

A meeting of the Cumberland Local Planning Panel will be held at 11:30a.m at the Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Wednesday, 12 February 2020.

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: LPP001/20

DEVELOPMENT APPLICATION FOR 149 AUBURN ROAD, AUBURN

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: DA2019/271

Application lodged	29 August 2019.
Applicant	Mr S Khan.
Owner	Australian Islamic Cultural Centre Incorporated.
Application No.	DA2019/271.
Description of Land	149 Auburn Road Auburn being Lot 15 in DP 1199248.
Proposed Development	Construction of toilet cubicles within the existing college.
Site Area	6,830 Square metres.
Zoning	Zone R3 Medium Density Residential.
Disclosure of political donations and gifts	Nil disclosure
Heritage	Not Heritage Listed or located in a Heritage Conservation Area.
Principal Development Standards	<p>Floor Space Ratio</p> <p>Permissible: - 0.75:1. Propose:- 2.892.1</p> <p>Height of Building</p> <p>Permissible: - 9 metres. Proposed: - No change to the maximum approved height of the College.</p>
Issues	Floor space ratio.

SUMMARY:

1. Development Application 2019/271 was received on the 29 August 2019 for the construction of toilet cubicles within the existing college.
2. The application was publicly notified to occupants and owners of the adjoining properties for a period of fourteen (14) days between Tuesday 17 October 2019 and Tuesday 1 October 2019. There were no submissions to the works that are sought.
3. The variations are as follows:

Control	Required	Provided	% variation
Floor space ratio	0.75:1	Presently approved: - 2.89:1.	The variation is 385% of the maximum

		i) Proposed: - 2.892:1 which is an increase of 15.6 square metres or 0.2%.	permitted for the site.
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4. The application is recommended for deferred commencement consent subject to the conditions as provided in the attached schedule.
5. The application is referred to the Panel because the development application contravenes a development standard by more than 10%.

REPORT:

Subject Site and Surrounding Area

The site is identified as Lot 15 in DP 1199248 being 149 Auburn Road Auburn. The site is located to the east of Harrow Road and to the west of Auburn Road. It lies in the vicinity of Beatrice Street to the north and Helena Street to the south. The site is irregularly shaped and occupies an area of 6,830 square metres with frontages to Harrow Road and Auburn Road.

There is a college situated across the site known as Al Faisal College which consists of 4 to 5 storey buildings (Building A, B, C, D and E) with building B, C and D having roof top play areas.

There is a three storey residential flat building complex situated to the north with frontages to both Harrow Road and Auburn Road.

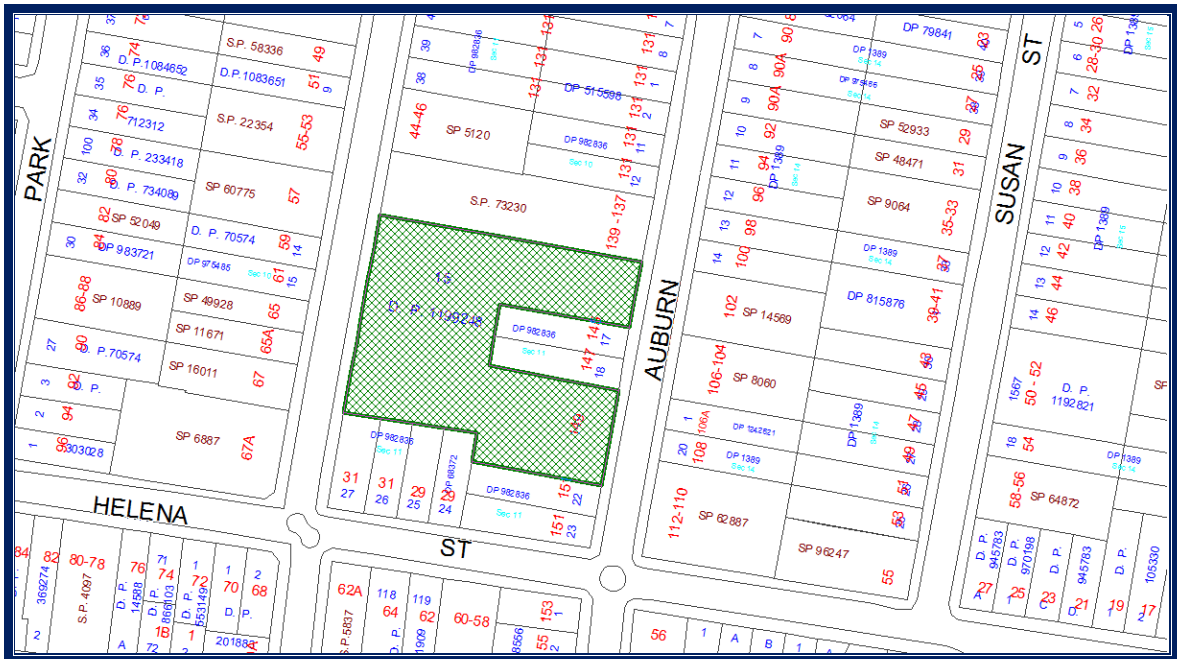
The Auburn Uniting Church and associated hall is situated to the immediate south at 31 Helena Street with the church situated on the street corner. The church building and adjacent hall is identified as an item of local heritage significance under the Auburn Local Environmental Plan 2010. (Item No I21 in Schedule 5).

There are residential flat buildings and dwelling houses on land to the west and situated on the western side of Harrow Road.

There are residential flat buildings and dwelling houses on land to the east on the eastern side of Auburn Road.

The college site is located generally within an established low to medium density residential precinct currently zoned for Medium-Density residential land use.

The location of the site is shown below.



The aerial photo of the site.



A photograph of the College from Auburn Road



Photos of the works the subject of the development application





Description of the Proposed Development

Following a complaint on 8 April 2019 concerning unauthorised building works, Council officers inspected the site on May 15 2019 and identified that two toilet blocks were under construction without a valid consent being in place. A Stop Work Order 2 was issued on May 15 2019 that required the builders and owners to undertake the following:-

- a) Stop carrying out all building works associated with the construction of a multiple water closet cubicle structure located adjacent to the eastern elevation of building D and adjacent to the western boundary of premises known as 145 Auburn Road, Auburn.
- b) Stop carrying out all building works associated with the construction of a multiple water closet cubicle structure attached to the northern elevation of building D.

A copy of the Stop Work Order is attached at Appendix C.

The development application is in response to the “Stop Work Order” issued and seeks to legitimize the unauthorised works and to complete the works not undertaken.

The plans are showing two toilet blocks with one block situated adjacent to the eastern elevation of building Block D and one block situated adjacent to the western boundary of 145 Auburn Road. The toilet block adjacent to the eastern elevation of block D is

provided with four toilet cubicles while the toilet block adjacent to the western boundary of 145 Auburn Road is provided with three toilet cubicles.

The toilet blocks are located on the ground floor and both enclosed within roofs and as such they add to floor space ratio for the site. In this regard, the toilet blocks as one entity add 15.6 square metres to the existing floor space ratio of the site (8.89 square metres and 6.72 square metres respectively). This results in the floor space ratio of the college increasing from 2.89:1 to 2.892:1 which is an increase of 0.002:1.

Should the Panel support the development application, a Building Certificate will be required in lieu of a Construction Certificate for the works already undertaken. Deferred commencement consent is required to address the matter and to ensure that a Building Certificate is lodged for the unauthorised works.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Planning Ingenuity and dated 28 August 2019. This was modified on December 16 2019 as part of a submission addressing Clause 4.6 of the Auburn Local Environmental Plan 2010.

Contact with Relevant Parties

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

Internal Referrals

Development Engineer

The development application was referred to Council's Development Engineer for comment who has advised that the development proposal is satisfactory subject to a condition addressing the connection of stormwater from the works to the existing system. This is incorporated into the conditions of consent if supported.

Building Surveyor

The development application was referred to Council's Building Surveyor for comment who has advised that the development proposal is satisfactory subject to conditions including the submission of a fire safety report. Any conditions are included into the recommended condition set at Appendix D at the end of this report.

Environment and Health

As per an Email memorandum dated 12 September 2019, no objections are raised to the development and no health conditions are required.

External Referrals

The development application was not required to be referred to any external government authority 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

State Environmental Planning Policy (SEPP) 55 requires Council to consider whether land, the subject of a development application is contaminated and if so, whether the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which development is proposed to be carried out.

The issue of land contamination has been addressed under earlier development consents such as Development Application 399/2004 and it is found that the history of the site is predominantly residential and later for educational use. The development application is for the construction of toilets which does not require any excavation work on site.

In view of the above, Council can be satisfied that the appropriate level of investigation has been carried out and that the proposed development is considered satisfactory with regard to Clause 7 of SEPP 55. The site is considered suitable (or capable of being made suitable) to accommodate the development.

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

The development application has been assessed under the relevant provisions of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. A detailed assessment where relevant is at Appendix A. It is concluded that the proposed development is fully compliant with the relevant provisions of the State Policy.

Design Guide for Schools

Clause 35(6)(a) of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 requires Council to consider the Design Guide for Schools prepared by the Office of the Government Architect NSW for any development application for a school or works within a school ground. The works have been assessed using the Design Guide and it is determined that the works are satisfactory with the relevant provisions. A detailed assessment is at Appendix A.

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 covered 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

The provisions of the Auburn Local Environmental Plan 2010 are applicable to the development application. An educational establishment or college (school) is a permitted land use within the R3 Medium Density Residential zone subject to consent.

Alterations and additions to the college is also permitted with consent within the zone.

The development application raises no issues in relation to height as previously mentioned however the matter concerning floor space ratio requires further review given that an increase is proposed.

Clause 4.3 - Height of buildings

A maximum building height of 9 metres is specified for the site. The approved buildings reach a height of up to 23.6 metres from the natural ground level. The development application does not change the height of the college and no detailed discussion is required. The proposed toilet blocks have a height not exceeding 3.6 metres and given that they are located on the ground floor and within the building envelope, they do not raise any issues with respect to building height.

Clause 4.4 - Floor space ratio

The maximum permitted floor space ratio is 0.75:1.

The floor space ratio of the college is calculated at 2.89:1 which will increase by 15.6 square metres to 2.892:1. The increase of 0.002:1 in floor space ratio results in a floor space ratio being 385% of the maximum permitted for the site. The applicant has submitted a Clause 4.6 variation to the Auburn Local Environmental Plan 2010 which is discussed below to address the matter.

Clause 5.10 - Heritage Conservation

The site is not listed as a heritage item within the Auburn Local Environmental Plan. However, there is a heritage listed item situated at 31 Helena Street to the south west of the subject site being a church and an adjacent hall building which is listed as Item

Number 121 in Schedule 5 of the Auburn Local Environmental Plan 2010. There is a significant buffer between the proposed works and the heritage listed item and as such, it is envisaged that the proposed works will have no adverse impact onto the heritage listed item.

A detailed assessment of the development application using the Auburn Local Environmental Plan 2010 is provided at Appendix B.

(a) Clause 4.6 - Variation to Floor Space Ratio (Clause 4.4)

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 the floor space ratio (Clause 4.4).

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

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

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

Applicant's justification:

Clause 4.6(4) (a) (ii) requires the consent authority to be satisfied that the development is in the public interest because it is consistent with the relevant zone objectives. The objectives of the R3 zone are:-

"To provide for the housing needs of the community within a medium density residential environment".

Comment: - The approved use of the site is an educational facility and as such, the objective does not apply to the subject site.

"To provide a variety of housing types within a medium density residential environment".

Comment: - The approved use of the site is an educational facility and as such, the objective does not apply to the subject site.

"To enable other land uses that provide facilities or services to meet the day to day needs of residents".

Comment: - The proposed development will improve the amenity of the student population, the majority of whom are local residents. The proposed toilets blocks will not cause any adverse impacts to the locality.

Planner's comment:

Objective (c) is the only relevant objective to consider given that the site is being used as an educational facility. The proposed development is considered to provide additional services to the college site in the form of additional toilets at a location appropriate to the student population. The proposed toilets blocks will not cause any adverse impacts to the locality and will not be seen from a public space close to the site. The development application is considered as being compliant with the relevant objective stated.

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

Applicant's justification:

The Objectives of Clause 4.4 (Floor space ratio) are as follows:-

- a) To establish a maximum floor space ratio to enable appropriate development density to be achieved, and
- b) To ensure that development intensity reflects its locality.

The existing site provides for a floor space ratio of 2.89:1 which far exceeds the 0.75:1 permitted under the Auburn Local Environmental Plan 2010. The current floor space ratio was approved under DA 295/2014 (along with modifications A and B). The existing and proposed minor increase is consistent with the use of the site as an educational establishment. The proposed toilet blocks will not adversely impact onto the amenity of the neighbouring properties.

The proposed addition of two toilet blocks will not adversely add to the intensity of the site as the addition is minor and is not easily viewed from the public domain. The rest of the development will remain as approved under previous applications.

The proposed development minimises adverse environmental effects on neighbouring properties.

Planner's comment:

As stated above, the current floor space ratio of the site has been established under previous developments consents issued for the site as well as various modifications granted thereafter.

The proposed increase in floor space ratio is considered to be minor but consistent with the use of the site as an educational establishment. The proposed addition of two toilet blocks will not adversely add to the intensity of use of the site, will not increase the student population and will not have an adverse impact to the site or to adjoining sites. The toilet blocks are located on the ground floor and screened from public spaces

by existing buildings. Other than the addition of the two toilet blocks, the remainder of the college remains the same as per previous consents issued for the site.

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

Applicant's justification:

Compliance with the maximum floor space ratio development standard is considered to be unreasonable and unnecessary as the objectives of the standard are achieved as follows:-

- a) It is considered that there is an absence of any material impacts of the proposed non-compliance on the amenity of the environmental values of the locality, the amenity of future building occupants and on area character.
- b) The proposed development meets the objectives of the development standard and meets the objectives of the R3 Medium Density Residential zone.
- c) The spaces in which the two toilet blocks are located are underutilised hardstand areas that are screened from the public domain and neighbouring properties.
- d) The toilet blocks are needed for the student population. The toilet will be located outside building E which is used to conduct examinations. The toilet blocks will allow students to use the facilities and promptly return to their examinations without wasting excessive amounts of time finding nearby toilets.
- e) The additional floor area proposed does not adversely change the character of the development in terms of streetscape and character. The scale and form of the development viewed from each street frontage reflects the desired planning controls and is consistent with the surrounding development. The additional floor space ratio is internalised on the site and will not be readily perceptible from the public domain or surrounding properties.
- f) The increase is minor in extent and the development allows for additional facilities for the student population.

Planner's comment:

The applicant's justification can be supported as follows:-

- a) The toilets do not create adverse internal and external amenity issues.
- b) The works are not seen from public spaces. In this regard, the works are internal to the site and not identified from an external public space.
- c) The increase is relatively minor in extent.
- d) The additional toilets provides for additional facilities on site in an appropriate location.

4. 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:

There are sufficient planning grounds to justify the contravention of the development standard as follows:-

- The two toilet blocks are minor works that will not add to the intensity of the site.
- The works are consistent with the use of the site as an educational establishment.
- The amenity of the student population is improved by the addition of new toilets.
- The toilet blocks will not cause any adverse impacts to the locality.
- The contravention of the maximum floor space ratio standard does not raise any matter of significance for State and Regional environmental planning.
- The works are not seen from the public domain.

Planner's comment:

The statements provided within the Clause 4.6 variation are generally supported given that the toilets are minor additions to the college that are not readily visible from the public space. As such, the Panel may be satisfied that the applicant's assessment is satisfactory.

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.

The applicants justification provided is satisfactory and having considered the application on its merit, the exception to the maximum floor space ratio 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))

There are no draft planning instruments that apply to the site.

The provisions of any Development Control Plans (EP&A Act s4.15 (1)(a)(iii))Auburn Development Control Plan 2010 - Multi Dwelling Housing

Due to the subject sites being located within a Zone R3 - Medium Density Residential, the relevant objectives and requirements of the Multi Dwelling Housing chapter have been considered in the assessment of the development application. Whilst a number of the objectives, such as Built Form, Energy Efficient Design and Conservation, Privacy and Security and Access and Car Parking can be applied to the proposal, the detailed development control requirements of the Plan refer specifically to multiple dwelling developments only. This is outlined in Part 1.1 of the Plan. The proposed development does not incorporate any residential element and therefore, the specific controls are not applicable. As such, a detailed assessment is not warranted.

Auburn Development Control Plan 2010 - Parking & Loading

The relevant requirements and objectives of the Parking and Loading part of the Auburn Development Control Plan 2010 have been considered in the assessment of the development application. The parking rates prescribed by the DCP for educational establishments are based on student and staff numbers.

There are no proposed changes to student's numbers on site and as such, no increase in car parking is proposed or required for the site.

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

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

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

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

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

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

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

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

Submissions made in accordance with the Act or Regulation (EP&A Act s4.15 (1)(d))Advertised (newspaper) ☒ Mail ☒ Sign ☒ Not Required ☐

In accordance with Council's Notification requirements contained within the Auburn Development Control Plan 2010, the development application was notified for a period of fourteen (14) days between Tuesday 17 September and Tuesday 1 October 2019. There were no submissions to the development application or works sought.

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 does not require the payment of contributions in accordance with Council's Section 94 Contributions Plans because the cost of works is quoted at approximately \$20,000 in value.

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 Policies, the Auburn Local Environmental Plan 2010 and the Auburn Development Control Plan 2010. The development is considered to be satisfactory.

The proposed development is permissible within the R3 zone (Medium Density Residential) under the provisions of the Auburn Local Environmental Plan 2010. A variation to the floor space ratio under Clause 4.4 of the Auburn Local Environmental Plan 2010 is sought and it is considered that the increase is reasonable given the scale of works that are proposed.

Having regard to the assessment of the proposal from a merit perspective, Council may be satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for the college. It is considered that the proposal successfully minimises adverse impacts on 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 development may be approved as a deferred commencement consent subject to conditions.

REPORT RECOMMENDATION:

- 1. That Development Application No. DA2019/271 for construction of toilet cubicles within the existing college on land at 149 Auburn Road Auburn be given deferred commencement consent subject to attached conditions as listed in the attached schedule.**

ATTACHMENTS

1. Appendix A - State Environmental Planning Policy [↓](#) 
2. Appendix B - Auburn Local Environmental Plan (LEP) 2010 [↓](#) 
3. Appendix C - Copy of the Stop Work Order [↓](#) 
4. Appendix D - List of Conditions of Consent [↓](#) 
5. Architectural Plans [↓](#) 
6. Clause 4.6 Variation Request [↓](#) 

DOCUMENTS
ASSOCIATED WITH
REPORT LPP001/20

Attachment 1

Appendix A - State Environmental
Planning Policy

APPENDIX A

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

Requirement	Yes	No	N/A	Comment
Part 4 Schools Specific Development Controls				
35 Schools—development permitted with consent				
(1) Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The land is within zone R3 Medium Density Residential which is a prescribed zone. An educational establishment is also permitted with consent under the Auburn Local Environmental Plan 2010.
(2) Development for a purpose specified in clause 39 (1) or 40 (2) (e) may be carried out by any person with development consent on land within the boundaries of an existing school.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(3) Development for the purpose of a school may be carried out by any person with development consent on land that is not in a prescribed zone if it is carried out on land within the boundaries of an existing school.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(4) Subclause (3) does not require development consent to carry out development on land if that development could, but for this Policy, be carried out on that land without development consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) A school (including any part of its site and any of its facilities) may be used, with development consent, for the physical, social, cultural or intellectual development or welfare of the community, whether or not it is a commercial use of the establishment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(6) Before determining a development application for development of a kind referred to in subclause (1), (3) or (5), the consent authority must take into consideration:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The design quality provisions of Schedule 4 are addressed later within the Appendix A.
(a) the design quality of the development when evaluated in accordance with the design quality principles set out in Schedule 4, and				
(b) whether the development enables the use of school facilities (including recreational facilities) to be shared with the community.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Subclause 7 and 8 will not apply to the development.
(7) Subject to subclause (8), the requirement in subclause (6) (a) applies to the exclusion of any provision in another environmental planning instrument that requires, or that relates to a requirement for, excellence (or like standard) in design as a prerequisite to the granting of development consent for development of that kind.				
(8) A provision in another environmental planning instrument that requires a competitive design process to be held as a prerequisite to the granting of development consent does not apply to development to which subclause (6) (a) applies that has a capital investment value of less than \$50 million.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Council has no development control plan addressing schools.
(9) A provision of a development control plan that specifies a requirement, standard or control in relation to development of a kind referred to in subclause (1), (2), (3) or (5) is of no effect, regardless of when the development control plan was made.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
(10) Development for the purpose of a centre-based child care facility may be carried out by any person with development consent on land within the boundaries of an existing school.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(11) Development for the purpose of residential accommodation for students that is associated with a school may be carried out by any person with development consent on land within the boundaries of an existing school.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
36 Schools—development permitted without consent				
(1) Development for any of the following purposes may be carried out by or on behalf of a public authority without development consent on land within the boundaries of an existing school:				
(a) construction, operation or maintenance, more than 5 metres from any property boundary with land in a residential zone and more than 1 metre from any property boundary with land in any other zone, of:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The development application is limited to the construction of two toilet blocks on site encompassing a combined total of seven (7) toilet cubicles. The development does not involve any change to site operations or student numbers.
(i) a library or an administration building that is not more than 1 storey high, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) a portable classroom (including a modular or prefabricated classroom) that is not more than 1 storey high, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(iii) a permanent classroom that is not more than 1 storey high to replace an existing portable classroom and that is used for substantially the same purpose as the portable classroom, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(iv) a kiosk, cafeteria or bookshop for students and staff that is not more than 1 storey high, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(v) a car park that is not more than 1 storey high,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) minor alterations or additions, such as:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(i) internal fitouts, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) alterations or additions to address work health and safety requirements or to provide access for people with a disability, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(iii) alterations or additions to the external facade of a building that do not increase the building envelope (for example, porticos, balcony enclosures or covered walkways),	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) restoration, replacement or repair of damaged buildings or structures,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There are no changes to the car parking on site.
(d) security measures, including fencing, lighting and security cameras.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) However, subclause (1) applies only to development that:				
(a) does not require an alteration of traffic arrangements (for example, a new vehicular access point to the school or a change in location of an existing vehicular access point to the school), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) in the case of development referred to in subclause (1) (a)—does not allow for an increase in:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(i) the number of students the school can accommodate, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) the number of staff employed at the school, that is greater than 10% (compared with the average of each of those numbers for the 12-month period immediately before the commencement of the development).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
(3) Nothing in this clause authorises the carrying out of development in contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to any part of the school, relating to hours of operation, noise, car parking, vehicular movement, traffic generation, loading, waste management, landscaping or student or staff numbers.				The number of students is not being increased under the development application.
(4) A reference in this clause to development for a purpose referred to in subclause (1) (a), (b) or (c) includes a reference to development for the purpose of construction works in connection with the purpose referred to in subclause (1) (a), (b) or (c).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Development consent is required for the proposed works.
39 Existing schools complying development				
(1) Development carried out by or on behalf of any person on land within the boundaries of an existing school is complying development if:				
(a) it consists of the construction of, or alterations or additions to, any of the following:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A development application has been lodged for the works with works partially complete. As such, the works are not complying development.
(i) a library, an administration building or office premises for the purposes of the school,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) a gym, indoor sporting facility or hall,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(iii) a teaching facility (including lecture theatre), laboratory, trade facility or training facility,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(iv) a cafeteria that is carried out in accordance with AS 4674—2004, Design, construction and fit-out of food premises, published by Standards Australia on 11 February 2004,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(v) a kiosk or bookshop for students or staff (or both),	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(vi) a hall with associated covered outdoor learning area or kiosk,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(vii) an outdoor learning or play area and associated awning or canopy,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(viii) demolition of a building or structure (unless a State heritage item or local heritage item),	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(ix) minor alterations or additions (such as internal fitouts, structural upgrades, or alterations or additions to enable plant or equipment to be installed, to address work health and safety requirements or to provide access for people with a disability),	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(x) restoration, replacement or repair of a damaged building or structure, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) it complies with this clause.				
Note.				
Complying development must also comply with the general requirements in clause 19.				
(2) Development carried out by or on behalf of any person on land within the boundaries of an existing school is complying development if:				
(a) it is an alteration or addition referred to in subclause (1) or clause 40 (2) (e) that is carried out for the purpose of a change of use to another use specified in subclause (1), and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) it complies with this clause.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Note 1.				
Complying development must also comply with the general requirements in clause 19.				
Note 2.				

Requirement	Yes	No	N/A	Comment
Development to which section 100B (1) of the Rural Fires Act 1997 applies is not complying development under this Policy. (3) The development standards for complying development under this clause (other than for development referred to in subclause (1) (a) (viii), (ix) or (x)) are set out in Schedule 2. (4) Nothing in this clause authorises the carrying out of development in contravention of any existing condition of the most recent development consent (other than a complying development certificate) that applies to any part of the school, relating to hours of operation, noise, car parking, vehicular movement, traffic generation, loading, waste management, landscaping or student or staff numbers.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The provisions stated at Clause 39 do not apply due to the works being partially complete without formal consent. Development consent is required for the toilets.
42 State significant development for the purpose of schools—application of development standards in environmental planning instruments Development consent may be granted for development for the purpose of a school that is State significant development even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which the consent is granted.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The development application is not State Significant Development.
Part 7 General development controls				

Requirement	Yes	No	N/A	Comment
57 Traffic-generating development (1) This clause applies to development for the purpose of an educational establishment: (a) that will result in the educational establishment being able to accommodate 50 or more additional students, and (b) that involves: (i) an enlargement or extension of existing premises, or (ii) new premises, on a site that has direct vehicular or pedestrian access to any road. (2) Before determining a development application for development to which this clause applies, the consent authority must: (a) give written notice of the application to Roads and Maritime Services (RMS) within 7 days after the application is made, and (b) take into consideration the matters referred to in subclause (3). (3) The consent authority must take into consideration: (a) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and (b) the accessibility of the site concerned, including: (i) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and (ii) the potential to minimise the need for travel by car, and (c) any potential traffic safety, road congestion or parking implications of the development. (4) the consent authority must give RMS a copy of the determination of the application within 7 days after the determination is made.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is no increase in student numbers on site and no change to car parking numbers.
	<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"/>	
	<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"/>	

Schedule 4

Schools Design quality principles

There are seven design quality principles that must be considered at Schedule 4 as follows.

Principle 1 - Context built form and landscape

Schools should be designed to respond to and enhance the positive qualities of their setting, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.

Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.

School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area, and located and designed to minimise the development's visual impact on those qualities and that natural environment.

The works proposed are minor additions to the existing and approved college. The works are contained within the site and not visible to a public space. The works are considered as being compliant with the stated provision.

<p>Principle 2 - Sustainable, efficient and durable</p> <p>Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.</p> <p>Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.</p>	<p>There are no significant issues to address.</p>
<p>Principle 3 - Accessible and inclusive</p> <p>School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities.</p>	<p>Existing. There is no change proposed.</p>
<p>Principle 4 - health and safety</p> <p>Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.</p>	<p>Existing. There is no change proposed.</p>
<p>Principle 5 - Amenity</p> <p>Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.</p> <p>Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.</p> <p>Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.</p>	<p>Existing. No assessment is required given that issues of amenity have been addressed in previous development consents issued for the site.</p>
<p>Principle 6 - whole of life, flexible and adaptive</p> <p>School design should consider future needs and take a whole-of-life-cycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.</p>	<p>There are no issues that require assessment under the heading.</p>
<p>Principle 7 - Aesthetics</p> <p>School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.</p> <p>The built form should respond to the existing or desired future context, particularly, positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.</p>	<p>Existing.</p>

**DOCUMENTS
ASSOCIATED WITH
REPORT LPP001/20**

Attachment 2

**Appendix B - Auburn Local
Environmental Plan (LEP) 2010**

CUMBERLAND LOCAL PLANNING PANEL

Appendix B

Auburn Local Environmental Plan (LEP) 2010

The relevant objectives and provisions of Auburn LEP 2010 have been considered in the following assessment table:

Requirement	Yes	No	N/A	Comment
1.1 Name of Plan				
This Plan is Auburn Local Environmental Plan 2010.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1.2 Aims of Plan				
(1) This Plan aims to make local environmental planning provisions for land in Auburn in accordance with the relevant standard environmental planning instrument under section 33A of the Act.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2) The particular aims of this Plan are as follows:				
(a) to establish planning standards that are clear, specific and flexible in their application,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	An educational establishment is a permissible form of development within the R3 Medium Density Residential zone. Alterations and additions to an educational establishment is permissible with consent within the zone.
(b) to foster integrated, sustainable development that contributes to Auburn's environmental, social and physical well-being,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(c) to protect areas from inappropriate development,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development proposal is considered to be broadly consistent with the objectives of the ALEP 2010.
(d) to minimise risk to the community by restricting development in sensitive areas,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(e) to integrate principles of ecologically sustainable development into land use controls,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(f) to protect, maintain and enhance the natural ecosystems, including watercourses, wetlands and riparian land,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(g) to facilitate economic growth and employment opportunities within Auburn,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(h) to identify and conserve the natural, built and cultural heritage,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(i) to provide recreational land, community facilities and land for public purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
1.6 Consent authority				
The consent authority for the purposes of this Plan is (subject to the Act) the Council.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development application is required to be reported to the Cumberland Local Planning Panel for determination because there is a variation to the floor space ratio provision under Clause 4.4 of the Auburn Local Environmental Plan 2010.
1.9 Application of SEPPs and REPs				
(1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The State Policies that are applicable to the application are addressed earlier in the report.

Requirement	Yes	No	N/A	Comment
<p>prevail over this Plan as provided by section 36 of the Act.</p> <p>(2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies:</p> <p><i>State Environmental Planning Policy No 1—Development Standards</i></p> <p><i>Sydney Regional Environmental Plan No 24—Homebush Bay Area</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The state policies stated below are not relevant to the development application.
<p>1.9A Suspension of covenants, agreements and instruments</p> <p>(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.</p> <p>(2) This clause does not apply:-</p> <p>(a) to a covenant imposed by the Council or that the Council requires to be imposed, or</p> <p>(b) to any prescribed instrument within the meaning of section 183A of the <i>Crown Lands Act 1989</i>, or</p> <p>(c) to any conservation agreement within the meaning of the <i>National Parks and Wildlife Act 1974</i>, or</p> <p>(d) to any Trust agreement within the meaning of the <i>Nature Conservation Trust Act 2001</i>, or</p> <p>(e) to any property vegetation plan within the meaning of the <i>Native Vegetation Act 2003</i>, or</p> <p>(f) to any biobanking agreement within the meaning of Part 7A of the <i>Threatened Species Conservation Act 1995</i>, or</p> <p>(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.</p> <p>(3) This clause does not affect the rights or interests of any public authority under any registered instrument.</p> <p>(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of sub clauses (1)–(3).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are no known covenants, agreements or instruments applying to the land which will prevent the development proceeding in accordance with the plan.
<p>(a) to a covenant imposed by the Council or that the Council requires to be imposed, or</p> <p>(b) to any prescribed instrument within the meaning of section 183A of the <i>Crown Lands Act 1989</i>, or</p> <p>(c) to any conservation agreement within the meaning of the <i>National Parks and Wildlife Act 1974</i>, or</p> <p>(d) to any Trust agreement within the meaning of the <i>Nature Conservation Trust Act 2001</i>, or</p> <p>(e) to any property vegetation plan within the meaning of the <i>Native Vegetation Act 2003</i>, or</p> <p>(f) to any biobanking agreement within the meaning of Part 7A of the <i>Threatened Species Conservation Act 1995</i>, or</p> <p>(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(3) This clause does not affect the rights or interests of any public authority under any registered instrument.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of sub clauses (1)–(3).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Part 2 Permitted or prohibited development				
2.1 Land use zones				
<p>The land use zones under this Plan are as follows:</p> <p>Residential Zones</p> <p>R2 Low density residential.</p> <p>R3 Medium density residential.</p> <p>R4 High density residential.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The land is within zone R3 Medium Density Residential. An educational establishment is determined as being a permissible use with consent in the zone.</p> <p>The alterations and additions to an educational establishment are also permitted with consent within the zone.</p>
2.3 Zone objectives and land use table				

Requirement	Yes	No	N/A	Comment
(1) The Table at the end of this Part specifies for each zone:				
(a) the objectives for development, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The objectives of the zone have been considered in the assessment of the development application.
(b) development that may be carried out without consent, and				
(c) development that may be carried out only with consent, and				
(d) development that is prohibited.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.				
(3) In the Table at the end of this Part:				
(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.				
(4) This clause is subject to the other provisions of this Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Notes.				
1. Schedule 1 sets out additional permitted uses for particular land.				
2. Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.				
3. Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).				
4. Clause 2.6 requires consent for subdivision of land.				
5. Part 5 contains other provisions which require consent for particular development.				
6. Part 6 contains local provisions which require consent for particular development.				
2.5 Additional permitted uses for particular land				
(1) Development on particular land that is described or referred to in Schedule 1 may be carried out:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No additional uses in accordance with this clause are being applied for under this application.
(a) with consent, or				
(b) if the Schedule so provides—without consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.				
2.6 Subdivision—consent requirements				
(1) Land to which this Plan applies may be subdivided, but only with consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A subdivision of the land is not proposed.

Requirement	Yes	No	N/A	Comment
<p>Notes</p> <p>1 If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.</p> <p>2 Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development.</p> <p>(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot size map in relation to that land.</p> <p>Note. The definition of secondary dwelling in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>2.7 Demolition requires consent</p> <p>The demolition of a building or work may be carried out only with consent.</p> <p>Note. If the demolition of a building or work is identified in <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> as exempt development, the Act enables it to be carried out without consent.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No demolition work is proposed.
<p>Zone R3 Medium Density Residential</p> <p>1 Objectives of zone</p> <p>To provide for the housing needs of the community within a medium density residential environment.</p> <ul style="list-style-type: none"> To provide a variety of housing types within a medium density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. <p>2 Permitted without consent</p> <p>Nil</p> <p>3 Permitted with consent</p> <p>Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Any other development not specified in item 2 or 4</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 type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>The development application is considered to comply with the third objective which is the most relevant objective of the three that are stated.</p> <p>The land is within zone R3 (Medium Density Residential). An educational establishment is determined as being a permissible use with consent within the zone.</p> <p>The alterations and additions to an educational establishment being the addition of the two toilet blocks are also permitted with consent within the zone.</p>
4 Prohibited				

Requirement	Yes	No	N/A	Comment
Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; 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 villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Part 4 Principal development standards				
4.1 Minimum subdivision lot size				
(1) The objectives of this clause are as follows: (a) to ensure that lot sizes are able to accommodate development consistent with relevant development controls, and (b) to ensure that subdivision of land is capable of supporting a range of development types.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A subdivision of the land is not proposed.
(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3A) Despite subclause (3), the minimum lot size for dwelling houses is 450 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3B) Despite subclause (3), if a lot is a battle-axe lot or other lot with an access handle and is on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone IN1 General Industrial and Zone IN2 Light Industrial, the minimum lot size excludes the area of the access handle.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3C) Despite subclauses (3) - (3B), the				

Requirement	Yes	No	N/A	Comment
minimum lot size for development on land within the Former Lidcombe Hospital Site, as shown edged blue on the Lot Size Map, is as follows in relation to development for the purpose of: (a) dwelling houses: (i) 350 square metres, or (ii) if a garage will be accessed from the rear of the property - 290 square metres, or (iii) if the dwelling house will be on a zero lot line - 270 square metres, (b) semi-detached dwellings - 270 square metres, (c) multi dwelling housing - 170 square metres for each dwelling, (d) attached dwellings - 170 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.3 Height of buildings				
(1) The objectives of this clause are as follows: (a) to establish a maximum building height to enable appropriate development density to be achieved, and. (b) to ensure that the height of buildings is compatible with the character of the locality.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	In accordance with the Height of Buildings Map HOB_002, the maximum building height is 9 metres for the site.
(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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Height of toilet - Up to 3.6 metres but less than the height of the school buildings.
(2A) Despite subclause (2), the maximum height of office premises and hotel or motel accommodation is:				The college on site is well in excess of 9 metres in height with the height calculated up to 23.65 metres. This is addressed within the relevant development consents previously issued. The development application does not change the height of the college and as such, a detailed assessment of the height of the college or individual buildings is not required.
(a) if it is within the Parramatta Road Precinct, as shown edged orange on the Height of Buildings Map—27 metres,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) if it is on land within Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Height of Buildings Map—14 metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.4 Floor space ratio				
(1) The objectives of this clause are as follows: (a) To establish a maximum floor space ratio to enable appropriate development density to be achieved, and (b) To ensure that development intensity reflects its locality.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The maximum floor space ratio specified for the site is 0.75:1.
(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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The college on site has a floor space ratio of 2.89:1 which will be increasing by 16.5 metres. This will result in the floor space ratio of the college increasing to 2.892:1 which is an increase of 0.002:1 on what presently exists.
(2A) Despite subclause (2), the maximum floor space ratio for development for the purpose of multi dwelling housing on land other than land within the Former				The applicant is required to lodge a Clause 4.6 request to this provision which has been assessed within the main body of the report. It is concluded that the Clause 4.6 variation is satisfactory to support.

Requirement	Yes	No	N/A	Comment
Lidcombe Hospital Site, as shown edged black on the Floor Space Ratio Map, is as follows:				
(a) for sites less than 1,300 square metres - 0.75:1,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) for sites that are 1,300 square metres or greater but less than 1,800 square metres - 0.80:1,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) for sites that are 1,800 square metres or greater - 0.85:1.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2B) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Parramatta Road Precinct, as shown edged orange on the Floor Space Ratio Map, is as follows:				
(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) 3:1 for office premises and hotel or motel accommodation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2C) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Floor Space Ratio Map, is as follows:				
(a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) 2:1 for office premises and hotel or motel accommodation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2D) Despite subclause (2), the maximum floor space ratio for retail premises on land in Zone B6 Enterprise Corridor within the Commercial Precinct, as shown edged green on the Floor Space Ratio Map, is 1.5:1.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.5 Calculation of floor space ratio and site area				
(1) Objectives The objectives of this clause are as follows:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(a) to define floor space ratio ,				
(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:				
(i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(iii) require community land and public places to be dealt with separately.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) Definition of "floor space ratio" The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Site area In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be:				

Requirement	Yes	No	N/A	Comment
(a) if the proposed development is to be carried out on only one lot, the area of that lot, or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The College occupies one allotment of land.
(b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.				
(4) Exclusions from site area The following land must be excluded from the site area:				
(a) land on which the proposed development is prohibited, whether under this Plan or any other law,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No exclusions in accordance with the clause are being applied.
(b) community land or a public place (except as provided by subclause (7)).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) Strata subdivisions The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Strata subdivision is not proposed.
(6) Only significant development to be included The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Subclause 6 is relevant to the development application and addressed.
(7) Certain public land to be separately considered For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(8) Existing buildings The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(9) Covenants to prevent “double dipping” When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(10) Covenants affect consolidated sites If:				

Requirement	Yes	No	N/A	Comment
(a) a covenant of the kind referred to in subclause (9) applies to any land (affected land), and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development, the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.				
(11) Definition In this clause, public place has the same meaning as it has in the <i>Local Government Act 1993</i> .	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.6 Exceptions to development standards				
(1) The objectives of this clause are:				
(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The applicant has lodged a Clause 4.6 variation request to Clause 4.4 of the Auburn Local Environmental Plan 2019. The Clause 4.6 variation request is determined as being satisfactory to support as described within the main body of the report.
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:				
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(4) Consent must not be granted for development that contravenes a development standard unless:				
(a) the consent authority is satisfied that:				
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The applicants written request has adequately addressed the relevant matters required to be considered under Subclause (3).
(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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Cumberland Local Planning Panel

Requirement	Yes	No	N/A	Comment
(b) the concurrence of the Director-General has been obtained.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the public benefit of maintaining the development standard, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(6) Not applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(8) This clause does not allow consent to be granted for development that would contravene any of the following:				
(a) a development standard for complying development,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> applies or for the land on which such a building is situated,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) clause 5.4.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Part 5 Miscellaneous provisions				

Requirement	Yes	No	N/A	Comment
5.4 Controls relating to miscellaneous permissible uses				
(1) Bed and breakfast accommodation If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The clause is not applicable to the development application.
(2) Home businesses If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Home industries If development for the purposes of a home industry is permitted under this Plan, the carrying on of the light industry must not involve the use of more than 30 square metres of floor area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Industrial retail outlets If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed: <ul style="list-style-type: none"> (a) 30 % of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or (b) 400 square metres, whichever is the lesser. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) Farm stay accommodation If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(6) Kiosks If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 10 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(7) Neighbourhood shops If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(8) Roadside stalls If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 8 square metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(9) Secondary dwellings If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater: <ul style="list-style-type: none"> (a) 60 square metres, (b) 20% of the total floor area of both the self-contained dwelling and the principal dwelling. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.6 Architectural roof features				
(1) The objectives of this clause are: <ul style="list-style-type: none"> (a) To ensure that any decorative roof element does not detract from the architectural design of the building, and 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This is not applicable to the development application.

Requirement	Yes	No	N/A	Comment
(b) To ensure that prominent architectural roof features are contained within the height limit.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:				
(a) the architectural roof feature:				
(i) comprises a decorative element on the uppermost portion of a building, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) is not an advertising structure, and				
(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and				
(iv) will cause minimal overshadowing, and				
(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.10 Heritage conservation				
<p>Note. Heritage items, heritage conservation areas and archaeological sites (if any) are shown on the Heritage Map. The location and nature of any such item, area or site is also described in Schedule 5.</p> <p>(1) Objectives The objectives of this clause are:</p> <p>(a) to conserve the environmental heritage of Auburn, and</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and</p> <p>(c) to conserve archaeological sites, and</p> <p>(d) to conserve places of Aboriginal heritage significance.</p> <p>(2) Requirement for consent Development consent is required for any of the following:</p> <p>(a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,</p> <p>(b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,</p> <p>(c) altering a heritage item that is a building by making structural changes to its interior,</p> <p>(d) 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,</p>				
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is not listed in the Auburn Local Environmental Plan 2010 as containing items of heritage.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Auburn Uniting Church located on the corner of Harrow Road to the west and Helena Road to the south (Item Number 121) adjoins the College site to the south and west.
	<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"/>	The change sought to the site does not have any impact onto the heritage item situated close to the College.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accordingly, the proposal is not likely to have any adverse impact onto the listed heritage item.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Requirement	Yes	No	N/A	Comment
exposed, moved, damaged or destroyed, disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(g) subdividing land on which a heritage item is located or that is within a heritage conservation area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) When consent not required However, consent under this clause is not required if:				
(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:				
(i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the development is in a cemetery or burial ground and the proposed development:				
(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) the development is exempt development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Note. For land known as Rookwood Cemetery zoned SP1 Cemetery, development consent from, and notification to, the consent authority is not required under this plan for the further use of an existing grave site or crypt within a graveyard that is a heritage item, provided the heritage significance of the item is not adversely affected.				
(4) Effect on heritage significance The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) Heritage impact assessment The consent authority may, before granting consent to any development on land:				
(a) on which a heritage item is situated, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A heritage impact assessment is not

Requirement	Yes	No	N/A	Comment
(b) within a heritage conservation area, or (c) within the vicinity of land referred to in paragraph (a) or (b), require a heritage impact statement 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	required for the development application given that there is no impact onto the heritage listed item to the south of the site.
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(6) Heritage conservation management plans The consent authority may require, after considering the 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(7) Archaeological sites 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 <i>Heritage Act 1977</i> applies):				
(a) notify the Heritage Council of its intention to grant consent, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(8) Places of Aboriginal heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:				
(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(9) Demolition of item of State significance The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 5 as being of State significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the <i>Heritage Act 1977</i> applies):				
(a) notify the Heritage Council about the application, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(10) Conservation incentives 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, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:				
(a) the conservation of the heritage item is				

Requirement	Yes	No	N/A	Comment												
<p>(b) facilitated by the granting of consent, and the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and</p> <p>(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and</p> <p>(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and</p> <p>(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</p>	<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"/>													
Part 6 Additional local provisions																
6.1 Acid sulfate soils																
<p>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p> <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> <table border="1"> <thead> <tr> <th>Class</th> <th>Works of Land</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Any works.</td> </tr> <tr> <td>2</td> <td>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</td> </tr> <tr> <td>3</td> <td>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</td> </tr> <tr> <td>4</td> <td>Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</td> </tr> <tr> <td>5</td> <td>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</td> </tr> </tbody> </table> <p>(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.</p> <p>(4) Despite subclause (2) Development</p>	Class	Works of Land	1	Any works.	2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.	3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.	4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.	5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<p>Class 5 soils for acid sulphate soil classification.</p> <p>The site is situated more than 500 metres from land given another classification specific to acid sulphate soils. Deep excavation work to 5 metres is not proposed.</p>
Class	Works of Land															
1	Any works.															
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.															
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.															
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.															
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.															

Requirement	Yes	No	N/A	Comment
consent is not required under this clause for the carrying out of works if:				
(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):				
(a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) minor work, being work that costs less than \$20,000 (other than drainage work).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:				
(a) the works involve the disturbance of more than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the works are likely to lower the water table.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6.2 Earthworks				
(1) The objectives of this clause are as follows:				
(a) to ensure that earthworks for which a development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No earthworks are proposed.
(b) to allow earthworks of a minor nature without separate development consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) Development consent is required for earthworks, unless:				

Requirement	Yes	No	N/A	Comment
(a) the work does not alter the ground level (existing) by more than 600 millimetres, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the work is exempt development under this Plan or another applicable environmental planning instrument, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) the work is ancillary to other development for which development consent has been given.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the effect of the proposed development on the likely future use or redevelopment of the land,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) the quality of the fill or of the soil to be excavated, or both,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(e) the source of any fill material and the destination of any excavated material,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(f) the likelihood of disturbing relics,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Note. The <i>National Parks and Wildlife Act 1974</i> , particularly section 86, deals with disturbing or excavating land and Aboriginal objects.				
6.3 Flood planning				
The objectives of this clause are:				
(a) to minimise the flood risk to life and property associated with the use of land,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The land is not affected by flooding or overland flow.
(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) to avoid significant adverse impacts on flood behaviour and the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(1) This clause applies to:				
(a) land that is shown as "Flood planning area" on the Flood Planning Map, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) other land at or below the flood planning level.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development:				
(a) is compatible with the flood hazard of the land, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Cumberland Local Planning Panel

Requirement	Yes	No	N/A	Comment
(c) incorporates appropriate measures to manage risk to life from flood, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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"/>	
(3) A word or expression used in this clause has the same meaning as it has in the NSW Government's <i>Floodplain Development Manual</i> published in 2005, unless it is otherwise defined in this clause.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) In this clause: flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard. Flood Planning Map means the Auburn Local Environmental Plan 2010 Flood Planning Map.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6.5 Essential Services				
(a) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required: <ul style="list-style-type: none"> the supply of water, the supply of electricity, the disposal and management of sewage. stormwater drainage or on-site conservation, suitable road access. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All necessary services are provided to the site or capable of being provided. A Section 73 Certificate will be required from Sydney Water which is addressed as a condition.
(b) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

DOCUMENTS
ASSOCIATED WITH
REPORT LPP001/20

Attachment 3

Appendix C - Copy of the Stop
Work Order

Australian Islamic Cultural Centre and Others.
149 Auburn Road
AUBURN NSW 2144

EPA-97/2019
Matthew Andrew
14-May-2019

CUMBERLAND COUNCIL

STOP WORK ORDER – ORDER 2

Pursuant to Division 9.3 of the
Environmental Planning and Assessment Act, 1979 (NSW)

DATE: 14-May-2019
TO WHOM: Australian Islamic Cultural Centre and Others.
PREMISES: Lot 15 DP 1199248149 Auburn Road, AUBURN NSW 2144

You are hereby given a **Stop Work Order – Order 2** pursuant to Part 1 of Schedule 5 of the *Environmental Planning and Assessment Act, 1979 (NSW)* (the 'Act'). Cumberland Council, as the relevant enforcement authority under the Act, is now in possession of evidence that building work has been carried out in contravention of the Act at the premises known as **149 Auburn Road, AUBURN NSW 2144** (the 'premises').

STOP WORK ORDER - ORDER 2

TO DO WHAT:

- (1) Stop all building works carried out in contravention of the Act.

Particulars:

- (a) Stop carrying out all building works associated with the construction of a multiple *water closet cubicle* structure located adjacent to the eastern elevation of building D and adjacent to the western boundary of premises know as 145 Auburn Road, Auburn.

- (b) Stop carrying out all building works associated with the construction of a multiple *water closet cubicle* structure attached to the northern elevation of building D.

Note: Council may revoke this Order pursuant to s 23 of Part 4 of Schedule 5 of the Act if development consent under Part 4 of the Act is obtained and is in force.

REASONS FOR THE ORDER: (s 5 of Part 4 of Schedule 5 of the Act)

- (1) Council Officers had cause to attend the premises known as 149 Auburn Road, Auburn (the 'premises') following receipt of a complaint in relation to construction work being undertaken at the premises. Inspection by Council revealed the construction of a multiple *water closet cubicle* structure located adjacent to the eastern elevation of building D and adjacent to the western boundary of premises known as 145 Auburn Road, Auburn and the construction of a multiple *water closet cubicle* structure attached to the northern elevation of building D of the premises. The construction of a multiple *water closet cubicle* structure located adjacent to the eastern elevation of building D and adjacent to the western boundary of premises known as 145 Auburn Road, Auburn and the construction of a multiple *water closet cubicle* structure construction of attached to the northern elevation of building D at the premises is a development which required prior Development Consent. A search of Council records revealed that a valid Development Consent does not exist. The development is therefore unlawful.
- (2) The construction of a multiple *water closet cubicle* structure located adjacent to the eastern elevation of building D and adjacent to the western boundary of premises known as 145 Auburn Road, Auburn and the construction of a multiple *water closet cubicle* structure attached to the northern elevation of building D of the premises has been undertaken prior to the granting of a Construction Certificate. The development has therefore not been subject to assessment against the Building Code of Australia (BCA) nor has the development been subject to the required critical stage inspections. The structural integrity and suitability for occupation of the development is therefore unknown potentially placing persons at the premises and surrounding area at risk.
- (3) The construction of a multiple *water closet cubicle* structure located adjacent to the eastern elevation of building D and adjacent to the western boundary of premises known as 145 Auburn Road, Auburn and the construction of a multiple *water closet cubicle* structure attached to the northern elevation of building D of the premises has the potential to impact upon the essential fire safety services installed within and outside the building.
- (4) The failure to submit a Development Application to Council for the construction of a multiple *water closet cubicle* structure located adjacent to the eastern elevation of building D and adjacent to the western boundary of premises known as 145 Auburn Road, Auburn and the construction of a multiple *water closet cubicle* structure attached to the northern elevation of building D of the premises has denied members of the public the opportunity to make submissions on the development.
- (5) The building works are being carried out in contravention of provisions contained in the *Environmental Planning and Assessment Act, 1979* and the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities), 2017*.

PERIOD OF COMPLIANCE WITH THE ORDER (s 27 of Part 11 of Schedule 5 of the Act)

This Order is to be complied with, in full, **IMMEDIATELY**.

FAILURE TO COMPLY WITH THE ORDER

It is an offence pursuant to s 9.37 of the Act to fail to comply with this Order.

Should the Order not be complied with, the Council may:

- (1) Commence civil enforcement proceedings in the Land and Environment Court of NSW pursuant Division 9.5 of the Act seeking mandatory orders to compel compliance with the Order and any other order necessary and the payment of its Council's professional costs; and/or
- (2) Commence summary criminal proceedings in a Court of competent jurisdiction pursuant to Division 9.6 of the Act seeking a conviction and monetary penalty; and/or
- (3) Issue a penalty notice pursuant to s 9.58 of the Act which carries a maximum penalty of up to **\$6,000** per penalty notice.

Note: Pursuant to s 9.37 and s 9.52 of the Act, the Land and Environment Court of NSW may impose a maximum monetary penalty of:

In the case of a corporation **\$5,000,000** and for a continuing offence, a further **\$50,000** for each day the offence continues;

In the case of an individual **\$1,000,000** and for a continuing offence, a further **\$10,000** for each day the offence continues.

NOTICE OF RIGHT OF APPEAL AGAINST THE ORDER (s 8.18 and s 4 of Part 4 of Schedule 5 of the Act)

Pursuant to s 8.18 of the Act a person who is given an Order may appeal to the Land and Environment Court of NSW against the Order within **28 days** after the Order is given to the person.

Notwithstanding, if an appeal is made to the Land and Environment Court against an order, the appeal does not affect a stay of the order.

Compliance Cost Notice:

You are advised that Part 12 of Schedule 5 of the Act enables Council to issue a Compliance Cost Notice to recover costs and expenses incurred for ensuring compliance with this Order. A compliance cost notice will require a person who is subject of an Order to pay all, or any reasonable costs and expenses in connection with monitoring action and ensuring the Order is complied with.

A Compliance Inspection should be arranged following the carrying out of the work required by the Order. To arrange this inspection phone **Matthew Andrew** on **8757 9692** and the matter may be finalised without further action.

Yours faithfully,

Matthew Andrew
Development Compliance Officer

DOCUMENTS
ASSOCIATED WITH
REPORT LPP001/20

Attachment 4

Appendix D - List of Conditions of
Consent

Application No: DA2019/271
Property: 149 Auburn Road Auburn.
Officer: Harley Pearman

CONDITIONS OF CONSENT

Deferred Commencement Conditions

1a Deferred Commencement Approval

This is a 'Deferred Commencement Consent' under Section 4.16(3) of the Environmental Planning and Assessment Act 1979. This consent does not become operative until the applicant has satisfied Council of the requirements listed in Schedule 'A' of this consent, and Council has advised in writing that those matters have been satisfactorily addressed. In accordance with S4.53(6) of the Act, if the applicant fails to satisfy Council as to the matter/s specified in Schedule A within a period of two (2) years from the date of this consent, this consent lapses.

(Reason: Statutory requirement)

Schedule A

2a Unauthorised Works

A building information certificate must be submitted to and approved by Council for the portion of the toilet blocks already constructed prior to the consent becoming operational.

(Reason: To address unauthorised works)

Schedule B

General Conditions

1b Approved Plans and Supporting Documents

The development must be carried out in accordance with the following endorsed plans and documents, except as otherwise provided by the conditions of this consent.

Reference/Dwg No	Title/Description	Prepared By	Date/s
A-1	Floor Plan, Sections, Details.	Complete Construction Engineering Pty Ltd	19/8/2019
A-2	Floor Plan, Sections 3 and 4. Perspective Views.	Complete Construction Engineering Pty Ltd	19/8/2019
A-3	Site Plan	Complete Construction Engineering Pty Ltd	19/8/2019
SW-1	Stormwater Plan	Complete Construction Engineering Pty Ltd	19/8/2019

(Reason: To confirm and clarify the details of the approval)

2b General

This consent shall lapse five years after the date from which it operates unless building, engineering or construction work has physically commenced.

(Reason: Advisory)

3b Construction within Boundary

All approved construction including but not limited to footings, walls and guttering shall be constructed wholly within the boundaries of the site

(Reason: To ensure compliance with approved plans)

4b Obtaining a Construction Certificate for Building Work

This Development Consent does not constitute approval to carry out construction work. Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifier, and lodgement of Notice of Commencement.

If demolition is associated with the erection of or extension to an existing building, then demolition must not commence prior to the issue of a Construction Certificate.

(Reason: Information)

Conditions which must be satisfied prior to the commencement of construction of any building or structure.

5b Application for a Construction Certificate

Construction work must not commence until a Construction Certificate has been obtained from Council or an Accredited Certifier.

(Reason: Statutory requirement)

6b Fire safety report

A fire safety report shall be submitted for the new additions in relation to fire safety measures prior to the issue of the construction certificate. The report shall be prepared by an accredited C10 - Fire Safety Engineer or by an A1 Accredited Certifier (Unrestricted) detailing all non compliances with the current requirements of Sections C, D, E, G and H of the Building Code of Australia (National Construction Code Series).

The report shall rationalise the non compliances and clearly recommend in the conclusion all the works required to be completed at the premises. The report shall provide a schedule of the existing and proposed essential fire safety measures and address the need to carry out works in accordance with the recommendations of the report.

(Reason:- to ensure the works and adjacent areas are compliant with the Building Code of Australia (National Construction Code Series)).

Conditions which must be satisfied prior to the issue of a Construction Certificate

7b Payment of Bonds, Fees and Long Service Levy

The Principal Certifier is to ensure and obtain written proof prior to the issue of a Construction Certificate that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes payment of a long service levy as required under part 5 of the Building and Construction Industry Long Service Payments Act 1986.

(Reason: To ensure that the applicable bonds, fees and levies are paid)

Conditions which must be satisfied prior to the commencement of any development work**8b Appointment of Principal Certifier**

No work shall commence in connection with this Development Consent until:

- a) A construction certificate for the building work has been obtained from a Certifier.
- b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifier for the building work, and
 - (ii) given at least 2 days' notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building, and
- c) The principal certifier has, no later than 2 days before the building work commences:
 - (i) notified the Council 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
- d) The person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case
- e) 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 certifier of 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.

(Reason: Statutory requirements)

9b Site Safety Fencing

Erect site fencing to a minimum height of 1.8m, to exclude public access to the site throughout the construction works. The fencing must be erected before the commencement of any work and maintained.

(Reasons: Statutory requirement and health and safety)

10b Principal Certifier Sign

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- a) The Principal Certifier by showing their name, address and telephone number;
- b) The Principal Contractor (if any) by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- c) The sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, and must be removed when the work has been completed.

(Reason: Statutory requirement)

11b Sydney Water Tap in Approvals

The approved plans must be submitted through the Sydney Water 'Tap in' portal to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water 'Tap in' customers will receive an approval receipt. For further details please refer to Sydney Water's web site at www.sydneywater.com.au/tapin or call 1300 082 746.

The Principal Certifier must ensure that the plans have been approved through the Sydney Water 'Tap in' process and an approval receipt is issued prior to the commencement of works.

(Reason: Statutory requirement)

12b Toilet Amenities for People Working at the Site

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

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

(Reason: To ensure suitable toilet amenities are provided for workers)

13b Notice of Requirements from Sydney Water

Following application to Sydney Water, they will assess the development and if required will issue a "Notice of Requirements" letter detailing all requirements that must be met. The Notice of Requirements letter must be submitted to the Principal Certifier before the commencement of works.

(Reason: To comply with statutory requirements)

Conditions which must be satisfied during any development work**14b General Site Requirements during Construction**

All of the following are to be satisfied/complied with during demolition, construction and any other site works:

- a) Any demolition and excess construction materials are to be recycled wherever practicable.
- b) The disposal of construction waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- c) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- d) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- e) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- f) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- g) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- h) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- i) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.
- j) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway. Stockpiles shall be protected with adequate sediment controls.
- k) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.

(Reason: To ensure minimal disruption to the local area and to ensure demolition, building and any other site works are undertaken in accordance with relevant legislation and policy.)

15b Construction Hours

No construction or any other related activities including the delivery of materials to the site shall be carried out on the site outside the hours of 7.00 am to 6.00 pm Mondays to Fridays and 8.00 am to 4.00 pm Saturdays. No work is to occur on Sundays and public holidays.

Note: Demolition work is not permitted on weekends or public holidays- refer to specific demolition conditions for approved hours.

Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 6.00 pm Monday to Friday.

(Reason: To minimise impacts on neighbouring properties)

16b Dust Control

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like and shall be modified as directed by the Cumberland Council should it fail to adequately control any dust nuisance.

(Reason: To prevent the movement of dust outside the boundaries of the site)

17b Site Management

All possible and practical steps shall be taken to prevent nuisance to the occupants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition, excavation and building works.

(Reason: Health and amenity)

18b Stamped Plans

Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.

(Reason: To ensure compliance with approved plans)

Conditions which must be satisfied prior to the issue of any Occupation Certificate relating to the use of the building or part

19b Stormwater disposal to the existing system

Stormwater from the development is to be conveyed by approved drains and connected to the existing system generally in accordance with the submitted plan prepared by Complete Construction Engineering Pty Ltd, drawing Number SW-1 and dated 19/8/2019.

(Reason:- to ensure stormwater is discharged properly from the development).

20b Occupation Certificate (section 6.9 of the Act)

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an Occupation Certificate has been issued in relation to the building or part.

The Principal Certifier is required to be satisfied, amongst other things, that:

- a) All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- b) Any preconditions to the issue of the certificate required by a development consent have been met.

Note: A new building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement)

21b S73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the Occupation Certificate. Application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). An assessment will be made to determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Please refer to Sydney Water's website at www.sydneywater.com.au or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

(Reason: To meet Sydney Water's requirements to adequately service the new subdivision with water, wastewater and stormwater facilities).

22b Fire Safety Certificate

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment Regulation 2000, prior to the issue of the Occupation Certificate for the building.

A copy of the Fire Safety Certificate and fire safety schedule shall be:

- 1) Forwarded to Cumberland Council;
- 2) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- 3) Prominently displayed in the building.

(Reason: Fire safety)

23b No increase in student population permitted

This consent does not endorse any increase in student numbers attending the Al Faisal College. In this regard, the total number of students attending the College shall not exceed 2,000 as approved under condition 13 of Development Consent 399/2004/J issued 16 December 2013.

(Reason: To ensure there is no increase in students numbers attending the College without Council consent)

Advisory Notes**1c Lapsing of Consent**

In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 (as amended), this Development Consent lapses five (5) years after the date from which it operates unless building, engineering or construction work has physically commenced. A Construction Certificate must be obtained and the works commenced in accordance with the approved plans and specifications within five (5) years from the date of this Development Consent.

2c Process for Modification

The plans and/or conditions of this Consent are binding and may only be modified upon written request to Council under Section 4.55 of the Environmental Planning and Assessment Act, 1979 (as amended). The modification application shall be accompanied by the appropriate fee, application form and required information. You are not to commence any action, works, contractual negotiations, or the like, on the requested modification until

Council issues an amended consent.

3c Right of Appeal

Section 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979, gives the applicant the right of appeal to the Land and Environment Court within six months after the date the decision appealed against is notified or registered on the NSW planning portal, or as otherwise prescribed.

4c Critical Stage Inspections - General

Critical stage inspections must be called for by the Principal Contractor or Owner Builder as required by the Principal Certifier and any Service Agreement, the Environmental Planning and Assessment Act 1979 (Act) and the Regulations.

Work must not proceed beyond each critical stage until the Principal Certifier is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the Act. 'Critical Stage Inspections' means the inspections prescribed by the Regulations for the purposes of section 6.5 of the Act or as required by the Principal Certifier and any Service Agreement.

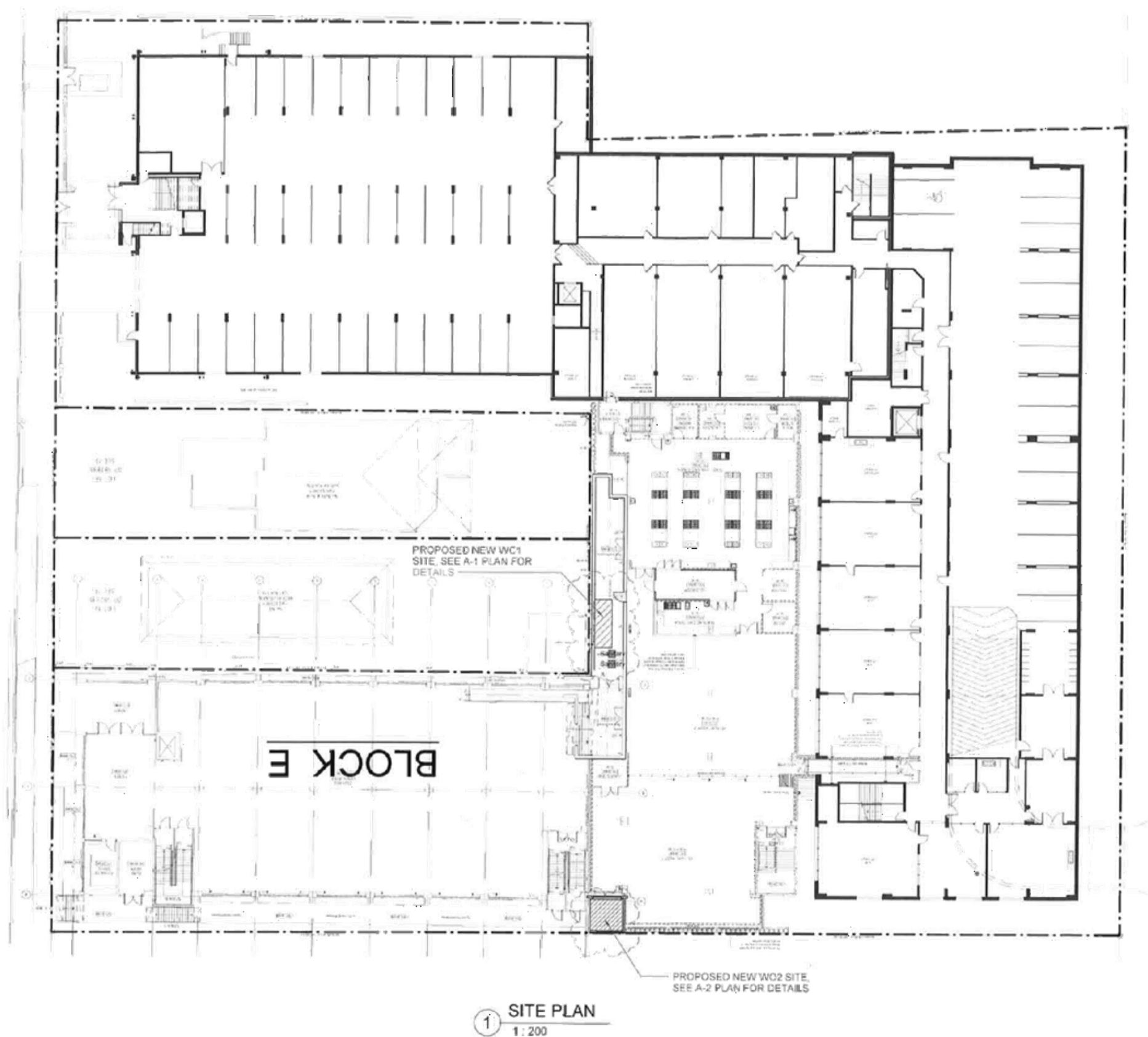
Note 1: The Principal Certifier may require additional inspections beyond mandatory critical stage inspections in order to be satisfied that work is proceeding in accordance with this consent.

Note 2: The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the NCC in relation to any matter relevant to the development.

(Reason: Statutory requirement)

DOCUMENTS
ASSOCIATED WITH
REPORT LPP001/20

Attachment 5
Architectural Plans



9 PENGUIN PARADE
MINCHINBROOK NSW 2186
T: (02) 8798 9852
M: 0419 183 175
email: h_aljagic@bigpond.com
email: h_aljagic@optusnet.com.au

[illegible]

NEW AMENITIES BETWEEN
BUILDING D AND E

SITE PLAN

Project number	52/19
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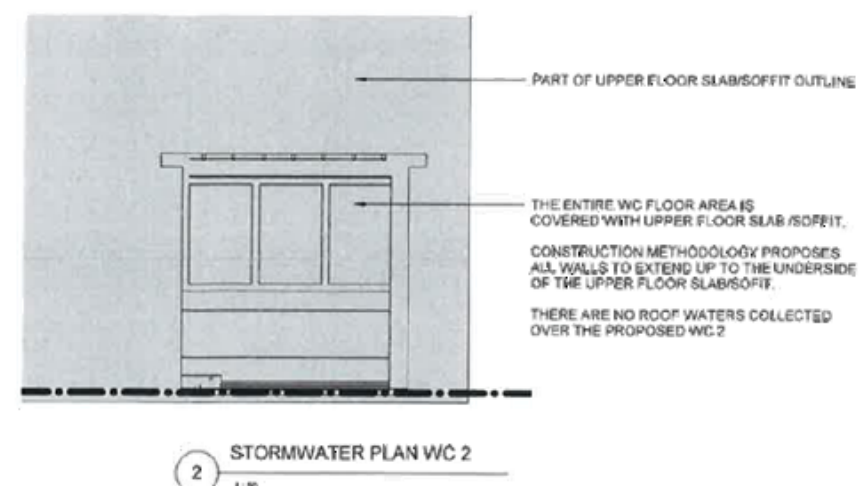
Date 19.08.2019

Drawn by	Author
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Checked by	Checker
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A-3

Scale 1 : 200



9 PENGUIN PARADE
HINCHINBROOK NSW 2166
T: (02) 8798 9852
M: 0419 183 175
email: h_allagic@bigpond.com
email: h_allagic@optusnet.com.au

[illegible]

NEW AMENITIES BETWEEN BUILDING D AND E

STORMWATER PLAN

Project number	52/19
Date	19.06.2019
Drawn by	Hasan Alijagic
Checked by	Checker

SW-1

Scale 1 : 50





NEW TIMBER FRAMED ROOF

NEW BRICK WALL

WC1 1 m

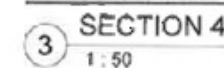
WC2 1 m

WC3 1 m

NEW SLAB TO BE CONSTRUCTED OVER TWO STEPPED RC SLABS

SECTION 3

1 : 50



9 PENGUIN PARADE
HINCHINBROOK NSW 2185
T: (02) 8798 9652
M: 0419 483 975
email: h_aljagic@bigpond.com
email: h_aljagic@topfunet.com.au

AL-FAISA COLLEGE - AUBURN

NEW AMENITIES BETWEEN
BUILDING D AND E

FLOOR PLAN, SECTIONS 3 & 4,
PERSPECTIVE VIEWS

Project number	52/19
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Date	19.08.2019
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Drawn by	Hasan Alijadic
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Checked by	Checker
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A-2

Scale 1 : 50

DOCUMENTS
ASSOCIATED WITH
REPORT LPP001/20

Attachment 6
Clause 4.6 Variation Request



CLAUSE 4.6 VARIATION STATEMENT MAXIMUM FSR – CLAUSE 4.4 OF AUBURN LEP 2010

Construction of toilet cubicle structures within an existing Educational Establishment

149 Auburn Road, Auburn

Prepared for: Al-Faisal College Pty Ltd

Ref. 170439

DATE: 16 December 2019



Clause 4.6 Variation Statement – Floor Space Ratio (Clause 4.4)

1. INTRODUCTION

This Variation Statement has been prepared in accordance with Clause 4.6 of Auburn Local Environmental Plan 2010 to accompany Development Application No. 271/2019. The application seeks consent for the construction of toilet cubicle structures within an existing Educational Establishment at No. 149 Auburn Road, Auburn ('the site').

2. PROPOSED VARIATION

Clause 4.4 of ALEP 2010 prescribes the maximum floor space ratio (FSR) for the site and refers to the *Floor Space Ratio Map*. The relevant map [sheet HOB_002] indicates that the maximum FSR permitted at the subject site is 0.75:1.

The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area. Gross floor area is defined to mean:

"...sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes—

- (a) the area of a mezzanine, and*
- (b) habitable rooms in a basement or an attic, and*
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,*
but excludes—
- (d) any area for common vertical circulation, such as lifts and stairs, and*
- (e) any basement—*
 - (i) storage, and*
 - (ii) vehicular access, loading areas, garbage and services, and*
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
- (h) any space used for the loading or unloading of goods (including access to it), and*
- (i) terraces and balconies with outer walls less than 1.4 metres high, and*
- (j) voids above a floor at the level of a storey or storey above."*

The site currently has a FSR of 2.89:1 which exceeds the permitted amount. The proposed cubicles will add to the GFA by 16m² which will increase the maximum FSR to 2.896:1.

The maximum FSR under Clause 4.4 is a "development standard" to which exceptions can be granted pursuant to Clause 4.6 of the LEP.

3. OBJECTIVES AND PROVISIONS OF CLAUSE 4.6

The objectives and provisions of Clause 4.6 are as follows:

4.6 Exceptions to development standards

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

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(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 Secretary has been obtained.

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

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

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

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

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

Note.

When this Plan was made it did not include Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following:

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4,

(ca) clause 6.17 or 6.18.

It is noted that Clause 4.4 is not "expressly excluded" from the operation of Clause 4.6.

Objective 1(a) of Clause 4.6 is satisfied by the discretion granted to a consent authority by virtue of Subclause 4.6(2) and the limitations to that discretion contained in subclauses (3) to (8). This submission will address the requirements of Subclauses 4.6(3) & (4) in order to demonstrate to the consent authority that the exception sought is consistent with the exercise of "an appropriate degree of flexibility" in applying the development standard, and is therefore consistent with objective 1(a). In this regard, the extent of the discretion afforded by Subclause 4.6(2) is not numerically limited, in contrast with the development standards referred to in, Subclause 4.6(6).

4. COMPLIANCE WITH THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE (CLAUSE 4.6(3)(a))

In *Wehbe V Pittwater Council* (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. This list is not exhaustive. It states, inter alia:

"An objection under SEPP 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. 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 judgement goes on to state that:

"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)."

Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on numbers 1 and 3 for the purposes of this Clause 4.6 variation [our underline]):

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Relevantly, in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (paragraph 16), Preston CJ refers to *Wehbe* and states:

"...Although that was said in the context of an objection under State Environmental Planning Policy No 1 – Development Standards to compliance with a development standard, the discussion is equally applicable to a written request under cl 4.6 demonstrating that compliance with a development standard is unreasonable or unnecessary."

Compliance with the maximum FSR development standard is considered to be unreasonable and unnecessary as the objectives of that standard are achieved for the reasons set out in this statement. Objectives (b) and (c) of the control would be thwarted if strict compliance was required. For the same reasons, the objection is considered to be well-founded as per the first method underlined above.

Notably, under Clause 4.6(4)(a)(ii) a consent authority must now be satisfied that the contravention of a development standard 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. Clause 4.6(4)(a)(ii) is addressed in Section 6 below.

5. SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS (CLAUSE 4.6(3)(b))

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, the following planning grounds are submitted to justify contravening the maximum FSR:

1. It is considered that there is an absence of any material impacts of the proposed non-compliance on the amenity of the environmental values of the locality, the amenity of future building occupants and on area character;
2. The proposed development meets the objectives of the development standard and meets the objectives of the R3 Medium Density Residential Zone (as further detailed in Section 7 below);
3. The spaces in which the two toilet blocks are located are unutilised hardstand areas that are screened from the public domain and neighbouring properties as detailed in the accompanying SEE;
4. The toilet blocks are needed for the student population. Namely the toilet blocks will be located outside building E which is utilised to conduct examinations. These toilet blocks will allow the students to use the facilities and promptly return to their examinations without wasting excessive amounts of time finding the nearest toilets.
5. The additional floor area proposed does not adversely change the character of the development in terms of streetscape and character. The scale and form of the development viewed from each street frontage reflects that desired by the planning controls and consistent with surrounding development. The additional FSR on the site is "internalised" on the site and will not be readily perceptible from the public domain or surrounding properties.

The above environmental planning grounds are not general propositions and are unique circumstances to the proposed development, particularly the minor increase in FSR of 0.006. The additional FSR allows for a development that achieves the objective of providing facilities that will aid the student body in everyday life.

It is noted that in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:

86. The second way is in an error because it finds no basis in cl 4.6. Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development. This test is also inconsistent with objective (d) of the height

development standard in cl 4.3(1) of minimising the impacts of new development on adjoining or nearby properties from disruption of views or visual intrusion. Compliance with the height development standard might be unreasonable or unnecessary if the non-compliant development achieves this objective of minimising view loss or visual intrusion. It is not necessary, contrary to what the Commissioner held, that the non-compliant development have no view loss or less view loss than a compliant development.

87. The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.

As outlined above, it is considered that in many respects, the proposal will provide for a better planning outcome than a strictly compliant development. At the very least, there are sufficient environmental planning grounds to justify contravening the development standard.

6. CLAUSE 4.6(4)(a)

Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* details how Clause 4.6(4)(a) needs to be addressed (paragraphs 15 and 26 are rephrased below):

The first opinion of satisfaction, in clause 4.6(4)(a)(i), is that a written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by clause 4.6(3). These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (clause 4.6(3)(a)) and, secondly, that there are sufficient environmental planning grounds to justify contravening the development standard (clause 4.6(3)(b)). This written request has addressed Clause 4.6(3)(a) in Section 4 above (and furthermore in terms of meeting the objectives of the development standard this is addressed in 7a below). Clause 4.6(3)(b) is addressed in Section 5 above.

The second opinion of satisfaction, in clause 4.6(4)(a)(ii), is that the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out. The second opinion of satisfaction under cl 4.6(4)(a)(ii) differs from the first opinion of satisfaction under clause 4.6(4)(a)(i) in that the consent authority, or the Court on appeal, must be directly satisfied about the matter in clause 4.6(4)(a)(ii), not indirectly satisfied that the applicant's written request has adequately addressed the matter in clause 4.6(4)(a)(ii). The matters in Clause 4.6(4)(a)(ii) are addressed in Section 7 below.

7. 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 (CLAUSE 4.6(4)(a)(ii))

7a. Objectives of Development Standard

The objectives of Clause 4.4 are as follows:

- "(a) to establish a maximum floor space ratio to enable appropriate development density to be achieved, and*
- (b) to ensure that development intensity reflects its locality."*

In order to address the requirements of Subclause 4.6(4)(a)(ii), the objectives of Clause 4.4 are addressed in turn below.

Objective (a): “to establish a maximum floor space ratio to enable appropriate development density to be achieved”

The existing site provides a FSR of 2.89:1 which far exceeds the 0.75:1 maximum under the ALEP 2010. The current FSR was approved under DA2014/295 (along with modifications A and B). The existing and proposed minor increase in FSR is commiserate with the use of the site as an Educational Establishment. The proposed works toilet blocks will not adversely impact the amenity of neighbouring properties.

Objective (b): “to ensure that development intensity reflects its locality”

The proposed addition of two toilet blocks will not adversely add to the intensity of the site, as the addition is minor and is not easily viewed from the public domain. The rest of the development will remain as approved under previous applications.

The proposal satisfies Objective (b) as it minimises adverse environmental effects on adjoining properties.

7b. Objectives of the Zone

Clause 4.6(4)(a)(ii) also requires that the consent authority be satisfied that the development is in the public interest because it is consistent with relevant zone objectives. The objectives of Zone R3, and a response as to how the proposal meets the objective is provided as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*

The approved use of the site is an Educational Facility. As such this objective does not apply to the subject site.

- *To provide a variety of housing types within a medium density residential environment.*

The approved use of the site is an Educational Facility. As such this objective does not apply to the subject site.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*

The proposed development will improve the amenity of the student population, the majority of which are local residents. The proposed toilet blocks will not cause any adverse impacts to the locality.

The FSR variation is not antipathetic to the objectives for the zone and for that reason the proposed variation is acceptable.

8. THE CONCURRENCE OF THE SECRETARY HAS BEEN OBTAINED (CLAUSE 4.6(4)(b))

The second precondition in cl 4.6(4) that must be satisfied before the consent authority can exercise the power to grant development consent for development that contravenes the development standard is that the concurrence of the Secretary (of the Department of Planning and the Environment) has been obtained (cl 4.6(4)(b)). Under cl 64 of the Environmental Planning and Assessment Regulation 2000, the Secretary has given written notice dated 21 February 2018, attached to the Planning Circular PS 18-003 issued on 21 February 2018, to each consent authority, that it may assume the Secretary's concurrence for exceptions to development standards in respect of applications made under cl 4.6, subject to the conditions in the table in the notice.

9. WHETHER CONTRAVENTION OF THE DEVELOPMENT STANDARD RAISES ANY MATTER OF SIGNIFICANCE FOR STATE OR REGIONAL ENVIRONMENTAL PLANNING (CLAUSE 4.6(5)(a))

Contravention of the maximum FSR development standard proposed by this application does not raise any matter of significance for State or regional environmental planning.



10. THE PUBLIC BENEFIT OF MAINTAINING THE DEVELOPMENT STANDARD (CLAUSE 4.6(5)(b))

As detailed in this submission there are no unreasonable impacts that will result from the proposed variation to the maximum FSR. As such there is no public benefit in maintaining strict compliance with the development standard.

Whilst the existing building FSR currently exceeds the maximum permitted on the site the proposed blocks will only add 16m² of GFA. The additional 1% increase to the floor area will not be easily seen from the public domain nor any neighbouring properties and will not result in any adverse impacts in regards to solar access and privacy. The proposed development is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out. It is the proposed development's consistency with the objectives of the development standard and the objectives of the zone that make the proposed development in the public interest.

11. CONCLUSION

Having regard to all of the above, it is our opinion that compliance with the maximum FSR development standard is unreasonable and unnecessary in the circumstances of this case as the development meets the objectives of that standard and the zone objectives. The proposal has also demonstrated sufficient environmental planning grounds to support the breach.

Therefore, insistence upon strict compliance with that standard would be unreasonable. On this basis, the requirements of Clause 4.6(3) are satisfied and the variation supported.



Item No: LPP002/20

DEVELOPMENT APPLICATION FOR 57 - 61 TOONGABBIE ROAD, TOONGABBIE

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: DA 2019/124

Application lodged	10 April 2019
Applicant	Designcorp Architects Pty Ltd
Owner	Shalom Home Builders Pty Ltd
Application No.	2019/124
Description of Land	57, 59 and 61 Toongabbie Road, Toongabbie
Proposed Development	Demolition of existing structures and construction of a three (3) storey residential flat building, comprising 34 residential units, over basement car parking containing 43 car parking spaces and 1 carwash bay.
Site Area	2,759.1m ²
Zoning	R4 – High Density Residential
Principal Development Standards	<p><u>Floor Space Ratio:</u> Max. 1.00:1 Proposed 0.99:1</p> <p><u>Height of Buildings:</u> Max. 11m</p> <ul style="list-style-type: none"> Proposed: 11.5m (4.5% variation sought) Clause 4.6 Written Variation Request submitted for the departure sought to building height
Disclosure of political donations and gifts	Nil disclosure
Heritage	The subject site is not a heritage item
Issues	<ul style="list-style-type: none"> Variation to maximum 11m building height (HLEP 2013) Apartment sizes (ADG) Ground floor POS depth (ADG) Site coverage (HDCP 2013) Number of storeys (HDCP 2013)

SUMMARY:

- On 10 April 2019, development application (DA 2019/124) for the demolition of existing structures and construction of a three (3) storey residential flat building, comprising 34 residential units, over basement car parking containing 43 car parking spaces and 1 carwash bay was lodged with Council.

Note: The development presents as a 3 storey built form with 3 residential levels. However, is technically defined as a four storey development as the basement protrudes more than 1.2m above NGL at certain sections and therefore, is constituted as a 'storey'. This report therefore refers the development as a 4

storey building and all the assessment is done against the criteria for a 4 storey residential flat building.

2. The application was publicly notified to adjoining and opposite owners, a notice was placed in the local press and a notice placed on the site for 21 days from 22 May 2019 to 12 June 2019. In response, the application received one submission.
3. The subject application has been assessed against the relevant provisions of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65), Apartment Design Guide, Holroyd Local Environmental Plan 2013 (HLEP) and Holroyd Development Control Plan 2013 (HDCP).
4. The proposal seeks the following variations which are considered supportable as discussed in detail elsewhere in the report:

Control	Required	Proposed	% Variation
Building Height	Max. 11m (HLEP 2013)	11.5 m to top of lift core	4.5%
Apartment size and layout	75m ² for 2 bedroom units (ADG)	74m ² for 15 units	1.33%
Private Open Space and Balconies	minimum area of 15m ² and a minimum depth of 3 m for ground floor units (ADG)	Varying width of 1.2m to 2.4m for units 01 and 02	40%
Site coverage	30% (827.73m ²) (HDCP 2013)	37.3% (1029.1m ²)	24.3%
Number of storeys	2 storeys	4 storeys (including the basement)	100%

5. The application is being reported to the Cumberland Local Planning Panel (CLPP) for determination as it is a development with 4 storeys to which the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Developments applies.
6. The application is recommended for Deferred Commencement approval subject to the conditions in the draft determination at Attachment 4.

REPORT:

The subject site is known as 57, 59 and 61 Toongabbie Road, Toongabbie and is legally described as Lot 191,192 and 193 in Deposited Plan 11508. The site is located on the northern side of Toongabbie Road within the R4 High Density Residential zone. The site forms a regular midblock with a total area of 2759.10m² and a combined frontage of 50.40m to Toongabbie Road. The site has a fall of approximately 1.4m from the front to rear. The site is currently occupied by detached dwelling houses, ancillary structures and vegetation.

The site is bounded by Council Park at the rear to its northern boundary, a multi-unit housing development to its eastern boundary and a single storey detached dwelling to the west. The southern side of Toongabbie Road is zoned R3-Medium Density Housing and bounded by low density housing development. The site is located within the southern edge of Toongabbie Town Centre. There is a transition occurring currently with older low density housing stock being developed into residential flat buildings.



Figure 1 Aerial view of the locality with subject site (57-61 Toongabbie Road, Toongabbie)

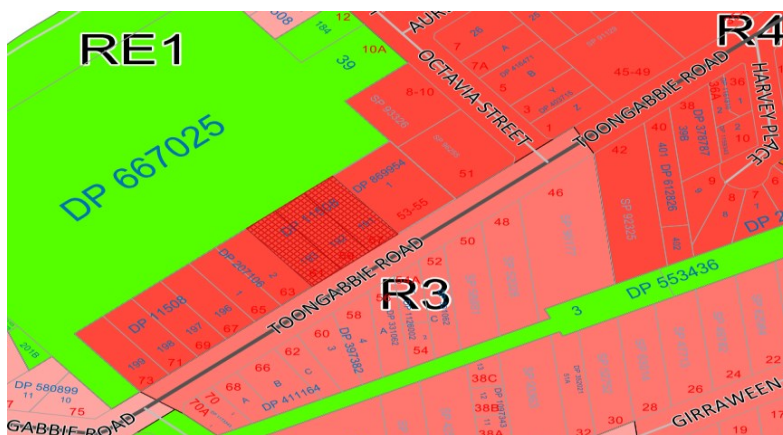


Figure 2 - Zoning map with subject site shown hatched. Source: Cumberland Council 2019



Figures 3, 4 & 5: subject site (57-61 Toongabbie Road, Toongabbie)

Description of the Proposed Development

DA 2019/124 proposes for the demolition of existing structures and construction of a four (4) storey residential flat building, comprising 34 residential units, over basement car parking containing 43 car parking spaces and 1 carwash bay.

Key features of the development proposal are as follows:-

Level	Details
Basement	44 residential car spaces with the following breakdown: <ul style="list-style-type: none"> • 36 residential car parking space including 5 accessible Car parking spaces. • 7 visitor car parking spaces • 1 x dedicated carwash bay • 10 bicycle spaces • Storage, garbage room, services, lift and fire stairs
Ground floor level	12 residential units Communal Open Space
Level 1	11 residential units
Level 2	11 residential units

Access to the basement car park is provided from a new vehicular crossing proposed on the eastern section of the subject site.

The dwelling mix of the proposal is as follows:

- 6 x 1 bedroom units (17.6%);
- 24 x 2 bedroom units (70.6%); and
- 4 x 3 bedroom units (11.8%).



Figure 6 – Perspective of proposed development –Toongabbie Road frontage

Application History

Date	Action
10 April 2019	The subject development application (DA 2019/124) was lodged with Council.
14 May 2019	The application was referred to the following internal and external sections: <ul style="list-style-type: none"> • Development Engineering • Traffic Engineering • Landscape and Tree Management • Parks & Recreation • Environmental Health Unit • Waste Management • Transgrid • Endeavour Energy • Cumberland Police Local Area Command
22 May 2019 to 12 June 2019	Application placed on public notification. In response, one submission was received.
27 September 2019	The application was deferred for the following reasons: <ul style="list-style-type: none"> • Building height and solar access • Apartment size and layout • Roof top Communal open space • Visual and acoustic privacy • Traffic engineering • Landscape • Waste • Stormwater
25 October 2019	Amended plans and additional information submitted to Council, addressing the deferral letter dated 27 September 2019. The application did not warrant re-notification as the amendments did not result in a greater environmental impact.
12 February 2020	Application referred to CLPP for determination.

Applicant's Supporting Statement

Statement of Environmental Effects prepared by Think Planners Pty Ltd, dated March 2019 and 29 October 2019 were submitted in support of the application.

Contact with Relevant Parties

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

Internal Referrals**Development Engineer**

Council's Development Engineer advised that the development is supportable with regards to the proposed new vehicular crossing and stormwater management, subject to deferred commencement conditions.

Traffic Engineer

Council's Traffic Engineer has advised that the development is supportable in regards to parking, traffic management and on-site parking provision in the basement level, subject to conditions.

Tree Management Officer

Council's Tree Management Officer has advised that the development is supportable subject to the imposition of conditions.

Waste Management Officer

Council's Waste Management Officer has advised that the proposed waste management plan is supportable.

Environmental Health Unit

Council's Environmental Health Officer has advised that the proposal is satisfactory subject to imposition of conditions of consent.

Parks & Recreation

Council's Parks & Recreation Officer who has advised that the development is supportable subject to the imposition of conditions.

External Referrals**Transgrid**

The development application was referred to Transgrid for comment who has advised that the development is supportable in regards to not affecting Transgrid's asset.

Endeavour Energy

The development application was referred to Endeavour Energy for comment who has advised that the development is supportable in regards to electricity connection and sufficient clearance to existing electricity asset, subject to conditions.

NSW Police

The application was referred to NSW Police for comment regarding CPTED. Response dated 9 July 2019 indicates that the proposal is satisfactory subject to conditions.

Planning Assessment

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

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

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

The proposal is classified as a residential apartment development and SEPP 65 applies. A design verification statement signed by registered architect Joe El- Sabbagh was submitted with the application.

SEPP 65 sets 9 design quality principles. The development has adequately addressed the principles in the following way:

Figure 6 – SEPP 65 Design Quality Principles Table

ADG design quality principle	Response
1. Context and neighbourhood character	The area is zoned to accommodate new development, including residential flat building that is a permitted type of development within the R4 zone. The existing character of the streetscape is in transition where existing dwelling houses are being replaced with higher densities development, such as residential flat buildings. The proposed development satisfies Holroyd LEP 2013 objectives in that it will provide a variety of housing type within a high density environment. The siting of development has been appropriately designed to minimise any potential overshadowing and visual privacy impact to the adjoining properties by maintaining a buffer area at the rear and side boundaries for communal open space.
2. Built form and scale	The development application is seeking consent for a 4 storey residential flat buildings over 1 level of basement car parking. The building has been designed to correspond with the existing landform. At grade communal open space will assist in softening the built form and minimise any potential overshadowing and visual privacy impact to the adjoining properties.
3. Density	The subject site is well located with respect to existing public transport and community facilities. The design of

	the development provides for appropriate separation between dwellings, supplemented by privacy treatment to balconies and windows where necessary.
4. Sustainability	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. The proposal will incorporate features relating to ESD in the design and construction of the development inclusive of water efficient fixtures and energy saving devices.
5. Landscape	Adequate landscaped area has been provided, which will provide appropriate level of amenity to the resident and consistent with the environmental surrounds of the subject site.
6. Amenity	The proposal will deliver sufficient amenity to residents of the building. The proposal achieves compliance with the ADG in this regard which contains many amenity controls. The building design incorporates access and circulation, apartment layouts, floor area, ceiling height, private open space, common open space, energy efficiency rating, adaptability and diversity, safety, security and site facilities. The proposal is considered to generally comply with the ADG and HDCP 2013 which contains numerous amenity controls. Suitable access is provided to all parts of the building, through the efficient use of lift to access all levels. The development is considered to provide an appropriate level of amenity for future residents.
7. Safety	Suitable and secure access is provided to all parts of the building, through the efficient use of lift to access all levels.
8. Housing diversity and social interaction	<p>The apartment mix is considered to be satisfactory. The specifics of the building are:-</p> <ul style="list-style-type: none"> • 6 x 1 bedroom units (17.6%); • 24 x 2 bedroom units (70.6%); and • 4 x 3 bedroom units (11.8%). <p>The number of adaptable units proposed is considered satisfactory with the provision of associated accessible car spaces.</p>
9. Aesthetics	The residential flat building has an attractive contemporary appearance and utilises building elements that provide individuality to the development without compromising the streetscape or detracting from the appearance of existing surrounding development. The building responds well in this regard with its provision of good aesthetics through the use of high quality materials, attention to detail in its internal spaces and how it addresses the street frontage. The building provides an

	appropriate response to the existing and likely future character of the locality.
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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. A comprehensive assessment against the Apartment Design Guide (ADG) controls is provided at Attachment 1.

The proposal involves the following non-compliances with the ADG controls.

No.	Control	Comments	Compliance												
4D	Apartment Size and Layout														
4D-1	<p>Design Criteria</p> <p>Apartments are required to have the following minimum internal areas:</p> <table><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> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>All units generally comply with the minimum internal areas except for 15 x 2 bedroom units. The departure is minor (74m²) and is considered acceptable as the overall design is functional and useable and provides a reasonable internal amenity for the residents.</p>	<input type="checkbox"/>	<input checked="" 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														

4E	Private Open Space and Balconies				
4E-1	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 15 m ² and a minimum depth of 3 m.	The POS of ground floor units 01 and 02 have a varying depth of 1.2m to 2.4m. However, the overall area of the POS is sufficient (17.53m ²) which provides a reasonable amenity for the residents. Further, the POS is well integrated with communal open space at the rear which provides opportunities for external recreation with good solar access. As such, the minor deficiency in the POS depth is considered satisfactory.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(b) State Environmental Planning Policy (Infrastructure) 2007

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

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

(c) 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 has been considered in the following 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"/>	<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	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Matter for consideration	Yes	No
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		
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: The site is not identified in Council's records as being subject to contamination. There is no evidence available to suggest that the site has ever been used for a potentially contaminating activity. No further investigation is considered necessary in the circumstances. Council's Environmental Health Unit has assessed the application and considers the proposal to be satisfactory subject to conditions.		

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

BASIX certificate 915839M_02 dated 26 February 2019 was submitted with the original plans. The submitted BASIX certificate achieves target scores and is consistent with the architectural plans. Conditions of Consent have been applied requiring adherence to the BASIX Certificate requirements.

Regional Environmental Plans (Deemed State Environmental Planning Policies)

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

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

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

The proposal includes removal of existing trees within the subject site. However, this does not exceed the biodiversity offsets scheme threshold and the majority of the trees on site are exempt species. Therefore, the proposed vegetation removal is considered acceptable. Refer to the HDCP 2013 compliance table at attachment 3 for further comment regarding the proposed tree removal.

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

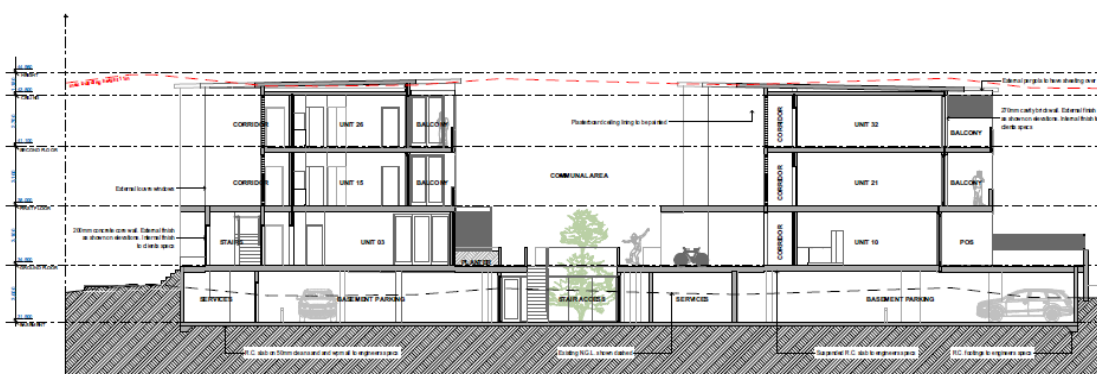
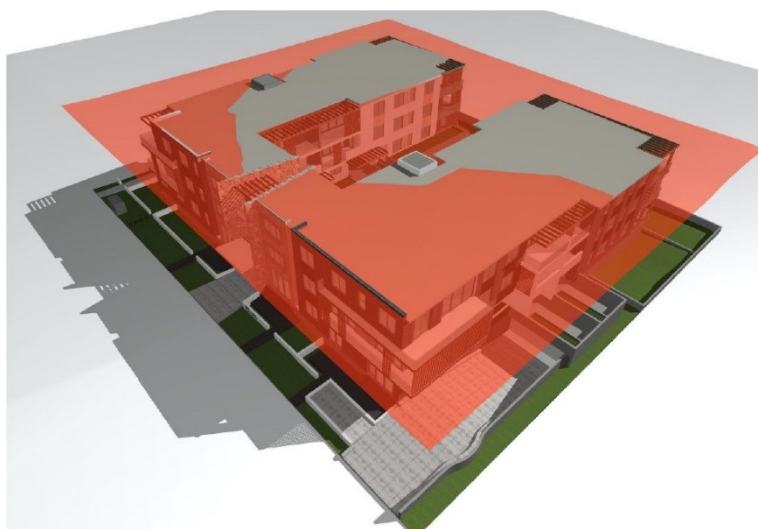
The subject site is not identified as a coastal wetland nor is it 'land identified as "proximity area for coastal wetlands" as per Part 2, Division 1 of the SEPP Coastal Management 2018.

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

The proposed development is defined as a 'residential flat building' under the provisions of HLEP 2013. Residential flat buildings are permitted with consent in the R4 – High Density Residential zone which applies to the land.

The proposal seeks a variation to Clause 4.3 – Height of Buildings that stipulates that the height of building is not to exceed 11m on the subject site.

The proposed building has an overall height of 11.5m (RL 44.98.) to the top of the lift core. The proposal breaches the overall height by 0.5m representing a maximum variation of 4.5%. The majority of the height breach is associated with the minor section of the roof structure and lift over-run.



SECTION A

Figure 7& 8 – 3D Height Plane and section showing extent of height variation sought

Clause 4.6 – Variation to Building Height

Clause 4.6 allows the consent authority to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design

outcomes. The consent authority may grant the exception as the Secretary's concurrence can be assumed where clause 4.6 is adopted as per the Department of Planning Circular PS 18-003, dated 21 February 2018.

The applicant has submitted a written request to vary the development standard for building height. 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:

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 buildings are 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 major commercial centre. The proposed development is considered to be consistent with the objectives of the R4 High Density Residential zone.

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

Applicant's justification:

The current development proposal is predominantly consistent with the building height with the exception of the roof structure and the lift over-run, the proposal remains consistent with the objectives based on the following:

- The development proposal is consistent with the intent of the maximum height control with the proposed flat building contained below the maximum building height with the non-compliance contained to the roof structure (no habitable floor space) and lift overrun that is not discernibly different to a compliant form as viewed from the street or park given the location of the variation is located centrally to the building and the building presents a 3 storey form as viewed from the public domain.
- The variation is primarily as result of appropriately responding to the flooding constraints of the site and the proposal adopts 3 residential levels consistent with the intended height of buildings in the area.
- Due to the minor nature of the variation it will not have any adverse amenity impacts.
- 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 proposal is not located within a low-density area and the proposal represents an appropriate built form on the site; and
- The scale and intensity of the development is appropriate noting that the proposal complies with the maximum FSR control that demonstrates an appropriate density.

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:

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 increased height does not result in an additional level for residential use, as it comprises portion of the roof structures and the top of the lift core.

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 constraints and does so without compromising relationships with adjoining development, the proposal is considered to be consistent with the objectives of height requirements and development within the R4 zone.

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

Applicant's justification:

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

Planner's comment:

Council Officers are satisfied that the proposed variation has been appropriately justified and can be supported in this instance. The height breach is limited to an overall building height of RL 44.98 for the top of the lift core. The additional height of the lift core will not be visible from the adjacent streets and properties. The proposed variation to the development standard is necessary for the structure containing the lift core and in order to achieve required FFLs, and is consistent with the scale of the development within the R4 zone located in the immediate vicinity of the site. The departure sought is considered to be modest and does not unreasonably impact on adjoining properties. The additional height does not result in the appearance of bulk when viewed from the existing streetscape, would not impinge on the changing streetscape that is anticipated for the immediate area and does not result in additional overshadowing to the 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?

The unique circumstances of the case are considered to warrant support of the departure. Given that the proposed development responds to the flooding constraints and does so without unduly compromising relationships with adjoining development, and does not unduly compromise other relevant controls, the proposal is considered to be consistent with the objectives of building height, and development within the R4 zone. In this regard, the exception is well founded and can be supported.

Conclusion:

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

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

An assessment against all the relevant LEP provisions is provided at Attachment 2.

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

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))

(a) Holroyd Development Control Plan 2013

HDCP 2013 contains general controls which relate to all developments under Part A, and Residential Controls under Part B.

A comprehensive HDCP compliance table is attached to this report at Attachment 3. A summary of the DCP non-compliances is provided in the following table.

Part B, Section 6 – Residential Flat Buildings																				
6.4 - Height	Provided	Complies (Yes/No)																		
Max site coverage 30%, or 827.73m ²	37.3% (1029.1m ²) non-compliance is considered acceptable given that the proposal still achieves adequate provision of deep soil planting, landscaping, driveways, communal open space and OSD system.	No – Acceptable in this instance.																		
Maximum building height in storeys shall be provided in accordance with the table below: <table><tr><th>Permitted (storeys)</th><th>Height</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 (storeys)	Height	Height	Storeys	9m	1	11m	2	12.5m	3	15m	4	18m	5	21m	6	24 m	7	The overall height of the building complies with the maximum 11m building height as per the LEP standards (except for a minor variation of 4.5% as discussed earlier under Clause 4.6). Further the proposal is acceptable on merit as follows: <ul style="list-style-type: none">• The development presents as a 3 storey built form with 3 residential levels. However, is technically defined as a four storey development as the basement protrudes more than 1.2m above NGL at certain sections and therefore, is constituted as a 'storey'.• The departure is a result of responding to the flooding constraints on the site.• The number of storeys is therefore acceptable, as there are no adverse impacts associated with the additional storey.	No – Acceptable in this instance.
Permitted (storeys)	Height																			
Height	Storeys																			
9m	1																			
11m	2																			
12.5m	3																			
15m	4																			
18m	5																			
21m	6																			
24 m	7																			

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 s 4.15(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 92 of the Regulation, the provisions of AS 2601 must be considered in the case of a development application for the demolition of a building. Standard conditions are included in the draft determination to require the proposed demolition works to 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 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 proposed development.

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 for a period of 21 days from 22 May 2019 to 12 June 2019. As a result of the notification, one submission was received. Amended plans submitted did not warrant re-notification of the proposal.

The issues raised in the public submission are summarised and commented on as follows:

- i) The current rezoning of 57-61 Toongabbie Road is inequitable to the low density zoning of 46-48 Toongabbie Road.

Comment: The aforementioned concern regarding upzoning of the surrounding properties is considered to be a separate matter and not related to the subject application. The land was rezoned to current R4 High Density Residential following the due consultation process.

- ii) The development in this locality will devalue surrounding properties.

Comment: Whilst property values are not a consideration under Section 4.15 of the EP&A Act, no evidence is provided to suggest that the proposed development will have any negative impact on surrounding property prices.

Section 7.11 of The Environmental Planning & Assessment Act 1979

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

In accordance with the currently indexed rates for the Toongabbie contribution area, the following contributions apply:

- 6 x 1-bedroom dwellings = \$54,636
- 24 x 2-bedroom dwellings = \$369,576
- 4 x 3 bedroom dwellings = \$80,000

The required Section 7.11 contribution payable for the proposal is \$444,212.

Note: This includes Credit for the existing 3 x 3-bedroom dwellings.

The Public Interest

The public interest is served by permitting the orderly and economic use of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis, it is considered that approval of the proposed development would not be contrary to the public interest.

Disclosure of Political Donations And Gifts

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

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

CONCLUSION:

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

CONSULTATION:

There are no 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 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 2019/124/1 for the demolition of existing structures and construction of a four (4) storey residential flat building, comprising 34 residential units, over basement car parking containing 43 car parking spaces and 1 carwash bay, be Approved via Deferred Commencement, subject to the attached conditions, provided at Attachment 4.
3. That the applicant and those persons who lodged a submission in respect to the application be notified of the determination of the application.

ATTACHMENTS

1. ADG Compliance Table [↓](#) 
2. HLEP 2013 Compliance Table [↓](#) 
3. HDCP 2013 Compliance Table [↓](#) 
4. Draft Notice of Determination [↓](#) 
5. Architectural Plans [↓](#) 
6. Shadow Diagrams [↓](#) 
7. Accompanying Clause 4.6 Variation Request to Building Height [↓](#) 
8. Locality Map [↓](#) 
9. Submission (x1) [↓](#) 

DOCUMENTS
ASSOCIATED WITH
REPORT LPP002/20

Attachment 1
ADG Compliance Table

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.		<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.	Provided = 699.7m ² (25.3%)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
	Required: 25% x 2759.1m ² = 689.78m 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 COS areas at the rear would receive the min. 2 hours direct sunlight, mid-winter.	<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:		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 2759.1m ² = 193m ² Provided: 543.4m ² with min. 6m dimension. (19.6%)																
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"/>												
		South east:															

	<p>Design Criteria</p> <p>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:</p> <p>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	<p>The development fronts Toongabbie Road and building separation is achieved by the road width.</p> <p>South, east and west:</p> <p>The building separation complies for all the sides and the rear boundaries.</p>	<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.	The design is acceptable and poses no impacts on habitable rooms.	<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.	<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 conflicts between pedestrians and vehicles and create high quality streetscapes.	Vehicular access to the development is proposed at the north eastern side of the site from Toongabbie Road. The location of the vehicular access is considered to be the most ideal for the site and will provide a safe access point for vehicles away from the proposed pedestrian access points to the site.	<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</p> <p>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; or	HDCP 2013 car parking rates apply. Refer to DCP assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												

	<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>				
3J-2	Parking and facilities are provided for other modes of transport.	Refer to DCP compliance table.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3J-3	Car park design and access is safe and secure	Basement access is secure via a security door.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3J-4	Visual and environmental impacts of underground car parking are minimised.	Noting the flood affectation and site fall, the basement is raised by 1.8m above the NGL at the rear. The visual impact is mitigated by proposing appropriate around the perimeter of the building to screen basement protrusion.	<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 34 units = (23.8)24 units minimum	Living rooms of at least 26/34 units (76%) achieve at least 2 hours of solar access between 9:00am and 3:00pm on 21 June	<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 34 units = 5.1 (6) units maximum	<15% of units receive no direct sunlight between 9:00am to 3:00pm on 21 June.	<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: 60% x 34 = 20.4 units	> 60% of units are 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.	None proposed.	<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: <table border="1" data-bbox="351 963 750 1265"> <thead> <tr> <th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> <tr> <td>For 2 storey apartments</td> <td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room with a 30 degree minimum ceiling slope</td> </tr> <tr> <td>If located in mixed used areas</td> <td>3.3m for ground and first floor to promote future flexibility of use</td> </tr> </tbody> </table> These minimums do not preclude higher ceilings if desired.	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	2.7m	<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																
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.	The proposal is for a residential flat building and ceiling heights provided are acceptable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>												
	Design Criteria Apartments are required to have the following minimum internal areas: <table border="1" data-bbox="351 1702 750 1859"> <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>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	All units generally comply with the minimum internal areas except for 2 bedroom units. The departure is minor (74m ²) and is considered acceptable as the overall design is functional and useable and provides a reasonable internal	<input type="checkbox"/>	<input checked="" 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																

	<p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p>	amenity for the residents.			
	<p>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.</p>	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"/>
	<p>Design Criteria</p> <p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</p>	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: • 3.6m 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: <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> The minimum balcony depth to be counted as contributing to the balcony area is 1m.	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	All balconies generally meet the minimum dimensions and area requirements. However, the POS of ground floor units 01 and 02 have a varying depth of 1.2m to 2.4m. Notwithstanding, the overall area of the POS is sufficient (17.53m ²) which provides a reasonable amenity for the residents. Further, the POS is well integrated with communal open space at the rear which provides opportunities for external recreation with good solar access. As such, the minor deficiency in the POS depth is considered satisfactory.	<input type="checkbox"/>	<input checked="" 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+ bedroom apartments	12m ²	2.4m																		
	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.	As above	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>															
4E-2	Primary private open space and balconies are appropriately located to enhance liveability for residents.	All POS balconies are located off living rooms with most having a westerly, easterly or northerly aspect which provide good amenity for the units.	<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.	All balconies and POS areas are integrated into and contribute 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.	All POS and balconies have been designed to maximise 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 lift cores servicing max 6units on each 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: <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> At least 50% of the required storage is to be located within the apartment.	Dwelling type	Storage size volume	Studio apartments	4m³	1 bedroom apartments	6m³	2 bedroom apartments	8m³	3+ bedroom apartments	10m³	Storage areas have been provided within the units and within the basement.	<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														
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 sitting of buildings and building layout.	Some bedrooms adjoin living areas of the adjoining units. However considered acceptable as BCA compliant party walls will address noise transfer. Further, condition of consent has been imposed for the provision of acoustic seals to minimise noise transmission into the bedrooms.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4H-2	Noise impacts are mitigated within apartments through layout and acoustic treatments.	Satisfactory.	<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 sitting and layout of buildings.	Satisfactory. An acoustic report was submitted with the DA and deemed acceptable by Council's Environmental Health Unit.	<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.	See above.	<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.	34 units comprising: • 6 x 1 bedroom units (17.6%); • 24 x 2 bedroom units (70.6%); and • 4 x 3 bedroom units (11.8%).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										

		Includes 5 adaptable units. The development proposes an appropriate mix.			
4K-2	The apartment mix is distributed to suitable locations within the building.	Adaptable units are appropriately distributed on all levels with lift access provided.	<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 level terraces facing overlook communal and public spaces and would provide an appropriate presentation to the public domain, and would also provide an appropriate level of security and activity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4L-2	Design of ground floor apartments delivers amenity and safety for residents.		<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 proposed façades provide visual interest along the street frontage and respect the local character.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4M-2	Building functions are expressed by the façade.	The building functions are expressed by the façade division and design.	<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.	Roof features add interest to the overall built form.	<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.	Considered satisfactory	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4N-3	Roof design incorporates sustainability features.	Considered satisfactory	<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.	The landscape plans were assessed by Council's Landscaping and Tree Management Officer and considered satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4O-2	Landscape design contributes to the streetscape and amenity.	Landscaping enhances amenity of the COS, POS's and streetscape.	<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>	Conditions imposed for 20% of total apartments to achieve the Liveable Housing Guideline's silver level universal design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 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.	<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
ASSOCIATED WITH
REPORT LPP002/20

Attachment 2
HLEP 2013 Compliance Table

Attachment 2 – 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 or services to meet the day to day needs of residents. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The subject site is zoned R4 High Density Residential pursuant to HLEP 2013.</p> <p>The proposed development is defined as a <i>residential flat building</i>, which is permissible with consent in the R4 zone.</p> <p>The proposed development is considered to be consistent with the R4 zone objectives as it provides a variety of housing types, satisfying the needs of the community within a high density residential environment.</p>
4.3 Height of buildings				
<p>(1) The objectives of this clause are as follows:</p> <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. <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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>In accordance with the Height of Buildings Map accompanying HLEP 2013, a maximum building height of 11m applies to the site.</p> <p>The proposal breaches the overall height by .5m representing a maximum variation of 4.5%. The majority of the height breach is associated with the roof of the building and the top of the lift core.</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 follows:</p> <ul style="list-style-type: none"> (a) to support the viability of commercial centres and provide opportunities for economic development within those centres, (b) to facilitate the development of a variety of housing types, 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>In accordance with the FSR map accompanying HLEP 2013, a maximum FSR of 1:1 is applicable to the site.</p> <p>Max. FSR of 1:1 equates to GFA of 2759.1m²</p> <p>Proposed GFA = 2758.6 m² Proposed FSR = 0.99:1</p>

Clause	Yes	No	N/A	Comment
<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>4.6 Exceptions to development standards</p> <p>(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Clause 4.6 written request has been submitted for the height variation – Refer to discussion in the body of report.
5.10 Heritage Conservation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The site is not heritage listed
<p>6.2 Earthworks</p> <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>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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.

Clause	Yes	No	N/A	Comment
(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.				
6.4 Flood planning (1) The objectives of this clause are as follows: (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, (c) to avoid significant adverse impacts on flood behaviour and the environment. (2) This clause applies to land at or below the flood planning level.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is identified as being flood prone land.
6.7 Stormwater management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed stormwater management system is satisfactory subject to conditions.
6.8 Salinity Consult the Salinity Map accompanying HLEP 2013	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is identified as having a moderate salinity potential. Appropriate conditions were imposed on the original consent to address this issue.

DOCUMENTS
ASSOCIATED WITH
REPORT LPP002/20

Attachment 3
HDCP 2013 Compliance Table

Attachment 3 – Holroyd Development Control Plan 2013 compliance table

HOLROYD DEVELOPMENT CONTROL PLAN 2013

Part A – General Controls

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

Control	Provided	Complies (Yes/No)
VC to be reconstructed if in poor condition, damaged or design doesn't comply	Existing VC to be demolished and new VC proposed. No objection from Council's Development Engineer subject to conditions.	To condition
Avoid services/facilities in road reserve, existing trees, pedestrian crossing, pram ramps etc or condition their relocation	Standard services located in road reserve. No critical facilities or services obstructing new driveway location.	Satisfactory Impose std. conditions
Corner sites VC to be min. 6m from the tangent point	Driveway not located at the corner	Yes

2.7 Road Widening:

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

3.1 Minimum Parking Spaces

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

Control	Required		Provided	Complies (Yes/No)
	min	max		
1 bedroom 0.8 spaces min;1(max)	6 x 0.8 space = 4.8	6	43 spaces + 1 car wash bay, satisfactory as falls below the maximum rate.	Yes
2 bedroom 1.0 space (min); 1.5(max)	24 x 1 space = 24	36		
3 bedroom 1.2 (min); 2 (max)	4 x 1.2 space = 4.8 spaces	8		
Total	33.6 ~ 34 spaces	50		
Visitor/dwelling 0.2 spaces; .5 (max)	34 x 0.2 space = 6.8 ~ 7 spaces	17		
Total	41 spaces plus 1 car wash bay	67		

Bicycle Parking

Residential Flat Buildings

Control	Required	Provided	Complies (Yes/No)
Studio None	Residents = 34 x 0.5 = 17 spaces Visitor = 34 x 0.1 = 3.4 spaces Total requires = 20.4 ~ 21 bicycle spaces	10 bicycle parking provided within the basement and 11 on ground floor. The ground floor bicycle parking shall be relocated along the south western elevation as it conflicts with the amenity of COS To condition and as amended in red on	Yes
1 bedroom 0.5 spaces			
2 bedroom 0.5 spaces			
3+ bedroom 0.5 spaces			
Visitor/dwelling 0.1 spaces			

		the plans.	
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3.3 Car Parking, Dimensions & Gradient

Controls	Complies (Yes/No)
Min. clear length 5.5m (5.4m AS2890.1-2004)	Yes – 5.4m
Min. clear width 2.4m for open space; 3m for between walls.	Yes – 2.4m
Min. clearance height 2.3m	Yes – 2.3m

3.5 Access, Maneuvering and Layout

Controls	Complies (Yes/No)
Driveway minimum 1.5m setback from side property boundaries	Min. 1.53m provided.

3.6 Parking for the Disabled

Control	Required	Provided	Complies (Yes/No)
2 spaces per 100 spaces up to 400, and 1 per 100 thereafter, or part thereof	Min. 2 spaces		Yes
Unofficial rate – 1 per adaptable unit	5 adaptable units	5 accessible parking spaces	Yes

Comment:

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

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

Comment: 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.

6.3/6.4 Erosion and Sediment Control Plan

Comment: Erosion and Sediment Control Plan considered satisfactory.

7.4 Stormwater Management - Easements

Comment: Considered satisfactory by Council's Development Engineer.

9 External Road Noise & Vibration

Comment: Acoustic report considered satisfactory by EHU subject to conditions.

11 Site Waste Minimisation and Management Plan (SWMMP)

Comment: Considered satisfactory by Council's Waste Management section.

Part B – Residential

1 General Residential Controls

1.1 Building Materials

Comment: Considered satisfactory

1.2 Fences

Controls	Complies (Yes/No)
Max. 1.5m	Courtyard fencing - 1.5m. Fencing is setback behind the building line.
Front fences solid ≤1m and be ≥50% transparent to 1.5m	No front fencing proposed.

1.3 Views

Comment: No significant views are blocked by the development.

1.4 Visual Privacy

Control	Provided	Complies (Yes/No)
To provide a high level of visual and acoustic privacy for residents and neighbours in dwellings and private open spaces.	Building separation is considered acceptable with respect to the ADG. Ground Level: Units' courtyards adjacent to the COS raise privacy concern noting landscaping verge is proposed between the POS and COS. However, additional privacy screening shall be provided to mitigate any potential visual privacy impacts from the common areas into the courtyards. This has been imposed as condition of consent.	Yes

1.5 Landscape Area

Control	Provided	Complies (Yes/No)
30% of site area to be provided as landscaped area.(2m min. width) Required: 30% x 2759.1m ² = 827.73m ²	828.64m ² (30%) with min. 2m in width of the site is landscaped.	Yes
Max. 50% of provided landscaped area shall be forward of the front building line.		Yes
Majority of landscaped area to be to the rear of the building.		Yes

1.8 Sunlight Access

Control	Provided	Complies (Yes/No)
1 main living area of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	The shadow diagrams indicate that the adjoining properties would not be unreasonably affected.	Yes
Min. 50% of required POS of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June	As above	Yes

1.9 Cut & Fill

Control	Provided	Complies (Yes/No)
Cut: max. 1m; max. 0.45m within 0.9m of side/rear boundary. Cut controls are not applicable where basement parking is proposed	Excavation for 1 level of basement. The development proposes a built form to match the topography of the site.	Yes
Fill: max. 0.3m within 0.9m of side/rear boundary; ≥0.6m to be contained within the building; if > 0.15m shall occupy max. 50% of the landscaped area.	Minimum fill outside building envelope.	Yes
Not within easements	N/A	N/A

1.11 Vehicular Access and Driveways

Control	Provided	Complies (Yes/No)
VC min. 3m wide and max. 5m wide at boundary.	New VC – Refer to comments provided by Council's Development Engineering Department.	To condition
Council favours the use of a central under-building access driveway.	Driveway access to the side.	Considered satisfactory

1.12 Universal Housing and Accessibility

Control	Provided	Complies (Yes/No)
15% of units shall be adaptable units.	5 out of 34 units (15%) adaptable units provided.	Yes

1.13 Subdivision: Strata subdivision of residential flat buildings is permitted

Comment:

Strata subdivision not proposed.

6 Residential Flat Buildings

6.1 Lot Size and Frontage:

Control	Provided	Complies (Yes/No)
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. 	50.4m	Yes
Not permitted on battleaxe lots.		N/A
The proposal shall not limit future development potential of adjoining lots i.e. landlocking	Proposal would not result in the landlocking of adjoining properties.	Yes

6.2 Site Coverage: Max. 30% of the site area (827.73 m²)

Comment: The site coverage is maintained to 1029.1m², equivalent to 37.3% of the site area.

Refer to comments in the body of the report.

6.3 Setbacks

Control	Provided	Complies (Yes/No)
Principal St: 6m and correspond with existing building setback.	The proposed development provides a 6m setback from Toongabbie Road	Yes
Secondary St: 4m.	N/A	N/A
Side: 3m.	6m minimum	Yes
Rear: <ul style="list-style-type: none"> ≤ 4 storeys – 20% of the site length or 6m, whichever is greater. ≥ 5 storeys – 30% of the site length. 	North western boundary: Required setback up to 4 storeys = 10m. However, setback of 7.202m is provided. Considered acceptable given that the setbacks satisfy with the ADG requirements.	No – Acceptable in this instance.
Basement: 3m to side and rear boundaries.	Minimum 1.53m from north eastern boundary. The encroachment is maintained to the driveway ramp, which complies with Council's controls related to the offset of driveways from side property boundaries.	Yes
All floors >4 storeys to be setback 3m.	Not applicable	N/A

6.4 Building Height

Control	Provided	Complies (Yes/No)
Maximum building height in storeys shall be provided in accordance with the table below:	Required – 11metres – 2storeys The proposed development is maintained to 4	No

<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	storeys including the basement protrusion. Refer to comments in the body of the report.	
Permitted Height (storeys)																				
Height	Storeys																			
9m	1																			
11m	2																			
12.5m	3																			
15m	4																			
18m	5																			
21m	6																			
24 m	7																			
The minimum floor to ceiling heights shall be: <ul style="list-style-type: none">• 2.7 metres for habitable rooms.• 2.4 metres for non habitable rooms.• 2.4 metres for the second storey section of two storey units if 50% or more of the apartment has a 2.7 metre minimum ceiling height.	Min. 2.7m	Yes																		

Attics

Control	Provided	Complies (Yes/No)
Attics are permissible in RFBs.	N/A	N/A
Min. wall height of 1.5m with min 30° ceiling slope.	N/A	N/A

6.7

Building Appearance - Facade

Control	Provided	Complies (Yes/No)
Appropriate scale, rhythm and proportion, responding to the building use and contextual character.	Considered satisfactory.	Considered satisfactory.
Walls to street to be articulated by windows, verandahs, balconies or blade walls. Max. projection of 600mm forward of building line.	As above	Satisfactory

Building Appearance – Roof Design

Control	Provided	Complies (Yes/No)
Roofs shall relate to the built form, context and character of the street.	Considered satisfactory	Yes
Pitched roofs will not be permitted:- <ul style="list-style-type: none"> • Where it doesn't relate to the urban context. • Where it increase the visual bulk of the building. • Where land has been rezoned high density. 	Flat roof proposed	N/A
Max. 3m height for roofs from ceiling line to ridge.	Max. 3m	Yes

6.8

Building entry and pedestrian access

Control	Provided	Complies (Yes/No)
Shall be clearly identifiable, sheltered, well lit	Building entry is centrally located along	Yes

and visible from the street.	the Toongabbie Road frontage. Entry is easily identifiable, provides weather protection and well lit.	
Main entry to be separate from carparks or car entries.	Pedestrian and vehicular access is separate.	Yes

6.9 Parking

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

Vehicular access

Control	Provided	Complies (Yes/No)
Shall be located off secondary streets, where possible.	Vehicular access provided from principal street – Good Street	Yes
Direct access shall be provided between the car park to the lobby.	Direct access provided from central lift core.	Yes
Access to resident parking areas shall be restricted via a security gate or door.	Security roller door provided.	Yes

6.11 Internal circulation

Control	Provided	Complies (Yes/No)
All common facilities must be accessible.		Yes
All staircases are to be internal.	Complies	Yes
Sensitive noise rooms shall be located away from less sensitive noise rooms, corridors and stairwells.	Considered satisfactory.	Yes

6.12 Facilities and amenities

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

6.15 Waste Management – Bin Storage

Control	Provided	Complies (Yes/No)
Bin storage must: <ul style="list-style-type: none"> Be located behind the building line and 	A garbage room and bulky waste room is provided in the basement.	Yes – subject to

<p>screened from the street and any public place.</p> <ul style="list-style-type: none"> • Be accessible and relatively close to each dwelling. • Not impact upon the amenity of adjoining premises or dwellings within the development, i.e. odour. 	<p>The garbage room is accesible for residents and does not pose adverse impacts on neighbouring properties.</p>	<p>conditions</p>
<p>Allow for unobstructed access that does not exceed a grade of 1:8 for bins to be wheeled to the collection point.</p>	<p>Considered satisfactory.</p>	<p>Yes</p>

7

Landlocked Sites

Control	Provided	Complies (Yes/No)
<p>Residential R4 zoned lots should not result in the creation of landlocked sites.</p>	<p>Proposal does not result in the landlocking of adjoining properties.</p>	<p>Yes</p>

Existing Landlocked Sites

Control	Provided	Complies (Yes/No)
<p>Existing landlocked sites shall be assessed on their merits.</p>	<p>N/A</p>	<p>N/A</p>
<p>Proposals shall achieve a satisfactory level of amenity, privacy, solar access, landscaping and setbacks and shall not detract from the streetscape.</p>	<p>N/A</p>	<p>N/A</p>

DOCUMENTS
ASSOCIATED WITH
REPORT LPP002/20

Attachment 4
Draft Notice of Determination

Our Reference: 2019/124
Contact: Ms N Aamir
Phone: 02 8757 9972

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

DEFERRED COMMENCEMENT

12 February 2020

Designcorp Architects Pty Ltd
16 Dunlop Street
NORTH PARRAMATTA NSW 2151

Dear Sir/Madam

Pursuant to Section 4.16(3) of the Act, Council has granted "deferred commencement" consent to your development application described as follows:

PROPERTY: Lots 191, 192 & 193, DP 11508

STREET ADDRESS: 57, 59 and 61 Toongabbie Road, TOONGABBIE

DEVELOPMENT CONSENT NO: 2019/124/1

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 four (4) storey residential flat building, comprising 34 residential units, over basement car parking containing 43 car parking spaces and 1 carwash bay.

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 four (4) storey residential flat building, comprising 34 residential units, over basement car parking containing 43 car parking spaces and 1 carwash bay shall not operate until all of the following Schedule "A" conditions have been complied with to Council's satisfaction.

Easement Creation

- i) Full detailed drawings prepared by a suitably qualified and practising Civil Engineer of the stormwater drainage to the existing Council's drainage pit within Girraween Park shall be provided to Council. The following shall be addressed:
 - (i) Full details of stormwater drainage within the easement.
 - (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 property/properties.
 - (iv) All trees within, overhanging or within 5m of the proposed easement shall be accurately indicated.
- ii) A drainage easement 1.25m wide (minimum), and corresponding with the stormwater drawing, being created in favour of the property to be developed over downstream properties, to permit the disposal of stormwater to Council's existing drainage system within Girraween Park. Documents relative to the creation of the easement to be lodged with the NSW Land Registry Services with registration being effected prior to Schedule B conditions becoming operational. All costs associated with piping, relocation and creation of easements shall be borne by the applicant.
- iii) Four (4) copies of plans and calculations for the design shall be submitted to Council. Inadequately prepared drawings and calculations will incur an additional fee of **\$243.00** per review for subsequent inadequate drawings.

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

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

SCHEDULE "B"

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

PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced within 5 years of the date of operation.
2. Development shall take place in accordance with the attached endorsed plans:

Architectural Plans submitted to satisfy Schedule "A" and prepared generally in accordance with plans prepared by Designcorp (Job No. 2017-136)			
Dwg No.	Revision	Title	Date
H03	H	Roof/Site Analysis Plan	14/10/2019
H04	H	Basement Floor Plan	14/10/2019
H05	H	Ground Floor Plan	14/10/2019
H06	H	First Floor Plan	14/10/2019
H07	H	Second Floor Plan	14/10/2019
H08	H	Rooftop Plan	14/10/2019
H09	H	Demolition Plan	14/10/2019
H10	H	Elevations and Fence Details	14/10/2019
H11	H	Elevations	14/10/2019
H12	H	Sections	14/10/2019
H13	H	Adaptable Ground Floor Plan	14/10/2019
H22	H	Materials and Finishes Schedule	14/10/2019

Stormwater Plans submitted to satisfy Schedule "A" and prepared generally in accordance with plans prepared by M.M. Farah, Job No. SW57-61 Toongabbie, OSD Plan 2019-171			
Dwg No.	Revision	Title	Date
Sheet 1 of 3	-	Hydraulic & Sediment Control Plan- Roof and Site Plan	14/10/2019
Sheet 2 of 3	-	Hydraulic & Sediment Control Plan- Basement Plan	14/10/2019
Sheet 3 of 3	-	Hydraulic & Sediment Control Plan	14/10/2019

Landscape Plans submitted to satisfy Schedule "A" and prepared generally in accordance with plans prepared by Andrew Murphy Design (Job No. 2019- 003)			
Dwg No.	Revision	Title	Date
B01	B	Landscape Details	24/10/2019
B02	B	Landscape Plan	24/10/2019

- Road Traffic Noise Assessment prepared by Rodney Stevens Acoustics, Report Number R180021R1, Revision 1, dated 17 April 2018;
- Correspondence from Endeavour Energy dated 24 May 2019 and all recommendations contained therein;

- Correspondence from Cumberland Police Area Command, Reference No. D2019/608968, dated 15 July 2019 and all conditions contained therein;
- Arboricultural Impact Assessment prepared by Redgum Horticultural, Reference No. 5530.1, dated 11 November 2019;
- Preliminary Site Investigation prepared by Geotechnical Consultants Australia, Reference No. E1925-1, dated 5 June 2019;
- Waste Management Plan dated 5 April 2018; and
- BASIX Certificate No. 915839M_02, dated 26 February 2019.

except as amended by the conditions of this consent and/or marked in red.

3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia and the relevant Australian Standards. 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 carrierregarding 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 nominated demolition works on the property, subject to strict compliance with the following:-
 - a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - *Demolition of Structures*. **Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications. a) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. The demolition must not commence prior to the date stated in the notification.
 - b) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Cumberland Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
 - c) On the first day of demolition, work is not to commence until Cumberland Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with WorkCover's document "Your Guide to Working with Asbestos", a copy of which accompanies this Development Consent and demolition works must at all times comply with its requirements.
 - d) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 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 Office of Environment and Heritage (OEH).
- l) Before demolition operations begin, the property shall be connected to the sewer of Sydney Water to which a pedestal pan shall be temporarily connected for the use as the employees' toilet service during demolition operations.
- m) After completion, the applicant shall notify Cumberland Council within 7 days to assess the site and ensure compliance with AS2601-2001 – *Demolition of Structures*.

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

- n) Within 14 days of completion of demolition, the applicant shall submit to Council:
 - i) An asbestos clearance certificate carried out by a licensed asbestos assessor (normally a NATA accredited occupational hygienist), or a person who has the knowledge and skills to be a licensed assessor, regardless of whether or not they are licensed; and
 - ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent under DCP 2013 Part A, Section 11.0. **In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials; and**

Note: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au 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.

Substation and Fire hydrant

- 11. No approval is granted or implied for the installation of substation and fire hydrant booster pumps and construction of associated encasing structures such as blast walls or radiant heat shields. Separate Development Consent is required.

Cranes on Building Sites

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

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

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

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

Amended Plans

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

- i) Amended basement design and swept path diagrams shall be provided demonstrating that vehicles entering and existing basement simultaneously can pass another vehicle on both departures at the intersection point within the basement. The curved ramp shall be in accordance with Australian Standard 2890.1-2004.
- ii) A longitudinal section of the proposed driveway shall be extended from the centerline of the road (Toongabbie Road) to basement. The design engineer shall also demonstrate that a B99 vehicle will not scrape and bottom out from the top to the bottom of the ramp in the basement.

Note: Boundary alignment levels shall not be assumed. The applicant shall make application to Council's Engineering Services Department to obtain the boundary line levels prior to issue of construction certificate.

- iii) The bicycle parking on the ground floor shall be re-located along the south western elevation adjacent to the lift core as marked in red on the plans.

Payment of Bonds, Fees and Long Service Levy

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

Section 7.11 Contribution

15. Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 7.11 of the *Environmental Planning and Assessment Act 1979* and Holroyd Section 94 Development Contributions Plan 2013, for six (6) x 1 b/r dwellings, twenty four (24) x 2 b/r dwellings and four (4) x 3 b/r dwellings (minus credit for the 3 existing dwellings) is to be paid to Council. At the time of this development consent, the current rate of the contribution is **\$444,212.00**. 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

16. A cash bond/bank guarantee of **\$6,160.00** must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for 'six (6) months after the completion of works' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

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

Consistency with Endorsed Development Consent Plans

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

Landscape Inspection Fee

18. Payment of a **\$573.00** 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

19. Payment of a **\$876.00** fee for the inspection by Council of the stormwater drainage and Onsite Stormwater Detention System/Pollution Control Device/s at the key stages, where Council is the Principal Certifying Authority.
20. The applicant shall lodge with Council a **\$8,250.00** 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.
21. The applicant shall lodge with Council a **\$5,000.00** cash bond or bank guarantee for the satisfactory completion of the construction of the drainage system through a public area or adjoining private property. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
22. 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/Pollution Control Device/s. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land and Property Information NSW.

On-site Stormwater Detention

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 **2019-171** and Council's on-site stormwater detention policy shall be submitted to the certifying authority prior to the issue of a construction certificate. The following shall also be addressed:
- (i) Stair and/or ramp access shall be provided to enter/exit each proposed OSD basins area and bio-retention basin area. Access points shall be indicated on the construction drawing.
 - (ii) Spot levels within the proposed bio-retention basin shall correspond with the levels shown on the approved Bio-retention basin cross-section details.
 - (iii) Amendment in RED on the approved stormwater plan.

Water Sensitive Urban Design (WSUD)

24. The development has been identified as requiring water sensitive urban design (WSUD) 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 WSUD system. In this regard, design and construction details of the WSUD system demonstrating compliance with Holroyd DCP 2013 Part A section 7.5 and in accordance with the approved OSD stormwater plan and approved water sensitive urban design report shall be submitted to the certifying authority prior to the issue of a Construction Certificate. The following shall also be addressed:
- (i) Details of head wall/culvert, filtration media and planting within the bio-retention basin/system shall be indicated on the construction stormwater plan and consistence with the landscape plan and report.

Flooding

25. The development site has been identified as a flood affected site in the 1%AEP storm event which was considered as part of the development consent. In this regard design and construction details shall be submitted to the certifying authority prior to the issue of a construction certificate and the following shall also be addressed: -
- (i) Design and construction of the proposed structures shall also include the proposed structures being able to withstand the forces of floodwater, debris and buoyancy up to and including the FPL (1% AEP flood plus 500mm freeboard).
 - (ii) All new works shall be constructed in flood compatible materials to a minimum level of 1%AEP + freeboard (ie flood planning level), including the requirements for electrical equipment, power supply, wiring, GPO's etc. All works shall generally be in accordance with Holroyd DCP 2013 Section 8 table 9 and 10.

Construction and Traffic Management Plan

26. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a **\$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.
27. The applicant shall also provide a Construction and Traffic Management Plan, prepared by a suitably qualified consultant and submitted to Council for approval. A 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 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

- 28. To maintain sight distance to pedestrians, all fencing and landscaping within 2m 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 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.

Required Submissions to Certifying Authority

- 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 (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.

Traffic – Access & Parking

31. If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.
32. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.
33. 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.
34. Any works requiring closure of any road or footway closure will require submission of a Council's Temporary Road Closure application form and payment of fees.
35. 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.
36. 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.
37. Glass balustrades of all units' balconies shall be provided with obscure glazing.
38. Storage areas for each unit shall be provided at the following rates:
 - 1 bedroom unit – 6m³
 - 2 bedroom units – 8m³
 - 3 bedroom units – 10m³

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

39. The location of the gas instantaneous 5 star hot water systems shall be shown on the plans. Details are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.
40. The party wall between bedrooms of units 15 & 16 and living areas of adjoining units 21 & 22; typical above (32, 33 & 26, 27) be treated with acoustic seals such that the noise transmission into the bedrooms is minimised.
41. Weather protection shall be provided for pedestrians from the main entrance to the lift lobbies at ground floor level.
42. Courtyards of ground floor Units 03, 04 and 12 adjacent to communal open space shall be provided with appropriate privacy screening of 1.5m high to alleviate any visual privacy concerns. Details are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Light Fixtures

43. A plan showing the location of light fixtures throughout the development shall be submitted to the Principal Certifying Authority.

Sydney Water

44. 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.

Accessibility

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

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

Fire Safety Upgrading & Essential Services

46. 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.

Car Wash Bay

47. 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

Basement Car Park Ventilation

48. The basement car park shall be naturally or mechanically ventilated. The ventilation system shall comply with the requirements of the Building Code of Australia and relevant standards including AS1668.1 – 1998. The Use of Ventilation and Air conditioning in Buildings Part 1: Fire and Smoke Control in Multi Compartment Buildings and/or AS 1668.2-2002; The Use of ventilation and Air conditioning in Buildings Part 2: Ventilation Design for Indoor Air Contaminant Control.

Air Conditioning

49. Details and specifications for the mechanical ventilation system complying with the Australian Standard are to be submitted and approved by Council.

Acoustic Measures

50. Plans and/or specifications demonstrating how all engineering assumptions, performance parameters, and recommendations in the DA approved Acoustic Report (prepared by Rodney Stevens Acoustics, dated 17 April 2018, report ref. R180021R1) will be complied with are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of the Construction Certificate.

Design Verification Statement

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

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

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

Residential Flat Development Residential Waste Storage Area

52. 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

53. 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

External Walls and Cladding Flammability

54. 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.

Construction Management Plan

55. A Construction Management Plan (CMP) prepared by a suitably qualified consultant shall be prepared and submitted to the Principal Certifying Authority to address issues such as traffic control, noise, dust, etc., during construction. All measure/works/methods/procedures/control measures/recommendations made within the Construction Management Plan shall be implemented accordingly at all times.

Hazardous Materials Survey

56. 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.

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

57. The person having the benefit of the development consent, not the principal contractor (builder), must:

- a) Appoint a Principal Certifying Authority in accordance with Section 6.6 of the Act.
- b) Have the Principal Certifying Authority complete the 'Accredited Certifier Details' on the approved form provided by Council for this purpose, 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

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:
- job address and builder's name
 - design wind velocity
 - terrain category
 - truss spacing
 - roof pitch
 - material of roof
 - roof batten/purlin spacing
 - material of ceiling
 - job number

Photographic Record of Council Property – Damage Deposit

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

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

Notification to Relevant Public Authority

61. The applicant shall ensure that relevant public utility authorities are made aware of the 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

62. Fencing of sites is required to prevent public access when the site is unoccupied and building works are not in progress. In this regard the MINIMUM acceptable standard of fencing to the site is properly constructed chain wire fencing 1.8m high, clad internally with Hessian or Geotextile fabric. All openings are to be provided with gates, such gates are not at any time to swing out from the site or obstruct the footpath or roadway.

Signs to be Erected on Sites

63. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- Showing the name, address and telephone number of the Principal Certifying Authority for the work, and

- (b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted **outside working hours and at any time for business purposes**, and
- (c) Stating that unauthorised entry to the work site is prohibited.

The sign must be rigid and durable and be read easily by anyone in any public road or other public place adjacent to the site.

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

This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Note: Principal Certifying Authorities and Principal Contractors must also ensure that signs required by this clause are erected and maintained (clause 227A of the Regulations currently imposes a maximum penalty of \$1,100).

Prohibited Signage

- 64. Advertising, Real Estate Agents, Architects, Designers, site suppliers and any other signage not mentioned in the conditions, is not to be placed or displayed on the site, such that the signage is visible from any public place. Offenders may be prosecuted.

Protection of Public Places

- 65. A hoarding or fence must be erected between the work site and any public place, if the work involved in the erection or demolition of the building; is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Site Control Measures

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

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

Tree Protection

67. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected prior to and throughout the demolition/construction process in accordance with the Arboricultural Impact Assessment prepared by Redgum Horticultural, Reference No. 5530.1, dated 11 November 2019 and relevant conditions of this Consent. All trees not authorised to be removed by this Consent must be retained. Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to the Principal Certifying Authority by a suitably qualified person or the Arborist (as appropriate) engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted. A copy of the Certificate is to be issued to Council within seven (7) days of the inspection and prior to any works commencing. Additionally, trees identified for removal are to be retained until immediately prior to works commencing, to assist with soil management and erosion control.
68. Protective fencing is to be installed around the tree/s to be retained/transplanted in line with the outer edge of the canopy which overhangs the site and no further than 0.5m from any buildings. This fencing is to be constructed of chainwire mesh 1.8m high, which is supported by steel stakes or piping and braced to resist impacts. Where appropriate the trunk/s of the tree/s on the site and any street tree/s (which are not to be fenced other than as mentioned above), shall also be protected by vertical timber boards, installed by or under the supervision of a suitably qualified person or the arborist (as appropriate) engaged to ensure the proper protection and management of the trees required to be retained/transplanted to accepted horticultural and TAFE standards.

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

69. The fenced zone/s surrounding the trees to be retained shall be mulched with 100mm of composted leaf mulch.

Footpaving, Kerbing and Guttering

70. Protection must be provided for Council footpaving, kerbing and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.
71. Finished street levels shall not be assumed. The owner or builder must make application to Council's Engineering Services Department for street levels.

Support for Neighbouring Buildings

72. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land (including a public road and any other public place), the person causing the excavation to be made:-
 - a) must preserve and protect the building from damage, and
 - b) if necessary, must underpin and support the building in an approved manner, and
 - c) must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the building being erected or demolished.The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land

being excavated or on the adjoining allotment of land. (In this clause, *allotment of land* includes a public road and any other public place).

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

Toilet Facilities

74. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
Each toilet provided:
- a) Must be a standard flushing toilet, and
 - b) Must be connected:
 - i) To a public sewer,
 - ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - iii) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
 - iv) The position of the toilet on the site shall be determined by Council's Building Surveyor and/or Sydney Water.

Residential Building Work - Insurance

75. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the Principal Certifying Authority for the development to which the work relates (where not Cumberland Council) has given Cumberland Council written notice of the following information:-
- (a) In the case of work for which a Principal Contractor is required to be appointed:
 - (i) The name and licence number of the Principal Contractor, and
 - (ii) The name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) In the case of work to be done by an owner-builder:
 - (i) The name of the owner-builder, and
 - (ii) If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

Surveying – Boundaries

76. 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.

Roadworks

77. 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 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 (e.g. telephone, electricity, sewer, water or gas) required within the road reserve.
78. 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.
79. 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.
80. 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

81. 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.
82. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
83. 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

84. 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

85. 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

86. 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

87. 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.
88. 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.
89. 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

90. 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

- 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 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

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. 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), shall be erected along and within all side and rear boundaries and between courtyards at full cost to the developer. 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.

Council's Reserve

98. The line of the boundary bordering Council Reserve must be delineated by a continuous 1.8 metre high lapped and capped treated timber paling fence with galvanised steel posts, be without any direct access to the Reserve and be wholly maintained by the property owner in perpetuity, including the removal of graffiti.
99. The applicant shall access the works area from the property's road frontage for all development works. Use and access of Council's Reserve for minor works such as drainage discharge where necessary will be considered in the submission of a Park Use and Access application.

100. The proposed development is in close proximity to existing trees in Council's Reserve (Tree 4 and 16) which may be impacted by landscape, fencing and storm water works. Any works within the tree protection or structural root zone of existing trees within Council's Reserve shall be supervised and certified by an AQF Level 4 or 5 Consulting Arborist in accordance with AS 4970-2009.
101. Fences are to taper from the front building line to be not more than 900mm high at the front boundary.
102. 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

103. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected against damage throughout the demolition/construction process in accordance with the Arboricultural Impact Assessment prepared by Redgum Horticultural, Reference No. 5530.1, dated 11 November 2019 and relevant conditions of this Consent.
104. A report is to be prepared and submitted to Council by the Arborist engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted that:
 - i) Sets out maintenance work carried out on tree/s; and
 - ii) Assesses the health and condition of the tree/s required to be retained/transplanted and protected.

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

105. 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.
106. 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.

107. 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.

Works within Council's Reserve

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

Surveying – Footing/Wall

109. 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.

Inspection of On Site Detention Works

110. 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 Pollution Control Device/s

111. The stormwater drainage and/or pollution control devices shall 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 pollution control device/s.
- (b) After completion of storage but prior to installation of fittings (eg. screens, etc.)
- (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

112. 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".
113. 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

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

Underground Power Connection

115. 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

116. 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.
117. With regard to basement level pump out system, a warning system shall be provided to alert occupants of the building that a basement stormwater pump out failure has occurred, which could cause flooding. As a minimum, the system shall include:
 - a flashing light with warning sign at each pedestrian and vehicular entrance into the basement from outside the building; and
 - a warning system, such as an audible alarm with flashing light and warning sign installed within a common area or areas of the building, such as the ground floor lobby.

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

Basement Parking

118. A convex mirror is to be provided so that drivers can see up the driveway from within the basement.
119. An intercom device is to be located:
 - i) on the driver's side wall at the top of the driveway to the basement carpark, so that visitors can access the carparking spaces; and
 - ii) within the basement foyer so that disabled persons can contact any unit if the lift is not working.

Vehicle Cleansing

120. 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

121. 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

122. 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.

Driveways

123. All new driveways shall be located at least 1.0 metre away from the side boundaries with the area between the driveway and the boundary suitably landscaped.

General

124. The recommendations of the Acoustic Report prepared by Rodney Stevens Acoustics, Report Number R180021R1, Revision 1, dated 17 April 2018; are required to be incorporated into the design/construction of the proposed use.

Noise & Vibration

125. The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.
126. In the event of a noise or vibration problem arising, the person in charge of the premises must, when instructed by Cumberland Council or the Accredited Certifier, cease work and carry out an acoustical survey and/or investigation by an appropriate acoustical engineer or consultant and submit the results to Council. The person in charge of the site must implement any or all of the recommendations of the consultant and any additional requirements of Council. Any requirements of Council in this regard must be complied with immediately.

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

127. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
128. A Section 73 Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation and submitted to the PCA.

(Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

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

Submission a copy of Sydney Water's *Notice of requirements* to the Principal Certifying Authority.

129. 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.

130. An Accredited Certifier shall submit to the Principal Certifying Authority a signed checklist as per Appendix A of AS4299-1995 confirming that a minimum of 5 Units (9, 10, 11, 20 and 31) have achieved the desired level of adaptability (i.e. "Adaptable House Class A or B").

Landscaping and Site Works

131. 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.
132. 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.

133. 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.

The Arborist is also to ensure that any required general maintenance works (that are exempt) to the retained trees, such as the removal of dead, dying and diseased branches including mistletoe is completed prior to the issue of the final Occupation Certificate. All tree works are to be performed by a minimum AQF Level 3 Arborist, as per AS4373-2007 "Pruning of Amenity Trees".

134. 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.
135. Boundary and courtyard fences must be erected and finished in a professional manner.

Parking/Driveway

136. 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.
137. The entry/exit driveway shall be indicated with appropriate signage and line-marking to avoid the conflict at the driveway.
138. The driveway shall be signposted indicating availability of visitor off-street parking. Spaces reserved for this purpose shall be marked as such.
139. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.
140. All parking spaces, aisle, driveway and internal roadways dimensions shall be in accordance with Australian Standard 2890.1.2004 and 2890.6.2009.
141. The entry point shall be provided with a suitable communication system to allow the security gate to be opened remotely by occupants of the building. The width of the access driveway/ramp adjacent to the control devices shall not restrict access for residents / visitors and shall be in accordance with Australian Standards.
142. A convex mirror shall be installed within the basement carpark at proposed ramps.
143. Wheel stops shall be provided at appropriate parking locations (i.e. lifts, stairways) in accordance with AS 2890.1:2004.

Fire Safety

144. 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

145. 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.

Onsite Stormwater Detention, Certifications and Covenants

146. A copy of the as approved stormwater drainage and On Site Detention/Pollution Control Device 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.
147. A certificate of compliance in accordance with Council's standards and specifications for stormwater drainage and On Site Detention/Pollution Control Device system shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.
148. 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.

149. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed On Site Detention/Pollution Control Device system 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 NSW Land Registry Services.

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/Pollution Control Device is in accordance with the approved drawings and Council requirements.

The Positive Covenant and Restriction on Use documents shall be registered with the NSW Land Registry Services within six (6) months from the date of release by the benefiting authority.

150. A maintenance schedule for the stormwater and On-Site Detention/Pollution Control Device system including a sketch plan of the components forming the sites stormwater and On-Site Detention/Pollution Control Device 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.
151. 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.
152. OSD design summary calculation sheet/s using the WAE levels shall be submitted to Council.
153. A summary table of installed filtration media, coarse sand and planting shall be provided and certified by a suitably qualified hydraulic engineer to the principal certifying authority.
154. The applicant shall provide a standard OSD sign within the aboveground basin area in accordance with Clause 7.1 (i) of Holroyd DCP 2013 OSD policy.
155. The applicant shall provide a standard confined space danger sign at all access points to the underground OSD storage tank in accordance with the Upper Parramatta River Catchment Trust OSD handbook.

Road Works

156. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
157. 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.
158. The reconstruction of concrete footpath paving 1.5m wide and associated works along all areas of the site fronting Toongabbie Road, Toongabbie. 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.

159. The construction or 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.
160. 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.
161. 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.
162. The applicant shall obtain a letter from the downstream property owner upon completion of the stormwater connection into Council's pipe system stating that the restoration of his property is satisfactory.
163. The pipeline trench within the Council reserve shall be backfilled, compacted and turfed to the satisfaction of Council's Engineer. This includes restoring any disturbance to Council's property.

Lot Consolidation

164. Lots 191, 192 & 193, DP 11508 shall be consolidated into one lot on title and all works shall be completed in accordance with this Development Consent.

Basement Car Park Ventilation

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

House/Street Number

166. 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, www.cumberland.nsw.gov.au.

Design Verification Statement

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

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

Noise Compliance Report

168. 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 DA approved Acoustic Report prepared by Rodney Stevens Acoustics, Report Number R180021R1, Revision 1, dated 17 April 2018 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

169. 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.
170. 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.

Lighting

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

General

172. 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.
173. The glass balustrading associated with the balcony areas of the development, facing the public domain, shall be maintained to opaque glass.

CONDITIONS RELATING TO USE

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

Safety and Amenity

174. 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.
175. 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.
176. 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.
177. 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.

Mechanical Ventilation System – Car Park

178. 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.

Parking

179. 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.
180. At least 43 car spaces (including 7 visitor car spaces) are to be allocated to residential use. All car parking spaces are to be made available at all times for resident and visitors' vehicles only in conjunction with the occupation of the building/premises.
181. All vehicles shall enter / exit the site in a forward direction.
182. The car parking spaces shall be numbered and linemarked 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.
183. The roller gate shall not restrict access for visitors of the residential carpark areas.
184. All residents shall be provided with remote control device to open the roller door.

Refuse & Trade Waste

185. 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 – Residential

186. 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.
187. Each unit shall be provided with a waste cupboard or other suitable storage area to facilitate the holding of a bin containing a single days-domestic waste.

Alarms

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

Emergency Procedures

189. 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

190. 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.

General Noise Condition

191. 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 LA_{90} level (in the absence of the noise under consideration).
192. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises.
193. Noise and vibration from the use of the air conditioning system (if any installed) shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10:00pm and 7:00am on weekdays and 10:00pm and 8:00am on weekends and public holidays.

Car Wash- Residential

194. 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.
195. 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

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

Council's Reserve

197. Use and access of Council's Reserves for private development is not generally supported and should not be relied upon for construction purposes. The applicant is to access the works area from the property's road frontage for all development works. Use and access of Council's Reserve for minor works such as drainage discharge where necessary will be considered in the submission of a Park Use and Access application.

General

198. All privacy measures including privacy screens 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.

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. 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.
- C. 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.
- D. 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 integrated or 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.

- E. 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.
- F. 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.

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

H. 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.

I. 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.

J. 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.

K. 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.

L. 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.

M. 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.

N. 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.

O. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

An administration fee per certificate in accordance with Council's Adopted Fees & Charges Schedule 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. 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.

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.

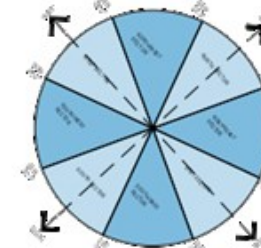
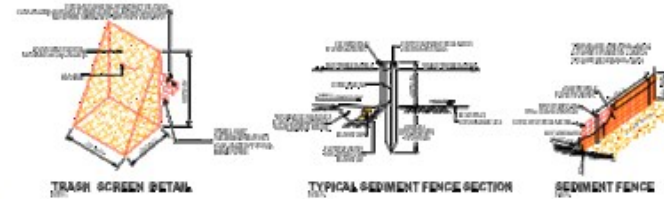
Yours faithfully

Sohail Faridy
COORDINATOR DEVELOPMENT ASSESSMENT

DOCUMENTS
ASSOCIATED WITH
REPORT LPP002/20

Attachment 5
Architectural Plans

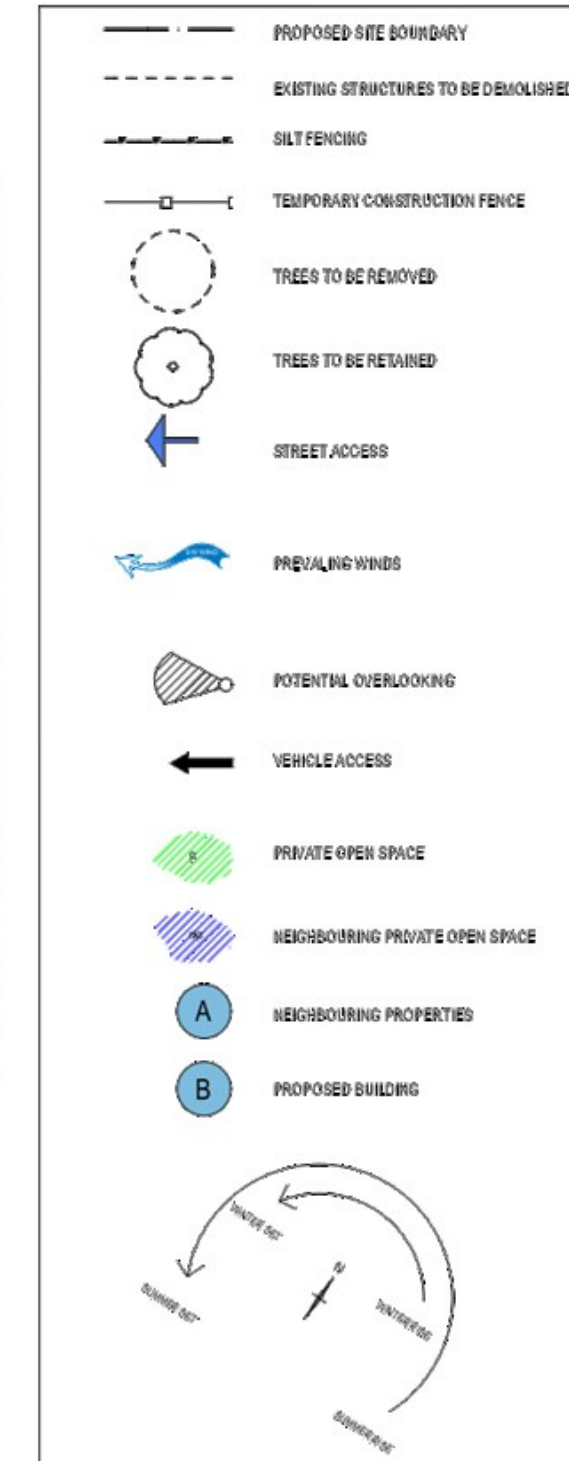
PROPOSED RESIDENTIAL FLAT BUILDING DEVELOPMENT @ 57-61 TOONGABBIE RD TOONGABBIE FOR JEB HOMES PTY LTD DEVELOPMENT APPLICATION



SHEET SCHEDULE	
SHEET	TITLE
00	COVER PAGE
01	LEP CONTROLS
02	SITE CONTEXT ANALYSIS
03	ROOF / SITE ANALYSIS
04	BASEMENT FLOOR PLAN
05	GROUND FLOOR PLAN
06	FIRST FLOOR PLAN
07	SECOND FLOOR PLAN
08	ROOFTOP PLAN
09	DEMOLITION PLAN
10	ELEVATIONS 1
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12	SECTIONS
13	ADAPTABLE UNITS
14	SHADOWS - JUN 9AM
15	SHADOWS - JUN 10AM
16	SHADOWS - JUN 11PM
17	SHADOWS - JUN 12PM
18	SHADOWS - JUN 1PM
19	SHADOWS - JUN 2PM
20	SHADOWS - JUN 3PM
21	PHOTOMONTAGE
22	MATERIALS & FINISHES

NOTE

1. ALL DIMENSIONS AND FOOTPRINTS ARE TO BE VERIFIED BY SURVEY PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK. ANY DIMENSIONS ARE TO BE CONFIRMED BY THE DESIGNER.
2. LEVELS SHOWN ARE APPROXIMATE UNLESS ACCOMPANIED BY SPECIFIC LEVELS BY A REGISTERED SURVEYOR.
3. FIGURED DIMENSIONS ARE TO BE TAKEN IN PREFERENCE TO SCALES.
4. ALL BOUNDARY CLEARANCES MUST BE VERIFIED BY THE SURVEYOR PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK.
5. WHERE ENGINEERING OR HYDRAULIC DRAWINGS ARE REQUIRED, SUCH MUST TAKE PREFERENCE TO THIS DRAWING.
6. STORMWATER TO BE CONNECTED AND DISCHARGED TO COUNCIL'S REQUIREMENTS AND TO AS 3600.3-1990.
7. ALL SERVICES TO BE LOCATED AND VERIFIED BY THE SURVEYOR PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK.
8. ALL DIMENSIONS TO BE VERIFIED BY SURVEY REGISTERED SURVEYOR ON SITE PRIOR TO CONSTRUCTION COMMENCING.
9. ALL DEMOLITION AND EXISTING WORK TO BE CARRIED OUT WITH APPROVED SITE MANAGEMENT PLAN AND IN ACCORDANCE WITH COUNCIL'S REQUIREMENTS & S.A. CONDITIONS.



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project: **PROPOSED RESIDENTIAL FLAT BUILDING DEVELOPMENT @ 57-61 TOONGABBIE RD TOONGABBIE**
client: **JEB HOMES PTY LTD**
drawn: **E.K.** scale: **as shown** Council: **as shown**

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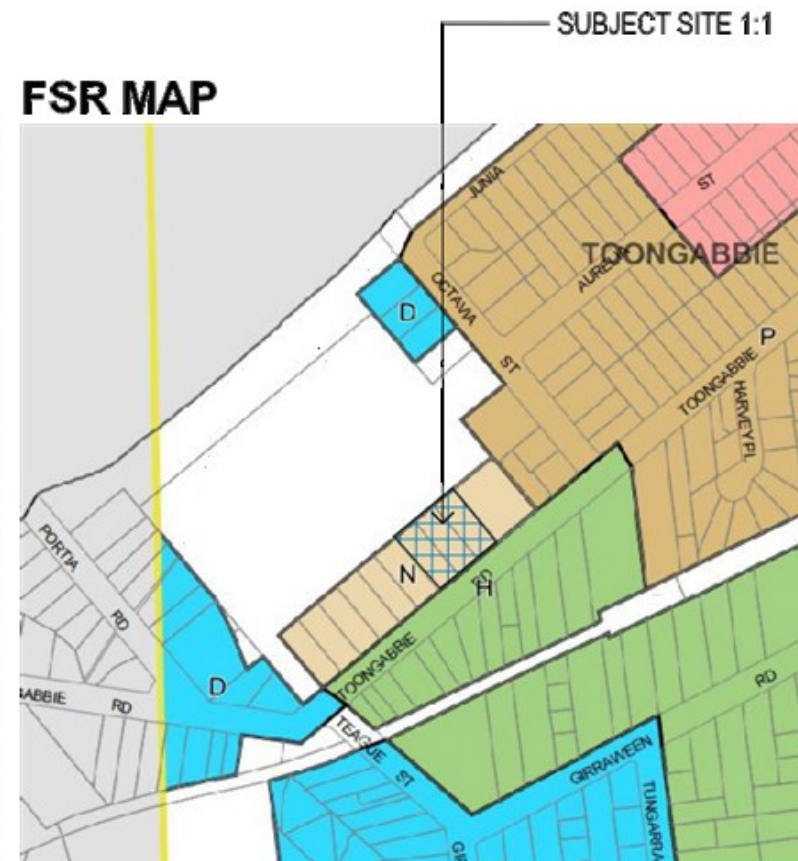


ROOF / SITE ANALYSIS PLAN

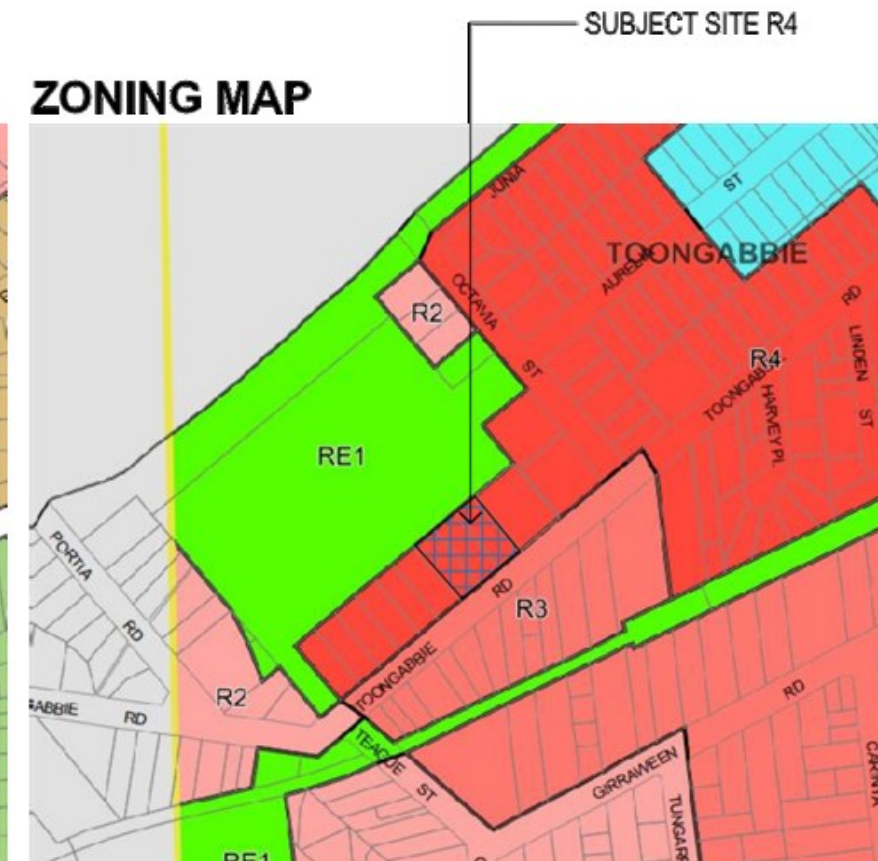
LEP CONTROLS



Maximum Building Height (m)	
J	9
K	10
L	11
M	12.5
N	14
O	15
P1	17
P2	18
O	20
R	21
S1	23
S2	24
T1	26
T2	29
U	32
W	41
Y	53
AA	65



Maximum Floor Space Ratio (n:1)	
D	0.5
H	0.7
K	0.85
N	1
P	1.2
S1	1.5
S2	1.8
T1	2
T2	2.2
T3	2.4
U1	2.5
U2	2.8
V	3
W	3.5
X	4
Y	4.5
Z1	5
Z2	5.5
AA1	6
AA2	6.5
AB	7.5
AC	8.5
AD	9



Zone	
B1	Neighbourhood Centre
B2	Local Centre
B4	Mixed Use
B5	Business Development
B6	Enterprise Corridor
E2	Environmental Conservation
IN1	General Industrial
IN2	Light Industrial
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP2	Infrastructure



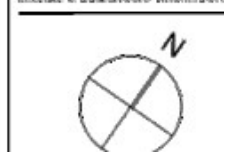
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client **JEB HOMES PTY LTD**
drawn: **E.K.** scale: **as shown** Council

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SITE CONTEXT ANALYSIS 1:4000



LANDMARKS

- (A) Parkview Medical Centre
- (B) Grow Early Learning Centre
- (C) Oval
- (D) Woolworths Toongabbie
- (E) Girraween Park
- (F) CV Kelly Park
- (G) Toongabbie Christian School

- Bus Stop
- Toongabbie Train Station
- Proposed development
- DA for residential flat buildings
- Sites being developed

ZONING

- RE1 Public Recreation
- SP2 Infrastructure
- IN2 Light Industrial
- B2 Local Centre
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential

- 11m Max Height of Building
- Pedestrian links

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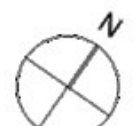
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Client	JEB HOMES PTY LTD
Drawn	E.K.
Scale	as shown
Scale	as shown
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ISSUE 6:	Development and Safety
ISSUE 7:	DA coordination
ISSUE 8:	PRE - DA
ISSUE 9:	CHD, CHD2

project	PROPOSED RESIDENTIAL FLAT BUILDING DEVELOPMENT @ 57-61 TOONGABBIE RD TOONGABBIE		
client	JEB HOMES PTY LTD		
drawn:	E.K.	scale: as shown	scale: as shown
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2 br	0.5	24	1
3+br	0.5	4	
visitors	0.1	34	3
studio	none		18.9

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BUILDING DEVELOPMENT**
client **@ 67-61 TOONGABBIE RD TOONGABBIE**
drawn: E.K. scale: as shown
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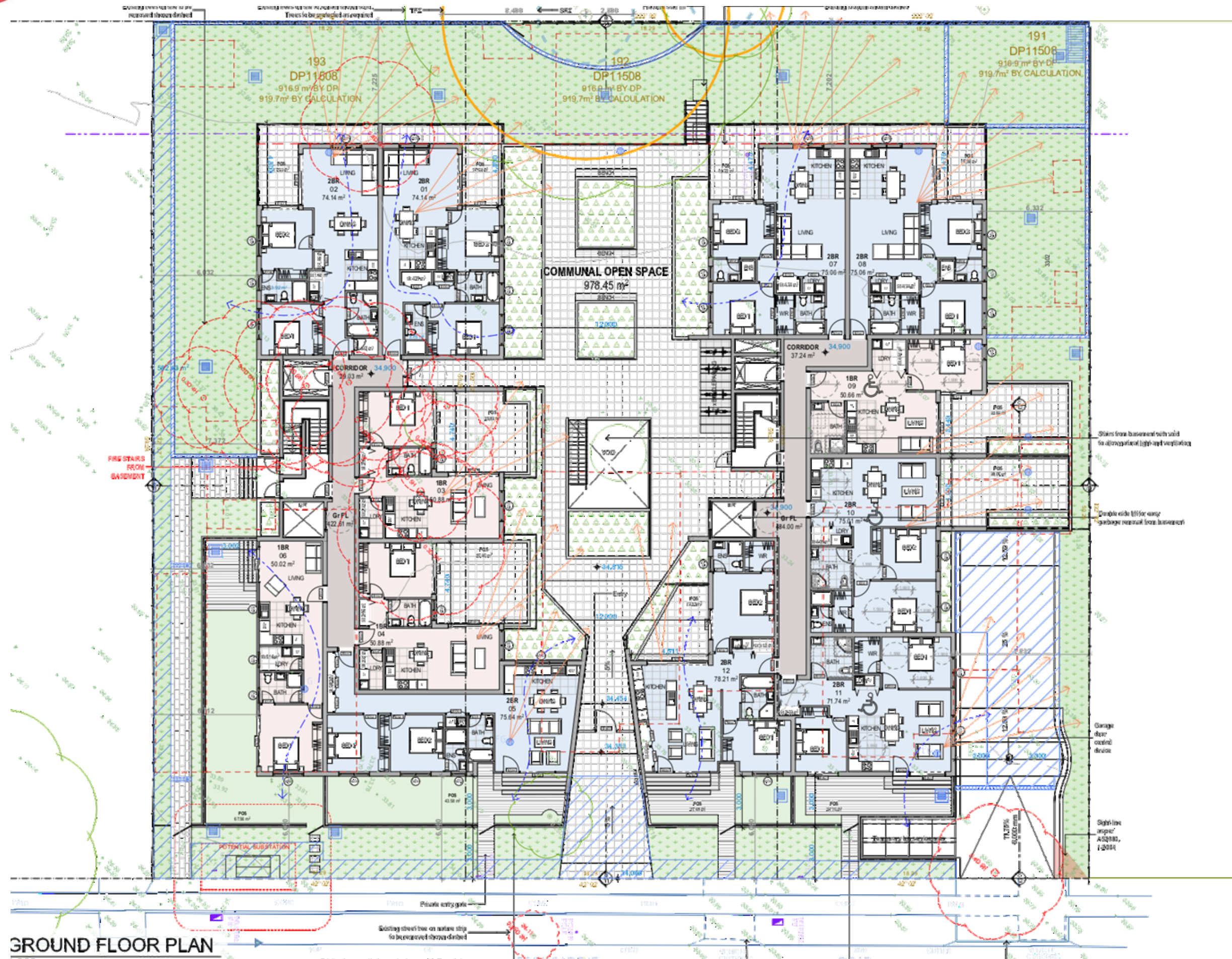
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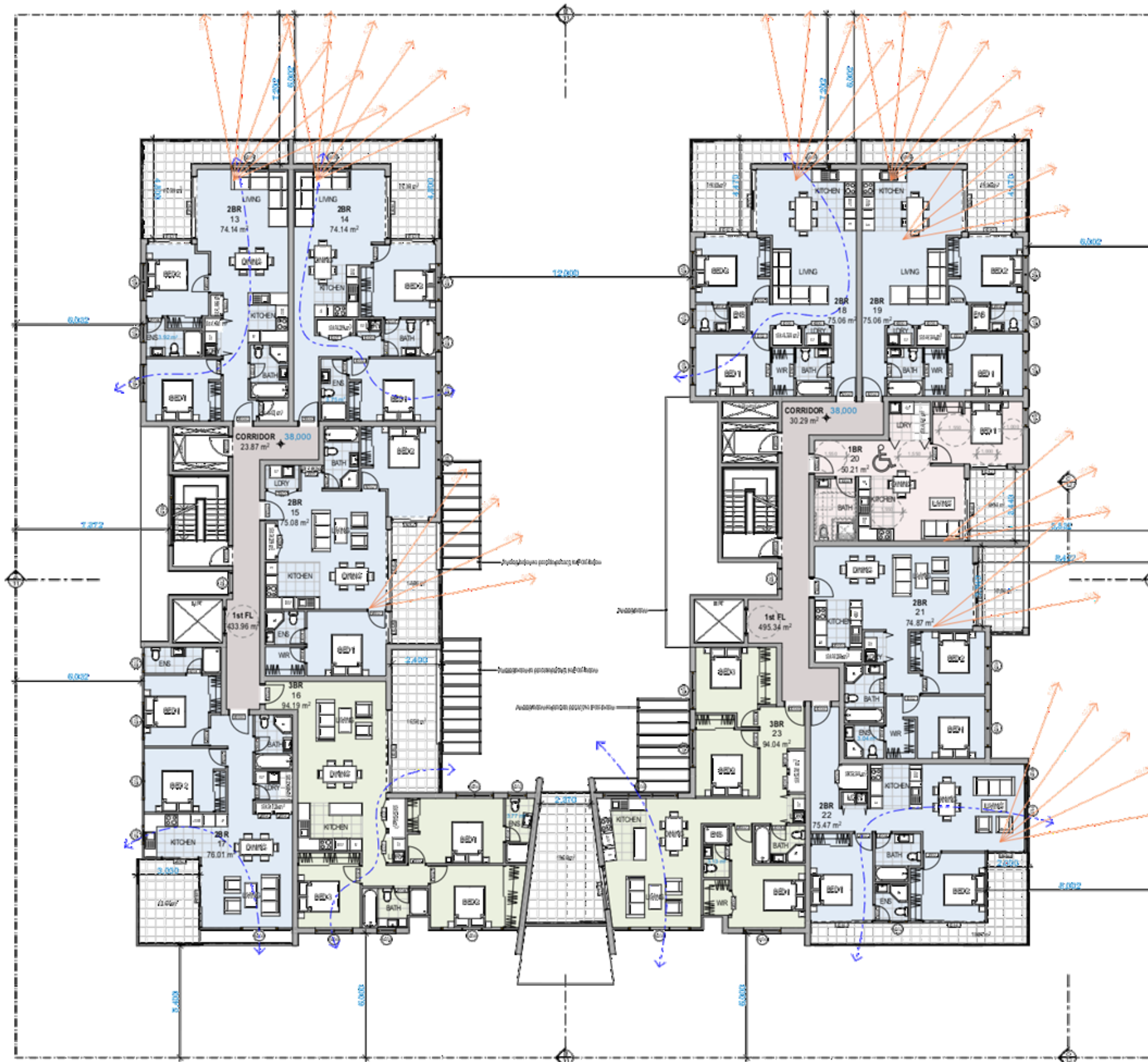
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BUILDING DEVELOPMENT
@ 67-61 TOONGABBIE RD TOONGABBIE
 client **JEB HOMES PTY LTD**
 drawn: E.K. scale: as shown Council

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FIRST FLOOR PLAN



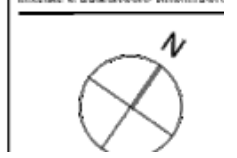
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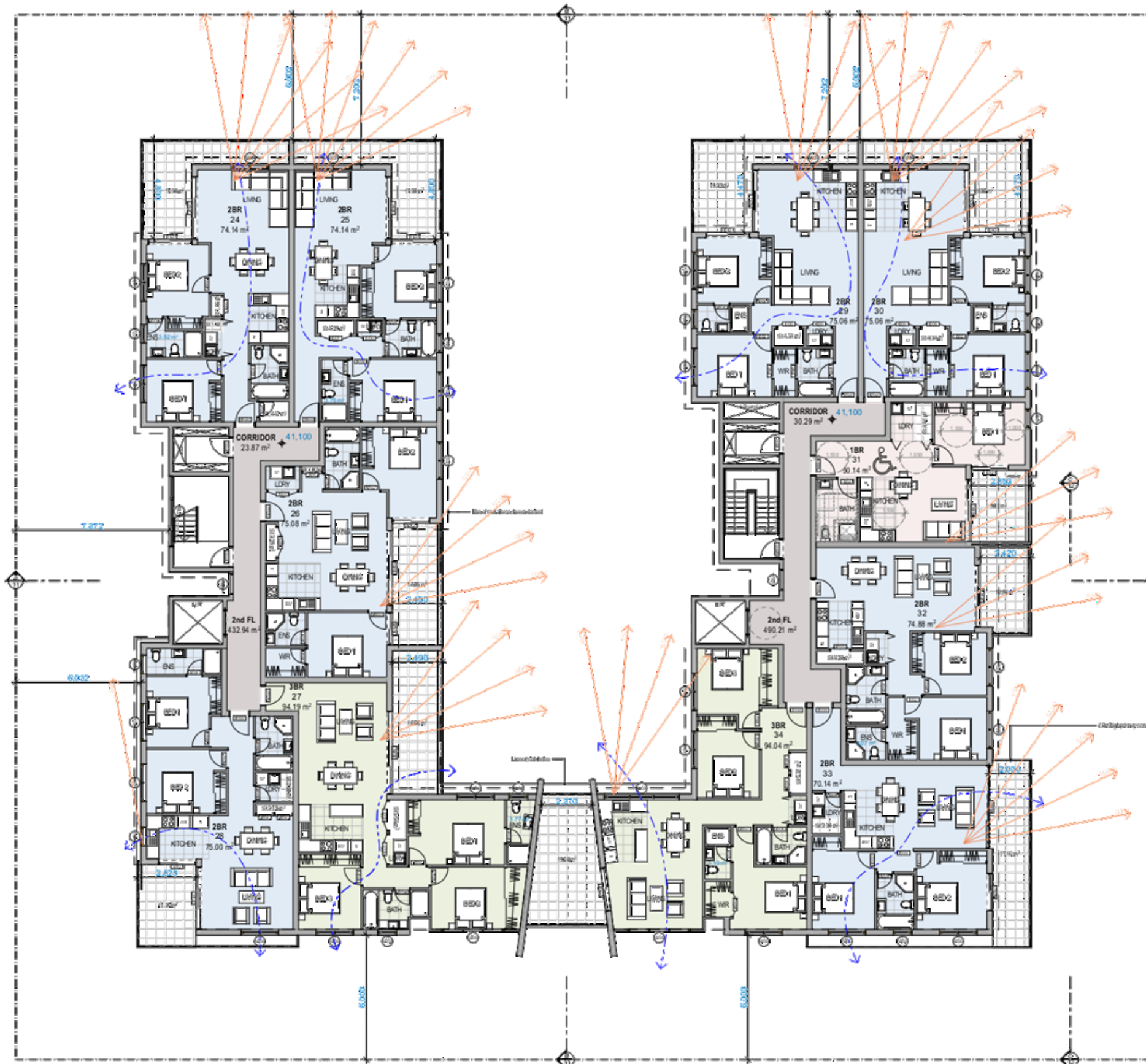
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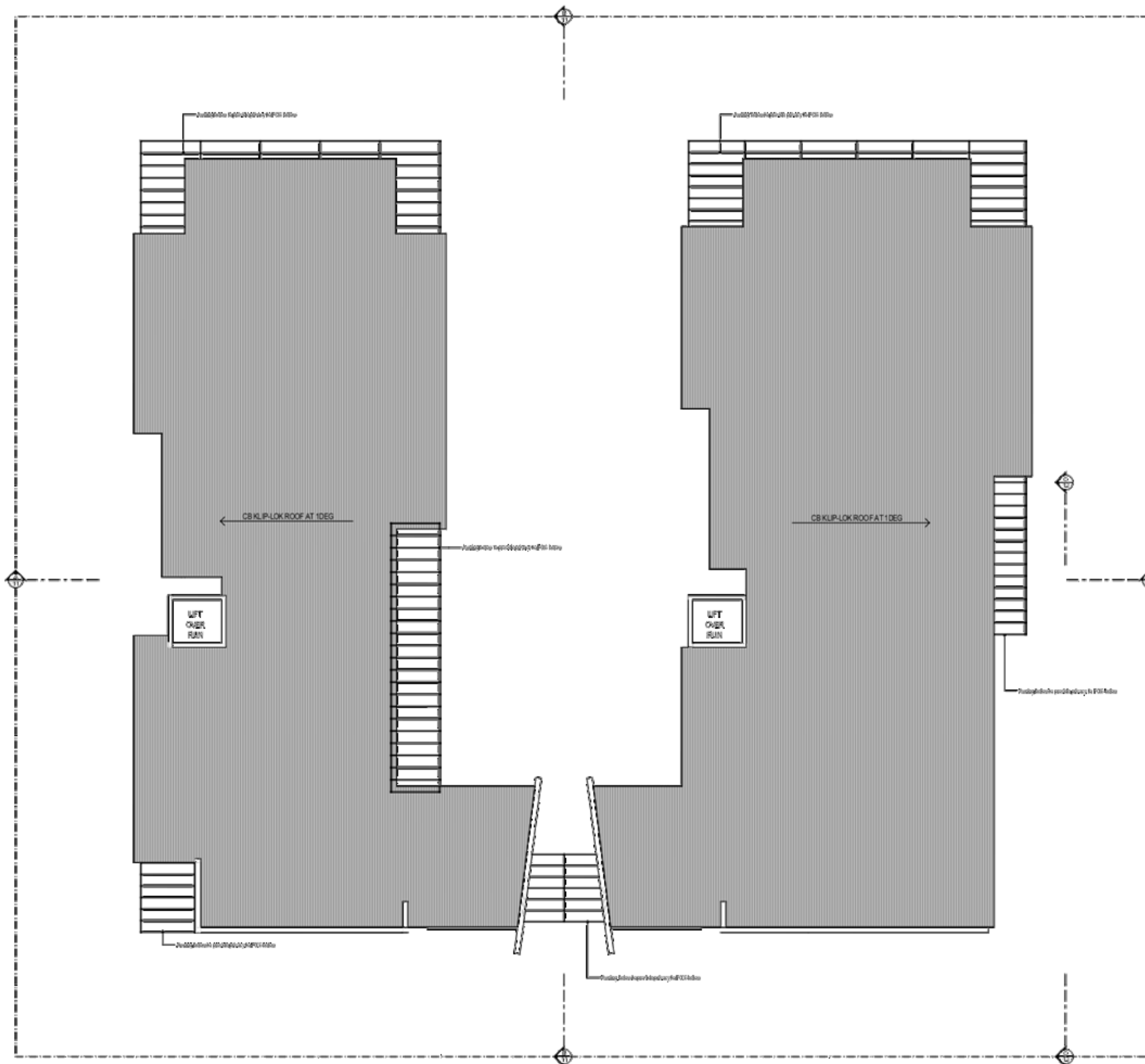
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client **JEB HOMES PTY LTD**
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project: **PROPOSED RESIDENTIAL FLAT
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@ 57-61 TOONGABBIE RD TOONGABBIE**
client: **JEB HOMES PTY LTD**
drawn: **E.K.** scale: **as shown** Council

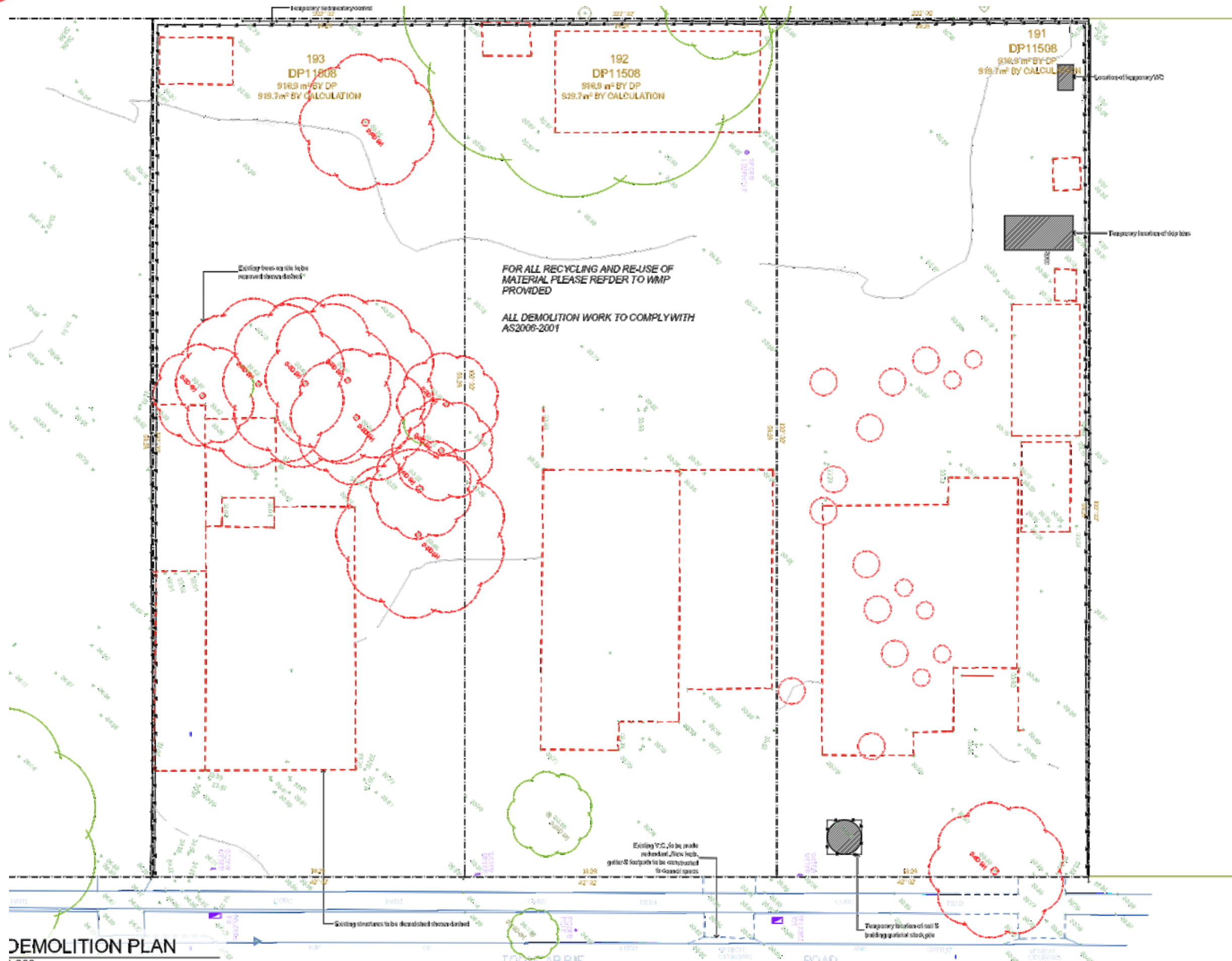
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project **PROPOSED RESIDENTIAL FLAT BUILDING DEVELOPMENT @ 57-61 TOONGABBIE RD TOONGABBIE**

client **JEB HOMES PTY LTD**

drawn: E.K. scale: as shown Council

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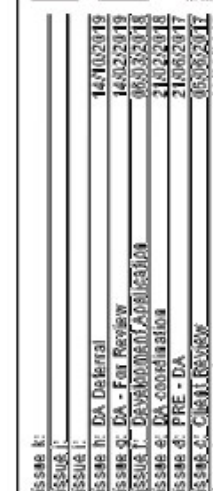
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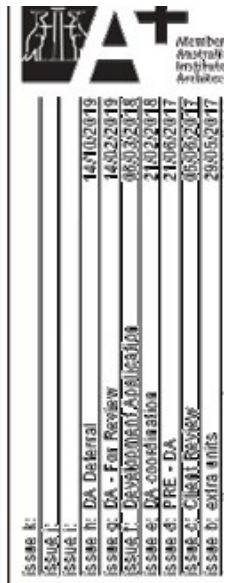
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project **PROPOSED RESIDENTIAL FLAT
BUILDING DEVELOPMENT
@ 57-61 TOONGABBIE RD TOONGABBIE**
client **JEB HOMES PTY LTD**

drawn: E.K. scale: as shown scale: as shown Council

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DOCUMENTS
ASSOCIATED WITH
REPORT LPP002/20

Attachment 6
Shadow Diagrams



Jun-21-9am
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9AM 3D VIEWS FROM THE SUN



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project: **PROPOSED RESIDENTIAL FLAT
BUILDING DEVELOPMENT
@ 57-61 TOONGABBIE RD TOONGABBIE**
client: **JEB HOMES PTY LTD**
drawn: **E.K.** scale: **as shown** Council

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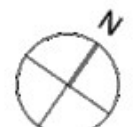
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building	BUILDING DEVELOPMENT	scale: as shown	
location	@ 57-61 TOONGABBIE RD TOONGABBIE	scale: as shown	
client	JEB HOMES PTY LTD	scale: as shown	
drawn:	E.K.	scale: as shown	

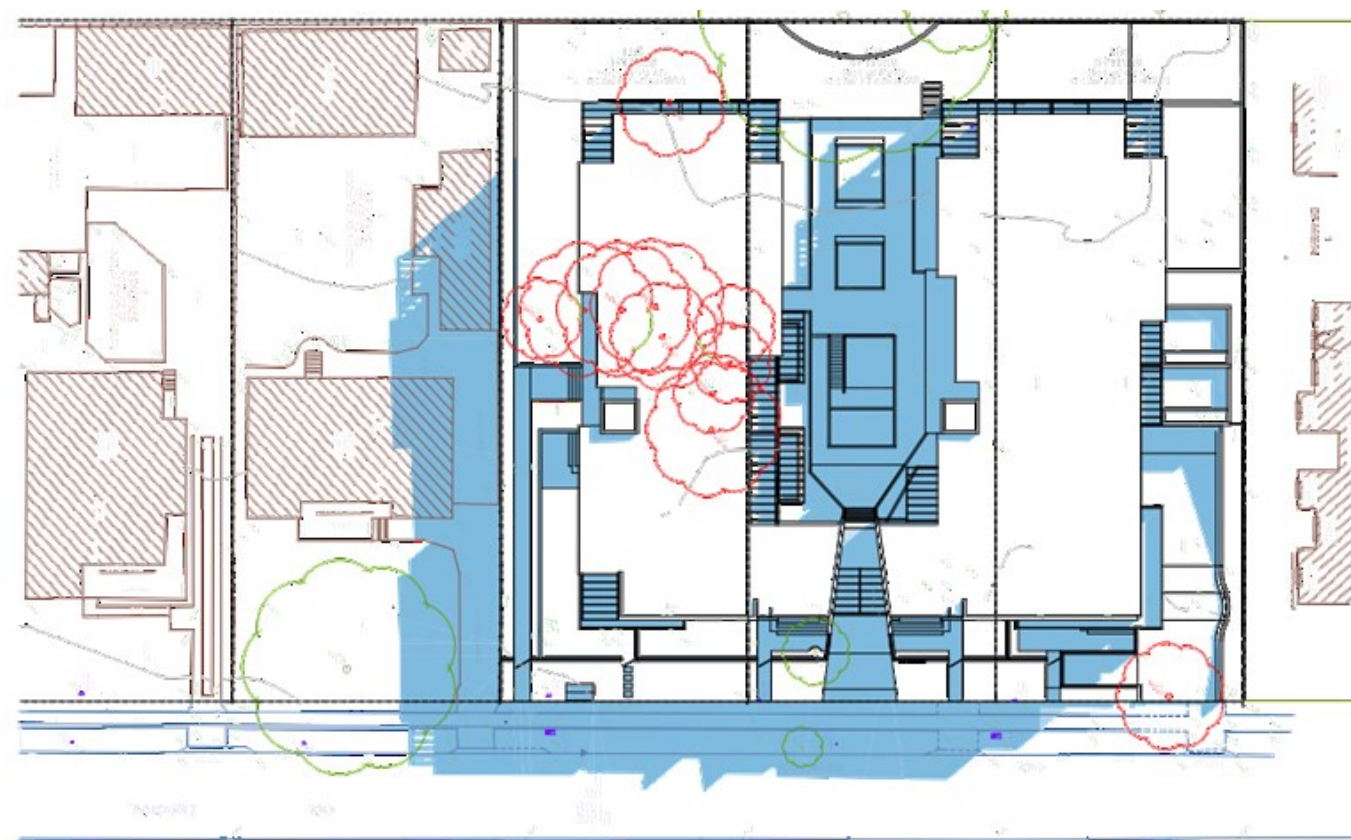
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project: **PROPOSED RESIDENTIAL FLAT
BUILDING DEVELOPMENT
@ 57-61 TOONGABBIE RD TOONGABBIE**
client: **JEB HOMES PTY LTD**
drawn: E.K. scale: as shown Council
scale: as shown

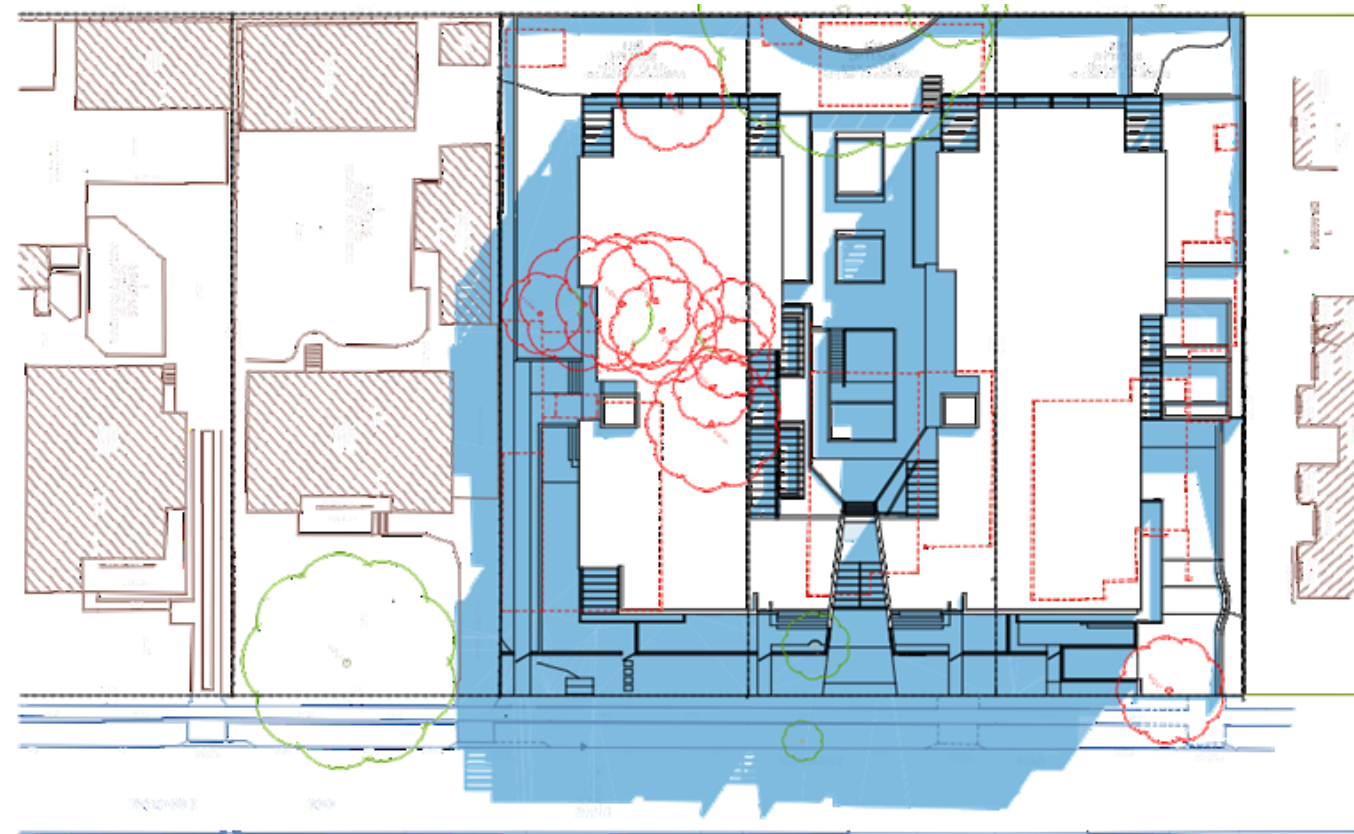
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project: **PROPOSED RESIDENTIAL FLAT
BUILDING DEVELOPMENT
@ 57-61 TOONGABBIE RD TOONGABBIE**
client: **JEB HOMES PTY LTD**
drawn: E.K. scale: as shown Council
scale: as shown

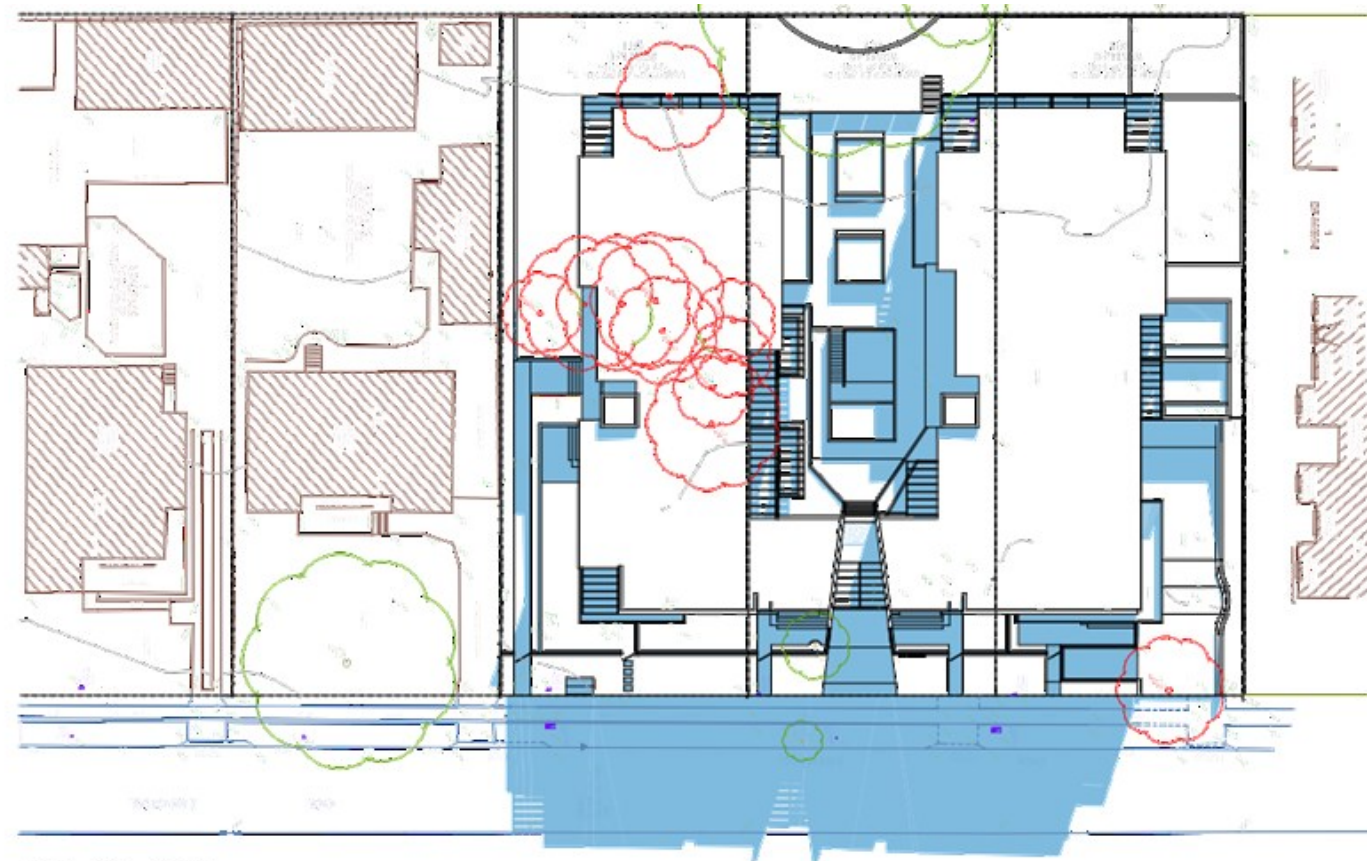
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Issue 100:	14/02/19

Project:	PROPOSED RESIDENTIAL FLAT	Scale:	as shown	Council
Building:	BUILDING DEVELOPMENT	Scale:	as shown	
Address:	@ 57-61 TOONGABBIE RD TOONGABBIE	Scale:	as shown	
Client:	JEB HOMES PTY LTD	Scale:	as shown	
Drawn:	E.K.	Scale:	as shown	

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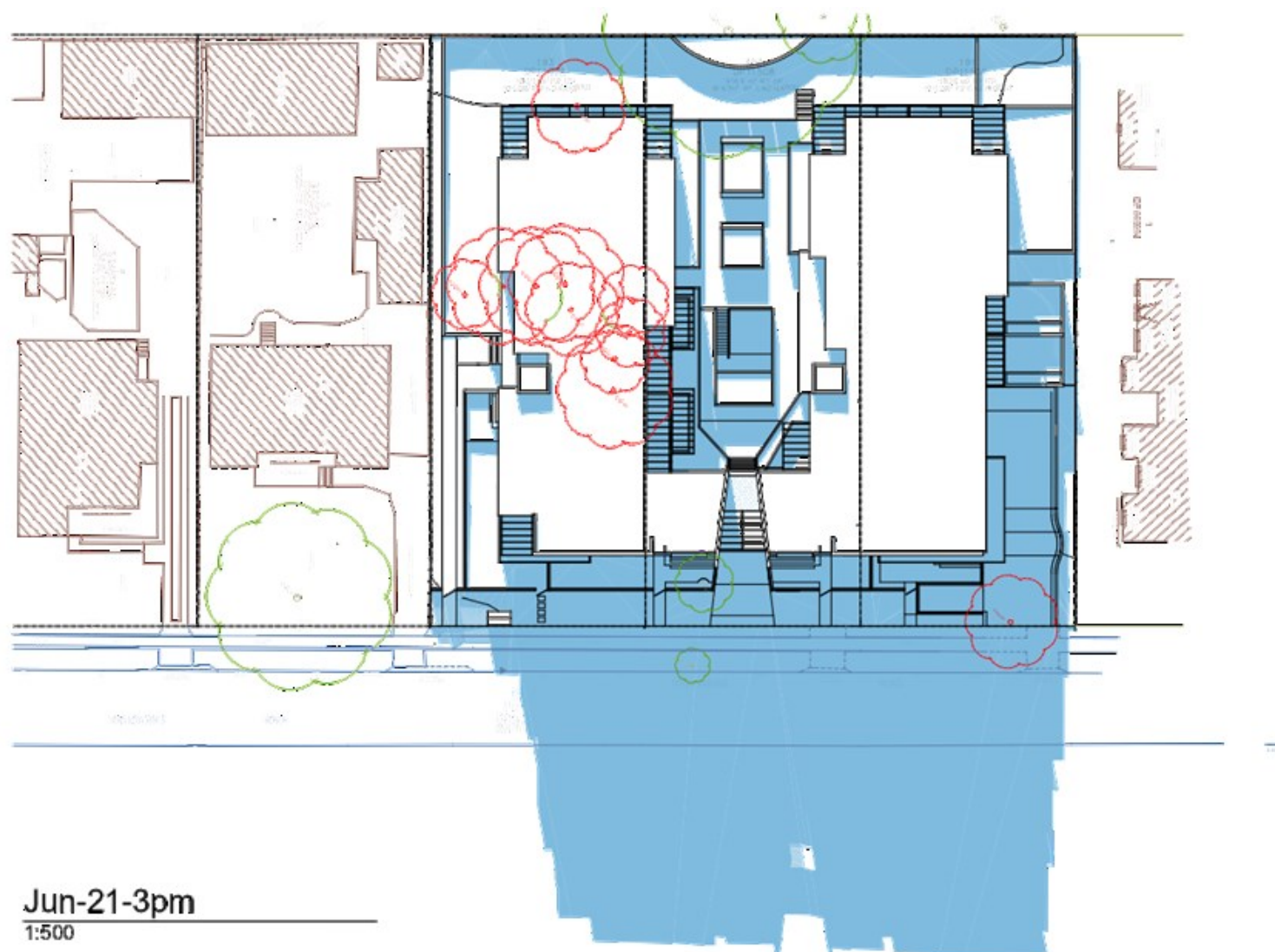
project PROPOSED RESIDENTIAL FLAT
BUILDING DEVELOPMENT
@ 57-61 TOONGABBIE RD TOONGABBIE
client JEB HOMES PTY LTD
drawn: E.K. **scale:** as shown **Council**

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3PM 3D VIEWS FROM THE SUN



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DOCUMENTS
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Attachment 7

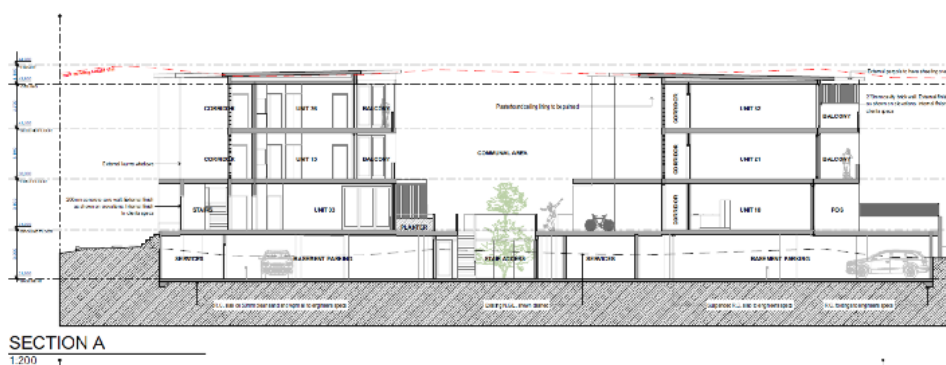
Accompanying Clause 4.6
Variation Request to Building
Height

ANNEXURE 1: CLAUSE 4.6 VARIATION

The Height Departure

As shown by Height Planes below, the proposed development comprises a 3 storey residential flat building that predominantly complies with the 11m maximum building height control under the Holroyd LEP 2013 with the exception of the roof structure and lift overrun.

Accordingly, a variation pursuant to Clause 4.6 of the Holroyd LEP 2013 is requested. The variation ranges but at the highest point is 500mm to the lift over-run, being 4.5% of the control to the lift overrun areas which are in the central portion of the building and substantially recessed form the public domain so they are not read in the streetscape.



The design of the building ensures that the habitable floor space is predominantly contained below the maximum building height line which indicates that the variation is not simply a means of achieving additional development yield on the site, but a site-specific design response. The site has been identified as a flood prone lot, which means that the finished floor level must be raised a minimum of 500mm, resulting in the overall building height exceeding the limit.

It is noted that the proposal will not result in any additional overshadowing impacts to adjoining properties as compared to a compliant form given the structures are recessed and the shadow is cast from the level below this and the minor departure to the height does not increase the overshadowing.

Therefore, the non-compliance with the maximum height control is considered appropriate as the development will provide a building with high quality architectural design that adequately addresses its frontage, is consistent with the FSR control which directly correlates if the height and scale of a development is appropriate to the site's context considering its constrained nature and won't result in any additional amenity impacts to adjoining properties.



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 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.





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.



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 current development proposal is predominantly consistent with the building height with the exception of the roof structure and the lift over-run, the proposal remains consistent with the objectives based on the following:

- The development proposal is consistent with the intent of the maximum height control with the proposed flat building contained below the maximum building height with the non-compliance contained to the roof structure (no habitable floor space) and lift overrun that is not discernibly different to a compliant form as viewed from the street or park given the location of the variation is located centrally to the building and the building presents a 3 storey form as viewed from the public domain.
- The variation is primarily as result of appropriately responding to the flooding constraints of the site and the proposal adopts 3 residential levels consistent with the intended height of buildings in the area.
- Due to the minor nature of the variation it will not have any adverse amenity impacts. In this regard it is noted:
 - a. The variation will be visually unnoticeable and will have no adverse impact on the physical bulk, height or scale of the development.
 - b. 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.
 - c. The proposed variation will not lead to view loss or interrupt views to and from the site.





- d. 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 proposal is not located within a low-density area and the proposal represents an appropriate built form on the site; and
 - The scale and intensity of the development is appropriate noting that the proposal complies with the maximum FSR control that demonstrates an appropriate density.

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(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.

- Address Flooding Constraints The departure to the height control enables a suitable freeboard to be provided to address the flooding constraint on the site noting the proposal maintains 3 habitable floor levels as envisaged by the height control.

The demonstrates that there are sufficient environmental planning grounds to justify the departure from the control as the departure facilitates the orderly and economic development of land.



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:

- 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.

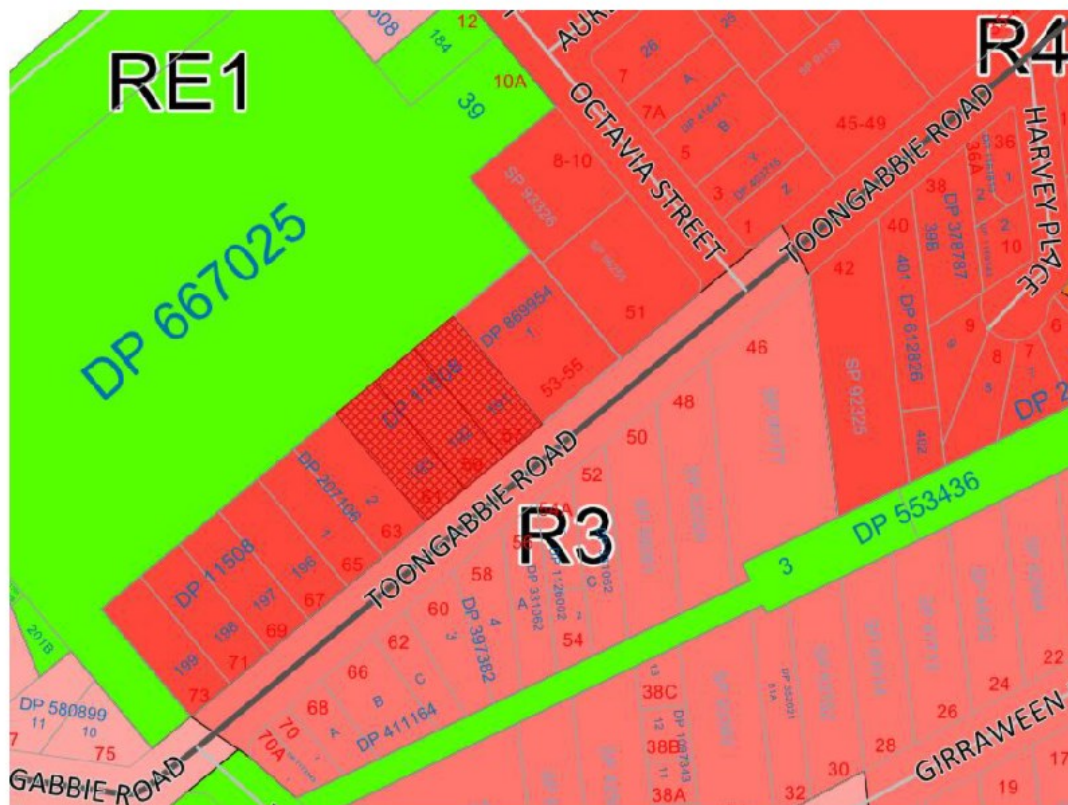
The objection is well founded and demonstrates the relevant matters set out under Clause 4.6 having regard to the provisions of Clause 4.6 and recent case law.



DOCUMENTS
ASSOCIATED WITH
REPORT LPP002/20

Attachment 8
Locality Map

Locality Map



Source: Cumberland Council 2019

DOCUMENTS
ASSOCIATED WITH
REPORT LPP002/20

Attachment 9
Submission (x1)

Dear Council,

I have recently received a note around Development Application 2019/124/1, which details a proposal to build 34 residential units (57/59/61 Toongabbie Road) ,
across the street from my property

Upon further analysis - I see that the properties in mention were rezoned to R4 in May 2017, As these are in close proximity to our property I believe that the rezoning of these properties without alignment to the associated properties across from them is inequitable. In addition, with multiple multi story units coming in front of my property it will diminish its value and appeal to those who would want to live in a single house/townhouse. I would kindly request that my property (and its immediate surroundings) zoning is reviewed and rezoned to R4, to ensure an equitable reflection on the properties, in alignment to the rezoning that has occurred across the street to our properties in mid 2017.

Feel free to get in touch if any further clarification is needed

Thank You

Item No: LPP003/20

MODIFICATION APPLICATION FOR 5 - 7A OCTAVIA STREET, TOONGABBIE

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: DA 2014/163/3

Application lodged	4 October 2019
Applicant	Mr S Elias
Owner	SSE Corp Pty Ltd
Application No.	2014/163/3
Description of Land	5-7A Octavia Street, Toongabbie
Proposed Development	S4.55(2) modification seeking alterations and additions to an approved residential flat building development including amendment to basement layout, internal configuration of units and addition of two residential units; totalling 26 units
Site Area	1,532.9m ²
Zoning	R4- High Density Residential
Principal Development Standards	<p><u>Floor Space Ratio (FSR):</u> Max. 1.2:1 Proposed : 1.2:1</p> <p><u>Height of Buildings:</u> Max. 15m Proposed: 16.1m</p> <ul style="list-style-type: none"> Approved building height under the original application: 16.28m The subject modification proposes a minor reduction (180mm) to the approved building height.
Disclosure of political donations and gifts	Nil disclosure
Heritage	The subject site is not a heritage item, and not located within a heritage conservation area.
Issues	<ul style="list-style-type: none"> Height non- compliance (HLEP 2013) Number of storeys (HDCP 2013)

SUMMARY:

- Development application (DA 2014/163/1) for demolition of existing structures; consolidation of 2 lots into 1; construction of a 4 storey residential flat building accommodating 24 residential units over basement parking accommodating 29 car parking spaces was approved under delegated authority on 16 February 2015.
- Section 4.55(2) modification application 2014/163/2 was lodged on 29 October 2018 and withdrawn on 8 May 2019.

3. The subject 4.55(2) modification application was lodged on 4 October 2019 seeking alterations and additions to an approved residential flat building development including amendment to basement layout, internal configuration of units and addition of two residential units; totalling 26 units.
4. The application was publicly notified to adjoining and opposite owners, a notice was placed in the local press and a notice placed on the site for 21 days from 30 October 2019 to 20 November 2019. In response, the application received no submissions.
5. The application has been assessed against the relevant provisions of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65), Holroyd Local Environmental Plan 2013 (HLEP), Apartment Design Guide and Holroyd Development Control Plan 2013 (HDCP)
6. The application involves the following non-compliances which are considered supportable as discussed in detail elsewhere in the report:

Item	Required	Proposed	% Variation
Building Height (HLEP 2013)	15 m	16.1m	7.3%
Building height (number of storeys) (HDCP 2013)	4 storeys	5 storeys	25%

Note: Only new non-compliances have been discussed within the body of the report which are proposed under the subject modification application. The original consent with the approved architectural plans is attached at Attachments 6 & 7.

7. The application is being reported to the Cumberland Local Planning Panel (CLPP) for determination as it is a modification to a development with more than 4 storeys to which the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Developments applies and exceeds Council delegation in relation to the determination of modification.
8. The application is recommended for approval subject to the conditions in the draft determination at Attachment 4.

REPORT:

The subject site is known as 5 & 7 Octavia Street, Toongabbie and is legally described as Lots A & B in DP 416471. The site forms a regular midblock and has a combined area of 1,532.9m² and frontage of 38.1m to Octavia Street. The property is currently vacant and comprises of some vegetation.

The subject site and neighbouring allotments are zoned R4 – High Density Residential. The site is bounded by older style detached dwellings along the northern, southern and eastern boundaries. The western side of Octavia Street comprises of recently constructed residential flat building developments. The site is located within the

southern edge of Toongabbie Town Centre and is surrounded by other residential flat buildings of comparable scale.



Figure 1: Aerial view of the locality with subject site. (5-7A Octavia Road, Toongabbie)

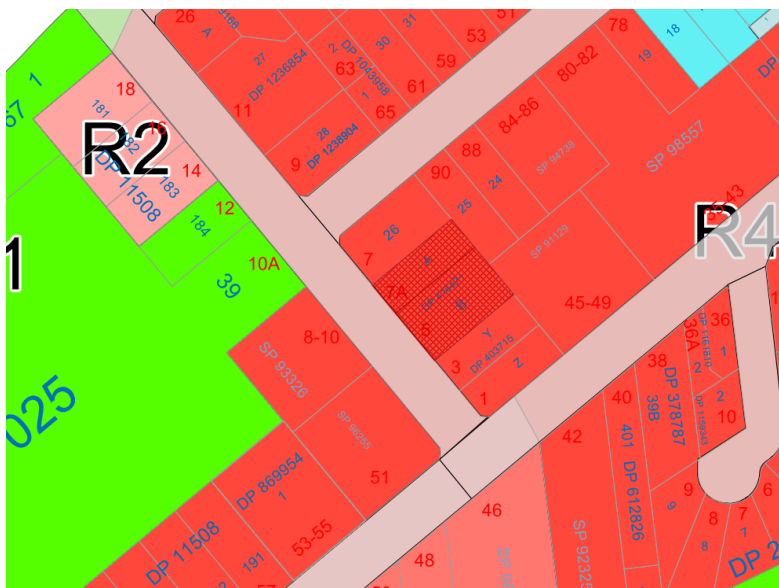


Figure 2: Zoning map with subject site shown hatched. Source: Cumberland Council 2019



Figures 3, 4 & 5: subject site (5-7A Octavia Street, Toongabbie)

Description of The Proposed Development

Council has received a Section 4.55(2) modification application to an approved residential flat building development seeking internal and external alterations and additions.

Key features of the modification proposal as provided in the applicant's Statement of Environmental Effects are as follows:-

- reconfiguration of basement with 2 additional parking spaces including an additional accessible parking space;
- modified internal layout for units 6, 12, 18, and 24 (change in position of kitchen);
- modified internal layout for units 3, 9, 15, and 21 (change in position of kitchen and change in position of bedrooms);
- amendment to level 5 common open space and the addition of 2 units;
- provision of gas, electrical, water and service shafts;
- the colour scheme of the building has changed;
- substation.

The proposed Unit Mix is:

- 5 x 1 bedroom unit; and
- 21x 2 bedroom units.

The approved unit mix is as under:

- 4 x 1 bedroom unit; and
- 20x 2 bedroom units.



Figure 6: Photomontage of the proposed development

History

Date	Action
04/10/2019	The subject modification was lodged.
21/10/2019	The Development Application was referred to the following internal and external departments for review: <ul style="list-style-type: none"> • Development Engineering • Traffic Engineering • Waste Management • Trans grid • Endeavour Energy
30/10/2019 to 20/11/2019	Application placed on public notification for 21 days. In response, no submissions was received.
01/11/2019	The application was deferred for the following reasons: <ul style="list-style-type: none"> • Design Verification Statement • Statement of Environmental Effects • Non-compliant floor space ratio
12/12/2019	Amended plans and additional information were submitted to Council, addressing the deferral letter dated 01/11/2019. The application did not warrant re-notification as the amendments did not result in a greater environmental impact.
12/02/2020	Application referred to CLPP for determination.

Applicant's Supporting Statement

Statement of Environmental Effects prepared by Andrew Martin Planning Pty Ltd, dated December 2019 was submitted in support of the application.

Contact with relevant parties

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

Internal referrals

Development Engineer

Council's Development Engineer advised that the development is supportable with regards to the proposed modifications.

Traffic Engineer

Council's Traffic Engineer has advised that the development is supportable in regards to parking, traffic management and on-site parking provision in the basement level.

Waste Management Officer

Council's Waste Management Officer has advised that the proposed waste management plan is supportable.

External Referrals

Tran's grid

The development application was referred to Tran's grid for comment who has advised that the development is supportable in regards to not affecting Tran's grid's asset.

Endeavour Energy

The development application was referred to Endeavour Energy for comment who has advised that the provision of substation is supportable, subject to conditions.

Planning Assessment

Section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EP & A Act)

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

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 development as proposed to be modified is substantially the same as the original consent.
It has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a 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,	No Minister or public authority is required to be consulted.
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 	The application was notified in accordance with Holroyd Development Control Plan 2013.

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 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>There are no relevant matters referred to in the regulations.</p> <p>There is no coastal zone management plan applying to the land.</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>No submission was received as a result of the notification.</p> <p>Approval of the subject application is not 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.	Not applicable in this instance.

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 Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development was considered under the original application. The proposed modifications do not raise any new concerns about potential contamination.

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

The site and neighbouring land parcels have recently been cleared of all vegetation to facilitate future residential development. As such, the SEPP does not apply.

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

The subject site is not identified as a coastal wetland and is not on land identified as “proximity area for coastal wetlands”.

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

A BASIX certificate no. 1047783M_02 dated 02 December 2019 was submitted by the applicant. The certificate achieves target scores and is consistent with the architectural plans.

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

The proposal is classified as a residential apartment development and SEPP 65 applies. A design verification statement signed by registered architect Joseph Panetta was submitted by the applicant.

SEPP 65 sets 9 design quality principles. The development has adequately addressed the principles in the following way:

Figure 6 – SEPP 65 Design Quality Principles Table

ADG design quality principle	Response
1. Context and neighbourhood character	The proposal is a permitted type of development within the R4 zone. The existing character of the streetscape is in transition where existing dwelling houses are being replaced with higher densities development, such as residential flat buildings. The approved development with the proposed modifications satisfies Holroyd LEP 2013 objectives in that it will provide a variety of housing type within a high density environment. The siting of development has been appropriately designed to minimise any potential overshadowing and visual privacy impact to the adjoining properties.
2. Built form and scale	The building has been designed to correspond with the existing landform and provides an appropriate scale in

	terms of the buildings bulk and height, similar to that of surrounding buildings.
3. Density	The subject site is well located with respect to existing public transport and community facilities. The design of the development provides for appropriate separation between dwellings, supplemented by privacy treatment to balconies and windows where necessary.
4. Sustainability	An updated BASIX Certificate has been submitted with the subject modification application. The certificate requires sustainable development features to be installed into the development. The proposal will incorporate features relating to ESD in the design and construction of the development inclusive of water efficient fixtures and energy saving devices.
5. Landscape	Adequate landscaped area has been provided, which will provide appropriate level of amenity to the resident and consistent with the environmental surrounds of the subject site.
6. Amenity	The proposal will deliver sufficient amenity to residents of the building. The proposal generally achieves compliance with the ADG in this regard which contains many amenity controls. The building design incorporates access and circulation, apartment layouts, floor area, private open space, energy efficiency rating, adaptability and diversity, safety, security and site facilities. Suitable access is provided to all parts of the building, through the efficient use of lift to access all levels. The development is considered to provide an appropriate level of amenity for future residents.
7. Safety	Suitable and secure access is provided to all parts of the building, through the efficient use of lift to access all levels.
8. Housing diversity and social interaction	<p>The apartment mix is considered to be satisfactory. The specifics of the building are:-</p> <ul style="list-style-type: none"> • 5 x 1 bedroom units (19.2%); and • 21 x 2 bedroom units (80.8%) <p>The number of adaptable units proposed is considered satisfactory with the provision of associated accessible car spaces.</p>
9. Aesthetics	The residential flat building has an attractive contemporary appearance and utilises building elements that provide individuality to the development without compromising the streetscape or detracting from the appearance of existing surrounding development. The building responds well in this regard with its provision of good aesthetics through the use of high quality materials, attention to detail in its internal spaces and how it addresses the street frontage. The building provides an appropriate response to the existing and likely future character of the locality.

A comprehensive assessment and compliance table is provided at Attachment 1 which demonstrates the proposal's compliance with the relevant planning standards that are applicable to the site.

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

The proposed development is defined as a 'residential flat building' under the provisions of HLEP 2013. Residential flat buildings are permitted with consent in the R4 – High Density Residential zone which applies to the land.

A comprehensive assessment and compliance table is attached to this report in Attachment 2 which demonstrates the development proposal's compliance with the relevant planning standards that are applicable to the site under the Holroyd LEP 2013.

The following table summarises and discusses the non-compliances with the Holroyd LEP 2013.

No.	Clause	Comment	Yes	No	N/A
4.3	Height of Buildings				
	(1) The objectives of this clause are as follows:	In accordance with the Height of Buildings Map accompanying HLEP 2013, a maximum 15m building height applies to the site.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	(a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,	The proposed development at its highest point is 16.1m which is 1.1 m above the maximum permitted height, or a 7.3% variation to the standard.			
	(b) to ensure development is consistent with the landform,	Although not strictly required as this is a section 4.55 modification, a variation pursuant to Clause 4.6 of the Holroyd LEP 2013 is provided with the application to assess the additional portion of the building that exceeds the 15m height control.			
	(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.	The subject modification application does not seek any further increase to the height of the building as it proposes to reduce the overall height (as approved) by 180mm. However, the height non-			

No.	Clause	Comment	Yes	No	N/A
		<p>compliance was supported in the original application because the variation was limited to a small portion of the roof and lift overrun.</p> <p>The plans for the subject modification application provide two additional units to the fifth floor resulting an additional area exceeding this standard to what was originally supported.</p> <p>Notwithstanding, the design of the building ensures that the habitable floor space is contained below the maximum building height line. The variation is considered minor in nature and is not considered to create unreasonable amenity impacts to the adjoining properties via overshadowing or overlooking. The presentation of the building is also not considered to be compromised by the variation to the height control.</p> <p>As such, the non-compliance can be supported in this instance.</p>			

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

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

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

(a) Holroyd Development Control Plan (DCP) 2013

HDCP 2013 contains general controls which relate to all developments under Part A, and Residential Controls under Part B.

A comprehensive HDCP compliance table is attached to this report at Attachment 3. A summary of the DCP non-compliances is provided in the following table.

Part B – Section 6 – Residential Flat Buildings																							
6.4	Building 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>The original application was approved as a 5 storey development (with the roof top terrace) with a maximum building height of 16.28m.</p> <p>The proposed modification lowers the overall height of the building but extends the building envelope. However, this is considered satisfactory as the building presents a terraced built form and does not impact adversely on surrounding properties with regard to privacy and overshadowing.</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																						

4.15(1)(a)(iia) - 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, and

There is no draft planning agreement associated with the subject 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 EP & A Regulations, 2000.

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

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

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

The likely 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 to be suitable for the proposed development.

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 Holroyd DCP 2013, the proposal was publicly exhibited for 21 days from 30 October 2019 to 20 November 2019. In response, the application received no submissions.

Section 7.11 of The Environmental Planning & Assessment Act 1979

The subject development requires the payment of contributions in accordance with Holroyd Section 94 Development Contributions Plan 2013. A condition was imposed on the original consent requiring the payment of contributions. However, the value of the contributions will increase as a result of the proposed modifications.

In accordance with the currently indexed rates for the Toongabbie Centre contribution area, the following contributions apply for the additional 2 units:

- 1 x 1 bedroom dwelling = \$9,106
- 1 x 2 bedroom dwelling = \$15,399
- Total = \$24,505.00

The draft determination at Attachment 4 reflects the updated contributions.

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

The public interest is served by permitting the orderly and economic use of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis, it is considered that approval of the proposed development would not be contrary to the public interest.

Disclosure of Political Donations and Gifts

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

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

CONCLUSION:

The proposed development 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, 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. The objectors will also be notified in writing of the outcome.

REPORT RECOMMENDATION:

That modification application No. 2014/163/3 which seeks alterations and additions to an approved residential flat building development including amendment to basement layout, internal configuration of units and addition of two residential units; totalling 26 units be approved subject to the conditions within the draft Notice of Determination provided at Attachment 4.

ATTACHMENTS

1. ADG Compliance Table [↓](#) 
2. HLEP 2013 Compliance Table [↓](#) 
3. HDCP 2013 Compliance Table [↓](#) 
4. S4.55 Draft Notice of Determination [↓](#) 
5. Architectural Plans [↓](#) 
6. Original Consent- DA 2014/163/1 [↓](#) 
7. Approved Architectural Floor Plans-DA 2014/163/1 [↓](#) 
8. Locality Map [↓](#) 

DOCUMENTS
ASSOCIATED WITH
REPORT LPP003/20

Attachment 1
ADG Compliance Table

ATTACHMENT 1 - APARTMENT DESIGN GUIDE COMPLIANCE TABLE

The following compliance table only considers the relevant provisions of the ADG related to the proposed modification.

No.	Clause	Comment	Yes	No	N/A
Part 3 – Siting the Development					
3A	Site Analysis				
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. A site analysis plan has been submitted.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3B	Orientation				
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.	It is considered that the proposed modifications will not impact solar access to future adjoining properties.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3C	Public Domain				
3C-1	Transition between private and public domain is achieved without compromising safety and security.	No change under subject application	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3C-2	Amenity of the public domain is retained and enhanced.	No change under subject application	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3D	Communal and Public Open Space				
3D-1	An area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.	No change under subject application	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Design Criteria					
	Communal open space has a minimum area equal to 25% of the site. Required: 25% x 1532.9m ² = 383.2m ² .	The proposed communal open space is 390.7m ² (25.4%).	<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).	The proposed communal open space is able to receive the required minimum sunlight as approved.	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3E	Deep Soil Zones				
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.	Satisfactory as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Design Criteria					

No.	Clause	Comment	Yes	No	N/A
	Deep soil zones are to meet the following minimum requirements: Site Area = 650m ² - 1500m ² - Min. dimension of 3m; and - 7% of the site area.	Satisfactory as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3F	Visual Privacy				
3F-1	Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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: Building Height = 12m / 4 storeys - Habitable Rm / Balc. = 6m - Non-Habitable Rm = 3m Building Height = 25m / 5-8 storeys - Habitable Rm / Balc. = 9m - Non-Habitable Rm = 4.5m 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 separation from ground floor to 4 th floor remains as approved. Fifth Floor 4 Level- (5th storey): - North eastern (rear) 14.19m to building and 10m to balconies - South eastern (side) – 13.1m to building and 9m to balconies - South western (front) = 9m to balconies - North western (side) = 8.4m to balconies, planter boxes provided, considered satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3G	Pedestrian Access and Entries				
3G-1	Building entries and pedestrian access connects to and addresses the public domain.	Achieved	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3H	Vehicle Access				
3H-1	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3J	Bicycle and Car Parking				
3J-1	Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3J-3	Car park design and access is safe and secure.	Satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3J-4	Visual and environmental impacts of underground car parking are		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
	minimised.				
Part 4 – Designing the Building					
4A	Solar and Daylight Access				
4A-1	To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.		<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 26 units = 18.2 units.	No changes from ground level to level 3. 2 additional units proposed on level 4. Both will be able to receive the required solar access.	<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"/>
4B	Natural Ventilation				
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.		<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.	>60 of units are 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.	Compliant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4C	Ceiling Heights				
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:	2.8m from ground to level 3 The additional units on the fifth floor have a compliant ceiling height of 2.7m	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A												
	<table><tr><td colspan="2">Minimum ceiling height for apartment and mixed use buildings</td></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				
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.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
4D	Apartment Size and Layout																
4D-1	The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
	Design Criteria																
	<p>Apartments are required to have the following minimum internal areas:</p> <p>Min. Internal Area</p> <ul style="list-style-type: none">- Studio = 35m²- 1 bed. unit = 50m²- 2 bed. unit = 70m²- 3 bed. unit = 90m² <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p>	The unit sizes comply with the standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
	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.	The subject application proposes reconfiguration of unit 3 and typical units above. The main bedroom is not provided with a window. However, this needs to comply with the BCA / NCC. (Previously Conditioned).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
		Regardless, an additional condition has been imposed for the conversion of the proposed door to a fully glazed window.															
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.	The proposed development complies with this requirement.	<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.	The proposed development complies with this requirement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												

No.	Clause	Comment	Yes	No	N/A
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"/>
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	The proposed development complies with this requirement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	The proposed development complies with this requirement.	<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.	The proposed development complies with this requirement.	<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.	Satisfactory.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4E	Private Open Space and Balconies				
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: Min. Balcony Areas / Depths - Studio = 4m ³ / no min. depth - 1 bed. unit = 8m ³ / 2m - 2 bed. unit = 10m ³ / 2m - 3 bed. unit = 12m ³ / 2.4m The minimum balcony depth to be counted as contributing to the balcony area is 1m.	Satisfactory for the additional 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.	Satisfactory as approved.	<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.		<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				
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.	The maximum number of units per core, per level, is 3 units.	<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				
4G-1	Adequate, well designed storage is provided in each apartment.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Design Criteria				

No.	Clause	Comment	Yes	No	N/A
	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: Min. Storage Areas - Studio = 4m ³ - 1 bed. unit = 6m ³ - 2 bed. unit = 8m ³ - 3 bed. unit = 10m ³ At least 50% of the required storage is to be located within the apartment.	Storage areas have been provided within the units and within the basement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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				
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				
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				
4K-1	A range of apartment types and sizes is provided to cater for different household types now and into the future.	26 units comprising: <ul style="list-style-type: none">• 5 x 1 bedroom unit; and• 21x 2 bedroom units.	<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				
4L-1	Street frontage activity is maximised where ground floor apartments are located.	Satisfactory as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4M	Facades				
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.	The building's presentation to the street is considered satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4N	Roof Design				
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4N-3	Roof design incorporates sustainability features.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4O	Landscape Design				
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.	Satisfactory as approved)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4P	Planting on Structures				
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"/>

No.	Clause	Comment	Yes	No	N/A
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				
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"/>
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				
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"/>
4U	Energy Efficiency				
4U-1	Development incorporates passive environmental design.	The development is considered satisfactory with regard to solar access and cross-ventilation.	<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				
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4V-3	Flood management systems are integrated into site design.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4W	Waste Management				
4W-1	Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	The proposed modifications have been reviewed by council's Waste management Section and considered satisfactory.	<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				
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"/>

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Attachment 2
HLEP 2013 Compliance Table

ATTACHMENT 2 – HOLROYD LOCAL ENVIRONMENTAL PLAN 2013 COMPLIANCE TABLE

No.	Clause	Comment	Yes	No	N/A
Land use table					
2	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 or services to meet the day to day needs of residents. 	The proposed development is defined as a <i>residential flat building</i> , which is permissible with consent in the R4 zone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<p>In accordance with the Height of Buildings Map accompanying HLEP 2013, a maximum 15m building height applies to the site.</p> <p>The proposed development at its highest point is 16.1m which is 1.1 m above the maximum permitted height, or a 7.3% variation to the standard. The variation to building height was supported under the original application.</p> <p>Refer to earlier discussion under the main body of the report.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.4	Floor Space Ratio = 1.2:1 Site area = 1532.9 m ² Permitted GFA = 1839.48 m ²	<p>In accordance with the FSR map accompanying HLEP 2013, a maximum FSR of 1.2:1 applies to the subject site.</p> <p>Proposed GFA = 1,837.8m² Proposed FSR = 1.198:1</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.10	Heritage	The subject site is not heritage listed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.1	Acid Sulfate Soils	The site is not affected by potential acid sulfate soils.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.4/6.7	Flood Planning and Stormwater Management	The site is flood affected. Satisfactory as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Attachment 3
HDCP 2013 Compliance Table

Attachment 3 – Holroyd Development Control Plan 2013 compliance table

HOLROYD DEVELOPMENT CONTROL PLAN 2013

Part A – General Controls

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

Control	Provided	Complies (Yes/No)
VC to be reconstructed if in poor condition, damaged or design doesn't comply	The vehicular crossing remains as approved.	Yes
Avoid services/facilities in road reserve, existing trees, pedestrian crossing, pram ramps etc or condition their relocation	As above	Yes
Corner sites VC to be min. 6m from the tangent point	N/A	N/A

2.7 Road Widening:

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

3.1 Minimum Parking Spaces

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

Control	Required	Provided	Complies (Yes/No)
1 bedroom 0.8 spaces	5 x 0.8 space = 4	31 spaces + 1 car wash bay, satisfactory	Yes
2 bedroom 1.0 space	21x 1 space = 21		
Total	25 spaces		
Visitor/dwelling 0.2 spaces;	26 x 0.2 space = 5.2 ~ 6 spaces		
Total	31 spaces plus 1 car wash bay		

Bicycle Parking

Residential Flat Buildings

Control	Required	Provided	Complies (Yes/No)
Studio None	Residents = 26 x 0.5 = 13 spaces Visitor = 26 x 0.1 = 2.6 spaces Total requires = 15.6~16 bicycle spaces	16 bicycle parking provided within the basement.	Yes
1 bedroom 0.5 spaces			
2 bedroom 0.5 spaces			
3+ bedroom 0.5 spaces			
Visitor/dwelling 0.1 spaces			

3.3 Car Parking, Dimensions & Gradient

Controls	Complies (Yes/No)
Min. clear length 5.5m (5.4m AS2890.1-2004)	Yes
Min. clear width 2.4m for open space; 3m for between walls.	Yes
Min. clearance height 2.3m	Yes

3.5 Access, Maneuvering and Layout

Controls	Complies (Yes/No)
Driveway minimum 1.5m setback from side property boundaries	1m as approved.

3.6 Parking for the Disabled

Control	Required	Provided	Complies (Yes/No)

2 spaces per 100 spaces up to 400, and 1 per 100 thereafter, or part thereof	Min. 2 spaces	4 spaces provided.	Yes
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Comment:

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

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

Comment: A condition of consent has already been imposed under the original application requiring retaining walls >1 metre to be designed by a suitably qualified person.

6.3/6.4 Erosion and Sediment Control Plan

Comment: Satisfactory as approved

7.4 Stormwater Management - Easements

Comment: Considered satisfactory as approved.

9 External Road Noise & Vibration

Comment: No changes to approved development in this regard. The original condition of consent remains as approved.

11 Site Waste Minimisation and Management Plan (SWMMP)

Comment: Considered satisfactory by Council's Waste Management section.

Part B – Residential

1 General Residential Controls

1.1 Building Materials

Comment: Considered satisfactory

1.2 Fences

Controls	Complies (Yes/No)
Max. 1.5m	Max front fence height of 1.2m as approved.

1.4 Visual Privacy

Control	Provided	Complies (Yes/No)
To provide a high level of visual and acoustic privacy for residents and neighbours in dwellings and private open spaces.	Building separation is considered acceptable with respect to the ADG.	Yes

1.5 Landscape Area

Control	Provided	Complies (Yes/No)
30% of site area to be provided as landscaped area.(2m min. width) Required: 30% x 1532.9m ² = 459.87m ²	Satisfactory as approved	Yes
Max. 50% of provided landscaped area shall be forward of the front building line.		Yes
Majority of landscaped area to be to the rear of the building.		Yes

1.8 Sunlight Access

Control	Provided	Complies (Yes/No)
1 main living area of existing adjacent	The shadow diagrams indicate that the	Yes

dwelling to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	adjoining properties would not be unreasonably affected.	
Min. 50% of required POS of existing adjacent dwelling to receive 3 hours direct sunlight between 9am and 4pm, 22 June	As above	Yes

1.9 Cut & Fill

Control	Provided	Complies (Yes/No)
Cut: max. 1m; max. 0.45m within 0.9m of side/rear boundary. Cut controls are not applicable where basement parking is proposed	Excavation for 1 level of basement. The development proposes a built form to match the topography of the site.	Yes
Fill: max. 0.3m within 0.9m of side/rear boundary; $\geq 0.6m$ to be contained within the building; if $> 0.15m$ shall occupy max. 50% of the landscaped area.	Minimum fill outside building envelope.	Yes
Not within easements	N/A	N/A

1.11 Vehicular Access and Driveways

Control	Provided	Complies (Yes/No)
VC min. 3m wide and max. 5m wide at boundary.	Satisfactory as approved	Yes

1.12 Universal Housing and Accessibility

Control	Provided	Complies (Yes/No)
15% of units shall be adaptable units.	4 out of 26 units (15%) adaptable units provided.	Yes

1.13 Subdivision: Strata subdivision of residential flat buildings is permitted

Comment:

Strata subdivision not proposed.

6 Residential Flat Buildings

6.1 Lot Size and Frontage:

Control	Provided	Complies (Yes/No)
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. 	The minimum is 28m. 38.1m is provided.	Yes
Not permitted on battleaxe lots.		N/A
The proposal shall not limit future development potential of adjoining lots i.e. landlocking	Assessed as satisfactory under original application.	Yes

6.2 Site Coverage: Max. 30% of the site area (827.73 m²)

Comment: With a site area of 1532.9m² the max permitted site coverage is 459.87m². The proposed site coverage is 611.7m². This was assessed as satisfactory under original application.

6.3 Setbacks

Control	Provided	Complies (Yes/No)
Principal St: 6m and correspond with existing building setback.	Satisfactory as approved	Yes

Secondary St: 4m.	N/A	N/A
Side: 3m.	Refer to ADG assessment.	Yes
Rear: <ul style="list-style-type: none"> ≤ 4 storeys – 20% of the site length or 6m, whichever is greater. ≥ 5 storeys – 30% of the site length. 	As above.	No – Acceptable in this instance.
Basement: 3m to side and rear boundaries.	Assessed as satisfactory under original application.	Yes
All floors >4 storeys to be setback 3m.	11m provided.	N/A

6.4

Building Height

Control	Provided	Complies (Yes/No)																		
<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>Required – 15metres – 5storeys</p> <p>The proposed development is 5 storey's with a building height of 16.2m. while so it is noted that a 4.6 variation was provided with the original application for the building height which was considered acceptable in this instance.</p> <p>Refer to discussion in the report.</p>	No
Permitted Height (storeys)																				
Height	Storeys																			
9m	1																			
11m	2																			
12.5m	3																			
15m	4																			
18m	5																			
21m	6																			
24 m	7																			
<p>The minimum floor to ceiling heights shall be:</p> <ul style="list-style-type: none">• 2.7 metres for habitable rooms.• 2.4 metres for non habitable rooms.• 2.4 metres for the second storey section of two storey units if 50% or more of the apartment has a 2.7 metre minimum ceiling height.	Min. 2.7m	Yes																		

6.7

Building Appearance - Facade

Control	Provided	Complies (Yes/No)
Appropriate scale, rhythm and proportion, responding to the building use and contextual character.	Scale and rhythm are satisfactory	Considered satisfactory.
Walls to street to be articulated by windows, verandahs, balconies or blade walls. Max. projection of 600mm forward of building line.	Street façade is articulated	Satisfactory

Building Appearance – Roof Design

Control	Provided	Complies (Yes/No)
Roofs shall relate to the built form, context and character of the street.	Considered satisfactory	Yes
Pitched roofs will not be permitted:- <ul style="list-style-type: none"> Where it doesn't relate to the urban context. 	Flat roof proposed	N/A

<ul style="list-style-type: none"> Where it increase the visual bulk of the building. Where land has been rezoned high density. 		
Max. 3m height for roofs from ceiling line to ridge.	Max. 3m	Yes

6.8 Building entry and pedestrian access

Control	Provided	Complies (Yes/No)
Shall be clearly identifiable, sheltered, well lit and visible from the street.	As approved	Yes
Main entry to be separate from car parks or car entries.	As approved	Yes

6.9 Parking

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

Vehicular access

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

6.11 Internal circulation

Control	Provided	Complies (Yes/No)
All common facilities must be accessible.		Yes
All staircases are to be internal.	Complies	Yes
Sensitive noise rooms shall be located away from less sensitive noise rooms, corridors and stairwells.	Considered satisfactory.	Yes

6.12 Facilities and amenities

Control	Provided	Complies (Yes/No)
Each unit shall be provided with a laundry within the unit.	Each unit provided with laundry room.	Yes
Open air clothes drying facilities shall be provided in a sunny, ventilated area, screened from the public domain.	Balcony clotheslines to be screened.	Yes
Clothes drying areas shall be screened by 1.5m high walls.	Area is screened	Yes
A master antenna shall be provided.	Conditioned under the original DA	Yes

6.15 Waste Management – Bin Storage

Control	Provided	Complies (Yes/No)
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. 	Bin bay is at ground level, behind the building line and has direct access to the front boundary. Refer to waste comments, considered satisfactory	Yes
Allow for unobstructed access that does not exceed a grade of 1:8 for bins to be wheeled to the collection point.	Considered satisfactory.	Yes

7 Landlocked Sites

Control	Provided	Complies (Yes/No)
Residential R4 zoned lots should not result in the creation of landlocked sites.	Assessed under the original application.	Yes

Existing Landlocked Sites

Control	Provided	Complies (Yes/No)
Existing landlocked sites shall be assessed on their merits.	As above	N/A
Proposals shall achieve a satisfactory level of amenity, privacy, solar access, landscaping and setbacks and shall not detract from the streetscape.	As above	N/A

PART L – TOWN CENTRE CONTROLS - TOONGABBIE

Existing Landlocked Sites

	Control	Provided	Complies (Yes/No)
1.3	Building Height	4 storey building height required. 5 storey height provided. Refer to earlier discussion.	No
1.4	Setbacks, Separation and Street Presentation 4m front setback permitted	6m provided as originally approved.	Yes

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Attachment 4
S4.55 Draft Notice of
Determination

Our Reference: 2014/163/3
Contact: Ms N Aamir
Phone: 02 87579972

12 February 2020

Mr S Elias
19 Macarthur Crescent
WESTMEAD NSW 2145

Dear Sir/Madam

PREMISES: 5 & 7A OCTAVIA STREET, TOONGABBIE
SECTION 4.55 MODIFICATION TO DEVELOPMENT CONSENT NO. 2014/163/1
S4.55(2) MODIFICATION NO. 2014/163/3

I refer to your application lodged on 4 October 2019 seeking amendment to Development Consent 2014/163/1 issued for demolition of existing structures; consolidation of 2 lots into 1; construction of a 4 storey residential flat building accommodating 24 residential units over basement parking accommodating 29 car parking spaces. The subject application seeks to modify the approved development including amendment to basement layout, internal configuration of units and addition of two residential units; totalling 26 units.

Pursuant to Section 4.55(2) of the Environmental Planning & Assessment Act, 1979, Council grants partial approval for the modifications sought.

Accordingly, Development Consent 2014/163/1 is amended as follows:-

Change to 'development description' on page 1 of consent to read as follows:

Demolition of existing structures, consolidation of 2 lots into 1 lot, construction of a 5 storey residential flat building accommodating 26 residential units over basement parking accommodating 31 car parking spaces and 1 carwash bay.

Condition 2 under Schedule B is amended to read:

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

- Architectural plans prepared by JS Architects Pty Ltd, Project Number 042-13/14, Drawing No 01/22, 05/22, 06/22, 07/22, 12/22, 17/22 to 20/22 (inclusive), 22/22, Issue D, dated 20 January 2015 and Drawing No's 02/22, 03/22, 04/22, 08/22 to 10/22, 13/22 (inclusive), Issue E, dated 20 January 2015 and as amended to satisfy condition No's 32, 33, 35, 36 and 37;
- Landscape Plans prepared by JS Architects Pty Ltd, Project No 042-13/14, Drawing No 16/22, Issue E, dated 20 January 2015 & 17/22, Issue D, dated 20 January 2015;
- Stormwater plans prepared by VNK Consulting, Reference No 211213-01, Sheet No's 1 of 4 to 4 of 4 (inclusive), Issue C, dated 25 October 2014 (OSD No. 2014-104);

- Acoustic report prepared by Acoustic Services Pty Ltd, Report No. 140506, dated 2 June 2014;
- Waste Management Plan prepared by JS Architects Pty Ltd, undated;
- Exterior Finishes Schedule prepared by JS Architects Pty Ltd, dated 27 March 2014;
- BASIX Certificate No. 522072M_03, dated 11 November 2014,
- Arboricultural Impact Assessment prepared by MacKay Tree Management, dated 12 November 2014; and
- Letter from NSW Police Force, Reference Number D/2014/400174, dated 10 December 2014.

As amended by the following plans approved by the subject Section 4.55(2) application 2014/163/3 dated 12 February 2020:

- Architectural Plans prepared by CK Design, Reference No. 18042-01, Drawing Nos. A1-05 to A1-10, Issue C, dated 19 November 2019, Drawing Nos. A1-11 to A1-13, Issue B, dated 16 September 2019 and A1-15, Issue A, dated 26 October 2019.
- Basix Certificate No. 1047783M_02, dated 2 December 2019; and
- Correspondence from Endeavour Energy dated 29 October 2019 and all recommendations contained therein;
- a) As amended in red by Council. All amendments are to be incorporated in the Construction Certificate plans.

Condition 13 is amended to read as:

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 additional one (1) x 1 bedroom dwelling and one (1) x 2 bedroom dwelling is to be paid to Council. At the time of this development consent, the current rate of the contribution for the additional two units is **\$24,505**. 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.

Note: The contributions under this consent are in addition to the contributions that must be made pursuant to the conditions of original Development Consent (2014/163/1).

Condition 33f is inserted to read as:

- 33f. External door (04) of Units 03, 09, 15 and 21 shall be replaced with a fully glazed opening to maximise natural light.

Condition 33g is inserted to read as:

- 33g. The party walls between bedrooms of units 3, 9, 12, 15, 18 & 25 and kitchen/living areas of adjoining units 4, 10, 11, 16 & 17, 22 & 26 be treated with acoustic seals such that the noise transmission into the bedrooms is minimised.

Condition 45a is inserted to read as:

External Walls and Cladding Flammability

- 45a. 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.

Condition 117a is inserted to read as:

External Walls and Cladding Flammability

- 117a. 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.

Condition 148 is amended to read as:

148. At least 32 car parking spaces (including 1 car wash bay) shall be numbered and linemarked in accordance with Australian Standards 2890.1-2004 and 2890.6-2009 and the endorsed plans are to be made available at all times for residents and visitors' vehicles only in conjunction with the occupation of the building/premises.

All other conditions of Development Consent 2014/163/1 remain unchanged.

Note: This determination notice is strictly for the changes sought under the modification application 2014/163/3. No approval is implied or granted for any other works/changes proposed to the subject development.

Please note that a new Construction Certificate will be required due to the changes approved by the current application. Enquiries are to be made with the Principal Certifying Authority (PCA) in this regard. If required, a revised Construction Certificate application shall be submitted to the PCA for approval prior to commencement of works.

Section 8.9 of the Environmental Planning & Assessment Act 1979 confers upon an applicant, dissatisfied with Council's determination of an application made pursuant to Section 4.55(2) a right of appeal to the Land and Environment Court.

Section 8.2 of the Act provides that an applicant may request, within 28 days of the date of determination of the Section 4.55(2) Application, that the Council review its determination (this does not apply to designated development). A fee is required for this review.

If you have any further enquiries please contact Ms N Aamir of Council's Environment & Infrastructure Division on 02 8757 9972, Monday to Friday.

Yours faithfully,

Sohail Faridy
COORDINATOR DEVELOPMENT ASSESSMENT

DOCUMENTS
ASSOCIATED WITH
REPORT LPP003/20

Attachment 5
Architectural Plans

GENERAL ARCHITECTURAL NOTES:

ALL DIMENSIONS ARE TO BE CONFIRMED ON SITE BY THE BUILDER/SUBCONTRACTOR PRIOR TO CONSTRUCTION. ANY INCONSISTENCIES MUST BE REPORTED TO THE ARCHITECT BEFORE COMMENCEMENT OF THE WORKS.

THE BUILDER/SUBCONTRACTOR WILL BE HELD RESPONSIBLE FOR ANY CONSTRUCTION DETAILS WHICH HAVE NOT BEEN APPROVED BY THE ARCHITECT.

THE BUILDER/SUBCONTRACTOR WILL BE HELD RESPONSIBLE FOR THE WATER TIGHTNESS OF THE WHOLE BUILDING FOR A MINIMUM PERIOD OF SEVEN YEARS AFTER THE DATE OF PRACTICAL COMPLETION.

IT IS THE CONTRACTORS RESPONSIBILITY TO HAVE ALL ARCHITECTURAL AND STRUCTURAL DOCUMENTATION INCLUDING ALL SITE INSTRUCTIONS AND ALL DETAILS REQUIRED, ISSUED DURING THE COURSE OF CONSTRUCTION, APPROVED BY THE RELEVANT AUTHORITIES INCLUDING LOCAL COUNCIL, WATER BOARD ETC. BEFORE ANY WORKS WHATSOEVER, MAY PROCEED. ALL CONTROL JOINTS AND EXPANSION JOINTS IN WALLS, FLOORS, AND OTHER LOCATIONS SHALL BE IN STRICT ACCORDANCE WITH STRUCTURAL ENGINEERING DETAILS.

MEASUREMENTS FOR THE FABRICATION OF SECONDARY COMPONENTS SUCH AS WINDOWS, DOORS, STRUCTURAL STEEL COMPONENTS AND THE LIKE ARE NOT TO BE TAKEN FROM THESE DOCUMENTS.

MEASUREMENTS MUST BE TAKEN OFF SITE TO SUIT THE WORKS AS CONSTRUCTED.

ALL STRUCTURAL COMPONENTS SHALL BE IN STRICT ACCORDANCE WITH THE DETAILS PROVIDED BY THE ENGINEER. DETAILS SPECIFICATIONS AND THOSE DETAILS THAT FORM PART OF THE TOTAL SPECIFICATION MUST BE ADHERED TO.

ALL EXISTING STRUCTURES NEED TO BE EXAMINED FOR STRUCTURAL ADEQUACY. IT IS THE CONTRACTORS RESPONSIBILITY TO ENSURE THAT A CERTIFICATE OF STRUCTURAL ADEQUACY IS AVAILABLE PRIOR TO THE COMMENCEMENT OF WORKS.

NO CONSTRUCTION WORKS SHALL COMMENCE UNTIL A SITE SURVEY HAS BEEN COMPLETED.

THIS WORK MUST BE COMPLETED BY A REGISTERED SURVEYOR. FOUNDATION SETOUT IS TO BE PERFORMED BY A REGISTERED SURVEYOR AND RECOVERY PEGS ARE TO BE PROTECTED AT ALL TIMES DURING CONSTRUCTION.

ALL TIMBER WORK IS TO COMPLY WITH THE REQUIREMENTS OF THE "LIGHT TIMBER FRAMING CODES" S.A.A CODES, AND ANY STRUCTURAL ENGINEERS DETAILS AND SPECIFICATIONS.

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ALL ARCHITECTURAL DOCUMENTS ARE TO BE READ IN CONJUNCTION WITH THE STRUCTURAL ENGINEERS DETAILS AND SPECIFICATIONS.

GENERAL CONSTRUCTION NOTES:

GLAZING TO BE IN ACCORDANCE WITH AS1288-2006.

WET AREAS TO BE IMPERVIOUS TO WATER IE WALL SURFACES AND SUBSTRATES OF SHOWER ENCLOSURES, OR IF UNENCLOSED, WITHIN 1.5M HORIZONTALLY TO A HEIGHT OF 1.5M ABOVE THE FLOOR; AND BEHIND ANY BATH, BATH, SHOWER ETC IF WITHIN 75MM OF A WALL TO A HEIGHT OF 150MM ABOVE THE FLOOR. EACH BATHROOM AND LAUNDRY FLOOR MUST BE GRADED TO A PERMIT DRAINAGE TO A FLOOR WASTE.

NON SLIP FINISHES TO BE PROVIDED TO ALL STEPS, RAMPS AND LANDINGS.

MAXIMUM RISER HEIGHTS TO ALL STEPS NOT TO EXCEED 150MM AND TREADS TO BE MINIMUM OF 250MM. THE RATIO OF TWICE THE RISER HEIGHT PLUS THE TREADS TO BE BETWEEN 500MM AND 700MM. A 1000MM HIGH BALUSTRADE (OR 850 ABOVE THE LINE OF STAIR HOUSINGS) IS TO BE PROVIDED TO ALL STAIRS AND LANDINGS WITH MAXIMUM BALUSTRADE OR RISER OPENINGS ARE NOT TO EXCEED 125MM. MINIMUM CLEAR HEIGHT TO STAIRS TO BE 2000MM FOR A MINIMUM CLEAR WIDTH OF 1000MM.

ALL PENETRATIONS THROUGH FIRE RATED MEMBERS ARE TO BE SEALED USING FIRE COLLARS OR FIRE SEAL AS APPROPRIATE.

ALL TIMBER FRAMING TO BE IN ACCORDANCE WITH THE TIMBER FRAMING MANUAL AS 1684-2010.

SEPARATING WALLS WHICH EXTEND UP TO THE ROOF COVERING MUST BE PACKED WITH A SUITABLE FIRE RESISTING MATERIAL.

ANY EXPOSED STRUCTURAL STEELWORK IS TO BE HOT DIP GALVANISED EG. UNTELS, WALL TIES, ETC.

SMOKE ALARMS ARE TO BE WIRED AND IN ACCORDANCE WITH AS 3796-2014.

ALL NEW STORMWATER DOWNPIPES ARE TO BE CONNECTED TO THE

EXHAUST FANS ARE TO DISCHARGE AIR DIRECTLY TO OUTSIDE AT A RATE OF AT LEAST 25L/S PROTECTION FROM TERMITES IS TO BE INSTALLED IN ACCORDANCE WITH AS 3660.1 - 2014

ARTICULATION JOINTS FOR MASONRY WALLS MUST NOT EXCEED 5 METRE CENTRES, AND WITHIN 2 METERS OF CORNERS.

OPENINGS IN EXTERNAL WALLS SHALL BE PROVIDED WITH VERTICAL SEPARATION IN THE FORM OF SPANDRELS OR THE LIKE.

SEPARATING WALL IN ACCORDANCE WITH PART 3.7.1.5 OF BCA

SOUND INSULATION IN ACCORDANCE WITH PART 3.8.5 OF BCA

A1-Sheet List	
Sheet Number	Sheet Name
A101	COVER PAGE
A102	SURVEY PLAN
A103	BASIC COMPONENTS
A104	BASEMENT FLOOR PLAN
A105	1ST GROUND FLOOR PLAN
A106	LEVEL 1
A107	LEVEL 2
A108	LEVEL 3
A109	LEVEL 4
A110	ROOF PLAN
A111	ELEVATIONS
A112	ELEVATIONS
A113	SECTIONS
A114	SHADOW DIAGRAMS
A115	SCHEDULE OF FINISHES
A116	CONSTRUCTION SET
A117	UPPER FLOOR
A118	ROOF DETAIL
A119	NOTIFICATION PLAN



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No.	Description	Date
A	DATE MODIFICATIONS	28/10/2019
B	MODIFICATIONS AS PER COUNCILS EMAIL DATED 20/8/2019	18/09/2019
C	MODIFICATIONS MADE TO BUILDING TO OBTAIN F.S.R COMPLIANCE	19/11/2019

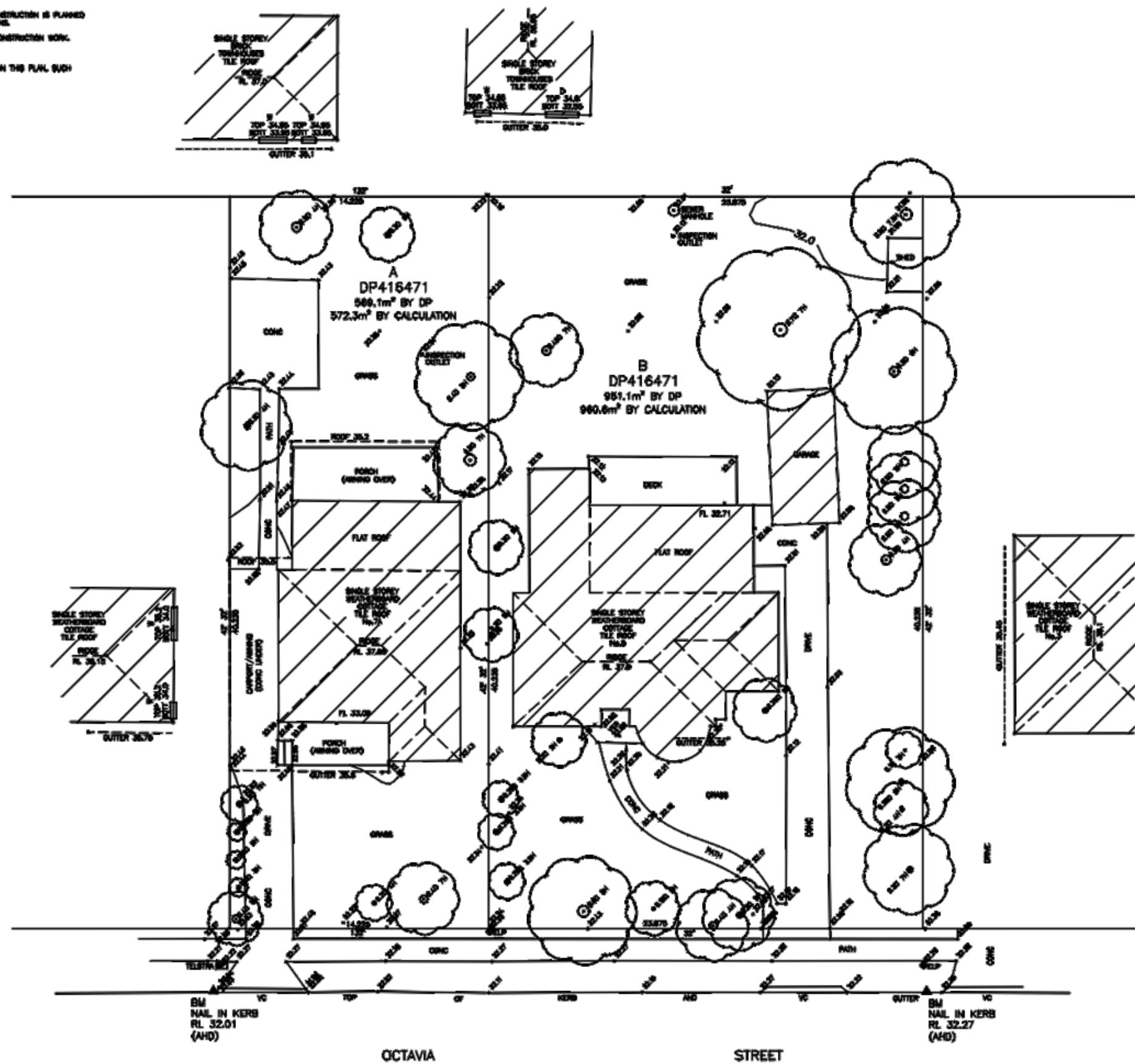


SECTION 4.55 MODIFICATION RESIDENTIAL FLAT BUILDING

ADDRESS:
**5-7a OCTAVIA STREET
-TOONGABBIE**

CLIENT:
TOONGABBIE INVESTMENTS PTY LTD

NOTES:
1. THIS DEEDAL SURVEY IS NOT A "SURVEY" AS DEFINED BY THE SURVEYORS ACT, 1958. IF ANY CONSTRUCTION IS PLANNED IT IS ADVISABLE TO CARRY OUT FURTHER SURVEY WORK TO DETERMINE THE BOUNDARY DIMENSIONS.
2. ALL BEARINGS AND DISTANCES ARE SUBJECT TO FINAL SURVEY.
3. ONLY VISIBLE SERVICES ARE SHOWN. RELEVANT AUTHORITIES SHOULD BE CONTACTED PRIOR TO CONSTRUCTION WORK.
4. ROOF AND GUTTER HEIGHTS ON ADJOINING PROPERTIES ARE APPROXIMATE ONLY.
5. ALL TREE DIMENSIONS ARE TO SCALE.
6. THESE GENERAL NOTES SHOULD BE STORED WITH THE SUPPLIED CAD DRAWING.
7. IF ANY BUILDING OR STRUCTURE IS TO BE LOCATED RELATIVE TO AN EXISTING FEATURE SHOWN ON THIS PLAN, SUCH FEATURE SHOULD BE LOCATED ACCURATELY BY SURVEY.



SCALE 1 : 100

AUSTRALIAN HEIGHT DATUM
ORIGIN OF LEVELS BM 61097
RL 32.27
SDMS 9/10/2013
ACCURACY D4

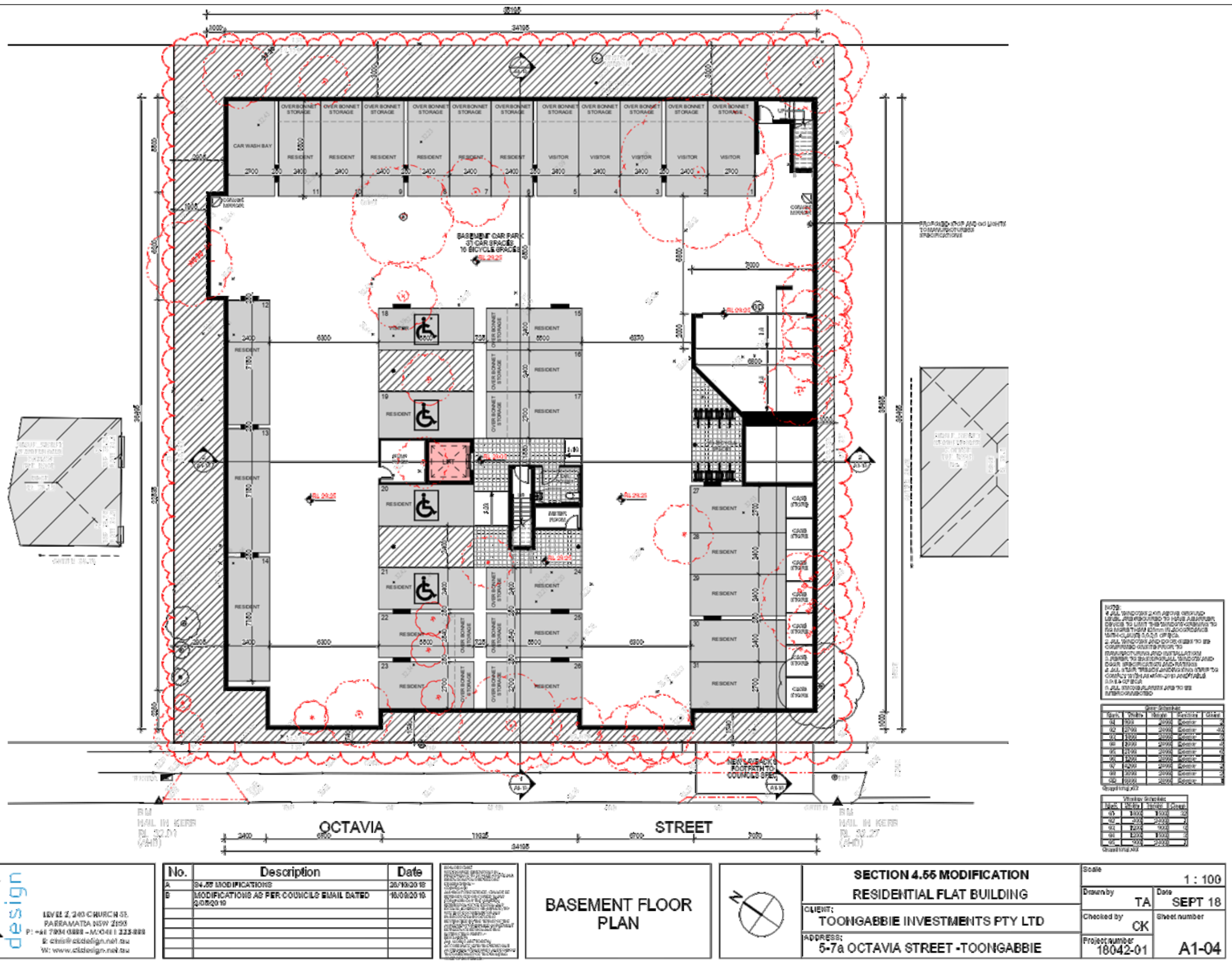
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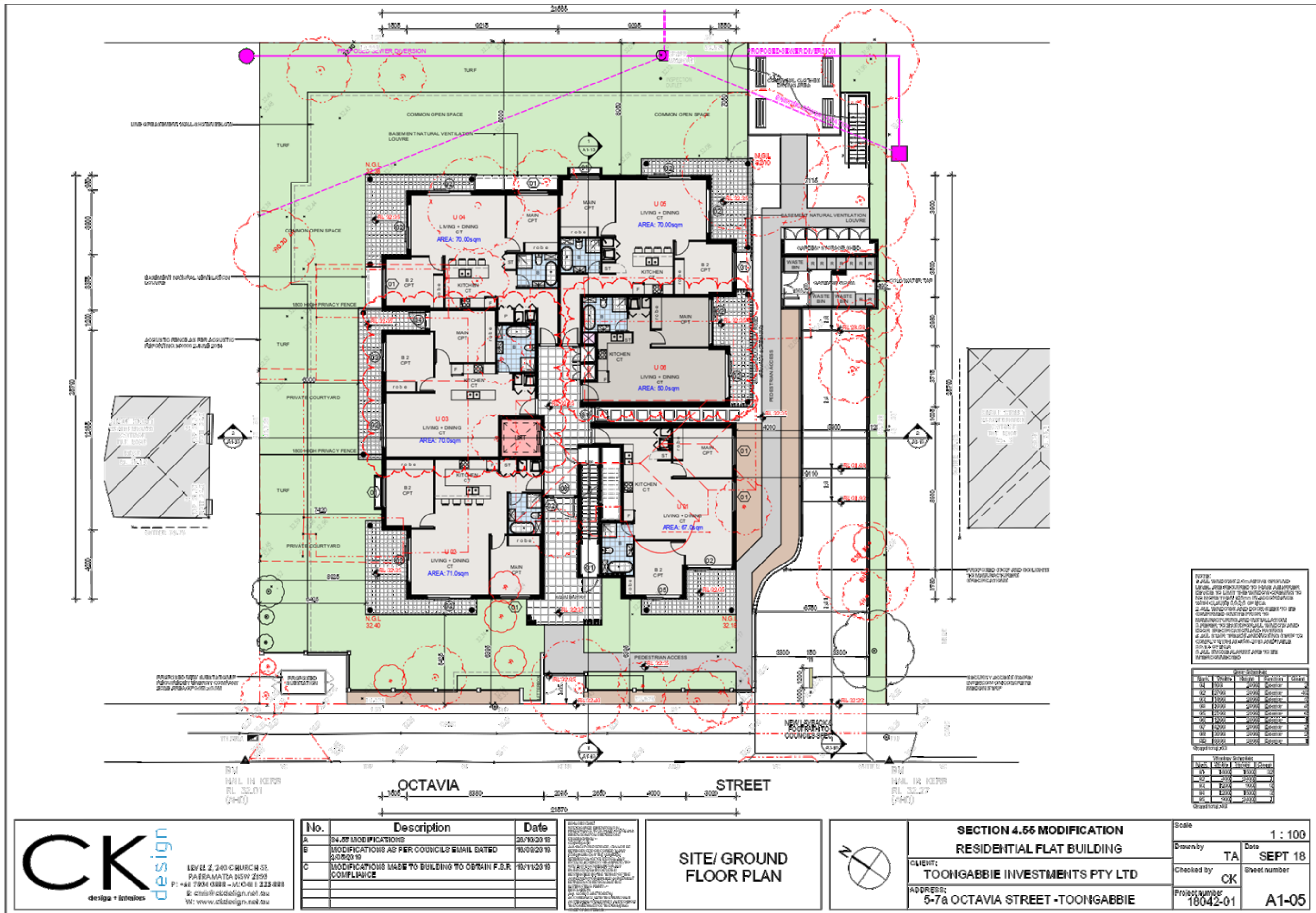
DRAWN: LM
CHECKED: RP

FRANKHAM ENGINEERING SURVEYS PTY. LTD.
10 PITCHAM STREET EAST, RYDMANVILLE NSW 2146
P.O. BOX 66, RYDMANVILLE NSW 2146
TEL: (02) 8888 8888 FAX: (02) 8888 8888

CLIENT: MICHAEL HILLAS
PROJECT: 5 & 7A OCTAVIA STREET, TOONABIE

SCALE: 1:100
DATE: 20/8/20







NOTE:
1. ALL WINDOWS 2.0m ABOVE GROUND LEVEL ARE REQUIRED TO HAVE A SAFETY DEVICE TO LIMIT THE WINDOW OPENING TO PREVENT THE WINDOW FROM BEING USED AS A LADDER.
2. ALL WINDOWS AND DOORS MUST BE CONFORMANT WITH THE REQUIREMENTS OF THE BUILDING STANDARDS ACT 2015.
3. ALL WINDOWS AND DOORS MUST BE CONFORMANT WITH THE REQUIREMENTS OF THE BUILDING STANDARDS ACT 2015.
4. ALL WINDOWS AND DOORS MUST BE CONFORMANT WITH THE REQUIREMENTS OF THE BUILDING STANDARDS ACT 2015.
5. ALL WINDOWS AND DOORS MUST BE CONFORMANT WITH THE REQUIREMENTS OF THE BUILDING STANDARDS ACT 2015.

Rev	By	Date	Description
01	CK	20/09/2018	Initial Design
02	CK	20/09/2018	Revised Design
03	CK	20/09/2018	Revised Design
04	CK	20/09/2018	Revised Design
05	CK	20/09/2018	Revised Design
06	CK	20/09/2018	Revised Design
07	CK	20/09/2018	Revised Design
08	CK	20/09/2018	Revised Design
09	CK	20/09/2018	Revised Design
10	CK	20/09/2018	Revised Design

Rev	By	Date	Description
01	CK	20/09/2018	Initial Design
02	CK	20/09/2018	Revised Design
03	CK	20/09/2018	Revised Design
04	CK	20/09/2018	Revised Design
05	CK	20/09/2018	Revised Design
06	CK	20/09/2018	Revised Design
07	CK	20/09/2018	Revised Design
08	CK	20/09/2018	Revised Design
09	CK	20/09/2018	Revised Design
10	CK	20/09/2018	Revised Design

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No.	Description	Date
A	SECTION 4.55 MODIFICATIONS	20/09/2018
B	MODIFICATIONS AS PER COUNCIL'S EMAIL DATED 20/09/2018	20/09/2018
C	MODIFICATIONS MADE TO BUILDING TO OBTAIN F.S.R. COMPLIANCE	10/11/2018

DESIGNER:
CK DESIGN
DRAWN BY:
CK DESIGN
CHECKED BY:
CK DESIGN
DATE:
20/09/2018

LEVEL 1



**SECTION 4.55 MODIFICATION
RESIDENTIAL FLAT BUILDING**

CLIENT:
TOONGABBIE INVESTMENTS PTY LTD

ADDRESS:
5-7a OCTAVIA STREET -TOONGABBIE

Scale	1 : 100
Drawn by	TA
Date	SEPT 18
Checked by	CK
Project number	18042-01
Sheet number	A1-06



Gesamt				
Wahljahr	Wahlkreis	Wahlkreisnummer	Wahlkreisname	Wahlkreisgröße
01	001	2000	Köln	3
02	2000	2000	Köln	40
03	1000	2000	Köln	3
04	2000	2000	Köln	3
05	2100	2000	Köln	3
06	2000	2000	Köln	3
07	2000	2000	Köln	3
08	2000	2000	Köln	3
09	2000	2000	Köln	3

Winnipeg Schedule			
Match	Visitor	Home	Game
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02	2000	2100	1
03	2200	2300	2
04	2300	1900	3
05	2000	2100	4

No.	Description	Date
A	84.87 MODIFICATIONS	28/10/2019
B	MODIFICATIONS AS PER COUNCILS EMAIL DATED 2/10/2019	16/09/2019
C	MODIFICATIONS MADE TO BUILDING TO OBTAIN F.S.R COMPLIANCE	16/11/2019

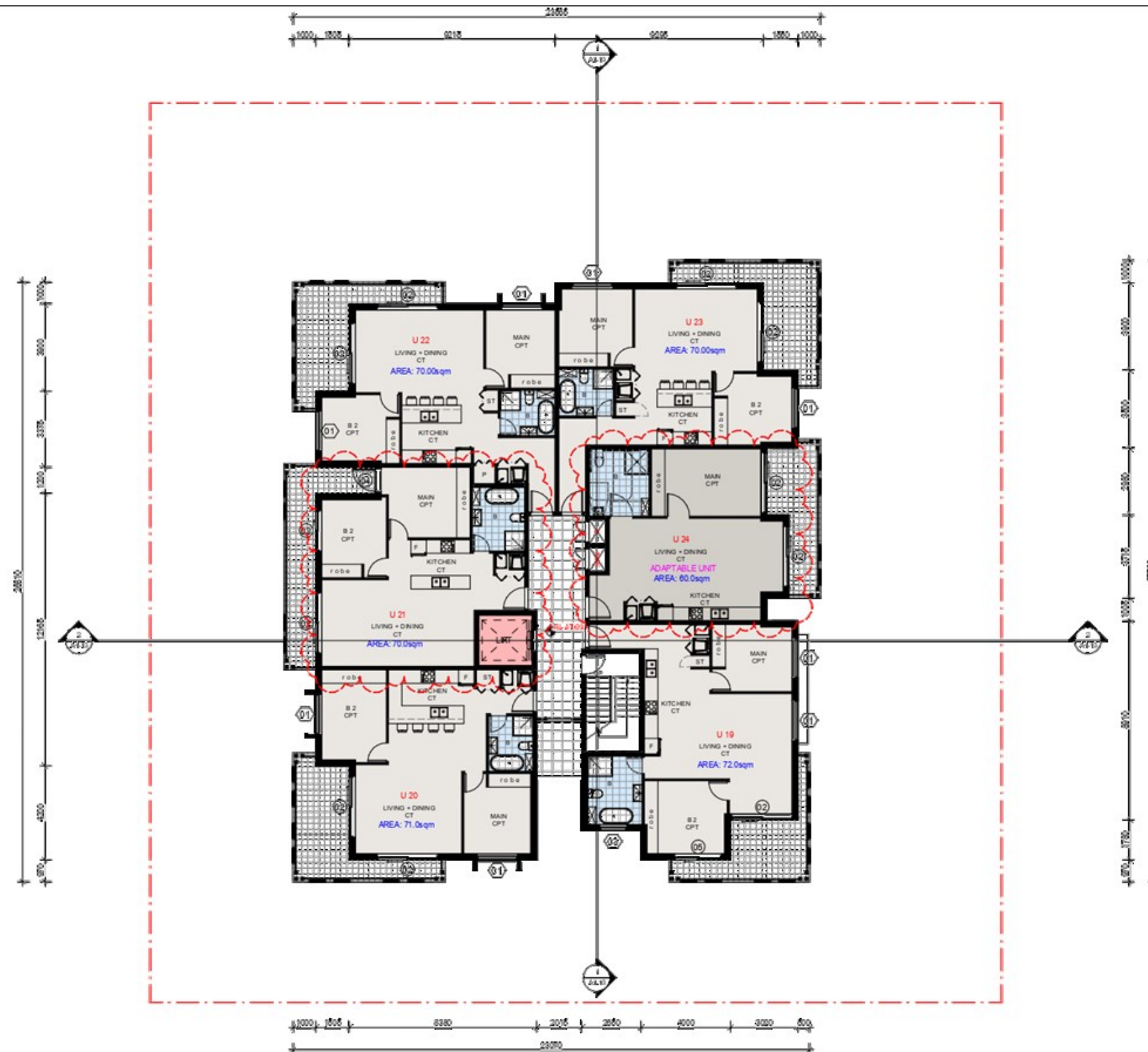
LEVEL 2



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Scale		1 : 100	
Drawn by		TA	Date
Checked by		CK	SEPT 18
Project number		Sheet number	
18042-01		A1-07	



NOTE:
1. ALL WINDOWS 2 AND ABOVE SHOULD BE PROVIDED WITH ALUMINIUM SECURITY GRILLS TO LIMIT THE WINDOW OPENING TO NO MORE THAN 100mm (4 inches) when fully open.
2. ALL WINDOWS AND DOOR OPENERS TO BE COMBINED WITH FIRE TO BE RESISTANCE AND INSTALLATION TO BE TO THE SATISFACTION OF THE LOCAL AUTHORITY.
3. ALL STAIRS SHOULD BE PROVIDED WITH A MINIMUM OF TWO STAIRS TO EACH FLOOR.
4. ALL STAIRS SHOULD BE PROVIDED WITH A MINIMUM OF TWO STAIRS TO EACH FLOOR.
5. ALL STAIRS SHOULD BE PROVIDED WITH A MINIMUM OF TWO STAIRS TO EACH FLOOR.

Rev	By	Date	Description	Check
01	CK	20/09/2019	Issue for comment	CK
02	CK	20/09/2019	Issue for comment	CK
03	CK	20/09/2019	Issue for comment	CK
04	CK	20/09/2019	Issue for comment	CK
05	CK	20/09/2019	Issue for comment	CK
06	CK	20/09/2019	Issue for comment	CK
07	CK	20/09/2019	Issue for comment	CK
08	CK	20/09/2019	Issue for comment	CK
09	CK	20/09/2019	Issue for comment	CK
10	CK	20/09/2019	Issue for comment	CK

Rev	By	Date	Description	Check
01	CK	20/09/2019	Issue for comment	CK
02	CK	20/09/2019	Issue for comment	CK
03	CK	20/09/2019	Issue for comment	CK
04	CK	20/09/2019	Issue for comment	CK
05	CK	20/09/2019	Issue for comment	CK
06	CK	20/09/2019	Issue for comment	CK
07	CK	20/09/2019	Issue for comment	CK
08	CK	20/09/2019	Issue for comment	CK
09	CK	20/09/2019	Issue for comment	CK
10	CK	20/09/2019	Issue for comment	CK

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No.	Description	Date
A	SECTION 4.55 MODIFICATIONS	20/09/2019
B	MODIFICATIONS AS PER COUNCIL'S EMAIL DATED 20/09/2019	10/09/2019
C	MODIFICATIONS MADE TO BUILDING TO OBTAIN F.S.R. COMPLIANCE	10/11/2019

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DRAWN BY CK DESIGN
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APPROVED BY CK DESIGN
DATE 20/09/2019
PROJECT NO. 18042-01
SHEET NO. A1-08

LEVEL 3



**SECTION 4.55 MODIFICATION
RESIDENTIAL FLAT BUILDING**

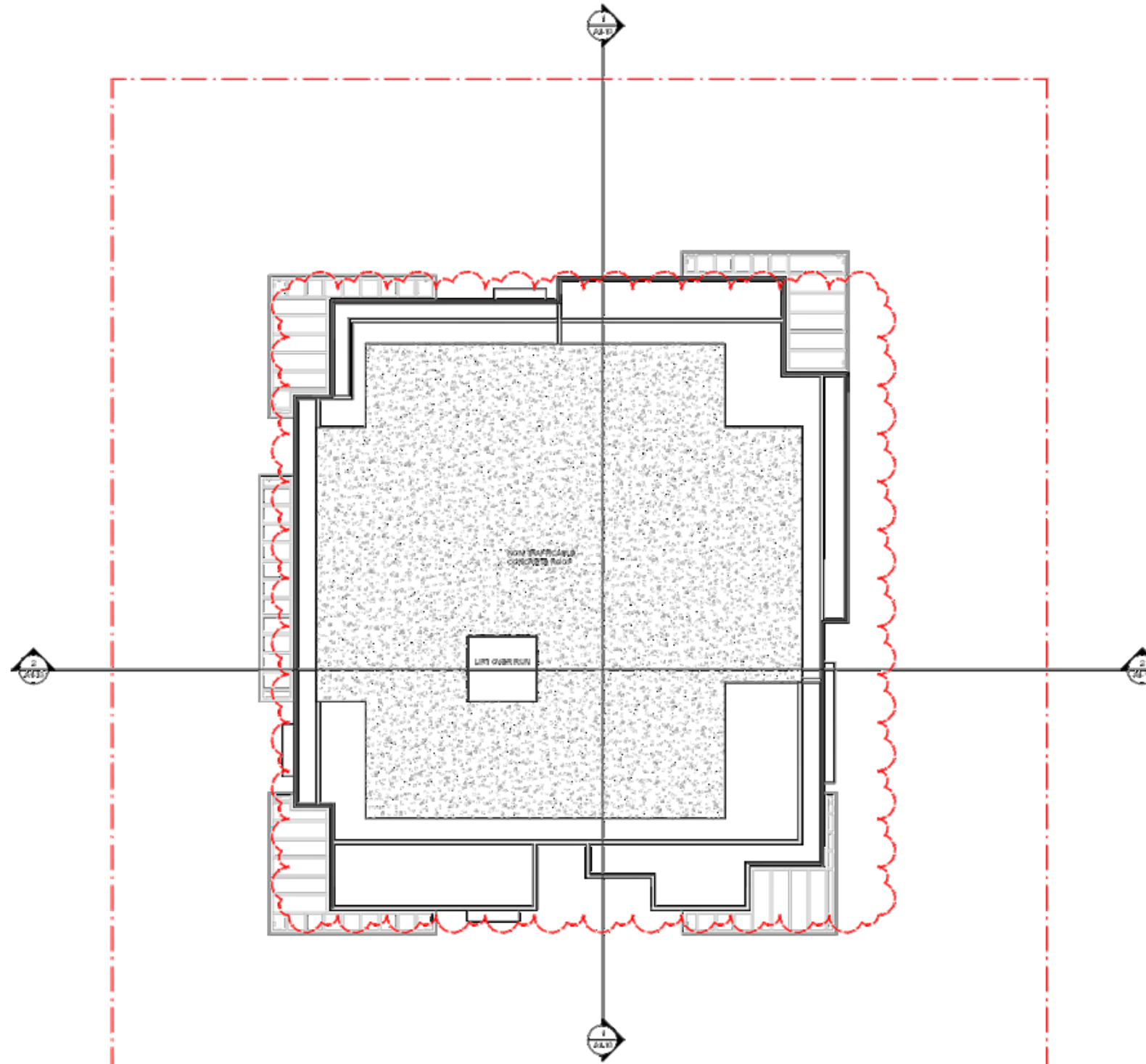
CLIENT:
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ADDRESS:
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Scale	1 : 100
Drawn by	TA
Checked by	CK
Project number	18042-01
Date	SEPT 18
Sheet number	A1-08



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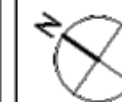
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No.	Description	Date
A	SECTION 4.55 MODIFICATIONS	28/10/2018
B	MODIFICATIONS AS PER COUNCIL'S EMAIL DATED 2/08/2019	10/09/2019
C	MODIFICATIONS MADE TO BUILDING TO OBTAIN F.S.R. COMPLIANCE	10/11/2019

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CHECKED BY
CK DESIGN
DATE
10/11/2019
PROJECT
18042-01

ROOF PLAN



**SECTION 4.55 MODIFICATION
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Project number	18042-01
Date	SEPT 18
Sheet number	A1-10

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ELEVATIONS

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Project number	18042-01	Sheet number
		A1-11



1 SOUTH ELEVATION
1:100



2 WEST ELEVATION
1:100

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No.	Description	Date
A	04.05 MODIFICATIONS	26/10/2018
B	MODIFICATIONS AS PER COUNCIL'S EMAIL DATED 2/08/2019	10/09/2019

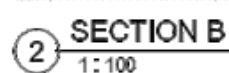
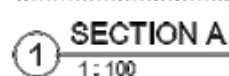
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RESIDENTIAL BUILDING
ARCHITECTURAL DRAWING
DRAWING NO. 1000-01
DATE: 10/09/2019
PROJECT: 18042-01
CLIENT: TOONGABBIE INVESTMENTS PTY LTD
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ELEVATIONS

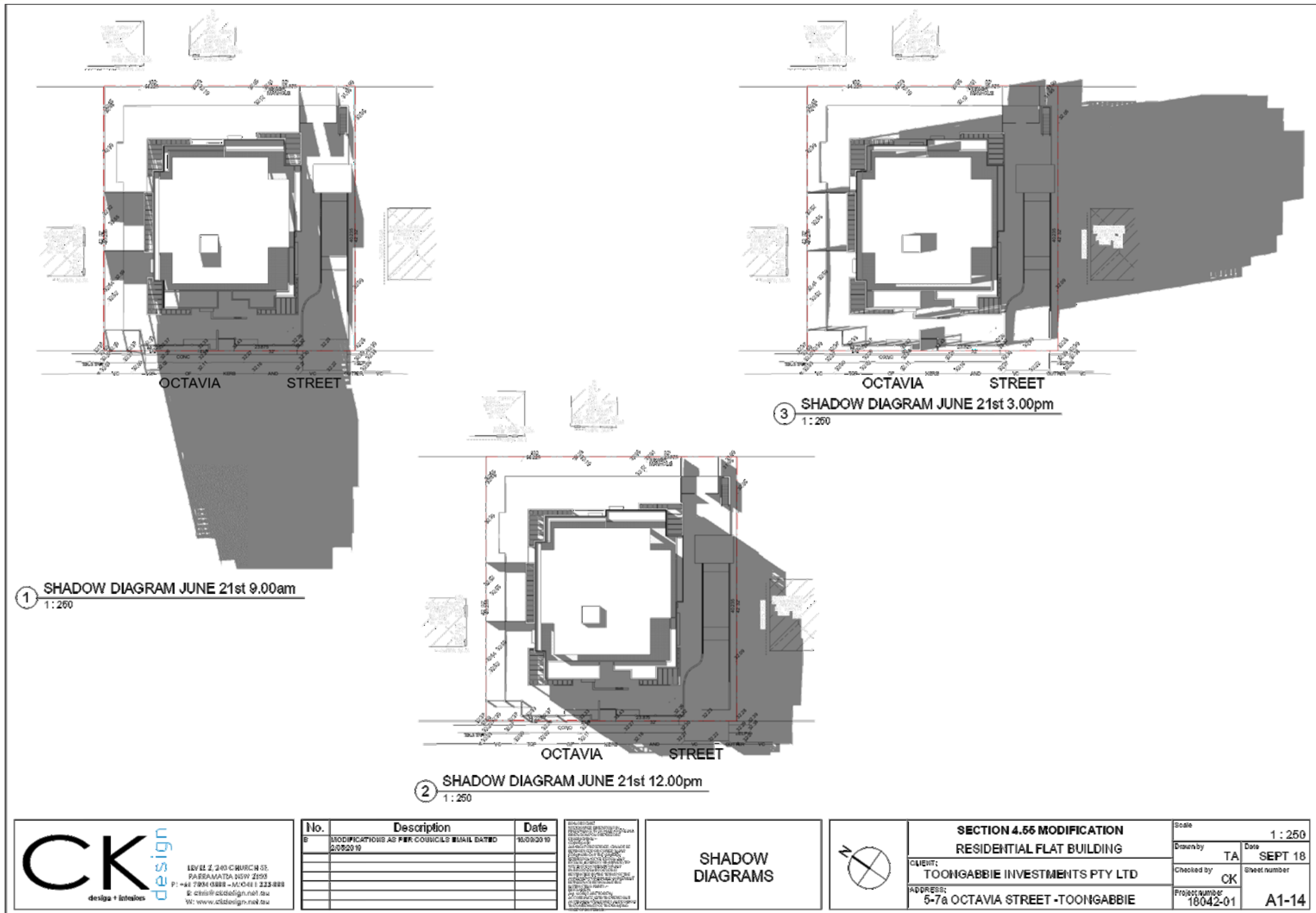
**SECTION 4.55 MODIFICATION
RESIDENTIAL FLAT BUILDING**

CLIENT:
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ADDRESS:
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Scale	1:100
Drawn by	TA
Date	SEPT 18
Checked by	CK
Project number	18042-01
Sheet number	A1-12



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1
PAINTED RENDER
DULUX - LEXICON



2
PAINTED RENDER
DULUX - ASHVILLE



3
PAINTED RENDER
DULUX - DOMINO



4
WINDOW AND DOOR
FRAMES POWERCOATED
WHITE



5
ALUMINIUM LOUVRES
POWERCOATED
CHARCOAL



6
ALUMINIUM LOUVRES
POWERCOATED
WHITE

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No.	Description	Date
A	SECTION 4.55 MODIFICATIONS	20/10/2018

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AND IS NOT TO BE
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PURPOSES WITHOUT
THE WRITTEN
CONSENT OF CK
DESIGN + INTERIORS

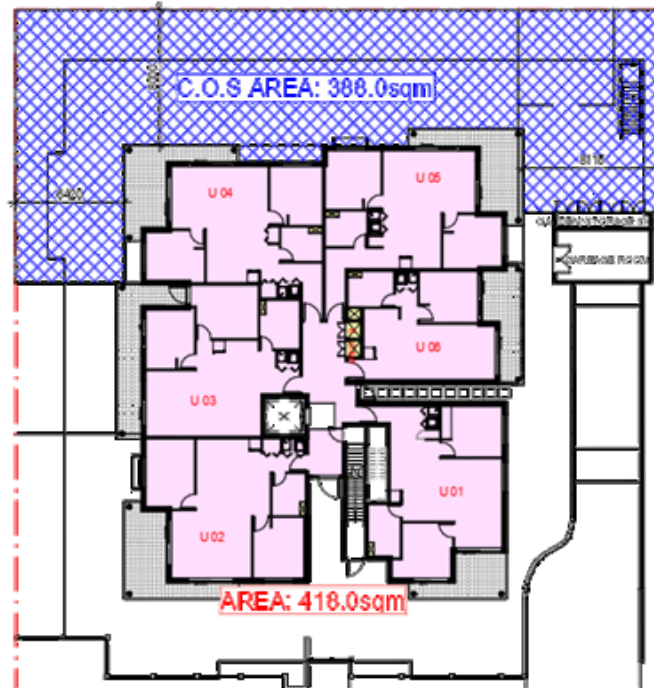
SCHEDULE OF FINISHES

SECTION 4.55 MODIFICATION RESIDENTIAL FLAT BUILDING

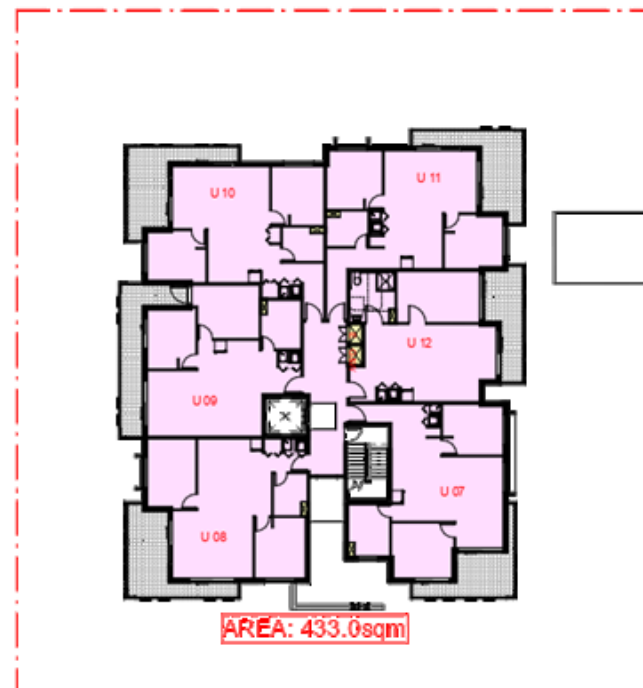
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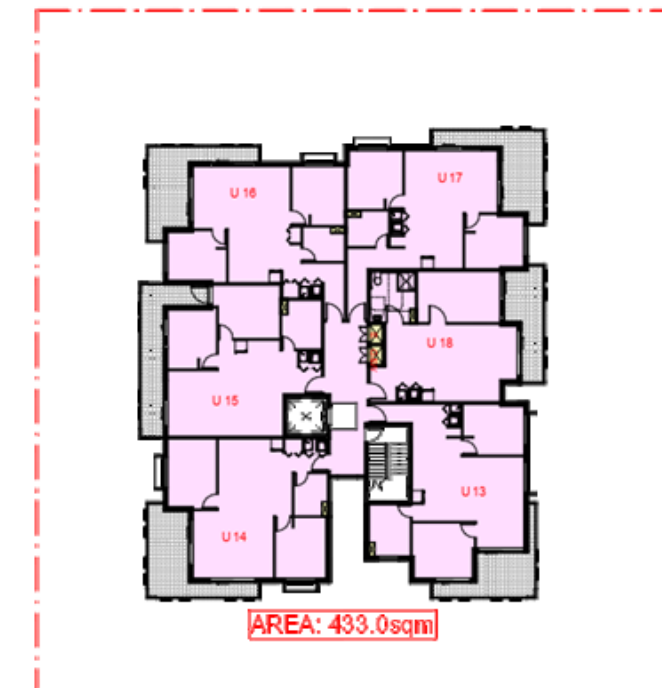
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Checked by	CK	Sheet number	
Project number	18042-01		A1-15



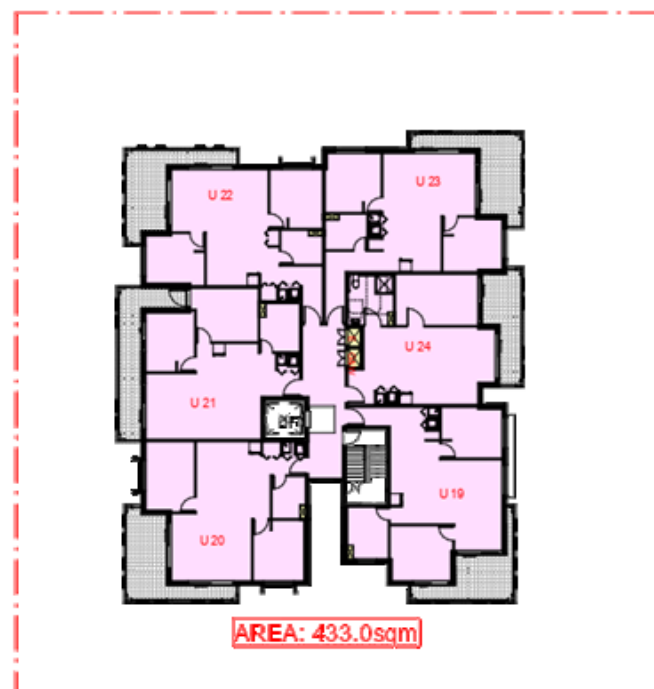
1 FLOOR AREA - GROUND FLOOR
1:200



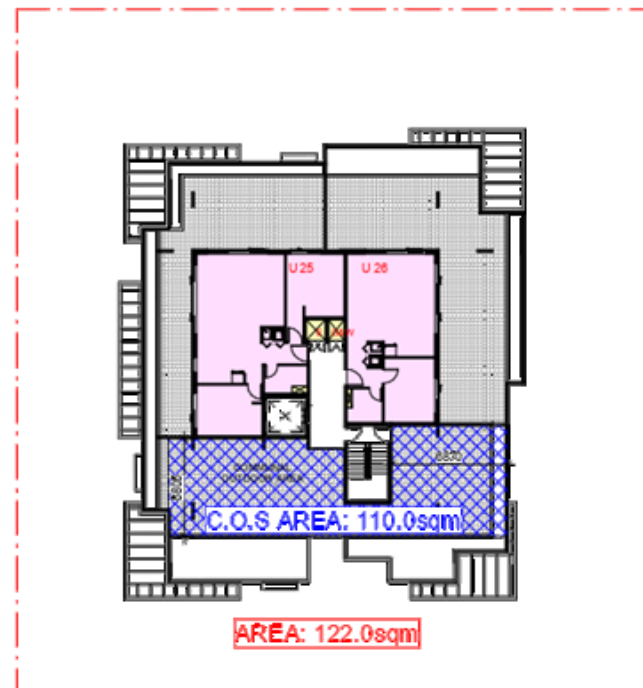
2 FLOOR AREA - LEVEL 1
1:200



3 FLOOR AREA - LEVEL 2
1:200

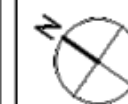


4 FLOOR AREA - LEVEL 3
1:200



5 FLOOR AREA - LEVEL 4
1:200

SITE CALCULATIONS			
	DCP	PROPOSAL	COMPLIES
SITE AREA		1832.90 sqm (BY CALC)	YES
FLOOR SPACE RATIO			
GROUND FLOOR		418.0 sqm	
LEVEL 1 FLOOR		433.0 sqm	
LEVEL 2 FLOOR		433.0 sqm	
LEVEL 3 FLOOR		433.0 sqm	
LEVEL 4 FLOOR		122.0 sqm	
TOTAL FLOOR AREA	1839.48sqm	1839.0 sqm	
TOTAL F.S.R	1.2:1	1.2:1	YES
BUILDING HEIGHT	15m	15.5m	NO
COMMON OPEN SPACE	459.87sqm 30%	498.0sqm 32.48%	YES YES
CAR PARKING	1 BED: 0.8 SPACES 2 BED: 1 SPACES 3 BED: 1.2 SPACES VISITOR: 0.2 SPACES CAR WASH BAY: 1 SPACE	5x1 BED: 4 SPACES 21x2 BED: 21 SPACES 0x3 BED: 0 SPACES 26 UNITS x 0.2: 5.2 SPACES CAR WASH BAY: 1 SPACE	YES
	TOTAL 31.2 CAR SPACES REQUIRED	TOTAL 32 CAR SPACES PROVIDED	YES
BICYCLE PARKING	16 BICYCLE SPACES REQUIRED	16 BICYCLE SPACES PROVIDED	YES





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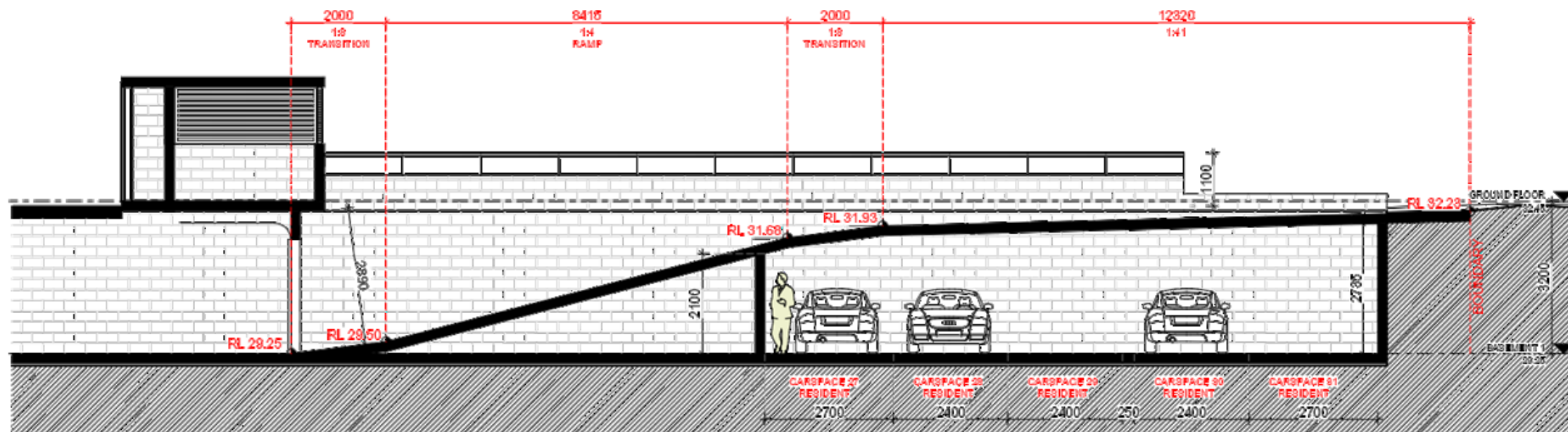
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No.	Description	Date
A	04.55 MODIFICATIONS	28/10/2018
B	MODIFICATIONS AS PER COUNCIL'S EMAIL DATED 9/08/2019	10/09/2019

REVISIONS
REVISION 1: 28/10/2018
REVISION 2: 10/09/2019
REVISION 3: 10/09/2019
REVISION 4: 10/09/2019
REVISION 5: 10/09/2019
REVISION 6: 10/09/2019
REVISION 7: 10/09/2019
REVISION 8: 10/09/2019
REVISION 9: 10/09/2019
REVISION 10: 10/09/2019

3D PERSPECTIVE

SECTION 4.55 MODIFICATION RESIDENTIAL FLAT BUILDING		Scale	
CLIENT: TOONGABBIE INVESTMENTS PTY LTD ADDRESS: 5-7a OCTAVIA STREET -TOONGABBIE	Drawn by	TA	Date SEPT 18
	Checked by	CK	Sheet number
	Project number	18042-01	A1-17



CK design
design + interiors

LEVEL 2, 240 CHURCH ST.
PARRAMATTA NSW 2150
P: +61 700 0000 - M: 0411 223 000
E: chris@ckdesign.net.au
W: www.ckdesign.net.au

No.	Description	Date
5	MODIFICATIONS AS PER COUNCIL'S EMAIL DATED 2/09/2019	10/09/2019

DESIGNED BY
CK DESIGN
DRAWN BY
CK DESIGN
CHECKED BY
CK DESIGN
DATE
10/09/2019
PROJECT
5-7a OCTAVIA STREET - TOONGABBIE

RAMP DETAIL
PRELIMINARY NOT FOR
CONSTRUCTION

SECTION 4.55 MODIFICATION RESIDENTIAL FLAT BUILDING	
CLIENT:	TOONGABBIE INVESTMENTS PTY LTD
ADDRESS:	5-7a OCTAVIA STREET - TOONGABBIE

Scale	1 : 50
Drawn by	TA
Date	SEPT 18
Checked by	CK
Project number	18042-01
Sheet number	A1-18

**DOCUMENTS
ASSOCIATED WITH
REPORT LPP003/20**

**Attachment 6
Original Consent- DA 2014/163/1**



16 Memorial Avenue
PO Box 42
Merrylands NSW 2160

T 02 9840 9840
F 02 9840 9734
E hcc@holroyd.nsw.gov.au
www.holroyd.nsw.gov.au

DX 25408 Merrylands
TTY 02 9840 9988
ABN 20 661 226 966

Environmental & Planning Services Department

Our Reference: 2014/163/1
Contact: Melissa Sharpe
Phone: 9840 9807

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

16 February 2015

JS Architects Pty Ltd
PO Box 6967
BAULKHAM HILLS NSW 2153

Dear Sir/Madam,

Pursuant to Section 81 of the Act, Council has granted conditional approval to your Development Application described as follows:

PROPERTY: Lots A & B, DP 416471

STREET ADDRESS: 5-7A Octavia Street, Toongabbie

DEVELOPMENT CONSENT NO: 2014/163/1

DECISION: Delegated Authority

DATE OF EXPIRY OF CONSENT: 16 February 2018

PROPOSED DEVELOPMENT: S82(A) Review for demolition of existing structures; consolidation of 2 lots into 1; construction of a 4 storey residential flat building accommodating 24 residential units over basement parking accommodating 29 car parking spaces

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



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.

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.

IMPORTANTE

Spanish

Esta correspondencia contiene información importante. Si no la entiende, por favor solicite a un familiar o alguna amistad que se la traduzca, o concurra al Municipio e infórmese de su contenido con funcionarios municipales, utilizando el Servicio Telefónico de Intérpretes.

ΣΗΜΑΝΤΙΚΟ

Greek

Αυτή η επιστολή περιέχει ενδιαφέρουσες πληροφορίες. Αν δεν τις καταλαβαίνετε ζητήστε από κάποιον συγγενή ή φίλο να τις μεταφράσει ή ελάτε στη Δημαρχία να μιλήσετε στο προσωπικό σχετικά μ' αυτή την επιστολή χρησιμοποιώντας την Τηλεφωνική Υπηρεσία Διερμηνέων.

IMPORTANTI

Maltese

Din l-ittra fiha tagħrif importanti. Jekk ma tifimhiex, jekk jogħgbok 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.

重要的信息

Chinese

此信含有重要的信息。如果你看不懂，你可請親戚或朋友譯成中文或前往市府並通過電話傳譯服務與市府的工作人員討論此信。

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.

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.

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. Any person entitled to act on the consent may apply to Council at least 30 days before this three year period expires, for an extension of one year (in accordance with Section 95A of the Environmental Planning & Assessment Act 1979), provided that good cause is shown. **Note: Failure to lodge an application for extension of consent will mean the consent lapses and a fresh application will be required that will be assessed in accordance with current controls.**
2. Development shall take place in accordance with the attached endorsed plans:
 - Architectural plans prepared by JS Architects Pty Ltd, Project Number 042-13/14, Drawing No 01/22, 05/22, 06/22, 07/22, 12/22, 17/22 to 20/22 (inclusive), 22/22, Issue D, dated 20 January 2015 and Drawing No's 02/22, 03/22, 04/22, 08/22 to 10/22, 13/22 (inclusive), Issue E, dated 20 January 2015 and as amended to satisfy condition No's 32, 33, 35, 36 and 37;
 - Landscape Plans prepared by JS Architects Pty Ltd, Project No 042-13/14, Drawing No 16/22, Issue E, dated 20 January 2015 & 17/22, Issue D, dated 20 January 2015;
 - Stormwater plans prepared by VNK Consulting, Reference No 211213-01, Sheet No's 1 of 4 to 4 of 4 (inclusive), Issue C, dated 25 October 2014 (OSD No. 2014-104);
 - Acoustic report prepared by Acoustic Services Pty Ltd, Report No. 140506, dated 2 June 2014;
 - Waste Management Plan prepared by JS Architects Pty Ltd, undated;
 - Exterior Finishes Schedule prepared by JS Architects Pty Ltd, dated 27 March 2014;
 - BASIX Certificate No. 522072M_03, dated 11 November 2014,
 - Arboricultural Impact Assessment prepared by MacKay Tree Management, dated 12 November 2014; and
 - Letter from NSW Police Force, Reference Number D/2014/400174, dated 10 December 2014.
 - 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. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

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

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

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

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

5. The applicant shall consult with, as required:
 - (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) A local telecommunications carrier
 regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).
6. The proposed structure/s are to be located clear of existing Council easements. Special footings will be required where the proposed/existing structures are adjacent to a drainage easement. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary.
The footing system is to be designed by a practising professional structural engineer.
7. Building materials, builders sheds, waste bins, site fencing, gates or any material of any description shall not be left or placed on any footway, road or nature strip. Footways and nature strips shall be maintained, including the cutting of vegetation, so as not to become unsightly or a hazard for pedestrians. Offenders will be prosecuted.

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. 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 Holroyd City 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 Holroyd City 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 Holroyd City 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 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**
- iii) Until 31 December 2012, air monitoring may be carried out by a licensed asbestos assessor, or a person competent to carry out atmospheric monitoring at the workplace, as provided by clause 261 of the *Occupational Health and Safety Regulation 2001* (OHS Regulation).

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 **\$383.80** 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 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:-

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 94 Contribution

13. 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 24 units made up of four (4) 1 b/r units and twenty (20) x 2 b/r dwellings (minus credit for the two existing dwellings) is to be paid to Council. At the time of this development consent, the current rate of the contribution is **\$287,507.22**. 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.holroyd.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 **\$3,775.70** 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 in particular the Landscape Plan is to correspond on all the architectural and stormwater plans.

Landscape Inspection Fee

16. Payment of a **\$600.00** 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 **\$218.00** fee for the inspection by Council of the stormwater drainage construction in the Council's road reserve at the key stages. The proposed stormwater gully pit within the roadway shall be in accordance with Council's standard detail – SD 8010, accordingly.
18. Payment of a **\$320.00** fee for the design, specifications and inspection by Council of the vehicular crossing/s prior to placement of concrete.
19. Payment of a **\$705.00** fee for the design, specifications and inspection by Council of the footpath paving prior to placement of concrete.
20. Payment of a **\$705.00** fee for the design, specifications and inspection by Council of the kerb and guttering prior to placement of concrete.
21. Payment of a **\$422.00** fee for the inspection by Council of the stormwater drainage and Onsite Stormwater Detention System at the key stages, where Council is the Principal Certifying Authority.
22. The applicant shall lodge with Council a **\$3,000.00** 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 arise within this time.
23. The applicant shall lodge with Council a **\$4,000.00** cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete footpath paving adjacent to the site. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
24. The applicant shall lodge with Council a **\$4,000.00** cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete kerb and guttering adjacent to the site. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.

25. The applicant shall lodge with Council a **\$6,000.00** cash bond to cover the registration of a Positive Covenant and Restriction as to User over 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.
26. The applicant shall lodge with Council a **\$1,500.00** cash bond or bank guarantee to cover the satisfactory construction and/or reconstruction of Council's gully pit/s and associated works along all areas of the site fronting Octavia Street. 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.

Road Works

27. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a **\$470.00** 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.

On-Site Stormwater detention

28. The development has been identified as requiring an On-Site Stormwater Detention (OSD) system which has formed part of the Development Consent. Therefore, in order to satisfy the drainage requirements for the building, any Construction Certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the Development Consent, OSD plan number 2014-104 and Council's On-Site Detention Policy shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

Flooding

29. The development site has been identified as a flood affected site in the 1%AEP storm event which was considered as part of the development consent. In this regard design and construction details shall be submitted to the certifying authority prior to the issue of a construction certificate and the following shall also be addressed: -
 - i. Design and construction of the proposed structures shall also include the proposed structures being able to withstand the forces of floodwater, debris and buoyancy up to and including the FPL (1% AEP flood plus 500 mm freeboard).
 - ii. Design and construction of the basement shall ensure that it is flood proofed up to and including 32.63 mAHD.
30. All proposed fencing within the flood affected area shall be in accordance with Council detail SD8025.

31. Demonstrate compliance with the PMF safe refuge requirement of DCP 2013 Part A section 8, particularly noting lower level ground floor units and cannot include mechanisms (e.g. lift) reliant upon the power supply.
32. 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.

Required Submissions to Certifying Authority

33. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.
34. 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.
35. 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.

Accessibility

31. Prior to the issue of a Construction Certificate, amended plans must be submitted to the Principal Certifying Authority, indicating that the new development (and any affected part of the existing building) has been upgraded to comply with the requirements of the Disability (Access to Premises – Building) Standards 2010.

BASIX Certificate

32. Amended architectural plans shall be submitted to the Principal Certifying Authority prior to issue of a Construction Certificate incorporating the following BASIX amendment:
 - a. The gas water system is not shown for each unit as required.

Amended Plans

33. The Construction Certificate application must include:
 - a. Dedicated storage cupboards are to be provided in each unit.
 - b. A garden maintenance and storage area shall be identified on site.
 - c. Amenities in the open space areas such as benches, play equipment, BBQ, pergolas etc are to be included.
 - d. A privacy screen up to 1.5m is to be provided to the east, west and north elevations of the roof top terrace area.

- e. The stepping stones located in the rear communal space area are to be replaced with a suitable surface treatment for residents and visitors with a disability.
34. The colours and finishes of the proposed driveway shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
35. The intercom is to be relocated 4m within the site in order to maintain pedestrian and motorist amenity along the Octavia Street frontage. Amended plans demonstrating the relocation of the intercom along with swept paths depicting vehicles accessing the site are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
36. The head height clearance above car space 26 does not comply with AS2890.1:2004. Amended plans demonstrating compliance with AS2890.1:2004 are to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
37. 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.

Sydney Water

38. The approved plans must be submitted to Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. (For Quick Check agent details please refer to the web site www.sydneywater.com.au, see Your Business then Building & Development then Building & Renovating or telephone 13 2092).

Fire Safety Upgrading & Essential Services

39. The applicant/owner is to give written notice to the Certifying Authority of the measures that are currently implemented in the building or premises to ensure the safety of persons in the building in the event of fire. The schedule of measures must be provided with the Construction Certificate application.

Acoustic Measures

40. Plans and/or specifications indicating how compliance with the recommendations of the Acoustic Report prepared by Acoustic Services Pty Ltd, Report No. 140506, dated 2 June 2014 for the design/construction of the proposed development for noise attenuation requirements for external walls, roof systems, windows and glass doors are to be achieved.

Car Wash Bay

41. 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 a Construction Certificate.

Design Verification Statement

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

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

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

Residential Flat Development Residential Waste Storage Area

43. The waste storage area shall be roofed, screened from public view and provided with:-
- 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.

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

Salinity

44. 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.

Construction Management Plan

45. A Construction Management Plan (CMP) prepared by a suitable 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.

PRIOR TO WORKS COMMENCING/DEMOLITION

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

Appointment of Principal Certifying Authority and Notification of Commencement of Work

46. 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

47. 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

48. 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

49. 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.

Tree Protection Conditions

50. 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.
51. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected prior to and throughout the demolition/construction process in accordance with the report from MacKay Tree Management dated 12 November 2014, for the Protection of Trees On and Adjacent To Demolition/Building sites, and relevant conditions of this Consent. All trees not authorised to be removed by this Consent must be retained. Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to the Principal Certifying Authority by a suitably qualified person or the Arborist (as appropriate) engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted. A copy of the Certificate is to be issued to Council within seven (7) days of the inspection and prior to

any works commencing. Additionally, trees identified for removal are to be retained until immediately prior to works commencing, to assist with soil management and erosion control.

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

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

Fencing of Sites

53. Fencing of sites is required to prevent public access when the site is unoccupied and building works are not in progress. In this regard the MINIMUM acceptable standard of fencing to the site is properly constructed chain wire fencing 1.8m high, clad internally with Hessian or Geotextile fabric. All openings are to be provided with gates, such gates are not at any time to swing out from the site or obstruct the footpath or roadway.

Signs to be erected on Sites

54. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephc number on which that person may be contacted **outside working hours and at any time for business purposes, and**
 - (c) stating that unauthorised entry to the work site is prohibited.

The sign must be rigid and durable and be read easily by anyone in any public road or other public place adjacent to the site.

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

This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Note: Principal Certifying Authorities and Principal Contractors must also ensure that signs required by this clause are erected and maintained (clause 227A of the Regulations currently imposes a maximum penalty of \$1,100).

Prohibited Signage

55. Advertising, Real Estate Agents, Architects, Designers, site suppliers and any other signage not mentioned in the conditions, is not to be placed or displayed on the site, such that the signage is visible from any public place. Offenders may be prosecuted.

Protection of Public Places

56. A hoarding or fence must be erected between the work site and any public place, if the work involved in the erection or demolition of the building; is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Site Control Measures

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

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

Footpaving, Kerbing and Guttering

58. Protection must be provided for Council footpaving, kerbing and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.
59. Finished street levels shall not be assumed. The owner or builder must make application to Council's Engineering Services Department for street levels.

Support for Neighbouring Buildings

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

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

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

Toilet Facilities

62. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
Each toilet provided:
 - a) Must be a standard flushing toilet, and
 - b) Must be connected:
 - i) To a public sewer,
 - ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - iii) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
 - iv) The position of the toilet on the site shall be determined by Council's Building Surveyor and/or Sydney Water.

Residential Building Work - Insurance

63. 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 Holroyd City Council) has given Holroyd City 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 Holroyd City Council) has given Holroyd City 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

64. 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 **\$155.00** fee 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.
65. 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.
66. 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

67. All works within the Council reserve shall be completed within three (3) weeks of the date of commencement. Council's Development Engineer shall be advised prior to the commencement of works.
68. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
69. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of \$10,000,000 is to be submitted prior to commencement of works. Holroyd City Council shall be named on the Certificate of Currency as an interested party.

DURING DEMOLITION/ CONSTRUCTION

The following conditions are applicable during demolition/ construction:-

Endorsed Plans & Specifications

70. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and approved Traffic Management Plan are to be retained on site at all times.

Hours of Work & Display of Council Supplied Sign

71. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited. **Note: Demolition work is not permitted on weekends or Public Holidays - refer to specific demolition condition for approved hours.**

The yellow "Hours of Building Work" sign (supplied by Council with the approval), is to be displayed in a prominent position at the front of the site for the duration of the work.

Site Control

72. All soil erosion measures required in accordance with the approved sediment and erosion control plan and any other relevant conditions of this Consent are to be put in place prior to commencement of construction works are to be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation. This includes the provision of turf laid on the nature strip adjacent to the kerb.
73. Builder's refuse disposal and storage facilities are to be provided on the development site for the duration of construction works and all rubbish shall be removed from the site upon completion of the project.
74. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

Asbestos Cement Sheeting

75. i) All asbestos cement sheeting must be removed by contractors with an appropriate licence issued by WorkCover and who are familiar with asbestos removal prior to the commencement of:-
- (a) Recladding or brick veneering of any building where the existing walls to be covered are currently clad with asbestos cement;

OR

- (b) Construction work where new work abuts existing asbestos cement sheeting and/or where parts of the existing building clad with asbestos cement sheeting are to be altered or demolished.

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

- ii) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the 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

- 76. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.
- 77. Within seven (7) days of completion of construction/building works, the applicant shall submit a signed statement to Council or the Principal Certifying Authority verifying that demolition work and recycling of materials was undertaken in compliance with the Waste Management Plan. The Principal Certifying Authority shall submit a copy of the statement to Council.

In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

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

- 78. Section 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

79. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has been supplied with a check survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels (FFL)s and setbacks to boundary/ies. **The slab shall not be poured, nor works continue, until the Principal Certifying Authority has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.**

In the event that Council is not the Principal Certifying Authority, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the Principal Certifying Authority has issued a Certificate stating that the Condition of approval has been complied with and that the slab has been poured at the approved levels.

Salinity

80. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has confirmed that all required construction measures addressing salinity, as required by this Consent and its accompanying Construction Certificate have been carried out.

Landscaping/Site Works

81. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
82. New 1.8m high lapped and capped timber paling or colorbond fences (colour to be sympathetic w 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 300mm lattice screen on top of the north, east and west rear boundary fence in the common open space area is required. A Statutory Declaration or other documentary evidence of such consultation is to be submitted to the Principal Certifying Authority.
83. The acoustic report prepared by Acoustic Services Pty Ltd (Report No: 140506) dated 2 June 2014 requires that a 2m high non acoustically transparent fence will be required to be constructed on the site's western boundary.
84. Fences are to taper from the front building line to be not more than 900mm high at the front boundary.

85. 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

86. 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 from MacKay Tree Management dated 12 November 2014, the attached Guidelines for the Protection of Trees On and Adjacent to Demolition/Building Sites and relevant conditions of this Consent.
87. A report is to be prepared and submitted to Council by the Arborist engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted that:
- i) Sets out maintenance work carried out on tree/s; and
 - ii) Assesses the health and condition of the tree/s required to be retained/transplanted and protected.

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

88. 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.
89. 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.

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

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

Inspection of On Site Detention Works

91. The stormwater drainage works are to be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's

specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of construction of the detention basin/tank.
- (b) Prior to landscaping of detention basin or pouring of the roof of the detention tank.
- (c) After completion of storage but prior to installation of fittings (e.g. orifice plates, screens, flap valves etc.)
- (d) Final Inspection

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

Road Works and Footpaving

- 92. 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".
- 93. 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

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

Underground Power Connection

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

Alarms

- 96. 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.
- 97. 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

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

99. An intercom device is to be located:
- i) on the driver's side wall near 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.
100. The entry point shall be provided with a suitable communication system to allow the roller door to be opened remotely by occupants of the building. Details of any control device for the roller gate (if proposed) shall be shown on the plans. The control device shall not reduce the width of the access driveway and shall not impact on the flow of traffic and road safety. In addition, the control point should be at the top of the ramp to ensure vehicles will not be required to reverse up the ramp if they cannot open the gate.
101. Wheel stops shall be installed at appropriate parking locations in accordance with Australian Standard 289.01-2004.

Vehicle Cleansing

102. 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

103. 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.

104. 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.

Driveways

105. All new driveways shall be located at least 1.5 metre away from the side boundaries with the area between the driveway and the boundary suitably landscaped.

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

106. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
107. A Section 73 Certificate (Sydney Water) must be submitted to the Principal Certifying Authority prior to occupation of the development.

(Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

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

108. An Accredited Certifier shall submit to the Principal Certifying Authority a signed checklist as per Appendix A of AS4299-1995 confirming that units 6, 12, 18 and 24 have achieved the desired level of adaptability (i.e. "Adaptable House Class A or B").
109. 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

110. 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.
111. 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.
112. 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.

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

Parking/Driveway

114. 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.
115. The entry / exit driveway shall be indicated with appropriate signage and linemarking to avoid conflict at the driveway.
116. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.

Fire Safety

117. 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.

On-site Stormwater Detention, Certification and Covenant

118. A copy of the as approved stormwater drainage and On Site Detention System and Overland Flowpath plan showing work as executed details shall be submitted to Council. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.

119. A certificate of compliance in accordance with Council's standards and specifications for stormwater drainage, On Site Detention System and Overland Flowpath shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.
120. 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.
121. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed On Site Detention System 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 system and Overland Flowpath 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.

122. 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.
123. An On-site Stormwater Detention plate shall be installed within the detention basin or tank. The plate shall be located in or near the Discharge Control Unit to alert future owners of their obligations to maintain the facility and its restrictions. The wording and plate shall be in accordance with Council's standard requirements.

Road Works

124. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
125. A full width **heavy duty** vehicular crossing shall be provided opposite the vehicular entrance to the site, with a 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.
126. The reconstruction of kerb and gutter and associated works along all areas of the site fronting Octavia Street, Toongabbie. 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.

127. 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.
128. A certificate of compliance for the construction of the vehicular crossing, footpath paving, kerb and guttering, road and drainage works shall be obtained from Council and be submitted to the Principal Certifying Authority.
129. The removal of the existing and the construction of 1.5m wide concrete footpath paving and associated works along all areas of the site fronting Veron 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.
130. The construction of a gully pit and associated works fronting Octavia Street, Toongabbie. 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

Lot Consolidation

131. Lots A & B, DP 416471 are to be consolidated into one lot on title and all works shall be completed in accordance with this Development Consent.

House/Street Number

132. 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, www.holroyd.nsw.gov.au.

The unit numbers are 1-24 / 5-7A Octavia Street, Toongabbie.

Noise Compliance Report

133. 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 in the Acoustic Report noted under Condition 40 of this consent have been implemented, and confirm that the noise emissions from the premises complies with Council's noise criteria specified in this consent.

Design Verification Statement

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

- (ii) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the Construction Certificate, having regard to the design quality principles set out in Part 2 SEPP 65.

General

- 135. 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 & Amenity

136. 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.

Mechanical Ventilation System – Car Park

137. 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.

Maintenance of Waste Storage Area – Residential

138. 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.

Alarms

139. 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 96 above, prevents the developer/builder from installing audible alarms).

Air Emissions

140. 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

141. 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).
142. 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.

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

Clean Water Discharge

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

Car Washing

145. 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.
146. 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.

Traffic and Parking

147. All vehicles shall enter and exit the site in a forward direction.
148. At least 29 car parking spaces shall be numbered and linemarked in accordance with Australian Standards 2890.1-2004 and 2890.6-2009 and the endorsed plans are to be made available at all times for residents and visitors' vehicles only in conjunction with the occupation of the building/premise

Waste

149. The residential garbage storage area shall be provided with a minimum of 8x 240 litre recycling bins and 3x 1100 litre general waste bins. Council can provide a waste collection service for both sizes of bins. Contact Council's Waste Services Section for further details on this service.
150. 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.
151. Garbage and recycling bins are to be presented to Octavia Street, Toongabbie for collection.
152. Each unit shall be provided with a waste cupboard or other suitable storage area to facilitate the holding of a bin containing a single days-domestic waste.

Essential Services

153. 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.

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 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) Holroyd City 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 Holroyd City Council.
- (f) There shall be no burning of any waste, as this is prohibited within the City of Holroyd.
- (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.

H. TREES

The trees indicated on the endorsed plans to be retained and protected are to be considered with any future development of the subject allotments. In this regard no works are to occur within the driplines of trees to be retained.

I. 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.

J. 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.

K. 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.

L. 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.

M. 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.

N. 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.

O. 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.

P. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

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

Q. 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.

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

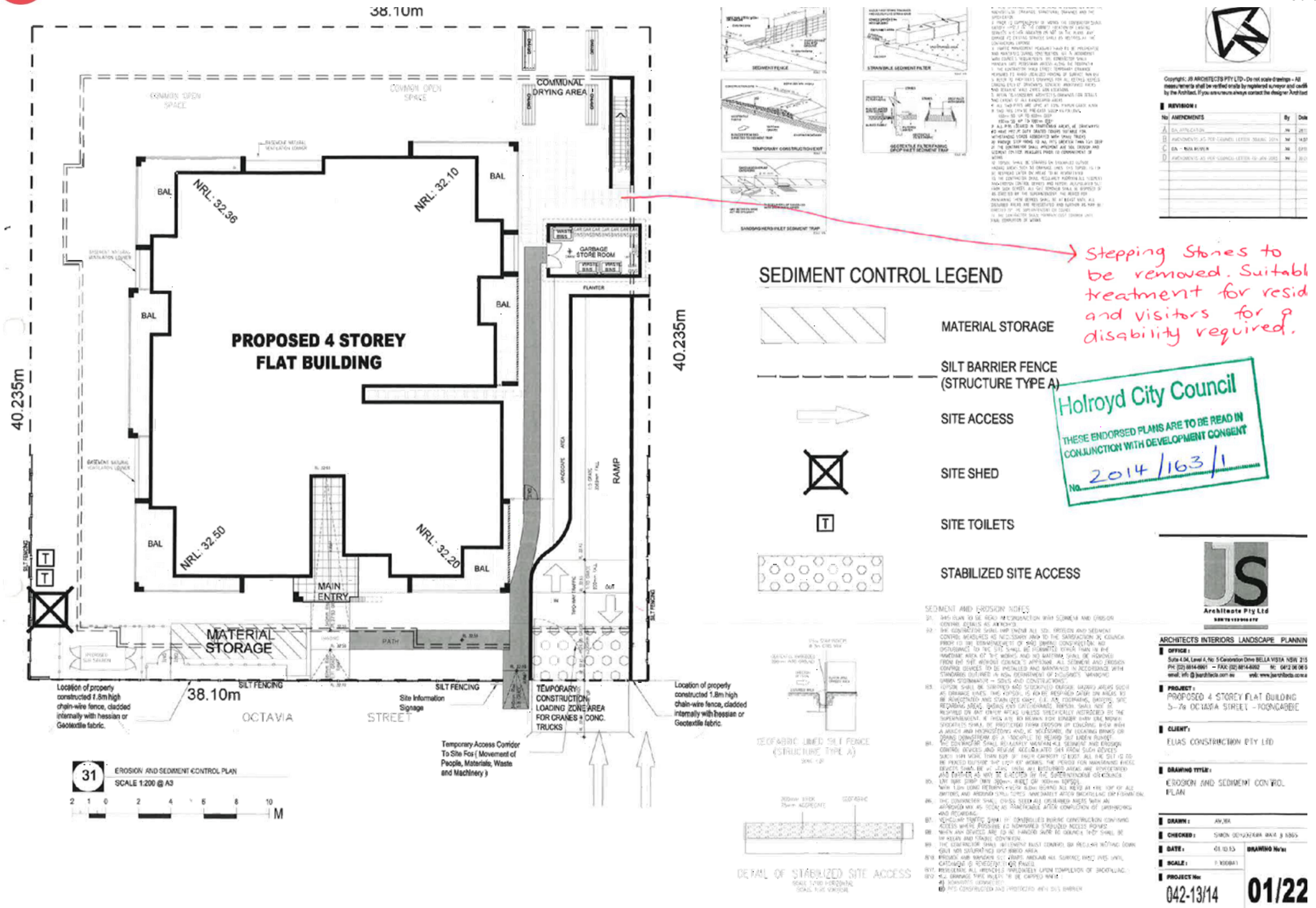
Merv Ismay
GENERAL MANAGER

noted
Per: 
MANAGER DEVELOPMENT

DOCUMENTS
ASSOCIATED WITH
REPORT LPP003/20

Attachment 7

Approved Architectural Floor
Plans-DA 2014/163/1



Stepping Stones to be removed. Suitable treatment for residual and visitors for a disability required.

Holroyd City Council
THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT
No. 2014/163/1

Architects Interiors Landscape Planning

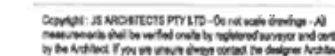
OFFICE:
Suite 4.04, Level 4, No. 5 Cavendish Drive BELLA VISTA NSW 2115
PH (02) 8814-8881 - FAX (02) 8814-8882 - NO. 0472 96 06 05
email: info@jarditects.com.au web: www.jarditects.com.au

PROJECT:
PROPOSED 4 STOREY FLAT BUILDING
5-7a OCTAVIA STREET - ROONABEE


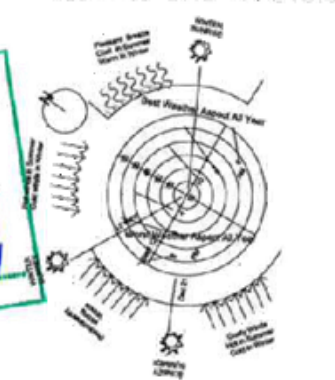
CLIENT:
ELIAS CONSTRUCTION PTY LTD

DRAWING TITLE:
EROSION AND SEDIMENT CONTROL PLAN


DRAWN: JW/BA
CHECKED: SIMON GONZALEZ/BAW & BBS
DATE: 01/10/13
SCALE: 1:100/BA1
PROJECT No: 042-13/14
01/22


[illegible]

CLIMATIC SITE ANALYSIS



LEGEND

 QUETING TREE TO REMAIN

 QUETING TREE TO BE REMOVED



ARCHITECTS INTERIORS LANDSCAPE PLANNING

OFFICE:
Suite 4.04, Level 4, No. 5 Celebration Drive BELLA VISTA NSW 2115
PH: (02) 8854-8951 FAX: (02) 8814-8992 M: 0412 06 06 06
email: info@jsearchitects.com.au web: www.jsearchitects.com

PROJECT:
PROPOSED 4 STOREY FLAT BUILDING
5-7a OCTAVIA STREET - TONGAREVA

CLIENT:
ELLS CONSTRUCTION INC. LTD.

DRAWING TITLE:

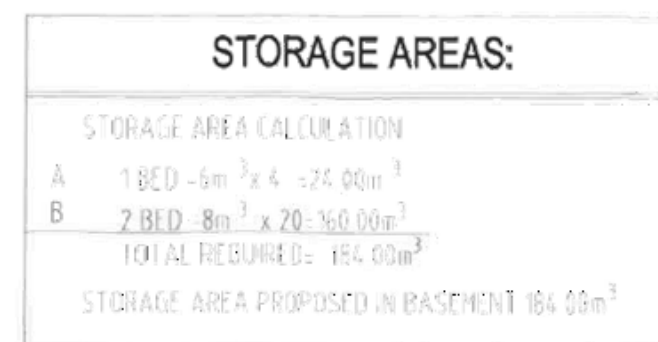
SITE PLAN

DRAWN: JMN

CHECKED: SMOK 00002464 VAA / 0065

DATE :	07.10.13	DRAWING No:11
SCALE :	3:100000	

042-13/14 02/22



Copyright : JS ARCHITECTS PTY LTD - Do not scale drawings - All measurements shall be verified onsite by registered surveyor and can be the finished. If you are unsure please contact the designer. Archi

REVISION:		
No	AMENDMENTS	By
A	DA APPLICATION	SV
B	AMENDMENTS AS PER BOARD LETTER DATED 2014	SV
C	DA - 20th DEC 14	SV
D	AMENDED AS PER BOARD EMAIL DATED 2017-14	SV
E	AMENDMENTS AS PER BOARD LETTER 08 JAN 2015	SV

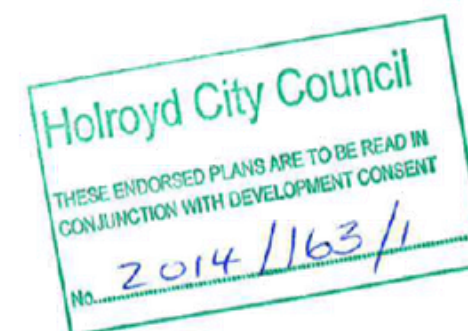
LEGEND

 218 CAVITY BRICKWORK

 250 BRICK WALL

 150 FIRE RATED COMMON WALL

 65 ST30



ARCHITECTS INTERIORS LANDSCAPE PLANNING

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PROJECT:
PROPOSED 4 STOREY FLAT BUILDING
5-70 OCEANIA STREET - TOONGABEE

CLIENT:
ELIAS CONSTRUCTION PTY LTD

DRAWING TITLE:
BASEMENT PLAN

DRAWN: JMS

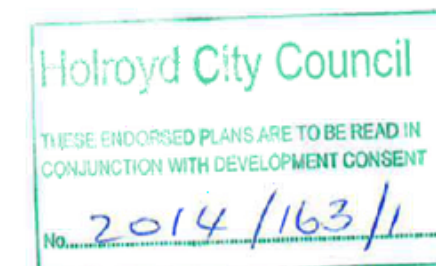
CHECKED: SIMON DCH032AWA NARA # 6965

DATE:	28.11.13	DRAWING No: 01
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SCALE: 1-50000

PROJECT No: 00100

042-13/14 03/22



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REVISION:

No.	AMENDMENTS	By	Date
A	SA APPLICATION	JS	28/01/14
B	AMENDMENTS AS PER COLUINE LETTER JOSEPH 20/01/14	JS	28/01/14
C	SA - SHIP HOUSE	JS	01/02/14
D	AMENDED AS PER COUNCIL EMAIL DATED 22/02/14	JS	05/02/14
E	AMENDMENTS AS PER COUNCIL LETTER 18 JAN 2014	JS	28/01/14

LEGEND

-  270 CAVITY BRICKWORK
-  250 BRICK WALL
-  150 FIRE RATED COMMON WALL
-  95 STUD

```

LEGEND BINS:

TYPE OF BINS:
C: CARBONATE BINS 3x10 0.0m
M: MISCED CLAY 8x10 0.0m-1515x700x1000m

TOTAL REQUIRED: 11 BINS
BINS PROVIDED: 10 CARBONATE STONE 1000m 11 BINS

```



ARCHITECTS INTERIORS LANDSCAPE PLANNING

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email: info@jurchiletsa.com.au web: www.jurchiletsa.com

PROJECT:
PROPOSED 4 STOREY FLAT BUILDING
5-7a OCTAVIA STREET - TOONGABEE

CLIENT:
EUAS CONSTRUCTION PTE LTD

DRAWING TITLE:
GROUND FLOOR PLAN

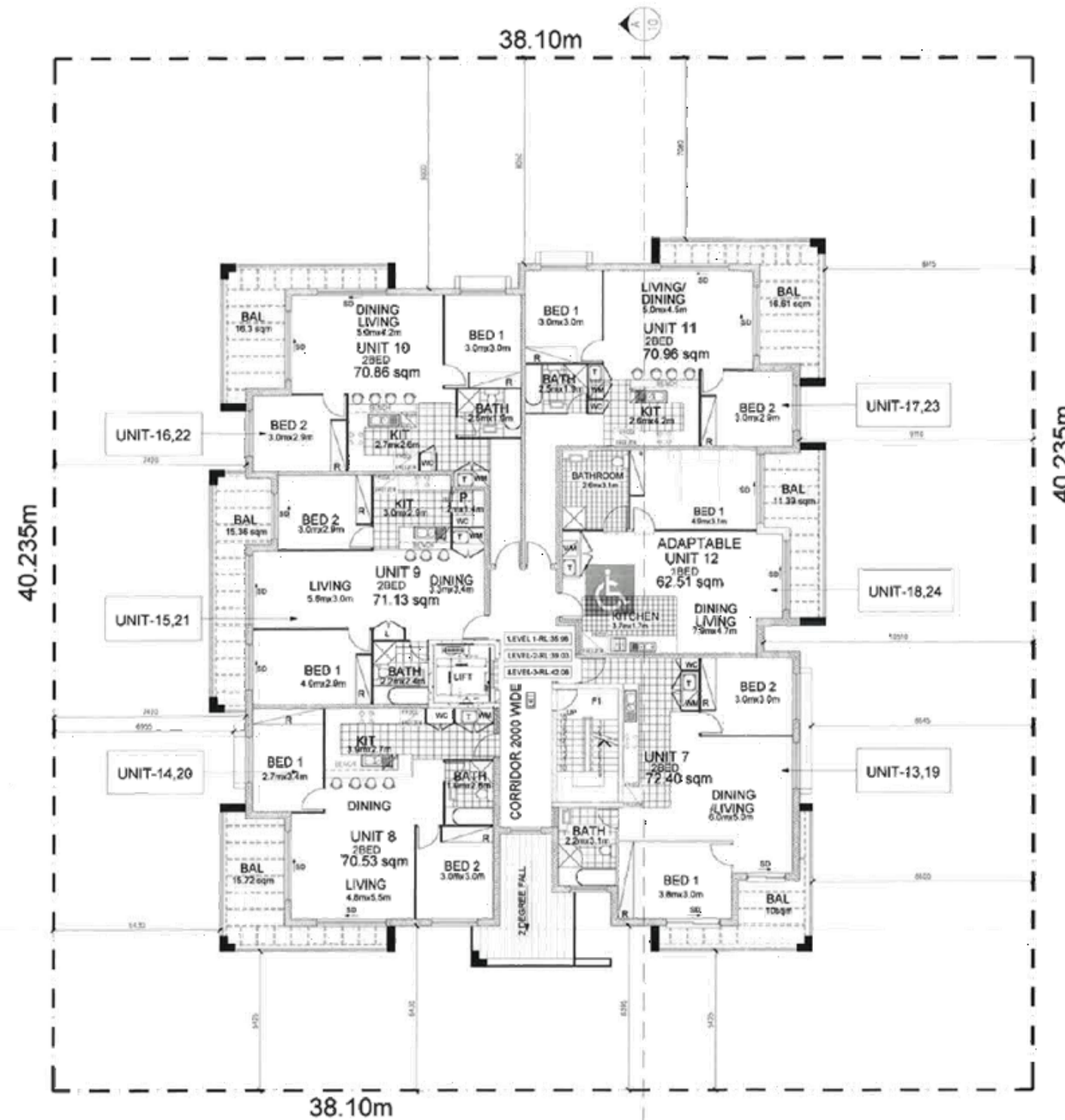
DRAWN :	ASPT	DRAWING No'n:
CHECKED :	SMON OD-ODZRAŁ, MAŁA & ERBS	
DATE :	28.12.13	
SCALE :	2:100000	

PROJECT No: 042-13/14 04/22



Copyright: JB ARCHITECTS PTY LTD - Do not scale drawings - All measurements shall be verified onsite by registered surveyor and certified by the Architect. If you are unsure always contact the designer/Architect

REVISIONS		
No	AMENDMENTS	By
A	DA APPLICATION	JB
B	AMENDMENTS AS PER COUNCIL LETTER 28/01/2014	JB
C	DA - REV FLOOR	JB
D	AMENDMENTS AS PER COUNCIL LETTER 19 JUN 2015	JB



LEGEND	
	270 CAVITY BRICKWORK
	200 BRICK WALL
	400 FIRE RATED COMMON WALL
	100 FLOOR



ARCHITECTS INTERIORS LANDSCAPE PLANNING
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email: info@jbarchitects.com.au web: www.jbarchitects.com.au

PROJECT:
PROPOSED 4 STOREY FLAT BUILDING
5-7a OCTAVIA STREET - TOONGABIE

CLIENT:
ELIAS CONSTRUCTION PTY LTD

DRAWING TITLE:
TYPICAL FLOOR PLAN (1-3)

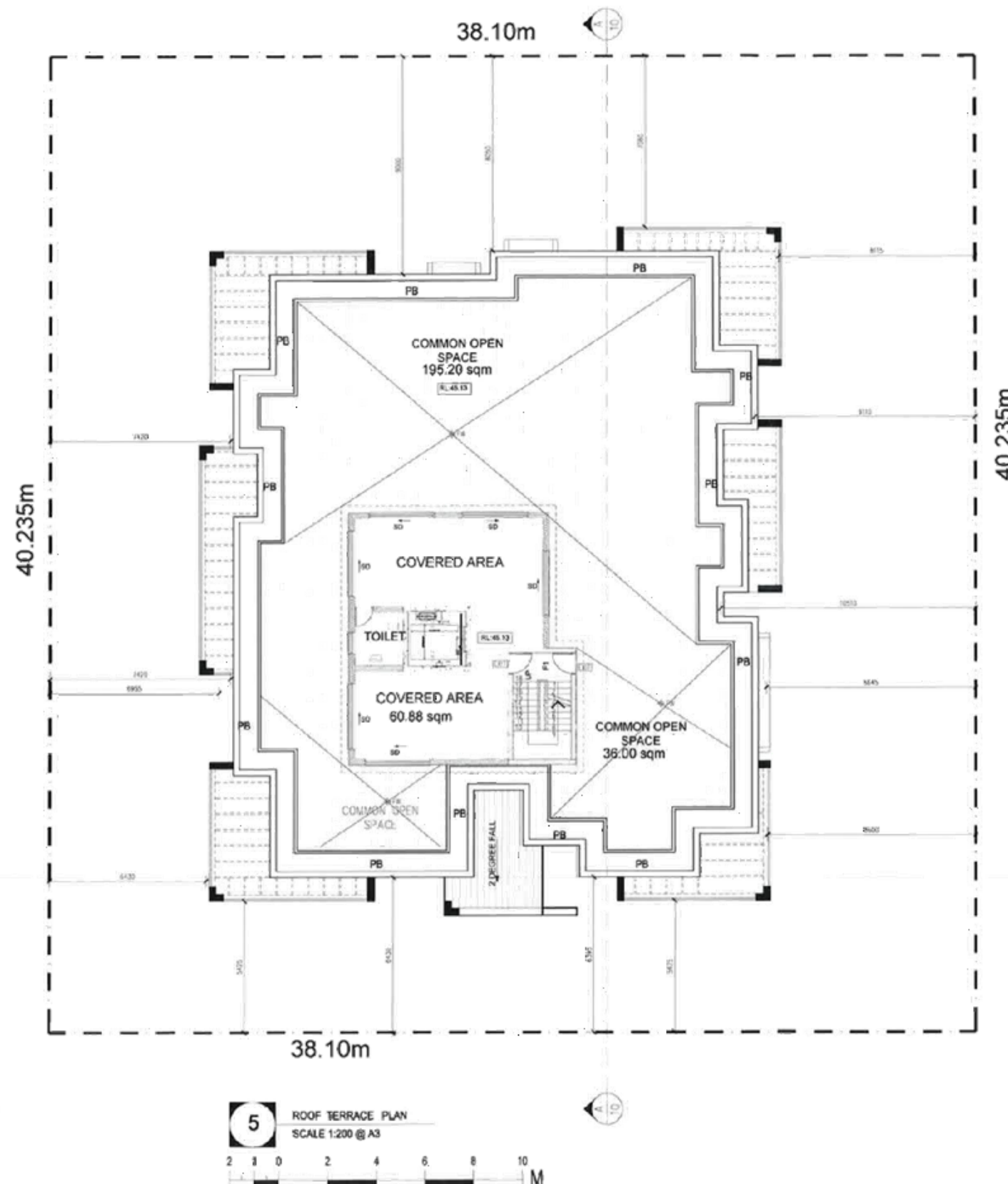
DRAWN:	AMIN
CHECKED:	SMYCHOWSKI/2493 VMA J 6865
DATE:	05/10/13
SCALE:	1:100 (B4)
PROJECT No:	042-13/14
DRAWING No:	05/22

Holroyd City Council
THESE ENDORSED PLANS ARE TO BE READ IN
CONJUNCTION WITH DEVELOPMENT CONSENT
No. 2014/163/1



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REVISION:		
No	AMENDMENTS	By Date
A	ISSUE APPROVED FOR CONSTRUCTION	MM 28/11
B	AMENDMENTS AS PER DOUNG LETTER 20/11/2014	MM 11/12
C	ISSUE APPROVED FOR CONSTRUCTION	MM 07/11
D	AMENDMENTS AS PER DOUNG LETTER 19 JAN 2015	MM 20/11



LEGEND	
	220 CAVITY BRICKWORK
	250 BRICK WALL
	150 FIRE RATED COMMON WALL
	85 STUCCO



ARCHITECTS INTERIORS LANDSCAPE PLANNING

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email: info@jsarchitects.com.au web: www.jsarchitects.com.au

PROJECT:
PROPOSED 4 STOREY FLAT BUILDING
5-70 OCTAWA STREET - TOONGABBIE

CLIENT:
GLAS CONSTRUCTION PTY LTD

DRAWING TITLE:
ROOF TERRACE PLAN

DRAWN: JMM
CHECKED: SHOM DOHLEZANA M.A. 4. 8 0855

DATE: 03/06/15 **DRAWING No:**

SCALE: 1/1000

PROJECT No: 042-13/14 **06/22**

Holroyd City Council
THESE ENDORSED PLANS ARE TO BE READ IN
CONJUNCTION WITH DEVELOPMENT CONSENT
No. 2014/163/1



7 NORTH ELEVATION
SCALE 1:200 @ A3

2 1 0 2 4 6 8 10 M



DOCUMENTS
ASSOCIATED WITH
REPORT LPP003/20

Attachment 8
Locality Map

Locality Map



5-7A Octavia Street, Toonagbbie. Source: Cumberland Council 2019

Item No: LPP004/20

MODIFICATION APPLICATION FOR 9-19 MARY STREET, AUBURN

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: MOD2019/5286

Application lodged	20 December 2019
Applicant	Rolz Group Pty Ltd
Owner	Group As Pty Ltd
Application No.	MOD2019/5286
Description of Land	9-19 Mary Street, AUBURN NSW 2144, Lot 100, DP 1259069
Proposed Development	Modification to an approved 12 storey mixed use building (DA-92/2019) at 9-19 Mary Street, Auburn to include a 5 bedroom penthouse apartment, relocate a rooftop common open space area by introducing a secondary communal open space on the podium, modify the existing communal open space and convert a 1 bedroom unit on the ground floor to a communal room.
Site Area	2,727.86m ²
Zoning	B4 – Mixed Use under the Auburn LEP 2010
Disclosure of political donations and gifts	Nil disclosure
Heritage	Yes – Land is located in the vicinity of a heritage item.
Principal Development Standards	FSR Permissible: 5:1 Proposed: 5.12:1 Height of Building Permissible: 38m Proposed: 42.8m (as previously approved)
Issues	Building height (LEP) Floor space ratio (FSR)
Independent Planning Assessment	Independent planning assessment undertaken by Glenn Apps of Cohesive Planning

SUMMARY:

1. Modification Application MOD2019/5286 was received on 20 December 2019 to add a penthouse apartment to an approved 12 storey mixed use development at 9-19 Mary Street, Auburn. The application also proposes the relocation of rooftop common open space to the podium level above the fifth storey and the conversion of a 1 bedroom apartment on the ground floor to an internal common room.
2. As a result of the modification, the development will provide 157 residential units (40 x 1 bedroom, 90 x 2 bedroom, 26 x 3 bedroom units and 1 x 5 bedroom penthouse. The development maintains the 5 x commercial suites and 1 x office suite over a part 4 and part 5 level basement for 288 vehicles.

3. Notification of the application did not result in the receipt of public submissions.
4. The proposed development involves a number of variations to relevant planning controls as follows:

Control	Required	Provided	% variation
Floor space ratio (LEP)	5:1	5.12:1	2.4%
Building height (LEP)	38m	42.8m	12.6%

5. The application is recommended for approval subject to the conditions as provided in the attached schedule.
6. The application is referred to the Panel as the modification is made under Section 4.55(2) of the Environmental Planning and Assessment Act, 1979 ("the Act"). Further, State Environmental Planning Policy No.65 - Design Quality of Residential Apartment Development applies to the development. The building is more than 4 storeys in height.

REPORT:

Subject Site and Surrounding Area

The subject site is known as Lot 100, DP1259069, No. 9-19 Mary Street Auburn. The subject site is located on the northwest corner of Mary Street and Harrow Road.

The location of the site is shown at Figure 1. An aerial image of the site and surrounding area is at Figure 2.

The site is situated within a mixed use zone within the Auburn town centre and is approximately 400m walking distance to Auburn railway station.

The site has a frontage to Mary Street of 74.63m to the south and a frontage to Harrow Road of 36.56m to the east. The site is generally rectangular in shape and has a total area of 2,727.86m².

The site is adjoined by a single dwelling and a townhouse building to the north. Land to the west is developed with single storey cottages. A place of worship and commercial buildings exist across Harrow Road to the east. Land across Mary Street to the south is comprised of professional consulting rooms.

Figure 3 – Street view of subject site showing current construction works



Description of the Proposed Development

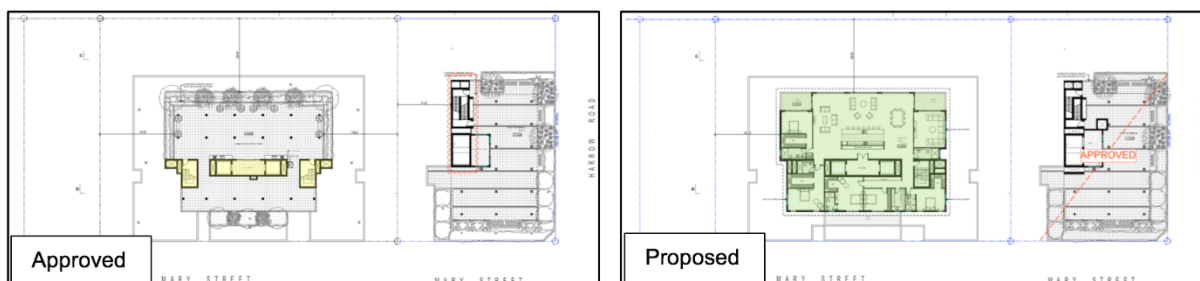
Council has received an application to modify an approved 12 storey mixed use building at 9-19 Mary Street, Auburn.

The approved development comprises 2 separate towers over a 5 storey podium and provides 5 commercial tenancies, 1 office and 157 residential apartments as follows:

1 bedroom	2 bedroom	3 bedroom	TOTAL
41	90	26	157

The proposed modification seeks to add a 5 bedroom penthouse apartment of 414.45m² which would replace the rooftop open space on the western tower.

Figure 4 – Comparison of approved rooftop open space and proposed penthouse (shaded green)



The modification will increase the total GFA of the development from 13,562.18m² and an FSR of 4.97:1 to 13,766.63m² and an FSR of 5.12:1.

The modification application also seeks to relocate the rooftop open space that has been replaced by the penthouse to the podium between the towers. This provides a rooftop open space which equitably shared and accessible between the 2 towers as shown in Figure 5.

Extensions to the private balcony areas of the adjoining apartments are also proposed.

The provision of open space at the podium level is considered an aesthetic improvement in that it offers some landscape softening to the podium as opposed to a bare parapet.

Figure 5 – Comparison of approved podium rooftop and proposed podium open space (shaded green)



Finally, the modification application proposes the conversion of a 1 bedroom apartment on the ground floor to an indoor common room. That common room also has access to the ground level common open space area linked by a balcony area as shown in Figure 6.

Figure 6 – Comparison of ground floor level showing new common room (shaded green)



History

DA-52/2017 was lodged with Council on 10 February 2017 for the demolition of existing dwelling houses and the construction of a 12 storey mixed use development comprising 105 residential units and 2 commercial tenancies over 4 levels of basement parking at 13-19 Mary Street, Auburn.

DA-52/2017 was granted deferred commencement consent on 21 December 2017.

The deferred commencement matters were completed and the consent became operative on 13 April 2018.

DA-92/2019 was lodged on 25 March 2019 for the construction of an additional 12 storey mixed use building component at 9-11 Mary Street, Auburn. That DA also proposed a number of alterations and additions to the 12 storey mixed use building which was approved by DA-52/2017 at 13-19 Mary Street, Auburn.

DA-92/2017 was granted consent on 3 September 2019.

The lots comprising the site have now been amalgamated and are now known as Lot 100, DP 1259069.

Modification application DA-52/2017/C was lodged on 3 October 2019 to modify DA-52/2017 to add a penthouse apartment on top of the western tower in place of the rooftop common open space.

An initial assessment identified a number of matters that required amended plans and additional information, particularly:

- Whether the breach in height should be supported for residential floor space when that floorspace removes amenity provided by the rooftop common open space;
- Whether the breach in FSR should be supported; and
- Whether the proposed modification resulted in equitable access to common open space between the 2 towers.

Those matters were communicated to the Applicant on 2 December 2019.

The Applicant met with Council and its consulting town planner on 5 December 2019 to discuss the above matters.

As a result of that meeting, it became apparent that in order to properly address the issues at hand, the modification should relate to DA-92/2019 which related to both 9-11 Mary Street and 13-19 Mary Street, as opposed to DA-52/2017 which only related to 13-19 Mary Street. Subsequently DA-52/2017/C was withdrawn.

Modification application MOD2019/5286 was lodged on 20 December 2019 to modify DA-92/2019 and respond to the matters raised above.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects and an accompanying justification to the FSR variation prepared by The Planning Hub dated 17 December 2019 and was received by Council on 20 December 2019 in support of the application.

Contact with Relevant Parties

The consulting planner carrying out the assessment has undertaken a site inspection of the subject site and surrounding properties. Council's officer with carriage of the DA has been in regular contact with the applicant throughout the assessment process.

Consideration of Section 4.55(2) of the EP&A Act

Section 4.55(2) of the EP&A Act enables a consent authority to, on application, modify the consent if the preconditions in paragraphs (a) – (d) are satisfied. The following assessment is provided to the tests outlined in those paragraphs.

- (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)

Comment: Guidance on this question is found in *Moto Projects (No. 2) Pty Limited v North Sydney Council* [1999] NSWLEC 280 where Bignold J noted that consideration of a proposed modification must involve both a qualitative and a quantitative assessment.

In qualitative terms, the overall character, building envelope and appearance of the development is not substantially affected by the modifications, other than providing the penthouse and the podium level open space.

The quantitative characteristics of the development are not substantially modified, being limited to a change in the unit composition and an increase in the GFA and FSR. Numerical compliance with the ADG and DCP provisions is unaltered by the proposed modifications.

It is therefore considered that the modified development is substantially the same as that for which consent was granted.

- (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

Comment: Not applicable

- (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

Comment: The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 21 October 2019 and 4 November 2019.

- (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: No submissions were received to the notification of the modifications.

The modification application satisfies the tests in Section 4.55(2) of the EP&A Act.

Planning Comments

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

State Environmental Planning Policies

The modification application is affected by the following State Environmental Planning Policies:

(a) State 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.

The modifications do not result in any variations to the provisions of the ADG beyond those that were given consideration in the assessment of the DA.

Relevantly, common open space remains compliant with 3D-1 of the ADG which calls for a common open space area equal to a minimum of 25% of the site area.

Common open space is provided as follows:

AREA	SIZE (m ²)	% OF SITE AREA
Ground floor open space	588.75	21.6
Podium	287.81	10.1
Rooftop (eastern tower)	423.81	15.5
TOTAL	1,303.37	47.8

The above figure does not include the ground floor common room which has an internal size of 50m² and a balcony of 22m². Excluding the ground floor common room and balcony, the total common open space provision equates to a total of 47.8% of the site area.

The penthouse is compliant with the minimum room sizes, ceiling heights and balcony requirements of the ADG.

A comprehensive assessment against SEPP 65 and the ADG is contained in Appendix A.

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

BASIX Certificate 1041440M dated issued on 24 September 2019 prepared by Gradwell Consulting has been submitted with Council and is considered to be satisfactory.

Local Environmental Plans

Auburn LEP 2010

The provision of the Auburn LEP 2010 is applicable to the development proposal.

The modified development involves exceedances to the prescribed maximum height of buildings in Clause 4.3 of the Auburn LEP 2010 and the prescribed maximum FSR under Clause 4.4 of the Auburn LEP 2010. Those matters are discussed below. Otherwise the modified development achieves compliance with the key statutory requirements of the Auburn LEP 2010 and the objectives of the B4 Mixed Use zone.

(a) Permissibility:-

The development is defined as “shop top housing” and is permissible in the B4 Mixed Use zone with consent. The modification does not change the nature of the development and as such the proposal in its modified form remains permissible.

The relevant matters to be considered under Auburn LEP 2010 and the applicable clauses for the proposed development are summarised below. A comprehensive LEP assessment is contained in Appendix B.

Figure 4 – Auburn 2010 Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.3 Height of Buildings Maximum 38m	No	The proposed development provides a maximum height of 42.8m. A justification has been provided with the application and is discussed in this report.
4.4 Floor Space Ratio Maximum 5:1	No	<p>The FSR proposed by the modification is 5.12:1 which is a 2.4% increase. A justification has been provided with the application and is discussed in this report.</p> <p>It is noted that the Applicant's calculations delete the common room from the GFS calculations. It is considered appropriate to</p>

		include that area as it contributes to the floor space notwithstanding its communal use.
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Concerns were raised with the Applicant that the penthouse apartment could not be supported on the following grounds:

- i. The approved height breach had merit in that it offered the benefit of rooftop common open space which gave additional amenity to the residents;
- ii. The additional GFA of the penthouse resulted in an exceedance of the maximum FSR; and
- iii. The penthouse results in the loss of the rooftop open space and the amenity it affords the residents (notwithstanding that the rooftop was not required to meet the minimum requirement under the ADG).

The exceedance in height and FSR could only be supported where:

- i. the Applicant demonstrated sufficient justification to do so; and
- ii. Alternative common open space was proposed to make up for the amenity lost by the deletion of the roof top area and afforded equitable access to all residents of the development.

The current scheme has responded to those matters by providing a common open space area on the roof of the 5th storey between the 2 residential towers. That open space area comprises a terrace of 287m² with landscaping, pergola and seating areas and is accessible via both towers.

The provision of communal open space has been improved by the introduction of the common room on the ground floor which is linked to the outdoor space via a balcony. The common room provides an indoor seating area, kitchen facilities and a WC which add to the amenity and usability of the ground floor outdoor open space.

The modification is also supported by written justification of the height and FSR exceedances, which are discussed below.

(b) Variation to the Building Height

The applicant has submitted a justification for varying the development standard for building height under Clause 4.3. Those justifications are listed below with comments thereon.

JUSTIFICATION	COMMENT
The proposed modification does not result in an increase in the height of the development as approved under the original DA.	<p>The exceedance of the height control was approved for rooftop structures and lift overruns in conjunction with the rooftop open space area.</p> <p>The components of the development that were approved in breach of the</p>

	height plane did not comprise habitable floor space.
The proposed modification will result in habitable floorspace within the height breach approved under the original DA. The proposed inclusion of the habitable floor space on the roof is deemed to be reasonable given the lack of impacts and the provision of additional communal open space elsewhere in the development.	It is agreed that the “conversion” of the roof top structures to habitable space does not result in any greater overshadowing or privacy impacts over what was approved under the original DA.
The proposed habitable floor space is wholly located within the approved roof line and the apartment has been designed to ensure the amenity of adjoining properties is maintained.	It is agreed that the penthouse apartment is wholly contained within the curtilage of the approved roof top structures and that the amenity of adjoining properties is not compromised by the addition of the penthouse apartment.
In addition, the applicable height control for this site is proposed to increase from 32m to 38m and as detailed by Council, the increase in height control is anticipated to occur in the first half of 2020.	It is confirmed that the maximum building height under the ALEP 2010 for this site is 38m. The maximum height to the top of the lift overrun structures is 42.8m, which is a variation of 4.8m or 12.6%.

The variation is not considered to offend the objectives of the B4 Mixed Use zone, as follows.

OBJECTIVE	PLANNER'S COMMENT
To provide a mixture of compatible land uses	The proposal is compatible with the emerging character of the Auburn town centre.
To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling	The proposed development is located within an accessible location and in proximity to the range of services available in the Auburn town centre.
To encourage high density residential development	The proposed development is for higher density residential development.
To encourage appropriate businesses that contribute to economic growth	The proposal maintains commercial floorspace.

To achieve an accessible, attractive and safe public domain	The development will help to activate the south western part of the Auburn town centre.
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The variation is considered to be consistent with the objectives of the development standard for building height, as follows.

OBJECTIVE	PLANNER'S COMMENT
To establish a maximum height of buildings to enable appropriate development density to be achieved	While the modified development involves an exceedance of the FSR, the 2 breaches are not related as the height exceedance is due to the built form response to the flood planning levels on the site.
To ensure that the height of buildings is compatible with the character of the locality	The height remains unchanged from that approved under DA-52/2017 and DA-92/2019.

Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as objectives of the height control are met notwithstanding the breach.

The proposal does not result in any adverse impact to adjoining properties. The exceedance in height has already been considered and approved, albeit for common open space purposes and not habitable floor space.

The common open space has been maintained elsewhere within the development to ensure a range of open space options are available and made accessible to all residents of the development.

(c) Variation to the Floor Space Ratio

The applicant has submitted a justification for varying the development standard for the FSR under Clause 4.4. While Clause 4.6 does not apply to a Section 4.55 modification, that justification follows the format of a Clause 4.6 request.

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

Objective	Applicant's justification	Planner's comment
To provide a mixture of compatible land uses	The proposed development provides a compatible land use that is consistent with the future character of the Auburn Town Centre. It proposes	Agreed. The proposal is compatible with the emerging character of the Auburn town centre.

	a high density mixed use development designed to contribute to the mix of compatible uses in an accessible location.	
To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling	The proposed development provides high density mixed-use development in an accessible location that maximises public transport patronage and encourages non-vehicular transport.	Agreed. The proposed development is located within an accessible location and in proximity to the range of services available in the Auburn town centre.
To encourage high density residential development	The proposed development provides a mixed use development that contains commercial tenancies and high density residential apartments that is consistent with the future character of the area	This is a higher order objective of the zone itself. The proposed development is not antipathetic to that objective.
To encourage appropriate businesses that contribute to economic growth	The proposed development will generate demand and opportunities for businesses to service the area and contribute to the economic growth of the area.	Agreed.
To achieve an accessible, attractive and safe public domain	The proposed development contributes to creating an accessible, attractive and safe public domain. The development will provide opportunities for passive surveillance and create a vibrant street through the activation created by the ground floor commercial tenancies which highlight the sites prominent corner location within the Auburn Town Centre.	Agreed. The development will help to activate the south western part of the Auburn town centre.

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

Objective	Applicant's justification	Planner's comment
To establish a maximum floor space ratio to enable appropriate development density to be achieved	The proposal consists of a high-density mixed-use development that meets the desired future character of the area and is consistent with recent approvals in the Auburn and Lidcombe Town Centres. The floor space ratio exceedance is due to the provision of a penthouse apartment on the roof of Building B located within the roof line approved under DA-92/2019. The proposed modification will not be readily apparent from the streetscape or adjoining properties.	The applicant has not provided examples where the FSR has been exceeded in the Auburn Town Centre. Notwithstanding, it is agreed that the additional GFA is generated by the penthouse apartment which is proposed within the space previously approved in the common open space area as roof top structures.
To ensure that development density reflects its locality	The proposed development as modified is consistent with the future desired character of the Auburn Town Centre and is reflective of the intent of the relevant planning controls. Despite the minor variation to the floor space ratio the development is reflective of the intensity of recent approvals in the area and will positively contribute to the Auburn Town Centre.	The applicant has provided examples where the FSR has been exceeded however none of those examples are within the Auburn Town Centre. Notwithstanding, it is agreed that the percentage of the variation is minor and reflects the intent of the planning controls to encourage higher densities.

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

Applicant's justification	Planner's comment
<p>The proposal maintains the future higher density-built form that is at a scale comparative to the site's location within the Auburn Town Centre. The 2.08% variation to the floor space ratio control for the proposed development is a result of providing a luxury penthouse apartment with a high level of amenity. This minor variation is considered reasonable in the context of the site and its ability to result in no adverse impacts on adjoining properties or the streetscape.</p> <p>The proposed development as modified will continue to achieve the objectives of the standard and the zone. It is therefore considered that the objectives of the development standard are met notwithstanding the breach of the floor space ratio control.</p>	<p>The variation rationale has met the first of the "Wehbe methods" to demonstrate that compliance with a development standard is unreasonable or unnecessary in the circumstances of the case by demonstrating that the objective of the controls are met notwithstanding the breach.</p>

- 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	Planner's comment
<p>The proposed development is consistent with the objectives of the zone and the objectives of the FSR control.</p>	<p>While agreed, this is one of the tests of Clause 4.6 rather than an environmental planning ground.</p>
<p>The proposal does not result in any adverse or increased impacts on adjoining properties or the streetscape from the development approved under DA-92/2019.</p>	<p>Agreed. A lack of additional impact is considered to be an environmental planning ground.</p>
<p>The height variation [sic] equates to a maximum 2.08% and does not result in any unnecessary bulk and is not visually prominent.</p>	<p>It is agreed that the FSR variation is not visually prominent and would not read as markedly different to the approved development.</p>
<p>It is considered the objectives of the LEP floor space ratio standard are achieved in this instance where the</p>	<p>It is agreed that the additional floorspace and FSR does not impact on the amenity of the residents of the</p>

proposal produces a high quality-built form that ensures a high level of amenity for residents.	development, noting the usability and amenity of the common open space areas has been maintained by relocating the rooftop space to the podium.
The proposed materials and finishes and landscaping strategy further reinforces how the development harmonizes with surrounding area.	The standard of landscaping and finishes can be achieved without exceeding the maximum FSR. This ground is not considered relevant.
Whilst the development exceeds the floor space ratio applicable to the site, it is considered the proposed design does not unreasonably detract from the amenity of adjacent residents or the existing quality of the environment as demonstrated in the Architectural Plans	It is accepted that there is a lack of impact resulting from the increased FSR.
Despite the non-compliance with the FSR control, the proposed modification is deemed reasonable given the bulk of the development remains largely unchanged as the apartment will be located within the approved roof line. The development as modified also provides a consolidated building that provides additional communal open space for residents and increased residential amenity.	<p>It is agreed that the overall silhouette of the building remains the same notwithstanding that the approved rooftop structures will be “filled in” by the penthouse apartment and as such, the bulk remains unchanged.</p> <p>Although the modified proposal has reduced the overall amount of common open space from that as approved, it remains almost double the minimum required common open space required under the ADG and maintains a high level of amenity to those common open space areas.</p>

The environmental planning grounds are considered to be sufficient to justify the breach, noting the minor nature of the breach.

Conclusion:

It is the author’s opinion that the applicant’s written requests adequately justify the numerical exceedance in height and FSR.

The modified development remains 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 author’s view that the justification provided is satisfactory and having considered the application on its merit, the exceptions to the maximum building height and FSR development standards are considered acceptable in this instance.

The provisions of any proposed instrument that is or has been the subject (EP&A Act s4.15 (1)(a)(ii))**(a) Draft State Environmental Planning Policy (Environment)**

The modified development does not raise issues relating to the draft SEPP(Environment).

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

The Auburn DCP 2010 provides guidance for the design and operation of development to achieve the aims and objectives of the Auburn LEP 2010

A comprehensive assessment and compliance table is contained in Appendix C.

The proposed modifications have been assessed against the Residential Flat Buildings provisions and the Local Centres provisions of the Auburn DCP.

The proposed modified development complies with the provisions of those parts of the Auburn DCP 2010 and is considered acceptable from an environmental planning point of view.

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

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

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

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

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

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

Submissions made in accordance with the Act or Regulation (EP&A Act s4.15 (1)(d))Advertised (newspaper) ☐Mail ☒Sign ☒Not Required ☐

In accordance with Council's Notification requirements contained within the Auburn DCP 2010, the modification application as lodged under the previous modification (DA52/2017/C) was publicly notified for a period of 14 days between 21 October 2019 and 4 November 2019.

No submissions were received as a result of that notification.

The subject application (MOD2019/5286) was not separately notified.

Paragraph 3.6.6 of the ADCP 2010 – Introduction deals with circumstances where notification of an application may be dispensed with and states:

3.6.6 Circumstances where notification of an application may be dispensed with

- a. If a development application is amended, substituted, or withdrawn and resubmitted;
- b. Council has notified/advertised the original application in accordance with this section;
- c. Council is of the opinion that the amended, substituted, or resubmitted application differs only in minor respects from the original application, and does not result in a greater environmental impact or reduced levels of amenity to adjoining or nearby residents; and
- d. Council may decide to dispense with further notification/advertising in relation to the amended, substituted or resubmitted application at the discretion of the council for the management of assessment of the application.

MOD2019/5286 is a resubmission of DA-52/2017/C. DA-52/2017/C was withdrawn to enable minor amendments to improve amenity and functionality of open space within the development. These circumstances satisfy the provisions of paragraph 3.6.6 of the ADCP above.

As DA-52/2017/C was notified and no submissions were received, that notification is considered satisfactory as a notification of MOD2019/5286.

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 modified development requires an adjustment in the contributions in accordance with Council's Section 94 Contributions Plans.

The total amount levied under DA-52/2017 for the western tower was \$299,855.39.

The modified development requires contributions to be paid as follows:

Drainage:	
Community Facilities:	\$85,969.29
Public Domain:	\$190,094.25
Accessibility and Traffic:	\$52,306.41
Administration:	\$20,107.13
TOTAL:	\$349,477.08

This figure is subject to indexation as per the relevant plan.

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, SEPP 65 – Design Quality of Residential Apartment Development, Auburn LEP 2010 and Auburn DCP 2010 and is considered to be satisfactory for approval subject to conditions.

The modified development seeks variations in relation to the maximum height of buildings and the maximum floor space ratio under the Auburn LEP 2010.

Having regard to the assessment of the proposal from a merit perspective, the Panel may be satisfied that the modified development has been responsibly designed and provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. The development, irrespective of the departures noted above, is consistent with the intentions of Council's planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.








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

REPORT RECOMMENDATION:

That Modification Application No. MOD2019/5286 for alterations and additions to an approved 12 storey mixed use building (DA-92/2019) at 9-19 Mary Street, Auburn to include a 5 bedroom penthouse apartment, relocate a rooftop common open space area by introducing a secondary communal open space on the podium, modify the existing communal open space and convert a 1

bedroom unit on the ground floor to a communal room at 9-11 Mary Street, AUBURN NSW 2144 be approved subject to attached conditions.

ATTACHMENTS

1. Draft Notice of Determination [↓](#) 
2. Modified Architectural Plans [↓](#) 
3. Landscape Plan [↓](#) 
4. Appendix A - State Environmental Planning Policy No.65 [↓](#) 
5. Appendix B - Auburn Local Environmental Plan [↓](#) 
6. Appendix C - Auburn Development Control Plan [↓](#) 
7. Appendix D - ADCP 2010 - Residential Flat Buildings [↓](#) 

DOCUMENTS
ASSOCIATED WITH
REPORT LPP004/20

Attachment 1
Draft Notice of Determination

PROPERTY: Lot 26 Sec 4 DP 982836, Lot 25 Sec 4 DP 982836, Lot 1319 DP 1241830, 9-19 Mary Street, AUBURN NSW 2144

APPLICATION NO. MOD2019/5286

PROPOSED DEVELOPMENT: Alterations and additions to approved 12 storey mixed use building (DA-52/2017) at 13-19 Mary Street, Auburn including the construction of an additional 12 storey mixed use building component at 9-11 Mary Street, Auburn which will accommodate a total of 157 residential units (**40 x 1 bedroom, 90 x 2 bedroom, 26 x 3 bedroom units and 1 x 4 bedroom penthouse**), 5 x commercial suites, 1 x office suite over part 4 part 5 level basement for 285 vehicles

Amend Condition 1 to read as follows:

<i>Plan Number</i>	<i>Prepared By</i>	<i>Revision No.</i>	<i>Dated</i>
8599 01 Development Summary	Zhinar Architects	B	11/12/2019
8599 02 Site Analysis 01	Zhinar Architects	B	11/12/2019
8599 03 Site Analysis 02	Zhinar Architects	B	11/12/2019
8599 04 Street Frontage	Zhinar Architects	B	11/12/2019
8599 05 Basement 5 Plan	Zhinar Architects	B	11/12/2019
8599 06 Basement 4 Plan	Zhinar Architects	B	11/12/2019
8599 07 Basement 3 Plan	Zhinar Architects	B	11/12/2019
8599 08 Basement 2 Plan	Zhinar Architects	B	11/12/2019
8599 09 Basement 1 Plan	Zhinar Architects	B	11/12/2019
8599 10 Site and Ground Floor Plan	Zhinar Architects	B	11/12/2019
8599 11 Level 1 Plan - Podium	Zhinar Architects	B	11/12/2019
8599 12 Level 2-4 Plans (Typical)	Zhinar Architects	B	11/12/2019
8599 13 Level 5 Plan	Zhinar Architects	B	11/12/2019

8599 14 Level 6-10 Plan (Typical)	Zhinar Architects	B	11/12/2019
8599 15 Level 11 Plan	Zhinar Architects	B	11/12/2019
8599 16 Level 12 Plan	Zhinar Architects	B	11/12/2019
8599 17 Top Roof Plans	Zhinar Architects	B	11/12/2019
8599 18 South Elevation – Mary Street frontage	Zhinar Architects	B	11/12/2019
8599 19 North Elevation	Zhinar Architects	B	11/12/2019
8599 20 East Elevation	Zhinar Architects	B	11/12/2019
8599 21 Internal East Elevation	Zhinar Architects	B	11/12/2019
8599 22 West Elevation	Zhinar Architects	B	11/12/2019
8599 23 Internal West Elevation	Zhinar Architects	B	11/12/2019
8599 24 Section A	Zhinar Architects	B	11/12/2019
8599 25 Section B	Zhinar Architects	B	11/12/2019
8599 26 Section C	Zhinar Architects	B	11/12/2019
8599 27 Section D	Zhinar Architects	B	11/12/2019
8599 28 Section E	Zhinar Architects	B	11/12/2019
8599 29 Shadow Diagram 01 (Winter Solstice)	Zhinar Architects	B	11/12/2019
8599 30 Shadow Diagram 02 (Summer Solstice)	Zhinar Architects	B	11/12/2019
8599 31 Solar and Cross Ventilation Diagrams	Zhinar Architects	B	11/12/2019
180154-SW D1 Details Notes and Legend	Quantum Engineers	D	09/05/19
180154-SW D2 Basement Level 5 Plan	Quantum Engineers	D	09/05/19
180154-SW D3 Basement Level 4 Plan	Quantum Engineers	D	09/05/19
180154-SW D4 Basement Level 3 Plan	Quantum Engineers	D	09/05/19
180154-SW D5 Basement Level 2 Plan	Quantum Engineers	D	09/05/19

180154-SW D6 Basement Level 1 Plan	Quantum Engineers	D	09/05/19
180154-SW D7 Site/Ground Floor Plan	Quantum Engineers	D	09/05/19
180154-SW D8 Level 1 Floor Plan	Quantum Engineers	D	09/05/19
180154-SW D9 Roof Plan	Quantum Engineers	D	09/05/19
180154-SW D10 OSD Details and Calculations and Longitudinal Sections	Quantum Engineers	D	09/05/19
180154-SW D11 Sediment Control Plan	Quantum Engineers	D	09/05/19
180154-SW D12 Stormwater and Sediment Control Details	Quantum Engineers	D	09/05/19
180154-SW D13 Drainage Easement Long sections	Quantum Engineers	D	09/05/19
19/2047 Sheet 1 - Masterplan	Paul Scrivener Landscape	C	11/12/2019
19/2047 Sheet 2 - Landscape Plan – western zone	Paul Scrivener Landscape	C	11/12/2019
19/2047 Sheet 3 - Planting Plan – western zone	Paul Scrivener Landscape	C	11/12/2019
19/2047 Sheet 4 – Level 5 Podium Plan	Paul Scrivener Landscape	C	11/12/2019
19/2047 Sheet 5 - Landscape Planting Plan – eastern zone	Paul Scrivener Landscape	C	11/12/2019
19/2047 Sheet 6 - Sections – eastern zone	Paul Scrivener Landscape	C	11/12/2019
19/2047 Sheet 7 – Eastern Zone Rooftop Plan – Landscape calculations – western and eastern zones	Paul Scrivener Landscape	C	11/12/2019
BASIX Certificate Number 1041440M	Gradwell Consulting		24/09/19
Qualitative Wind Assessment	SLR Consulting Australia		01/04/19
Flood Report	Quantum Engineers	B	29/03/19
Overland Flow Study	Quantum Engineers		14/06/19
Preliminary Site Investigation	EIAustralia		03/04/19
Traffic and Parking Assessment Report	Varga Traffic Planning		15/03/19
Statement of Environment Effects	The Planning Hub	V1	17/12/19

Statement of Heritage Impact	Mike Macaulay Architects	January 2017
------------------------------	--------------------------	--------------

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

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

[Condition 1 amended by modification application MOD2019/5286]

Condition 1(a) inserted to read as follows:

Unit B11 shall be changed into a communal room and shall be used for communal purposes only.

Reason:- To improve amenity for future occupants.

[Condition 1(a) added by modification application MOD2019/5286]

Amend Condition 2 to read as follows:

Plan Number	Prepared By	Revision No.	Dated
8599 05 Basement 5 Plan	Zhinar Architects	B	11/12/2019
8599 06 Basement 4 Plan	Zhinar Architects	B	11/12/2019
8599 07 Basement 3 Plan	Zhinar Architects	B	11/12/2019
8599 08 Basement 2 Plan	Zhinar Architects	B	11/12/2019
8599 09 Basement 1 Plan	Zhinar Architects	B	11/12/2019
8599 10 Site and Ground Floor Plan	Zhinar Architects	B	11/12/2019
8599 11 Level 1 Plan - Podium	Zhinar Architects	B	11/12/2019
8599 12 Level 2-4 Plans (Typical)	Zhinar Architects	B	11/12/2019
8599 13 Level 5 Plan	Zhinar Architects	B	11/12/2019
8599 14 Level 6-10 Plan (Typical)	Zhinar Architects	B	11/12/2019
8599 15 Level 11 Plan	Zhinar Architects	B	11/12/2019
8599 16 Level 12 Plan	Zhinar Architects	B	11/12/2019
8599 17 Top Roof Plans	Zhinar Architects	B	11/12/2019
8599 18 South Elevation – Mary Street frontage	Zhinar Architects	B	11/12/2019
8599 19 North Elevation	Zhinar Architects	B	11/12/2019
8599 20 East Elevation	Zhinar Architects	B	11/12/2019
8599 21 Internal East Elevation	Zhinar Architects	B	11/12/2019
8599 22 West Elevation	Zhinar Architects	B	11/12/2019
8599 23 Internal West Elevation	Zhinar Architects	B	11/12/2019

8599 24 Section A	Zhinar Architects	B	11/12/2019
8599 25 Section B	Zhinar Architects	B	11/12/2019
8599 26 Section C	Zhinar Architects	B	11/12/2019
8599 27 Section D	Zhinar Architects	B	11/12/2019
8599 28 Section E	Zhinar Architects	B	11/12/2019
19/2047 Sheet 1 - Masterplan	Paul Scrivener Landscape	C	11/12/2019
19/2047 Sheet 2 - Landscape Plan – western zone	Paul Scrivener Landscape	C	11/12/2019
19/2047 Sheet 3 - Planting Plan – western zone	Paul Scrivener Landscape	C	11/12/2019
19/2047 Sheet 4 – Level 5 Podium Plan	Paul Scrivener Landscape	C	11/12/2019
19/2047 Sheet 7 – Eastern Zone Rooftop Plan – Landscape calculations – western and eastern zones	Paul Scrivener Landscape	C	11/12/2019
180154-SW D1 Details Notes and Legend	Quantum Engineers	D	09/05/19
180154-SW D2 Basement Level 5 Plan	Quantum Engineers	D	09/05/19
180154-SW D3 Basement Level 4 Plan	Quantum Engineers	D	09/05/19
180154-SW D4 Basement Level 3 Plan	Quantum Engineers	D	09/05/19
180154-SW D5 Basement Level 2 Plan	Quantum Engineers	D	09/05/19
180154-SW D6 Basement Level 1 Plan	Quantum Engineers	D	09/05/19
180154-SW D7 Site/Ground Floor Plan	Quantum Engineers	D	09/05/19
180154-SW D8 Level 1 Floor Plan	Quantum Engineers	D	09/05/19
180154-SW D9 Roof Plan	Quantum Engineers	D	09/05/19
180154-SW D10 OSD Details and Calculations and Longitudinal Sections	Quantum Engineers	D	09/05/19
180154-SW D11 Sediment Control Plan	Quantum Engineers	D	09/05/19
180154-SW D12 Stormwater and Sediment Control Details	Quantum Engineers	D	09/05/19
180154-SW D13 Drainage Easement Long sections	Quantum Engineers	D	09/05/19
DA Acoustic Assessment	Acoustic Logic	1	21/06/2017

BASIX Certificate Number 1041440M	Gradwell Consulting		24/09/19
Further Site Investigation	STS GeoEnvironmental P/L	-	October 2017

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

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

[Condition 2 amended by modification application MOD2019/5286]

Further amend condition 2 to read as follows

- Condition 80 is amended to read as follows (as per Condition No. 67 of this consent):

80. Car parking to Comply with Approved Details

The area set aside for the parking of vehicles, and so delineated on the plan prepared by Zhinar Architects and endorsed plan Drawing Nos 06 through 09 and 11, Revision B, dated 08/09/2017, unless amended in yellow which shall comply with plans prepared by Zhinar Architects and endorsed plan **Drawing No 8599 05 (Rev B, dated 11/12/19), through Drawing No 8599 10 (Rev B, dated 11/12/19) inclusive**, shall not be used for any other purpose.

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

The modification of Development Consent No. 52/2017 must be given effect in the manner prescribed by s.4.17(5) of the Act and clause 97(1) and (2) of the *Environmental Planning and Assessment Regulation*.

Reason:- To ensure consistency between DA52/2017 and DA 92/2019 for the development over Lot 26 Sec 4 DP 982836, Lot 25 Sec 4 DP 982836, Lot 1319 DP 1241830, 9-19 Mary Street, Auburn.

[Condition 2 amended by modification application MOD2019/5286]

Amend Condition 5 to read as follows:

Auburn DCP 2007 - LGA Wide

A sum of **\$349,477.08** is to be paid to Council for the purpose of LGA Wide plans being the provision of open space and recreation facilities, community facilities,

accessibility and traffic works, town centre upgrades, car parking and Council's administration of the development contributions framework.

The above sum is broken down to the following items:

Item	Amount
Community Facilities	\$85,969.29
Public Domain	\$190,094.25
Accessibility and Traffic	\$53,306.41
Administration	\$20,107.13
TOTAL	\$349,477.08

Council's Development Contribution Plan 2007 is available for inspection at Council's Customer Services Centre, Civic Place, 1 Susan Street, Auburn or on line at www.auburn.nsw.gov.au.

Reason: to ensure that the development complies with the Auburn DCP 2007: Section 94 Development Contributions.

[Condition 5 amended by modification application MOD2019/5286]

Amend Condition 67 to read as follows:

Car parking to Comply with Approved Details

The area set aside for the parking of vehicles, and so delineated on the plan prepared by Zhinar Architects and endorsed plan **Drawing No 8599 05 (issue B dated 11/12/19) through Drawing No 8599 10 (issue B dated 11/12/19)**, shall not be used for any other purpose.

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

[Condition 67 amended by modification application DA- MOD2019/5286]

DOCUMENTS
ASSOCIATED WITH
REPORT LPP004/20

Attachment 2
Modified Architectural Plans



1 Zone Map
Source: Auburn LEP 2010



2 HOB Map
Source: Auburn LEP 2010

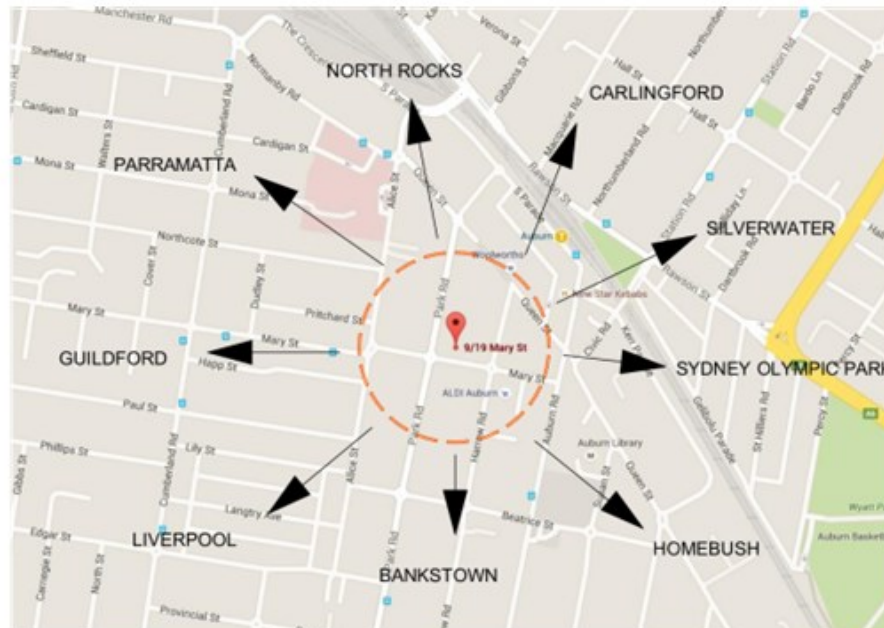


3 FSR Map
Source: Auburn LEP 2010



4 Flood Map
Source: Auburn LEP 2010

- Mixed Use
- Max Night 18m
- FSR 1:1
- Flood Planning Area



5 Location Map
Source: Google Maps



6 Aerial Map
Source: Google Maps

- Heritage Item
- Public Open Space
- Commercial / Retail
- Railway Line / Auburn Station

DATE	ISSUED FOR	DATE	ISSUED FOR	DATE	ISSUED FOR
01/01/2010	FOR THE FIRST TIME	01/01/2010	FOR THE FIRST TIME	01/01/2010	FOR THE FIRST TIME
01/01/2010	FOR THE FIRST TIME	01/01/2010	FOR THE FIRST TIME	01/01/2010	FOR THE FIRST TIME

GENERAL NOTES

1. The site is located within the Auburn Local Government Area (LGA) planning zone.

2. The site is located within the Auburn Local Government Area (LGA) planning zone.

3. The site is located within the Auburn Local Government Area (LGA) planning zone.

4. The site is located within the Auburn Local Government Area (LGA) planning zone.

5. The site is located within the Auburn Local Government Area (LGA) planning zone.

6. The site is located within the Auburn Local Government Area (LGA) planning zone.

7. The site is located within the Auburn Local Government Area (LGA) planning zone.

8. The site is located within the Auburn Local Government Area (LGA) planning zone.

9. The site is located within the Auburn Local Government Area (LGA) planning zone.

10. The site is located within the Auburn Local Government Area (LGA) planning zone.

Zhiyao Architects Pty Ltd

Site 1 (Level 1)

2. Auburn Street

3. Auburn Street

4. Auburn Street

5. Auburn Street

6. Auburn Street

7. Auburn Street

8. Auburn Street

9. Auburn Street

10. Auburn Street

S4.55(2) Modification Application

MIXED USE DEVELOPMENT

9 - 19 Mary Street
Auburn NSW 2144

1. Auburn Street

2. Auburn Street

3. Auburn Street

4. Auburn Street

5. Auburn Street

6. Auburn Street

7. Auburn Street

8. Auburn Street

9. Auburn Street

10. Auburn Street

11. Auburn Street

12. Auburn Street

13. Auburn Street

14. Auburn Street

15. Auburn Street

16. Auburn Street

17. Auburn Street

18. Auburn Street

19. Auburn Street

20. Auburn Street



7 Aerial Map
Source: Google Maps

PROXIMITY TO LOCAL AMENITIES

To transport node

- Auburn train station is 500m from the site
- Bus stops are along Mary St, Harrow St and Park Rd.

To educational facilities

- Trinity College is 100m from the site
- Auburn Public School is 400m from site

To town centre

- Auburn town centre is 260m from the site

To public open space

- Auburn Memorial Park is 550m from the site
- Mona Park is 935m from site

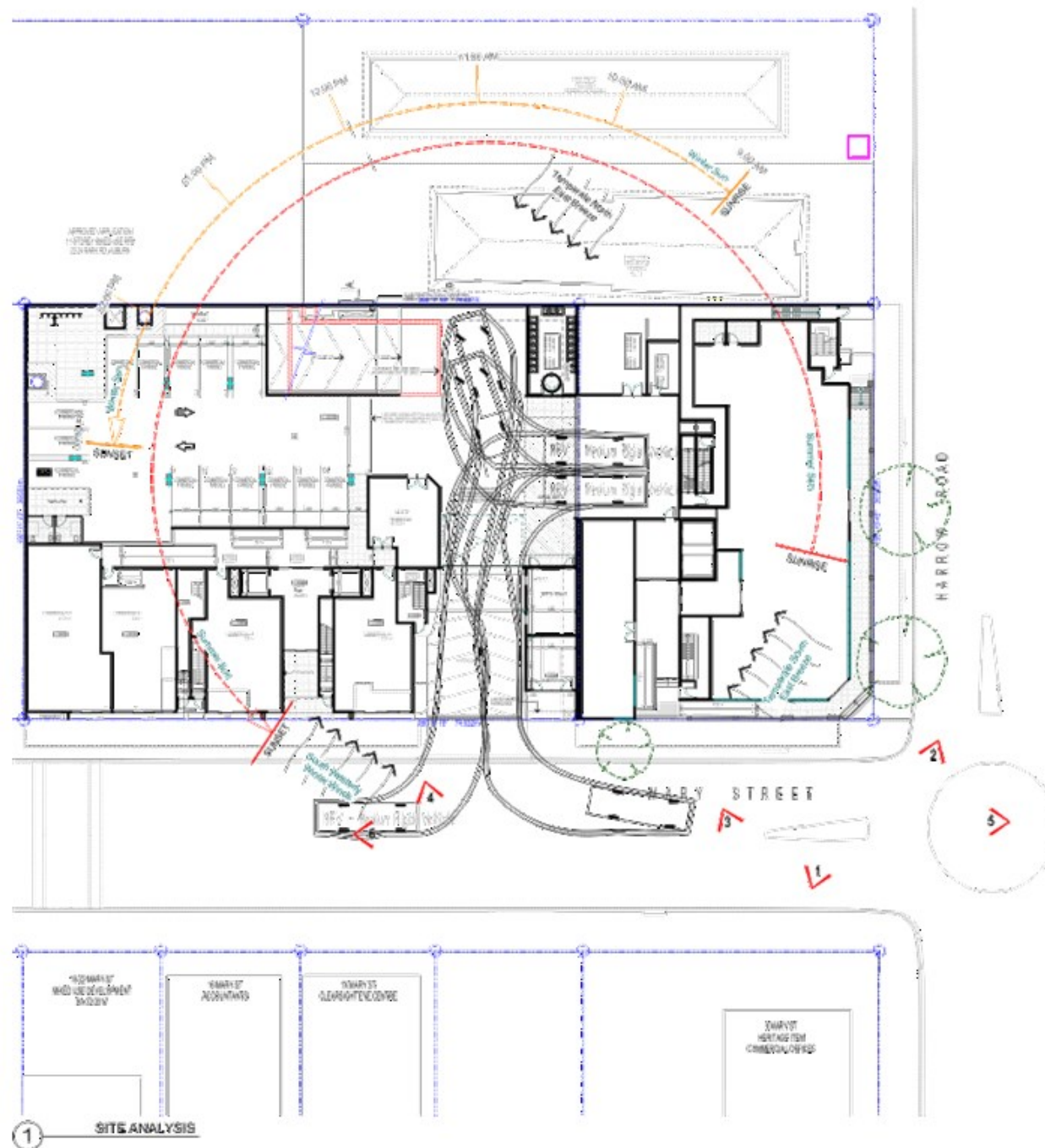
To medical centre / hospital

- Auburn Medical Centre is 300m from site
- St. Joseph Hospital Sydney is 650m from site

To community facilities

- Auburn community centre is 240m from site
- Auburn public library is 325m from site

- School
- Site
- Bus Stop (closest to site)



1. Heritage item - 8 Mary Street
SOURCE: GOOGLE STREET VIEW



2. Looking North on Harrow Road
SOURCE: GOOGLE STREET VIEW



3. Site 9-13 Mary St
SOURCE: GOOGLE STREET VIEW



4. 13-15 Mary St
SOURCE: GOOGLE STREET VIEW



5. Looking East on Mary Street
SOURCE: GOOGLE STREET VIEW



6. Looking West on Mary Street
SOURCE: GOOGLE STREET VIEW

DATE	DESCRIPTION	DATE	DATE
10/02/2019	S4.55(2) MODIFICATION	10/02/2019	10/02/2019
10/02/2019	10/02/2019	10/02/2019	10/02/2019

GENERAL NOTES

1. This plan is a preliminary plan and is not to be used for construction purposes.

2. The plan is subject to the approval of the Council.

3. The plan is subject to the approval of the Council.

4. The plan is subject to the approval of the Council.

5. The plan is subject to the approval of the Council.

6. The plan is subject to the approval of the Council.

7. The plan is subject to the approval of the Council.

8. The plan is subject to the approval of the Council.

9. The plan is subject to the approval of the Council.

10. The plan is subject to the approval of the Council.

Zhihar Architects Pty Ltd

10/02/2019

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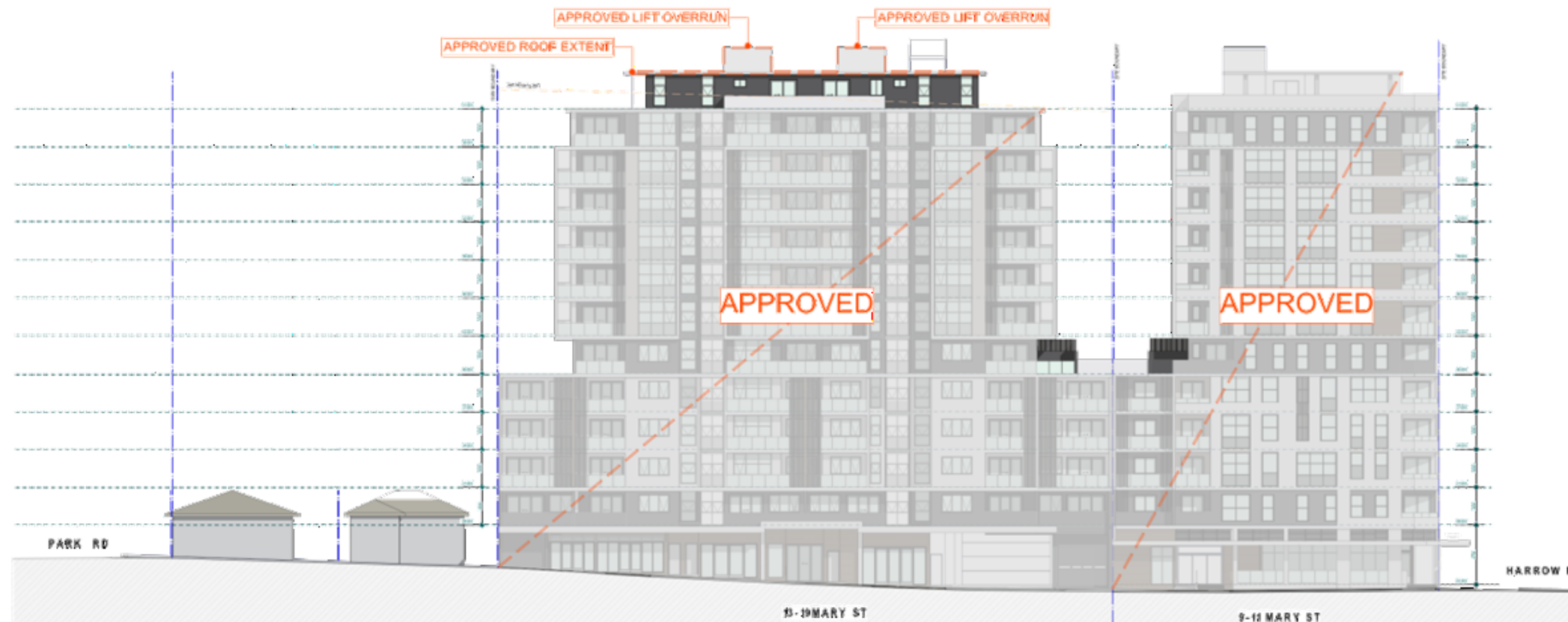
10/02/2019

10/02/2019

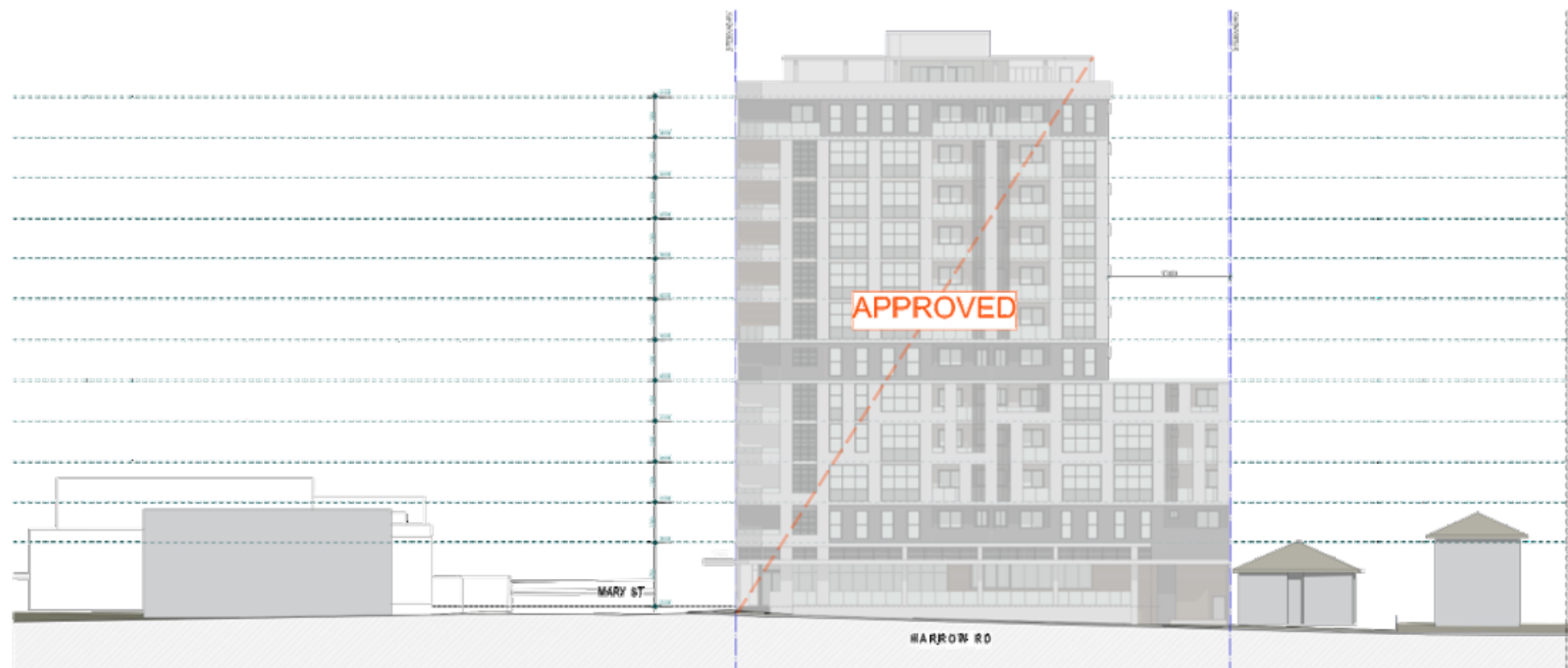
10/02/2019

10/02/2019

10/02/2019



1 Mary St Frontage - Existing Context



2 East Elevation - Harrow Rd Frontage

AREAS AS APPROVED (DA-92/2019)

REVISION NOTES:
- ADDED PENTHOUSE TO 13-19 MARY ST BLOCK
(LARGER BLOCK)

DATE	DESCRIPTION	DATE	DATE	DATE
04/04/2019	ISSUED FOR DA11 DEVELOPMENT	17/02/2019	18/02/2019	18/02/2019
04/04/2019	ISSUED FOR DA11 DEVELOPMENT	18/02/2019	18/02/2019	18/02/2019
04/04/2019	ISSUED FOR DA11 DEVELOPMENT	18/02/2019	18/02/2019	18/02/2019

GENERAL NOTES:
1. The development is subject to the relevant planning controls.
2. The development is subject to the relevant planning controls.
3. The development is subject to the relevant planning controls.
4. The development is subject to the relevant planning controls.
5. The development is subject to the relevant planning controls.
6. The development is subject to the relevant planning controls.
7. The development is subject to the relevant planning controls.
8. The development is subject to the relevant planning controls.
9. The development is subject to the relevant planning controls.
10. The development is subject to the relevant planning controls.

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20-4154888-0001

**S4.55(2) Modification
Application**

MIXED USE DEVELOPMENT
9 - 19 Mary Street
Auburn NSW 2144

Project Name
9 - 19 Mary Street



Street Frontage

DESIGNED 04/04/2019 **COMPLETED** 17/02/2019 **DATE** 18/02/2019 **REVISION** 18/02/2019
8599 **04** **B**

[illegible]

Zhiyao Architects Pty Ltd

Serge F. Jodanis

2 Regent Street
London W1A 3AH

* 2017년 10월 10일

* [순경 김성환부고](#) 2018.03.09 08:10

www.elsevier.com/locate/jmb

RECOVERING TRUTH

S4.55(2) Modification Application

[illegible]

MIXED USE DEVELOPMENT

9 - 19 Mary Street
Auburn NSW 2144

www.CambodianCouncil

100%

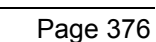


SHEETING:

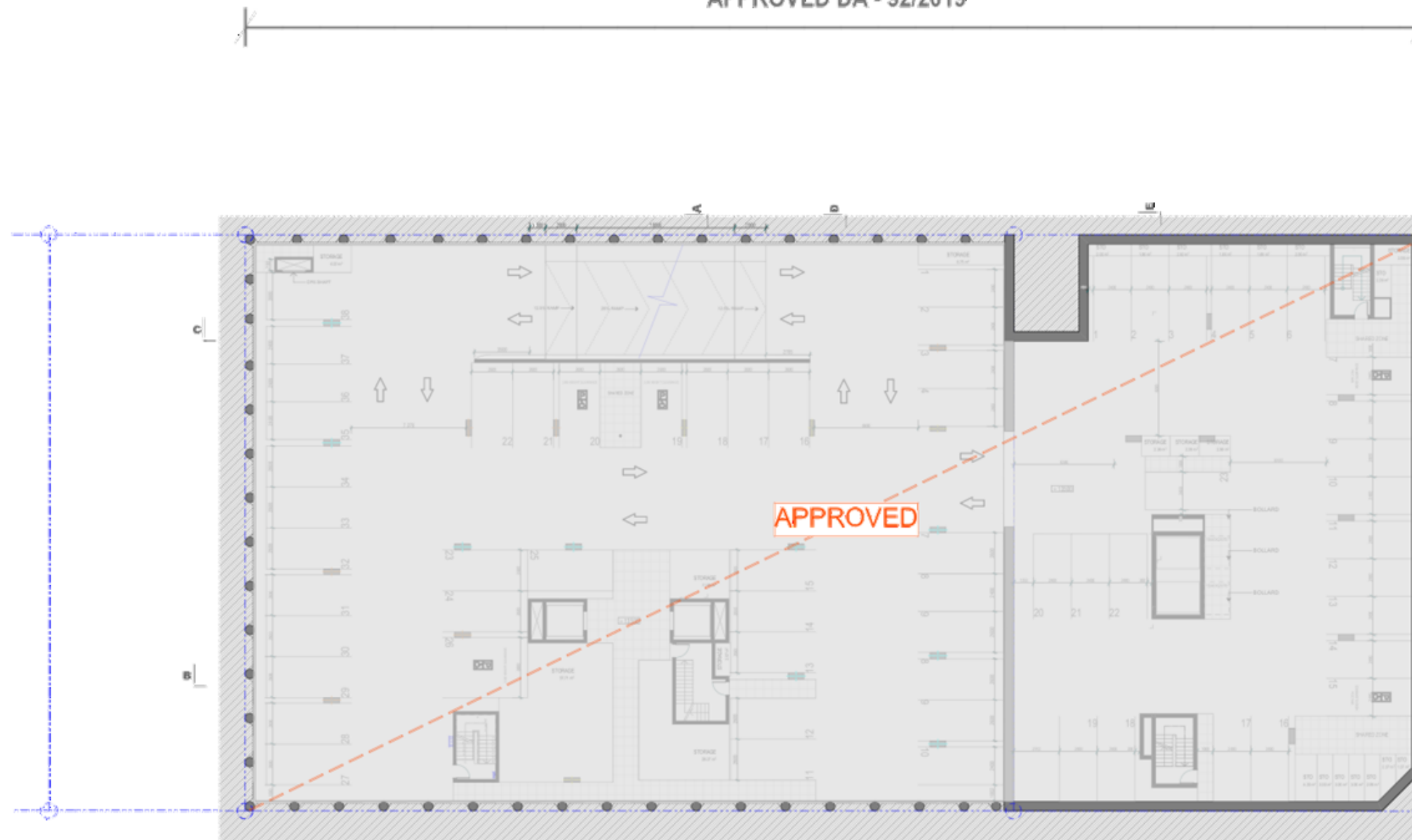
Basement 5 Plan

ENTERED	GROWN	COMMITTED	SCORE	FIN
AM	MI	STATION	1-50000 100000 OR AS SCORE	AMOUNT

8599 05



APPROVED DA - 92/2019



MARY STREET

MARY STREET

AREAS AS APPROVED (DA-92/2019)

HARROW ROAD

DA/DA	DESCRIPTION	DATE	BY	APP
S4.55(2)	MODIFICATION	17/02/2019	MB	4081
S4.55(2)	MODIFICATION	18/02/2019	MB	4081
DATE	REVISION	DATE	REVISION	

GENERAL NOTES
 1. This document is a plan of a proposed building.
 2. It is to be read in conjunction with the information on the site plan.
 3. It is to be read in conjunction with the information on the site plan.
 4. It is to be read in conjunction with the information on the site plan.
 5. It is to be read in conjunction with the information on the site plan.
 6. It is to be read in conjunction with the information on the site plan.
 7. It is to be read in conjunction with the information on the site plan.
 8. It is to be read in conjunction with the information on the site plan.
 9. It is to be read in conjunction with the information on the site plan.
 10. It is to be read in conjunction with the information on the site plan.

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25/01/2019

**S4.55(2) Modification
Application**

MIXED USE DEVELOPMENT

**9 - 19 Mary Street
Auburn NSW 2144**

1:100 (Architect's Scale)

DATE:



Basement 3 Plan

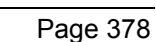
DESIGNED: MB **DRAWN: MB** **DATE: 17/02/2019** **SCALE: 1:100** **APP: 4081**

8599: 07 **DATE: 17/02/2019** **APP: 4081**

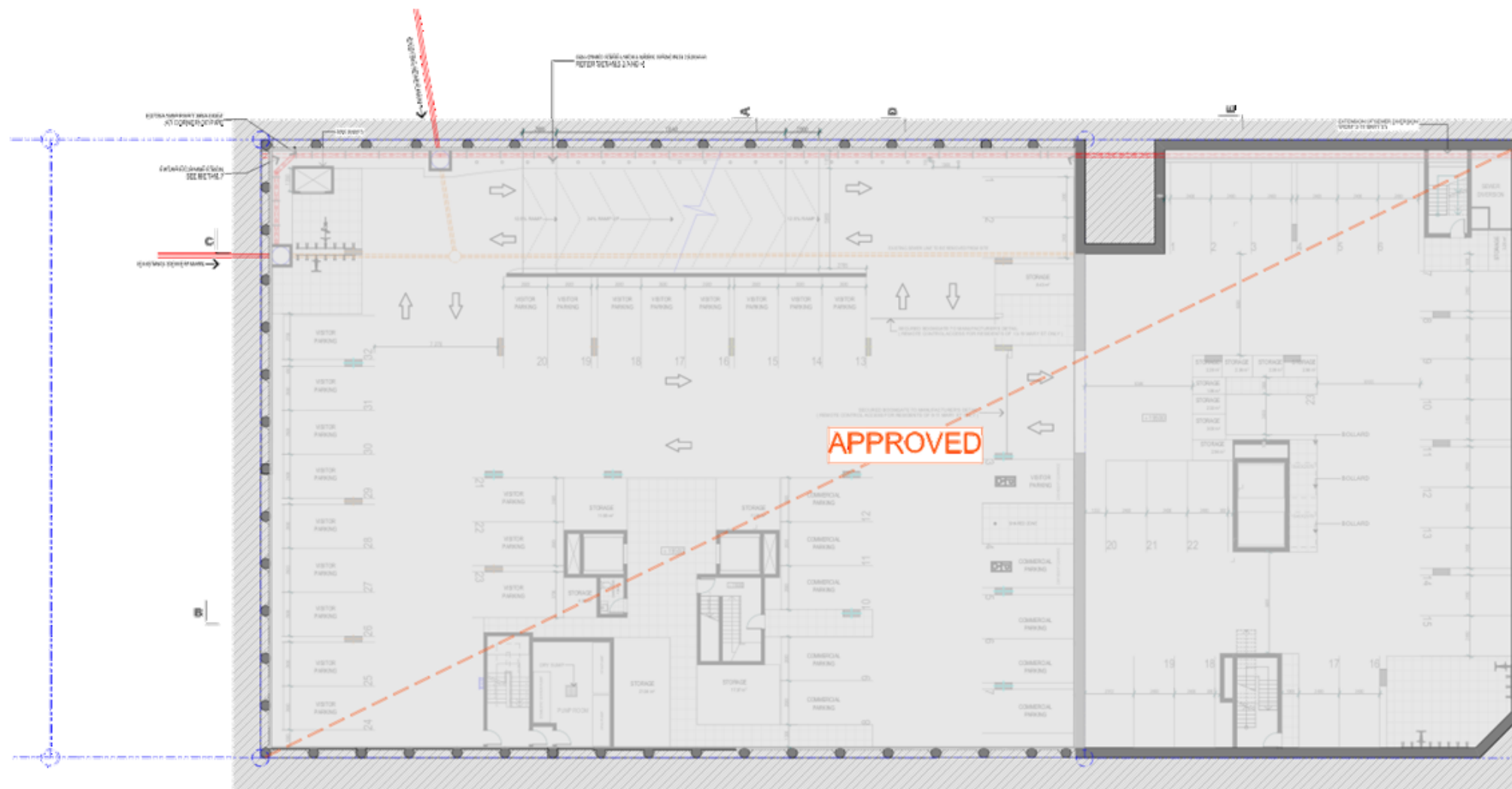
1:100

1:100

1:100



APPROVED DA - 92/2019



MARY STREET

MARY STREET

HARROW ROAD

DATE	17/02/2019	NO.	408
DATE	18/02/2019	NO.	408
DATE	18/02/2019	NO.	408

GENERAL NOTES
 1. This document is a preliminary drawing and is not to be used for construction purposes.
 2. All dimensions are in millimetres unless otherwise stated.
 3. All work is to be in accordance with the Australian Standards.
 4. All work is to be in accordance with the local council requirements.
 5. All work is to be in accordance with the relevant building codes.
 6. All work is to be in accordance with the relevant fire codes.
 7. All work is to be in accordance with the relevant health and safety codes.
 8. All work is to be in accordance with the relevant environmental codes.
 9. All work is to be in accordance with the relevant social and cultural codes.
 10. All work is to be in accordance with the relevant economic codes.

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**S4.55(2) Modification
Application**

MIXED USE DEVELOPMENT

**9 - 19 Mary Street
Auburn NSW 2144**

9-19 Mary Street (Ground)

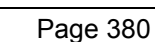


Basement 1 Plan

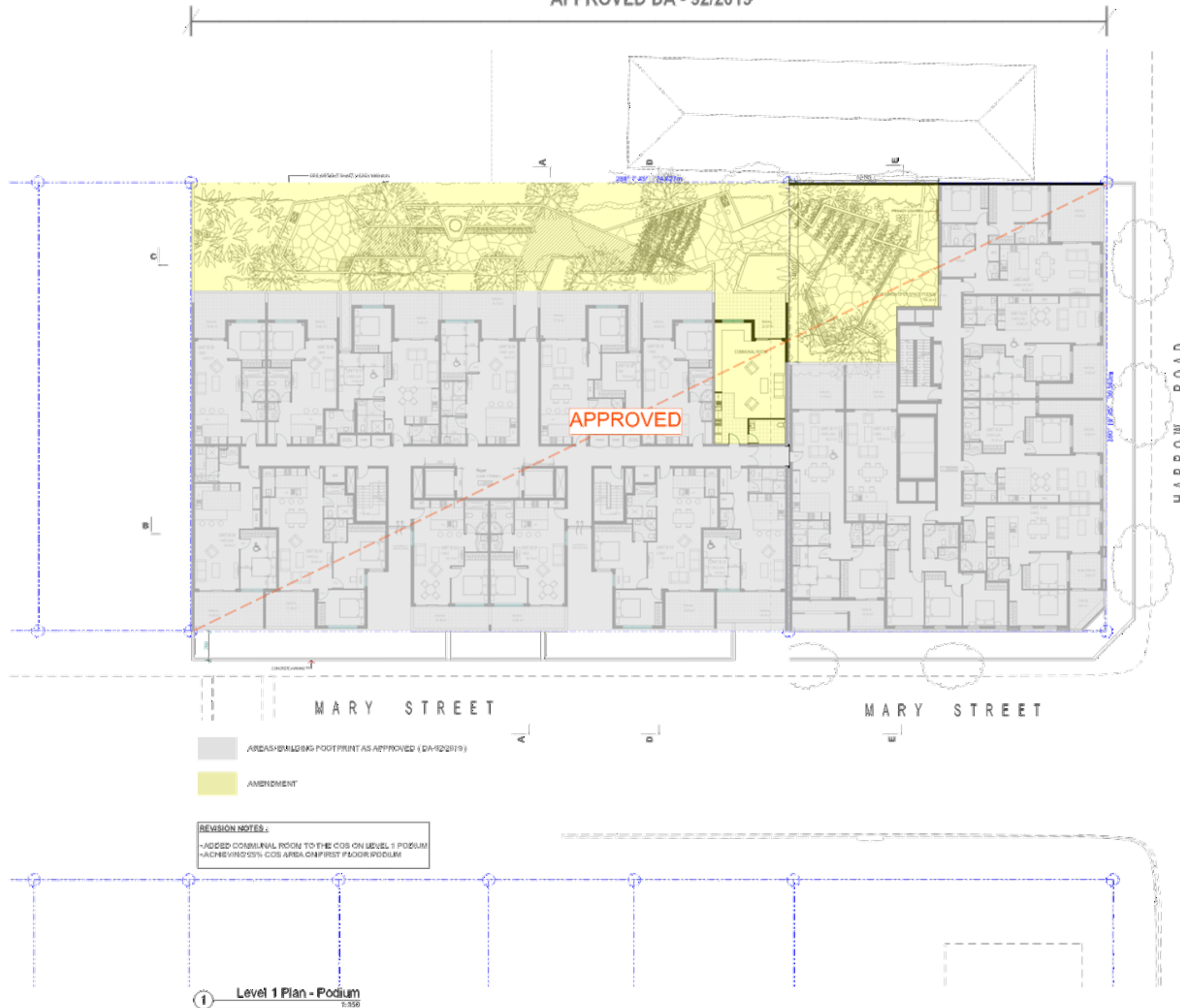
DESIGNED: 8599/19
 DRAWN: 09/19
 CHECKED: 09/19
 SCALE: 1:100
 DATE: 09/19

8599/19 09/19 B

Basement 1 Plan



APPROVED DA - 92/2019



DATE	DESCRIPTION	DATE	DESCRIPTION
17/02/2019	ISSUED	17/02/2019	ISSUED
18/02/2019	ISSUED	18/02/2019	ISSUED
18/02/2019	ISSUED	18/02/2019	ISSUED

GENERAL NOTES:
 1. This drawing is a plan view of the proposed development.
 2. The drawing is a plan view of the proposed development.
 3. The drawing is a plan view of the proposed development.
 4. The drawing is a plan view of the proposed development.
 5. The drawing is a plan view of the proposed development.
 6. The drawing is a plan view of the proposed development.
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 8. The drawing is a plan view of the proposed development.
 9. The drawing is a plan view of the proposed development.
 10. The drawing is a plan view of the proposed development.

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 25/05/2019 10:58

**S4.55(2) Modification
Application**

MIXED USE DEVELOPMENT

**9 - 19 Mary Street
Auburn NSW 2144**

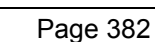
1:350 (As per Council)



Level 1 Plan - Podium

**DESIGNED: 11/02/2019
DRAWN: 11/02/2019
CHECKED: 11/02/2019
DATE: 11/02/2019**

8599 11 B



APPROVED DA - 92/2019



DATE	DESCRIPTION	DATE	BY	APP
17/12/2019	DA-92/2019	17/12/2019	MR	MR
17/12/2019	DA-92/2019	17/12/2019	MR	MR
17/12/2019	DA-92/2019	17/12/2019	MR	MR

REVISION NOTES:

1. The building footprint as approved (DA-92/2019) is shown in grey. The proposed amendment is shown in yellow.

2. The proposed amendment is shown in yellow. The proposed amendment is shown in yellow.

3. The proposed amendment is shown in yellow. The proposed amendment is shown in yellow.

4. The proposed amendment is shown in yellow. The proposed amendment is shown in yellow.

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10. The proposed amendment is shown in yellow. The proposed amendment is shown in yellow.

Zhihar Architects Pty Ltd

17/12/2019

17/12/2019

17/12/2019

17/12/2019

17/12/2019

**S4.55(2) Modification
Application**

MIXED USE DEVELOPMENT

**9 - 19 Mary Street
Auburn NSW 2144**

17/12/2019

17/12/2019

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17/12/2019

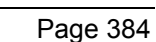
17/12/2019

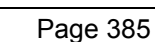
17/12/2019

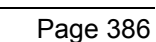
17/12/2019

17/12/2019

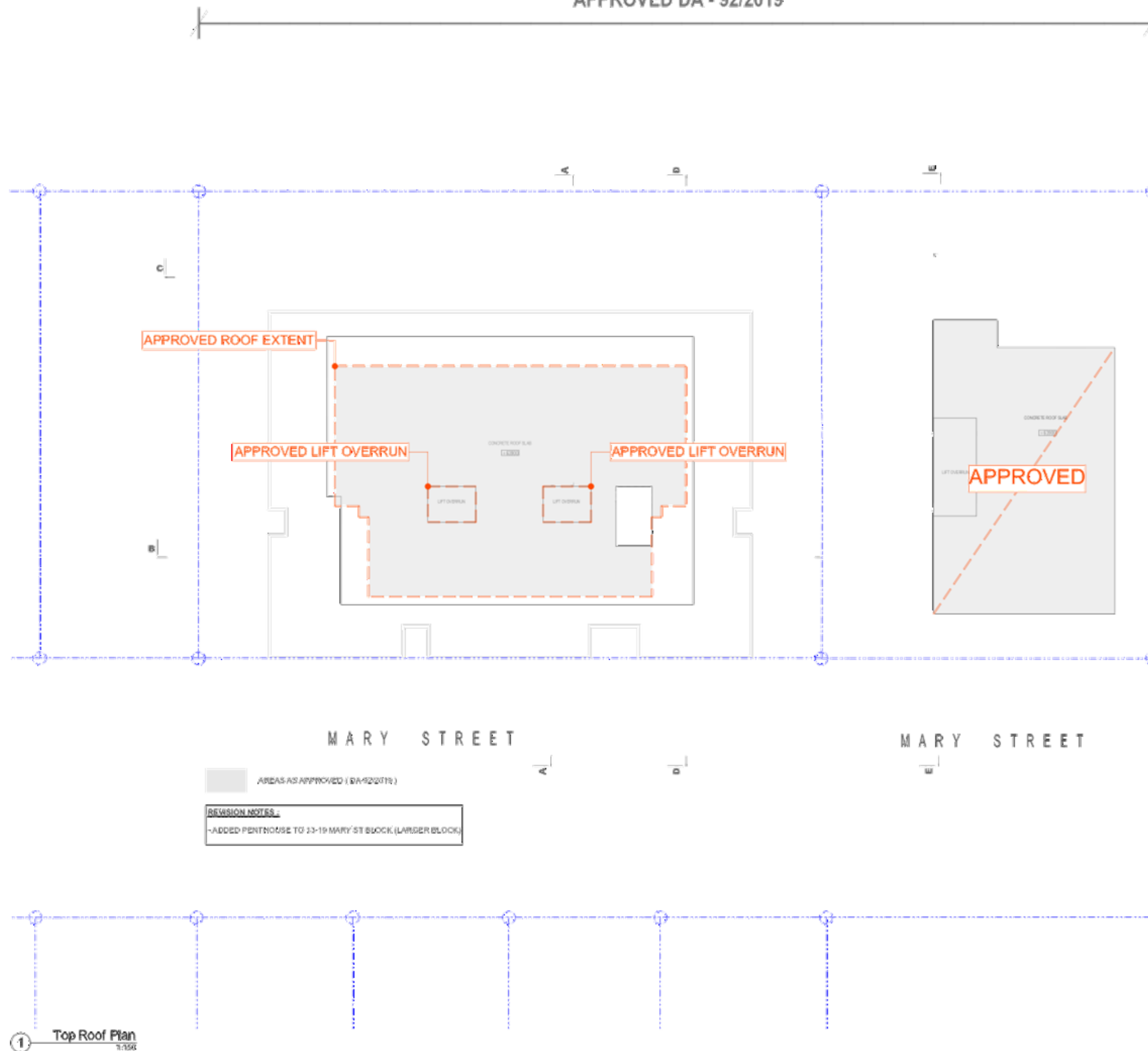
17/12/2019







APPROVED DA - 92/2019



DATE	ISSUED FOR DA11 (2019/04/04)	7/12/2019	NO.	4081
DATE	ISSUED FOR DA11 (2019/04/04)	28/03/2019	NO.	4081
DATE	REVISION	DATE	REVISION	

GENERAL NOTES

1. All dimensions are in millimetres unless otherwise stated.

2. All dimensions are to the face of the wall or slab unless otherwise stated.

3. All dimensions are to the face of the wall or slab unless otherwise stated.

4. All dimensions are to the face of the wall or slab unless otherwise stated.

5. All dimensions are to the face of the wall or slab unless otherwise stated.

6. All dimensions are to the face of the wall or slab unless otherwise stated.

7. All dimensions are to the face of the wall or slab unless otherwise stated.

8. All dimensions are to the face of the wall or slab unless otherwise stated.

9. All dimensions are to the face of the wall or slab unless otherwise stated.

10. All dimensions are to the face of the wall or slab unless otherwise stated.

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25 415 488 770

**S4.55(2) Modification
Application**

MIXED USE DEVELOPMENT

**9 - 19 Mary Street
Auburn NSW 2144**

1:150 (As Shown) (Scale)

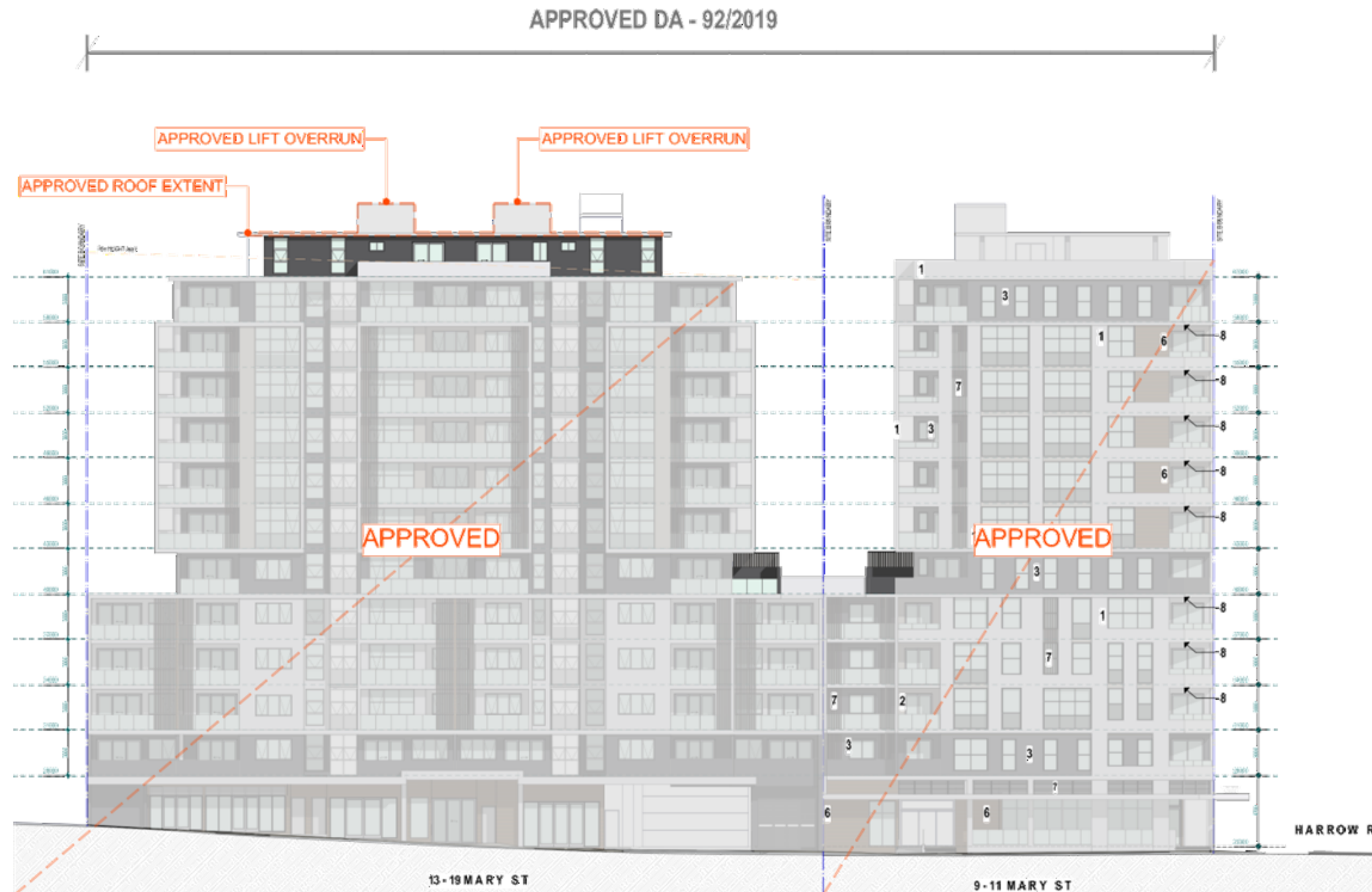
DATE:



Top Roof Plans

DESIGNED: 8599 17 17/12/2019 17/12/2019 17/12/2019 17/12/2019 17/12/2019

8599 17 17/12/2019 17/12/2019 17/12/2019 17/12/2019 17/12/2019



1 South Elevation - Mary St Frontage
1:150

AREAS AS APPROVED (DA-92/2019)

REVISION NOTES:
- ADDED PENTHOUSE TO 13-19 MARY ST BLOCK (LARGER BLOCK)

MATERIAL SCHEDULE

	1 Point Render (1) - Dulux 'White' (White)	(10.5A)
	2 Point Render (2) - Dulux 'Grey' (Grey)	(10.5A)
	3 Point Render (3) - Dulux 'Black' (Black)	(10.5A)
	4 Coloured 'Stone' (Grey) - Dulux 'Stone' (Grey)	(10.5A)
	5 Translucent frosted glass balustrade	(10.5A)
	6 Concrete/Timber 'Inwood'	(10.5A)
	7 Coloured 'Timber' - Luvex	(10.5A)
	8 Dulux 'Black' - Dulux 'Black'	(10.5A)

DATE	DESCRIPTION	DATE	DESCRIPTION
10/12/2019	ISSUED FOR DA-92/2019	10/12/2019	ISSUED FOR DA-92/2019
10/12/2019	ISSUED FOR DA-92/2019	10/12/2019	ISSUED FOR DA-92/2019

GENERAL NOTES:
1. All materials and finishes are to be as specified in the schedule.
2. All materials and finishes are to be as specified in the schedule.
3. All materials and finishes are to be as specified in the schedule.
4. All materials and finishes are to be as specified in the schedule.
5. All materials and finishes are to be as specified in the schedule.
6. All materials and finishes are to be as specified in the schedule.
7. All materials and finishes are to be as specified in the schedule.
8. All materials and finishes are to be as specified in the schedule.

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**S4.55(2) Modification
Application**

MIXED USE DEVELOPMENT

9 - 19 Mary Street
Auburn NSW 2144

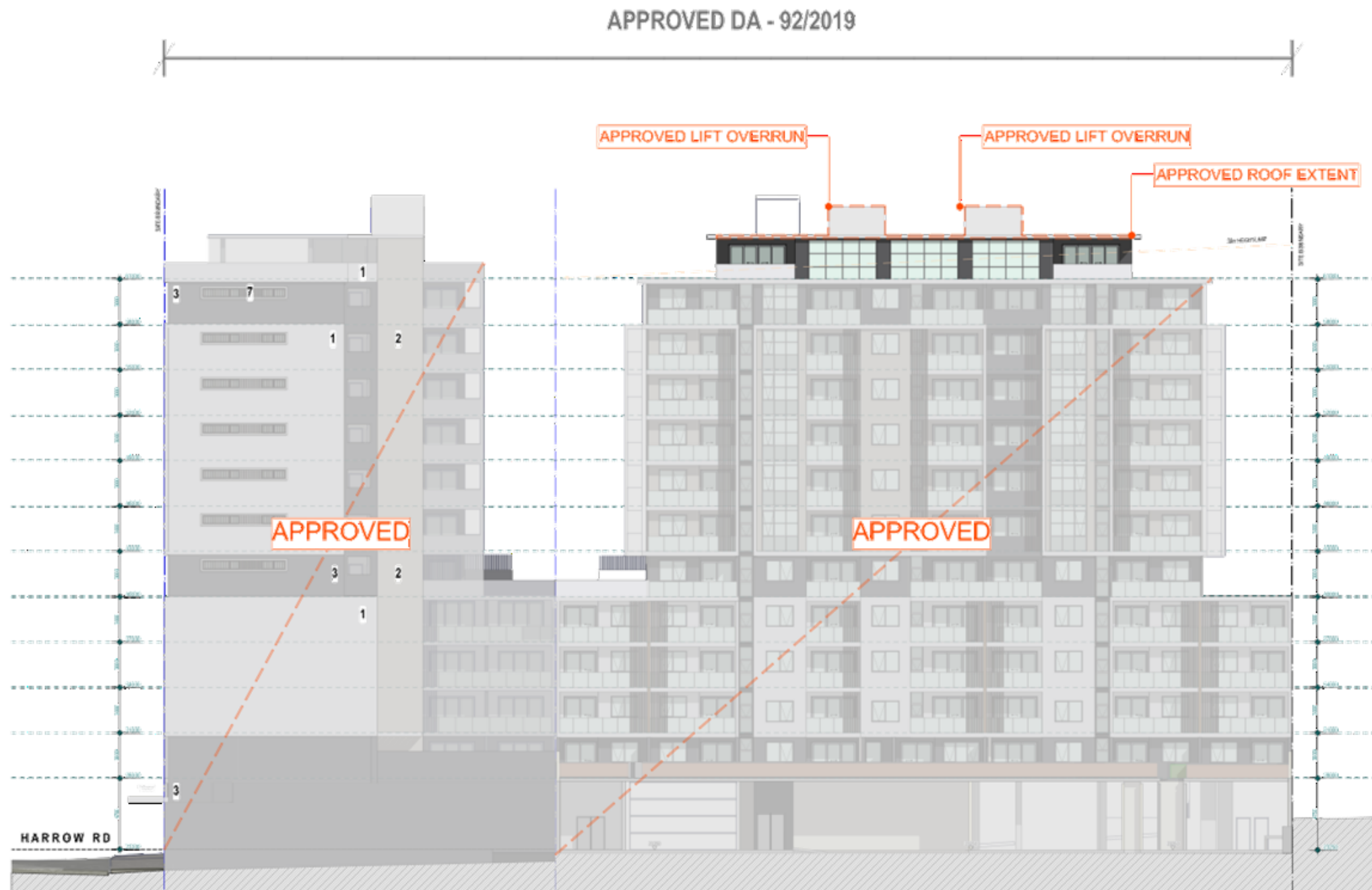
1:150 (As Specified) (As Specified)



**South Elevation - Mary St
frontage**

DESIGNED	DRAWN	COMPILED	SCALE	DATE
AM	MP	10/12/2019	1:150	10/12/2019
8599	18			

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1 North Elevation
1:150

AREAS AS APPROVED (DA-92/2019)

REVISION NOTES:

ADDED PENTHOUSE TO 10-19 MARY ST BLOCK (LARGER BLOCK)

MATERIAL SCHEDULE

	1. Paint/Render (1 - Dulux White on White)	(Y)S/A
	2. Paint/Render (2 - Dulux Silver Grey)	(Y)S/A
	3. Paint/Render (3 - Dulux Black)	(Y)S/A
	4. Coloured Shingles Zirconia 6 using 600x180mm x 100mm tiles - Rafter roof	(Y)S/A
	5. Translucent glass balustrade	(Y)S/A
	6. Composite Timber cladding	(Y)S/A
	7. Coloured Timber cladding	(Y)S/A
	8. Dulux (Semi) Glossy paint	(Y)S/A

DATE	DESCRIPTION	DATE	DESCRIPTION	DATE	DESCRIPTION
10/12/2019	S4.55(2) Modification Application	10/12/2019	S4.55(2) Modification Application	10/12/2019	S4.55(2) Modification Application
10/12/2019	S4.55(2) Modification Application	10/12/2019	S4.55(2) Modification Application	10/12/2019	S4.55(2) Modification Application

GENERAL NOTES:
 1. All dimensions are in millimetres unless otherwise stated.
 2. All dimensions are to the face of the work unless otherwise stated.
 3. All dimensions are to the face of the work unless otherwise stated.
 4. All dimensions are to the face of the work unless otherwise stated.
 5. All dimensions are to the face of the work unless otherwise stated.
 6. All dimensions are to the face of the work unless otherwise stated.
 7. All dimensions are to the face of the work unless otherwise stated.
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 9. All dimensions are to the face of the work unless otherwise stated.
 10. All dimensions are to the face of the work unless otherwise stated.

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S4.55(2) Modification Application

MIXED USE DEVELOPMENT

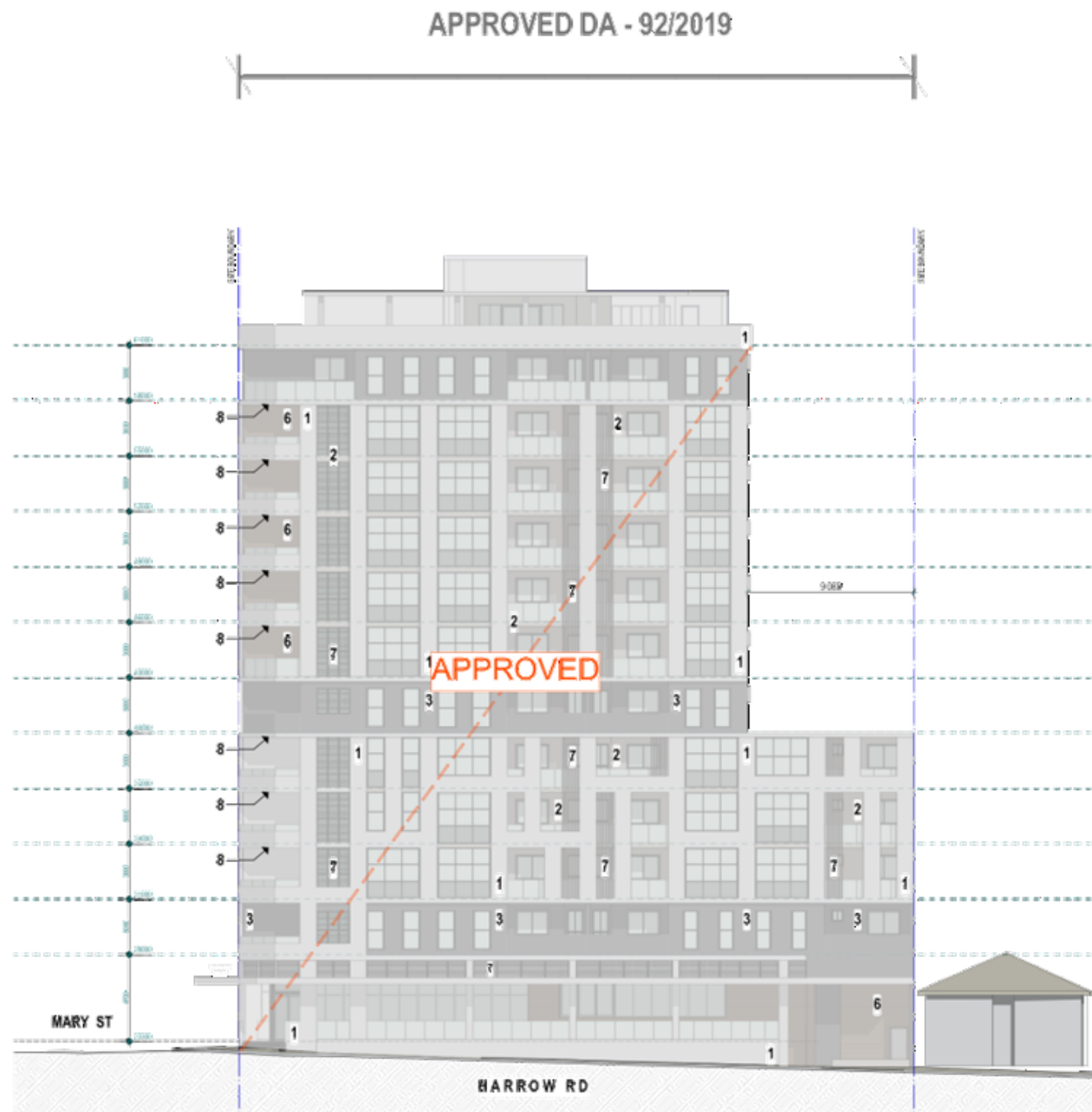
9 - 19 Mary Street
Auburn NSW 2144

1:150 (North Elevation)



North Elevation

DESIGNED	DRAWN	COMPILED	SCALE	DATE
AM	MP	10/12/2019	1:150	10/12/2019
8599	19	8599	19	8599



1 East Elevation
1:100

AREAS AS APPROVED (DA-92/2019)

REVISION NOTES:

1. ADDED PENTHOUSE TO 19-19 MARY ST BLOCK (LARGER BLOCK)

MATERIAL SCHEDULE

	1. Point Render (1) - Dulux White (White)	(10.5A)
	2. Point Render (2) - Dulux Silver Grey	(10.5A)
	3. Point Render (3) - Dulux Razz	(10.5A)
	4. Colorbond (Silver Grey) - Q1800 (Silver Grey) - 1800mm x 750mm - 1800mm x 750mm - 1800mm x 750mm	(10.5A)
	5. Translucent frosted glass balustrade	(10.5A)
	6. Composite Timber - Ironwood	(10.5A)
	7. Colorbond (Terra) - Lysaght	(10.5A)
	8. Dulux (Semi) - Glossy (Semi)	(10.5A)

DATE	DESCRIPTION	DATE	DESCRIPTION	DATE	DESCRIPTION
10/01/2019	ISSUED FOR DA-92/2019	10/01/2019	ISSUED FOR DA-92/2019	10/01/2019	ISSUED FOR DA-92/2019
10/01/2019	ISSUED FOR DA-92/2019	10/01/2019	ISSUED FOR DA-92/2019	10/01/2019	ISSUED FOR DA-92/2019

GENERAL NOTES:

1. All materials and finishes are to be as specified in the schedule.

2. All materials and finishes are to be as specified in the schedule.

3. All materials and finishes are to be as specified in the schedule.

4. All materials and finishes are to be as specified in the schedule.

5. All materials and finishes are to be as specified in the schedule.

6. All materials and finishes are to be as specified in the schedule.

7. All materials and finishes are to be as specified in the schedule.

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20-01-2019-1000

**S4.55(2) Modification
Application**

MIXED USE DEVELOPMENT

9 - 19 Mary Street
Auburn NSW 2144

1:100 (Architect's Scale)

DATE:



East Elevation

DESIGNED	DRAWN	DATE	SCALE	REVISION
10/01/2019	10/01/2019	10/01/2019	1:100	1
10/01/2019	10/01/2019	10/01/2019	1:100	2

8599 20 B



- ADDED PENTHOUSE TO 13-19 MARX ST BLOCK (LARGER BLOCK)

8599 21



SA 105-4	ISSUE/REF ID	DATE	STATUS	REMARKS
SA 105-4	ISSUE/REF ID: 105-4	DATE: 10/10/2014	STATUS: 105-4	REMARKS: 105-4

DEVELOPING SERVICES

Engineers involved in what he refers to as "integrated design" are being asked to consider much more information around project delivery, construction and operation, as well as how to manage the project. "We're moving away from a design-bid-build approach to a design-build approach," says Kohn. "We're moving away from a design-bid-build approach to a design-build approach." Kohn says that the design-build approach is a more integrated approach to project delivery, where the design and construction phases are integrated. "We're moving away from a design-bid-build approach to a design-build approach," says Kohn. "We're moving away from a design-bid-build approach to a design-build approach."

Zniror Architects Pty Ltd

Serge F. Marchand

2 Rowan Street
Barnsley S70 2JF

● 2007-08-08

• **스마트폰 앱** 5000개

25-495289-7763

S4.55(2) Modification Application

PROJECT NAME
MIXED USE DEVELOPMENT

9 - 19 Mary Street
Auburn NSW 2144

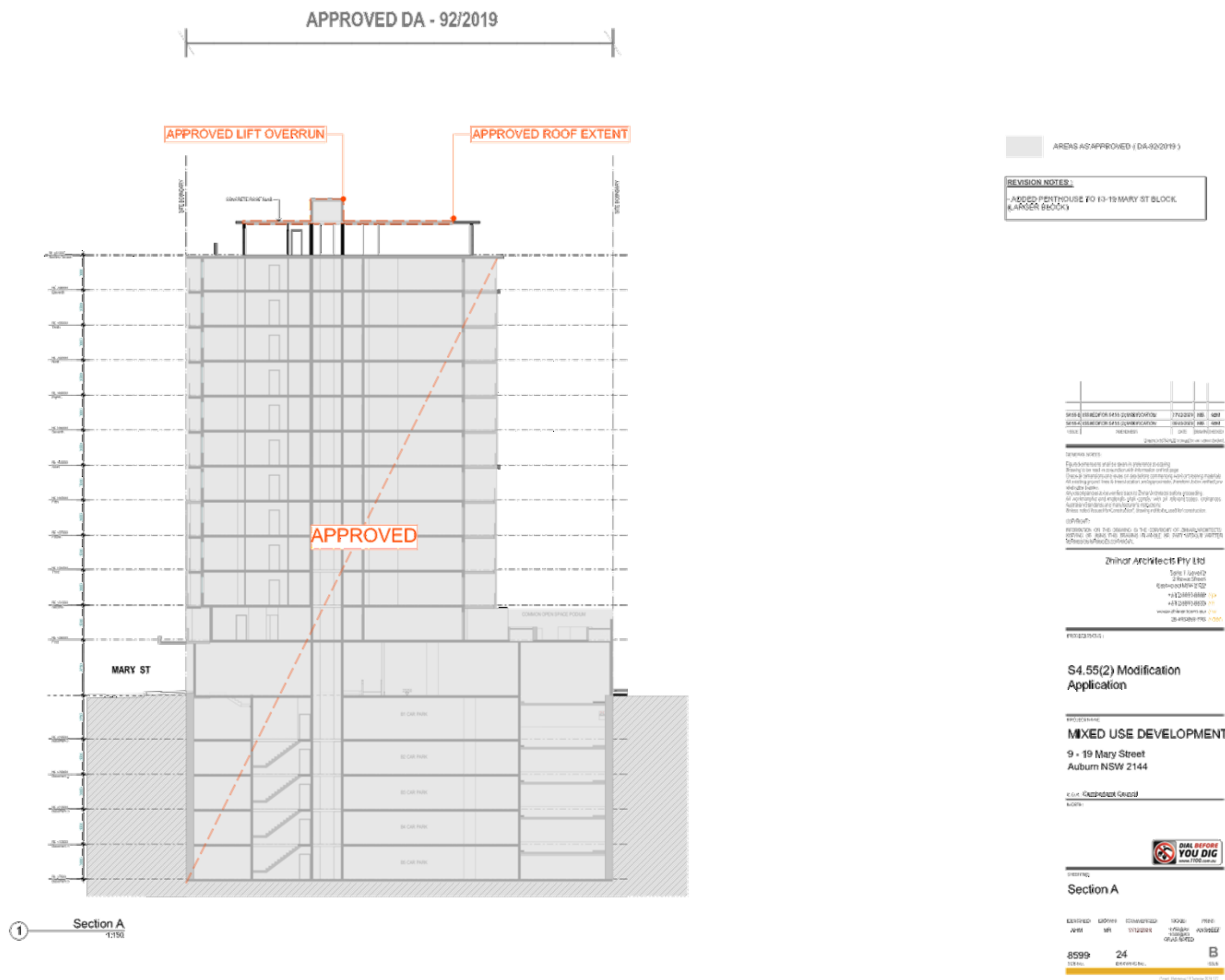
© 2008 Cambridge University

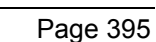
bioRxiv preprint doi: <https://doi.org/10.1101/000000>; this version posted January 1, 2016. The copyright holder for this preprint (which was not certified by peer review) is the author/funder, who has granted bioRxiv a license to display the preprint in perpetuity. It is made available under aCC-BY-NC-ND 4.0 International license.



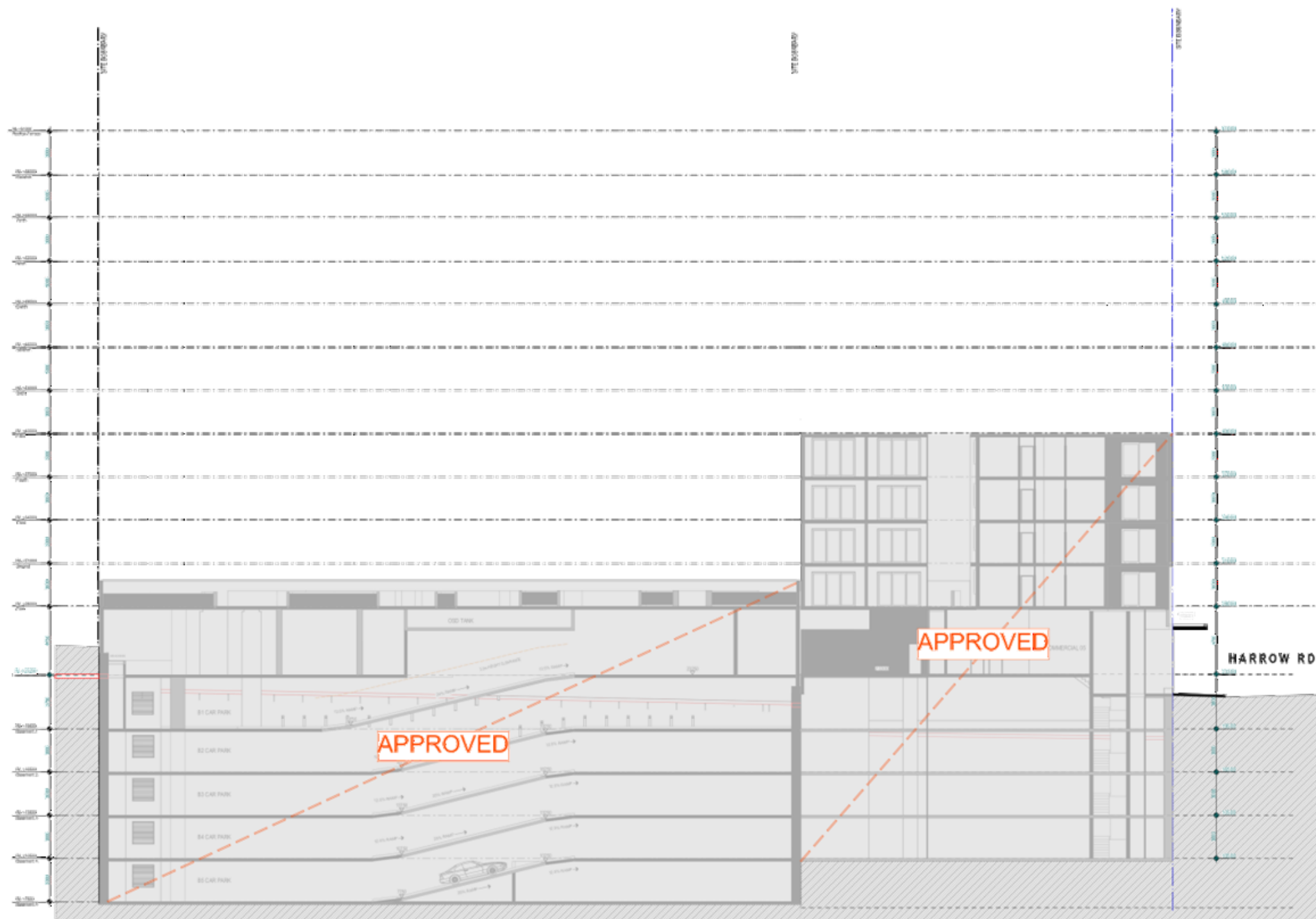
West Elevation

ORDERED	QUANTITY	COMMENTS	DATE	TIME
AM	MT	STATION	1500000	1000000
			GRAS 5-100	
8599	22			
SEE NO.	DISCOUNT			





APPROVED DA - 92/2019



1 Section C
1:150

AREAS AS APPROVED (DA-92/2019)

REVISION NOTES:
- ADDED PENTHOUSE TO 13-19 MARY ST BLOCK
(LARGER BLOCK)

DATE	ISSUED FOR DATE	27/02/2019	NO.	4281
DATE	ISSUED FOR DATE	28/03/2019	NO.	4281
DATE	ISSUED FOR DATE	28/03/2019	NO.	4281

GENERAL NOTES:
1. Drawings are to be read in conjunction with the project brief.
2. Drawings are to be read in conjunction with the project brief.
3. Drawings are to be read in conjunction with the project brief.
4. Drawings are to be read in conjunction with the project brief.
5. Drawings are to be read in conjunction with the project brief.
6. Drawings are to be read in conjunction with the project brief.
7. Drawings are to be read in conjunction with the project brief.
8. Drawings are to be read in conjunction with the project brief.
9. Drawings are to be read in conjunction with the project brief.
10. Drawings are to be read in conjunction with the project brief.

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PROJ-2019-01

**S4.55(2) Modification
Application**

MIXED USE DEVELOPMENT

**9 - 19 Mary Street
Auburn NSW 2144**

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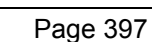
10/01/20



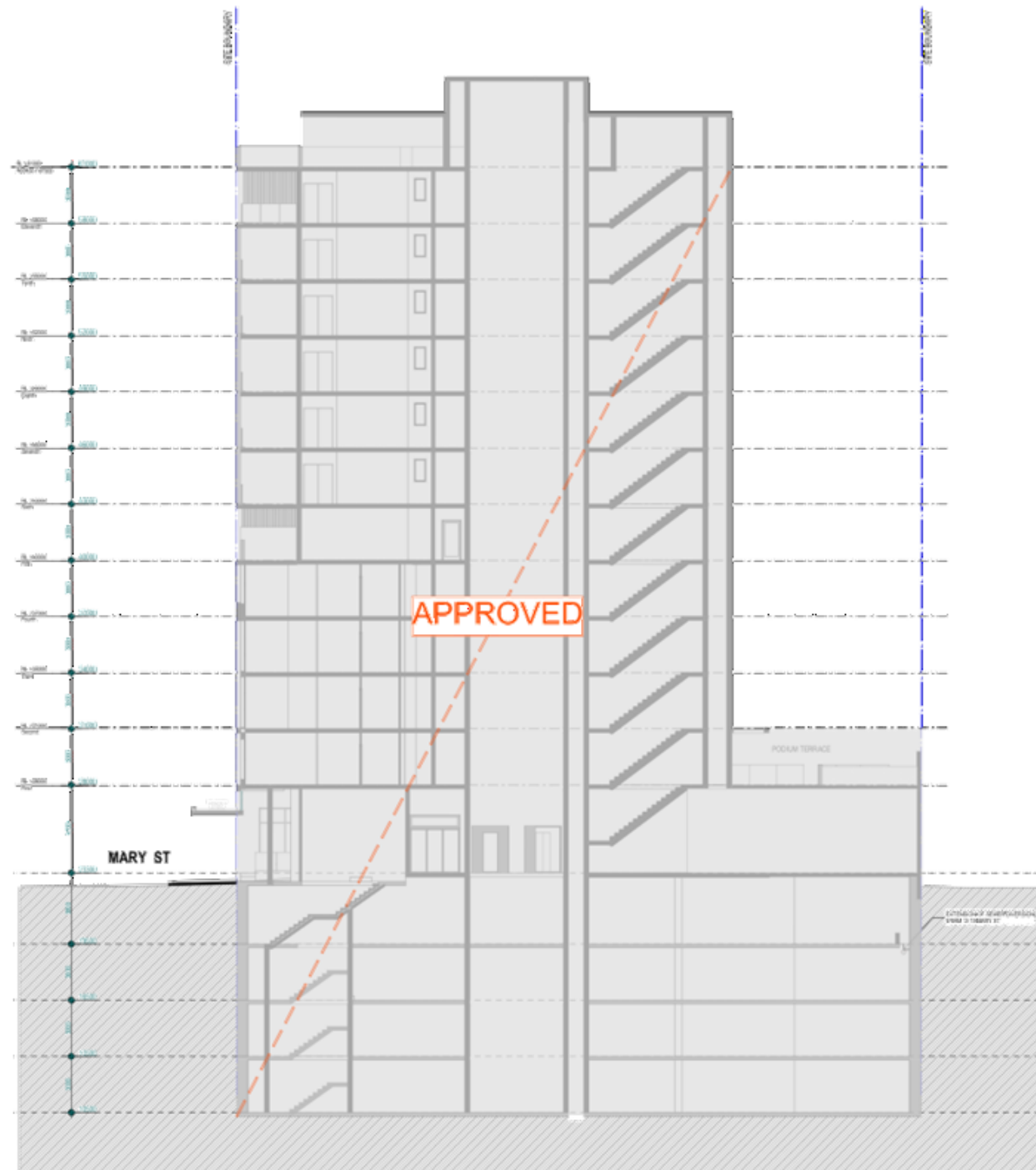
SECTION C

Section C

DESIGNED	DRAWN	CHECKED	SCALE	DATE
AM	MR	10/12/2019	1:150	10/12/2019
8599	26	8599	26	8599



APPROVED DA - 92/2019



① Section E
1:150

AREAS AS APPROVED (DA-92/2019)

REVISION NOTES:
- ADDED PENTHOUSE TO 13-19 MARY ST BLOCK
(LARGER BLOCK)

DATE	DESCRIPTION	BY	APP'D
17/02/2019	DA-92/2019	MB	MB
18/02/2019	DA-92/2019	MB	MB
18/02/2019	DA-92/2019	MB	MB

GENERAL NOTES:
1. All dimensions are in metres unless otherwise stated.
2. All dimensions are to the face of the building unless otherwise stated.
3. All dimensions are to the face of the building unless otherwise stated.
4. All dimensions are to the face of the building unless otherwise stated.
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**S4.55(2) Modification
Application**

PROJECT NAME
MIXED USE DEVELOPMENT
9 - 19 Mary Street
Auburn NSW 2144

PROJECT NO.
8599



Section E

DESIGNED BY MB
DATE 17/02/2019
COMPILED BY MB
DATE 18/02/2019
CHECKED BY MB
DATE 18/02/2019
APPROVED BY MB
DATE 18/02/2019

8599 **28** **B**



9AM SHADOW



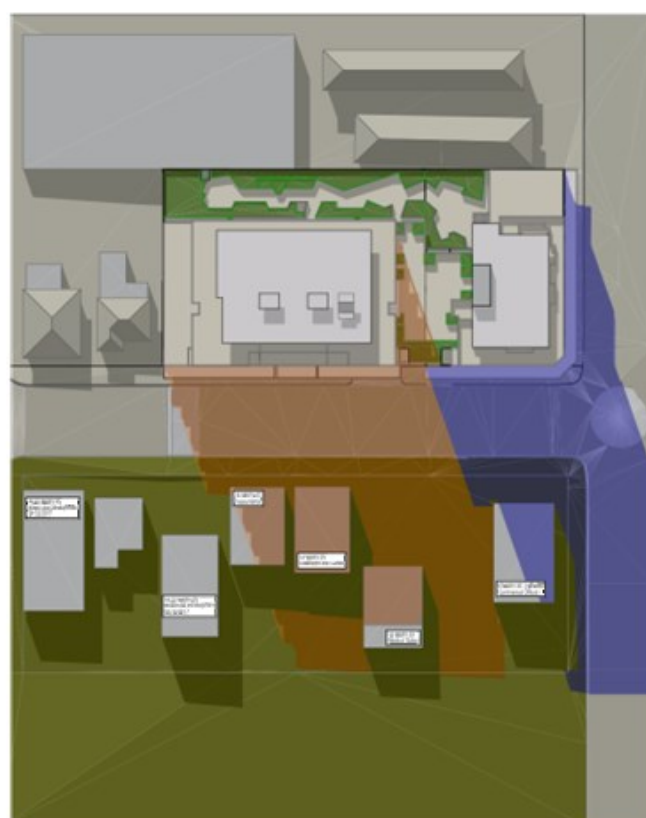
10AM SHADOW



11AM SHADOW



12PM SHADOW



1PM SHADOW



2PM SHADOW



3PM SHADOW

Shadow from 13-19 Mary St
Shadow from 9-11 Mary St

S4.55(2) MODIFICATION	7702/2019	NB	4281
S4.55(2) MODIFICATION	7702/2019	NB	4281
DATE	7/12/2019	DATE	7/12/2019

GENERAL NOTES
 1. This diagram is for information only and does not constitute a guarantee of accuracy.
 2. The diagram is based on the information provided and is subject to change without notice.
 3. The diagram is not to be used for any other purpose without the written consent of the author.
 4. The diagram is not to be used for any other purpose without the written consent of the author.

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S4.55(2) Modification Application

MIXED USE DEVELOPMENT

9 - 19 Mary Street
 Auburn NSW 2144

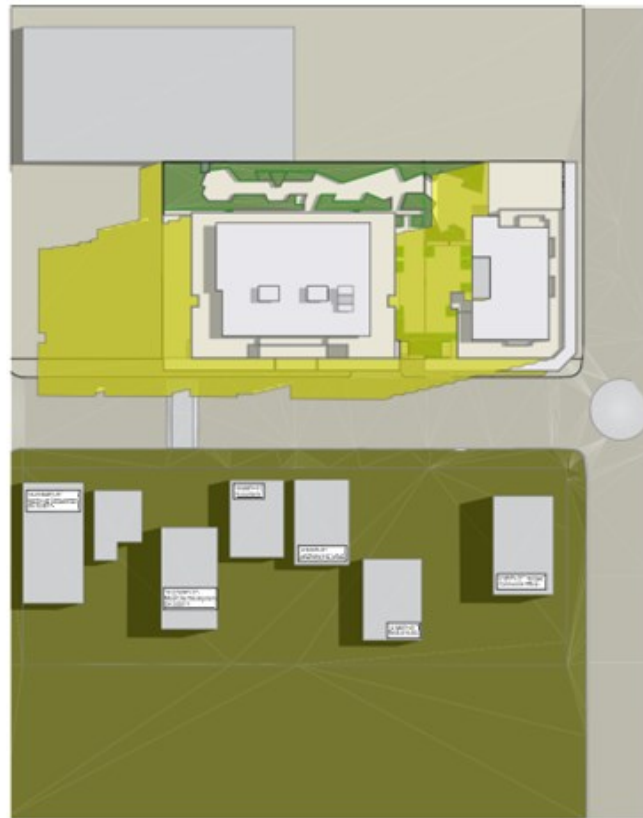
© G. H. K. Architects (Pty) Ltd
 2019



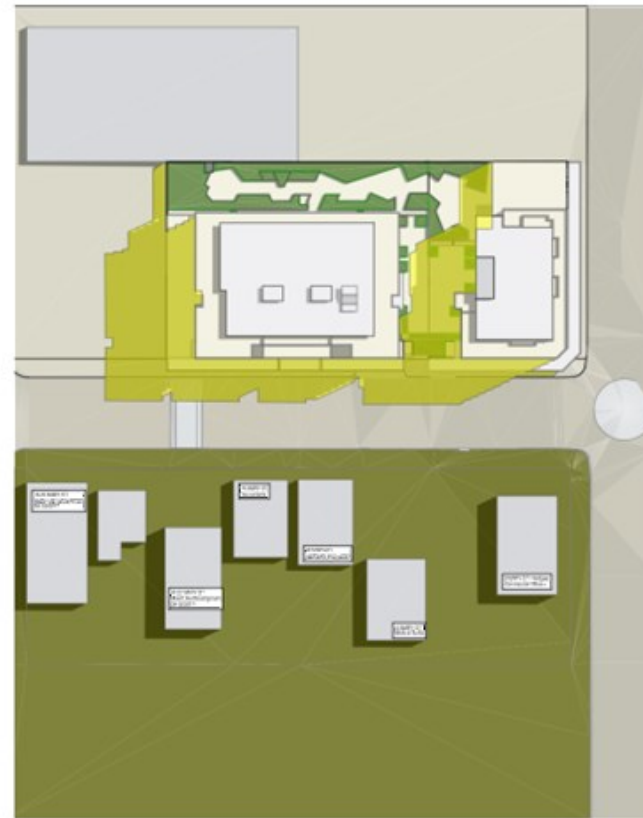
Shadow Diagram 01 (Winter Solstice)

DESIGNED BY: ZHIHOR ARCHITECTS
 DATE: 7/12/2019
 SCALE: 1:1000
 PROJECT: 7702/2019

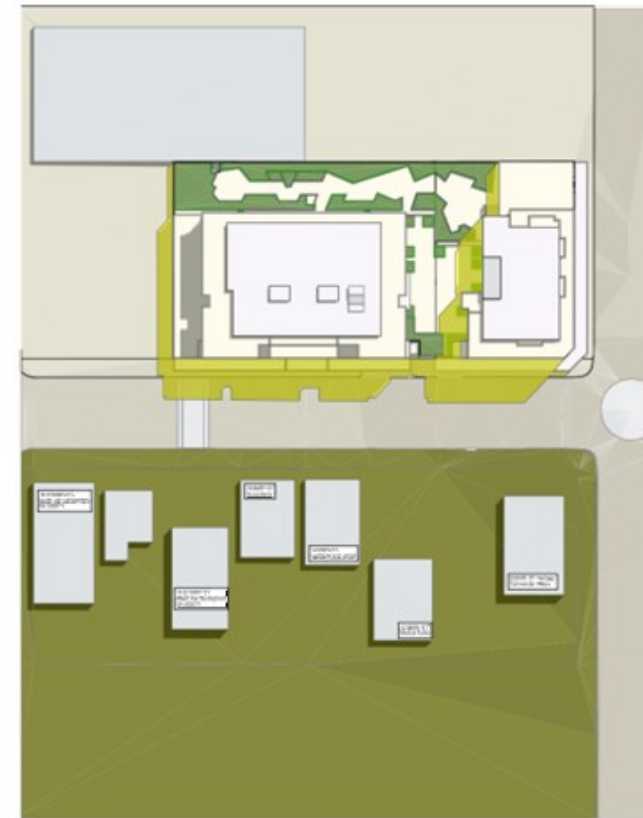
8599 29 B
 8599 29 B



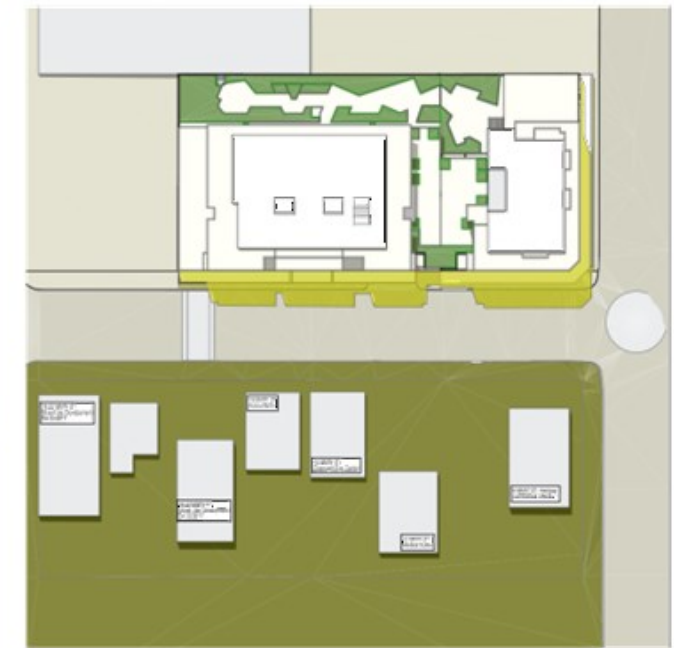
9AM SHADOW



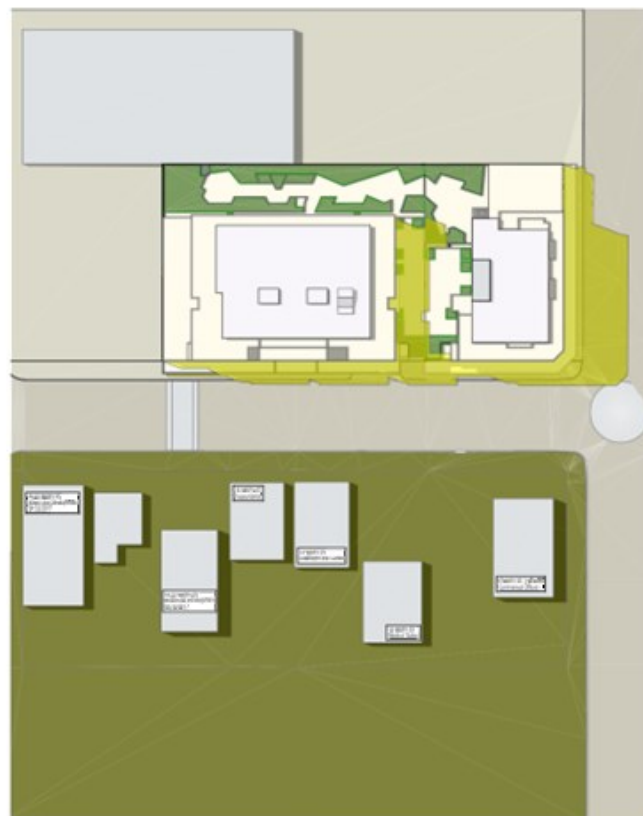
10AM SHADOW



11AM SHADOW



12PM SHADOW




1PM SHADOW



2PM SHADOW



3PM SHADOW

 Combined Shadow - Dec 22

DATE	10/02/2020	TIME	12:00 PM
DATE	10/02/2020	TIME	12:00 PM
DATE	10/02/2020	TIME	12:00 PM

GENERAL NOTES
 1. Shadow diagrams are shown in yellow.
 2. Shadow diagrams are shown in yellow.
 3. Shadow diagrams are shown in yellow.
 4. Shadow diagrams are shown in yellow.
 5. Shadow diagrams are shown in yellow.
 6. Shadow diagrams are shown in yellow.
 7. Shadow diagrams are shown in yellow.
 8. Shadow diagrams are shown in yellow.
 9. Shadow diagrams are shown in yellow.
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**S4.55(2) Modification
Application**

MIXED USE DEVELOPMENT

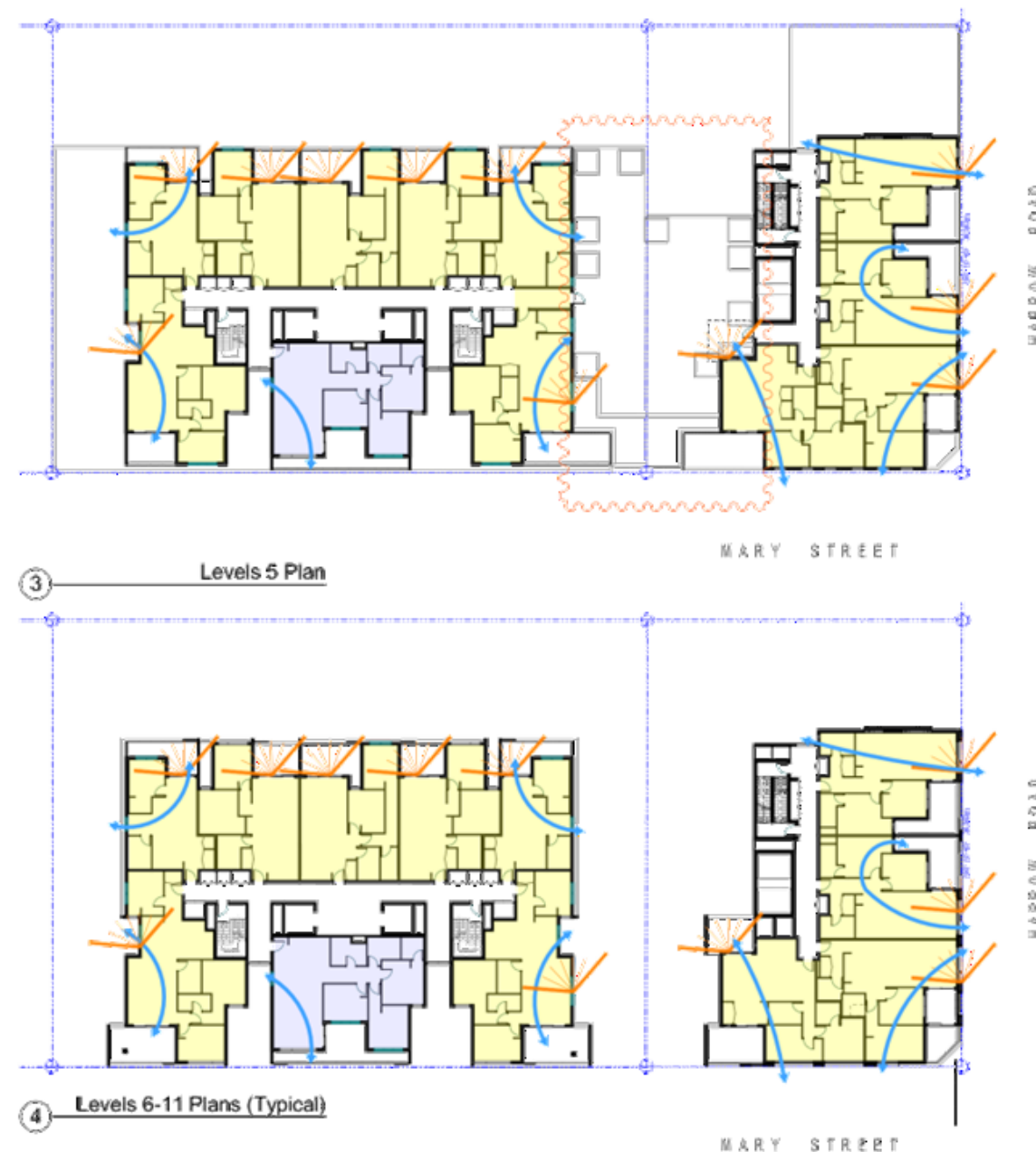
**9 - 19 Mary Street
Auburn NSW 2144**

Project Name: 9 - 19 Mary Street



**Shadow Diagram 02
(Summer Solstice)**

DESIGNED BY	DATE	COMPILED BY	SCALE	REVISION
8599	30	8599	1:1000	1
8599	30	8599	1:1000	1



<p>Figure 10.10: Comparison of the design and performance of the two buildings. The table compares the design and performance of the two buildings. The table is divided into four sections: Objective 4A-1, Objective 4B-3, and two sections for Solar Access and Natural Cross Ventilation. Each section contains a list of design criteria and their corresponding performance metrics.</p>	<p>Objective 4A-1</p> <p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space</p> <p>Design criteria</p> <ol style="list-style-type: none"> 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 <p>SOLAR ACCESS 129 OF 157 UNITS = 82.2 %</p>
	<p>Objective 4B-3</p> <p>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents</p> <p>Design criteria</p> <ol style="list-style-type: none"> 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 <p>NATURAL CROSS VENTILATION 166 OF 157 UNITS = 84.3 %</p>
	<p>SOUTH FACING UNIT - MIN. SOLAR 26 OF 157 UNITS = 17.8 %</p>
	<p>WEST FACING UNIT - MIN. SOLAR 26 OF 157 UNITS = 17.8 %</p>

ISSUE	NAME (NAME)	DATE	STATUS
SA 010	ISSUE FOR SA 010 (COMPLAINT)	7/2/2019	NEW
SA 014	ISSUE FOR SA 014 (COMPLAINT)	8/2/2019	NEW

Information on the training is the subject of an advertisement appearing on page 24 of this issue. It is available in English and Spanish.

Zhiyao Architects Pty Ltd

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✆ 01209710000

☎ 02-2639-4500

25-495289-9-7763

PROCESSES

S4.55(2) Modification Application

[illegible]

MIXED USE DEVELOPMENT

9 - 19 Mary Street
Auburn NSW 2144

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SHEET FIVE

Solar & Cross Ventilation Diagrams

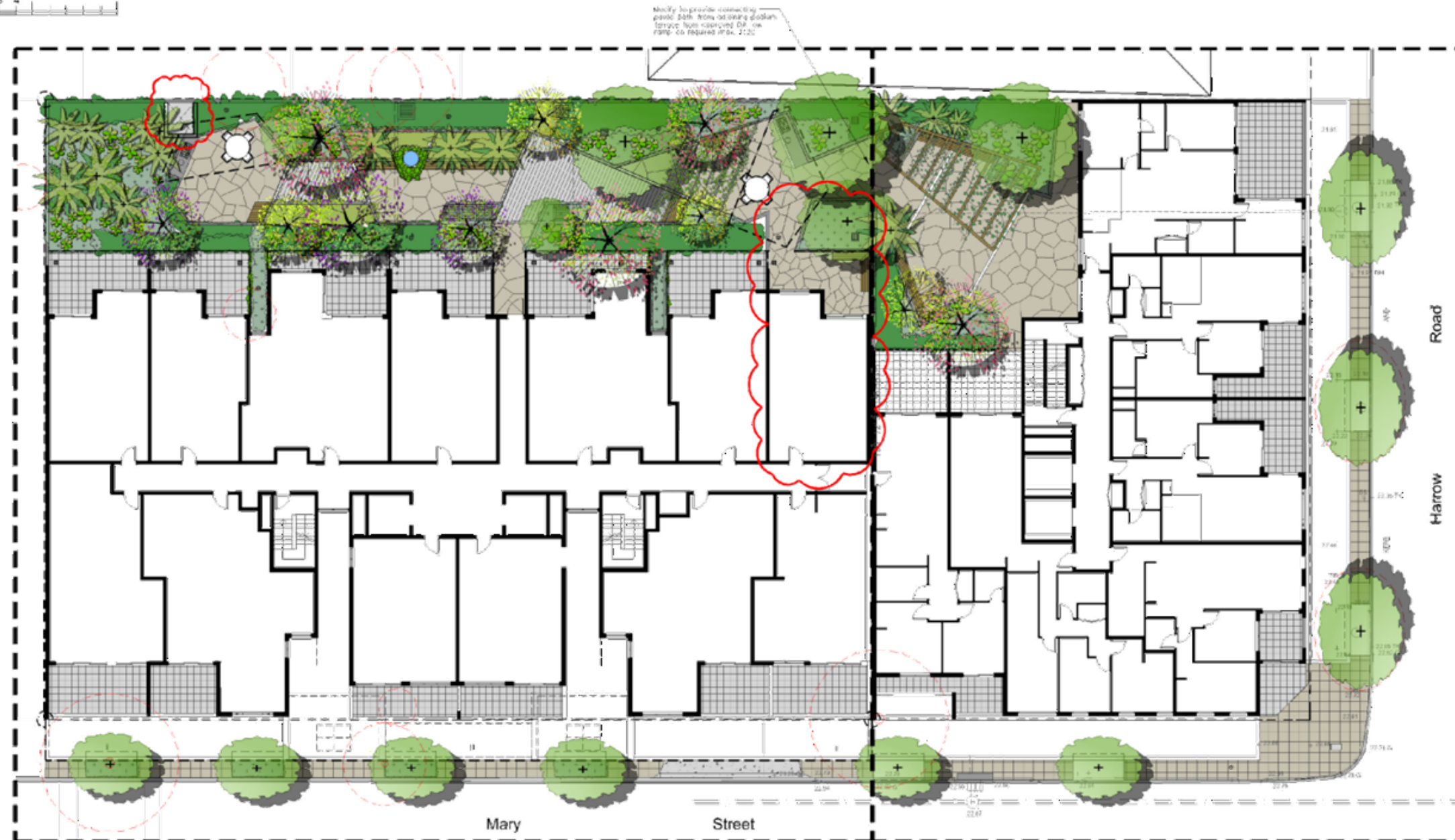
EXPENSE	EXPENSE	COMMENTS	DATE	FILE
AMT	MR	5/12/2024	1500000 1000000 500000	AMT

8599	31
ICE Inc.	BEACON INC.

DOCUMENTS
ASSOCIATED WITH
REPORT LPP004/20

Attachment 3
Landscape Plan

Masterplan 1:150 @ A3



Western zones - see sheet 2-4

Eastern zones - see sheet 5-7

Design notes

To provide a high quality built environment for the residents of the property, various usable common open space areas are incorporated within the development to provide for passive recreation and to contribute positively to the amenity of the local area.

The northern side podium is the principle common open space area for the residents of the development. Some covered areas for BBQ areas at both the western and eastern sides are proposed. These are physically separated and visually screened and separated from the private courtyards with planting in 1100mm high raised planters.

Attached to the covered BBQ areas are a continuation of balconies with deciduous climbing plants for summer shade and winter solar access. This design feature provides visual privacy screening to address overlooking from the balconies on the upper levels.

The planting is located in a predominantly continuous 1100mm raised planter following the perimeter of the podium. This size and depth is realistically what is required to get any reasonable sort of long term trees and shrubs to thrive. A mixture of evergreen and deciduous trees and shrubs for amenity and privacy. This also addresses overlooking from this common open space podium area into adjoining properties.

The paving types are split into two types incorporated into the geometry of the layout for visual interest. This layout also delineates the separation of various uses within the podium area so a variety of users and groups can populate the common open space area at any given time. Informal uncovered seating/benches are separated from the covered BBQ areas again to maximise the number of groups who could comfortably use the space at any one time.

A water feature bowl, adjacent feature planting and garden lighting are used opposite the pedestrian access door into the space to draw users into the space.

The existing Brush Box street trees have been heavily pruned due to overhead powerlines. These in combination with the proposed footpaths aiming will require extensive additional pruning. The proposal recommends the removal of these poor condition street trees and replacement with a species of a lower height and location to enable them to sit within the above noted constraints. For the purposes of the application the shorter-growing *Fraxinus excelsior* (Water Gum) has been proposed as a hardy street tree suitable for this type of installation. Council may consider a variety of alternative species. (refer to sheet 2 for details).

It is intended the garden design seeks to incorporate all of the above principles within the framework of an appropriate period style and aesthetically pleasing visual design appropriate for the location and intended use.

**Note: S4.55 amendments Nov.2019
indicated with red REV cloud on
relevant sheets.**

Drawing schedule

- Sheet 1: Masterplan
- Sheet 2: Landscape plan - western zone
- Sheet 3: Planting plan - western zone
- Sheet 4: Level 5 podium plan
- Sheet 5: Landscape planting plan - eastern zone
- Sheet 6: Sections - eastern zone
- Sheet 7: Roof terrace - eastern zone /
Landscape calculations - western & eastern zones

Legend



Arborist:
Redgum Horticultural
Ph: 8824 8314



PAUL SCRIVENER
LANDSCAPE

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PROJECT: MIXED USE DEVELOPMENT

9-19 MARY STREET,

AUSTIN, NSW

DWG: MASTERPLAN

DATE: 12.12.19

SCALE: 1:150 @A3

REV: 15/2017

SHEET NO: 1 of 7

ISSUED:

APPROVED:

DATE:

PROJECT:

LOCATION:

DATE:

PROJECT:

LOCATION:

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LOCATION:

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LOCATION:

DATE:

PROJECT:

LOCATION:

Landscape site plan - western zone 1:100 @ A1



Design notes

To provide a high quality built environment for the residents of the property. Ensure usable common open space areas are incorporated within the development to provide for passive recreation and to contribute positively to the amenity of the local area.

The northern side podium is the principle common open space area for the residents of the development. Some covered areas for BBQ areas at both the western and eastern sides are proposed. These are physically separated and visually screened and separated from the private courtyards with planting in 1100mm high raised planters.

Attached to the covered BBQ areas are a continuous pergolas with deciduous climbing plants for summer shade and winter solar access. This design feature provides visual privacy screening to address overlooking from the balconies on the upper levels.

The planting is located in a predominantly continuous 1100mm raised planter following the perimeter of the podium. This size and depth is realistically what is required to get any reasonable sort of long term trees and shrubs to thrive. A mixture of evergreen and deciduous trees and shrubs for amenity and privacy. This also addresses overlooking from the common open space podium area into adjoining properties.

The paving types are split into two types integrated into the geometry of the layout for visual interest. This layout also delineates the separation of various use areas within the podium area so a variety of users and groups can populate the common open space area at any given time. Informal uncovered seating benches are separated from the covered BBQ areas again to maximise the number of groups who could comfortably use the space at any one time.

A water feature bowl, adjacent feature planting and garden lighting are configured with seating opportunities around space to draw users into the space.

The existing Brash Box street trees have been heavily pruned due to overhead powerlines. These in combination of the proposed footpath paving will require extensive additional pruning. The proposal recommends the removal of these poor condition street trees and replacement with a species of a lower height and location to enable them exist within the above noted constraints. For the purposes of the application the shorter growing Callistemon 'kings park special' street trees as per council recommendation has been proposed as hardy street tree suitable for this type of installation.

In summary the garden design seeks to incorporate all of the above principles within the framework of an appropriate period style and aesthetically pleasing visual design appropriate for the location and intended use.

Legend



Arborist:
Redgum Horticultural
Ph: 8824 8314



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Design: Paul Scrivener 19/02/2020

Project: Mixed Use Development
9-19 Mary Street,
Aurora, NSW

Draw: LANDSCAPE PLAN - WESTERN ZONE

Date: 19/02/20 SCALE: 1:100 @A1

Drawn: Rob Reg 19/02/20 Sheet No: 2 of 7

Revised: /

Approved: /

Author: /

Checker: /

Reviewer: /

Approved: /

Author: /

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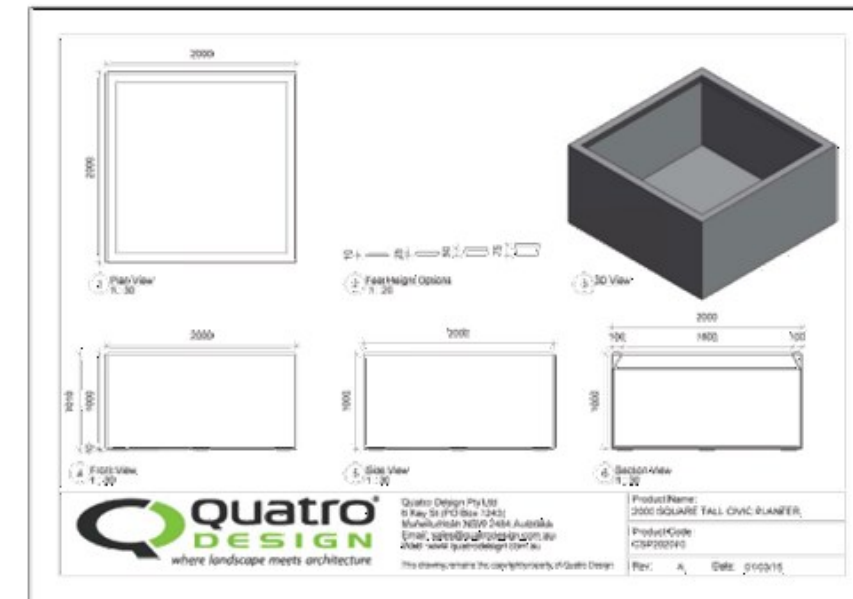
Author: /



Planting schedule

Symbol	Botanical name	Common name	Cont. size	Staking	Mature height	No req.
Large planter tub trees						
BAS	<i>Banksia serrata</i>	Old Man Banksia	45Lt	3x50x50x1800	5-7.0M	1
MLG	<i>Magnolia 'Little Gem'</i>	Little Gem (small ornamental standard tree)	300mm	nil	2.5-3.0M	3
PLU	<i>Plumeria acutifolia</i>	Frangipani (small flowering deciduous tree)	45Lt	2x50x50x1800	3-4.0M	2
OSW	<i>Olea 'Swan Hill'</i>	Non-fruiting Swan Hill Olive (Ultra hardy, ideal for large pots)	45Lt	nil	2.5-3.5M	1
SYC	<i>Syzygium 'Cascade'</i>	Cascade Lilly Pilly (Weeping habit suitable for planter tub)	45Lt	nil	3.0M	7
Ferns / Palms						
ALR	<i>Alcanatarea 'Rubra'</i>	Giant Bromeliad (Large succulent leaved ornamental plant)	300mm	nil	1.0M	3
CYR	<i>Cycas revolutum</i>	Sago Palm (striking native low palm like)	300mm	nil	1-1.2M	4
RHA	<i>Rhipis excelsor</i>	Lady Finger Palms (shade tolerant small palm)	300mm	nil	2-2.5M	3
YUC	<i>Yucca elaphantipes</i>	Giant Yucca (thick stalked spiky-leaved plant)	300mm	nil	1.5M	3
Groundcovers/Climbers						
MYP	<i>Myoporum parvifolium</i>	Creeping Boobialla (native cascading groundcover)	200mm	nil	0.2M	6
TJA	<i>Trachelospermum asiaticum</i>	Flattest Star Jasmine (ETOI Ozbreed hybrid groundcover)	200mm	nil	0.2M	30
WIS	<i>Wisteria sinensis</i>	Chinese Wisteria (deciduous climber over pergola)	300mm	over pergola	5.0M	2
SML	<i>Spathiphyllum 'Alo Moana'</i>	Peace Lilly (shade tolerant flowering Glossy leaves)	200mm	nil	0.4M	6
Ornamental grasses/strappy leaved plants						
DIG	<i>Diets grandiflora</i>	Wild Iris (low vertical hardy wild iris)	200mm	nil	0.7M	8
LIM	<i>Liriope Evergreen Giant</i>	Turf Lily (shade tolerant groundcover)	150mm	nil	0.4M	32

Planting schedule species to be sourced from local nurseries supplying plants of local provenance wherever possible. Landscape contractor is to check plant numbers on plan against the schedule prior to submitting tender price. Contact landscape architect if any number discrepancies are found. Council compliance controls require that any substitution of species variety or container size MUST be confirmed with landscape architect to ensure a compliance certificate can be issued that meets the specific development consent conditions of the project.



Large format pots schedule - Sizes and type (for approved alternative makes)

Type	Make & model	Size (mm)
A	Quatro pots - Tall U Bowl	2200 dia x 1000(h)
B	Quatro pots - 2000 Square Tall Civic Planter	2000 x 2000 x 1000(h)
A	Quatro pots - Tall U Bowl	1200 dia x 750(h)

With low foot supports to allow free surface water drainage under. All drainage points on terraces to stormwater engineers details.

All pots to have concealed poly dripline irrigation run behind pots and up through base drainage holes. Connect to automatic timer. To be detailed in Construction Certificate drawings.

All planters to have approved specified planter box mix min 400mm over B horizon soil fill. To be detailed in Construction Certificate drawings.

All planters adjacent to balustrading to be min. 1000mm non-climbable faces. To be confirmed by BCA consultant prior to purchase and installation.

All fixed seating benches to be min. 1000mm from any balustrading or planter adjacent to balustrading. To be confirmed by BCA consultant prior to purchase and installation.



Arborist:
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PROJECT: MIXED USE DEVELOPMENT
9-15 NAVY STREET,
RUSKIN, NSW

DWG: LEVEL 5 PODIUM PLAN

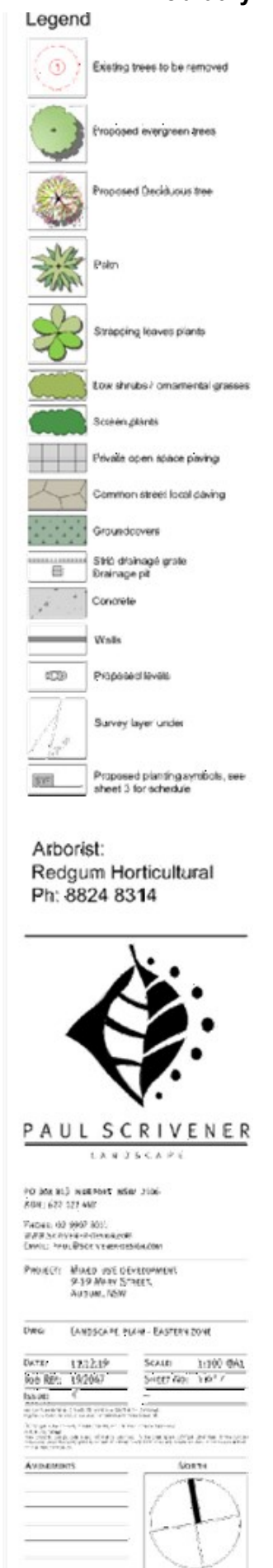
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JOB REF: 1902647 SHEET NO: 4 of 7
ISSUED: 1

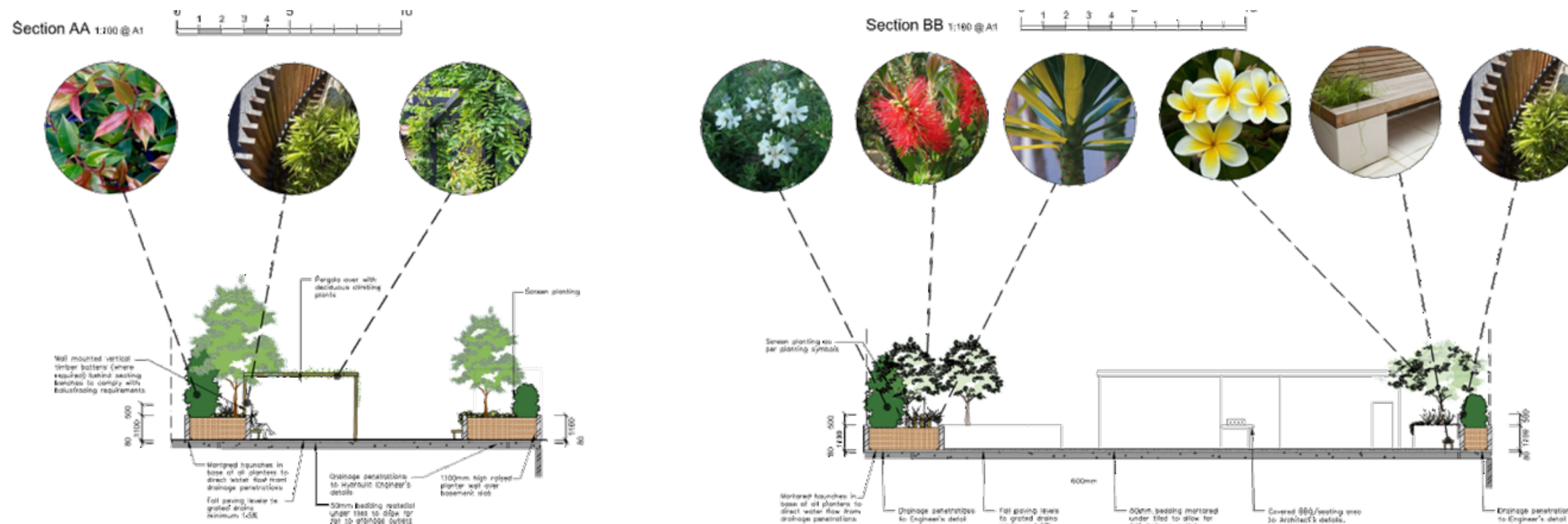
DESIGNED BY: PAUL SCRIVENER
DRAWN BY: PAUL SCRIVENER
CHECKED BY: PAUL SCRIVENER
APPROVED BY: PAUL SCRIVENER

1:1000 Scale (shown @A3)

APPROVED BY: PAUL SCRIVENER

DATE: 15.02.20





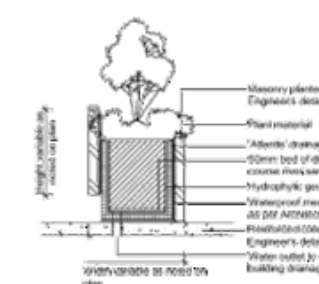
Planting schedule – eastern zone

Symbol	Botanical name	Common name	Cont. size	Staking	Mature height	No req.
Trees						
APA	<i>Acer palmatum</i>	Japanese Maple (versatile small deciduous garden tree)	75L	3x50x50x1800	5-7.0M	1
SYF	<i>Walteria floribunda</i>	Sweeper (deciduous small tree)	75L	3x38x38x1800	6-8.0M	1
TLL	<i>Tristanopsis laurina</i>	Water Gum cultivar (indigenous small tree)	75L	3x50x50x1800	5-7.0M	5
Shrubs / small feature trees						
CKS	<i>Callistemon Kings Park Special</i>	Bottlebrush small (native tree for planter box)	300mm	2x50x50x1800	3-3.5M	6
PTT	<i>Pittosporum tobira</i>	Miss Muffet Pittosporum (bright green foliage hedge)	200mm	hedged	0.8-1.0M	8
PLU	<i>Plumosa acutifolia</i>	Frangipani (small flowering deciduous tree)	45L	2x50x50x1800	3-4.0M	4
SWL	<i>Syzygium Winter Lights</i>	Winter Lights Lily Pili (flowering evergreen plant can be hedged)	200mm	hedged to max height	1.5-2.8M	7
WFG	<i>Wisteria fruticosa</i>	Ozbreed Grey Box (hardy low shrub can be hedged)	200mm	hedged	0.4-0.7M	24
Ferns / Palms / Succulents / ornamental bamboos						
AGV	<i>Agave attenuata</i>	Century plant (striking spiky leaved succulent)	200mm	nil	0.5M	3
ARC	<i>Archontophoenix cunninghamiana</i>	Semipalm (tropical style palm)	200mm	nil	8-12M	1
BGU	<i>Bambusa guangxiensis</i>	Dwarf Chinese Bamboo (ornamental bamboo can be hedged)	200mm	nil	2-3.5M	5
CYR	<i>Cycas revoluta</i>	Sago Palm (striking native evergreen palm like)	300mm	nil	1-1.2M	4
DRD	<i>Dracaena draco</i>	Dragon Tree (striking feature plant)	200mm	nil	2.5-3.5M	2
STR	<i>Strelitzia reginae</i>	Bird of Paradise (strappy leaved flowering accent plant)	250mm	nil	1-1.2M	5
YUC	<i>Yucca elephantipes</i>	Giant Yucca (multi-trunked spiky feature plant)	300mm	nil	1.5M	8
Groundcovers/Climbers						
DSF	<i>Dichondra Silver Falls</i>	Silver Falls (cascading groundcover in roof garden)	200mm	nil	0.15M	4
GPR	<i>Grevillea 'Purinda Royal Mantle'</i>	Grevillea Groundcover (native low groundcover)	150mm	nil	0.2M	12
TJA	<i>Trachelospermum asiaticum</i>	Variegated Star Jasmine (variegated colour groundcover)	150mm	nil	0.2M	9
TJT	<i>Trachelospermum tricolor</i>	Native Violets (native low groundcover)	200mm	nil	0.5M	14
VH	<i>Viola hederacea</i>	Chinese Wisteria (deciduous climber over pergola)	tubes	nil	0.1M	30
WIS	<i>Wisteria sinensis</i>	Chinese Wisteria (deciduous climber over pergola)	300mm	over pergola	5.0M	4
Ornamental grasses/strappy leaved plants						
CM	<i>Clivia miniata</i>	Kaffir Lily (shade tolerant groundcover)	200mm	nil	0.5M	5
DVE	<i>Diota vegeta catenulata</i>	Dwarf Wild Iris (low vertical hardy wild iris)	150mm	nil	0.6M	23
LM	<i>Liriope Evergreen Giant</i>	Turf Lily (shade tolerant groundcover)	150mm	nil	0.4M	36
LTT	<i>Lomandra Lime Tuff</i>	Dwarf Lomandra (ornamental grass)	150mm	nil	0.4M	40
Water lilies and aquatic plants						
CPR	<i>Cyperus prolifer</i>	Dwarf Papyrus (submerged pots in pond 1m)	200mm	submerged containers	0.6M	1

Planting schedule species to be sourced from local nurseries supplying plants of local provenance wherever possible. Landscape contractor is to check plant numbers on plan against the schedule prior to submitting tender price. Contact landscape architect if any number discrepancies are found. Council compliance controls require that any substitution of species variety or container size MUST be confirmed with landscape architect to ensure a compliance certificate can be issued that meets the specific development consent conditions of the project.

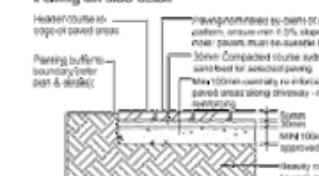
Detail 2.

Typical planter box drainage detail n.l.s



Detail 5.

Paving on slab detail



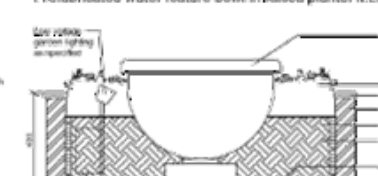
Detail 3.

Palm planting detail n.l.s



Detail 6.

Prefabricated water feature bowl in raised planter n.l.s



PAUL SCRIVENER LANDSCAPE

1. Site preparation
Any existing trees and vegetation to be retained shall be protected and preserved from damage or removal during the construction of the landscape. Any existing trees and vegetation to be removed shall be removed in accordance with the relevant council requirements. Any existing trees and vegetation to be retained shall be protected and preserved from damage or removal during the construction of the landscape. Any existing trees and vegetation to be removed shall be removed in accordance with the relevant council requirements.

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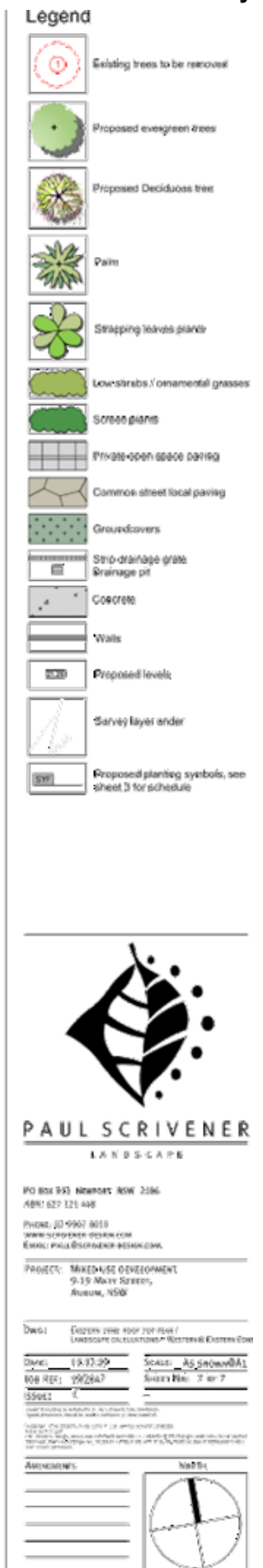
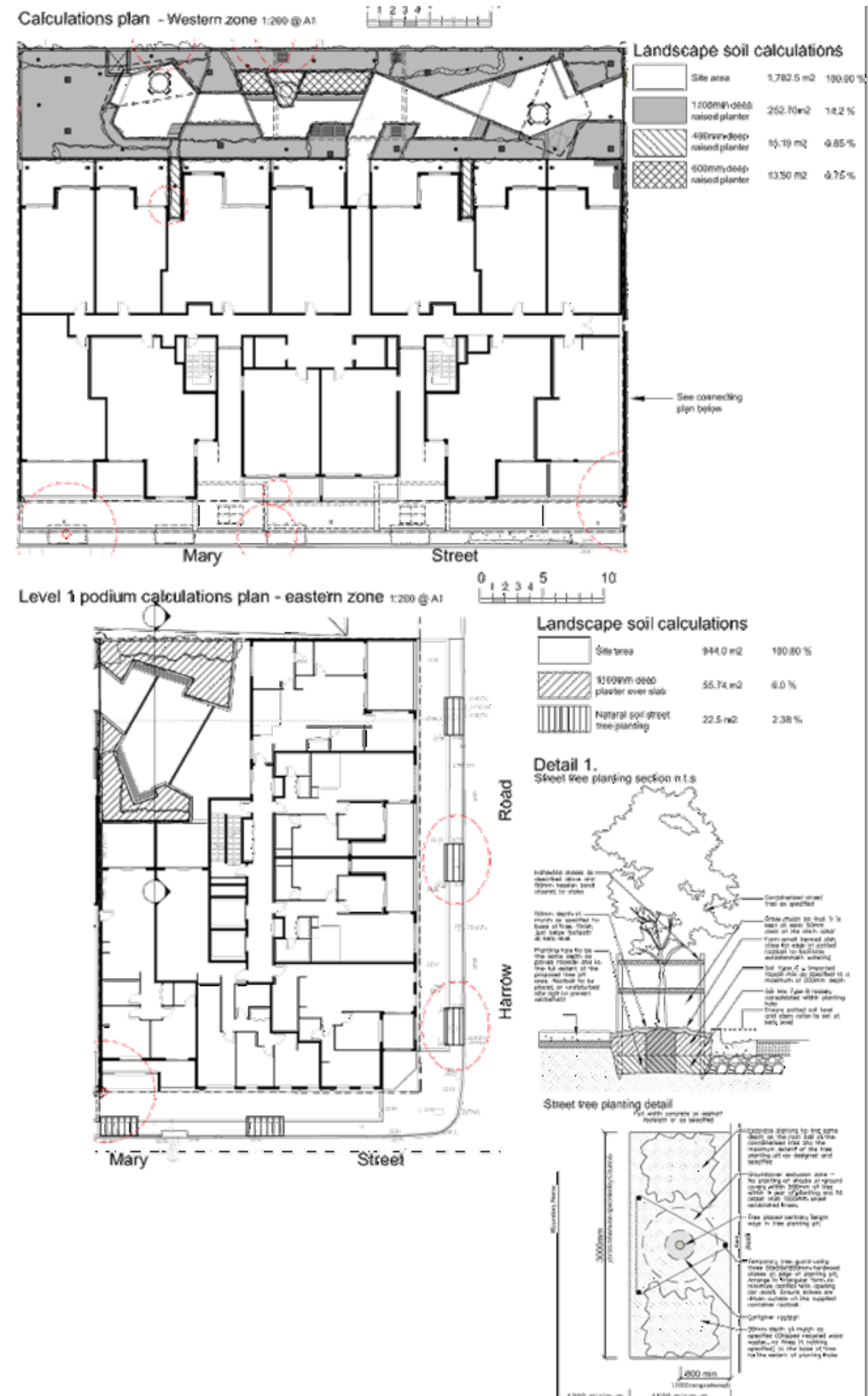
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DOCUMENTS
ASSOCIATED WITH
REPORT LPP004/20

Attachment 4

Appendix A - State Environmental
Planning Policy No.65

APPENDIX A

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

The provisions and design quality principles of SEPP 65 and Apartment Design Guide (ADG) have been considered in the assessment of the development application within the following table:

SEPP 65 - Design Quality of Residential Apartment Development

Requirement	Yes	No	N/A	Comment
Part 1 Preliminary				
Clause 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"/>	The proposal is considered to satisfy the aims and objectives of SEPP 65.
(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"/>	Minor non-compliances with the Apartment Design Guide are highlighted in red and discussed in greater detail below.
(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 NSW:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(i) by providing sustainable housing in social and environmental terms;				
(ii) By being a long-term asset to its neighbourhood;				
(iii) By achieving the urban planning policies for its regional and local contexts.				
(b) To achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define.	<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.	<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.	<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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(g) to support housing affordability.	<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"/>	
(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"/>	

Requirement	Yes	No	N/A	Comment
(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"/>	
Part 3 Design Review Panels				
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"/>	The amended proposal does not require referral to the Design Review Panel.
(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) (a)the advice (if any) obtained from the design review panel, and (b) (b)the design quality of the development when evaluated in accordance with the design quality principles, and (c) (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"/>	
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"/>	
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The application involves the modification of a previous consent.

Requirement	Yes	No	N/A	Comment
modifications diminish or detract from the design quality, or compromise the design intent, of the development for which the consent was granted.				
(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): (a) the advice (if any) obtained from the design review panel, and (b) the design quality of the development (as modified) 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 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"/>	
30 Standards that cannot be used as grounds to refuse development consent or modification of development consent				
(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: (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, (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, (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. Note. The <i>Building Code of Australia</i> specifies minimum ceiling heights for residential flat buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal provides for parking to meet the minimum requirements of the ADG.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The apartments comply with the minimum areas specified by the Apartment Design Guide.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The floor to ceiling heights of the apartments complies with the minimum heights specified in the Apartment Design Guide.
(2) Development consent must not be granted if, in the opinion of the consent authority,				

Requirement	Yes	No	N/A	Comment
the development or modification does not demonstrate that adequate regard has been given to: (a) the design quality principles, and (b) the objectives specified in the Apartment Design Guide for the relevant design criteria. (3) To remove doubt: (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 (b) the design criteria specified in subclause (1) are standards to which clause 79C (2) of the Act applies.	<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"/>	The design of the proposed development has given adequate regard to the design quality principles and the objectives specified in the Apartment Design Guide for the relevant design criteria.
Schedule 1 Design quality principles				
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 proposed development is considered to respond appropriately to its context in terms of the existing and likely future character of the streetscape and neighbourhood.
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"/>	The proposed bulk, scale and height of the development is considered to be respond appropriately to the existing and desired future character of the street and surrounding buildings, having regard to the applicable development standards. The development has also been well designed in terms of alignments, proportions articulation and building elements. The development is also considered to make a positive contribution to the streetscape and the public domain.
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed development exceeds the maximum FSR for the site under ALEP 2010. This is dealt with in the consideration under the ALEP 2010.

Requirement	Yes	No	N/A	Comment
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"/>	A BASIX Report has been submitted with the modification application. The certificates require sustainable development features to be installed into the development. The proposal will incorporate features relating to ESD in the design and construction of the development inclusive of water efficient fixtures and energy saving devices.
Principle 5: Landscape 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. 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. 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A landscape plan has been submitted with the application. The landscape plan demonstrates appropriate planting at the street level and ground level open space, as well as embellishment of the rooftop common open space area.
Principle 6: Amenity Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing. 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal will deliver sufficient amenity to residents of the building. The proposal achieves compliance with the ADG in this regard. Suitable access is provided to all parts of the building, through the efficient use of lifts to access all levels.
Principle 7: Safety 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. 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The position and orientation of the various building elements allows for balconies and habitable rooms of apartments to overlook the street and communal open spaces. The development has been designed with distinct and secure access points and there is proper demarcation between public and private spaces.
Principle 8: Housing Diversity and Social Interaction				The development provides a mix of 1, 2

Requirement	Yes	No	N/A	Comment
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	and 3 bedroom apartments as well as a penthouse suite. 10% of the apartments are adaptable apartments (i.e. 16 of 157). The development has also been designed with communal open space which will cater for a broad range of residents and provide opportunity for social interaction.
<p>Principle 9: Aesthetics</p> <p>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.</p> <p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed modification does not alter this aspect of the proposal.
<p>Clause 28 Determination of DAs</p> <p>(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.</p> <p>(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):</p> <p>(a) the advice (if any) obtained from the design review panel, and</p> <p>(b) the design quality of the development when evaluated in accordance with the design quality principles, and</p> <p>(c) the Apartment Design Guide.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed modification does not alter this aspect of the proposal.

Apartment Design Guide (ADG)

Requirement	Yes	No	NA	Comment
Part 3B - Orientation				
<p>3B-1 Design Guidance</p> <p>Buildings along the street frontage define the street, by facing it and incorporating direct access from the street</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The building defines the street and has direct access from the street. The commercial tenancies activate the street front.
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"/>	
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development has been designed to maximise solar access to the apartments.

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"/>	The development achieves the minimum solar access requirements to private and communal open spaces.
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"/>	Overshadowing of adjoining properties is minimised.
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed building is setback in accordance with minimum building separation requirements and the variation to the height limit results in a small increase in overshadowing associated with the non-compliant building element. This does not result in adverse overshadowing impacts to adjoining properties. The proposal is therefore considered to comply with the requirements pertaining to solar access.
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	There are currently no solar collectors on affected buildings 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"/>	The proposed modification does not alter this aspect of the proposal.
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Upper level balconies and windows should overlook the public domain.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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"/>	
Length of solid walls should be limited along street frontages.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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 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 checked="" type="checkbox"/>	

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 checked="" type="checkbox"/>	
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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed modification does not alter this aspect of the proposal.
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"/>	
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"/>	
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"/>	
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:				
• street access, pedestrian paths and building entries which are clearly defined.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• minimal use of blank walls, fences and ground level parking.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Part 3D - Communal and public open space				
3D-1 Design Criteria				
Communal open space has a minimum area equal to 25% of the site (see figure 3D.3).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The amended development provides approximately 589m ² of communal open space at ground level equating to 21% of the site area.
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).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed 287m ² of podium area and the approved 424m ² of rooftop area on the eastern tower) brings the total area up to 1,303m ² which

[illegible]

Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																
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:- <ul style="list-style-type: none">• Bay windows.• Corner windows.• Balconies. Communal open space should be well lit. Where communal open space / facilities are provided for children and young children they are safe and contained.	<input 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 checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Communal open spaces are overlooked by windows and balconies. Lawn areas are safe and contained.															
3D-4 Design Guidance The public open space should be well connected with public streets along at least one edge. The public open space should be connected with nearby parks and other landscape elements. Public open space should be linked through view lines, pedestrian desire paths, termination points and the wider street grid. Solar access should be provided year round along with protection from strong winds. A positive address and active frontages should be provided adjacent to public open space. Boundaries should be clearly defined between public open space and private areas.	<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"/>	Public open space is not provided within the development. The proposed modification does not alter this aspect of the proposal.															
Part 3E1 - Deep soil zones																			
3E-1 Design criteria Deep soil zones are to meet the following minimum requirements: <table><tr><th>Site Area</th><th>Dimensions</th><th>Deep Soil</th></tr><tr><td>Less than 650m²</td><td></td><td>7%</td></tr><tr><td>650m² to 1,500m²</td><td>3m</td><td>7%</td></tr><tr><td>Greater than 1,500m²</td><td>6m</td><td>7%</td></tr><tr><td>Greater than 1,500m² with significant existing tree</td><td>6m</td><td>7%</td></tr></table>	Site Area	Dimensions	Deep Soil	Less than 650m ²		7%	650m ² to 1,500m ²	3m	7%	Greater than 1,500m ²	6m	7%	Greater than 1,500m ² with significant existing tree	6m	7%	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No deep soil zones are proposed as part of this DA which is reflective of the existing approval. The proposed modification does not alter this aspect of the proposal.
Site Area	Dimensions	Deep Soil																	
Less than 650m ²		7%																	
650m ² to 1,500m ²	3m	7%																	
Greater than 1,500m ²	6m	7%																	
Greater than 1,500m ² with significant existing tree	6m	7%																	
3E-1 Design Guidance On some sites it may be possible to provide larger deep soil zones, depending on the site area and context: <ul style="list-style-type: none">• 10% of the site as deep soil on sites with an area of 650m² - 1,500m².• 15% of the site as deep soil on sites greater than 1,500m².	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	As above, no deep soil zones have been proposed.															

<p>Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include:</p> <ul style="list-style-type: none">• basement and sub basement car park design that is consolidated beneath building footprints.• use of increased front and side setbacks• adequate clearance around trees to ensure long term health.• co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil. <p>Achieving the design criteria may not be possible on some sites including where:</p> <ul style="list-style-type: none">• the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres).• there is 100% site coverage or non-residential uses at ground floor level. <p>Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure.</p>	<div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input checked="" type="checkbox"/></div>	<div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div>	<div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input type="checkbox"/></div>	<p>Adequate on-structure planting is proposed, including ground level planting.</p>												
Part 3F - Visual privacy																
<p>3F-1 Design criteria</p> <p>Separation between windows and balconies is provided to ensure visual privacy is achieved.</p> <p>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 & 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>Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2).</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p>	Building height	Habitable rooms & 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	<div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div>	<div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input checked="" type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div>	<div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div> <div><input type="checkbox"/></div>	<p>The proposed modification does not alter this aspect of the proposal.</p>
Building height	Habitable rooms & 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														
<p>3F-1 Design Guidance</p> <p>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 'zigurat' appearance.</p> <p>For residential buildings next to commercial</p>	<div><input checked="" type="checkbox"/></div>	<div><input type="checkbox"/></div>	<div><input type="checkbox"/></div>	<p>The proposed modification does not alter this aspect of the proposal.</p>												

<p>buildings, separation distances should be measured as follows:-</p> <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. <p>New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include:</p> <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). <p>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).</p> <p>Direct lines of sight should be avoided for windows and balconies across corners.</p> <p>No separation is required between blank walls.</p>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	
<p>3F-2 Design Guidance</p> <p>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:</p> <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>	<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 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 checked="" type="checkbox"/> <input type="checkbox"/>	<p>Adequate separation and privacy treatments are provided between private and communal open space areas through level changes and screen planting.</p> <p>Services areas and kitchens are provided adjacent to gallery access areas.</p> <p>Balconies and private terraces are located in front of living rooms.</p>

Windows should be offset from the windows of adjacent buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Recessed balconies and/or vertical fins should be used between adjacent balconies.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Fin walls are provided between balconies to ensure privacy.
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed modification does not alter this aspect of the proposal.
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>	The proposed modification does not alter this aspect of the proposal.
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"/>	
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"/>	Public links through the site are not proposed.
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:-				The proposed modification does not alter this aspect of the proposal.
• 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

concealed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Car park entries should be located behind the building line.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Access point locations should avoid headlight glare to habitable rooms.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The need for large vehicles to enter or turn around within the site should be avoided.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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"/>	
Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• changes in surface materials.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• level changes.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• the use of landscaping for separation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Part 3J - Bicycle and car parking				
3J-1 Design Criteria				
For development in the following locations:				
• on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				<p>The site is approximately 260m from Auburn Railway Station. In this instance the car parking rate in the Guide to Traffic Generating Development is less than the ADCP 2011 rate. The applicable rate to be applied is the metropolitan sub-regional centres for a high density residential flat building (i.e. 20 or more dwellings) as follows:</p> <p><u>Required</u></p> <p>40 x 1bed @ 0.6 spaces= 24.0</p>

council, whichever is less. The car parking needs for a development must be provided off street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>85 x 2 bed @ 0.9 spaces = 76.5*</p> <p>31 x 3 bed @ 1.4 spaces = 43.4</p> <p>1 x 4 bed @ 1.4 spaces = 1.4</p> <p>Total Resident – 145.3 spaces</p> <p>*2 bedroom plus study taken to be 3 bedroom</p> <p>Visitor – 157 units @ 1space/5 units = 32</p> <p>Commercial 716sqm @ 1/60sqm = 11.9 (12)</p> <p>Total min. required – 190 spaces</p> <p>288 spaces are proposed.</p> <p>The proposal, therefore, exceeds the required minimum number of car parking spaces and ensures that each site is provided with adequate parking.</p>
<p>3J-1 Design Guidance Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces when provided should be on site.</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>A car share parking space is not proposed.</p> <p>The minimum required number of car parking spaces are provided to the development.</p>
<p>3J-2 Design Guidance 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>Bicycle spaces are provided with the basement.</p> <p>Although no designated motorcycle parking is proposed, the parking is in excess of the minimum requirement by 95 spaces which allows for parking of motorbikes without the need for designated areas.</p>
<p>3J-3 Design Guidance Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces.</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>A car wash bay for resident use has been provided in the Basement 2 level.</p> <p>The proposed modification does not alter this aspect of the proposal.</p>
<p>3J-4 Design Guidance Excavation should be minimised through efficient car park layouts and ramp design.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed modification does not alter this aspect of the proposal.</p>

Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Natural ventilation should be provided to basement and sub-basement car parking areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3J-5 Design Guidance On-grade car parking should be avoided.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	At-grade parking is not proposed.
Where on-grade car parking is unavoidable, the following design solutions are used:-				
• parking is located on the side or rear of the lot away from the primary street frontage.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• cars are screened from view of streets, buildings, communal and private open space areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• safe and direct access to building entry points is provided.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• parking is incorporated into the landscape design of the site, by extending planting and materials into the car park space.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• stormwater run-off is managed appropriately from car parking surfaces.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• bio-swales, rain gardens or on site detention tanks are provided, where appropriate.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• light coloured paving materials or permeable paving systems are used and shade trees are planted between every 4-5 parking spaces to reduce increased surface temperatures from large areas of paving.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3J-6 Design Guidance Exposed parking should not be located along primary street frontages.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All car parking is provided at basement level.
Screening, landscaping and other design elements including public art should be used to integrate the above ground car parking with the facade. Design solutions may include:-				
• car parking that is concealed behind the facade, with windows integrated into the overall facade design (approach should be limited to developments where a larger floor plate podium is suitable at lower levels).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• car parking that is 'wrapped' with other uses, such as retail, commercial or two storey Small Office/Home Office (SOHO) units along the street frontage (see figure 3J.9).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Positive street address and active frontages should be provided at ground level.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development provides a positive street address.
Part 4A - Solar and daylight access				
4A-1 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes 120 units receive a minimum of 2 hours between 9 and 3 in mid winter.

and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.				129/157 = 82%
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"/>	N/A
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 checked="" type="checkbox"/>	<input type="checkbox"/>	No 27/157 = 17.2%
The proposed modification does not alter this aspect of the proposal.				
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"/>	The proposed modification does not alter this aspect of the proposal.
Single aspect, single storey apartments should have a northerly or easterly aspect.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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"/>	
• 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:				
• 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"/>	
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:				
• 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 proposed modification does not alter this aspect of the proposal.
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"/>	The building has been designed to achieve natural ventilation of all units.
<p>4B-2 Design Guidance</p> <p>Apartment depths are limited to maximise</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed modification does not

<p>ventilation and airflow.</p> <p>Natural ventilation to single aspect apartments is achieved with the following design solutions:</p> <ul style="list-style-type: none"> • primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation). • stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries. • courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells. • 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	alter this aspect of the proposal.												
<p>4B-3 Design Criteria</p> <p>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.</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed modification does not alter this aspect of the proposal.												
<p>4B-3 Design Guidance</p> <p>The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths.</p> <p>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.</p> <p>Apartments are designed to minimise the number of corners, doors and rooms that might obstruct airflow.</p> <p>Apartment depths, combined with appropriate ceiling heights, maximise cross ventilation and airflow.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed modification does not alter this aspect of the proposal.												
4C - Ceiling heights																
<p>4C-1 Design Criteria</p> <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1"> <thead> <tr> <th>Type / Use</th> <th>Minimum ceiling height</th> </tr> </thead> <tbody> <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> </tbody> </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"/>	The proposed modification does not alter this aspect of the proposal.
Type / Use	Minimum ceiling height															
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	<input type="checkbox"/>	<input 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"/>													

<p>mixed use floor to promote future areas flexibility of use.</p>														
<p>These minimums do not preclude higher ceilings if desired.</p>														
<p>4C-1 Design Guidance Ceiling height can accommodate use of ceiling fans for cooling and heat distribution.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											
<p>4C-2 Design Guidance A number of the following design solutions can be used:</p> <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. Well-proportioned rooms are provided, for example, smaller rooms feel larger and more spacious with higher ceilings. 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>											
<p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Non-residential use of apartments is not supported for amenity reasons.										
4D - Apartment size and layout														
<p>4D-1 Design Criteria Apartments are required to have the following minimum internal areas:</p> <table border="1"> <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> <ul style="list-style-type: none"> The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms. 	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²				
Apartment type	Minimum internal area													
Studio	35m ²													
1 bedroom	50m ²													
2 bedroom	70m ²													
3 bedroom	90m ²													
<p>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).</p> <p>A window should be visible from any point in a habitable room.</p> <p>Where minimum areas or room dimensions are not met apartments need to demonstrate that they are well designed and demonstrate the usability and</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed modification does not alter this aspect of the proposal.										
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>											
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>											
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	<input checked="" 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"/>	<input checked="" type="checkbox"/>											

<p>functionality of the space with realistically scaled furniture layouts and circulation areas.</p> <p>These circumstances would be assessed on their merits.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>4D-2 Design Criteria</p> <p>Habitable room depths are limited to a maximum of 2.5 times of the ceiling height.</p> <p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8m maximum depth is maintained for open planned apartments, including the new penthouse suite (i.e 8m from window to back wall of kitchen).
<p>4D-2 Design Guidance</p> <p>Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths.</p> <p>All living areas and bedrooms should be located on the external face of the building. Where possible:</p> <ul style="list-style-type: none"> bathrooms and laundries should have an external openable window 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"/>	The proposed modification does not alter this aspect of the proposal.
<p>4D-3 Design Criteria</p> <p>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p> <p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> 3.6m for studio and 1 bedroom apartments. 4m for 2 and 3 bedroom apartments. <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed modification does not alter this aspect of the proposal.
<p>4D-3 Design Guidance</p> <p>Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas.</p> <p>All bedrooms allow a minimum length of 1.5m for robes.</p> <p>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.</p> <p>Apartment layouts allow flexibility over time, design solutions may include:</p> <ul style="list-style-type: none"> dimensions that facilitate a variety of furniture arrangements and removal. spaces for a range of activities and privacy 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Access to bedrooms and service areas have been grouped together where possible to minimise direct openings from living rooms.</p> <p>All bedrooms are provided with adequate wardrobes.</p> <p>All apartments have been designed with open plan living/ding rooms to allow for flexible furniture layout.</p>

<p>levels between different spaces within the apartment.</p> <ul style="list-style-type: none"> dual master apartments. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Dual key apartments are not proposed.</p>															
<ul style="list-style-type: none"> dual key apartments <i>Note: dual key 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.</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																
<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"/>																
<p>Efficient planning of circulation by stairs, corridors and through rooms to maximise the amount of usable floor space in rooms.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<p>The apartments have been efficiently designed to maximise usable floor space in rooms.</p>														
Part 4E - Private open space and balconies																			
<p>4E-1 Design Criteria</p> <p>All apartments are required to have primary balconies as follows:</p> <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> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p>	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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>All balconies provide, or exceed, the minimum width and area requirements.</p>
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"/>																
<p>4E-1 Design Guidance</p> <p>Increased communal open space should be provided where the number or size of balconies are reduced.</p> <p>Storage areas on balconies is additional to the minimum balcony size.</p> <p>Balcony use may be limited in some proposals by:</p> <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. <p>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.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>All balconies meet or are in excess of the minimum requirements.</p>															
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Balconies do not contribute to storage volumes.</p>															
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The use of balconies is not constrained by any of these matters</p>															
	<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"/>																

4E-2 Design Guidance							
Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Private open space and balconies are located on the north, east and west sides of the building where possible with direct access from living areas.			
Private open spaces and balconies predominantly face north, east or west.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All primary open space areas and balconies are oriented with the longer side facing outwards so as to maximise daylight access to adjoining rooms.			
4E-3 Design Guidance							
Solid, partially solid or transparent fences and balustrades are selected to respond to the location. They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. Solid and partially solid balustrades are preferred.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed modification does not alter this aspect of the proposal.			
Full width full height glass balustrades alone are generally not desirable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Projecting balconies should be integrated into the building design and the design of soffits considered.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Operable screens, shutters, hoods and pergolas are used to control sunlight and wind.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>				
Balustrades are set back from the building or balcony edge where overlooking or safety is an issue.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>				
Downpipes and balcony drainage are integrated with the overall facade and building design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Where clothes drying, storage or air conditioning units are located on balconies, they should be screened and integrated in the building design.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>				
Ceilings of apartments below terraces should be insulated to avoid heat loss.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Water and gas outlets should be provided for primary balconies and private open space.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>				
4E-4 Design Guidance							
Changes in ground levels or landscaping are minimised.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed modification does not alter this aspect of the proposal.			
Design and detailing of balconies avoids opportunities for climbing and falls.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Part 4F - Common circulation and spaces							
4F-1 Design criteria							
The maximum number of apartments off a circulation core on a single level is eight.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed modification does not alter this aspect of the proposal.			

For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	
• 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"/>	The proposed modification does not alter this aspect of the proposal.
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• access to ample daylight and natural ventilation in common circulation spaces	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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"/>	
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 proposed modification does not alter this aspect of the proposal.
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"/>	
Legible signage should be provided for apartment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

numbers, common areas and general way finding.				
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

4G - Storage

4G-1 Design Criteria
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:

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.

Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather proof and screened from view from the street.

Left over space such as under stairs is used for storage.

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The proposed modification does not alter this aspect of the proposal.

4G-2 Design Guidance
Storage not located in apartments is secure and clearly allocated to specific apartments.

Storage is provided for larger and less frequently accessed items.

Storage space in internal or basement car parks is provided at the rear or side of car spaces or in cages so that allocated car parking remains accessible.

If communal storage rooms are provided they should be accessible from common circulation areas of the building.

Storage not located in an apartment is integrated into the overall building design and is not visible from the public domain.

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Internal storage cupboards are accessible from the living rooms.

Part 4H - Acoustic Privacy

4H-1 Design Guidance
Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F Building separation and section 3F Visual privacy).

Window and door openings are generally

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Discussed previously.

orientated away from noise sources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
The number of party walls (walls shared with other apartments) are limited and are appropriately insulated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4H-2 Design Guidance				
Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions:				
• rooms with similar noise requirements are grouped together.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• doors separate different use zones.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• wardrobes in bedrooms are co-located to act as sound buffers.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions:				
• double or acoustic glazing.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• acoustic seals.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• use of materials with low noise penetration properties.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
•				
Part 4J - Noise and pollution				
4J-1 Design Guidance				
To minimise impacts the following design solutions may be used:				
• physical separation between buildings and the noise or pollution source.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• residential uses are located perpendicular to the noise source and where possible buffered by other uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• where solar access is in the same direction as				

<p>the noise source, dual aspect apartments with shallow building depths are preferable (see figure 4J.4).</p> <ul style="list-style-type: none"> 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 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 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>A mix of 1, 2 and 3 bedroom apartments have been provided with open plan living rooms to provide flexible layouts.</p> <p>The penthouse adds a small measure of variety to the apartment stock found in the Auburn town centre.</p>
<p>4K-2 Design Guidance 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>The proposed modification does not alter this aspect of the proposal.</p>
4L - Ground floor apartments				
<p>4L-1 Design Guidance Direct street access should be provided to ground floor apartments.</p> <p>Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include:</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed modification does not alter this aspect of the proposal.</p>

<ul style="list-style-type: none"> • both street, foyer and other common internal circulation entrances to ground floor apartments. • private open space is next to the street • doors and windows face the street. <p>Retail or home office spaces should be located along street frontages.</p> <p>Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor amenities for easy conversion.</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 checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
<p>4L-2 Design Guidance</p> <p>Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include:</p> <ul style="list-style-type: none"> • elevation of private gardens and terraces above the street level by 1-1.5m (see figure 4L.4). • landscaping and private courtyards. • window sill heights that minimise sight lines into apartments. • integrating balustrades, safety bars or screens with the exterior design. <p>Solar access should be maximised through:</p> <ul style="list-style-type: none"> • high ceilings and tall windows. • trees and shrubs that allow solar access in winter and shade in summer. 	<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>The ground floor units and courtyards have been designed to ensure the privacy of occupants.</p>
4M - Facades				
<p>4M-1 Design Guidance</p> <p>Design solutions for front building facades may include:</p> <ul style="list-style-type: none"> • a composition of varied building elements • a defined base, middle and top of buildings. • revealing and concealing certain elements. • changes in texture, material, detail and colour to modify the prominence of elements. <p>Building services should be integrated within the overall façade.</p> <p>Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include:</p> <ul style="list-style-type: none"> • well composed horizontal and vertical elements • variation in floor heights to enhance the human scale • elements that are proportional and arranged in patterns • public artwork or treatments to exterior blank walls • grouping of floors or elements such as balconies and windows on taller buildings <p>Building facades relate to key datum lines of 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</p>	<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 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"/>	<p>The proposed modification does not alter this aspect of the proposal.</p>

<p>window reveals.</p> <p>4M-2 Design Guidance Building entries should be clearly defined.</p> <p>Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height.</p> <p>The apartment layout should be expressed externally through facade features such as party walls and floor slabs.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed modification does not alter this aspect of the proposal.</p>
<p>4N - Roof design</p> <p>4N-1 Design Guidance Roof design relates to the street. Design solutions may include:-</p> <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. <p>Roof treatments should be integrated with the building design. Design solutions may include:-</p> <ul style="list-style-type: none"> roof design proportionate to the overall building size, scale and form. roof materials compliment 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 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>A parapet roof form is maintained.</p>
<p>4N-2 Design Guidance Habitable roof space should be provided with good levels of amenity. Design solutions may include:</p> <ul style="list-style-type: none"> penthouse apartments. dormer or clerestory windows. openable skylights. <p>Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations.</p>	<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 checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>The proposed modification does not alter this aspect of the proposal.</p>
<p>4N-3 Design Guidance Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may includes:</p> <ul style="list-style-type: none"> the roof lifts to the north eaves and overhangs shade walls and windows from summer sun <p>Skylights and ventilation system should be integrated into the roof design</p>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The proposed modification does not alter this aspect of the proposal.</p>
<p>4O - Landscape Design</p> <p>4O-1 Design Guidance Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating:-</p> <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. 	<input checked="" 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 type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<p>The proposed landscape design is satisfactory.</p>

<p>Ongoing maintenance plans should be prepared</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>4O-2 Design Guidance</p> <p>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 (see figure 4O.5). 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 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 type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>The landscape design responds appropriately to changing site levels.</p>
4P - Planting on structures				
<p>4P-1 Design Guidance</p> <p>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 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"/>	
4P - Planting on structures				
<p>4P-2 Design Guidance</p> <p>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 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"/>	<p>The landscape plan satisfactorily addressed plant species, planting and maintenance requirements.</p>
<p>4P-3 Design Guidance</p> <p>Building design incorporates opportunities for</p>				

<p>planting on structures. Design solutions may include:</p> <ul style="list-style-type: none"> green walls with specialised lighting for indoor green walls. wall design that incorporates planting. green roofs, particularly where roofs are visible from the public domain. planter boxes. <p>Note: structures designed to accommodate green walls should be integrated into the building facade and consider the ability of the facade to change over time.</p>	<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 checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>Planting on the roof is proposed and planter boxes will also be provided at ground level.</p>
4Q - Universal design				
<p>4Q-1 Design Guidance</p> <p>Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed modification does not alter this aspect of the proposal.
<p>4Q-2 Design Guidance</p> <p>Adaptable housing should be provided in accordance with the relevant council policy.</p> <p>Design solutions for adaptable apartments include:-</p> <ul style="list-style-type: none"> convenient access to communal and public areas. high level of solar access. minimal structural change and residential amenity loss when adapted. larger car parking spaces for accessibility. parking titled separately from apartments or shared car parking arrangements. 	<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 type="checkbox"/> <input type="checkbox"/>	<p>17 adaptable dwellings have been provided which is 10.8% of the yield.</p>
<p>4Q-3 Design Guidance</p> <p>Apartment design incorporates flexible design solutions which may include:-</p> <ul style="list-style-type: none"> rooms with multiple functions. dual master bedroom apartments with separate bathrooms. larger apartments with various living space options open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom. 	<input checked="" 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 checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	
4R - Adaptive reuse - N/A. This section has been deleted from the compliance table				
4S - Mixed use				
<p>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Both street frontages are activated by commercial development.
<p>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4T - Awnings and signage				
<p>Awnings are well located and complement and integrate with the building design</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>Signage responds to the context and desired streetscape character</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Signage is not proposed as part of this application.
4U - Energy efficiency				
<p>4U-1 Design Guidance</p> <p>Adequate natural light is provided to habitable</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed modification does not

rooms.				alter this aspect of the proposal.
Well located, screened outdoor areas should be provided for clothes drying.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4U-2 Design Guidance A number of the following design solutions are used:				
• the use of smart glass or other technologies on north and west elevations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A condition of consent can be imposed with regards to the installation of energy efficient glass in these elevations.
• thermal mass in the floors and walls of north facing rooms is maximised.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• polished concrete floors, tiles or timber rather than carpet.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Internal finishes have not been provided, however, the BASIX certificate indicates that energy targets will be met.
• insulated roofs, walls and floors and seals on window and door openings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• overhangs and shading devices such as awnings, blinds and screens.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Balconies provide shading to living room windows.
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:				
• rooms with similar usage are grouped together.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed modification does not alter this aspect of the proposal.
• natural cross ventilation for apartments is optimised.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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"/>	These matters are required by the BASIX Certificate to meet the required targets.
Apartments should be individually metered.	<input checked="" 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.				
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"/>	These matters are required by the BASIX Certificate to meet the required targets.
• porous and open paving materials is maximised.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• on site stormwater and infiltration, including bio-retention systems such as rain gardens or street tree pits.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>	See Engineers comments.
On large sites parks or open spaces are designed to provide temporary on site detention basins.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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. Waste and recycling storage areas should be well ventilated. Circulation design allows bins to be easily manoeuvred between storage and collection points. Temporary storage should be provided for large bulk items such as mattresses. A waste management plan should be prepared.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The Waste officer advises that the waste management is satisfactory.
	<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"/>	<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. Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core. For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses. Alternative waste disposal methods such as composting should be provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Waste officer to comment.
	<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 checked="" type="checkbox"/>	
4X - Building Maintenance				
4X-1 Design Guidance A number of the following design solutions are used: <ul style="list-style-type: none">• roof overhangs to protect walls.• hoods over windows and doors to protect openings.• detailing horizontal edges with drip lines to avoid staining of surfaces.• methods to eliminate or reduce planter box leaching.• appropriate design and material selection for hostile locations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed modification does not alter this aspect of the proposal.
4X-2 Design Guidance Window design enables cleaning from the inside of the building. Building maintenance systems should be incorporated and integrated into the design of the building form, roof and façade. Design solutions do not require external scaffolding for maintenance access. Manually operated systems such as blinds, sunshades and curtains are used in preference to mechanical systems. Centralised maintenance, services and storage should be provided for communal open space areas within the building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<p>4X-3 Design Guidance A number of the following design solutions are used:-</p> <ul style="list-style-type: none"> • sensors to control artificial lighting in common circulation and spaces. • natural materials that weather well and improve with time such as face brickwork. • easily cleaned surfaces that are graffiti resistant. • robust and durable materials and finishes are used in locations which receive heavy wear and tear, such as common circulation areas and lift interiors. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed modification does not alter this aspect of the proposal.</p>
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DOCUMENTS
ASSOCIATED WITH
REPORT LPP004/20

Attachment 5
Appendix B - Auburn Local
Environmental Plan

APPENDIX B

Auburn Local Environmental Plan (LEP) 2010

The relevant objectives and provisions of Auburn LEP 2010 have been considered in the following assessment table:

Clause	Yes	No	N/A	Comment
Part 1 Preliminary				
1.1 Name of Plan				
This Plan is <i>Auburn Local Environmental Plan 2010</i> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1.1 AA Commencement				
This Plan commences on the day on which it is published on the NSW legislation website.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The plan was gazetted on 29 October 2010.
1.2 Aims of Plan				
(1) This Plan aims to make local environmental planning provisions for land in Auburn in accordance with the relevant standard environmental planning instrument under section 33A of the Act. (2) The particular aims of this Plan are as follows:				
a. to establish planning standards that are clear, specific and flexible in their application,				
b. to foster integrated, sustainable development that contributes to Auburn's environmental, social and physical well-being,	<input checked="" type="checkbox"/>			
c. to protect areas from inappropriate development,	<input checked="" type="checkbox"/>			
d. to minimise risk to the community by restricting development in sensitive areas,				
e. to integrate principles of ecologically sustainable development into land use controls,				
f. to protect, maintain and enhance the natural ecosystems, including watercourses, wetlands and riparian land,				
g. to facilitate economic growth and employment opportunities within Auburn,	<input checked="" type="checkbox"/>			
h. to identify and conserve the natural, built and cultural heritage,				
i. to provide recreational land, community facilities and land for public purposes.				
1.3 Land to which Plan applies				
(1) This Plan applies to the land identified on the Land Application Map.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The plan applies to the site.
Note. Part 23 of Schedule 3 to the <i>State Environmental Planning Policy (Major Projects)</i> does not apply to this Plan.				

Clause	Yes	No	N/A	Comment
<i>Development</i> 2005 applies to certain land identified on the Land Application Map.				
(2) Despite subclause (1), this Plan does not apply to the land identified on the Land Application Map as "Deferred matter".	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1.4 Definitions The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
1.6 Consent authority The consent authority for the purposes of this Plan is (subject to the Act) the Council.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
1.9 Application of SEPPs and REPs (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act. (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies: <i>State Environmental Planning Policy No 1—Development Standards.</i> <i>Sydney Regional Environmental Plan No 24 Homebush Bay Area.</i>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>	 There are a number of State Policies relevant to the development application which are addressed elsewhere in the report. The state policies specified below are not relevant to this application.
1.9A Suspension of covenants, agreements and instruments (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose. (2) This clause does not apply: (a) to a covenant imposed by the Council or that the Council requires to be imposed, or (b) to any prescribed instrument within the meaning of section 183A of the <i>Crown Lands Act 1989</i> , or (c) to any conservation agreement within the meaning of the <i>National Parks and Wildlife Act 1974</i> , or (d) to any Trust agreement within the meaning of the <i>Nature Conservation Trust Act 2001</i> , or (e) to any property vegetation plan within the meaning of the <i>Native Vegetation</i>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<p><i>Act 2003, or</i></p> <p>(f) to any biobanking agreement within the meaning of Part 7A of the <i>Threatened Species Conservation Act 1995, or</i></p> <p>(g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act.</p> <p>(3) This clause does not affect the rights or interests of any public authority under any registered instrument.</p> <p>(4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Part 2 Permitted or prohibited development				
2.1 Land use zones				
<p>Business Zones</p> <p>B4 Mixed Use</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The land is zone B4 Mixed Use. The proposed development is permitted with consent on land so zoned.
2.2 Zoning of land to which Plan applies				
For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.3 Zone objectives and land use table				
<p>(1) The Table at the end of this Part specifies for each zone:</p> <p>(a) the objectives for development, and</p> <p>(b) development that may be carried out without consent, and</p> <p>(c) development that may be carried out only with consent, and</p> <p>(d) development that is prohibited.</p> <p>(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p> <p>(3) In the Table at the end of this Part:</p> <p>(a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and</p> <p>(b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The zone objectives have been considered during the assessment of the development application.

Clause	Yes	No	N/A	Comment
<p>the Table in relation to the same zone.</p> <p>(4) This clause is subject to the other provisions of this Plan.</p> <p>Notes.</p> <p>1. Schedule 1 set out additional permitted uses for particular land.</p> <p>2. Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.</p> <p>3. Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).</p> <p>4. Clause 2.6 requires consent for subdivision of land.</p> <p>5. Part 5 contains other provisions which require consent for particular development.</p> <p>6. Part 6 contains local provisions which require consent for particular development.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>2.4 Unzoned land</p> <p>(1) Development may be carried out on unzoned land only with consent.</p> <p>(2) Before granting consent, the consent authority:</p> <p>(a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and</p> <p>(b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable as the land is zoned.
<p>2.6 Subdivision—consent requirements</p> <p>(1) Land to which this Plan applies may be subdivided, but only with consent.</p> <p>Notes:-</p> <p>1 If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Subdivision is not proposed.

Clause	Yes	No	N/A	Comment
<p>enables it to be carried out without development consent.</p> <p>2 Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development.</p> <p>(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>2.7 Demolition requires consent</p> <p>The demolition of a building or work may be carried out only with consent.</p> <p>Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development, the Act enables it to be carried out without development consent.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Consent for demolition is not sought by this Application.</p> <p>Demolition has been approved under a separate application.</p>
<p>Land Use Table</p> <p>Note. A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy No 55—Remediation of Land • State Environmental Planning Policy No 64—Advertising and Signage • State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 				
<p>Zone B4 Mixed Use</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. • To encourage high density residential development. • To encourage appropriate businesses that contribute to economic growth. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed development meets the relevant objectives of the zone by providing high density residential development which is integrated with commercial activities in proximity to the Auburn public transport hub.</p>

Clause	Yes	No	N/A	Comment
<p>• To achieve an accessible, attractive and safe public domain.</p> <p>2 Permitted without consent Nil</p> <p>3 Permitted with consent Backpackers' accommodation; Boarding houses; Business premises; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; <u>Residential flat buildings</u>; Retail premises; Roads; Self-storage units; Seniors housing; Serviced apartments; <u>Shop top housing</u>; Warehouse or distribution centres; Any other development not specified in item 2 or 4</p> <p>4 Prohibited Agriculture; Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is permissible with consent in the B4 Mixed Use zone as <i>shop top housing</i> .
Part 4 Principal development standards				
<p>4.1 Minimum subdivision lot size</p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to ensure that lot sizes are able to accommodate development consistent with relevant development controls, and</p> <p>(b) to ensure that subdivision of land is capable of supporting a range of development types.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Further subdivision is not proposed.</p> <p>The allotments have been consolidated.</p> <p>Strata Subdivision is likely to be carried out under a separate application.</p>

Clause	Yes	No	N/A	Comment
(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3A) Despite subclause (3), the minimum lot size for dwelling houses is 450 square metres.				
(3B) Despite subclause (3), if a lot is a battle-axe lot or other lot with an access handle and is on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone IN1 General Industrial and Zone IN2 Light Industrial, the minimum lot size excludes the area of the access handle.				
(3C) Despite subclauses (3)–(3B), the minimum lot size for development on land within the Former Lidcombe Hospital Site, as shown edged blue on the Lot Size Map, is as follows in relation to development for the purpose of:				
(a) dwelling houses:				
(i) 350 square metres, or				
(ii) if a garage will be accessed from the rear of the property - 290 square metres, or				
(iii) if the dwelling house will be on a zero lot line - 270 square metres,				
(b) semi-detached dwellings - 270 square metres,				
(c) multi dwelling housing - 170 square metres for each dwelling,				
(d) attached dwellings - 170 square metres.				
(4) This clause does not apply in relation to the subdivision of any land:				
(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) by any kind of subdivision under the Community Land Development Act 1989..				

Clause	Yes	No	N/A	Comment
4.3 Height of buildings				
(1) The objectives of this clause are as follows: (a) to establish a maximum building height to enable appropriate development density to be achieved, and (b) to ensure that the height of buildings is compatible with the character of the locality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The maximum height of buildings specified on the map is 38 metres.
(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"/>	The development proposes a height of 41m. A variation under Clause 4.6 was considered as part of the DA, however it is noted that this was for rooftop structures and not habitable floor space.
(2A) Despite subclause (2), the maximum height of office premises and hotel or motel accommodation is: (a) if it is within the Parramatta Road Precinct, as shown edged orange on the Height of Buildings Map—27 metres, (b) if it is on land within Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Height of Buildings Map—14 metres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This issue is discussed in the assessment report. As the application is a Section 4.55(2), a Clause 4.6 variation is not required however the SoEE seeks to justify the variation.
4.4 Floor space ratio				
(1) The objectives of this clause are as follows: To establish a maximum floor space ratio to enable appropriate development density to be achieved, and To ensure that development intensity reflects its locality.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The prescribed floor space ratio is 5.0:1. The modified development has a total GFA of 13,967m ² over a site area of 2,727m ² which results in an FSR of 5.12:1. This issue is discussed in the assessment report.
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As the application is a Section 4.55(2), a Clause 4.6 variation is not required however the application is accompanied by a report which seeks to justify the variation.
(2A) Despite subclause (2), the maximum floor space ratio for development for the purpose of multi dwelling housing on land other than land within the Former Lidcombe Hospital Site, as shown edged black on the Floor Space Ratio Map, is as follows: (a) for sites less than 1,300 square metres—0.75:1, (b) for sites that are 1,300 square metres	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
or greater but less than 1,800 square metres—0.80:1, (c) for sites that are 1,800 square metres or greater—0.85:1.				
(2B) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Parramatta Road Precinct, as shown edged orange on the Floor Space Ratio Map, is as follows: (a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and (b) 3:1 for office premises and hotel or motel accommodation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2C) Despite subclause (2), the maximum floor space ratio for the following development on land in Zone B6 Enterprise Corridor within the Silverwater Road Precinct, as shown edged light purple on the Floor Space Ratio Map, is as follows: (a) 1.5:1 for bulky goods premises, entertainment facilities, function centres and registered clubs, and (b) 2:1 for office premises and hotel or motel accommodation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2D) Despite subclause (2), the maximum floor space ratio for retail premises on land in Zone B6 Enterprise Corridor within the Commercial Precinct, as shown edged green on the Floor Space Ratio Map is 1.5:1.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4.5 Calculation of floor space ratio and site area				
(1) Objectives The objectives of this clause are as follows:				
(a) to define floor space ratio ,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Noted.
(b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to: (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and				

Clause	Yes	No	N/A	Comment
(iii) require community land and public places to be dealt with separately.				
(2) Definition of “floor space ratio” The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site area.				
(3) Site area In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be: (a) if the proposed development is to be carried out on only one lot, the area of that lot, or (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out. In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(4) Exclusions from site area The following land must be excluded from the site area: (a) land on which the proposed development is prohibited, whether under this Plan or any other law, (b) community land or a public place (except as provided by subclause (7)).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(5) Strata subdivisions The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Strata subdivision is not proposed by this application.
(6) Only significant development to be included The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(7) Certain public land to be separately				

Clause	Yes	No	N/A	Comment
<p>considered</p> <p>For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(8) Existing buildings</p> <p>The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>(9) Covenants to prevent “double dipping”</p> <p>When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(10) Covenants affect consolidated sites</p> <p>If:</p> <p>(a) a covenant of the kind referred to in subclause (9) applies to any land (affected land), and</p> <p>(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,</p> <p>the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(11) Definition</p> <p>In this clause, public place has the same meaning as it has in the <i>Local Government Act 1993</i>.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>4.6 Exceptions to development standards</p> <p>(1) The objectives of this clause are:</p>				

Clause	Yes	No	N/A	Comment
(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable as the application is a modification.
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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) 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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-				

Clause	Yes	No	N/A	Comment
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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(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.				
(6) Development consent must not be granted under this clause for a subdivision of land in Zone RUI Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) The subdivision will result will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) The subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.				
(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).				
(8) This clause does not allow consent to be granted for development that would contravene any of the following:				
(a) a development standard for complying development,				
(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State				

Clause	Yes	No	N/A	Comment
<p><i>Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> applies or for the land on which such a building is situated,</p> <p>(c) clause 5.4.</p>				
Part 5 Miscellaneous provisions				
5.6 Architectural roof features				
(1) The objectives of this clause are:				
(a) To ensure that any decorative roof element does not detract from the architectural design of the building, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(b) To ensure that prominent architectural roof features are contained within the height limit.				
(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) the architectural roof feature:				
(i) comprises a decorative element on the uppermost portion of a building, and				
(ii) is not an advertising structure, and				
(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and				
(iv) will cause minimal overshadowing, and				
(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.				
5.9 Preservation of trees or vegetation				
(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Consent is sought for the removal of vegetation.</p> <p>The outcome of the vegetation removal is acceptable, given the commercial zoning and context of the site.</p>

Clause	Yes	No	N/A	Comment
<p>(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.</p> <p>Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:</p> <p>(a) development consent, or (b) a permit granted by the Council.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:</p> <p>(a) that is or forms part of a heritage item, or that is within a heritage conservation area, or (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:</p> <p>(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>Note. As a consequence of this subclause, the</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.				
(8) This clause does not apply to or in respect of:				
(a) the clearing of native vegetation:				
(i) that is authorised by a development consent or property vegetation plan under the <i>Native Vegetation Act 2003</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the <i>Native Vegetation Act 2003</i>) that is authorised by a development consent under the provisions of the <i>Native Vegetation Conservation Act 1997</i> as continued in force by that clause, or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the <i>Forestry Act 1916</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(d) action required or authorised to be done by or under the <i>Electricity Supply Act 1995</i> , the <i>Roads Act 1993</i> or the <i>Surveying and Spatial Information Act 2002</i> , or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(e) plants declared to be noxious weeds under the <i>Noxious Weeds Act 1993</i> .	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Note. Permissibility may be a matter that is determined by or under any of these Acts.				
(9) Not adopted				
5.9AA Trees or vegetation not prescribed by development control plan				
(1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Tree removal is covered by this development application.
(2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
5.10 Heritage conservation Note. Heritage items, if any are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.				
(1) Objectives The objectives of this clause are as follows:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is opposite a dwelling that is listed in the Auburn Local Environmental Plan 2010 as an item of heritage, being 8 Mary Street (I10). The proposed development does not have any greater impact on the heritage item than what was considered under the Development Application.
(a) to conserve the environmental heritage of Auburn,				
(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.				
(2) Requirement for consent Development consent is required for any of the following:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):				
(i) a heritage item,				
(ii) an Aboriginal object,				
(iii) a building, work, relic or tree within a heritage conservation area,				
(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,				
(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,				
(d) disturbing or excavating an Aboriginal place of heritage significance,				
(e) erecting a building on land:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment
<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>(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>(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> <p>(4) Effect of proposed development on</p>				

Clause	Yes	No	N/A	Comment
heritage significance				
The consent authority must, before granting consent under this clause, in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(5) Heritage assessment				
The consent authority may, before granting consent to any development:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) on land on which a heritage item is located, or				
(b) on land that is within a heritage conservation area, or				
(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),				
require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(6) Heritage conservation management plans				
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.				
(7) Archaeological sites				
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):	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) notify the Heritage Council of its intention to grant consent, and				
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.				

Clause	Yes	No	N/A	Comment
(8) Aboriginal places of heritage significance				
The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance: 2010 No 616 Auburn Local Environmental Plan 2010 Clause 5.11 Miscellaneous provisions Part 5 Page 47	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate about the application and take into consideration any response received within 28 days after the notice is sent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(9) Demolition of nominated State heritage items				
The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) notify the Heritage Council about the application, and				
(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(10) Conservation incentives				
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:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(c) the consent to the proposed development	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Clause	Yes	No	N/A	Comment												
would require that all necessary conservation work identified in the heritage management document is carried out, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													
(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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													
(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													
Part 6 Additional local provisions																
6.1 Acid sulfate soils																
(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The land is given a Class 5 rating however is not within 500m of land with a higher classification.												
(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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													
<table border="1"> <thead> <tr> <th>Class</th> <th>Works of land</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Any works</td> </tr> <tr> <td>2</td> <td>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</td> </tr> <tr> <td>3</td> <td>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</td> </tr> <tr> <td>4</td> <td>Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</td> </tr> <tr> <td>5</td> <td>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</td> </tr> </tbody> </table>					Class	Works of land	1	Any works	2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.	3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.	4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.	5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.
Class	Works of land															
1	Any works															
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.															
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.															
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.															
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.															
(3) Development consent must not be																

Clause	Yes	No	N/A	Comment
granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(4) Despite subclause (2) Development consent is not required under this clause for the carrying out of works if:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and				
(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.				
(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,				
(b) routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),				
(c) minor work, being work that costs less than \$20,000 (other than drainage work).				
(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(a) the works involve the disturbance of more than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations, or flood mitigation works, or				

Clause	Yes	No	N/A	Comment
(b) the works are likely to lower the water table.				
6.2 Earthworks				
(1) The objectives of this clause are as follows: (a) to ensure that earthworks for which a development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land, (b) to allow earthworks of a minor nature without separate development consent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Earthworks (excavation for the basement) were considered as part of the Development Application.
(2) Development consent is required for earthworks, unless: (a) the work does not alter the ground level (existing) by more than 600 millimetres, or (b) the work is exempt development under this Plan or another applicable environmental planning instrument, or (c) the work is ancillary to other development for which development consent has been given.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(3) Before granting development consent for earthworks, the consent authority must consider the following matters: (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or of the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Note. The <i>National Parks and Wildlife Act 1974</i> , particularly section 86, deals with disturbing or excavating land and Aboriginal objects.				

Clause	Yes	No	N/A	Comment
6.3 Flood planning				
(1) The objectives of this clause are:				The site is mapped as within a Flood Planning Area.
(a) to minimise the flood risk to life and property associated with the use of land,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,				
(c) to avoid significant adverse impacts on flood behaviour and the environment.				
(2) This clause applies to:				
(a) land that is shown as "Flood planning area" on the Flood Planning Map, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(b) other land at or below the flood planning level.				
(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(a) is compatible with the flood hazard of the land, and				
(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and				
(c) incorporates appropriate measures to manage risk to life from flood, and				
(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and				
(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.				
(4) A word or expression used in this clause has the same meaning as it has in the NSW Government's <i>Floodplain Development Manual</i> published in 2005, unless it is otherwise defined in this clause.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(5) In this clause:				
flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.				
Flood Planning Map means the Auburn Local Environmental Plan 2010 Flood Planning Map.				
6.5 Essential Services				
(1) Development consent must not be	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Services are provided to the site.

Clause	Yes	No	N/A	Comment
<p>granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage.</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable road access.</p> <p>(2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>6.6 Particular dual occupancy subdivisions must not be approved</p> <p>(1) Development consent must not be granted for a subdivision that would create separate titles for each of the two dwellings resulting from a dual occupancy development.</p> <p>(2) This clause does not apply in relation to the subdivision under either of the following Acts:</p> <p>(a) <i>The Community Land Development Act 1989.</i></p> <p>(b) <i>The Strata Schemes (Freehold Development Act 1973).</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable.
<p>6.8 Arrangements for contributions to designated State public infrastructure (Carter Street Priority Precinct)</p> <p>(1) The objective of this clause is to require assistance towards the provision of designated State public infrastructure to satisfy needs arising from intensive development for residential accommodation and commercial purposes on the land identified as "Carter Street Priority Precinct" on the Priority Precinct Map (Carter Street Priority Precinct land).</p> <p>(2) This clause applies to development for residential accommodation and commercial purposes (including by way of subdivision) on Carter Street Priority Precinct land.</p> <p>(3) Development consent must not be granted for development to which this clause applies unless the Secretary has</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The land is not within the Carter Street Precinct.

Clause	Yes	No	N/A	Comment
<p>certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that development.</p> <p>(4) This clause does not apply to the granting of development consent if:</p> <p>(a) the development will not result in an increase in the floor space for residential accommodation and commercial purposes provided on Carter Street Priority Precinct land, or</p> <p>(b) the whole or any part of the land on which the development is to be carried out is in a special contributions area (as defined by section 93C of the Act).</p> <p>(5) In this clause, designated State public infrastructure means public facilities or services that are provided or financed by the State (or, if provided or financed by the private sector, to the extent of a financial or an in-kind contribution by the State) of any of the following kinds:</p> <p>(a) State and regional roads,</p> <p>(b) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).</p>				
<p>6.9 Development in the Commercial Precinct</p> <p>(1) This clause applies to the land known as the Commercial Precinct, as shown edged dark blue and marked "Commercial Precinct" on the Key Sites Map.</p> <p>(2) Despite any other provision of this Plan, retail premises are permissible with development consent on land to which this clause applies in Zone B6 Enterprise Corridor.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The land is not within the Commercial Precinct.
<p>6.10 Development of certain land at Wentworth Point</p> <p>(1) This clause applies to land at Wentworth Point, identified as "Wentworth Point Maritime Precinct" on the Key Sites Map.</p> <p>(2) Despite any other provision of this Plan, development of the land to which this clause applies for any of the following purposes is permissible with development consent:</p> <p>(a) boat building and repair facilities,</p> <p>(b) boat launching ramps,</p> <p>(c) boat sheds,</p> <p>(d) marinas.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The land is not within the Wentworth Point Maritime Precinct.
Schedule 1 Additional permitted uses "Nil"				

Clause	Yes	No	N/A	Comment

Summary of Non-Compliances/Variations to the Auburn Local Environmental Plan 2010

Clause & Details of Standard	Comment
4.3 Building Height	<p>The variation to the building height is supported on the basis that the height was granted approval under a previous DA and the use of that space for a penthouse does not create any greater impact by way of overlooking, overshadowing and the like.</p> <p>The loss of rooftop common open space has been addressed through an additional podium space and the overall amount of common open space exceeds the ADG minimum (i.e. 35% is proposed and the ADG minimum is 25%).</p>
4.4 Floor Space Ratio	The variation to the FSR is supported by a separate report which properly justifies the variation.

DOCUMENTS
ASSOCIATED WITH
REPORT LPP004/20

Attachment 6

Appendix C - Auburn
Development Control Plan

APPENDIX C

Auburn Development Control Plan 2010 - Local Centres

The relevant objectives and requirements of the Auburn Development Control Plan 2010 - Local Centres have been considered in the following assessment table:

Requirement	Yes	No	N/A	Comments
2.0 Built Form				
D1 To allow for their adaptive use, mixed use buildings are to incorporate the following flexible design requirements: <ul style="list-style-type: none"> The number of internal apartment structural walls are to be minimized; and Ceiling heights for the ground floor is to be a minimum of 3.6m. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	These aspects are unchanged by the modification application.
D2 Residential components are to be provided with direct access to street level with entrances clearly distinguishable from entries to commercial premises.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3 Secure entries are to be provided to all entrances to private areas, including car parks and internal courtyards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D4 Car parking provided for the residential component of the development is to be clearly delineated and provided separate to general customer parking.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D5 Development shall be designed to locate loading bays, waste storage/collection areas and any other noise and odour generating aspects of buildings away from residential areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D6 Vehicular circulation areas must be legible and must differentiate between the commercial service requirements, such as loading areas, and residential access.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D7 Mechanical plant is to be located on the roof or visually and acoustically isolated from residential uses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.1 Number of storeys				
D1 The minimum finished floor level (FFL) to finished ceiling level (FCL) shall be as follows: <ul style="list-style-type: none"> 3300mm for ground level (regardless of the type of development); 3300mm for all commercial/retail levels; and 2700mm for all residential levels above ground floor. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	These aspects are unchanged by the modification application.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.2 Articulation and proportion				
D1 Buildings shall incorporate: <ul style="list-style-type: none"> balanced horizontal and vertical proportions and well spaced and 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	These aspects are unchanged by the modification application.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<p>proportioned windows;</p> <ul style="list-style-type: none"> • a clearly defined base, middle and top; • modulation and texture; and • architectural features which give human scale at street level such as entrances and porticos. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D2 The maximum width of blank walls for building exteriors along key retail streets shall be 5m or 20% of the street frontage, whichever is the lesser.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3 Articulation of the building exterior shall be achieved through recesses in the horizontal and vertical plane, adequate contrasts in materials, design features and the use of awnings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D4 Features such as windows and doors shall be in proportion with the scale and size of the new building and any adjoining buildings which contribute positively to the streetscape.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D5 Street awnings which appear as horizontal elements along the façade of the building shall be provided as part of all new development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D6 Where development has two (2) street frontages the streetscape should be addressed by both facades.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.3 Materials				
D1 New buildings shall incorporate a mix of solid (i.e. masonry concrete) and glazed materials, consistent with the character of buildings in the locality. The use of cement rendering shall be minimised.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	These aspects are unchanged by the modification application.
D2 Building materials and finishes complement the finishes predominating in the area. Different materials, colours or textures may be used to emphasise certain features of the building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3 Building facades at street level along primary streets and public places consist of a minimum of 80% for windows/glazed areas and building and tenancy entries.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D4 Visible light reflectivity from building materials used on the facades of new buildings shall not exceed 20%.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.4 Roofs				
D1 Design of the roof shall achieve the following:				
<ul style="list-style-type: none"> • concealment of lift overruns and service plants; • presentation of an interesting skyline; • enhancing views from adjoining developments and public places; and 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lift overruns and other plant is setback so as not to be visible from the public domain.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The roof treatment and parapet are appropriate for the development and its location and match the design of the approved portion of the development.
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<ul style="list-style-type: none"> • complementing the scale of the building. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D1 Roof forms shall not be designed to add to the perceived height and bulk of the building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D2 Where outdoor recreation areas are proposed on flat roofs, shade structures and wind screens shall be provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.5 Balconies				
D1 Opaque glazing and/or masonry for balconies is encouraged.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A condition of consent can be imposed to ensure clear glazing is not used.
D2 Clear glazing for balconies is prohibited.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3 Verandahs and balconies shall not be enclosed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Balconies are not proposed to be enclosed, with the exception of some units which have partial balcony enclosures as "winter balconies" which act as sunrooms. These present as rooms and do not detract from the building elements.
D4 Balconies and terraces shall be oriented to overlook public spaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D5 The design of the underside of the balcony shall take into consideration the view of the underside from the street and shall not have exposed pipes and utilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Balconies are situated on the street elevation where possible to provide casual surveillance of the public domain.
D6 Screens, louvres or similar devices shall be provided to balconies so as to visually screen any drying of laundry.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.6 Interface with schools, places of public worship, and public precincts				
D1 Where a site adjoins a school, place of public worship or public open space:				
<ul style="list-style-type: none"> • This interface shall be identified in the site analysis plan and reflected in building design; 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The subject land does not adjoin a school, place or worship or open space area.
<ul style="list-style-type: none"> • Building design incorporates an appropriate transition in scale and character along the site boundary(s); 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<ul style="list-style-type: none"> • Building design presents an appropriately detailed facade and landscaping in the context of the adjoining land use. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D2 The potential for overlooking of playing areas of schools shall be minimised by siting, orientation or screening.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D3 Fencing along boundaries shared with public open space shall have a minimum transparency of 50%.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D4 Sight lines from adjacent development to public open space shall be maintained and/or enhanced. Direct, secure private access to public open space is encouraged, where possible.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

3.0 Streetscape and Urban form					
3.1 Streetscape					
D1	Applicants shall demonstrate how new development addresses the streetscape and surrounding built environment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	These aspects are unchanged by the modification application.
D2	New shop fronts shall be constructed in materials which match or complement materials used in the existing building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3	Development shall provide direct access between the footpath and the shop.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D4	Development shall avoid the excessive use of security bars.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D5	Block-out roller shutters are not permitted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D6	Signage shall be minimised and coordinated to contribute to a more harmonious and pleasant character for the locality.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3.2 Setbacks					
D1	New development or additions to existing development shall adopt front setbacks, as shown in Figure 2 (refer to section 14.2 Setbacks for Auburn Town Centre) and Figure 8 (refer to section 15.2 Setbacks for Lidcombe Town Centre). External walls – 1500mm for two storeys.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	These aspects are unchanged by the modification application.
4.0 Mixed Use Developments					
4.1 Building design					
D1	The architecture of ground level uses shall reflect the commercial/retail function of the centre.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	These aspects are unchanged by the modification application.
D2	Buildings shall achieve a quality living environment that sympathetically integrates into the character of the commercial precinct.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3	Commercial and retail servicing, loading and parking facilities shall be separated from residential access and servicing and parking.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D4	The design of buildings on corner sites or at the ends of a business/commercial zone shall emphasise the corner as a focal point.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.2 Active street frontages					
D1	Retail outlets and restaurants are located at the street frontage on the ground level.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	These aspects are unchanged by the modification application.
D2	A separate and defined entry shall be provided for each use within a mixed use development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3	Only open grill or transparent security (at least 70% visually transparent) shutters are permitted to retail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

frontages.				
4.3 Awnings				
D1 Awning dimensions shall generally be:				These aspects are unchanged by the modification application.
• horizontal in form;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• minimum 2.4m deep (dependent on footpath width);	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• minimum soffit height of 3.2m and maximum of 4m;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• steps for design articulation or to accommodate sloping streets are to be integral with the building design and should not exceed 700mm;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• low profile, with slim vertical fascia or eaves (generally not to exceed 300mm height);	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• 1.2m setback from kerb to allow for clearance of street furniture, trees, and other public amenity elements; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• In consideration of growth pattern of mature trees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D2 Awning design must match building facades, be complementary to those of adjoining buildings and maintain continuity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3 Awnings shall wrap around corners for a minimum 6m from where a building is sited on a street corner.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D4 Vertical canvas drop blinds may be used along the outer edge of awnings along north-south streets. These blinds must not carry advertising or signage.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D5 Under awning lighting shall be provided to facilitate night use and to improve public safety recessed into the soffit of the awning or wall mounted onto the building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D6 Soft down lighting is preferred over up lighting to minimise light pollution.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D7 Any under awning sign is to maintain a minimum clearance of 2.8m from the level of the pavement.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D8 All residential buildings are to be provided with awnings or other weather protection at their main entrance area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.4 Arcades				
D1 Arcades shall:				No arcade is proposed.
• Accommodate active uses such as shops, commercial uses, public uses, residential lobbies, cafes or restaurants;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• Be obvious and direct thoroughfares for pedestrians;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
• Provide for adequate clearance to ensure pedestrian movement is	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<p>not obstructed;</p> <ul style="list-style-type: none"> • Have access to natural light for all or part of their length and at the openings at each end, where practicable; • Have signage at the entry indicating public accessibility and to where the arcade leads; and • Have clear sight lines and no opportunities for concealment. <p>D2 Where arcades or internalised shopping malls are proposed, those shops at the entrance must have direct pedestrian access to the street.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>4.5 Amenity</p> <p>D1 The internal environment of dwellings within mixed use developments in the vicinity of major arterial roads or railway lines shall provide an appropriate level of amenity for privacy, solar access and views.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The site is not in proximity to a major road or railway line.
<p>4.6 Residential flat building component of mixed use developments</p> <p>Applicants shall consult the Residential Flat Buildings Part of this DCP for the design requirements for the residential flat building component of a mixed use development.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Separate assessment provided.
5.0 Privacy and Security				
<p>D1 Views onto adjoining private open space shall be obscured by:</p> <ul style="list-style-type: none"> • Screening with a maximum area of 25% openings is permanently fixed and made of durable materials; or • Incorporating planter boxes into walls or balustrades to increase visual separation between areas. Existing dense vegetation or new planting may be used as a secondary measure to further improve privacy. <p>D2 Site layout and building design shall ensure that windows do not provide direct and close views into windows, balconies or private open spaces of adjoining dwellings.</p> <p>D3 Shared pedestrian entries to buildings shall be lockable.</p> <p>D4 Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area.</p> <p>D5 Pedestrian walkways and car parking shall be direct, clearly defined, visible and provided with adequate lighting, particularly those used at night.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Privacy measures are considered under the ADG.</p> <p>The design of the development provides for safety and security. Other measures can be implemented as part of the construction, such as keyed access and the like.</p>

D6	Landscaping and site features shall not block sight lines and are to be minimised.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D7	Seating provided in commercial areas of a development shall generally only be located in areas of active use where it will be regularly used.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D8	Adequate lighting shall be provided to minimise shadows and concealment spaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D9	All entrances and exits shall be made clearly visible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D10	Buildings shall be arranged to overlook public areas and streets to maximise surveillance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D11	Development shall be consistent with Council's Policy on Crime Prevention Through Environmental Design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.1 Lighting					
D1	Lighting design shall be integrated with the interior design of a retail/commercial premise. The use of low voltage track lighting, recesses spotlighting and designer light fittings is encouraged.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Lighting design to be determined at the Construction Certificate stage.
D2	Lighting systems shall incorporate specific display lighting to reinforce merchandise and provide a contrast against the street lighting generally.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D3	Surface mounted fluorescent fixtures shall not be considered in any part of the retail areas of the premises.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D4	The light source shall be selected to provide the desired light effect; however, fitting and methods shall be chosen produce the highest energy efficiency.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D5	Lighting shall not interfere with the amenity of residents or affect the safety of motorists.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D6	Excessive lighting shall not be permitted. Light spill onto the street into the public domain shall be minimised.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.2 Shutters and grilles					
D1	Windows and doors of existing shopfronts shall not be filled in with solid materials.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Shutters and grilles are not proposed as part of this development. These aspects are unchanged by the modification application.
D2	Security shutters, grilles and screens shall:				
	• be at least 70% visually permeable (transparent);	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	• not encroach or project over Council's footpaths; and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	• be made from durable, graffiti-resistant materials.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D3	Solid, external roller shutters shall not be permitted.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

<p>5.3 Noise</p> <p>D1 New commercial development (whether part of a mixed use development or not) shall comply with the provisions of the relevant acts, regulations, environmental planning instruments, Australian Standards and guidelines produced by the NSW Department of Environment, Climate Change and Water, the NSW Roads and Traffic Authority and the NSW Department of Planning as applicable for noise, vibration and quality assurance. This includes:</p> <ul style="list-style-type: none"> • Development Near Rail Corridors and Busy Roads, NSW Department of Planning, December 2008 – Interim Guidelines. • NSW Industrial Noise Policy; • Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects; and • Environmental Criteria for Road and Traffic Noise. <p>Restaurant and cafe design shall minimise the impact of noise associated with late night operation on nearby residents. Operation includes loading/unloading of goods/materials and the use of plant and equipment at a proposed commercial premise.</p> <p>D2 An acoustic report shall be submitted with a development application for a proposed commercial use in the local centre that operates during the hours between 10pm and 6am.</p>				<p>No commercial tenants are proposed by this application.</p> <p>These aspects are unchanged by the modification application.</p>
<p>5.4 Wind Mitigation</p> <p>D1 Site design for tall buildings (towers) shall:</p> <ul style="list-style-type: none"> • set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower; • ensure that tower buildings are well spaced from each other to allow breezes to penetrate local centres; • consider the shape, location and height of buildings to satisfy wind criteria for public safety and comfort at ground level; and • ensure useability of open terraces and balconies. <p>D2 A Wind Effects Report is to be submitted with the DA for all buildings greater than 35m in height.</p> <p>D3 For buildings over 48m in height,</p>				<p>These aspects are unchanged by the modification application.</p>

results of a wind tunnel test are to be included in the report.					
6.0 Access and Car Parking					
6.1 Access, loading and car parking requirements					
D1	Car parking rates shall be provided in accordance with the Parking and Loading Part of this DCP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Parking satisfies the requirements of the ADG
6.2 Creation of new streets and laneways					
D1	On some sites, new streets may be able to be introduced. Where a new street shall be created, the street shall be built to Council's standards, Road Design Specification D1 and relevant Quality Assurance requirements while having regards to the circumstances of each proposal. Consideration will be given to maintaining consistency and compatibility with the design of existing roads in the locality.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No roads are proposed by the development.
D2	On site car parking shall be provided below ground or located within the building and well screened.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	These aspects are unchanged by the modification application.
D3	Development adjoining a new laneway shall contribute to an attractive streetscape and presents a well designed and proportioned facade and incorporates windows, balconies, doorways and landscaping, where possible.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D4	New public laneways created within large blocks shall maximise pedestrian and vehicle connections within local centres.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D5	A minimum width of 6m shall be provided for all carriageways on access roads. If parallel on-street parking is to be provided, an additional width of 2.5m is required per vehicle per side.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D6	New streets shall be dedicated to Council. The area of any land dedicated to Council shall be included in the site area for the purpose of calculating the floor space ratio.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7.0 Landscaping					
D1	Development shall incorporate landscaping in the form of planter boxes to soften the upper level of buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Planting is provided on the rooftop and podium common open space.
D2	At grade car parking areas, particularly large areas, shall be landscaped so as to break up large expanses of paving. Landscaping shall be required around the perimeter and within large carparks.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Landscaping is provided within the development in open space areas as well as around the street front podium.
D3	In open parking areas, one (1) shade tree per ten (10) spaces shall be planted within the parking area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D4	Fencing shall be integrated as part of				

<p>the landscaping theme so as to minimise visual impacts and to provide associated site security. Paving and other hard surfaces shall be consistent with architectural elements.</p> <p>D5</p>	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	
<p>7.1 Street trees</p> <p>D1 Street trees shall be planted at a rate of one (1) tree per lineal metre of street frontage, even in cases where a site has more than one street frontage, excluding frontage to laneways.</p> <p>D2 Street tree planning shall be consistent with Council's Street Tree Masterplan or relevant Public Domain Plan or Infrastructure Manual.</p> <p>D3 Significant existing street trees shall be conserved and, where possible, additional street trees shall be planted to ensure that the existing streetscape is maintained and enhanced.</p> <p>D4 Where street trees and the provision of awnings are required, cut-outs shall be included in the awning design to accommodate existing and future street trees.</p> <p>D5 Driveways and services shall be located to preserve significant trees.</p> <p>D6 At the time of planting, street trees shall have a minimum container size of 200L and a minimum height of 3.5m, subject to species availability.</p> <p>D7 Planter boxes (or similar) surrounding trees in the footpath shall be 1.2m x 1.2m, filled with approved gravel and located 200mm from the back of the kerb line.</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input 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 checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<p>The proposal allows for the retention of street trees in Mary Street and Harrow Road.</p> <p>A condition of consent can be imposed requiring the protection or replacement of street trees to Council's satisfaction.</p> <p>These aspects are unchanged by the modification application.</p>
8.0 Energy Efficiency and Water Conservation				
<p>8.1 Energy efficiency</p> <p>D1 Any hot water heaters to be installed, as far as practicable, shall be solar and, to the extent that this is not practicable, shall be greenhouse gas friendly systems that achieve a minimum 3.5 Hot Water Greenhouse Score.</p> <p>D2 The practicability of all external lighting and common areas (e.g. undercover car parking) being lit utilising renewable energy resources generated on site shall be investigated. Larger developments (buildings exceeding 400m² in area) shall investigate the viability of utilising renewable energy resources for all lighting on site. A statement shall be included with the</p>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<p>These matters have been satisfactorily addressed in the BASIX assessment.</p>

development application addressing these requirements.				
8.2 Water conservation				
D1 New developments shall connect to recycle water if serviced by a dual reticulation system for permitted non potable uses such as toilet flushing, irrigation, car washing, fire fighting and other suitable purposes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	These matters have been satisfactorily addressed in the BASIX assessment.
D2 Where a property is not serviced by a dual reticulation system, development shall include an onsite rainwater harvesting system or an onsite reusable water resource for permitted non potable uses such as toilet flushing, irrigation, car washing, fire fighting and other suitable purposes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3 Development shall install all water using fixtures that meet the WELS (Water Efficiency Labelling Scheme) rated industry standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8.3 Stormwater drainage Applicants shall consult the Stormwater Drainage Part of this DCP for requirements for stormwater management.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Engineers to comment.
8.4 Rainwater tanks				
D1 Rainwater tanks shall be installed as part of all new development in accordance with the following:				These matters have been satisfactorily addressed in the BASIX assessment.
• The rainwater tank shall comply with the relevant Australian Standards;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• The rainwater tank shall be constructed, treated or finished in a non-reflective material that blends in with the overall tones and colours of the subject and surrounding development;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• Rainwater tanks shall be permitted in basements provided that the tank meets applicable Australian Standards;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• The suitability of any type of rainwater tanks erected within the setback area of development shall be assessed on an individual case by case basis. Rainwater tanks shall not be located within the front setback; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
• The overflow from rainwater tanks shall discharge to the site stormwater disposal system. For details refer to the Stormwater Drainage Part of this DCP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8.5 Ventilation				
D1 The siting, orientation, use of openings and built form of the development shall maximise	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Cross ventilation complies with the ADG requirements.

opportunities for natural cross ventilation for the purposes of cooling and fresh air during summer and to avoid unfavourable winter winds.				
8.6 Solar amenity				
D1 Shadow diagrams shall accompany development applications for buildings which demonstrate that the proposal will not reduce sunlight to less than 3 hours between 9.00 am and 3.00 pm on 21 June for: <ul style="list-style-type: none"> • public places or open space; • 50% of private open space areas; • 40% of school playground areas; or • windows of adjoining residences. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Solar amenity is addressed under the requirements of the ADG. These aspects are unchanged by the modification application.
D2 Lighter colours in building materials and exterior treatments shall be used on the western facades of buildings.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9.0 Ancillary Site Facilities				
9.1 Provision for goods and mail deliveries				
D1 Provision shall be made on-site for courier car parking spaces in a convenient and appropriately signposted location, preferably with access off the principal street frontage, for developments incorporating greater than 3,000m ² of gross leasable floor area devoted to commercial premises.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mail delivery points are to be provided in each lobby area. These aspects are unchanged by the modification application.
D2 Provision of mailboxes for residential units shall be incorporated within the foyer area of the entrance to the residential component of the mixed use developments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10.0 Other Relevant Controls				
10.1 Waste				
D1 Applicants shall consult the Waste Part of this DCP for requirements for disposal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See separate comments from Council's Waste Officer.
10.2 Access and amenity				
D1 Applicants shall consult the relevant provisions within the Access and Mobility Part of this DCP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development must satisfy the design requirements of AS 1428.
11.0 Public Domain				
D1 Any works within the public domain or which present to the public domain shall be consistent with Council's Public Domain Manual and/or the Town Centre Infrastructure Manual and Council's Policy on Crime Prevention Through Environmental Design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	These aspects are unchanged by the modification application.
D2 New buildings shall contribute to the public domain through the provision of awnings, sheltered building entries,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<p>verandahs and canopies, safe pedestrian linkages to car parks, landscaping, and open space, where appropriate.</p> <p>D3 Outdoor dining on footpaths shall be limited. Refer to Council's Public Domain Plan, Outdoor Dining Policy and Public Art Policy.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>No outdoor dining is proposed by the development.</p>
<p>12.0 Subdivision</p>				
<p>12.1 Size and dimensions</p>				
<p>D1 Proposed lots shall be of sufficient area and dimension to allow a high standard of architectural design, the appropriate siting of buildings and the provision of required car parking, loading facilities, access and landscaping.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Subdivision is not proposed by this application.</p>
<p>12.1 Utility services</p>				
<p>D1 The applicant shall demonstrate that each proposed allotment can be connected to appropriate utility services including water, sewerage, power and telecommunications and (where available) gas. This may include advice from the relevant service authority or a suitably qualified consultant as to the availability and capacity of services.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The site is serviced by necessary infrastructure.</p>
<p>D2 Common trenching for gas, electricity and telecommunications shall be provided in accordance with agreements between the relevant servicing authorities in NSW.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>13.0 Residential Interface</p>				
<p>D1 Buildings adjoining residential zones and/or open space shall be setback a minimum of 3m from that property boundary.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>These aspects are unchanged by the modification application.</p>
<p>D2 Loading areas, driveways, rubbish, storage areas, and roof top equipment shall not be located directly adjacent to residential zones, or if unavoidable shall be suitably attenuated or screened.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>D3 Any commercial buildings which may have the potential to accommodate the preparation of food from a commercial tenancy shall provide ventilation facilities to ensure that no odour is emitted in a manner that adversely impacts upon any residential zones.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>D4 External lighting shall be positioned to avoid light spillage to adjoining residential zones.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p>D5 Where noise generating development is proposed adjacent to residential or other noise sensitive uses, such as</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

places of worship and child care centres, an acoustic report shall be submitted with a development application, outlining methods to minimise adverse noise impact.				
14.0 Auburn Town Centre				
14.1 Development to which this section applies This section applies to the Auburn Town Centre which is zoned B4 Mixed Use under <i>Auburn LEP 2010</i> . Refer to Figure 4. The development controls apply in addition to the development controls presented in previous sections of this Part. Where there are inconsistencies between the controls contained within this section and other controls within this DCP, these controls prevail to the extent of the inconsistency.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
14.2 Setbacks D1 Setbacks within the town centre shall be consistent with Figure 2.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Zero setback to Mary Street and Harrow Road is proposed which satisfies the DCP. These aspects are unchanged by the modification application.
14.3 Active frontages D1 As a minimum, buildings shall provide active street frontages consistent with Figure 3.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Active frontages are provided to Mary Street and Harrow Road. These aspects are unchanged by the modification application.
14.4 Laneways D1 Redevelopment within the Auburn Town Centre shall make provision for the creation of new laneways as shown in Figure 4.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
14.5 Key Site - Five Ways D1 Development should be in accordance to Figure 5 D2 An open space area shall be provided on the north-east corner of the site at the intersection of Auburn Road and Queen Street with a minimum width of 26m, including a 6m reservation as a pedestrian plaza to accommodate circulation and outdoor dining area. D3 Pedestrian through-site links shall be provided to improve circulation and access to the town centre. Where possible, these linkages shall align to existing or proposed crossing points. D4 The preferred vehicular access to the site shall be via Harrow Road with secondary access via Mary Street and Queen Street. D5 Outdoor dining shall be encouraged within the Five Ways open space and along Auburn Road and Queen Street.	<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"/>	

**DOCUMENTS
ASSOCIATED WITH
REPORT LPP004/20**

Attachment 7

**Appendix D - ADCP 2010 -
Residential Flat Buildings**

ADCP 2010 – Residential Flat Buildings

The objectives, performance criteria of the Auburn DCP 2010 – Residential Flat Buildings have been considered in the assessment of the development application. Relevant consideration has been given to DCP requirements relating to *Built Form, Open Space and Landscaping, Access and Car parking, Privacy and Security, Solar Amenity & Stormwater Reuse, Ancillary Facilities, Subdivision, Adaptable Housing and Development Control Diagrams.*

The following table includes an assessment of the relevant development standards applicable to the application.

Requirement	Yes	No	N/A	Comments
1.0 Introduction				
1.1 Development to which this Part applies This part applies to residential flat building development. It does not apply to Newington and Wentworth Point (formerly Homebush Bay West) areas. Please refer to the Newington Parts of this ADCP 2010 or the Wentworth Point DCPs listed in Section 1.6 of the Introduction Part of this ADCP 2010.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The development site is not located in the Wentworth Point or Newington locality.
1.2 Purpose of this Part The purpose of this Part is to ensure residential flat buildings: <ul style="list-style-type: none"> are pleasant to live in and create enjoyable urban places; promote amenable, vibrant and lively streets; facilitate a safe, welcoming and attractive public domain; are designed to cater for multiple demographics and tenancies; foster ecologically sustainable development; maintain a high level of amenity; contribute to the overall street locality; minimise the impact on the environment; and optimise use of the land. 	<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 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"/>	The development is considered to be generally in compliance with this part. These aspects are unchanged by the modification application.
2.0 Built Form				
2.1 Site area D1 A residential flat building development shall have a minimum site area of 1000m ² and a street frontage of 20m in the B4 Zone or 26m in the R4 Zone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	These aspects are unchanged by the modification application.
D2 Where lots are deep and have narrow street frontages the capacity for maximising residential development is limited. Two or more sites may need to be amalgamated to provide a combined site with sufficient width for good building design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.2 Site coverage D1 The built upon area shall not exceed 50% of the total site area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The built upon area exceeds 50% of the total site area.
D2 The non-built upon area shall be landscaped and consolidated into one	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Compliance is unreasonable given the zoning, location of the site within the

Requirement	Yes	No	N/A	Comments
communal open space and a series of courtyards.				Auburn Town Centre and the applicable planning controls that allow a high floor space ratio within a certain height limit. Non-built upon areas accommodate courtyards and landscaped edges. These aspects are unchanged by the modification application.
2.3 Building envelope				
D1 Council may consider a site specific building envelope for certain sites, including: <ul style="list-style-type: none"> double frontage sites; sites facing parks; sites adjoining higher density zones; and isolated sites. 	<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"/>	The building footprint is considered under the ADG. These aspects are unchanged by the modification application.
D2 The maximum building footprint dimensions, inclusive of balconies and building articulation but excluding architectural features, is 24m x 45m for sites up to 3,000m ²	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D3 The tower component of any building above the podium or street wall height is to have a maximum floor plate of 850m ² .	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.4 Setbacks				
2.4.1 Front setback				
D1 The minimum front setback shall be between 4 to 6m (except for residential flat development in the B1 and B2 zones) to provide a buffer zone from the street where residential use occupies the ground level.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The setbacks satisfy the controls in the Local Centres DCP.
D2 Where a site has frontage to a lane, the minimum setback shall be 2m, however, this will vary depending on the width of the lane.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D3 Where a new building is located on a corner, the main frontage shall be determined on the existing streetscape patterns. Where the elevation is determined as the 'secondary' frontage, the setback may be reduced to 3m except where it relates to a primary frontage on that street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The setbacks satisfy the controls in the Local Centres DCP.
D4 Front setbacks shall ensure that the distance between the front of a new building to the front of the building on the opposite side of the street is a minimum of 10m for buildings up to 3 storeys high. For example, a 2m front setback is required where a 6m wide laneway is a shareway between the front of 2 buildings. Where a	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All separations exceed 10m across streets.

Requirement	Yes	No	N/A	Comments
footpath is to be incorporated a greater setback shall be required.				
D5 All building facades shall be articulated by bay windows, verandahs, balconies and/or blade walls. Such articulation elements may be forward of the required building line up to 1m.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appropriate modulation and articulation is provided subject to resolution of the street corner issue raised in the Local Centres DCP.
D6 In all residential zones, levels above 4 storeys are to be setback for mid-block sites.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	These aspects are unchanged by the modification application.
2.4.2 Side setback				
D1 In all residential zones, buildings shall have a side setback of at least 3m.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D2 Eaves may extend a distance of 700mm from the wall.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.4.3 Rear setback				
D1 Rear setbacks shall be a minimum of 10m.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D2 Where there is a frontage to a street and a rear laneway the setback to the rear laneway shall be a minimum of 2m.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D3 Where a building is an L or T shape with the windows facing side courtyards the rear setback shall be a minimum of 2m.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.4.4 Haslam's creek setback				
D1 A minimum 10m setback from the top of the creek bank of Haslam's Creek and its tributaries shall be required. Refer to the Stormwater Drainage Part of this ADCP 2010 for additional controls.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The development site is not in vicinity of Haslam's Creek.
2.4.5 Setbacks at Olympic Drive, Lidcombe				
D1 For sites with frontage to Olympic Drive, buildings shall be designed to address Olympic Drive and provide a setback of 4m.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable to this site.
D2 The setback area and verge shall be landscaped and planted with a double row of street trees.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D3 The setback to east-west streets shall be generally 4 to 6m and ensure view corridors to Wyatt Park are maintained	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.5 Building depth				
D1 The maximum depth of a residential flat building shall be 24m (inclusive of balconies and building articulation but excluding architectural features).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	These aspects are unchanged by the modification application.

Requirement	Yes	No	N/A	Comments
2.6 Floor to ceiling heights				
D1 The minimum floor to ceiling height shall be 2.7m. This does not apply to mezzanines.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Floor to ceiling heights satisfy the ADG. These aspects are unchanged by the modification application.
D2 Where there is a mezzanine configuration, the floor to ceiling height may be varied.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2.7 Head Height of Windows				
D1 The head height of windows and the proportion of windows shall relate to the floor to ceiling heights of the dwelling.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Satisfactory.
D2 For storeys with a floor to ceiling height of 2.7m, the minimum head height of windows shall be 2.4m.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3 For storeys with a floor to ceiling height of 3m, the minimum head height of windows shall be 2.7m.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.8 Heritage				
D1 All development adjacent to and/or adjoining a heritage item shall be: <ul style="list-style-type: none"> responsive in terms of the curtilage and design; accompanied by a Heritage Impact Statement; and respectful of the building's heritage significance in terms of the form, massing, roof shapes, pitch, height and setbacks. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is opposite a heritage listed dwelling on the south west corner of Mary Street and Harrow Road. The proposal respects the curtilage of that heritage item. These aspects are unchanged by the modification application.
2.9 Building Design				
2.9.1 Materials				
D1 All developments shall be constructed from durable, high quality materials.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Materials and finishes are appropriate.
2.9.2 Building articulation				
D1 Windows and doors in all facades shall be provided in a balanced manner and respond to the orientation and internal uses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Satisfactory
D2 Dwelling entrances shall create a sense of individuality and act as a transitional space between private and communal spaces. Entrances shall be clearly articulated and identifiable from the street through use of address signage, lighting, canopies and/or architectural statements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Satisfactory
D3 Elevations shall provide for variation and depth rather than relying on front façade treatment only. Varied massing projections and recesses shall be used to create a sense of articulation and depth.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Satisfactory
2.9.3 Roof form				
D1 Roof forms shall be designed in a way				The roof form and parapet treatments

Requirement	Yes	No	N/A	Comments																		
that the total form does not add to height and bulk of the building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	are satisfactory.																		
2.9.4 Balustrades and balconies																						
D1 Balustrades and balconies shall be designed to maximise views of the street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Balcony treatments are satisfactory.																		
The design of the underside of the balcony shall take into consideration the view of the underside from the street and shall avoid having exposed pipes and utilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A condition of consent should be imposed to ensure that clear glazing is not used. These aspects are unchanged by the modification application.																		
D2 Opaque glazing and/or masonry for balustrading and balconies is encouraged.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																			
D3 Clear glazing for balustrading and balconies is prohibited.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																			
2.10 Dwelling size																						
D1 The size of the dwelling shall determine the maximum number of bedrooms permitted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dwelling sizes satisfy the ADG Relationship between living areas and balconies is satisfactory. These aspects are unchanged by the modification application.																		
<table><tr><th>Number of bedrooms</th><th>Size</th></tr><tr><td>Studio</td><td>50m²</td></tr><tr><td>1 bedroom (cross through)</td><td>50m²</td></tr><tr><td>1 bedroom (masionette)</td><td>62m²</td></tr><tr><td>1 bedroom (single aspect)</td><td>63m²</td></tr><tr><td>2 bedrooms (corner)</td><td>80m²</td></tr><tr><td>2 bedrooms (cross through or over)</td><td>90m²</td></tr><tr><td>3 bedrooms</td><td>115m²</td></tr><tr><td>4 bedrooms</td><td>130m²</td></tr></table>	Number of bedrooms	Size	Studio	50m ²	1 bedroom (cross through)	50m ²	1 bedroom (masionette)	62m ²	1 bedroom (single aspect)	63m ²	2 bedrooms (corner)	80m ²	2 bedrooms (cross through or over)	90m ²	3 bedrooms	115m ²	4 bedrooms	130m ²				
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4 bedrooms	130m ²																					
D2 At least one living area shall be spacious and connect to private outdoor areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																			
2.11 Apartment mix and flexibility																						
D1 A variety of apartment types between studio, one, two, three and three plus-bedroom apartments shall be provided, particularly in large apartment buildings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Apartment mix is satisfactory and is in keeping with other development in the area																		
Variety may not be possible in smaller buildings, for example, up to six units.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																			
D2 The appropriate apartment mix for a location shall be refined by:																						
• considering population trends in the future as well as present market demands; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																			
• noting the apartment's location in relation to public transport, public facilities, employment areas, schools and universities and retail centres.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																			
D3 A mix of one (1) and three (3) bedroom apartments shall be located on the ground level where accessibility is more easily achieved for disabled, elderly people or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Single and 3 bedroom dwellings are distributed throughout the floors.																		

Requirement	Yes	No	N/A	Comments
families with children.				
D4 The possibility of flexible apartment configurations, which support future change to optimise the building layout and to provide northern sunlight access for all apartments, shall be considered.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dwellings layouts are functional. These aspects are unchanged by the modification application.
D5 Robust building configurations which utilise multiple entries and circulation cores shall be provided especially in larger buildings over 15m long.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D6 Apartment layouts which accommodate the changing use of rooms shall be provided. Design solutions may include: <ul style="list-style-type: none">• windows in all habitable rooms and to the maximum number of non-habitable rooms;• adequate room sizes or open-plan apartments, which provide a variety of furniture layout opportunities; and• dual master bedroom apartments, which can support two independent adults living together or a live/work situation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D7 Structural systems that support a degree of future change in building use or configuration shall be used. Design solutions may include: <ul style="list-style-type: none">• a structural grid, which accommodates car parking dimensions, retail, commercial and residential uses vertically throughout the building;• the alignment of structural walls, columns and services cores between floor levels;• the minimisation of internal structural walls;• higher floor to ceiling dimensions on the ground floor and possibly the first floor; and• knock-out panels between apartments to allow two adjacent apartments to be amalgamated.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
3.0 Open space and landscaping				
3.1 Development application requirements				
A landscape plan shall be submitted with all development applications for residential flat buildings. The landscape plan should specify landscape themes, vegetation (location and species), paving and lighting that provide a safe,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The landscape plan provides a satisfactory concept for the embellishment and enhancement of the development.

Requirement	Yes	No	N/A	Comments
<p>attractive and functional environment for residents, integrates the development with the neighbourhood and contributes to energy efficiency and water management.</p> <p>A landscape plan prepared by a professionally qualified landscape architect or designer shall be submitted with the development application which shows:</p> <ul style="list-style-type: none"> proposed site contours and reduced levels at embankments, retaining walls and other critical locations; existing vegetation and the proposed planting and landscaping (including proposed species); general arrangement of hard landscaping elements on and adjoining the site; location of communal facilities; proposed lighting arrangements; proposed maintenance and irrigation systems; and proposed street tree planting. 				
<p>3.2 Landscaping</p> <p>D1 If an area is to be paved, consideration shall be given to selecting materials that will reduce glare and minimise surface run-off.</p> <p>D2 All landscaped podium areas shall maintain a minimum soil planting depth of 600mm for tree provision and 300mm for turf provision.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Paved areas are limited to pathways and driveways.</p> <p>Adequate soil depth is provided.</p>
<p>3.3 Deep soil zone</p> <p>D1 A minimum of 30% of the site area shall be a deep soil zone.</p> <p>D2 The majority of the deep soil zone shall be provided as a consolidated area at the rear of the building.</p> <p>D3 Deep soil zones shall have minimum dimensions of 5m.</p> <p>D4 Deep soil zones shall not include any impervious (hard) surfaces such as paving or concrete.</p>	<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 type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<p>No deep soil is proposed which is appropriate given the CBD context.</p> <p>These aspects are unchanged by the modification application.</p>
<p>3.4 Landscape setting</p> <p>D1 Development on steeply sloping sites shall be stepped to minimise cut and fill.</p> <p>D2 Existing significant trees shall be retained within the development.</p> <p>D3 The minimum soil depth for terraces where tree planting is proposed is 800mm.</p> <p>D4 Applicants shall demonstrate that the development will not impact adversely upon any adjoining public reserve or bushland.</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 checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<p>No existing trees are proposed to be retained, or warrant retention.</p> <p>These aspects are unchanged by the modification application.</p>

Requirement	Yes	No	N/A	Comments
D5 Residential flat buildings shall address and align with any public open space and/or bushland on their boundary.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D6 All podium areas and communal open space areas, which are planted, shall be provided with a water efficient irrigation system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.5 Private open space				
D1 Private open space shall be provided for each dwelling in the form of a balcony, roof terrace or, for dwellings on the ground floor, a courtyard.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Private open space satisfies the ADG requirements.
D2 Dwellings on the ground floor shall be provided with a courtyard that has a minimum area of 9m ² and a minimum dimension of 2.5m.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Ground floor units have a courtyards area that meets the minimum dimensions.
D3 Dwellings located above ground level shall be provided with a balcony or roof terrace that has a minimum area of 8m ² and a minimum dimension of 2m.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes
D4 Balconies may be semi enclosed with louvres and screens.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes
D5 Private open space shall have convenient access from the main living area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes
D6 Part of the private open space shall be capable of serving as an extension of the dwelling for relaxation, dining, recreation, entertainment and children's play.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes
D7 Additional small, screened service balconies may be provided for external clothes drying areas and storage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes
D8 Private open space and balconies shall take advantage of mid to long distance views where privacy impacts will not arise.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes
3.6 Communal open space				
D1 Communal open space shall be useable, have a northern aspect and contain a reasonable proportion of unbuilt upon (landscaped) area and paved recreation area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	While ground level COS is located to the rear, the residents have the benefit of rooftop and podium areas.
D2 The communal open space area shall have minimum dimensions of 10m.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.7 Protection of existing trees				
D1 Building structures or disturbance to existing ground levels shall not be within the drip line of existing significant trees to be retained.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Satisfactory
D2 Existing trees are to be retained and integrated into a new landscaping scheme, wherever possible. Suitable	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comments
replacement trees are to be provided if existing trees cannot be retained. Note: For additional requirements, applicants shall refer to the Tree Preservation Part of this ADCP 2010.				
3.8 Biodiversity D1 The planting of indigenous species shall be encouraged.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The species selection includes indigenous species and other natives.
3.9 Street trees D1 Driveways and services shall be located to preserve existing significant trees. D2 Additional street trees shall be planted at an average spacing of 1 per 10 lineal metre of street frontage. Note: Where a site has more than one street frontage, street tree planting shall be applied to all street frontages, excluding frontage to laneways.	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	Satisfactory By condition of consent
4.0 Access and car parking				
4.2 Basements D1 Where possible, basement walls shall be located directly under building walls. D2 A dilapidation report shall be prepared for all development that is adjacent to sites which build to the boundary. D3 Basement walls not located on the side boundary shall have minimum setback of 1.2m from the side boundary to allow planting. D4 Basement walls visible above ground level shall be appropriately finished (such as face brickwork and/or render) and appear as part of the building.	<input checked="" type="checkbox"/> <input checked="" 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 checked="" type="checkbox"/> <input type="checkbox"/>	Satisfactory Condition of consent.
5.0 Privacy and security				
5.1 Privacy D1 Buildings shall be designed to form large external courtyards with a minimum distance of 10 to 12m between opposite windows of habitable rooms. D2 Windows to living rooms and main bedrooms shall be oriented to the street and to the rear, or to the side when buildings form an 'L' or 'T' shape. D3 Site layout and building design shall ensure that windows do not provide direct and close views into windows, balconies or private open spaces of adjoining dwellings. D4 Views onto adjoining private open space	<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"/>	These aspects are unchanged by the modification application.

Requirement	Yes	No	N/A	Comments
shall be obscured by: <ul style="list-style-type: none"> Screening that has a maximum area of 25% openings, shall be permanently fixed and made of durable materials; or Existing dense vegetation or new planting. 				
5.2 Noise				
D1 For acoustic privacy, buildings shall: <ul style="list-style-type: none"> be designed to locate noise sensitive rooms and private open space away from the noise source or by use of solid barriers where dwellings are close to high noise sources; minimise transmission of sound through the building structure and in particular protect sleeping areas from noise intrusion; and all shared floors and walls between dwellings to be constructed in accordance with noise transmission and insulation requirements of the BCA. <p>Note: For development within or adjacent to a rail corridor, or major road corridor with an annual average daily traffic volume of more than 40,000 vehicles, applicants must consult <i>State Environmental Planning Policy (Infrastructure) 2007</i> and the NSW Department of Planning's <i>Development Near Rail Corridors and Busy Roads – Interim Guidelines 2008</i>.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is not in an area of high noise.
5.3 Security				
D1 Shared pedestrian entries to buildings shall be lockable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Security and safety measures are appropriate.
D2 Ensure lighting is provided to all pedestrian paths, shared areas, parking areas and building entries.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3 High walls which obstruct surveillance are not permitted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D4 The front door of a residential flat building shall be visible from the street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D5 Buildings adjacent to public streets or public spaces should be designed so residents can observe the area and carry out visual surveillance. At least one window of a habitable room should face the street or public space.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Casual surveillance is provided by the location of windows and balconies.
D6 A council approved street number should be conspicuously displayed at the front of new development or the front fence of such development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D7 Fences higher than 900mm shall be of an				

Requirement	Yes	No	N/A	Comments
open semitransparent design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D8 Balconies and windows shall be positioned to allow observation of entrances.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D9 Proposed planting must not obstruct the building entrance from the street or sightlines between the building and the street frontage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D10 Blank walls facing a rear laneway should be avoided to discourage graffiti.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Blank walls are minimised.
D11 Pedestrian and vehicular entrances must be designed so as to not be obstructed by existing or proposed plantings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	These aspects are unchanged by the modification application.
D12 If seating is provided in communal areas of a development it should generally only be located in areas of active use where it will be regularly used.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D13 Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D14 Ground floor apartments may have individual entries from the street.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D15 Residential flat buildings adjoining a park or public open space shall be treated like a front entrance/garden for the length of the park. Refer to Figure 4 - Park frontage in section 10.0.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.4 Fences				
D1 The front and side dividing fences, where located within the front yard area, shall not exceed 1.2m as measured above existing ground level and shall be a minimum of 50% transparent.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fencing is limited to side boundaries that are shared with other private land.
D2 Materials of construction will be considered on their merit, with regard being given to materials that are similar to other contributory fences in the vicinity, with a general prohibition on the following materials: <ul style="list-style-type: none"> • Cement block; • Metal sheeting, profiled, treated or pre-coated. • Fibro, flat or profile; • Brushwood; and • Barbed wire or other dangerous material. 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The fencing strategy is appropriate.
D3 All fences forward of the building alignment shall be treated in a similar way.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Requirement	Yes	No	N/A	Comments
D4 Solid pre-coated metal fences shall be discouraged and shall not be located forward of the front building line.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D5 Front fences shall satisfy the acoustic abatement criteria and be provided with a landscaped area on the street side of the fence.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D6 Fences located on side or rear boundaries of the premises, behind the main building line shall not exceed a maximum height of 1.8m.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D7 Fencing and associated walls must be positioned so as not to interfere with any existing trees.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D8 Gates and doors are to be of a type which does not encroach over the street alignment during operation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6.0 Solar amenity and stormwater reuse				
Objectives				
a. To minimise overshadowing of adjoining residences and to achieve energy efficient housing in a passive solar design that provides residents with year round comfort and reduces energy consumption.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The siting of the building is such that surrounding buildings and private open space will receive adequate solar access.
b. To create comfortable living environments.	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	The development incorporates a suite of energy efficiency and water conservation measure and detailed in the submitted plans and BASIX certificate.
c. To provide greater protection to the natural environment by reducing the amount of greenhouse gas emissions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d. To reduce the consumption of non-renewable energy sources for the purposes heating water, lighting and temperature control.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
e. To encourage installation of energy efficient appliances that minimise greenhouse gas generation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6.1 Solar amenity				
D1 Solar collectors proposed as part of a new development shall have unimpeded solar access between 9:00am to 3:00pm on June 21.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	These aspects are unchanged by the modification application.
Solar collectors existing on the adjoining properties shall not have their solar access impeded between 9:00am to 3:00pm on June 21.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Where adjoining properties do not have any solar collectors, a minimum of 3m ² of north facing roof space of the adjoining dwelling shall retain unimpeded solar access between 9:00am to 3:00pm on June 21.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comments
Note: Where the proposed development is located on an adjacent northern boundary this may not be possible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D2 Buildings shall be designed to ensure sunlight to at least 50% of the principal area of ground level private open space of adjoining properties for at least 3 hours between 9:00am and 3:00pm on June 21.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3 If the principal area of ground level private open space of adjoining properties does not currently receive at least this amount of sunlight, then the new building shall not further reduce solar access.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D4 Habitable living room windows shall be located to face an outdoor space.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D5 North-facing windows to living areas of neighbouring dwellings shall not have sunlight reduced to less than 3 hours between 9:00am and 3:00pm on June 21 over a portion of their surface.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D6 Where the proposed residential flat building is on an adjacent northern boundary or located within an area undergoing transition, compliance with D1, D2, D3 and D4 development controls may not be achievable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D7 Internal living areas and external recreation areas shall have a north orientation for the majority of units in the development, where possible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D8 The western walls of the residential flat building shall be appropriately shaded.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6.2 Ventilation				
D1 Rooms with high fixed ventilation openings such as bathrooms and laundries shall be situated on the southern side to act as buffers to insulate the building from winter winds.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D2 Apartments shall be designed to consider ventilation and dual aspect. This can be achieved with cross over apartments, cross through apartments, corner apartments and two (2) storey apartments. Single aspect apartments shall be kept to a minimum except for those that are north facing. Single aspect apartments shall be limited in depth to 8m from a window.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Cross ventilation satisfies the requirements of the ADG These aspects are unchanged by the modification application.
D3 Where possible residential flat buildings shall be designed with bathrooms, laundries, and kitchens positioned on an	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Requirement	Yes	No	N/A	Comments
external wall with a window to allow for natural ventilation of the room.				
6.3 Rainwater tanks				
D1 Developments may have rain water tanks for the collection and reuse of stormwater for car washing and watering of landscaped areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rainwater tanks are not proposed.
D2 Rainwater tanks shall be constructed, treated or finished in a non-reflective material which blends in with the overall tones and colours of the building and the surrounding developments.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D3 The suitability of rainwater tanks erected within the side setback areas of development will be assessed on an individual case by case basis.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D4 Rainwater tanks shall not be located within the front setback.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D5 The overflow from the domestic rain water tank shall discharge to the site stormwater disposal system. For additional details refer to the Stormwater Drainage Part of this ADCP 2010.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D6 The rain water tank shall comply with the applicable Australian Standards AS/NZ 2179 and AS 2180 for rainwater goods and installation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
6.4 Stormwater drainage Applicants shall refer to the stormwater drainage requirements in the Stormwater Drainage Part of this ADCP 2010.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	See Engineers comments
7.0 Ancillary site facilities				
7.1 Clothes washing and drying				
D1 Each dwelling shall be provided with individual laundry facilities located within the dwelling unit.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Each apartment has laundry facilities.
D2 Open air clothes drying facilities shall be provided in a sunny, ventilated and convenient location which is adequately screened from streets and other public places, where possible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Drying can be carried out on balconies which are screened by opaque balustrades.
7.2 Storage				
D1 Storage space of 8m ³ per dwelling shall be provided. This space may form part of a garage or be a lockable unit at the side of the garage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Storage complies with the ADG requirements. These aspects are unchanged by the modification application.
D2 Storage space shall not impinge on the minimum area to be provided for parking spaces.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7.3 Utility services				
D1 Where possible, services shall be underground.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Noted.

Requirement	Yes	No	N/A	Comments
7.4 Other site facilities				
D1 A single TV/antenna shall be provided for each building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D2 A mailbox structure that meets the relevant Australia Postal Service requirements shall be provided, located centrally and close to the major street entry to the site. All letterboxes shall be lockable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3 Individual letterboxes can be provided where ground floor residential flat building units have direct access to the street.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7.5 Waste disposal Applicants shall refer to the requirements held in the Waste Part of this ADCP 2010.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Waste officer to comment.
8.0 Subdivision				
8.1 Lot amalgamation				
D1 Development sites involving more than one lot shall be consolidated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Subject to condition of consent.
D2 Plans of Consolidation shall be submitted to, and registered with, the office of the NSW Land and Property Management Authority. Proof of registration shall be produced prior to release of the Occupation Certificate.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D3 Adjoining parcels of land not included in the development site shall be capable of being economically developed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8.2 Subdivision				
D1 The community title or strata title subdivision of a residential flat building shall be in accordance with the approved development application plans, particularly in regard to the allocation of private open space, communal open space and car parking spaces.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D2 Proposed allotments, which contain existing buildings and development, shall comply with site coverage and other controls contained within this Part.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8.3 Creation of new streets				
D1 Where a new street is to be created, the street shall be built to Council's standards and quality assurance requirements having regard to the circumstances of each proposal. Consideration shall be	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Requirement	Yes	No	N/A	Comments
given to maintaining consistency and compatibility with the design of existing roads in the locality.				
D2 A minimum width of 6m shall be provided for all carriageways on access roads. If parallel on-street parking is to be provided, an additional width of 2.5m is required per vehicle per side. For specific information detailing Council's road design specifications, refer to Table 1 – Development Standards for Road Widths in section 10.2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
D3 For larger self-contained new residential areas, specific road design requirements shall be considered for site specific development controls.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9.0 Adaptable housing				
9.1 Development application requirements Evidence of compliance with the Adaptable Housing Class C requirements of Australian Standard (AS) 4299 shall be submitted when lodging a development application to Council and certified by an experienced and qualified building professional.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Access report demonstrates 16 units will meet Class C level.
9.2 Design guidelines D1 The required standard for Adaptable Housing is AS4299. Wherever the site permits, developments shall include adaptive housing features into the design. External and internal considerations shall include: <ul style="list-style-type: none"> access from an adjoining road and footpath for people who use a wheel chair; doorways wide enough to provide unhindered access to a wheelchair; adequate circulation space in corridors and approaches to internal doorways; wheelchair access to bathroom and toilet; electrical circuits and lighting systems capable of producing adequate lighting for people with poor vision; avoiding physical barriers and obstacles; avoiding steps and steep end gradients; visual and tactile warning techniques; level or ramped well lit uncluttered approaches from pavement and parking areas; providing scope for ramp to AS 1428.1 at later stage, if necessary; providing easy to reach controls, taps, basins, sinks, cupboards, shelves, 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10.8% of apartments are designed to be adaptable.
	<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"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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	<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"/>	

Requirement	Yes	No	N/A	Comments														
windows, fixtures and doors; <ul style="list-style-type: none">internal staircase designs for adaptable housing units that ensure a staircase inclinator can be installed at any time in the future; andproviding a disabled car space for each dwelling designated as adaptable. Note: In the design of residential flat buildings, applicants shall consider the Access and Mobility Part of this ADCP 2010.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	15 Class apartments are required. 16 Class C level apartments are provided. These aspects are unchanged by the modification application.														
D2 All development proposals with five or more housing units shall be capable of being adapted (Class C) under AS 4299. The minimum number of adaptable housing units is set out below.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
<table><tr><th>No. of dwellings</th><th>No. of adaptable units</th></tr><tr><td>5-10</td><td>1</td></tr><tr><td>11-20</td><td>2</td></tr><tr><td>21 – 30</td><td>3</td></tr><tr><td>31- 40</td><td>4</td></tr><tr><td>41 - 50</td><td>5</td></tr><tr><td>Over 50</td><td>6</td></tr></table>	No. of dwellings	No. of adaptable units	5-10		1	11-20	2	21 – 30	3	31- 40	4	41 - 50	5	Over 50	6			
No. of dwellings	No. of adaptable units																	
5-10	1																	
11-20	2																	
21 – 30	3																	
31- 40	4																	
41 - 50	5																	
Over 50	6																	
(Plus 10% of additional dwellings beyond 60, rounded up to the nearest whole number)																		
Note: Adaptable Housing Class C incorporates all essential features listed in Appendix A – Schedule of Features for Adaptable Housing in AS 4299.																		
9.3 Lifts																		
D1 Lifts are encouraged to be installed in four (4) storey residential flat buildings where adaptable housing units shall be required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2 lifts are provided to the new tower.														
D2 Where the development does not provide any lifts and includes adaptable housing units, the adaptable housing units shall be located within the ground floor of the development.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>															
9.4 Physical barriers																		
D1 Physical barriers, obstacles, steps and steep gradients within the development site shall be avoided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
10.0 Development Control Diagrams and Tables																		
10.1 Development control diagrams (for residential zones only)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>															
Figures 1 to 4 comprise development control diagrams which illustrate the controls for setbacks, communal open space and number of storeys for two (2) scenarios. The following scenarios are provided. (Refer to Diagrams in																		

Requirement	Yes	No	N/A	Comments
DCP)				
10.2 Tables (Refer to Table in DCP)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Item No: LPP005/20

DEVELOPMENT APPLICATION FOR 49 MARTIN STREET, LIDCOMBE

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: DA-274/2019

Application lodged	19-Nov-2019
Applicant	Mr A T V Tran
Owner	Mr A T V Tran
Application No.	DA-274/2019
Description of Land	49 Martin Street, LIDCOMBE NSW 2141, Lot A DP 178518
Proposed Development	Demolition of existing structures and construction of a two storey 56 place centre-based child care facility with signage and at-grade car parking
Site Area	1062 m ²
Zoning	R2 Low Density Residential Zone
Disclosure of political donations and gifts	Nil disclosure
Heritage	No
Principal Development Standards	FSR – N/A, none specified for sites zoned R2 under ALEP 2010 <i>Height of Building</i> Permissible: 9m Proposed: 7.568m
Issues	27 Submissions including 2 petitions with each petition containing 30 and 98 signatures.

SUMMARY:

1. A pre-lodgement application was made under PL-61/2017 where a meeting was held with Council Officers to discuss the proposal in detail. The written advice concluded that the proposal was generally satisfactory to proceed subject to amendments.
2. Development application No. DA-274/2019 was received on 2nd September 2019 for the Demolition of existing structures and construction of a two storey, 60 place centre-based child care facility with signage and at-grade car parking for 15 car spaces. However, as a result of recent amendments to the design scheme, the number of children for the centre has since been revised to 56 places with 14 car spaces.
3. The application was publicly notified to occupants and owners of the adjoining properties for a period of fourteen days between 17 September 2019 and 1 October 2019. In response, twenty-seven (27) submissions including 2 petitions with each petition containing 30 and 98 signatures were received which raised concerns regarding permissibility, building height, traffic and parking impacts, noise and amenity impacts, excessive bulk and scale, streetscape and character and loss of privacy.

4. Between 8 October 2019 and 14 January 2020, Council received various amended plans and documentation addressing issues raised in Council's letter relating to insufficiencies with the proposed outdoor play area, waste management requirements and engineering matters being the primary issues.
5. The application is referred to the Panel as the proposal is considered to be a contentious development due to the number of submissions received. The application is considered to be generally satisfactory and complies with the relevant statutory and non-statutory planning controls. The application is therefore suitable for support and recommended for approval subject to conditions as nominated within the attached schedule.

REPORT:

Subject Site and Surrounding Area

The subject site is legally described as Lot A in DP 178518 and is known as 49 Martin Street, LIDCOMBE. The site is located on the western side of Martin Street between Nicholas Street to the north and Rawson Street to the south. Phillips Park is situated approximately 80 metres to the north of the subject site and the Lidcombe town centre and train station is located approximately 800 metres to the south west.

The land is regular in shape with frontage width of 14.02 metres to Martin Street and depth of 75.85 metres, creating a total site area of 1062 m². The site is currently occupied by an existing two storey brick house with a pitched tile roof. Ancillary structures in the rear yard include 2 storage sheds located adjacent to the site's northern boundary and remnant trees and vegetation which are identified as being of low significance. The site has a moderate slope with a rise from the front to the rear boundary with a fall of approximately 2.5m across the site.

There is one street tree and a power pole that has been identified at the front of the site.

The land adjoining the site is also zoned R2 Low density residential and contains either one or two storey dwelling houses of varying size and scale.

A locality plan of the subject site is provided below.

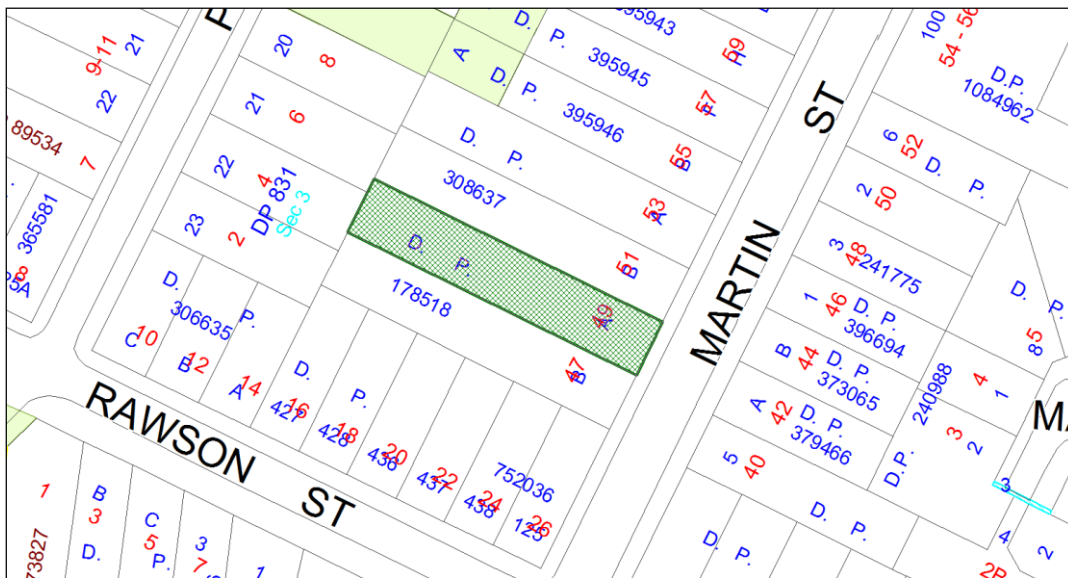


Figure 1 – Locality Plan of subject site



Figure 2 – Aerial view of subject site



Figure 3 – Street view of subject site

Description of the Proposed Development

Council has received a development application for demolition of existing structures and construction of a two storey centre-based child care facility for 56 places with signage and at-grade car parking.

The development comprises of the following components:

- Demolition of the existing built form and its associated structures;
- Removal of street tree to accommodate new driveway;
- Construction of a two storey childcare centre with a capacity of 56 children comprising of:
 - 10 x 0 to 2 years (babies)
 - 20 x 2 to 3 years (Toddlers)
 - 26 x 3 to 5 years
- Landscaping (including external play areas) and required site works (including acoustic screening and fencing);
- 1500x640mm flush wall parapet business identification signage.
- On site undercroft car park for the provision of 14 spaces including an accessible space;
- Vehicular access to the car parking facilities via a new driveway located on the northern half of the Martin Street frontage.

History

A pre-lodgement meeting was held with Council on 14 November 2017 for the proposed childcare centre development for 60 places. The written advice concluded that the proposal was considered to be generally satisfactory, however required

amendments primarily in relation to access and parking to adequately address the matters raised in the pre-lodgement meeting.

The subject development application DA-274/2019 was lodged on 2nd September 2019. Following a detailed assessment of the proposal, a number of issues were identified regarding insufficient outdoor play area to comply with the relevant requirements, waste and engineering matters.

Following various discussions between the applicant and Council Officers, the proposal has been amended from 60 children with 15 parking spaces down to 56 children with 14 parking spaces, to demonstrate compliance with the matters raised above.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Mariedent Australia Solutions and was received by Council on 2nd September 2019 in support of the application.

Contact with Relevant Parties

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

Internal Referrals

Development Engineer

The development application was referred to Council's Development Engineer for comment who has advised that the development proposal is satisfactory in relation to stormwater drainage, access and parking subject to conditions for an amended parking layout.

Children Services

The development application was referred to Council's Children Services section for comment who has advised 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 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 to proceed and no objections raised with respect to the removal of the nominated trees.

Waste Management

The development application was referred to Council's Waste Management Officer for comment who has advised that the development proposal is now satisfactory as adequate provision of an enclosed bin storage room has been provided and shown on the amended plan.

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))

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

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 – Part 3

The above SEPP sets out a new reform process for certain types of education and child care facilities to be determined under exempt and complying development that will make it easier for child-care providers, schools, TAFEs and universities to build new facilities and improve existing ones by streamlining the planning process to save time and money and deliver greater consistency across NSW.

Having regard to the above, the application is identified as a 'centre based child care and Part 3 of the provisions of this SEPP is therefore applicable to the application. In this regard, the relevant provisions of Part 3 are discussed below:

Requirement	Yes/No	Comments
Part 3 Early education and care facilities—specific development controls		
22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development (1) This clause applies to development for the purpose of a centre-based child care facility if:	N/A	The proposal complies with regulation 107 and 108 of the Education and Care Services National Regulations and therefore does not require concurrence from the Regulatory Authority.

Requirement	Yes/No	Comments																								
<p>(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the <u>Education and Care Services National Regulations</u>, or</p> <p>(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.</p>		<p>Complies. The proposal is consistent with this requirement as follows:</p> <p>Indoor</p> <table border="1"> <thead> <tr> <th></th><th>Required 3.25m² per child</th><th>Proposed</th></tr> </thead> <tbody> <tr> <td>0-2yrs</td><td>10 x 3.25 = 32.5m²</td><td>34.5m²</td></tr> <tr> <td>2-3yrs</td><td>20 x 3.25 = 65m²</td><td>76m²</td></tr> <tr> <td>3-5yrs</td><td>26 x 3.25 = 84.5m²</td><td>99.5m²</td></tr> </tbody> </table> <p>Outdoor</p> <table border="1"> <thead> <tr> <th></th><th>Required 7m² per child</th><th>Proposed</th></tr> </thead> <tbody> <tr> <td>0-2yrs</td><td>10 x 7 = 70m²</td><td>70m²</td></tr> <tr> <td>2-3yrs</td><td>20 x 7 = 140m²</td><td>76m²</td></tr> <tr> <td>3-5yrs</td><td>26 x 7 = 182m²</td><td>211m²</td></tr> </tbody> </table> <p>Indoor and outdoor space has been calculated in accordance with this requirement. Submitted architectural plans include area diagrams to assist in demonstrating compliance. Council has also verified the calculations of the space requirements and is satisfied that the proposal meets the legislative space requirements under the Education and Care Services National Regulations.</p>		Required 3.25m ² per child	Proposed	0-2yrs	10 x 3.25 = 32.5m ²	34.5m ²	2-3yrs	20 x 3.25 = 65m ²	76m ²	3-5yrs	26 x 3.25 = 84.5m ²	99.5m ²		Required 7m ² per child	Proposed	0-2yrs	10 x 7 = 70m ²	70m ²	2-3yrs	20 x 7 = 140m ²	76m ²	3-5yrs	26 x 7 = 182m ²	211m ²
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<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 <u>Child Care Planning Guideline</u>, in relation to the proposed development.</p>	Noted	See discussion and assessment against Childcare Planning Guidelines in Appendix A.																								
<p>24 Centre-based child care facility in Zone IN1 or IN2—additional matters for</p>	N/A	Subject site is not located in these zones.																								

[illegible]

Requirement	Yes/No	Comments
<p>Provisions Regulation 2012 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 local heritage item or in a heritage conservation area.</p> <p>(3) To remove doubt, this clause does not prevent a consent authority from:</p> <p>(a) refusing a development application in relation to a matter not specified in subclause (2), or</p> <p>(b) Granting development consent even though any standard specified in subclause (2) is not complied with.</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p>	
<p>26 Centre-based child care facility—development control plans</p> <p>(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:</p> <p>(a) operational or management plans or arrangements (including hours of operation),</p>	<p>Noted</p>	

Requirement	Yes/No	Comments
<p>(b) demonstrated need or demand for child care services,</p> <p>(c) proximity of facility to other early education and care facilities,</p> <p>(d) any matter relating to development for the purpose of a centre-based child care facility contained in:</p> <p style="padding-left: 40px;">(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or</p> <p style="padding-left: 40px;">(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).</p> <p>(2) This clause applies regardless of when the development control plan was made.</p>		

The Child Care Planning Guidelines also list matters for consideration for this development application. This development application is considered to satisfactorily address those matters listed. A full assessment table is attached in Appendix A.

State Environmental Planning Policy No. 55 – Remediation of Land

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

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
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

Matter for Consideration	Yes/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
<p>Details of contamination investigations carried out at the site:</p> <p>The development has been supported by a preliminary environmental site investigation report prepared by Land & Groundwater Consulting P/L, dated 20 December 2017, which concluded that:</p> <p><i>"The site condition and the past and current site activities described in the PESI indicate low potential for significant or gross contamination; and based on the above findings, the site subject to this PESI is suitable for the proposed childcare facility and/or low-density residential land use, consistent with a R2 Low Density Residential Zoning."</i></p> <p>The application was referred to Councils Environmental and Health Unit for comment and the advice provided indicated that the proposal was satisfactory from an environmental viewpoint and standard conditions have been recommended to be imposed on the consent. In this regard, Council officers can be satisfied that the development as proposed is suitable for the purpose for which the development is proposed.</p>	
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"/> Yes <input type="checkbox"/> No

State Environmental Planning Policy 64 (Advertising and Signage)

One business identification sign is proposed for the centre. The signage proposed is consistent with the schedule 1 assessment criteria requirements of the above SEPP and is therefore satisfactory. A comprehensive assessment and compliance table is provided in Appendix B.

Regional Environmental Plans

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

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

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

Local Environmental Plans

Auburn Local Environmental Plan 2010

The provision of the Auburn Local Environmental Plan (ALEP 2010) is applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the ALEP 2010 and the objectives of the R2 Low density residential zone.

Permissibility:

The proposed development is defined as a "Centre-based childcare facility" and is permissible in the R2 zone with consent.

A centre-based child care facility means:

- a) a building or place used for the education and care of children that provides any one or more of the following:
 - (i) long day care,
 - (ii) occasional child care,
 - (iii) out-of-school-hours care (including vacation care),
 - (iv) preschool care, or
- b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

Note. An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

But does not include:

- c) a building or place used for home-based child care or school-based child care, or

- d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or
- e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

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

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.3 Height of Buildings Max 9 metres.	Y	The maximum building height proposed is 7.568 metres.
4.4 Floor Space Ratio	N/A	There is no FSR prescribed for the site.
4.6 Exceptions to development standards	N/A	No variations sought.
5.10 Heritage Conservation	N/A	The subject site is not identified as a heritage item or within a heritage conservation area.
6.1 Acid sulphate soils	Y	Class 5 – Nil Impact. An Acid Sulphate Soils Management plan is not required to be prepared as the works proposed are not likely to lower the water table. Further, the site is not located in proximity to coastal (tidal) and inland or upland (freshwater) environments where acid sulphate soils are usually present and where the disturbance of soil would result in environmental impacts requiring acid soil management to prevent contamination.

6.2 Earthworks	Y	Minimal earthworks proposed to facilitate construction of development and this is not anticipated to result in adverse environmental impacts.
6.3 Flood planning	N/A	The site is not affected by flooding.
6.4 Foreshore Building Line	N/A	Not relevant to the site.
6.5 Essential services	Y	Appropriate conditions can be imposed to ensure compliance.

ii)

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

iv)

(a) Draft State Environmental Planning Policy (Environment)

v)

vi) 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:

vii)

- 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.

viii)

ix) 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.

x)

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

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

The Auburn DCP 2010 provides guidance for the design and operation of development to achieve the aims and objectives of the ALEP 2010. The relevant parts of the ADCP 2010 are discussed below.

a) Childcare centres

The proposed development is considered to perform satisfactorily with regard to the Childcare Centres part of the ADCP 2010. A comprehensive assessment and compliance table is contained in Appendix B.

Minor non-compliances are noted with regard to the childcare centres section of the DCP in relation to fencing for the elevated outdoor areas, landscaping of the front yard and internal design layout for visibility and security.

In relation to fencing around the elevated outdoor spaces where a minimum 3m high fence is required, a variation to this control is considered acceptable as a 1.5m high barrier wall is provided. This is considered satisfactory with respect to the Childcare Planning Guidelines which prevails over Council's controls. Additionally, a condition will be imposed for the height of the wall surrounding the elevated outdoor areas to be a minimum of 1.6m above finished floor level to make certain that concerns of privacy and overlooking are minimised.

It is noted that the proposal does not incorporate a front reception in the design to allow for direct visibility of all people entering and leaving the premises. However, the Plan of Management prepared by Gowrie, accompanying the application details a system in place for arrivals and departures to be recorded for all children, staff and visitors entering and leaving the premises. Due to the design layout incorporating an undercroft car park which does not provide direct surveillance, it is considered appropriate to include a condition for an intercom monitor system which allows for controlled and secure access as well as CCTV recording for safety and security to further ensure staff are aware of all children and visitors entering and leaving the premises.

The non-compliance relating to landscaping of the front yard is considered to be acceptable given that some landscaping elements will be provided to differentiate between private and public interface that is compatible with the streetscape and character of the residential area. Further, the proposal is considered to be an improvement to the existing situation in that the site currently provides a 1.5 to 1.8m high solid masonry front brick fence and an impervious front yard composed of concrete. In this instance, a variation to this control is considered to be acceptable given the circumstances and merit of the application.

b) Parking and Loading

The parking rate for a child care centre is based on 1 car space per 4 children. A maximum of 56 places are proposed for the centre. The development provides for 14 parking spaces in the under-croft car park which is adequate and complies with the parking requirement. The proposed car park includes provision of visitor parking and one space for people with disability and a turning bay for access and manoeuvring of the site. The plan has been reviewed by Council's Engineer and the proposal considered satisfactory subject to conditions for a blind aisle extension to ensure the parking layout complies with AS2890.1.

c) Detached Dwellings and Dual Occupancy

The Detached Dwellings and Dual Occupancy part of the ADCP 2010 have been reviewed. The objectives and requirements are considered to be of limited application for a purpose-built childcare centre. Notwithstanding, the required building setbacks and height have been observed and adhered to in the design of the proposed childcare centre to ensure that the development responds to the streetscape, character and built form so as to be sympathetic to the low scale residential nature and scale of the surrounding developments. The development provides a complying side setback of 900mm on either side and a rear setback of 17.4m which is considered acceptable given the proposed land use. It is noted that a front setback of 10.124m is provided for the development when a setback of 5.5 to 6m is usually required. Given that the proposal relates to childcare centre and that the prevailing front setback established for the adjoining dwellings and the street is greater than 6 metres, the non-compliance is considered satisfactory on its merit.

The development is therefore considered to blend in with the established residential built environment and is compatible in the locality.

d) Waste

The proposed waste requirements of the ADCP 2010 is considered to be satisfactory. An enclosed bin room for storage of waste is provided to service the development. Council's Waste Management Officer has also reviewed the plans submitted and is satisfied with the proposed waste rooms provided on site.

e) Accessibility

The proposed accessibility requirements of the ADCP 2010 is considered to be satisfactory. The undercroft car park and separate pedestrian access to the building is at grade, lifts have been provided for first floor level access and disabled toilet facilities have also been incorporated into the design. The application has also been supported with an access report prepared by Ergon Consulting, revision B, dated 29 August 2019 which is satisfactory.

f) Stormwater drainage

The proposed stormwater drainage requirements of the ADCP 2010 is considered to be satisfactory. Council's engineer has reviewed the concept stormwater plans submitted and recommended appropriate conditions to be imposed on the consent.

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

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

Advertised (newspaper) ☒

Mail ☒

Sign ☒

Not Required ☐

In accordance with Council's Notification requirements contained within the Auburn DCP 2010, the proposal was publicly notified for a period of 14 days between 17/09/19 and 01/10/19. The notification generated 27 submissions and a petition containing 98 signatures in respect of the proposal. Of these 27 submissions received, a total of sixteen (16) constitute a 'unique submission'; being a submission which is unique in substance, distinctive or unlike any other submission. A unique submission precludes form letters and petitions from being counted more than once toward the total number of unique submissions. These definitions are in accordance with directions from the Department of Planning, Industry and Environment. Further, it is noted that nil submissions disclosed a political donation or gift.

Having regard to Council delegations, on 20 November 2019, a Council Resolution was made to amend Council's internal policy and subsequent delegation to refer DAs to the Cumberland Local Planning Panel (CLPP) when ten (10) or more objections are received in accordance with the Local Planning Panels Direction – Schedule 1, Clause 2(b) as provided in the Ministerial Direction dated 23 February 2018. In this instance, the application is required to be referred to the CLPP for consideration.

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

ISSUE	PLANNER'S COMMENT
1. Increased traffic generation, lack of parking and the overflow of parking on to the surrounding street.	The proposal is considered to be satisfactory and provides adequate parking onsite in accordance with Council's parking requirements. The application has also been accompanied by a Traffic Impact assessment report which has been

	reviewed by Council's Engineering section and considered satisfactory based on merit.
2. Permissibility of childcare centre in residential area, overdevelopment, incompatible with streetscape and character and visual impact.	The proposed development for a childcare facility is permissible with consent in the R2 low density residential zone under the relevant plan (ALEP 2010) subject to an approval. The number of childcare centres proposed in an area, regardless of proximity and competition; is based on market demand and not a matter for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Further, as specified in clause 25(2)(a) of the SEPP Educational Establishments and Childcare Facilities 2017, the development of a childcare facility is permitted to be located at any distance from an existing or proposed early education and care facility.
3. Noise and hours of operation excessive	<p>An acoustic report has been submitted to accompany the development application and reviewed by Council's Environment and Health section. The advice provided raised no objections to the proposal subject to recommended conditions of consent to mitigate noise impacts generated by the development. It is further noted that the plans provided detail specific design acoustic sound barrier fences that are to be constructed of an impervious material such as masonry, lapped-and-capped timber, clear polycarbonate, toughened glass, a proprietary modular system or a combination, free from holes or gaps to assist in mitigating noise impacts and noise transmission.</p> <p>The hours of operation proposed for the childcare centre being 7am to 6pm is typical for the business activity of this nature and considered satisfactory.</p>
4. Excessive fence height of 3m	The development requires a 3m high fence around the site in accordance with Council's controls to mitigate noise intrusion. The 3m high fence proposed is to comprise of a standard height fence of 1.8m high (non-Colour bond material or similar) and a 1.2m high clear Perspex sound barrier wall constructed on top of the fence. This is considered to be satisfactory.
5. Compliance with GFA, FSR, landscaping and site coverage	The proposal relates to a purpose-built childcare facility and has been comprehensively assessed in accordance with the relevant regulations, controls and guidelines and considered satisfactory. Due to the R2 zoning, specific GFA

	and FSR requirements are not applicable to the site. The landscaping and site coverage proposed for the site for a childcare facility is considered satisfactory on merit.
6. Privacy	The northern and southern side elevations of the building all predominantly contain glass block windows to minimise visual and acoustic privacy. There are only two windows located on the south side which relate to the bathroom and staff room, however given that these windows are offset 4 to 5 metres from the boundary, sufficient separation distance is provided to maintain the privacy between the developments. The proposal is considered to be satisfactory in this regard
7. Proposed childcare centre will devalue the property in the area	Depreciation in property values is not considered to be a matter for consideration under the relevant section 4.15 of the EP&A Act.
8. Residents on Martin Street have not been notified of DA, only through word of mouth through neighbours	Council's record shows that the immediate neighbours were notified via letter of the development proposal in accordance with Council's notification policy. The application was also advertised in the local newspaper and a site notice of the development proposal was also erected on the site.
9. There are already two established childcare centres in the immediate area – Swete Street and Platform Street. Is there a need for another child care centre this close given the residential context of the area?	As previously discussed, the number of childcare centres proposed in an area, regardless of proximity and competition; is based on market demand and not a matter for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended). Further, clause 25(2)(a) of the SEPP (Education and Childcare Facilities) 2017 allows the development of a childcare facility to be located at any distance from an existing or proposed early education and care facility.
10. Is there a bathroom at ground level?	A disabled toilet has been proposed at ground level for staff use.
11. Play area on 2nd level is open – risk of children falling	1.5m high masonry walls are proposed for the outdoor play areas on the first-floor level which is considered to be satisfactory and complies with the National Construction Code. Moreover, these outdoor play areas are for children aged between 0-2 and 2-3 years. However, due to concerns of privacy and overlooking, a condition will be imposed for the height of the wall to be a minimum of 1.6m high above finish floor level.
12. Is the width of car park entry sufficient	Council's engineering section have reviewed the proposed undercroft car park including the entry

	of the car park and have raised no concerns in relation to its proposed width. The proposal is considered to be satisfactory in this instance.
13. Colour bond roof material proposed is reflective	Appropriate conditions can be imposed to ensure that the roofing material proposed is to be of a non-reflective material
14. Poor layout of under croft parking area	Council's engineering section have reviewed the proposed under croft car park including the layout and have recommended conditions to ensure compliance with the AS2890. The proposal is considered to be satisfactory for support in this instance

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

The public interest is served by permitting the orderly and economic development of land, in a manner that is sensitive to the surrounding environment and has regard to the reasonable amenity expectations of surrounding land users. In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

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

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

Comments:

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

The calculation is based on the use being employment generating development. The fee payable is \$15,503.74. This figure is subject to indexation as per the relevant plan. The draft determination attached includes a condition requiring payment of the contribution prior to issue of a Construction Certificate.

Disclosure of Political Donations and Gifts

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









CONCLUSION:

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, relevant SEPPs and SREPs. Auburn LEP 2010 and Auburn DCP 2010 is considered to be satisfactory for approval subject to conditions.

REPORT RECOMMENDATION:

1. That Development Application No. DA-274/2019 for demolition of existing structures and construction of a two storey 56 place centre-based child care facility with signage and at-grade car parking on land at 49 Martin Street, LIDCOMBE NSW 2141 be approved subject to attached conditions listed in the attached schedule.
2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

ATTACHMENTS

1. Draft Notice of Determination [↓](#) 
2. Architectural Plans [↓](#) 
3. Stormwater/Engineering Plans [↓](#) 
4. Submissions Received [↓](#) 
5. Plan of Management [↓](#) 
6. Noise Impact Assessment Report [↓](#) 
7. Appendix A - Childcare Planning Guidelines Assessment and Educational and Care Services National Regulations [↓](#) 
8. Appendix B -ADCP 2010 Assessment and Schedule 1 Assessment Criteria (SEPP 64) [↓](#) 

DOCUMENTS
ASSOCIATED WITH
REPORT LPP005/20

Attachment 1
Draft Notice of Determination

Application No: DA2019/274
Property: 49 Martin Street LIDCOMBE NSW 2141,
Officer: Fay Ong
Created: 21 January 2020 4:04:00 PM

Below is the list of conditions applied to this application for review prior to the issue of the Assessment Report

CONDITIONS OF CONSENT

General Conditions

1. **DAGCZ01 - Security gates and fencing of outdoor play areas**
 - a) All security gates shall be fitted with a child proof self-locking mechanism.
 - b) All outdoor play areas shall be appropriately fenced on all sides with the minimum heights and specifications as detailed in the Environmental Noise Management report prepared by *Day Design Pty Ltd (Report Ref 6462-1.1R) dated 25 June 2018*.

(Reason: to ensure compliance with the relevant requirements of the Auburn Development Control Plan 2010.)
2. **DAGCZ02 - Storage facilities to be locked and inaccessible to children**
Storage facilities shall be fitted with locks or a similar mechanism which allows for secured and controlled access by staff where dangerous materials, substances and or equipment are stored.

(Reason: to ensure the safety of children.)
3. **DAGCZ03 - Stormwater disposal**
Stormwater runoff generated from the development shall be directed to the on-site stormwater drainage system and prior to being discharged to Council's drainage system on Platform Street.

(Reason: to prevent localised flooding.)
4. **DAGCZ04 - Amenity**
The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

(Reason: to protect the amenity of the locality.)
5. **DAGCZ05 - Odour**
No offensive odour from any trade, industry or process shall be detected outside the premise by an authorised Council Officer as defined in the Protection of the Environment Operations Act 1997.

(Reason: to protect the surrounding locality from offensive odours)
6. **DAGCZ09 - General health requirements**
Staff food must be stored in a separate area to food intended for the children. Sufficient space must be available to store any required dry goods for the premises.

(Reason: to protect food safety)
7. **DAGCA01- Lapsing of Consent**
This Development Consent lapses five (5) years after the date from which it operates unless the approved building, engineering or construction work has physically commenced in accordance with this consent.

A Construction Certificate must be obtained and the works commenced in accordance with the approved plans and specifications within five (5) years from the date of this Development Consent.

(Reason: to satisfy the requirements of Section 4.53 of the Environmental Planning and

Assessment Act 1979 (as amended))

8. **DAGCA02 - List of Approved Plans and Supporting Documents**

The development must be carried out in accordance with the following endorsed plans and documents, except as otherwise provided by the conditions of this consent.

Reference/Dwg No	Title/Description	Prepared By	Date/s
999206-01, 999206-02, 999206-03, 999206-04, 999206-08	Architectural plans	Advanced Architecture & Construction P/L	Revision C, January 2020
Drawing 1/1 (<i>Including any amendments in red</i>)	Landscape Plan	Tessa Rose Playspace and Landscape Design	Revision 2, 28 October 2019
000, 101, 102, 103, 104, 105, 106	Concept Drainage Plans	Australian Consulting Engineers	Revision F, 30 October 2018
N1715725A	Traffic and Parking Impact Report	Motion Traffic Engineers	Revision 1a, November 2017
-	Access Report	Ergon Consulting	Revision B, 29 August 2019
-	Emergency and Evacuation Plan	Emergency Compliance Services	-
6462-1.1R	Environmental Noise Impact Assessment Report	Day Design Consulting Acoustical Engineers	25 June 2018
- (<i>Including any amendments in red</i>)	Plan of Management	Gowrie NSW	-
LG1796.01 PESI Rpt 20-12-17	Preliminary Environmental Site Investigation Report	Land and Groundwater Consulting	20 December 2017
-	Waste Management Plan	Advanced Architecture & Construction P/L	-
-	Schedule of External Colours and Finishes	Advanced Architecture & Construction P/L	-

(Reason: To confirm and clarify the terms of Council's approval)

9. **DAGCA08 - Obtaining a Construction Certificate for Building Work**

This Development Consent does not constitute approval to carry out construction work. Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifier, and lodgement of Notice of Commencement.

If demolition is associated with the erection of or extension to an existing building, then demolition must not commence prior to the issue of a Construction Certificate.

(Reason: Information)

10. **DAGCB01- Australia Post Guidelines**

Letter boxes are to be provided for the development in accordance with the relevant Australia Post Guidelines.

(Reason: To ensure compliance with mail delivery regulations)

11. **DAGCB03 - Lighting**

Any lighting on the site shall be designed so as not to cause a 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 AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

(Reason: Protect amenity of surrounding area)

12. **DAGCB06 - Telecommunications/ TV Antennae**
No more than one telecommunications/TV antenna is to be installed to each dwelling/building.

(Reason: To prevent the proliferation of telecommunications/TV antennae)
13. **DAGCB07 - Tree Preservation**
All street trees and trees on private property that are protected under Cumberland Council's controls, shall be retained except where Council's prior written consent has been obtained.

(Reason: Tree preservation)
14. **DAGCD06 - Mechanical Ventilation**
The premises must be suitably ventilated in accordance with the National Construction Code 2019 and AS1668.1 and 2 - 2012. The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings.

(Reason: To ensure compliance with ventilation standards)
15. **DAGCD07 - Waste Management**
Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction phases of the development.

(Reason: Compliance with approval)
16. **DAGCA04 - Child Care Centre**
This approval is given for the use of the land for the purposes of a Child Care Centre with a maximum of 56 children. A separate approval and/or license will be required from the Department of Education and Communities (DEC) prior to commencement of operations. Compliance with the Education and Care Services National Regulations is required at all times.

(Reason: Clarify approved use)
17. **DAGCA05 - Construction within Boundary**
All approved construction including but not limited to footings, walls and guttering shall be constructed wholly within the boundaries of the site

(Reason: To ensure compliance with approved plans)
18. **DAGCB02 - Food Premises - Compliance with relevant Acts and Codes**
The design, construction, and fitout of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - 2004 Design, Construction and Fitout of Food Premises.
Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service by visiting the website www.standards.com.au. Copies of the Food Standards Code (Australia) may be obtained by visiting the website www.foodstandards.gov.au.

(Reason: To ensure the food premises fitout complies with relevant food safety legislation and standards)

Conditions which must be satisfied prior to the commencement of demolition of any building or structure

19. **DAPDB01 - Construction Certificate - Prior to the Commencement of any Demolition Works**
Where demolition is associated with the erection of a new structure, or an altered portion of or an extension to an existing building, the demolition of any part of a building constitutes "commencement of building work" pursuant of section 6.6 of the Act. In such circumstance all conditions of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the issue of a Construction Certificate, appointment of a PCA and Notice of Commencement under the Act.

(Reason; to ensure a Construction Certificate is obtained prior to the commencement of any building work in accordance with the Environmental Planning and Assessment Act 1979).
20. **DAPDB02 - Demolition - General**

Demolition - General

- a) That two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
 - The date when demolition will commence,
 - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
 - The licence number of the demolisher, and relevant WorkCover licenses, (see minimum licensing requirements in (d) below, and
 - Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.
- b) Demolition of buildings and structures must comply with all current and relevant Australian Standards.
- c) Demolition works are restricted as follows:
 - Monday to Saturday inclusive - 7:00am - 5:00pm
 - Sundays and Public Holidays - No work
- d) At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to demolition commencing advising the following:
 - The date when demolition will commence;
 - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
 - The telephone number of WorkCover's Hotline 13 10 50.

Demolition Involving the Removal of Asbestos

General Information

Homes built or renovated prior to 1987 are likely to contain asbestos. Asbestos is most commonly found within eaves, internal and external wall cladding, ceilings and walls (particularly within wet areas such as bathrooms and laundries), and fences. Unless properly handled, asbestos disturbed or removed during renovations can cause the development of asbestos related diseases, such as asbestosis, lung cancer and mesothelioma.

To ensure work does not cause undue risk please see the following site for further information: www.asbestosawareness.com.au

Asbestos to be removed by licensed asbestos removalist

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal License which ever applies AND a current WorkCover Demolition License where works involve demolition.

NOTE:

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m² or less of non-friable asbestos (approximately the size of a small bathroom).
- Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
- To find a licensed asbestos removalist please see www.workcover.nsw.gov.au

Compliance with applicable Legislation, Policies and Codes of Practice

Asbestos removal works are to be undertaken in accordance with the following:

- NSW Work Health and Safety Act and Regulation 2011;
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)]
- NSW Government WorkCover Code of Practice - How to Safely Remove Asbestos;
- NSW Government WorkCover Code of Practice - How to Manage and Control Asbestos

in the Workplace; and

Clearance certificate

Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

Notification of asbestos removal works

At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to the commencement of asbestos removal works. Notification is to include, at a minimum:

- The date and time when asbestos removal works will commence;
- The name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
- The full name and license number of the asbestos removalist/s; and
- The telephone number of WorkCover's Hotline 13 10 50

Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.

Barricades

Appropriate barricades must be installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

21. **DAPDB08 - Demolition Inspections**

Council (not a private certifier) must inspect the site prior to and after demolition works. Payment of the demolition inspection fee in accordance with Council's current fees and charges policy must be made to arrange the inspections.

After completion of demolition works, the applicant must notify Council within 7 days to assess the site and ensure compliance with AS2601-2001 - Demolition of Structures.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

22. **DAPDB09 - Tree Preservation during site, demolition and construction works**

All street trees and trees on private property that are protected under Cumberland Council's controls, shall be retained and protected in accordance with AS 4970 - 2009 'Protection of Trees on Development Sites' during demolition and construction works except where the trees have been approved for removal.

(Reason: Tree Preservation and Protection)

23. **DAPDB11 - Hazardous Materials Survey Required**

Prior to the commencement of any demolition works on site, a Hazardous Materials Survey Report must be prepared by a suitably qualified person (such as a certified Occupational Hygienist) and submitted to the satisfaction of the certifier, with a copy provided to Council. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to the safe management and/or removal to ensure the site is safe for demolition, construction and future use/occupation.

(Reason: To ensure controls are in place for hazardous materials)

24. **DAPDB12 - Sediment and Erosion Control measures**

Prior to the commencement of works, the following measures are to be implemented on the

site to assist with sedimentation control during the construction phase of the project:-

- (a) A dish shaped diversion drain or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.
- (b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed in suitable locations below the construction area to reduce impacts on waterways.
- (c) Vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.
- (d) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.
- (e) A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.
- (f) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations, which could lead to the discharge of materials into the stormwater drainage system or waterways.
- (g) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway. Stockpiles shall be protected with adequate sediment controls.
- (h) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.

Such measures are to be maintained at all times to the satisfaction of Council and the Principal Certifier. Failure to do so may result in the issue of penalty notices.

(Reason: To minimise/prevent impacts on waterways by minimising soil erosion and sediment leaving the site)

Conditions which must be satisfied prior to the issue of a Construction Certificate

25. **DACCZ01 - Submission of Acoustic Design Specifications**

Plans and/or specifications demonstrating how all engineering assumptions, performance parameters, and recommendations in the DA approved Environmental Noise Impact Assessment (prepared by Day Design Pty Ltd, dated 25 June 2018, report ref. 6462-1.1R) will be complied with are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issuing of the Construction Certificate. All noise reduction measures specified in the Environmental Noise Impact Assessment and Noise Management Plan shall be complied with at all times during the operation of the premises.

(Reason: To protect residential amenity and ensure compliance with acoustic consultant recommendations).

26. **DACCZ02 - Health Requirements**

Sufficient provisions must be made for the installation 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.

Details to be submitted to Principal Certifying Authority prior to the issue of the Construction Certificate.

(Reason: To protect food safety).

27. **DACCZ03 - Amended parking layout**

Prior to issue of the construction certificate amended parking layout addressing the following shall be submitted to the Principal Certifying Authority for approval:

- a) Blind aisle extension shall be provided as per Section 2.4.2 (c) of the Australian standard AS2890.1.

Copy of the approved plan shall be submitted to Council.

Reason: to ensure parking layout complies with Australian standard AS2890.1.

28. **DACCZ04 - Submission of full stormwater disposal details**

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

The details shall be prepared by a suitably qualified person and must be in accordance with Council's (Auburn) Development Control Plan 2010 - Stormwater Drainage Guidelines and "Australian Rainfall & Runoff 1987". In this regard,

- i. The proposed stormwater system shall be generally in accordance with the stormwater concept plans approved as part of the consent.
- ii. On-site stormwater detention storage is to be provided in conjunction with the stormwater disposal. The storage is to comply with 'Auburn Development Control Plans 2010 - Stormwater Drainage'.

It is the responsibility of the Principal Certifying Authority and/or the person issuing the Construction Certificate to ensure that the plans satisfies all the matters as outlined in this development consent prior to the issue of the Construction Certificate.

(Reason: to ensure the stormwater is suitably discharged).

29. **DACCZ05 - Privacy screen to elevated outdoor areas on the northern and southern elevation**

A privacy screen measuring 1600mm above finished floor level shall be constructed on the northern and southern elevation of the elevated outdoor play areas 1 and 2. The privacy screen shall be constructed of translucent or solid material.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

(Reason: to minimise privacy and direct overlooking into the adjoining property).

30. **DACCZ06 - Reflectivity index of glazing**

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

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

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

31. **DACCZ07 - Intercom system access to carpark/building**

An intercom system shall be provided at the main entry access to the building and at the vehicular access point to the carpark to allow for continuous controlled and secure access to the site.

Details of the proposed intercom system shall be submitted with the Construction Certificate plans/specifications and the locations detailed on the construction drawings.

(Reason: to ensure safe access and security is provided to the building and provide adequate surveillance of the site).

32. **DACCZ08 - Doorway widths**

The doorway widths for access shall be appropriately designed to accommodate twin strollers, people with a disability and a large mobile cot (in the event of an emergency evacuation for children under the age of 2 years).

(Reason: to ensure appropriate doorway widths are being provided to facilitate the use of the building and to comply with relevant standards and planning requirements.

33. **DAOCZ02 - Noise Management Plan**

A Noise Management Plan prepared by a suitably qualified person shall be submitted to

Council that includes, but is not limited to:

- a. all noise control recommendations provided within Section 7.1 of the DA approved Environmental Noise Impact Assessment; and
- b. noise complaint management system and protocols.

This plan is to be submitted prior to the issuing of the Construction Certificate.

Reason: To protect residential amenity and ensure compliance with acoustic consultant recommendations.

34. DACCZ10 - 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).

35. DACCA02 - Application for a Construction Certificate

Site works must not commence until a Construction Certificate for the proposed works has been issued by Council or an Accredited Certifier.

Notes:

Where an Accredited Certifier issues a construction certificate, a copy of the following documents must be forwarded to Council within 7 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 requires the submission of an amended construction certificate.

(Reason: to comply with the requirements of Section 4.19 formerly 81A of the Environmental Planning and Assessment Act and clause 142 of the Environmental Planning and Assessment Regulation 2000).

36. DACCA03 - Disabled Access & Facilities

Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the National Construction Code (for all new building work) and in addition, with the relevant requirements of the 'Disability (Access to Premises - Building) Standards 2010'. 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 National Construction Code)

37. DACCB02 - Payment of Bonds, Fees and Long Service Levy

The Principal Certifier is to ensure and obtain written proof prior to the issue of a Construction Certificate that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes payment of a long service levy as required under part 5 of the Building and Construction Industry Long Service Payments Act 1986.

(Reason: To ensure that the applicable bonds, fees and levies are paid)

38. DACCB03 - Section 7.11 Contribution

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 the Auburn Development Contributions Plan 2007, is to be paid to Council. 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 Auburn Development Contributions Plan 2007 can be viewed on Council's website at www.cumberland.nsw.gov.au or inspected at Council's Service Centre located at 16 Memorial Avenue, Merrylands between the hours of

8am and 4.30pm Monday to Friday.

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments)

39. **DACCB05 - s7.11 Fees to be paid to Council prior to issue of the Construction Certificate**

Sect. 7.11 Contributions	\$15,503.74 + CPI
TOTAL	\$15,503.74 + CPI where applicable

Please note that other fees and charges may be applicable to the proposal, and the fee calculated at the time of payment may exceed the figures detailed above.

(Reason: Statutory requirement and information)

40. **DACCC01 - Footpath Design Levels**

Detailed footpath levels shall be obtained from Council before finalisation of the footpath and driveway design for Construction Certificate Application by lodging an "Application for Property Boundary Line Levels". Any required adjustments shall be included in the plans and the interface across the street boundaries shall be designed to incorporate smoothly the designated levels.

When lodging the "Application for Property Boundary Line Levels", fees are payable in accordance with Council's adopted fees and charges, which will go towards administration costs.

Unless an alternative specific design is submitted and approved by Council, the footpath levels adjoining the site shall generally be as follows:

- (a) The internal driveway levels shall be designed to meet Council's footpath verge levels such that a maximum cross fall of 2.5% is achieved where the formal footpath meets the driveway.
- (b) The level of the boundary line as it crosses the driveway shall incorporate a cross fall equivalent to the general longitudinal grade of the street. Any required adjustments shall be included in the plans and submitted for approval (under Section 138 of the Roads Act) prior to the release of the Construction Certificate.

Note: Care should be taken in steep landforms to ensure scraping of vehicles is avoided.

(Reason: Public infrastructure)

41. **DACCC02 - Protection of Public Places**

The adjoining or adjacent public area is not to be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances unless approved in writing by Council.

If the work involved in the demolition or construction of a building is likely to disrupt or obstruct pedestrian or vehicular traffic in a public place, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected prior to the commencement of any work subject to approval of a Traffic Management Plan.

(Reason: Safety)

42. **DACCC04 - Vehicular Crossings, Redundant Vehicular Crossings and other Works**

Concrete vehicular crossing(s) shall be installed across the footpath at the entrance(s) and/or exit(s) to the site in accordance with Council requirements. All disused or redundant vehicle crossings and laybacks shall be removed and reinstated with concrete kerb and gutter or to the existing edging profile as specified by Council and the footpath area is to be restored to the satisfaction of Council's Engineer.

A separate Council approval is required and in this regard the applicant must lodge an application (available from Council's Customer Services Centre or from Council's website), and pay the appropriate fees and charges prior to the issue of the Construction Certificate.

This application will also be required where new pavement, repair or reinstatement of footpath

or other ancillary works such as kerb and gutter and stormwater pit construction is proposed and/or required.

(Reason: To ensure appropriate access to the site can be achieved)

43. DACCC05 - Hoardings

A separate Hoarding approval for the erection of a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s) must be obtained from Council. The relevant application form shall be submitted to Council with a footpath occupancy fee based on the area of footpath to be occupied according to Council's Schedule of Fees and Charges, and the application shall be approved before the commencement of work.

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

44. DACCE02 - Construction Management Plan

Prior to the issue of any Construction Certificate, a Construction Management Plan shall be submitted to the Accredited Certifier providing details of the following:

- a) Actions and works proposed to ensure safe access to and from the site, including how the road and footpath area will be protected from building activities, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
- b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.
- f) A Soil and Water Management Plan detailing all sedimentation controls.

(Reason: Safety, amenity and protection of public infrastructure and the environment)

45. DACCE03 - Construction Traffic Management Plan (CTMP)

Prior to the issue of any Construction Certificate, the applicant shall submit and have approved by Council's Engineers, a detailed construction Traffic Management Plan (TMP). The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition, excavation and construction phase of the development. The plan shall be certified by a suitably qualified and experienced traffic consultant and all traffic associated with the subject development shall comply with the terms of the approved Construction Traffic Management Plan.

The following matters (at a minimum) must be addressed in the TMP:

- a) A detailed description and route map of the proposed truck/construction vehicle access routes.
- b) The locations of any proposed Construction Works Zones along the site frontage.
- c) Provide a construction schedule.
- d) Tradesperson parking (parking shall be provided on-site where possible).
- e) Provide relevant Traffic Control Plans (must be certified by a suitably qualified RMS ticket holder).
- f) Provide relevant Pedestrian Management Plans.
- g) A site plan which indicates site entrances and exits, turning areas within the site for construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller.

(Reason: Traffic safety and amenity during construction phase)

46. DACCG05 - Off Street Car Parking - General

Fourteen (14) off-street car parking spaces suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with the relevant Australian Standard.

Details are to be submitted to the Principal Certifier prior to the issue of a Construction Certificate showing compliance with this condition.

(Reason: Parking and access)

47. DACCJ01 - Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate a detailed stormwater drainage plan for the safe disposal of stormwater from the site, prepared in accordance with Council's "On-Site Stormwater Detention Policy", the "Stormwater and On Site Detention Drawing Submission Checklist" and the "Upper Parramatta River Catchment Trust's On-site Stormwater Detention Handbook" shall be submitted and approved by the Accredited Certifier.

Should any changes be required to the approved stormwater drainage plan, the amended design shall achieve equivalent performance standards in accordance with Council's "On-Site Stormwater Detention Policy".

Please note that where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works.

(Reason: Stormwater management)

48. DACCJ11 - 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)

49. DACC01 - Dilapidation Report

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken on the site as part of this approved development. This is designed to assist all parties should damage occur which is not preventable. The dilapidation reports must be completed and submitted to the owner/s of the affected property/ies, Council and the Principal certifier prior to undertaking any works that may cause damage. All costs shall be borne by the applicant/person acting on the consent.

The Dilapidation Report is to be prepared by a suitably qualified practising engineer.

Please note:

- a) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
- b) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

(Reason: To ensure there is an adequate record of the state of neighbouring properties prior to works commencing on site)

50. DACC06 - Retaining Walls

Retaining walls greater than 1.0m above the 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.

(Reason: To ensure safety and the proper design or retaining structures)

51. **DACCK07 - Structural Engineer's Details**
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 Accredited Certifier.
- (Reason: To ensure safety and the proper design of structural elements of the building)
52. **DACCL02 - Telecommunications**
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 Certifier prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.
- (Reason: Ensure services are not disturbed)
53. **DACCL05- Compliance with Acoustic Report**
Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with any requirements and recommendations of the approved acoustic report prepared by Day Design P/L dated 25/06/2018 reference 6462-1.1R.
- Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.
- (Reason: To ensure appropriate noise attenuation measures are used)
54. **DACCL06- Waste Storage Area**
A designated waste and recyclable storage room must be provided on the premises in accordance with the following requirements:
- a) The area must be fully enclosed, suitably sized to contain all waste and recyclable material generated by the premises, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls;
 - b) The floor must be graded and drain to sewer in accordance with Sydney Water requirements;
 - c) A hot and cold hose cock shall be provided within the room.
- A detailed plan showing the design and location of the waste storage room must be submitted to the Principal Certifier prior to the issue of the Construction Certificate.
- (Reason: To protect the environment and ensure waste is adequately contained)
55. **DACCG01 - Available Visitor Car Parking Signage**
A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Details shall be submitted to the satisfaction of the Principal Certifier prior to the issue of the Construction Certificate.
- (Reason: Adequate access and egress)
56. **DACCM01 - Food Premises - Detailed Plans**
Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the Australia New Zealand Food Standards Code - 3.2.3 - Food Premises and Equipment under the Food Act 2003 and AS 4674 - Design, Construction and Fit-out of Food Premises. A copy of these plans must be submitted to and approved by the Principal Certifier as compliant with the required standards prior to the issue of the Construction Certificate.
- (Reason: To ensure the food premises fitout complies with relevant food safety legislation and standards)
57. **DACCM03 - Mechanical Ventilation - Certification of Compliance**
Details of any mechanical ventilation and/or air handling system must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the National Construction Code 2019, to the satisfaction of the Principal Certifier prior to the issue of a

Construction Certificate. The system must be certified as complying with AS1668.1 and 2 - 2012 The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings, the National Construction Code and relevant Australian Standards.

(Reason: To ensure adequate mechanical ventilation is provided)

Conditions which must be satisfied prior to the commencement of any development work

58. DAPCZ01 - 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.)

59. DAPCA01 - Appointment of Principal Certifier

No work shall commence in connection with this Development Consent until:

- a) A construction certificate for the building work has been obtained from a Certifier.
- b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifier for the building work, and
 - (ii) given at least 2 days' notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building, and
- c) The principal certifier has, no later than 2 days before the building work commences:
 - (i) notified the Council 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
- d) The person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case
- e) 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 certifier of 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

(Reason: Statutory requirements)

60. DAPCA03 - Site Safety Fencing

Erect site fencing to a minimum height of 1.8m, to exclude public access to the site throughout the construction works. The fencing must be erected before the commencement of any work and maintained.

(Reasons: Statutory requirement and health and safety)

61. DAPCA04 - Principal Certifier Sign

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- a) The Principal Certifier by showing their name, address and telephone number;
- b) The Principal Contractor (if any) by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- c) The sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, and must be removed when the work has been completed.

(Reason: Statutory requirement)

62. DAPCA05 - Sydney Water Tap in Approvals

The approved plans must be submitted through the Sydney Water 'Tap in' portal to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water 'Tap in' customers will receive an approval receipt. For further details please refer to Sydney Water's web site at www.sydneywater.com.au/tapin or call 1300 082 746.

The Principal Certifier must ensure that the plans have been approved through the Sydney Water 'Tap in' process and an approval receipt is issued prior to the commencement of works.

(Reason: Statutory requirement)

63. DAPCA06 - Toilet Amenities for People Working at the Site

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

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

(Reason: To ensure suitable toilet amenities are provided for workers)

64. DAPCA07 - Notice of Requirements from Sydney Water

Following application to Sydney Water, they will assess the development and if required will issue a "Notice of Requirements" letter detailing all requirements that must be met. The Notice of Requirements letter must be submitted to the Principal Certifier before the commencement of works.

(Reason: To comply with statutory requirements)

Conditions which must be satisfied during any development work

65. DADWZ01 - Works within Council controlled lands

1) For drainage works:

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

Inspections will be required:-

- i) After the excavation of pipeline trenches.
- ii) After the laying of all pipes prior to backfilling.
- iii) After the completion of all pits and connection points.

2) A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering 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.

66. DADWZ02 - 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 construction period).

67. DADWZ03 - Surface runoff

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

- (Reason: to prevent adverse impact on adjoining properties)
68. **DADWZ04 - 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.
- (Reason: to protect utility services).
69. **DADWA01 - Construction Hours**
No construction or any other related activities including the delivery of materials to the site shall be carried out on the site outside the hours of 7.00 am to 6.00 pm Mondays to Fridays and 8.00 am to 4.00 pm Saturdays. No work is to occur on Sundays and public holidays.
- Note: Demolition work is not permitted on weekends or public holidays- refer to specific demolition conditions for approved hours.
- Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 6.00 pm Monday to Friday.
- (Reason: To minimise impacts on neighbouring properties)
70. **DADWA03 - Site Management**
All possible and practical steps shall be taken to prevent nuisance to the occupants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition, excavation and building works.
- (Reason: Health and amenity)
71. **DADWA04 - Acid Sulphate Soils**
Any excavation works carried out on site should be closely monitored to ensure no signs of Potential Acid Sulfate Soil (PASS) or Actual Acid Sulfate Soil (AASS) are observed. Indicators may include grey to greenish blue clays, unusual gold-yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site is to be stopped immediately, the Principal Certifier is to be notified and a suitably qualified environmental scientist should be contracted to further assess the site.
- (Reason: Environmental protection)
72. **DADWA05 - Compliance with Construction Management Plan**
All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan.
- All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the certifier on request.
- (Reason: Compliance with condition of consent)
73. **DADWA06 - Maintain plans on site**
Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.
- (Reason: To ensure compliance with approved plans)
74. **DADWA07 - General Site Requirements during Demolition and Construction**
All of the following are to be satisfied/complied with during demolition, construction and any other site works:
- All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
 - Demolition must be carried out by a registered demolition contractor.
 - A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
 - No blasting is to be carried out at any time during construction of the building.

- e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- f) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- g) Any demolition and excess construction materials are to be recycled wherever practicable.
- h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- i) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- j) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- k) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- l) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- m) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- n) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- o) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
- p) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

(Reason: To ensure minimal disruption to the local area and to ensure demolition, building and any other site works are undertaken in accordance with relevant legislation and policy.)

75. DADWA11 - Communication Cabling

All communication cabling shall be installed underground as per the relevant authority's requirements.

(Reason: Environmental Amenity)

76. DADWA13 - Compliance with Hazardous Materials Survey Report

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.

Prior to the Occupation Certificate being issued, a clearance certificate must be submitted to the Principal Certifier from a suitably qualified person (such as a certified Occupational Hygienist) 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.

(Reason: To ensure controls are in place for hazardous materials)

77. DADWA14 - Classification of Waste

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified, transported, and disposed of in accordance with the Protection of the

Environment Operations Act 1997 and NSW EPA requirements.

- (Reason: To ensure controls are in place for waste management)
78. **DADWA17 - Notification of New Contamination Evidence**
 (a) Any new information which comes to light during site preparation, remediation, demolition or construction works which has the potential to alter previous conclusions about site suitability and contamination must be notified to the Principal Certifier and Cumberland Council.
 (b) Council may require a NSW accredited site auditor to be engaged to review the contamination assessment and remediation/validation process (where applicable). If appropriate, Council may also require a new Remedial Action Plan (RAP) to be prepared and implemented to ensure the site can be made suitable for the approved use in light of the new information.
 (c) Where a NSW accredited Site Auditor is engaged in compliance with part (b) above, an occupation certificate must not be issued until a Section A Site Audit Statement has been submitted to Cumberland Council by the Auditor confirming the site is now suitable for the proposed use.
- (Reason: To ensure controls are in place for contamination management.)
79. **DADWA20 - Road and Footpath Opening Permit**
 Pursuant to Section 138 of the Roads Act, should any work on the verge, footpath, public road reserve or public reserve (open space) be required, approval will need to be obtained from Council. In this regard the Applicant is to contact Council's Customer Services Centre to apply for a Road and Footpath Opening Permit, for works in relation to the excavation of the verge (e.g. for the purpose of installation of services such as private stormwater, private gas line, private sewer, private water pipe, etc.). This Permit is to be obtained prior to any works on the verge, footpath, public road reserve or public reserve being undertaken.
- Road and Footpath Opening Permits do not include driveways, laybacks and major stormwater drainage construction, which are covered separately by the 'Application for Vehicular Crossing and Road Works' or the 'Application for Street Drainage Works Approval'.
- (Reason: Maintain public asset)
80. **DADWC07 - Switchboards/Service Panels**
 Switchboards and/or service panels for utilities are not to be attached to the front facades/elevations of the building(s).
- (Reason: To ensure that switchboards and service panels are appropriately located)
81. **DADWB02 - Tree Protection**
 To minimise impacts on trees to be retained, no permanent fill or storage of building materials, excavated fill or topsoil during the site works shall take place within their drip lines/root zone area.
- (Reason: Tree preservation)
82. **DADWC01 - Obstruction of Road or Footpath**
 The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved by Council.
- (Reason: Protection of infrastructure, safety & information)
83. **DADWC02 - Compliance with the National Construction Code**
 All building work must be carried out in accordance with the provisions of the National Construction Code (NCC).
- (Reason: Prescribed statutory control)
84. **DADWC06- Air Conditioning Units - Location**
 Air conditioning units are to be located to the ground level of rear yards or within basement garages and not within the side setbacks or frontages of the property. Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the building.

(Reason: To ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings)

Conditions which must be satisfied prior to the issue of any Occupation Certificate relating to the use of the building or part

85. DAOCF04 - Street Tree Replacement

A replacement street tree shall be planted by the applicant. Any costs associated with this work shall be borne by the applicant.

The location and species of the replacement street tree shall be determined by Council.

A 45 litre (container size) street tree shall be provided once the works are completed and details of the proposed species are to be submitted to and approved by Council in accordance with Section 4.17 of the Environmental Planning & Assessment Act 1979, prior to the issue of the Occupation Certificate.

The street tree shall be maintained in a healthy and vigorous state for a period of 12 months from the date of planting or until established.

(Reason: Tree preservation and environmental amenity)

86. DAOCZ01 - Noise Compliance Report

A noise compliance report from a suitably qualified acoustic consultant shall be prepared and submitted to Council prior to the issuing of the Occupation Certificate. This report must verify that:

- a. that the noise from all noise generating plant and equipment associated with the use including, but not limited to air conditioners, lift motors, and mechanical ventilation systems complies with the requirements of the Protection of the Environment Operations Act 1997 for offensive noise and relevant provisions of the NSW EPA's Noise Policy for Industry; and
- b. all recommendations and project specific noise criteria contained in the DA approved environmental noise impact assessment and any other noise criteria specified in this consent are being complied with.

(Reason: To protect residential amenity).

87. DAOCZ02 - Noise Management Plan

A Noise Management Plan prepared by a suitably qualified person shall be submitted to Council that includes, but is not limited to:

- a. all noise control recommendations provided within Section 7.1 of the DA approved Environmental Noise Impact Assessment; and
- b. noise complaint management system and protocols.

This plan is to be submitted prior to the issuing of the Occupation Certificate.

(Reason: To protect residential amenity and ensure compliance with acoustic consultant recommendations).

88. DAOCZ04 - Structural Engineering Certificate

Prior to issue of Occupation Certificate, the applicant shall submit a structural engineer's certificate of adequacy shall be provided to the Principal Certifying Authority 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).

89. DAOCZ05 - Works-As-Executed Plan

Prior to occupation of the building or issue of the occupation certificate, two (2) copies of the Works-as-Executed (W.A.E.) Plan prepared by a registered surveyor and certified by the

design engineer shall be submitted to Principal Certifying Authority. Copy of the documents shall be submitted to Council if Council is not the Principal Certifying Authority. Works-As-Executed stormwater plans are to address the following:

- a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- b) The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- c) Whether all works have been completed generally with the approved drainage plans
- d) Any departure from the approved plan and conditions of development consent
- e) Any additional work that has been undertaken
- f) Location, levels and sizes of pipes and pits
- g) Finished floor and finished surface levels. The location of finished levels should in general correspond with those shown on Council's approved drainage plan
- h) Detail the OSD storage volume achieved by the detention system, including the "top water level".
- i. The WAE plan shall accompany the following documents
 - a) Digital copy of the WAE plan in High-resolution and colour for council's record.
 - b) Certificate of hydraulic compliance from a qualified hydraulic engineer, for the
 - c) constructed OSD system at the site
 - d) ODS design calculation summary sheet based on the as-built levels of the OSD
 - e) system and the as-approved levels for comparison of the OSD parameters.
 - f) The AS-built OSD storage available volume calculations prepared by the surveyor
 - g) The as-built- peripheral dimensions of the OSD storage area shown on the WAE plan
 - h) or on a separate sketch.

90. (Reason: To ensure works comply with approved plans). **DAOCZ06 - Stormwater disposal - OSD**

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

Note:

- i. Positive covenant wording shall be obtained from Council prior to lodgement.
- ii. Work as executed plan and engineering certification shall be accompanied by relevant checklists.
- iii. A satisfactory audit of the constructed stormwater system may be required by the benefiting authority.

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

91. **DAOCZ07 - 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)

92. **DAOCA01 - Occupation Certificate (section 6.9 of the Act)**

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an Occupation Certificate has been issued in relation to the building or part.

The Principal Certifier is required to be satisfied, amongst other things, that:

- a) All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- b) Any preconditions to the issue of the certificate required by a development consent have been met.

Note: A new building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement)

93. **DAOCA03 - S73 Compliance Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the Occupation Certificate. Application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). An assessment will be made to determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Please refer to Sydney Water's website at www.sydneywater.com.au or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

(Reason: To meet Sydney Water's requirements to adequately service the new subdivision with water, wastewater and stormwater facilities).

94. **DAOCA04 - Engineers Certificate**

A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Accredited Certifier. This certificate 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 standards/codes.

(Reason: Structural certification)

95. **DAOCA05 - Height**

The maximum height of the proposed development shall be A.H.D. 7.568m. A survey report is to be provided to the Principal Certifier prior to the issue of any occupation certificate confirming that the building does not exceed this height.

(Reason: To ensure that the structure as built does not exceed the LEP height of buildings development standard)

96. **DAOCA10 - 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)

97. **DAOCA11 - Civil Works on the Footway**

The following works are to be carried out at the applicant's expense and to Council's satisfaction prior to the issue of any occupation certificate:

- a) Reconstruct sections of cracked or defective footpath along the full frontage of the site, and/or
- b) Reconstruct existing public drainage pit/pipe system, and/or
- c) Construct a new vehicular crossing, and/or
- d) Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

Where the Applicant nominates Council to undertake the civil and stormwater works, they must contact Council in order to obtain an estimated cost for construction and contract to undertake the works.

(Reason: To preserve Council's assets and amenity)

98. **DAOCA12- Construction of Concrete Footpath - Martin Street**

The footpath adjoining Martin Street frontage shall be reconstructed in accordance with Council's Standard Footpath Construction requirements.

- Site boundary line levels shall be raised to the boundary line levels, with satisfactory end-transitions provided.
- Street boundary levels obtained from Council shall be incorporated into the design.
- The details of construction requirements shall be requested from Council prior to commencement of construction.
- Formwork inspection and footpath inspection shall be carried out by Council.
- The above works must be constructed at the completion of works and finished to the satisfaction of Council prior to the release of any Occupation Certificate.

- All associated costs shall be borne by the applicant.

Note: The above works will require the submission of the relevant application for the works to be undertaken.

(Reason: To preserve Council's assets and amenity)

99. **DAOCA13 - Construction of Concrete Kerb and Gutter**

Standard 150mm high concrete kerb with gutter shall be constructed (to replace/across the) (damaged sections/full length) adjacent to the (front/front and side) of the property.

The above works must be programmed and constructed prior to the issuing of any Occupation Certificate.

Note: The above works will require the submission of the relevant application for the works to be undertaken.

(Reason: To preserve Council's assets and amenity)

100. **DAOCD01 - Fire Safety Certificate**

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment Regulation 2000, prior to the issue of the Occupation Certificate for the building.

A copy of the Fire Safety Certificate and fire safety schedule shall be:

- 1) Forwarded to Cumberland Council;
- 2) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- 3) Prominently displayed in the building.

(Reason: Fire safety)

101. **DAOCH03 - OSD Identification Plate**

Prior to the issue of a Final Occupation Certificate, the applicant shall install an identification plate near or on the control structure of the On-site Stormwater Detention (OSD) system. This is to advise the registered proprietor of their responsibility to maintain the OSD facility and not to tamper with it in any manner without the written consent of Council.

The wording and plate shall be in accordance with Council's standard requirements.

(Reason: To ensure that the OSD system is installed and identified in accordance with this approval)

102. **DAOCH09 - Certificate of Compliance**

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 Certifier.

(Reason: Protection of public asset)

103. **DAOCA07 - Notification of Food Business**

Prior to the issue of any Occupation Certificate, the food business must notify Council of their food business details in accordance with the Food Act 2003 and The Australia New Zealand Food Standards Code - 3.2.2 - Food Safety Practices and General Requirements, Clause 4. Registration forms are available on Council's website www.cumberland.nsw.gov.au.

(Reason: Registration and notification to relevant authorities)

104. **DAOCE01 - Mechanical Ventilation - Certificate of Completion**

Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with the National Construction Code 2019, must be submitted to the Principal Certifier.

(Reason: To ensure correct installation of mechanical ventilation systems)

105. **DAOCE02 - Evacuation Plan - Child Care Centres**

Prior to the issue of an Occupation Certificate for the child care centre, an evacuation plan

complying with AS3745 -2010 should be prepared and implemented. The emergency evacuation plan should consider:

- a) The mobility of children and how this is to be accommodated during an evacuation;
- b) The location of a safe congregation area, away from the evacuated building, busy roads, other hazards and the evacuation points of other residents or tenants within the building or surrounding buildings;
- c) Where the Child Care Centre is part of a larger building or complex, that the emergency evacuation plan is complementary and consistent with other emergency evacuation plans in place; and
- d) The supervision of children during the evacuation and at the safe congregation area with regard to the capacity of the Child Care Centre and the child/staff ratios.
- e) Centres which accommodate children under 2 years of age are to have a large mobile cot (on wheels) so groups of babies can be quickly evacuated.

(Reason: Safety)

Conditions which must be satisfied during the ongoing use of the development

106. DAOUC03 - Microbial Control

The installation and ongoing operation of the water cooling systems, evaporative coolers and hot/warm water systems within the premises shall be undertaken in accordance with the relevant provisions of:

- a) Public Health Act 2010 and Public Health Regulation 2012
- b) Relevant Australian Standard AS/NZS 3666 - Air Handling and Water Systems of Buildings - Microbial Control; and
- c) Any relevant NSW Health Guidelines and Codes for the Control of Legionnaires Disease.

(Reason: Health and safety)

107. DAOUC12 - Notification of Warm Water and Cooling Water Systems

Within one month of installation of any warm water and cooling water systems at the premises, the occupier must notify Council of the details of the system in accordance with the Public Health Act 2010. Registration forms are available on Council's website www.cumberland.nsw.gov.au.

(Reason: To ensure premises are notified to Council)

108. DAOUZ01 - Acoustic Verification Report

Within three months of the premises being occupied by the childcare centre, an acoustic report prepared by a suitably qualified person, is to be submitted to the consent authority demonstrating that the noise emitted from the premises complies with the criteria contained in the acoustic report prepared by *Day Design Pty Ltd (Report Ref 6462-1.1R) dated 25 June 2018*. Where the criteria is not met, the acoustic report is to include recommendations of noise control measures that are to be implemented to ensure compliance with the criteria.

(Reason: To mitigate noise impacts by ensuring compliance with the acoustic report)

109. DAOUZ02 - Annual maintenance inspection of OSD

Annual maintenance inspection summary of the on site 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).

110. DAOUA26 - Plan of Management

The use must always be operated and managed in accordance with the Plan of Management, prepared by Gowrie NSW that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

- (Reason: To protect residential amenity)
111. **DAOUB01 - Annual Fire Safety Statement**
Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be issued within 12 months of the issue of the fire safety certificate, and then on an annual basis.
- A copy of the Annual Fire Safety Statement shall also be:
- a) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
 - b) Prominently displayed in the building
- (Reason: Fire safety)
112. **DAOUC19- Waste Management Plan**
The storage, handling and disposal of waste and recyclable materials generated on the premises must be carried out in accordance with the approved Waste Management Plan.
- (Reason: To protect the environment)
113. **DAOUE03 - Parking**
At least fourteen (14) car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for vehicles associated with the occupation/use of the premises/building.
- (Reason: Access to required car parking spaces)
114. **DAOUE04 - Vehicle Access**
All vehicles are to enter and exit the site in a forward direction.
- (Reason: Traffic and pedestrian safety)
115. **DAOUA14 - Hours of Business Operation**
The approved hours of use are from 7am to 6pm Monday to Friday. Any use of the childcare centre outside the approved hours of use will require amendments to the development application and a further acoustic report to support those hours of use.
- (Reason: Ensure business operates between approved hours)
116. **DAOUA20 - Loading**
All loading and unloading operations shall be carried out wholly within the confines of the site, at all times. All delivery vehicles shall enter and leave the site in a forward direction.
- (Reason: Adequate servicing)

Advisory Notes

117. **DAANN01 - 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 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.



118. **DAANN02 - Telecommunications Act 1997 (Commonwealth)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's mobile 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 or <https://www.telstra.com.au/consumer-advice/digging-construction/relocating-network-assets>.

119. DAANN03 - Dividing Fences

The erection of dividing fences under this consent does not affect the provisions of the Dividing Fences Act 1991. Under this Act, all relevant parties must agree prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of or payment for the erection of dividing fences.

If there is a neighbour dispute about the boundary fence, the Community Justice Centre (CJC) can provide mediation. See the CJC website for more information - cjc.justice.nsw.gov.au

120. DAANN08 - Process for Modification

The plans and/or conditions of this Consent are binding and may only be modified upon written request to Council under Section 4.55 of the Environmental Planning and Assessment Act, 1979 (as amended). The modification application shall be accompanied by the appropriate fee, application form and required information. You are not to commence any action, works, contractual negotiations, or the like, on the requested modification until Council issues an amended consent.

121. DAANN09 - Review of Determination

In accordance with the provisions of Section 8.2 of the Environmental Planning and Assessment Act 1979, you can request Council to review this determination (this does not apply to designated or Crown development). You must lodge the review application within a period of six months from the date shown on this determination. It should be noted that a review application is unable to be reviewed/determined after six months from the date of determination. Therefore, the submission of the review application must allow sufficient time for Council to complete the review within the prescribed timeframe including the statutory requirement for public notification. A fee as per Council's current Pricing Policy, Fees and Charges, is payable for such a review.

122. DAANN10 - Right of Appeal

Section 8.7 and 8.10 of the Environmental Planning and Assessment Act 1979, gives the applicant the right of appeal to the Land and Environment Court within six months after the date the decision appealed against is notified or registered on the NSW planning portal, or as otherwise prescribed.

123. DAANN12 - Skips on Council Footpath

The applicant must apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees must be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro-rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

124. DAANN13 - Work Health and Safety

For information regarding, codes of practice and guidelines regarding demolition and construction work, visit the SafeWork NSW website at safework.nsw.gov.au/your-industry/construction, or phone 13 10 50.

125. DAANN16 - Compliance with Disability Discrimination Act

This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the Disability Discrimination Act 1992, and

the applicant/owner is advised to investigate their liability under this Act. Please note that from 1 May 2011 under the Disability (Access to Premises - Buildings) Standards 2010, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To inform of relevant access requirements for persons with a disability)

126. DAANN17 - Critical Stage Inspections - General

Critical stage inspections must be called for by the Principal Contractor or Owner Builder as required by the Principal Certifier and any Service Agreement, the Environmental Planning and Assessment Act 1979 (Act) and the Regulations.

Work must not proceed beyond each critical stage until the Principal Certifier is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the Act. 'Critical Stage Inspections' means the inspections prescribed by the Regulations for the purposes of section 6.5 of the Act or as required by the Principal Certifier and any Service Agreement.

Note 1: The Principal Certifier may require additional inspections beyond mandatory critical stage inspections in order to be satisfied that work is proceeding in accordance with this consent.

Note 2: The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the NCC in relation to any matter relevant to the development.

(Reason: Statutory requirement)

127. DAANN11 - Signage Approval

A separate development application for any proposed external signs must be submitted for the approval of Council, prior to the erection or display of any such signs. This does not apply to signage which is 'Exempt Development'.

128. DAANN20 - Critical Stage Inspections for Building Work (Classes 5, 6, 7, 8 or 9)

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- a) Prior to covering any stormwater drainage connections; and
- b) After the building work has been completed and prior to any occupation certificate being issued in relation to the building;
- c) Final.

If the person having the benefit of the development consent appoints Council as the Principal Certifier, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate the Principal Certifier must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (c), the inspections may be carried out by the Principal Certifier or, if the Principal Certifier agrees, by another certifier.

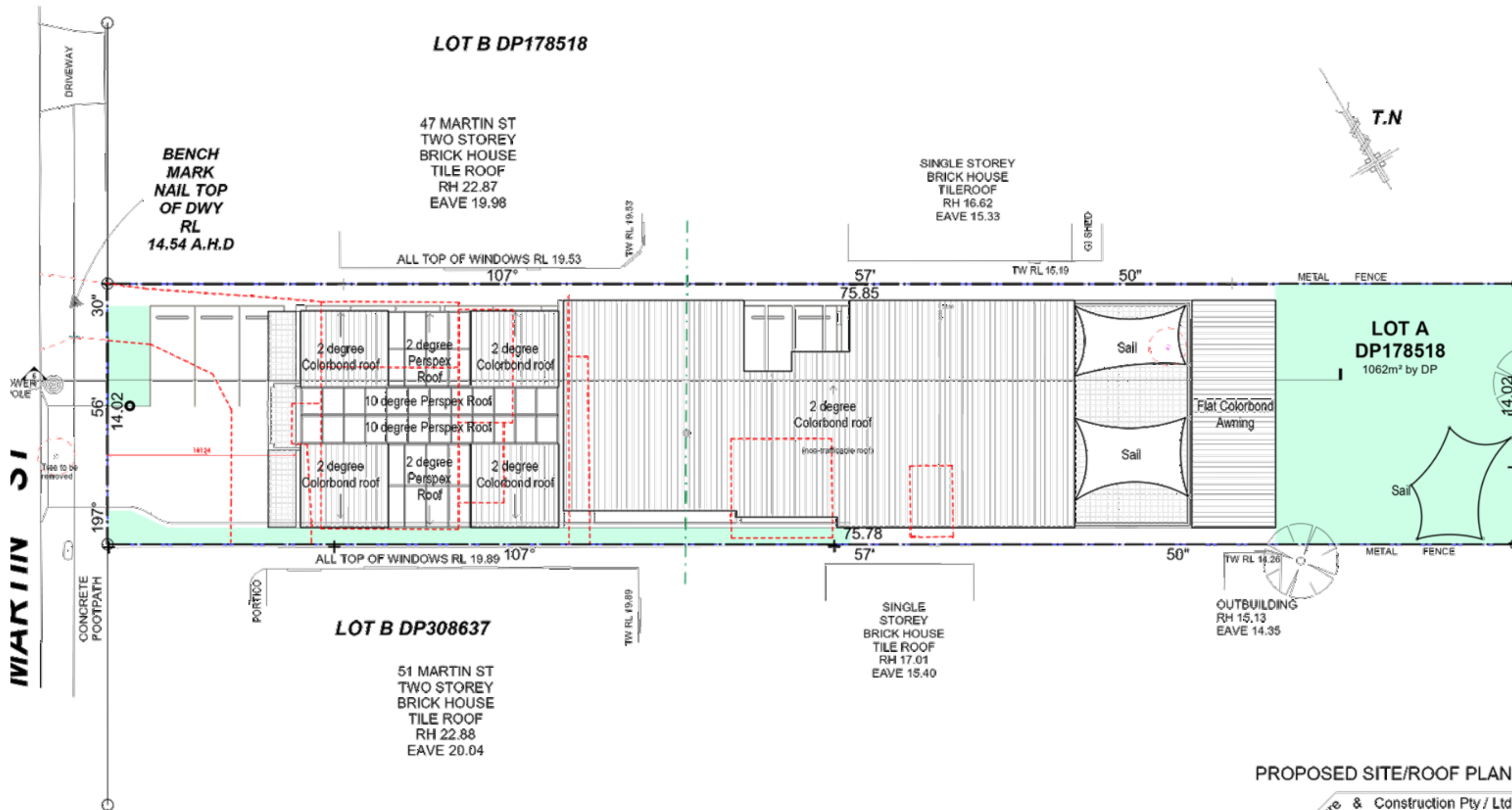
The final inspection detailed at subclause (c) may only be carried out by the Principal Certifier.

For each inspection the principal contractor (or owner-builder) must notify the Principal Certifier at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)

DOCUMENTS
ASSOCIATED WITH
REPORT LPP005/20

Attachment 2
Architectural Plans



1 ROOF PLAN
1:100

PROPOSED SITE/ROOF PLAN

Advanced Architecture & Construction Pty / Ltd

**PROPOSED CHILDCARE
CENTRE FOR 56 CHILDREN**
49 MARTIN STREET, LIDCOMBE

Designated Architect: Noura Yaminine
Email: nourayaminine@optusnet.com.au
Scale: 1:100 @ A1
Date: AUGUST 2019
Figure dimensions to be taken in presence

AS/NZS4439:2015
Contact Number: 0413 533 111
Drawn by: A.M.
Date: 02/08/2019
Revision: 000704-10



Architecture & Construction Pty / Ltd

**PROPOSED CHILDCARE
CENTRE FOR 56 CHILDREN**

49 MARTIN STREET, LIDCOMBE

Advanced

Dominated by/for: Noura Yaminine
Email: nourayaminine@optusnet.com.au

Scale: 1:500 @ A4

Date: AUGUST 2010

Figured dimensions to be taken in preference

DSW ARS Reg. No. 16109
Contact Number 0423 533 170

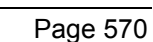
Drawn by: AMM

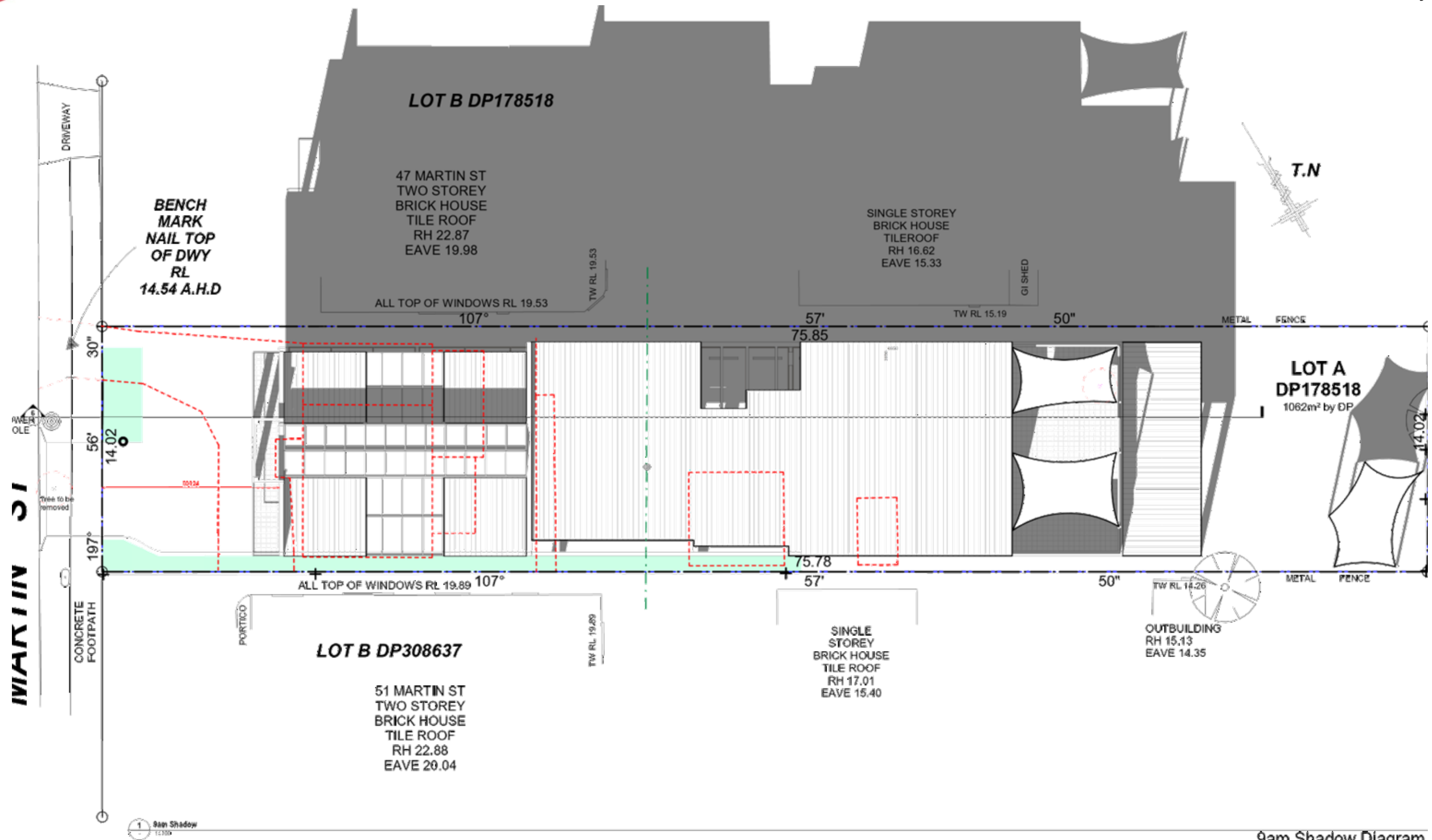
Date: CYAN 206

Phone No. 0600 956 407



Unrated / Artist: Noura Yammine Email: nourayammine@opulnet.com.lb Scale: 1: 1000 A1 Date: AUGUST 2019 Figure dimensions to be taken in presence	DSW 484 Reg. No.: 8139 Contact Number: 8435533 Drawn by: ADM Date: 02.08.2019
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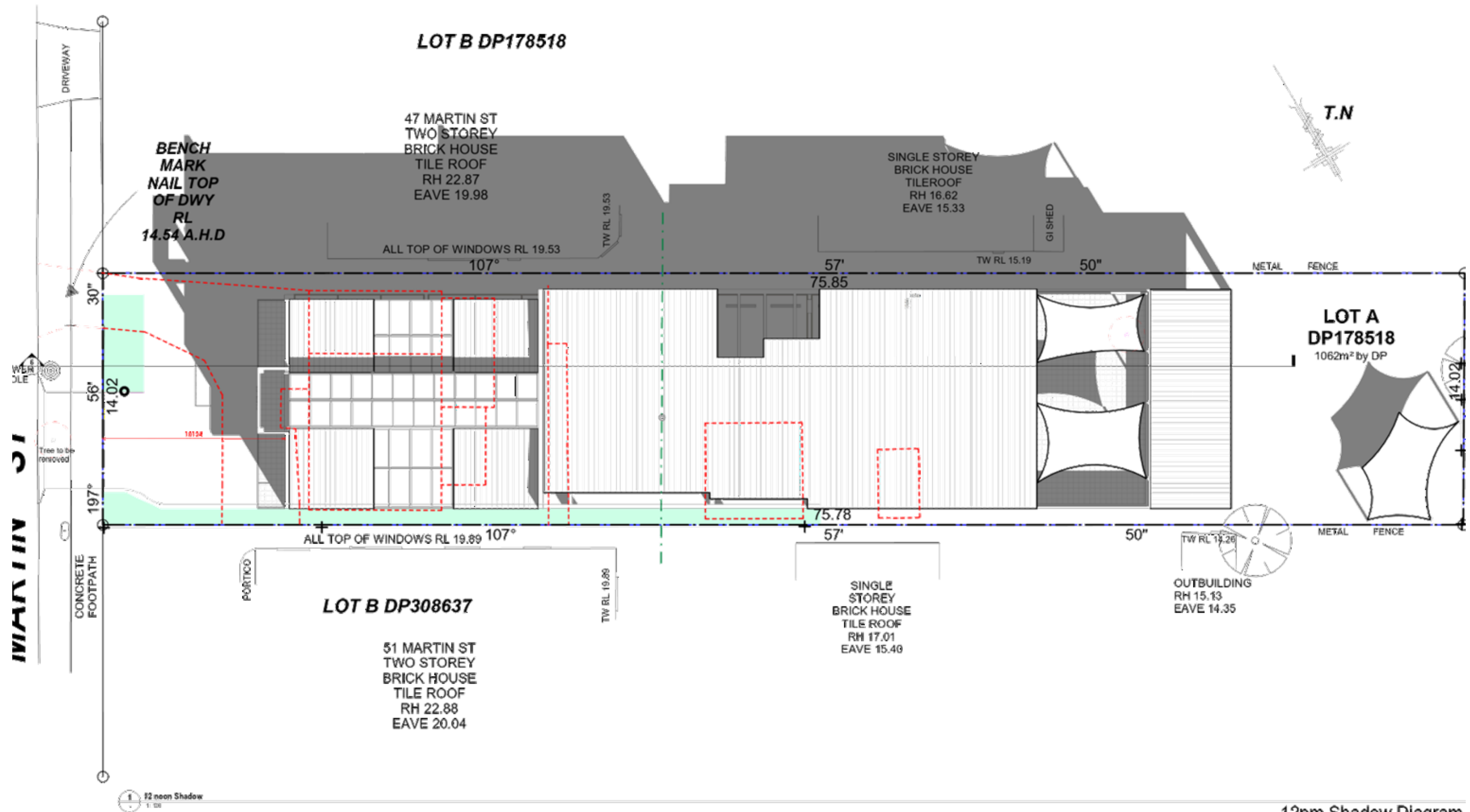
9am Shadow Diagram

Advanced Architecture & Construction Pty / Ltd

PROPOSED CHILDCARE CENTRE FOR 56 CHILDREN
49 MARTIN STREET, LIDCOMBE

Designated Architect: Noura Yammine
Email: nourayammine@optusnet.com.au
Scale: 1:100 @ A1
Date: AUGUST 2019
Figured dimensions to be taken in preference

DSW ARB Reg. No.: 8109
Contact Number: 0413 533 11
Drawn by: AMM
Date: 02 Jan 2020
Drawing No: 000004-01

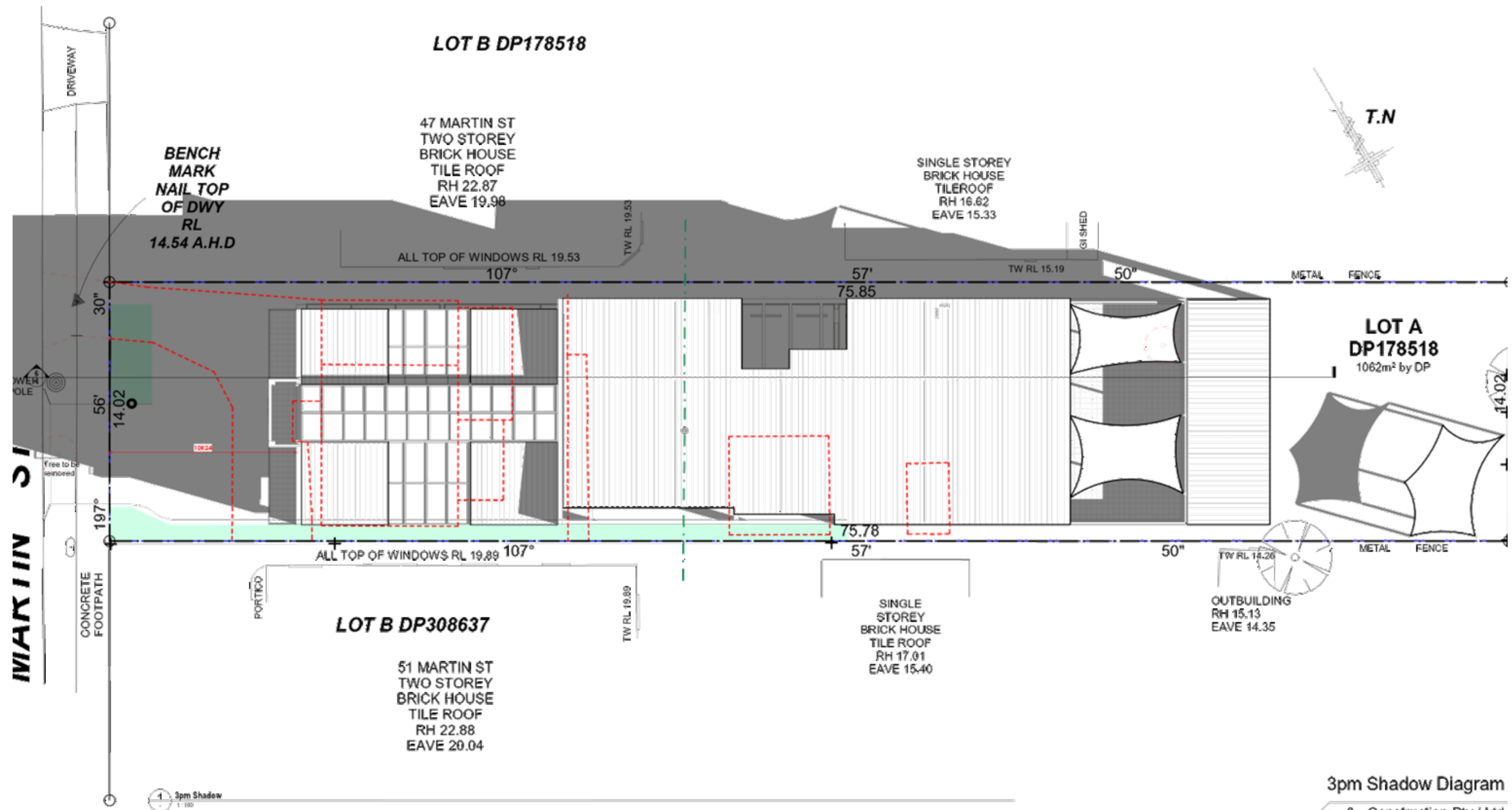


12pm Shadow Diagram

Advanced Architecture & Construction Pty / Ltd

**PROPOSED CHILDCARE
CENTRE FOR 56 CHILDREN**
49 MARTIN STREET, LIDCOMBE

Designated Architect: Nouria Yammine	DSW ARB Reg. No.: 8109
Email: nourayammine@optusnet.com.au	Contact Number: 0413 533 111
Scale: 1:100 @ A1	Drawn by: AMM
Date: AUGUST 2019	Drawn by: C.J. 201
Figured dimensions to be taken in preference	
Drawing No: 000004-01	



3pm Shadow Diagram

Advanced Architecture & Construction Pty / Ltd

**PROPOSED CHILDCARE
CENTRE FOR 56 CHILDREN
49 MARTIN STREET, LIDCOMBE**

Designated Architect: Noura Yammine	NSW ARB Reg. No.: 8109
Email: nourayammine@optusnet.com.au	Contact Number: 0413 533 111
Scale: 1:100 @ A1	Drawn by: AMM
Date: AUGUST 2019	Drawn by: AMM
Figured dimensions to be taken in preference	

**DOCUMENTS
ASSOCIATED WITH
REPORT LPP005/20**

**Attachment 3
Stormwater/Engineering Plans**

49 MARTIN STREET, LIDCOMBE

PROPOSED CHILD CARE CENTRE

STORMWATER MANAGEMENT PLAN

LEGEND

	PROPOSED STORMWATER
	PIPE OVERCROSSING MINIMUM 150mm CLEARANCE
	EXISTING STORMWATER
	EXISTING SEWER MAIN (FROM RECORDS)
	EXISTING OPTIC FIBRE MAIN (FROM RECORDS)
	EXISTING WATER (FROM RECORDS)
	EXISTING POWER (FROM RECORDS)
	EXISTING GAS (FROM RECORDS)
	EXISTING TELSTRA (FROM RECORDS)
	UNKNOWN SERVICE (FROM RECORDS)
	BUTTERFLY VALVE
	ROOF SLOPE
	RAINWATER DRIBBLE
	SURFACE FLOW ARROWS
	DESIGN SURFACE LEVEL
	EXISTING SURFACE LEVEL
	GLOSSED STYLE FENCING
	MASONRY RETAINING WALL TO STRUCTURAL ENGINEER'S DETAILS
	PROPOSED OSD STORAGE
	ROOF AREA TO RAINWATER TANK
	AREA BYPASSING OSD
	LEVEL 1 BALCONY AREA
	TREES TO BE RETAINED
	TREES TO BE REMOVED



GENERAL NOTES

1. ALL LINES ARE TO BE 0.000 PVC 10% GRADE UNLESS NOTED OTHERWISE. CHARGED LINES TO BE SEWERAGE & SEALED.
2. EXISTING SERVICES LOCATIONS SHOWN INDICATIVE ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE & LEVEL ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY EARTHWORKS.
3. ALL PIPES TO HAVE MIN 150mm COVER & LOCATED WITHIN PROPERTY.
4. ALL PITS IN DRIVEWAYS TO BE 450x450 CONCRETE AND ALL PITS IN LANDSCAPED AREAS TO BE 450x450 PLASTIC.
5. PITS LESS THAN 800mm DEEP MAY BE BRICK, PRECAST OR CONCRETE.
6. ALL BALCONIES AND ROOFS TO BE DRAINED AND TO HAVE SAFETY OVERFLOWS IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS.
7. ALL EXTERNAL SLABS TO BE WATERPROOFED.
8. ALL GRATES TO HAVE CHILD PROOF LOCKS.
9. ALL DRAINAGE WORKS TO AVOID TREE ROOTS.
10. ALL OPS TO HAVE LDM GUARDS.
11. ALL EXISTING LEVELS TO BE CONFIRMED BY BUNDOOR PRIOR TO CONSTRUCTION.
12. ALL WORK WITHIN COUNCIL RESERVE TO BE INSPECTED BY COUNCIL PRIOR TO CONSTRUCTION.
13. COUNCIL'S ISSUED FOOTWAY DESIGN LEVELS TO BE INCORPORATED INTO THE FINISHED LEVELS ONCE ISSUED BY COUNCIL.
14. ALL WORK SHALL BE IN ACCORDANCE WITH B.S.A. AND A.S.3500.3.
15. REFER TO LANDSCAPE ARCHITECT'S DRAWINGS FOR LANDSCAPING.
16. CARE TO BE TAKEN AROUND EXISTING SEWER. STRUCTURAL ADVICE IS REQUIRED FOR SEWER PROTECTION AGAINST ADDITIONAL LOADING FROM NEW PITS, PIPES, RETAINING WALLS AND OSD BASIN WATER LEVELS.
17. ALL WALLS FORMING THE DETENTION BASIN SHALL BE CONSTRUCTED WHOLLY WITHIN THE PROPERTY BOUNDARIES OF THE SITE BEING DEVELOPED.
18. OSD WARNING SIGN AND SAFETY FENCING SHALL BE PROVIDED TO ABOVE GROUND OSD STORAGE AREA IN ACCORDANCE WITH COUNCIL'S REQUIREMENTS.
19. ENSURE THAT NON FLOATABLE MULCH IS USED IN DETENTION BASINS. i.e. USE DECORATIVE ROCK MULCH OR EQUIVALENT.
20. THE OSD BASIN/TANK IS TO BE BUILT TO THE COUNCILY LEVELS & SIZE AS PER THIS DESIGN. ANY VARIATIONS ARE TO BE DONE UNDER CONSULTATION FROM OUR OFFICE ONLY. ANY AMENDMENTS WITHOUT OUR APPROVAL WOULD RESULT IN ADDITIONAL FEES FOR REDESIGN AT OC-STAGE OR IF A SOLUTION CANNOT BE FOUND, RECONSTRUCTION IS REQUIRED UNDER THE CONTRACTOR'S EXPENSES.

LOCALITY PLAN

FIG 1

DRAWING INDEX

Drawing No.	DESCRIPTION
ACE171726.SW.DA - 000	COVER SHEET, NOTES & LEGEND
ACE171726.SW.DA - 101	STORMWATER LAYOUT PLAN SHEET 1 OF 2
ACE171726.SW.DA - 102	STORMWATER LAYOUT PLAN SHEET 2 OF 2
ACE171726.SW.DA - 103	OSD DETENTION DETAILS AND CALCULATIONS SHEET 1 OF 2
ACE171726.SW.DA - 104	OSD DETENTION DETAILS AND CALCULATIONS SHEET 2 OF 2
ACE171726.SW.DA - 105	MISCELLANEOUS DETAILS SHEET
ACE171726.SW.DA - 106	SEDIMENT & EROSION CONTROL PLAN

PIPES NOTE:

065 PVC @ MIN 1.0%
090 PVC @ MIN 1.0%
0100 PVC @ MIN 1.0%
0150 PVC @ MIN 1.0%
0225 PVC @ MIN 0.5%
0300 PVC @ MIN 0.4%
UNLESS NOTED OTHERWISE

RWT NOTE:

HARVESTED RAINWATER MUST BE USED FOR IRRIGATION, TOILET FLUSHING & A COLD WATER TAP IN THE LAUNDRY FOR CLOTHES WASHING

DRIVEWAY GRADING NOTE:
REFER TO SHEET 102 FOR MORE INFORMATION REGARDING DRIVEWAY GRADING.

DOWNPIPE NOTE:
ALL DOWNPIPES ADJACENT TO THE BYPASS AREAS TO BE 100mm DIAMETER & ALL RELATIVE GUTTERS TO BE CONSTRUCTED TO ENSURE 100yr ARI CAPACITY.

BUILDING NOTE:

1. ALL PIPES IN BALCONIES TO BE 065 uPVC CAST IN CONCRETE SLAB.
2. CONTRACTOR TO PROVIDE A BREAK / OPEN VOID IN RAIL / BALUSTRADE FOR STORMWATER EMERGENCY OVERFLOW.
3. ALL ENCLOSED AREAS/PLANTER BOXES TO BE FITTED WITH FLOOR WASTES & DRAINED TO OSD.
4. DOWNPIPES TO BE CHECKED BY ARCHITECT & PLUMBER PRIOR TO CONSTRUCTION.

Rev	Description	Date	Drawn	Check	Author
1	ISSUE FOR CONSTRUCTION/RTS DATE	03/09/2019	HAW	SWF	SA
2	ISSUE FOR DEVELOPMENT APPLICATION	06/02/2020	HAW	WSS	SA
3	ARCHITECTURAL AMENDMENTS	03/02/2020	HAW	WSS	SA
4	ISSUE FOR DEVELOPMENT APPLICATION	03/02/2020	HAW	WSS	SA
5	ISSUE FOR DEVELOPMENT APPLICATION	06/02/2020	HAW	WSS	SA

Council
Cumberland City Council

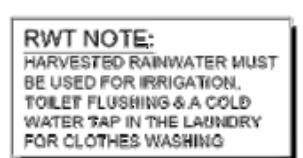
Scale
As Shown

Certification By:

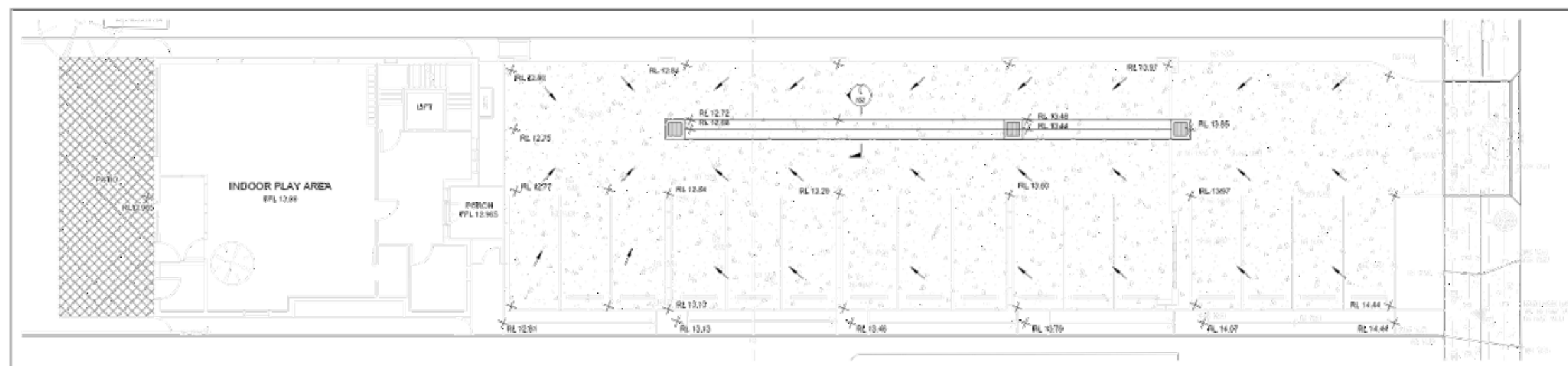
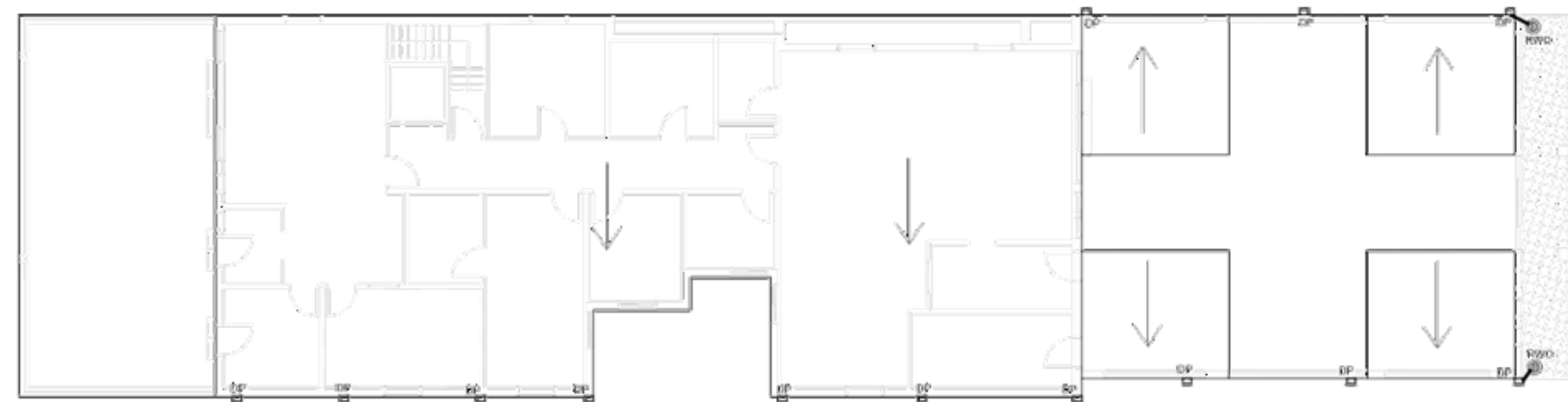
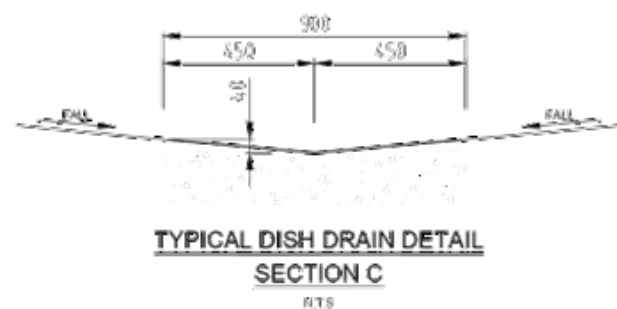
ANDREW MACKAY
Principal Engineer

Project
49 MARTIN STREET, LIDCOMBE
PROPOSED CHILD CARE CENTRE
STORMWATER MANAGEMENT PLAN
DEVELOPMENT APPLICATION

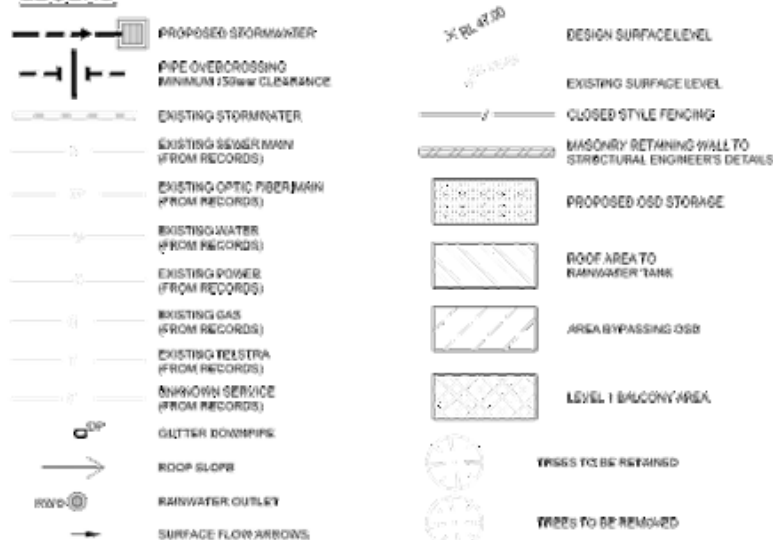
Drawing File
COVER SHEET, NOTES & LEGEND



F		ISSUE FOR CONSTRUCTION CERTIFICATION		2021/09/01	HW	SAW	W	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	WSS	
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LEGEND



GENERAL NOTES

- ALL LINES ARE TO BE 150mm PVC 1.8% GRADE UNLESS NOTED OTHERWISE. CHARGED LINES TO BE SEWER GRADE & SEALED.
- EXISTING SERVICES LOCATIONS SHOWN INDICATIVE ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE & LEVEL ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY EARTHWORKS.
- ALL PIPES TO HAVE MIN 150mm COVER IF LOCATED WITHIN PROPERTY.
- ALL PITS IN DRIVEWAYS TO BE 450x450 CONCRETE AND ALL PIPES IN LANDSCAPED AREAS TO BE 450x450 PLASTIC.
- PITS LESS THAN 600mm DEEP MAY BE BRICK, PRECAST OR CONCRETE.
- ALL BALCONIES AND ROOFS TO BE DRAINED AND TO HAVE SAFETY OVERFLOWS IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS.
- ALL EXTERNAL SLABS TO BE WATERPROOFED.
- ALL GRATES TO HAVE CHILD PROOF LOCKS.
- ALL DRAINAGE WORKS TO AVOID TREE ROOTS.
- ALL SPs TO HAVE LEAF COVERS.
- ALL EXISTING LEVELS TO BE CONFIRMED BY BUILDER PRIOR TO CONSTRUCTION.
- ALL WORK WITHIN COUNCIL RESERVE TO BE INSPECTED BY COUNCIL PRIOR TO CONSTRUCTION.
- COUNCIL'S ISSUED FOOTWAY DESIGN MOVES TO BE INCORPORATED INTO THE FINISHED LEVELS ONCE ISSUED BY COUNCIL.
- ALL WORK SHALL BE IN ACCORDANCE WITH B.C.A. AND A.S. 3598.3.
- REFER TO LANDSCAPE ARCHITECT'S DRAWINGS FOR LANDSCAPING.
- CARE TO BE TAKEN AROUND EXISTING SEWER, STRUCTURAL ADVICE IS REQUIRED FOR SEWER PROTECTION AGAINST ADDITIONAL LOADING FROM NEW PITS, PIPES, RETAINING WALLS AND OSD BASIN WATER LEVELS.
- ALL WALLS FORMING THE DETENTION BASINS SHALL BE CONSTRUCTED WHOLLY WITHIN THE PROPERTY BOUNDARIES OF THE SITE BEING DEVELOPED.
- OSB WARNING SIGN AND SAFETY FENCING SHALL BE PROVIDED TO ABOVE GRADING OSD STORAGE AREA IN ACCORDANCE WITH COUNCIL'S REQUIREMENTS.
- ENSURE THAT NON FLUATABLE MULCH IS USED IN DETENTION BASINS, i.e. USE DECORATIVE ROCK MULCH OR EQUIVALENT.
- THE OSD BASIN / TANK IS TO BE BUILT TO THE CORRECT LEVELS & SIZE AS PER THIS DESIGN. ANY VARIATIONS ARE TO BE DONE UNDER CONSULTATION FROM OUR OFFICE ONLY. ANY AMENDMENTS WITHOUT OUR APPROVAL WOULD RESULT IN ADDITIONAL FEES FOR REDESIGN AT 0% STAGE OR IF A SOLUTION CANNOT BE FOUND, RECONSTRUCTION IS REQUIRED UNDER THE CONTRACTOR'S EXPENSES.

BUILDING NOTE:

- ALL PIPES IN BALCONIES TO BE Ø85 uPVC CAST IN CONCRETE SLAB.
- CONTRACTOR TO PROVIDE A BREAK / OPEN VOID IN RAIL / BALLUSTRADE FOR STORMWATER EMERGENCY OVERFLOW.
- ALL ENCLOSED AREAS/PLANTER BOXES TO BE FITTED WITH FLOOR WASTES & DRAINED TO OSD.
- DOWNPIPES TO BE CHECKED BY ARCHITECT & PLUMBER PRIOR TO CONSTRUCTION.

PIPES NOTE:

Ø85 PVC @ MIN 1.0%
Ø90 PVC @ MIN 1.0%
Ø100 PVC @ MIN 1.0%
Ø150 PVC @ MIN 1.0%
Ø225 PVC @ MIN 0.5%
Ø300 PVC @ MIN 0.4%
UNLESS NOTED OTHERWISE

RWT NOTE:

HARVESTED RAINWATER MUST BE USED FOR IRRIGATION, TOILET FLUSHING & A COLD WATER TAP IN THE LAUNDRY FOR CLOTHES WASHING

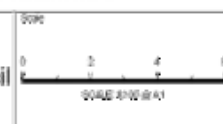
NOTE:

MAXIMUM CAR PARK GRADES TO BE 5% FOR CONVENTIONAL CAR PARKS & 2.5% FOR SHARED & DEDICATED SPACES.

ISSUE FOR CONSTRUCTION CERTIFICATE	20/06/2019	REV	SMF	B.M.	Approved
ISSUE FOR DEVELOPMENT APPLICATION	09/07/2019	REV	WSS	G.C.	
ARCHITECTURAL AMENDMENTS	12/06/2019	REV	WSS	G.C.	
ISSUE FOR DEVELOPMENT APPLICATION	03/04/2019	REV	J.M.H.	WSS	
ISSUE FOR DEVELOPMENT APPLICATION	16/02/2019	REV	J.M.H.	WSS	
DESIGNER	008	0704	008		

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0694111111 / www.advancedarchitecture.com.au

Cumberland City Council



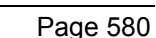
Certified by:
Robert Lush
Robert Lush

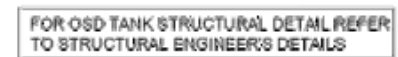
**AUSTRALIAN
CONSULTING
ENGINEERS.**
PTY LTD
SOP 048 CHECKED BY: J.M.H. 05/07/2019
R.152/153/154 R.152/153/154

49 MARTIN STREET, LIDCOMBE
**PROPOSED CHILD CARE CENTRE
STORMWATER MANAGEMENT PLAN
DEVELOPMENT APPLICATION**

**STORMWATER LAYOUT PLAN
SHEET 2 OF 2**

Scale: 1:100 Date: 12/06/2019





SECTION B
UNDERGROUND OSD TANK DETAIL



TRASH SCREEN DETAIL

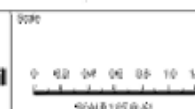


SECTION A-A
DESIGN FOR USE WITH PIPE
LARGER THAN 48 IN.

NOTES:

1. ALL FITS TO BE CAST INSIDE NO PRECAST FITS PERMITTED.
2. ALL CONCRETE SHALL BE 32MPa STRENGTH AT 28 DAYS WITH #2 MESH CENTRALLY PLACED OR AS DIRECTED BY THE SUPERINTENDENT.
3. SEE BMS-603 FOR TEMPORARY BRIDGE RESTORATION DETAILS.

ON-SITE DETENTION NOTE:
THE OSD BASIN / TANK IS TO BE BUILT TO THE CORRECT LEVELS & SIZE AS PER THIS DESIGN. ANY VARIATIONS ARE TO BE DONE UNDER CONSULTATION FROM OUR OFFICE ONLY. ANY AMENDMENTS WITHOUT OUR APPROVAL WOULD RESULT IN ADDITIONAL FEES FOR REDESIGN AT OC STAGE OR IF A SOLUTION CANNOT BE FOUND, RECONSTRUCTION IS REQUIRED UNDER THE CONTRACTOR'S EXPENSES.

Cumberland City Council

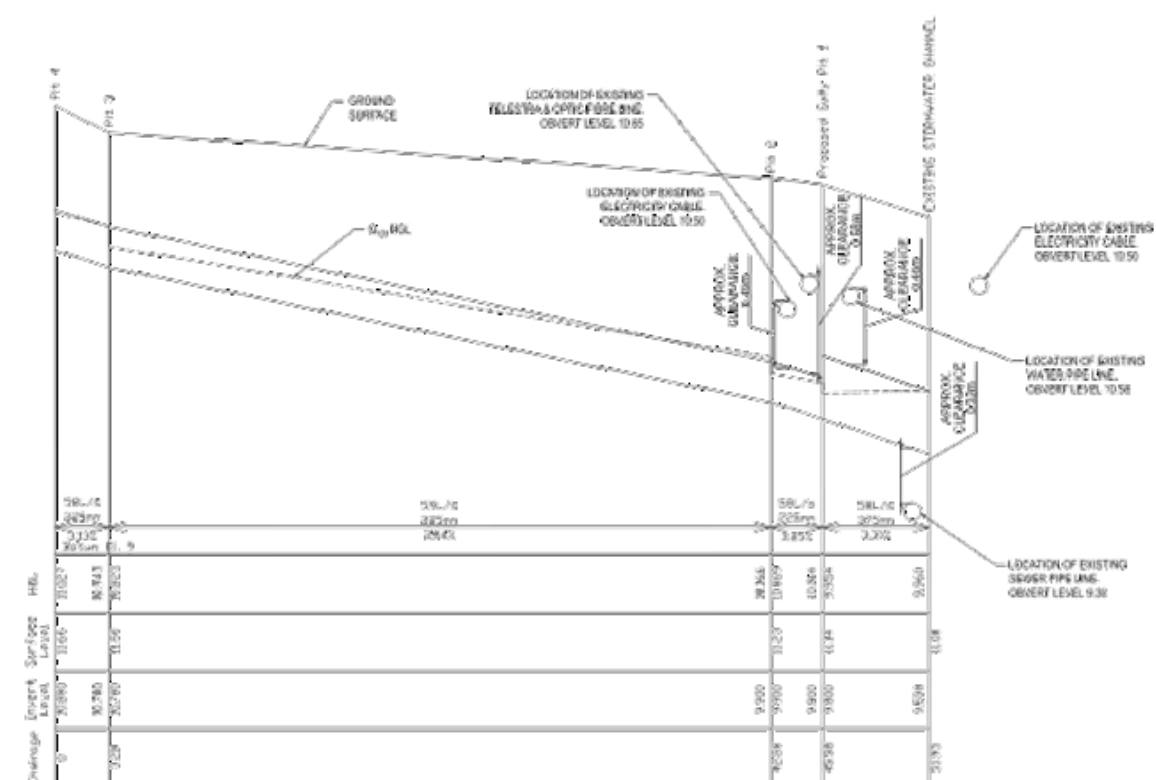
Certification By: 



**AUSTRALIAN
CONSULTING
ENGINEERS.**
PTY LTD - 6/21 N. BRG. SEC 4/1
SAP 2ND CONCOURSE 9/1 3RD ST/4TH AVE

ON-SITE DETENTION DETAILS
AND CALCULATIONS
SHEET 2 OF 2

1. IMMEDIATELY FOLLOWING SETTING OUT OF THE WORKS, SHOR PRIOR TO COMMENCEMENT OF ANY CLEARING OR BATHWORKS, THE CONTRACTOR AND SUPERINTENDENT SHALL MARK THE SITE TO HOMINATE THE LOCATIONS AND TYPES OF SEDIMENT AND EROSION CONTROL MEASURES TO BE ADOPTED, THESE MEASURES SHALL BE SUPPLEMENTED PRIOR TO ANY CLEARING OR BATHWORKS AND MAINTAINED UNTIL THE WORKS ARE COMPLETED AND NO LONGER POSSESS AN EROSION HAZARD, UNLESS OTHERWISE APPROVED BY THE SUPERINTENDENT.
2. IMMEDIATELY FOLLOWING SETTING OUT OF THE WORKS, SHOR PRIOR TO COMMENCEMENT OF ANY CLEARING OR BATHWORKS, THE CONTRACTOR AND SUPERINTENDENT SHALL MARK THE SITE TO IDENTIFY AND MARK THOSE AREAS WHICH ARE TO BE PRESERVED FOR ESTABLISHMENT OF THE ABOVE. THE CONTRACTOR SHALL MARK ALL REASONABLE PRECAUTIONS TO AVOIDANCE DISTURBANCE TO EXISTING VEGETATION AND GROUND COVER OUTSIDE THE MINIMUM AREAS REQUIRED FOR COMPLETE THE WORKS AND SHALL BE RESPONSIBLE FOR REVEGETATION AT ITS OWN COST, OF ANY DISTURBANCE BEYOND THOSE AREAS.
3. PROVIDE GULLY GRATE AND SEDIMENT TRAPS AT ALL GULLY PITS.
4. PROVIDE SUFFICIENT ALONG PROPERTY LINE, AS DIRECTED BY SUPERINTENDENT.
5. ADDITIONAL CONTROL DEVICES TO BE PLACED WHERE DIRECTED BY THE SUPERINTENDENT.
6. AT TERMINI DESIGNATED PRIOR APPROVED BY SUPERINTENDENT PRIOR TO CONSTRUCTION.
7. WASH DOWNROADABLE AREA TO BE CONSTRUCTED WITH PROVISIONS RESTRICTING ALL SORT AND TRACKED DEBRIS FROM ENTERING THE STORMWATER SYSTEM.
8. NO WORK OR STOCKPILES OF MATERIALS TO BE PLACED OUTSIDE OF SITE WORK BOUNDARY.
9. APPROPRIATE EROSION AND SEDIMENT CONTROLS TO BE USED TO PROTECT STOCKPILES MAINTAINED THROUGHOUT CONSTRUCTION.
10. IT IS THE CONTRACTORS RESPONSIBILITY TO TAKE CARE OF NATURAL VEGETATION, NO CLEARINGS IS TO BE UNDERTAKEN WITHOUT PRIOR APPROVAL FROM THE SUPERINTENDENT.
11. TO AVOID DISTURBANCE TO EXISTING TREES, EROSION WORKS SHALL BE MODIFIED AS DIRECTED BY DESIGN BY THE SUPERINTENDENT.
12. THE SCAFFOLD OR EROSION AND SEDIMENTATION CONTROLS WILL BE MAINTAINED ON SITE BY THE SUPERINTENDENT.
13. ACCESS TRACKS THROUGHOUT THE SITE WILL BE LIMITED TO THOSE DETERMINED BY THE SUPERINTENDENT AND THE CONTRACTOR PRIOR TO ANY WORK COMMENCED.
14. ALL SETTING OUT IS THE RESPONSIBILITY OF THE CONTRACTOR PRIOR TO WORKS COMMENCING ON SITE. THE SUPERINTENDENT'S SURVEYOR SHALL RELAY ALL LOT/BLOCK BOUNDARIES, PROVIDE COORDINATE INFORMATION TO THESE PEGS AND PLACE BENCH MARKS. THE CONTRACTOR SHALL SET OUT THE WORKS FROM AND MAINTAIN THESE PEGS.
15. ALL MEASUREMENTS AND BENCH MARKS ARE TO BE CHECKED BY A SUITABLE, KNOWN MEASURES SHALL BE DETERMINED ON SITE BY CONSTRUCTION WITHIN PROGRAM OF CONTRACTORS WORKS etc.

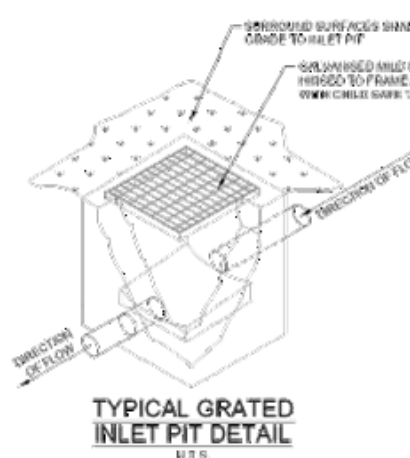


STORMWATER LONGITUDINAL SECTION

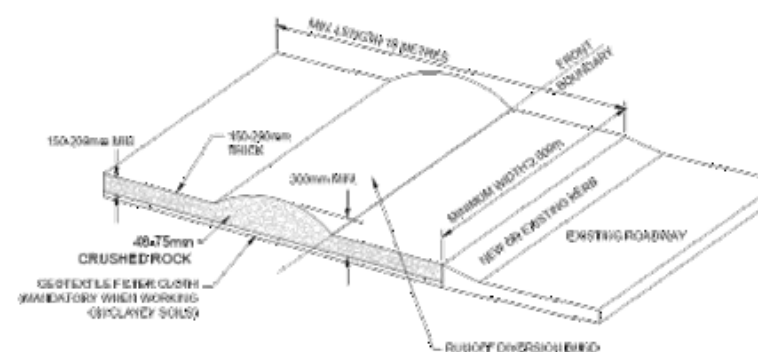
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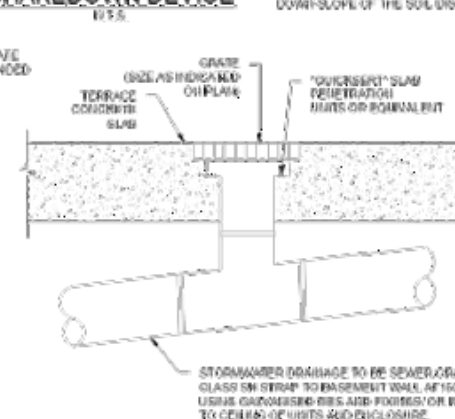
B.D.C. (mm)	W (mm)	L (mm)	B.D.C. (mm)	W (mm)	L (mm)
10	10	10	10	10	10
15	15	15	15	15	15
20	20	20	20	20	20
25	25	25	25	25	25
30	30	30	30	30	30
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40	40	40	40	40	40
45	45	45	45	45	45
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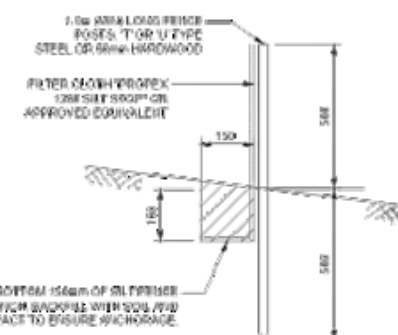
**TYPICAL GRATED
INLET PIT DETAIL**
M.T.S.



SHAKEDOWN DEVICE



RAINWATER OUTLET DETAIL



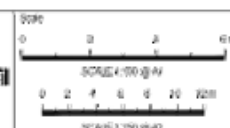
SILT FENCE DETAIL

1. FILTER CLOTH FOR PASSTHROUGH SECURITY FOR POSTS WITH GUNWOUNDS WERE TIE. STAMPS ON PASTHROUGH BARS. POSTS SHOULD NOT BE SPACED MORE THAN 2 INCHES.
2. WHEN TWO CLOSURES OF FILTER CLOTH ARE USED EACH OTHER SHOULD BE SPACED 2 INCHES APART AND POSTS SHOULD BE SPACED 2 INCHES APART.
3. FOR EXPOSURE TO SILT SURFACE, WORKERS (TAM) GROUP, ISLAND MUST BE SECURED TO THE FARRSIDE SECURELY BETWEEN THE FILTER CLOTH AND POSTS BY WIRE TIES OR CHAINS.
4. INSPECTIONS SHALL BE PROVIDED ON A REGULAR BASIS. ESPECIALLY AFTER INITIAL PUMP AND BINGRESS AND SILT DEPOSITS REMOVED OTHER "PILINGS" DEVELOP IN SILT SURFACE.
5. SEVENTH REMEDIES SHOULD BE CONSIDERED WITH A COMBINATION OF PUMPS AND REMEDIATION STRATEGIES AS SPACES FOR GREATER BUMPING ON CLAY BECAUSE INCREASED TO 200 POUNDS ON SHARP TAPPING.

F	ISSUE FOR CONSTRUCTION CERTIFICATE	30/10/2018	MR	SMR	EM	40000
E	ISSUE FOR DEVELOPMENT APPLICATION	06/03/2018	MR	WSS	O.C.	Advanced Architecture Construction Pty Ltd 42 Hilltop Road Merryland NSW 2166 PH: 02 9606 6644
D	ARCHITECTURAL AMENDMENTS	12/06/2018	MR	WSS	O.C.	
C	ISSUE FOR DEVELOPMENT APPLICATION	03/04/2018	MR	JRH	WSS	
B	ISSUE FOR DEVELOPMENT APPLICATION	16/02/2018	MR	JRH	WSS	
RE	Decision	03/06	SMR	SMR	CMR	

Council

Cumberland City Council



Certification By: 

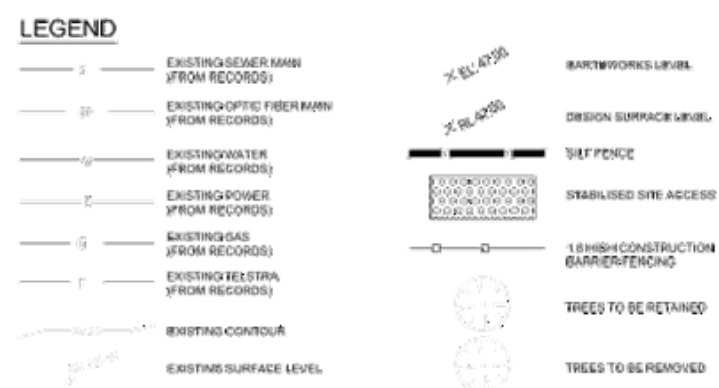


**AUSTRALIAN
CONSULTING
ENGINEERS**
PTY LTD - 4/27, N. BALBOA RD
SHEPPARD AVENUE NORTH, STRETCH ENGLAND, NSW
1588
(02) 951 6300, FAX: (02) 951 6301

49 MARTIN STREET, LIDCOMBE
PROPOSED CHILD CARE CENTRE
STORMWATER MANAGEMENT PLAN
DEVELOPMENT APPLICATION

**MISCELLANEOUS
DETAILS SHEET**

Case	Age	Presenting Complaint	Ref. No.
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<p>F ISSUE FOR CONSTRUCTION CERTIFICATE</p> <p>E ISSUE FOR DEVELOPMENT APPLICATION</p> <p>D ARCHITECTURAL AMENDMENTS</p> <p>C ISSUE FOR DEVELOPMENT APPLICATION</p> <p>B ISSUE FOR DEVELOPMENT APPLICATION</p> <p>A DESIGN</p>	<p>20/10/2015</p> <p>06/07/2015</p> <p>12/06/2015</p> <p>22/04/2015</p> <p>16/02/2015</p> <p>01/01/2015</p>	<p>HAJ</p> <p>WSS</p> <p>WSS</p> <p>JMH</p> <p>JMH</p> <p>CPM</p>	<p>SMR</p> <p>WSS</p> <p>WSS</p> <p>WSS</p> <p>WSS</p> <p>CPM</p>	<p>Approved</p> <p>Advanced Architecture Construction Pty Ltd</p> <p>62 Hilltop Road</p> <p>Nerryland NSW 2160</p> <p>EMAIL: 1800040400@advancedarchitecture.com.au</p>	<p>Council</p> <p>Cumberland City Council</p>	<p>50/50</p> <p>4 1 2 3 4 5 6 m</p> <p>SCALE 1:125 @ A1</p>	<p>Certification By:</p> <p><i>[Signature]</i></p>	<p>AUSTRALIAN CONSULTING ENGINEERS.</p> <p>PTW LTD - 02 921 555 054 / 901</p> <p>100/104 CROOK STREET, CROOK NEIGHBORHOOD</p> <p>SYDNEY NSW 1585</p>	<p>Project:</p> <p>49 MARTIN STREET, LIDCOMBE</p> <p>PROPOSED CHILD CARE CENTRE</p> <p>STORMWATER MANAGEMENT PLAN</p> <p>DEVELOPMENT APPLICATION</p>	<p>Drawing title:</p> <p>SEDIMENT & EROSION CONTROL PLAN</p>	<p>Issue:</p> <p>01</p> <p>Project:</p> <p>4900000000</p> <p>Origin:</p>
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DOCUMENTS
ASSOCIATED WITH
REPORT LPP005/20

Attachment 4
Submissions Recieved

Sent: Tue, 17 Sep 2019 16:17:15 +1000
To: Records Department
Subject: Application No:DA-274/2019 Lot A DP 178518 49 Martin st Lidcombe
Importance: Normal

Dear Fay Ong

We live at [REDACTED] and

object to the above proposed development for several reasons.

- 1) The building proposed does not blend into the residential environment. It is like a commercial factory. Not aesthetically pleasing for our area!
- 2) The entrance to the car park will not be wide enough for cars entering and exiting the premises or for these cars to see pedestrians using the foot path. With 60 or more car entering and exiting the premises every day the visibility for car and pedestrians is a must, otherwise this is a death trap waiting to happen.
- 3) Increase of traffic to the area especially during pick up and drop off times.
- 4) Noise levels will increase with the amount of people inhabiting the building especially screaming children.
- 5) Play areas - especially on the second level are open. Children can always acquire items to stand on in these play areas and fall over the side.
- 6) Is there a bathroom on the ground floor? With a ground level play area you definitely need a bathroom.

For all these reasons we object to this proposal!

My phone number is [REDACTED] should you wish to discuss this further.

Kind regards

Sent: Tue, 17 Sep 2019 23:41:38 +1000
To: Records Department
Subject: Objection - construction of a two storey 60 place center-based child care facility: Application No:DA-274/2019
Importance: Normal

Objection : Construction of a two storey 60 place center-based child care facility

Application No : DA-274/2019

Property: Lot A DP 178518, 49 Martin St, Lidcombe NSW 2141

Dear Fay,

We have received a letter from council today and advised us that a proposed development application for a two storey **60** place center-based child care facility in respect to the above property. We are concerned and writing to you to object this application.

I lived in [REDACTED] for over 19 years which is 3 house down from the proposed address. we really enjoy the peace & quite here, so are the other neighbour.

We are concerned with such a big size 60 place child care center built so close to us. This would change our life style dramatically. A typically this size would employs 18 staffs. This would create a big change to our local street:

- Build form (2 storey height x 54 meter length building - huge)
- Car traffic,
- Street Parking,
- Noise impact.

A "**2 storey**" child care center really doesn't suit in this quite resident area. With our home is so close the proposed child center. The 60 children noise (singing, reading & yelling) would be magnify like a loud speaker from the 2nd floor, (7am-6pm), 5 days a week. We enjoy and want to maintain the current life style (peace & quite). We are strongly object and urge council to reject this massive scale '60' place center-based child care facility application, 'Not' to be built in a such quite street area.

Kind regards,

Sent: Sat, 21 Sep 2019 12:25:15 +1000
To: Records Department
Subject: Attn: Fay Ong/DA-274/2019/Submissions

Dear Fay,

I make the following submissions objecting to DA 274/2019.

Submissions are as follows:

1. The construction of a childcare centre will impact on the amenity of the area. Martin Street is a residential area and the construction of a Childcare Centre will impact on the attractiveness and pleasantness of this area.
2. There is a Childcare Centre located in close proximity at 29 Swete Street, Lidcombe – Oz Education. This points to two further submissions:
 - a. The Child care centre will not be able to prosper in business because there is a Childcare Centre in close proximity.
 - b. There is no need for a childcare centre that are located in close proximity to each other.
 - c. A childcare centre is better placed near public schools and train stations as opposed to quite residential areas
3. The childcare centre will impact the value of neighbouring properties. The Martin Street area is mainly standalone residential areas with no operating businesses.
4. Noise Impact – the project will have an ongoing impact with respect to noise. At construction and after completion, where parents will be collecting their children and the children themselves will be making noise during all hours of the day. This will have a great impact on the amenity of the area.
5. Street Car Parking – the project has capacity to fit 60 children. The childcare centre is not offering 60 car spaces as part of its project resulting in cars parked on the street. This will impact the ability to park my car on the street in front of my house.

Regards

21st Sept 2019

Objecting proposal - construction of a two storey 60 place centre-based child care facility

Application No:DA-274/2019

Property : Lot A DP 178518, 49 Martin St, Lidcombe NSW 2141

Dear Fay,

I have received the proposal of construction of a two storey 60 place centre-based child care facility from the Cumberland council recently. After carefully study the plan, I have decided to cast a "No" vote and **strongly objecting** this proposal of a child care centre to be so close to a residential area.

I am retired and enjoy peace and quiet surrounding of my home. I am concern the **noise level** would be too high for me and my neighbours.

Other concern would be more **car traffic** and create more **hazard condition** near the Stop sign intersection (Martin & Rawson st). No. 49 Martin St is currently locates **Only** three house from the stop sign intersection.

Yours Sincerely,

Date: 24 September 2019

Attention: Fay Ong (Senior Development Planner – Cumberland Council)

RE: OBJECTION TO APPLICATION DEVELOPMENT

Application number: DA 274/2019

Applicant: Mr A T V Tran

Lot A DP 178518 – 49 Martin Street Lidcombe NSW 2141

To whom it may concern,

As residents of Martin Street, Rawson Street, Princess Street and Platform Street Lidcombe, we, all of the below signatories, **STRONGLY OBJECT** to the development application for 49 Martin Street Lidcombe NSW 2141.

We, all of the below signatories, **STRONGLY OBJECT** to the application development for 49 Martin Street for the following significant reasons:

- Martin Street is a residential street and not zoned for this type of commercial development
- The application development will change the aesthetics of the street
- It will devalue our residential properties in the street and surrounding streets
- The size of the development application is too big for the residential street
- It will increase the amount of noise in the street
- It will increase traffic congestion in the street
- It will impact on the safety of pedestrians walking to Phillips Park
- Workers will take up residential street parking spots creating congestion in the street
- Visitors will take up residential street parking spots creating congestion in the street
- Disability parking is not apparent in the application development
- Residents in the street were not notified of the application development and only found out about the development application through word of mouth from neighbours
- The majority of residents living in Martin Street have resided in the street their all their lives and regularly have family frequenting the street, doubling and sometimes tripling the amount of cars and people in the street
- There is currently a child care centre (Oz Education) about 300 metres away from Martin and which is currently extending to the next-door premises to support the increase in student numbers
- Privacy will be a major concern with an increased number of people frequenting the street

If our concerns are not addressed, the residents of Martin Street, Rawson Street, Princess Street and Platform Street Lidcombe, we will continue the objection to the development application at 49 Martin Street to the Land and Environment Court to ensure our voices and concerns are addressed.

Cont'd

As residents of Martin Street, Rawson Street, Princess Street and Platform Street Lidcombe, we, all of the below signatories, **STRONGLY OBJECT** to the development application for 49 Martin Street Lidcombe NSW 2141.

We, all of the below signatories, **STRONGLY OBJECT** to the application development for 49 Martin Street Lidcombe NSW 2141:

[illegible]

As residents of Martin Street, Rawson Street, Princess Street and Platform Street Lidcombe, we, all of the below signatories, STRONGLY OBJECT to the development application for 49 Martin Street Lidcombe NSW 2141.

We, all of the below signatories, STRONGLY OBJECT to the application development for 49 Martin Street Lidcombe NSW 2141:

Name of resident	Address	Contact number	Email	OBJECT
				YES ✓
				YES ✓
				YES ✓
				YES ✓
				YES ✓
				YES ✓
				YES
				YES
				YES
				YES
				YES
				YES
				YES
				YES
				YES
				YES
				YES
				YES
				YES
				YES
				YES
				YES

Sent: Sun, 29 Sep 2019 19:08:51 +1000
To: Records Department
Subject: Development Application Objection: 49 MARTIN ST LIDCOMBE 2141

Hello Fay Ong,

On behalf of the residents living around Martin Street and Rawson Street LIDCOMBE 2141, I'd like to **OBJECT** to the following development application of the property at 49 Martin Street LIDCOMBE.

A few reasons being:

- The amount of noise levels that would be catered to if the child care centre was proposed
- Reduced street parking for the residents that actually live in the area
- More traffic/congestion on our quiet and residential area which is a major hazard that can be avoided
- There is already a child care centre located on Swete Street and so there does not need to be another child care within such close vicinity of each other

Kind Regards,

Sent: Sun, 29 Sep 2019 22:16:15 +1000
To: Records Department
Subject: Submission (public): DA-274/2019 LIDCOMBE - Development Applications - 49
Martin Street, LIDCOMBE NSW 2141

Please enter the details of your public submission below (attachments can be included if necessary);

To home it may concern,

I am writing on behalf of my parents, who have lived at [REDACTED] since 1991 and are profoundly concerned about the proposed development and the impact it will have on their day to day lives. We shall do our best to convey the breadth and seriousness of the concerns we have in relation to the proposal. I should note from the outset that the applicants have made no effort to consult my parents to date, discuss the proposal, its potential impact on them and any efforts they might make to minimise it's impact.

In relation to the environmental impacts:

1. The John Street 'high street' village is in fact almost 1 kilometre away and has no connection to this section of Martin Street. The train station, while within walking distance for residents, has no bearing on anyone who might seek to access the proposed business as it would be at least a 15 minute walk to the train station and only convenient to local residents. Any reference to either John St or the train station is far fetched.
2. The surrounding context of the area does not reflect the diversity and layers of development that is characteristic of an evolving residential suburb. While there is a church on the corner of Martin and Princess St, this is a small church whose worshippers are quiet, respectful and utilise the church at normal hours. The remainder of the local area are normal residential houses of varying sizes that have no impact on the immediate area.
3. The overview suggests the capacity for the centre will be for 60 children - this must vastly exceeds the typical child care requirements that might be required in a purely residential area. The need for 15 carpark places reinforces the overwhelming size of this proposal in comparison with the other residences.
4. The hours of operation are excessive given the residential homes surrounding the proposed building, including when factoring in the operations that are required to ensure the proposed business is ready to open each morning at 7 am and the all cleaning that will occur after it closes at 6pm each night.
5. Between the children and staff, my parents can expect a significant increase in car movements each morning and afternoon from this area, commencing before 7 am as staff attend work in the morning and after 6pm when cleaners do their work.
6. My parents appear to have to deal with excessive noise of the children playing, and horrendous 3m tall perimeter fencing that will make a cursory effort to try to contain the noise of the children's play area. This play area is located next to my parents bedroom which they are increasingly using through the day to sleep and their living room where

they watch TV. This will be excessively disruptive to their day to day activities, detrimental to their ability to continue using their home as intended and given they are 77 and 71 years of age respectively, potentially severely impacting their psychological and physical health.

7. The landscape design provides no benefit to my parents, who will be viewing a 3 metre high fence that is trying to hide a building that is not only 6.3 metre tall, but presumably in excess of 50 metres long.
8. Waste Management - the owners have recently undertaken waste works at the back of the property, seemingly in anticipation of a successful outcome to this submission. My parents would request that council investigate this works to ensure that appropriate rules and processes were adhered to.
9. In section 4.4:
 - o C1 suggests the proposed development is permissible provided it is consistent with the relevant zone objectives - as per point 2 the size of the proposal would not be consistent with the surrounding area.
 - o C2 suggests the proposal is consistent with the R2 Low Density Residential zone as it is consistent with the prevailing scale and character of the surrounding locality - this may be true when viewed from directly in front but it's a ludicrous suggestion when viewed from next door - it's sheer size dwarfs all other surrounding structures. The scale of the proposal is neither appropriate for the site, surrounding homes or the area in general. It severely impairs the amenity of the adjacent residents. It's sheer size will significantly impact on the experience and enjoyment of the backyard and any breeze they experience.
 - o C3 - the location is not appropriate - Phillips Park has little to no relationship to the possible clients of this business and all schools are sufficiently far away that they could not be a reasonable consideration. The site has little relationship to the range of businesses etc that is mentioned in the application - they are sufficiently far away that they are not within walking distance for anyone who might utilise this business that they might as well be 5 kilometres away.
 - o C5 - As per earlier points, the sheer size of the building and fencing makes it plainly untrue to assert that the proposed design complements the surrounding residential area.
 - o C6 - the excessive height of the fencing is ridiculous.
 - o C11 - the fencing is excessive, any benefit my parents might have from efforts to limit overlooking are a token effort given the sheer size of the structure and that the play area is adjacent to their bedroom and living areas.
 - o C12 - the sheer size of the building and fencing makes it plainly untrue to assert that the proposed design is not excessive. My parents home, and that of their neighbour in 53 Martin Street both have large homes - the length of this building will dwarf theirs.
 - o C15 and C18- As my parents will only see a 3 metre high fence trying to hide a 6.3 metre high building that is about 50 metres long, we have no idea what the proposed landscape plan is that will make it sympathetic to the character of the surrounding area.

- C23 & C24 - Any efforts to minimise impact of acoustics are negligible given they've made the main play area adjacent to my parents bedroom and living areas - which they use through the day and night.
 - c29 - please see Point 4
 - C33 - all neighbouring residents are concerned about the impact that traffic will have on the amenity of the surrounding area.
 - Cl. 2.3 - as per C1 and C2.
10. In Section 4.6
- The proposal will have a profound impact on the amenity of the adjoining property. Any suggestion it's been designed specifically having regard to the amenity of adjacent properties is ridiculous and plainly untrue.
 - The need for a 3 metre high fence should be sufficient in and of itself to demonstrate the inconsistency of this building with regard to adjoining properties.

traffic management plan

- Figure 10 in the traffic plan suggest that at the peak time, only 25 cars use this intersection during the peak hour. Clearly the proposed business will see usage multiply, and from an earlier hour.
- In addition to the above point, the 2nd picture on Page 7 is of Princess St, which is some 250 metres away and would not be used in any way related to the proposed business.

Please contact me on [REDACTED] if you'd like to discuss this further.

With regards,

Sent: Tue, 1 Oct 2019 00:02:10 +1000
To: Records Department
Subject: Objection to DA-274/2019 contrustion proposal - 49 Martin street Lidcombe
2141 NSW

Dear Fay Ong

**Application No: da-274/2019
49 Martin Street Lidcombe 2141 NSW

Im writing to object to the above development application.

By allowing the applicant to build a two storey 60 place centre-based child care facility, the amount of noise will be generated will be unbearable for area residents. Idlings cars will sacrifice the air quality and the parking area will be negatively affected.

Also, the prosopose construction of this child care is not necessary for the area residents as there is another childcare very close by which is at 31 Swete St, Lidcombe NSW 2141.

Overall,I feel the amendment that would allow this to take place is not in the best interest of area citizens , I strongly urge you to reconsider your decision.

Sincerely,

28st Sept 2019

Objecting proposal - construction of a two storey 60 place centre-based child care facility

Application No.DA-274/2019

Property , Lot A DP 178518, 49 Martin St, Lidcombe NSW 2141

Dear Fay,

I have received the proposal from the Cumberland council recently. And I am writing to objecting of construction of a two storey 60 place centre-based child care facility. This child care centre is too big and close to our residential area that will create ,

- Noise level - Too much noise (60 kids) less than 20 meters to my backyard.
- Not enough off street Parking - parking space already become difficult to find on Rawson st and corner of Martin St. Concern the Child care center staff will taking up the off street parking space.
- Road traffic - 49 Martin St is located 3 house from the stop sign intersection. With parent drop off, car illegal park when there is no off street parking. Double parking may create even more hazard condition . I have witnessed near missed and some major car accidents at the intersection about a few month ago. Here is the photo below shown 49 Martin st on the back ground.



Sent: Tue, 1 Oct 2019 16:39:47 +1000
To: Records Department
Subject: Objection to DA-274/2019 Lidcombe

Reference Number: DA-274/2019 Lidcombe

Development Applications - Demolition of existing structures and construction of a two-storey 60 place centre-based childcare facility with at-grade car parking

Dear Fay Ong,

I have recently received a notification for development for the above project for childcare facility.

As a resident within close proximity of the development, I do have concerns regarding commercial noise and the bulkiness of the development.

Issue of concern:

1. Commercial noise - Noise generated from the commercial premises would not suit the quiet neighbourhood, the proposed level 1 outdoor area will significantly cause paramount of noise to the surrounding.
2. Gross Floor Area, Floor Space Ratio, Landscape, Site Coverage - does the development comply?
3. Fails to fit the character of the street: there are no other large scale (if any) child centre on Martin Street and surrounding street. This is proposed to be large building. It's around double the size of the existing house on the block currently. Our street is characterised by residential homes, some with granny flats on them or townhouses. There is not even home businesses prominent in the street.
4. 5.4 Disable Parking – Parking for people with a disability shall be provided at the rate of one (1) space per 10 spaces. If the car parking required is less than 10 then at least one (1) space shall be provided.

As per DCP, if 15 car spaces are to be provided a total of 2 accessible parking spaces are required with shared zone AS per AS 1428.1. Therefore it fails to comply with the above DCP 5.4.

Thank you for letting us have the opportunity to submit our concerns to council for discussion. Look forward to speaking with you soon.

Best regards,

Objection letter in relation to the:

Proposal: demolition of existing structures and construction of a two storey 60 place centre-based childcare facility with at grade car parking

Application number: DA-274/2019

Applicant: Mr A T V Tran

Property: Lot A DP 178518, 49nMartin Street, Lidcombe NSW 2141

To Whom It May Concern

Please accept my letter in relation to the Proposed demolition of existing structures and construction of a two storey 60 place centre- based childcare facility with at grade car parking at 49 Martin street Lidcombe 2141.

Martin street is currently a quiet residential area, we original sought this area and paid a substantial amount for the building and house for that sole purpose, the development of the proposed childcare facility will change the peaceful nature of the street and disrupt the current residential ecosystem.

Martin street is close to, Phillips park, the uniting Samoan church, Lidcombe public school, St Joachim's Primary school, Parramatta road, Industrial warehouses on Byrnie st, Coles express service station on the corner of byrnie street and 3 current childcare facilities within approximately 300m radius.

Grounds of the objection to the propose development:**Insufficient parking**

The statement of environmental effects disclosed that the proposed day care facility is planning to cater for a capacity of 60 children with 10 full time staff, 1 float staff and 1 cook at full capacity, with a 15 spaces carpark of which 7 are staff spaces and 1 is accessible car space. This only leaves 7 car spaces for the set down and pick up of children, whilst this number is consistent with relevant requirements of AS 2890, its

merely not practical and an accurate representation of what is needed when considering that the facility at capacity will hold 60 children.

- The report estimated that for a 60-child capacity the centre would approximately yield: *48 vehicles per hour during the AM commuter peak period (split evenly to and from) and approximately 42 vehicles per hour during the PM commuter peak period (split evenly to and from).*

So where are all these cars going to go? The proposal indicated that there will be a staggered drop off and pick up time however there is still going to be a substantial amount of traffic generated from this proposed facility. If we used the above figure and say that with the 48 cars there will be an even spilt of 16 cars every hour for the morning drop off peak. Out of the 16 cars 7 will be able to park at the facility, so where will the other 9 cars go? The cars will have to utilise the street parking all the way down Martin street and even then there may not be enough spaces. So what does this mean for residents? The potential for more accidents because of the increase traffic congestion to the road? Parents of children for the proposed facility illegally parking across driveways during the morning and the evening to quickly try and pick up their kids from the proposed facility? Residents not being able to take their own children to school and get to work on time because they are dealing with the parking issues created by the proposed facility? Most residents in Martin street have an average of 2 cars per household, most of these cars utilise the street parking in front of their house. If the proposed childcare facility is approved there would be too many vehicles on the street, and it will cause dramatic traffic congestion.

Also given the nature of the facility being a child care parents cannot simply drop off their children to the facility as they would do for kids attending primary or high school, these are young children we are referring to. This means that parents actually have to park their car, get out of the vehicle and walk their children into the facility. Given this the cars actually able to park in the facility will not be able to drop off their kids and move quickly. The reported also highlighted that:

- *All children must arrive and leave the centre accompanied by a parent or other adult that has been nominated, in writing, by the parent.*
- *All children must be signed in and out by the parent or other nominated adult on an attendance register with arrival and departure times recorded.*
- *Parents or other adults accompanying the child must speak with a staff member upon arriving and leaving with their child.*

This process will take time, so again what happens to the remaining 9 cars that are not able to utilise the proposed facilities parking nor the street parking due to the unavailability.

Additionally, we need to consider that there are 2 schools within the area. There is St Joachim's primary school and Lidcombe public school. The statement of environmental effects did mention this however the information provided about the school was inaccurate. The report stated that:

- *Lidcombe Primary School and St Joachim's Catholic Primary School is located 700m and 850m respectively from the proposal.*

This information is not accurate because Lidcombe Public school has an entrance on Mills street which is only approximately 350 metres away from 49 Martin Street. . Lidcombe public school caters for students from kindergarten to year 6 which means there are quite a lot of students around the area during the morning and afternoon peak period. Parents are able to drop off and pick up their kids from the Mills street entrance and they usually park their vehicles on Swete street, Rawson street and Martin Street during the mornings and afternoon. This time does coincide with the proposed facilities drop off and pick up time:

The children drop-off time is anticipated to be staggered between 7am - 10am with pick up again staggered from 2.45pm - 6pm

This will cause unbelievable congestion to Martin street up to Swete street. There is an increase chance of motor vehicle accidents and collisions, additionally there will be an increase number of young children on the road. It is very easy for young children to quickly leave their parents sight and run onto the road, an area where there is a substantial number of cars on the road could be a very deadly occurrence.

There are already 2-3 childcare centres about 300 meters away, within this short distance it's hard to see how the community and the resident will benefit from another childcare facility when all its really going to contribute to is an increased amount of traffic on Martin and surrounding street and the high potential for hazards and vehicle accidents to occur which could ultimately result in death.

The report did state that:

The proposed childcare centre will not result in any adverse impacts on the surrounding road network or the availability of on-street parking.

However, yet again this does not appear to be true given the points mentioned above.

Traffic

As it stands Martin street already has a lot of vehicles passing through the street Phillips park is located at the end of Martin street and this park is quite popular. It is often used for recreational sports such as soccer and cricket in addition, there are health and fitness bootcamps and generally people utilising the park for exercise and recreational activity. Additional children from both St Joachim's primary school and Lidcombe public school also utilise the park for some of their recreational activities. During the week especially on days when there are sporting practise and games the parking for Phillips park is completely full and participants always occupy the street parking on Martin street. There is always a significant amount of traffic flowing

through martin street because of its location to Philips street and the development of the proposed childcare facility will only increase the congestion and cause chaos during the peak periods.

There are always vehicles parked on either side of the entrance to the proposed childcare centre, including a boat and a small truck and industrial construction equipment parked on the street, as you turn left onto Martin street from Rawson street. If there is to be a Childcare facility developed 2 houses away this will most definitely lead to motor vehicle accidents which could have catastrophically effects, which would be devastating for the residents of Martin street and the larger community of Lidcombe. Given the current layout and facilities currently in Martin street 49 Martin Street is not an ideal location for a childcare facility.

The location on the proposed childcare facility is only meters away from a dangerous intersection which is the Martin and Rawson street intersection. There have been quite a few accidents at this busy intersection. With the proposed childcare facility at that location it will be exposing a substantial amount of young kids to this danger. It's a daily occurrence where vehicles on Rawson street, turn left onto Martin street quite quickly, even at the designated speed limit of 50km this could be a massive hazard adding children to that equation is not safe and quite reckless.

Currently at the end of Martin street is the Uniting Samoan church, the church patrons have a small car park on the church premise however they additionally need to utilise the street parking which again will conflict with the proposed childcares operational hours and need. The uniting Samoan church leases the hall space for dance practise which takes place daily after 5:00pm, if the proposed childcare facility is approved it is going to create a mess and traffic nightmare. There will be traffic congested and built up around the proposed day care facility on 49 Martin st and there will also be users on the uniting Samoan church hall seeking parking additionally there will be cars from Phillips street trying to manoeuvre to and from the park. This is going to create a very dangerous situation involving children. There aren't enough car spaces in the proposed facility to house the capacity of 60 students and because parents will be forced to use the limited street parking it will create a situation where there will be kids contently on the street during a very dangerous time.

Environmental factors

The proposed childcare centre at capacity will have 60 children between the ages of 0 and 5 years of age, in turn this centre will be producing a substantial amount of rubbish and waste. if we estimate that a child will wears nappies till the age of 2, it means that there will approximately be 30 children at the centre that wear nappies. On average you change a child's nappy around 4 times a day, so as a rough estimate that means for a week the centre will have 600 dirty nappies they will need to dispose of. In Marin street the garbage bins are put on the street on Tuesday night, the proposed centre will be producing a foul smell onto the street every week with

the 600 dirty nappies in conjunction with other general waste. despite the smell being immensely projected onto the street every week, the smell will be building up in the proposed facility this week, again this is not a pleasant smell the neighbours and the street should have to put up with but also this smell is not good for the children to be smelling and dealing with.

The statement of environmental report stated that:

There are no nearby hazards in the form of any industrial activities, intensive agricultural uses, service stations, or odour sources.

However again this is not exactly accurate, Bachell street Lidcombe is around 550 meters away from the proposed childcare facility and there are many factories and warehouses on that street. Additionally, Birnie Avenue is only a few meters away from Bachell street and there are even more factories and warehouses on Birnie street. There are large scale factories located on Bachell Street and Birnie Avenue including: Andrew's meats, Parmalat food products and De Costi Seafood.

As a result, there are always larger vehicles travelling through Martin street to get to Bachell and Birnie street and these include, vans and trucks. From a traffic perspective this could be a potential hazard and very disastrous, like stated above there is usually a boat/ construction equipment parked on the street a few doors down from 49 Martin street Lidcombe. If a truck was to turn left onto Martin street from Rawson street and it was during the drop off and pick up times they could potentially strike pedestrians including children, due to the increase level of pedestrians that will result if the proposed childcare was developed.

There is also a petrol station located between Gallipoli street and Bachell street, any hazards experienced in the service station could results in odours being distributed into Martin Street and could potentially affect the children.

Cleanaway Sydney Olympic Park Industrial Waste Services is located on the corner of Hill Rd &, Pondage Link, Sydney Olympic Park NSW 2127. There have been instances in the past where liquid waste service has experienced a spillage / malfunction and as a result the odour of waste could be smelt around Martin Street. This would be hazardous if there was a childcare with 60 small children on Martin street, the air pollution would not be a very safe and secure environment.

Noise pollution

The proposed childcare facility will generate a substantial amount of noise more than the current levels within Martin street. No matter what sort of noise management procedure will be implemented, it's just that management of the increased noise that will be generated from the proposed childcare facility. The facility will generate a substantial number of cars on Martin street in addition it will increase the amount of people on martin street and therefore increase the noise levels substantially.

The Gowrie report illustrated that:

- *crying children should be taken inside the centre and comforted.*
- *the behaviour of children should be monitored and modified as required by adequately trained childcare workers.*

Whilst this makes sense on paper it isn't a plan that's achievable. The reported highlighted that there will be 10 children aged 0-2 with 3 educators caring for them, 20 children aged 2-3 with 4 educators caring for them and 30 children aged 3-5 with 3 educators caring for them. If there is an incident outside with a crying child an educator would need to escort them inside and if another incident with a group of crying children this will produce more noise. The reality is kids make a lot of noise especially when they play and are in the company of other children, they scream and shout. Whilst the kids are outside playing this will be producing a lot of noise the whole street will be able to hear. Martin street is a residential area, your home is a place where you should be able to relax, a place that is peaceful and quiet the proposed childcare facility will be stealing that feeling and that quality of life from its residents. We have chosen to live in Martin street because it is a quiet residential area where we have raised our children, the development of the proposed childcare facility will be invading our homes. The only way the whole of martin street will not be able to hear the noise created is if there was a noise cancelling dome over number 49 Martin street Lidcombe.

Regards,



Feedback reason	
<input checked="" type="checkbox"/> Complaint	<input type="checkbox"/> Request
Have you previously reported this to Council?	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Address or location	
[Redacted]	
[Redacted]	
[Redacted]	
DA 274/2019	
Details	
I am concerned about the elevated noise levels. I am a registered nurse and regularly have night shifts so I have to sleep during the day. My bedroom located on the 1st floor with a veranda facing toward Martin street where the childcare center will be built. I have been informed they will be using colourbond roofing, which uses reflective surfaces which will also disrupt my limited sleep schedule.	
Declaration	

29st Sept 2019

**Objecting proposal** - construction of a two storey 60 place centre-based child care facility**Application No:**DA-274/2019**Property :** Lot A DP 178518, 49 Martin St, Lidcombe NSW 2141

I am writing to objecting of construction of a two storey 60 place centre-based child care facility proposal on 49 Martin St in Lidcombe. This two storey child care centre is too big and too close to our residential area. Since there is a large child care center on swete steet close by (Less than 350meters in School zone).

Nosie level - Martin St is one of the nice and quiet street in Lidcombe. With this child care center built, it will destroy this street appeal. I am retire and enjoy my front garden and porch, as you can see from the photo below, I am very close to the proposal child care - open playing area proposed to built on first floor level. With 60 children, the potential noise level would be detrimental.



We will lose street parking. Other issues would be the chaotic traffic that will create when parent drop off their kids, traffic congestion, possible an illegal double parking, dangerous U-turn and create all hazard driving condition.

I do not believe the proposal of this child care center is suitable on this street. Pls note, there is already a large child care center established on Swete st right next to Lidcombe public school (in School zone, ie the correct zoning).

Yours Sincerely,

Hamish McNulty
General Manager
Cumberland City Council

File No:

25 OCT 2019

REFERRED TO:

Dear Sir,

I am writing in objection to the proposed development application DA-274/2019 a child care centre facility at 49 Martin Street, Lidcombe.

The proposed centre-based child care centre having a capacity of 60 children and 10 staff in the middle of a residential R2 area surrounded by residential housing on all sides. There are several houses that are immediately affected by the proposed development, including noise, and traffic generation, detailed as follows:

1. The proposed centre has a large outdoor play area with very poor mitigation and treatment for noise issues from the site. Sound barrier fencing would be clearly inadequate for the number of children and the size of the outdoor play area. There are houses in Platform Street and Martin Street within very close distances to the rear of the property and will be significantly impacted. As the play areas are positioned to the rear of the property, there are more properties directly affected. This is a poor location and inappropriate for the prevailing residential nature of the street.
2. Poor layout of the undercroft parking areas. A reverse manoeuvre is required in an area where parents, toddlers and vehicles occupy space during the peak hours. The carpark also does not have a turning bay space which will require a multi-point turn at the end in an instance where no parking is readily available. A poor pickup system will mean that parents will find it easier to park on-street, affecting other residents in Martin Street.
3. There is already a massive OZ Education child care centre in 31 Swete Street, only 300m from the proposed location. Local residents were upset about this centre when it was being proposed, we do not need another child care centre in this area. There is also the St Joseph Child care centre in Mary Street.
4. I have spoken to a number of residents who have put together petitions and objections to this DA based on the noise and traffic generation. We wish to retain the amenity of local residents.
5. If this DA is approved this will set a precedence for other common R2 zoned lots within Lidcombe to take full advantage of the business

potential, government funding, and ease of building and selling child care centres.

6. Martin Street south of Rawson Street is very narrow with only one lane of traffic for travelling. Two vehicles cannot pass each other. Increasing the traffic generation will increase the chances of vehicles being stuck as one of forced to reverse out of the way.

Kind regards

CUMBERLAND COUNCIL

File No:

25 OCT 2019

Fay Ong
Senior Development Planner
Cumberland City Council

REFERRED TO:

Dear Fay Ong

Please refuse the development application for a child care centre in 49 Martin Street, Lidcombe. My property, [REDACTED] of the proposed child care centre and I am very worried about building a large child care centre.

With my house being located just 14m away from the outdoor play area, I feel that the noise will affect my quality of living and surely affect my property value. We have a rear building and it is located 3m away from the rear fence and my property will be the most impacted out of all of the surrounding properties.

The map in the next page show that the child care centre will impact 14 houses and additional secondary dwellings in the area.

I feel that the additional traffic and cars that will come in and out of the centre will surely affect people walking to Lidcombe station and also to the

I have been very anxious about this development because the noise and traffic issues. Speaking with most people nobody wants the child care centre at this location because of the impact to residential amenity.

I understand that another petition was submitted to Council in objection to the development. Please understand the community's concerns and consider the valid reasons to refuse this application.

Please see my attached photos and petition showing my concerns. I thank you for reading my submission and petition and anticipate a favourable result for the community.

Yours faithfully

[REDACTED] and 14 other houses will be directly affected by the noise. It is located in the central location and will be disruptive to our lives.



Dear Sir/Madam

Objection of Project No.: DA-274/2019

For Community and Environmental Safety

As residences of the neighbourhood we object the construction of the 60 place centre-based Child Care Facility on 49 Martin Street, Lidcombe. We are concerned about the elevated noise level and daily heavy traffic that could endanger us. We would like to voice our concerns in this manner.

Object: ✓

	Date	Noise	Traffic	Other	Name	Address	Phone	Signature
①	19-10-19							
②	19-10-19							
③	19-10-19							
④	19-10-19							
⑤	19-10-19							
⑥	19-10-19							
⑦	19-10-19							
⑧	19-10-19							
⑨	19-10-19							

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OBJECTION of PROJECT No.: DA-274/2019 for Community and Environmental Safety

Dear Sir /Madam

Objection of Project No.: DA-274/2019 for community and Environmental Safety

As residents of the neighbourhood we object to the construction of the 60 place centre-based Child Care Facility on 49 Martin Street, Lidcombe. We are concerned about the elevated noise level which will disturb the quiet enjoyment of residents. The daily heavy traffic would generate noises and pedestrians' danger as Martin Street, Platform Street, Rawson streets are very narrow. We would like to voice our concerns in this matter.

Object: ✓

Number	Date	Noise	Traffic	Name	Address	Contact number	signature
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							

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Object: ✓

Number	Date	Noise	Traffic	Name	Address	Contact number	signature
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							

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OBJECTION of PROJECT No.: DA-274/2019 for Community and Environmental Safety

Dear Sir /Madam

Objection of Project No.: DA-274/2019 for community and Environmental Safety

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Object: ✓

Number	Date	Noise	Traffic	Name	Address	Contact number	signature
27							
28							
29							
30							
31							
32							
33							
34							
35							
36							

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Objection of Project No.: DA-274/2019

For Community and Environmental Safety

As residences of the neighbourhood we object the construction of the 60 place centre-based Child Care Facility on 49 Martin Street, Lidcombe. We are concerned about the elevated noise level and daily heavy traffic that could endanger us. We would like to voice our concerns in this matter.

Object: ✓

	Date	Noise	Traffic	Other	Name	Address	Phone	Signature
37								
38								
39								
40								
41								
42								
43								
44								
45								

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Objection of Project No.: DA-274/2019

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Object: ✓

	Date	Noise	Traffic	Other	Name	Address	Phone	Signature
46	20/10/19							
47	20/10/19							
48	20/10/19							
49	20/10/19							
50	20/10/19							
51	20/10/19							
52	20/10/19							
53	20/10/19							
54	20/10/19							

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Object: ✓

Date	Noise	Traffic	Other	Name	Address	Phone	Signature
19/10/19							
20/10/19							
20/10/19							
20/10/19							
20/10/19							
20/10/19							
20/10/19							
20/10/19							
20/10/19							
20/10/19							

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Object: ✓

Date	Noise	Traffic	Other	Name	Address	Phone	Signature
20/10/19							
20/10/19							
20/10/19							
20/10/19							
20/10/19							
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20/10/19							
20/10/19							
20/10/19							

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Dear Sir/Madam

Objection of Project No.: DA-274/2019

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Object: ✓

	Date	Noise	Traffic	Other	Name	Address	Phone	Signature
69	19/01/19							
70	19/10							
71	19/10/19							
72	19/10/19							
73	19/10/19							
74	19/10/19							
75	19/10/19							
76	19/10/19							
77	19/10/19							

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Dear Sir/Madam

Objection of Project No.: DA-274/2019

For Community and Environmental Safety

As residences of the neighbourhood we object the construction of the 60 place centre-based Child Care Facility on 49 Martin Street, Lidcombe. We are concerned about the elevated noise level and daily heavy traffic that could endanger us. We would like to voice our concerns in this manner.

Object: ✓

	Date	Noise	Traffic	Other	Name	Address	Phone	Signature
78	20/10/19							
79	20/10/19							
80	20/10/19							
81	20/10/19							
82	20/10/19							
83	20/10/19							
84	20/10/19							
85	20/10/19							
86	20/10/19							

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Document Set ID: 4747477
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Objection of Project No.: DA-274/2019

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Object: ☒

	Date	Noise	Traffic	Other	Name	Address	Phone	Signature
87	20/10/19							
88	20-10-19							
89	20-10-19							
90	20/10/19							
91	20/10/19							
92	20/10/19							
93	20/10/19							
94	20/10/19							
95	20/10/19							

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Object: ☒

	Date	Noise	Traffic	Other	Name	Address	Phone	Signature
96	20/10/19							
97	20/10/19							
98	20/10/19							

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There are no footpaths in this area. Making some people jog and walk on the road. Come in the morning and you can see many people on the road.



This intersection between Swete St and Rawson Street is also very dangerous because of the house that was built right up to the corner. Increasing the traffic will increase the change of accidents at this location.



The nearest intersection has a STOP sign and nobody actually stops at this location. With more traffic, you will have more drivers disobeying the sign.



Phillips Park is very heavily used by the local people for fitness and route to Lidcombe Station and to the schools. A child care centre will increase the risk of a crash with a pedestrian.

This bend is also very dangerous for those accessing the park. It will be dangerous to see more cars in this local area.



Martine
Street

DOCUMENTS
ASSOCIATED WITH
REPORT LPP005/20

Attachment 5
Plan of Management



Plan of Management: Proposed Child Care Centre at 49 Martin Street, Lidcombe NSW 2141

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Part 1: Introduction

This Plan of Management has been prepared by Gowrie NSW on behalf of the property owners and outlines the operation of a proposed child care centre to be located at 49 Martin Street, Lidcombe NSW. Gowrie NSW (Gowrie) is a not for profit organisation that has been operating for 75 years in the early and middle childhood sector. Gowrie operates a number of early and middle childhood centres in New South Wales and also provides professional learning programs and consultancy to the sector. The aim of the proposed development is to provide a child care centre that is well designed, functional and meets all requirements of the Education and Care Services National Regulations 2011. The centre will cater for children and families that live and/or work in the local community.

Part 2 : Capacity and Hours of Operation

2.1 Description of centre

The centre will be located in the suburb of Lidcombe in a specifically designed building. Parking is on ground level. Lift access is available from the ground level to level 1 of the centre. Outdoor play areas are available for children on ground level and level 1.

2.2 Number of children and age groups

It is proposed that the centre will cater for 60 children aged from 0 – 5 years. The proposed number of children for each age group is as follows:

Age group	Number of children
0-2	10
2-3	20
3-5	30
Total	60

2.3 Hours of operation and use of outdoor play

The proposed centre will operate between the hours of 7.00am and 6.00pm from Monday to Friday for 52 weeks of the year. The centre will not operate on gazetted New South Wales public holidays.



Use of outdoor play areas:

The outdoor play areas are surrounded by fencing designed to acoustic specifications in order to mitigate any issues with noise in the surrounding neighborhood. Additionally, our Noise Management Plan will also involve distributing the children into small groups for active play. This will be as follows:

Up to 10 children within Outdoor Play Area 1 (0-2yrs);

Up to 10 children within Outdoor Play Area 2 (2-3yrs) at any time, all day, and

Up to 15 children (3-5 yrs) within Outdoor Play Area 3 (10 engaged in free play, 5 engaged in passive activities within the designated 'Quiet Play' area) at any time, all day.

Part 3 : Staffing and administration

3.1 Number and qualifications of educators

Educators will be employed as required under the Education and Care Services National Regulations. This includes the following number of educators. Float staff may be employed depending on the number of spaces filled. A cook will help in the preparation of meals.

Age	Number of children	Required educator to child ratios Required number of educators to work directly with children	Required educator to child ratios Required number of educators to work directly with children
0-2	10	1:4	3
2-3	20	1:5	4
3-5	30	1:10	3
		Total educators on site while centre is at full capacity	10



Qualifications of educators

The 10 educators listed above will have, as a minimum, the following qualifications which are in keeping with the requirements of the Education and Care Services National Regulations:

Qualification	Number of educators
Early Childhood Teacher degree	2 educators
Diploma level education and care qualification	4 educators
Certificate 111 level education and care qualification	4 educators

Educators will also hold approved first aid, asthma and anaphylaxis management and child protection qualifications and have undertaken a mandatory Working with Children Check.

3.2 Administration and other staff

In order for the centre to be administered efficiently and to a high standard, a Nominated Supervisor will be employed. The Nominated Supervisor along with the Approved Provider will manage administration tasks such as fees, telephone enquiries, maintenance organisation, ordering and deliveries. As listed above, an additional support educator will be employed in the capacity of float staff to provide assistance while educators are taking meal breaks or program planning time.

3.3 Management

Management of the centre will be undertaken by a suitable children's services Approved Provider to ensure compliance with all regulations and best practice guidelines. However, a Nominated Supervisor will be employed to work on site to meet the requirements of the Education and Care Services National Law and Regulations and oversee daily practices in the centre.



3.4 Total staff

It is proposed that when the centre is operating at full capacity the following staff members will be on site:

Staff Member	Number of staff
Educators	10
Float Staff	1
Total	11

Float staff may be employed depending on the number of spaces filled. A cook will help in the preparation of meals.

Part 4: Arrivals and Departures

There will be a system in place for recording the arrival and departure of all children, staff and visitors to the centre. Additionally, a documented Arrival and Departure Policy and Procedure will be in place as required by the Education and Care Services National Regulations.

4.1 Staff

Staff will be organised to arrive and depart using the following guidelines:

- A minimum of 2 staff members will be on the premises at any time children are in attendance.
- The correct number and qualifications of staff will be present and supervising children as required by the Education and Care Services National Regulations.
- A roster will be organised so that staff arrive at staggered times between 6.45am and 10.00am and leave at staggered times between 2.45pm and 6.00pm.
- The staggered arrival and departure times will be organised to coincide with the different arrival and departure times of children to ensure the correct number of staff are present and on duty at all times.
- All staff will sign an attendance register upon arrival and when leaving the premises.

4.2 Children

Based on Gowrie NSW's experience in the childcare sector, it is anticipated that children will arrive at the centre at staggered times between 7.00am and 10.00am and leave the centre at staggered times from 2.45pm onwards. For the safe arrival and departure of children the following guidelines will be in place:

- All children must arrive and leave the centre accompanied by a parent or other adult that has been nominated, in writing, by the parent.
- All children must be signed in and out by the parent or other nominated adult on an attendance register with arrival and departure times recorded.



- Parents or other adults accompanying the child must speak with a staff member upon arriving and leaving with their child.

4.3 Visitors

Visitors to the centre will be monitored by the administration officer and Nominated Supervisor using the following guidelines:

- Visitors will include maintenance personnel and any other person not employed by the centre (excluding the parent or nominated adult of a child enrolled at the centre).
- All visitors must sign in and out on the centre visitor's register with the arrival and departure time recorded.
- Visitors must be supervised at all times by a staff member.

Part 5: Educational program

5.1 Educational program of experiences

The centre's educational program for children will be planned according to the requirements of the Education and Care Services National Regulations and in keeping with Belonging Being and Becoming: The Early Years Learning Framework and the National Quality Standard for education and care services.

Documentation of children's experiences will be available to families and visitors to the centre. The aim of these experiences will be to support children's learning, growth and well being in all developmental areas.

5.2 Indoor areas

The indoor area of the centre will contain equipment and furniture of sufficient quantity for the number of children and that is designed to enhance children's learning in all developmental areas. The indoor space will be organised to include:

- Areas for different educational activities such as art, construction, literacy, music, pretend play and individual and small group experiences.
- Areas specifically designed for the education and care of children in the 0-2 years age groups. These areas will cater for the unique growth and development needs of infants and toddlers.
- The bottle preparation area located on level 1, adjacent to the 0-2yrs sleeping room, includes refrigeration, a hand washing sink and a washing up sink where infant bottles can be prepared and stored safely and hygienically.
- Sleep rooms containing cots for children in the 0 -2 years age groups to sleep safely and at times that suit their individual routine and developmental stage. These rooms will have viewing panels so that staff can monitor children who are sleeping.
- Storage facilities for play equipment and teaching materials of sufficient quantity to store educational equipment safely.



- Craft sinks for preparation of art experiences located in the for 2 – 3 year old children on level 1.
- Children's lockers for storage of children's personal belongings.
- Children's toilets with children's hand washing basins at their height. This allows children to be independent and to learn appropriate hygiene skills. These areas will have viewing panels so that staff can monitor children's safety at all times.
- A commercial grade kitchen for the safe and hygienic storage of food and preparation of children's meals. Nutrition will be an important part of the children's educational program.
- Laundry facilities located on level 1 for the daily laundering of linen.
- A staff area for staff respite. This is provided on level 1 in the area marked as "staff".
- Administration areas for carrying out tasks for the management and administration of the centre. These areas are marked as "admin/consult" on level 1.

5.3 Outdoor play areas

The outdoor play areas will be organised to contain a variety of play areas including areas for active, quiet, gross motor and sensory experiences. While the space for outdoor play for children 0-2 years and 2-3 years are located on level 1 of the building, provision will be made to ensure there are natural elements in the space.

As such the outdoor areas located on both ground level and level 1 will include:

- An area for sand play.
- A wet play area.
- Space for movable climbing and balancing equipment and other equipment to promote gross and fine motor skills.
- A soft fall area for placing climbing equipment.
- Shade in accordance with shade guidelines provided by the NSW Cancer Council. Note that the centre will also have a Sun Safety Policy based on recommendations from the NSW Cancer Council.
- Planting suitable for the space to assist in creating natural features.
- Provision for children to experience a variety of natural and recycled materials. There is also provision for children to directly access toilets and indoor spaces from the outdoor play areas.

The outdoor areas are such that there are clear lines of sight, facilitating supervision. Safety features are planned for the perimeter of the area to prevent children from being able to climb and fall from the outdoor space on level 1 to the street level. However, the centre will have a supervision plan to help ensure children are supervised and safe at all times while in these areas.

Part 6: Maintenance

6.1 General Maintenance

The centre will ensure general maintenance is facilitated and carried out as follows so that the environment is safe and conducive to high quality child care:

- The operator will have a policy and procedure that outlines processes for ensuring all maintenance is identified and rectified in a timely manner.



- There will be a procedure for conducting daily safety checks of all areas of the centre to ensure that there are no hazards that compromise the safety of children, staff, parents and visitors. Any hazards identified will be rectified immediately or the area made safe until maintenance can be organized and carried out.
- A preferred maintenance company will be appointed that will conduct regular maintenance to ensure the centre environment is kept to the highest standard.
- Risk assessments will be conducted for all equipment and areas of the building so that risk minimisation strategies can be put in place, including strategies to ensure maintenance is conducted as required.

6.2 Laundry facilities

The centre includes a laundry which will be operated by the centre staff. Linen, bibs and other items will be washed on a daily basis.

The laundry will not be accessible to children and will be kept locked at all times. Equipment will be maintained and operated according to safety guidelines.

6.3 Kitchen facilities

The kitchen will be of commercial grade standards and in accordance with AS4674 requirements and include as follows:

- Facilities for the safe and hygienic preparation of hot and cold food
- Sufficient facilities for the safe and hygienic storage of food items including storage for dry goods and cold storage
- Rubbish disposal facilities
- Dedicated hand washing basin
- Servery area

Maintenance and cleaning plans will be in place to ensure the kitchen is maintained at a safe and high standard. The centre operator will also ensure that a food safety plan is in place and that staff employed to prepare and handle food will have food safety training.

Part 7: Safety and security

7.1 Security

The centre operator will maintain a high level of security to ensure children and staff safety.

Security measures will include:

- Coded keypad access to the centre with a doorbell and intercom system for use by visitors.
- All windows and exits will be fitted with secure locking systems.



- A single entry and exit point for entering and leaving the centre is via front entry foyer on ground level for signing children in and out and for other visitors to enter the centre. Access to the car park and centre is an entry located on Martin Street.
- Sufficient lighting will be installed to help ensure safe entry and exit to the centre during night time hours.
- An emergency evacuation and lockdown procedure will be in place for the centre.

7.2 Fire safety and emergency

The centre operator will ensure that the building is compliant with all fire safety regulations. Fire equipment will be checked regularly in accordance with regulations. The centre will have an emergency evacuation plan in place that complies with AS3745 and fire and emergency drills will be conducted monthly and records kept. The plan and drills will take into consideration:

- The mobility of children – special consideration will be given to children who cannot walk and/or descend the emergency exit stairs from level 1 to ground level unaided.
- The location of a safe congregation area away from the building and hazards such as busy roads.
- Consistency with evacuation plans for the entirety of the building including staff working in administration areas.
- Supervision of children during the evacuation and while at the congregation area.

Part 8: Insurances, licenses and approvals

8.1 Insurance

The centre operator will obtain Public Liability and Workers Compensation Insurance in accordance with the Education and Care Services National Law Act and Regulations.

8.2 Licenses and approvals

The centre will be operated by an operator who holds the required Provider Approval in keeping with the Education and Care Services National Law Act and Regulations. The operator will also obtain all necessary licenses and approvals including a Service Approval from the NSW Department of Education and provide notification of food activities to the local council. The operator will also ensure that the centre has in place all policies and procedures required under the Education and Care Services National Regulations, Work Health and Safety Legislation, child protection legislation and employment legislation.

**DOCUMENTS
ASSOCIATED WITH
REPORT LPP005/20**

**Attachment 6
Noise Impact Assessment Report**



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Environmental Noise Impact Assessment

Child Care Centre
49 Martin Street, Lidcombe, NSW

REPORT No
6462-1.1R

DATE ISSUED
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Prepared For:
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Lidcombe NSW 2141



Environmental Noise Impact Assessment**Revision History**

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Environmental Noise Impact Assessment**1.0 EXECUTIVE SUMMARY**

A new child care centre is proposed to be developed at 49 Martin Street, Lidcombe, NSW. The proposal involves the demolition of an existing residential dwelling and construction of a new two storey building.

The proposal includes indoor and outdoor play areas on ground and first floor levels with associated offices, kitchen and laundry facilities. A carpark is also proposed on the site with capacity for 16 vehicles on ground level. 12 spaces are undercover, below the first floor structure and 4 uncovered spaces at the front of the site.

With the proposed works, the Centre will have a total capacity for 60 children comprising:

- 0 – 2 year olds – 10 children;
- 2 – 3 year olds – 20 children; and
- 3 – 5 year olds – 30 children

The proposed hours of operation for the Centre are:

- Monday to Friday: 7:00 am – 6:00 pm.

Bounding the Centre on the south, west and northern boundaries are residential premises with more residential dwellings on the opposite side of Martin Street to the east.

The nearby residential premises may be affected by additional noise generated by the expansion of the Centre as follows:

- Children playing both outside and inside;
- Additional traffic; and
- Additional mechanical plant.

Cumberland City Council requires an acoustic assessment to accompany the development application to demonstrate that the noise impact from the proposed Centre will not adversely affect the acoustic amenity of nearby residential premises.

Acceptable noise limits have been derived from the Association of Australasian Acoustical Consultants' (AAAC) '*Guideline for Child Care Centre Acoustic Assessment*', the Environmental Protection Authority's Noise Policy for Industry and the NSW Road Noise Policy.

Noise levels from the Child Care Centre's activities have been modelled to the nearest existing residential premises. Recommendations are made in Section 7 of this report to reduce the noise emission to within the AAAC's '*Guideline for Child Care Centre Acoustic Assessment*' acceptable limits, and therefore comply with the requirements of the Cumberland City Council DCP.



2.0 CONSULTING BRIEF

Day Design Pty Ltd was engaged by Mr. Andrew Tran to assess the potential environmental noise impact from a proposed Child Care Centre to be constructed at 49 Martin Street, Lidcombe, NSW. This commission involves the following:

Scope of Work:

- Inspect the site and environs
- Measure the background noise levels at critical locations and times
- Establish acceptable noise level criterion
- Prepare a site plan identifying the development and nearby noise sensitive locations
- Quantify noise emissions from the Child Care Centre
- Calculate the level of noise emission, taking into account building envelope transmission loss, screen walls and distance attenuation
- Provide recommendations for noise control (if necessary)
- Prepare an Environmental Noise Impact Report.



Environmental Noise Impact Assessment

3.0 SITE AND DEVELOPMENT DESCRIPTION

3.1 Site Description

The site is located on the western side of Martin Street, Lidcombe, on land zoned R2; Low Density Residential under the Auburn Local Environmental Plan (LEP) 2010.

Bounding the Centre on the south, west and northern boundaries residential premises with more residential dwellings on the opposite side of Martin Street to the east.

The nearest noise sensitive receptors are shown in Figure 1 and in Table 1.

Table 1 Noise Sensitive Receptors

Receptor and Type	Address	Distance & Direction from site	Building type
R1 – Residential	47 Martin Street	5 m – South	Two Storey
R2 – Residential	6 Platform Street	5 m – West	Two Storey
R3 – Residential	51 Martin Street	5 m – North	Two Storey
R4 – Residential	42 Martin Street	30 m – East	Single Storey

All distances are approximate and based on the closest noise generating point of the Centre to the assessment location at each receptor.

All residential receptor locations listed in Table 1, at which noise levels have been assessed, are representative of all adjacent residential receptors in the immediate area. Compliance at these nearest representative locations will ensure compliance at every other adjacent receptor.

3.2 Development Description

The Centre will include 3 separate outdoor and indoor play areas. Two of each are to be at first floor level for 0-2's and 2-3's, and one of each on the ground floor level at the rear of the site for 3 – 5 year old children.

A ground level car park with capacity for 16 vehicles is proposed. 12 spaces are to be located under the first floor structure with 4 spaces (designated for staff vehicles) at the front of the site uncovered.

Air conditioning is proposed for the site.

The proposed hours of operation for the Centre are 7:00 am – 6:00 pm, Monday to Friday.





Figure 1. Location Plan; 49 Martin Street, Lidcombe, NSW.



4.0 MEASURED NOISE LEVELS

4.1 Long Term Noise Monitoring

The L_{90} background noise level is a statistical measure of the sound pressure level that is exceeded for 90% of the measurement period (typically 15 minutes).

The Rating Background Level (RBL) is defined by the NSW EPA as the median value of the (lower) tenth percentile of L_{90} ambient background noise levels for day, evening or night periods, measured over a number of days during the proposed days and times of operation.

The background noise level should be measured at a location representative of the potentially affected receptors, in the absence of any noise sources that may be associated with the proposed development.

An environmental noise logger was placed at Location 'A', as shown in Figure 1, 1.5 metres above ground level in the rear yard of 49 Martin Street between Monday 12 March and Monday 19 March 2018.

Details of instrumentation used during the noise surveys can be seen in the attached Appendix A.

The results of the background noise survey at the logger position is shown in the attached Appendix B and Table 2. While the Centre is not proposed to operate during the evening and night time periods, noise levels during these times are shown to provide a complete overview of the acoustic environment.

Table 2 Rating and Ambient Background Levels

Location	Time Period	L_{90} Rating Background Level	Existing L_{eq} Noise Levels
Location 'A'	Shoulder Period (6:30 am – 7 am)	39	n/a
Rear Yard -	Day (7 am to 6 pm)	36	48
Ground Level	<i>Evening (6 pm to 10 pm)</i>	<i>40</i>	<i>52</i>
49 Martin St	<i>Night (10 pm to 7 am)</i>	<i>39</i>	<i>47</i>

Meteorological conditions during the measurement surveys typically consisted of clear skies with temperatures ranging from 15°C to 39°C. Atmospheric conditions were considered ideal for noise monitoring. No significant rainfall was recorded during the measurement period. Therefore, noise level measurements were considered reliable and typical for the receptor area.



4.2 Short Term Noise Measurements

The rear yard of the site is by shielded from noise in the surrounding area by residential dwellings, some of which are two stories in height. Short term noise measurements were conducted at both ground floor (1.5 metres above ground level) and first floor level (4.5 metres above ground level) to ascertain the difference in the level of noise exposure at first floor level.

It is noted that there are two storey dwellings adjacent to the site which provide a degree of shielding from noise in the area at ground level. At first floor level, the effect of this shielding is reduced as facades at first floor level are more exposed to noise from nearby sources such as local traffic, the industrial area to the east and the train line to the south.

Short term noise measurements were also conducted on Martin Street to determine the difference in noise levels between the logger location and those at the facades of residences facing Martin Street.

All short term measurements were conducted while the noise logger at Location 'A' was in place. Noise levels from the sound level meter were then compared with the noise logger to obtain the level differences at first floor level and on Martin Street.

The level of noise reduction between Location 'A' at ground and first floor level and at Location 'B', are shown in Table 3.

Table 3 Ambient Noise Levels – 2 Locations

Location	Noise Level at Location – L ₉₀	Noise Level at Logger Location – L ₉₀	Difference - dB
Location 'A' – Ground Floor	39	39	0 dB
Location 'A' - First Floor	45	39	+6 dB
Location 'B' – Martin Street	42	39	+3 dB

It can be seen that the two storey dwellings surrounding the site provide significant shielding from noise at ground floor level. Further, background noise levels at ground floor level are higher at the front of the site than at the rear, as expected.



5.0 NOISE CRITERIA

5.1 Auburn City Council DCP

Cumberland Council incorporates the Auburn Development Control Plan (DCP) 2010 – Child Care Centres, and states the following:

2.2 Visual Impact

Performance Criteria

P1 The design of child care centres minimises visual impact on adjoining properties

Development Controls

D1 Visual screening in the form of vegetation or fencing over 3m high shall be provided to outdoor play areas where:

- *The child care centre or the outside playing areas are within 15m of an adjoining building line*
- *The child care centre shares a boundary with residentially zoned land*
- *The view from within the child care centre may be offensive, daunting or inappropriate*

2.3 – Noise

P1 Excessive noise and vibration to and from developments is minimised

Development Controls

D1 Acoustic attenuation may be required if the child care centre is likely:

- *To be affected by heavy traffic noise*
- *Is situated on a collector/main road, or*
- *Is located in an industrial zone or receives aircraft noise or in circumstances where child care centres have the potential to affect the amenity of adjoining properties'*

5.2 NSW DoPE –Child Care Planning Guide

The NSW Department of Planning and Environment (DoPE) published the Child Care Planning Guideline (CCPG) in August 2017 as a supplement to the State Environmental Planning Policy (SEPP) (Educational Establishments and Child Care Facilities) 2017.

The SEPP states that “a consent authority must take into consideration this Guideline (CCPG) when assessing a development application (DA) for a centre-based child care facility.” The SEPP also determines that the Guideline “will take precedence over a Development Control Plan (DCP), with some exceptions, where the two overlap in relation to a child care facility.”

The Guideline was introduced to ‘assist industry to deliver early childhood education facilities that are of the highest standards’ and ‘to align NSW planning controls with the National Quality Framework for early education and care, creating more certainty for developers and operators seeking service approval’.



Section 3, Matters for Consideration, Subsection 3.5 Visual and acoustic privacy, contains the following for consideration:

'Objective: To minimise the impact of child care facilities on the acoustic privacy of neighboring residential developments.'

C23

A new development, or development that includes alterations to more than 50 percent of the existing floor area, and is adjacent to residential accommodation should:

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

C24

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

- *Identify an appropriate noise level for a child care facility located in residential and other zones*
- *Determine an appropriate background noise level for outdoor play area 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.'*

Subsection 3.6 Noise and air pollution, contains the following for consideration:

'Objective: To ensure that outside levels on the facility are minimized to acceptable levels.'

C25

Adopt design solutions to minimise the impacts of noise, such as:

- *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.*



5.3 AAAC Noise Criteria

5.3.1 Outdoor Play Areas

In May 2008, the Association of Australasian Acoustical Consultants (AAAC) first published the *Guideline for Child Care Centre Acoustic Assessment*. The guideline was updated in 2010 to assist both AAAC members and local Councils to assess the noise impact from proposed child care centres both accurately and fairly (see www.aaac.org.au).

It is common practice for councils to follow the recommendations of the EPA and require a noise criterion of background +5 dB at residential receptor locations for noise impact from sources such as mechanical plant, which may operate over a prolonged period of time.

However, children do not generally play outdoors for long periods of time, and as the duration of time for children playing outside is reduced, the overall noise annoyance reduces. Therefore, it is reasonable to allow a higher level of noise impact for a shorter duration. The AAAC document states that a total time limit of 2 hours of outdoor play per day (e.g. 1 hour in the morning and 1 hour in the afternoon) should allow an additional 5 dB noise impact.

Up to 2 hours (total) per day – The $L_{eq, 15min}$ noise level emitted from the outdoor play area shall not exceed the background noise level by more than 10 dB at the assessment location.

More than 2 hours per day – The $L_{eq, 15min}$ noise level emitted from the outdoor play area shall not exceed the background noise level by more than 5 dB at the assessment location.

5.3.2 Indoor Play Areas and Car Park

The $L_{eq, 15min}$ noise level emitted from the cumulative noise impact of children playing indoors, mechanical plant and traffic on the site shall not exceed the background noise level by more than 5 dB at the residential assessment location.

5.3.3 External Noise Impact

The noise level $L_{eq, 1 hour}$ from road, rail traffic or industry at any location within the outdoor play or activity area during the hours when the Centre is operating shall not exceed 55 dBA.

The noise level $L_{eq, 1 hour}$ from road, rail traffic or industry at any location within the indoor play or sleeping area during the hours when the Centre is operating shall not exceed 40 dBA.



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5.4 Road Traffic Noise Criteria

The NSW Road Noise Policy, in Section 2.3.1, sets out road traffic noise assessment criteria for residential and non-residential land uses in Tables 3 and 4. The information in those tables is extracted and reproduced in Table 5.

Table 4 Road Traffic Noise Assessment Criteria - Residential

Road Category	Type of project/land use	Assessment Criteria - dB(A)	
		Day (7am - 10pm)	Night (10pm - 7am)
Local roads	1. Existing residences affected by additional traffic on existing local roads generated by land use developments	$L_{Aeq, (1 \text{ hour})}$ 55 (external)	$L_{Aeq, (1 \text{ hour})}$ 50 (external)

5.5 Sleep Disturbance Criterion

Given the proposed operating hours of the Centre (7 am to 6 pm), it follows that a number of staff will arrive prior to 7 am. As such, the potential for sleep disturbance, from maximum noise level events from vehicles arriving during the shoulder period of 6:30 am and 7 am, has been considered.

5.5.1 Noise Policy for Industry – Sleep Disturbance

The Noise Policy for Industry provides the following guidance for setting appropriate trigger levels for sleep disturbance:

'Sleep disturbance is considered to be both awakenings and disturbance to sleep stages. Where the subject development/premises night-time noise levels at a residential location exceed:

- $L_{Aeq, 15min}$ 40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater, and/or
- L_{AFmax} 52 dB(A) or the prevailing RBL plus 15 dB, whichever is the greater,

a detailed maximum noise level event assessment should be undertaken.

The detailed assessment should cover the maximum noise level, the extent to which the maximum noise level exceeds the rating background noise level, and the number of times this happens during the night-time period. Some guidance on possible impact is contained in the review of research results in the NSW Road Noise Policy.



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Other factors that may be important in assessing the extent of impacts on sleep include:

- *How often the high noise events will occur*
- *The distribution of likely events across the night-time period and the existing ambient maximum events in the absence of the subject development*
- *Whether there are times of day when there is a clear change in the noise environment (such as during early-morning shoulder periods)*
- *Current scientific literature available at the time of the assessment regarding the impact of maximum noise level events at night*

Maximum noise level event assessments should be based on the L_{AFmax} descriptor on an event basis under 'fast' time response. The detailed assessment should consider all feasible and reasonable noise mitigation measures with a goal of achieving the above trigger levels.

The detailed assessment should consider all feasible and reasonable noise mitigation measures with a goal of achieving the above trigger levels.



5.5.2 NSW Road Noise Policy – Sleep Disturbance

Section 5.4 of the NSW Road Noise Policy provides the following advice with regard to sleep disturbance:

From the research on sleep disturbance to date it can be concluded that:

- *Maximum internal noise levels below 50 – 55 dBA are unlikely to awaken people from sleep*
- *One or two noise events per night, with maximum internal levels of 65 – 70 dBA are not likely to affect health and wellbeing significantly.*

5.6 Project Specific Noise Criteria

The measured background noise levels have been used to establish the most stringent noise criteria at each receptor location as follows:

5.6.1 Residential Receptors

Within rear yards and residential facades at ground floor level:

- $(36 + 10 =) \mathbf{46 \text{ dBA } L_{eq, 15 \text{ minute}}}$ for outdoor play up to 2 hours (total) per day; and
- $(36 + 5 =) \mathbf{41 \text{ dBA } L_{eq, 15 \text{ minute}}}$ for outdoor play for more than 2 hours (total) per day and the cumulative impact of all other noise sources including car park, mechanical plant and indoor play areas.

At residential facades at first floor level:

- $(42^1 + 10 =) \mathbf{52 \text{ dBA } L_{eq, 15 \text{ minute}}}$ for outdoor play up to 2 hours (total) per day; and
- $(42^1 + 5 =) \mathbf{47 \text{ dBA } L_{eq, 15 \text{ minute}}}$ for outdoor play for more than 2 hours (total) per day and the cumulative impact of all other noise sources including car park, mechanical plant and indoor play areas.

At residential facades facing Martin Street:

- $(39^2 + 10 =) \mathbf{49 \text{ dBA } L_{eq, 15 \text{ minute}}}$ for outdoor play up to 2 hours (total) per day; and
- $(39^2 + 5 =) \mathbf{44 \text{ dBA } L_{eq, 15 \text{ minute}}}$ for outdoor play for more than 2 hours (total) per day and the cumulative impact of all other noise sources including car park, mechanical plant and indoor play areas.

The residential criteria apply at the most-affected point on or within the residential property boundary. For upper floors, the noise is assessed outside the nearest window.

¹ RBL + 6dB, see Table 3

² RBL + 3dB, see Table 3



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Consideration has been given to sleep disturbance caused by noise generated by vehicles of staff arriving prior to 7 am.

The first floor levels of R1 and R3 are the closest and most exposed to noise generated from the use of the car park.

- (39 + 15 =) **54 dBA L_{Amax}** trigger level between 6.30 am and 7 am (staff arriving).
- **50 – 55 dBA L_{Amax}** internal level between 6.30 am and 7 am (staff arriving).

5.6.3 On-Road Traffic Noise Criterion

The following criterion will be applied at 1 metre from the most affected façades of all receptors for on – road traffic noise:

- **55 dBA** (external) $L_{eq, 1 \text{ hour}}$ between 7 am and 10 pm.

5.6.4 External Noise Within Outdoor Play Areas

The following criterion will be applied within any point of any outdoor play area for road traffic noise:

- **55 dBA** $L_{eq, 1 \text{ hour}}$ between 7 am and 6 pm.

5.6.5 External Noise Within Indoor Play and Sleeping Areas

The following criterion will be applied within any point of any indoor play area for road traffic noise:

- **40 dBA** $L_{eq, 1 \text{ hour}}$ between 7 am and 6 pm.



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6.0 CHILD CARE CENTRE NOISE EMISSION

The nearby residential premises may be affected by noise generated by the Centre as follows:

- Up to 60 children playing both outside and inside;
- Additional traffic; and
- Mechanical plant.

We have assessed the noise impact from the car park and indoor play areas independently from the outdoor play area as the noise sources are unlikely to occur simultaneously. For example the car park entrance is used during the morning and afternoon peak hours, and the outdoor play areas are used at capacity during the day.

We have considered the noise impact at each of the residential receptor locations, as outlined in Table 1.

Noise modeling is based on conceptual architectural drawings provided by Mr. Andrew Tran, shown in Appendix C.

6.1 Indoor and Outdoor Play Areas

Day Design Pty Ltd has previously measured and quantified the L_{eq} (15 min) sound level of children at a number of different child care centres. From this data we have been able to determine an L_{eq} sound power level (SWL) per child.

The AAAC has presented a range of A-weighted SWL's per child in its '*Guideline for Child Care Centre Acoustic Assessment*'. The logarithmic average of the full range of A-weighted SWL's for children has been used to represent the noise emission from a typical group of mixed aged children engaged in free play. It should also be noted that from previous experience, where passive / quiet activities are engaged in by children, the noise generated by children is generally 10 dB lower than active play.

The sound power levels for each group are presented in Table 5 and used in this assessment.

Table 5 Children at Play Indoor and Outdoor L_{eq} Sound Power Levels

Number and Age of Children	Sound Power Levels (dB)								
	dBA	at Octave Band Centre Frequencies (Hz)							
		63	125	250	500	1k	2k	4k	8k
10 children, 0 to 2 years	79	55	61	67	72	75	72	68	64
10 children, 2 to 3 years	85	61	67	73	79	81	78	74	70
10 children, 3 to 5 years	88	65	71	76	82	85	81	77	73
10 children, 0 to 2 years	79	55	61	67	72	75	72	68	64
20 children, 2 to 3 years	88	64	70	76	82	84	81	77	73
30 children, 3 to 5 years	93	70	76	81	87	90	86	82	78



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6.2 Car Park Noise Emission

Based on the RTA's 'Guide to Traffic Generating Developments' prediction of 0.8 peak (morning 7 am – 9 am) vehicle trips per child for Child Care Centres (Long-day care), we have assumed, as a worst case scenario, a flow of cars equivalent to 48 trips in 1 hour arriving or leaving the car park in the morning peak. This is equivalent to 12 vehicle trips in a 15 minute period.

For the assessment of sleep disturbance we have assumed that staff vehicles will arrive at the Child Care Centre between 6:30 am and 7:00 am, enter the car park from Manchester Road and park in the designated parking spaces. The SEL and L_{Amax} sound power level and spectra of vehicle noise is shown in Table 6. These levels are based on previous measurements by Day Design.

Table 6 Sound Power Levels of Car Park Noise

Description	Sound Power Levels (dB)								
	at Octave Band Centre Frequencies (Hz)								
	dBA	63	125	250	500	1k	2k	4k	8k
SEL sound power level of car maneuvering within car park	84	92	88	84	81	79	75	73	69
SEL sound power level of car drive-by at approximately 10 km/h	82	86	82	78	77	78	73	70	64
L_{Amax} of car turning into driveway	92	98	92	90	88	88	83	80	76



6.3 Mechanical Plant

Air conditioning is proposed for the Centre however, at the time of preparing this report, a model had not been selected. To determine the total level of plant noise at each receptor we have assumed that an outdoor condenser unit will be installed within the covered carpark area.

Sound power levels used in the calculation of the noise contribution from the additional outdoor condenser unit are shown in Table 7.

Table 7 Sound Power Level - Outdoor Condenser Unit

Description	Sound Power Levels (dB) at Octave Band Centre Frequencies (Hz)								
	dBA	63	125	250	500	1k	2k	4k	8k
Typical Outdoor Condenser Unit ³	67	70	67	67	66	62	57	52	52

A garage roller door is also proposed to provide access to the covered parking area with an automatic door opener installed on the underside of the first floor slab. At the time of preparing this report, a specific door motor model had not been selected, however, a sound power level of up to 67dBA has been assumed.

It should be noted that the garage door will typically be in operation for 10 – 15 seconds twice a day and will likely not be in operation whilst the Centre is in operation. Therefore, it is not considered when cumulative noise levels are calculated, rather, as an individual noise source.

6.4 Calculated Noise Level at Receptor Locations

Knowing the sound power level of a noise source (See Tables 5 - 7), the sound pressure level (as measured with a sound level meter) can be calculated at a remote location using suitable formulae to account for distance losses, sound barriers, etc. The predicted noise level at the residential receptors from the activities discussed previously are shown below in Table 8 to Table 12.

The following noise level predictions are for the ground and first floor of the nearest residential dwellings. The calculated noise level at the residential receptors from the various noise producing facets of the Centre are shown below.

³ Spectral sound power level based on Daikin VRV IV S – RXYMQ3AV4A outdoor condenser unit.



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6.4.1 Cumulative Noise Level –Indoor Play, Car Park and Mechanical Plant

The intrusive L_{eq} noise levels at each receptor location are shown in Tables 8 & 9.

Calculations assume children playing inside are distributed evenly throughout the indoor play areas with windows and/or glazed doors open when the Centre is in use. Calculations also assume that the existing 1.8 metre high boundary fences are in place on the north, south and west boundaries of the site.

As specific items of plant have not yet been selected, noise level calculations for mechanical plant assume the outdoor condenser unit and garage door opener has maximum sound power level of 67dBA and has been installed within the covered carpark area.

Cumulative noise levels at ground floor and first floor levels for indoor play, car park use and air conditioning condenser unit are shown in Tables 8 & 9.

Table 8 Cumulative L_{eq} , 15 minute Noise Levels - Indoor Play, Car Park and Mechanical Plant (R1 – R2)

Receptor Location	Calculated Noise Level L_{eq} (15 min)	Noise Criterion	Compliance (Yes/No)
R1 – Residence (South)			
- Indoor play areas	GF - 55 dBA		
	54 dBA - FF		
- Car park	GF - 40 dBA		
	41 dBA - FF		
- Mechanical plant	GF - 34 dBA		
	31 dBA - FF		
Cumulative Noise Level	GF – 55 dBA	41 dBA	No +14
Cumulative Noise Level	54 dBA - FF	47 dBA	No +8
R2 – Residence (West)			
- Indoor play areas	GF - 44 dBA		
	46 dBA - FF		
- Car park	GF - <25 dBA		
	<25 dBA - FF		
- Mechanical plant	GF - <25 dBA		
	<25 dBA - FF		
Cumulative Noise Level – GF	GF – 44 dBA	41 dBA	No +3
Cumulative Noise Level – FF	46 dBA - FF	47 dBA	Yes



Table 9 Cumulative $L_{eq, 15 \text{ minute}}$ Noise Levels - Indoor Play, Car Park and Mechanical Plant (R3 – R4)

Receptor Location	Calculated Noise Level $L_{eq} (15 \text{ min})$	Noise Criterion	Compliance (Yes/No)
R3 – Residential (North)			
- Indoor play areas	GF - 56 dBA 55 dBA - FF		
- Car park	GF - 40 dBA 41 dBA - FF		
- Mechanical plant	GF - 34 dBA 31 dBA - FF		
Cumulative Noise Level – GF	GF – 57 dBA	41 dBA	No +16
Cumulative Noise Level – FF	55 dBA - FF	47 dBA	No +8
R4 – Residential (East)			
- Indoor play areas	39 dBA		
- Car park	41 dBA		
- Mechanical plant	<25 dBA		
Cumulative Noise Level	43 dBA	44 dBA	Yes

The calculated cumulative L_{eq} levels of noise from the Child Care Centre are summarised in Table 9 at each receptor location. With the aforementioned assumptions, it can be seen that the cumulative noise levels from the operation of the Centre has potential to exceed the noise level criteria, as established in Section 5, at receptor locations R1, R2 and R3. Noise controls are required to attenuate noise from the operation of the Child Care Centre such that the noise criteria are met.

As the garage door opener is not likely to be in use while the Center is operation, noise levels from the use of the garage door opener are not included in the cumulative noise levels. However, as we have assumed that the garage door opener will have a similar sound power level as the air conditioning plant, and as a worst case scenario, the calculated mechanical plant level shown in Tables 8 and 9 indicate that the use of mechanical plant (air conditioning *or* garage door motor) is below the noise level criteria at all receptors. Given that the garage door motor will be in operation for 10 – 15 seconds, twice a day, $L_{eq} (15 \text{ min})$ noise levels are likely to be much lower in practice.



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6.4.2 Outdoor Play Areas

The calculated $L_{eq, 15 \text{ min}}$ noise levels from activity in the outdoor play area at each receptor are shown in Table 10. The noise level prediction was determined by evenly distributing the children into groups at separate locations across the outdoor play areas, as can be seen in Appendix C.

Calculations also assume that the existing 1.8 metre high boundary fences are in place on the north, south and western boundaries of the site.

Table 10 Calculated L_{eq} Noise Levels - Outdoor Play

Receptor Location	Calculated Noise Level $L_{eq} (15 \text{ min})$	Noise Criterion	Compliance (Yes/No)
R1 – South, within rear yard – GF	54 dBA	41 dBA	No +13 dB
R1 – South, first floor façade – FF	53 dBA	47 dBA	No +6 dB
R2 – West, within rear yard – GF	54 dBA	41 dBA	No +13 dB
R2 – West, first floor façade – FF	51 dBA	47 dBA	No +4 dB
R3 – North, within rear yard – GF	54 dBA	41 dBA	No +13 dB
R3 – North, first floor façade – FF	53 dBA	47 dBA	No + 6 dB
R4 – East, front façade – GF	36 dBA	44 dBA	Yes

The calculated $L_{eq, 15 \text{ minute}}$ levels of noise from children playing outdoors are summarised in Table 10 at the receptor locations. The calculated levels of noise from the outdoor play area has potential to exceed the noise criteria at residential receptors R1, R2 and R3. Noise controls are required to attenuate noise from the operation of the Child Care Centre such that the noise criteria are met.



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6.4.3 Sleep Disturbance

It is proposed that the Centre will accept children from 7 am. A number of staff will arrive prior to 7 am to prepare for the arrival of the children, with more staff and parents arriving after 7 am.

The calculated L_{Amax} traffic noise levels at the most affected point within the nearest receptor locations are shown in Table 11. Calculations assume that the existing fences are in place on the north (approximately 1.5 m in height) and south (approximately 1.2 metres in height) boundaries. The eastern boundary fence, fronting Martin Street is omitted from the calculations given that no fence is proposed.

Table 11 Calculated L_{Amax} Noise Levels – Sleep Disturbance

Receptor Location	Calculated Noise Level L_{Amax}	Noise Criterion	Compliance (Yes/No)
R1 – South, first floor level	62 dBA	54 dBA	No +7dB
R3 – North, first floor level	62 dBA	54 dBA	No +7dB
R4 – East, at front facade	54 dBA	54 dBA	Yes

It can be seen from Table 11 that the trigger level for potential sleep disturbance is exceeded at R1 and R3 at first floor level from vehicles arriving at the Centre prior to 7 am. In this case a more detailed analysis of the situation is warranted and the following observations are made with reference to the additional assessment factors outlined in the Noise Policy for Industry, as presented in Section 5.4.1.

Noise events from the use of the carpark (such as car doors closing) during the early morning shoulder period will occur when staff members arrive between 6:30am and 7:00am to prepare the Centre for the arrival of children, which is anticipated to be up to 3 staff (one for each play area) and their vehicle. More staff will arrive after 7 am.

Staff will enter the carpark via the driveway and park in the designated staff car parking spaces. Noise events will occur during this 30 minute window, the extent of which is anticipated to consist of a vehicle pulling into a car space and a vehicle door closing.

As can be seen from the long term noise data, the acoustic environment changes during the shoulder period as the community begins their daily activities. As a consequence, the shoulder period RBL is seen to be higher than the day time RBL.

The current scientific research, as concluded within the NSW Road Noise Policy, states that maximum internal noise levels below 50 – 55 dBA are unlikely to awaken people from sleep. It is generally accepted that up to 10 dB noise attenuation is provided by building facades with windows partially open. The calculated L_{Amax} level from the use of the car park is up to 62 dBA at R1 and R3. With windows partially open (as a worst case) the resulting internal level of 52 dBA is below the maximum internal noise level stipulated in the NSW Road Noise Policy.



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It can be surmised that the number of potential noise events from the use of the carpark is low and the character of the noise is consistent with typical noise in the neighbourhood occurring at the same time. It is also apparent that the maximum internal noise levels within bedrooms at R1 and R3 receptors are unlikely to awaken people from sleep.

Upon further analysis and with the above factors taken into consideration, it is our opinion that the use of the carpark during the early morning shoulder period is unlikely to cause sleep disturbance or reduce the amenity of the neighbouring residential premises despite exceeding the external noise trigger level at R1 and R3. Notwithstanding the above, feasible and reasonable recommendations are given in Section 7 to ensure noise is minimised during the early morning shoulder period.

6.4.4 On – Road Traffic

The external $L_{eq, 1 \text{ hour}}$ traffic noise levels at the residential receptor locations associated with additional on – road traffic throughout the day have been calculated. Calculations assume additional traffic will be travelling on Martin Street. Noise levels at each receptor location are shown in Table 12.

Table 12 Calculated $L_{eq, 1 \text{ hour}}$ Noise Levels - Additional On – Road Traffic

Receptor Location	Calculated Noise Level	Noise Criterion	Compliance (Yes/No)
R1 – West, within rear yard	44 dBA	55 dBA	Yes
R3 – East, at front facade	44 dBA	55 dBA	Yes
R4 – East, at front facade	44 dBA	55 dBA	Yes

The calculated external levels of noise from on-road traffic are below the noise criteria in Section 5, and are therefore acceptable. Noise controls are not required to protect residents from additional on-road traffic generated by the operation of the Centre.



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6.4.5 External Traffic Noise Within Outdoor Play Areas

Given that traffic noise at the site is predominantly low volume local traffic, we do not anticipate that the level of noise generated by local traffic at the site is of any significance. However, for completeness of this assessment, the external $L_{eq, 1 \text{ hour}}$ road traffic noise levels within each proposed outdoor play area have been calculated. Calculations assume attenuation due to associated shielding from fencing, buildings and distance. Noise levels at each outdoor play area are shown in Table 13.

Table 13 Calculated $L_{eq, 1 \text{ hour}}$ Road Traffic Noise Levels – Outdoor Play Areas

Receptor Location	Calculated Noise Level	Noise Criterion	Compliance (Yes/No)
Outdoor Play Area 1 (0-2 years)	<30 dBA	55 dBA	Yes
Outdoor Play Area 2 (2-3 years)	39 dBA	55 dBA	Yes
Outdoor Play Area 3 (3-5 years)	<30 dBA	55 dBA	Yes

The calculated external levels of road traffic noise are within the noise criteria in Section 5, and are therefore acceptable. No additional noise control measures are required.



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6.4.6 External Noise Within Indoor Play and Sleeping Areas

Given that traffic noise at the site is predominantly low volume local traffic, we do not anticipate that the level of noise generated by traffic at the site is of any significance. However, for completeness of this assessment, the internal $L_{eq, 1 \text{ hour}}$ road traffic noise level within the proposed indoor play room has been calculated and shown in Table 14. Calculations assume that standard construction has been used throughout and standard glazing thicknesses for windows and glazed doors. As a worst case scenario, it is also assumed that windows and/or glazed doors are partially open.

Table 14 Calculated $L_{eq, 1 \text{ hour}}$ Road Traffic Noise Levels – Indoor Play Room 4

Receptor Location	Calculated Noise Level	Noise Criterion	Compliance (Yes/No)
Indoor Play Room 1	<25 dBA	40 dBA	Yes
Indoor Play Room 2	29 dBA	40 dBA	Yes
Indoor Play Room 3	<25 dBA	40 dBA	Yes

It can be seen that the calculated internal levels of road traffic noise are within the noise criteria in Section 5, and are therefore acceptable. No additional noise control measures are required and standard construction may be used throughout the Centre.



7.0 NOISE CONTROL RECOMMENDATIONS

7.1 Management Plan

We recommend the Child Care Centre's management implement a Noise Management Plan that should include, but not be limited to the following:

- Ensuring all staff and parents are provided with a copy of the Centre's Noise Management Plan and its implications for them during their time at the Centre
- Neighbours should be provided with the name and contact details of the Centre Director, and the invitation to contact that person at any time the Centre is operating.
- Staff arriving prior to 7 am should park in one of the first three car spaces as the carpark is entered. Staff should be made aware of the close proximity of neighbouring residents and that noise should be kept to a minimum. For example, avoid having conversations in the car park, do not slam doors or engage in activity that may create unnecessary noise.
- The carpark roller door should be regularly maintained so that surfaces do not produce squeaks when operated.
- All windows and glazed doors to all Indoor Play Areas should be minimum Rw 29 or minimum 5 mm thickness with acoustic seals fitted.
- Construct a dedicated 'Quiet Play' area within Outdoor Play Area 3 which is to be used exclusively for passive activities such as block play, reading stories, arts and crafts etc
- External windows to the indoor play area should remain closed during operating hours (7 am to 6 pm).
- External doors to indoor play area should remain closed during operating hours (7 am to 6 pm) except when in use.
- Ensuring a sufficient number of educators are provided to supervise children's outside play to discourage unnecessarily loud activities.
- Facilitating children's small group play when outside, and encouraging educators to engage in children's play and facilitate friendships between children.
- Crying children should be comforted as quickly as possible and moved indoors.

We recommend the following numbers of children engage in active play with the following distributions:

- Up to 10 children within Outdoor Play Area 1;
- Up to 10 children within Outdoor Play Area 2 at any time, all day, **and**
- Up to 15 children within Outdoor Play Area 3 (10 engaged in free play, 5 engaged in passive activities within the designated 'Quiet Play' area) at any time, all day.



7.2 Boundary Sound Barrier Walls

The sound barrier fences, as shown in Appendix C, should be constructed from an impervious material such as masonry, lapped-and-capped timber, clear polycarbonate, toughened glass, a proprietary modular system or a combination, free from holes or gaps. We recommend that the use of Colorbond or sheet metal fencing be avoided as additional noise can be generated from children impacting the fence with balls and other items.

- Construct a sound barrier fence along the north and south boundaries of the site to a minimum height of 1.8 metres above ground level.
- Construct a sound barrier fence along the north, south and western boundaries of Outdoor Play Area 3 to a height of 3 metres above ground level, as recommended by Auburn City Council DCP.
- Construct a sound barrier fence along the boundaries of Outdoor Play Areas 1 and 2 to a minimum height of 1.5 metres above first floor level.

If necessary, the design of acoustic fences may be cantilevered such that the boundary fence height is limited to a set height and a 45 degree cantilevered section is constructed on top of the boundary fence to the total height required for the chosen outdoor play scenario. Appendix D shows a typical cantilevered fence design.

7.3 Mechanical Plant

Outdoor air conditioning condenser units are proposed for the Centre and our calculations assume that units will be installed within the undercover carpark area adjacent to the ground floor porch area. In this location, we recommend that the total maximum sound power level of the outdoor condenser unit is 67 dBA or less.

Rooms are to be ventilated to the standards set out in clause F4.5 of the Building Code of Australia and Australian Standards AS1668.2:1991.

We recommend that a garage roller door motor is selected with a sound power level below 67dBA. Furthermore, we recommend that rubber stops are installed to ensure that impact noise generated when operating the door is minimised.

7.4 Landscaping

Landscaping between the noise source and the receptors, in the form of trees and tall shrubs that provide visual screening of the noise source, will not reduce noise levels appreciably. However, they tend to make intrusion of noise psychologically less offensive.



7.5 Construction Disclaimer

Recommendations made in this report are intended to resolve acoustical problems only. We make no claims of expertise in other areas of building construction and therefore the recommended noise controls should be implemented into the building design in consultation with other specialists to ensure they meet the structural, fire, thermal or other aspects of building construction.

We encourage clients to check with us before using materials or equipment that are alternative to those specified in our Acoustical Report.



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8.0 CALCULATED NOISE LEVELS – AFTER NOISE CONTROLS

Cumulative noise levels at ground floor and first floor levels for indoor play, car park use and mechanical plant are shown in Table 15. Calculations assume that all noise control recommendations specified in Section 7 have been implemented.

Table 15 Cumulative $L_{eq, 15 \text{ minute}}$ Noise Levels - Indoor Play, Car Park and Mechanical Plant (R1 – R2)

Receptor Location	Calculated Noise Level $L_{eq} (15 \text{ min})$	Noise Criterion	Compliance (Yes/No)
R1 – Residence (South)			
- Indoor play areas	GF - 30 dBA		
-	28 dBA - FF		
- Car park	GF - 40 dBA		
-	41 dBA - FF		
- Mechanical plant	GF - 33 dBA		
-	30 dBA - FF		
Cumulative Noise Level	GF – 41 dBA	41 dBA	Yes
Cumulative Noise Level	42 dBA - FF	47 dBA	Yes
R2 – Residence (West)			
- Indoor play areas	GF - <25 dBA		
-	<25 dBA - FF		
- Car park	GF - <25 dBA		
-	<25 dBA - FF		
- Mechanical plant	GF - <25 dBA		
-	<25 dBA - FF		
Cumulative Noise Level – GF	GF – <25 dBA	41 dBA	Yes
Cumulative Noise Level – FF	<25 dBA - FF	47 dBA	Yes



Environmental Noise Impact Assessment

Table 16 Cumulative $L_{eq, 15 \text{ minute}}$ Noise Levels – Indoor Play, Car Park and Mechanical Plant (R3 – R4)

Receptor Location	Calculated Noise Level $L_{eq} (15 \text{ min})$	Noise Criterion	Compliance (Yes/No)
R3 – Residential (North)			
- Indoor play areas	GF - 33 dBA		
-	30 dBA - FF		
- Car park	GF - 38 dBA		
-	40 dBA - FF		
- Mechanical plant	GF - 34 dBA		
-	31 dBA - FF		
Cumulative Noise Level – GF	GF – 41 dBA	41 dBA	Yes
Cumulative Noise Level – FF	41 dBA - FF	47 dBA	Yes
R4 – Residential (East)			
- Indoor play areas	<25 dBA		
- Car park	41 dBA		
- Mechanical plant	<25 dBA		
Cumulative Noise Level	41 dBA	44 dBA	Yes

It can be seen that once noise controls are incorporated as recommended in Section 7, the calculated levels of noise at all receptor locations will comply with the noise criteria at each residential receptor location in Section 5 of this report, and will therefore be considered acceptable.



8.1 Outdoor Play After Noise Controls

Once the noise control recommendations in Section 7 are incorporated into the design and management practices of the Centre, the calculated sound pressure level at residential receptor 'R1' from the outdoor play area is as shown in Table 16.

Table 17 Calculated $L_{eq, 15 \text{ minute}}$ Noise Levels for Outdoor Play – After Noise Controls

Receptor Location	Calculated Noise Level $L_{eq} (15 \text{ min})$	Noise Criterion	Compliance (Yes/No)
R1 – South, within rear yard – GF	41 dBA	41 dBA	Yes
R1 – South, first floor façade – FF	46 dBA	47 dBA	Yes
R2 – West, within rear yard – GF	41 dBA	41 dBA	Yes
R2 – West, first floor façade – FF	38 dBA	47 dBA	Yes
R3 – North, within rear yard – GF	41 dBA	41 dBA	Yes
R3 – North, first floor façade – FF	46 dBA	47 dBA	Yes
R4 – East, front façade – GF	29 dBA	44 dBA	Yes

It can be seen that once noise controls are incorporated as recommended in Section 7, the calculated levels of noise at all receptor locations will comply with the noise criteria at each residential receptor location in Section 5 of this report, and will therefore be considered acceptable.



9.0 CONCLUSION

Day Design Pty Ltd was engaged by Mr Andrew Tran to assess the potential environmental noise impact from a proposed Child Care Centre development located at 49 Martin Street, Lidcombe, NSW.

Measurements and calculations show that, provided the recommendations made in Section 7 of this report are implemented, the level of noise emitted by the proposed Child Care Centre at 49 Martin Street, Lidcombe, NSW will meet the acceptable noise level requirements of Auburn City Council's Development Control Plan, the Association of Australasian Acoustical Consultants, the Environmental Protection Authority's Noise Policy for Industry and the NSW Road Noise Policy as detailed in Section 5 of this report, and is considered acceptable.



Alexander Mendoza, MDesSc (Audio and Acoustics),

Acoustical Consultant

for and on behalf of Day Design Pty Ltd

AAAC MEMBERSHIP

Day Design Pty Ltd is a member company of the Association of Australasian Acoustical Consultants, and the work herein reported has been performed in accordance with the terms of membership.

APPENDICES

Appendix A – Instrumentation

Appendix B – Ambient Noise Survey

Appendix C – Architectural Drawings & Recommended Sound Barrier Screens

Appendix D – Cantilevered Acoustic Fence

AC108-1 to 4 – Glossary of Acoustical Terms



NOISE SURVEY INSTRUMENTATION

Noise level measurements and analysis in this report were made with instrumentation as follows:

Table A1 Noise Survey Instrumentation

Description	Model No	Serial No
Infobyte Noise Logger(Type 2)	iM4	115
Condenser Microphone 0.5" diameter	MK 250	10312
Modular Precision Sound Analyser	B&K 2270	3010781
Condenser Microphone 0.5" diameter	B&K 4189	3044649
Acoustical Calibrator	CAL200	3646

An environmental noise logger is used to continuously monitor ambient noise levels and provide information on the statistical distribution of noise during an extended period of time. The Infobyte Noise Monitor iM4 #115 is a Type 1 precision environmental noise monitor meeting all the applicable requirements of AS1259 for an integrating-averaging sound level meter.

The B&K 2270 Sound Analyser is a real-time, dual channel, precision integrating sound level meter with octave and third octave filters, that sample noise at a rate of 8 samples per second and provides L_{eq} , L_{10} and L_{90} noise levels using both Fast and Slow response and L_{peak} noise levels on Impulse response time settings. The meter is frequency weighted to provide dBA, dBC or Linear sound pressure level readings as required.

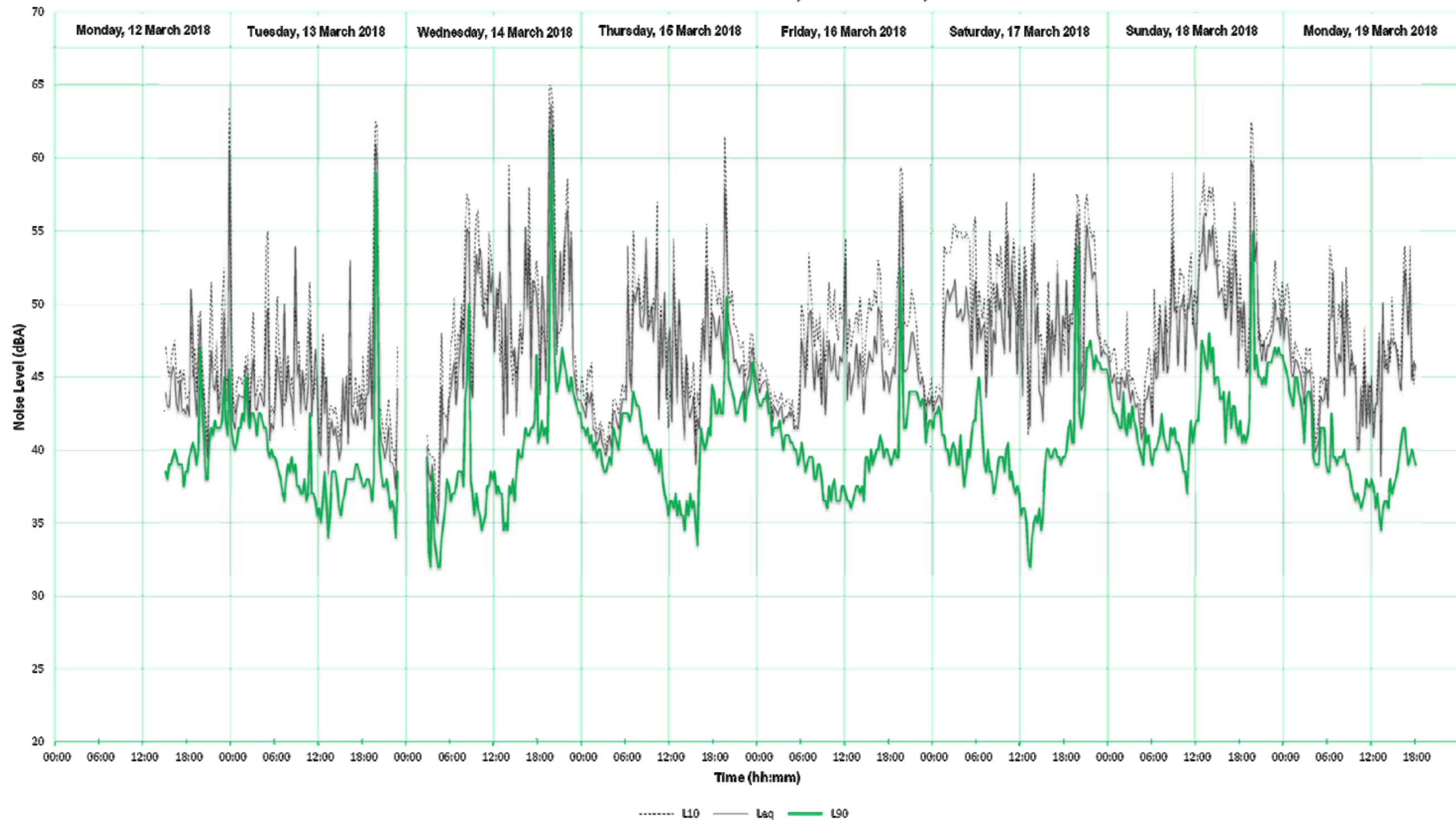
All instrument systems had been laboratory calibrated using instrumentation traceable to Australian National Standards and certified within the last two years thus conforming to Australian Standards. The measurement system was also field calibrated prior to and after noise surveys. Calibration drift was found to be less than 1 dB during unattended measurements. No adjustments for instrument drift during the measurement period were warranted.

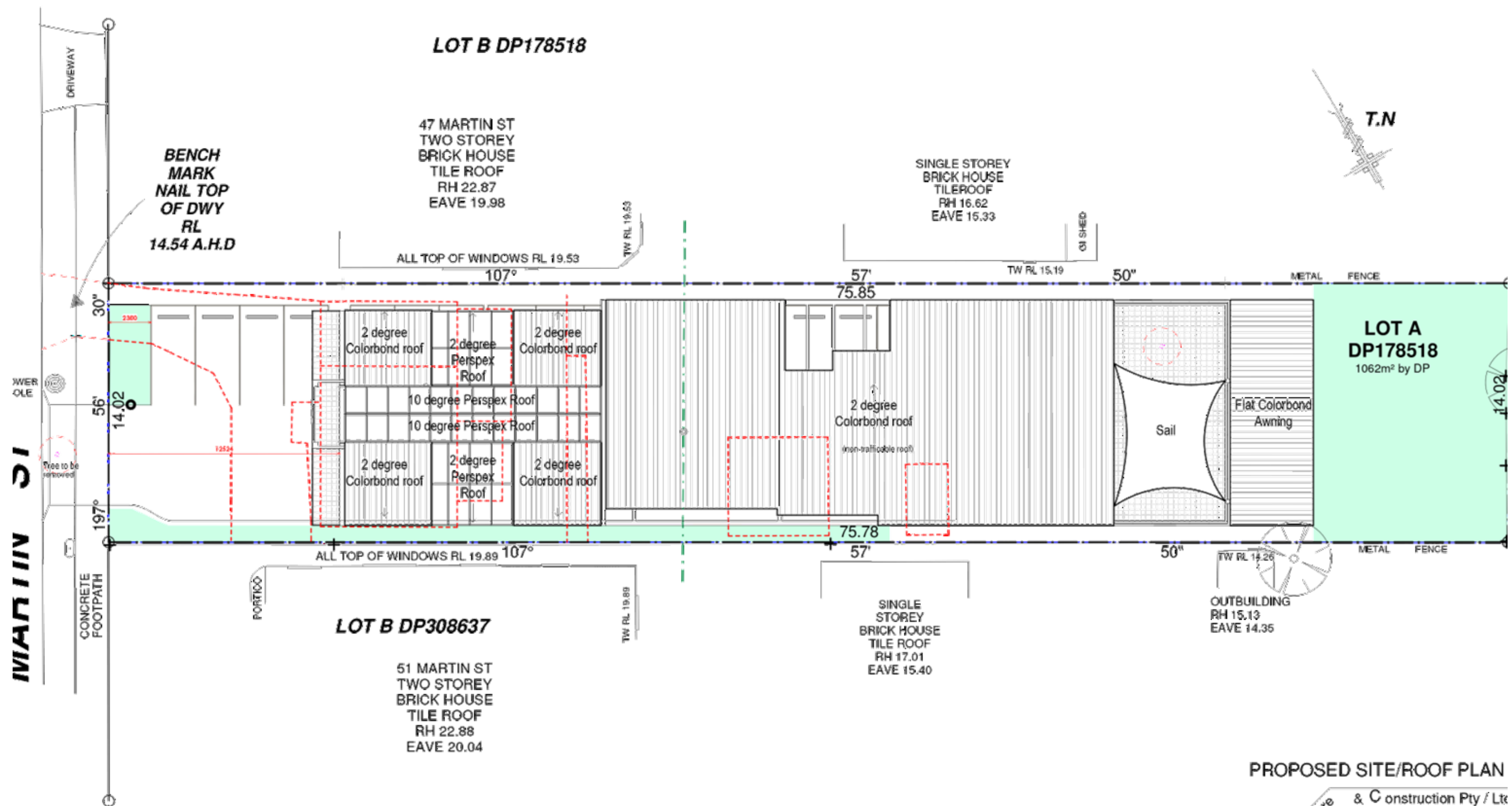


AMBIENT NOISE SURVEY

6462-1
Appendix B

Located at 49 Martin Street, Lidcombe, NSW





ROOF PLAN
21/02/20

PROPOSED SITE/ROOF PLAN

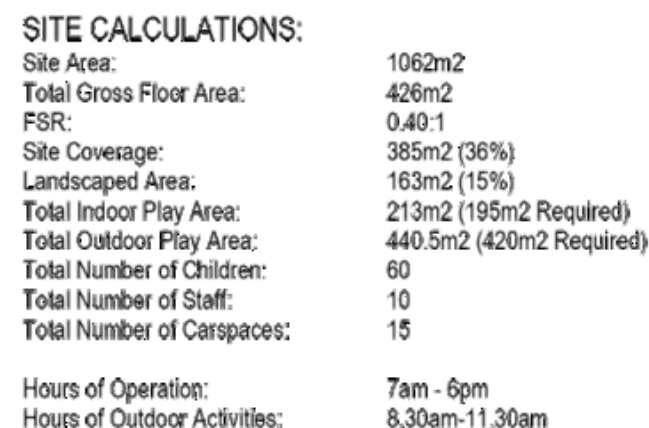
Advanced Architecture & Construction Pty / Ltd

PROPOSED CHILDCARE CENTRE FOR 60 CHILDREN

49 MARTIN STREET, LIDCOMBE

Project Architect: Noura Yammine
Email: n.yammine@advancedarchitecture.com.au
Scale: 1:1000
Date: 18/02/2020
Project Number: 18020001

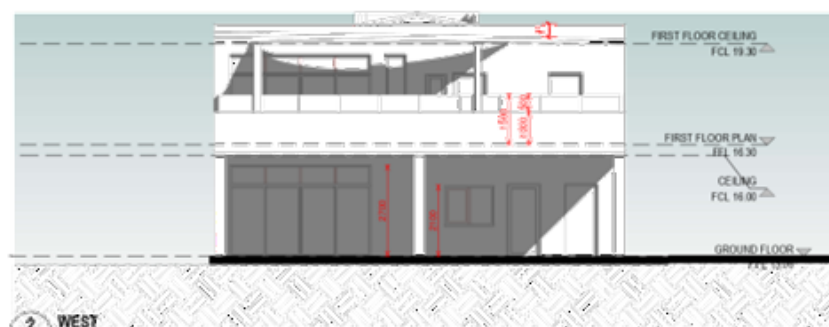
Client: 49 Martin Street, Lidcombe
Drawing No: 18020001-01



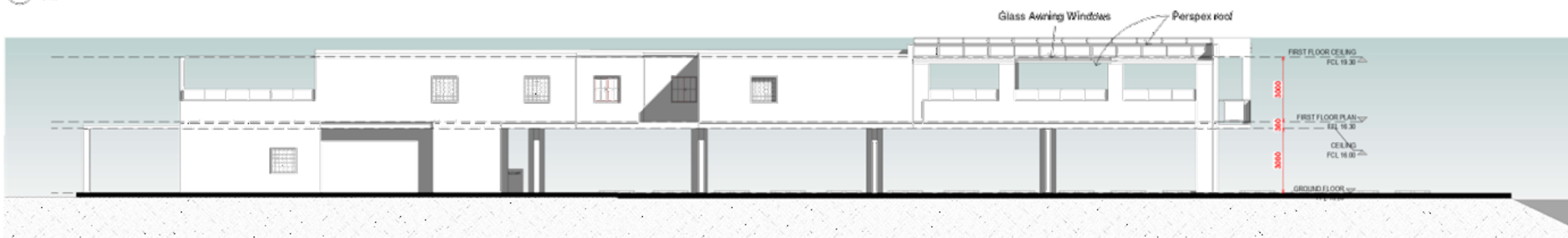




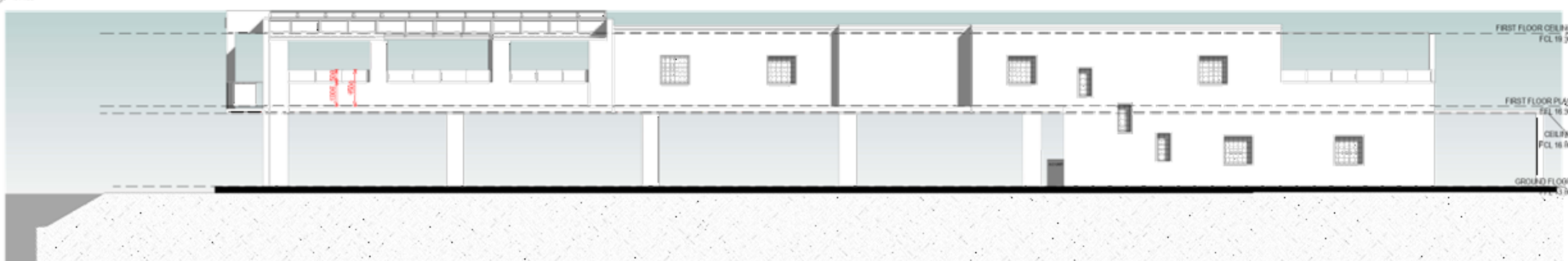
1 EAST
1:100



2 WEST
1:100



3 SOUTH
1:100



4 NORTH
1:100

PROPOSED ELEVATIONS

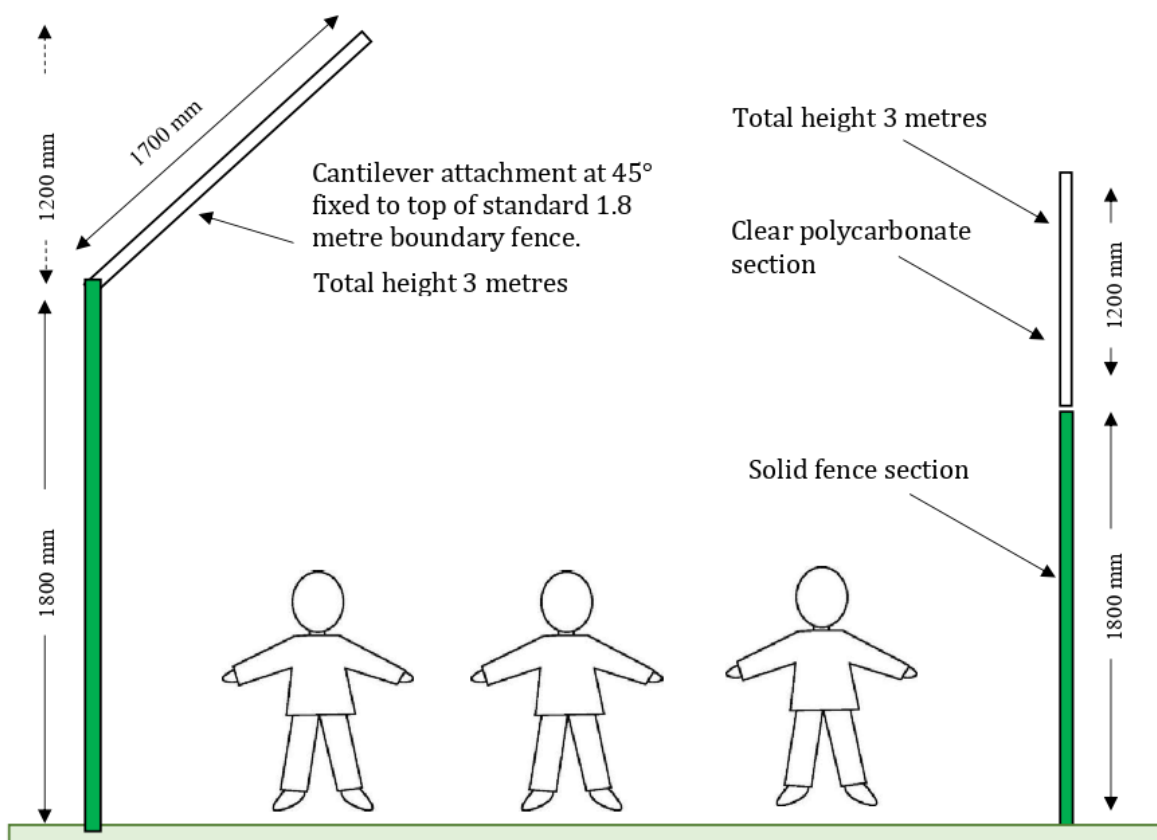
Advanced Architecture & Construction Pty / Ltd
PROPOSED CHILDCARE CENTRE FOR 60 CHILDREN
49 MARTIN STREET, LIDCOMBE

Project Architect:	Noura Yammine	SHCP Reg. No: 10139
Email:	nourayammine@advancedarch.com.au	Client Number: 5415533-125
Scale:	As indicated in drawings	Sheet No: 001
Date:	MARCH 2018	Drawn By: J.A.
Figure numbers indicated in order of use:		Drawing No: 100000-001

CHILD CARE CENTRE FENCES

6462-1
Appendix D

OUTDOOR PLAY AREA



Not To Scale

DAY DESIGN PTY LTD



GLOSSARY OF ACOUSTICAL TERMS

AC108

Sheet 1 of 4

ACOUSTICAL – Pertaining to the science of sound, including the generation, propagation, effects and control of both noise and vibration.

AMBIENT NOISE – The ambient noise level at a particular location is the overall environmental noise level caused by all noise sources in the area, both near and far, including road traffic, factories, wind in the trees, birds, insects, animals, etc.

AUDIBLE – means that a sound can be heard. However, there are a wide range of audibility grades, varying from “barely audible” to “just audible”, “clearly audible” and “prominent”. Chapter 83 of the NSW Environment Protection Authority – Environmental Noise Control Manual (1985) states:

“noise from a particular source might be offensive if it is clearly audible, distinct from the prevailing background noise and of a volume or character that a reasonable person would be conscious of the intrusion and find it annoying or disruptive”.

It follows that the word “audible” in an environmental noise context means “clearly audible”.

BACKGROUND NOISE LEVEL – Silence does not exist in the natural or the built-environment, only varying degrees of noise. The Background Noise Level is the average minimum dBA level of noise measured in the absence of the noise under investigation and any other short-term noises such as those caused by cicadas, lawnmowers, etc. It is quantified by the L_{A90} or the dBA noise level that is exceeded for 90 % of the measurement period (usually 15 minutes).

- **Assessment Background Level (ABL)** is the single figure background level representing each assessment period – day, evening and night (ie three assessment background levels are determined for each 24hr period of the monitoring period). Determination of the assessment background level is by calculating the tenth percentile (the lowest tenth percent value) of the background levels (L_{A90}) for each period (refer: NSW Industrial Noise Policy, 2000).
- **Rating Background Level (RBL)** as specified by the Environment Protection Authority is the overall single figure (L_{A90}) background noise level representing an assessment period (day, evening or night) over a monitoring period of (normally) three to seven days.

The RBL for an assessment period is the median of the daily lowest tenth percentile of L_{90} background noise levels.

If the measured background noise level is less than 30 dBA, then the Rating Background Level (RBL) is considered to be 30 dBA.

DECIBEL – The human ear has a vast sound-sensitivity range of over a thousand billion to one. The decibel is a logarithmic unit that allows this same range to be compressed into a somewhat more comprehensible range of 0 to 120 dB. The decibel is ten times the logarithm of the ratio of a sound level to a reference sound level. See also Sound Pressure Level and Sound Power Level.

Decibel noise levels cannot be added arithmetically since they are logarithmic numbers. If one machine is generating a noise level of 50 dBA, and another similar machine is placed beside it, the level will increase to 53 dBA, not 100 dBA. Ten similar machines placed side by side increase the sound level by 10 dBA, and one hundred machines increase the sound level by 20 dBA.

dBA – The human ear is less sensitive to low frequency sound than high frequency sound. We are most sensitive to high frequency sounds, such as a child’s scream. Sound level meters have an inbuilt weighting network, termed the dBA scale, that approximates the human loudness response at quiet sound levels (roughly approximates the 40 phon equal loudness contour).



GLOSSARY OF ACOUSTICAL TERMS

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However, the dBA sound level provides a poor indication of loudness for sounds that are dominated by low frequency components (below 250 Hz). If the difference between the “C” weighted and the “A” weighted sound level is 15 dB or more, then the NSW Industrial Noise Policy recommends a 5 dBA penalty be applied to the measured dBA level.

dBC – The dBC scale of a sound level meter is similar to the dBA scale defined above, except that at high sound intensity levels, the human ear frequency response is more linear. The dBC scale approximates the 100 phon equal loudness contour.

EQUIVALENT CONTINUOUS NOISE LEVEL, L_{Aeq} – Many noises, such as road traffic or construction noise, vary continually in level over a period of time. More sophisticated sound level meters have an integrating electronic device inbuilt, which average the A weighted sound pressure levels over a period of time and then display the energy average or L_{Aeq} sound level. Because the decibel scale is a logarithmic ratio the higher noise levels have far more sound energy, and therefore the L_{Aeq} level tends to indicate an average which is strongly influenced by short term, high level noise events. Many studies show that human reaction to level-varying sounds tends to relate closely to the L_{Aeq} noise level.

FREE FIELD – This is a sound field not subject to significant reflection of acoustical energy. A free field over a reflecting plane is usually outdoors with the noise source resting on hard flat ground, and not closer than 6 metres to any large flat object such as a fence or wall; or inside an anechoic chamber.

FREQUENCY – The number of oscillations or cycles of a wave motion per unit time, the SI unit being the Hertz, or one cycle per second.

IMPACT ISOLATION CLASS (IIC) – The American Society for Testing and Materials (ASTM) has specified that the IIC of a floor/ceiling system shall be determined by operating an ISO 140 Standard Tapping Machine on the floor and measuring the noise generated in the room below. The IIC is a number found by fitting a reference curve to the measured octave band levels and then deducting the sound pressure level at 500 Hz from 110 decibels. Thus the higher the IIC, the better the impact sound isolation.

IMPACT SOUND INSULATION ($L_{nT,w}$) – Australian Standard AS ISO 717.2 – 2004 has specified that the Impact Sound Insulation of a floor/ceiling system be quantified by operating an ISO 140 Standard Tapping Machine on the floor and measuring the noise generated in the room below. The Weighted Standardised Impact Sound Pressure Level ($L_{nT,w}$) is the sound pressure level at 500 Hz for a reference curve fitted to the measured octave band levels. Thus the lower $L_{nT,w}$ the better the impact sound insulation.

IMPULSE NOISE – An impulse noise is typified by a sudden rise time and a rapid sound decay, such as a hammer blow, rifle shot or balloon burst.

INTRUSIVE NOISE LEVEL, L_{Aeq} – The level of noise from a factory, place of entertainment, etc. in NSW is assessed on the basis of the average maximum noise level, or the L_{Aeq} (15 min). This is the energy average A weighted noise level measured over any 15 minute period.

LOUDNESS – The degree to which a sound is audible to a listener is termed the loudness. The human ear perceives a 10 dBA noise level increase as a doubling of loudness and a 20 dBA noise increase as a quadrupling of the loudness.



GLOSSARY OF ACOUSTICAL TERMS

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MAXIMUM NOISE LEVEL, L_{Amax} – The rms maximum sound pressure level measured on the "A" scale of a sound level meter during a noise survey is the L_{Amax} noise level. It may be measured using either the Fast or Slow response time of the meter. This should be stated.

NOISE RATING NUMBERS – A set of empirically developed equal loudness curves has been adopted as Australian Standard AS1469-1983. These curves allow the loudness of a noise to be described with a single NR number. The Noise Rating number is that curve which touches the highest level on the measured spectrum of the subject noise. For broadband noise such as fans and engines, the NR number often equals the dBA level minus five.

NOISE – Noise is unwanted sound. Sound is wave motion within matter, be it gaseous, liquid or solid. "Noise includes sound and vibration".

NOISE REDUCTION COEFFICIENT – See: "Sound Absorption Coefficient".

OFFENSIVE NOISE - (Reference: Dictionary of the Protection of the Environment Operations Act 1997). "Offensive Noise means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) is harmful to (or likely to be harmful to) a person who is outside the premise from which it is emitted, or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances prescribed by the regulations."

PINK NOISE – Pink noise is a broadband noise with an equal amount of energy in each octave or third octave band width. Because of this, Pink Noise has more energy at the lower frequencies than White Noise and is used widely for Sound Transmission Loss testing.

REVERBERATION TIME, T_{60} – The time in seconds, after a sound signal has ceased, for the sound level inside a room to decay by 60 dB. The first 5 dB decay is often ignored, because of fluctuations that occur while reverberant sound conditions are being established in the room. The decay time for the next 30 dB is measured and the result doubled to determine the T_{60} . The Early Decay Time (EDT) is the slope of the decay curve in the first 10 dB normalised to 60 dB.

SOUND ABSORPTION COEFFICIENT, α – α Sound is absorbed in porous materials by the viscous conversion of sound energy to heat energy as the sound waves pass through it. Sound is similarly absorbed by the flexural bending of internally damped panels. The fraction of incident energy that is absorbed is termed the Sound Absorption Coefficient, α . An absorption coefficient of 0.9 indicates that 90 % of the incident sound energy is absorbed. The average α from 250 to 2000 Hz is termed the Noise Reduction Coefficient (NRC).

SOUND ATTENUATION – If an enclosure is placed around a machine, or a silencer is fitted to a duct, the noise emission is reduced or attenuated. An enclosure that attenuates the noise level by 30 dBA, reduces the sound energy by one thousand times.

SOUND EXPOSURE LEVEL (SEL) – The total sound energy of a single noise event condensed into a one second duration or in other words it is an L_{eq} (1 sec).



GLOSSARY OF ACOUSTICAL TERMS

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SOUND PRESSURE LEVEL, L_p – The level of sound measured on a sound level meter and expressed in decibels, dB, dBA, dBC, etc. $L_p = 20 \times \log (P/P_0) \dots \text{dB}$

where P is the rms sound pressure in Pascal and P_0 is a reference sound pressure of 20 μPa .
 L_p varies with distance from a noise source.

SOUND POWER LEVEL, L_w – The Sound Power Level of a noise source is an absolute that does not vary with distance or with a different acoustic environment.

$L_w = L_p + 10 \log A \dots \text{dB, re: } 1\text{pW,}$

where A is the measurement noise-emission area in square metres in a free field.

SOUND TRANSMISSION CLASS (STC) – An internationally standardised method of rating the sound transmission loss of partition walls to indicate the decibels of noise reduction of a human voice from one side to the other. (Refer: Australian Standard AS1276 – 1979)

SOUND TRANSMISSION LOSS – The amount in decibels by which a random sound is reduced as it passes through a sound barrier. A method for the measurement of airborne Sound Transmission Loss of a building partition is given in Australian Standard AS1191 - 2002.

STATISTICAL EXCEEDENCE SOUND LEVELS, L_{A90} , L_{A10} , L_{A1} , etc – Noise which varies in level over a specific period of time (usually 15 minutes) may be quantified in terms of various statistical descriptors:

The L_{A90} is the dBA level exceeded for 90 % of the time. In NSW the L_{A90} is measured over periods of 15 minutes, and is used to describe the average minimum or background noise level.

The L_{A10} is the dBA level that is exceeded for 10 % of the time. In NSW the L_{A10} measured over a period of 10 to 15 minutes. It was until recently used to describe the average maximum noise level, but has largely been replaced by the L_{Aeq} for describing level-varying noise.

The L_{A1} is the dBA level that is exceeded for 1 % of the time. In NSW the L_{A1} may be used for describing short-term noise levels such as could cause sleep arousal during the night.

STEADY NOISE – Noise, which varies in level by 6 dBA or less, over the period of interest with the time-weighting set to “Fast”, is considered to be “steady”. (Refer AS 1055.1 1997)

WEIGHTED SOUND REDUCTION INDEX, R_w – This is a single number rating of the airborne sound insulation of a wall, partition or ceiling. The sound reduction is normally measured over a frequency range of 100 to 3,150 Hertz and averaged in accordance with ISO standard weighting curves (Refer AS/NZS 1276.1:1999).

Internal partition wall $R_w + C$ ratings are frequency weighted to simulate insulation from human voice noise. The $R_w + C$ is always similar in value to the STC rating value. External walls, doors and windows may be $R_w + C_{tr}$ rated to simulate insulation from road traffic noise. This is normally a lower number than the STC rating value.

WHITE NOISE – White noise is broadband random noise whose spectral density is constant across its entire frequency range. The sound power is the same for equal bandwidths from low to high frequencies. Because the higher frequency octave bands cover a wider spectrum, white noise has more energy at the higher frequencies and sounds like a hiss.



DOCUMENTS
ASSOCIATED WITH
REPORT LPP005/20

Attachment 7

Appendix A - Childcare Planning
Guidelines Assessment and
Educational and Care Services
National Regulations

APPENDIX A:

Child Care Planning Guidelines - Assessment

Requirement	Yes/No	Comments
Design quality principles		
Principle 1 - Context Good design responds and contributes to its context, including 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. Well-designed child care facilities respond to and enhance the qualities and identity of the area including adjacent sites, streetscapes and neighbourhood. Well-designed child care facilities take advantage of its context by optimising nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.	Y	The proposed child care centre is within a low density area. The dwellings in the vicinity comprise a mix of modern and older style one and two storey dwellings.
Principle 2 - Built form Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area. Good design 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. Good design also uses a variety of materials, colours and textures. 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. Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.	Y	The site is located in a predominantly low density residential area that includes single and two storey dwellings. The child care centre is designed to appear as a modern two storey structure representing a 'dwelling house' appearance and form with building setbacks that correspond with those of the adjoining dwellings and is considered to fit well with the materials and finishes that blend into its local context.
Principle 3 - Adaptive learning spaces Good facility design delivers high quality learning spaces and achieves a high level of amenity for children and staff, resulting in buildings and associated infrastructure that are fit-for-purpose, enjoyable and easy to use. This is achieved through site layout, building design, and learning spaces fit-out. Good design achieves a mix of inclusive learning spaces to cater for all	Y	The internal layout ensures that there are adequate and separated amenities for both children and adults and that there is an acceptable distance between the two. The internal play areas are well designed with easy access to toilets, nappy change area and storage. The indoor area is also well connected with the outdoor area with a covered area in between.

APPENDIX A:

students and different modes of learning. This includes appropriately designed physical spaces offering a variety of settings, technology and opportunities for interaction.		
Principle 4 - Sustainability Sustainable design combines positive environmental, social and economic outcomes. This includes use of natural cross ventilation, sunlight and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and re-use of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation. Well-designed facilities are durable and embed resource efficiency into building and site design, resulting in less energy and water consumption, less generation of waste and air emissions and reduced operational costs.	Y	<p>The centre has been designed with sustainability in mind. The centre receives satisfactory solar access and cross ventilation as indoor spaces are provided with external windows with direct access to the outdoor play areas.</p> <p>Glass block windows have also been provided on the northern and southern side elevations for its energy efficiency advantages of enhancing heat control, minimising noise and dust entry, particularly in the playrooms.</p>
Principle 5 - Landscape Landscape and buildings should operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Well-designed landscapes make outdoor spaces assets for learning. This includes designing for diversity in function and use, age-appropriateness and amenity. 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.	Y	<p>The landscape plan shows trees/shrubs surrounding the outdoor play area and various seating options for the children in between. The landscape plan has been reviewed by Council's tree management officer and the species proposed are considered acceptable.</p> <p>There is a neighbouring tree that is proposed to be retained and conditions of consent have been provided to ensure of that.</p>
Principle 6 – Amenity Good design positively influences internal and external amenity for children, staff and neighbours. Achieving good amenity contributes to positive learning environments and the well-being of students and staff. Good amenity combines appropriate and efficient indoor and outdoor learning spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, service areas and ease of access for all age groups and degrees of mobility. Well-designed child care facilities provide comfortable,	Y	<p>The child care centre has been designed to provide a high level of amenity to the children. The internal play areas are well design with easy access to toilets, nappy change area and storage. The indoor area is also well connected with the outdoor area with a covered area in between.</p> <p>The landscape plan demonstrates that the space has been designed to allow for active free play as well as providing equipment for the children. The area at the rear h maintains its natural level allowing for a landscaped outlook from the outdoor play areas providing for further interest to the children.</p>

APPENDIX A:

diverse and attractive spaces to learn, play and socialise.		
Principle 7 - Safety Well-designed child care facilities optimise the use of the built and natural environment for learning and play, while utilising equipment, vegetation and landscaping that has a low health and safety risk, and can be checked and maintained efficiently and appropriately. Good child care facility design balances safety and security with the need to create a welcoming and accessible environment. It provides for quality public and private spaces that are inviting, clearly defined and allow controlled access for members of the community. Well-designed child care facilities incorporate passive surveillance and Crime Prevention Through Environmental Design (CPTED).	Y	The child care centre has been design with safety of the children in mind through provision of adequate lighting, secure vehicular and pedestrian access points and controlled access with 1.5m high entry gates provided at the front porch, adequate sight distances, appropriate fencing at ground level to a height of 3m and CCTV camera system installed to monitor the internal and external areas. A plan of management has also been submitted to accompany the application which details a system in place for recording arrivals and departures for all children, staff and visitors and additionally, a documented Arrival and Departure Policy and Procedure will be in place as required by the Education and Care Services National Regulations. This will be reinforced via conditions of consent.

Matters for consideration		
3.1 Site selection and location		
Objective: To ensure that appropriate zone considerations are assessed when selecting a site. 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. 	Y	The proposal is accompanied by an Acoustic report which sets out measures to ensure noise impacts are mitigated to adjacent properties. Minimum 900mm side setback has been proposed which is considered acceptable. The windows from the play areas facing the side are all glass block style windows protecting the neighbours privacy and acoustically, (with the exception of 2 standard windows belonging to a staff room and bathroom) which are considered satisfactory as the windows are considerably recessed and offset from the boundary by 4-5 metres. Traffic flow and parking has been considered by the engineering team and is found to be acceptable in this instance and conditions have been recommended to be imposed.
Objective: To ensure that the site selected for a proposed child care facility is suitable for the use. 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 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 	Y	The site is located in a predominantly residential area which is considered acceptable. There are no environmental hazards that could jeopardise the safety of the children. The child care centre is designed to appear as a modern two storey dwelling with similar setbacks to those of adjoining dwellings that fits well within the local area.

APPENDIX A:

<p>remediation is needed</p> <ul style="list-style-type: none"> the characteristics of the site are suitable for the scale and type of development proposed having regard to: <ul style="list-style-type: none"> 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 closely 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. 		<p>This has been discussed in the main body of the report. A two storey built form is proposed with similar building setbacks allowing the scale and height of the development to be sympathetic to the low density residential built forms. The development is therefore considered to be compatible with the surrounding developments.</p> <p>N/A</p> <p>The development provides adequate onsite parking for children drop off and pick up which is considered satisfactory.</p> <p>N/A. The site does not adjoin a major road.</p> <p>The site is not located in proximity to any incompatible social activities and uses.</p>
<p>Objective: To ensure that sites for child care facilities are appropriately located.</p> <p>C3 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. 	Y	<p>The site is located around 80m from the nearby Phillips Park and some 800m from Lidcombe town centre and Train station.</p>
<p>Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.</p> <p>C4 A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> proximity to: 	Y	<p>The proposal is located in a predominantly residential area and not near any industrial areas.</p> <p>The site is considered to be suitable for the proposed development with regard to SEPP 55 as discussed in the main body of the report. A PESI has been submitted with the application which also concludes that the site is suitable for the proposed use.</p>

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<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 - 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. 		
3.2 Local character, streetscape and the public domain interface		
<p>Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape. C5 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 • include design and architectural treatments that respond to and integrate with the existing streetscape • use landscaping to positively contribute to the streetscape and neighbouring amenity • integrate car parking into the building and site landscaping design in residential areas. 	Y	<p>The area is a low density residential zone and predominantly includes single and two storey dwellings.</p> <p>The child care centre is designed to appear as a modern two storey dwelling that fits well within the local area. As previously discussed, the development takes on a two storey built form with similar setbacks and height that allows the development to be sympathetic to the established low scale residential built form in the area. The proposal is therefore considered to be of compatible with the surrounding developments.</p>
<p>Objective: To ensure clear delineation between the child care facility and public spaces. C6 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 • integrating existing and proposed landscaping with fencing. <p>C7 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</p>	Y	<p>Elements of landscaping have been incorporated into the front setback to provide a clear distinction between the private and public domain spaces.</p> <p>Balcony and adjacent windows from the first floor level have a clear view of the street promoting passive surveillance.</p>

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<p>children by changes in materials, plant species and colours.</p> <p>C8 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> <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. 		
<p>Objective: To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain.</p> <p>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 conservation area front fencing should be designed in accordance with local heritage provisions.</p> <p>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.</p>	N/A	No front fencing proposed as part of application.
3.3 Building orientation, envelope and design		
<p>Objective: To respond to the streetscape and site, while optimising solar access and opportunities for shade.</p> <p>C11 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 by: <ul style="list-style-type: none"> - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away from common boundaries with residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses • optimise solar access to internal and external play areas • avoid overshadowing of adjoining residential properties • minimise cut and fill 	Y	<p>Privacy screening in the form of acoustic fencing is provided to the perimeter of the outdoor play spaces and glass block style windows are provided on the side elevations of the indoor play areas to mitigate overlooking to adjoining properties.</p> <p>Minimal or no cut and fill is proposed for the centre. This is considered acceptable and does not impact the neighbouring properties.</p> <p>Some overshadowing of adjoining property, especially to the south is unavoidable due to the orientation of the site and the subject development being situated directly to the north of the affected property. Nevertheless, the shadow plans provided indicate that the neighbouring property to the south will only be affected primarily during the morning sun and will have daylight access to the majority of the rear private open space and most living spaces from noon to 3pm which complies.</p>

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<ul style="list-style-type: none"> • 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>Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</p> <p>C12 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 • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character. 	Y	Height and setbacks are addressed in the LEP and DCP table. The height, scale and setbacks are considered compatible with the local area and is consistent with the streetscape and character of the area.
<p>Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.</p> <p>C13 Where there are no prevailing setback controls minimum setback to a 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.</p> <p>C14 On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.</p>	Y	<p>The proposed setback is compatible to those existing on the adjoining sites.</p> <p>The proposed development has a minimum side setback of 900mm, approximately 10m and 15m front and rear setback respectively. This is considered to be acceptable on merit as discussed in the main report.</p>
<p>Objective: To ensure that the built form, articulation and scale of development relates to its context and buildings are well designed to contribute to an area's character.</p> <p>C15 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 	Y	The site is located in a predominantly low density residential area that includes single storey and two storey dwellings. As previously discussed, the child care centre is designed as a modern two storey structure with undercroft carpark and similar setbacks that represents a 'dwelling house' appearance and built form and that fits in well into its local context.

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<ul style="list-style-type: none"> • 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>Objective: To ensure that buildings are designed to create safe environments for all users.</p> <p>C16 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. 	Y	<p>Entry location faces the street and is directly accessible from the undercroft carpark or street via an adjacent pathway located on the southern side.</p> <p>As discussed in the main body of the report, a condition will be imposed for an intercom system to be provided to ensure adequate surveillance for controlled and secure access to the site.</p>
<p>Objective: To ensure that child care facilities are designed to be accessible by all potential users.</p> <p>C17 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 • 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. <p>NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</p>	Y	<p>The proposed development is considered to comply with this requirement. The carpark to the front entry of the building is at grade and a separate pedestrian entry is also at grade. Lifts are provided at ground level to allow direct access to the first floor and disabled toilet facilities are available at ground level.</p>
3.4 Landscaping		
<p>Objective: To provide landscape design that contributes to the streetscape and amenity.</p> <p>C18 Appropriate planting should be provided along the boundary</p>	Y	<p>Acceptable planting has been proposed around the outdoor play area that include trees and shrubs with various seating options in between.</p>

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<p>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. <p>C19 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. 		
3.5 Visual and acoustic privacy		
<p>Objective: To protect the privacy and security of children attending the facility.</p> <p>C20 Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p> <p>C21 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. 	Y	<p>Privacy screening in the form of fencing is provided to the perimeter of the outdoor play space and glass block style windows are provided on the side elevations of the play areas to protect children's privacy.</p> <p>It is noted that a 1.5m high wall is proposed for the elevated outdoor play areas. To improve privacy – it is considered appropriate to impose a condition for a minimum fence height of 1.6m.</p>
<p>Objective: To minimise impacts on privacy of adjoining properties.</p> <p>C22 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. 	Y	<p>Privacy screening in the form of fencing is provided to the perimeter of the outdoor play space and glass block style windows are provided on the side elevations of the play areas to mitigate overlooking to adjoining properties.</p> <p>A condition will be imposed for the at-grade fence materials to be solid to a height of 1.8m.</p> <p>It is noted that there are 2 standard windows located on the southern side elevation relating to the staff room and bathroom. These windows are considered satisfactory and is not considered to generate additional overlooking or privacy impacts to the neighbouring properties as the rooms are recessed considerably (offset) from the boundary with a setback of 4-5 metres.</p>
<p>Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring</p>	Y	<p>Council's Environmental Health officers have assessed the submitted acoustic report and have found it to be satisfactory.</p>

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<p>residential developments.</p> <p>C23 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 is a solid, gap free fence). • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. <p>C24 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 fencing has been provided in line with the accompanying Acoustic report and will be reinforced via conditions.</p>
<p>3.6 Noise and air pollution</p>		
<p>Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.</p> <p>C25 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>C26 An acoustic report should identify appropriate noise levels for sleeping</p>	<p>Y</p>	<p>The subject site is not located near noise sources.</p>

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<p>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 State Environmental Planning Policy (Infrastructure) 2007 • on a major or busy road • other land that is impacted by substantial external noise. 		
<p>Objective: To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development.</p> <p>C27 Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.</p> <p>C28 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. 	Y	<p>The site is not in proximity to any major roads or industrial uses. The site is approximately 600m from the Olympic Drive and approximately 400m from industrial uses. The distance is considered suitable so as not to be impacted by external sources of air pollution.</p>
3.7 Hours of operation		
<p>Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</p> <p>C29 Hours of operation within areas where the predominant land use is</p>	Y	<p>The site is in a low density residential area and therefore the hours proposed are 7am – 6pm Monday to Friday which is compliant with controls.</p>

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<p>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>Council's Engineers regarding blind aisle extension and compliance with AS2890. Subject to the imposition of these recommended conditions of consent, the proposal is considered suitable for support.</p>
<p>Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</p> <p>C34 Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> • a classified road • 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. <p>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.</p>	N/A	<p>The site is not located on a classified road, on a road that carries freight traffic, in a cul-de-sac or narrow road.</p>
<p>Objective: To provide a safe and connected environment for pedestrians both on and around the site.</p> <p>C36 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 mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking 	Y	<p>Separate entry for cars and pedestrian provided. Pedestrian access leads to the main door via a pathway located along the southern boundary.</p> <p>Conditions have been recommended by Council's Engineers regarding blind aisle extension and compliance with AS2890. Subject to the imposition of these recommended conditions of consent, the proposal is considered suitable for support.</p>

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<p>areas</p> <ul style="list-style-type: none">• vehicles can enter and leave the site in a forward direction. <p>C37 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 maneuvering 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>C38 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>The front entry porch is surrounded by a 1.5m high pool type fence and gates for controlled and secure access. Outdoor play areas at ground level is surrounded by a 3m high fence and elevated outdoor areas surrounded by a 1.6m high fence.</p> <p>1 accessible parking space provided for the development.</p>																
4. Applying the National Regulations to development proposals																		
A. INTERNAL PHYSICAL ENVIRONMENT																		
<p>4.1 Indoor space requirements</p> <p>Regulation 107 Education and Care Services National Regulations</p> <p>Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space.</p> <p>Note: If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p> <p>Unencumbered indoor space excludes any of the following:</p> <ul style="list-style-type: none">• passageway or thoroughfare (including door swings) used for circulation• toilet and hygiene facilities• nappy changing area or area for preparing bottles• area permanently set aside for the use or storage of cots• area permanently set aside for storage	<p>Y</p>	<p>As discussed in the main body of the report, sufficient unencumbered indoor space is provided for the proposed number of children.</p> <p>Indoor</p> <table><tr><th></th><th>Required per child</th><th>3.25m²</th><th>Proposed</th></tr><tr><td>0-2yrs</td><td>10 x 3.25 = 32.5m²</td><td></td><td>34.5m²</td></tr><tr><td>2-3yrs</td><td>20 x 3.25 = 65m²</td><td></td><td>76m²</td></tr><tr><td>3-5yrs</td><td>26 x 3.25 = 84.5m²</td><td></td><td>99.5m²</td></tr></table>		Required per child	3.25m ²	Proposed	0-2yrs	10 x 3.25 = 32.5m ²		34.5m ²	2-3yrs	20 x 3.25 = 65m ²		76m ²	3-5yrs	26 x 3.25 = 84.5m ²		99.5m ²
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3-5yrs	26 x 3.25 = 84.5m ²		99.5m ²															

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<ul style="list-style-type: none"> • area or room for staff or administration • kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen • on-site laundry • other space that is not suitable for children. <p>All unencumbered indoor spaces must be provided as a secure area for children. The design of these spaces should consider the safe supervision of children. When calculating indoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations. Applicants should also note that regulation 81 requires that the needs for sleep and rest of children at the service be met, having regard to their ages, development stages and individual needs. Development applications should indicate how these needs will be accommodated. Verandahs may be included when calculating indoor space with the written approval from the regulatory authority.</p>		
<p>4.2 Laundry and hygiene facilities Regulation 106 Education and Care Services National Regulations There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that does not pose a risk to children. Child care facilities must also comply with the requirements for laundry facilities that are contained in the <i>National Construction Code</i>.</p>	Y	A separate laundry facility provided adjacent to kitchen area.
<p>4.3 Toilet and hygiene facilities Regulation 109 Education and Care Services National Regulations A service must ensure that adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities</p>	Y	There is an accessible staff toilet and adequate children's toilets

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enable safe use and convenient access by the children. Child care facilities must comply with the requirements for sanitary facilities that are contained in the <i>National Construction Code</i> .		
<p>4.4 Ventilation and natural light</p> <p>Regulation 110 Education and Care Services National Regulations</p> <p>Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children. Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the <i>National Construction Code</i>. Ceiling height requirements may be affected by the capacity of the facility.</p>	Y	Sufficient light and ventilation has been provided through external openings to the proposed child care centre.
<p>4.5 Administrative space</p> <p>Regulation 111 Education and Care Services National Regulations</p> <p>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.</p>	Y	Administration and consultation room and staff room provided.
<p>4.6 Nappy change facilities</p> <p>Regulation 112 Education and Care Services National Regulations</p> <p>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 <i>National Construction Code</i>.</p>	Y	Nappy change facilities with a bench and basin and windows to the play areas have been included adjoining the relevant playrooms to ensure that there is no unsupervised access.
<p>4.7 Premises designed to facilitate supervision</p> <p>Regulation 115 Education and Care Services National Regulations</p> <p>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</p>	Y	Suitable supervision windows on low walls have been included to children's facilities.

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<i>National Construction Code.</i>		
<p>4.8 Emergency and evacuation procedures</p> <p>Regulations 97 and 168 Education and Care Services National Regulations Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation.</p> <p>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. 	Y	An evacuation plan has been submitted with the application.
B. EXTERNAL PHYSICAL ENVIRONMENT		
<p>4.9 Outdoor space requirements</p> <p>Regulation 108 Education and Care Services National Regulations</p> <p>An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m² of unencumbered outdoor space.</p> <p>Note: If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP.</p> <p>Unencumbered outdoor space excludes any of the following:</p> <ul style="list-style-type: none"> • pathway or thoroughfare, except where used by children as part of the education and care program • car parking area • storage shed or other storage area • laundry • other space that is not suitable for children. <p>When calculating outdoor space requirements, the area required for any additional child may be waived when the child is being cared for in an emergency circumstance as set out in regulation 123(5) or the child is being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6) of the National Regulations. Applicants should also note that regulation 274 (Part 7.3 NSW Provisions) states that a centre-based service for children preschool age or under must ensure there is no swimming pool on the premises, unless the swimming pool existed</p>	Y	Sufficient external play area has been provided for the proposed number of children as discussed in SEPP Educational Establishments and Childcare Facilities 2017.

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before 6 November 1996. Where there is an existing swimming pool, a water safety policy will be required. A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa.		
4.10 Natural environment Regulation 113 Education and Care Services National Regulations The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.	Y	The proposal includes various outdoor experiences detailed in the landscape plan.
4.11 Shade Regulation 114 Education and Care Services National Regulations The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	Y	Suitable shading devices are proposed in the outdoor play areas.
4.12 Fencing Regulation 104 Education and Care Services National Regulations 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. This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age, including a family day care venue where all children are over preschool age. Child care facilities must also comply with the requirements for fencing and protection of outdoor play spaces that are contained in the <i>National Construction Code</i> .	Y	The proposed acoustic fencing satisfies this requirement.
4.13 Soil assessment Regulation 25 Education and Care Services National Regulations Subclause (d) of regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval. With every service application one of the following is required: • a soil assessment for the site of the proposed education and care service premises • if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying	Y	A PESI has been submitted with the application and concludes that the site is suitable to accommodate the proposed landuse. This has also been reviewed by Council's Environmental Health team and is considered satisfactory to proceed subject to conditions.

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<p>when the soil assessment was undertaken</p> <ul style="list-style-type: none"> • a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children. 		
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Education and Care Services National Regulations

The above regulations have been considered in the assessment of the application and proposed development, particularly in relation to Part 4.3 – Physical environment. The development proposal raises no issues with regard to the regulations as the proposal satisfies the requirements of the above regulations as follows:

Requirements	Compliance
<i>Division 1 – Centre-based services and family day care services</i>	
<p>103 Premises, furniture and equipment to be safe, clean and in good repair</p> <p>(1) The approved provider of an education and care service must ensure that the education and care service premises and all equipment and furniture used in providing the education and care service are safe, clean and in good repair. Penalty: \$2000.</p> <p>(2) This regulation does not apply to a part of a family day care residence that is not used to provide a family day care service.</p> <p>Note. A compliance direction may be issued for failure to comply with this regulation.</p>	<p>Noted. This is a licensing requirement.</p>
<p>104 Fencing</p> <p>(1) The approved provider of an education and care service must ensure that any outdoor space used by children at the education and care service premises is 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. Penalty: \$2000.</p> <p>(2) This regulation does not apply to a centre-based service that primarily provides education and care to children over preschool age.</p> <p>(3) This regulation does not apply in respect of a family day care residence or a family day care venue if all the children being educated and</p>	<p>3m high fencing is proposed to be provided at the rear ground level outdoor play area 3 and 1.5m high fence for the outdoor play areas 1 and 2 on the first floor level.</p> <p>The proposed fences (boundary sound barrier walls) are to be constructed from an impervious material in accordance with the recommendations detailed in section 7 of the Environmental Noise Impact Assessment report prepared by Day Design P/L to mitigate noise impacts to the surrounding developments. This is considered to be satisfactory.</p>

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<p>cared for at that residence or venue as part of a family day care service are over preschool age.</p> <p>Note. A compliance direction may be issued for failure to comply with this regulation.</p>													
<p>105 Furniture, materials and equipment</p> <p>The approved provider of an education and care service must ensure that each child being educated and cared for by the education and care service has access to sufficient furniture, materials and developmentally appropriate equipment suitable for the education and care of that child.</p> <p>Note. A compliance direction may be issued for failure to comply with this regulation.</p>	<p>Noted. Licensing requirement.</p>												
<p>106 Laundry and hygiene facilities</p> <p>(1) The approved provider of an education and care service must ensure that the service has—</p> <p>(a) laundry facilities or access to laundry facilities; or</p> <p>(b) other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering—that are adequate and appropriate for the needs of the service.</p> <p>(2) The approved provider of the service must ensure that laundry and hygienic facilities are located and maintained in a way that does not pose a risk to children.</p> <p>Note. A compliance direction may be issued for failure to comply with subregulation (1) or (2).</p>	<p>Proposed development incorporates a laundry facility.</p>												
<p>107: Space requirements – Indoor space</p> <p>(1) This regulation does not apply in respect of a family day care residence.</p> <p>(2) The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 3.25 square metres of unencumbered indoor space.</p> <p>Penalty: \$2000.</p> <p>(3) In calculating the area of unencumbered indoor space—</p> <p>(a) the following areas are to be excluded—</p> <p>(i) any passageway or thoroughfare (including door swings);</p> <p>(ii) any toilet and hygiene facilities;</p> <p>(iii) any nappy changing area or area for preparing bottles;</p> <p>(iv) any area permanently set aside for the use or storage of cots;</p> <p>(v) any area permanently set aside for storage;</p> <p>(vi) any area or room for staff or administration;</p> <p>(vii) any other space that is not suitable for children;</p> <p>(b) the area of a kitchen is to be excluded, unless the kitchen is primarily to be used by children as</p>	<p>Complies. The proposal is consistent with this requirement as follows:</p> <table><tr><th></th><th>Required 3.25m² per child</th><th>Proposed</th></tr><tr><td>0-2yrs</td><td>10 x 3.25 = 32.5m²</td><td>34.5m²</td></tr><tr><td>2-3yrs</td><td>20 x 3.25 = 65m²</td><td>76m²</td></tr><tr><td>3-5yrs</td><td>26 x 3.25 = 84.5m²</td><td>99.5m²</td></tr></table> <p>Indoor space has been calculated in accordance with this requirement. Submitted architectural plans include area diagrams to assist in demonstrating compliance.</p>		Required 3.25m ² per child	Proposed	0-2yrs	10 x 3.25 = 32.5m ²	34.5m ²	2-3yrs	20 x 3.25 = 65m ²	76m ²	3-5yrs	26 x 3.25 = 84.5m ²	99.5m ²
	Required 3.25m ² per child	Proposed											
0-2yrs	10 x 3.25 = 32.5m ²	34.5m ²											
2-3yrs	20 x 3.25 = 65m ²	76m ²											
3-5yrs	26 x 3.25 = 84.5m ²	99.5m ²											

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<p>part of an educational program provided by the service.</p> <p>(4) The area of a verandah may be included in calculating the area of indoor space only with the written approval of the Regulatory Authority.</p> <p>(5) A verandah that is included in calculating the area of outdoor space cannot be included in calculating the area of indoor space.</p> <p>(6) In this regulation a reference to a child does not include—</p> <p>(a) a child being educated or cared for in an emergency in the circumstances set out in regulation 123(5); or</p> <p>(b) an additional child being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6).</p> <p>Note.</p> <p>A compliance direction may be issued for failure to comply with subregulation (2).</p>	<p>Noted.</p>												
<p>108: Space requirements – Outdoor space</p> <p>(1) This regulation does not apply in respect of a family day care residence.</p> <p>(2) The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7 square metres of unencumbered outdoor space.</p> <p>Penalty: \$2000.</p> <p>(3) In calculating the area of unencumbered outdoor space required, the following areas are to be excluded—</p> <p>(a) any pathway or thoroughfare, except where used by children as part of the education and care program;</p> <p>(b) any car parking area;</p> <p>(c) any storage shed or other storage area;</p> <p>(d) any other space that is not suitable for children.</p> <p>(4) A verandah that is included in calculating the area of indoor space cannot be included in calculating the area of outdoor space.</p> <p>(5) An area of unencumbered indoor space may be included in calculating the outdoor space of a service that provides education and care to children over preschool age if—</p> <p>(a) the Regulatory Authority has given written approval; and</p> <p>(b) that indoor space has not been included in calculating the indoor space under regulation 107.</p> <p>(6) In this regulation a reference to a child does not include—</p> <p>(a) a child being educated or cared for in an emergency in the circumstances set out in regulation 123(5); or</p> <p>(b) an additional child being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6).</p>	<p>Complies. The proposal is consistent with this requirement as follows:</p> <table><tr><th></th><th>Required 7m² per child</th><th>Proposed</th></tr><tr><td>0-2yrs</td><td>10 x 7 = 70m²</td><td>70m²</td></tr><tr><td>2-3yrs</td><td>20 x 7 = 140m²</td><td>76m²</td></tr><tr><td>3-5yrs</td><td>26 x 7 = 182m²</td><td>211m²</td></tr></table> <p>Outdoor space has been calculated in accordance with this requirement. Submitted architectural plans include area diagrams to assist in demonstrating compliance.</p>		Required 7m ² per child	Proposed	0-2yrs	10 x 7 = 70m ²	70m ²	2-3yrs	20 x 7 = 140m ²	76m ²	3-5yrs	26 x 7 = 182m ²	211m ²
	Required 7m ² per child	Proposed											
0-2yrs	10 x 7 = 70m ²	70m ²											
2-3yrs	20 x 7 = 140m ²	76m ²											
3-5yrs	26 x 7 = 182m ²	211m ²											

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<p>Note. A compliance direction may be issued for failure to comply with subregulation (2).</p>	
<p>109 Toilet and hygiene facilities</p> <p>The approved provider of an education and care service must ensure that—</p> <ul style="list-style-type: none"> (a) adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and (b) the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children. 	<p>Complies. Adequate toilet and washing facilities are provided in building.</p>
<p>110 Ventilation and natural light</p> <p>The approved provider of an education and care service must ensure that the indoor spaces used by children at the education and care service premises—</p> <ul style="list-style-type: none"> (a) are well ventilated; and (b) have adequate natural light; and (c) are maintained at a temperature that ensures the safety and wellbeing of children. <p>Penalty: \$2000.</p> <p>Note. A compliance direction may be issued for failure to comply with this regulation.</p>	<p>Complies.</p>
<p><i>Division 2 – Additional requirements for centre-based services</i></p>	
<p>111 Administrative space</p> <p>The approved provider of a centre-based service must ensure that an adequate area or areas are available at the education and care service premises for the purposes of—</p> <ul style="list-style-type: none"> (a) conducting the administrative functions of the service; and (b) consulting with parents of children; and (c) conducting private conversations. <p>Note. A compliance direction may be issued for failure to comply with this regulation.</p>	<p>Complies. Administration/consultation room and staff room facilities for respite have been provided.</p>
<p>112 Nappy change facilities</p> <ul style="list-style-type: none"> (1) This regulation applies if a centre-based service educates and cares for children who wear nappies. (2) The approved provider of the service must ensure that adequate and appropriate hygienic facilities are provided for nappy changing. (3) Without limiting subregulation (2), the approved provider of the service must ensure that the following are provided— (a) if any of the children are under 3 years of age, at least 1 properly constructed nappy changing bench; and (b) hand cleansing facilities for adults in the immediate vicinity of the nappy change area. <p>Penalty: \$1000.</p>	<p>Complies. WC with nappy changing facilities provided and located adjacent to indoor play area for children under 2 yrs.</p>

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<p>(4) The approved provider of the service must ensure that nappy change facilities are designed, located and maintained in a way that prevents unsupervised access by children.</p> <p>Note. A compliance direction may be issued for failure to comply with this regulation.</p>	
<p>113 Outdoor space – natural environment</p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces provided at the education and care service premises allow children to explore and experience the natural environment.</p> <p>Example. The use of natural features such as trees, sand and natural vegetation.</p> <p>Note. A compliance direction may be issued for failure to comply with this regulation.</p>	<p>Satisfactory landscape plan submitted demonstrating compliance with this requirement.</p>
<p>114 Outdoor space – shade</p> <p>The approved provider of a centre-based service must ensure that outdoor spaces provided at the education and care service premises include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun. Penalty: \$1000.</p> <p>Note. A compliance direction may be issued for failure to comply with this regulation.</p>	<p>Complies. All play areas include suitable level of access to shading devices for sun protection.</p>
<p>115 Premises designed to facilitate supervision</p> <p>The approved provider of a centre-based service must ensure that the education and care service premises (including toilets and nappy change facilities) are designed and maintained in a way that facilitates supervision of children at all times that they are being educated and cared for by the service, having regard to the need to maintain the rights and dignity of the children.</p> <p>Note. A compliance direction may be issued for failure to comply with this regulation.</p>	<p>Windows and wall height of up to 1.2m high incorporated into the design of toilets and nappy change facilities to allow for supervision of children at all times.</p>

DOCUMENTS
ASSOCIATED WITH
REPORT LPP005/20

Attachment 8

Appendix B -ADCP 2010
Assesment and Schedule 1
Assesment Criteria (SEPP 64)

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AUBURN DEVELOPMENT CONTROL PLAN 2010 – CHILD CARE CENTRES

The requirements of the Auburn Development Control Plan 2010 – Child care centres have been taken into consideration in the assessment of the development application as detailed below:

Requirement	Yes	No	N/A	Comments
1.0 Introduction				
1.1. Location of child care centres				
Development controls				
D1 Child care centres shall be located away from any environmental health hazard or risk.	Y			The child care is not located in proximity to an environmental hazard or risk. The house is to be demolished.
Note: Any house built prior to 1970 may require testing for lead levels. A qualified Environmental Contamination Auditor may be required to carry a preliminary lead investigation and further action may be required.	Y			
D2 Child care centres shall not be located within close proximity to a mobile phone tower(s), antennae, transmission line easements or other similar electromagnetic radiation sources.	Y			Child care centre is not located near any of the listed items
D3 Where possible, child care centres shall be located near schools and public transport.	Y			The site location is considered acceptable. The site is located near Lidcombe Public School and Lidcombe town centre and train station.
2.0 Design				
2.1. Site layout and design				
Development controls				
D1 New buildings shall be orientated to maximise solar access.	Y			Orientation acceptable.
D2 New buildings shall be orientated so that the maximum length of the building is facing out onto the playground to ensure staff and children can move easily between the building and the playground.	Y			Building orients play areas to the front and the rear of the site allowing for a connection between the indoor and outdoor.
D3 Developments shall be designed to ensure maximum space is available for outdoor play areas.	Y			Sufficient outdoor play area has been provided.
D4 New developments shall be designed so that all people entering or leaving the premises can be seen from the building.		N		The POM details a system in place for arrivals and departures to be recorded for all children, staff and visitors entering and leaving the premises. It is considered appropriate to include a condition for an

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				intercom/monitor system to further ensure staff are aware of children and visitors entering and leaving the premises.
<p>2.2. Visual impact</p> <p>Development controls</p> <p>D1 Visual screening in the form of vegetation or fencing over 3m high shall be provided to outdoor play areas where:</p> <ul style="list-style-type: none"> The child care centre or the outside playing areas are within 15m of an adjoining building line. The child care centre shares a boundary with residentially zoned land. The view from within the child care centre may be offensive, daunting or inappropriate. 	Y			<p>Partial compliance.</p> <p>To minimise noise transmission into adjoining properties, in accordance with the recommendations under section 7 of the noise report, the acoustic fence a 3m high sound barrier wall which comprises of a 1.8m high fence + 1.2m high acoustic fence (clear Perspex) constructed on top of the boundary fence is proposed to be provided along the north, south and western boundaries of outdoor play area 3 which satisfies this requirement.</p> <p>A 1.5m sound barrier fence along the boundaries of outdoor play areas 1 and 2 are proposed for the first floor level in accordance with the noise report prepared by Day Design p/L is considered satisfactory. A condition will be imposed for the height of the wall to be a minimum of 1.6m above finish floor level to further minimise privacy and overlooking impacts.</p>
<p>2.3. Noise</p> <p>Development controls</p> <p>D1 Acoustic attenuation may be required if the child care centre is likely:</p> <ul style="list-style-type: none"> to be affected by heavy traffic noise, is situated on a collector/main road, or is located in an industrial zone or receives aircraft noise or in circumstances where childcare centres have the potential to affect the amenity of adjoining properties. <p>Note: In some circumstances, a report from an acoustic consultant may be required by Council to ensure noise impacts on the child care centre</p>	Y			<p>Acoustic attenuation has been discussed previously in the Child Care Planning Guidelines compliance table.</p>

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and resulting from the child care centre are minimised.				
2.4. Private dwelling used in conjunction with a child care service Development controls D1 If a private dwelling is proposed in conjunction with a child care centre, the dwelling shall be designed in accordance with the relevant Parts of this DCP. D2 A separate private open space area shall be provided for residents in accordance with the relevant Parts of this DCP. D3 Open space for the residents of the dwelling shall be screened to ensure privacy. D4 Separate access and parking shall be provided for residents of the dwelling in accordance with the relevant Parts of this DCP.			N/A	None proposed
2.5. Water conservation Development controls D1 New developments shall connect to recycled water if serviced by dual reticulation system for permitted non potable uses such as toilet flushing, irrigation, car washing, fire fighting and other suitable purposes. D2 Where a property is not serviced by a dual reticulation system, development shall include an onsite rainwater harvesting system or an onsite reusable water resource for permitted non potable uses such as toilet flushing, irrigation, car washing, fire fighting and other suitable purposes. D3 Development shall install all water using fixtures that meet the WELS (Water Efficiency Labelling Scheme) rated industry standards in accordance with Sydney Water's industry requirements.	Y			Acceptable
3.0 Indoor areas and facilities				
3.1. Entry areas and foyer Development controls D1 Entries to the child care centres shall be located to be accessible from walkways and parking area(s). D2 A covered area shall be provided at the entry of the building to protect users from weather conditions. D3 Doorways of an adequate width for access	Y			The entry to the child care centre is accessible from the street and car park Undercroft car park provided satisfies this requirement. Conditions can be imposed to

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for twin strollers and people with a disability shall be provided and designed in accordance with the relevant Australian Standard.				ensure compliance with this requirement.
D4 The entry area shall be enclosed with a childproof fence and gate.	Y			1.5m high fence and gates provided for secured and controlled access from front porch.
D5 The floor surfaces of the entry and foyer shall be non-slip hard wearing, easy to maintain and shall flow continuously between the indoor and outdoor spaces.	Y			This can be a condition of consent.
D6 The foyer shall be designed so it is located next to the covered external entry area.	Y			The location of the entry adjoins a covered porch and is acceptable.
D7 The foyer shall have a sign in/sign out area.	Y			A plan of management has also been submitted to accompany the application which details a system in place for recording arrivals and departures for all children, staff and visitors and additionally, a documented Arrival and Departure Policy and Procedure will be in place as required by the Education and Care Services National Regulations.
3.2. Pram and stroller areas				
Development controls				
D1 A designated sheltered and secure storage area for prams and strollers shall be provided.	Y			Sufficient storage rooms provided within the facility.
3.3. Playroom				
Development controls				
D1 Developments shall have at least 3.25m ² of unencumbered indoor play space per child in accordance with the <i>Children's Services Regulation 2004</i> .	Y			Sufficient space has been proposed as previously discussed.
Note: Refer to Clause 30(3) of the <i>Children's Services Regulation 2004</i> .				
D2 Playroom areas shall be designed to provide the following:				
<ul style="list-style-type: none"> • Direct access to active play areas; • Direct access to children's toilets; • An area where children can sleep. This area shall be such that there is easy access to each child and that ease of exit is maintained; • An area which can be organised into distinct spaces for a variety of activities; and 	Y			All play rooms have been designed adequately. This has been discussed throughout the report and under the Assessment against the Child Care Planning Guidelines.

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<ul style="list-style-type: none"> Each room shall have at least two (2) windows with sills no higher than 500mm above the floor. Glazing materials shall comply with relevant Australian Standards. 				
<p>3.4. Storage facilities</p> <p>Development controls</p> <p>D1 Storage facilities and areas shall be inaccessible to children if dangerous materials, substances and or equipment are stored within.</p> <p>D2 A room which facilitates open lockers shall have hanging space for each child's bag, belongings and other personal articles.</p>	Y			<p>Indoor and outdoor storage area proposed to comply with relevant regulations. A condition can be imposed for storage facilities to be locked and inaccessible to children where dangerous materials, substances etc are stored.</p> <p>Lockers are provided in each indoor play area.</p>
<p>3.5. Rest and sleep facilities</p> <p>Development controls</p> <p>D1 Sleep or rest areas and facilities shall be:</p> <ul style="list-style-type: none"> Located in a low noise section of the building e.g. away from verandahs; In an area that has natural light; and Designed to ensure that all children in the area are readily accessible to staff of the service. 	Y			<p>A separate sleep area is proposed to adjoin the 0-2yrs playroom and is considered adequate.</p>
<p>3.6. Children's bath/washroom</p> <p>Development controls</p> <p>D1 Children's bath or washroom and toilets shall have adequate toilet, washing and bathing facilities that are safe and appropriate to the ages of the children and must comply with the Building Code of Australia (BCA).</p> <p>D2 The bathroom shall have adequate natural or mechanical ventilation and lighting. Any proposed mechanical ventilation system shall comply with the relevant Australian Standards. Plans and specifications detailing design and calculations shall be submitted to Council for approval prior to installation.</p> <p>D3 The bath/wash room and toilet areas shall incorporate windows or half glass partitions and or view windows from the playroom at a height of 1.5m.</p> <p>Note: Glazing materials used shall comply with the relevant Australian Standards.</p>	Y	Y	Y	<p>Adequate washrooms have been provided which also includes a children shower.</p> <p>Complies.</p> <p>Windows and wall height of up to 1.2m high incorporated in design.</p>

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<p>3.7. Requirements for children under two (2) years of age</p> <p>Development controls</p> <p>D1 A minimum area of 3.25m² of unencumbered indoor play space per child shall be provided in accordance with the <i>Children's Services Regulation 2004</i>.</p> <p>Note: Refer to <i>Children's Services Regulation 2004</i> for explanation of unencumbered indoor play space.</p> <p>D2 The playroom shall be located so it has immediate access to the nappy change area and baby sleep room.</p> <p>D3 The playroom shall be well ventilated. Any proposed mechanical ventilation system shall comply with the relevant Australian Standards. Plans and specifications detailing design and calculations shall be submitted to Council for approval prior to installation.</p>	<p>Y</p> <p>Y</p> <p>Y</p>			<p>Complies. Discussed previously in the report under Education and Care Services National Regulations and Childcare planning guidelines.</p> <p>Nappy change area located within the WC adjoining baby sleep room and play area.</p> <p>All playrooms have direct access to direct access to the outdoor areas for ventilation.</p>
<p>3.8. Nappy change facilities</p> <p>Development controls</p> <p>D1 Nappy change facilities shall:</p> <ul style="list-style-type: none"> • Be designed, located and maintained so as to prevent unsupervised access by children; • Be separated from food and craft preparation facilities; • Have facilities for storage of clean nappies; • Have hand washing facilities for adults in the immediate vicinity; and • Be well ventilated or have other means of temperature control systems to prevent accumulated smells. Any proposed mechanical ventilation system shall comply with the relevant Australian Standards. Plans and specifications detailing design and calculations shall be submitted to Council for approval prior to installation. <p>Note: Refer also to the waste control for commercial and industrial development in the Waste Part of this DCP. Applicants are to take special note of provisions for food, restaurants, refrigerated garbage, childcare and medical Waste.</p>	<p>Y</p>			<p>A nappy change facility is proposed as part of the 0-2 years bathroom and will be required to meet the relevant provisions of the BCA with regards to ventilation.</p>
<p>3.9. Bottle preparation area</p>				

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Development controls D1 Bottle preparation areas shall be separate from the nappy change area.	Y			Provided in the playroom for 0-2yrs.
3.10. Sleep areas Development controls D1 Sleep areas shall: <ul style="list-style-type: none"> • Be located in a quiet area; • Have direct emergency fire access from the cot room. The exit door to the cot room shall be wide enough to push a cot through for emergency evacuation; • Not be sound proof so as to enable staff to hear babies who are awake; • Incorporate windows allowing children to view outside; and • Be well ventilated. Any proposed mechanical ventilation system shall comply with the relevant Australian Standards. Plans and specifications detailing design and calculations shall be submitted to Council for approval prior to installation. D2 Be designed to ensure that all children in the area are readily accessible to staff of the service.	Y			Sleep area proposed is satisfactory. An emergency evacuation plan has been submitted with the application to ensure fire egress.
3.11. Babies' and toddlers' transition area Development controls D1 A transition area shall: <ul style="list-style-type: none"> • Have a minimum of 2m² per child; • Have a fixed low divided fence with a gate with child proof catches; and • Adjoin a play room with direct flow through to the playroom. Note: Transition area - An indoor or outdoor area which performs an important role in helping extend children's play into the outside areas e.g. covered verandah or terrace.			N/A	A transition area is provided on ground floor. It is noted that this requirement has been superseded by the Childcare planning guidelines. There is no specific requirement for a transition area under the guidelines and as such the design is satisfactory.
3.12. Staff and service facilities Development controls D1 A room or an area shall be provided that is used only for administration of the services and for private consultation between staff and parents.	Y			Administration / consultation room provided at first floor level.

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<p>D2 A room or an area shall be provided that is used for the respite of staff and is located away from the areas used by children.</p> <p>D3 Adult toilet and washing facilities shall be provided separate from children's toilets. Provision shall be made for persons with a disability and this shall comply in accordance with the relevant Australian Standards.</p> <p>D4 Food hygiene/handling practices and fit out of the kitchen shall comply with the requirements of the relevant Acts and Regulations.</p> <p>D5 A designated area shall be provided that is safe for both food preparation and storage.</p> <p>D6 The designated area shall be of adequate dimensions so as to accommodate a stove or microwave, sink, refrigerator, food preparation area and suitable disposal facilities.</p> <p>D7 Facilities for the preparation and storage of food shall be designed and located so as to prevent children from gaining access to any harmful substance, equipment or amenity.</p> <p>D8 The laundry shall have a minimum area of 10m² and shall comply with the BCA.</p>	Y			A separate staff room has been provided on the first floor.
	Y			There is a toilet at both level for use by staff.
	Y			This will be a condition of consent.
	Y			There is a kitchen on the first floor level.
	Y			The kitchen is considered adequate in size to accommodate these requirements.
	Y			The design is considered acceptable as kitchen is separated.
<p>3.13. Emergency procedures and fire safety</p> <p>Development controls</p> <p>D1 Developments shall comply with the BCA.</p> <p>D2 Emergency and evacuation procedures and the provision of the fire safety equipment shall be in accordance with the BCA and Children's Services Regulations 2004.</p>				A condition of consent is to be imposed to ensure compliance with the BCA.
				Addressed under CCPG.
4.0 Outdoor areas and facilities				
<p>Development controls</p> <p>D1 Developments shall have at least 7m² of useable outdoor play space per child in accordance with the Children's Services Regulation 2004.</p> <p>Note: Refer to Children's Services Regulation 2004 for an explanation of usable outdoor area.</p>				Sufficient space has been provided for outdoor play area as per the regs.
4.1. Landscaping				

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<p>D1 A landscaped front setback shall be provided which is consistent with the setback controls for the development potential of the zone in which the childcare centre is located, e.g. low density residential, townhouses, residential flat buildings and so on.</p>		N	<p>Front landscaping is considered acceptable. Landscaping elements have been provided to differentiate between private and public interface. The minor non-compliance is considered satisfactory and is an improvement to the existing situation which currently provides 1.8m high masonry brick fence and a concrete front yard.</p>
<p>D2 Outdoor areas shall be designed to take advantage of existing vegetation and natural features.</p>	Y		<p>Satisfactory landscape plan submitted incorporating natural vegetation such as trees, sand, tree stumps for seating, stepping stones and natural levels to create a natural environment for play.</p>
<p>D3 Tree and shrub planting shall be provided along the boundaries of the site adjoining residential properties. The screen planting shall reach a minimum mature height of 3m.</p>	Y		<p>The planting of trees/shrubs on the boundary with seating in between is found to be adequate.</p>
<p>D4 Street tree planting shall be required along street frontages within the footpath area.</p>	Y		<p>A condition will be imposed on the consent for the provision of a replacement street tree.</p>
<p>4.2. Outdoor shading</p> <p>Development controls</p> <p>D1 The outdoor play space must be adequately shaded in accordance with the Children's Services Regulations 2004.</p> <p>D2 Permanent shade cloth shall be provided for sandpits and climbing equipment.</p>	Y		<p>Adequate shading has been provided as discussed elsewhere in this report.</p> <p>Provided.</p>
<p>4.3. Outdoor safety</p> <p>Development controls</p> <p>D1 All garden sheds containing play equipment must be padlocked or lockable with a child proof locking device but accessible to children when unlocked.</p> <p>D2 Child care centres within the vicinity of a swimming pool are discouraged.</p> <p>D3 Where a pool is existing or proposed with a private dwelling, it shall be securely fenced in</p>	Y		<p>There is a storage area accessible externally. Conditions will be imposed for the storage sheds to be lockable.</p> <p>Council's aerial photos indicate that there are no swimming pools in the vicinity of the site.</p> <p>N/A N/A</p>

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accordance with the requirements of the relevant Act.				
D4 The playground environment and equipment shall be designed to comply with all relevant Australian Standards and Children's Services Regulations 2004.	Y			All playground equipment will be required to comply with the relevant Australian Standards and requirements of the State Government licensing authority.
4.4. Fencing and gates				
Development controls				
D1 Outdoor areas shall be fenced on all sides with minimum height of 1800mm high.	Y			A minimum 1.8m high fence is provided on north, south and western boundary of outdoor play area 3. An acoustic sound barrier wall is proposed up to a maximum of 3m as per the recommendations of the Noise report prepared by Day Design P/L to mitigate noise impacts.
D2 All gates leading to or from play areas shall be 1800mm high and be equipped with a child proof self-locking mechanism.	Y			Fencing gates are also 1.8m in height. Conditions can be imposed for gates to be fitted with childproof self-locking mechanisms.
D3 Child care centres adjacent to or providing access to, any hazards (including water hazards or main roads) shall be isolated from such hazards by a fence at least 1800mm high or by an approved pool fence.	Y			The site is not adjacent to any hazards such as water hazards or main roads.
5.0 Access and Car Parking				
5.1. Pick up/set down				
Development controls				
D1 The pick up and set down of children shall occur within the site.	Y			Drop off / pick-up can occur within the proposed undercroft carpark area.
5.2. Parking				
Development controls				
D1 Basement car parking shall be provided where site conditions permit.			N/A	N/A.
D2 Pathways that link directly to the main entry of the building from the periphery of the car park shall be provided to ensure safe access for children and parents.	Y			Provided along the southern boundary.
D3 Council may reduce the number of spaces required for staff where the following conditions are met: • The childcare centre allocates a			N/A	N/A. Proposed number of parking spaces are adequate and complies.

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<p>minimum of 25% of its places to 0-2 year olds.</p> <ul style="list-style-type: none"> The proposed variation shall be supported by a traffic and parking analysis prepared by a suitably qualified Traffic Consultant. <p>Note: For car parking controls relating to child care centre development, applicants must refer to the Parking and Loading Part of this DCP.</p>	Y			<p><i>1 space per 4 children:</i> 14 spaces required for 56 children. 14 spaces provided.</p>
<p>5.3. Loading areas</p> <p>Development controls</p> <p>D1 A service vehicle area shall have direct access to the building to ensure safe delivery of items, e.g. food and nappy service.</p> <p>Consideration shall be given to permit the car park to be used for this purpose.</p> <p>A courier vehicle space with minimum dimensions of 2.6m x 5.4m shall be acceptable in this instance.</p> <p>Note: For car parking controls relating to child care centre development, applicants must refer to the Parking and Loading Part of this DCP.</p>	Y			<p>Loading can occur within the site outside of core hours.</p>
<p>5.4. Disabled parking</p> <p>Development controls</p> <p>D1 Parking for people with a disability shall be provided at the rate of one (1) space per 10 spaces. If the car parking required is less than 10 then at least one (1) space shall be provided.</p> <p>D2 A set down/pick up area for people with a disability shall be located as close as possible to an accessible entrance of the child care centre or to a wheelchair access lift.</p> <p>Note: For car parking controls relating to child care centre development, applicants must refer to the Parking and Loading Part of this DCP.</p>	Y Y			<p>One accessible space has been provided next to the entry.</p>

SEPP 64 – Advertising and Signage

Requirement	Yes	No	N/A	Comment
Part 1 Preliminary				

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Requirement	Yes	No	N/A	Comment
Clause 3(1)(a)(i) Aims, objectives <i>Signage is compatible with the desired amenity and visual character of an area.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signage proposed is for business identification purposes and is considered to be compatible with surrounding uses.
Clause 3(1)(a)(ii), Aims, objectives <i>Signage provides effective communication in suitable locations.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signage proposed achieves effective communication in suitable locations.
Clause 3(1)(a)(iii), Aims objectives <i>Signage is high quality design and finish.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signage is considered to be of appropriate design and quality.
Part 2 – Signage Generally				
Clause 8 Granting of consent to signage <i>A consent authority must not grant consent to an application to display signage unless:</i> (a) <i>that signage is consistent with the objectives of the Policy at clause 3(1)(a)</i> (a) (b) <i>that the signage satisfies the assessment criteria specified in Schedule 1</i>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	The proposed signage is consistent with the objectives of the Policy
Schedule 1 – Assessment Criteria				
<u>Character of the area</u>				
<i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The DA proposes the installation of building identification signs which are satisfactory given the permissibility of the use. The size, materials and finishes of the signage are considered to be of low impact and compatible with the surrounding area.
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Proposed signage is suitable in the locality.
<u>Special areas</u>				
<i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are no environmentally sensitive or conservation areas within close proximity to the subject site.
<u>Views and vistas</u>				
<i>Does the proposal obscure or compromise important views?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposal does not obscure or compromise important views. The signs do not project from the façade or above the roof line of the building.
<i>Does the proposal dominate the skyline and reduce the quality of vistas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposal does not dominate the skyline and reduce the quality of vistas.
<i>Does the proposal respect the viewing rights of other advertisers?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Proposed signage will no impact on other advertisers.
<u>Streetscape, setting or landscape</u>				
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The scale of the signage is consistent with the context of the façade.
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The signage does not detract from the existing streetscape.
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>Does the proposal screen unsightliness?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposal does not protrude above buildings, structures or tree canopies in the area or locality.
<u>Site and building</u>				

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Requirement	Yes	No	N/A	Comment
<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which proposed signage is to be located?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal is compatible with the surrounding developments in the area.
<i>Does the proposal respect important features of the site or building, or both?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The signs are to be installed on the building façades with minimal impact on the building itself.
<i>Does the proposal show innovation and imagination in its relationship to the site or building or both?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appropriate to the proposed use of the premises.
Associated devices and logos with advertisements and advertising structures				
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is displayed?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The signs are not illuminated. The sign is considered consistent with this part.
Illumination				
<i>Would illumination result in unacceptable glare?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The sign is non-illuminated. However condition would be imposed to meet this requirement.
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The sign is non-illuminated. However condition would be imposed to meet this requirement.
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The sign is non-illuminated. However condition would be imposed to meet this requirement.
<i>Can the intensity of the illumination be adjusted, if necessary?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The sign is non-illuminated. However condition would be imposed to meet this requirement.
<i>Is the illumination subject to a curfew?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The sign is non-illuminated. However condition would be imposed to meet this requirement.
Safety				
<i>Would the proposal reduce the safety for any public road?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed sign will have no impact on road safety.
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed sign will have no impact on road safety.
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sight lines from public areas?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed sign will have no impact on road safety.

Item No: LPP006/20

DEVELOPMENT APPLICATION FOR 327 MERRYLANDS ROAD, MERRYLANDS

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: DA 2019/121/1

Application lodged	10 April 2019
Applicant	Baini Design
Owner	Mr E and Mrs M Kaltoum
Application No.	2019/121/1
Description of Land	327 Merrylands Road, Merrylands (Lot 103, DP 976423)
Proposed Development	Proposal as amended seeks approval for demolition of existing structures and construction of a 4 storey mixed use development comprising 8 residential units and 1 ground floor commercial tenancy over two levels of basement parking accommodating 15 car parking spaces and 1 car wash bay.
Site Area	541.8m ²
Zoning	B6 – Enterprise Corridor
Principal Development Standards	<p><u>Floor Space Ratio:</u> Max. 2:1 Proposed: 1.28:1</p> <p><u>Height of Buildings:</u> Max. 14m Proposed : 14m</p>
Disclosure of political donations and gifts	Nil disclosure
Heritage	No
Issues	<ul style="list-style-type: none"> • Communal open space (ADG) • Non-compliant ceiling height- first floor (ADG) • Insufficient lot width (HDCCP 2013) • Non-compliant number of storeys (HDCCP 2013) • Upper storey setback (HDCCP 2013) • Insufficient lot width (HDCCP 2013) • Public Interest (2 submissions)

SUMMARY:

1. Development Application 2019/121/1 was received on 10 April 2019 for the demolition of existing structures and construction of a 4 storey mixed use development comprising 10 residential units and 1 ground floor commercial tenancy over two levels of basement parking accommodating 17 car parking spaces.
2. The application was publicly notified to adjoining and opposite owners, a notice was placed in the local press and a notice placed on the site for a period of 21

days from 8 May 2019 to 29 May 2019. In response, the application received 2 submissions.

3. Council through its assessment noted a number of concerns with the proposal including building height, building separation, privacy, parking and internal amenity and as such the application was deferred seeking amended plans. Final set of amended plans and information were provided to Council on 15 January 2020. The design refinements resulted in the reduction of units from 10 to 8 units and overall building height. The amended plans did not warrant re-notification.
4. The application as amended proposes demolition of existing structures and construction of a 4 storey mixed use development comprising 8 residential units and 1 ground floor commercial tenancy over two levels of basement parking accommodating 15 car parking spaces and 1 car wash bay.
5. The subject application has been assessed against the relevant provisions of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65), Apartment Design Guide, Holroyd Local Environmental Plan 2013 (HLEP) and Holroyd Development Control Plan 2013 (HDCP).
6. The proposal seeks the following non-compliances which are considered supportable as discussed in detail elsewhere in the report:

Item	Required	Proposed	%age variation
Communal Open Space (COS)	25%-135.45m ²	20% -108m ²	20%
Ceiling Height (ADG)	3.3m ceiling height for the first floor.	2.7m	18.2%
Building Height (DCP)	3 storeys	4 storeys	33.3%
Street wall height requiring an upper storey setback > 3 storeys	3m upper storey front setback	Nil setback provided to the 4 th storey	100%
Lot Frontage (DCP)	26 metres	16.46 metres	36.7%

7. The application is being reported to the Cumberland Local Planning Panel (CLPP) for determination as it is a development with more than 4 storeys to which the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies.
8. The application is recommended for Deferred Commencement approval subject to the conditions in the draft determination at Attachment 4.

REPORT:

Introduction

The subject site is legally described as Lot 103 DP 976423, with a street address of 327 Merrylands Road, Merrylands within the B6 Enterprise Corridor zone. The site is located on the north-western corner of the intersection between Merrylands Road and Lockwood Street. The site forms the tail end of the commercial centre penetrating into R2 – Low Density Residential zone. Land to the north and south are zoned R2 – Low Density Residential zone.

The site is a rectangular shaped block with a frontage of 16.46m to Merrylands Road and 32.92m to Lockwood Street, with a total site area of 541.8m². The site currently contains a single-storey weatherboard dwelling and associated structures.

The site is adjoined to the north and west by single-storey dwellings. To the south-east on the opposite side of Merrylands Road are 3 storey walk-up apartment buildings, and to the south-west is a school.

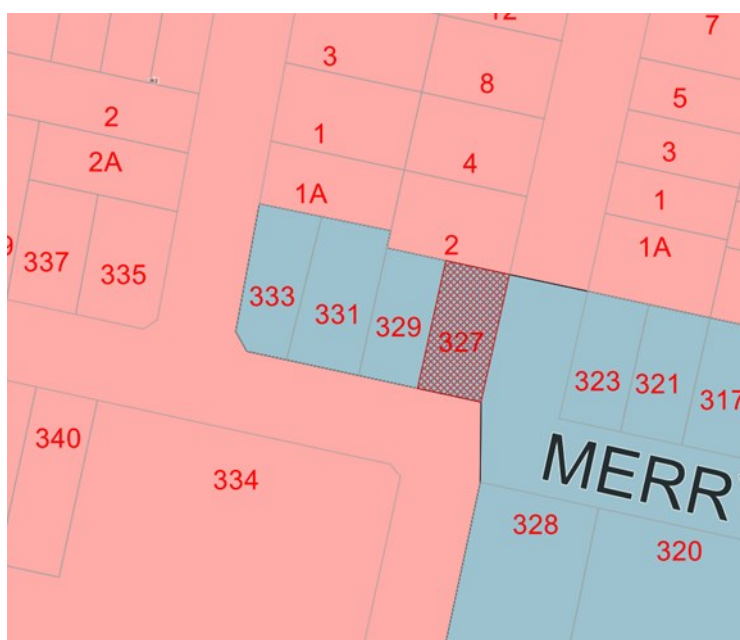
Locality Plan

Figure 1: 327 Merrylands Road, Merrylands (Source: Cumberland Council, 2019)

Aerial Plan



Figure 2: 327 Merrylands Road, Merrylands (Source: Cumberland Council, 2019)

Street View



Figures 3, 4 & 5: 327 Merrylands Road, Merrylands

Description of the Proposed Development

DA 2019/121 as amended proposes demolition of existing structures and construction of a 4 storey mixed use development comprising 8 residential units and 1 ground floor commercial tenancy over two levels of basement parking accommodating 15 car parking spaces and 1 car wash bay. Key features of the development proposal are as follows:-

- Demolition of existing structures on site.
- Construction of a 4 storey mixed use development over basement parking incorporating:-

Basement level 01

- 4 x commercial car parking space including an accessible car parking space
- 1 x delivery bay
- 1 x car wash bay
- Residential bin storage area
- Vertical bicycle spaces for 11 bikes

Basement level 02

- 8 x residential car parking space including 2 x accessible car parking space
- 2 x residential visitor car parking space
- Residential bin storage area

Ground Floor

- 1 x commercial tenancy with a total floor area of 80m² with pedestrian access from Merrylands Road and from the central lift lobby;
- 1 x 2 b/r residential unit;
- A centralised lift and stairwell core that provides pedestrian access to the basement, to the commercial tenancy and to the residential unit;
- Commercial bin store and amenities;
- Service area.

Level 1, 2 & 3

- A total of 7 units

The dwelling mix of the proposal is as follows:

- 2 x studio units (25%);
- 5 x 2 bedroom units (62.5%); and
- 1 x 3 bedroom unit (12.5%)

Background

On 26 September 2018, Cumberland Local Planning Panel refused DA 2017/561/1 for the demolition of existing structures and construction of a 4 storey mixed use development comprising 10 residential units and 1 ground floor commercial tenancy over two levels of basement parking accommodating 17 car parking spaces.

The primary reasons of refusal included building height, building separation, apartment size and layout, internal amenity, site amalgamation and traffic and vehicular access arrangements.

Application History

Date	Action
10/04/2019	The Development Application was lodged.
26/04/2019	The Development Application was referred to Council's internal and external departments for review.
08/05/2019 to 29/05/2019	Application placed on public notification for 21 days and 2 submissions were received.
01/05/2019 to 14/06/2019	External and internal referrals received.
17/09/2019	Following a detailed assessment, correspondence was forwarded to the applicant giving an option to withdraw the application based on the nature and extent of non-compliances. The application was not withdrawn.
15/01/2020	Amended plans and additional information submitted to Council, addressing the issues dated 29/10/2019. The application did not warrant re-notification as the amendments made did not result in a greater environmental impact.
12/02/2020	Application referred to CLPP for determination.

Applicant's Supporting Statement

Statement of Environmental Effects prepared by Think Planners Pty Ltd, dated 15 January 2020 was submitted 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 contact with the applicant throughout the assessment process.

Internal Referrals

Development Engineer

Council's Development Engineer has raised no objections to the proposed development, subject to conditions.

Traffic Engineer

Council's Traffic Engineer has advised that the development is generally supportable in regards to on-site parking numbers; however they raised concerns with the ingress and egress arrangements and manoeuvrability of vehicles within the basement levels. It is considered that such matters can be resolved through the recommended deferred commencement consent conditions.

Tree Management Officer

Council's Landscape and Tree Officer has raised no objections to the proposed development, subject to conditions of consent.

Environmental Health

Council's Environmental Health Officer has raised no objections to the proposed development subject to conditions of consent.

Waste Management Officer

Council's Waste Management Officer for comment who has advised that the proposed waste management is supportable subject to conditions.

External ReferralsTransgrid

The development application was referred to Transgrid for comment who has advised that the development is supportable in regards to not affecting Transgrid's asset.

Endeavour Energy

The development application was referred to Endeavour Energy for comment who has advised that the development is supportable in regards to electricity connection and sufficient clearance to existing electricity asset, subject to conditions.

Roads and Maritime Services (RMS)

The previous Development Application (DA2017/561) was referred to RMS for comment who advised that noting the proposed driveway was more than 20m from a signalised intersection, and there was no driveway on Merrylands Road, therefore no referral was required to RMS in this instance. Given that the current application proposes no changes to the design/location of the driveway, the application was not required to be referred to RMS. It should be noted that Lockwood Road is not managed by RMS.

Planning Assessment

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

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

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

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

Matters for consideration	Yes	No	N/A
Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/>	<input 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"/>	<input type="checkbox"/>
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.			
Is the site listed on Council's Contaminated Land Database?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Does the site adjoin any contaminated land/previously contaminated land?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>	<input type="checkbox"/>
Details of contamination investigations carried out at the site:			
The site is not identified in Council's records as being contaminated. A site inspection reveals the site does not have any obvious history of a previous land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated. The subject site is currently used for residential purposes and contamination is not expected. Council's Environmental Health Unit has assessed the application and considers the proposal to be satisfactory subject to conditions.			

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

The proposal includes removal of existing trees within the subject site. However, this does not exceed the biodiversity offsets scheme threshold and the majority of the trees on site are exempt species. Therefore, the proposed vegetation removal is considered acceptable. Refer to the HDCP 2013 compliance table at attachment 3 for further comment regarding the proposed tree removal.

(c) 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”.

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

A BASIX Certificate 1071236M dated 21 January 2020 has been submitted with the application and demonstrates that the proposed development meets the required water, thermal comfort and energy targets.

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

The proposal is classified as a shop top housing development and SEPP 65 applies. A design verification statement signed by registered architect Ben Vitale was submitted with the application.

SEPP 65 sets 9 design quality principles. The development has adequately addressed the principles in the following way:

Table 2 – SEPP 65 Design Quality Principles

ADG Design Quality Principle	Response
1. Context and neighbourhood character	<p>The area is zoned to accommodate new development, including shop top housing that is a permitted type of development within the B6 zone. The site forms the tail end of the commercial centre penetrating into R2 – Low Density Residential zone. Land to the north and south are zoned R2 – Low Density Residential zone.</p> <p>The existing built character in the immediate vicinity is still low density residential. Across Lockwood Street a newer shop top housing development is currently under construction. The proposed design is generally consistent with the desired future character of the area. The proposed development satisfies Holroyd LEP 2013 objectives in that it will provide residential development well integrated with the commercial uses. The siting of development has been appropriately designed to minimise any potential overshadowing and visual privacy</p>

	impact to the adjoining properties by maintaining adequate separation.
2. Built form and scale	The building has been designed to correspond with the existing landform and provides an appropriate scale in terms of the buildings bulk and height.
3. Density	The proposed density is satisfactory having regard to the future desired character of the area, in terms of floor space yield, number of units and potential number of new residents.
4. Sustainability	A BASIX Certificate has been submitted and the building meets the required energy and water efficiency targets.
5. Landscape	A landscape plan was submitted with the proposal. The proposed landscaping is considered to be satisfactory. The proposed landscaping at ground level podium will provide suitable visual amenity for the future building's occupants and suitable landscape setting for the streetscape is also proposed.
6. Amenity	The proposal will deliver sufficient amenity to residents of the building. The proposal generally achieves compliance with the ADG in this regard which contains many amenity controls. The building design incorporates access and circulation, apartment layouts, floor area, private open space, energy efficiency rating, adaptability and diversity, safety, security and site facilities. Suitable access is provided to all parts of the building, through the efficient use of lift to access all levels. The development is considered to provide an appropriate level of amenity for future residents.
7. Safety	Suitable and secure access is provided to all parts of the building, through the efficient use of lift to access all levels. Concerns regarding segregation of commercial and residential uses can be achieved through proper plan of management.
8. Housing diversity and social interaction	<p>The apartment mix is considered to be satisfactory. The specifics of the building are:-</p> <ul style="list-style-type: none"> • 2 x studio units (25%); • 5 x 2 bedroom units (62.5%); and • 1 x 3 bedroom unit (12.5%) <p>The number of adaptable units proposed is considered satisfactory with the provision of associated accessible car spaces.</p>
9. Aesthetics	The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours.

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. A comprehensive assessment against the Apartment Design Guide (ADG) controls is provided at Attachment 1.

The proposal involves the following non-compliances with the ADG controls.

3D	Communal and Public Open Space			
3D-1	An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.			
	<p>Design Criteria Communal open space has a minimum area equal to 25% of the site.</p> <p>Required: 25% x 541.8m² = 135.45m²</p>	<p>The proposed communal open space is 108m² (20%).</p> <p>The provision of communal open space is considered acceptable in this instance based on the following merits:</p> <p>xii) The proposal is a small scaled mixed use development (comprising of only 8 units) and is in close proximity to Merrylands Oval. This public open space is easily accessible and contributes positively in providing additional outdoor recreation opportunities for residents.</p> <p>Further, the development provides reasonable private open spaces for units which enhances residential amenity and optimise daylight access.</p> <p>Having regard to the above and given the small scale of development, this variation to communal open space is considered acceptable on merits.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4C-1	Ceiling height achieves sufficient natural ventilation and daylight access.			
	<p>Design Criteria Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p>	<p>The proposed ceiling heights are as follows:</p> <ul style="list-style-type: none"> •Ground floor 3.3m •First floor 2.7m •Second floor 2.7m •Third floor 2.7m 	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<table><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 proposal has a non-compliant ceiling height for the first floor. Given that subject site is located on the fringe of B6 Enterprise Corridor, it is considered unlikely that demand for first floor commercial would exist now or in the future. The proposed ceiling height will result in an overall reduction of building height, therefore minimising impacts in terms of building bulk and achieving a better design outcome sympathetic to the adjoining low density residential developments.</p> <p>In this regard, the minor variation is acceptable on merits</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																
4H	Acoustic Privacy																
4H-1	Noise transfer is minimised through the siting of buildings and building layout.	<p>The ground floor unit's bedroom 1 window overlooks the driveway ramp which raises concern with regard to the acoustic privacy. However, louvers are incorporated to the bedroom window to mitigate the impacts. Further, a condition is recommended to be imposed for the provision of planter boxes (as marked in red on the plans) to alleviate any acoustic privacy concerns.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>												

(f) State Environmental Planning Policy (Infrastructure) 2007

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

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

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

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

Regional Environmental Plans

(h) 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.

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

The proposed development is defined as a 'mixed use development' under the provisions of Holroyd Local Environmental Plan (LEP) 2013. The development meets the objectives of the B6 Enterprise Corridor zone and achieves compliance with the key statutory requirements of the Holroyd LEP 2013.

A comprehensive assessment and compliance table is provided at Attachment 2 which demonstrates the proposal's compliance (as amended) with the relevant planning standards that are applicable to the site.

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

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))

(a) Holroyd Development Control Plan 2013

HDGP 2013 contains general controls which relate to all developments under Part A, and Commercial Controls under Part C.

A comprehensive HDGP compliance table is attached to this report at Attachment 3. A summary of the DCP non-compliances is provided in the following table.

PART C – COMMERCIAL DEVELOPMENT					
1.1	Lot Size and Frontage				
	The minimum lot frontage for development within Zone B2, B4, B5 and B6 shall be, unless otherwise stated as site specific controls in this DCP:	The subject site has a frontage of 16.46m to Merrylands Road and is therefore non-compliant.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	<ul style="list-style-type: none"> • Up to three storeys – 20 metres. • 4 - 8 storeys – 26 metres. • 9 storeys and greater – 32 metres. 	Refer to the discussion below:			
	<p>Council may require the consolidation of more than one existing land holding to be undertaken in order to meet all the requirements of this development control plan.</p> <p>In instances where lot amalgamation in order to meet the requirements of this DCP cannot be achieved, the following information must be submitted with any development application:</p> <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. <p>Where amalgamation (as required) is not achieved, the applicants must show that the remaining sites, which are not included in the consolidation, and the proposed development site, will still be able to achieve the development outcome prescribed in this DCP, including achieving the required vehicular access, basement parking and built form.</p> <p>Sites must not be left such that they are physically unable to reasonably develop a three storey building in accordance with the controls in this part.</p>	<p>Given that the subject site has a limited site width, it is considered ideal to amalgamate with the adjoining site at No. 329 Merrylands Road. A consolidated development would yield a better urban design outcome.</p> <p>The developer has attempted to amalgamate with the adjoining site, and in this regard, 2 valuations dated 4 January 2019 and 30 January 2019 and a letter of offer dated 25 February 2019 accompanied by a documentary evidence (i.e. via registered post) was provided to Council. This demonstrates that a reasonable offer was forwarded to the land owner of 329 Merrylands Road, Merrylands. However, the applicant received no response to the offer and on that basis it was considered to be rejected.</p> <p>With regard to the above, it is considered that the applicant has satisfied the relevant requirements of the DCP and the subject site could be deemed isolated as the developer is unable to acquire more land to develop in accordance with the DCP.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		<p>Given that there is the potential for the adjoining properties to the west to amalgamate, they are not considered to be affected / landlocked as a result of the proposal.</p> <p>Further, conceptual plans have been prepared showing a potential built form on the subject site and the adjoining site, as well as a montage of what both developments would look like together.</p>																																					
1.3	Building 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>10m</td><td>1</td></tr><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><tr><td>32m</td><td>9</td></tr><tr><td>38m</td><td>11</td></tr><tr><td>41m</td><td>12</td></tr><tr><td>50m</td><td>15</td></tr><tr><td>53m</td><td>16</td></tr><tr><td>65m</td><td>20</td></tr></table>	Permitted Height (storeys)		Height	Storeys	10m	1	11m	2	12.5m	2	14m	3	17m	4	20m	5	23m	6	26m	7	29m	8	32m	9	38m	11	41m	12	50m	15	53m	16	65m	20	<p>Required = 14m and 3 storey</p> <p>Provided – 14m and 4 storeys.</p> <p>The proposal does not provide for the required 3m setback above the 3 storey street wall height as the proposal seeks to provide for a consistent 4m setback to both frontages for the entire height of the building. Given the corner location, the small built form with a compliant LEP building height, setting back the 4th floor would adversely affect the appearance of the building. Further, the 4th storey has a smaller portion of physical structure and the remaining portion is dedicated to the communal open space which provides an appropriate transition to the low density residential zone along the northern boundary. In this regard, a 4 storey building is considered appropriate on</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Permitted Height (storeys)																																							
Height	Storeys																																						
10m	1																																						
11m	2																																						
12.5m	2																																						
14m	3																																						
17m	4																																						
20m	5																																						
23m	6																																						
26m	7																																						
29m	8																																						
32m	9																																						
38m	11																																						
41m	12																																						
50m	15																																						
53m	16																																						
65m	20																																						

		this site when considering the constrained allotment size and configuration.			
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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 s 4.15(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 92 of the Regulation, the provisions of AS 2601 must be considered in the case of a development application for the demolition of a building. Standard conditions are included in the draft determination to require the proposed demolition works to 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 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 proposed development.

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 for a period of 21 days from 8 May 2019 to 29 May 2019. As a result of the notification, two submissions were received.

The issues raised in the public submission are summarised and commented on as follows:

Issue	Planners comment
1. The size of the site is not large enough to sustain a block of units. The width of the site does not comply with the DCP. The development will landlock the immediate neighbour.	The proposal does not comply with the minimum lot frontage requirements in accordance with Holroyd DCP 2013. However, this matter has been discussed in the main body of this report where Council considers that the DCP process for amalgamation has been followed by the applicant.

	<p>On this basis, Council is able to consider varying the lot frontage requirement as the preconditions for site amalgamation have been satisfied.</p>
<p>2. The signalised intersection is very busy and the proposed driveway is located very close to the traffic lights.</p>	<p>Council's Traffic Engineers have assessed the proposed development having regard to the location of the proposed driveway to the signalised intersection and have raised no objection to the proposed location of the driveway.</p>
<p>3. There is not adequate frontage for garbage bins</p>	<p>Council's Waste Management Section has assessed the proposal and raises no objection with regard to the placement of the appropriate number of bins along the Lockwood Street frontage for pick up.</p>
<p>4. Inadequate parking and impact on existing traffic.</p>	<p>The proposal is defined as a "Mixed use development" which is a permissible land use under the subject B6- Enterprise Corridor zoning. The proposed development complies with the provisions of Clause 3.1 – Parking Requirements of the Holroyd Development Control Plan 2013 – Part A by providing a total of 16 car spaces (including 4 commercial car spaces) within the basement carpark. Further, given that the vehicular access is provided along the secondary street (Lockwood Street, Merrylands), it is considered that traffic generated by this development will not adversely affect the existing traffic in the street.</p> <p>Further, Council's traffic engineers have assessed this application and considered satisfactory with regard to traffic and parking impact of the proposal as it is satisfied that sufficient off street parking and adequate access is provided within the proposed development.</p>

5. The proposed development shall be flagged as a 5 storey development.	The proposed development as amended is considered to be a 4 storey development as the top floor constituting the roof top communal open space has been deleted.
6. Mixed use development comprising of one commercial unit and 10 residential units.	<p>The proposed development is defined as a 'mixed use development' under the provisions of Holroyd Local Environmental Plan (LEP) 2013. Mixed use development means a building or place comprising 2 or more different land uses. The proposal as amended comprises of 8 residential units that encompasses a residential flat building (RFB) and a commercial tenancy at ground level which are permitted within the B6 – Enterprise Corridor zone.</p> <p>The proposal (albeit being on a smaller scale) will contribute towards providing opportunities for business and housing stock within proximity to local services and public transport.</p>

Section 7.11 of the Environmental Planning & Assessment Act 1979

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

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

- 2 x studio units = \$9,236 x 2 = \$18,472
- 5 x 2 bedroom units = \$15,619 x 5 = \$78,095
- 1 x 3 bedroom unit = 20,000
- 80m2 of commercial tenancy = \$212 x 80 = \$16,960

The required Section 7.11 contribution payable for the proposal is \$133,527.00

Note: This includes Credit for the existing 1 x 3-bedroom dwelling.

The Public Interest

The public interest is served by permitting the orderly and economic use of land, in a manner that is sensitive to the surrounding environment and has regard to the

reasonable amenity expectations of surrounding land users. In view of the foregoing analysis, it is considered that approval of the proposed development would not be contrary to the public interest.

Disclosure of Political Donations and Gifts

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

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








CONCLUSION:

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

REPORT RECOMMENDATION:

1. **That Development Application 2019/121/1 for the demolition of existing structures and construction of a 4 storey mixed use development comprising 8 residential units and 1 ground floor commercial tenancy over two levels of basement parking accommodating 15 car parking spaces and 1 car wash bay be Approved via Deferred Commencement, subject to the attached conditions, provided at Attachment 4.**
2. **That the applicant and those persons who lodged a submission in respect to the application be notified of the determination of the application.**

ATTACHMENTS

1. ADG Compliance Table [!\[\]\(564903337f30b845a5f6979939a95fe6_img.jpg\)](#) 
2. HLEP 2013 Compliance Table [!\[\]\(de7c1d2bea2115f02a9062a37836c733_img.jpg\)](#) 
3. HDCP 2013 Compliance Table [!\[\]\(c0e8bdcd7d546e1e314fd026183ba127_img.jpg\)](#) 
4. Draft Notice of Determination [!\[\]\(bcf04e9ded69439db053d42fc8bc3811_img.jpg\)](#) 
5. Architectural Plans [!\[\]\(721cea7487ddbae03f7b4eb2884f4e5a_img.jpg\)](#) 
6. Locality Map [!\[\]\(74858ff8ae626840c59c0dbd589f7a83_img.jpg\)](#) 
7. Submissions (x2) [!\[\]\(d1fabafb7876925c1975ec63fc1f0c80_img.jpg\)](#) 

DOCUMENTS
ASSOCIATED WITH
REPORT LPP006/20

Attachment 1
ADG Compliance Table

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.		<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 DCP.	<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 4 storeys in height and will allow for an appropriate transition to the north through increased setbacks, reduced building height and building separation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3C-2	Amenity of the public domain is retained and enhanced.	Considered satisfactory	<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. Required: 25% x 541.8m ² = 135.45m ² .	The proposed communal open space is 108m ² (20%). Refer to earlier discussion under the main body of the report.	<input type="checkbox"/>	<input checked="" 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).	The COS area would receive the minimum.	<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.	Deep soil zone is not required in commercial zones.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Design Criteria Deep soil zones are to meet the following minimum requirements:	Deep soil zone is not required in commercial zones.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Site Area = 650m ² - 1500m ² - Min. dimension of 3m; and - 7% of the site area.																
3F	Visual Privacy	Yes	No	N/A													
3F-1	<p>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</p> <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	<p>Western Separation <u>Ground Floor</u> Required = 6m Provided = varying setback of 0m to 1m provided.</p> <p><u>Level 1 to Level 3</u> Required = 6m Provided = 0m</p> <p>However, no setback required under HDCP.</p> <p>Northern Separation: <u>Ground Floor</u> Required = 6 + 3 = 9m Provided = 9m</p> <p><u>Level 1 to Level 3</u> Required = 6 + 3 = 9m Provided = 9m</p> <p>Southern Separation: (Merrylands Road) <u>All levels</u> Required = 6 metres Provided = 14 metres provided to centre line of road.</p> <p>Eastern Separation: <u>All levels</u> Required = 6 metres Provided = 14 metres provided to centre line of road.</p>	<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	<p>Building entries and pedestrian access connects to and addresses the public domain.</p> <p>Pedestrian access points into the site and building are legible and well-defined. A single main lobby is proposed on the ground floor. The commercial tenancy is accessed via a separate entrance from Merrylands</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>													

		Road and the residential component via Lockwood Street. A swipe card and a push button system is proposed for access to the upper level residential component. A plan of management shall be provided to ensure proper segregation of the commercial and residential uses. This has been conditioned.															
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 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"/>												
	<div>Design Criteria</div> <div>For development in the following locations:</div> <div><div><div>• on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</div><div>• on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre,</div></div><div>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.</div><div>The car parking needs for a development must be provided off street.</div><table><tr><th colspan="2">Control</th></tr><tr><td>1 bedroom</td><td>0.6 spaces</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></div> <td><div>The proposed development does not fall within the noted locations.</div><div>Refer to commentary provided under the Holroyd DCP 2013 section of this report.</div></td> <td></td> <td></td> <td></td>	Control		1 bedroom	0.6 spaces	2 bed	0.9 spaces	3 bed	1.4 spaces	4+ bed	1.4 spaces	Visitor	0.2 spaces per dwelling	<div>The proposed development does not fall within the noted locations.</div> <div>Refer to commentary provided under the Holroyd DCP 2013 section of this report.</div>			
Control																	
1 bedroom	0.6 spaces																
2 bed	0.9 spaces																
3 bed	1.4 spaces																
4+ bed	1.4 spaces																
Visitor	0.2 spaces per dwelling																
			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
3J-2	Parking and facilities are provided for other modes of transport.	Bike and motorbike parking spaces are proposed within the basement level in accordance with DCP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												

		requirements.			
3J-3	Car park design and access is safe and secure	Basement access is secure via a security door. Lift lobby has good passive surveillance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3J-4	Visual and environmental impacts of underground car parking are minimised.	Basement levels do not protrude by more than 1 metre above ground levels.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3J-5	Visual and environmental impacts of on-grade car parking are minimised.	No on grade parking spaces are proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3J-6	Visual and environmental impacts of above ground enclosed car parking are minimised.	No on grade parking spaces are proposed.	<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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Required: 70% x 8 units = 6 units.	<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.	<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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Required: 60% x 8 units = 5 units.			
	Overall depth of a cross-over or cross-	None proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	through apartment does not exceed 18m, measured glass line to glass line.																
4C	Ceiling Heights	Yes	No	N/A													
4C-1	<p>Ceiling height achieves sufficient natural ventilation and daylight access.</p> <p>Design Criteria Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <table border="1"> <thead> <tr> <th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> <tr> <td>For 2 storey apartments</td> <td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room with a 30 degree minimum ceiling slope</td> </tr> <tr> <td>If located in mixed used areas</td> <td>3.3m for ground and first floor to promote future flexibility of use</td> </tr> </tbody> </table> <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 3.3m • First floor 2.7m • Second floor 2.7m • Third floor 2.7m <p>Refer to discussion under the main body of the report.</p>	<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																
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>													
4D	Apartment Size and Layout	Yes	No	N/A													
4D-1	<p>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</p> <p>Design Criteria Apartments are required to have the following minimum internal areas:</p> <table border="1"> <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> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p> <p>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.</p>	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	<p>The unit sizes comply with the minimum standards.</p>	<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																
		<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"/>													
	<p>Design Criteria Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</p>	<p>The proposed development complies with this requirement.</p>	<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.	The proposed development complies with this requirement.	<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: <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> The minimum balcony depth to be counted as contributing to the balcony area is 1m.	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	Each unit is provided with the compliant POS areas and dimensions.	<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+ bedroom apartments	12m ²	2.4m																		
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.		<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.	Maximum 3 units.	<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.	Satisfactory	<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.												
	<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	4m ³	1 bedroom apartments	6m ³	2 bedroom apartments	8m ³	3+ bedroom apartments	10m ³			
	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.		<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. <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.	Bedroom 1 of ground floor unit has a window over the driveway ramp. Louvres have been incorporated to However; louvers are incorporated to the bedroom window to mitigate the impacts. Further, condition has been imposed that the window shall be acoustically treated such that the noise transmission from the driveway is minimised. Bedroom 3 of Unit 8 has a window overlooking the COS (third floor). The window shall be acoustically treated to mitigate any privacy impacts. This has been conditioned.	<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.	Acoustic report submitted, considered satisfactory subject to conditions.	<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.	As above	<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.		<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.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4L-2	Design of ground floor apartments delivers amenity and safety for residents		<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.		<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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>	Conditions imposed for 20% of total apartments to achieve the Liveable Housing Guideline's silver level universal design	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	The development proposes a mixed use building in an appropriate location with an active street frontage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4S-2	Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	The residential levels are integrated into the whole development and provide appropriate levels of safety and amenity for residents.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4T	Awnings and Signage		Yes	No	N/A
4T-1	Awnings are well located and complement and integrate with the building design.	The proposed awning integrates into the front façade design.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4T-2	Signage responds to the context and desired streetscape character.	No signage is proposed. Any signage will be a subject of new application. This has been conditioned.	<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
ASSOCIATED WITH
REPORT LPP006/20

Attachment 2
HLEP 2013 Compliance Table

ATTACHMENT 2 – HOLROYD LOCAL ENVIRONMENTAL PLAN 2013 COMPLIANCE TABLE

No.	Clause	Comment	Yes	No	N/A
	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. 	<p>Mixed use development, comprising residential flat buildings and certain commercial premises, is permitted within the B6 – Enterprise Corridor zone.</p> <p>The proposal meets the objectives of the zone.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<p>In accordance with the Height of Buildings Map accompanying Holroyd LEP 2013, the maximum building height is 14 metres.</p> <p>The proposal complies with the maximum building height standard.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.4	Floor Space Ratio (1) The objectives of this clause are as follows: <ul style="list-style-type: none"> (a) to support the viability of commercial centres and provide opportunities for economic development within those centres, (b) to facilitate the development of a variety of housing types, (c) to ensure that development is compatible with the existing and desired future built form and character of 	<p>In accordance with the Floor Space Ratio map accompanying Holroyd LEP 2013, the maximum permitted Floor Space Ratio (FSR) is 2.0:1.</p> <p>With a site area of 541.8m², the maximum permitted gross floor area is 1083.6m².</p> <p>The proposed floor area is 695.6m² which equates to a FSR of 1.28:1.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
	<p>the locality, (d) to provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping.</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>				
5.10	Heritage conservation	<p>The subject site is located in close proximity (80m) to the Merrylands Fire Station. Given that the development is of an appropriate scale and consistent with the streetscape, along with the existing reasonable physical separation, the current proposal will have negligible impacts on this item.</p> <p>It is therefore considered that the heritage item would remain unaffected by the proposed development.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.1	Acid Sulfate Soils	The site is not affected by Acid Sulfate Soils.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.2	Earthworks	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<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>				

No.	Clause	Comment	Yes	No	N/A
	(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.				
6.4	Flood planning	The site is not flood affected.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.5	Terrestrial Biodiversity	There is no evidence of any terrestrial biodiversity on the site.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.7	Stormwater Management	Council's Development Engineer has found the stormwater plans and calculations submitted with the application to be satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.8	Salinity	The site is located on land identified as being affected by moderate salinity. Standard conditions could be imposed should the application be approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DOCUMENTS
ASSOCIATED WITH
REPORT LPP006/20

Attachment 3
HDCP 2013 Compliance Table

CUMBERLAND LOCAL PLANNING PANEL

ATTACHMENT 3 - HOLROYD DCP 2013 COMPLIANCE TABLE

No.	Clause	Comment	Yes	No	N/A
PART A – GENERAL CONTROLS					
1	Subdivision				
	Not Applicable		<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 two-way 6.6m wide driveway and 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Corner sites VC to be min. 6m from the tangent point.	>6m	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Corner sites require 3m x 3m (residential) and 4m x 4m (commercial) splay corner to be dedicated.	4m x 4m splay proposed – no encroachments.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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				
	Car Parking <u>Residential</u> Studio/1 b/r unit = 0.8 spaces 2 b/r unit = 1 space 3b/r unit = 1.2 space Visitor = 0.2 spaces per unit Required: 0.8 x 2 = 1.6 1 x 5 = 5 1.2 x 1 = 1.2 0.2 x 8 = 2 Total Residential = 9.4 ~ 10 spaces <u>Commercial</u> Ground Floor Leasable GFA - 1 per 20m ² Required = 80/20 = 4 Loading bay= 1 space Total commercial spaces required = 5 spaces. Total spaces required = 17	<u>Residential</u> Provided: - 8 residential - 2 visitor spaces Total residential provided = 10. Satisfactory subject to condition for reconfiguration of parking spaces <u>Commercial</u> Provided: 4 commercial spaces and 1 space for delivery 1 carwash bay. <u>Total spaces provided = 16</u> Council's Traffic Engineer has assessed the submitted plans and documentation and considered satisfactory subject to Schedule A conditions requiring re designing of the	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1

Cumberland Local Planning Panel Agenda

CUMBERLAND LOCAL PLANNING PANEL

No.	Clause	Comment	Yes	No	N/A
		basement levels. The recommended conditions are provided within Attachment 4 of this report.			
	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 = 5 spaces	7 spaces provided to service the development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.5	Access, Manoeuvring and Layout				
	The minimum width for internal roadways that access internal parking areas/structures depends on the number of parking spaces and service bays served. Provide minimum widths for two-way traffic as detailed below: - 11-25 spaces length not exceeding 40 metres = 4.5 - 6.5m	Council's Traffic Engineer has assessed the submitted plans and documentation and considered satisfactory subject to conditions of consent as discussed under 3.1.	<input type="checkbox"/>	<input checked="" type="checkbox"/> Co nsi der ed acc ept abl e	<input type="checkbox"/>
	Driveways shall be setback a minimum of 1.5m from the side boundary.	The proposed driveway and vehicular crossing is offset 1.275 from the northern side property boundary.	<input type="checkbox"/>	<input checked="" type="checkbox"/> Co nsi der ed acc ept abl e	<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. Required: 16 spaces proposed, requiring 2 accessible spaces.	2 accessible spaces provided for the residential component.	<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 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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No.	Clause	Comment	Yes	No	N/A
		by a suitably qualified person.			
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.		<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				
	Merrylands Road is listed as a road requiring an Acoustic report to be submitted which addresses vibration and noise levels for sites next to busy roads. 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		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Waste Management				
	Considered satisfactory by Council's Waste Management section, subject to condition.		<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	1.5m high front fence proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Front fences solid ≤1m and be ≥50% transparent to 1.5m	Proposed front fencing is open above 1.05m.			
1.3	Views				
	Whilst there are views to the north, these are enjoyed predominantly by the residents living in the RFB located on the south-eastern corner of the intersection. The RFB will still receive unimpeded views north along Lockwood Street and to the north-east.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.5	Landscape Area				
	Min. 30% for a residential flat building.	As the proposed development is located within a commercial zoning, compliance with this control is not applicable in this instance.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Required: $541.8m^2 \times 30\% = 162.54m^2$				
	Max. 50% of provided landscaped area shall be forward of the front building line.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Majority of landscaped area is to be at the rear of the building.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.9	Cut and Fill				
	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				

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No.	Clause	Comment	Yes	No	N/A
	VC min. 3m wide and max. 5m wide at boundary.	New VC proposed. Refer to comments provided by Council's Development Engineering Department.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Council favours the use of a central under-building access driveway.	Vehicle access provided on rear boundary of secondary street	<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 10 units = 2 units.	2 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"/>
PART C – COMMERCIAL DEVELOPMENT					
1.1	Lot Size and Frontage				
	The minimum lot frontage for development within Zone B2, B4, B5 and B6 shall be, unless otherwise stated as site specific controls in this DCP: • up to three storeys – 20 metres. • 4 - 8 storeys – 26 metres. • 9 storeys and greater – 32 metres.	The subject site has a frontage of 16.46m to Merrylands Road and is therefore non-compliant.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Council may require the consolidation of more than one existing land holding to be undertaken in order to meet all the requirements of this development control plan. In instances where lot amalgamation in order to meet the requirements of this DCP cannot be achieved, the following information must be submitted with any development application: • Provide two written independent valuations representing the affected sites value. • Provide evidence that a reasonable offer has been made to the affected owners. Where amalgamation (as required) is not achieved, the applicants must show that the remaining sites, which are not included in the consolidation, and the proposed development site, will still be able to achieve the development outcome prescribed in this DCP, including achieving the required vehicular access, basement parking and built form. Sites must not be left such that they	Given that the subject site has a limited site width, it is considered ideal to amalgamate with the adjoining site at No. 329 Merrylands Road. A consolidated development would yield a better urban design outcome. The developer has attempted to amalgamate with the adjoining site, and in this regard, 2 valuations dated 4 January 2019 and 30 January 2019 and a letter of offer dated 25 February 2019 accompanied by a documentary evidence (i.e. via registered post) was provided to Council. This demonstrates that a reasonable offer was forwarded to the land owner of 329 Merrylands Road, Merrylands. However, no response was received to the offer and on that basis it was considered to be rejected. With regard to the above, it is considered that the applicant has satisfied the relevant requirements of the DCP and the subject site could be deemed landlocked as the	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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No.	Clause	Comment	Yes	No	N/A						
	are physically unable to reasonably develop a three storey building in accordance with the controls in this part.	<p>developer is unable to acquire more land to develop in accordance with the DCP.</p> <p>Given that there is the potential for the adjoining properties to the west to amalgamate, they are not considered to be affected / landlocked as a result of the proposal.</p> <p>Further, conceptual plans have been prepared showing a potential built form on the subject site and the adjoining site, as well as a montage of what both developments would look like together.</p>									
1.2	Site Coverage, floor area and building use										
	Bulky goods development: bulky goods shall occupy a minimum 60% of the total floor area.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>						
	Food and drink premises in Zone B6: Max. GFA 1000m².		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>						
	Residential dwellings are not permitted at ground floor within Zone B2 Local Centre and Zone B4 Mixed Use.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>						
	Commercial development shall be located at least at street level, fronting the primary street and where possible the secondary street. Residential dwellings may be permitted at ground floor within Zone B1 Neighbourhood Centre and B6 Enterprise Corridor.	The commercial tenancy is proposed at street level and has frontage to the primary street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						
	Where residential dwellings are located at ground level and face the street, they shall be constructed as flexible floor plates to enable future commercial development.	The proposed dwelling can be altered in future if necessary.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						
1.3	Building Height										
	The minimum floor to ceiling height for a floor in a commercial building, or the commercial component of a building shall be as follows: 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 3.3mFirst floor 3.3mSecond floor 2.7mThird floor 2.7m <p>Ground level floor to ceiling dimension complies with ADG. Refer to discussion in the report for first floor ceiling height non-compliance.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						
	Maximum building height in storeys shall be provided in accordance with the table below:	Required = 14m and 3 storey Provided – 14m and 4 storeys.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>						
	<table><tr><th colspan="2">Permitted Height (storeys)</th></tr><tr><th>Height</th><th>Storeys</th></tr><tr><td></td><td></td></tr></table>	Permitted Height (storeys)		Height	Storeys			The proposal does not provide			
Permitted Height (storeys)											
Height	Storeys										

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No.	Clause	Comment	Yes	No	N/A
	10m	1			
	11m	2			
	12.5m	2			
	14m	3			
	17m	4			
	20m	5			
	23m	6			
	26m	7			
	29m	8			
	32m	9			
	38m	11			
	41m	12			
	50m	15			
	53m	16			
	65m	20			
1.4	Setbacks, Separation and Depth				
	Zone B2 and B4 are within site specific section of DCP.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Zone B5: • Greystanes and Smithfield – 10m. • Holroyd/Granville – 6m. • Church St Granville – 0m. • All other areas not stated in other sections of DCP – 4m.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Zone B6: • South Wentworthville – 6m. • All others areas not stated in other sections of DCP – 4m.	Primary: - 4m for ground floor and upper levels - 3.7m to balcony (which can protrude up to 600mm). Secondary: - 4m for ground floor and upper levels. - 3.4m to balcony (which can protrude up to 600mm).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Unless otherwise stated in site specific controls within this DCP, a street wall height of three storeys (11-14 metres) is required for all commercial development, and for mixed use development in a commercial zone.	A 3 storey street wall has not been provided. However, minor variation supported on merit due to satisfactory articulation provided and appropriate presentation to street.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	A 3 metre setback is required above the street wall height.	A 3m setback has not been provided above the street wall height. However, this is considered acceptable (refer to commentary above).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Unless otherwise stated in site specific controls within this DCP, where a site adjoins a business zone, there is no side setback requirement.	Nil setback to the adjoining B6 Enterprise Corridor zoned site (No. 329 Merrylands Road) to the west.			
	Where a site adjoins any residential zone (and not separated by a road), the side setback shall be a minimum of 3 metres.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Where adjoining a residential zone,	With regard to solar access, the	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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No.	Clause	Comment	Yes	No	N/A
	the development must demonstrate that the proposed setbacks will enable the achievement of access to sunlight and privacy as required under this DCP to the adjoining residential property. Setbacks, transition of height, location of balconies and windows and screening may assist.	proposal is considered to allow for a numerically compliant amount of solar access.			
	Unless otherwise stated in site specific controls within this DCP, development adjoining residential zones shall have a rear setback of 6 metres.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Building separation between adjoining buildings, where containing residential dwellings shall be provided, dependent on the height (in storeys) of the development. Separation controls are within Part B of this DCP.	As above.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.5	Landscaping and Open Space				
	Landscaped area is not required in business zones, unless where site specific controls within this DCP requires otherwise.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.1	Rear laneways and Private Accessways				
	Where buildings have access to existing laneways, vehicular access must be provided from the laneway.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Laneways and private accessways shall be clear, direct and shall allow access for pedestrians at all times.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.2	Pedestrian Access				
	Direct and unimpeded access from the car parking area to all residential units and commercial uses within a development shall be provided.	Direct access is provided to the residential units and commercial tenancy via the basement and lobby. Pedestrian access points into the site and building are legible and well-defined. A single main lobby is proposed on the ground floor. The commercial tenancy is accessed via a separate entrance from Merrylands Road and the residential component via Lockwood Street. A swipe card and a push button system is proposed for access to the upper level residential component. A plan of management shall be provided to ensure proper segregation of the commercial and residential uses. This has been conditioned.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Main building entry points should be clearly visible from primary street frontages, well lit, legible and enhanced through building design and treatment.	The main building entries are clearly visible from the public domain.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Access to public areas of buildings shall not have unnecessary barriers or obstructions including uneven and slippery surfaces, steep stairs and ramps, narrow doorways, paths and corridors etc.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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No.	Clause	Comment	Yes	No	N/A
2.3	Building Entries				
	Equal accessibility is to be ensured for all, in both residential and commercial uses.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The main entrance of buildings must be accessible for all members of the community		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Separate entries from the street are to be provided for cars, pedestrians, multiple uses (commercial and residential) and ground floor apartments.	Refer to earlier discussion under Section 2.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Residential entries must be secure where access (e.g. lifts) is shared between commercial and residential uses.	Common lobby area has been provided for both uses. Refer to above discussion under Clause 2.2. Satisfactory	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Commercial development should include adequate areas for pedestrian movement, free from advertising or "overflow" retail structures.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.4	Vehicle Access		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Driveways shall be provided from laneways (existing or proposed), private accessways and secondary streets where possible.	Driveway provided along secondary street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Loading and unloading facilities shall be provided from a rear lane, side street or right of way where possible.	The application was referred to Council's Traffic Engineer and deferred commencement conditions are imposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The location of vehicular access shall consider existing services (power, drainage etc) and street trees.	The location of the vehicular crossing will not impede any existing services.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Vehicular access shall be integrated with the overall design of the building and shall consider site layout, streetscape character and façade design.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	All vehicles must be able to enter and leave the site in a forward direction.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The width of driveways is limited to a maximum of 6 metres or 8 metres for commercial loading docks and servicing.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Pedestrian safety is to be maintained through design including ensuring clear site lines at pedestrian and vehicular crossings and clearly differentiating vehicular and pedestrian access.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.5	Parking				
	On-site parking is to be accommodated underground wherever possible, in zones where residential development is permitted.	2 basement parking levels are provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Consolidate basement parking areas under building footprints to maximise the area available for landscaping.	Parking is consolidated under building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Parking areas shall be designed to ensure pedestrian amenity and safety.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Natural ventilation is to be facilitated to basement and sub-basement car parking areas wherever possible and with regard to any flooding issues.	It is unclear how the basement will be ventilated, however this could be conditioned.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Safe and secure access is to be provided from on site parking for building users, including direct access from parking to lobbies.	Refer to earlier discussion under Section 2.2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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No.	Clause	Comment	Yes	No	N/A
	Visitor parking shall be clearly identified and may not be stacked parking.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.1	Safety and Security				
	Boundaries between private and public spaces should be defined and strengthened through building form and/or design elements.	The proposed commercial and residential components provide casual surveillance to Merrylands Road and Lockwood St.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Casual surveillance of spaces is to be achieved through active frontages, street address and creating casual views of common internal areas (i.e. lobbies and foyers, hallways, recreation areas and carparks).	Active street frontage provided for the commercial component.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Visible, functional and safe building entries are to be provided using the following: street address, clear lines of sight, separate entries for commercial and residential uses, direct entries to ground floor dwellings, direct and well lit routes from carparks and lift lobbies to all floors within the development.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Building entries should be placed in visually prominent locations and be easily identifiable with numbering.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Blind or dark alcoves near lifts and stairwells, at the entrance and within carparks along corridors and walkways are not permitted.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Adequate lighting shall be provided within a development, such as pedestrian routes and accessways, common areas and communal open space, car parking areas, all entries and under awnings. Timers and motion sensors may be implemented where appropriate to reduce energy consumption.	A lighting plan for the proposed development has not been provided, however considered satisfactory subject to appropriate condition of consent.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Landscaping should avoid opportunities for concealment. Landscape treatment such as low plantings or trees with a clean trunk to 2m are encouraged.	Considered satisfactory	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.2	Facade design and Building materials				
	Facade proportions and vertical and horizontal emphasis shall be appropriate to the scale of development and its interaction with the streetscape. Vertical emphasis shall be incorporated above awnings.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Blank walls and large expanses of one material shall be avoided.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Maximise the use of glazing to active frontages.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	All walls to the street shall be articulated by either/or windows, verandahs, balconies or blade walls. Such 'articulation' elements may be forward of the required building line up to a maximum of 600mm.	The proposed facades of the development are adequately articulated through the provision of varying windows, awnings, parapet walls, projecting balconies and material finishes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The design of plant rooms and lift overruns is to be integrated into the overall architecture of the building.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.3	Laneway and Arcade Design				
	Not applicable		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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No.	Clause	Comment	Yes	No	N/A
3.4	Shopfronts				
	Solid roller shutters, either internal or external, that block out or obscure windows or entrances, are not permitted.	Roller shutters are not proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Security Bars are not permitted.	Security bars are not proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The following security measures are acceptable: • Open grille (concertina) security devices- where they are unobtrusive, discreet in design and colour and open in nature. • Transparent grille shutter security devices- where located behind the shopfront.	Shutters on shop fronts are not proposed as part of this application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	All street frontage windows located at ground floor level are to be clear of glazing.	The windows proposed to the commercial unit are maintained as clear glazing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Street numbers shall be located on shopfronts and awnings, and shall be clearly visible from the street.	Satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.5	Daylight Access				
	Developments shall be designed to maximise northern aspects for dwellings and offices.	The proposed development maximises the west, north and eastern sunlight.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Where south facing dwellings are unavoidable, window areas are to be maximised.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Single aspect dwellings that have a southerly aspect (SW-SE) shall be limited to a maximum of 30% of the total number of dwellings proposed within a development.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.6	Visual and Acoustic Privacy				
	New development shall be located and oriented to maximise visual privacy between buildings on site and adjacent buildings by: i) providing adequate building separation and setbacks in accordance with Section 4.5, ii) utilising the site layout to increase building separation by orienting buildings on narrow sites to the front and rear of the lot, thereby utilising the street width and rear garden depth to increase the separation distance.	Refer to ADG assessment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Detailed site and building design elements are to be used to increase privacy without compromising access to light and air. Design detailing may include: i) offsetting windows of apartments in new development and adjacent development windows, ii) recessing balconies and/or vertical fins between adjacent balconies, iii) using solid or semi-solid	Refer to ADG assessment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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No.	Clause	Comment	Yes	No	N/A
	balustrades to balconies, iv) using louvres or screen panels to windows and/or balconies, v) providing appropriate fencing, vi) providing vegetation as a screen between spaces, vii) incorporating planter boxes into walls or balustrades to increase the visual separation between areas, viii) utilising pergolas or shading devices to limit overlooking of lower apartments or private open space, ix) providing appropriate fencing.				
	Landscaping shall be designed to provide screening and filtering for control of privacy and to reduce overlooking of dwellings.	Achieved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Conflicts between noise, outlook and views are to be resolved by using design measures such as double glazing, operable screened balconies and continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Developments shall be designed to locate driveways, carports or garages away from bedrooms.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.7	Managing External Noise and Vibration				
	Development proposals within 60m of a railway line and/or adjacent Classified Road must provide a report, to be submitted with the development application, demonstrating that the development will comply with the following criteria.	The subject site is located greater than 60m from a railway line. Merrylands Road is a classified road under HDCP 2013. An acoustic report has been provided which is considered satisfactory by Council Environmental Health Unit.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.8	Awnings				
	Continuous awnings are required to be provided to all active street frontages (except laneways).	Proposed awning is considered satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Permitted on laneways where active street frontages are required. Shall be retractable and only used in hours of operation.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Shall wrap around street corners.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.10	Flexibility and Adaptability – Residential Mix				
	15% of units shall be adaptable units. Required = 2	2 units are proposed as adaptable units.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.11	Corner buildings				
	Corner buildings shall articulate street corners and present each frontage as a main street frontage	Satisfactory articulation provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.12	Ground floor apartments				
	The number of ground floor accessible apartments shall be maximised.	One ground floor unit is provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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No.	Clause	Comment	Yes	No	N/A
	Individual entrances are encouraged.	The ground floor unit can be accessed via the lobby/corridor.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Privacy, safety and security shall be optimised through fencing, lighting, landscaping and minimising sightlines through stepping up the ground floor max. 1.2m and through the design of balustrades and sill heights to windows.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.13	Internal Circulation & Storage for residential uses				
	As identified within the SEPP 65 component of this report, the building complies with the internal circulation requirements		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.15	Natural Ventilation				
	Where possible, orient buildings and apartments to maximise prevailing breezes.	The design is considered satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ensure each dwelling can be naturally ventilated through the appropriate siting and layout of the rooms.	Satisfactory	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Locate window and door openings to facilitate cross ventilation.	Satisfactory	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Arrange windows, doorways and other openings to allow free internal air movements.	Satisfactory	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.16	Roof Design				
	Roof forms and styles shall reflect and related to the scale and context of the building and character of the street. Pitched roofs (i.e. Roof forms copying elements of single family homes) are discouraged and will not be permitted in the following circumstances: i) Where a pitched roof design does not relate to the existing urban context, ii) Where a pitched roof increases the visual bulkiness of a proposed building.	The proposed roof design is considered satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Incorporate roof top elements such as lift overruns, service plants and other visually intrusive service elements and infrastructure into the design of the roof.	Satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Where flat roofs are proposed, lift overruns, rooftop plant and machinery should be obscured from view by parapets or be incorporated within rooftop activities/features.	Satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Wherever possible provide landscaped and shaded areas on roofs (i.e. roof gardens).	Satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Minimise the bulk and mass of roofs and the potential for overshadowing from roofs.	Satisfactory.	<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.	Satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Roofs may be articulated, or broken	Satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Cumberland Local Planning Panel Agenda

CUMBERLAND LOCAL PLANNING PANEL

No.	Clause	Comment	Yes	No	N/A
	down its massing on large buildings, in order to minimise the apparent bulk or to relate to a context of smaller building forms.				
3.18	Waste Management				
	Garbage/recycling storage areas must be located so as to be easily serviced and not cause any negative impacts in terms of visual appearance, noise or smell, to residents, adjoining properties or to the street. Storage areas for bins are to be located away from the front of the development in a location with a practical distance from the final collection point.	Council's Waste Management Officer is supportive of the proposal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	A waste management plan must be submitted with any development application and approved prior to development approval.	A Waste Management Plan accompanied the application and was considered acceptable by Council's Waste Officer.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.1	Wind Mitigation				
	Not Applicable		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.1	Public Art				
	Not Applicable		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.2	Signage				
	Not Applicable		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.3	Hours of Operation				
	Not Applicable		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.0	Large Store/Mall Development				
	Not Applicable		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.0	Residential Mix for business zoned land				
	Mixed use developments and shop top housing shall provide a variety of residential units mix.	A mix of one and two bedroom units is proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Studios and one bedroom units shall not be more than 20% of the total mix.	<ul style="list-style-type: none"> • 2 x studio units (25%); • 5 x 2 bedroom units (62.5%); and • 1 x 3 bedroom unit (12.5%) <p>Although 1 bedroom unit is more than 20% of the total mix, it is considered acceptable noting the small nature of the site and the development in general.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.0	Operation Management				
	Not Applicable		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.0	Environmental Health				
	Not Applicable		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.0	Amusement Machines and Centres				
	Not Applicable		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11.0	Business, Commercial and ancillary uses on Residential zoned land				
	Not Applicable		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12.0	Health consulting rooms				
	Not Applicable		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

CUMBERLAND LOCAL PLANNING PANEL

DOCUMENTS
ASSOCIATED WITH
REPORT LPP006/20

Attachment 4
Draft Notice Of Determination

Our Reference:
Contact:
Phone:2019/121
Ms N Aamir
02 8757 9972**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979
NOTICE OF DETERMINATION OF APPLICATION****DEFERRED COMMENCEMENT**

12 February 2020

Mrs R Baini
PO Box 2402
NORTH PARRAMATTA NSW 1750

Dear Sir/Madam

Pursuant to Section 4.16(3) of the Act, Council has granted "deferred commencement" consent to your development application described as follows:

PROPERTY: Lot 103, DP 976423

STREET ADDRESS: 327 Merrylands Road, Merrylands

DEVELOPMENT CONSENT NO: 2019/121/1

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 4 storey mixed use development comprising 8 residential units and 1 ground floor commercial tenancy over two levels of basement parking accommodating 15 car parking spaces and 1 car wash bay

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 4 storey mixed use development comprising 8 residential units and 1 ground floor commercial tenancy over two levels of basement parking accommodating 15 car parking spaces and 1 car wash bay with to Council's satisfaction.

Amended plans/Additional Information

1. Amended plans /additional information shall be submitted to the satisfaction of Cumberland Council's Executive Manager – Development and Building, addressing the following issues:

Traffic - Access and Parking

- i) The proposed ramp between ground level and basement 1 shall be amended to provide for two-way traffic flow. Amended plan shall incorporate waiting bay and be accompanied by swept path analysis.

Note: A traffic signal system may be considered between Basement 1 and Basement 2.

- ii) The proposed curved section of the ramps shall be in accordance with relevant Australian Standard for B99 vehicles and for commercial delivery vehicles.
- iii) Dimensions (parking spaces length and width, aisle width, parking space gradients, head height clearance, extensions at dead end aisles, etc.) shall be shown on the plans and shall be in accordance with Australian Standards 2890.1-2004 and 2890.6-2009.
- iv) Swept path analysis shall be provided demonstrating the following:
 - A vehicle can pass another vehicle at all passing areas (particularly at the top and bottom of the ramps and at entry point).
 - The largest vehicle can enter the site, manoeuvre into the loading area and exit the site in a forward direction.
 - Details of the road including, kerblines, signs, traffic devices, power poles, other structures and neighbouring driveways shall be shown on the plans.
- v) Sight distance to vehicles and pedestrians at the front property boundary and between passing areas shall be demonstrated to comply with AS2890.1-2004. In addition, details such as heights of fencing or other structures adjacent to the driveways shall be provided.
- vi) If entry points are provided with a security gate, then a queue area shall be provided within the property boundary for the largest vehicle that will enter the site in accordance with relevant Australian Standard.
- vii) All plans including stormwater and landscape plans shall be amended to reflect consistency with the revised architectural plans (as revised through the above conditions).

Note: The above matters may require a redesign of the basements, including but not limited to reconfiguration of parking spaces and increase in basement footprint. Any such design changes may require lodgement and approval of a Section 4.55 modification application.

Waste

2. As the grade to wheel bins up the ramp exceeds 1:8, a bin tug is required to be provided. The bin tug needs to be stored in the bin storage room and clearly demonstrated on the Architectural Plans.

Plan of Management

3. A plan of management (POM) detailing how the commercial /residential pedestrian movement will be segregated on the ground floor shall be submitted to Council's Executive Manager Development and Building for review.

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 submitted to satisfy Schedule "A" and prepared generally in accordance with plans prepared by Baini Design (Job No. 16094)			
Dwg No.	Revision	Title	Date
03	B	Site Plan	15/12/2018
05	B	Basement Level 1 & 2	15/12/2018
06	B	Ground Floor & Level 1-2 Plans	15/12/2018
07	B	Third Floor & Roof Plan	15/12/2018
08	B	Elevations	15/12/2018
09	B	Section & Streetscape	15/12/2018
10	B	External Colours & Finishes	15/12/2018
11	B	Materials & Finishes Schedule	15/12/2018
14	B	Demolition Plan	15/12/2018

Stormwater Plans submitted to satisfy Schedule "A" and prepared generally in accordance with plans prepared by Australian Consulting Engineers (Job No. ACE161442.SW.DA) OSD Plan No. 2019-201			
Dwg No.	Revision	Title	Date
101	D	Stormwater layout plan Basement levels Sheet 1 of 2	13/12/2018
102	D	Stormwater layout plan Basement levels Sheet 2 of 2	13/12/2018
103	D	Stormwater layout plan	13/12/2018
104	D	On-site detention details And calculation sheets	13/12/2018
105	D	Miscellaneous Details sheet	13/12/2018

Landscape Plans submitted to satisfy Schedule "A" and prepared generally in accordance with plans prepared by Jala Designs(Job no. JALA-17-015)			
Dwg No.	Revision	Title	Date
LP-01	C	Landscape Plan	12/12/2018
LP-02	C	Landscape Plan	12/12/2018

- Acoustic Report prepared by Acoustic Consulting Engineers, Job No. 160790-01L-DD, dated 15 November 2017 (as amended to satisfy condition 49);

- Arboricultural Impact and Tree Management Plan prepared by Horticultural Management Services dated 31 August 2017;
 - Correspondence from Endeavour Energy dated 13 May 2019 and all recommendations contained therein;
 - Waste Management Plan, dated 15 December 2017; and
 - BASIX Certificate No. 1071236M, dated 21 January 2020.
- 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 and the relevant Australian Standards. Fully detailed plans including fire safety details shall be submitted with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

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

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

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

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

5. The applicant shall consult with, as required:
- (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) A local telecommunications carrier
- regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).
6. Building materials, builders sheds, waste bins, site fencing, gates or any material of any description shall not be left or placed on any footway, road or nature strip. Footways and nature strips shall be maintained, including the cutting of vegetation, so as not to become unsightly or a hazard for pedestrians. Offenders will be prosecuted.

Demolition

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

relating to the protection of the site, adjoining lands and trees are adhered to in full prior to commencement of any demolition works.

8. Permission is granted for the nominated demolition works on the property, subject to strict compliance with the following:-
 - a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - *Demolition of Structures*. **Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications. a) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. The demolition must not commence prior to the date stated in the notification.
 - b) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Cumberland Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
 - c) On the first day of demolition, work is not to commence until Cumberland Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with WorkCover's document "Your Guide to Working with Asbestos", a copy of which accompanies this Development Consent and demolition works must at all times comply with its requirements.
 - d) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 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 Office of Environment and Heritage (OEH).
- l) Before demolition operations begin, the property shall be connected to the sewer of Sydney Water to which a pedestal pan shall be temporarily connected for the use as the employees' toilet service during demolition operations.
- m) After completion, the applicant shall notify Cumberland Council within 7 days to assess the site and ensure compliance with AS2601-2001 – *Demolition of Structures*.

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

- n) Within 14 days of completion of demolition, the applicant shall submit to Council:
 - i) An asbestos clearance certificate carried out by a licensed asbestos assessor (normally a NATA accredited occupational hygienist), or a person who has the knowledge and skills to be a licensed assessor, regardless of whether or not they are licensed; and
 - ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent under DCP 2013 Part A, Section 11.0. **In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials; and**

Note: To find a list of NATA accredited facilities visit the NATA website at www.nata.asn.au 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.

Future Use

- 11. No approval is granted or implied for the use of ground floor commercial unit and any associated signage. Separate development consent shall be sought, prior to use.

Substations & Fire Hydrant Boosters

12. No approval is granted or implied for the installation of substations and fire hydrant booster pumps and construction of associated encasing structures such as blast walls or radiant heat shields. Separate Development Consent is required.

Cranes on Building Sites

13. 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

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

Section 7.11 Contribution

15. Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 7.11 of the *Environmental Planning and Assessment Act 1979* and Holroyd Section 94 Development Contributions Plan 2013, for two (2) x studio, five (5) x 2 b/r dwellings and one (1) x 3b/r dwelling (minus credit for the 1 existing dwelling) and 80m² of non-residential development is to be paid to Council. At the time of this development consent, the current rate of the contribution is **\$133,527.00**. 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

16. A cash bond/bank guarantee of **\$6,160** must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for 'six (6) months after the completion of works' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

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

Consistency with Endorsed Development Consent Plans

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

Landscape Inspection Fee

18. Payment of a **\$372** 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

19. Payment of a **\$625** 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.
20. The applicant shall lodge with Council a **\$3,000** cash bond or bank guarantee to cover the removal of redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
21. The applicant shall lodge with Council a **\$3,000** cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete footpath paving adjacent to the site. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
22. The applicant shall lodge with Council a **\$3,000** cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete 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.
23. 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 NSW Land Registry Services.

Traffic and Car parking

24. All internal driveways and vehicle access ramps must have ramp grades and transitions complying with AS 2890.1. In this respect, ramps must be no greater than 25% for 20m and any ramp transitions must be no greater than 12.5% for crest's and 15% for sag's, for a minimum length of 2m. A driveway profile must be prepared, showing ramp lengths, grades, surface RL's and overhead clearance, taken from the Council approved boundary levels to the parking space area. The driveway profile must be taken along the steepest grade of travel or sections having significant changes in grades, where scraping or height restrictions could potentially occur.

Road Works

25. 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.

Boundary Alignment Levels

26. Street boundary levels shall be obtained from Council's Manager of Engineering and Traffic and incorporated in the design. These issued levels are to be incorporated into the design of the driveway access and clearly delineate on the plans submitted with the Construction Certificate application to comply with AS2890.1:2004

Sight Distance

27. To maintain sight distance to pedestrians, all fencing and landscaping within 2m 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 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.

Splay corners

28. The development shall make provisions for a 4 metre by 4 metre splay corner (curved or straight) within the site.

On-Site Stormwater Detention

29. 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 2019-201 and Council's on-site detention policy shall be submitted to the certifying authority prior to the issue of a construction certificate. The system shall generally be in accordance with the stamped approved drawings however the following shall also be addressed:
- (i) Retaining walls forming above ground storage basin/s shall be constructed wholly within the property and be of watertight construction (ie: Masonry/Brick), with a typical section detail is provided.
 - (ii) All walls, kerbs or crests proposed on the site are indicated along with their respective levels. (eg top of wall level).
 - (iii) A safety fence or an equivalent barrier shall be provided where there is a vertical drop of greater than 500mm from a walkway into an above ground basin area.
 - (iv) All mulch to landscaped areas of the above ground basin shall be non-floatable (ie rock/gravel or similar).
 - (v) Any amendments in red on the OSD drawing.

Basement Pump Out System

30. Pump out systems shall be provided for basement level car parks for seepage and/or runoff from access ramps and shall be in accordance with the criteria set out under 7.3 clause C12 in Part A of Holroyd Development Control Plan 2013. Full details shall be shown on the amended stormwater plans, addressing the following :
 - (i) Council requires the provision of basement stormwater storage in case of pumpout failure to accommodate the 1% AEP storm event - 12 hour duration storm event. Included in the storage shall be an above ground component which will act as a visual warning to the occupiers of the building. In this regard the basement storage shall consist of the following:
 - A below ground storage tank shall be provided and capable of storing the volume of stormwater run-off generated from the catchment area draining to the pump out system in the 1% AEP (100 year ARI) - 90-minute storm event. The tank shall be clearly delineated on the stormwater drawings.
 - An above ground storage area shall be provided and capable of storing the difference in volume of stormwater run-off generated from the catchment area draining to the pump out system between the 1% AEP (100 year ARI) 90 minute and the 1% AEP (100 year ARI) 12 hour storm event. The above ground storage area shall be clearly delineated on the stormwater drawings.
 - (ii) Adequate finished surface levels shall be shown for the above ground storage area to ensure it will be constructed correctly.
 - (iii) The basement car parking area shall be graded to fall to the sump and pump system.
 - (iv) The storage room within basement shall be set a minimum of 100mm above the top of water level of the above ground storage within the basement.
 - (v) The Location of a "pump failure warning sign" and flashing strobe light shall be indicated on the OSD Drawing, which shall be visible to vehicles entering the basement.
 - (vi) Four (4) copies of plans and calculations for the design shall be submitted to Council, together with the payment of a \$675.70 checking fee. Inadequately prepared drawings and calculations will incur an additional checking fee of \$225.

Required Submissions to Certifying Authority

31. 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.
32. 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.
33. 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.

34. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.
35. 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.
36. 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.
37. Signs and line marking plans for the car parking area (e.g. parking spaces, waiting bay, internal arrows, Give-way signs, pedestrian crossing 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.
38. Glass balustrades of all units' balconies shall be provided with obscure glazing.
39. Storage areas for each unit shall be provided at the following rates:
 - 1 bedroom unit – 6m³
 - 2 bedroom units – 8m³
 - 3 bedroom units – 10m³

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

40. Bedroom 1 window of ground floor unit along the northern elevation (over the driveway ramp) shall be acoustically treated such that the noise transmission from the driveway is minimised.
41. Louvers shall be provided to bedroom 3 window of Unit 8 along the northern elevation to alleviate any visual privacy concerns. Further, this window shall be acoustically treated, such that the noise transmission from the communal open space is minimised.
42. The overall building height shall not exceed 14m with a maximum of RL of 44.90m from the existing natural ground level.

Light Fixtures

43. A plan showing the location of light fixtures throughout the development shall be submitted to the Principal Certifying Authority.

Sydney Water

44. 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.

Accessibility

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

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

Fire Safety Upgrading & Essential Services

46. 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.

Basement Car Park Ventilation

47. The basement car park shall be naturally or mechanically ventilated. The ventilation system shall comply with the requirements of the Building Code of Australia and relevant standards including AS1668.1 – 1998 The Use of Ventilation and Air conditioning in Buildings Part 1: Fire and Smoke Control in Multi Compartment Buildings and/or AS 1668.2-2002; The Use of ventilation and Air conditioning in Buildings Part 2: Ventilation Design for Indoor Air Contaminant Control.

Air Conditioning

48. Details and specifications for the mechanical ventilation system complying with the Australian Standard are to be submitted and approved by Council.

Acoustic Measures

49. Prior to the issuing of the Construction Certificate the following is required to be submitted to Cumberland Council for assessment and comment:
- i) An amended acoustic report shall be submitted to Council to include reference to the Noise Policy for Industry (NPfI), rather than the now superseded Industrial Noise Policy. The amenity criteria must be corrected to reflect the NPfI, and the resultant project specific noise criteria must be adjusted accordingly. Recommendations for construction performance and design must be based off these adjusted project specific noise criteria.
 - ii) Any provision within the building design for a vertical exhaust riser for the ground floor retail premises.
 - iii) Details as to how the requirement for windows and doors to remain closed for acoustic amenity reasons will be reconciled with the proposed design to allow for all apartments to be cross ventilated. If windows and doors need to remain closed, then an alternative ventilation system is required to ensure compliance with the BCA.

Design Verification Statement

50. In accordance with Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Flat Development", the subject development must be undertaken or directed by a "qualified designer" (i.e., a "registered architect" under the Architects Act). In this regard, a design verification statement shall be submitted to the Principal Certifying Authority (PCA). The PCA shall ensure that the statement prepared by the qualified designer provides the following:-
- (i) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
 - (ii) That the qualified designer has designed or directed the design of the subject development;
 - (iii) That the plans and specifications lodged with the Construction Certificate achieve or improve the design quality of the development for which the subject development consent was granted, having regard to the design principles set out in Part 2 SEPP 65.

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

Residential Flat Development Residential Waste Storage Area

51. 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

52. 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

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.

Construction Management Plan

54. The applicant shall also provide a Construction 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) All necessary concurrences and approvals from RMS must be obtained for any construction works impacting on the traffic signals at Lockwood Street/Merrylands Road.
 - (c) 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) 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;
- (iv) 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.
- (d) 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.
- (e) Any use of Council property shall require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- (f) 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.
- (g) Dependent on the circumstances of the site, Council may request additional information to that detailed above.

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

55. 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

56. 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

57. 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

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 Council's "Erosion & Sediment Control Policy."

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

Tree Protection

65. 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.
66. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected prior to and throughout the demolition/construction process in accordance with the Arboricultural Impact and Tree Management Plan prepared by Horticultural Management Services, dated 31 August 2017 and relevant conditions of this Consent. All trees not authorised to be removed by this Consent must be retained. Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to the Principal Certifying Authority by a suitably qualified person or the Arborist (as appropriate) engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted. A copy of the Certificate is to be issued to Council within seven (7) days of the inspection and prior to any works commencing. Additionally, trees identified for removal are to be retained until immediately prior to works commencing, to assist with soil management and erosion control.
67. Protective fencing is to be installed around the tree/s around the trees in accordance with the recommendations and section 12 of the Arboriculture Impact Assessment & Tree Management Plan prepared by Horticultural Management Services, dated 31 August 2017. This fencing is to be constructed of chainwire mesh 1.8m high, which is supported by steel stakes or piping and braced to resist impacts. Where appropriate the trunk/s of the tree/s on the site and any street tree/s (which are not to be fenced other than as mentioned above), shall also be protected by vertical timber boards, installed by or under the supervision of a suitably qualified person or the arborist (as appropriate) engaged to ensure the proper protection and management of the trees required to be retained/transplanted to accepted horticultural and TAFE standards.

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

Footpaving, Kerbing and Guttering

68. 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.
69. 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

70. 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).

- 71. 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

- 72. 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

- 73. 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

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 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 (e.g. telephone, electricity, sewer, water or gas) required within the road reserve.
75. 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.
76. The developer shall arrange with Endeavour Energy for the relocation of the Power Pole affected by the proposed vehicular crossing.
77. 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.
78. 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

79. 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.
80. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
81. 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

82. 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

83. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and approved Traffic Management Plan are to be retained on site at all times.

Hours of Work & Display of Council Supplied Sign

84. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited. **Note: Demolition work is not permitted on weekends or Public Holidays - refer to specific demolition condition for approved hours.**

The yellow "Hours of Building Work" sign (supplied by Council with the approval), is to be displayed in a prominent position at the front of the site for the duration of the work.

Site Control

85. All soil erosion measures required in accordance with the approved sediment and erosion control plan and any other relevant conditions of this Consent are to be put in place prior to commencement of construction works are to be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation. This includes the provision of turf laid on the nature strip adjacent to the kerb.
86. Builder's refuse disposal and storage facilities are to be provided on the development site for the duration of construction works and all rubbish shall be removed from the site upon completion of the project.
87. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

Asbestos Cement Sheeting

88. i) All asbestos cement sheeting must be removed by contractors with an appropriate licence issued by WorkCover and who are familiar with asbestos removal prior to the commencement of:-
 - (a) Recladding or brick veneering of any building where the existing walls to be covered are currently clad with asbestos cement;

OR

- (b) Construction work where new work abuts existing asbestos cement sheeting and/or where parts of the existing building clad with asbestos cement sheeting are to be altered or demolished.

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

- ii) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the 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

- 89. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.
- 90. 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

- 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.

Construction

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 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

93. 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

94. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
95. 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), shall be erected along and within all side and rear boundaries and between courtyards at full cost to the developer. 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.
96. Fences are to taper from the front building line to be not more than 900mm high at the front boundary.
97. 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

98. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected against damage throughout the demolition/construction process in accordance with the Arboricultural Impact and Tree Management Plan prepared by Horticultural Management Services, dated 31 August 2017 and relevant conditions of this Consent.
99. A report is to be prepared and submitted to Council by the Arborist engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted that:

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

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

- 100. 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.

- 101. 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.

- 102. 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.

Works within Council's Reserve

- 103. 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 Works

- 104. The stormwater drainage works are to be inspected during construction, by the Council or by a practicing 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) Prior to backfilling following the laying of the stormwater pipe within the downstream easement.

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

(e) 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 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.)

(d) Final Inspection

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

Road Works and Footpaving

106. 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".

107. 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

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

Underground Power Connection

109. 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

110. 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.

111. With regard to basement level pump out system, a warning system shall be provided to alert occupants of the building that a basement stormwater pump out failure has occurred, which could cause flooding. As a minimum, the system shall include:
- a flashing light with warning sign at each pedestrian and vehicular entrance into the basement from outside the building; and
 - a warning system, such as an audible alarm with flashing light and warning sign installed within a common area or areas of the building, such as the ground floor lobby.

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

Basement Parking

112. A convex mirror is to be provided so that drivers can see up the driveway from within the basement.
113. An intercom device is to be located:
- i) on the driver's side wall at the top of the driveway to the basement carpark, so that visitors can access the carparking spaces; and
 - ii) within the basement foyer so that disabled persons can contact any unit if the lift is not working.

Vehicle Cleansing

114. 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

115. 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

116. 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.

Driveways

117. All new driveways shall be located at least 1.0 metre away from the side boundaries with the area between the driveway and the boundary suitably landscaped.

General

118. The recommendations of the Acoustic Report (as amended to satisfy Condition 49); are required to be incorporated into the design/construction of the proposed use.

Noise & Vibration

119. The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.
120. In the event of a noise or vibration problem arising, the person in charge of the premises must, when instructed by Cumberland Council or the Accredited Certifier, cease work and carry out an acoustical survey and/or investigation by an appropriate acoustical engineer or consultant and submit the results to Council. The person in charge of the site must implement any or all of the recommendations of the consultant and any additional requirements of Council. Any requirements of Council in this regard must be complied with immediately.

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

121. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
122. A Section 73 Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation and submitted to the PCA.

(Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

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

Submission a copy of Sydney Water's *Notice of requirements* to the Principal Certifying Authority.

123. 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.

124. An Accredited Certifier shall submit to the Principal Certifying Authority a signed checklist as per Appendix A of AS4299-1995 confirming that a minimum of 2 Units have achieved the desired level of adaptability (i.e. "Adaptable House Class A or B").

Landscaping and Site Works

125. 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.
126. 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.

127. 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.

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

Parking/Driveway

129. 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.
130. The entry/exit driveway shall be indicated with appropriate signage and line-marking to avoid the conflict at the driveway.
131. The driveway shall be signposted indicating availability of visitor off-street parking. Spaces reserved for this purpose shall be marked as such.
132. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.
133. All parking spaces, signs and line marking, aisle, driveway and internal roadways dimensions shall be in accordance with Australian Standard 2890.1.2004 and 2890.6.2009.
134. The entry point shall be provided with a suitable communication system to allow the security gate to be opened remotely by occupants of the building. The width of the access driveway/ramp adjacent to the control devices shall not restrict access for residents / visitors and shall be in accordance with Australian Standards.
135. The ramp 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.
136. A convex mirror shall be installed within the basement carpark at proposed ramps.
137. Wheel stops shall be provided at appropriate parking locations (i.e. lifts, stairways) in accordance with AS 2890.1:2004.

Fire Safety

138. 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

139. 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.

Onsite Stormwater Detention, Certifications and Covenants

140. 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.
141. 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.
142. 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.
143. 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 NSW Land Registry Services.

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 NSW Land Registry Services within six (6) months from the date of release by the benefiting authority.

144. 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.
145. 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.
146. OSD design summary calculation sheet/s using the WAE levels shall be submitted to Council.
147. Confined space signage and step irons at 300mm centres shall be provided to each access of the OSD tanks.
148. The applicant shall provide a standard OSD sign within the aboveground basin area in accordance with Clause 7.1 (i) of Holroyd DCP 2013 OSD policy.

Road Works

149. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
150. A full width heavy duty **combined** vehicular crossing shall be provided opposite each vehicular entrance to the site, with a maximum width of 6.5 metres and a minimum 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.
151. The removal of existing and construction of footpath paving to the entire site frontage. Generally the works shall be in accordance with Council's requirements and standards. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall address the following:
 - Full width 2.5m wide concrete footpath along all areas of the site fronting Lockwood and Merrylands Road.
152. The reconstruction of concrete footpath paving and associated works along all areas of the site fronting Merrylands Road and Lockwood Street, Merrylands. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD-8100 and issued level sheets.
153. The construction of kerb and gutter and associated works along all areas of the site fronting Merrylands Road and Lockwood Street, Merrylands. These works shall be carried

out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD-8100 and issued level sheets.

154. Removal of all redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing number SD-8100.
155. Dedication and construction of a 4 metres by 4 metres splay corner in favour of Council. Documents relative to the creation of the splay corner shall be lodged with the Land and Property Information NSW with Registration being affected prior to issue of the Occupation Certificate. All costs associated with the construction, creation and dedication of the splay corner are to be borne by the applicant.

Basement Car Park Ventilation

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

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, www.cumberland.nsw.gov.au.

Design Verification Statement

158. In accordance with Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Flat Development", the subject development must be undertaken or directed by a "qualified designer" (i.e., a "registered architect" under the Architects Act). In this regard, a design verification statement shall be submitted to the Principal Certifying Authority (PCA) assessing the development, upon completion of all works subject of this consent and its accompanying construction certificate. The PCA shall ensure that the statement prepared by the qualified designer provides the following:-
 - (i) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
 - (ii) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the Construction Certificate, having regard to the design quality principles set out in Part 2 SEPP 65.

Noise Compliance Report

159. 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 DA approved Acoustic Report prepared by Acoustic Consulting Engineers, Job No. 160790-01L-DD, dated 15 November 2017 (as amended to satisfy Condition 49); 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.

Lighting

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

Lift

161. The lift provided from the commercial basement level is to be installed with a security measure so as to restrict visiting persons of the commercial tenancies access to the residential levels above.

Right-of-Carriageway

162. A Right-of-Carriageway shall be created for the vehicular access from Lockwood Street over Lot 103, DP 976423 (327 Merrylands Road, Merrylands) up to the point where it adjoins Lot 104, DP 976423 (329 Merrylands Road, Merrylands) at the basement level. A Section 88B instrument shall be created in favour of the Lot 104, DP 976423 (329 Merrylands Road, Merrylands) and burdening Lot 103, DP 976423 (327 Merrylands Road, Merrylands). Documents relative to the creation of the ROW to be lodged with the NSW Land Registry Services with registration being affected prior to the issue of an Occupation Certificate. All costs associated with creation of right-of-carriageway shall be borne by the applicant. Proof of the creation of the right-of-carriageway (including vehicles, pedestrian and servicing) shall be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate. The Right-of-Carriageway shall enable all vehicles to enter and exit any future basement for lot 104, DP 976423 in a forward direction, and as such the extent of the Right-of-Carriageway shall be determined using swept paths in accordance with Australian Standards.

Note: Any future development with a basement on Lot 104, DP 976423 (Property No. 329 Merrylands Road, Merrylands) may consider using the above Right of Carriageway if direct access from Merrylands Road is not supported by Council.

General

163. Documentary evidence and/or certificate of compliance must be submitted to Council to show that all works have been completed in accordance with this Development Consent and its accompanying Construction Certificate.
164. The glass balustrading associated with the balcony areas of the development, facing the public domain, shall be maintained to opaque glass.

CONDITIONS RELATING TO USE

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

Safety and Amenity

165. 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.
166. 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.
167. 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.
168. 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.

Mechanical Ventilation System – Car Park

169. 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.

Parking

170. 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.
171. At least 5 car parking spaces (including 1 loading/unloading) and 1 car wash bay are to be numbered and line marked in association with the retail use in accordance with the endorsed plan. At least 10 car spaces (including 2 visitor car spaces) are to be allocated to residential use. All car parking spaces are to be made available at all times for employee, resident and visitors' vehicles only in conjunction with the occupation of the building/premises.
172. All vehicles shall enter / exit the site in a forward direction.
173. The car parking spaces shall be numbered and linemarked 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.
174. The roller gate shall not restrict access for visitors of the residential carpark areas.
175. All residents shall be provided with remote control device to open the roller door.

Refuse & Trade Waste

176. 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 – Residential

177. 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.
178. Each unit shall be provided with a waste cupboard or other suitable storage area to facilitate the holding of a bin containing a single days-domestic waste.

Alarms

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

Emergency Procedures

180. 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

181. 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.

General Noise Condition

182. 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 LA_{90} level (in the absence of the noise under consideration).
183. 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.
184. 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.

Lighting

185. 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*.

General

186. All privacy measures including privacy screens 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.

Future Use

187. No approval is granted or implied for the use of ground floor commercial unit and associated signage. Separate development consent shall be sought prior to use.

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.

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. 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.
- C. 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.
- D. 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 integrated or 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.

- E. 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.
- F. 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.

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

H. 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.

I. 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.

J. 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.

K. 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.

L. 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.

M. 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.

N. 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.

O. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

An administration fee per certificate in accordance with Council's Adopted Fees & Charges Schedule 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. 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.

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.

Yours faithfully

Sohail Faridy
COORDINATOR DEVELOPMENT ASSESSMENT

DOCUMENTS
ASSOCIATED WITH
REPORT LPP006/20

Attachment 5
Architectural Plans

MIXED USE DEVELOPMENT

327 MERRYLANDS RD, MERRYLANDS

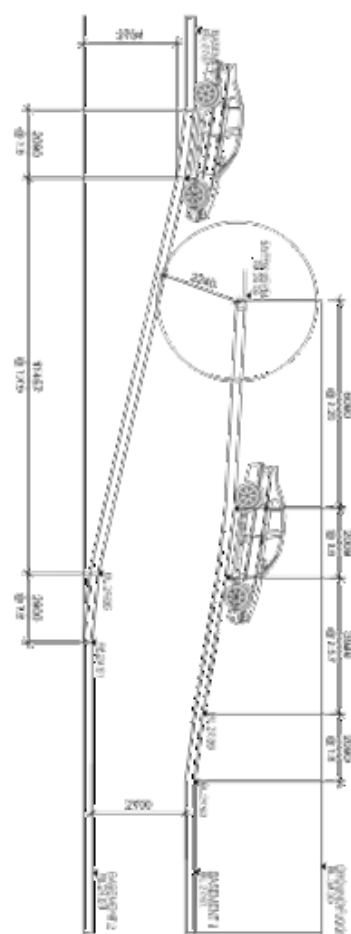
16094

DRAWING LIST

16094/1	COVER PAGE	16094/10	EXTERNAL COLOURS & FINISHES
16094/2	COMPLIANCE TABLE	16094/11	MATERIAL AND FINISHES SCHEDULE
16094/3	SITE PLAN	16094/12	FLOOR CALCULATION PLAN
16094/4	SITE ANALYSIS	16094/13	SOLAR ACCESS / CROSS VENTILATION
16094/5	BASEMENT LEVEL 2 / LEVEL 1	16094/14	DEMOLITION PLAN
16094/6	GROUND FLOOR / LEVEL 1-3 PLAN	16094/15	SHADOW DIAGRAMS
16094/7	ROOF PLAN	16094/16	3D VIEWS
16094/8	ELEVATION	16094/17	2D HEIGHT PLANE
16094/9	SECTION & STREETSCAPE	16094/18	BASIC COMMENTS



<p>PROJECT</p> <p>MIXED USE DEVELOPMENT</p> <p>327 Merrylands Rd, Merrylands</p> <p>CHARLES BANI</p>		<p>DATE</p> <p>DEC. 18</p>	
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MIXED USE DEVELOPMENT

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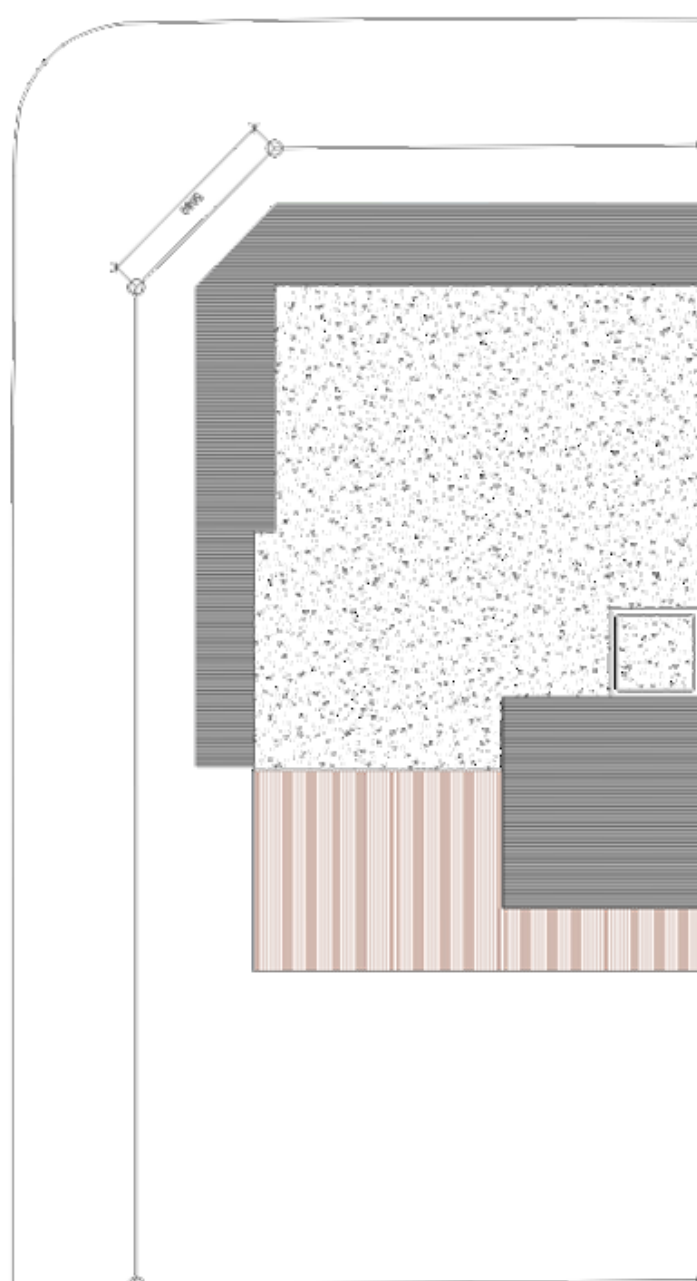
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BASEMENT LEVEL 1 & 2

PROJECT NO.	DESCRIPTION	REVISION
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DATE	ISSUED	APPROVED
DEC. '78	CB	CB



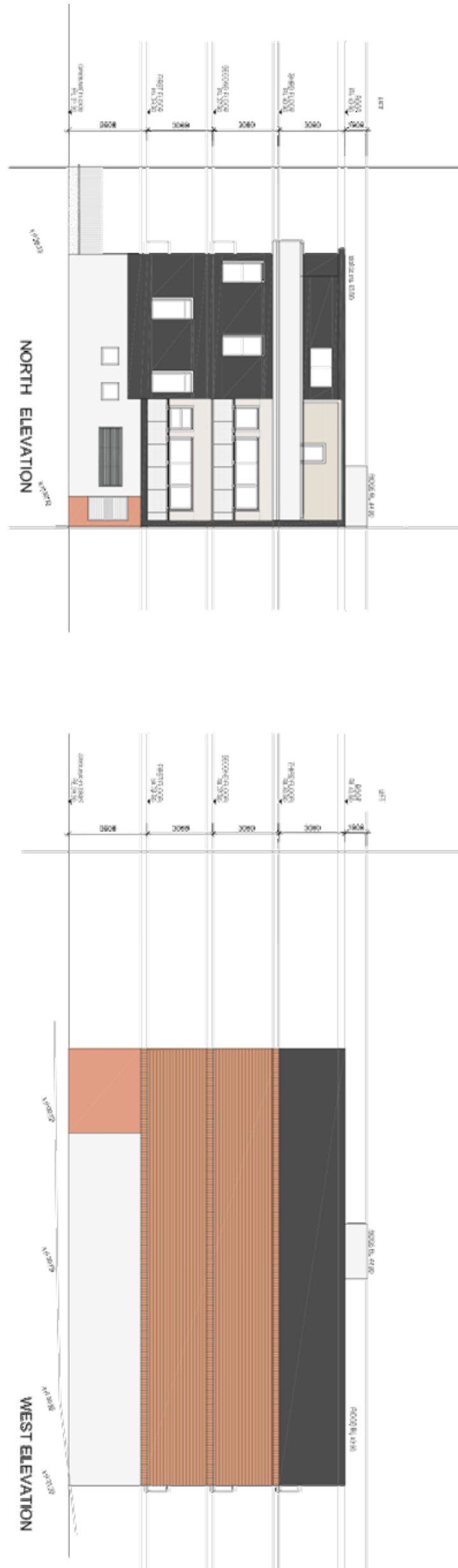
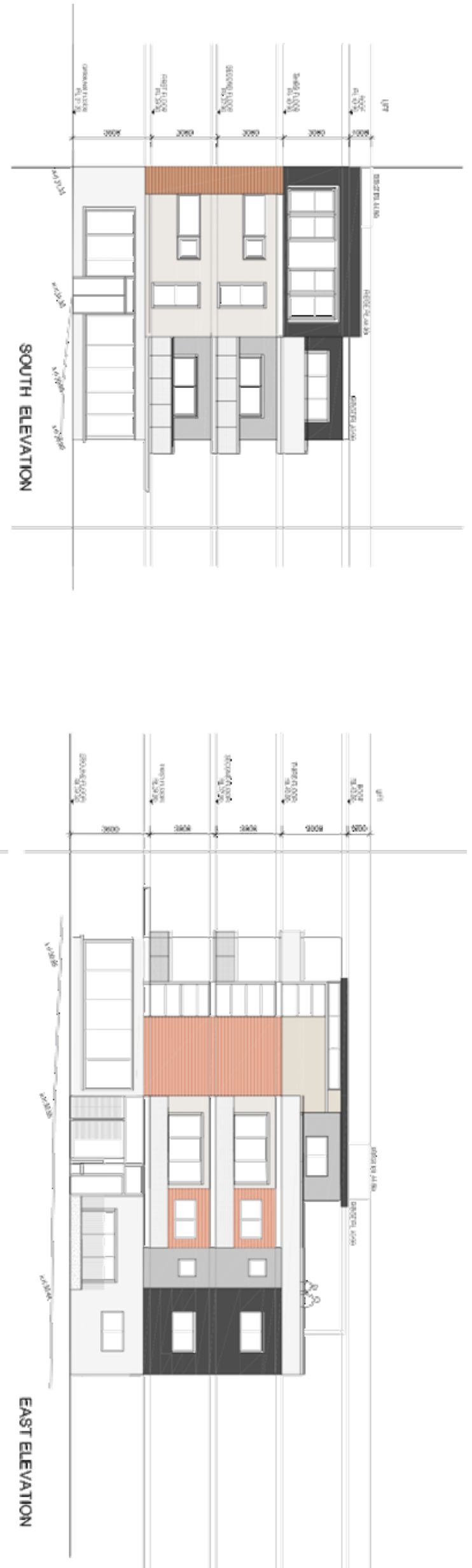




Roof Plan

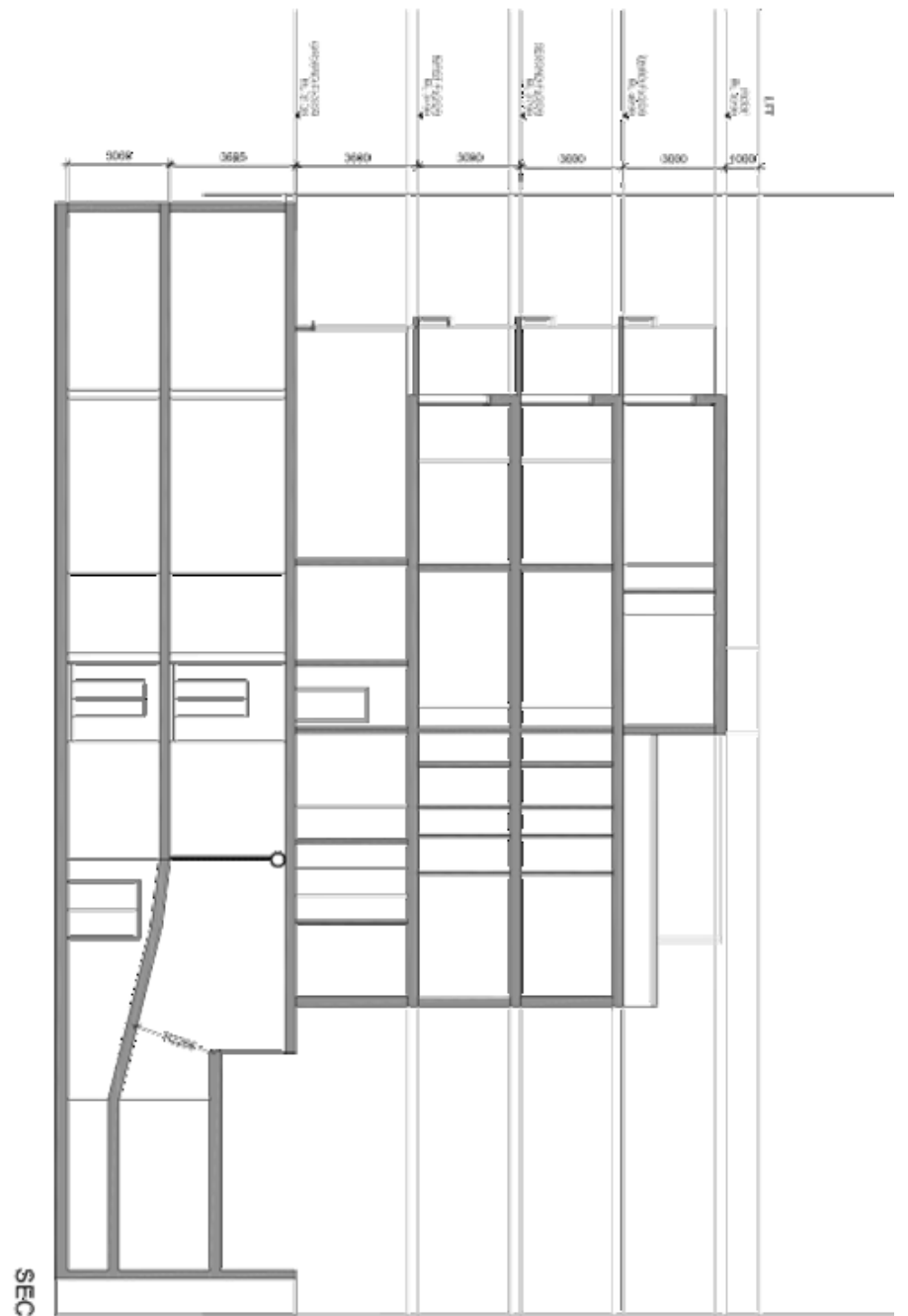
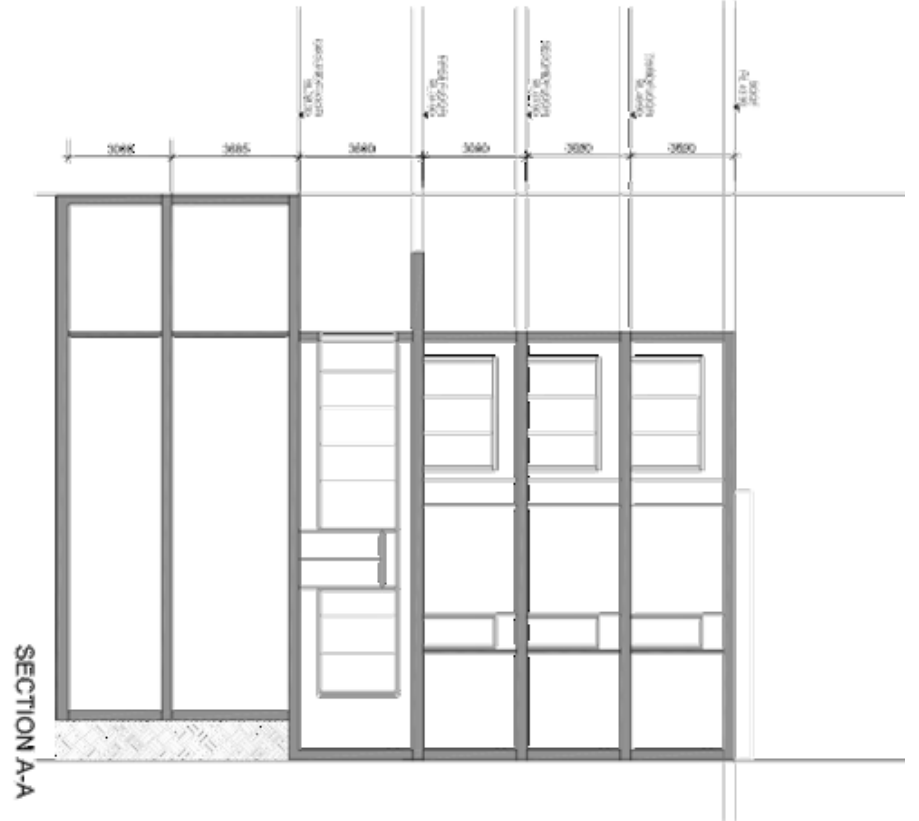
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ROOF PLAN			
PROJECT NO.	DATE	REVISION	BY
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DATE	05/15/05		
DEC. '88	CB	CB	





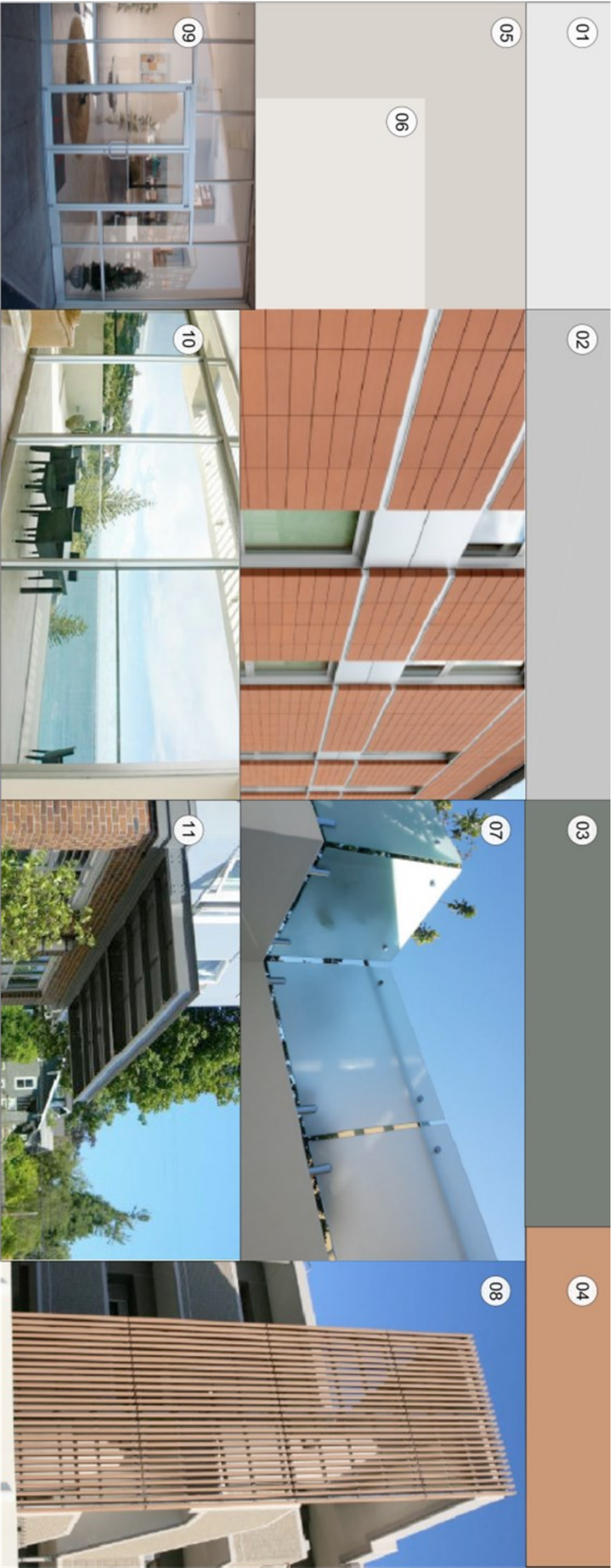
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PROJECT TITLE MIXED USE DEVELOPMENT		SCALE 1:100 @ A1 1:200 @ A3	
ADDRESS 327 Merrylands Rd, Merrylands EUE KALTDUM		REVISION CHAIRMAN BOARD CHAIRMAN BOARD	
PROJECT NO. 16094		SECTION A	
DATE DEC. '18		APPROVED CB	





NOTE: FINISHES ARE SUBJECT TO AVAILABILITY

SCHEDULE OF MATERIALS AND FINISHES

REFERENCE	ELEMENT	ELEVATION CODE	MATERIAL	FINISH
01	EXTERNAL WALL	RW-01	RENDER AND PAINT	DULUX B12 WIND WHITE OR SIMILAR
02	EXTERNAL WALL	RW-02	RENDER AND PAINT	DULUX GRIS MENISCUS OR SIMILAR
03	EXTERNAL WALL	RW-03	RENDER AND PAINT	DULUX SAGEB BOTTLE GREEN OR SIMILAR
04	EXTERNAL WALL	RW-04	RENDER AND PAINT	DULUX NZ1903 MOTUEKA OR SIMILAR
05	EXTERNAL WALL	RW-05	RENDER AND PAINT	DULUX S12B1 PEARL ASH OR SIMILAR
06	EXTERNAL WALL	RW-06	RENDER AND PAINT	DULUX S12B10 PEARL ASH QUARTER OR SIMILAR
07	EXTERNAL WALL	CL-01	TERRACOTA EXTERNAL CLADDING	TERRACOTA CLADDING 325 MM OR SIMILAR
08	GLAZED BALUSTRADE	GB-01	FRAMELESS FROSTED GLASS BALUSTRADE	40 MM FROSTED GLASS OR SIMILAR
09	PRIVACY SCREENS	PS-01	ALUMINIUM VERTICAL AND HORIZONTAL LOUVERS	ALUMINIUM COATED
10	WINDOWS AND DOORS - COMMERCIAL AREA	QL	GLASS SET IN POWDER COATED ALUMINIUM FRAME	DULUX DURATEC X15 ZEUS SILVER GREY OR SIMILAR
11	WINDOWS AND DOORS - RESIDENTIAL	QL	GLASS SET IN POWDER COATED ALUMINIUM FRAME	DULUX DURATEC X15 ZEUS SILVER GREY OR SIMILAR
AWNINGS			STEEL FRAME	STEEL FRAME PROFILE

SCALE

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1:200 @ A3

PROJECT

MIXED USE DEVELOPMENT

ADDRESS

327 Merrylands Rd, Merrylands

CITY

CUMBERLAND

DESIGN

CHARLIE BARR

ARCHITECT

CHARLIE BARR

DATE

DEC '18

PROJECT NO.

10094

DRAWING NO.

11

SECTION

A

DATE

DEC '18

DESIGN

CB

ARCHITECT

CB

PROJECT TITLE

MATERIALS AND FINISHES SCHEDULE

PROJECT NO.

10094

DRAWING NO.

11

SECTION

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DATE

DEC '18

DESIGN

CB

ARCHITECT

CB

SCALE

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PROJECT

MIXED USE DEVELOPMENT

ADDRESS

327 Merrylands Rd, Merrylands

CITY

CUMBERLAND

DESIGN

CHARLIE BARR

ARCHITECT

CHARLIE BARR

DATE

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10094

DRAWING NO.

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PROJECT TITLE

MATERIALS AND FINISHES SCHEDULE

PROJECT NO.

10094

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SECTION

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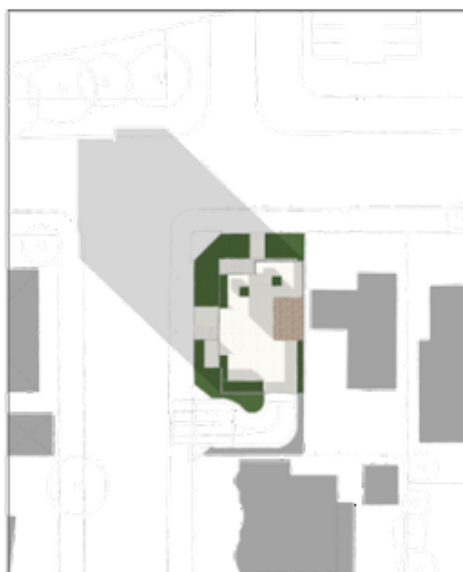
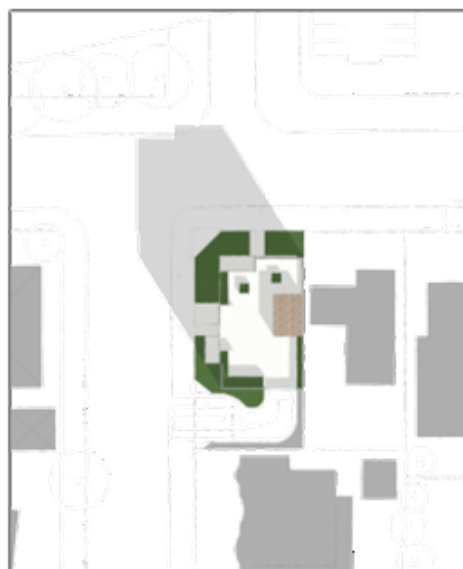
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MIXED USE DEVELOPMENT

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327 Merrylands Rd, Merrylands
CITY/ST
BLUE MOUNTAIN
BRIDGE
CHARLES BARR

SHADOW DIMENSION	
PROJECT NO.	16094
DATE	DEC. 18
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REVISION	A
DATE	CB



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DESIGNER: R.F. 11/14/14 11/14/14 11/14/14 11/14/14 11/14/14 11/14/14 11/14/14 11/14/14 11/14/14 11/14/14		Project: 11/14/14 11/14/14 11/14/14 11/14/14 11/14/14 11/14/14 11/14/14 11/14/14 11/14/14 11/14/14	
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PROJECT: MIXED USE DEVELOPMENT
327 Meriyards Rd, Meriyards
CLIENT: ETHEL HALL
DESIGNER: CHARLIE BARNI
DATE: DEC. '18

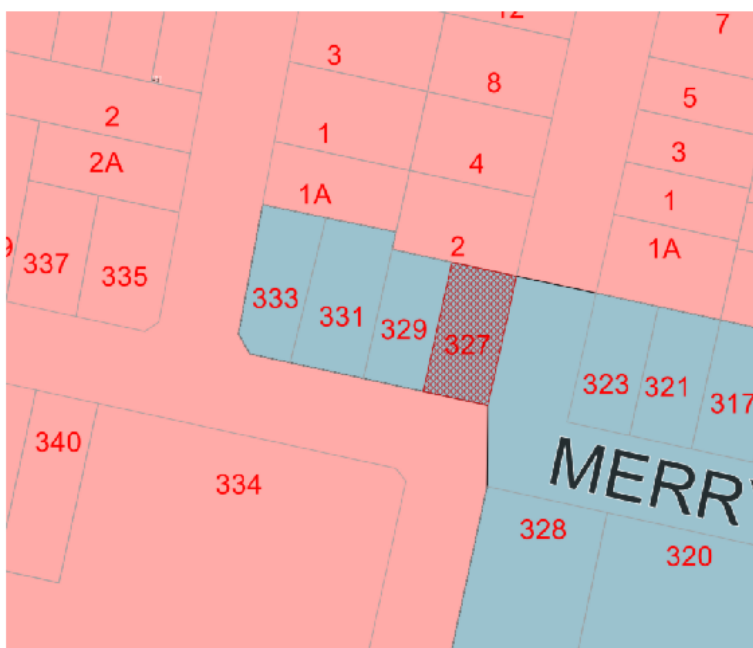
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DOCUMENTS
ASSOCIATED WITH
REPORT LPP006/20

Attachment 6
Locality Map

Locality Map



327 Merrylands Road, Merrylands (Source: Cumberland Council, 2018)

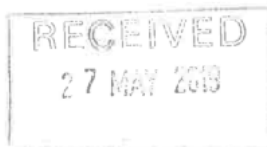
DOCUMENTS
ASSOCIATED WITH
REPORT LPP006/20

Attachment 7
Submissions (x2)

Submission 1

To: General Manager

Cumberland Council
16 Memorial avenue
Merrylands, 2160-NSW



Your re 2019/121

20/05/2019

Opposing submission for DA 2019/121 ✓

Dear Sir/Madame,

Residing for last 24 years in proximity to proposed development site I could say a lot about immediate surrounding and impact I perceive, this project would have on it.

That Builder wants to build something is his natural inclination, however, people in immediate surrounding are expected to live with consequences of it. For that reason we, expect Council to maintain high standards apart from basic application of basic rules that govern any building project.

After reading DCP 2013-part C which deals with "Shop-Top" housing it is clear that this project fails monumentally on number of points. Even, former, Auburn Council would not be able to gloss over them.

This block of land is not big to sustain double story house, let alone block of units. DCP 2013-part C is telling us, minimum LOT-frontage in zone B6 Enterprise corridor for projects up to 3 floors is 20m and 4-8 floors is 26m. Frontage of this land is, as address suggest on 327 Merrylands road, hardly 16m. Lockwood street side of this property cannot be deemed to be frontage as much as builder would like it to be.

If due to some ,gymnastic, bending of rules allows Lockwood street to become frontage, we should remember set of traffic lights, busy intersection and entrance to the proposed building been ,hardly 15m away from it .If we add some 26 rubbish/recycling bins Siting on the curb on some days it will complete picture.

I wish to remind you of project approved recently, 315-323 Merrylands road, situated between Warwick road and Lockwood street, where builder was denied any entry from Lockwood street, because of traffic lights and busy intersection. It is ,only ,reasonable to apply same standards in this casse. It is highly problematic proposal on all levels.

Of course we should not forget immediate neighbour on 329 in ground level house, land locked by big wall next to it. Council rules expressly discourage creation of such situations.

Regards,

Re: DA-121/2019 327 Merrylands Road, Merrylands - Demolition of existing structures and construction of a 4 storey mixed use building comprising of a commercial unit and 10 units with basement parking

With reference to the below email from 'Planning Alerts', I've not looked at this DA in any detail but what stood out immediately was the parking provisions.

The SEPP 65 report states the development provides a total of 11 residential car parking spaces including 3 residential visitor car parking spaces on site. There is no reference to the commercial parking for the staff or patrons of the commercial operations.

But the applicant's Compliance Table contradicts the above-mentioned residential parking provisions. The Table states there are only 2 residential visitor car parking spaces, 10 residential and 4 commercial spaces.

There is absolutely no facility for street parking on this busy intersection. And this intersection has obviously been designated a dangerous one as, in association with the school zone, there is a speed camera here.

I trust Council will take the site parking issues into consideration when determining this DA, particularly as this site is nearly one kilometre from Merrylands Train Station, not 800 metres – and is not in the R4 zone.

PS I think this should be flagged as a 5 storey building, not 4?

And, can this development, in the B6 Enterprise Corridor - have only one ground floor unit, as opposed to a second commercial unit at ground level? (The LEP states the B6 corridor is designated to: *provide for residential uses, but only as part of a mixed use development* - and with only 1 commercial unit, yet 10 residential units, this doesn't seem a mixed use development!)

Regards,