

An electronic meeting of the Cumberland Local Planning Panel will be held at 11:30a.m. via Zoom on Wednesday, 10 June 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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### Development Applications

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Item No: LPP027/20

**DEVELOPMENT APPLICATION FOR WYATT PARK, CHURCH STREET, LIDCOMBE**

Responsible Division: Environment & Planning  
Officer: Executive Manager Development and Building  
File Number: DA2019/0524

<b>Application lodged</b>	23 December 2019
<b>Applicant</b>	Cumberland City Council
<b>Owner</b>	The Minister For Lands & Cumberland City Council
<b>Application No.</b>	DA2019/0524
<b>Description of Land</b>	Wyatt Park Church Street LIDCOMBE NSW 2141, Lot 2 in DP 581438
<b>Proposed Development</b>	Addition of a store room to the existing netball clubhouse in Wyatt Park
<b>Site Area</b>	4,582m <sup>2</sup>
<b>Zoning</b>	RE1 Public Recreation Zone
<b>Disclosure of political donations and gifts</b>	Nil disclosure
<b>Heritage</b>	Yes – Heritage Listed I40 - 'Wyatt Park, Haslams Creek, Lidcombe Pool, Lidcombe Oval, Stormwater Drain' of local significance
<b>Principal Development Standards</b>	N/A
<b>Issues</b>	Nil

**SUMMARY:**

1. Development Application No. DA2019/0524 was received on 23 December 2019 for the addition of a store room to the existing netball clubhouse in Wyatt Park.
2. The application was publicly notified to occupants and owners of the adjoining properties for a period of fourteen (14) days between 10 March 2020 and 24 March 2020. In response, no submissions were received.
3. The subject site is listed as a heritage item in the Auburn Local Environmental Plan 2010, being I40 which comprises park land bounded by Olympic Drive and Boorea Street, Percy Street and Church Street. The item is identified as 'Wyatt Park, Haslams Creek, Lidcombe Pool, Lidcombe Oval, Stormwater Drain' and is of local significance. The proposed development will have minimal impact on the heritage item and is considered satisfactory, having regard to the provisions of Clause 5.10(4) of the Auburn Local Environmental Plan 2010.
4. The application is recommended for conditional approval, subject to the conditions as provided in the attached schedule.

5. The application is referred to the Cumberland Local Planning Panel for determination as the development is proposed on land for which Council is the landowner, resulting in a conflict of interest.

## REPORT:

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### ***Subject Site and Surrounding Area***

The subject site comprises Lot 2 in DP 581438 and has a total area of 4,582m<sup>2</sup>. Improvements on the site include an existing single storey brick and tile building, with an attached awning, which is used as a Netball Clubhouse, in association with the adjoining netball courts to the east of the building. There is a small group of trees the south of the existing building and a larger group of trees within the southern-most portion of the site. Other improvements include picnic shelters and car parking.

It is noted that the northern corner of the existing Netball Clubhouse building is also partially located on Lot 1 in DP 581438, however, no works are proposed on this lot as part of this application.

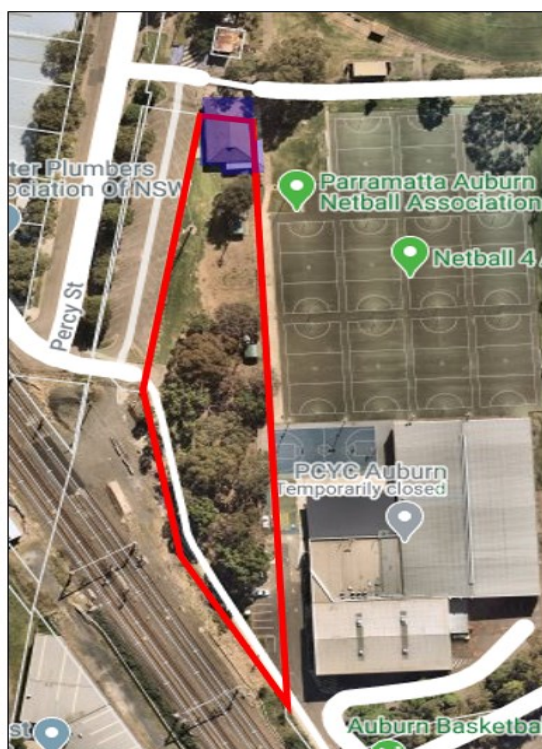


Figure 1: Aerial view of subject site - Lot 2 DP 581438 outlined red and the existing Netball Clubhouse building shaded blue

Lot 2 DP 581438 forms part of a larger landholding (including Lot 1 DP 581438), bound by Olympic Drive, Church Street, Boorea Street and Percy Street which comprises Wyatt Park. The total area of Wyatt Park is 216,352m<sup>2</sup> and Lot 2 DP 581438 is situated in the north-western portion of the park. Other features within Wyatt Park include:

- Lidcombe Oval;
- PCYC Auburn building;

- Auburn Youth Centre;
- Netball Courts;
- Auburn Basketball Centre; and
- Auburn Ruth Everuss Aquatic Centre.

The park is utilised for a range of passive and active recreation uses.



Figure 2: Locality Plan of subject site in relation to Wyatt Park - Wyatt Park outlined in green and location of the Netball Clubhouse building denoted by yellow circle

### ***Description of the Proposed Development***

Council has received a development application seeking consent for the construction of a store room addition to the western-most southern elevation of the existing Netball Clubhouse building situated adjacent to Lidcombe Oval. The storeroom addition is proposed in an area clear of vegetation.

The proposed storeroom comprises a total floor area of 21.07m<sup>2</sup> and has the dimensions of 6.11m x 3.45m. The storeroom construction does not involve any demolition works to the existing building; the storeroom is proposed to abut the existing wall of the building and be fully enclosed, with the exception of a roller door for access along the eastern elevation of the addition. The storeroom will be covered by an extension to the existing roof of the building.

The proposed addition is to be constructed of painted brickwork to match the existing building and roof tiles to match the existing roof. Gable detail will also be provided to the new roof, to match the existing roof form.

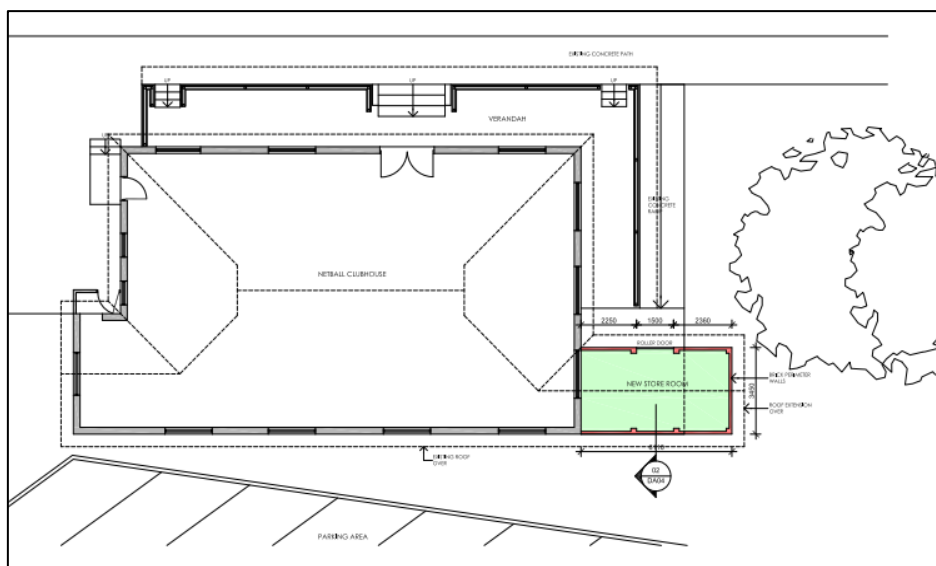


Figure 3: Proposed Addition (Graham Bakewell)

### ***Applicants Supporting Statement***

The applicant has provided a Statement of Environmental Effects prepared by Graham Bakewell Architect dated June 2019 and was received by Council on 23 December 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 and therefore can be supported subject to recommended conditions of consent.

### ***External Referrals***

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

## **PLANNING COMMENTS**

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



## State Environmental Planning Policies

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

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

Clause 7 of SEPP 55 requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development. The matters listed within Clause 7 have been considered in the assessment of the development application.

Figure 4 – SEPP 55 Compliance Table

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site listed on Council's Contaminated Land database?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the site adjoin any contaminated land/previously contaminated land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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. Notwithstanding, a standard condition of consent has been recommended to manage any unexpected finds encountered during the construction works.	

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

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

*Clause 85 – Development adjacent to railway corridors*

The site is adjacent to an existing rail corridor and the development has been assessed against the provisions of Clause 85(1). The development is not likely to have an adverse effect on rail safety, given the distance of the building works to the corridor and the fact that the works are minor in nature. Further, the development does not involve the placing of a metal finish, will not involve the use of a crane in airspace above the rail corridor and is not located within 5 metres of an exposed overhead electricity powerline that is used for the purpose of railways or rail infrastructure facilities.

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

The proposed development does not involve any excavation works to a depth of 2 metres and the provisions of Clause 86 are therefore not applicable.

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

The proposed development is not for the purpose of residential accommodation, a place of public worship, a hospital or an educational establishment or centre-based child care facility and the provisions of Clause 87 are therefore not applicable.

*Clause 101 – Frontage to classified road*

The development does not maintain a frontage to a classified road and the provisions of Clause 101 of the ISEPP are therefore not applicable.

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

The application is not subject to clause 102 of the ISEPP.

*Clause 104 – Traffic generation developments*

The development is not traffic generating development, pursuant to the provisions of Schedule 3 of the ISEPP and Clause 104 is therefore not applicable.

Regional Environmental Plans

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

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

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

(Note: - the subject site is not identified in the relevant map as 'land within the 'Foreshores and Waterways Area' or 'Wetland Protection zone', is not a 'Strategic



Foreshore Site' and does not contain any heritage items. Hence the majority of the SREP is not directly relevant to the proposed development).

### Local Environmental Plans

#### **Auburn Local Environmental Plan 2010**

The provision of the Auburn Local Environmental Plan 2010 (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 RE1 Public Recreation land use zone.

#### **(a) Permissibility:-**

The proposed development comprises additions to the existing Netball Clubhouse building which is ancillary to the dominant use of the site as a recreation facility (outdoor):

*Recreation facility (outdoor)* means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

The development is therefore permissible with consent in the RE1 land use zone.

The applicable clauses and relevant matters to be considered under the ALEP 2010 for the proposed development are summarised below.

Figure 5 – Auburn LEP 2010 Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.3 Height of Buildings - Nil	N/A	Whilst no maximum building height is applicable to the site, the proposed addition is consistent in height with the existing building, i.e. single storey and is considered suitable for the site.
4.4 Floor Space Ratio - Nil	N/A	The development comprises the addition of 21.07m <sup>2</sup> of floor area to the existing building. This increase to floor area is considered minor and suitable for the building and site.
5.10 Heritage Conservation	Y	The site comprises land that is within a heritage item of local significance, being park land bounded by Olympic Drive and

		<p>Boorea Street, Percy Street and Church Street. The item comprises 'Wyatt Park, Haslams Creek, Lidcombe Pool, Lidcombe Oval, Stormwater Drain' (Item no. I40).</p> <p>Whilst the building the subject of this application is not explicitly identified in the heritage listing, as the site itself forms part of the heritage item, the development has been accompanied by a Heritage Impact Statement (HIS) prepared by Graham Bakewell Architect, dated June 2019.</p> <p>Having regard to the provisions of Clause 5.10(4), the HIS relevantly provides that:</p> <p><i>The existing building is part of a large heritage item and contributes positively to the item.</i></p> <p><i>The proposed addition complies with the objectives of the LEP, will have minimal impact on the heritage item and is therefore compatible.</i></p> <p>The development is considered satisfactory having regard to the provisions of Clause 5.10(4).</p> <p>A condition of consent has been recommended stating that no works, other than those approved as part of this development, are to be undertaken.</p>
6.1 Acid sulfate soils – Class 5	Y	<p>The proposed work will not impact the Class 5 acid sulfate soil affectation of the site. Notwithstanding, a standard condition of consent has been recommended to manage any acid sulfate soil impacts encountered during the</p>

		construction phase of the development.
6.2 Earthworks	N/A	The proposed works will not alter the existing ground level by more than 600mm.
6.3 Flood planning	Y	The site is identified as being within a flood planning area. Council's Development Engineering department has reviewed the proposed development and recommended a condition of consent requiring a detailed plan to be submitted to the PCA, demonstrating the provision of a floor level in accordance with Council's Flood Advice letter, prior to the issue of a Construction Certificate. This satisfactorily addresses the flooding affectation of the site.
6.4 Foreshore building line	N/A	Haslams Creek traverses the eastern boundary of Wyatt Park and the eastern boundary of the park is identified as comprising land below the foreshore line. The proposed development is considered to be sufficiently removed from the foreshore building line so as not to be impacted by the foreshore building line.

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

**(a) Draft Cumberland Local Environmental Plan 2020**

The Draft Cumberland Local Environmental Plan 2020 (Draft CLEP) has been prepared by Cumberland City Council to provide a single planning framework for the future planning of Cumberland City. The changes proposed seek to harmonise and repeal the three existing LEPs currently applicable to the Cumberland local government area, those being:

- Holroyd Local Environmental Plan 2013;
- Parramatta Local Environmental Plan 2011; and
- Auburn Local Environmental Plan 2010.

The current planning controls for the subject site, as contained within the ALEP 2010, are not proposed to change under the Draft CLEP.

**(b) Draft State Environmental Planning Policy (Environment)**

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

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

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

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

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

The Auburn Development Control Plan 2010 (ADCP 2010) provides guidance for the design and operation of development to achieve the aims and objectives of the ALEP 2010.

The following parts of the ADCP 2010 are applicable to the proposed development:

- Parking and Loading;
- Access and Mobility;
- Stormwater Drainage;
- Waste.

A comprehensive assessment and compliance table is contained in Attachment 4.

The proposed development complies with the provisions of Council's ADCP 2010 and is considered acceptable from an environmental planning view point.

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

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

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

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

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

The development comprises a minor addition to the existing Netball Clubhouse building for the purpose of storage. The proposed works do not involve the removal of any vegetation and the development has been assessed against the heritage provisions of the ALEP 2010 and are considered to have minimal impact on the heritage item.

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 ADCP 2010, the proposal was publicly notified for a period of fourteen (14) days between 10 March 2020 and 24 March 2020. The notification generated no submissions.

**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) Auburn Council Development Contributions Plan 2007**

The development does not require the payment of contributions in accordance with Council's Section 94 Contributions Plan.

### ***Disclosure of Political Donations and Gifts***

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

### **CONCLUSION:**

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The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, SEPP 55, ISEPP, Draft Cumberland LEP 2020, ALEP 2010 and ADCP 2010 and is considered to be satisfactory for approval, subject to conditions.

The proposed development is appropriately located within the RE1 land use zone under the relevant provisions of the ALEP 2010. The proposal is consistent with all statutory and non-statutory controls applying to the development. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

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

### **REPORT RECOMMENDATION:**

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**That Development Application No. DA2019/0524 for Addition of a store room to the existing netball clubhouse on land at Wyatt Park, Church Street LIDCOMBE NSW 2141 be approved subject to attached conditions.**

### **ATTACHMENTS**

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1. Attachment 1 - Draft Notice of Determination [↓](#)
2. Attachment 2 - Architectural Plans [↓](#)
3. Attachment 3 - Heritage Impact Statement [↓](#)
4. Attachment 4 - ADCP 2010 Assessment Table [↓](#)

DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP027/20

Attachment 1

Attachment 1 - Draft Notice of  
Determination







## DEVELOPMENT APPLICATION NOTICE OF DETERMINATION

Under the *Environmental Planning and Assessment Act, 1979*  
(Section 4.18(1))

**Development Application No:** DA2019/0524

**Applicant:** Cumberland City Council  
1 Susan Street  
AUBURN NSW 2144

**Property Description:** Wyatt Park Church Street LIDCOMBE NSW 2141  
Lot 2 in DP 581438

**Development:** Addition of a store room to the existing netball clubhouse in  
Wyatt Park

### Determination

Pursuant to Sections 4.18(1) of the Act, Council advises that the development application has been determined by:

- **Granting of Consent** subject to the conditions attached on the following page(s)

**Determination Date:** 10 June 2020

**By:** Cumberland Local Planning Panel

### Right of Appeal

Sections 8.7 and 8.10 of The Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the land and environment court within 6 months of the date of this notice.

**NOTE:** This Consent is generally valid for a period of 5 years effective from the date of this notice, unless specified otherwise by Section 4.53 of the Act, or by conditions.

Michael Lawani

**COORDINATOR DEVELOPMENT ASSESSMENT**

**Date:** 10 June 2020

In accordance with Section 4.59 of the *Environmental Planning and Assessment Act, 1979*, any person may question the validity of this consent in legal proceedings commenced in the Land and Environment Court within 3 months of the date of publication of the notice.

## CONDITIONS OF CONSENT

### GENERAL CONDITIONS

1. **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)

2. **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.

<b>Reference/Dwg No</b>	<b>Title/Description</b>	<b>Rev</b>	<b>Prepared By</b>	<b>Dated</b>
1915 / DA01	Site & Site Analysis Plan	A	Graham Bakewell Architect	6/06/19
1915 / DA02	Plan	A	Graham Bakewell Architect	6/06/19
1915 / DA03	Elevations	A	Graham Bakewell Architect	6/06/19
1915 / DA04	Elevation & Section	A	Graham Bakewell Architect	6/06/19
1915 / DA05	Erosion & Sediment Control Plan	A	Graham Bakewell Architect	6/06/19
-	Waste Management Plan	-	-	-

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

3. **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)

4. **Heritage - No Demolition of Extra Fabric**

Alterations to the existing building shall be limited to that documented on the approved plans (by way of notation) or conditioned in this consent. No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Should any portion of the existing building indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of this damaged portion are to cease and written notification given to Council. You must obtain written approval of Council prior to work proceeding.

(Reason: Heritage conservation)

5. **Stormwater disposal**

Stormwater runoff generated from the development shall be directed to the existing system.

(Reason: to prevent localised flooding)

6. **Sediment control**

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

(Reason: to ensure sediment and erosion controls are maintained during the construction)

process to prevent water pollution from occurring)

7. **Service relocation/adjustment**

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

All the costs shall be borne by the applicant.

(Reason: to protect utility services)

8. **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 DEMOLITION OF ANY BUILDING OR STRUCTURE**

9. **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 is "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; Statutory Requirement)

10. **Tree Preservation**

All trees on the site shall be retained and protected in accordance with AS 4970 - 2009 'Protection of Trees on Development Sites' for the duration of the works.

(Reason: Tree Preservation and Protection)

11. **Traffic management**

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

(Reason: to minimise the impact on street traffic)

**CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**12. Floor level compliance**

The floor level shall comply with Council's flood advice letter, dated 13 November 2019 (Ref: D-08-01/03). In this regard:

- a) Prior to the issue of any Construction Certificate detail plan showing the compliance above requirements shall be submitted to and approved by Principal Certifying Authority.

(Reason: To ensure floor level complies with Flood advice letter)

**13. 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)

**14. 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 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)

**15. Works within Boundary**

No portion of the works are to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the required works or access, is to be submitted to the Principal Certifier prior to the issue of a Construction Certificate.

(Reason: To ensure protection of adjoining properties)

**16. Damage Deposit for Council Infrastructure**

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council prior to the issue of the Construction Certificate. This Damage Deposit can be refunded upon the completion of all works with the issue of an Occupation Certificate. A written request shall be submitted to Council to release the bond.

Council may use part or all of the deposit to carry out rectification work for any damage caused by the development to Council's infrastructure.

(Reason: To protect Council infrastructure)

**17. 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**

**18. 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)

**19. 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)

**20. 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](http://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)

**21. 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**

**22. 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 City 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 City Council by the Auditor confirming the site is now suitable for the proposed use.

(Reason: To ensure controls are in place for contamination management)

**23. 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)

**24. 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)

**25. DADWA02 - Dust Control**

**Minor Works**

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 City Council should it fail to adequately control any dust nuisance.

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

**26. 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)

**27. 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)

**28. 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:

- a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- b) Demolition must be carried out by a registered demolition contractor.
- c) 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.
- d) 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.)

**29. 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)

**30. 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)

**31. 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)

**CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY OCCUPATION CERTIFICATE RELATING TO THE USE OF THE BUILDING OR PART**

**32. 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)

**33. 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)

**CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT**

**34. Use of store room**

The store room is to be used in conjunction with the existing use of the building.

(Reason: To ensure the store room is ancillary to the existing building)



## ADVISORY NOTES

### 35. 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](http://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.



### 36. 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>.

### 37. 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.

### 38. 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.

### 39. 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](http://safework.nsw.gov.au/your-industry/construction), or phone 13 10 50.

### 40. 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.

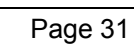
(Reason: To inform of relevant access requirements for persons with a disability)

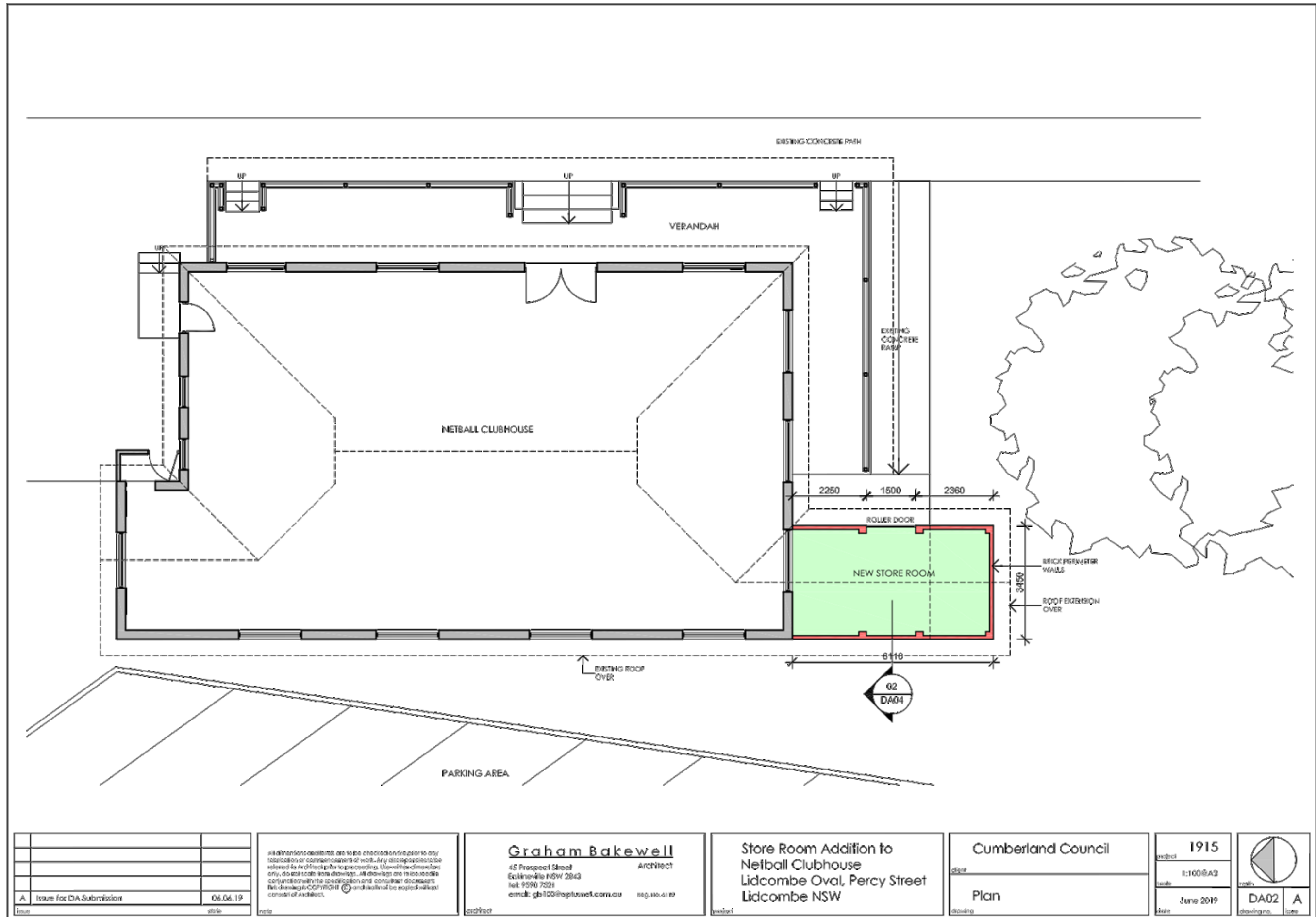
**DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP027/20**

**Attachment 2**

**Attachment 2 - Architectural Plans**

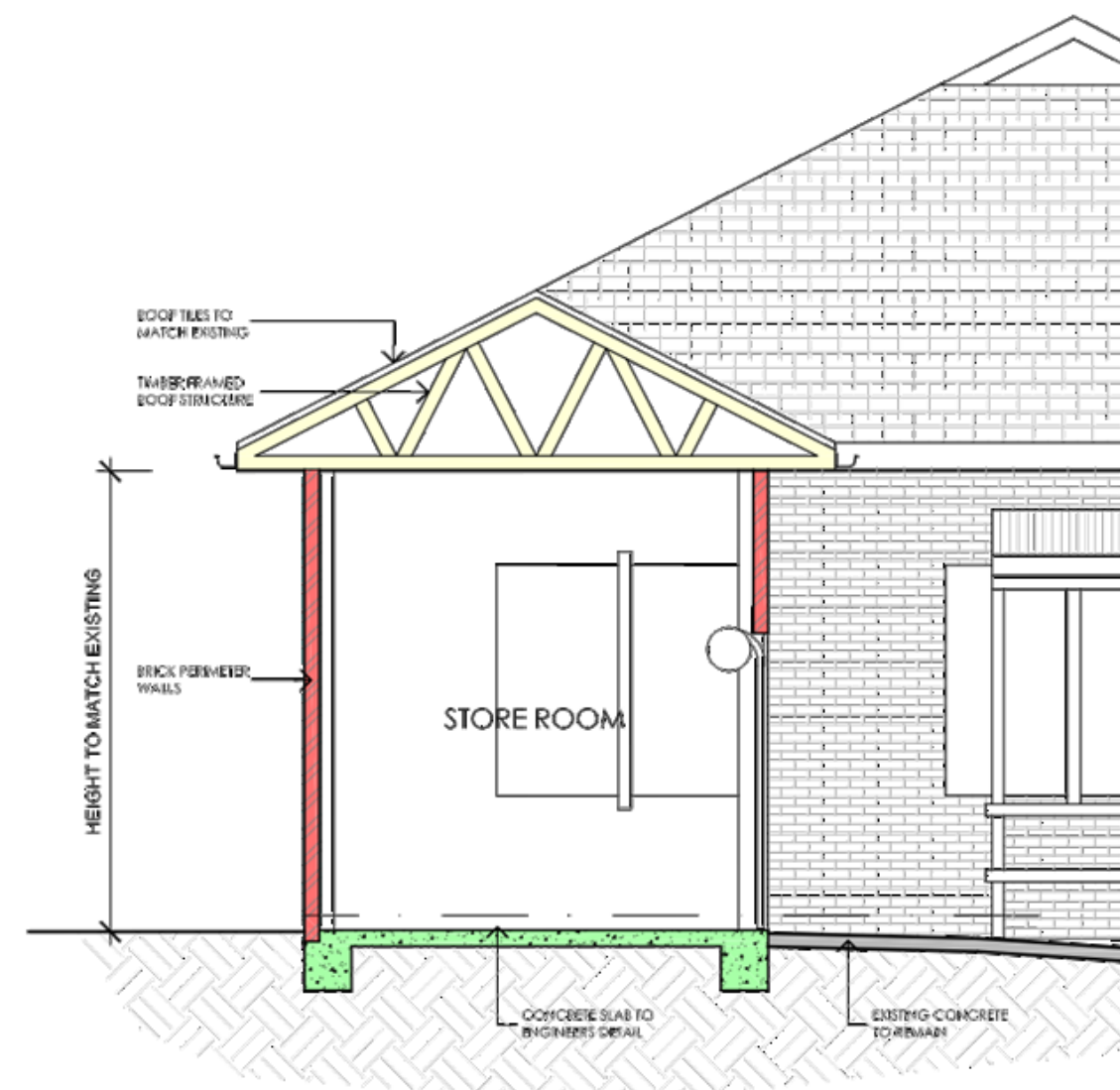








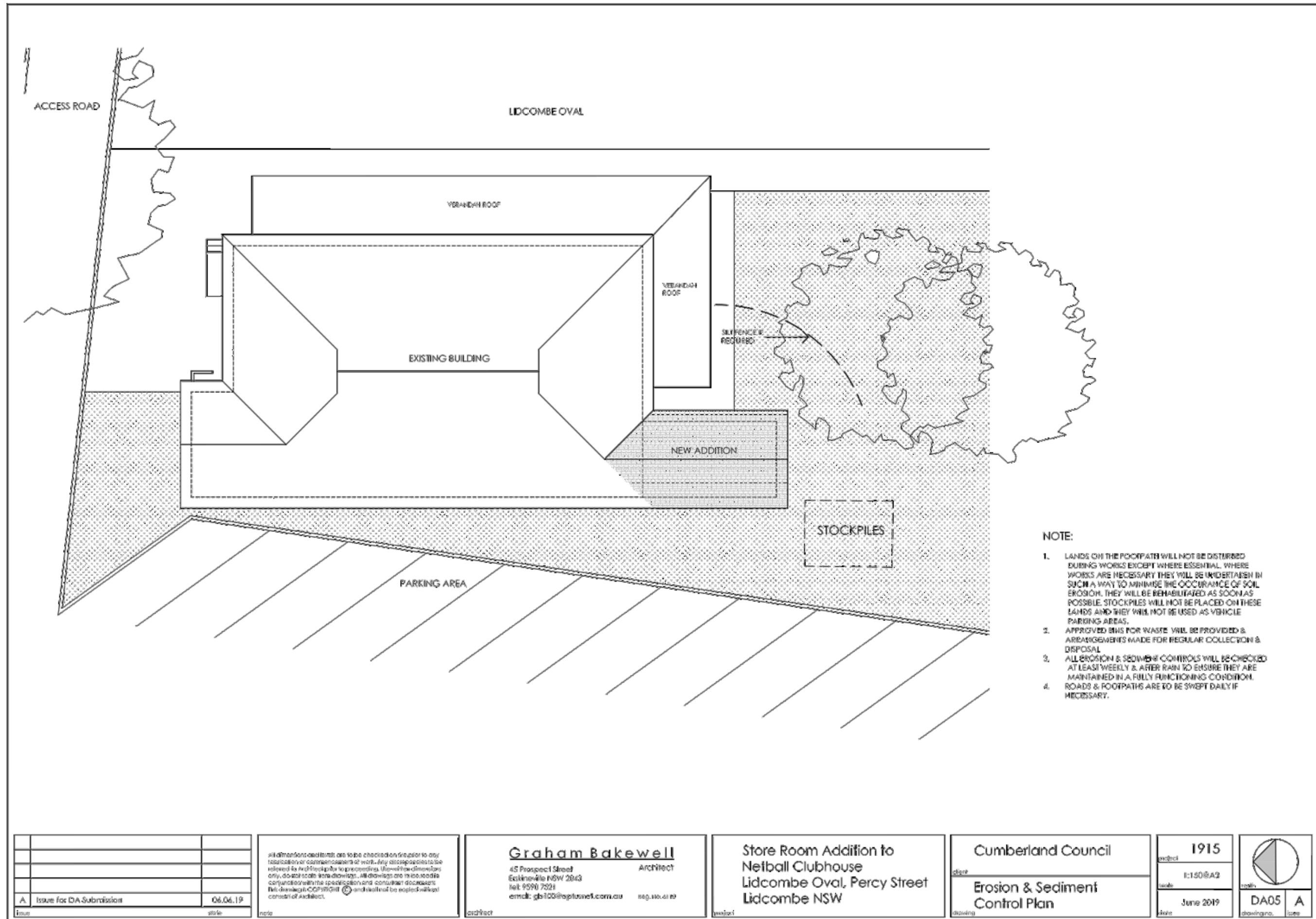
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2 SECTION

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DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP027/20

Attachment 3

Attachment 3 - Heritage Impact  
Statement



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**Graham Bakewell**  
Architect

## **HERITAGE IMPACT STATEMENT**

**FOR ADDITION OF A STORE ROOM TO THE EXISTING NETBALL CLUBHOUSE  
ADJACENT TO LIDCOMBE OVAL  
CHURCH STREET  
LIDCOMBE**

**HERITAGE ITEM NUMBER I40**

Prepared by Graham Bakewell

Ref: 1915/HIS

June 2019

## 1. INTRODUCTION

As the subject building is located within a heritage item this Heritage Impact Statement (HIS) has been prepared to accompany a development application for an addition to the existing building. The HIS will evaluate the impact of the proposed works on the heritage item.

The site is located within the following Heritage Item:

- Item Name: Wyatt Park, Haslams Creek, Lidcombe Park, Lidcombe Oval, Stormwater Drain.
- Item Number: I40
- Item Address: (Main entrance) at Church Street
- Property description: Park bounded by Olympic Drive and Boorea Street, Percy and Church Streets.
- Item Significance: Local

## 2. EXISTING BUILDING

The existing building is a brick building with a tiled roof and verandah along the eastern and southern sides of the building. There are public toilets located at the northern end of the building. The building is used as a clubhouse for a netball club.

The existing building provides a positive contribution to the heritage item.







### 3. STREETScape

The existing building is an isolated building located on the western side of Lidcombe Oval and does not form part of a consistent built streetscape. There are views to the Park and Oval from Percy Street adjacent to the building.

### 4. PROPOSED WORKS

The proposed works involve the addition of a store room which comprises the following:

- New concrete slab floor
- Painted brick perimeter walls to match existing
- Tiled roof to match existing
- Colorbond metal roller door access

*The following aspects of the proposal respect or enhance the heritage significance of the conservation area:*

- The proposed addition will blend with the original building – the materials and form will match the existing building.
- The addition is relatively small and will not compromise the original form of the building or compromise the heritage item.

*The following aspects of the proposal could detrimentally impact on the conservation area:*

- There will be a small reduction in the views to the park and oval from Percy Street.

*Alternative options:*

- Alternative locations for the addition would be likely to have a greater impact on the building and heritage item.

## 5. PLANNING CONTROLS

### AUBURN LOCAL ENVIRONMENTAL PLAN 2010 (LEP):

Each of the relevant Development Control Issues contained in the LEP are addressed below:

Clause	Controls	Proposal & Compliance	Y/N
5.10 – Heritage Conservation	<p>(1) Objectives The objectives of this clause are as follows:</p> <p>(a) to conserve the environmental heritage of Auburn,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance</p> <p>(2) Requirement for consent Development consent is required for any of the following:</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,</p> <p>(d) disturbing or excavating an Aboriginal place of heritage significance,</p> <p>(e) erecting a building on land:</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,</p> <p>(f) subdividing land:</p> <p>(i) on which a heritage item is located or that is within a heritage conservation area, or</p> <p>(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance</p>	<p>The proposal is a small addition to the existing building that will not compromise the heritage item.</p> <p>The heritage of the item significance will not be compromised.</p> <p>Not applicable</p> <p>Not applicable</p> <p>The building is contained within a heritage item but is not specifically mentioned in the heritage item description. The building is part of the heritage item and development consent is therefore required.</p> <p>Not applicable – no interior changes to the existing building.</p> <p>Not applicable</p> <p>Not applicable</p> <p>The proposal is an addition to an existing building. Development consent is required.</p> <p>Not applicable</p>	<p>Yes</p> <p>Yes</p> <p></p> <p></p> <p>Yes</p> <p></p> <p></p> <p></p>



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<p>(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</p>	<p>The effect on the heritage item of the small addition to the existing building will be minimal.</p>
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## 6. CONCLUSION

The existing building is part of a large heritage item and contributes positively to the item.

The proposed addition complies with the objectives of the LEP, will have minimal impact on the heritage item and is therefore compatible.



DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP027/20

Attachment 4

Attachment 4 - ADCP 2010  
Assessment Table



## ATTACHMENT 4 – Auburn DCP 2010 Assessment Table

Requirement	Yes	No	N/A	Comments
<b>PARKING AND LOADING</b>				
<b>2.0 Off-street parking requirements</b>				
<b>D1</b> All new development shall provide off-street parking in accordance with the parking requirement tables of the respective developments in this Part.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed addition comprises a storeroom to be used in conjunction with the existing Netball Clubhouse building. The storeroom does not generate the requirement for the provision of any additional car parking.
<b>ACCESS AND MOBILITY</b>				
<b>2.4 Minor building works which do not affect the access to the property</b>				
<b>P2</b> Development complies with the relevant Australian Standards and BCA provisions.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A standard condition of consent has been recommended requiring compliance with the provisions of the NCC.
<b>STORMWATER DRAINAGE</b>				
<b>2.0 Property drainage</b>				
<b>P1</b> The development ensures roof and surface stormwater is collected and controlled within the property for major and minor storm events prior to discharging into Council's stormwater system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Council's Development Engineering department have recommended a standard condition of consent requiring stormwater runoff generated from the development to be directed to the existing system.
<b>WASTE</b>				
<b>2.0 Demolition and construction</b>				
<b>D1</b> All materials that arise from demolition and construction shall comply with a Waste Management Plan (WMP) before recycling or disposal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The application has been accompanied by a WMP and a standard condition of consent has been recommended requiring the management of waste during the construction phase.



Item No: LPP028/20

## DEVELOPMENT APPLICATION FOR 72 EDGAR STREET, AUBURN

Responsible Division: Environment & Planning  
Officer: Executive Manager Development and Building  
File Number: DA2020/0119

<b>Application lodged</b>	3 March 2020
<b>Applicant</b>	Cumberland City Council
<b>Owner</b>	Cumberland City Council
<b>Application No.</b>	DA2020/0119
<b>Description of Land</b>	72 Edgar Street AUBURN NSW 2144, Lot 39 DP 8800
<b>Proposed Development</b>	Demolition of existing structures and associated trees
<b>Site Area</b>	539.55m <sup>2</sup>
<b>Zoning</b>	RE1 Public Recreation
<b>Disclosure of political donations and gifts</b>	Nil disclosure
<b>Heritage</b>	The subject site is not a heritage-listed item and is not within a heritage conservation area.
<b>Principal Development Standards</b>	N/A
<b>Issues</b>	Nil.

### SUMMARY:

1. Development Application No. DA2020/0119 was received on 3 March 2020 for the demolition of existing structures and associated trees. A total of three (3) onsite trees are proposed to be removed.
2. The subject Development Application was not required to be publicly exhibited/notified in accordance with the Environmental Planning Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and Auburn Development Control Plan 2010 (Auburn DCP 2010).
3. The application is recommended for conditional approval subject to the conditions as provided in the attached schedule.
4. The application is referred to the Panel as there is a declared conflict of interest, whereby, Cumberland City Council is the owner of the subject site and is the applicant for the Development Application.

### REPORT:

#### *Subject Site and Surrounding Area*

The site forms Lot 39 DP 8800 and is known as 72 Edgar Street, Auburn. The site comprises an area of 530.55m<sup>2</sup> and has two street frontages, situated between the

southern side of Edgar Street (primary street frontage) and the northern side of Arthur Street (secondary street frontage). The following dimensions are provided:

- Northern and southern (street and rear) boundaries: 13.41m
- Eastern and western (side) boundaries: 40.235m

A site inspection was carried out on 4 May 2020 and confirmed that the site consists of a single-storey residential dwelling with two (2) detached outbuildings situated within the property's backyard. The site adjoins a single-storey residential dwelling to the east and west and is within close proximity to a public reserve located at the western end of Edgar Street called the Webbs Avenue Playing Fields. The subject site is also located approximately 200 metres east of the Duck River and is 360 metres north of the Auburn Botanic Gardens.



Figure 1 – Locality Plan of subject site (Nearmap 2020)



Figure 2 – Subject site taken from Edgar Street





Figure 3 – Webb Avenue Playing Fields

### ***Description of the Proposed Development***

Council has received a development application for demolition of existing structures and the removal of associated onsite trees.

Structures to be demolished onsite include:

- single-storey dwelling house;
- detached outbuildings (laundry/toilet and shed). Both outbuildings are located at the rear of the subject site;
- concrete slab;
- three (3) onsite trees
- rear fencing

The proposed demolition works will allow the site to be incorporated with the surrounding public reserve, forming part of the Regional Cumberland Open Space area.

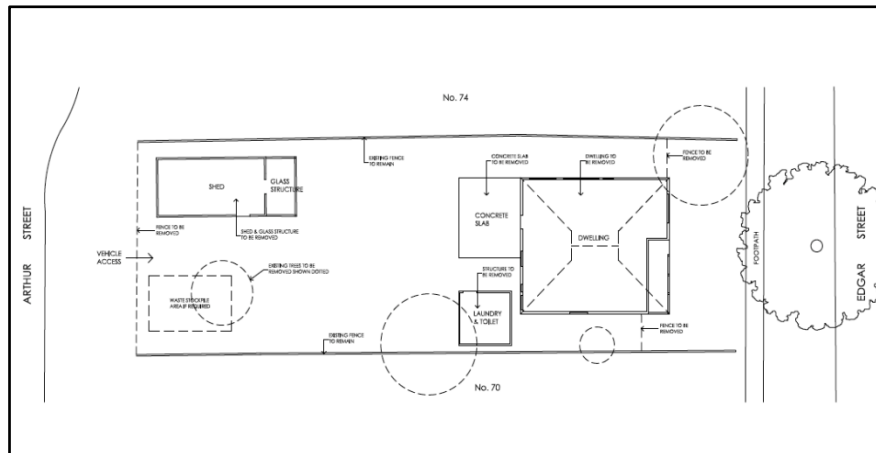


Figure 4 – Demolition Plan of existing structures and removal of trees

### ***History***

Nil.

### ***Applicants Supporting Statement***

The applicant has provided a Statement of Environmental Effects prepared by Graham Bakewell Architect dated February 2020 and was received by Council on 3 March 2020 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***

#### **Landscape Architect/Officer**

The development application was referred to Council's Landscape Officer for comment who has advised that the proposed tree removal is satisfactory and therefore can be supported subject to recommended conditions of consent. It is noted that the existing street tree shall be protected and retained throughout the demolition works.

### ***External Referrals***

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

## **PLANNING COMMENTS**

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

#### **State Environmental Planning Policies**

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

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

Clause 7 of SEPP 55 requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development. The matters listed within Clause 7 have been considered in the assessment of the development application.

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site listed on Council's Contaminated Land database?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the site adjoin any contaminated land/previously contaminated land?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
The subject site adjoins contaminated land indicated on Council's Contaminated Land database and the property was subject to orders issued by Cumberland Council for overgrown vegetation and accumulated waste. However, as the subject site has been used for residential purposes and the development involves demolition works only, further site investigations relating to land contamination is not warranted.	

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

The subject site is zoned RE1 Public Recreation however, no bushland or reserved public open spaces are expected to be affected from the proposed of demolition works and associated tree removal.

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

The proposal does not exceed the biodiversity offsets scheme threshold. Therefore, the proposed vegetation removal is considered acceptable.

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

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

Regional Environmental Plans

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

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

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

Local Environmental Plans

**Auburn Local Environmental Plan 2010**

The provision of the Auburn Local Environmental Plan 2010 is applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the Auburn Local Environmental Plan 2010 and the objectives of the RE1 Public Recreation Zone.

**(a) Permissibility/Land Use: -**

The subject site is zoned RE1 Public Recreation and the proposed demolition works has been undertaken to facilitate use of the land for future public recreation and shall be incorporated with the surrounding public reserve. In this regard, the proposed development is permissible and is considered to be consistent with the zone objectives.

The relevant matters to be considered under Auburn LEP 2010 and the applicable clauses for the proposed development are summarised below.

Figure 5 – Auburn LEP 2010 Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
2.7 Demolition requires consent	Yes	Consent is sought for the proposed demolition works as part of this application

5.10 Heritage conservation	N/A	N/A – the subject site is not a heritage listed item or is located within a heritage conservation area
6.1 Acid Sulphate Soils	Yes	Class 5, nil impact
6.2 Earthworks	N/A	Demolition works proposed only
6.3 Flood Planning	N/A	The subject site is not a flood affected lot

It is noted that matters concerning Floor Space Ratio and Height of Buildings do not need to be addressed because no work is proposed. The development application is purely for demolition of buildings.

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

**(a) Draft Cumberland Local Environmental Plan 2020 (Draft CLEP)**

The Draft Cumberland Local Environmental Plan 2020 (Draft CLEP) has been prepared by Cumberland Council to provide a single planning framework for the future planning of Cumberland City. The changes proposed seek to harmonise and repeal the three existing LEPs currently applicable to the Cumberland local government area, those being:

- Holroyd Local Environmental Plan 2013,
- Parramatta Local Environmental Plan 2011, and
- Auburn Local Environmental Plan 2010.

The current planning controls for the subject site, as contained within the Auburn Local Environmental Plan 2010, are not proposed to change under the Draft CLEP.

**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 DCP 2010.

A comprehensive assessment and compliance table is contained in Appendix A. The proposed development complies with the provisions of Council's Auburn DCP 2010 and is considered acceptable.

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

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

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

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

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

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

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

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

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

In accordance with Council's Notification requirements contained within the Auburn Development Control Plan 2010, the development application was not required to be publicly notified.

**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 7.11 Contributions Plans.

***Disclosure of Political Donations and Gifts***

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

**CONCLUSION:**

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The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, Auburn Local Environmental Plan 2010 and Auburn Development Control Plan 2010 and is considered to be satisfactory for approval subject to conditions.

The proposed development is appropriately located within the RE1 Public Recreation zone under the relevant provisions of the Auburn LEP 2010. The proposal is consistent with all statutory and non-statutory controls applying to the development. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

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

#### **REPORT RECOMMENDATION:**

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**That Development Application No. DA2020/0119 for demolition of existing structures and associated trees on land at 72 Edgar Street AUBURN NSW 2144 be approved subject to attached conditions.**

#### **ATTACHMENTS**

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1. Draft Notice of Determination [↓](#)
2. Architectural Plans [↓](#)
3. Locality Map [↓](#)
4. Appendix A – Development Control Plan Assessment Table [↓](#)





DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP028/20

Attachment 1  
Draft Notice of Determination



CUMBERLAND CITY COUNCIL  
**Development Application Notice of Determination**  
Under the Environmental Planning and Assessment Act 1979 (Section 4.18(1))

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**DEVELOPMENT APPLICATION  
NOTICE OF DETERMINATION**

Under the *Environmental Planning and Assessment Act, 1979* (Section 4.18(1))

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**Development Application No:** DA2020/0119

**Applicant:** Cumberland City Council  
16 Memorial Avenue  
MERRYLANDS NSW 2160

**Property Description:** 72 Edgar Street AUBURN NSW 2141,  
Lot 39 DP 8800

**Development:** Demolition of existing structures and associated trees

**Determination**

Pursuant to Sections 4.18(1) of the Act, Council advises that the development application has been determined by:

- **Granting of Consent** subject to the conditions attached on the following page(s)

**Determination Date:** 10 June 2020

**Date from which Consent Operates:** 10 June 2020

**Date Consent Lapses:** 10 June 2025

**By:** Cumberland Local Planning Panel

**Right of Appeal**

Sections 8.7 and 8.10 of The Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the land and environment court within 6 months of the date of this notice.

**NOTE:** This Consent is generally valid for a period of 5 years effective from the date of this notice, unless specified otherwise by Section 4.53 of the Act, or by conditions.

Elma Sukurma  
**ACTING COORDINATOR DEVELOPMENT ADVISORY SERVICES**

**Date:** 10 June 2020

In accordance with Section 4.59 of the *Environmental Planning and Assessment Act, 1979*, any person may question the validity of this consent in legal proceedings commenced in the Land and Environment Court within 3 months of the date of publication of the notice.

**CUMBERLAND CITY COUNCIL**  
**Development Application Notice of Determination**  
Under the Environmental Planning and Assessment Act 1979 (Section 4.18(1))

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**CONDITIONS OF CONSENT**

**General Conditions**

**1. DAGCA01- 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)

**2. DAGCA02 - 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.

<b>Reference/Dwg No</b>	<b>Title/Description</b>	<b>Prepared By</b>	<b>Date/s</b>
Project 2001A Drawing No. A01 Issue A	Site and Demolition Plan	Graham Bakewell Architect	18 February 2020
Project 2001A Drawing No. A02 Issue A	Erosion and Sediment Control Plan	Graham Bakewell Architect	18 February 2020
-	Waste Management Plan	-	-

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

**3. DAGCB07 - Tree Preservation**

All street trees and trees on private property that are protected under Cumberland City Council's controls, shall be retained except where Council's prior written consent has been obtained.

(Reason: Tree preservation)

**4. 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)

**CUMBERLAND CITY COUNCIL**  
**Development Application Notice of Determination**  
Under the Environmental Planning and Assessment Act 1979 (Section 4.18(1))

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**Conditions which must be satisfied prior to the commencement of demolition of any building or structure**

**5. 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](http://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 10m<sup>2</sup> 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](http://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:



**CUMBERLAND CITY COUNCIL****Development Application Notice of Determination**

Under the Environmental Planning and Assessment Act 1979 (Section 4.18(1))

- 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)

**6. DAPDB03 - Demolition - Asbestos****Asbestos to be removed by a licensed asbestos removalist**

All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561).

No asbestos products are to be re-used on site.

No asbestos laden skips or bins are to be left in any public place without the approval of Council.

**Note:**

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal licence is permitted if the asbestos being removed is 10 m2 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 licence.
- To find a licensed asbestos removalist please see [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

**Compliance with applicable Legislation, Policies and Codes of Practice**

**CUMBERLAND CITY COUNCIL****Development Application Notice of Determination**Under the Environmental Planning and Assessment Act 1979 (Section 4.18(1))

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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.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

**7. DAPDB04 - Asbestos 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.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

**8. DAPDB05 - Notification of Asbestos Removal Works**

At least five (5) 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.

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

**9. DAPDB06 - Barricades for Asbestos Removal**

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)

**10. DAPDB07 - Site Safety Fencing - Demolition Only**

The site must be fenced to a minimum height of 1.8m in accordance with SafeWork NSW guidelines to prevent public access throughout demolition. The fencing must be erected before the commencement of any demolition work and maintained.

(Reason: Public safety)

**11. 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.

**CUMBERLAND CITY COUNCIL**  
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(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

**12. DAPDB09 - Tree Preservation**

All street trees and trees on private property that are protected under Cumberland City 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 Council's prior written consent has been obtained.

(Reason: Tree Preservation and Protection)

**13. 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)

**CUMBERLAND CITY COUNCIL**  
**Development Application Notice of Determination**  
Under the Environmental Planning and Assessment Act 1979 (Section 4.18(1))**Conditions which must be satisfied prior to the commencement of any development work****14. DAPCB03 - Protection of Landscape Features**

To limit the potential for damage to the following tree/s to be retained, the area beneath their canopies must be fenced prior to the commencement of demolition, excavation or building works.

Species	Location
Bottlebrush	Street tree/Council's nature strip

The fencing must extend 1 metre beyond the trees trunk, be kept in place until the completion of the building works and be marked by appropriate signage notifying site workers that the tree is to be retained and protected. The fencing should be a minimum of 1800mm high chain link fencing. All fencing shall be maintained for the duration of the construction works.

All areas within the perimeter of the safety fencing shall be covered with woodchip mulch to a depth of 100mm (or where steep grades prevent this, the area shall be protected with a suitable material) to facilitate moisture levels. Adequate soil moisture must be maintained during the course of the construction works through the implementation of a permanent or temporary automatic drip irrigation system.

(Reason: Protection of trees to be retained)

**CUMBERLAND CITY COUNCIL**  
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Under the Environmental Planning and Assessment Act 1979 (Section 4.18(1))

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**Conditions which must be satisfied during any development work**

**15. DADWA02 - Dust Control**

**Minor Works**

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 City Council should it fail to adequately control any dust nuisance.

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

**16. 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)

**17. DADWA06 - 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)

**18. DADWA07 - General Site Requirements during Demolition**

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

- a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- b) Demolition must be carried out by a registered demolition contractor.
- c) A single entrance is permitted to service the site for demolition. 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.
- d) Care must be taken during demolition/ excavation to prevent any damage to adjoining buildings.
- e) 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.
- f) Any demolition and excess construction materials are to be recycled wherever practicable.
- g) The disposal of demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- h) 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.
- i) 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.
- j) 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.
- k) Details as to the method and location of disposal of demolition materials (weight



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Under the Environmental Planning and Assessment Act 1979 (Section 4.18(1))

dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.

- l) 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.
- m) 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.
- n) All site waters during excavation 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.)

**19. 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)

**20. DADWA15- Importation of Fill**

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

All fill imported onto the site must be validated by either one or both of the following methods:

- a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

(Reason: To ensure controls are in place for contamination management)

**21. 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 City 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 City Council by the Auditor confirming the site is now suitable for the proposed use.

(Reason: To ensure controls are in place for contamination management)

**22. 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)



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Under the Environmental Planning and Assessment Act 1979 (Section 4.18(1))

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**23. 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)

**CUMBERLAND CITY COUNCIL**  
**Development Application Notice of Determination**  
Under the Environmental Planning and Assessment Act 1979 (Section 4.18(1))

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**Advisory Notes**

**24. 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](http://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.



**25. DAANN05 - 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.

**26. 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.

**27. 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.

**28. 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.

**29. 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.

**CUMBERLAND CITY COUNCIL****Development Application Notice of Determination**Under the Environmental Planning and Assessment Act 1979 (Section 4.18(1))

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However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

**30. DAANN13 - Work Health and Safety**

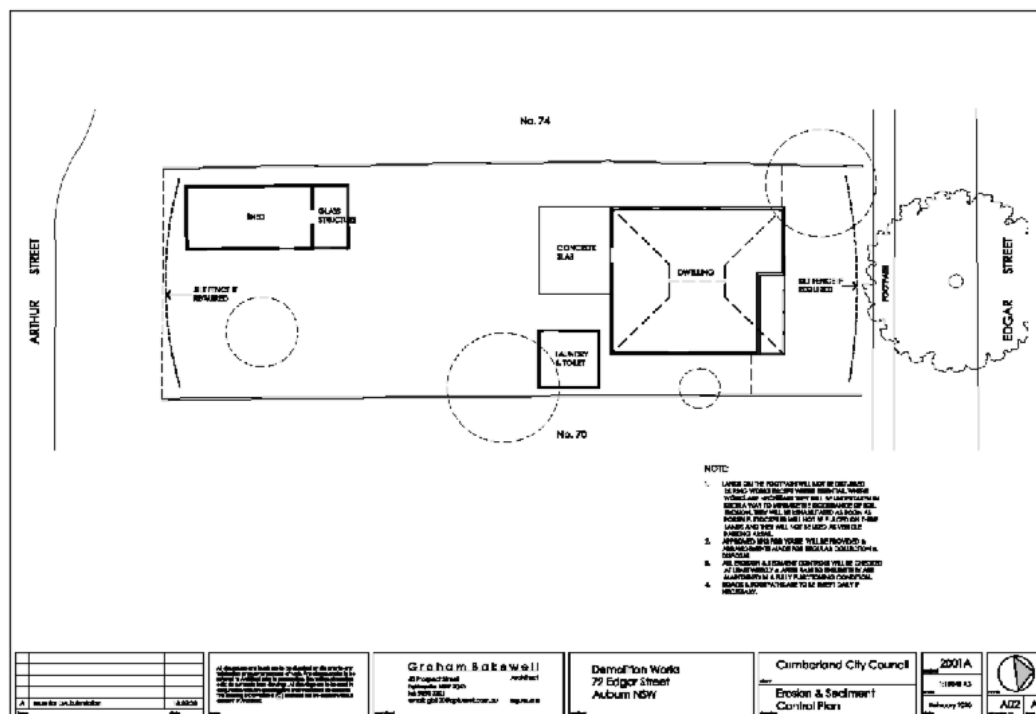
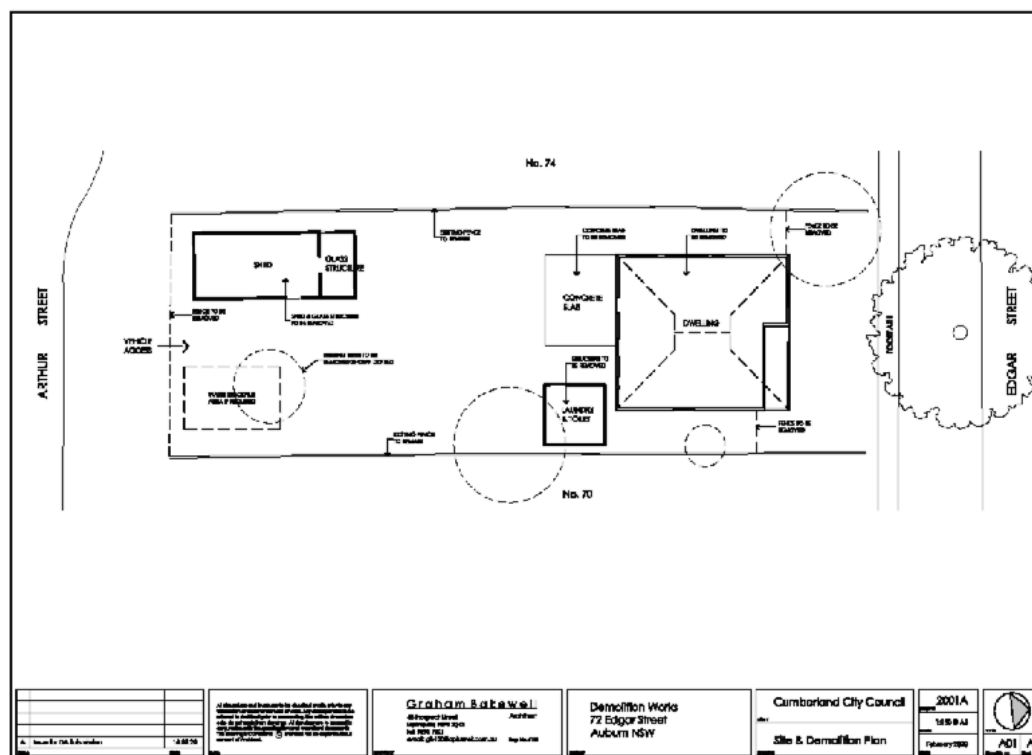
For information regarding, codes of practice and guidelines regarding demolition and construction work, visit the SafeWork NSW website at [safework.nsw.gov.au/your-industry/construction](https://safework.nsw.gov.au/your-industry/construction), or phone 13 10 50.

DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP028/20

Attachment 2  
Architectural Plans



## Attachment 2 Architectural Plans







DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP028/20

Attachment 3  
Locality Map



Attachment 3: Locality Plan





DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP028/20

Attachment 4

Appendix A – Development  
Control Plan Assessment Table





APPENDIX A – Auburn Development Control Plan 2010

Relevant Control – Waste	Compliance with Requirements	Consistency Aims/Objectives
<b>2.0 Demolition and Construction</b>		
All materials that arise from demolition and construction shall comply with a Waste Management Plan (WMP) before recycling or disposal	Yes	A Waste Management Plan has been submitted with the development application and the WMP addresses the waste material generated by the proposed demolition, satisfying the objectives
Identify and nominate opportunities to reuse materials from the demolition and excavation phase for the proposed new use as well as potential waste materials	Yes	The demolition has demonstrated the reuse of materials from the demolition
Reuse timber formwork or waste corrugated iron as formwork and examine the useability of other materials for productive purposes.	Yes	No formwork proposed
Sorting bins/areas to be provided on-site for recycling and disposal of building waste materials and indicated on the site plans/drawings as part of the WMP	N/A	Materials will be sorted onsite for recycling or disposal
All waste streams shall be stored separately on site such as: <ul style="list-style-type: none"> <li>landfill waste;</li> <li>recyclable waste;</li> <li>reusable materials; and</li> <li>excavation materials.</li> </ul>	Yes	
Demolition and construction materials/waste shall be sorted and stored on-site.	Yes	
Where a skip is required and on-site constraints do not enable it to be located on the property, a separate application for a road occupancy license is required.	Yes	No identified site constraints found to accommodate a skip if required
The WMP together with records of waste disposal (waste/tipping receipts or dockets) are to be retained by the applicant as Council may wish to audit such documentation so as to monitor compliance with the WMP	Yes	Standard condition of consent imposed
Construction materials are to be stored separately from waste and	N/A	No construction works proposed

recycling materials to enable easy access for waste collectors		
Maximise reuse and recycling of materials from demolition and construction which can be assisted by deconstruction, where the various building components are carefully dismantled and sorted.	Yes	Some demolition materials will be recycled as identified in the WMP
Demolition must occur in accordance with the relevant Australian Standards.	Yes	Demolition will comply with the relevant Australian Standards
The removal of hazardous materials such as asbestos, lead paint or dust in roof cavities shall be in accordance with WorkCover NSW and Department of Environment, Climate Change and Water (DECCW) under the requirements of the relevant legislation	Yes	Standard condition of consent imposed
Provision of designated areas on the site sufficient for colour coded or labelled storage bins, containers or stockpiles for separated and any left-over waste from the construction process in locations with convenient vehicular access for removal by the waste contractor.	N/A	No construction works proposed
Temporary stockpiling of surplus materials for use in later stages		
Building waste materials shall be reused, recycled or disposed to approved landfill sites		

Item No: LPP029/20

## DEVELOPMENT APPLICATION FOR 26 WELLINGTON ROAD, SOUTH GRANVILLE

Responsible Division: Environment & Planning  
Officer: Executive Manager Development and Building  
File Number: DA2020/0121

<b>Application lodged</b>	3 March 2020
<b>Applicant</b>	Cumberland City Council
<b>Owner</b>	Cumberland City Council
<b>Application No.</b>	DA2020/0121
<b>Description of Land</b>	26 Wellington Road SOUTH GRANVILLE NSW 2142, Lot 7 DP 7985
<b>Proposed Development</b>	Demolition of existing structures
<b>Site Area</b>	10116.8 m <sup>2</sup>
<b>Zoning</b>	E2 Environmental Conservation
<b>Disclosure of political donations and gifts</b>	Nil disclosure
<b>Heritage</b>	No
<b>Principal Development Standards</b>	N/A
<b>Issues</b>	Nil

### SUMMARY:

1. Development Application No. DA2020/0121 was received on 3 March 2020 for the demolition of existing structures.
2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 13 March 2020 and 27 March 2020. In response, no submissions were received.
3. The application is recommended for conditional approval subject to the conditions as provided in the attached schedule.
4. The application is referred to the Panel as there is a declared conflict of interest, whereby, Cumberland City Council is the owner of the subject site and the applicant for the Development Application.

### REPORT:

#### *Subject Site and Surrounding Area*

The site forms Lot 7 DP 7985, and is known as 26 Wellington Road, South Granville. The site comprises an area of 10116.8 m<sup>2</sup> and the following site dimensions are provided:

- Northern and Southern (street and rear) boundaries; 50.29m
- Eastern and western (side) boundaries: 201.17m

The subject site is not affected by stormwater flooding. The site is devoid of vegetation with a few existing street trees on the footpath of Wellington Road. The site is also located approximately 800 metres north of the Duck River and is 360 metres north of the Auburn Botanic Gardens

A site inspection was carried out on 4 March 2020 and confirmed that the site is currently occupied by a vacant single dwelling with detached shed and fencing for a chicken enclosure. The site adjoins general industrial developments to the west, recreational open space to the north and land reserved for environmental conservation to the east and south.



Figure 1 – Locality Plan of subject site (Nearmap 2020)



Figure 2 – Subject site taken from Wellington Street





Figure 3 – Street view

### ***Description of the Proposed Development***

Council has received a development application for demolition of existing structure and removal of ancillary structures.

Structures to be demolition on site includes;

- Dwelling house
- The removal of internal fencing
- Chicken enclosure
- Shed

The proposed demolition works will allow the site to be incorporated with the surrounding public reserve forming part of the environmental conservation area.

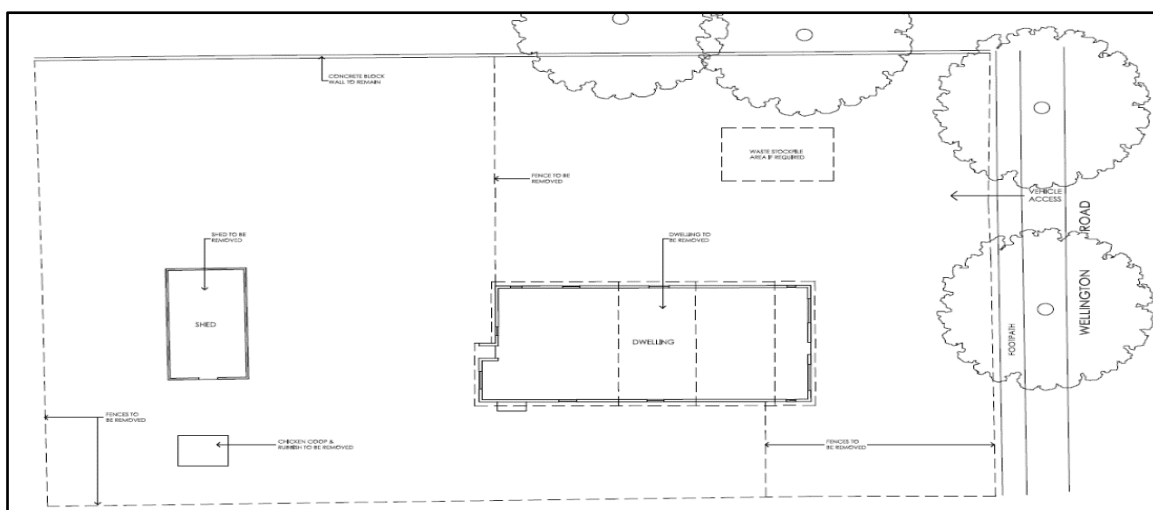


Figure 4 - Demolition Plan of existing structures

### ***Applicants Supporting Statement***

The applicant has provided a Statement of Environmental Effects prepared by Graham Bakewell Architect dated February 2020 and was received by Council on 3 March 2020 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***

No Internal referrals were required for the proposed matter.

### ***External Referrals***

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

## **PLANNING COMMENTS**

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

#### State Environmental Planning Policies

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

Clause 7 of SEPP 55 requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development. The matters listed within Clause 7 have been considered in the assessment of the development application.

<b>Matter for Consideration</b>	<b>Yes/No</b>
Does the application involve re-development of the site or a change of land use?	<input type="checkbox"/> Yes <input checked="" 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
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1. The subject site adjoins contaminated land indicated on Council's Contaminated Land database. However, as the subject site has been used for residential purposes and the development involves demolition works only, further site investigations relating to land contamination is not warranted.	

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

The subject site is zoned E2 – Environmental Conservation however, no bushland or reserved public open spaces are expected to be affected from the proposed of demolition works and associated tree removal.

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

The proposal does not exceed the biodiversity offsets scheme threshold. Therefore, the proposed vegetation removal is considered acceptable.

Regional Environmental Plans

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

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

The subject site is identified as being located within the area affected by the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The

proposed development raises no issues as no impact on the catchment is envisaged.

### Local Environmental Plans

#### **Parramatta Local Environmental Plan 2011**

The provision of the Parramatta Local Environmental Plan 2011 is applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the Parramatta Local Environmental Plan 2011 and the objectives of the E2 - Environmental Conservation Zone.

#### **(a) Permissibility:-**

The subject site is zoned E2 Environmental Conservation and the proposed demolition works has been undertaken to facilitate use of the land for future public recreation and shall be incorporated with the surrounding reserve. In this regard, the proposed development is permissible and is considered to be consistent with the zone objectives.

The relevant matters to be considered under Parramatta LEP 2011 and the applicable clauses for the proposed development are summarised below.

Figure 5 –Parramatta LEP 2013 Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
2.7 Demolition requires consent	Yes	Consent is sought for the proposed demolition works as part of this application
5.10 Heritage conservation	N/A	The subject site is not a heritage listed item or is located within a heritage conservation area.
6.1 Acid Sulfate Soils	Yes	Class 5, Nil impact
6.2 Earthworks	N/A	Demolition works proposed only
6.3 Flood Planning	N/A	The subject site is not a flood affected lot

It is noted that matters concerning Floor Space Ratio and Height of Buildings do not need to be addressed because no work is proposed. The development application is purely for demolition of buildings.

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

#### **(a) Draft Cumberland Local Environmental Plan 2020 (Draft CLEP)**

The Draft Cumberland Local Environmental Plan 2020 (Draft CLEP) has been prepared by Cumberland City Council to provide a single planning framework for

the future planning of Cumberland City. The changes proposed seek to harmonise and repeal the three existing LEPs currently applicable to the Cumberland local government area, those being:

- Holroyd Local Environmental Plan 2013,
- Parramatta Local Environmental Plan 2011, and
- Auburn Local Environmental Plan 2010.

The current planning controls for the subject site, as contained within the Parramatta Local Environmental Plan 2011, are not proposed to change under the Draft CLEP.

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

The Parramatta Development Control 2011 provides guidance for the design and operation of development to achieve the aims and objectives of the Parramatta Local Environmental Plan 2011

A comprehensive assessment and compliance table is contained in Appendix A. The proposed development complies with the provisions of Council's Parramatta Development Control Plan 2011 and is considered acceptable.

#### **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 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 Parramatta Development Control Plan 2011, the proposal was publicly notified for a period of 14 days between 13 March 2020 and 27 March 2020. No submissions were received in respect of the proposed development.

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

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

### ***Section 7.12 (Formerly S94a) Fixed Development Consent Levies***

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

#### Comments:

The development does not require the payment of contributions in accordance with Council's Section 7.12 Contributions Plans.

### ***Disclosure of Political Donations and Gifts***

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

### **CONCLUSION:**

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The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, Parramatta Local Environmental Plan 2011 and Parramatta Development Control Plan 2011 and is considered to be satisfactory for approval subject to conditions.

The proposed development is appropriately located within the E2 Environmental Conservation under the relevant provisions of the Parramatta LEP 2011. The proposal is consistent with all statutory and non-statutory controls applying to the development. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

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

### **REPORT RECOMMENDATION:**

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**That Development Application No. DA2020/0121 for demolition of existing structures on land at 26 Wellington Road SOUTH GRANVILLE NSW 2142 be approved subject to attached conditions.**

## ATTACHMENTS

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1. Draft Notice of Determination [↓](#)
2. Architectural Plans [↓](#)
3. Locality Map [↓](#)
4. Appendix A - Development Control Plan Assessment Table [↓](#)



DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP029/20

Attachment 1  
Draft Notice of Determination







## DEVELOPMENT APPLICATION NOTICE OF DETERMINATION

Under the *Environmental Planning and Assessment Act, 1979*  
(Section 4.18(1))

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**Development Application No:** DA2020/0121

**Applicant:** Cumberland City Council  
16 Memorial Avenue  
MERRYLANDS NSW 2160

**Property Description:** 26 Wellington Road SOUTH GRANVILLE NSW 2142  
Lot 7 DP 7985

**Development:** Demolition of existing structures

### Determination

Pursuant to Sections 4.16(3) of the Act, Council advises that the development application has been determined by:

- **Granting of Consent** subject to the conditions attached on the following page(s)

**Determination Date:** 10 June 2020

**Date from which Consent Operates:** 10 June 2020

**Date Consent Lapses:** 10 June 2025

**By:** Cumberland Local Planning Panel

### Right of Appeal

Sections 8.7 and 8.10 of The Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within 6 months of the date of this notice.

**NOTE:** This consent is generally valid for a period of 5 years effective from the date of this notice, unless specified otherwise by Section 4.53 of the Act, or by conditions.

Elma Sukurma  
**Acting Coordinator Development Advisory Services**

**Date:** 10 June 2020

In accordance with Section 4.59 of the *Environmental Planning and Assessment Act, 1979*, any person may question the validity of this consent in legal proceedings commenced in the Land and Environment Court within 3 months of the date of publication of the notice.

**CUMBERLAND CITY COUNCIL**  
**Development Application Notice of Determination**  
Under the Environmental Planning and Assessment Act 1979 (Section 4.18(1))

**CONDITIONS OF CONSENT**

**Deferred Commencement Conditions**

N/A

**General Conditions**

**1. DAGCA01- 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)

**2. DAGCA02 - 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.

<b>Reference/Dwg No</b>	<b>Title/Description</b>	<b>Prepared By</b>	<b>Date/s</b>
A01, Issue A, Project NO.2001B	Demolition Plan	Graham Bakewell	18 February 2020
A02, Issue A, Project NO.2001B	Erosion & sediment Control Plan	Graham Bakewell	18 February 2020
-	Waste Management Plan	-	3 March 2020

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

**3. DAGCB07 - Tree Preservation**

All street trees and trees on private property that are protected under Cumberland City Council's controls, shall be retained except where Council's prior written consent has been obtained.

(Reason: Tree preservation)

**4. 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)

**Conditions which must be satisfied prior to the commencement of demolition of any building or structure**

**5. 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](http://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 10m<sup>2</sup> 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](http://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)

#### 6. **DAPDB03 - Demolition - Asbestos**

##### **Asbestos to be removed by a licensed asbestos removalist**

All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561).

No asbestos products are to be re-used on site.

No asbestos laden skips or bins are to be left in any public place without the approval of Council.

#### Note:

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal licence is permitted if the asbestos being removed is 10 m<sup>2</sup> 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](http://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.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

#### 7. **DAPDB04 - Asbestos 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.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

#### 8. **DAPDB05 - Notification of Asbestos Removal Works**

At least five (5) 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.



Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

9. **DAPDB06 - Barricades for Asbestos Removal**

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)

10. **DAPDB07 - Site Safety Fencing - Demolition Only**

The site must be fenced to a minimum height of 1.8m in accordance with SafeWork NSW guidelines to prevent public access throughout demolition. The fencing must be erected before the commencement of any demolition work and maintained.

(Reason: Public safety)

11. **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)

12. **DAPDB09 - Tree Preservation**

All street trees and trees on private property that are protected under Cumberland City 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 Council's prior written consent has been obtained.

(Reason: Tree Preservation and Protection)

13. **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**

N/A

**Conditions which must be satisfied prior to the commencement of any development work**

**14. DAPCB03 - Protection of Landscape Features**

To limit the potential for damage to the following tree/s to be retained, the area beneath their canopies must be fenced prior to the commencement of demolition, excavation or building works.

Species	Location
Street Trees x 2	Council's nature strip

The fencing must extend 1 metre beyond the trees trunk, be kept in place until the completion of the building works and be marked by appropriate signage notifying site workers that the tree is to be retained and protected. The fencing should be a minimum of 1800mm high chain link fencing. All fencing shall be maintained for the duration of the construction works.

All areas within the perimeter of the safety fencing shall be covered with woodchip mulch to a depth of 100mm (or where steep grades prevent this, the area shall be protected with a suitable material) to facilitate moisture levels. Adequate soil moisture must be maintained during the course of the construction works through the implementation of a permanent or temporary automatic drip irrigation system.

(Reason: Protection of trees to be retained)

**Conditions which must be satisfied during any development work**

**15. DADWA02 - Dust Control  
Minor Works**

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 City Council should it fail to adequately control any dust nuisance.

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

**16. 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)

**17. DADWA06 - 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)

**18. DADWA07 - General Site Requirements during Demolition**

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



site works:

- a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- b) Demolition must be carried out by a registered demolition contractor.
- c) A single entrance is permitted to service the site for demolition. 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.
- d) Care must be taken during demolition/ excavation to prevent any damage to adjoining buildings.
- e) 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.
- f) Any demolition and excess construction materials are to be recycled wherever practicable.
- g) The disposal of demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- h) 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.
- i) 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.
- j) 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.
- k) 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.
- l) 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.
- m) 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.
- n) All site waters during excavation 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.)

**19. 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)

**20. DADWA15- Importation of Fill**

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

All fill imported onto the site must be validated by either one or both of the following methods:

- a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

(Reason: To ensure controls are in place for contamination management)

**21. 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 City 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 City Council by the Auditor confirming the site is now suitable for the proposed use.

(Reason: To ensure controls are in place for contamination management)

**22. 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)

**23. 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)

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

N/A

**Conditions which must be satisfied prior to the issue of any Subdivision Certificate**

N/A

**Conditions which must be satisfied during the ongoing use of the development**

N/A

**Advisory Notes**

**24. 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](http://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.



**25. DAANN05 - 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.

**26. 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.

**27. 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.

**28. 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.

**29. 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.

**30. 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](http://safework.nsw.gov.au/your-industry/construction), or phone 13 10 50.

**Reasons for Refusal**

N/A

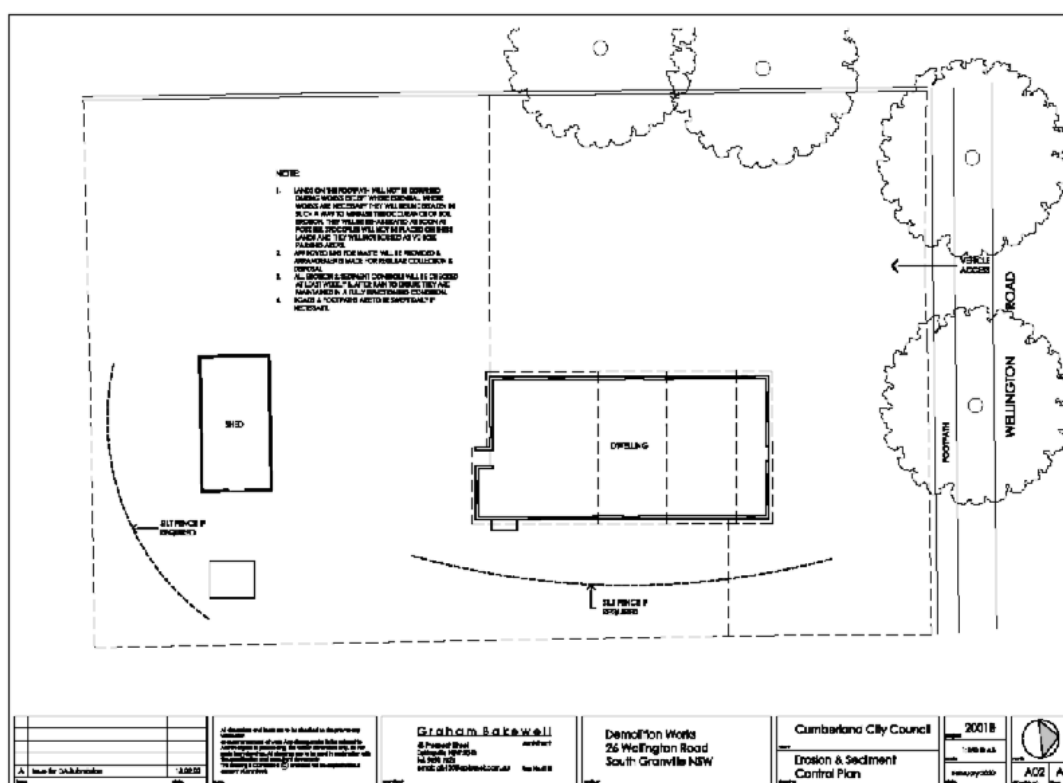
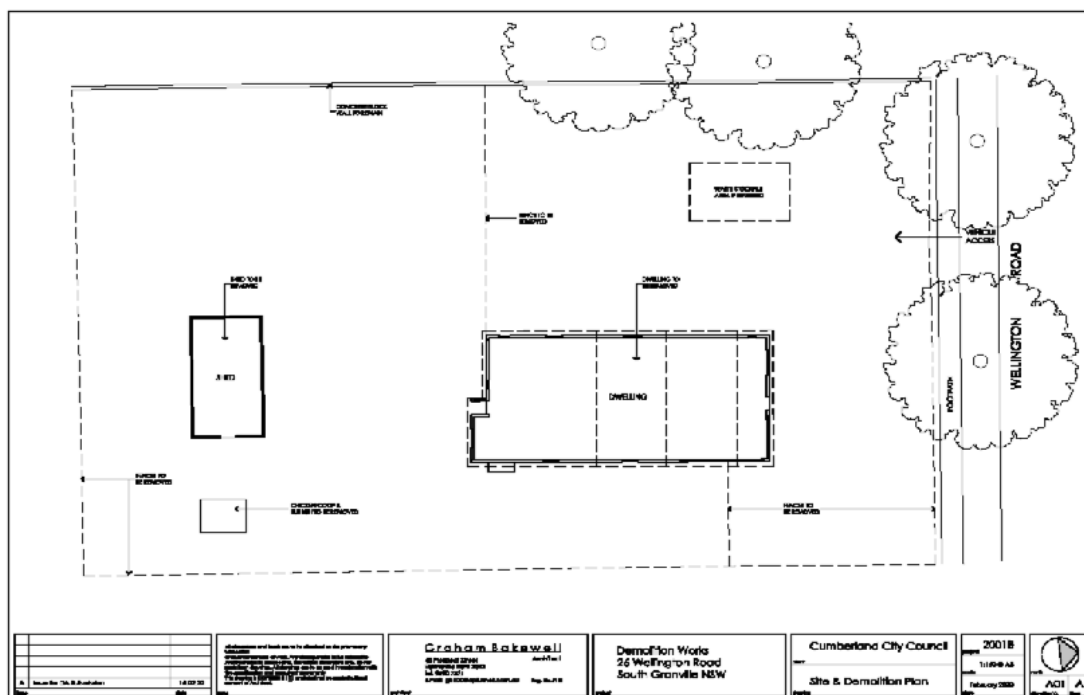


DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP029/20

Attachment 2  
Architectural Plans



## Attachment 2: Architectural Plans







DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP029/20

Attachment 3  
Locality Map



Attachment 3: Locality





DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP029/20

Attachment 4

Appendix A - Development  
Control Plan Assessment Table





APPENDIX A – Parramatta Development Control Plan 2011

Relevant Control		Compliance with Requirements	Consistency Objectives
<b>2.4 Site Considerations</b>			
<b>2.4.1 Views and Vistas</b>	<ul style="list-style-type: none"> <li>- preserve views of significant topographical features</li> <li>- refer to views and vistas in the Harris Park Heritage Conservation Area in Part 4</li> </ul>	There is no existing views to the City's setting across the site and the site is not readily visible from the city centre	Yes
<b>2.4.2.1 Flooding</b>	refer to section 2.4.2 of PDCP 2011 for detail controls for flood affected sites	The subject site is not flood affected	N/A
<b>2.4.2.2 Protection of Waterways</b>	<ul style="list-style-type: none"> <li>- Site adjoin a waterway?</li> <li>- Does the proposed landscaping comprise of local indigenous species?</li> </ul>	The subject site is not identified on the Natural Resources – Riparian Land and Waterways Map under PLEP 2011	N/A
<b>2.4.2.3 Protection of Groundwater</b>	<ul style="list-style-type: none"> <li>- any basement carpark proposed?</li> <li>- does the site require dewatering to facilitate this?</li> </ul>	No basement car park proposed	N/A
<b>2.4.3.1 Soil Management</b>	Adequate erosion control measures?	The development is not likely to result in onsite erosion or sedimentation	Yes
<b>2.4.3.3 Salinity</b>	Is the site identified as being of moderate or high salinity potential or of known salinity?	The site is not expected to affect ground water salinity	Yes
<b>2.4.4 Land Contamination</b>	Is the site identified as or likely to be contaminated?	The land is previously used for residential purposes and is unlikely to be contaminated	Yes
<b>2.4.5 Air Quality</b>	Appropriate controls been placed to ensure that the development does not contribute to increased air pollution?	Council conditions ensure compliance with this control	Yes
<b>2.4.7 Biodiversity</b>	Is vegetation removal appropriate?	No vegetation has been proposed to be removed	Yes
<b>2.4.7.2 Development abutting E2 and W1 zone</b>	<ul style="list-style-type: none"> <li>- site adjoin land zoned E2 or W1?</li> <li>- if yes, does the development satisfy the design principles?</li> </ul>	Yes the site is zoned E2 no other use has be proposed. The sole purpose is for demolition.	Yes
<b>2.4.8 Public Domain</b>	<ul style="list-style-type: none"> <li>- building appropriately address the public domain?</li> <li>- appropriate passive surveillance opportunities?</li> <li>- appropriate public domain enhancements?</li> </ul>	N/A demolition purpose only	N/A
<b>5.4 Preservation of Trees or Vegetation</b>			
<b>5.4.1 Introduction</b>	<p>This section applies to the removal of the following trees:</p> <ul style="list-style-type: none"> <li>- height of 5m or greater;</li> <li>- on public land;</li> <li>- listed in the Register of Significant Trees;</li> <li>- form part of the heritage item or within the heritage conservation area; or</li> <li>- for part of the Aboriginal object or within the Aboriginal place of heritage significance</li> </ul>	N/A no trees proposed to be removed. However a condition to protect street trees will be imposed.	Yes



Item No: LPP030/20

## DEVELOPMENT APPLICATION FOR 1 ROBILLIARD STREET, MAYS HILL

Responsible Division: Environment & Planning  
Officer: Executive Manager Development and Building  
File Number: MOD2020/0085

<b>Application lodged</b>	20 March 2020
<b>Applicant</b>	Mr E Moujalli, Eastern Pacific Pty Ltd
<b>Owner</b>	Great Western Highway Developments Pty Ltd
<b>Application No.</b>	MOD2020/0085
<b>Description of Land</b>	1 Robilliard Street MAYS HILL NSW 2145, Lot 100 in DP 1256634
<b>Proposed Development</b>	Section 4.55(2) application for various modifications to approved mixed use development including addition of a substation, reconfiguration of basement car park, residential units and commercial suites, changes to external finishes and increase in height of lift overrun
<b>Site Area</b>	3,687m <sup>2</sup>
<b>Zoning</b>	B6 – Enterprise Corridor Zone
<b>Disclosure of political donations and gifts</b>	Nil disclosure
<b>Heritage</b>	Not listed as heritage item and not located in heritage conservation area
<b>Principal Development Standards</b>	FSR Permissible: 2:1 Proposed: 2:1  Height of Building Permissible: 23m – fronting Great Western Highway (Building A) 17m – middle section (part Building B) 15m – facing Robilliard Street (part Building B) Proposed: 23.437m (Building A lift overrun), no changes to Building B
<b>Issues</b>	<ul style="list-style-type: none"> <li>- Building height</li> <li>- Habitable room depth</li> </ul>

### SUMMARY:

1. Modification Application No. MOD2020/0085 was received on 20 March 2020 for the section 4.55(2) application for various modifications to approved mixed use development including addition of a substation, reconfiguration of basement car park, residential units and commercial suites, changes to external finishes and increase in height of lift overrun.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 1 May 2020 and 15 May 2020. In response, no submission was received.
3. The variations are as follows:

Control	Required	Approved DA2016/499/1	Proposed	% variation
Height of buildings (HLEP)	23m – fronting Great Western Highway	23.272m (lift overrun)	23.437m (lift overrun) – additional 165mm	1.9%
Habitable room depth (ADG)	8m maximum	8m	8.5m (kitchen to window)	6.25%

Note: Only new non-compliances have been discussed within the body of the report which are proposed under the subject modification application.

4. 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.
5. The application is recommended for approval subject to the conditions in the draft notice of determination held at Attachment 1.

## REPORT:

### ***Subject Site and Surrounding Area***

The subject site forms Lot 100 in DP 1256634, which previously comprised of 5 separate allotments (Lot 109 in DP 13239, Lot B in DP 367709, Lot 12 in DP 1052755, Lot 10 in DP 1052755, and Lot 11 in DP 1052755). The site is a corner lot that is known as 1 Robilliard Street, Mays Hill. The site has an area of 3,687m<sup>2</sup>, a frontage to Robilliard Street of 50.67m to the west, and a frontage to Great Western Highway of approximately 53.1m to the north. The site is located within B6 Enterprise Corridor zone. The approved mixed use development on site is currently under construction. The existing developments adjoining the site include an existing petrol station to the west, and a mixture of single dwellings and residential flat buildings to the south and east.

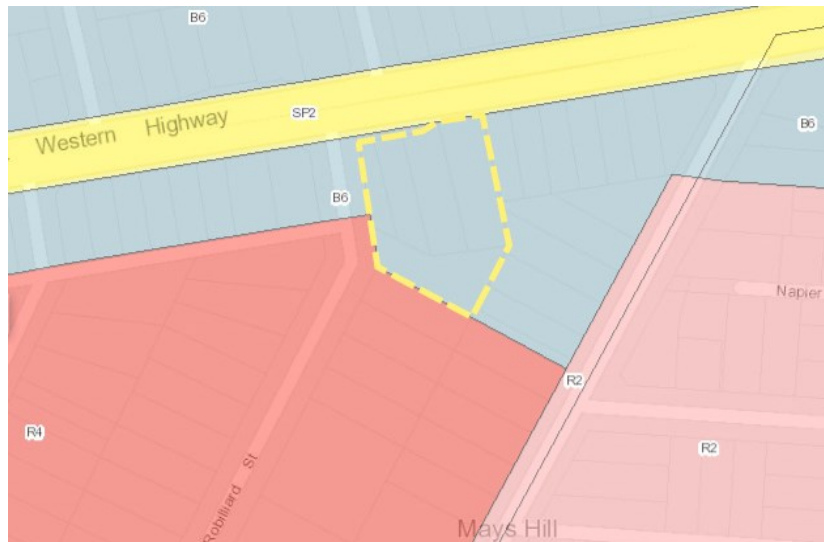


Figure 1 – Locality Plan of subject site



Figure 2 – Aerial view of subject site



Figure 3 – Street view of subject site

***Description of the Proposed Development***

Council has received a modification application involving the following works:

**Basement levels**

- Internal reconfiguration of car parking spaces;
- Relocation of substation;

Note: original application was approved with 5 excess car parking spaces, the proposed modification application will result in the deletion of 5 car parking spaces. Refer to detailed discussions under Holroyd DCP 2013 below.

**Ground floor level**

- Internal changes to approved commercial tenancies by increasing total gross leasable area by 9m<sup>2</sup> and new amenities (kitchen and WC);
- Internal reconfiguration of units AG01, AG02 and AG03;
- Relocation of substation on Robilliard Street;
- First floor to sixth floor levels
- Internal reconfiguration of units A109 – A609;

**Elevations**

- Changes to east and blank wall elevations material with CFC sheeting;
- Removal of glass blocks in accordance with condition no. 37; and
- Increase in lift overrun of building facing Great Western Highway from RL 62.00m to RL 62.20m (AHD).

***History***

Development consent DA2016/499/1 was issued by Council under delegated authority on 13 September 2017 for the demolition of existing structures; consolidation of 5 lots into 1 lot; construction of part 3 (Building B); part 7 storey (Building A) mixed use development comprising 84 residential units; ground floor commercial space above 2 levels of basement parking accommodating 125 carparking spaces at the subject site.

Construction Certificate for DA2016/499/1 was issued on 8 August 2019 by NW Building Certification (CC No. NW17/2389).

S4.55(1A) application (DA2016/499/3) was approved by Council on 4 November 2019 to modify floor to floor heights of the ground and first floor levels.

S4.55(1A) application (MOD2019/5272) seeking approval to relocate substation, modify shop and unit layouts was withdrawn by the applicant on 5 March 2020.



S4.55(1A) application (M2016/499/2) was approved by Council on 6 March 2020 to modify location of on-site detention tank and stormwater drainage.

### ***Applicants Supporting Statement***

The applicant has provided a Statement of Environmental Effects prepared by Think Planners Pty Ltd dated 12 March 2020 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 relating to the changes proposed to the basement and OSD layouts, and therefore can be supported subject to recommended conditions of consent. The relocation of substation resulted in reconfiguration of car parking layout on 2 basement levels. Conditions imposed will result in the deletion of surplus car parking spaces on the site to ensure that sufficient aisle width will be maintained.

#### Building Surveyor

The development application was referred to Council's Building Surveyor for comment who has advised that the development proposal could be supported subject to condition to obtain a Building Certificate for any works which are inconsistent with original approval and completed prior to the issue of this subject consent.

#### Waste Management

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

### ***External Referrals***

#### Roads and Maritime Services (RMS)

The development application was referred to RMS for comment, however there were no changes proposed along Great Western Highway or the vehicular access into the development. Therefore, RMS comments are not warranted for the subject modification application.

#### Endeavour Energy



The applicant has submitted documentary evidence to demonstrate that the proposal has satisfied the requirements of the energy provider. The proposal therefore can be supported subject to recommended conditions of consent.

### Transgrid

The original proposal, in which consistent with the proposed modification application, was referred to Transgrid and therefore can be supported.

## PLANNING COMMENTS

### Section 4.55(2):

Requirement	Comments
Council 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, as it relates to minor increase in Building A lift overrun height, and changes to the car parking arrangement in the basement levels, and the overall building layout and façade, in which does not deviate from the approved mixed use development on the subject site.
Council 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, and	No Minister, public authority or other approval body was required to be consulted regarding the proposed modification.
Council has notified the application in accordance with: <ul style="list-style-type: none"> <li>(i) the regulations, if the regulations so require, or</li> <li>(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</li> </ul>	See discussion on "Public Notification" in this report.
Council has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on "Public Notification" in this report.
Relevant matters referred to in Section 4.15(1) of the act have been taken into consideration	Proposed modification is not contrary to the public interest and the likely environmental

	impacts of the development as modified are considered acceptable.
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**The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))**

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

Clause 7 of SEPP 55 requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development. The matters listed within Clause 7 have been considered in the assessment of the development application.

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site listed on Council's Contaminated Land database?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the site adjoin any contaminated land/previously contaminated land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
The requirements under the original application are unchanged by this modification application. Council is satisfied that the site is suitable to be used for residential purpose.	

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

SEPP 65 applies to the development as the building is 3 storeys or more, and contains more than 4 dwellings. A design statement addressing the design quality principles prescribed by SEPP 65 was prepared by the project architect. Integral to SEPP 65 is the Apartment Design Guide (ADG), which sets benchmarks for the appearance, acceptable impacts and residential amenity of the development. A revised design verification statement signed by registered architect Ziad Boumelhem (Registration No. 8008) was submitted with the s4.55(2) application.

Following a detailed assessment of the proposal against the provisions of SEPP 65 and the ADG, it is considered the proposal is generally compliant with the exception of maximum habitable room depth. This variation is discussed below:

- Objective 4D-1

In an open plan layout where living, dining and kitchen are combined, the maximum habitable room depth is 8m to a window. The reconfiguration of units in Building A results in maximum room depth of 8.5m to the kitchen wall. The proposed non-compliance is considered acceptable, as the open plan layout has sufficient ceiling height and direct access to full room width openings. The rooms cross ventilation circulation will not be affected by the additional depth of the combined habitable room to the kitchen wall. The minor non-compliance is therefore considered acceptable.

A comprehensive assessment against SEPP 65 and the ADG is contained in Appendix A.

**(c) State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)**

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

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

The original application was referred to Endeavour Energy and was considered satisfactory subject to the conditions imposed. The current modification for relocation of substation on the site has been also been approved by the electricity provider.

*Clause 101 – Frontage to classified road*

The application is subject to clause 101 of the ISEPP as the site has frontage to a classified road. The original application was assessed under the provision of this clause and was considered satisfactory subject to conditions imposed. The proposed modification does not alter the outcome of the original assessment.

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

The application is subject to clause 102 of the ISEPP as the annual average daily traffic volume is greater than 40,000 vehicles. The original application was assessed under the provision of this clause and was considered satisfactory subject to conditions imposed. The proposed modification does not alter the outcome of the original assessment.

*Clause 104 – Traffic generation developments*

The application is subject to clause 104 as the proposal triggers the requirements for traffic generating developments listed in Schedule 3 of the ISEPP. The original application was assessed under the provision of this clause and was considered satisfactory subject to conditions imposed. The proposed modification does not alter the outcome of the original assessment.

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

Tree removal on site has been approved in the original assessment. The proposal does not exceed the biodiversity offsets scheme threshold. Therefore, the proposed vegetation removal is considered acceptable.

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

BASIX Certificate 689230M\_03 dated issued on 1 November 2016 prepared by Victor Lin & Associates Pty Ltd has been submitted with Council and is considered to be satisfactory.

Regional Environmental Plans

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

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

Note: Will be superseded once Draft SEPP Environment comes into effect.

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

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

Local Environmental Plans

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

The provision of the Holroyd LEP 2013 is applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the Holroyd LEP 2013 and the objectives of the B6 – Enterprise Corridor zone.

**(a) Permissibility:-**

The proposed development is defined as a 'shop top housing' and is permissible in the B6 – Enterprise Corridor zone with consent. The proposed modification will continue the use of the development as approved being a shop top housing.

The relevant matters to be considered under Holroyd LEP 2013 and the applicable clauses for the proposed development are summarised below. A comprehensive LEP assessment is contained in Appendix B.

Figure 4 – Holroyd LEP 2013 Compliance Table

DEVELOPMENT STANDARD	COMPLY	DISCUSSION
4.3 Height of Buildings, max  23m – fronting Great Western Highway (Building A)	No	<p>Under DA2019/499/1, Building A height was approved for 23.272m to the top of the lift overrun (RL 62.00m AHD), which is a variation of 1.18% (0.272m) to the development standard.</p> <p>The proposed modification will increase the height of lift overrun for Building A to 23.437m (RL 62.20m AHD), which is an additional 165mm from the approved building height that equates to variation of 1.9% to the development standard.</p> <p>Clause 4.6 variation is not required for a s4.55 modification application. The applicant submitted justification to further contravene the building height development standard, in which the additional height proposed will not adversely impact the locality given its location on the building facing Great Western Highway. 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</p>

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

**(a) Draft State Environmental Planning Policy (Environment)**

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

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

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

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

**(b) Draft Cumberland Local Environmental Plan 2020 (Draft CLEP)**

The Draft Cumberland Local Environmental Plan 2020 (Draft CLEP) has been prepared by Cumberland Council to provide a single planning framework for the future planning of Cumberland City. The changes proposed seek to harmonise and repeal the three existing LEPs currently applicable to the Cumberland local government area, those being:

- Holroyd Local Environmental Plan 2013,
- Parramatta Local Environmental Plan 2011, and

- Auburn Local Environmental Plan 2010.

The relevant planning controls for the subject site, as contained within the Holroyd Local Environment Plan, are not proposed to change under the Draft CLEP.

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

The Holroyd DCP 2013 provides guidance for the design and operation of development to achieve the aims and objectives of the DCP. A comprehensive assessment and compliance table is contained in Appendix C.

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

The proposed modification to reconfigure car parking spaces due to the relocation of substation will result in the imposition of conditions by Council for the deletion of five (5) approved car spaces to increase aisle width and to allow for sufficient manoeuvring area. The reduction in the numbers of car spaces will continue to comply with Holroyd DCP 2013 car parking rates, as the original application was approved with five (5) excess car parking spaces. Calculation of car parking required on the site is as follows.

#### **Part A Holroyd DCP 2013 – Car parking rate**

Required:

Residential - 83.2~84 spaces

Visitor – 16.8~17 spaces

Commercial (380/2) – 19 spaces

Total = 120 spaces

Approved (DA2016/499/1):

Residential - 88 spaces (extra 4 spaces)

Visitor – 17 spaces

Commercial – 20 spaces (extra 1 space)

Total = 125 spaces

Condition to be imposed (deletion of 5 car spaces):

Residential – 84 spaces

Visitor – 17 spaces

Commercial – 19 spaces

Total = 120 spaces - Complies.

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

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

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

In accordance with Council's Notification requirements contained within the Holroyd DCP 2013, the proposal was publicly notified for a period of 14 days between 1 May 2020 and 15 May 2020. The notification generated no submissions in respect of the proposal.

**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. The development requires the payment of contributions in accordance with Holroyd Section 94 Contributions Plans.

Contribution rate applies on the additional 9m<sup>2</sup> of commercial gross floor area. The fee payable is \$234.00. 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 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 as modified is appropriately located within the B6 – Enterprise Corridor zone under the relevant provisions of the Holroyd LEP 2013, however

variation in relation to the additional building height sought. Having regard to the assessment of the proposal from a merit perspective, Council may be satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the departures noted above, is consistent with the intentions of Council's planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 and 4.55 of the Environmental Planning and Assessment Act 1979, and the modified development may be approved subject to conditions.

#### **REPORT RECOMMENDATION:**

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**That Modification Application No. MOD2020/0085 for Section 4.55(2) application for various modifications to approved mixed use development including addition of a substation, reconfiguration of basement car park, residential units and commercial suites, changes to external finishes and increase in height of lift overrun on land at 1 Robilliard Street, Mays Hill NSW 2145 be approved subject to attached conditions.**

#### **ATTACHMENTS**

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1. Draft Notice of Determination [↓](#)
2. Architectural Plans [↓](#)
3. Statement of Environmental Effects and Design Verification Statement [↓](#)
4. Original Development Consent [↓](#)
5. Appendix A - SEPP 65 Design Quality of Residential Apartment Development [↓](#)
6. Appendix B - Holroyd LEP 2013 [↓](#)
7. Appendix C - Holroyd Development Control Plan [↓](#)

DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP030/20

Attachment 1  
Draft Notice of Determination





## DEVELOPMENT APPLICATION NOTICE OF DETERMINATION

Under the *Environmental Planning and Assessment Act, 1979*  
(Section 4.18(1))

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**Development Application No:** MOD2020/0085

**Applicant:** Mr Eddie Moujalli  
Eastern Pacific Pty Ltd  
3.01, 14 Lexington Drive, Bella Vista NSW 2153

**Property Description:** 1 Robilliard Street, Mays Hill NSW 2145  
Lot 100 in DP 1256634

**Development:** Section 4.55(2) application for various modifications to approved mixed use development including addition of a substation, reconfiguration of basement car park, residential units and commercial suites, changes to external finishes and increase in height of lift overrun

### Determination

Pursuant to Sections 4.18(1) of the Act, Council advises that the development application has been determined by:

- **Granting of Consent** subject to the conditions attached on the following page(s)

**Determination Date:** 10 June 2020

**By:** Cumberland Local Planning Panel

### Right of Appeal

Sections 8.7 and 8.10 of The Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within 6 months of the date of this notice.

**NOTE:** This Consent is generally valid for a period of 5 years effective from the date of this notice, unless specified otherwise by Section 4.53 of the Act, or by conditions.

Sohail Faridy

### COORDINATOR DEVELOPMENT ASSESSMENT

**Date:** 10 June 2020

In accordance with Section 4.59 of the *Environmental Planning and Assessment Act, 1979*, any person may question the validity of this consent in legal proceedings commenced in the Land and Environment Court within 3 months of the date of publication of the notice.

**CUMBERLAND CITY COUNCIL**  
**Development Application Notice of Determination**  
Under the Environmental Planning and Assessment Act 1979 (Section 4.18(1))

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**CONDITIONS OF APPROVAL**

Accordingly, Development Consent 2016/499/1 is amended as follows:-

Condition 2 is amended to read as follows:

2. Development shall take place in accordance with the attached endorsed plans:
  - Architectural plans prepared by Urban Link, Project No. 16-089, Drawing No. DA102, Issue A, dated 2 November, 2016, Drawing No's. DA201 – DA204, all Revision E, all dated 2 August, 2017, Drawing No's. DA205 and DA206, both Revision B, both dated 28 March, 2017, Drawing No's. DA220 – DA223, all Revision E, all dated 2 August, 2017, Drawing No's. DA224, DA225 and DA301, Revision B, dated 28 March, 2017, Drawing No's. DA302 - DA304, all Issue E, all dated 2 August, 2017, Drawing No's. DA401 and DA402, both Revision E, both dated 2 August, 2017, Drawing No. DA506, Issue A, dated 2 November, 2016, Drawing No. DA510, Revision A and Drawing No. DA510, Revision B, both dated 28 March, 2017;
  - Landscape plans prepared by Site Image Landscape Architects, Job No. SS16-3345, Drawing No's. 000, 102 and 103, all Issue B, all dated 28 March, 2017 and Drawing No. 501, Issue A, dated 25 October, 2016;
  - Stormwater plans prepared by Xavier Knight Consulting Engineers Pty Ltd, Job No. 160907, Drawing No. C000, Revision 01, dated 21 October, 2016, Drawing No. C100, Revision 02, dated 28 March, 2017, Drawing No's. C101, C102 and C200, all Revision 01, dated 21 October, 2016, Drawing No. C201, Revision 02, dated 28 March, 2017, Drawing No. C202, Revision 01, dated 21 October, 2016 and Drawing No. C250, Revision 02, dated 28 March, 2017 (OSD 2016-337);
  - Sediment and Erosion Control plans prepared by Xavier Knight Consulting Engineers Pty Ltd, Drawing No's. SE01 and SE02 (inclusive), both Revision 01, both dated 21 October, 2016;
  - Waste Management Plan prepared by Urban Link Pty Ltd, dated 2 November, 2016;
  - Acoustic Report prepared by Acoustic Logic, Project No. 20170304.1, Document Reference No. 20170304.1/1303A/R0/BW, Revision 0, dated 13 March, 2017;
  - Acoustic Correspondence (Review of Mechanical Proposal) prepared by Acoustic Logic, Document Reference No. 20170304.1/1907A/R0/BW, dated 19 July, 2017;
  - Statement of Design Intent for Installation prepared by CME Building Services Design Pty Ltd, dated 18 July, 2017;
  - Email correspondence (in relation to noise impact) provided by Benjamin White, dated 14 June, 2017
  - Arboricultural Impact Assessment Report prepared by Priority Tree Services, Reference No. 16/10/13/1RSMH, Revision 1, dated 13 October, 2016;
  - Access Report prepared by PSE Access Consulting, dated 22 November, 2015;
  - Traffic Impact Report prepared by Solution Traffic Engineers, Revision 1.5, dated July, 2017;
  - Schedule of External Colours and Finishes prepared by Urban Link, Project No. 16-089, Drawing No. DA604, dated 2 November, 2016;
  - BASIX Certificate No. 689230M\_03, dated 1 November, 2016; and

**CUMBERLAND CITY COUNCIL**  
**Development Application Notice of Determination**  
Under the Environmental Planning and Assessment Act 1979 (Section 4.18(1))

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- Roads and Maritime Services comments – Reference SYD16/00255/02, dated 11 January, 2017;

As amended by plans approved under DA 2016/499/3, dated 4 November 2019:

- Architectural plans prepared by Urban Link, Project No. 16-089, Drawing No.'s DA204, DA301, DA302, DA303 and DA401, all Revision F, all dated 1 October 2019.

As amended by plans approved under M2016/499/2, dated 6 March 2020:

- Architectural plans prepared by Urban Link, Project No. 16-089, Drawing No.'s DA202 and DA203, all Revision F, and Drawing No. DA302, Revision G, all dated 6 December 2019;
- Landscape plans prepared by Site Image Landscape Architects, Job No. SS16-3345, Drawing No's. 000 and 102, all Issue C, all dated 6 January 2020;
- Stormwater plans prepared by Xavier Knight Consulting Engineers Pty Ltd, Job No. 171004, Drawing No.'s C100, C101, C102, C104, C105, C106 and C106A, all Revision 3, all dated 27 February 2020 (OSD 2020-012);

- a) As amended in red by Council. The above amendments are to be incorporated in the Construction Certificate plans.

As amended by the following plans approved by the subject s4.55(2) application MOD2020/0085, dated 10 June 2020:

- Architectural plans prepared by Urban Link, Project No. 16-089, Drawing No.'s DA201, DA203, DA204, DA205, DA206, DA301, DA302, DA303, and DA401, all Revision G, all dated 4 March 2020; Drawing No. DA402, Revision F, dated 4 March 2020; and Drawing No. DA202, Revision H, dated 11 May 2020;
- Endeavour Energy Design Brief, Reference No. UML8465-2017/04634/001, dated 7 November 2017;

- a) As amended in red by Council. The above amendments are to be incorporated in the Construction Certificate plans.

Conditions 16 a), 39 a) and 39 b) are inserted as follows:

16. a) 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 additional 9m<sup>2</sup> of commercial gross floor area (GFA) is to be paid to Council. At the time of this development consent, the current rate of the contribution for the additional 9m<sup>2</sup> of the commercial gross floor area is \$234.00. 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](http://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 payable under this consent are in addition to the contributions that must be paid pursuant to condition 16.

39. a) A building information certificate must be obtained from Council for the works sought under MOD2020/0085 that have been completed prior to the issue of the subject development consent.



**CUMBERLAND CITY COUNCIL**  
**Development Application Notice of Determination**  
Under the Environmental Planning and Assessment Act 1979 (Section 4.18(1))

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39. b) Amended plans/documents shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate addressing the following matters:
- i. All aisle width shall comply with the relevant clause of Holroyd DCP 2013. Swept path diagram shall be prepared and submitted to the satisfaction of the PCA demonstrating vehicular manoeuvring within the commercial parking aisles without any obstruction to traffic in opposite direction. The manoeuvring shall demonstrate how the vehicle can access the parking space at critical locations (such as the car space at the blind end of the aisle and the car space opposite to the lift within the commercial parking aisle) to and from the entrance gate located at the front of the aisle.
  - ii. Commercial accessible car space no. 1 shall be provided with a 2.4m wide shared zone. Alternatively, commercial car space no. 1 shall be converted into standard car space, and commercial car space nos. 9 and 10 shall be converted into accessible car space with a shared zone.
  - iii. The main entrance shutter door doorjamb at the base of the ramp to Basement 1 shall be deleted and the width of the shutter door opening at the entrance to the commercial parking aisle shall be widened to the full aisle width to improve manoeuvrability and to allow passing of vehicles travelling in opposite direction.
  - iv. Accessible car space nos. 37 and 38 (4 spaces in total) opposite to the lift on Basement 2 shall be deleted to improve manoeuvrability between ramp and Basement 1. One (1) residential car space on Basement 1 shall be converted into an accessible car space with shared zone.
  - v. The emergency fire exit door located on the ground level be relocated inward for at least 1m.

Condition 37 is deleted.

Condition 164 is amended to read as follows.

164. At least 120 car parking spaces, numbered and line marked in accordance with the endorsed plan, are to be made available at all times for residents and visitors' vehicles only in conjunction with the occupation of the building/premises as follows.
- 19 commercial car spaces;
  - 101 residential car spaces, including 84 resident's and 17 visitor's car spaces.
- Note: one (1) residential accessible car space shall be provided for each of the adaptable unit.

All other conditions of Development Consent 2016/499/1 and as amended remain unchanged.

**Note:** This determination notice is strictly for the changes sought under the subject modification application MOD2020/0085. No approval is granted or implied for any other works/changes proposed to the subject development.

DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP030/20

Attachment 2  
Architectural Plans





# DEVELOPMENT APPLICATION

## MIXED USE DEVELOPMENT

### 1 ROBILLIARD STREET & 141-147 GREAT WESTERN HIGHWAY, MAYS HILL



PROPOSAL COMPLIANCE			
TOTAL SITE AREA	3687 m <sup>2</sup>		
CONTROL	MAX ALLOWABLE	PROPOSED	COMPLIES
GROSS FLOOR AREA (GFA)	7374	7374	YES
FLOOR SPACE RATIO (FSR)	2:1	2:1	YES
BUILDING HEIGHT	23m, 37m, 33m	23m	NO*

CONTROL	MIN. REQUIRED	PROPOSED	COMPLIES
SOLAR ACCESS	20%	20%	YES
CROSS VENTILATION	40%	40%	YES
ADAPTABLE UNITS	15%	15%	YES
DEEP SOIL	7% OR 258.00	11.3% OR 420.00	YES
COMMON OPEN SPACE	23% OR 827.25	101.00	YES
SOLAR ACCESS TO C/O'S	80% OF 924.29 = 739.43	739.43	YES
SILVER UNITS	20%	22%	YES

CONTROL	REQUIRED	PROPOSED	COMPLIES
CARPARKING			
1 SPACE/21 BED UNIT	10	8	
1 SPACE/22 BED UNIT	68	68	
1 SPACE/30 BED UNIT	6	6	
210 TOR 1 SPACE/24 UNITS	12	12	
VEHICLE ACCESSIBLE CAR PARKING	14	14	
COMMERCIAL	20	20	YES
COMM. ACCESSIBLE CAR PARKING	3	3	
ACCESSIBLE CAR PARKING	COMM + RESIDUAL CAR PARKING (10%)	127 PROVIDED	YES

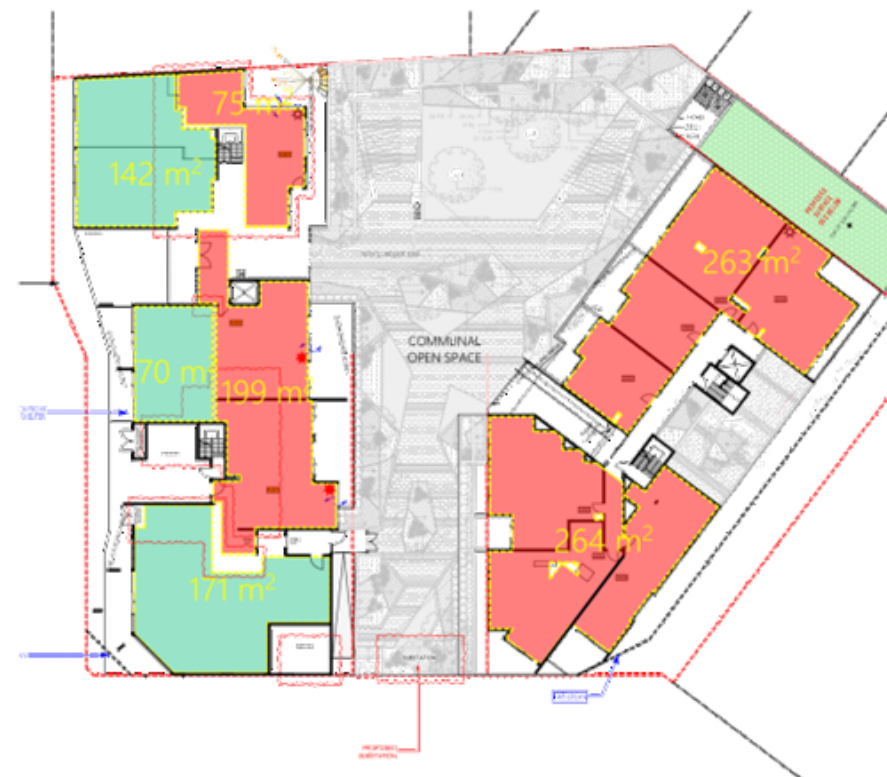
UNIT MIX						
LEVEL	COMM + RES	1 BED	2 BED	3 BED	TOTAL	
Ground	4	2	6		12	
1	RES	2	14		16	
2	RES	2	14		16	
3	RES	2	14		16	
4	RES	2	14		16	
5	RES	2	14		16	
6	RES	2	14		16	
TOTAL		10	68	6	84	
PERCENTAGE		4.8%	88.1%	4.8%	100%	

DRAWING INDEX		
Drawing No.	Drawing Name	Revision
DA000	COVER SHEET	01 Current Issues
DA001	SITE ANALYSIS	A (Rev Amendment)
DA002	SITE & FLOOR PLANS	A (Rev Amendment)
DA003	HEIGHT OF BUILDING	A (Rev Amendment)
DA004	BASEMENT 1	01 Current Issues
DA005	BASEMENT 2	01 Current Issues
DA006	GROUND FLOOR PLAN	01 Current Issues
DA007	LEVEL 1 & 2	01 Current Issues
DA008	LEVEL 3	01 Current Issues
DA009	LEVEL 4	01 Current Issues
DA010	BASEMENT 1 - 1200	01 Current Issues
DA011	BASEMENT 2 - 1200	01 Current Issues
DA012	GROUND FLOOR PLAN - 1200	01 Current Issues
DA013	LEVEL 1 & 2 - 1200	01 Current Issues
DA014	LEVEL 3 - 1200	01 Current Issues
DA015	LEVEL 4 - 1200	01 Current Issues
DA016	NORTH ELEVATION	01 Current Issues
DA017	SOUTH ELEVATION	01 Current Issues
DA018	WEST ELEVATION	01 Current Issues
DA019	EAST ELEVATION	01 Current Issues
DA020	SECTION A-A	01 Current Issues
DA021	SECTION B-B	01 Current Issues
DA022	CROSS SECTION	01 Current Issues
DA023	CROSS SECTION	01 Current Issues
DA024	CROSS SECTION	01 Current Issues
DA025	CROSS SECTION	01 Current Issues
DA026	CROSS SECTION	01 Current Issues
DA027	CROSS SECTION	01 Current Issues
DA028	CROSS SECTION	01 Current Issues
DA029	CROSS SECTION	01 Current Issues
DA030	CROSS SECTION	01 Current Issues
DA031	CROSS SECTION	01 Current Issues
DA032	CROSS SECTION	01 Current Issues
DA033	CROSS SECTION	01 Current Issues
DA034	CROSS SECTION	01 Current Issues
DA035	CROSS SECTION	01 Current Issues
DA036	CROSS SECTION	01 Current Issues
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DA042	CROSS SECTION	01 Current Issues
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DA095	CROSS SECTION	01 Current Issues
DA096	CROSS SECTION	01 Current Issues
DA097	CROSS SECTION	01 Current Issues
DA098	CROSS SECTION	01 Current Issues
DA099	CROSS SECTION	01 Current Issues
DA100	CROSS SECTION	01 Current Issues

- LIST OF AMENDMENTS**
- LOCATION OF SUB STATION
  - BASEMENT 01 & 02 INTERNAL RE-CONFIGURATION
  - GROUND MINOR INTERNAL CHANGES TO RESIDENTIAL UNITS AND COMMERCIAL SUITES
  - MINOR INTERNAL RE-CONFIGURATION TO UNITS A109-A109
  - EAST ELEVATION
  - GLASS BLOCKS REMOVED AS PER CONDITION 37
  - BLANK ELEVATION PROPOSING CFC SHEETING
  - 1 SET PROVIDED AT 1:100 SCALE FOR EACH OF THE FOLLOWING:
    - 1. SITE PLAN
    - 2. FLOOR PLANS
    - 3. SECTION A-A
    - 4. SECTION B-B
    - 5. CROSS SECTION
    - 6. NORTH ELEVATION
    - 7. SOUTH ELEVATION
    - 8. WEST ELEVATION
    - 9. EAST ELEVATION

UNIT CALCULATIONS													
LEVEL	UNIT NO	NO OF BEDS	FLOOR AREA (m <sup>2</sup> )	BALCONY FLOOR AREA (m <sup>2</sup> )	TOTAL AREA (m <sup>2</sup> )	PARKING SPACES	STORAGE		WASTE GENERATION (kg/yr)	SEWAGE (kg/yr)	CROSS FLOW	ADAPTABLE	SILVER
							KITCHEN	BEDROOM					
GROUND FL	A001	2	75	60	135	1	4	4	0.5 - 1.00L	0	YES		
	A002	2	75	60	141	1	4	4	0.5 - 1.00L	0	YES		
	A003	2	75	68	143	1	4	4	0.5 - 1.00L	0.5	YES		
	B001	0	75	15	90	1	4	4	0.5 - 1.00L	2	YES		
	B002	2	87	25	112	1	4	4	0.5 - 1.00L	2+	YES		
	B003	2	87	25	112	2	4	4	0.5 - 1.00L	0.5	YES		
	B004	1	50	15	65	1	4	4	0.5 - 1.00L	0.1	YES	ADAPTABLE	
	B005	2	120	48	168	2	4	4	0.5 - 1.00L	1	YES		
	B006	0	83	16	99	1	4	4	0.5 - 1.00L	2+	YES		
	B007	2	77	13	90	1	4	4	1.00L - 1.00L	0.5	YES		
LEVEL 1	A101 - A101	3	102	14	116	2	5	5	0.5 - 1.00L	2+	YES	ADAPTABLE	SILVER
	A102	2	75	21	96	1	4	4	0.5 - 1.00L	2+	YES		
	A103	2	76	11	87	1	4	4	0.5 - 1.00L	2+	YES		
	A104	2	79	27	106	1	4	4	0.5 - 1.00L	2+	YES		
	A105	2	77	12	89	1	4	4	0.5 - 1.00L	0	YES		
	A106	2	79	21	100	1	4	4	0.5 - 1.00L	2+	YES		
	A107	1	50	8	58	1	3	3	0.5 - 1.00L	2+	YES	ADAPTABLE	
	A108	2	79	13	92	1	4	4	0.5 - 1.00L	2+	YES		
	A109	2	74	11	85	1	4	4	0.5 - 1.00L	2+	YES		
	A110	2	85	28	113	1	4	4	0.5 - 1.00L	0.5	YES		
LEVEL 2	B101	2	82	12	94	1	4	4	0.5 - 1.00L	2+	YES		
	B102	2	83	12	95	1	4	4	0.5 - 1.00L	2+	YES		
	B103	2	50	15	65	1	4	4	0.5 - 1.00L	0.5	YES		
	B104	2	78	12	90	1	4	4	0.5 - 1.00L	0	YES		
	B105	2	77	13	90	1	4	4	0.5 - 1.00L	2+	YES		
	B106	2	81	18	99	1	4	4	0.5 - 1.00L	2+	YES		
	B107	2	77	20	97	1	4	4	0.5 - 1.00L	0.5	YES		
	A201	3	102	14	116	2	5	5	0.5 - 1.00L	2+	YES	ADAPTABLE	SILVER
	A202	2	75	21	96	1	4	4	0.5 - 1.00L	2+	YES		
	A203	2	76	11	87	1	4	4	0.5 - 1.00L	2+	YES		
A204	2	79	27	106	1	4	4	0.5 - 1.00L	2+	YES			
A205	2	77	12	89	1	4	4	0.5 - 1.00L	0	YES			
A206	2	79	21	100	1	4	4	0.5 - 1.00L	2+	YES			
A207	1	50	8	58	1	3	3	0.5 - 1.00L	2+	YES	ADAPTABLE		
A208	2	79	13	92	1	4	4	0.5 - 1.00L	2+	YES			
A209	2	74	11	85	1	4	4	0.5 - 1.00L	2+	YES			
A210	2	85	28	113	1	4	4	0.5 - 1.00L	0.5	YES			
LEVEL 3	B201	2	82	18	100	1	4	4	0.5 - 1.00L	2+ (daylight)	YES		
	B202	2	82	18	100	1	4	4	0.5 - 1.00L	2+ (daylight)	YES		
	B203	2	50	15	65	1	4	4	0.5 - 1.00L	0.5 (daylight)	YES		
	B204	2	78	12	90	1	4	4	0.5 - 1.00L	2+ (daylight)	YES		
	B205	2	79	13	92	1	4	4	0.5 - 1.00L	2+ (daylight)	YES		
	B206	2	81	18	99	1	4	4	0.5 - 1.00L	2+ (daylight)	YES		
	B207	2	77	20	97	1	4	4	0.5 - 1.00L	2+ (daylight)	YES		
	A301	3	102	14	116	1	5	5	0.5 - 1.00L	2+	YES	ADAPTABLE	SILVER
	A302	2	75	21	96	1	4	4	0.5 - 1.00L	2+	YES		
	A303	2	76	11	87	1	4	5	0.5 - 1.00L	2+	YES		
A304	2	79	27	106	1	4	4	0.5 - 1.00L	2+	YES			
A305	2	77	12	89	1	4	4	0.5 - 1.00L	0	YES			
A306	2	79	21	100	1	4	4	0.5 - 1.00L	2+	YES			
A307	1	50	8	58	1	3	3	0.5 - 1.00L	2+	YES	ADAPTABLE		
A308	2	79	13	92	1	4	4	0.5 - 1.00L	2+	YES			
A309	2	74	11	85	1	4	4	0.5 - 1.00L	2+	YES			
A310	2	85	28	113	1	4	4	0.5 - 1.00L	0.5	YES			
LEVEL 4	A401	3	102	14	116	1	5	5	0.5 - 1.00L	2+	YES	ADAPTABLE	SILVER
	A402	2	75	21	96	1	4	4	0.5 - 1.00L	2+	YES		
	A403	2	76	11	87	1	4	5	0.5 - 1.00L	2+	YES		
	A404	2	79	27	106	1	4	4	0.5 - 1.00L	2+	YES		
	A405	2	77	12	89	1	4	4	0.5 - 1.00L	0	YES		
	A406	2	79	21	100	1	4	4	0.5 - 1.00L	2+	YES		
	A407	1	50	8	58	1	3	3	0.5 - 1.00L	2+	YES	ADAPTABLE	
	A408	2	79	13	92	1	4	4	0.5 - 1.00L	2+	YES		
	A409	2	74	11	85	1	4	4	0.5 - 1.00L	2+	YES		
	A410	2	85	28	113	1	4	4	0.5 - 1.00L	0.5	YES		
LEVEL 5	A501	3	102	14	116	1	5	5	0.5 - 1.00L	2+	YES	ADAPTABLE	SILVER
	A502	2	75	21	96	1	4	4	0.5 - 1.00L	2+	YES		
	A503	2	76	11	87	1	4	5	0.5 - 1.00L	2+	YES		
	A504	2	79	27	106	1	4	4	0.5 - 1.00L	2+	YES		
	A505	2	77	12	89	1	4	4	0.5 - 1.00L	0	YES		
	A506	2	79	21	100	1	4	4	0.5 - 1.00L	2+	YES		
	A507	1	50	8	58	1	3	3	0.5 - 1.00L	2+	YES	ADAPTABLE	
	A508	2	79	13	92	1	4	4	0.5 - 1.00L	2+	YES		
	A509	2	74	11	85	1	4	4	0.5 - 1.00L	2+	YES		
	A510	2	85	28	113	1	4	4	0.5 - 1.00L	0.5	YES		
LEVEL 6	A601	3	102	14	116	1	5	5	0.5 - 1.00L	2+ (daylight)	YES	ADAPTABLE	SILVER
	A602	2	75	21	96	1	4	4	0.5 - 1.00L	2+ (daylight)	YES		
	A603	2	76	11	87	1	4	5	0.5 - 1.00L	2+ (daylight)	YES		
	A604	2	79	27	106	1	4	4	0.5 - 1.00L	2+ (daylight)	YES		
	A605	2	77	12	89	1	4	4	0.5 - 1.00L	2+ (daylight)	YES		
	A606	2	79	21	100	1	4	4	0.5 - 1.00L	2+ (daylight)	YES		
	A607	1	50	8	58	1	3	3	0.5 - 1.00L	2+ (daylight)	YES	ADAPTABLE	
	A608	2	79	13	92	1	4	4	0.5 - 1.00L	2+ (daylight)	YES		
	A609	2	74	11	85	1	4	4	0.5 - 1.00L	2+ (daylight)	YES		
	A610	2	85	28	113	1	4	4	0.5 - 1.00L	2+ (daylight)	YES		
										63/66 73%	92/94	83/86/88 94%	81/84/86 94%

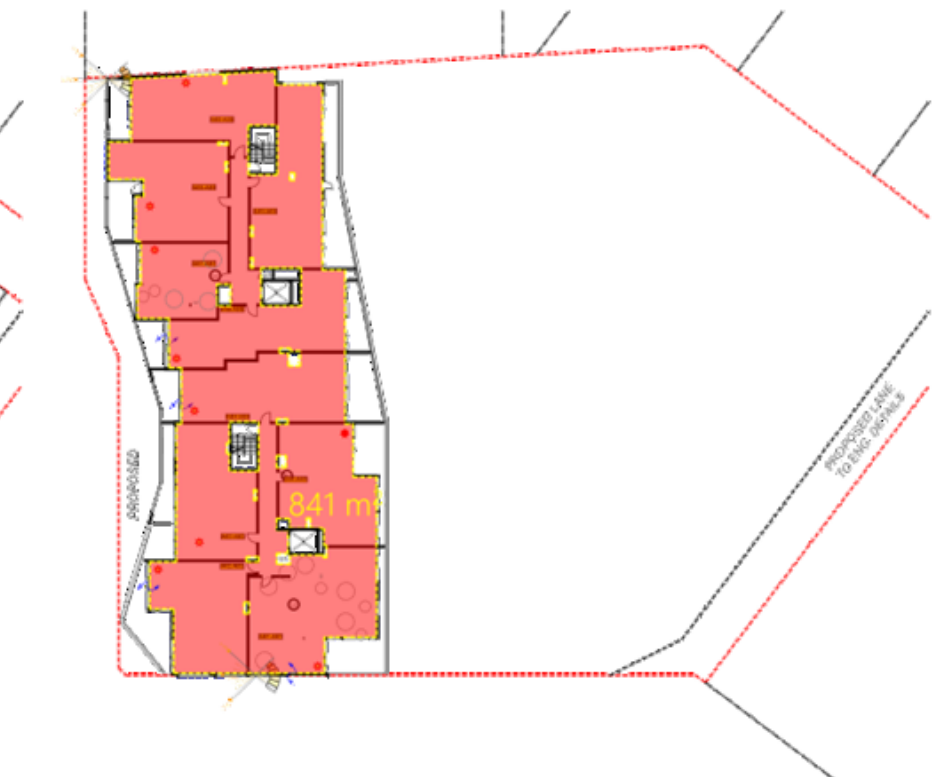




1 PLAN - GF  
SCALE 1:300



2 PLAN - LEVEL 01 - 02  
SCALE 1:300



3 PLAN - LEVEL 03 - 06  
SCALE 1:300

GFA/FSR CALCS			
GFA TOTAL	COMMERCIAL AREA	RESIDENTIAL AREA	TOTAL
GROUND	383	801	1184
1		1413	1413
2		1413	1413
3		841	841
4		841	841
5		841	841
6		841	841
TOTAL	383	6991	7374
SITE AREA		3687	
MAX GFA ALLOWED		7374.0	

Q	ISSUE FOR SECTION 54.51	DATE
E	SWITCH WASTE TO LANDFILL	10/01/20
D	SWITCH WASTE TO LANDFILL	10/01/20
C	AS PER COUNCIL STATUTORY DED.	11/01/20
B	AS PER COMMENTS	20/01/20
A	PRELIMINARY	08/01/20

# GREAT WESTERN HWAY DEVELOPMENTS

Project  
MIXED USE DEVELOPMENT  
1 ROBILLIARD ST, MAXSHILL,  
NSW, AUSTRALIA

URBANLINE  
1/11, 1/15, 1/16, 1/17, 1/18, 1/19, 1/20, 1/21, 1/22, 1/23, 1/24, 1/25, 1/26, 1/27, 1/28, 1/29, 1/30, 1/31, 1/32, 1/33, 1/34, 1/35, 1/36, 1/37, 1/38, 1/39, 1/40, 1/41, 1/42, 1/43, 1/44, 1/45, 1/46, 1/47, 1/48, 1/49, 1/50, 1/51, 1/52, 1/53, 1/54, 1/55, 1/56, 1/57, 1/58, 1/59, 1/60, 1/61, 1/62, 1/63, 1/64, 1/65, 1/66, 1/67, 1/68, 1/69, 1/70, 1/71, 1/72, 1/73, 1/74, 1/75, 1/76, 1/77, 1/78, 1/79, 1/80, 1/81, 1/82, 1/83, 1/84, 1/85, 1/86, 1/87, 1/88, 1/89, 1/90, 1/91, 1/92, 1/93, 1/94, 1/95, 1/96, 1/97, 1/98, 1/99, 1/100, 1/101, 1/102, 1/103, 1/104, 1/105, 1/106, 1/107, 1/108, 1/109, 1/110, 1/111, 1/112, 1/113, 1/114, 1/115, 1/116, 1/117, 1/118, 1/119, 1/120, 1/121, 1/122, 1/123, 1/124, 1/125, 1/126, 1/127, 1/128, 1/129, 1/130, 1/131, 1/132, 1/133, 1/134, 1/135, 1/136, 1/137, 1/138, 1/139, 1/140, 1/141, 1/142, 1/143, 1/144, 1/145, 1/146, 1/147, 1/148, 1/149, 1/150, 1/151, 1/152, 1/153, 1/154, 1/155, 1/156, 1/157, 1/158, 1/159, 1/160, 1/161, 1/162, 1/163, 1/164, 1/165, 1/166, 1/167, 1/168, 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10	ISSUE FOR SECTION 54.01	10/10/19
11	ISSUE FOR 54.01/55	10/10/19
12	ISSUE FOR 54.01/55/56	10/10/19
13	ISSUE FOR 54.01/55/56/57	10/10/19
14	ISSUE FOR 54.01/55/56/57/58	10/10/19
15	ISSUE FOR 54.01/55/56/57/58/59	10/10/19
16	ISSUE FOR 54.01/55/56/57/58/59/60	10/10/19
17	ISSUE FOR 54.01/55/56/57/58/59/60/61	10/10/19
18	ISSUE FOR 54.01/55/56/57/58/59/60/61/62	10/10/19
19	ISSUE FOR 54.01/55/56/57/58/59/60/61/62/63	10/10/19
20	ISSUE FOR 54.01/55/56/57/58/59/60/61/62/63/64	10/10/19

**GREAT WESTERN HWY DEVELOPMENTS**

Project  
**MIXED USE DEVELOPMENT**  
1 ROBILIARD ST, MAXSHILL  
NSW, AUSTRALIA

**URBAN LINI**

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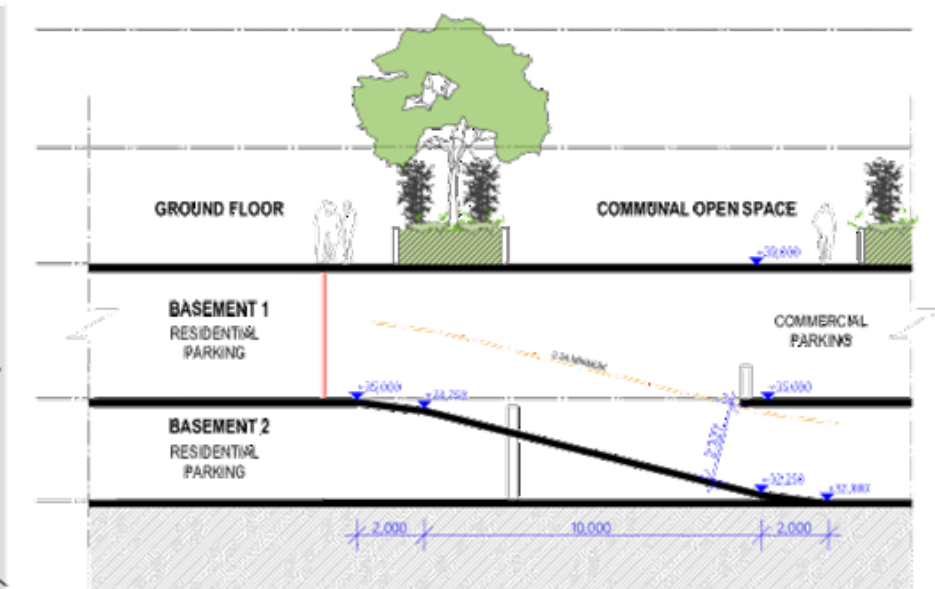


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CAR - PARKING DCP RATES				MINIMUM REQ.	PROPOSED
RESIDENTIAL		1 BED	2 BED	3 BED	
UNITS		20	68	6	
CAR-PARKS RATES		X0.8	X1	X3-2	
CAR-PARKS REQUIRED		8	68	7.2	83.2
VISITOR PARKING	1/5 UNITS				16.8
CAR WASH BAY					1
DISABLED PARKING	1/10 UNITS				8.4
TOTAL RESIDENTIAL PARKING					101
COMMERCIAL					
PARKING RATES	SHOPS	(400/20)			
TOTAL RETAIL AREA		400			20
TOTAL COMMERCIAL PARKING					1
LOADING SPACE					1
TOTAL COMMERCIAL PARKING				20+LOADING	21 + LOADING
MINIMUM REQUIRED					121
TOTAL PROPOSED					127



PLAN - BASEMENT 2  
SCALE 1:200



BASEMENT RAMP SECTION 1:100

NO	REVISION	DATE
1	ISSUE FOR SECTION 54.55	04/03/2020
2	ISSUE FOR SECTION 54.55	04/03/2020
3	ISSUE FOR SECTION 54.55	04/03/2020
4	ISSUE FOR SECTION 54.55	04/03/2020
5	ISSUE FOR SECTION 54.55	04/03/2020

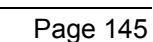
### GREAT WESTERN HWY DEVELOPMENTS

Project  
**MIXED USE DEVELOPMENT**  
1 ROBILLIARD ST, MAXSHILL  
NSW, AUSTRALIA

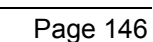
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16	ISSUE FOR SECTION 54.51	16/04/20
E	WATERWAYS TO ADG/ADG/ADG	10/01/20
D	WATERWAYS TO ADG/ADG/ADG	10/01/20
C	AS PER ADG/ADG/ADG/ADG/ADG	10/01/20
B	AS PER ADG/ADG/ADG/ADG/ADG	10/01/20
A	PRELIMINARY	10/01/20
15	PRELIMINARY	10/01/20
14	PRELIMINARY	10/01/20
13	PRELIMINARY	10/01/20
12	PRELIMINARY	10/01/20
11	PRELIMINARY	10/01/20
10	PRELIMINARY	10/01/20
9	PRELIMINARY	10/01/20
8	PRELIMINARY	10/01/20
7	PRELIMINARY	10/01/20
6	PRELIMINARY	10/01/20
5	PRELIMINARY	10/01/20
4	PRELIMINARY	10/01/20
3	PRELIMINARY	10/01/20
2	PRELIMINARY	10/01/20
1	PRELIMINARY	10/01/20

**GREAT WESTERN HWY DEVELOPMENTS**

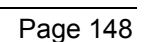
**MIXED USE DEVELOPMENT**

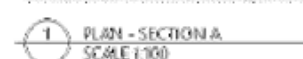
**1 ROBILIARD ST, MAXSHILL NSW, AUSTRALIA**

**URBAN LINI**

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Q	ISLE FOR SECTION 44	10
R	5430 BUILDING 4200S 1TH CHANGED	10
	2004000070 0000	
E	WASTE WASTE 44000000	10
O	WASTE WASTE 44000000	10
C	44 PER 00000 00000000 000	10
B	44 PER 00000000	10
A	PRELIMINARY	10
Issue:	Amendment	

## GREAT WESTERN HWAY DEVELOPMENTS

Project  
**MIXED USE DEVELOPMENT**  
1 ROBILIARD ST, MAXSHILL,  
NSW, AUSTRALIA

URBAN LIN

U.S. 10, 55-15-00-000; ST. BURNING OFFERS 2134  
P.O. BOX 2000, ENFIELD, CT 06033  
P.O. BOX 2000, ENFIELD, CT 06033  
E: info@burningoffers.com

Opening Title

SECTIONS  
SECTION A-A

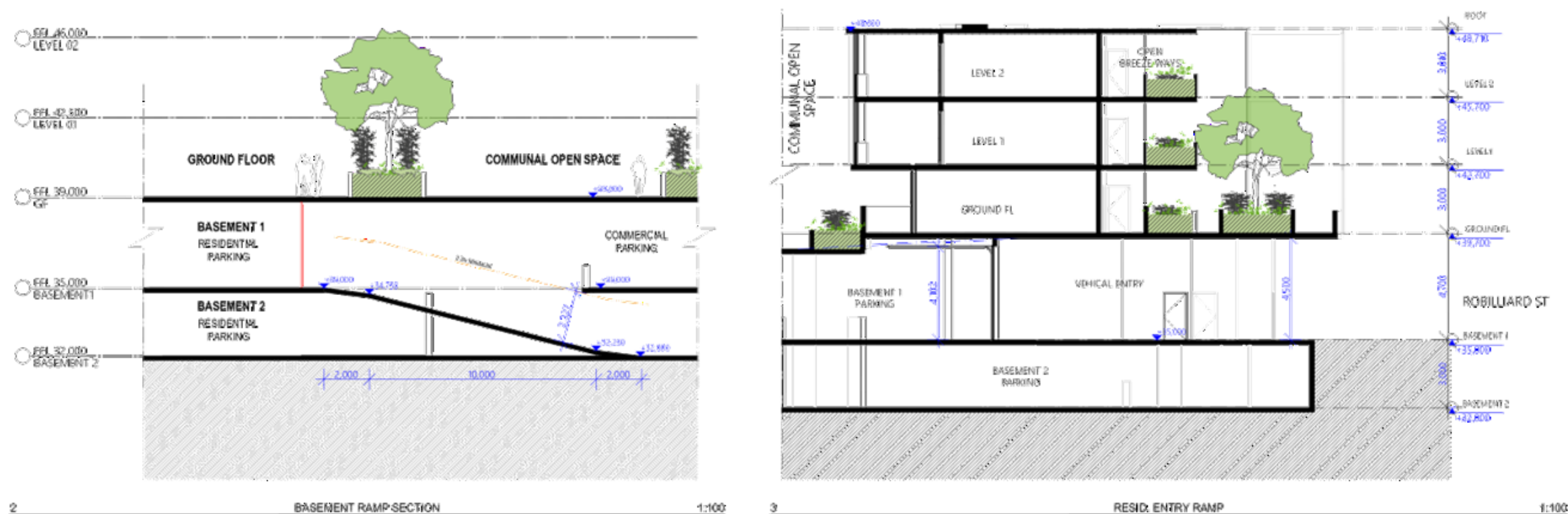
Date Modified: 4/03/2020  
Drawn: ER  
Checked: TJ

Scale  
1:100, 1:50  
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Project number	OWing number
16-089	DA401

10-005 24401







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2 PLAN - EAST ELEVATION  
SCALE 1:100



1 PLAN - SOUTH ELEVATION  
SCALE 1:100

NO	REVISION	DATE
1	ISSUE FOR SECTION 94.1	10/04/20
2	ISSUE FOR SECTION 94.1	10/04/20
3	ISSUE FOR SECTION 94.1	10/04/20
4	ISSUE FOR SECTION 94.1	10/04/20
5	ISSUE FOR SECTION 94.1	10/04/20
6	ISSUE FOR SECTION 94.1	10/04/20
7	ISSUE FOR SECTION 94.1	10/04/20
8	ISSUE FOR SECTION 94.1	10/04/20
9	ISSUE FOR SECTION 94.1	10/04/20
10	ISSUE FOR SECTION 94.1	10/04/20

# **GREAT WESTERN HWAY DEVELOPMENTS**

Project  
**MIXED USE DEVELOPMENT**  
1 ROBILLIARD ST, MAXSHILL  
NSW, AUSTRALIA

**URBANLINE**  
1/11, 1/15, 1/19, 1/23, 1/27, 1/31, 1/35, 1/39, 1/43, 1/47, 1/51, 1/55, 1/59, 1/63, 1/67, 1/71, 1/75, 1/79, 1/83, 1/87, 1/91, 1/95, 1/99, 2/03, 2/07, 2/11, 2/15, 2/19, 2/23, 2/27, 2/31, 2/35, 2/39, 2/43, 2/47, 2/51, 2/55, 2/59, 2/63, 2/67, 2/71, 2/75, 2/79, 2/83, 2/87, 2/91, 2/95, 2/99, 3/03, 3/07, 3/11, 3/15, 3/19, 3/23, 3/27, 3/31, 3/35, 3/39, 3/43, 3/47, 3/51, 3/55, 3/59, 3/63, 3/67, 3/71, 3/75, 3/79, 3/83, 3/87, 3/91, 3/95, 3/99, 4/03, 4/07, 4/11, 4/15, 4/19, 4/23, 4/27, 4/31, 4/35, 4/39, 4/43, 4/47, 4/51, 4/55, 4/59, 4/63, 4/67, 4/71, 4/75, 4/79, 4/83, 4/87, 4/91, 4/95, 4/99, 5/03, 5/07, 5/11, 5/15, 5/19, 5/23, 5/27, 5/31, 5/35, 5/39, 5/43, 5/47, 5/51, 5/55, 5/59, 5/63, 5/67, 5/71, 5/75, 5/79, 5/83, 5/87, 5/91, 5/95, 5/99, 6/03, 6/07, 6/11, 6/15, 6/19, 6/23, 6/27, 6/31, 6/35, 6/39, 6/43, 6/47, 6/51, 6/55, 6/59, 6/63, 6/67, 6/71, 6/75, 6/79, 6/83, 6/87, 6/91, 6/95, 6/99, 7/03, 7/07, 7/11, 7/15, 7/19, 7/23, 7/27, 7/31, 7/35, 7/39, 7/43, 7/47, 7/51, 7/55, 7/59, 7/63, 7/67, 7/71, 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11/88, 11/92, 11/96, 12/04, 12/08, 12/12, 12/











DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP030/20

Attachment 3  
Statement of Environmental  
Effects and Design Verification  
Statement





## Statement of Environmental Effects S4.55 Modification

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SECTION 4.55(2) APPLICATION TO AN APPROVED MIXED USE BUILDING AT NO.  
141-147 GREAT WESTERN HIGHWAY, MAYS HILL



*Prepared by:* **Think Planners Pty Ltd**  
*Document Date:* 12 March 2020  
*Consent Authority:* Cumberland Council



Section 4.55 (2) 141- 147 Great Western Highway, Mays Hill

#### QUALITY ASSURANCE

**PROJECT:** Section 4.55 (2): 3-7 Storey Mixed Use Development  
**ADDRESS:** 141-147 Great Western Highway, Mays Hill  
**COUNCIL:** Cumberland Council  
**AUTHOR:** Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
March 2020	Draft Issue	Draft	LK	JW
March 2020	DA Lodgement Issue	Final	JW	JW

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



Section 4.55 (2) 141- 147 Great Western Highway, Mays Hill

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## Executive Summary

This Statement of Environmental Effects has been prepared in support of a Section 4.55(2) modification application for amendments to the approved plans associated with DA2016/499/1.

On the 13th of September 2017, Holroyd City Council approved the following:

- *Demolition of existing structures; consolidation of 5 lots into 1 lot; construction of part 3; part 7 storey mixed use development comprising 84 residential units; ground floor commercial space above 2 levels of basement parking accommodating 125 carparking spaces*

This Section 4.55(2) modification seeks approval for the following key modifications to DA2016/499/1:

- Substation proposed on the Robilliard Street frontage.
- Basement 01 & 02 Internal Re-Configuration
- Ground- Minor Internal Changes to Residential Units and Commercial Suites
- Minor Internal Configuration Adjustments to Units A109-A609
- East Elevation changes with materials adjusted to reflect CFC sheeting
- Glass Blocks Removed as Per Condition 37
- Blank Elevation- Proposing CFC Sheeting
- Lift Over-Run increase from RL 62.00 To RL 62.20

**Note:** For full detail on the changes refer to the attached plans that have been amendments clouded in red

### Changes to Commercial Unit Areas

The proposal involves minor changes to the commercial areas of the proposal as noted in the table below:

Commercial shop no.	Approved leasable Area	Proposed Area Inc Ancillary Elements
Shop 1	56	56
Shop 2	60	77
Shop 3	74	72
Shop 4	181	175



Section 4.55 (2) 141- 147 Great Western Highway, Mays Hill

### **Changes to Units**

Whilst the unit mix is maintained the unit areas have been adjusted as follows:

Unit no.	Approved Size	Proposed Size
AG01	75	92
AG02	75	77
AG03	75	79
A109-A209	74	77
A108-A208	77	79
A309	74	77
A308	79	77
A409-A609	74	77
A408-A608	79	79

The proposal continues to comply with the FSR control as noted on the plans.

### **Changes Basements**

Basement 2 has been adjusted as follows:

- Reconfiguration of carpark configuration to provide 71 spaces, 11 motorbikes and 45 bicycles (increase from 69). This is an increase by 2 spaces.

Basement 1 has been adjusted as follows:

- Minor adjustment to carpark with the same number of spaces but an additional 1 x nominated accessible space to Commercial Tenancy 1.

With the unit yield to remain unchanged, it is appropriate to define the proposal as substantially the same development as the original consent, with the proposal continuing to be a mixed use development. As a result, the proposed modification will have very limited amenity impacts with potential impacts do not result in any additional discernible environmental impacts associated with this development site.

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





Section 4.55 (2) 141- 147 Great Western Highway, Mays Hill

## Site & Locality Description

### LEGAL DESCRIPTION

The subject site is legally defined as Lot 100 DP 1256634, though more commonly known as No.147 Great Western Highway, Mays Hill.

### SUBJECT SITE

Located within close proximity to Parramatta City Centre, the subject site, resides on intersection of The Great Western Highway and Robilliard Street, approximately 160m west from the intersection of The Great Western Highway and Burnett Street, Mays Hill.

The subject site can be best described as a large irregular shaped land parcel with a frontage of approximately 47.1m to The GWH and a frontage of approximately 51.8m to Robilliard Street with a total site area of 3,687m<sup>2</sup>.

The aerial photograph provided below shows the subject site and the immediate context.



**Figure 1: Aerial Map Extract of the Subject Site (Source: Six Maps 2020)**

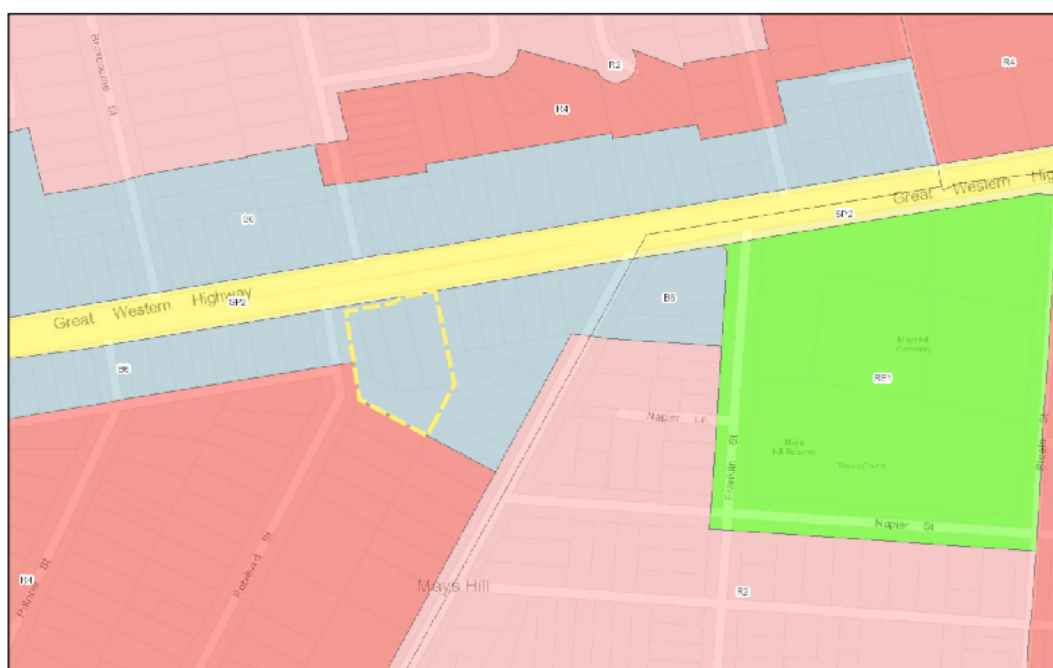


*Section 4.55 (2) 141- 147 Great Western Highway, Mays Hill*

## ZONING CONTROL

As outlined above, and as evident in the extract in the following page, the subject site is zoned B6 – Enterprise Corridor under the provisions of the Holroyd Local Environmental Plan 2013.

*Business Premises*, *Neighbourhood Shops* and *Residential Flat Buildings* are permissible with consent within the B6 zone and the subject site is permitted a maximum split building height of between 15m-23m and a maximum FSR of 2:1.



**Figure 2: Zoning Map Sheet LZN 008 Extract (Source: Holroyd LEP 2013)**



Section 4.55 (2) 141- 147 Great Western Highway, Mays Hill

### Proposed Section 4.55 Modification

This Statement of Environmental Effects has been prepared in support of a Section 4.55(2) modification application for amendments to the approved plans associated with DA2016/499/1.

On the 13th of September 2017, Holroyd City Council approved the following:

- *Demolition of existing structures; consolidation of 5 lots into 1 lot; construction of part 3; part 7 storey mixed use development comprising 84 residential units; ground floor commercial space above 2 levels of basement parking accommodating 125 carparking spaces*

This Section 4.55(2) modification seeks approval for the following key modifications to DA2016/499/1:

- Substation proposed on the Robilliard Street frontage.
- Basement 01 & 02 Internal Re-Configuration
- Ground- Minor Internal Changes to Residential Units and Commercial Suites
- Minor Internal Configuration Adjustments to Units A109-A609
- East Elevation changes with materials adjusted to reflect CFC sheeting
- Glass Blocks Removed as Per Condition 37
- Blank Elevation- Proposing CFC Sheeting
- Lift Over-Run increase from RL 62.00 To RL 62.20

### Changes to Commercial Unit Areas

The proposal involves minor changes to the commercial areas of the proposal as noted in the table below noting minor alterations to internal layouts for these units.

Commercial shop no.	Approved leasable Area	Proposed Area Inc Ancillary Elements
Shop 1	56	56
Shop 2	60	77
Shop 3	74	72
Shop 4	181	175



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### **Changes to Units**

Whilst the unit mix is maintained the unit areas have been adjusted as follows noting minor alterations to internal layouts for these units.

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AG01	75	92
AG02	75	77
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A109-A209	74	77
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A309	74	77
A308	79	77
A409-A609	74	77
A408-A608	79	79

The proposal continues to comply with the FSR control as noted on the plans.

### **Changes Basements**

Basement 2 has been adjusted as follows:

- Reconfiguration of carpark configuration to provide 71 spaces, 11 motorbikes and 45 bicycles (increase from 69). This is an increase by 2 spaces.

Basement 1 has been adjusted as follows:

- Minor adjustment to carpark with the same number of spaces but an additional 1 x nominated accessible space to Commercial Tenancy 1.

With the unit yield to remain unchanged, it is appropriate to define the proposal as substantially the same development as the original consent, with the proposal continuing to be a mixed use development.

As a result, the proposed modification will have very limited amenity impacts with potential impacts do not result in any additional environmental impacts associated with this development site.



*Section 4.55 (2) 141- 147 Great Western Highway, Mays Hill*

## Planning Controls

### Statutory Controls

The relevant Statutory Planning Controls include: -

- Section 4.55 (2) Environmental Planning Assessment Act 1979
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy- (Vegetation in Non-Rural Areas)- 2017
- State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development
- Holroyd Local Environmental Plan 2013

### Policy Controls

The applicable policy control documents are: -

- Holroyd Development Control Plan 2013





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## Consideration of Planning Controls

### S.4.55 Environmental Planning and Assessment Act 1979

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

#### *(2) Other modifications*

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

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

*(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 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, and*

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

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

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

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

The application is substantially the same as the approved development, with the development concept remaining physically the same as that granted consent with changes to the approved plans noting minor changes to the configuration of units and commercial suites and the minor increase to the lift core.



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Therefore, the proposal is considered to be substantially the same development as that originally approved. It is anticipated that the modification may be notified to adjoining property owners although as it has no additional impacts beyond those identified as part of the original assessment and therefore no additional issues are anticipated.

Having regard to the series of minor amendments proposed in this application, it is noted that the proposal remains materially and essentially the same development. Therefore, the proposal is considered to be in essence substantially the same development as that originally approved.

#### State Environmental Planning Policy No.55 - Remediation of Land

Clause 7 of SEPP 55 provides:

*(1) A consent authority must not consent to the carrying out of any development on land unless:*

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

This issue was considered by the Council and the Panel as part of the assessment of the parent application and found to be satisfactory.

#### State Environmental Planning Policy (Infrastructure) 2007

The development site has frontage to Great Western Highway, which is identified as a classified road and as a result it is necessary to consider the provisions of Clause 101, 102, and 104 of the SEPP have been addressed via DA2016/499/1.

#### State Environmental Planning Policy– (Vegetation In Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) was introduced in August 2017. This SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The proposed modification will have no impact on the approved landscape setting approved via previous DAs.



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

The proposed development is limited to minor modifications. It is noted that the development will have no impact on the key requirements under the SEPP approved via previous DAs including building separation, solar and daylight access, ceiling height, private open space, and natural ventilation.

The table below provides a discussion against the relevant provisions of the Apartment Design Guide, noting that a number of these provisions have been addressed via DA2016/499/1. The minor changes to apartment areas nominated in the table below all continue to comply with the unit size requirements:

Unit no.	Approved Size	Proposed Size
AG01	75	92
AG02	75	77
AG03	75	79
A109-A209	74	77
A108-A208	77	79
A309	74	77
A308	79	77
A409-A609	74	77
A408-A608	79	79

All of these units exceed the minimum area requirement.

A table below provides commentary only on those areas relevant to the proposal having regard to the nature of the amendments.

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
<b>Part 3 – Siting the Development</b>			
3H Vehicle Access	Car park access should be integrated with the building's overall façade	Vehicle access point to the basement level is integrated with the proposed building's overall façade.	<b>Yes</b>
	Car park entry and access should be located on secondary streets or lanes where available	Vehicle access is to be provided from the laneway that runs along the site's eastern boundary via Robilliard Street to ensure no access from GWH.	<b>Yes</b>

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	Adequate separation distance should be provided between vehicle entries and street intersections	The location of the vehicle driveway is sufficiently separated from the intersection of The GWH and Robilliard Street.	Yes
	Clear sight lines should be provided at pedestrian and vehicle crossing	Clear sight lines are provided at pedestrian and vehicle crossing to ensure safety of pedestrians.	Yes
3J Carparking		The proposal has provides carparking in accordance with Holroyd DCP.	N/A
<b>Part 4 – Designing the Building</b>			
4D Unit Sizes	<u>Design Criteria:</u>		
1 bed	50m <sup>2</sup>	All adjusted units comply with many units exceeding, see attached plans for detail.	Yes
2 bed	70m <sup>2</sup>		
3 bed	90m <sup>2</sup>		
+ 5m <sup>2</sup> for each unit with more than 1 bathroom.	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10%	Every habitable room is provided with a window.	Yes
	<u>Design Guidelines:</u>		
Habitable Room Depths	Limited to 2.5m x Ceiling Height	Despite the noncompliance with objective 4D-2, figure 4D.3 indicates that an 8.1m depth (3 x ceiling height) is okay for open plan apartments.	Yes
Bedroom sizes	10m <sup>2</sup>	Comply	Yes
Master	9m <sup>2</sup>	Comply	Yes
Other			
Living rooms/dining areas have a minimum width of:	Studio/1 br	Comply	Yes
3.6m	2br/ 3br	Comply	Yes
4m	8m to a window		



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Open Plan Layouts that include a living, dining room and kitchen.		Complies given unit depths and design layouts.	<b>Yes</b>
4G Storage	<p><u>Design Criteria:</u></p> <p>1 bed: 6m<sup>3</sup> 2 bed: 8m<sup>3</sup> 3 bed: 10m<sup>3</sup></p> <p>Min 50% of required storage is within the apartment</p>	<p>The proposal provides:</p> <p>1 bed: &gt;6m<sup>3</sup> 2 bed: &gt;8m<sup>3</sup> 3 bed: &gt;10m<sup>3</sup></p> <p>This is provided within the basement/ground floor and within the units themselves, with a minimum of 50% of storage to be provided within each individual unit. The proposed development is considered to offer storage space that aligns with the provisions of the ADG.</p>	<b>Yes</b>
4K Apartment Mix 7	A variety of apartment types is provided	No change to Apartment mix approved under DA2016/499/1.	<b>Yes</b>
4M Facades	<p><u>Design Guidelines:</u></p> <p>Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale</p>	<p>The proposed facades are well articulated with a mixture of vertical and horizontal features including windows, projecting walls and balconies and CFC sheeting- noting the amendments continue to present a high quality finish.</p> <p>Overall the proposed facade is considered a quality design outcome that is compatible with other comparable modern mixed use buildings within the Holroyd LGA.</p>	<b>Yes</b>

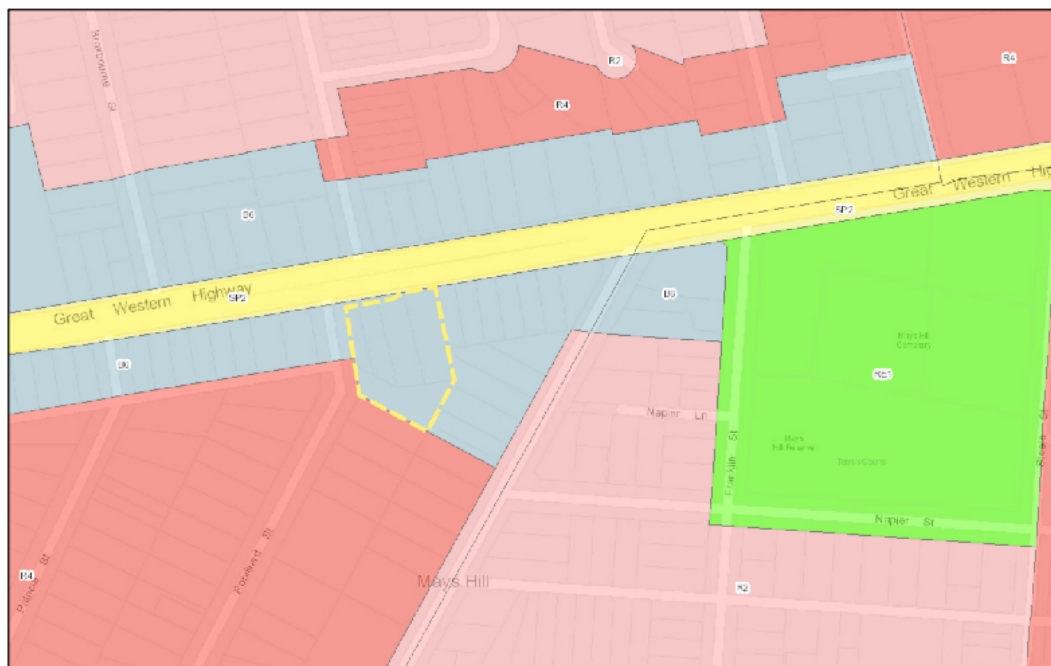




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## Holroyd Local Environmental Plan 2013

As outlined above, and as evident in the extract in the following page, the subject site is zoned B6 – Enterprise Corridor under the provisions of the Holroyd Local Environmental Plan 2013.



**Figure 3: Zoning Map Sheet LZN 008 Extract (Source: Holroyd LEP 2013)**

The development proposal is also consistent with the prescribed zone objectives that are stipulated as:

- To provide business along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maximise the economic strength of centres by limiting retailing activity.
- To provide for residential uses, but only as part of a mixed use development.

The Section 4.55(2) modification continues to propose a mixed-use development that will address its multiple frontages while strongly contributing towards the expansion of the existing redevelopment corridor as envisioned by Council.

Furthermore, the development will contribute towards providing additional business and alternative residential accommodation opportunities whilst promoting activity at the street level.

The site is well located and is situated within proximity essential services, public transportation and recreation opportunities.



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The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

<b>Holroyd Local Environmental Plan 2013 – Compliance Table</b>			
<b>Clause</b>	<b>Controls</b>	<b>Comment</b>	<b>Complies</b>
Zoning	B6 – Enterprise Corridor	A mixed commercial and residential development is permissible with Council consent in the B6 – Enterprise Corridor zone as are residential flat buildings.	Yes
<b>Part 2 Permitted or Prohibited Development</b>			
<b>2.3</b>	Zone Objectives and Land Use Table	<p>The development application is consistent with the zone objectives of the B6 – Enterprise Corridor, in that the proposal will increase additional commercial opportunities by providing high quality commercial space within the redevelopment corridor and increase housing stock within Mays Hill.</p> <p>The site as it is currently exists is underutilised in terms of its development potential.</p> <p>The proposal will not only appropriately fulfil the subject site's zoning potential but will contribute towards the expansion of the existing redevelopment corridor as envisioned by Council.</p> <p>Furthermore, the proposal aims to set the tone and scale for future mixed use development within the southern side of the Great Western Highway.</p> <p>It is noted that the proposal will contribute towards maximising public transport patronage and will encourage walking as it is located within close proximity to T-Way bus stop to Parramatta and Greystanes.</p>	<b>Yes</b>
<b>2.6</b>	Subdivision – Consent Requirements	No subdivision is proposed.	<b>N/A</b>
<b>2.7</b>	Demolition Requires Consent	Has been addressed via DA2016/499/1.	<b>Yes</b>



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<b>Part 4 Principal Development Standards</b>			
<b>4.3</b>	Height of Buildings: 15m- 23 m	<p>A split building height provision of between 15m-23m is identified for the site under Holroyd Local Environmental Plan 2013 Height of Buildings Map.</p> <p>It is noted that the non-compliance to the building is of a minor nature with limited habitable areas exceeding the prescribed height limit with the lift overruns recessed so that it is not readily visible from street level, therefore the minor non-compliance to prescribed height control is considered appropriate</p> <p>A variation is sought of a further 200mm over the existing height of the lift overruns, and a Clause 4.6 variation request is contained at Annexure 1 of this statement.</p>	<b>Minor Variation</b>
<b>4.4</b>	Floor Space Ratio: 2:1	<p>A maximum floor space ratio of 2:1 is identified for the site under Holroyd Local Environmental Plan 2013 Floor Space Ratio Map.</p> <p>It is noted that the development proposes an FSR of 2:1 and as such is compliant with this control noting the GFA noted on the plans is 7374m<sup>2</sup>.</p> <p>See attached plans for detail. FSR calculations have been undertaken in accordance with Clause 4.5.</p>	<b>Yes</b>
<b>Part 5 Miscellaneous Provisions</b>			
<b>5.10</b>	Heritage Conservation	There are no heritage restrictions on the site or within its immediate vicinity. Not applicable.	<b>N/A</b>
<b>Part 6 Additional Local provisions</b>			
<b>6.1</b>	Acid Sulfate Soils	The subject site is not identified as being affected Acid Sulfate Soils. Not applicable.	<b>N/A</b>
<b>6.2</b>	Earthworks	Has been addressed via DA2016/499/1.	<b>Yes</b>
<b>6.3</b>	Essential Services	The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	<b>Yes</b>



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<b>6.4</b>	Flood Planning	The site is not located on flood prone land. Not applicable.	<b>N/A</b>
<b>6.5</b>	Terrestrial Biodiversity	The subject site is not identified as containing Biodiversity Land under Holroyd Local Environmental Plan 2013. Not applicable.	<b>N/A</b>
<b>6.6</b>	Riparian Land and Watercourses	The subject site is not identified as containing Riparian Land and Waterways under Holroyd Local Environmental Plan 2013. Not applicable.	<b>N/A</b>
<b>6.7</b>	Stormwater Management	Has been addressed via DA2016/499/1.	<b>Yes</b>
<b>6.8</b>	Salinity	The subject site has been identified as being affected by Moderate Salinity potential and measures will be implemented to mitigate this issue with full detail provided at CC stage.	<b>Yes</b>



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### Holroyd Development Control Plan 2013 – Part A General Controls

The table below provides detail on the development standards relevant to the current proposal.

Holroyd Development Control Plan 2013 – Part A General Controls Compliance Table			
Clause	Controls	Comment	Complies
<b>3. Car Parking</b>			
3.	Minimum Parking Spaces	<p>An internal reconfiguration of both Basement 01 and 02 has resulted in the implementation of an additional two (2) car parking spaces and the proposal continues to sit within the 'minimum' and 'maximum' parking range.</p> <p>It is considered that the vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and entering and exiting the site. The proposed parking area and ancillary driveway will not contribute to the creation of traffic hazards.</p> <p>The proposed car parking area is considered appropriate and will satisfactorily service the traffic and parking needs of the proposal.</p> <p>Access ways and car parking spaces are to be appropriately dimensioned in accordance with Council controls and will permit the safe movement and parking of vehicles on site.</p>	<b>Yes</b>
3.2	Parking Design Guidelines	<p><u>External Appearance:</u></p> <p>Vehicle crossover and access to the site remains to be via laneway that is to run along the site's eastern boundary with all vehicle parking to be provided within 2 basement levels.</p>	<b>Yes</b>
3.3	Dimensions and Guidelines	The proposed dimensions for car parking spaces are consistent with Council controls.	<b>Yes</b>





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3.4	Site Works	Has been addressed via DA2016/499/1.	N/A
3.5	Access, Manoeuvring and Layout	<p><u>General Layout:</u></p> <p>The proposed car parking layout incorporates a logical and simple design that aims to expedite vehicle circulation, minimise congestion points and be appropriately dimensioned.</p> <p>Vehicles can enter and leave the site in a forward direction.</p> <p>The car park entrance to the basement is to be provided from the laneway that runs along the site's eastern boundary and will not cause any visual impact to passing motorists and will not break up the commercial tenancy and pedestrian walkway along the site's frontage to The GWH.</p> <p><u>Clearances</u></p> <p>The basement parking levels have minimum ceiling heights of 3m. Complies.</p> <p><u>Pedestrian Circulation</u></p> <p>The proposed basement car parking arrangement is to be appropriately integrated into the proposal and is consistent with existing, surrounding development. It is considered that the proposal provides an appropriate outcome on site that provides adequate parking arrangements as well as ensuring the safe and efficient movement of vehicular and pedestrian traffic.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
3.6.	Parking for the Disabled	Has been addressed via DA2016/499/1.	N/A
<b>4. Tree and Landscape Works</b>			
4.1	Preservation of Trees	Has been addressed via DA2016/499/1.	N/A
<b>5. Biodiversity</b>			
		Has been addressed via DA2016/499/1.	N/A



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<b>6. Soil Management</b>			
		Has been addressed via DA2016/499/1.	N/A
<b>7. Stormwater Management</b>			
		No change to Stormwater approved via DA2016/499/1.	N/A
<b>8. Flood Prone Land</b>			
		It is understood that the site is not flood prone. Not applicable.	N/A
<b>10. Safety and Security</b>			
		No change to safety and security approved under DA2016/499/1.	N/A
<b>11. Waste Management</b>			
		No change to waste management proposed with this amendment.	N/A
<b>12. Services</b>			
		The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	Yes



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### Holroyd Development Control Plan 2013 – Part C Commercial, Shop Top Housing and Mixed Use Development

The table below provides detail on the development standards relevant to the current proposal, noting Part B Residential does not apply as the site is zoned B6.

Holroyd Development Control Plan 2013 – Part C Commercial, Shop Top Housing and Mix Use Development Controls Compliance Table			
Clause	Controls	Comment	Complies
<b>1. Building Envelope</b>			
1.1	Lot Size and Frontage: 26m	Has been addressed via DA2016/499/1	Yes
1.2	Site Coverage, Floor Area and Building Use	<p><u>Site Coverage</u> Has been addressed via DA2016/499/1 and no change.</p> <p><u>Floor Area</u> Has been addressed via DA2016/499/1 and no change</p> <p><u>Building Use</u> Has been addressed via DA2016/499/1 and no change.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
1.3	Building Height	<p>A split building height provision of between 15m-23m is identified for the site under Holroyd Local Environmental Plan 2013 Height of Buildings Map.</p> <p>It is noted that the non-compliance to the building is of a minor nature with limited habitable areas exceeding the prescribed height limit with the lift overruns recessed so that it is not readily visible from street level, therefore the minor non-compliance to prescribed height control is considered appropriate</p> <p>The proposal incorporates a 200mm increase in the height of the lift over-run.</p> <p>A variation is sought, and a Clause 4.6 variation request is contained at Annexure 1 of this statement.</p>	Variation



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1.4	Setbacks, Separation and Depth	<p><u>Front Setback</u> The subject site is located within a business zone. The development proposes a built to boundary form that is appropriate in the context of the site and meets the Transitway Precinct controls.</p> <p><u>Upper Storey Setback</u> No change to Upper storey setback approved under DA2016/499/1.</p> <p><u>Side Setback</u> No change to side setbacks approved under DA2016/499/1.</p> <p><u>Rear Setback</u> No change to rear setbacks approved under DA2016/499/1.</p>	<p><b>Yes</b></p> <p><b>N/A</b></p> <p><b>N/A</b></p> <p><b>N/A</b></p>
1.5	Landscaping and Open Space	<p><u>Deep Soil Zones</u> No change to deep soil zones approved under DA2016/499/1.</p> <p><u>Communal Open Space - Residential Uses</u> No change to communal open space approved under DA2016/499/1.</p> <p><u>Private Open Space - Residential Uses</u> No change to private open space approved under DA2016/499/1.</p> <p><u>Pedestrian Areas</u> No change to pedestrian areas approved under DA2016/499/1.</p>	<p><b>N/A</b></p> <p><b>N/A</b></p> <p><b>N/A</b></p> <p><b>N/A</b></p>
<b>2. Movement</b>			
2.1	Rear Laneways	The proposed rear laneway has been addressed from the approved application (DA2016/499/1).	<b>N/A</b>
2.2	Pedestrian Access	No change to pedestrian access approved under DA2016/499/1.	<b>N/A</b>
2.3	Building Entries	No change to building entries approved under DA2016/499/1.	<b>N/A</b>



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2.4	Vehicle Access	<p>Access to the basement ramp is via an existing rear laneway. All vehicles are able to enter and leave the site in a forward direction.</p> <p>The proposal has been designed to ensure that all vehicles utilising the basement car parking levels are able to enter and leave the site in a forward direction.</p> <p>In addition, the vehicle access and parking facilities have been integrated with the design of the overall proposal to provide a high quality outcome.</p> <p>It is considered that the vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and entering and exiting the site.</p> <p>The proposed parking area and ancillary driveway will not contribute to the creation of traffic hazards.</p>	<b>Yes</b>
2.5	Parking	<p>The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site. Vehicle and pedestrian routes are clearly indicated and accessible.</p> <p>The proposed basement car parking arrangement is to be appropriately integrated into the proposal and is consistent with existing, surrounding development.</p> <p>It is considered that the proposal provides an appropriate outcome on site that provides adequate parking arrangements as well as ensuring the safe and efficient movement of vehicular and pedestrian traffic.</p>	<b>Yes</b>



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<b>3. Design and Building Amenity</b>			
3.1	Safety and Security	No change to safety and security approved under DA2016/499/1.	<b>Yes</b>
3.2	Facade Design and Building Materials	<p>The proposed a modern mixed use building that address its multiple frontages with facades that are well articulated with a mixture of vertical and horizontal features including windows, projecting walls and balconies, rendered and textured/patterned concrete.</p> <p>Materials and finishes used are consistent with that existing in the area while being contemporary in character. The range of materials significantly contributes to the articulation of the building and reducing the overall bulk and mass of the building.</p> <p>The change to the CFC sheeting on the eastern elevation does not alter the design quality of the scheme.</p>	<b>Yes</b>
3.3	Laneway Design	No change to laneway design approved under DA2016/499/1.	<b>N/A</b>
3.4	Shopfronts	No change to shopfronts approved under DA2016/499/1.	<b>N/A</b>
3.5	Daylight Access	No change to shopfronts approved under DA2016/499/1.	<b>N/A</b>
3.6	Visual + Acoustic Privacy	<p><u>Visual Privacy</u> No change to visual privacy approved under DA2016/499/1.</p> <p><u>Acoustic Privacy</u> No change to acoustic privacy approved under DA2016/499/1.</p>	<p><b>N/A</b></p> <p><b>N/A</b></p>
3.8	Awnings	No change to awnings approved under DA2016/499/1.	<b>N/A</b>
3.9	Apartment Layout	The proposed residential unit sizes comply with the minimum apartment provision under the ADG and the configuration adjustments are suitable.	<b>Yes</b>





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3.10	Flexibility and Adaptability - Residential Mix	No change to residential mix approved under DA2016/499/1.	N/A
3.12	Ground Floor Apartments	Appropriate ground floor units are provided and designed to maximise privacy, safety and security.	Yes
3.13	Internal Circulation and Storage for Residential Uses	<p><u>Internal Circulation</u> The proposal provides multiple entries to enhance circulation within the subject site. The proposed lobby and corridor areas are provided with appropriate levels of lighting, corridor length and natural ventilation to provide adequate amenity and safety for future residents.</p> <p><u>Storage</u> Each unit is provided with a storage space within basement levels. In addition, each bedroom within the proposed development includes wardrobe that would offer reasonable storage.</p> <p>The proposed development is considered to offer reasonable storage spaces.</p>	<p>Yes</p> <p>Yes</p>
3.14	Balconies	No change to balconies approved under DA2016/499/1.	N/A
3.15	Natural Ventilation	No change to natural ventilation approved under DA2016/499/1.	N/A
3.16	Roof Design	No change to roof design approved under DA2016/499/1.	N/A
3.18	Waste Management	No change to waste management approved under DA2016/499/1.	Yes



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#### Holroyd Development Control Plan 2013 – Part N Transitway Station Precinct Controls.

The subject site is strategically located within the Mays Hill Transitway at a prominent location at the south edge of the redevelopment corridor and as such will play an important role in setting the design standard for future comparable mixed use developments.

The DCP outlines that the desired future character for Mays Hill is to be an active, urban area, which makes full use of its proximity to public transport and services, as well the Parramatta Central Business District. In addition, and away from the highway, a transition between higher and lower density dwellings will occur.

As such, the surrounding streets will be more domestic in scale that easily accesses the shops and services of Mays Hill and the extensive open space and will provide the opportunity for social interaction whilst buildings directly addressing streets will promote a sense of community. The key Mays Hill Transitway Station Precinct Controls are summarised below.

Holroyd Development Control Plan 2013 – Part N Transitway Station Precinct Controls - Compliance Table			
Clause	Controls	Comment	Complies
1.1	Site Consolidation	Has been addressed via DA2016/499/1.	No change
1.2	Accessways	No change to accessways approved under DA2016/499/1.	No change
1.3	Building Height	A variation is sought, and a Clause 4.6 variation request is contained at Annexure 1 of this statement.	Variation
1.4	Building Setbacks – 0m front setback	No change to Building Setbacks approved under DA2016/499/1.	No change
1.6	Road Widening	No road widening proposed as part of this proposal.	No change



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## Conclusion

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and taking into account the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.



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### Annexure 1: Height Departure Request

As shown on the sections below, the proposed development comprises a 3-7 storey building that predominantly complies with the respective 15m/17m/23m controls.

As outlined on the section extract there are portions of the height that exceed the control owing to the topography of the site and a small portion of the lift overrun- it is noted that the proposal is fully compliant with the 15m/17m height limits in order to reduce overshadowing to adjoining properties.

The departure is approximately 200mm to the approved application. The departure is 469mm above the height limit and 2% to the control.



The design of the building ensures that the habitable floor space is contained below the maximum building height line which indicates that the variation is not simply a means of achieving additional development yield on the site, but a site specific design response. In this case the variation stems from the lift overrun and the need to achieve a suitable over-run for the lift manufacturer.

It is noted that the lift overrun is recessed and not visible from the street level and as addressed below the proposal continues to be consistent with the underlying intent of the control and the variation is considered appropriate. Further it is reinforced that the proposal is a full level under the 15m height limit at the rear as a means of maximising solar access to the adjoining RFB which enables the retention of the required levels of solar access.

It is noted that as the application is a S4.55 the departure is not strictly required under Clause 4.6 however the provisions are addressed below for a merit assessment.



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Clause 4.6 of the Holroyd Local Environmental Plan 2013 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:

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

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

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

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

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

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

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

Each of these provisions are addressed in turn in the following pages.

#### Clause 4.6(3)

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



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

- (a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,*
- (b) to ensure development is consistent with the landform,*
- (c) to provide appropriate scales and intensities of development through height controls.*

The current development proposal is predominantly consistent with the building height with the exception of a small portion of the lift overrun, parapet with the proposal remaining consistent with the objectives based on the following:

- The height departure is a function of providing an additional level to the GWH frontage and a full level less at the rear to maximise solar access to the adjoining property to the south;
- The building is also stepped across the site to respond to topography;
- The development proposal is consistent with the intent of the maximum height control and will provide an attractive building that addresses its multiple street frontages;
- The proposal meets the stepped intent of the height control and does not present an attempt to attain additional development yield on the site given compliance with the FSR control applying to the site;
- Non-compliance is minor in nature with the majority of the building being compliant with the building height control and with the lift core recessed, its impact to the streetscape is negligible as it will be visually unnoticeable when viewed from the street level.
- Due to the minor nature of the variation arising from the scheme and the lift it will not have any adverse amenity impacts. In this regard it is noted:
  - The variation will be visually unnoticeable and will have no adverse impact on the physical bulk, height or scale of the development.
  - The variation will not lead to a reduction in solar penetration on site or to adjoining properties nor will it lead to sunlight loss or overshadowing given the location of the lift height breach.
  - The proposed variation will not lead to view loss or interrupt on views to and from the site.
  - The proposed variation will not lead to a reduction in privacy afforded to existing residents or future residents of the proposal.
- The proposal has been designed to ensure that privacy impacts are mitigated that the proposal will not obstruct existing view corridors.





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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- with particular reference to the reduced overshadowing achieved through manipulation of the building forms with greater height to the GWH and lower height at the rear.

#### Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest as it remains consistent with the objectives of the building height control. In addition, the proposal is consistent with the objectives of the B6 zone as addressed previously in this report.

The proposal ensures that the high density character envisioned for the redevelopment corridor is achieved and there is not a significant change to the character of the locality. In addition, the proposal will complements and enhances the local streetscape by virtue of the careful siting of the development.

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

#### Clause 4.6(5)

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

- a) The contravention of the height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal and minor nature of the variation;
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal as the proposal is consistent with the underlying objectives of the control and the fact that the minor non-compliance does not lead to excessive bulk and scale and it will not set an undesirable precedent for future development within the locality given the proposal aligns with the stepped building height form and is an improved outcome through a careful and site responsive design.



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

The proposal will not have any adverse effect on the surrounding locality, which will be characterised by residential development of comparable height and character. The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the variation proposed.

The objection is well founded and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council support the development proposal.

## SEPP 65 DESIGN VERIFICATION STATEMENT

Address: 1 Robillard St & 141-147 Great Western Highway, May Hills  
Architect: Ziad Boumelhem  
Statement by: Ziad Boumelhem  
Date of the statement: 21/05/2020

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This statement is prepared by Ziad Boumelhem (Reg. No.8008)

Pursuant to Clause 115 (1A) of the Environmental Planning and Assessment Regulation 2000, I hereby declare that I am a qualified designer, which means a person registered as an architect in accordance with the Architects Act 1921 as defined by Clause 3 of the Environmental Planning and Assessment Regulation 2000.

I directed the design of the development stated above and I confirm that the project achieves the design quality principles of the State Environmental Planning Policy No 65 – Apartment Design Guide

**Design Quality Principal****PRINCIPLE1: Context and neighbourhood character**

SEPP65: 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.

The surrounding area is characterised by a mix of building forms and styles including, residential flat buildings of varying ages and densities and is in the proximity of the Public transport. The zoning and relevant built form controls allow for the style of building proposed in reference to the council's DCP.

It is likely that the area will experience a transition in densities such as that proposed in this application. Within this context the proposal will sit well and contribute in a positive manner to the quality and identity of the precinct.

The proposed Building still responds to the desired future character as articulated by the DCP and the LEP provisions.

**PRINCIPLE2: Built form and scale**

SEPP65: 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

The building majorly sits below the permissible height. The building fits well with the desired street scape in term of bulk, scale. The bulk and scale of the building is ameliorated with the building being articulated through the use of form and materials to create less perceived bulk to the building whilst providing solar access. The built form of the proposed development is appropriate for this site, all the floors have been designed to maximise the sun access and provide good natural ventilation to all units. The building massing and facades are articulated to break down the scale and create a building identity, while maintaining the surrounding amenity.

**PRINCIPLE 3: Density**

SEPP65: 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.

The achieved density is a function of the tangible public benefits under the LEP. The proposed building is an opportunity to achieve density that is consistent with the desired character of the area, and can be sustained by the excellent access to public transport, amenities and jobs.

The proposed density is very appropriate to its location and in the context of the neighbouring buildings. It makes good use of its proximity to public transport via train and bus, amenities and jobs.

**PRINCIPLE 4: Sustainability**

SEPP65: 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.

It is apparent that the proposed development is promoting the longer term sustainability of the local area. Natural ventilation compliance under the ADG is achieved by suitably designed double oriented apartments with reliable exposure to the relevant summer cooling breezes in Sydney. The fundamental attribute for achieving this condition is the degree of relief in the dominant windward façade. By the use of protruded elements and recessed balconies, as notably employed in the double sided apartments can be characterised as complying with the performance requirements of the apartment design code.

**PRINCIPLE 5: Landscape**

SEPP65: 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, and respect for neighbours' amenity and provides for practical establishment and long term management.

All of the proposed units have access to outdoor balconies and/or terraces, some with various aspects. A communal open space is also incorporated into the development providing a range of recreational opportunities for future residents. Generous communal and private open spaces are provided, large landscaped areas are provided rear and sides of the ground level where possible.

**PRINCIPLE 6: Amenity**

SEPP65: Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being. 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.

The proposed units will have considerable internal amenity and achieves the minimum sizes contained within the Apartment Design Guide. They are of a sufficient size and appropriate room dimensions to meet the needs of future occupants. Storage areas are provided within all units and with some additional space within the basements. The outdoor areas (communal and private) are of sufficient size to meet the recreational needs of future occupants.

The building has been designed in substantial compliance with the principal development standards to achieve high levels of internal and external amenity with over 70% of units achieving the solar access requirements and over 60% achieving cross ventilation.

The proposed building has been provided with generous setbacks to limit overshadowing, maximise solar access and minimise privacy and overlooking impacts.

**PRINCIPLE 7: Safety**

SEPP65: 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 cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

The principles of Crime Prevention through Environmental Design include the consideration of Natural Surveillance, Natural Access Control and Natural Territorial Reinforcement as demonstrated below:

**Surveillance** - The development embodies good levels of casual surveillance from within the building and from the street. The proposed building and landscaping design do not create any concealment areas.

**Access** - The main ground level entry will be secured and fitted with a telecom for visitors. The entry to the building lobby is fully glazed, maximizing the potential for casual surveillance. Access to the basement is by a secured roller door, which again is fitted with an intercom entry system for visitors. Access from secured garages is available to all units above. The lifts will be restricted to resident use only by coded key cards. Access from the side and rear boundaries is restricted by fencing and secured gates. Direct street access is provided to the units on the ground where possible to maximize passive surveillance. Generally, the proposed layout provides a high level of privacy and security. Adequate lighting to be provided for the lobby, car parks and communal open spaces, details will be submitted with the CC documents.

**Territorial Reinforcement:**

The proposed development and its presentation to the street make it clearly identifiable by the public. The proposed development is considered to represent a satisfactory outcome in terms of security and crime prevention.

We can conclude that the proposed development has been designed in accordance with the objectives and better design practice of the Crime Prevention through Environmental Design (CPTED).

**PRINCIPLE 8: Housing diversity and social interaction**

SEPP65: Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.

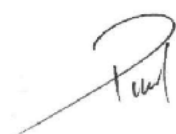
The proposed design incorporates various dwelling sizes and shapes, with units capable of adaption and meeting the liveable housing level required, thereby promoting diversity, affordability and access to housing choice.

**PRINCIPLE 9: Aesthetics**

SEPP65: Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

The articulation and the use of different material to the façade insure a reasonable response to the desired future character of the site and the precinct in terms of the aesthetics, scale and bulk. The proposal responds well to the maximum building height. It is highly articulated to provide a lighter built form, high quality of external and internal finishes are proposed in response to the desired future character as articulated by the DCP and the LEP provisions. The articulation of the external facades reduce any perception of bulk while maintaining internal and external amenity. These elements contribute to the desired future character of the locality and enhance the existing surrounding streetscapes.

Yours faithfully,



Ziad Boumelhem  
Senior Associate  
Nominated Architect (No. 8008)



**DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP030/20**

**Attachment 4  
Original Development Consent**



Our Reference: 2016/499/1  
Contact: Mr P Anzellotti  
Phone: 02 8745 9771

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

13 September, 2017

Urbanlink Pty Ltd  
PO Box 2226  
BURWOOD NORTH NSW 2134

Dear Sir/Madam

Pursuant to Section 81 of the Act, Council has granted conditional approval to your Development Application described as follows:

**PROPERTY:** Lot: 109 DP: 13239, Lot: B DP: 367709, Lots: 10 – 11 DP: 1052755

**STREET ADDRESS:** 141 – 147 Great Western Highway and 1 Robilliard Street, MAYS HILL

**DEVELOPMENT CONSENT NO:** 2016/499/1

**DECISION:** Delegated Authority

**DATE OF EXPIRY OF CONSENT:** 13 September, 2022

**PROPOSED DEVELOPMENT:** Demolition of existing structures; consolidation of 5 lots into 1 lot; construction of part 3; part 7 storey mixed use development comprising 84 residential units; ground floor commercial space above 2 levels of basement parking accommodating 125 carparking spaces

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

## PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced by the date of expiry shown on the front page of this Consent.
2. Development shall take place in accordance with the attached endorsed plans:
  - Architectural plans prepared by Urban Link, Project No. 16-089, Drawing No. DA102, Issue A, dated 2 November, 2016, Drawing No's. DA201 – DA204, all Revision E, all dated 2 August, 2017, Drawing No's. DA205 and DA206, both Revision B, both dated 28 March, 2017, Drawing No's. DA220 – DA223, all Revision E, all dated 2 August, 2017, Drawing No's. DA224, DA225 and DA301, Revision B, dated 28 March, 2017, Drawing No's. DA302 - DA304, all Issue E, all dated 2 August, 2017, Drawing No's. DA401 and DA402, both Revision E, both dated 2 August, 2017, Drawing No. DA506, Issue A, dated 2 November, 2016, Drawing No. DA510, Revision A and Drawing No. DA510, Revision B, both dated 28 March, 2017;
  - Landscape plans prepared by Site Image Landscape Architects, Job No. SS16-3345, Drawing No's. 000, 102 and 103, all Issue B, all dated 28 March, 2017 and Drawing No. 501, Issue A, dated 25 October, 2016;
  - Stormwater plans prepared by Xavier Knight Consulting Engineers Pty Ltd, Job No. 160907, Drawing No. C000, Revision 01, dated 21 October, 2016, Drawing No. C100, Revision 02, dated 28 March, 2017, Drawing No's. C101, C102 and C200, all Revision 01, dated 21 October, 2016, Drawing No. C201, Revision 02, dated 28 March, 2017, Drawing No. C202, Revision 01, dated 21 October, 2016 and Drawing No. C250, Revision 02, dated 28 March, 2017 (OSD 2016-337);
  - Sediment and Erosion Control plans prepared by Xavier Knight Consulting Engineers Pty Ltd, Drawing No's. SE01 and SE02 (inclusive), both Revision 01, both dated 21 October, 2016;
  - Waste Management Plan prepared by Urban Link Pty Ltd, dated 2 November, 2016;
  - Acoustic Report prepared by Acoustic Logic, Project No. 20170304.1, Document Reference No. 20170304.1/1303A/R0/BW, Revision 0, dated 13 March, 2017;
  - Acoustic Correspondence (Review of Mechanical Proposal) prepared by Acoustic Logic, Document Reference No. 20170304.1/1907A/R0/BW, dated 19 July, 2017;
  - Statement of Design Intent for Installation prepared by CME Building Services Design Pty Ltd, dated 18 July, 2017;
  - Email correspondence (in relation to noise impact) provided by Benjamin White, dated 14 June, 2017
  - Arboricultural Impact Assessment Report prepared by Priority Tree Services, Reference No. 16/10/13/1RSMH, Revision 1, dated 13 October, 2016;
  - Access Report prepared by PSE Access Consulting, dated 22 November, 2015;

- Traffic Impact Report prepared by Solution Traffic Engineers, Revision 1.5, dated July, 2017;
  - Schedule of External Colours and Finishes prepared by Urban Link, Project No. 16-089, Drawing No. DA604, dated 2 November, 2016;
  - BASIX Certificate No. 689230M\_03, dated 1 November, 2016; and
  - Roads and Maritime Services comments – Reference SYD16/00255/02, dated 11 January, 2017;
- a) As amended in red by Council. The above amendments are to be incorporated in the Construction Certificate plans.
3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. Fully detailed plans including fire safety details shall be submitted with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

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

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

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

**Note:** Once you have chosen either Council or a Private Certifier as the PCA, you cannot change from one to the other, or from one Private Certifier or another, without the approval of 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 Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
  - c) On the first day of demolition, work is not to commence until Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with WorkCover's document "Your Guide to Working with Asbestos", a copy of which accompanies this Development Consent and demolition works must at all times comply with its requirements.
  - d) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 9840



9840. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.

- e) Demolition shall not commence until all trees required to be retained/transplanted are protected in accordance with those conditions stipulated under "Prior to Works Commencing" in this Consent.
- f) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- g) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" **and** a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- h) Demolition is to be completed within 5 days of commencement.
- i) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 6.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- j) Protective fencing is to be installed to prevent public access to the site.
- k) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- l) Before demolition operations begin, the property shall be connected to the sewer of Sydney Water to which a pedestal pan shall be temporarily connected for the use as the employees' toilet service during demolition operations.
- m) After completion, the applicant shall notify Council within 7 days to assess the site and ensure compliance with AS2601-2001 – *Demolition of Structures*.

**NOTE:** The person responsible for disposing of the above asbestos waste is to telephone the DECCW 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 2007 Part A, Section 9.0. **In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials; and**

**Note:** To find a list of NATA accredited facilities visit the NATA website at [www.nata.asn.au](http://www.nata.asn.au) and under 'Facilities and Labs' click on 'Facilities List by Field', then click on 'Chemical Testing', then click on 'Asbestos' and finally

click on 'identification'. A list of laboratories will be produced which you can contact for the purpose of having a clearance certificate issued.

10. Payment of **\$459.20** fee for inspection by Council of the demolition site prior to commencement of any demolition works.

**BASIX (Building Sustainability Index)**

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

**Future Use**

12. No use is granted or implied for the ground floor commercial unit. Separate development consent shall be sought for the commercial unit prior to use.

**Substation / fire hydrant boosters**

13. No approval is granted or implied for any encasing structures (i.e. blast walls or radiant heat shields) associated with the installation of any substations or fire hydrant booster pumps. Separate Development Consent is required for such structures.

**Cranes**

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

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

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

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

**Payment of Bonds, Fees and Long Service Levy**

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

**Section 94 Contribution**

16. Prior to the issue of a Construction Certificate, a monetary contribution imposed under section 94 of the *Environmental Planning and Assessment Act 1979* and Holroyd Section 94 Development Contributions Plan 2013, for ten (10) x 1 b/r dwellings, sixty eight (68) x 2 b/r dwellings and six (6) x 3 b/r dwellings and 371m<sup>2</sup> commercial gross floor area (minus credit for the existing 5 x 3 b/r dwellings) is to be paid to Council. At the time of this development consent, the current rate of the contribution is **\$1,049,497.30**. 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](http://www.cumberland.nsw.gov.au) or inspected at Council's Civic Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

**Damage Deposit**

17. A cash bond/bank guarantee of **\$5,872.10** must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for 'six (6) months after the completion of works' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

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

### **Consistency with Endorsed Development Consent Plans**

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

### **Landscape Inspection Fee**

19. Payment of a **\$544.20** fee for the inspection by Council of landscape works and/or trees to be retained at the key stages, where Council is the Principal Certifying Authority.

### **Engineering Fees and Bonds**

20. Payment of a **\$253.40** fee for the design, specifications and inspection by Council of the vehicular crossing/s prior to placement of concrete.
21. Payment of a **\$1,173.30** fee for the design, specifications and inspection by Council of the footpath paving prior to placement of concrete.
22. Payment of a **\$1,173.30** fee for the design, specifications and inspection by Council of the kerb and guttering prior to placement of concrete.
23. Payment of a **\$474.80** fee for the inspection by Council of the stormwater drainage and Onsite Stormwater Detention System at the key stages, where Council is the Principal Certifying Authority.
24. Payment of a **\$356.10** fee for the inspection by Council of the stormwater drainage construction in the road reserve at the key stages.
25. The applicant shall lodge with Council a **\$4,500.00** cash bond or bank guarantee to cover the removal of redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
26. The applicant shall lodge with Council a **\$9,990.00** 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.
27. The applicant shall lodge with Council a **\$10,990.00** 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.
28. 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 the Onsite Stormwater Detention



System. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land and Property Information NSW.

#### **OSD Plans**

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 **2016-337** and Council's On-site Detention (OSD) policy shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

#### **Sight Distance**

30. To maintain sight distance to pedestrians, all fencing and landscaping within 2.0m of a driveway shall have a maximum height of 1.0 m and 50% transparent above a height of 0.5m. All solid posts higher than 0.5m (but lower than 1m) shall have a maximum width 350mm and a minimum spacing of 1.2m.

#### **Construction and Traffic Management Plan**

31. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a **\$511.20** fee for the assessment of the Traffic Management Plan by Council, prior to commencing works within the road reserves. A copy of the approved Traffic Management Plan shall be kept on site during the course of construction for reference and compliance.
32. The applicant shall also provide a Construction and Traffic Management Plan, prepared by a suitably qualified consultant and submitted to Council for approval. The following matters must be specifically addressed in the Plan:

(a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:

- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
- Signage type and location to manage pedestrians in the vicinity;
- The locations of any proposed Work Zones in the frontage roadways – note: Work Zone fees apply in accordance with Council's Fees and Charges;
- Locations and type of any hoardings proposed along all street frontages;
- Area of site sheds and the like;
- Location of any proposed crane standing areas;

- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
  - Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
  - The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible; and
- (b) A Traffic Control Plan for the site must be prepared for approval by Council incorporating the following: -
- (i) Traffic control devices proposed in the road reserve must in accordance with the RMS publication "Traffic Control Worksite Manual" and designed by a person licensed to do so (minimum RMS 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
  - (ii) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing: -
    - a. Light traffic roads and those subject to a load or height limit must be avoided at all times; and
    - b. A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
  - (iii) Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial Road.
  - (iv) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements;
  - (v) For those construction personnel that drive to the site, the Applicant shall provide on-site parking so that their personnel's vehicles do not impact on the area.
- (c) Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.
- (d) Any use of Council property shall require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- (e) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.
- (f) Dependent on the circumstances of the site, Council may request additional



information to that detailed above.

- (g) Subject to an application for the occupation of public roadway or footway (Section 138, Local Govt. Act 1993), and Covered by a \$20M public liability insurance policy, with the policy noting Council as an interested party.

#### **Required Submissions to 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. 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.
- 36. 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.
- 37. The architectural plans shall be amended to provide for the removal of glass block windows located along the eastern boundary fronting No. 139 Great Western Highway, Mays Hill. Plans detailing the above amendments shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- 38. The architectural plans shall be amended to provide for a varied external finish featuring a minimum of a dark and light colour feature to add visual interest to this wall. Plans detailing the above amendment shall be submitted to the Principal Certifying authority prior to the issue of a Construction Certificate.
- 39. All plans (architectural, landscape and engineering) are to correspond with each other. Details are to be provided to the Principal Certifying Authority prior to issue of any Construction Certificate.

#### **Access**

- 40. The development shall comply with the Access to Premises Standards. Details to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

#### **Vehicular Access**

- 41. The proposed key pad for the gate shall be located on the drivers' side of vehicles entering the site (e.g. at the middle of the access way) and the minimum width of the access way/driveway is maintained in accordance with AS 2890.1:2004. The control device shall

not impact on the flow of traffic (e.g. vehicles queuing wholly within the site, etc.) and road safety. Details to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

#### **Ventilation**

42. Ventilation for the basement car park areas and garbage rooms shall be designed and installed in accordance with AS1668.2:2002 *The use of ventilation and air-conditioning in buildings* and any other relevant standards as to ensure the effective removal of Volatile Organic Compounds (VOC's) and odours from the building. Details to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

#### **Acoustic Measures**

43. Plans and/or specifications indicating how compliance with the Acoustic Consultant's Noise Report Reference 20170304.1/1303A/R0/BW, prepared by Acoustic Logic, dated 13 March, 2017 recommendations will be achieved are to be submitted to the Principal Certifying Authority.
44. Prior to the issuing of the Construction Certificate an acoustic report is to be prepared and submitted to the satisfaction of Cumberland Council by an appropriately qualified acoustic consultant having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/or grade membership of the Australian Acoustical Society (MAAS). The report should also consider noise emissions from the development including but not limited to proposed mechanical plant (air conditioners, automatic roller doors, ventilation plant for the underground car park) and demolition/construction noise & vibration intrusion. The report should be prepared in accordance with the NSW Environment Protection Authority *Industrial Noise Policy* and NSW EPA *Interim Construction Noise Guideline*.

#### **Traffic Management**

45. 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.
46. 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.
47. Signs and line marking plans for the car parking area (e.g. parking spaces, internal arrows, Give-way signs, pedestrian crossing/walkways etc.) shall be prepared prior to the issue of Construction Certificate and to be in accordance with AS 2890.1-2004, AS 2890.6-2009 and the endorsed plans.

#### **Salinity**

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

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

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

- "Building in Saline Environment" prepared by DIPNR 2003.
- Water Sensitive Urban Design in the Sydney Regions "Practice Note 12: Urban Salinity"
- Wagga Wagga City Council's "Urban Salinity Action" October 1999
- "Guide to Residential Slabs and Footings in Saline Environments" prepared by Cement Concrete and Aggregates Australia, May 2005

### **Sydney Water**

49. 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](http://sydneywater.com.au/tapin) to apply.

### **Car Wash Bay**

50. 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

### **Light Fixtures**

51. A plan showing the location of light fixtures throughout the development shall be submitted to the Principal Certifying Authority. Light spillage shall comply with AS 4282-1997.

**Construction Management Plan**

52. 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.

**Residential Flat Development Residential Waste Storage Area**

53. 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.

**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.

**Design Verification Statement**

55. 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 Storage**

56. Storage areas for each unit shall be provided at the following rates:-

- 1 bedroom units - 6m<sup>3</sup>
- 2 bedroom units - 8m<sup>3</sup>
- 3 bedroom units - 10m<sup>3</sup>

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

Detail is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.



**PRIOR TO WORKS COMMENCING**

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

**Appointment of Principal Certifying Authority and Notification of Commencement of Work**

57. The person having the benefit of the development consent, not the principal contractor (builder), must: -
- a) Appoint a Principal Certifying Authority in accordance with Section 81A(2)(b) of the Act.
  - b) Have the Principal Certifying Authority complete the 'Accredited Certifier Details' on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.
  - c) Notify Council of the appointment of the Principal Certifying Authority and of the intention to commence building work, such notification is to be given to Council at least two (2) working days prior to the proposed commencement date, and be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

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

**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 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 practising structural engineer shall be submitted to Council or the Principal Certifying Authority for examination and approval. Details shall include:
  - a) job address and builder's name
  - b) design wind velocity
  - c) terrain category
  - d) truss spacing
  - e) roof pitch
  - f) material of roof
  - g) roof batten/purlin spacing
  - h) material of ceiling
  - i) job number

#### **Photographic Record of Council Property – Damage Deposit**

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 potential salinity problems that have been identified onsite, 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:
- (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**

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 Council's "Erosion & Sediment Control Policy."

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

### Tree Protection Conditions

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 report from *Priority Tree Services* dated 13 October, 2016, the attached Guidelines for the Protection of Trees On and Adjacent To Demolition/Building sites, and relevant conditions of this Consent. All trees not authorised to be removed by this Consent must be retained. Prior to any work commencing, 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 Council) has given Council written notice of the following information:-
- (a) in the case of work for which a Principal Contractor is required to be appointed:



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

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

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

#### **Roadworks**

- 76. The applicant is to submit to Council an application for a road opening permit when the drainage connection into Council's system is within the road reserve. In this regard the applicant shall pay Council a **\$168.60** fee prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (eg. telephone, electricity, sewer, water or gas) required within the road reserve.
- 77. 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.
- 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.
- 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.

#### **Works Within Council's Reserve**

- 80. 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.
- 81. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.

82. 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**

83. 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](mailto:council@cumberland.nsw.gov.au) or contact Council's Rates Section by Phone on 9840 9767.

Council's 'Allocation of Property Numbers' policy is available on Council's website [www.cumberland.nsw.gov.au](http://www.cumberland.nsw.gov.au).



**DURING DEMOLITION / CONSTRUCTION**

The following conditions are applicable during construction:-

**Endorsed Plans & Specifications**

84. 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**

85. 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**

86. 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.
87. 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.
88. 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**

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

#### **Waste Management Plan**

- 90. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.
- 91. 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**

- 92. 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**

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 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**

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 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**

95. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
96. New 1.8m high lapped and capped timber paling or colorbond fences (colour to be sympathetic with the development) determined in consultation with adjoining property owner(s), are to be erected along and within all side and rear boundaries and between courtyards at full cost to the developer, such fencing to be constructed on or within the property boundary. A Statutory Declaration or other documentary evidence of such consultation is to be submitted to the Principal Certifying Authority.
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 report from *Priority Tree Services* dated 13 October, 2016, the attached Guidelines for the Protection of Trees On and Adjacent to Demolition/Building Sites and relevant conditions of this Consent.
99. The applicant shall accept all responsibility for the accuracy of the information provided to Council for assessment. If any tree/s are not shown on the endorsed plan or are required to be retained/transplanted and protected but are threatened by demolition/construction work through unforeseen construction requirements or plan inaccuracy, all site and building works so affected are to cease until the matter is resolved to the satisfaction of Council. Council's Environmental and Planning Services Department is to be notified immediately upon such a problem being encountered.

### **Acoustic Management**

100. The recommendations as outlined in the Construction Noise and Vibration Management Plan prepared by Acoustic Logic (Ref 20170304.1/1303A/R0/BW) dated 13 March 2017 are required to be adhered to for demolition and construction of the proposed development.

### **Works within Council's Reserve**

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

### **Inspection of On Site Detention Works**

102. 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**

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

**Underground Cabling**

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

**Underground Power Connection**

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

**Commercial Tenancies**

107. All windows for the commercial tenancies facing the Great Western Highway and Robilliard Street are to be clear glazing.

**Alarms**

108. 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.
109. 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**

110. A convex mirror is to be provided so that drivers can see up the driveway from within the basement.
111. An intercom device is to be located:
  - i) on the driver's side wall near the security shutter 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.



**Vehicle Cleansing**

112. 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**

113. 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**

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



**PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

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

**Certificates/Documentary Evidence**

115. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
116. A Section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

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

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

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

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

117. 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.

118. An Accredited Certifier shall submit to the Principal Certifying Authority a signed checklist as per Appendix A of AS4299-1995 confirming that units AG05, 101, 107, 201, 207, 301, 307, 403, 407, 503, 507, 603 and 607 have achieved the desired level of adaptability (i.e. "Adaptable House Class A or B").

**Landscaping/Tree Protection**

119. 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.
120. 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.

121. 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.
122. Boundary and courtyard fences must be erected and finished in a professional manner.

#### **Parking/Driveway**

123. 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.
124. Wheel stops shall be provided at appropriate parking locations (i.e. lifts, stairways) in accordance with AS 2890.1:2004.
125. Directional arrows for internal circulation shall be prominently displayed on the pavement on approaches to, and within, the car park area.
126. All parking spaces, aisle, driveway and internal roadways dimensions shall be signposted and linemarked and wheel stops installed in accordance with the endorsed signs and linemarking plans and (Australian Standard 2890.1.2004 and 2890.6.2009).
127. The entry/exit driveway shall be indicated with appropriate signage and line-marking to avoid conflict at the driveway.
128. The driveway shall be signposted indicating availability of visitor off-street parking. Spaces reserved for this purpose shall be marked as such.
129. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.

#### **Fire Safety**

130. 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**

131. 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.

#### **Air Handling/Cooling Towers**

132. Any air handling system provided is to comply with the requirements of Sections 28 and 29 of the NSW Public Health Act 2010, and the requirements of Australian Standard 3666 – Air Handling and Water Systems in Buildings – Microbial Control. In this regard:
  - a) A certificate, attesting to the compliance of the system with AS 3666 shall be submitted to the Principal Certifying Authority upon completion of the installation;
  - b) All drainage and liquid discharges are to be discharged into a waste water system to the satisfaction of the Principal Certifying Authority (Note: discharge to stormwater is not satisfactory); and
  - c) Upon completion of the installation and before being commissioned, the system shall be cleaned to the satisfaction of Council.
133. Copies of reports prepared during annual compliance checks are to be submitted to Council.

#### **On-site Stormwater Detention, Certification and Covenant**

134. 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.

135. 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.
136. 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.
137. 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. This plate is required to be displayed prominently among the other required signage, as specified in the current Upper Parramatta River Catchment Trust handbook & on the Approved Plans.
138. Councils check (using procedures from the '*On-Site Stormwater Detention Policy*') of the system hydraulics show the orifice size required is 141mm diameter (not 149mm diameter). And the OSD tank requires a volume of 114.19m<sup>3</sup> (whereas the submitted drawings only show 108.6m<sup>3</sup>). In addition, there is no above floor storage at the basement pump out pit, as required from Councils '*On-Site Stormwater Detention Policy*', clause 7.9.6. The "Work-as-Executed" plans, at final Inspection stage, shall show that these matters have been rectified.
139. The grates over the pits in the trafficable areas of the two (2) basements shall be specified as Heavy Duty, and be secured by child proof 'J'-bolts.
140. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed On Site Detention shall be submitted to the authority benefited for approval prior to lodging with the Land and Property Information NSW. The wording of the terms of the Positive Covenant and Restriction On Use shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention. The documents shall be approved by the benefiting authority for registration with Land and Property Information NSW.

**Note:** Prior to release of the documents creating the Restriction on Use and Positive Covenant, the benefiting authority shall be satisfied that the as-constructed On Site Detention is in accordance with the approved drawings and Council requirements.

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

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



### Road Works

142. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
143. A full width **Medium** 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.
144. The Applicant shall arrange the removal of any damaged footpath and/or kerb, and reconstruction of such Council owned concrete works along all areas of the site fronting Great Western Highway and Robilliard Street, as directed by Councils engineer. These works shall be carried out by a licenced construction contractor at the applicants cost and shall be in accordance with RMS and Council standards and issued level sheets.
145. The construction or reconstruction of kerb and gutter and associated works along all areas of the site fronting the Great western Highway and Robilliard 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.
146. The construction or reconstruction of concrete footpath paving and associated works along all areas of the site at a width of 2.5m fronting the Great Western Highway and a width of 1.5m fronting Robilliard 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.
147. 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.
148. 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.
149. Dedication and construction of a 4 metres by 4 metres splay corner at the intersection of the Great Western Highway and Robilliard Street and a 3metre by 3 metre splay corner at the intersection of Robilliard Street and the proposed new laneway running off Robilliard Street 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 effected 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.
150. Dedication and construction of a 5.5 metre wide road verge and footpath along the Great Western Highway. Documents relative to the creation of the road and footpath widening shall be lodged with the Land and Property Information NSW with Registration being effected prior to issue of the Occupation Certificate. All costs associated with the

construction, creation and dedication of the road and footpath widening are to be borne by the applicant.

151. All footpath areas within the road reserves that are not concrete shall be turfed with ST85 Buffalo or 'Sir Walter'.

#### **Land Dedication – Future Laneway**

152. Land for the future laneway along the southern side of the property, being 4m wide by 44.97metres (or the full length of the southern boundary), shall be transferred to Council via the creation of a new lot. All costs associated with the land transfer shall be borne by the applicant. In addition, the applicant shall address the following prior to dedication –
- Ensure that the land is left vacant, clear from any contamination, stockpiles, fill, debris and building materials;
  - All existing trees and landscaping within the lot must be removed by the developer;
  - Fencing shall be provided along the property boundary fronting Robilliard Street to ensure the site is secure and provided with a lockable access gate for maintenance and services. The fencing shall be designed in consultation with Council and in accordance with Council's standards. In this regard, design details shall be submitted to Council for approval.

#### **Property/Street Number**

153. 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](http://www.cumberland.nsw.gov.au).

#### **Design Verification Statement**

154. In accordance with Environmental Planning and Assessment Regulation 2000 and State Environmental Planning Policy (SEPP) 65 "Design Quality of Residential Flat Development", the subject development must be undertaken or directed by a "qualified designer" (i.e., a "registered architect" under the Architects Act). In this regard, a design verification statement shall be submitted to the Principal Certifying Authority (PCA) assessing the development, upon completion of all works subject of this consent and its accompanying construction certificate. The PCA shall ensure that the statement prepared by the qualified designer provides the following:-
- (i) A valid and current chartered architect's certificate number (as issued by the Board of Architects of NSW);
  - (ii) That the completed development achieves the design quality of the development as shown in the plans and specifications submitted and approved with the Construction Certificate, having regard to the design quality principles set out in Part 2 SEPP 65.

#### **Lighting**

155. 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.



**Lot Consolidation**

156. Lot 109 DP: 13239, Lot B, DP: 367709, Lot 10, DP: 1052755, Lot 11, DP: 1052755 and Lot 12, DP: 1052755 are to be consolidated into one lot on title and all works shall be completed in accordance with this Development Consent.

**Air Conditioning**

157. At the completion of the installation of the mechanical ventilation system, the Principal Certifying Authority is to be provided with a certificate from the installer that includes:
- (a) inspection, testing and commissioning details,
  - (b) date of inspection testing and commissioning,
  - (c) the name and address of the individual who carried out the test,
  - (d) statement that the service has been designed, installed and is capable of operating to the above standard.

**Noise Compliance Report**

158. A noise compliance report shall be submitted to Council prior to the issuing of the Occupation Certificate. The report shall state that the noise reduction measures detailed within the Acoustic Logic Reports (Reference No. 20151598.1/2909A/R1/RL, dated 29 September, 2016 and Reference No. 20170304.1/1907A/R0/BW, dated 19 July, 2017) have been implemented, and confirm that the noise emissions from the premises complies with Council's noise criteria specified in this consent.

**Registration – Air Handling/Cooling/Water Systems**

159. An application shall be made to Council for registration of any regulated system if provided, liable to cause legionnaires disease prior to the issuing of the Occupation Certificate. Regulated systems include air handling systems, hot water systems, warm water systems and water cooling systems.

**General**

160. Clear glazing is to be provided to the commercial unit.
161. 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**

162. 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.
163. Access to the residential areas of the development shall be limited to residents via an intercom swipe card system / pin pad access system.

**Traffic and Parking**

164. At least 125 car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for residents and visitors' vehicles only in conjunction with the occupation of the building/premises.
165. The roller gate shall not restrict access for visitors of the residential carpark areas.
166. All vehicles (including heavy vehicles) shall enter and leave the site in a forward direction.
167. The car wash bay shall be a common, independent area, and not serve as a visitor parking space.
168. Temporary vehicular access arrangements as provided by Condition 2 of this Consent are to be provided for until the width of the proposed laneway from Robilliard Street to Burnett Street is fully constructed (i.e. 8m wide)
169. A temporary waiting bay shall be provided on the proposed laneway between Robilliard Street and access driveway until the width of the proposed laneway from Robilliard Street to Burnett Street is fully constructed (i.e. 8m wide).

**Laneway**

170. The future laneway section being dedicated being 4m x 44.97m shall be maintained and serviced at all times up until the commencement of the laneway construction, to the satisfaction of Council's officers.
171. Upon completion of the laneway construction, any retaining walls or installed earth-retaining structures shall be adjusted so that they match with the finished footpath surface level at the northern side of the proposed laneway. Also safety fencing shall be provided (where no fencing exists) to prevent pedestrians falling into the property.

**Waste Collection**

172. The development shall be provided with:
  - 11 x 1100 litre garbage bins

- 28 x 240 litre recycling bins

**Refuse & Trade Waste**

173. 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**

174. 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.
175. In the event of Council receiving complaints regarding excessive odour from the garbage bay area, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour emanating from the garbage bay area.

**Alarms**

176. 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 **108** above, prevents the developer/builder from installing audible alarms).

**Emergency Procedures**

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

**Air Emissions**

178. The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997* and shall be controlled in accordance with the requirements of such Act.
179. In the event of Council receiving complaints regarding air pollution or odour from the premises, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour exiting the premises.
180. Any discharge to the atmosphere must not result in any odour or other air impurity detectable outside the boundaries of the property.

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.

#### **Noise**

182. 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).
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.
185. The recommendations as outlined in the Noise Impact Assessment prepared by Acoustic Logic (Ref 20170304.1/1303A/R0/BW) dated 13 March, 2017 and additional information provided by Benjamin White by email on 14 June 2017 in relation to the project specific noise criteria are required to be adhered to for the ongoing use of the proposed development.
186. The recommendations as outlined in the review of mechanical proposal prepared by Acoustic Logic (Ref 20170304.1/1907A/R0/BW) dated 19 July 2017 and Statement of Design Intent for installation proposed prepared by CME Building Services Design Pty Ltd dated 18 July 2017 are required to be adhered to for the ongoing use of the proposed development.

#### **Signage on Stormwater Drains (Commercial)**

187. Signs shall be displayed adjacent to all stormwater drains on the premises indicating that only clean water is allowed to enter these drains. Examples of possible signage include: 'Clean Rainwater Only', 'Clean water only - NO waste' or 'H<sub>2</sub>O only'.

#### **Car Wash Bay**

188. 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.

189. 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.

#### **Lighting**

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

#### **Landscaping**

191. Landscaping adjacent to the driveway shall not restrict pedestrian and vehicular visibility in accordance with Australian Standard 2890.1 – 2004. Regular maintenance shall be undertaken to ensure this requirement is satisfied.

#### **General**

192. No roller shutters are permitted to be installed for the commercial tenancy at any time.
193. All privacy measures shall be maintained at all times, throughout the lifetime of the development.



**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.
- B. Section 97 of the Act provides that an applicant who is dissatisfied with the Council's determination of the Development Application may appeal to the Land and Environment Court within 6 months of the date of determination, or as otherwise prescribed.
- C. Section 82A of the Act provides that an applicant may request, within 6 months of the date of determination of the Development Application, that the Council review its determination (this does not apply to integrated or designated development). A fee is required for this review.
- It should also be noted that an application under Section 82A of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 82A Application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.
- D. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.
- E. A Construction Certificate shall be obtained in accordance with Section 81A (2)(a) of the Act, prior to the commencement of any work on site. Council can provide this service for you.
- F. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.

#### G. DEMOLITION

- (a) Demolition is to be carried out in accordance with AS2601-2001, *Demolition of Structures*.
- (b) Demolition is to be carried out in such a way and with such control measures as are necessary to prevent the occurrence of any dust, noise, runoff or other nuisance.
- (c) All sediment/soil is to be prevented from entering Council's stormwater drainage system.
- (d) The public footpath and roadway is to be protected against damage as a result of demolition activities and is to be kept clean and free of all soil and other materials.
- (e) On completion of demolition the site is to be left in a clean and tidy condition.
- (f) Cumberland Council has a Tree Management Order which applies to the entire City of Holroyd. No ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees exceeding 3.5m in height and 3m in branch spread shall take place without the prior written consent of Cumberland Council.
- (g) There shall be no burning of any waste, as this is prohibited within the City of Holroyd.
- (h) Demolition material can be recycled saving the environment and also tipping costs. For more information, contact the Environment Protection Authority's Recycling hotline on 9325 5555.
- (i) Public roads shall be kept clean and free of any materials which may fall from vehicles or plant to ensure safety and amenity of the area.

#### H. BANK GUARANTEES

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

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

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

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

#### I. SMOKE DETECTORS

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

## J. TERMITE PROTECTION

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

## K. WET AREAS

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

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

1. A current Certificate of Accreditation for the product.

AND

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

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

## L. LANDINGS

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

## M. SARKING

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

## N. MINIMISING WATER USE

Examples of ways water use can be minimised in the car wash facility are:

- the use of a gun type nozzle on the hose that closes when released and
- filter and recycle wash water where possible.

O. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

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

P. SOUND TRANSMISSION AND INSULATION

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

Q. GLAZING CERTIFICATION

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

R. DIAL BEFORE YOU DIG

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

S. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

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

T. DIVIDING FENCES

Please be advised that arrangements concerning existing or proposed fences between properties are a civil matter determined by the involved parties under the [Dividing Fences](#)

[Act](#). 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

Karl Okorn  
MANAGER DEVELOPMENT ASSESSMENT



DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP030/20

Attachment 5

Appendix A - SEPP 65 Design  
Quality of Residential Apartment  
Development



## APPENDIX A

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

The relevant objectives and provisions of State Environmental Planning Policy No. 65 –Design Quality of Residential Apartment Development have been considered in the following assessment table:

No.	Clause	Comment	Yes	No	N/A
<b>Part 3 – Sitting the Development</b>					
<b>3A</b>	<b>Site Analysis</b>				
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 in the original assessment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3B</b>	<b>Orientation</b>				
3B-1	Building types and layouts respond to the streetscape and site while optimising solar access within the development.	As approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3B-2	Overshadowing of neighbouring properties is minimised during mid-winter.	Addressed in original assessment. Additional 165mm height to the lift overrun in Building A will not contribute to additional overshadowing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3C</b>	<b>Public Domain Interface</b>				
3C-1	Transition between private and public domain is achieved without compromising safety and security.	As approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3D</b>	<b>Communal and Public Open Space</b>				
3D-1	Communal open space has a minimum area equal to 25% of the site.	Required: $3687\text{m}^2 \times 0.25 = 921.75\text{m}^2$  Approved: $974.731\text{m}^2$  Proposed: 21m <sup>2</sup> of area is deducted from COS for the new location of substation $953.731/3687 = 25.86\%$ - complies	<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).	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.	Fencing/balustrade provided.	<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"/>
<b>3E</b>	<b>Deep Soil Zones</b>				
3E-1	Deep soil zones are to meet the following minimum requirements: 7% (258.09m <sup>2</sup> )	260.8m <sup>2</sup> - as existing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
<b>3F</b>	<b>Visual Privacy</b>				
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>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> <p><b>Building Height</b> = 12m / 4 storeys  - Habitable Rm / Balc = 6m  - Non-Habitable Rm = 3m</p> <p><b>Building Height</b> = 25m / 5-8 storeys  - Habitable Rm / Balc = 9m  - Non-Habitable Rm = 4.5m</p> <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>	As approved in original assessment – no changes proposed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3G</b>	<b>Pedestrian Access and Entries</b>				
3G-1	Building entries and pedestrian access connects to and addresses the public domain.	Satisfactory, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3G-2	Access, entries and pathways are accessible and easy to identify.	Satisfactory, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3G-3	Large sites provide pedestrian links for access to streets and connection to destinations.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3H</b>	<b>Vehicle Access</b>				
3H-1	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	Vehicle entry is separate from pedestrian entry.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3J</b>	<b>Bicycle and Car Parking</b>				
	<p>For development in the following locations:</p> <ul style="list-style-type: none"> <li>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</li> <li>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre,</li> </ul>	See assessment in HDGP 2013 table at Appendix C.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
	The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.				
	The car parking needs for a development must be provided off street.				
3J-2	Parking and facilities are provided for other modes of transport.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3J-3	Car park design and access is safe and secure.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3J-4	Visual and environmental impacts of underground car parking are minimised.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3J-5	Visual and environmental impacts of on-grade car parking are minimised.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3J-6	Visual and environmental impacts of above ground enclosed car parking are minimised.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Part 4 – Designing the Building</b>					
<b>4A</b>	<b>Solar and Daylight Access</b>				
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"/>
	<b>Design Criteria</b>				
	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.	As approved – no changes.	<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.	As approved – no changes.	<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"/>
<b>4B</b>	<b>Natural Ventilation</b>				
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"/>
	<b>Design Criteria</b>				
	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.	As approved – no changes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



No.	Clause	Comment	Yes	No	N/A
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4C</b>	<b>Ceiling Heights</b>				
4C-1	Ceiling height achieves sufficient natural ventilation and daylight access.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>Design Criteria</b>				
	Measured from finished floor level to finished ceiling level, minimum ceiling heights are:  <b>Min. Ceiling Height</b> - Habitable Rm = 2.7m - Non-Habitable Rm = 2.4m These minimums do not preclude higher ceilings if desired.	Min. 2.7m	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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"/>
<b>4D</b>	<b>Apartment Size and Layout</b>				
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"/>
	<b>Design Criteria</b>				
	Apartments are required to have the following minimum internal areas:  <b>Min. Internal Area</b> - Studio = 35m <sup>2</sup> - 1 b/r unit = 50m <sup>2</sup> - 2 b/r unit = 70m <sup>2</sup> - 3 b/r unit = 90m <sup>2</sup>  The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each.  A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m <sup>2</sup> each.	All units meet the minimum ADG sizes.	<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.	Every habitable room has a window in an external wall with minimum glass area.	<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"/>
	<b>Design Criteria</b>				
	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	The reconfiguration of units in Building A results in maximum	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
	combined) the maximum habitable room depth is 8m from a window.	room depth of 8.5m to the kitchen wall. The proposed non-compliance is considered acceptable, as the open plan layout has sufficient ceiling height and direct access to full room width openings. The rooms cross ventilation circulation will not be affected by the additional depth of the combined habitable room to the kitchen wall. The minor non-compliance is therefore considered acceptable.	<input 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"/>
	Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space).	Satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	Satisfactory. All bedrooms have minimum dimension of 3m.	<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.	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4E</b>	<b>Private Open Space and Balconies</b>				
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"/>
	<b>Design Criteria</b>				
	All apartments are required to have primary balconies as follows:  <b>Min. Balcony Areas / Depths</b> - Studio = 4m <sup>3</sup> / no min. depth - 1 b/r unit = 8m <sup>3</sup> / 2m - 2 b/r unit = 10m <sup>3</sup> / 2m - 3 b/r unit = 12m <sup>3</sup> / 2.4m  The minimum balcony depth to be counted as contributing to the balcony area is 1m.	The dimensions and areas of all balconies comply with the standards.	<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 <sup>2</sup> and a minimum depth of 3m.	Provided.	<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"/>

No.	Clause	Comment	Yes	No	N/A
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"/>
<b>4F</b>	<b>Common Circulation and Spaces</b>				
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"/>
	<b>Design Criteria</b>				
	The maximum number of apartments off a circulation core on a single level is eight.	Building A – 4 units Building B – 7 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.	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Daylight & natural ventilation to be provided to CCS above ground level. Windows should be at ends of corridors or next to core.	N/A	<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"/>
<b>4G</b>	<b>Storage</b>				
4G-1	Adequate, well designed storage is provided in each apartment.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>Design Criteria</b>				
	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:  <b>Min. Storage Areas</b> - Studio = 4m³ - 1 b/r unit = 6m³ - 2 b/r unit = 8m³ - 3 b/r unit = 10m³  At least 50% of the required storage is to be located within the apartment.	As approved.	<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"/>
<b>4H</b>	<b>Acoustic Privacy</b>				
4H-1	Noise transfer is minimised through the siting of buildings and building layout.	As approved.	<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"/>
<b>4J</b>	<b>Noise and Pollution</b>				
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"/>
<b>4K</b>	<b>Apartment Mix</b>				
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"/>
<b>4L</b>	<b>Ground Floor Apartments</b>				

No.	Clause	Comment	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"/>
<b>4M</b>	<b>Façades</b>				
4M-1	Building façades 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"/>
<b>4N</b>	<b>Roof Design</b>				
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4O</b>	<b>Landscape Design</b>				
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"/>
<b>4P</b>	<b>Planting on Structures</b>				
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"/>
<b>4Q</b>	<b>Universal Design</b>				
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"/>
<b>4R</b>	<b>Adaptive Reuse</b>				
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"/>
<b>4S</b>	<b>Mixed Use</b>				
4S-1	Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.		<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.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4T</b>	<b>Awnings and Signage</b>				
4T-1	Awnings are well located and complement and integrate with the building design.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4T-2	Signage responds to the context and desired streetscape character.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4U</b>	<b>Energy Efficiency</b>				
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"/>
<b>4V</b>	<b>Water Management and Conservation</b>				
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"/>

No.	Clause	Comment	Yes	No	N/A
4V-3	Flood management systems are integrated into site design.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4W</b>	<b>Waste Management</b>				
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"/>
<b>4X</b>	<b>Building Maintenance</b>				
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 LPP030/20

Attachment 6

Appendix B - Holroyd LEP 2013



## APPENDIX B

The proposal is defined as a 'shop top housing'. An assessment against the relevant Holroyd LEP 2013 clauses is provided in the table below:

No.	Clause	Comment	Comply
	<b>Zone B6 – Enterprise Corridor</b>  <b>1 Objectives of zone</b> <ul style="list-style-type: none"> <li>To promote businesses along main roads and to encourage a mix of compatible uses.</li> <li>To provide a range of employment uses (including business, office, retail and light industrial uses).</li> <li>To maintain the economic strength of centres by limiting retailing activity.</li> <li>To provide for residential uses, but only as part of a mixed use development</li> </ul> <b>2 Permitted without consent</b>  Home occupations  <b>3 Permitted with consent</b>  Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Environmental protection works; Exhibition homes; Home businesses; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Seniors housing; Shop top housing  <b>4 Prohibited</b> Any development not specified in item 2 or 3	The proposal is for shop top housing which is a permissible land use within the zone with consent.	Yes
4.3	<b>Height of Buildings – 15m</b>  (1) The objectives of this clause are as follows: <ul style="list-style-type: none"> <li>(a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,</li> <li>(b) to ensure development is consistent with the landform,</li> </ul>	Under DA2019/499/1, Building A height was approved for 23.272m to the top of the lift overrun (RL 62.00m AHD), which is a variation of 1.18% (0.272m) to the development standard.  The proposed modification will increase the height of lift overrun for Building A to 23.437m (RL 62.20m AHD), which is an additional 165mm from the approved building height that equates to variation of 1.9% to the development standard.	No

No.	Clause	Comment	Comply
	<p>(c) to provide appropriate scales and intensities of development through height controls.</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>	<p>Clause 4.6 variation is not required for a s4.55 modification application. The applicant submitted justification to further contravene the building height development standard, in which the additional height proposed will not adversely impact the locality given its location on the building facing Great Western Highway. 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.</p>	
<b>4.4</b>	<p><b>Floor Space Ratio – 2:1</b></p> <p>(1) The objectives of this clause are as follows:</p> <p>(a) to support the viability of commercial centres and provide opportunities for economic development within those centres,</p> <p>(b) to facilitate the development of a variety of housing types,</p> <p>(c) to ensure that development is compatible with the existing and desired future built form and character of the locality,</p> <p>(d) to provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping.</p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>	<p>Proposed: 2:1, 7374m<sup>2</sup></p>	Yes
<b>4.6</b>	<b>Exceptions to Development Standards</b>	Not applicable.	N/A
<b>5.10</b>	<b>Heritage conservation</b>	The site does not contain any heritage items and is not within a heritage conservation area. There are no heritage items located within the visual catchment of the subject site.	N/A
<b>6.1</b>	<b>Acid Sulfate Soils</b>	The site is not affected by Acid Sulfate Soils.	N/A
<b>6.2</b>	<b>Earthworks</b>	The proposal relates to excavation basement. Appropriate conditions were	Yes

No.	Clause	Comment	Comply
		imposed as part of the original consent.	
6.3	Essential Services	The proposed relocation of substation is satisfactory.	Yes
6.4	Flood planning	The site is not affected by flooding.	N/A
6.5	Terrestrial Biodiversity	There is no evidence of any terrestrial biodiversity on the site.	N/A
6.7	Stormwater Management	Stormwater plans have been reviewed by Council's Development Engineer and considered satisfactory.	Yes
6.8	Salinity	The site is located on land identified as being affected by moderate salinity. Standard conditions would be imposed if consent were to be granted.	Yes





DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP030/20

Attachment 7

Appendix C - Holroyd  
Development Control Plan



## APPENDIX C

### Holroyd Development Control Plan 2013

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

No.	Clause	Comment	Yes	No	N/A
<b>PART A – GENERAL CONTROLS</b>					
<b>1</b>	<b>Subdivision</b>				
	Not Applicable		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>2</b>	<b>Roads and Access</b>				
<b>2.4</b>	<b>Access: Vehicular Crossings, Splay Corners, Kerb &amp; Guttering</b>				
	VC to be reconstructed if in poor condition, damaged or design doesn't comply.	As approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Avoid services/facilities in road reserve, existing trees, pedestrian crossing, pram ramps etc.	As approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Corner sites VC to be min. 6m from the tangent point.	As approved.	<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.	As approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2.7</b>	<b>Road Widening</b>				
	Provided as approved.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3</b>	<b>Car Parking</b>				
<b>3.1</b>	<b>Minimum Parking Spaces</b>				
	<b>Car Parking</b>	Required: Residential - 83.2~84 spaces Visitor – 16.8~17 spaces Commercial (380/2) – 19 spaces Total = 120 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Studio / 1 bedroom 0.8 spaces 2 bedroom 1.0 space 3 bedroom 1.2 spaces 4+ bedroom 1.5 spaces Visitor / dwelling 0.2 spaces				
	Commercial: 1/20m <sup>2</sup>	Proposed: Residential - 88 spaces (extra 4 spaces) Visitor – 17 spaces Commercial – 20 spaces (extra 1 space)			
		Due to the relocation of substation, conditions are to be imposed to ensure the car parking arrangement will comply with the relevant Australian Standards. This will result in the deletion of 4 residential car spaces (including 2 accessible spaces) and 1 commercial car space. The total number of car spaces to be provided on site will be 120, which will comply with the minimum car spaces required for the development.			
	<b>Bicycle Parking</b>	Required – 43 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
	- 0.5 per Studio / 1 b/r - 0.5 per 2 b/r - 0.5 per 3+ b/r - 0.1 per unit for visitors	Provided – 55 spaces			
<b>3.3</b>	<b>Car Parking, Dimensions &amp; Gradient</b>				
	Council's Traffic Engineer has assessed the submitted plans and documentation and advised the proposal satisfactory, subject to conditions as discussed above.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3.5</b>	<b>Access, Maneuvering and Layout</b>				
	Driveways shall be setback a minimum of 1.5m from the side boundary.	As approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3.6</b>	<b>Parking for the Disabled</b>				
	1 accessible space shall be provided per adaptable unit.	Required: 13 residential spaces and 3 commercial spaces, subject to conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4</b>	<b>Tree and Landscape Works</b>				
	Tree removals have been accompanied with arborist report and found to be satisfactory, as approved.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5</b>	<b>Biodiversity</b>				
	There is no evidence of any terrestrial biodiversity on the site.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>6</b>	<b>Soil Management</b>				
<b>6.1</b>	<b>Retaining Walls</b>				
	Condition imposed as per original consent.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>6.2</b>	<b>Site Contamination and Land Filling</b>				
	Satisfactory as approved.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>6.3</b>	<b>Erosion and Sediment Control Plan</b>				
	Subject to conditions.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>7</b>	<b>Stormwater Management</b>				
	Satisfactory, subject to conditions.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>8</b>	<b>Flood Prone Land</b>				
	Not flood affected.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>9</b>	<b>Managing External Road Noise</b>				
	Satisfactory, as approved.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>10</b>	<b>Safety and Security</b>				
	The design is considered to be satisfactory from a safety and security perspective, as approved.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>11</b>	<b>Waste Management</b>				
<b>11.3</b>	<b>Residential Land Use Waste Management</b>				
	Satisfactory, as approved.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>12</b>	<b>Services</b>				
	Relocation of substation is considered satisfactory.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>PART C – COMMERCIAL DEVELOPMENT</b>					
<b>1.1</b>	<b>Lot Size and Frontage</b>				
	Min. lot frontage for Zone B2, B4, B5 and B6 is: • Up to 3 storeys – 20m • 4-8 storeys – 26m • ≥9 storeys – 32m No minimum lot frontage applicable in Zone B1.	Max 7 storey facing Great Western Highway with frontage of 53.11m, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Commercial development is not permitted on battleaxe lots.	Not a battle-axe lot.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Council may require consolidation of more than 1 existing allotment to meet the DCP.	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A																										
	Proposals that cannot be amalgamated shall: <ul style="list-style-type: none"><li>Provide two written independent valuations representing the affected sites value.</li><li>Provide evidence that a reasonable offer has been made to the affected owners.</li></ul> Demonstrate how future development on the isolated sites will achieve vehicle access, basement parking and appropriate built form.	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																										
1.2	Floor Area																														
	Bulky good development: bulky goods shall occupy min. 60% TFA.	No bulky goods proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																										
	Food and drink premises in Zone B6: Max. GFA 1000m².	No food and drink premises proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																										
	Shops in Zone B1: Max. GFA 1000m².	The site is zoned B2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																										
	Building Use																														
	Commercial development shall be located at street level, fronting the primary street, and where possible the secondary street.	Commercial component located at ground level, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																										
	Residential development is permitted at ground floor in Zone B1 and B6.	No residential units are proposed on ground level in zone B6.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																										
	Residential development is not permitted at ground floor in Zone B2 and B4.	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																										
	Where residential development is located at ground level and faces the street, they shall be constructed as flexible floor plates to enable future commercial development.	No residential units are proposed on ground level.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																										
1.3	Building Height																														
	Min. floor to ceiling height of commercial development / component: <table><tr><th>Floor</th><th>Min. Floor to Ceiling</th></tr><tr><td>Ground Floor</td><td>3.5m</td></tr><tr><td>First Floor (regardless of use)</td><td>3.3m</td></tr><tr><td>All other floors</td><td>2.7m</td></tr></table>	Floor	Min. Floor to Ceiling	Ground Floor	3.5m	First Floor (regardless of use)	3.3m	All other floors	2.7m	The proposed ceiling heights are as follows: <ul style="list-style-type: none"><li>Ground floor 3.5m</li><li>Levels 1 - 6 2.7m</li></ul> Level 1 ceiling height was approved under DA2016/499/3.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																		
Floor	Min. Floor to Ceiling																														
Ground Floor	3.5m																														
First Floor (regardless of use)	3.3m																														
All other floors	2.7m																														
	Maximum building height in storeys shall be provided in accordance with the table below: <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></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	No changes, as approved.	<input checked="" type="checkbox"/>	<input 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																														
1.4	Setbacks, Separation and Depth																														

No.	Clause	Comment	Yes	No	N/A
	Zone B1 shall observe established front setbacks.	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Zone B2 and B4 are within site specific section of DCP.	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Zone B5: <ul style="list-style-type: none"> <li>Greystanes and Smithfield – 10m.</li> <li>Holroyd/Granville – 6m.</li> <li>Church St Granville – 0m.</li> <li>All other areas not stated in other sections of DCP – 4m.</li> </ul>	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Zone B6: <ul style="list-style-type: none"> <li>South Wentworthville – 6m.</li> <li>All others areas not stated in other sections of DCP – 4m.</li> </ul>	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Upper storey setback</b>					
	Street wall height of 3 storeys (11-14m) is required for all commercial development and mixed use development, unless otherwise stated in site specific controls.	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Street wall height of 4 storeys (14-17m) is required: <ul style="list-style-type: none"> <li>Zone B6 on GWH at Mays Hill and Finlayson Transit Precincts.</li> <li>Zone B5 – Church St.</li> </ul>	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	3m setback required above street wall height.	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Side setback</b>					
	Where site adjoins a business zone, no side setback requirement, unless otherwise stated in site specific controls.	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Where site adjoins a residential zone (not separated by road), side setback shall be 3m and shall demonstrate solar access and privacy to adjoining residential development.	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Development adjoining residential shall have a rear setback of 6m.	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	In Zone B6, 0m setback where access to rear laneway provided.	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Sunlight and privacy shall be maintained to adjoining residential developments.	Visual privacy and overshadowing impact to adjoining properties are satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1.5</b>	<b>Landscaping and Open Space</b>				
	Landscaped areas not required in business zones, unless stated in site specific controls.	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2.0</b>	<b>Movement</b>				
<b>2.1</b>	<b>Rear Laneways and Private Access ways</b>				
	Vehicular access must be provided where access to existing laneways is possible.	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Laneways shall be min. 8m in width.	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2.2</b>	<b>Pedestrian Access</b>				
	Direct access shall be provided from the car park to all residential and commercial units.	Lift access to all floors provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



No.	Clause	Comment	Yes	No	N/A
	Main building entry points shall be clearly visible.	The main building entry is clearly visible from the public domain.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2.3</b>	<b>Building Entries</b>				
	Separate entries from the street shall be provided for cars, pedestrians, multiple uses and ground floor apartments.	Separate entries have been provided for cars, and pedestrians.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Residential entries must be secure where access is shared between residential and commercial uses.	Separate entries provided, no changes as approved..	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Multiple cores which access above ground uses shall be provided where the site frontage $\geq 30m$ .	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2.4</b>	<b>Vehicle Access</b>				
	Driveways shall be provided from laneways, private access ways and secondary streets where possible.	No changes, as approved.	<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.	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	One two-way driveway is permitted per development site up to 10,000m <sup>2</sup> .	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Driveways are limited to a maximum of 6m or 8m for commercial loading docks and servicing.	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Pedestrian safety shall be maintained	Satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2.5</b>	<b>Parking</b>				
	Onsite parking is to be provided underground where possible.	All parking is provided within the basement.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Basement parking shall be consolidated to maximise landscaping.	Parking is consolidated under building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Parking shall not be visible from main street frontages.	Parking not visible from main frontage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Natural ventilation or ventilation grills shall be provided to basement parking.	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Visitor parking is not to be stacked parking.	No tandem parking proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3.0</b>	<b>Design and Building Amenity</b>				
<b>3.1</b>	<b>Safety and Security</b>				
	Casual surveillance is to be achieved through active street frontages and creating views of common internal areas.	Satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Building entries are to be provided with clear lines of sight, should be provided in visually prominent locations and separate residential and commercial entries shall be observed.	Building entry is visible from the street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Adequate lighting shall be provided within the development i.e. pedestrian access ways, common areas and communal open space, car parking areas and all entries.	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Landscaping shall avoid opportunities for concealment.	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3.2</b>	<b>Facade Design and Building Materials</b>				
	All walls are to be articulated via windows, verandahs, balconies or blade walls. Articulation elements forward of the building line max. 600mm.	The proposed facades of the development are adequately articulated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3.4</b>	<b>Shop Fronts</b>				
	Solid roller shutters and security bars are not permitted.	None proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

No.	Clause	Comment	Yes	No	N/A
	Open grill (concertina) and transparent grill shutter security devices are permitted.	None proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	All windows on the ground floor to the street frontage are to be clear glazing.	Clear glazing proposed to all street facing ground floor windows.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3.5</b>	<b>Daylight Access</b>				
	Design and orientate dwelling to maximise northerly aspect.	The proposed development maximises the northerly aspect.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	1 main living area of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Min. 50% of required POS of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3.6</b>	<b>Visual + Acoustic Privacy</b>				
	Developments shall be designed to minimise the impact of noise associated for uses whose hours may extend outside of normal business hours, including restaurants and cafes.	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3.7</b>	<b>Managing External Noise</b>				
	Development adjacent to a classified road to be supported by an acoustic report.	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3.8</b>	<b>Awnings</b>				
	Awnings: • Should be flat. • Must be 3m deep. • Setback from the kerb a min. 600mm. • Min. soffit height of 3.2m-3.3m. • To be located over all building entries.	No changes, as approved.	<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.	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Shall wrap around street corners.	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3.10</b>	<b>Flexibility and Adaptability</b>				
	15% of units shall be adaptable units. Required = 13	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3.11</b>	<b>Corner Buildings</b>				
	Corner buildings shall articulate street corners and present each frontage as a main frontage	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3.18</b>	<b>Waste Management</b>				
	Garbage/recycling storage areas should be located to be easily accessible	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4.0</b>	<b>Environmental</b>				
	<b>Wind Mitigation</b>				
	A wind effect report shall be submitted where buildings ≥ 41 m in height.	Not applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Balconies shall be designed to minimise wind impacts through recessed balconies, openable screens, pergolas and shutters.	Not applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>PART N – TRANSITWAY STATION PRECINCT</b>					
<i>The site is located within the Mays Hill Station Precinct</i>					
<b>1.1</b>	<b>Site Consolidation and Frontage</b>				

No.	Clause	Comment	Yes	No	N/A
	Amalgamation of lots in accordance with Fig. 4(a) and 4(b)	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Land locking of adjoining sites is not permitted.	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Proposals that cannot be amalgamated shall: <ul style="list-style-type: none"> <li>• Provide two written independent valuations representing the affected sites value.</li> <li>• Provide evidence that a reasonable offer has been made to the affected owners.</li> <li>• Demonstrate how future development on the isolated sites will achieve vehicle access, basement parking and appropriate built form.</li> </ul>	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Min. lot frontage of 45m for lots fronting GWH.	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1.2</b>	<b>Private Accessway, Land Dedication, Access and Vehicular Entries</b>				
	Where building front GWH, within B6 zone, on Burnett Street or Robilliard, vehicular access must be provided via rear or side, via laneways or secondary roads.	The application provides for vehicular access to the commercial parking from the proposed laneway. Amended plans have been provided allowing for the provision of a temporary access should the laneway not be complete noting only half is provided for with this current application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Vehicular access from the Great Western Highway is not permitted from properties identified on Figure 5 and access must be provided from the rear or side via laneways or secondary roads	Access is not provided from the Great western Highway	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	8m wide connecting laneway (refer to Fig. 6).	The application has provided for its 4m portion of the necessary laneway. The remaining portion has been provided by DA 2015/491	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>1.3</b>	<b>Building Height</b>				
	Refer to Fig. 8 and 9 for max. number of storeys. <b>5 Storeys / 4 Storeys</b>	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1.4</b>	<b>Building Setbacks</b>				
	Refer to Fig. 10 and 11 for building setbacks. <b>0m setback to GWH (account for 5.5m road widening)</b>	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1.5</b>	<b>Site Design and Appearance</b>				
	Developments shall be oriented to front boundaries.  Vertical articulation in the façade req. >4 storeys for buildings exceeding 25m.	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1.6</b>	<b>Road Widening</b>				

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No.	Clause	Comment	Yes	No	N/A
	Road widening resulting in a footpath width of 5.5m from kerb to boundary (refer to Fig. 12).	No changes, as approved.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Properties behind transitway stops shall have a 4m separation between the rear of the bus shelter and the building line.				

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Item No: LPP031/20

**DEVELOPMENT APPLICATION FOR WYATT PARK CHURCH STREET,  
LIDCOMBE**

Responsible Division: Environment & Planning  
Officer: Executive Manager Development and Building  
File Number: DA2020/0154

<b>Application lodged</b>	12 March 2020
<b>Applicant</b>	Stimson & Baker Planning
<b>Owner</b>	The Minister For Lands & Cumberland City Council
<b>Application No.</b>	DA2020/0154
<b>Description of Land</b>	Wyatt Park Church Street LIDCOMBE NSW 2141 Lot 1 DP 581438 & Lot 2 DP 581438
<b>Proposed Development</b>	Fitout and use of a portion of the existing Police Citizens Youth Club (PCYC) as an out of school hours care facility
<b>Site Area</b>	6.5 hectares
<b>Zoning</b>	RE1 Public Recreation Zone
<b>Disclosure of political donations and gifts</b>	Nil disclosure
<b>Heritage</b>	Yes – Heritage Listed I40 - 'Wyatt Park, Haslams Creek, Lidcombe Pool, Lidcombe Oval, Stormwater Drain' of local significance
<b>Principal Development Standards</b>	N/A
<b>Issues</b>	Nil

**SUMMARY:**

1. Development Application No. DA2019/0524 was received on 12 March 2020 for the Fitout and use of a portion of the existing Police Citizens Youth Club (PCYC) as an out of school hours care facility.
2. The application was publicly notified to occupants and owners of the adjoining properties for a period of fourteen (14) days between 6 May 2020 and 20 May 2020. In response, no submissions were received.
3. The subject site is listed as a heritage item in the Auburn Local Environmental Plan 2010, being I40 which comprises park land bounded by Olympic Drive and Boorea Street, Percy Street and Church Street. The item is identified as 'Wyatt Park, Haslams Creek, Lidcombe Pool, Lidcombe Oval, Stormwater Drain' and is of local significance. The proposed development will have minimal impact on the heritage item and is considered satisfactory, having regard to the provisions of Clause 5.10(4) of the Auburn Local Environmental Plan 2010.



4. The application is recommended for conditional approval, subject to the conditions as provided in the attached schedule.
5. The application is referred to the Cumberland Local Planning Panel for determination as the development is proposed on land for which Council is the landowner, resulting in a conflict of interest.

## REPORT:

### *Subject Site and Surrounding Area*

The subject site comprises Lots 1 and 2 in DP 581438 and has a total area in the order of 6.5 hectares. Improvements on the site include the existing PCYC building (the subject of this application), netball courts, basketball courts, oval and indoor basketball centre on Lot 1 and an existing single storey brick and tile building, with an attached awning, which is used as Netball Clubhouse on Lot 2. Other improvements across the site include picnic shelters, amenities and car parking. Car parking associated with the PCYC building is across both Lots 1 and 2.



Figure 1: Aerial view of subject site – Lots 1 & 2 DP 581438 outlined red and the existing PCYC building shaded blue



Lots 1 and 2 in DP 581438 form part of a larger landholding, bound by Olympic Drive, Church Street, Boorea Street and Percy Street which comprises Wyatt Park. The total area of Wyatt Park is 216,352m<sup>2</sup> and Lots 1 and 2 are situated in the north-western portion of the park. Other features within Wyatt Park include:

- Lidcombe Oval;
- Netball Clubhouse;
- Auburn Youth Centre;
- Netball Courts;
- Auburn Basketball Centre; and
- Auburn Ruth Everuss Aquatic Centre.

The park is utilised for a range of passive and active recreation uses.

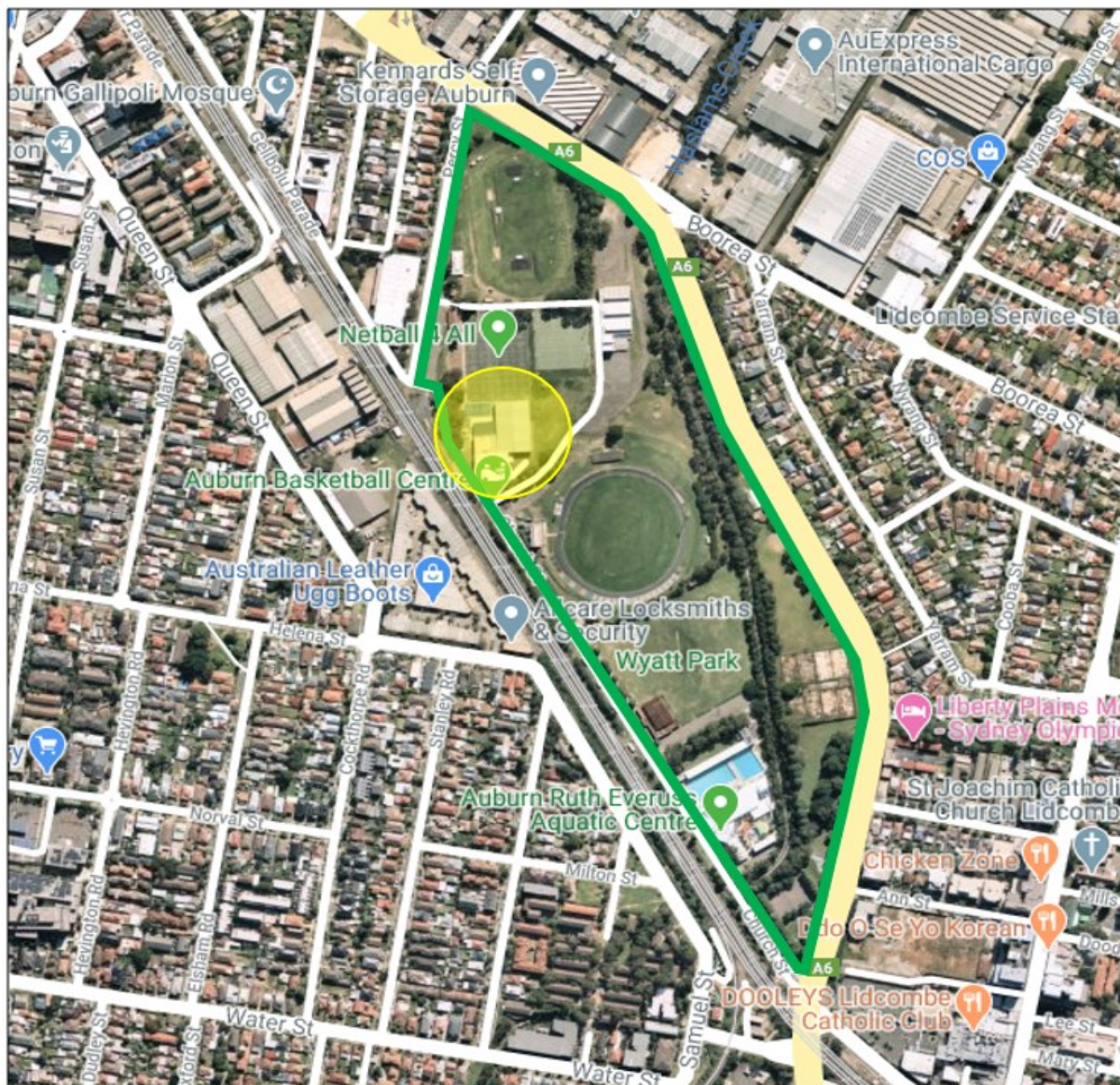


Figure 2: Locality Plan of subject site in relation to Wyatt Park - Wyatt Park outlined in green and location of the existing PCYC building denoted by yellow circle

### **Background**

On 2 May 2014 Council granted development consent to DA2014/91, for alterations and additions to the Anne Clarke Netball Centre for purpose of a community facility for use by the Police Citizens Youth Club (PCYC). The existing PCYC building has the approved hours of operation of 6am to 11pm daily and a total of 50 off-street car parking spaces were approved for the development.

There have been two (2) subsequent modifications to DA2014/91, namely to address the preparation of food at the premises, use of public address system, car parking layout and internal alterations, including the installation of a kitchen.

The premises is currently subject to a lease agreement with Council, as delineated in the plan below. This lease is currently valid to 31 March 2036.

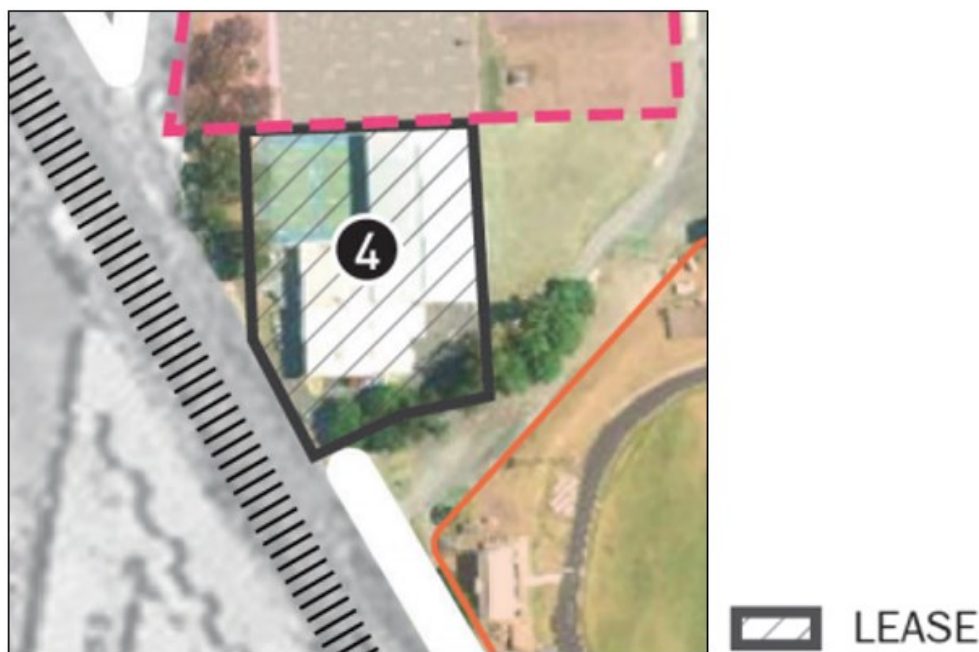


Figure 3: Existing PCYC lease boundary shown hatched (extract of Draft Wyatt Park Plan of Management)

### **Description of the Proposed Development**

Council has received a development application seeking consent for the use of part of the existing PCYC building as an out of school hours care facility.

The existing PCYC building comprises a community facility which provides sporting, recreation and youth support services to the community.

Consent is sought as part of this application to utilise part of the existing PCYC building for the purpose of an out of school hours care facility for a maximum of 60 children. Kidzcare, a government-subsidised after-school and vacation care program for



children from Kindergarten to Year 6, inclusive, are proposing to operate from the site. The proposed out of school hours and vacation care use will utilise part of the existing PCYC building, with no works proposed as part of this application.

The existing ground floor amenities, canteen and office will be used as well as the first floor amenities and three existing rooms, as illustrated in Figure 3 below.

The proposed hours of operation are 3pm to 6pm during school term and 8.30am to 5.30pm Monday to Friday in school holiday periods. During these hours children are involved in a number of organised games and activities, including physical and creative activities in a social environment.

The facility proposes to operate a minibus service, which collects children from school of an afternoon and transports them to the out of school hours care facility, with parents then collecting children from the facility.

The minibus would drop the children off at the far side of the building and walk the children around the rear of the building to the entrance. This location was informed by a risk assessment which determined that the location of bus drop off is less congested, with minimal parked cars and is a better location for the bus to turn around safely.



Figure 4: Proposed minibus drop off point with children to be walked around the rear of the building to the entrance (Warwick Stimson)

No signage is proposed and no vegetation removal is proposed.

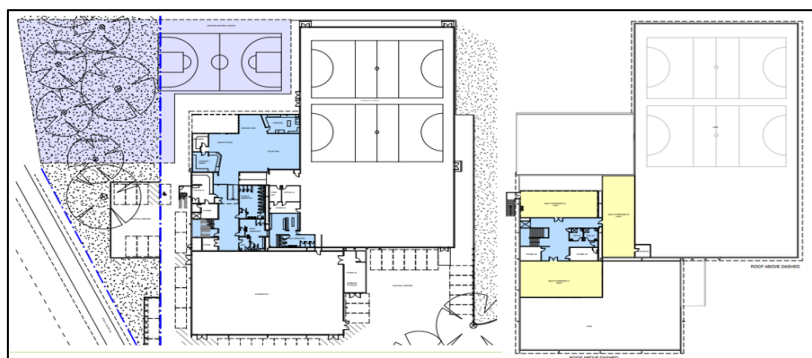


Figure 5: Proposed use of existing building – ground floor amenities, office and canteen shaded light blue, outdoor space shaded dark blue and first floor indoor play rooms shaded yellow with associated first floor amenities shaded light blue (Nimbus Architecture + Heritage)

An outdoor play area has been proposed including the existing netball court area adjacent to the building as well as a vegetated area to the west of the netball court. It is acknowledged that the vegetated area is beyond the area of the existing PCYC lease. For this reason, as well as the future plans identified for the vegetated area in Council's Draft Wyatt Park Plan of Management (POM), the netball court area has been considered for the purpose of outdoor play area, as discussed further in this report.

### ***Applicants Supporting Statement***

The applicant has provided a Statement of Environmental Effects prepared by Stimson & Baker Planning dated January 2019 and was received by Council on 12 March 2020, 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 and therefore can be supported subject to recommended conditions of consent.

#### Building Surveyor

The development application was referred to Council's Building Surveyor for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent. Council's Building Surveyor has confirmed that the existing building class does not change, i.e. it remains Class 9b.

#### Landscape

The development application was referred to Council's Tree Management Officer for comment who has reviewed the proposed development having regard to the provisions of Council's Draft Wyatt Park POM (Revision 3, 2018) and advised the following:

- the current proposal conforms with the multi use compatibility objectives outlined in the draft POM, particularly in relation to the retrofitting and re-purposed use of an existing built structure.

- Other relevant objectives of the POM include minimisation of fencing generally.
- The Landscape Masterplan within the draft POM proposes a public play facility in the near vicinity to the proposed outdoor area. Whilst the proposed public play facility and outdoor area are compatible, dividing the space with a fence enclosure would not be a favourable outcome.
- The Draft POM, Figure 7 (p.54): Existing and recently expired use and management agreements, details a Police Citizens Youth Club NSW (expires 31.03.36) lease area which does not fully coincide with the proposed outdoor area as proposed in the application. The contradiction between the proposed outdoor area and current lease area needs to be reviewed and/or rationalised.

Having regard to the above, as part of the assessment process, it has been deemed necessary to amend the proposed scope of the outdoor play area, to ensure that it is contained within the existing lease boundary, i.e. the netball court area. The area is identified in the Draft POM for a future public play facility. Further, the landscape comments stating that the fencing of this space would not present a favourable outcome, raises concerns with respect to the safety of children in this area, due to the proximity of the vegetated area to the existing car parking area, being in the order of 5 metres. For these reasons, it is considered appropriate to reduce the scope of the play area and a condition of consent has been recommended accordingly.

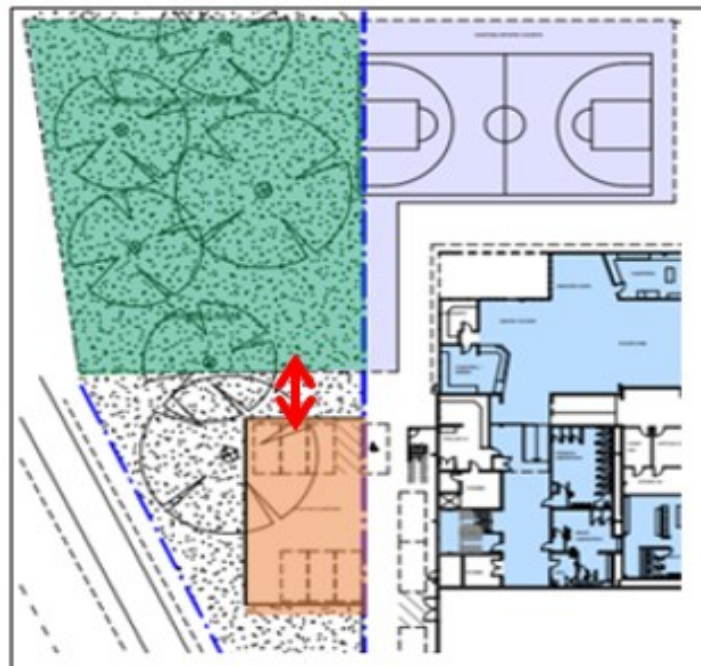


Figure 6: Proposed vegetated outdoor play area shaded green and existing carparking area shaded orange, to demonstrate distance of proposed play area to carpark

#### Environmental Health Unit

The development application was referred to Council's Environmental Health Unit for comment who have advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

### External Referrals

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

### PLANNING COMMENTS

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

##### State Environmental Planning Policies

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

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

Clause 7 of SEPP 55 requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development. The matters listed within Clause 7 have been considered in the assessment of the development application.

Figure 4 – SEPP 55 Compliance 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
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



Matter for Consideration	Yes/No
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>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.</p> <p>It is acknowledged that the application was accompanied by a Preliminary Site Investigation (PSI) prepared by Geotechnique Pty Ltd, which provided a contamination assessment for the vegetated land to the west of the existing netball courts, proposed to be included in the outdoor play area. Through the assessment of the application, it was determined that, as this area is beyond the existing PCYC lease area, this land would not form part of the recommended approved development.</p> <p>On this basis, the site is considered suitable for the proposed development, having regard to the provisions of Clause 7 of SEPP 55.</p>	

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

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

*Clause 85 – Development adjacent to railway corridors*

The site is adjacent to an existing rail corridor and the development has been assessed against the provisions of Clause 85(1). The development is not likely to have an adverse effect on rail safety; no works are proposed and the development is seeking consent for the use of part of the existing building. Further, the development does not involve the placing of a metal finish, will not involve the use of a crane in airspace above the rail corridor and is not located within 5 metres of an exposed overhead electricity powerline that is used for the purpose of railways or rail infrastructure facilities.

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

The proposed development does not involve any excavation works to a depth of 2 metres and the provisions of Clause 86 are therefore not applicable.

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

The proposed development is for the purpose of a centre-based child care facility and the provisions of Clause 87 are therefore applicable. The application has been reviewed by Council's Environmental Health Unit (EHU) who have advised that taking into account the specifics of this proposal and the NSW Planning document Development near rail corridors and busy roads – Interim Guideline,

the EHU will not be requesting a formal acoustic assessment as it is satisfied that it is unlikely that the proposed development will be adversely impacted by rail noise or vibration at this site.

*Clause 101 – Frontage to classified road*

The development does not maintain a frontage to a classified road and the provisions of Clause 101 of the ISEPP are therefore not applicable.

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

The application is not subject to clause 102 of the ISEPP.

*Clause 104 – Traffic generation developments*

The development is not traffic generating development, pursuant to the provisions of Schedule 3 of the ISEPP and Clause 104 is therefore not applicable.

**(c) State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 – (Education SEPP)**

The Education 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 the provisions of Part 3 of the Education SEPP are applicable to this application. In this regard, the relevant provisions of Part 3 are discussed below:

Requirement	Yes/No	Comments						
<b>Part 3 Early education and care facilities—specific development controls</b>								
<b>22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development</b> (1) This clause applies to development for the purpose of a centre-based child care facility if:  (a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the <u>Education and Care</u>	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.  Complies. The proposal is consistent with these clauses as follows:  <u>Indoor</u> <table border="1"> <tr> <th>Required per child</th><th>3.25m<sup>2</sup></th><th>Proposed</th></tr> <tr> <td>60 x 3.25 = 195m<sup>2</sup></td><td></td><td>416m<sup>2</sup></td></tr> </table>	Required per child	3.25m <sup>2</sup>	Proposed	60 x 3.25 = 195m <sup>2</sup>		416m <sup>2</sup>
Required per child	3.25m <sup>2</sup>	Proposed						
60 x 3.25 = 195m <sup>2</sup>		416m <sup>2</sup>						

Requirement	Yes/No	Comments				
<p><u>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>It is noted that a condition of consent has been recommended requiring the installation of storage in the three play rooms. Given the excess of indoor space provided, the installation of the storage will still result in the proposal achieving compliance with this requirement.</p> <p>Outdoor</p> <table><tr><th>Required 7m<sup>2</sup> per child</th><th>Proposed</th></tr><tr><td>60 x 7 = 420m<sup>2</sup></td><td>561m<sup>2</sup></td></tr></table> <p>Indoor and outdoor space has been calculated in accordance with the requirements, i.e. only unencumbered space has been included towards the area calculations.</p> <p>It is noted that the outdoor space area has been reduced to the existing netball court area, to ensure that the play area is wholly contained within the existing PCYC lease boundary, the area above reflects the amended area.</p>	Required 7m <sup>2</sup> per child	Proposed	60 x 7 = 420m <sup>2</sup>	561m <sup>2</sup>
Required 7m <sup>2</sup> per child	Proposed					
60 x 7 = 420m <sup>2</sup>	561m <sup>2</sup>					
<p><b>23 Centre-based child care facility—matters for consideration by consent authorities</b></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>	Yes	<p>An assessment of the development against the provisions of the Child Care Planning Guideline is provided at Attachment 3 to this report.</p>				
<p><b>24 Centre-based child care facility in Zone IN1 or IN2—additional matters for consideration by consent authorities</b></p>	N/A	<p>Subject site is not located in these zones.</p>				
<p><b>25 Centre-based child care facility—non-discretionary development standards</b></p>	Noted					

Requirement	Yes/No	Comments
<p>(1) The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.</p> <p>(2) The following are non-discretionary development standards for the purposes of section 4.15 (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:</p> <p>(a) location—the development may be located at any distance from an existing or proposed early education and care facility,</p> <p>(b) indoor or outdoor space</p> <p>(i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or</p> <p>(ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation</p>	<p>Noted</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>	<p>Complies as discussed above.</p> <p>N/A</p> <p>The site is considered to be of a suitable area and width to</p>

Requirement	Yes/No	Comments
<p>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>accommodate the proposed out of school hours care facility.</p>
<p><b>26 Centre-based child care facility—development control plans</b></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>Noted</p>	

Requirement	Yes/No	Comments
<p>(a) operational or management plans or arrangements (including hours of operation),</p> <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 Attachment 3 to this report.

#### Regional Environmental Plans

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

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

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



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

### Local Environmental Plans

#### **Auburn Local Environmental Plan 2010**

The provision of the Auburn Local Environmental Plan 2010 (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 RE1 Public Recreation land use zone.

#### **(a) Permissibility:-**

The proposed development is comprises the use of part of the existing PCYC building as a 'centre-based child care facility', which includes 'out-of-school-hours care (including vacation care)':

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)),
  - i)

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 development is therefore permissible with consent in the RE1 land use zone.

The applicable clauses and relevant matters to be considered under the ALEP 2010 for the proposed development are summarised below.

Auburn LEP 2010 Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.3 Height of Buildings - Nil	N/A	Whilst no maximum building height is applicable to the site, it is acknowledged that the existing approved building height does not change as a result of the development.
4.4 Floor Space Ratio - Nil	N/A	The development comprises the use of part of the existing building, with no additional floor space proposed.
5.10 Heritage Conservation	Y	<p>The site comprises land that is within a heritage item of local significance, being park land bounded by Olympic Drive and Boorea Street, Percy Street and Church Street. The item comprises 'Wyatt Park, Haslams Creek, Lidcombe Pool, Lidcombe Oval, Stormwater Drain' (Item no. 140).</p> <p>Whilst the building the subject of this application is not explicitly identified in the heritage listing, as the site itself forms part of the heritage item.</p> <p>Having regard to the provisions of Clause 5.10(4), it is acknowledged that no building works are proposed as part of this application, which would alter the external fabric or appearance of the existing building, from what was approved pursuant to DA2014/91.</p> <p>On this basis, the development is not considered to have any impact on the heritage item, having regard to the provisions of Clause 5.10(4).</p>

6.1 Acid sulfate soils – Class 5	Y	The proposed development will not impact the Class 5 acid sulfate soil affectation of the site, as no works are proposed.
6.2 Earthworks	N/A	No works are proposed.
6.3 Flood planning	Y	The site is identified as being within a flood planning area. Council's Development Engineering department has reviewed the proposed development and recommended a condition of consent requiring a flood advice letter to be obtained from Council and the preparation of a Flood Evacuation Plan, prior to the use of the building. This satisfactorily addresses the flooding affectation of the site.
6.4 Foreshore building line	N/A	Haslams Creek traverses the eastern boundary of Wyatt Park and the eastern boundary of the park is identified as comprising land below the foreshore line. The proposed development is considered to be sufficiently removed from the foreshore building line so as not to be impacted. Further, the development is proposing the use of an existing building, with no structural changes proposed.

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

**(a) Draft Cumberland Local Environmental Plan 2020**

The Draft Cumberland Local Environmental Plan 2020 (Draft CLEP) has been prepared by Cumberland City Council to provide a single planning framework for the future planning of Cumberland City. The changes proposed seek to harmonise and repeal the three existing LEPs currently applicable to the Cumberland local government area, those being:

- Holroyd Local Environmental Plan 2013;
- Parramatta Local Environmental Plan 2011; and
- Auburn Local Environmental Plan 2010.

The current planning controls for the subject site, as contained within the ALEP 2010, are not proposed to change under the Draft CLEP.

**(b) Draft State Environmental Planning Policy (Environment)**

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

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

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

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

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

The Auburn Development Control Plan 2010 (ADCP 2010) provides guidance for the design and operation of development to achieve the aims and objectives of the ALEP 2010.

The following parts of the ADCP 2010 are applicable to the proposed development:

- Child Care Centres
- Parking and Loading; and
- Waste.

Having regard to the Parking and Loading section of the ADCP 2010, the existing approved 50 car parking spaces approved under DA2014/91 are considered adequate for the following reasons:

The proposed use has capacity for a total of 60 children, which equates to the need for 15 car parking spaces, at a rate of 1 space per 4 children.

Given that the proposed use generates the requirement for 15 car parking spaces through occupying part of the approved PCYC building, the existing approved 50 car parking spaces on the site are considered acceptable for the following reasons:

- the service will operate a minibus to transport children to the facility, reducing the number of vehicles attending the site between the 3pm and 6pm period;
- parent pick up times are likely to be staggered and comprise short stays;
- the existing basketball and gymnastics uses are the biggest programs in the afternoons. These programs do not start until after 4pm and run through past 7pm, reducing the potential for conflict with pick up from the out of school hours and vacation care use.

Further, the minibus operation proposes to drop the children off at the far side of the building and walk the children around the rear of the building to the entrance. This location was informed by a risk assessment which determined that the location of bus drop off is less congested, with minimal parked cars and is a better location for the bus to turn around safely.

A comprehensive assessment and compliance table is contained in Attachment 4.

The proposed development generally complies with the provisions of Council's ADCP 2010 and is considered acceptable from an environmental planning view point.

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

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

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

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

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

The development comprises the use of the existing PCYC building, with no works proposed and no vegetation removal proposed. Further, the development has been assessed against the heritage provisions of the ALEP 2010 and are not considered to impact on the heritage item.

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 ADCP 2010, the proposal was publicly notified for a period of fourteen (14) days between 6 May 2020 and 20 May 2020. The notification generated no submissions.

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

The proposed development provides an out of school hours and vacation care service for children and parents within the local government area, which compliments the existing community use operating from the site.

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 contribute positively to the public interest.

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

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

**Comments:**

The development does not require the payment of contributions in accordance with Council's Contributions Plan.

***Disclosure of Political Donations and Gifts***

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

**CONCLUSION:**

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The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, SEPP 55, ISEPP, Education SEPP, Draft Cumberland LEP 2020, ALEP 2010 and ADCP 2010 and is considered to be satisfactory for approval, subject to conditions.

The proposed development is appropriately located within the RE1 land use zone under the relevant provisions of the ALEP 2010. The proposal is consistent with all statutory and non-statutory controls applying to the development. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

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



**REPORT RECOMMENDATION:**

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1. That Development Application No. DA2019/0524 for the fitout and use of a portion of the existing Police Citizens Youth Club (PCYC) as an out of school hours care facility on land at Wyatt Park, Church Street LIDCOMBE NSW 2141 be approved subject to attached conditions.

**ATTACHMENTS**

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1. Draft Notice of Determination [↓](#)
2. Architectural Plans [↓](#)
3. Childcare Planning Guidelines Assessment [↓](#)
4. Auburn DCP 2010 Assessment Table [↓](#)



DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP031/20

Attachment 1  
Draft Notice of Determination





## DEVELOPMENT APPLICATION NOTICE OF DETERMINATION

Under the *Environmental Planning and Assessment Act, 1979*  
(Section 4.18(1))

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**Development Application No:** DA2020/0154

**Applicant:** Stimpson & Baker Planning  
PO Box 1912  
PENRITH NSW 2751

**Property Description:** Wyatt Park Church Street LIDCOMBE NSW 2141  
Lot 1 in DP 581438  
Lot 2 in DP 581438

**Development:** Fitout and use of a portion of the existing Police Citizens Youth Club (PCYC) as an out of school hours care facility

**Determination**  
Pursuant to Sections 4.18(1) of the Act, Council advises that the development application has been determined by:

- **Granting of Consent** subject to the conditions attached on the following page(s)

**Determination Date:** 10 June 2020

**By:** Cumberland Local Planning Panel

### Right of Appeal

Sections 8.7 and 8.10 of The Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the land and environment court within 6 months of the date of this notice.

**NOTE:** This Consent is generally valid for a period of 5 years effective from the date of this notice, unless specified otherwise by Section 4.53 of the Act, or by conditions.

Michael Lawani

**COORDINATOR DEVELOPMENT ASSESSMENT**

**Date:** 10 June 2020

In accordance with Section 4.59 of the *Environmental Planning and Assessment Act, 1979*, any person may question the validity of this consent in legal proceedings commenced in the Land and Environment Court within 3 months of the date of publication of the notice.

## CONDITIONS OF CONSENT

### GENERAL CONDITIONS

#### 1. 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)

#### 2. 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.

<b>Reference/Dwg No</b>	<b>Title/Description</b>	<b>Rev</b>	<b>Prepared By</b>	<b>Dated</b>
1860 DA100	Site Plan (As amended)	A	nimbus architecture + heritage	15/03/2019
1860 DA101	Proposed Ground Floor Plan	A	nimbus architecture + heritage	15/03/2019
1860 DA102	Proposed First Floor Plan	A	nimbus architecture + heritage	15/03/2019

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

#### 3. Child Care Centre

This approval is given for the use of the land for the purposes of an out of school hours and vacation care facility with a maximum of 60 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)

#### 4. Retention of hardstand surfaces

This consent only permits use of the existing hardstand surfaces and sport courts as part of the development. Intrusive ground excavations and/or any works that may compromise the integrity of the existing hardstand surfaces covering the site are not approved, and existing slabs and hardstand areas must be retained and maintained in their original form.

Should the slabs or any hardstand areas be damaged or disturbed at any time, an appropriately qualified Environmental Consultant must inspect the site immediately and undertake a detailed environmental site investigation in accordance with EPA guidelines. A report summarising the results of this investigation, including a statement as to the ongoing suitability of the site for the approved use, must be furnished to Cumberland City Council.

(Reason: environmental health)

#### 5. Waste Management

Waste management shall be undertaken in accordance with the arrangements approved under DA2014/91.

(Reason: waste management)

### PRIOR TO COMMENCEMENT OF APPROVED USE

#### 6. Plan of Management

Prior to the operation of the approved use, a Plan of Management is to be prepared and approved by Council. Once approved, this Plan of Management is to be implemented and adhered to for the duration of the operation of the development approved by this consent.



The Plan of Management is to be regularly reviewed and updated, as required, to reflect any changes to the operation of the use. Any changes to the Plan of Management are to be reviewed and approved by Council, prior to implementation.

(Reason: To protect amenity)

**7. Compliance with NCC**

Prior to the operation of the approved use, documentation addressing how the development complies with NCC requirements relating to amenities and exits is to be provided to Council for approval.

(Reason: Compliance with the NCC)

**8. Flood Risk Management**

The development shall comply with Chapter 6 of Council's 'Auburn Development Control Plan 2010 - Stormwater Drainage'. In this regard:

- a) A Flood advice letter shall be obtained from Council. Floor levels shall comply with Flood advice letter and Council's DCP.
- b) A Flood Evacuation Plan shall be prepared by a suitably qualified person. The flood risk management plan shall be in force at all times.
- c) Supporting documents shall be prepared in order to ensure that the development complies with the controls nominated in Table 5 Auburn Development Control Plan 2010 - Stormwater Drainage.
- d) Details shall be submitted to and approved by Council prior to the operation of the approved use within the building.

(Reason: to reduce flood risk to the people and properties)

**9. Electrical Equipment**

All Electrical and flood sensitive equipment shall be located no lower than 1 in 100 year flood level plus freeboard.

The above details shall be submitted to and approved by Council prior to operation of the approved use within the building.

(Reason: to minimise the flood risk to persons and property)

**10. Storage**

Storage facilities are to be installed in each of the play rooms to provide storage for children's belongings, e.g. school bags. These are to be installed prior to the operation of the approved use within the building.

(Reason: To provide storage areas within the play rooms)

**11. Evacuation Plan - Child Care Centres**

Prior to the operation of the approved use, 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.

(Reason: Safety)

**12. Notification of Food Business**

Prior to the operation of the approved use, 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](http://www.cumberland.nsw.gov.au).

(Reason: Registration and notification to relevant authorities)

**CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT**

**13. Hours of Business Operation**

The hours of operation are restricted to between:

- a) 3pm to 6pm Monday to Friday during the school term; and
- b) 8.30am to 5.30pm Monday to Friday in school holiday periods.

(Reason: Ensure business operates between approved hours)

**14. 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)

**15. Air Emissions**

The use of the premises shall not give rise to air pollution or and an odour nuisance as defined by the Protection of the Environment Operations Act 1997 and waste gases shall not be hazardous or harmful to human health or the environment.

(Reason: To protect human health and the environment)

**16. General Noise Emission Criteria**

- a) Noise from the development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI).
- b) Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI.
- c) An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 minute (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
  - i. The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.
  - ii. Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.

Corrections in Fact Sheet C of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

(Reason: To protect residential amenity)

**17. No speakers or Amplified Sound Equipment Outside**

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the external/outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(Reason: To protect residential amenity)

**18. Vehicle Access**

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

(Reason: Traffic and pedestrian safety)

**19. Noise**

The use of the premises shall not create "offensive noise" as defined in the provisions of the *Protection of the Environment Operations Act 1997*.

(Reason: to protect amenity)

**20. Outdoor play area**

The approved area of outdoor play area is restricted to the area delineated green on the endorsed Site Plan.

(Reason: to clarify terms of approval)

**21. Notification of New Contamination Evidence**

- (a) Any new information which comes to light during the use of the premises which has the potential to alter previous conclusions about site suitability and contamination must be notified to the Principal Certifier and Cumberland City 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 City Council by the Auditor confirming the site is now suitable for the proposed use.

(Reason: To ensure controls are in place for contamination management)

## ADVISORY NOTES

### 22. 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](http://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.



### 23. 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>.

### 24. 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.

### 25. 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'.

### 26. DAANN13 - Work Health and Safety

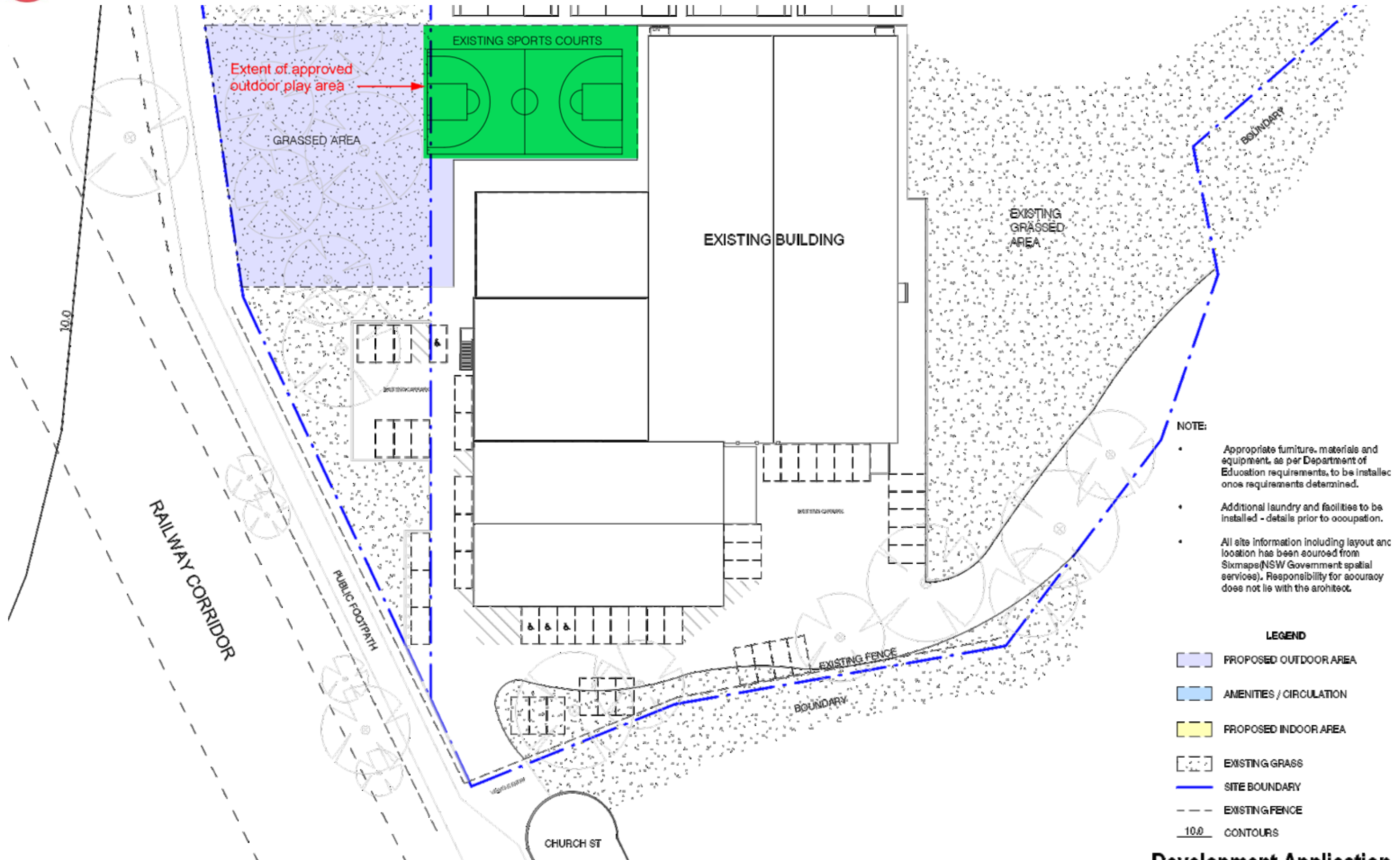
For information regarding, codes of practice and guidelines regarding demolition and construction work, visit the SafeWork NSW website at [safework.nsw.gov.au/your-industry/construction](http://safework.nsw.gov.au/your-industry/construction), or phone 13 10 50.

DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP031/20

Attachment 2  
Architectural Plans







OYC Auburn - Proposed OOSH  
Wyatt Park: Church St, Lidcombe NSW 2141

For: Stimson and Baker Planning  
Project Status: Development Application

**nimbus**  
architecture + heritage

**nimbus**  
Architecture and Heritage Pty Ltd  
Nominated Architect: Jesse Mowbray (NSW Registration No. 6616)  
ABN 71 609 348 865  
Email: admin@nimbusarch.com

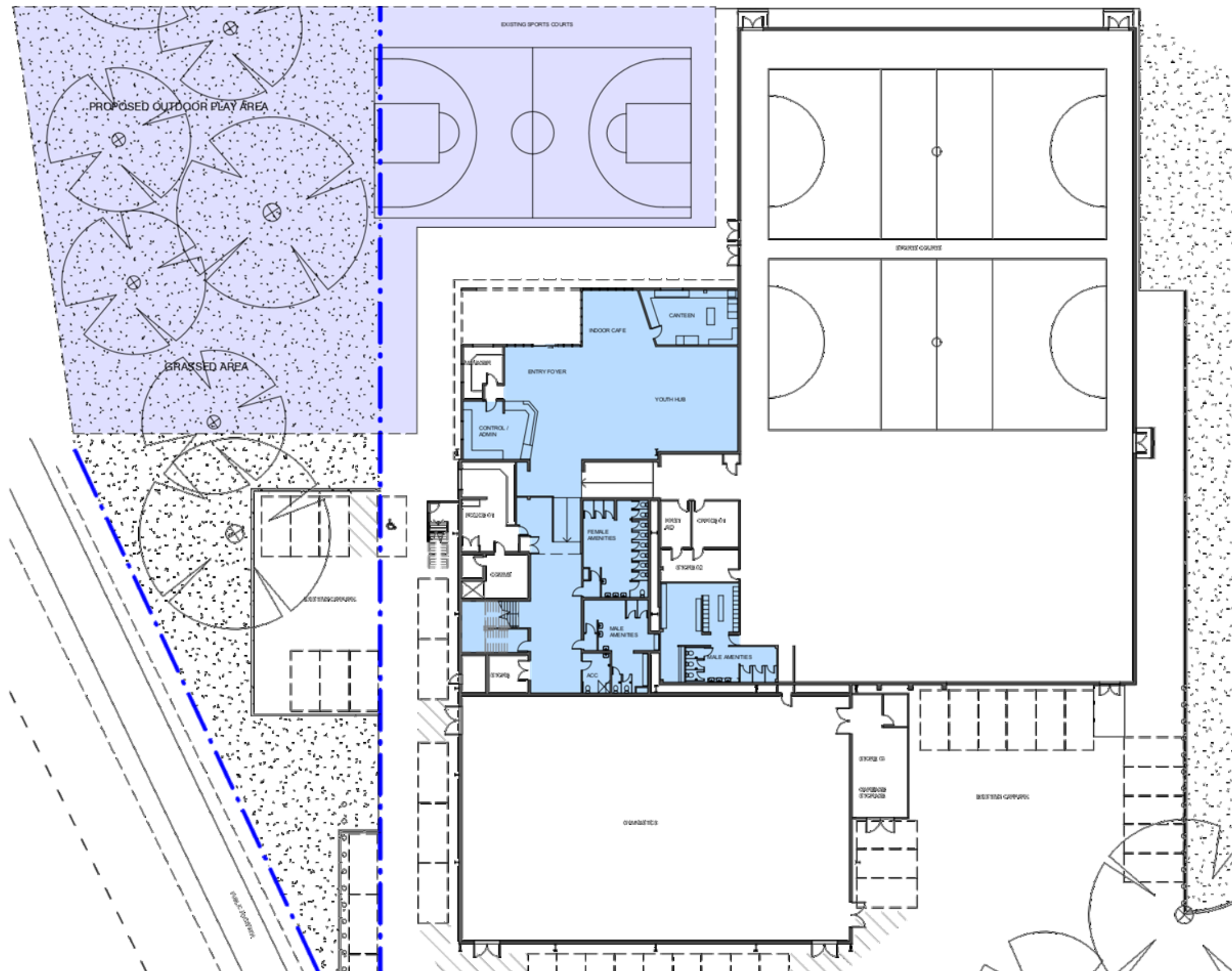


## Development Application

Date: 18/03/2019 3:37:21 PM  
Scale: 1:500

Site Plan

Drawing Number: 1000



**NOTE:**

- Appropriate furniture, materials and equipment, as per Department of Education requirements, to be installed once requirement determined.
- Additional laundry and facilities to be installed - details prior to occupation.
- All site information including layout and location has been sourced from Sixmaps (NSW Government spatial services). Responsibility for accuracy does not lie with the architect.

**LEGEND**

- PROPOSED OUTDOOR AREA
- AMENITIES / CIRCULATION
- PROPOSED INDOOR AREA
- EXISTING GRASS
- SITE BOUNDARY
- EXISTING FENCE
- 10.0 CONTOURS

20CYC Auburn - Proposed OOSH  
Wyatt Park: Church St, Lidcombe NSW 2141

for: Stimson and Baker Planning  
Project Status: Development Application

**nimbus**  
architecture + heritage



Nimbus Architecture and Heritage Pty Ltd  
Nominated Architect: Jesse Mowbray (NSW Registration No. 8618)  
ABN 71 609 348 985  
Email: admin@nimbusarch.com



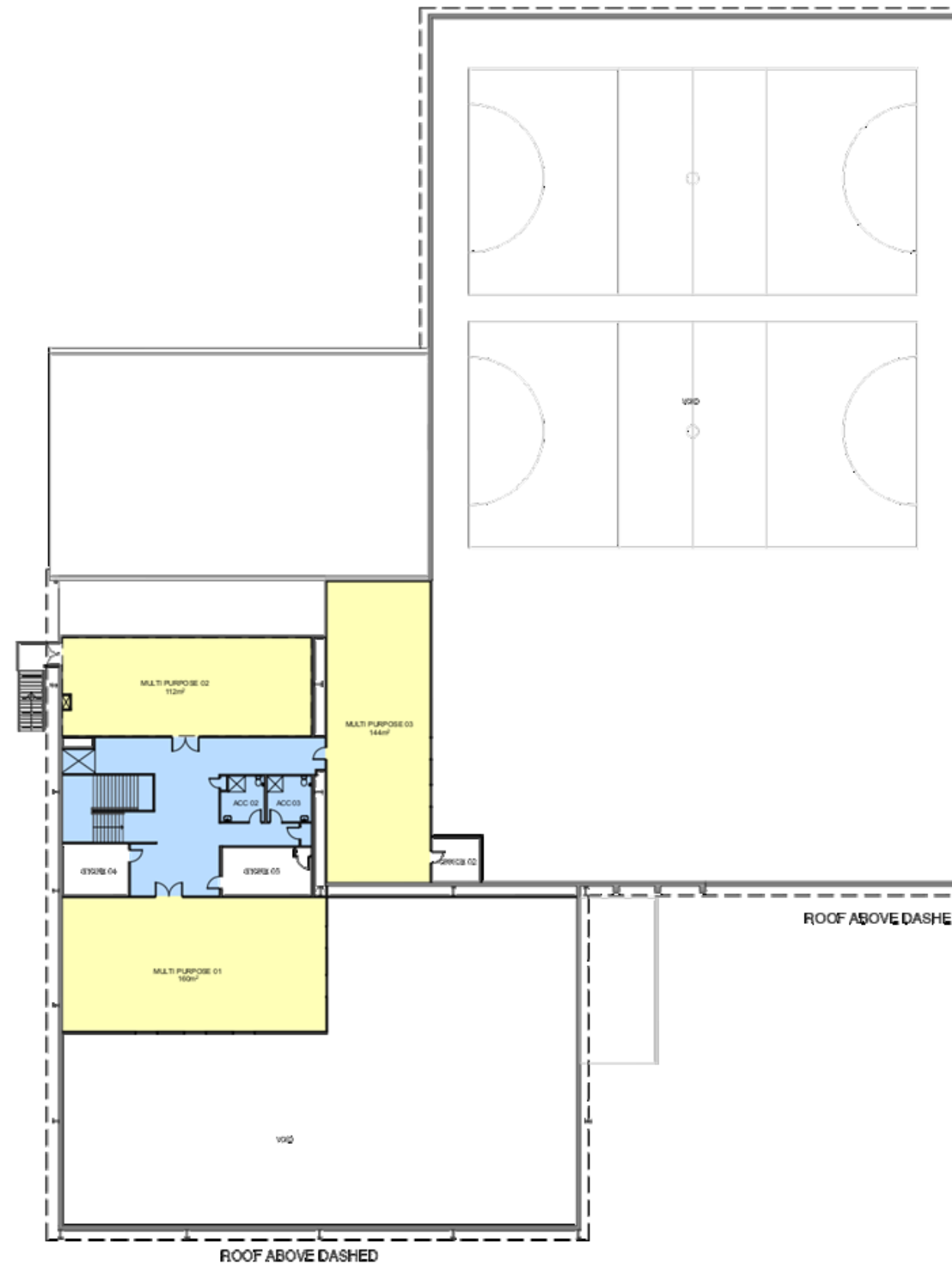
**Development Application**

Date: 15/03/2019 3:37:24 PM  
Scale: 1:350

(A3)

**Proposed Ground Floor Plan**

Drawing Number: 1000



**NOTE:**

- Appropriate furniture, materials and equipment, as per Department of Education requirements, to be installed once requirement determined.
- Additional laundry and facilities to be installed - details prior to occupation.
- All site information including layout and location has been sourced from Sixmaps (NSW Government spatial services). Responsibility for accuracy does not lie with the architect.

**LEGEND**

- PROPOSED OUTDOOR AREA
- AMENITIES / CIRCULATION
- PROPOSED INDOOR AREA
- EXISTING GRASS
- SITE BOUNDARY
- EXISTING FENCE
- CONTOURS

CCYC Auburn - Proposed OOSH  
Wyatt Park: Church St, Lidcombe NSW 2141

For: Stimson and Baker Planning  
Project Status: Development Application

**nimbus**  
architecture + heritage



Nimbus Architecture and Heritage Pty Ltd  
Nominated Architect: Jesse Mowbray (NSW Registration No. 8618)  
ABN 71 609 346 985  
Email: admin@nimbusarch.com



**Development Application**

Date: 10/06/2019 3:37:26 PM  
Scale: 1 : 350

(A3)

**Proposed First Floor Plan**

Drawing Number:





**DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP031/20**

**Attachment 3  
Childcare Planning Guildelines  
Assessment**





**ATTACHMENT 3 – Childcare Planning Guideline Assessment**

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

Requirement	Yes/No	Comments
<b>Part 2 - Design quality principles</b>		
<b>Principle 1 - Context</b> 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.	Yes	The proposed facility is utilising part of the existing PCYC community facility building which is located in Wyatt Park. The proposed use complements the existing use of the building and the site is readily capable of accommodating the proposed use.
<b>Principle 2 - Built form</b> 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.	Yes	The proposed facility is utilising part of the existing PCYC community facility building which is located in Wyatt Park. The proposed use complements the existing use of the building and the site is readily capable of accommodating the proposed use.
<b>Principle 3 - Adaptive learning spaces</b> 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 students and different modes of learning. This includes appropriately	Yes	The internal layout ensures that there are adequate amenities for both children and adults and that there is an acceptable degree of separation between these.  The internal play areas are well designed with easy access to toilets. Adequate outdoor play area has been provided.

designed physical spaces offering a variety of settings, technology and opportunities for interaction.		
<b>Principle 4 - Sustainability</b> 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.	Yes	The facility is proposed within an existing building.
<b>Principle 5 - Landscape</b> 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.	Yes	The facility is proposed within an existing building which is located in a park.
<b>Principle 6 – Amenity</b> 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, diverse and attractive spaces to learn, play and socialise.	Yes	The facility proposes the use of part of an existing building which provides compliant indoor space and outdoor space. A condition of consent has been recommended for the installation of storage facilities in the play rooms.
<b>Principle 7 - Safety</b> Well-designed child care facilities optimise the use of the built and natural	Yes	A condition of consent has been recommended for the preparation and implementation of a POM.

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).		
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Part - 3 Matters for consideration		
3.1 Site selection and location		
<b>Objective: To ensure that appropriate zone considerations are assessed when selecting a site.</b> C1 For proposed developments in or adjacent to a residential zone, consider: <ul style="list-style-type: none"> <li>• the acoustic and privacy impacts of the proposed development on the residential properties</li> <li>• the setbacks and siting of buildings within the residential context</li> <li>• traffic and parking impacts of the proposal on residential amenity.</li> </ul>	N/A	N/A – no residential zone.
<b>Objective: To ensure that the site selected for a proposed child care facility is suitable for the use.</b> C2 When selecting a site, ensure that: <ul style="list-style-type: none"> <li>• the location and surrounding uses are compatible with the proposed development or use</li> <li>• the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards</li> <li>• there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed</li> <li>• the characteristics of the site are suitable for the scale and type of development proposed having regard to:               <ul style="list-style-type: none"> <li>- size of street frontage, lot configuration, dimensions and overall size</li> <li>- number of shared boundaries with residential properties</li> <li>- the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas</li> </ul> </li> <li>• where the proposal is to occupy or retrofit an existing premises, the interior and</li> </ul>	Yes	Existing community facility within a park.

<p>exterior spaces are suitable for the proposed use</p> <ul style="list-style-type: none"> <li>• there are suitable drop off and pick up areas, and off and on street parking</li> <li>• the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use</li> <li>• 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.</li> </ul>		
<p><b>Objective: To ensure that sites for child care facilities are appropriately located.</b> C3 A child care facility should be located:</p> <ul style="list-style-type: none"> <li>• near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship</li> <li>• near or within employment areas, town centres, business centres, shops</li> <li>• with access to public transport including rail, buses, ferries</li> <li>• in areas with pedestrian connectivity to the local community, businesses, shops, services and the like.</li> </ul>	Yes	The proposed facility is located within part of an existing community facility and complements the existing use of the building.
<p><b>Objective: To ensure that sites for child care facilities do not incur risks from environmental, health or safety hazards.</b> 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"> <li>• proximity to: <ul style="list-style-type: none"> <li>- heavy or hazardous industry, waste transfer depots or landfill sites</li> <li>- LPG tanks or service stations</li> <li>- water cooling and water warming systems</li> <li>- 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</li> <li>- extractive industries, intensive agriculture, agricultural spraying activities</li> </ul> </li> <li>• any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site.</li> </ul>	Yes	No hazards within the vicinity of the proposed facility.
3.2 Local character, streetscape and the public domain interface		
<p><b>Objective: To ensure that the child care facility is compatible with the local character and surrounding streetscape.</b> C5 The proposed development should:</p> <ul style="list-style-type: none"> <li>• contribute to the local area by being designed in character with the locality and existing streetscape</li> </ul>	Yes	Existing building is located in a park.

<ul style="list-style-type: none"> <li>• reflect the predominant form of surrounding land uses, particularly in low density residential areas</li> <li>• recognise predominant streetscape qualities, such as building form, scale, materials and colours</li> <li>• include design and architectural treatments that respond to and integrate with the existing streetscape</li> <li>• use landscaping to positively contribute to the streetscape and neighbouring amenity</li> <li>• integrate car parking into the building and site landscaping design in residential areas.</li> </ul>		
<p><b>Objective: To ensure clear delineation between the child care facility and public spaces.</b></p> <p>C6 Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> <li>• fencing to ensure safety for children entering and leaving the facility</li> <li>• 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</li> <li>• integrating existing and proposed landscaping with fencing.</li> </ul> <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 children by changes in materials, plant species and colours.</p>	Yes	The facility is proposed within an existing building.
<p><b>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.</b></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>	N/A	N/A – existing building located in a park.
3.3 Building orientation, envelope and design		
<p><b>Objective: To respond to the streetscape and site, while optimising solar access and opportunities for shade.</b></p> <p>C11 Orient a development on a site and design the building layout to:</p>	N/A	N/A – existing building located in a park.



<ul style="list-style-type: none"> <li>• ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> <li>- facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties</li> <li>- placing play equipment away from common boundaries with residential properties</li> <li>- locating outdoor play areas away from residential dwellings and other sensitive uses</li> </ul> </li> <li>• optimise solar access to internal and external play areas</li> <li>• avoid overshadowing of adjoining residential properties</li> <li>• minimise cut and fill</li> <li>• ensure buildings along the street frontage define the street by facing it</li> <li>• ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions.</li> </ul>		
<p><b>Objective: To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised.</b></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"> <li>• building height should be consistent with other buildings in the locality</li> <li>• building height should respond to the scale and character of the street</li> <li>• setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility</li> <li>• setbacks should provide adequate access for building maintenance</li> <li>• setbacks to the street should be consistent with the existing character.</li> </ul>	N/A	N/A – existing building located in a park.
<p><b>Objective: To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context.</b></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</p>	N/A	N/A – existing building located in a park.



prevailing setbacks required for a dwelling house.		
<p><b>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.</b></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"> <li>• respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage</li> <li>• contributes to the identity of the place</li> <li>• retains and reinforces existing built form and vegetation where significant</li> <li>• considers heritage within the local neighbourhood including identified heritage items and conservation areas</li> <li>• responds to its natural environment including local landscape setting and climate</li> <li>• contributes to the identity of place.</li> </ul>	N/A	N/A – existing community facility building.
<p><b>Objective: To ensure that buildings are designed to create safe environments for all users.</b></p> <p>C16 Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> <li>• located to allow ease of access, particularly for pedestrians</li> <li>• directly accessible from the street where possible</li> <li>• directly visible from the street frontage</li> <li>• easily monitored through natural or camera surveillance</li> <li>• not accessed through an outdoor play area.</li> <li>• in a mixed-use development, clearly defined and separate from entrances to other uses in the building.</li> </ul>	Yes	The entry to the centre is centrally located at the front of the building and has passive surveillance from the office rooms. The entrance is also visible from the internal access road.
<p><b>Objective: To ensure that child care facilities are designed to be accessible by all potential users.</b></p> <p>C17 Accessible design can be achieved by:</p> <ul style="list-style-type: none"> <li>• providing accessibility to and within the building in accordance with all relevant legislation</li> <li>• 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</li> <li>• 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</li> </ul>	N/A	The facility is proposed within an existing building.

<ul style="list-style-type: none"> <li>• minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.</li> </ul> <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>		
<b>3.4 Landscaping</b>		
<p><b>Objective: To provide landscape design that contributes to the streetscape and amenity.</b></p> <p>C18 Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.</p> <p>Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> <li>• reflecting and reinforcing the local context</li> <li>• incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping.</li> </ul> <p>C19 Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> <li>• planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings</li> <li>• taking into account streetscape, local character and context when siting car parking areas within the front setback</li> <li>• using low level landscaping to soften and screen parking areas.</li> </ul>	N/A	N/A – existing building is located in a park.
<b>3.5 Visual and acoustic privacy</b>		
<p><b>Objective: To protect the privacy and security of children attending the facility.</b></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"> <li>• appropriate site and building layout</li> <li>• suitably locating pathways, windows and doors</li> <li>• permanent screening and landscape design.</li> </ul>	N/A	N/A – existing building is located in a park.
<p><b>Objective: To minimise impacts on privacy of adjoining properties.</b></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"> <li>• appropriate site and building layout</li> <li>• suitable location of pathways, windows and doors</li> <li>• landscape design and screening.</li> </ul>	N/A	Existing building is located in a park.

<p><b>Objective: To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.</b></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"> <li>• 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).</li> <li>• 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.</li> </ul> <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"> <li>• identify an appropriate noise level for a child care facility located in residential and other zones</li> <li>• determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use</li> <li>• determine the appropriate height of any acoustic fence to enable the noise criteria to be met.</li> </ul>	<p>N/A</p>	<p>No building alterations proposed.</p>
<p>3.6 Noise and air pollution</p>		
<p><b>Objective: To ensure that outside noise levels on the facility are minimised to acceptable levels.</b></p> <p>C25 Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> <li>• creating physical separation between buildings and the noise source</li> <li>• orienting the facility perpendicular to the noise source and where possible buffered by other uses</li> <li>• using landscaping to reduce the perception of noise</li> <li>• limiting the number and size of openings facing noise sources</li> <li>• using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens)</li> <li>• using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits</li> <li>• locating cot rooms, sleeping areas and play areas away from external noise sources.</li> </ul> <p>C26 An acoustic report should identify appropriate noise levels for sleeping areas and other non play areas and examine</p>	<p>Yes</p>	<p>The subject site is not located near noise sources.</p>

<p>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"> <li>• on industrial zoned land</li> <li>• where the ANEF contour is between 20 and 25, consistent with AS 2021 - 2000</li> <li>• along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007</li> <li>• on a major or busy road</li> <li>• other land that is impacted by substantial external noise.</li> </ul>		
<p><b>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.</b></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"> <li>• 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</li> <li>• 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</li> <li>• incorporating ventilation design into the design of the facility.</li> </ul>	Yes	<p>The site is not in proximity to any major roads or heavy noise generating industrial uses.</p>
3.7 Hours of operation		
<p><b>Objective: To minimise the impact of the child care facility on the amenity of neighbouring residential developments.</b></p> <p>C29 Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.</p> <p>C30 Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its</p>	Yes	<p>The proposed hours of operation of 3pm to 6pm during school term and 8.30am to 5.30pm Monday to Friday in school holiday periods are considered acceptable, the development is not proposed within a residential area, it is located within a park.</p>

compatibility with adjoining and co-located land uses.		
3.8 Traffic, parking and pedestrian circulation		
<p><b>Objective: To provide parking that satisfies the needs of users and demand generated by the centre.</b></p> <p>C31 Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.</p> <p>C33 A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> <li>• the amenity of the surrounding area will not be affected</li> <li>• there will be no impacts on the safe operation of the surrounding road network.</li> </ul>	Yes	Given that the proposed use generates the requirement for 15 car parking spaces through occupying part of the approved PCYC building, the existing approved 50 car parking spaces on the site are considered adequate.
<p><b>Objective: To provide vehicle access from the street in a safe environment that does not disrupt traffic flows.</b></p> <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	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><b>Objective: To provide a safe and connected environment for pedestrians both on and around the site.</b></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"> <li>• separate pedestrian access from the car park to the facility</li> <li>• defined pedestrian crossings included within large car parking areas</li> <li>• separate pedestrian and vehicle entries from the street for parents, children and visitors</li> <li>• pedestrian paths that enable two prams to pass each other</li> <li>• delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities</li> <li>• 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 areas</li> <li>• vehicles can enter and leave the site in a forward direction.</li> </ul> <p>C38 Car parking design should:</p>	Yes	<p>Given that the proposed use generates the requirement for 15 car parking spaces through occupying part of the approved PCYC building, the existing approved 50 car parking spaces on the site are considered adequate.</p> <p>Further, the minibus operation proposes to drop the children off at the far side of the building and walk the children around the rear of the building to the entrance. This location was informed by a risk assessment which determined that the location of bus drop off is less congested, with minimal parked cars and is a better location for the bus to turn around safely.</p>

<ul style="list-style-type: none"><li>• include a child safe fence to separate car parking areas from the building entrance and play areas</li><li>• provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards</li><li>• include wheelchair and pram accessible parking.</li></ul>		
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4. Applying the National Regulations to development proposals								
A. INTERNAL PHYSICAL ENVIRONMENT								
<p>4.1 Indoor space requirements</p> <p><b>Regulation 107 Education and Care Services National Regulations</b></p> <p>Every child being educated and cared for within a facility must have a minimum of 3.25m<sup>2</sup> of unencumbered indoor space.</p> <p>Note: If this requirement is not met, the concurrence of the regulatory authority is required under the SEPP. Unencumbered indoor space excludes any of the following:</p> <ul style="list-style-type: none"> <li>• passageway or thoroughfare (including door swings) used for circulation</li> <li>• toilet and hygiene facilities</li> <li>• nappy changing area or area for preparing bottles</li> <li>• area permanently set aside for the use or storage of cots</li> <li>• area permanently set aside for storage</li> <li>• area or room for staff or administration</li> <li>• kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen</li> <li>• on-site laundry</li> <li>• other space that is not suitable for children.</li> </ul> <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>	Yes	<p>Sufficient unencumbered indoor space is provided for the proposed number of children.</p> <p>Indoor</p> <table border="1"> <thead> <tr> <th>Required</th><th>3.25m<sup>2</sup> per child</th><th>Proposed</th></tr> </thead> <tbody> <tr> <td>60 x 3.25 = 195m<sup>2</sup></td><td></td><td>416m<sup>2</sup></td></tr> </tbody> </table>	Required	3.25m <sup>2</sup> per child	Proposed	60 x 3.25 = 195m <sup>2</sup>		416m <sup>2</sup>
Required	3.25m <sup>2</sup> per child	Proposed						
60 x 3.25 = 195m <sup>2</sup>		416m <sup>2</sup>						
4.2 Laundry and hygiene facilities								

<p><b>Regulation 106 Education and Care Services National Regulations</b> 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>	Yes	Existing amenities on ground level and first floor.
<p>4.3 Toilet and hygiene facilities <b>Regulation 109 Education and Care Services National Regulations</b> 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 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>	Yes	There is an accessible staff bathroom has been provided as well as adequate children's pans.
<p>4.4 Ventilation and natural light <b>Regulation 110 Education and Care Services National Regulations</b> 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>	Yes	Sufficient light and ventilation to existing building.
<p>4.5 Administrative space <b>Regulation 111 Education and Care Services National Regulations</b> 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>	Yes	Separate Staff and Admin rooms have been provided.
<p>4.6 Nappy change facilities <b>Regulation 112 Education and Care Services National Regulations</b> Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for</p>	N/A	N/A – facility caters for children aged 5 years to 12 years.

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>4.7 Premises designed to facilitate supervision</p> <p><b>Regulation 115 Education and Care Services National Regulations</b></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 <i>National Construction Code</i>.</p>	Yes	Suitable sight lines in existing building.
<p>4.8 Emergency and evacuation procedures</p> <p><b>Regulations 97 and 168 Education and Care Services National Regulations</b></p> <p>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"> <li>• instructions for what must be done in the event of an emergency</li> <li>• an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit</li> <li>• a risk assessment to identify potential emergencies that are relevant to the service.</li> </ul>	Yes	A condition of consent has been recommended to ensure the implementation of an Evacuation Plan.
<b>B. EXTERNAL PHYSICAL ENVIRONMENT</b>		
<p>4.9 Outdoor space requirements</p> <p><b>Regulation 108 Education and Care Services National Regulations</b></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 7.0m<sup>2</sup> 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>	Yes	Sufficient external play area has been provided for the proposed number of children.

<ul style="list-style-type: none"> <li>• pathway or thoroughfare, except where used by children as part of the education and care program</li> <li>• car parking area</li> <li>• storage shed or other storage area</li> <li>• laundry</li> <li>• other space that is not suitable for children.</li> </ul> <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 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.</p>		
<p>4.10 Natural environment</p> <p><b>Regulation 113 Education and Care Services National Regulations</b></p> <p>The approved provider of a centre-based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.</p>	Yes	The outdoor play area is situated in a park setting with existing vegetation to the west.
<p>4.11 Shade</p> <p><b>Regulation 114 Education and Care Services National Regulations</b></p> <p>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.</p>	Yes	Shading is provided to the outdoor play area.
<p>4.12 Fencing</p> <p><b>Regulation 104 Education and Care Services National Regulations</b></p> <p>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</p>	N/A	It is noted that this requirement for fencing is not applicable to facilities that cater for children above preschool age.

<p>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>.</p>		
<p>4.13 Soil assessment <b>Regulation 25 Education and Care Services National Regulations</b> 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:</p> <ul style="list-style-type: none"> <li>• a soil assessment for the site of the proposed education and care service premises</li> <li>• if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken</li> <li>• 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.</li> </ul>	<p>N/A</p>	<p>N/A – existing building.</p>

### 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><b>103 Premises, furniture and equipment to be safe, clean and in good repair</b></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><b>Note.</b> A compliance direction may be issued for failure to comply with this regulation.</p>	Noted. This is a licensing requirement.
<p><b>104 Fencing</b></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 cared for at that residence or venue as part of a family day care service are over preschool age.</p> <p><b>Note.</b> A compliance direction may be issued for failure to comply with this regulation.</p>	N/A to centres that cater from children above pre-school age.
<p><b>105 Furniture, materials and equipment</b></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><b>Note.</b> A compliance direction may be issued for failure to comply with this regulation.</p>	Noted. Licensing requirement.
<b>106 Laundry and hygiene facilities</b>	



<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><b>Note.</b></p> <p>A compliance direction may be issued for failure to comply with subregulation (1) or (2).</p>	<p>N/A – laundry facility not required given operation of facility and age of children, i.e. 5 year to 12 year olds.</p>						
<p><b>107: Space requirements – Indoor space</b></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 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><b>Note.</b></p>	<p>Complies. The proposal is consistent with this requirement as follows:</p> <table><tr><th>Required child</th><th>3.25m<sup>2</sup> per</th><th>Proposed</th></tr><tr><td>60 x 3.25 = 195m<sup>2</sup></td><td></td><td>416m<sup>2</sup></td></tr></table> <p>Indoor space has been calculated in accordance with this requirement. The submitted plans provide area diagrams which clearly demonstrate compliance.</p> <p>Noted.</p>	Required child	3.25m <sup>2</sup> per	Proposed	60 x 3.25 = 195m <sup>2</sup>		416m <sup>2</sup>
Required child	3.25m <sup>2</sup> per	Proposed					
60 x 3.25 = 195m <sup>2</sup>		416m <sup>2</sup>					

<p>A compliance direction may be issued for failure to comply with subregulation (2).</p>					
<p><b>108: Space requirements – Outdoor space</b></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><b>Note.</b> A compliance direction may be issued for failure to comply with subregulation (2).</p>	<p>Complies. The proposal is consistent with this requirement as follows:</p> <table border="1" data-bbox="858 504 1284 627"> <thead> <tr> <th>Required 7m<sup>2</sup> per child</th><th>Proposed</th></tr> </thead> <tbody> <tr> <td>60 x 7 = 420m<sup>2</sup></td><td>561m<sup>2</sup></td></tr> </tbody> </table> <p>Outdoor space has been calculated in accordance with this requirement. The architectural plans denote the outdoor play areas, demonstrating compliance.</p>	Required 7m <sup>2</sup> per child	Proposed	60 x 7 = 420m <sup>2</sup>	561m <sup>2</sup>
Required 7m <sup>2</sup> per child	Proposed				
60 x 7 = 420m <sup>2</sup>	561m <sup>2</sup>				
<p><b>109 Toilet and hygiene facilities</b></p> <p>The approved provider of an education and care service must ensure that—</p> <p>(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</p> <p>(b) the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.</p>	<p>Complies. Adequate toilet pans and facilities have been provided for children.</p>				
<p><b>110 Ventilation and natural light</b></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"> <li>(a) are well ventilated; and</li> <li>(b) have adequate natural light; and</li> <li>(c) are maintained at a temperature that ensures the safety and wellbeing of children.</li> </ul> <p>Penalty: \$2000.</p> <p><b>Note.</b> A compliance direction may be issued for failure to comply with this regulation.</p>	Complies.
<b>Division 2 – Additional requirements for centre-based services</b>	
<p><b>111 Administrative space</b></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"> <li>(a) conducting the administrative functions of the service; and</li> <li>(b) consulting with parents of children; and</li> <li>(c) conducting private conversations.</li> </ul> <p><b>Note.</b> A compliance direction may be issued for failure to comply with this regulation.</p>	Complies. Separate Staff and Administration rooms have been provided.
<p><b>112 Nappy change facilities</b></p> <ul style="list-style-type: none"> <li>(1) This regulation applies if a centre-based service educates and cares for children who wear nappies.</li> <li>(2) The approved provider of the service must ensure that adequate and appropriate hygienic facilities are provided for nappy changing.</li> <li>(3) Without limiting subregulation (2), the approved provider of the service must ensure that the following are provided— <ul style="list-style-type: none"> <li>(a) if any of the children are under 3 years of age, at least 1 properly constructed nappy changing bench; and</li> <li>(b) hand cleansing facilities for adults in the immediate vicinity of the nappy change area.</li> </ul> </li> </ul> <p>Penalty: \$1000.</p> <ul style="list-style-type: none"> <li>(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.</li> </ul> <p><b>Note.</b> A compliance direction may be issued for failure to comply with this regulation.</p>	N/A- the facility caters for children aged 5 years to 12 years.
<p><b>113 Outdoor space – natural environment</b></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><b>Example.</b> The use of natural features such as trees, sand and natural vegetation.</p> <p><b>Note.</b></p>	Complies – site is situated within a park.

<p>A compliance direction may be issued for failure to comply with this regulation.</p>	
<p><b>114 Outdoor space – shade</b></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><b>Note.</b> A compliance direction may be issued for failure to comply with this regulation.</p>	<p>Complies. Shade devices have been provided in the outdoor play area.</p>
<p><b>115 Premises designed to facilitate supervision</b></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><b>Note.</b> A compliance direction may be issued for failure to comply with this regulation.</p>	<p>Sightlines ensure supervision of children at all times.</p>

DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP031/20

Attachment 4  
Auburn DCP 2010 Assessment  
Table





Requirement	Yes	No	N/A	Comments
<b>CHILD CARE CENTRES</b>				
<b>1.4 Location of child care centres</b>				
<b>D1</b> Child care centres shall be located away from any environmental health hazard or risk.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The child care centre is not located in proximity to any environmental health hazards. The centre is located in proximity to a light industrial area, however is considered to be adequately separated.
<b>D2</b> 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.				
<b>D3</b> Where possible, child care centres shall be located near schools and public transport.				
<b>2.1 Site layout and design</b>				
<b>D3</b> Developments shall be designed to ensure maximum space is available for outdoor play areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development provides adequate outdoor play area.  There is one main central entry point to the building located in proximity to the staff and admin rooms. Further, the admin and staff rooms have windows overlooking the entry and car park area, promoting passive surveillance.
<b>D4</b> New developments shall be designed so that all people entering or leaving the premises can be seen from the building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>2.2 Visual impact</b>				
<b>D1</b> Visual screening in the form of vegetation or fencing over 3m high shall be provided to outdoor play areas where: <ul style="list-style-type: none"> <li>The child care centre or the outside playing areas are within 15m of an adjoining building line.</li> <li>The child care centre shares a boundary with residentially zoned land.</li> <li>The view from within the child care centre may be offensive, daunting or inappropriate.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Existing building located within a park.
<b>2.3 Noise</b>				
<b>D1</b> Acoustic attenuation may be required if the child care centre is likely: <ul style="list-style-type: none"> <li>to be affected by heavy traffic noise,</li> <li>is situated on a collector/main road, or</li> <li>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.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The facility is not likely to be affected by these noise sources. Further, Council's Environmental Health Unit have advised that the development is unlikely to be impacted by rail noise.
<b>2.5 Water conservation</b>				
<b>D2</b> 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"/>	The development involves the retention of the existing dwelling. Stormwater has been addressed through conditions of consent.

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<p><b>3.1 Entry areas and foyer</b></p> <p><b>D1</b> Entries to the child care centres shall be located to be accessible from walkways and parking area(s).</p> <p><b>D2</b> A covered area shall be provided at the entry of the building to protect users from weather conditions.</p> <p><b>D3</b> Doorways of an adequate width for access for twin strollers and people with a disability shall be provided and designed in accordance with the relevant Australian Standard.</p> <p><b>D4</b> The entry area shall be enclosed with a childproof fence and gate.</p> <p><b>D5</b> 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.</p> <p><b>D6</b> The foyer shall be designed so it is located next to the covered external entry area.</p> <p><b>D7</b> The foyer shall have a sign in/sign out area.</p>	<p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>The entry to the centre is centrally located from the car park and walkway areas.</p> <p>The front entry area is covered.</p> <p>N/A – facility caters for children aged 5 years to 12 years.</p> <p>N/A – existing building.</p> <p>Noted.</p> <p>The foyer is located at the existing entry to the building.</p> <p>Noted.</p>
<p><b>3.2 Pram and stroller areas</b></p> <p><b>D1</b> A designated sheltered and secure storage area for prams and strollers shall be provided.</p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p>N/A – facility caters for children aged 5 years to 12 years.</p>
<p><b>3.3 Playroom</b></p> <p><b>D1</b> Developments shall have at least 3.25m<sup>2</sup> of unencumbered indoor play space per child in accordance with the <i>Children's Services Regulation 2004</i>.</p> <p><b>D2</b> Playroom areas shall be designed to provide the following:</p> <ul style="list-style-type: none"> <li>• Direct access to active play areas;</li> <li>• Direct access to children's toilets;</li> <li>• 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;</li> <li>• An area which can be organised into distinct spaces for a variety of activities; and</li> <li>• 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.</li> </ul>	<p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>The indoor play areas achieve this requirement, refer to assessment at <b>Attachment 3</b>.</p> <p>The playroom areas have access to toilet facilities, windows and active play areas.</p>
<p><b>3.4 Storage facilities</b></p> <p><b>D1</b> Storage facilities and areas shall be inaccessible to children if dangerous materials, substances and or equipment are stored within.</p> <p><b>D2</b> A room which facilitates open lockers shall have hanging space for each child's bag, belongings and other personal articles.</p>	<p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>A condition of consent has been recommended to require each playroom to provide storage facilities.</p>

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<b>3.5 Rest and sleep facilities</b>  <b>D1</b> Sleep or rest areas and facilities shall be: <ul style="list-style-type: none"> <li>• Located in a low noise section of the building e.g. away from verandahs;</li> <li>• In an area that has natural light; and</li> <li>• Designed to ensure that all children in the area are readily accessible to staff of the service.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A – facility caters for children aged 5 years to 12 years.
<b>3.6 Children's bath/washroom</b>  <b>D1</b> 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).  <b>D2</b> 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.  <b>D3</b> 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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are existing bathroom facilities at the ground and first floor levels.
<b>3.8 Nappy change facilities</b>  <b>D1</b> Nappy change facilities shall: <ul style="list-style-type: none"> <li>• Be designed, located and maintained so as to prevent unsupervised access by children;</li> <li>• Be separated from food and craft preparation facilities;</li> <li>• Have facilities for storage of clean nappies;</li> <li>• Have hand washing facilities for adults in the immediate vicinity; and</li> <li>• 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.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A – facility caters for children aged 5 years to 12 years.
<b>3.9 Bottle preparation area</b>  <b>D1</b> Bottle preparation areas shall be separate from the nappy change area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A – facility caters for children aged 5 years to 12 years.

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<p><b>3.10 Sleep areas</b></p> <p><b>D1</b> Sleep areas shall:</p> <ul style="list-style-type: none"> <li>• Be located in a quiet area;</li> <li>• 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;</li> <li>• Not be sound proof so as to enable staff to hear babies who are awake;</li> <li>• Incorporate windows allowing children to view outside; and</li> <li>• 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.</li> </ul> <p><b>D2</b> Be designed to ensure that all children in the area are readily accessible to staff of the service.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The facility does not cater for children under the age of 2, so a designated cot sleeping room is not considered necessary.</p>
<p><b>3.12 Staff and service facilities</b></p> <p><b>D1</b> 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.</p> <p><b>D2</b> 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><b>D3</b> 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><b>D4</b> Food hygiene/handling practices and fit out of the kitchen shall comply with the requirements of the relevant Acts and Regulations.</p> <p><b>D5</b> A designated area shall be provided that is safe for both food preparation and storage.</p> <p><b>D6</b> 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><b>D7</b> 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><b>D8</b> The laundry shall have a minimum area of 10m<sup>2</sup> and shall comply with the BCA.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>There is an existing office room provided at the front of the building.</p> <p>A separate staff area can be accommodated.</p> <p>A separate accessible adult bathroom has been provided.</p> <p>This has been addressed through recommended conditions of consent.</p> <p>There is a separate canteen facility.</p> <p>The canteen area is of an adequate dimension to accommodate these.</p> <p>Access to the canteen is restricted for children.</p> <p>N/A – a laundry is not required having regard to the operation of the use and the age of children attending.</p>

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<b>3.13 Emergency procedures and fire safety</b>				
<b>D1</b> Developments shall comply with the BCA.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A condition of consent has been recommended requiring compliance with the NCC (BCA).  A condition of consent has been recommended requiring the implementation of an Evacuation Plan.
<b>D2</b> Emergency and evacuation procedures and the provision of the fire safety equipment shall be in accordance with the BCA and <i>Children's Services Regulations 2004</i> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>4.0 Outdoor areas and facilities</b>				
<b>D1</b> Developments shall have at least 7m <sup>2</sup> of useable outdoor play space per child in accordance with the <i>Children's Services Regulation 2004</i> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The development requires the provision of 420sqm of outdoor play area, the development provides a total area of 561sqm for outdoor play.
<b>4.1 Landscaping</b>				
<b>D1</b> 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A – use of existing building located in the park.
<b>D2</b> Outdoor areas shall be designed to take advantage of existing vegetation and natural features.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The outdoor area is located within the park and is surrounded by trees to the west.  N/A – no adjoining residential properties.
<b>D3</b> 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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A – given location of facility with the park.
<b>D4</b> Street tree planting shall be required along street frontages within the footpath area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>4.2 Outdoor shading</b>				
<b>D1</b> The outdoor play space must be adequately shaded in accordance with the <i>Children's Services Regulations 2004</i> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No sandpits or play equipment are proposed.
<b>D2</b> Permanent shade cloth shall be provided for sandpits and climbing equipment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>4.3 Outdoor safety</b>				
<b>D2</b> Child care centres within the vicinity of a swimming pool are discouraged.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The adjoining properties do not have swimming pools.  Noted.
<b>D4</b> The playground environment and equipment shall be designed to comply with all relevant Australian Standards and <i>Children's Services Regulations 2004</i> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



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<p><b>4.4 Fencing and gates</b></p> <p><b>D1</b> Outdoor areas shall be fenced on all sides with minimum height of 1800mm high.</p> <p><b>D2</b> All gates leading to or from play areas shall be 1800mm high and be equipped with a child proof self-locking mechanism.</p>	<input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	<p>No fencing has been provided to the outdoor area, noting that it is an existing outdoor area. Further, the Child Care guidelines provide that Regulation 104, as it relates to the provision of fencing, does not apply to a centre-based service that primarily provides education and care to children over preschool age. Children attending the facility range in age from 5 years to 12 years and will be supervised at all times. Further, there are existing metal bollards in place so cars cannot access the outdoor play area.</p>
<p><b>5.1 Pick up/set down</b></p> <p><b>D1</b> The pick up and set down of children shall occur within the site.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The existing car parking and building facilitate drop off and pick up within the site.</p>
<p><b>5.2 Parking</b></p> <p><b>D1</b> Basement car parking shall be provided where site conditions permit.</p> <p><b>D2</b> 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.</p>	<input type="checkbox"/>  <input checked="" type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>	<input checked="" type="checkbox"/>  <input type="checkbox"/>	<p>N/A</p> <p>The minibus operation proposes to drop the children off at the far side of the building and walk the children around the rear of the building to the entrance. This location was informed by a risk assessment which determined that the location of bus drop off is less congested, with minimal parked cars and is a better location for the bus to turn around safely. Parents are able to utilise the existing building entrance for pick up, which provides a clear path to the car parking area.</p>
<p><b>5.3 Loading areas</b></p> <p><b>D1</b> A service vehicle area shall have direct access to the building to ensure safe delivery of items, e.g. food and nappy service.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>There is adequate maneuvering space within the existing carpark for the delivery of goods.</p>
<p><b>5.4 Disabled parking</b></p> <p><b>D1</b> 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><b>D2</b> 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>	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input type="checkbox"/>	<p>Disabled parking spaces have been provided with the car parking approved by DA2014/91.</p> <p>Disabled parking spaces have been provided with the car parking approved by DA2014/91.</p>



Planning Assessment Report

Requirement	Yes	No	N/A	Comments
<b>PARKING AND LOADING</b>				
<b>8.1 Child care centres</b> <b>8.1.1 General parking design</b>				
<b>D1</b> On-site parking spaces required shall be provided at the rate of one (1) per 35m <sup>2</sup> of building area or 1 per four (4) children whichever is the greater.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The centre has capacity for a total of 60 children, which equates to the need for five 15 car parking spaces, at a rate of 1 space per 4 children.</p> <p>As part of the approval for the PCYC building – DA2014/91, a total of 50 car parking spaces were approved. Given that the proposed use generates the requirement for 15 car parking spaces through occupying part of the approved PCYC building, the existing approved 50 car parking spaces on the site are considered acceptable for the following reasons:</p> <ul style="list-style-type: none"><li>the service will operate a minibus to transport children to the facility, reducing the number of vehicles attending the site between the 3pm and 6pm period;</li><li>parent pick up times are likely to be staggered and comprise short stays;</li><li>the existing basketball and gymnastics uses are the biggest programs in the afternoons. These programs do not start until after 4pm and run through past 7pm, reducing the potential for conflict with pick up from the out of school hours and vacation care use.</li></ul>
<b>D2</b> Staff car parking spaces shall have minimum dimensions of 2.4m x 5.4 m	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>D3</b> Visitor parking spaces shall have minimum dimensions of 2.6m x 5.4m.				
<b>D4</b> Car parking spaces shall be clearly delineated and marked.				
<b>D5</b> Car parking facilities, driveways and access location shall be designed in accordance with AS 2890.1 – Off-street car parking. <b>Note:</b> Minimum parking aisle width is 6m.				
<b>STORMWATER DRAINAGE</b>				
<b>2.0 Property drainage</b>				
<b>P1</b> The development ensures roof and surface stormwater is collected and controlled within the property for major and minor storm events prior to discharging into Council's stormwater system.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Development comprises the use of the existing building.

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Requirement	Yes	No	N/A	Comments
<b>WASTE</b>				
<b>4.1 Waste storage and removal</b>				
<p><b>D8. Food, restaurants, refrigerated garbage, childcare and medical waste</b></p> <p>Special attention shall be paid to food scrap generation. Specialised containment shall be provided and regular/daily collection service arranged. Refrigerated garbage rooms shall be provided when large volumes, perishables (such as seafood) and infrequent collection is proposed.</p> <p>Grease traps shall be provided, where appropriate. Contact shall be made with Sydney Water to obtain trade waste requirements. These requirements shall be adhered to.</p> <p>Where special waste material is to be generated (such as medical and childcare waste) special arrangements will be required and detailed in a waste management report. A private waste contractor may be used to service the development and details must be provided in the Waste Management Plan.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A condition of consent has been imposed for the on-going management of waste as part of the operation of the centre.

Item No: LPP032/20

## DEVELOPMENT APPLICATION FOR 652 MERRYLANDS ROAD, GREYSTANES

Responsible Division: Environment & Planning  
Officer: Executive Manager Development and Building  
File Number: DA2020/011

<b>Application lodged</b>	13 January 2020
<b>Applicant</b>	Mr Z Atie
<b>Owner</b>	Mrs S Fakes & Mr Z Atie
<b>Application No.</b>	DA2020/0011
<b>Description of Land</b>	652 Merrylands Road GREYSTANES NSW 2145, Lot 10 DP 221671
<b>Proposed Development</b>	Demolition of existing structures, construction of a 2 storey attached dual occupancy with basement storage and Torrens title subdivision into 2 lots
<b>Site Area</b>	557.4m <sup>2</sup>
<b>Zoning</b>	R2: Low Density Residential
<b>Disclosure of political donations and gifts</b>	Nil disclosure
<b>Heritage</b>	No
<b>Principal Development Standards</b>	N/A
<b>Issues</b>	N/A

### SUMMARY:

1. Development Application No. DA2020/0011 was received on 13 January 2020 for the Demolition of existing structures, construction of a 2 storey attached dual occupancy with basement storage and Torrens title subdivision into 2 lots.
2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 25 February 2020 and 10 March 2020. In response, 1 submission was received.
3. There are no significant non-compliances with the proposed development having considered the provisions of the Holroyd Local Environmental Plan 2013 (LEP) and Holroyd Development Control Plan 2013 (DCP).
4. The application is recommended for conditional approval via deferred commencement subject to the conditions as provided in the attached schedule.
5. The application is referred to the Panel as the applicant and part owner of the subject site is the relative of a sitting Councillor of Cumberland City Council.

**REPORT:**

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***Subject Site and Surrounding Area***

The subject site is known as 652 Merrylands Road, Greystanes and is legally defined as Lot 10, DP 221671. The site is located on the southern side of Merrylands Road within the R2 Low Density Residential Zone. The site is a regular shaped block with a frontage of 15.24 metres to Merrylands Road. The subject site has a depth of 36.575 metres along the east and west sides, and a 15.24 metre rear southern boundary. The total site area is 557.4m<sup>2</sup> by calculation. The site currently contains a single storey dwelling house with a detached rear shed. The topography of the site is a consistent fall of approximately 1.9m from north to south. Adjoining developments to the subject site include a two storey dwelling to the east and a single storey dwelling to the west.



Figure 1 – Aerial view of subject site

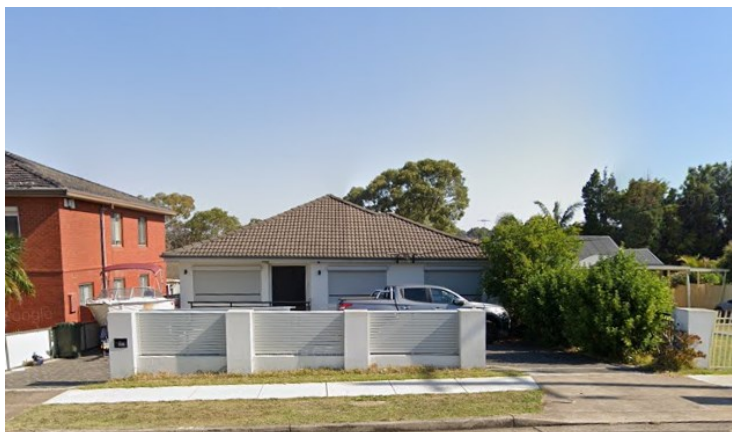


Figure 2 – Street view of subject site

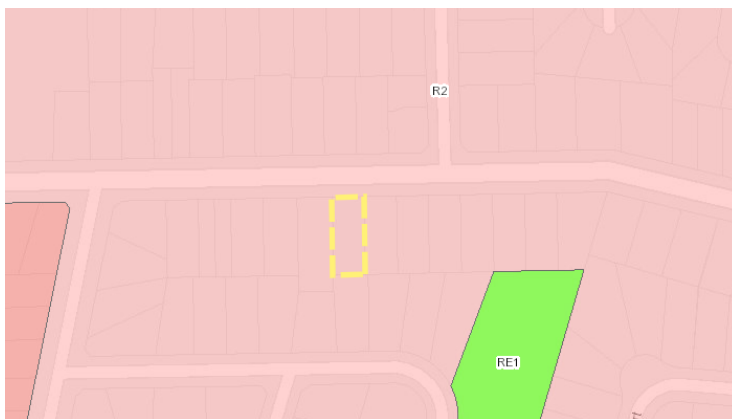


Figure 3 – Zoning of subject site



Figure 4 – Streetscape perspective from Merrylands Road, looking south (Source: Cad Plans Pty Ltd, 2019)

### ***Description of the Proposed Development***

Council has received a development application DA2020/0011 for “Demolition of existing structures, construction of a 2 storey attached dual occupancy with basement storage and Torrens title subdivision into 2 lots”.

The detailed breakdown of the proposal is as below:

#### **Demolition:**

- Single storey dwelling
- Rear detached shed

#### **Construction:**

- Two storey attached dual occupancy
  - Unit 1- Four (4) bedrooms, three (3) bathrooms, basement storage area and single car garage
  - Unit 2- Four (4) bedrooms, three (3) bathrooms, basement storage area and single car garage

***History***

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

***Applicants Supporting Statement***

The applicant has provided a Statement of Environmental Effects prepared by CAD Plans Pty Ltd and was received by Council on 13 January 2020 in support of the application.

***Contact with Relevant Parties***

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

***Internal Referrals***

The application was not required to be referred to any internal departments for comment.

***External Referrals***

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

**PLANNING COMMENTS****The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))****State Environmental Planning Policies**

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

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

The requirement at clause 7 of SEPP 55 for Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development. The site is not identified in Council's records as being contaminated. A site inspection reveals the subject site is currently used for residential purposes and that the site does not have any obvious history of a previous land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated.

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

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





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

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

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

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

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

BASIX Certificates No. 1062113S and No. 1062092S issued on 26 November 2019 prepared by CAD Plans Pty Ltd has been submitted with Council and is considered to be satisfactory.

Regional Environmental Plans

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

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

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

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

Local Environmental Plans**Holroyd Local Environment Plan 2013**

The provision of the Holroyd Local Environment Plan 2013 is applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the Holroyd Local Environment Plan 2013 and the objectives of the R2 Low Density Residential Zone.

**(a) Permissibility:-**

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

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

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

Figure 5 – Holroyd Local Environment Plan 2013 Compliance Table

<b>DEVELOPMENT STANDARD</b>	<b>COMPLIANCE</b>	<b>DISCUSSION</b>
4.1 Minimum subdivision lot size	No	However, complies with Clause 4.1A
4.1A Exceptions to minimum lot sizes for certain residential development	Yes	Proposal is for the purpose of a dual occupancy development
4.1B Minimum lot sizes for dual occupancies	No However, saving provisions apply as this DA was lodged before the gazettal of minimum lot size.	Cumberland Local Environmental Plan Amendment (Dual Occupancies) 2020 increased the minimum lot size required for a dual occupancy development to 585sqm in residential zones (R2 Low Density Residential and R3 Medium Density Residential) and came into effect 8 May 2020. The subject DA was lodged on 13 January 2020 prior to the LEP Amendment. The subject site has an area of 557.4sqm complying with the minimum lot size required for dual occupancy developments at the time of lodgement.
4.3 Height of Buildings Max. 9m	Yes	7.75m proposed
4.4 Floor Space Ratio Maximum 0.5:1	Yes	0.5:1 proposed (278.7sqm)
4.6 Exceptions to development standards	N/A	N/A

A comprehensive LEP assessment is contained in Appendix A.

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

**(a) Draft State Environmental Planning Policy (Environment)**

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

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas

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

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

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

The proposed development is not affected by any of the above Draft Environmental Planning Instruments.

#### **(b) Draft Cumberland Local Environmental Plan 2020 (Draft CLEP)**

The Draft Cumberland Local Environmental Plan 2020 (Draft CLEP) has been prepared by Cumberland City Council to provide a single planning framework for the future planning of Cumberland City. The changes proposed seek to harmonise and repeal the three existing LEPs currently applicable to the Cumberland local government area, those being:

- Holroyd Local Environmental Plan 2013,
- Parramatta Local Environmental Plan 2011, and
- Auburn Local Environmental Plan 2010.

The relevant planning controls for the subject site, as contained within the Holroyd Local Environment Plan, are not proposed to change under the Draft CLEP.

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

The Holroyd Development Control Plan 2013 provides guidance for the design and operation of development to achieve the aims and objectives of the Holroyd Local Environment Plan 2013.

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

2013. The following Parts of the HDCP 2013 are applicable to the proposed development:

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

A comprehensive assessment and compliance table is contained in Appendix B.

The following table highlights non-compliances with the DCP, which relate primarily to the solar access to the main living areas of the proposed dwellings, and the variation sought is considered satisfactory on merit in this instance:

Figure 7 – Holroyd DCP 2013 Compliance Table

Clause	Control	Proposed	Complies
1.8	New dwellings shall be designed to ensure direct sunlight access for a minimum of 3 hours between 9.00am and 4.00pm at the winter solstice (22 June) is provided to at least one main living area of the proposed dwelling/s.	The proposed living areas of unit 1 and unit 2 do not receive the required 3 hours solar access from 9am to 4pm in mid-winter due to the orientation of the lot and location of living rooms and adjoining alfresco area at the rear.  To mitigate this non-compliance skylights have been conditioned to be fixed within the rear alfresco area providing the living areas with solar access in accordance with HDCP 2013.	No, but considered acceptable through condition requiring skylights

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

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

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

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

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

The proposed development raises no concerns as to the relevant matters arising from the Environmental Planning and Assessment Regulations 2000 (EP&A 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, the proposal was publicly notified for a period of 14 days between 25 February 2020 and 10 March 2020. The notification generated 1 submission in respect of the proposal with no disclosing a political donation or gift. The issues raised in the public submissions are summarised and commented on as follows:

Figure 7 – Submission summary table

Issue	Concern is raised to the setback proposed to the eastern side boundary
Planner's comment:	<p>The setback provided to the eastern boundary is 915mm which complies with Holroyd Development Control Plan 2013 part B which specifies:</p> <p>Setbacks from the side boundaries are to be a minimum of 900mm.</p> <p>The proposed eastern side setback of 915mm exceeds the minimum requirement of 900mm under HDCP 2013 and is considered appropriate for the proposed development. Additionally, visual privacy and solar access the adjoining developments is maintained in accordance with HDCP 2013.</p>

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

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

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

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

#### Comments:

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



As at 10 June 2020, the fee payable is \$12,413.00. 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:**

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

The proposed development is appropriately located within the R2 Low Density Residential Zone under the relevant provisions of the Holroyd LEP 2013. The proposal is consistent with all statutory and non-statutory controls applying to the development. Minor non-compliances with Council's controls have been discussed in the body of this report. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

Having regard to the assessment of the proposal from a merit perspective, Council is satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the 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 subject to conditions.

### **REPORT RECOMMENDATION:**

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- 1. That Development Application No. DA2020/0011 for Demolition of existing structures, construction of a 2 storey attached dual occupancy with basement storage and Torrens title subdivision into 2 lots on land at 652 Merrylands Road GREYSTANES NSW 2145 be approved via deferred commencement subject to attached conditions.**
- 2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.**

## ATTACHMENTS

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1. Draft Notice of Determination [↓](#)
2. Architectural Plans [↓](#)
3. Submission Letter [↓](#)
4. Appendix A - Holroyd Local Environmental Plan 2013 - Compliance Assessment  
[↓](#)
5. Appendix B - Holroyd Development Control Plan 2013 [↓](#)

DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP032/20

Attachment 1  
Draft Notice of Determination





**DEVELOPMENT  
NOTICE OF DETERMINATION**

**APPLICATION**

Under the *Environmental Planning and Assessment Act, 1979*  
(Section 4.18(1))

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<b>Development Application No:</b>	DA2020/0011
<b>Applicant:</b>	Mr Z Atie 652 Merrylands Road Greystanes 2145
<b>Property Description:</b>	652 Merrylands Road, Greystanes Lot 10, DP 221671
<b>Development:</b>	Demolition of existing structures, construction of a 2 storey attached dual occupancy with basement storage and Torrens title subdivision into 2 lots
<b>Determination</b> Pursuant to Sections 4.16 of the Act, Council advises that the development application has been determined by:	
<b>Determination Date:</b>	10 June 2020
<b>Date from which Consent Operates:</b>	To be advised upon satisfactory completion of Schedule "A"
<b>Date Consent Lapses:</b>	To be advised upon satisfactory completion of Schedule "A"
<b>By:</b>	Cumberland Local Planning Panel

**Right of Appeal**

Sections 8.7 and 8.10 of The Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court within 6 months of the date of this notice.

**NOTE:** This consent is generally valid for a period of 5 years effective from the date of this notice, unless specified otherwise by Section 4.53 of the Act, or by conditions.

Sohail Faridy  
**Coordinator Development Assessment**

**Date:** 10 June 2020

In accordance with Section 4.59 of the *Environmental Planning and Assessment Act, 1979*, any person may question the validity of this consent in legal proceedings commenced in the Land and Environment Court within 3 months of the date of publication of the notice.

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**Application No:** DA2020/0011  
**Property:** 652 Merrylands Road GREYSTANES NSW 2145,

Below is the list of conditions applied to this application for review prior to the issue of the Assessment Report

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**CONDITIONS OF CONSENT**

**Deferred Commencement Conditions**

**1. DADCA01 - 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 s.4.53(6) of the Act, if the applicant fails to satisfy Council as to the matters specified in Schedule A within 5 years from the date of this consent, this consent lapses.

(Reason: Statutory requirement)

**Schedule 'A'**

**2. DADCA02 - Easement Creation**

A drainage easement 1m wide (minimum) shall be created in favour of the property to be developed over all required downstream properties, to permit the legal disposal of stormwater to Baden Street. Documents relative to the creation of the easement shall be lodged with NSW Land Registry Services, with registration being effected prior to Schedule "B" conditions becoming operational. All costs associated with the creation of the easement shall be borne by the applicant.

(Reason: To ensure legal means of discharge stormwater via gravity and/ or prevent localised flooding)

**3. DADCZ01 - Basement**

The floor to ceiling height of the proposed 'storage basement' shall be reduced to a maximum height of 2.2m. The 'storage basement' is not intended as a habitable area and is limited to use for storage purposes only.

(Reason: To ensure compliance with approved plans)



**General Conditions**

**4. DAGCA01- 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)

**5. DAGCA02 - 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.

<b>Reference/Dwg No</b>	<b>Title/Description</b>	<b>Prepared By</b>	<b>Date/s</b>
19005 DA00, 19005 DA02, 19005 DA03, 19005 DA04	Architectural plans All issue A (as amended to comply with Schedule 'A')	CAD Plans Pty Ltd	19 November 2019
19156 DA1	Landscape Plan (as amended to comply with Schedule 'A')	Vision Dynamics Pty Ltd	25 October 2019
19005 DA05	Subdivision Plan	CAD Plans Pty Ltd	19 November 2019
Cert. No. 1062113S and 1062092S	BASIX Certificate		Issued 26 November 2019
	Waste Management Plan		29 November 2019
19005 DA01	Demolition Plan	CAD Plans Pty Ltd	19 November 2019
A9247 - SW01	Sediment Control Plan - revision B	Alpha Engineering and Development	27 November 2019
19005 DA06	Schedule of External Colours and Finishes	CAD Plans Pty Ltd	19 November 2019

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

**6. 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)

**7. 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)

**8. DAGCB01- Australia Post Guidelines**

Letter boxes are to be provided for each occupancy within the development in accordance with the relevant Australia Post Guidelines.

(Reason: To ensure compliance with mail delivery regulations)

**9. DAGCB04 - Street Numbering of Lots and Units**

Numbering of units/properties shall be prominently displayed at the front of the property and shall be maintained in accordance with the property numbers allocated by Council.

(Reason: Identification of property for emergency services and mail deliveries)

10. **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)

11. **DAGCB07 - Tree Preservation**

All street trees and trees on private property that are protected under Cumberland City Council's controls, shall be retained except where Council's prior written consent has been obtained.

(Reason: Tree preservation)

12. **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)

**Conditions which must be satisfied prior to the commencement of demolition of any building or structure**

**13. 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 is "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; Statutory Requirement)

**14. 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](http://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 10m<sup>2</sup> 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](http://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)

15. **DAPDB03 - Demolition - Asbestos**

**Asbestos to be removed by a licensed asbestos removalist**

All demolition works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover NSW Friable Class A Asbestos Removal Licence or where applicable a Non-friable Class B (bonded) Asbestos Removal Licence. Removal must be carried out in accordance with the "Code of Practice on how to safely remove asbestos" published by WorkCover NSW (catalogue no.WC03561).

No asbestos products are to be re-used on site.

No asbestos laden skips or bins are to be left in any public place without the approval of

Council.

Note:

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal licence is permitted if the asbestos being removed is 10 m<sup>2</sup> 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](http://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.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

**16. DAPDB04 - Asbestos 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.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

**17. DAPDB05 - Notification of Asbestos Removal Works**

At least five (5) 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.

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)

**18. DAPDB06 - Barricades for Asbestos Removal**

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)

**19. DAPDB07 - Site Safety Fencing - Demolition Only**

The site must be fenced to a minimum height of 1.8m in accordance with SafeWork NSW guidelines to prevent public access throughout demolition. The fencing must be erected



before the commencement of any demolition work and maintained.

(Reason: Public safety)

**20. 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)

**21. 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**

**22. DACCA01 - Amendments to Approved Plans**

Amended plans/documents shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate addressing the following matters:

- a) The development shall address architectural differentiation by way of reducing and altering the design of either the unit 1 or unit 2 street facing front balcony to ensure the design is not a mirror reverse;
- b) In accordance with Part A of Holroyd Development Control Plan 2013 an acoustic report is to be prepared by an appropriately qualified acoustic consultant having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/or grade membership of the Australian Acoustical Society (MAAS). The report shall consider the impact of road noise from Merrylands Road on the proposed dwellings. The report shall demonstrate that the development will comply with requirements for vibration and noise levels identified in the *NSW DP&I's Development Near Rail Corridors And Busy Roads - Interim Guideline*. The recommendations outlined in the acoustic report are required to be incorporated into the design of the development and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- b) East facing windows 'W4', 'W5' and 'W6' to the kitchen/living/dining areas shall be either fixed obscure glazing to a height of 1.5m and clear openable glazing above, as measured from the finished floor level or replaced with high sill windows with a minimum sill height of 1.5m as measured from the finished floor level;
- c) West facing windows 'W9', 'W7' and 'W8' to the kitchen/living/dining areas shall be either fixed obscure glazing to a height of 1.5m and clear glazing above, as measured from the finished floor level or replaced with a high sill windows with a minimum sill height of 1.5m as measured from the finished floor level;
- d) The rear alfresco areas of unit 1 and unit 2 shall be fitted with a privacy screening along the east and west external openings to a minimum height of 1.5m as measured from the finished floor level to mitigate overlooking impacts into adjoining properties;
- e) The rear stairs leading from the alfresco areas for both unit 1 and unit 2 shall have 1.5m privacy screening on the east and west external side of the stairs to mitigate overlooking impacts into adjoining properties;
- f) A skylight with a minimum size of 1m<sup>2</sup> shall be installed within the alfresco area for both unit 1 and unit 2 to ensure a minimum of 3 hours solar access is maintained to the adjoining living areas for both units between 9am and 4pm mid-winter in accordance with Part B of Holroyd Development Control Plan 2013.
- g) The street facing balconies of unit 1 and unit 2 shall be fitted with privacy screening along the east and west external openings to a minimum height of 1.5m as measured from the finished floor level;

(Reason: To confirm and clarify the terms of Council's approval)

**23. DACCA02 - 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)

**24. DACCA04 - Works within Boundary**

No portion of the works are to encroach beyond the boundaries of the subject property. Alternatively, documentary evidence that the owner of the adjoining property has no objection to the required works or access, is to be submitted to the Principal Certifier prior to the issue of a Construction Certificate.

(Reason: To ensure protection of adjoining properties)

**25. DACCB01 - Damage Deposit for Council Infrastructure**

A Damage Deposit (calculated in accordance with Council's adopted Fees and Charges) shall be paid to Council prior to the issue of the Construction Certificate. This Damage Deposit can be refunded upon the completion of all works with the issue of an Occupation Certificate. A written request shall be submitted to Council to release the bond.

Council may use part or all of the deposit to carry out rectification work for any damage caused by the development to Council's infrastructure.

(Reason: To protect Council infrastructure)

**26. 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)

**27. 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 Holroyd Development Control Plan 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 relevant contribution plan can be viewed on Council's website at [www.cumberland.nsw.gov.au](http://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)

**28. DACCB05 - Fees to be paid to Council prior to issue of the Construction Certificate**

Demolition Inspections	applicable fees
Stormwater drainage and Stormwater Detention System Inspection fee where Council is the Principal Certifying Authority	\$626.00
Damage Deposit	\$2,850.00
Sect. 7.11 Contributions	\$12,413.00 + CPI
Cash bond to cover the registration of a Positive Covenant and Restriction as to User over the Onsite Stormwater Detention System. (This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land and Property Information NSW.)	\$6,290.00
Landscaping/Tree Inspection fee where Council is the Principal Certifying Authority	\$343.00
Traffic Management Plan	\$201.00 initial fee
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	\$1,500.00

(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.)	
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.)	\$1,000.00

Please note that other fees and charges may be applicable to the proposal, and the total fees calculated at the time of payment may exceed the figures detailed above. Further, fees to be paid to Council will be determined at the time of payment in accordance with Council's current adopted Fees and Charges Policy and therefore may exceed the fee amount quoted above.

(Reason: Statutory requirement and information)

**29. DACCB06 - Photographic Record of Council Property - Damage Deposit**

The applicant shall submit to Council prior to demolition commencing and/or issue of any Construction certificate, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full 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 occurred during the course of construction, Council may require either part or full re-instatement.

Failure to provide a full 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.

(Reason: Maintain public assets)

**30. 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)

**31. 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)

**32. DACCC03 - Submission of Plans for Works within the Road Reserve**

The submission to Council of three (3) copies and an electronic copy of Civil Engineering drawings for the design of all works within the road reserve required adjacent/near/outside 652 Merrylands Road, Greystanes including long and cross sections, details of proposed structures, ancillaries (e.g. footpaths, signage etc.) and specifications.

The drawings must be approved by Council in writing and all fees and charges paid prior to the issue of the Construction Certificate.

Such design shall be:

- (a) Prepared and submitted in electronic format, undertaken by a consulting Civil Engineer,
- (b) Approved in writing by Council under Section 138 of the Roads Act., prior to the issue of the Construction Certificate, and
- (c) All Civil Engineering works adjacent/near/outside 652 Merrylands Road, Greystanes is to be fully supervised by Council. A maintenance period of six (6) months or as specified by Council shall apply to the work after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions, and
- (d) Upon completion of the works, the Applicant is to provide to Council two (2) copies of "work as executed plans". The plans are to show relevant dimensions and finished levels and are to be certified by a registered surveyor. Also the Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works, including certification from the Design Engineer.

Note: Driveway construction will require a separate approval vehicular crossing and road works.

(Reason: To ensure compliance of engineering works/Council assets are constructed to acceptable standards for engineering works)

**33. 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)

**34. 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)

**35. DACCF03 - Landscape Plan - Dual Occupancy Development**

A landscape plan prepared by a qualified landscape architect or landscape designer to a scale of 1:100 or 1:200, is to be submitted to the satisfaction of the Accredited Certifier with the Construction Certificate application. The landscape plan is to accord with the approved Landscape Concept Plan/s and satisfy the relevant conditions of this consent and Council policies and guidelines. Certification from the landscape architect or landscape designer that the landscape plan complies with this Development Consent is to be submitted to the Accredited Certifier prior to the issue/release of the Construction Certificate.

The plan must include the following information:

- a) Location of all existing and proposed landscape features including materials to be used;
- b) Delineate and identify all trees to be retained, removed or transplanted;
- c) Existing and proposed finished ground levels;
- d) Top and bottom wall levels for both existing and proposed retaining and free standing wall
- e) Proposed locations of stormwater pits and OSD locations
- f) Detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity.

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

(Reason: Landscape quality)

**36. 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)

**37. DACCJ03 - Certification of the Stormwater Drainage System Design**

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Council's "On-site Stormwater Detention Policy" and shall be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

Certification of the proposed stormwater design shall be obtained from a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) and shall be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

(Reason: Adequate stormwater management)

**38. 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)

**39. 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)



**40. DACCK05 - Salinity**

This site has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction measures are to be incorporated for all dwellings/buildings. Details of the proposed methods of construction shall be included in the engineering plans submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

(Reason: Ensure appropriate construction methods are used)

**41. DACCK06 - 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)

**42. 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 or structural elements of the building)

**43. 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)

**44. DACCL03 - Adjustment to Telecommunications**

The arrangements and costs associated with any adjustment/relocation of telecommunications infrastructure shall be borne in full by the applicant/developer. Details are to be submitted with the application for a Construction Certificate.

(Reason: Ensure the applicant is responsible for costs associated with adjustments to Telecommunications infrastructure)

**45. DACCL07 - Front Fence Height**

The new front fence is to be a maximum height of 1.2 metres above Council's footpath at any point, the fence being stepped if necessary to comply with the height requirement.

(Reason: Streetscape)

**46. DACCZ01 - Stormwater Management**

Prior to the issue of a Construction Certificate, the following information is to be prepared by a suitably qualified person(s) and submitted to and approved by Council's Manager of Engineering and Traffic:

- a) Full Stormwater Drainage and On-site Stormwater Detention (OSD) tank and all associated details showing the proposed method of stormwater collection and disposal, including any stormwater drainage requirements provided in the conditions of this consent.
- b) Certification is to be submitted stating that the stormwater drainage and OSD system and details have been designed in accordance with the Upper Parramatta River Catchment Trust 'On-Site Detention Handbook' (3rd edition), Holroyd DCP 2013 and Former Holroyd Council's 'On-site Stormwater Detention Policy'.

(Reason: Stormwater management)

**47. DACCZ02 - Sight Distance**

To maintain sight distance to pedestrians, all fencing and landscaping within 2.0m of a driveway shall have a maximum height of 1.0 m and 50% transparent above a height of 0.5m. All solid posts higher than 0.5m (but lower than 1m) shall have a maximum width of 350mm and a minimum spacing of 1.2m.

(Reason: Safety)

**48. DACCZ03 - Driveway Setbacks**

A minimum of 1.0m clear setback from side property boundary to driveway shall be provided and must be perpendicular to the street frontage.

(Reason: Safety)

**Conditions which must be satisfied prior to the commencement of any development work**

**49. 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)

**50. DAPCA02 - Home Building Compensation Fund**

No residential building work within the meaning of the Home Building Act 1989 may commence until:

- a) A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and is in force, where such a contract is required under that Act;
- b) The Principal Certifier is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder);
- c) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner-builder permit required under the Home Building Act 1989;
- d) Written notice of the following information has been provided to Council;
  - i. In the case of work for which a principal contractor is required to be appointed:
    - The name and licence number of the principal contractor, and
    - The name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989,
  - ii. In the case of work to be done by an owner-builder:
    - The name of the owner-builder, and
    - If the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

Where Council is not the Principal Certifier, the Principal Certifier is responsible for notifying Council of the above matters.

Where arrangements for doing residential building work change while the work is in progress so that the above information becomes out of date, the Principal Certifier (if not Council) must provide Council with written notice of the updated information.

(Reason: Statutory requirement)

51. **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)

52. **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)

53. **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](http://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)

54. **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)

55. **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)

56. **DAPCC01 - Salinity**

The applicant must advise the relevant public utility authorities of the salinity problems that have been identified, to ensure their services are designed to take into consideration the effects of saline soils on their installations.

(Reason: To ensure utility authorities design relevant utilities in consideration of the saline soils)

57. **DAPCZ01 - Alterations/removal of Services**  
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.  
  
(Reason: Public utility authority requirement)
58. **DAPCZ02 - Works within Council Reserve**  
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.  
  
(Reason: To preserve Council's assets and amenity)
59. **DAPCZ03 - Worker's Compensation**  
Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.  
  
(Reason: Safety)
60. **DAPCZ04 - Public Liability**  
All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of \$20,000,000 is to be submitted prior to commencement of works. Cumberland Council shall be named on the Certificate of Currency as an interested party.  
  
(Reason: Safety)
61. **DAPCZ05 - Footpath Protection**  
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.  
  
(Reason: To preserve Council's assets and amenity)
62. **DAPCZ06 - Relocation of Services**  
The developer shall arrange with the relevant authority for the relocation of any services affected by the proposed vehicular crossing.  
  
(Reason: Public utility authority requirement)



**Conditions which must be satisfied during any development work**

**63. 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)

**64. DADWA02 - Dust Control**

**Minor Works**

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 City Council should it fail to adequately control any dust nuisance.

**Major Works**

The following measures must be implemented (in part or in total) as directed by Cumberland City Council to control the emission of dust:

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
- b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
- c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
- d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
- e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
- f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours or as directed by the Cumberland City Council.

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

**65. 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)

**66. DADWA06 - 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)

**67. 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:



- a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- b) Demolition must be carried out by a registered demolition contractor.
- c) 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.
- d) 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.)

**68. DADWA10- Power Connection - Minor Development**

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

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

(Reason: Environmental Amenity)

69. **DADWA11 - Communication Cabling**

All communication cabling shall be installed underground as per the relevant authority's requirements.

(Reason: Environmental Amenity)

70. **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)

71. **DADWA15- Importation of Fill**

All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

All fill imported onto the site must be validated by either one or both of the following methods:

- a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- b) Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines.

(Reason: To ensure controls are in place for contamination management)

72. **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 City 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 City Council by the Auditor confirming the site is now suitable for the proposed use.

(Reason: To ensure controls are in place for contamination management)

73. **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)

**74. 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)

**75. 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)

**76. 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)

**77. DADWC04 - Survey Report - Minor Development (up to two stories)**

In order to ensure compliance with approved plans, a Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:-

- a) At the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries.
- b) At the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials.
- c) At completion, the relationship of the building and any penetrations thereto, to the boundaries.

Progress certificates in response to points (a) through to (c) shall be provided to the Council or the Accredited Certifier at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the proposed works.

(Reason: To ensure compliance with approved plans)

**78. DADWC05 - Salinity**

The building and external walls are not to proceed past ground floor formwork/reinforcing level until such time as the Accredited Certifier has confirmed that all required construction measures addressing salinity (as required by this consent and accompanying Construction Certificate) have been carried out.

(Reason: To ensure required construction measures addressing salinity are carried out)

**79. 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)

**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. DADWZ01 - Inspection of On Site Detention Works**

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.

(Reason: Stormwater Management)

**82. DADWZ02 - Pedestrian Access**

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".

(Reason: Safety)

**83. DADWZ03 - Sign Posting**

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

(Reason: Safety)



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

**84. 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)

**85. DAOCA02 - Final Clearance**

A final clearance is to be obtained from the relevant energy service provider if clearance has not previously been obtained.

(Reason: To ensure power is available for the site)

**86. 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](http://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).

**87. 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)

**88. DAOCA08 - Certification of Engineering Works**

Prior to occupation, the following documents must be submitted to the Accredited Certifier.

- a) A Certificate from a Chartered Professional Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) under the appropriate professional category, and
- b) "Work - As - Executed" drawings of the engineering works prepared by a Registered Surveyor or equivalent.

The abovementioned Certificate is to certify that:

- i. the stormwater drainage system, and/or
- ii. the car parking arrangement and area including circulating ramps, and/or
- iii. any related footpath works, and/or
- iv. the basement mechanical pump and well system, and/or
- v. the proposed driveway and layback, and/or
- vi. other civil works have been constructed in accordance with the Council approved plans and details and satisfies the design intent and complies with the

appropriate SAA Codes relevant Standards and Council's Policies and Specifications.

Where Council is not the Principal Certifier, copies of the above documents are to be provided to Council prior to the issue of any Occupation Certificate.

(Reason: Asset management)

**89. 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)

**90. 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)

**91. DAOCA12- Construction of Concrete Footpath**

A concrete footpath of width 1.2 metres, or as specified by Council, shall be constructed adjacent to the front of the property.

The above works must be constructed prior to the release 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)

**92. DAOCA13 - Construction of Concrete Kerb and Gutter**

Standard 150mm high concrete kerb with gutter, or as specified by Council, shall be constructed adjacent to the front 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)

**93. DAOCB04 - Acoustic Verification Report**

Prior to the issue of the Occupation Certificate, an Acoustic Verification Report is required to be submitted to Council. The report shall be prepared by a suitably qualified acoustic consultant.

The Acoustic Verification Report must confirm that all recommendations contained in the Acoustic Report as required in condition 'Dacca01 (b)' have been implemented.



\*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 protect residential amenity)

**94. DAOCF01 - Landscape - Dual Occupancy Development**

Prior to the issue of an Occupation Certificate all approved landscaping/tree planting works required on the subject site are to be completed to a professional standard in accordance with the endorsed landscape plan/s. At the completion of the landscape works, a final on-site inspection of the works and comparison with the relevant endorsed documents is required by the designer of the approved Landscape Plan or another suitably qualified person (not the person who carried out the landscape works).

Following the inspection and prior to the issue of an Occupation Certificate, certification of completion of all landscape/tree planting works in accordance with the relevant conditions of this Consent and the approved Landscape Plan/s must be provided to the Principal Certifier.

Any works that vary from the approved plan/s must be documented or shown on a Works-As-Executed Landscape Plan and attached to the certificate. A copy of the Landscape Certification is to be provided for Council's verification with the Occupation Certificate.

(Reason: Landscape certification)

**95. DAOCF05 - Unpaved Verge Area**

The applicant shall construct/reconstruct the unpaved verge area with grass, species and installation approved by Council prior to issue of a Final Occupation Certificate.

(Reason: Environmental protection)

**96. DAOCG01 - Certification of the Constructed Stormwater Drainage System**

The constructed stormwater drainage system shall be certified by a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER), in accordance with Council's Engineering Specifications of the Holroyd Development Control Plan, prior to issue of the Final Occupation Certificate.

(Reason: Adequate stormwater management)

**97. DAOCH02 - Covenant & Restriction as to User for Stormwater Controlled Systems**

Prior to occupation and the issuing of an Occupation Certificate, the Applicant shall register a Positive Covenant and a Restriction as to User, under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council ensuring the ongoing retention, maintenance and operation of the stormwater System.

This is to include the on-site stormwater detention system (OSD)/Compensatory Flood Storage/Overland Flowpath/Pollution Control Device/mechanical pump-out system/ charged lines, which are 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.

(Reason: Compliance and adequate maintenance of drainage system)

**98. 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)

**99. 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)

**100. DAOCZ01 - OSD Works-as-executed**

A copy of the as approved stormwater drainage and On Site Detention plan/overland flowpath 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.

(Reason: Stormwater management)

**101. DAOCZ02 - OSD Maintenance Schedule**

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.

(Reason: Stormwater management)

**102. DAOCZ03 - Road Works**

Any works requiring levels within the road reserve will require the submission of Council's Vehicular Crossing application form.

(Reason: To preserve Council's assets and amenity)

**103. DAOCZ04 - Vehicular Crossing(s)**

A full width either of residential duty, or heavy duty vehicular crossing shall be provided opposite the vehicular entrance to the site, with a width of 3m (single crossing), or min of 5m to max of 6m (combined crossing) 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.

(Reason: To preserve Council's assets and amenity)

**Conditions which must be satisfied prior to the issue of any Subdivision Certificate****104. DASCA04 - Application for Subdivision Certificate**

An application for a Subdivision Certificate shall be lodged with Council or an Accredited Certifier for approval to enable the subdivision plans to be submitted to and registered with NSW Land Registry Services.

(Reason: To comply with statutory requirements)

**105. DASCA05 - Section 73 Compliance Certificate from Sydney Water**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the Subdivision Certificate. Application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). Please refer to Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

The original Section 73 Certificate must be presented to the Principal Certifier prior to the issue of Subdivision Certificate.

(Reason: To comply with statutory requirements)

**106. DASCB02 - Easement for Support**

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

(Reason: To establish reciprocal easements of support related to the shared party wall)

**107. DASCB03 - Internal Boundary Easement/s**

Easements shall be created where dividing walls, eaves, gutters and downpipes encroach over internal boundaries prior to the issue of the Subdivision Certificate.

(Reason: To allow future residents access to maintain dividing walls, eaves, gutters and downpipes)

**Conditions which must be satisfied during the ongoing use of the development****108. DAOUC15 - Noise - Residential buildings**

The air conditioners and rainwater tank pumps must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:

Emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):

- i. Before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
- ii. Before 7.00am and after 10.00pm on any other day; and

Emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

(Reason: To protect residential amenity)

**109. DAOUE01 - Registration of Final Plan with NSW Land Registry Services**

Upon issue of a Subdivision Certificate, the final plan of subdivision must be registered with the NSW Land Registry Services.

(Reason: Statutory requirement and information)

**110. DAOUZ01 - Basement Area**

The basement area shall not be used as habitable space. The basement for unit 1 and unit 2 shall be restricted to use for storage purposes only.

(Reason: To ensure compliance with approved plans)

**111. DAOUZ02 - Privacy**

All privacy measures shall be maintained throughout the life time of the development

(Reason: Privacy)

## Advisory Notes

### 112. **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](http://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.



### 113. **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>.

### 114. **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](http://cjc.justice.nsw.gov.au)

### 115. **DAANN05 - Lapsing of Consent**

In accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 (as amended), this Development Consent lapses 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 5 years from the date this Development Consent operates.

### 116. **DAANN07 - Owner Builders**

Under the Home Building Act 1989, any property owner who intends undertaking construction work to a dwelling or dual occupancy over the value of \$10,000 (inclusive of GST) must obtain an owner-builder permit from the NSW Fair Trading. See [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au).

### 117. **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.



**118. 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 12 months from the date shown on this determination. It should be noted that a review application is unable to be reviewed/determined after 12 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.

**119. 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 12 months after the date the decision appealed against is notified or registered on the NSW planning portal, or as otherwise prescribed.

**120. 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.

**121. 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](http://safework.nsw.gov.au/your-industry/construction), or phone 13 10 50.

**122. 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)

**123. DAANN18 - Inspections for Building Work (Classes 1 or 10)**

Where applicable inspections of the development site may be required to be undertaken at the following stages:

- a) After the excavation for, and prior to the placement of, any footings;



- b) Prior to pouring any in-situ reinforced concrete building element;
- c) Prior to covering of the framework for any floor, wall, roof or other building element;
- d) Prior to the covering waterproofing in any wet areas;
- e) Prior to covering any stormwater drainage connections;
- f) After the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- g) 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 (g), 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 (g) 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)

#### **Reasons for Refusal**

N/A



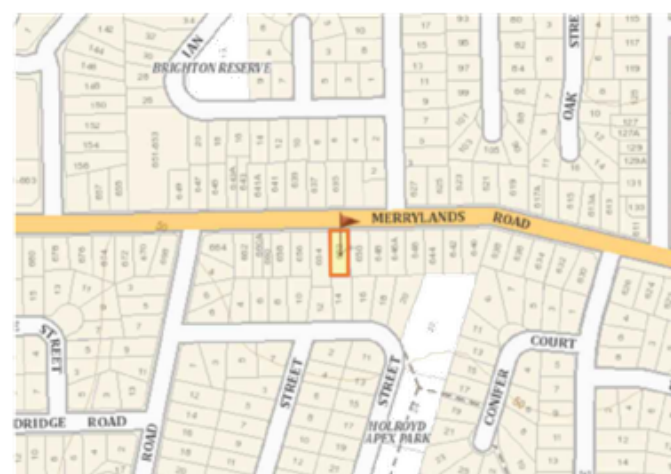
DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP032/20

Attachment 2  
Architectural Plans





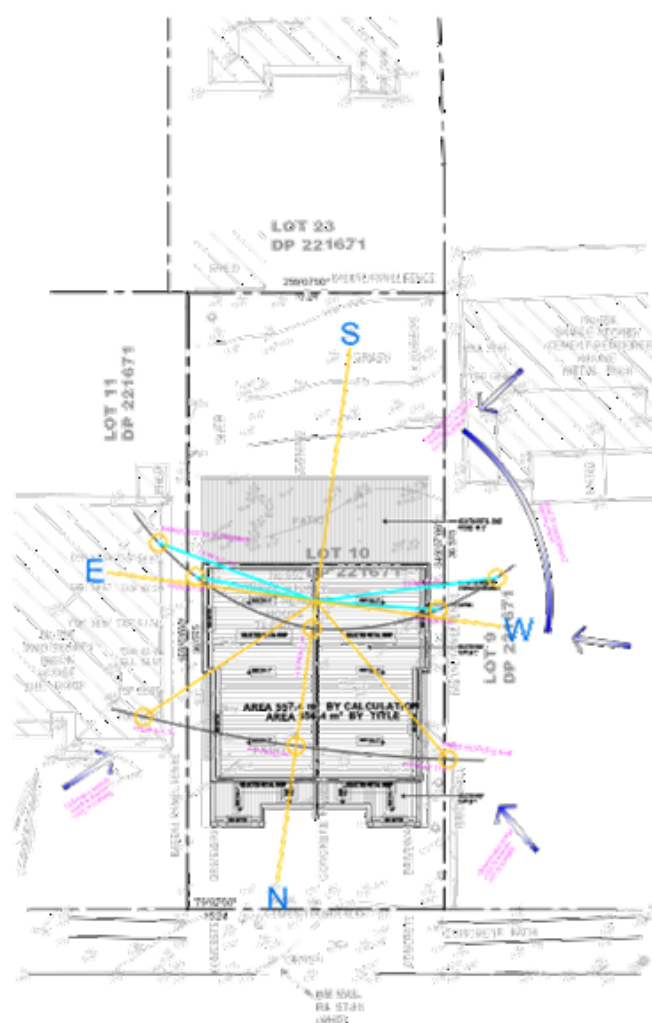




**LOCATION MAP**



**EXISTING DWELLING**  
652 Merrylands Rd Merrylands

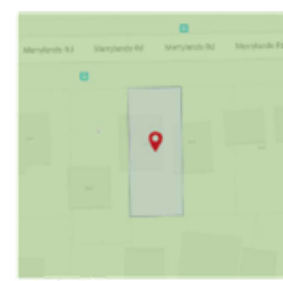


**SITE ANALYSIS PLAN**

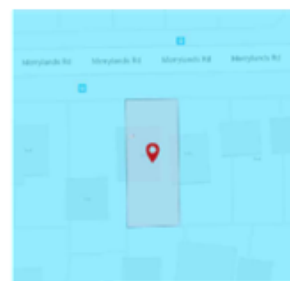
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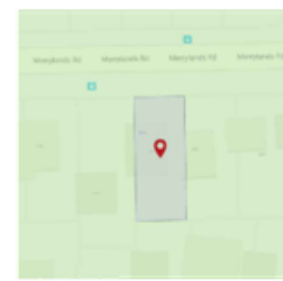
**Land Zoning**  
R2 - Low Density Residential (pub. 2013-04-05)



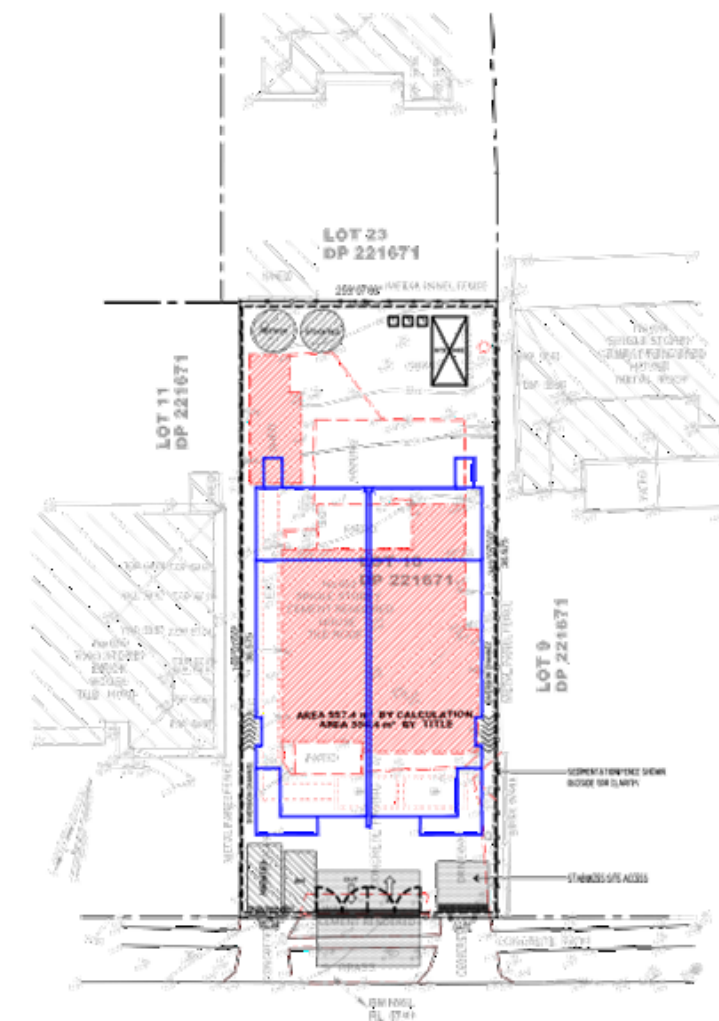
**Height of Building**  
7.0 m - Range [ 6.0 - 8.0 m ] (pub. 2013-04-05)



**Floor Space Ratio**  
0.5 - 0.55 Ratio - Range [ 0.50 - 0.54 ] (pub. 2013-04-05)



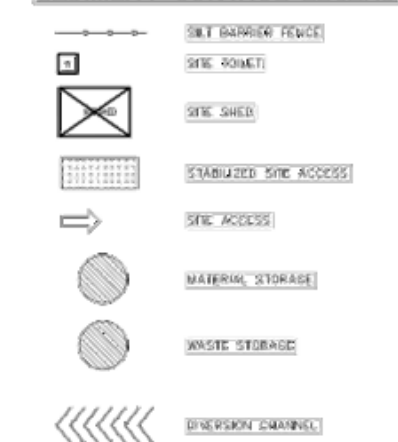
**Minimum Lot Size**  
450.00 m² - Range [ 450 - 474 sqm ] (pub. 2013-04-05)



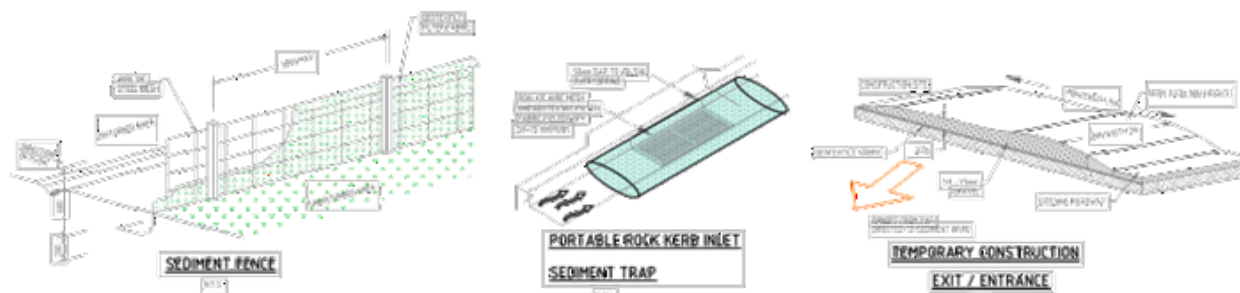
**DEMOLITION & SEDIMENT CONTROL PLAN**

SCALE: 1:200 @ A1

**SEDIMENT CONTROL LEGEND**



**DEMOLITION LEGEND**



NO.	DATE	REVISION
1	10/06/20	ISSUE FOR DEVELOPMENT APPLICATION
2	10/06/20	REVISED

**NOTES:**  
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENTLY APPLICABLE CUMBERLAND CITY COUNCIL DEVELOPMENT APPLICATION GUIDE.  
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENTLY APPLICABLE CUMBERLAND CITY COUNCIL DEVELOPMENT APPLICATION GUIDE.  
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENTLY APPLICABLE CUMBERLAND CITY COUNCIL DEVELOPMENT APPLICATION GUIDE.  
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENTLY APPLICABLE CUMBERLAND CITY COUNCIL DEVELOPMENT APPLICATION GUIDE.  
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CURRENTLY APPLICABLE CUMBERLAND CITY COUNCIL DEVELOPMENT APPLICATION GUIDE.

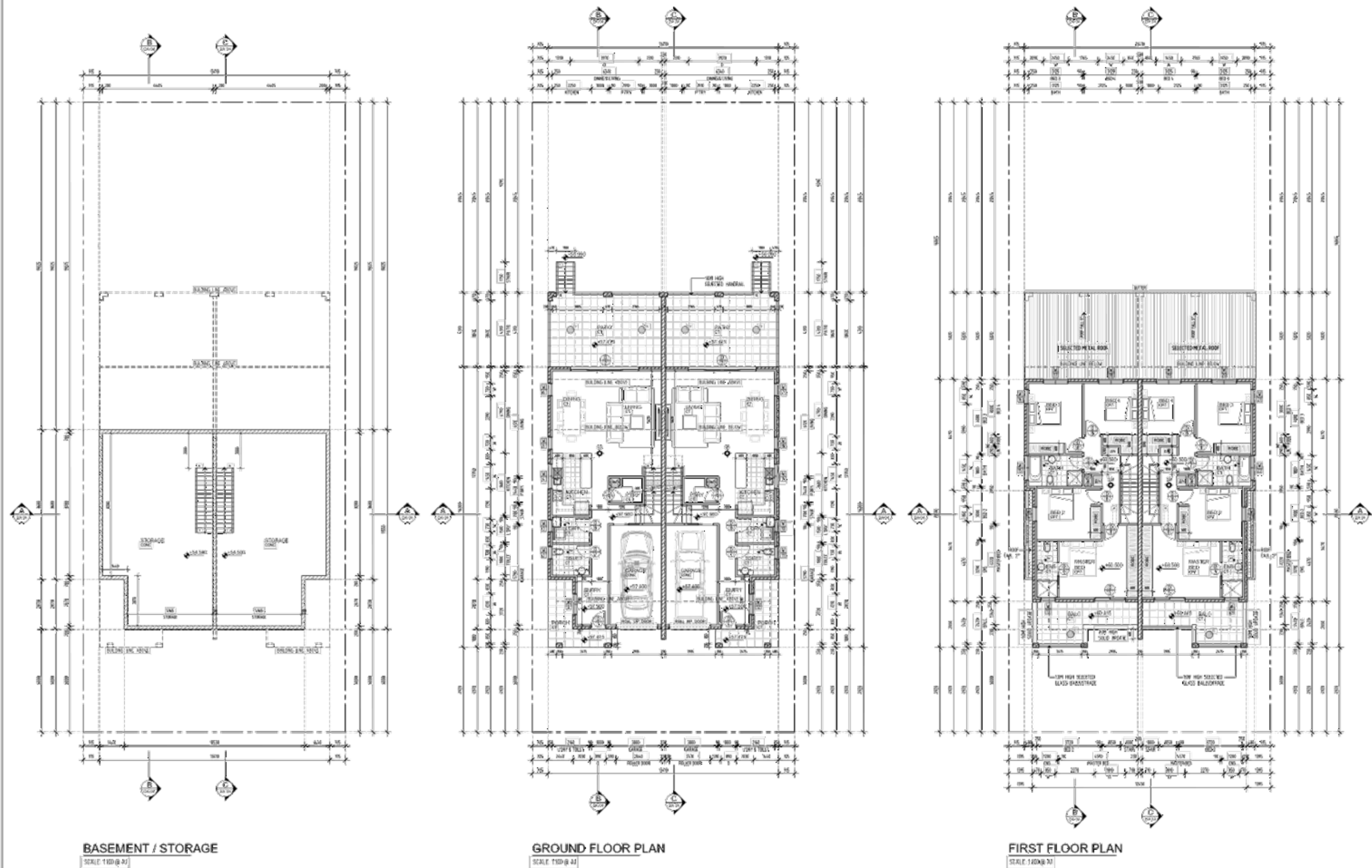


**CAD Plans**  
DESIGN SOLUTIONS  
30 CUMBERLAND RD AUBURN NSW 2144  
PH: 02 9450 0177  
02 9450 0177  
T: 02 9450 0177

**SHEET TITLE:**  
SITE ANALYSIS, DEMOLITION & SEDIMENT CONTROL PLAN  
DESIGNED: JAWP  
DATE: 10/06/20  
SCALE: AS SHOWN  
PRINT SCALE: 1:200

**PROJECT TYPE:**  
DUAL OCCUPANCY  
SITE ADDRESS:  
652 MERRYLANDS ROAD, GREYTANES, 2145  
LEGAL IDENTIFICATION NUMBER: 10-02-0102  
LOCAL GOVERNMENT AUTHORITY: CUMBERLAND  
SHEET NUMBER:  
19005 DA 01  
ISSUE:  
A





NO.	DATE	REVISION
1	10/06/20	ISSUE FOR DEVELOPMENT APPLICATION

**NOTES:**

1. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED OR BY LOCAL AUTHORITY REQUIREMENTS.
2. ALL CONSTRUCTION TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, RELEVANT AUTHORITY REQUIREMENTS AND APPLICABLE STANDARDS.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.
6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.
7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.
8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.
9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.
10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.



CLEVELAND



**CAD Plans**  
DESIGN SOLUTIONS  
39 CUMBERLAND RD AUBURN NSW 2144  
PH: 001 800 611 777  
02 9450 0177  
E: info@cadplans.net.au

**SHEET TITLE:**  
FLOOR PLANS

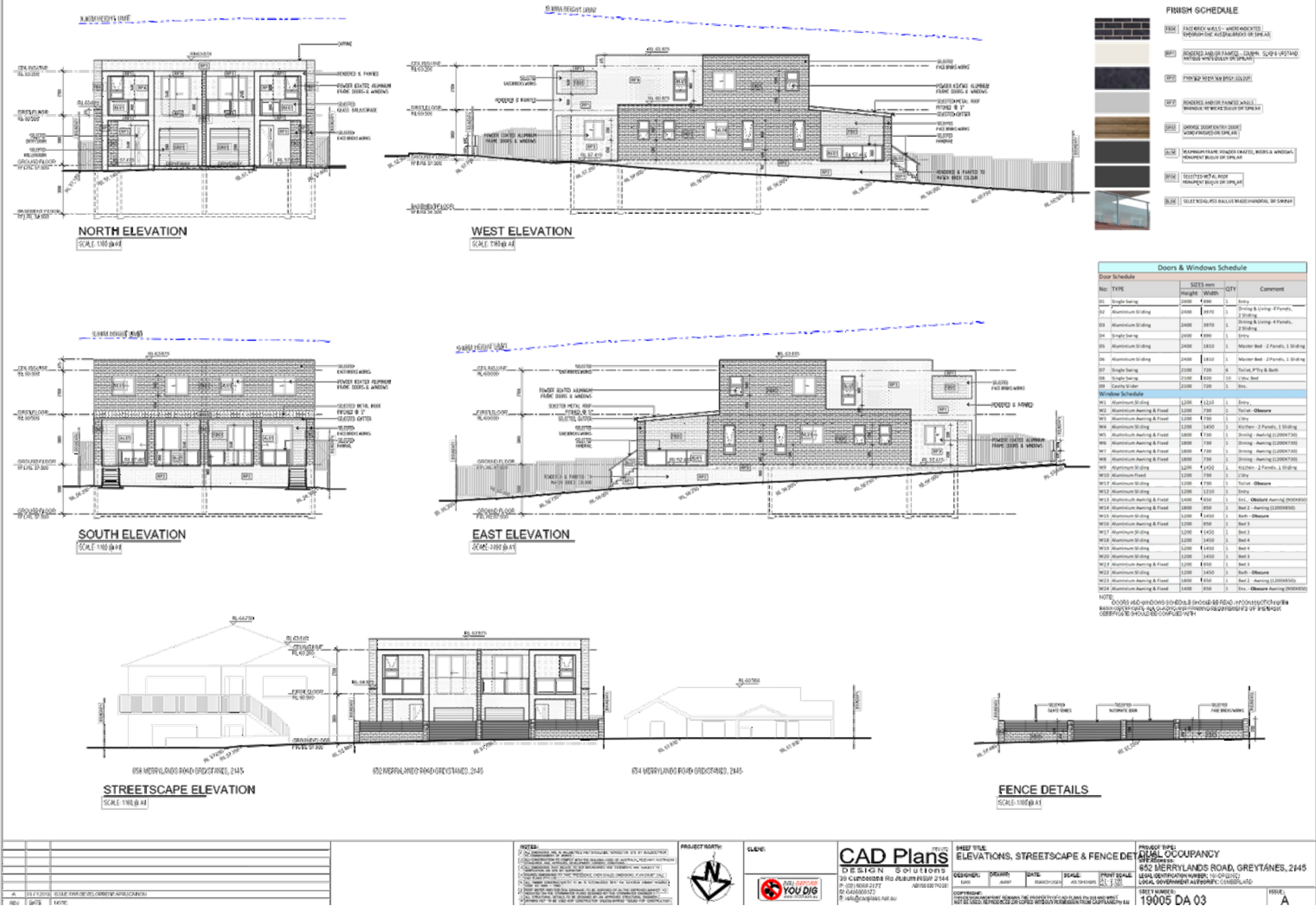
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ALP	ALP	10/06/20	AS SHOWN	1:100

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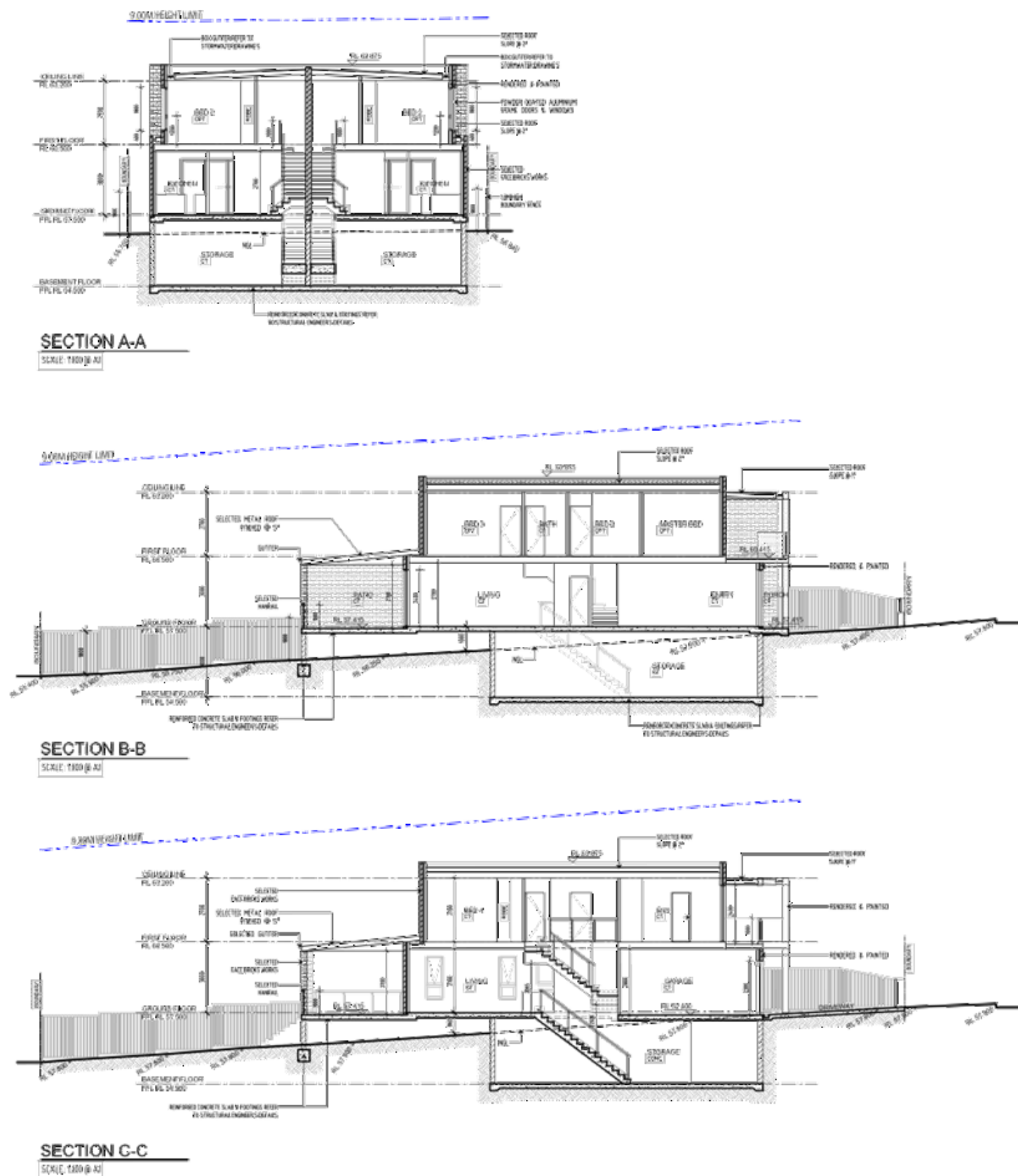
**PROJECT TYPE:**  
DUAL OCCUPANCY  
SITE ADDRESS:  
852 MERRYLANDS ROAD, GREYTANES, 2145  
LEGAL IDENTIFICATION NUMBER: 101-02-0102  
LOCAL GOVERNMENT AUTHORITY: CUMBERLAND

**SHEET NUMBER:**  
19005 DA 02

**ISSUE:**  
A





[illegible][illegible]

0.83



**CAD Plans** REVISED  
**DESIGN Solutions**  
39 Cumberland Rd Auburn NSW 2144  
Ph: (02) 9066 2177      Adv: (02) 90674028  
M: 0456909157  
E: info@cadplans.net.au

SHEET TITLE: <b>ELEVATIONS, SECTIONS &amp; FENCE DETAILS</b>				
DESIGNER: LWS	DRAWN: JAW	DATE: 08-03-2020	SCALE: AS SHOWN	PRINT SCALE: 1" = 1' 0"

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PROJECT TYPE: <b>DUAL OCCUPANCY</b>	
SITE ADDRESS: <b>852 MERRYLANDS ROAD, GREYTANES, 2145</b>	
LEGAL IDENTIFICATION NUMBER: 10-02(2145)	
LOCAL GOVERNMENT AUTHORITY: CLARENDON	
SHEET NUMBER: <b>19005 DA 04</b>	ISSUE: <b>A</b>





PROJECT TYPE: <b>DUAL OCCUPANCY</b>	ISSUE: <b>A</b>
SITE ADDRESS: <b>852 MERRYLANDS ROAD, GREYTANES, 2145</b>	
LEGAL IDENTIFICATION NUMBER: 10-0P-02161	
LOCAL GOVERNMENT AUTHORITY: CASSIDIAN	
SHEET NUMBER: <b>19005 DA 05</b>	

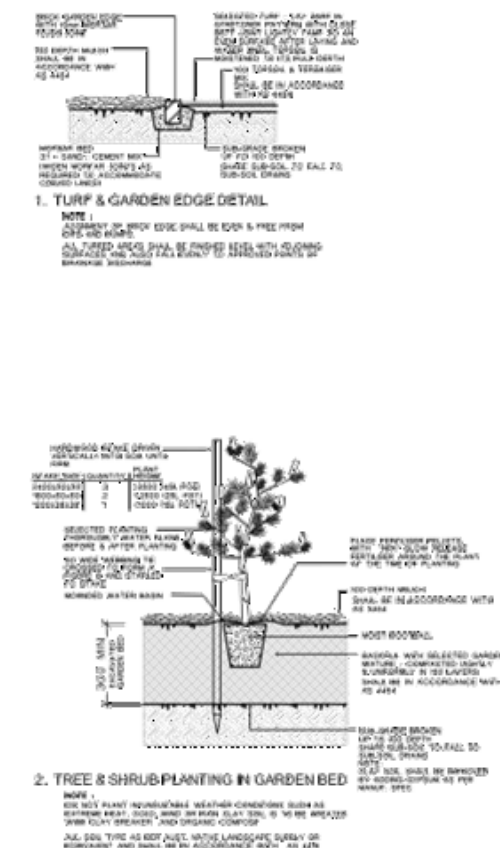
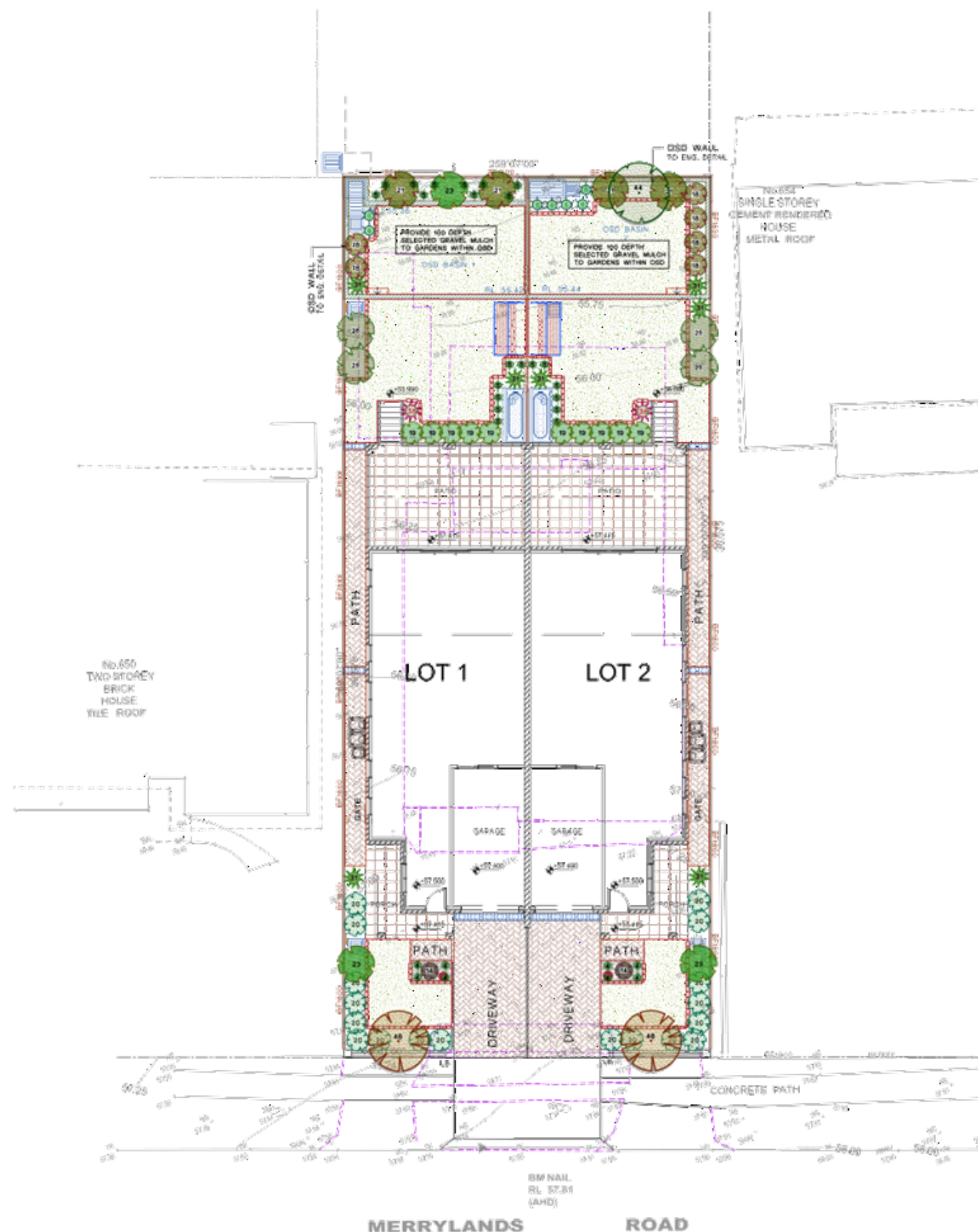


	<b>FBF</b> FACE BRICK WALLS - WHERE INDICATED EMPORIUM ONE AUSTRALBRICKS OR SIMILAR
	<b>BP1</b> RENDERED AND/OR PAINTED - COLUPLA, SLAB & UPSTAND ANTIQUE WHITE DULUX OR SIMILAR
	<b>BP2</b> PAINTED TO MATCH BRICK COLOUR
	<b>BP3</b> RENDERED AND/OR PAINTED WALLS TRANQUIL RETREAT DULUX OR SIMILAR
	<b>GDW</b> GARAGE DOOR, ENTRY DOOR WOOD FINISHED OR SIMILAR
	<b>ALF</b> ALUMINIUM FRAME POWDER COATED, DOORS & WINDOWS MONUMENT DULUX OR SIMILAR
	<b>SPR</b> SELECTED METAL ROOF MONUMENT DULUX OR SIMILAR
	<b>GLR</b> SELECTED GLASS BALUSTRADE/HANDRAIL OR SIMILAR

**COLOUR SCHEDULE & FINISHES**  
LOT 1 & LOT 2

		<p><b>NOTES:</b></p> <p>1. ALL DIMENSIONS ARE IN MILLIMETRES AND SHOULD BE NOTED ON SITE BY SURVEYOR PRIOR TO COMMENCEMENT OF WORK.</p> <p>2. ALL CONSTRUCTION TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA, RELEVANT AUSTRALIAN STANDARDS AND APPLICABLE DEVELOPMENT CONTROL REQUIREMENTS.</p> <p>3. ALL DIMENSIONS, INCLUDING BUT NOT LIMITED TO, ROOF RISES AND ELEVATIONS ARE SUBJECT TO VERIFICATION ON SITE BY SURVEYOR.</p> <p>4. COLOURS INDICATED TO THE PROPOSER/CLIENT SHOULD BE EMPLOYED, IF IN DOUBT ONLY USE FLAT COLOURS TO THE PROPOSER/CLIENT SHOULD BE EMPLOYED, IF IN DOUBT ONLY.</p> <p>5. ALL FINISHES CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE NATIONAL FINISHES GUIDE (NFG) - 2018.</p> <p>6. ROOF WATER AND VENTILATION TO BE PROVIDED IF IN THE PROPOSED PLANS AS INDICATED ON THE CUMBERLAND PLANS (CUMBERLAND PLANS) OF THE CUMBERLAND COUNCIL.</p> <p>7. ALL STRUCTURAL DETAILS TO BE DESIGNED BY AN APPROVED STRUCTURAL ENGINEER.</p> <p>8. DRAWING NOT TO BE USED FOR CONSTRUCTION UNLESS WRITTEN UNDER FOR CONSTRUCTION.</p>		<p><b>PROJECT NORTH</b></p> 		<p><b>CLIENT:</b></p> 		<p><b>CAD Plans</b> (PTY LTD)</p> <p><b>DESIGN SOLUTIONS</b></p> <p>39 Cumberland Rd Auburn NSW 2144</p> <p>P: (02) 8008 2177</p> <p>M: 0416009172</p> <p>E: info@cadplans.net.au</p>		<p><b>SHEET TITLE:</b></p> <p><b>COLOUR SCHEDULE &amp; FINISHES</b></p> <table><tr><th>DESIGNER:</th><th>DRAWN:</th><th>DATE:</th><th>SCALE:</th><th>PRINT SCALE:</th></tr><tr><td>NAS</td><td>ASP</td><td>MARCH 2019</td><td>AS SHOWN</td><td>A1 - AS SHOWN A3 - AS SHOWN</td></tr></table> <p><b>COPYRIGHT:</b></p> <p>THIS DESIGN AND PRINT REMAINS THE PROPERTY OF CAD PLANS PTY LTD AND MUST NOT BE REPRODUCED OR COPIED WITHOUT PERMISSION FROM CAD PLANS PTY LTD.</p>		DESIGNER:	DRAWN:	DATE:	SCALE:	PRINT SCALE:	NAS	ASP	MARCH 2019	AS SHOWN	A1 - AS SHOWN A3 - AS SHOWN	<p><b>PROJECT TYPE:</b></p> <p><b>DUAL OCCUPANCY</b></p> <p><b>SITE ADDRESS:</b></p> <p>652 MERRYLANDS ROAD, GREYTANES, 2145</p> <p><b>LEGAL IDENTIFICATION NUMBER:</b> 10-07221671</p> <p><b>LOCAL GOVERNMENT AUTHORITY:</b> CUMBERLAND</p> <p><b>SHEET NUMBER:</b></p> <p>19005 DA 06</p> <p><b>ISSUE:</b></p> <p>A</p>	
DESIGNER:	DRAWN:	DATE:	SCALE:	PRINT SCALE:																			
NAS	ASP	MARCH 2019	AS SHOWN	A1 - AS SHOWN A3 - AS SHOWN																			
A		18.11.2019		ISSUE FOR DEVELOPMENT APPLICATION																			





**PROPOSED PLANT SCHEDULE**  
IN ACCORDANCE WITH AS 2303:2015

NO	BOFAN/C44 NAME	COMMON NAME	APPROX MATURED HEIGHT	POT SIZE	QTY/UNIT
<b>GROUND COVER / BORDER</b>					
4	Ulex europaeus 'Jub King'	Just High Ulex	0.8	160mm	8
5	Dianella tasmanica 'Daisy'	Geometric Flax Lily	0.4	160mm	22
6	Andros cymosa	Common Rush	0.6	160mm	7
<b>LOW SHRUBS</b>					
7	Syringa 'Bladder'	Uly. Hly. Syringa	1.7	200mm	2
8	Baccharis viridula 'Burgundy'	Purple-leaved Tea Bush	2	200mm	6
9	Azalea 'Kilroy Magic'	Lily glly	1.5	200mm	16
10	Wisteria floribunda	Wisteria	1.5	200mm	8
<b>TALL SHRUBS</b>					
11	Callistemon citrinus	Greyish Bottlebrush	4	200mm	4
12	Beckhamia myrtifolia	Gray Myrtle	3	200mm	3
13	Syringa alba 'Sensation'	Uly. glly	4	250mm	2
<b>FEATURE SHRUBS</b>					
14	Coronilla stictica	Slender Star Lily	3	200mm	2
15	Coronilla 'Red Sensation'	Red Sensation	1.2	240 L	2
<b>TREES</b>					
16	Tristania laurina 'Lambton'	Water gum	7	450 L	3
17	Allocasuarina saligna 'Lambton'	Coastal Myrtle	7	450 L	3

NOTE:  
HEIGHT AND SPAN ARE INDICATIVE ONLY.  
SUBJECT TO ON-SITE ENVIRONMENTAL FACTORS  
USE ONLY AS A GUIDE.

REV	DESCRIPTION	DATE
1	DA ISSUE	25/12/19

**NOTE:**

- [illegible]

## MAINTENANCE

- All landscape works are to be maintained for a period of 12 months as required by council OZ Consent. Landscape contractor shall keep complete AND shall maintain at all times in a suitable manner, replace plants which have failed with the same species. Must be maintained as specified detail. All plants must be watered on a regular basis to maintain moist fertile substrate for optimum growth. All garden areas to be maintained free from weeds.



## PROPOSED DUPLICATION

652 Merrylands Rd  
Greystanes

40 CHAFFIN

**CAD Plans**  
DESIGN Solutions

vision dynamics

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LANDSCAPE CONCEPT  
PLAN

ORIGIN	FE	SCALE	1/1000 @ A1 OR 1/200 @ A3	REAL
DRAWING NUMBER				
19156 DA 1				



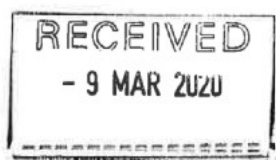




DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP032/20

Attachment 3  
Submission Letter





Greystones 2)

9-3-2020

Regarding application no. 2020/0011  
652 Merrylands Rd.

We are concerned that the proposed  
building next door to our house  
will be too close to our property  
the setback on our property is  $1\frac{1}{2}$  metres

the proposed new building will 9m  
we are voicing our concern  
that it is too close.





DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP032/20

Attachment 4

Appendix A - Holroyd Local  
Environmental Plan 2013 -  
Compliance Assessment



ATTACHMENT 4			
-Holroyd Local Environmental Plan (HLEP) 2013			
Holroyd Local Environmental Plan 2013 Compliance Assessment			
No.	Required/Permitted	Comment	Comply
<b>Part 2 Permitted or prohibited development</b>			
	Zoning R2 Low Density Residential	The proposal meets the objective of the zone "to provide for the housing needs of the community within a low density residential environment"	Yes
	Permissible Uses/Development	'Dual occupancies' are permitted with consent in the R2 Zone	Yes
2.7	Demolition requires consent	Consent sought for demolition	Yes
<b>Part 4 Principal development standards</b>			
4.1	Minimum subdivision lot size	However, complies with Clause 4.1A	No
4.1A	Exceptions to minimum lot sizes for certain residential development	Proposal is for the purpose of a dual occupancy development	Yes
4.1B	Minimum lot sizes for dual occupancies	No, however, saving provisions apply as this DA was lodged before the gazettal of minimum lot size. Cumberland Local Environmental Plan Amendment (Dual Occupancies) 2020 increased the minimum lot size required for a dual occupancy development to 585sqm in residential zones (R2 Low Density Residential and R3 Medium Density Residential) and came into effect 8 May 2020. The subject DA was lodged on 13 January 2020 prior to the LEP Amendment. The subject site has an area of 557.4sqm complying with the minimum lot size required for dual occupancy developments at the time of lodgement.	No
4.3	Height of Buildings Max 9m	7.75m proposed	Yes
4.4	Floor Space Ratio Max 0.5:1	Site 557.4sqm FSR: 0.5:1 GFA: 278.7sqm	Yes
4.6	Exceptions to Development Standards	N/A	N/A
<b>Part 5 Miscellaneous provisions</b>			
5.10	Heritage	The development is not within the vicinity of a heritage item	N/A
<b>Part 6 Additional local provisions</b>			
6.1	Acid Sulfate Soils	The site is not affected by potential acid sulfate soils.	N/A
6.4 & 6.7	Flood Planning and Stormwater Management	Stormwater management subject to conditions of consent	Yes
6.5	Terrestrial Biodiversity	N/A	N/A
6.6	Riparian land and watercourses	N/A	N/A
6.8	Salinity	The site is located on lands identified as being affected by moderate salinity, conditions shall be imposed	Yes
6.9	Buffer between industrial and residential	The development is not in a buffer zone	N/A



DOCUMENTS  
ASSOCIATED WITH  
REPORT LPP032/20

Attachment 5

Appendix B - Holroyd  
Development Control Plan 2013





**ATTACHMENT 5**

**Holroyd Development Control Plan 2013**

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

included in the following assessment table:

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

6 Soil Management					
No.	Clause	Comment	Yes	No	N/A
6.2	Site Contamination and Land Filling	The site is not identified in Council's records as being contaminated. A site inspection reveals the subject site is currently used for residential purposes and that the site does not have any obvious history of a previous land use that may have caused contamination and there is no evidence that indicates the site is contaminated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.3	Erosion and Sediment Control	Submitted Erosion and Sediment Control Plan is considered to be satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.5	Salinity Management	The site is located on land identified as being affected by moderate salinity; appropriate conditions of consent have been included within the draft conditions of consent.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	Stormwater Management	Stormwater shall be managed in accordance with the conditions of consent.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	Flood Prone Land	The site is not subject to flooding	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.	Managing external road noise and vibration	Acoustic levels within the proposed dwellings shall be addressed prior to construction in accordance with the conditions of consent.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.	Safety and Security	The front entry and windows to habitable rooms address the street frontage to provide a high level of surveillance. Safety and security is satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11.	Waste Management	The submitted Waste Management Plan is considered to be satisfactory.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.	Services	Water, sewer, overhead electricity and underground telephone facilities are	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		available to the proposed units.			
<b>Part B – Residential Controls</b>					
<b>1.1 Building Materials</b>					
<b>No.</b>	<b>Clause</b>	<b>Comment</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	Building materials for new residential development and for additions to existing residential development must be compatible with the streetscape and character of its locality.	Facades are well articulated for the character of the streetscape.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1.2 Fences</b>					
<b>No.</b>	<b>Clause</b>	<b>Comment</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	Maximum height of 1.5m, maximum 1m solid.	1.2m front fence with solid to a height of 600mm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1.3 Views</b>					
<b>No.</b>	<b>Clause</b>	<b>Comment</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	Where significant and/or district views are currently enjoyed, or where views may be reasonably created, the design of development shall be designed to minimise the obstruction of such views.	The proposal does not obstruct significant views.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1.4 Privacy					
No.	Clause	Comment	Yes	No	N/A
	The windows of dwellings are to be located so they do not provide direct and close views into the windows of habitable rooms and private open spaces of adjoining dwellings.	<p>Windows 'W5' and 'W6' to the east facing living area shall be either obscure glazed or replaced with a high sill window as per the condition imposed in the consent.</p> <p>Windows 'W7' and 'W8' to the west facing living area shall be either obscure glazed or replaced with a high sill window as per the condition imposed in the consent.</p> <p>Kitchen windows 'W9' and 'W4' be either obscure glazed to 1.5m from the finished floor level.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<p>Window sills shall have a maximum height of 1500mm are required in ground floor living areas located higher than 1 metre above existing ground level and within 6 metres of the property boundary.</p> <p>Note:</p> <ul style="list-style-type: none"> <li>The placing of windows shall be based on the detailed site analysis prepared for the development proposal.</li> <li>The use of windows which are narrow, translucent or obscured for upper floors and bathrooms is recommended.</li> </ul>	Obscured windows have been proposed for bathrooms of unit 1 and unit 2.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Where a proposed deck overlooks outdoor living areas of adjacent dwellings, suitable screening is to be provided, at a minimum height of 1500mm.	The rear alfresco area and rear stairs/steps of unit 1 and unit 2 will have overlooking impacts. A condition shall be imposed for the alfresco openings to be fitted with a privacy screening along the east and west elevations with a minimum height of 1.5m above the finished floor level.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Landscaping shall be designed to provide screening and filtering for	Adequate landscaping is provided throughout the	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	control of privacy and to reduce overlooking of dwellings.	site with garden beds along the rear and side boundaries within the courtyards/POS areas to provide adequate screening.			
	Developments shall utilise the site and building layout to maximise the potential for acoustic privacy by providing adequate building separation within the development and from neighbouring buildings.	Adequate building separation is proposed to maximise acoustic privacy. A minimum of 900mm setback from side boundaries is exceeded as the development proposes 915mm setbacks to both side boundaries.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Air conditioners, swimming pool pumps and the like are not to exceed 5dba above background noise levels and should not be audible from habitable rooms of neighbouring dwellings. Note: Air conditioners, swimming pool pumps and the like shall comply with the protection of the environment operations act and noise regulation.	The development consent shall include relevant conditions to ensure the air conditioners do not exceed 5dba above background noise levels.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Balconies shall not extend beyond the required setback.	All balconies proposed are within the required setbacks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	All balconies and decks higher than 800mm above existing ground level shall incorporate privacy measures to ensure that the privacy of surrounding residents is not unduly reduced, Note: Privacy measure may include (but are not limited to:) • screening in the form of walls, screens or louvers • landscape planting • lattice or similar on top of side and rear fencing	A condition shall be imposed for the street facing balconies to be fitted with privacy screening along the east and west elevations with a minimum height of 1.5m above the finished floor level.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1.5</b>	<b>Landscaping and open space</b>				
<b>No.</b>	<b>Clause</b>	<b>Comment</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	Landscaped area shall be a minimum of 2 metres wide and is to be, where possible, at ground level.	The landscaped area for the proposed development has a minimum width of 2 metres.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	No more than 50% of the provided landscaped area shall be forward of the front building line.	The landscaped area is predominantly in the rear yard of the proposed development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Only hard paved areas for the purposes of driveways and pathways will be permitted within the front setback area and shall be kept to a minimum. Hard paved areas shall not cover the entire front setback area.	The front setbacks of the proposed dwellings only include driveways as hard paved area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Where an access driveway is located on the side boundary or where an internal roadway is to be provided, a landscape strip of 1 metre shall be provided.	Central driveways are proposed, therefore more than the required 1m landscaping is proposed along the side boundary of each driveway	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The % of the total site area to be provided as landscape area for each residential development type shall be as follows: • <b>25%</b> - Dwelling house, dual occupancy and attached housing development on lots greater than 600m <sup>2</sup> .	The subject application proposes 36.2% of landscaped area for the subject site at a minimum width of 2 metres. (202m <sup>2</sup> landscaped area)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



	<ul style="list-style-type: none"> <li>• Only be located at the rear or side of the dwelling</li> <li>• Be at located ground level. Structures such as decks proposed to be included as private open spaces, which are equal to or less than 500mm above ground level dwelling, and complies with all other criteria, may be considered by Council based upon their merits.</li> <li>• Minimise overlooking opportunities and shall not decrease the visual privacy of neighbouring development.</li> <li>• Accommodate both passive and active recreation uses.</li> <li>• Must be directly accessible from a main living area of the dwelling (i.e. lounge/dining/rumpus room).</li> <li>• Provided for the exclusive use of the occupant(s) of the dwelling house;</li> <li>• Include an area for external clothes drying with good solar access where possible, which is not visible from a public area.</li> <li>• Shall not be steeper than a 1:8 gradient. For steeply sloping sites, Council may consider terrace type stepping, which must have a length to width ratio no greater than 3:1.</li> </ul>	<p>The proposed private open space area for each dwelling:</p> <ul style="list-style-type: none"> <li>- Is located at the rear of the subject site;</li> <li>- Is located at ground level;</li> <li>- Does not impact on the privacy of adjoining properties;</li> <li>- Is directly accessible from the main living area;</li> <li>- Is for the use of the occupants of the dual occupancy units;</li> <li>- Includes clothes drying facilities not visible from the street with adequate solar access; and</li> <li>- Is not steeper than a 1:8 gradient.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Rear private open space areas are to have external access either through an associated garage or directly from a common area in order to facilitate maintenance of the private open space and storage of garbage bins.	The private open space area for each dwelling can be accessed directly from the side boundaries which can be utilised to maintain the area and for the storage of garbage bins.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Private open space shall be provided at ground level in a single tract with a minimum dimension of not less than 3.0 metres.	The proposed private open space area for each unit is at ground level with a minimum width of 3 metres.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Principal private open space shall have a minimum dimension of 4 metres, have direct access from a major living area of the dwelling and be clear of all structures, including posts.	The principal private open space for each dwelling has a minimum dimension of 4 metres, is directly accessible from the main living area and is clear of any structures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	15% of the total site area is to be provided as private open space for dwelling house, dual occupancy and attached housing developments and this shall include a principal area of 25m <sup>2</sup> .	The proposed private open space is approximately 28.3% (158m <sup>2</sup> ) of the site area.  Proposed PPOS area for unit 1 is 79m <sup>2</sup> Proposed PPOS area for unit 2 is 79m <sup>2</sup>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1.6 Safety and security</b>					
<b>No.</b>	<b>Clause</b>	<b>Comment</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	The front door of a development should either be visible from the street or internal roadway, or overlooked by a window, and should be clearly visible from the driveway.	The front door is visible from the street for both the dwellings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Blank walls along street frontages are prohibited.	No blank walls are proposed along the street frontage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Landscaping that may allow would-be intruders to hide shall be avoided.	The landscaping within the front will not allow intruders the opportunity to hide.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1.7 Building and site sustainability</b>					
<b>No.</b>	<b>Clause</b>	<b>Comment</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	Residential building designs should incorporate the following design principles for achieving a more sustainable home: • Effective building Orientation- attempt to take advantage of northerly aspects, where possible. • Energy efficient building materials should be used • Design to allow for cross ventilation- through window size, placement and ventilation. • Create sustainable landscaping - deciduous trees on north side of dwelling and the planting of vegetable gardens. • Window Protection- through external shading devices. • Draught proofing and weather sealing- to prevent potential air leaks. • Effective use of natural light- dwellings should be designed so that artificial lighting is not needed during the day.	The subject development is designed to achieve a sustainable home through: - The placement of windows to improve natural lighting; - The window placements to maximise natural ventilation; - Adequate landscaping; and - The rainwater tanks to satisfy water sustainability.  A BASIX Certificate for the development accompanies the application detailing the compliance with the sustainable building design requirements under the BASIX Scheme.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	The design and location of stormwater drainage structures, such as detention and rainwater tanks, is to be integrated with the landscape design and fencing for the site. Above ground structures should not be visually intrusive.	The proposed above ground rainwater tanks are located at the rear of each unit and are integrated with the landscape design and are not visually intrusive.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	All roofing shall be provided with adequate gutter and downpipes connected to roof water drainage systems.	The proposed development is provided with adequate guttering and downpipes connected to drainage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Full details of proposed rainwater tanks shall be submitted with a Development Application for approval. Details are to include (as a minimum): • Rainwater tanks shown on all plans, including floor plans and elevations, • the configuration of inlet/outlet pipe and overflow pipe, • the storage capacity, dimensions, structural details and proposed materials, and • the purposes for which the tank is intended to be used, that is for washing machine use, toilet use and outdoor watering use.	The details outlined for proposed rainwater tanks in this provision have been detailed on the stormwater plans accompanying the application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Rainwater tanks that are to be connected to toilets and washing machines and for outdoor water use are required (minimum 1 per dwelling) and must be located to the side or rear of the dwelling for single dwelling houses.	The proposal includes a 1500L (minimum) rainwater tank for each dwelling which are located to the rear of the dwellings.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1.8</b>	<b>Sunlight access</b>				
<b>No.</b>	<b>Clause</b>	<b>Comment</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	Residential development shall be designed to have as minimal impact as possible on the sunlight access and amenity obtained by existing adjacent properties and their dwellings.	The proposed development has been designed to have minimal impact on the solar access of the adjoining properties.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Applications for proposed dwellings shall demonstrate design mechanisms provided to ensure sunlight access to the proposed dwellings.	The proposed dwellings ensure sunlight access to the living areas of the dwellings- achieved through the placement of east, south and west facing openings. The private open space of each will receive adequate solar access.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	New dwellings shall be designed to ensure direct sunlight access for a minimum of 3 hours between 9.00am and 4.00pm at the winter solstice (22 June) is provided to at least one main living area of the proposed dwelling/s.	The proposed living areas of unit 1 and unit 2 shall receive 3 hours solar access from 9am to 4pm in mid-winter as skylights are conditioned to be fixed within the rear alfresco area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The shadow effect from a proposed development on existing adjacent dwellings must be such that a minimum of 3 hours of direct sunlight between 9.00am and 4.00pm at the winter solstice (22 June) is to be provided to at least one main living area of existing dwellings.	The adjoining properties will continue to receive the required solar access to main living areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	A minimum of 50% of the required private open space areas of the proposed dwellings and any adjacent dwellings shall have access to 3 hours of direct sunlight between 9.00am and 4.00pm at the winter solstice (22 June).	Unit 1 and unit 2 receive at least 3 hours solar access from 9am to 4pm in mid-winter. The neighboring properties receive the required solar access to 50% of POS between 9am and 4pm.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Proposed development should endeavour not to overshadow any existing solar panels on adjacent properties.	The adjoining properties do not include any solar panels.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>1.9</b>	<b>Cut and fill</b>				
<b>No.</b>	<b>Clause</b>	<b>Comment</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	Development is should be designed and constructed to integrate with the natural topography of the site.	The proposed dual occupancy development is integrated with the natural topography of the site with moderate cut and fill proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Fill, up to 300mm, is permitted within 900mm of side or rear boundaries.	No fill proposed within 900mm of side boundaries.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Fill, 600mm or greater is to be contained within the building envelope.	Generally contained due to basement storage within the building envelope.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Cut is permitted to a maximum of 1 metre.	Cut up to 1m for proposed basement storage area is proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Cut is to be limited to 450mm where it is within 900mm of the rear or side boundaries.	Maximum 450mm within 900mm of side or rear boundary.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1.10</b>	<b>Demolition</b>				
<b>No.</b>	<b>Clause</b>	<b>Comment</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	Approval for the demolition of a dwelling, addition or outbuilding to a dwelling is required from Council.	Approval for the demolition of the existing structures is being sought under the subject application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	If the demolition involves removing asbestos, compliance with Council's Asbestos Cement Policy for the safe removal and disposal is required.	The proposed demolition works will be managed in compliance with Workcover's Asbestos Cement Policy.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1.11</b>	<b>Car parking and roads</b>				
<b>No.</b>	<b>Clause</b>	<b>Comment</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	Garages are to be a maximum of 6 metres clear width or 50% of the width of the buildings street elevation whichever is the lesser.	The garage widths are 3 metres which equates to 6 metres or 44% of the width of the building.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Where the width of the proposed dwelling house or detached dual occupancy is greater than 12 metres, garages and carports may extend 1.5m from the building façade.	Building width exceeds 12m; garages do not project beyond the building façade. The proposed garages are 6 metres from the street boundary which is consistent with the building façade.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The size of any garage shall be no more than a maximum of 40m <sup>2</sup> . If the proposed garage is to be greater than 40m <sup>2</sup> , any area in excess of this will be considered to be floor space.	The garages have an area less than 20m <sup>2</sup> and therefore will not be considered as part of the floor space.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	A lockable storage closet for each dwelling should be provided within the garage.	A storage space/open area in the garage can be provided for each dwelling.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	For dwelling houses, dual occupancy and multi dwelling housing, parking in the case of each dwelling shall be separately accessible.	Separate access to the garages are provided for each dwelling.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Vehicular access points are to be minimised and should not break the continuity of the streetscape.	The vehicular access point proposed as part of the application is along Merrylands Road which will not break the continuity of the streetscape.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Vehicle crossing/s shall be a minimum width of 3 metres (5 metres for single dwellings and dual occupancies that propose double or adjacent garages) and a maximum width of 5 metres at the boundary line. A width up to 6 metres can be considered for multi-unit complexes. Generally only one vehicular crossing will be permitted per site.	The proposed single vehicular crossing (conditioned) is compliant with the requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	All new driveways should be located at least 1 metre away from the side property boundaries, or 1.5 metres in the case of Residential Flat Buildings.	The driveways are setback more than 1 metre from side boundaries.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The maximum gradient for a driveway should be 20%, or 1:5.	The proposed driveway gradients are less than 20% or 1:5.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1.12 Universal Housing and Accessibility</b>					
<b>No.</b>	<b>Clause</b>	<b>Comment</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	Each unit provides for facilities on ground floor for people with a disability.	The proposed floor plan is adaptable in this regard.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1.13 Subdivision</b>					
<b>No.</b>	<b>Clause</b>	<b>Comment</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	Allotment orientation should ensure that living and private open space areas of any dwelling can be orientated to the north and that dwellings can be positioned so that the possible overshadowing impact on existing or future adjoining buildings can be minimised.	The orientation of the living areas and private open space areas maximises the solar access achieved for the development given the sites orientation. The proposed dwellings have minimal impact on the solar access of the adjoining properties.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Council will allow the Torrens subdivision of dual occupancies and the strata subdivision of multi dwelling development subject to compliance with all other related controls contained in this DCP.	The subject application proposes the Torrens Title subdivision into 2 lots.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



<b>3.1</b>	<b>Specific requirements for attached dual occupancy development</b>				
<b>No.</b>	<b>Clause</b>	<b>Comment</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	<p>No more than one attached dual occupancy may be erected on a single allotment of land.</p> <p>The minimum allotment size for an attached dual occupancy development is 500m<sup>2</sup> in Zone R2 Low Density Residential and 450m<sup>2</sup> in Zone R3 Medium Density Residential.</p> <p>The minimum site frontage for an attached dual occupancy, as measured from the building line is 15 metres.</p> <p>Mirror reverse designs for attached dual occupancies are not permitted.</p> <p>Architectural differentiation between the dwellings, such as variable setbacks is required.</p> <p>Compatibility with the adjoining dwelling should be retained through roof pitch, colour schemes, materials etc.</p>	<p>One attached dual occupancy proposed</p> <p>Lot size=557.4sqm with 15.24m frontage</p> <p>A condition shall be imposed addressing architectural differentiation within the street facing balconies to ensure the design is not a mirror reverse.</p> <p>Compatibility is maintained through proposed colour scheme.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3.5</b>	<b>Site coverage</b>				
<b>No.</b>	<b>Clause</b>	<b>Comment</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	The maximum site coverage for a dual occupancy is 50% of the site area.	The proposal achieves site coverage of 35.1% (196m <sup>2</sup> ).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3.6</b>	<b>Setbacks</b>				
<b>No.</b>	<b>Clause</b>	<b>Comment</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	The minimum setback from the principal streetscape frontage is 6 metres (with the exception of dwellings to rear laneways or secondary streets).	The minimum proposed front setback is 6m for unit 2 and unit 1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Side setbacks are to be a minimum of 900mm.	The minimum side setbacks for the proposed dwellings are a minimum of 915mm on side boundaries.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Rear setbacks shall be a minimum 30% of the length of the site. This is irrespective of the location of private open space. This does not apply to corner lots.	The proposed rear setback is 11.35 metres which is 31% of the length of the site being 36.57 metres	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	For corner lots, rear setbacks shall be a minimum of 4 metres. Rear setback relate to the proposed rear setback of the dwellings, not the existing rear setback.	The subject site is not a corner allotment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	An articulation zone shall be permitted in the front setback to the primary street frontage. The articulation zone is limited in width to 25% of the building width and 1.5 metres in length.	Encroachment of a 1.08m articulation zone to the primary street frontage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3.7</b>	<b>Building height</b>				
<b>No.</b>	<b>Clause</b>	<b>Comment</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	The maximum height of a dual occupancy dwelling is two (2) storeys.	The proposed dual occupancy is a maximum of 2 storeys in height.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The minimum floor to ceiling height for a dual occupancy is 2.4 metres (Figure 26).	Both ground and first floor of each dwelling achieves the minimum floor to ceiling height of 2.4metres.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3.8</b>	<b>Building appearance</b>				
<b>No.</b>	<b>Clause</b>	<b>Comment</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
	Maximum length of walls along the first floor side boundaries shall be 10 metres without any indentations, offsets or other articulation features.	The first floor side elevations have a maximum length of 6.47m with articulation proposed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	At a minimum, the front façade of each dwelling in a dual occupancy shall orientate the front door and a window of a habitable room on the ground floor to address the principal street frontage.	Each dwelling includes a front door entry and a window on the ground floor level which addresses the street frontage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>