Planting on Structures		Yes	No	N/A
4P-1	Appropriate soil profiles are provided.	The landscape plan, by Paul Scrivener Landscape, dated 28 October 2019 Issue C, identifies relevant landscaping elements to soften the built form within the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4P-2	Plant growth is optimised with appropriate selection and maintenance.	The landscape plan shows appropriate maintenance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4P-3	Planting on structures contributes to the quality and amenity of communal and public open spaces.	Appropriate design outcome is provided on the landscape plan for the proposed a landscape area on the ground level.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4Q	Universal Design		Yes	No	N/A
4Q-1	Universal design features are included in apartment design to promote flexible housing for all community members.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4H-2	Design Criteria Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guidelines' silver level universal design features	Proposed 8 out of 49 units (16.33%) are to be designated as "adaptable units". However, all the apartments are capable of being redesigned to meet the requirements of universal design apartments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4Q-2	A variety of apartments with adaptable designs are provided.	The site is considered to be appropriately barrier free with wheelchair access possible from the street and lift access from the basement and to the upper residential floors of the development. Through site general access is available from the street through to the car parking area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4Q-3	Apartment layouts are flexible and accommodate a range of lifestyle needs.	The building offers a variety of unit types in an urban fringe location. The proposed development is considered to be consistent with the requirement as layouts are suitably sized to permit a satisfactory furniture layout to occur.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4R	Adaptive Reuse		Yes	No	N/A
4R-1	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ATTACHMENT 1 – APARTMENT DESIGN GUIDE COMPLIANCE TABLE

No.	Control	Comments	Compliance		
PART 3 – SETTING THE DEVELOPMENT					
3A	Site Analysis		Yes	No	N/A
3A-1	Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	The Site Analysis Plan is acceptable as it shows the site, its context and constraints for the proposed development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3B	Orientation		Yes	No	N/A
3B-1	Building types and layouts respond to the streetscape and site while optimising solar access within the development.	The building responds to the streetscape and ensures all dwellings take advantage of the orientation where majority of the residential units will receive the minimum 2 hours direct sunlight.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3B-2	Overshadowing of neighbouring properties is minimised during mid-winter.	Overshadowing is considered acceptable and would not restrict adjoining properties from receiving the minimum requirement under the HDCP 2013.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3C	Public Domain Interface		Yes	No	N/A
3C-1	Transition between private and public domain is achieved without compromising safety and security.	The building is 6 storeys in height and separation between the private and public domains is established by landscaping, additional setback and paving material.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3C-2	Amenity of the public domain is retained and enhanced.	The development will retain and enhance the public domain with the provision of a mailbox area within the pedestrian entrances. Suitable conditions will be imposed to facilitate this requirement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3D	Communal and Public Open Space		Yes	No	N/A
3D-1	An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Design Criteria	Required: 25% x 2,069.4m ² = 517.35m ² Provided: 771.6m ² (37.29%)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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).	At least 2 hours of direct sunlight will be achieved to at least 50% of the COS between 9:00am to 3:00pm on 21 June.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3D-2	Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3D-3	Communal open space is designed to maximise safety.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3D-4	Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3E	Deep Soil Zones		Yes	No	N/A
3E-1	Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water	Deep soil areas are provided to the front, side and rear co-located with the COS area, which incorporates tree planting and landscaping.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	and air quality.																
	Design Criteria Deep soil zones are to meet the following minimum requirements: <table><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr><tr><td>less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m² - 1,500m²</td><td>3m</td></tr><tr><td>greater than 1,500m²</td><td>6m</td></tr><tr><td>greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr></table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	less than 650m ²	-	7%	650m ² - 1,500m ²	3m	greater than 1,500m ²	6m	greater than 1,500m ² with significant existing tree cover	6m	Site inspection confirmed the subject site is tree cover due to previous residential development. Required: 7% x 2,069.4m ² m ² = 144.858m ² Provided: 221.2m ² (10.69%) with min. 6m dimension.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Site area	Minimum dimensions	Deep soil zone (% of site area)															
less than 650m ²	-	7%															
650m ² - 1,500m ²	3m																
greater than 1,500m ²	6m																
greater than 1,500m ² with significant existing tree cover	6m																
3F	Visual Privacy		Yes	No	N/A												
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><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table> Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room. Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	The proposal generally complies with the building separation requirements. Refer to earlier discussion under the main body of the report. North (rear) <u>Levels Ground – 3:</u> Required: 6m Proposed: 9m <u>Levels 4 & 5:</u> Required: 9m Proposed: 12.345m East & West (side) <u>Levels Ground – 3:</u> Required: 6m Proposed: 6m <u>Levels 4 & 5:</u> Required: 9m Proposed: 9m South (front) The development fronts Great Western Highway to the south and building separation is achieved by additional 3m front setback and the road width.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Building height	Habitable rooms and balconies	Non-habitable rooms															
up to 12m (4 storeys)	6m	3m															
up to 25m (5-8 storeys)	9m	4.5m															
over 25m (9+ storeys)	12m	6m															
3F-2	Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
3G	Pedestrian Access and Entries		Yes	No	N/A												
3G-1	Building entries and pedestrian access connects to and addresses the public domain.	Pedestrian access points into the site and building are legible and well-defined. Three pedestrian entrances are proposed to access 2 separate lift lobbies on the ground floor.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
3G-2	Access, entries and pathways are accessible and easy to identify.	All access, entries and pathways are accessible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
3G-3	Large sites provide pedestrian links for access to streets and connection to destinations.	The site is not required to provide a through site link.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
3H	Vehicle Access		Yes	No	N/A												
3H-1	Vehicle access points are designed and located to achieve safety, minimise		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												

	conflicts between pedestrians and vehicles and create high quality streetscapes.												
3J	Bicycle and Car Parking	Yes	No	N/A									
3J-1	Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>									
	Design Criteria For development in the following locations: <ul style="list-style-type: none">on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; oron land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre, <p>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.</p> <p>The car parking needs for a development must be provided off street.</p>	The site is not located within 800 metres from Wentworthville Railway Station, therefore ARHSEPP parking rates apply as follows: <table><tr><th>Control</th><th>Rate</th></tr><tr><td>1 bedroom unit</td><td>0.5 space</td></tr><tr><td>2 bedroom unit</td><td>1 space</td></tr><tr><td>3 bedroom unit</td><td>1.5 space</td></tr></table> <p>Required: 48 spaces</p> <ul style="list-style-type: none">1 bedroom units: 6 x 0.5 space = 3 spaces2 bedroom units: 39 x 1 space = 39 spaces3 bedroom units: 4 x 1.5 spaces = 6 spaces <p>Proposed: 48 car parking spaces (plus 1 car wash bay)</p>	Control	Rate	1 bedroom unit	0.5 space	2 bedroom unit	1 space	3 bedroom unit	1.5 space	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Control	Rate												
1 bedroom unit	0.5 space												
2 bedroom unit	1 space												
3 bedroom unit	1.5 space												
3J-2	Parking and facilities are provided for other modes of transport.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>									
	<p>The bike parking space rates applies as per the HDCP 2013 for each unit:</p> <table><tr><th>Control</th><th>Rate</th></tr><tr><td>Residential</td><td>0.5 space</td></tr><tr><td>Visitors</td><td>0.1 space</td></tr></table> <p>Required: 30 spaces for 49 units</p> <ul style="list-style-type: none">Residential: 49 x 0.5 space = 24.5 spacesVisitors: 49 x 0.1 space = 4.9 spaces <p>Proposed: 30 at-graded bicycle parking spaces located towards the eastern side boundary and adjoins to the pedestrian entrance of Block 1 residential units.</p>	Control	Rate	Residential	0.5 space	Visitors	0.1 space						
Control	Rate												
Residential	0.5 space												
Visitors	0.1 space												
3J-3	Car park design and access is safe and secure	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>									
3J-4	Visual and environmental impacts of underground car parking are minimised.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>									
3J-5	Visual and environmental impacts of on-grade car parking are minimised.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>									
3J-6	Visual and environmental impacts of above ground enclosed car parking are minimised.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>									
PART 4 – DESIGNING THE BUILDING													
4A	Solar and Daylight Access	Yes	No	N/A									

4A-1	To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	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: Minimum 70% x 49 units = 34.3 units. Proposed: 37 out of 49 units (75.51%) achieve 2hours.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	Required: Maximum 15% x 49 units = 7.35 units Proposed: 6 out of 49 units (12.24%) will not receive adequate sunlight mid-winter.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4A-2	Daylight access is maximised where sunlight is limited.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4A-3	Design incorporates shading and glare control, particularly for warmer months.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4B	Natural Ventilation		Yes	No	N/A	
4B-1	All habitable rooms are naturally ventilated.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4B-2	The layout and design of single aspect apartments maximises natural ventilation.	Satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4B-3	The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Design Criteria At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	Required: Minimum 60% x 49 = 29.4 units Proposed: 35 out of 49 units (71.43%) are naturally cross ventilated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Proposed maximum 13m unit depth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4C	Ceiling Heights		Yes	No	N/A	
4C-1	Ceiling height achieves sufficient natural ventilation and daylight access.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Design Criteria Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	Proposed min. 2.7m floor to ceiling height on all levels.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Minimum ceiling height for apartment and mixed use buildings					
	Habitable rooms		2.7m			
	Non-habitable		2.4m			
	For 2 storey apartments		2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area			
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope					
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use					

	These minimums do not preclude higher ceilings if desired.													
4C-2	Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4C-3	Ceiling heights contribute to the flexibility of building use over the life of the building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4D	Apartment Size and Layout	Yes	No	N/A										
4D-1	The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
	<div><div><div>Design Criteria</div><div>Apartments are required to have the following minimum internal areas:</div><table><thead><tr><th>Apartment type</th><th>Minimum internal area</th></tr></thead><tbody><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></tbody></table><div>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</div><div>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</div></div><div>All units comply with the minimum internal areas.<ul style="list-style-type: none">- 1 bedroom units: min. 50.3m²- 2 bedroom units with additional bathroom: 75m² – 75.9m²- 3 bedroom units with additional bathroom: 95.1m²</div></div>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Apartment type	Minimum internal area													
Studio	35m ²													
1 bedroom	50m ²													
2 bedroom	70m ²													
3 bedroom	90m ²													
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4D-2	Environmental performance of the apartment is maximised.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
	<div><div><div>Design Criteria</div><div>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</div></div><div>All units comply.</div></div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										

4D-3	Apartment layouts are designed to accommodate a variety of household activities and needs.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
	Design Criteria Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	All units comply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	All units comply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
	Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments.	All units comply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	All units comply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
4E	Private Open Space and Balconies		Yes	No	N/A															
4E-1	Apartments provide appropriately sized private open space and balconies to enhance residential amenity.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
	Design Criteria All apartments are required to have primary balconies as follows:	All above ground units are provided with the compliant POS areas and dimensions. - 1 bedroom units: min. 8.3m ² with 2m dimensions. - 2 bedroom units: min. 10m ² with 2m dimensions. - 3 bedroom units: min. 15m ² with 2.4m dimensions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
	<table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table>		Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m			
	Dwelling type		Minimum area	Minimum depth																
Studio apartments	4m ²		-																	
1 bedroom apartments	8m ²	2m																		
2 bedroom apartments	10m ²	2m																		
3+ bedroom apartments	12m ²	2.4m																		
The minimum balcony depth to be counted as contributing to the balcony area is 1m.																				
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	All ground floor units are provided with a min. 17.6m ² POS with the min. 3m dimensions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																
4E-2	Primary private open space and balconies are appropriately located to enhance liveability for residents.	Access is provided directly from living areas and where possible, secondary access is provided from primary bedrooms. The position of balconies within the development is determined as being acceptable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
4E-3	Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.	Balustrades around the private open spaces of the ground level units containing slats and balconies on the upper levels are designed which promote views and passive surveillance onto Great Western Highway.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
4E-4	Private open space and balcony design maximises safety.	Minimum 1m high balustrades are installed along the balconies to minimise opportunities for falls and climbing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
4F	Common Circulation and Spaces		Yes	No	N/A															

4F-1	Common circulation spaces achieve good amenity and properly service the number of apartments.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
	Design Criteria The maximum number of apartments off a circulation core on a single level is eight.	2 lift cores serving 2 blocks of unit that attached with each other. Each lift core will service up to 5 residential units on each floor.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Not applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
	Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.	Satisfactory as max. 5 units are serviced by 1 lift core.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4F-2	Common circulation spaces promote safety and provide for social interaction between residents.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4G	Storage		Yes	No	N/A										
4G-1	Adequate, well designed storage is provided in each apartment.														
	Design Criteria In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:	Storage areas have been provided within the units and within the basement to comply with this requirement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
	<table><thead><tr><th>Dwelling type</th><th>Storage size volume</th></tr></thead><tbody><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></tbody></table>	Dwelling type	Storage size volume	Studio apartments	4m ³	1 bedroom apartments	6m ³	2 bedroom apartments	8m ³	3+ bedroom apartments	10m ³	20 out of 49 units provided 100% of the required storage area within the units. An additional 36 storage compartments are proposed within the basement level to make up the differences.			
	Dwelling type	Storage size volume													
Studio apartments	4m ³														
1 bedroom apartments	6m ³														
2 bedroom apartments	8m ³														
3+ bedroom apartments	10m ³														
At least 50% of the required storage is to be located within the apartment.															
4G-2	Additional storage is conveniently located, accessible and nominated for individual apartments.	Storage areas are provided within each unit in the form of dedicated separate storage cupboards with the apartments or in the form of storage cages within the basement car park.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4H	Acoustic Privacy		Yes	No	N/A										
4H-1	Noise transfer is minimised through the siting of buildings and building layout.	Suitable building separation is provided to allow private open space areas to be located away from each other. The matter of building separation has been addressed earlier in the report.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4H-2	Noise impacts are mitigated within apartments through layout and acoustic treatments.	The proposal has been designed so that like-use areas of the apartments are grouped to avoid acoustic disturbance of neighbouring apartments where possible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
	<ul style="list-style-type: none">Rooms with similar noise requirements are grouped together.Where physical separations not achieved, noise conflicts are resolved using design solutions.	Noisier areas such as kitchens and laundries are designed to locate away from bedrooms when possible. Further, an acoustic report was submitted with the DA and deemed acceptable by Council's Environmental Health Unit.													
4J	Noise and Pollution		Yes	No	N/A										
4J-1	In noisy or hostile environments	Unit acoustic amenity is considered to	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										

	the impacts of external noise and pollution are minimised through the careful sitting and layout of buildings.	be promoted through building separation to adjoining existing buildings, unit orientation and the grouping of like-use rooms in units together. The acoustic assessment prepared by Acouras Consultancy, dated 16 July 2019 has been submitted with the application. The report was referred to Council's Environmental Health Officer and the recommendations suggested by the consultant are concurred with. Accordingly, appropriate conditions will be imposed to ensure no adverse noise impacts arise from the development.			
4J-2	Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	The acoustic report provided acoustic criteria and recommended construction methods / materials / treatments to be used to meet the criteria for the site for both internal and external noise sources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4K	Apartment Mix		Yes	No	N/A
4K-1	A range of apartment types and sizes is provided to cater for different household types now and into the future.	<ul style="list-style-type: none"> 6 x 1 bedroom units (12.25%); 39 x 2 bedroom units (79.59%); and 4 x 3 bedroom units (8.16%). 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4K-2	The apartment mix is distributed to suitable locations within the building.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4L	Ground Floor Apartments		Yes	No	N/A
4L-1	Street frontage activity is maximised where ground floor apartments are located.	All ground floor units, with the exception of Unit 101 fronting the street frontage, are accessible with an alternative access via the rear private open spaces as well as the internal access corridor. Unit 101 is designed to provide terraces and open spaces to the front of the ground floor units to soften the front building façade to maximise street frontage activity along the street levels.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4L-2	Design of ground floor apartments delivers amenity and safety for residents.	Communal landscape area and courtyard is proposed along the street frontages are designed to protect the amenity and safety of residential units on the ground floor.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4M	Façades		Yes	No	N/A
4M-1	Building facades provide visual interest along the street while respecting the character of the local area.	The appearance of the building from Great Western Highway is satisfactory. A distinct base is provided and certain elements such as the louvers and balconies are visible from the street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4M-2	Building functions are expressed by the façade.	The main entrance is easily visible from the Great Western Highway. The proposal incorporates three pedestrian entrances to the residential lobbies and associated lift core.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4N	Roof Design		Yes	No	N/A
4N-1	Roof treatments are integrated into the building design and positively respond to the street.	The use of the blade walls and to a lesser extent, the parapets adds visual interest to the building and assists in	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4R-2	Adapted buildings provide residential amenity while not precluding future adaptive reuse.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4S	Mixed Use		Yes	No	N/A
4S-1	Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4S-2	Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4T	Awnings and Signage		Yes	No	N/A
4T-1	Awnings are well located and complement and integrate with the building design.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4T-2	Signage responds to the context and desired streetscape character.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4U	Energy Efficiency		Yes	No	N/A
4U-1	Development incorporates passive environmental design.	<p>Louvers are proposed along the edges of the balconies to provide privacy protection to the lower level residential units.</p> <p>Balconies are also designed to provide shades to the living area from the northerly, easterly and westerly sun.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4U-2	Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	The BASIX Certificate for the buildings show that the development as a whole achieves the pass mark for energy efficiency.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4U-3	Adequate natural ventilation minimises the need for mechanical ventilation.	<p>The proposal has been designed so that like-use areas of the apartments are grouped together where possible.</p> <p>The building and apartment layouts are designed to maximise natural ventilation through the use of open-plan living areas and generous openings to living areas and bedrooms.</p> <p>The living rooms are adjacent to the balconies and generally promote natural ventilation.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4V	Water Management and Conservation		Yes	No	N/A
4V-1	Potable water use is minimised.	The BASIX Certificate addresses water efficient fittings and appliances. The planting for the site is considered as being satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4V-2	Urban stormwater is treated on site before being discharged to receiving waters.	The various BASIX Certificates for the buildings show that the development as a whole achieves the pass mark for water conservation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4V-3	Flood management systems are integrated into site design.	An onsite detention tank is provided on site to address excess stormwater and control stormwater runoff.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4W	Waste Management		Yes	No	N/A
4W-1	Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	<p>The waste storage facility is located on the basement level. The temporary waste storage area is proposed on the ground level with unobstructed access to Great Western Highway which will be properly screened by landscaping from the street frontage.</p> <p>It is confirmed by Council's waste officer that garbage collection from the kerb is</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		acceptable in this instance.			
4W-2	Domestic waste is minimised by providing safe and convenient source separation and recycling.	A single communal waste store is provided and a separate bulky waste storage is proposed separately. The store is determined as being adequate to meet the needs for the building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4X	Building Maintenance		Yes	No	N/A
4X-1	Building design detail provides protection from weathering.	There are roof overhangs to provide weather protection.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4X-2	Systems and access enable ease of maintenance.	Main habitable windows are capable of being cleaned by residents.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4X-3	Material selection reduces ongoing maintenance costs.	The materials to be used for the development are determined as being satisfactory. In particular, the use of render material is avoided. Conditions of consent could be imposed in relation to use of high-quality materials and general maintenance of the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Attachment 2
ARHSEPP Compliance Table

**ATTACHMENT 2 – STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE
RENTAL HOUSING) 2009 COMPLIANCE TABLE**

No.	Control	Comments	Compliance		
PART 1 – PRELIMINARY					
3	Aims of Policy The aims of this Policy are as follows: (a) to provide a consistent planning regime for the provision of affordable rental housing, (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards, (c) to facilitate the retention and mitigate the loss of existing affordable rental housing, (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing, (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing, (f) to support local business centres by providing affordable rental housing for workers close to places of work, (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.	The proposal is consistent with the aims of the policy.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PART 2 – NEW AFFORDABLE RENTAL HOUSING					
Division 1 In-fill affordable housing					
10	Development to which Division applies		Yes	No	N/A
(1)	This Division applies to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if: (a) the development concerned is permitted with consent under another environmental planning instrument, and (b) the development is on land that does not contain a heritage item that is identified in an environmental planning	The proposed residential flat building is permissible in the R4 zone applying to the site. The site does not contain a heritage item.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	instrument, or an interim heritage order or on the State Heritage Register under the Heritage Act 1977 .				
(2)	<p>Despite subclause (1), this Division does not apply to development on land in the Sydney region unless all or part of the development is within an accessible area.</p> <p>Note: accessible area means land that is within:</p> <ul style="list-style-type: none">(a) 800m walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or(b) 400m walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400m walking distance of a platform of the light rail station, or(c) 400m walking distance of a bus stop used by a regular bus service (within the meaning of the <i>Passenger Transport Act 1990</i>) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday. <p>walking distance means the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.</p>	<p>The development is proposed on land zoned R4 High Density Residential in the Sydney region. This division applies to the development as the land.</p> <p>The site is within 400m of a public bus stop serviced with a regular bus route (700 Blacktown to Parramatta).</p> <p>Therefore, the site is located within an accessible area.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	Despite subclause (1), this Division does not apply to development on land that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use, or within a land use zone that is equivalent to any of those zones.	The development is in the Sydney region.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Floor space ratios		Yes	No	N/A
(1)	This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for	<p>Required: 770.574m² - Total GFA 3,852.87m² x 20%</p> <p>Proposed: 1,564m² (40.6%) affordable rental housing floor area</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	the purposes of affordable housing is at least 20 per cent.	- 1,564m ² ÷ 3,852.87m ² This division therefore applies to the development as the land.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	<p>The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:</p> <p>(a) if the existing maximum floor space ratio is 2.5:1 or less:</p> <p>(i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50% or higher, or</p> <p>(ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50%, where:</p> <p>AH is the percentage of the gross floor area of the development that is used for affordable housing. Y = AH ÷ 100</p>	<p>Clause 13(2)(a)(i) applies as the existing maximum FSR is 1.5:1 (less than 2.5:1). A total of 22 units spread between all levels of the proposed RFB are nominated to be affordable rental housing.</p> <p>Maximum allowable FSR: 1.91:1 - HELP 2013: 1.5 - ARHSEPP 2009: 1,564m² ÷ 3,852.87m² = 0.4059</p> <p>Proposed FSR: 1.91:1 Proposed GFA: 3,852.87m² Site area: 2,069.4m² - 3,852.87m² ÷ 2,069.4m²</p> <p>Proposal therefore complies with the FSR requirements in accordance with this clause.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	<p>In this clause, gross floor area does not include any car parking (including any area used for car parking).</p> <p>Note. Other areas are also excluded from the gross floor area, see the definition of gross floor area contained in the standard instrument under the Standard Instrument (Local Environmental Plans) Order 2006.</p>	The FSR bonus has been applied only to the part of the site on which affordable rental housing is proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	Standards that cannot be used to refuse consent		Yes	No	N/A
(1)	Site and solar access requirements A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:				
	(a) (Repealed)		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(b) site area if the site area on which it is proposed to carry out the development is at least 450m ² ,	The site area is 2,069.4m ² .	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(c) landscaped area if:	Clause 14(1)(c)(ii) applies as the development is proposed by private developer.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(i) in the case of a development application made by a social housing provider—at least 35m ² of landscaped area per dwelling is provided, or	<p>Required: 620.82m² - 2,069.4m² x 30%</p>			

	(ii) in any other case—at least 30% of the site area is to be landscaped,	Proposed: 678.4m ² (32.78%) - 678.45m ² ÷ 2,069.4m ² Proposal therefore cannot be refused based on landscaped area.			
	(d) deep soil zones if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed: (i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the site area (the deep soil zone), and (ii) each area forming part of the deep soil zone has a minimum dimension of 3m, and (iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,	25.04% (518.2m ²) of the site is deep soil. These deep soil zone figures differ from those in the HDGP 2013 due to the different minimum dimension requirements. Deep soil zones have a minimum dimension of 3m. 79.8% (413.7m ²) of the deep soil zone is located behind the front building line.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(e) solar access if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	37 out of 49 (75.51%) residential units receive 3 hours of sunlight between 9am and 3pm in mid-winter.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	General A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:		Yes	No	N/A
	(a) parking if: (i) in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms, or (ii) in any other case—at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is	Clause 14(2)(a)(ii) applies as the development is proposed by a private developer. Required: 48 spaces - 1 bedroom units: 6 x 0.5 space = 3 spaces - 2 bedroom units: 39 x 1 space = 39 spaces - 3 bedroom units: 4 x 1.5 spaces = 6 spaces Proposed: 48 car parking spaces (plus 1 car wash bay) Proposal therefore complies with the car parking requirements in accordance with this clause. This will be reinforced through conditions of consent.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms,				
	(b) dwelling size if each dwelling has a gross floor area of at least (i) 35m ² in the case of a bedsitter or studio, or (ii) 50m ² in the case of a dwelling having 1 bedroom, or (iii) 70m ² in the case of a dwelling having 2 bedrooms, or (iv) 95m ² in the case of a dwelling having 3 or more bedrooms.	All units comply with the minimum internal areas. - 1 bedroom units: min. 50.3m ² - 2 bedroom units with additional bathroom: 75m ² – 75.9m ² - 3 bedroom units with additional bathroom: 95.1m ²	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Design requirements		Yes	No	N/A
(1)	A consent authority must not consent to development to which this Division applies unless it has taken into consideration the provisions of the <i>Seniors Living Policy: Urban Design Guidelines for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy.	Not application.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(2)	This clause does not apply to development to which clause 4 of <i>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</i> applies.				
16	Continued application of SEPP 65		Yes	No	N/A
	Nothing in this Policy affects the application of <i>State Environmental Planning Policy No 65—Design Quality of Residential Flat Development</i> to any development to which this Division applies.	An assessment against SEPP65 and the ADG has been undertaken in the content of the report and as the ADG assessment has been provided in Attachment 1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16A	Character of local area		Yes	No	N/A
	A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	See discussion in the content of the report.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Must be used for affordable housing for 10 years		Yes	No	N/A
(1)	A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:	A condition would be imposed on any consent issued requiring that the development be held as affordable rental housing for a period of 10 years and managed by a registered	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<p>(a) for 10 years from the date of the issue of the occupation certificate:</p> <p>(i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and</p> <p>(ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and</p> <p>(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the <i>Conveyancing Act 1919</i>, that will ensure that the requirements of paragraph (a) are met.</p>	community housing provider.			
(2)	Subclause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority	Not applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18	Subdivision		Yes	No	N/A
	Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.	Subdivision is not proposed as part of the application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Attachment 3
HLEP 2013 Compliance Table

ATTACHMENT 3 – HOLROYD LOCAL ENVIRONMENTAL PLAN 2013 COMPLIANCE TABLE

Clause	Yes	No	N/A	Comment
Land use table				
Zone R4 – High Density Residential				
1 Objectives of zone <ul style="list-style-type: none"> To provide for the housing needs of the community within a high density residential environment To provide a variety of housing types within a high density residential environment To enable other land uses that provide facilities to meet the day to day needs of residents. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal provides for housing needs of the community within a high density residential environment.
2 Permitted without consent Home occupations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3 Permitted with consent Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Environmental protection works; Exhibition homes; Home businesses; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings ; Respite day care centres; Roads; Seniors housing; Shop top housing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A residential flat building is permitted with consent.
4 Prohibited Any development not specified in item 2 or 3				
Part 4 Principal development standards				
4.3 Height of buildings <p>(1) The objectives of this clause are as follows:</p> <p>(a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,</p> <p>(b) to ensure development is consistent with the landform,</p> <p>(c) to provide appropriate scales and intensities of development through height controls.</p> <p>(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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>In accordance with the Height of Buildings Map accompanying HLEP 2013, a maximum 18m building height applies to the site.</p> <p>The proposal breaches the overall height by 500mm representing a maximum variation of 2.78%.</p> <p>The Applicant has submitted a written request in accordance with Clause 4.6 of HLEP 2013 to vary the building height development standard.</p> <p>The exceedance in building height is supported in this instance, having regard to the circumstances of the case. Refer to further discussion in body of Report.</p>
4.4 Floor space ratio <p>(1) The objectives of this clause are as</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal provides for housing

<p>follows:</p> <p>(a) to support the viability of commercial centres and provide opportunities for economic development within those centres,</p> <p>(b) to facilitate the development of a variety of housing types,</p> <p>(c) to ensure that development is compatible with the existing and desired future built form and character of the locality,</p> <p>(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.</p> <p>(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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>variety and is compatible with the emerging character of the locality.</p> <p>The proposed development provides for a high level of amenity, with adequate provision for vehicle and pedestrian access and landscaping.</p> <p>A maximum FSR of 1.91:1 applies in accordance with the Floor Space Ratio map accompanying HLEP 2013 and the bonus FSR credit allowable in accordance with the ARHSEPP 2009.</p> <p>The proposed development has an FSR of 1.91:1</p> <p>See discussion above under ARHSEPP 2009.</p>
Part 5 Miscellaneous provisions				
5.10 Heritage conservation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The land does not contain a heritage item and is not subject to an interim heritage order.</p> <p>The site is not located within or within close proximity to a heritage conservation area.</p>
Part 6 Additional local provisions				
6.1 Acid Sulfate Soils				
<p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The subject site is not affected by acid sulfate soils</p>
6.2 Earthworks				
<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway,</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed earthworks will not have a detrimental effect on existing drainage patterns or soil stability. The proposal will not affect the amenity of adjoining properties. The proposal is satisfactory subject to compliance with standard conditions.</p>

drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.				
6.4 Flood planning (2) This clause applies to land at or below the flood planning level.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The subject site is located above the flood planning level.
6.5 Terrestrial Biodiversity (2) This clause applies to land identified as "Remnant Native Vegetation" on the Biodiversity Map.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The site is not identified as containing any Remnant Native Vegetation on the Biodiversity Map.
6.7 Stormwater Management (2) Development consent must not be granted to development on any land unless the consent authority is satisfied that the development: (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and (c) avoids any adverse impacts of stormwater runoff on adjoining properties, native vegetation and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed stormwater management system was reviewed by Council's Development Engineer and is considered satisfactory subject to conditions.
6.8 Salinity (2) This clause applies to land identified as "Known Salinity", "High Salinity Potential" or "Moderate Salinity Potential" on the Salinity Map. (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following: (a) whether the development is likely to have any adverse impact on salinity processes on the land, (b) whether salinity is likely to have an impact on the development, (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	 The site is identified as having moderate salinity potential. Standard conditions are included in the draft determination to address this issue.

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Attachment 4
HDCP 2013 Compliance Table

ATTACHMENT 4 – HOLROYD DEVELOPMENT CONTROL PLAN 2013 COMPLIANCE TABLE

No.	Clause	Comment	Yes	No	N/A
PART A – GENERAL CONTROLS					
1	Subdivision				
	Subdivision not proposed.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Roads and Access				
2.4	Access: Vehicular Crossings, Splay Corners, Kerb & Guttering				
	VC to be reconstructed if in poor condition, damaged or design doesn't comply.	Existing VC to be removed and a new VC proposed. No objection from Council's Development Engineer subject to conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Avoid services/facilities in road reserve, existing trees, pedestrian crossing, pram ramps etc.	The proposed driveway and vehicular crossing avoids existing services and street trees. Satisfactory subject to standard conditions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Corner sites VC to be min. 6m from the tangent point.	Not required in this instance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Corner sites require 3m x 3m (residential) and 4m x 4m (commercial) splay corner to be dedicated.	Not required in this instance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.7	Road Widening				
	The subject site is not affected by road widening or realignment.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Car Parking				
3.1	Minimum Parking Spaces				
	Car Parking <u>Residential</u> Studio/1 bedroom unit = 0.8 spaces 2 bedroom unit = 1 space 3 bedroom unit = 1.2 space Visitor = 0.2 spaces per unit	ARHSEPP 2009 rates apply which overrides the HDCP 2013 rates. Proposal complies with the sufficient amount of car parking spaces as required in the ARHSEPP 2009. Refer to Attachment 2 – ARHSEPP 2009 compliance table.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Bicycle Parking - Studio / 1 b/r unit = 0.5 - 2 b/r unit = 0.5 - 3+ b/r unit = 0.5 - Visitor = 0.1 per unit.	Required: 29.4 bicycle parking spaces for 49 units - 49 x 0.5 = 24.5 spaces for residents - 49 x 0.1 = 4.9 space for visitors Proposed: 30 spaces provided on the ground level near the pedestrian entrance of Block 1 and a separate entrance near Block 2 from Great Western Highway.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.5	Access, Manoeuvring and Layout				
	Driveways shall be setback a minimum of 1.5m from the side boundary.	The proposed driveway and vehicular crossing is offset 5m from the western side boundary which is considered satisfactory by Council's Engineering section.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.6	Parking for the Disabled				
	2 spaces per 100 spaces up to 400, and 1 per 100 thereafter, or part	Required: 2 spaces for 49 units	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
	thereof.	Proposed: 8 accessible spaces			
	AS 4299 Control - 1 accessible space shall be provided per adaptable unit.	Required: 8 accessible spaces required for 8 adaptable units Proposed: 8 accessible spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Tree and Landscape Works				
	Council's Landscaping and Tree Management Officer has reviewed the proposal and advised the proposal is satisfactory subject to conditions.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Biodiversity				
	There is no evidence of any terrestrial biodiversity on the site.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	Soil Management				
6.1	Retaining Walls				
	Max. 1m (if >1m need engineering detail)	Retaining walls primarily provided along property's rear and section of side boundary associated with the OSD basin. A condition of consent would be imposed should the application be approved requiring retaining walls >1 metre to be designed by a suitably qualified person.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.3	Erosion and Sediment Control Plan				
	An erosion and sediment control plan has been submitted with the application, which is considered acceptable.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Stormwater Management				
	Council's Development Engineer has found the stormwater plans and calculations submitted with the application to be acceptable subject to conditions.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Flood Prone Land				
	The site is not flood affected.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Managing External Road Noise				
	An Acoustic report has been submitted which is reviewed by Council Environmental Health Unit and considered satisfactory subject to conditions.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Safety and Security				
	The ground floor lobby is provided with controlled access and safety and security is satisfactory subject to condition.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Waste Management				
	The application was referred to Council's Waste Management Officer who advised that the proposal is satisfactory subject to conditions.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Services				
	The site is adequately serviced; Appropriate conditions have been imposed within the draft notice of determination requiring consultation with service providers.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PART B – RESIDENTIAL CONTROLS					
1	GENERAL RESIDENTIAL CONTROLS				
1.1	Building Materials				
	The proposed building materials are considered acceptable.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.2	Fences				
	Max. 1.5m Front fences solid ≤1m and be ≥50% transparent to 1.5m	Proposed maximum 1m high solid brick fence is proposed along the front property boundary.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.3	Views				
	No significant views are blocked by the development.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
1.5	Landscaping and Open Space				
	Min. 30% for a residential flat building. Note: landscaped area shall have a minimum dimension of 2m.	Required: 2069.4m ² x 30% = 620.82m ² Proposed: 463.5m ² (22.4%) of landscaped area proposed. Whilst the proposal fails to satisfy the HDCP 2013 requirement, it proposed 678.54m ² (32.78%) of landscaped area in accordance with the ARHSEPP 2009 landscaped area. As such, Council cannot refuse this application based on this non-compliance in accordance with clause 14(1)(c) of the ARHSEPP 2009. Refer to the discussion in the content of the report and Attachment 2 – ARHSEPP 2009 compliance table.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Max. 50% of provided landscaped area shall be forward of the front building line.	Only 90.4m ² (19.5%) of the proposed landscaped is located within the front setback.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Majority of landscaped area is to be at the rear of the building.	Majority of the proposed landscaped area is located behind the front building line.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.8	Sunlight Access				
	1 main living area of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	The shadow generated by the proposed development will not overcast the living areas of the adjacent RFBs for more than 3 hours between 9am and 4pm in mid-Winter.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Min. 50% of required POS of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	The subject site has a north-south orientation where majority of the shadow will cast onto Great Western Highway. However, as shown on the shadow diagrams, minor overshadowing onto the adjacent RFBs will be less than 3 hours between 9am and 4pm in mid-Winter.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.9	Cut and Fill				
	Excavation for 1.5 levels of basement. Minor cut and fill proposed outside building envelope for the purpose of drainage and landscaping.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Not within easements.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.10	Demolition				
	Approval for demolition is required from Council.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.11	Vehicular Access and Driveways				
	VC min. 3m wide and max. 5m wide at boundary.	New VC proposed. Refer to comments provided by Council's Development Engineering	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
		Department.			
	Council favours the use of a central under-building access driveway.	Driveway access to the side.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.12	Universal Housing and Accessibility				
	15% of units shall be adaptable units Class B.	Required: 15% x 49 units = 7.35 units. Proposed: 8 units provided as adaptable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.13	Subdivision				
	Strata subdivision of residential flat buildings is permitted.	Not proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	RESIDENTIAL FLAT BUILDINGS				
6.1	Lot Size and Frontage				
	Min. lot frontage is: <ul style="list-style-type: none"> • 24m (if a highlighted lot in Appendix I); or • 28m for all other properties; or • 45m for all development ≥ 6 storeys. 	50.29m frontage to Great Western Highway.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Residential flat buildings are not permitted on battleaxe lots	Subject site is not a battleaxe lot.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Maximum site coverage of any residential flat development shall not exceed 30%	Proposed site coverage of 33.37% (690.6m ²). The proposed exceeds the maximum allowable site coverage for RFB. However, the variation is considered acceptable. Refer to the discussion in the content of the report.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.3	Setbacks and Separation				
	Principal St: 6m and correspond with existing building setback.	Proposed 3m setback from street frontage which prevail the adjoining properties.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Secondary St: 4m.	Not applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Side: 3m. Side setbacks shall also comply with building separation requirements : Up to 4 storeys: <ul style="list-style-type: none"> - 12m habitable to habitable - 9m habitable to non-habitable - 6m non-habitable to non-habitable 5-8 storeys: <ul style="list-style-type: none"> - 18m habitable to habitable - 13m habitable to non-habitable - 9m non-habitable to non-habitable 	Proposed minimum 6m setback from the side boundaries. Proposed minimum 6m setback from the habitable room windows up to 4 storeys and minimum 9m setback from the habitable room windows on Level 4 and Level 5. This satisfies the building separation requirements.	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Rear: <ul style="list-style-type: none"> • ≤ 4 storeys – 20% of the site length or 6m, whichever is greater 	Required: <ul style="list-style-type: none"> - Up to 4 storeys : 50.285m x 20% = 10.057m 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A																		
	<ul style="list-style-type: none">≥ 5 storeys – 30% of the site length	<p>- 5th storey or above: 50.285m x 30% = 15.09m</p> <p>Proposed: A rear setback of 9m (17.9%) is provided to 4 storeys. A 2.1% variation is proposed.</p> <p>A rear setback of 12.345m (24%) to the building wall is provided for the 5th (Level 4) and 6th (Level 5) floor. A 6% variation is proposed.</p> <p>The variation is acceptable given the proposal complies with the building separation requirement for RFB as identified in the ADG.</p>																					
6.4	Building Height																						
	Minimum floor to ceiling heights shall be: <ul style="list-style-type: none">2.7m for habitable rooms2.4m for non-habitable rooms2.4m for the second storey section of 2 storey units if 50% or more of the apartment has a 2.7m minimum ceiling heightAttic spaces has a minimum wall height of 1.5m at the edge of room with 30° minimum ceiling slope	Proposed 2.7m floor to ceiling heights for all habitable and non-habitable rooms.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																		
	Maximum building height in storeys shall be provided in accordance with the table below: <table border="1"><thead><tr><th colspan="2">Permitted Height (storeys)</th></tr><tr><th>Height</th><th>Storeys</th></tr></thead><tbody><tr><td>9m</td><td>1</td></tr><tr><td>11m</td><td>2</td></tr><tr><td>12.5m</td><td>3</td></tr><tr><td>15m</td><td>4</td></tr><tr><td>18m</td><td>5</td></tr><tr><td>21m</td><td>6</td></tr><tr><td>24 m</td><td>7</td></tr></tbody></table>	Permitted Height (storeys)		Height	Storeys	9m	1	11m	2	12.5m	3	15m	4	18m	5	21m	6	24 m	7	<p>6 storey building proposed.</p> <p>The proposal exceeds the maximum allowable building height in storeys for RFB. As discussed in the main body of the report, the development is compatible with the future character and desired outcome of the local area as R4 High Density Residential Zone.</p> <p>Therefore, that the non-compliance with the number of storeys for height of building is acceptable in this instance.</p> <p>Refer to the content of the report for detail discussion.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Permitted Height (storeys)																							
Height	Storeys																						
9m	1																						
11m	2																						
12.5m	3																						
15m	4																						
18m	5																						
21m	6																						
24 m	7																						
6.5	Building Depth																						
	Maximum internal plan depth of 18m	Maximum 13m unit depth measured from glass to glass is proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																		
6.6	Open Space																						
	Communal open space (COS) to be provided behind the building line in	COS is proposed on the ground floor with a minimum 4m	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																		

No.	Clause	Comment	Yes	No	N/A
	one unbroken parcel with minimum dimensions of 4m	dimensions. A major portion is proposed behind the building line. Only a small area of the COS is proposed to the front of the building.			
	COS to have minimum area of 10m ² per dwelling or 30% of site area	Required: - 10m ² x 49 units = 490m ² ; or - 2,069.4m ² x 30% = 690.6m ² Proposed: 628.9m ² (30.39%) of the site as COS on the ground floor located behind the building line. An additional 142.7m ² (6.9%) of COS is proposed at the front of the building with landscaping screened from Great Western Highway.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Balconies shall be minimum 10m ² with a minimum dimension of 2m for studio or 1 bedroom units and 2.4m for 2+ bedroom units for each dwelling	All units proposed a minimum 10m ² private open spaces that achieve the relevant minimum dimensions as required with the exception of 1 bedroom units. All 1 bedroom units (total of 6 units) proposed 8m ² private open spaces to be provided in the form of balconies. The variation of this standard is acceptable given the proposal complies with the private open space requirement for RFB as identified in the ADG.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.7	Building Appearance				
	Facades to be composed with an appropriate scale, rhythm and proportion	The design provides for appropriate scale, rhythm and proportion to the facades.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Roof design is to respond to the orientation of the site through using eaves and skillion roofs to respond to sun access.	Flat roof proposed. Some shading provided to windows with louvres on the all elevations as 'solar shades' and privacy screens. This is considered satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.8	Building Entry and Pedestrian Access				
	Building entries shall be visible from the street, sheltered and well lit	Building entry is visible from the street and sheltered.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Main building entry is to be separate from car park entry	Separate pedestrian path provided from the street	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.9	Parking and Vehicular Access				
	Only basement car parking is permitted for residential flat buildings	Proposed 1.5m basement car parking accommodating 48 vehicles on site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Vehicle entries shall be setback from the main façade and security doors shall be provided to car park entries to improve the appearance of vehicle	Setback from the main façade and security to be conditioned.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
	entries				
	One car wash bay shall be provided for all developments having 10 or more dwellings (not a visitor space)	1 car wash bay is proposed within the basement car park.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Where possible, vehicular parking entries shall be located off secondary streets	Not applicable. The subject site has single street frontage only.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Direct access shall be provided between the car park to the lobby	Direct access is provided between the car park and lobby.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Access to resident parking areas shall be restricted via a security gate or door	This can be condition to comply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.11	Internal Circulation				
	All common facilities must be accessible.	All common facilities are accessible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	All staircases are to be internal.	Complies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sensitive noise rooms shall be located away from less sensitive noise rooms, corridors and stairwells.	Acoustic privacy within the RFB is considered acceptable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.12	Facilities and Amenities				
	Where possible, vehicular parking entries shall be located off secondary streets	Not applicable. The subject site has single street frontage only.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Direct access shall be provided between the car park to the lobby	Direct access is provided between the car park and lobby.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Access to resident parking areas shall be restricted via a security gate or door	This can be condition to comply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.15	Waste Management – Bin Storage				
	Bin storage must: <ul style="list-style-type: none"> Be located behind the building line and screened from the street and any public place. Be accessible and relatively close to each dwelling. Not impact upon the amenity of adjoining premises or dwellings within the development, i.e. odour. 	The proposed bin storage area is located in the basement. A bin tug is shown to be stored in the waste room.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Allow for unobstructed access that does not exceed a grade of 1:8 for bins to be wheeled to the collection point.	Access grade exceeds 1:8. A bin tug is shown to be stored in the waste room.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	CONTROLS FOR LANDLOCKED SITES				
	Residential R4 zoned lots should not result in the creation of landlocked sites.	Complies. The proposal will not result in the creation of landlocked sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Where adjacent sites are developed concurrently, amalgamation or integration of public domain / open spaces shall be explored.	Two RFBs at 280-28 Great Western Highway and 288A-290 Great Western Highway which adjoins to the east and west of the subject site are currently under construction. However a combined COS was not proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Proposals that create landlocked sites shall:	Not applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
	<ul style="list-style-type: none"> Provide two written independent valuations representing the affected sites value. Provide evidence that a reasonable offer has been made to the affected owners. Demonstrate how future development on the isolated sites will achieve a high quality streetscape. 				
Development of Existing Landlocked Sites					
	Existing landlocked sites shall be assessed on their merits.	Not applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Proposals shall achieve a satisfactory level of amenity, privacy, solar access, landscaping and setbacks and shall not detract from the streetscape.	Not applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PART N – TRANSITWAY STATION PRECINCT CONTROLS					
2	Finlayson Transitway Station Precinct				
2.1	Site Consolidation				
	Amalgamation of lots in accordance with Figure 13.	Not applicable. The subject site is not identified in Figure 13.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Minimum lot frontage is 30m	Not applicable. But the proposed street frontage after amalgamation will be 50.29m.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Properties not identified in Figure 13 shall redevelop in accordance with the development controls detailed in Part C of this DCP.	Not applicable. The proposed relates to a residential flat building within the R4 High Density Residential zone only.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.2	Private Accessway, Land Dedication and Vehicular Entries				
	12m connecting laneway between Rawson Road and Florence Street	Not applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	15m connecting laneway between Florence Street and Quinn Street	Not applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	A pedestrian link is required between Chelmsford Road and Centenary Road	Not applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.3	Building Heights				
	Maximum no. of storeys: 5 storeys	Allowable: 5 storeys Proposed: 6 storeys RFB which is more than the maximum allowable no. of storeys for this site. However, as discussed in the compliance table above and in the content of the report, the variation is considered acceptable.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.4	Building Setbacks				
	Setbacks shall be in accordance with Figures 17 & 18	Required: 3m front setback Proposed: 3m front setback	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DOCUMENTS
ASSOCIATED WITH
REPORT LPP082/19

Attachment 5
Draft Notice of Determination

Our Reference:
Contact:
Phone:2019/285/1
Mrs E Chan
02 87579932**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
NOTICE OF DETERMINATION OF APPLICATION****DEFERRED COMMENCEMENT**

14 November 2019

Zhinar Architects
Suite 1 Level 2
2 Rowe Street
EASTWOOD NSW 2122

Dear Sir/Madam

Pursuant to Section 80(3) of the Act, Council has granted “deferred commencement” consent to your development application described as follows:

PROPERTY: Lot: 0 SP: 42943, PLt: 17 DP: 10054, Lot: 182 DP: 1079320,

STREET ADDRESS: **284 - 288 GREAT WESTERN HIGHWAY
WENTWORTHVILLE**

DEVELOPMENT CONSENT NO: 2019/285/1

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 6 Storey Residential Flat Building containing 49 Units (6 X 1 Bedroom Units, 39 X 2 Bedroom Units and 4 X 3 Bedroom Units) Over 1.5 level of Basement Car Parking for 48 vehicles and provision of 1 car wash bay pursuant to *State Environmental Planning Policy (Affordable Rental Housing) 2009*

This Development Application is APPROVED in accordance with the *Environmental Planning & Assessment Act 1979* and is subject to compliance with the requirements of Cumberland Council, the *Building Code of Australia*, the *Local Government Act 1993*, and the following conditions as set out hereunder and/or endorsed upon the attached plans.

**THIS CONSENT DOES NOT OPERATE UNTIL COUNCIL IS SATISFIED THAT
ALL SCHEDULE ‘A’ CONDITIONS HAVE BEEN SATISFIED.**

SCHEDULE “A”

Consent to the Demolition of Existing Structures and Construction of a 6 Storey Residential Flat Building containing 49 Units (6 X 1 Bedroom Units, 39 X 2 Bedroom Units and 4 X 3 Bedroom Units) over 1.5 level of Basement Car Parking pursuant to *State Environmental Planning Policy (Affordable Rental Housing) 2009* shall not operate until all of the following Schedule “A” conditions have been complied with to Council’s satisfaction.

Stormwater Design

1. Stormwater is to be disposed of into Roads and Maritime Services drainage system, subject to Sydney Water’s approval. Sydney Water’s written approval shall be submitted to the Principal Certifying Authority in conjunction with the stormwater drainage plans.

On Site Detention Design

2. Four (4) copies of plans and calculations for the design shall be submitted to Council, together with the payment of a **\$234.00** checking fee. Inadequately prepared drawings and calculations will incur an additional checking fee of **\$234.00**

On Site Detention – Easement Creation

3. A drainage easement of 1.25m wide (minimum) being created in favour of the property to be developed over downstream properties, to permit the disposal of stormwater to Great Western Highway, Wentworthville. Documents relative to the creation of the easement to be lodged with Land and Property Information NSW with registration being effected prior to Schedule “B” conditions becoming operational. All costs associated with piping, relocation and creation of easements shall be borne by the applicant.

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 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:

Title	Prepared by	Job No. / Dwg No.	Issue	Date
Development Summary	Zhinar Architects Pty Ltd	8583 – DA001	B	23 Oct 2019
Site plan – Demolition Plan	Zhinar Architects Pty Ltd	8583 – DA003	A	12 Jul 2019
Basement 1 plan	Zhinar Architects Pty Ltd	8583 – DA101	B	23 Oct 2019
Ground floor plan	Zhinar Architects Pty Ltd	8583 – DA102	B	23 Oct 2019
Typical Floor 1-3	Zhinar Architects Pty Ltd	8583 – DA103	B	23 Oct 2019
L4 Floor Plan	Zhinar Architects Pty Ltd	8583 – DA104	B	23 Oct 2019
L5 Floor Plan	Zhinar Architects Pty Ltd	8583 – DA105	B	23 Oct 2019
Roof plan	Zhinar Architects Pty Ltd	8583 – DA106	B	23 Oct 2019
Elevation (South & West)	Zhinar Architects Pty Ltd	8583 – DA201	B	23 Oct 2019
Elevation (East & North)	Zhinar Architects Pty Ltd	8583 – DA202	B	23 Oct 2019
Section (1, 2 & Ramp)	Zhinar Architects Pty Ltd	8583 – DA301	B	23 Oct 2019
Materials schedule	Zhinar Architects Pty Ltd	8583 – DA405	B	23 Oct 2019
Landscape Plan – Ground floor plan	Paul Scrivener	19/2085 – 1 of 3	C	28 Oct 2019
Planting plan & Level 4 Plan	Paul Scrivener	19/2085 – 2 of 3	C	28 Oct 2019
Planting plan & Level 4 Plan	Paul Scrivener	19/2085 – 3 of 3	C	28 Oct 2019
Title page, notes and drainage details drawing	Mance Arraj Civil & Structural Engineers	2618-DA – SW001	A	4 Jul 2019
Basement Level 1 Stormwater Drainage Layout Drawing	Mance Arraj Civil & Structural Engineers	2618-DA – SW002	B	25 Oct 2019
Ground Floor / Site Stormwater Drainage Layout and On Site Detention Drawing	Mance Arraj Civil & Structural Engineers	2618-DA – SW003	A	4 Jul 2019
Ground Floor / Site	Mance Arraj Civil	2618-DA –	B	25 Oct 2019

Stormwater Drainage Layout and On Site Detention Drawing	& Structural Engineers	SW004		
OSD and Overland Flow Channel Sections and Details Drawing	Mance Arraj Civil & Structural Engineers	2618-DA SW005	– A	25 Oct 2019
Roof Level Stormwater Drainage Layout Drawing	Mance Arraj Civil & Structural Engineers	2618-DA SW006	– A	4 Jul 2019
Traffic and Parking Assessment Report	Varga Traffic Planning Pty Ltd	19151	-	28 Jun 2019
Traffic and Parking Matters	Varga Traffic Planning Pty Ltd	19151	-	28 Oct 2019
Waste Management Plan	-	8583	-	28 Oct 2019
BASIX Certificate	Ecoinnovate	1020010M	-	8 Jul 2019
Arborist Report	Redgum Horticultural	4799	-	13 Jun 2019
Acoustic Assessment	Acouras Consultancy	SYD2019-1033-R001B	-	16 Jul 2019
Access Report	Vista Access Architects	19102	A	15 Jun 2019
Police Recommendations	NSW Police Force	-	-	12 Nov 2019
Roads and Maritime Services Concurrence	RMS	SYD19/01436/01	-	26 Nov 2019

As amended in red by Council. All 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 Department of Planning & Infrastructure.

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

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

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

Demolition

7. In the event that demolition is to occur prior to the issue/release of a Construction Certificate, all relevant fees and bonds such as the demolition inspection fee, kerb & gutter and tree protection bonds shall be paid in full to Council prior to demolition commencing (as per the relevant conditions elsewhere in this Development Consent). Furthermore, the applicant/developer is to ensure that all relevant conditions in this Development Consent relating to the protection of the site, adjoining lands and trees are adhered to in full prior to commencement of any demolition works.
8. Permission is granted for the demolition of existing structures on the property, subject to strict compliance with the following:-

- (a) Demolition is to be carried out in accordance with the applicable provisions of 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. The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. The demolition must not commence prior to the date stated in the notification.

- (b) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Cumberland Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- (c) On the first day of demolition, work is not to commence until Cumberland Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with WorkCover's document "Your Guide to Working with Asbestos", a copy of which accompanies this Development Consent and demolition works must at all times comply with its requirements.
- (d) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 9840

9840. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the *Occupational Health and Safety Regulation 2001*.

- (e) Demolition shall not commence until all trees required to be retained/transplanted are protected in accordance with those conditions stipulated under "Prior to Works Commencing" in this Consent.
- (f) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (g) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- (h) Demolition is to be completed within 5 days of commencement.
- (i) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (j) Protective fencing is to be installed to prevent public access to the site.
- (k) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- (l) Before demolition operations begin, the property shall be connected to the sewer of Sydney Water to which a pedestal pan shall be temporarily connected for the use as the employees' toilet service during demolition operations.
- (m) After completion, the applicant shall notify Cumberland Council within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.

Note: The person responsible for disposing of the above asbestos waste is to telephone the OEH on (02) 9995 5000 or Council's Waste Officer on (02) 9840 9715 to determine the location of a tip licensed to receive asbestos. Within fourteen (14) days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving tip as evidence of proper disposal.

- (n) Within 14 days of completion of demolition, the applicant shall submit to Council:
 - i) An asbestos clearance certificate carried out by a licensed asbestos assessor (normally a NATA accredited occupational hygienist), or a person who has the knowledge and skills to be a licensed assessor, regardless of whether or not they are licensed; and
 - ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent under *Holroyd Development Control Plan 2013*, Part A, Section 11. In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials; and

Note: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and under 'Facilities and Labs' click on 'Facilities List by Field', then click on 'Chemical Testing', then click on 'Asbestos' and finally click on 'identification'. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

9. Payment of **\$445.80** fee for inspection by Council of the demolition site prior to commencement of any demolition works.

BASIX (Building Sustainability Index)

10. Under Clause 136D of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this Development Consent that all the commitments listed as per Condition 2 in relation to BASIX are fulfilled.

Substations/ Fire hydrant booster pumps

11. No approval is granted or implied for installation of any substation. If a substation is required, it must only be proposed as an internal chamber with consent from Council by way of a Section 4.55 modification application.

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 OF CONSTRUCTION CERTIFICATE

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:-

Affordable Rental Housing

12. A minimum of twenty-two (22) units, being units 101, 103, 111, 114, 115, 121, 124, 125, 135, 142, 152, 201, 203, 204, 211, 214, 215, 221, 224, 225, 235 and 242 on the endorsed architectural plans, shall be nominated for the purpose of affordable housing prior to the issue of Construction Certificate.

Amended plans

13. Amended plans are required to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate, indicating the following changes:
 - (a) The bin layout redesigned to allow access to each bin (no stacking of bins against each other).
 - (b) A gate provided along eastern side of the property, as indicated in red on the approved plans.
 - (c) The balconies associated with Units 401, 402 & 403 on Level 4 modified to have a minimum setback of 9m, as indicated in red on the approved plans. (Note. The modification requires minor internal modifications to Unit 401. No changes are permitted to the number and sizes of the windows within the eastern elevation).
 - (d) Clothes drying facilities provided on the balcony of each unit and appropriately screened.

Traffic – Access and Parking

14. Aisle width between the 90 degree parking and parallel parking spaces shall be minimum 6.3 metres in accordance with Section 2.4.4 (b) of AS2890.1.
15. The development shall be designed to comply with the Disability Discrimination Act and the Access to Premises Standards. Plans showing compliance shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.
16. 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.
17. Any required adjustment to utility services, trees, signs and other street furniture requires approval of the appropriate authority shall be undertaken by the applicant. All cost associated with the proposed works shall be borne from the applicant and at no cost to Council.
18. 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.
19. Details of any control device for the roller gates (if proposed) shall be shown on the plans. The control device shall not reduce the width of the access driveway/ramp, shall not impact on the flow of traffic and road safety and shall be demonstrated with swept path analysis.

Car Parking

20. The car park is to be designed to comply with AS/NZS 2890.1:2004: Parking facilities – Off-street car parking and AS/NZS 2890.6:2009: Parking facilities – Off-street parking for people with disabilities. Full details shall be included in documentation for a Construction Certificate application.
21. Signs and line marking plans shall be prepared prior to the issue of Construction Certificate and to be in accordance with AS2890.1-2004, AS2890.6-2009 and the endorsed plans. Detail is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.
22. Disabled parking spaces shall be provided with a shared area and bollard in accordance with AS2890.6-2009. The shared area shall not be shared with any other parking spaces. In this regard, the disabled parking space adjacent to the loading bay shall be provided with a bollard and shared area.

External Walls and Cladding Flammability

23. 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.

Payment of Bonds, Fees and Long Service Levy

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

Section 7.11 Contribution

25. Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 7.11 of the *Environmental Planning and Assessment Act 1979* and *Holroyd Section 94 Development Contributions Plan 2013*, for 49 units are made up of 6 x 1 bedroom units, 39 x 2 bedroom units and 4 x 3 bedroom units (minus a credit for the 3 x 3 bedroom dwellings). At the time of this development consent, the current rate of the contribution is **\$706,298.00**. The amount of the contribution will be determined at the time of payment in accordance with the relevant Section 94 Contributions Plan in force at that time. A copy of the *Holroyd Section 94 Development Contributions Plan 2013* can be viewed on Council's website at <https://www.cumberland.nsw.gov.au/development/strategic-planning-and-legislation/development-contributions> or inspected at Council's Civic Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

Damage Deposit

26. A cash bond/bank guarantee of **\$5,701.10** 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

27. 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

28. Payment of a **\$686.00** 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.

Landscaping

29. An Arborist qualified to at least Australian Qualifications Framework (AQF) Certificate Level 4 shall be retained throughout all demolition/construction work to ensure the proper protection and management of the tree/s required to be retained/transplanted and that any necessary pruning work within 1m of the building/s approved, is carried out in accordance with AS4373-1996 – Pruning of Amenity Trees. This includes on site supervision of the erection of tree protection measures and, where necessary, any works that are required within tree protection zones.
30. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected against damage throughout the demolition/construction process in accordance with the report issued by Redgum Horticultural dated 13 June 2019 (ref: 4799), the attached Guidelines for the Protection of Trees On and Adjacent to Demolition/Building Sites and relevant conditions of this Consent.
31. Protective fencing is to be installed in line with the dripline of the tree/s to be retained/transplanted which overhangs the site and no further than 0.5m from any buildings. This fencing is to be constructed of chainwire mesh 1.8m high, which is supported by steel stakes or piping and braced to resist impacts. Where appropriate the trunk/s of the tree/s on the site and any street tree/s (which are not to be fenced other than as mentioned above), shall also be protected by vertical timber boards, installed by or under the supervision of a suitably qualified person or the arborist (as appropriate) engaged to ensure the proper protection and management of the trees required to be retained/transplanted to accepted horticultural and TAFE standards.

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

Engineering Fees and Bonds

32. Payment of a **\$626.00** 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.
33. The applicant shall lodge with Council a **\$2,000.00** cash bond or bank guarantee to cover the removal of redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
34. The applicant shall lodge with Council a **\$5,000.00** cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete footpath paving adjacent to the site. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
35. The applicant shall lodge with Council a **\$6,290.00** 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.
36. The Sites stormwater drainage connection to the proposed new gully pit in the Great Western Highway shall be in accordance with the RMS Works Specification and standard Drawings.

On-site Stormwater detention

37. The development has been identified as requiring an on-site stormwater detention (OSD) system which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, OSD plan number 2019-288 and Council's on-site detention policy shall be submitted to the certifying authority prior to the issue of a construction certificate.

Traffic Management Plan

38. 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 AS1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a **\$201.00** 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.
39. The applicant shall also provide a Construction and Traffic Management Plan, prepared by a suitably qualified consultant and submitted to Council for approval. A fee \$238.00 initial fee for the assessment of the plan shall also be lodged to Council. The following matters must be specifically addressed in the Plan:
 - a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
 - Signage type and location to manage pedestrians in the vicinity;

- The locations of any proposed Work Zones in the frontage roadways – note: Work Zone fees apply in accordance with Council's Fees and Charges;
 - Locations and type of any hoardings proposed along all street frontages;
 - Area of site sheds and the like;
 - Location of any proposed crane standing areas;
 - A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
 - The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible; and
- b) A Traffic Control Plan for the site must be prepared for approval by Council incorporating the following:
 - i) Traffic control devices proposed in the road reserve must in accordance with the RMS publication "Traffic Control Worksite Manual" and designed by a person licensed to do so (minimum RMS 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures are to be identified and specific traffic control measures identified for each.
 - ii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing:
 - Light traffic roads and those subject to a load or height limit must be avoided at all times; and
 - A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
 - iii) Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial Road.
 - iv) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements;
 - v) For those construction personnel that drive to the site, the Applicant shall provide on-site parking so that their personnel's vehicles do not impact on the area.
- c) Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.
- d) Any use of Council property shall require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- e) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.
- f) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

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

Required Submissions to Principal Certifying Authority

40. If the development is 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.
41. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.
42. 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.
43. 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.

Construction Management Plan

44. A Construction Management Plan shall be prepared and adopted to address traffic control and the safe removal and delivery of materials. Detail is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Storage

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

A minimum of 50% of the storage area shall be provided within the unit. Detail is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Car Wash Bay

46. A vehicle wash bay shall be provided for residents of the development. Collection, reuse and ultimate disposal of water used in the vehicle wash bay shall be in accordance with Sydney Water's requirements. The car wash bay shall be designed so that the following requirements are met:
 - Have an adequate parking and washing floor space.
 - Provide a water supply.
 - Minimise water use with appropriate devices (e.g. such as a gun-type nozzle which closes when released and a timer operative valve, collection and use of rainwater).
 - Have a water supply cut out system/fail-safe mechanisms provided to ensure that mechanical failure; drainage blockage or lack of maintenance cannot result in wastewater surcharge into the stormwater system.

- Be designed to ensure that over spray, drift of water or detergent does not cause a nuisance to persons, vehicles, residences, other buildings, neighbouring properties or the environment.
- Be located so that washing can occur with minimal disturbance to other residents.

Details to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Air Conditioning

47. Details and specifications for the mechanical ventilation system complying with the Australian Standard are to be submitted and approved by the Principal Certifying Authority.

Design Verification Statement

48. In accordance with *Environmental Planning and Assessment Regulation 2000* and *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65), the subject development must be undertaken or directed by a “qualified designer” (i.e., a “registered architect” under the Architects Act). In this regard, a design verification statement shall be submitted to the Principal Certifying Authority (PCA). The PCA shall ensure that the statement prepared by the qualified designer provides the following:-

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

Note: The design verification statement must provide an explanation of the design in terms of the design quality principles set out in Part 2 of SEPP 65.

Salinity

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

Details of proposed methods of construction are to be detailed in the engineering plans and submitted to the PCA.

Note: Further information for building in a saline environment is available in the following documents:

- “Building in Saline Environment” prepared by DIPNR 2003.
- Water Sensitive Urban Design in the Sydney Regions “Practice Note 12: Urban Salinity”
- Wagga Wagga City Council’s “Urban Salinity Action” October 1999
- “Guide to Residential Slabs and Footings in Saline Environments” prepared by Cement Concrete and Aggregates Australia, May 2005

Acoustic Measures

50. Plans and/or specifications demonstrating how all engineering assumptions, performance parameters, and recommendations in the DA approved Acoustic Report prepared by

Acouras Consultancy, dated 16 July 2019, report ref. SYD2019-1033-R001B, will be complied with and are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of the Construction Certificate.

Sight Distance

51. 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.

Roads and Maritime Services

52. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Great Western Highway boundary.
53. The design and construction of the new gutter crossing on Great Western Highway shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au
54. Detailed design plans of the proposed gutter crossing are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to development.sydney@rms.nsw.gov.au. A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by Roads and Maritime.
55. The proposed development should be designed such that road traffic noise from Great Western Highway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007. As such, prior to the issuing of the Construction Certificate, the developer must demonstrate to Council that road traffic noise from Great Western Highway has been mitigated to comply with the above and has regard for the applicable requirements in the NSW Government's *Development Near Rail Corridors and Busy Roads – Interim Guideline, 2008* with applicable requirements being details on the Construction Certificate plans.
56. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

PRIOR TO WORKS / DEMOLITION COMMENCING

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

Appointment of Principal Certifying Authority and Notification of Commencement of Work

57. The person having the benefit of the development consent, not the principal contractor (builder), must: -
- (a) Appoint a Principal Certifying Authority in accordance with Section 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.

Note: 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

58. The person having the benefit of the Development Consent must:-
- (a) Notify the Principal Certifying Authority that the person will carry out the work as an owner-builder, if that is the case;
- OR
- (b) Appoint a Principal Contractor for the building work (who must be the holder of a contractor licence if any residential building work is involved), and notify the Principal Contractor of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work.
 - (c) Notify the Principal Certifying Authority of any such appointment.

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

Required Submissions to Council or the Principal Certifying Authority

59. To facilitate a complete assessment and enable the Certifying Authority to check compliance on site, truss validation and design, details certified by a qualified practicing structural engineer shall be submitted to Council or the Principal Certifying Authority for examination and approval. Details shall include:
- (a) job address and builder's name
 - (b) design wind velocity

- (c) terrain category
- (d) truss spacing
- (e) roof pitch
- (f) material of roof
- (g) roof batten/purlin spacing
- (h) material of ceiling
- (i) job number

Photographic Record of Council Property – Damage Deposit

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

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

Hazardous Materials Survey

61. A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) and submitted to the satisfaction of Council's Environmental Health Manager prior to commencement of any demolition work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

Alterations or Removal of Services

62. 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.

Notification to Relevant Public Authority

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

Fencing of Sites

64. 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

65. 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

66. 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

67. 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

68. 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.

Works Within Council's Reserve

69. All works within the Council reserve shall be completed within three (3) weeks of the date of commencement. Council's Development Engineer shall be advised prior to the commencement of works.
70. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
71. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of \$20,000,000 is to be submitted prior to commencement of works. Holroyd City Council shall be named on the Certificate of Currency as an interested party.

Footpaving, Kerbing and Guttering

72. 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.
73. Finished street levels shall not be assumed. The owner or builder must make application to Council's Engineering Services Department for street levels.

Road Opening Permit

74. 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 an applicable fee and charges prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (eg. telephone, electricity, sewer, water or gas) required within the road reserve.

Surveying - Boundaries

75. All footings and walls proposed within 1 metre of a boundary must be set out by a registered surveyor, a boundary survey and report shall be prepared indicating the true boundaries and position of the external walls that adjacent to the boundaries of the development site. The survey/report shall be submitted to the principal certifying authority.

Support for Neighbouring Buildings

76. 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).

77. 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

78. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
Each toilet provided:
- (a) Must be a standard flushing toilet, and
 - (b) Must be connected:
 - i) To a public sewer,
 - ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - iii) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
 - iv) The position of the toilet on the site shall be determined by Council's Building Surveyor and/or Sydney Water.

Residential Building Work - Insurance

79. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Cumberland Council) has given Cumberland Council written notice of the following information:-
- (a) in the case of work for which a Principal Contractor is required to be appointed:
 - i) the name and licence number of the Principal Contractor, and
 - ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - i) the name of the owner-builder, and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Cumberland Council) has given Cumberland Council written notice of the updated information.

The notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

Property/Street Number

80. Council is the authority responsible for the allocation of all official property addresses. For ease of identification of your new development, it is important that the allocated property numbers are used and displayed prominently. It is requested that you contact Council as soon as possible before construction is commenced to discuss proposed addressing for your development.

Please email your site plan to Cumberland Council's Rates Section.

Council's 'Allocation of Property Numbers' policy is available on Council's website www.holroyd.nsw.gov.au.

Roads and Maritime Services

81. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact onto Great Western Highway are to be submitted to Roads and Maritime for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au. A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.
82. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. Please send all documentation to development.sydney@rms.nsw.gov.au.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work. A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued.

DURING DEMOLITION / CONSTRUCTION

The following conditions are applicable during demolition / construction:-

Endorsed Plans & Specifications

83. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and approved Traffic Management Plan are to be retained on site at all times.

Hours of Work & Display of Council Supplied Sign

84. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited.

Note: Demolition work is not permitted on weekends or Public Holidays - refer to specific demolition condition for approved hours.

The yellow "Hours of Building Work" sign (supplied by Council with the approval), is to be displayed in a prominent position at the front of the site for the duration of the work.

Site Control

85. All soil erosion measures required in accordance with the approved sediment and erosion control plan and any other relevant conditions of this Consent are to be put in place prior to commencement of construction works are to be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation. This includes the provision of turf laid on the nature strip adjacent to the kerb.
86. Builder's refuse disposal and storage facilities are to be provided on the development site for the duration of construction works and all rubbish shall be removed from the site upon completion of the project.
87. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

Asbestos Cement Sheeting

88. 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".

89. 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 receive asbestos. Upon completion of tipping operations the applicant shall lodge with the Council, all receipts issued by the receiving tip as evidence of proper disposal.

90. Within fourteen (14) days of completion of renovation or recladding or brick veneering works where asbestos cement sheeting was removed, the applicant shall submit to Council an asbestos clearance certificate prepared by a NATA accredited occupational hygienist.

Note: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and under 'Find a Facility or Lab' type in 'asbestos identification' in 'keywords' then click on 'chemical testing' in NSW then click on the search button. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

Waste Management Plan

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

93. Section 109E(3)(d) of the *Environmental Planning and Assessment Act 1979* requires certain specific inspections (prescribed by clause 162A of the *Environmental Planning and Assessment Regulation 2000*) 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 *Environmental Planning and Assessment Regulation 2000*.

Note: 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

94. 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

95. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has 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

96. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
97. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected against damage throughout the demolition/construction process in accordance with the report prepared by Redgum Horticultural dated 13 June 2019 (ref: 4799), the attached Guidelines for the Protection of Trees On and Adjacent to Demolition/Building Sites and relevant conditions of this Consent.
98. A report is to be prepared and submitted to Council by the Arborist engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted that:
- (a) Sets out maintenance work carried out on tree/s; and
 - (b) Assesses the health and condition of the tree/s required to be retained/transplanted and protected.

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

99. 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.
100. 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 AS4373-1996 – Pruning of Amenity Trees to enable demolition/construction works to occur.

Note: Any other pruning works not authorised by this Consent are subject to the approval of an application for General Tree Works activities.

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

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

102. 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 the side boundaries at full cost to the developer, such fencing to be constructed on or within the property boundary unless otherwise stated on consent. In situations where the boundary fence is proposed on top of a retaining wall, the height of the fence shall not exceed a maximum of 2.4m as measured from the lower adjacent ground level. A Statutory Declaration or other documentary evidence of such consultation is to be submitted to the Principal Certifying Authority.
103. A single master T.V. antenna is to be installed to service each building and provision made for connection to each dwelling within that building.

Works within Council's Reserve

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

Inspection of On Site Detention Works

105. 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.); and
 - (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.

Surveying – Footing/Wall

106. A survey certificate is to be submitted to the Principal Certifying Authority at footing/or formwork stage of structure where adjacent to the site boundary(s). The certificate must indicate the location of all structures (e.g. Retaining wall, Footing) in relation to all boundaries, and must confirm the structure has constructed within the boundary lines in accordance with the endorsed plan and no structure encroachment within the adjacent properties and/or Council's land prior to any further work proceeding on the site.

Road Works and Footpaving

107. Pedestrian access, including disabled and pram access, is to be maintained as per AS1742.3 "Part 3 – Traffic Control Devices for Works on Roads".
108. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

Underground Cabling

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

Underground Power Connection

110. Power connection to the site is to be underground. No intermediate power pole is permitted even where electricity reticulation cannot be obtained directly from the street.

Alarms

111. The developer/builder shall not install any audible intruder alarms within the units. If the building is to be provided with a burglar alarm system, this shall incorporate back to base monitoring such that residents can connect thereto from each individual unit.
112. With regard to the basement level pump out system, a suitable audible alarm with flashing light system shall be positioned at the first floor level of each common property stairwell within the building and a flashing light only shall be positioned at each common property entrance to the car parking area to provide a flood warning in the case of pump failure. The alarm system shall be to the satisfaction of Council's Engineer.

Basement Parking

113. A convex mirror is to be provided so that drivers can see up the driveway from within the basement.
114. An intercom device is to be located within the basement foyer so that disabled persons can contact any unit if the lift is not working.

Rainwater Tank

115. The design of the rainwater tank(s) should allow a horizontal clearance of at least 450mm for pedestrian movement. This tank must not exceed 2.4 metres in height above ground level, including any stand for the tank.

Vehicle Cleansing

116. Concrete trucks and trucks used for the transportation of building materials shall not traffic soil, cement or similar materials onto the road. Hosing down of vehicle tyres shall be conducted in a suitable off-street area where wash water is prevented from entering the stormwater system or adjoining property.

Importation of Fill

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

Additional Information during Demolition/Construction

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

Line Marking

119. Directional arrows for internal circulation shall be prominently displayed on the pavement on approaches to, and within, the carpark area.

Acoustic Measures

120. The recommendations provided within the Acoustic Report prepared by Acouras Consultancy (Ref: SYD2019-1033-R001B) dated 15 June 2019, shall be implemented.

Cranes

121. No approval is granted or implied for the installation of any crane on the premises that has the potential to swing beyond the boundaries of the subject site. Separate necessary approvals, including but not limited to Section 138 of the *Roads Act 1993* and/or Section 68 of the *Local Government Act 1993*, must be obtained from Council prior to installation of any such cranes.

Roads and Maritime Services

122. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Great Western Highway.
123. A Road Occupancy Licence (ROL) shall be obtained from Transport Management Centre for any works that may impact on traffic flows on Great Western Highway during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
124. Sight distances from the proposed vehicular crossings to vehicles on Great Western Highway are to be in accordance with the Austroads 'Guide to Traffic Engineering Practice, Part 5: Intersections at Grade, Section 6.2 - Sight Distance' and AS2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

General

125. 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.
126. The glass balustrading associated with the balcony areas of the development, facing the public domain, shall be maintained to opaque glass.

State Environmental Planning Policy (Affordable Rental Housing) 2009

127. To ensure compliance with *State Environmental Planning Policy (Affordable Rental Housing) 2009*, Council is to be notified on the day that an Occupation Certificate is issued. (This in turn will be considered as the day that the affordable housing 10 year dedication period commences).
128. For a period of at least 10 years from the date of the issue of the Occupation Certificate:
 - (a) A minimum of 40.59% of the gross floor area (being units 101, 103, 111, 114, 115, 121, 124, 125, 135, 142, 152, 201, 203, 204, 211, 214, 215, 221, 224, 225, 235 and 242 on the architectural plans prepared by Zhinat Architects in Condition 2) provided in the development scheme must be used for the purpose of affordable housing as defined in Part 1 Clause 6(1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009*; and
 - (b) All accommodation that is used for affordable housing shall be managed by a registered community housing provider. Details of the registered community housing provider agreement shall be provided to Council prior to occupation of the premises.
129. The rental amount of the affordable units is to meet the requirement of Part 1 Clause 6(1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.
130. A positive covenant being registered on the title to the property under Section 88E of the *Conveyancing Act 1919*, to give effect to part (a) of this condition. Such covenant shall not be revoked or modified without prior approval of Council. The covenant shall be registered before the issue of an Occupation Certificate.

Certificates/Documentary Evidence

131. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
132. A Section 73 Certificate (Sydney Water) must be submitted to the Principal Certifying Authority prior to occupation of the development.
133. 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.

134. An Accredited Certifier shall submit to the Principal Certifying Authority a signed checklist as per Appendix A of AS4299-1995 confirming that Units **102, 112, 122, 132, 202, 212, 222 and 232** have achieved the desired level of adaptability (i.e. "Adaptable House Class A or B").

Compliance with Hazardous Materials Survey Report Prior to Occupation

135. All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report prepared prior to commencement of demolition works, must be complied with.
136. Prior to the Occupation Certificate, certification must be submitted to the Principal Certifier from a certified Occupational Hygienist (*Australia Institute of Occupational Hygienists*) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report, and that the site is safe for future occupation in accordance with the approved use.

Fire Safety

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

Note:

- (a) Such Certificate shall state, pursuant to Clause 80E in relation to each essential fire safety measure mentioned in the certificate:
 - 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.
- (b) The person who carries out the assessment must inspect and verify the performance of each fire safety measure being assessed, and must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedules for the building.
- (c) The assessment must have been carried out within the three (3) months prior to the date on which the final fire safety certificate is issued.

Works as Executed

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.

Compliance Certificate

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. A certificate of compliance for the pump out drainage system of the basement level shall be issued to the Principal Certifying Authority by the pump installers stating that the pump

out system has been installed to operate in accordance with the Council requirements and approved drawings.

141. 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.

OSD Covenant and Maintenance Schedule

142. 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.
143. The applicant shall provide a standard confined space danger sign at all access points to the underground On-Site Detention storage tank in accordance with the Upper Parramatta River Catchment Trust On-Site Detention handbook.
144. 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.
145. On-site Stormwater Detention design summary calculation sheet/s using the WAE levels shall be submitted to Council.

Road Works

146. The reconstruction of cracked and/or damaged concrete kerb, 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.
147. The removal of existing footpath and construction of a 2.5 metre wide concrete shared footpath paving and associated works along the entire site fronting Great Western Highway. 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. All footpath areas within the road reserves that are not concrete shall be turfed with ST85 Buffalo or 'Sir Walter'.
148. The reconstruction of Council's gully pit/s and associated works along all areas of the site fronting RMS gully pit. 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.

149. 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.

150. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
151. A full width heavy duty vehicular crossing shall be provided opposite each vehicular entrance to the site, with a maximum width of 6 metres and a minimum width of 5.5 metres at the boundary line. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.
152. 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.

Air Conditioning

153. 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:
154. All parking spaces shall be signposted and line-marked in accordance with the endorsed signs and line-marking plans and AS2890.1-2004 and 2890.6-2009.
155. The entry / exit driveway shall be indicated with appropriate signage and line-marking to avoid traffic conflict at the driveway

Air Conditioning

156. 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.

House/Street Number

157. A house/street number must be displayed on all newly developed properties in accordance with Council's "Policy on the Display of House Numbers" available from the Customer Services Counter or Council's website.

Design Verification Statement

158. In accordance with *Environmental Planning and Assessment Regulation 2000* and *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*, the subject development must be undertaken or directed by a “qualified designer” (i.e., a “registered architect” under the Architects Act). In this regard, a design verification statement shall be submitted to the Principal Certifying Authority (PCA) assessing the development, upon completion of all works subject of this consent and its accompanying construction certificate. The PCA shall ensure that the statement prepared by the qualified designer provides the following:-
- a) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
 - b) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the Construction Certificate, having regard to the design quality principles set out in Part 2 SEPP 65.

Landscape

159. 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.
160. 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.
161. The Arborist engaged to ensure the proper protection and management of the trees required to be retained/transplanted is to provide a report to Council concerning the health and condition of the tree/s and if necessary any remedial works required. The report should also provide documentary evidence that the tree protection conditions were complied with throughout the demolition/construction phases, in the form of site notes and photographs. Should the trees require remedial works which are not exempt under Council's Tree Management Order, an application for General Tree Works will be required to be submitted and approved before the works are carried out and certified by the Arborist. Remedial works which are exempt under Council's Tree Management Order will also be required to be completed and certified.
162. Certification is to be provided to the Principal Certifying Authority from a suitably qualified and licensed contractor that the specified fully automated commercial grade irrigation system has been designed and installed to all common planted areas in accordance with the requirements of the current relevant Australian Standards, any relevant authority regulations and current best work practices. If Council is not the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.
163. Boundary and courtyard fences must be erected and finished in a professional manner.

164. As shown on the endorsed plan Tristaniopsis Laurina are to be planted in the footpath area/s of Great Western Highway. The trees are to come from a minimum 75L container and be planted, so as not to affect existing services, in accordance with the attached guidelines.

Noise Compliance Report

165. A noise compliance report shall be submitted to Council prior to the issuing of the Occupation Certificate. The report shall state that the noise reduction measures detailed Noise Report Reference SYD2019-1033-R001B prepared by Acouras Consultancy dated 16 July 2019, have been implemented, and confirm that the noise emissions from the premises complies with Council's noise criteria specified in this consent.

Lot Consolidation

166. Lot 182 in DP 1079320, Lot 17 DP 10054 and Lot 0 SP 42943 shall be consolidated into one lot on title and all works shall be completed in accordance with this Development Consent.

CONDITIONS RELATING TO USE

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

State Environmental Planning Policy (Affordable Rental Housing) 2009

167. For a period of at least 10 years from the date of the issue of the Occupation Certificate:
- (a) A minimum of 40.59% of the gross floor area (being units 101, 103, 111, 114, 115, 121, 124, 125, 135, 142, 152, 201, 203, 204, 211, 214, 215, 221, 224, 225, 235 and 242 on the architectural plans prepared by Zhinat Architects in Condition 2) provided in the development scheme must be used for the purpose of affordable housing as defined in Part 1 Clause 6(1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009*; and
 - (b) All accommodation that is used for affordable housing shall be managed by a registered community housing provider. Details of the registered community housing provider agreement shall be provided to Council prior to occupation of the premises.
168. The rental amount of the affordable units is to meet the requirement of Part 1 Clause 6(1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

Safety & Amenity

169. Where audible intruder alarms are installed in the units by residents, they shall be fitted with a timing device in accordance with the requirements of the *Protection of the Environment Operations Act 1997*. (Note: Condition No. 106 above, prevents the developer/builder from installing audible alarms).
170. Access to the residential areas of the development shall be limited to residents via an intercom swipe card system.

Traffic and Parking

171. At least 48 car parking spaces and 1 car wash bay numbered and line marked in accordance with the endorsed plan, are to be made available at all times for residents and visitors' vehicles only in conjunction with the occupation of the building/premises.
172. All vehicles shall enter and leave the site in a forward direction.
173. The car wash bay shall be a common, independent area, and not serve as a visitor parking space.

Refuse & Trade Waste

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

Maintenance of Waste Storage Area

175. All waste and recycling containers shall be stored in the designated waste storage area. The body corporate shall be responsible for movement of the waste and recycling containers to the footpath for weekly collections, and the return of waste and recycling containers to the waste storage area. The Body Corporate shall clean the waste storage area, dry arrestor pit and waste collection containers.
176. 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.

Emergency Procedures

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

Noise

178. The operation of all plant and equipment shall not give rise to an equivalent continuous (L_{Aeq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background L_{A90} level (in the absence of the noise under consideration).
179. 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.
180. 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.
181. Noise and vibration from the use of the mechanical exhaust ventilation system shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10:00pm and 7:00am on weekdays and 10:00pm and 8:00am on weekends and public holidays.

Mechanical Ventilation System

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

Car wash bay

183. The car wash bay shall be managed and maintained so that the following requirements are met:
- The Body Corporate or owner should advise all users of the car wash facilities how to operate, maintain and use the equipment so that good housekeeping practices can be adopted at all times.
 - Have clearly visible sign(s) indicating that no degreasing, engine washing or mechanical work is to be undertaken in the car wash bay, informs car wash bay users of how to use and maintain the system, and encourages users to minimise the use of detergents and water.
184. Washing of vehicles shall be conducted in a car wash bay, which is roofed and bunded to exclude rainwater. The carwash bay shall be regularly cleaned and maintained. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.

Clean Water Discharge

185. 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*.

Lighting

186. 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 AS4282-1997 Control of the obtrusive effects of outdoor lighting.

Landscaping

187. Landscaping adjacent to the driveway shall not restrict pedestrian and vehicular visibility in accordance with AS2890.1-2004. Regular maintenance shall be undertaken to ensure this requirement is satisfied.

General

188. All privacy measures shall be maintained at all times, throughout the lifetime of the development.
189. 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.

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 *Local Environmental Plan 2013*, Part 3 "*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.

Note: If you carry out building work as an owner builder and sell your home within seven (7) years from the date of completion (date of final occupation certificate), then a Certificate of Insurance must be attached to your Contract of Sale.

- 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 6 months of the date of determination, or as otherwise prescribed.
- C. Section 82A 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 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 6 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 Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of AS1428 - Design for Access and Mobility.
- E. 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.
- F. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.
- G. DEMOLITION
- (a) Demolition is to be carried out in accordance with AS2601-2001, Demolition of Structures.
 - (b) Demolition is to be carried out in such a way and with such control measures as are necessary to prevent the occurrence of any dust, noise, runoff or other nuisance.

- (c) All sediment/soil is to be prevented from entering Council's stormwater drainage system.
- (d) The public footpath and roadway is to be protected against damage as a result of demolition activities and is to be kept clean and free of all soil and other materials.
- (e) On completion of demolition the site is to be left in a clean and tidy condition.
- (f) Cumberland Council has a Tree Management Order which applies to the entire City of Holroyd. No ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees exceeding 3.5m in height and 3m in branch spread shall take place without the prior written consent of Cumberland Council.
- (g) There shall be no burning of any waste, as this is prohibited within the City of Holroyd.
- (h) Demolition material can be recycled saving the environment and also tipping costs. For more information, contact the Environment Protection Authority's Recycling hotline on 02 9325 5555.
- (i) Public roads shall be kept clean and free of any materials which may fall from vehicles or plant to ensure safety and amenity of the area.

H. BANK GUARANTEES

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

To enable the bank guarantee to be enforceable during an entire project with consideration for delays, **the guarantee must not contain a facility expiry date.**

To get to Standard and Poors www.standardpoors.com then from Ratings Action choose Ratings Lists. Then click on Financial Institutions followed by clicking on Financial Institutions Counterparty Ratings List. Go to "**Banks**" and download to Australian Banks.

To get to Moodys www.moodys.com then look up Ratings and then Banking and then Bank Ratings list. It will take you to Bank Credit Research page. Look at the table of contents and choose Global Bank Ratings by Country. Look up Australian Banks.

I. SMOKE DETECTORS

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

J. TERMITE PROTECTION

Structural members are to be protected from attacked by subterranean termites in accordance with the requirements of 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.

K. WET AREAS

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

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

- (a) A current Certificate of Accreditation for the product.

AND

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

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

L. LANDINGS

A landing having a minimum length of 750mm and a grade no steeper than 1:50, must be provided where the sill of a threshold of a doorway opens onto a stair that provides a change in floor level or floor to ground level greater than 3 risers or 570mm in accordance with Clause 3.9.1.3 (Stair Construction) of the Building Code of Australia.

M. 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.

N. MINIMISING WATER USE

Examples of ways water use can be minimised in the car wash facility are:

- the use of a gun type nozzle on the hose that closes when released and
- filter and recycle wash water where possible.

O. 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.

P. 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.

Q. GLAZING CERTIFICATION

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

R. 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.

S. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

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

T. 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 1991*. You are therefore required to consult with the owners of neighbouring properties if fences are to be removed or constructed.

The *Dividing Fences Act 1991* is administered by the [Department of Lands](http://www.dlp.lands.nsw.gov.au) who can act as a mediator in disputes. For further information please refer to the following information on Council's website: <https://www.cumberland.nsw.gov.au/sites/default/files/2019-08/dividing-fences-policy%20.pdf>

Yours faithfully

Sohail Faridy
COORDINATOR DEVELOPMENT ASSESSMENT

DOCUMENTS
ASSOCIATED WITH
REPORT LPP082/19

Attachment 6
Locality Map

ATTACHMENT 6 – LOCALITY PLAN OF SUBJECT SITE

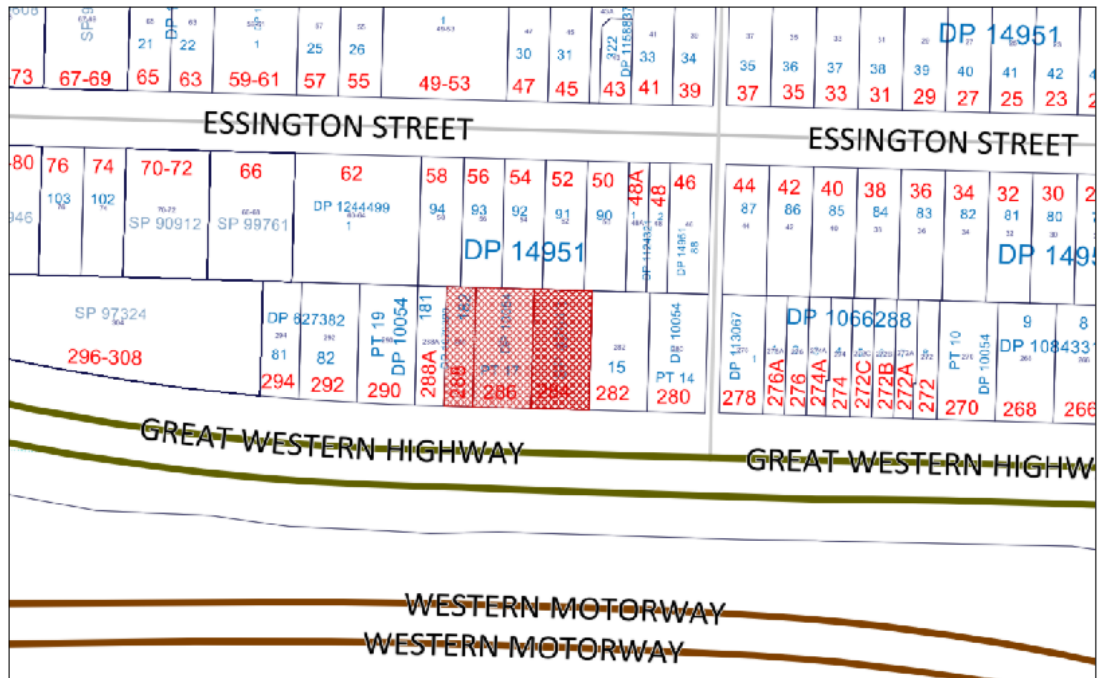
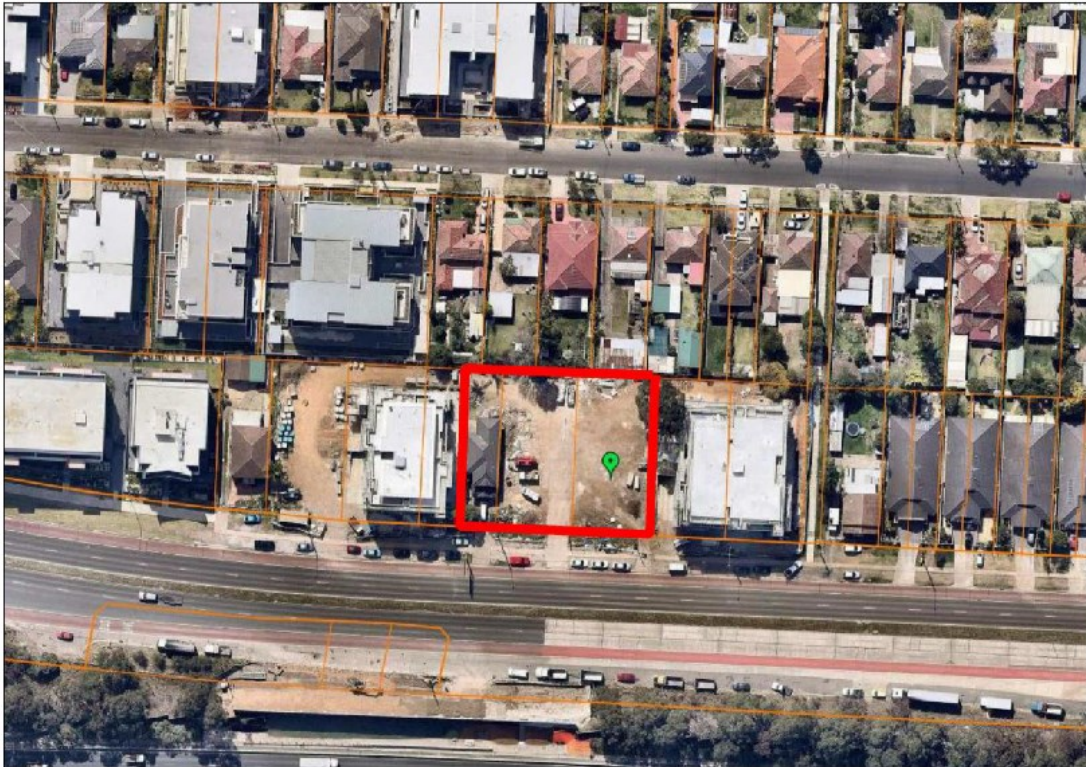


Figure 1 – Aerial view of subject site



DOCUMENTS
ASSOCIATED WITH
REPORT LPP082/19

Attachment 7
Architectural Plans



1 : 1000 @ A1 sheet
DAZ01

APPROX TRUE NORTH

4. THE SURVEY IS NOT A LAND SURVEY AS DEFINED BY THE SURVEYING AND MAPPING ACT, R.S. 2012.
5. THE BOUNDARIES OF THE PARCELS HAVE NOT BEEN DETERMINED BY THE BENCHMARK STATION AND FEET HAS BEEN SURVEYED ARE APPROXIMATE AND SUITABLE FOR PLANNING PURPOSES ONLY.
6. ONLY THOSE SERVICES VISITED AT THE TIME OF SURVEY HAVE BEEN LOCATED AND A MAP OF LEVEL 1 AS DETINED BY AS 1489-2012.
7. UNDERGROUND SERVICES HAVE BEEN RECOGNIZED FROM PLANS, RECORDS AND/OR DEANS AND ARE NOT FIELD DATA. THE LOCATION OF ANY EXISTING UTILITY SERVICES MUST BE CONFIRMED TO DETERMINE FOR THE EVENT OF DISCREPANCIES TO ANY PLANNING OR WORKS IN THE SITE.
8. ONLY DEPTH GREATER THAN 1 METRE IN HEIGHT ARE SHOWN IN THIS PLAN AND THE DEPTHS ARE GIVEN IN GRAPHIC MANNER ONLY AND MAY REQUIRE AN ADDITIONAL SURVEY FOR THE PURPOSE OF DESIGN.
9. CONTAINS ARE INDICATIVE OF GROUND FORM ONLY. SLOPE VALUES MUST BE USED FOR CALCULATIONS OF QUANTITIES WITH CAUTION.
10. CONTAIN INTERVALS 0.5m
11. ALL SETBACK LEVELS MUST BE REFERRED TO THE BENCHMARK.
12. THE ORIENTATION OF THIS PLAN IS APPROXIMATE FACE NORTH BASED ON 493127E. THE ALIGNMENT WITH THE GROUND BEING OF THIS PROJECT HAS BEEN OBTAINED BY THE SURVEYOR. THE VERIFIED AT PART OF THE PLAN AND DIMENSIONS REQUIRE A MORE ACCURATE DETERMINATION OF TRUE NORTH BY A FURTHER SURVEY BEING NECESSARY.
13. NOT TO BE USED IN DESIGN OR BENCHMARK
EASEMENT COVERAGE A VOID OF ATTACHED SURVAY
14. CONTAINS ARE INDICATIVE OF GROUND FORM ONLY. SLOPE VALUES MUST BE USED FOR CALCULATIONS OF QUANTITIES WITH CAUTION.

VQ	denotes VEHICLE CROSSING
TK	denotes TOP OF KNOB
QOM	denotes COMMUNICATIONS PIT
PT	denotes POWER POLE
LS	denotes LETTER BOX
RD	denotes RADIANT
SMH	denotes SEWER MANHOLE
FL	denotes FLOOR LEVEL
RD	denotes RETARDING WALL
RD	denotes ROAD



— W — POTABLE WATER MAIN
 — S — SEWER MAIN
 — C — CRAWSPACE/UNDER-CAR

APPROXIMATE POSITION ONLY. SEE DIAL BEFORE. 100-210 PLANS
JWD No. 11292422 WHERE ORIGINAL TO DESIGN. UNDERGROUND
SERVICES SHOWN ARE LOCATED BY MORE ACCURATE METHODS.

DEBATES

1. ONLY THOSE SERVICES/USABLE AT THE TIME OF SURVEY HAVE BEEN LOCATED AND INDICATED BY THE SURVEYOR. QUALITY LEVEL IS AS DETERMINED BY 45.568-2010. LEVELS SHOWN ARE SURFACE LEVELS UNLESS NOTED OTHERWISE.

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ISSUE	DATE	JOINMENT
A	25/1/200	ORIGINAL ISSUE
B	24/6/200	UPDATED DETAIL SHEET

BETTER BUILDINGS PTY LTD

SCALE: 1:150
ORIGIN OF LEVELS:
000+00.00

REF: 7225
DATE: 24/06/2006

	PLAN
	21
	2000

DETAIL AND LEVEL SH
DP 18054 & SP 42943



**DIAL BEFORE
YOU DRIVE**
www.7433.com



8583
284-288B GREAT WESTERN
HIGHWAY
WENTWORTHVILLE, NSW 2145
Proposed Residential Development

SITE LOCATION

[illegible]

FSR-1.5:1

	Component	Commitment
Common Areas and Central Systems	<u>Hot Water System</u>	<ul style="list-style-type: none"> See Private dwellings
	<u>Lifts</u>	<ul style="list-style-type: none"> All lifts to use Gearless traction with VVVF motor servicing all levels
	<u>Ventilation</u>	<ul style="list-style-type: none"> Car park: Ventilation (supply & exhaust) with a CO monoxide monitor & VSD fan Garbage Rooms: Ventilation (exhaust only), continuous Plant/Service Rooms: Ventilation (supply only), continuous Hallways & lobbies: Ventilation (supply only) connected to time clock or BMS controlled
	<u>Lighting</u>	<ul style="list-style-type: none"> Car park: Fluorescent lighting with motion sensors Lift Cars: LED lighting Garbage Rooms: Fluorescent lighting with motion sensors Plant/Service Room: Fluorescent lighting with manual on/off switch Hallways & lobbies: LED lighting with motion sensors + time clock
	<u>Hot Water System</u>	<ul style="list-style-type: none"> Individual Instantaneous Gas Hot Water System with 5 Stars Rating
Private Dwellings	<u>Ventilation</u>	<ul style="list-style-type: none"> Kitchen, Bathroom & Laundry Exhaust: Individual fan, ducted to roof or facade with manual on/off switch
	<u>Heating & Cooling</u>	<ul style="list-style-type: none"> Living: <ul style="list-style-type: none"> Heating: Individual 2-star, 1-phase air-conditioning Cooling: Individual 2-star, 1-phase air-conditioning Bedrooms: None
	<u>Lighting</u>	<ul style="list-style-type: none"> At least 80% of light fittings (including the main light fitting) in all hallways, laundries, bathrooms, kitchens, bedrooms and living areas to use Fluorescent or LED lights with dedicated fittings¹
	<u>Other</u>	<ul style="list-style-type: none"> Gas cook top and electric oven Install a 3-star (energy rating) dishwasher

8583 DA001



SITE ANALYSIS



6. 10/12/2019 (10/12/2019) 10/12/2019 10/12/2019
4. 10/12/2019 (10/12/2019) 10/12/2019 10/12/2019
5. 10/12/2019 (10/12/2019) 10/12/2019 10/12/2019

PROPOSED DEVELOPMENT

Development Application

PROPOSED DEVELOPMENT

284-288 WESTERN HIGHWAY

WENTWORTHVILLE, NSW 2145

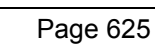
U.S.A. Cumberland Council

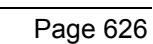
Site north

STREET

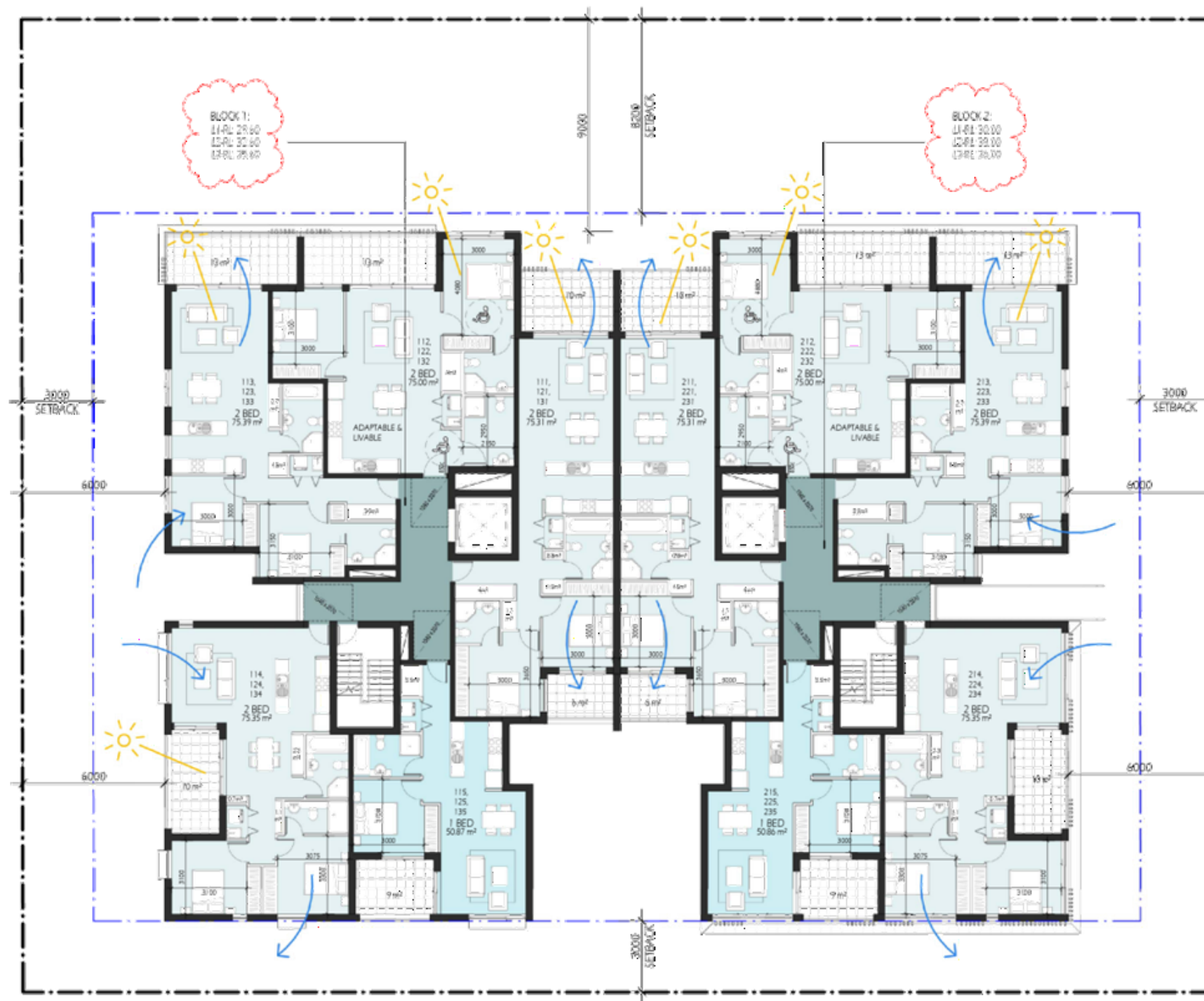
SITE ANALYSIS & STREET ELEVATION

As indicated @ A1 sheet
SCALE
8583 DA002
28/11/2019









LEVEL 1 - 3 FLOOR PLAN
1: 800 @ A1 sheet
1: 300 @ A3 sheet

6. 11/12/2019 (10/12/2019) Date of 1st
4. 10/12/2019 (10/12/2019) Date of 2nd
3. 09/12/2019 (09/12/2019) Date of 3rd
2. 08/12/2019 (08/12/2019) Date of 4th
1. 07/12/2019 (07/12/2019) Date of 5th

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Zinn Architects Pty Ltd
Date: 10/12/2019
10/12/2019
10/12/2019
10/12/2019
10/12/2019

Development Application

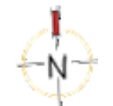
**Proposed Residential
Development**

284/288 GREY WESTERN HIGHWAY

WENTWORTHVILLE, NSW 2145

LGA: Cumberland Council

File name:



TYPICAL FLOOR 1-3

1: 1000 @ A1 sheet

DATE

8583

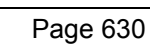
DA103

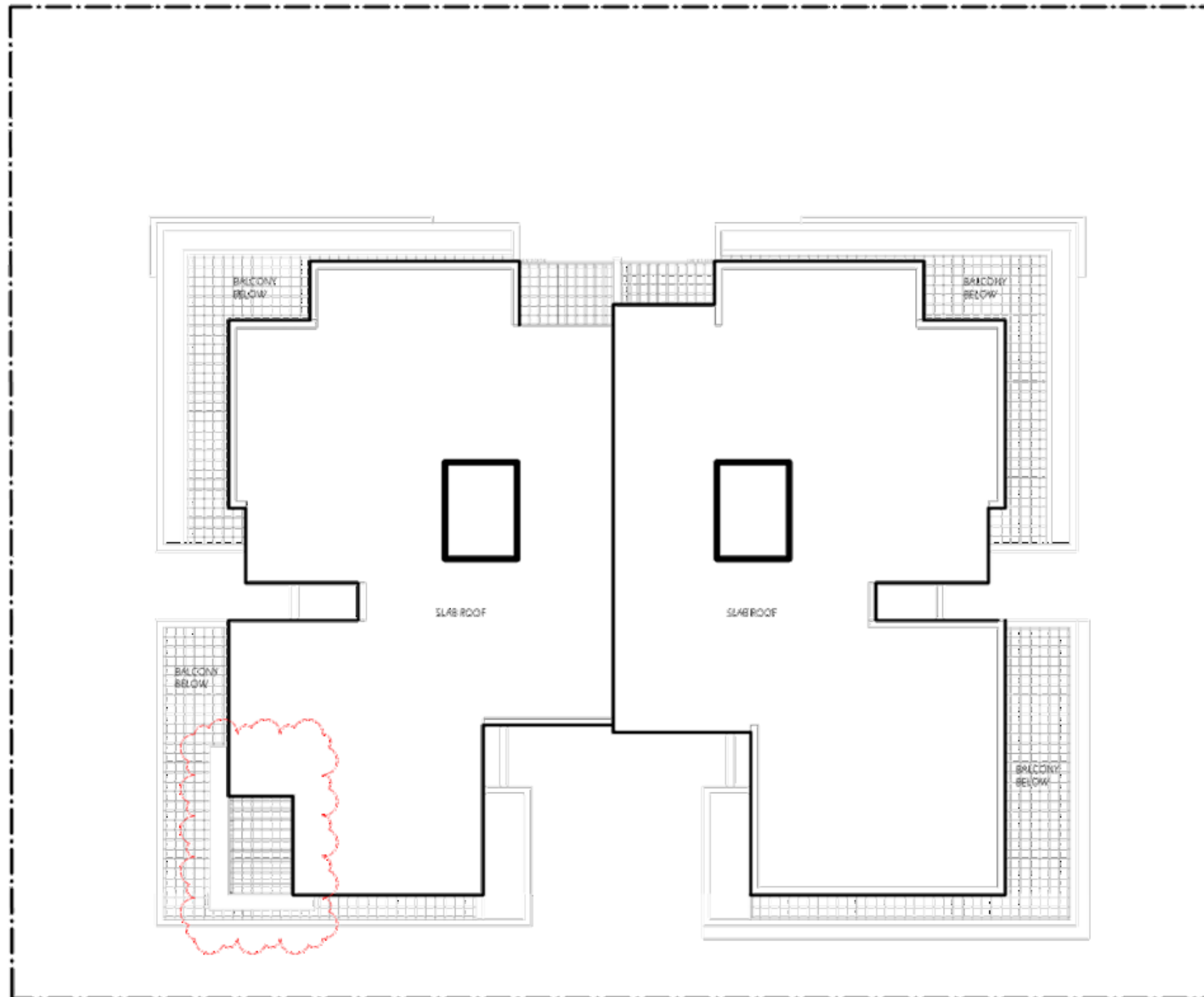
28/12/2019

09/12/2019



8583 DA104





ROOF PLAN
1: 100 @ A4 sheet
1: 200 @ A3 sheet

6: 1000 @ A3 sheet
A: 1000 @ A3 sheet
DATE: 10/12/2019
DRAWN: J. DAVIES

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Room 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 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PROJECT NAME
Proposed Residential Development

284.288B GREY WESTERN HIGHWAY

WENTWORTHVILLE, NSW 2145

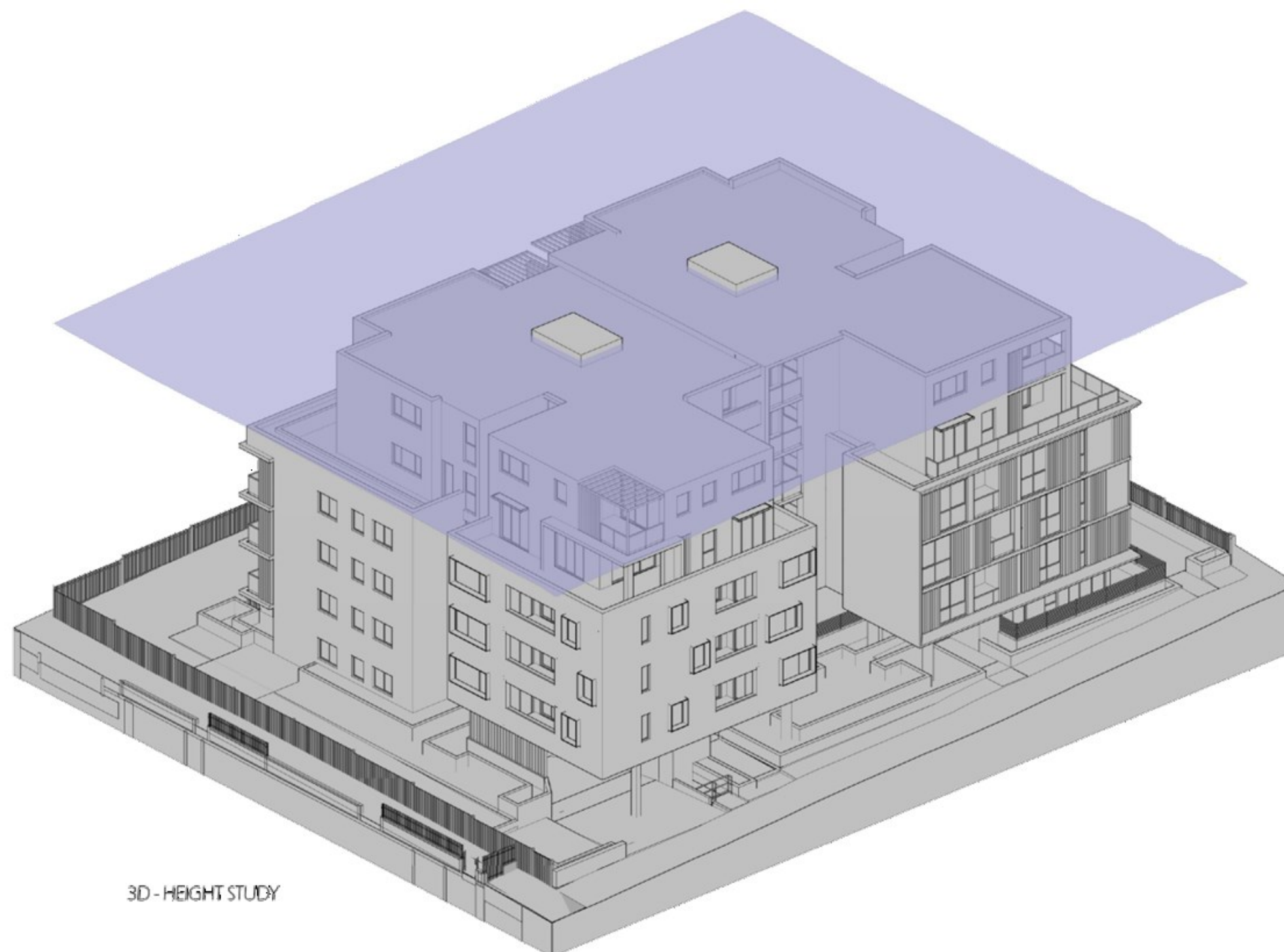
L.G.A. Cumberland Council

SITE NUMBER

8583 DA



8583 DA301



3D - HEIGHT STUDY

6. 10/12/2019, 10:00 AM
7. 10/12/2019, 10:00 AM
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Development Application

**Proposed Residential
Development**
284/288 GREY WESTERN HIGHWAY
WENTWORTHVILLE, NSW 2145
LGA: Cumberland Council
Site No: 10/12/2019

HEIGHT STUDY

Sheet 1 of 1
8583 DA401
Zinn Architects



6. 04/02/2019
A. 04/02/2019
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2019/04/02/2019

Project Name:
Development Application

Project Name:
**Proposed Residential
Development**
284/288B GREAT WESTERN HIGHWAY
WENTWORTHVILLE, NSW 2145
S.S.A.: Cumberland Council
Site No. 101

Project Name:
PHOTOMONTAGE

Sheet No.
8583 DA403
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6. 10/12/2019
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2844546700

Custom Glass Design/Installation/Repairing: 4500 - 11/12/2019/2019

Development Application

**Proposed Residential
Development**
284.2888 GREY WESTERN HIGHWAY
WENTWORTHVILLE, NSW 2145
LGA: Cumberland Council
Site No: 1

3D VIEW

1 - 50 @ A1 sheet
SCALE
8583 DA404
Zentia Architects



FEATURE WALL - SKYGLASS COMPOSITE BOARD GLASSING
AXON - SMOOTH 40MM VERTICAL
E COLOUR - CHROMIUM RINGTONE CUB



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Square dimensions shall be taken in reference to corners. Drawing is a composite and not reference to footage. Check dimensions and layout before commencing work in concrete materials. All interior ground level shown is approximate, subject to any vertical finish by the Surveyor. In the vertical finish to clear finished surface grade, and manufactured material (concrete) with all structural code, reinforcement, standards, and manufacturers' instructions. Under no circumstances shall the drawings be used for construction. For Graphic representation only. Measurement of end points is the starting and ending reference. It shall be the measure in use in the vertical and horizontal reference.

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+61 (0)2 9873 0901
www.zinarnz.com.au
David Chubb

System (See Chung/Chen/Chen/Chen, 1998) : Ultrasonic Array

Development Application

PROJECT NAME
Proposed Residential
Development

504.5533 (2008 OCTOBER) 487-490/00

QUENTONVILLE, MD 2145

e.g. Cumberland Council

2014年12月



SHEET NO.

MATERIAL SCHEDULE

As indicated @ A.I sheet

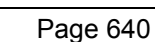
8583 DA405



TOTAL AFFORDABLE UNITS: 22 UNITS

3 BED	96.55 m ²	AFFORDABLE
3 BED	96.57 m ²	AFFORDABLE
3 BED	96.55 m ²	AFFORDABLE
3	289.67 m ²	
Grand total: 22	1605.26 m ²	

8583 DA406



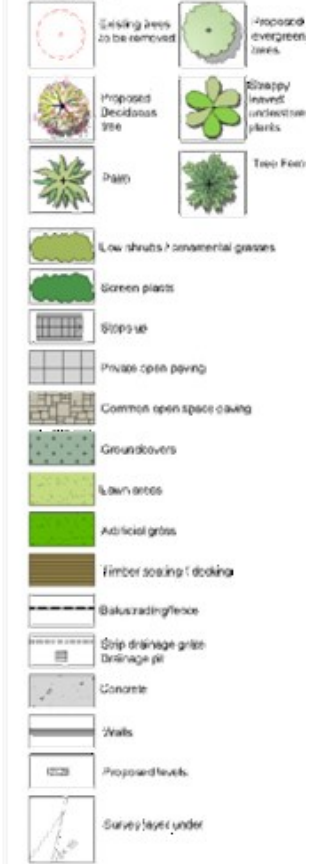
DOCUMENTS
ASSOCIATED WITH
REPORT LPP082/19

Attachment 8
Landscape Plans

Landscape plan 1:100 @ A1



Legend



Drawing schedule -
Sheet 1 : Ground floor plan
Sheet 2 : Level 4 plan & Calculation
Sheet 3 : Planting plan



PAUL SCRIVENER
LANDSCAPE

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081 677 175 488

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EMAIL: PAUL@PAULSCRIVENER.COM

PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT
284-288 GREAT WESTERN HIGHWAY
WENTWORTH NSW 2146

DWG: LANDSCAPE PLAN

DATE: 26/10/19 **SCALE:** 1:100 @A1

DATE: 19/10/19 **SHEET NO:** 1 of 3

DATE: 19/10/19 **SHEET NO:** 1 of 3

DATE: 19/10/19 **SHEET NO:** 1 of 3

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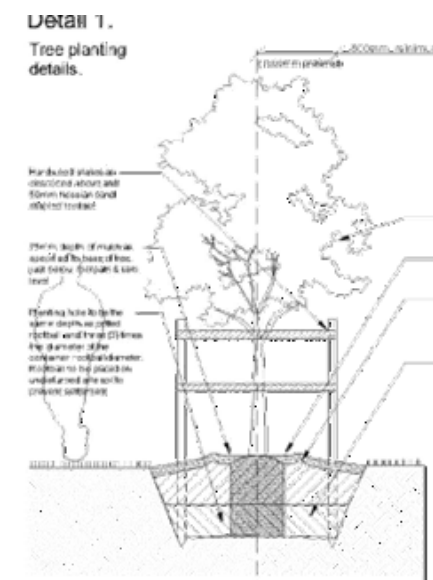
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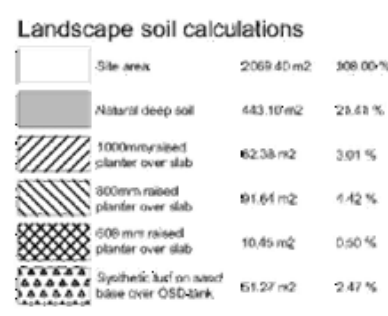
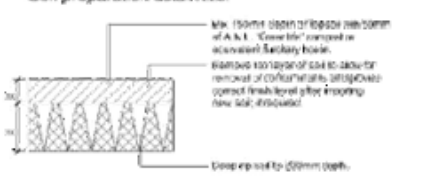
DATE: 19/10/19 **SHEET NO:** 1 of 3

[illegible]

- The individual owners of the residence are responsible for the ongoing maintenance and visibility of the system and regular maintenance shall involve the following:
 - Regular hand watering of plants is installed since the in-potable system is turned off. Irrigation to be installed and maintained as per manufacturer specifications including monthly checks for function of system, to check for leaks and to ensure general good working operation. All battery lines and irrigation lines to be checked every two months after the Centers Corporation maintenance schedule.
 - A full test to be regularly applied every 5 months to ensure an even 75% cover-aging in all garden beds.
 - Regular pruning of plants to be undertaken to ensure continued uniform growth of canopy and shape of trees and shrubs.
 - A minimum 2 monthly assessment of plants for evidence of insect attack, or disease. Appropriate pest control, as well as all VAPs pest, spray or equivalent is to be employed if required.
 - Garden beds to receive edging to be inspected every 2 months after first three years after practical completion to ensure it is maintained in good order. Replace where inspection or defective sections are discovered.
 - One developer shall engage the consultant, pursuant to report on the ongoing health of the edging system boundary trees 6 months after the practical completion of works.
 - All trees, shrubs, vines and associated vines to be inspected and maintained on regular basis in accordance with procedures as set out in the schedule of works. In appropriate garden beds or green waste containers as is appropriate. Excess waste should be sealed in 50 litre drums. Waste containers to be removed from the site as a timely manner.

All manufacturer's warranties, instruction manuals and other relevant documents for the irrigation system, irrigation timer, and any associated items are to be passed on to future owners for private open space/conservancies and estates. All properties are sold to ensure the long-term upkeep of these items.

Detail 5.
Palm planting detail n.d.s



Irrigation notes

Automatic drip-line watering systems to be installed. To extend to all garden areas with development including all built/foot raised structures over slab structures. (To be installed by the contractor and to be powered by pump as required with valves from each nozzle). Drip-line supply system only to be incorporated. Sub-contractor is to provide any required drains to meet the drainage requirements.

Wastewater Supply: An authorized drip line regulator system. To include set piping to extend to either PVC lines and/or class 12 pressure pipe or less directly, further modify polyethylene regulation as required to provide water supply to the nominated area. To be coordinated with hydro water engineers plans. To include all bends, hand made, tees, valves, stemends and all other accessory equipment. Backflow on an approved basis, subject to review by the authority of the primary water source for the system. In contract or future to be done and noted.

Irrigation system to be supplied from city water tanks as permitted on the Hydraulic Engineer's plans with flow water meter system.

Chemical root control: Provide standard chemical root inhibiting chemical cartridges. These are to be ideally standard, nonreplaceable cartridges located for easy access for environmental maintenance personnel.

Automatic Controller: Provides automatic 2-week limit with hourly multiple correlation
RM value 7.00. All other 7.00. Value 7.00. Value 7.00.

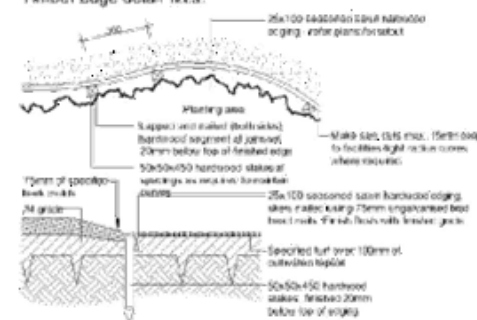
Endospores: In soil the landscape contractors responsibility to ensure an adequate satisfactory operation of their erosion control. The system is built for the purpose and intent under sufficient control to provide for the varying nature requirements of landscape areas to allow of plants and animals to thrive and allowing for viability.

Testing. After the system has been installed to the satisfaction of the project manager, the installation shall be tested under working conditions. Acceptance of the installed part and equipment shall be subject to these being satisfactory.

Warranty: A twelve month warranty is to be provided in writing by the Landscape Contractor, which shall convert the Landscape Contractor to rectify the system (the firm they have inherited) to the satisfaction of the project manager or committee representative. This will apply should any part develop in the warranty or subsequent time that guaranteed, or should the discharge or pressure be inadequate, or should debris develop in the filter and/or control heads, or any blockages that may develop in the system.

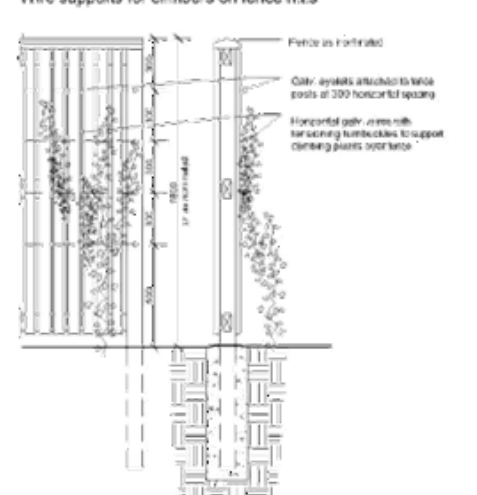
Acknowledgments. The Landowners' Committee is grateful to the government for its assistance.

Detail 3.
Timber edge detail, n.s.

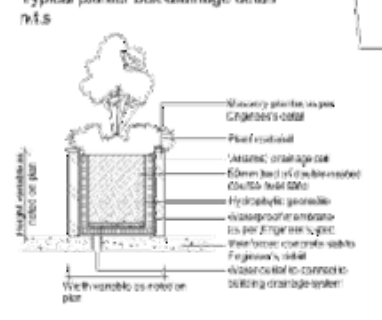


Detail 4

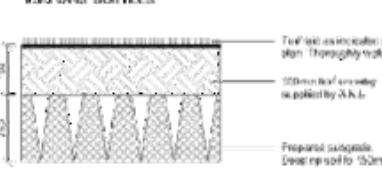
Wire supports for climbers on fence p.f.s.



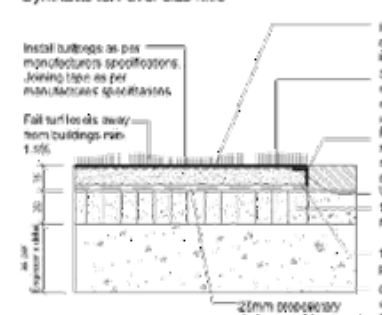
Detail 6.
Typical planter box drainage detail



Detail 7.



Detail 8.
Synthetic turf over slab on grade

[illegible]

**DOCUMENTS
ASSOCIATED WITH
REPORT LPP082/19**

**Attachment 9
Stormwater/Engineering Plans**

PROPOSED UNIT DEVELOPMENT 284-288 GREAT WESTERN HIGHWAY, WENTWORTHVILLE

NOTES

- THE BUILDER/CONTRACTOR SHALL LOCATE ALL EXISTING PUBLIC UTILITY SERVICES WITHIN THE SITE, FOOTPATH AREA AND ROAD RESERVE PRIOR TO THE COMMENCEMENT OF ANY WORKS. ALL LOCATIONS AND LEVELS OF SERVICES SHALL BE REPORTED TO THE STORMWATER ENGINEER PRIOR TO THE COMMENCEMENT OF ANY WORKS TO ENSURE THERE ARE NO OBSTRUCTIONS IN THE LINE OF THE DRAINAGE DISCHARGE PIPES.
- THE BUILDER IS TO VERIFY ALL LEVELS ON SITE PRIOR TO COMMENCING CONSTRUCTION.
- SILT FENCE IS TO BE ERRECTED PRIOR TO COMMENCING WORK. FENCE TO BE MAINTAINED IN WORKING ORDER DURING TIME OF CONSTRUCTION.
- SCALE DRAWING BY A REGISTERED SURVEYOR IS REQUIRED PRIOR TO CERTIFICATION OF DRAINAGE.
- ALL THE CLEANING EYES OR INSPECTION EYES FOR THE UNDER GROUND PIPES HAVE TO BE TAKEN UP TO THE FINISHED GROUND LEVEL FOR EASY IDENTIFICATION AND MAINTENANCE PURPOSES.
- ALL TERRACE FLOOR & PLANTER GRATES TO HAVE FIRE COLLARS FITTED.
- ALL PITS HAVING AN INTERNAL DEPTH THAT EXCEEDS 150mm SHALL BE PROVIDED WITH GALVANISED STEEL WALKING PLATES AT 100mm CENTRES PLACED IN A STAGGERED PATTERN AND SHALL BE IN ACCORDANCE WITH THE AUSTRALIAN STANDARDS AS APPLICABLE.
- ALL LEVELS SHALL RELATE TO THE ESTABLISHED BENCHMARK.
- THE BASE OF ALL DRAINAGE PITS SHALL BE BENDED TO THE INVERT OF THE OUTLET PIPE.
- ALL GUTTERS SHALL BE MINIMUM 100 x 75mm AND DOWNPIPES SHALL BE MINIMUM 100 x 75mm UNLESS NOTED OTHERWISE.
- ALL STORMWATER DRAINAGE PIPES SHALL BE A MINIMUM 100mm PVC Laid AT 1% MINIMUM GRADE UNLESS NOTED OTHERWISE ON THE DRAWING. WHERE GROUND COVER OVER THE PIPES IS LESS THAN 300mm THE STORMWATER PIPES SHALL BE SLOPED GRADE UPWARDS.
- THE BUILDER SHALL ENSURE THAT THE STORMWATER ENGINEERING DRAWINGS CORRESPOND TO THE ARCHITECTURAL, STRUCTURAL AND LANDSCAPE DRAWINGS. IF THERE EXISTS ANY DISCREPANCIES BETWEEN THE DRAWINGS THE BUILDER SHALL REPORT THE DISCREPANCIES TO THE ENGINEER PRIOR TO COMMENCEMENT OF ANY WORKS.
- ALL MULCHING TO BE USED WITHIN THE AREA DESIGNATED AS ON SITE DEFENSIVE STORAGE SHALL BE OF A NON-FLAMMABLE MATERIAL SUCH AS DECORATIVE RIVER GRAVEL. PINE BARK MULCHING SHALL NOT BE USED WITHIN THE DEFENSIVE STORAGE AREA.
- ALL WORKS WITHIN THE FOOTPATH AREA SHALL BE SUITABLY BARRICADED AND SIGNPOSTED IN ACCORDANCE WITH A TRAFFIC MANAGEMENT PLAN THAT HAS BEEN PREPARED BY A QUALIFIED AND RTA ACCREDITED TRAFFIC ENGINEER AND APPROVED BY COUNCIL. IT IS THE RESPONSIBILITY OF THE BUILDER OR CONTRACTOR CARRYING OUT THE WORKS WITHIN THE FOOTPATH AREA AND ROAD RESERVE TO OBTAIN THE NECESSARY APPROVED DOCUMENTS AS SET FORTH ABOVE.
- ALL RETAINING WALLS SHALL BE CONSTRUCTED COMPLETELY WITHIN THE PROPERTY BOUNDARY LIMITS TO DETAILS PREPARED BY THE STRUCTURAL ENGINEER. WALLS FORMING THE ON SITE DETENTION SYSTEM SHALL BE REINFORCED/BRICK CONSTRUCTION AND SHALL BE WATER TIGHT.
- ALL SUB-SOIL DRAINAGE SHALL BE A MINIMUM OF 400mm AND SHALL BE PROVIDED WITH A FILTER SOCK. THE SUBSOIL DRAINAGE SHALL BE INSTALLED IN ACCORDANCE WITH DETAILS TO BE PROVIDED BY THE LANDSCAPE ARCHITECT.
- PRIOR TO COMMENCING ANY WORKS ON THE SITE, THE BUILDER SHALL ENSURE THAT THE INVERT LEVELS OF WHERE THE SITE'S STORMWATER SYSTEM CONNECTS INTO THE COUNCIL'S KERO/DRAINAGE SYSTEM MATCHES THE DESIGN LEVELS. ANY DISCREPANCIES SHALL BE REPORTED TO THE DESIGN ENGINEER IMMEDIATELY.

LEGEND

DRAINAGE LINE	---
AG. LINE	---
SILT FENCE	---
EXISTING LEVEL	---
SILT BARRIER AROUND PIT	---
TOP OF WALL R.L. 165.00 - 165.00	---
GRASSY TRENCH DRAIN WITH STANDARD GRATING	---
SURFACE INLET PIT WITH REEL AND WHEEL SAFE GRATING	---
SURFACE INLET PIT WITH STANDARD GRATING	---
SEALED JUNCTION PIT	---
SURFACE INLET PIT WITH REEL AND WHEEL SAFE GRATING	---
CLEANING EYE OR INSPECTION EYE	---
DOWN PIPE	---
SPREADER PIPE	---
PLANTER GRATE	---
DRAPPER	---
SPS TRUFFLO FLOOR GRATE	---
QNSDRA IFLX FLOOR GRATE	---
150mm FLOOR GRATE	---

SHEET INDEX

2618-DA-SW001 -	TITLE PAGE, NOTES AND DRAINAGE DETAILS DRAWING
2618-DA-SW002 -	BASEMENT LEVEL 1 STORMWATER DRAINAGE LAYOUT DRAWING
2618-DA-SW003 -	GROUND FLOOR/SITE STORMWATER DRAINAGE LAYOUT AND ON SITE DETENTION DRAWING
2618-DA-SW004 -	GROUND FLOOR/SITE STORMWATER DRAINAGE LAYOUT AND ON SITE DETENTION DRAWING
2618-DA-SW005 -	DSD AND OVERLAND FLOW CHANNEL SECTIONS AND DETAILS DRAWING
2618-DA-SW006 -	ROOF LEVEL STORMWATER DRAINAGE LAYOUT DRAWING

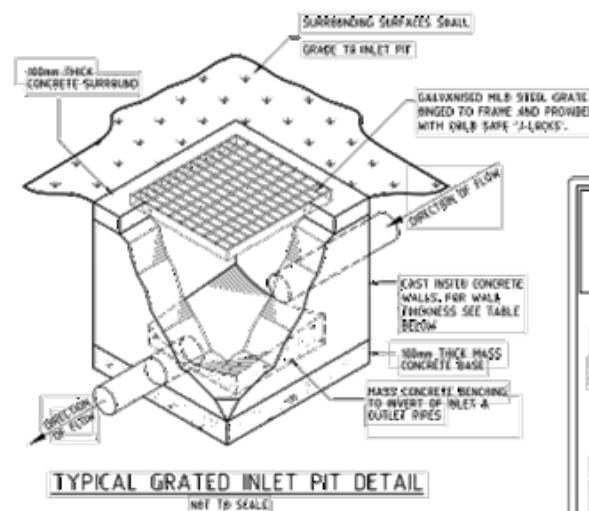
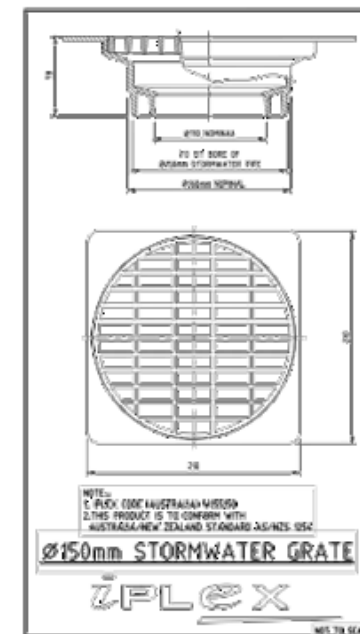
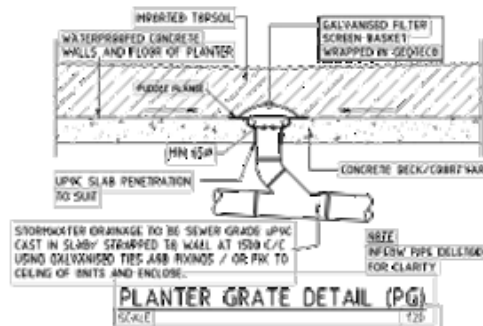


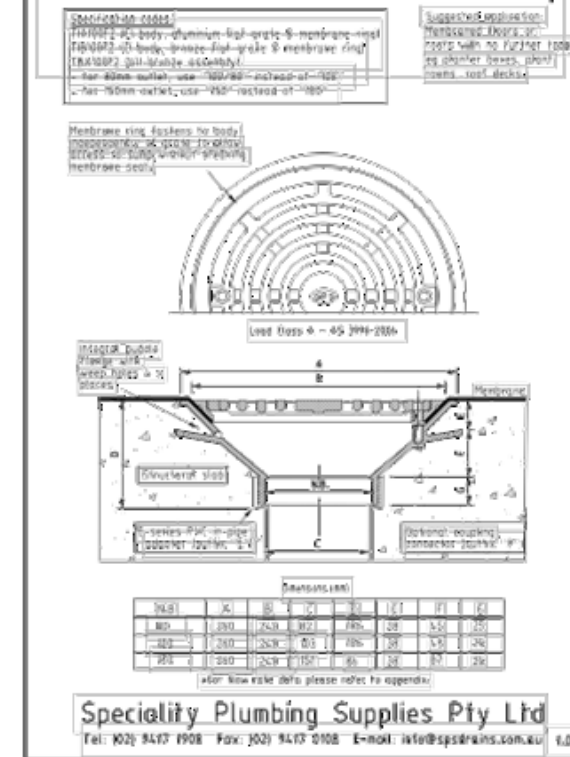
TABLE FOR PIT WALL THICKNESS

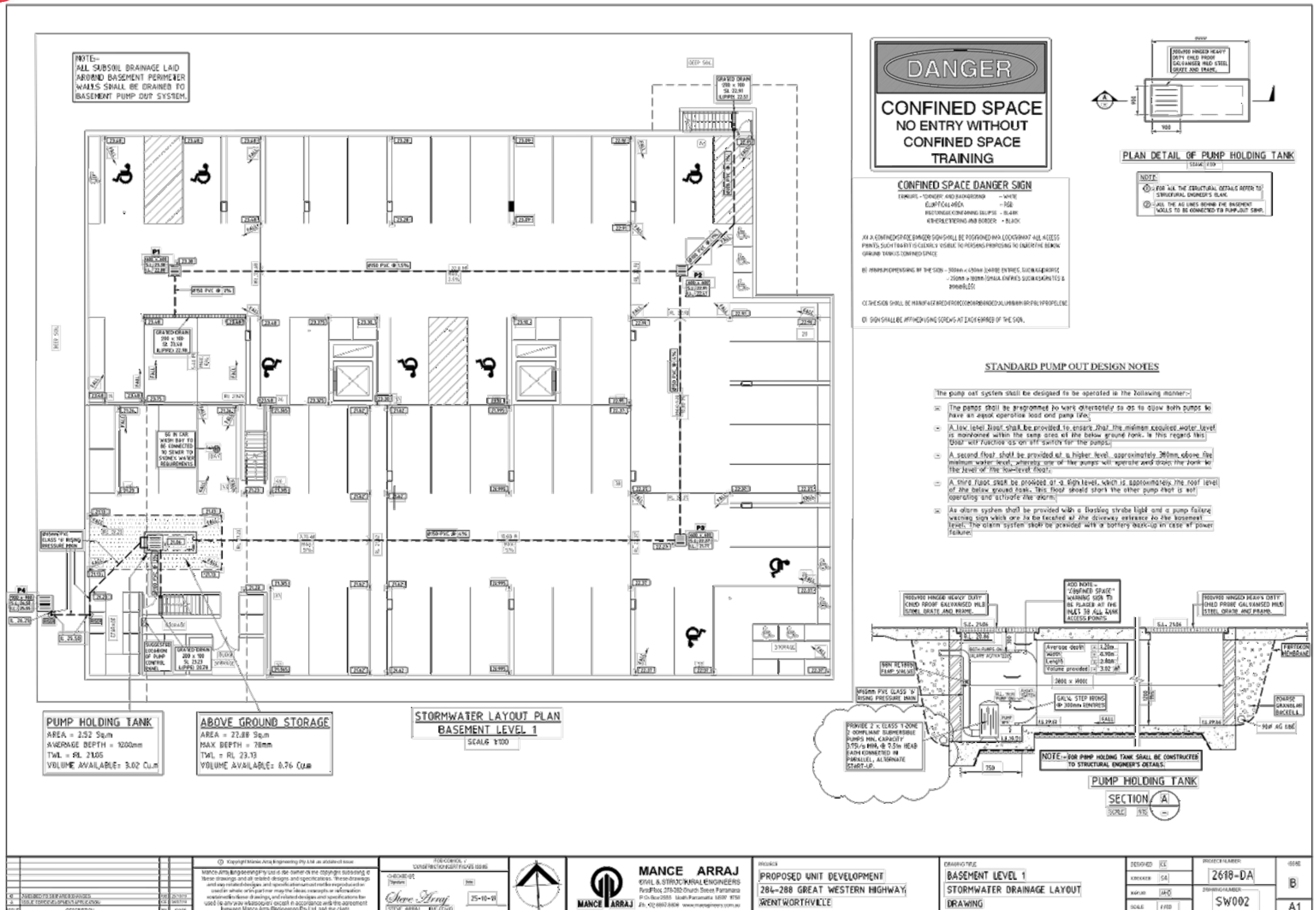
PIT DEPTH (mm)	WALL THICKNESS (mm)	REINFORCEMENT
0-1500	250	Ø12.200 V-H CENTRAL
1501-3000	300	Ø12.200 V-H CENTRAL

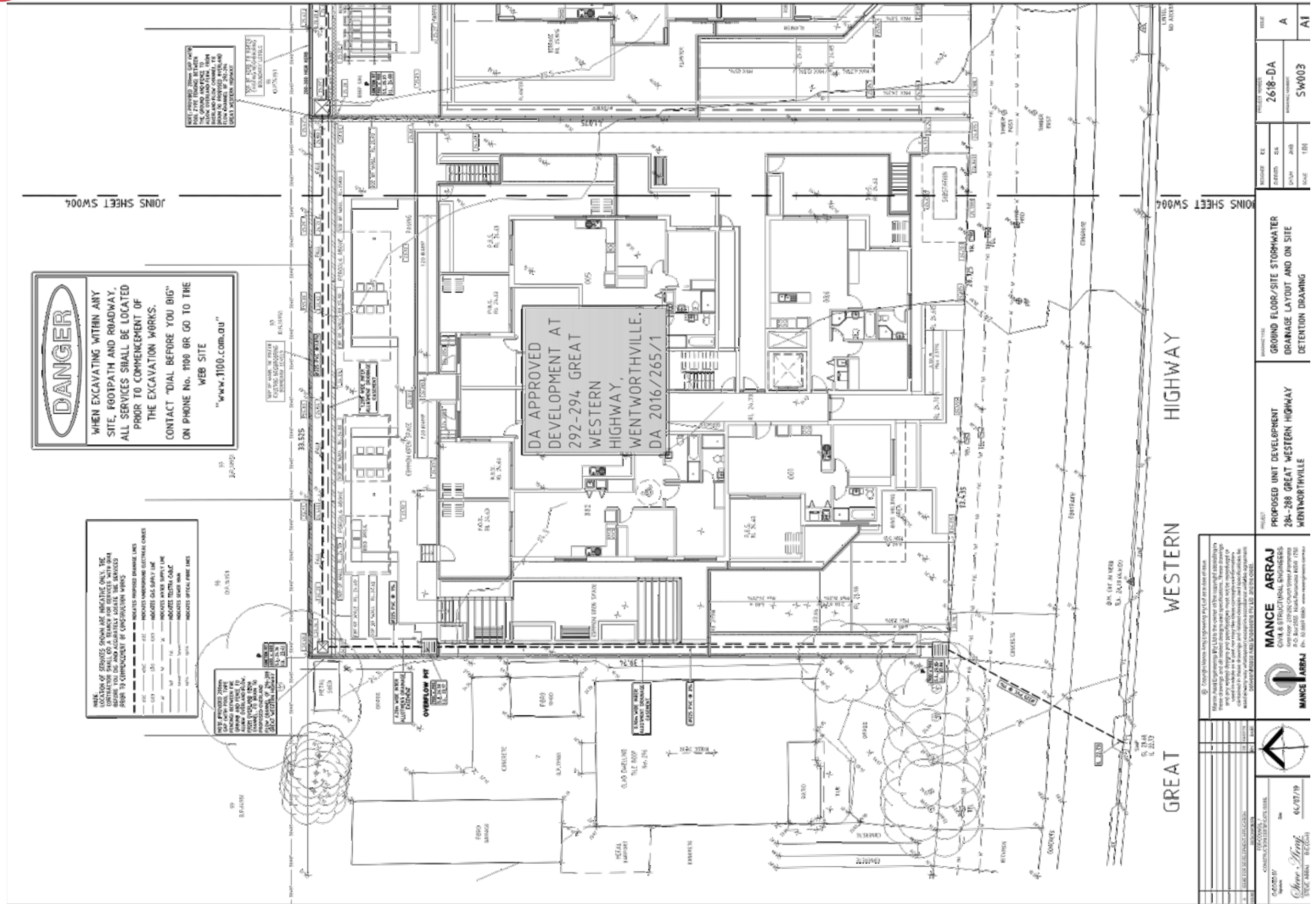
NOTE: PROVIDE ADDITIONAL CORNER BARS H2 @ 200mm CENTERS WHERE WALLS ARE REINFORCED

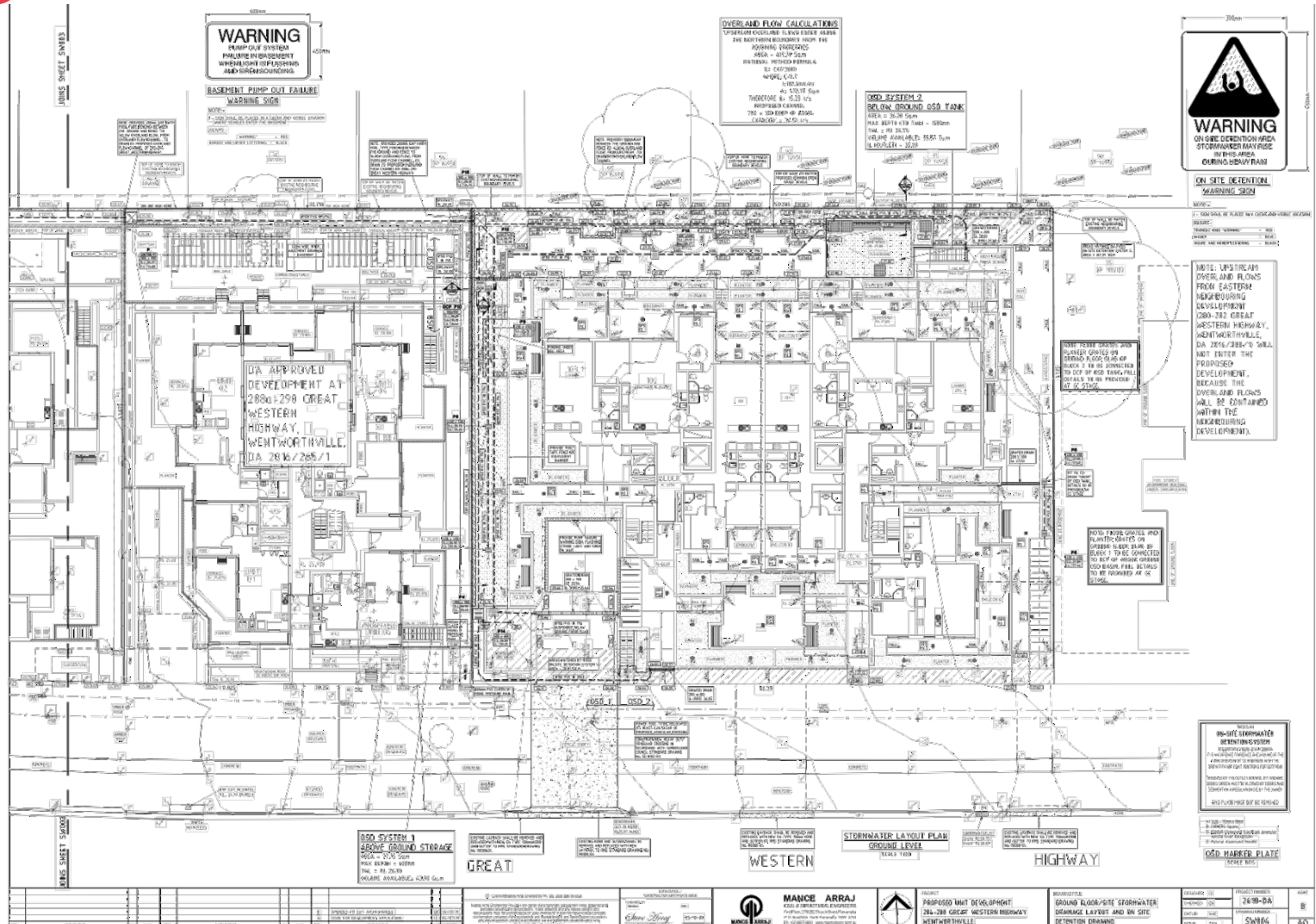


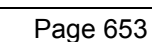
SPS Trufflo 80, 100 & 150mm RWO with Flat Grate & Membrane Clamp

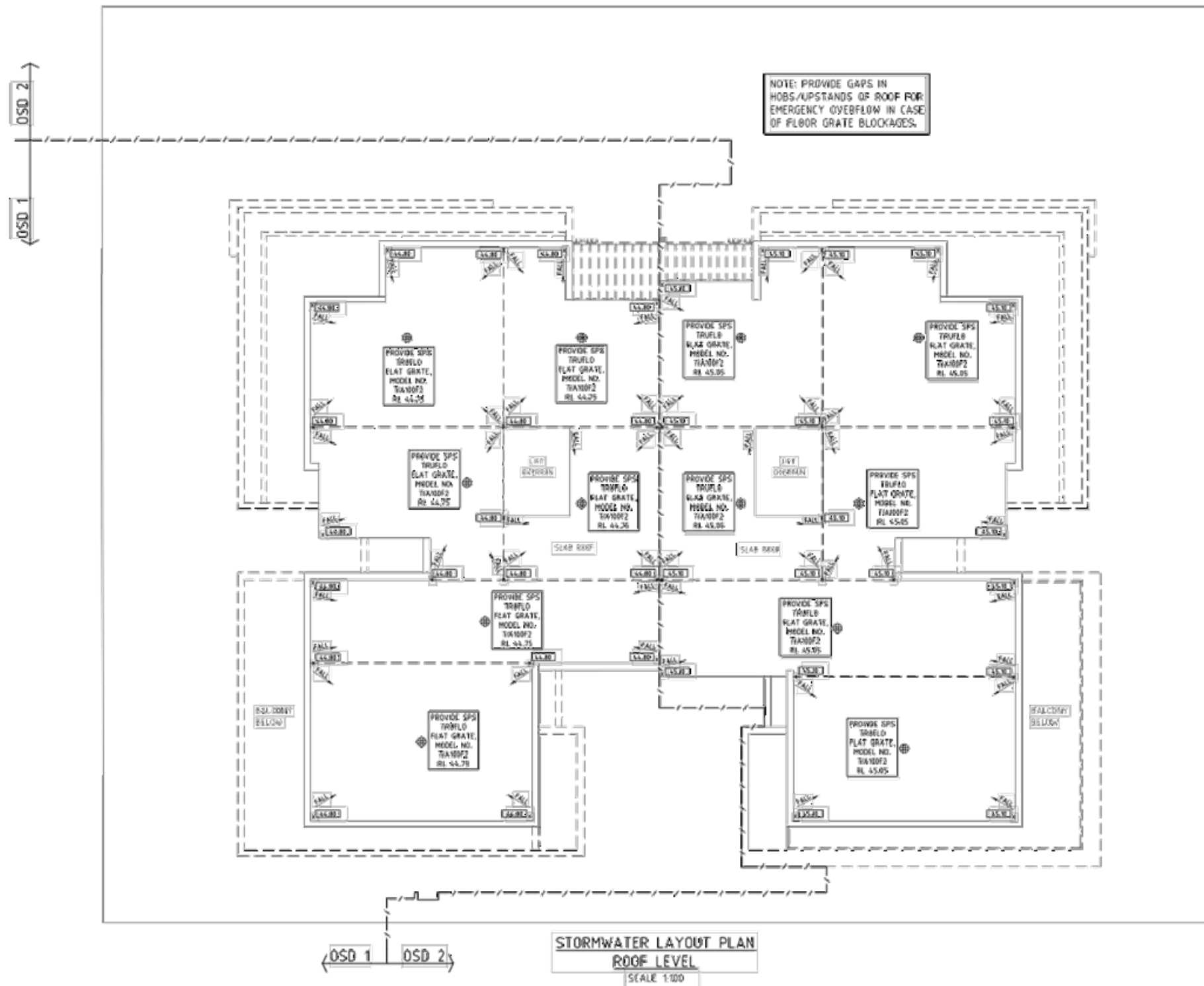












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DOCUMENTS
ASSOCIATED WITH
REPORT LPP082/19

Attachment 10
Clause 4.6 Variation Request

Updated Clause 4.6 Variation: Building Height

DA2019/285 -284 -288 Great Western Highway, Wentworthville



*Prepared by: **Think Planners Pty Ltd***
Document Date: 29 October 2019
Consent Authority: Cumberland Council



284- 288 Great Western Highway, Wentworthville

QUALITY ASSURANCE

PROJECT: Clause 4.6- Building Height.
ADDRESS: 11 -17 Joyner Street, Westmead
COUNCIL: Cumberland Council
AUTHOR: Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
15 July 2019	Da Lodgement Issue	Final	SR	JW
29 October 2019	LPP Report issue	Final	BD	BD



284- 288 Great Western Highway, Wentworthville

Introduction & Background

This Clause 4.6 variation request is prepared to assist with the finalisation of an assessment report for a Development Application at 284 -288 Great Western Highway, Wentworthville and to address recent case law.

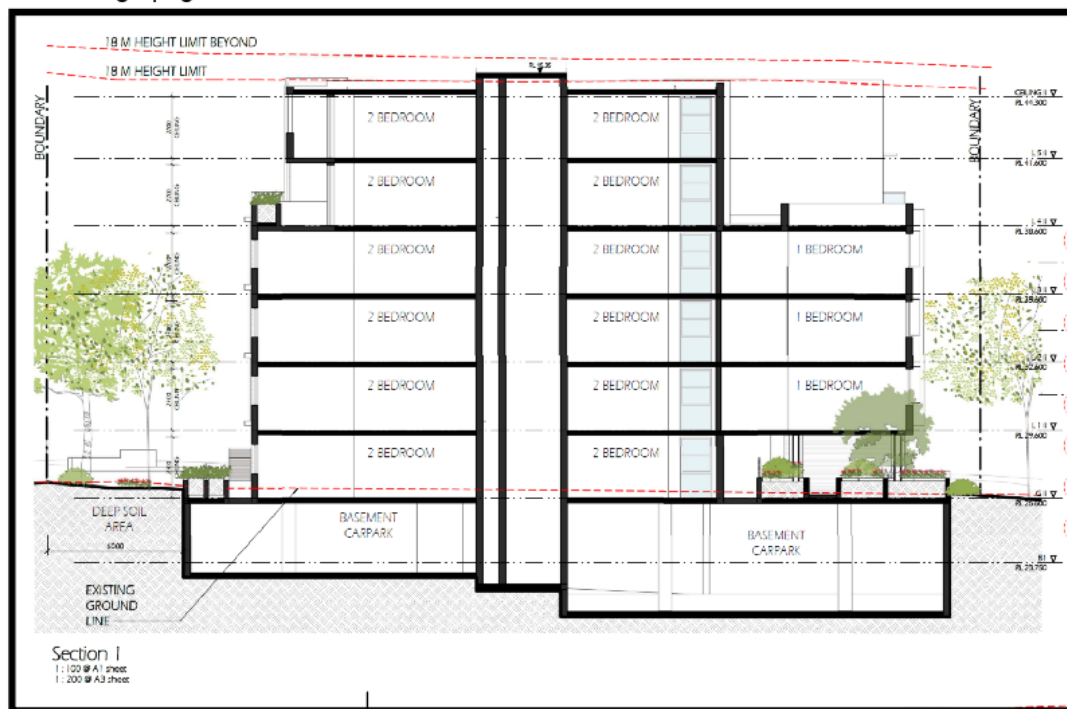
Clause 4.3 under the Holroyd LEP 2013 stipulates a maximum building height of 18m for the subject site.

The Height Departure

The development as condition will exhibit the following building height elements:

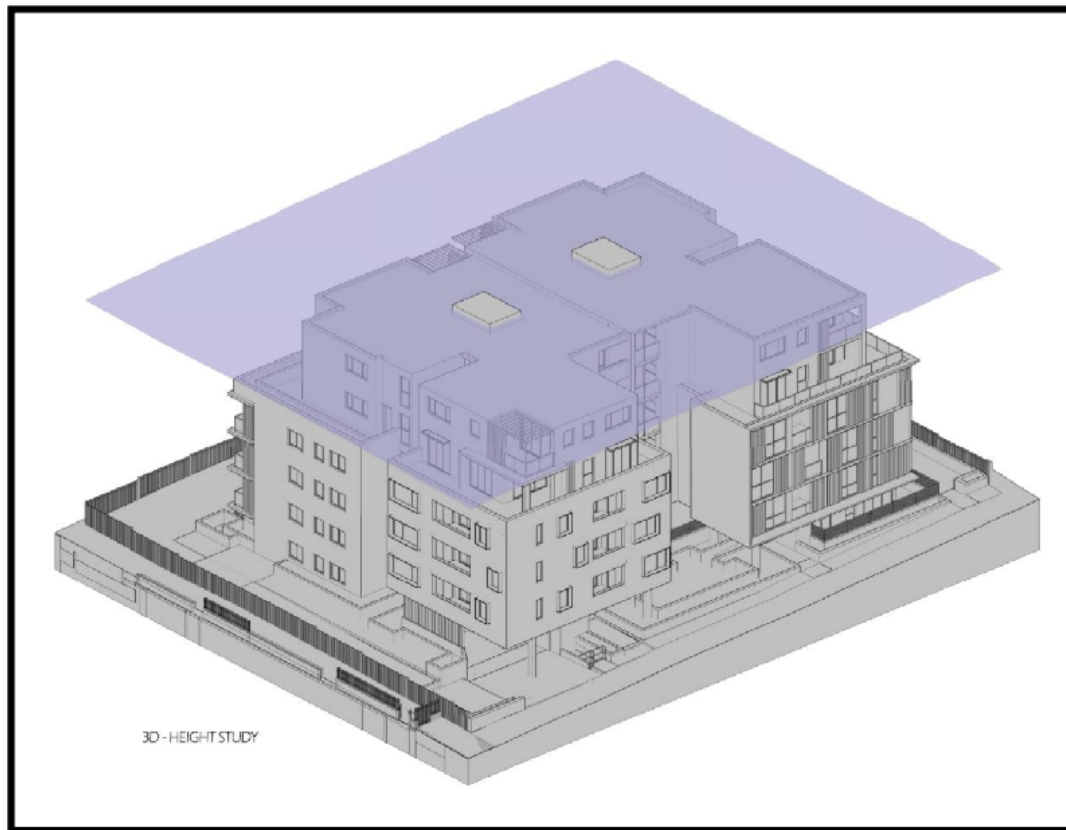
Portion	Maximum Height	Departure
Upper level of residential units (i.e. habitable floor area)	18m	Nil
Lift Over-runs	18m	500mm

The extent of the departure is illustrated by the section and 3D height plane below and on the following page.





284- 288 Great Western Highway, Wentworthville



Land and Environment Case Law

The decision by Chief Judge Preston in a judgement dated 14 August 2018 in the matter of *Initial Action Pty Ltd v Woollahra Council* confirmed that the absence of impact was a suitable means of establishing grounds for a departure and also confirmed that there is no requirement for a development that breaches a numerical standard to achieve a 'better outcome'.

However recent developments in the law in ***RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130** have set out to confirm that the approach taken in *Al Maha Pty Ltd v Huajun Investments Pty Ltd* [2018] NSWCA 245 ('**Al Maha**') is also relevant.

In simple terms, *Al Maha* requires that a Clause 4.6 departure will have only adequately addressed Clause 4.6(3) if the consent authority is satisfied the matters have been demonstrated in the Clause 4.6 request itself- rather than forming a view by the consent authority itself.

This Clause 4.6 request demonstrates the matters if Clause 4.6 (3).

The key tests or requirements arising from recent judgements is that:

- The consent authority be satisfied the proposed development will be in the public interest because it is "consistent with" the objectives of the development standard and zone is not a requirement to "achieve" those objectives. It is a requirement that the



284- 288 Great Western Highway, Wentworthville

development be compatible with the objectives, rather than having to 'achieve' the objectives.

- Establishing that 'compliance with the standard is unreasonable or unnecessary in the circumstances of the case' does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe "test" 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in *Wehbe v Pittwater*.
- When pursuing a clause 4.6 variation request it is appropriate to demonstrate environmental planning grounds that support any variation ; and
- The proposal is required to be in 'the public interest'.

In relation to the current proposal the keys are:

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



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Consideration of Clause 4.6

Clause 4.6 of the Holroyd Local Environmental Plan 2013 provides that development consent may be granted for development even though the development would contravene a development standard.

This is provided that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) the consent authority is satisfied that:*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) the concurrence of the Director-General has been obtained.*
- (5) In deciding whether to grant concurrence, the Director-General must consider:*
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

Each of these provisions are addressed in turn.



284- 288 Great Western Highway, Wentworthville

Clause 4.6(3) & Underlying Objectives of the StandardCompliance unreasonable or unnecessary

Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control, and the objectives of the zone, are achieved despite the non-compliance to the numerical development standard as set out above, which satisfies Wehbe Test 1.

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

- (1) *The objectives of this clause are as follows:*
- (a) *to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,*
 - (b) *to ensure development is consistent with the landform,*
 - (c) *to provide appropriate scales and intensities of development through height controls.*

The development seeks to depart from the height control noting that the proposal remains consistent with the objectives of the clause and is a more appropriate outcome on the site because of the following:

- The overall height of the development presents as a compatible form of development with only a small component of the lift cores exceeding the height limit. This upper level of the building is recessed in so that the top of the building will be less visually prominent when viewed from the street level and the height protrusion will not be visible from the adjoining properties which aligns with the intent of the planning controls contained within Holroyd LEP 2013;
- Non-compliance is minor in nature with the majority of the building being compliant with the building height control and with the lift overruns recessed, their impact to the streetscape is negligible as it will be visually unnoticeable when viewed from the street level;
- Due to the minor nature of the variation it will not have any adverse amenity impacts. In this regard it is noted:
 - The variation will be visually unnoticeable and will have no adverse impact on the physical bulk, height or scale of the development.
 - The variation will not lead to a reduction in solar penetration on site or to adjoining properties nor will it lead to sunlight loss or overshadowing.
 - The proposed variation will not lead to view loss or interrupt views to and from the site.
 - The proposed variation will not lead to a reduction in privacy afforded to existing residents or future residents of the proposal.
- The proposal has been designed to ensure that privacy impacts are mitigated and that the proposal will not obstruct existing view corridors;
- The proposed development will permit the site to develop to its full zoning potential whilst complementing the future vision envisioned for the site by providing an attractive mixed use building that provides good address to the street frontage and complying with other key planning controls applying to the proposal;



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- The scale of the proposed development will be appropriate and will be visually consistent with the permitted building height with the upper level recessed and designed using a lighter design style to ensure a positive streetscape presentation.
- The development is lodged pursuant to the ARHSEPP 2099. Objective 3(b) of the ARHSEPP states that an objective of the SEPP is to facilitate:
the effective delivery of new affordable rental housing by providing by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards

Given the height control is based on a modelled building envelope that has regards to ADG setbacks, it is inevitable that 'something has to give' in order to give effect to the provisions in the ARHSEPP relating to bonus FSR. It is not that this is without merit limitation, it is of course, however, those are to be guided by the other provisions in (the SEPP) as well as looking at other general merit matters. The variation to the height control is consistent with the objective of the ARHSEPP;

- The upper levels of the building is recessed from the front setback. This enables there to be a 6th level or useable floorspace as permitted by the maximum floorspace ratio under the LEP/SEPP while at the same time minimising the visual impact of this level of the building; and
- The proposal is not located within a low-density area and the proposal represents an appropriate built form on the site.

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

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control. This also satisfies Wehbe Test 1.

Clause 4.6(3) & Environmental Planning Grounds

As outlined above the proposal remains consistent with the underlying objectives of the control. In addition to the above it is noted that the development, including the departure to the height control enables the following to occur which demonstrates environmental planning grounds to support the numerical non-compliance.

- Adopt an appropriate Urban Form: The proposal provides for a variety of building heights and building modulations, with the development to be viewed within a high density urban setting at the front of the site and a landscaped setting at the rear that exceeds the required levels of landscaped area, deep soil, and common open space.



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Articulate / Undulated Roof Form: The roof form reflects the emerging rhythm in this high density precinct. The roof form will provide visual interest to the proposal whilst having negligible impact on the amenity of neighbouring properties in terms of overshadowing or privacy.

The demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

Clause 4.6(4)- Public Interest and Objectives of the Zone

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

As addressed the proposed development is in the public interest as it remains consistent with the objectives of the building height control. In addition, the proposal is consistent with the objectives of the R4 zone, being:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*

The proposal is consistent with the objectives of the R4 zone, insofar as the development is not antipathetic to the zone objectives (per *Schaffer Corporation v Hawkesbury City Council* (1992) 77 LGRA 21).

The development is consistent with the zone objectives noting that:

- The development will provide for the housing needs of the community within a high density environment;
- The development contributes to a variety of housing types in a high density environment;
- The development will maximise public transport patronage by providing residential accommodation in an accessible location;
- The development is designed to respond to the context and setting of the locality and the development is consistent with the desired future character of the locality;
- The development is designed to minimise impact on the amenity of the area and adjoining properties.

Clause 4.6(5)

The Secretary (of Department of Planning and Environment) can be assumed to have concurred to the variation. This is because of Department of Planning Circular PS 18-003 'Variations to development standards', dated 21 February 2018. This circular is a notice under 64(1) of the Environmental Planning and Assessment Regulation 2000.

A consent granted by a consent authority that has assumed concurrence is as valid and effective as if concurrence had been given.

The points contained in Clause 4.6 (5) are a matter for consideration by the consent authority however the following points are made in relation to this clause:

October 2019

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284- 288 Great Western Highway, Wentworthville

- The contravention of the height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal
- There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the control is acceptable in the circumstances given the underlying objectives of the control are achieved and it will not set an undesirable precedent for future development within the locality as any future development on another site would require consideration of the relevant merits and circumstances of the individual application.

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

The design response aligns with the intent of the control and provides for an appropriate transition to the adjoining properties.

The proposal promotes the economic use and development of the land consistent with its zone and purpose.

Conclusion

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

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

The proposal will not have any adverse effect on the surrounding locality, which will be characterised by residential development of comparable height and character. The proposal promotes the economic use and development of the land consistent with its zone and purpose.

The objection is well founded and demonstrates the relevant matters set out under Clause 4.6 having regard to the provisions of Clause 4.6 and recent case law.

DOCUMENTS
ASSOCIATED WITH
REPORT LPP082/19

Attachment 11
Submissions Recieved

Elizabeth Chan

From: [REDACTED]
Sent: 12 September 2019 10:42 AM
To: Records Department
Subject: DA 2019/285/1

Hi Dania,

This is with ref to the letter received dated 19 Aug 2019 regarding development application 2019/285/1 for building Affordable Rental Housing on Great Western Highway (No 284, 286 and 288)

I would like to oppose this development based on following:

1. There is already a lot of development happening on Great Western Highway and also the parallel street ie. Essington Street and many of them fall under Affordable Housing. I strongly believe that there should be a balanced proportion of units allocated toward such kind of housing. Allowing too many such developments will not only decrease the value but most importantly the it will become another mount druit / tregear/ Shalvey area. (where lots of public housing and affordable housing was clustered)
2. Many other residents of the area have the same view and are concerned by the fact that such a big proportion of development has been dedicated towards Affordable housing??
3. Other development areas should be targeted for making Affordable housing??

I trust and believe that this will not fall in deaf ears and will be seriously considered.

Best Regards,

[REDACTED]

Elizabeth Chan

From: [REDACTED]
Sent: 12 September 2019 11:03 AM
To: Records Department
Subject: Development Application 2019/285/1

To Whom So Ever It May Concern

This is with ref to the above subject for building Affordable Rental Housing on Great Western Highway (No 284, 286 and 288)

I would like to oppose this development as there is already a lot of development happening on Essington Street & Great Western Highway and many of them fall under Affordable Housing.

This development will surely create an imbalance in the area of demographics and I strongly believe that there should be a balanced proportion of units.

I have spoken to the neighbours and all of them are opposing this they of development let alone the affordable housing. This will make the area not suitable to live and many people are already planning to move.

I strongly recommend to reconsider this application.

Regards,

[REDACTED]

Item No: LPP083/19

DEVELOPMENT APPLICATION FOR 11 HILLTOP ROAD, MERRYLANDS

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: DA 2019/227

Application lodged	24 June 2019
Applicant	Mr J Khouri
Owner	JKSD Holdings Pty Ltd
Application No.	2019/227
Description of Land	11 Hilltop Road Merrylands, Lot X in DP 405801
Proposed Development	Alterations and fit out of an existing building to facilitate a 70 place centre based child care centre with 22 at grade parking spaces
Site Area	1948 m ²
Zoning	R2 – Low Density Residential
Disclosure of political donations and gifts	Nil disclosure
Heritage	Yes – subject site is listed as an item of local heritage significance
Principal Development Standards	Height – 9 m FSR – 0.5:1
Issues	<ul style="list-style-type: none"> Public submissions (22, including a petition with 96 signatures) Parking non-compliance Suitability of the site

SUMMARY:

1. DA 2019/227 was lodged on 24 June 2019 seeking consent for alterations to the existing dwelling to accommodate a centre based child care centre with 85 places at 11 Hilltop Road Merrylands.
2. The application was publicly notified to occupants and owners of neighbouring properties for a period of 14 days between 10 July and 24 July 2019. As a result of the notification, 17 submissions were received.
3. The application was deferred on 8 August 2019 and amended plans were submitted on 30 August 2019. The amended application provided for a reduction in the number of children to be cared for in the centre from 85 to 84 and introduced a waste storage area at the front of the site.
4. The application was renotified from 1 October 2019 to 8 October 2019. A further 5 submissions were received as a result of the renotification.
5. The application was again deferred on 15 October 2019, with final plans and documents submitted for assessment on 28 October 2019. The final set of

plans provided for a reduction in the number of children to be cared for from 84 to 70. Renotification of the amended application was not required, as there would be no additional impact on any neighbouring properties as a result of the amendments.

6. The subject site is listed as an item of local heritage significance under HLEP 2013. The impacts of the proposal on the heritage item have been assessed as satisfactory.
7. The development as proposed by the applicant involves the following non-compliances:

Control	Required	Proposed	% Variation
Unencumbered outdoor space (CCPG)	490 m ²	463.6 m ²	5.3%
Car parking (HDCP)	23	21	8.6%
Transitional area dimensions (HDCP)	4 m min	3.6 m	10%
Acoustic fencing height	2 m max	2.1 m	5%

8. Subject to conditions limiting the number of children in the centre to 53, the development will comply with the unencumbered outdoor space and car parking requirements. The other variations listed above are considered satisfactory in the circumstances, as discussed in this report.
9. The application is recommended for approval subject to the conditions provided in the draft determination.

REPORT:

Subject Site And Surrounding Area

The subject site is known as 11 Hilltop Road Merrylands. The legal description of the site is Lot X in DP 405801. The subject site and all adjacent sites are zoned R2 – Low Density Residential. The properties on the opposite side of Hilltop Road are zoned B1 – Neighbourhood Centre (Hilltop Shops).

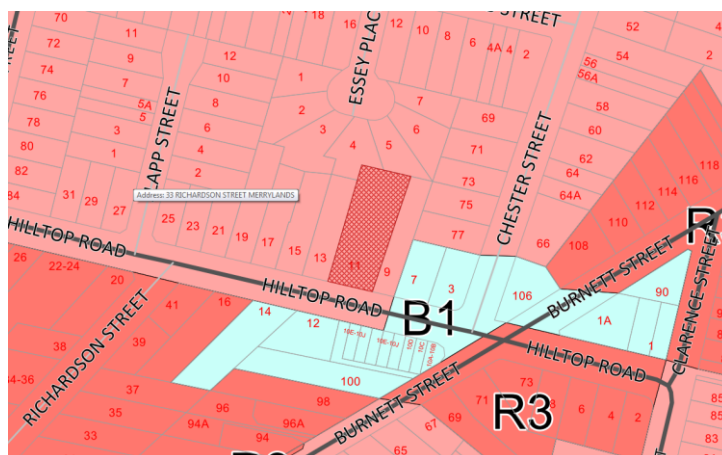


Figure 1 – Zoning map of subject site

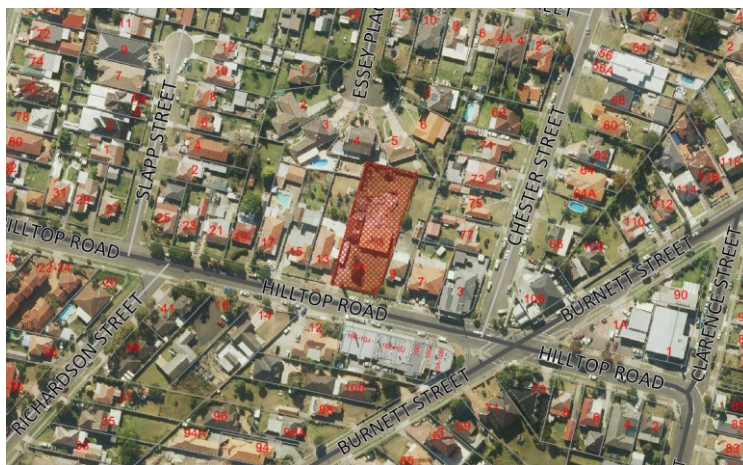


Figure 2 – Aerial view of subject site



Figure 3 – Existing dwelling, view from Hilltop Road

The site has frontage of 26.415 m to Hilltop Road, and a total area of 1,948 m². The site falls approximately 3 m to the rear, and currently contains a split level dwelling house and associated outbuildings. The existing dwelling is listed as an item of local heritage significance in the Holroyd Local Environmental Plan 2013. There are no other heritage items in the vicinity of the site, and the site is not within a heritage conservation area.

Description of The Proposed Development

The proposal (as amended) is for alterations to the existing dwelling to accommodate a centre based child care facility with a maximum capacity of 70 places as follows:

- 0-2 years: 10 places;

- 2-3 years: 20 places; and
- 3-5 years: 40 places

Parking for 22 cars is to be provided at grade, at the front of the site. The centre includes 3 separate indoor play areas, kitchen, staff and administration areas. Outdoor play areas are provided to the rear of the site, and within the eastern setback. The proposal also involves transplanting of two established palm trees from within the front garden, to either side of the proposed vehicular access point.

Site History

Date	Action
1 June 2012	DA 2012/211 rejected by Council. Proposal was for 'restoration of existing heritage home plus extension to the rear'.
20 July 2016	DA 2015/551 withdrawn by the applicant following a request for additional information and amended plans to address heritage issues.
1 May 2017	DA 2017/80 approved by Council for alterations and additions to the existing heritage listed dwelling house with detached alfresco and front fence.
21 August 2017	Order issued by Council, requiring the owner/applicant to cease work
20 September 2017	Modification application 2017/80/2 approved by Council for increase in storage area and height
14 February 2018	Modification application 2017/80/3 approved by Council for relocation of stairs at the rear of the dwelling
15 January 2019	DA 2018/473 rejected by Council. Proposal was for change of use of the existing dwelling to child care centre
18 February 2019	DA 2019/26 rejected by Council. Proposal was for change of use of the existing dwelling to child care centre.
24 June 2019	DA 2019/227 (subject application) lodged with Council
2 July 2019	DA referred to internal sections of Council for comment
10 to 24 July 2019	DA notified to owners and occupants of surrounding properties.
8 August 2019	DA deferred seeking additional information and amended plans.
30 August 2019	Amended plans and additional information submitted by the applicant.
1 to 8 October 2019	DA renotified to surrounding residents.
10 October 2019	Applicant advised that the proposal would not be supported due to parking and unencumbered outdoor area requirements. The applicant was invited to withdraw the application.
15 October 2019	Application deferred seeking additional information and amended plans.
28 October 2019	Additional information and amended plans submitted by the applicant.
10 December	DA 2019/227 referred to CLPP for determination.

2019	
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Applicant's Supporting Statement

A Statement of Environmental Effects prepared by Think Planners, dated 30 November 2018 was submitted in support of the application. Additional correspondence from Think Planners, dated 9 September 2019 was submitted in support of the amended application.

Contact With Relevant Parties

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

Internal Referrals

Traffic Engineer

The application was referred to Council's Traffic Engineer for comment. The response received 17 July 2019 identifies the following concerns:

1. Unsuitability of the site for a child care centre, given its location on Hilltop Road.
2. Non-compliance with DCP parking requirements, including the provision of tandem car spaces.
3. Lack of separate entry and exit driveways (as required by Part I of the DCP).
4. The requirement for approval from the local traffic committee for any works within the public road, including new or adjusted traffic signs, linemarking, or traffic devices.

i)

These matters have been considered as follows:

- The non-compliance with the DCP parking rate is addressed in part by conditions requiring a reduction in the number of children to be cared for in the facility to 53.
- It is considered reasonable to permit staff spaces to be provided in a stacked arrangement behind the visitor spaces as proposed.
- Council's planning officer is satisfied that the site is suitable for a child care centre development with 53 places.
- The Traffic Engineer also recommended that right turn movements into and out of the property be restricted by construction of a median island within Hilltop Road. Conditions are included in the draft determination to require a median island to be constructed, subject to Local Traffic Committee approval prior to the issue of an operative consent.

ii)

Council's Traffic Engineer also recommended that a condition be imposed to require a traffic study to be prepared and submitted to Council, identifying any required traffic calming measures.

Development Engineer

The application was referred to Council's Development Engineer for comment. The response received 10 October 2019 indicates that the amended proposal is satisfactory, subject to deferred commencement conditions requiring registration of a drainage easement to discharge water to Essey Place. Conditions as recommended by the Engineer are included in the draft notice of determination at attachment 5.

Heritage consultant

The application was sent to Council's external planning consultant for review. The response received 7 August 2019 recommended the following:

- That the Statement of Heritage Impact (SoHI) provided by the applicant be expanded to include an assessment of the setting and views of the heritage item, including how the siting, gardens and front fencing contribute to its significance; how the proposal adequately addresses its frontage to Hilltop Road; and how the proposal retains its overall external built form.
 - That the SoHI provide mitigation recommendations.
 - That an archival photographic recording be prepared to record any residual heritage values in their context.
- iii)

These matters were addressed by the applicant's heritage consultant in the revised heritage statement dated 27 August 2019, which is provided at attachment 8 to this report. Council is satisfied on the basis of the information provided by the applicant that the heritage impacts will be satisfactory. This is discussed in more detail at the HLEP 2013 section of this report.

Children's Services

The application was referred to Council's Children's Services Team for comment. The comments received in relation to the original proposal have largely been addressed through various amendments to the proposal, and recommended conditions of consent.

Environmental Health Officer

The application was referred to Council's Environmental Health Officer for comment. The response received on 19 July 2019 indicates that the proposal is satisfactory subject to conditions, including compliance with the recommendations of the Detailed Site Investigation submitted by the applicant. Conditions as recommended by the officer are included in the draft determination at attachment 5.

Tree Management Officer

The application was referred to Council's Tree Management Officer for comment. The response received 15 July 2019 indicates that the proposal is satisfactory subject to conditions, including a requirement for details regarding the proposed tree transplantation to be submitted to Council for approval prior to the issue of a construction certificate.

Waste Management

The application was referred to Council's Waste Management Officer for comment. The concerns raised regarding the waste storage arrangements have been addressed in the amended plans.

Building Services

The application was referred to Council's Building Services Team for comment. The response received on 26 November 2019 recommends that the building be brought into conformity with the National Construction Code. Conditions to that effect are included in the draft determination.

External Referrals

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

Planning Comments

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

The proposed development is affected by the following Environmental Planning Instruments:

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

Clause 7 of SEPP 55 requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development. The matters listed within Clause 7 have been considered in the assessment of the development application.

Matter for Consideration	Yes	No
Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Matter for Consideration	Yes	No
stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation		
Is the site listed on Council's Contaminated Land database?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does the site adjoin any contaminated land/previously contaminated land?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Details of contamination investigations carried out at the site: <p>Preliminary site investigation (PSI) and detailed site investigation (DSI) reports prepared by Geotechnical Consultants Australia were submitted with the application.</p> <p>The DSI recommends certain remediation work be carried out to make the site suitable for the proposed use as follows:</p> <ul style="list-style-type: none"> • An Asbestos Removal Scope of Works (ARSW) should be prepared prior to the removal of any asbestos material from the site; • The ARSW will provide details of the methodology and procedures required for effective remediation of asbestos in fill material, which may include: • Providing the requirements and procedure for waste classification assessment, in order to enable classification of site soils to be excavated and disposed off-site during the remedial works, in accordance with the <i>Waste Classification Guidelines: Part 1 Classifying Waste</i> (NSW EPA, 2014). • Validate soils in accordance with the ARSW to ensure that any contamination is remediated or managed by assessing against the respective EPA thresholds and guidelines: • Preparation of a final site validation report by a qualified environmental consultant, concluding that the site has been remediated to allow the proposed development for use as a child care facility; and • An Asbestos Management Plan (AMP) and an associated Asbestos Register (AR) must be developed for the site to address the presence of ACM in fill material and potential ACM within onsite structures. The AMP will include an Unexpected Finds Protocol (UFP) which will detail the procedures for the discovery of any unanticipated suspected ACM. <p>Conditions are included in the draft determination to require compliance with the recommendations of the DSI.</p>		

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

iv)

v) The relevant provisions of the SEPP are detailed in the following table:

vi)

Requirement	Comment
<p>23 Centre-based child care facility—matters for consideration by consent authorities</p> <p>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 <i>Child Care Planning Guideline</i>, in relation to the proposed development.</p>	<p>The applicable provisions of the Child Care Planning Guideline are assessed in detail at attachment 1.</p>
<p>Centre-based child care facility in Zone IN1 or IN2—additional matters for consideration by consent authorities</p>	<p>N/A – subject site is zoned R2 – Low Density Residential</p>
<p>25 Centre-based child care facility—non-discretionary development standards</p> <p>(a) location—the development may be located at any distance from an existing or proposed early education and care facility,</p> <p>(b) indoor or outdoor space</p> <p>(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the <i>Education and Care Services National Regulations</i> 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</p> <p>(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the <i>Children (Education and Care Services) Supplementary Provisions Regulation 2012</i> applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,</p> <p>(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,</p> <p>(d) colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or</p>	<p>(a) Noted</p> <p>(b) Proposal complies with indoor space requirement. Non-compliance with outdoor space requirement will be resolved by condition to reduce the number of children.</p> <p>(c) noted</p> <p>(d) noted</p>

local heritage item or in a heritage conservation area.	
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(c) Holroyd Local Environmental Plan

The proposed development is defined as a centre-based child care facility, and is permitted with consent in the R2 – Low Density Residential zone which applies to the land. The proposal is considered to be not incompatible with the relevant zone objective, in that it could provide a facility and service to meet the day to day needs of residents.

The proposal complies with all applicable development standards under HLEP 2013. A detailed compliance table is provided at attachment 2. Assessment against the provisions of clause 5.10 is provided below.

Environmental heritage

The subject site is identified as an item of local heritage significance at schedule 5 of the LEP (I62 – late Victorian period cottage). There are no other heritage items in the vicinity of the site, and the site is not within a heritage conservation area. The statement of cultural significance from the 1993 Holroyd Heritage Study reads as follows:

“11 Hilltop Road has local historic significance as an early surviving cottage believed to have been erected on "Burda Park" (adjacent to the Estate of the same name). Dating the residence (stylistically) to the turn of the century, its architectural character and siting provide evidence of an almost semi-rural development, this evidence surviving subsequent subdivisions of adjacent areas. The building also has local aesthetic significance as a good representative example of suburban Federation house with a mix of "Bungalow" and "Queen Anne" elements which, despite some alterations, retains important original features and detail, most notably the weatherboard cladding profiled to resemble ashlar. The historic and aesthetic significance of the site is enhanced by its retention of a spacious "open" quality and mature tree planting.”

Objectives of clause 5.10

Clause 5.10 of the LEP details heritage conservation requirements. The objectives of clause 5.10 are as follows:

- (a) to conserve the environmental heritage of Holroyd
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views
- (c) to conserve archaeological sites
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Objectives (c) and (d) are not relevant to the subject application as the site is not identified as having any archaeological or Aboriginal heritage significance. The proposal provides for the conservation of a listed heritage item, including the fabric,

setting and views associated with the item. As such, the proposal is considered to be consistent with objectives (a) and (b) of clause 5.10.

The subject application seeks consent for alterations to the existing dwelling and ancillary structures, as required by clause 5.10(2) of the LEP.

Assessment of impact

Clause 5.10(4) requires that the consent authority consider the effect of the proposed development on the heritage significance of the item or area concerned.

The applicant submitted a heritage impact statement, and supplementary information prepared by Greg Patch of Archnex Designs. The applicant's report was reviewed by Council's heritage consultant and planning officer.

The proposed works largely consist of internal alterations and fit out works, which will have minimal impact on the significance and setting of the item. The proposed car park will have an impact on the garden setting of the existing dwelling. However, the proposal involves retention of two established trees within the site, and a large portion of the front setback has already been converted to hard stand. As such, the formalisation of the car park as proposed under this application will have limited additional impact on the item. The amended proposal allows for retention of an existing garden bed along the southern edge of the front verandah, which provides for better physical separation between the dwelling and the car park.

The proposed waste storage area between the dwelling and garage structures will restrict the reading of the dwelling as a separate structure. This aspect of the proposal also was not documented or assessed in the applicant's statement of heritage impact. Accordingly, a condition is included in the draft determination to require that the waste storage area be provided within the southern portion of the existing garage structure.

Conservation management plan

Clause 5.10(6) provides that the consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent. A Conservation Management Plan was prepared for the subject site as part of a previous application. It is not considered necessary to obtain a new or updated Conservation Management Plan, due to the limited scope of the physical works proposed within the existing heritage dwelling. Conditions are included in the draft determination to require the works to the heritage item to be appropriately planned, supervised and documented.

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

No draft environmental planning instruments apply to the proposal.

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

(a) Holroyd Development Control Plan 2013

Holroyd Development Control Plan (HDCP) 2013 provides guidance for the design and operation of development to achieve the aims and objectives of HLEP 2013.

The following table highlights the DCP non-compliances. A comprehensive compliance table is provided at **attachment 3**.

No	Clause	Comment	Yes	No	N/A
PART A – GENERAL CONTROLS					
3	Car Parking				
3.1	Minimum Parking Spaces				
	<p>1 per 4 children & 1 per two employees.</p> <p>For visitors - $70 / 4 = 17.5$ (18)</p> <p>For staff - $11 / 2 = 5.5$ (6)</p> <p>Total Required: 24</p>	<p>22 spaces proposed. However, this includes visitor spaces in a tandem arrangement.</p> <p>Based on the number of children proposed by the applicant, there is a deficiency of 2 spaces. When the tandem visitor spaces are excluded, the deficiency is 5 spaces.</p> <p>With a total of 53 children (30 x 3-5, 15 x 2-3, and 8 x 0-2), the centre will require 8 staff and 4 staff parking spaces. For 53 children, 14 visitor parking spaces would be required, giving a total of 18 parking spaces.</p> <p>Conditions have been included in the draft determination to require the number of children to be reduced to 53, to ensure that there is adequate car parking available on site to meet the demand of the centre.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PART B – RESIDENTIAL CONTROLS					
1	GENERAL RESIDENTIAL CONTROLS				
2.3	Setbacks				
	<p>The front setback area shall be landscaped area except allowing for driveway and pathway leading to the dwelling.</p>	<p>Proposal involves conversion of front landscaped area to hardstand parking.</p> <p>As detailed above, the proposal</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

No	Clause	Comment	Yes	No	N/A
		(as amended) requires a minimum of 18 car parking spaces. There is no opportunity to provide these at the side or rear of the site. It is also considered impractical to provide basement parking in a situation where the existing heritage listed dwelling is to be retained.			
PART H – HERITAGE AND CONSERVATION					
2	Conservation and Development Works on Heritage Items				
	Landscaping and gardens				
	Significant gardens should be retained in any curtilage redevelopment.	The garden is mentioned in the statement of significance. However, a significant portion of the garden was converted to hardstand prior to the lodgement of the subject application. The proposal provides for transplanting of the existing Phoenix palms within the site which is considered satisfactory.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
PART I – CHILDCARE CENTRES					
1	Size and Density				
C7	Child care centres should not be located having frontage to any road, which in the opinion of Council, is unsuitable for the establishment of a child care centre having regard to:- (a) prevailing traffic conditions; (b) pedestrian and traffic safety; and (c) the likely impact of development on the flow of traffic on the surrounding street system.	Hilltop Road is generally considered to be an unsuitable location for a child care centre in accordance with the Holroyd Development Control Plan 2013, however, subject to a reduction in the number of children as recommended, Council is satisfied that the centre will perform adequately in terms of traffic and safety impacts.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	The roads identified in Appendix 2 are also considered by Council to be generally unsuitable for the establishment of child care centres	Hilltop Road is listed as an unsuitable Collector or Local Road at Appendix 2. Council has granted consent for child care centres on other sites along Hilltop Road, and subject to compliance with the recommended conditions, the subject site is considered suitable for use as a child care	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

No	Clause	Comment	Yes	No	N/A
		centre.			
2	Vehicular Access and Parking				
	Separate entry and exit driveways shall be provided. 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.	The proposal does not provide for separate entry and exit driveways as required by the DCP. However, the provision of two separate driveways would result in a loss of landscaping and car parking spaces which would not be desirable in the circumstances.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Outdoor Spaces				
	<u>Transitional Areas</u> 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; b) The roof area of the transitional area must be a minimum of 4 meters in width to ensure sufficient activity zones with access space around them;	a) A covered outdoor area is provided along the northern edge of the building b) the covered outdoor area is 3.6 m deep. The proposal involves adaptive re-use of the existing structure and as such a minor non-compliance with this control is considered supportable.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Acoustic fences should not be higher than 2m. If a fence higher than 2m is unavoidable it must be contained within the development site with a 1.8m traditional lapped and capped boundary fence and the remaining height to be of thick, transparent perspex to ensure any views are maintained.	The proposal includes 2.1 m high boundary fencing to the northern and eastern boundaries. A 1.8 m high fence is shown for the western boundary. The acoustic report also recommends a secondary acoustic barrier be provided, set 1 m inside the northern property boundary. This barrier is to have an overall height of 3 m, incorporating a 1.8 m high vertical component and 1.2 m horizontal component. Controls for dwellings in Part B of the DCP allow for 2.1 m	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

No	Clause	Comment	Yes	No	N/A
		fencing in residential areas, and as such the proposed fencing is considered satisfactory.			

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)(iia))

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))

Pursuant to clause 94, the measures to protect persons using a building to egress from the building, and to restrict the spread of fire from the building to other buildings nearby must be considered in the assessment of an application involving the rebuilding, alteration, enlargement or extension of an existing building.

The proposed internal alterations to the existing building engage clause 94 of the Regulation.

An access and BCA compliance report was submitted by the applicant, indicating that existing non-compliances with the relevant BCA requirements could be addressed with additional detail and minor design modifications.

Conditions are included in the draft determination to require the building to be brought into total conformity with the BCA. On this basis, the Panel can be satisfied that the measures contained in the building will be adequate to protect persons in the event of a fire, facilitate egress from the building, and restrict the spread of fire from the building to other buildings nearby.

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

The likely environmental, social and economic impacts in the locality have been assessed, and can be adequately minimised and managed through compliance with the draft conditions.

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

The subject site is considered suitable for the proposed development, as modified by the conditions set out in the draft determination.

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 Part E of Holroyd Development Control Plan 2013, the proposal was publicly notified for a period of 14 days between 10 July 2019 and 24 July 2019, and renotified from 1 October 2019 to 8 October 2019. As a result of the notification, 22 submissions were received, including a petition with 96 signatures. The issues raised in the submissions are discussed below.

Concern	Response
Impact on availability of parking for local shops	Subject to compliance with the recommended conditions, sufficient parking will be provided on site to meet the demand of the centre. This will ensure minimal impact on the local shops in terms of competition for parking spaces. It is noted that the existing on street parking spaces are subject to a 1/2 hour time limit to ensure turnover of those spaces.
Traffic congestion, and pollution impacts	Subject to compliance with the recommended conditions, the traffic generation rates associated with the proposal will be satisfactorily accommodated by the local road network.
Unsafe location – pedestrian fatalities and other accidents in the vicinity of the subject site	Council's traffic crash data shows that there was one pedestrian fatality outside the subject site in May 2018, and a number of collision injuries in the vicinity of the site over the previous 5 years. Council's traffic engineer has advised that collision incidents in the vicinity of a signalised intersection are not uncommon, and that pedestrian safety would not be comprised based on this development proposal including traffic and parking arrangements.
Unsafe driving <ul style="list-style-type: none"> Drivers carry out U turns over double lines within Hilltop Road even though this is not permitted, impacting on safety of other road users. Speeding traffic. 	Conditions are included in the draft determination to require the design and construction of a median island within Hilltop Road. This will restrict right turn movements into and out of the site, thereby improving traffic safety in the vicinity. A condition is included in the draft determination to require an amended traffic report including recommendations for any traffic calming measures required to improve road safety in the vicinity of the subject site.
Size of centre (85 kids) inappropriate for the location	Council is recommending that the application be approved, subject to a condition to reduce the number of children in the centre to 53. This is considered to be an appropriately sized facility for the site, given the constraints in terms of parking, and the low density residential nature of the site.
Proposed development is for	There is no requirement for public benefit to be

quick developer's profits, not for the use of the community.	provided in association with this form of development. The proposal is for a commercially operated child care centre which is a permissible form of development.
<ul style="list-style-type: none"> Heritage impacts Impact on heritage listed trees Car park at front of site diminishes heritage value 	<p>The proposal involves limited changes to the existing heritage dwelling. The proposed works have been assessed by the applicant's heritage consultant, and subject to compliance with the recommended conditions, Council is satisfied that the heritage impacts can be adequately managed.</p> <p>The proposal involves the retention and transplanting of the two existing phoenix palm trees within the site.</p> <p>The amended plans show the retention of the existing garden bed along the southern elevation of the front porch. These measures will minimise the impact of the proposed car park on the setting and significance of the item.</p>
Pedestrian safety	<p>The design of the vehicular and pedestrian access arrangements complies with the relevant Australian Standards and will not unreasonably impact on pedestrian safety.</p> <p>Pedestrians using the signalised intersection at the corner of Burnett Street to cross Hilltop Road will not be affected by the proposal.</p>
Noise impacts on surrounding residences	The noise impacts of the proposed development were assessed by a suitably qualified acoustic consultant. Conditions are included in the draft determination to require implementation of the recommendations of the acoustic report. The acoustic impacts will also be reduced by limiting the number of children in the centre to 53.
Existing facilities have vacancies unnecessary, 3 child care centres on this road already	The State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 includes a number of non-discretionary development standards, including a specific clause stating that a child care centre can be located at any distance from an existing or proposed facility. Accordingly, the consent authority cannot refuse an application for a child care centre due to its proximity to other existing or proposed centres.
Birth rate is not increasing significantly	There are no planning controls or development standards that would require a consent authority to consider the birth rate of the local population in determining an application for a child care centre.

	Furthermore, the SEPP specifies that a DCP control is of no effect to the extent that it requires a demonstrated need or demand for child care services. The issue of whether additional child care facilities are required in the local area is considered to be a commercial decision for the developer/operator.
Insufficient on site parking	Conditions are included in the draft determination to require a reduction in the number of children to ensure compliance with the DCP parking rate.
Insufficient number of staff and staff parking spaces for the size of the centre	Council has calculated the number of full-time staff required to supervise 53 children in accordance with the Australian Children's Education & Care Quality Authority. A minimum of 8 full time staff are required to supervise 53 children. In accordance with HDCP 2013, this results in a minimum of 4 off-street parking spaces. Subject to compliance with the recommended conditions, the development will satisfy this minimum requirement.
Inadequacies of the Traffic and Parking Impact Assessment	The Traffic and Parking Impact Assessment submitted with the DA sought to justify a non-compliance with the DCP parking rate, on the basis of comparison with other existing facilities and RMS data. As detailed above, Council is recommending that the application be approved, subject to a condition to ensure compliance with the DCP parking rate.
Inconsistency with objectives of the R2 – Low Density Residential zone	As detailed elsewhere in this report, the proposed development is permitted with consent in the zone, and is not inconsistent with the relevant zone objectives.
No notification site on the site	The application was notified in accordance with the requirements of Part E of HDCP 2013. This included a notice in the local paper, placement of a notice on the site, and letters to occupants and owners of properties adjoining and opposite the subject site.
Objection to child care centre + units at 14 Hilltop Road	DA 2018/416 for a mixed use development including ground floor child care centre at 14 Hilltop Road was approved by the CLPP on 12 June 2019.
Impact of waste storage location on adjacent dwelling	Condition included in draft determination to require enclosed waste storage area to be provided within the existing garage structure.

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

In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the draft determination, will not be contrary to the public interest.

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

The proposed development does not attract the payment of development contributions.

Disclosure of Political Donations And Gifts

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, SEPP (Education), HLEP 2013 and HDCP 2013 and is considered to be satisfactory, subject to conditions.

The proposal is consistent with all applicable development standards and, if the number of children is reduced, will comply with the DCP parking rate and outdoor area requirements of the SEPP. Subject to compliance with the recommended conditions, the proposal will have acceptable impacts in the locality.

REPORT RECOMMENDATION:

1. That DA 2019/227 be approved for alterations and fit out of an existing building to facilitate a 53 place centre based child care centre with 18 at grade parking spaces on land at 11 Hilltop Road Merrylands subject to the conditions provided in the draft determination.
2. That those persons who made a submission be notified of the determination.

ATTACHMENTS

1. Child Care Planning Guideline 2017 Assessment [↓](#) 
2. HLEP 2013 Compliance Table [↓](#) 
3. HDCP 2013 Compliance Table [↓](#) 
4. Architectural Plans [↓](#) 
5. Draft Notice of Determination [↓](#) 
6. Redacted Submissions [↓](#) 
7. Statement of Heritage Impact [↓](#) 
8. Revised Heritage Statement [↓](#) 

DOCUMENTS
ASSOCIATED WITH
REPORT LPP083/19

Attachment 1
Child Care Planning Guideline
2017 Assessment

Attachment 1 – 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. Pursuant to clause 23 of the SEPP Education, a consent authority must consider the provisions of the Guideline in determining an application for a centre based child care facility.

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

Part 2 – Design quality principles	
Principle 1 – Context	The proposal responds appropriately to the context of the site, with retention (transplantation) of significant existing trees, and adaptive re-use of the heritage listed dwelling. A centre with capacity for 53 children will be an appropriate response to the site constraints.
Principle 2 – Built form	The proposal involves only minor alterations to the existing built form.
Principle 3 – Adaptive learning spaces	The facility will provide learning spaces to cater for a mix of students with different modes of learning.
Principle 4 – Sustainability	Conditions imposed to improve the natural lighting and ventilation to internal spaces.
Principle 5 – Landscape	The landscape design provides an attractive outdoor play area with good amenity. An appropriate mix of passive and active outdoor spaces are provided, with access to natural elements such as trees, vegetable garden, and sand pit.
Principle 6 – Amenity	The design provides good internal and external amenity for all users of the facility. The amenity of neighbouring properties is maintained, with appropriate acoustic treatment to minimise noise impacts, and appropriate siting of waste storage area.
Principle 7 – Safety	The proposed facility is welcoming and accessible, with clearly defined spaces to allow for supervision of children and safety of all users.

Part 3 Matters for consideration			
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.			
	Criteria	Provided	Compliance
	3.1 Site selection and location		
C1	For proposed developments in or adjacent to a residential zone, consider: <ul style="list-style-type: none"> the acoustic and privacy impacts of the proposed development on the residential properties. the setbacks and siting of buildings within the residential context traffic and parking impacts of the proposal on residential amenity. 	<p>Acoustic and privacy impacts on surrounding properties have been minimised.</p> <p>Proposal is for alterations to an existing building</p> <p>Subject to compliance with the recommended conditions, the proposal will have satisfactory impacts on the local road network.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p>
C2	When selecting a site, ensure that: <ul style="list-style-type: none"> the location and surrounding uses are compatible with the proposed development or use 	The location and surrounding uses are compatible with the proposed development.	Yes

	<ul style="list-style-type: none"> the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed the characteristics of the site are suitable for the scale and type of development proposed having regard to: - size of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use there are suitable drop off and pick up areas, and off and on street parking the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use it is not located close to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises, extractive industries, intensive agriculture, agricultural spraying activities any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site. 	<p>The site is not subject to flooding, bushfires, or other environmental hazards.</p> <p>DSI submitted with amended application has been reviewed as satisfactory by Council's EHU.</p> <p>The site is suitable for the scale of development proposed having regard to its frontage, site area, and orientation (subject to condition to reduce the number of children to 53)</p> <p>Interior and exterior spaces will be suitable for the proposed use</p> <p>Sufficient off street parking proposed.</p> <p>Hilltop Road is a local road which is considered inappropriate for the siting of a child care centre – see HDCCP 2013 assessment</p> <p>Not located close to any incompatible land uses.</p> <p>No identified environmental hazards.</p>	<p>Yes</p> <p>Yes, subject to conditions</p> <p>Yes, subject to condition</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
C3	<p>A child care facility should be located:</p> <ul style="list-style-type: none"> near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship near or within employment areas, town centres, business centres, shops with access to public transport including rail, buses, ferries in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	<p>The proposed facility is located within close proximity to Hilltop Shops, Hilltop Road Public School, and public transport access.</p>	<p>Yes</p>
C4	<p>A child care facility should be located to avoid</p>		

	<p>risks to children, staff or visitors and adverse environmental conditions arising from: proximity to:</p> <ul style="list-style-type: none"> heavy or hazardous industry, waste transfer depots or landfill sites LPG tanks or service stations water cooling and water warming systems odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses 	<p>The site is not in proximity to any of the listed environmental hazards.</p>	<p>Yes</p>
3.2 Local character, streetscape and the public domain interface			
C5	<p>The proposed development should:</p> <ul style="list-style-type: none"> 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 Recognise predominant streetscape qualities, such as building form, scale, materials and colours use landscaping to positively contribute to the streetscape and neighbouring amenity integrate car parking into the building and site landscaping design in residential areas. 	<p>Proposal is for adaptation of an existing building</p> <p>The design of the building is sensitive to the surrounding low density residential developments.</p> <p>The scale, materiality, and proposed building form are consistent with surrounding low density residential developments.</p> <p>The proposed landscaping will contribute positively to the streetscape and amenity of adjacent properties.</p> <p>Car parking provided at grade at the front of the site is considered appropriate as the proposal seeks to retain the existing heritage item.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>
C6	<p>Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> 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. 	<p>The design provides for a catchment at the front of the site.</p> <p>Windows in the existing dwelling face the public domain and will provide adequate passive surveillance.</p>	<p>Yes</p> <p>Yes</p>
C7	<p>On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>	<p>Only one building entry proposed</p>	<p>N/A</p>
C8	<p>Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p>		<p>N/A</p>

	<ul style="list-style-type: none"> Clearly defined street access, pedestrian paths and building entries Low fences and planting which delineate communal/private open space from adjoining public open space Minimal use of blank walls and high fences. 	Development does not adjoin any open space or bushland.	
C9	Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a heritage conservation area front fencing should be designed in accordance with local heritage provisions.	A condition is included in the draft determination to require details of the proposed fencing to be submitted to Council for approval prior to the issue of a CC.	Yes
C10	High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.	Not located on a classified road.	N/A
1.3 Building orientation, envelope and design			
C11	<p>Orient a development on a site and design the building layout to</p> <ul style="list-style-type: none"> 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 ensure buildings along the street frontage define the street by facing it ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>Proposed centre does not raise any visual privacy concerns for neighbours. Noise impacts to be managed with acoustic fencing, and adherence to the applicant's noise management plan.</p> <p>Indoor and external play areas will have adequate solar access.</p> <p>The proposal does not result in increased height or bulk and as such will not affect overshadowing of adjoining properties.</p> <p>No cut or fill proposed</p> <p>Existing building faces the street.</p> <p>The majority of the outdoor play area is provided at ground level.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
C12	<p>The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> building height should be consistent with other buildings in the locality 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 	Proposal is for conversion of an existing building.	N/A

	<ul style="list-style-type: none"> setbacks should provide adequate access for building maintenance setbacks to the street should be consistent with the existing character. 		
C13	Where there are no prevailing setback controls minimum setback to classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.	DCP setback controls apply.	N/A
C14	On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	Proposal is for conversion of an existing building.	No
C15	<p>The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage contributes to the identity of the place retains and reinforces existing built form and vegetation where significant considers heritage within the local neighbourhood including identified heritage items and conservation areas responds to its natural environment including local landscape setting and climate contributes to the identity of place. 	<p>Proposal is for conversion of an existing building.</p> <p>Existing Phoenix palms to be retained and transplanted.</p> <p>Subject site is a local heritage item. See discussion elsewhere in report regarding heritage impact assessment.</p> <p>Proposal is for conversion of an existing building</p> <p>Proposal is for conversion of an existing building</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p>
C16	<p>Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> located to allow ease of access, particularly for pedestrians directly accessible from the street where possible directly visible from the street frontage easily monitored through natural or camera surveillance not accessed through an outdoor play area in a mixed-use development, clearly defined and separate from entrances to other uses in the building 	<p>One entry point proposed, easily identifiable and accessible from the street</p> <p>Not accessed through the outdoor play area Not a mixed-use development.</p>	<p>Yes</p> <p>N/A</p>
C17	<p>Accessible design can be achieved by:</p> <ul style="list-style-type: none"> providing accessibility to and within the building in accordance with all relevant legislation 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 	An access report prepared by Building Innovations Australia was submitted with the amended application. The report identifies some minor non-compliances in terms of accessibility. Conditions	By condition

	<ul style="list-style-type: none"> providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible. minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. 	included in the draft determination to require compliance with NCC and Access to Premises Standard.	
3.4 Landscaping			
C18	<p>Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.</p> <p>Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> reflecting and reinforcing the local context incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	Some existing landscaping retained. Proposal incorporates transplantation of 2 x phoenix palm trees at the front of the site.	Yes
C19	<p>Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> 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 planting provided around the car parking area.	Yes
3.5 Visual and acoustic privacy			
C20	Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces	Not a mixed use development	N/A
C21	<p>Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> appropriate site and building layout suitably locating pathways, windows and doors permanent screening and landscape design. 	Proposal does not provide for any new windows facing adjacent residential properties.	Yes
C22	<p>Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> Appropriate site and building layout Suitable location of pathways, windows and doors Landscape design and screening 	Building layout, and location of pathways, windows, etc. are appropriate and will minimise overlooking of living areas and private open spaces of adjoining developments.	Yes
C23	<p>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:</p> <ul style="list-style-type: none"> provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that 	Acoustic report submitted which recommends the installation of an acoustic	Yes

	<p>is a solid, gap free fence).</p> <ul style="list-style-type: none"> 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. 	<p>barrier along the northern edge of the play area, and extension to the height of the boundary fencing.</p> <p>No mechanical plant or equipment proposed.</p>	N/A
C24	<p>A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> 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. 	<p>Acoustic report submitted.</p> <p>Projected noise levels identified.</p> <p>Background noise levels identified.</p> <p>Recommendations provided for height of acoustic fences.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
3.6 Noise and air pollution			
C25	<p>Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> creating physical separation between buildings and the noise source orienting the facility perpendicular to the noise source and where possible buffered by other uses using landscaping to reduce the perception of noise limiting the number and size of openings facing noise sources using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits locating cot rooms, sleeping areas and play areas away from external noise sources. 	<p>There are no significant noise sources that will affect the proposed development.</p> <p>The proposed landscape buffers will reduce the perception of noise for occupants of adjacent properties</p> <p>Double glazing or other sound insulating materials not considered necessary in this instance.</p> <p>Cot room is located at the rear of the site.</p>	Yes
C26	<p>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:</p> <ul style="list-style-type: none"> on industrial zoned land where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 along a railway or mass transit corridor, as defined by <i>State Environmental Planning Policy (Infrastructure) 2007</i> on a major or busy road other land that is impacted by substantial external noise. 	<p>Acoustic report submitted. The site is not affected by any significant external noise or vibration sources.</p>	Yes
C27	<p>Locate child care facilities on sites which avoid or</p>	<p>The site is not located adjacent</p>	Yes

	minimise the potential impact of external sources of air pollution such as major roads and industrial development.	to a major road or industrial development and as such would have minimal exposure to air pollution.	
C28	<p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines.</p> <p>The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway incorporating ventilation design into the design of the facility 	Site is not close to any major roads or industrial developments	N/A
3.7 Hours of operation			
C29	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.	The proposed operating hours for the centre proposed are contained 7.00am to 6.00pm Monday to Friday.	Yes
C30	Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	Site is within a residential zoned area.	N/A
3.8 Traffic, parking and pedestrian circulation			
C31	<p>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. Where a Development Control Plan does not specify car parking rates, off street car parking should be provided at the following rates:</p> <p>Within 400 metres of a metropolitan train station:</p> <ul style="list-style-type: none"> 1 space per 10 children 1 space per 2 staff. Staff parking may be stack or tandem parking with no more than 2 spaces in each tandem space. <p>In other areas:</p> <ul style="list-style-type: none"> 1 space per 4 children. <p>A reduction in car parking rates may be considered where:</p> <ul style="list-style-type: none"> the proposal is an adaptive re-use of a heritage item the site is in a B8 Metropolitan Zone or other high density business or residential zone the site is in proximity to high frequency and 	Subject to recommended conditions, proposal will comply with DCP parking rate.	Yes

	<p>well connected public transport</p> <ul style="list-style-type: none"> the site is co-located or in proximity to other uses where parking is appropriately provided (for example business centres, schools, public open space, car parks) there is sufficient on street parking available at appropriate times within proximity of the site. 		
C32	In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.	Site is located in a residential zone.	N/A
C33	<p>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:</p> <ul style="list-style-type: none"> the amenity of the surrounding area will not be affected there will be no impacts on the safe operation of the surrounding road network. 	<p>A traffic and parking report was submitted with the application and is considered generally satisfactory.</p> <p>The proposed development is a low trip generator and can be accommodated in the locality without affecting performance of the local road network.</p>	Yes
C34	<p>Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> a classified road or roads which carry freight traffic or transport dangerous goods or hazardous materials. <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> the prevailing traffic conditions pedestrian and vehicle safety including bicycle movements the likely impact of the development on traffic. 	The subject site does not have frontage to a classified road.	N/A
C35	Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.	The subject site is not located on a cul-de-sac or laneway.	N/A
C36	<p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> separate pedestrian access from the car park to the facility defined pedestrian crossings included within large car parking areas separate pedestrian and vehicle entries from the street for parents, children and visitors pedestrian paths that enable two prams to pass each other delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities in commercial or industrial zones and 	<p>Pedestrian access is separate from vehicular access. Not a large car parking area</p> <p>Separate pedestrian and vehicle entry proposed.</p> <p>Pedestrian paths are appropriately dimensioned.</p> <p>Loading facility not considered necessary given the size of the facility.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>

	<p>mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas.</p> <ul style="list-style-type: none"> vehicles can enter and leave the site in a forward direction. 	<p>Not a commercial or industrial area.</p> <p>Vehicles can enter and exit the site in a forward direction.</p>	<p>N/A</p> <p>Yes</p>
	<p>Mixed use developments should include:</p> <ul style="list-style-type: none"> driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility. 	<p>Not a mixed use development.</p>	<p>N/A</p>
C38	<p>Car parking design should:</p> <ul style="list-style-type: none"> include a child safe fence to separate car parking areas from the building entrance and play areas provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards include wheelchair and pram accessible parking. 	<p>Child safe fence provided</p> <p>Accessible parking appropriately located adjacent to the building entrance</p>	<p>Yes</p> <p>Yes</p>

Part 4 – Applying the National Regulations to development proposals			
Criteria	Required	Provided	Compliance
4.1 Indoor space requirements			
Min. 3.25sqm of unencumbered indoor space (Regulation 107)	70 x 3.25 m ² = 227.5 m ²	277 m ² proposed	Yes. However, layout needs to be revised for functionality.
Storage: - Min. 0.3m ³ per child of external storage	70 x 0.3 m ³ = 21 m ³	Floor plans indicate 21 m ³ of storage located within the outdoor play area. Elevations and sections would be required to demonstrate compliance.	Yes, subject to condition.
- Min. 0.2m ³ per child of internal storage	70 x 0.2 m ³ = 14 m ³	3 separate store rooms proposed with total volume of 49.15 m ³	Yes
4.2 Laundry and hygiene facilities			
(Regulation 106)	On-site laundry facilities should contain: • a washer or washers	Laundry is not adequate.	Condition

	capable of dealing with the heavy requirements of the centre <ul style="list-style-type: none"> • a dryer • laundry sinks • adequate storage for soiled items prior to cleaning. 		imposed to require redesign and relocation of the laundry
4.3 Toilet and hygiene facilities			
(Regulation 109)	<p>Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants. Design considerations could include:</p> <ul style="list-style-type: none"> • junior toilet pans, low level sinks and hand drying facilities for children • a sink and hand washing facilities in all bathrooms for adults • direct access from both activity rooms and outdoor play areas • windows into bathrooms and cubicles without doors to allow supervision by staff • external windows in locations that prevent observation from neighbouring properties or from side boundaries 	Amended proposal complies	Yes
4.4 Ventilation and natural light			
(Regulation 110)	<p>Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.</p> <p>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.</p> <p>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</p>	<p>Condition imposed to require redesign of the layout to improve natural lighting and ventilation to indoor spaces.</p> <p>Compliance with NCC to be demonstrated at construction certificate stage.</p> <p>Floor to ceiling heights are adequate.</p> <p>3-5 year old room has a poor depth to height ratio. However,</p>	<p>Yes by condition</p> <p>Yes</p> <p>Considered satisfactory</p>

	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.	this is considered acceptable as it is a function of re-using the existing structure.	
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.	Adequate administrative area provided.	Yes
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 .	Appropriate nappy changing facilities proposed. Condition to comply with NCC.	Yes Yes, subject to condition
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 .	The design of the children's toilet and play areas allows for adequate supervision of children. Condition accordingly for compliance with the NCC.	Yes Yes, subject to condition
4.8 Emergency and evacuation procedures			
(Regulation 97 & 168)	Regulation 168 sets out the list of procedures that a care service must have,	A satisfactory evacuation plan was provided with the application.	Yes

	<p>including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including:</p> <ul style="list-style-type: none"> • 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. 		
4.9 Outdoor space requirements			
(Regulation 108)	<p>Min. 7 m² of unencumbered outdoor space per child.</p> <p>70 x 7 m² = 490 m²</p> <p>Where a covered space such as a verandah is to be included in outdoor space it should:</p> <ul style="list-style-type: none"> • be open on at least one third of its perimeter • have a clear height of 2.1 metres • have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter • have adequate flooring and roofing • be designed to provide adequate protection from the elements 	<p>463.6 m² proposed. Based on the amount of outdoor area provided, a total of 66 children can be accommodated. Conditions imposed to reduce the number of children to 53, in order to comply with the DCP parking rate.</p> <p>The perimeter of the verandah is fully open.</p> <p>>2.1m clearance</p> <p>N/A</p> <p>Existing flooring and roofing is adequate</p> <p>Verandah is covered</p>	<p>Yes – subject to condition.</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>
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.	Proposal complies	Yes
4.11 Shade			
(Regulation 114)	<p>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.</p> <p>Outdoor play areas should:</p> <ul style="list-style-type: none"> • 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. 	<p>Information provided by the applicant indicates compliance with the shading requirements.</p> <p>More than 30% of the outdoor play area is shaded.</p> <p>Shade sails are provided over the sand pit and there is a tree within the grassed area, in addition to the covered outdoor play area.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
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.	Solid (acoustic) fencing proposed to side and rear boundaries.	Yes
4.13 Soil Assessment			
Regulation 25	To ensure consistency between the development consent and the service approval application, a soil assessment should be undertaken as part of the development application process.	Detailed site investigation submitted with the application. Satisfactory subject to implementation of the recommendations in the DSI.	Yes

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Attachment 2
HLEP 2013 Compliance Table

Attachment 2 – Holroyd Local Environmental Plan 2013 compliance table

Clause	Comment	Yes	No	N/A
Land use table				
Zone R2 - Low Density Residential				
1 Objectives of zone <ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment To enable other land uses that provide facilities or services to meet the day to day needs of residents. To allow residents to carry out a range of activities from their homes while maintaining neighbourhood amenity. 	The proposal provides for a non-residential land use that meets the day to day needs of residents.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Permitted without consent Home occupations				
3 Permitted with consent Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Places of public worship; Recreation areas; Respite day care centres; Roads; Semi-detached dwellings	Centre-based child care facilities are permitted with consent.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Prohibited Any development not specified in item 2 or 3				
4.3 Height of buildings 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.	The proposal does not affect the height of the existing building.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.4 Floor space ratio (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.	A maximum FSR of 0.5:1 applies to the site in accordance with the Floor Space Ratio map accompanying HLEP 2013. The proposed development has an FSR of 0.246:1 which complies with the standard (480.5 m ² /1948 m ²)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.10 Heritage conservation (2) Consent required for works to heritage item. (4) Effect of proposed development on heritage	The subject site is listed as an item of local heritage significance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Clause	Comment	Yes	No	N/A
significance to be considered before granting consent	See comments in the body of the report regarding assessment of the heritage impacts of the development.			
6.1 Acid Sulfate Soils				
Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.	The subject site is not affected by acid sulfate soils	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.2 Earthworks				
Before granting development consent for earthworks, the consent authority must consider the following matters: (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The proposed earthworks will not have a detrimental effect on existing drainage patterns or soil stability. Conditions included in the draft determination to minimise the effects on neighbouring properties.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.4 Flood planning				
This clause applies to land at or below the flood planning level.	The subject site is located above the flood planning level.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.5 Terrestrial Biodiversity				
This clause applies to land identified as "Remnant Native Vegetation" on the Biodiversity Map.	The site is not identified as containing any Remnant Native Vegetation on the Biodiversity Map.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.7 Stormwater Management				
Development consent must not be granted to development on any land unless the consent authority is satisfied that the development: (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and (c) avoids any adverse impacts of stormwater runoff on adjoining properties, native vegetation and receiving waters, or if that	The proposed stormwater management system was reviewed by Council's Development Engineer and is considered satisfactory subject to conditions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Clause	Comment	Yes	No	N/A
impact cannot be reasonably avoided, minimises and mitigates the impact.				
6.8 Salinity This clause applies to land identified as "Known Salinity", "High Salinity Potential" or "Moderate Salinity Potential" on the Salinity Map. Before determining a development application for development on land to which this clause applies, the consent authority must consider the following: (a) whether the development is likely to have any adverse impact on salinity processes on the land, (b) whether salinity is likely to have an impact on the development, (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The site is identified as having moderate salinity potential. Standard conditions included in the draft determination to address this issue.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DOCUMENTS
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Attachment 3
HDCP 2013 Compliance Table

Attachment 3 - Holroyd Development Control Plan 2013 compliance table

No.	Clause	Comment	Yes	No	N/A
PART A – GENERAL CONTROLS					
1	Subdivision				
	Subdivision not proposed.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Roads and Access				
2.4	Access: Vehicular Crossings, Splay Corners, Kerb & Guttering				
	VC to be reconstructed if in poor condition, damaged or design doesn't comply.	New VC proposed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Avoid services/facilities in road reserve, existing trees, pedestrian crossing, pram ramps etc.	Proposal complies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Corner sites VC to be min. 6m from the tangent point.	Not a corner site	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Corner sites require 3m x 3m (residential) and 4m x 4m (commercial) splay corner to be dedicated.	Not a corner site	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.7	Road Widening	Not Applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Car Parking				
3.1	Minimum Parking Spaces				
	1 per 4 children & 1 per two employees. For visitors - $70/4 = 17.5$ (18) For staff - $11/2 = 5.5$ (6) Total Required: 24	22 spaces proposed. However, this includes visitor spaces in a tandem arrangement. Based on the number of children proposed by the applicant, there is a deficiency of 2 spaces. When the tandem visitor spaces are excluded, the deficiency is 5 spaces. See discussion in body of report.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.3	Car Parking, Dimensions & Gradient				
	- Min. clear length 5.5m (5.4m AS2890.1-2004). - Min. clear width 2.4m for open space; 3m for between walls. - Min. clearance height 2.3m.	All proposed car spaces comply with the relevant requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.5	Access, Maneuvering and Layout				
	Driveways shall be setback a minimum of 1.5 m from the side boundary.	Driveway setback is more than 1.5 m from both side boundaries.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.6	Parking for the Disabled				
	2 spaces per 100 spaces up to 400, and 1 per 100 thereafter, or part thereof.	1 accessible space proposed. Considered sufficient in this case.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Tree and Landscape Works				
	Council's Landscaping and Tree Management Officer advised that the proposed tree transplanting and landscaping works are satisfactory subject to conditions		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Biodiversity				
	The subject site is not identified on the Environmentally Sensitive Land Map and is not within an E2 - Environmental Conservation zone.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.1	Cut & Fill and Retaining Walls				
	Full details of retaining walls to be provided by condition prior to the issue of a construction certificate.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.3	Erosion and Sediment Control Plan				
	Satisfactory erosion and sediment control plan provided with the application.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Stormwater Management				
	The application was reviewed by Council's Development Engineer and is		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
	considered satisfactory subject to conditions.				
8	Flood Prone Land				
	Site is not flood affected.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Managing External Road Noise and Vibration				
	The subject site is not within 60 m of a rail corridor and does not have frontage to a classified road.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Safety and Security				
	Design new development to reduce the attractiveness of crime by minimising, removing or concealing crime opportunities.	Proposed design minimises crime opportunities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Incorporate and/or enhance opportunities for effective natural surveillance by providing clear sight lines between public and private places, installation of effective lighting, and the appropriate landscaping of public areas.	Design provides for passive surveillance with clear sightlines between public domain and proposed building entrance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Minimise opportunities for crime through suitable access control. Use physical or symbolic barriers to attract, channel and/or restrict the movement of people. Use landscaping and/or physical elements to direct people to destinations, identify where people can and cannot go and restrict access to high crime risk areas such as car parks.	Suitable access control proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Clearly define the boundaries between public and private spaces as a method of territorial reinforcement. Methods other than gates, fences and enclosures are encouraged.	Gates and fences proposed to define the boundaries between public and private spaces, and to contain children within the centre.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	When incorporating crime prevention measures in the design of new buildings and spaces, apply subtle design techniques to blend into facades and places, and to be sympathetic with the quality of the streetscape.	Proposal provides for adequate crime prevention measures whilst being sympathetic to the quality of the streetscape.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Waste Management				
	Provide waste management plan to nominate volume and type of waste, on-site storage arrangements, operational procedures.	Amended application provides for a waste storage area behind the building line. Condition imposed to require this to be relocated within the former garage structure to minimise impacts on the heritage item.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Services				
	Conditions of consent to be imposed requiring consultation with relevant service providers.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PART B – RESIDENTIAL CONTROLS					
1	GENERAL RESIDENTIAL CONTROLS				
1.1	Building Materials				
	No significant change to the existing materials and finishes proposed. Existing finishes are satisfactory.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.2	Fences				
	Fencing forward of the building line to have a maximum height of 1.5 m	Condition included in the draft determination to require fencing detail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
		to be provided to Council prior to CC.			
1.3	Views				
	No significant views will be affected by the proposed development.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.5	Landscape Area				
	Minimum 25% of site area	625.1 m ² (32 %) proposed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Required = 487 m ² (1948 x 0.25)				
1.8	Sunlight Access				
	1 main living area of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	The living area of the existing dwellings will be unaffected by the proposal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Min. 50% of required POS of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	POS of existing adjacent dwelling unaffected by the proposal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.9	Cut and Fill				
	Cut is permitted to a maximum of 1 metre	No cut proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Cut is to be limited to 450mm where it is within 900 mm of rear or side boundaries	No cut proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.10	Demolition				
	Approval for demolition is required from Council.	Proposal does not involve demolition of any existing structures.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Photographic record capturing the external configuration of the building proposed to be demolished is required.	No buildings to be demolished.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.11	Vehicular Access and Driveways				
	VCs to be a minimum width of 3 m and maximum width of 5 m at the boundary	Satisfactory as per conditions from Engineering	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	All new driveways should be located at least 1.5 m from side property boundaries	Proposed driveway is set back more than 1.5 m from both side boundaries.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Dwelling Houses and Secondary Dwellings				
	Minimum allotment size for a dwelling house is 300 m ²	Lot size is 1,948 m ²	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The minimum frontage for a dwelling house is 10 metres at the building line.	Frontage is 26.415 m	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The minimum width of an access corridor is 5 metres inclusive of 1 metre of landscape strip on both side of the access corridor.	No access corridor proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Where a registered lot exists in a residential zone and is less than 300 m ² in area, or less than 10 m in width, Council may consent to the development of a dwelling house on the lot.	Site exceeds minimum lot size and frontage requirements	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.2	Site Coverage				
	Max. 60% of the site area	No change to existing site coverage	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.3	Setbacks				
	Principal Street – 6 m	Existing setback complies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The front setback area shall be landscaped area except allowing for driveway and pathway leading to the	Proposal involves conversion of front landscaped area to hardstand parking. See discussion in body of report.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
	dwelling.				
	Side – minimum 900 mm	No change to existing setbacks	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Rear – minimum 3 m to single storey component; 7 m to 2 storey component	No change to existing setbacks	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Rear lane: 3 m – 5 m	No rear lane access	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Secondary Street – 4 m	No secondary street	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Articulation zone max. 25% of the building width and 1.5m in length	Existing building complies with front setback control.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.4	Building Height				
	Max. 2 storey and 9m; if single storey max. 7m	Single storey building existing. No change proposed to building height.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Min. 2.4m floor to ceiling height	Plans show existing floor to ceiling heights exceed 2.4 m	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Attics are to be designed to fit within the building envelope (with the exception of dormer windows) and are not to increase the bulk and height of the roof.	No attic proposed	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.5	Building Appearance				
	Design: Have regard to the size/shape/orientation of lot; style not to be in strong visual contrast to locality	The proposal does not involve any significant external alterations to the existing building	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Bulk and scale: Max. 10m blank wall on first floor side; min. 1m wide indent.	Proposal is for adaptive re-use of existing single storey building	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<i>Front Facade</i> Front door and a window of a habitable room on the ground floor to face Principal Street.	No change to street elevation of the existing building. The front rooms are to be used for administration purposes and will provide appropriate passive surveillance of the car parking area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Corner lot: Address Secondary Street with windows, architectural features, surveillance	Not a corner lot.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Building facades to be modulated in plan and elevation, articulated to reduce the appearance of bulk and express the elements of the buildings architecture.	No change to existing façade	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PART H – HERITAGE AND CONSERVATION					
1	Development Requirements for Heritage Items				
	Development consent is required for works to a heritage item or within a heritage conservation area.	This application seeks consent.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Development consent is not required for minor works or maintenance of a heritage item as identified at Table 1.	The proposed works are not identified at Table 1	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	A Heritage Impact Statement is required for works involving a heritage item or within a heritage conservation area.	Heritage Impact Statement submitted with the application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Heritage Impact Statements shall at a minimum: • Identify why the item, place or area is of heritage significance (i.e. Statement of Heritage Significance).	The HIS submitted by the applicant identifies the item and provides an assessment of the impact of proposed works on the item.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
	<ul style="list-style-type: none"> Provide a description of works and/or change of use and any physical changes to the place. Identify the impact or impacts the proposed changes to the heritage item will have on its heritage significance (including its setting and any landscape features). Identify and describe any measure being proposed to lessen negative impacts of the proposed changes. Identify why more sympathetic solutions to those being proposed are not viable. 				
	A conservation policy or conservation management plan may be required depending on the significance of the item.	A conservation management document is not considered necessary in the circumstances.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Conservation and Development Works on Heritage Items				
	New dwellings on sites occupied by an item of environmental heritage shall be designed and constructed in a manner that does not detract from the historic significance of that item or the area.	No new dwellings proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	When undertaking any form of development, conservation or maintenance works on a heritage item, the materials, colours and maintenance techniques used shall be appropriate to the style and age of the heritage item.	There is no proposed change to the existing colours and finishes of the heritage item.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Original face brick should generally not be rendered as it removes and covers over the original colours and textures of the building.	The existing face brick is to be retained.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	New roofing materials should match or be sympathetic in style and colour to the appearance of original materials.	No new roofing materials proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Construction techniques should reflect original building techniques where possible, such as the use of lime based mortars for re-pointing bricks rather than the use of cement based mortars.	Conditions included in the draft determination to require use of appropriate materials and methods for all works involving the heritage item.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	When undertaking works on a heritage item, the design of building detailing such as windows or doors, should be in keeping with the age and style of the heritage item.	Existing doors and windows are generally retained in the proposed scheme.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Where original gates and fences still remain as part of a heritage property, these should be retained. Where this is not possible, the use of replacement fences and gates should be in a style appropriate to the design and style of the building.	No original gates or fences existing. Insufficient detail provided regarding proposed fencing (plans reference heritage report, heritage report refers to previously approved fence). A condition is included in the draft determination to require fencing details to be submitted to Council prior to the issue of a construction certificate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
Landscaping and gardens					
	The siting of buildings should respect any significant trees and gardens identified on the site	Two trees are to be transplanted within the front of the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Where proposing development within the curtilage of a heritage item, the new development should be designed so that the heritage item retains its visual prominence.	The proposal does not include any new buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The colours and materials used within the new development shall be recessive and complement the colours and materials of the heritage item.	No changes proposed to existing colours or finishes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Where new development is proposed within the curtilage of a heritage item, a reasonable "buffer" space should be provided between the original building and the new development.	Proposal does not include any new buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Significant gardens should be retained in any curtilage redevelopment.	The garden is mentioned in the statement of significance. However, a significant portion of the garden was converted to hardstand prior to the lodgement of the subject application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	New development within the curtilage should not adversely impact upon the significant fabric of a heritage item.	Some of the proposed internal alterations will impact on the existing fabric. These have been assessed as satisfactory by the applicant's heritage consultant.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The height of new buildings shall not exceed that of the original heritage building.	The proposal does not incorporate any new buildings and does not affect the height of the existing.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	The new development shall be massed so that lower-scale buildings act as a transition between the new and the old	No new buildings proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	New development within the curtilage of a heritage item should not block the sight lines from public areas to the original building.	The new development preserves sightlines from the public domain to the heritage item.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Civic, Commercial development and adaptive reuse					
	Where redevelopment is proposed for heritage items that are of a commercial or civic nature, the new development shall meet the controls contained in this section.	The heritage item is a dwelling house.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Retention of the original streetscape facades is required, with extensions or redevelopment to be located to the rear of the property.	The original façade is to be retained.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Development should be compatible with the existing height, scale, massing and detailing and setbacks and orientation of existing development within the streetscape.	The heritage item is located within a residential area and surrounding buildings are of a residential nature.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Colours and materials should be carefully selected so that they do not visually dominate, or overly contrast with, that of the existing heritage item. New development shall utilise	The proposed colours and finishes are recessive.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
	compatible colour schemes and materials with the original building.				
	For development involving churches or schools the removal of more recent structures is considered acceptable where it is demonstrated that they are not critical to the heritage significance of the property.	Proposal does not involve a school or a church.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	New development should be located to the side or rear of the heritage item and the original building should visually dominate.	The proposal does not involve any significant additions to the existing building	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Development should not impact upon the sight lines from public areas to the original building.	Sight lines to the heritage item from Hilltop Road are maintained. The relocation of the driveway will result in a slightly improved view to the original dwelling from the street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Development should minimise any changes to the significant fabric of the building and, in particular, to the streetscape appearance of the heritage item.	No significant changes to the fabric of the building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PART I – CHILDCARE CENTRES					
1	Size and Density				
C1	A child care centre proposed in an R2 Low Density Residential zone is 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.	The proposal (as amended) is for a 70 place centre in an R2 – Low Density Residential zone. The provisions of the SEPP Education override this control and allow for a centre of any size.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C2	The design requirements for Child Care Centres located within R2 – Low Density Residential and R3 – Medium Density Residential, shall comply with the building envelope standards outlined in Part B of this DCP relating to one and two storey residential development.	Proposal is for adaptive re-use of the existing building.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C3	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.	The proposal is for a single storey child care centre.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C4	The minimum site frontage for a child care centre is 20 metres.	The subject site has a frontage of 26.415 m which complies with the control. The SEPP education provides that a child care centre can be located on a site with any dimensions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C5	The site must not be 300 m 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.	The subject site is not within proximity to any of the listed environmental hazards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
C6	The siting of child care centres must adhere to locational guidelines under current NSW Office of Environment and Heritage (OEH) instruments, such as SEPP 33 Hazardous and Offensive Developments, with particular regard to exclusion from hazardous industries.	The site is not within proximity to any hazardous or offensive developments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C7	Child care centres should not be located having frontage to any road, which in the opinion of Council, is unsuitable for the establishment of a child care centre having regard to:- (a) prevailing traffic conditions; (b) pedestrian and traffic safety; and (c) the likely impact of development on the flow of traffic on the surrounding street system.	Hilltop Road is considered an unsuitable location for a child care centre.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Child care centres should not be located having frontage to an arterial or sub-arterial road (see Appendix 1 to Part I of HDCP 2013).	Hilltop Road is not an arterial or sub-arterial road.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The roads identified in Appendix 2 are also considered by Council to be generally unsuitable for the establishment of child care centres	Hilltop Road is listed as an unsuitable Collector or Local Road at Appendix 2. Council has granted consent for child care centres on other sites along Hilltop Road, and subject to compliance with the recommended conditions, the subject site is considered suitable for use as a child care centre.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Sites with existing swimming pools are not considered suitable for child care centres. However, an application may be considered if the applicant intends to remove the existing swimming pool and restore the area to its original ground level.	No existing or proposed swimming pools on site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Child care centres shall not be located on an allotment within an entire residential cul-de-sac.	Subject site is not located within a cul-de-sac.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Child care centres shall be detached from any residential dwellings and have separate entry and exit points.	The proposal is for conversion of the existing dwelling to a child care centre. No residential uses are proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Vehicular Access and Parking				
	Separate entry and exit driveways shall be provided. 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.	The proposal does not provide for separate entry and exit driveways as required by the DCP. However, the provision of two separate driveways would result in a loss of landscaping and car parking spaces which would not be desirable in the circumstances.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C2	No pedestrian or vehicular access is to be provided from 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.	Site does not have frontage to an arterial or sub-arterial road.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C3	All applications are to be supported by	Traffic and parking report submitted	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
	a Traffic and Parking Report prepared by a suitably qualified person addressing the above issues to Council's satisfaction.	with the application.			
	Long stay staff parking must be distinguished from the short stay visitor parking by suitable signage and/or marking. Both must be provided in a convenient location to allow for safe dropping off and picking up of children.	Parking spaces can be allocated to staff or visitors as indicated on the plan (no physical separation)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Consideration may be given to reducing on-site requirements for short stay parent and visitor parking only if convenient and safe on-street parking is otherwise available. This is providing that the use of such parking does not excessively impact upon the amenity of the adjacent area.	The development as proposed results in a shortfall of 5 off-street car parking spaces, as compared to the minimum required under the DCP. There is no on-street parking that could be considered safe and convenient adjacent to the subject site. In fact, the site is located in an area where there is already significant competition for on-street parking given the proximity to the shops. Accordingly, conditions are included in the draft determination to require compliance with the minimum rate in the DCP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	All staff parking shall be provided on site.	4 spaces to be provided on site for staff (subject to condition) in accordance with Part A minimum rate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	To eliminate the possibility of frontages and access ways containing expanses of plain cement, decorative pavement treatment shall be provided to all driveways and parking areas. That is, the use of decorative paving materials such as exposed aggregate or pattern stamped and coloured concrete and paving bricks. Plain cement or coloured cement will not be accepted for driveways and parking areas for aesthetic and amenity purposes.	A condition is included in the draft determination to require decorative pavement treatment to the car park area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Acoustic and Visual Privacy				
	An acoustic assessment must be completed by a suitably qualified person.	Acoustic report submitted with the application and reviewed as satisfactory by EHU.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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.	Condition imposed to require a noise management plan prior to the issue of a construction certificate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Consideration is to be given to the following design mechanisms in respect to noise abatement for surrounding properties in the area: a) The appropriate design and siting of the child care centre; b) The appropriate layout and arrangement of outdoor space and activities;	a) centre appropriately designed b) proposed layout is satisfactory, subject to compliance with recommended conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
	<p>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;</p> <p>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;</p> <p>e) The appropriate location of mechanical plant such as exhaust fans and air conditioning units to ensure noise generation does not impact on surrounding properties.</p>	<p>c) outdoor play area is designed to minimise impacts on surrounding dwellings</p> <p>d) acoustic barriers proposed to reduce impacts on surrounding properties.</p> <p>e) mechanical plant selection to be addressed in detail at CC stage, incorporating recommendations of acoustic report.</p>			
	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.	Acoustic report indicates that proposal can comply with relevant requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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.	Site is not affected by heavy rail or road noise.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	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.	Appropriate landscaped buffers proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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.	No basement proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	Indoor Spaces				
C1	<p>In addition to the requirements under the relevant legislation, the design of indoor floor spaces within child care centres shall take into account the following factors:</p> <p>a) Clear and unobstructed lines of site to all areas within the child care centre shall be provided at all times;</p> <p>b) 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</p>	<p><i>See comments under child care planning guideline. Design is satisfactory subject to conditions.</i></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
	June 21; c) For locations where a northern orientation for indoor play areas is not achievable, they should be located where they will receive a minimum of 3 hours of sunlight, where possible;				
	In addition to the requirements under the relevant legislation, indoor space shall include the following facilities within the child care centre: a) Where a separate kitchen is provided, the kitchen should have a door, half gate or other barrier to prevent unsupervised entry by children into the kitchen. b) Garbage storage and recycling facilities.	a) the design of the kitchen allows for children to be excluded from this area. b) sufficient space for storing one day's waste and recycling in the kitchen, to be transferred to the waste storage area each day.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Children's toilets are to be located so they are directly accessible to children's indoor and outdoor play spaces.	Toilets are accessible to indoor and outdoor spaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Food preparation areas are to be constructed and provided in accordance with the relevant sections of the Australia/New Zealand Food Standards Code, specifically AS4674-2004 Design, Construction and Fit Out of Food Premises, Food Standard Code 3.2.3 and conditions outlined in Children (Education and Care Services) Supplementary Provisions Regulation 2012 Part 3 –Facilities and Equipment Requirements.	Satisfactory by condition	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Applications must include a floor plan of the kitchen area.	Kitchen floor plan included.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Power points in indoor play areas should be at a height which is unreachable by children or covered with a child safe cover.	To be addressed at construction certificate stage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Plans are to show the number of children each room is proposed to accommodate to ensure staffing levels are sufficient for proper supervision.	Number of children indicated on plans for each indoor play area	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Outdoor Spaces				
	Minimum standards of usable outdoor space per child that is exclusively for the use of children is to be provided, in accordance with the latest Children's Services regulations. Plans must demonstrate that they meet this requirement.	Subject to reduction in the number of children to 53, the proposal will comply with unencumbered outdoor area requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Outdoor spaces are to provide a variety of experiences through the provision of different spaces within the outdoor area. These different areas are to be: a) Open areas for activities such as running;	The outdoor spaces provide for a range of activities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
	b) Quiet areas and formal quiet areas; and c) Active areas.				
	Outdoor spaces are to be: a) Located away from the main entrance of the child care centre, car parking areas or vehicle circulation areas; b) Integrated with indoor space and provide direct and easy access between those two areas; 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; d) Located away from existing and potential noise and environmental health sources; 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; 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; g) Located away from areas where objects can be projected down onto play areas; and h) Adequately fenced on all sides	a) Outdoor play areas are located to the eastern side, and rear of the site, away from the parking area. b) Outdoor play space is accessible from all indoor play areas. c) Subject to compliance with the recommended conditions, the design of the centre will allow for clear sightlines for staff to directly supervise children in all indoor and outdoor areas. d) There are no significant noise sources in the locality. e) The potential noise impacts will be mitigated by implementation of the recommendations of the acoustic report. f) The proposed outdoor areas are inaccessible from public areas. g) Proposal complies h) Proposed fencing in accordance with recommendations of acoustic report is considered satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Outdoor play spaces are to be adequately shaded in accordance with Shade for Child Care Services published by the NSW Cancer Council and NSW Health Department.	Sufficient shade provided to outdoor play area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Physical shading devices are to provide sun protection to children and be integrated into the design of the building and the outdoor area and should be fire retardant.	Appropriate physical shading devices shown on the plans.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	In commercial zones, consideration must be given to isolating the children from the effects of noise, pollution and winds and providing access to natural light and air.	Site is in a residential zone.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Outdoor space should be exposed to the sky to provide direct sunlight, breezes and fresh air, and have access to shelter and shade. Planting, climbing equipment and visual features must provide an interesting and stimulating experience for the children.	Proposal complies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<u>Transitional Areas</u> a) A transitional area between the building and the play area supporting space for both indoor and outdoor	a) A covered outdoor area is provided along the northern edge of the building	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
	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; b) The roof area of the transitional area must be a minimum of 4 meters in width to ensure sufficient activity zones with access space around them; c) The transitional area must be designed in a manner that offers protection from unfavourable weather conditions, including strong winds and rainfall; d) The transitional area must be designed in a manner that utilises natural temperature controlling measures, including cross ventilation.	b) the covered outdoor area is 3.6 m deep c) The covered outdoor area will protect children and staff from rain and direct sunlight d) the covered outdoor area is completely open on three sides.			
6	Landscaping				
	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	A detailed landscape plan was submitted in support of the application and is considered satisfactory, subject to conditions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Landscaping and fencing should be designed to provide a noise barrier and privacy screen for adjoining residents.	Screen planting proposed along the boundaries and acoustic fencing as recommended by the acoustic report.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Minimum soil depths for outdoor space and planted areas above basement parking in residential areas should be a minimum of 600mm.	Landscape plan indicates that planters will have a minimum depth of 600 mm.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The minimum depth of sandpits is 600mm with adequate drainage and shade (refer to www.kidsafensw.org for further construction guidelines).	Satisfactory by condition.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Outdoor play equipment is to comply with Australian Standards,	Satisfactory by condition.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Existing natural features and significant vegetation of a site should be conserved where possible to help increase the amenity of the area.	Proposal incorporates retention and transplanting of 2 existing palm trees within the front setback.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
	All existing and proposed vegetation located on the site and on sites directly adjoining are to be assessed in order to ensure they are free of toxins or safety hazards such as seeds, poisonous, spiky or potentially dangerous plants.	No dangerous plants on the subject site or surrounding sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Plant species shall be those suitable to the local area. Refer to Part A of this DCP for a detailed plant listing.	Landscape design reviewed by Council's Landscape and Tree Management Officer and considered satisfactory	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Areas likely to be subject to high water demand are fitted with a water efficient irrigation system such as drip irrigation with moisture sensors.	Proposal is not subject to high water demand.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Irrigation should use rainwater or recycled water in preference to mains water.	3,000 L rainwater tank proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Fencing				
	Outdoor space is required to be fenced on all sides with a height of at least 1.8m, be accessible from the street and have regard to: a) The safety and security of children b) The prevention of children climbing over, under, or through fences and leaving the premises unsupervised c) The prevention of those from outside the centre to access the site through climbing over under or through fencing d) The integration with building design and proposed materials and colour scheme e) The integration of existing and proposed materials and colour scheme f) The integration of existing and proposed landscaping with fencing; and g) The prevention of a sense of enclosure.	Side and rear fencing is proposed to be erected in accordance with the recommendations of the acoustic report as follows: <ul style="list-style-type: none"> Northern boundary – 2.1 m boundary fence, and 3 m high acoustic barrier 1 m inside property boundary Western boundary – 1.8 m high boundary fence. Eastern boundary – 2.1 m high boundary fence. <p>The proposed fences will ensure the security of the facility without creating an unreasonable sense of enclosure.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Acoustic fences should not be higher than 2m. If a fence higher than 2m is unavoidable it must be contained within the development site with a 1.8m traditional lapped and capped boundary fence and the remaining height to be of thick, transparent perspex to ensure any views are maintained.	The proposal includes 2.1 m high boundary fencing to the northern and eastern boundaries. A 1.8 m high fence is shown for the western boundary. The acoustic report also recommends a secondary acoustic barrier be provided, set 1 m inside the northern property boundary. This barrier is to have an overall height of 3 m, incorporating a 1.8 m high vertical component and 1.2 m horizontal component. See discussion in the body of this report.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Taller fences must terminate to the rear of the development. Any fence	Standard conditions to be imposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
	1.8m in height shall terminate 1m behind the front façade.				
	A series of barriers in the form of child proof gates are to be provided at the entry to the premises. This may include a gate on the front boundary and gate into the reception area to provide a catchment area.	Suitable barriers provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Fire Safety and Emergencies				
	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	An evacuation plan was submitted with the application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Accessibility				
	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.	Conditions are included in the draft determination to require compliance with the NCC and Access to Premises Standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The building must provide a continuous path of travel from the street and or parking area into and within every room and outdoor area used by staff and children.	Proposal complies.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Appropriate measures, such as pavement and landscaping treatment, are required to separate pedestrian and vehicular access and direct them accordingly.	Separate vehicle and pedestrian entries proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Hard paved surfaces are to be provided for all access paths.	Proposal complies.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DOCUMENTS
ASSOCIATED WITH
REPORT LPP083/19

Attachment 4
Architectural Plans

CHILD CARE FACILITY

11 HILLTOP ROAD, MERRYLANDS, NSW 2140
LOT / SECTION / PLANING: X / - / DP: 485801 | CUMBERLAND CITY COUNCIL

19039

COMPLIANCE TABLE

ITEM		PROPOSED	STANDARD	COMPLIANCE
A.	SITE AREA	2948 m²	-	-
B.	SETBACK			
	FRONT	26.40 m	3 m	YES
	REAR	12.28 m	-	YES
	SIDE	1.24 m	0.9 m	YES
C.	GROSS FLOOR AREA			
	GROUND FLOOR	128 m²	-	
	GROUND FLOOR SPLIT	327 m²	-	
			-	
	TOTAL GROSS FLOOR AREA	457 m²	-	YES
D.	FSR	0.24:1	0.5:1	YES
E.	HEIGHT	7 m	9 m	YES
F.	LANDSCAPE AREA	4529 m²	50% GSR 15m²	YES
G.	STORAGE m³	-	-	
	INTERVAL			
	0-2 YEARS	23.98 m³	4 m³	YES
	2-3 YEARS	5 m³	4 m³	YES
	3-5 YEARS	42.48 m³	4 m³	YES
	EXTERNAL			
	0-5 YEARS	25.5 m³	16 m³	YES
H.	CHILDCARE			
	NUMBER OF CHILDREN			
	0-2 YEARS	10 KIDS	-	YES
	2-3 YEARS	20 KIDS	-	YES
	3-5 YEARS	40 KIDS	-	YES
	TOTAL NO.	70 KIDS	-	YES
	NUMBER OF TEACHERS			
	0-2 YEARS	3 TEACHERS	1:4 KIDS	YES
	2-3 YEARS	4 TEACHERS	1:5 KIDS	YES
	3-5 YEARS	4 TEACHERS	1:10 KIDS	YES
	TOTAL NO.	11 TEACHERS	-	YES
	INDOOR PLAY AREA			
	0-2 YEARS	65 m²	325 m² / KID	YES
	2-3 YEARS	82 m²	325 m² / KID	YES
	3-5 YEARS	131 m²	325 m² / KID	YES
	TOTAL AREA	278 m²	325 m² / KID	YES
	OUTDOOR PLAY AREA			
	TOTAL AREA	446 m²	7 m² / KID	YES
I.	CAR PARKING			
	SHARED	1 SPACE	-	
	DISABLED	1 SPACE	-	
	VISITORS	22 SPACES	-	
	TOTAL CAR SPACES	23 SPACES	45 SPACES	YES
J.	WASTE MANAGEMENT			
	TOTAL BUS	7 BAYS	-	YES

Sheet List

SHEET NUMBER	SHEET NAME
00	COVER PAGE
01	SITE PLAN
02	SITE ANALYSIS
03	GROUND FLOOR
04	GROUND FLOOR SPLIT
05	ELEVATIONS
06	CALLOUT ELEVATIONS / SECTIONS
07	SHADOW DIAGRAMS WINTER SOLSTICE
08	3D PERSPECTIVES / AXONOMETRIC VIEWS
09	SCHEDULE OF EXISTING EXTERNAL MATERIALS & FINISHES
10	CALCULATION PLAN

Sheet List

SHEET NUMBER	SHEET NAME
11	INTERNAL PLAY AREA DIAGRAM AGE 2-3
12	INTERNAL PLAY AREA DIAGRAM AGE 3-5
13	INTERNAL PLAY AREA DIAGRAM
14	EVACUATION PLAN
15	SOLAR STUDY
16	NOTIFICATION PLAN



CONSULTANTS

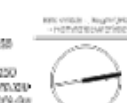
SPECIALITY	COMPANY	NAME	PHONE	EMAIL
HYDRAULICS SPRINKLER	AUSTRIAN CONSULTING ENGINEERS	JOE BACHA	0414263 233	joeb@aceeng.com.au
TOWN PLANNER	THINK PLANNERS	JONATHAN WOOD	0425 134 158	jonathan@thinkplanners.com.au
LANDSCAPE ARCHITECT	OUTSIDEIN DESIGN	REBECCA SURMAN	0413 445 447	rebecca@outsideindesign.com.au
ACOUSTIC	RENEE KIRBY & ASSOCIATES	SUYASH PABEEK	0432 030 400	suyash.pabee@renee Kirby.com.au
TRAFFIC MANAGEMENT	REF CONSULTING	OLEG SAMIROV	0414978 067	o.s@refconsult.com.au
HERITAGE	ARCHITEX DESIGNS	OLIVER PATCH	0425 228 176	oliver@architex.com.au

REV	DESCRIPTION	DATE	BY
1	DESIGN DEVELOPMENT	15/12/19	CB
2	DESIGN DEVELOPMENT	15/12/19	CB
3	DESIGN DEVELOPMENT	15/12/19	CB
4	DESIGN DEVELOPMENT	15/12/19	CB
5	DESIGN DEVELOPMENT	15/12/19	CB
6	DESIGN DEVELOPMENT	15/12/19	CB
7	DESIGN DEVELOPMENT	15/12/19	CB
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9	DESIGN DEVELOPMENT	15/12/19	CB
10	DESIGN DEVELOPMENT	15/12/19	CB



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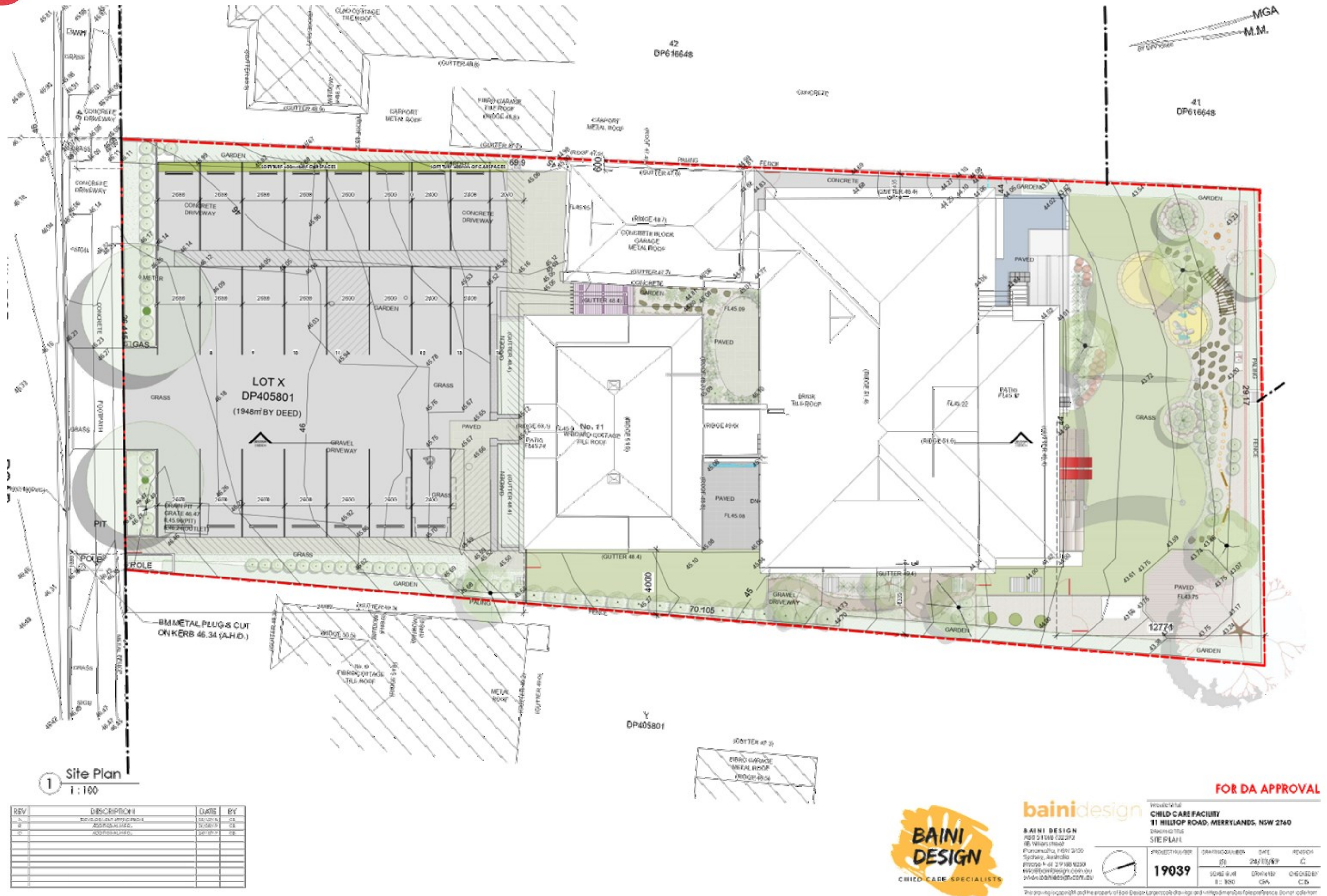
BAINI DESIGN
45/11 511 511 511
10/10/19
Sydney, Australia
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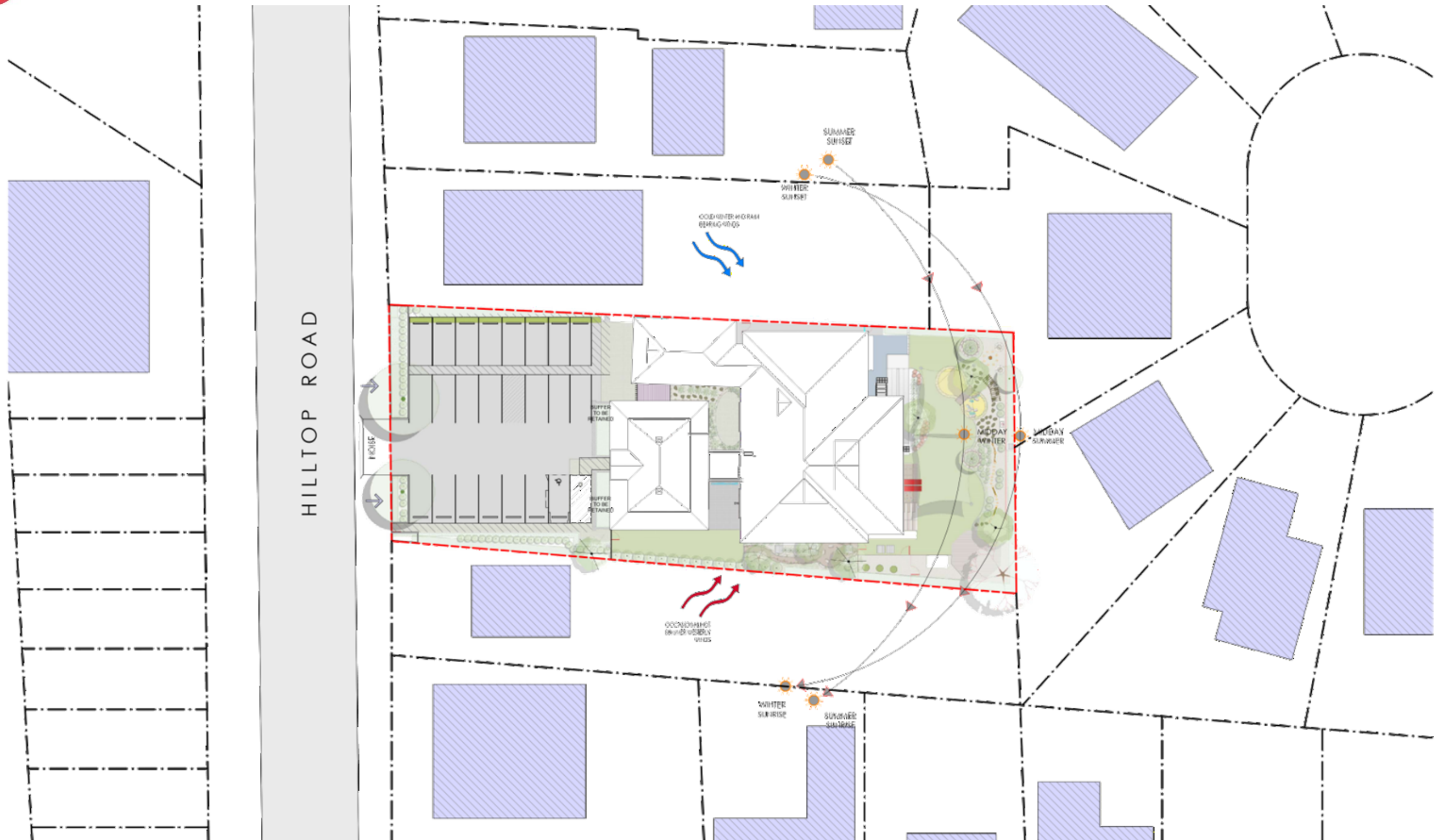


PROJECT CHILD CARE FACILITY 11 HILLTOP ROAD, MERRYLANDS, NSW 2140 Merrylands COVER PAGE	DESIGNED BY 00 24/10/19 CB	REVISION 01 24/10/19 CB
19039	SCALE 1:1	DATE 01/12/19

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FOR DA APPROVAL





1 Site Analysis
1 : 200

REV	DESCRIPTION	DATE	BY
1	DEVELOPMENT APPLICATION	20/10/19	CS
2	ADDITIONAL INFO	20/10/19	CS
3	ADDITIONAL INFO	20/10/19	CS



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FOR DA APPROVAL
PROJECT NAME
CHILD CARE FACILITY
11 HILLTOP ROAD, MERRYLANDS, NSW 2160

PROJECT NUMBER	DATE	REVISION
19039	20/10/19	C
SCHEMATIC	DATE	REVISION
1 : 200	20/10/19	C

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1 Ground Floor
1:100

REV	DESCRIPTION	DATE	BY
1	DEVELOPMENT APPROVAL	15/06/19	CS
2	ADDITIONAL WORK	15/06/19	CS
3	REVISIONS	15/06/19	CS



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baini@bainidesign.com.au

FOR DA APPROVAL
PROJECT NAME
CHILD CARE FACILITY
11 HILLTOP ROAD, MERRYLANDS, NSW 2160
DRAWING TITLE
GROUND FLOOR

PROJECT NUMBER	DATE	REVISION
19039	24/10/19	C
DATE DRAWN	DATE CHECKED	DATE APPROVED
CS	CS	CS

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1 Ground Floor Split
1 : 100

REV	DESCRIPTION	DATE	BY
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2	ADDITIONAL WORK	15/06/19	CS
3	REVISIONS	15/06/19	CS



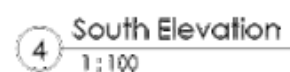
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FOR DA APPROVAL
PROJECT TITLE
CHILD CARE FACILITY
11 HILLTOP ROAD, MERRYLANDS, NSW 2160
PROJECT NO.
19039

PROJECT NUMBER	DATE	REVISION
19039	24/10/19	C
19039	24/10/19	C
19039	24/10/19	C

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REV	DESCRIPTION	DATE	BY
0	REVISIONS APPROVED	04/02/06	CR
0	DESIGN IN CHARGE	04/02/06	CR
0	PROJECT MANAGER	04/02/06	CR

FOR DA APPROVAL



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 South Africa
 Email: baini@baini.co.za
 Web: www.baini.co.za

CHILD CARE FACILITY
11 HILLTOP ROAD, MERRYLANDS, NSW 2160

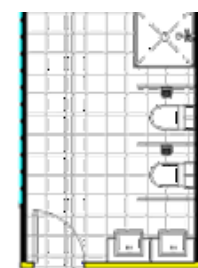
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2008/05/26

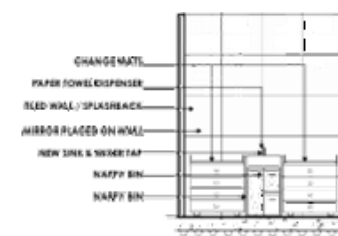
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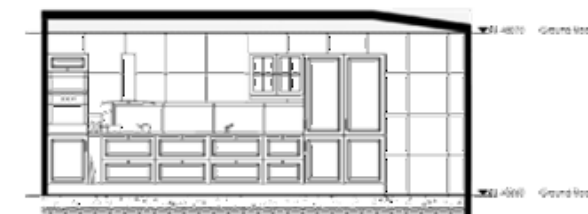
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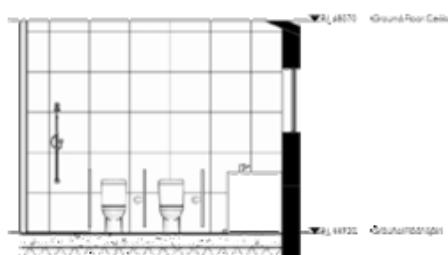
3 3-5 BATH
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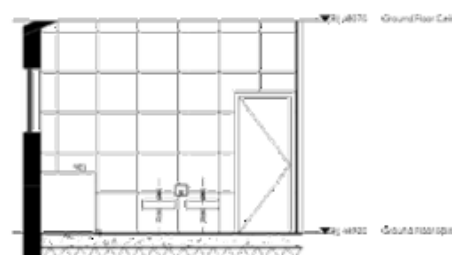
4 NAPPY CHANGE STATION
1:50



5 KITCHEN DETAIL
1 : 50



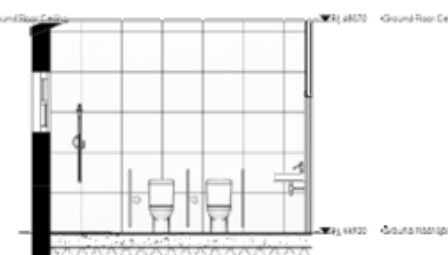
6 O-2 BATH / N.C
1 : 50



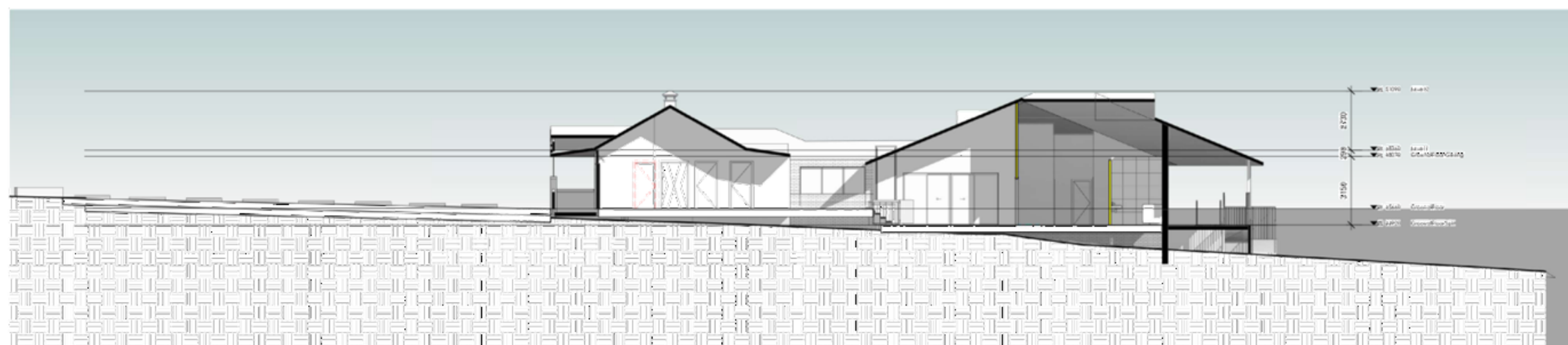
7 0-2 BATH / N.C (2)
1 : 50



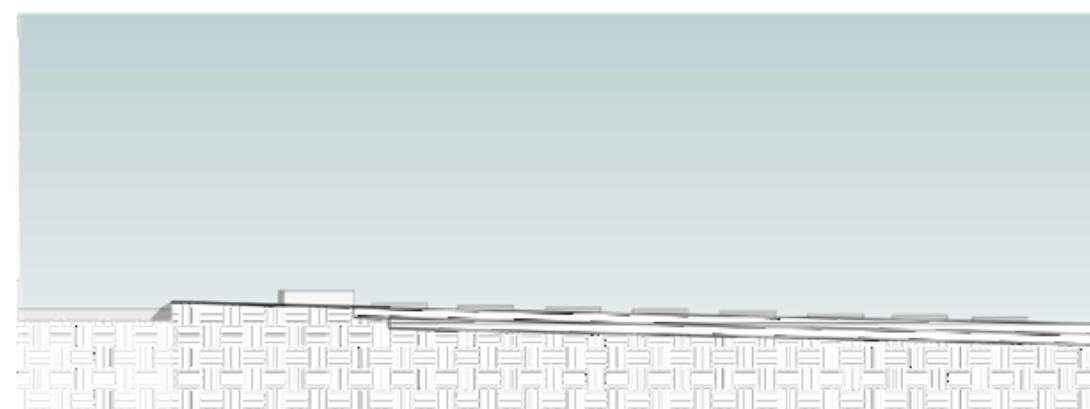
8 2-3 BATH / N.C
1:50



9 3-5 BATH
1 : 50



SECTION A-A
1:100



DRIVEWAY SECTION
1:100

[illegible]

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FOR DA APPROVAL

CHILD CARE FACILITY
11 HILLTOP ROAD, MERRYLANDS, NSW 2160

DRAWING THE C&M OUT ELEVATIONS / SECTIONS

[illegible]

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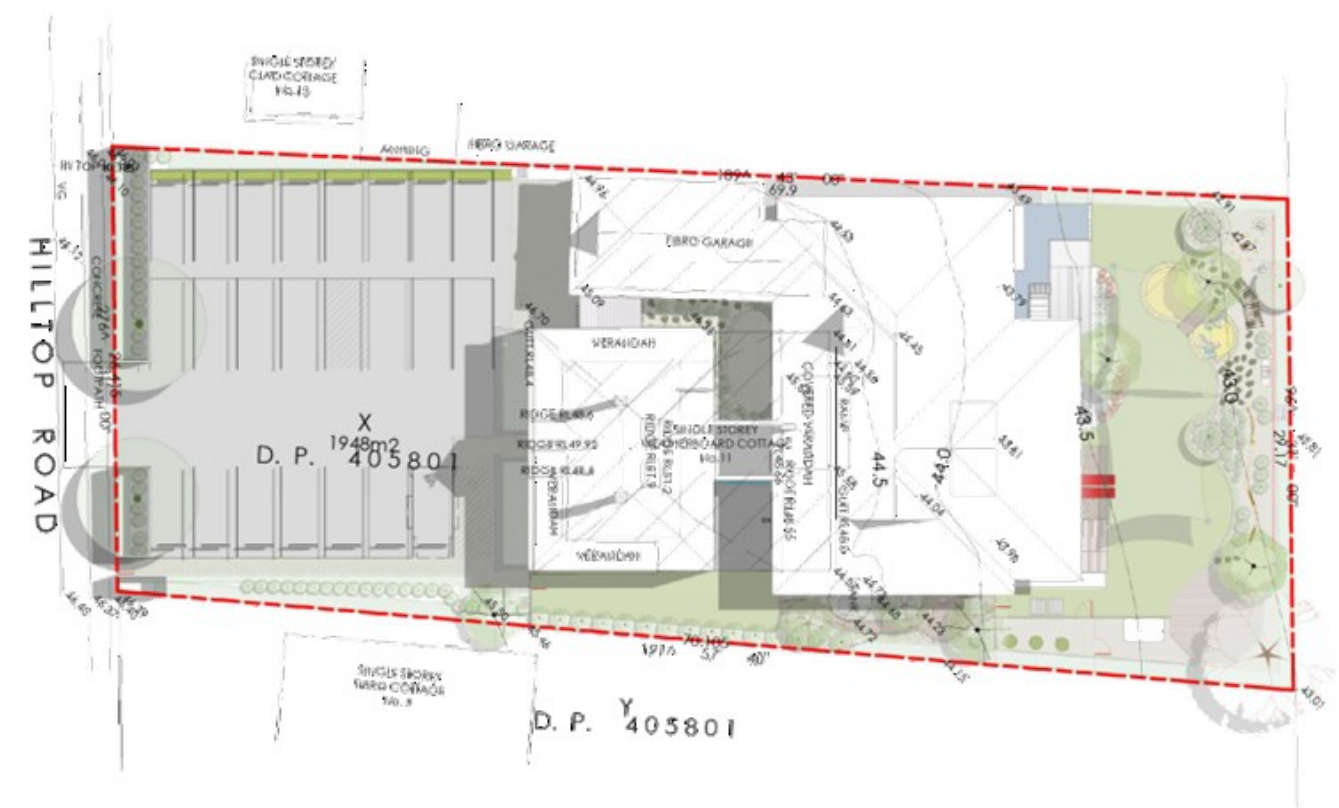
19039	SCOTT, J. A.	CITIZEN
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	Estimated
100%	100%
90%	90%
80%	80%
70%	70%
60%	60%
50%	50%
40%	40%
30%	30%
20%	20%
10%	10%
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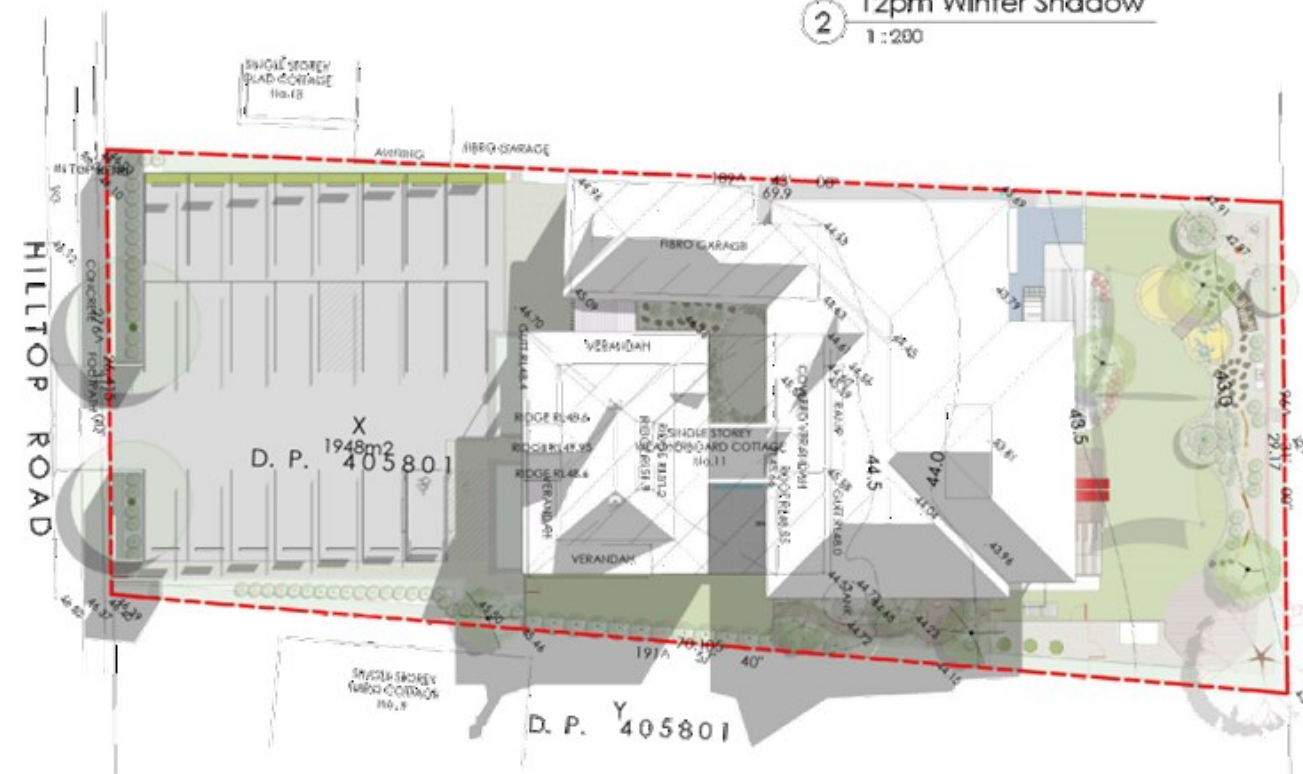
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1 9am Winter Shadow
1:200



2 12pm Winter Shadow
1:200



3 3pm Winter Shadow
1:200

REV	DESCRIPTION	DATE	BY
1	REVISED LAYOUT	12/11/19	CS
2	ADDITIONAL LAYOUT	12/11/19	CS
3	405801/405802	12/11/19	CS



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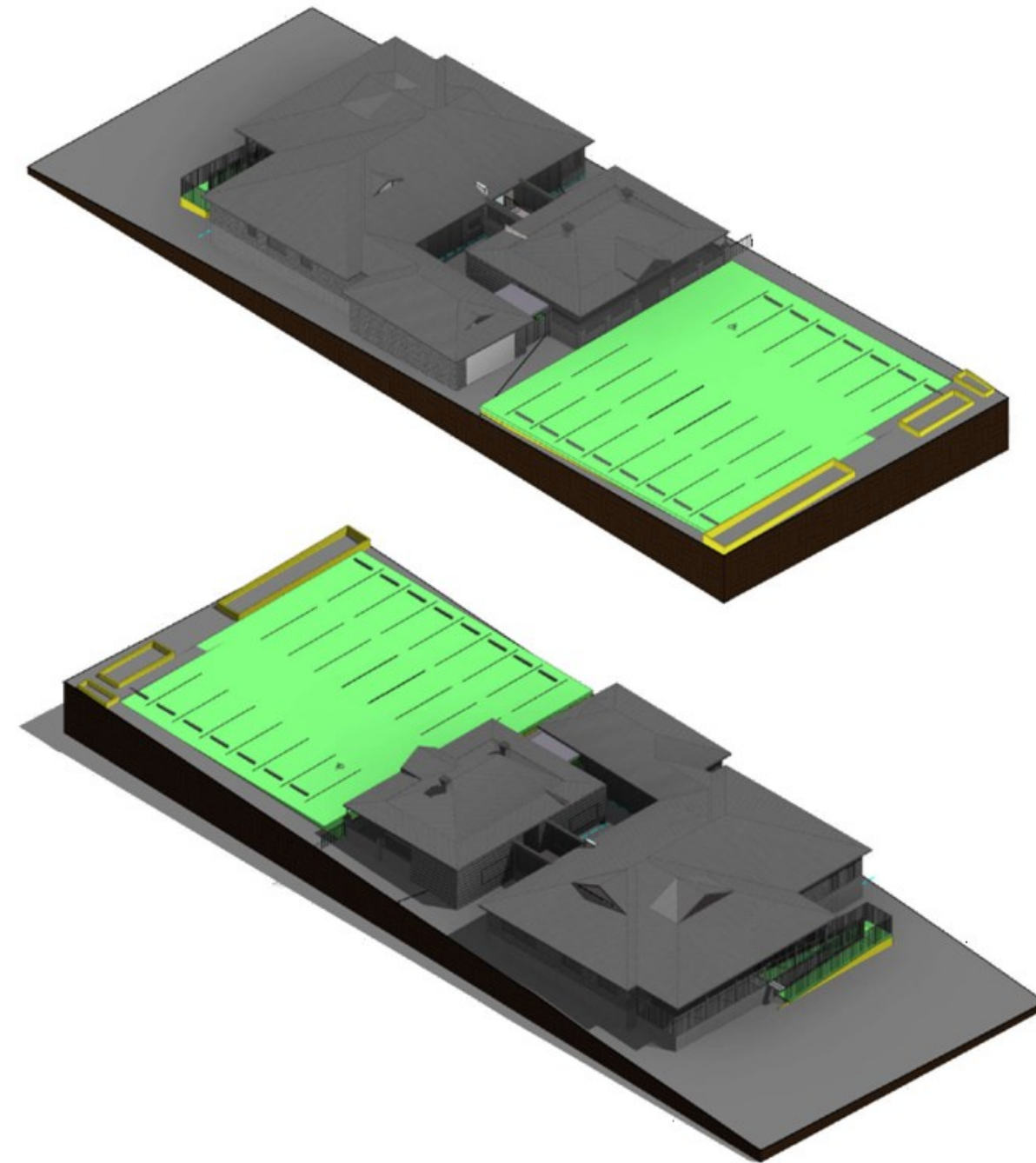
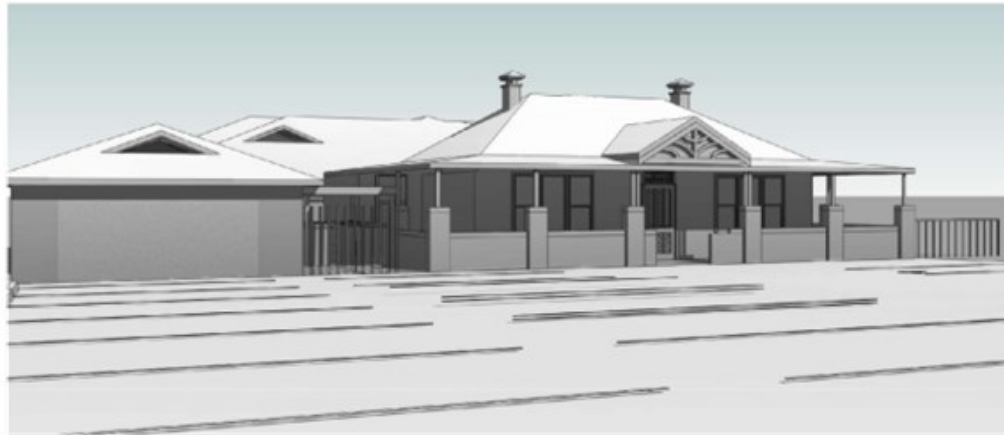
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FOR DA APPROVAL
PROJECT TITLE
CHILD CARE FACILITY
11 HILLTOP ROAD, MERRYLANDS, NSW 2170

PROJECT NUMBER	DRAWING NUMBER	DATE	REVISION
19039	01	24/10/19	C

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REV	DESCRIPTION	DATE	BY
1	DEVELOPMENT APPLICATION	20/10/19	CS
2	ARCHITECTURAL	20/10/19	CS
3	ARCHITECTURAL	20/10/19	CS



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FOR DA APPROVAL

PROJECT TITLE CHILD CARE FACILITY 11 HILLTOP ROAD, MERRYLANDS, NSW 2160			
DRAWING TITLE 3D PERSPECTIVES & AXONOMETRIC VIEWS			
PROJECT NUMBER 19039	DRAWING NUMBER 03	DATE 20/10/19	REVISION C
	SCALE 1:100	DRAWN BY CS	CHECKED BY CS

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① Existing External Materials & Finishes
1:200



EXISTING WALL CLADDING EXTERNAL FINISH

EXISTING BROWN BRICK



GREEN FASCIA



EXISTING ORANGE TERRACOTTA ROOF TILES



REV	DESCRIPTION	DATE	BY
1	DEVELOPMENT APPROVAL	10/12/19	CS
2	ADDITIONAL WORK	10/12/19	CS
3	REVISIONS	10/12/19	CS



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10/10 21100 222 202



FOR DA APPROVAL
CHILD CARE FACILITY
11 HILLTOP ROAD, MERRYLANDS, NSW 2170

SCHEDULE OF EXISTING EXTERNAL MATERIALS & FINISHES

NO.	DESCRIPTION	DATE	REVISION
1	19039	20/10/19	CS
2	19039	20/10/19	CS
3	19039	20/10/19	CS

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CALCULATION LIST

Name	Area
0-2 BATH / N.C.	10 m ²
0-2 STORE	8 m ²
2-3 BATH / N.C.	10 m ²
2-3 STORE	1 m ²
3-5 BATH	9 m ²
3-5 STORE	8 m ²
ACCESSIBLE TOILET	7 m ²
ADMIN / RECEPTION	19 m ²
AMB. TOILET	6 m ²
COTT ROOM	12 m ²
INDOOR PLAY AREA: 0-2	65 m ²
INDOOR PLAY AREA: 2-3	82 m ²
INDOOR PLAY AREA: 3-5	130 m ²
KITCHEN	27 m ²
OUTDOOR PLAY AREA	609 m ²
OUTDOOR PLAY AREA	37 m ²
SERVICES	56 m ²
STAFF ROOM	20 m ²
OUTDOOR STORAGE	21 m ²



INDOOR PLAY AREA AGE: 0-2 AREA: 65 m ²	INDOOR PLAY AREA AGE: 2-3 AREA: 82 m ²
INDOOR PLAY AREA AGE: 3-5 AREA: 130 m ²	OUTDOOR PLAY AREA AGE: 0-5 TOTAL OUTDOOR PLAY AREA: 646 m ²
OUTDOOR PLAY AREA AGE: 0-5 TOTAL OUTDOOR PLAY AREA: 539 m ²	OUTDOOR STORAGE SHED AREA REQUIRED: 21 m ² TOTAL OUTDOOR STORAGE SHED AREA PROVIDED: 21 m ²

REV	DESCRIPTION	DATE	BY
1	REVISION 1	10/12/19	CS
2	REVISION 2	10/12/19	CS
3	REVISION 3	10/12/19	CS
4	REVISION 4	10/12/19	CS
5	REVISION 5	10/12/19	CS
6	REVISION 6	10/12/19	CS
7	REVISION 7	10/12/19	CS
8	REVISION 8	10/12/19	CS
9	REVISION 9	10/12/19	CS
10	REVISION 10	10/12/19	CS



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FOR DA APPROVAL
PROJECT NAME
CHILD CARE FACILITY
11 HILLTOP ROAD, MERRYLANDS, NSW 2170

PROJECT NO
19039

DATE	REVISION
10/12/19	1
10/12/19	2
10/12/19	3
10/12/19	4
10/12/19	5
10/12/19	6
10/12/19	7
10/12/19	8
10/12/19	9
10/12/19	10

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**DOCUMENTS
ASSOCIATED WITH
REPORT LPP083/19**

**Attachment 5
Draft Notice of Determination**

Our Reference: 2019/227
Contact: Miss S Pritchard
Phone: 02 8757 9959

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
NOTICE OF DETERMINATION OF APPLICATION**

DEFERRED COMMENCEMENT

10 December 2019

Mr J Khouri
5 Wyreema Street
MERRYLANDS NSW 2160

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: X DP: 405801
STREET ADDRESS:	11 Hilltop Road Merrylands
DEVELOPMENT CONSENT NO:	2019/227/1
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:	Alterations and fit out of an existing building to facilitate a 53 place centre based child care centre with 18 at grade 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 alterations and fit out of an existing building to facilitate a 53 place centre based child care centre with 18 at grade parking spaces shall not operate until all of the following Schedule "A" conditions have been complied with to Council's satisfaction.

Number of Children

1. The number of children in the centre is to be reduced to a maximum of **53** with the following age breakdown:

- 0-2 year olds – 8 children
- 2-3 year olds – 15 children
- 3-5 year olds – 30 children

Amended floor plans are to be submitted to Council for approval, showing the number of children of each age bracket to be accommodated in each indoor play area. The acoustic assessment and operational management plans are also to be updated to reflect the approved number of children.

2. Car spaces 15, 16, and 17 are to be deleted, and replaced with soft landscaping. A minimum of 4 car spaces are to be provided for staff, and 14 spaces for visitors. No tandem visitor spaces are permitted. Architectural, landscape and stormwater plans are to be updated accordingly.
3. The architectural plans are to be amended to provide a laundry with adequate space and facilities to cater for the laundering needs of the centre, within the rear wing of the building (not within the original dwelling).
4. The architectural plans are to be amended to provide for a continuous hallway running from the internal stair to the rear verandah, in order to ensure adequate natural light and ventilation is provided to that space, and to allow for children in the 3-5 year old play area to access the outdoor play area without using the side passageway, or passing through other indoor play areas.

Easement Creation

5. The proposal includes the discharge of stormwater from the site into the downstream neighbouring property(s). In this regard, all details as per section 7.8 of Council's On-site Stormwater Detention (OSD) policy shall be addressed, and the following details provided:
 - i. Full details of stormwater drainage within the easement. Calculation shall be provided demonstrating the proposed easement pipeline is sufficient to carry the flow from the proposed OSD system and flow bypassing the OSD system.
 - ii. A long-section of the drainage pipe within the easement, including details of any existing services.
 - iii. The drainage easement location shall not disturb any structures or root zone of existing trees within the downstream property/properties.
 - iv. All trees within, overhanging or within 5 m of the proposed easement shall be accurately indicated on the stormwater plans.
6. A drainage easement **1 m wide (minimum)**, subject to diameter of the pipe, and corresponding with the stormwater drawing, is to be created in favour of the property to be developed over downstream properties, to permit the disposal of stormwater to **Essey**

Place, Merrylands. Documents relative to the creation of the easement are to be lodged with the NSW Land Registry Service, with registration being effected prior to this consent becoming operational. All costs associated with piping, relocation and creation of easements shall be borne by the applicant.

Median Island

7. A plan showing a raised median island on Hilltop Road in front of the subject site shall be prepared and submitted to Council for approval by the Local Traffic Committee. The following shall also be addressed:
- (a) The plans shall be prepared in consultation with Council's Traffic Engineering Section.
 - (b) Consultation with the owners and occupants of all properties which may be affected by the median island shall be undertaken by the applicant, and the written consent of the affected property owners shall be submitted to Council.
 - (c) A detailed survey plan shall be prepared by a registered surveyor, showing the location of all existing driveways located on either side, and opposite the proposed development (i.e., up to 30 m from the site) and the proposed driveway, existing signs and line marking and any other existing traffic measures.

Note: all works associated with the design and construction of the median island are to be borne by the applicant and at no cost to Council.

Traffic Study

8. A traffic study including 85th percentile speed counts is to be provided to Council for comment and approval. The report is to include recommendations for any traffic calming measures required to improve road safety in the vicinity of the subject site. Approval from Cumberland Council Traffic Committee must be obtained for any traffic calming measures prior to their implementation, and prior to this consent becoming operational.

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 abovementioned 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:

- Architectural plans prepared by Baini Design, project number 19039, as amended to satisfy schedule A;

Plan no.	Title	Revision	Date
01	Site plan	C	24.10.19
03	Ground floor	C	24.10.19
04	Ground floor split	C	24.10.19
05	Elevations	C	24.10.19
06	Callout elevations/sections	C	24.10.19
09	Schedule of existing external materials & finishes	C	24.10.19
14	Evacuation plan	-	-

- Stormwater layout plans prepared by Australian Consulting Engineers, project number ACE170219.SW.DA, drawing numbers 000, and 101-105 (inclusive), all issue F, all dated 25 October 2019 (OSD Plan No. 2019-213) as amended to satisfy schedule A;
- Landscape plan prepared by Outside In Design Group, drawing numbers L-01, L-02, and L-03, issue C, dated 24 October 2019, as amended to satisfy schedule A;
- Acoustic assessment report prepared by Renzo Tonin & Associates, dated 29 November 2018, report ref. TK539-01F02 as amended to satisfy schedule A;
- Detailed site investigation prepared by Geotechnical Consultants Australia, report number E192-2, dated 19 June 2019;
- Merrylands Early Learning Centre Plan of Management dated August 2019 as amended to satisfy schedule A; and
- Waste management plan dated 5 December 2018.

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

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

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

4. Either Council or a Private Certifier is to be appointed as the Principal Certifying Authority (PCA) for the development in accordance with section 6.6 of the Act.

Accordingly, wherever reference is made to the Principal Certifying Authority in this Consent, it refers to Council or the Private Certifier as chosen by you.

Note: Once you have chosen either Council or a Private Certifier as the PCA, you cannot change from one to the other, or from one Private Certifier or another, without the approval of Department of Planning & Infrastructure.

5. The applicant shall consult with, as required:
- (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) A local telecommunications carrier
- regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).
6. Building materials, builders sheds, waste bins, site fencing, gates or any material of any description shall not be left or placed on any footway, road or nature strip. Footways and nature strips shall be maintained, including the cutting of vegetation, so as not to become unsightly or a hazard for pedestrians. Offenders will be prosecuted.

Child Care Centres

7. An approval shall be obtained from Department of Education and Communities (DEC) prior to commencement of operations. The number of children cared for in the new centre shall not exceed 53, with the following age breakdown:
- 0-2 year olds – 8 children
 - 2-3 year olds – 15 children
 - 3-5 year olds – 30 children.
8. Compliance with the Education and Care Services National Regulations is required.

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

Site Remediation

9. The recommendations of the detailed site investigation prepared by Geotechnical Consultants Australia, report number E192-2, dated 19 June 2019 must be implemented prior to/during the necessary demolition and excavation works.

Signage

10. 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

11. Amended plans shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate addressing the following issues:
 - a) The trees to be transplanted within the site are to be clearly shown on the stormwater plans.
 - b) The waste storage area is to be relocated within the southern end of the former garage structure.
 - c) Plans and elevations of the external storage shed/s are to be prepared, clearly detailing the height, footprint, and finish of the shed/s. A minimum of 15.9 m³ of external storage is to be provided.
 - d) A noise management plan is to be prepared by a suitably qualified person.
 - e) Four (4) parking spaces are to be allocated to staff, and 14 spaces allocated to visitors. Visitor spaces are not to be provided in a tandem arrangement behind staff or other visitor spaces.
 - f) Decorative pavement treatment is to be provided to the car park area to minimise the visual impact of the large hardstand area at the front of the site. Details are to be shown on the architectural plans, and endorsed by the project heritage consultant.

Front Fencing

12. Details of the proposed front fencing are to be submitted to the satisfaction of Council's Executive Manager Development and Building, prior to the issue of a construction certificate.

Payment of Bonds, Fees and Long Service Levy

13. 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

14. A cash bond/bank guarantee of **\$2,850.00** must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for 'six (6) months after the completion of works' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

Note:- The applicant/owner shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council's property, unless the applicant/owner notifies Council in writing and provides photographic proof of any existing damage to Council's property. Such notification shall occur prior to works/demolition commencing. However, if in the opinion of Council, during the

course of construction existing damage has worsened, Council may require full reinstatement. If damage does occur during the course of construction, prior to reinstating any damage to Council's property, the applicant/owner shall obtain design specifications of all proposed restoration works. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the applicant/owners expense and shall be inspected by Council prior to placement of concrete and/or asphalt.

Consistency with Endorsed Development Consent Plans

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

Landscape Inspection Fee

16. Payment of a **\$343** fee for the inspection by Council of landscape works and/or trees to be retained at the key stages, where Council is the Principal Certifying Authority.

Engineering Fees and Bonds

17. Payment of a **\$751** 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.
18. The applicant shall lodge with Council a **\$1,500** cash bond or bank guarantee to cover the removal of redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
19. The applicant shall lodge with Council a **\$2,500** cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete footpath paving adjacent to the site. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
20. The applicant shall lodge with Council a **\$6,290** 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.
21. Payment of a **\$1,130** fee for the design checking and inspection at the key stages by Council for the median island works.
22. The applicant shall lodge with Council a **\$15,000** cash bond or bank guarantee to cover the satisfactory construction of the median island works within Hilltop Road, Merrylands. This bond will be released following a satisfactory 6-month maintenance period following completion of these works to the satisfaction of Council.

On-site Stormwater Detention

23. The development has been identified as requiring an on-site stormwater detention (OSD) system which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall

include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, OSD plan number **2019-213** 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 be addressed:

- a. Where there is potential for bypass for the side and rear setback, the roof gutter and downpipe system shall be redesign and upgraded to convey the 5 minute duration 1% AEP storm event into the OSD system with no gutter overflows.

Construction and Traffic Management Plan

24. 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 **\$201** 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.
25. The applicant shall also provide a Construction and Traffic Management Plan, prepared by a suitably qualified consultant and submitted to Council for approval. The following matters must be specifically addressed in the Plan:
 - i. A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - a) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
 - b) Signage type and location to manage pedestrians in the vicinity;
 - c) The locations of any proposed Work Zones in the frontage roadways – note: Work Zone fees apply in accordance with Council's Fees and Charges;
 - d) Locations and type of any hoardings proposed along all street frontages;
 - e) Area of site sheds and the like;
 - f) Location of any proposed crane standing areas;
 - g) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - h) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
 - ii. A Traffic Control Plan for the site must be prepared for approval by Council incorporating the following: -
 - a) Traffic control devices proposed in the road reserve must in accordance with the RMS publication "Traffic Control Worksite Manual" and designed by a person licensed to do so with appropriate qualification. The main stages of the development requiring specific construction management measures shall be identified and specific traffic control measures identified for each.

- b) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing: -
 - Light traffic roads and those subject to a load or height limit must be avoided at all times; and
 - A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
- c) Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial Road.
- d) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements;

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

- iii. Any use of Council property shall require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- iv. Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.
- v. Dependent on the circumstances of the site, Council may request additional information to that detailed above.
- vi. Subject to an application for the occupation of public roadway or footway (Section 138, Local government Act 1993), and covered by a minimum Public Liability cover of \$20,000,000. Cumberland Council shall be named on the certificate of currency as an interested party.

Sight Distance

- 26. 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

- 27. If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.
- 28. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

29. 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.
30. Structural engineer's details prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.
31. 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.
32. Any required adjustment to utility services, trees, signs and other street furniture requires approval of the appropriate authority shall be undertaken by the applicant. All cost associated with the proposed works shall be borne from the applicant and at no cost to Council.
33. 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.
34. Signs and line marking plans for the car parking area (e.g. parking spaces, internal arrows, Give-way signs, pedestrian crossing/walkways etc.) shall be prepared prior to the issue of Construction Certificate and to be in accordance with AS 2890.1-2004, AS 2890.6-2009 and the endorsed plans.

Transplanting of Trees

35. A suitably qualified Arborist/Horticulturist to at least Australian Qualifications Framework (AQF) Certificate Level 5 shall be retained throughout all demolition/construction work to ensure the proper protection and management of the Phoenix Palms to be transplanted.
36. A report including a methodology and plan of management for the transplanted Phoenix Palms is to be submitted to Council's Executive Manager of Development and Building for approval prior to the issuing of the construction certificate. The recommendations of this report shall be adhered to at all times. Should the tree be identified as being in a state of decline during this process, a mature tree of the same height and similar species shall be planted on the site to Council's satisfaction.
37. The arborist/horticulturist undertaking the tree transplanting works is to liaise with the Landscape Designer/Architect and Project Manager to ensure the new location of the transplanted tree will not lead to future interference with proposed structures and existing/proposed utility services. Comment must be made regarding this in the report prepared for the tree transplanting. Consideration must be given to the proximity of the proposed locations of the transplanted trees, to the proposed car parking spaces.

Traffic – Access & Parking

38. 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.

Road Design

39. Prior to issue of any Construction Certificate, detailed design of the median island, associated structures & signs and any safety measures approved by the Local Traffic Committee in accordance with the deferred commencement conditions shall be submitted to and approved by Cumberland Council's Manager Engineering and Traffic. The detailed drawings shall be prepared in consultation with Council's Traffic Engineer and shall be in accordance with the Council's Work Specifications for subdivisions and developments.
40. A survey plan shall be prepared by a registered surveyor indicating all lane widths, proposed median island and location of existing and proposed vehicular crossings fronting the site and adjoining/opposite or northern properties.
41. The concrete median island proposed within the road shall be treated as follows: -
 - (a) The median island dimensions shall be to Austroads, Australian Standards and RMS Supplements.
 - (b) Mountable kerbing shall be provided to all median perimeters with reflective white paint and a keep left sign shall be installed at the western end of the median island.
 - (c) Raised reflective markers shall be installed within the pavement along the perimeter of the median island at maximum 6.0 metre centres.
 - (d) The existing line marking shall be adjusted accordingly to RMS Guidelines.
 - (e) The median island shall not encroach on the minimum laneway widths. Minimum laneway widths shall be in accordance with RMS Guidelines.
 - (f) All line marking proposed on the roads shall be thermoplastic.
42. Traffic sign posting and line markings shall be provided within Hilltop Road, Merrylands. In this regard, the sign posting and line marking shall be in accordance with Australian Standards and RMS Supplements and accepted by Council's Traffic Engineer.
43. It is noted that the median island to final design and consultation result is subject to further reporting to the Cumberland Council Traffic Committee.

Acoustic

44. The attenuation measures as outlined in Section 5 of the acoustic assessment prepared by Renzo Tonin & Associates, report reference TK539-01F02(r1) shall be adopted, implemented and adhered to during the development.

Food Preparation

45. The food preparation and storage area/s must be designed in accordance with:
 - i. Food Act 2003;
 - ii. Food Regulation 2015;
 - iii. Food Safety Standards 3.2.2 and 3.2.3; and
 - iv. AS 4674 - 2004 (Design, construction and fit-out of food premises).

Details demonstrating compliance must form part of the documentation accompanying the application for a Construction Certificate. A copy of the plans and specifications complying with the above requirements shall be submitted to Council's Environment and Health Unit for assessment and concurrence prior to the issue of any construction certificate.

46. Staff toilets must comply with AS 4674-2004 and the food standards code as food handlers will be using these toilets. Details demonstrating compliance are to be submitted to the certifying authority for approval prior to the issue of a construction certificate.

47. An appropriate area shall be provided at the premises for the storage of all waste, oil and recyclable material generated by this premises and associated garbage bins/recycling containers. The garbage storage area shall be covered and all internal walls be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning. Details of the waste storage area indicating compliance with the above, are to be provided to the Principal Certifying Authority (PCA) prior to issue of a Construction Certificate.
48. Waste water arising from the use must be directed to the sewers of the Sydney Water under a Trade Waste Agreement. The pre-treatment of wastewater may be a requirement of Sydney Water prior to discharge to the sewer. Details of the requirements of the Trade Waste Agreement and any associated plans detailing how compliance will be achieved must be prepared and submitted to the Certifying Authority prior to the issue of a Construction Certificate.
49. Prior to the issue of a construction certificate, details of any regulated systems as defined under the NSW Public Health Act 2010 are to be submitted to the certifying authority for approval. Note: warm-water systems include thermostatic mixing valves

Salinity

50. 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
- "Guide to Residential Slabs and Footings in Saline Environments" prepared by Cement Concrete and Aggregates Australia, May 2005

Sydney Water

51. 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.

External Walls and Cladding Flammability

52. 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.

Fire Safety

53. The existing fire safety measures in the building are to be reviewed, and a Building Code of Australia (BCA) Compliance Report prepared by a suitably qualified person.

The BCA report is to include recommendations for any fire safety upgrade works required to satisfy the relevant requirement of the National Construction Code with regard to:

- protection of persons using the building;
- facilitating egress from the building in the event of a fire; and
- restricting the spread of fire to neighbouring buildings.

Any upgrade works that are required are to be included in the construction certificate, and implemented prior to the issue of any occupation certificate.

Heritage Conservation

54. An interpretation strategy for the existing dwelling (heritage item) is to be prepared and submitted to the satisfaction of Council's Executive Manager Development and Building prior to the issue of a construction certificate. The interpretation strategy is to provide for education of the general public regarding the history and significance of the site.
55. An experienced conservation architect is to be engaged throughout the detailed design and construction stages of the development. The conservation architect is to be involved in the resolution of all matters where existing fabric and spaces are to be demolished, modified or restored. The conservation architect is to have full authority to resolve issues relating to heritage conservation throughout the project.

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

56. The person having the benefit of the development consent, not the principal contractor (builder), must: -

- a) Appoint a Principal Certifying Authority in accordance with Section 6.6 of the Act.
- b) Have the Principal Certifying Authority complete the 'Accredited Certifier Details' on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.
- c) Notify Council of the appointment of the Principal Certifying Authority and of the intention to commence building work, such notification is to be given to Council at least two (2) working days prior to the proposed commencement date, and be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

If nominated, Council can provide this service for you and act as the Principal Certifying Authority.

N.B. The Principal Certifying Authority must also notify the person having the benefit of the Development Consent of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work such notification must comply with Clause 103A of the Regulations.

Notification of Principal Contractor (Builder)/Owner-Builder

57. The person having the benefit of the Development Consent must:-

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

OR

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

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

Photographic Record of Council Property – Damage Deposit

58. 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

59. 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

60. 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

61. 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

62. 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

63. 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

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

Note: On-the-spot fines may be issued by council where measures are absent or inadequate.

Footpaving, Kerbing and Guttering

65. 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.
66. Finished street levels shall not be assumed. The owner or builder must make application to Council's Engineering Services Department for street levels.

Surveying – Boundaries

67. All footings and walls proposed within 1 metre of a boundary must be set out by a registered surveyor, a boundary survey and report shall be prepared indicating the true boundaries and position of the external walls that adjacent to the boundaries of the development site. The survey/report shall be submitted to the principal certifying authority.

Support for Neighbouring Buildings

68. 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).

69. A dilapidation report of adjoining properties/allotments and details of the proposed excavation works in excess of 2 m 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.

Hazardous Materials Survey

70. A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (Australia Institute of Occupational Hygienists) and submitted to the satisfaction of Council prior to commencement of any demolition/refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

Asbestos Removal

71. An Asbestos Removal Scope of Works (ARSW) should be prepared prior to the removal of any asbestos material from the site;
72. The ARSW will provide details of the methodology and procedures required for effective remediation of asbestos in fill material, which may include:
- o Providing the requirements and procedure for waste classification assessment, in order to enable classification of site soils to be excavated and disposed off- site during the remedial works, in accordance with the *Waste Classification Guidelines: Part 1 Classifying Waste* (NSW EPA, 2014).

Tree Protection

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

supervision of the erection of tree protection measures and, where necessary, any works that are required within tree protection zones.

Toilet Facilities

74. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
Each toilet provided:
- a) Must be a standard flushing toilet, and
 - b) Must be connected:
 - i) To a public sewer,
 - ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - iii) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
 - iv) The position of the toilet on the site shall be determined by Council's Building Surveyor and/or Sydney Water.

Roadworks

75. The applicant is to submit to Council an application for a road opening permit when the drainage connection into Council's system is within the road reserve. In this regard the applicant shall pay Council a relevant fee prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve.
76. 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

77. 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.
78. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
79. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of \$20,000,000 is to be submitted prior to commencement of works. Council shall be named on the Certificate of Currency as an interested party.

DURING DEMOLITION/ CONSTRUCTION

The following conditions are applicable during demolition/construction:-

Endorsed Plans & Specifications

80. 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

81. 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

82. 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 and 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.
83. 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.
84. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

Asbestos Cement Sheeting

85. i) All asbestos cement sheeting must be removed by contractors with an appropriate licence issued by WorkCover and who are familiar with asbestos removal prior to the commencement of:-
- (a) Recladding or brick veneering of any building where the existing walls to be covered are currently clad with asbestos cement;
- OR
- (b) Construction work where new work abuts existing asbestos cement sheeting and/or where parts of the existing building clad with asbestos cement sheeting are to be altered or demolished.

Removal must be carried out strictly in accordance with WorkCover's "Your Guide to Working with Asbestos" (copy attached).

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

Note: The person responsible for disposing of the above asbestos waste is to telephone the OEH on (02) 9995 5000 or Council's Waste Officer on (02) 8757 9000 to determine the location of a tip licensed to receive asbestos. **Upon completion of tipping operations the applicant shall lodge with the Council, all receipts issued by the receiving tip as evidence of proper disposal.**

- iii) Within fourteen (14) days of completion of renovation or recladding or brick veneering works where asbestos cement sheeting was removed, the applicant shall submit to Council an asbestos clearance certificate prepared by a NATA accredited occupational hygienist.

Note: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au and under 'Find a Facility or Lab' type in 'asbestos identification' in 'keywords' then click on 'chemical testing' in NSW then click on the search button. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

Waste Management Plan

- 86. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.
- 87. 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.

Hazardous Materials Survey

- 88. All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report prepared to satisfy condition 70, must be complied with.
- 89. An Asbestos Management Plan (AMP) and an associated Asbestos Register (AR) must be developed for the site to address the presence ACM in fill material and potential ACM within onsite structures. The AMP will include an Unexpected Finds Protocol (UFP) which will detail the procedures for the discovery of any unanticipated suspected ACM.

Heritage Conservation

- 90. An appropriately qualified person is to prepare for and attend all demolition and excavation works on the site, with respect to potential archaeological values being uncovered during those works.

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

91. 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.

Salinity

92. 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

93. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
94. Acoustic fencing is to be constructed on the eastern, northern and western edges of the outdoor play area at full cost to the developer in accordance with the recommendations of the endorsed acoustic report. The height of the acoustic fence is to be measured from the finished ground level on the inside of the fence, and is to have a minimum height of 1.8 m and maximum height of 2.4 m as measured from existing ground level of the adjacent property.

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 at full cost to the developer, such fencing to be constructed on or within the property boundary.

A Statutory Declaration or other documentary evidence of consultation with the adjoining property owner/s is to be submitted to the Principal Certifying Authority.

Tree Protection

95. The Phoenix Palms identified on the endorsed plans to be transplanted shall be protected against damage throughout the demolition/construction process in accordance with the report to be submitted by the arborist/horticulturist undertaking the transplanting, the attached Guidelines for the Protection of Trees On and Adjacent to Demolition/Building Sites and relevant conditions of this Consent.
96. Works associated with the proposed development are likely to be within the root zone of existing trees located within the adjoining property. An AQF Level 5 Consulting Arborist shall advise if works associated with the development that will be within the root zone of

existing adjoining tree/s require any tree sensitive construction measures to ensure the proposed works will not compromise the long-term retention of the tree/s.

97. All authorised excavation works that are likely to impact adjoining tree/s are to be undertaken by hand held equipment under supervision of the AQF Level 5 Consulting Arborist. No roots over 50mm in diameter are to be cut within the tree protection zone without prior consultation with Council officers or the consulting Arborist.
98. 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.
99. Branches of trees to be retained/transplanted within 1m of the approved building, may be pruned by an Arborist qualified to at least Australian Qualification Framework (AQF) Certificate Level 3 in accordance with Australian Standard AS4373-1996 'Pruning of Amenity Trees' to enable demolition/construction works to occur.

Note: Any other pruning works not authorised by this Consent are subject to the approval of an application for General Tree Works activities.

Inspection of On Site Detention Works

100. 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.
 - c) Prior to landscaping of detention basin or pouring of the roof of the detention tank.
 - d) Prior to backfilling of the trench and the following the laying of the pipe within the downstream easement.
 - c) After completion of storage but prior to installation of fittings (e.g. orifice plates, screens, flap valves etc.)
 - d) Final Inspection

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Inspection of Works –Median Island

101. The roadworks associated with the raised median island shall be inspected during construction, by the Council. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
 - (a) After completion of set-out and prior to excavation.
 - (b) Prior to pouring any concrete islands or any other concrete works within roadway.
 - (c) Final inspection.

Council's standard inspection fee will apply to each of the above set inspection key stages. Additional inspection fees will apply for additional inspections required to be undertaken by Council.

Note:

- i. A private certifier or PCA **cannot** be engaged to do this inspection.
- ii. A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Section during office hours.
- iii. Work is not to proceed until the works are inspected and approved by Council.

Surveying – Footing/Wall

102. A survey certificate is to be submitted to the Principal Certifying Authority at footing/or formwork stage of structure where adjacent to the site boundary(s). The certificate must indicate the location of all structures (e.g. Retaining wall, Footing) in relation to all boundaries, and must confirm the structure has constructed within the boundary lines in accordance with the endorsed plan and no structure encroachment within the adjacent properties and/or Council's land prior to any further work proceeding on the site.

Road Works and Footpaving

103. 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".
104. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

Works to Heritage Item

105. The works to the existing dwelling, are to be carried out in a manner that minimises penetration, removal or modification of any original fabric.
106. Appropriately skilled and experienced tradespeople are to be engaged to carry out the proposed works to the heritage item.
107. Works to the heritage item shall be limited to that documented on the endorsed plans (by way of notation) or conditioned in this consent. No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown on the plans to be retained.

Should any portion of the existing building which is indicated on the endorsed plans to be retained, be damaged for whatever reason, all the works in the area of this damaged portion are to cease and written notice is to be given to Council. No work is to resume in the affected area until written approval has been obtained from Council.

Child Care Centre Kitchen

108. 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

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

Vehicle Cleansing

110. 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

111. 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

112. 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

113. 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.
114. The ceiling shall be painted with a light coloured washable paint.
115. 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.
116. 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.
117. The floor shall be constructed of a material which is impervious to water, non slip and graded and drained to the floor waste.
118. The walls of food preparation areas to be tiled with close-jointed, glazed tiles of a light colour to a height of 2 metres.
119. 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.
120. 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.

121. All walls where not tiled shall be cement rendered to a smooth even surface and painted with a light coloured washable paint.
122. 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.
123. All shelving being installed on approved metal brackets and kept at least 25mm clear of wall.
124. Food preparation benches shall be constructed of stainless steel.
125. The top and exposed edges of all benches, counters and shelving shall be finished in a smooth and non absorbent material free of joints.
126. All service pipes and electrical conduits shall be concealed within the floors, plinths, walls or ceilings.
127. 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.
128. 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 than 250mm in length), and shall be provided with a mounted liquid soap and paper towel dispenser adjacent to the basin.
129. All openings in the walls, floors and ceiling and all external doors and windows must be vermin proof.
130. All windows and doors to the external air are to be provided with fly screens.
131. 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.
132. A kitchen exhaust hood is to be provided above all appliances of heating capacity greater than 8KW in accordance with AS 1668 Part 2. A test certificate shall be submitted to the Principal Certifying Authority with application for an Occupation Certificate.

Hygiene and Food Storage

133. 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.
134. 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.

General

135. The recommendations of the acoustic report prepared by Renzo Tonin & Associates, dated 29 November 2018, report ref. TK539-01F02; shall be implemented.

PRIOR TO ISSUE OF FINAL OCCUPATION CERTIFICATE

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

Certificates/Documentary Evidence

136. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
137. A Section 73 Certificate (Sydney Water) must be submitted to the Principal Certifying Authority prior to occupation of the development.
138. 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

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

Landscaping/Tree Protection

140. 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.
141. The Arborist/horticulturist engaged to ensure the proper protection and management of the Phoenix Palms required to be transplanted is to provide a report to Council concerning the health and condition of the trees and if necessary any remedial works required. The report should also provide documentary evidence that the tree protection conditions were complied with throughout the demolition/construction phases, in the form of site notes and photographs.
142. Boundary fences must be erected and finished in a professional manner.

Parking/Driveway

143. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.
144. All parking spaces shall be signposted and linemarked in accordance with Australian Standards 2890.1-2004 and 2890.6-2009.

145. All disabled parking spaces shall be provided with a shared area and bollards in accordance with Australian Standard 2890.6.2009.
146. The entry / exit driveway shall be indicated with appropriate signage and linemarking to avoid conflict at the driveway.
147. The height clearance at the entry/exit point of the ramp shall be in accordance with AS 2890.1-2004.
148. Wheel stops shall be provided at appropriate parking locations in accordance with AS 2890.1-2004.

Fire Safety

149. 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.
150. 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

151. 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.

Heritage Conservation

- 152. Prior to the issue of a final occupation certificate, the conservation architect shall provide certification that the works to the heritage item have been carried out in accordance with the detailed design drawings and specifications.

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

- 153. A copy of the as approved stormwater drainage and On Site Detention System showing work as executed details shall be submitted to Council. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.
- 154. The On-site Stormwater Detention design summary calculation sheet using the Works-as-Executed levels shall be provided to Council.
- 155. A certificate of compliance in accordance with Council's standards and specifications for stormwater drainage and On Site Detention System shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.
- 156. 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.

- 157. 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.
- 158. The applicant shall provide a standard OSD sign within the aboveground basin area in accordance with Clause 7.1 (i) of the Council's OSD policy.
- 159. 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.

Median Island Works

160. Prior to issue of any Occupation Certificate, the median island, associated structures & signs and any safety measures approved by the Local Traffic Committee in accordance with the deferred commencement condition/s shall be constructed at no cost to Council. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with the approved plans, Council's standard drawing and issued level sheets.
161. Four (4) copies of Works as Executed plans together with an electronic copy shall be submitted for the constructed median island and installation signs and line marking.
162. A compliance certificate for the construction of median island works within the Hilltop Road, Merrylands shall be obtained from Council and be submitted to the Principal Certifying Authority

Road Works

163. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
164. A full width **medium duty** vehicular crossing shall be provided opposite the proposed vehicular entrance to the site, with a maximum width of **6 metres** at the boundary line. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.
165. The reconstruction of cracked and/or damaged concrete kerb and gutter, footpath 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.
166. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Hilltop Road. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be 1.8m wide and in accordance with Council's standard drawing SD 8100 and issued level sheets.
167. 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.
168. 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.

Drainage Easement

169. The applicant shall obtain a letter from the downstream property owner/s upon completion of the stormwater connection into Council's pipe system stating that the restoration of their property is satisfactory.

Child Care Centre Kitchen

170. A certificate shall be submitted to Council for the air conditioning system, together with a copy of the test report done at completion of installation and balancing in accordance with the minimum requirements of AS.1668, Part 1 and 2.
171. Food Business registration shall be obtained from Council, PRIOR to commencement of business operations, in accordance with Council's adopted policy.
172. To ensure compliance with the Australia/New Zealand Food Safety Standards Code, Food Safety Standards 3.2.3 "Food Premises and Equipment" and Australian Standard 4674.2004 Design, Construction & Fit Out of Food Premises", Council is to be given forty eight (48) hours notice prior of intention to occupy the premises and commence trade.
173. 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.
174. 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.
175. A notification/registration application shall be submitted to Council's Compliance & Environment Department for the food business.
176. Prior to the issue of any occupation certificate the applicant shall submit to the Principal Certifying Authority an endorsed copy of the trade waste licence agreement with Sydney Water.

Street Number

177. 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

178. Certification that the mechanical ventilation system (if applicable) 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

179. A noise compliance report must be submitted to Council prior to the issuing of the Occupation Certificate. This report must verify that:
 - a) All recommendations contained in the endorsed acoustic report have been implemented; and
 - b) The project specific noise criteria contained in the DA approved acoustic report and any other noise criteria specified in this consent are being complied with.

Hazardous Materials Survey Report

180. Prior to the Occupation Certificate, a clearance certificate must be submitted to the Principal Certifier from a certified Occupational Hygienist (Australia Institute of Occupational Hygienists) confirming that all hazardous materials identified have been

contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report, and that the site is safe for future occupation in accordance with the approved use.

181. A final site validation report is to be prepared by a qualified environmental consultant, concluding that the site has been remediated to allow the proposed development for use as a child care facility.

Heritage Maintenance

182. A schedule of the conservation management works including treatment of materials and finishes for future maintenance shall be prepared by a suitably qualified person and submitted to Council.

General

183. 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

184. 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.
185. For the purposes of preserving the amenity of neighbouring occupations and residents, hours of operation are to be restricted to between 7.00am and 6.00pm Monday to Friday. All deliveries shall occur only during the approved hours of operation. Any use of the childcare centre outside those hours for meetings, training, early drop-offs, late pick-ups, cleaning, maintenance etc. will require an amended acoustic report to be prepared and approval of a modification to this consent.
186. No use of the premises is permitted on Saturdays, Sundays or Public Holidays.
187. No approval is granted or implied to hold events on the site including concerts, recitals, fetes, fairs, markets and the like. Separate approval shall be obtained from Council for these activities.
188. 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.
189. 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.
190. 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.
191. Within three months of the premises being occupied as a child care 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 endorsed acoustic report. 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

192. 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

193. Compliance with endorsed Operational Management Plan (OMP) is to be maintained at all times.

194. The Operational Management Plan (OMP) shall be reviewed on regular basis to ensure that all issues are being adequately addressed. Any changes to the OMP are to be submitted to and approved by Council prior to implementation.

Parking

195. 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.
196. A minimum of 4 staff parking spaces and 14 visitor parking spaces are to be maintained on site at all times.
197. On site car parking spaces numbered and linemarked in accordance with the endorsed plans submitted to satisfy schedule A of this consent, are to be made available at all times for employees and visitors' vehicles only in conjunction with the occupation of the premises.
198. All vehicles shall enter and leave the site in a forward direction.

Acoustic Measures

199. The recommendations of the acoustic report prepared by Renzo Tonin & Associates, reference TK539-01F02(r1), dated 29 November 2018 shall be adhered to at all times.

Refuse & Trade Waste

200. 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

201. 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

202. 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.
203. 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.
204. Any discharge to the atmosphere must not result in any odour or other air impurity detectable outside the boundaries of the property.
205. 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

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

The Leq, 15min noise level emitted from the outdoor play area shall not exceed the background noise level by more than 5 dB for any outdoor play periods.
The noise level assessment shall be measured at the most affected point on or within any residential receiver property boundary.

Examples of this location may include:

- 1.5 m above ground level;
- On a balcony on the ground or higher floors;
- Outside a window on the ground or higher floors.

207. The operation of all plant and equipment shall not give rise to an equivalent continuous (L_{Aeq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background L_{A90} level (in the absence of the noise under consideration).
208. 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.
209. 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.
210. A maximum of 5 chickens are to be accommodated within the proposed chicken coop at any time. No roosters are permitted.

Clean Water Discharge

211. 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

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

Lighting

213. Any lighting on the site shall be designed so as not to cause nuisance to 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

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

Waste Storage

215. 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.
216. 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

217. 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.
218. 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 that required under AS 1668 Parts 1 & 2.

General

219. The number of children cared for in the new centre shall not exceed 53 at any given time.
220. Identification number/s is/are to be clearly displayed at the front of the premises.
221. All privacy measures shall be maintained in their approved condition for the life of the development and shall not be modified or removed without written consent from Council.

ADVISORY NOTES

Other Necessary Approvals

- A. The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
 - (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council's Tree Preservation Order protects trees by definition taller than 3.5m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council's Tree Management Officer.
 - (b) Any fencing located forward of the proposed building and exceeding the limitations specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
 - (c) The erection of any advertising sign, not being exempt from the need to obtain approval.
 - (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.

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

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

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

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

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

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

- G. **BANK GUARANTEES**

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

L. 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.

M. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on Phone Number 1800 810 443.

N. 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 LPP083/19

Attachment 6
Redacted Submissions

Sarah Pritchard

From: PlanningAlerts <contact@planningalerts.org.au> on behalf of [REDACTED]
Sent: Wednesday, 26 June 2019 9:36 PM
To: Records Department
Subject: Comment on application DA-227/2019 MERRYLANDS

For the attention of the General Manager / Planning Manager / Planning Department

Application DA-227/2019 MERRYLANDS
Address 11 Hilltop Road, Merrylands NSW 2160
Description Child Care Centres- Change of Use (DRAFT) Change of use to Child Care centre
Name of commenter [REDACTED]
Address of commenter [REDACTED]
Email of commenter [REDACTED]

Comment

There are already multiple child care services close by. There is no need for additional services to be constructed.

This comment was submitted via PlanningAlerts, a free service run by [the OpenAustralia Foundation](#) for the public good. [View this application on PlanningAlerts](#)

Sarah Pritchard

From: [REDACTED]
Sent: Monday, 15 July 2019 6:37 PM
To: Records Department
Subject: DA 2019/227/1

This is to complain about the proposed child care centre at 11 Hilltop Road Merrylands...My mother is 96 years old and could not take the noise of a childcare centre at her back fence....She barely copes now and this added hardship will kill her... We live next to her and we also do not want this business in our quiet residential area

[REDACTED]

I am writing on behalf of my husband and I who are residents situated two houses up from 11 Hilltop Rd in Merrylands who wish to lodge an objection to development application **DA 2019/227/1**. Please see below for a detailed list of residents who do not wish for this development to proceed.

On **10th July 2019** Hilltop Road residents received notice that Cumberland Council is considering converting a residential property into a childcare centre. This is extremely concerning to residents as there is already an extremely high volume of traffic running through Hilltop Road due to a nearby Public School and other childcare centres along the Road.

Currently, between the hours of 7AM – 10AM and 2PM – 6PM the street is filled with parked cars on both sides which makes it impossible to get in and out of driveways or to enter or exit the road. The road is so cramped at these times only one car is able to travel on the road at any given time and residents are not able to enter or exit their driveways. I would encourage the Council to investigate this matter as all residents are certain that this alone makes the child care centre an unviable option for this road.

I'm very scared that we would have an increase in fatalities as [REDACTED] was one of many fatalities and just recently a local man died trying to cross to the bus stop last year. The Road was blocked last year as this tragedy happened where police were investigating, and it was all over the news.

There is no doubt that with the addition of a child care centre to the street traffic flow will only be worsened. Residents are also concerned about the noise pollution the centre is likely to create. Hilltop Road is full of businesses opposite to the proposed childcare. The childcare centre is likely to cause major disruptions and create a significant increase in noise. This is particularly disturbing to the house owners around its boundary and onwards especially on Hilltop Rd who works night shift 5 nights a week and early morning to midday shifts. The only opportunity that this resident is able to rest between shifts will now be the loudest time of the day in the street. We are elderly citizens who deserve to rest and not hear children at all during our naps as we live nearby which would be unfair as we've worked hard all our lives.

The Heritage home is best to be left alone and defacing it with a carpark shows no respect to its history. Concerning too is the fact that Mrs Hancock had put up the 2 palm trees as heritage registered. Also, the driveway relocation would mean safety hazard for us residents as people coming and going is continuous as we don't walk fast.

This resident pays his council rates and has lived at [REDACTED] for **50 years**. As you could imagine, it would be a great disappointment for his council to cause such a disruption. Particularly considering there is a school in neighbouring Hilltop Rd which provides Out of School Hours Care, an early learning centre down hilltop Rd x3 and a proposed child care centre on Hilltop Rd which is situated more appropriately than the proposed centre on this Road.

As there is no pressing need for a child care centre we hope as residents of Hilltop Rd our council will take into account the concerns raised in this document.

Regards [REDACTED]



18 July 2019

Dear Miss Sarah
Pritchard

**RE: Proposed development of a child care centre at 11 Hilltop Rd
Merrylands, DA-2019/227/1**

I refer to the above and would like to object to the proposed development on the following grounds:

1. **A 85 place child care facility on Hilltop Rd does not meet the relevant objectives of the R2 Low Density Residential Zone.** In accordance with Holroyd Control Plan of 2013, the zone objective states that land use must:

- ***be carried out in a context and setting that minimises any impact on the character and amenity of the area*** - a) There is a cumulative impact of development in the section of Hilltop Rd, Burnett St and Coleman St. The eastern side of this section is occupied mainly by Hilltop Public School where a childcare is next door and Hilltop childcare centre which is which has expanded even further. The eastern side of Hilltop RD consists entirely of residential homes and 9 shops across the proposed location. Also on same side of proposed is a beautician hairdresser and Lamono chicken restaurant. Such a large child care centre by way of its capacity, scale, and bulk would be considered an overdevelopment and therefore out of character in terms of maintaining the single dwelling, landscaped character, neighbourhood character and streetscape of the locality.
b) The proposed development would have an unacceptable impact on the amenity of residents living in Hilltop Rd and its surrounds due to increased

traffic volume, congestion, parking pressures and noise. Council should be prioritising traffic solutions to increase pedestrian and vehicle safety around school zones. Approval of this proposal would only compound all of these issues. There has been fatalities including our neighbour [REDACTED] on 9 Hilltop Rd where he simply was crossing the road a few years ago and recently last year a local who was crossing to the bus stop but was hit and killed in front of my home on [REDACTED]. In saying this our locals safety and lives should be councils number one priority and adding innocent children in concerning.

● ***provide facilities or services to meet the day to day needs of residents*** - As of 18th July 2019, According to www.careforkids.com.au, majority of local childcares in merrylands have vacancies.

● Statistical data collated from medical records (NSW Health - Mothers and Babies 2013, 2014, 2015 and 2016) show that there has not been a significant increase in birth rates from the 4 closest birthing hospitals. 2017 data shows there has been a decrease.

This steady birth rate shows that the local population is not growing at a rate to warrant the construction of yet another child care centre considering there are new service yet to be opened down the Road Hilltop Childcare and 11 others in the vicinity of the proposed site which are not operating at capacity.

2. Increase in traffic movement will unacceptably increase traffic congestion and compromise pedestrian safety. The extra volume of traffic caused by parents and staff entering or waiting to enter the basement carpark and vice versa will negatively impact traffic congestion on Hilltop Rd, Coleman St and Burnett St.

This is due to a number of foreseeable factors:

1. **Insufficient on-site parking for both parents and staff**- 7 parent parking spaces in front of the heritage house will fill up very quickly and each family could very easily spend 10-15 min parked in these spots because they will need to either wait for the lift or trudge up the stairs before signing in and settling their children into their rooms. Some parents

may even walk the older siblings to the shops or beautician or hairdressers because they have scored such a fantastic parking spot. Meanwhile, more parents are arriving in the carpark trying to drop their kids off. When the car park is full, these cars will then have to perform a U-turn in the in order to exit the car park and circle the surrounding streets hoping to find a parking spot.

The number of staff quoted in the Statement of Environmental Effects is insufficient for a centre of that size so therefore the number of allotted staff parking spaces is inadequate. A centre of that size would not be able to operate without a full-time director, administrative help, a cleaner and food prep help. Only staff present in the rooms looking after children have been included in the staff count so in reality there should be at least 18 staff at the centre. This equates to 18 staff parking spaces so the 15 spaces allocated is insufficient.

2. Restricted and limited parking on Hilltop RD - Peak drop off times also coincide with the arrival of buses. On most weekdays Road parking is full by 8am and the near misses of pedestrians is . Parking is restricted for local shops and bus stop.

The stress of being stuck in traffic, not being able to find a safe drop off point and trying to get to work/school on time often leads drivers to make dangerous decisions. Examples of this include:

- speeding in a school zone
- blocking the driveways of residents to drop children off so they can dash across the road
- making a U- turn into a driveway and thus blocking pedestrians on the pavement to reverse out onto the street
- double parking and thereby having to overtake a double parked car by driving on the wrong side of the street.

Unfortunately all of these examples occur on a daily basis and when tempers flare and drivers are frustrated, accidents are likely to occur because greater risks are taken. Also, these days, family cars tend to be large 4WD's so visibility is poor and blind spots are difficult to identify. The safety of our school children and the community of parents, grandparents and siblings who accompany them

should be our greatest priority. The extra traffic movements this centre will generate will only add to the pressure of navigating these streets during peak times. It is only a matter of time before someone is seriously injured or killed like our local who was a real estate agent 2018 in front of the 11/13 Hilltop Rd Merrylands.

3. Findings of the Traffic and Parking Impact Assessment is not an adequate representation of traffic flow and volume. Was it only data collected two days? Many parents work part-time so traffic can be heavier or lighter depending on the day of the week. Data should have been collected over a 5 day period to get a more accurate picture of traffic volume and flow. Tuesday and Wednesday was chosen days and doesn't show true results. According to holroyd developmental controls 2013 part1 3 C1 its a requirement if proposed is near a Road.

Part 1 Appendix 2 in holroyd developmental controls for childcares actually states unsuitable collector and local Roads actually states Hilltop Road

4. The site of the proposed centre does not meet several objectives of

- *To encourage the provision of high quality child care centres which meets the needs of the community, including users of the facility and owners and users of surrounding land uses - as discussed above*
- *To ensure that child care centres are appropriately located on sites where high levels of safety, security, environmental health and amenity for children are achieved - In the case of an emergency, unsafe evacuation area has been allocated on the site. (near flamable cars)There are also no reasonable assembly points nearby for the scale of the proposed centre Road/entry/exit*
- the parent car parking spaces must be 2.7m wide because they are short term, high turnover parking spots. Parents also need more room to open the door when getting young babies in and out of the car.
- The carpark is a danger for vehicles trying to U-turn when the car park is full.
- Also, the cot room only has provision for 7 cots. Most babies nap twice a

day and many toddlers nap for several hours once a day. It is unsatisfactory to put them all in the one large room on foam mats next to a room full of noisy, older children who no longer nap.

5. Operational noise from the proposed centre will impact the amenity of nearby residents and students

The recommendations outlined in the acoustic report in relation to noise screens and management measures are unrealistic and untenable.

The following table gives a indication of what sort of sound levels local residents will have to endure up to 2hrs a day per age group. Based on table 4.5 -Sound power level of children playing outside, Playground 1,2 and 3 produce sound levels of 84, 91 and dBA respectively (corresponding levels shown highlighted in green). Imagine having to listen to a lawn mower or food processor continuously adding also traffic light=50operating for 2hrs at a time!

dB A	Example	Home Appliances	Construction
0	Healthy hearing threshold		
10	A pin dropping		
20	Rustling leaves		
30	whisper		
40	Babbling brook	computer	
50	Light traffic	refrigerator	
60	Conversational speech	Air conditioner	
70	shower	dishwasher	
75	Toilet flushing	Vacuum cleaner	
80	Alarm clock	Garbage disposal	

85	Passing diesel truck	Snow blower	
90	Squeeze toy	Lawn mower	Arc welder
95	Inside subway car	Food processor	Belt sander
100	Motorcycle riding		Handheld drill

6.11 Hilltop Rd = BURDA which is a heritage listed site with its two existing street trees to be retained which aren't on the proposal submitted. The site loses its historical face by adding a carpark and diminishes its historic value.

7. Taking over car spaces for our shop owners isn't ideal or clear on the plans as people will start parking inevitably in my driveway as they commonly do on existing 11/13 Hilltop Rd driveway.

In conclusion, the proposal by way of its non-compliance with zone objectives, car parking requirements, negative impact on the local community by increasing traffic congestion and parking pressure on an already busy street is not considered to be a need of the community. As a general principle, the public interest is not served by the approval of an application which will have adverse impacts on the future of residents, local community and on the surrounding area. I therefore recommend that the development application for the proposed child care centre at 11 Hilltop Rd Merrylands be **REFUSED**.

Kind regards,



Sarah Pritchard

From: [REDACTED]
Sent: Friday, 19 July 2019 10:55 AM
To: Records Department
Subject: FW: DA 2019/227/1

Hi,

I believe that the proposal for the child care centre on Hilltop road needs to be reconsidered. Have you seen the congestion in the morning especially during school drop off times? The safety of the children will be high risk as the amount of cars coming in and out as well as the amount of people crossing the roads to get to the shops is currently ridiculous.

Also was there an investigation made by the council from the fatality last year?

Thanks

Sarah Pritchard

From: [REDACTED]
Sent: Friday, 19 July 2019 11:06 AM
To: Records Department
Subject: DA 2019/227/1

Attention SARAH Pritchard

I am writing this letter to contest the childcare centre proposal on hilltop road. As it's like the third one on the road I don't see how it's necessart. Also is the council going to be liable for the risks that this will cause to the residents, customers as well as the children/families on this congested road. Have they considered the amount of accidents that have occurred on this road especially with the medical centre that will be across from it. So many blind spots.

Concerned resident of 2160

Sarah Pritchard

From: [REDACTED]
Sent: Friday, 19 July 2019 11:15 AM
To: Records Department
Subject: Regarding DA 2019/227/1

Dear Ms Pritchard

Regarding the development of a Child care Centre on 11 Hilltop Rd Merrylands 2160.

I have lived in this area for the past 22yrs and I have thoroughly loved the progression and development but at this present moment we have enough child care centres in this area .

Citizen safety has not been addressed there have been no improvements to proactively focusing on the safety of citizens/students / elderly.

Has there been any analysis report on the study of how ineffective this would be based on the fact that congestion and safety and no public consultation. We already have many child care centres in the area .

This will not just effect Hilltop Rd but the entire area as there is Hilltop Public school along the Hilltop road and traffic is at a stand still .

Along the Hilltop Road is very dangerous there have been many fatalities from residents as much as there is care ,cars just speed or do illegal turns the fact that it's severely congested with traffic due to the M4 motorway every mornings no care is taken for pedestrians .

I had a car speed on Hilltop road and then smashed into my home witnesses said that they saw them speed from the beginning Hilltop road where the shops were.

I still see all the cars do this up an till now nothing has changed in the area and streets when is it going to stop citizens, children ,should come first our community is important.

I am a mother and actually feel sick to my stomach as it is not safe thinking for all the proposed parents if there was a centre as there will be no parking , parents don't understand the congestion that is the prime junction for people to go to Merrylands ,M4,Great Western etc and if you have people trying to drop of kids at the preschool congestion and create more traffic accidental collisions not to mention the most important children welfare and citizen safety . The position if theses proposed developments are in the wrong area as there is my local Surgery ,Chemist ,Deli and at times I have to park on side streets when sick due to no parking and many block the driveways on the residents I see all the time .In bad weather conditions the area has many blind spots due to trucks parking to get there lunches and jeeps they won't be able to see anyone walking to cross therefore adding more cars and people into this mere small road is dangerous for the future.

I urge you to reconsider this development or any proposals in this particular area and what the value of life is. It's importance than any building for the sake parents, citizens ,children and our community.Dont you think that we must not just look at the present of this proposal but the foreseeable impact it can create not fir the better due to the fact that public ,community safety is a paramount.

One life is too many
Sent from my iPhone
Kind regards
[REDACTED]

Sarah Pritchard

From: [REDACTED]
Sent: Friday, 19 July 2019 11:29 AM
To: Records Department
Subject: Regarding the plans for child care centre on hilltop road

I would like to complain about the newly proposed alterations and fitout of existing building to facilitate an 85 place child care centre that would have 22 car spaces.

- currently in this area there is already terrible traffic congestion to travel to local facilities such as shops and schools, with an addition of a new childcare, the congestion would make it even more impossible for me to travel to and from my local schooling location.

- A childcare centre already exists and the addition of a new one would be unnecessary and inconvenient to all local members of hilltop.

- In Recent times there has been deaths in this area due to already existing traffic when attempting to travel to places like bus stops and medical centres, the possibilities for children or other families to experience terrible circumstances as a result would only cause more harm.

Thankyou for considering these concerns

Sarah Pritchard

From: [REDACTED]
Sent: Friday, 19 July 2019 11:37 AM
To: Records Department
Subject: Regarding the proposed child care centre at hilltop

I would like to complain about the new childcare centre being built that will have 22 car spaces.

currently this area already has traffic congestion to travel to local facilities, by building a new childcare, the congestion would make it even harder for me to travel to and from to take my children to the local school.

A childcare centre already exists in this area, meaning a new one would be basically unnecessary and would cause more disruption rather than provide good outcomes for the community and local members of the community. When considering recent trends in the area there has been deaths due to existing traffic when attempting to travel to places like bus stops, schools and medical centres, the possibilities for community members to be exposed to more dangerous circumstances due to congestion that wasn't necessary would only provide negative outcomes.

Thank you for considering my concerns as a local member of this community.

Sarah Pritchard

From: [REDACTED]
Sent: Sunday, 21 July 2019 6:16 PM
To: Records Department
Subject: Development Application 2019/227/1 ATTENTION SARAH PRITCHARD

Development Application 2019/227/1

11 Hilltop Road Merrylands

Attention Miss Sarah Pritchard

Sarah

I refer to the above DA Application and wish to express our concerns about the proposal for the 85 Child Care Centre being approved. This area is populated by Elderly Residents the area is already becoming over crowded with High Rise Development.

Our concerns are:-

The roads in the Hilltop area are already looking like a car park for the Morning and Evening Peak Hours.

There is already six (6) Child Day Care Centres within a five kilometer radius of this proposed Application.

Over the last five years there been numerous accidents in front of the above property, some of these accidents have ended with a resident being hit by a car with the resident being deceased.

We live in Chester St and on any given day we can have difficulty reversing out our driveway as a result of customers going to the restaurant on the corner of Burnett St and Hilltop Rd. We already have people parking across the driveway. Usually we are unable to park in front of our residence due to a taxi company being run from across the road.

People living on Hilltop Rd between Coleman St and Burnett St will have great difficulty to exit their premises to start their day to day duties.

The Application indicates that there is parking with 22 car parking spaces available But Only 7 of these spaces are available for parents to drop their child off.

Where do you expect the remaining 78 parents to park?

The parking situation appears to be an invasion of the Rate Payers Ability to access their property Safely.

There is NO notification from the Council of the above Application being displayed for people to see at the 11 Hilltop Rd

Maybe Council needs to have a member check the traffic flow along Hilltop Rd during the Morning and Evening Peak Hours. These days there does not seem to be a Morning and Evening Peak time as a result of all the High Rise Building that are being built.

Could you please acknowledge receipt of our concerns in relation to this Application.

Regards

[Redacted Signature]

Email sent using Optus Webmail

Sarah Pritchard

From: [REDACTED]
Sent: Monday, 22 July 2019 1:10 PM
To: Records Department
Subject: DA 2019/227/1

To whom it may concern,

I have heard from recent chatter in the local coffee place on hilltop road, that your adding a ticking time bomb childcare place on 11 hilltop road, these places are not for community use but quick developers profits and money laundering.

(Please, please, dont want to see children especially our locals hurt or decapitated on this busy road!

I was crossing the road on hilltop to go to the pharmacy and my mother almost got hit by a prado filled with children this particular mother was picking her kids from the bus stop, our family friend was hit and killed off burnett street and 3 others on hilltop road,

4 people have died there other then the burnett street.

I am giving the council a chance if anymore blood is spilled on these roads due to the delayed action for safety, i will put the blood on the person reading this, and decision makers.

I will be taking this further with the media i have also found some hardcore information showing you are not serving the community.

[REDACTED]

--

Sent from myMail for Android

Sarah Pritchard

From: [REDACTED]
Sent: Tuesday, 23 July 2019 8:12 PM
To: Records Department
Subject: DA:2019/227/1 / Apposing application

Dear Sarah Pritchard

DA:2019/227/1
11 Hilltop Rd Merrylands
Proposed alterations and fit out of existing building to facilitate an 85 place child centre with 22 car spaces.

14 Hilltop Rd Merrylands
Proposed child care centre and units

We firmly appose these two applications in Hilltop Rd.
There are many reasons for these applications not to go ahead.

Traffic congestion is already at a maximum just from people utilising Hilltop Rd to go to the doctors, shops, school and to access down to the M4. Trying to even pull out from the gutter where you are parked is not easy. Parking is a nightmare, cars pulling in and out frequently sometimes causing dangerous situations. Cars accessing the shops frequently park across our driveways and when asked to move become every aggressive. This is all happening now without the added burden of extra people and cars that would come from the above applications.

The units being considered will cause the community stress, on the location as it is a small area in which they are looking to place 14 units as well as two child care centres taking up to 125 placements between. There is not enough area to accommodate the number of people these applications will house as well as the traffic this will cause.

We already have a large volume of people accessing Hilltop Rd daily, stress on our local residents here will impact greatly. We have retirees, workers, students all being impacted if this applications go ahead.

Change is a good thing when it's there to improve our way of living, not when it causes undue stress on the family's that have lived here for many years.

The child care centres are not a necessity to the location that they have applied, there are two centres at the other end of Hilltop Rd, one being located in a place where it is not impacting on the small space surrounding it.

We firmly appose this application and trust Council will put the needs and wellbeing of existing rate paying residents before the needs of money making ventures that put residents and their families and visitors at risk.

Thank you
Yours Sincerely
[REDACTED]

Sarah Pritchard

From: [REDACTED]
Sent: Wednesday, 24 July 2019 10:46 AM
To: Records Department
Subject: Submission (public): DA-227/2019 MERRYLANDS - DA's - 11 Hilltop RD, MERRYLANDS NSW 2160

To Dear Sir/Madam

I am writing to you in regards to the above mentioned application of the proposed 85 place childcare centre on Hilltop Road.

I strongly disagree with the proposed child care centre, predominantly due to the size of the centre and the location.

There already are two child care centres on hilltop rd.

Parking & Traffic congestion

There are approx. 12 small business directly opposite the proposed development site in question. Parking is already extremely difficult in the area. The number of duplexes/townhouses/granny flats being approved is causing issues to on street parking. Council need to physically go out there and monitor the parking and traffic at peak times and on multiple days and not during school holidays.

The current local streets in the area of Webb st and Chester are going to be directly affected and impacted by this new childcare centre due to the roads being used as a thoroughfare. This is not fair to the local people that have lived here for such a long time or recently purchased homes in the area.

There is such heavy congestion in the Hilltop Area Monday to Friday due to the bus stop, the businesses and the traffic lights, locals are already finding it difficult to come in and out of the driveways.

I am sure the on street parking would comply if there were no bus stop and traffic lights 50m down the road and existing businesses across the road and two houses down Why should these businesses be affected due to a new 85 place childcare centre opening after these people have already run their own business for 10, 20, 30 40+ years.

I do not object to business development for the greater community and to better the community but I do object development that negatively impacts a large mass of community, locals that have been residing in the area for a extended period of time and people and their existing businesses.

I am happy to be contacted at anytime

Kind Regards
[REDACTED]

Sarah Pritchard

From: [REDACTED]
Sent: Wednesday, 24 July 2019 1:58 PM
To: Records Department
Subject: Attn: Sarah Pritchard

Hello Miss Pritchard,

Im writing to you regarding DA: 2019/227/1
Regarding a house on 11 Hilltop Road to be opened as Child Care Centre.

As a local i use Hilltop Road shops everyday and i pass the shops few times a day.
I have found that section of street to be very busy, with too much traffic, buses every few minutes and lots of angry drivers.
Some are trying to enter Medical Centre over double lines, some drivers are parking and cars are overtaking them over double lines.
I have also witnessed lots of accidents too in both directions of the road.
If there is no traffic than there are cars that speed up or down the road by driving 80+ km/h.
I think having child care centre with 85 kids right there will create more traffic, no parking for everyone and is unsafe for parents, children and all other locals that already use road currently.

We have Child Care Centre just down the road already plus new one opening any day next door to it.
There is also another one next to Hilltop Road Public School. They have put fence on road so cars cant turn right into Child Care Centre but i see lots of car everyday going around it or pulling into school driveway when reversing to enter child care centre. Its so unsafe for school children and cars approaching those drivers.
Exactly same thing will happen here if Child Care Centre opens on 11 Hilltop Road.

As a local and user of Hilltop Road i object to Child Care Centre being open on 11 Hilltop Road Merrylands.

If you have any queries please dont hesitate to contact me on [REDACTED]

Many thanks,
[REDACTED]

Sarah Pritchard

From: [REDACTED]
Sent: Wednesday, 24 July 2019 1:00 PM
To: Records Department
Subject: Miss Sarah Pritchard re: DA 2019/227/1

Dear Miss Pritchard,

I am writing you regarding proposed, alterations and fitout of existing building to facilitate as 85 place child care centre with 22 car spaces for 15 staff and 7 parents.
DA: 2019/227/1

I would like to object to above proposal due to few factors.

Hilltop Road is very busy road in morning as it is and adding extra traffic of parents trying to enter premises will contribute towards more traffic.

We have Medical Centre and Bus stop right across the road and there are already people trying to enter Medical Centre by turning right over double lines on street. Same will happen with Child Care centre parents.

There are double lines there not allowing to turn right but drivers keep on doing it and there is lots of frustration plus beeping happening already as it is.

Bus stop right across the road with more traffic makes it even more dangerous for pedestrians.

We have had a death right there last year.

We also had death on same road few years ago. Bit lower on crossing we had pedestrian hit and run.

Pedestrian which was hit on the crossing is still suffering with back problems.

We also have another Child Care centre opening down the road in few months.

Which makes it 3 child care centres on same road within few hundred meters. Plus other 3 in adjoining streets down the road, we honestly do NOT need another one.

Small strip of shops has very limited parking as it is, when going to shops its hard finding parking at the moment. We cant afford more parking spots being taken by parents from Child Care centre.

As a local resident i beleived property on 11 Hilltop Road was being restored to its original heritage and we all loved watching it get restored.

But to find out owners have had different motive all along is very dissapointing.

If you require any further information please dont hesitate to contact me via email.

Kind Regards,

[REDACTED]

Merrylands nsw 2160

Sent from my Samsung Galaxy smartphone.

Sarah Pritchard

From: [REDACTED]
Sent: Wednesday, 24 July 2019 1:32 PM
To: Records Department
Subject: Miss Sarah Pritchard re: DA 2019/227/1

Dear Miss Pritchard,

I am writing you regarding proposed, alterations and fitout of existing building to facilitate as Child Care Centre for 85 kids with 22 car spaces, 15 staff and 7 parents.

DA: 2019/227/1

As a local shop owner of [REDACTED] i object to above proposal.
I have never seen Child Care Centre open right next to shops.
There is absolutely no parking available for locals and people coming to visit Hilltop Shops as it is.
I could not imagine another 85 cars every day in peak traffic trying to find parking to drop off and pick up their children every day.
We have drivers beeping, yelling, swearing at other drivers all day every day.
Extra congestion, pollution is definitely not needed on Hilltop Road.
From roundabout at Coleman St to lights here at Bennett St. During peak hour can take 20 minutes of more to cross lights in the morning or afternoon.
Adding another 100 cars (85 kids + 15 staff) everyday will make this part of road impossible to travel on.

We have also had 2 deaths, 8 people hit by cars while crossing or on bike since i have been here. Not to mention endless count of car accidents that happen on Hilltop Road every day.
We have police and ambulances at least once a month here at shops taking reports or having to attend to accidents.

I strongly object to Child Care Centre being opened across the road on 11 Hilltop Road. Its unsafe and unnecessary as there are 3 child care centres already on this road away from shops, bus stop, street lights and place where deaths and accidents occur regularly.

If you have any further queries please don't hesitate to contact me via email or on [REDACTED]

Many thanks,
[REDACTED]

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Sarah Pritchard

From: [REDACTED]
Sent: Thursday, 3 October 2019 8:45 AM
To: Records Department
Subject: Submission (public): DA-227/2019 MERRYLANDS - DA's - 11 Hilltop RD, MERRYLANDS NSW 2160

In regards to this re-notification we feel the same as to last submissions even though some amendments an as "minus a child from 85-84" and also waste bins now located in the front of garage. We live next door and have a living area and entertainment area under the carport directly near the bins. This is not right or healthy for my kids and family in inhale waste including nappies etc.

Please consider rejecting this application as we stand as a community to not wanting a childcare due to safety concerns (petition submitted). People struggle to walk across the street (fatalities), our driveways are either blocked with cars of people who need to go to shops etc, pedestrians struggle or rush to bus stops which is metres away from proposed and many blinds spots to cause a concern. A safe evacuation would be near to impossible to getting kids and staff across without causing major delays to highways, hospitals and schools etc.

Regards [REDACTED]

Sarah Pritchard

From: [REDACTED]
Sent: Tuesday, 8 October 2019 11:04 AM
To: Records Department
Subject: Screenshot 2019-10-08 at 10.49.46 am

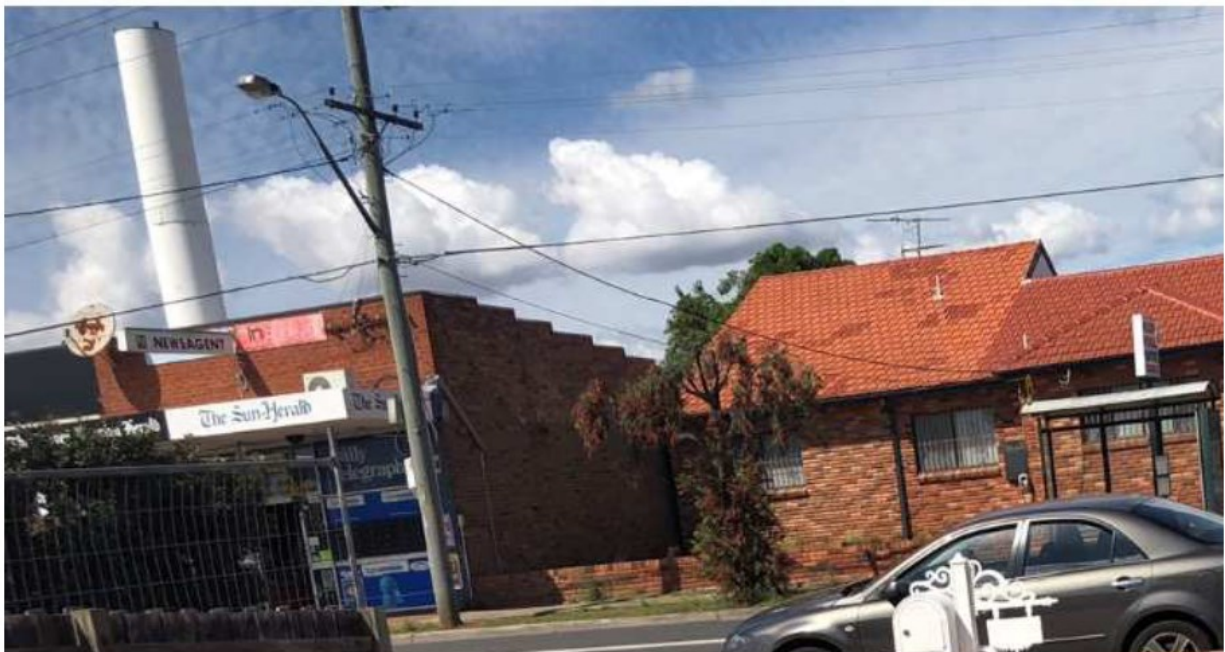
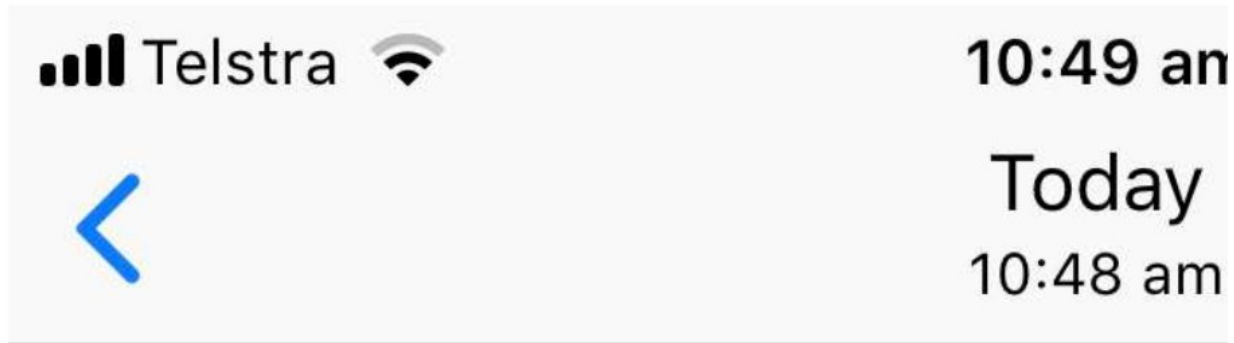
DA:2019/227/1

This happens regularly as people leave there cars in our driveways in a hurry to shops/Newsagency/ chemist/alcohol shop etc. Note that they parked in my neighbors driveway first where she waited and horned impatiently until he moved and reversed into mine.

Our suburb is busy people going about there everyday rituals. School holidays now and this occurred therefore it is very likely at anytime of day/month or year for traffic on our road.

You'll be saying but proposed driveway is much larger for entry / exit but people are obsolete to fact who they are affecting when parking. You'd need special traffic controllers for cars and pedestrians as they need to get across. Lamono has exhausted the cross street parking and the other cross street is exhausted due to preschoolers and other cross st is exhausted from residents.

Overall this spells disaster to the community and not to forget it adds an unsafe environment for children in the proposed preschool.



Sarah Pritchard

From: [REDACTED]
Sent: Tuesday, 8 October 2019 12:55 PM
Subject: Fw: DA 2019/227/1

Attention SARAH Pritchard

I am writing this letter to contest the childcare centre proposal on hilltop road. As it's like the third one on the road I don't see how it's necessary. Also is the council going to be liable for the risks that this will cause to the residents, customers as well as the children/families on this congested road. Have they considered the amount of accidents that have occurred on this road especially with the medical centre that will be across from it. So many blind spots.

Also according to the new plans it states one less child... this isn't the issue? Safety should come first under any situation. Very disappointing that the council considers this safe!

Concerned resident of 2160

Sarah Pritchard

From: [REDACTED]
Sent: Tuesday, 8 October 2019 1:15 PM
Subject: Fwd: DA 2019/227/1

: DA 2019/227/1

Hi,

I believe that the proposal for the child care centre on Hilltop road needs to be reconsidered. Have you seen the congestion in the morning especially during school drop off times? The safety of the children will be high risk as the amount of cars coming in and out as well as the amount of people crossing the roads to get to the shops is currently ridiculous.

Also was there an investigation made by the council from the fatality last year?

Thanks

Sarah Pritchard

From: PlanningAlerts <contact@planningalerts.org.au> on behalf of [REDACTED]
Sent: Sunday, 10 November 2019 2:11 AM
To: Records Department
Subject: Comment on application DA-227/2019 MERRYLANDS

For the attention of the General Manager / Planning Manager / Planning Department

Application DA-227/2019 MERRYLANDS
Address 11 Hilltop Road, Merrylands NSW 2160
Description Alterations and fitout of an existing building to facilitate an 85 place centre based child care centre with 22 at grade parking spaces
Name of commenter [REDACTED]
Address of commenter Hilltop road Merrylands
Email of commenter [REDACTED]

Comment

Honestly this has become a joke there is already 4 centres on the street three built one da approved not long ago right across the road Fromm 11 hilltop road its already crazy with traffic and the street design is looking horrible this will be the fifth centre it's a beautiful heritage home why destroy the house to put a centre there's more then enought already I think it's time to move street is chatioc and is dangerous as it is

This comment was submitted via PlanningAlerts, a free service run by [the OpenAustralia Foundation](#) for the public good. [View this application on PlanningAlerts](#)

DOCUMENTS
ASSOCIATED WITH
REPORT LPP083/19

Attachment 7
Statement of Heritage Impact

Statement of Heritage Impact

11 Hilltop Road Merrylands
(‘Burda’)

for

George Khouri



Entry porch to ‘Burda’

Prepared by:

Archnex Designs

Wentech Pty Ltd (ABN 310 735 41803) trading as Archnex Designs.

November 2018

Phone: 9716 0541/0425 228176

14 Winchcombe Ave, Haberfield NSW 2045

Fax: 9716 6083

11 Hilltop Road Merrylands
(Proposed Childcare)**Statement of Heritage Impact**
Table of Contents**Statement:**

A.	Purpose of Statement	Page 1.
B.	Grounds of Statement	Page 1.
C.	Limits of Statement	Page 1.
D.	Location	Page 1.
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G.	Heritage Impacts	Page 6.
H.	Conclusion	Page 13.

Appendix:**Documents**

- (i) Inventory Sheet: "Burda"
- (ii) CT 759-136
- (iii) CT 1238-201
- (iv) CT 1407-46
- (v) CT 6664-171
- (vi) CT 7572-56
- (vii) Dealing_342057
- (viii) CTRH X_405801
- (ix) PA 6319

Archnex Designs

Nominated Architect: Greg Patch (Reg. No. 4820)
Wentech Pty Ltd (ABN 310 735 41803) trading as Archnex Designs.
Architects, Heritage Building Consultants, Interior Designers

STATEMENT OF HERITAGE IMPACT [SoHI]:

Date: 1st November 2018
Premises: 11 Hilltop Road Merrylands
Property Description: Lot X DP 405801
Prepared By: Greg Patch
B Sc Arch, B ARCH (Hons), M Herit Cons (Hons), AIA
14 Winchcombe Ave,
Haberfield NSW 2045
For: George Khouri

A. PURPOSE OF STATEMENT

This statement has been prepared to assess potential heritage impacts of a proposed child care centre to the existing house at the above.

B. GROUNDS OF STATEMENT

11 Hilltop Rd Merrylands ("Burda") is listed as a heritage item. This has been established through a search Schedule 5 of Holroyd LEP 2013.

C. LIMITS OF STATEMENT

This statement is based on SHI data sheet 5044715, Holroyd inventory sheets, a Conservation Management Plan prepared by Edwards Planning (2013) and an inspection of the site in October 2016 and 2018.

D. LOCATION



1. Location of 11 Hilltop Rd Merrylands (Source: SIX Maps © NSW Lands 2016).

Phone: 9716 0541/0425 228176

14 Winchcombe Ave, Haberfield N S W 2045

Fax: 9716 6083

11 Hilltop Rd Merrylands- SoHI [Childcare]

Issue: (30/11/18)

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E. CONTEXT

E1. DOCUMENTARY

Holroyd Inventory Sheets

The description of the item is:

Rectangular "box" form with symmetrical front elevation and gambrel (half-gabled) roof of terracotta tiles. Twin face-brick chimneys with corbelled brick neck mouldings. Roof extends at lower pitch over verandah to front and side elevations. Gable-roofed porch breaks line of verandah and marks central front door. Verandah balustrade of face brick with brick piers supporting truncated timber columns. Front door has narrow side sights and fanlight above. Walls are timber weatherboard profiled to resemble ashlar. House is set well back from street frontage with several mature trees in garden.

Its history is given as:

Surviving cottage possible part of "Burda Park" which was situated on land originally granted to John Bolger. "Burda Park" appears on map dated 1908 (but not on earlier 1892 map). Large area of land surrounding house appears to have survived to 1950s and until further subdivision from the rear (Essey Place).

Its significance is stated as:

11 Hilltop Road has local historic significance as an early surviving cottage believed to have been erected on "Burda Park" (adjacent to the Estate of the same name). Dating the residence (stylistically) to the turn of the century, its architectural character and siting provide evidence of an almost semi-rural development, this evidence surviving subsequent subdivisions of adjacent areas. The building also has local aesthetic significance as a good representative example of suburban Federation house with a mix of "Bungalow" and "Queen Anne" elements which, despite some alterations, retains important original features and detail, most notably the weatherboard cladding profiled to resemble ashlar. This historic and aesthetic significance of the site is enhanced by its retention of a spacious "open" quality and mature tree planting.

Images are provided:



Photo taken: 1992 Ref: 1992-927-1



Photo taken: 2002 Ref 927

Land Titles

According to Primary Application [PA] 6319, the land is part of a 95 acre grant originally made to John Bolger by Governor Lachlan Macquarie in January 1810. It, together with other parcels, was converted to Real Property by Arthur William Oakes of London, Doctor of Medicine, Walter Lawry Oakes of Sydney, gentleman, and John Kerr Manton of Sydney, gentleman, on 12th February 1885, and Certificate of Title Volume 759 Folio 136 [CT759-136] issued to the applicants.

The total value of the three grant parcels of land converted was estimated at £4,095 at that time.

A schedule of prior transactions in the land under Old System Title is included as an appendix to the PA (see Appendix).



2. Portion of the Parish of St John showing location of the subject property (Source: Edwards CMP. p20)

The land became the property of Archie Irvine Oakes of Dubbo, architect, and CT1238-201 issued on 11th January 1898.

Part of the land (Lot 12, DP 3621) was sold to Charles Ormsby of Petersham, Excise Officer, in May 1902, for £100, and CT 1407-46 issued to him on 24 May 1902. The land was further subdivided in early 1949 under DP 21843, with Ormsby retaining ownership of Lot 3. CT 6664-117 was issued to Ormsby in May 1953, and it appears he died shortly thereafter as the property was transmitted to Estelle Sydney Ormsby of Merrylands, spinster, in December of that year. In the interim, the western portion of the land was subdivided under DP 21907(1949) with the lot associated with the subject house becoming Lot 3c. Estelle Ormsby sold the property to Leslie William Forsyth Hancock of Merrylands, storekeeper and his wife, Marjorie Ellen Hancock in May 1955. The land was again subdivided under DP 405801 (1957) with the current lot being Lot X in that DP.

The property has since passed through the hands of 3 owners (one was a transmission).

Historical Aerial



3. 1943 "From the Skies" series aerial photograph, Subject property. (Source: SIX Maps © NSW Lands 2016)

11 Hilltop Rd Merrylands- SoHI [Childcare]

Issue: (30/11/18)

Page: 3

Sands Directory

The John Sands Suburban Directory first lists Charles Ormsby as residing at “Cumberland St off Western Road” as of the 1905 edition, with the house named “Burda”. He is previously listed in the 1904 edition as residing at 145 Denison Road Petersham, which is consistent with the recitation to CT 1407-46.

This would suggest that the house was built during the period 1902-1904 as there is no coincidental position listing in the Sands prior to 1905.

Conservation Management Plan [CMP]

The Edwards Planning CMP does not appear to make conclusions as to the age of the house, but gives an account of the sequence of subdivision and changes to the fabric, with further commentary in an Edwards Planning Statement of Heritage Impact of 2015. In this latter document it discusses (at p.10) the extent of change to the fabric as a result of refurbishment works undertaken:

2.4 Integrity and condition

The integrity of a site, in terms of its heritage significance, can exist on a number of levels. For instance, a site may be an intact example of a particular architectural style or period and thus have a high degree of significance for its ability to illustrate that style or period.

It is important to recognise that significant unauthorised alterations to ‘Burda’ were undertaken in 2012, with the widespread removal of a substantial amount of original and significant fabric.

Previous heritage assessments consider the impact of the unauthorised works to be high, though at the time, recognised that there was a reasonable amount of surviving original fabric, which would allow for the reversal of the majority of unsympathetic changes and reinstatement (though only in part) of the integrity of the dwelling.

Holroyd City Council commenced compliance action against the Owner of ‘Burda’ in June 2015, serving an Order, pursuant to the provisions of clause 121B of the Environmental Planning and Assessment Act 1979.

Item 2 of Council’s Order (25 June 2015) directed the undertaking of conservation and restoration works to the dwelling, specifying an itemised schedule of required works. The terms of the Order also required that the itemised schedule of works were to be overseen and directed by Edwards Planning.

Subsequently, a number of inspections were undertaken by Edwards Planning throughout 2014-2015 to oversee and direct the completion of the conservation and restoration works.

Over the course of the works, it became apparent that much of the surviving original fabric had been either inadvertently disposed of as part of actions taken by the Owner in response to a Site Clean-up Notice issued by Holroyd Council, or decisions were made by the Owner to remove and / or replace original fabric with new fabric, owing to condition, whether structural or cosmetic. Such decisions and actions were undertaken contrary to the heritage conservation advice and direction given by Edwards Planning and are fundamentally at odds with sound heritage conservation practice.

Resultantly, the degree in which surviving original fabric has been removed and since lost, is high, having an adverse and deleterious impact on the overall integrity and cultural significance of ‘Burda’.

Despite the significant loss of original fabric and architectural detailing, the overall silhouette and the structural form of the dwelling remain essentially intact, whereby the dwelling can still be read as being attributed to the early 20th Century domestic architecture and still displaying the key characteristics of the Federation Bungalow and Queen Anne architectural styles.

As acknowledged, while there has been substantial replacement of fabric, introduced material appears to be consistent with the detailing of the original, and the overall effect is a building that reflects its former nature.

E2. PHYSICAL

The property was inspected in October 2018, when the following photographs were taken:



4. "Burda" from the front yard.



5. Rear of "Burda" from the eastern boundary.



5. East side setback.



6. From opposite on Hilltop Road.



7. From opposite- adjoining houses to the east.



8. From the south-east.

F. PROPOSED DEVELOPMENT

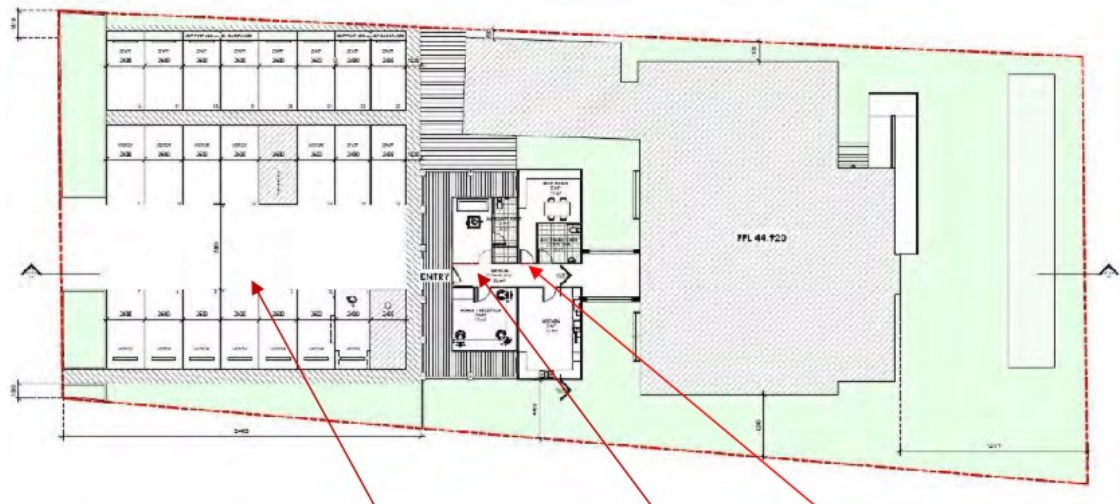
I have examined drawings N^{os}. 19039/00A, -/01A to -/11A prepared by Baini Design [BD] and dated 19/10/18 (Development Application issue).

They depict proposed alterations and additions to the existing house to convert it into a child care centre.

The works entail internal fit-outs to the existing house, a ramp access to the rear verandah and balustrading and barriers to comply with the childcare use.

It is also proposed to utilise the street setback area as a carpark to accommodate 7 visitor car spaces (one of which is for disabled parking), 15 stacked staff car spaces and two turning bays, with a central sliding gate access and east side pedestrian gate.

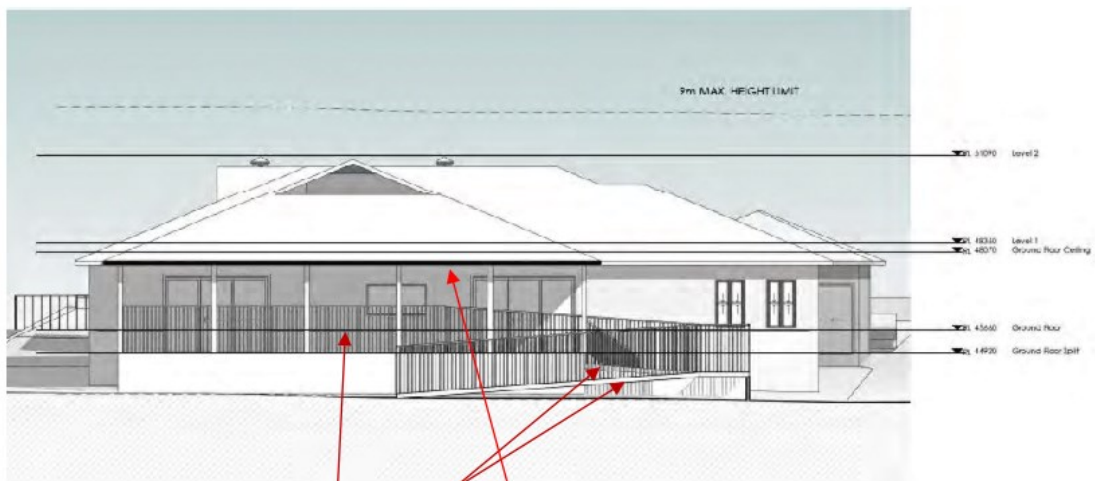
A portion of the hall partition to the front western room of "Burda" is proposed to be removed, and an additional door opening introduced to the room behind it.



9. Extract: BD dwg. -/03A [NTS]. Carpark. Part of Hall partition wall to be removed, new door opening.



10. Part BD dwg. DA-04A. Fitout works & ramp.



11. Part BD dwg. DA-05A. Balustrades and ramps. Frieze removed.

I have been advised by Bains Design that the external materials, finishes and colours are to remain as previously approved (see BD deg. DA09A).

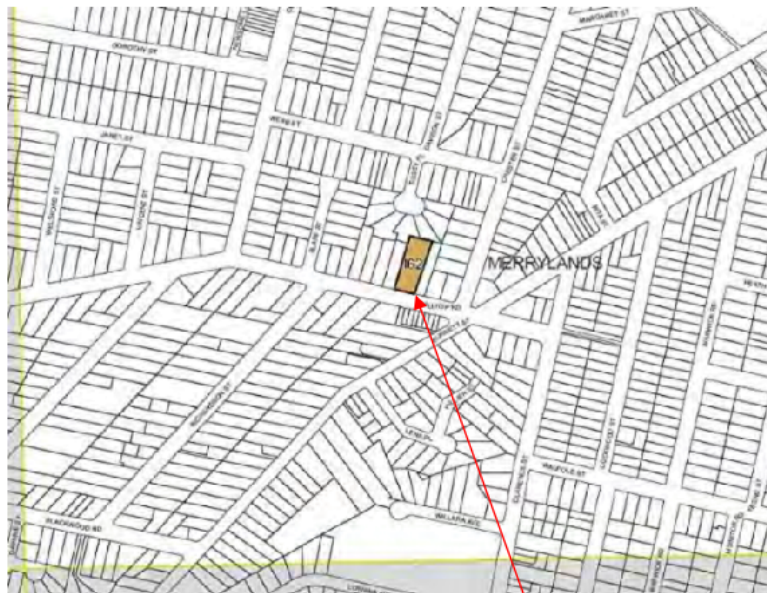
G. IMPACT OF THE PROPOSED DEVELOPMENT

The property is listed as a heritage item under Holroyd LEP 2013 at:

**Schedule 5 Environmental heritage
Part 1 Heritage items**

Locality	Item name	Address	Property description	Significance	Item
Merrylands	Late Victorian period cottage	11 Hilltop Road	Lot X, DP 405801	Local	I62

It is mapped as:



20. Extract: Holroyd LEP 2013 Map HER_008. Subject property.

The relevant provisions of the Holroyd LEP 2013 are:

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

Clause	Comment
<p>(1) Objectives</p> <p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> (a) to conserve the environmental heritage of Holroyd, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance. 	
<p>(2) Requirement for consent</p> <p>Development consent is required for any of the following:</p> <ul style="list-style-type: none"> (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance): 	

<p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land:</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land:</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.</p>	<p>The proposed development entails minor exterior changes to recent additions to a heritage item.</p> <p>It is proposed to remove part of the hall partition wall to “Burda”, and introduce a new door opening to the north-western room hall partition.</p>
<p>(3) When consent not required</p> <p>However, development consent under this clause is not required if:</p> <p>(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:</p> <p>(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and</p> <p>(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or</p> <p>(b) the development is in a cemetery or burial ground and the proposed development:</p>	<p>Consent is required due to a proposed change of use.</p>

<p>(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and</p> <p>(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or</p> <p>(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or</p> <p>(d) the development is exempt development.</p>	
(4) Effect of proposed development on heritage significance	
<p>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<p>The significance of "Burda" is stated as: 11 Hilltop Road has local historic significance as an early surviving cottage believed to have been erected on "Burda Park" (adjacent to the Estate of the same name). Dating the residence (stylistically) to the turn of the century, its architectural character and siting provide evidence of an almost semi-rural development, this evidence surviving subsequent[sic] subdivisions of adjacent areas. The building also has local aesthetic significance as a good representative example of suburban Federation house with a mix of "Bungalow" and "Queen Anne" elements which, despite some alterations, retains important original features and detail, most notably the weatherboard cladding profiled to resemble ashlar. This [sic] historic and aesthetic significance of the site is enhanced by its retention of a spacious "open" quality and mature tree planting.</p> <p>The proposed development entails internal alterations/ fit-out works and a car park within the front setback. These works will have minimal impact on the significance and setting of "Burda".</p>
(5) Heritage assessment	
<p>The consent authority may, before granting consent to any development:</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>The proposed development is to land on which a heritage item is located.</p> <p>This document has been prepared having general regard to the guideline document "Statements of Heritage Impact" as published by the Heritage Division of the NSW Office of Environment & Heritage.</p>
(6) Heritage conservation management plans	

<p><i>The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.</i></p>	<p>A Conservation Management Plan, dated January 2013, has been prepared by Michael Edwards & Associates.</p>
<p>(7) Archaeological sites</p>	
<p><i>The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):</i></p> <p>(a) <i>notify the Heritage Council of its intention to grant consent, and</i></p> <p>(b) <i>take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</i></p>	<p>The subject place is not identified as being of archaeological significance.</p>
<p>(8) Aboriginal places of heritage significance</p>	
<p><i>The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:</i></p> <p>(a) <i>consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</i></p> <p>(b) <i>notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</i></p>	<p>The subject place is not identified as being of Aboriginal significance.</p>
<p>(9) Demolition of nominated State heritage items</p>	
<p><i>The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:</i></p> <p>(a) <i>notify the Heritage Council about the application, and</i></p> <p>(b) <i>take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</i></p>	<p>The subject place is not identified as being of State significance.</p>
<p>(10) Conservation incentives</p>	
<p><i>The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:</i></p> <p>(a) <i>the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</i></p> <p>(b) <i>the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</i></p>	<p>Conservation incentives are not sought.</p>

<p>(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</p> <p>(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and</p> <p>(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</p>	
---	--

Holroyd Development Control Plan 2013

2. Conservation and development works on Heritage Items

Objectives

O1. To provide guidance for development to ensure that all new development is sympathetic to the identified heritage values of heritage items.

O2. To ensure that development does not damage the heritage item or heritage conservation area.

O3. To encourage an understanding of heritage significance and to promote the conservation of heritage within Holroyd;

O4. To ensure that conservation or maintenance works on a heritage item use materials, detailing, features, and design elements that are appropriate to the style and age of the heritage item.

O5. That additions and/or extensions to heritage items are located and designed to complement the existing scale, character and amenity of the streetscape.

O6. To ensure that additions and/or extensions to heritage items do not dominate the appearance of the heritage item from the street and are consistent with the style of the item.

O7. To ensure that all new development within the curtilage of a heritage item is suitably located, and retains the visual dominance of the heritage item with minimal impact upon the fabric and significant landscaping associated with the item.

O8. That garages and carports are designed and located to ensure that they do not impact upon the appearance or fabric of the heritage item and its setting, and comfortably fit with the character of the area.

O9. To ensure that alterations or additions to existing commercial or civic heritage items are designed to respect the scale and form of the existing building, and are located to have minimal visual impact from the street and on the significant fabric of the building.

O10. To allow heritage items to be adaptively reused with minimal and acceptable changes to building fabric, with a proposal that shall incorporate the use of unobtrusive and well-designed signage, lighting and external treatments.

Development Controls

Note:

• Council's heritage adviser can provide information about the use of traditional materials and techniques for a heritage item.

• New development should be consistent with the guidelines and policies of any relevant conservation plan adopted by Council, and where appropriate, with the requirements of the Heritage Branch of the NSW Department of Planning.

C1. New dwellings on sites occupied by an item of environmental heritage shall be designed and constructed in a manner that does not detract from the historic significance of that item or should be recessive to the original building

Comment: the proposed works do not include new dwellings.

C2. When undertaking any form of development, conservation or maintenance works on a heritage item, the materials, colours and maintenance techniques used shall be appropriate to the style and age of the heritage item.

Comment: the original portion of “Burda” has been refurbished in an appropriate manner (notwithstanding the loss of original fabric as discussed above).

C3. Original face brick should generally not be rendered as it removes and covers over the original colours and textures of the building.

Comment: the face brick piers will remain un-rendered.

C4. New roofing materials should match or be sympathetic in style and colour to the appearance of original materials.

Comment: not applicable- the existing roof is to remain as is.

C5. Construction techniques should reflect original building techniques where possible, such as the use of lime based mortars for re-pointing bricks rather than the use of cement based mortars.

Comment: the proposed works are largely internal, with the balustrades, ramp constructed to match the existing and to comply with safety and access requirements.

C6. When undertaking works on a heritage item, the design of building detailing such as windows or doors, should be in keeping with the age and style of the heritage item.

Comment: the windows and doors to the previous addition are in medium-weight powder-coated aluminium stock so that they are legibly similar to timber but differentiated by colour.

C7. Where original design features, such as bull nosed verandahs, have been removed, these should be replaced where possible on a heritage item, as they are important to the design and appearance of the building and generally serve a useful function.

Comment: not applicable- no such works are proposed to “Burda”.

C8. Where original gates and fences still remain as part of a heritage property, these should be retained. Where this is not possible, the use of replacement fences and gates should be in a style appropriate to the design and style of the building.

Comment: the front fence and gates are not original and are proposed to be replaced in a design similar to that previously approved.

Residential Alterations and Extensions

C9. When undertaking extensions or alterations to a heritage item, the design of the proposed extensions or alterations should be compatible with the style of the heritage item and its height, scale and proportion.

Comment: the proposed addition follows these guidelines.

C10. In general, where an extension is proposed to a single storey dwelling, the extension should also be single storey and should be located to the side or rear of the property so as not to affect the streetscape appearance of the item.

Comment: the addition is extant.

C11. Where an upper storey extension is proposed to a single storey heritage item, the extension should be contained within the roof form. This may mean constructing an addition that has a minimum ceiling height on the ground floor, or an attic-style pitched ceiling on the first floor.

Where this is not possible, the extension should be located to the rear of the property and incorporate a transition from the single storey scale of the original house (at the front) to the two storey scale of the new structure at the rear. This transitional form may be building form (such as roofs that step up progressively), or may be a space or void which helps to separate the two height forms.

Comment: not applicable.

C12. Rear second storey additions should use recessive colours and should not visually dominate the existing building to the front.

Comment: not applicable.

C13. Any proposed roof extensions should be carefully designed to ensure that it is compatible with the original building. Roofs of additions should be consistent with the existing roof in terms of its form, pitch, eaves and ridge height, and should be in proportion to the existing building.

Comment: not applicable.

C14. The treatment of design details, such as verandah posts, doors or windows, on new extensions to heritage items should be consistent with those of the original building. It is appropriate to use a simpler version of the design details used in the original building, so that the new additions are in keeping with, yet still able to be differentiated, from the original structure.

Comment: the posts to the proposed patio are to be a simpler section to the original stub columns to "Burda", with the detailing generally to be simpler.

Garages and Carports

Comment: not applicable.

H. CONCLUSION

The research has shown that "Burda" was most probably built for Charles Ormsby in the early years of the 20th century, and its stylistic traits reflect the penchant for "Bungalow" and "Queen Anne Revival" architectural detailing of that time.

Much of the work associated with the proposed adaptation of the house to a childcare centre is internal or site works that will have a minimal impact on the significance and setting of "Burda", and hence the potential heritage impacts of the proposal will be negligible.

In my opinion, the proposed adaptation of the house, as recently altered, to childcare use will give rise to minimal heritage impact and is supportable.

Prepared by



Greg Patch
Architect/Heritage Consultant

Appendix: Documents

11 Hilltop Rd Merrylands- SoHI

App.

**11 Hilltop Road, Merrylands****Federation bungalow****Constructed: c. 1876-1900****Listings:****Statement of Significance**

11 Hilltop Road has local historic significance as an early surviving cottage believed to have been erected on "Burda Park" (adjacent to the Estate of the same name). Dating the residence (stylistically) to the turn of the century, its architectural character and siting provide evidence of an almost semi-rural development, this evidence surviving subsequent subdivisions of adjacent areas. The building also has local aesthetic significance as a good representative example of suburban Federation house with a mix of "Bungalow" and "Queen Anne" elements which, despite some alterations, retains important original features and detail, most notably the weatherboard cladding profiled to resemble ashlar. This historic and aesthetic significance of the site is enhanced by its retention of a spacious "open" quality and mature tree planting.

Recommendations

Conservation, including particularly the preservation of extant original fabric. Conservation Plan preparation to guide future development and conservation.

Description

Rectangular "box" form with symmetrical front elevation and gambrel (half-gabled) roof of terracotta tiles. Twin face-brick chimneys with corbelled brick neck mouldings. Roof extends at lower pitch over verandah to front and side elevations. Gable-roofed porch breaks line of verandah and marks central front door. Verandah balustrade of face brick with brick piers supporting truncated timber columns. Front door has narrow side sights and fanlight above. Walls are timber weatherboard profiled to resemble ashlar. House is set well back from street frontage with several mature trees in garden.

Modifications / Condition

Iron "lace" valence to porch; possibly brick balustrade and piers.

History

Surviving cottage possible part of "Burda Park" which was situated on land originally granted to John Bolger. "Burda Park" appears on map dated 1908 (but not on earlier 1892 map). Large area of land surrounding house appears to have survived to 1950s and until further subdivision from the rear (Essey Place).





Photo taken: 1992
Ref. 1992-927-1



Photo taken: 1992
Ref. 1992-927-2



Photo taken: 2002
Ref. 2002-927

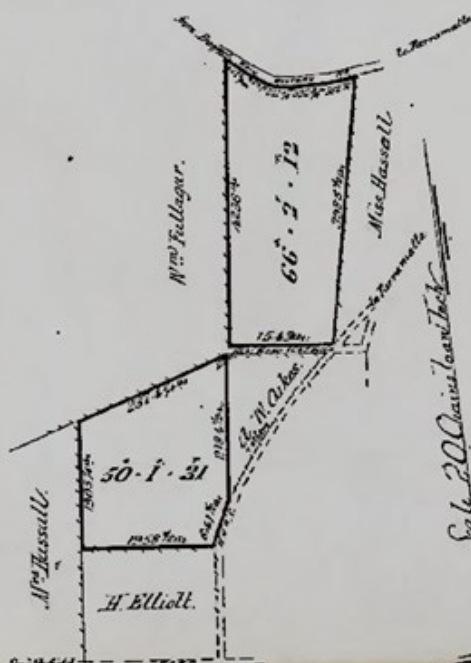


[CERTIFICATE OF TITLE.]

REGISTER BOOK,
Vol. 759 FOLIO 136

Withdrawal of the above caveat 987114 dated 16 February 1894
Produced & entered 16 February 1894 at 4 o'clock in the afternoon
by Wm. L. G. Smith

No. 222011. Notice of Death. Proof having been furnished to me of the death of John Levi Mantox, one of the abovesigned, J. M. Knapp, the surviving J. M. Knapp, Arthur William Cakes & Walter Fawcett Cakes are now registered proprietors of the land above described ^{within described} Produced & Entered 16th February 1894 at 4 o'clock in the afternoon.





NO 222012 TRANSFER DATED 20 September 1895
FROM THE WITHIN NAMED Arthur William Baker & Walter
Laurie Baker to Archie Irvine Baker of Parramatta
Architect of the land within described
PRODUCED & ENTERED 16 February 1897
AT 4 O'CLOCK IN THE AFTER NOON
By Registrar

NO 243456 MORTGAGE DATED 13 September 1895
FROM THE ABOVE NAMED Archie Irvine Baker
to Frank Drysdale Henderson of
Parramatta of part of the land within
described
PRODUCED & ENTERED 14 September 1895
AT 11 O'CLOCK IN THE AFTER NOON
By Registrar

NO 245243 MORTGAGE DATED 13 September 1895
FROM THE ABOVE NAMED Archie Irvine Baker
to Frank Drysdale Henderson of Parramatta
of part of the land within described
PRODUCED & ENTERED 15 September 1895
AT 3 O'CLOCK IN THE AFTER NOON
By Registrar

Conceded and Certificate of Title issued Vol 1228
Page 201 & 202
G. H. Drake
Deputy Registrar

1925/10/10

CERTIFICATE OF TITLE.

(C.)

New South Wales.

Order No. 7225

[Reference to last Certificate.]

[Vol. 759 — Folio 136 —]



REGISTER BOOK,

Vol. 1238 Folio 201

1900/24

Archie Irvine Oakes of Dubbo, Architect

by virtue of Certificate of Title Volume 759 folio 136 now surrendered is now the proprietor of a vested fee simple subject nevertheless to the reservations and conditions if any, contained in the Grants hereinafter referred to and also subject to such encumbrances, liens and interests as are notified hereon in That piece of land situated at Westmead in Prospect and Shorwood in the Parish of St. John and County of Cumberland containing Sixty six acres two roods twelve perches or thereabouts Commencing on the South Eastern side of Main Western Road at the North Western corner of land of Miss Marshall and bearing thence by that Road being lines bearing South West by Three chains eighty five and one half links West by Three chains eighty five and one half links and North West by Two chains seventy five and one half links to land of William Fullagar on the North West by that land bearing South West by Forty two chains thirty five links to a Reserved Road One chain wide on the South West by that Road bearing East by Fifteen chains forty three links to land of Miss Marshall aforesaid and on the South East by the land bearing North East by Thirty nine chains eighty five and one half links to the point of commencement as shown on the plan heron and therein edged red being part of Fifty five acres Portion 72 of Parish originally granted to John Bolger by Crown Grant dated the first day of January one thousand eight hundred and and also part of Seventy acres Portion 71 of Parish originally granted to Richard Marshall by Crown Grant dated the thirteenth day of January one thousand eight hundred and eighteen All the said Grants are delineated in the Public Map of the said Parish deposited in the Office of the Surveyor General.

In witness whereof, I have hereunto signed my name and affixed my Seal, this Eleventh day of

January one thousand eight hundred and ninety eight

Signed the 11th day of January 1898,
in the presence of

[Signature]

[Signature]

Deputy Registrar General.



NOTIFICATION REFERRED TO.

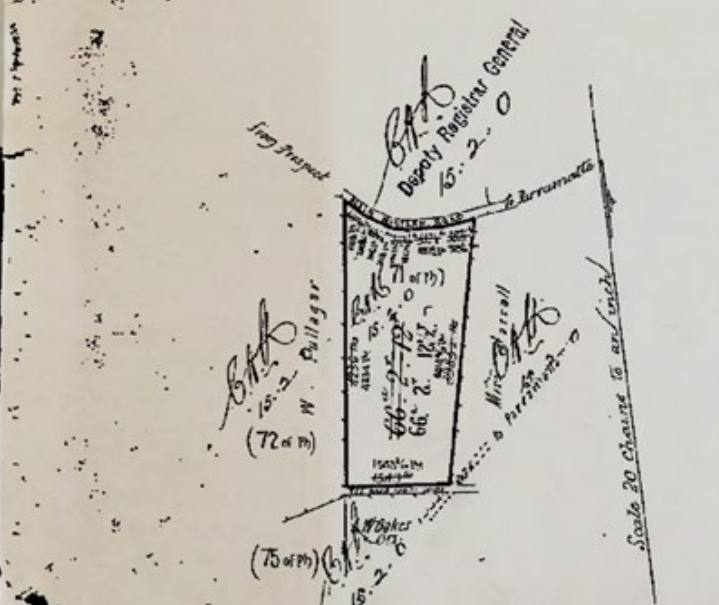
Order 243456 Mortgage dated the nineteenth day of September one thousand eight hundred and ninety five from the above named Archie Irvine Oakes to Frank Dugdale Henderson of Parramatta Produced and Entered in Register Book the twenty fourth day of September one thousand eight hundred and ninety five at eleven minutes past eleven o'clock in the forenoon

[Signature]
Deputy Registrar General



Order 245243 Mortgage dated the nineteenth day of November one thousand eight hundred and ninety five from the above named Archie Irvine Oakes to Frank Dugdale Henderson of Parramatta Produced and Entered in Register Book the fifteenth day of November one thousand eight hundred and ninety five at twenty minutes to twelve o'clock in the forenoon

[Signature]
Deputy Registrar General



DISCHARGE OF THE MORTGAGE NO 243456
DATED 16th February 1900 PRODUCED & ENTERED
31st May 1900 AT 10.15 AM
O'CLOCK IN THE
DEPUTY REGISTRAR GENERAL

DISCHARGE OF THE MORTGAGE NO 245243
DATED 16th February 1900 PRODUCED & ENTERED
31st May 1900 AT 10.15 AM
O'CLOCK IN THE
DEPUTY REGISTRAR GENERAL

NO 30681 MORTGAGE DATED 11th February 1900
FROM THE MORTGAGEE ARCHIE IRVINE CHAS TO
Joseph Edward Bowes of Sydney
Accountant of part of the land within described
PRODUCED & ENTERED 31st May 1900
AT 10.15 AM
DEPUTY REGISTRAR GENERAL

326838 MORTGAGE DATED 15th July 1901
ARCHIE IRVINE CHAS
Joseph Edward Bowes of Sydney
Accountant of part of the land
within described
2nd August
O'CLOCK IN THE AFTER NOON
DEPUTY REGISTRAR GENERAL

NO 33968 TRANSFER DATED 3 November 1901
FROM THE MORTGAGEE ARCHIE IRVINE CHAS
TO William Henry Jacobs of
Lot 11 of plan 3621
OF THE LAND WITHIN DESCRIBED
PRODUCED & ENTERED 14th December 1901
AT 10 O'CLOCK IN THE FORE NOON
DEPUTY REGISTRAR GENERAL

NO 342057 TRANSFER DATED 12th May 1902
FROM THE MORTGAGEE ARCHIE IRVINE CHAS
TO Charles Crosby of 12th plan
3621 OF THE LAND WITHIN DESCRIBED
PRODUCED & ENTERED 16th May 1902
AT 12 O'CLOCK IN THE NOON
DEPUTY REGISTRAR GENERAL

DISCHARGE OF MORTGAGE NO 306864
DATED 28 September 1903 PRODUCED & ENTERED
O'CLOCK IN THE NOON
DEPUTY REGISTRAR GENERAL

DISCHARGE OF MORTGAGE NO 326558
DATED 28 September 1903 PRODUCED & ENTERED
O'CLOCK IN THE NOON
DEPUTY REGISTRAR GENERAL

NO 371496 TRANSFER DATED 17th August 1903
FROM THE MORTGAGEE ARCHIE IRVINE CHAS
TO Joseph Edward Bowes of Sydney
Accountant of part of the land within described
PRODUCED & ENTERED 28 September 1903
AT 10 O'CLOCK IN THE NOON
DEPUTY REGISTRAR GENERAL

CERTIFICATE OF TITLE

(C.)

New South Wales.

[Appⁿ No.

[Reference to last Certificate]

[Vol. 1238 Folio 201]



REGISTER BOOK,

Vol. 1407 Folio 46

CANCELLED

Charles Ormsby of *Petersham Excise Officer*
Transferee under Instrument of Transfer from *Archie Irvine Oakes*
numbered *342057* is now the proprietor of an Estate in Fee Simple,
subject nevertheless to the reservations and conditions, if any, contained in the Grant hereinafter referred to, and also subject to such
encumbrances, liens, and interests as are notified hereon; in *That* piece of land situated near *Westmead*
in the *Municipality of Prospect and Sherwood*, Parish of *Saint John*, and County of *Cumberland*
containing *Four acres thirty eight perches*, or thereabouts,
as shown on the Plan hereon, and therein edged red, being *Lot 12*

on a Plan deposited in the Land Titles Office, Sydney, numbered *3621* and part of
Ninety five acres (Portion 72 of Parish) delineated in the Public Map of the said Parish
deposited in the Department of Lands originally granted to *John Bolger* by Crown
Grant dated the First day of January One thousand eight hundred and ten —

In witness whereof, I have hereunto signed my name and affixed my Seal, this *Twenty fourth* day of

May one thousand nine hundred and *two*

Signed the *24th* day of *May* 1902,

in the presence of

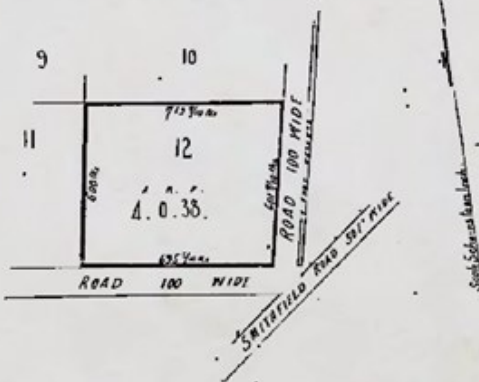
W. W. Purcell

[Signature]

Deputy Registrar General.



NOTIFICATION REFERRED TO.



No. *370752* MORTGAGE DATED *12th August* 1903
FROM THE SAID *Charles Ormsby*
No. 41675 *Attorney*
Produced & Entered *16th January* 1904
10³⁰ A.M. *6³⁰ O'CLOCK IN THE AFTERNOON*
[Signature]
DEPUTY REGISTRAR GENERAL.

No. A *41675* DISCHARGE of within Mortgage
No. *370752* Dated *28th July* 1913
Produced *31st July* 1913 and entered
31st July 1913
at *11th 12th* o'clock in the *afternoon*
[Signature]
REGISTRAR GENERAL.



No. F861134 TRANSFER dated 27th September 1949
from the said Charles Ormsby to Nicholas
Frederick Walker of Lot 9 D.P. 21843
of the land within described
Produced 27th September 1949 and entered 27th October 1949
at 12 o'clock in the noon.
As to land in this transfer
this certificate is cancelled
and new Certificate issued
Vol. 602 Fol. 136
J. Wells
REGISTRAR GENERAL

No. F155697 TRANSFER dated 20th December 1949
from the said Charles Ormsby to John
Cassidy of Lot 9 D.P. 21843
of the land within described
Produced 20th December 1949 and entered 28th February 1950
at 12 o'clock in the noon.
As to land in this transfer
this certificate is cancelled
and new Certificate issued
Vol. 602 Fol. 136
J. Wells
REGISTRAR GENERAL

No. F87225 TRANSFER dated 28th September 1949
from the said Charles Ormsby to George
Frederick Walker of Lot 9 D.P. 21843
of the land within described
Produced 28th September 1949 and entered 28th October 1949
at 12 o'clock in the noon.
As to land in this transfer
this certificate is cancelled
and new Certificate issued
Vol. 602 Fol. 136
J. Wells
REGISTRAR GENERAL

No. F15574 TRANSFER dated 10th February 1950
from the said Charles Ormsby to Harold James
Melville and Ellen Marie Melville as joint
tenants of Lot 1 D.P. 21843
of the land within described
Produced 10th February 1950 and entered 16th March 1950
at 12 o'clock in the noon.
As to land in this transfer
this certificate is cancelled
and new Certificate issued
Vol. 6111 Fol. 151
J. Wells
REGISTRAR GENERAL

The interest of the Council of the Municipality
of Hobart in the addition to the existing
roads shown in Deposited Plan No. 21843
dated 9th November 1949
Vide Hs D977517
J. Wells
REGISTRAR GENERAL

No. F221596 TRANSFER dated 3rd April 1950
from the said Charles Ormsby to Robert William
Jordan of Lot 5 D.P. 21843
of the land within described
Produced 17th May 1950 and entered 13th June 1950
at 12 o'clock in the noon.
As to land in this transfer
this certificate is cancelled
and new Certificate issued
Vol. 6195 Fol. 49
J. Wells
REGISTRAR GENERAL

No. F85993 TRANSFER dated 22nd September 1949
from the said Charles Ormsby to Joseph Haddad
and Whalie Haddad as tenants in common
of Lot 7 D.P. 21843
of the land within described
Produced 22nd September 1949 and entered 21st December 1949
at 12 o'clock in the noon.
As to land in this transfer
this certificate is cancelled
and new Certificate issued
Vol. 6046 Fol. 195-196
J. Wells
REGISTRAR GENERAL

No. F23308 TRANSFER dated 20th May 1950
from the said Charles Ormsby to Leslie James
Melville of Lot 4 D.P. 21843
of the land within described
Produced 21st May 1950 and entered 3rd July 1950
at 12 o'clock in the noon.
As to land in this transfer
this certificate is cancelled
and new Certificate issued
Vol. 6150 Fol. 60
J. Wells
REGISTRAR GENERAL

No. F100824 TRANSFER dated 20th October 1949
from the said Charles Ormsby to Stanley Nuttall
and Betty Wallington as joint tenants
of Lot 10 D.P. 21843
of the land within described
Produced 27th October 1949 and entered 21st December 1949
at 12 o'clock in the noon.
As to land in this transfer
this certificate is cancelled
and new Certificate issued
Vol. 6107 Fol. 13
J. Wells
REGISTRAR GENERAL

No. F491182 TRANSFER dated 31st May 1951
from the said Charles Ormsby to John
Cassidy of Lot 9 D.P. 21843
of the land within described
Produced 29th June 1951 and entered 1st September 1951
at 12 o'clock in the noon.
As to land in this transfer
this certificate is cancelled
and new Certificate issued
Vol. 6382 Fol. 126
J. Wells
REGISTRAR GENERAL

No. F109143 TRANSFER dated 2nd November 1949
from the said Charles Ormsby to John
Penger of Lot 8 D.P. 21843
of the land within described
Produced 10th November 1949 and entered 2nd February 1950
at 12 o'clock in the noon.
As to land in this transfer
this certificate is cancelled
and new Certificate issued
Vol. 602 Fol. 136
J. Wells
REGISTRAR GENERAL

This Deed is Cancelled and Certificate of Title Issued
Vol. 6664 Fol. 171 for the residue of
spayed owner
J. Wells
REGISTRAR GENERAL

No. F118621 TRANSFER dated 14th November 1949
from the said Charles Ormsby to Frederick
Edridge of Lot 11 D.P. 21843
of the land within described
Produced 24th November 1949 and entered 2nd February 1950
at 12 o'clock in the noon.
As to land in this transfer
this certificate is cancelled
and new Certificate issued
Vol. 602 Fol. 136
J. Wells
REGISTRAR GENERAL

D977517 D.P.
F5080 R.R
F85993 Lot 7
F861134 Lot 9
F87225 Lot 9
F100824 Lot 10
F109143 Lot 8
F118621 Lot 11
F155697 Lot 9 D.P. 21843
F15574 Lot 1 D.P. 21843
F183474 Lot 1 D.P. 21843
F221596 Lot 5
F23308 Lot 4
F491182 Lot 9
F540148 D.P. 21843

202

Appn. No. 6319
Reference to Last Certificate
Vol. 1407 Fol. 46
Deposited Plan No. 21907

New South Wales.



[CERTIFICATE OF TITLE.]

ORDER NO. F840148

REGISTER BOOK
6664 Fol. 171

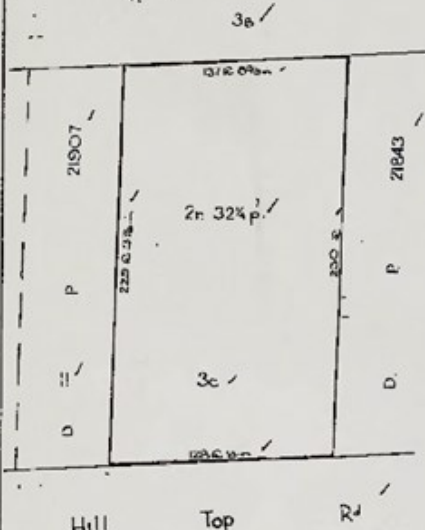
CANCELLED W

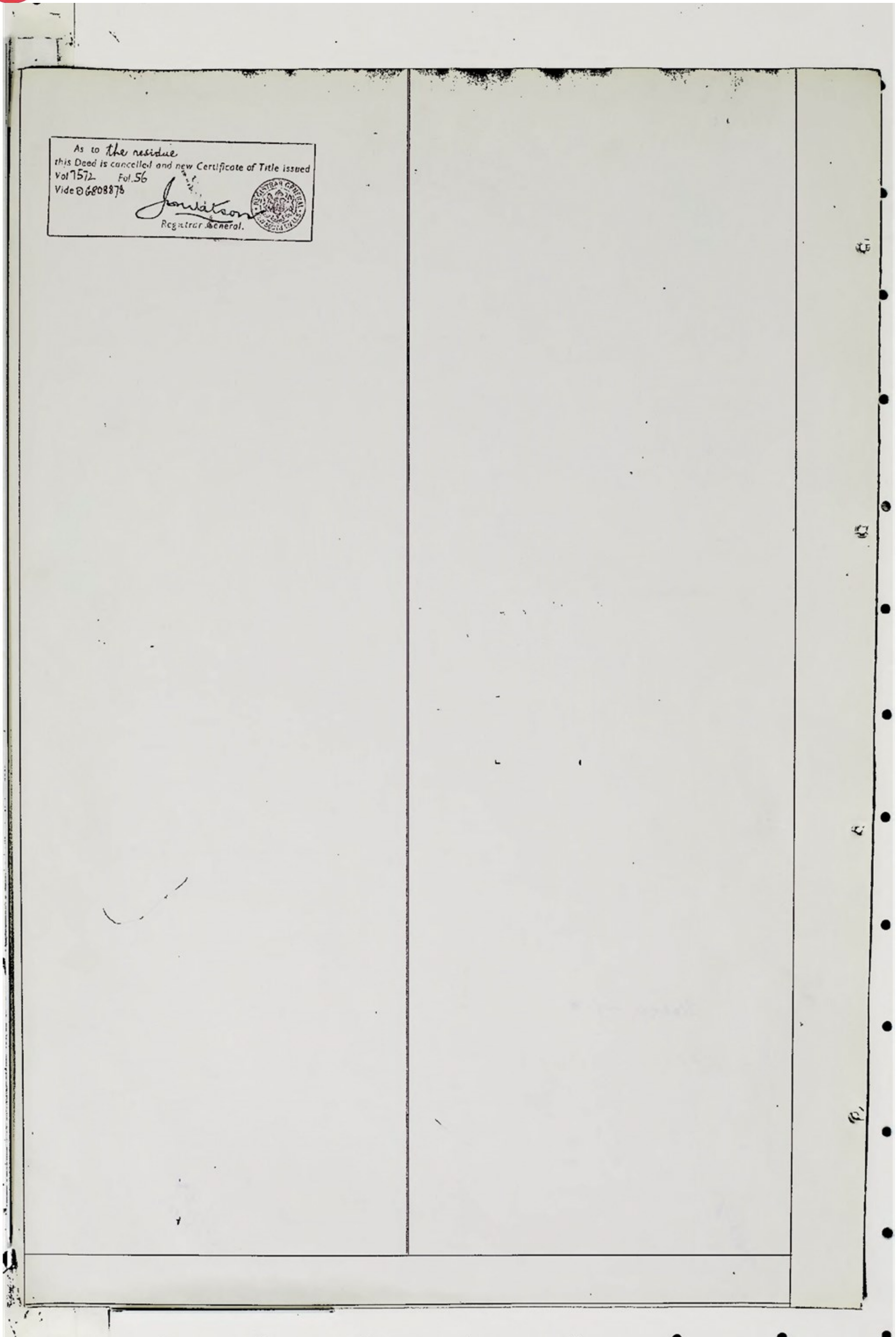
CHARLES ORMSBY, of Merrylands, Retired, by virtue of Certificate of Title Volume 1407 Folio 46 now surrendered is now the proprietor of an Estate in Fee Simple,
subject nevertheless to the reservations and conditions, if any, contained in the Grant hereinafter referred to, and also subject to such encumbrances, liens, and interests as are notified hereon, in That piece of land situated in the Municipality of Holroyd Parish of St. John, and County of Cumberland containing Two roods thirty two and one quarter perches or thereabouts as shown in the plan hereon and therein edged red being Lot 3C in plan annexed to Instrument of Transfer No. F481182 and being part of 95 acres (Portion 72 of Parish) originally granted to John Bolger by Crown Grant dated the 1st day of January 1810.

In witness whereof I have hereunto signed my name and affixed my Seal, this Eighth day of May, 1953.

Signed in the presence of *R.R. Fitzgerald*

J. H. Pells
Registrar-General





202

New South Wales.

[CERTIFICATE OF TITLE]

Primary Appn. No. 6319
Reference to Last Title
Vol. 6664 Fol. 171
Deposited Plan No. 21907



JOINT TENANCY

REGISTER BOOK.

VOL. 7572 Fol. 56

Issued on Order No. G808878

CANCELLED W
ON ISSUE OF NEW FOLIO X/105801

LESIE WILLIAM FORSYTH HANCOCK, of Merrylands, Storekeeper, and MARJORIE ELLEN HANCOCK, his wife, are now the proprietors of an Estate in Fee Simple, as Joint Tenants, subject nevertheless to the reservations and conditions, if any, contained in the Grant hereinafter referred to, and also subject to such encumbrances, liens, and interests as are notified hereon, in That piece of land in the Municipality of Holroyd Parish of St. John, and County of Cumberland shown in the plan hereon and therein edged red being Lot X in plan lodged with Transfer No. G878550 and being part of Portion 72 granted to John Bolger on 1st January 1810.

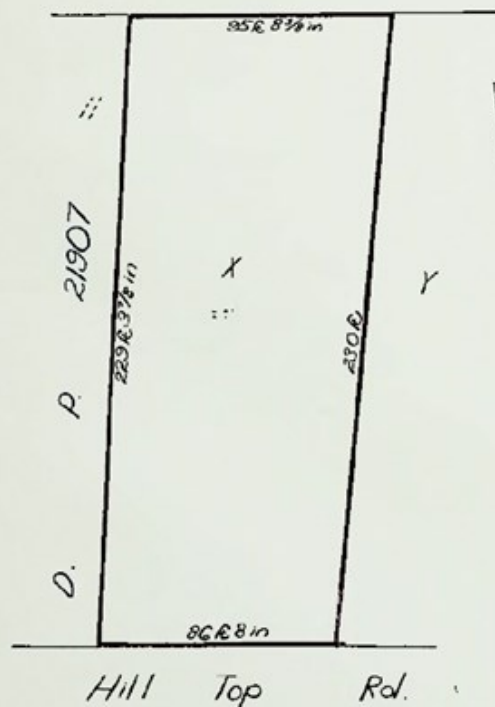
In witness whereof I have hereunto signed my name and affixed my Seal, this

Twenty-third day of September, 1956

Signed in the presence of *Robertson*

Janatson
Registrar-General.

Plan in F481182



MORTGAGE No. G489227 has been discharged.
See H519816 Entered 20th June 1966
Janatson
REGISTRAR GENERAL

Janatson
REGISTRAR GENERAL

CAVEAT No. K13927 has been withdrawn.
See K111904 Entered 29th September 1956
Janatson
REGISTRAR GENERAL

G808878

Area 1rd. 37 per.
Scale 50 feet to one inch.

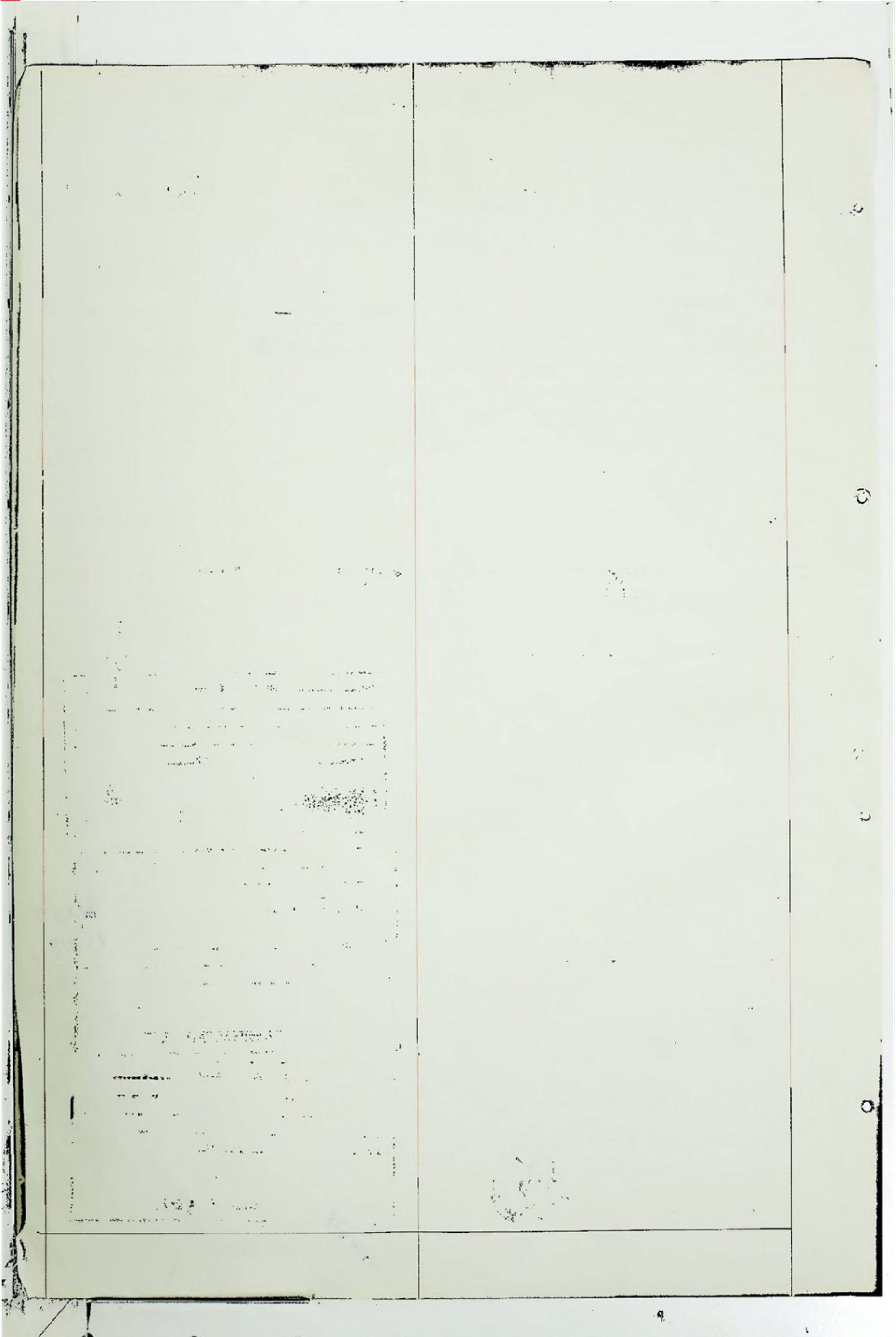
NOTIFICATION REFERRED TO

No. G289227 Mortgage dated 6th May 1955 from Leslie William Forsyth Hancock and Marjorie Ellen Hancock to Government Insurance Office of New South Wales Produced and entered 6th May 1955 at 47 minutes past 3 o'clock in the afternoon.

Janatson
Registrar General

COMPUTER FOLIO NO FURTHER
DEALINGS TO BE REGISTERED.

*K13927 Pten-N
K111904 WX*



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<http://www.globalx.com.au>Note: Information contained in this document is provided by GlobalX Information Pty Ltd (ABN 99 073 436 414)
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-----SEARCH DATE

27/11/2016 12:19PM

FOLIO: X/405801
-----First Title(s): SEE PRIOR TITLE(S)
Prior Title(s): VOL 7572 FOL 56

Recorded -----	Number -----	Type of Instrument -----	C.T. Issue -----
2/9/1989		TITLE AUTOMATION PROJECT	LOT RECORDED FOLIO NOT CREATED
25/1/1990		CONVERTED TO COMPUTER FOLIO	FOLIO CREATED CT NOT ISSUED
4/3/1993	I163509	NOTICE OF DEATH	EDITION 1
19/5/2011	AG244338	TRANSMISSION APPLICATION	EDITION 2
21/2/2012	AG823977	TRANSFER	
21/2/2012	AG823978	MORTGAGE	EDITION 3
2/12/2015	AK30307	DISCHARGE OF MORTGAGE	
2/12/2015	AK30308	TRANSFER	
2/12/2015	AK30309	MORTGAGE	EDITION 4
15/6/2016	AK509587	DEPARTMENTAL DEALING	

*** END OF SEARCH ***

Archnex Designs

PRINTED ON 27/11/2016

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* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE
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New South Wales.

(A.)

APPLICATION TO BRING LANDS UNDER THE PROVISIONS OF THE
REAL PROPERTY ACT (26 VICTORIA, No. 9).

Caution.—Applicants are reminded that by Section 132, the penalties of perjury are attached to a false declaration concerning any matter or proceeding under the Act, and that the utmost care is therefore necessary in framing (or reading over, if the form be filled up by an attorney) every particular statement therein.
It is further provided by Section 117, that any applicant procuring a Certificate through any fraud, error, omission, misrepresentation, or misdescription will, notwithstanding the issue of such Certificate, remain liable for damages to any person thereby prejudiced. And any person who fraudulently procures, assists in fraudulently procuring, or is privy to the fraudulent procurement of any Certificate of Title, is declared guilty of a misdemeanour, and liable to a penalty not exceeding £500, or imprisonment not exceeding three years; and any Certificate thereby procured is rendered void as between all parties or parties to the fraud.

FEE SIMPLE.

N^o 6319
L.S.D.
8:10:8
2:10:0
1:10:0
13:10:8

1893
Vol. 136
459
Certificate of Title issued, Vol. 136, Fol. 459

We Arthur William Cates of London England Doctor of the
Walter Laurry Cates of Sydney Gentleman and John Kerr Ma
of Sydney aforesaid Gentlemen
do solemnly and sincerely declare that we are

seized for an Estate in fee simple of Firstly All that piece or parcel of land
situate in the Parish of Saint John County of Cumberland and in
Colony of New South Wales formerly a portion of the Estate of the
Honourable Wm. Hall deceased and which portion was called Lot Two
the Subdivision of the Estate into six equal portions in the year
containing sixty seven acres one rood more or less bounded on the
by Lot number one commencing at the road from Parramatta to
just at a stake which is twenty six chains thirty seven links from
the corner of Kenyon's road bearing South ten degrees thirty four
West forty chains forty links to the junction of a reserved road (four
wide) with Kenyon's road which reserved road leads to the other allotment
On the South by the said reserved road bearing West five degrees
fifteen chains thirty links to Lot Three on the West by Lot Three bearing
five degrees twenty two minutes East forty two chains fifty links more
to the aforesaid main road from Parramatta to Prospect and on the North
said reserved road bearing South Easterly and then Easterly to the
of commencement and which land hereby described includes a part of seven
of land granted by the Crown to Rowland Hassall by deed dated the Thirteenth
day of January one thousand eight hundred and eighteen and of Ninety
granted by the Crown to one John Bolger by deed dated the first day of
1818 Secondly Also all those fifty acres of land lying and situate in
District of Parramatta bounded on the South by Barrow's farm West five
degrees North twenty one chains fifty links on the West by a line bearing
five degrees East twenty chains twenty links on the North by a line East
and one third degree North twenty three chains twenty links and on
by a line South five degrees West twenty nine chains ninety links
which land (including all improvements) is of the value of £4095
and no more, and is are parts of 40 Acres 95 Acres and 50 Acres
John Bolger and Charles Walter respectively

originally granted to Rowland Hassall by Crown grant, under the hand of
Lachlan Macquarie
Governor of the Colony, dated the Thirteenth day of January 1818 the
day of January 1840 and the Thirtieth day of January 1818 respect
And I further declare, that I verily believe there does not exist any lease or agreement for lease
of the said land for any term exceeding a tenancy for one year, or from year to year [except
as follows—] One to 67 acres to one Alfred Edwards for
one year ending 1st January 1818 and 50
acres to William Fullagar for one year

Also, that there does not exist any mortgage, lien, writ of execution, charge or encumbrance,
will or settlement, or any deed or writing, contract, or dealing (other than such lease or tenancy
as aforesaid) giving any right, claim, or interest in or to the said land, or any part thereof, to any
other person than myself [except as follows—]
John Bolger, 25 ac. G. dated 1st Jan^y 1810, Reg^d G^d of Land No 1 page 133.
Rowland Hassall 70 ac. G. dated 13th Jan^y 1818, Reg^d No 7 page 21.
Charles Walker 50 ac. G. dated 13th Jan^y 1818.

John Bolger, 25 ac. G. dated 1st Jan^y 1810, Reg^d G^d of Land No 1 page 133.
Rowland Hassall 70 ac. G. dated 13th Jan^y 1818, Reg^d No 7 page 21.
Charles Walker 50 ac. G. dated 13th Jan^y 1818.



1. If the land is unoccupied, or if the occupation is of a temporary nature, it is not under any lease or tenancy, state at a separate sheet the nature of the tenancy, if any, and the date when it was granted.

2. If the land is occupied, state the name and address of the occupier, and the date when it was granted.

3. If the land is occupied, state the name and address of the owner, and the date when it was granted.

4. If the land is occupied, state the name and address of the owner, and the date when it was granted.

5. If any exception, state particularly if any, from the above provisions, state the nature of the exception, and the date when it was granted.

And we further declare, that there is no person in possession or occupation of the said lands adversely to my Estate or interest therein, and the said land is now as to 67 acres in possession of Alfred Edwards, as tenant to 1st February 1886 and as to 50 acres in possession of William Fullagar of the Great Western Road as tenant to 1st February 1886.

and that the owners and occupiers of adjacent lands are as follows:—On the north William Fullagar owner and occupier of Great Western Road

owner, occupier;
and on the West William Fullagar owner and occupier
On the South Henry Elliott of Smithfield Road Parramatta Farmer owner and occupier
On the East as to part described owners and occupiers
William Fullagar occupier - And as to part of the same
the West part of the Parramatta occupier - South of
And we further declare that Arthur M. Baker was married to his present wife in the year 1885 before Henry Manton was appointed to his present office in the year 1885 and before Henry Manton was appointed to his present office.

And we further declare that the annexed Schedule, to which my signature is affixed, and which is to be taken as part of this Declaration, contains a full and correct list of all settlements, deeds, documents, or instruments, maps, plans, and papers relating to the land comprised in this application, so far as I have any means of ascertaining the same, distinguishing such as being in my possession or under my control, are herewith lodged, and indicating where or with whom, so far as known to me, any others thereof are deposited: Also, that there does not exist any fact or circumstance whatever material to the title, which is not hereby fully and fairly disclosed to the utmost extent of my knowledge, information, and belief; and that there is not, to my knowledge and belief, any action or suit pending affecting the said land, nor any person who has or claims any estate, right, title, or interest therein, or in any part thereof, otherwise than by virtue and to the extent of some lease or tenancy hereby fully disclosed [except as follows]—

And I make this solemn declaration, conscientiously believing the same to be true.

DATED at Sydney this 12th day of February 1885.

Made and subscribed by the abovesigned
John Herr Manton
Baker and Walter Henry Baker
this 12th day of February 1885.

Signature of Applicant

Arthur M. Baker
by his attorney
Henry Manton
Nath. L. Baker
J. Manton

in the presence of

Joseph Thompson
at Sydney
Henry Manton

To the Registrar General,

We, the abovesigned, do hereby apply to have the land described in the above declaration brought under the provisions of the Real Property Act; and request you to issue the Certificate of Title in the name of ourselves as Joint Tenants.

DATED at Sydney this 12th day of February 1885.

Witness to Signature—

Joseph Thompson
Signature of Applicant

Arthur M. Baker
by his attorney
Henry Manton
Nath. L. Baker
J. Manton

N.B.—The annexed Schedule, and the Certificate intended should both be also signed.

(1) 13 January 1818 Copy Grant of Howland Hassall of 70 acres of Land in the District of Parramatta
 (2) 1 January 1810 Attested copy Grant to John Bolger of 95 acres of Land in the District of Parramatta
 4 June 1812 Attested Copy Bargain & Sale John Bolger to Ellis Kent of said 95 acres
 13 September 1813 Attested copy Bargain & Sale Ellis Kent to George Wright of said 95 acres
 20 January 1816 Attested copy Bargain & Sale George Wright to Howland Hassall of said 95 acres
 25 August 1820 Attested copy probate of the Will of Howland Hassall
 15 January 1824 Attested copy probate of the Will of Elizabeth Hassall
 29 & 30 September 1834 Lease & Release Messrs Thomas Hassall & Co to J. J. Howell Esq.
 5 March 1844 Attested copy Mortgage James Hassall to John Smith
 18 April 1844 Attested copy transfer of Mortgage John Smith to William Edward Rogers
 30 November 1844 Copy reassignment of Mortgage William Edward Rogers to John Smith
 5 December 1844 Conveyance John Smith to John Macfarland of 67 acres one rood
 2 March 1845 Equitable Mortgage John Macfarland to John Garty Esq.
 29 November 1845 Mortgage John Macfarland to John Garty Esq.
 12 May 1847 Contract to Purchase John Macfarland to Francis George Cakes
 17 May 1847 Conveyance Messrs John Garty and John Macfarland to George Cakes & Francis Cakes
 22 April 1861 Conveyance Francis Cakes to George Cakes

✓ (1) 12 January 1818 Grant from Crown to Charles Walker.
✓ (2) Abstract of the title of the Trustees of Wth M. Walker decd.
see form of 50 acres situate in the District of Parramatta
✓ (3) 18 August 1852 Release John Smith and John Dingle to Geo.
Patterson.

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Arthur H. Fakes
by his attorney
Hatten L. Fakes,
Hatten L. Fakes,
J. Granton

NB & P.A. aw. takes tow. L. Oaks
is registered in L. Y. Office

SEE INDORSEMENT OVERLEAF.

No 1134 April 1861

We certify that the within application is correct
the purposes of the Real Property Act.*

Arthur W. Beck
by his attorney
Walter S. Drake
Walter S. Drake
W. S. Drake

* If by Solicitor, insert: "And that I am the Solicitor of the within an applicant," and add his own address to his signature.

0319

PAYMENT OF THESE MUST ACCOMPANY THE APPLICATION.

1st.—Where the Applicant is the Original Grantee from the Crown.

Commissioner's Fee	£0 5 0
New Certificate	1 0 0
Sketch (unless furnished)	0 2 6
Add Assurance, 1d. in the pound on declared value	

2nd.—Where the Applicant is not the Grantee from the Crown, or being the Grantee, the Property has been dealt with by any Registered Instrument.

If property is of the value of	Commissioner's Fee	Advertisements	New Certificate	Total
£200 and under	£0 10 0	£1 10 0	£1 0 0	£3 0 0
300 "	1 0 0	1 10 0	1 0 0	3 10 0
400 "	1 10 0	1 10 0	1 0 0	4 0 0
500 "	2 0 0	1 10 0	1 0 0	4 10 0
" Ditto above "	3 10 0	1 10 0	1 0 0	5 0 0

In addition to the Assurance Fee of 1d. in the £ on the value; and 2s. 6d. for Sketch, if the whole of a Crown Grant.

State to whom all correspondence relating to this Application should be sent, with address, as under, viz.:

Name *Joseph Thompson*

Occupation *Solicitor &c*

Frederick Chambers

Post Town *Pitt Street Sydney*

DOCUMENTS
ASSOCIATED WITH
REPORT LPP083/19

Attachment 8
Revised Heritage Statement

Archnex Designs

Nominated Architect: Greg Patch (Reg. No. 4820)
Wentech Pty Ltd (ABN 310 735 41803) Trading as Archnex Designs
Architects, Heritage Building Consultants, Interior Designers

27 August 2019

The General Manager
Cumberland Council
16 Memorial Ave,
Merrylands, NSW, 2160

Dear Sir

**Re: 11 Hilltop Road Merrylands
Proposed Childcare Centre
Response to Heritage Advice**

I refer to Cumberland Council Deferral Letter 2019/227-8 August 2019 and the heritage advice therein:

Heritage

20. Council's heritage consultant has reviewed the application and made the following comments:

- a. *The SoHI should be expanded to include an assessment of the setting and views of the heritage item, including how the siting, gardens and front fencing contribute to its significance; how the proposal adequately addresses its frontage to Hilltop Road; and how the proposal retains its overall external built form.*

Response: at the time of preparing the Statement of Heritage Impact (Issued 30/11/18) in relation to the proposed childcare centre adaptation of "Buda" and recent additions, the landscape design drawings were not available. I have since received and reviewed the landscape drawings and note that it is proposed to relocate the existing two relatively mature *Phoenix canariensis* (Phoenix palms) to adjacent the entry into the front courtyard/ carpark for the childcare centre.

This measure, together with the proposed retention of and supplementary planting to the existing hedge to the Merrylands Road frontage will ensure that the presentation of "Buda" is in essence maintained, albeit in a modified form.



"Buda" from opposite on Merrylands Road.



"Buda" from inside the hedge- open gravel parking area.

In fact, the proposed relocation of the vehicular opening together with the Phoenix palms will afford greater public access to views of salient features of "Buda" from the public domain, and in a composition that will reinforce the strong symmetry in the front façade of "Buda" through the placement of the Phoenix palms more or less symmetrically about its central axis.

Phone: 9716 0541/0425 228 176

14 Winchcombe Ave, Haberfield N S W 2045

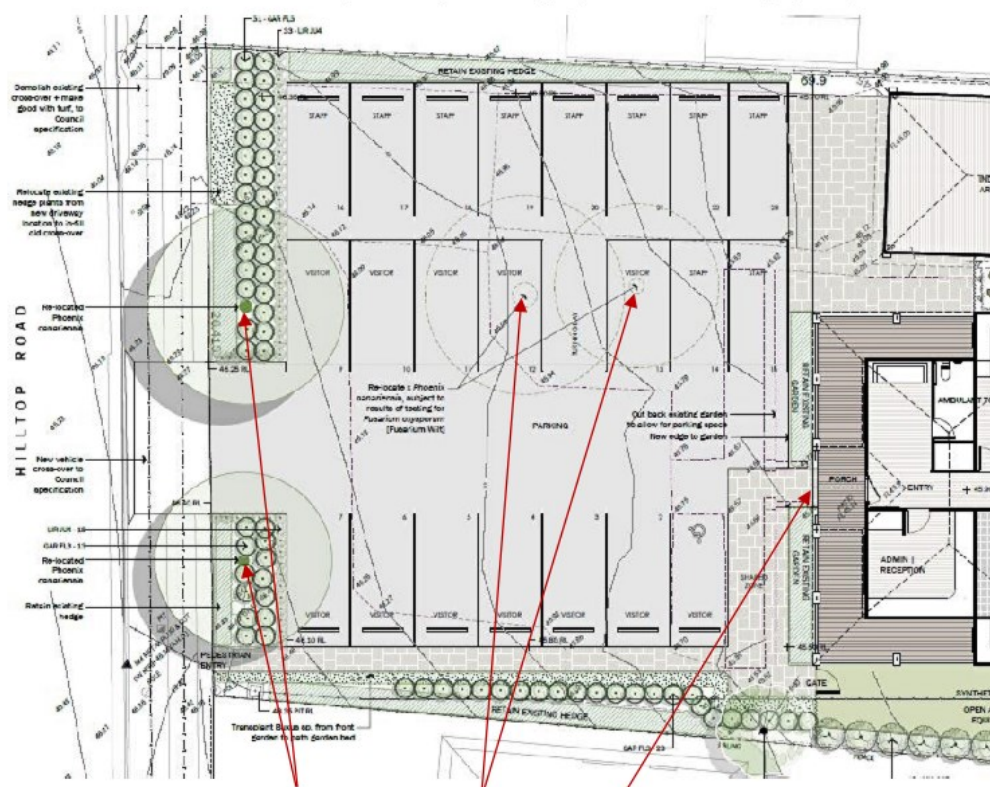
Fax: 9716 6083

11 Hilltop Rd Merrylands_SoHI Supp_27Aug19

Issue: 29/08/19

p.1

This is illustrated in the Landscape Concept drawings by Outside-In Design [OID]:



Location of relocated Phoenix Palms from existing position. Front entry portico of "Buda". (OID dwg. L-01B-NTS).



Street elevation showing proposed fence and relocated Phoenix palms. (OID dwg. L-03B-NTS).

In my experience, the proposed arrangement is relatively conventional for such properties and will reinterpret the ...spacious "open" quality and mature tree planting... as per the Statement of Significance for "Burda" in an evocative manner.

- b. The SoHI does not provide mitigation recommendations. An archival photographic recording would be appropriate to record any residual heritage values in their context.*

Response: in my opinion, no significant “mitigation” measures are required.

The one matter that should be considered is to make less of the conversion of the existing garage structure (to be adapted/ converted into a play-room) through keeping the roof simple (i.e. no gablet) as it will tend to compete with “Burda” in terms of streetscape presence. The remainder

of the built-form is essentially extant, and the setting will effectively remain as is, though alleviated somewhat by the proposed front boundary treatment.

The matter of archival recording would appear to me to be unnecessary, as the changes to the fabric and setting have been recorded adequately in the Edwards Planning Conservation Management Plan of January 2013, and subsequent Statements of Heritage Impact.

Yours sincerely



Greg Patch
Architect/ Heritage Consultant