

An Electronic meeting of the Cumberland Local Planning Panel will be held at 11:30a.m. via Zoom on Wednesday, 8 July 2020.

Business as below:

Yours faithfully

Hamish McNulty General Manager

ORDER OF BUSINESS

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





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Item No: LPP033/20

DEVELOPMENT APPLICATION FOR 4-18 MARK STREET, LIDCOMBE

Responsible Division: Environment & Planning

Officer: Executive Manager Development and Building

File Number: DA2019/229

Application lodged	25/07/2019		
Applicant	Rolz Group Pty Ltd		
Owner	Apartments on Mark Pty Ltd		
Application No.	DA2019/229		
Description of Land	4-18 Mark Street, LID	COMBE (Lots 1 to 8, Section 3, DP 846)	
Proposed		ons to an approved 10 storey mixed use	
Development		Street, Lidcombe (DA2017/363); and	
	demolition of existing	structures at 16-18 Mark Street,	
		uction of an additional 8 to 11 storey	
		mponent, accommodating a combined	
		suites and 213 residential units over 5	
0:4 - 4	levels of basement pa	rking for 627 vehicles.	
Site Area	4,176m ²	under Auburn Leed Erwinsensental Die	
Zoning		under Auburn Local Environmental Plan	
Disclosure of political	2010 Nil disclosure		
donations and gifts	INII UISCIOSUIE		
Heritage	The subject site is not listed as a heritage item, is not located		
licitage		nservation area. The site is located	
		following 4 heritage items:	
	Corner Joseph and James Street, Lidcombe,		
	approximately 100m to the west containing Lidcombe War		
	Memorial Statue;		
	2. 35-49 Joseph Street Lidcombe, approximately 140m to the		
	south-west containing Fenton House;		
	3. 24 James Street Lidcombe, approximately 50 metres to		
	the south-east containing a heritage listed dwelling; and		
	4. Rookwood Cemetery, approximately 185m to the east of the site.		
Principal Development	FSR:	Permissible: 5:1	
Standards	rok.		
		Proposed: 4.84:1	
	Height of Building:	Permissible: 32 metres	
		Proposed: 39.71 metres	
Issues	 Height of buildings 		
	2. Awnings		
	3. Site coverage		
	4. Building envelope	dance	
	5. Head height of win	dows	
	6. Deep soil zones		



7. Setbacks





Figure 1 – Photomontage of Proposed Development (Source: Zhinar Architects, 2020)



Figure 2 – Photomontage of Proposed Development (Source: Zhinar Architects, 2020)



SUMMARY:

Development Application No. DA-229/2019 was originally received on 25/07/2019 seeking consent for alterations and additions to approved 10 storey mixed use building at 4-14 Mark Street, Lidcombe (DA2017/363); and demolition of existing structures at 16-18 Mark Street, Lidcombe, and construction of an additional 10 storey mixed use building component, accommodating a combined total of 15 commercial suites and 217 residential units over 5 levels of basement parking for 643 vehicles.

The application was amended with the submission of amended plans and documents received by Council on 05/05/2020, seeking consent for alterations and additions to approved 10 storey mixed use building at 4-14 Mark Street, Lidcombe (DA2017/363); and demolition of existing structures at 16-18 Mark Street, Lidcombe and construction of an additional 8 to 11 storey mixed use building component, accommodating a combined total of 15 commercial suites and 213 residential units over 5 levels of basement parking for 627 vehicles.

The application essentially seeks to retain the approved built form under DA2017/363, amend the internal layouts and expand the development to the southern half of the site to include 16-18 Mark Street, Lidcombe.

In accordance with Council's notification requirements contained within the Auburn Development Control Plan 2010 (ADCP), the original development proposal was publicly notified for a period of 14 days between 13 August 2019 and 27 August 2019. No submissions were received in respect of the proposed development. The amended application was publicly notified for a period of 14 days between 20 May 2020 and 3 June 2020. One (1) submission was received in respect of the amended proposal which has been addressed within the main body of this report.

The development application was referred for comments internally to Council's Development Engineer, Environmental Health Officer, Tree Management Officer and Resource Recovery Officer, and externally to the NSW Police Force – Flemington Local Area Command, Roads and Maritime Services and Ausgrid, to which the application is supported, subject to conditions.

The application was referred to the Design Excellence Panel (DEP) in accordance with the Cumberland Design Excellence Panel Policy, as the proposal seeks a building height of more than 25 metres. The design has been found to be worthy of support, subject to conditions.

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



Control	Required / Permitted	Proposed	Variation
Height of Building	32 metres	39.71 metres	7.71 metres / 24%
Awnings	4m Soffit Height	4 to 5 metres	1 metre / 25%
1. Site Coverage	2. 50%	3. 65%	4. 30%
Building Envelope	850m²	1,647m ² to 2,160m ²	797 to 1,310 metres / 94% to 154%
Head Height of Windows	2.4 metres	2.3 metres	4.16%
Deep Soil Zones	30%	2.4%	92%
Setbacks	4 to 6 metres	2 metres	50% to 66.6%

The application is being reported to the Cumberland Local Planning Panel (CLPP) for determination, as pursuant to the Local Planning Panels Direction – Development Applications issued by the Minister for Planning on 23 February 2018, the application constitutes 'sensitive development', as it is development to which State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development applies.

In light of the above, it is recommended that the Cumberland Local Planning Panel (CLPP) approve the development application, subject to the draft notice of determination contained in Attachment 2 to this report.

REPORT:

Subject Site and Surrounding Area

The proposed redevelopment of the subject site comprises of 8 allotments and is legally described as Lots 1 to 8, Section 3, DP 846, and is known as 4-18 Mark Street, Lidcombe.

The site is zoned B4 Mixed Use and is situated on the eastern side of Mark Street, south of Marsden Street. The subject site is located within the 'Lidcombe Town Centre' in one of the key sites being Precinct 7 - Marsden Street as identified in section 15.0 of the Local Centres chapter of the Auburn Development Control Plan (ADCP) 2010.

The land is regular in shape and has a frontage to Mark Street along the western boundary, Marsden Street along the northern boundary and James Street along the southern boundary. The site has a combined frontage width of 101.65m to Mark Street, 41.205m to Marsden Street and 41.08m to James Street, creating a total combined land area of 4,176m². The land has a moderate slope with a fall across the site of approximately 4m from the north-eastern corner to the south-western corner of the site.

All 8 allotments are currently occupied by single storey dwelling houses, with the exception of 18 Mark Street, Lidcombe, which currently contains a 3 storey, 3 unit building. A number of trees exist across the 8 lots. The application relies on the Arborist Report submitted and approved for the previous Development Application as well as a new Arborist Report for the additional 2 lots (16-18 Mark Street) that identifies 2 trees, 1 requiring removal and 1 retention. The tree proposed to be removed is located on the common boundary of 14 and 16 Mark Street, Lidcombe, and is stated as having a fair condition. The design of the development and subsequent landscape plan





incorporates retention of the tree in question, and Council has prepared appropriate conditions to ensure appropriate protection of those to be retained and replacement for any to be removed.

Surrounding developments in the immediate vicinity are currently characterised by a mix commercial/retail land uses and high density residential and mixed use developments of various size and scale. It is evident that once the area completes transition, the area will be characterised predominantly by commercial and mixed use developments given the context and current zoning of the locality.

Adjoining developments consist of a 2 storey factory building on the opposite side of Marsden Street to the north of the subject site (DA approved for ten storey mixed use development), 3 to 7 storey Residential Flat Buildings to the west and south-west, and single storey dwelling houses to the south. Locality plan of the subject site:



Figure 3 – Locality Plan of subject site



Figure 4 – Aerial View of Subject Site



Figure 5 – Street View of the subject site comprising 4 and 6 Mark Street, Lidcombe

(Source: Google Street View)



Figure 6 – Street View of the subject site comprising 8, 10 and 12 Mark Street,
Lidcombe

(Source: Google Street View)





Figure 7 – Street View of the subject site comprising 12 and 14 Mark Street,
Lidcombe

(Source: Google Street View)



Figure 8 – Street View of the subject site comprising 16 and 18 Mark Street,
Lidcombe

(Source: Google Street View)



Figure 9 – Street View of the subject site looking north-east from the intersection of James Street and Mark Street, Lidcombe

(Source: Google Street View)



Figure 10 – Street View of the subject site looking south-east from the intersection of Marsden Street and Mark Street, Lidcombe

(Source: Google Street View)

Table 1 - Photographs of the Site and Surrounds

Description of the Proposed Development

The amended application seeks consent for alterations and additions to approved 10 storey mixed use building at 4-14 Mark Street, Lidcombe (DA2017/363); and demolition of existing structures at 16-18 Mark Street, Lidcombe, and construction of an additional 8 to 11 storey mixed use building component, accommodating a combined total of 15 commercial suites and 213 residential units over 5 levels of basement parking for 627 vehicles.

The application essentially seeks to retain the approved built form under DA2017/363, amend the internal layouts and expand the development to the southern half of the site to include 16-18 Mark Street.



A summary of the proposed development data is provided below:

realition y or allo propos		
Height/Storeys:	39.71 metres, 8 to 11 storeys	
GFA/FSR:	20,209.6m ² GFA = 4.84:1 FSR	
Commercial GFA:	15 tenancies totalling 1,634m ²	
Unit Mix:	213 units:	
	• 37 x 1 bedroom units or 17.4%	
	• 160 x 2 bedroom units or 75.1%	
	• 16 x 3 bedroom units or 7.5%	
Orientation:	North, east, south and west	
Adaptable:	23 units (10.8%)	
Car Parking:	A total of 627 spaces are proposed within 5 basement levels including:	
	510 resident spaces	
	22 visitor spaces	
	95 commercial spaces	
Bicycle Parking:	86 spaces	
Communal Open Space:	1,238.7m ² (30%) on rooftops (residential) and ground floor (commercial)	

Table 2 - Summary of Proposed Development Data

History

History	
Date	Comment
15/06/2017	A Pre-Lodgement Application meeting (PL2017/24) was held between the Applicant and Council Officers to discuss a development proposal for a 10 storey mixed use development on the site known as 4-14 Mark Street, Lidcombe.
	In summary, the development proposal raised a number of issues and matters that required significant amendments and alternate design options explored. Issues included:
	Site isolation for the two remaining lots in the block to the south of the subject site.
	Building over height.
	SEPP 65 non compliances in the presented scheme.
	Shared access for commercial and residential foyer.
	Lack of waste facilities at each level.
	Further articulation of the building was required.
	 In addition, the Applicant was also advised of various documents required for lodgement.
28/08/2017	Development Application DA2017/363 was lodged with Council
	seeking consent for demolition of existing dwellings & associated
	structures and construction of a ten storey mixed-use development
	consisting of 6 commercial tenancies and 165 residential units over



Date	Comment
	five level basement parking at 4-14 Mark Street, Lidcombe.
10/05/2018	DA2017/363 was determined by way of a Deferred Commencement
	consent being issued requiring satisfaction of the following matters:
	1. Amended architectural plans to address stormwater and
	traffic/parking matters
	2. Amended BASIX Certificate
14/08/2018	Additional Information comprising the material required to satisfy the
	Deferred Commencement conditions was received and assessed by
	Council to be satisfactory to enable the issue of an Operative
15/08/2018	Development Consent. Notice of Deferred Commencement Compliance was issued and
13/00/2010	Development Consent DA2017/363 became operative.
08/05/2019	A Pre-Lodgement Application meeting (PL2019/24) was held between
00/00/2010	the Applicant and Council Officers to discuss a development proposal
	for a 10 storey mixed use development on 4-18 Mark Street,
	Lidcombe.
	In summary, the development proposal raised a number of issues and
	matters that required further information or refinement. Issues
	included:
	SEPP 65 ADG Communal Open Space further details for rooftop COS.
	• SEPP 65 ADG Building Separation non-compliances for levels 4 to 7.
	 SEPP 65 ADG Ceiling Heights to be confirmed.
	ALEP 2010 Building Height exceeding Clause 4.3 Development
	Standard.
	ADCP 2010 Rear Setback non-compliance.
	ADCP 2010 Building Depths exceeding 24 metres.
	ADCP 2010 Section and Elevations required to assess visual
	privacy.
	ADCP 2010 Solar Access and Shadow Diagram details not
	provided and required.
	ADCP 2010 Adaptable Housing to comply with minimum
	requirements of AS4299 (minimum 22 units advised).
	Urban Design:
	Building Envelope exceeds ADCP 2010.
	Transition for Lidcombe Town Centre fringe.
	Security for Communal Courtyards and Communal Open
	Space.
	Building Façade length Stormwater Engineering design details and comments requested.
	Stormwater Engineering design details and comments requested. Traffic and Parking Engineering design details and comments. Traffic and Darking Engineering design details and comments.
	Traffic and Parking Engineering design details and comments requested.
	 Waste/Loading design details and comments requested.
	 Waste/Loading design details and comments requested. Environmental Health design details and comments requested.
	 Tree Management design details and comments requested.
	 Landscape design details and comments requested.
	Landscape design details and comments requested.





Date	Comment
	In addition, the applicant was also advised of various documents
	required for lodgement.
25/07/2019	The subject Development Application DA2019/229 was lodged
	seeking consent for alterations and additions to approved 10 storey
	mixed use building at 4-14 Mark Street, Lidcombe (DA2017/363); and demolition of existing structures at 16-18 Mark Street, Lidcombe, and
	construction of an additional 10 storey mixed use building component,
	accommodating a combined total of 15 commercial suites and 217
	residential units over 5 levels of basement parking for 643 vehicles.
13/08/2019	In accordance with Council's Notification requirements contained
	within the ADCP, the application was publicly notified for a period of
	14 days between 13 August 2019 and 27 August 2019. No
00/00/0040	submissions were received in respect of the proposed development.
02/09/2019	The application was referred to the Design Excellence Panel on 2
	September 2019 in accordance with the Cumberland Design Excellence Panel Policy as the proposal seeks a building height of
	more than 25 metres.
	The panel considered the design excellence of the proposed
	development and recommended the following: "The Panel considers
	that the DA has some merit, however, it will require design
	development with regard to issues of massing and built form
	articulation, variety in building height, building height transition in the southern part of the building, ground level street frontage design and
	parking provision. It is expected that the application will need to be re-
	referred to the Panel after the specific recommendations relating to
	the changes requested have been made to address the concerns
	raised."
04/10/2019	A letter deferring the determination of the application was sent to the
	Applicant outlining a number of concerns and deficiencies with the
	application including the following:
	a. DEP Comments;
	b. Structure of Application;
	c. SEPP 65 Apartment Design Guide matters including:
	i. Public domain;
	ii.Communal Open Space;
	iii. Deep Soil Zones;
	iv. Visual Privacy; v. Car Parking;
	vi. Solar Access;
	vii. Natural Ventilation;
	viii. Ceiling Heights;
	ix. Façades;
	x. Adaptable Units/Accessible Car Parking;
	d. Auburn Local Environmental Plan 2010 matters including building
	height; e. Auburn Development Control Plan 2010 matters including balcony
	soffit treatment;
	come a countrie,



Date	Comment
	f. Concerns raised by Council's Development Engineer; and
	g. Concerns raised by Council's Resource Recovery Officer.
11/12/2019	Amended plans received including substantially amended
	development including a break-up of the development into 4
	distinguishable façade blocks with a subsequent reduction in building
	height on the southern end of the development towards James Street
	from 10 storeys to 8 storeys, and a consequent increase in building
	height on the northern end of the development towards Marsden
	Street from 10 storeys to 11 storeys.
22/01/2020	The amended application was referred to the DEP in accordance with
	the Cumberland Design Excellence Panel Policy. The panel
	considered the design excellence of the amended proposed
	development, and recommended additional changes to the
	development scheme to better address some of the comments made
	in relation to the original proposal and also in relation to the amended
	proposal.
09/03/2020	A letter deferring the determination of the application was sent to the
	applicant outlining a number of concerns and deficiencies with the
	application including the following:
	a. DEP Comments;
	b. SEPP 65 Apartment Design Guide matters including:
	i. Communal Open Space;
	ii.Natural Ventilation; and
	iii.Adaptable Units/Accessible Car Parking;
	c. Auburn Local Environmental Plan 2010 matters including building
	height; and
05/05/2020	d. A request for updated BASIX Certificates. Amended plans and reports received including substantially amended
05/05/2020	, , , , , , , , , , , , , , , , , , , ,
	development including a break-up of the development into 4 distinguishable façade blocks with a subsequent reduction in building
	height on the southern end of the development towards James Street
	from 10 storeys to 8 storeys, and a consequent increase in building
	height on the northern end of the development towards Marsden
	Street from 10 storeys to 11 storeys.
20/05/2020	In accordance with Council's Notification requirements contained
20/03/2020	within the ADCP, the amended application was publicly notified for a
	period of 14 days between 20 May 2020 and 3 June 2020. One (1)
	submission was received in respect of the amended proposal which
	has been addressed within the main body of this report.
22/05/2020	The amended application was referred to the DEP in accordance with
	the Cumberland Design Excellence Panel Policy. The panel
	considered the design excellence of the amended proposed
	development, and found the application worthy of support, subject to
	a condition resolving the 'fault line' intersection in the façade to Mark
	Street.
09/06/2020	A letter deferring the determination of the application was sent to the
	applicant outlining a number of inconsistencies between plans and
	reports for the application including the following:



Date	Comment
	 a. Height of building details and extent of variation sought under Clause 4.6 of ALEP; and b. Amended elevation and section plans requested to nominate proposed RL levels.
10/06/2020	Amended plans and reports were received from the applicant in response to the deferral letter issued on 9 June 2020. The amendments within the plans and reports submitted are limited to nomination of RL levels on elevation and section plans and consistencies between the height of building measurement indicated on the plans and report.
08/07/2020	The application is referred to the Cumberland Local Planning Panel Meeting for determination.

Table 3 — Site and Development History

Note: The design evolution of the development has been documented within Attachment 8 to this report.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Blondie Consulting dated June 2019 and was received by Council on 25/07/2019 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

Department		Comment
Development Engineer		Supported, subject to conditions.
Environmenta	l Health	Supported, subject to conditions.
Officer		
Tree Management Officer		Supported, subject to conditions.
Resource	Recovery	Supported, subject to conditions.
officer	-	

External Referrals

Authority	Comment
Design Excellence	Supported, subject to conditions.
Panel	
NSW Police Force -	No concerns raised, conditions provided.
Flemington Local	
Area Command	
Roads and Maritime	No concerns raised, conditions provided.
Services	
Ausgrid	No concerns raised, conditions provided.



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;
- (b) State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development:
 - 5. Apartment Design Guide (The Guide);
- (c) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- (d) State Environmental Planning Policy (Infrastructure) 2007;
- (e) State Environmental Planning Policy (State and Regional Development) 2011; and
- (f) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. **6.**

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

The State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55), Clause 7, 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?	
Does the application involve re-development of the site or a change of land use?	
In the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?	



Matter for Consideration	Yes/No
Does information available to you indicate that an activity listed	☐ Yes ⊠ No
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	
Is the site listed on Council's Contaminated Land database?	☐ Yes ⊠ No
Is the site subject to EPA clean-up order or other EPA restrictions?	☐ Yes ⊠ No
Has the site been the subject of known pollution incidents or illegal	☐ Yes 🛛 No
dumping?	
Does the site adjoin any contaminated land/previously contaminated	☐ Yes ⊠ No
land?	
Has the appropriate level of investigation been carried out in respect	☐ Yes ⊠ No
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?	
Details of contamination investigations carried out at the site:	
A Datailed Site Investigation report prepared by aiAustralia was subn	nittad with tha
A Detailed Site Investigation report prepared by <i>eiAustralia</i> was submarily application. The report did not reveal any potential matters of capacity	
application. The report did not reveal any potential matters of concern	with regard to
contamination and concludes the following:	
"Taking into account the above considerations and subject to I	El's statement
of limitations (Section 8), El concluded there was low	
contamination to be present on-site. The site was regarded as s	
proposed use, subject to the implementation of recommendation	
Section 7."	nio detanea iii
Council's Environmental Health Officer has reviewed the report, and de	etermined that
the site is suitable to support such a development, given that the repor	
the site is suitable for the proposed use, subject to conditions the	•
recommended.	

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

The State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) applies to the development as the building is 3 storeys or more, and contains more than 4 dwellings. A design statement addressing the design quality principles prescribed by SEPP 65 was prepared by the project architect. Integral to SEPP 65 is the Apartment Design Guide



(ADG), which sets benchmarks for the appearance, acceptable impacts and residential amenity of the development.

Following a detailed assessment of the proposal against the provisions of SEPP 65 and the ADG, it is considered the proposal is generally compliant.

A comprehensive assessment against SEPP 65 and the ADG is contained in Attachment 4.

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

Amended BASIX and ABSA Certificates were submitted for the amended development and will be included in any conditions of consent.

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

The provisions of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) have been considered in the assessment of the development application.

<u>Clause 45 - Development likely to affect an electricity transmission or distribution</u> network

The original development occurs within 5 metres of an overhead electricity power line and as such, Council gave written notice of the application to Ausgrid. This subject application does not change any of the requirements previously imposed and included as conditions of consent. However it is noted that comments have been received from Ausgrid raising no concerns with the proposed development.

Clause 85 – Development adjacent to railway corridors

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

<u>Clause 86 – Excavation in, above, below or adjacent to rail corridors</u>

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

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

The application is not subject to clause 87 of the ISEPP, as the site is not in or adjacent to a rail corridor and the development is not likely to be adversely affected by rail noise or vibration.

Clause 101 – Frontage to classified road



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

<u>Clause 102 – Impact of road noise or vibration on non-road development</u>

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

<u>Clause 104 – Traffic generation developments</u>

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

(e) State Environmental Planning Policy (State and Regional Development) 2011

Development of a type that is listed under Schedule 7 of SEPP (State and Regional Development) 2011, is defined as 'Regionally Significant Development', which requires a referral to a Sydney Central City Regional Panel for determination, as constituted by Part 3 of Schedule 2 under the Environmental Planning and Assessment Act, 1979.

The proposed development does not constitute 'Regionally Significant Development', as it has a Capital Investment Value (CIV) of \$16,482,077, which does not exceed the \$30 million threshold for 'General Development'. Therefore, in accordance with the Local Planning Panels Direction – Development Applications issued by the Minister for Planning on 23 February 2018, the application is referred to the Cumberland Local Planning Panel for determination.

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

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

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



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

(a) Auburn Local Environmental Plan 2010 (ALEP)

The Auburn Local Environmental Plan 2010 (ALEP) is applicable to the development proposal. It is noted that the development achieves the objectives of the B4 Mixed Use zone under the ALEP. However, the application proposes a variation to the Height of Buildings development standard prescribed under the ALEP. The variation is summarised are as follows:

Control	Required	Proposed	% variation
Height of Building	ing 32 metres 39.71 metres		7.71 metres /
			24%

The variation is discussed in further detail later in this report.

Permissibility:-

The proposed development is defined as a "shop top housing" development and is permissible in the B4 Mixed Use zone with consent.

"shop top housing means one or more dwellings located above ground floor retail premises or business premises."

The relevant matters to be considered under ALEP and the applicable clauses for the proposed development are summarised below. A comprehensive LEP assessment is contained in Attachment 5.

Development Standards:-

Development Standards								
Development Standard	Proposal	Compliance						
Clause 2.3 Land Use Table -B4 Mixed Use	Shop top housing	Yes. Shop top housing is permissible in the zone with consent. The development includes ground floor retail or business premises and dwellings above.						
Clause 4.3 Height of Buildings - 32 metres	39.71 metres	No. The development exceeds the building height under the respective building height standards. Refer to Drawing No. DA-C 22 to DA-C 27 (inclusive), Issue DA-C dated 10/06/2020.						
Clause 4.4 Floor Space Ratio - 5:1	4.84:1	Yes						

7. Table 6 - Auburn LEP 2010 Compliance Table



(iii) Clause 4.6 – Variation to Building Height

- 8. Clause 4.6 allows the consent authority to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. The consent authority may grant the exception as the Secretary's concurrence can be assumed where clause 4.6 is adopted as per the Department of Planning Circular PS 18-003, dated 21 February 2018. 9.
- 10. The Applicant has submitted a written request to vary the Height of Buildings development standards. Based on various case law established by the Land and Environment Court of NSW such as Four2five P/L v Ashfield Council [2015] NSWLEC 9, Randwick City Council v Micaul Holdings P/L [2016] NSW LEC7 and Zhang and anor v Council of the City of Ryde [2016] NSWLEC 1179, a 3 part assessment framework for a variation request proposed under clause 4.6 has been considered and an assessment of the proposed variance, following the 3 part test is discussed in detail below.

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

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

Applicant's justification:

The consistency of the proposal against the objectives of the B4 Mixed Use zone is outlined below.

- To provide a mixture of compatible land uses.
 - 12. The proposed development provides a compatible land use that is consistent with the future character of the Lidcombe Town Centre. It proposes a mix of residential units and commercial space designed to contribute to a compatible built form.

 13.
- Integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
 - 14. The proposed development provides high-density mixed-use development in an accessible location that maximises public transport patronage and encourages non-vehicular transport.

 15.
- To encourage high density residential development.
 - 16. The proposal consists of a high-density residential development that is consistent with the future character of the area.

 17.
- To encourage appropriate businesses that contribute to economic growth.
 The proposed development will generate demand and opportunities for businesses to service the area and contribute to the economic growth of





the area. The commercial tenancies will provide floor space for businesses in the growing Lidcombe Town Centre.

- To achieve an accessible, attractive and safe public domain.
 - 20. The proposed development contributes to creating an accessible, attractive and safe public domain. The development will provide opportunities for passive surveillance and create a vibrant street frontage that will contribute to the vitality of the Town Centre.

Planner's comment:

It is considered that the proposed development, even with the non-compliant building height, achieves the objectives of the land use zone. Primarily, the development promotes high density development within an accessible location and within the Lidcombe Town Centre, as outlined by the Applicant, and also provides elements that protrude beyond the height plane that offer amenity to residents of the development. The added amenity is in the form of communal rooftop terraces and lift overruns whilst amenity for residents of development opposite to the south along James Street will be improved with a reduced built form interface to the south and displacement of floor space to the north of the site resulting in the height breach. The proposed communal open spaces would not impact upon the amenity of surrounding residential properties with regard to overlooking and solar access, given their position and height relative to adjoining properties.

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

Applicant's justification:

- To establish a maximum height of buildings to enable appropriate development density to be achieved.
 - 21. The proposal consists of a high-density mixed-use development that meets the desired future character of the area. The height exceedance is due to the provision of high amenity communal open space areas that allows the development to provide a high-density development whilst providing appropriate amenity to residents and the provision of a built form that transitions form the Town Centre to lower density residential development to the south.
- To ensure that the height of buildings is compatible with the character of the locality.
 - 23. The height of the proposed development is consistent with the changing character and desired future character of the Lidcombe Town Centre. As detailed above the proposed development is consistent with a number of recent approvals that are currently under construction in close proximity to the site. In addition, the top floor of the proposed development is provided with an increased setback of 6m to reduce the overall bulk of the



development when viewed form the street and ensure it is compatible with the character of the locality.

Planner's comment:

The development achieves the objectives of the development standard by proposing a height that is compatible with and more responsive to adjoining development to the north and south of the site. To the south, the reduced 8 storey building height would better relate to the low density 1 to 2 storey built forms along James Street whilst to the north, the increased 11 storey displaced height relates to and corresponds to the 10 storey built form approved at 2 Mark Street.

The proposed building height will ensure that appropriate development density is achieved with the development satisfying the Floor Space Ratio (FSR) development standard and achieving significant compliance with the built form controls of the SEPP 65 ADG and the ADCP.

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

Applicant's justification:

As detailed in the section above, the proposal maintains the future higher density built form that is at a scale comparative to the site's location within the Lidcombe Town Centre. The numeric increase in building height for the proposed development is approximately 7.4m, which is a result of providing communal open space on the roof to increase the amenity of the development for residents and a transitional building height that still achieves an appropriate density in line with the applicable controls. This increase is considered reasonable in the context of the site and its ability to result in no adverse impacts on adjoining properties.

The proposed development, including the proposed building elements that exceed the height limits, will continue to achieve the objectives of the standard. It is therefore considered that the objectives of the development standard are met notwithstanding the breach of the height of buildings standard and compliance is unnecessary in the circumstances of the case.

Planner's comment:

As detailed in applicant's submission, the proposal is primarily a result of providing communal open space on the rooftop level to increase the amenity of the development for residents and a transitional building height to the south that with the development being consistent with the high density built form expected for the Lidcombe Town Centre.

The proposed development will continue to achieve the objectives of the land use zone and the development standard and will result in no significant impacts on adjoining properties.

As discussed later within this report, Council has exhibited Draft Cumberland Local Environmental Plan 2020 (Draft CLEP), which proposes to increase the height of buildings development standard applying to the site from 32 metres to

8 July 2020



38 metres. The development would remain non-compliant with the height of buildings development standard in the Draft CLEP, however, this would be limited to the lift overruns of the development as opposed to any habitable floor space. Given that the lift overruns provide access to the rooftop communal open spaces and does not propose any habitable floor space above the 38 metre height, the Draft CLEP further justifies the variation sought by the Applicant.

Given the above, strict compliance with the development standard is considered unnecessary and unreasonable in the circumstances of the case.

b) Are there sufficient environmental planning grounds to justify contravening the development standard and therefore is the applicant's written justification well founded?

Applicant's justification:

It is our opinion that there are sufficient environmental planning grounds to justify contravening the building height standard in this instance. These are as follows:

- The proposed development is consistent with the objectives of the zone and the objectives of the building height control.
- The proposal does not result in any adverse impacts on adjoining properties.
- The height variation equates to a maximum 7.4m for a minor portion of the development and does not result in undesirable visual bulk of the building.
- It reflects the scale of other approvals in the area.

It is considered the objectives of the ALEP Height of Buildings development standard are achieved in this instance where the proposal produces a high quality built form that ensures a high level of amenity for residents. In addition, the proposed materials and finishes and landscaping strategy further reinforces how the development harmonizes with surrounding area.

Whilst the built form exceeds the building height control applicable to the site, it is considered the proposed design does not unreasonably detract from the amenity of adjacent residents or the existing quality of the environment as demonstrated in the Amended Architectural Plans prepared by Zhinar Architects.

Strict compliance with the building height development standard would require the deletion of the communal open space on the roof which would significantly reduce the site's potential to facilitate higher density residential development whilst ensuring an appropriate level of amenity.

Planner's comment:

Having regard to the Applicant's justification, and given that the application achieves the objectives of the land use zone and development standard, there are sufficient environmental planning grounds to justify contravening the Height



of Buildings development standard, and therefore the Applicant's written justification is deemed to be well founded and worthy of support.

Conclusion:

Council is satisfied that the Applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6, Subclause (3). Council is further satisfied that the proposed development will be in the public interest, as it is consistent with the objectives of the Height of Buildings development standard and the objectives for development within the zone in which the development is proposed to be carried out.

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

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

(a) Draft State Environmental Planning Policy (Environment)

The Draft State Environmental Planning Policy (Environment) (Draft ESEPP) 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.



As discussed under the existing SEPP's earlier within this Report, the development is considered acceptable having regard to those SEPP's.

(b) (Draft State Environmental Planning Policy (Remediation of Land)

The Draft State Environmental Planning Policy (Remediation of Land) (Draft RSEPP), relates to the remediation of land and seeks to repeal and replace the current SEPP 55. Generally, the Draft RSEPP maintains similar provisions to the current SEPP 55 and will contain provisions to the following effect:

- Making remediation work permissible, despite anything to the contrary in another environmental planning instrument.
- Specifying when development consent is, and is not required, for remediation work.
- Specifying considerations that are relevant in determining development applications.
- Requiring remediation work meet certain standards and notification requirements.
 - 24. As discussed under the existing SEPP 55 earlier within this report, the development is considered acceptable having regard to the provisions of SEPP 55 and the site has been identified as being suitable for the proposed development without the need for any remediation that would require separate Development Consent.

(c) 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 applicable to the Cumberland City local government area, those being:

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

In addition, the Draft CLEP proposes revised planning controls for the Lidcombe Town Centre by implementing the Lidcombe Town Centre Planning Controls Strategy and proposes changes to the development standards applying to the site as summarised below:

Development Standard	Proposal	Compliance
Clause 2.3 Land Use Table -B4 Mixed Use	Shop top housing	Yes. Shop top housing is permissible in the zone with consent. The development includes ground floor



Development Standard	Proposal	Compliance
		retail or business premises and dwellings above.
Clause 4.3 Height of Buildings - 38 metres (increase from 32 metres)	39.71 metres	No. The development exceeds the building height under the respective building height standard by 1.71 metres / 4.5%.
Clause 4.4 Floor Space Ratio - 5:1	4.84:1	Yes

Table 7 - Draft Cumberland LEP 2020 Compliance Table

As detailed above, the amended proposal would remain non-compliant with the Height of Buildings development standard in the Draft CLEP. However, this would be limited to the lift overruns of the development as opposed to any habitable floor space, and given that the lift overruns provide access to the rooftop communal open spaces, would further justify the variation sought by the Applicant.

The Draft CLEP has been publicly exhibited and is considered to be certain and imminent in relation to the proposed changes to the development standards applicable to the site. It is therefore considered appropriate to give suitable weight to the Draft CLEP development standards for the subject application as discussed earlier.

Overall, the development is considered acceptable having regard to the provisions of the Draft CLEP.

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

(a) Auburn Development Control Plan 2010 (ADCP)

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

A comprehensive assessment and compliance table is contained in Attachment 6, providing a detailed assessment of the proposal against the provisions of the ADCP. It is considered that the proposal is generally compliant with the ADCP, with the exception of the following matters:

i. <u>Local Centres</u>

Requirement	Υ	N	N/A	Comments	
4.0 Mixed Use Developments					
4.3 Awnings D1 Awning dimensions shall generally be:		\boxtimes		Varies along the footpath due to sloping footpath and span of	



Requirement	Υ	N	N/A	Comments
minimum soffit height of 3.2m and maximum of 4m;				frontage between 4m to 5m. Whilst exceeding the 4m maximum, the awning is an appropriate response to the topography without creating excessive breaks in the horizontal span of the streetscape.
15.0 Lidcombe Town Cer	ntre			
15.2 Setbacks D1 Setbacks within the town centre shall be consistent with Figure 7.				A 4 to 6 metre setback is required however 2 metres is proposed along Mark Street and 3 metres along Marsden and James Streets. Although noncompliant, the reduced setback was adopted by recommendation of the DEP and considered appropriate for the setting and context.

Table 8 - Auburn DCP 2010 - Local Centres Non-Compliances

ii. Residential Flat Buildings

II. Residential Flat Buildings					
Requirement	Υ	N	N/A	Comments	
2.0 Built Form					
2.2 Site coverage D1 The built upon area shall not exceed 50% of the total site area.				The built upon area exceeds 50% of the total site area, designed to be (65%). It is not feasible to achieve compliance with the stated provision due to the zoning, location of the site within the Lidcombe Town Centre, and the applicable planning controls that allows a high floor space ratio. It is considered appropriate to permit a variation to the stated provision in this instance.	
2.3 Building envelope D3 The tower component of any building above the podium or street wall height is to have a maximum floor plate of 850m ² .				The upper levels include floorplate areas of between 1,647m² to 2,160.1m² exceeding the control, however, the development proposes a site specific building envelope which is considered acceptable given the location within the Lidcombe centre.	



Requirement	Υ	N	N/A	Comments
2.7 Head Height of Windows D2 For storeys with a floor to ceiling height of 2.7m, the minimum head height of windows shall be 2.4m.				The head height of some windows within the development are less than 2.4m, designed to be 2.3m, however the proposal achieves the performance criteria by allowing for light penetration into rooms and well-proportioned elevations.
3.0 Open Space and Lar	idsca	ping		
3.1 Deep soil zone D1 A minimum of 30% of the site area shall be a deep soil zone.				The basement occupies the entire site prohibiting the provision of significant deep soil zone, with the exception of an area to the eastern boundary. The proposal maintains a deep soil zone of 2.4%. The design is considered acceptable in this instance as the development site is located within the Lidcombe Town Centre and the site is zoned B4 Mixed Use. The area is a relatively dense urban area which restricts the provision of deep soil zones. Suitable stormwater management measures are proposed and soft landscaping accommodating shrubs and small trees form an integral part of the ground level communal open space area and rooftop terrace.

Table 9 - Auburn DCP 2010 - Residential Flat Buildings Non-Compliances

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

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

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

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





i.

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.

		made in accordance	with the	Act	or Regulation	(EP&A	Act s4.15
•	(1)(d)) Advertised	(newspaper) 🛛 i.	Mail 🖂	i.	Sign 🛛 🕧	. Not	t Required

In accordance with Council's Notification requirements contained within the ADCP, the original development proposal was publicly notified for a period of 14 days between 13 August 2019 and 27 August 2019. No submissions were received in respect of the proposed development. The amended application was publicly notified for a period of 14 days between 20 May 2020 and 3 June 2020. One (1) submission was received in respect of the amended proposal which is discussed below.

Concern	Comment
New overshadowing analysis needs to be undertaken to support the proposed height variation of additional 2 storeys on the northern tower (20% increase).	As detailed within this report and attachments, the proposed development appears to not cause any significant overshadowing of the adjoining properties which appear to continue to receive solar access for at least 2 hours 9:00am to 3:00pm on 21 June as detailed on the shadow diagrams accompanying the DA.
The driveway entrance along Marsden Street should be deleted to ensure Marsden Road is pedestrian-friendly with potential to be designed as a primary east-west pedestrian spine linking residents to the Lidcombe town centre.	It is noted that the original approved development included vehicular access from Marsden Street and the location of the vehicular access remains unchanged. The site has 3 street frontages and separates vehicular access for residents and staff (Marsden Street) from vehicular access for delivery and service vehicles (James Street). No vehicular access is proposed on Mark Street to preserve the streetscape and appearance of the development. Accordingly, it is considered inappropriate to relocate delivery and service vehicle access to Marsden Street or to combine all vehicular access to James Street.





	Having regard to the characteristics of the streets surrounding the site, the vehicular access points are considered appropriate and ideal as proposed. Furthermore, the application was referred to Council's Development Engineer and RMS, neither of whom raised objections to the vehicular access points.
Only one Driveway access at a lower point located James Street should be retained.	As discussed above, the vehicular access points are considered appropriate and ideal as proposed.
Should a secondary driveway is required, it should be located along Mark Street, opposite to the existing 1-9 Mark Street complex driveway with minimal width for pedestrian safety.	As discussed above, no driveway access is proposed on Mark Street to preserve the streetscape and appearance of the development which is considered to be severely compromised if vehicular access was to be proposed from the Mark Street frontage of the site.
With close proximity to the Lidcombe Station, Council should lower the maximum car parking requirements in line with the traffic study undertaken by Council's Strategic Planning team to support the draft DCP for Lidcombe Town Centre.	As detailed within the attachments, the application proposes an appropriate number of car parking spaces within the minimum and maximum ranges permitted under the ADCP.
There is a need for a new traffic study given the significant traffic implication of the 627 vehicles from the 213 units and inform where intersection improvement may be triggered and funded by the developer.	The application was accompanied by a Traffic and Parking Assessment Report that was considered by Council's Development Engineer and RMS, neither of whom raised objections to 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 as proposed would not be consistent with the public interest.

Section 7.11 and Section 7.12 Contribution towards Provision or Improvement of Amenities or Services

The development requires the payment of contributions in accordance with the Auburn Development Contributions Plan 2007. In accordance with the currently indexed rate, the required contribution is \$1,294,176.93. The draft notice of determination at Attachment 3 includes a recommendation to reflect the above contributions.

Note: The contributions listed within Development Consent 2017/363 have not been paid to date.



Disclosure of Political Donations and Gifts

The NSW Government has introduced disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of various types of development proposals and requests to initiate environmental planning instruments or development control plans.

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

CONCLUSION:

Having regard to the relevant matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and is considered to be satisfactory. Any likely impacts of the development have been satisfactorily addressed and the proposal is considered to be in the public interest.

The proposed development is appropriate located within the B4 Mixed Use zone under the provisions of the ALEP, and is consistent with the zone. The development however proposes a variation to the Height of Buildings development standard under the ALEP, and awnings, site coverage, building envelope, head height of buildings, and deep soil zone requirements under the ADCP. The development is considered to be acceptable in terms of the relationship to its surrounding built environment, particularly having regard to the impacts on adjoining properties.

REPORT RECOMMENDATION:

- 1. That the Clause 4.6 variation request to vary the Height of Buildings development standard pursuant to the ALEP be supported. 25.
- 2. That development application DA2019/229 seeking alterations and additions to an approved 10 storey mixed use building at 4-14 Mark Street, Lidcombe (DA2017/363); and demolition of existing structures at 16-18 Mark Street, Lidcombe, and construction of an additional 8 to 11 storey mixed use building component, accommodating a combined total of 15 commercial suites and 213 residential units over 5 levels of basement parking for 627, be Approved, subject to the conditions contained in the draft notice of determination contained in Attachment 3 of this report.

ATTACHMENTS

- 1. Attachment 1 Architectural Plans U
- 2. Attachment 2 Clause 4.6 Variation Request !
- 3. Attachment 3 Draft Notice of Determination \downarrow
- 4. Attachment 4 SEPP 65 Apartment Design Guide Compliance Assessment U
- 5. Attachment 5 Auburn Local Environmental Plan 2010 Compliance Assessment



- Attachment 6 Auburn Development Control Plan 2010 Compliance Assessment 6.
- Ättachment 7 Submission x1 J
 Design Evolution J 7.
- 8.

DOCUMENTS ASSOCIATED WITH REPORT LPP033/20

Attachment 1 Attachment 1 - Architectural Plans



DEVELOPMENT APPLICATION - Alterations & Additions

TO APPROVED DA DA-363/2017 (4-14 Mark St Lidcombe)

MIXED USE DEVELOPMENT 4-18 Mark St, Lidcombe

DEVELOPMENT SUMMARY

SITE ARE FSR CAL	A CULATION	Pennissible max. FSR	Pennissible max. FSR = 5:			
PROPOSI	ED FLOOR AREA	Ground Floor		2 023:8 m	2	
		L1		2 190:1 m	2	
		L2		2 084.7 m	2	
		L3		2 056.5 m	2	
		L4-5 (1968 x 2)		3 936 m2		
		L6-7 (1960 x 2)		3 920 m2		
		L8-9 (9847 x 2)		3 293 m2		
		L 10		735.5 m2		
TOTAL P	ROPOSED AREA	20 209.6 m2 (FSR 4.84	1:1)			
BUILDING	GREIGHT	Pennissible	=	32m		
		Proposed	=	39,71m to	the top of lift overun	
				(Clause 4	6 provided)	
	SETBACKS:				4	
	setback (Marsden SI) & South setback (Mark SI)	em setback (James St)			4m 2m	
	etback (Mark St.) ack (Eastern) – Level 1 upwa				2m 3-10m	
rkear seto Basement		ros		3-10m		
	cSemack CSouth Easterno			2m		
Deservien	rysouri Easterny				211	
LANDSC	APED AREAS			46	1.3 m2 (11%)	
DEEPSO	L				9 m2 (2.4%)	
COMMER	CIAL! RETAIL AREAS	1 634 m2 (15 Shops)				
COMMON	OPEN SPACE (min. 26%)	Rooftop terrace (Level)		22	8.96 m2:	
		Rooftop terrace A (resid		449.86 m2 559.87 m2		
		Rooftop terrace B (resid	leets)			
		TOTAL		1 238.7 m2 (30%)		
Lloit M	ix/Yield					
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L1-3 L4-5	3 x 3 = 9 units 6 x 2 = 10 units	19 x 3 = 57 units 19 x 2 = 38 units	2x3=6	MINES	72 units 48 units	
LG-7	4 x 2 = 8 units	17 x 2= 34 units	2 2 2 = 4	unite:	46 units	
	3 x 2 = 6 units	14 x 2= 28 units	2 x 2 = 4 units 2 x 2 = 4 units		38 units	
PR-G	Augits	3 units	2 x 2 = 4 units 2 units		Sunits	
	a unizs					
L8-9 L10 Total	37 units (17.4%)	160 units (75.1%)	16 units (7.5%)	213 units (100%	
L10 Total	140000	, ,		7.5%)	213 units (160%	

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Drawing Schedule

No.of Bedrooms	Minimum Car Space	required	Maximum Car Spaces required	
1BR - 37 units	37 x 1 space = :	37 spaces	37 x 1 space = 37 spaces	
2BR - 160 units	160 x 1,2 spaces = 1	92 spaces	160 x 3 spaces = 480 spaces	
3BR = 16 units	16 x 1.5 spaces =	24 spaces	16 x 4 spaces = 64 spaces	
Visitor (181-250 units)	12 spaces		55 spaces	
Commercial	1 space per 60 m2 = 2	8 spaces	4 spaces per 40 m2 = 164 space	
TOTAL 213 units	293 spaces (min.)		800 spaces (max.)	
Total car parking prov	rided	= 627 spaces		
Resident parking		= 510 spaces (2	3 accesible parking)	
Visitor parking		= 22 spaces (3 a	vocessible parking)	
Commercial staff		= 42 spaces (2 accessible parking)		
Commercial customers		= 63 spaces (3 accessible parking)		
Total bicycle parking	provided	= 86 spaces		
Bicycle Parking residential (1 every 5 units);		= 44 spaces		
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BA-C 63	Site Analysis 02:	DA-G 23	East, Elevation
BA-C 94	Street Frontage	DA-C 24	Modb) 6. South Elevation
DA-C 95	Basement 6/91an	DA-C 25	Section A
DA-C 66	Basement 45Yan	DA-C 26	Section 9
DA-C 67	Basement 3 Rtae	DA4C 27	Section C & D
DA-C 68	Basement 2-Plan	D6-C 27	Solar Diagram - View from sen
0A-C 09	Basement 1/Has	DA-C 28	Section E & Details
BA-C 10	Site Plan	DA-C 29	Height limit - 32m (30 mesh)
BA-C 11	Ground PI Plan	DA-C 30	Solar & Cross Vestilation Compliance
BAC12	Level 1 Pfam	DA-G 21	GFA DNGRAM
BAC 13	Level 2 Plan	DA-C 32	Shadow Diagram 01 (Winter Selstice)
DA-C 14	Level 3 Pfan	DA-C 33	Stadow Diagram 02 (Winter Scietice)
DA-C 15	Level 4-5 Plan (spical)		
BA-C 16	Level 6-7 Plans (typical)		
BA-C:17	Level 8 Ptars + COS testace		
DA-CI 28	Level 9 Plan		
DA-C 19	Level 16 + Rooftop Terrace		
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MIXED USE DEVELOPMENT 4-18 Marik St. Lidcombe NSW 2141

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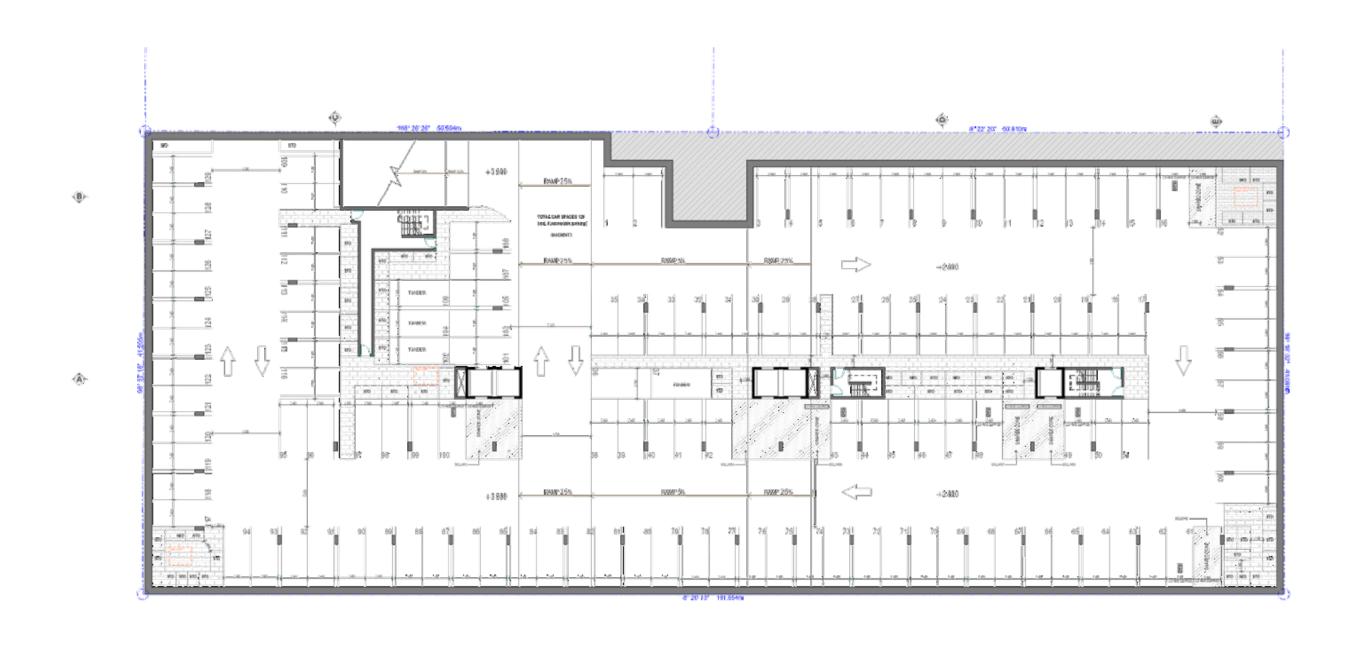










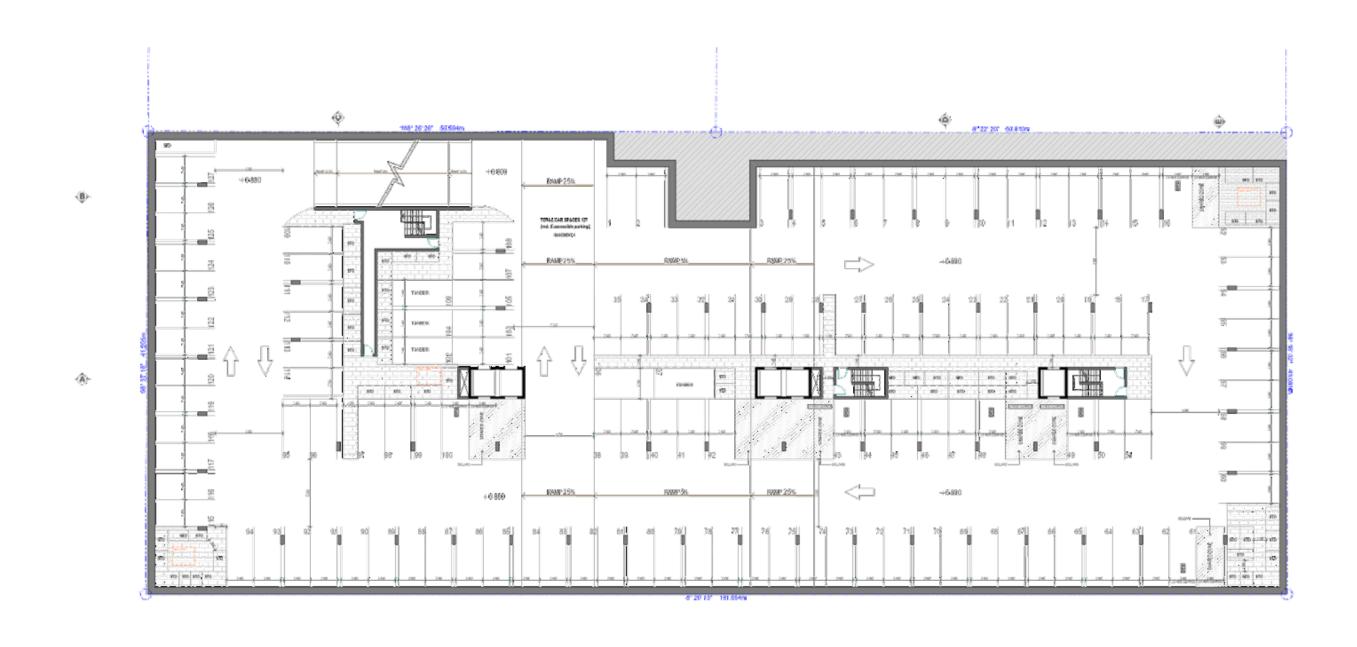


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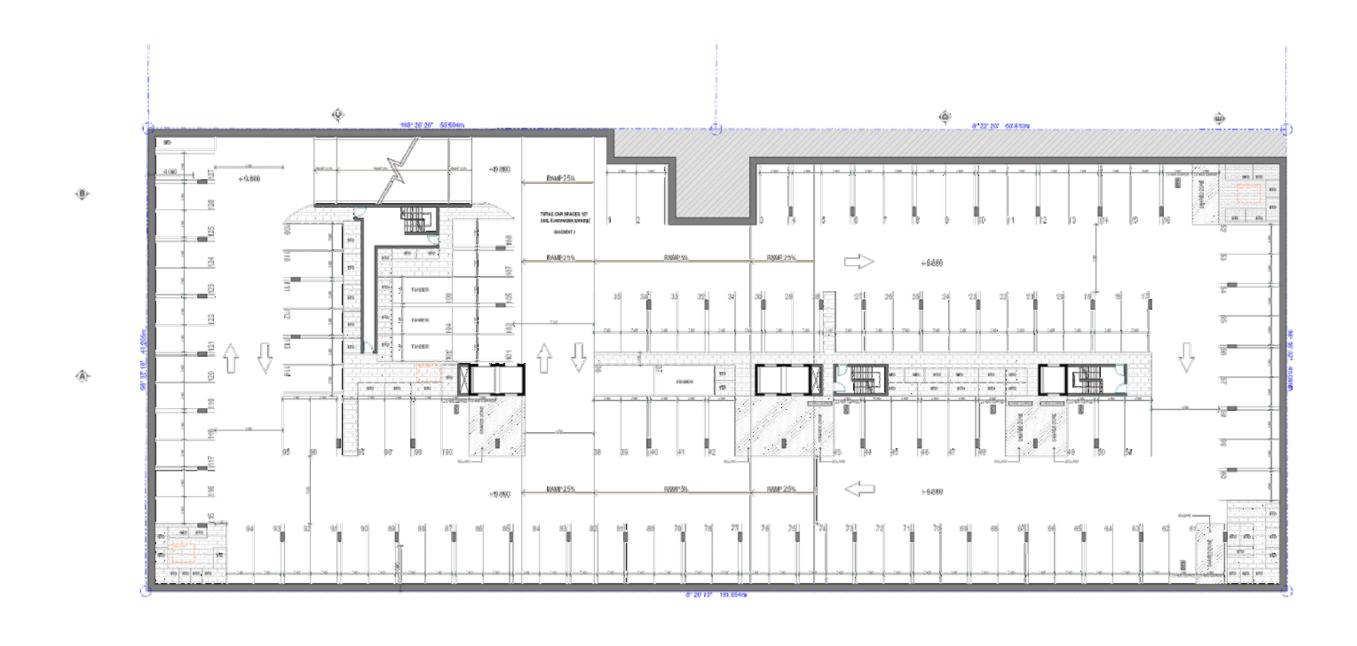
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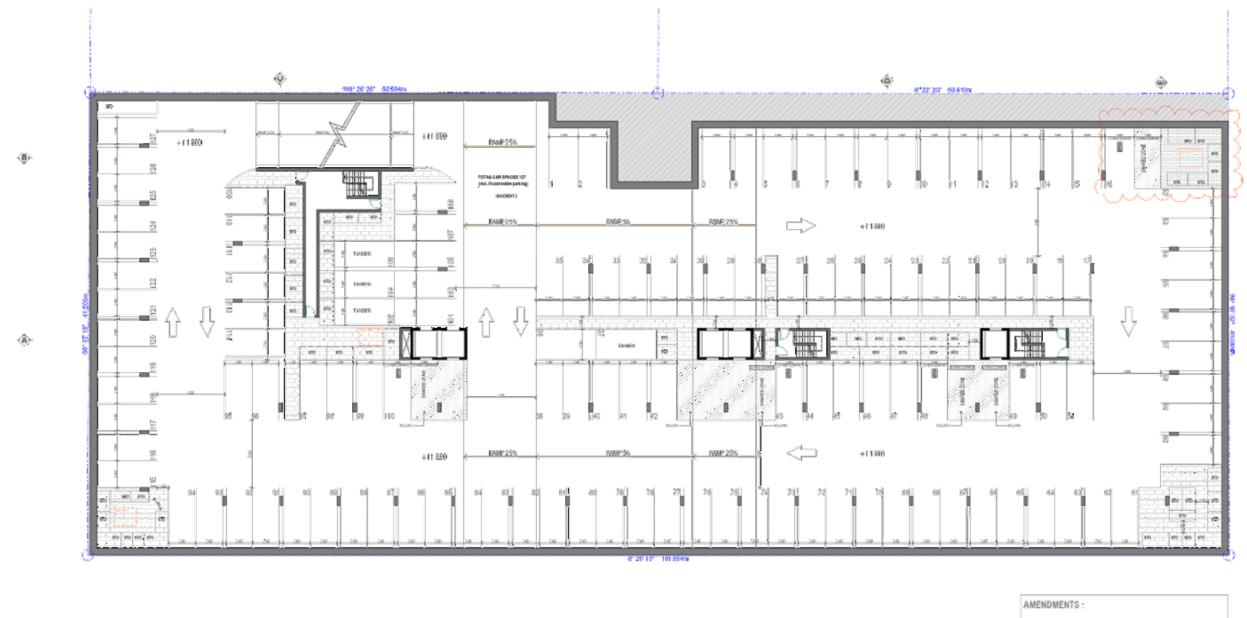


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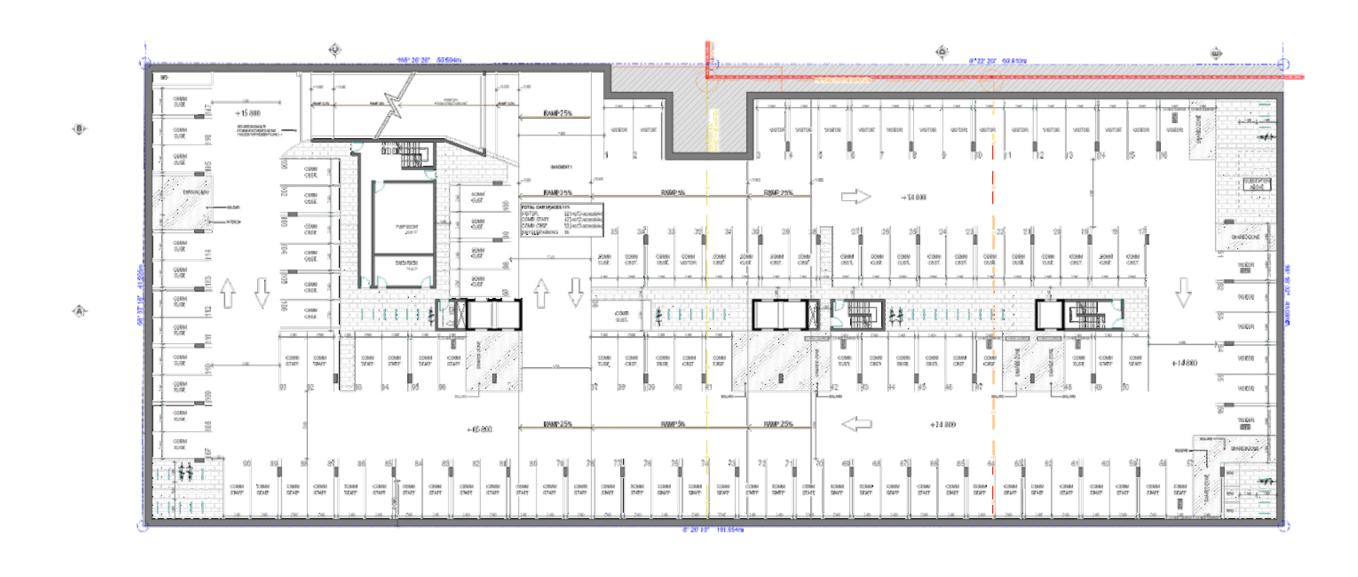
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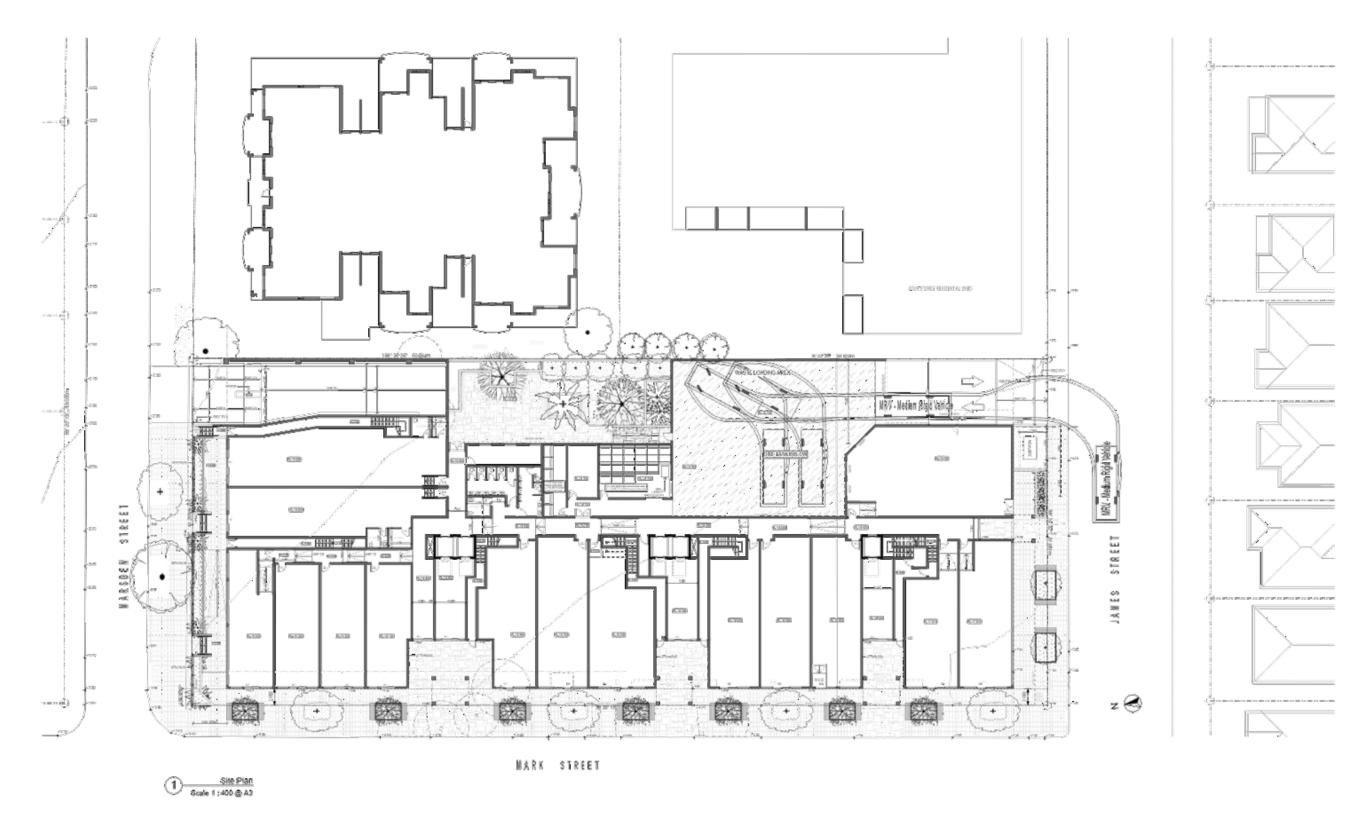
LPP033/20 - Attachment 1 Page 42





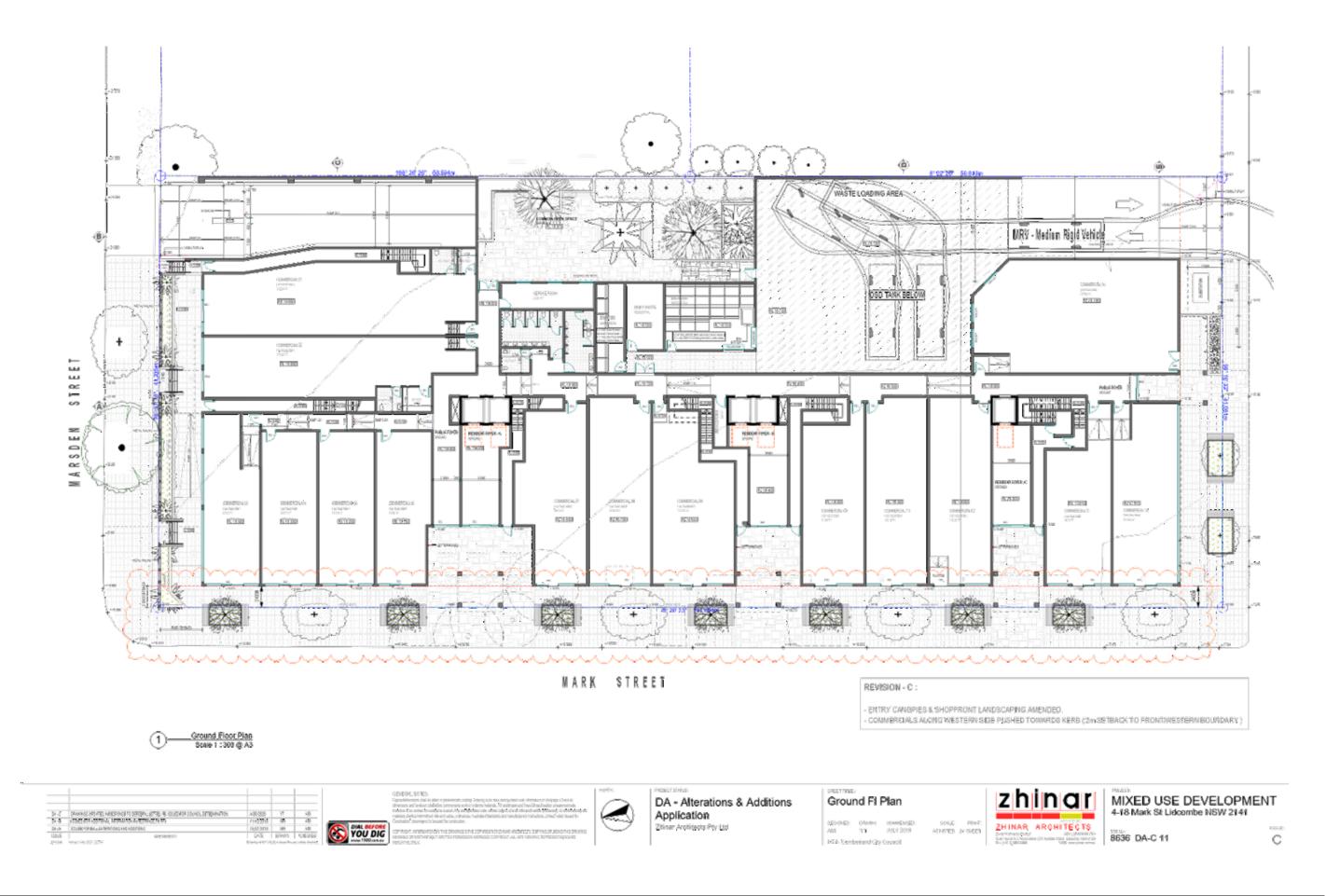
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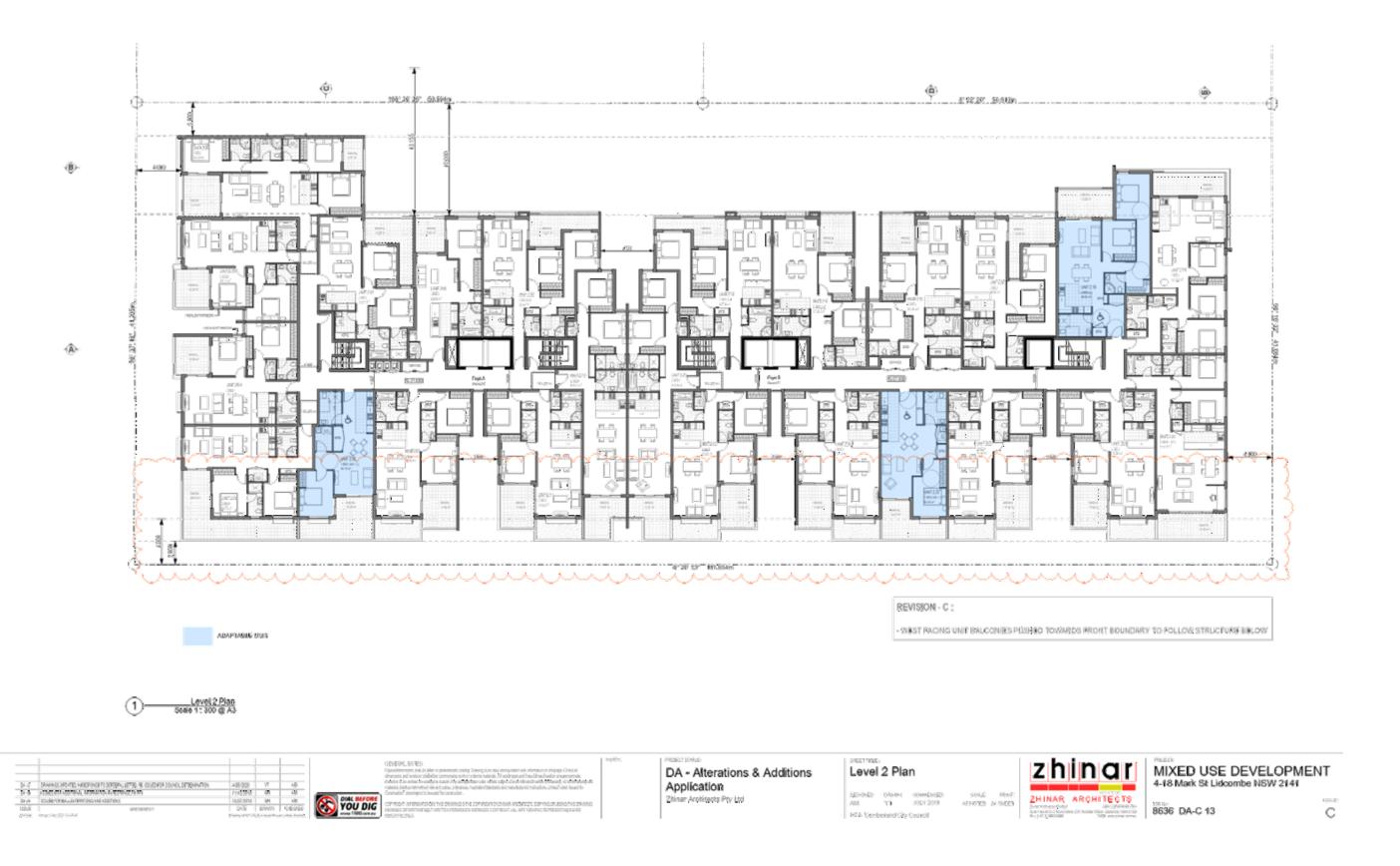






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DA - Alterations & Additions

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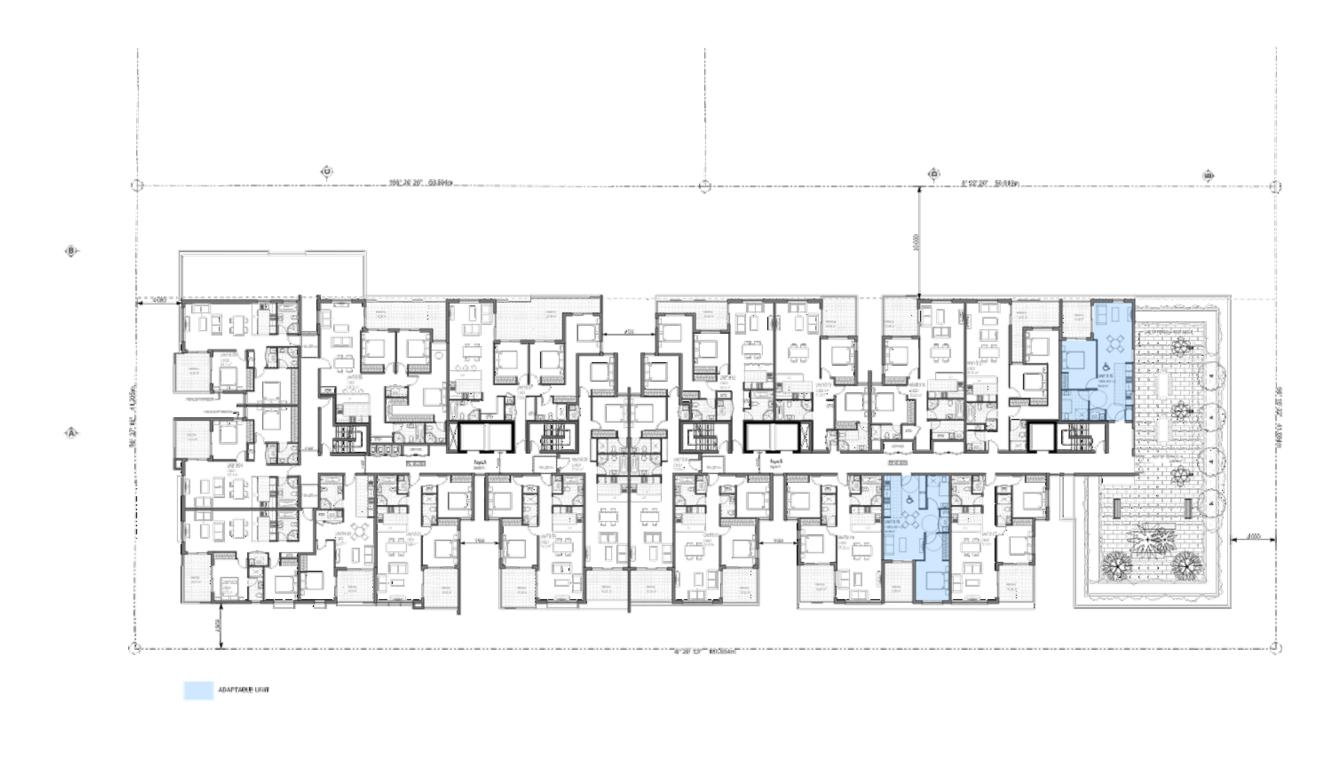




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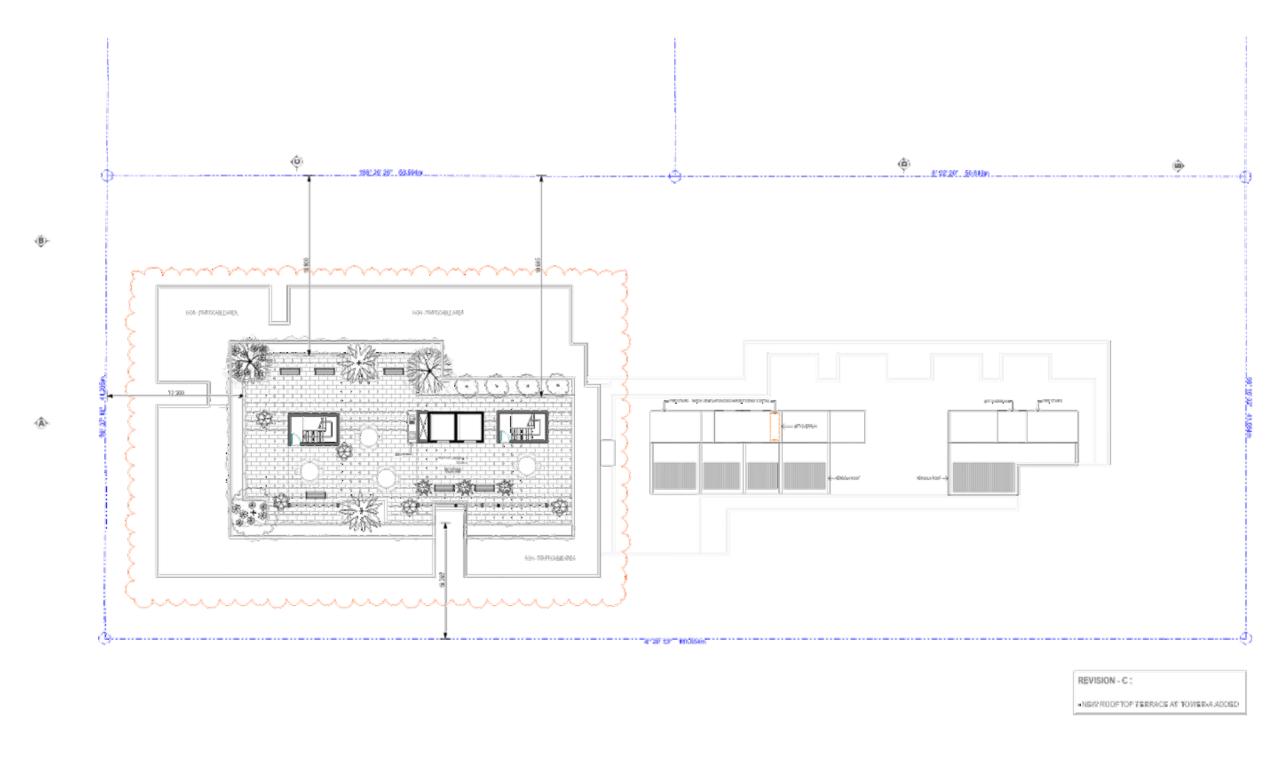




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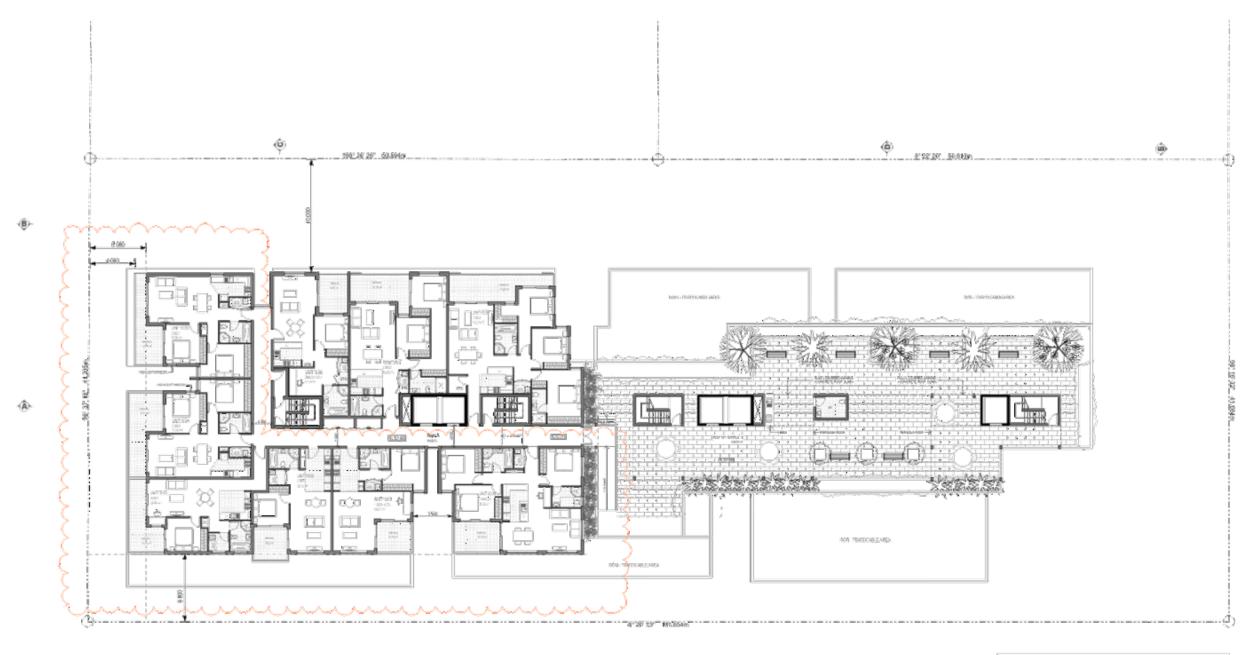




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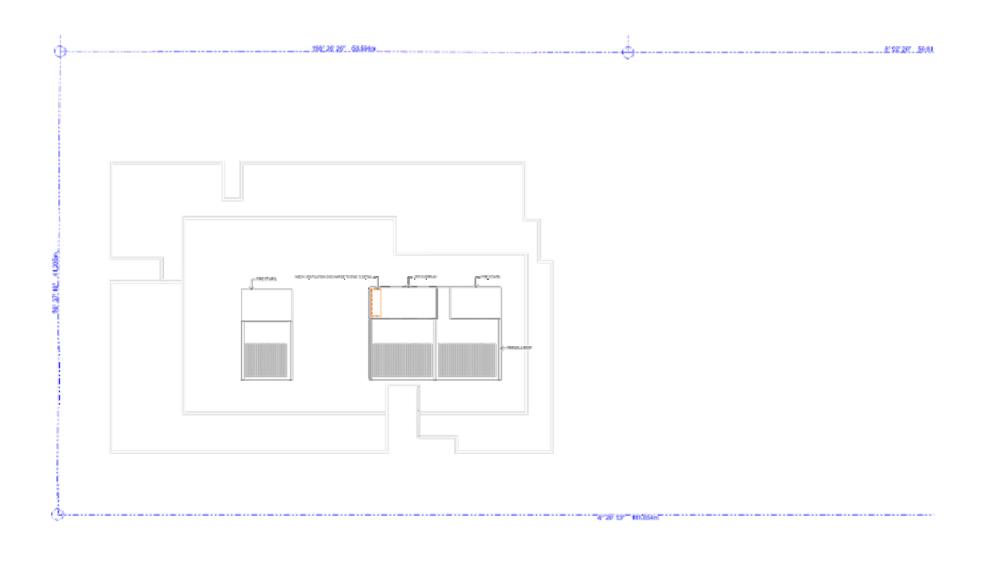
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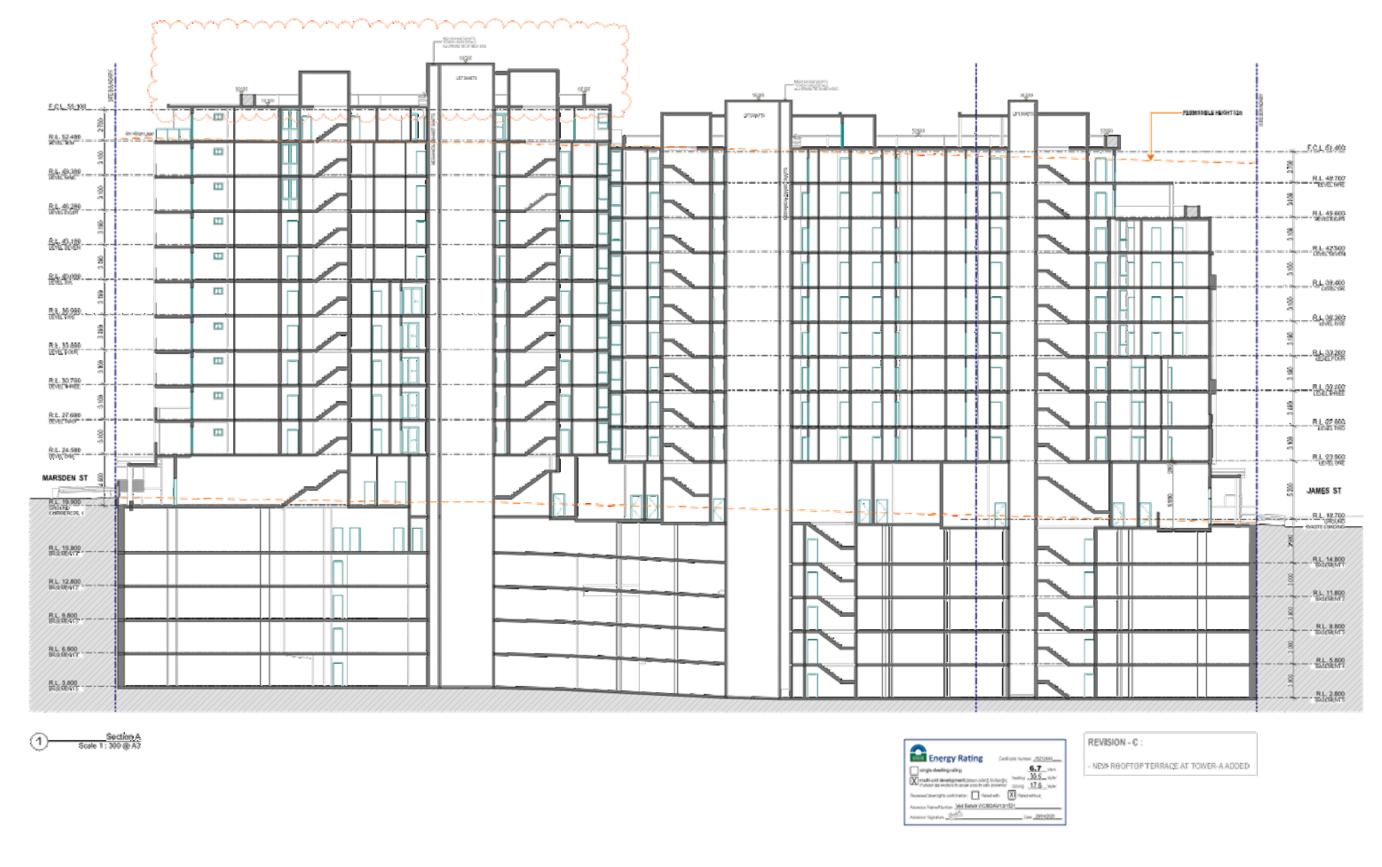


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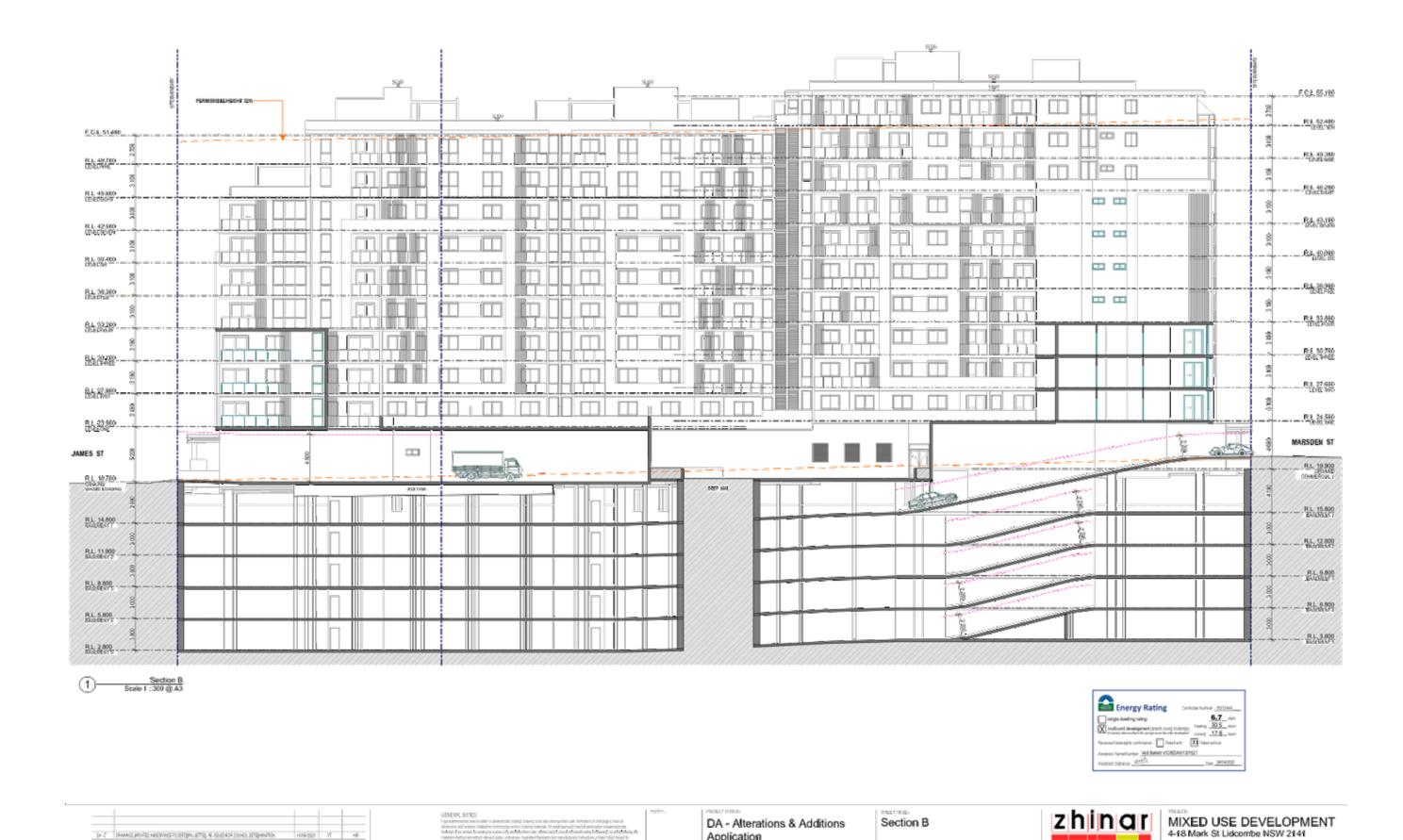












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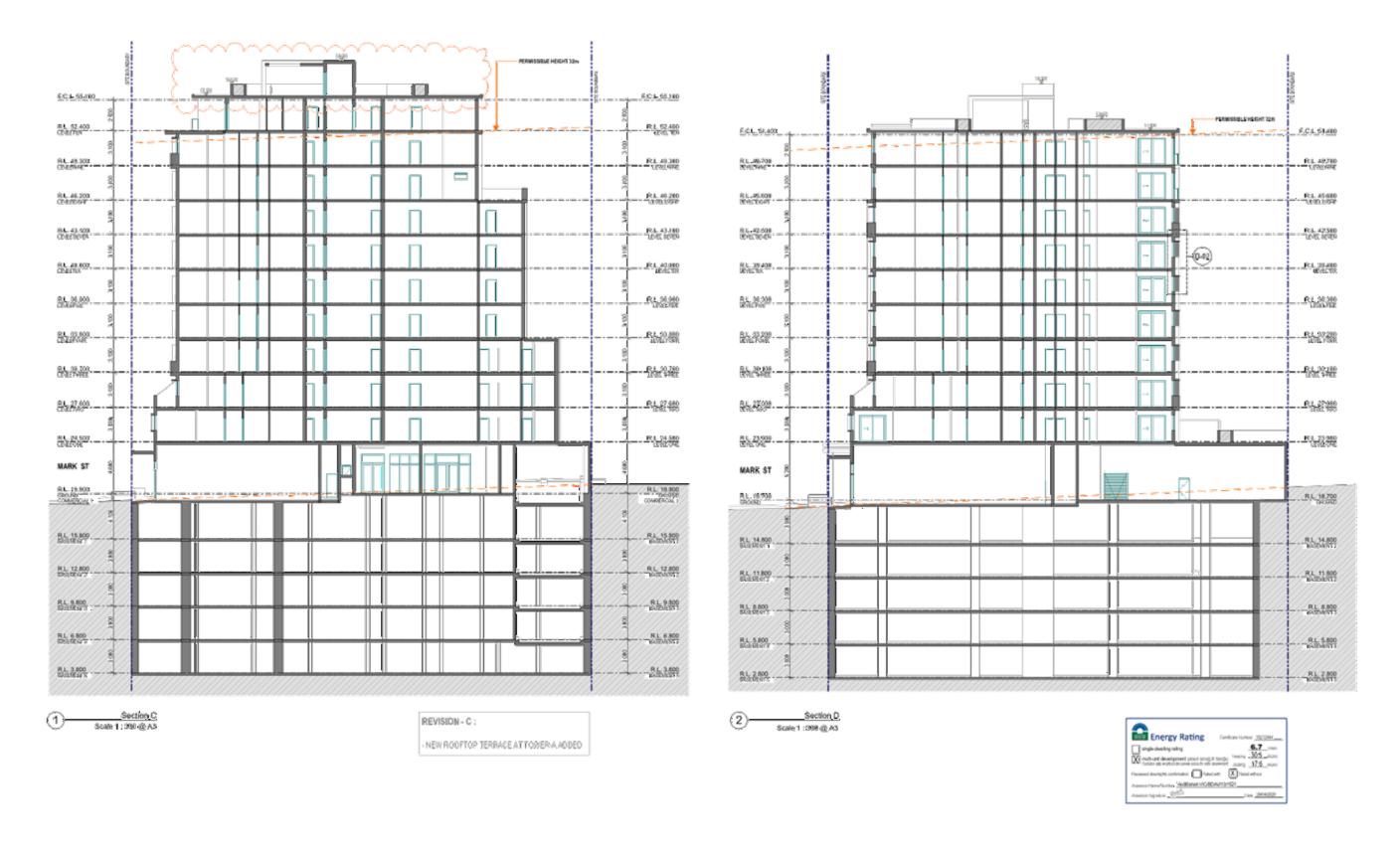
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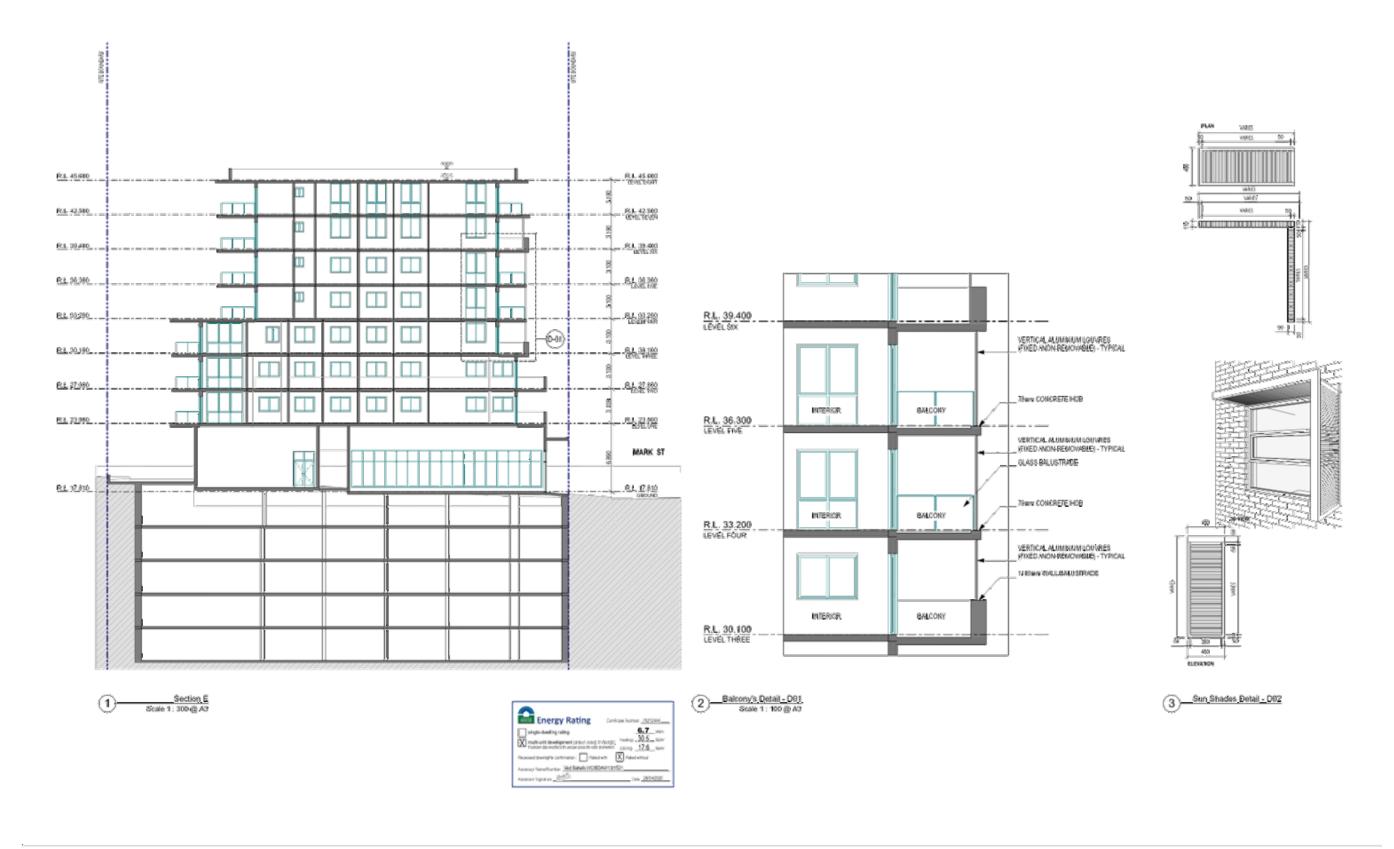
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DOCUMENTS ASSOCIATED WITH REPORT LPP033/20

Attachment 2 Attachment 2 - Clause 4.6 Variation Request





REQUEST UNDER CLAUSE 4.6 OF AUBURN LEP 2010

Proposed Mixed-Use Development, 4-18 Mark Street, Lidcombe





Amended Clause 4.6 Variation Request 4-18 Mark Street, Lidcombe

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Approved by:

Mairead Hawes

DOCUMENT INFORMATION

Prepared For: Rolz Group

Project Name: 4-18 Mark Street,

Lidcombe

Job Reference: 20-142 V.2

Date Approved: 9 June 2020

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Amended Clause 4.6 Variation Request – 4-18 Mark Street, Lidcombe

1.0 The Proposal

This request is written in support of an application that proposes alterations and additions to an approved 10 storey mixed use building at 4-14 Mark Street to create an 11 storey building, demolition of existing structures at 16-18 Mark Street and construction of an additional 10 storey mixed use building component, accommodating a combined total of 15 commercial suites and 213 residential units over 5 levels of basement parking for 627 vehicles.

This Clause 4.6 statement relates to a variation proposed to Council's Maximum Building Height control as prescribed by Auburn Local Environmental Plan (LEP) 2010.

1.1 Clause 4.6 and Relevant Case Law

Clause 4.6 of the Auburn Local Environmental Plan (LEP) 2010 allows the consent authority to grant consent for development even though the development contravenes a development standard imposed by the LEP.

Clause 4.6 (3) of the LEP provides:

- (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.

Further Clause 4.6(4) provides that:

- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Secretary has been obtained.

The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

Assistance on the approach to justifying a contravention to a development standard is also to be taken from the applicable decisions of the NSW Land and Environment Court (the Court) and the NSW Court of Appeal in:

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Clause 4.6 Variation Request - 4-18 Mark Street, Lidcombe

- 1. Wehbe v Pittwater Council [2007] NSW LEC 827;
- 2. Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009;
- 3. Randwick City Council V Micaul Holdings Pty Ltd [2016] NSWLEC 7;
- 4. Brigham v Canterbury-Bankstown Council [2018] NSWLEC 1406;
- 5. Initial Action v Woollahra Municipal Council [2018] NSWLEC 118; and
- 6. Turland v Wingercarribee Shire Council [2018] NSWLEC 1511.

The common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary are summarised by Preston CJ in *Wehbe v Pittwater Council* (2007) 156 LGERA 446 [42]-[51] and repeated in *Initial Action* [17]-[21]. Although Wehbe concerned a SEPP 1 objection, the common ways to demonstrate that compliance with a development standard is unreasonable or unnecessary in Wehbe are equally applicable to cl 4.6 (*Initial Action* [16]):

- The objectives of the development standard are achieved notwithstanding noncompliance with the standard;
- 2. The underlying objective or purpose of the development standard is not relevant to the development, so that compliance is unnecessary;
- Underlying objective or purpose would be defeated or thwarted if compliance was required, so that compliance is unreasonable;
- 4. The development standard has been abandoned by the council; or
- 5. The zoning of the site was unreasonable or inappropriate so that the development standard was also unreasonable or unnecessary (note this is a limited way of establishing that compliance is not necessary as it is not a way to effect general planning changes as an alternative to strategic planning powers).

The five ways to demonstrate compliance is unreasonable/unnecessary are not exhaustive, and it may be sufficient to establish only one way (*Initial Action* [22]).

The environmental planning grounds relied on in the written request under cl 4.6 must be sufficient to justify contravening the development standard. The focus is on the aspect of the development that contravenes the development standard, not the development as a whole. Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development as a whole (*Initial Action* [24]).

1.2 Relevant Development Standard

The development standard to which this objection relates is Clause 4.3 Height of Buildings. Clause 4.3 Height of Buildings sets out the following:

- 1) The objectives of this clause are as follows:
- a) to establish a maximum height of buildings to enable appropriate development density to be achieved, and

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Clause 4.6 Variation Request - 4-18 Mark Street, Lidcombe

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

Comment:

The applicable height control for the site is 32m. The development proposes a portion of the proposed building which exceeds the building height by a maximum of 7.71m.

1.3 Is the Planning Control in Question a Development Standard?

'Development Standards' are defined under Section 1.4(1) of the EP&A Act as follows:

"development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of: ...

(a) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,..."

Comment:

The maximum building height control under Clause 4.3 of the Auburn LEP 2010 is clearly a development standard.

2.0 The Contravention

The proposal results in the following variation to Council's Maximum Building Height Control as demonstrated in the table below:

Table 1: Variation to Council's Maximum Building Height Control					
	Control	Proposed			
Maximum Building Height	32m	39.71m			
Variation	-	7.71m 24.09%			

As illustrated on the Amended Architectural Plan prepared by Zhinar Architects, the height of the proposed development will exceed the maximum building height of 32m by a maximum 7.71m which equates to a 24.09% variation.

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Clause 4.6 Variation Request - 4-18 Mark Street, Lidcombe

The principle reason for the exceedance of the maximum building height limit is the need to provide communal open space on the roof to ensure solar access and to provide amenity to residents and the provision of a built form that creates a transition from the Town Centre to lower density development to the south. This was achieved through the relocation of the upper floors from the southern portion of the site to the northern position resulting a built form that transitions from 11 storeys to the north down to 8 storeys to the south to provide an appropriate interface to surrounding land uses.

This results in a built form that sits well under the height limit on the southern end of the site which the breach of the height control occurring on the norther portion of the site closer to the Town Centre and higher density development.

The development now provides a transitional built form that still achieves an appropriate density in line with the applicable controls and provides a high level of amenity to residents. The amended design also satisfies the Cumberland Design Excellence Panel and Council's request to provide a transition in the building envelope along Mark Street from Marsden Street to James Street to appropriately address the surrounding urban context.



Figure 1: 3D Height Plane demonstrating the proposed exceedance of the building height control

Despite the proposal's non-compliance with the height control, the development does not result in any unnecessary bulk or visual impacts on adjoining properties. The development has been designed to ensure it minimises impacts on adjoining properties and maintains a high level of residential amenity and privacy.

3.0 Justification of the Contravention

3.1 The Site Context

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Clause 4.6 Variation Request - 4-18 Mark Street, Lidcombe

Site context is a key consideration when determining the appropriateness and necessity of a development standard. The site and its surrounds as existing are a mix of residential and commercial uses. The site is identified as being located in the Lidcombe Town Centre, which is currently undergoing transition to a higher density development.

Recent approvals / developments currently under construction in close proximity to the site consist of the following:

- DA-410/2015 A recently constructed 10 storey residential flat building at 21-23 James Street,
 Lidcombe approved with a maximum height of 35.73m;
- DA-503/2017 An approved 10 mixed-use at 2 Mark Street & 1-3 Marsden Street, Lidcombe approved with a maximum height of 33m;
- DA-280/2017 An approved 10 storey residential flat building at 9-15 Raphael Street, Lidcombe approved with a maximum height of 34.76m; and
- DA-423/2016 An approved 11 storey mixed-use development at 18-24 Railway Parade, Lidcombe approved with a maximum height of 38.87m.

The proposed development is consistent with recent approvals in the area and the future character of the Lidcombe Town Centre.

3.2 Public Interest

Clause 4.6(4)(a)(ii) of Auburn LEP 2010 requires that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The proposed development has been assessed against the objectives for the B4 Mixed Use zone below. Despite the proposed variation to the maximum building height development standard, the proposal is considered in the public interest as it satisfies the objectives of the zone and the objectives of the development standard.

3.3 Consistency with B4 Mixed Use Zone

The consistency of the proposal against the objectives of the B4 Mixed Use zone is outlined below.

To provide a mixture of compatible land uses

The proposed development provides a compatible land use that is consistent with the future character of the Lidcombe Town Centre. It proposes a mix of residential units and commercial space designed to contribute to a compatible built form.

 To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling

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Clause 4.6 Variation Request - 4-18 Mark Street, Lidcombe

The proposed development provides high-density mixed-use development in an accessible location that maximises public transport patronage and encourages non-vehicular transport.

To encourage high density residential development

The proposal consists of a high-density residential development that is consistent with the future character of the area.

To encourage appropriate businesses that contribute to economic growth

The proposed development will generate demand and opportunities for businesses to service the area and contribute to the economic growth of the area. The commercial tenancies will provide floor space for businesses in the growing Lidcombe Town Centre.

To achieve an accessible, attractive and safe public domain

The proposed development contributes to creating an accessible, attractive and safe public domain. The development will provide opportunities for passive surveillance and create a vibrant street frontage that will contribute to the vitality of the Town Centre.

3.4 Consistency with Objectives of the Building Height Development Standard

The consistency of the proposal against the objectives of the maximum building height standard is outlined below.

To establish a maximum height of buildings to enable appropriate development density to be achieved

The proposal consists of a high-density mixed-use development that meets the desired future character of the area. The height exceedance is due to the provision of high amenity communal open space areas that allows the development to provide a high-density development whilst providing appropriate amenity to residents and the provision of a built form that transitions form the Town Centre to lower density residential development to the south.

. To ensure that the height of buildings is compatible with the character of the locality

The height of the proposed development is consistent with the changing character and desired future character of the Lidcombe Town Centre. As detailed above the proposed development is consistent with a number of recent approvals that are currently under construction in close proximity to the site.

In addition, the top floor of the proposed development is provided with an increased setback of 6m to reduce the overall bulk of the development when viewed form the street and ensure it is compatible with the character of the locality.

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Clause 4.6 Variation Request - 4-18 Mark Street, Lidcombe

4.0 Is Compliance with the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case (Clause 4.6(3)(a))?

Clause 4.6(3)(a) of Auburn LEP 2010 requires the departure from the development standard to be justified by demonstrating:

 Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

Comment

As detailed in the section above, the proposal maintains the future higher density built form that is at a scale comparative to the site's location within the Lidcombe Town Centre. The numeric increase in building height for the proposed development is approximately 7.71m which is a result of providing communal open space on the roof to increase the amenity of the development for residents and a transitional building height that still achieves an appropriate density in line with the applicable controls. This increase is considered reasonable in the context of the site and its ability to result in no adverse impacts on adjoining properties.

The proposed development, including the proposed building elements that exceed the height limits, will continue to achieve the objectives of the standard. It is therefore considered that the objectives of the development standard are met notwithstanding the breach of the height of buildings standard and compliance is unnecessary in the circumstances of the case.

5.0 Are there Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard (Clause 4.6(3)(b))?

Clause 4.6(3)(b) of Auburn LEP 2010 requires the departure from the development standard to be justified by demonstrating:

 There are sufficient environmental planning grounds to justify contravening the development standard

Comment

It is our opinion that there are sufficient environmental planning grounds to justify contravening the building height standard in this instance. These are as follows:

- The proposed development is consistent with the objectives of the zone and the objectives of the building height control.
- The proposal does not result in any adverse impacts on adjoining properties.
- The height variation equates to a maximum 7.71m for a minor portion of the development and does not result in undesirable visual bulk of the building.
- It reflects the scale of other approvals in the area.

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Clause 4.6 Variation Request - 4-18 Mark Street, Lidcombe

It is considered the objectives of the LEP height standard are achieved in this instance where the proposal produces a high quality built form that ensures a high level of amenity for residents. In addition, the proposed materials and finishes and landscaping strategy further reinforces how the development harmonizes with surrounding area.

Whilst the built form exceeds the building height control applicable to the site, it is considered the proposed design does not unreasonably detract from the amenity of adjacent residents or the existing quality of the environment as demonstrated in the Amended Architectural Plans prepared by Zhinar Architects.

Strict compliance with the building height development standard would require the deletion of the communal open space on the roof which would significantly reduce the site's potential to facilitate higher density residential development whilst ensuring an appropriate level of amenity.

6.0 Conclusion

The proposed contravention of the 32m maximum building height is based on the reasons outlined in this request that are summarised as follows:

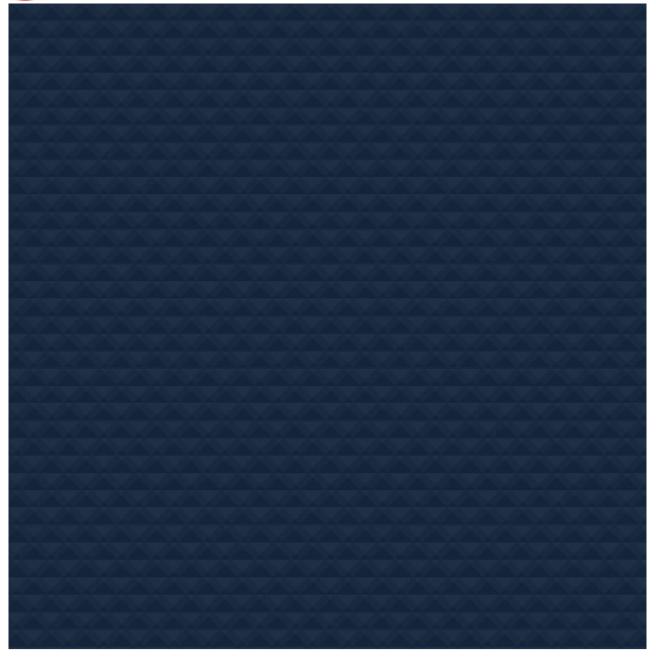
- It is considered that this proposal represents an individual circumstance in which Clause 4.6 was intended and to be available to set aside compliance with unreasonable or unnecessary development standards.
- The proposed development will not create an undesirable precedent.
- The proposed development is consistent with the objectives of Clause 4.3 and Clause 4.6 of Auburn LEP 2010 and therefore is in the public interest pursuant to clause 4.6(4).

In view of all of the above, it is considered that this written request has adequately addressed the matters required by Clause 4.6(3) of Auburn LEP 2010 and Council's support to contravene the maximum building height development standard of Clause 4.3 is therefore sought.

THE PLANNINGHUB

10





CONTACT US

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Website THEPLANNINGHUB.COM.AU



DOCUMENTS ASSOCIATED WITH REPORT LPP033/20

Attachment 3 Attachment 3 - Draft Notice of Determination







DEVELOPMENT APPLICATION NOTICE OF DETERMINATION

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

Development Application No: DA2019/229

Applicant: Rolz Group Pty Ltd

PO Box 4421

HOMEBUSH SOUTH NSW 2140

Property Description: 4, 6, 8, 10, 12, 14, 16, & 18 Mark Street, LIDCOMBE NSW

2141

Lots 1 to 8 (inclusive), Section 3, DP 846

Development: Alterations and additions to an approved 10 storey mixed use

building at 4-14 Mark Street, Lidcombe (DA2017/363), to create an 11 storey building, and demolition of existing structures at 16-18 Mark Street, Lidcombe, and construction of an additional 10 storey mixed use building, accommodating a combined total of 15 commercial suites and 213 residential units over 5 levels of

basement parking for 627 vehicles

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: 8 July 2020

Date from which Consent Operates: 8 July 2020

Date Consent Lapses: 8 July 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.

Michael Lawani

COORDINATOR MAJOR DEVELOPMENT ASSESSMENT

Date: 8 July 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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CUMBERLAND CITY COUNCIL
Development Application Notice of Determination

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

CONDITIONS OF APPROVAL

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.

Drawing Title / Plan or Reference Number	Prepared By	Rev.	Date/s
Development Summary / 8636 / DA-C 01			10/06/2020
Street Frontage / 8636 / DA-C 04			
Basement 5 Plan / 8636 / DA-C 05			
Basement 4 Plan / 8636 / DA-C 06			
Basement 3 Plan / 8636 / DA-C 07			
Basement 2 Plan / 8636 / DA-C 08			
Basement 1 Plan / 8636 / DA-C 09			
Site Plan / 8636 / DA-C 10			
Ground Floor Plan / 8636 / DA-C 11			
Level 1 Plan / 8636 / DA-C 12			
Level 2 Plan / 8636 / DA-C 13			04/05/2020
Level 3 Plan / 8636 / DA-C 14			
Level 4-5 Plan (Typical) / 8636 / DA-C 15			
Level 6-7 Plan (Typical) / 8636 / DA-C 16	Zhinar Architects	С	
Level 8 Plan + COS Terrace / 8636 / DA-C 17			
Level 9 Plan / 8636 / DA-C 18			
Level 10 + Rooftop Terrace / 8636 / DA-C 19			
Rooftop Terrace A / 8636 / DA-C 20			
Top Roof Plan / 8636 / DA-C 21			
West Elevation – Mark St / 8636 / DA-C 22			
East Elevation / 8636 / DA-C 23			
North & South Elevation / 8636 / DA-C 24			
Section A / 8636 / DA-C 25			10/06/2020
Section B / 8636 / DA-C 26			
Section C & D / 8636 / DA-C 27			
Section E & Details / 8636 / DA-C 28			
Landscape Site Plan / 17/1919	Daul Cariyanar		
Roof Terrace Levels / 17/1919	Paul Scrivener Landscape	G	20/04/2020
Planting Plan / Notes / 17/1919	Architecture	"	20/04/2020
Soil Areas Plan / 17/1919	Architecture		
Details, Notes & Legend / 190182 / D1			
Basement Level 5 Floor Plan & Details / 190182 / D2			
Basement Levels 3 & 4 Floor Plans / 190182 / D3		В	
Basement Levels 1 & 2 Floor Plans / 190182 / D4	Quantum Engineers		
Site / Ground Floor Plan / 190182 / D5			16/07/2019
Roof Plan & Details / 190182 / D6	Liigiileeis		
OSD Details & Calculations / 190182 / D7			
Sediment Control Plan / 190182 / D8			
Stormwater & sediment Control Details / 190182 / D9			
Access Report / -	Vista Access	В	12/07/2019
	Architects Pty Ltd		
Acoustic Report / SYD2019-1041-R001B	Acouras	-	08/07/2019

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	Consultancy		
Acoustic Report for DA2017/363 / 20170376.1/3103A/R0/EC	Acoustic Logic	0	31/03/2017
Arboricultural Impact Assessment / 4820 e	Redgum Horticultural	-	31/05/2019
Arboricultural Impact Assessment for DA2017/363 / 2778	Redgum Horticultural	-	22/03/2017
BASIX Certificate / Certificate No. 847143M_04	-	-	30/04/2020
Preliminary Site Investigation / E24205.E01_Rev0	EiAustralia	0	10/05/2019
Preliminary Site Investigation for DA2017/363 / 21361/7971C / 17/0491	STS GeoEnvironmental Pty Ltd	-	03/2017
Qualitative Wind Assessment / 610.18911-R01	SLR Consulting Australia Pty Ltd	v1.0	17/07/2019
Qualitative Wind Assessment for DA2017/363 / 610.17501	SLR Consulting Australia Pty Ltd	v1.0	25/07/2017
Ventilation Assessment / 610.30001-R01	SLR Consulting Australia Pty Ltd	v1.0	20/04/2020
Waste Management Plan	-	Α	10/07/2019
Ausgrid Comments / TRIM 2017/14/24	Ausgrid	-	06/02/2020
NSW Police Force – Flemington Local Area Gommand Comments n	NSW Police Force - Flemington Local Area Command	-	10/08/2019
Jaransport for NSW − Roads and Maritime Services Comments / SYD18/00409/02 c	Transport for NSW - Roads and Maritime Services	-	28/08/2019

larify the details of the approval)

3. 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)

4. 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)

5. DAGCA11 - No Approval for the Use of the Commercial tenancies

No approval is given or implied for the use of the commercial tenancies. Separate Development consent is required for the use.

(Reason: Information)

6. 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)

7. DAGCB03 - Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting.



(Reason: Protect amenity of surrounding area)

8. 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)

9. DAGCB06 - Telecommunications/ TV Antennae

No more than one telecommunications/TV antenna/satellite dish is to be installed to each dwelling/building.

(Reason: To prevent the proliferation of antennae and dishes)

10. 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)

11. 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)

12. DAGCZ01 - Modification of Development Consent DA2017/363

Development consent DA2019/229 related to 4-18 Mark Street, Lidcombe, amends and changes various aspects of DA2017/363 issued for 4-14 Mark Street, Lidcombe.

Pursuant to Section 4.17(1)(b) of the *Environmental Planning and Assessment Act, 1979*, prior to the issue of a construction certificate, development consent DA2017/363 related to 4-14 Mark Street, Lidcombe, must be modified in the following manner:

The following conditions of development consent DA2017/363 related to 4-14 Mark Street, Lidcombe, are amended to read as follows:

Condition 1 is amended to read as follows:

1. Approved Plans

The development is to be carried out generally in accordance with the following plans as numbered below, approved by the Notice of Deferred Commencement Compliance:

Plan Number	Prepared By	Revision No.	Dated
Development Summary	Zhinar Architects	D	6/7/2018
Drawing DA-D:01			
Site Analysis	Zhinar Architects	D	20/7/2018
Drawing DA-D:02			
Street Frontage	Zhinar Architects	С	24/4/2018
Drawing DA-C:04			
Basement 5 Plan	Zhinar Architects	D	4/7/2018
Drawing DA-D:05A			
Basement 4 Plan	Zhinar Architects	D	4/7/2018
Drawing DA-D:05B			
Basement 3 Plan	Zhinar Architects	D	4/7/2018
Drawing DA-D:06			
Basement 2 Plan	Zhinar Architects	D	4/7/2018
Drawing DA-D:07			
Basement 1 Plan	Zhinar Architects	D	5/7/2018
Drawing DA-D:08			
Site Plan (Existing Context)	Zhinar Architects	С	24/4/2028
Drawing DA-C:09A			



Site Plan (Future Context) Drawing DA-C:09B	Zhinar Architects	С	24/4/2018
Ground Floor Plan Drawing DA-D:10	Zhinar Architects	D	4/7/2018
Level 1 Plan Drawing DA-C:11A	Zhinar Architects	С	24/4/2018
Future Context (Level 1-9) Drawing DA-C:11B	Zhinar Architects	С	24/4/2018
Levels 2-3 Plan (Typical) Drawing DA-C:12	Zhinar Architects	С	24/4/2018
Level 4-7 Plan Drawing DA-C:13	Zhinar Architects	С	24/4/2018
Level 8 Plan Drawing DA-C:14	Zhinar Architects	С	24/4/2018
Level 9 Plan Drawing DA-C:15	Zhinar Architects	С	24/4/2018
Roof Plan Drawing DA-C:16	Zhinar Architects	С	24/4/2018
Top Roof Plan Drawing DA-C:17	Zhinar Architects	С	24/4/2017
West Elevation Mark Street Drawing DA-C:18	Zhinar Architects	D	4/7/2018
East Elevation Drawing DA-C:19	Zhinar Architects	С	24/4/2018
North Elevation Marsden Street Drawing DA-C:20	Zhinar Architects	С	24/4/2018
South Elevation Drawing DA-C:21	Zhinar Architects	С	24/4/2018
Section A Drawing DA-C:22	Zhinar Architects	С	24/4/2018
Section B Drawing DA-C:23	Zhinar Architects	С	24/4/2018
Section C Drawing DA-C:23	Zhinar Architects	С	24/4/2018
Section D Drawing DA-C:25	Zhinar Architects	D	5/7/2018
Longitudinal Section E Drawing DA-C:25A	Zhinar Architects	D	5/7/2018
Landscape Plan (site plan, roof plan, planting plan) Sheet 1/3 to 3/3	Paul Scrivener	E	30/1/2018
Stormwater Plans SW010, SW020, SW021 and SW030	Mance Arraj	В	30/1/2018
BASIX Certificate no. 847143M-02	Building Sustainability Assessments	-	08/08/2018
Assessor Certificate 0003043070	Building Sustainability Assessments	-	07/08/2018
Waste Management Plan Job no. 8538		-	29/01/18
Access Compliance Report re. 17057	Vista Access Architects	Revised	-
Acoustic Report ref. 20170376.1/3103A/R0/EC	Acoustic Logic	-	31/03/17 and 6/12/17
Qualitative Wind Assessment Report ref. 610.17501	SLR Global Environmental Solutions	V1.0	25/07/2017
Preliminary Site Investigation Report ref. 17/0491	STS Geo Environmental	-	03/2017
Arboricultural Impact Assessment Report ref. 2778	Redgum Horticultural	-	22/3/2017





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

As amended by the following plans and documents approved by Development Consent DA2019/229:

Drawing Title / Plan or Reference Number	Prepared By	Rev.	Date/s
Development Summary / 8636 / DA-C 01	,		10/06/2020
Street Frontage / 8636 / DA-C 04			
Basement 5 Plan / 8636 / DA-C 05			
Basement 4 Plan / 8636 / DA-C 06			
Basement 3 Plan / 8636 / DA-C 07			
Basement 2 Plan / 8636 / DA-C 08			
Basement 1 Plan / 8636 / DA-C 09			
Site Plan / 8636 / DA-C 10			
Ground Floor Plan / 8636 / DA-C 11			
Level 1 Plan / 8636 / DA-C 12			
Level 2 Plan / 8636 / DA-C 13			04/05/2020
Level 3 Plan / 8636 / DA-C 14			
Level 4-5 Plan (Typical) / 8636 / DA-C 15			
Level 6-7 Plan (Typical) / 8636 / DA-C 16	Zhinar Architects	С	
Level 8 Plan + COS Terrace / 8636 / DA-C 17			
Level 9 Plan / 8636 / DA-C 18			
Level 10 + Rooftop Terrace / 8636 / DA-C 19			
Rooftop Terrace A / 8636 / DA-C 20			
Top Roof Plan / 8636 / DA-C 21			
West Elevation – Mark St / 8636 / DA-C 22			
East Elevation / 8636 / DA-C 23			
North & South Elevation / 8636 / DA-C 24			
Section A / 8636 / DA-C 25			10/06/2020
Section B / 8636 / DA-C 26			10/00/2020
Section C & D / 8636 / DA-C 27			
Section E & Details / 8636 / DA-C 28			
Landscape Site Plan / 17/1919			
Roof Terrace Levels / 17/1919	Paul Scrivener		
Planting Plan / Notes / 17/1919	Landscape	G	20/04/2020
Soil Areas Plan / 17/1919	Architecture		
Details, Notes & Legend / 190182 / D1			
Basement Level 5 Floor Plan & Details /			
190182 / D2			
Basement Levels 3 & 4 Floor Plans / 190182 /			
D3			
Basement Levels 1 & 2 Floor Plans / 190182 /			
D4	Quantum	В	16/07/2019
Site / Ground Floor Plan / 190182 / D5	Engineers		10/07/2019
Roof Plan & Details / 190182 / D6			
OSD Details & Calculations / 190182 / D7			
Sediment Control Plan / 190182 / D8			
Stormwater & sediment Control Details /			
190182 / D9			
Access Report / -	Vista Access		<u> </u>
/ 100003 (topolt)	Architects Pty Ltd	В	12/07/2019
Acoustic Report / SYD2019-1041-R001B	Acouras		00/07/2040
	Consultancy	-	08/07/2019
Acoustic Report for DA2017/363 /	Acoustic Logic	0	31/03/2017
20170376.1/3103A/R0/EC	_	, ,	31/03/2017
Arboricultural Impact Assessment / 4820	Redgum	-	31/05/2019
	Horticultural		



Arboricultural Impact Assessment for DA2017/363 / 2778	Redgum Horticultural	-	22/03/2017
BASIX Certificate / Certificate No. 847143M_04	-	-	30/04/2020
Preliminary Site Investigation / £24205.E01_Rev0	EiAustralia	0	10/05/2019
Preliminary Site Investigation for DA2017/363 / 2/1361/7971C / 17/0491	STS GeoEnvironmental Pty Ltd	-	03/2017
Qualitative Wind Assessment / 610.18911-R01 t	SLR Consulting Australia Pty Ltd	v1.0	17/07/2019
Qualitative Wind Assessment for DA2017/363 / 610.17501	SLR Consulting Australia Pty Ltd	v1.0	25/07/2017
Ventilation Assessment / 610.30001-R01	SLR Consulting Australia Pty Ltd	v1.0	20/04/2020
Waste Management Plan	-	Α	10/07/2019
Ausgrid Comments / TRIM 2017/14/24	Ausgrid	-	06/02/2020
NSW Police Force – Flemington Local Area	NSW Police Force – Flemington Local Area Command	-	10/08/2019
Transport for NSW – Roads and Maritime Services Comments / SYD18/00409/02	Transport for NSW - Roads and Maritime Services	-	28/08/2019

clarify the terms of Council's approval)

Condition 3 is amended to read as follows:

3. Auburn DCP 2007: Section 7.11 Development Contributions

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

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

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

A sum of \$889048-58 \$1,294,176.93 is to be paid to Council for the purpose of LGA Wide plans being the provision of open space and recreation facilities, community facilities, accessibility and traffic works, town centre upgrades, car parking and Council's administration of the development contributions framework.

The above sum is broken down to the following items:

Item	Amount
Community Facilities	\$218,026.65 \$317,037.84
Public Domain	\$482,207.66 \$701,176.49
Accessibility and Traffic	\$132,904.76 \$192,905.19
Administration	\$50,980.77 \$73,807.04
Employment Generating Development	\$4,928.74 \$9,250.37
TOTAL	\$889,048.58 \$1,294,176.93

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

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

Condition 4 is amended to read as follows:



4. Compliance with submitted Acoustic Report

All noise control measures specified in the Acoustic Report prepared by Acouras Consultancy, Document Reference SYD2019-1041-R001B, dated 8 July 2019, and the Acoustic Report prepared by Acoustic Logical, Project Number 20170376.1, Document Reference 2017376.1/3103A/R0/EC, dated 31 March 2017 shall be installed prior to the issuing of the Occupation Certificate. All noise reduction measures specified in the acoustic report shall be complied with at all times during the operation of the premises.

In addition, in accordance with the supplementary advice provided by Acoustic Logic dated 6/12/2017, a Mechanical Noise Assessment and Construction Noise Management Plan shall be undertaken by a qualified acoustic consultant prior to the issue of a Construction Certificate.

(Reason: to ensure noise control measures are installed into the development)

Condition 14 is amended to read as follows:

14. Adaptable units and Liveable Housing Guidelines Silver Level Universal Design Features

- a) A minimum of 47 23 apartments are required to be designated as adaptable units.
- b) A minimum of 20% of the total units (i.e. 33 43 units) are required to be capable of being redesigned to meet the Universal Design requirements of Part 4Q of the ADG.

Details demonstrating compliance shall be submitted to the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.

(Reason: to ensure compliance with the ADG and Council requirements)

Condition 71 is amended to read as follows:

71. <u>Submission of full stormwater disposal details</u>

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

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

- i. The proposed stormwater system shall be generally in accordance with the stormwater plans SW010, SW020, SW021 and SW030 issue B dated 30. 01. 2018 prepared by Mance Arraj including amendments marked in red on the plans, <u>and endorsed stormwater</u> plans prepared by Quantum Engineers, Job Number 190182, Drawing Numbers D1 to D9 (inclusive), dated 16 July 2019.
- ii. Emergency overflow outlet shall be provided in the overflow pit.
- ii. Proposed kerb inlet pit shall be minimum 1.2m clear of the driveways. In this regard Stormwater pit shall be modified as grated surface inlet pit within the subject development frontage.
- All access grates to the detention facility shall be double (2/900x450) hinged grates.
- v. Maximum spacing between the grated access pits in the OSD shall not exceed 5.0m.
- vi. Dry platform and weephole details shall be clearly shown on the plan
- A 900x900 size opening with double (2/900x450) hinged grates access grate shall be provided behind the flap valve.

(Reason: to ensure the stormwater is suitably discharged)

Condition 84 is amended to read as follows:



84. Car parking to Comply with Approved Details

The area set aside for the parking of vehicles, and so delineated on the plan prepared by Zhinar Architects and endorsed plan tiled Basement Plan 1 to Basement Plan 5, Drawing No's DA-B05A to DA-B:08, Revision B dated 29/01/2018, and Basement Plans 1 to 5 (inclusive) prepared by Zhinar Architects, Job Number 8636, Drawing Numbers DA-C 05 to DA-C 09 (inclusive), Revision C, dated 4 May 2020, shall not be used for any other purpose.

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

Condition 85 is amended to read as follows:

85. Car Parking Allocation within Development

A plan shall be provided as part of the Construction Certificate documentation, indicating the location of car parking spaces and their allocation to individual units within the development. In this regard, a minimum of 434 627 car parking spaces are to be provided within the development as follows:

- Minimum 397 510 Residential spaces; including accessible spaces.
- b) Minimum 46 22 visitor spaces; including accessible spaces.
- c) Minimum 24 95 commercial/retail spaces.

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

The modification of development consent DA2017/363 related to 4-14 Mark Street, Lidcombe, must be given in the manner prescribed by Section 4.17(5) of the *Environmental Planning and Assessment Act*, 1979, and Clause 97(1) and (2) of the *Environmental Planning and Assessment Regulation*, 2000.

(Reason: To ensure consistency between development consents DA2017/363 and DA2019/229)

13. DAGCZ02 - Surface Runoff

Allowances shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site. Any redirection or treatment of these flows shall not adversely affect any other property.

(Reason: to prevent adverse impact on adjoining properties)

14. DAGCZ03 - 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)

15. DAGCZ04 - 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)

16. DAGCZ05 - Bond Positive Covenant

The applicant shall lodge with Council a cash bond to cover the registration of a Positive Covenant and Restriction as to User over the On-site Stormwater Detention system. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the NSW Land Registry Service.

(Reason: to ensure Positive Covenant and Restriction as to User documents are registered)



17. DAGCZ06 - No Roller Shutters

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

Reason: to protect the visual appearance of the streetscape)

18. DAGCZ07 - Signage

No approval is given or implied for signage. Separate Development consent is required.

(Reason: Information)

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

19. DAPDB01 - Construction Certificate - Prior to the Commencement of any Demolition Works

Where demolition is associated with the erection of a new structure, or an altered portion of or an extension to an existing building, the demolition of any part of a building 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)

20. DAPDB02 - Demolition - General

Demolition - General

- a) That two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
 - The date when demolition will commence.
 - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
 - The licence number of the demolisher, and relevant WorkCover licenses, (see minimum licensing requirements in (d) below, and
 - Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.
- Demolition of buildings and structures must comply with all current and relevant Australian Standards.
- c) Demolition works are restricted as follows:
 - Monday to Saturday inclusive 7:00am 5:00pm
 - Sundays and Public Holidays No work
- d) At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to demolition commencing advising the following:
 - The date when demolition will commence;
 - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
 - The telephone number of WorkCover's Hotline 13 10 50.

Demolition Involving the Removal of Asbestos

General Information

Homes built or renovated prior to 1987 are likely to contain asbestos. Asbestos is most commonly found within eaves, internal and external wall cladding, ceilings and walls (particularly within wet areas such as bathrooms and laundries), and fences. Unless properly handled, asbestos disturbed or removed during renovations can cause the development of asbestos related diseases, such as asbestosis, lung cancer and mesothelioma.

To ensure work does not cause undue risk please see the following site for further information: www.asbestosawareness.com.au



Asbestos to be removed by licensed asbestos removalist

All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with Workcover NSW, holding either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal License which ever applies AND a current WorkCover Demolition License where works involve demolition.

NOTE:

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m2 or less of non-friable asbestos (approximately the size of a small bathroom).
- Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
- To find a licensed asbestos removalist please see www.workcover.nsw.gov.au

Compliance with applicable Legislation, Policies and Codes of Practice

Asbestos removal works are to be undertaken in accordance with the following:

- NSW Work Health and Safety Act and Regulation 2011;
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)]
- NSW Government WorkCover Code of Practice How to Safely Remove Asbestos;
- NSW Government WorkCover Code of Practice How to Manage and Control Asbestos in the Workplace; and

Clearance certificate

Following completion of asbestos removal works undertaken by a licensed asbestos removalist reoccupation 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 lightweight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.

Barricades

Appropriate barricades must be installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

21. 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 license.
- To find a licensed asbestos removalist please see www.workcover.nsw.gov.au

Compliance with applicable Legislation, Policies and Codes of Practice

Asbestos removal works are to be undertaken in accordance with the following:

- NSW Work Health and Safety Act and Regulation 2011;
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)]
- NSW Government WorkCover Code of Practice How to Safely Remove Asbestos;
- NSW Government WorkCover Code of Practice How to Manage and Control Asbestos in the Workplace.

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

22. DAPDB04 - Asbestos Clearance Certificate

Following completion of asbestos removal works undertaken by a licensed asbestos removalist reoccupation 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)

23. 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)

24. 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)

25. 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)

26. <u>DAPDB08 - Demolition Inspections</u>

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)

27. 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)

28. DAPDB10 - Demolition, Excavation, Construction Noise and Vibration Management Plan

A site specific Noise Management Plan shall be developed and submitted to Council prior to the commencement of any demolition, excavation and construction works on site.

The Plan must be prepared by a suitably qualified person who possesses the qualifications to be eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.

The Plan must include but not be limited to the following:-

- (a) Identification of any noise sensitive receivers near to the site;
- (b) A prediction as to the level of noise impact, including the proposed number of any high noise intrusive appliances, likely to affect the nearest noise sensitive receivers. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated in the NSW EPA Interim Construction Noise Guideline (2009). Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property;
- (c) A representative background noise measurement (LA90, 15 minute) should be assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997;
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases;
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum:
- (f) The type of action will be undertaken following receipt of a complaint concerning offensive noise including provision of a site contact;
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.

(Reason: Environmental and residential protection)

29. 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)

30. DAPDB13 - Sediment and Erosion Control Plan - Large sites

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to the NSW EPA's Managing Urban Stormwater: Soils and Construction. All erosion and sediment control measures at the site shall be in accordance with the Erosion and Sediment Control Plans prepared by Quantum Engineers, Job Number 190182, Drawing Numbers D8 & D9, Revision B, dated 16 July 2019. A copy of the plan must be kept on-site at all times and made available to Council Officers on request.

(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

31. DACCA01 - Amendments to Approved Plans

Amended plans/documents shall be submitted to the certifying authority for approval, prior to the issue of a Construction Certificate, addressing the following matters:

- a) All parking dimensions shall be designed to comply with AS2890.1.
- b) Car parking spaces 95 and 96 shall be amended to be parallel to car parking space 116, and the column within this area re-positioned in accordance with AS2890.1.
- c) Car parking spaces 36 and 37 shall be widened to 2.7m.
- d) Amended stormwater plans which reflect the design within the endorsed architectural plans.
- e) Amended architectural plans which annotate the location of the residential unit entry doors associated with Units 13 and 14 on Levels 8 and 9.
- f) Storage areas for each residential unit shall be provided in accordance with Part 4G Storage of the Apartment Design Guide.

Details shall be submitted to the certifying authority for approval, prior to the issue of a Construction Certificate, addressing the following matters:

- g) All water fixtures shall be designed to meet the WELS (Water Efficiency Labelling Scheme) rated industry standards.
- h) Any works within the public domain, or which present to the public domain, shall be consistent with Council's Public Domain Manual and/or the Town Centre Infrastructure Manual and Council's Policy on Crime Prevention Through Environmental Design (CPTED).
- All podium areas and communal open space areas which are planted, shall be provided with a water efficient irrigation system.



- j) The underside of the balconies within the development must be designed to prevent exposed pipes and utilities being visible.
- k) Opaque glazing shall be designed to the balustrading of the balconies where glazing is designed.

Amended plans/documents shall be submitted to Council's Executive Manager Development and Building for approval, prior to the issue of a Construction Certificate, addressing the following matters:

I) Amended architectural plans which illustrate the 'Metallic Copper' Metal Cladding feature panels on the western Mark Street façade elevation between Resident Foyer - A and Resident Foyer - B, amended to provide a more cohesive outcome similar to that achieved on the panels between Resident Foyer - B and Resident Foyer - C.

(Reason: To confirm and clarify the terms of Council's approval)

32. 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)

33. DACCA03 - Disabled Access & Facilities

Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the National Construction Code (for all new building work) and in addition, with the relevant requirements of the 'Disability (Access to Premises - Building) Standards 2010'. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans/specifications for the construction certificate.

(Reason: To ensure compliance with the requirements of the National Construction Code)

34. 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)

35. 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)

36. 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)

37. DACCB03 - Section 7.11 Contribution

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.11 of the *Environmental Planning and Assessment Act 1979* and the Auburn Development Contributions Plan 2007 (Amendment No. 2), is to be paid to Council. The amount of the contribution



will be determined at the time of payment in accordance with the relevant Contributions Plan in force at that time. A copy of the Auburn Development Contributions Plan 2007 (Amendment No. 2) can be viewed on Council's website at www.cumberland.nsw.gov.au, or inspected at Council's Service Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments)

38. <u>DACCB05 – Fees to be paid to Council prior to issue of the Construction Certificate – Check</u> fees noted through consent.

Demolition Inspections	\$482.00
<u> </u>	'
Damage Deposit	\$6,160.00
Section 7.11 Contributions	\$1,284,926.56 + CPI
Employment Generating Development Contributions	\$9,250.37 + CPI
Cash bond to cover the registration of a Positive Covenant and Restriction	\$6,290.00
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.)	
Landscaping Inspection fee where Council is the Principal Certifying	\$686.00
	φ080.00
Authority	
Traffic Management Plan	\$201.00
Road Opening Permit	\$177.00
Infrastructure Inspection	\$234.00
TOTAL	\$1,308,406.93 + CPI
	where applicable

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)

39. 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)

40. DACCC01 - Footpath Design Levels

Detailed footpath levels shall be obtained from Council before finalisation of the footpath and driveway design for Construction Certificate Application by lodging an "Application for Property Boundary Line Levels". Any required adjustments shall be included in the plans and the interface across the street boundaries shall be designed to incorporate smoothly the designated levels.

When lodging the "Application for Property Boundary Line Levels", fees are payable in accordance with Council's adopted fees and charges, which will go towards administration costs.

Unless an alternative specific design is submitted and approved by Council, the footpath levels



adjoining the site shall generally be as follows:

- (a) The internal driveway levels shall be designed to meet Council's footpath verge levels such that a maximum cross fall of 2.5% is achieved where the formal footpath meets the driveway.
- (b) The level of the boundary line as it crosses the driveway shall incorporate a cross fall equivalent to the general longitudinal grade of the street. Any required adjustments shall be included in the plans and submitted for approval (under Section 138 of the Roads Act) prior to the release of the Construction Certificate.

Note: Care should be taken in steep landforms to ensure scraping of vehicles is avoided.

(Reason: Public infrastructure)

41. DACCC02 - Protection of Public Places

The adjoining or adjacent public area is not to be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances unless approved in writing by Council.

If the work involved in the demolition or construction of a building is likely to disrupt or obstruct pedestrian or vehicular traffic in a public place, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected prior to the commencement of any work subject to approval of a Traffic Management Plan.

(Reason: Safety)

42. 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 to 4-18 Mark Street, Lidcombe, 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 to 4-18 Mark Street, Lidcombe, 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)

43. 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)

44. DACCC05 - Hoardings

A separate Hoarding approval for the erection of a Class A (fence type) or Class B (overhead type) hoarding, along the street frontage(s), must be obtained from Council. The relevant application form shall be submitted to Council, with a footpath occupancy fee based on the area of footpath to be occupied according to Council's Schedule of Fees and Charges, and the application shall be approved before the commencement of work.

(Reason: Safety & information)

45. <u>DACCC06 - Separate Approval for Works in the Public Road (External Works) - Section 138</u> Roads Act

In accordance with Section 138 of the Roads Act 1993, and prior to the issue of any Construction Certificate, the applicant must submit a Road and Footpath Opening Permit application with detailed plans. Written approval must be obtained from the appropriate road authority (usually Council for local and regional roads, and both Council and Roads & Maritime Services (RMS) for arterial roads), for any works in the road reserve.

Where the work involves closure of a carriageway on a State or Regional Road, or may impact on traffic flows on a State or Regional Road, or is within close proximity of a Traffic Facility (e.g. Traffic Lights) then a Road Occupancy License (ROL) must be obtained from the Planned Incidents Unit of the Traffic Management Centre of the RMS. The application should be lodged at least 10 days prior to the planned commencement date.

(Reason: Protection of public assets and information)

46. DACCE02 - Construction Management Plan

Prior to the issue of any Construction Certificate, a Construction Management Plan shall be submitted to the Accredited Certifier providing details of the following:

- a) Actions and works proposed to ensure safe access to and from the site, including how the road and footpath area will be protected from building activities, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
- b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.
- f) A Soil and Water Management Plan detailing all sedimentation controls.

(Reason: Safety, amenity and protection of public infrastructure and the environment)

47. 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)

48. DACCF02 - Landscape Maintenance Strategy

To ensure the survival of landscaping following works, a landscape maintenance strategy for the owner/occupier to administer over a 12 month establishment period following the issue of the Occupation Certificate shall be prepared and provided to the satisfaction of the Accredited Certifier with the Construction Certificate application. The strategy is to address maintenance issues such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilizing, remedial pruning and plant replacement.

(Reason: Ensure landscape survival)

49. DACCF04 - On Slab Landscaping

The on slab landscaping shown on the approved landscaping plan is to be designed to include a minimum soil depth of 650 mm for shrubs and trees, and 300 mm for grass and ground covers. Adequate drainage and a permanent, automatic irrigation system shall be provided conforming to Sydney Water's current *Waterwise Policy*. Details shall be submitted with the Construction Certificate application to demonstrate compliance with this condition.

(Reason: To ensure the site landscaping thrives)

50. DACCG01 - Available Visitor Car Parking Signage

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Details shall be submitted to the satisfaction of the Principal Certifier prior to the issue of the Construction Certificate.

(Reason: Adequate access and egress)

51. DACCG02 - Bicycle Storage Provision

Provision for bicycles shall be in accordance with the Auburn Development Control Plan 2010 for Bicycle Parking and Storage Facilities. Details shall be submitted prior to the issue of the Construction Certificate.

(Reason: To ensure that bicycle parking is provided on site in accordance with the Aubum DCP 2010)

52. DACCG03 - Off Street Car Parking - Multiple Use Buildings

The following car parking and service vehicle requirements apply:-

- (a) Six-hundred and twenty-seven (627) car spaces shall be provided on the development site. This shall comprise of:-
 - Five-hundred and ten (510) residential spaces;
 - Twenty-two (22) visitor spaces;
 - Ninety-five (95) commercial spaces;

The above figures are inclusive of thirty-one (31)) car parking spaces for people with mobility impairment/disabilities in accordance with the relevant Australian Standards.

- (b) All car spaces shall be allocated and marked according to this requirement.
- (c) If the development is to be strata subdivided, the car park layout must reflect the above allocation and be part of the entitlement of that strata lot.



- (d) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.
- (e) The parking bays shall be delineated by line marking.
- (f) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents or commercial/business/retail premises located within the development.

The following traffic control measures shall be implemented on site:-

- (a) Signage indicating "Entry Only" shall be prominently displayed at the entrance to the development.
- (b) Signage indicating "Exit Only" shall be prominently displayed at the exit to the development.
- (c) One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

The above details shall be submitted to and approved by the Principal Certifier prior to the issue of the Construction Certificate.

(Reason: Parking and access)

53. DACCG05 - Off Street Car Parking - General

Six-hundred and twenty-seven (627) off-street car parking spaces suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with the relevant Australian Standard.

Details are to be submitted to the Principal Certifier prior to the issue of a Construction Certificate showing compliance with this condition.

(Reason: Parking and access)

54. DACCG07 - Maintaining Sight Lines (multi- unit development)

All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 1.5m within the site or splayed 1.5 metre by 1.5 metre to provide satisfactory sight lines. Details are to be submitted to the Accredited Certifier prior to the issue of a Construction Certificate showing compliance with this condition.

(Reason: Safety)

55. DACCG08 - Ramp Width Requirements (multi-unit development)

The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work. The building plans shall indicate compliance with this requirement prior to the issue of a Construction Certificate.

(Reason: Safety and traffic management)

56. DACCG10 - Stacked Parking

Any stacked parking spaces (maximum 2 spaces, nose to tail) must be attached to the same strata lot comprising a single dwelling unit or commercial tenancy, subject to the maximum parking limit applying. The stacked parking spaces must be designated (with appropriate signage) for employee or tenant parking only (not visitor parking). Details must be reflected in the plans and documentation to be lodged with a Construction Certificate application.

(Reason: To ensure that building users will have access to their allocated parking spaces)

57. DACCG11 - Stop Signs

Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to signal all vehicles to stop before proceeding onto any public way.



(Reason: Adequate access and egress)

58. DACCH01 - Translucent Glazing for Privacy in Wet Areas

Translucent glazing must be installed in all bathroom, ensuite and toilet windows.

(Reason: Amenity)

59. DACCI03 - Substation /Fire Hydrant Boosters

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.

(Reason: Streetscape amenity)

60. DACCI04 - Site Cranes

Site Crane/s and hoist/s proposed within the boundary of the land being developed must comply with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts of these standards.

Cranes must not swing or hoist over any public place unless the principal contractor or owner builder have the relevant approval under the Local Government Act 1993, Crown Lands Act 1989 or Roads Act 1993.

(Reason: Safety and statutory compliance)

61. 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 the approved stormwater plans, 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)

62. 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)

63. DACCJ04 - Construction or Redirection of a Stormwater Drainage System

No line of natural drainage or any stormwater drainage channel, pipeline, pit or any other drainage infrastructure shall be filled in, relocated, diverted or otherwise interfered with, except by the construction of an overland flow path, pit, pipeline of a specific size, material and location, approved by Council.

Where consent is granted for the changes to a drainage line or system, engineering plans in accordance with Council's "On-site Stormwater Detention Policy" shall be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.



(Reason: Protection of existing drainage infrastructure)

64. DACCJ06 - Silt Arrestors and Gross Pollutant Traps

Silt and gross pollutant traps shall be fitted in all stormwater pits, designed in accordance with Council's Engineering Specifications and the Auburn Development Control Plan 2010, and to the satisfaction of Council or an Accredited Certifier. Details are to be submitted with the design prior to the issue of the Construction Certificate.

(Reason: Environmental protection)

65. DACCJ10 - Engineering Design - Basement Excavation

The following engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifier (Council or Accredited Certifier) prior to the issuing of a Construction Certificate:-

- a) Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the Principal Certifier, that confirms the suitability and stability of the site for the proposed excavation and building as well as certifying the suitably and adequacy of the proposed design and construction of the building for the site.
- b) A report shall be prepared by a professional engineer and submitted to the Principal Certifier prior to the issuing of a Construction Certificate, detailing the proposed methods of excavation, shoring or pile construction. This report must include details of vibration emissions and any possible damage which may occur to adjoining or nearby premises from the proposed building and excavation works. Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the Construction Certificate. A copy of the engineer's report is to be submitted to the Council, if the Council is not the Principal Certifier.
- c) Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the Principal Certifier, prior to the issuing of a Construction Certificate, which states that damage should not occur to any adjoining premises and public place as a result of the works.
- d) The installation of ground or rock anchors (including underneath a public roadway or public place) are subject to separate approval. Works associated with proposed anchors must not be carried out without the specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the Principal Certifier prior to the commencement of any excavation or building works.

(Reason: To ensure the proposed method of excavation is suitable for the site and to prevent damage occurring to adjoining premises)

66. DACCJ11 - Excavations Extending Below the Base of Footings of Adioining 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)

67. DACCK01 - 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)

68. 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)

69. 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)

70. 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)

71. DACCL02 - Telecommunications

If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifier prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.

(Reason: Ensure services are not disturbed)

72. DACCL01 - Electricity Substation

Documentary evidence of compliance with the relevant energy authority's requirements is to be provided to the Principal Certifier prior to the issue of a Construction Certificate.

(Reason: Access to utility)

73. 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)

74. DACCL04 - Residential Car Wash Bay

A car wash bay is to be provided on the premises for use by residents for car cleaning and washing activities. This area is to be suitably designed and located to ensure rainwater is excluded. All wastewater must be discharged to the sewer in accordance with a Trade Waste Agreement with Sydney Water. This may require the installation of a pre-treatment device. Alternative water



management and disposal options may be appropriate where water is recycled, minimised or reused on the site.

Details are to be submitted to the Principal Certifier with the Construction Certificate.

(Reason: To protect the environment)

75. DACCL05- Compliance with Acoustic Report

Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with any requirements and recommendations of the Acoustic Report prepared by Acouras Consultancy, Document Reference SYD2019-1041-R001B, dated 8 July 2019 and the Acoustic Report prepared by Acoustic Logical, Project Number 20170376.1, Document Reference 2017376.1/3103A/R0/EC, dated 31 March 2017.

Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

(Reason: To ensure appropriate noise attenuation measures are used)

76. DACCL06- Waste Storage Area

A designated waste and recyclable storage room must be provided on the premises in accordance with the following requirements:

- The area must be fully enclosed, suitably sized to contain all waste and recyclable material generated by the premises, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls;
- b) The floor must be graded and drain to sewer in accordance with Sydney Water requirements;
- c) A hot and cold hose cock shall be provided within the room.

A detailed plan showing the design and location of the waste storage room must be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

(Reason: To protect the environment and ensure waste is adequately contained)

77. DACCM03 - Mechanical Ventilation - Certification of Compliance

Details of any mechanical ventilation and/or air handling system must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the National Construction Code 2019, to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate. The system must be certified as complying with AS1668.1 and 2 - 2012 The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings, the National Construction Code and relevant Australian Standards.

(Reason: To ensure adequate mechanical ventilation is provided)

78. <u>DACCZ01 – Stormwater Disposal</u>

Stormwater runoff generated from the development shall be directed to the On-site Stormwater Detention system (OSD), prior to being discharged by gravity system as per the approved plans. In this regard:

- The proposed stormwater system shall be in accordance with the endorsed stormwater plans.
- b) The development has been identified as requiring an 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, Upper Parramatta River Catchment Trust "On-Site Detention Handbook", Cumberland City Council's Development Engineering Design Guidelines, and Council's On-site Detention Policy, shall be submitted to the certifying authority, prior to the issue of a construction certificate. The following shall also be addressed:



- High early discharge control shall be provided as per the Parramatta Development Control Plan 2011 requirements.
- ii. A dry platform and weep hole details, shall be clearly shown on the plans.
- iii. Stormwater runoff from access ways will have to undergo some form of industrial standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, a stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.
- iv. All OSD access openings shall be 900x900 in size, with double (2/900x450) hinged grates.
- v. Grated drains shall be provided directly behind the flap as per Council's standard Drawings. The opening shall be 900x900 in size with double (2/900x450) hinged access grates.
- vi. Areas of the site that will by-pass the detention system/s shall be clearly delineated on the drawing, and the OSD design summary calculations shall correspond.
- vii. OSD shall be clear of building floor and roof areas.

(Reason: to prevent localised flooding)

79. DACCZ02 - Pedestrian Sight Distance

Adequate sight distance to pedestrians shall be provided as per AS2890.1 requirements. In this regard:

a) Prior to the issue of any construction certificate, amended plans showing appropriate measures and written verification from suitably qualified traffic engineer, shall be submitted to and approved by the Certifying Authority.

(Reason: to ensure adequate sight distance is provided)

80. DACCZ03 - Parking Layout

The parking lay out shall comply with AS2890.1 and AS2890.6. In this regard, a detailed plan showing all necessary dimensions shall be submitted to and approved by the Principal Certifying Authority, prior to the issue of a Construction Certificate.

A copy of the approved plan shall be submitted to Council.

(Reason: to ensure Parking layouts comply with AS2890.1)

81. DACCZ04 - Minimum Headroom - Adaptable Parking Spaces

The headroom clearance within the accessible parking spaces shall be minimum 2500mm to comply with AS2890.1 requirements. Headroom shall be measured clear of any beams and service ducts.

Sectional plans showing compliance with these headroom requirements, showing all beams and service ducts, shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: to ensure headroom complies with AS2890.1)

82. DACCZ05 - Ramp Gradients

Circulation ramp grades and transitions shall comply with Section 2.5.3 of AS2890.1. In this regard, detailed longitudinal sections along ramp, to a scale of 1:20, shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

A copy of the approved plan shall be submitted to Council.



(Reason: to ensure the access ramp comply with AS28890.1)

83. DACCZ06 - Headroom Clearance

The Headroom clearance of the basement car park shall comply with Section 5.3 of AS2890.1. In accordance with AS2890.1, a minimum 2.2m headroom clearance shall be provided.

(Reason: to ensure the access ramps comply with AS28890.1)

84. DACCZ07 - Infrastructure Fee

The infrastructure inspection fee in accordance with Councils Fees and Charges Schedule shall be paid prior to the issue of the Construction Certificate.

(Reason: to contribute to the cost of inspection and identification of any damage to Council's infrastructure as a result of the development)

85. DACCZ08 - SEPP 65 - Design Verification

The following requirements arising from State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development must be complied with:-

- A certifying authority must not issue a Construction Certificate in respect of the development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the plans and specification achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- b) A certifying authority must not issue an Occupation Certificate to authorise a person to commence occupation or use of the development unless the certifying authority has received a design verification from a qualified designer, being a statement in which the qualified designer verifies that the development as shown in the plans and specifications in respect of which the Construction Certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development.

(Reason: Statutory requirements)

86. DACCZ09 - Intercom / Remote Access to Basement

An intercom and remote access system shall be provided at all vehicular access points to the basement car park and connected to all residential units. Details of the proposed intercom and remote access system to the basement car park are to be submitted to the certifying authority, and the locations detailed on the construction drawings.

(Reason: to ensure accessible of residents and visitors to the premises)

87. DACCZ10 - Waste and Recyclables Storage Area

The waste and recyclable storage area shall be fully enclosed, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls covering the floor. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hot and cold hose cock shall be provided within the room. Details shall be provided to the certifying authority, prior to works commencing and endorsed on the construction drawings, and works completed prior to occupation.

(Reason: to ensure the waste and recyclables storage area is appropriately constructed and able to be readily cleaned and maintained)

88. DACCZ11 - Lighting Design

The following shall be addressed with the lighting design of commercial portion of the development:

- Lighting shall be designed not to interfere with the amenity of residents or affect the safety of motorists.
- Light spill onto the street, and onto the public domain shall be minimised.
- Adequate lighting shall be provided to minimise shadows and concealment of spaces.



- Under awning lighting shall be provided to facilitate night use and to improve public safety.
 The lighting shall be recessed into the soffit of the awning, or wall mounted onto the building.
- Soft down lighting is preferred over up lighting to minimise light pollution.
- The lighting design shall be integrated with the interior design. The use of low voltage track lighting, recesses spotlighting and designer light fittings is encouraged.
- The light source shall be selected to provide the desired light effect; however, fitting and methods shall be chosen to produce the highest energy efficiency.
- Surface mounted fluorescent fixtures shall not be used.

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

(Reason: Compliance with the Auburn Development Control Plan 2010)

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

89. 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:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - (ii) notified the principal certifier of such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work.

(Reason: Statutory requirements)

90. 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);
- 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;
 - 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)

91. 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)

92. 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)

93. DAPCA05 - Sydney Water Tap in Approvals

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

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

(Reason: Statutory requirement)

94. 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)

95. 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)

96. 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)

97. DAPCC02 - Dewatering

Prior to the commencement of any dewatering activities at the site, the following actions must be completed to the satisfaction of the Principal Certifier:

- (a) Any required approval to dewater must be obtained from Water NSW and adhered to, with a copy of the approval to be kept on site at all times and be available to the appropriate regulatory authority, including Council, upon request;
- (b) A Dewatering Management Plan (DMP) must be prepared by a qualified water quality expert and a copy submitted to Council. The DMP must:
 - i. State why de-watering is necessary and confirm any required approvals;
 - Clearly state that the DMP will be used as the basis for approval to enable connection and discharge to the stormwater system;
 - Detail the proposed de-watering technique;
 - iv. Outline anticipated dewatering flow rate and total dewatering duration;
 - Details on the controls (e.g. settling tank, turbidity curtain etc.) and method of discharge to
 ensure compliance with conditions of approval and requirements of the *Protection of the*Environment Operations Act 1997;
 - vi. Explain the measures and techniques to monitor and record groundwater and tailwater quality, water discharges, and monitoring results. Groundwater must be discharged directly to the nearest stormwater pit and not spread over any road or footpath areas. Safe passage for pedestrians must be maintained;
 - vii. Records are to be kept on site at all times and be available to the appropriate regulatory authority upon request;
 - viii. Provide a contingency plan in case of emergency situation;
 - ix. Provide details of water quality analysis and testing that has been undertaken by a NATA accredited laboratory, and demonstrate compliance against relevant water quality criteria including the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ 2018). Where the ANZECC/ARMAC 2018 guidelines are silent on any elements or chemicals identified in testing, the water discharge is to comply with relevant endorsed guidelines and recommendations issued by the NSW EPA. The DMP must state that further analysis will be undertaken prior to connection to Council's stormwater system;
 - x. State that the release of water into Council's stormwater system is to halt immediately where water quality does not meet discharge criteria identified above;
 - xi. State that the water quality monitoring will be self-certified by an experienced water quality expert
 - xii. State that water quality parameters will be tested bi-weekly.

(Reason: To minimise/prevent impacts on waterways)

98. DAPCZ01 - Alterations / Removal of Services

The applicant is 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)



99. DAPCZ02 - Works Within Council's 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)

100. 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)

101. 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 City Council shall be named on the Certificate of Currency as an interested party.

(Reason: Safety)

102. 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)

Conditions which must be satisfied during any development work

103. 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)

104. 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)

105. 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)

106. DADWA05 - Construction Management Plan

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the certifier on request.

(Reason: Compliance with condition of consent)

107. 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)

108. 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.
- 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.
- 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)

109. DADWA09 - Power Connection - Major Development

All power connection to the development shall be installed underground for all major development (excluding dwellings, secondary dwellings and dual occupancy developments).

(Reason: To avoid visual clutter)

110. DADWA11 - Communication Cabling

All communication cabling shall be installed underground as per the relevant authority's requirements.

(Reason: Environmental amenity)

111. <u>DADWA12 - Compliance with the Demolition, Excavation and Construction Noise and Vibration Management Plan</u>

All demolition, excavation and construction works carried out on the premises which form part of this consent must be carried out in accordance with the Demolition, Excavation and Construction Noise and Vibration Management Plan submitted to and approved by Council as part of this consent.

(Reason: To protect residential amenity)

112. DADWA13 - Compliance with Hazardous Materials Survey Report

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report prepared prior to commencement of demolition works, must be complied with.

Prior to the Occupation Certificate being issued, a clearance certificate must be submitted to the Principal Certifier from a suitably qualified person (such as a certified Occupational Hygienist) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report, and that the site is safe for future occupation in accordance with the approved use.

(Reason: To ensure controls are in place for hazardous materials)

113. 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)

114. 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
- 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)

115. 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)

116. DADWA19 - Excavation Pump-out

Water that has accumulated in any excavation is not to be pumped into any stormwater disposal system unless the approval of Cumberland City Council is obtained prior. The analytical results of any discharge must comply with relevant EPA and ANZECC standards for water quality and be made available to Council upon request. Any water to be discharged to Council's stormwater system shall not contain a concentration of suspended sediment exceeding 50mg/L, shall have a pH of between 6.5-8.0 and shall comply with the ANZECC Guidelines for Fresh and Marine Water Quality and the NSW Department of Housing, Managing Urban Stormwater - Soils and Construction 2004.

Water testing shall be carried out by a suitably qualified environmental scientist. Water that does not comply with the above standards shall not be discharged to the stormwater system, and shall be disposed of using alternative approved means.

Results of water testing (if required) shall be provided to Council or in the Validation Report for remediation projects as required by the conditions of this consent. Documentation for the off-site disposal of water shall be included in the Validation Report.

Note: Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

(Reason: Environmental amenity)

117. 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)

118. DADWB01 - Arborist Inspections



Prior to the commencement of works the applicant must engage a suitably qualified and experienced arborist (Australian Qualification Framework Level 5 or above) to assess the impact of the proposed works and ensure tree protection conditions of this consent, and recommendations of the endorsed arborist report are complied with throughout the duration of the development. This requires the arborist supervising works/attending the site during critical stages of excavation and construction works within the vicinity of tree/s to be retained and is to record the following information:

- a) methods of excavation or construction used to carry out the works;
- b) any damage sustained by the tree/s as a result of the works;
- any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage; and
- d) any future or on-going remedial work required to be carried out to ensure the long term retention of the tree/s

(Reason: Qualified assessment of impact of works on trees to be retained)

119. 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)

120. <u>DADWB07 - Tree Preservation - Excavation Within the Structural Root Zone (SRZ)</u>

To minimise disturbance to retained trees, no excavation shall take place within the Structural Root Zone, as defined in section 3.3.5 of AS 4970 – 2009 'Protection of Trees on Development Sites', of trees to be retained. Any approved excavation within this SRZ area may of tree to be retained, as per this consent, are to be undertaken only by hand under the supervision of an AQF Level 5 Project Arborist.

In the event that major structural of feeder roots (>50mm in diameter) are encountered during excavation works, the consulting arborist is to recommend and or implement appropriate measures to ensure the long term retention of the tree. If these measures involve structural alterations to the building or work, a practicing structural engineer must certify that the proposal complies with the National Construction Code and/or Australian Standards. (Note: Council's Tree Management Officer may be contacted for advice regarding appropriate tree protection measures).

(Reason: Tree preservation)

121. 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)

122. 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)

123. DADWC03 - Progress Survey - Major Development (greater than two stories)

In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- (d) At the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
- (e) Prior to placement of concrete, the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;



- (f) Prior to placement of concrete at each second floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
- (g) Prior to roofing, or completion of the highest point of the building, showing the anticipated level of the completed work and the relationship to the boundary; and
- (h) At completion, works showing the relationship of the building to the boundary.

Progress certificates in response to points (a) through to (e) shall be produced 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 reveals discrepancies between the approved plans and the proposed works.

(Reason: To ensure compliance with approved plans)

124. 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)

125. 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)

126. 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)

127. DADWC08 - Anti-Graffiti Coatings

The external fabric of the building shall utilise anti-graffiti coatings, where required, to prevent the application of graffiti to the buildings.

(Reason: To minimise the opportunity for graffiti)

128. DADWZ01 – Future Use of Commercial Tenancies

Mechanical ventilation systems are to be designed to be capable of accommodating exhaust requirements for all ground floor commercial units, in accordance with relevant Australian Standards, in order to allow for the event that any of the commercial units are approved for future use as food premises or other uses that require mechanical ventilation.

(Reason: To ensure mechanical ventilation is installed for future use of commercial tenancies)

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

129. 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)

130. 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)

131. DAOCA03 - S73 Compliance Certificate

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

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

132. 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)

133. DAOCA05 - Height

The maximum height of the proposed development shall be A.H.D. 59.3m. A survey report is to be provided to the Principal Certifier prior to the issue of any occupation certificate confirming that the building does not exceed this height.

(Reason: To ensure that the structure as built does not exceed the LEP height of buildings development standard)

134. DAOCA06- Adaptable Housing

A signed checklist as per Appendix A of AS4299-1995 confirming that twenty-three (23) residential units have achieved the required level of adaptability (Adaptable Class "A" or "B") shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

(Reason: To ensure the residential units are constructed in accordance with the required level of adaptability)

135. 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.
- b) The as built On-site Stormwater Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table).
- c) OSD works-as-executed dimensions form (refer to UPRCT Handbook).
- d) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- e) Approved verses installed Drainage Design (OSD) Calculation Sheet.
- f) Works-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.

The above requirement shall be submitted to and approved by Council, prior to Council endorsing the Positive Covenant documents.

(Reason: Asset management)

136. 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)

137. 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:

- 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
- 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)

138. DAOCA12- Construction of Concrete Footpath

A concrete footpath shall be constructed to replace the full length adjacent to the front of the property, to Council's satisfaction.

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)

139. DAOCA13 - Construction of Concrete Kerb and Gutter

Standard 150mm high concrete kerb with gutter, or as specified by Council, shall be constructed to replace damaged sections 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)



140. DAOCB01 - Mechanical Ventilation - Certificate of Completion

Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with the National Construction Code 2019, must be submitted to the Principal Certifier.

(Reason: To ensure correct installation of mechanical ventilation systems)

141. DAOCB04 - Acoustic Verification Report

Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant* must prepare an acoustic verification report to the satisfaction of the Principal Certifier that confirms the following:

- a) All recommendations contained in the Acoustic Report prepared by Acouras Consultancy, Document Reference SYD2019-1041-R001B, dated 8 July 2019 and the Acoustic Report prepared by Acoustic Logical, Project Number 20170376.1, Document Reference 2017376.1/3103A/R0/EC, dated 31 March 2017, have been implemented, and
- b) The project specific noise criteria established in the acoustic report and any other noise and vibration criteria specified in this consent are being complied with.

*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)

142. DAOCD01 - Fire Safety Certificate

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

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

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

(Reason: Fire safety)

143. DAOCD02 - Certificate of Test of Mechanical Ventilation

On the satisfactory completion of work and prior to the issue of an Occupation Certificate, a Certificate of Test of Mechanical Ventilation shall be supplied to the Principal Certifier from an approved mechanical ventilation engineer.

(Reason: To ensure compliance with approved plans)

144. DAOCF03 - Arborist's Report - Follow up

As part of the on-going assessment of the tree/s to be retained, the consulting arborist engaged by the applicant is to assess their health and any associated impacts from the proposed approved development. Findings are to be compiled and provided in a detailed report to the satisfaction of the Principal Certifier at the completion of construction and prior to issue of the Occupation Certificate.

This report must document:

- a) methods of excavation or construction used to carry out the works;
- b) any damage sustained by the tree/s as a result of the works;
- any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage and
- any future or on-going remedial work required to be carried out to ensure the long-term retention of the tree/s.

(Reason: Ensure survival of trees to be retained)

145. 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)

146. 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 Auburn Development Control Plan 2010, prior to issue of the Final Occupation Certificate.

(Reason: Adequate stormwater management)

147. 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 (OSD) system, which is in accordance with Council's standards and specifications for stormwater drainage and OSD. 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)

148. 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)

149. DAOCH04 - Evidence of Consolidation

The existing allotments shall be consolidated into a single lot. Evidence that the plan of consolidation has been registered as a deposited plan by the NSW Land Registry Services must be submitted to Council prior to the issue of the Occupation Certificate.

(Reason: Information)

150. 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)

151. DAOCH10 - Splay Corner

A 2.5m x 2.5m splay at the corner of Mark and Marsden Street, and Mark and James Street is to be constructed and dedicated to Council. Documents relative to the creation of the splay corner shall be lodged with the NSW Land Registry Services with registration being effected prior to the issue of the Occupation Certificate. All costs associated with the construction, creation and dedication of the splay corner are to be bome by the applicant.

(Reason: Facilitate splay corner)

152. DAOCZ01 - Structural Engineering Certificate



The applicant shall submit a structural engineer's certificate of adequacy, verifying that the works as detailed on the approved plans for the storage tank have been completed under his/her supervision, and that the design is adequate to support the anticipated design loads. The certificate shall be submitted to Council with the works-as-executed plans.

(Reason: to ensure the construction is structurally adequate)

153. DAOCZ02 - On-Street Drainage Construction

Prior to issue of any occupation certificate, the street drainage works shall be completed to Council's satisfaction at no cost to Council. In this regard:

- a) A separate construction approval shall be obtained from Council's Engineering Section.
- b) Inspections will be required for the works related to the proposed connection to Council's stormwater drainage system at following stages:
 - i) After the excavation of pipeline trenches.
 - ii) After the laying of all pipes prior to backfilling.
 - iii) After the completion of all pits and connection points.
- c) A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Works and Services Section during office hours.
- d) Work is not to proceed until the works are inspected and approved by Council.

(Reason: to ensure Council's assets are constructed to Council's requirements)

154. DAOCZ03 - Structural Engineering Certificate

The applicant shall submit a structural engineer's certificate of adequacy, verifying that the works as detailed on the approved plans have been completed under his/her supervision, and that the design is adequate to support the anticipated design loads. The certificate shall be submitted to Council with the works-as-executed plans.

(Reason: to ensure the construction is structurally adequate)

155. DAOCZ04 - Maintenance Schedule - OSD

Prior to the issue of the Occupation Certificate, a maintenance schedule of the proposed on-site detention facility shall be submitted to Council for approval, with the stormwater work-as executed plans. This maintenance schedule shall be registered as part of the positive covenant.

(Reason: to ensure the onsite detention facility is in good working order)

156. DAOCZ05 - OSD Works-As-Executed

A copy of the as approved stormwater drainage and On Site Detention plan showing work as executed details shall be submitted to Council. The works-as-executed plans shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention.

(Reason: Stormwater management)

157. DAOCZ06 - 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)

158. DAOCZ07 - Vehicular Crossing

A full width either of 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)

159. DAOCZ08 - Protective Bar to Vehicular Entry

A protective bar shall be installed at the vehicular entry to the development to prevent damage from vehicles that are too high or those that fail to wait for the opening of any roller shutter etc. Details and installation of the proposed protective bar shall be noted on drawings submitted to the certifying authority, and installed prior to occupation.

(Reason: to prevent damage from oversized vehicles when entering the premises)

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

160. DAOUA08 - Waste & Recycling Collection

The garbage and recyclable storage and bins must be adequate to contain the volume and type of garbage and recyclable matter from the premises. All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times. The waste storage room shall be kept in a clean, tidy and hygienic condition at all times.

(Reason: To regulate noise and garbage collection arrangements)

161. DAOUA10 - Removal of Litter and Graffiti

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

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

(Reason: To maintain a satisfactory level of amenity in the locality)

162. DAOUA11 - Flashing Lights

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.

(Reason: Environmental protection)

163. DAOUA19 - Lighting Nuisance

The use of floodlighting or the like, to advertise or attract attention or for the convenience of patrons must be controlled so as not to cause any distraction or disturbance to nearby or adjacent residents, pedestrians or motorists. The use of flashing lights is strictly prohibited.

(Reason: Environmental amenity)

164. DAOUA20 - Loading

All loading and unloading operations shall be carried out wholly within the confines of the site, at all times. All delivery vehicles shall enter and leave the site in a forward direction.

(Reason: Adequate servicing)

165. DAOUB01 - Annual Fire Safety Statement

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be issued within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Annual Fire Safety Statement shall also be:

- a) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- b) Prominently displayed in the building



(Reason: Fire safety)

166. DAOUC02 - Control of Litter

The occupant or person in control of the premises must take all practicable steps to ensure that the area of public footpath or public area adjacent to the premises is maintained in a clean and tidy condition. Where a litter problem arises and the offending material is found to usually include wrappers, containers and remains of goods or items, which might reasonably be assumed, were purchased at the subject premises, the shopkeeper must comply with any direction of Council with regard to the regular sweeping, collection and disposal of rubbish.

(Reason: Environmental health)

167. DAOUC04 - 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)

168. DAOUC05 - Dangerous Goods/Hazardous Chemical Storage

The storage of dangerous goods and hazardous chemicals at the premises shall comply with SafeWork NSW requirements including notification requirements.

(Reason: To protect human health and the environment)

169. DAOUC14 - General Noise Emission Criteria

- 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 (NPfl).
- Background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfl.
- 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:
 - The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.
 - 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 NPfl 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)

170. DAOUC15 - Noise - Residential buildings

The air conditioner/s / mechanical ventilation systems / 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)



171. DAOUC18 - 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)

172. DAOUC19- Waste Management Plan

The storage, handling and disposal of waste and recyclable materials generated on the premises must be carried out in accordance with the approved Waste Management Plan.

(Reason: To protect the environment)

173. DAOUC22 - Car Wash Residential

Washing of vehicles shall be conducted in a car wash bay, which is roofed and bunded to exclude rainwater. The carwash bay shall be regularly cleaned and maintained. Alternative water management and disposal options may be appropriate where water is recycled, minimised or reused on the site.

The car wash bay shall be managed and maintained so that the following requirements are met:

- The Owners Corporation or building 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.

(Reason: To protect the environment)

174. DAOUD02- Landscape Maintenance - General

All open space areas are to be regularly maintained in a neat and tidy state. In this regard, lawn areas are to be kept mown and gardens weeded and mulched with any dead plants replaced. Property owners must maintain their trees in a safe growing condition.

(Reason: Safety and landscape amenity)

175. DAOUE02 - Visitor Parking Restriction

Visitor parking spaces must not be allocated, sold or leased to an owner, occupier or any other person or entity.

(Reason: Compliance)

176. DAOUE03 - Parking

At least six-hundred and twenty-seven (627) car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for vehicles associated with the occupation/use of the premises/building.

All car spaces are common spaces and no car space is to be separately rented or allocated for additional fees.

(Reason: Access to required car parking spaces)

177. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety)

178. DAOUZ01 - Annual Maintenance Inspection of OSD

Annual maintenance inspection summary of the onsite detention with associated certificates shall be sent to Council within the first month of every calendar year. In this regard:-



- · All critical inspections shall be carried out by a qualified person.
- A maintenance log book shall be maintained as per the approved maintenance schedule on site and readily available for inspection by a Council officer.
- All associated cost shall be borne by the owner.

(Reason: to ensure the onsite detention facility is in good working order)

179. DAOUZ02 - Privacy

All privacy measures shall be maintained throughout the life of the development

(Reason: Privacy)

180. <u>DAOUZ03 – Size Limit of Delivery Vehicles</u>

Vehicles making deliveries to the premises shall be limited to Medium Rigid Vehicles (MRV) or smaller as defined by Australian Standard AS2890.2.

(Reason: to ensure adequate manoeuvring space is provided at the site)

181. DAOUZ04 - Roller Doors and Shutters - Silent Operation

The roller doors or other shutters to the car park shall operate silently and be appropriately maintained.

(Reason: to ensure quiet operation and ongoing maintenance to car park doors)

Advisory Notes

182. DAANN01 - Dial Before You Dig

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



183. 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

184. 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

185. 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.

186. 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.

187. DAANN09 - Review of Determination

In accordance with the provisions of Section 8.3 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 twelve (12) 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.

188. 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 twelve (12) months after the date the decision appealed against is notified or registered on the NSW planning portal, or as otherwise prescribed.

189. 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'.

190. 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.

191. DAANN13 - Work Health and Safety

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

192. DAANN16 - Compliance with Disability Discrimination Act

This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the Disability Discrimination Act 1992, and the applicant/owner is advised to investigate their liability under this Act. Please note that from 1 May 2011 under the Disability (Access to Premises - Buildings) Standards 2010, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

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

193. 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)

194. DAANN19 - Inspections for Building Work - Critical Stages (Classes 2, 3 or 4)

- a) Where applicable inspections of the development site may be required to be undertaken at the following stages:
- b) Prior to covering of waterproofing in any wet areas, for a minimum of 10 % of rooms with wet areas within a building:
- c) Prior to covering any stormwater drainage connections;
- After the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- e) 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 (d), 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 (d) 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)

These conditions are imposed for the following reasons:

- a) To ensure compliance with the terms of the relevant Environmental Planning Instruments.
- b) To ensure that no injury is caused to the amenity of the area.
- c) Council considers that the circumstances of the case are such that it is in the public interest that they
 be imposed.

DOCUMENTS ASSOCIATED WITH REPORT LPP033/20

Attachment 4

Attachment 4 - SEPP 65 Apartment Design Guide Compliance Assessment

1





CUMBERLAND LOCAL PLANNING PANEL ATTACHMENT 4 – SEPP 65 APARTMENT DESIGN GUIDE COMPLIANCE ASSESSMENT

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
Part 3 -	- Sitting the Development				
3A	Site Analysis				
3A-1	Site analysis illustrates that design of	decisions have been based on o	pportu	nities	and
	constraints of the site conditions and the	ir relationship to the surrounding cont	ext.		
3 B	Orientation				
3B-1	Building types and layouts respond to the streetscape and site while optimising solar access within the development.	building is oriented to the street. Direct pedestrian access is maintained from the 3 street frontage into the building with access points approved and maintained from the northern and western frontages to ensure that all façades are activated. Solar access is considered to be optimised with a large number of proposed units receiving over 2 hours of solar access between			
3B-2	Overshadowing of neighbouring properties is minimised during midwinter.	9:00am and 3:00pm on 21 June. From analysis of the shadow diagrams accompanying the DA, the proposed development appears to not cause any significant overshadowing of the adjoining properties which appear to continue to receive solar access for at least 2 hours 9:00am to 3:00pm on 21 June.			
3C	Public Domain				
3C-1	Transition between private and public domain is achieved without compromising safety and security.	appropriate transition between the private and public domains with the ground floor achieving levels that are consistent with the public domain and therefore avoiding the need for transitions, retaining walls, elevated walkways and the like.			
3C-2	Amenity of the public domain is	See comment above.	\boxtimes		
20	retained and enhanced.				
3D	Communal and Public Open Space	and in municipal to the second second	-l -:		al 4 -
3D-1	An adequate area of communal open sp	ace is provided to ennance residenti	aı ame	nity a	na to

Cumberland Local Planning Panel Agenda





No.	Clause		Comment	Yes	No	N/A
	provide d	ppportunities for landscaping.				
	Design Criteria	Communal open space has a minimum area equal to 25% of the site.	Required: 25% x 4,176m² = 1,044m² Proposed: 1,238.7m² (30%) The development maximises the COS achievable on the site and proposed a COS on the rooftop of the entire development as well as a separate communal open space on the ground floor level for the commercial component.			
		Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).	The communal open space will achieve uninterrupted direct sunlight between 9:00am to 3:00pm on 21 June.			
3D-2	allow for	nal open space is designed to a range of activities, respond anditions and be attractive and	The COS will allow for seating, BBQ areas and gardens that will be attractive and inviting. The main communal open space on the rooftop level is provided with amenities including sanitary facilities for users.			
3 D -3	Commur maximise	nal open space is designed to	The COS has been designed to maximise safety.	\boxtimes		
3D-4	Public op responsi	pen space, where provided, is ve to the existing pattern and he neighbourhood.	No public open space is required or proposed.			\boxtimes
3 E	Deep So					
3E-1			site that allow for and support health	ny plar	nt and	tree
			and promote management of water			
	Design Criteria	Deep soil zones are to meet the following minimum requirements: Site area Minimum Deep soil zone dimensions (% of site area) less than 650m² - 650m² - 1,500m² 3m greater than 1,500m² 6m 7% greater than 1,500m² 6m 6m consisting tree cover 6m cover 1 may be possible to provide larger deep soil zones, depending on the site area and context:	Required: 15% x 4,176m² = 626.4m² Proposed: 100m² (2.4%) Given that the site is located within a commercial town centre, deep soil is not considered necessary however the development maximises the possible deep soil areas on the site by providing an area to the rear of the site that will be capable of deep rooted tree planting.			

2

3





CUMBERLAND LOCAL PLANNING PANEL ATTACHMENT 4 – SEPP 65 APARTMENT DESIGN GUIDE COMPLIANCE ASSESSMENT

No.	Clause				Commer	nt	Yes	No	N/A
		• 10% of the sit							
		on sites with		ea of					
		650m2 - 1,500n							
		• 15% of the sit		*					
		_	reater	than					
0=	\6I B	1,500m2							
3F	Visual P		.4:l:-	4		-lit-bb- b-t	la la a	:4-	
3F-1						d equitably between neig	nbourii	ng site	es, to
31-1	Design	reasonable levels Separation betv				<u> </u>			
	Criteria	and balconies				development achieves ate separation between		ш	$ \; \sqcup \; $
	Orneria		privac			rooms/dwellings within			
		achieved. Minir				nd from the development			
		separation dis				ed below in relation to the			
		buildings to the				oundary interface:			
		boundaries are				,			
		Building height	Habitable rooms and	Non- habitable	Level	Separation			
			balconies	rooms	1 to 3	3 metres - non-			
		up to 12m (4 storeys)	6m	3m		habitable			
		up to 25m (5-8 storeys)	9m	4.5m		6 to 10 metres -			
		over 25m (9+ storeys)	12m	6m		habitable			
					4 to 7	6 metres - non-			
						habitable			
					0.4- 44	10 metres - habitable			
3F-2	C:4				8 to 11	10 metres			
35-2		d building desi privacy without			Acceptab habitable			ш	$ \; \sqcup \; $
		o light and air			Habitable	Tooms.			
		and views fro							
	l	nd private open s		mabic					
3G		an Access and						l	
3G-1	Building	entries and pede	strian a	ccess	The prop	osed building entries and			
		to and address				in access are connected		_	—
	domain.				to and ad	ldress the public domain.			
3 G -2		entries and p		s are		osed building entries are			
	accessib	le and easy to ide	entify.			cessed and identifiable			
20.0	,			, -		façades.	 		
3 G -3		es provide pede:				is not required to provide		$ \sqcup $	$ \boxtimes $
		to streets and o	connecti	on to	a pedestr	rian iink.			
3H	destination								
3H-1		access points	are des	ianed	The loc	ation of the vehicular			
311-1		ted to achieve sa				points is acceptable and	_		
		between ped				nieve safety, minimise			
	vehicles					between pedestrians and			
	streetsca			,		and allow for high quality			
		•			streetsca				
3J	Bicycle a	and Car Parking				•			
3J-1				n prox	imity to pu	ublic transport in metropo	olitan S	ydney	and
		- ,		,	,	,		. ,	

Cumberland Local Planning Panel Agenda

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CUMBERLAND LOCAL PLANNING PANEL ATTACHMENT 4 – SEPP 65 APARTMENT DESIGN GUIDE COMPLIANCE ASSESSMENT

No.	Clause		Commer	nt			Yes	No	N/A
	centres i	n regional areas.							
	Design	For development in the	The site	is loca	ted ap	proximately		П	
	Criteria	following locations:				stance from			
		on sites that are within				n, therefore			
		800 metres of a railway	1			apply as			
		station or light rail stop in	minimum		-	app.y as			
		the Sydney Metropolitan							
		Area: or	REQUIR	ED:					
		• on land zoned, and sites	Туре	Qty	Rate	Req'd			
		within 400 metres of land	1 bed	37	0.6	22.2			
		zoned, B3 Commercial	2 bed	160	0.0	144			
		Core, B4 Mixed Use or							
		equivalent in a nominated	3 bed	16	1.4	22.4			
		regional centre	Vis	213	0.2	42.6			
		the minimum car parking			Total	231.2			
		requirement for residents and visitors is set out in the Guide	I IXO TOTAL						
		to Traffic Generating	Тур		_	op'd			
				sident	510)			
		Developments, or the car	Vis	itor	22				
		parking requirement	Co	mmercia	al 95				
		prescribed by the relevant							
		council, whichever is less.	The dev	/elopme	ent pr	ovides car			
		On which	parking that complies with the						
		Control	minimum						
		1 bedroom 0.6 spaces	l			Generating			
		2 bedroom 0.9 space	Developr	ments.		J			
		3 bedroom 1.4 spaces	'						
		4+ bedroom 1.4 spaces							
		Visitor/dwelling 0.2							
		spaces							
		The car parking needs for a	All ca	r pa	rking	for the			
		development must be	developn	nent is	propo	sed within			-
		provided off street.	the base	ment le	vels.				
3J-2	Parking	and facilities are provided for	Bicycle p	arking	is prop	osed within	\boxtimes		
		des of transport.	the base						
3J-3		design and access is safe and	Basemer	nt parki	ng is fo	or residents		П	
	secure.					all visitors		—	
						ement level			
						ain resident			
			spaces.	'					
3J-4	Visual a	nd environmental impacts of		is all	propo	sed below			
	undergro								"
	minimise		ground and will not be visible from the streets.						
3J-5		nd environmental impacts of							
		car parking are minimised.		_ao pai	g Pi	-p			
3J-6		nd environmental impacts of	All hase	ment	levels	are below			\Box
30.0		ound enclosed car parking are	l			e visible at			'-
	minimise		any point		1100 0	c visible at			
Part 4		ng the Building	any point						
I uit 4	D esignin	ig the Dunding							

Cumberland Local Planning Panel Agenda





No.	Clause		Comment	Yes	No	N/A
4A	Solar an	d Daylight Access				
4A-1	To optim		eceiving sunlight to habitable rooms,	primai	y win	dows
	Design Criteria	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	access for the development has revealed that 77% proposed dwellings would receive the required minimum 2 hours direct sunlight between 9 am and 3 pm at mid-winter.			
		A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	12/213 units (6%) are designed to have no direct sunlight to living areas which is less than 15%.			
4A-2		access is maximised where is limited.	The proposal orientates the building to take advantage of solar access.			
4A-3	control, p	ncorporates shading and glare particularly for warmer months.	Louvres, screens and blade walls are proposed where shading has been identified by BASIX.			
4B		Ventilation				
4B-1	ventilate		window			
4B-2	The layo apartmei ventilatio					
4B-3	1	ber of apartments with natural on the control of th	cross ventilation is maximised to crea	ate a c	omfor	table
	Design Criteria	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	The proposal achieves over 60% of the proposed dwellings in the development as being capable of natural cross flow ventilation.			
		Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass				

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No.	Clause			Comment	Yes	No	N/A
		line.					
4C	Ceiling I						
4C-1				ventilation and daylight access.			
	Design			A 3.1m floor-to-floor height is			
	Criteria		shed ceiling level,	proposed which allows for the			
		minimum ce	eiling heights are:	minimum floor to ceiling heights to			
		Minimum ceiling for apartment and r		be achieved. A detailed plan			
		Habitable rooms	2.7m	showing the floor to floor and floor			
		Non-habitable	2.4m	to ceiling heights is provided as			
		For 2 storey	2.7m for main living area floor	DA-C 28.			
		apartments	2.4m for second floor, where its area does not exceed 50% of the apartment area				
		Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope				
		If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use				
			nimums do not nigher ceilings if				
4C-2	Ceilina h		ses the sense of	As above.			
			and provides for				
		ortioned roo					
4C-3			ntribute to the	Ceiling heights will allow for			
		•	se over the life of				
	the build	-		,			
4D	Apartme	nt Size and	Layout				
4D-1	The laye	out of rooms	within an apartme	nt is functional, well organised and	provi	des a	high
	standard	of amenity.					
	Design			All units comply with the minimum			
	Criteria		ollowing minimum	unit sizes under the ADG.			
		internal are	as:				
		Apartment type	Minimum internal area				
		Studio	35m²				
		1 bedroom	50m²				
		2 bedroom	70m²				
		3 bedroom	90m²				
		The minim	um internal areas				
		include on	y one bathroom.				
		Additional					
		increase	the _minimum				
			a by 5m² each.				
			droom and further				
			edrooms increase				
		the minimul 12m² each.	m internal area by				
			table room must	Every habitable room has a			
			dow in an external	window in an external wall.			╵┸╵
			a total minimum				
			of not less than				
			floor area of the				
	1	1070 01 1110	a.ca or are				

6





No.	Clause		Comment	Yes	No	N/A
		room. Daylight and air may				
		not be borrowed from other rooms.				
		Design Guidance for	Kitchens are clear of circulation			
		Objective 4D-1 - Kitchens	space in all units.			
		should not be located as part	•			
		of the main circulation space				
		in larger apartments (such as				
4D-2	Environn	hallway or entry space). nental performance of the apartn	nent is maximised			
40-2	Design	Habitable room depths are				
	Criteria	limited to a maximum of 2.5 x	All habitable room depths comply.			
		the ceiling height.				
		In open plan layouts (where				
		the living, dining and kitchen	metres from a window.			
		are combined) the maximum				
		habitable room depth is 8m from a window.				
4D-3	Apartme		nmodate a variety of household activ	⊥ ities ar	nd nee	ds.
	Design	Master bedrooms have a				
	Criteria	minimum area of 10m² and				
		other bedrooms 9m ²	10m ² .			
		(excluding wardrobe space).	All badraans are mare than 2			\vdash
		Bedrooms have a minimum dimension of 3m (excluding			ш	$ \; \sqcup \; $
		wardrobe space).	wardrobes.			
		Living rooms or combined				
		living/dining rooms have a	units.			
		minimum width of:				
		3.6m for studio and 1 bodroom enartments				
		bedroom apartments.4m for 2 and 3 bedroom				
		apartments.				
		The width of cross-over or	All units have a width in excess of			
		cross-through apartments	4 metres.			
		are at least 4m internally to				
		avoid deep narrow apartment layouts.				
4E	Private 0	Open Space and Balconies	I			
4E-1	Apartme	nts provide appropriately size	d private open space and balcor	nies to	enh	ance
	residentia	al amenity.				
	Design	All apartments are required				
	Criteria	to have primary balconies as follows:				
		TOTIOWS:	requirements.			
			All I			
			All balconies exceed 1 metre in			

7





No.	Clause				Comment	Yes	No	N/A
		Dwelling	Minimum	Minimum	depth.			
		type	area	depth				
		Studio apartments	4m²	-				
		1 bedroom apartments	8m²	2m	_			
		2 bedroom apartments	10m ²	2m				
		3+ bedroom apartments	12m²	2.4m				
		The minimum						
		to be counted a						
		to the balcony a			No. and the second			
		For apartment		•	No ground floor units are	Ш	ш	$ \boxtimes $
		level or on similar structu			proposed.			
			is pr	I				
		instead of a ba						
		have a minin	-	_				
		15m ² and a m						
		of 3m.						
4E-2	Primary	private open	space	and	All POS balconies are located off		П	
		s are appropriat			living rooms.			
		liveability for res			J			
4E-3		pen space and b		design	All POS balconies have been	\boxtimes		
	is integra	ated into and cor	ntributes	to the	designed to integrate into and		_	
	overall a	rchitectural form	and de	etail of	contribute to the overall			
	the buildi	ing.			architectural form and detail of the			
					development.		_	
4E-4		pen space and b	alcony	design	All balconies have been designed	\boxtimes	$ \sqcup $	$ \; \sqcup \; $
45		es safety.	d 0		to maximise safety.			
4F		n Circulation an				41		
4F-1			ices ac	nieve g	good amenity and properly service	tne	nump	er ot
	apartmer Design	The maximun	n numb	or of	A maximum of 24 units are	\square		
	Criteria	apartments of				\boxtimes	ш	
	Criteria	core on a si			proposed per floor core.			
		eight.	rigie ie	vei is	proposed per floor core.			
		For buildings	of 10 s	torevs	The building will be 11 storeys in			\Box
		and over, ti		- 1				
		number of		tments	service the maximum of 24 units			
		sharing a single	•		per floor.			
4F-2	Common				ety and provide for social interaction	\boxtimes		
		residents.			· .			
4G	Storage							
4G-1					ded in each apartment.			
	Design				Plans show storage areas within	\boxtimes		
	Criteria	,	hrooms		the basement however			
		,		lowing	unallocated. Condition can be			
		storage is provi	ided:		included requiring storage to			
					comply with the minimum			
					requirements and at least 50% of			
					the storage to be provided within			

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CUMBERLAND LOCAL PLANNING PANEL ATTACHMENT 4 – SEPP 65 APARTMENT DESIGN GUIDE COMPLIANCE ASSESSMENT

No.	Clause			Comment	Yes	No	N/A
		Dwelling type		the units.			
		Studio apartments	4m³				
		1 bedroom apartments	6m³				
		2 bedroom apartments	8m³				
		3+ bedroom apartments	10m ³				
		At least 50% of	f the required	Γ			
		storage is to	be located				
		within the apart					
4G-2	Additiona		conveniently	Refer to comment above.			
		accessible and	nominated for				
ALI		apartments.					
4H 4H-1	Acoustic	nsfer is minimise	d through the	Unite edicin no more than 2			
40-1		nsier is minimise buildings and bu		Units adjoin no more than 2 others. Lifts directly adjoin 1 unit		ш	$ \; \sqcup \; $
	Sitting of t	bullulligs allu bu	iding layout.	per floor. BCA compliant party			
				walls will address noise transfer.			
4H-2	Noise in	npacts are mit	igated within	An Acoustic Report was submitted			\Box
		its through layou		and referred to Council's			
	treatment	ts.		Environmental Health Officer who			
				raised no objection, subject to			
				conditions.			
4J		d Pollution		(-)			
4J-1		or hostile envi				ш	$ \sqcup $
		of external noise imised through					
		imised imough d layout of buildi		An Acoustic Report was submitted and referred to Council's			
	Sitting and	a layout of ballal	193.	Environmental Health Officer who			
				raised no objection, subject to			
				conditions.			
4J-2	Approprie	ate noise s	hielding or	Refer to comment above.			
		on techniques fo					
		construction ar					
		are used to i	nitigate noise				
417	transmiss						
4K 4K-1	Apartme		o and sizes iz	213 units in total:			
411.1	provided	of apartment type to cater	for different				⊔
		d types now					
	future.	- 1,000 11011		16 (7.5%) x 3 bedroom			
				The unit mix is considered			
				appropriate for the area.			
4K-2		rtment mix is		The proposed units are	\boxtimes		
	suitable l	ocations within th	ne building.	appropriately distributed across			
				the floors and have varying			
41	Cround	Floor Anartman	to	orientations.			
4L 4L-1		Floor Apartmen ontage activity		The subject application does not			
46-1					🗀		$\mid oxtimes \mid$
		Tourid Hoor ap	anneno are	propose any ground noor driks.			
	where g located.	round floor ap	artments are	propose any ground floor units.			

Cumberland Local Planning Panel Agenda





No.	Clause	Comment	Yes	No	N/A
4L-2	Design of ground floor apartments delivers amenity and safety for residents.	N/A			
4M	Façades				
4M-1	Building facades provide visual interest along the street while respecting the character of the local area.	The application was referred to the Cumberland Design Excellence Panel who, in summary, provided the following comments in relation to the design and external appearance:			
		"The overall result of changes to the architectural expression is positive with definite improvement, but the Panel finds the near midway fault line' intersection in the façade of the long elevation on Mark St visually problematic. This still needs better resolution to deal with the stepped floorplates.			
		This could be achieved by use of the feature panel overlay to provide a more cohesive outcome, or to raise the floor levels of Levels 1-9 for the new section of the development to the south by 0.6m that would bring all floors to the same level. The attachments to this report show the visual impact of the built form outcome, and a quick overview of the likely visual and overshadowing impacts suggests that these should not be problematic.			
		Simplification of the façade detail with removal of slab edge expression is agreeable, together with the more solid and expressed base. The expression of the base, middle and top of the building could still be further enhanced by use of increased setbacks at the top two floors to further reduce the overall visual bulk and			

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No.	Clause	Comment	Yes	No	N/A
		scale of the buildings." Having regard to the comments above, the further increase of the building height is considered unwarranted, particularly given that the same outcome can be achieved by altering the façade to unify the floor levels. As illustrated in the figures below, the amendment of the façade panelling is capable of achieving the desired outcome of the panel without increasing the already exceeded building height. Suitable conditions have been imposed in relation to façade design changes that will address the panel's concerns. Subject to such condition, the application is generally considered to propose visually interesting façades.			IVA
	Figure 1 – Mark Street F	Façade as proposed			





No.	Clause	Comment	Yes	No	N/A		
	Figure 2 – Mark Street façade with cond						
4M-2	Building functions are expressed by the façade.		\boxtimes				
4N	Roof Design						
4N-1	Roof treatments are integrated into the building design and positively respond to the street.	A flat roof is proposed which is considered satisfactory and consistent with recently approved buildings in the locality.					
4N-2	Opportunities to use roof space for residential accommodation and open space are maximised.	Rooftop COS's are proposed to maximise outdoor open space, particularly given that a significant portion of the ground level of the site is lost to commercial tenancies and vehicular access.					
4N-3	Roof design incorporates sustainability features.	The design is considered satisfactory as landscaped planter beds are proposed.					
40	Landscape Design						
40-1	Landscape design is viable and sustainable.	The application was referred to Council's Tree Management Officer who raised no objection, subject to conditions.					
40-2	Landscape design contributes to the streetscape and amenity.	Landscaping enhances amenity of the COS, POS's and streetscape.	\boxtimes				
4P	Planting on Structures						
4P-1	Appropriate soil profiles are provided.	The application was referred to Council's Tree Management Officer who raised no objection, subject to conditions.					
4P-2	Plant growth is optimised with appropriate selection and maintenance.	Refer to comment above.	\boxtimes				
4P-3	Planting on structures contributes to the quality and amenity of communal and public open spaces.	Refer to comment above.					
4Q	Universal Design						
4Q-1	Universal design features are included in apartment design to promote flexible	The application is considered to be acceptable, subject to					

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No.	Clause	Comment	Yes	No	N/A
	housing for all community members.	conditions requiring compliance with the National Construction Code and Disability (Access to Premises – Building) Standards 2010.			
4Q-2	A variety of apartments with adaptable designs are provided.	Required: 10% of units, 1 accessible parking space per unit. 21.3(22)/213 adaptable units are required and 23/213 proposed which is compliant. A variety of unit sizes including 1 and 2 bedroom units are provided as adaptable and are appropriately distributed throughout all levels of the building.			
4Q-3	Apartment layouts are flexible and accommodate a range of lifestyle needs.	Apartment layouts are flexible and include units with 1 and 2 bathrooms, units with study nooks and various layouts that will accommodate a range of lifestyle needs.			
4R	Adaptive Reuse				
4R-1	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A			
4R-2	Adapted buildings provide residential amenity while not precluding future adaptive reuse.	N/A			
4S	Mixed Use				
4S-1	Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	The development is a mixed use building that is proposed in an appropriate location, within the Lidcombe Town Centre and within walking distance of public transport options and services.			
45-2	Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	The proposed residential levels of the building are integrated within			
4T	Awnings and Signage				
4T-1	Awnings are well located and complement and integrate with the building design.				
4T-2	Signage responds to the context and desired streetscape character.	No details regarding signage has been provided. Future signage for			

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No.	Clause	Comment	Yes	No	N/A
		the commercial tenancies will be subject to separate approval requirements.			
4U	Energy Efficiency	•			
4U-1	Development incorporates passive environmental design.	A BASIX certificate confirms energy targets are reached and an ABSA Certificate was provided.			
4U-2	Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	The development has good solar access, shading and cross-ventilation and achieves BASIX targets.			
4U-3	Adequate natural ventilation minimises the need for mechanical ventilation.	Refer to comments earlier regarding natural cross flow ventilation.			
4V	Water Management and Conservation				
4V-1	Potable water use is minimised.	The BASIX Certificate confirms that the proposal can achieve targets for Water, Thermal Comfort and Energy efficiency.			
4V-2	Urban stormwater is treated on site before being discharged to receiving waters.	The application was referred to Council's Development Engineer who raised no objection, subject to conditions.			
4V-3	Flood management systems are integrated into site design.	The site is affected by local stormwater overflow flooding. The application was referred to Council's Development Engineer who raised no objection, subject to conditions.			
4W	Waste Management				
4W-1	Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	The application was referred to Council's Resource Recovery Officer who raised no objection, subject to conditions.			
4W-2	Domestic waste is minimised by providing safe and convenient source separation and recycling.	The application was referred to Council's Resource Recovery Officer who raised no objection, subject to conditions.			
4X	Building Maintenance				
4X-1	Building design detail provides protection from weathering.	The building design is consistent with the base approved building.			
4X-2	Systems and access enable ease of maintenance.	building will be achievable.			
4X-3	Material selection reduces ongoing maintenance costs.	The material selection is consistent with the base approved building.			

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DOCUMENTS ASSOCIATED WITH REPORT LPP033/20

Attachment 5

Attachment 5 - Auburn Local Environmental Plan 2010 Compliance Assessment

1





CUMBERLAND LOCAL PLANNING PANEL ATTACHMENT 5 – AUBURN LOCAL ENVIRONMENTAL PLAN 2010 COMPLIANCE ASSESSMENT

Auburn Local Environmental Plan 2010

The proposed development is defined as a 'shop top housing' development under the provisions of Auburn Local Environmental Plan 2010 (ALEP). Shop top housing is a permissible land use with consent under the B4 Mixed Use zoning provisions applying to the land under ALEP.

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

Auburn Local Environmental Plan 2010						
CI	Standard	Comments	Yes	No	N/A	
Part	1 Preliminary					
1.2	Aims of Plan	The proposal is considered to achieve the aims of the ALEP in the following ways: (b) The development fosters integrated, sustainable development that will contribute to environmental, social and physical well-being; (c) The development is not located in an area where the development would be considered inappropriate development; (d) The development is not located in a sensitive area; (e) The development integrates principles of ecologically sustainable development; (f) The development will not have any negative impacts on watercourses, wetlands and riparian land; (g) The development will assist to facilitate economic growth and employment opportunities; and (h) The development does not pose any risks to the natural, built and cultural heritage.				
	2 Permitted or prohibited of					
2.1	Land use zones	The land is zone B4 Mixed Use.			oxdot	
2.3	Zone objectives and land use table	The proposal meets the objectives of the zone. Shop top housing is permitted with consent within the B4 Mixed Use zone.	\boxtimes			
2.4	Unzoned land	The land is not unzoned land.			\boxtimes	
2.5	Additional permitted uses for particular land	The site does not benefit from any additional permitted uses.				
2.6	Subdivision—consent requirements	Subdivision of the land is not proposed.	\boxtimes			
2.7	Demolition requires consent	The existing buildings on the site will be demolished as part of the redevelopment of the whole site. The works will facilitate the redevelopment of the site. The demolition forms part of the development application.	\boxtimes			

Cumberland Local Planning Panel Agenda





CUMBERLAND LOCAL PLANNING PANEL ATTACHMENT 5 – AUBURN LOCAL ENVIRONMENTAL PLAN 2010 COMPLIANCE ASSESSMENT

Auburn Local Environmental Plan 2010							
CI	Standard	Comments	Yes	No	N/A		
2.8	Temporary use of land	The application does not seek consent for the temporary use of the land.			\boxtimes		
	Zone B4 Mixed Use	The proposed commercial and residential land uses are considered to be compatible with the objectives of the zone. The site enjoys close proximity to the core Lidcombe Town Centre and associated public transport links. Being a shop top housing building within the B4 Mixed Use zone, the development has been designed to provide commercial tenancies on the entire ground floor level. No prohibited development is proposed.	\boxtimes				
	4 Principal development s			I			
4.1	Minimum subdivision lot size	A minimum allotment size is not specified for the site under the ALEP.			\boxtimes		
4.3	Height of buildings	The maximum height of buildings permitted on the site is 32m. The development exceeds the building height under the respective building height standards and proposes a 39.71m building height. Refer to Drawing No. DA-C 22 to DA-C 27 (inclusive), Issue DA-C dated 10/06/2020. Refer to Clause 4.6 below.					
4.4	Floor space ratio	The permitted floor space ratio is 5:0. The floor space ratio of the building is 4.84:1 which complies with the provision. The floor space ratio is calculated as per the definition specified below. It is noted that the all basement storage, parking spaces, manoeuvring area and loading/unloading area are excluded from the calculation in accordance with the ALEP definition.	\boxtimes				
4.5	Calculation of floor space ratio and site area	Noted.					
4.6	Exceptions to development standards	The application is accompanied by a Clause 4.6 request which has been discussed within the main body of this report. It is the view of Council Officers that justification provided is satisfactory and having considered the application on its merit, the exception to the Height of Buildings development standard is considered acceptable in this instance.	\boxtimes				

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CUMBERLAND LOCAL PLANNING PANEL ATTACHMENT 5 – AUBURN LOCAL ENVIRONMENTAL PLAN 2010 COMPLIANCE ASSESSMENT

	Auburn Local Environmental Plan 2010								
CI	Standard	Comments	Yes	No	N/A				
Part	5 Miscellaneous provision	S							
5.4	Controls relating to miscellaneous permissible uses	The proposal does not seek consent for any of the miscellaneous permissible uses on the site.			\boxtimes				
5.6	Architectural roof features	The roof parapet and lift overrun are not considered to be architectural roof features and accordingly do not receive a height concession in relation to this clause.			\boxtimes				
5.7	Development below mean high water mark	The development proposal does not include works below the mean high water mark.			\boxtimes				
5.1	Heritage conservation	The site is not listed in the ALEP as containing items of heritage significance and is not located within a Heritage Conservation Area. The site is located within proximity to the following 4 heritage items: 1. Corner Joseph and James Street, Lidcombe, approximately 100m to the west containing Lidcombe War Memorial Statue; 2. 35-49 Joseph Street Lidcombe, approximately 140m to the south-west containing Fenton House; 3. 24 James Street Lidcombe, approximately 50 metres to the southeast containing a heritage listed dwelling; and 4. Rookwood Cemetery, approximately 185m to the east of the site. The subject site is considered to be sufficiently separated from the heritage items and is not considered to pose any impacts on those items.							
	6 Additional local provisio								
6.1	Acid sulfate soils	The site is identified as being potentially affected by Class 5 Acid Sulfate Soils however is located more than 500m from an adjacent classification. Class 5 soils are generally acceptable to undertake significant excavation without the need for further studies or management plans to manage Acid Sulfate issues during construction. The development is acceptable in this regard.	\boxtimes						
6.2	Earthworks	Development consent is required for the proposed 5 basement levels of excavation. The subject application seeks consent for excavation.	\boxtimes						

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CUMBERLAND LOCAL PLANNING PANEL ATTACHMENT 5 – AUBURN LOCAL ENVIRONMENTAL PLAN 2010 COMPLIANCE ASSESSMENT

	Auburn Local Environmental Plan 2010								
CI	Standard	Comments	Yes	No	N/A				
6.3	Flood planning	The site is not located within a flood planning area on the ALEP Flood Planning Map.	\boxtimes						
6.4	Foreshore building line	The site is not located in the foreshore area.			\boxtimes				
6.5	Essential services	Services are provided to the site or capable of being provided as part of the proposed development.	\boxtimes						
6.6	Particular dual occupancy subdivisions must not be approved	The clause does not apply to the proposed development.			\boxtimes				

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DOCUMENTS ASSOCIATED WITH REPORT LPP033/20

Attachment 6

Attachment 6 - Auburn
Development Control Plan 2010
Compliance Assessment

1





CUMBERLAND LOCAL PLANNING PANEL ATTACHMENT 6 – AUBURN DEVELOPMENT CONTROL PLAN 2010 COMPLIANCE ASSESSMENT

Auburn Development Control Plan 2010

(i) Local Centres

The relevant objectives and requirements of the Auburn Development Control Plan 2010 (ADCP) - Local Centres have been considered in the following assessment table:

	Requirement	Yes	No	N/A	Comments
2.0	Built Form				
D1	To allow for their adaptive use, mixed use buildings are to incorporate the following flexible design requirements: • The number of internal apartment				
	structural walls are to be minimized; and • Ceiling heights for the ground floor is	\boxtimes			The design minimises internal structural walls,
D2 F	to be a minimum of 3.6m. Residential components are to be provided	\boxtimes			4.4m.
	with direct access to street level with entrances clearly distinguishable from entries to commercial premises.	\boxtimes			Separate distinguished residential access points are proposed.
D3	Secure entries are to be provided to all entrances to private areas, including car				All
D4	parks and internal courtyards. Car parking provided for the residential component of the development is to be	\boxtimes			All entrances are secure.
D5	clearly delineated and provided separate to general customer parking. Development shall be designed to locate loading bays, waste storage/collection				Separate access is proposed for car parking, including separate access for resident and customer vehicles and service vehicles.
D6	areas and any other noise and odour generating aspects of buildings away from residential areas. Vehicular circulation areas must be	\boxtimes			Loading bays and waste storage and collection areas are located appropriate distances from residents.
D7	legible and must differentiate between the commercial service requirements, such as loading areas, and residential access. Mechanical plant is to be located on the	\boxtimes			Vehicle circulation will be line marked and sign posted as conditioned.
	roof or visually and acoustically isolated from residential uses.	\boxtimes			Mechanical plant is proposed within the basement
					and on the rooftops.
2.1 D1	Number of storeys The minimum finished floor level (FFL) to finished ceiling level (FCL) shall be as follows:				
	 3300mm for ground level (regardless of the type of development); 	\boxtimes			4.4m
	3300mm for all commercial/retail levels; and	\boxtimes			4.4m
0.0	2700mm for all residential levels above ground floor.	\boxtimes			2.9m
2.2 D1	Articulation and proportion Buildings shall incorporate: • balanced horizontal and vertical proportions and well spaced and proportioned windows;	\boxtimes			The building is appropriately articulated.

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	Requirement	Yes	No	N/A	Comments
	a clearly defined base, middle and				The building has a clearly defined base and upper
DO	 modulation and texture; and architectural features which give human scale at street level such as entrances and porticos. 	\boxtimes			levels. The building is appropriately articulated. The building entrances are proportionate to the overall scale of the building. No blank walls are proposed.
D2	The maximum width of blank walls for building exteriors along key retail streets shall be 5m or 20% of the street frontage, whichever is the lesser.	\boxtimes			ivo biatik walis are proposed.
D3	Articulation of the building exterior shall be achieved through recesses in the horizontal and vertical plane, adequate contrasts in materials, design features and the use of awnings.	\boxtimes			The building is appropriately recessed and modulated.
D4	Features such as windows and doors shall be in proportion with the scale and size of the new building and any adjoining buildings which contribute positively to the streetscape.	\boxtimes			The building achieves an appropriate streetscape presentation.
D5 D6	Street awnings which appear as horizontal elements along the façade of the building shall be provided as part of all new development. Where development has two (2) street	\boxtimes			The building incorporates an awning which horizontally defines the façade.
	frontages the streetscape should be addressed by both facades.	\boxtimes			The building addresses all street frontages.
2.3 D1	Materials New buildings shall incorporate a mix of solid (i.e. masonry concrete) and glazed materials, consistent with the character of buildings in the locality. The use of cement rendering shall be minimised.				An appropriate mixture of materials is proposed.
D2	Building materials and finishes complement the finishes predominating in the area. Different materials, colours or textures may be used to emphasise certain features of the building.				The materials and finishes are compatible with the finishes of buildings in the locality.
D3	Building facades at street level along primary streets and public places consist of a minimum of 80% for windows/glazed areas and building and tenancy entries.	\boxtimes			Over 80% of the façade is glazed at street level.
D4	Visible light reflectivity from building materials used on the facades of new buildings shall not exceed 20%.	\boxtimes			The building complies.
2.4 D1	Roofs Design of the roof shall achieve the				
	following: concealment of lift overruns and service plants;	\boxtimes			The lift overruns and plant are appropriately setback.
	presentation of an interesting skyline;enhancing views from adjoining	\boxtimes			The roof form presents appropriately to the skyline.
	developments and public places; andcomplementing the scale of the	\boxtimes			The roof does not offert views
D1	building. Roof forms shall not be designed to add to the perceived height and bulk of the	\boxtimes			The roof does not affect views. The roof form complements the built form.

2





	Requirement	Yes	No	N/A	Comments
	building.	\boxtimes			
D2	Where outdoor recreation areas are proposed on flat roofs, shade structures				The roof is flat.
	and wind screens shall be provided.				
	,	\boxtimes			
					The COS includes shade structures.
2.5 D1	Balconies Opaque glazing and/or masonry for				A mixture of opaque glazed and masonry balconies
υ,	balconies is encouraged.	\boxtimes		ΙШ	are proposed.
D2	Clear glazing for balconies is prohibited.				and proposed.
D3	Verandahs and balconies shall not be	\boxtimes			Clear glazing is not proposed and conditioned.
Б4	endosed.			ΙШ	No balconies are proposed to be enclosed.
D4	Balconies and terraces shall be oriented to overlook public spaces.	\boxtimes	\Box		All balconies are orientated to look out of the site
D5	The design of the underside of the			ΙШ	with no internal facing balconies proposed.
	balcony shall take into consideration the	\boxtimes	П		
	view of the underside from the street				Conditions will be imposed on any consent granted.
	and shall not have exposed pipes and utilities.				
D6	Screens, louvres or similar devices shall		_		
	be provided to balconies so as to			\boxtimes	Screens and louvres are proposed where required.
	visually screen any drying of laundry.				
2.6	Interface with schools, places of public worship, and public precincts				
D1	Where a site adjoins a school, place of				
	public worship or public open space:				
	This interface shall be identified in				
	the site analysis plan and reflected in building design;				N/A
	Building design incorporates an	ΙШ	$ \; \sqcup \; $	\boxtimes	TWA
	appropriate transition in scale and				
	character along the site boundary(s);		ΙП		N/A
	Building design presents an				
	appropriately detailed facade and landscaping in the context of the				
	adjoining land use.				
D2	The potential for overlooking of playing				N/A
	areas of schools shall be minimised by				
D3	siting, orientation or screening. Fencing along boundaries shared with		$ \Box $	\boxtimes	N/A
	public open space shall have a minimum				
	transparency of 50%.				
D4	Sight lines from adjacent development to				
	public open space shall be maintained and/or enhanced. Direct, secure private	$ \; \sqcup \; $		\boxtimes	N/A
	access to public open space is				
	encouraged, where possible.			\boxtimes	AL/A
3.0	Streetscape and Urban form				N/A
3.1	Streetscape				
D1	Applicants shall demonstrate how new	\boxtimes	ΙП		The development appropriately addresses the
	development addresses the streetscape		_	_	streetscape as discussed within the SEPP 65 ADG
D2	and surrounding built environment. New shop fronts shall be constructed in				compliance table.
DZ	materials which match or complement				
	materials used in the existing building.	\boxtimes			Shop fronts are glazed with metal framing to
D3	Development shall provide direct access				complement surrounding development.
D4	between the footpath and the shop. Development shall avoid the excessive	\boxtimes			Direct access from footpaths to commercial
54	porotophionic shall avoid the excessive				Direct access from lootpatins to confinercial

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CUMBERLAND LOCAL PLANNING PANEL ATTACHMENT 6 – AUBURN DEVELOPMENT CONTROL PLAN 2010 COMPLIANCE ASSESSMENT

	Requirement	Yes	No	N/A	Comments
	use of security bars.				tenancies is proposed.
D5 D6	Block-out roller shutters are not permitted. Signage shall be minimised and			\boxtimes	No security bars are proposed and a condition is included which prohibits installation.
Б	coordinated to contribute to a more harmonious and pleasant character for			\boxtimes	No roller shutters are proposed and a condition is included which prohibits installation.
	the locality.			\boxtimes	No signage is proposed and will be subject to separate approvals.
3.2 D1	New development or additions to existing development shall adopt front setbacks, as shown in Figure 2 (refer to section 14.2 Setbacks for Auburn Town Centre) and Figure 8 (refer to section 15.2 Setbacks for Lidcombe Town Centre). External walls – 1500mm for two storeys.				Refer to Section 15.2.
4.0	Mixed Use Developments			1	
4.1 D1	Building design The architecture of ground level uses shall reflect the commercial/retail function of the centre. Buildings shall achieve a quality living environment that sympathetically	\boxtimes			Ground floor contains 15 commercial tenancies and residential access lobbies. The development integrates with the character of the area and desired future character of the
D3	integrates into the character of the commercial precinct. Commercial and retail servicing, loading and parking facilities shall be separated from residential access and servicing	\boxtimes			Lidcombe Town Centre. Commercial service areas are separate to residential access, servicing and parking.
D4	and parking. The design of buildings on corner sites or at the ends of a business/commercial zone shall emphasise the corner as a focal point.	\boxtimes			The site has 3 street frontages and the building addresses all 3 frontages.
4.2 D1	Active street frontages Retail outlets and restaurants are located at the street frontage on the ground level.	\boxtimes			The ground floor tenancies can be used for a variety of retail or food and drink premises, subject to separate approvals.
D2	A separate and defined entry shall be provided for each use within a mixed use development.	\boxtimes			Separate entrances are proposed for each use.
D3	Only open grill or transparent security (at least 70% visually transparent) shutters are permitted to retail frontages.				No security or grills are proposed.
4.3 D1	Awnings Awning dimensions shall generally be: • horizontal in form; • minimum 2.4m deep (dependent on footpath width); • minimum soffit height of 3.2m and maximum of 4m;				The awning is horizontally proportioned. Minimum 2 metre depth is proposed as per setbacks. Varies along the footpath due to sloping footpath and span of frontage between 4m to 5m. Whilst exceeding the 4m maximum, the awning is an appropriate response to the topography without creating excessive breaks in the horizontal span of the streetscape.
	· steps for design articulation or to				The awning steps with the slope of the street.

Cumberland Local Planning Panel Agenda

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	Requirement	Yes	No	N/A	Comments
	accommodate sloping streets are to be integral with the building design and should not exceed 700mm; • low profile, with slim vertical fascia or eaves (generally not to exceed	\boxtimes			A slim vertical fascia is proposed.
	 300mm height); 1.2m setback from kerb to allow for clearance of street furniture, trees, and other public amenity elements; and 	\boxtimes			The awning is proposed up to the boundary and does not overhang the footpath due to the building setback.
Da	In consideration of growth pattern of mature trees. Avaign must match building. Avaign must match building. Avaign must match building. Avaign match match building.	\boxtimes			
D2	Awning design must match building facades, be complementary to those of adjoining buildings and maintain continuity.	\boxtimes			Trees within the footpath verge will not be impacted.
D3	Awnings shall wrap around corners for a minimum 6m from where a building is sited on a street corner.	\boxtimes			The awning is compatible with the façade design.
D4	Vertical canvas drop blinds may be used along the outer edge of awnings along north-south streets. These blinds must			\boxtimes	The awning wraps all 3 street frontages.
D5	not carry advertising or signage. Under awning lighting shall be provided				No blinds are proposed.
	to facilitate night use and to improve public safety recessed into the soffit of the awning or wall mounted onto the building.	\boxtimes			
D6 D7	Soft down lighting is preferred over up lighting to minimise light pollution. Any under awning sign is to maintain a	\boxtimes			Conditions will be imposed on any consent granted.
D8	minimum clearance of 2.8m from the level of the pavement.			\boxtimes	Conditions will be imposed on any consent granted.
Do	All residential buildings are to be provided with awnings or other weather protection at their main entrance area.	\boxtimes			No signage is proposed and will be subject to separate approvals.
					All entrances are covered by the awning.
4.4 D1	Arcades Arcades shall: • Accommodate active uses such as shops, commercial uses, public uses, residential lobbies, cafes or restaurants;			\boxtimes	N/A
	 Be obvious and direct thoroughfares for pedestrians; 				N/A
	 Provide for adequate clearance to ensure pedestrian movement is not obstructed; 				N/A
	 Have access to natural light for all or part of their length and at the openings at each end, where practicable; 				N/A
	 Have signage at the entry indicating public accessibility and to where the arcade leads; and 			\boxtimes	N/A
	Have clear sight lines and no				N/A

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CUMBERLAND LOCAL PLANNING PANEL ATTACHMENT 6 – AUBURN DEVELOPMENT CONTROL PLAN 2010 COMPLIANCE ASSESSMENT

	Requirement	Yes	No	N/A	Comments
D2	opportunities for concealment. Where arcades or internalised shopping malls are proposed, those shops at the entrance must have direct pedestrian access to the street.			\boxtimes	N/A
4.5 D1	Amenity The internal environment of dwellings within mixed use developments in the vicinity of major arterial roads or railway lines shall provide an appropriate level of amenity for privacy, solar access and views.				The site is not located in the vicinity of major roads or railway lines.
4.6	Residential flat building component of mixed use developments				
Build requ comp	icants shall consult the Residential Flat lings Part of this DCP for the design irements for the residential flat building conent of a mixed use development.	\boxtimes			Refer to Residential Flat Building assessment table.
5.0 D1	Privacy and Security Views onto adjoining private open space				Γ
וטו	Screening with a maximum area of 25% openings is permanently fixed and made of durable materials; or	\boxtimes			Screens are proposed where appropriate and do not cover more than 25% of any opening.
	 Incorporating planter boxes into walls or balustrades to increase visual separation between areas. Existing dense vegetation or new planting may be used as a secondary 				Planter boxes are proposed where appropriate, however avoided on private balconies to avoid ongoing maintenance issues.
D2	measure to further improve privacy. Site layout and building design shall ensure that windows do not provide direct and close views into windows, balconies or private open spaces of adjoining dwellings.	\boxtimes			Refer to SEPP 65 ADG assessment.
D3	Shared pedestrian entries to buildings shall be lockable.		$ \Box $	\boxtimes	All shared area entrances are proposed to be
D4	Buildings adjacent to streets or public spaces shall be designed to allow casual				lockable. The ground floor commercial tenancies allow for
D5	surveillance over the public area. Pedestrian walkways and car parking shall be direct, clearly defined, visible				casual surveillance.
D6	and provided with adequate lighting, particularly those used at night. Landscaping and site features shall not	\boxtimes			All accessways and walkways are direct and avoid blind corners or concealment.
D7		\boxtimes			Landscaping will not block any sightlines, conditions will be imposed on any consent granted.
D8	a development shall generally only be located in areas of active use where it will be regularly used. Adequate lighting shall be provided to minimise shadows and concealment			\boxtimes	No seating is proposed, all future uses for the ground floor tenancies will require separate approvals.
D 2	spaces.	\boxtimes			
D9	All entrances and exits shall be made clearly visible.				Conditions will be imposed on any consent granted.
D10	Buildings shall be arranged to overlook public areas and streets to maximise	\boxtimes			All entrances are proposed to be glazed for
	surveillance.	\boxtimes			maximum visibility.

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	Requirement	Yes	No	N/A	Comments
D11	Development shall be consistent with				The building and also the mobile descrip
	Council's Policy on Crime Prevention Through Environmental Design.	\boxtimes		$ \; \sqcup \; $	The building overlooks the public domain.
	g				Refer to CPTED assessment.
5.1	Lighting				
D1	Lighting design shall be integrated with	\boxtimes	ΙП		Conditions will be imposed on any consent granted
	the interior design of a retail/commercial premise. The use of low voltage track	_	—		relating to lighting selection, placement and detailing.
	lighting, recesses spotlighting and				detailing.
D2	designer light fittings is encouraged. Lighting systems shall incorporate				
D2	specific display lighting to reinforce	\boxtimes			
	merchandise and provide a contrast against the street lighting generally.				
D3	Surface mounted fluorescent fixtures				
	shall not be considered in any part of the retail areas of the premises.	\boxtimes			
D4	The light source shall be selected to				
	provide the desired light effect; however, fitting and methods shall be chosen	\boxtimes			
	produce the highest energy efficiency.				
D5	Lighting shall not interfere with the amenity of residents or affect the safety				
	of motorists.	\boxtimes	$ \Box$		
D6	Excessive lighting shall not be permitted. Light spill onto the street into the public				
	domain shall be minimised.	\boxtimes			
5.2 D1	Shutters and grilles Windows and doors of existing		\Box		N/A
	shopfronts shall not be filled in with solid				
D2	materials. Security shutters, grilles and screens				
	shall:				
	 be at least 70% visually permeable (transparent); 			\boxtimes	N/A
	 not encroach or project over Council's footpaths; and 		\Box	\boxtimes	N/A
	 be made from durable, graffiti- 				
D3	resistant materials. Solid, external roller shutters shall not be				N/A
	permitted.				N/A
5.3 D1	Noise New commercial development (whether				
υ.	part of a mixed use development or not)				
	shall comply with the provisions of the				
	relevant acts, regulations, environmental planning instruments. Australian				
	Standards and guidelines produced by				
	the NSW Department of Environment,				
	Climate Change and Water, the NSW Roads and Traffic Authority and the				
	NSW Department of Planning as				
	applicable for noise, vibration and quality				
	assurance. This includes:Development Near Rail Corridors				

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	Requirement	Yes	No	N/A	Comments
	and Busy Roads, NSW Department of Planning, December 2008 – Interim Guidelines. NSW Industrial Noise Policy;				N/A
	Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects; and			\boxtimes	N/A N/A
	 Environmental Criteria for Road and Traffic Noise. 				
	Restaurant and cafe design shall minimise the impact of noise associated			\boxtimes	N/A
	with late night operation on nearby residents. Operation includes loading/unloading of goods/materials and the use of plant and equipment at a				N/A
D2	proposed commercial premise. An acoustic report shall be submitted with a development application for a proposed commercial use in the local				
	centre that operates during the hours between 10pm and 6am.			\boxtimes	N/A
5.4 D1	Wind Mitigation Site design for tall buildings (towers) shall:]]		AL/A
	 set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong wind downdrafts at the base of the tower; 				N/A
	 ensure that tower buildings are well spaced from each other to allow breezes to penetrate local centres; consider the shape, location and 			\boxtimes	N/A
	height of buildings to satisfy wind criteria for public safety and comfort at ground level; and			\boxtimes	N/A
D2	 ensure useability of open terraces and balconies. A Wind Effects Report is to be submitted 			\boxtimes	N/A
	with the DA for all buildings greater than 35m in height.			\boxtimes	The building at street edge is not higher than 35m.
D3	For buildings over 48m in height, results of a wind tunnel test are to be included in the report.			\boxtimes	N/A
6.0	Access and Car Parking				
6.1	Access, loading and car parking				
D1	requirements Car parking rates shall be provided in accordance with the Parking and Loading Part of this DCP.	\boxtimes			The proposed development includes 213 units as follows:
	Residential				- 37 x 1 bedroom units - 160 x 2 bedroom units - 16 x 3 bedroom units
	Unit Min. Max. Studio / 1 bed 1 space 1 space 2 bed 1.2 spaces 3 spaces				 Total 213 units 1,634m² of commercial GFA
	2 bed 1.2 spaces 3 spaces 3 bed 1.5 spaces 4 spaces				Unit Min. Max.

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CUMBERLAND LOCAL PLANNING PANEL ATTACHMENT 6 – AUBURN DEVELOPMENT CONTROL PLAN 2010 COMPLIANCE ASSESSMENT

	Requirement	Yes	No	N/A	Comments
	•				Studio / 1 bed 37 spaces 37 spaces
	<u>Visitors</u>				2 bed 192 spaces 480 spaces
					3 bed 24 spaces 64 spaces
	Units Min. Max.				Visitor 12 spaces 55 spaces
	101-250 12 spaces 55 spaces				Commercial 27 spaces 163.4 spaces
	Commercial				Total 292 spaces 799.4 spaces
	GFA Min. Max.				Proposed basement car park for 627 vehicles
	GFA 1 space per 4 spaces per				including: - 510 residential spaces (23 accessible)
	60m² GFA 40m² GFA				- 22 visitors spaces (3 accessible)
					- 42 commercial customer spaces (2 accessible)
					- 53 commercial staff (3 accessible)
					- 86 bicycle spaces
					This is considered acceptable.
6.2 D1	Creation of new streets and laneways On some sites, new streets may be able				
וט	to be introduced. Where a new street				N/A
	shall be created, the street shall be built	$ \; \sqcup \;$	$ \; \sqcup \; $		IN/A
	to Council's standards, Road Design				
	Specification D1 and relevant Quality				
	Assurance requirements while having				
	regards to the circumstances of each				
	proposal. Consideration will be given to				
	maintaining consistency and compatibility with the design of existing				
	roads in the locality.				
D2	On site car parking shall be provided				
	below round or located within the				
	building and well screened.				N/A
D3	Development adjoining a new laneway	$ \sqcup $	$ \sqcup $		
	shall contribute to an attractive				
	streetscape and presents a well	$ \; \sqcup \; $	$ \; \sqcup \; $		N/A
	designed and proportioned facade and				
	incorporates windows, balconies, doorways and landscaping, where				
	possible.				
D4	New public laneways created within				
	large blocks shall maximise pedestrian				
	and vehicle connections within local		$ \Box $		N/A
	centres.	—	—		
D5	A minimum width of 6m shall be				
	provided for all carriageways on access roads. If parallel on-street parking is to	l			N/A
	be provided, an additional width of 2.5m				IN/A
	is required per vehicle per side.				
D6	New streets shall be dedicated to				
	D6Council. The area of any land				
	dedicated to Council shall be included in				
	the site area for the purpose of				N/A
7.0	calculating the floor space ratio.				<u> </u>
7.0 D1	Landscaping Development shall incorporate				The application was referred to Council's Tree
וט	landscaping in the form of planter boxes		$ \sqcup $	$ \; \sqcup \; $	Management Officer who raised no concerns,
	to soften the upper level of buildings.				subject to conditions.
D2	At grade car parking areas, particularly				
_	large areas, shall be landscaped so as				
	to break up large expanses of paving.		\sqcup		

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	Requirement	Yes	No	N/A	Comments
D3	Landscaping shall be required around the perimeter and within large carparks. In open parking areas, one (1) shade tree per ten (10) spaces shall be planted within the parking area. Fencing shall be integrated as part of	\boxtimes			
D5	the landscaping theme so as to minimise visual impacts and to provide associated site security. Paving and other hard surfaces shall be consistent with architectural elements.	\boxtimes			
		\boxtimes	П	П	
7.1	Street trees				
D1	Street trees shall be planted at a rate of one (1) tree per lineal metre of street frontage, even in cases where a site has more than one street frontage, excluding frontage to laneways.				The application was referred to Council's Tree Management Officer who raised no concerns, subject to conditions.
D2	Street tree planning shall be consistent with Council's Street Tree Masterplan or relevant Public Domain Plan or Infrastructure Manual.	\boxtimes			
D3	Significant existing street trees shall be conserved and, where possible, additional street trees shall be planted to ensure that the existing streetscape is maintained and enhanced.	\boxtimes			
D4	Where street trees and the provision of awnings are required, cut-outs shall be included in the awning design to accommodate existing and future street trees.	\boxtimes			
D5	Driveways and services shall be located				
D6	to preserve significant trees. At the time of planting, street trees shall have a minimum container size of 200L	\boxtimes			
D7	and a minimum height of 3.5m, subject to species availability. Planter boxes (or similar) surrounding				
	trees in the footpath shall be 1.2m x 1.2m, filled with approved gravel and located 200mm from the back of the kerb line.	\boxtimes			
8.0	Energy Efficiency and Water Conservat	ion			1
8.1	Energy efficiency				
D1	Any hot water heaters to be installed, as far as practicable, shall be solar and, to the extent that this is not practicable, shall be greenhouse gas friendly systems that achieve a minimum 3.5 Hot Water Greenhouse Score. The practicability of all external lighting and common areas (e.g. undercover car				BASIX Certificates accompany the application. Compliance with Section J of the BCA will be required for the commercial component as part of the CC process.
	parking) being lit utilising renewable energy resources generated on site shall be investigated. Larger developments (buildings exceeding 400m² in area) shall investigate the viability of utilising renewable energy resources for all				

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	Requirement	Yes	No	N/A	Comments
	lighting on site. A statement shall be included with the development application addressing these requirements.				
8.2 D1	Water conservation New developments shall connect to recycle water if serviced by a dual reticulation system for permitted non potable uses such as toilet flushing, irrigation, car washing, fire fighting and				BASIX Certificates accompany the application.
D2	other suitable purposes. 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				The application was referred to Council's Development Engineer who raised no concerns, subject to conditions.
D3	suitable purposes. Development shall install all water using fixtures that meet the WELS (Water Efficiency Labelling Scheme) rated industry standards.	\boxtimes			Conditions will be imposed on any consent granted.
Drair	Stormwater drainage icants shall consult the Stormwater nage Part of this DCP for requirements for nwater management.	\boxtimes			The application was referred to Council's Development Engineer who raised no concerns, subject to conditions.
8.4	Rainwater tanks				
D1	Rainwater tanks shall be installed as				
	part of all new development in				
	accordance with the following:				
	The rainwater tank shall comply with	\boxtimes		П	BASIX Certificates accompany the application. The
	the relevant Australian Standards;		ш	ш	application was referred to Council's Development
	The rainwater tank shall be				Engineer who raised no concerns, subject to
	constructed, treated or finished in a				conditions.
	non-reflective material that blends in	\boxtimes	$ \; \sqcup \; $		Conditions.
	with the overall tones and colours of				
	the subject and surrounding				
	development;				
	Rainwater tanks shall be permitted in				
	basements provided that the tank				
	meets applicable Australian	\boxtimes	$ \; \sqcup \; $		
	Standards;				
	The suitability of any type of rainwater tanks erected within the setback area of development shall be assessed on an individual case by case basis. Rainwater tanks shall not be located within the front				
	setback; and The overflow from rainwater tanks				
	shall discharge to the site stormwater	\boxtimes			
	disposal system. For details refer to				
	the Stormwater Drainage Part of this				
~ -	DCP.				
8.5 D1	Ventilation The siting, orientation, use of openings and built form of the development shall maximise opportunities for natural cross	\boxtimes			Refer to SEPP 65 ADG assessment.
	maximiso opportunitios for natural cross				

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	Requirement	Yes	No	N/A	Comments
	ventilation for the purposes of cooling				
	and fresh air during summer and to				
	avoid unfavourable winter winds.				
8.6	Solar amenity				
D1	Shadow diagrams shall accompany				
	development applications for buildings which demonstrate that the proposal will				
	not reduce sunlight to less than 3 hours				
	between 9.00 am and 3.00 pm on 21				
	June for:	_		_	
	 public places or open space; 	\bowtie			Refer to SEPP 65 ADG assessment.
	50% of private open space areas; 40% of sebaga playarayand areas;	\boxtimes			
	 40% of school playground areas; or windows of adjoining residences. 	\boxtimes			
D2	Lighter colours in building materials and	\boxtimes			
	exterior treatments shall be used on the	X			
	western facades of buildings.				
	Ancillary Site Facilities				1
9.1	Provision for goods and mail deliveries				
D1	Provision shall be made on-site for	\boxtimes	$ \Box $		Delivery and service vehicle spaces are proposed
	courier car parking spaces in a				on the ground floor level.
	convenient and appropriately signposted				
	location, preferably with access off the principal street frontage, for				
	developments incorporating greater than				
	3,000m2 of gross leasable floor area				
	devoted to commercial premises.				
D2	Provision of mailboxes for residential units shall be incorporated within the	_	_	_	Conditions will be imposed on any consent granted.
	foyer area of the entrance to the	\boxtimes			Conditions will be imposed on any consent granted.
	residential component of the mixed use				
400	developments.				
	Other Relevant Controls Waste				
D1	Applicants shall consult the Waste Part	\boxtimes			Refer to assessment against Waste Section of
٠.	of this DCP for requirements for			ш	DCP.
	disposal.				
	Access and amenity				Defer to approximant against Assess and Mahility
D1	Applicants shall consult the relevant provisions within the Access and Mobility	\boxtimes	$ \; \sqcup \; $		Refer to assessment against Access and Mobility Section of DCP.
	Part of this DCP.				Cocaon or Bor .
11.0	Public Domain				
D1	Any works within the public domain or	\boxtimes			Conditions will be imposed on any consent granted.
	which present to the public domain shall be consistent with Council's Public				
	Domain Manual and/or the Town Centre				
	Infrastructure Manual and Council's				
	Policy on Crime Prevention Through				
D2	Environmental Design. New buildings shall contribute to the				
DZ	public domain through the provision of				
	awnings, sheltered building entries,	\boxtimes	$ \; \sqcup \; $		The development includes an awning, sheltered
	verandahs and canopies, safe				areas within the front setback for outdoor
	pedestrian linkages to car parks, landscaping, and open space, where				seating/circulation, entrances and landscaping.
	appropriate.				
D3	Outdoor dining on footpaths shall be				
	limited. Refer to Council's Public Domain			\boxtimes	The application does not propose outdoor dining on

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	Requirement	Yes	No	N/A	Comments
	Plan, Outdoor Dining Policy and Public				the footpath.
	Art Policy.				
	Subdivision				
	Size and dimensions Proposed lots shall be of sufficient area				NI/A
D1	and dimension to allow a high standard			\boxtimes	N/A
	of architectural design, the appropriate				
	siting of buildings and the provision of				
	required car parking, loading facilities,				
	access and landscaping.				
	Utility services				N/A
D1	The applicant shall demonstrate that each proposed allotment can be			\boxtimes	IN/A
	connected to appropriate utility services				
	including water, sewerage, power and				
	telecommunications and (where				
	available) gas. This may include advice				
	from the relevant service authority or a suitably qualified consultant as to the				
	availability and capacity of services.				
D2	Common trenching for gas, electricity				
	and telecommunications shall be				N/A
	provided in accordance with agreements	ш			
	between the relevant servicing authorities in NSW				
13.0	Residential Interface				
D1	Buildings adjoining residential zones			\boxtimes	N/A
	and/or open space shall be setback a				
	minimum of 3m from that property				
D2	boundary. Loading areas, driveways, rubbish,				
	storage areas, and roof top equipment			\boxtimes	N/A
	shall not be located directly adjacent to				
	residential zones, or if unavoidable shall				
D3	be suitably attenuated or screened. Any commercial buildings which may				
DJ	have the potential to accommodate the				
	preparation of food from a commercial				N/A
	tenancy shall provide ventilation facilities			_	
	to ensure that no odour is emitted in a				
	manner that adversely impacts upon any				
D4	residential zones. External lighting shall be positioned to				
	avoid light spillage to adjoining				
	residential zones.			\boxtimes	N/A
D5	Where noise generating development is	_			
	proposed adjacent to residential or other noise sensitive uses, such as places of				
	worship and child care centres, an			\boxtimes	N/A
	acoustic report shall be submitted with a				
	development application, outlining				
	methods to minimise adverse noise				
14 0	impact. Auburn Town Centre				
	Development to which this section				
	applies				
	section applies to the Auburn Town			\boxtimes	N/A
	re which is zoned B4 Mixed Use under	_	_		
AUDU	urn LEP 2010. Refer to Figure 4. The				

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	Requirement	Yes	No	N/A	Comments
	lopment controls apply in addition to the				
	lopment controls presented in previous				
	ons of this Part. Where there are				
	ained within this section and other				
	rols within this DCP, these controls prevail				
to the	e extent of the inconsistency.				
	Setbacks				
D1	Setbacks within the town centre shall be				N/A
442	consistent with Figure 2. Active frontages				
D1	As a minimum, buildings shall provide				N/A
١,	active street frontages consistent with	$ \; \sqcup \; $	$ \; \sqcup \; $		I N/A
	Figure 3.				
14.4	Laneways				
D1	Redevelopment within the Auburn Town				N/A
	Centre shall make provision for the	—	—		
	creation of new laneways as shown in Figure 4.				
14.5	Key Site - Five Ways				l N/A
D1	Development should be in accordance	$ \; \sqcup \; $	$ \sqcup $		IN/A
- '	to Figure 5		Ιп		
D2	An open space area shall be provided		$ \; \sqcup \; $		N/A
	on the north-east corner of the site at the				
	intersection of Auburn Road and Queen				
	Street with a minimum width of 26m, including a 6m reservation as a				
	pedestrian plaza to accommodate	l		l	
	circulation and outdoor dining area.				N/A
D3	Pedestrian through-site links shall be				
	provided to improve circulation and				
	access to the town centre. Where possible, these linkages shall align to				
	existing or proposed crossing points.		ΙП		
D4	The preferred vehicular access to the	$ \; \sqcup \;$			N/A
	site shall be via Harrow Road with				
	secondary access via Mary Street and				
	Queen Street.				l
D5	Outdoor dining shall be encouraged within the Five Ways open space and				N/A
	along Auburn Road and Queen Street.				
D6	For residential uses, the maximum	l	_		
	building dimensions, inclusive of				N/A
	balconies and building articulation but				
	excluding architectural features, is 24m				
15.0	x 60m. Lidcombe Town Centre				I
	Development to which this section				
	applies				
This	section applies to the Lidcombe Town		ΙП	ΙП	This section applies to the development as
	tre which is zoned B4 Mixed Use under		—	—	assessed below.
	urn LEP 2010. Refer to Figure 6. Where				
1	e are inconsistencies between the rols contained within this section and				
	r controls within this DCP, these controls				
	ail to the extent of the inconsistency.				
15.2	Setbacks				
D1	Setbacks within the town centre shall be				A 4 to 6 metre setback is required however 2
	consistent with Figure 7.				metres is proposed along Mark Street and 3 metres

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	Requirement	Yes	No	N/A	Comments
	rioquiionioni	100	110	14.7 1	along Marsden and James Streets. Although non- compliant, the reduced setback was adopted by recommendation of the DEP and considered appropriate for the setting and context.
D1	Active Frontage As a minimum, buildings shall provide active street frontages consistent with Figure 8.	\boxtimes			Although not required for this site, the application proposes an active street frontage to all 3 street frontages.
D1	Laneways Redevelopment within the Lidcombe Town Centre shall make provision for the creation of new laneways as shown in Figure 9.				N/A
Several Central great communication developments of the transfer of the transf	Key sites eral sites within the Lidcombe Town ere have been identified as having the test potential for intensification with mercial, residential and mixed use elopment, as shown in Figure 10. Each has an inherent capacity to contribute to ransformation of the urban form into one h will generate more activity and lead the elopment of the town centre. The elopment controls for these sites apply in tion to the development controls ented in previous sections of this Part.				N/A
15.6 D1	Site 1 - Dooleys Development shall be design in]			N/A
D1	accordance with Figure 11.	$ \; \sqcup \; $			IN/A
D2	Development shall be designed to address Olympic Drive.	П	ΙП		N/A
D3	Development shall provide a new pedestrian through-site link, shared way or street between Church Street to Board Street, with a minimum width of 12m.				N/A
D4	Through-site linkages shall be provided for pedestrians and vehicles within the site to improve circulation and access to the town centre. The linkages shall enable connection between Church Street and Board Street to John Street and Board Street.				N/A
D5	The preferred access to the site shall be via Church Street with secondary access via Board Street.				N/A
D6	Outdoor dining shall be encouraged along John Street and Church Street.	$ \Box $	$ \Box $	\boxtimes	N/A
D7	For residential uses, the maximum				
D8	building dimensions, inclusive of balconies and building articulation but excluding architectural features, is 24m x 60m. Levels above the podium are to be setback for a minimum of 4-6m from the				N/A
	boundary of adjoining commercial and residential uses.				
15.7 D1	Site 2 - Mary Street North Public open space shall be provided at				N/A

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	Requirement	Yes	No	N/A	Comments
	the intersection of John and Mary				
	Streets, or within close proximity to this				
D2	intersection. Retail frontages shall be provided at				N/A
D2	street level on John Street.				IN/A
D3	Outdoor dining is encouraged along		$ \; \sqcup \; $		N/A
	John Street.				
15.8	Site 3 - Mary Street South				
D1	Public open space shall be provided at			\boxtimes	N/A
	the intersection of John and Mary				
	Streets, or within close proximity to this intersection.				
D2	Through-site linkages shall be provided		$ \; \sqcup \; $	\boxtimes	N/A
	for pedestrians within the site to improve				1
	circulation and access to the town				
	centre. D3The linkages shall enable				
	connection between Church Street and				
D3	Mary Street. Outdoor dining is encouraged along		ΙП	\boxtimes	N/A
"	John Street and Church Street.				TW/
15.9	Site 4 - Tooheys Lane				
D1	Outdoor dining shall be encouraged			\boxtimes	N/A
	along Joseph Street and Bridge Street.			_	
D2	The preferred primary access to the site shall be provided via Bridge Street.				N/A
D3	Consultation with Council shall be			—	IN/A
	undertaken to investigate opportunities				
	to integrate the upgrading and widening		$ \; \sqcup \; $	\boxtimes	N/A
	of Tooheys Lane as part of the site's				
15.1	redevelopment. 0Site 5 - Bridge Street				
D1	Building separation distances shall be		П	\boxtimes	N/A
	determined by having regard to the	Ш			
	SEPP 65 and accompanying Residential				
	Flat Design Code (Note. The				
	Residential Flat Design Code is superseded by Apartment Design Guide				
	under the current SEPP 65)				
D2	On the Olympic Drive frontage,				
	development shall be designed to:				N/A
	address Olympic Drive; and		H		A1/A
	 provide an appropriately landscaped setback with a minimum depth of 6m. 				N/A
	A double row of street trees shall be				
	planted along the property boundary.				
D3	Preferred primary access to the site				
	shall be provided via Vaughan Street			\boxtimes	N/A
	with a secondary access via Bridge Street.				
D4	Through-site linkages shall be provided				
	for pedestrians within the site to improve		П	\boxtimes	N/A
	circulation and access to the town				
	centre. The linkages shall enable				
	connection between Vaughan Street and				
	Bridge Street and Olympic drive and Bridge Street.				
D5	New development shall maintain and				
	enhance pedestrian linkages and view	$ \; \sqcup \; $		\boxtimes	N/A
	corridors to Remembrance Park.				
		l	1	l	

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	Requirement	Yes	No	N/A	Comments
D6	Outdoor dining shall be encouraged	\Box	\Box		N/A
45.4	along Joseph Street and Bridge Street.				
15.1 D1	1Site 6 - Railway Street The lane between Taylor Street and				N/A
٥.	Railway Street shall be retained to			\boxtimes	IN/A
	provide access to parking and loading				
ъ.	areas and for waste removal.				NI/A
D2	Outdoor dining shall be encouraged along Joseph Street and Railway Street.			\boxtimes	N/A
D3	Through-site linkages shall be provided				
	for pedestrians within the site to improve			\boxtimes	N/A
	circulation and access to the town centre				
	and Remembrance Park. The linkages shall enable connection between the				
	lane and Joseph Street and/or the lane				
	and Railway Street.				
	2Site 7 - Marsden Street				The development addressed Mark James and
D1	Development shall be designed to address Railway, Mark, James,	\boxtimes	$ \sqcup $	$ \; \sqcup \;$	The development addressed Mark, James and Marsden Streets.
	Marsden, Davey and Raphael Streets.				Maisuell Streets.
D2	Vehicular access to new developments				
	shall not be permitted to or from Davey		$ \Box $	\boxtimes	N/A
	Street, to permit the pedestrianisation of the street.				
D3	Development along Davey Streets shall	l			
	dedicate to Council sufficient land of a	$ \; \sqcup \; $		\boxtimes	N/A
	minimum width of 2m to provide a				
	pedestrian footpath on the south side of the street.				
D4	Development along Raphael Streets				
	shall dedicate to Council sufficient land				N/A
	of a minimum width of 2.5m to provide a pedestrian footpath and widened				
	carriageway on the west side of the				
	street.				
D5	New buildings are to be setback a				N/A
	minimum of 4m from all open space uses and the new boundaries of Davey				
	Street and Raphael Street created after				
	the dedication described in control D2				
De	and D3 above.				NI/A
D6	New buildings to the north of the central open spaces shall be designed to	ΙП	$ \Box $		N/A
	minimise the loss of solar access to the				
	open spaces.				
D7	Outdoor dining and active uses shall be encouraged facing onto the proposed				The ground floor setback allows for future outdoor
	park on the corner of Railway and Mark	\boxtimes		ΙШ	dining, subject to separate approvals.
	Streets, to provide casual surveillance of				ammig, carjeet to coparate approxime.
D.C	the park and improve safety.				
D8	Development adjacent to the existing and proposed public open spaces shall				N/A
	be designed to provide overlooking and	$ \; \sqcup \; $	$ \; \sqcup \; $	\boxtimes	I WAY
	casual surveillance of the park spaces to				
16.0	improve safety.				
16.0	Newington Small Village Development to which this section				
10.1	DOTOLOGICAL TO WHICH THIS SECTION				I .

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	Requirement	Yes	No	N/A	Comments
Villag the A The	applies section applies to Newington Small ge which is zoned B2 Local Centre under Auburn LEP 2010 as shown in Figure 11. development controls for these sites of in addition to the development controls			\boxtimes	N/A
prese Whe contr	rented in previous sections of this Part. re there are inconsistencies between the ols contained within this Section and controls within this DCP, these controls ail to the extent of the inconsistency.				
	Site planning				
D1 D2	Site coverage A maximum site coverage of 80% shall be permitted on site. Setbacks			\boxtimes	N/A
	 The following setbacks shall apply: Setback from residential areas shall be 3-6m. 			\boxtimes	N/A
	 Setback from Newington Business Park shall be 1m. Setback to retail front shall be 3.5m. 			\boxtimes	N/A
D3	Loading areas		П	\boxtimes	N/A
	Loading areas shall be screened from public roads and public access areas.			\boxtimes	N/A
	Urban form				
D1	Active and defined frontages Entrances and windows shall be located on the ground floor of the building to face the public domain			\boxtimes	N/A
	 and created visual surveillance. Buildings on street corners or the interface with public space shall emphasise the corner by appropriate architectural treatment. 			\boxtimes	N/A
D2	Materials All building materials used shall be durable, low maintenance and of high quality.			\boxtimes	N/A
D3	Pedestrian amenity Public pedestrian networks within sites shall provide solar, wind and rain protection using a colonnade, an awning or other appropriate shading devices.			\boxtimes	N/A
16.4 D1	Architectural elements Awnings and colonnades Awnings/colonnades in buildings shall			\boxtimes	N/A
D2	be designed to a height of 3.5m. Signage Signage shall be located below the awning height of a building.			\boxtimes	N/A

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(ii) Residential Flat Buildings

The relevant objectives and requirements of the Auburn Development Control Plan 2010 - Residential Flat Buildings have been considered in the following assessment table:

	Requirement	Yes	No	N/A	Comments
	Introduction				
This dev and We Par Poil	Development to which this Part applies part applies to residential flat building elopment. It does not apply to Newington Wentworth Point (formerly Homebush Bayst) areas. Please refer to the Newington ts of this ADCP 2010 or the Wentworth DCPs listed in Section 1.6 of the oduction Part of this ADCP 2010.				This part applies, the site is not located in the Wentworth Point or Newington locality.
The	Purpose of this Part purpose of this Part is to ensure dential flat buildings: are pleasant to live in and create enjoyable urban places; promote amenable, vibrant and lively streets: facilitate a safe, welcoming and attractive public domain; are designed to cater for multiple demographics and tenancies; foster ecologically sustainable development; maintain a high level of amenity; contribute to the overall street locality; minimise the impact on the environment; and optimise use of the land.				The development is considered to be generally in compliance with this part. The proposal has been designed so as to address the adjoining community facility commercial premises and residential development built form.
2.0	Built Form				
	Site area A residential flat building development shall have a minimum site area of 1000m ² and a street frontage of 20m in the B4 Zone or 26m in the R4 Zone.	\boxtimes			Zoning = B4 Mixed Use. Site area = 4,176m ² . Mark Street frontage = 101.654m Marsden Street frontage = 41.205m James Street = 41.081m
	Where lots are deep and have narrow street frontages the capacity for maximising residential development is limited. Two or more sites may need to be amalgamated to provide a combined site with sufficient width for good building design.				The 8 allotments will need to be amalgamated into one allotment to facilitate the development. Conditions will be imposed on any consent granted.
	Site coverage The built upon area shall not exceed 50%		\boxtimes		Any areas that are not built upon are suitably landscaped.
	of the total site area. The non-built upon area shall be landscaped and consolidated into one communal open space and a series of courtyards.				The built upon area exceeds 50% of the total site area. It is not feasible to achieve compliance with the stated provision due to the zoning, location of the site within the Lidcombe Town Centre, and the applicable planning controls that allows a high floor space ratio. It is considered appropriate to permit a variation to the stated provision in this instance.

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	Requirement	Yes	No	N/A	Comments
	Building envelope Council may consider a site specific building envelope for certain sites, including: • double frontage sites;	\boxtimes			The proposal is consistent with the objectives of the zone and compatible with the desired future character of the area in accordance with the zone objectives.
	 sites facing parks; sites adjoining higher density zones; and isolated sites. 				The proposed development has a strong presentation to the intersections of Mark Street and Marsden Street and Mark Street and James Street.
D2	The maximum building footprint dimensions, inclusive of balconies and building articulation but excluding architectural features, is 24m x 45m for				The development generally incorporates a rectangular built form with encroachment to the street front to accentuate the street.
D3	sites up to 3,000m ² The tower component of any building above the podium or street wall height is to have a maximum floor plate of 850m ² .		\boxtimes		The proposed development has a maximum building footprint exceeding the 24m x 45m control however the site is over 3,000m² and proposes a site specific building envelope which is considered acceptable.
					The upper levels include floorplate areas of between 1,647m² to 2,160.1m² exceeding the control however the development proposes a site specific building envelope which is considered acceptable given the location within the Lidcombe centre.
2.4.	Setbacks 1 Front setback The minimum front setback shall be between 4 to 6m (except for residential flat development in the B1 and B2 zones) to provide a buffer zone from the street where residential use occupies the ground level.	\boxtimes			Front setback The subject site is located within the B4-Mixed Use zone. The proposal complies with the setback control.
D2	Where a site has frontage to a lane, the minimum setback shall be 2m, however, this will vary depending on the width of the lane.			\boxtimes	The site does not have a frontage to a laneway.
D3	Where a new building is located on a corner, the main frontage shall be determined on the existing streetscape patterns. Where the elevation is determined as the 'secondary' frontage, the setback may be reduced to 3m except where it relates to a primary frontage on that street.				The proposal has a 2m setback to Mark Street and 3m to the secondary James and Marsden street frontages.
D4	Front setbacks shall ensure that the distance between the front of a new building to the front of the building on the opposite side of the street is a minimum of 10m for buildings up to 3 storeys high. For example, a 2m front setback is required where a 6m wide laneway is a shareway between the front of 2 buildings. Where a footpath is to be incorporated a greater setback shall be required.				Separation from development opposite the street is achieved. Achieved.

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	Requirement	Yes	No	N/A	Comments
D5	All building facades shall be articulated by bay windows, verandahs, balconies and/or blade walls. Such articulation elements may be forward of the required building line up to 1m.				
D6	In all residential zones, levels above 4 storeys are to be setback for mid-block sites.				The site is not situated within a residential zone.
	2 Side setback In all residential zones, buildings shall have a side setback of at least 3m.				Side setbacks The site is not situated within a residential zone and complies with the building separation requirements of the SEPP 65 ADG.
D2	Eaves may extend a distance of 700mm from the wall.			\boxtimes	
	3 Rear setback Rear setbacks shall be a minimum of 10m.	\boxtimes			Rear setback The development complies with the building separation requirements of the SEPP 65 ADG.
D2	Where there is a frontage to a street and a rear laneway the setback to the rear				
D3	laneway shall be a minimum of 2m. Where a building is an L or T shape with the windows facing side courtyards the rear setback shall be a minimum of 2m.				
	4 Haslam's creek setback A minimum 10m setback from the top of the creek bank of Haslam's Creek and its tributaries shall be required. Refer to the Stormwater Drainage Part of this ADCP 2010 for additional controls.			\boxtimes	The development site is not in near vicinity of Haslam's Creek.
	5 Setbacks at Olympic Drive, Lidcombe For sites with frontage to Olympic Drive, buildings shall be designed to address Olympic Drive and provide a setback of 4m.			\boxtimes	The development is not located on Olympic Drive.
D2	The setback area and verge shall be landscaped and planted with a double row of street trees.				
D3	The setback to east-west streets shall be generally 4 to 6m and ensure view corridors to Wyatt Park are maintained.			\boxtimes	
2.5 D1	The maximum depth of a residential flat building shall be 24m (inclusive of balconies and building articulation but excluding architectural features).	\boxtimes			Refer to SEPP 65 ADG assessment.
2.6 D1	Floor to ceiling heights The minimum floor to ceiling height shall be 2.7m. This does not apply to mezzanines.			\boxtimes	Control is not applicable as per Clause 6A of SEPP 65. Refer to SEPP 65 ADG assessment.
D2	Where there is a mezzanine configuration, the floor to ceiling height			\boxtimes	

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	Requirement	Yes	No	N/A	Comments
	may be varied.				
2.7 D1	Head Height of Windows The head height of windows and the proportion of windows shall relate to the floor to ceiling heights of the dwelling.	\boxtimes			The head height of some windows within the development are less than 2.4m, however the proposal achieves the performance criteria by allowing for light penetration into
D2	For storeys with a floor to ceiling height of 2.7m, the minimum head height of windows shall be 2.4m.		\boxtimes		rooms and well proportioned elevations.
D3	For storeys with a floor to ceiling height of 3m, the minimum head height of windows shall be 2.7m.				
2.8 D1	Heritage All development adjacent to and/or adjoining a heritage item shall be: responsive in terms of the curtilage and design; accompanied by a Heritage Impact Statement; and respectful of the building's heritage significance in terms of the form, massing, roof shapes, pitch, height and setbacks.				The development site is not an identified heritage item and is not in the direct vicinity of a heritage item.
2.9. ²	Building Design I Materials All developments shall be constructed from durable, high quality materials.	\boxtimes			No objection is raised to the materials and colour scheme of the proposal which is considered to be of high quality and will make a positive contribution to the streetscape. Good quality materials and finishing are proposed which contributed to the existing streetscape.
2.9.2 D1	P. Building articulation Windows and doors in all facades shall be provided in a balanced manner and respond to the orientation and internal uses.				The proposal offers an articulated facade with distinct horizontal and vertical elements.
D2	Dwelling entrances shall create a sense of individuality and act as a transitional space between private and communal spaces. Entrances shall be clearly articulated and identifiable from the street through use of address signage, lighting, canopies and/or architectural statements.				The residential entrances are clearly defined and provide transition between the commercial tenancies on ground floor level. The residential entrances are vertically proportioned to emphasise the break in the streetscape elevation of the building.
	Elevations shall provide for variation and depth rather than relying on front façade treatment only. Varied massing projections and recesses shall be used to create a sense of articulation and depth.				The facade provides recessed elements on every façade of the building.
D1	that the total form does not add to height and bulk of the building.				Flat roof and low horizontal parapet proposed. The roof form is in accordance with this clause.
2.9.	4 Balustrades and balconies				

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	Requirement	Yes	No	N/A	Comments
D1	Balustrades and balconies shall be	\boxtimes			Transparent balustrades on the upper levels
	designed to maximise views of the street. The design of the underside of the balcony shall take into consideration the view of the underside from the street and shall avoid having exposed pipes and				are proposed to reduce the bulk and scale of the development. Should the application be approved appropriate condition will be included in any consent to ensure compliance with this
D2	utilities. Opaque glazing and/or masonry for balustrading and balconies is encouraged.				clause.
D3	Clear glazing for balustrading and balconies is prohibited.				
2 10	Dwelling size				
D1	The size of the dwelling shall determine the maximum number of bedrooms permitted.				Control is not applicable as per Clause 6A of SEPP 65. Refer to SEPP 65 ADG assessment.
Nu	mber of bedrooms Size				
	dio 50m²				
	edroom (cross through) 50m ²				
	edroom (masionette) 62m ² edroom (single aspect) 63m ²				
	edrooms (corner) 80m ²				
	edrooms (cross through or 90m ²				
OVE	er) edrooms 115m²				
	edrooms 130m ²				
	, , , , , , , , , , , , , , , , , , , ,	_		_	
D2	At least one living area shall be spacious and connect to private outdoor areas.			\boxtimes	
2.11	Apartment mix and flexibility				
	A variety of apartment types between	$ \Box $		\boxtimes	Control is not applicable as per Clause 6A of
	studio, one, two, three and three plus- bedroom apartments shall be provided.	_		_	SEPP 65. Refer to SEPP 65 ADG assessment.
	particularly in large apartment buildings.	_			assessifierit.
	Variety may not be possible in smaller				
	buildings, for example, up to six units.				
D2	The appropriate apartment mix for a				
	location shall be refined by: considering population trends in the				
	future as well as present market			\boxtimes	
	demands; and				
	 noting the apartment's location in relation to public transport, public 	$ \; \sqcup \;$	$ \; \sqcup \; $	\bowtie	
	facilities, employment areas, schools and universities and retail centres.				
D3	A mix of one (1) and three (3) bedroom apartments shall be located on the ground level where accessibility is more easily achieved for disabled, elderly people or families with children.			\boxtimes	
D4					
D4	The possibility of flexible apartment	\sqcup			

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	Requirement	Yes	No	N/A	Comments
	configurations, which support future change to optimise the building layout and to provide northern sunlight access for all apartments, shall be considered.				
D5	Robust building configurations which utilise multiple entries and circulation cores shall be provided especially in larger buildings over 15m long.				
D6	Apartment layouts which accommodate the changing use of rooms shall be provided.				
	Design solutions may include: windows in all habitable rooms and to the maximum number of non-habitable rooms; adequate room sizes or open-plan apartments, which provide a variety of furniture layout opportunities; and dual master bedroom apartments, which can support two independent adults living together or a live/work situation.				
	Structural systems that support a degree of future change in building use or configuration shall be used. Design solutions may include: • a structural grid, which accommodates car parking dimensions, retail, commercial and residential uses vertically throughout the building; • the alignment of structural walls, columns and services cores between floor levels; • the minimisation of internal structural walls; • higher floor to ceiling dimensions on the ground floor and possibly the first floor; and • knock-out panels between apartments to allow two adjacent apartments to be amalgamated.				
	Open space and landscaping Development application requirements				
A la	andscape plan shall be submitted with all elopment applications for residential flat dings.	\boxtimes			The development proposal is considered to be generally consistent with the open space and landscaping objectives.
the pay attr resi	e landscape plan should specify landscape mes, vegetation (location and species), ing and lighting that provide a safe, active and functional environment for idents, integrates the development with the ghbourhood and contributes to energy ciency and water management.				An Arborist Report addresses the matter of tree protection and removal on site and is deemed satisfactory. There are landscape areas provided in which shrubs and trees will be planted. Street trees are also proposed.

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	Requirement	Yes	No	N/A	Comments
qua be : whi	Indscape plan prepared by a professionally lified landscape architect or designer shall submitted with the development application ch shows: proposed site contours and reduced levels at embankments, retaining walls and other critical locations; existing vegetation and the proposed planting and landscaping (including proposed species); general arrangement of hard landscaping elements on and adjoining the site; location of communal facilities; proposed lighting arrangements; proposed maintenance and irrigation systems; and proposed street tree planting.				The landscape proposal was considered by Councils Tree Management Officer to be acceptable, subject to conditions. A suitable landscaping plan which details species, quantity required, height and spread, planting depth detail has been submitted and is considered satisfactory.
3.2 D1	Landscaping If an area is to be paved, consideration shall be given to selecting materials that will reduce glare and minimise surface run-off.				The proposal incorporates paved surfaces within the ground floor communal open space and rooftop terrace communal area.
	All landscaped podium areas shall maintain a minimum soil planting depth of 600mm for tree provision and 300mm for turf provision.	\boxtimes			Planters provided have minimum soil depth to cater for the need of planter species.
	Deep soil zone A minimum of 30% of the site area shall be a deep soil zone.		\boxtimes		The basement occupies the entire site
D2	The majority of the deep soil zone shall be provided as a consolidated area at the rear of the building.				prohibiting the provision of significant deep soil zone, with the exception of an area to the eastern boundary. The design is considered acceptable in this instance as the development site is located within the
D3	Deep soil zones shall have minimum dimensions of 5m.	\boxtimes			Lidcombe Town Centre and the site is zoned B4 Mixed Use.
	Deep soil zones shall not include any impervious (hard) surfaces such as paving or concrete.				The area is a relatively dense urban area which restricts the provision of deep soil zones. Suitable stormwater management measures are proposed and soft landscaping accommodating shrubs and small trees form an integral part of the ground level communal open space area and rooftop terrace.
	Landscape setting Development on steeply sloping sites shall be stepped to minimise cut and fill.	\boxtimes			The built form is appropriately stepped to respond to the slope of the site and public
D2	Existing significant trees shall be retained within the development.	\boxtimes			domain. Tree removal and planting has been supported by Council's Tree Management
D3	The minimum soil depth for terraces where tree planting is proposed is 800mm.	\boxtimes			Officer, subject to conditions.
D4	Applicants shall demonstrate that the development will not impact adversely upon any adjoining public reserve or			\boxtimes	Adequate use of garden beds and planter species on the ground floor communal open space and rooftop terrace areas will allow for a softening of the building.

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	Requirement	Yes	No	N/A	Comments
	bushland.				
D5	Residential flat buildings shall address and align with any public open space and/or bushland on their boundary.				No public open space or bushland exists.
D6	All podium areas and communal open space areas, which are planted, shall be provided with a water efficient irrigation system.	\boxtimes			Suitable conditions can be imposed to ensure efficient irrigation system to be provided.
	Private open space Private open space shall be provided for each dwelling in the form of a balcony, roof terrace or, for dwellings on the ground floor, a courtyard.			\boxtimes	Control is not applicable as per Clause 6A of SEPP 65. Refer to SEPP 65 ADG assessment.
D2	Dwellings on the ground floor shall be provided with a courtyard that has a minimum area of 9m² and a minimum dimension of 2.5m.				
D3	Dwellings located above ground level shall be provided with a balcony or roof terrace that has a minimum area of 8m ² and a minimum dimension of 2m.				
D4	Balconies may be semi enclosed with louvres and screens.			\boxtimes	
D5	Private open space shall have convenient access from the main living area.			\boxtimes	
D6	Part of the private open space shall be capable of serving as an extension of the dwelling for relaxation, dining, recreation,			\boxtimes	
D7	entertainment and children's play. Additional small, screened service balconies may be provided for external			\boxtimes	
D8	clothes drying areas and storage. Private open space and balconies shall take advantage of mid to long distance views where privacy impacts will not arise.			\boxtimes	
3.6	Communal open space				Control is not applicable as per Clause 6A of
D1	Communal open space shall be useable, have a northern aspect and contain a reasonable proportion of unbuilt upon (landscaped) area and paved recreation area.				SEPP 65. Refer to SEPP 65 ADG assessment.
	The communal open space area shall have minimum dimensions of 10m.				
	Protection of existing trees Building structures or disturbance to existing ground levels shall not be within the drip line of existing significant trees to be retained.	\boxtimes			An Arborist Report has been submitted with this application which addresses tree removal and protection. The application was referred to Council's
D2	Existing trees are to be retained and				Tree Management Officer who raised no concerns, subject to conditions.

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	Requirement	Yes	No	N/A	Comments
	integrated into a new landscaping scheme, wherever possible. Suitable replacement trees are to be provided if existing trees cannot be retained.				
sha AD(re: For additional requirements, applicants II refer to the Tree Preservation Part of this CP 2010.				
	Biodiversity The planting of indigenous species shall be encouraged.	\boxtimes			An appropriate mix of species is proposed in the landscape area.
					A suitable landscape plan has been prepared to accompany the proposal which documents the planting of suitable plant species with the planter boxes.
	Street trees Driveways and services shall be located to preserve existing significant trees.	\boxtimes			Existing street trees are proposed to be removed and new street trees are proposed along the street frontages. The application was referred to Council's Tree Management
D2	Additional street trees shall be planted at an average spacing of 1 per 10 lineal metre of street frontage.	\boxtimes			Officer who raised no concerns, subject to conditions.
fron all	e: Where a site has more than one street tage, street tree planting shall be applied to street frontages, excluding frontage to eways.				
	Access and car parking				
	Basements Where possible, basement walls shall be located directly under building walls.	\boxtimes			The basement occupies the entire site which prohibits the provision of significant deep soil zones, with the exception of a deep soil zone
D2	A dilapidation report shall be prepared for all development that is adjacent to sites which build to the boundary.	\boxtimes			in the eastern setback area. The design is considered acceptable in this instance as the development site is located within the
D3	Basement walls not located on the side boundary shall have minimum setback of 1.2m from the side boundary to allow planting.				Lidcombe Town Centre. The area is a relatively dense urban area which restricts the provision of deep soil zone. Suitable stormwater management measures are proposed and soft landscaping and planter boxes accommodating shrubs and small
	Basement walls visible above ground level shall be appropriately finished (such as face brickwork and/or render) and appear as part of the building.				trees form an integral part of the ground level and rooftop terrace communal open space areas.
	Privacy and security				
	Privacy Buildings shall be designed to form large external courtyards with a minimum distance of 10 to 12m between opposite windows of habitable rooms.				Control is not applicable as per Clause 6A of SEPP 65. Refer to SEPP 65 ADG assessment.
D2	Windows to living rooms and main bedrooms shall be oriented to the street and to the rear, or to the side when buildings form an 'L' or 'T' shape.				
D3	Site layout and building design shall			\boxtimes	

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	Requirement	Yes	No	N/A	Comments
	ensure that windows do not provide direct and close views into windows, balconies or private open spaces of adjoining dwellings. Views onto adjoining private open space shall be obscured by: Screening that has a maximum area of 25% openings, shall be permanently fixed and made of durable materials; or Existing dense vegetation or new planting.			\boxtimes	
	Noise For acoustic privacy, buildings shall:	\boxtimes			An Acoustic Report has been prepared to support the application and conditions are imposed to ensure appropriate noise control through construction and operation occurs and acoustic performance of building is
	 close to high noise sources; minimise transmission of sound through the building structure and in particular protect sleeping areas from 	\boxtimes			achieved.
	 noise intrusion; and all shared floors and walls between dwellings to be constructed in accordance with noise transmission and insulation requirements of the BCA. 				
rail ann thai Sta (Infi of F	e: For development within or adjacent to a corridor, or major road corridor with an ual average daily traffic volume of more a 40,000 vehicles, applicants must consult the Environmental Planning Policy rastructure) 2007 and the NSW Department Planning's Development Near Rail Corridors Busy Roads – Interim Guidelines 2008.				
	Security Shared pedestrian entries to buildings shall be lockable.	\boxtimes			Consideration has been given to Council's Policy on Crime Prevention Through
D2	Ensure lighting is provided to all pedestrian paths, shared areas, parking areas and building entries.	\boxtimes			Environmental Design (CPTED). The proposal is deemed acceptable in terms of this.
D3	High walls which obstruct surveillance are not permitted.	\boxtimes			Casual surveillance to all streets will be possible from the ground floor commercial tenancies and upper residential floors of the development.
D4	The front door of a residential flat building shall be visible from the street.				No new laneway proposed.
	Buildings adjacent to public streets or public spaces should be designed so residents can observe the area and carry out visual surveillance. At least one window of a habitable room should face the street or public space.				Suitable furnishings are proposed in the communal open space areas. The proposal does not adjoin a park or public open space.
D6	A council approved street number should	\boxtimes			

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	Requirement	Yes	No	N/A	Comments
	be conspicuously displayed at the front of new development or the front fence of such development.				
D7	Fences higher than 900mm shall be of an open semitransparent design.			\boxtimes	
D8	Balconies and windows shall be positioned to allow observation of entrances.	\boxtimes			
D9	Proposed planting must not obstruct the building entrance from the street or sightlines between the building and the street frontage.	\boxtimes			
D10	Blank walls facing a rear laneway should be avoided to discourage graffiti.			\boxtimes	
D11	Pedestrian and vehicular entrances must be designed so as to not be obstructed by existing or proposed plantings.	\boxtimes			
D12	If seating is provided in communal areas of a development it should generally only be located in areas of active use where it will be regularly used.				
D13	Buildings adjacent to streets or public spaces shall be designed to allow casual surveillance over the public area.	\boxtimes			
D14	Ground floor apartments may have individual entries from the street.				
	Residential flat buildings adjoining a park or public open space shall be treated like a front entrance/garden for the length of the park. Refer to Figure 4 - Park frontage in section 10.0.				
5.4 D1	Fences The front and side dividing fences, where located within the front yard area, shall not exceed 1.2m as measured above existing ground level and shall be a minimum of 50% transparent.				No fencing is proposed for the development.
D2	Materials of construction will be considered on their merit, with regard being given to materials that are similar to other contributory fences in the vicinity, with a general prohibition on the following materials: Cement block; Metal sheeting, profiled, treated or pre-coated. Fibro, flat or profile; Brushwood; and Barbed wire or other dangerous material.				

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	Requirement	Yes	No	N/A	Comments
D3	All fences forward of the building alignment shall be treated in a similar way.			\boxtimes	
D4	Solid pre-coated metal fences shall be discouraged and shall not be located forward of the front building line.				
D5	Front fences shall satisfy the acoustic abatement criteria and be provided with a landscaped area on the street side of the fence.			\boxtimes	
D6	Fences located on side or rear boundaries of the premises, behind the main building line shall not exceed a maximum height of 1.8m.			\boxtimes	
D7	Fencing and associated walls must be positioned so as not to interfere with any existing trees.			\boxtimes	
D8	Gates and doors are to be of a type which does not encroach over the street alignment during operation.			\boxtimes	
6.0	Solar amenity and stormwater reuse				
Obj	ectives				
a.	To minimise overshadowing of adjoining residences and to achieve energy efficient housing in a passive solar design that provides residents with year round				The siting of the building is such that surrounding buildings and private open space will receive adequate solar access.
b.	comfort and reduces energy consumption. To create comfortable living environments.	\boxtimes			The development incorporates a suite of energy efficiency and water conservation measure and detailed in the submitted plans and BASIX certificate.
C.	To provide greater protection to the natural environment by reducing the amount of greenhouse gas emissions.				and BASIA Cerunicate.
d.	To reduce the consumption of non- renewable energy sources for the purposes heating water, lighting and temperature control.	\boxtimes			
e.	To encourage installation of energy efficient appliances that minimise greenhouse gas generation.				
6.1 D1	Solar amenity Solar collectors proposed as part of a new development shall have unimpeded solar access between 9:00am to 3:00pm on June 21.			\boxtimes	Control is not applicable as per Clause 6A of SEPP 65. Refer to SEPP 65 ADG assessment.
	Solar collectors existing on the adjoining properties shall not have their solar access impeded between 9:00am to 3:00pm on June 21.			\boxtimes	
	Where adjoining properties do not have any solar collectors, a minimum of 3m ² of north facing roof space of the adjoining			\boxtimes	

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	Requirement	Yes	No	N/A	Comments
	dwelling shall retain unimpeded solar access between 9:00am to 3:00pm on June 21.				
loca	e: Where the proposed development is ted on an adjacent northern boundary this not be possible.				
D2	Buildings shall be designed to ensure sunlight to at least 50% of the principal area of ground level private open space of adjoining properties for at least 3 hours between 9:00am and 3:00pm on June 21.	\boxtimes			The shadow diagrams accompanying the application demonstrate that adjoining development will continue to receive at least 3 hours of solar access to their principal private open spaces between 9am and 3pm on 21 June.
D3	If the principal area of ground level private open space of adjoining properties does not currently receive at least this amount of sunlight, then the new building shall not further reduce solar access.				on 21 June.
D4	Habitable living room windows shall be located to face an outdoor space.			\boxtimes	
D5	North-facing windows to living areas of neighbouring dwellings shall not have sunlight reduced to less than 3 hours between 9:00am and 3:00pm on June 21 over a portion of their surface.	\boxtimes			The shadow diagrams accompanying the application demonstrate that adjoining development will continue to receive at least 3 hours of solar access to their northern façades between 9am and 3pm on 21 June
D6	Where the proposed residential flat building is on an adjacent northern boundary or located within an area undergoing transition, compliance with D1, D2, D3 and D4 development controls may not be achievable.				
D7	Internal living areas and external recreation areas shall have a north orientation for the majority of units in the development, where possible.				
D8	The western walls of the residential flat building shall be appropriately shaded.				
6.2 D1	Ventilation Rooms with high fixed ventilation openings such as bathrooms and laundries shall be situated on the southern side to act as buffers to insulate the building from winter winds.				Control is not applicable as per Clause 6A of SEPP 65. Refer to SEPP 65 ADG assessment.
D2	Apartments shall be designed to consider ventilation and dual aspect. This can be achieved with cross over apartments, corner apartments and two (2) storey apartments. Single aspect apartments shall be kept to a minimum except for those that are north facing. Single aspect apartments shall be limited in depth to				

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	Requirement	Yes	No	N/A	Comments
	8m from a window.	103	140	IVA	Comments
D3	Where possible residential flat buildings shall be designed with bathrooms, laundries, and kitchens positioned on an external wall with a window to allow for natural ventilation of the room.				
6.3	Rainwater tanks				
D1	Developments may have rain water tanks for the collection and reuse of stormwater for car washing and watering of landscaped areas.				The application was referred to Council's Development Engineer who raised no concerns, subject to conditions.
D2	Rainwater tanks shall be constructed, treated or finished in a non-reflective material which blends in with the overall tones and colours of the building and the surrounding developments.				
D3	The suitability of rainwater tanks erected within the side setback areas of development will be assessed on an individual case by case basis.				
D4	Rainwater tanks shall not be located within the front setback.	\boxtimes			
D5	The overflow from the domestic rain water tank shall discharge to the site stormwater disposal system. For additional details refer to the Stormwater				
D6	Drainage Part of this ADCP 2010. The rain water tank shall comply with the applicable Australian Standards AS/NZ 2179 and AS 2180 for rainwater goods and installation.				
App drair	Stormwater drainage licants shall refer to the stormwater nage requirements in the Stormwater nage Part of this ADCP 2010.	\boxtimes			The application was referred to Council's Development Engineer who raised no concerns, subject to conditions.
7.0	Ancillary site facilities				
	Clothes washing and drying				
D1	Each dwelling shall be provided with individual laundry facilities located within the dwelling unit.				The balconies are of sufficient size and appropriate masonry and privacy screens are provided so that any balcony clothes
D2	provided in a sunny, ventilated and convenient location which is adequately screened from streets and other public places, where possible.				drying will not be readily apparent when viewed from the public domain. Every apartment is provided with a laundry facility.
7.2 D1	Storage Storage space of 8m³ per dwelling shall be provided. This space may form part of a garage or be a lockable unit at the side of the garage.				Control is not applicable as per Clause 6A of SEPP 65. Refer to SEPP 65 ADG assessment.
D2	Storage space shall not impinge on the			\boxtimes	

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	Requirement	Yes	No	N/A	Comments
	minimum area to be provided for parking				
7.3	spaces. Utility services				
D1	Where possible, services shall be underground.				The site is currently suitably serviced. Any augmentation required could be resolved by standard conditions to be imposed on any consent granted.
7.4	Other site facilities				
D1	A single TV/antenna shall be provided for each building.				The architectural plan shows the provision of letterboxes at all residential entrances.
D2	A mailbox structure that meets the relevant Australia Postal Service requirements shall be provided, located centrally and close to the major street entry to the site. All letterboxes shall be lockable.				
D3	Individual letterboxes can be provided where ground floor residential flat building units have direct access to the street.				
	Waste disposal				An acceptable waste management plan
	icants shall refer to the requirements held e Waste Part of this ADCP 2010.				dealing with the demolition, construction and ongoing waste phase of the development has been submitted for the application. The development is acceptable in this regard. The application was referred to Council's Resource Recovery Officer who raised no concerns.
8.0 \$	Subdivision				concerns.
	Lot amalgamation				
D1	Development sites involving more than one lot shall be consolidated.				The site will require amalgamation to ensure the development is capable of proceeding. Conditions will be imposed on any consent
D2	Plans of Consolidation shall be submitted to, and registered with, the office of the NSW Land and Property Management Authority. Proof of registration shall be produced prior to release of the Occupation Certificate.				granted.
D3	Adjoining parcels of land not included in the development site shall be capable of being economically developed.	\boxtimes			
8.2 D1	Subdivision The community title or strata title subdivision of a residential flat building shall be in accordance with the approved development application plans, particularly in regard to the allocation of private open space, communal open space and car parking spaces.				The application does not include subdivision.
D2 8.3	Proposed allotments, which contain existing buildings and development, shall comply with site coverage and other controls contained within this Part. Creation of new streets				
0.0	Cication of ficw streets				

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Cumberland Local Planning Panel Agenda





	Requirement	Yes	No	N/A	Comments
D1	Where a new street is to be created, the street shall be built to Council's standards and quality assurance requirements having regard to the circumstances of each proposal. Consideration shall be given to maintaining consistency and compatibility with the design of existing roads in the locality.				No new streets are proposed or required as part of the development.
D2	A minimum width of 6m shall be provided for all carriageways on access roads. If parallel on-street parking is to be provided, an additional width of 2.5m is required per vehicle per side. For specific information detailing Council's road design specifications, refer to Table 1 – Development Standards for Road Widths in section 10.2.			\boxtimes	
	For larger self-contained new residential areas, specific road design requirements shall be considered for site specific development controls.				
	Adaptable housing				
Evid Hou Stan lodg and	Development application requirements ence of compliance with the Adaptable sing Class C requirements of Australian dard (AS) 4299 shall be submitted when ing a development application to Council certified by an experienced and qualified ing professional.				Noted. The development is fully accessible from the basement levels via lift to residential levels above.
	Design guidelines The required standard for Adaptable Housing is AS4299. Wherever the site permits, developments shall include adaptive housing features into the design.				Appropriate condition will be imposed on any consent granted to ensure compliance with the relevant BCA and Australian Standards regarding adaptable housing.
	External and internal considerations shall				
	include: access from an adjoining road and footpath for people who use a wheel	\boxtimes			Street access is designed to provide barrier free access to the foyers.
	 chair; doorways wide enough to provide unhindered access to a wheelchair; 				Adaptable units are proposed within the development with internal design and fixtures
	 adequate circulation space in corridors and approaches to internal doorways; 	\boxtimes			that can be refitted to accommodate people with disabilities.
	 wheelchair access to bathroom and toilet; electrical circuits and lighting systems capable of producing adequate 	\boxtimes			
	 lighting for people with poor vision; avoiding physical barriers and obstacles; 	\boxtimes			
	 avoiding steps and steep end gradients; visual and tactile warning techniques; level or ramped well lit uncluttered approaches from pavement and 				

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Cumberland Local Planning Panel Agenda





	Red	uirement	Yes	No	N/A	Comments
	parking are		163	NO	IV/A	Comments
	 providing 1428.1 at la providing e basins, sir 	scope for ramp to AS ater stage, if necessary; asy to reach controls, taps, nks, cupboards, shelves, xtures and doors;	\boxtimes			
	 internal adaptable in staircase in 	staircase designs for housing units that ensure a nclinator can be installed at the future; and			\boxtimes	
		a disabled car space for velling designated as	\boxtimes			
appli	: In the design	of residential flat buildings, sider the Access and ADCP 2010.	\boxtimes			Conditions will be imposed on any consent granted to ensure sufficient accessible car parking spaces will be made available to the adaptable units in accordance with this
D2	D2 All development proposals with five or more housing units shall be capable of being adapted (Class C) under AS 4299. The minimum number of adaptable housing units is set out below.					clause. The development proposes 213 units. 23 of those units have been identified as being adaptable units which exceeds the 21.3 (22) unit requirement.
No	o. of dwellings	No. of adaptable units				differences.
	5-10	1				Conditions will be imposed on any consent
	11-20	2				granted to ensure a minimum number of adaptable units (23) will be provided on site.
	21 – 30	3				adaptable utilis (25) will be provided off site.
-	31- 40 41 - 50	<u>4</u> 5				
	Over 50	6				
(Plus 10% of additional dwellings beyond 60, rounded up to the nearest whole number) Note: Adaptable Housing Class C incorporates all essential features listed in Appendix A – Schedule of Features for Adaptable Housing in AS 4299.						
	four (4) storey	ouraged to be installed in y residential flat buildings ble housing units shall be				Having considered the number of units proposed on site, 5 lifts within 3 lift cores are proposed to service all 213 units which is acceptable in this regard and satisfies the
D2 Where the development does not provide any lifts and includes adaptable housing units, the adaptable housing units shall be located within the ground floor of the development.					SEPP 65 ADG requirements.	
9.4 D1	steep gradient site shall be av	ers, obstacles, steps and is within the development roided.	\boxtimes			The development is fully accessible from the pedestrian footpath to ground floor and residential units, with all other levels accessible via lifts.
		control Diagrams and Tables				
	Development of dential zones o	control diagrams (for only)			\boxtimes	N/A
Figu	res 1 to 4 com	prise development control				

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Cumberland Local Planning Panel Agenda





Requirement	Yes	No	N/A	Comments
diagrams which illustrate the controls for setbacks, communal open space and number of storeys for two (2) scenarios. The following scenarios are provided. (Refer to Diagrams in DCP)				
10.2 Tables (Refer to Table in DCP)			\boxtimes	N/A

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DOCUMENTS ASSOCIATED WITH REPORT LPP033/20

Attachment 7 Attachment 7 - Submission x1



William Attard

From: Sunday, 14 June 2020 5:51 PM

To: Records Department

re:

Subject: REF: DA2019/229 at 4-18 Mark Street

Dear Council DA assessment staff,

Thank you for the opportunity to comment on the DA2019/229 for 4-18 Mark Street development site on your letter dated 18 May 2020 - we apology for a late submission due to the COVID 19 restrictions and other important strategic matters happened concurrently (i.e. the new draft Cumberland Local Environmental Plan).

we would like to make a few comments on the above DA at 4-14 Mark Street

Lidcombe:

- New overshadowing analysis needs to be undertaken to support the proposed height variation of additional 2 storeys on the northern tower (20% increase);
- The driveway entrance along Marsden Street should be deleted to ensure Marsden Road is
 pedestrian-friendly with potential to be designed as a primary east-west pedestrian spine linking
 residents to the Lidcombe town centre;
- Only one Driveway access at a lower point located James Street should be retained;
- Should a secondary driveway is required, it should be located along Mark Street, opposite to the
 existing 1-9 Mark Street complex driveway with minimal width for pedestrian safety;
- With close proximity to the Lidcombe Station, Council should lower the maximum car
 parking requirements in line with the traffic study undertaken by Council's Strategic Planning team
 to support the draft DCP for Lidcombe Town Centre;
- There is a need for a new traffic study given the significant traffic implication of the 627 vehicles from the 213 units and inform where intersection improvement may be triggered and funded by the developer;

I trust the above comments will assist Council's assessment of the above DA. If you have any questions, please do not hesitate to contact me directly.

Regards,

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DOCUMENTS ASSOCIATED WITH REPORT LPP033/20

Attachment 8
Design Evolution



Attachment 8 - Design Evolution

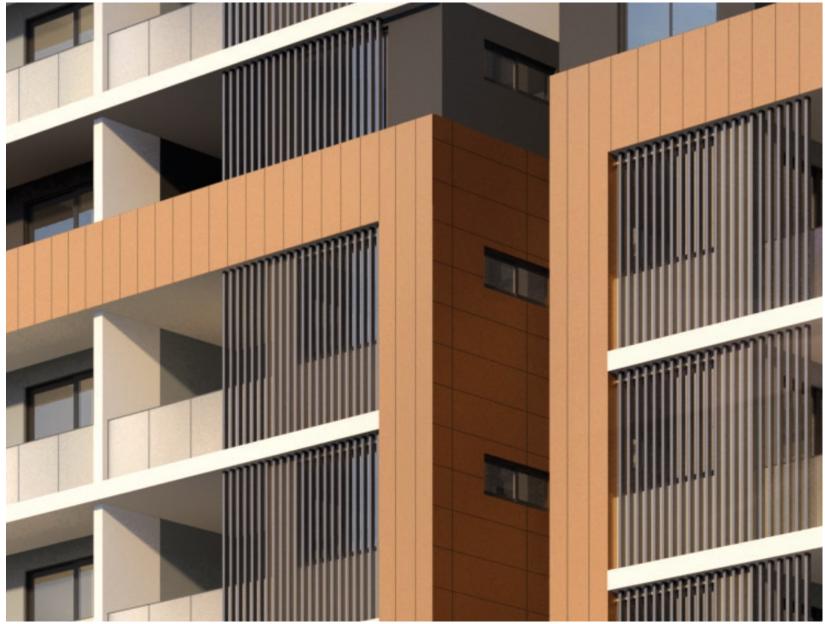
Original Design – lodged 25 July 2019 Revised Design Version 1 – lodged 11 December 2019 Revised Design Version 2 – lodged 5 May 2020

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Item No: LPP034/20

DEVELOPMENT APPLICATION FOR 185-187 GREAT WESTERN HIGHWAY, MAYS HILL

Responsible Division: Environment & Planning

Officer: Executive Manager Development and Building

File Number: MOD2020/0040

Ameliantian Ladrada	44 Falamara 2000	1			
Application Lodged:	11 February 2020				
Application Number:	MOD2020/0040				
Responsible Officer:	William Attard				
Description of Land:	185-187 Great Western Highwa	ay, MAYS HILL NSW 2145			
	Lot 2, DP 854705 and Lot 27, [DP13239			
Proposed	Section 4.55(2) modification ap	plication seeking alterations to			
Development:	an approved mixed use develo	pment			
Site Area:	1,243.4m ²				
Zoning:	B6 Enterprise Corridor				
Permissibility:	Permissible – Residential Flat I	Buildings and Business			
_	Premises				
Applicant:	ESR Constructions Pty Ltd				
Owner:	Mr Tony and Mrs Rola Sahyoun				
Notification /	01 April 2020 to 22 April 2020				
Advertising:					
Disclosure of Political	None disclosed on the application form				
Donations / Gifts					
Submissions:	Nil submissions				
Principal Development	Floor Space Ratio (FSR)	Height of Buildings (HOB)			
Standards:	Permissible: 2.2:1	Permissible: 23m			
	Approved: 2:1	Approved: 22.87m / 14.66m			
	Proposed: No change Proposed: 24.28m / 15.19m				
Heritage:	The subject site is not heritage listed, is not located within a				
_	heritage conservation area, and is not located within the vicinity				
	of a heritage item.				
Variations:	- Exceedance to HOB Standa	ard			
Recommendation:	Approval, subject to conditions				





Figure 1 – Perspective of Development Looking South-West (Source: Design Cubicle, 2020)

SUMMARY:

Council is in receipt of a Section 4.55(2) Modification Application MOD2020/0040 from ESR Constructions Pty Ltd seeking alterations to an approved mixed use development at 185-187 Great Western Highway, Mays Hill. The Architectural Plans accompanying the application are provided as Attachment 1 to this report.

The site is zoned B6 Enterprise Corridor, pursuant to the Holroyd Local Environmental Plan 2013 (HLEP). A Residential Flat Building and Business Premises are permissible with development consent.

The application was publicly notified for a period of 21 days from 1 April 2020 to 22 April 2020. In response, nil submissions were received.

The proposal has been assessed against State Environmental Planning Policy No. 19 – Bushland in Urban Areas, State Environmental Planning Policy No. 55 (Remediation of Land), State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development), State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy (Coastal Management) 2018, State Environmental Planning Policy (Infrastructure) 2007, Sydney Environmental Plan (Sydney Harbour Catchment) 2005, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, Holroyd Local Environmental Plan 2013 (HLEP), Draft State Environmental Planning Policy (Remediation of Land), Draft Cumberland Local Environmental Plan 2020, and Holroyd Development Control Plan 2013 (HDCP).

The modification application was referred for comments externally to Transport for NSW – Roads and Maritime Services, to which the application is supported.

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



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

Control	Required / Permitted	Building	Approved	Proposed	% Variation
Height of Buildings (HOB)	23m	Tower A	22.87m	24.28m	5.6%

The application is being reported to the Cumberland Local Planning Panel (CLPP) for determination, as pursuant to the Local Planning Panels Direction – Development Applications issued by the Minister for Planning on 23 February 2018, the application constitutes 'sensitive development' as it is development to which State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development applies.

In light of the above, it is recommended that the Cumberland Local Planning Panel (CLPP) Approve the Section 4.55(2) Application, subject to the draft notice of determination contained in Attachment 2 to this report.

REPORT:

Subject Site and Surrounding Area

The subject site is known as 185-187 Great Western Highway, Mays Hill, and is legally described as Lot 2, DP 854705 and Lot 27, DP13239. The site is a midblock site, with a slight irregularity along its northern boundary. The site has a frontage of 30.785 metres to Great Western Highway, a frontage of 30.715 metres to Peggy Lane, an eastern boundary length of 39.6 metres, and western boundary length of 41.715 metres. The total site area is 1,243.4m², and is illustrated in Figure 2 below:



Figure 2 - Location Map (Source: Cumberland City Council, 2020)

The subject site is currently vacant, with no vegetation on the subject site.

The surrounding locality is characterised as follows:



- **North** Great Western Highway, with six storey residential flat buildings beyond.
- East Seven storey mixed use development.
 i)
- South Peggy Lane, with a two storey dwelling with detached single storey secondary dwelling, and four storey residential flat building beyond
 ii)
- **West** Single storey dwelling, with approval for a part four, part seven storey mixed use development.

The topography of the site is maintained to a 3.3% gradient, with a 1.39 metre fall to the north-eastern corner of the site. The site is zoned B6 Enterprise Corridor, pursuant to the Holroyd Local Environmental Plan 2013 (HLEP), as shown in Figure 3 below:

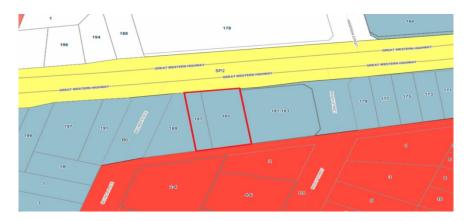


Figure 3 – Zoning Map (Source: Cumberland City Council, 2020)

The subject site is situated to the south of Great Western Highway. Figure 4 below illustrates an aerial perspective of the site and the general surroundings.

Note: The aerial imagery has not been updated to this point in time, to reflect the recent demolition of the existing structures on-site.



Figure 4 – Aerial Photo (Source: Cumberland City Council, 2020)





The subject site is not heritage listed, is not located within a heritage conservation area, and is not located within the vicinity of a heritage item.

Description of the Proposed Development

The proposal seeks to modify Development Consent DA2015/155 via a Section 4.55(2) Application, and includes alterations to an approved mixed use development.

In detail, the following description has been provided by the Applicant within the Cover Letter prepared by Design Cubicle, dated 29 May 2020:

Details of Modifications sought:

- The floor levels and roof level have been raised to comply with the ADG.
- The introduction of a lift overrun to Tower A to comply with lift manufacturer specifications.
- The commercial level awning has been revised to be a cantilevered concrete awning.

Following from the above, a numerical overview of the key components of the development is provided below:

Numerical Overview of Key Components

Component		Permissible	Proposed	Complies	
Site Area	N/A		1,243.4m ² (No change)	N/A	
Site Frontage	26	Sm	30.785m (No change)	N/A	
Floor Space Ratio (FSR)	2.2:1		2:1 (No change)	N/A	
Height of Buildings	Tower A	23m	24.28m	No, but Acceptable on Merit	
(HOB)	Tower B		15.19m	Yes	
	North	3m	3m (No change)		
Boundary	South	3m	3m (No change)	N/A	
Setbacks	East	0m	0m (No change)		
	West	0m	0m (No change)		
	North	12m - 24m	>24m (No change)	l	
	South	6m	9.095m (No change)		
Building	East	0m	0m (No change)		
Separation	West	0m	0m (No change)	N/A	
Separation	Between Towers A & B	12m	12m (No change)		
Anartmont	Tower A		21 units (No change)		
Apartment Numbers	Tower B		11 units (No change)	N/A	
เหน่าเมษาจ		Total	32 units (No change)		
Apartment Mix	1 bed	lroom	4 units (12.5%) (No change)	N/A	



	2 bedroom		28 units (87.5%) (No change)	
	3 bed	room	0 units (0%) (No change)	
Commercial Mix	Comme	ercial 1	95m² (No change)	N/A
Commercial with	Comme	ercial 2	75m² (No change)	IN/A
Car Parking	Car Parking Residential 38 spaces		39 spaces (No change)	N/A
3	Commercial	9 spaces	9 spaces (No change)	
Pievele Perking	Residential	20 spaces	21 spaces (No	N/A
Bicycle Parking	Commercial	1 space	change)	IN/A
Communal Open Space (COS)	310.8	35m²	500m² (No change)	N/A
Deep Soil Zone	87.0	4m²	0m² (No change)	N/A
Solar Access (2hr)	23 units		21 units (No change)	N/A
Natural Ventilation	19 ເ	ınits	19 units (No change)	N/A

SITE HISTORY

- XT2015/155/1

Section 4.54 Extension of Lapsing Period of 1 Year – Approved by Cumberland City Council on 13 March 2019, changing the date of expiry of Development Consent DA2015/155 to 6 May 2020.

The development was physically commenced between 10 February 2020 and 18 March 2020, via demolition works undertaken on-site in accordance with Development Consent DA2015/155.

- DA2015/155

Development Application for demolition of existing structures, consolidation of 2 lots into 1 lot, construction of a part 4, part 7 storey mixed use development comprising 32 residential units over 2 levels of basement parking accommodating 48 car parking spaces – Approved by Holroyd City Council on 6 May 2016 for period of 3 years, with the date of expiry being 6 May 2019.

- DA2014/277

Development Application for demolition of existing structures, consolidation of 2 lots into 1 lot, construction of a 7 storey mixed use development comprising 32 residential units and 2 commercial units over 2 levels of basement parking accommodating 48 car parking spaces – Withdrawn by the Applicant on 24 October 2014.

Applicant's Supporting Statement

The applicant has provided a Cover Letter prepared by Design Cubicle, dated 31 January 2020, and was received by Council on 11 February 2020 in support of the application.



Additional correspondence was received by Design Cubicle, dated 29 May 2020 and 10 June 2020, in response to Council's request for amended plans and additional information.

Contact with Relevant Parties

The assessing officer has been in regular contact with the Applicant throughout the assessment process.

Internal Referrals

The application was not required to be referred to internal referral departments.

External Referrals

Transport for NSW – Roads and Maritime Services

The modification application was referred to Transport for NSW – Roads and Maritime Services for comments, who advised that the existing conditions of consent stand, and that proposed development is supported.

PLANNING COMMENTS

SECTION 4.55(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP & A ACT)

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

	Requirement	Comment
(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	The development as proposed to be modified is substantially the same as the development for which consent was originally granted.
(b)	it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	The application was referred to Transport for NSW – Roads and Maritime Services for comments, with respect to conditions imposed under DA2015/155. Transport for NSW – Roads and Maritime Services advised that the existing conditions of consent stand, and that proposed development is supported.



 (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 	The application was publicly notified for a period of 21 days between 1 April 2020 and 22 April 2020, in accordance with the Holroyd Development Control Plan 2013 (HDCP). In response, nil submissions were received.
(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.	Nil submissions were received in response to the notification of the subject application.
(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.	The provisions of the applicable EPIs are discussed elsewhere in this report. The provisions of the applicable DCP are discussed elsewhere in this report. There are no planning agreements or draft planning agreements related to this application. There are no relevant matters referred to in the regulations. The likely impacts of the development as proposed to be modified are considered satisfactory. The site is considered to be suitable for the development as proposed to be modified. Nil submissions were received in response to the notification period, as noted above. Approval of the subject application is not contrary to the public interest.



(4)	The modification of a development	Noted.
	consent in accordance with this	
	section is taken not to be the granting	
	of development consent under this	
	Part, but a reference in this or any	
	other Act to a development consent	
	includes a reference to a	
	development consent as so modified.	

SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP & A ACT)

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

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

(a) State Environmental Planning Policy No 19 – Bushland in Urban Areas

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

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

The requirement at Clause 7 of SEPP 55 for the consent authority to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development, was considered under the original application. The proposed modifications do not raise any new concerns regarding site contamination.

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

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) applies to the assessment of the subject application, as it includes a residential flat building that is 3 storeys or more in height, and contains more than 4 dwellings. The modification application has been accompanied by a Design Verification Statement from a Registered Architect.

SEPP 65 outlines 9 Design Quality Principles, which are addressed as follows:

Design Quality Principle	Comment	Yes	No	N/A
1. Context and	The site is zoned B6 Enterprise Corridor,	\boxtimes		
Neighbourhoo	pursuant to the Holroyd Local			
d Character	Environmental Plan 2013 (HLEP), with the subject development maintained to a Residential Flat Building and Business Premises development, which is permitted			



Design Quality Principle	Comment	Yes	No	N/A
	with consent. The development continues to be in harmony with nearby buildings.			
2. Built Form and Scale	The building continues to respond with the existing landform, providing for an appropriate building scale when viewed from the public domain.			
3. Density	The subject site is well located with respect to existing public transport and community facilities. The design of the development does not alter the perceived density of the approved development.			
4. Sustainability	The requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 were considered under the original application. The endorsed BASIX Certificate requires the installation of sustainable development features, including Environmentally Sustainable Design (ESD) features that are inclusive of water efficient features and energy saving devices. The proposed modifications do not require an updated BASIX Certificate.			
5. Landscape	No changes are proposed to the approved landscape design of the development.			
6. Amenity	The proposal will continue to deliver sufficient amenity to residents of the building, with the proposed changes achieving compliance with the Apartment Design Guide (ADG).			
7. Safety	Suitable and secure access continues to be provided to all parts of the building.			
8. Housing Diversity and Social Interaction	No changes are proposed to the approved apartment mix and number of adaptable units.			
9. Aesthetics	The proposed development has an attractive contemporary appearance, utilising building elements that provide individuality to the development, without compromising the streetscape or detracting from the appearance of existing surrounding development.			

Pursuant to clause 28(2)(c) of SEPP 65, a consent authority must consider the provisions of the Apartment Design Guide (ADG) in the assessment of a residential apartment development. The proposed modifications have been assessed to comply with the requirements of the ADG. A comprehensive assessment against the ADG is contained in Attachment 3 to this report.



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

The requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 were considered under the original application. The endorsed BASIX Certificate requires the installation of sustainable development features, including Environmentally Sustainable Design (ESD) features that are inclusive of water efficient features and energy saving devices. The proposed modifications do not require an updated BASIX Certificate.

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

The subject site is not identified as a coastal wetland and is not or land identified as "proximity area for coastal wetlands".

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

The provisions of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) have been considered in the assessment of the modification application.

<u>Clause 45 - Development likely to affect an electricity transmission or distribution</u> network

The application is not subject to Clause 45 of the ISEPP, as the development is not within 5m of exposed overhead electricity power lines, or within proximity to underground electricity power lines.

Clause 85 – Development adjacent to railway corridors

The application is not subject to Clause 85 of the ISEPP, as the site is not in or adjacent to a railway corridor.

<u>Clause 86 – Excavation in, above, below or adjacent to rail corridors</u>

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

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

The application is not subject to clause 87 of the ISEPP, as the site is not in or adjacent to a rail corridor and the development is not likely to be adversely affected by rail noise or vibration.

Clause 101 – Frontage to classified road

The application is subject to Clause 101 of the ISEPP, as the site has a frontage to a classified road, being Great Western Highway. As such, the modification application was referred to Transport for NSW – Roads and Maritime Services, who advised that the existing conditions of consent stand, and that proposed development is supported.



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

The application is subject to Clause 102 of the ISEPP, as the site has a frontage to Great Western Highway, which has an annual average daily traffic volume of more than 20,000 vehicles. No changes are proposed to the development which would trigger a re-assessment against Clause 102 of the ISEPP.

Clause 104 – Traffic generation developments

The application is not subject to Clause 104 of the ISEPP, as the development is not classed as a 'Traffic-Generating Development'.

(g) State Environmental Plan (Sydney Harbour Catchment) 2005

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

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

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

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) applies to the subject site. An assessment of the proposal has revealed the proposed development complies with the requirements of the Vegetation SEPP, noting:

- The site is not located in a declared area of outstanding biodiversity value as outlined within the Biodiversity Values Map;
 iii)
- The proposed modifications do not include tree removal, and therefore the area clearing threshold for native vegetation pursuant to the Biodiversity Conservation Act 2016 is not applicable; and
 iv)
- The proposal does not include tree removal, and therefore the test of significance pursuant to Section 7.3 of the Biodiversity Conservation Act 2016 is not applicable.

i. Holroyd Local Environmental Plan 2013 (HLEP)

The Holroyd Local Environmental Plan 2013 (HLEP) applies to the subject site. The proposed development has been assessed to comply with the requirements of HLEP, with the exception of the Height of Buildings (HOB) development standard, which is discussed below. The relevant matters to be considered under HLEP, and the applicable clauses for the proposed development, are





summarised below. A comprehensive assessment against the HLEP is contained in Attachment 4 to this report.

Permissibility

The proposed development is defined as a Residential Flat Building and Business Premises, and is permissible in the B6 Enterprise Corridor zone with consent.

Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note. Residential flat buildings is a type of residential accommodation.

Business premises means a building or place at or on which-

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note. Business premises are a type of commercial premises.

Key Development Standards

The following key development standards are applicable:

Development Standard	Permitted	Approved / Proposed			Compliance
Floor Space Ratio (FSR)	2.2:1	2:1 (No change)			N/A
		Buildin g	Approved	Proposed	
Height of Buildings	23m	Tower A	22.87m (Building)	24.28m (Lift Overrun)	No, but Acceptable on Merit
(HOB)				23.82m (Building)	
		Tower B	14.66m (Building)	15.19m (Building)	Yes

Variations Sought

Height of Buildings (HOB)



The subject modification application proposes a variation to the Height of Buildings (HOB) development standard of 1.28m, as measured to the lift overrun, and 0.82m, as measured to the built form, representing a variation of 5.6%.

A Clause 4.6 request is not required as the application is made under Section 4.55(2) of the Environmental Planning and Assessment Act, 1979, however, Council has considered the proposed variation based on the various case laws established by the Land and Environment Court of NSW such as Four2five P/L v Ashfield Council [2015] NSWLEC 9, Randwick City Council v Micaul Holdings P/L [2016] NSW LEC7 and Zhang and anor v Council of the City of Ryde [2016] NSWLEC 1179. The above case laws set out a 3 part assessment framework for a variation request, which is discussed in detail below.

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

1. <u>Is the proposed development consistent with the objectives of the zone?</u>

The modified development is considered to be consistent with the B6 Enterprise Corridor objectives, as it continues to promote businesses along main roads, encourages a mix of compatible uses, and provides for residential uses, but only as part of a mixed use development.

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

The modified development is considered to be consistent with the Height of Buildings (HOB) objectives as outlined within Clause 4.3 of the HLEP, as it minimises the visual impact of the development, ensures sufficient solar access and privacy for neighbouring properties is maintained, and provides an appropriate scale of development.

3. <u>a)Is compliance with the development standard unreasonable or unnecessary in</u> the circumstances of the case? and;

Strict compliance with the development standard in this instance is considered to be unreasonable and unnecessary in this instance as:

- The site continues to be consistent with the character envisaged by the B6 Enterprise Corridor zone, and the sites' proximity to public transport.
- The additional height is sought to achieve compliance with Apartment Design Guides (ADG) design criteria related to ceiling heights, when factoring in thicknesses of materials, and the provision of services. Furthermore, the additional height is sought so as to introduce a lift overrun, which is designed to adhere to the specifications set by the lift manufacturer.
- The additional height will not result in noticeable bulk, as viewed from the public domain.
- The additional height does not change how the building will be read in the context of the overall development.



 The additional height does not result in additional overshadowing, view loss or a reduction in privacy.

b)Are there sufficient environmental planning grounds to justify contravening the development standard and therefore is the applicant's written justification well founded?

The circumstances of the case are considered to warrant support of the departure. The development continues to respond to the site, and does so without unduly compromising relationships with adjoining development, and the development does not unduly compromise other relevant controls. The proposal is considered to be consistent with the objectives of the Height of Buildings (HOB) development standard, and development within the B6 Enterprise Corridor zone. In this regard, the exception is well founded and can be supported.

Council is satisfied that the proposed development will be in the public interest, as it is consistent with the objectives of the particular standard ,and the objectives for development within the zone in which the development is proposed to be carried out.

It is the view of Council Officers that the variation to the maximum Height of Buildings (HOB) development standard is worthy of support on merit, in this instance.

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

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

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

The Draft State Environmental Planning Policy (Environment) (Draft ESEPP) 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 ESEPP 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.

Refer to assessment above under the heading 'State Environmental Plan (Sydney Harbour Catchment) 2005'.

(b) Draft State Environmental Planning Policy (Remediation of Land)

The Draft State Environmental Planning Policy (Remediation of Land) (Draft RSEPP), relates to the remediation of land and seeks to repeal and replace the current SEPP 55. Generally, the Draft RSEPP maintains similar provisions to the current SEPP 55 and will contain provisions to the following effect:

- Making remediation work permissible, despite anything to the contrary in another environmental planning instrument.
- Specifying when development consent is, and is not required, for remediation work.
- Specifying considerations that are relevant in determining development applications.
- Requiring remediation work meet certain standards and notification requirements.

As discussed under the existing SEPP 55 earlier within this report, the proposed modifications do not raise any new concerns regarding site contamination.

(c) 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 City local government area, those being:

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

The current planning controls for the subject site, as contained within the HLEP, 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 following Development Control Plans are relevant to the assessment of the subject modification application:

(a) Holroyd Development Control Plan 2013 (HDCP)

The Holroyd Development Control Plan 2013 (HDCP) provides guidance for the design and operation of development to achieve the aims and objectives of the HLEP. The proposed development complies with the relevant provisions of the HDCP. A detailed assessment against the provisions of the HDCP is contained in Attachment 5 to this report.

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

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

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

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

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

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

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

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. The modifications are minor in nature, and will not create adverse impacts on the surrounding 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 HDCP, the proposal was publicly notified for a period of 21 days between 1 April 2020 and 22 April 2020. In response, nil submissions were received.

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

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



Section 7.11 (Formerly S94 Contributions)

This part of the Act relates to the collection of monetary contributions from Applicants for use in developing key local infrastructure. The subject development requires the payment of contributions in accordance with Holroyd Section 94 Development Contributions Plan 2013.

A condition was imposed on the original consent requiring the payment of contributions. The residential and commercial yield, and unit mix, is not proposed to change, and therefore, the value of the contributions do not change as a result of the proposed modifications.

Disclosure of Political Donations and Gifts

The NSW Government has introduced disclosure requirements for individuals or entities with a relevant financial interest as part of the lodgement of various types of applications, development proposals, and requests to initiate environmental planning instruments or development control plans.

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

CONCLUSION:

The proposed development has been assessed against the matters for consideration listed in Section 4.15 of the EP & A Act, 1979, and is considered to be satisfactory. Any likely impacts of the development have been satisfactorily addressed, and the proposal is considered to be in the public interest. Further, the subject site continues to be suitable for the development.

The proposed development is appropriately located within the B6 Enterprise Corridor zone pursuant to the HLEP, and is consistent with the zone objectives. The development however proposes a variation to the Height of Buildings (HOB) development standard under the HLEP. The development is considered to perform in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

The development, as proposed to be modified, is considered to be substantially the same development as approved and modified and therefore satisfactory for approval subject to conditions.

REPORT RECOMMENDATION:

That modification application MOD2020/0040 seeking alterations to an approved mixed use development at 185-187 Great Western Highway, Mays Hill, be Approved, subject to the conditions contained in the draft notice of determination contained in Attachment 2 of this report.

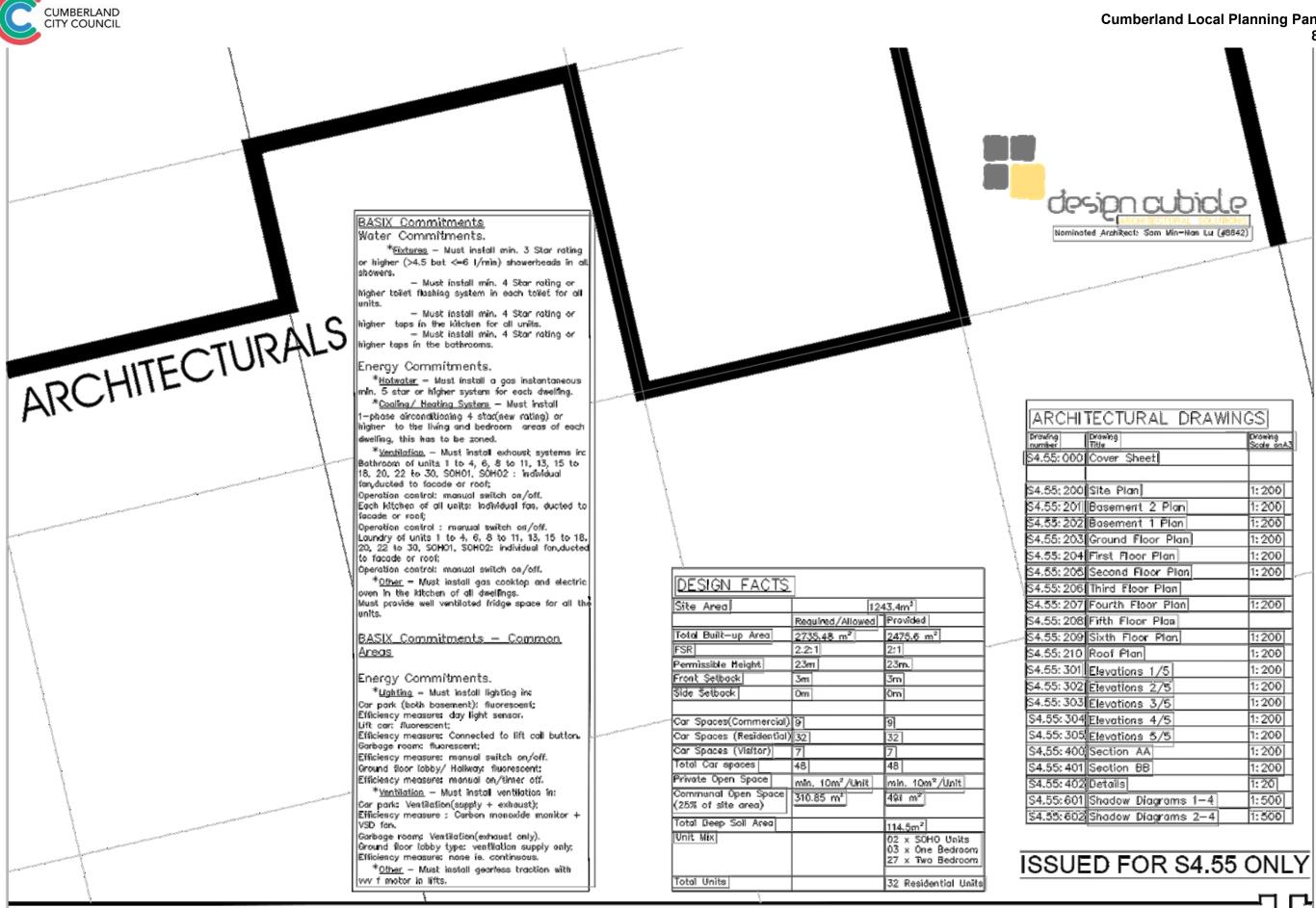


ATTACHMENTS

- 1. Attachment 1 Architectural Plans J.
- 2. Attachment 2 Draft Notice of Determination J
- 3. Attachment 3 SEPP 65 Apartment Design Guide Compliance Assessment U
- 4. Attachment 4 Holroyd Local Environmental Plan 2013 Compliance Assessment
- 5. Attachment 5 Holroyd Development Control Plan 2013 Compliance Assessment

DOCUMENTS ASSOCIATED WITH REPORT LPP034/20

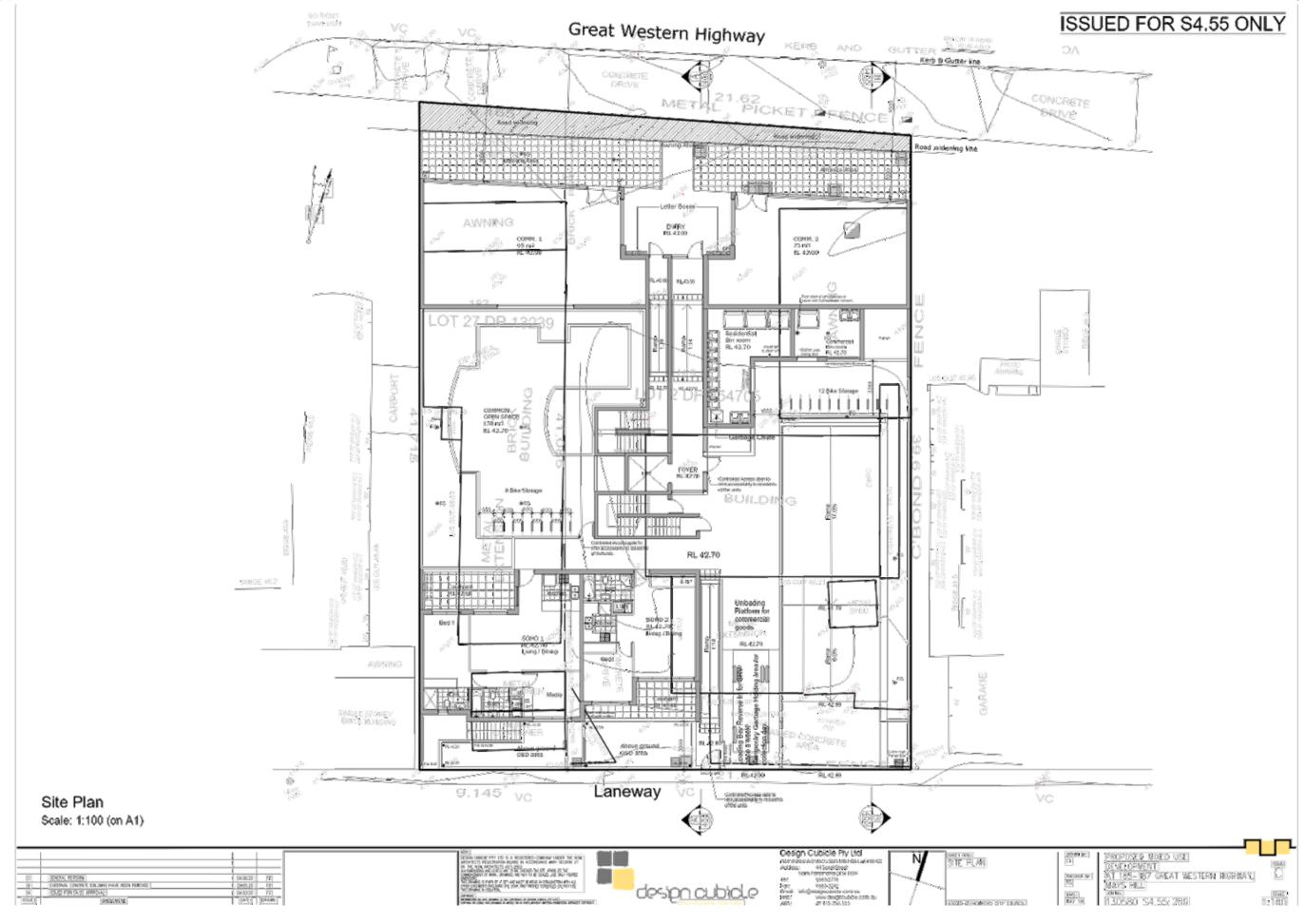
Attachment 1 Attachment 1 - Architectural Plans



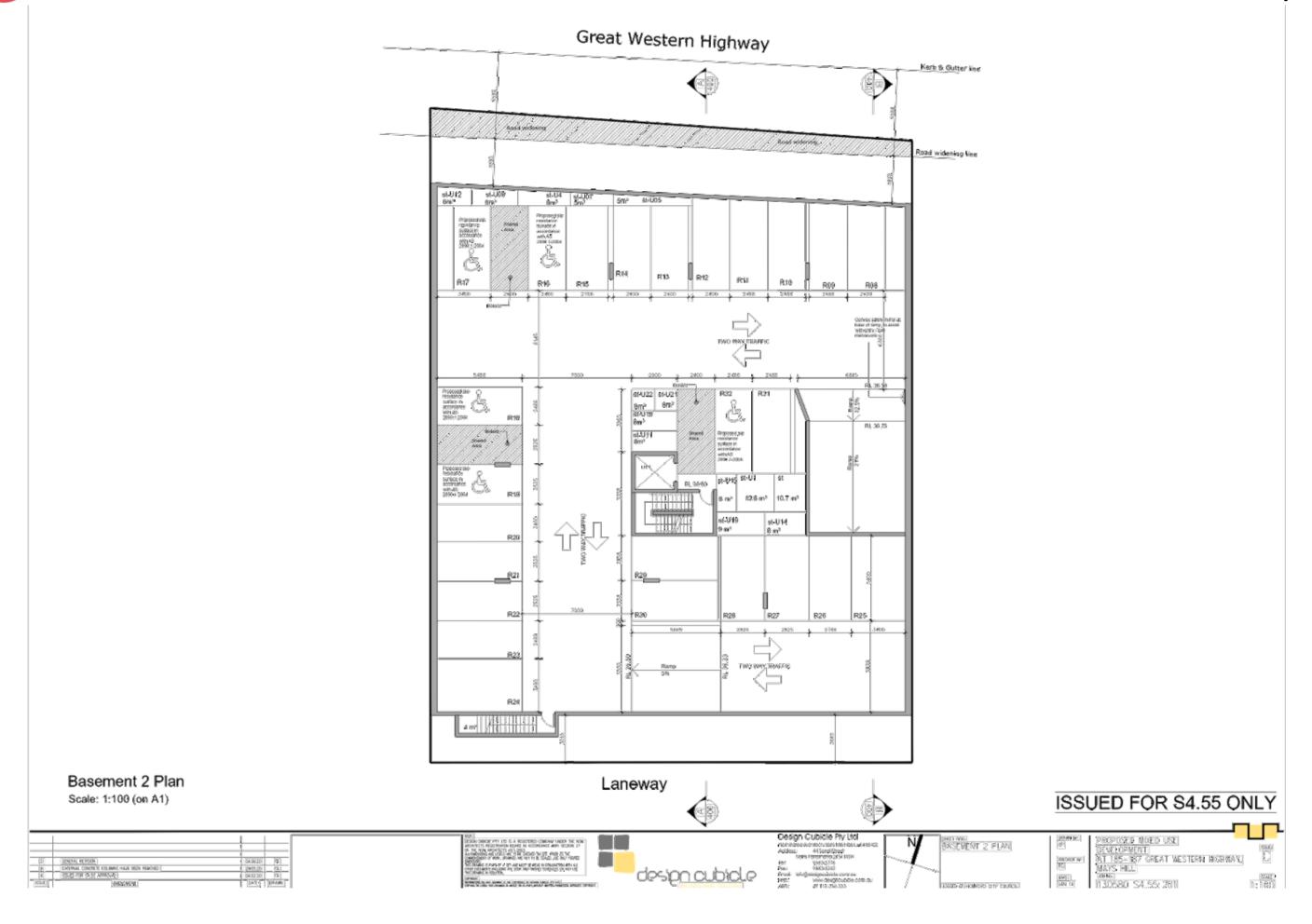
130580 Proposed Mixed Use Development at 185-187 Great Western Highway, Mays Hill Section 4.55

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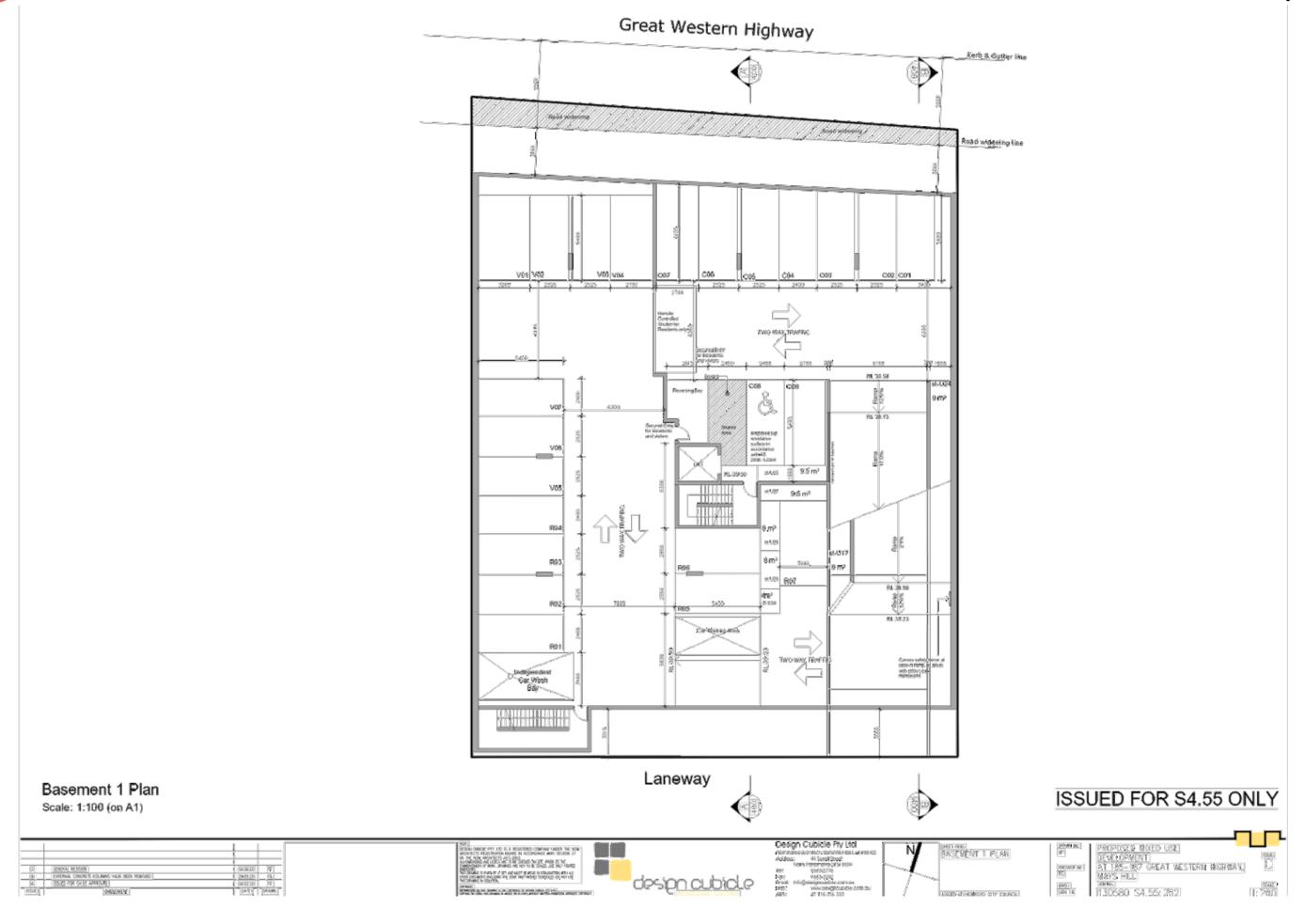




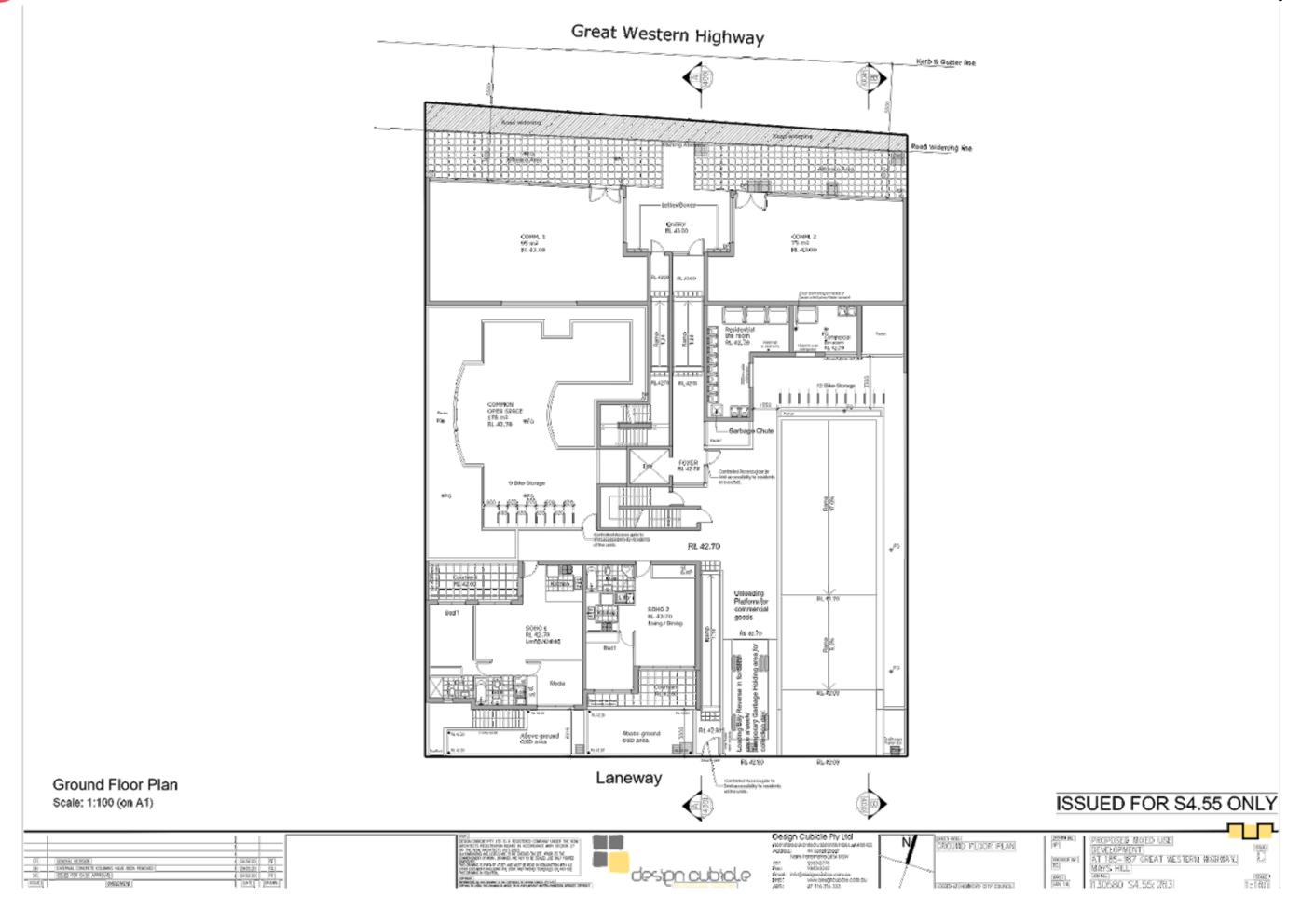




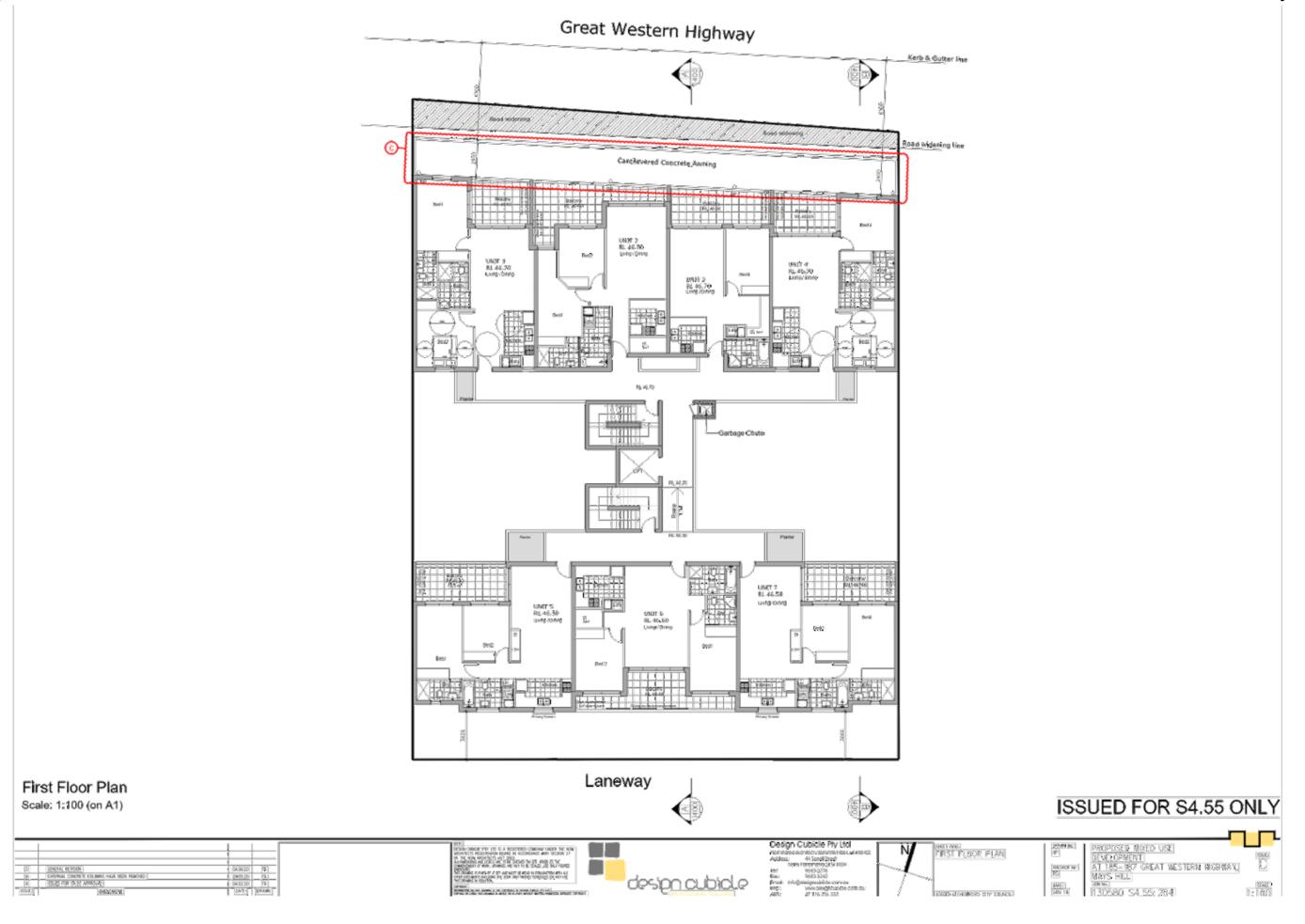




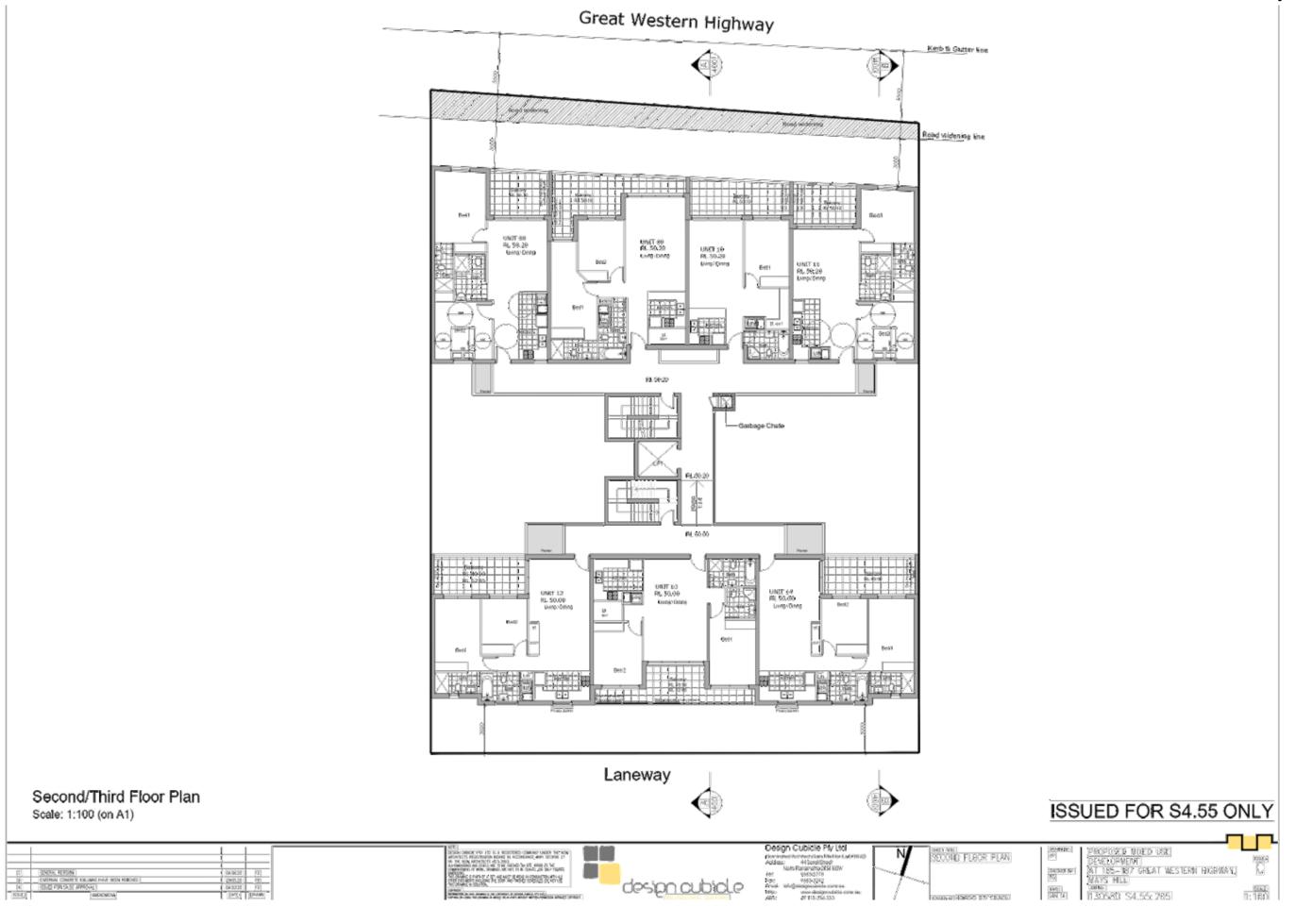




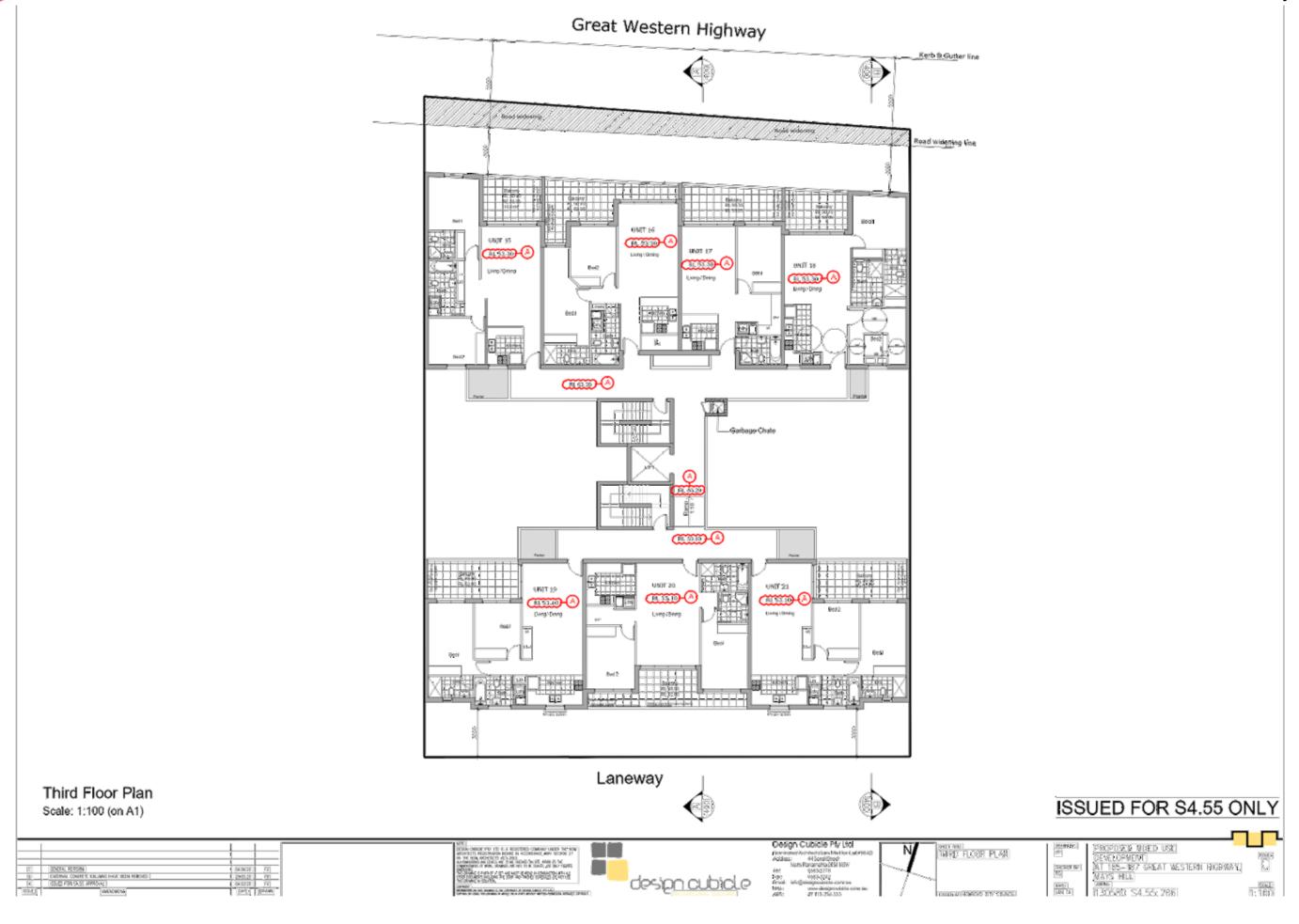




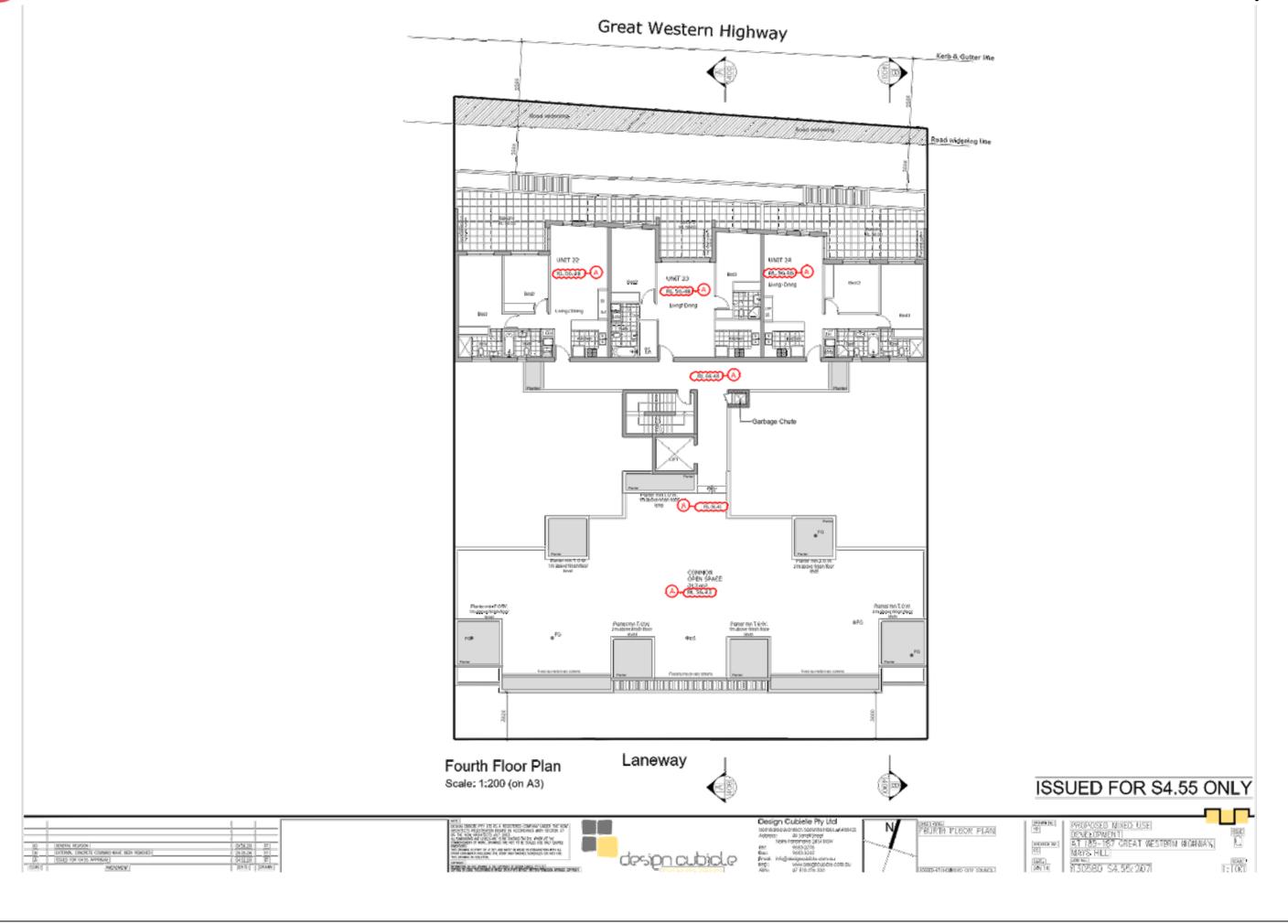




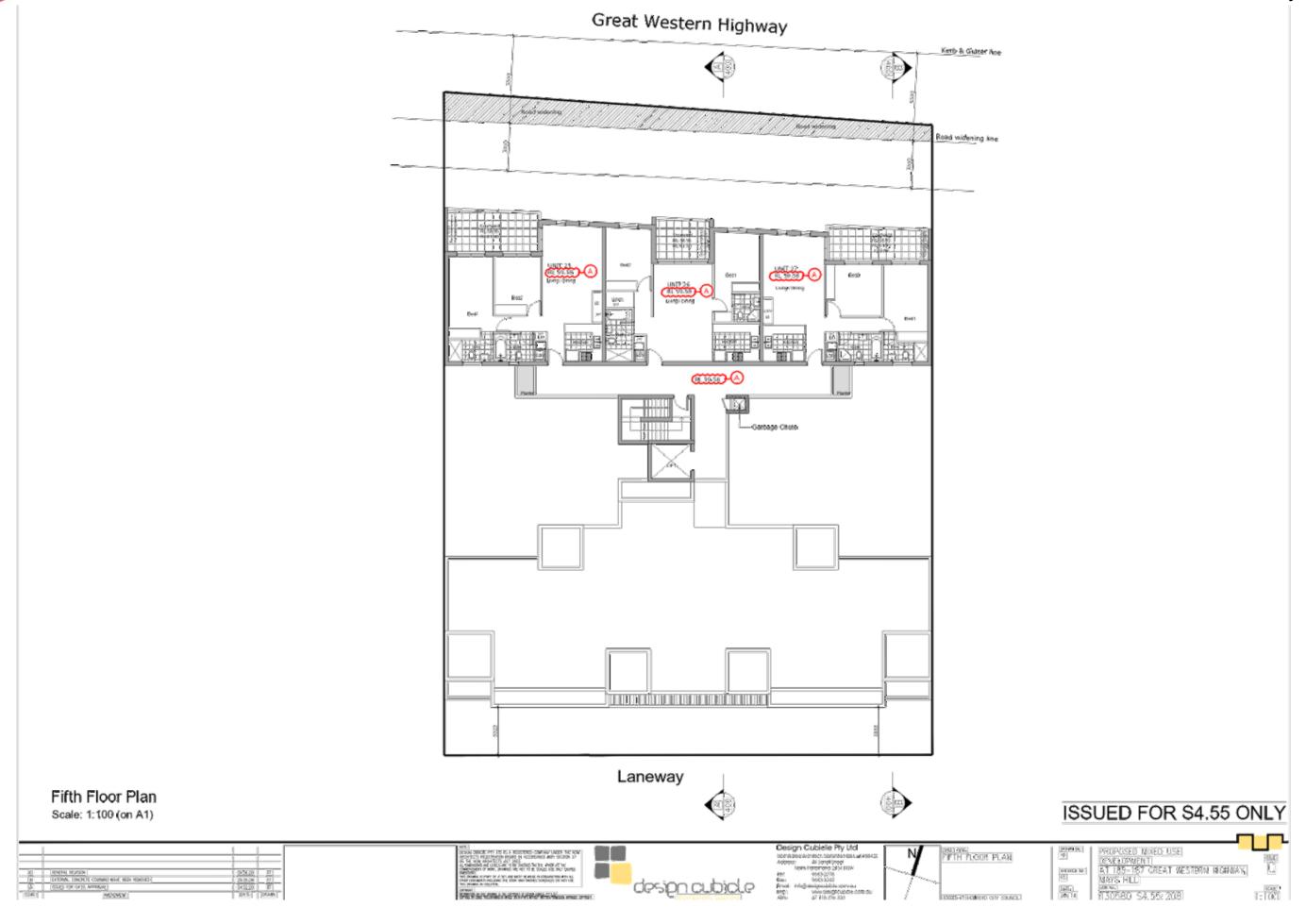




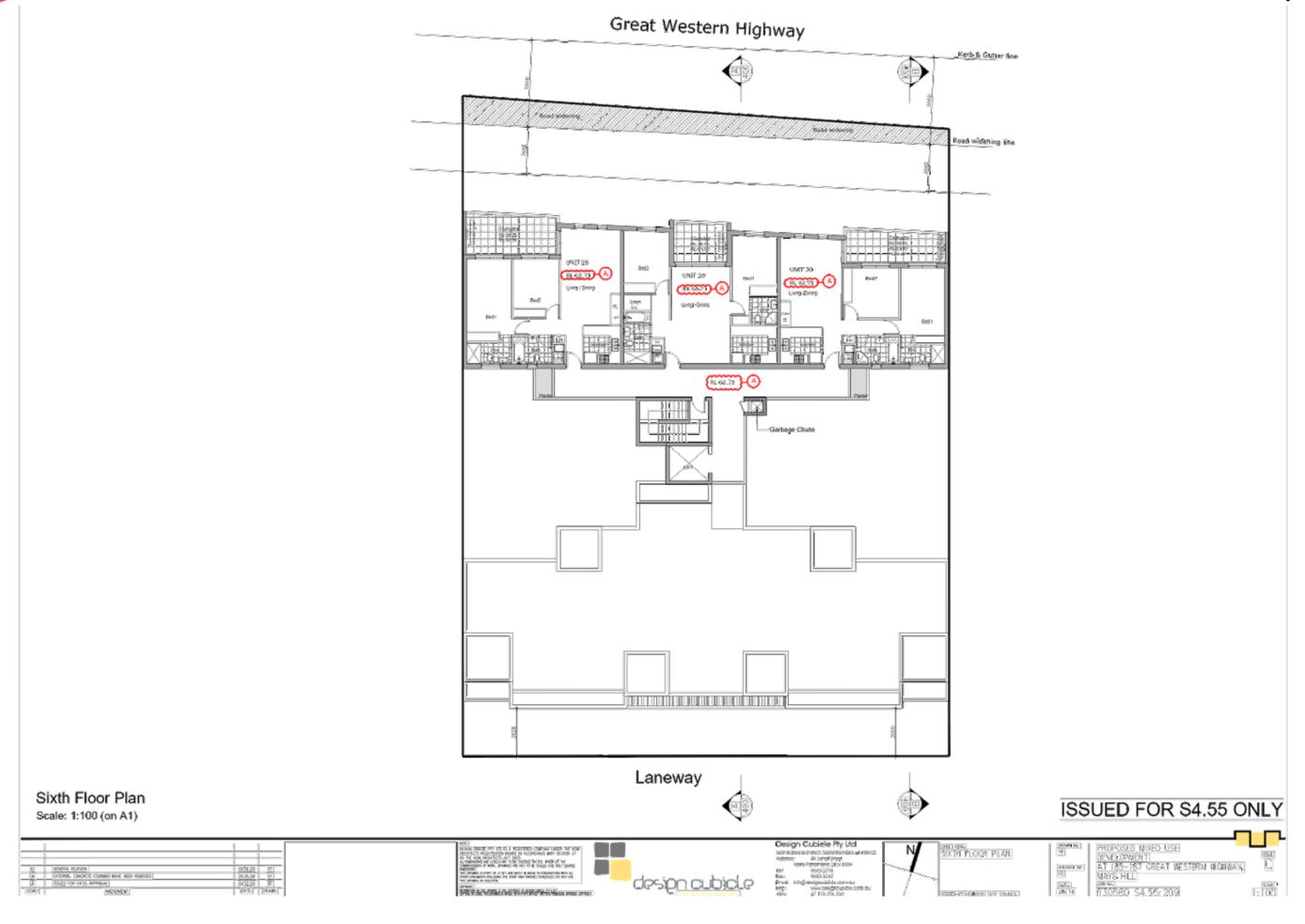




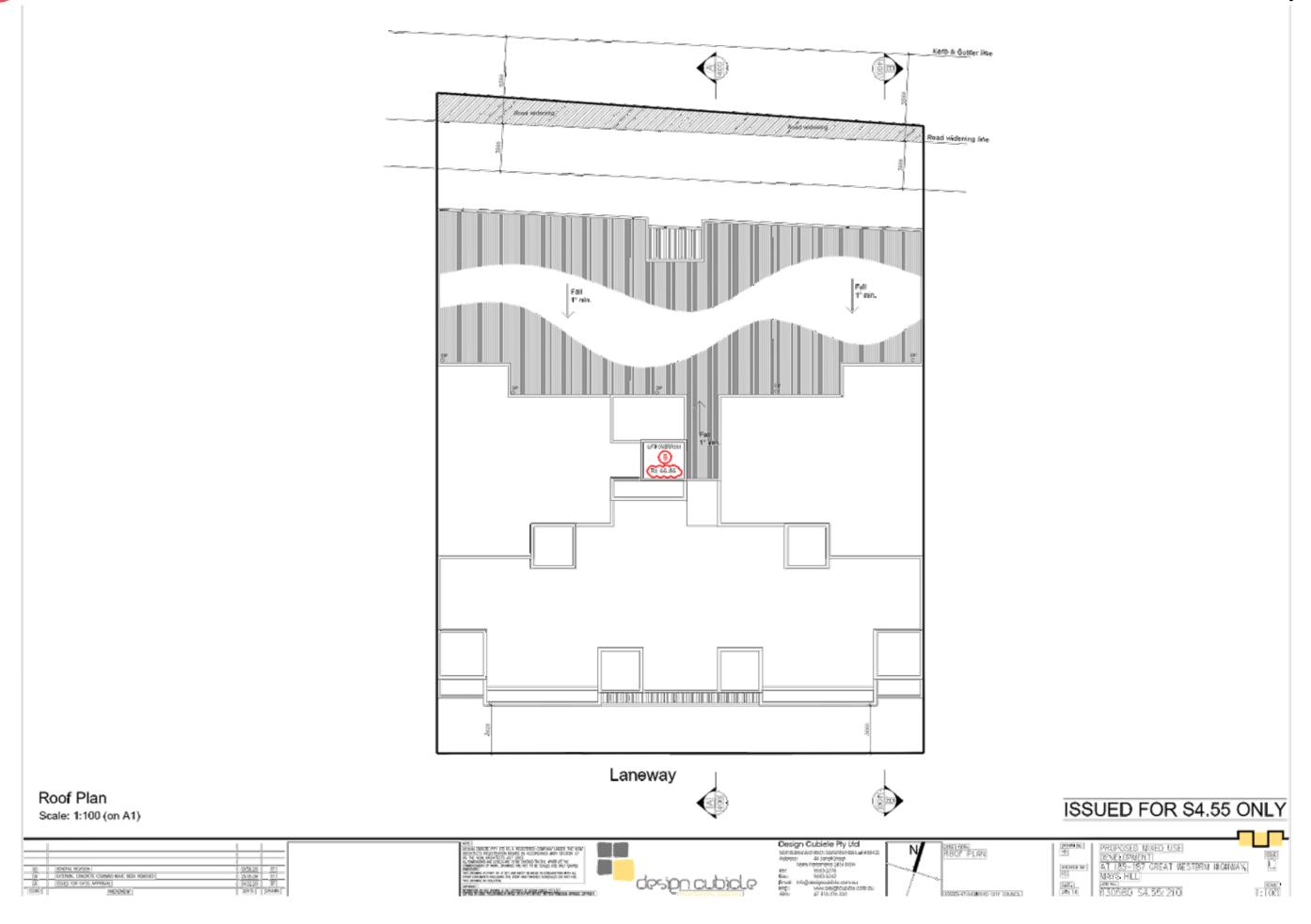




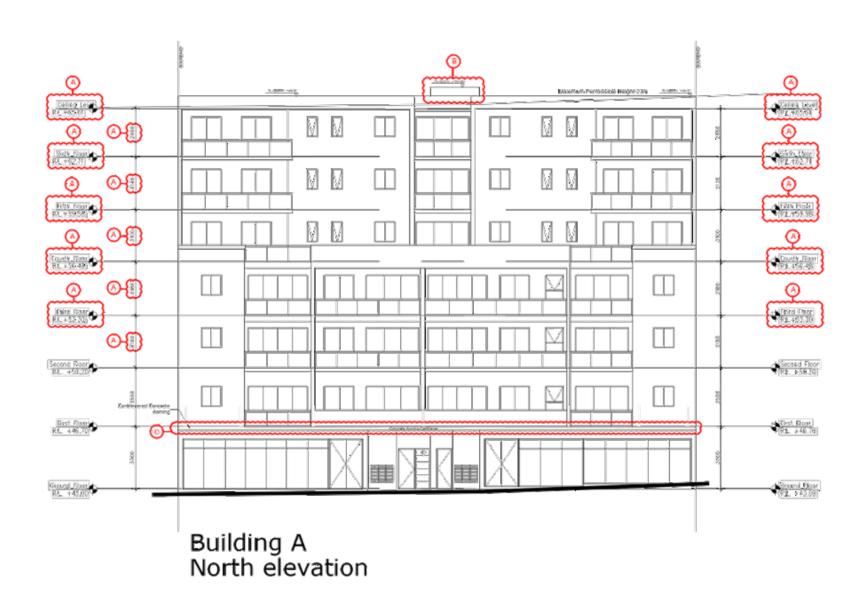


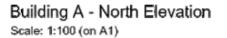












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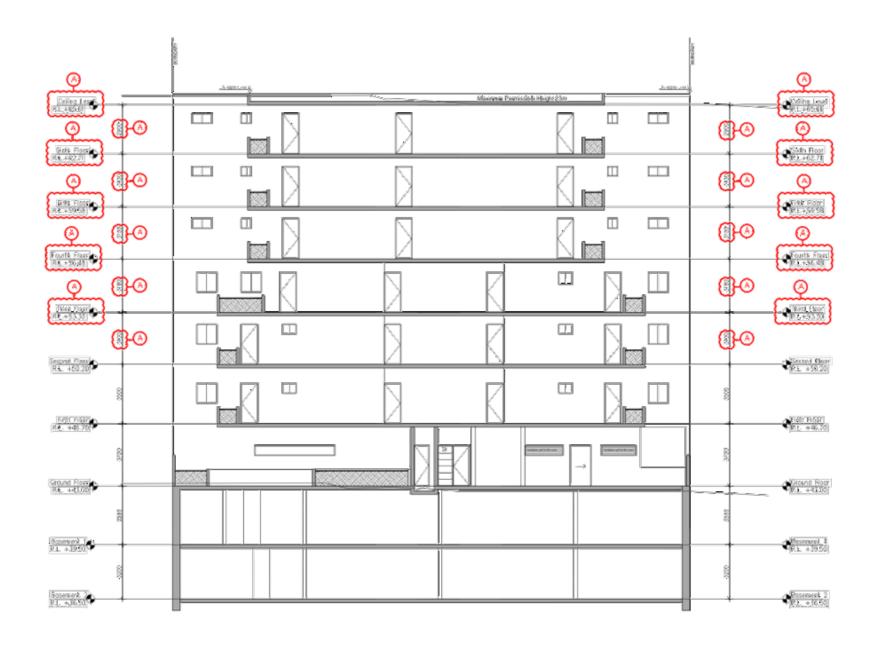
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Building A - South Elevation Scale: 1:100 (on A1)

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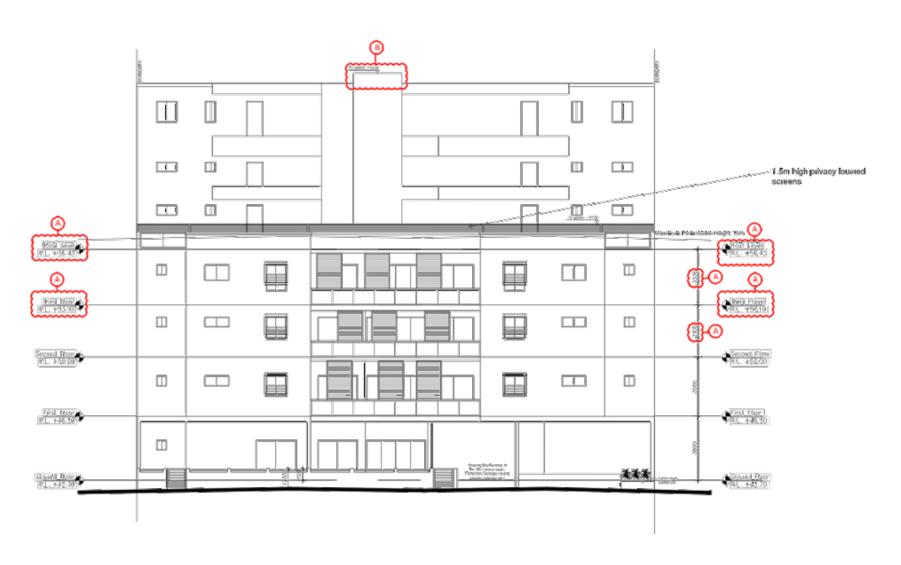
Building B North elevation



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Building B South elevation

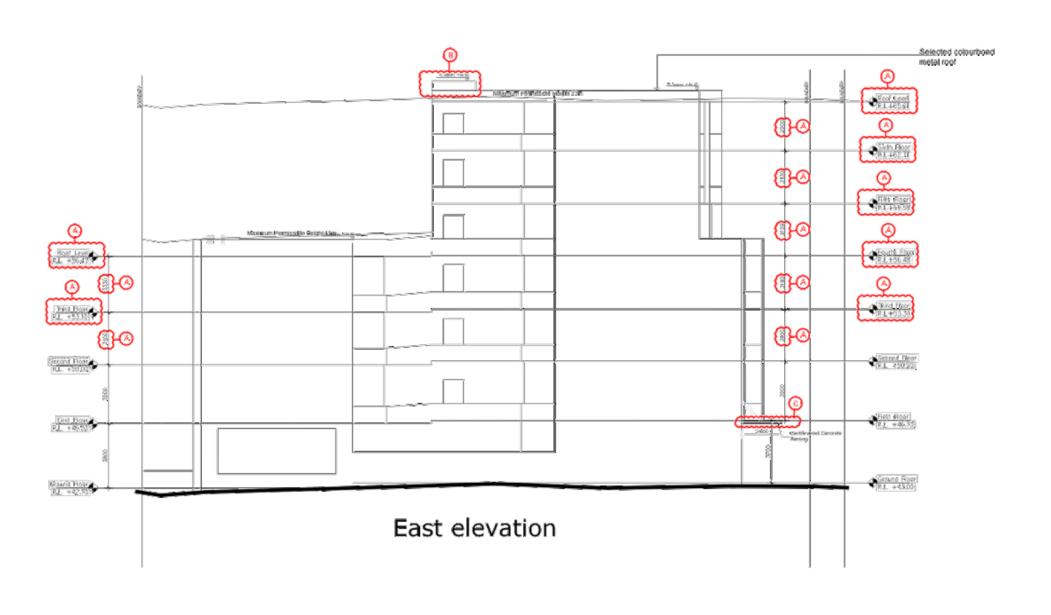


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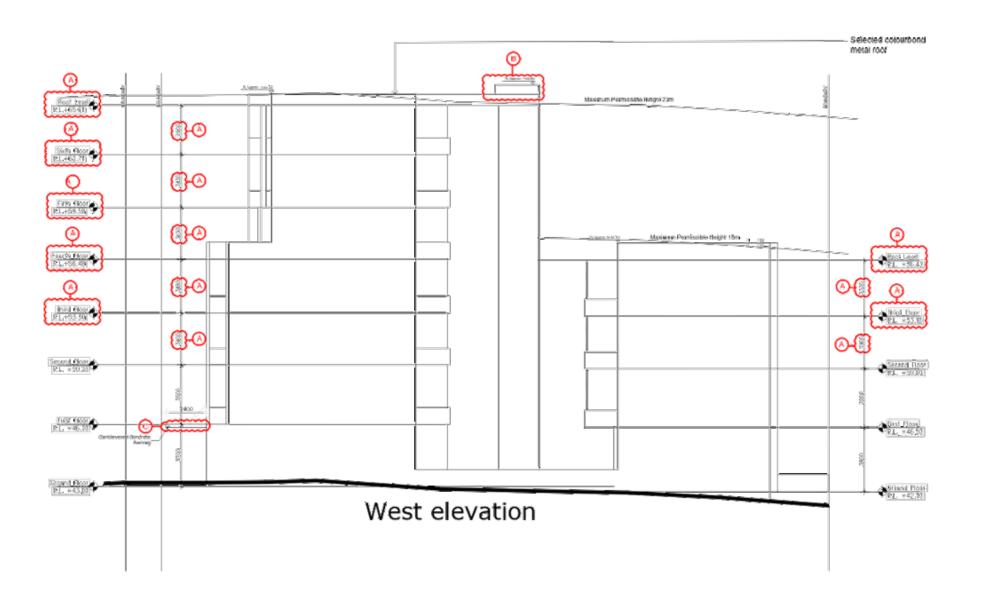
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West Elevation Scale: 1:100 (on A1)



Design Cubicle Pty Ltd

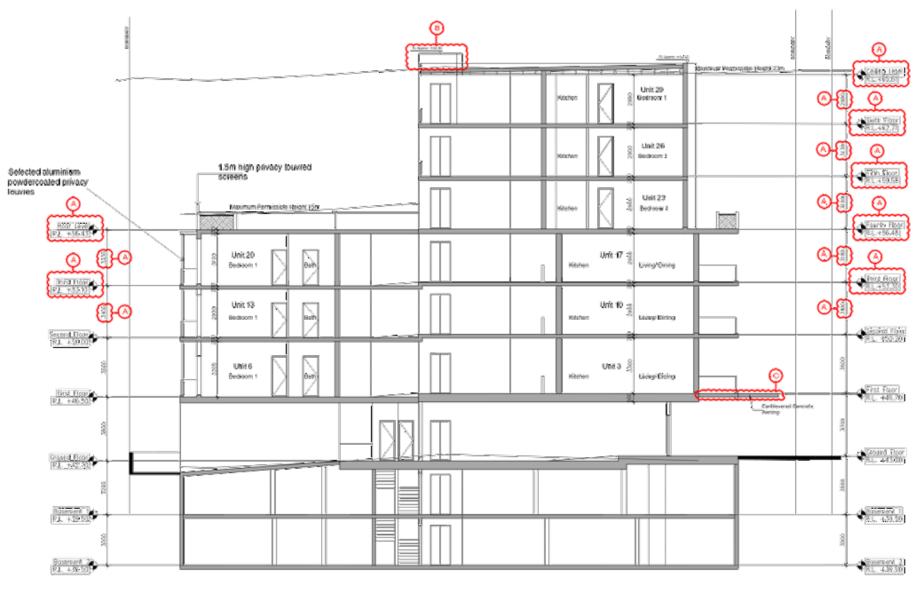
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SERVER IN JAN 14

PROPOSED MIXED USE [CYCLOPMENT] ST 185-187 CREAT WESTERN HIGHWAY, MAYS HLL 113(2580 SA.55; 305) 1:100

ISSUED FOR \$4.55 ONLY



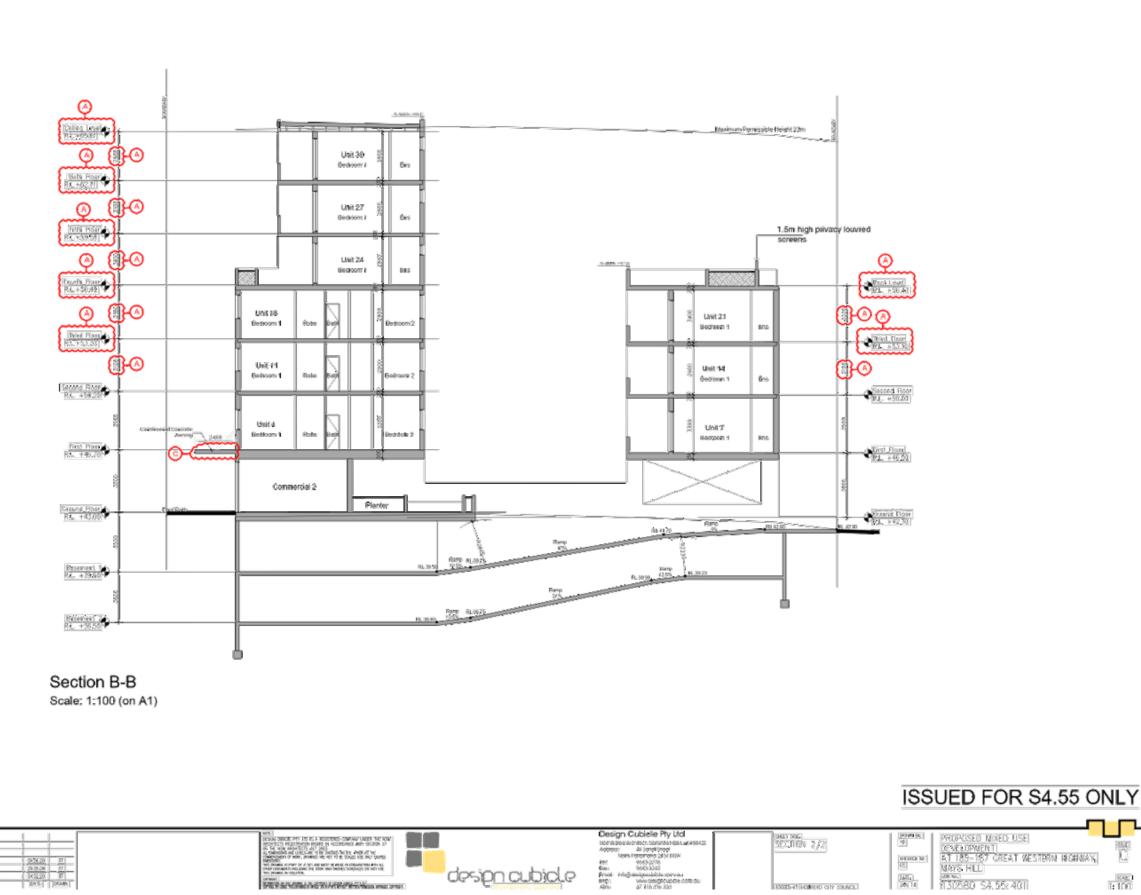


Section A-A



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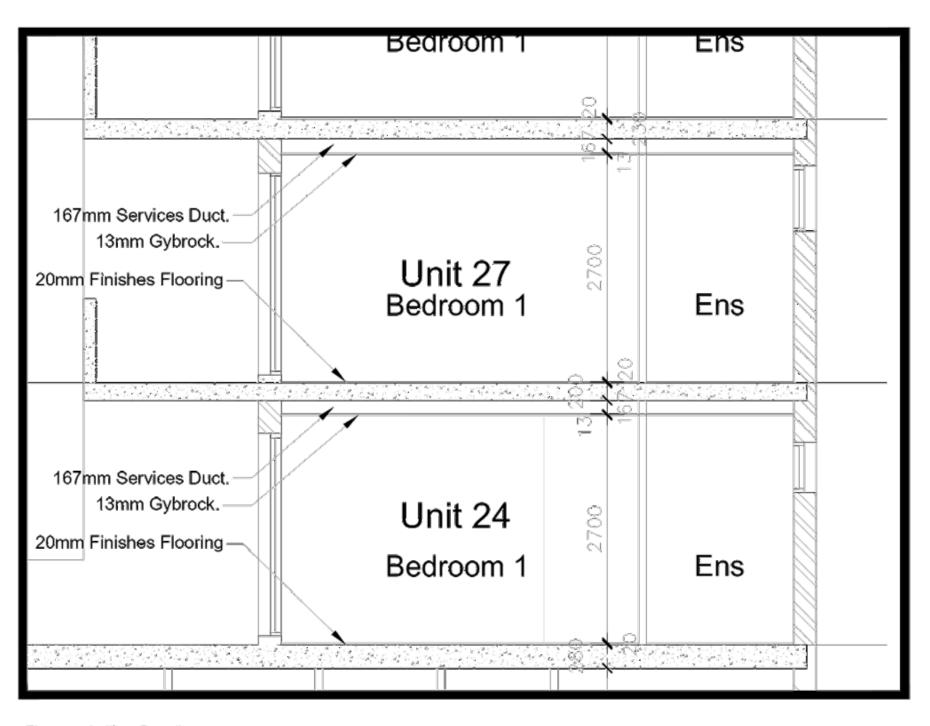




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STREET, STREET





Floor to Ceiling Details

Scale: 1:20 (on A1)



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DOCUMENTS ASSOCIATED WITH REPORT LPP034/20

Attachment 2 Attachment 2 - Draft Notice of Determination



CUMBERLAND CITY COUNCIL Development Application Notice of Determination

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



MODIFICATION APPLICATION NOTICE OF DETERMINATION

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

Development Application No: MOD2020/0040

Applicant: ESR Constructions Pty Ltd

8 Buller Street

NORTH PARRAMATTA NSW 2151

Property Description: 185-187 Great Western Highway, MAYS HILL NSW 2145

Lot 2, DP 854705 and Lot 27, DP13239

Development: Section 4.55(2) modification application seeking alterations to an

approved mixed use development

Determination

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

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

Determination Date: 8 July 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.

All other conditions of Development Consent DA2015/155 remain unchanged.

Note: This determination notice is strictly for the changes sought under modification application MOD2020/0040. No approval is granted or implied for any other works/changes proposed to the subject development.

Michael Lawani

COORDINATOR MAJOR DEVELOPMENT ASSESSMENT

Date: 8 July 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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CONDITIONS OF APPROVAL

1. Amend condition '2' to read as follows:-

Development shall take place in accordance with the following plans and information, except where amended by the conditions of this consent:

- Architectural plans prepared by Design Cubicle, Job Number 130580, Drawing Numbers DA200 to DA208 (inclusive) and DA301 to DA308 (inclusive), Issue E, dated 16 December 2015;
- Landscape plans prepared by Ray Fuggle Associates, Project Number 3574c, Drawing Number L-01/2 and L-02/2, Issue C, dated 31 August 2015;
- Stormwater plans prepared by M.M. Farah, Job Number SW/-185-187 GWH, Sheet Numbers 1 of 4 to 4 of 4 (inclusive), dated 28 August 2015 (OSD Plan Number 2015-200);
- Erosion and Sediment Control Plan prepared by M.M. Farah, Sheet Number 1 of 1, dated 30 March 2015;
- Waste Management Plan prepared by Design Cubicle, Revision A, dated 14 April 2015;
- Schedule of External Colours and Finishes prepared by Design Cubicle, Reference Number 130580, undated;
- BASIX Certificate Number 553242M_03, dated 10 March 2015;
- Acoustic Report prepared by Far West Consulting Engineers NSW, Reference Number 142903, dated 10 June 2014;
- Detailed Site Investigation prepared by Environmental Earth Sciences NSW, Report Number 114083_V1, Version 1, dated 21 January 2015;
- Soil and Water Management Plan prepared by Environmental Earth Sciences NSW, Report Number 115063 SWWP V1, dated 30 July 2015;
- Correspondence from the Roads and Maritime Services, Reference Number SYD15/00526 (A9221839), dated 20 May 2015; and
- Correspondence from the NSW Police Force Holroyd Local Area Command, Reference Number D/2015/219208, dated 15 May 2015.

As amended by the following plans and documents approved by the subject Section 4.55(2) modification application MOD2020/0040 dated 8 July 2020:

Architectural plans prepared by Design Cubicle, Job Number 130580, listed below:

Drawing Number	Drawing Title	Issue	Date
S4.55:200	Site Plan		
S4.55:201	Basement 2 Plan		
S4.55:202	Basement 1 Plan		
S4.55:203	Ground Floor Plan		
S4.55:204	First Floor Plan		
S4.55:205	Second / Third Floor Plan		
S4.55:206	Third Floor Plan		
S4.55:207	Fourth Floor Plan]	
S4.55:208	Fifth Floor Plan	1	
S4.55:209	Sixth Floor Plan	С	04 lune 2020
S4.55:210	Roof Plan		04 June 2020
S4.55:300	Elevation 1/6]	
S4.55:301	Elevation 2/6	1	
S4.55:302	Elevation 3/6	1	
S4.55:303	Elevation 4/6	1	
S4.55:304	Elevation 5/6	1	
S4.55:305	Elevation 6/6	1	
S4.55:400	Section 1/2	1	
S4.55:401	Section 2/2		
S4.55:402	Details	7	

As amended in red by Council. All amendments are to be incorporated in the Construction Certificate plans.

[Condition 2 amended by Section 4.55(2) modification application MOD2020/0040]

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DOCUMENTS ASSOCIATED WITH REPORT LPP034/20

Attachment 3

Attachment 3 - SEPP 65 Apartment Design Guide Compliance Assessment



Attachment 3 SEPP 65 Apartment Design Guide Compliance Assessment

				65 Apartme	nt Design Guide				
No.		Required / Per	mitted		Comment	Comply			
		Development							
3A	Site Analys								
3A-1					nave been based on opportunities and	Yes			
			ns and th	heir relationsh	nip to the surrounding context.				
3B	Orientation								
3B-1			spond to	the streetsca	ape and site while optimising solar access	Yes			
		evelopment.		,	. , ,	Yes			
3B-2			of neighbouring properties is minimised during mid-winter.						
3C		nain Interface							
3C-1		etween private an	en private and public domain is achieved without compromising safety and						
20.0	security.	Han much lin alamania	public domain is retained and enhanced.						
3C-2				ea ana ennan	cea.	N/A			
3D 3D-1		and Public Oper			:				
3D-1				space is provi	ided to enhance residential amenity and to	N/A			
	Design Criteria	Communal ope minimum area e	en spa		No changes are proposed to the extent of communal open space.	N/A			
		site.	-						
		Developments a	chieve a	minimum of	An assessment of the solar access				
		50% direct sunl	ight to t	he principal	diagrams for the approved development				
		usable part of			and proposed changes reveals the				
		space for a m			proposed changes do not further impact	N/A			
		between 9 am a	nd 3 pm	on 21 June	upon the extent of solar access				
		(mid-winter).			achieved to the communal open space				
					areas.				
3D-2			pen space is designed to allow for a range of activities, respond to site						
			d be attractive and inviting.						
3D-3		· · · · · · · · · · · · · · · · · · ·	pen space is designed to maximise safety.						
3D-4		space, where provided, is responsive to the existing pattern and uses of the							
	neighbourh					N/A			
3E	Deep Soil 2								
3E-1					ow for and support healthy plant and tree	N/A			
	_				ote management of water and air quality.				
	Design Deep soil zones are to meet the following minimum requirements: No changes are proposed to the extent of deep soil zone areas.								
	Criteria	following minim			of deep soil zone areas.				
		Site area	Minimum	Deep soil zone					
			aimensions	(% of site area)					
		less than 650m ²	-						
		650m ² - 1,500m ²	3m						
		greater than 1,500m ²	6m	7%					
		greater than 1,500m² with significant existing tree cover	6m						
		Design guidan				N/A			
		On some sites	-	•					
		provide larger							
		depending on	the site	e area and					
		context:							
		• 10% of the							
		sites with a	n area (ot 650m2 -					
		1,500m2							
		• 15% of the							
		sites greater							
	Design	Achieving the			Not Applicable.				
	guidance	not be possib		some sites		N/A			
		including where		4 6.22					
		the location	on and	d building					



Attachment 3 SEPP 65 Apartment Design Guide Compliance Assessment

	SEPP 65 Apartment Design Guide						
No.		Required / Permitted	Comment	Comply			
		typology have limited or no space for deep soil at ground					
		level (e.g. central business					
		district, constrained sites, high					
		density areas, or in centres).					
		there is 100% site coverage or					
		non-residential uses at ground					
		floor level.					
		Where a proposal does not achieve					
		deep soil requirements, acceptable					
		stormwater management should be					
		achieved and alternative forms of					
		planting provided such as on					
3F	Visual Priv	structure.					
3F-1		uilding separation distances are shared eq	uitably between neighbouring sites, to				
		sonable levels of external and internal visua		N/A			
	Design	•	o changes are proposed to the extent				
	Criteria	•	building separation.				
		privacy is achieved. Minimum					
		required separation distances from buildings to the side and rear					
		boundaries are as follows:					
		Building height rooms and habitable balconies rooms					
		balconies rooms					
		up to 12m (4 storeys) 6m 3m					
		up to 25m (5-8 storeys) 9m 4.5m					
		over 25m (9+ storeys) 12m 6m					
		Note: Separation distances between		N/A			
		buildings on the same site					
		should combine required					
		building separations					
		depending on the type of					
		room.					
		Gallery access circulation					
		should be treated as habitable					
		space when measuring					
		privacy separation distances					
		between neighbouring					
		properties. Apartment buildings should have an No.	ot Applicable.				
		increased separation distance of 3m	ot Applicable.				
		(in addition to the requirements set					
		out in design criteria 1) when					
		adjacent to a different zone that		N/A			
		permits lower density residential					
		development to provide for a transition in scale and increased					
		landscaping.					
3F-2		lding design elements increase privacy with		N/A			
3G		nce outlook and views from habitable room: Access and Entries	s and private open space.				
3G-1		Access and Entries ries and pedestrian access connects to and	addresses the public domain	N/A			
		ries and pedestrian access connects to and ries and pathways are accessible and easy		N/A			
3G-2			ts and connection to destinations.				



Attachment 3 SEPP 65 Apartment Design Guide Compliance Assessment

		SEPP 65 Apartme	nt Design Guide		
No.		Required / Permitted	Comment	Comply	
3H	Vehicle Ac				
3H-1	pedestrians	and vehicles and create high quality str	achieve safety, minimise conflicts between eetscapes.	N/A	
3J		d Car Parking			
3J-1			blic transport in metropolitan Sydney and	N/A	
	Design	egional areas. For development in the following	No changes are proposed to the unit mix		
	Criteria	locations: on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre. The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. Control 1 bedroom 0.6 spaces 2 bedroom 0.9 space	and number of car parking spaces proposed.	N/A	
210	Dorling on	3 bedroom	f transport		
3J-2 3J-3		d facilities are provided for other modes of esign and access is safe and secure	or transport.	N/A N/A	
3J-4		environmental impacts of underground c	ar parking are minimised	N/A	
3J-5		environmental impacts of anaciground c		N/A	
3J-6		environmental impacts of above ground		N/A	
		the Building	,		
4A	Solar and I	Daylight Access			
	and private	open space.	nlight to habitable rooms, primary windows	N/A	
	Design Criteria	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	No changes are proposed to the extent of living rooms and private open space areas achieving the required solar access.	N/A	
4A-2	Daylight ac	cess is maximised where sunlight is limit	ed.	N/A	
4A-3		rporates shading and glare control, parti	icularly for warmer months.	N/A	
4B	Natural Ve		1		
4B-1		e rooms are naturally ventilated.		N/A N/A	
4B-2	∣ The layout a	The layout and design of single aspect apartments maximises natural ventilation.			



Attachment 3 SEPP 65 Apartment Design Guide Compliance Assessment

No.		Required / F	SEPP 65 Apartme	Comment	Comply
4B-3	The numbe			ventilation is maximised to create a comfortable	
		ronment for resi			N/A
	Design Criteria	naturally cros nine storeys o Apartments at are deemed only if any end at these lev natural ventila enclosed.	t ten storeys or greater to be cross ventilated closure of the balconies yels allows adequate tion and cannot be fully	No changes are proposed to the extent of natural cross ventilation achieved.	N/A
		cross-through	n of a cross-over or apartment does not measured glass line to	No changes are proposed to the depth of cross-over or cross-through apartments.	N/A
IC	Ceiling Hei	ights			
4C-1			ficient natural ventilation	, ,	Yes
	Design Criteria		m finished floor level to g level, minimum ceiling	The floor to ceiling heights of the development are as follows: - Ground Floor 3.2m (No change)	
		for apartment and n Habitable rooms		- First Floor 3.3m (No change) - Second Floor 2.7m	
		Non-habitable	2.4m	- Third Floor 2.7m	
		For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	- Fourth Floor 2.7m - Fifth Floor 2.7m - Sixth Floor 2.7m	Yes
		Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope		
		If located in mixed used areas These minim	3.3m for ground and first floor to promote future flexibility of use ums do not preclude		
		higher ceilings	if desired.		
4C-2	rooms.			rtments and provides for well-proportioned	Yes
1C-3				use over the life of the building.	Yes
4D 4D-1		Size and Layo		onal, well organised and provides a high	
	standard of		т ан араниненств типси	onal, well organised and provides a high	N/A
	Design Criteria	Apartments a	re required to have the mum internal areas:	No changes are proposed to the internal areas of apartments.	
		Apartment type	Minimum internal area		
		Studio	35m²		
		1 bedroom	50m²		
		2 bedroom	70m²		
		3 bedroom	90m²		N/A
		only one bathrooms ir internal area b A fourth b additional be	internal areas include bathroom. Additional acrease the minimum by 5m ² each. edroom and further adrooms increase the mal area by 12m ² each.		
4D-2	Environmer	ntal performance	e of the apartment is max	kimised.	N/A
	Design Criteria	Habitable roo	m depths are limited to of 2.5 x the ceiling	No changes are proposed to the depths of habitable rooms.	N/A



Attachment 3 SEPP 65 Apartment Design Guide Compliance Assessment

	SEPP 65 Apartment Design Guide						
No.		Required / Perm	itted		Comment	Comply	
		height. In open plan la	vouts (w	here the	No changes are proposed to the depths		
				nen are	of habitable rooms.	NIA	
		combined) the m				N/A	
4D-3	Apartment	room depth is 8m			veriety of boundhold activities and pands	N/A	
4D-3	Design	Master bedrooms			variety of household activities and needs. No changes are proposed to the	IWA	
	Criteria	area of 10m ² an	d other l	pedrooms	minimum area of bedrooms, living		
		9m² (excluding wardrobe space). rooms or combined living rooms, or		rooms or combined living rooms, or the			
	Bedrooms			minimum	width of cross-over or cross-through		
		dimension of 3m (space).	excluding	wardrobe	apartments.		
		Living rooms	or (combined	•		
		living/dining room:	s have a	minimum			
		width of: • 3.6m for studi	o and 1	hadroom		N/A	
		apartments	o and i	Dearoom			
		• 4m for 2	and 3	bedroom			
		apartments.					
		The width of cross-over or cross- through apartments are at least 4m internally to avoid deep narrow					
		apartment layouts					
4E		Private Open Space and Balconies					
4E-1	residential	nts provide appropriately sized private open space and balconies to enhance				N/A	
	Design						
	Criteria	primary balconies			minimum area and depth of primary		
		Dwelling type	Minimum area	Minimum depth	balconies.		
		Studio apartments	4m²	-			
		1 bedroom apartments	8m²	2m		N/A	
		2 bedroom apartments	10m²	2m		IWA	
		3+ bedroom apartments	12m²	2.4m			
		The minimum ba	lcony der	oth to be			
		counted as contributing to the					
		balcony area is 1m					
		For apartments at	_		Not Applicable.		
		a podium or similar structure, a private open space is provided instead of a balcony. It must have a				N1/A	
						N/A	
		minimum area minimum depth of		and a			
4E-2	Primary pri			es are appi	ropriately located to enhance liveability for	N1/A	
	residents.					N/A	
4E-3		en space and balc alform and detail of			rated into and contributes to the overall	N/A	
4E-4		n space and balcon			safety.	N/A	
4F	Common C	irculation and Spa	ices				
4F-1	Common of apartments		nchieve g	ood amen	ity and properly service the number of	N/A	
	Design	The maximum nur	nber of ar	partments	No changes are proposed to the		
	Criteria	off a circulation co			maximum number of units per core.	N/A	
		is eight.) -4-·		NI-A AII		
		For buildings of 10 the maximum num			Not Applicable.	N/A	
		sharing a single lif		Janunonia		14/1	
		Sharing a single in	10 10.				



Attachment 3 SEPP 65 Apartment Design Guide Compliance Assessment

	SEPP 65 Apartment Design Guide	
No.	Required / Permitted Comment	Comply
4F-2	Common circulation spaces promote safety and provide for social interaction between residents.	N/A
4G	Storage	
4G-1	Adequate, well designed storage is provided in each apartment.	N/A
	Design In addition to storage in kitchens, No changes are proposed to the extent	
	Criteria bathrooms and bedrooms, the of storage proposed.	
	following storage is provided:	
	Dwelling type Storage size volume	
	Studio apartments 4m³	
	1 bedroom apartments 6m³	N/A
	2 bedroom apartments 8m³	
	3+ bedroom apartments 10m ³	
	At least 50% of the required storage	
	is to be located within the apartment.	
4G-2	Additional storage is conveniently located, accessible and nominated for individual	N/A
	apartments.	19/74
4H	Acoustic Privacy	
4H-1	Noise transfer is minimised through the siting of buildings and building layout.	N/A
4H-2	Noise impacts are mitigated within apartments through layout and acoustic treatments.	N/A
4J 4J-1	Noise and Pollution	
43-1	In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.	N/A
4J-2	Appropriate noise shielding or attenuation techniques for the building design, construction	
	and choice of materials are used to mitigate noise transmission.	N/A
4K	Apartment Mix	
4K-1	A range of apartment types and sizes is provided to cater for different household types now	N/A
	and into the future.	IN/A
4K-2	The apartment mix is distributed to suitable locations within the building.	N/A
4L	Ground Floor Apartments	
4L-1	Street frontage activity is maximised where ground floor apartments are located.	N/A
4L-2 4M	Design of ground floor apartments delivers amenity and safety for residents. Façades	N/A
4M-1	Building facades provide visual interest along the street while respecting the character of the	
41VI-1	local area.	Yes
4M-2	Building functions are expressed by the façade.	Yes
4N	Roof Design	
4N-1	Roof treatments are integrated into the building design and positively respond to the street.	Yes
4N-2	Opportunities to use roof space for residential accommodation and open space are maximised.	Yes
4N-3	Roof design incorporates sustainability features.	Yes
40	Landscape Design	
40-1	Landscape design is viable and sustainable.	N/A
40-2	Landscape design contributes to the streetscape and amenity.	N/A
4P	Planting on Structures	B1/A
4P-1 4P-2	Appropriate soil profiles are provided. Plant growth is optimised with appropriate selection and maintenance.	N/A N/A
4P-2 4P-3	Planting on structures contributes to the quality and amenity of communal and public open	N/A
41 -0	spaces.	N/A
4Q	Universal Design	
4Q-1	Universal design features are included in apartment design to promote flexible housing for all	N/A
	community members.	
4Q-2	A variety of apartments with adaptable designs are provided.	N/A
4Q-3	Apartment layouts are flexible and accommodate a range of lifestyle needs.	N/A
4R 4R-1	Adaptive Reuse New additions to existing buildings are contemporary and complementary and enhance an	
411-1	area's identity and sense of place.	N/A
	>	



Attachment 3 SEPP 65 Apartment Design Guide Compliance Assessment

	SEPP 65 Apartment Design Guide	
No.	Required / Permitted Comment	Comply
4R-2	Adapted buildings provide residential amenity while not precluding future adaptive reuse.	N/A
4S	Mixed Use	
4S-1	Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	N/A
4S-2	Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	N/A
4T	Awnings and Signage	
4T-1	Awnings are well located and complement and integrate with the building design.	N/A
4T-2	Signage responds to the context and desired streetscape character.	N/A
4U	Energy Efficiency	
4U-1	Development incorporates passive environmental design.	N/A
4U-2	Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	N/A
4U-3	Adequate natural ventilation minimises the need for mechanical ventilation.	N/A
4V	Water Management and Conservation	
4V-1	Potable water use is minimised.	N/A
1V-2	Urban stormwater is treated on site before being discharged to receiving waters.	N/A
₩-3	Flood management systems are integrated into site design.	N/A
1W	Waste Management	
4W-1	Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	N/A
4W-2	Domestic waste is minimised by providing safe and convenient source separation and recycling.	N/A
4X	Building Maintenance	
4X-1	Building design detail provides protection from weathering.	Yes
1X-2	Systems and access enable ease of maintenance.	Yes
1X-3	Material selection reduces ongoing maintenance costs.	Yes

DOCUMENTS ASSOCIATED WITH REPORT LPP034/20

Attachment 4

Attachment 4 - Holroyd Local Environmental Plan 2013 Compliance Assessment



Attachment 4 Holroyd Local Environmental Plan 2013 Compliance Assessment

	Holroyd Local E	nvironmental Plan 2013	
No.	Required/Permitted	Comment	Comply
Part 2	Permitted or prohibited development		
	Zoning B6 Enterprise corridor	The proposal meets the objectives of the zone by promoting businesses along main roads, encouraging a mix of compatible uses, and to providing residential uses as part of a mixed use development.	Yes
	Permissible Uses / Development	Business premises and residential flat buildings are permitted with consent in the B6 Enterprise Corridor zone.	Yes
2.7	Demolition requires consent.	Demolition is not sought as a part of this application.	N/A
Part 4	Principal development standards		
4.3	Height of Buildings Max. 23 metres	The development is maintained to the following heights:- - Tower A 24.28m (Lift Overrun) 23.82m (Roof) (App. 22.87m)	No, but Acceptable on Merit
		- Tower B 15.19m (App. 14.66m) *Refer to commentary within report.	
4.4	Floor Space Ratio Max. 2.2:1	No changes are proposed to the Floor Space Ratio (FSR) of the development. The approved development maintains an FSR of 2:1.	N/A
4.6	Exceptions to Development Standards	Not Applicable.	N/A
Part 5	Miscellaneous provisions		'
5.6	Architectural Roof Features	Not Applicable.	N/A
5.10	Heritage	The subject site is not heritage listed, is not located within a heritage conservation area, and is not located within the vicinity of a heritage item.	N/A
Part 6	Additional local provisions		
6.1	Acid Sulfate Soils	The site is not affected by potential acid sulfate soils.	N/A
6.4 & 6.7	Flood Planning and Stormwater Management	The site is not flood affected. No changes are proposed to the approved stormwater management system.	N/A
6.5	Terrestrial Biodiversity	The site is not identified as being affected by biodiversity.	N/A
6.6	Riparian land and watercourses	The site is not identified as being affected by a watercourse, and is not identified as being riparian land.	N/A
6.8	Salinity	The site is located on lands identified as being affected by moderate salinity.	Previously Conditioned

DOCUMENTS ASSOCIATED WITH REPORT LPP034/20

Attachment 5

Attachment 5 - Holroyd
Development Control Plan 2013
Compliance Assessment



Attachment 5 Holroyd Development Control Plan 2013 Compliance Assessment

No.	Regu	ired/Permitted	pment Control Plan 2013 Provided	Comply
	ا - General Controls	iieu/i eiiiiiueu	Flovided	Comply
1	Subdivision			
•	Subdivision is not prop	nead		N/A
2	Roads and Access			1 1// 1
2.4		Splay Corners Kerb 8	& Guttering	
2.4	Vehicular Crossings, Splay Corners, Kerb & Guttering No changes are proposed.			N/A
2.7			sures And Splay Corners	11///
2.1	Not Applicable.	Widelings, Road Clos	sures And Splay Comers	N/A
3	Car Parking			IWA
3.1	Minimum Parking Sp	2020		
J. I	No changes are propo			N/A
3.3	Dimensions & Gradie			IN/A
5.5				N/A
3.5	No changes are propo Access, Maneuvering			IN/A
3.5				N/A
3.6	No changes are propo Parking for the Disab			IWA
3.0	No changes are propo			N/A
4	Tree and Landscape			INA
4				NI/A
5	No changes are propo Biodiversity	sea.		N/A
5		d as being affected by b	in diversity	N/A
•		d as being affected by b	biodiversity.	IN/A
6	Soil Management			
6.1	Retaining Walls			NI/A
6.3	No changes are propo Erosion and Sedimer			N/A
6.3				NI/A
	No changes are propo			N/A
7	Stormwater Manager			D1/A
	No changes are propo	sea.		N/A
8	Flood Prone Land			
	The site is not flood af			N/A
9	Managing External R			
40	No changes are propo	sed.		N/A
10	Safety and Security			1
		No changes are proposed.		N/A
11	Waste Management			
	No changes are propo	sed.		N/A
12	Services			
	Previously Conditioned	d.		Previously
				Conditioned
	- Commercial Develo	pment		
1	Building Envelope			
1.1	Lot Size and Frontag			
	No changes are propo			N/A
1.2		Area and Building Use)	
	No changes are propo	sed.		N/A
1.3	Building Height			
	Min. floor to ceiling hei		The floor to ceiling heights of the	
	development / compor		development are as follows:	
	Floor	Min. Floor to		
		Ceiling	- Ground Floor 3.2m (No change)	
	Ground Floor	3.5m	- First Floor 3.3m (No change)	Yes
	First Floor	3.3m	- Second Floor 2.7m	
	(regardless of use)		- Third Floor 2.7m	
	All other floors	2.7m	- Fourth Floor 2.7m	
			- Fifth Floor 2.7m	
			- Sixth Floor 2.7m	
	Maximum building height	ght in storeys shall be pr	ovided No changes are proposed.	N/A

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Attachment 5 Holroyd Development Control Plan 2013 Compliance Assessment

		Holroyd De	velopment Control Plan 2013	
No.	Require	d/Permitted	Provided	Comply
	in accordance with the ta			
		eight (storeys)		
	Height	Storeys		
	10m	1		
	11m	2		
	12.5m	2		
	14m	3		
	17m	4		
	20m	5		
	23m	6		
	26m	7		
	29m	8		
	32m	9		
	38m	11		
	41m	12		
	50m	15	_	
	53m	16	_	
	65m	20		
1.4	Setbacks, Separation a			
	No changes are propose			N/A
1.5	Landscaping and Oper			
	No changes are propose	ed.		N/A
2	Movement			
2.1	Rear Laneways and Pr		iys	
	No changes are propose	ed.		N/A
2.2	Pedestrian Access			
	No changes are propose	ed.		N/A
2.3	Building Entries			N/A
	No changes are proposed.			
2.4	Vehicle Access			
	No changes are proposed. N/A			
2.5	Parking			
_	No changes are propose			N/A
3	Design and Building Amenity			
3.1	Safety and Security			
	No changes are propose			N/A
3.2	Façade Design and Bu			
	No changes are propose			N/A
3.3	Laneway and Arcade D		T	B1/A
2.4	No changes are propose	ea.		N/A
3.4	Shop Fronts			B1/A
2.5	No changes are propose	ea.		N/A
3.5	Daylight Access	will not rootrict of	ites 2.4 Polinds Place, and 4.6 Paggy Street Mays	
			ites 2-4 Belinda Place, and 4-6 Peggy Street, Mays g areas and private open space areas / balconies, in	Voc
	accordance with the Apa			Yes
			ig approved / constructed developments along Great	
			ted 2 Peggy Street, Mays Hill, from achieving direct	Previously
			space areas, due to the orientation of the site.	Approved
3.8	Awnings	na piivate opell s	space areas, due to the orientation of the site.	
5.6	Awnings:		The proposed awning complies with	
	Should be flat.		the requirements listed.	
			uie requiremento listeu.	Yes
		orh a min 600m	m	162
			III.	
	Min. soffit height of	J.ZIII-J.JIII.		

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Attachment 5 Holroyd Development Control Plan 2013 Compliance Assessment

	Holroyd Development C	Control Plan 2013	
No.	Required/Permitted	Provided	Comply
	Slim vertical facias and/or eaves ≤300mm.		
	To be located over all building entries.		
	Permitted on laneways where active street frontages	Not Applicable.	
	are required. Shall be retractable and only used in		N/A
	hours of operation.		
	Shall wrap around street corners.	Not Applicable.	N/A
	Canvas blinds along street frontages not permitted.	Not Applicable.	N/A
3.10	Flexibility and Adaptability		
	No changes are proposed.		N/A
3.11	Corner Buildings		
	No changes are proposed.		N/A
3.18	Waste Management		
	No changes are proposed.		N/A
4	Environmental		
4.1	Wind Mitigation		
	No changes are proposed.		N/A
5	General		
	Not Applicable.		N/A
Part E	– Public Participation		
	Comment: The development application was placed 2020 and 22 April 2020. During this period, nil submissions were re		N/A
Part H	I – Heritage and Conservation	,	
	The subject site is not heritage listed, is not located wit	hin a heritage conservation area, and	
	is not located within the vicinity of a heritage item.		N/A
Part N	- Transitway Station Precinct Controls	<u>'</u>	
Mays	Hill Transitway Precinct		
1.1	Site Consolidation and Frontage		
	No changes are proposed.		N/A
1.2	Private Accessway, Laneways and Vehicular Acces	SS	
	No changes are proposed.		N/A
1.3	Building Height		
	The maximum height for development within the	Noted.	
	Mays Hill Transitway Precinct is detailed within the		Nisted
	Holroyd Local Environmental Plan 2013, as a written		Noted.
	statement and associated maps.		
	The maximum building storey limits are detailed in	No changes are proposed.	N1/A
	Figures 8 and 9.		N/A
	Street wall heights, setbacks and minimum floor to ceiling heights are referenced in Parts B and C of this DCP.	Noted.	Noted.
1.4	Building Setbacks		
	No changes are proposed.		N/A

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Item No: LPP035/20

DEVELOPMENT APPLICATION FOR 1-3 BRANSGROVE STREET, WENTWORTHVILLE

Responsible Division: Environment & Planning

Officer: Executive Manager Development and Building

File Number: MOD2019/5282

Application lodged	20 December 2019
Applicant	Archi-Build International
Owner	Premier United Group Pty Ltd, Maroun Bros Group Pty Ltd,
	Pmpy Pty Ltd
Application No.	MOD2019/5282
Description of Land	1-3 Bransgrove Street, Wentworthville NSW 2145, Lot 1 DP
	14951, Lot 2 DP 14951
Proposed	Section 4.55(2) application to modify floor levels, hydrant
Development	booster location, external finishes and stormwater disposal of
	an approved residential flat building
Site Area	1,211m ²
Zoning	R4 – High Density Residential Zone
Disclosure of political	Nil disclosure
donations and gifts	
Heritage	The subject site does not contain a heritage item, located within
	the vicinity of the heritage item or heritage conservation area.
Principal Development	FSR
Standards	Permissible: 1.2:1
	Proposed: No changes sought under the subject modification
	application
	Height of Building
	Permissible: 15m
	Proposed: Max. 16.4m (9.3% variation sought)
	Clause 4.6 Written Variation Request is not required for
	a modification application; however the applicant has
	submitted a planning justification for height variation on
_	similar grounds.
Issues	Variation to maximum 15m building height (HLEP 2013)

SUMMARY:

 Development Application No. DA2016/79 was approved on 20 January 2017 for the demolition of existing structures, construction of a 4-storey residential flat building containing 17 units, rooftop terrace over basement parking accommodating 22 car parking spaces and associated strata subdivision into 17 lots.



- 2. Modification Application No. M2016/79/2 was approved on 8 June 2018 for a Section 4.55(1A) modification approving removal of an existing tree at the front of the subject site.
- 3. Current Modification Application was received on 20 December 2019 for the Section 4.55(2) application to modify floor levels, hydrant booster location, external finishes and stormwater disposal.
- 4. The application was publicly notified to occupants and owners of the adjoining properties for a period of 21 days between 18 March 2020 and 8 April 2020. In response, no submissions were received.
- 5. The application is being reported to the Cumberland Local Planning Panel (CLPP) for determination as it is a development with 4 or more storeys to which the State Environmental Planning Policy No 65 Design Quality of Residential Apartment Developments applies and is seeking a variation to principal development standard (maximum building height).
- 6. The subject application has been assessed against the relevant provisions of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No 65 Design Quality of Residential Apartment Development, Holroyd Local Environmental Plan (HLEP) 2013 and Holroyd Development Control Plan (HDCP 2013) and the Draft Cumberland LEP and DCP 2020.
- 7. The variations are as follows:

Control	Required	Provided	% Variation
Building Height	Permissible: Max.	Max. 16.4m (RL	1% - 9.3%
	15m (HLEP 2013)	37.4 - RL 21) =	
		16.4m to lift	
	Approved: 15.24m	overrun.	
	(DA2016/79)		
		Max. 15.4m (RL	
		36.34 – RL 21.2) to	
		access stairs	

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

REPORT:

Subject Site and Surrounding Area

The subject site is known as 1 & 3 Bransgrove Street, Wentworthville and is legally described as Lots 1 and 2 in DP 14951. The sites have a combined area of 1,211m2 and combined frontage of 28.955m to the western side of Bransgrove Street with a 2.155m splay corner and a secondary street frontage of 40.325m to Fullagar Road. There is currently a single storey dwelling and associated outbuildings located on each of the existing sites. The site falls approximately 1.2m from the front to the rear of the site.



The subject site, and all adjoining sites are zoned R4 – High Density Residential and sites opposite to the north are zoned R2 – Low Density Residential. The rear boundary of the subject site adjoins a Council reserve (Irwin Place Park) and Finlaysons Creek.

The subject site does not contain any heritage items and is not within a heritage conservation area. There are no heritage items within the vicinity of the subject site.



Figure 1 – Locality Plan of subject site. Source: Cumberland City Council Intramaps



Figure 2 – Aerial view of subject site. Source: Cumberland City Council Intramaps



Figure 3 – Street view of subject site (No. 1 Bransgrove Street, Wentworthville). Source: Cumberland City Council 2020.





Figure 4 – Street view of subject site (No. 3 Bransgrove Street, Wentworthville). Source: Cumberland City Council 2020.

Description of the Proposed Development

Council has received a modification application to modify floor levels, hydrant booster location, external finishes and stormwater disposal to approved residential flat building. The proposed changes include the following:

Level	Proposed Modifications
Basement	 Aisle width approved as 5.894m; modified to be 5.8m. Deletion of fire stairs.
Ground floor	 Deletion of fire stair exit adjacent to main entry. Floor to ceiling height approved as 2.7m, modified to be 2.8m.
First floor	 FFL approved as 24.94; modified to be 25.04. Floor to ceiling height approved as 2.7m, modified to be 2.8m.
Second floor	 FFL approved as 27.84; modified to be 28.04. Floor to ceiling height approved as 2.7m, modified to be 2.8m.
Third floor	 FFL approved as 30.74; modified to be 31.04. Floor to ceiling height approved as 2.7m, modified to be 2.8m.
Roof terrace	 FFL approved as 33.74; modified to be 34.04. Deletion of roof over terrace area. Ridge level approved as 36.04, lift overrun RL modified to be 37.4 and access stairs to be 36.34.
	 Amended schedule of colours and finishes. Changes to stormwater design. Addition of a fire hydrant booster along the Bransgrove Street frontage.

The applicant is also seeking to satisfy the Schedule 'A' conditions under the subject modification application.



History

Date	Action
20 December 2019	The subject modification application was lodged with Council.
23 January 2020	The application was referred to Council's internal development
	engineering department for review.
18 March 2020 to 8	The application was placed on public notification. In response, no
April 2020	submissions were received.
8 July 2020	The application has been referred to CLPP for determination.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Maximum Developments Australia dated 17 December 2019 and was received by Council on 20 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 relevant matters for consideration under the EP&A Act 1979 are:

Section 4.55(2):

Requirement	Comments		
Requirement 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. That is, the demolition of existing structures, construction of a 4-storey residential flat building containing 17 units,		
	rooftop terrace over		
	basement parking		
	accommodating 22 car		



	parking spaces and associated strata
	subdivision into 17 lots.
	The subject modification application seeks minor alterations, including the increase of the floor to ceiling height from 2.7m to 2.8m, minor changes to the basement level, changes to the schedule of colours and finishes, the installation of a fire hydrant booster and changes to the stormwater design, which are considered minor and substantially the same
	development as approved under DA2016/79/1.
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: (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	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.



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 original development application.

(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 under the original application.

An amended design statement was not submitted as part of the subject modification application, however, the modifications sought are consistent with the deign statement under the original application signed by registered architect Ziad Boumelem (8008).

Following a detailed assessment of the proposal against the provisions of SEPP 65 and the ADG, the proposal is generally considered compliant and therefore performs satisfactorily with respect to building amenity. A comprehensive assessment against SEPP 65 and the ADG is contained in Attachment 2.

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

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

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

No additional trees or vegetation is proposed to be removed as part of the subject modification application.

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

The proposed modifications do not require a revised BASIX Certificate.

Local Environmental Plans

Holroyd Local Environmental Plan (HLEP) 2013



The provision of the HLEP 2013 is applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the HLEP 2013 and the objectives of the R4 – High Density Residential zone.

(a) Permissibility:-

The proposed development is defined as a 'Residential flat building' and is permissible in the R4 – High Density Residential zone with consent.

The relevant matters to be considered under HLEP 2013 and the applicable clauses for the proposed development are summarised below. A comprehensive LEP assessment is contained in Attachment 3.

Figure 4 – Holroyd LEP 2013 Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.3 Height of Buildings Max. 15m		No – The Applicant has submitted a written request to justify the variation – Refer to Attachment 5.
		Refer to discussion below.

(b) Variation to Height of Buildings Development Standard

Height variation sought

The proposal seeks a variation to Clause 4.3 – Height of Buildings that stipulates that the height of a building at the subject site is not to exceed 15m.

The proposal breaches the height standard by a maximum of 1.4m, which represents a variation of 9.3%. The height breach of the proposal is limited to the lift overrun and access stair which are located at the centre of the building.



Figure 5 – Eastern elevation along Bransgrove Street frontage showing extent of height variation sought. Source: Archi-Build International



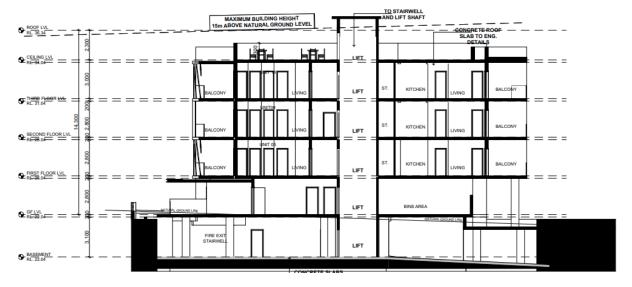


Figure 6 – Section plan showing extent of height variation sought. Source: Archi-Build International

Clause 4.6 assessment of variation sought

Clause 4.6 allows the consent authority to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. A formal submission of Clause 4.6 is not warranted for a modification application; however the applicant has submitted this statement, which offers reasonable planning assessment and justification. This is discussed in the following sections.

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

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

1. <u>Is the proposed development consistent with the objectives of the zone?</u>

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.





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

Applicant's justification:

The proposed variation is considered to improve the amenity of approved housing stock. The additional height positively contributes to the streetscape with the use of modulation and articulation whereby the approved residential flat building presents to the street as a modulated built form. The extent of the variation to height of building is unlikely to result in any limitations or constraints to adjoining properties in relation to impacts or limitation of development potential. This will not result in a substantial change in approved built form. The proposed minor variation sought is not inconsistent with the intent of this objective.

The proposed additional which is considered to be of a low environmental impact given the will improve the amenity of the residential occupants and is not inconsistent with the intended building typology which will remain at four (4) storeys and rooftop level. The proposed variation sought is not inconsistent with the intent of this objective.

The approved built form comprises of a residential flat building which is a permissible use within the R4 High Density Residential Zone. The proposed additional height sought within this modification does not offend this objective of the zone.

Planner's comment:

The proposal is for a four storey residential flat building containing 17 units at the subject site which provides for the housing needs of the local area. The variation sought will not restrict the surrounding land uses from providing the facilities or services to meet the day to day needs of the local residents. The variation to the development standard will not result in any adverse impacts on the surrounding land uses. Having regard to this, the proposed development is considered to be consistent with the objectives of the R4 High Density Residential zone.

2. <u>Is the proposed development consistent with the objectives of the development standard which is not met?</u>
v)

4.3 Height of buildings

- 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.

Applicant's justification:



(a) to minimise the visual impact of development and sure sufficient solar access and privacy for neighbouring properties.

The proposed height and built form is considered to be consistent with other approved residential flat buildings within the locality which breach the height limit of 15m. The proposed height of building of results in a built form is appropriately articulated, setback and modulated given the immediate context.

The proposed variation to height does not result in any solar access unreasonable impacts to the amenity of adjoining dwellings given the site; orientation, slope and context. Given this, reasonable levels of solar access are achieved and therefore this objective has been satisfied. The additional height sought exceeding the development standard is considered to result in negligible overshadowing impacts due to the topography of the site and orientation. In this regard, despite the numerical variation sought, the underlying objective of this clause has been satisfied.

The extent of the variation sought is not considered to detract from the amenity of adjoining residential uses. The extent of the height variation is unlikely to result in unreasonable impact in relation to amenity including; privacy, bulk and scale or view loss.

Given the design of the bulk form and minor extent of the height breach, the proposed variation is considered not to offend the underlying intent of this clause. In this regard, despite the numerical variation, the objective of this clause has been met.

(b) to ensure that development is consistent with the landform

The site is affected by flooding whereby the minimum habitable finished floor level this is turn has resulted in the building being lifted to achieve suitable floor levels. Given the slope for the site which slopes from west (low) to high (east) the proposal has been designed to step into the landscape. By strictly complying with the prescriptive height of 15m would result in the inability to provide adequate function.

The proposed height exceedance in wall height is considered to be negligible in relation to bulk and scale. Given the immediate context of the existing built form, the proposed variation reasonably satisfies the underlying intent of this clause given that the proposal reasonably responds to the topography of the site.

(c) to provide appropriate scales and intensities of development thorough height controls

The proposals seeks to adopt reasonable floor to ceiling heights being 2,800mm for the ground floor to fourth floors which are considered to be modest and not excessive. Given this, the proposal provides reasonable amount of residential amenity for future occupants.

The subject site which is zoned R4 Low Density Residential, the immediate surrounding area also shares this zoning and height controls. Despite the



variation in height, the proposed built form is considered to result in an appropriate height transition on the site.

It is further noted that the breach in height is unlikely to be easily read as (a height breach) from the public domain from a casual observer given the sitting and modulation of the variation and context of the surrounding area.

Planner's comment:

The objectives of the building height standard are to enable appropriate development density to be achieved and to ensure that the height of the building is compatible with the character of the locality as outlined above. The proposal is compliant with the maximum floor space ratio applicable to the subject site. The height breach of the proposal is limited to the lift overrun, which is located within the centre of the building, and does not achieve any additional levels or gross floor area for the development.

The site is subject to mainstream flooding and the finished floor levels of the development is required to be in accordance with the flood planning level. Furthermore, by increasing the floor to ceiling heights of each level, the proposal is able to achieve the required services for each unit. Having regard to this, and the gradual slope of the site from the front to the rear of the site, the proposal is considered to be designed to respond to the topography of the site.

It is further noted that the departure sought is considered to be modest and does not unreasonably impact on the amenity of the adjoining properties, with respect to solar access, or visual and acoustic privacy.

The additional height is located within the centre of the building and does not result in the appearance of bulk when viewed from the existing streetscape or neighbouring properties, and would not impinge on the changing streetscape that is anticipated for the immediate area. Given that the proposed development responds to the site and does so without compromising relationships with adjoining development, the proposal is considered to be consistent with the objectives of the height standard and development within the R4 zone.

3. <u>a) Is compliance with the development standard unreasonable or unnecessary in</u> the circumstances of the case? And;

Applicant's justification:

It is considered that numerical compliance with the development standard is unreasonable or unnecessary as the objectives of the development standard have been achieved despite the numerical departure, as previously addressed within this report. In this instance the proposal is considered to result in a neutral outcome in comparison to strict numerical compliance.

The proposed variation is considered to be inconsequential given the numerical departure based on the immediate visual context and slope and flooding constraints of the site. The proposed variation does not offend the underlying intent of the Clause 4.3 Objectives which are intended to reduce bulk and scale,



overshadowing impacts and minimise impacts to the natural environment of which despite the numerical departure has been satisfied.

Whilst the proposal seeks a variation height of building for built forms centrally located on site, the extent of the variations are visible along all external elevations however are of negligible to minor impact. It is considered that given the sloping topography of the site, appropriate floor levels to be achieved, immediate residential character within the visual catchment would result in unreasonable strict numerical compliance with the 15m height of building control.

Council's Clause 4.6 Register, assessment report recommendations have demonstrated that strict numerical compliance in relation the Clause 4.3 Height of Building have been varied for similar planning reasons for lift overruns and access stairs as to that sought within this justification. In this regard, strict numerical compliance is considered unnecessary and unreasonable given the topography of desired character of the zone. Furthermore, as previously mentioned the proposal is likely to result in negligible impacts in relation to solar access and visual bulk and scale in comparison to strict numerical compliance. This is considered to result in a neutral impact.

The zoning for the subject site is R4 Low Density Residential, in this instance this is considered to be reasonable. It is noted that the remainder of the proposal (i.e. communal rooftop) complies with the 15m Height of Building Limit.

Strict numerical compliance in relation to the application of this clause is not considered to result in any significant material planning benefit. No unreasonable material amenity impacts arise from this variation for minor increase in height to the residential flat building. Sufficient environmental planning grounds for the breach in height of building have been provided for Council's consideration which is detailed within this report, of which is considered to be valid, reasonable and sound given the topography of the site, flood impacts of the site and immediate surrounding context.

In this instance, given the above, whilst is it acknowledged that the proposed variation will indeed result in a lesser outcome than strict numerical compliance. However notwithstanding it is considered that contravention of the Development Standard will result in a proposal which is still consistent with the underlying objectives of the control despite the numerical departure (Clause 4.3 Height of Building), furthermore, the proposed exceedance to the Development Standard results is considered to be of a minimal environmental impact in relation to solar access, overshadowing, privacy and visual impact.

Planner's comment:

Council Officers are satisfied that the proposed variation has been appropriately justified and can be supported in this instance. The height breach is limited to an overall building height of 16.4m for a small portion of the building being the lift overrun and stairs. The additional height of the building will not be highly notable or visible from the adjacent properties or the street.



The proposed variation to the development standard is necessary in order for the building to achieve the required FFL, which correspond with the flood planning level, and to provide adequate floor to ceiling heights to facilitate the services within each unit.

The overall proposal is consistent with the scale of the existing and future development within the R4 zone located in the immediate vicinity of the site. The departure sought is considered to be modest and does not unreasonably impact on the adjoining properties. The additional height does not result in the appearance of bulk when viewed from the existing streetscape and would not impinge on the changing streetscape that is anticipated for the immediate area. It is considered, therefore, that strict compliance with the Development Standard is unreasonable or unnecessary in the circumstances of the case.

b) Are there sufficient environmental planning grounds to justify contravening the development standard and therefore is the applicant's written justification well founded?

Applicant's justification:

As previously discussed, this extent of the variation is inconsequential and does not result in any unreasonable impacts given the slope of the site and immediate visual context. More importantly, the proposed variation satisfies the objectives of the underlying intent of Clause 4.3, and therefore the merits of the works sought are considered to be worthy of approval. It has been demonstrated within Council and the Courts to apply a reasonable approach in supporting variations to development standards. The proposal is not considered to result in any adverse material amenity impact.

- Strict numerical compliance would unlikely result in a materially better urban design outcome given the extent of the variation. The variation sought will not result in a dominant built form. Strict numerical compliance would result in negligible reduction of impacts in relation to bulk and scale, solar access and overshadowing however the benefits would appear to be minimal. Strict numerical compliance would thwart the underlying objectives of the controls and would result in a built form much lesser than that of other recently approved residential flat buildings within the area in particular the visual catchment.
- Council development assessment records indicate that the Council have approved and have recommended support for similar variations for lift overruns and access stairs to Clause 4.3 Height of Building within the locality therefore abandoning strict numerical compliance with the Holroyd Local Environmental Plan 2013 and have supported such variations on planning merit.
- The extent of the variation for height is unlikely to be visually apparent to be out of character when viewed by a casual observer from the public domain given that the variation sought. The proposal will read as a four (4) storey residential flat building with communal open space on the rooftop. Given the extent of the variation, the additional height is unlikely to be significantly



perceivable from ground level or the public domain whereby as such the lift core and access stairs are described as generally being centrally located on the rooftop level.

- The resultant-built form from the variation is considered to be compatible
 with other residential flat buildings within the locality is unlikely to result in
 an undesirable impact or outcome. The proposal is not considered to result
 in any adverse amenity impacts to adjoining properties and is unlikely to set
 an undesirable precedent.
- By supporting this variation to the height of building in its current form, it is considered that appropriate flexibility be applied on planning merit which results in a reasonable built form which is commensurate of other residential flat buildings within the locality.
- The extent of the variation is considered to be in the public interest as the proposal does not result in any adverse material impact to adjoining properties or beyond or detrimentally affect amenity on site. Strict numerical compliance is considered to result in a negligible benefit.
- As previously discussed, the proposed extent of the variation adequately satisfies the underlying objectives of the controls of which do not result in any unacceptable impacts to the; built, natural, social or economic impacts for consideration under the Act.
- The extent of the variation is not considered to be inconsistent with the Objects of the Act are considered to be satisfied regarding the merits of the additional height sought.
- The extent of the variation is considered to be moderate-minor in nature and results in a negligible environmental planning impact in accordance with the considerations of the Act.

Planner's comment:

The unique circumstances of the case are considered to warrant support of the departure. Given that the proposed development responds to the site and does so without unduly compromising relationships with adjoining development, or results in non-compliances with other relevant controls; the proposal is considered to be consistent with the objectives of building height, and development within the R4 zone. In this regard, the exception is well founded and can be supported, in this instance.

Conclusion:

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



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

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

(a) Draft State Environmental Planning Policy (Environment)

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.





Auburn Local Environmental Plan 2010.

The current planning controls for the subject site, as contained within the HLEP, 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 HLEP 2013.

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

The proposed fire hydrant booster assembly is located within the front setback area. The HDCP 2013 does not provide specific setback controls for hydrant boosters. The location of the structures is dictated by the access and safety requirements of the relevant service authority. No changes are proposed to the built form of the development and the streetscape impacts are considered satisfactory.

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

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

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

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

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

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

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

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

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

Submissions made in accord (1)(d))	dance with th	e Act or Regulat	ion (EP&A Act s4.15
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 21 days between 18 March





2020 and 8 April 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 7.11 (Formerly S94) Contribution Towards Provision or Improvement of Amenities or Services

Council has imposed a Section 7.11 Contribution to be paid under the original application for DA2016/79/1. No amendment to contributions is required as a result of the subject modification application.

Disclosure of Political Donations and Gifts

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

CONCLUSION:

The modification application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, Statement Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65), Holroyd LEP 2013 and Holroyd DCP 2013 and is considered to be satisfactory for approval subject to conditions.

The development as modified is appropriately located within the R4 High Density Residential Zone under the relevant provisions of the Holroyd LEP 2013, however a variation in relation to the Height of Buildings development standard under the Holroyd LEP 2012 is 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 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 and 4.55 of the Environmental Planning and Assessment Act 1979, and the modified development may be approved subject to conditions.

REPORT RECOMMENDATION:

That Modification Application No. MOD2019/5282 for a Section 4.55(2) application to modify floor levels, hydrant booster location, external finishes and stormwater disposal to approved residential flat building on land at 1-3





Bransgrove Street, Wentworthville NSW 2145 be approved, subject to attached conditions in Attachment 1.

ATTACHMENTS

- 1. Attachment 1 Draft Notice of Determination J.
- 2. Attachment 2 Apartment Design Guide Compliance Table J
- 3. Attachment 3 Holroyd Local Environmental Plan 2013 Compliance Table J.
- 4. Attachment 4 Holroyd Development Control Plan 2013 Compliance Table U
- 5. Attachment 5 Clause 4.6 Written Request J.
- 6. Attachment 6 Architectural Plans U
- 7. Attachment 7 Stormwater Engineering Plans J.
- 8. Attachment 8 -Landscape Plan J
- 9. Attachment 9 Locality Map J

DOCUMENTS ASSOCIATED WITH REPORT LPP035/20

Attachment 1 Attachment 1 - Draft Notice of Determination





ModRef: MOD2019/5282

8 July 2020

Maroun Bros Group Pty Ltd 20 Hampden Road SOUTH WENTWORTHVILLE NSW 2145

Dear Sir/ Madam,

Application No. MOD2019/5282

Property: 1-3 Bransgrove Street WENTWORTHVILLE NSW 2145,

Legal Description: Lot 1 DP 14951, Lot 2 DP 14951

Council is pleased to advise that the above Modification Application has been approved subject to conditions (attached).

You are reminded that no work can commence until a Construction Certificate has been issued.

In order to obtain a Construction Certificate your attention is drawn to the need to comply with the conditions of Development Consent (as amended). Stamped Construction Certificate plans can only be obtained once all conditions are complied with.

Please Note: Any breaches of your development consent conditions may result in enforcement action being commenced by Council. This can include fines and/or legal proceedings. Please ensure conditions are fully complied with at all times.

Any further enquiries should be directed to Elif Haliloglu on 8757 9000 between 8.30am and 4.30pm, Monday to Friday.

Yours faithfully,

Elma Sukurma

ACTING COORDINATOR FAST TRACK DEVELOPMENT ASSESSMENT

16 Memorial Avenue, PO Box 42, Merrylands NSW 2160
T 02 8757 9000 E council@cumberland.nsw.gov.au W cumberland.nsw.gov.au

ABN 22 798 563 329

Welcome Belong Succeed

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MODIFICATION APPLICATION NOTICE OF DETERMINATION

Under the Environmental Planning and Assessment Act, 1979 (Section (4.55(2))

Modification Application No: MOD2019/5282

Applicant: Maroun Bros Group Pty Ltd

1-3 Bransgrove Street

WENTWORTHVILLE NSW 2145

Property Description: 1-3 Bransgrove Street WENTWORTHVILLE NSW 2145,

Lot 1 DP 14951, Lot 2 DP 14951

Development: Section 4.55(2) application to modify floor levels, hydrant

booster location, external finishes and stormwater disposal to

approved residential flat building

Determination

Pursuant to Section (4.55(2)) of the Act, Council advises that the modification application has been determined by:

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

Determination Date: 8 July 2020

By: Cumberland Local Planning Panel

Right of Appeal

Section 8.9 and 8.10 of the Environmental Planning & Assessment Act 1979 allows an applicant dissatisfied with Council's determination of this application a right of appeal to the Land and Environment Court within 6 months of the date of determination.

Section 8.3 of the Act provides that an applicant may request, within 28 days of the date of this determination, that the Council review its determination (this does not apply to designated development). A fee is required for this review.

Elma Sukurma

ACTING COORDINATOR FAST TRACK DEVELOPMENT ASSESSMENT

Date: 8 July 2020



CUMBERLAND CITY COUNCIL
Modification Application Notice of Determination
Under the Environmental Planning and Assessment Act 1979 (Section (4.55(2))

CONDITIONS OF APPROVAL

Accordingly, Development Consent 2016/79/1 is amended as follows:-

Condition 3 under Schedule A of DA2016/79/1 is deleted.

(Reason: The height variation is recommended to be supported.)

Condition 2 under Schedule B of DA2016/79/1 is amended to read as follows:

- 2. Development shall take place in accordance with the attached endorsed plans:
 - Architectural plans prepared to satisfy Schedule A and generally in accordance with plans by Archi-Build International, Drawing No. DA03 to DA13 (inclusive), Issue B, all dated 8 September 2016:
 - Landscape plan prepared to satisfy Schedule A and generally in accordance with plans by Monaco Designs Pty Ltd, Job No. 4319, Sheet Number 1 of 1, Rev A, dated 12 November 2015;
 - Stormwater plans prepared to satisfy Schedule A and generally in accordance with plans by M.M. Farah, Job No. SW- 1-3 Bransgrove, Sheet Numbers 1 of 3 to 3 of 3 (inclusive), dated 20 October 2015, (OSD Plan Number 2016-143);
 - Waste Management Plan prepared by Archi-Build International, dated 9 February 2016;
 - Aboricultural Report prepared by NSW Tree Services, Reference AIA/RMI PRE-11/16, dated 23 November 2016;
 - · Schedule of Colours and Finishes, prepared by Archi-Build International, 5 February 2016; and
 - BASIX Certificate Number 699150M, dated 9 February 2016;
 - a) As amended in red by Council. All amendments are to be incorporated in the Construction Certificate plans.

As amended by the following plans approved by the Section 4.55(1A) application M2016/79/2 dated 8 June 2018:

- Landscape Plan prepared by Monaco Designs PL, Job No. 4319, Drawing 1 of 1, dated 29 JAN 18;
- Arboricultural Assessment prepared by N.S.W Tree Services P/L, Reference No. AA-PRE-02/18, dated 15 February, 2018;
- a) As amended in red by Council.

As amended by the following plans approved by the subject Section 4.55(2) application MOD2019/5282 dated 8 July 2020:

- Architectural plans prepared by Archi-Build International, Drawing No.'s DA04 to DA13 (inclusive), all Issue E, all dated 9 December 2019;
- Landscape plan prepared by Monaco Designs Pty Ltd, Job No. 4319, Sheet Number 1 of 1, Rev D, dated 11 March 2020;

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CUMBERLAND COUNCIL Development Application Notice of Determination

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

- Stormwater plans prepared by Australian Consulting Engineers Pty Ltd, Project No. 170451, Dwg No.'s 000, 101 to 102 (inclusive), 104 to 107(inclusive), all issue B, all dated 5 December 2019, Dwg No. 102, Issue C, dated 5 December 2019, Dwg No. 107.1, Issue A, dated 5 December 2019, Dwg No. 108, Issue B, dated 15 November 2019, Dwg No. 110, Issue A, dated 4 November 2019 and Dwg No. 111, Issue A, dated 15 November 2019;
- Hydraulic Booster Location plan prepared by Australian Consulting Engineers Pty Ltd, Project No. ACE170451.HY.CC, Dwg No. H-08, Issue B, dated 18 December 2019; and
- Schedule of Colours and Finishes, prepared by Archi-Build International, dated 5 February 2016.

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

Condition 11 under Schedule B of DA2016/79/1 is amended to read as follows:

General

11. No approval is granted or implied for the installation of substations and construction of associated encasing structures i.e. blast walls and radiant heat shields. Separate Development Consent is required.

Condition 46(a) under Schedule B of DA2016/79/1 is inserted to read as follows:

46(a). On street drainage design

Prior to the issue of any Construction Certificate a detail design for the proposed connection to existing Council's stormwater pit shall be submitted and approved by Cumberland City Council's Manager Engineering and Traffic. In this regard,

- a) A longitudinal section, of the proposed stormwater outlet, showing the depth and location of all the services within the area of the proposed works shall be submitted. Exact depth and location of the services shall be verified by service search. Service search details shall be submitted.
- b) Exact depth of the outlet pipe in the exiting pit shall be annotated on the plan.

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

Condition 153(a) under Schedule B of DA2016/79/1 is inserted to read as follows:

153(a). On street drainage construction

Prior to issue of any Occupation Certificate the street drainage works shall be completed to Council's satisfaction at no cost to Council. In this regard,

- A separate construction approval shall be obtained from Council's Engineering Section.
- b) Inspections will be required for the works related to the proposed connection to Council's stormwater drainage system at following stages:
 - After the excavation of pipeline trenches.
 - ii) After the laying of all pipes prior to backfilling.
 - iii) After the completion of all pits and connection points.
- c) A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Section during office hours.
- d) Work is not to proceed until the works are inspected and approved by Council.

(Reason: to ensure Council's assets are constructed to Council's requirements.)

All other conditions of Development Consent 2016/79/1 remain unchanged.

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DOCUMENTS ASSOCIATED WITH REPORT LPP035/20

Attachment 2

Attachment 2 - Apartment Design Guide Compliance Table



Attachment 2 - Apartment Design Guide Compliance Table

No.	Control Comments	Comp	liance	
PART 3	- SITING THE DEVELOPMENT			
3A	Site Analysis	Yes	No	N/A
3A-1	Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.			
3B	Orientation	Yes	No	N/A
3B-1	Building types and layouts respond to the streetscape and site while optimising solar access within the development.			
3B-2	Overshadowing of neighbouring properties is minimised during mid- winter.	\boxtimes		
3C	Public Domain Interface	Yes	No	N/A
3C-1	Transition between private and public domain is achieved without compromising safety and security.	\boxtimes		
3C-2	Amenity of the public domain is retained and enhanced.	\boxtimes		
3F	Visual Privacy	Yes	No	N/A
3F-1	Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.			
	Design Criteria Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: No changes are sought to the approved building separation under the subject modification application.			
	Building height rooms and balconies rooms up to 12m (4 storeys) 6m 3m up to 25m (5-8 storeys) 9m 4.5m			
	over 25m (9+ storeys) 12m 6m			
	Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room. Gallery access circulation should be			
	treated as habitable space when measuring privacy separation distances between neighbouring properties.			
3F-2	Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.			
3G	Pedestrian Access and Entries			N/A
3G-1	Building entries and pedestrian access connects to and addresses the public domain.	Yes	No	
3G-2	Access, entries and pathways are accessible and easy to identify.	\boxtimes		
3G-3	Large sites provide pedestrian links for access to streets and connection to destinations.			



3H	Vehicle Access			Yes	No	N/A
3H-1	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.			\boxtimes		
3J	Bicycle and C	Car Parking		Yes	No	N/A
3J-2	Parking and to other modes of	facilities are provided for of transport.	No changes sought to the approved car parking spaces under the subject modification application.			\boxtimes
PART 4	- DESIGNING	THE BUILDING				
4C	Ceiling Heigh	nts		Yes	No	N/A
4C-1	Ceiling heigh access.	t achieves sufficient nat	tural ventilation and daylight	\boxtimes		
	finished ceilin heights are: Minimum ceiling h	m finished floor level to g level, minimum ceiling	The proposal provides for 2.8m floor to ceiling heights at all levels.			
	for apartment and n Habitable rooms	nixed use buildings 2.7m				
	Non-habitable	2.4m				
	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area		\boxtimes		
	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope				
	If located in mixed used areas These minim higher ceilings	3.3m for ground and first floor to promote future flexibility of use				
4C-2	Ceiling heigh		of space in apartments and	\boxtimes		
4C-3		s contribute to the flexibili	ty of building use over the life			
4M	Façades			Yes	No	N/A
4M-1		des provide visual inte	rest along the street while	\boxtimes		
4M-2		ons are expressed by the		\boxtimes		
4N	Roof Design	. , , , , , , , , , , , , , , , , , , ,	-	Yes	No	N/A
4N-1	Roof treatmer	_	building design and positively	\boxtimes		
4N-2		to use roof space for re	sidential accommodation and	\boxtimes		
4N-3	· ·	Roof design incorporates sustainability features.				

DOCUMENTS ASSOCIATED WITH REPORT LPP035/20

Attachment 3

Attachment 3 – Holroyd Local Environmental Plan 2013 Compliance Table





Attachment 3 - Holroyd Local Environmental Plan 2013 Compliance Table

Clause	Yes	No	N/A	Comment
Land use table				
Zone R4 – High Density Residential				
 Objectives of zone To provide for the housing needs of the community within a high density residential environment To provide a variety of housing types within a high density residential environment To enable other land uses that provide facilities to meet the day to day needs of residents. 				The proposal provides for the housing needs of the community within a high density residential environment.
2 Permitted without consent				
Home occupations				
3 Permitted with consent				
Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Environmental protection works; Exhibition homes; Home businesses; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Seniors housing; Shop top housing				A residential flat building is permitted with consent on the land.
4 Prohibited Any development not specified in item 2 or 3				
4.3 Height of buildings				
(1) The objectives of this clause are as follows: (a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties, (b) to ensure development is consistent with the landform,				In accordance with the Height of Buildings Map accompanying HLEP 2013, a maximum 15m building height applies to the site.
(c) to provide appropriate scales and intensities of development through height controls. (2) The height of a building on any land is not to exceed the maximum height shown for the				The floor to ceiling heights and the height of the building of the approved development are modified as part of the subject application.



Clause	Yes	No	N/A	Comment
land on the Height of Buildings Map.				The building proposed achieves a maximum height of 16.4m at the lift overrun and 15.4m at the access stairs on the rooftop, which does not comply with the development standard.
				This represents a maximum exceedance of 1.4m, and a variation of 9.3% to maximum permitted 15m building height development standard. The applicant has submitted a written request in accordance with Clause 4.6 of the HLEP 2013 to vary the building height development standard.
				The exceedance of the building height is supported in this instance, having regard to the circumstances of the case. Refer to further discussion in the body of the report.

Height of Buildings

The subject site has a 15m maximum building height applicable to the site.

It is noted that at the time of assessment of the original application, the approved development generally complied with the height of building development standard. A Schedule 'A' condition was imposed which reads as follows:

Amended architectural plans shall be prepared to reduce the height of the rooftop pergola and lift overrun to comply with a maximum building height of 15m measured from the adjacent existing ground level.

The modified proposal does not alter the approved building envelope. However, review of the subject application identifies the modified proposal to exceed the height of building development standard as a result of the changes to the ceiling heights.

Planning Comment:

Having regard to the above, the exceedance of the building height is considered to be a numeric noncompliance resulting from changes to the ceiling heights and applies to a small portion of the building being the lift overrun. As such, the development represents a comparable bulk and scale with the approved development, and that anticipated for the immediate area and changing streetscape.

In addition, the modified proposal does not adversely impact upon the residential amenity of future occupants and neighbouring properties, with respect to overshadowing or privacy.



Clause	Yes	No	N/A	Comment
The proposal is considered to be consistent with the o				
the objectives of the zone. As such, the exception in thi	is instan	ce can	be sup	ported.
4.4 Floor space ratio				
 (1) The objectives of this clause are as follows: (a) to support the viability of commercial centres and provide opportunities for economic development within those centres, (b) to facilitate the development of a variety of housing types, 				The proposal provides for a variety of housing and is compatible with desired future built form and character of the locality.
(c) to ensure that development is compatible with the existing and desired future built form and character of the locality, (d) to provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping.				A maximum FSR of 1.2:1 applies in accordance with the Floor Space Ratio map accompanying HLEP 2013.
(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.				No changes to the FSR is sought under the subject modification application.
4.6 Exceptions to development standards				
Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.	\boxtimes			The proposal seeks a 1% - 9.3% variation to Clause 4.3 – Height of building development standard. The proposal is for modifications to an existing consent. In this regard, Clause 4.6 is not applicable.
				Nonetheless, a variation to the maximum building height permitted is sought as part of the subject application and the Applicant has submitted a Clause 4.6 written request to vary the development standard – Refer to Attachment 5.



Clause 4.6

In accordance with case law, as outlined in the Land Environment Court Case of *Gann & Anor v Sutherland Shire Council [2008]* there is power to modify a development application where the modification would result in the breach of development standards. The Court took the view that development standards within an LEP did not operate to prohibit the grant of consent if they were not complied with (and no Clause 4.6 had been lodged). Notwithstanding, the Court held that despite a Clause 4.6 not being required, Section 4.55(3) of the Environmental Planning and Assessment Act 1979 (The Act) still requires the consent authority to take into consideration those matters referred to in Section 4.15 of the Act. This case law has been applied to Clause 4.6 of the Standard instrument (on which the HLEP 2013 is derived).

In this regard, the modified application has been assessed in accordance with Section 4.15 of the Act and relevant case law established by the NSW LEC.

Assessment of Height of Buildings variation

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

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

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

The proposed development is considered to be consistent with the R4 zone objectives as it provides housing needs within a high density residential environment and will allow other land uses to provide facilities or services to the community.

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

The objectives of the building height standard are to enable appropriate development density to be achieved and to ensure that the height of the building is compatible with the character of the locality. The height breach of the proposal is limited to the lift overrun, which is located within the centre of the building, and does not achieve any additional levels or gross floor area for the development. Having regard to this, the proposal complies with the objectives of the development standard and provides an appropriate built form that is consistent with the desired future character of the locality.

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

The height breach is limited to an overall building height of 16.4m for a small portion of the building being the lift overrun. The additional height of the lift will not be highly notable or visible from the adjacent properties or the street. The overall proposal is consistent with the scale of the existing and future development within the R4 zone located in the immediate vicinity of the site. The departure sought is considered to be modest and does not unreasonably impact on the adjoining properties. It is considered, therefore, that strict compliance with the Development Standard is unreasonable or unnecessary in the circumstances of the case.



b) Are there sufficient environmental planning grounds to justify contravening the development standard and therefore is the applicant's written justification well founded?

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

Conclusion:

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

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

acceptable in this instance.			
5.10 Heritage conservation		\boxtimes	The application does not involve any works to a heritage item.
6.1 Acid sulfate soils			The subject site is not affected by acid sulfate soils
6.2 Earthworks			The proposed earthworks are approved under the original application.
6.4 Flood planning This clause applies to land at or below the flood planning level.			The subject site is located above the flood planning level.
6.5 Terrestrial Biodiversity			The site is not identified as containing any Remnant Native Vegetation on the Biodiversity Map.
6.7 Stormwater Management			Stormwater drainage system reviewed by Council's Development Engineer and considered satisfactory, subject to conditions.
6.8 Salinity			The site is identified as having moderate salinity potential. Standard conditions were included in the determination of the original application.

DOCUMENTS ASSOCIATED WITH REPORT LPP035/20

Attachment 4

Attachment 4 - Holroyd Development Control Plan 2013 Compliance Table



Attachment 4 - Holroyd Development Control Plan 2013 Compliance Table

Minimum Parking Spaces Car Parking - Residential No changes sought to the number of car parking spaces 2 bed unit = 0.8 approved under the original application.	No.	Clause	Comment	Yes	No	N/A
Minimum Parking Spaces Car Parking - Residential No changes sought to the number of car parking spaces 2 bed unit = 0.8 approved under the original application.		A – GENERAL CONTROLS				
Car Parking - Residential No changes sought to the number of car parking spaces 1 bed unit = 0.8 2 bed unit = 1.2 3 bed unit = 1.2 4 + bed unit = 1.5 5 + Visitor = 0.2 per unit Sabdunit = 1.5 5 + Visitor = 0.2 per unit Sabdunit = 1.5 5 + Visitor = 0.2 per unit Sabdunit = 1.5 5 + Visitor = 0.2 per unit Sabdunit = 1.5 5 + Visitor = 0.2 per unit Sabdunit = 1.5 Stormwater Management The application was reviewed by Council's Development Engineer and is considered satisfactory, subject to conditions. Stormwater Management The subject site is not identified as a flood control lot. Sabdunit = 1.5 Stormwater Management Stormwater	3					
Minimum spaces required:	3.1	Minimum Parking Spaces				
1 bed unit = 0.8 approved under the original application.		Car Parking – Residential	No changes sought to the			
2 bed unit = 12 3 bed unit = 1.2 4 bed unit = 1.5 5 Visitor = 0.2 per unit 3.3 Car Parking, Dimensions & Gradient Council's Traffic Engineer reviewed the application and considers it salisfactory subject to conditions. 7 Stornwater Management The application was reviewed by Council's Development Engineer and is considered satisfactory, subject to conditions. 8 Flood Prone Land The subject site is not identified as a flood control lot. PART B - RESIDENTIAL CONTROLS 1 GENERAL RESIDENTIAL CONTROLS 1.1 Building Materials Acceptable materials and finishes proposed. No significant views will be a finishes proposed. Landscaping and Open Space Landscaping and Open Space Landscaping and open Space Landscaping and sto be, where possible, at ground level. No more than 50% of the provided landscaped area shall be forward of the front building line. The proposed hydrant booster involves a minor reduction in the landscaped area within the front setback area (2.1m²), which will continue to comptly with the minimum landscaping area. 1 mere provided as landscape area for each residential development type shall be a follows: 30% Residential Flat Buildings 1.8 Sunlight Access 1 minimum width of 2 metres. The proposed hydrant booster involves a minor reduction in the landscaped area within the front setback area (2.1m²), which will continue to comptly with the minimum landscaping area. 1 minimum width of 2 metres. The subject application includes 37.8% (458m²) of landscaped area for the subject site at a minimum width of 2 metres. 1 minimum width of 2 metres. The subject application includes 37.8% (458m²) of landscaped area within the front setback area (2.1m²), which will continue to achieve a minimum 3 hours of solar access to the main living area of the subject safe and west facing openings. The main living area of the units approved under DA2018/123 at No. 5 Bransgrove Street, will continue to achieve 3 hours of solar access through the east		Minimum spaces required:	number of car parking spaces			
3 bed unit = 1.2 4 * bed unit = 1.5 • Visitor = 0.2 per unit 3.3 Car Parking, Dimensions & Gradient Council's Traffic Engineer reviewed the application and considers it satisfactory subject to conditions. 7 Stormwater Management The application was reviewed by Council's Development Engineer and is considered satisfactory, subject to conditions. 8 Flood Prone Land The subject site is not identified as a flood control lot. PART B - RESIDENTIAL CONTROLS 1 GENERAL RESIDENTIAL CONTROLS 1.1 Building Materials Acceptable materials and finishes proposed. No significant views will be affected by the proposed development. 1.5 Landscaping and Open Space Landscaped area shall be a minimum of 2 metres wide and is to be, where possible, at ground level. No more than 50% of the provided landscaped area for the proposed development has a minimum width of 2 metres. No more than 50% of the provided landscaped area area for the proposed development has a minimum width of 2 metres. The proposed hydrant booster involves a minor reduction in the landscaped area within the front setback area (2.1m²), which will continue to comply with the minimum landscaping area. The % of the total site area to be provided as landscape area for each residential development type shall be as follows: -30%-Residential Flat Buildings The work of the total site area to be provided as landscape area for the subject application provided as landscape area for each residential development type shall be as follows: -30%-Residential Flat Buildings The main living areas of the units approved under DA2018/123 at No. 5 Bransgrove Street, will continue to achieve 3 hours of solar access to the main living areas of the units approved under DA2018/123 at No. 5 Bransgrove Street, will continue to achieve 3 hours of solar access through the east		 1 bed unit = 0.8 	approved under the original			
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Page **1** of **3**



		A minimum 5.5m setback is maintained along the southern side boundary with an additional setback greater than 9m approved along the northern side boundary for No.5 Bransgrove Street, will ensure solar access is maximised. The variation to the building height is limited to the lift overrun and the access stairs, with the remainder of the building compliant with the 15m height standard. Having regard to this, the proposed modification will not have any significant overshadowing impacts on the adjacent development to the south.		
	Min. 50% of required POS of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	The existing dwelling adjoining to the south will continue to achieve a minimum 3 hours of solar access to 50% of its required solar access between 1pm and 4pm in mid-winter. The approved units under DA2018/123 will also continue to achieve a minimum 3 hours of solar access to their POS and communal open space.		
6	Residential Flat Buildings			
6.3	Principal setback to be 6m and correspond with existing building setback.	5.08m – unchanged Complies with the 4m setback under Part N of HDCP 2013. Modification application does not propose any changes to the approved setbacks. The proposed hydrant booster is located within the front setback to Bransgrove Street. However, the HDCP 2013 does not provide specific setback controls for hydrant boosters.		
	Secondary street setback to be 4m.	4m – No change The proposed hydrant booster is not located within the secondary street setback.		\boxtimes
	Side setbacks 3m.	Min. 5.504m to the building – No change is sought under the subject application		\boxtimes

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	Rear:		9.045m – No change			
	• ≤ 4 storeys – 20% of the site					
	length or 6m, whichever is greater.		Modification application does			\boxtimes
	≥ 5 storeys – 30% of the site length.		not propose any changes to	_	_	_
			the approved setbacks.			
	Basement: 3m to	side and rear	No change			
	boundaries.					_
	All floors >4 storeys	to be setback 3m.	No change			\boxtimes
6.5	Building height					
	Maximum building		The building is four storeys,			
	shall be provided i	n accordance with	however, the proposal does not			
	the table below:		comply with the 15m height			
			standard. Refer to discussion			
	Permitted Heig		in the body of the report and			
	Height	Storeys	Attachment 3.	\boxtimes		
	9m	1				
	11m	2				
	12.5m	3				
	15m	4				
	18m	5				
	21m	6				
	24 m	7				
	The minimum floor	to ceiling heights	The proposed floor to ceiling			
	shall be:		dimensions provided			
	 2.7 metres for habitable rooms. 		throughout all habitable rooms			
	 2.4 metres for non habitable 		is 2.8m.			
	rooms.			\boxtimes		
	2.4 metres for the second storey					
	section of two storey units if 50% or					
	more of the apartment has a 2.7 metre					
	minimum ceiling height. Attics are permissible in RFBs		No attics proposed			
6.7	Building appearance		140 atuos proposed			
J.1	Facades to be composed with an		Design response is appropriate			
	appropriate scale, rhythm and		to the context of the site.	\boxtimes		
	proportion	, mjami ana	to the somewhat of the site.			
	Roof design is to	respond to the	Roof design is appropriate			
	orientation of the	site through using				
	eaves and skillion r			\boxtimes		
	sun access.	•				
6.8	Building entry and pedestrian access					
	Building entries shall be visible from		Pedestrian entry is sheltered	\boxtimes	П	
	the street, sheltered and well lit		and visible from the street.			
	Main building entry is to be separate		Separate pedestrian access to			
	from car park entry		the building is maintained from			
	I		the street			

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DOCUMENTS ASSOCIATED WITH REPORT LPP035/20

Attachment 5 Attachment 5 - Clause 4.6 Written Request



MAXIMUS DEVELOPMENTS AUSTRALIA

TOWN PLANNING / URBAN DESIGN / PROJECT MANAGEMENT

12/2 Mowbray Street Sylvania NSW 2224 / 0411 697 051 / mark@maximusda.com.au / www.maximusda.com.au

JUSTIFICATION TO DEVELOPMENT STANDARD 4.3 HEIGHT OF BUILDING

SECTION 4.55(1)(A) MODIFICATION FOR INCREASE IN HEIGHT TO APPROVED RESIDENTIAL FLAT BUILDING

1-3 BRANSGROVE ROAD WENTWORTHVILLE NSW 2145



¹⁻³ Bransgrove Road Elevation (Source: Archi build International, 2019)

PROJECT DETAILS

I INCOLOT DETAILE			
Legal Description	Lot 270 DP 865426	Property Address	1-3 BRANSGROVE ROAD WENTWORTHVILLE NSW 2145
Project Reference	402-19		
Date	17 December 2019	Revision	В
Client	Archi build International P/L	Land Owner	Premier Building

Mark Raymundo

BPlan (Hons) UNSW, MUDD UNSW, Grad Cert (Project Management) UTS

Managing Director – Maximus Developments Australia

Maximus Developments Australia





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BACKGROUND

Maximus Developments Australia has been engaged by Archi build International P/L to prepare justification for exceedance to height of building for a Section 4.55(1) Modification. It noted that technically a Clause 4.6 Exception to Development Standard does not apply to a modification however such justification has been provided similar to that as such. This is considered to be current professional best practice.

The proposal seeks a exceedance to Clause 4.3 Height of Building to "O" 15m to the Holroyd Local Environmental Plan 2012.

The modification seeks development consent granted for demolition of existing and construction of four storey residential flat building with rooftop communal terrace on land known as 1-3 Bransgrove Road Wentworthville NSW 2145.

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SUBJECT SITE



Fig. 1 Aerial photograph of subject site (1-13 Bransgrove Road, Wentworthville) and immediate surrounding area (Source: Google Maps, 2019)

PROPOSAL

In detail, the extent of the proposal seeks development consent for the following works;

- Ground Floor Fourth floor: Increase in building height to allow for services for each level
- Rooftop: Increase in height for lift over run and access stairs

This justification is in support of an application for demolition of existing, construction of residential flat building in accordance with the applicable Statutory considerations and environmental planning case law.

Justification in support in height of building has been provided in support in the exceedance of height. The proposal seeks a maximum height of 16.4m (+1,400mm) for the lift overrun and 15.34m (+150mm) for the access stairs. The proposal seeks a variation to this development standard at 7.8% (lift overrun) and 1.0% for the access stairs.

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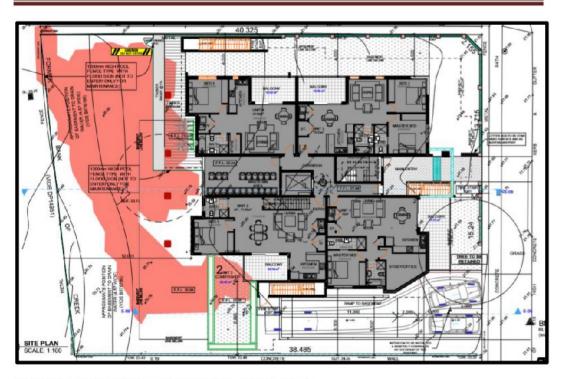


Fig 2. Extract of site plan (Source: Archi build International P/L, 2019)



Fig 3. Extract of front eastern front elevation (Source: Archi build International P/L, 2019).

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Fig 4. Extract of northern secondary frontage elevation (Source: Archi build International P/L, 2019).



Fig 5. Extract of southern side elevation (Source: Archi build International P/L, 2019).



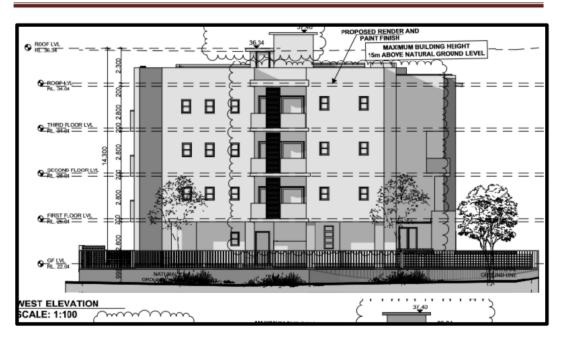


Fig 6. Extract of western rear elevation (Source: Archi build International P/L, 2019).

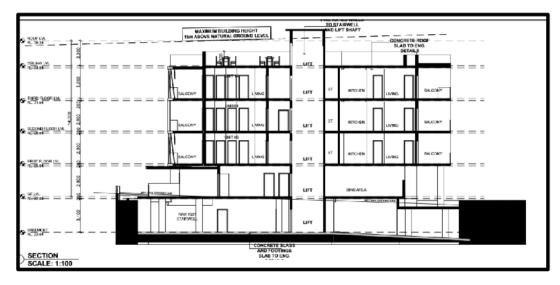


Fig 7. Extract of cross section (Source: Archi build International P/L, 2019).

Furthermore, consideration has been applied in relation to the following caselaw;

- Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC
- Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118

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JUSTIFICATION (MERIT) SIMILAR TO CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARD

The proposal has been considered in accordance with the Statutory provisions within Clause 4.6 Variation to Development Standards within the Holroyd Local Environmental Plan 2013 as per below;

(1) CLAUSE 4.6 VARIATION TO DEVELOPMENT STANDARD IN RELATION TO CLAUSE 4.3 HEIGHT OF BUILDING WITHIN THE HOLROYD LOCAL ENVIRONMENTAL PLAN 2013

CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARD

- (1) The objectives of this clause are as follows:
- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances

<u>Comment:</u> The proposal provided justification in response to the above objectives. The relevant objectives of Clause 4.3 Height of Building of the Holroyd Local Environmental Plan 2013 States the following:

- (1) The objectives of this clause are as follows:
- (a) to minimise the visual impact of development and sure sufficient solar access and privacy for neighbouring properties.
- (b) to ensure that development is consistent with the landform
- (c) to provide appropriate scales and intensities of development thorough height controls

Justification to Clause 4.3 Height of Building under the Holroyd Local Environmental Plan 2013 has been prepared in support for a variation to the 15m height of building control. The site is identified as "O" equating to a maximum height of 15m under the Holroyd Local Environmental Plan 2013.

The proposal seeks a height of ranging from 16.4m (lift overrun) and 15.34m (access stairs) which are centrally located on site. The proposal is considered to satisfy the objectives despite the numerical variation, of which is detailed further within this report. It is noted that the remainder of proposal complies with the prescribed 15m height limit.





Fig. 8. Zoning Extract of subject site being 1-3 Bransgrove Road, Wentworthville NSW 2145. The site is identified as being zoned R4 High Density Residential under the Holroyd Local Environmental Plan 2013 (Source: NSW Planning Portal, Department of Planning 2019).



Fig. 9. Extract of Height of Building Map. The subject site is identified as "O" = 15m within the Holroyd Local Environmental Plan 2013 (Source: NSW Planning Portal, Department of Planning 2019).

The proposal seeks flexibility to the Development Standard Clause 4.3 Height of Building and seeks a reasonable planning outcome given the circumstances of the proposal.

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(1) CLAUSE 4.6 VARIATION TO DEVELOPMENT STANDARD IN RELATION TO CLAUSE 4.3 HEIGHT OF BUILDING WITHIN THE HOLROYD LOCAL ENVIRONMENTAL PLAN 2013

In supporting a variation to this Development Standard, the following consideration has been applied as follows:

Comment: The underlying intent of this clause has been satisfied by virtue of the following;

The proposal seeks a departure from the prescribed numerical requirement whereby proposal results in the following;

HOLROYD LOCAL ENVIRONMENTAL PLAN 2013

Control	Requirement	Proposal	Complies
Height of Building			
Clause 4.3	"O"15m	Lift overrun: RL37.40 (+1,400mm), (+7.8% variation)	No, justification provided.
		Access stairs: RL36.34 (+150mm), (+1.0% variation)	No, justification provided.
		It is noted that the remainder of the common open space is located below 15m.	Compliant.

Furthermore, the proposed variation satisfies the R4 High Density Residential Zone objectives as follows;

• To provide for the housing needs of the community within a high-density residential environment.

<u>Comment:</u> The proposed variation is considered to improve the amenity of approved housing stock. The additional height positively contributes to the streetscape with the use of modulation and articulation whereby the approved residential flat building presents to the street as a modulated built form. The extent of the variation to height of building is unlikely to result in any limitations or constraints to adjoining properties in relation to impacts or limitation of development potential. This will not result in a substantial change in approved built form. The proposed minor variation sought is not inconsistent with the intent of this objective.

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

<u>Comment:</u> The proposed additional which is considered to be of a low environmental impact given the will improve the amenity of the residential occupants and is not inconsistent with the intended building typology which will remain at four (4) storeys and rooftop level. The proposed variation sought is not inconsistent with the intent of this objective.

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

<u>Comment:</u> The approved built form comprises of a residential flat building which is a permissible use within the R4 High Density Residential Zone. The proposed additional height sought within this modification does not offend this objective of the zone.

(2) DEVELOPMENT CONSENT MAY, SUBJECT TO THIS CLAUSE, BE GRANTED FOR DEVEVELOPMENT EVEN THOUGH THE DEVELOPMENT WOULD CONTRAVENT A DEVELOPMENT STANDARD IMPOSED BY THIS OR ANY OTHER ENVIRONMENTAL PLANNING INSTRUMENT. HOWEVER, THIS CLAUSE DOES NOT APPLY TO A DEVELOPMENT STANDARD THAT IS EXPRESSLY EXCLUDED FROM THE OPERATION OF THIS CLAUSE

<u>Comment:</u> Clause 4.3 Height of Building forms a Development Standard to which Clause 4.6 – Exception to Development Standard maybe sought for Council's consideration. The control is identified as "O" on the HOB and prescribed numerical control is 15m.

(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:

<u>Comment:</u> A written request as has sought for Council's consideration in the form a justification to this Development Standard where reasonable planning justification has been provided as addressing a variation. It is considered that on planning merit that the intent of the underlying objectives have been reasonably satisfied (of which is addressed further within this report).

(A) THAT COMPLIANCE WITH THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE, AND

It is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. The proposed variation is sought on its merits on the basis that strict compliance with the development standard is unreasonable or unnecessary in this circumstance by virtue of the proposed residential flat building design. Despite the numerical departure, the objectives of the development standard have been achieved despite non-compliance with the standard as follows;

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- (1) The objectives of this clause are as follows:
- (a) to minimise the visual impact of development and sure sufficient solar access and privacy for neighbouring properties.
- (b) to ensure that development is consistent with the landform
- (c) to provide appropriate scales and intensities of development thorough height controls

Addressing of objectives:

(a) to minimise the visual impact of development and sure sufficient solar access and privacy for neighbouring properties.

<u>Comment:</u> The proposed height and built form is considered to be consistent with other approved residential flat buildings within the locality which breach the height limit of 15m. The proposed height of building of results in a built form is appropriately articulated, setback and modulated given the immediate context.

The proposed variation to height does not result in any solar access unreasonable impacts to the amenity of adjoining dwellings given the site; orientation, slope and context. Given this, reasonable levels of solar access are achieved and therefore this objective has been satisfied. The additional height sought exceeding the development standard is considered to result in negligible overshadowing impacts due to the topography of the site and orientation. In this regard, despite the numerical variation sought, the underlying objective of this clause has been satisfied.

The extent of the variation sought is not considered to detract from the amenity of adjoining residential uses. The extent of the height variation is unlikely to result in unreasonable impact in relation to amenity including; privacy, bulk and scale or view loss.

Given the design of the bulk form and minor extent of the height breach, the proposed variation is considered not to offend the underlying intent of this clause. In this regard, despite the numerical variation, the objective of this clause has been met.

(b) to ensure that development is consistent with the landform

The site is affected by flooding whereby the minimum habitable finished floor level this is turn has resulted in the building being lifted to achieve suitable floor levels. Given the slope for the site which slopes from west (low) to high (east) the proposal has been designed to step into the landscape. By strictly complying with the prescriptive height of 15m would result in the inability to provide adequate function.

The proposed height exceedance in wall height is considered to be negligible in relation to bulk and scale. Given the immediate context of the existing built form, the proposed variation reasonably satisfies the underlying intent of this clause given that the proposal reasonably responds to the topography of the site.

(c) to provide appropriate scales and intensities of development thorough height controls

The proposals seeks to adopt reasonable floor to ceiling heights being 2,800mm for the ground floor to fourth floors which are considered to be modest and not excessive. Given this, the proposal provides reasonable amount of residential amenity for future occupants.

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The subject site which is zoned R4 Low Density Residential, the immediate surrounding area also shares this zoning and height controls. Despite the variation in height, the proposed built form is considered to result in an appropriate height transition on the site.

It is further noted that the breach in height is unlikely to be easily read as (a height breach) from the public domain from a casual observer given the sitting and modulation of the variation and context of the surrounding area.

Furthermore, Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 it was demonstrated by the Court that the correct approach to the consideration of clause 4.6 requests including that the clause does not require that a development that contravenes a development standard must have a neutral or better environmental planning outcome than one that does not. The following considerations within this judgement have been undertaken;

"The first and most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard: Wehbe v Pittwater Council at [42] and [43]."

<u>Comment:</u> It is considered that numerical compliance with the development standard is unreasonable or unnecessary as the objectives of the development standard have been achieved despite the numerical departure, as previously addressed within this report. In this instance the proposal is considered to result in a neutral outcome in comparison to strict numerical compliance.

"A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary: Wehbe v Pittwater Council at [45]."

<u>Comment:</u> The proposed variation is considered to be inconsequential given the numerical departure based on the immediate visual context and slope and flooding constraints of the site. The proposed variation does not offend the underlying intent of the Clause 4.3 Objectives which are intended to reduce bulk and scale, overshadowing impacts and minimise impacts to the natural environment of which despite the numerical departure has been satisfied.

"A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable: Wehbe v Pittwater Council at [46]."

<u>Comment:</u> Whilst the proposal seeks a variation height of building for built forms centrally located on site, the extent of the variations are visible along all external elevations however are of negligible to minor impact. It is considered that given the sloping topography of the site, appropriate floor levels to be achieved, immediate residential character within the visual catchment would result in unreasonable strict numerical compliance with the 15m height of building control.

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"A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own decisions in granting development consents that depart from the standard and hence compliance with the standard is unnecessary and unreasonable: Wehbe v Pittwater Council at [47].

<u>Comment:</u> Council's Clause 4.6 Register, assessment report recommendations have demonstrated that strict numerical compliance in relation the Clause 4.3 Height of Building have been varied for similar planning reasons for lift overruns and access stairs as to that sought within this justification. In this regard, strict numerical compliance is considered unnecessary and unreasonable given the topography of desired character of the zone. Furthermore, as previously mentioned the proposal is likely to result in negligible impacts in relation to solar access and visual bulk and scale in comparison to strict numerical compliance. This is considered to result in a neutral impact.

"A fifth way is to establish that the zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard, which was appropriate for that zoning, was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in the circumstances of the case would also be unreasonable or unnecessary: Wehbe v Pittwater Council at [48]. However, this fifth way of establishing that compliance with the development standard is unreasonable or unnecessary is limited, as explained in Wehbe v Pittwater Council at [49]-[51]. The power under cl 4.6 to dispense with compliance with the development standard is not a general planning power to determine the appropriateness of the development standard for the zoning or to effect general planning changes as an alternative to the strategic planning powers in Part 3 of the EPA Act."

<u>Comment:</u> The zoning for the subject site is R4 Low Density Residential, in this instance this is considered to be reasonable. It is noted that the remainder of the proposal (i.e. communal rooftop) complies with the 15m Height of Building Limit.

"These five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all of the ways. It may be sufficient to establish only one way, although if more ways are applicable, an applicant can demonstrate that compliance is unreasonable or unnecessary in more than one way."

<u>Comment:</u> Given the above, it is considered that several reasons have been provided in support of the variation to the prescribed development standard to the height of building.

Strict numerical compliance in relation to the application of this clause is not considered to result in any significant material planning benefit. No unreasonable material amenity impacts arise from this variation for minor increase in height to the residential flat building. Sufficient environmental planning grounds for the breach in height of building have been provided for Council's consideration which is detailed within this report, of which is considered to be valid, reasonable and sound given the topography of the site, flood impacts of the site and immediate surrounding context.

In this instance, given the above, whilst is it acknowledged that the proposed variation will indeed result in a lesser outcome than strict numerical compliance. However notwithstanding It is considered that

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contravention of the Development Standard will result in a proposal which is still consistent with the underlying objectives of the control despite the numerical departure (Clause 4.3 Height of Building), furthermore, the proposed exceedance to the Development Standard results is considered to be of a minimal environmental impact in relation to solar access, overshadowing, privacy and visual impact.

(B) THAT THERE ARE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD.

<u>Comment:</u> As previously discussed, this extent of the variation is inconsequential and does not result in any unreasonable impacts given the slope of the site and immediate visual context. More importantly, the proposed variation satisfies the objectives of the underlying intent of Clause 4.3, and therefore the merits of the works sought are considered to be worthy of approval. It has been demonstrated within Council and the Courts to apply a reasonable approach in supporting variations to development standards. The proposal is not considered to result in any adverse material amenity impact.

- Strict numerical compliance would unlikely result in a materially better urban design outcome given the extent of the variation. The variation sought will not result in a dominant built form. Strict numerical compliance would result in negligible reduction of impacts in relation to bulk and scale, solar access and overshadowing however the benefits would appear to be minimal. Strict numerical compliance would thwart the underlying objectives of the controls and would result in a built form much lesser than that of other recently approved residential flat buildings within the area in particular the visual catchment.
- Council development assessment records indicate that the Council have approved and have recommended support for similar variations for lift overruns and access stairs to Clause 4.3 Height of Building within the locality therefore abandoning strict numerical compliance with the Holroyd Local Environmental Plan 2013 and have supported such variations on planning merit.
- The extent of the variation for height is unlikely to be visually apparent to be out of character when viewed by a casual observer from the public domain given that the variation sought. The proposal will read as a four (4) storey residential flat building with communal open space on the rooftop. Given the extent of the variation, the additional height is unlikely to be significantly perceivable from ground level or the public domain whereby as such the lift core and access stairs are described as generally being centrally located on the rooftop level.
- The resultant-built form from the variation is considered to be compatible with other residential
 flat buildings within the locality is unlikely to result in an undesirable impact or outcome. The
 proposal is not considered to result in any adverse amenity impacts to adjoining properties and
 is unlikely to set an undesirable precedent.
- By supporting this variation to the height of building in its current form, it is considered that
 appropriate flexibility be applied on planning merit which results in a reasonable built form which
 is commensurate of other residential flat buildings within the locality.

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- The extent of the variation is considered to be in the public interest as the proposal does not result in any adverse material impact to adjoining properties or beyond or detrimentally affect amenity on site. Strict numerical compliance is considered to result in a negligible benefit.
- As previously discussed, the proposed extent of the variation adequately satisfies the underlying
 objectives of the controls of which do not result in any unacceptable impacts to the; built, natural,
 social or economic impacts for consideration under the Act.
- The extent of the variation is not considered to be inconsistent with the Objects of the Act are considered to be satisfied regarding the merits of the additional height sought.
- The extent of the variation is considered to be moderate-minor in nature and results in a negligible environmental planning impact in accordance with the considerations of the Act.

(8) THIS CLAUSE DOES NOT ALLOW DEVELOPMENT CONSENT TO BE GRANTED FOR DEVELOPMENT THAT WOULD CONTRAVENE ANY OF THE FOLLOWING:

(c) CLAUSE 5.4

<u>Comment:</u> Clause 4.3 Height of Building is not a development standard expressed as excluded within Clause 5.4 within the Holroyd Local Environmental Plan 2013. Whilst justification has been provided as part of this modification it is noted that a Clause 4.6 – Exception to Development Standard can be considered to this clause and to the original application.

CONCLUSION - SUPPORT FOR VARIATION TO HEIGHT OF BUILDING

For the reasons identified above, it is considered that supporting the variation in relation to Clause 4.3 Height of Building is reasonable and appropriately justified in accordance with the provisions within this subsection and planning considerations given that the merits of application.

Strict numerical compliance is considered to be unnecessary and unreasonable given that the proposed variation sought is consistent with the underlying objectives of the control despite the numerical variation of which have been reasonably satisfied under the provisions of Clause 4.6. Given this due consideration of Initial Action Pty Ltd vs Woollahra Council have been adequately satisfied whereby the proposal does not necessary result in a better outcome that strict numerical compliance however results in a reasonable outcome with minimal impacts.

- As previously discussed, this extent of the variation in height is considered to be inconsequential
 and does not result in any unreasonable material planning impacts in terms of solar access,
 privacy, view loss or built form. It is considered that sufficient reasonable logical planning
 justification has been provided in support of the variation. More importantly, the proposal is
 considered to adequately satisfy the underlying objectives of Clause 4.3 Height of Building.
- The proposed range (340mm 1,400mm max) variation in height is not considered to result in an undesirable precedent due to the design, sitting and extent of the variation on planning merit.

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- The proposed variation satisfies the objectives of the zone, underlying intent of Clause 4.6 and Clause 4.3, and R4 High Density Residential Zone and therefore the merits of the proposed variation are considered to be worthy of approval.
- The height of the lift overrun cannot be reduced in height due to mechanical specifications.
 Further reduction in height would affect the functionality of this lift.
- Strict numerical compliance is unlikely to result in a better material planning outcome given that negligible material impacts arise in relation to the extent of the variation.
- The proposed variation to the height of building does not result in any unreasonably or unduly impact in terms of solar access, privacy or bulk and scale.
- The exceedance in height does not result in any additional development potential i.e. increase in the potential conversion of floor space.

Given the above due considerations of Initial Action Pty Ltd vs Woollahra Council have been adequately satisfied as the proposal has addressed several of the key points under the Wehbe v Pittwater Council test. As previously stated, the proposed variation to height of building is considered to be reasonable given the site and immediate visual context. The impact is neutral and is not excessive and is not inconsistent with the objectives of Clause 4.3 Height of Building notwithstanding the numerical departure and in this instance therefore is considered worthy of support.

Kind regards,

Mark Raymundo

BPlan (Hons) UNSW, MUDD UNSW,

Grad Cert (Project Management) UTS, Dip. Building Design (Current)

Managing Director

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Urban Planning and Property Development

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CIRRICULUM VITAE

Mark Raymundo

Managing Director

Maximus Developments Australia

- Bachelor of Planning (Hons), University of New South Wales 2007
- Master of Urban Development and Design, University of New South Wales 2008
- Graduate Diploma in Project Management, University of Technology Sydney 2010
- Diploma in Building Design, Technical and Further Education (current)

Mark has over thirteen years planning experience within the New South Wales Planning System and has held positions in both public and private sectors with the following scope of projects including; subdivision, dwelling houses (and ancillary uses), dual occupancies, multi-dwelling housing, residential flat buildings, seniors living, mixed use development, industrial, childcare centres, affordable rental housing, boarding houses and places of public worship. Maximus Developments Australia has undertaken projects and investigations with (CIV of up to \$100M) within the following Sydney Metropolitan Councils which include;

- Woollahra Council
- Waverly Council
- Randwick City Council
- City of Sydney
- Inner West Council
- Ku-ring-gai Council
- Hornsby Shire Council
- Penrith City Council
- Blacktown City Council
- Cumberland City Council
- Parramatta City Council
- Liverpool City Council

- · Fairfield City Council
- Campbelltown City Council
- Canterbury-Bankstown Council
- Bayside Council
- The Hills Shire
- Sutherland Shire Council
- City of Ryde Council
- City of Canada Bay
- Wollongong City Council
- Burwood Council
- Strathfield Council
- Northern Beaches Council

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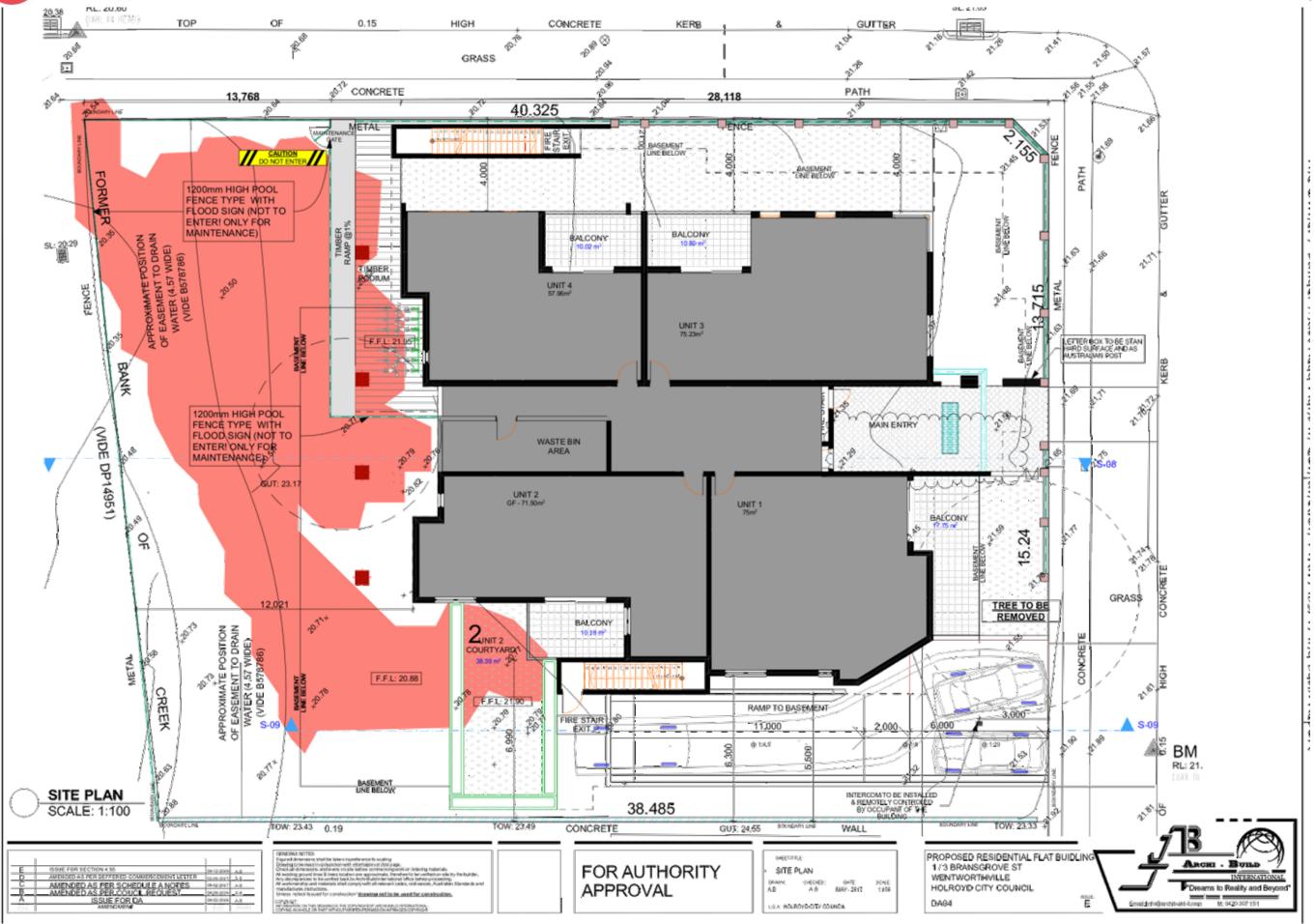


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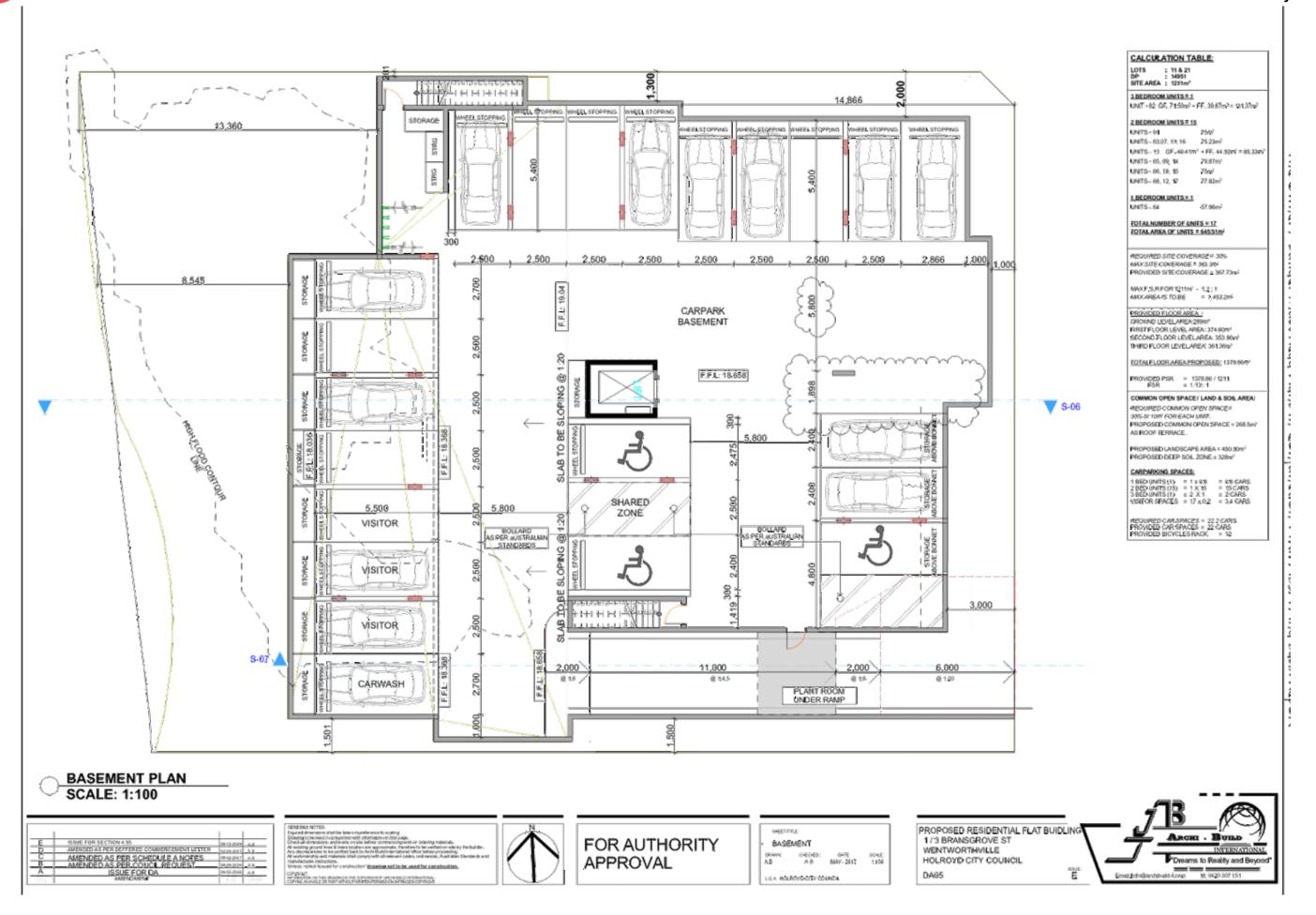
Page 18

Attachment 6 Attachment 6 - Architectural Plans

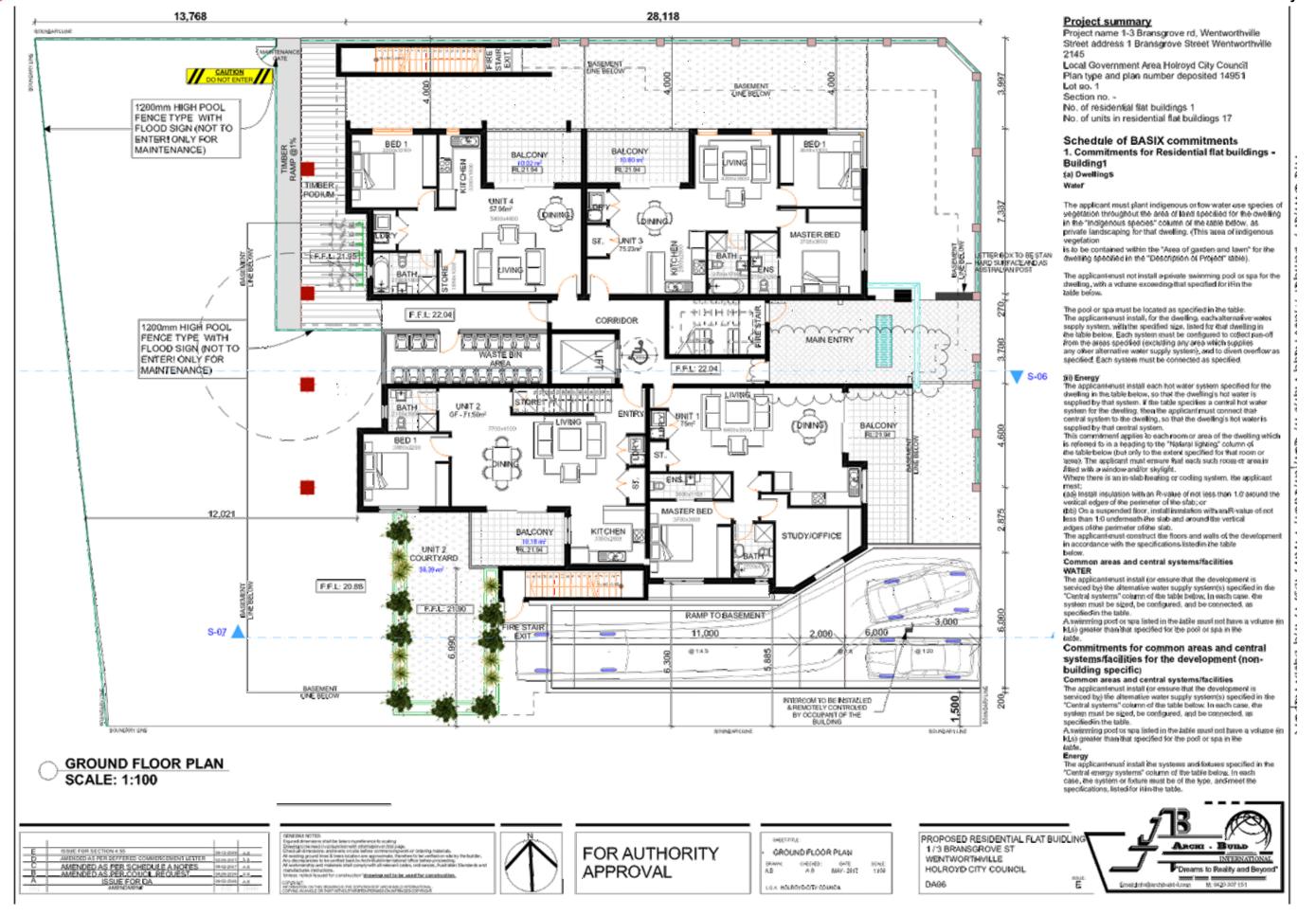




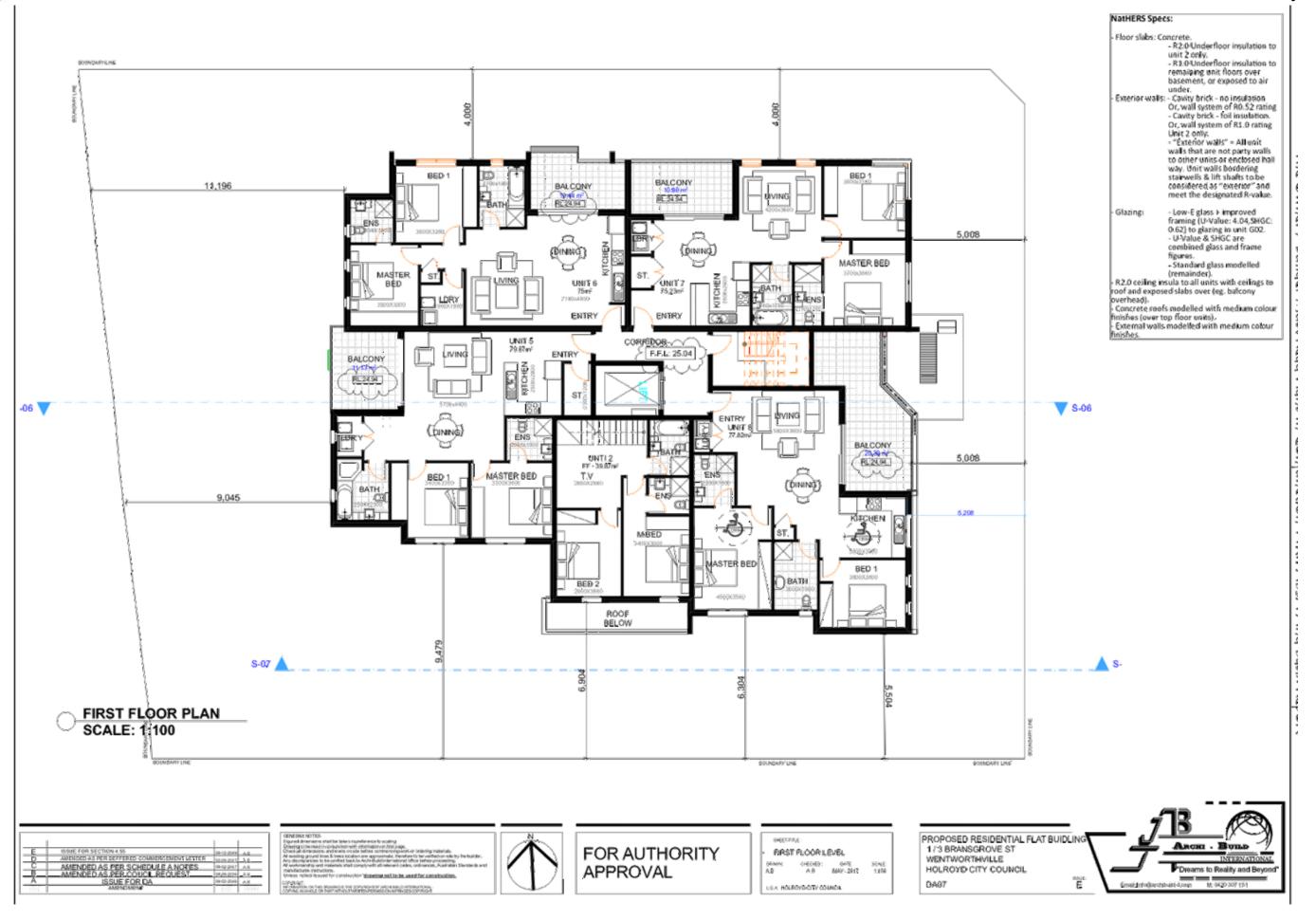




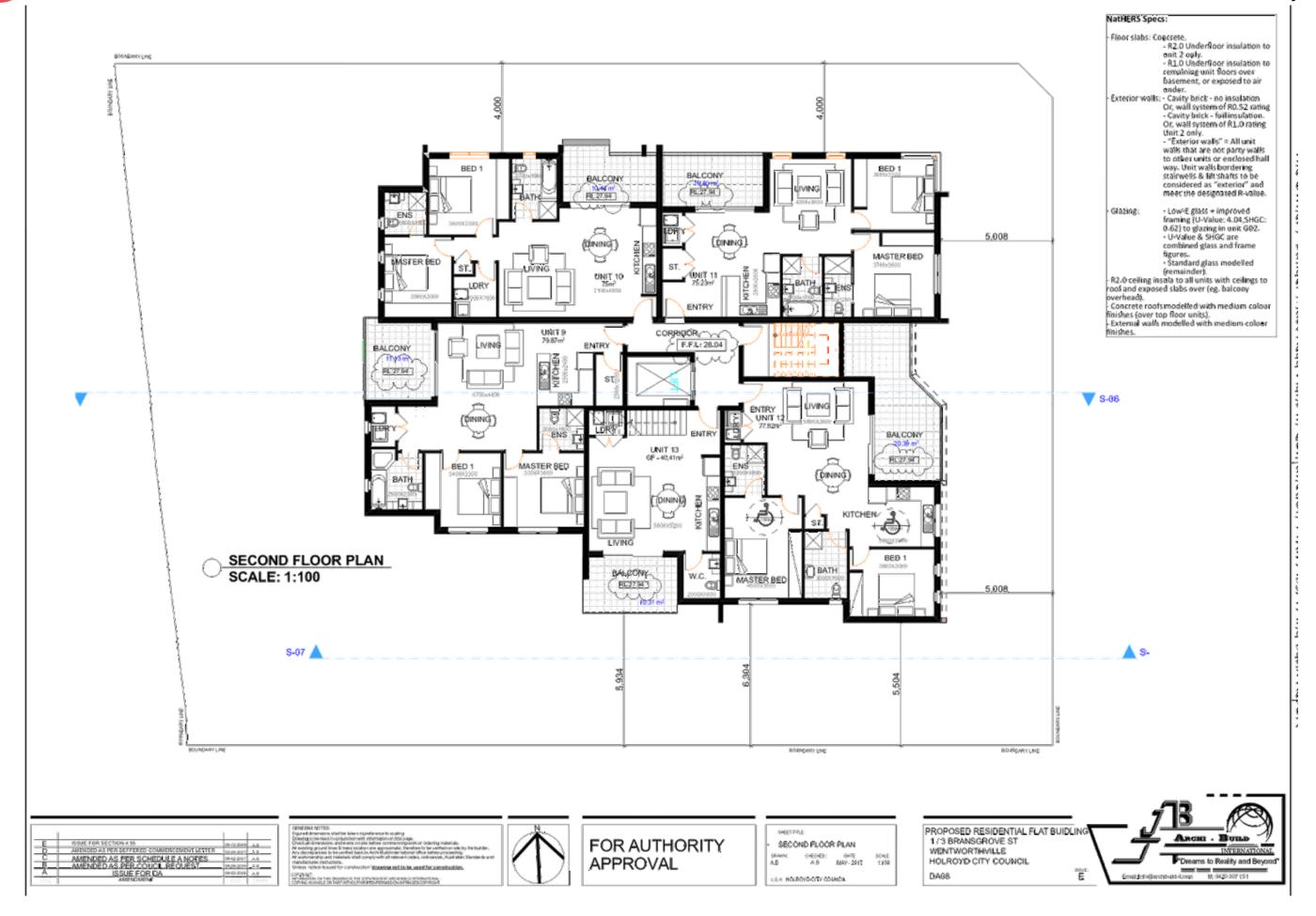




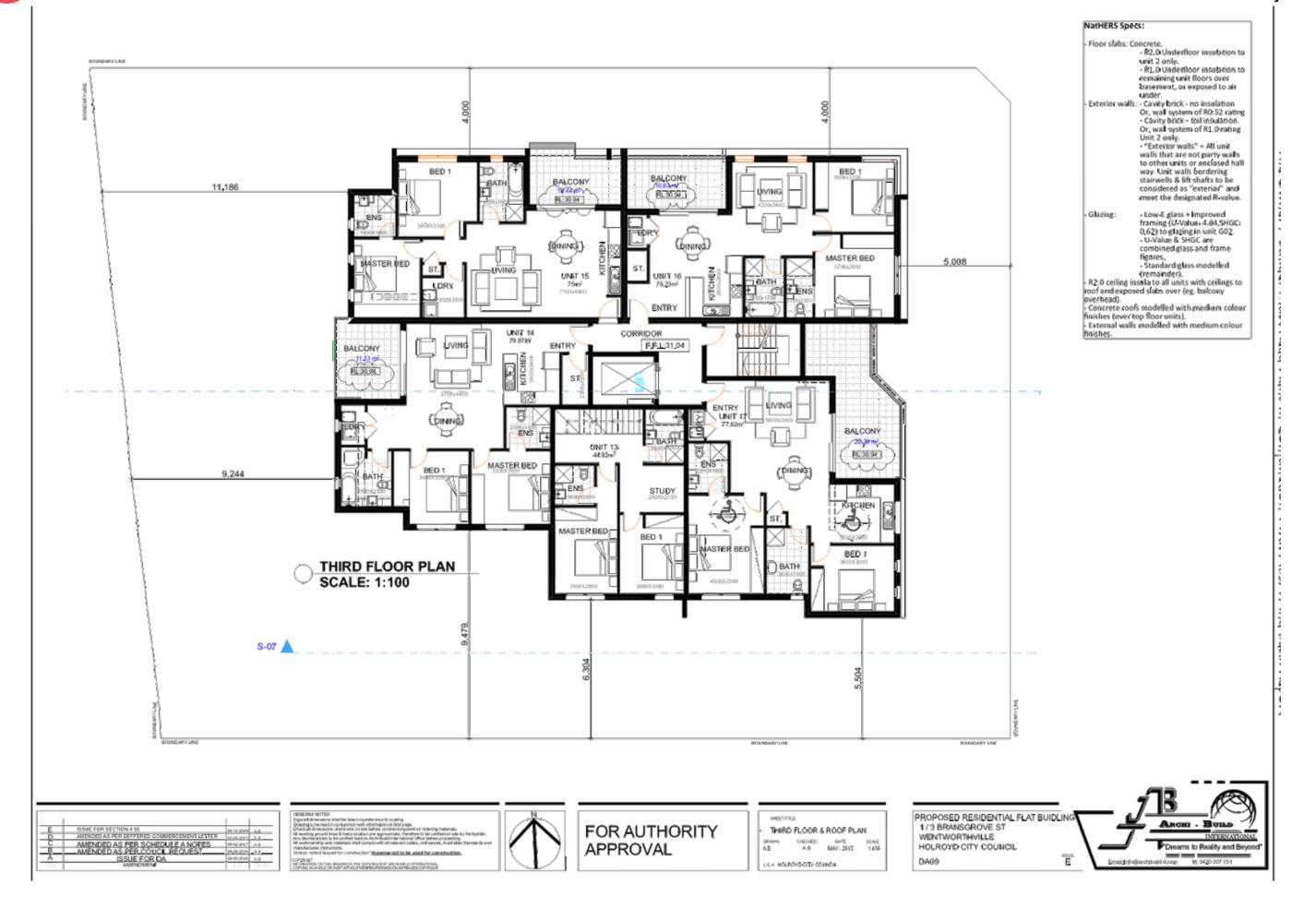




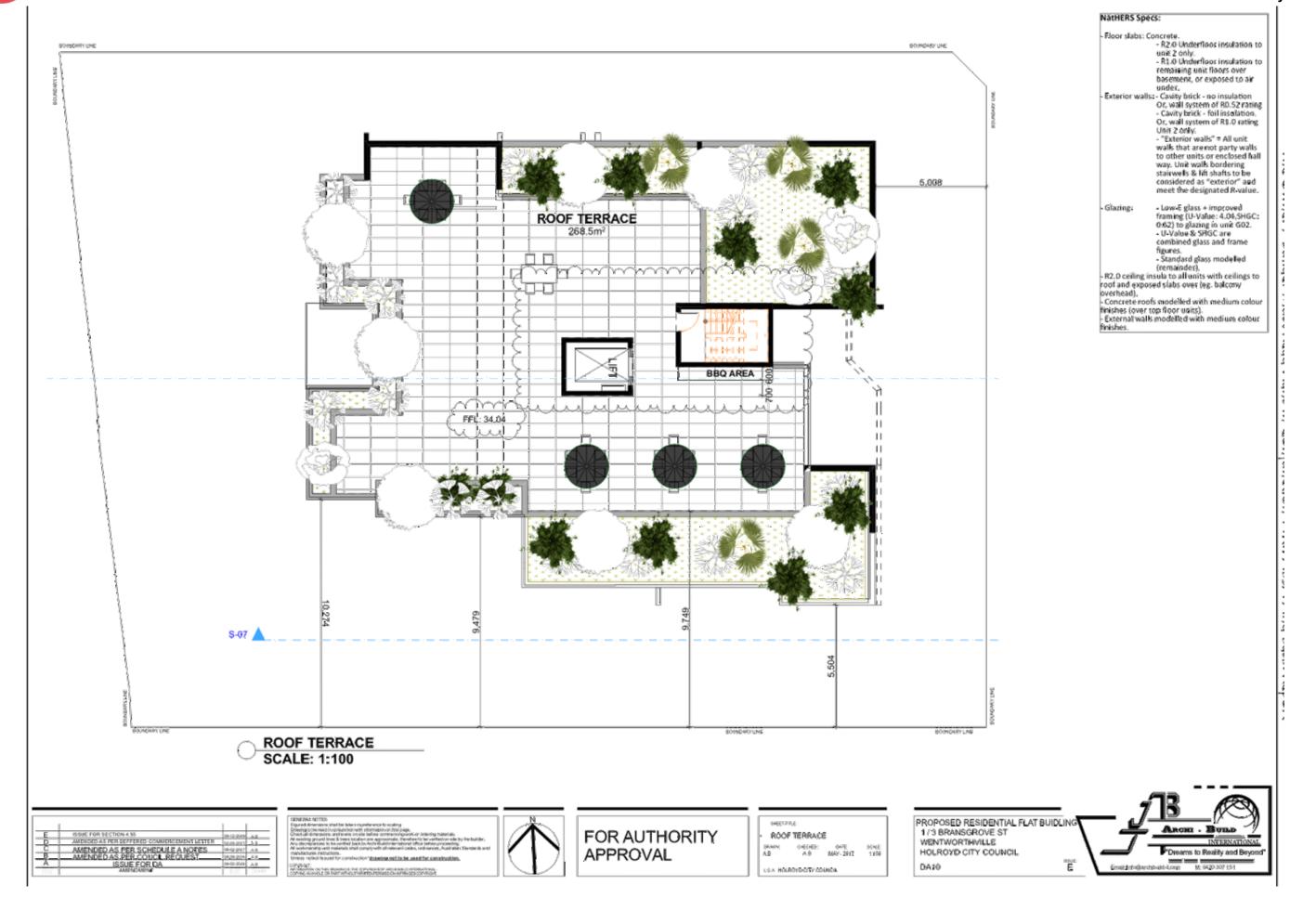




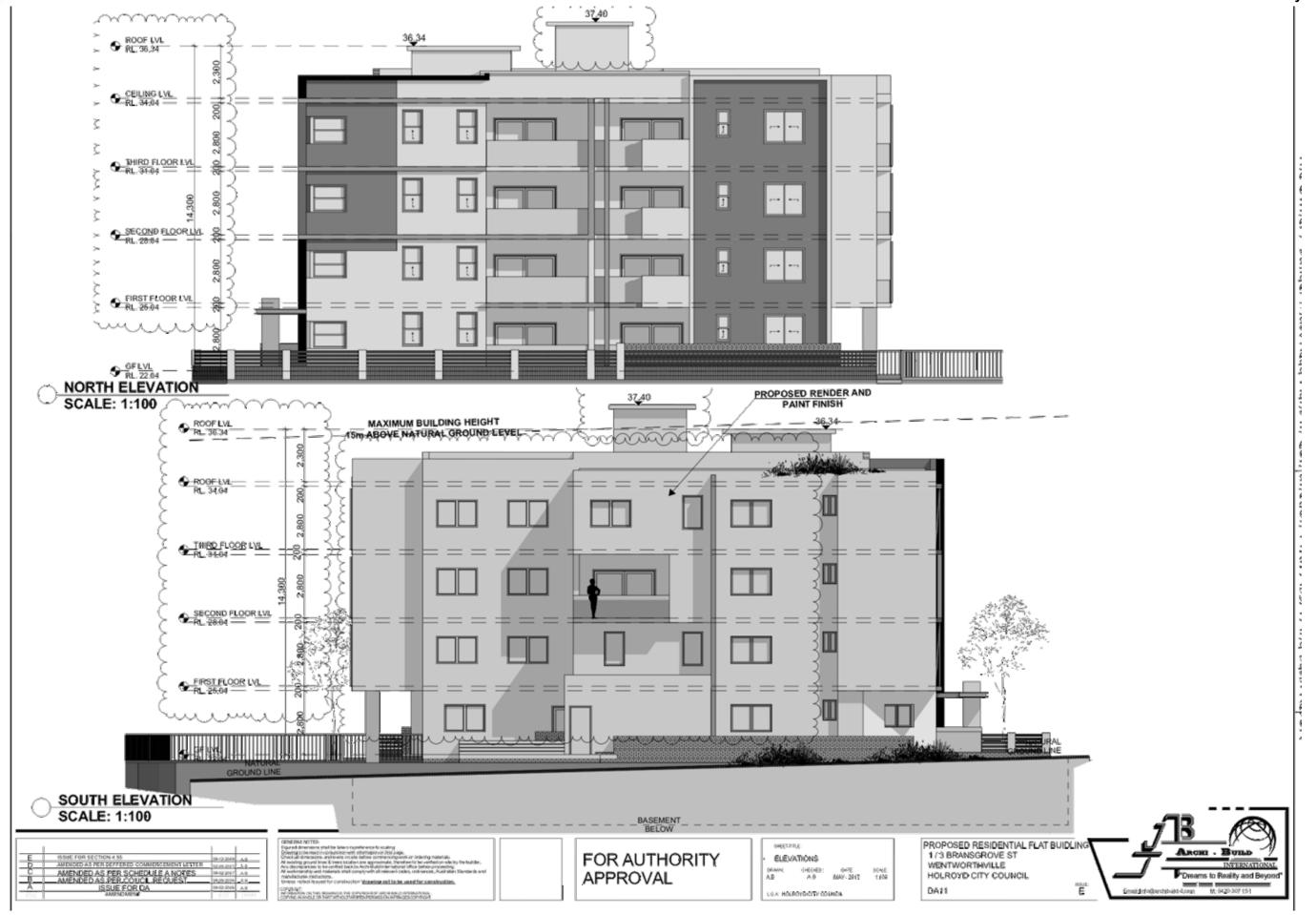




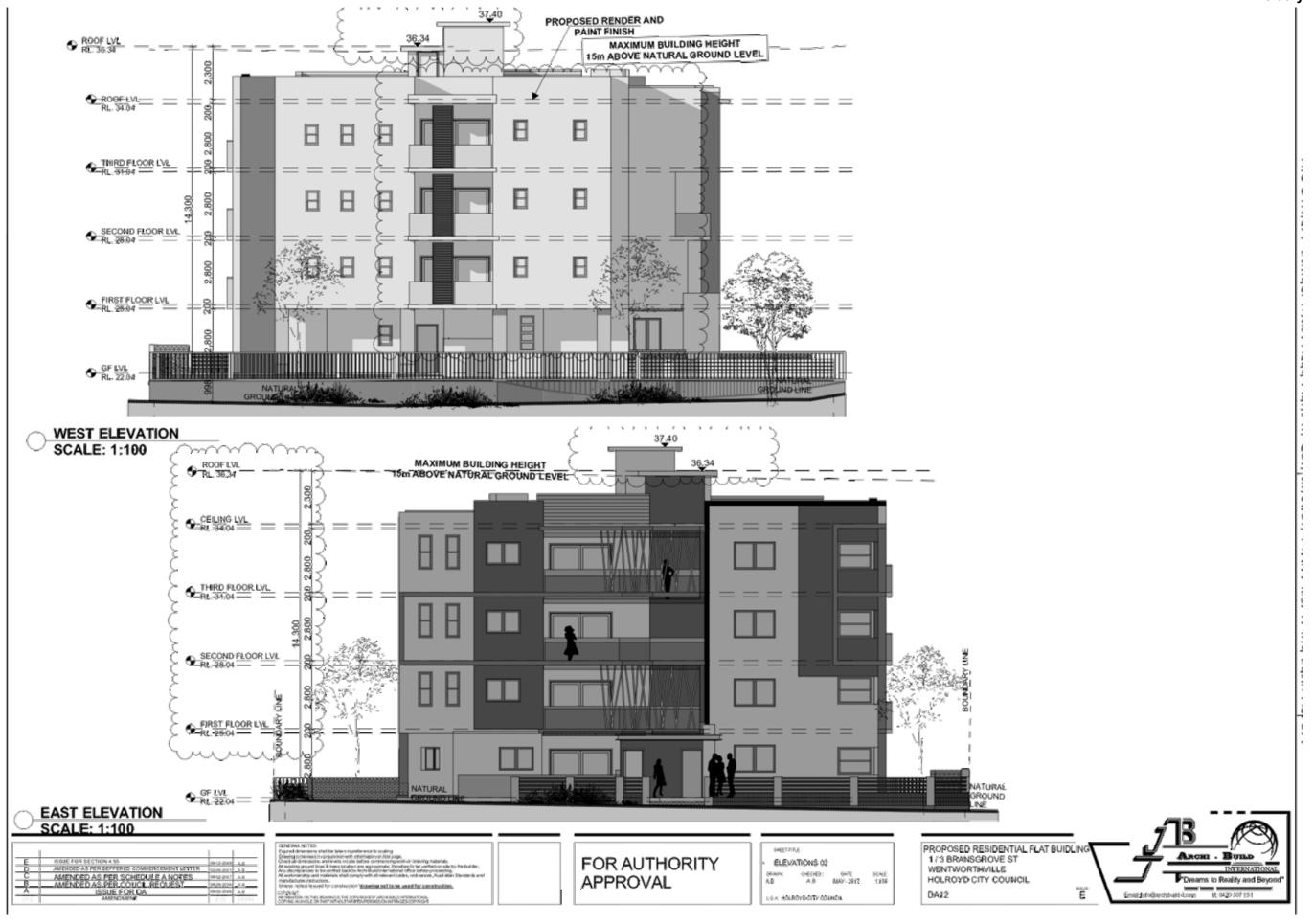




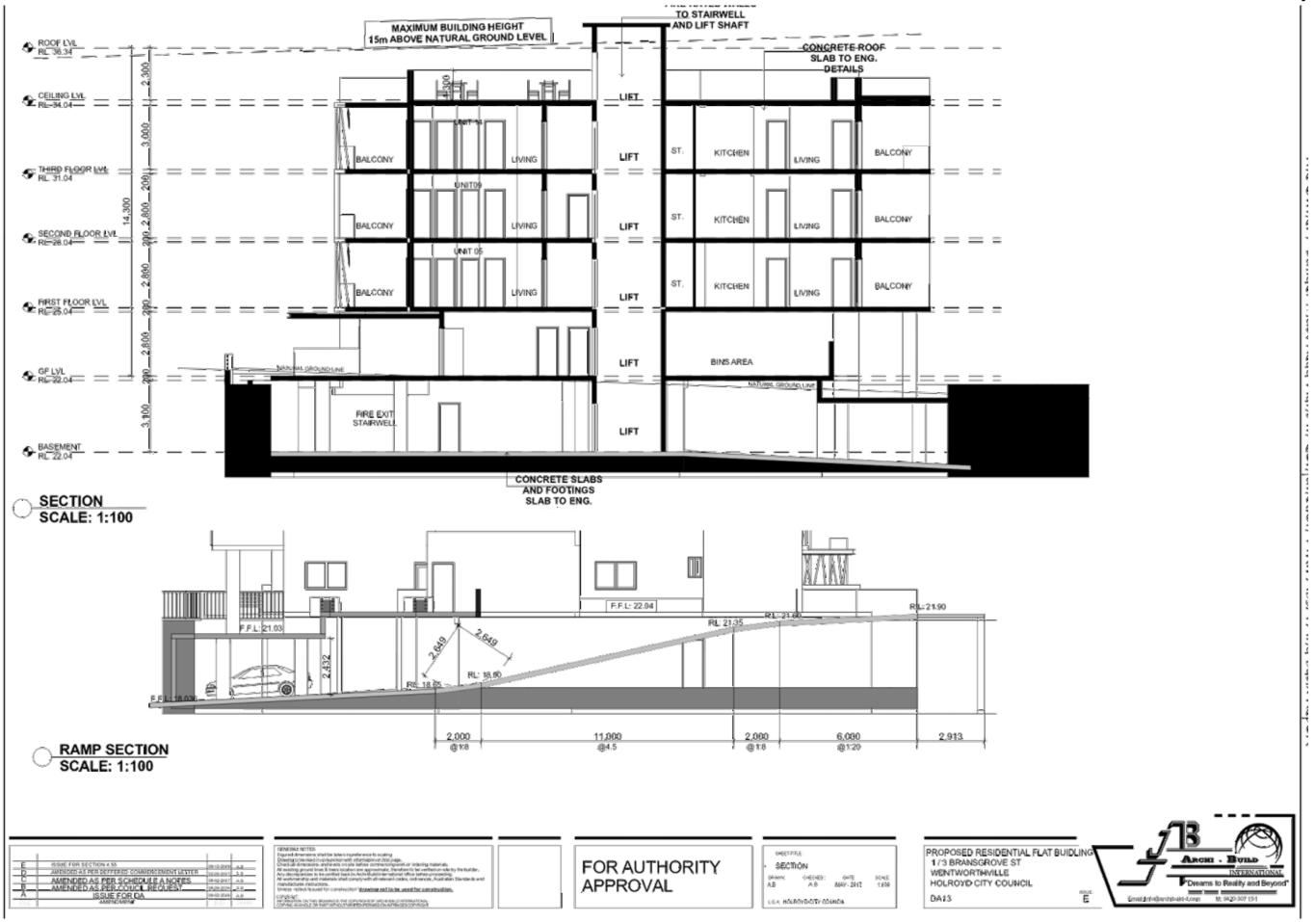




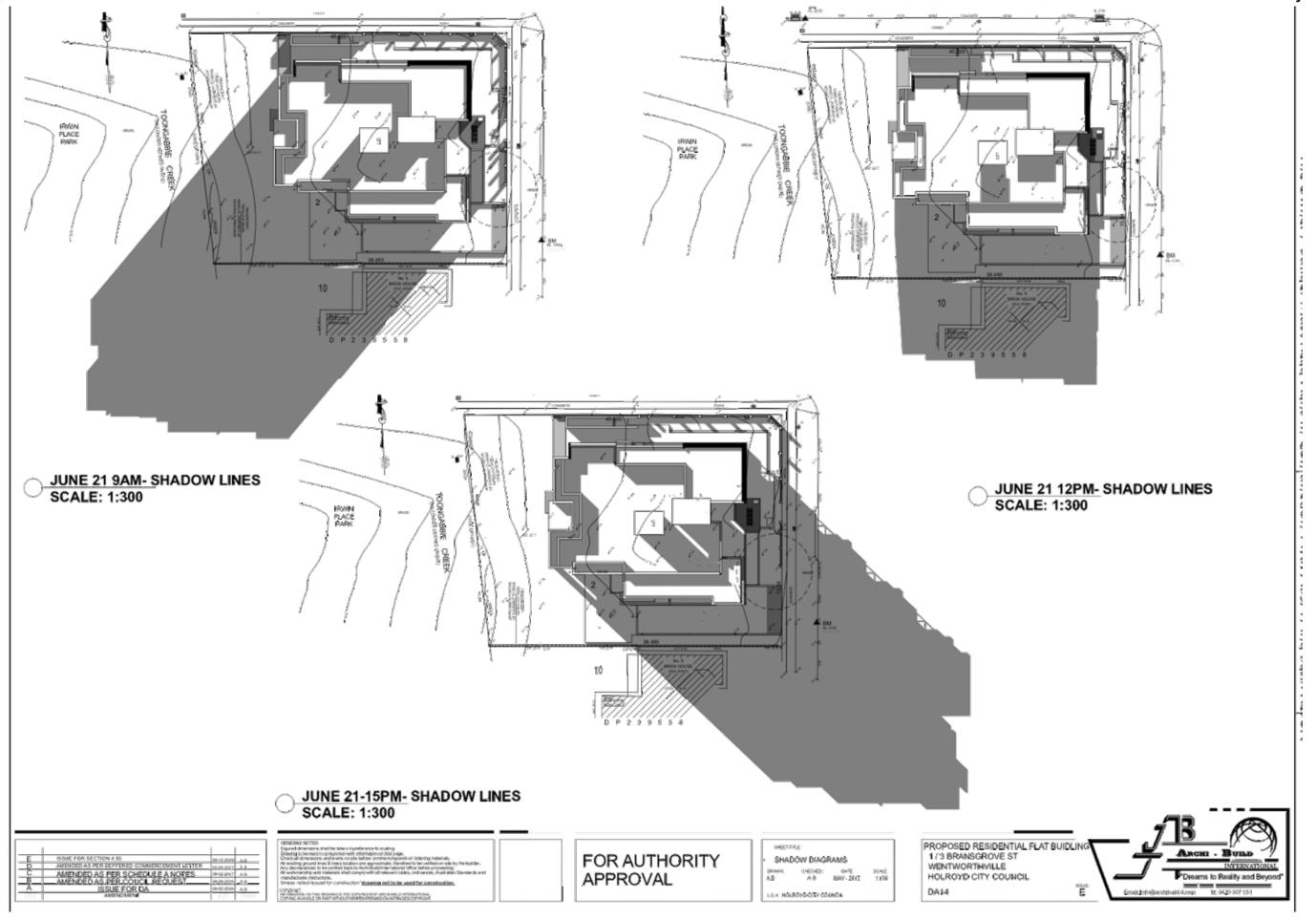












Attachment 7 Attachment 7 - Stormwater Engineering Plans



1-3 BRANSGROVE STREET, WENTWORTHVILLE PROPOSED RESIDENTIAL DEVELOPMENT

STORMWATER MANAGEMENT PLANS



LOCALITY PLAN

	DRAWING INDEX
Drawing No.	DESCRIPTION
100	COVER SHEET PLAN
1000	STORMWATERLAYOUT PLAN BASEMENT LEVEL SHEET 1 OF 2
182	STORMWATERLAYOUT PLAN BASEMENT LEVEL SHEET 2 OF 2
1901	STORMWATER LAYOUT PLAN GROUND LEVEL
184	STORMWATER LAYOUT PLAN LEVEL 1
189	STORAWATERLAYOUT PLANTENEL2
199	STORMWATER LAYOUT PLAN LEVEL 3
160	S FORMWATER LAYOUT PLAN ROOF TERRACE LEVEL
707.1	STORMWATER LAYOUT PLAN ROOF LEVEL
199	DSR MID CALCULATION SHEETS
198	MISCELLANGOUS DETAILS SHEET
491	SEDIMENT'S EROSION CONTROL PLAN

=						ARCHI - BUILD	ľ
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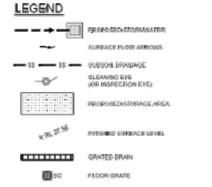
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FOR CARPARK SET-OUT LEVELS.





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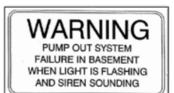
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BASEMENT PUMP OUT FAILURE WARNING SIGN

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CONFINED SPACE DANGER SIGN

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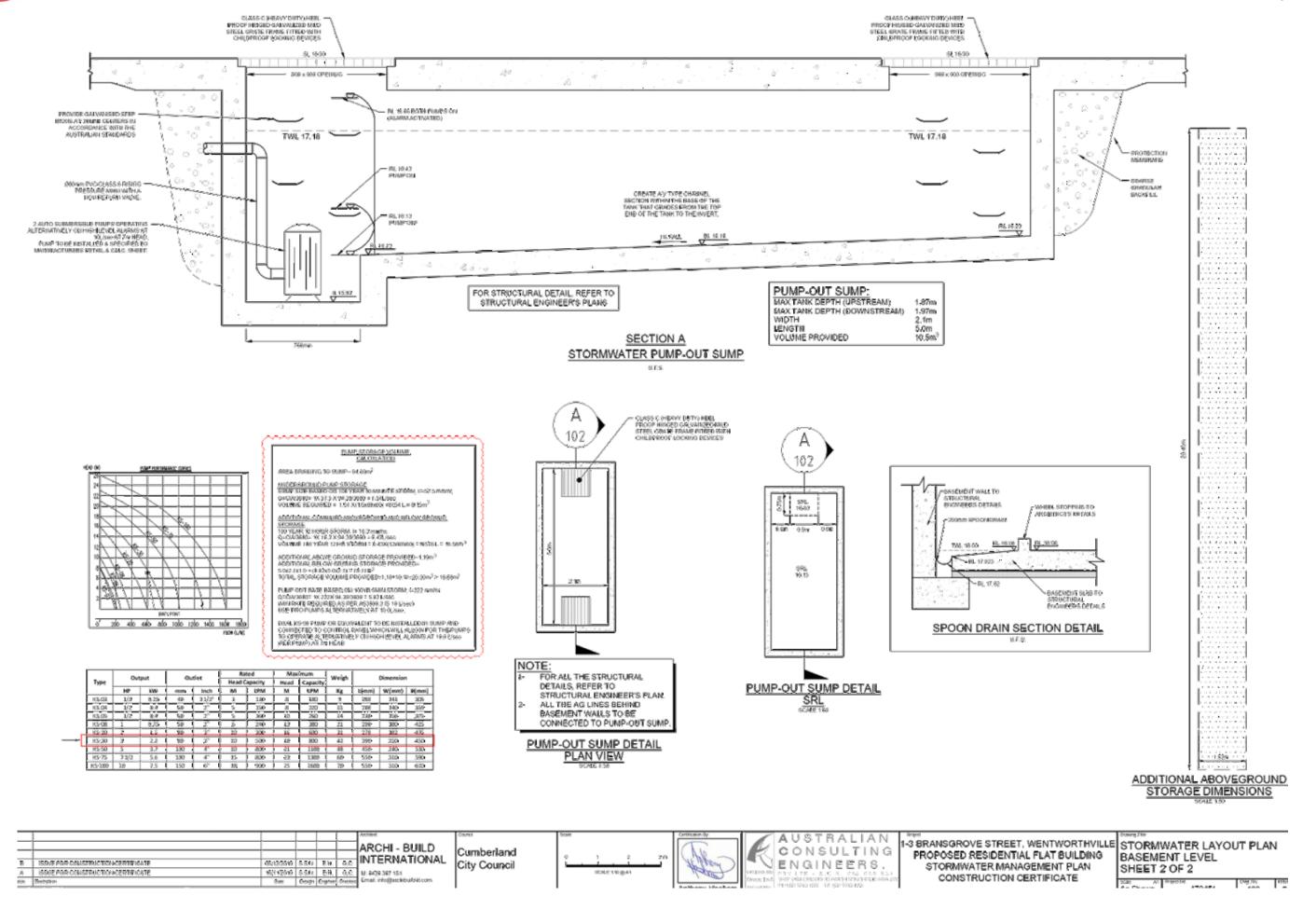
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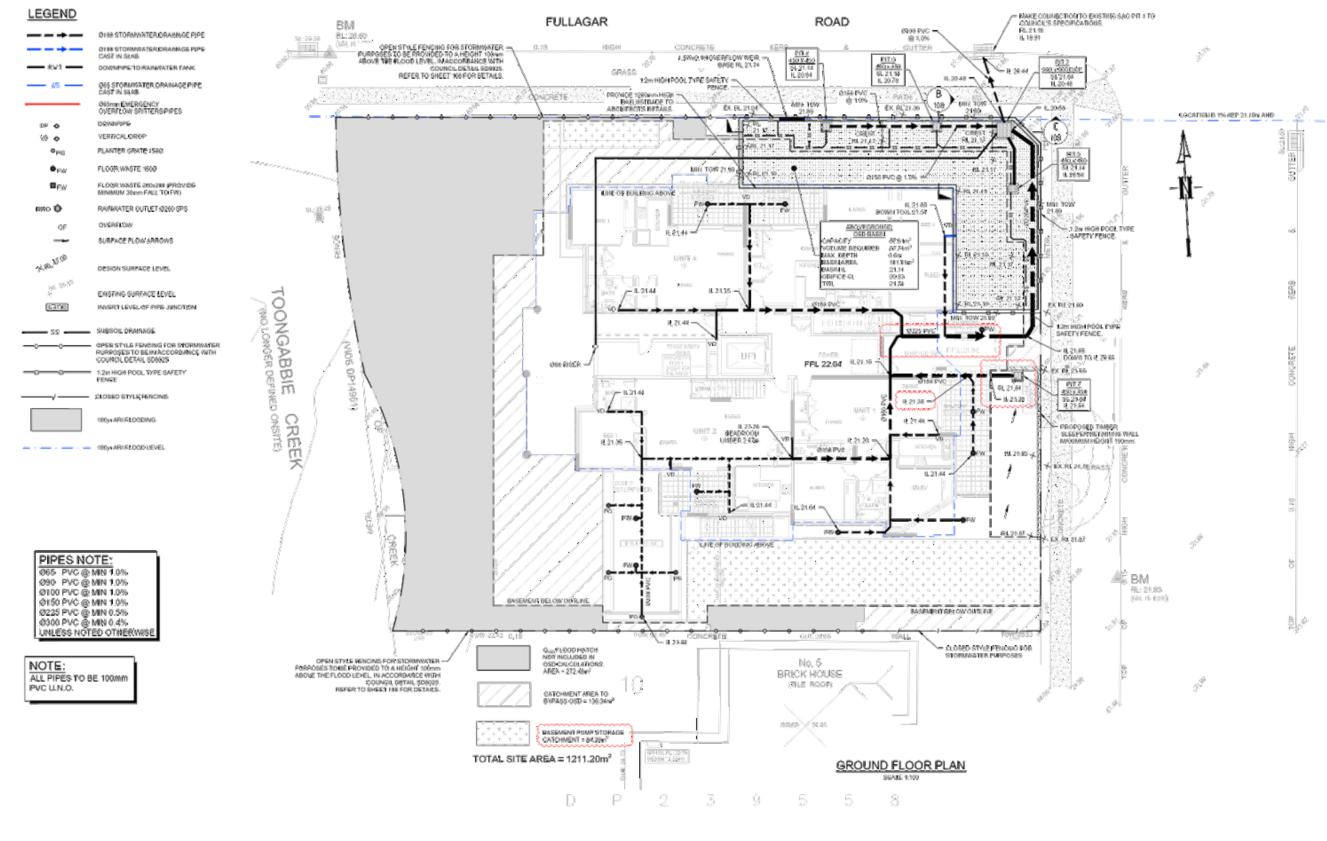
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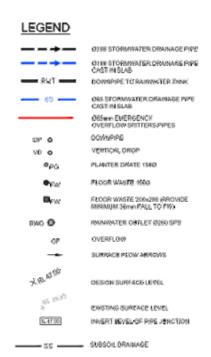
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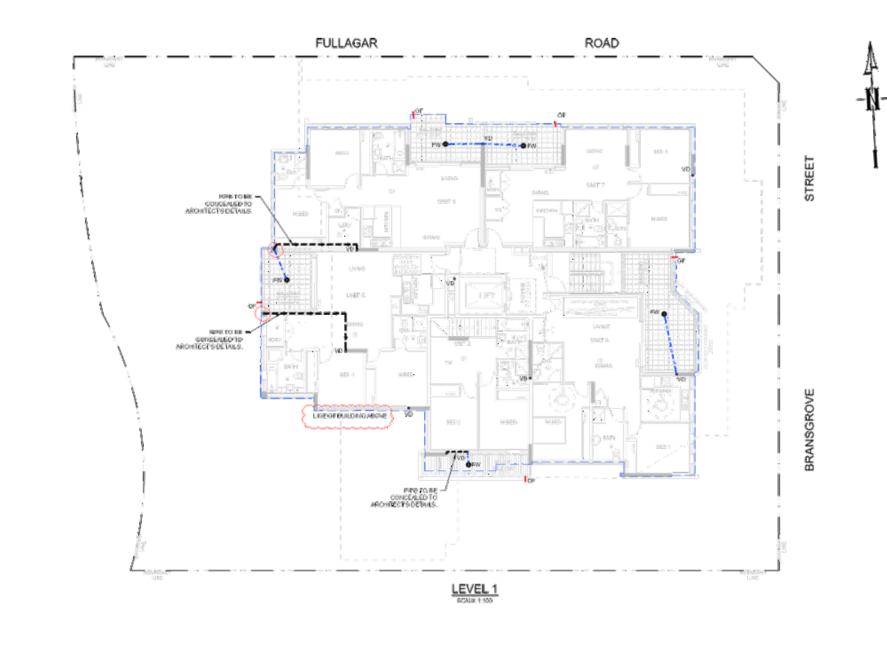


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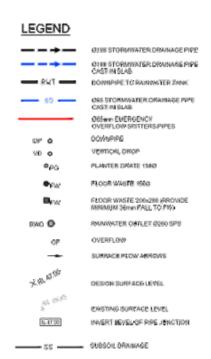


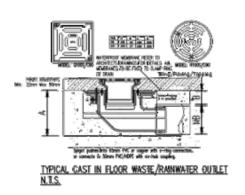


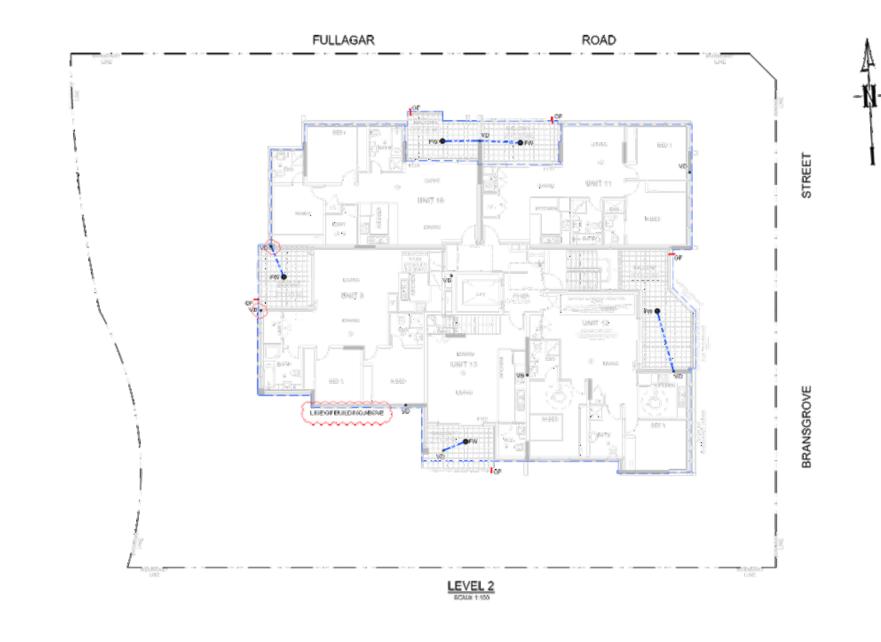


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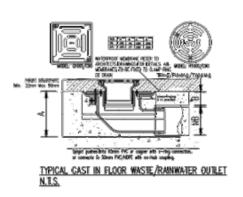




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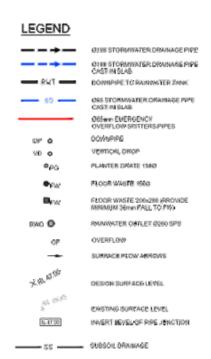


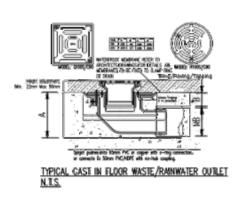


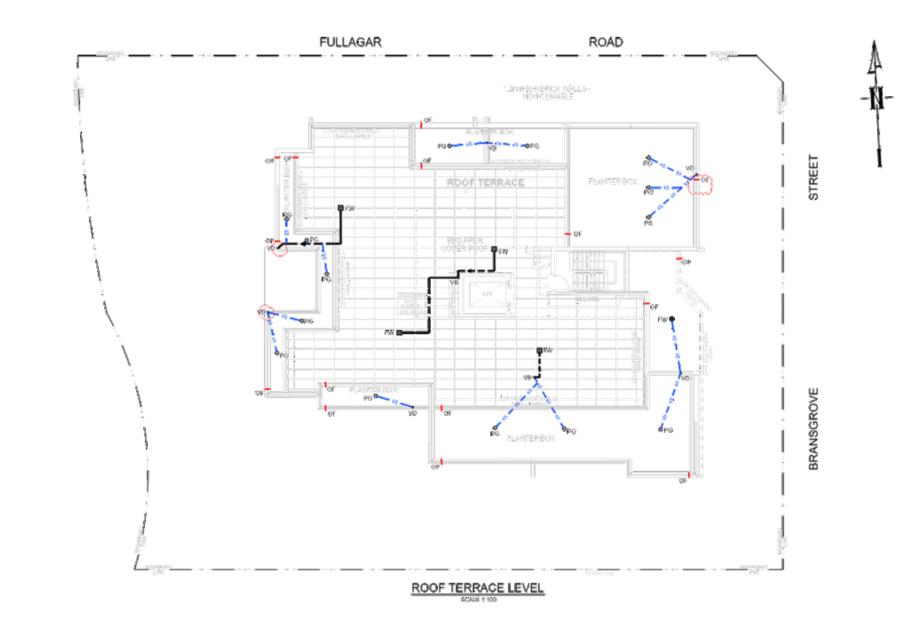


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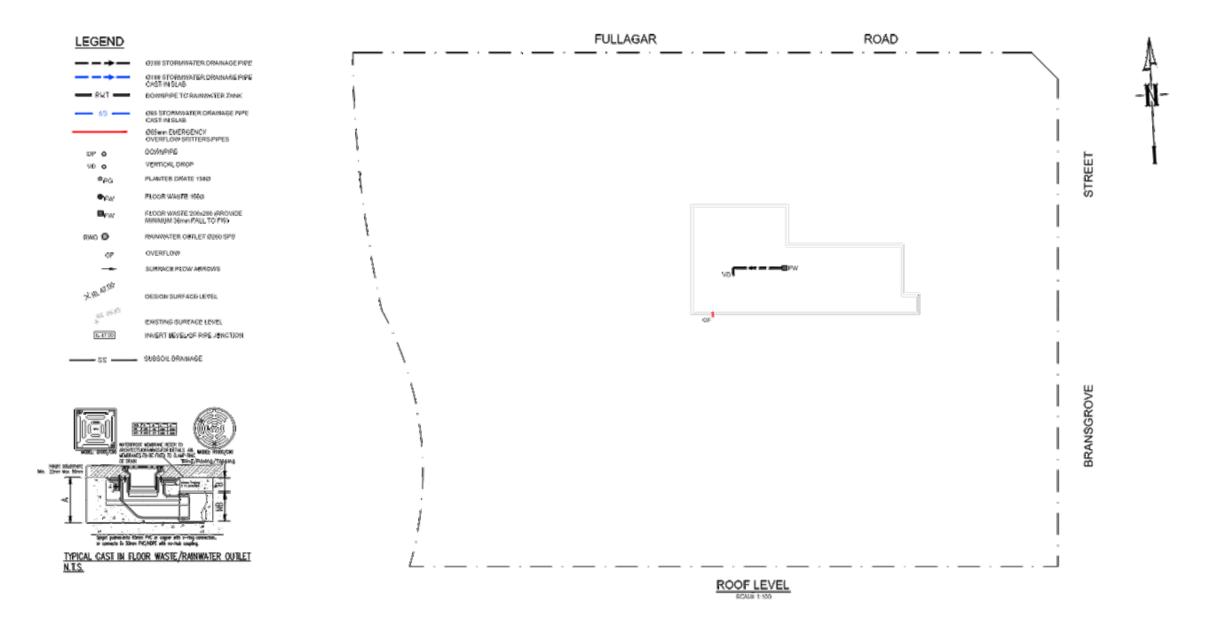






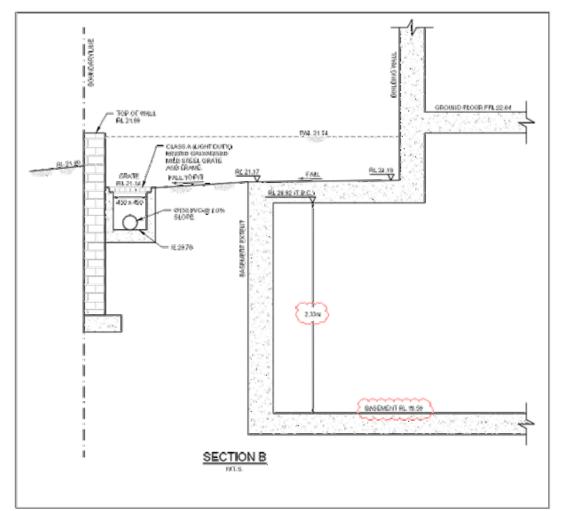
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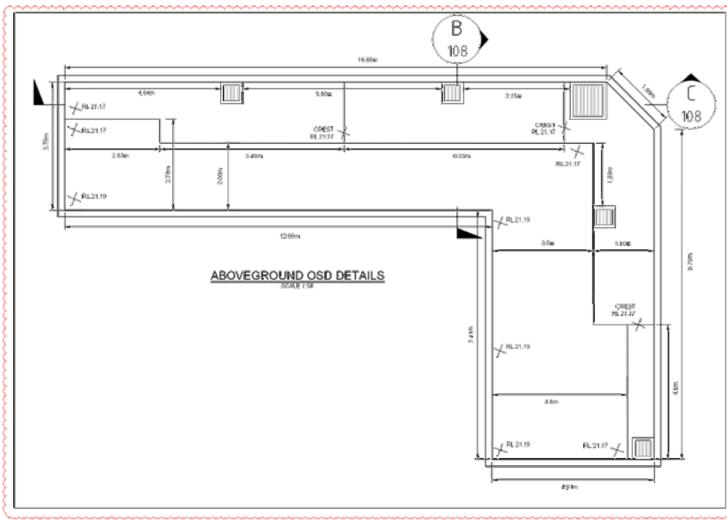


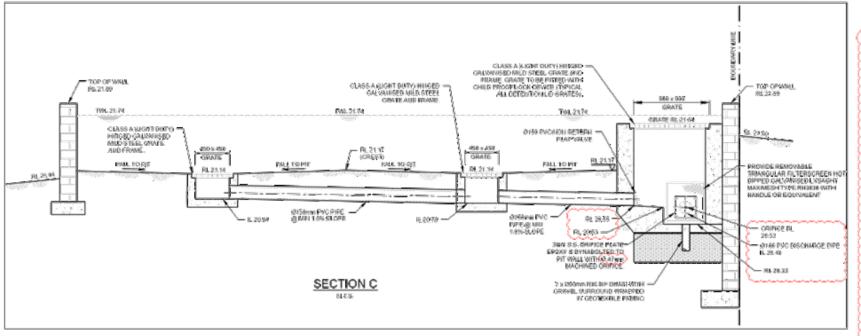


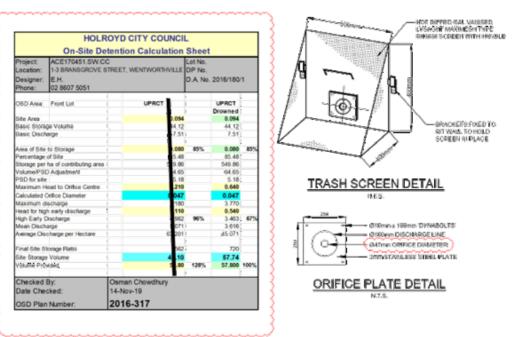
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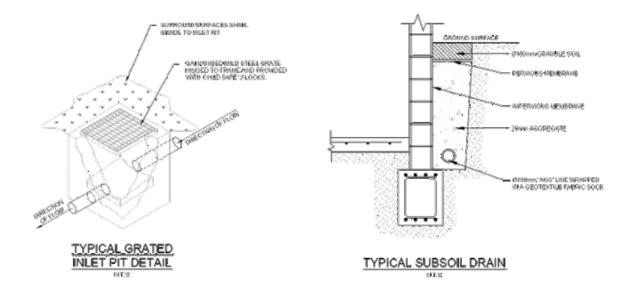
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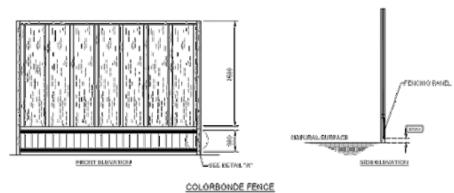
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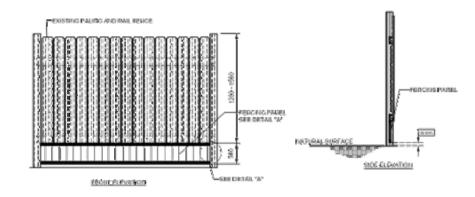
LPP035/20 – Attachment 7 Page 352



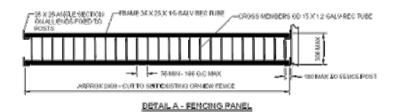
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Maintenance Action	Frequency	Responsibility	Procedure				
General							
assect roof drainage system of building and remove any debris/sludge	Six Monthly	Strata/Maintenance Contractor	Premove any leaves of deces and studge from guiters of building and flush deviniples of building to remove any blockages. Pits downstream of downspipes to be cleaned of flushed debris.				
inspect pits and trench drains on site and remove debris litter/sludge	Monthly or following Rain Period	Strata/Maintenance Contractor	Remove grate. Remove any debris/litters/scope from within pits.				
nspect site for litter and floatable debus and remove	Fortrightly	Strata/Maintenance Contractor	Remove litter from side and sweep all-deveway and patthelays in order to remove leaves or secrments that may enter into the drainage system.				
Basement Pump out							
Inspect and clean flap valve,	Six Monthly	Strata/Maintenance Contractor	Remove grate and check flap valve and pipe for blockages and clean. Check kinges for sust and test operation by moving flap to full extent.				
Check hinge operation.	Annually	Strafa/Maintenance Contractor	Inspect hinge and check its operation.				
Check attachment of flap valve to wall pit.	Annually	Strata/Maintenance Contractor	Remove-grate and ensure volve fixings are secure.				
Check flap-valve seal.	Six Monthly	Strata/Maintenance Contractor	Remove grate and fill pit with water, ensure flap yeals against side of pit with minimal leakage.				
Inspect walls for cracking or spalling,	Annualty	Strata/Maintenance Contractor	Remove-grate to inspecs internal walls, remove vegetation to inspect external wall, repair as required.				
Inspect sumo and clean.	Six Monthly	Strata/Maintenance Contractor	Remove stute and clean sediment/sludge from samp.				
Inspect grate for damage or blockage.	Six Monthly	Stratu/Maintenance Contractor	Check both sides of grate for corrosion (particularly welds and corners); also check for damage and blockness.				
Inspect outlet pipe and remove blockages	Six Monthly	Strata/Maintenance Contractor	Remove grate and flush outlet pipe to ensure it drains freely. Check for debris on upstream side of cetur line,				
Outlets							
Inspect & remove any blockage of orifices	Six monthly	Strata/Maintenance Contractor	Remove grate & screen to inspect orifice. See plan for location of outlets:				
Check attachment of orifice plates to wall of chamber and/or pit (gaps less than 5 mm)	Annually	Strata/Maintenance Contractor	Remove grate and screen. Ensure plates are mounted securely, lighten fixings if required. Seal gaps as required.				
Check orifice diameters are correct and retain sharp edges	Five yearly	Strafa/Maintenance Contractor	Compare diameter to design (see Work-as-Executed) and ensure edge is not pitted or damaged.				
Inspect screen and clean	Six monthly	Strata/Maintenance Contractor	Remove grate(s) and screens if required to clean them.				
Check attachment of screens to wall of chamber or pit	Anaually	Strafa/Maintenance Contractor	Remove grate(s) and screen(s). Ensure screen fixings are secure. Repair as required.				
Check screen(s) for corrosion	Ansually	Strafa/Maintenance Contractor	Remove-grate(s) and examine screen(s) for rust or corrosion, especially at corners or welds. Remove-grate(s) to inspect internal walls. Repair as required. Clear vegetation from external walks it				
Inspect walls (internal and external, if appropriate) for cracks or spalling	Annually	Strafa/Maintenance Contractor	necessary and repair as required.				
Inspect outlet sumps & remove any sediment/sludge	Six menthfy	Strafa/Maintenance Contractor	Remove-grate(s) and screen(s). Remove sediment/sludge build-up and check-orthices are clear.				
Inspect grate(s) for damage or blockage	Six monthly:	Strata/Maintenance Contractor	Check both sides of a grate for corrosion, (especially corners and welds) damage or blockage.				
Inspect outlet pipe & remove any blockage	Six monthly	Strata/Maintenance Contractor	Remove grate(s) and screen(s). Ventilate underground storage if present. Check offices and semove any blockages in outlet pipe. Husb outlet pipe to confirm it drains feely. Check for sludge/debris on unstream side of serure line.				
Check step irons for corrosion	Annually	Strafa/Maintenance Contractor	Remove-grate, Examine step from and sepair any corrosion or damage				
Check fixing of step irons is secure	Six monthly	Strata/Maintenance Contractor	Remove grate(s) and ensure fixings are secure prior to placing weight on step iron.				
Storage							
Inspect storage & semove any sediment/sludge in air	Six monthly	Strata/Maintenance Contractor	Remove grate(s) and screen(s). Remove sediment/sludge build-up.				
Inspect infernal walls of storage (and external, if appropriate) for cracks or spalling	Amually	Strata/Maintenance Contractor	Remove-grate(s) to inspect internal walls. Repair as required. Clear vegetation from external walks if necessary and repair as required.				
Inspect & remove any debris/litter/mulch etc blocking grates	Six monthly	Strata/Maintenance Contractor	Remove blockages from grate(s) and check if storage is blocked.				
hopeet areas draining to the storage(s) & remove debris/mulch/litter etc likely to block screens/grates	Six monthly	Strata/Maintenance Contractor	Remove debris and floatable material likely to be carried to grates.				
Compare storage volume to volume approved. (Rectify if loss > 5%)	Ansually	Strata/Maintenance Contractor	Compare actual storage available with Work-as Executed plans. If volume loss is greater than 5%, arrange for reconstruction to seplace the volume loss. Council to be notified of the proposal.				



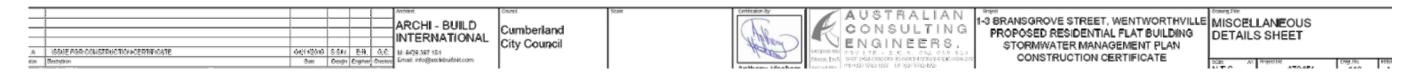




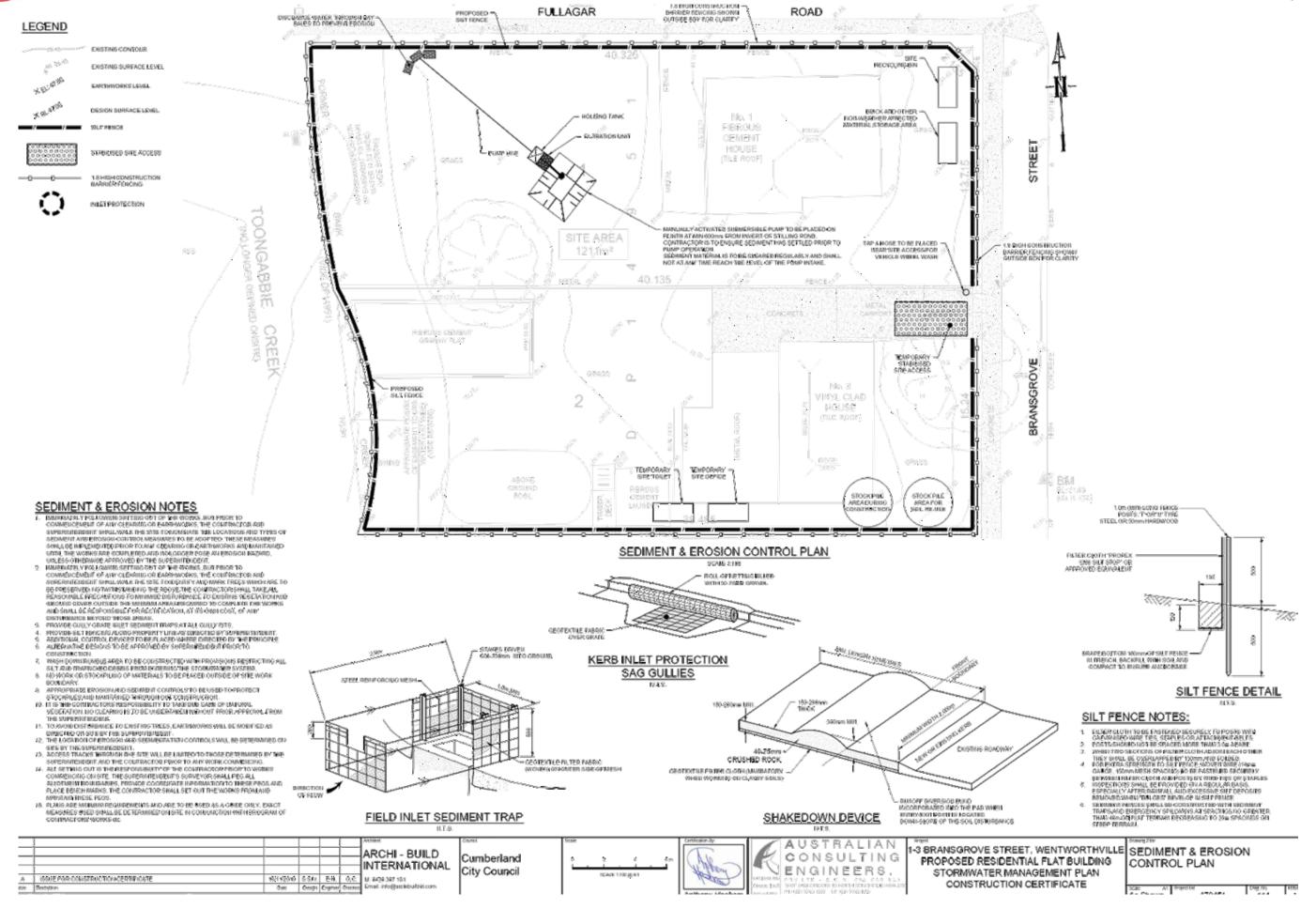
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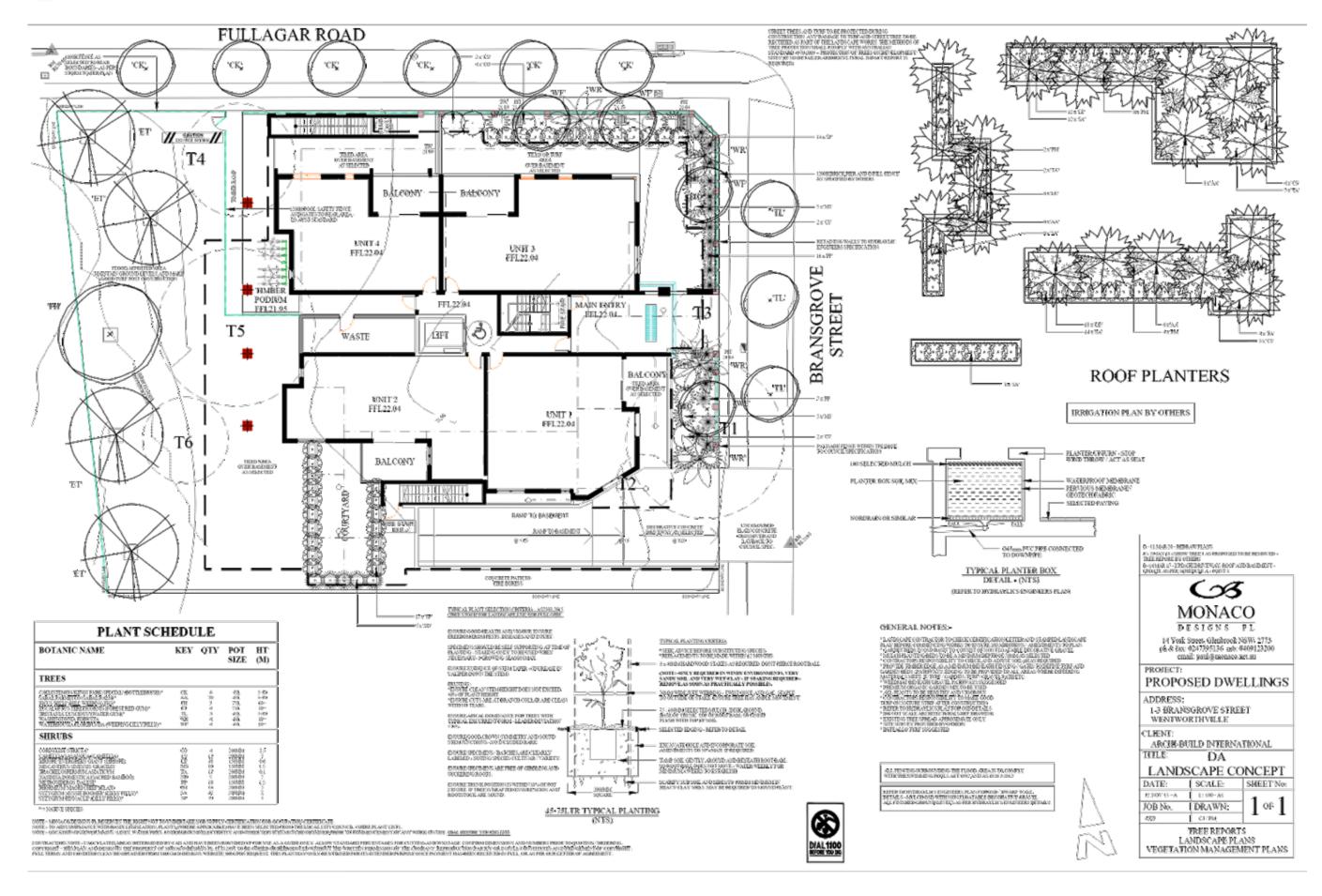






Attachment 8 Attachment 8 -Landscape Plan





Attachment 9 Attachment 9 - Locality Map







Item No: LPP036/20

DEVELOPMENT APPLICATION FOR 122 ROBERTSON STREET, GUILDFORD

Responsible Division: Environment & Planning

Officer: Executive Manager Development and Building

File Number: DA2020/0280

Application lodged	12 May 2020	
Applicant	Mr S Christou	
Owner	Mr S Christou & Mrs G I Christou	
Application No.	DA2020/0280	
Description of Land	122 Robertson Street Guildford NSW 2161	
	Lot 111 DP 1114778	
Proposed	Erection of a pergola at the rear	
Development		
Site Area	348.39sqm	
Zoning	R2 – Low Density Residential	
Disclosure of political	Nil disclosure	
donations and gifts		
Heritage	No	
Principal Development	N/A - No Change to FSR or Height of Building	
Standards		
	Proposed Pergola Height: 2.75m maximum	
Issues	Nil	

SUMMARY:

- 1. Development Application No. DA2020/0280 was received on 12 May 2020 for the erection of a pergola at the rear.
- 2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 15 May 2020 and 29 May 2020. In response, no submissions were received.
- 3. There are no variations proposed to Parramatta Local Environmental Plan 2011 and Parramatta Development Control Plan 2011.
- 4. The application is recommended for approval subject to the conditions as provided in the attached schedule.
- 5. The application is referred to the Panel as part owner of site is a sitting Councillor of Cumberland City Council.

REPORT:

Subject Site And Surrounding Area

The site forms Lot 111 of DP1114778 and is known as 122 Robertson Street, Guildford. The site has an area of 348.39sqm and a frontage to Robertson Street, Guildford of 7.62m.



A site inspection of the premises carried out on 1 June 2020 confirmed that the site is currently occupied by a two storey dual occupancy development with concrete area to the rear of the dual occupancy unit and landscaping.

The existing development immediately adjoining the site includes the adjoining dual occupancy unit known as 122A Robertson Street, Guildford, to the immediate south which contains a pergola of similar materials, size and location as the current proposal. Adjoining the site to the further south is a two storey dual occupancy development and a single storey dwelling which contains a large tree within the rear yard adjoins the site to the immediate north.



Figure 1 – Locality map of 122 Robertson Street Guildford

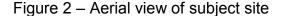




Figure 3 – Street view of subject site





Figure 4 – Photo of concreate area of proposed pergola location facing towards Robertson Street, Guildford



Figure 5 – Photo of north side elevation of concrete area of proposed pergola location





Figure 6 – Photo of south side elevation of concrete area of proposed pergola location



Figure 7 – Photo of pergola attached to adjoining southern dual occupancy unit known as 122A Robertson Street Guildford



Figure 8 – Photo of landscaping within the rear yard looking towards the rear boundary





Description of the Proposed Development

Council has received a development application on 12 May 2020 seeking approval for the erection of a pergola at the rear.

Key features of the development proposal are as follows:-

- Construction of a pergola attached to the rear of a dual occupancy unit known as 122 Robertson Street, Guildford which contains the following details:
 - Colourbond roof of grey colour with metal support posts; and
 - Constructed on an existing concrete slab, measuring 7.62m in width and 7m in depth, located at the rear of the dwelling with a total area of 53.34sqm.

The existing concrete slab at the rear of the dwelling is located against the southern and northern side boundaries of the subject site. The pergola is proposed to cover the whole area of the existing concrete slab and as such is proposed to measure 7.62m in width and 7m in depth for a total area of 53.34sqm and is to be attached to the rear of the dwelling. The pergola is proposed to contain a maximum height of 2.75m.

History of Site

- Development Application (Cumberland City Council Reference: DA99/1639-01) lodged with Parramatta City Council to demolish existing dwelling and erect a single storey dwelling;
- 2. On 13 August 2002, Development Application JD/00145/02 was approved by Parramatta City Council for construction of an attached dual occupancy and subdivide into two (2) lots Cumberland City Council Reference: DA/145/2002;
- On 17 June 2003, Section 96(1A) Modification Application JD/145/02 was approved by Parramatta City Council to modify the development consent for 122 Robertson Street Guildford by relocating the on-site detention system from under the driveway area to the landscaped planted area adjacent to the driveway -(Cumberland City Council Reference: DA02/145-01)
- 4. Subdivision Application (Parramatta City Council Reference: SC/122/2006) approved by Parramatta City Council on 16 March 2007.
- 5. Construction Certificate (Cumberland City Council's Reference: CC2020/0158) has been lodged with Council in conjunction with the current development application for the erection of a pergola at the rear.

It is noted that the existing concrete area of which the Pergola is proposed to be constructed upon, was approved in accordance with Development Application JD/00145/02 for construction of an attached dual occupancy and subdivide into two (2) lots.



History of Development Application

Date	Action	
12 May 2020	The Development Application was lodged for the	
	erection of a pergola at the rear.	
13 May 2020	The Development Application was referred to Council's	
	Building Surveyor for comment.	
15 May 2020 to 29 May	Application was placed on public notification for 14 days.	
2020	No submissions were received.	
1 June 2020	Site Inspection conducted.	
1 June 2020	Comments were received from Council's Building	
	Surveyor.	
8 July 2020	Application referred to Cumberland Local Planning Panel	
	for determination.	

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects which was received by Council on 12 May 2020 in support of the application.

Contact with Relevant Parties

Council 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

Building Surveyor

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

A further comment was provided being as follows, however this comment is in relation to the Construction Certificate lodged with Council (Cumberland City Council's Reference: CC2020/0158) and is not required at the DA stage:

1. Construction details (Structural engineer's details of the proposed pergola are required to be provided which includes connections to the external walls, bearers details, engineering details of the roof rafters, roof cladding, post and post anchoring) and residential construction specification shall be provided to the Certifier prior to the issue of the Construction Certificate:

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	☐ Yes ☐ No
of land use?	
In the development going to be used for a sensitive land use (e.g.:	Yes □ No
residential, educational, recreational, childcare or hospital)?	
Does information available to you indicate that an activity listed	☐ Yes ⊠ No
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	D.V D.N
Is the site listed on Council's Contaminated Land database?	Yes No
Is the site subject to EPA clean-up order or other EPA restrictions?	Yes 🛛 No
Has the site been the subject of known pollution incidents or illegal	☐ Yes ⊠ No
dumping?	
Does the site adjoin any contaminated land/previously contaminated	☐ Yes ⊠ No
land?	
Has the appropriate level of investigation been carried out in respect	⊠ Yes □ No
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?	
Details of contamination investigations carried out at the site:	
The site is not identified in Council's records as being contaminated. A	\ site
inspection revealed the site does not have any obvious history of a pre-	
use that may have caused contamination and there is no specific evid	
indicates the site is contaminated. The subject site is currently used for	
purposes and contamination is not expected	
Lambara and communication is not expected	

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

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

Clause 85 – Development adjacent to railway corridors

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

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

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

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

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

Clause 101 – Frontage to classified road

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

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

The application is not subject to clause 102 of the ISEPP as the average daily traffic volume is less than 40,000 vehicles on Robertson Street, Guildford.

Clause 104 – Traffic generation developments

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

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

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

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

Yes – The proposal does not involve the removal of any vegetation.



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

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

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

The cost of works is valued at less than \$50,000 therefore a BASIX Certificate was not required to be submitted as part of the development application.

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

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 R2 – Low Density Residential Zoning.

(a) Permissibility:-

The proposed development being for the erection of a pergola at the rear is an ancillary structure to the existing approved dual occupancy unit. A 'dual occupancy' is permissible in the R2 – Low Density Residential zone with consent.

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

Figure 4 – Parramatta LEP 2011 Compliance Table

rigare i i arramatta EEL 2011 Compilarico Tablo			
DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION	
4.3 Height of Buildings Maximum permissible: 10m	Yes	The pergola proposes a maximum height of 2.75m.	
4.4 Floor Space Ratio Maximum permissible: 0.7:1	Yes	The development application is for the erection of a pergola at the rear of an existing dual occupancy development only and as such no change to the existing floor space ratio is proposed.	
5.10 Heritage conservation	N/A	The subject site does not contain a heritage item, and is not	



		located within the vicinity of the heritage item or heritage conservation area.
6.1 Acid sulfate soils	N/A	The site is not affected by Acid Sulfate Soils.
6.2 Earthworks	N/A	The development application is for the erection of a pergola at the rear of an existing dual occupancy development only, which is proposed to be constructed upon an existing concrete slab area previously approved.
6.3 Flood planning	N/A	The site is not identified as being flood prone.
6.4 Biodiversity Protection	N/A	The site is not identified as Biodiversity on the Natural Resources - Biodiversity Map.
6.5 Water Protection	N/A	The site is not identified as "Riparian Land and Waterways".
6.11 Dual occupancies on land in Zones R2, R3 and R4	N/A	The development application is for the erection of a pergola at the rear of an existing dual occupancy development only.

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) and draft Cumberland Development Control Plan 2020 (Draft CDCP)

The Draft Cumberland Local Environmental Plan 2020 (Draft CLEP) and Draft Cumberland Development Control Plan 2020 (Draft CDCP) have 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 and three existing DCPs currently applicable to the Cumberland local government area, those being:

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

The planning controls proposed within the draft CLEP and draft CDCP for the subject site, are not proposed to affect the proposed development.

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

The Parramatta Development Control Plan 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 B.

It is noted that Parramatta Development Control Plan 2013 does not contain any specific development controls for a pergola. As such the development has been assessed under 'Dual Occupancy' development controls provided within Parramatta Development Control Plan 2011 as the pergola is proposed to be attached to the rear of the existing dual occupancy unit.

It is also noted that the dual occupancy development was approved prior to the current Parramatta Development Control Plan 2011 becoming operational.

The following table highlights non-compliances with Parramatta Development Control Plan 2011, which relate to side setbacks and rear setback, however as stated above,



the side setback and rear setback development controls within Parramatta Development Control Plan 2011 are for dual occupancy development as there is no specific development controls relating for pergolas. The variations sought are considered satisfactory on merit in this instance.

Figure 9: PDCP 2011 Variation Table

Part 3 - Clause 3.1 - Table 3.1.3.3 - Dual Occupancies	Control	Proposed	Variation
Side Setbacks	Minimum 1.5m	Omm to southern and northern side setbacks	100%
Rear setback	Minimum 30% of site length	13.12% (6m/45.72m)	16.88%

As indicated in Figure 7 above, the adjoining southern dual occupancy unit known as 122A Robertson Street Guildford, currently contains a pergola (Council Reference: DA2008/8729) which is of similar materials, size and location as the current proposal in terms of it is also located on the northern and southern side boundaries and is built upon an existing concrete slab previously approved and is of a similar size to the current proposal.

The northern and southern side setbacks proposed for the pergola being 0mm and proposed rear setback of the pergola being 13.12% of the site length (6m), are considered acceptable on merit as the pergola is proposed to be constructed upon an existing approved concrete slab and as such will not reduce deep soil and landscaping for the site.

The pergola, including gutters, is proposed to be contained wholly within the subject site and is not proposed to overhang adjoining properties.

The subject allotment currently does not contain any covered private open space area for occupants and as such the proposed pergola will increase outdoor amenity for the occupants of the dwelling in terms of protection from weather elements such as heat, rain and wind by providing shelter and it is considered that the proposal performs adequately from an environmental planning viewpoint and may be supported.

The development application was also referred to Council's Building Surveyor who raised no concerns subject to recommended conditions being imposed in the development consent, due to the proposed 0mm northern and southern side setbacks, for the external walls of the pergola to achieve a Fire Resistance Level of 60/60/60 to comply with the Building Code of Australia Deemed To Satisfy provisions with details of the materials used to satisfy this requirement required to be submitted to the Principal Certifying Authority prior to issuing of any Construction Certificate and for the stormwater to be connected to the existing stormwater system onsite.



The proposed side and rear setbacks for the pergola are considered acceptable subject to conditions imposed in development consent as per Council's Building Surveyor's comments provided above as the proposal will not impact on the streetscape, will protect the amenity of adjoining sites, will increase outdoor amenity for occupants of the subject site and will provide for the provision of a functional private open space area for the existing development.

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

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

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

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

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

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

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

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

Submissions made in accordance with the Act or Regulation (EP&A A (1)(d))			
Advertised (newspaper)	Mail 🔀	Sign 🗌	Not Required
In accordance with Council's r	•		
Development Control Plan 20 days between 15 May 2020		•	•

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

respect of the proposed development.

In view of the foregoing analysis it is considered that the development, if carried out subject to the draft conditions set out in Attachment 1, 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 Cumberland Local Infrastructure Contributions Plan 2020.

Disclosure of Political Donations and Gifts

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

CONCLUSION:

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, 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 R2 - Low Density Residential zone under the relevant provisions of Parramatta Local Environmental Plan 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.

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

REPORT RECOMMENDATION:

That Development Application No. DA2020/0280 for the erection of a pergola at the rear on land at 122 Robertson Street Guildford NSW 2161 be approved subject to attached conditions.

ATTACHMENTS

- 1. Draft Notice of Determination 4
- 2. Parramatta Development Control Plan 2011 Compliance Table J.
- 3. Architectural Plan J.
- 4. Waste Management Plan U

DOCUMENTS ASSOCIATED WITH REPORT LPP036/20

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: DA2020/0280

Applicant: Mr S Christou

122 Robertson Street GUILDFORD NSW 2161

Property Description: 122 Robertson Street GUILDFORD NSW 2161,

Lot 111 DP 1114778

Development: Erection of a pergola at the rear

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: 08 July 2020

Date from which Consent Operates: 08 July 2020

Date Consent Lapses: 08 July 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 12 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 FAST TRACK DEVELOPMENT ASSESSMENT

Date: 08 July 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

LPP036/20 – Attachment 1 Page 379

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CUMBERLAND COUNCIL

Development Application Notice of Determination

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

CONDITIONS OF APPROVAL

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.

Reference/Dwg No	Title/Description	Prepared By	Date/s
Dwg No's. DA01 -	Architectural plans -	-	All dated 27 April
DA05 (Inclusive), All	As amended in red by		2020
Issue A	Council.		
-	Waste Management	-	As received by
	Plan - As amended in		Council on 12 May
	red by Council.		2020

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

3. 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)

4. 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)

5. 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)

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CUMBERLAND 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 issue of a Construction Certificate

6. 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)

7. 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)

8. 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)

9. 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)



CUMBERLAND 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

10. 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
 - 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
 - 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:
 - 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)

11. DAPCA02 - Home Building Compensation Fund

No residential building work within the meaning of the Home Building Act 1989 may commence until:

- 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;
- 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);
- 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)

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CUMBERLAND COUNCIL

Development Application Notice of Determination

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

12. 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)

13. 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)

14. 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)

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CUMBERLAND COUNCIL

Development Application Notice of Determination

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

Conditions which must be satisfied during any development work

15. <u>DADWA01 - Construction Hours</u>

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)

16. 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)

17. 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)

18. 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)

19. <u>DADWA07 - General Site Requirements during Demolition and Construction</u>

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

- All demolition is to be carried out in accordance with Australian Standards AS 2601-2001
- 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.

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CUMBERLAND COUNCIL

Development Application Notice of Determination

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

- 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.
- 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.
- 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.)

20. 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)

21. 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)

22. 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)

23. DADWZ01 - 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)

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

DADWZ02 - 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)

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CUMBERLAND 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 issue of any Occupation Certificate relating to the use of the building or part

25. 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:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- 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)

26. <u>DAOCH01 - Certification of the Constructed Stormwater System (Minor/Small Scale Residential Works)</u>

The constructed stormwater system shall be certified by a suitably qualified person, prior to the issue of the Final Occupation Certificate.

(Reason: Adequate stormwater management)



CUMBERLAND COUNCIL Development Application Notice of Determination

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

Advisory Notes

27. DAANN01 - Dial Before You Dig

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



28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

33. 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

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CUMBERLAND COUNCIL

Development Application Notice of Determination

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

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.

34. DAANN13 - Work Health and Safety

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

35. 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)

36. 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;
- 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.

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CUMBERLAND COUNCIL

Development Application Notice of Determination

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

(Reason: Statutory Requirements)

These conditions are imposed for the following reasons:

- a) To ensure compliance with the terms of the relevant environmental Planning Instruments.
- To ensure that no injury is caused to the amenity of the area.

 Council considered that the circumstances of the case are such that it is in the public interest that they c)

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DOCUMENTS ASSOCIATED WITH REPORT LPP036/20

Attachment 2 Parramatta Development Control Plan 2011 Compliance Table



Attachment B

Parramatta Development Control Plan 2011

The relevant objectives and provisions of Parramatta Development Control Plan 2011 have been considered in the following assessment table:

Relevant Control		Proposal	Compliance
2.4 Site Consider		•	
2.4.1 Views and Vistas	 preserve views of significant topographical features refer to views and vistas in the Harris Park Heritage Conservation Area in Part 4 	The site is not identified as having significant views and vistas nor is the site located in the Harris Park Conservation Area.	Yes
2.4.2.1 Flooding	refer to section 2.4.2 of PDCP 2011 for detail controls for flood affected sites	The site is not identified as a flood affected site on Council's mapping system.	N/A
2.4.2.2 Protection of Waterways	 Site adjoin a waterway? Does the proposed landscaping comprise of local indigenous species? 	The site does not adjoin a waterway and does not propose to alter the existing landscaping on site.	N/A
2.4.2.3 Protection of Groundwater	 any basement carpark proposed? does the site require dewatering to facilitate this? 	The development application is for the erection of a pergola attached to the rear of an existing dual occupancy unit with minimal cut required and as such not expected to impact groundwater.	Yes
2.4.3.1 Soil Management	Adequate erosion control measures?	Yes, conditions recommended in the draft conditions of development consent regarding erosion control measures to be implemented.	Yes
2.4.4 Land Contamination	Is the site identified as or likely to be contaminated?	The site is not identified as a contaminated site on Council's record system.	N/A
2.4.5 Air Quality	Appropriate controls been placed to ensure that the development does not contribute to increased air pollution?	The development application is for the erection of a pergola attached to the rear of an existing dual occupancy unit only and is not expected to contribute to increased air pollution.	Yes
2.4.6 Development on Sloping Land	Does the design of the development appropriately respond to the slope of the site?	Yes, the existing concrete slab the pergola is to be constructed on includes a level of RL10.90 and the maximum ridge level of the pergola varies from a maximum height of RL13.65 (2.75m) attached to the rear of the dual occupancy unit to a minimum height of RL 13.55 (2.65m) towards the rear of the site.	Yes
2.4.7 Biodiversity	Is vegetation removal appropriate?	No vegetation is proposed to be removed as part of the	N/A



		development application.	
2.4.7.2 Development abutting E2 and W1 zone	site adjoin land zoned E2 or W1? if yes, does the development satisfy the design principles?	The site does not adjoin land zoned E2 or W1.	N/A
2.4.8 Public Domain	building appropriately address the public domain? appropriate passive surveillance opportunities? appropriate public domain enhancements?	The proposed pergola is located at the rear of the existing dual occupancy unit. The pergola is of an appropriate height and materials and will not impact on the public domain.	Yes
	Building Envelope		
3.1.3.3 Dual Occ		T	
Minimum allotment size	Not Applicable	N/A	N/A
Height	Maximum 9 meters and maximum 2 storeys	The development application is for the erection of a pergola attached to the rear of an existing dual occupancy unit only however proposes a maximum height of 2.75m.	Yes
Floor Space Ratio	Refer to PLEP 2011	N.A- The development application is for the erection of a pergola and therefore no change to the existing FSR is proposed.	N/A
Minimum site frontage	Minimum 15m	The development application is for the erection of a pergola attached to the rear of an existing dual occupancy unit only and therefore no change to the existing site frontage is proposed.	N/A
Front setback	Between minimum 5m and maximum 9m	The development application is for the erection of a pergola attached to the rear of the existing dual occupancy unit only and therefore no change to the existing front setback is proposed.	N/A
Side setbacks	Minimum 1.5 meters	The development application is for the erection of a pergola attached to the rear of an existing dual occupancy development and proposes a 0mm side setback on both the northern and southern side setbacks.	Control refers to dual occupancy development only.
Rear setback	Minimum 30% of site length	The development application is for the erection of a pergola attached to the rear of an existing dual occupancy development and proposes	Control refers to dual occupancy development only.





		a 6m rear setback which	
		equates to 13.12%.	
Deep Soil Zone	Minimum 30% of site area, including at least 50% at the rear of the site and 15% at the front of the site Dimensions not less than 4m x 4m	The development application is for the erection of a pergola attached to the rear of the existing dual occupancy unit and is proposed to be constructed on an existing concrete slab approved as part of development application (Cumberland City Council Reference: DA/145/2002) which was approved by Parramatta City Council (Parramatta City Council (Parramatta City Council Reference: JD/00145/02) for construction of an attached dual occupancy and	N/A – No change to approved and existing deep soil on site proposed.
Landscaped area	Minimum 40% (Including deep soil zone)	subdivide into two (2) lots. The development application is for the erection of a pergola attached to the rear of an existing dual occupancy development and is proposed to be constructed on an existing concrete slab approved as part of development application (Cumberland City Council Reference: DA/145/2002) which was approved by Parramatta City Council (Parramatta City Council Reference: JD/00145/02) for construction of an attached dual occupancy and subdivide into two (2) lots.	N/A – No change to approved and existing landscaped area on site proposed.
3.3 Environment			
3.3.2 POS	Dwelling house POS with direct access from living area	Yes, as existing	N/A
	POS sizes for dwelling houses: - >550m² lot – min. 100m², 6m x 6m	Yes, as existing The development application is for the erection of a pergola attached to the rear of the existing dual occupancy unit and is proposed to be constructed on an existing concrete slab approved as part of development application (Cumberland City Council Reference: DA/145/2002) which was approved by Parramatta City Council (Parramatta City Council	N/A





		Reference: JD/00145/02) for	
		construction of an attached	
		dual occupancy and subdivide into two (2) lots.	
	Courtyard spaces to optimise visual &	The proposed pergola is	Yes
	acoustic privacy	proposed to be constructed	163
	acoustic privacy	on an existing concrete slab	
		approved as part of	
		development application	
		(Cumberland City Council	
		Reference: DA/145/2002)	
		which was approved by	
		Parramatta City Council	
		(Parramatta City Council	
		Reference: JD/00145/02) for	
		construction of an attached	
		dual occupancy and	
		subdivide into two (2) lots.	
		The proposed pergola is of	
		an acceptable size being	
		7.62m in width and 7m in	
		depth for a total area of	
		53.34sqm and a maximum	
		height of 2.75m and is not	
		expected to impact on	
		acoustic privacy or have any	
		significant impacts on	
3.3.4 Acoustic	Refer to ISEPP 2007 & Development	adjoining properties. The proposed pergola is of	N/A
Amenity	Near Rail Corridors and Busy Roads –	an acceptable size being	IWA
, unionity	Interim Guideline if acoustic report is	7.62m in width and 7m in	
	required	depth for a total area of	
		53.34sqm and a maximum	
		height of 2.75m and is not	
		expected to impact on	
		acoustic privacy. Robertson	
		Road, Guildford does not	
		require an acoustic report.	
3.3.5 Solar	Both proposed and neighbouring	Both the subject unit and	Yes
Access &	properties receive the following	neighbouring properties will	
Cross	amount of sunlight in mid-winter	receive a minimum of 3	
Ventilation	between 9am and 3pm	hours of sunlight in mid-	
	min. 3hrs for at least 50% of POS	winter between 9am and	
		3pm to at least 50% of their	
		respective private open	
	Increase setbacks and modify height to	space areas. Not required. The proposed	N/A
	maximize solar access and minimize	rear and side setbacks are	
	shadow impact if necessary	acceptable.	
3.5 Heritage			
3.5.1 General	Maintain natural landform & character	The subject site and	N/A
		immediate surrounding area	
		is not identified as heritage	
		listed under PLEP2011.	
	Garages carnort & ancillary buildings	The subject site does not	N/A
	Garages, carport & ancillary buildings	The subject site does not contain any heritage items	N/A
	Garages, carport & ancillary buildings - detached from heritage item - located in the rear yard	The subject site does not contain any heritage items and the site and immediate	N/A



	min. 1m setback from front building line paving (no roof) forward of building may be permitted if no alternatives preferred lightweight ancillary structures.	identified as heritage listed under PLEP2011.	
	of Trees or Vegetation	The development application	NI/A
5.4.1 Introduction	This section applies to the removal of the following trees: - height of 5m or greater; - on public land; - listed in the Register of Significant Trees; - form part of the heritage item or within the heritage conservation area; or - for part of the Aboriginal object or within the Aboriginal place of heritage significance	The development application is for the erection of a pergola attached to the rear of the existing dual occupancy unit only and does not propose to remove any trees.	N/A
5.4.2 Tree Permit	Submission of arborist report to justify the reason(s) for tree removal	The development application is for the erection of a pergola attached to the rear of the existing dual occupancy unit only and does not propose to remove any tree and therefore does not require the submission of an arborist report.	N/A
	Require replacement tree in suitable location on site	The development application is for the erection of a pergola attached to the rear of the existing dual occupancy unit only and does not propose to remove any trees and therefore does not require any replacement trees.	N/A

DOCUMENTS ASSOCIATED WITH REPORT LPP036/20

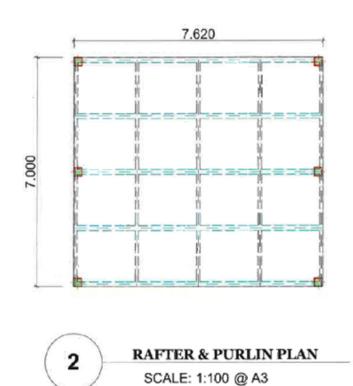
Attachment 3
Architectural Plan

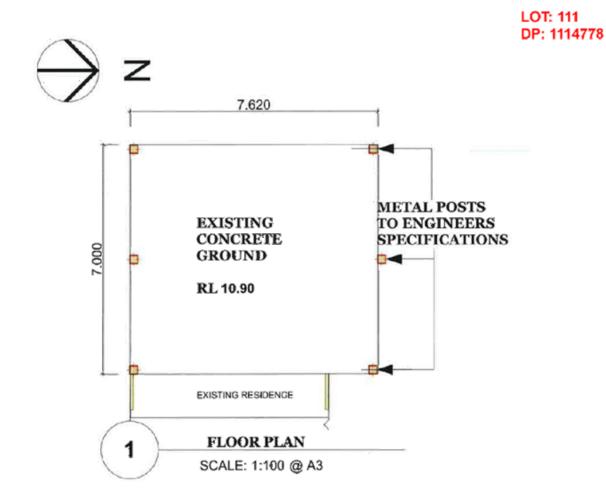












DP 1675 122 Robertson St Guildford 2161

SECTION B

Prepared For: Mr Stavros Christou

Development Application

Floor Plan

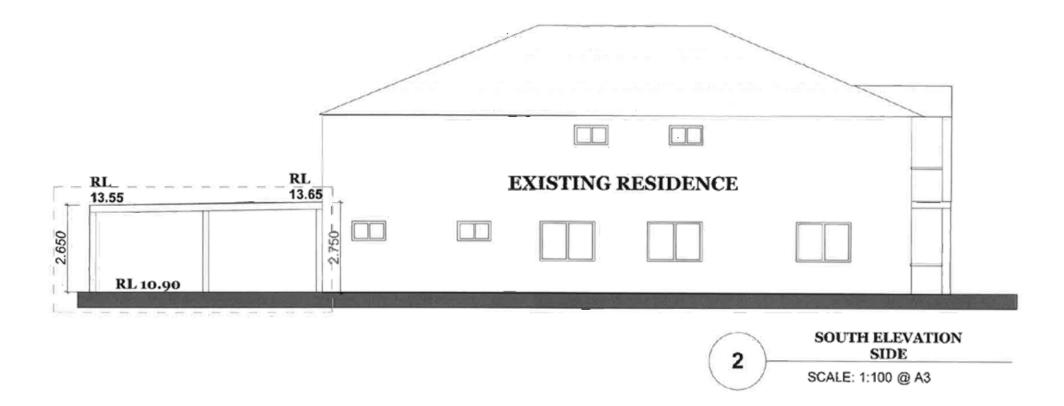
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DA 02

27 April 2020 Issue A



DA Documentation



Proposed Rear Awning

LOT: 111 DP: 1114778

SECTION B DP 1675

122 Robertson St Guildford 2161

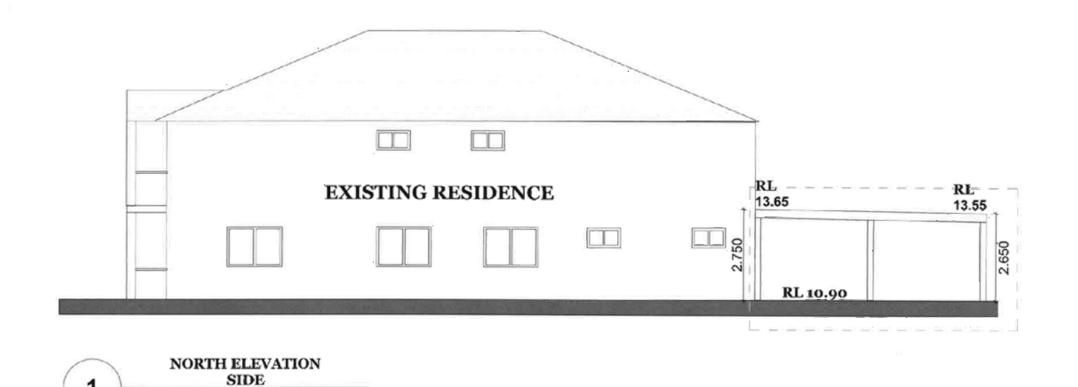
Prepared For: Mr Stavros Christou

Complying Development Application

Elevations

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DA 03 27 April 2020 Issue A



SCALE: 1:100 @ A3

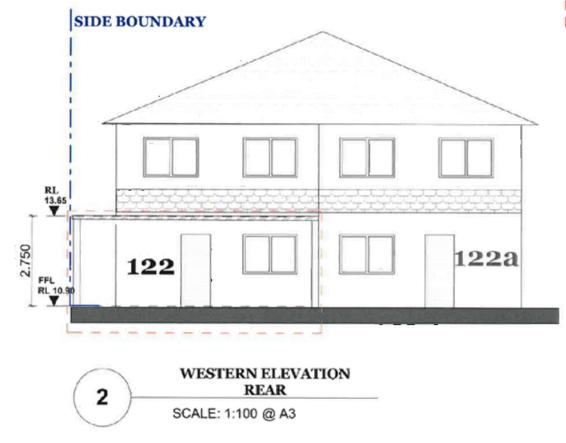


MATERIAL & COLOUR
FINISHES

GUTTER & DOWNPIPE
SURFMIST GREY

COLOURBOND ROOF SHEETING
MEDIUM GREY

METAL POSTS
PAINTED DULUX LEXICON QUARTER



Proposed Rear Awning

LOT: 111 DP: 1114778 SECTION B DP 1675

122 Robertson St Guildford 2161

Prepared For: Mr Stavros Christou

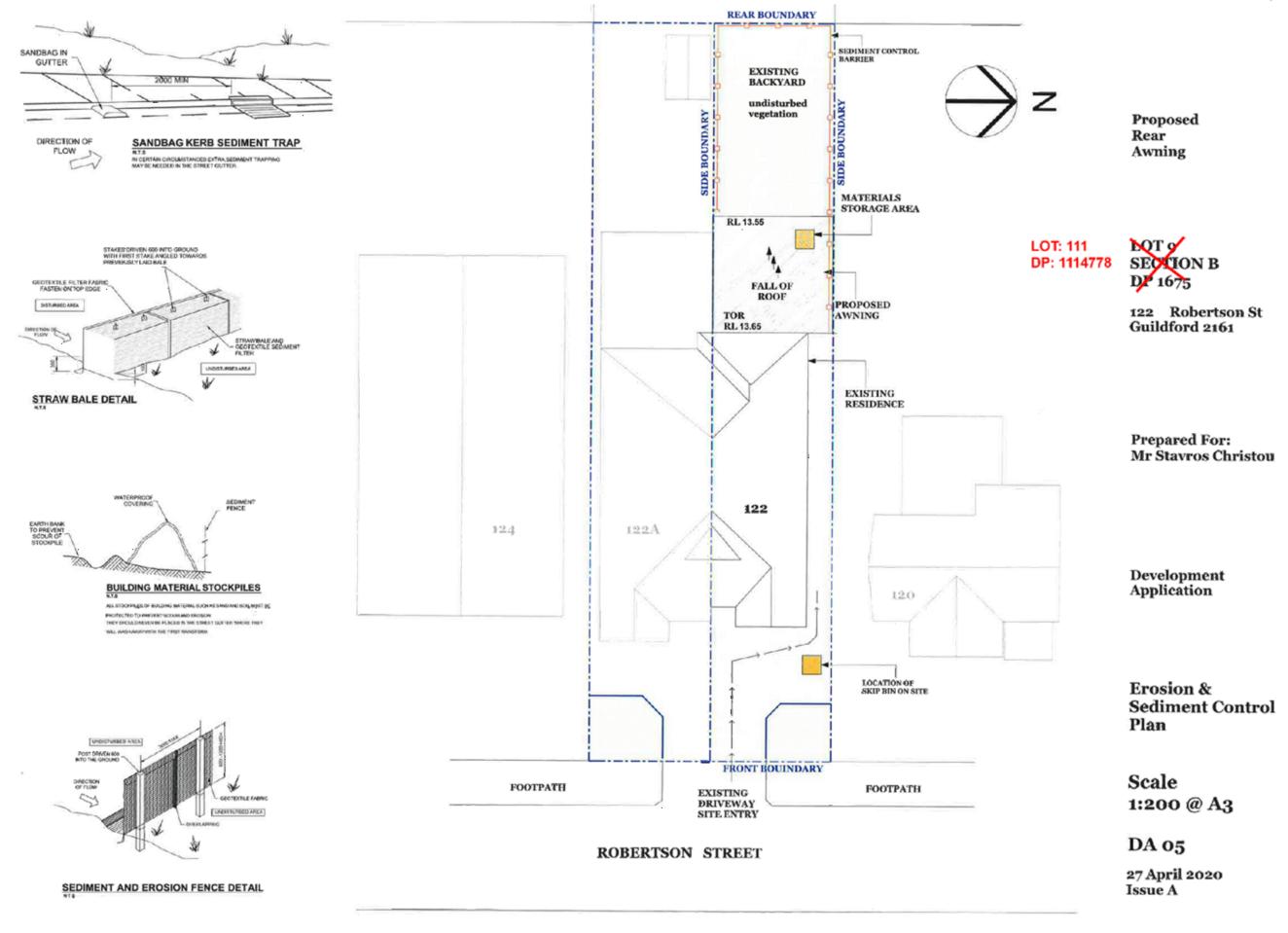
Development Application

Elevation Rear

Scale 1:100 @ A3

DA 04 27 April 2020 Issue A





DOCUMENTS ASSOCIATED WITH REPORT LPP036/20

Attachment 4 Waste Management Plan



Waste Management Plan Scope:

PROPOSED AWNING TO REAR OF EXISTING RESIDENCE

1.1 APPLICANT AI	ND PROJECT DETAILS	LOT: 111 DP: 1114778	Lot 9 SECTION B DP 1932
Applicant and Project D	Details (All Dev elopments)		
Applicant Details			
Application No.			
Name	Stavros Christou		
Address	122 Robertson Street GUILD	FORD 2161	
Phone number(s)	0419 651 187		
Email	christouonline@gmail.com		
Project Details			
Address of develo	ment 122 ROBERTS	SON ST GUILI	DFORD 2161
Existing buildings and other structures currently on the site	A 2 STOREY Residence		
Description of proposed development	AWNING TO THE REAR OF THE EXISTING RESIDENCE		
intentions for minimising waste	the waste objectives set out in this e relating to this project. All records of for inspection by regulatory authori	demonstrating lawful	disposal of waste willbe retained
Name	Stavros Christou		
Signature			
Date	27/04/2020		







1.2 DEMOLITION (ALL TYPES OF DEVELOPMENTS)

Type of Waste	Reuse	Recycling	Disposal	Onsite reuse
Type of waste generated	IA			
Excavation material	NA			
Timber (specify)				
Concrete		N/A		
Bricks/pavers NA				
Tiles		NA		
Metal (specify)		NA		
Glass			NA	
Furniture		NA		
Fixtures and fittings				
Floor coverings				
Packaging (used pallets, pallet wrap)				
Garden organics				
Containers (cans, plastic, glass)				
Paper/cardboard				
Residual waste				
Hazardous/special waste e.g. (specify)	asbestos	NA		
Other (specify)				







1.3 CONSTRUCTION (ALL TYPES OF DEVELOPMENTS)

Amounts provided below should be for excess or leftover construction waste material.

Timber 5-7% of material ordered

Plasterboard 5-20% of material ordered

Concrete 3-5% of material ordered

Bricks 5-10% of material ordered

Tiles 2-5% of material ordered

Source: Waste Planning Guide for Development Application, Inner Sydney Waste Board, 1998

Type of Waste	Reuse	Recycling	Disposal	Onsite reuse
Type of waste generated	Estimate Volume (m3)	Estimate Volume (m3)	Estimate Volume (m3)	Specify method of onsite reuse, contractor and recycling outlet and/or waste disposal facility to be used
Excavation material	*	-	1.7	N/A
Timber (specify)		=		Store on-site for re-use in construction where possible
Concrete		-		Store on-site for re-use in construction where possible
Bricks		â	*	Store on-site for re-use in construction where possible
Tiles	0.504	-	-	Break-up and re-use in construction where possible
Metal (specify)	2-5% of material ordered	-	Unknown quantity	Sims Metal 33 Burrows Rd, St Peters
Glass	-		-	Minimal waste expected
Plasterboard (offcuts)			2	Off-cuts and waste returned to manufacturer
Fixtures and fittings				Minimal waste expected
Floor coverings				Offcuts and waste returned to manufacturer
Packaging (used pallets, pallet wrap)	nown -			Bingo Skips Enfield
Garden organics	-	Unknown quantity		Remove and recycle offsite: Moore Street Transfer Station, Leichhardt







Containers (cans, plastic, glass)		**	Unknown quantity	Bingo Skips Enfield
Paper/cardboard		Unknown Quantity	-	Remove and recycle offsite: Moore Street Transfer Station, Leichhardt
Residual waste	2	Unknown Quantity	- 20	Bingo Skips Enfield
Hazardous/special waste (specify)	±	-	¥	N/A

1.4 ONGOING OPERATION (ALL TYPES OF DEVELOPMENT)

Address of development: 122 ROBERTSON ST GUILDFORD 2161

Show the total volume of waste and recyclables expected to be generated by the development and the associated waste and recycling storage requirements.

Please note that if the development is for a mixed use, that is, contains components of both residential and non-residential development, separate plans regarding the "ongoing operation" may need to be completed.

	Recyclables		Compostable	General waste	Other
	Paper/ cardboard	Metals/ plastics/ glass			
Amount generated (L per unit per day)	4L	4L		4L	Some garden waste
Amount generated (L per development per week)	-	-			-
Any reduction due to compacting equipment	-	-		-	-
Frequency of collections (per week)	Every 2 weeks	Every 2weeks		Every week	Every 2 weeks
Number and size of storage bins required	1 x 80L bin	Comb.	•	1 x 120L bin	1 x 80L bin
Floor area required for storage bins (m2)	0.22m ²	Comb.		0.22m ²	0.22m ²
Floor area required for manoeuvrability (m2)		-		-	
Height required for manoeuvrability (m)		•	•	-	-







1.5 "INDICATIVE BIN SIZES" PROVIDES COUNCIL'S STANDARD BIN SIZES

Construction Design (All Types of Developments)

Outline how measures for waste avoidance have been incorporated into the design, material purchasing and construction techniques of the development:

Where possible the design has allowed for offsite prefabrication to minimize waste. The majority of new materials to be used with be FSC certified timbers (windows, doors and cladding). Certification to this effect will be sought prior to works being certified for payment.

Detail the arrangements that ensure the ongoing management of waste on-site (eg. Lease conditions, caretaker/manager on site.)

N/A as the owners will occupy the proposed dwelling and the existing situation will remain unchanged.



Item No: LPP037/20

DEVELOPMENT APPLICATION FOR 25A CRESCENT STREET, HOLROYD

Responsible Division: Environment & Planning

Officer: Executive Manager Development and Building

File Number: DA2020/0113

Application lodged	28 February 2020				
Applicant	Qms Media C/- Mecone				
Owner	Cumberland City Council				
Application No.	DA2020/0113				
Description of Land	25A Crescent Street HOLROYD NSW 2142, Lot 12 DP 773184				
Proposed Development	Replacement of an existing twin sided static advertising sign with a twin sided LED sign.				
Site Area	Total site area (Holroyd Gardens):18,600m ² Area for the proposed sign: 64m ²				
Zoning	RE-1 Public Recreation				
Disclosure of political donations and gifts	Nil disclosure				
Heritage	The subject site is located within the vicinity of a heritage item of local significance being "Goodlet & Smith (brickmaking plant and chimney and Hoffman kiln and chimney) at No. 23-25 Brickworks Drive, Holroyd (I53)				
Principal Development Standards	N/A				
Issues	The proposal does not seek any new non compliances.				

SUMMARY:

- 1. Development Application No. DA2020/0113 was received on 28 February 2020 for the Replacement of an existing twin sided static advertising sign with a twin sided LED sign.
- 2. The application was publicly notified to occupants and owners of the adjoining properties for a period 14 days between 1 April 2020 and 15 April 2020. In response, no submissions were received.
- 3. The subject application has been assessed against the relevant provisions of the Environmental Planning and Assessment Act 1979, Holroyd Local Environmental Plan 2013 (HLEP 2013), State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy No 64 Advertising and Signage, and Holroyd Development Control Plan 2013 (HDCP 2013).

4. The application involves the following non-compliance* (as existing) which is considered supportable as discussed in detail elsewhere in the report:



Height of the	15 m	16.35m (as	9%
sign		existing)	
(HDCP 2013)			

*Note: The proposal does not seek any new non compliances.

- 5. The owner of the subject property is identified as Cumberland City Council. In this regard, in accordance with Schedule 2 of the Local Planning Panel Direction Development Applications, the application is referred to the Cumberland Local Planning Panel (CLPP) for determination.
- 6. The application is recommended for approval subject to the conditions as provided in the attached schedule.

REPORT:

Subject Site and Surrounding Area

The site comprises of Holroyd Sportsground which is located adjacent to the M4 Motorway. The site is bound by the M4 Motorway to the north, whilst also located adjacent to Holroyd industrial and business areas to the south and west. The site is not developed with any significant structures other than a sportsground and clubhouse. The site is also bounded by vegetation to the north and south. The total site area is approximately 1.86ha and irregular in shape. The signage is located over approximately 64m2.



Figure 1 – Aerial view of subject site





Figure 2 – Locality Plan of subject site

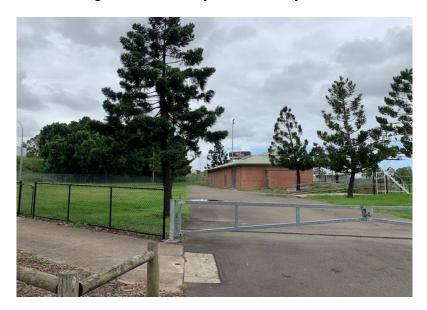


Figure 3- view of the subject site



Figure 4 & 5 – Existing advertising structure as viewed from M4 Motorway (westbound) and Holroyd Sportsground



Description of the Proposed Development

Council has received a development application for the conversion of an existing twin sided static advertising sign with a twin sided LED sign incorporating:

- Removal of the two existing static signs;
- Removal of six (6) flood lights attached the signage structure; and
- Installation of two (2) LED advertising display boards facing eastbound and westbound along the M4 Western Motorway.
- The proposed digital advertising signs will display a series of static images, with a dwell time of 25 seconds with a transition time of 0.1 seconds or less; and
- The total area of each digital sign to be 42.41 m2.

The specifics of the advertising structure include:

- An existing height of 16.35m above ground level (existing);
- Existing dimensions of 3.35m x 12.66m (42.41m2); and
- Constructed from a perforated metal profile.







Figure 6 & 7 – Proposed advertising structure as viewed from M4 Motorway (westbound) and (eastbound)

Application History

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Date	Action
28 February 2020	DA 2020/0113 was lodged with Council
17 March 2020	Application referred to Council's internal departments and RMS for
	review.
1 April to 14 April	Application notified to surrounding properties, a sign was erected on
2020	the site, and an advertisement was placed in the local newspaper.
	No public submissions were received as a result of the notification.
14 April 2020	RMS provided concurrence subject to conditions.
8 July 2020	Application referred to CLPP for determination.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Mecone dated February 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

Parks and Recreation

The development application was referred to Council's Parks and Recreation Officer for comment who has advised that the development proposal is satisfactory subject to recommended conditions of consent.

External Referrals

NSW Roads and Maritime Services



The application was referred to NSW Roads and Maritime Services (RMS) for concurrence, pursuant to clause 18 of the State Environmental Planning Policy No.64. The response received 14 April 2020 indicates that the proposal is satisfactory subject to conditions.

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 64 – Advertising and Signage

The proposal is for the conversion of an existing twin sided static advertising sign with a twin sided LED sign. with an overall height of approximately 16.35m (existing) and display area of 42.41 m2. The structure is twin sided and would be visible to both eastbound and westbound traffic on the M4.

Following a detailed assessment of the proposal against the provisions of SEPP 64, it is considered that the proposal satisfactorily addresses relevant matters such as design quality, road safety, lighting, views and vistas and as such satisfies the objectives of the Policy and the assessment criteria specified in Schedule 1.

The relevant provisions of the SEPP are addressed below:

Clause 8 – Granting of consent to signage

Pursuant to clause 8, consent must not be granted to an application to display signage unless the consent authority is satisfied that the signage is consistent with the objectives of the Policy and that the signage satisfies the assessment criteria specified in Schedule 1.

The objectives of the policy are as follows:

- a) to ensure that signage (including advertising):
 - i. is compatible with the desired amenity and visual character of an area, and
 - ii. provides effective communication in suitable locations, and
 - iii. is of high quality design and finish, and
- b) to regulate signage (but not content) under Part 4 of the Act, and
- c) to provide time-limited consents for the display of certain advertisements, and



- d) to regulate the display of advertisements in transport corridors, and
- e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

The proposal is considered to be consistent with the objectives of the policy.

Clause 13 – Matters for consideration

Pursuant to clause 13, Council cannot grant consent to the proposal unless:

	t grant consent to the proposal unless:		
Requirement	Comment		
the proposal is consistent with the objectives of the SEPP as set out in clause 3 (1) (a), and If clause 18 or 24 applies to the case;	The proposal is consistent with the objectives of the policy as detailed under clause 8 above. Council is satisfied that the proposal is		
the proposal has been assessed by the consent authority in accordance with the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and	acceptable in terms of its impacts, having regard to the schedule 1 assessment criteria.		
the proposal has been assessed by the consent authority in accordance with the	A detailed assessment against the schedule 1 criteria is provided at attachment 1 as required.		
assessment criteria in Schedule 1 and in the Guidelines and the consent authority is satisfied that the proposal is acceptable in terms of: (i) design, and (ii) road safety, and (iii) the public benefits to be provided in connection with the display of the advertisement,	The DA was accompanied by a Road Safety Assessment prepared by McLaren and a Lighting Impact Report prepared by Electrolight Australia Pty Ltd. Based on the information submitted, it is considered that the proposal is acceptable in terms of road safety and design. With regard to the public benefits (iii), this is not applicable for this application as Council owns the subject land.		
	However, Council's Large Advertising Signage Policy requires execution of a lease or licence agreement for the duration of the advertisement on signs located on land that is owned or Managed by Council. In this regard, the client QMS Media and Council already have an executed license agreement.		
	The details of this agreement have committed to providing Council with a minimum of 8% screen time for the		



	digital assets of Cumberland Council to run advertising for local events, services and selected charity partners.
if clause 18 or 24 applies to the	As above
case,	
arrangements that are consistent with the	
Guidelines have been entered into for the provision of the public benefits to be	
provided in connection with the display of	
the advertisement.	

Clause 14 – Duration of consents

Clause 14 limits the lifespan of any advertising structure to 15 years from the date of operation of the consent or a lesser period if in the opinion of the consent authority. A condition has been imposed limiting the operation of the consent to a maximum of 15 years.

Clause 17 – Advertisements with a display area greater than 20 square metres or higher than 8 metres above ground

Clause 17 applies as the sign is greater than 20 m² and higher than 8 m above ground. Clause 17 acts to:

- identify the proposal as 'advertised development',
- require that a schedule 1 assessment be provided by the applicant.
- require that the consent authority is satisfied the proposal is acceptable in terms of its impacts, and require concurrence is obtained from RMS.

The DA has been advertised in accordance with the Act and a schedule 1 assessment was provided by the applicant. RMS have provided concurrence, as discussed under 'external referrals' above and Council is satisfied that the proposal is acceptable in terms of its visual impacts.

Clause 18 – Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road

Clause 18 also applies to the development as the signage is greater than 20m² and within 250 m of and visible from the M4 Motorway which is a classified road. Clause 18 also states that a consent authority must not consent to any signage to which this clause applies without concurrence from RMS. The application was referred to the RMS for concurrence, and the response received 14 April 2020 indicates that the proposal is satisfactory subject to conditions.

Clause 19 – Advertising display area greater than 45 square metres



Clause 19 does not apply to the amended proposal, as the display area of the advertisements is less than 45 m².

Clause 23 – Freestanding advertisements

Clause 23 operates to prevent the grant of consent in situations where the proposal protrudes above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 kilometre.

The applicant provided a statement addressing the Schedule 1 assessment criteria. The proposal maintains the existing height, scale and overall proportion and is not considered to obscure or compromise any important views or skyline. Council is satisfied that the proposal is acceptable in terms of its impacts as discussed earlier.

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

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

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

The proposal does not propose any vegetation removal.

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

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

Regional Environmental Plans

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

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

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

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

Local Environmental Plans

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



The provision of the HELP 2013 is applicable to the development proposal. The proposed development is defined as a 'signage' and is permissible in the RE1 – Public Recreation zone with consent.

It is noted that the development achieves compliance with the key statutory requirements of the Holroyd LEP and the objectives of the RE1- Public Recreation zone. A comprehensive HLEP compliance table is provided at attachment 3.

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 (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 City local government area, those being:

- Holroyd Local Environmental Plan 2013
- Parramatta Local Environmental Plan 2011.
- Auburn Local Environmental Plan 2010.
 vi)

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

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

Holroyd Development Control Plan (HDCP) 2013 contains general controls which relate to all developments under Part A, and signage controls under Part F.

A comprehensive HDCP compliance table is attached to this report at Attachment 5. It shall be noted that the proposal does not seek any new non-compliances. A summary of the DCP non-compliances is provided in the following table.

7.	Sign specifications			
7.	Pole and Pylon Signs, and Flag Poles A pole or pylon sign must: g) not exceed 15 metres in height to the highest point of the sign;	The proposed sign will be a maximum of 16.35 metres, resulting in a 1.35 metre variation. Notwithstanding, the height of the sign is existing, and the proposal does not seek to alter this height. As such, the proposal is considered acceptable in the		
		context of the site.		

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

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

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



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

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

It is considered that the proposed development will have no significant adverse environmental, social or economic impacts in the locality. The proposal is considered satisfactory with regard to relevant matters such as design quality, landscaping, road safety, lighting and views and vistas subject to the imposition of suitable conditions of consent to satisfactorily control the development.

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

It is considered that the development is suitable in the context of the site and surrounding locality.

Submissions made in acco	rdance with the	Act or Regulat	tion (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 April 2020 and 15 April 2020. No submissions were received as a result of the notification.

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.

Cumberland Council Large Display Advertising Policy

Cumberland Council adopted a large display advertising policy at its meeting held 4 September 2019. It is in the public interest that the Policy be considered in the assessment and determination of the DA.

The policy applies to all signs to which consideration must be given under clause 13(3) of SEPP 64. The policy applies to the proposed development.

For Signs Located on Land that is Owned or Managed by Council, Council's Large Advertising Signage Policy requires execution of a lease or licence for the duration of the advertisement on signs located on land that is owned or Managed by Council. In this regard, the client QMS Media and Council have an executed license agreement.

The details of this agreement have committed to providing Council with a minimum of 8% screen time across each of the digital assets of Cumberland Council to run advertising for local events, services and selected charity partners.

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



The proposed development does not attract the payment of any development contributions.

Disclosure of Political Donations and Gifts

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

CONCLUSION:

The application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No 64 – Advertising and Signage, Transport Corridor Outdoor Advertising and Signage Guidelines, Council's Large Display Advertising Policy, Holroyd Local Environmental Plan 2013 and the Holroyd Development Control Plan 2013 and Draft Cumberland Local Environmental Plan 2020 and is considered to be satisfactory.

REPORT RECOMMENDATION:

That Development Application No. DA2020/0113 for replacement of an existing twin sided static advertising sign with a twin sided LED sign on land at 25A Crescent Street HOLROYD NSW 2142 be approved subject to conditions within the draft notice of determination provided at Attachment 1.

ATTACHMENTS

- 1. Draft Notice of Determination U
- 2. SEPP 64 Schedule 1 Assessment \downarrow
- 3. Transport Corridor Outdoor Advertising and Signage Guidelines U
- 4. HLEP 2013 Compliance Table !
- 5. HDCP 2013 Compliance Table U
- 6. Council's Large Display Advertising Policy J.
- 7. Architectural Plans !
- 8. Locality Map <a>J

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: DA2020/0113

Applicant: Qms Media C/- Mecone

3 Horwood Place

PARRAMATTA NSW 2150

Property Description: 25A Crescent Street HOLROYD NSW 2142, Lot 12 DP

773184

Development: Replacement of an existing twin sided static advertising sign

with a twin sided LED sign.

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: 8 July 2020

Date from which Consent Operates: TBA

Date Consent Lapses: TBA

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 MAJOR DEVELOPMENT ASSESSMENT

Date: 08 July 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. 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.

Reference/Dwg No		Title/Description		Prepared By			Date/s	
Reference No. 1888,		Architectural plans		Outdoor Elements Pty			24 September 2019	
Drawing No. 01 and 02					Ltd			
Reference	No.	Stage	2	Concept	Мс	Laren	Traffic	14 February 2020
200020.01FA		Design	Road	Safety	Engin	neering	& road	
		Audit			Safet	y Consu	ıltants	
Reference	No.	Lighting		Impact	Electi	rolight	Australia	4 February 2020
1597.22,		Assessr	nent		Pty Lt	td		

- Roads and Maritime Services (RMS) correspondence, Reference No. SYD20/00350/01, dated 14 April 2020 and all recommendations contained therein; and
- Waste Management Plan as required by Condition 22 of this consent.

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

3. DAGCA05 - Construction within Boundary

All approved construction shall be constructed wholly within the boundaries of the site.

(Reason: To ensure compliance with approved plans)

4. 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.

(Reason: Information)

5. DAGCB03 - Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

(Reason: Protect amenity of surrounding area)

6. 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)

7. DAGCD07 - Waste Management

Requirements of Waste Management Plan in accordance with Condition 22 shall be complied



with during site preparation and throughout the construction phase of the development.

(Reason: Compliance with approval)

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

8. <u>DAPDB01 - Construction Certificate - Prior to the Commencement of any Demolition</u> Works

In circumstances where an entire building or structure is to be demolished prior to the issue/release of a Construction Certificate, all relevant fees and bonds such as the demolition inspection fee, kerb and gutter and tree protection bonds shall be paid in full to Council prior to demolition commencing.

(Reason: Statutory requirement)

9. 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)

10. 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.
- 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





11. DACCA01 - DACCA01 - Amendments to Approved Plans

Revised architectural Plan (in consultation with Council's Parks and Recreation Section), which further details the sign mounting at ground level, to better facilitate pedestrian access within high pedestrian activity area and restricted between existing structures shall be submitted to the satisfaction of Principal Certifying Authority.

(Reason: Safety and amenity)

12. 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)

13. 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)

14. DACCB01 - Damage Deposit for Council Infrastructure

A Damage Deposit fees of \$2,850.00 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)

15. 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)

16. 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)



17. 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)

18. DACCI04- Site Cranes

Site Crane/s and hoist/s proposed within the boundary of the land being developed must comply with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts of these standards.

Cranes must not swing or hoist over any public place unless the principal contractor or owner builder have the relevant approval under the Local Government Act 1993, Crown Lands Act 1989 or Roads Act 1993.

(Reason: Safety and statutory compliance)

19. 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)

20. 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)

21. 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)

22. DACCZ01 - Waste Management Plan

A Waste Management Plan in accordance with Part A of the Holroyd Development Control Plan 2013 is to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: Compliance with approval)

23. DACCZ02 - Wind Load

The approved sign must meet wind loading requirements as specified in Australian Standard AS 1 170.1 and AS 1 170.2. Details to be provided to the Principal Certifying Authority prior to the issue of any Construction Certificate.

(Reason: Safety and Statutory compliance)



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

24. 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:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved,
 - (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)

25. 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)

26. 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.
- 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)

27. 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)





Conditions which must be satisfied during any development work

28. 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)

29. DADWA02 - Dust Control

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

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

30. 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)

31. 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)

32. <u>DADWA07 - General Site Requirements during Demolition and Construction</u>

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

- a) Any demolition is to be carried out in accordance with Australian Standards AS 2601-2001
- b) Demolition (if applicable) 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.
- 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.
- 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.
- 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.)

33. <u>DADWA12 - Compliance with the Demolition, Excavation and Construction Noise and Vibration Management Plan</u>

All demolition, excavation and construction works carried out on the premises which form part of this consent must be carried out in accordance with the Demolition, Excavation and Construction Noise and Vibration Management Plan submitted to and approved by Council as part of this consent.

34. 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)

35. 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)

36. 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)

37. DADWC08 - Anti-Graffiti Coatings

The external fabric of the structure shall utilise anti-graffiti coatings, where required, to prevent the application of graffiti.



(Reason: To minimise the opportunity for graffiti)

38. DADWZ01 - Road Works and Footpaving

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)

39. DADWZ02 - 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)

40. DADWZ03 - Council's Sportsground

The construction activity shall be coordinated with the park committee through Council's Sports Club Liaison Officer, to mitigate impacts to organised active recreation.

(Reason: Amenity)

41. DADWZ04 - Construction Activity within the Council's Park

The construction activity shall be coordinated with a Park Use and Access application to ensure any damage to the park as a result of works is satisfactorily restored.

Information including guidelines and an application form for Park Use and Access is available on Council's website under:

http://www.cumberland.nsw.gov.au/parks-and-gardens

(Reason: Environmental Amenity)

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

42. 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:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- 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)

43. 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)

44. DAOCZ01 - General



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.

(Reason: Compliance)

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

45. DAOUZ01 - Lighting

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.

(Reason: Environmental amenity)

46. <u>DAOUZ02 – Structure Maintenance</u>

The approved advertising structure shall be maintained in good repair at all times. Signs are to be regularly inspected to identify any damage, graffiti or the like.

(Reason: Amenity)

47. DAOUZ03 - General

This lifespan of the approved advertising structure is limited to a period of 15 years from the date of operation of consent. The advertising structure shall be removed and the land restored to original condition if separate development consent is not obtained for extended use beyond the cessation date.

(Reason: Statutory Compliance)

Advisory Notes

48. DAANN01 - Dial Before You Dig

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



49. 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.





50. 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.

51. 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.

52. 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.

53. 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.

54. 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.

55. DAANN13 - Work Health and Safety

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

56. 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;
- 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)

Attachment 2
SEPP 64 - Schedule 1
Assessment



Attachment 2 - State Environmental Planning Policy No 64 - Advertising and Signage

SCHEDULE 1 - ASSESSMENT CRITERIA	
Assessment Criteria	Comments
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the character of the locality, being an existing signage within the Public Recreation zoned area with frontage to a classified road.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular theme for outdoor advertising in the locality.
2 Special areas	-
Does the proposal detract from the amenity or visual quality of any environmentally sensitive area, heritage area, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal would not detract from the amenity or visual quality of any environmentally sensitive area.
3 Views and vistas	
 Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? 	The existing height of the structure is not proposed to be increased and the proposal will not obscure or compromise important views.
4 Streetscape, setting or landscape	
 Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in 	The scale, proportion and form of the proposal are appropriate to the setting given these will replace the existing signage located along M4 Motorway.
the area or locality? • Does the proposal require ongoing vegetation management?	The proposal does not require ongoing vegetation management.
5 Site and building	The annual bas as a wisting a second basis to 440.05
 Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	The proposal has an existing overall height of 16.35m with individual screen area of 42.41sqm. This is considered appropriate in the context of the site.
6 Associated devices and logos with adv	ertisements and advertising structures
Have any safety devices, platforms, lighting or logos been designed as integral part of the signage or structure on which it is to be displayed? 7 Illumination	Lighting and logos are integral to the proposed signage.
/ IIIuiiiiiauvii	



- Would illumination result in unacceptable glare?
- Would illumination affect safety for pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation?
- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

Illumination impacts have been assessed generally within Electrolight's Lighting Impact Assessment. This has shown that illumination will not result in an unacceptable glare, affect the safety of pedestrians, vehicles or aircraft, detract from the amenity of residential land, and is line with the requirements of the Guidelines. Further, Conditions have been imposed requiring compliance with relevant Australian Standards.

The illumination is not subject to a curfew.

8 Safety

- Would the proposal reduce the safety of any public road?
- Would the proposal reduce the safety for pedestrians or bicyclists?
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

The proposed signage will not reduce road safety.

The proposed signage will not reduce safety for pedestrians or cyclists.

The proposed signage will not obscure sightlines from public areas.

Attachment 3 Transport Corridor Outdoor Advertising and Signage Guidelines



Attachment 3 - Transport Corridor Outdoor Advertising and Signage Guidelines

Requirement	Comment
Land use compatibility criteria	
Outdoor advertising should not be inconsistent with the land use objectives outlined in the relevant environmental plan.	Addressed in the body of this report
Advertisements must not be placed on land where signage is visible from the following areas if it is likely to significantly impact on amenity of those areas. • Environmentally sensitive area • Heritage area • Natural or conservation area • Open space • Waterway • Residential area • Scenic protection area • National park or nature reserve.	The proposed signage will be located adjacent to the M4 Motorway. The signage, whilst located adjacent to the M4 Motorway, will be visible from open space areas, specifically Holroyd Sportsground. It should be noted that the signs will replace the existing static billboards with LED lit displays, with the structure being retained. It is expected that any impact on these open space areas will be minimal.
Advertising structures should not be located so as to dominate or protrude significantly above the skyline or obscure or compromise significant scenic views or views that add to the character of the area.	It is not considered to dominate or protrude significant above the skyline or obscure or compromise significant scenic views or views that add to the character of the area.
Where possible, advertising structures should be placed in the context of other built structures in preference to non-built areas. Signage should be used to enhance the visual landscape where possible (e.g. through the screening of unsightly aspects of a landscape).	The proposal is not considered to result in an adverse impact on the visual landscape.
Site specific structural criteria	
 The advertising structure should demonstrate design excellence and show innovation in its relationship to the site, building or bridge structure Compatibility with scale, proportion and other characteristics of the site, building or structure on which signage is to be located. The advertising structure should be in keeping with important features of the site, building or bridge structure. Avoids the removal of significant trees or other native vegetation. Details of any safety devices, platforms, lighting devices or logos designed as an integral part of the signage or structure on which it is to be displayed. Illumination must not result in unacceptable glare or reduce safety for pedestrians, vehicles or aircraft Illumination must not cause light spillage, into nearby residential properties, national parks or nature reserves. 	Addressed in attachment 2.
Freestanding advertisements criteria	
Must not protrude above the dominant skyline when	the signs will simply replace the existing
viewed from ground level within a visual catchment area of 1km.	billboards, they are not expected to protrude above the dominant skyline
For advertisements over 45m2 that require local	N/A
council consent, a DCP prepared on basis of an advertising design analysis must be in force.	



A landscape management plan may be required, such	No significant trees or other vegetation will
as provision of appropriate surrounding vegetation to	be removed as part of this proposal.
minimise visual impacts of signage.	
Draft guidelines criteria	0.6.6.1
Each advertisement must be displayed in a completely	Satisfactory subject to condition of
static manner, without any motion, for the approved	consent.
dwell time as per criterion (d) below	As above
Message sequencing designed to make a driver anticipate the next message is prohibited across	As above
images presented on a single sign and across a series	
of signs	
The image must not be capable of being mistaken:	As above
i. for a prescribed traffic control device because it	//3 dbove
has, for example, red, amber or green circles,	
octagons, crosses or triangles or shapes or	
patterns that may result in the advertisement being	
mistaken for a prescribed traffic control device	
ii. as text providing driving instructions to drivers.	
Dwell times for image display must not be less than: i.	The speed limit along the M4 is
10 seconds for areas where the speed limit is below 80	90km/hour. The dwell time will not fall
km/h ii. 25 seconds for areas where the speed limit is	below 25s.
80km/h and over	
The transition time between messages must be no	Satisfactory subject to condition of
longer than 0.1 seconds, and in the event of image	consent.
failure, the default image must be a black screen.	
The images displayed on the sign must not otherwise	As above.
unreasonably dazzle or distract drivers without	
limitation to their colouring or contain flickering or	
flashing content.	N/A
Any sign that is within 250m of a classified road and is	N/A
visible from a school zone must be switched to a fixed	
display during school zone hours.	Noted
Each sign proposal must be assessed on a caseby- case basis including replacement of an existing fixed.	Noted
scrolling or tri-vision sign with a digital sign, and in the	
instance of a sign being visible from each direction,	
both directions for each location must be assessed on	
their own merits.	
Sign spacing should limit drivers' view to a single sign	No other advertising structures are within
at any given time with a distance of no less than 150m	150m of the proposed signage. It is noted
between signs in any one corridor. Exemptions for low	that a separate sign has been submitted
speed, high pedestrian zones or CBD zones will be	for approval by Council (DA2020/0114),
assessed by RMS as part of their concurrence role.	which is located 230m to the west of this
,	proposal.
(m) Signs greater than or equal to 20sqm must obtain	Complies.
RMS concurrence and must ensure the following	
minimum vertical clearances; i. 2.5m from lowest point	
of the sign above the road surface if located outside	
the clear zone ii. $5.5m$ from lowest point of the sign	
above the road surface if located within the clear zone	
(including shoulders and traffic lanes) or the deflection	
zone of a safety barrier if a safety barrier is installed. If	
attached to road infrastructure (such as an overpass),	
the sign must be located so that no portion of the	
advertising sign is lower than the minimum vertical	
clearance under the overpass or supporting structure	
at the corresponding location.	

Attachment 4 HLEP 2013 Compliance Table



Attachment 4 - Holroyd Local Environmental Plan 2013 compliance table

Clause	Ye s	No	N/A	Comment
Land use table				
RE1 - Public Recreation				
To enable land to be used for public open space or recreational purposes. To provide a range of recreational settings and activities and compatible land uses. To protect and enhance the natural environment for recreational purposes.				The proposal is not antithetical to the zone objectives.
4.3 Height of buildings				
The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.				The site is shown on the height of buildings map as being subject to no maximum building height. The proposed sign has a total height of 16.35m.
4.4 Floor space ratio				
The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.				There is no FSR standard applying to the subject site.
5.10 Heritage conservation Schedule 5 of LEP lists heritage items. The Heritage Map shows heritage conservation area & heritage items	\boxtimes			The subjet site is not listed a as a hertigae item. However, it is located within the vicinity of a heritage item of local significance being "Goodlet & Smith (brickmaking plant and chimney and Hoffman kiln and chimney) at No. 23-25 Brickworks Drive, Holroyd (153). However, given the separation distance between the properties, and the nature of the proposal, it is not considered to adversely impact the heritage significance of the item.
Part 6 Additional local provisions				
6.2 Earthworks Before granting development consent for earthworks, the consent authority must consider the following matters: (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land,	\boxtimes			The proposed development does not involve any excavation.



Clause	Ye s	No	N/A	Comment
(c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.				
6.5 Terrestrial biodiversity This clause applies to land identified as "Remnant Native Vegetation" on the Biodiversity Map.			\boxtimes	The subject site is not identified on the Biodiversity Map as containing remnant native vegetation.
6.6 Riparian land and watercourses This clause applies to the land identified as "Riparian Land" on the Riparian Lands and Watercourses Map.			\boxtimes	The subject site is not identified as riparian land on the riparian lands and watercourses map.
6.7 Stormwater management Development consent must not be granted to development on any land unless the consent authority is satisfied that the development: (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and (c) avoids any adverse impacts of stormwater runoff on adjoining properties, native vegetation and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.				Not applicable, proposal is for a sign.

Attachment 5 HDCP 2013 Compliance Table



Attachment 5 - Holroyd Development Control Plan 2013 compliance table

Part	F – Advertising and Signage			
1.	General signage controls			
	All signs must: be compatible with the scale, proportion and other characteristics of the site and/or building on which they are to be located; respect important features of the site and/or building;	Yes, as discussed under Schedule 1 assessment criteria		
	not reduce safety for road vehicles, cyclists or pedestrians by obscuring sightlines.	Road safety will not be affected by the proposal.		
	Where signs include illumination, they must: • not result in unacceptable glare; • not affect safety for pedestrians, vehicles or aircraft; • not detract from the amenity of any residence or other form of accommodation; • permit the level of illumination to be varied according to time of day.	The illumination will not result in unacceptable glare and will not affect safety for pedestrians. Conditions have been imposed to require compliance with the Australian Standard.		
	The maximum height (in metres) for all development, including advertising and signage, is detailed within Holroyd Local Environmental Plan 2013, as a written statement and associated maps.	Refer to HLEP assessment table.	\boxtimes	
5.	Signs in Open Space and Infrastructure Zone	s		
	The location of advertising signs in open space zones must minimise their visual and other impacts on the amenity of the open space and any adjoining residential land.	The proposed LED signage will replace existing static signage. As such, the advertising sign will not adversely affect the amenity of the open space and any adjoining residential land.	\boxtimes	
7.	Sign specifications	aujonning roomonina rama.		
	Where a sign is externally illuminated by flood or concealed lighting, such lighting must be directed solely on the advertisement, and its surrounds, and shielded so that glare does not extend beyond the advertisement.	Electrolight have prepared a Lighting Impact Assessment to accompany the DA which responds to illumination requirements, generally covered by SEPP 64 and the Guidelines.		\boxtimes
	Illuminated signs or signs of a reflective nature must: a) be displayed and located in a manner that does not cause glare; b) not otherwise dazzle or distract drivers of vehicles; and c) not adversely affect the amenity the surrounding area.	Illumination levels are to be restricted in accordance with recommendations in the Lighting Impact Assessment conducted by Electrolight Australia Pty Itd.		
	Pole and Pylon Signs, and Flag Poles A pole or pylon sign must: a) not project over the boundary of the premises;	The proposal is a form of pole or pylon sign. a) The sign is located within the boundaries of the site.		

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Planning Assessment Report

ı	b) where illuminated, include a timer to be fitted	b)	A curfew	for	the				
ı	to extinguish illumination between certain hours		illumination	is	not				
ı	at Council's discretion;		considered						
ı	c) not have a sign panel underside less than 2.6		necessary/ar	propri	ate				
ı	metres above ground but more than 0.9 metres	c)	Proposal cor	nplies					
ı	above ground;	d)	The heigh	•	and				
ı	d) have a height and dimensions having regard	′	dimensions		are				
ı	to		considered a	ngorgg	iate.				
ı	e) the character of the surrounding area,	a)	The propose				\boxtimes		
ı	i) the amenity of surrounding land uses,	,	be a maximi	_		—		—	
ı	ii) the landscape quality of the area,		metres, res	ulting	in a				
ı	iii) driver safety and		1.35 metre	varia	ation.				
ı	iv) the circumstances of the case;		Notwithstand	ding,	the				
ı	f) not have a pole exceeding 12 metres in		height of t	he sig	ın is				
ı	height, when measured from natural ground		existing,	and	the				
ı	level adjacent to the base of the pole to the		proposal do	es not	seek				
ı	underside of the sign;		to alter this	heigh	t. As				
ı	g) not exceed 15 metres in height to the highest		such, the	propos	al is				
ı	point of the sign;		considered a						
ı	h) not exceed one (1) sign per site;	h)	There is one	sign o	n the				
ı	i) be securely fixed and stable; and		subject site.						
ı	j) be maintained in a structurally adequate and	i)	Conditions		been				
	safe condition at all times.			o er	nsure				
			compliance		with				
ı				constru	iction				
ı			requirements	5.				1	

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Attachment 6
Council's Large Display
Advertising Policy





Large Display Advertising Policy

AUTHORISATION & VERSION CONTROL

Policy Number	POL-046
Policy Owner	Director Finance and Governance
Date Adopted	4 September 2019
Version No	1.0
TRIM Number	RM0125695/2019
Review Date	September 2021



BACKGROUND

Clause 13(3) of the State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) obliges arrangements to be entered into for the provision of public benefits in connection with the display of the following types of advertisements:

- Advertisements which are within 250m of a classified road (within the meaning of the Roads Act 1993), any part of which is visible from the classified road and which has a display area greater than 20m², or a height of more than 8m above the ground, or both.
- · Advertisements on a bridge.

The Transport Corridor Outdoor Advertising and Signage Guidelines (Guidelines) contemplate arrangements being realised by way of payment of an upfront fee, by payment of an annual fee for the duration of the advertisement and / or by provision of in-kind contributions. Contributions are to be linked to improvements in local community services and facilities and may include, without limitation, benefits such as:

- improved traffic safety (road, rail, bicycle and pedestrian);
- improved public transport facilities;
- · improved public amenity within, or adjacent to, the transport corridor;
- · support school safety infrastructure and programs; and
- other appropriate community benefits such as free advertising time to promote a service, tourism in the locality, community information, or emergency messages.

PURPOSE

The purpose of this Policy is to set out the basis upon which arrangements for the provision of public benefits to the Council's satisfaction may be achieved. In some cases, circumstances may arise that justify varying the means prescribed in the Policy Statement below for realising the public benefit. If the proponent of an advertisement asserts that is the case, a full justification should be put with the application which will be considered by Council on its merits.

SCOPE

The Policy applies to all signs to which consideration must be given under clause 13(3) of SEPP 64.

POLICY STATEMENT

The value of fees or in kind contributions detailed below apply irrespective of whether the proposed sign has one side or multiple sides.

For Signs Located on Land that is Neither Owned or Managed by Council

Public benefits shall be realised by one of the three following means:

(i) Payment of an upfront fee at the time of lodging a development application For signs that are directed towards passing traffic on the M4 Motorway, the fee shall be equivalent to \$50,000 multiplied by the number of years for which development consent is sought for the advertisement. The fee shall be payable prior to the release of a construction certificate.

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For signs that are not directed towards passing traffic on the M4 Motorway, the fee shall be equivalent to \$10,000 multiplied by the number of years for which development consent is sought for the advertisement. The fee shall be payable prior to the release of a construction certificate.

(ii) Payment of an annual fee for the duration of the advertisement

A condition of development consent may be imposed requiring payment of an annual fee to Council for the duration of the period for which development consent is granted for the advertisement.

For signs that are directed towards passing traffic on the M4 Motorway, the fee for the first year shall be \$50,000 payable prior to the commencement of use of the sign or release of the Occupation Certificate, whichever occurs first. The fee for each subsequent year shall be paid on the anniversary of the fee for the first year being paid and shall be \$50,000 adjusted by the consumer price index relative to the date of payment for the first fee.

For signs that are not directed towards passing traffic on the M4 Motorway, the fee for the first year shall be \$10,000 payable prior to the commencement of use of the sign or release of the Occupation Certificate, whichever occurs first. The fee for each subsequent year shall be paid on the anniversary of the fee for the first year being paid and shall be \$10,000 adjusted by the consumer price index relative to the date of payment for the first fee.

(iii) Provision of in-kind contributions

In-kind contributions may be offered within a Planning Agreement under section 7.4 of the *Environmental Planning and Assessment Act 1979*. The Planning Agreement or an offer to enter into a Planning Agreement should be lodged with the development application to enable concurrent giving of public notice and subsequent consideration of public submissions by the Council. In-kind contributions are not limited to the carrying out of physical works. In accordance with s.7.4, contributions under a Planning Agreement can include the dedication of land free of cost and a monetary contribution.

The value of in-kind contributions should equal or exceed:

- \$50,000 multiplied by the number of years for which development consent is granted for signs that that are directed towards passing traffic on the M4 Motorway; or
- \$10,000 multiplied by the number of years for which development consent is granted for signs that that are not directed towards passing traffic on the M4 Motorway.

Council will negotiate the timing for provision of the in-kind contribution as part of the Planning Agreement process but as a guide, expects that:

- a) any monetary contribution component be apportioned across the number of years for which development consent is granted for the advertisement with the first instalment to be paid prior to the commencement of use of the sign or the release of the Occupation Certificate, whichever occurs first, and subsequent instalments being paid on each anniversary of the first payment; and
- b) any non-monetary contribution should be delivered within a period of no longer than 30% of the time period for which the advertisement is granted development consent.

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For Signs Located on Land that is Owned or Managed by Council

Signs that are located on land that is owned or managed by Council require execution of a lease or licence for the duration of the advertisement.

In such cases, when determining the rental or licence fee, Council will include a component equivalent to one of the abovementioned three means for determining the value of the public benefit for signs located on land that is not owned or managed by Council, in addition to any other component that Council considers commercially appropriate.

In light of realising the public benefit contemplated by SEPP 64 through the terms of the lease or licence, Council will be satisfied that arrangements consistent with the Guidelines have been entered into for the purpose of clause 13(3) of SEPP 64.

REQUIREMENTS

In entering into any arrangements or agreement pursuant to this Policy, regard must be had to promoting and maintaining a positive image of Council, protecting Council's reputation and avoiding to the extent possible any perceived or real conflicts of interest.

Consideration must be given to compliance with any relevant legislation, codes and guidelines which govern advertising practice in NSW. Applications not meeting the terms of this Policy but which may warrant consideration for commercial or other reasons may be reported to the Council.

Revenue collected from up-front and annual fees shall be put to improvements in local community services and facilities. In expending funds, regard shall be had to any public works program developed with Roads and Maritime Services and / or Transport for New South Wales.

RELATED LEGISLATION

- Local Government Act 1993
- State Environmental Planning Policy No 64 Advertising and Signage
- Auburn Local Environmental Plan 2010
- Holroyd Local Environmental Plan 2013
- Parramatta Local Environmental Plan 2011

RELATED DOCUMENTS AND COUNCIL POLICY

- Auburn Development Control Plan 2010
- Holroyd Development Control Plan 2013
- Parramatta Development Control Plan 2011
- Outdoor Media Association Guidelines and Policies
- Transport Corridor Outdoor Advertising and Signage Guidelines
- Guidelines and Codes of Practice governing advertising practices in NSW

Consistent with the Guidelines, Council will develop public benefit works program in partnership with Roads and Maritime Services and / or Transport for New South Wales that sets priorities for the distribution and expenditure of revenue from the collection of up front and annual fees. As at the date of adopting this Policy, the works program was yet to be established.

Large Display Advertising Policy

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DOCUMENTS ASSOCIATED WITH REPORT LPP037/20

Attachment 7 Architectural Plans







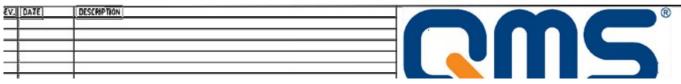












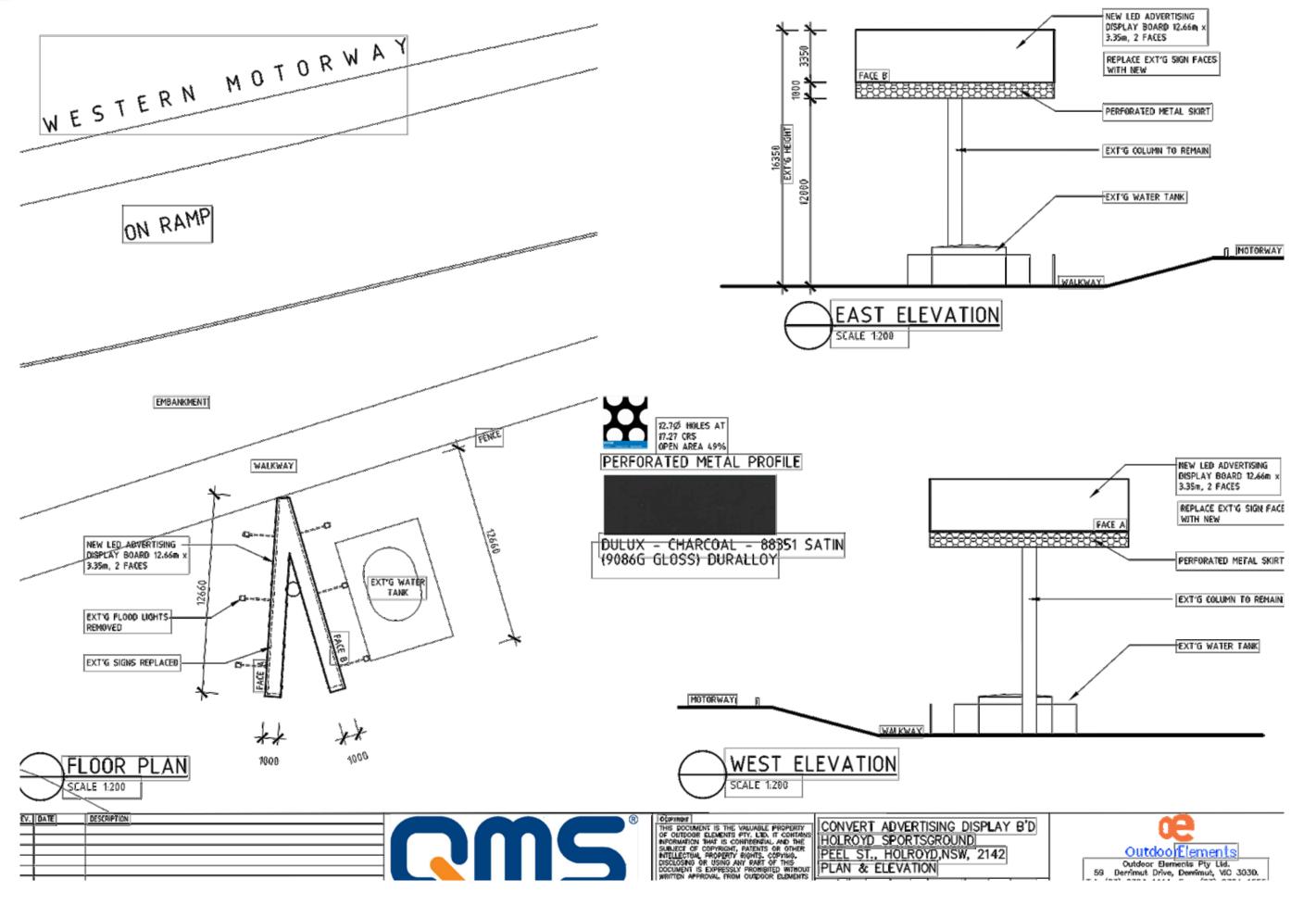
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DOCUMENTS ASSOCIATED WITH REPORT LPP037/20

Attachment 8 Locality Map



Locality Map



LPP037/20 – Attachment 8 Page 475



Item No: LPP038/20

DEVELOPMENT APPLICATION FOR 58 & 60 BERWICK STREET, GUILDFORD

Responsible Division: Environment & Planning

Officer: Executive Manager Development and Building

File Number: DA2019/0501

Application lodged	19 December 2019
Applicant	Baini Design
Owner	Manmark Holdings Pty Ltd, Anrite Holdings Pty Ltd, Chrisyl Holdings Pty Ltd
Application No.	DA2019/0501
Description of Land	58 & 60 Berwick Street GUILDFORD NSW 2161, Lot 29, 30, 31, 32, 33 & 34, Sec 9 DP 734
Proposed Development	Demolition of existing structures, construction of a 4 storey residential flat building over basement parking accommodating 25 units and 22 car parking spaces under the Affordable Rental Housing SEPP 2009
Site Area	1,349.08m² (1,236.18m² post road widening dedication)
Zoning	R4 High Density Residential
Disclosure of political donations and gifts	Nil disclosure
Heritage	The subject site is located within the vicinity of a heritage item of local significance being "Kelvin", Federation/Queen Anne bungalow at No. 67 Berwick Street, Guildford (I33)
Principal Development Standards	Floor Space Ratio: Max. 1.2:1 permitted (HLEP) + ARH 36% Bonus • Proposed FSR = 1.56:1 (this includes a bonus ARH FSR of 36%) Height of Buildings: Max. 15m permitted • Proposed Max. 15.8m (5.3% variation sought) Clause 4.6 Written Variation Request submitted for the departure sought to building height
Issues	 Variation to maximum 15m building height (HLEP 2013) Building separation (ADG) Solar Access (ARH SEPP and HDCP 2013) Site coverage (HDCP 2013) Submissions

SUMMARY:

1. Development Application No. DA2019/0501 was received on 19 December 2019 for the demolition of existing structures, construction of a 5 storey residential flat building over basement parking accommodating 27 units and 25 car parking spaces under the Affordable Rental Housing SEPP 2009.



- 2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 21 days between 5 February 2020 and 26 February 2020. In response, 1 submission (3 x form letters) was received.
- 3. The assessment of the application identified issues including overall building height, scale, amenity impacts to the adjoining southern development and as such the application was deferred seeking amended plans. Amended plans and information were provided to Council on 18 May 2020. The design refinements resulted in the deletion of the units on the top floor, reduction of the overall gross floor area of the development and compliant building separation along the southern boundary. The amended plans did not warrant re-notification.
- 4. The application as amended proposes demolition of existing structures, construction of a 4 storey residential flat building over basement parking accommodating 25 units and 22 car parking spaces under the Affordable Rental Housing SEPP 2009.
- 5. The subject application has been assessed against the relevant provisions of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Affordable Rental Housing) 2009, State Environmental Planning Policy No 65 Design Quality of Residential Apartment Development (SEPP 65), Apartment Design Guide, Holroyd Local Environmental Plan 2013 (HLEP) and Holroyd Development Control Plan 2013 (HDCP).
- 6. The proposal seeks the following non-compliances which are considered supportable as discussed in detail elsewhere in the report:

Control	Required	Proposed	% Variation
Building separation (ADG)	Min. 6m up to 4 storeys	<u>Levels 1-3:</u> Eastern Boundary Balconies = 5.4m	10%
Building Height (HLEP 2013)	Max. 15m	Max. 15.8m (RL 45.30) to the roof of lift core and stairwell	5.3%
Driveway Setback (HDCP 2013)	Min. 1.5m	1.26m	16.3%
Site coverage (DCP)	Max 30% (370.85m²)	43% (531.2m ²)	43.2%
Basement setback (DCP)	3 m	1.25m to eastern side boundary	63.3%
Sunlight access (DCP)	1 main living area of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	in overshadowing of the northern windows of 6 out of 17 units on the adjacent	-



- 7. The application is being reported to the Cumberland Local Planning Panel (CLPP) for determination as it is a development with more than 4 storeys to which the State Environmental Planning Policy No 65 Design Quality of Residential Apartment Developments applies.
- 8. The application is recommended for deferred commencement approval subject to the conditions as provided in Attachment 1.

Background / History

DA2019/11/1 for demolition of existing structures, and construction of a 4 storey building comprising of a 76 place child care centre on the ground floor with 18 residential units above with two basement car parking levels for 36 vehicles made pursuant to Affordable Rental Housing SEPP 2009 was refused by Cumberland Local Planning Panel on 14 August 2019,

On 28 February 2018, DA2017/81 granted development consent for the construction of a 4 storey residential flat building comprising 21 units above basement parking accommodating 26 car parking spaces. This is an active consent which applies to the land. The date of expiry of DA2017/81 is 28 February 2023.

REPORT:

Subject Site and Surrounding Area

INTRODUCTION

The subject site is known as 58-60 Berwick Street, Guildford; and is legally described as Lots 29-34, Sec 9 in DP734. The site has an area of 1,349.08m² and frontage of 40.235m and 33.53m to Berwick Street and Beaufort Street respectively. The site is regular in shape and has a depth of 40.235m to the eastern boundary and depth of 33.53m to the southern boundary.

The property is subject to 1.5m road widening to both Beaufort Street and Berwick Street, with 3m x 3m splay at the corner of both streets; as identified within Map 1 – Appendix K – Locations Subject to Road Widenings and Splay Corners in Part A of HDCP 2013. The site area will be reduced to 1,236.18m² post dedication of land along Beaufort Street and Berwick Street for road widening.

The property is occupied by two dwelling houses, ancillary structures, outbuildings and mature trees.

The site is located approximately 800m from Guildford Railway Station.

The subject site and neighbouring allotments directly to the east and south are zoned R4 – High Density Residential. Properties located on the northern side of Beaufort Street and western side of Berwick Street are zoned R3 – Medium Density Residential. Opposite the subject site at the corner of Beaufort Street and Berwick Street are Beaufort Street Park and Berwick Street Reserve.

The existing developments surrounding the subject site are residential flat building directly to the south and south-east, and primarily dwelling houses and low to medium



density housing to the east. However, there is a transition occurring currently with higher density zoned sites being developed into residential flat buildings.



Figure 1 - Aerial view of the locality with subject site shown highlighted in red. Source: NearMap



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



Figure 3 – No. 60 Berwick Street (subject site) and adjoining residential flat building south of the site at No. 62-66 Berwick Street. Source: Cumberland Council





Figure 4 – No. 58 Berwick Street (subject site). Source: Cumberland Council



Figure 5 – View of No. 58 Berwick Street (subject site) from Berwick Street. Source: Cumberland Council



Figure 6 – View of No. 58 Berwick Street (subject site) from Beaufort Street and adjoining property No. 63A Bangor Street. Source: Cumberland Council



Description of the Proposed Development (as amended)

DA 2019/0501 seeks consent for demolition of existing structures, consolidation of two lots into one lot, construction of a 4 storey residential flat building comprising of 25 residential units with basement car parking pursuant to Affordable Rental Housing SEPP 2009

Key features of the development proposal (as amended) are as follows:-

Level	Details
Basement level	22 residential car spaces (including 4 accessible parking spaces)
	5 bicycle spaces
	Storage areas
	Bin and service rooms
	Lift core and stairwell
Ground level	Pedestrian access to the building from Berwick Street
	7 residential units
	Lift, fire stairs and landscaping
Level 1	6 residential units
Level 2	6 residential units
Level 3	5 residential units
Level 4	Roof and communal open space

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

The dwelling mix of the proposal (as amended) is as follows:

- 7 x 1-bedroom units (28%)
- 17 x 2-bedroom units (68%)
- 1 x 3-bedroom units (4%)







Figure 7 – Streetscape of proposed development – Beaufort St & Berwick St frontage

Application History

Date	Action
19 December 2019	The subject development application was lodged with Council.
31 January 2020	The application was referred to the following internal and external
	sections:
	Development Engineering
	Traffic Engineering
	Environmental Health
	Landscaping/Tree Management
	Waste Management
	Endeavour Energy
	Transgrid
	Cumberland Police Area Command
	Sydney Water
5 February 2020 to	Application placed on public notification. In response, 3 proforma
26 February 2020	submissions were received.
7 May 2020	Application deferred seeking additional information and amended
	plans
18 May 2020	Amended plans and additional information received by Council
8 July 2020	Application referred to CLPP for determination.

Applicant's Supporting Statement

A Statement of Environmental Effects prepared by Think Planners dated 9 December 2019 was submitted with the application.

A written request to vary the building height standard, prepared in accordance with Clause 4.6 of HLEP 2013 by Think Planners, dated 9 December 2019 was submitted in support of the application.

An addendum to the Statement of Environmental Effects was submitted to Council as part of the amended plans dated 20 February 2020.

Contact with Relevant Parties

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

Internal Referrals

<u>Development Engineer</u>

The development application was referred to Council's Development Engineer for comment who has advised that the development is supportable with regards to the proposed new vehicular crossing and stormwater management, subject to deferred commencement conditions.

Traffic Engineer



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

Landscaping/Tree Management

The application was referred to Council's Landscape and Tree Management Officer for comment. Response received indicates that the proposed tree removal and landscape works are satisfactory subject to conditions. The conditions recommended by the Landscape Officer are included in the draft determination.

Waste Management Officer

The development application was referred to Council's Waste Management Officer for comment and issues were raised with regard to the ongoing management which have been imposed within the draft conditions of consent.

Environmental Health Unit

The development application was referred to Council's Environmental Health Unit for comment who has advised that the proposal is satisfactory subject to conditions of consent which have been imposed within the draft conditions of consent.

External Referrals

Transgrid

The development application was referred to Transgrid for comment pursuant to Clause 45 of State Environmental Planning Policy (Infrastructure) 2007 for comment, who advised that the development is supportable, and no conditions are recommended to be imposed.

Endeavour Energy

The development application was referred to Endeavour Energy for comment pursuant to Clause 45 of State Environmental Planning Policy (Infrastructure) 2007 for comment, who has advised that the development is required to provide adequate safety clearances to existing electricity lines, which have imposed within the draft conditions of consent.

NSW Police

The application was referred to NSW Police for comment regarding CPTED. Response dated 12 June 2019 indicates that the proposal is satisfactory subject to conditions.

Sydney Water

The application was referred to Sydney Water for comment regarding Sydney water assets. Response dated 26 February 2020 indicates that the proposal is satisfactory subject to recommendations which have imposed within the draft conditions of consent.



PLANNING COMMENTS

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

State Environmental Planning Policies

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

(a) State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)

The application has been submitted under Part 2 New affordable rental housing – Division 1 In-fill affordable housing of the ARH SEPP. It should be noted that the proposal fully complies with the key planning controls contained within the ARH SEPP including site area, landscaped area, parking, accommodation size and prescribed standards for in-fill affordable housing. A comprehensive assessment against ARH SEPP is attached to this report at Attachment 2.

16A Character of local area

A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area. The SEPP (ARH) does not contain any guidance for assessing whether a proposal is compatible with the character of the local area. However, a planning principle for assessing compatibility in the urban environment was established by Senior Commissioner Roseth of the Land and Environment Court in the judgement for Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191. This involves asking the following two questions:

- Are the proposal's physical impacts on surrounding development acceptable?
 The physical impacts include constraints on the development potential of surrounding sites.
- Is the proposal's appearance in harmony with the buildings around it and the character of the street?

A merit assessment of the character of the local area should consider the following 3 steps:

- Step 1 Identify the 'local area'.
- Step 2 Determine the character of the 'local area'.
- Step 3 Determine whether the design of the proposed development is compatible with the character of the 'local area'.

An assessment against each step is provided below:

Step 1 – Identify the local area.



This assessment identifies the local area as primarily the visual catchment of the site (hatched in red) as viewed from within the site and directly adjacent to the site on the street which is defined by the yellow line in Figure 8, and white line in Figure 9 below:



Figure 8 – Local Area catchment as identified on Aerial



Figure 9 – Local Area catchment as identified on Zoning Map

Step 2 – Determine the character (present and future) of the local area.

The zoning of the broader locality and immediate area comprises R4 High Density Residential adjoining the site directly to the south and east, and R3 Medium Density Residential for properties located on the western side of Berwick Street and northern side of Beaufort Street; under the Holroyd Local Environmental Plan (HLEP) 2013.

Present Character of the area

The character of the local area comprises the visual catchment of allotments viewed from and surrounding the subject site, which includes:-

Berwick Street

1. Three (3) storey residential flat building (62-66 Berwick Street).





- 2. Detached dwelling houses and attached dual occupancies located on the western side of Berwick Street.
- 3. Opposite the subject site at the corner of Beaufort Street and Berwick Street are Beaufort Street Park and Berwick Street Reserve.

Bangor Street

- 4. Detached dwellings houses and attached dual occupancies located on both sides of Bangor Street; and both sides of Berwick Street north of the site.
- 5. Three (3) storey residential flat buildings at the corner of Berwick Street and Bangor Street with Stimson Street 72-74 Berwick Street & 77-79 Bangor Street respectively.
- 6. Three (3) storey walk up residential flat building at the corner of Bangor Street and Beaufort Street (54-56 Bangor St).
- 7. Three (3) storey residential flat building (67-71 Bangor Street).

Cardigan Street

- 8. Two (2) storey walk up residential flat building at the corner of Beaufort Street and Cardigan Street (67 Cardigan Street).
- 9. Part 2 and part 3 storey residential flat building at the corner of Beaufort Street and Cardigan Street (64-68 Cardigan Street).
- 10. Three (3) storey residential flat buildings at the corner of Cardigan Street and Stimson Street (72-78 Cardigan Street).
- 11. A part 2 and part 3 storey residential flat building has been approved at 69-77 Cardigan Street (DA2006/226). The DA is operative but construction has not yet commenced.
- 12. The remaining sites on Cardigan Street comprise of detached dwellings and dual occupancies.

Future character of the area

Whilst there are a number of one and two storey dwellings within the locality, the area is transitioning to higher density developments in accordance with the planning controls that currently apply. The area zoned R4 High Density Residential is subject to a maximum height limit of 15m and maximum floor space ratio (FSR) of 1.2:1. The emerging character of the area is generally that of small, 3 to 4 storey residential flat buildings. The locality is in transition particularly to support the increasing demand of affordable housing within the close proximity of public transport hub and major commercial centre. The transition issue is clear with regard to FSR and height limits applicable to sites within the local area.

Step 3 - Determine if the development is compatible with the character of the local area.



In accordance with the Land and Environment Court's 'Planning Principle' and case law compatibility is best defined as 'capable of existing together in harmony'. In order to test compatibility two questions are to be considered. These questions, as well as a response to each, are provided below:

Are the proposal's physical impacts on surrounding development acceptable?
 The physical impacts include constraints on the development potential of surrounding sites.

The height, FSR and landscaping of the proposed development are designed to maintain the harmony within the streetscape, whilst contributing to the site context and constraint. The height of building breaches the 15m height limit requirement for part of the roof and the lift core as discussed later in the report. However, the development does not pose any unreasonable overshadowing impacts on adjoining properties. The proposal being a permissible land use, meets the FSR requirement (in accordance with ARH SEPP, subject to the imposition of conditions) and contributes to the provision of affordable housing within the close proximity of public transport hub. Appropriate setbacks and privacy treatments are provided to minimise any adverse impacts to the adjoining properties. The building is appropriately articulated to complement the existing and changing streetscape within the local area. Whilst the development will result in overshadowing to the existing development on the southern side (62-66 Berwick Street), the impacts are not considered unreasonable given this is a function of the allotment orientation and R4 context. The overall design represents the form of development that is envisaged under the planning controls. Refer to further discussion under DCP section of the report.

• <u>Is the proposal's appearance in harmony with the buildings around it and the character of the street?</u>

To be compatible, a development should contain, or at least respond to the key aesthetic elements that make up the character of the surrounding area. The size of the basement maximises landscaping and deep soil zones on site. The front setbacks are compliant and consistent with the higher density zones. The proposal is considered to maintain an appropriate residential character which is consistent with the evolving higher density streetscape in the locality. As indicated, the proposed development is not considered to be inconsistent with the existing streetscape character of the immediate area surrounding the subject site.

In conclusion, the proposal will maintain the harmony within the general streetscape, and suitably fits in the local character of the locality.

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

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

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





Figure 10 – SEPP 65 Design Quality Principles Table

Figure 10 – SEPP 65 Design Quality Principles Table			
ADG design quality principle	Response		
1. Context and neighbourhood character	The area is zoned to accommodate new development, including residential flat building that is a permitted type of development within the R4 zone. The existing character of the streetscape is in transition where existing dwelling houses are being replaced with higher density development, such as residential flat buildings. The proposed development satisfies Holroyd LEP 2013 objectives in that it will provide a variety of housing type within a high density environment. The siting of development has been appropriately designed to minimise any potential overshadowing and visual privacy impact to the adjoining properties by maintaining a buffer area at the rear and side boundaries for communal open space.		
2. Built form and scale	The development application is seeking consent for a 4 storey residential flat building over one level of basement car parking. The building has been designed to correspond with the existing landform. At grade communal open space will assist in softening the built form and minimise any potential overshadowing and visual privacy impact to the adjoining properties.		
3. Density	The subject site is well located with respect to existing public transport and community facilities. The proposal includes an affordable housing component that allows for a maximum bonus FSR of 0.5:1 over the LEP standard for the site. The design of the development provides for appropriate separation between dwellings, supplemented by privacy treatment to balconies and windows where necessary.		
4. Sustainability 5. Landscape	A BASIX Certificate and relevant reports have been submitted with the development application. The certificates require sustainable development features to be installed into the development. The proposal will incorporate features relating to ESD in the design and construction of the development inclusive of water efficient fixtures and energy saving devices. Compliant landscape area has been provided, which will		
J. Lanuscape	provide appropriate level of amenity to the resident and consistent with the environmental surrounds of the subject site.		
6. Amenity	The proposal will deliver sufficient amenity to residents of the building. The proposal achieves compliance with the ADG in this regard which contains many amenity controls. The building design incorporates access and circulation, apartment layouts, floor area, ceiling height, private open space, common open space, energy efficiency rating, adaptability and diversity, safety,		



	security and site facilities. The proposal is considered to generally comply with the ADG and HDCP 2013 which contains numerous amenity controls. Suitable access is provided to all parts of the building, through the efficient use of lift to access all levels. The development is considered to provide an appropriate level of amenity for future residents.		
7. Safety	Suitable and secure access is provided to all parts of the building, through the efficient use of lift to access all levels.		
8. Housing diversity and	The apartment mix is considered to be satisfactory. The		
social interaction	specifics of the building are:- • 7 x 1-bedroom units (28%)		
	 17 x 1 bedroom units (26 %) 17 x 2-bedroom units (68%) 		
	1 x 3-bedroom units (4%)		
	The number of adaptable units proposed is considered		
	satisfactory with the provision of associated accessible car spaces.		
9. Aesthetics	The residential flat building has an attractive contemporary appearance and utilises building elements that provide individuality to the development without compromising the streetscape or detracting from the appearance of existing surrounding development. The building responds well in this regard with its provision of good aesthetics through the use of high quality materials. The development provides an appropriate response to the existing and likely future character of the locality.		

Pursuant to clause 28(2)(c) of SEPP 65, a consent authority must consider the provisions of the Apartment Design Guide (ADG) in the assessment of a residential flat development. A comprehensive assessment against the Apartment Design Guide (ADG) controls is provided at Attachment 2.

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

No.	Control	Comments	Compliance
3F	Visual Privacy		Yes No N/A



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: Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room. Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.	requirements. Building is 4 storey in height, with roof top terrace. West: Berwick Street North: Beaufort Street East: Up to level 3 Requires a min. 6m setback to boundary.			
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(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?		
Does the application involve re-development of the site or a change of land use?		
In the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?		
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		
Is the site listed on Council's Contaminated Land database?		\boxtimes
Is the site subject to EPA clean-up order or other EPA restrictions?		\boxtimes
Has the site been the subject of known pollution incidents or illegal dumping?		
Does the site adjoin any contaminated land/previously contaminated land?		\boxtimes
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?		
Details of contamination investigations carried out at the site:		
The site is not identified in Council's records as being contamina Environmental Health Officer has advised that following review of the submit Site Investigation, the site is considered suitable for the proposed childcare development, subject to the imposition of conditions.	ted Pre	liminary

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

The development application was referred to Endeavour Energy for comment, who raised concerns relating to adequate safety clearances to existing electricity power lines, which have included as part of the reasons for refusal contained within the draft notice of determination.

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

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



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

The proposal includes removal of some existing trees within the subject site. However, this does not exceed the biodiversity offsets scheme threshold. Therefore, the proposed vegetation removal is considered acceptable. Please refer to the HDCP 2013 compliance table at Attachment 5 for further comment regarding the proposed tree removal.

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

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

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

BASIX certificate 987245M_02 dated 26 November 2019 was submitted with the application. The certificate achieves target scores and is consistent with the architectural plans.

Regional Environmental Plans

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

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

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

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

Local Environmental Plans

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

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

The proposal seeks the following variations to HLEP 2013:

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.3 Height of Buildings 15m	No	Proposed: 15.8m (RL 45.30) Variation: 5.3%
		Refer to the discussion below.



Height of Buildings

The proposal seeks a variation to Clause 4.3 – Height of Buildings that stipulates that the height of building is not to exceed 15m on the subject site.

The proposed building has an overall height of 15.8m (RL 45.30) to the roof of the lift core and RL 44.30 to the top of the structures associated with the roof top communal open space. The proposal breaches the height by 800mm to the roof of the lift core, representing a maximum variation of 5.3%.

(a) Clause 4.6 – Variation to Building Height

Clause 4.6 allows the consent authority to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. The consent authority may grant the exception as the Secretary's concurrence can be assumed where clause 4.6 is adopted as per the Department of Planning Circular PS 18-003, dated 21 February 2018.

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

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

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

Applicant's justification:

- The development will provide for the housing needs of the community within a high density environment;
- The development contributes to a variety of housing types in a high density environment;
- The development will maximise public transport patronage by providing residential accommodation in an accessible location:
- The development is designed to respond to the context and setting of the locality and the development is consistent with the desired future character of the locality;
- The development is designed to minimise impact on the amenity of the area and adjoining properties.

Planner's Comment:



Residential flat buildings are a permitted land use and the locality is undergoing a transition particularly to support the increasing demand of affordable housing within the close proximity of public transport hub and major commercial centre. The proposed development is considered to be consistent with the objectives of the R4 High Density Residential zone.

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

Applicant's justification:

- The proposal will provide a high quality urban form that relates well to the context of the site in terms of the natural topography and adjoining developments;
- The area of non-compliance to the building height is limited to a small portion of the upper level roof form and lift over-run- and this element is recessed back from the perimeter of the building below such that the visual impact from the public domain and adjoining properties is minimised;
- The non-compliance also stems from the provision of affordable dwellings that allows the development to exceed the FSR of 1.2:1 for the site contained in LEP 2013. Council's Building envelope controls of height, FSR and setbacks are designed to accommodate a residential flat building with an FSR of 1.2:1. This development has a greater allowable FSR under the ARHSEPP and the additional floor space can only be appropriately accommodated by breaching the building envelope controls- namely the minor departure to the height standard.
- The overall height of the development presents as a compatible form of development with the 5th storey recessed to downplay visual dominance as viewed from the public domain and adjoining properties.
- The proposal has been designed to comply with the maximum permitted FSR on the site and also complies with key controls pertaining to, open space, and car parking which indicates an appropriate scale of development on the site;
- The extent of overshadowing is satisfactory as shown on the shadow diagrams and the privacy impacts arising from the additional height control are negligible when having regard to the design of the built form which focuses the 5th storey living rooms and balconies over the street frontages.
- The height breach is at the upper most level where the building is recessed such that the visual impact of the development is minimised as viewed from adjoining properties and the public domain.
- The overshadowing impact arising from the building height departure is limited given that the shadow is cast from the level below as it relates to the adjoining apartment building which is reflected in the 'views from the sun'. Therefore there is no additional overshadowing impact to adjoining properties as a result of the height departure.



- The height breach is a function of raising the ground floor to accommodate the required flood freeboard level that means that the overall height is increased to achieve this which is a preferred planning outcome to mitigate flooding impacts.
- The development is designed to respond appropriately to the landform.

Planner's comment:

The objectives of the building height standard are to enable appropriate development density to be achieved and to ensure that the height of the building is compatible with the character of the locality as outlined above. The proposal is compliant with the maximum FSR inclusive of the bonus provision under the ARH SEPP. The increased height does not result in an additional level for residential use, as it comprises portion of the roof structures and the top of the lift core.

The departure sought is considered to be modest and does not unreasonably impact on adjoining properties. The additional height does not result in the appearance of bulk when viewed from the existing streetscape and would not impinge on the changing streetscape that is anticipated for the immediate area. Given that the proposed development responds to the site and does so without compromising relationships with adjoining development, the proposal is considered to be consistent with the objectives of height requirements and development within the R4 zone.

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

Applicant's justification:

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

Planner's comment:

Council Officers are satisfied that the proposed variation has been appropriately justified and can be supported in this instance. The height breach is limited to an overall building height of 15.8m (RL 45.30) for the top of the lift core. The additional height of the lift core will not be visible from the adjacent streets and properties. The proposed variation to the development standard is necessary for the structure containing the lift core and the site being subject to flooding which requires an elevated ground floor plate. The departure sought is considered to be modest and does not unreasonably impact on adjoining properties. The additional height does not result in the appearance of bulk when viewed from the existing streetscape, would not impinge on the changing streetscape that is anticipated for the immediate area and does not result in additional overshadowing to the adjoining properties. It is considered, therefore, that the non-compliance with the Development Standard is not unreasonable or unnecessary in the circumstances of the case.

b) Are there sufficient environmental planning grounds to justify contravening the development standard and therefore is the applicant's written justification well founded?



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

Conclusion:

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

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

An assessment against all the relevant LEP provisions is provided at Attachment 3.

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 (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 City local government area, those being:

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

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

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

(a) Holroyd Development Control Plan 2013

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

A comprehensive HDCP compliance table is attached to this report at Attachment 4. A summary of the DCP non-compliances is provided in the following table.

PART A -	PART A – GENERAL CONTROLS				
Clause	Control	Proposed	Complies		
3.5	Access, Manoeuvring and Layout				
	Driveways shall be setback aa minimum of 1.5m from the side boundary		Acceptable in this		



	- RESIDENTIAL CONTROLS				
Clause	Control	Proposed	Complies		
1.8	Sunlight Access	Detected about the second	NI -		
	1 main living area of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June. Min. 50% of required POS of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	are provided for 9am, 12pm, 1pm and 3pm and identify the north facing private open space and living areas of 6 out	No – Acceptable in this instance.		
		However, this is considered to be reasonable based on the following merits:			
		• The non-compliance is a function of the allotment orientation as No.62-66 Berwick Street is located immediately to the south of the site which means that avoiding overshadowing impacts, whilst enabling development for a residential flat building proposal is not possible without delivering a significant underdevelopment on the subject site;			
		 The setbacks exceed the 3m control in Holroyd DCP 2013 and provide ADG compliant setback of 6m to maximise separation to the adjoining developments. Therefore it is not possible to achieve the required levels of solar access, even when fully complying with the building separation and building height requirements; The impact of the proposal 			
		on the existing development would be limited to a few			



		units and would not preclude compliance with the ADG requirement of 70% of units to achieve 2 hours solar access i.e. 13 out of 17 units (76%) of units will still be able to achieve 2 hours of solar access; It is considered that the additional overshadowing is acceptable when having regard to the lot orientation, design of the development proposal that meets the building envelope controls. Therefore the variation has merit on planning grounds, and is considered supportable.	
6.2	Site Coverage		
	Maximum site coverage of any residential flat development shall not exceed 30% (Max. 370.85m²)	43% (531.2m²) non-compliance is considered acceptable, given that the site is subject to road widening dedication. Notwithstanding, it still achieves adequate provision of deep soil planting, landscaping, driveways, communal open space and OSD system.	No – Acceptable in this instance.
6.2	Setbacks and separation		

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

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

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

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

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

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

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



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

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

Advertised (newspaper)

Mail

Sign

Not Required

□

In accordance with Part E - Public Participation of HDCP 2013, the proposal was publicly notified from 20 February 2019 to 13 March 2019. As a result of the notification, 1 (3 x form letter) submission was received.

The submissions are included at Attachment 10 to this report. The issues raised in the submissions are as follows:

Concern:

Location of basement car park entry/exit in close proximity to the boundary and noise impacts associated with the basement car park.

impacts associated with the basement car			
The proposal compromises visual privacy with inadequate building separation to the eastern boundary.	The proposed development is considered to provide appropriate separation to the adjoining properties that will in turn achieve reasonable levels of external and internal visual privacy for future residents and residents of		
	adjoining properties. The proposal achieves complaint building separation from the bedrooms and living areas. However, the balconies of the units proposes a minor noncompliance. Notwithstanding, visual privacy screens are incorporated which are considered to mitigate any privacy impacts to the adjoining properties along the eastern boundary.		
Concerns raised that the development has an excessive height that exceeds the maximum LEP height of 15m.	This matter has been discussed in the main body of this report where it has been determined that the proposed height is appropriate and the height exceedance relates to the lift and stair overruns only. Given that the proposal provides a reasonable level of amenity in terms of privacy and solar access to the adjoining properties, the minor noncompliance to height is considered acceptable.		
Concern raised with respect to the location of the basement driveway along	The basement driveway location is considered to be appropriate with regard		



the eastern boundary and its acoustic impacts. It is recommended that the basement entry be moved to another location.

to the site context (being a corner lot) and the overall design ensures safe vehicular movement. Further a landscapes setback of 1.26m has been provided to mitigate any negative impacts associated with the vehicular access adjacent to the common boundary. In addition, the application is accompanied by an acoustic report which has assessed the noise generated from the proposed development. Council's Environmental Health Officer has reviewed the report which accounted for noise impacts from the proposed development and found it to be acceptable, subject to compliance with the recommendations of the Acoustic Report and imposition of appropriate conditions.

Concerns raised that there is insufficient car parking proposed and the development will affect the availability of on-street car parking.

The application is lodged pursuant to Affordable Rental Housing SEPP 2009 (ARH SEPP) and the proposal complies with the car parking requirements of the SEPP. Further, Council's traffic engineers have assessed this application and have raised no objections with regard to traffic and parking impact of the proposal as it is satisfied that sufficient off street parking is provided within the proposed development. It is therefore considered that the proposal will not cause undue stress on traffic movement within the locality.

Impacts of excavation on the adjoining property

Whilst the construction details of any development are assessed during the application for a Construction Certificate, the subject development would comprise of excavation to the required depth and construction of the basement using reinforced concrete. The construction details of the basement will be assessed either by Council or a private certifier.

Notwithstanding, a standard condition is recommended to be imposed which requires the developer to undertake a dilapidation report of adjoining properties prior to the commencement of any work. This will then determine whether damage to adjoining properties is the result of any



excavation	or	construction	associated
with the proposed development.			ent.

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

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

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

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

Comments:

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

The calculation is based on:

- 7 x 1-bedroom dwellings \$8,860 x 7 = \$62,020.00
- 17 x 2-bedroom dwellings \$14,984.49 x 17 = \$254,736.00
- 1 x 3-bedroom dwellings \$20,000 x 1 = \$20,000
- credit for the existing 2 x 3-bedroom dwellings = \$40,000

As at 8 July 2020, the fee payable is \$296,756.33. This figure is subject to indexation as per the relevant plan. The draft determination attached includes a condition requiring payment of the contribution prior to issue of a Construction Certificate.

Disclosure of Political Donations and Gifts

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

CONCLUSION:

The proposed development has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Affordable Rental Housing) 2009, State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development, Holroyd Local Environmental Plan 2013 and the Holroyd Development Control Plan 2013 and Draft Cumberland Local Environmental Plan 2020 and is considered to be satisfactory.

REPORT RECOMMENDATION:



- 1. That the Local Planning Panel approve the variation to the Development Standard relating to building height as contained within Clause 4.3 of the Holroyd Local Environmental Plan 2013 as the applicant's Clause 4.6 objection has adequately addressed the matters required to be demonstrated by Clause 4.6 (3) and the development will be in the public interest because it is consistent with the objectives of the Height Standard and the objectives of the R4 High Density Residential zone.
- 2. That Development Application No. DA2019/0501 for demolition of existing structures, construction of a 4 storey residential flat building over basement parking accommodating 25 units and 22 car parking spaces under the Affordable Rental Housing SEPP 2009 on land at 58 & 60 Berwick Street GUILDFORD NSW 2161 be approved under deferred commencement subject to attached conditions.
- 3. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

ATTACHMENTS

- 1. Draft Notice of Determination !
- 2. SEPP ARH 2009 Compliance Table 4
- 3. ADG Compliance Table <a>J
- 4. HLEP 2013 Compliance Table U
- 5. HDCP 2013 Compliance Table 4
- 6. Architectural Plans U
- 7. Shadow Diagrams !
- 8. Accompanying Clause 4.6 Variation Request to Building Height !!
- 9. Locality Map J
- 10. Submission (3 x form letters) \downarrow

DOCUMENTS ASSOCIATED WITH REPORT LPP038/20

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: DA2019/0501

Applicant: Baini Design
Po Box 2402

NORTH PARRAMATTA NSW 1750

Property Description: 58 & 60 Berwick Street GUILDFORD NSW 2161, Lot 29,

30, 31, 32, 33 & 34, Sec 9 DP 734

Development: Demolition of existing structures, construction of a 4 storey

residential flat building over basement parking accommodating 25 units and 22 car parking spaces under

the Affordable Rental Housing SEPP 2009

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: 8 July 2020

Date from which Consent Operates: TBA

Date Consent Lapses: TBA

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 MAJOR DEVELOPMENT ASSESSMENT

Date: 08 July 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

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 matter/s specified in Schedule A within 5 years from the date of this consent, this consent lapses.

(Reason: Statutory requirement).

Schedule 'A'

2. DADCZ01 - Amended OSD Stormwater plan

The stormwater plans shall be amended to demonstrate its functionality addressing the following matters, and submitted to the satisfaction of Council's Manager, Engineering and Traffic

- a. In order to minimize the effect of downstream floodwater level on functioning of the Onsite detention (OSD) system of the invert level of the OSD underground tank be raised to the as high as practicable.
- b. The rising main pipe from the basement pump-out system must be separately connected into the HED control pit and must not be combined with the downpipes to prevent the sediments and debris from roof being directed into the pump-out system.
- c. The finished floor level of the basement car spaces must be at least 150mm above the top water level of the above ground ponding area proposed above the basement pump-out tank. The basement plan (architectural plans and stormwater plan) shall be amended to incorporate this provision.
- d. The layout plan of the underground On-site Detention (OSD) tank shall show the invert level of the base slab at various critical location such as each of the corners and middle of the tank. The tank base slab shall be graded with at least 1% gradient towards the High early discharge (HED) control pit.
- e. The cross sectional details including the levels shown must be consistent and any inconsistencies such as the level of the near the HED control pit must be rectified.

(Reason: To ensure appropriate stormwater management provisions).

3. DADCZ02 - Drainage Works Within The Public Domain

The disposal of site stormwater shall be made by connecting the outlet stormwater pipe onto the existing council pit on the opposite side of Beaufort Street, i.e. the kerb Inlet Pit in front of the boundary between 52 Berwick Street and 61 Bangor Street. The details of the plan must be submitted to the satisfaction of Council's Manager, Engineering and Traffic, for approval. Further, the drawing details complying the following requirements shall be submitted to the satisfaction of Council's Manager Engineering and Traffic:

 A new kerb inlet pit, namely Pit1 shall be constructed within the frontage of the property on Beaufort Street.

The new kerb inlet pit on Beaufort Street must be designed and details prepared in accordance with the Council's Standard Drawing or as required by councils Infrastructure Design Section. The plan, cross-sectional elevations and the details must be shown in the drawing and submitted for approval to the satisfaction of Council's Manager, Engineering



and Traffic

- b. All the site stormwater shall be connected into the into the last boundary pit, namely Pit 2, within the subject site, which shall connect into the new kern inlet pit, (Pit 1).
- c. An RCC pipeline of 375mm dia. class 4 shall run across Beaufort Street from the new Kerb Inlet Pit (Pit 1) and connect onto the existing council's Kerb Inlet Pit on the opposite site of the Beaufort Street. Sufficient cover depth shall be provided for the protection of the pipe that runs across the road

The Long sectional profile of the pipeline with the pipe material, size, sectional chainage/length, the ground surface level and invert level at the upstream and downstream end of each section of the pipe, sectional gradient, location and levels of any services crossing or obstacles along the pipeline, etc. shown on the drawings.

- d. Details of connection into existing council pit, on the opposite side of the road shall be prepared in accordance with the Council's standard design or as advised by council's Infrastructure Design section. The detail must include the alteration and extension of the pit chamber that is necessary to enable the pipe to be connected into the existing pit.
- e. The proposed pipeline layout and/or installation must not cause any possible future disruption or obstruction to the future access or services or to the future development of the adjoining neighbouring properties.
- f. An assessment fee will apply. The required drawings must be submitted together with a completed Approval Application form and required assessment fee.

(Reason: Appropriate Stormwater Management).

4. DADCZ03 - Flooding

In order to prevent the basement car park being inundated by spilling floodwater, the crest point at the upstream side of the basement access ramp to the car park must be at least 500mm above the adjacent 1%AEP flood level i.e. the crest point must be at least at RL29.10mAHD. The proposed crest level of 29.05mAHD at the property boundary must be raised to comply with this requirement.

(Reason: To ensure protection of person and property from floodwater).

5. DADCZ04 - No encroachment into the car spaces

The proposed storage behind the wheel stopper shall be deleted and the basement plan shall be amended to incorporate this deletion and submitted to Council.

(Reason: To ensure compliance with parking space provision).

6. <u>DADCZ05 - Vehicular Access, Manoeuvring Access</u>

The basement car park plan shall be amended to comply with the following requirements:

- a. All aisle width and dimensions shall comply with the relevant clause of Holroyd DCP 2013.
- b. The first 6 m into the property from the property boundary must be 5.5m wide to allow passing safe passing of the vehicle in opposite direction. The width of the last 3m of the 6m driveway shall be increased from proposed 5m to 5.5m and clearly marked on the architectural plan
- c. The door jamb for the entrance shutter door of the main entrance, at the base of the ramp shall be deleted to widen the ramp width for improved manoeuvrability and to provide enough space to allow passing of vehicles travelling in opposite direction.
- The car space 01 shall be deleted and converted as a part of manoeuvring area for improved access to and from the basement ramp.



f. The car space must be minimum 2.4m wide and 5.4m long. Each of the car space shall be dimensioned, numbered, and clearly shown on the Architectural and basement plan.

(Reason: Compliance with parking and manoeuvring requirements).

7. DADCZ07 - Submission of 4 copies of plans/calculations and Checking Fees

Four (4) copies of plans and calculations for the design shall be submitted to Council. Inadequately prepared drawings and calculations will incur an initial checking fee of \$243 with an additional fee of \$130 per review for subsequent inadequate drawings.

(Reason: Plan checking fee requirement).



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 and as amended to satisfy Schedule A.

Reference/Dwg No	Title/Description	Prepared By	Date/s
Project No. 18145, Drg Nos.	Architectural plans	Baini Design	18/05/2020
03,05 to 16 & 26, all Issue B			
Project No. Jala – 19-026, Page	Landscape Plan	Jala Designs	29/11/2019
Nos. 4, 5, 6 & 7, all Issue A			
-	Arboricultural Impact	Horticultural	4/12/2019
	Assessment and Tree	Management	
	Management Plan	Services	
Project No. 180760, Drg Nos.	Stormwater Plans	Australian	25/11/2019
000, 101, 102, 103, 104, 105,		Consulting	
106 & 107, All Issue A		Engineers	
Cert. No. 987245M_03	BASIX Certificate		22/05/2020
Job no. AG-352_1_Rev A	Preliminary Site	Australian	22/11/2019
	Investigation	Geotechnical	
Project No. E1998-1	Waste Management	Geotechnical	25/11/2019
	Plan	Consultants	
		Australia	
Reference No. 2017-499	Construction	Acoustic, Vibration	25/11/2019
	Management Plan	& Noise Pty Ltd	
Correspondence from Sydney	-	Sydney Water	26/02/2020
Water and all recommendations			
contained therein			
Reference No, D2020/262742	-	Cumberland Police	17/04/2020
		Area Command	
Correspondence from	-	Endeavour Energy	12/03/2020
Endeavour Energy and all			
recommendations contained			
therein			

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

3. <u>DAGCA05 - Construction within Boundary</u>

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. 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)

5. 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)

6. DAGCB03 - Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

(Reason: Protect amenity of surrounding area)

7. 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. Should the property be strata subdivided, the approved numbering system shall be included in the final plans of strata subdivision.

(Reason: Identification of property for emergency services and mail deliveries)

8. <u>DAGCB06 - Telecommunications/ TV Antennae</u>

No more than one telecommunications/TV antenna is to be installed to each dwelling/building.

(Reason: To prevent the proliferation of telecommunications/TV antennae)

9. 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)

10. DAGCZ01 - 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.)

11. DAGCZ02 - 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)

12. DAGCZ04 - Substation and Fire Hydrant

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

(Reason: To ensure separate approval is obtained for the installation for substation and fire



hydrant)

13. DAGCZ05 - Cranes on Building Sites

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.

(Reason: To ensure separate approval is obtained for cranes)



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

14. <u>DAPDB01 - Construction Certificate - Prior to the Commencement of any Demolition Works</u>

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)

15. DAPDB02 - Demolition - General

- (a) 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 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.
 - A copy of the notification issued to adjoining residents including the date the notice was delivered.
 - The licence number of the demolisher, and relevant SafeWork 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 work is to be carried out in accordance with AS 2601-2001 The Demolition of Structures
 - (c) Demolition works are restricted as follows:
 - Monday to Friday inclusive 7:00am 6:00pm
 - Saturdays, Sundays and Public Holidays No demolition work
 - (d) 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 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 the SafeWork NSW Hotline 13 10 50.
 - (e) Demolition work must not commence until Council has inspected the site and is satisfied that all pre-demolition conditions have been satisfied.
 - (f) 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.

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

16. <u>DAPDB03 - Demolition - Asbestos</u>

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 nonfriable asbestos (approximately the size of a small bathroom).
- Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
- To find a licensed asbestos removalist please see www.workcover.nsw.gov.au

Compliance with applicable Legislation, Policies and Codes of Practice

Asbestos removal works are to be undertaken in accordance with the following:

- NSW Work Health and Safety Act and Regulation 2011;
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)]
- NSW Government WorkCover Code of Practice How to Safely Remove Asbestos;
- NSW Government WorkCover Code of Practice How to Manage and Control Asbestos in the Workplace.

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

17. 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)

18. 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)

19. 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)

20. <u>DAPDB09 - Tree Preservation</u>

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)

21. 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)

22. 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)

23. 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)

24. DAPDB10 - Demolition, Excavation, Construction Noise and Vibration Management Plan A site specific Noise Management Plan shall be developed and submitted to Council prior to the commencement of any demolition, excavation and construction works on site.

The Plan must be prepared by a suitably qualified person who possesses the qualifications to be eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants.



The Plan must include but not be limited to the following:-

- (a) Identification of any noise sensitive receivers near to the site;
- (b) A prediction as to the level of noise impact, including the proposed number of any high noise intrusive appliances, likely to affect the nearest noise sensitive receivers. A statement should also be submitted outlining whether or not predicted noise levels will comply with the noise criteria stated in the NSW EPA Interim Construction Noise Guideline (2009). Where resultant site noise levels are likely to be in exceedance of this noise criteria then a suitable proposal must be given as to the duration and frequency of respite periods that will be afforded to the occupiers of neighbouring property;
- (c) A representative background noise measurement (LA90, 15 minute) should be assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997;
- (d) Confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phases;
- (e) Confirmation of noise monitoring methodology that is to be undertaken during the main stages of work at neighbouring noise sensitive properties in order to keep complaints to a minimum;
- (f) The type of action will be undertaken following receipt of a complaint concerning offensive noise including provision of a site contact;
- (g) Details of any noise mitigation measures that have been outlined by an acoustic consultant or otherwise that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.

(Reason: Environmental and residential protection)

25. DAPDB11 - Hazardous Materials Survey Required

Prior to the commencement of any demolition works on site, a Hazardous Materials Survey Report must be prepared by a suitably qualified person (such as a certified Occupational Hygienist) and submitted to the satisfaction of the certifier, with a copy provided to Council. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to the safe management and/or removal to ensure the site is safe for demolition, construction and future use/occupation.

(Reason: To ensure controls are in place for hazardous materials)

26. 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)

27. DAPDB13 - Sediment and Erosion Control Plan - Large sites (Engineering)

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to the NSW EPA's Managing Urban Stormwater: Soils and Construction. All Erosion and sediment control measures at the site shall be in accordance with the erosion and sediment plans prepared by "Australian consulting Engineers Pty Ltd, numbered 180760-107 revision "A" and dated 25/11/2019. A copy of the plan must be kept onsite at all times and made available to Council Officers on request.

(Reason: To minimise/prevent impacts on waterways by minimising soil erosion and sediment leaving the site).

28. DAPDZ01 - Land Contamination - SEPP 55

The recommendations of the Preliminary Site Investigation prepared by 'Australian Geotechnical Pty Ltd, Reference No. AG-352_1_Rev A, dated 22 November 2019' must be implemented prior to/during the necessary demolition and excavation works.

(Reason: To ensure compliance with SEPP 55)

29. DAPDZ03 - Design Verification Statement

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.

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

(Reason: To comply with SEPP 65 requirement)



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

30. 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 masonry balustrade for the balconies of units (level 1- level 3) along the eastern elevation shall be 1.5m high from the respective finished floor level.
- b) The pedestrian entry to the building along the western elevation shall be provided with architectural features (blade wall, awning, material contrast) to make it clearly identifiable.
- d) A swept path diagram demonstrating vehicular manoeuvring within the basement parking aisles without any obstruction to traffic in opposite direction, shall be prepared, and submitted. 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.
- Amended Stormwater and landscape plans shall be submitted to reflect consistency with the architectural plans.

(Reason: To confirm and clarify the terms of Council's approval)

31. 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)

32. DACCA03 - Disabled Access & Facilities

Access and facilities for people with disabilities must be provided in accordance with the relevant requirements of the National Construction Code (for all new building work) and in addition, with the relevant requirements of the 'Disability (Access to Premises - Building) Standards 2010'. Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans/specifications for the construction certificate.

(Reason: To ensure compliance with the requirements of the National Construction Code)

33. 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)

34. 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)

35. 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)

36. 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)

37. 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 Section 94 Contributions Plan 2013, 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 Holroyd Section 94 Contributions Plan 2013 can be viewed on Council's website at www.cumberland.nsw.gov.au or inspected at Council's Service Centre located at 16 Memorial Avenue, Merrylands between the hours of 8am and 4.30pm Monday to Friday.

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments)

38. DACCB05 - Fees to be paid to Council prior to issue of the Construction Certificate

Demolition Inspections	\$482.00
Stormwater drainage and Stormwater Detention System Inspection fee	\$626.00
where Council is the Principal Certifying Authority.	
Damage Deposit	\$6,160.00
Sect. 7.11 Contributions	\$296,756.00 + CPI
Cash bond to cover the registration of a Positive Covenant and	\$6,290.00
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.)	
Landscaping inspection fee where Council is the Principal Certifying	\$686.00
Authority.	
Traffic Management Plan	\$201.00 initial fee
Cash bond or bank guarantee to cover the removal of redundant	\$4,500.00
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.)	
Cash bond or bank guarantee for the satisfactory completion of the	\$10,000.00
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 of issue of a 'Final Occupation Certificate'	
(whichever occurs last) to remedy and defects that may rise within this	
time.)	
Cash bond or bank guarantee for the satisfactory completion of the	\$3,000.00
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.	
Cash bond or bank guarantee to cover the satisfactory completion of connection into council's stormwater pipe and restoration of the council stormwater pipe. This bond will be withheld 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.	\$10,000.00
TOTAL	\$332,541.00 + CPI
	where applicable

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)

39. 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)

40. DACCC01 - Footpath Design Levels

Detailed footpath levels shall be obtained from Council before finalisation of the footpath and driveway design for Construction Certificate Application by lodging an "Application for Property Boundary Line Levels". Any required adjustments shall be included in the plans and the interface across the street boundaries shall be designed to incorporate smoothly the designated levels.

When lodging the "Application for Property Boundary Line Levels", fees are payable in accordance with Council's adopted fees and charges, which will go towards administration costs.

Unless an alternative specific design is submitted and approved by Council, the footpath levels adjoining the site shall generally be as follows:

- (a) The internal driveway levels shall be designed to meet Council's footpath verge levels such that a maximum cross fall of 2.5% is achieved where the formal footpath meets the driveway.
- (b) The level of the boundary line as it crosses the driveway shall incorporate a cross fall equivalent to the general longitudinal grade of the street. Any required adjustments shall be included in the plans and submitted for approval (under Section 138 of the Roads Act) prior to the release of the Construction Certificate.

Note: Care should be taken in steep landforms to ensure scraping of vehicles is avoided.



(Reason: Public infrastructure)

41. DACCC02 - Protection of Public Places

The adjoining or adjacent public area is not to be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances unless approved in writing by Council.

If the work involved in the demolition or construction of a building is likely to disrupt or obstruct pedestrian or vehicular traffic in a public place, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected prior to the commencement of any work subject to approval of a Traffic Management Plan.

(Reason: Safety)

42. 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 and outside the subject site 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 outside the subject site or within the road reserve 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)

43. 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)

44. DACCC05 - Hoardings

A separate Hoarding approval for the erection of a Class A (fence type) or Class B (overhead type) hoarding along the street frontage(s) must be obtained from Council. The relevant application form shall be submitted to Council with a footpath occupancy fee based on the area of footpath to be occupied according to Council's Schedule of Fees and Charges, and the application shall be approved before the commencement of work.

(Reason: Safety & information)

45. <u>DACCC06 - Separate Approval for Works in the Public Road (External Works) - Section</u> 138 Roads Act

In accordance with Section 138 of the Roads Act 1993 and prior to the issue of any Construction Certificate, the applicant must submit a Road and Footpath Opening Permit application with detailed plans. Written approval must be obtained from the appropriate road authority (usually Council for local and regional roads and both Council and Roads & Maritime Services (RMS) for arterial roads), for any works in the road reserve.

Where the work involves closure of a carriageway on a State or Regional Road, or may impact on traffic flows on a State or Regional Road, or is within close proximity of a Traffic Facility (e.g. Traffic Lights) then a Road Occupancy License (ROL) must be obtained from the Planned Incidents Unit of the Traffic Management Centre of the RMS. The application should be lodged at least 10 days prior to the planned commencement date.

(Reason: Protection of Public Assets and information)

46. DACCE02 - Construction Management Plan

Prior to the issue of any Construction Certificate, a Construction Management Plan shall be submitted to the Accredited Certifier providing details of the following:

- a) Actions and works proposed to ensure safe access to and from the site, including how the road and footpath area will be protected from building activities, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
- b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.
- f) A Soil and Water Management Plan detailing all sedimentation controls.

(Reason: To ensure pedestrian safety, traffic management, amenity and protection of public infrastructure and the environment)

47. 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.
- Tradesperson parking (parking shall be provided on-site where possible).
- 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 management, pedestrian safety and amenity during construction phase)

48. DACCG01 - Available Visitor Car Parking Signage

A sign shall be erected in a suitable location on the property near the driveway entrance indicating where visitor parking is available on the site. Details shall be submitted to the satisfaction of the Principal Certifier prior to the issue of the Construction Certificate.

(Reason: Adequate access and egress)

49. DACCG02 - Bicycle Storage Provision

Provision for bicycles shall be in accordance with the relevant Holroyd Development Control Plan 2013 for Bicycle Parking and Storage Facilities. In this regard, a total of 15 (fifteen) bicycle spaces shall be provided within the basement. Details shall be submitted prior to the issue of the Construction Certificate.

(Reason: To ensure that bicycle parking is provided on site in accordance with the Holroyd DCP rate)

50. DACCG04 - Off Street Car Parking - Residential Buildings

No less than 22 car parking spaces and 1 car wash bay are required to be provided on site as follows:

- a) All car spaces shall be allocated and marked according to this requirement.
- b) If the development is to be strata subdivided, the car park layout must reflect the above allocation and shall be part of the entitlement of that strata lot.
- Each space shall have minimum dimensions in accordance with the relevant Australian Standard.
- d) Visitor spaces shall only be used by persons visiting residents of the property or persons with a legitimate legal reason to be upon the land.
- e) Access to visitor parking shall not be restricted without development approval.
- f) A sign shall be erected at the vehicular entrance indicating the availability of visitor parking. Such spaces shall be clearly marked.

Details are to be submitted to the Principal Certifier prior to the issue of a Construction Certificate showing compliance with this condition.

(Reason: Parking and access)

51. DACCG05 - Off Street Car Parking - General

Twenty two (22) off-street car parking spaces and one (1) car wash bay suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with the relevant Australian Standard.

Details are to be submitted to the Principal Certifier prior to the issue of a Construction Certificate showing compliance with this condition.

(Reason: Parking and access)



52. DACCG07 - Maintaining Sight Lines

All new walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 2.5m within the site or splayed 2.0 metre by 2.5 metre deep to provide satisfactory sight lines. Details are to be submitted to the Accredited Certifier prior to the issue of a Construction Certificate showing compliance with this condition.

(Reason: Safety)

53. DACCG08 - Ramp Width Requirements

The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work. The building plans shall indicate compliance with this requirement prior to the issue of a Construction Certificate.

(Reason: Safety and traffic management)

54. DACCG11 - Stop Signs

Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to signal all vehicles to stop before proceeding onto any public way.

(Reason: Adequate access and egress)

55. DACCH01 - Translucent Glazing for Privacy in Wet Areas

Translucent glazing must be installed in all bathroom, ensuite and toilet windows.

(Reason: Amenity)

56. DACCI03- Substation /Fire Hydrant Boosters

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.

(Reason: Streetscape amenity)

57. DACCI04- Site Cranes

Site Crane/s and hoist/s proposed within the boundary of the land being developed must comply with Australian Standards AS 1418, AS 2549 and AS 2550 and all relevant parts of these standards

Cranes must not swing or hoist over any public place unless the *principal contractor* or *owner builder* have the relevant approval under the *Local Government Act 1993*, Crown Lands Act 1989 or *Roads Act 1993*.

(Reason: Safety and statutory compliance)

58. 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".

The stormwater plan shall be in accordance with the OSD Plan Number (to be advised later upon submission of acceptable drawings in accordance with Schedule A Conditions) and address the followings:



- a. The roof gutter and downpipe system shall be design to convey the 5-minute duration 1% AEP storm event into the OSD system with no gutter overflows.
- b. Areas of the site that will by-pass the detention system/s shall be clearly delineated on the drawing, and the OSD Design Summary Calculations shall correspond.
- Galvanised step irons staggered at 300mm centres shall also be proposed at each access point to the underground storage tank/s.
- All access points to the belowground tank shall be a minimum of 900mm x 900mm grated lid
- A confined space danger sign shall be provided at all access points to the underground OSD storage tank in accordance with the Upper Parramatta River Catchment Trust OSD handbook
- f. The access covers over the belowground OSD tank shall be grated, hinged with child-proof safety lock.
- g. Emergency overflow escape route must prevent the overflow spilling into the basement via driveway ramp. The provision must be clearly shown on the plan.
- Emergency overflow spillway shall be provided on the OSD tank for emergency overflow escape route.
- i. Amendments in red as shown on the Council's approved plans.

(Note: 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).

The amended plan shall be submitted to the Principal Certifying Authority (PCA) for approval together with the application for the construction certificate.

(Reason: Stormwater management)

59. DACCJ05- Grated Drain at the Base of the Driveway Ramp

A grated trench drain shall be provided across the width of the driveway at the base of the driveway ramp to the basement carpark. Unless otherwise designed by a Qualified Civil Engineer, the dimensions of the trench grate shall not be less than 200mm wide by 150mm deep at the shallow end, and have a minimum slope of 2%. This trench drain shall be connected to an approved drainage system. The grated drain calculation shall be in accordance with AS/NZS3500.

The above information must be indicated on all relevant drawings to be submitted with the Construction Certificate.

(Reason: Environmental protection)

60. DACCJ06 - Silt Arrestors and Gross Pollutant Traps

Silt and gross pollutant traps shall be fitted in all stormwater pits, designed in accordance with Council's Engineering Specifications and Holroyd Development Control Plan 2013 and to the satisfaction of Council or an Accredited Certifier. Details are to be submitted with the design prior to the issue of the Construction Certificate.

(Reason: Environmental protection)

61. DACCJ10 - Engineering Design - Basement Excavation

The following engineering details or design documentation (where appropriate) shall be submitted to the Principal Certifier (Council or Accredited Certifier) prior to the issuing of a Construction Certificate:-

a) Documentary evidence prepared by a suitably qualified professional geotechnical



engineer shall be submitted to the Principal Certifier, that confirms the suitability and stability of the site for the proposed excavation and building as well as certifying the suitably and adequacy of the proposed design and construction of the building for the site.

- b) A report shall be prepared by a professional engineer and submitted to the Principal Certifier prior to the issuing of a Construction Certificate, detailing the proposed methods of excavation, shoring or pile construction. This report must include details of vibration emissions and any possible damage which may occur to adjoining or nearby premises from the proposed building and excavation works. Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the Construction Certificate. A copy of the engineer's report is to be submitted to the Council, if the Council is not the Principal Certifier.
- c) Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the Principal Certifier, prior to the issuing of a Construction Certificate, which states that damage should not occur to any adjoining premises and public place as a result of the works.
- d) The installation of ground or rock anchors (including underneath a public roadway or public place) are subject to separate approval. Works associated with proposed anchors must not be carried out without the specific written consent of the owners of the affected adjoining premises and (where applicable) details of compliance must be provided to the Principal Certifier prior to the commencement of any excavation or building works.

(Reason: To ensure the proposed method of excavation is suitable for the site and to prevent damage occurring to adjoining premises)

62. <u>DACCJ11 - Excavations Extending Below the Base of Footings of Adjoining Development</u>

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)

63. DACCK01 - 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)

64. 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)

65. 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)

66. 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)

67. 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)

68. 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)

69. DACCL04- Residential Car Wash Bay

A car wash bay is to be provided on the premises for use by residents for car cleaning and washing activities. This area is to be suitably designed and located to ensure rainwater is excluded. All wastewater must be discharged to the sewer in accordance with a Trade Waste Agreement with Sydney Water. This may require the installation of a pre-treatment device. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.

Details are to be submitted to the Principal Certifier with the Construction Certificate.

(Reason: To protect the environment)

70. DACCL05- Compliance with Acoustic Report

Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be



in accordance with any requirements and recommendations of the approved acoustic report prepared by Acoustic Vibration & Noise Pty Ltd, dated November 25, 2019, reference (2017-499).

Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.

(Reason: To ensure appropriate noise attenuation measures are used)

71. DACCL06- Waste Storage Area

A designated waste and recyclable storage room must be provided on the premises in accordance with the following requirements:

- a) The area must be fully enclosed, suitably sized to contain all waste and recyclable material generated by the premises, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls;
- The floor must be graded and drain to sewer in accordance with Sydney Water requirements;
- c) A hot and cold hose cock shall be provided within the room.

A detailed plan showing the design and location of the waste storage room must be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

(Reason: To protect the environment and ensure waste is adequately contained)

72. DACCL07 - Front Fence Height

Front fences are to be no higher than 1.5 metres above existing ground level, between the building line and the street. Support posts are permitted to extend to 1.8 metres.

Front fences are permitted to be solid up to a height of 1 metre and are to be at least 50% transparent to 1.5metres.

(Reason: Streetscape)

73. DACCM03 - Mechanical Ventilation - Certification of Compliance

Details of any mechanical ventilation and/or air handling system must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the National Construction Code 2019, to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate. The system must be certified as complying with AS1668.1 and 2 - 2012 The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings, the National Construction Code and relevant Australian Standards.

(Reason: To ensure adequate mechanical ventilation is provided)

74. DACCZ01 - Waste Management

- a) The waste service requirements for the proposed development are as follows:
 - Residential Garbage: 4 x 1100 Litre garbage bins collected once per week
 - Residential Recycling: 2 x 1100 Litre recycling bins collected once per fortnight.
- b) The applicant needs to ensure the bin storage room(s) has the capacity to accommodate the bin arrangement recommended above. This needs to be demonstrated in the plans.
- c) The bin transfer path must be at least 1.4m wide and cannot exceed 1:8 slope. Alternatively the applicant may propose other arrangements such as a bin tug. A bin tug must have a secure location in close proximity of the bin room.
- d) The applicant needs to incorporate a temporary holding bin area near the driveway so the drive way layback can be used for servicing the bins.



(Reason: comply with Council's relevant waste management control).

75. DACCZ02 - Habitable floor level to be 500mm above the 1%AEP flood level

The habitable floor level shall be at least 500mm above the associated 1% AEP flood level at the respective locations of the proposed buildings. However, the level shall not be lower than the followings:

- The habitable finished floor level for Building 1 and 2 shall be at least at RL29.50m AHD.
- b. The crest of the driveway ramp to the basement car park, shall be at least at RL29.10m AHD to the full width of the driveway.

All the plans, architectural, stormwater etc. shall be amended to incorporate the above requirements.

(Reason: To ensure protection of properties from flood).

76. DACCZ03 - Structure to withstand impact of flood and floating debris

All the building structures, wall up to the 500mm above 1%APE flood level shall be designed to withstand effect of the overland flow and impact of the floating debris.

(Reason: To ensure protection of properties from the overland flood).

77. DACCZ04 - Approval for the Drawings of pipe works with the Public Domain and connection into council pit.

Any work including drainage or pipe works within the public domain must be approved by council. In this regard, detail drawings must be submitted to council' (Manager, Engineering and Traffic) for approval prior to issue of any construction certificate.

Drawing showing details of pipework within the public domain and the connection into council's Stormwater pipe, in accordance with council's standard drawing and submitted to the satisfaction of Council's manager, Engineering and Traffic for approval. No works relating to connection shall start until the approval has been obtained. The drawing details shall comply with the following requirements

- A new kerb inlet pit, namely Pit 1 shall be constructed within the frontage of the property on Beaufort Street.
 - The new kerb inlet pit on Beaufort Street must be designed and details prepared in accordance with the Council's Standard Drawing or as required by councils Infrastructure Design Section. The plan, cross-sectional elevations and the details must be shown in the drawing and submitted for approval to the satisfaction of Council's Manager, Engineering and Traffic
- b. All the site stormwater shall be connected into the into the last boundary pit, namely Pit 2, within the subject site, which shall connect into the new kern inlet pit, (Pit 1).
- c. An RCC pipeline of 375mm dia. class 4 shall run across Beaufort Street from the new Kerb Inlet Pit (Pit 1) and connect onto the existing council's Kerb Inlet Pit on the opposite site of the Beaufort Street. Sufficient cover depth shall be provided for the protection of the pipe that runs across the road.
 - The Long sectional profile of the pipeline with the pipe material, size, sectional chainage/length, the ground surface level and invert level at the upstream and downstream end of each section of the pipe, sectional gradient, location and levels of any services crossing or obstacles along the pipeline, etc. shown on the drawings.
- d. Details of connection into existing council pit, on the opposite side of the road shall be prepared in accordance with the Council's standard design or as advised by council's Infrastructure Design section. The detail must include the alteration and extension of the pit chamber that is necessary to enable the pipe to be connected into the existing pit.



e. The proposed pipeline layout and/or installation must not cause any possible future disruption or obstruction to the future access or services or to the future development of the adjoining neighbouring properties.

Council's standard assessment fee will apply. Additional fees will apply for additional assessments that are required to be undertaken by Council. The required drawings must be submitted together with a completed Approval Application form and required assessment fee.

(Reason: To ensure appropriate design and standards are maintained for the protection and maintenance of council Assets)

78. DACCZ05 - Basement Carpark Ventilation

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

(Reason: to ensure compliance with AS1668.1 - 1998)

79. DACCZ06 - Hot Water System

The location of the gas instantaneous 5 star hot water systems shall be shown on the plans. Details are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: to ensure compliance with BASIX commitments)

BACCZ07 - Storage

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

- 1 bedroom unit 6m3
- 2 bedroom units 8m3
- 3 bedroom units 10m3

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

Details are to be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

(Reason: to ensure compliance with SEPP 65)

81. DACCZ08 - Air Conditioning

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

(Reason: To ensure compliance with the Australian Standard)

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

82. 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
 - 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:
 - 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)

83. 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 ownerbuilder);
- 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;
 - 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)

84. 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)

85. 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)

86. DAPCA05 - Sydney Water Tap in Approvals

The approved plans must be submitted through the Sydney Water 'Tap in' portal to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water 'Tap in' customers will receive an approval receipt. For further details please refer to Sydney Water's web site at www.sydneywater.com.au/tapin or call1300 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)

87. 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)

88. 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)

89. DAPCB03 - Protection of Street Trees

To limit the potential for damage to the street trees to be retained, the area beneath their canopies must be fenced prior to the commencement of demolition, excavation or building works in accordance with the Consultant's Arborist Report.

The fencing must extend 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)

90. 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)



91. DAPCZ01 - 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)

92. DAPCZ02 - 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)

93. DAPCZ03 - 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 City Council shall be named on the Certificate of Currency as an interested party.

(Reason: Safety)

94. DAPCZ04 - 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)

95. DAPCZ05 - Relocation of Services

The developer shall arrange with the relevant authority for the relocation of the services affected by the proposed vehicular crossing.

(Reason: Public utility authority requirement)

96. DAPCZ06 - Surveying - Boundaries

All footings and walls proposed within 1 metre of a boundary must be set out by a registered surveyor, a boundary survey and report shall be prepared indicating the true boundaries and position of the external walls that are adjacent to the boundaries of the development site. The survey/report shall be submitted to the principal certifying authority.

(Reason: To ensure correct boundary offsets).



Conditions which must be satisfied during any development work

97. 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)

98. DADWA02 - Dust Control

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.
- 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)

99. 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)

100. DADWA04 - Acid Sulphate Soils

Any excavation works carried out on site should be closely monitored to ensure no signs of Potential Acid Sulfate Soil (PASS) or Actual Acid Sulfate Soil (AASS) are observed. Indicators may include grey to greenish blue clays, unusual gold-yellow mottling or 'rotten egg' odours. If any of these indicators are observed, excavation of the site is to be stopped immediately, the Principal Certifier is to be notified and a suitably qualified environmental scientist should be contracted to further assess the site.

(Reason: Environmental protection)

101. DADWA05 - Construction Management Plan

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the certifier on request.



(Reason: Compliance with condition of consent)

102. 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)

103. 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.
- 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.
- 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.)

104. DADWA09 - Power Connection - Major Development

All power connection to the development shall be installed underground for all major



development (excluding dwellings, secondary dwellings and dual occupancy developments).

(Reason: To avoid visual clutter)

105. 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)

106. DADWA13 - Compliance with Hazardous Materials Survey Report

All of the recommendations for management and/or removal of hazardous materials on the site, as outlined in the Hazardous Materials Survey Report prepared prior to commencement of demolition works, must be complied with.

Prior to the Occupation Certificate being issued, a clearance certificate must be submitted to the Principal Certifier from a suitably qualified person (such as a certified Occupational Hygienist) confirming that all hazardous materials identified have been contained, managed or removed in accordance with the recommendations given in the approved Hazardous Materials Survey Report, and that the site is safe for future occupation in accordance with the approved use.

(Reason: To ensure controls are in place for hazardous materials)

107. 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)

108. 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:

- 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
- 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)

109. 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)

110. 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)

111. 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)

112. DADWB06 - Tree Preservation - Driveway or Paving Works within the Tree Protection Zone (TPZ)

For approved driveway and or paving works within the Tree Protection Zone, as defined in section 3 of AS 4970 – 2009 'Protection of Trees on Development Sites' of trees to be retained, the driveway/paving must be constructed to ensure that the existing moisture infiltration and gaseous exchange to the tree root system are maintained. In this regard, details demonstrating that this can be achieved for the following tree/s must be provided by an AQF Level 5 Project Arborist to the satisfaction of the Accredited Certifier:

Species	Location
Council Street Trees	Council nature strip

(Reason: Tree preservation)

113. 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)

114. 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)

115. 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)

116. 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)

117. 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)

118. DADWZ01 - Driveway within the Nature Strip

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

(Reason: To maintain uniformity of driveway).

119. DADWZ02 - Inspection of Works (Stormwater Connection to Council's Infrastructure)

The stormwater drainage works connecting into the Council stormwater system shall be inspected by Council during construction. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the drainage connection.
- (b) Prior to backfilling of the trench following the laying and connection of the storm water pipe/channel.
- (c) Final Inspection.

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

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

(Reason: To protect council's asset and maintain quality).

120. DADWZ03 - Inspection of Works (OSD system)

The stormwater drainage and/or pollution control devices shall be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the pollution control devices.
- (b) After completion of storage but prior to installation of fittings (e.g. Screens etc.)
- (c) Final Inspection.

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



(Reason: To ensure work complies with the design standard and maintain quality of works).

121. DADWZ04 - Access to premises and parking provisions

The access to the premise and parking provision shall comply with the following requirements

a. Access to the premises:

- An application for the vehicle crossing approval must be made to council prior to commencement of the work
- Any works requiring levels within the road reserve will require the submission of Council's Vehicular Crossing application form.
- iii. The vehicle crossing and the driveway between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.
- iv. A full width heavy duty vehicular crossing shall be provided opposite each vehicular entrance to the site, with a maximum width of 5.5 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.

b. Parking space

- All parking spaces shall be signposted and line marked in accordance with the endorsed signs and line marking plans and Australian Standards (i.e. AS2890.1 2004, AS2890.1 2002, and 2890.6 2009).
- The entry / exit driveways shall be indicated with appropriate signage and line marking to avoid traffic conflict at the driveway.
- Wheel stops shall be provided at appropriate parking locations in accordance with AS2890 1-2004

(Reason: Provision of access and parking management).

122. DADWZ05 - 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)

123. DADWZ06 - Pump out System

With regard to basement level pump out system, a warning system shall be provided to alert occupants of the building that a basement stormwater pump out failure has occurred, which could cause flooding. As a minimum, the system shall include:

- a flashing light with warning sign at each pedestrian and vehicular entrance into the basement from outside the building; and
- a warning system, such as an audible alarm with flashing light and warning sign installed within a common area or areas of the building, such as the ground floor lobby.

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

(Reason: safety).

124. DADWZ07 - Basement Parking

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



(Reason: safety)

125. DADWZ08 - Basement Intercom

An intercom device is to be located:

- i) on the driver's side wall at the top of the driveway to the basement carpark, so that visitors can access the carparking spaces; and
- ii) within the basement foyer so that disabled persons can contact any unit if the lift is not working.

(Reason: to ensure safe access to the basement parking)



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

126. 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:

- 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)

127. 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)

128. DAOCA03 - S73 Compliance Certificate

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

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

129. 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)

130. DAOCA05 - Height

The maximum height of the proposed development shall be A.H.D. 45.30. A survey report is to be provided to the Principal Certifier prior to the issue of any occupation certificate confirming that the building does not exceed this height.

(Reason: To ensure that the structure as built does not exceed the LEP height of buildings development standard)

131. DAOCA06- Adaptable Housing

A signed checklist as per Appendix A of AS4299-1995 confirming that 4 units (Units 00.05, 01.11, 01.16, 03.22) have achieved the required level of adaptability (Adaptable Class "A" or "B") shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

(Reason: To ensure the units are constructed in accordance with the required level of adaptability).



132. DAOCA08 - Certification of Engineering Works

Prior to occupation, the following documents must be submitted to the Accredited Certifier.

- 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:

- 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)

133. 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)

134. 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:

- Reconstruct sections of cracked or defective kerb and gutter 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)

135. DAOCA12- Construction of Concrete Footpath

A concrete footpath of width 1.2m metres shall be constructed across the full length, adjacent to the Berwick Street and Beaufort Street side frontage of the property. 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 SD8100 and issued level sheets. All footpath areas within the road reserves that are not concrete shall be turfed with 'ST85 Buffalo' or 'Sir Walter'.

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)





136. DAOCA13 - Construction of Concrete Kerb and Gutter

Standard 150mm high concrete kerb with gutter shall be constructed to replace the damaged sections adjacent to the frontage of the property. 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 SD8100 and issued level sheets.

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)

137. DAOCB01 - Mechanical Ventilation - Certificate of Completion

Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with the National Construction Code 2019, must be submitted to the Principal Certifier.

(Reason: To ensure correct installation of mechanical ventilation systems)

138. DAOCB04 - Acoustic Verification Report

Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant* must prepare an acoustic verification report to the satisfaction of the Principal Certifier that confirms the following:

- All recommendations contained in the DA acoustic report prepared by Acoustic Vibration & Noise Pty Ltd, dated November 25, 2019, reference 2017-499 have been implemented, and
- b) The project specific noise criteria established in the DA acoustic report and any other noise and vibration criteria specified in this consent are being complied with.

*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)

139. DAOCC02 - Affordable Rental Housing - Restriction as to User and Positive Covenants

- a) For a period of at least 10 years from the date of the issue of the Occupation Certificate:
 - A minimum of 696.3m² of the gross floor area (being units 01, 02, 03, 04, 05, 06, 07, 08, 12, 13 and 15 must be used for the purpose of affordable housing as defined in clause 6(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009; and
 - All accommodation that is used for affordable housing shall be managed by a registered community housing provider. Details of the registered community housing provider agreement shall be provided to Council prior to occupation of the premises.
- b) A positive covenant being registered on the title to the property under Section 88E of the Conveyancing Act, to give effect to part (a) of this condition. Such covenant shall not be revoked or modified without prior approval of Council. The covenant shall be registered before the issue of an Occupation Certificate.
- c) The rental amount of the affordable units is to meet the requirement of clause 6 (1) of State



Environmental Planning Policy (Affordable Rental Housing) 2009.

(Reason: Ensure compliance with State Environmental Planning Policy (Affordable Rental Housing) 2009)

140. DAOCD01 - Fire Safety Certificate

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

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

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

(Reason: Fire safety)

141. DAOCF01 - Landscape

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)

142. DAOCF03 - Arborist's Report - Follow up

As part of the on-going assessment of the tree/s to be retained, the consulting arborist engaged by the applicant is to assess their health and any associated impacts from the proposed approved development. Findings are to be compiled and provided in a detailed report to the satisfaction of the Principal Certifier at the completion of construction and prior to issue of the Occupation Certificate. This report must document:

- a) methods of excavation or construction used to carry out the works;
- b) any damage sustained by the tree/s as a result of the works;
- any subsequent remedial works required to be carried out by the consulting arborist as a result of the damage and
- any future or on-going remedial work required to be carried out to ensure the long-term retention of the tree/s.

(Reason: Ensure survival of trees to be retained)

143. 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)

144. 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 2013", prior to issue of the Final Occupation Certificate.

(Reason: Adequate stormwater management)

145. 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 OSD stormwater System constructed within the subject property.

(Reason: To ensure owner's obligation and covenants are in place for the ongoing maintenance of the systems).

146. DAOCH04 - Evidence of Consolidation

The existing allotments shall be consolidated into a single lot. Evidence that the plan of consolidation has been registered as a deposited plan by the NSW Land Registry Services must be submitted to Council prior to the issue of the Occupation Certificate.

(Reason: Information)

147. 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)

148. DAOCH10 - Splay Corner

A 3m x 3m splay at the corner of Berwick Street and Beaufort Street is to be constructed and dedicated to Council. Documents relative to the creation of the splay corner shall be lodged with the NSW Land Registry Services with registration being affected prior to the 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.

(Reason: Facilitate splay corner)

149. DAOCH11 - Road Widening

Council requires the dedication of a strip of land 1.5m wide land along Berwick Street and Beaufort Street frontage for road widening purposes prior to the issue of the Occupation Certificate. The construction of the widened road pavement, kerb and gutter and footpath paving shall be at the full cost of the developer. This road-widening strip shall be indicated on the linen plans.

(Reason: To ensure that land required for road widening purposes is dedicated to Council)

150. <u>DAOCZ01 - Public Drainage Infrastructure - Post construction dilapidation report</u> (CCTV).

To ensure that the councils asset (such as stormwater pipes, pits etc.) are not affected by the development including the construction of the access driveway, a CCTV verification and no damage such as cracking or settlement of councils asset, shall be carried out upon the completion the construction works. The CCTV shall extend 10m upstream as well as downstream beyond the work zone. The CCTV shall have the stamp of the date, time and distance/ chainage in metre. A CCTV inspection report with the table showing the chainage/ distance from the origin and the observed asset condition at critical locations must be prepared and submitted to the council together with the CCTV footage. Any observed or likely damages shall be remedied by the applicant at its own cost to the satisfaction of council's Manager Engineering and Traffic, and must be completed prior to issue of any occupation certificate.



(Reason: Protection of council Asset).

151. DAOCZ02 - Emergency Flood Evacuation Plan

Emergency Flood evacuation plan shall be prepared for evacuation to a safe refuge noting that the street around will be inundates with the flood and access road will be cut off during the PMF flood event.

(Reason: To ensure protection of person from flood).

152. DAOCZ03 - Construction/Reconstruction Kerb Ramps

The construction or reconstruction of the kerb ramps and associated works at the corner of Berwick Street and Beaufort Street side frontage. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD 8101 and issued level sheets

(Reason: To preserve Council's assets and amenity).

153. DAOCZ04 - Work-As-Executed Stormwater Plan & Certificates

Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted:

- The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.
- The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- c. The "As-built" On-Site Detention (OSD) storage volumes are to be presented in a tabular form using the pyramid volume and prismatic volume calculation method.
- d. OSD WAE Survey certification form and WAE dimensions form (Form B10 and attachment B of UPRCT Handbook).
- e. Certificate of Hydraulic Compliance (Form B11) from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.
- f. Approved verses installed Drainage Design (OSD) Calculation Sheet certified by a qualified practicing Hydraulic Engineer.
- g. Structural Engineer's Certificate for the OSD tank structure, basement pump out tank structure, OSD basin (retaining) wall etc.
- h. Structural Engineer's Certificate for the OSD tank structure, basement pump out tank structure, OSD basin (retaining) wall certifying structural stability of the structure and leakproof capability etc.

The above is to be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate and another set of the documents shall be submitted to Council.

(Reason: To ensure works comply with approved plans and adequate information are available for Council to update the record).

154. DAOCZ05 - On-Site Detention (OSD) Plate

An On-site Stormwater Detention plate shall be installed within the detention basin/ 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.

(Reason: To ensure and make aware of owner's obligation for maintenance of OSD system).

155. DAOCZ06 -On-Site Detention (OSD) Area Warning Signs

The applicant shall provide a standard OSD area warning sign within the aboveground basin area in accordance with Clause 7.1 (i) of the Holroyd DCP 2013 OSD policy.



(-Reason: To provide warning that the stormwater may rise and cause ponding)

156. DAOCZ07 - Schedule for On-Site Detention (OSD) Stormwater System

A maintenance schedule for the stormwater and On-site Stormwater Detention including a sketch plan of the components forming the sites stormwater drainage 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: To aware and guide the owners for the required maintenance of the system).

157. DAOCZ08 - Lighting

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.

(Reason: Amenity)

158. DAOCZ09 - General

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

(Reason: Amenity)



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

159. DAOUA08 - Waste & Recycling Collection

Garbage and recycling must not be placed on the kerbside for collection more than one hour before the scheduled collection time. Bins and containers are to be removed from the kerbside as soon as practicable and returned to the designated waste storage area.

The garbage and recyclable storage and bins must be adequate to contain the volume and type of garbage and recyclable matter on the food premises. All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

(Reason: To regulate noise and garbage collection arrangements)

160. DAOUA30 - Use for Affordable Housing

Units 01, 02, 03, 04, 05, 06, 07, 08, 12, 13 and 15 (with a minimum of 696.3m² of the gross floor area) must be used for the purposes of affordable housing under the Affordable Rental Housing SEPP 2009, and that accommodation must be managed for the purposes of affordable housing by a registered community housing provider for a period of at least 10 years from the date of the issue of the occupation certificate.

(Reason: Ensure the correct number of units are maintained as affordable housing for no less than 10 years).

161. DAOUB01 - Annual Fire Safety Statement

Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be issued within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Annual Fire Safety Statement shall also be:

- a) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- b) Prominently displayed in the building

(Reason: Fire safety)

162. DAOUC15 - Noise - Residential buildings

The air conditioner/s/ swimming pool pump/ spa pump / mechanical ventilation systems/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)

163. DAOUC19- Waste Management Plan

The storage, handling and disposal of waste and recyclable materials generated on the premises must be carried out in accordance with the approved Waste Management Plan.

(Reason: To protect the environment)

164. DAOUC22 - Car Wash Residential

Washing of vehicles shall be conducted in a car wash bay, which is roofed and bunded to exclude rainwater. The carwash bay shall be regularly cleaned and maintained. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.

The car wash bay shall be managed and maintained so that the following requirements are met:

- a) The Owners Corporation or building 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.
- b) 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.

(Reason: To protect the environment)

165. DAOUD02- Landscape Maintenance - General

All open space areas are to be regularly maintained in a neat and tidy state. In this regard, lawn areas are to be kept mown and gardens weeded and mulched with any dead plants replaced. Property owners must maintain their trees in a safe growing condition.

(Reason: Safety and landscape amenity)

166. DAOUE03 - Parking

At least 22 car parking spaces and 1 car wash bay numbered and line marked in accordance with the endorsed plan, are to be made available at all times for vehicles associated with the occupation/use of the premises/building.

(Reason: Access to required car parking spaces)

167. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety)

168. DAOUZ01 - Annual Maintenance Inspection of OSD

Annual maintenance inspection summary of the onsite detention with associated certificates shall be sent to Council within the first month of every calendar year. In this regard:-

- All critical inspections shall be carried out by a qualified person.
- A maintenance log book shall be maintained as per the approved maintenance schedule on site and readily available for inspection by a Council officer.
- · All associated cost shall be borne by the owner.

(Reason: to ensure the onsite detention facility is in good working order.)

169. DAOUZ02 - Privacy

All privacy measures shall be maintained throughout the lifetime of the development.

(Reason: Privacy)



Advisory Notes

a) DAANN01 - Dial Before You Dig

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



b) 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>.

c) 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

d) 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.

e) 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.

f) 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.





g) 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.

h) 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.

i) 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.

j) <u>DAANN13 - Work Health and Safety</u>

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

k) DAANN16 - Compliance with Disability Discrimination Act

This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the Disability Discrimination Act 1992, and the applicant/owner is advised to investigate their liability under this Act. Please note that from 1 May 2011 under the Disability (Access to Premises - Buildings) Standards 2010, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

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

I) 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)

m) DAANN19 - Inspections for Building Work - Critical Stages (Classes 2, 3 or 4)

- a) Where applicable inspections of the development site may be required to be undertaken at the following stages:
- b) Prior to covering of waterproofing in any wet areas, for a minimum of 10 % of rooms with wet areas within a building:
- c) Prior to covering any stormwater drainage connections;
- After the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- e) 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 (d), 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 (d) may only be carried out by the Principal Certifier.

For each inspection the principal contractor (or owner-builder) must notify the Principal Certifier at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)

DOCUMENTS ASSOCIATED WITH REPORT LPP038/20

Attachment 2 SEPP ARH 2009 Compliance Table



Attachment 2 - SEPP (ARH) 2009 Compliance Table

The proposal falls under Part 2 New affordable rental housing – Division 1 In-fill affordable housing. An assessment against the relevant ARH SEPP clauses is provided in the table below:

State Environmental Planning Policy (Affordable Rental Housing) 2009

Division 1 In-fill affordable housing

Standard	Required/Permitted	Provided	Compliance
10	This division applies to RFBs if: RFB is permitted with consent under another EPI, &	RFBs are permitted.	Yes
	Is on land not containing a heritage item	The subject site does not contain a heritage item.	Yes
	In Sydney region must be within an accessible area, which means land that is within:	The subject site is located within 800 metres walking distance from Guildford Railway Station.	Yes
	 (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or (c) 400 metres walking distance of a bus stop used by a regular bus service that has at least one bus per hour servicing the bus stop between: -06.00 and 21.00 each day from Monday to Friday (both days inclusive), and -08.00 and 18.00 on each Saturday and Sunday. 		
13	Floor space ratios At least 20% of GFA must be for affordable housing.	Max. FSR permitted = 1.2:1 (HLEP 2013)	Yes
	Where existing max FSR is 2.5:1 or less, & percentage of GFA used for affordable is less than 50%, the max permitted FSR is existing plus bonus based upon %	Max. GFA permitted = 1.2 x 1,236.18m ² = 1,483.41m ²	
	proposed.	Provided FSR = 1.56:1 (represents a bonus FSR of 36%;	
	Note: Calculations are based on the post- dedication site area	GFA of 696.3m ²) Provided GFA = 1,934.2m ²	
	Site Area = 1,236.18m² (post-dedication)	Ground Floor = 529m² Level 1 = 468.4m² Level 2 = 468.4m² Level 3 = 468.4m²	
14	Standards that cannot be used to Refuse Consent		
1)	b) Site area if at least 450m ²	Total site area = 1,236.18m²	Yes



Standard	Required/Permitted	Provided	Compliance
Site & Solar			
Access	c) Landscaped area (i) DA made by a social housing provider, at least 35m² landscaped area per dwelling; (ii) any other case, at least 30% of the site area to be landscaped	The DA has not been lodged by a social housing provider. Min. 30% landscaped area required = 370.85m²	Yes
		Provided = 445m² (36%)	
	d) Deep soil zone - if 15% of site area is deep soil, with 3m dimension.	Deep soil required = 185.43m ² Provided = 204.7m ² (16.6%)	Yes
	If practical, at least 2/3 of the area should be to the rear of the development.		
	e) Solar access if living rooms & private open spaces for at least 70% of units (13 units) receive a minimum of 3 hours direct sunlight between 9am & 3pm in mid winter	All units receive the minimum 3 hours solar access	Yes
	a) Parking		
2) General	(ii) at least the following number of parking spaces based on the number of bedrooms per dwelling: 1 bedroom - 0.5 space 2 bedrooms - 1 space	Proposed dwelling mix: 7x 1-bedroom 17 x 2-bedroom 1 x 3-bedroom	Yes
	≥3 bedrooms - 1.5 spaces	Required parking spaces: 7 x 0.5 = 3.5 spaces 17 x 1 = 17 spaces 1 x 1.5 = 1.5 spaces Total required = 22 spaces	
	b) Dwelling size if units have GFA of: 35m² per studio unit	22 residential car parking spaces and 1 carwash bay provided within the basement	
	50m² per 1 bedroom unit 70m²per 2 bedroom unit 95m² per 3 or more bedroom unit	Minimum sizes met.	Yes
15	Design Requirements If SEPP 65 applies, do not need to consider Seniors Living Policy	SEPP 65 applies & has been considered, thus do not need to consider Seniors Living Policy.	Yes
16	Continued application of SEPP 65 Nothing in this Policy affects the application of SEPP 65 to any development which this Division applies	The proposal has been assessed against SEPP 65 – Refer to Attachment 2	Yes
16A	Character of local area Must take into account whether the design is compatible with the character of the local area	Currently, the locality consists of a mix of single and two-storey	Yes – Detailed assessment contained



Standard	Required/Permitted	Provided	Compliance
		residential dwellings and	within the
		residential flat buildings.	body of the
		l	Report.
		However, the area is transitioning	
		to higher density developments in	
		accordance with the planning	
		controls that currently apply. In this regard, the proposal would in	
		most respects be consistent with	
		the future built form of the locality	
		(i.e. RFBs within an 'upzoned' R4	
		locality).	
		,	
		It is considered that the proposal	
		is compatible with the desired	
		future character of the locality.	
17	Must be used for affordable housing for		
	10 years		
	Condition must be imposed to ensure that	Appropriate conditions will be	To condition
	the affordable units will be used as such for	placed upon any forthcoming	
	10 years from issue of Occupation	development consent.	
	certificate, & will be managed by a	To be conditioned	
40	registered community housing provider	To be conditioned	
18	Subdivision	Cubdition not proposed	NI/A
	Land may be subdivided with consent	Subdivision not proposed	N/A

DOCUMENTS ASSOCIATED WITH REPORT LPP038/20

Attachment 3 ADG Compliance Table



Attachment 3 - ADG Compliance Table

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
Part 3 -	- Sitting the Development				
3A	Site Analysis				
3A-1	Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	A site analysis plan has been submitted.			
3B	Orientation				
3B-1	Building types and layouts respond to the streetscape and site while optimising solar access within the development.	The proposed building presentation to the street is considered satisfactory.			
3B-2	Overshadowing of neighbouring properties is minimised during mid-winter.	The hourly shadow diagrams are provided and identify the north facing private open space and living areas of 6 out of 17 units, of the adjoining RFB at 62-66 Berwick St as not receiving the minimum 3 hours sunlight, midwinter, as required under the Holroyd DCP 2013. However this is considered acceptable on merits. Refer to commentary provided under the Holroyd DCP 2013 section of the report			
3C	Public Domain Interface				
3C-1		oublic domain is achieved without			
3C-2	Amenity of the public domain is r				
3D	Communal and Public Open S	pace			
3D-1	Communal open space has a minimum area equal to 25% of the site.	Required: 1,236.18m² x 25% = 309.045m². Proposed: Ground floor 280m² Rooftop terrace COS = 112m² (31.7%)			
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).	At least 50% of the proposed COS on the rooftop terrace will receive at least 2 hours direct sunlight between 9am and 3pm, mid-winter.			
3D-2	Communal open space is design respond to site conditions and be	ned to allow for a range of activities, e attractive and inviting.	\boxtimes		
3D-3	Communal open space is design				



No.	Clause	Comment	Yes	No	N/A
3D-4	Public open space, where provid				
	pattern and uses of the neighbou	irhood.			
3E	Deep Soil Zones				
3E-1	Deep soil zones are to meet	Provided = 204.7m ² (16.6%)		$ \sqcup $	🗀
	the following minimum requirements:	The proposal is made pursuant to			
	requirements.	SEPP ARH and requires min. 15% of			
	Required: Min. 86.53m² (7%)	deep soil area to be provided.			
		i i			
3F	Visual Privacy				
3F-1	Separation between windows	Building is 4 storey in height, with			
	and balconies is provided to	roof top terrace.			
	ensure visual privacy is achieved. Minimum required	West: Berwick Street			
	separation distances from	West. Derwick Street			
	buildings to the side and rear	North: Beaufort Street			
	boundaries are as follows:				
		East			
	Building height rooms and habitable balconies rooms	Levels 1-3:			
	up to 12m (4 storeys) 6m 3m	Requires a min. 6m setback to			
	up to 25m (5-8 storeys) 9m 4.5m	boundary.			
	over 25m (9+ storeys) 12m 6m	Bedrooms and bathrooms setback			
		6m to boundary.			
	Note:		П		
	Separation distances between	Bedrooms and bathrooms setback			
	buildings on the same site	6m to boundary. Balconies setback			
	should combine required	5.4m to boundary (measured from			
	building separations depending	outer face of balcony). However,			
	on the type of room.	privacy screens are provided to			
	Gallery access circulation should be treated as habitable	majority of these balconies which is considered acceptable in this			
	space when measuring privacy	instance.			
	separation distances between	Further, condition of consent has			
	neighbouring properties.	been imposed to provide 1.5m high			
		privacy features to the remaining			
		balconies along the eastern			
		boundary.			
		l			
		Level 4			
		Requires a min. 9m setback to boundary.			
		COS setback greater than 9m to the			
		eastern boundary			
		South:			
		Levels 1-3:			
		Requires 6m setback.			
		Provided 6m			
		Level 4			
		Requires a min. 9m setback to			
		boundary.			
		COS setback greater than 9m.			
3G	Pedestrian Access and Entries				
3G-1	Building entries and pedestrian	The building entry to apartments	\boxtimes		
	access connects to and	from Berwick St is not clearly			



No.	Clause	Comment	Yes	No	N/A
	addresses the public domain.	defined. However, a condition has			
3G-2	Access, entries and pathways	been imposed regarding provision of			
	are accessible and easy to	an entry porch/architectural element			
	identify.	at the pedestrian entry to the building.			
3G-3	Large sites provide pedestrian lir				
50 5	connection to destinations.	ins for access to streets and			
3H	Vehicle Access				
3H-1	Vehicle access points are	Vehicle entry is separate from			
	designed and located to	pedestrian entry.			
	achieve safety, minimise				
	conflicts between pedestrians				
	and vehicles and create high				
3J	quality streetscapes.				
33	Bicycle and Car Parking For development in the				
	following locations:	Refer to ARH SEPP and DCP			
	Tollowing locations.	compliance table.			
	on sites that are within 800	Compilarios tablo.			
	metres of a railway station				
	or light rail stop in the		_		
	Sydney Metropolitan Area;				
	Or				
	on land zoned, and sites within 400 metres of land				
	zoned, B3 Commercial				
	Core, B4 Mixed Use or				
	equivalent in a nominated				
	regional centre,				
	The minimum car parking requirement for residents and				
	visitors is set out in the Guide				
	to Traffic Generating				
	Developments, or the car				
	parking requirement prescribed				
	by the relevant council,				
	whichever is less.				
	The car parking needs for a				
	development must be provided				
	off street.				
	Control				
	1 bedroom 0.6 spaces				
	2 bed 0.9 spaces				
	3 bed 1.4 spaces				
	4+ bed 1.4 spaces				
	Visitor 0.2 spaces				
3J-2	per dwelling	d for other modes of transport			
3J-2 3J-3	Parking and facilities are provide			H	片
	Car park design and access is sa			┞╠	
3J-4	Visual and environmental impact minimised.	s of underground car parking are		$ \sqcup $	$ \; \sqcup \; $
3J-5	Visual and environmental impact	s of on-grade car parking are			M
50 0	minimised.	o. grado our parking aro			
3J-6	Visual and environmental impact	s of above ground enclosed car			M



No.	Clause	Comment	Yes	No	N/A
	parking are minimised.				
Part 4 –	Designing the Building				
4A	Solar and Daylight Access				
4A-1	To optimise the number of apartr				
	rooms, primary windows and priv	vate open space.			
	Design Criteria				
	Living rooms and private open	Refer to ARH SEPP compliance			
	spaces of at least 70% of	table.			
	apartments in a building				
	receive a minimum of 2 hours				
	direct sunlight between 9am				
	and 3pm at mid-winter in the				
	Sydney Metropolitan Area and				
	in the Newcastle and				
	Wollongong local government				
	A maximum of 15% of	No constant and a sile of the			
	apartments in a building	No apartments receive nil sunlight.	\boxtimes	ΙШ	
	receive no direct sunlight				
	between 9am and 3pm at mid-				
	winter.				
4A-2	Daylight access is maximised wh	nere sunlight is limited			
4A-3				H	H
4713	Design incorporates shading and glare control, particularly for warmer months.				
4B	Natural Ventilation				
4B-1	All habitable rooms are naturally	ventilated.			
4B-2		aspect apartments maximises natural	X	H	H
.52	ventilation.	approx apartmente maximises natara.			
4B-3	The number of apartments with r	natural cross ventilation is maximised	\boxtimes		
	to create a comfortable indoor er	nvironment for residents.			
	Design Criteria				
	At least 60% of apartments are	18 out of 25 units are cross			
	naturally cross ventilated in the	ventilated (72%)			
	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. Overall depth of a cross-over	Single aspect units are less than			
	or cross-through apartment	18m in depth.		$ \; \sqcup \; $	
	does not exceed 18m,	Tom in depth.			
	measured glass line to glass				
	line.				
4C	Ceiling Heights				
4C-1	Ceiling height achieves sufficient	natural ventilation and daylight			
	access.	, 3			
	Design Criteria				
	Measured from finished floor	The proposed ceiling heights are as			
	level to finished ceiling level,	follows:	\boxtimes		
	minimum ceiling heights are:	Ground floor 2.7m			
		• Level 1 2.7m			
		• Level 2 2.7m			
		• Level 3 2.7m			



No.	Clause		Comment	Yes	No	N/A
	Minimum ceiling					
	Habitable rooms	mixed use buildings 2.7m				
	Non-habitable	2.4m				
	For 2 storey	2.7m for main living area floor				
	apartments	2.4m for second floor, where its area does not exceed 50% of the apartment area				
	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope				
	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use				
		imums do not igher ceilings if				
4C-2		ght increases the sen or well-proportioned ro	se of space in apartments and ooms.			
4C-3	Ceiling heighthe building	_	flexibility of building use over the life of			
4D		t Size and Layout				
4D-1		of rooms within an ap es a high standard of	partment is functional, well organised amenity.			
	Design Cri	iteria				
	Apartments	s are required to	All units meet the minimum ADG			
	have the fo internal are	ollowing minimum eas:	sizes.			
	Min. Intern	nal Area				
	- Studio =					
	- 1 b/r unit					
	- 2 b/r unit					
	- 3 b/r unit	= 90m²				
	The minimu	um internal areas				
	include only	y one bathroom.				
	I .	bathrooms increase				
	the minimu 5m² each.	m internal area by				
	A fourth be	droom and further				
		oedrooms increase				
	12m ² each					
		table room must	Every habitable room has a window			
		dow in an external total minimum glass	in an external wall with minimum glass area.			
	I .	less than 10% of	giass area.			
	I .	ea of the room.				
		nd air may not be				
40.0		rom other rooms.				
4D-2			ne apartment is maximised.			
	Design Cri	iteria oom depths are	The proposed development complies			
		maximum of 2.5 x	The proposed development complies with this requirement.			
	the ceiling		Will the requirement.			
	In open pla	ın layouts (where	The proposed development complies			
		dining and kitchen ned) the maximum	with this requirement.			
		iou) liio iiiaxiiiilliiii	I .	1	1	1



No.	Clause	Comment	Yes	No	N/A		
	habitable room depth is 8m from a window.						
4D-3	Apartment layouts are designed household activities and needs.	to accommodate a variety of	\boxtimes				
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	Satisfactory. All master bedrooms have minimum area of 10m². All secondary bedrooms have					
		minimum area of 9m².					
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	Satisfactory. All bedrooms have minimum dimension of 3m.					
	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.					
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	N/A					
4E	Private Open Space and Balco	nies					
4E-1	Apartments provide appropriately sized private open space and balconies to enhance residential amenity.						
	Design Criteria						
	All apartments are required to	Each unit is provided with the					
	have primary balconies as	minimum POS areas and					
	follows:	dimensions.					
	Dwelling Minimum Minimum type area depth						
	Studio apartments 4m² -						
	1 bedroom apartments 8m² 2m						
	2 bedroom apartments 10m² 2m						
	3+ bedroom apartments 12m² 2.4m						
	The minimum balcony depth to						
	be counted as contributing to						
	the balcony area is 1m.	The enertwente preneed at ground					
	For apartments at ground level or on a podium or similar	The apartments proposed at ground level complies	\boxtimes	ш			
	structure, a private open space	lever complies					
	is provided instead of a						
	balcony. It must have a						
	minimum area of 15m² and a						
4E-2	minimum depth of 3m.	balconies are appropriately located to					
-	enhance liveability for residents.	balcomes are appropriately located to					
4E-3	Private open space and balcony	design is integrated into and					
	contributes to the overall architec	ctural form and detail of the building.					
4E-4	Private open space and balcony design maximises safety.						
4F	Common Circulation and Space						
4F-1	Common circulation spaces achi service the number of apartment						



No.	Clause Comment			Yes	No	N/A		
	Design Criteria							
	The maximum number of apartments off a circulation		One lift core serving 6 units on each floor.					
	core on a single l		lioot.					
	For buildings of 1		N/A	\top	\Box			
	over, the maximu							
	apartments sharir	ng a single lift						
	is 40.	Luantilation to	N/A	\vdash				
	Daylight & natura be provided to CO		N/A					
	ground level. Win							
	be at ends of com	ridors or next						
	to core.			<u> </u>				
4F-2	Common circulati							
4G	interaction betwee	en residents.						
4G-1	Storage	osianod storaa	e is provided in each apartment.					
40-1	Design Criteria	esigned storage	e is provided in each apartment.					
	In addition to stor	ane in	Storage areas have been provided					
	kitchens, bathroo		within the units with additional					
	bedrooms, the fol		storage provided within the					
	storage is provide	ed:	basement.					
	Dwelling type	Storage size volume						
	Studio apartments	4m³						
	1 bedroom apartments	6m³						
	2 bedroom apartments	8m³						
	3+ bedroom apartments	10m³						
	At least 50% of th	o roquirod						
	At least 50% of the required storage is to be located within							
	the apartment.	outou within						
4G-2	Additional storage							
	for individual apartments.							
4H	Acoustic Privacy							
4H-1	Noise transfer is a		Internal transfer of noise is		$ \sqcup $	$ \sqcup $		
	through the sitting and building layor		considered satisfactory.					
	and building layor	ut.	Subject to compliance with BCA					
			requirements for noise transmission.					
4H-2			nin apartments through layout and					
	acoustic treatments.							
4J 4J-1	Noise and Pollut		the impacts of external poice and					
45-1			the impacts of external noise and the careful sitting and layout of					
	buildings.	imsou unough	and daronal sitting and layout of					
4J-2			ttenuation techniques for the building	\boxtimes				
	design, constructi							
4K	transmission. Apartment Mix							
4 K 4K-1		nent types and	sizes is provided to cater for different					
''` '	household types							
4K-2			to suitable locations within the					
	building.							
4L	Ground Floor Ap	partments						



No.	Clause	Comment			N/A		
4L-1	Street frontage activity is maximised where ground floor apartments are located.						
4L-2	Design of ground floor apartment residents.	s delivers amenity and safety for	\boxtimes				
4M	Façades						
4M-1	Building facades provide visual interest along the street while respecting the character of the	The façade of the building above the ground level comprises of framed balconies and windows, a mix of					
	local area.	materials and colours, modulation					
4M-2	Building functions are expressed by the façade.	elements, and is considered satisfactory.	\boxtimes				
4N	Roof Design						
4N-1	Roof treatments are integrated in respond to the street.	to the building design and positively	\boxtimes				
4N-2	Opportunities to use roof space f open space are maximised.	or residential accommodation and	\boxtimes				
4N-3	Roof design incorporates sustain	ability features.	\boxtimes				
40	Landscape Design						
40-1	Landscape design is viable and	sustainable.	\boxtimes				
40-2	Landscape design contributes to	the streetscape and amenity.	\boxtimes				
4P	Planting on Structures						
4P-1	Appropriate soil profiles are provi	ded.	\boxtimes				
4P-2	Plant growth is optimised with ap	propriate selection and maintenance.		Ħ			
4P-3	Planting on structures contributes	s to the quality and amenity of	X	Ħ	H		
	communal and public open spaces.						
4Q	Universal Design						
4Q-1	Universal design features are inc flexible housing for all community	\boxtimes					
4Q-2	A variety of apartments with adap	otable designs are provided.	\boxtimes				
4Q-3	Apartment layouts are flexible an needs.	\boxtimes					
4R	Adaptive Reuse						
4R-1	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.				\boxtimes		
4R-2	Adapted buildings provide reside			\boxtimes			
40	future adaptive reuse. Mixed Use						
4S 4S-1		vided in appropriate locations and					
	provide active street frontages th						
4S-2	Residential levels of the building and safety and amenity is maxim	Ш					
4T	Awnings and Signage						
4T-1	Awnings are well located and cor building design.						
4T-2	Signage responds to the context			\boxtimes			
4U	Energy Efficiency						
4U-1	Development incorporates passiv	\boxtimes					
4U-2	Development incorporates passive storage in winter and reduce hea	\boxtimes					
4U-3	Adequate natural ventilation mini ventilation.		\boxtimes				
4V	Water Management and Conse	rvation					
4V-1	Potable water use is minimised.						
4V-2	Urban stormwater is treated on s receiving waters.	\boxtimes					



No.	Clause	Comment	Yes	No	N/A
4V-3	Flood management systems are	\boxtimes			
4W	Waste Management				
4W-1	Waste storage facilities are designated streetscape, building entry and a				
4W-2	Domestic waste is minimised by separation and recycling.				
4X	Building Maintenance				
4X-1	Building design detail provides p	rotection from weathering.	\boxtimes		
4X-2	Systems and access enable eas	\boxtimes			
4X-3	Material selection reduces ongoi				

DOCUMENTS ASSOCIATED WITH REPORT LPP038/20

Attachment 4 HLEP 2013 Compliance Table



Attachment 4 - Holroyd Local Environmental Plan 2013 compliance table

Clause	Yes	No	N/A	Comment
Land use table				
Zone R4 High Density Residential Objectives of zone To provide for the housing needs of the community within a high density residential environment. To provide a variety of housing types within a high density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents.				The subject site is zoned R4 High Density Residential pursuant to HLEP 2013. The proposed development is defined as a residential flat building, which is permissible with consent in the R4 zone. The proposed development is considered to be consistent with the R4 zone objectives as it provides a variety of housing types, satisfying the needs of the community within a high density residential environment.
4.3 Height of buildings				
 (1) The objectives of this clause are as follows: (a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties, (b) to ensure development is consistent with the landform, (c) to provide appropriate scales and intensities of development through height controls. (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. 				In accordance with the Height of Buildings Map accompanying HLEP 2013, a maximum building height of 15m applies to the site. The proposal breaches the overall height by 800mm representing a maximum variation of 5.3%. The majority of the height breach is associated with the stair well and the lift overrun. The Applicant has submitted a written request in accordance with Clause 4.6 of HLEP 2013 to vary the building height development standard. The exceedance in building height is supported in this instance, having regard to the circumstances of the case. Refer to further discussion in body of Report.
4.4 Floor space ratio(1) The objectives of this clause are	\boxtimes	П	П	Max. FSR permitted = 1.2:1 (HLEP 2013)
as follows: (a) to support the viability of commercial centres and provide opportunities for economic development within those centres, (b) to facilitate the development of a variety of housing types, (c) to ensure that development is compatible with the existing and desired future				Max. GFA permitted = 1.2 x 1,236.18m ² = 1,483.41m ² Provided FSR = 1.56:1 (represents a bonus FSR of 36%; GFA of 696.3m ²) Provided GFA = 1,934.2m ²



Clause	Yes	No	N/A	Comment
built form and character of				
the locality,				
(d) to provide a high level of				
amenity for residential areas				
and ensure adequate				
provision for vehicle and				
pedestrian access, private				
open space and landscaping.				
landscaping.				
(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.				
4.6 Exceptions to development				Clause 4.0 million
standards				Clause 4.6 written request has been submitted for the height variation –
				Refer to discussion in the body of
(2) Development consent may, subject				report.
to this clause, be granted for				Toport.
development even though the				
development would contravene a	\boxtimes	Ιп	П	
development standard imposed by				
this or any other environmental planning instrument. However, this				
clause does not apply to a				
development standard that is				
expressly excluded from the				
operation of this clause.				
5.10 Heritage Conservation				The land does not contain a heritage item and is not subject to an interim heritage order. The site is not located within or close proximity to a heritage conservation area. However, the subject site is located within the vicinity of a heritage item.
				of local significance being "Kelvin", Federation/Queen Anne bungalow at No. 67 Berwick Street, Guildford (133).
				The application has not been accompanied with a heritage impact statement.
				However, given the separation distance between the properties, and the nature of the heritage item, the proposal is not considered to adversely impact the heritage significance of the item.



Clause	Yes	No	N/A	Comment
6.2 Earthworks	103	140	IVA	Comment
(3) Before granting development consent for earthworks, the consent authority must consider the following matters: (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.				The proposed earthworks will not have a detrimental effect on existing drainage patterns or soil stability. The proposal will not affect the amenity of adjoining properties. The proposal is satisfactory subject to compliance with standard conditions.
(2) This clause applies to land at or below the flood planning level. (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development: (a) is compatible with the flood hazard of the land, and (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and (c) incorporates appropriate measures to manage risk to life from flood, and (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and				The subject site is identified as a flood control lot. The proposal was referred to Council's Development Engineer for comment who has considered the proposal to be satisfactory subject to conditions.



Clause	Yes	No	N/A	Comment
(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.				
6.7 Stormwater management	\boxtimes			The proposed stormwater management system is satisfactory subject to conditions.
6.8 Salinity Consult the Salinity Map accompanying HLEP 2013				The site is identified as having a moderate salinity potential. Appropriate conditions have been imposed accordingly.

DOCUMENTS ASSOCIATED WITH REPORT LPP038/20

Attachment 5 HDCP 2013 Compliance Table





Attachment 5 - Holroyd Development Control Plan 2013 compliance table

No.	Clause	Comment	Yes	No	N/A	
PART	A - GENERAL CONTROLS					
1	Subdivision					
	Subdivision not proposed.		Ш			
2	Roads and Access					
2.4						
	VC to be reconstructed if in poor condition, damaged or design doesn't comply.	New VC proposed along Beaufort Street. No objection from Council's Development Engineer subject to conditions.				
	Avoid services/facilities in road reserve, existing trees, pedestrian crossing, pram ramps etc.	New VC location does not encroach any existing services or utilities.	\boxtimes			
	Corner sites VC to be min. 6m from the tangent point.	VC is located greater than 6m from tangent point.	\boxtimes			
	Corner sites require 3m x 3m (residential) and 4m x 4m (commercial) splay corner to be dedicated.	The proposal provides for a 3m x 3m splay.	\boxtimes			
2.7	Road Widening					
	The subject site is affected by 1.5m wide Beaufort Street and Berwick Street – Ro street frontages on plans in accordance	\boxtimes				
3	Car Parking					
3.1	Minimum Parking Spaces					
	Car Parking - Residential Minimum spaces required: 1 bedroom = 0.8 1 bedroom = 1 2 bedroom = 1.2 3 + bedroom = 1.5 Visitor/dwelling = 0.2	Refer to ARH SEPP compliance table.	\boxtimes			
	Bicycle Parking - Residential Minimum residential spaces required: Studio / 1 bed. unit = 0.5 2 bed unit = 0.5 3+ bed unit = 0.5 Visitor = 0.1 per unit.	Residential = 25 x 0.5 = 12.5 Visitor = 25 x 0.1 = 2.5 Total required = 15 Provided = 5 bicycle spaces However considered acceptable subject to condition.		\boxtimes		
3.3	Car Parking, Dimensions & Gradient					
	Considered satisfactory by Council's Eng	gineering section.	\boxtimes			
3.5	Access, Maneuvering and Layout					
	Driveways shall be setback a minimum of 1.5m from the side boundary.	Driveway is setback 1.255m from eastern boundary. Refer to discussion under the main body of the report.		\boxtimes		
3.6	Parking for the Disabled					



	2 spaces per 100 spaces up to 400, and 1 per 100 thereafter, or part thereof.	d 4 accessible residential car spaces provided.	\boxtimes		
	Required: 2 accessible spaces				
4	Tree and Landscape Works				
	Council's Tree Management Officer				ΙП
_	advised that the proposal is acceptable	e subject to conditions.			
5	Biodiversity	Facinate Halland and Man			
	The subject site is not identified on the				
6	and is not within an E2 - Environmenta Soil Management	il Conservation Zone.			
6.1	Retaining Walls				
6.1	<u> </u>	One O EE as in height		I	1
	Retaining walls proposed vary from 0.3 Full details of any retaining walls gr provided prior to the issue of a congranted.	eater than 1m in height are to be			
6.3	Erosion and Sediment Control Plan				
	The applicant has submitted an erosio	n and sediment control plan which is			
	satisfactory.				
7	Stormwater Management				
	Council's Development Engineer				
	considered to be satisfactory subject to	o conditions.			
8	Flood Prone Land			ı	ı
	The site is identified as flood pron				
	Development Engineer has reviewed	the proposal and considered to be		$ \; \sqcup \; $	$ \; \sqcup \; $
_	satisfactory subject to conditions.				
9	Managing External Road Noise The site is not affected by road or rail				
4.0	· · · · · · · · · · · · · · · · · · ·	loise.			
10	Safety and Security	- the others in the second sec			
	Design new development to reduc				
	minimising, removing or concealing cri				
	Incorporate and/or enhance opportunities for effective natural	Design provide for passive surveillance with clear sightlines			
	surveillance by providing clear sight	between public domain and			
	lines between public and private	building entrances.			
	places, installation of effective	building entrances.			
	lighting, and the appropriate				
	landscaping of public areas.				
	Minimise opportunities for crime	Suitable access control is			
	through suitable access control. Use	proposed.			
	physical or symbolic barriers to	proposed.			
	attract, channel and/or restrict the				
	movement of people. Use				
	landscaping and/or physical		$ \boxtimes$		
	elements to direct people to			_	_
	destinations, identify where people				
	can and cannot go and restrict				
	access to high crime risk areas such				
	as car parks.				
	Clearly define the boundaries	Private spaces are defined by			
	between public and private spaces	fencing.			
	as a method of territorial				
	reinforcement. Methods other than				"
	gates, fences and enclosures are				
	encouraged.				
	When incorporating crime prevention	_			
	buildings and spaces, apply subtle des			$ \sqcup $	🔲
	and places, and to be sympathetic with	n the quality of the streetscape.			
11	Waste Management				



	Council's Waste Management Officer hadvised that the waste arrangements are	\boxtimes			
12	Services				
	Appropriate conditions would be included consultation with relevant service provider	\boxtimes			
PAR	B - RESIDENTIAL CONTROLS				
1	GENERAL RESIDENTIAL CONTROLS				
1.1	Building Materials				
	Acceptable materials and finishes propose	ed.	\boxtimes		
1.2	Fences				
	Yes- Subject to conditions the maximum 1.5m incorporating a solid component of 1				
1.3	Views				
	No significant views will be affected by the	e proposed development.			
1.4	Visual Privacy				
	To provide a high level of visual and ac neighbours in dwellings and private open		\boxtimes		
	Comment: Apartments (Levels 1-3) Building separation is considered accepta				
	Communal Open Space / Rooftop Terrace The rooftop terrace being privdes a setba eastern and southern boundary. Further, t facing the two street frontages. In this reg amenity imapcts.				
1.5	Landscaped Area				
	25% of site area to be provided as landsc	aped area (2m min. width)			
	Refer to ARH SEPP compliance table.				
1.8	Sunlight Access				
	1 main living area of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	Detailed shadow diagrams are provided for 9am, 12pm, 1pm and 3pm and identify the north facing private open space and living areas of 6 out of 17 units, of the adjoining RFB at 62-66 Berwick St as not receiving the minimum 3 hours sunlight, midwinter, as required.		\boxtimes	
	Min. 50% of required POS of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	However, this is considered to be reasonable based on the following merits: The non-compliance is a function of the allotment orientation as No.62-66 Berwick street is located immediately to the south of the site which means that avoiding overshadowing impacts, whilst enabling			



		development for a residential flat building proposal is not possible without delivering a significant underdevelopment on the subject site; • The setbacks exceed the 3m control in Holroyd DCP 2013 and provide ADG compliant setback of 6m to maximise separation to the adjoining developments. Therefore it is not possible to achieve the required levels of solar access, even when fully complying with the building separation and building height requirements. • The impact of the proposal on the existing development would be limited to a few units and would not preclude compliance with the ADG requirement of 70% of units to achieve 2 hours solar access; • It is considered that the additional overshadowing is acceptable when having regard to the lot orientation, design of the development proposal that meets the building envelope controls. Therefore the variation has merit on planning grounds, and is considered supportable.		
1.9	Cut and Fill			
	Cut is permitted to a maximum of 1 metre	Excavation for 2 levels of basement proposed.		
	Cut is to be limited to 450mm where it is within 900 mm of rear or side boundaries	Minimal cut proposed outside building envelope	\boxtimes	
1.1	Demolition	, 5		
0	Approval for demolition is required from	Demolition of existing		
	Council.	structures sought as part of this application.		
	Photographic record capturing the external configuration of the building proposed to be demolished is required.	Submitted with application.	\boxtimes	
1.1	Vehicular Access and Driveways			
	VCs to be a minimum width of 3 m and maximum width of 5m at the boundary	New VC 6m proposed. Refer to comments provided by Council's Development Engineering Department.	\boxtimes	
	All new driveways should be located at	New driveway is setback		



	Council favours the use of a central under-building access with arrangement for cars to exit the property in a forward direction.	One vehicular access is provided to the basement car parking.	\boxtimes	
	Maximum gradient to be 20%	Driveway gradients less than 20%.	\boxtimes	
	Basement parking is mandatory for all residential flat buildings and multi-dwelling developments within the R4 zone.	All parking is located in the basement.	\boxtimes	
1.1 2	Universal Housing and Accessibility			
	15% of units shall be adaptable units Class B. Required: 15% x 18 = 2.7 (3) units	3 adaptable units proposed (16.7%) Typical Unit 01.04 on each level	\boxtimes	
6.0	. , ,	= 3 units		
6.0	Residential Flat Buildings Lot Size and Frontage			
0.1	Minimum lot frontage for residential flat	Berwick St = 40.235m		
	buildings is 24m or 28m	Beaufort St = 33.53m		
	Residential flat buildings are not permitted on battleaxe lots	Site is not a battle-axe lot.		
6.2	Site Coverage			
6.3	Maximum site coverage of any residential flat development shall not exceed 30% (Max. 370.85m²) Setbacks	43% (531.2m²) non-compliance is considered acceptable given that the site is subject to road widening dedication. Notwithstanding, it still achieves adequate provision of deep soil planting, landscaping, driveways, communal open space and OSD system.		
0.3	Front setback from principal street	6m provided to Berwick St.		
	minimum 6m		\boxtimes	
	Front setback from secondary street minimum 4m	4m provided to Beaufort St to external walls.	\boxtimes	
	Minimum rear setback required: Up to four storeys – 20% (Min. 6.4m) Five storeys or more – 30%	See ADG building separation.	\boxtimes	
	Side setback minimum 3m	See ADG building separation.	\boxtimes	
6.4	Building Height			
	Maximum building height in storeys shall be provided in accordance with the table below: Permitted Height (storeys)	Max. permitted = 15m (4 storeys) The proposal is 4 storey with roof top terrace, which is compliant with respect to the maximum number of storeys. The proposal exceeds the maximum 15m LEP height standard – Refer to HLEP		



	21m 24 m	7		compliance table for further discussion.		
	Minimum Floor to be:	<u> </u>	oms. e torey f 50% as a 2.7	The proposed ceiling heights are as follows: • Ground floor 2.7m • Level 1 2.7m • Level 2 2.7m • Level 3 2.7m		
6.5	Building Depth Maximum interna	al denth of a RFF	R shall he	18m		
6.6	Open Space	ar doptir or dirti	o on an be			
	Communal Oper Min. 30% (370.8	5m²)		Refer to ADG compliance table.	\boxtimes	
	Private Open Space Balconies shall be a min. area of 10m², with min. 2m dimensions for studios and 1 bedroom units, and min. 2.4m dimensions for 2+bedroom units.		All balconies are >10m² Min. 2m dimensions provided to 2+bedroom units. Refer to ADG compliance table.			
6.7	Building appearance					
	Facades to be composed with an appropriate scale, rhythm and proportion		Design response is generally appropriate in the context of the site.	\boxtimes		
6.8	Building entry a					
	Building entries shall be visible from the street, sheltered and well lit		The building entry to apartments from Berwick St is not clearly defined or easily identifiable. Considered satisfactory subject to condition.			
	Main building ent car park entry			Separate pedestrian path provided from the street.	\boxtimes	
	Only basement of for residential fla		ermitted	All parking spaces are in the basement.		
	Where possible, vehicular parking entries shall be located off secondary streets.		Vehicular access is via the secondary street.	\boxtimes		
	Part E – Public					
	Notification Red	quirements	to a noti and day Feb sub The the	The application was publicly notified to adjoining and opposite owners, a notice was placed in the local press and a notice placed on the site for 21 days from 5 February 2020 and 26 February 2020. In response, 3 submissions were received. The grounds of objections raised in the submissions have been addressed in the body of this Report.		

DOCUMENTS ASSOCIATED WITH REPORT LPP038/20

Attachment 6 Architectural Plans



PROPOSED RFB UNDER AFFORDABLE HOUSING

18145

58-60 BERWICK STREET, GUILDFORD, 2161

COST/SECTION/PLANEIGS: 29/04/97/DP: 734 | CUMBERLAND CITY COUNCIL

	DRAWING LIST		DRAWING LIST		DRAWING LIST		DRAWING LIST
SHEET NUMBER	SHEET NAME	SHEET NUMBER	SHEET NAME	SHEET NUMBER	SHOOT NAME	SHEET NUMBER	SHEET NAME
00	NOTIFICATION PLAN	07	GROUND FLOOR	15	ELEVATIONS 2	24	SOLAR STUDY LEVEL 2
00.	NOTIFICATION PLAN	08	FIRST FLOOR	16	SCHEDULE OF FINISHES	25	SOLAR STUDY LEVEL 3
01	COVER PAGE	09	SECOND & THIRD FLOOR	17	CALCULATION PLAN GROUND FLOOR	26	STREETSCAPE ELEVATIONS
02	COMPLIANCETABLE	10	FOURTH FLOOR / COMMON AREA	18	CALCULATION PLAN LEVEL 1	27	SHADOWS DIAGRAM
03	SITE PLAN	11	ROOFPLAN	19	CALCULATION PLAN LEVEL 2	28	3D HEIGHT PLANE
04	SITE ANALYSIS PLAN	12	SECTION A-A & DRIVEWAY SECTION	20	CALCULATION PLAN LEVEL 3	29	VIEWS FROM THE SUN
05	DEMOLITION PLAN	13	SECTION B-B & C-C	22	SOLAR STUDY GROUND FLOOR	30	BASIX COMMITMENTS
06	BASEMENT FLOOR	14	ELEVATIONS 1	23	SOLAR STUDY LEVEL 1	31	BASIX COMMITMENTS
						32	BASIX COMMITMENTS
						33	ELEVATIONAL SHADOWS

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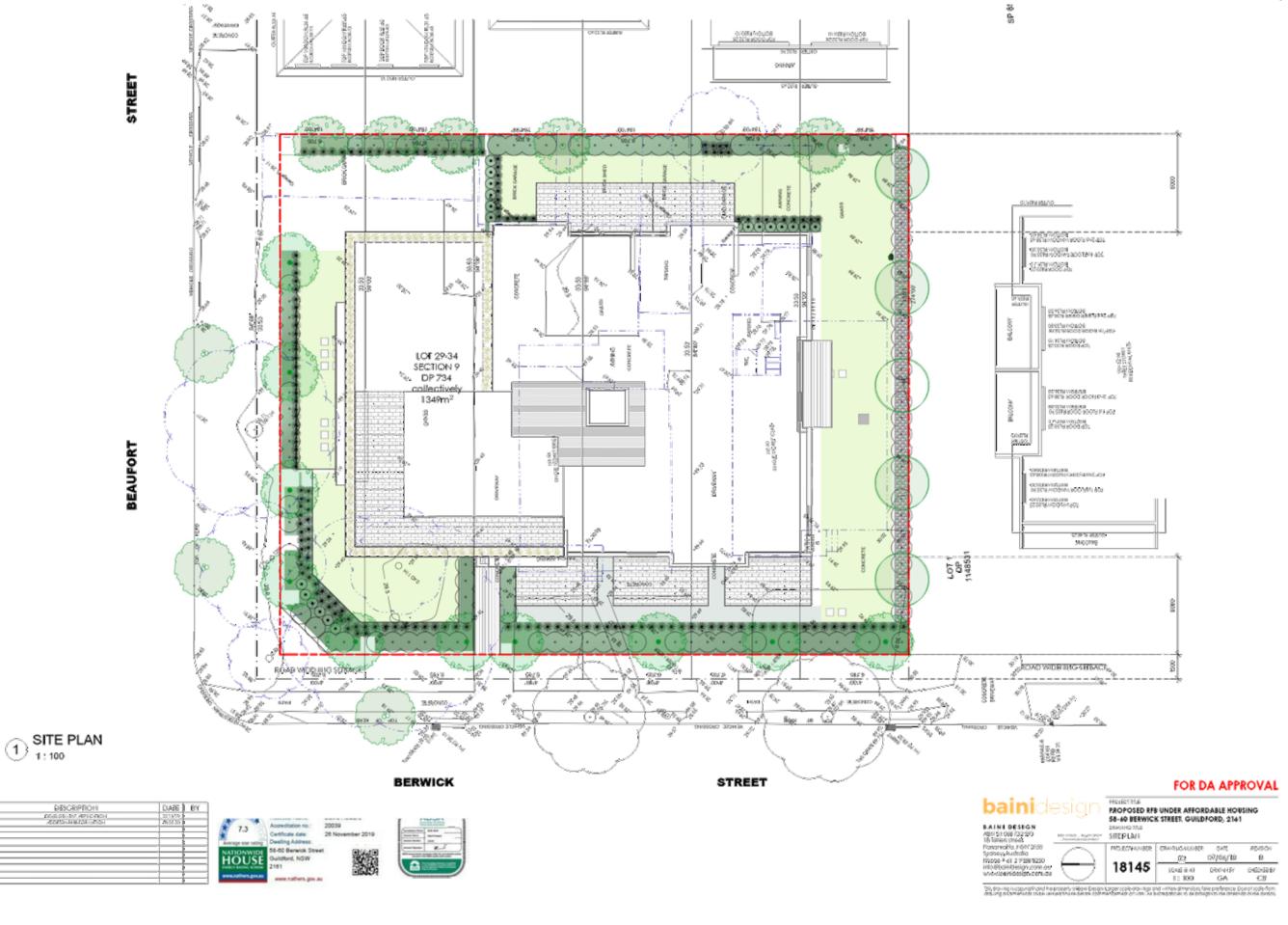




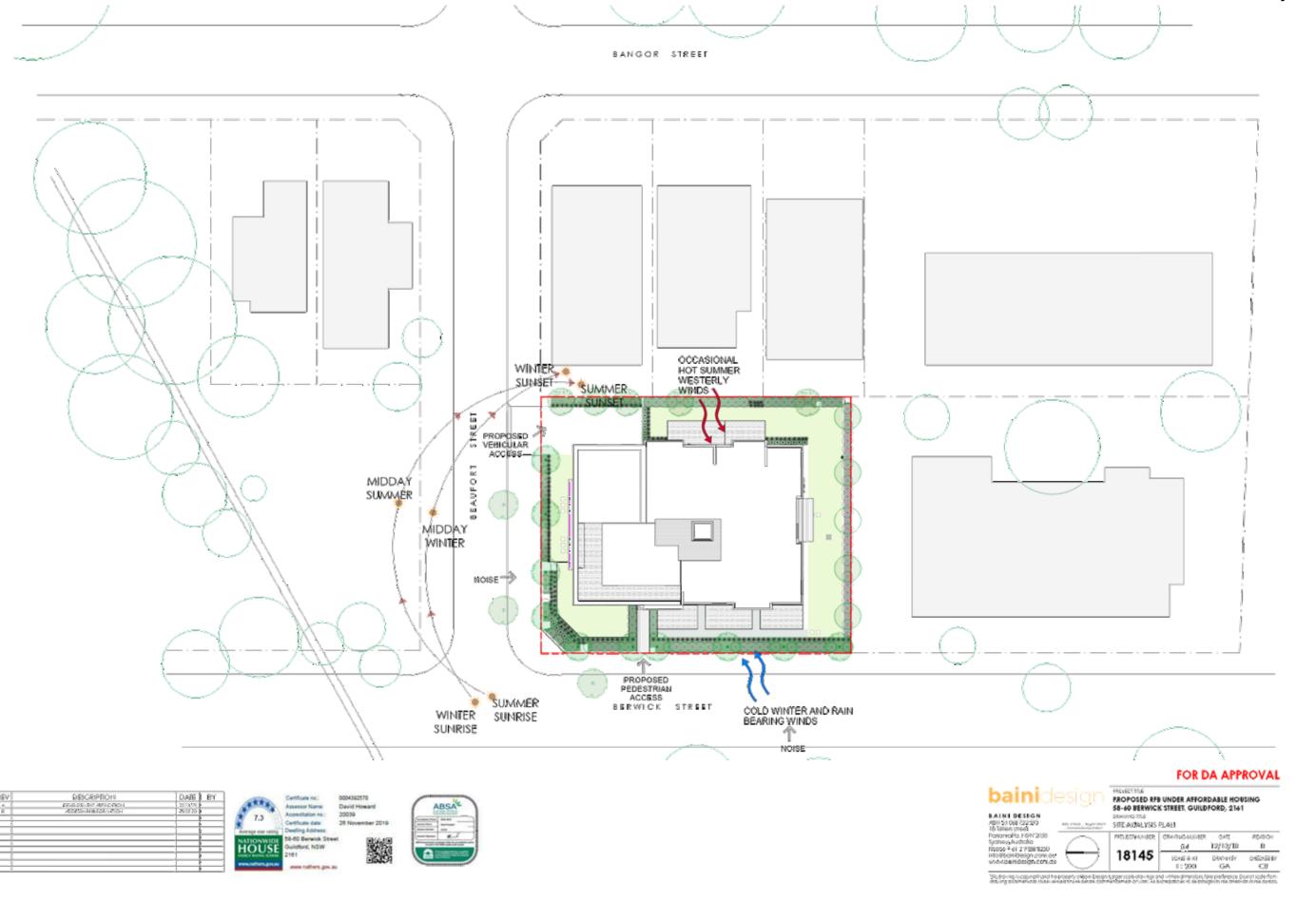
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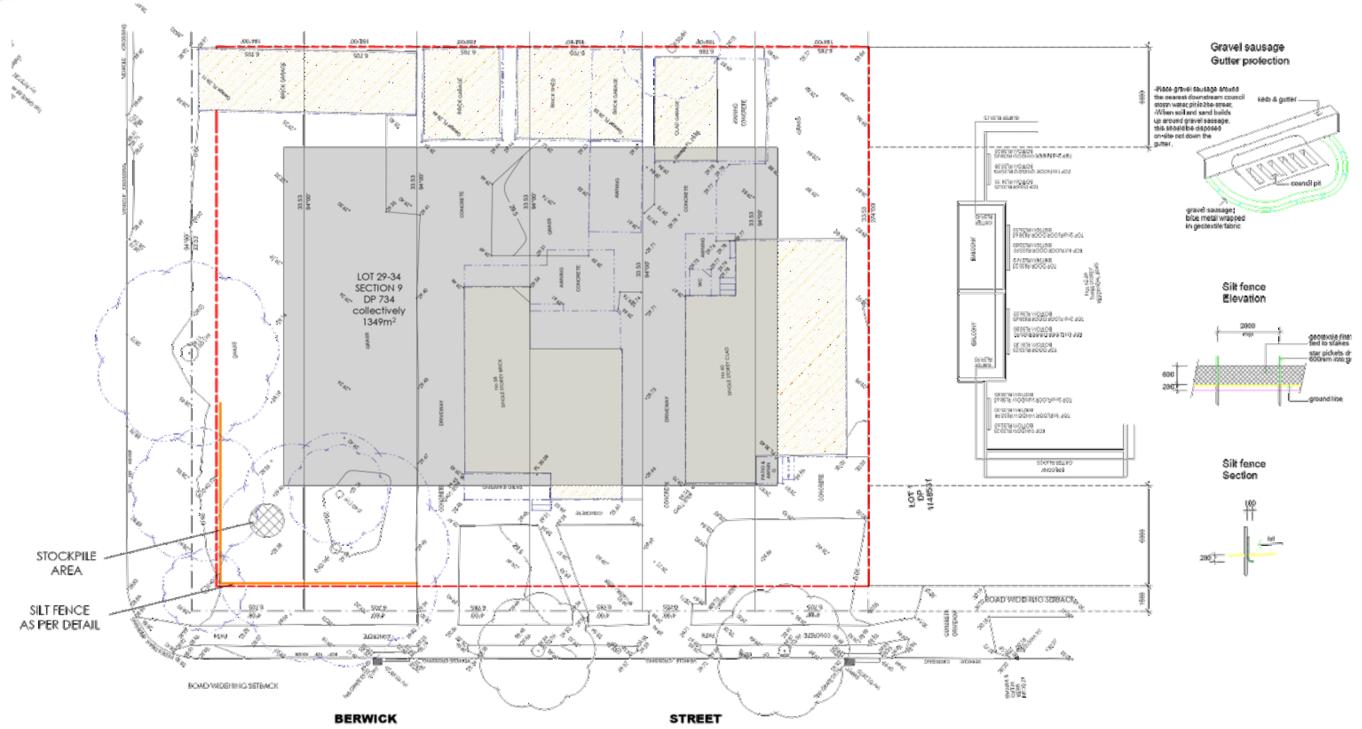














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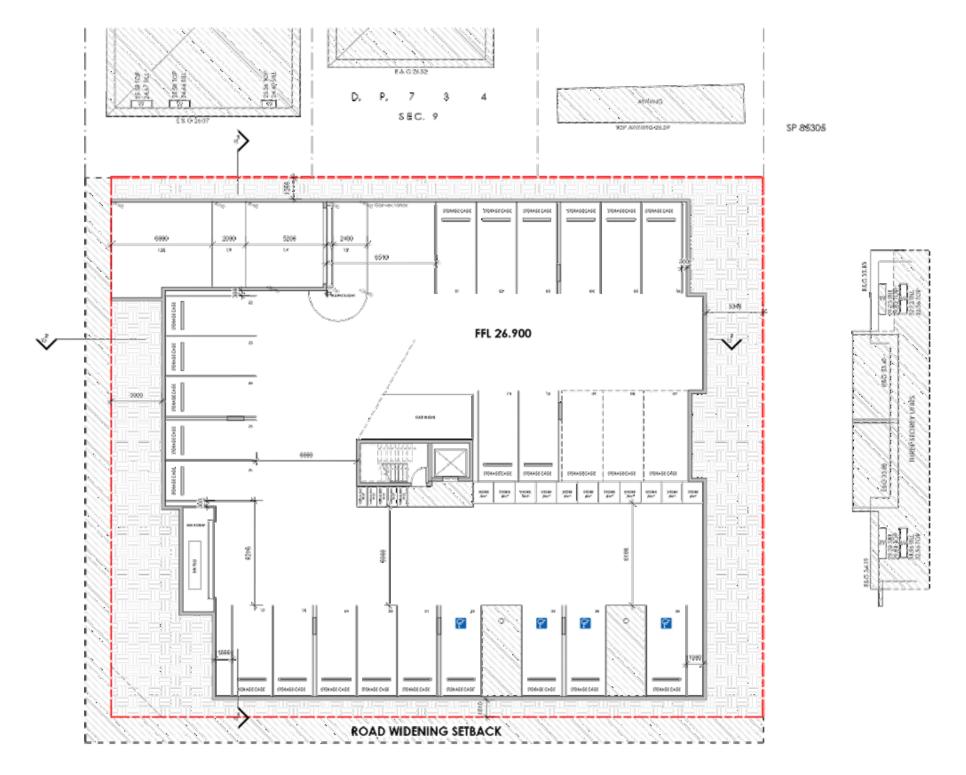




FOR DA APPROVAL

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BASEMENT

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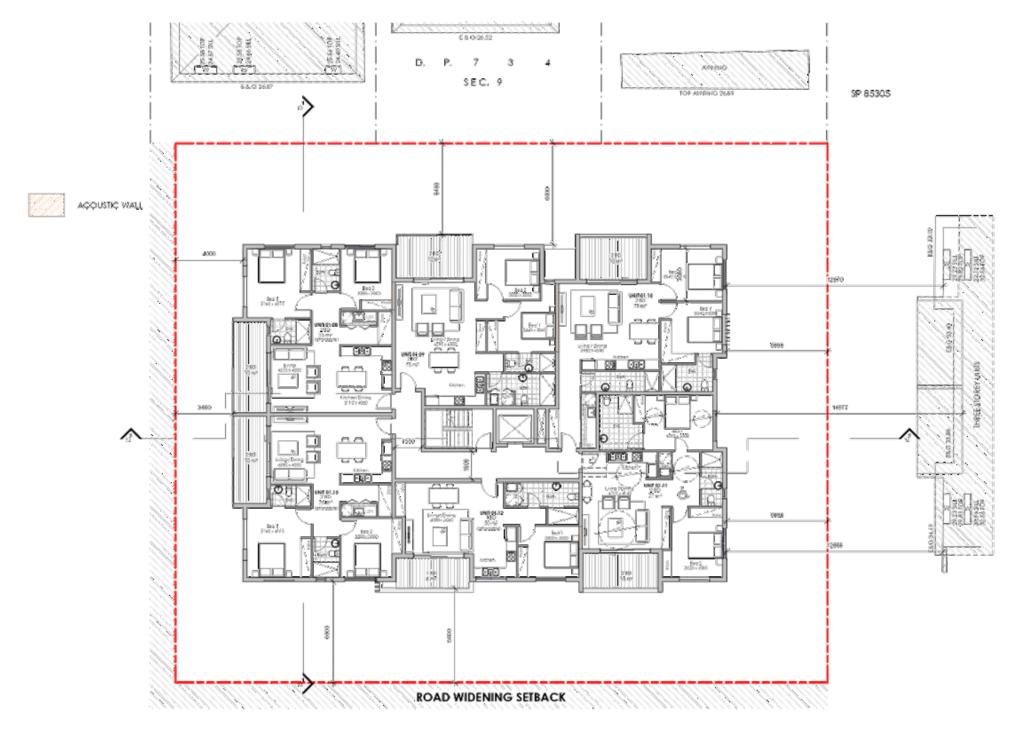


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-a. [DEVELOPMENT ASSUDED.	22/10/10	
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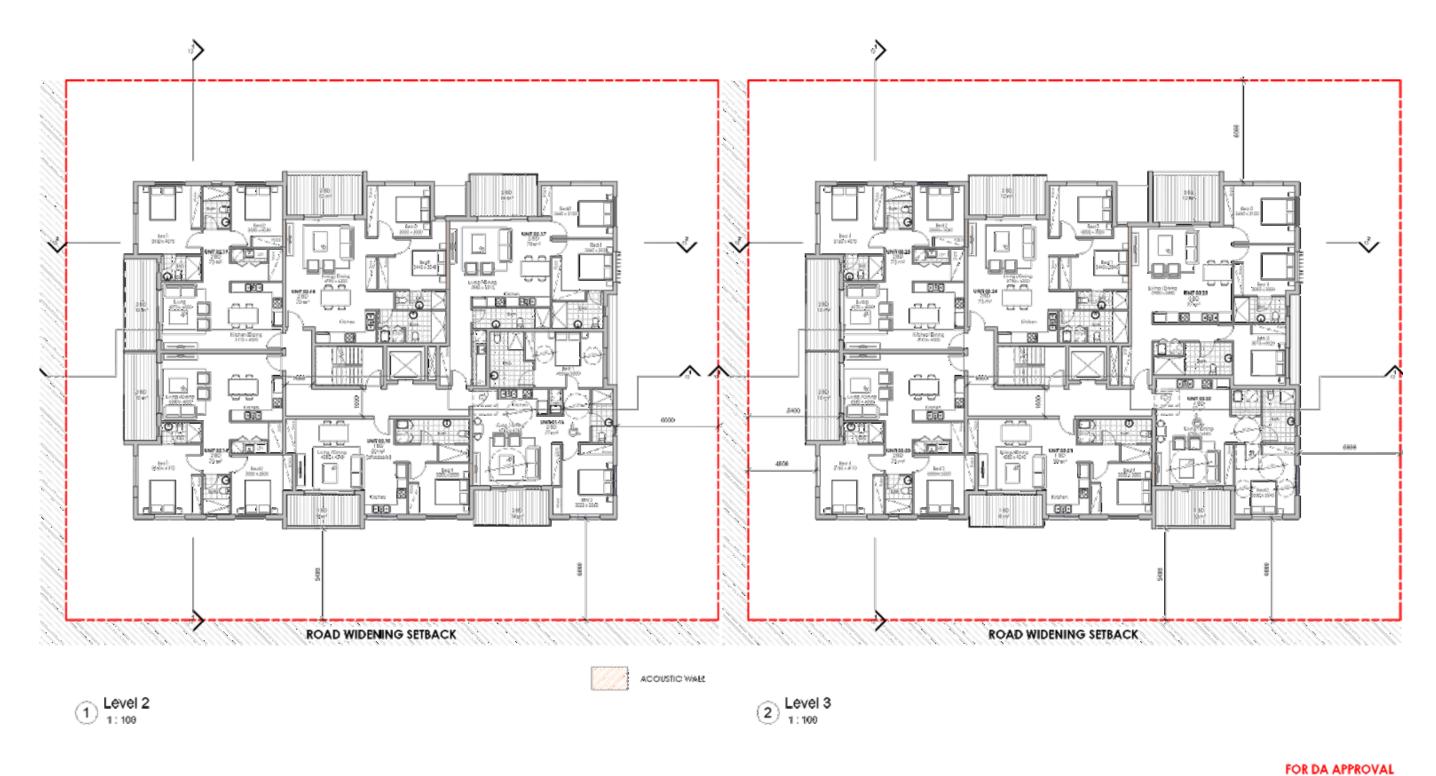
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Proposed RFB UNDER AFFORDABLE HOUSING
56-46 BERWICK STREET, GUILDFORD, 2161

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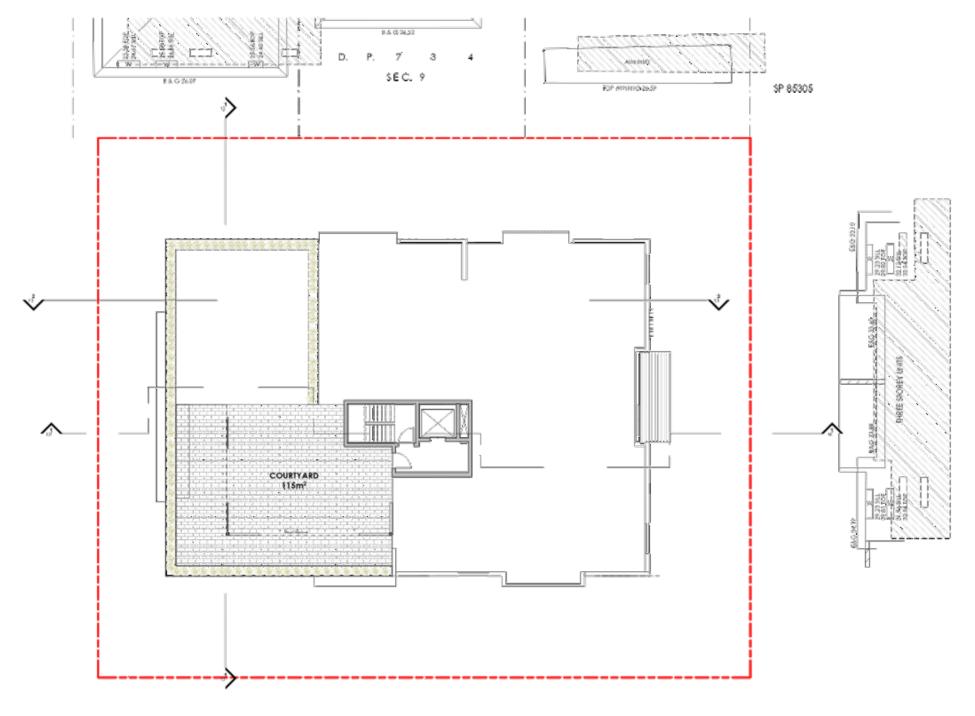


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PROPOSED RFB UNDER AFFORDABLE HOUSING
\$8-40 BERWICK STREET, GUILDFORD, 2141

BERCHARD STREET,





1 Level 4

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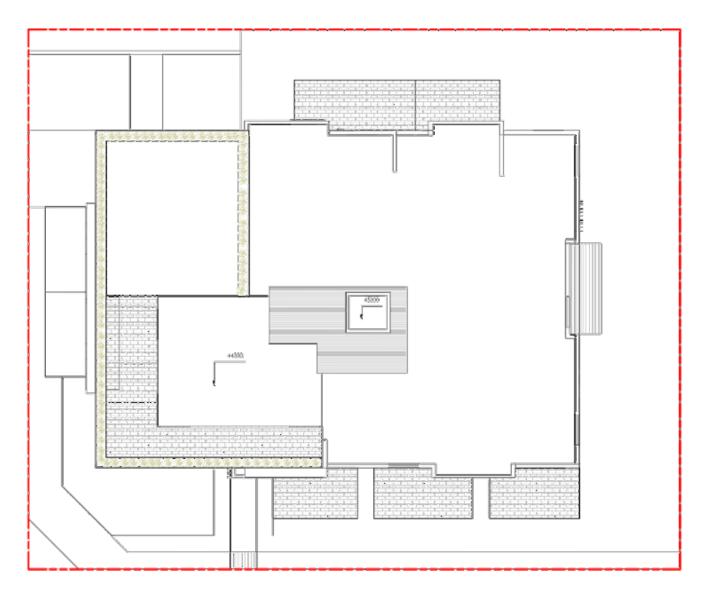
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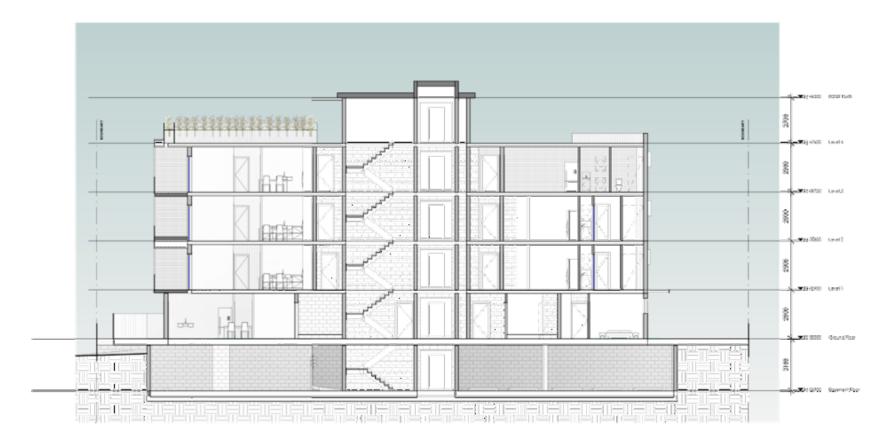
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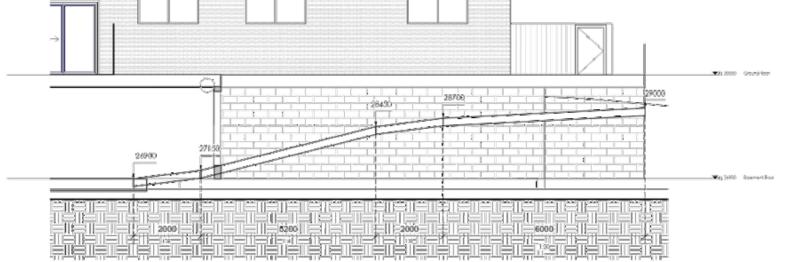












2 DRIVEWAY SECTION

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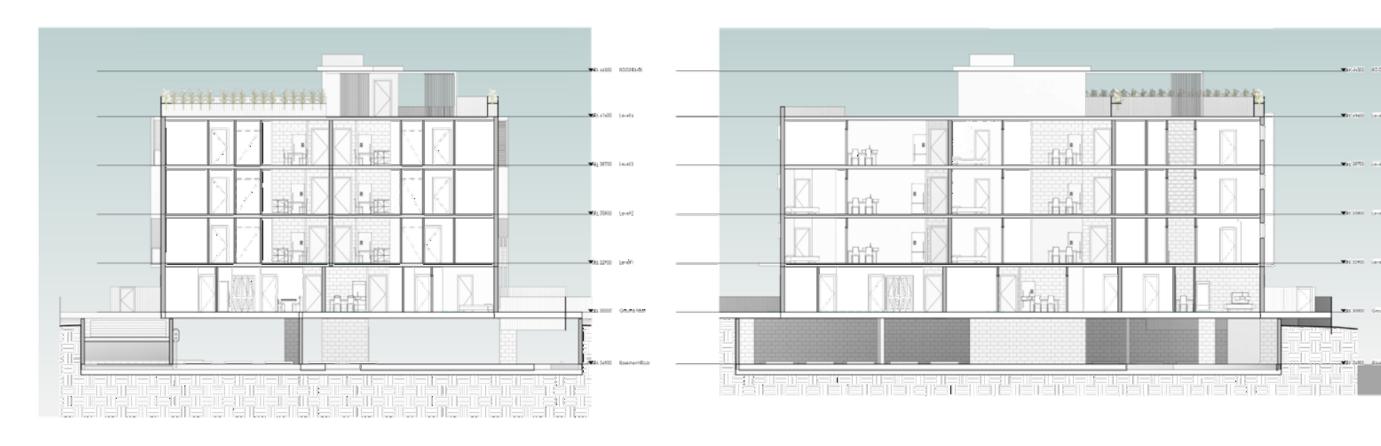
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Page 599 LPP038/20 - Attachment 6





1) SECTION B-B









FOR DA APPROVAL

PROPOSED RFB UNDER AFFORDABLE HOUSING
56-46 BREWICK STREET, GUILDFORD, 2141

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PROPOSED RFB UNDER AFFORDABLE HOUSING
56-46 BREWICK STREET, GUILDFORD, 2141

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56-46 BREWICK STREET, GUILDFORD, 2141

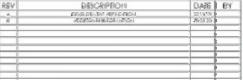
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1 NORTH ELEVATION









FOR DA APPROVAL

HOUSE THE PROPOSED RFB UNDER AFFORDABLE HOUSING
S6-69 BERWICK STREET, GUILDFORD, 2141

DRAWING STREET, GUILDFORD, 2





1 EAST ELEVATION



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FOR DA APPROVAL

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SCHEDULE OF MATERIALS AND FINISHES

REFERENCE	ELEMENT	ELEVATION CODE	MATERIAL	FINISH / SPECIFICATION
01	EXTERNAL WALL	MW-G1	RENDER AND PAINT	DULUX B12 VIVID WHITE OR SIMILAR
02:	EXTERNAL WAIL	RW-82	RENDER AND PAINT	DULLUX GR15 MENISCUS OR SIMILAR
03	EXTERNAL WAIL	RW-83	RENDER AND PAINT	DULUX GR17 SIGNATURE OR SIMILAR
04	EXTERNAL WALL	BW-02	DRY PRESSED BRICK	AUSTRAL THE AVENUE MADDOX OR SIMILAR
05	WINDOWS AND DOORS	G L	GLASS SET IN POWDER COATED ALUMINIUM FRAME	DULUX DURATEC "ZEUS BLACK MATT" OR SIMILAR
06	GLASS BALUSTRADE	GB	FRAMED FROSTED GLASS BALUSTRADE	49 mm GLASS FROSTED OR SIMILAR
0.7	PRIVACY SCREENS	PS	ALUMINUM HORIZONTAL LOUVERS	ALUMINIUM COATED
08	PRIVACY SCREENS	P\$	TIMBER LOUVRES	TIMBER LOUVRES OR SIMILAR
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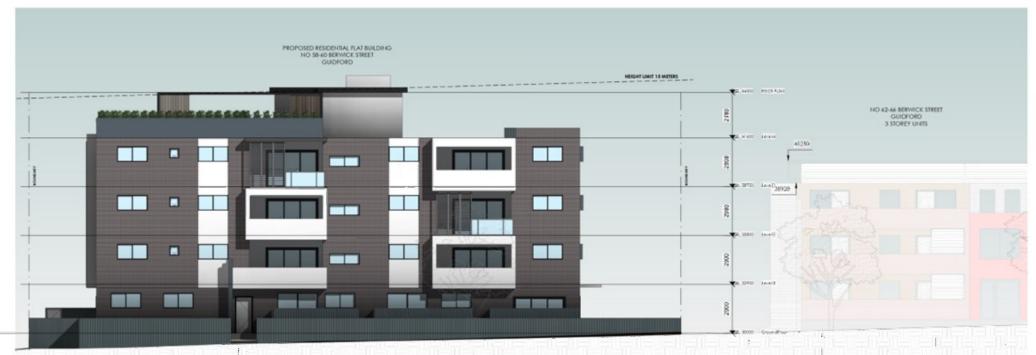


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HOUSE 18-A

PROPOSED RFB UNDER AFFORDABLE HOUSING
56-46 BREWICK STREET, GUILDFORD, 2141

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DOCUMENTS ASSOCIATED WITH REPORT LPP038/20

Attachment 7
Shadow Diagrams





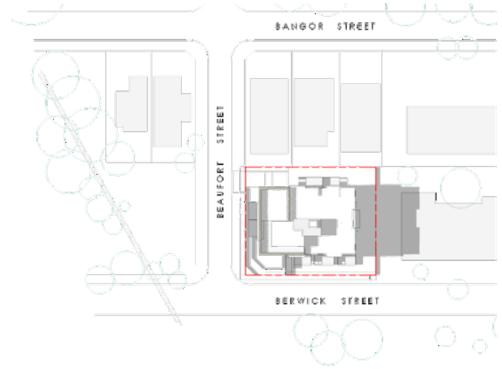




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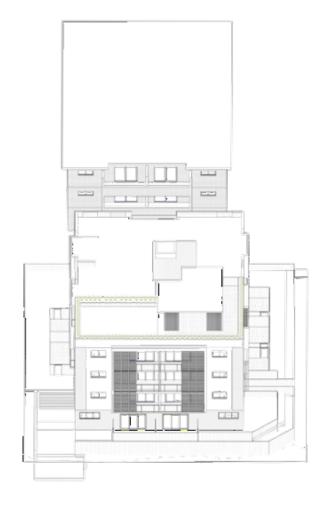








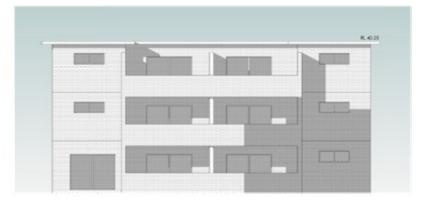


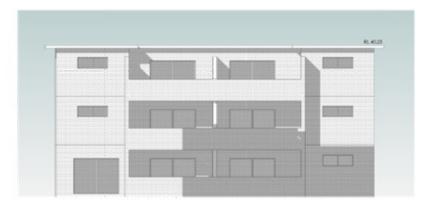


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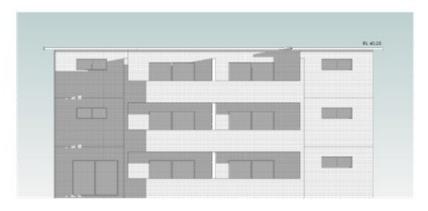
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DOCUMENTS ASSOCIATED WITH REPORT LPP038/20

Attachment 8 Accompanying Clause 4.6 Variation Request to Building Height





Clause 4.6 Variation Request







CONTENTS

QUALITY ASSURANCE	3
CLAUSE 4.6 VARIATION	4
LAND AND ENVIRONMENT CASE LAW	5
CONSIDERATION OF CLAUSE 4.6	6
Conclusion	11

Clause 4.6: 58-60 Berwick Street, Guildford PAGE 2





CLAUSE 4.6 VARIATION

Clause 4.3 under the Holroyd LEP 2013 stipulates a maximum building height of 15m for the subject site. The development is compliant with the exception of the lift overrun and fire stair that provides access to the rooftop common open space area. The development exhibits the following building height elements:

Portion	Maximum Height	Departure	
Lift Over-run and Fire Stair	15.8m	800mm / 5.3%	

As shown on the sections below and within the following page, the variation to height control is predominantly limited to the lift and stairwell overrun.

This is a function of the by-product of providing access requirements to service the building, providing communal open space on the rooftop level, and the site being subject to flooding which requires an elevated ground floor plate. Finally the proposal is also made under SEPP (ARH) 2009 which permits an FSR bonus.

1 NORTH ELEVATION
1: 100

Figure 7: North elevation of the proposal, illustrating the height variation

Clause 4.6: 58-60 Berwick Street, Guildford PAGE 4





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

LAND AND ENVIRONMENT CASE LAW

The decision by Chief Judge Preston in a judgement dated 14 August 2018 in the matter of *Initial Action Pty Ltd v Woollahra Council* confirmed that the absence of impact was a suitable means of establishing grounds for a departure and also confirmed that there is no requirement for a development that breaches a numerical standard to achieve a 'better outcome'.

However recent developments in the law in *Rebel MH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 have set out to confirm that the approach taken in *Al Maha Pty Ltd v Huajun Investments Pty Ltd* [2018] NSWCA 245 ('*Al Maha*') is also relevant.

In simple terms, AI Maha requires that a Clause 4.6 departure will have only adequately addressed Clause 4.6(3) if the consent authority is satisfied the matters have been demonstrated in the Clause 4.6 request itself- rather than forming a view by the consent authority itself.

This Clause 4.6 request demonstrates the matters if Clause 4.6 (3).

The key tests or requirements arising from recent judgements is that:

- The consent authority be satisfied the proposed development will be in the
 public interest because it is "consistent with" the objectives of the development
 standard and zone is not a requirement to "achieve" those objectives. It is a
 requirement that the development be compatible with the objectives, rather
 than having to 'achieve' the objectives.
- Establishing that 'compliance with the standard is unreasonable or unnecessary in the circumstances of the case' does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe "test" 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in Wehbe v Pittwater.
- When pursuing a clause 4.6 variation request it is appropriate to demonstrate environmental planning grounds that support any variation; and
- The proposal is required to be in 'the public interest'.

In relation to the current proposal the keys are:

 Demonstrating that the development remains consistent with the objectives of the building height standard;

Clause 4.6: 58-60 Berwick Street, Guildford





- Demonstrating consistency with the R4 zoning; and
- Satisfying the relevant provisions of Clause 4.6.

CONSIDERATION OF CLAUSE 4.6

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

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
- (a) the consent authority is satisfied that:
- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

Each of these provisions are addressed in turn.

Clause 4.6: 58-60 Berwick Street, Guildford PAGE 6





Clause 4.6(3) & Underlying Objectives of the Standard - Compliance unreasonable or unnecessary

Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control, and the objectives of the zone, are achieved despite the non-compliance to the numerical development standard as set out above, which satisfies Wehbe Test 1.

The objectives of the building height development standard are stated as:

- (1) The objectives of this clause are as follows:
- (a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,
- (b) to ensure development is consistent with the landform,
- (c) to provide appropriate scales and intensities of development through height controls.

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

- The proposal will provide a high quality urban form that relates well to the context of the site in terms of the natural topography and adjoining developments;
- The area of non-compliance to the building height is limited to a small portion
 of the lift over-run- and this element is recessed back from the perimeter of the
 building below such that the visual impact from the public domain and adjoining
 properties is minimised;
- The area of non-compliance enables the building form to adopt suitable separation and setbacks to the adjoining properties- with particular regard to the increased setbacks relative to the property to the south which exceed the HDCP 2013 (3m DCP side setback) but the increases setbacks are preferred from a character perspective- meaning that the additional height takes the GFA from this area and puts it at the upper level which is a suitable design response.
- The non-compliance also stems from the provision of affordable dwellings that allows the development to exceed the FSR of 1.2:1 for the site contained in LEP 2013. Council's Building envelope controls of height, FSR and setbacks are designed to accommodate a residential flat building with an FSR of 1.2:1. This development has a greater allowable FSR under the ARHSEPP and the additional floor space can only be appropriately accommodated by breaching the building envelope controls- namely the minor departure to the height standard.

Clause 4.6: 58-60 Berwick Street, Guildford PAGE 7





- The overall height of the development presents as a compatible form of development with the rooftop elements recessed to downplay visual dominance as viewed from the public domain and adjoining properties.
- The proposal has been designed to comply with the maximum permitted FSR on the site and also complies with key controls pertaining to, open space, and car parking which indicates an appropriate scale of development on the site;
- The extent of overshadowing is satisfactory as shown on the shadow diagrams
 and the privacy impacts arising from the additional height control are negligible
 when having regard to the design of the built form which sees the noncompliant parts of the building being recessed centrally within the building.
- The height breach is at the upper most level where the building is recessed such that the visual impact of the development is minimised as viewed from adjoining properties and the public domain.
- The overshadowing impact arising from the building height departure is limited given that the shadow is cast from the level below as it relates to the adjoining apartment building which is reflected in the 'views from the sun'. Therefore there is no additional overshadowing impact to adjoining properties as a result of the height departure.
- The development is designed to respond appropriately to the landform and the flooding constrain that requires a freeboard to be achieved which increases the overall height of the development relative to the natural ground level.

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.

Clause 4.6(3) & Environmental Planning Grounds

As outlined above the proposal remains consistent with the underlying objectives of the control. In addition to the above it is noted that the development, including the departure to the height control enables the following to occur which demonstrates environmental planning grounds to support the numerical non-compliance.

Clause 4.6: 58-60 Berwick Street, Guildford PAGE 8





- The area of non-compliance to the building height is limited to a small portion
 of the lift over-run- and this element is recessed back from the perimeter of the
 building below such that the visual impact from the public domain and adjoining
 properties is minimised;
- The area of non-compliance enables the building form to adopt suitable separation and setbacks to the adjoining properties. The increased setbacks relative to the property to the south exceed the HDCP 2013 minimum of 3m and the increased setbacks are preferred from a character perspective as well as limited visual bulk and overshadowing impacts through the increased setbacks- meaning that the additional height takes the GFA from this area and puts it at the upper level which is a suitable design response and a preferred environmental planning outcome.
- The overshadowing impact arising from the building height non-compliance is limited given that the shadow is cast from the level below as it relates to the adjoining apartment building which is reflected in the 'views from the sun'. Therefore there is no additional overshadowing impact to adjoining properties as a result of the height departure.
- The non-compliance to the height control facilitates the rooftop communal open space which is suitable and preferable given the flooding affectation of the site;
- The height breach is a function of raising the ground floor to accommodate the required flood freeboard level that means that the overall height is increased to achieve this which is a preferred planning outcome to mitigate flooding impacts.
- The non-compliance stems from the provision of affordable dwellings that allows the development to exceed the FSR of 1.2:1 for the site contained in LEP 2013. Council's Building envelope controls of height, FSR and setbacks are designed to accommodate a residential flat building with an FSR of 1.2:1. This development achieves an FSR bonus under the ARHSEPP and the additional floor space is a part reason for the height breach. The height departure therefore facilitates the delivery of affordable rental housing on the site which gives suitable environmental planning grounds for the breach to the height standard and furthers the objects of the Environmental Planning and Assessment Act 197, namely:

(d) to promote the delivery and maintenance of affordable housing,

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

Clause 4.6: 58-60 Berwick Street, Guildford PAGE 9





Clause 4.6(4)- Public Interest and Objectives of the Zone

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

As addressed the proposed development is in the public interest as it remains consistent with the objectives of the building height control. In addition, the proposal is consistent with the objectives of the R4 zone, being:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provides facilities or services to meet the day to day needs of residents.

The proposal is consistent with the objectives of the R4 zone, insofar as the development is not antipathetic to the zone objectives (per *Schaffer Corporation v Hawkesbury City Council* (1992) 77 LGRA 21).

The development is consistent with the zone objectives noting that:

- The development will provide for the housing needs of the community within a high density environment;
- The development contributes to a variety of housing types in a high density environment;
- The development will maximise public transport patronage by providing residential accommodation in an accessible location;
- The development is designed to respond to the context and setting of the locality and the development is consistent with the desired future character of the locality;
- The development is designed to minimise impact on the amenity of the area and adjoining properties.

Clause 4.6(5)

The Secretary (of Department of Planning and Environment) can be assumed to have concurred to the variation. This is because of Department of Planning Circular PS 18–003 'Variations to development standards', dated 21 February 2018. This circular is a notice under 64(1) of the Environmental Planning and Assessment Regulation 2000.

A consent granted by a consent authority that has assumed concurrence is as valid and effective as if concurrence had been given.

The points contained in Clause 4.6 (5) are a matter for consideration by the consent authority however the following points are made in relation to this clause:

 The contravention of the height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal

> Clause 4.6: 58-60 Berwick Street, Guildford PAGE 10





• There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the control is acceptable in the circumstances given the underlying objectives of the control are achieved and it will not set an undesirable precedent for future development within the locality as any future development on another site would require consideration of the relevant merits and circumstances of the individual application.

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

The design response aligns with the intent of the control and provides for an appropriate transition to the adjoining properties.

The proposal promotes the economic use and development of the land consistent with its zone and purpose.

Conclusion

Strict compliance with the prescriptive building height requirement is unreasonable and unnecessary in the context of the proposal and its circumstances.

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

The proposal will not have any adverse effect on the surrounding locality, which will be characterised by residential development of comparable height and character. The proposal promotes the economic use and development of the land consistent with its zone and purpose.

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

Clause 4.6: 58-60 Berwick Street, Guildford PAGE 11

DOCUMENTS ASSOCIATED WITH REPORT LPP038/20

Attachment 9 Locality Map



Locality Map



DOCUMENTS ASSOCIATED WITH REPORT LPP038/20

Attachment 10
Submission (3 x form letters)





REF: DA2019/0501

PREMISES: 58-60 BERWICK ST, GUILDFORD NSW 2161

Dear Sir/Madam:

In reference to the above mentioned development and being adjoining the subject development, we feel that our privacy will be impacted on the eastern side of the proposed development. The proposal compromises our visual privacy and neighbouring buildings as it fails to achieve the required **BUILDING SEPARATION** (to the eastern boundary). In regards to visual privacy, the non-compliances may compromise the future development for us if we decide to do so. Also the **BUILDING HEIGHT** is above the 15metre (maximum permissible).

Please take into consideration the **SETBACK** of the driveway (of the proposed development) from the eastern boundary of 63A Bangor St, Guildford - as we feel that the 1.5 metres is not maintained. And to mention the acoustics from the basement driveway which is directly behind us, we would really appreciate the basement carpark entry be moved to another location.

Also on the topic of acoustics we are elderly and really appreciate the quiet serenity of this neighbourhood, and are concerned of the **CONGESTION** on Beaufort St (the northern side of the proposed development), as a result of the likelihood of on street parking of the residents of the 27 units, which only catering to 25 car spaces and some residents likely having more than 1 car.

Lastly, we are not experts in this matter but we are worried about the impacts of excavation on our backyard and the structure of our property, if the DA is approved, and want some kind of reassurance and peace of mind that there will be no impacts.

In summary, we would like the council to address the above concerns and any non-compliance with BUILDING SEPARATIONS, HEIGHT and SETBACKS to the eastern boundary so our VISUAL and ACOUSTIC PRIVACY and minimum NOISE LEVELS will be maintained and look at the likelihood of real time CONGESTION that is going to occur on Beaufort St.

2 5 FEB 2020



Item No: LPP039/20

DEVELOPMENT APPLICATION FOR 81-83 MOUNTFORD AVENUE, GUILDFORD

Responsible Division: Environment & Planning

Officer: Executive Manager Development and Building

File Number: MOD2019/5251

Application lodged	14 January 2020
Applicant	Designcorp Architects
Owner	H & M Develop Construct Pty Ltd
Application No.	MOD2019/5251
Description of Land	81-83 Mountford Avenue GUILDFORD NSW 2161, Lot B DP
	334110, Lot 4 DP 231471
Description of original	Demolition of existing structures, tree removal and construction
proposed	of a 3 storey residential flat building and townhouses over
development	basement carparking pursuant to State Environmental
	Planning Policy (Affordable Rental Housing) 2009
Description of	Section 4.55(2) modification for alterations to an approved
proposed modification	residential flat building and townhouse units, including
to development	reconfiguration of the basement, changes to floor levels,
	modified roof design and alteration to fencing and screening
	heights and
Site Area	2695.8m ²
Zoning	Zone R4 High Density Residential (PLEP 2011)
Disclosure of political	Nil disclosure
donations and gifts	A1-
Heritage	No
Principal Development	FSR
Standards	Permissible: PLEP 2011 = 0.8:1 and 1.1:1
	ARHSEPP 2009 = 1.023:1 for the main part of the site
	(including bonus of 0.223) relating to Blocks A
	and B
	Approved: 0.99:1 (Blocks A and B) and 0.68:1 (Block C)
	Proposed: 0.96:1 (Blocks A and B) and no change to Block C
	Troposodi 6.55.1 (Bioske / Carla D) aria no origings to Biosk 6
	Height of Building
	Permissible: 11m applies to Blocks A and B and 14m for Block
	C
	Approved: Block A - 12.8m on northern part to 13m on
	southern part. 10m for Blocks B and C
	Proposed: Block A – 13.3m on northern part to 13m on
	southern part. No height adjustments proposed to Blocks B and
-	C.
Issues	LEP height variation
	Submission



SUMMARY:

- 1. Modification Application No. MOD2019/5251 was received on 14 January 2020 for Section 4.55(2) modification for alterations to an approved residential flat building, including reconfiguration of the basement, changes to floor levels, modified roof design and alterations to fencing and screening heights.
- 2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 11 March 2020 and 25 March 2020. In response, Council received one (1) submission.
- 3. The notable variation/s are as follows:

Development Standard	Required	Provided	% variation
Height of building	11m	Approved: 13m	2.3% variation
		Proposed: 13.3m	from 13m height
		applies to only	approved.
		the northern part	21% variation
		of building A.	from maximum
			11m height
			permitted.

4. The application is recommended for approval subject to amendments to the relevant conditions affected by the proposed modification and the inclusion of additional conditions as recommended by Council's development engineers provided in the attached schedule.

REPORT:

Subject Site and Surrounding Area

The site is identified as Lot B in DP 334110, Lot 4 in DP 231471 and known as 81 - 83 Mountford Avenue, Guildford. The subject site is located on the northern side of Mountford Avenue between Talbot Road to the east and Railway Terrace to the west. The site is irregular in shape and has a cumulative southern front boundary measuring 29.26m. The site has a total area of 2695.8sqm and has a fall from the south-eastern corner towards the western wing of the site of approximately 2.79m.

Currently at 81 Mountford Ave, is a single storey fibro dwelling with a detached fibro garage and two free standing awnings and four trees within the rear open space. At 83 Mountford Ave is also a single storey dwelling with an attached fibro laundry and shed and a clad shed with attached awning, detached freestanding awning, three trees and metal shed outbuilding within the rear open space.

The subject site is adjoined by three storey residential flat buildings on either side. The locality is undergoing transition and is characterised by a variety of three and four storey residential flat buildings and detached dwellings.



Figure 1 – Locality Plan of subject site

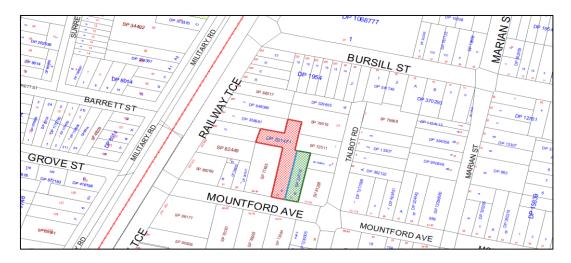


Figure 2 – Aerial view of subject site

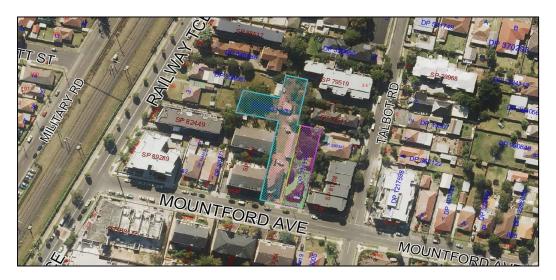


Figure 3 – Street view of subject site





Description of the Proposed Development

Council has received a modification application for alterations to an approved residential flat building and townhouse development, including reconfiguration of the basement, changes to floor levels and part of building height of block A, reconfiguration of units 4, 9 and 10 of block A, provision of stair access from basement in townhouse units and alteration to fencing and screening heights.

The detailed breakdown of the proposed modifications are listed below:

- To satisfy deferred commencement condition DC7, amend levels of the communal area on the ground floor and basement level to provide minimum headroom clearance of 4500mm for manoeuvring of trucks entering and exiting the site (in accordance with AS2890). Therefore, basement levels 1 and 2 have been amalgamated into one level resulting in a relocation of car spaces and access to the ground level via additional fire stairs.
- Building form is modified on southern elevation to allow the driveway ramp and basement height to provide the required 4.5m clearance for the waste truck.
- To satisfy DC6, the basement door has been amended to increase air flow by proposing an open style door and the removal of the planter boxes above this area to increase opportunity for ventilation into the basement.
- Raise height level of the northern portion of building A by a maximum of 500mm to the same height level as the southern part of the building (to address Council's request to accommodate waste truck movements on basement level which has resulted in changes to the basement).
- Due to single basement design, landscaped and deep soil area have been reduced.
- All fencing and screening height have been increased to 1.6m for all ground floor terraces to provide privacy to all private open spaces.
- Communal open space on rooftop is reduced and surrounded by non-trafficable areas to maintain privacy to neighbouring properties.
- Unit mix have been modified to comprise of 2 studios, 9x 1br, 16x 2br, 5x 3br and 1x 4br units.
- Increase one additional affordable rental housing unit from 7 to 8 affordable units (i.e. units 10-17 within the RFB of block A and none within the townhouses of blocks B and C).
- Number of carparking spaces will decrease from 47 spaces to 41 spaces to comply with minimum requirements under SEPP 65 (ADG and RMS rates) and ARHSEPP rates.



- Townhouse units are provided with internal stairs linking to basement carpark below and stair access to attic is removed and a ladder and hatch is proposed instead.
- Modify internal layout to units 4, 9 and 10 as follows:
 - The bedroom of unit 4 is required to be relocated from the western to the eastern side to make room for the required headroom clearance for truck access into the basement.
 - Similarly, the private open space area for unit 9 is also required to be relocated from the western side to the eastern side to satisfy minimum headroom clearance.
 - Unit 10 has been reconfigured from a 2 bedroom into a 1 bedroom unit which has resulted in the deletion of the western portion of the unit causing a recess in the western elevation.
- Modify external finishes and materials as shown in elevations and schedule of materials and finishes.

History

On 22/08/2018, the Cumberland Local Planning Panel resolved to approved DA2017/500 as a deferred consent, for the demolition of existing structures, tree removal and construction of a 3 storey residential flat building and townhouses over basement carparking pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.

Specifically, the approval included a total of 33 units comprising of:

- 27 units within the RFB (Block A) with unit mix as follows: 2x studios, 8x 1br, 17x 2br
- 6 multi dwelling units (Blocks B and C) with unit mix as follows: 5x 3br, 1x
 4br
- 4 adaptable units
- 7 affordable housing units (i.e. Units 10 15 in block A and Unit 31 in Block
 B)
- 47 car spaces located within 2 basement levels

It should be noted that the deferred consent has not yet been made operational as the terms of the deferred consent has yet to be satisfied.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Design Corp P/L dated December 2019 and was received by Council on 11 December 2019





in support of the application. A subsequent Statement of Environmental Effects was submitted to confirm and clarify detailed modifications proposed under this 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 the inclusion of additional conditions to ensure compliance with relevant Australian Standards in relation to parking layout.

External Referrals

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

PLANNING COMMENTS

Section 4.55(2):

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 approved development in that, the residential nature of the use and the bulk and scale of the development remains substantially the same.
	The proposal results in minor alterations to the façade treatment, changes to site conditions in relation to landscaping, deep soil areas and communal open space, minor height and FSR adjustments to the building and internal reconfiguration of the parking layout in the basement level, some unit layouts and overall number



	of unit mix. These changes are considered to be satisfactory and remains consistent with the relevant planning controls. The changes are also largely in response to satisfying the deferred commencement conditions for the provision of truck access into the basement requiring minimum headroom clearance.
	Further detailed discussions are provided in the compliance tables listed under attachment 5.
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: (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	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.

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 and Sydney Regional Environmental Plans:

(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 and addressed under the original consent and the site was considered satisfactory to proceed. As such the modifications proposed under this application will not alter the previous conclusions regarding the condition of the site.

(b) 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 coastal management area.

(c) State Environmental Planning Policy (Infrastructure) 2007

The original consent was referred to Endeavour Energy in accordance with clause 45 of the Infrastructure SEPP (ISEPP) 2007. There are no significant changes proposed under this modification application and as such a re-referral to the relevant external government agency is not required.

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

A revised BASIX Certificate 879644M_05 issued on 25 November 2019 has been submitted to support the application. The revised BASIX Certificate which incorporates the proposed design changes is considered satisfactory.

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

The relevant matters to be considered under Parramatta Local Environmental Plan 2010 for the proposed modification are outlined below and a full assessment is provided in attachment 5.

Requirement	Y/N	Comment
13 Floor space ratios		
(1) This clause applies to	Υ	As noted in the previous consent, the
development to which this Division		affordable housing units are situated
applies if the percentage of the		wholly on the part of the site to which
gross floor area of the development		there is a maximum allowable FSR of
that is to be used for the purposes		0.8:1. In applying clause (2)(a)(ii), 22.3%
of affordable housing is at least 20		of the GFA of the development is used for
per cent.	Υ	affordable housing. Therefore, the GFA
(2) The maximum floor space ratio		bonus of 0.223:1 will be applied to that
for the development to which this		portion of the site bringing the maximum
clause applies is the existing		allowable FSR of the main part of the site
maximum floor space ratio for any		to 1.023:1. The development situated on
form of residential accommodation		that part of the site, comprising the
		residential flat building and the western



	multi dwelling block B is calculated to
	have an FSR of 0.99:1 (2234.7sqm).
	, ,
	The result of the proposed modification
	which affects the unit configuration and
	layout does not cause an increase in
	FSR approved for the site. Rather, the
	overall FSR has decreased for the site
	with a revised FSR of 0.96:1
	(2182.61sqm) where minor changes are
	noticeable in units 4, 9 and 10 of the RFB
	(in block A). Consequently, it is noted that
	the overall percentage of the GFA bonus
	has also slightly reduced from 22.8%
	(516.09sqm) to 22.5% (508.24sqm)
	which is negligible. Moreover, the
	additional affordable unit nominated
	within the development does not
	generate additional FSR for the site as
	the number of units remain the same.
	The development remains compliant as
	the proposed modifications do not
	exceed the maximum FSR permitted for
N/A	the site nor does it exceed the approved
	FSR for the site.
Υ	The cumulative site area is 2695.8sqm
	'
	N/A



()		
(c) landscaped area if:	N/A	
(i) in the case of a		
development		
application made by a		
social housing		
provider—at least 35		
square metres of		
landscaped area per		
•		
dwelling is provided,		
or		
(ii) in any other	V	The amount of lands and a wine provided has
case—at least 30 per	Υ	The amount of landscaping provided has
cent of the site area is		been reduced on site and is calculated to
to be landscaped,		be 30% (809.25sqm including planting on
(d) deep soil zones if, in		roof) which complies.
relation to that part of the site		
area (being the site, not only		
of that particular		
development, but also of any	Υ	A reduction in deep soil area is noted
other associated		however remains compliant as 16.6%
development to which this		(449.68sqm) is being provided for the
Policy applies) that is not		site.
built on, paved or otherwise		
sealed:		
(i) there is soil of a		
sufficient depth to	Υ	
support the growth of		Deep soil zones have a minimum
trees and shrubs on		dimension of 3m.
an area of not less		
than 15 per cent of	Υ	
the site area		71.8% (353.3sqm) of the deep soil zone
(the deep soil zone),		is located at the rear of the site.
and		io located at the real of the oite.
(ii) each area forming	Υ	
part of the deep soil	'	The proposed modification will not alter
zone has a minimum		the amount of solar amenity provided to
dimension of 3		the units as the number of units remain
metres, and		unchanged.
(iii) if practicable, at		As for the sector DED de deserved
least two-thirds of the		As for the entire RFB development
deep soil zone is		70.4% (19 of 27) of units receive at least
located at the rear of		2 hours mid winter. 7.4% (2 of 27 units)
the site area,		receive no direct sunlight in midwinter
(e) solar access if living		due to their south facing aspect and
rooms and private open		overhang to west side facing windows
spaces for a minimum of 70		from the built form above.
per cent of the dwellings of		The remainder of the units will either
the development receive a		receive at least an hour of sunlight to
minimum of 3 hours direct		their living areas or some direct sunlight
	N/A	to other parts of the apartment.





sunlight between 9am and 3pm in mid-winter.

(2) **General** A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

(a) parking if:

(i) in the case of a development application made by a social housing provider for development on land an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and least 1 parking space is provided for each dwelling containing 3 or more bedrooms, or in any other (ii) case—at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space provided for each dwelling containing 2 bedrooms and least 1.5 parking spaces are provided dwelling each containing 3 or more bedrooms,

Υ

As a result of modification to consolidate the two basement levels and reconfigure the parking layout, adequate number of car spaces are still being provided for the whole development being 41 car spaces which complies. A breakdown of the parking is provided as follows:

Affordable housing units based on clause (2(a)(ii)

Rate	Units	Total
0.5/1B	9 x 1B and 2 x ST = 11	5.5
1.0/2B	16	16
Total	27	21.5 rounded up = 22

The above table demonstrates that a minimum of 22 parking spaces are required for the RFB component of the development.

In relation to visitor spaces, the RFB attracts a parking rate of 1 car space per 5 units under the RMS guideline, therefore 27 units/5 = 5.4 spaces for visitors being required.

Multi dwelling units based on PDCP 2011:



		Rate	Units	Total
		1.5/3B	5	7.5
		2/4B	1	2
		Total	6	9.5
		Total		(rounded
				up = 10)
		0.25	6	1.5
		Visitor	О	1.5
		VISILUI		
(b) dwelling size if each dwelling has a gross floor area of at least: (i) 35 square metres in the case of a bedsitter or studio, or (ii) 50 square metres in the case of a dwelling having 1 bedroom, or (iii) 70 square metres in the case of a dwelling having 2 bedrooms, or (iv) 95 square metres	Y	Having regar applying to development spaces are respectively (22+10) (5.4+1.5) vision Amendments imposed undivided be made to respectively.	each comp c, a cumulatic equired as fold resident s itor spaces. Is to the relevance effect this character	paces and 7 vant conditions us consent will ange.
(iv) 95 square metres in the case of a dwelling having 3 or more bedrooms.				



(3) A consent authority may	
consent to development to which	
this Division applies whether or not	
the development complies with the	
standards set out in subclause (1)	
or (2).	

Clause 16A – Character of local area:

As a result of minor changes being proposed to the front façade of the southern elevation, Clause 16A has been considered in terms of whether the design of the development will still be compatible with the character of the local area.

The proposed amendments primarily include changes to parts of the materials and finishes of the southern elevation from render and paint finish to brick and aluminium clad finish. Units 10 and 19 have also been modified to incorporate a more defined architectural façade treatment and further articulation has been provided to unit 10 with the provision of a new balcony and the replacement of windows to sliding doors for access to the balcony.

These changes proposed to the Mountford Avenue streetscape are considered minor and remains substantially the same as the original façade treatment proposed to the development under the previous consent. In this regard, Council is satisfied that the proposed changes are considered to be compatible and do not diminish the streetscape and character of the local area.

(f) 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. Following a detailed assessment of the proposal against the provisions of SEPP 65 and the ADG, the proposal as modified remains compliant and therefore performs satisfactorily with respect the building amenity. The clauses applicable to the proposed modification are discussed below and a comprehensive assessment against the ADG is contained in Appendix A.

Design Criteria	Compliance	Comment	
Part 2			
2F Building Separation			
Separation - Building separation envelopes which includes balconie		from the outer face of building	
Note: Where applying separation to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary. This distributes the			
building separation equally betwee	n sites.		
Up to 4 storeys (approximately	Yes	No noticeable changes to	
12m):		approved setbacks from the	
 12m between habitable rooms/balconies; 		north and east side.	
 9m between habitable and nonhabitable rooms; and 		From the west, approval was granted for 3m to boundary for the front section of the building	



Design Criteria	Compliance	Comment
6m between nonhabitable rooms		which is supportable as it relates to either a blank wall or non-habitable rooms and 6m for the remainder of the flat building which features habitable rooms and balconies. The modifications which affects unit 10 on level 1 has been further offset by an additional 2.7m from the boundary as a result of the deletion of the western portion of the unit. Therefore, a setback of 8.7m is being provided from the western boundary for unit 10 instead of 6m previously provided.
Part 3		provided.
3D Communal and public open s	space	
COS should have a minimum dime Where COS cannot be provided at or roof.	ension of 3m.	it should be provided on a podium
Design criteria		
Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)	Yes	Common open space has decreased from 769m2 (28.5%) to 683.59m2 (25.3%). This includes areas to the east and west of the flat building and communal open space on the roof which complies.
	Yes	
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)		Compliance with min 2h of solar access to COS is achieved as 170m2 of rooftop COS receives unlimited solar access and approx. 200m2 of ground level COS within eastern side setback receives 2h of sun in the morning (refer to basement 1 plan for approx. areas within eastern side setback COS and solar access diagrams for compliance with solar access). ADG min COS requirement is 674m2 and 50% of that area is 337m2. Proposed rooftop (170m2) and ground level eastern setback (approx. 200m2)



Design Criteria	Compliance	Comment
		results approx. 370m2 of COS area that receives min. 50% required solar access during midwinter.
3E Deep soil zones		<u> </u>
Design criteria		
1. Deep soil zones are to meet the following minimum requirements: Site area Minimum dimensions (% of site area) Less than 650m² - 650m² - 1,500m² 3m greater than 1,500m² 6m 7% greater than 1,500m² 6m existing tree cover	Yes	A reduction in deep soil area is noted however remains compliant as 16.6% (449.68sqm) is being provided for the site.
3J Car parking		
Design criteria 1. For development in the following locations: • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less	Yes	Based on the ADG, as the site is within 800m of a railway station, the parking rates in the Guide to Traffic Generating Developments will apply. Metro Sub-regional centres for RFB: Rate Units Total 0.6/1B 9 x 1B 6.6 and and Studio 2 x ST = 11 0.9/2B 16 14.4 1/5 V 27 5.4 Required: 21 resident spaces and 6 visitor spaces = 27 car spaces for RFB component of the development.



Design Criteria	Compliance	Comment
The car parking needs for a development must be provided off street		There is adequate space within the basement to accommodate the minimum parking requirements for the whole development. This is discussed in detail in the DCP section.
4D Apartment size and layout		
1. Apartments are required to have the following minimum internal areas: Apartment type Minimum internal area Studio 35m² 1 bedroom 50m² 2 bedroom 70m² 3 bedroom 90m² The minimum internal areas include only one bathroom	Yes	The affected units 4, 9 and 10 are compliant with the minimum apartment sizes for 1 and 2 bedrooms being 72.49sqm, 77.15sqm and 50.25sqm respectively.
include only one bathroom. Additional bathrooms increase the minimum internal area by 5m2 each A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m2 each 2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Yes	
4E Private open space and balco	nies	
Design criteria 1. All apartments are required to have primary balconies as follows: Dwelling type Minimum area Minimum depth	Yes	Complies. Reconfiguration of the following affected units provides: Unit 4 (2BR) = 11.04sqm with minimum dimensions of 2m Unit 9 (2BR) = 17.62sqm with minimum dimensions of 2m Unit 10 (1 BR) = 8.01sqm with minimum dimension of 2m.



Design Criteria		Compliance	Comment
provided instead	ate open space is d of a balcony. It ninimum area of imum depth of 3m	Yes	
kitchens, ba	to storage in athrooms and following storage	Yes	The proposal provides adequate internal storage within each apartment and a separate storage for each unit within the
Dwelling type	Storage size volume		basement. The storage provided
Studio apartments	4m³		meets the requirements and
1 bedroom apartments	6m³		objectives of the ADG.
2 bedroom apartments	8m³		
3+ bedroom apartments	10m³		
	of the required located within the		

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

Parramatta Local Environmental Plan 2011 (PLEP 2011)

The provision of the PLEP 2011 is applicable to the development proposal and permissibility of the development has been established under the previous consent for a residential flat building and multi dwellings proposed as "infill affordable housing" under the SEPP (Affordable Rental Housing) 2009. It is noted that the development achieves compliance with the objectives of the R4 High Density Residential zone.

The relevant matters to be considered under Parramatta Local Environmental Plan 2010 and the applicable clauses of relevance to the proposed modification are reviewed below.

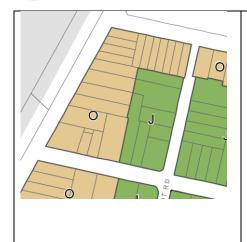




Figure 4 - Parramatta LEP 2011 Compliance Table

Figure 4 –Parramatta LEP 2011 Compliance Table			
DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION	
4.3 Height of Buildings • 11(L) and 14m (N2)		No changes are noted with respect to the building height for the multi dwelling blocks B and C.	
N2 N2 N2		For RFB block A, where an 11m height limit applies, a 13m building height was approved under previous consent for the southern part of the site (where the lift is located) and 12.8m on the northern part of the site.	
	No	To address Council's request to accommodate waste truck movements on basement level, a height change of 0.5m is required whereby the northern portion of building A (approved at 12.8m) is raised to the same level as the southern part of the building. This results in a total building height of 13.3m for the northern part of the site which exceeds the maximum approved building height of 13m by 0.3m representing 2.3% variation.	
		Approved variation under previous consent = 2m (18%) Overall proposed variation to the building height = 2.2m (20%)	
4.4 Floor Space Ratio • LEP = 0.8(J)and 1.1(O):1 • SEPP(ARH)2009 = 1.023:1 for the main		The site areas of the two parts of the site are as follows: Western wing: 439.75sqm and Main site: 2256.26sqm	
part of the site (including SEPP ARH bonus of 0.223)	Yes	The approved FSR for the main site, comprising the residential flat building block A and the western multi dwelling block B is calculated to be 0.99:1 (2234.7sqm). For the western wing containing multi dwelling block C, an approved FSR of 0.68:1 (298.8sqm) is provided.	





The result of the proposed modification which affects the unit configuration and lavout does not increase in FSR cause an approved for the site. Rather, the overall FSR has decreased for the site with a revised FSR of 0.96:1 (2182.61sqm) where minor changes are noticeable in units 4, 9 and 10 of the RFB (in block A). Consequently, it is noted that the overall percentage of the GFA bonus has also slightly reduced from 22.8% (516.09sgm) to 22.5% (508.24sqm) which is negligible. Moreover. the additional affordable unit nominated within development does generate additional FSR for the site as the number of units remain the same.

Therefore, development remains compliant as the proposed modifications do not exceed the maximum FSR permitted for the site nor does it exceed the approved FSR for the site.

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 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))

a) Parramatta Development Control Plan 2011

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

Relevant sections noted in the PDCP 2011 with regard to residential flat building requirements also do not apply in so far as clause 6A of SEPP 65 requires that DCPs cannot be inconsistent with the ADG. If a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect. Where the applicable DCP contains provisions in relation to the above criteria and as such, these provisions of the DCP no longer have effect.

In relation to the multi dwellings section of the PDCP 2011, only minor changes are sought to provide additional stair access from the basement level into the townhouse



units which has no effect on the site design and building amenity requirements and has previously been addressed under the original consent. However, an assessment of the parking rates for multi dwellings has been reviewed below as a result of the proposed changes to consolidate and reconfigure the basement carpark.

proposed changes to consolidate and reconfigure the basement carpark.							
Control	Compliance	Comment					
3.6 Movement and Circulation							
3.6.2 Parking and Vehicular Access - Multi- dwelling:		Parking required: Multi dwelling units based on PDCP 2011:					
0.6 spaces per studio		1. Rate 2. U 3. To					
apartment		nits tal					
1 space per 1 bedroom unit		4 . 1.5/3 5 . 5 6 . 7.5 B					
1.25 spaces per 2		7 . 2/4B 8 . 1 9 . 2					
bedroom unit		10 . Total 11 . 6 12 . 9.5					
1.5 spaces per 3		13. (ro					
bedroom unit		unded					
2 spaces per 4 bedroom		up = 10)					
unit		14. 0.25 15. 6 16. 1.5					
Plus 0.25 space per		Visitor					
dwelling for visitor parking A car wash bay which may also be a visitor space	Yes	Having regard to the above table where a minimum of 10 resident spaces are required for the townhouse units and the minimum 22 resident parking spaces required for the RFB component, a cumulative total of 39 spaces are required as follows: 32 (22+10) residential parking spaces are required for the development and a minimum of 7 (5.4+1.5 = 6.9) spaces are required for visitors. The development provides a revised number of 41 parking spaces which complies. Amendments to the relevant conditions imposed under the previous consent will be made to reflect this change.					

Having regard to the above, the proposed modification remains consistent with the relevant sections of the PDCP 2011 and no further review is required.

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



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

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

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

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

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

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

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

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

Advertised (newspaper)	Mail 🛛	Sign 🛛	Not Required
· · · · · · · · · · · · · · · · · · ·		9	

In accordance with Council's Notification requirements contained within Part A5.5.3 of the Parramatta DCP 2011, the modified application has been notified in the same manner as the original application for a period 14 days between 11 March 2020 and 25 March 2020. The notification generated one (1) submissions in respect of the proposal and none of which disclosed a political donation or gift. The issues raised in the public submissions are summarised and commented on as follows:

Issue: Lack of parking provided on site resulting in overflow of parking on the street and illegal street parking.

Comment: Parking has been provided at the required rate in accordance with RMS guidelines, ARHSEPP 2009 and Parramatta DCP for multi dwellings. Therefore, compliance has been achieved. Illegal parking is a matter for NSW Police and Council's compliance officers to attend to within the Cumberland area.

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

Comments:

A revised quantity surveyor report prepared by Construction Consultants P/L dated 4 December 2019 has been submitted to accompany the subject application. The



revised figures for the cost of works for the development provided in the report have been considered and reviewed by Council's s7.11 planner and as such condition 5 of the original deferred consent relating to development contributions will be required to be amended accordingly.

Disclosure of Political Donations and Gifts

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

CONCLUSION:

The modification application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, ARHSEPP and SEPP 65, Parramatta LEP and DCP and is considered to be Satisfactory for approval subject to additional conditions.

The development as modified is appropriately located within the R4 under the relevant provisions of the Parramatta LEP, however variations in relation to building height under the LEP is sought. Minor non-compliances with Council's controls have been discussed in the body of this report.

Having regard to the assessment of the proposal from a merit perspective, Council may be satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents. 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:

- 1. That Modification Application No. MOD2019/5251 for Section 4.55(2) modification for alterations to an approved residential flat building and townhouse units including reconfiguration of the basement, changes to floor levels, modified roof design and alteration to fencing and screening heights on land at 81-83 Mountford Avenue GUILDFORD NSW 2161 be approved subject to additional conditions listed in the attached schedule.
- 2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.



ATTACHMENTS

- Draft Notice of Determination <a>U 1.
- 2.
- Architectural Plans <u>U</u>
 Stormwater and Engineering Plans <u>U</u> 3.
- 4.
- Submissions Recieved <u>J</u>

 Compliance Tables (ARHSEPP and ADG) <u>J</u>

 Approved Plans under DA2017/500 <u>J</u>

 Landscape Plan <u>J</u> 5.
- 6.
- 7.

DOCUMENTS ASSOCIATED WITH REPORT LPP039/20

Attachment 1 Draft Notice of Determination





MODIFICATION APPLICATION NOTICE OF DETERMINATION

Under the Environmental Planning and Assessment Act, 1979 (Section (4.55(2))

Modification Application No: MOD2019/5251

Applicant: Designcorp Architects

Property Description: 81-83 Mountford Avenue, GUILDFORD NSW 2161

Lot B DP 334110, Lot 4 DP 231471

Development: Section 4.55(2) modification for alterations to an approved

residential flat building and townhouse units, including reconfiguration of the basement, changes to floor levels, modified roof design and alteration to fencing and screening

heights.

Determination

Pursuant to Section (4.55(1A)) of the Act, Council advises that the modification application has been determined by:

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

Determination Date: 8 July 2020

By: Council Staff

Right of Appeal

Section 8.9 and 8.10 of the Environmental Planning & Assessment Act 1979 allows an applicant dissatisfied with Council's determination of this application a right of appeal to the Land and Environment Court within 12 months of the date of determination.

Section 8.3 of the Act provides that an applicant may request, within 28 days of the date of this determination, that the Council review its determination (this does not apply to designated development). A fee is required for this review.

Michael Lawani

COORDINATOR MAJOR DEVELOPMENT ASSESSMENT

Date: 8 July 2020



CONDITIONS OF CONSENT

Accordingly, Development Consent MOD2019/5251 is amended as follows:

A. Amend conditions 2, 4, 5, 90 and 91 to read as follows:

2. Approved Plans - Deferred Commencement

The development is to be carried out generally in accordance with the following plans as numbered below, except as modified by the deferred commencement condition of approval:

Plan Number(s)	Prepared by	Issue/revision no.	Dated
Architectural plans N0 to N2, N6 to N21. N26 and N35	Designcorp	n	19/11/2019
Stormwater drainage plans and details SW001, SW010, SW020, SW021 and SW022 (as amended in red)	Mance Arraj	С	4/11/19
BASIX Certificate number 879644M_05	Outsource Ideas P/I	Revised	25/11/19
Traffic Noise and Mechanical Plant Assessment (report R170506R1)	Rodney Stevens Acoustics	0	24 October 2017
Landscape Plans C01 - C04	Andrew Murphy Design	b	24/11/2019
Arboricultural Impact Assessment and Tree Management Plan (ref: 3651)	Redgum Horticultural	-	15 November 2017
Waste management Plan	Designcorp	-	23.11.2017
Access report	Design Right Consulting	-	9.12.2019

The plans will not be "stamped" by Council until the modifications required by the deferred commencement condition have been incorporated into revised plans.

(Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act).

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

4. Affordable Housing

- a) For a period of at least 10 years from the date of the issue of the Occupation Certificate:
 - 22.5% of the gross floor area being 508.24sqm relating to the 8 affordable housing units nominated (being units 10 to 17 displayed on the architectural plans prepared by Designcorp in Condition 2) provided in the development scheme must be used for the purpose of affordable housing as defined in Part 1 Clause 6(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009; and
 - ii. All accommodation that is used for affordable housing shall be managed by a



registered community housing provider. Details of the registered community housing provider agreement shall be provided to Council prior to occupation of the premises.

- b) The rental amount of the affordable units is to meet the requirement of Part 1 Clause 6(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009.
- c) A positive covenant being registered on the title to the property under Section 88E of the Conveyancing Act, to give effect to part (a) of this condition. Such covenant shall not be revoked or modified without prior approval of Council. The covenant shall be registered before the issue of an Occupation Certificate.

(Reason:- to clarify the terms of this approval and to ensure compliance with the provisions of SEPP (Affordable Rental Housing) 2009).

5. Section 7.12 Contribution

A monetary contribution comprising \$71,974.73 is payable to **Cumberland Council** in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 (as amended) and the Parramatta Section 7.12 Development Contributions Plan (Amendment No. 5).

The contribution is to be paid to Council prior to the issue of a Construction Certificate.

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of Should this indexation.

Parramatta Section 7.12 Development Contributions Plan (Amendment No. 5) can be viewed on Cumberland Council's website at www.cumberland.nsw.gov.au

(Reason: to comply with legislative requirements.)

90. Number of Car Parking Spaces

A total of minimum 39 off-street car parking spaces are to be provided to the development.

The spaces are to have minimum dimensions of 5.5~m~x~2.4~m and be suitably sealed, marked, drained and freely accessible at all times. Visitor car parking spaces shall be a minimum width of 2.6~m. Car parking spaces are not to be enclosed by any device, such as a wire or mesh cage, walls or other similar fixtures unless there is a minimum clear internal width of 3~metres. Car parking spaces shall not be enclosed without the prior consent of council.

(Reason:- to ensure there is sufficient car parking for the development).

91. Car Parking Allocation within Development

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

- a) Minimum 22 residential parking spaces for the residential flat building
- b) Minimum 10 residential parking spaces for the 6 multi-dwelling units
- A minimum of 7 visitor car parking spaces are to be provided.

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

[Conditions 2, 4, 5, 90 and 91 amended under section 4.55(2) MOD2019/5251]

B. Insert following new conditions 123 and 124 as follows:



123. Amended plans

Amended plans addressing following shall be submitted to and approved by Principal Certifying Authority:

- a) Width of the circulation aisle, near parking spaces 22 and 23 shall be minimum 6.3m.
- b) Turning area shall be provided for the Parking spaces 35 and 34.
- Appropriate measures shall be provided to improve the safety of people using the lift near car parking spaces 5 & 7.
- d) Detail longitudinal sections showing the minimum 4.5m headroom clearance for the MRV access and manoeuvring.

(Reason: To ensure parking complies with Australian standard AS2890.1.)

124. Parking Layout

Parking lay out shall comply with Australian standard AS2890.1 and AS2890.6.

Medium Rigid vehicle access ramp shall comply with Australian standard AS2890.2.

In this regard detail plan showing the all necessary dimension shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

(Reason: to ensure Parking layouts and ramps comply with Australian Standards AS28890.)

[Condition 123 and 124 of added under section 4.55(2) MOD2019/5251]

C. All other conditions of Development Consent DA2020/0131 remain unchanged.

DOCUMENTS ASSOCIATED WITH REPORT LPP039/20

Attachment 2 Architectural Plans



TechnologyOne ECM Document Summary Printed On 18-Jun-2020

Class	Description	Doc Set Id / Note Id	Version	Date
ICON TRACKER	Materials and Finishes - 81-83 Mountford Ave Guildford.pdf	5825419	1	11-Dec-2019
ICON TRACKER	Plans - Elevations - 81-83 Mountford Ave Guildford.pdf	5825423	1	11-Dec-2019
ICON TRACKER	Plans - FSR - 81-83 Mountford Ave Guildford.pdf	5825422	1	11-Dec-2019
ICON TRACKER	Plans - Roof Site Plan - 81-83 Mountford Ave Guildford.pdf	5825424	1	11-Dec-2019
AA_STAFF	Plans - Sections - 81-83 Mountford Ave Guildford.pdf	5825425	1	11-Dec-2019
ICON TRACKER	Plans - Shadows - Elevational Form - 81-83 Mountford Ave Guildford.pdf	5825426	1	11-Dec-2019
AA_STAFF	Plans - Floor Plans - 81-83 Mountford Ave Guildford.pdf	5825427	1	11-Dec-2019
ICON TRACKER	Plans - Landscape - 81-83 Mountford Ave Guildford.pdf	5825428	1	11-Dec-2019
ICON TRACKER	Plans - Shadows - 3D Form - 81-83 Mountford Ave Guildford.pdf	5825429	1	11-Dec-2019
ICON TRACKER	Plans - Shadows - Plan Form - 81-83 Mountford Ave Guildford.pdf	5825430	1	11-Dec-2019
AA_STAFF	Plans - Streetscape - 81-83 Mountford Ave Guildford.pdf	5825432	1	11-Dec-2019
ICON TRACKER	Plans - Stormwater - 81-83 Mountford Ave Guildford.pdf	5825439	1	11-Dec-2019

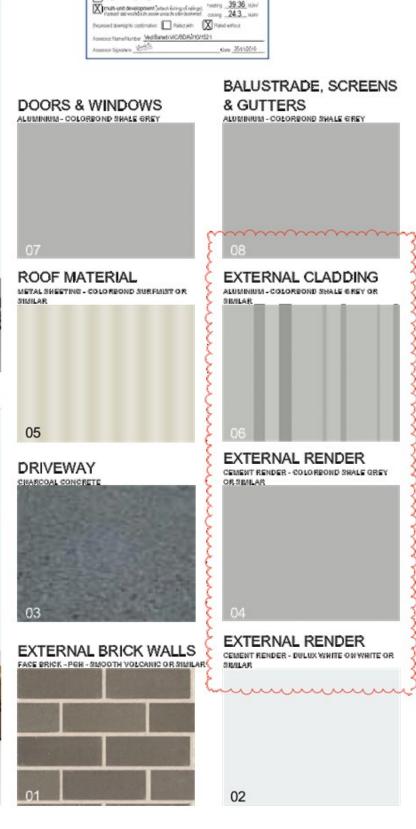
Page 1



PROPOSED AFFORDABLE HOUSING DEVELOPMENT **4T 81-83 MOUNTFORD AVE GUILDFORD - MATERIAL AND FINISHES**











www.designcorp.com.:

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mob: 0431 111 7 admin@designcorp.com.

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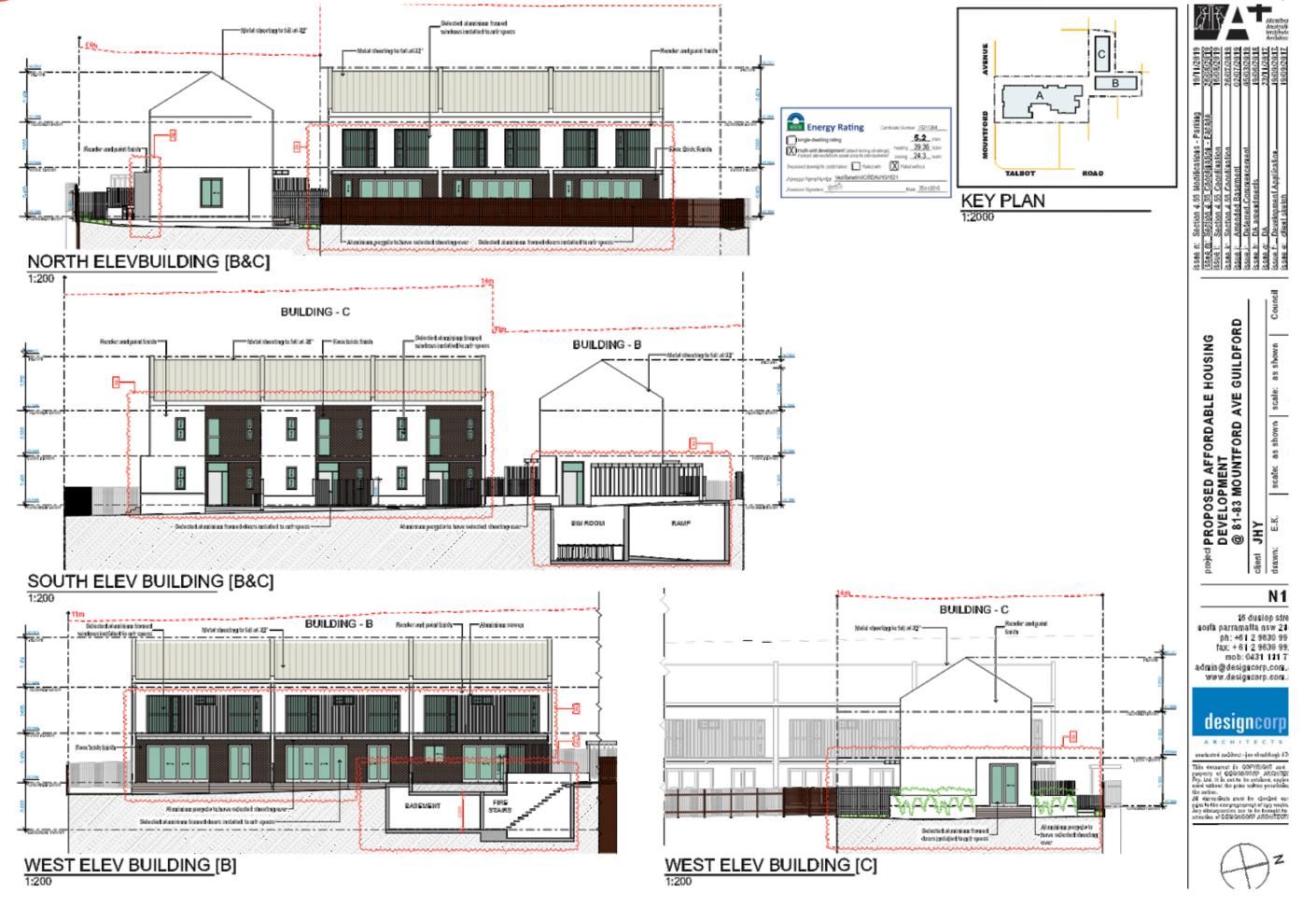
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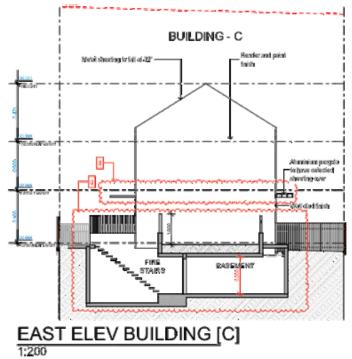














EAST ELEV BUILDING [B]

			DOOR SCHEDUL	E	
D	HEIGHT	WIDTH	PLAN	ELEVATION	Q
D01	2,070	720		Ø	71
D02	2,070	820		Ø	94
D03	2,070	920		Ø	37
D04	2,700	1,330		K	4
D05	2,800	1,200		R	2
D06	2,800	1,500		1	1
D07	2,400	1,700		H	38
D08	2,400	2,100		-1-	4
D/09	4,735	6'800		-	1
D10	2,400	2,700		HEL	2
D11	2,400	3,200			16
D12	2,400	4,000		THE	6
D13	2,700	1,800	<u> </u>	H	4
D14	2,500	1,800			1
D15	2,070	720	·	<u> </u>	6
D16	2,400	1,500		Ħ	2
D17	2,700	920		Ī	1
D18	2,700	1,100		d	ż

WINDOW SCHEDULE						
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WOI	0	900	2,400	=	1216	23
W02	0	800	2,400	=	M	21
W03	0	1,500	2,400		\Box	13
W04	0	1,400	2,400	_		5
W05	608	800	1,800	=	X	11
W08	608	1,400	1,800	=	-[30
V407	900	800	1,500	=	M	2
W08	900	1,200	1,500	—		2
W03	900	1,200	1,500	_		ż
W10	1,000	450	1,400	=	0	6
W11	1,000	990	1,400	=	11	8
W12	1,200	1,400	1,200		-	5
W13	1,800	900	600	=		5
W14	1,800	1,200	600	=		12
W15	1,800	1,400	600		-	16
W16	1,200	2,100	1,200		-	2
W17	1,200	2,100	1,200	5 4		1

Energy Rating .5.2_sters enub-unit development (also i keing direknigt).

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project PROPOSED AFFORDABLE HOUSING DEVELOPMENT @ 81-83 MOUNTFORD AVE GUILDFORD

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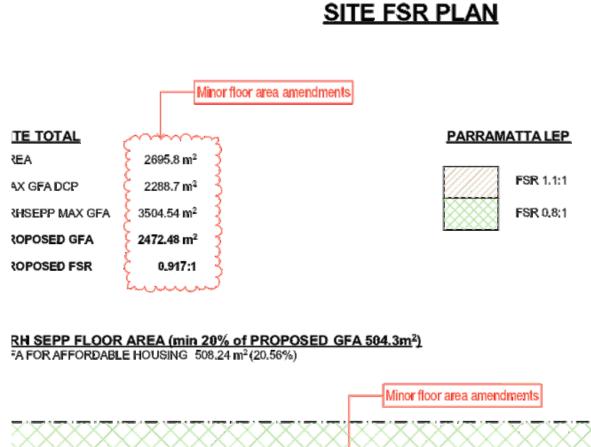
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FSR 0.8:1 ARH SEPP FSR +0.5:1 AREA 2,256.26 m² FSR (0.8+0.5)= 1.3:1 MAX GFA 2,933.14 m² MAX GFA 1,805 m² PROPOSED FSR 0.967:1 PROPOSED GFA 2,182.61 m²

State Environmental Planning Policy (Affordable Rental Housing) 2009

13 Floor space ratios

FSR 1.1:1

MAX GFA

MAX FSR

AREA

439,75 m²

0.65:1

483.7 m²

ARH SEPP FSR +0.5:1

PROPOSED GFA 289.87 m²

MAX GFA 703.6 m²

PROPOSED FSR

Hospi Name/Number Ved Barbell VIC/BDAV/15/1521

13 This clause applies to development to which this Dicision applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.
(2) The maximum floor space satio for the development to which his clause applies is the existing maximum floor space satio for any form of residential accommodation permitted on the land on which the development is to occur, plus:
(a) if the existing maximum floor space satio is 2.5 t or less:
(b) 5.5 — If the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher.

higher, or
(ii) Y:1—if the percentage of the grozz floor area of the development that is used for affordable housing is less than 80

AH is the percentage of the grass floor area of the development that is used for affordable bousing Y = AH + 100

or
(b) if the existing maximum Boar space ratio is greater than 2.5: f:
(i) 20 per cent of the existing maximum Boar space ratio—if the percentage of the grass Boar area of the development that is used for affordable housing is 50 per cent or higher, or
(ii) Z per cent of the existing maximum Boar space ratio—if the percentage of the grass Boar area of the development that is used for affordable housing is less than 50 per cent,

All is the percentage of the gross floor area of the development that is used for affordable bousing Z = AH + 2.5

Minor floor area amendments wrigits confirmation: Rated with Rated without

GUILDFORD PROPOSED AFFORDABLE HOUSING DEVELOPMENT @ 81-83 MOUNTFORD AVE GUILDFOR

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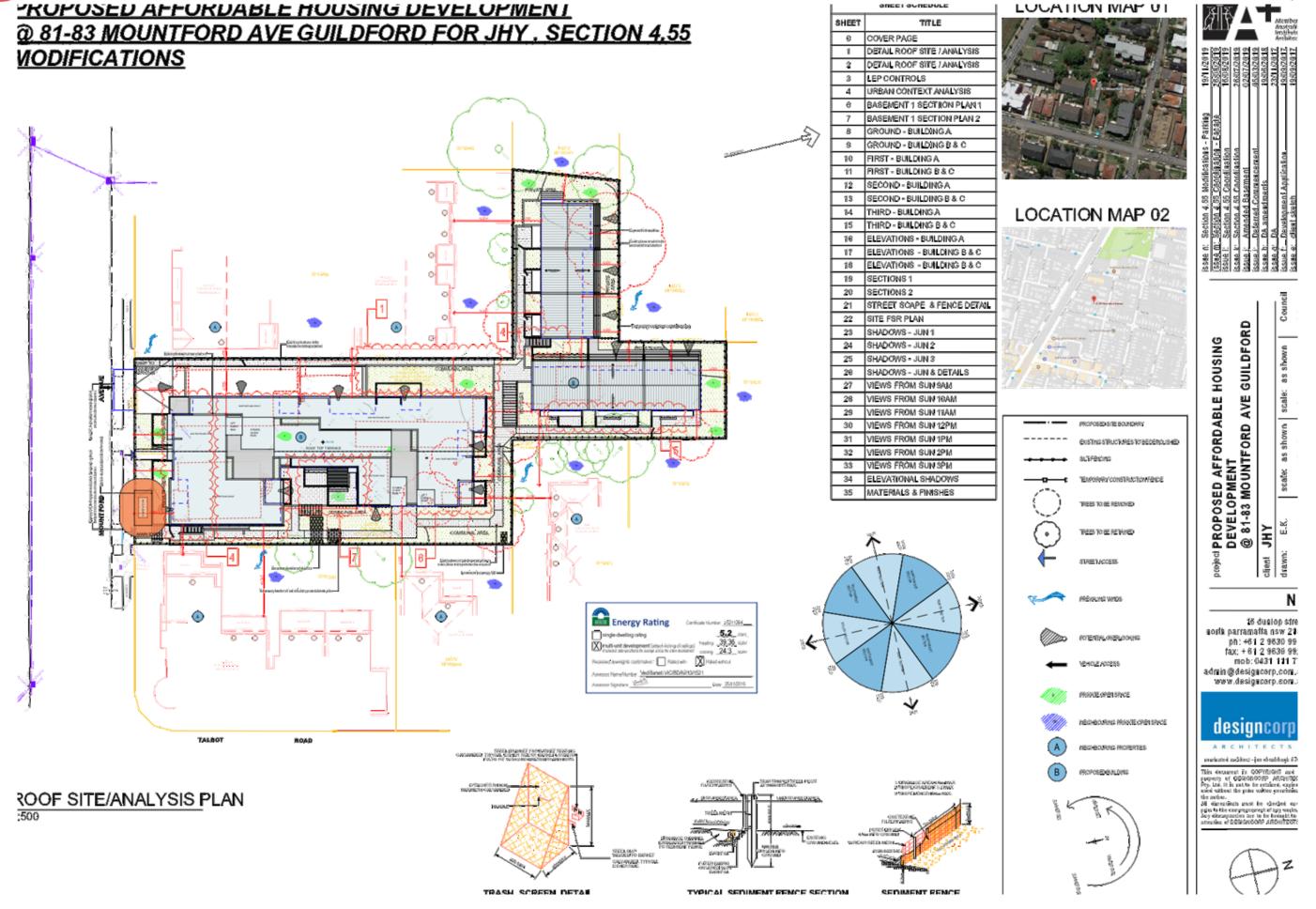
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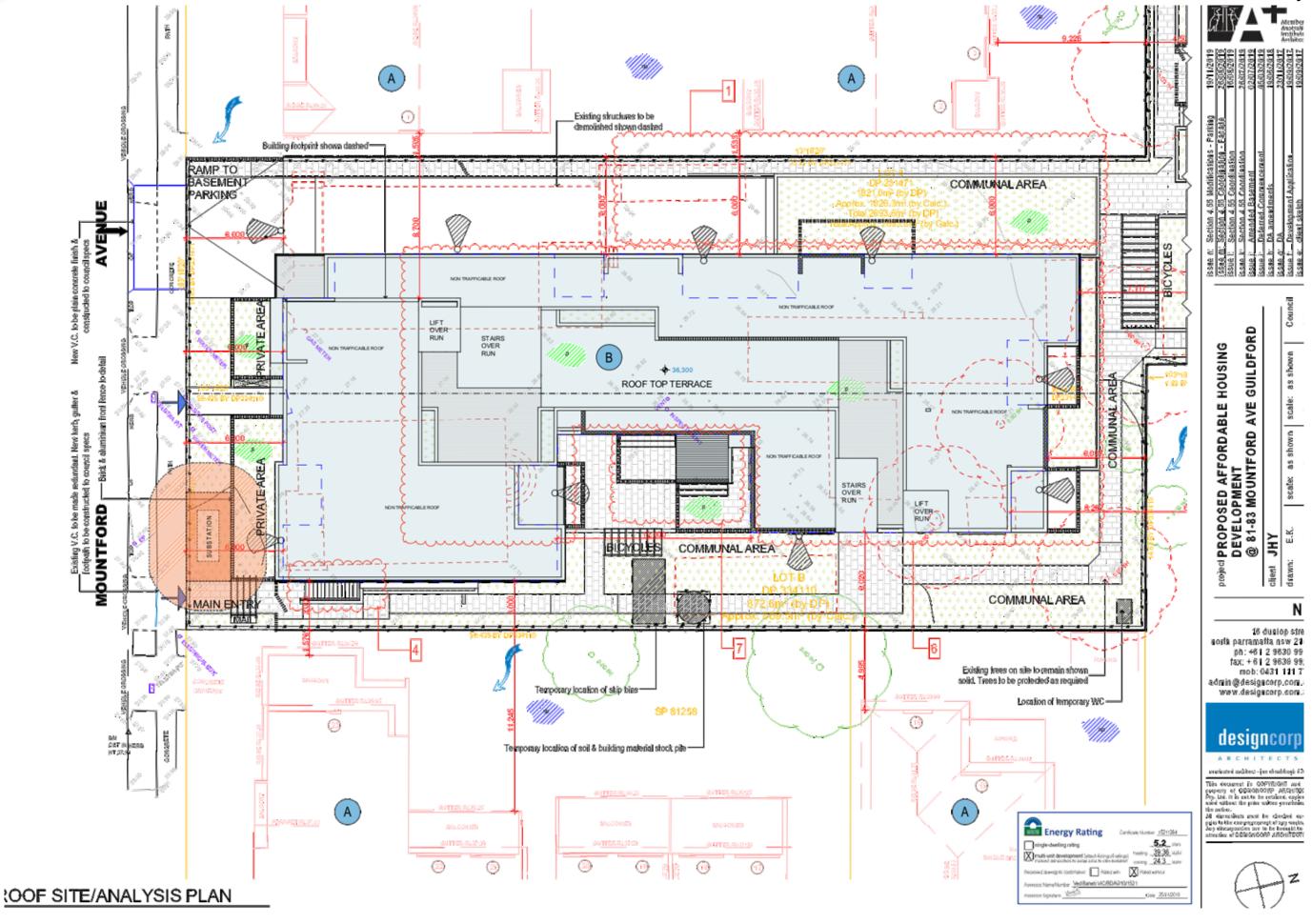


ITE FSR PLAN

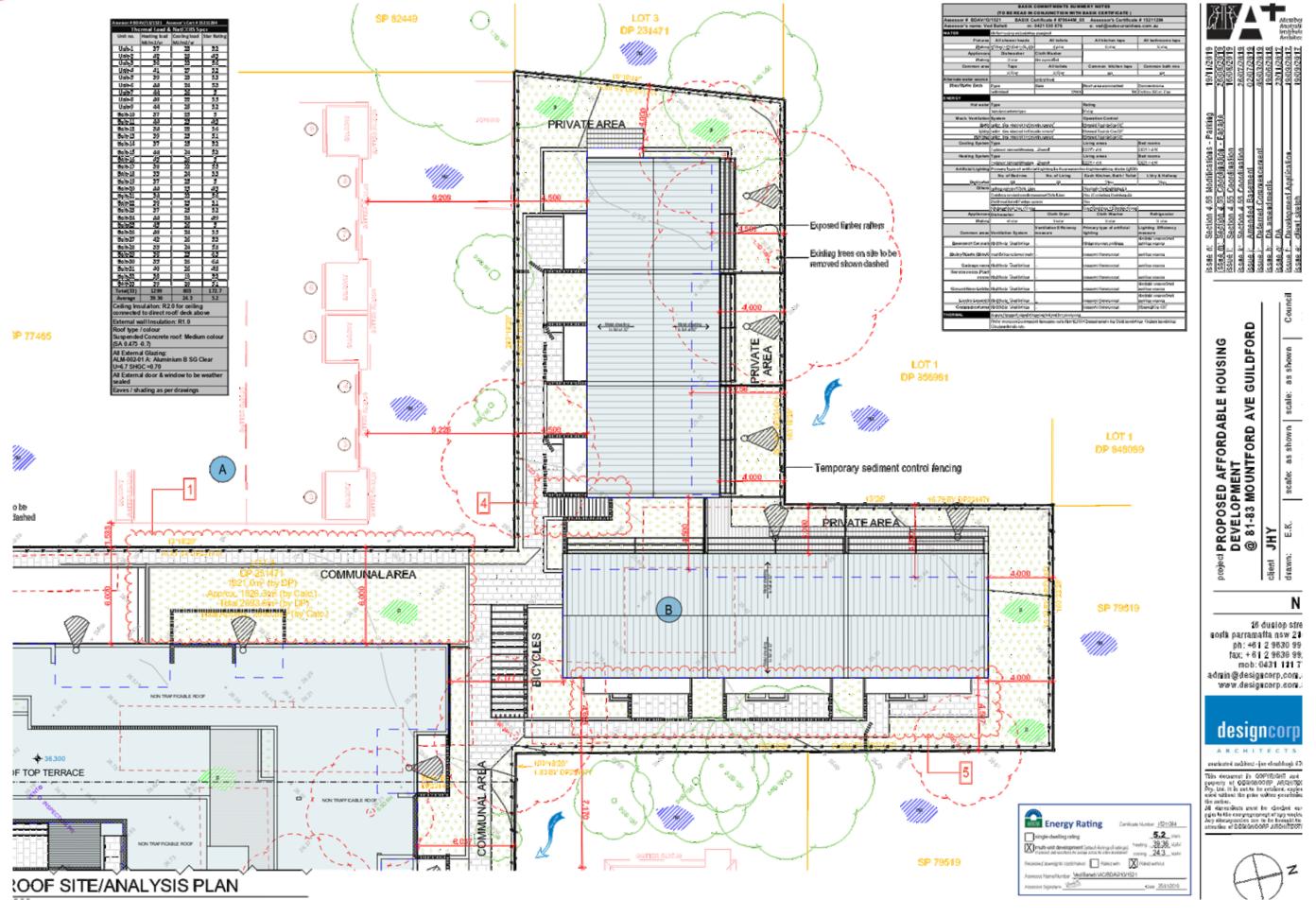




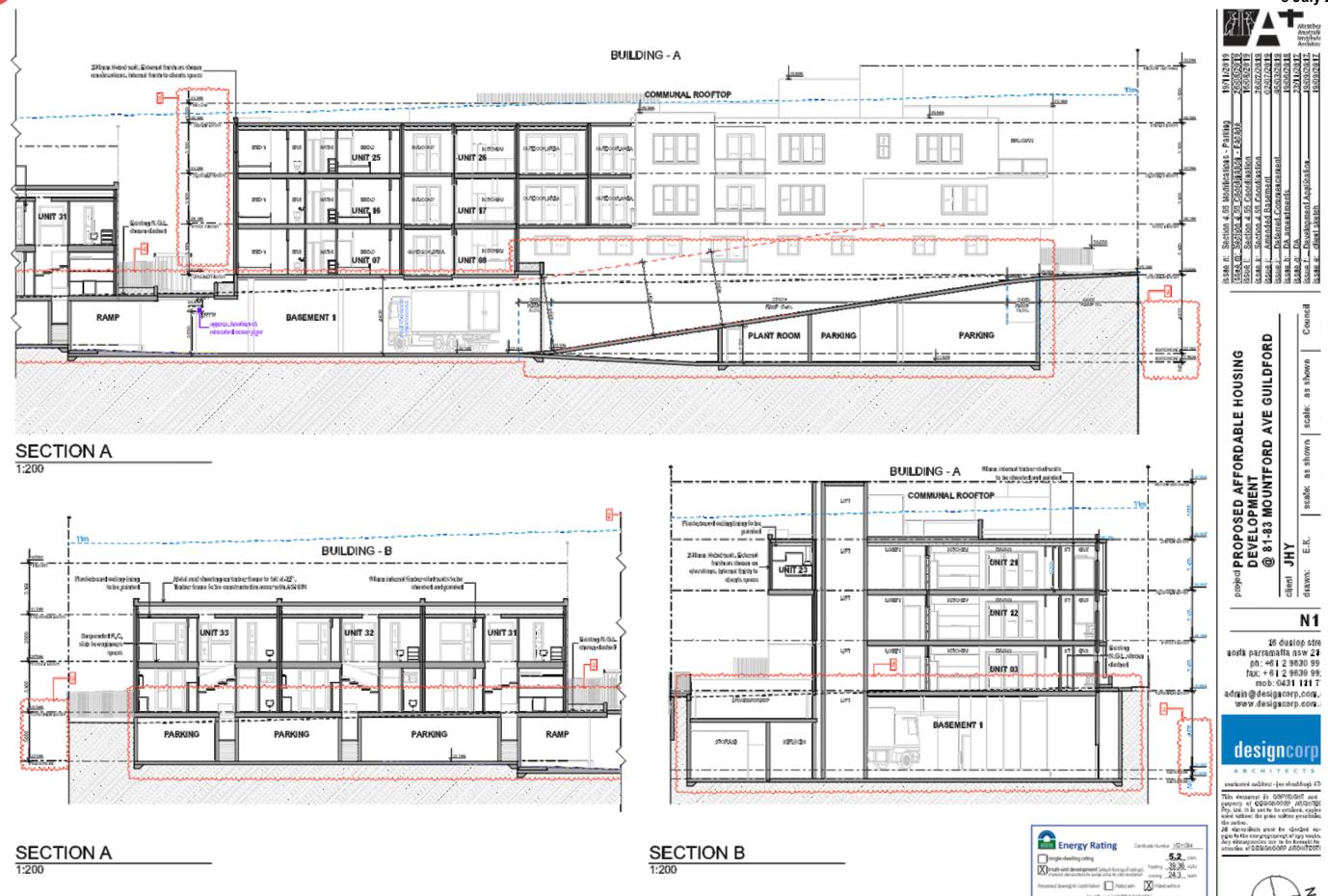




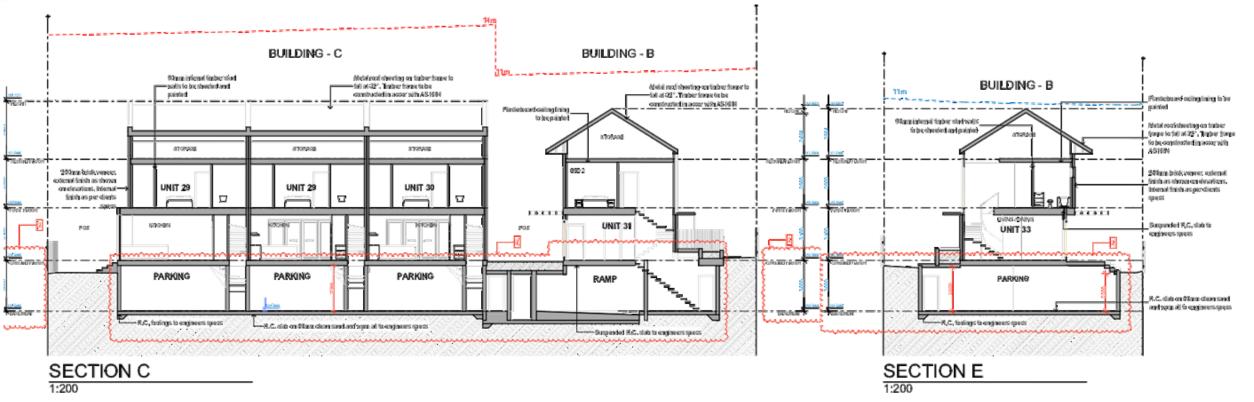


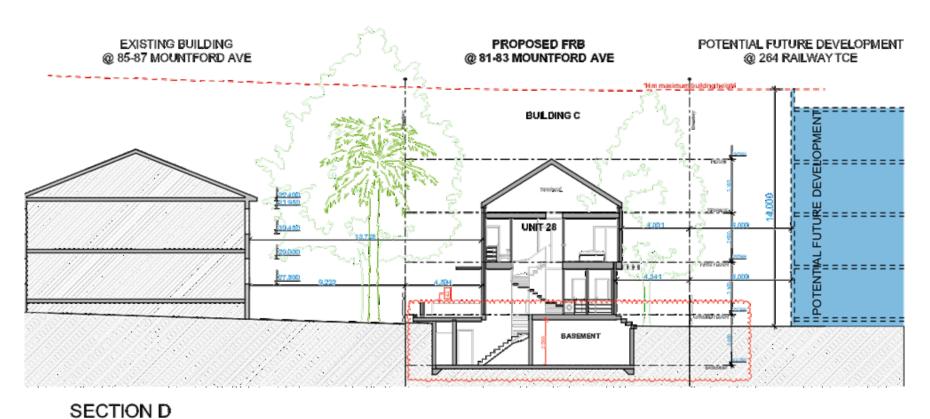












NOTE

- . ALL DIMENSIONS AND FLOOR AREAS ARE TO BE VERIFIED BY BUILDER PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK, ANY DISREPANCIES ARE TO BE CONFIRMED BY THE DESIGNER.
- DESIGNER.

 2. LEVELS SHOWN ARE APPROXIMATE UNLESS ACCOMPANIED BY REDUCED LEVELS BY A REGISTERED SURVEYOR.

 3. FIGURED DIMENSIONS ARE TO SE TAKEN IN PREFERENCE TO SCAUNG.
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 4. ALL BOUNDARY CLEARANCES MUST BE VERIPLED BY THE SURVEYOR PRIOR TO THE COMMENCEMENT OF ANY BUILDING.
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 5.WHERE ENGINEERING OR HYDRAULIC DRAWINGS ARE REQUIRED, SUCH MUST TAKE PREFERENCE TO THIS DRAWING.

 6. STORMWATER TO BE CONNECTED AND DISCHARGED TO COUNCIL'S REQUIREMENTS AND TO AS 3500.3-1990.

 7. ALL SERVICES TO BE LOCATED AND VERIPED BY THE BUILDER WITH THE RELEVANT AUTHORITIES PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK.
- 8. ALL DIMENSIONS TO BE VERIFIED BY BUILDER!
- REGISTERED SURVEYOR ON SITE PRIOR TO CONSTRUCTION COMMENCING 9. ALL DEMOLITION AND REMOVAL WORK TO BE

CARRIED OUT WITH APPROVED WASTE MANAGEMENT PLANAND IN ACCORDANCE WITH COUNCIL'S REQUIREMENTS & D.A. CONDITIONS

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GUILDFORD PROPOSED AFFORDABLE HOUSING DEVELOPMENT @ 81-83 MOUNTFORD AVE GUILDFOR ЪН

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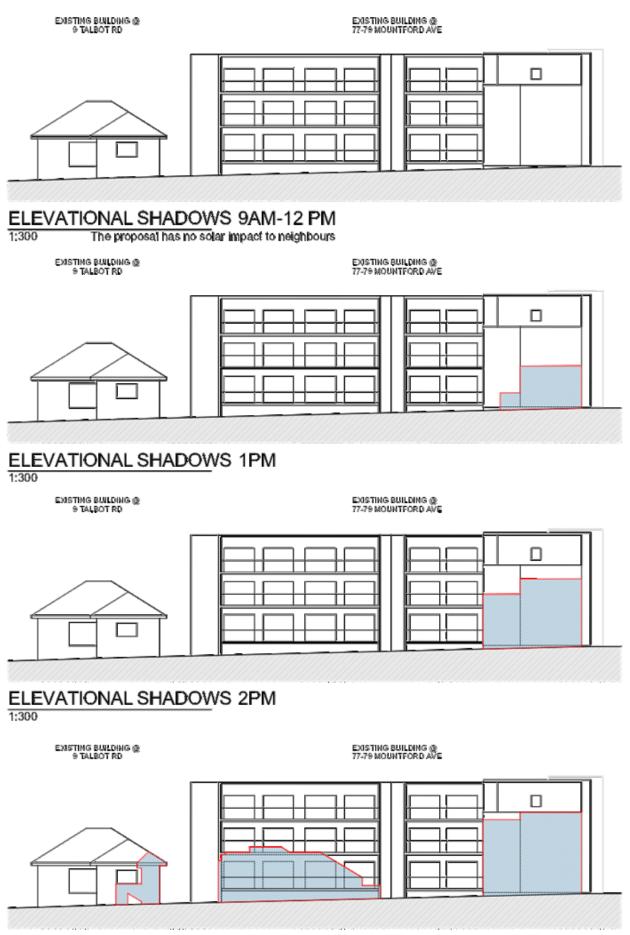


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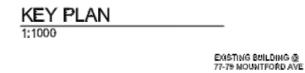




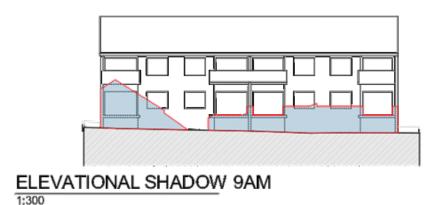


ELEVATIONAL SHADOWS TO NEIGHBOURS AVENUE 85-87 81-83 MOUNTFORD 9 77-79

SHADOW ANALYSIS



TALBOT



ROAD

EXISTING BUILDING @ 77-79 MOUNTFORD AVE

ELEVATIONAL SHADOW 10AM-3PM



ed PROPOSED AFFORDABLE HOUSING DEVELOPMENT © 81-83 MOUNTFORD AVE GUILDFORD Ή

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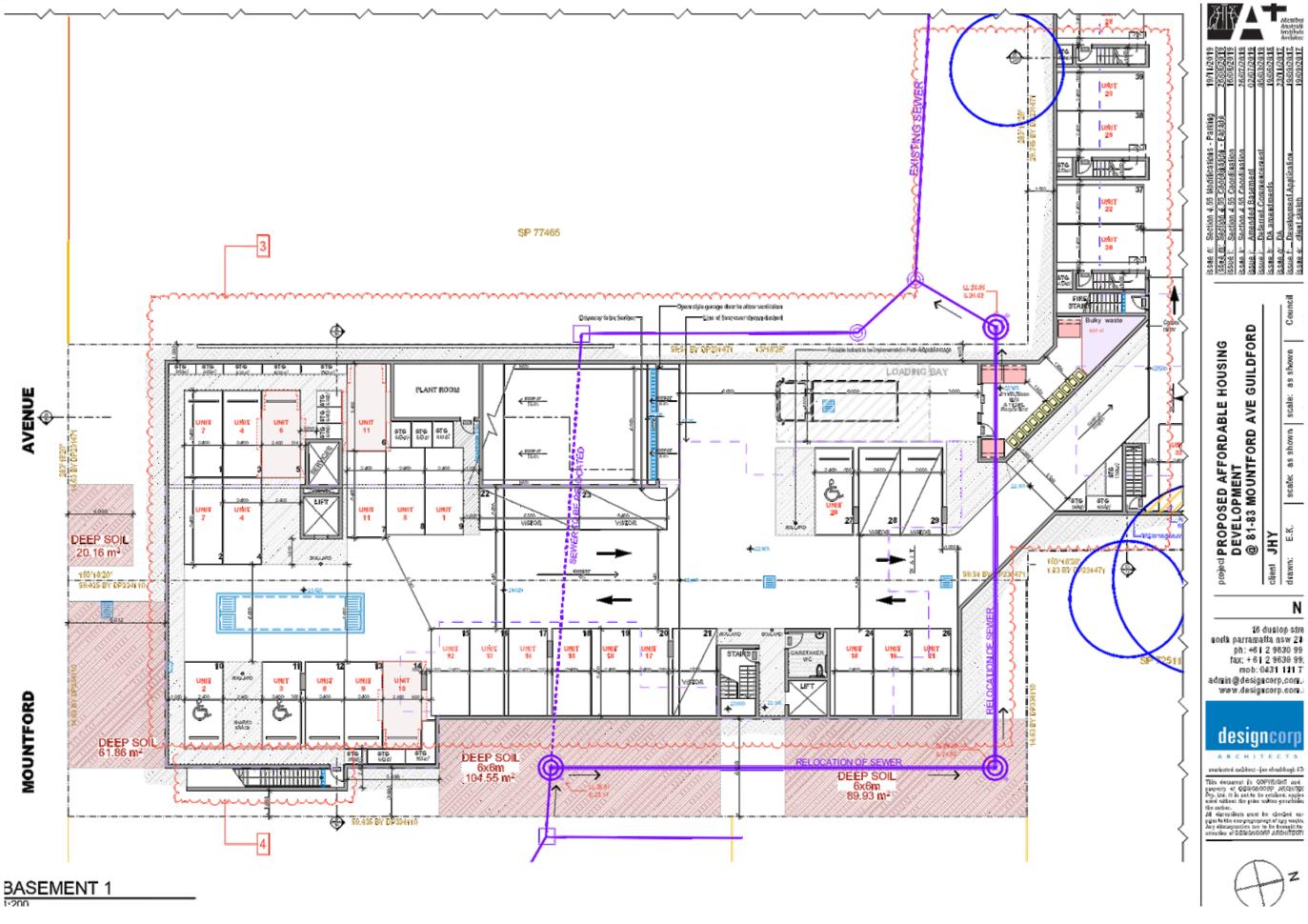


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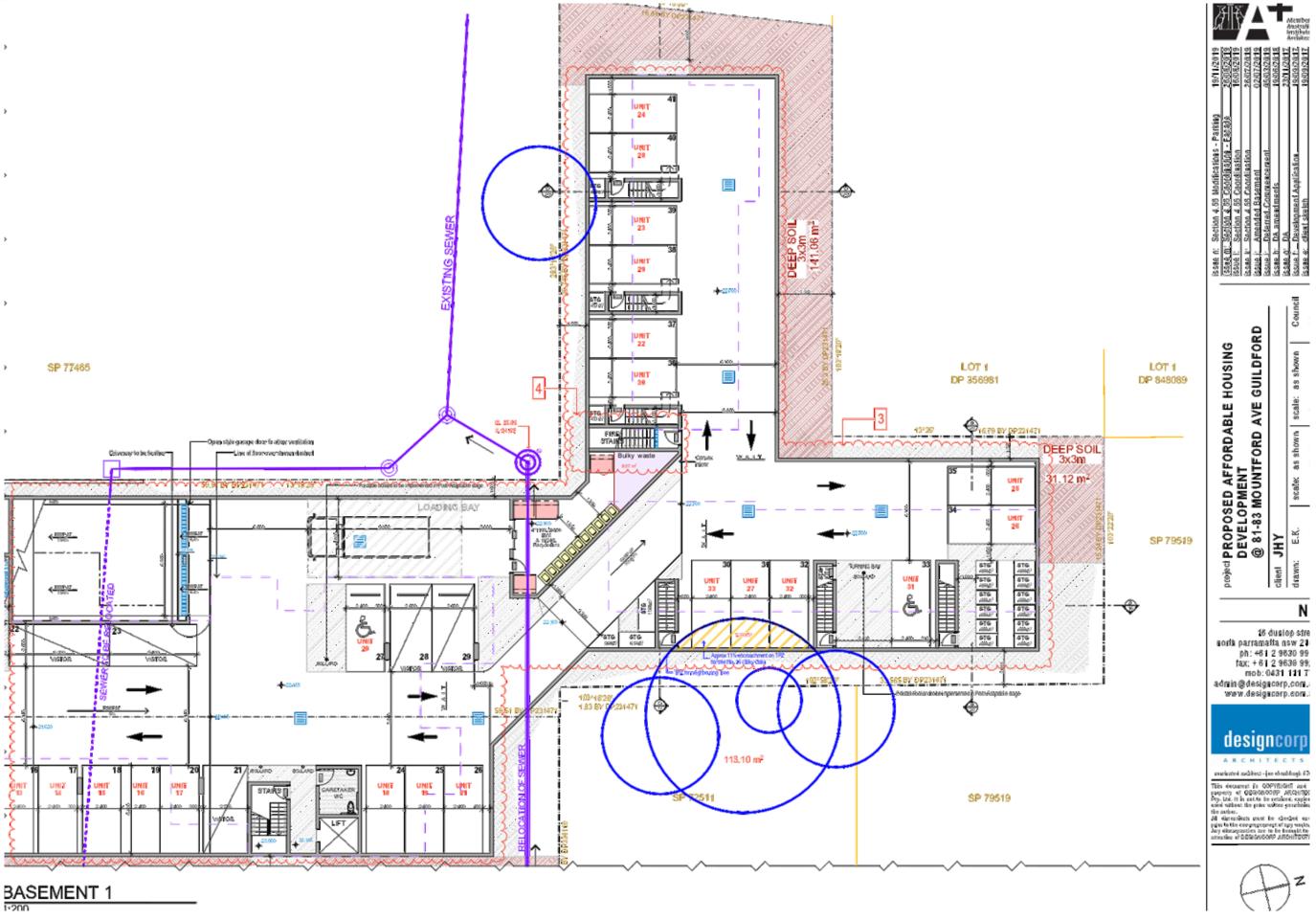


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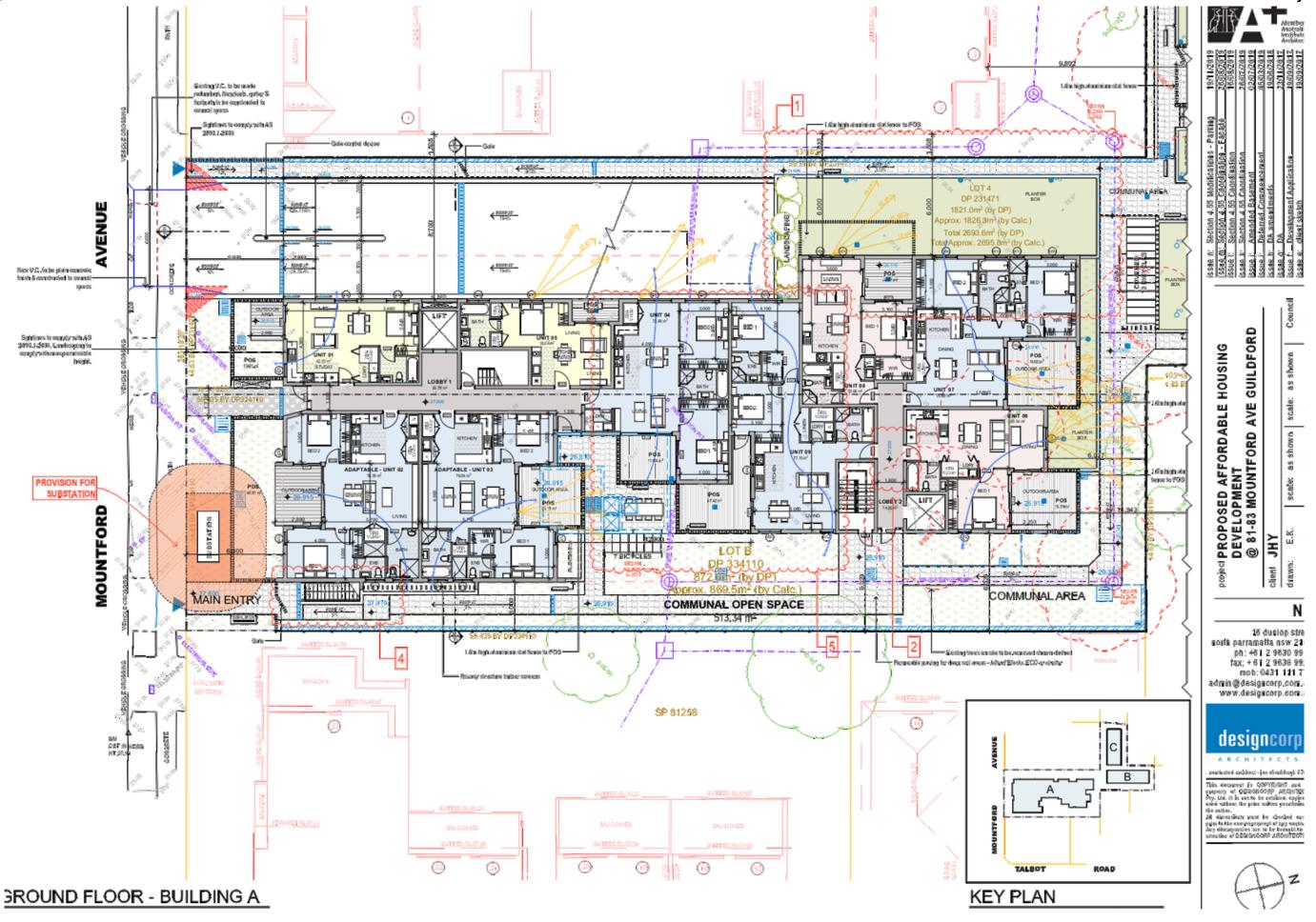




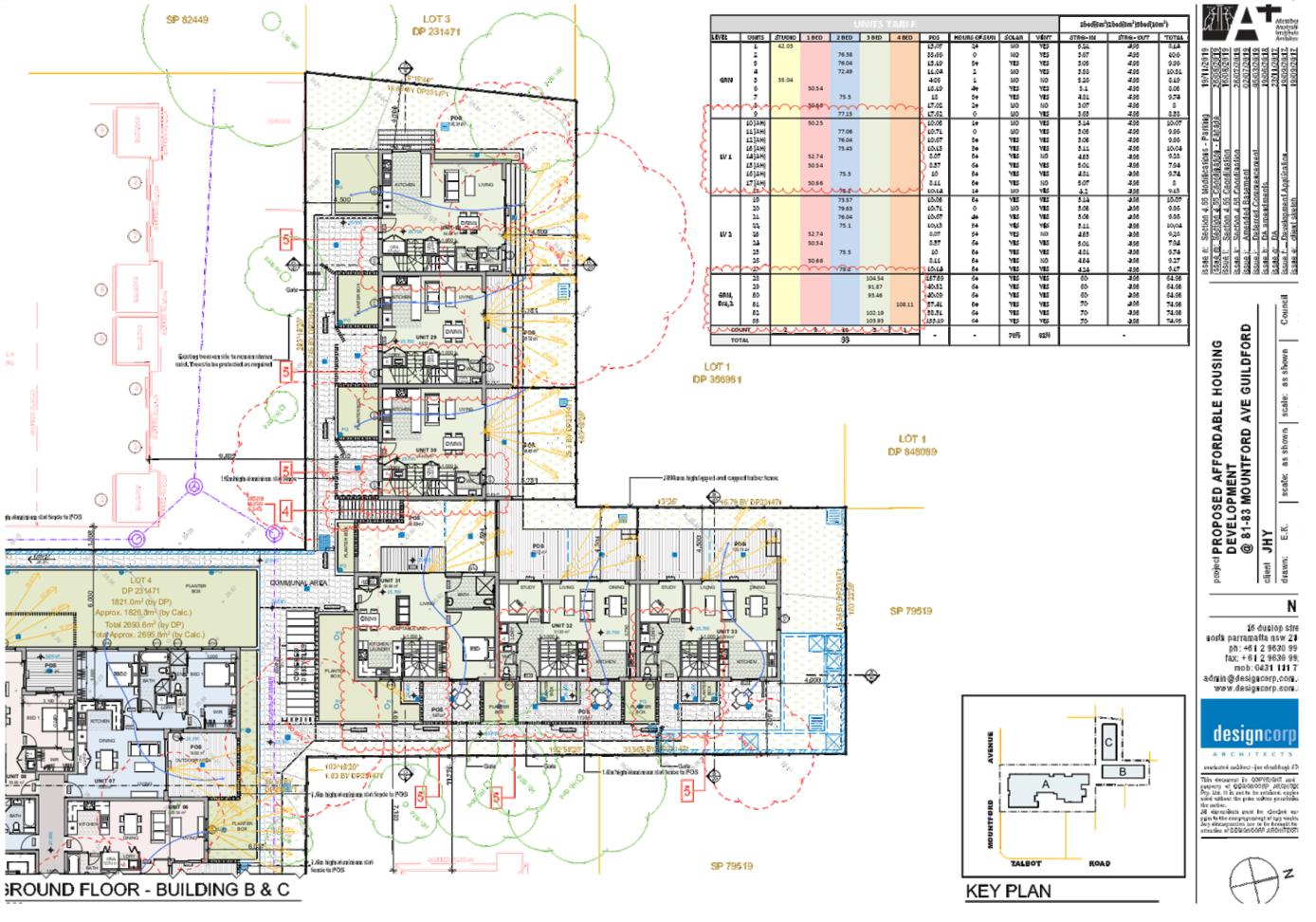


LPP039/20 – Attachment 2

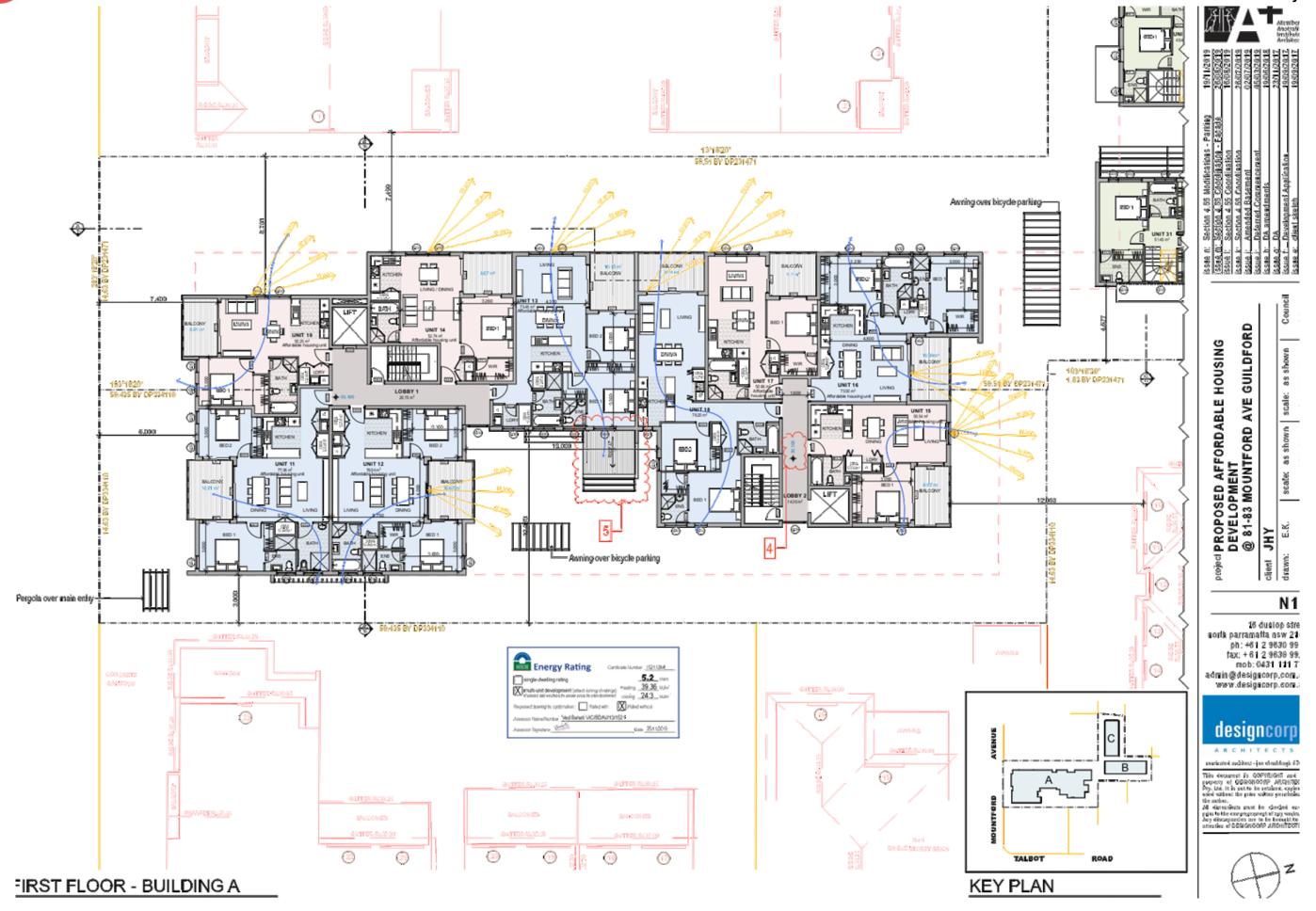




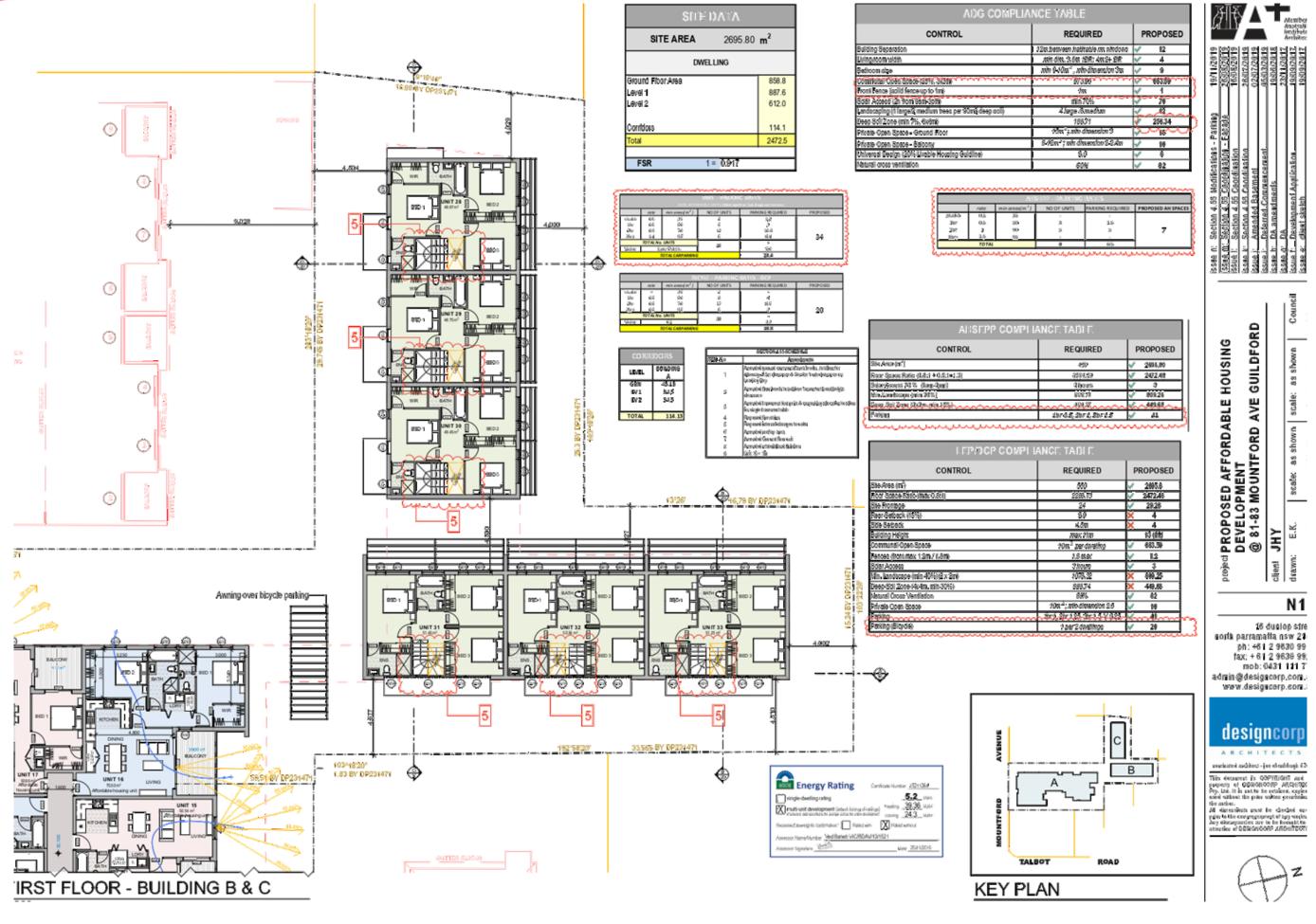




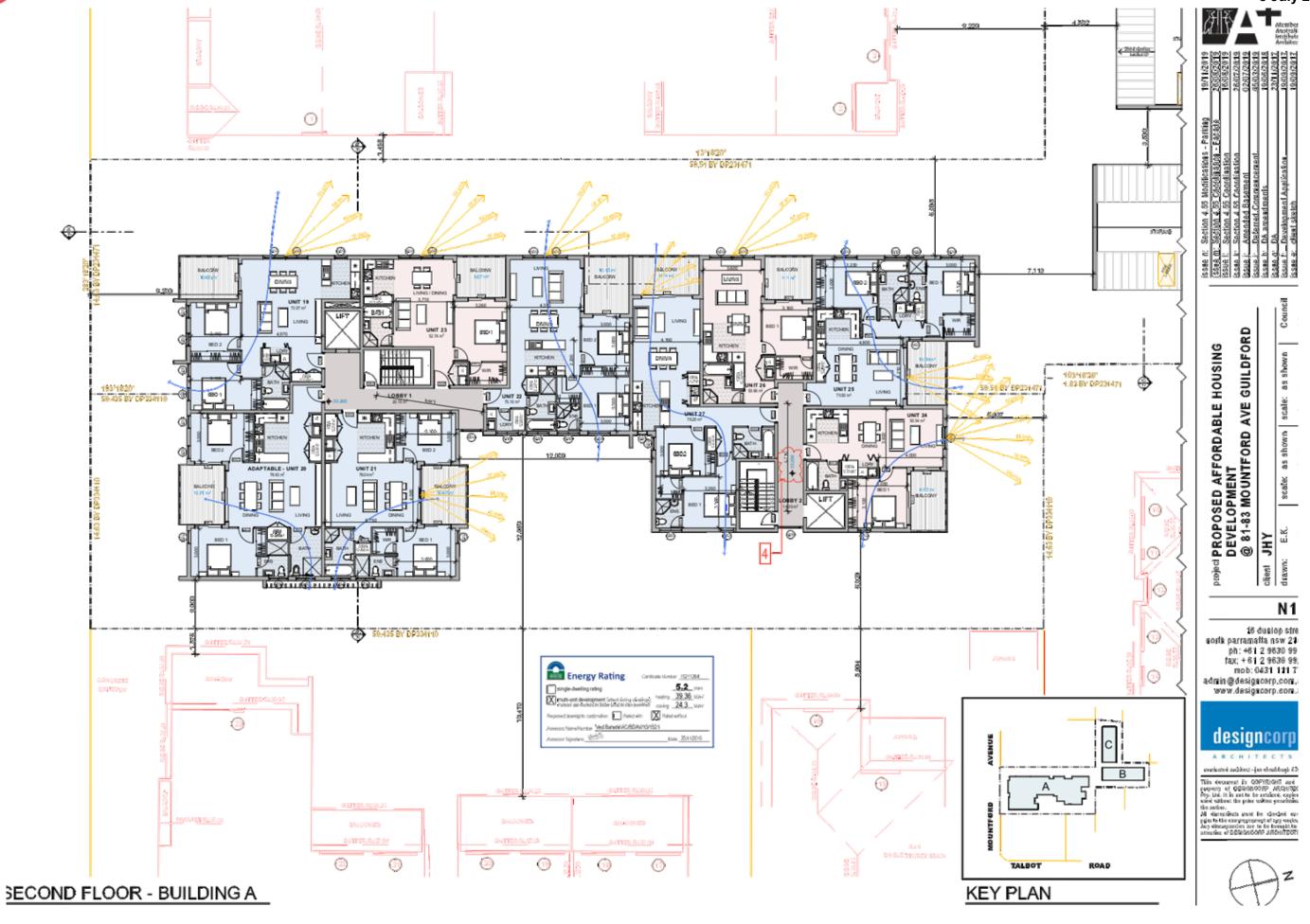




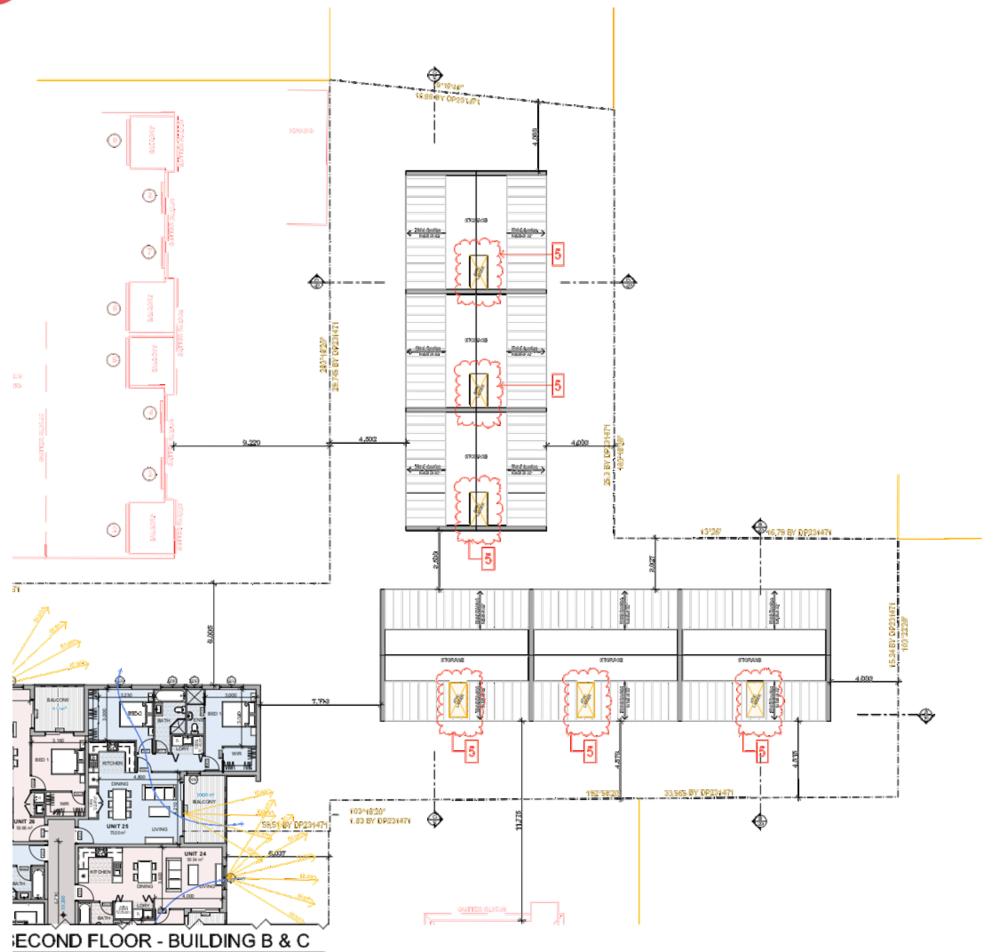




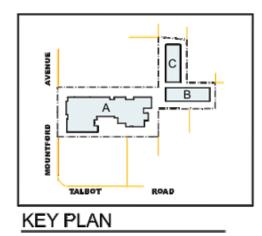














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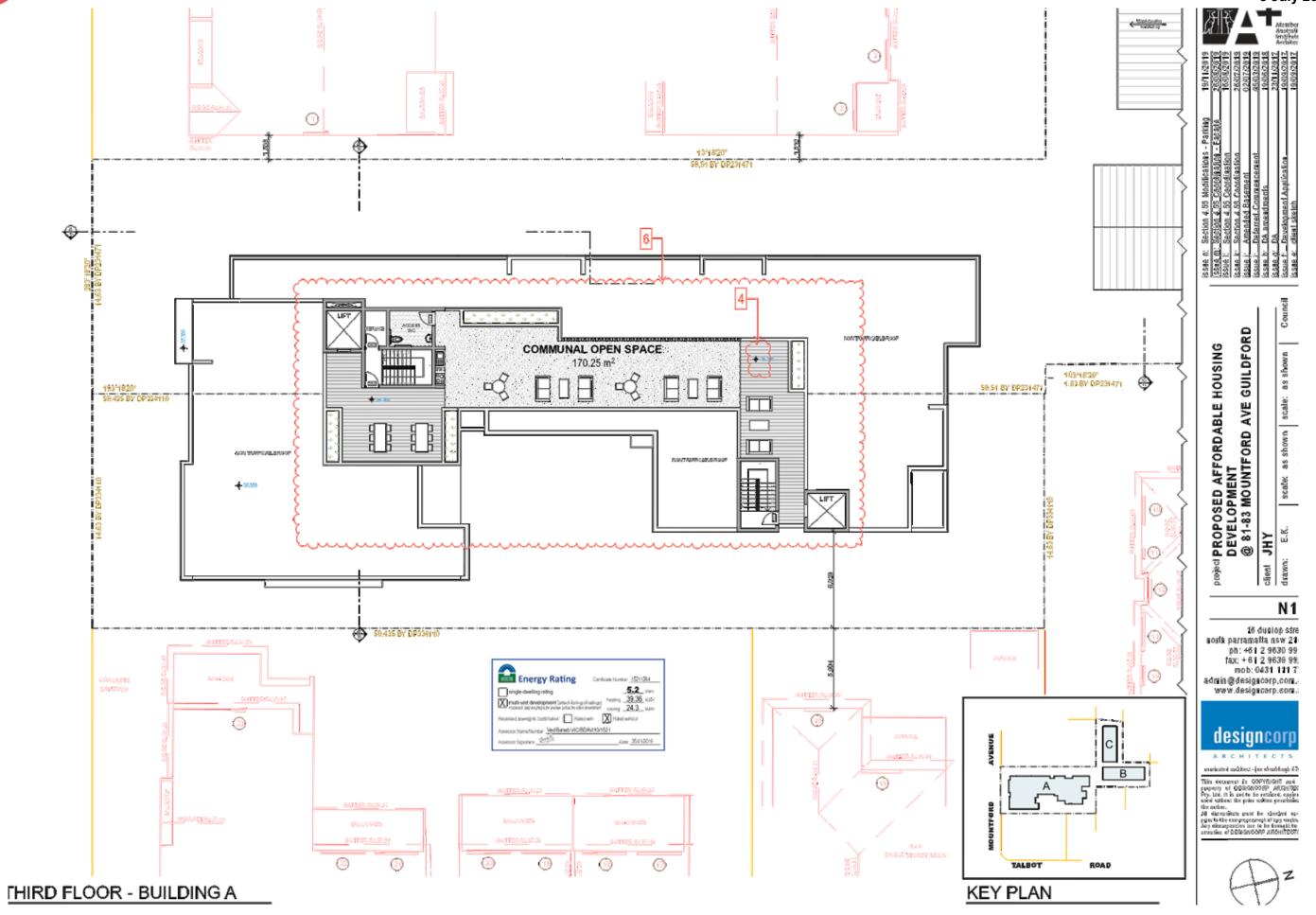
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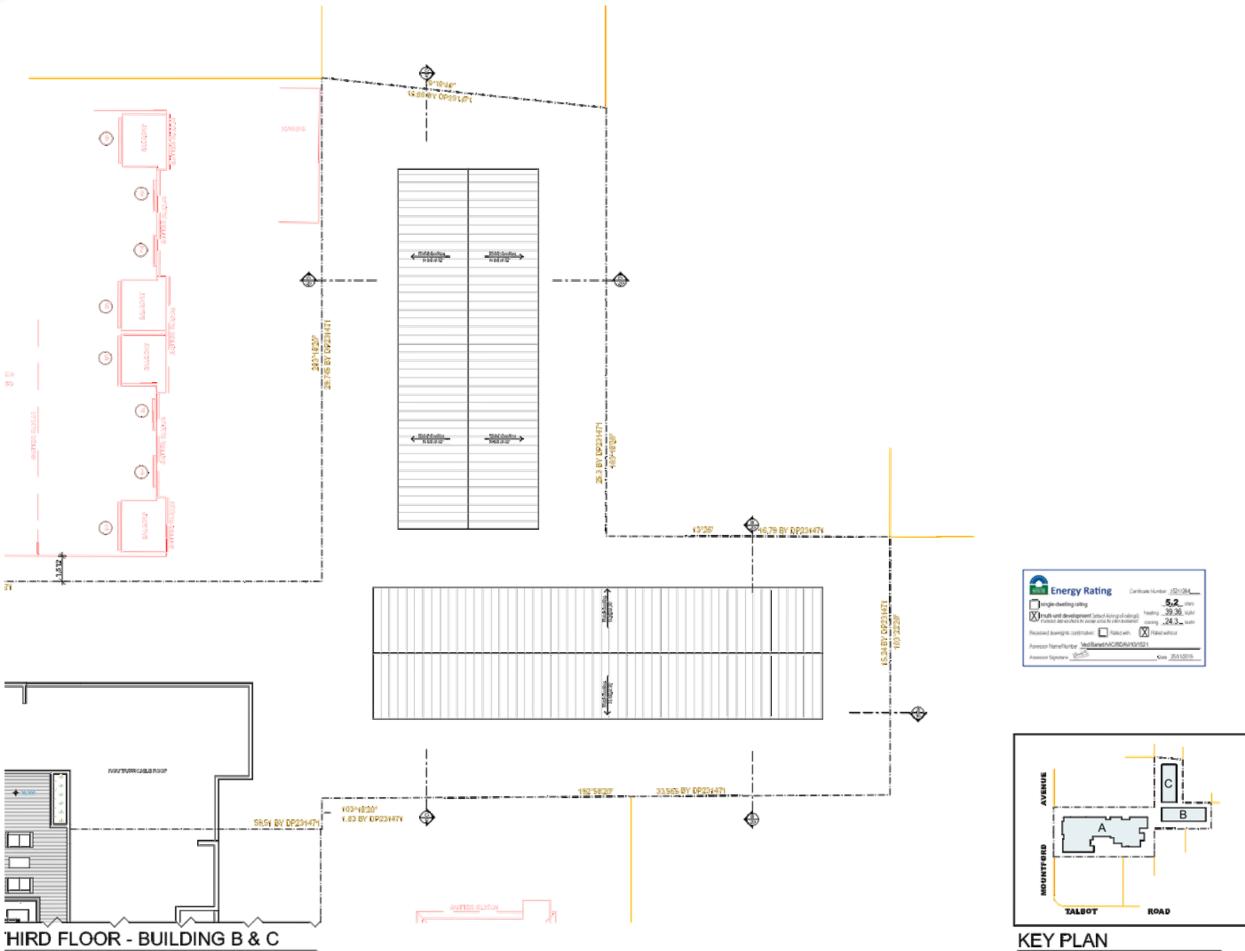
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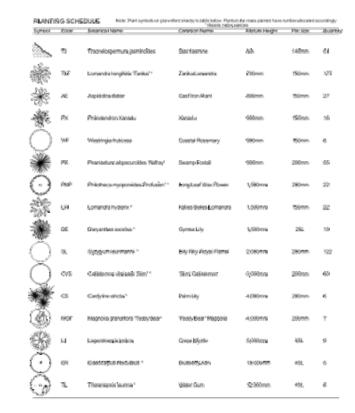
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Appendix F
Survey of Subject Tree/s
Trees the subject of this report are marked on the plans in the following appendions and are numbered as listed below.

Redgum Tree / Stand No.	Genus and species	Common name	Recommendation
1	Thuja orientalis	Bookleaf Conifer	Remove and replace
2	Thuja orientalis	Bookleaf Conifer	Remove and replace
3	Olea europaea	Edble Olive	Remove and replace
4	Syzygium australe	Scrub Cherry.	Remove and replace
. 5	Syzyglum (uehmanni)	Small Leafed Lifty Pilly	Remove and replace
62	Syzygium spp. x4	Lifty PMy	Retain and protect - Adjoining site
7/3	Califetemon virninalis alfi	Weeping Bottlebrush	Retain and protect - Adjoining site
8	Morse alter	Mulberry	Remove and replace
9	X Cupressocyperts keylandi/	Leyland Cygress	Remove and replace
10	Photinia glabra	Photnia	Remove and replace
11	Collistemon Wininald	Wedging Bottledifush	Remove and replace
12	Angophora costata	Sydney Red Gum	Retain and protect - Adjoining site
13/4	Vibumum odoratissimum (HEDGE)	Sweet Vibumum	Retain and protect - Adjoining site
14	Angophora costata	Sydney Red Gum	Retain and protect - Adjoining site
15	Grevillea robusta	Silky Cuk	Retain and protect - Adjoining site
16	Grevilles robusts	Sifky Oak	Retain and protect - Adjoining site
1.7	Grevillee robusta	Silky Oak	Retain and protect - Adjoining site
18	Jacaranda mimosifolia	Jacaranda	Retain and protect - Adjoining site
19	Leptospermum petersoniii	Lemon Scented Tea Tree	Remove and replace
20	Melia azedarach	White Cedar	Remove and replace
21	Phoenix canariensis	Date Palm	Retain and protect - Adjoining site
22	Cinnemonum camphora	Camphor Laurel	Retain and protect - Adjoining site
23	Gravillee robusta	Silky Cok	Retain and protect - Adjoining site
24	Melia azedarach	White Cedar	Remove and replace
25	Cinnamonum camphora	Camphor Laurel	Remove and replace



PROPOSED LANDSCAPE DESIGN @ 81-83 MOUNTFORD AVENUE, **GUILDFORD** FOR JHY SECTION 4.55

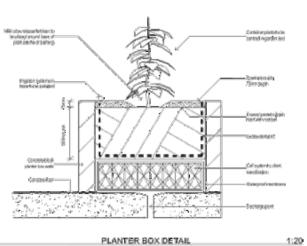


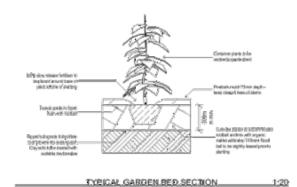


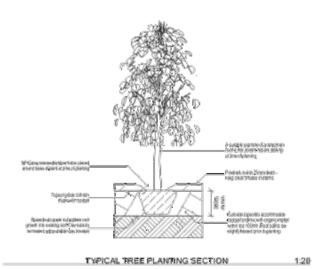
90m² of deep soil zone

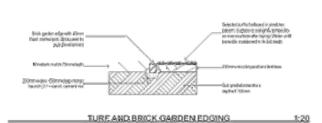
1 large tree or 2 medium trees per 80m² of deep soil zone

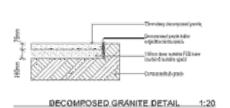
Greater than 1,500m²



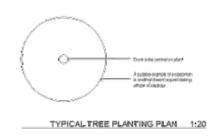


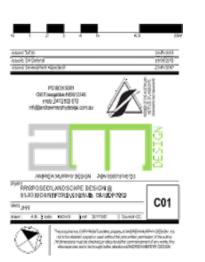




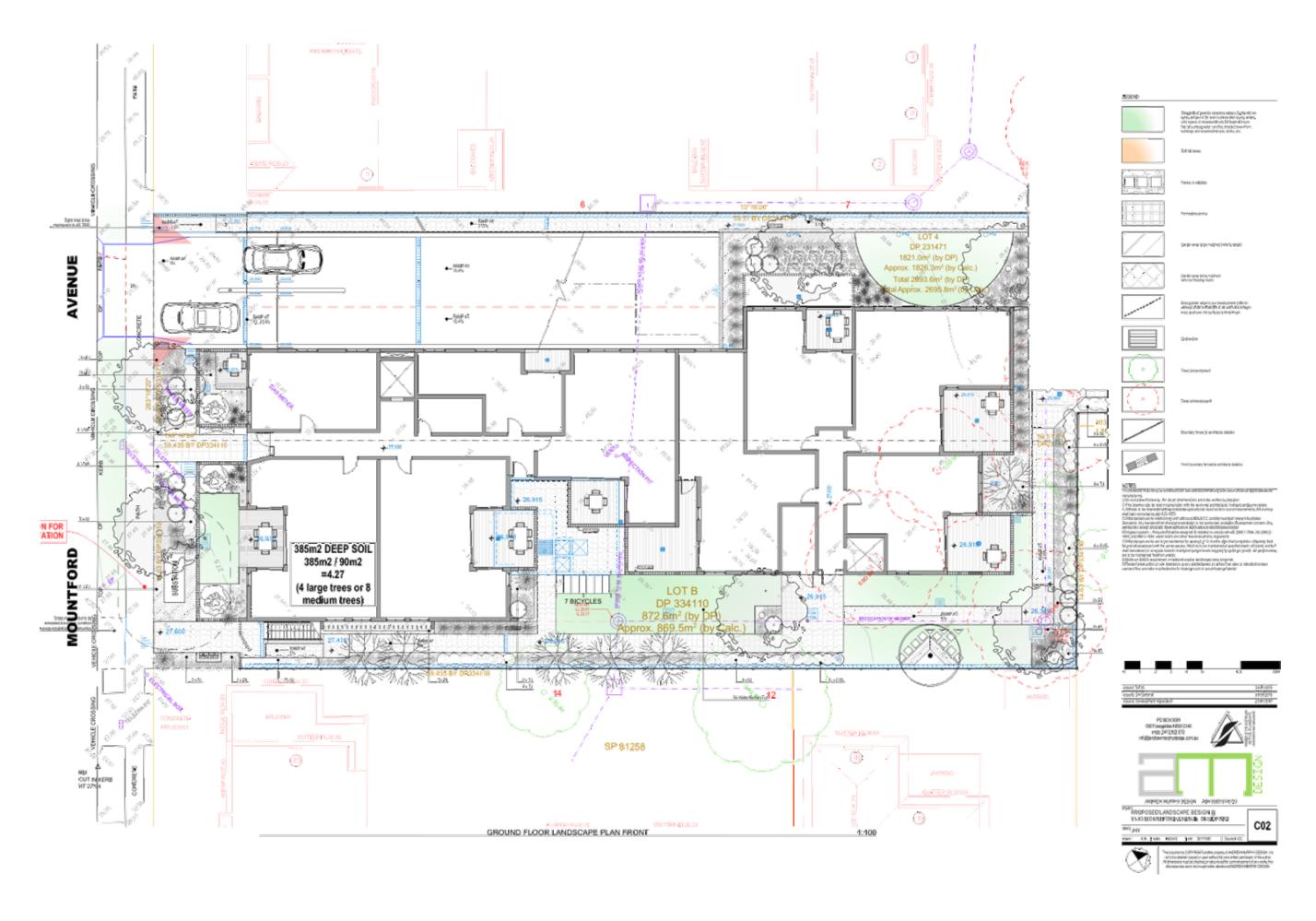




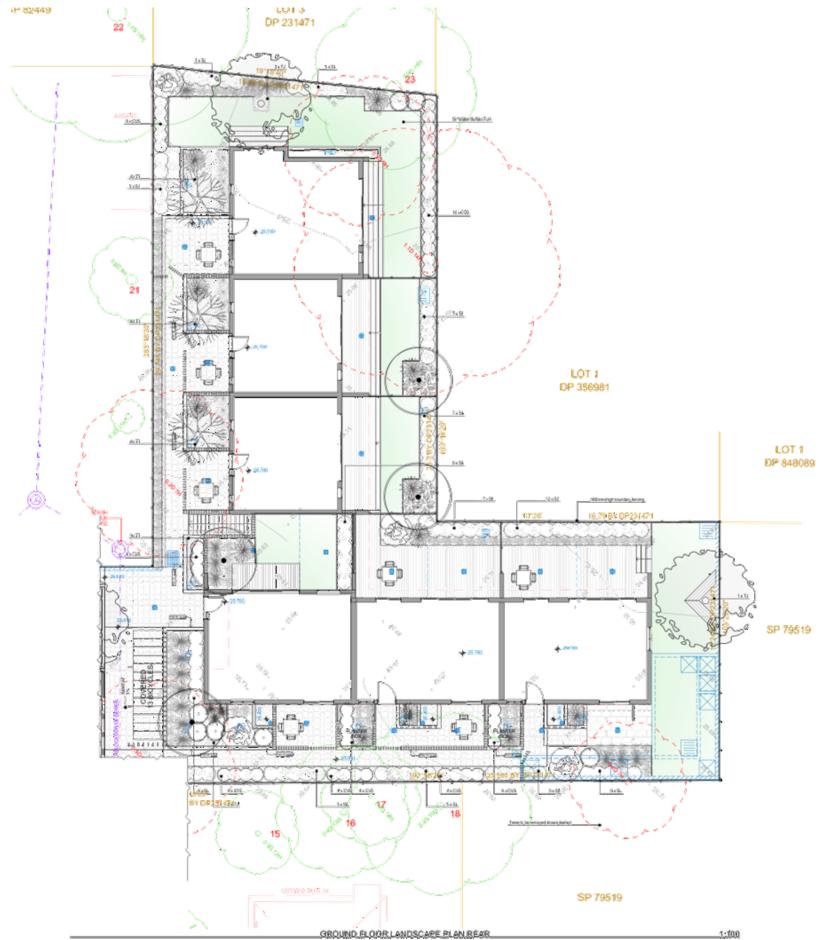


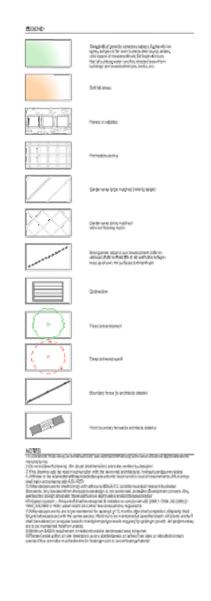






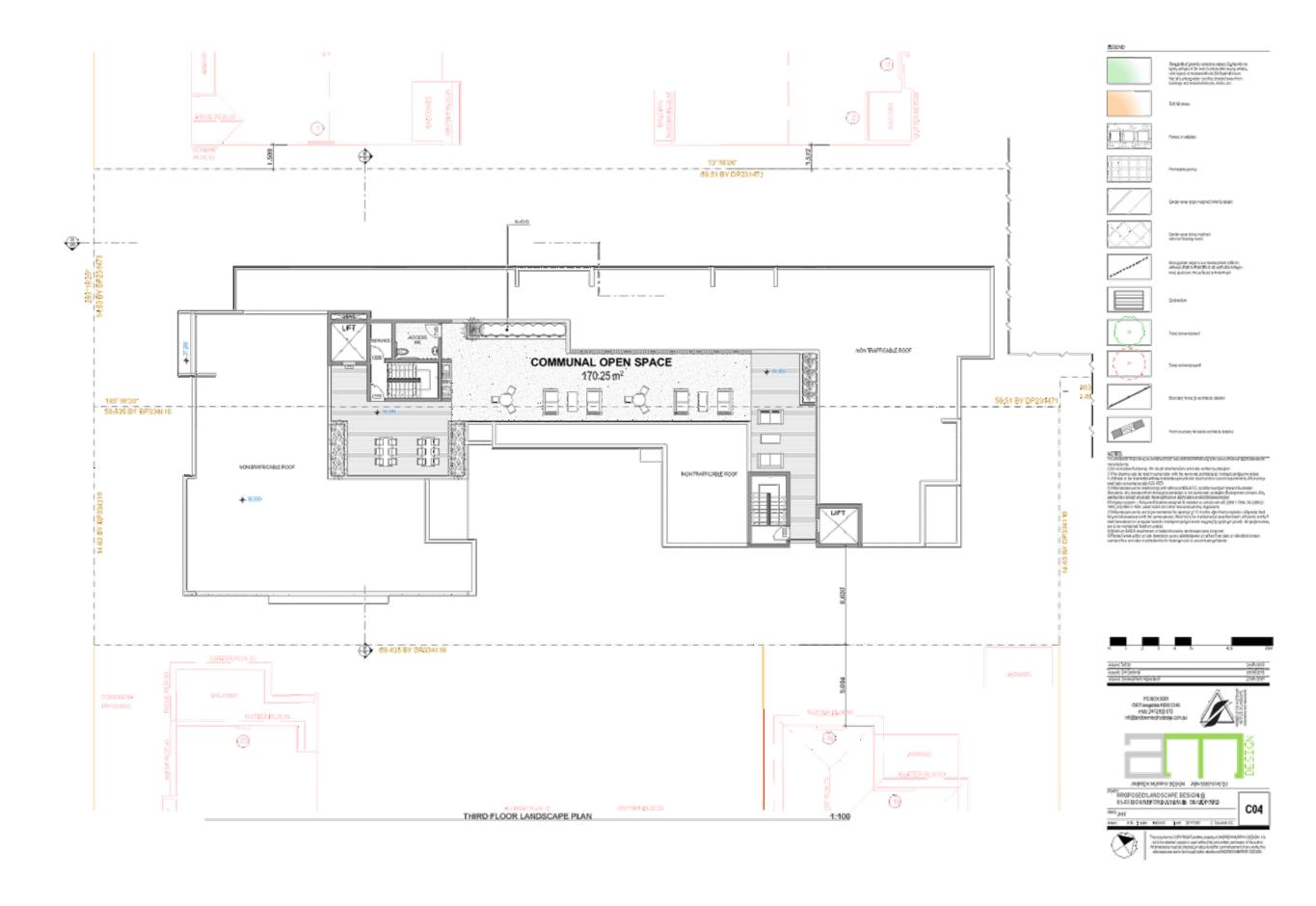














VIEWS FROM THE SUN ON 21st June



AM

* Note: Every surface shown receives sun on nominated hour



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VIEWS FROM THE SUN ON 21st June



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VIEWS FROM THE SUN ON 21st June



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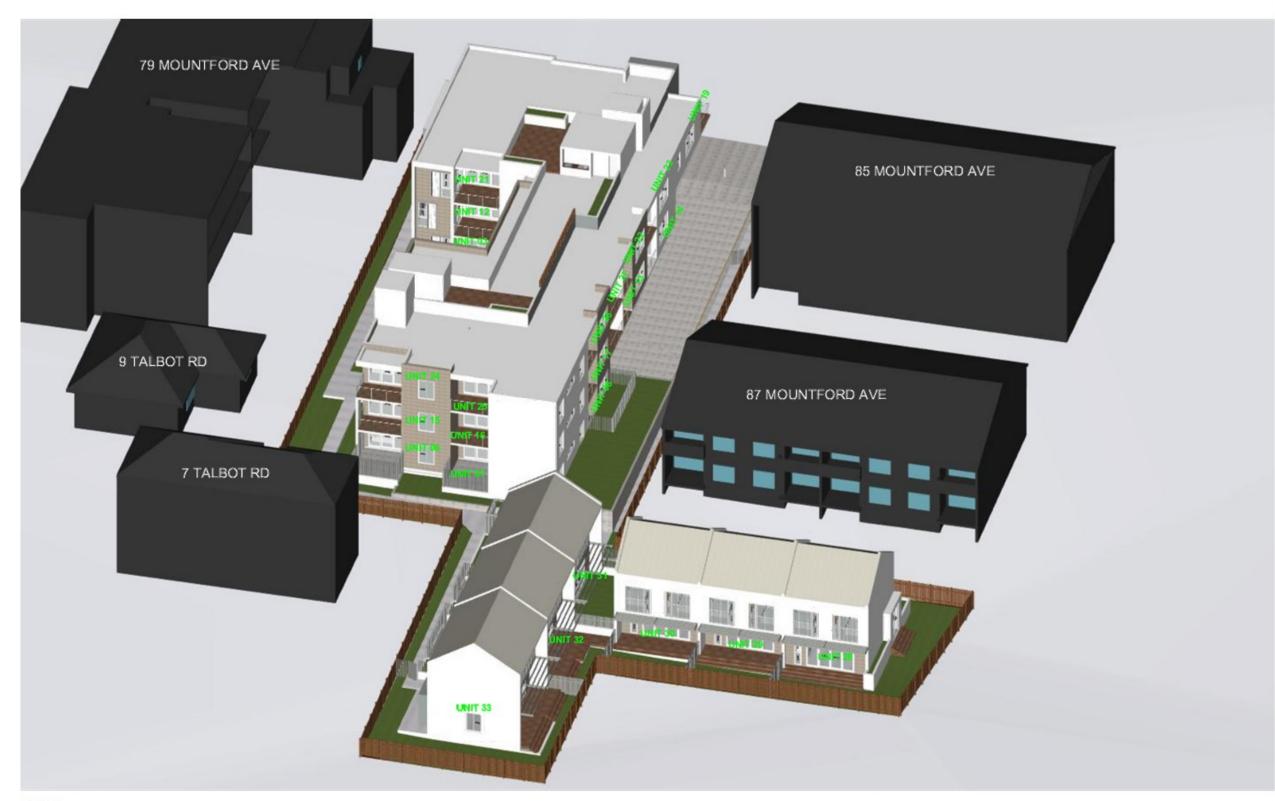
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VIEWS FROM THE SUN ON 21st June



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VIEWS FROM THE SUN ON 21st June



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* Note: Every surface shown receives sun on nominated hour

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VIEWS FROM THE SUN ON 21st June



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Jun-21-9am

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Jun-21-10am





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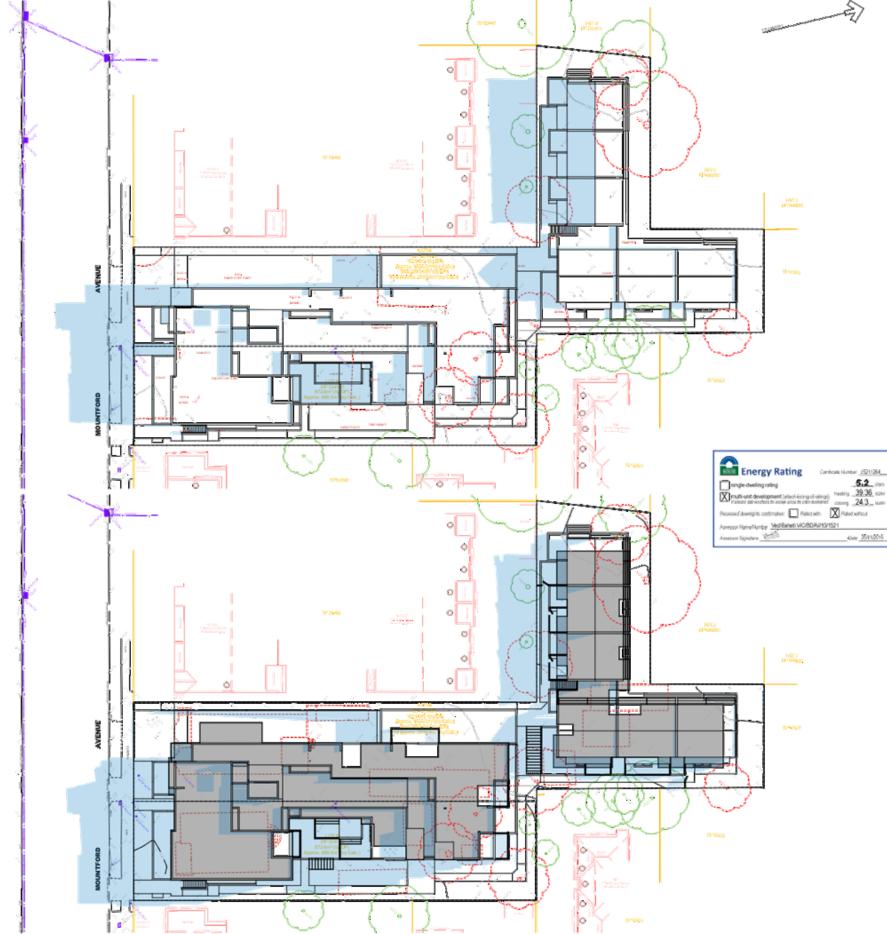
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Jun-21-12pm





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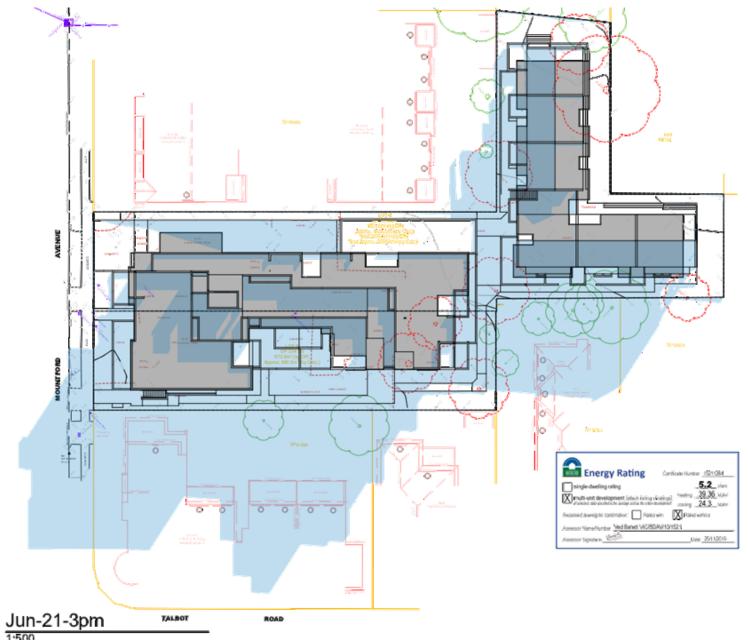
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Jun-21-2pm





TYPICAL NOTES:

MAIN BED RM.

- *Two double GPOs on the wall where bedhead is likely to be *Minimum of one GPO on opposite wall
- *Telephone outlet next to bed on the side closest to door (with GPO adjacent to telephone outlet)
- *TV antenna point and double GPO on opposite wall to bedhead
- *2-way light switches one located above bedhead, 1000mm high above floor

TYPICAL NOTES:

[1] PROVIDE SPACE UNDER FOR WHEELCHAIR ACCESS, USE LEVER TYPE HANDLE FOR TAPS.

[2] APPLY NON-SLIPPERY FLOORING TO BATHROOM FLOORS.

[3] AS1428.1 COMPLIANT TOILET.

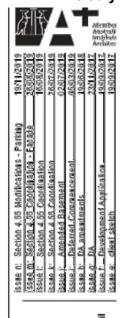
[4] 6RAB RAILS AS PER AS1428.1-2009.

[5] FOLDING SEAT AS PER AS1428.1-2009.

[6] PROVIDE SHOWER CURTAIN TO PREVENT SPLASHING.

[7] HAND WASH BASING TO BE REPLACED BY AS1428-1 COMPLIANT HAND WASH BASM.

[8] DOUBLE GPO BESIDE MIRROR.



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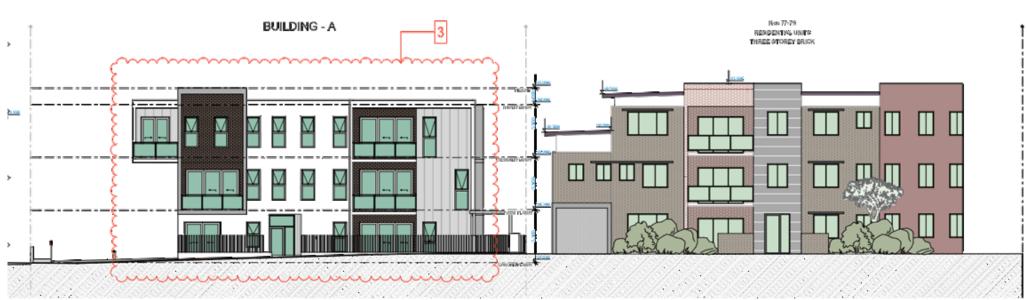
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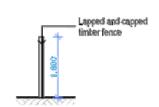
SOUTH STREETSCAPE



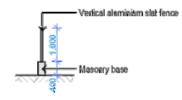
SOUTH STREETSCAPE



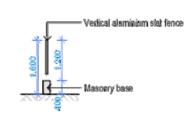




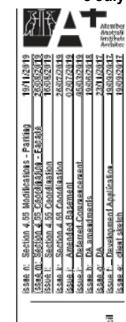
TYPICAL FENCE SECTION
PROPERTY BONDARY/BETWEEN YARDS







TYPICAL FENCE SECTION INTERNAL YARDS



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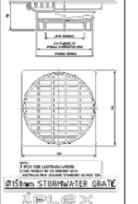
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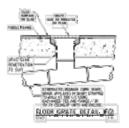
SHEET INDEX

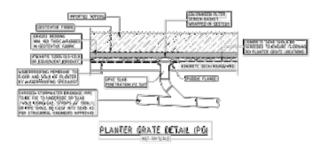
2358-DA-SWEEL - TITLE PAGE, NOTES AND BRAINAGE DETAILS DRAWING

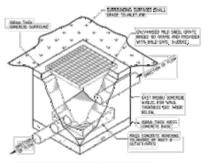
2358-DA-SWOOD - BASEMENT LEVEL I STREMASSIER DRAMAGE LAYOUT DRAWING 12358-DA-SWOOD - GROUND FLOOR/SITE STORMWATER DRAMAGE LAYOUT, UN SITE DETENTION AND WOULD DRAWING

2358-DA-SW024 - GROUND PLOOR/SITE STORMWATER DRAMAGE LAYOUT, ON SITE DETENTION AND WISUD DRAWING 2358-DA-5WD22 - 850 AND WSUD SECTIONS AND DETAILS DRAWING









TYPICAL GRATED INLET PIT DETAIL









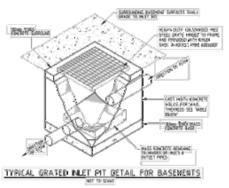
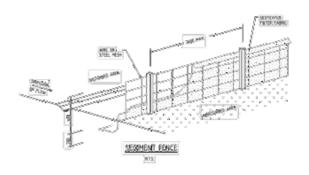
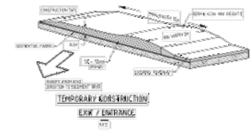
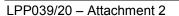


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P/S-QCPTH (SWO) 2 0-7580	ALE: THRISTS INC	MODES CHI COCTA
1586-3080	38.	MIZZER SHE KRISTER
	HERE MINUS ARE REM	
TABLE	FOR GRATE SPEC	NUMBER
PG-002TH (mm)	SEATE SAMURAL	SHARE GRACE
1-891	4084400	MERNY BUTS
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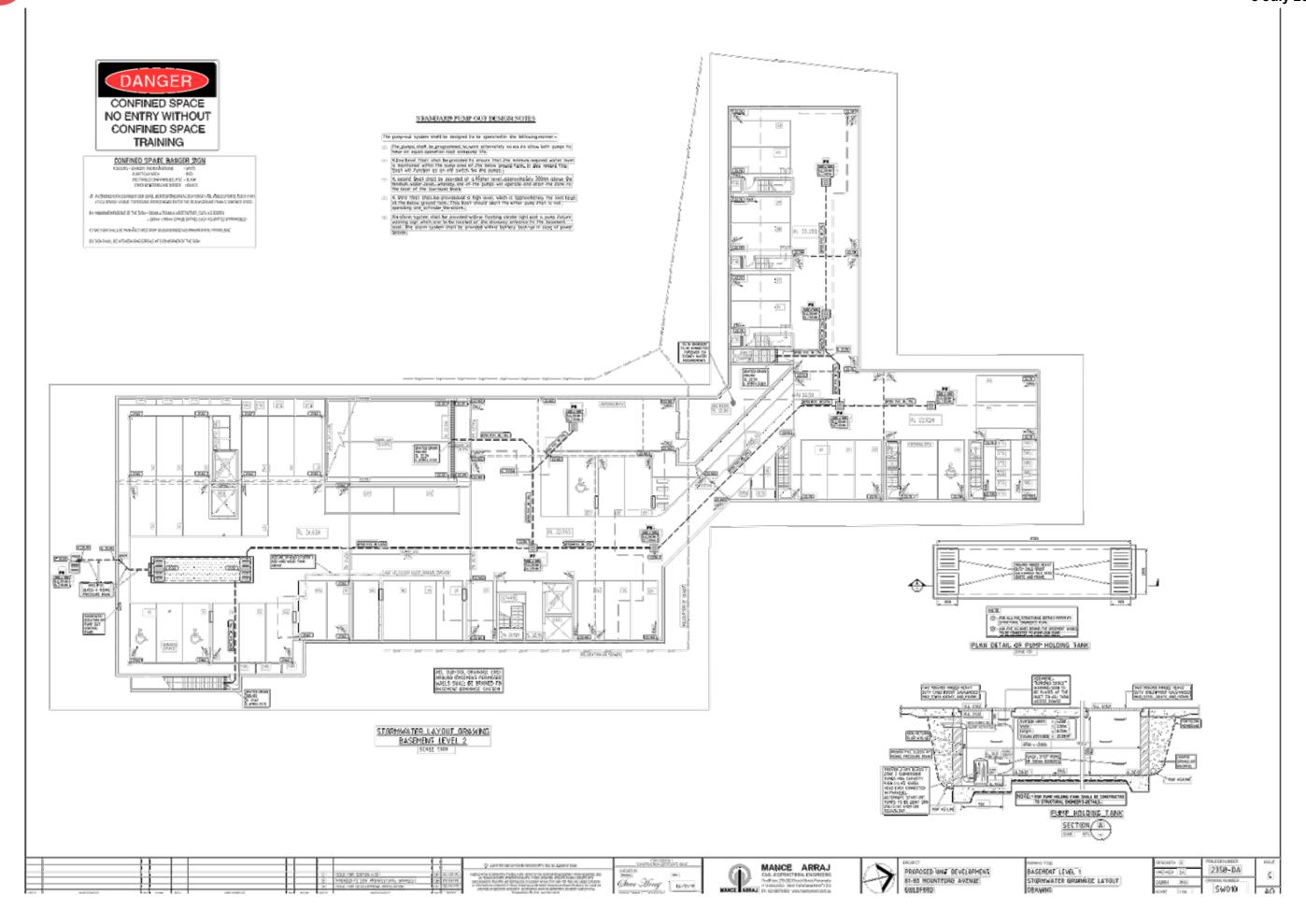




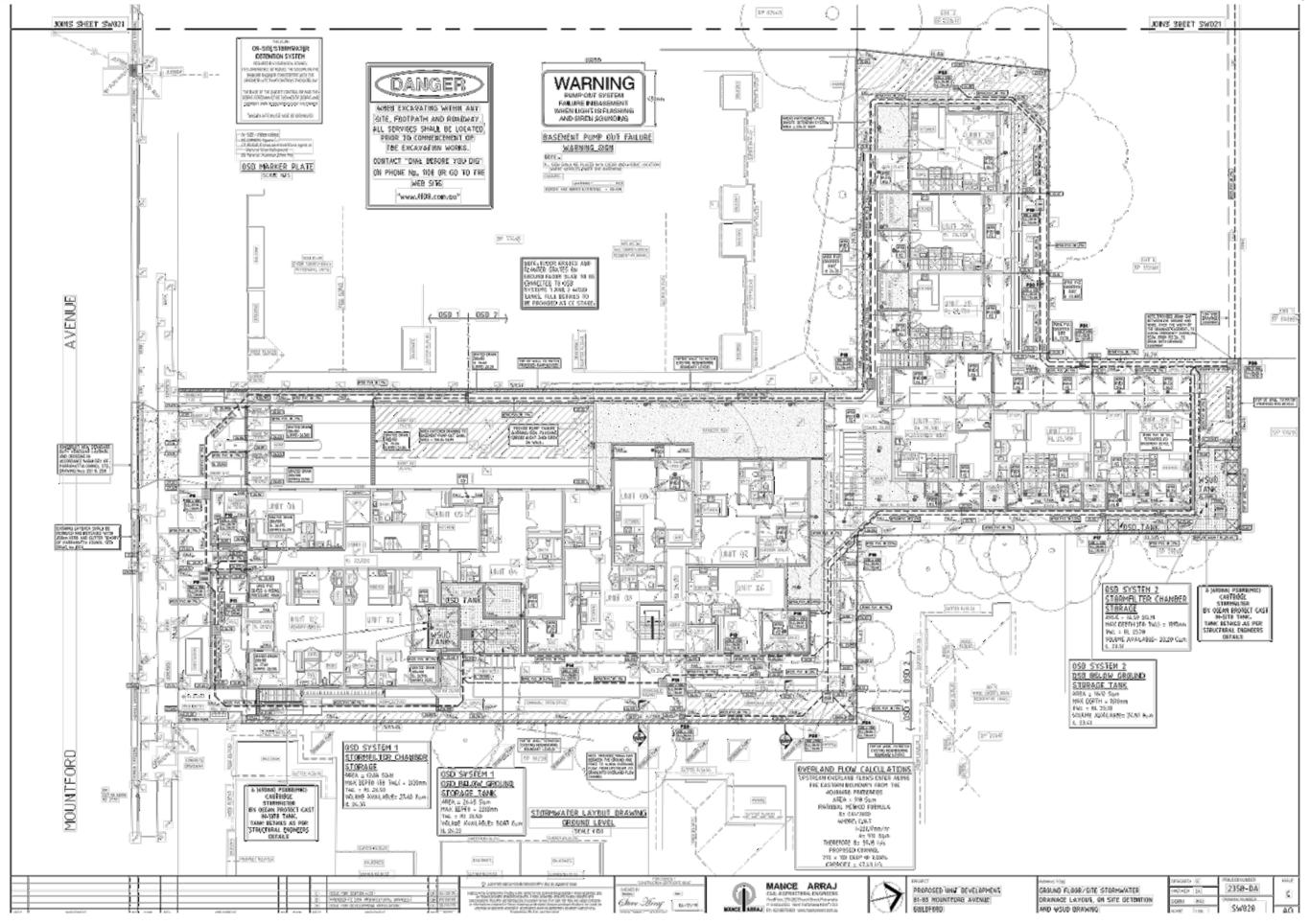




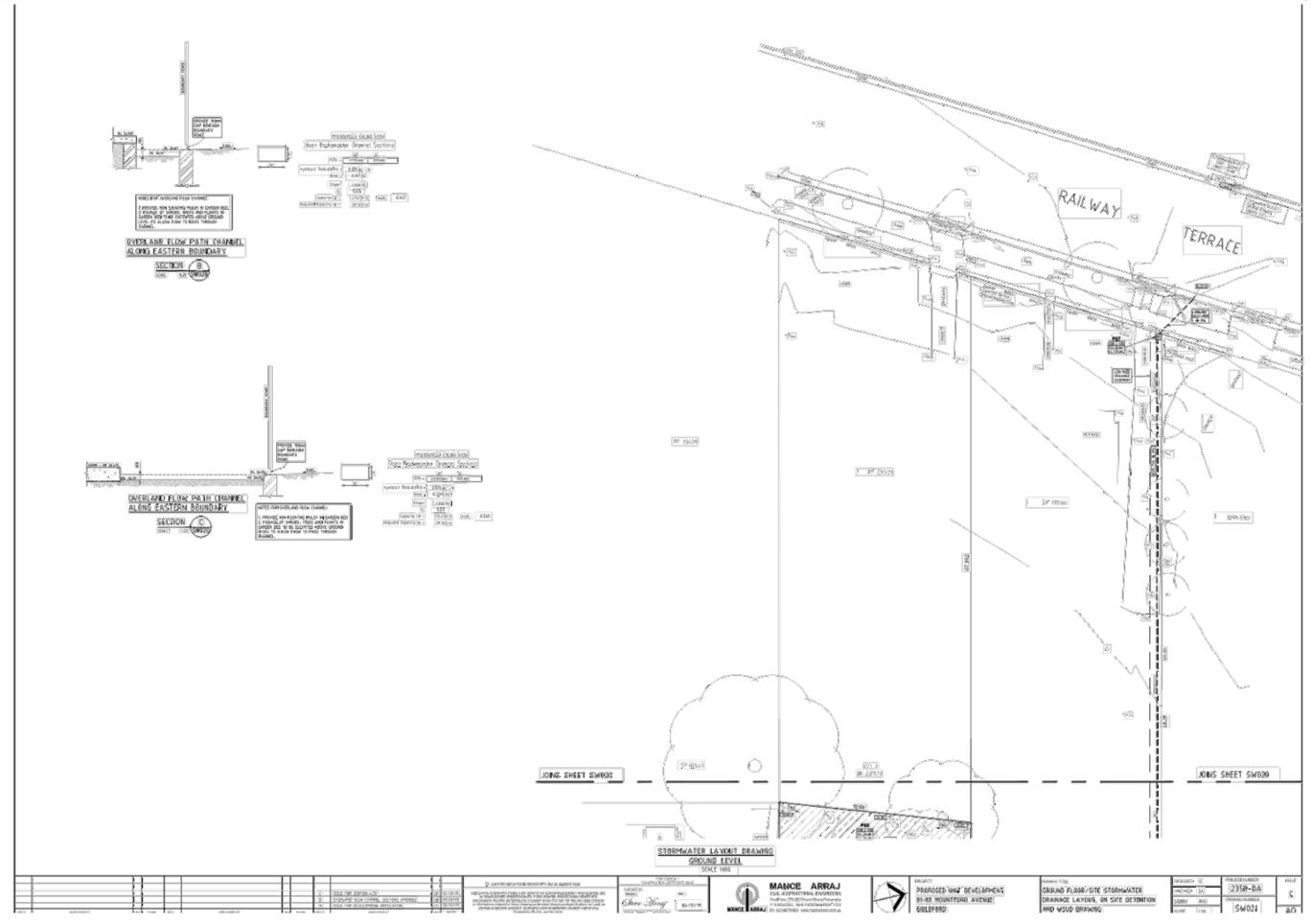




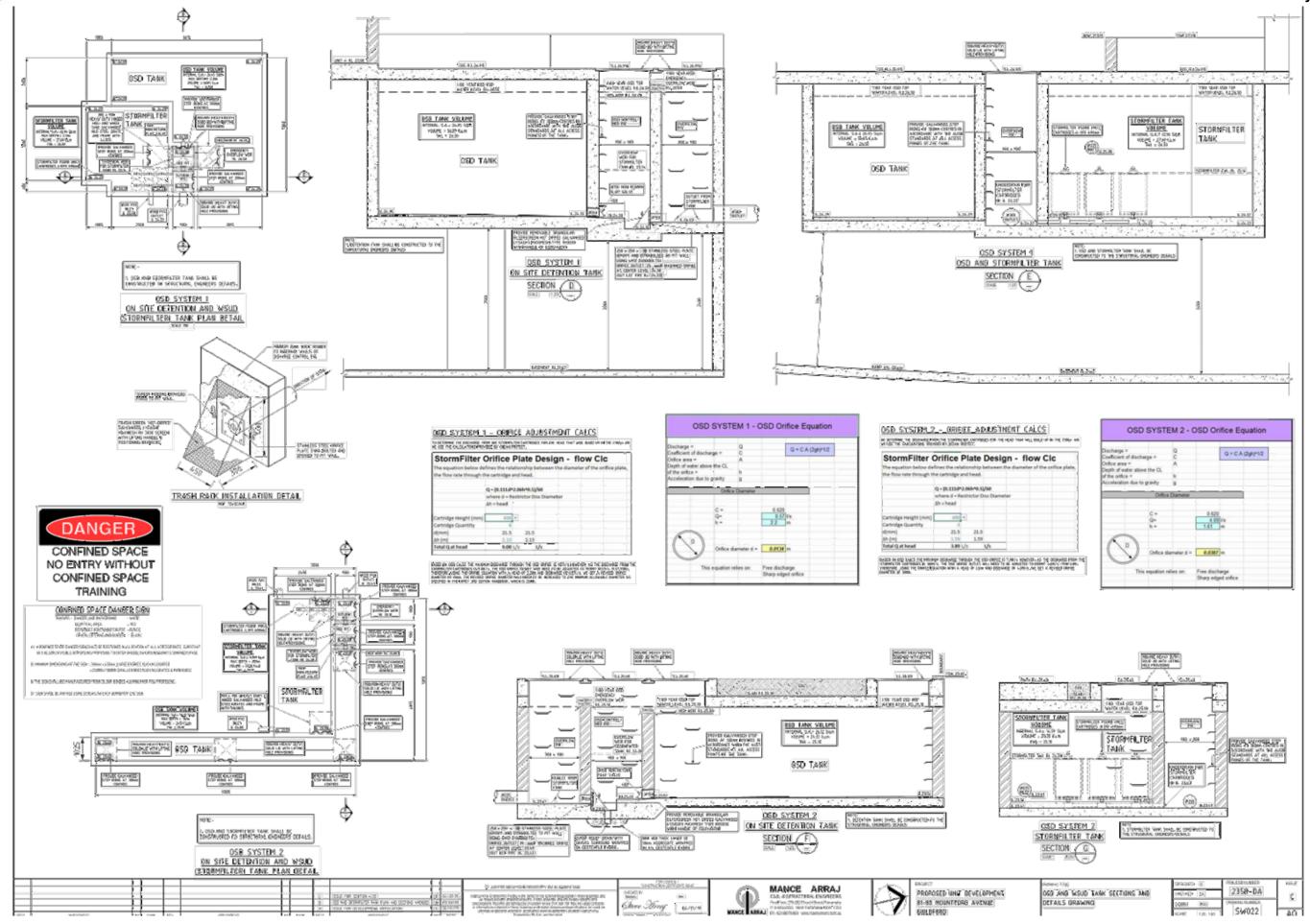










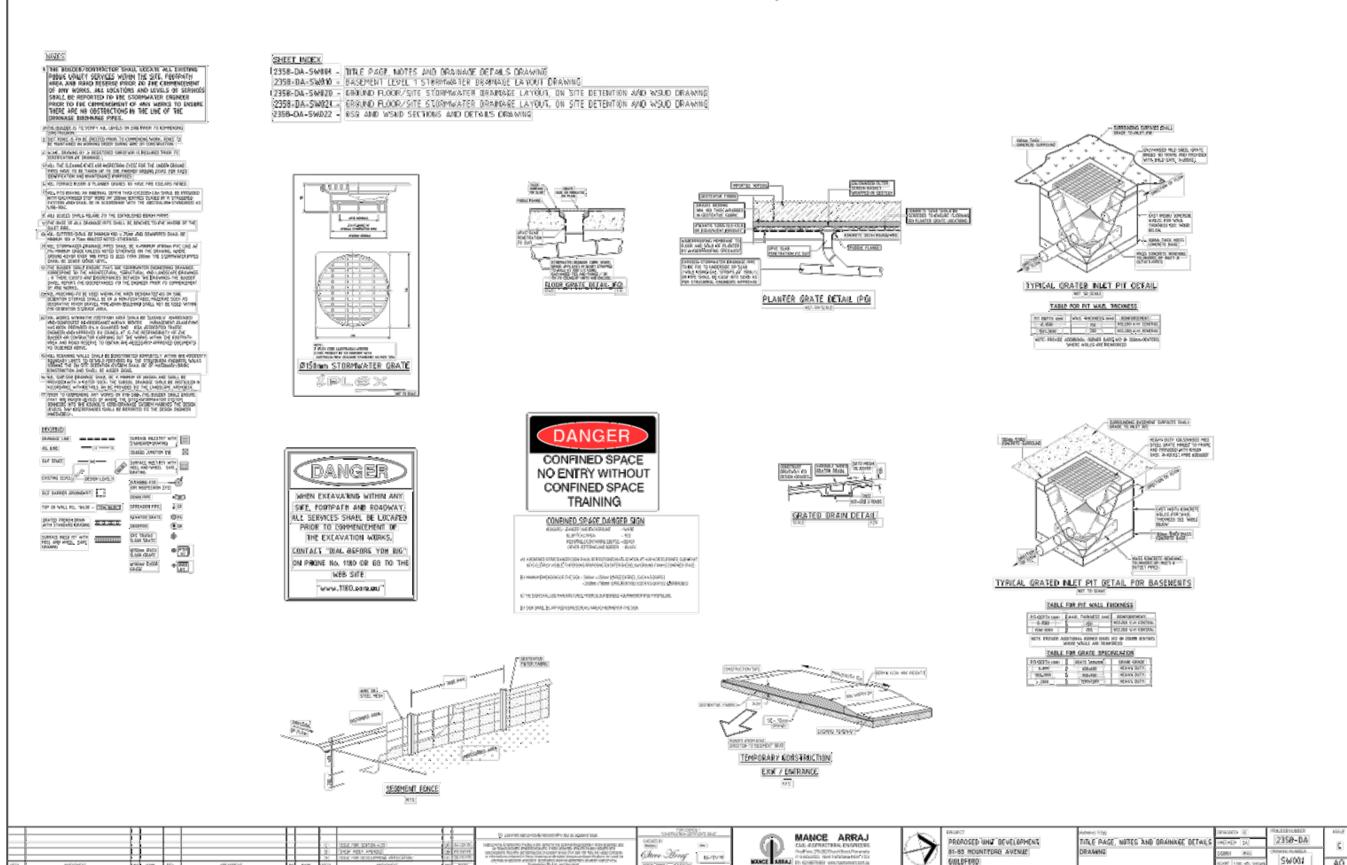


DOCUMENTS ASSOCIATED WITH REPORT LPP039/20

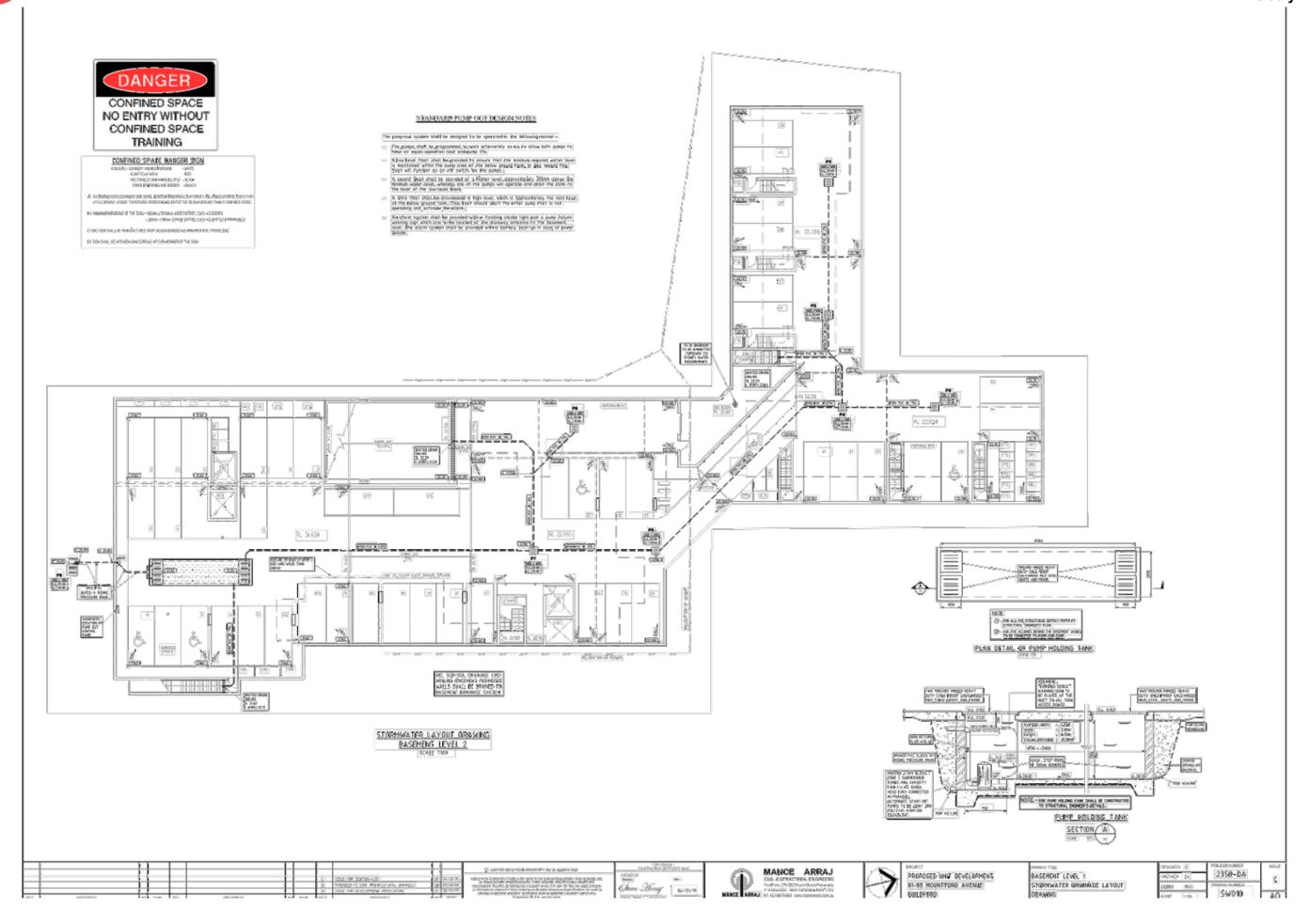
Attachment 3 Stormwater and Engineering Plans



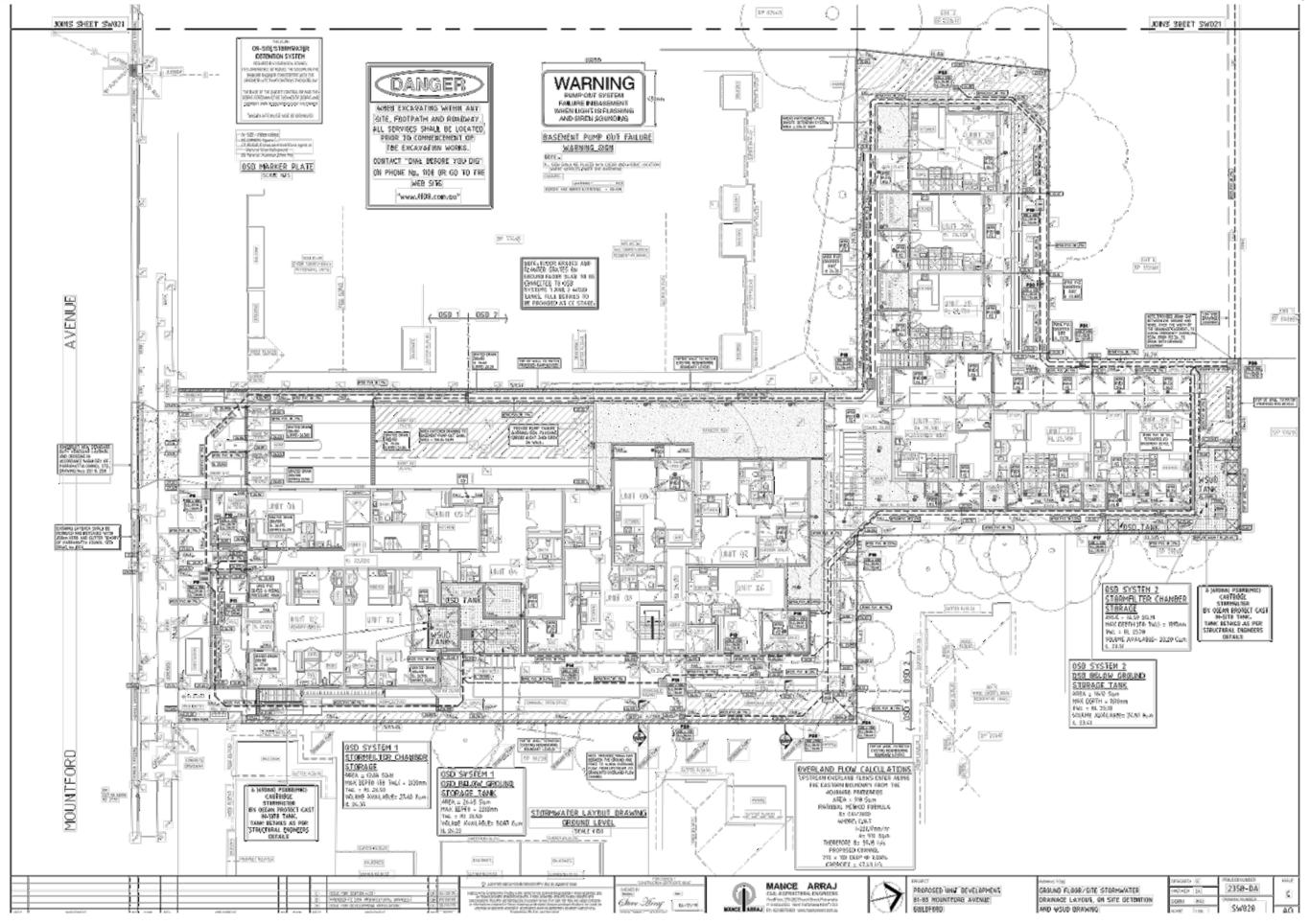
PROPOSED UNIT DEVELOPMENT 81-83 MOUNTFORD AVENUE, GUILDFORD



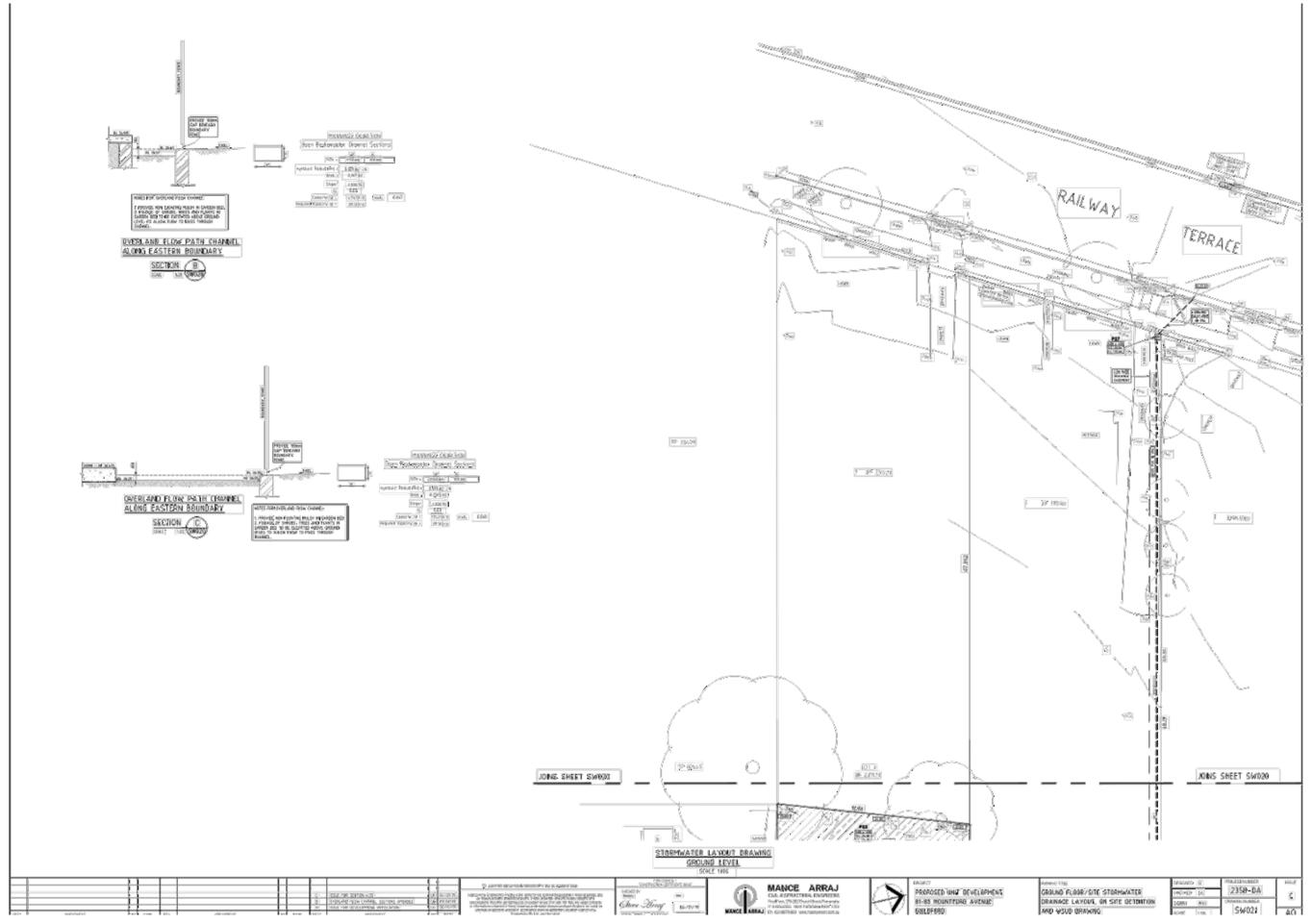




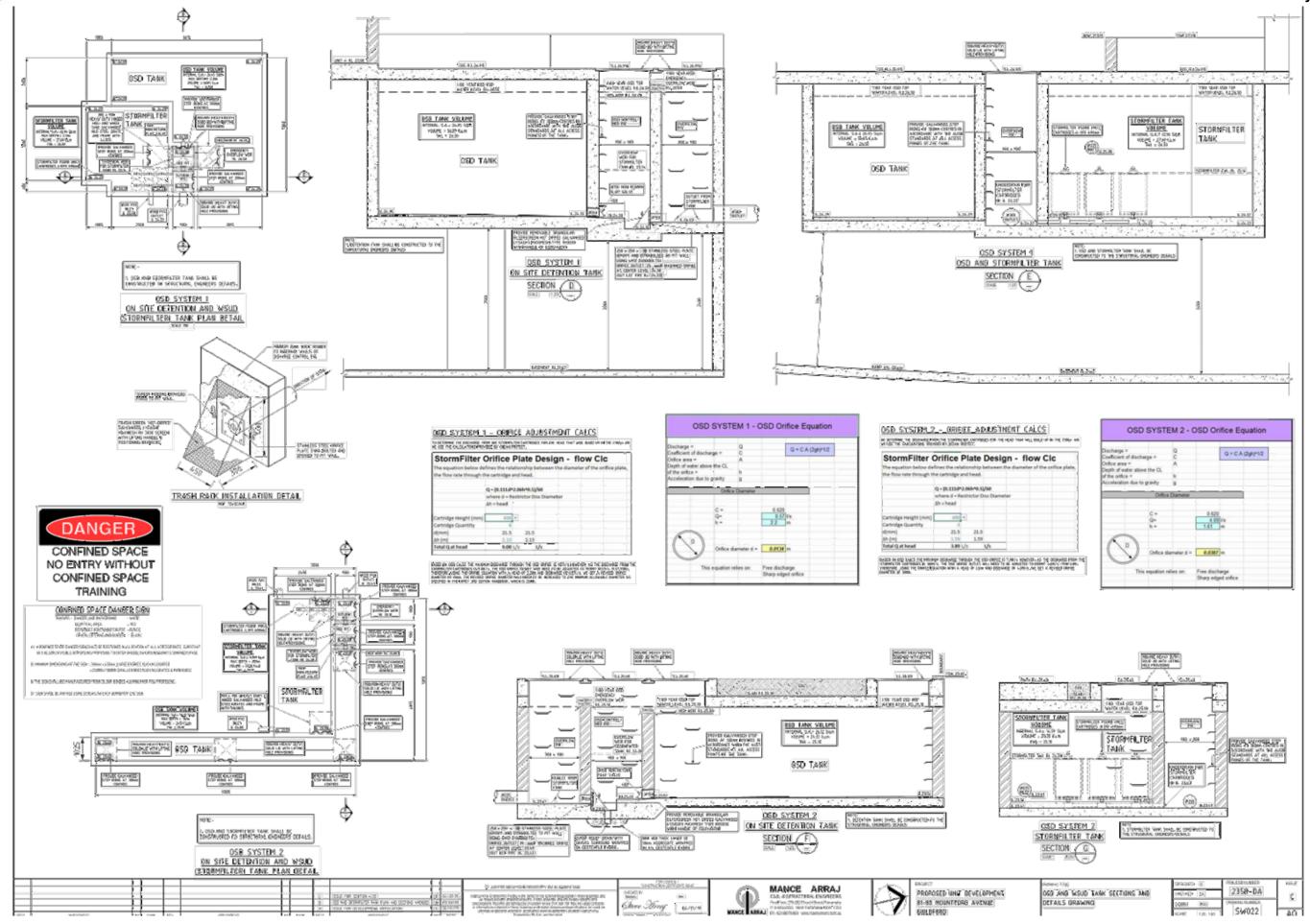












DOCUMENTS ASSOCIATED WITH REPORT LPP039/20

Attachment 4 Submissions Recieved



Cumberland Local Planning Panel Meeting 8 July 2020

From:

Sent: Thursday, 12 March 2020 1:33 PM

To: Records Department Subject: MOD 2019/5251

I am very appalled at the so many units going up in my street, because it is disastrous on parking on the streets.

I have almost everyday people parking in my driveway because the units don't have enough parking.

Just recently, I have sent in an email to complain

Kind regards,



This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender.

Views expressed in this message are those of the individual sender, and are not necessarily the views of NSW Health or any of its entities.

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DOCUMENTS ASSOCIATED WITH REPORT LPP039/20

Attachment 5 Compliance Tables (ARHSEPP and ADG)



Attachment 5: Compliance tables - ARHSEPP and ADG

SEPP Affordable Rental Housing 2009

Requirement	Y/N	Comments
Part 1 Preliminary		
3 Aims of Policy		The proposal is consistent with the aims of the
The aims of this Policy are as follows:		policy.
(a) to provide a consistent	Υ	policy.
planning regime for the provision		
of affordable rental housing,		
(b) to facilitate the effective		
delivery of new affordable rental		
housing by providing incentives by		
way of expanded zoning		
permissibility, floor space ratio		
bonuses and non-discretionary		
development standards,		
(c) to facilitate the retention and		
mitigate the loss of existing		
affordable rental housing,		
(d) to employ a balanced		
approach between obligations for		
retaining and mitigating the loss of		
existing affordable rental housing,		
and incentives for the		
development of new affordable		
rental housing,		
(e) to facilitate an expanded role		
for not-for-profit-providers of		
affordable rental housing,		
(f) to support local business		
centres by providing affordable		
rental housing for workers close to		
places of work,		
(g) to facilitate the development of		
housing for the homeless and		
other disadvantaged people who		
may require support services,		
including group homes and		
supportive accommodation.		
Part 2 New affordable rental housing		
Division 1 In-fill affordable housing		
10 Development to which Division		
applies		
(1) This Division applies to development	Υ	
for the purposes of dual occupancies, multi		
dwelling housing or residential flat		
buildings if:		The
(a) the development concerned is		The proposed residential flat building and multi-
permitted with consent under		dwelling housing is permissible in the R4 zone
another environmental planning		applying to the site.
instrument, and		The site does not contain a best and its
(b) the development is on land		The site does not contain a heritage item.
that does not contain a heritage		
item that is identified in an		
environmental planning		
instrument, or an interim heritage order or on the State Heritage		



Requirement	Y/N	Comments
Register under the <u>Heritage Act</u>		
<u>1977</u> .		
(2) Despite subclause (1), this Division	Υ	The site is situated approximately 500 metres
does not apply to development on land in		from Guildford Railway Station. Therefore, the
the Sydney region unless all or part of the		site is located within an accessible area.
development is within an accessible area.		
(3) Despite subclause (1), this Division		
does not apply to development on land that	N/A	
is not in the Sydney region unless all or		
part of the development is within 400		
metres walking distance of land within		
Zone B2 Local Centre or Zone B4 Mixed		
Use, or within a land use zone that is		
equivalent to any of those zones.		
13 Floor space ratios		
(1) This clause applies to development to	Υ	As noted in the previous consent, the affordable
which this Division applies if the		housing units are situated wholly on the part of
percentage of the gross floor area of the		the site to which there is a maximum allowable
development that is to be used for the		FSR of 0.8:1. In applying clause (2)(a)(ii) 22.3%
purposes of affordable housing is at least		of the GFA of the development is used for
20 per cent.		affordable housing. Therefore, the GFA bonus of
(2) The maximum floor space ratio for the	Υ	0.223:1 will be applied to that portion of the site
development to which this clause applies is		bringing the maximum allowable FSR of the main
the existing maximum floor space ratio for		part of the site to 1.023:1. The development
any form of residential accommodation		situated on that part of the site, comprising the
permitted on the land on which the		residential flat building and the western multi
development is to occur, plus:		dwelling block B is calculated to have an FSR of
(a) if the existing maximum floor		0.99:1 (2234.7sqm).
space ratio is 2.5:1 or less:		
(i) 0.5:1—if the		The result of the proposed modification which
percentage of the gross		affects the unit configuration and layout does not
floor area of the		cause an increase in FSR approved for the site.
development that is used		Rather, the overall FSR has decreased for the
for affordable housing is		site with a revised FSR of 0.96:1 (2182.61sqm)
50 per cent or higher, or		where minor changes are noticeable in units 4, 9
(ii) Y:1—if the percentage		and 10 of the RFB (in block A). Consequently, it
of the gross floor area of		is noted that the overall percentage of the GFA bonus has also slightly reduced from 22.8%
the development that is used for affordable		(516.09sqm) to 22.5% (508.24sqm) which is
housing is less than 50 per		negligible. Moreover, the additional affordable
cent,		unit nominated within the development does not
where:		generate additional FSR for the site as the
AH is the percentage of		number of units remain the same.
the gross floor area of the		Transcrot and remain the same.
development that is used		The development remains compliant as the
for affordable housing.		proposed modifications do not exceed the
Y = AH ÷ 100		maximum FSR permitted for the site nor does it
(3) In this clause, gross floor area does	N/A	exceed the approved FSR for the site.
not include any car parking (including any		
area used for car parking).		
Note . Other areas are also excluded from		
the gross floor area, see the definition		
of gross floor area contained in the		
standard instrument under the <u>Standard</u>		
Instrument (Local Environmental Plans)		I .
monument (Eddar Environmental i land)		



Requirement	Y/N	Comments
14 Standards that cannot be used to		
refuse consent		
(1) Site and solar access requirements		
A consent authority must not refuse		
consent to development to which this		
Division applies on any of the following		
grounds:		
(a) (Repealed)		
(b) site area if the site area on	Y	The cumulative site area is 2695.8sqm
which it is proposed to carry out		
the development is at least 450		
square metres,		
(c) landscaped area if: (i) in the case of a	N/A	
17	IN/A	
development application made by a social housing		
provider—at least 35		
square metres of		
landscaped area per		
dwelling is provided, or		
(ii) in any other case—at	Y	The amount of landscaping provided has been
least 30 per cent of the		reduced on site and is calculated to be 30%
site area is to be		(809.25sqm including planting on roof) which
landscaped,		complies.
(d) deep soil zones if, in relation		
to that part of the site area (being		
the site, not only of that particular		
development, but also of any other		
associated development to which		
this Policy applies) that is not built		
on, paved or otherwise sealed: (i) there is soil of a	Y	
sufficient depth to support	'	A reduction in deep soil area is noted however
the growth of trees and		remains compliant as 16.6% (449.68sqm) is
shrubs on an area of not		being provided for the site.
less than 15 per cent of		9
the site area (the deep		
soil zone), and		
(ii) each area forming part	Y	Deep soil zones have a minimum dimension of
of the deep soil zone has		3m.
a minimum dimension of 3		
metres, and	ļ ,,	74.00/ /050.0 \
(iii) if practicable, at least	Y	71.8% (353.3sqm) of the deep soil zone is
two-thirds of the deep soil		located at the rear of the site.
zone is located at the rear		
of the site area, (e) solar access if living rooms	Y	The proposed modification will not alter the
and private open spaces for a	, r	amount of solar amenity provided to the units as
minimum of 70 per cent of the		the number of units remain unchanged.
dwellings of the development		and manipor of anito formalit anomaliyou.
receive a minimum of 3 hours		As for the entire RFB development 70.4% (19 of
direct sunlight between 9am and		27) of units receive at least 2 hours mid winter.
3pm in mid-winter.		7.4% (2 of 27 units) receive no direct sunlight in
(2) General A consent authority must not		midwinter due to their south facing aspect and
refuse consent to development to which		overhang to west side facing windows from the
this Division applies on any of the following		built form above.
grounds:		The remainder of the units will either receive at
(a) parking if:		least an hour of sunlight to their living areas or



Requirement		Y/N	Comments		
	(i) in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms, or	N/A	some direct sun apartment.	nlight to oth	er parts of the
	more bedrooms, or (ii) in any other case—at least 0.5 parking spaces are provided for each dwelling containing 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms,	Y	2	and reconfigured and reconfigured and reconfigured and reconfigured and recomplies. Vided as following units based Units Ox 1B and Ox ST = 11 General and Car ST = 11 Ge	gure the parking or spaces are still evelopment being. A breakdown of vs: on clause (2(a)(ii) Total 5.5 16 21.5 rounded up = 22 that a minimum of red for the RFB see RFB attracts a 5 units under the its/5 = 5.4 spaces DCP 2011: Total 7.5 2 9.5 (rounded up = 10) 1.5 e parking rates the development, see required as



Requirement	Y/N	Comments
·		Amendments to the relevant conditions imposed
		under the previous consent will be made to reflect
		this change.
(b) dwelling size if each dwelling	Y	All bedroom units meet the minimum dwelling
has a gross floor area of at least:		size requirements.
(i) 35 square metres in		
the case of a bedsitter or	Y	
studio, or		
(ii) 50 square metres in		
the case of a dwelling having 1 bedroom, or	Y	
(iii) 70 square metres in	'	
the case of a dwelling		
having 2 bedrooms, or		
(iv) 95 square metres in		
the case of a dwelling		
having 3 or more		
bedrooms. (3) A consent authority may consent to		
development to which this Division applies		
whether or not the development complies		
with the standards set out in subclause (1)		
or (2).		
15 Design requirements		
(1) A consent authority must not consent	N/A	
to development to which this Division applies unless it has taken into		
consideration the provisions of the Seniors		
Living Policy: Urban Design Guidelines for		
Infill Development published by the		
Department of Infrastructure, Planning and		
Natural Resources in March 2004, to the		
extent that those provisions are consistent with this Policy.		
(2) This clause does not apply to		
development to which clause 4 of State		
Environmental Planning Policy No 65—		
Design Quality of Residential Apartment		
Development applies.		
16 Continued application of SEPP 65 Nothing in this Policy affects the	Υ	Noted An accomment against CEDDGE and the
application of State Environmental	Y	Noted. An assessment against SEPP65 and the ADG has been undertaken elsewhere in this
Planning Policy No 65—Design Quality of		report.
Residential Flat Development to any		
development to which this Division applies.		
16A Character of local area		
A consent authority must not consent to	Υ	See discussion below.
development to which this Division applies		
unless it has taken into consideration		
whether the design of the development is		
compatible with the character of the local		
area.		
17 Must be used for affordable		
housing for 10 years		



Requirement	Y/N	Comments
(1) A consent authority must not consent	Y –	A condition would be imposed on any consent
to development to which this Division	conditioned	issued requiring that the development be held as
applies unless conditions are imposed by		affordable rental housing for a period of 10 years
the consent authority to the effect that:		and managed by a registered community housing
(a) for 10 years from the date of		provider.
the issue of the occupation		
certificate:		
(i) the dwellings proposed		
to be used for the		
purposes of affordable		
housing will be used for		
the purposes of affordable		
housing, and		
(ii) all accommodation		
that is used for affordable		
housing will be managed		
by a registered community		
housing provider, and		
(b) a restriction will be registered,		
before the date of the issue of the		
occupation certificate, against the		
title of the property on which		
development is to be carried out, in		
accordance with section 88E of		
the <u>Conveyancing Act 1919</u> , that		
will ensure that the requirements		
of paragraph (a) are met.		
(2) Subclause (1) does not apply to		
development on land owned by the Land		
and Housing Corporation or to a		
development application made by, or on		
behalf of, a public authority.		
	N/A	
18 Subdivision		[
Land on which development has been	N/A	Subdivision is not proposed as part of the
carried out under this Division may be		application.
subdivided with the consent of the consent		
authority.		

Apartment Design Guidelines

Design Criteria	Compliance	Comment	
Part 2			
2F Building Separation			
Separation - Building separation is measured from the outer face of building envelopes which includes balconies Note: Where applying separation to buildings on adjoining sites, apply half the minimum separation distance measured to the boundary. This distributes the building separation equally between sites.			
Up to 4 storeys (approximately 12m): 12m between habitable rooms/balconies:	Yes	No noticeable changes to approved setbacks from the north and east side.	
 9m between habitable and nonhabitable rooms; and 6m between nonhabitable rooms 		From the west, approval was granted for 3m to boundary for the front section of the building which is supportable as it relates to either a blank wall or non-habitable rooms and 6m for the remainder of the flat building which features habitable rooms	



Design Criteria	Compliance	Comment
		and balconies. The modifications which affects unit 10 on level 1 has been further offset by an additional 2.7m from the boundary as a result of the deletion of the western portion of the unit. Therefore, a setback of 8.7m is being provided from the western boundary for unit 10 instead of 6m previously provided.
Part 3		
3D Communal and public open space		
COS should have a minimum dimension of		l ha provided on a padium or roof
Where COS cannot be provided at ground Design criteria	i ievei, it sriouid 	be provided on a podium or root.
Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)	Yes	Common open space has decreased from 769m ² (28.5%) to 683.59m ² (25.3%). This includes areas to the east and west of the flat building and communal open space on the roof which complies.
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)	Yes	Compliance with min 2h of solar access to COS is achieved as 170m2 of rooftop COS receives unlimited solar access and approx. 200m2 of ground level COS within eastern side setback receives 2h of sun in the morning (refer to basement 1 plan for approx. areas within eastern side setback COS and solar access diagrams for compliance with solar access). ADG min COS requirement is 674m2 and 50% of that area is 337m2. Proposed rooftop (170m2) and ground level eastern setback (approx. 200m2) results approx. 370m2 of COS area that receives min. 50% required solar access during mid-winter.
3E Deep soil zones		
Design criteria 1. Deep soil zones are to meet the following minimum requirements: Minimum dimensions Deep soil zone (% of site area)	Yes	A reduction in deep soil area is noted however remains compliant as 16.6% (449.68sqm) is being provided for the site.
25 Viewel maior		
Separation between windows and beloom	ion in provide d 4	o ongura vigual privacy is achieved
Separation between windows and balconi No separation is required between blank v		o ensure visuai privacy is achieved.
Design criteria	walls.	
Separation between windows and	Yes	No changes noted in relation to this part.
balconies is provided to ensure visual		The state of the s
privacy is achieved. Minimum required		The following commentary is noted from
separation distances from buildings to		the previous consent:



Design Criteria	Compliance	Comment
the side and rear boundaries are as follows: Building height		A minimum 6m setback has been provided to the boundary where there are habitable rooms and 3m where there are non-habitable room facing the side boundary. Adequate building separation is also provided internally within the site with 7.113m between the blank walls of the flat building and the multi-dwelling development at the rear. Adequate separation has also been provided in the central eastern building indent to achieve privacy between private open space and openings.
Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space	Y	No changes noted in relation to this part. The following commentary is noted from the previous consent: To manage amenity impacts from the proximity of the eastern bedroom windows of units 6 and 9 to the communal area and pedestrian pathway, deferred commencement conditions will be included to ensure that privacy screening is provided to the eastern facing windows of bedroom 1 of units 6 and 9 to a height of 1.6m from the external finished levels immediately adjacent to the subject windows. It is also noted that not all fencing details around the ground floor terraces have been provided on plans. Thus a deferred commencement condition will be imposed to ensure that the fencing/screening to the ground floor terraces behind the front building line is to be a height of 1.6m and is to be of an open design that still maintains privacy to the private open space. Adequate delineation between communal and private areas has been provided in other areas of the building and has been designed to ensure privacy without compromising the internal amenity of the units.
J Bicycle and car parking Design criteria 1. For development in the following locations:	Yes	Based on the ADG, as the site is within 800m of a railway station, the parking rates in the Guide to Traffic Generating Developments will apply.



Basina Caltania	0 l'a	0
Design Criteria	Compliance	Comment
light rail stop in the Sydney		Metro Sub-regional centres for RFB:
Metropolitan Area; or		Rate Units Total
 on land zoned, and sites within 400 metres of land zoned, B3 		0.6/1B and 9 x 1B and 6.6
Commercial Core, B4 Mixed Use		Studio 2 x ST = 11 0.9/2B 16 14.4
or equivalent in a nominated		1/5 V 27 5.4
regional centre		Required: 21 resident spaces and 6
the minimum car parking requirement for		visitor spaces = 27 car spaces for RFB
residents and visitors is set out in the		component of the development.
Guide to Traffic Generating		
Developments, or the car parking requirement prescribed by the relevant		There is adequate space within the
council, whichever is less		basement to accommodate the minimum
The car parking needs for a development		parking requirements for the whole
must be provided off street		development. This is discussed in detail
Part 4		in the DCP section.
4A Solar and daylight access		
Design criteria		There is no change to the current solar
Living rooms and private open spaces	Yes	and daylight access requirements as the
of at least 70% of apartments in a		number of units in the RFB remain the
building receive a minimum of 2		same. This section does not require
hours direct sunlight between 9 am and 3		further review.
pm at mid winter in the Sydney		The following commentary is noted from
Metropolitan Area and in the Newcastle and Wollongong local government areas		The following commentary is noted from the previous consent:
2. In all other areas, living rooms and		the previous consent.
private open spaces of at least 70% of	Yes	70.4% (19 of 27) of units receive at least
apartments in a building receive a		2 hours mid winter.
minimum of 3 hours direct sunlight		7.4% (2 of 27 units) receive no direct
between 9 am and 3 pm at mid winter		sunlight in midwinter due to their south
3. A maximum of 15% of apartments in a building receive no direct sunlight	Yes	facing aspect and overhang to west side facing windows from the built form above.
between 9 am and 3 pm at mid winter	165	The remainder of the units will either
botwoon o am and o pin at mid winter		receive at least an hour of sunlight to their
		living areas or some direct sunlight to
		other parts of the apartment.
		The proposal is consistent with the
		remaining objectives of this part of the ADG ensuring that daylight access is
		satisfactory.
4B Natural ventilation	1	
Design criteria		
1. At least 60% of apartments are	Yes	77.8% (21 of 27) of the units are cross
naturally cross ventilated in the first nine		ventilated
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		
2. Overall depth of a cross-over or cross-		
through apartment does not exceed 18m,	Yes	Cross-through apartments have a
measured glass line to glass line		maximum depth of 14.5m, glass line to
		glass line.
4C Ceiling heights	l	
TO Centry neights		



Design Criter	ia	Compliance	Comment
	a rom finished floor level to g level, minimum ceiling	Yes	The ceiling heights within all units comply with the minimum 2.7m requirement.
Minimum ceiling for apartment and r			
Habitable rooms	2.7m		
Non-habitable	2.4m		
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area		
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope		
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use		
These minimu ceilings if desir	ms do not preclude higher red		
	size and layout		
following minin	are required to have the num internal areas:	Yes	The affected units 4, 9 and 10 are compliant with the minimum apartment
Apartment type	Minimum internal area		sizes for 1 and 2 bedrooms being 72.49sqm, 77.15sqm and 50.25sqm
Studio	35m²		respectively.
1 bedroom	50m²		
2 bedroom	70m²		
3 bedroom	90m²		
one bathroon increase the respective to the fourth bedrooms increared by 12m2. Every habit window in an minimum glass of the floor area.	internal areas include only n. Additional bathrooms minimum internal area by som and further additional ease the minimum internal each table room must have a external wall with a total a area of not less than 10% a of the room. Daylight and be borrowed from other	Yes	
	en space and balconies		
Design criteri 1. All apartme primary balcor	a ents are required to have lies as follows:	Yes	Complies. Reconfiguration of the following affected units provides:
counted as co area is 1m 2. For apartme	ents 10m² 2m		Unit 4 (2BR) = 11.04sqm with minimum dimensions of 2m Unit 9 (2BR) = 17.62sqm with minimum dimensions of 2m Unit 10 (1 BR) = 8.01sqm with minimum dimension of 2m.



Design Criteria		Compliance	Comment
	ovided instead of a e a minimum area of m depth of 3m		
		Yes	
4F Common circula	ation and spaces		
Design criteria			
	umber of apartments e on a single level is	Yes	No change. Five units are accessed from the southern core and four from the rear northern core.
4G Storage			
bathrooms and bedistorage is provided: Dwelling type Studio apartments 1 bedroom apartments 2 bedroom apartments 3+ bedroom apartments At least 50% of the ribe located within the	<u> </u>	Yes	The proposal provides adequate internal storage within each apartment and a separate storage for each unit within the basement. The storage provided meets the requirements and objectives of the ADG.
4Q Universal desig	jn		
	ents incorporating the uideline's silver level tures.	No – acceptable	There is no change to this requirement as a result of the proposed modifications. This matter has been addressed and accepted under the previous consent with the following commentary: 11.1% (3 out of 27) of the units within the RFB are adaptable. Whilst it is noncompliant with the design guidance, the proposal is compliant with the DCP (as addressed later) which is considered for the development as a whole (including both the RFB and multi-dwelling portions). Adaptable layout plan provided for the nominated units are considered to be satisfactory. Standard conditions regarding BCA compliance for the layouts will be included.

DOCUMENTS ASSOCIATED WITH REPORT LPP039/20

Attachment 6
Approved Plans under DA2017/500

LOCATION INAP UT

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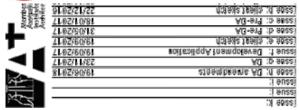
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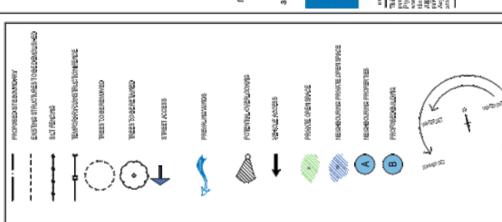
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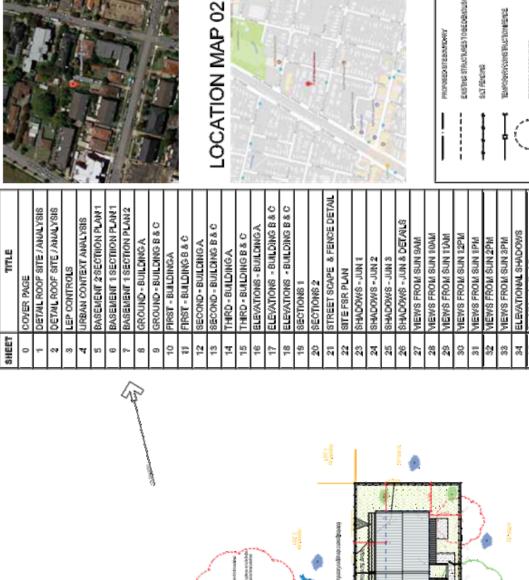


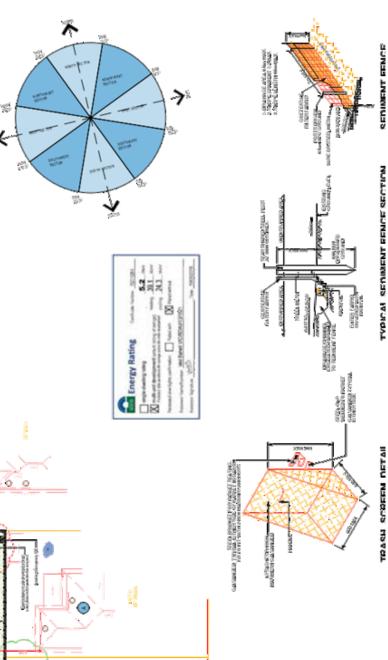


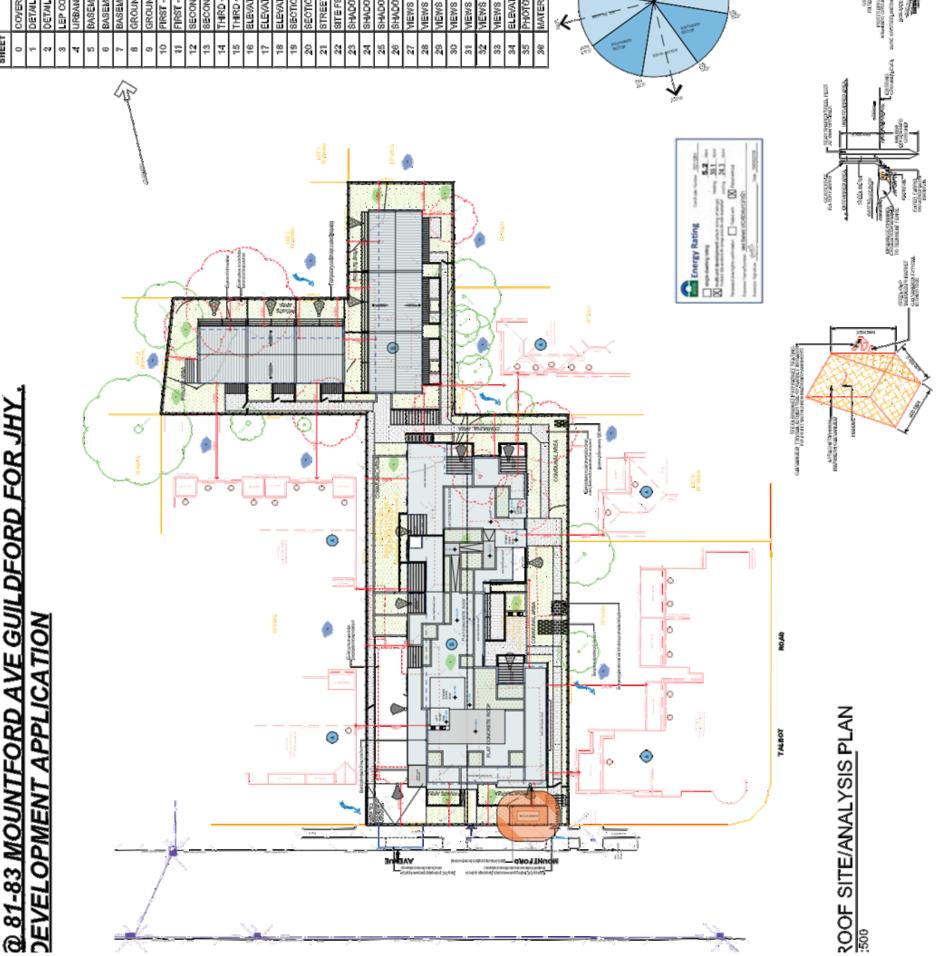
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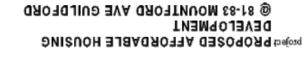
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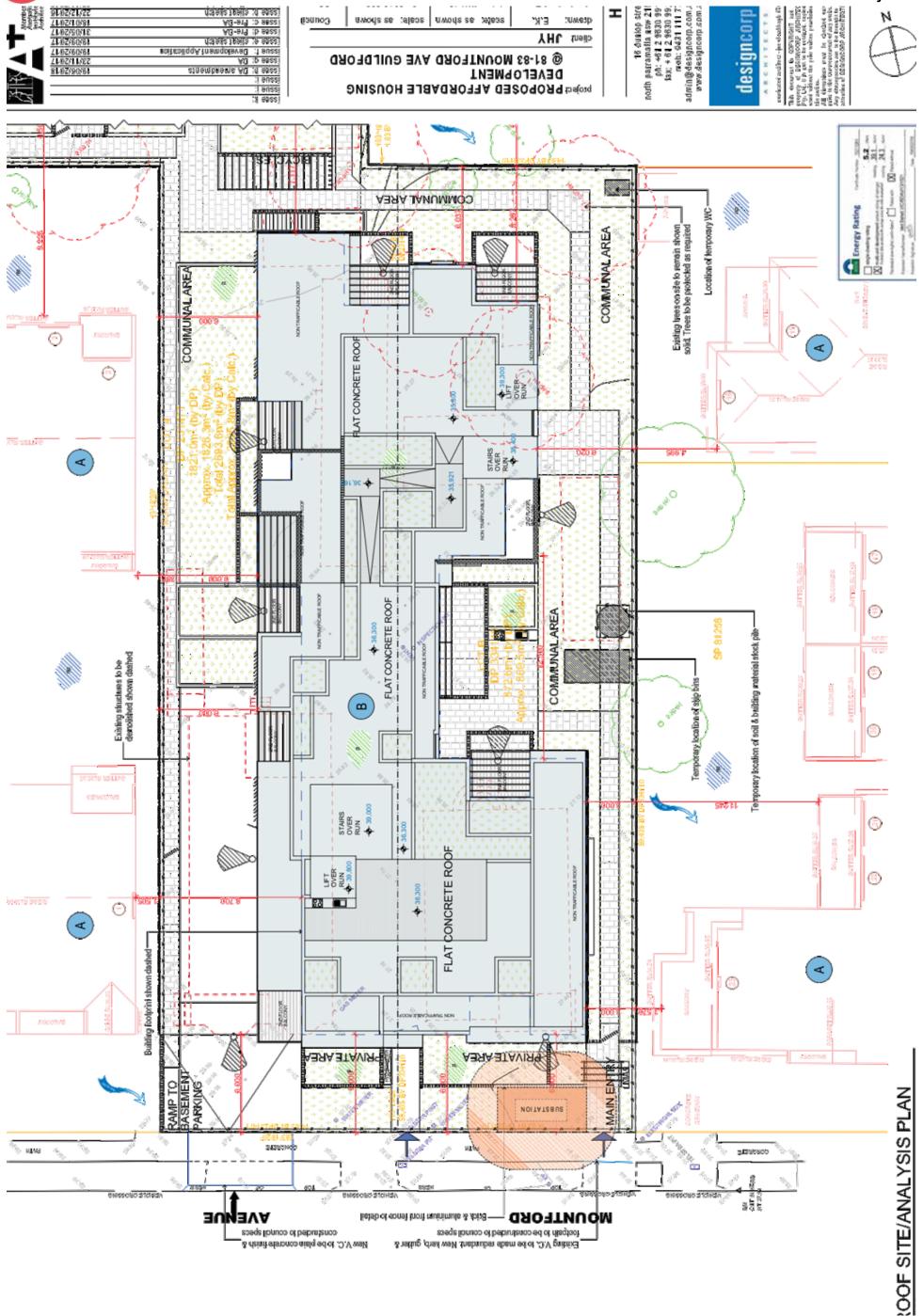
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Cumberland Local Planning Panel Meeting 8 July 2020

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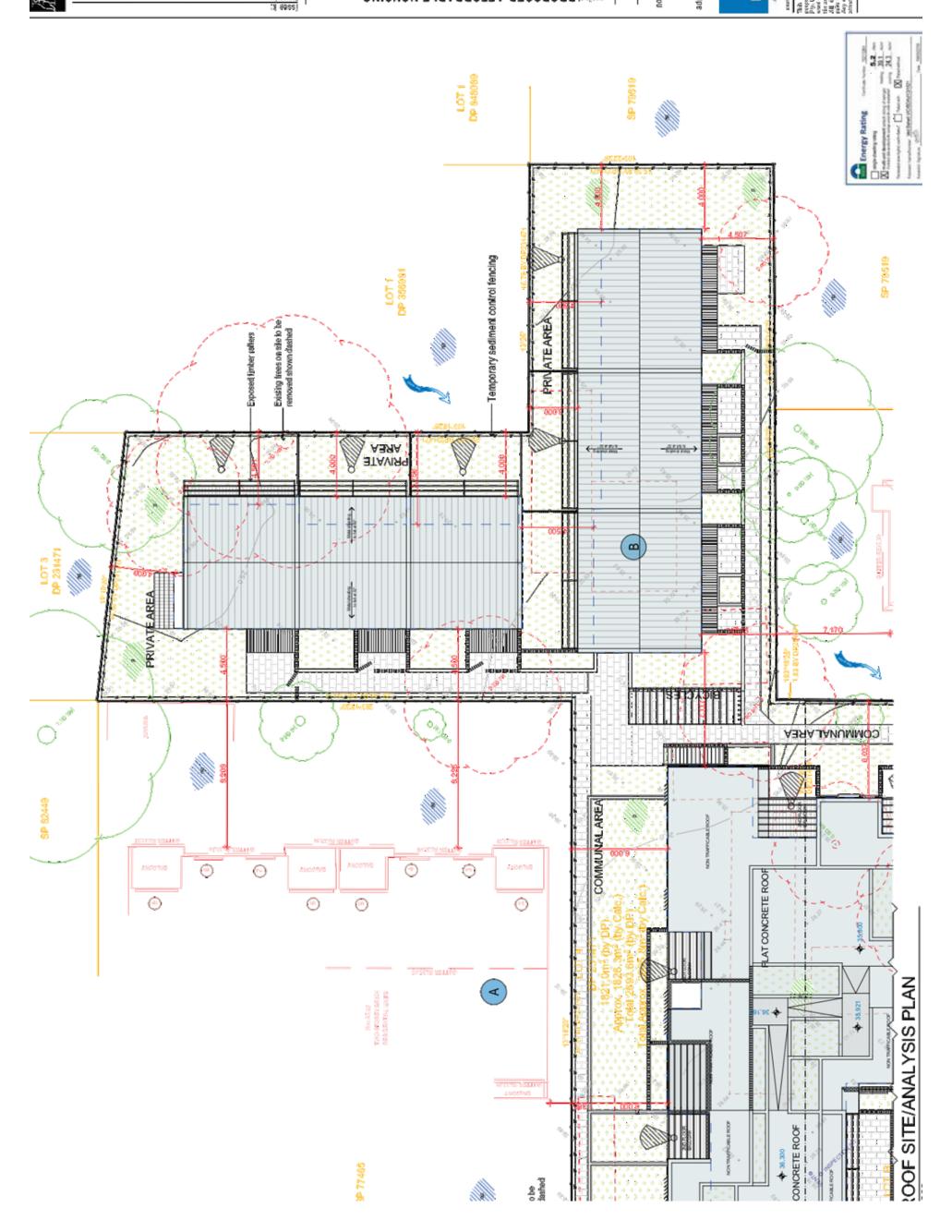
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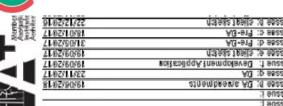
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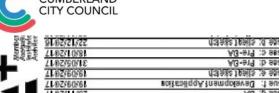






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Proposed Affordable Housing development

DA for Affordable housing

Existing Residential Flat Buildings

Residential Flat Buildings Under Construction

B4 Mixed Use

B2 Local Centre

R2 Low Density Residential

R3 Medium Density Residential

R4 High Density Residential

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St Mary's Guildford Medical Centre

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Guildford Fire Station

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Guildford Branch Library Guildford Mosque

Australian Post ◍

Guildford Community Centre ⅎ

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Guildford Anglican Church 0

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Bus Stop

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RE1 Public Recreation

ZONING

IN1 General Industrial

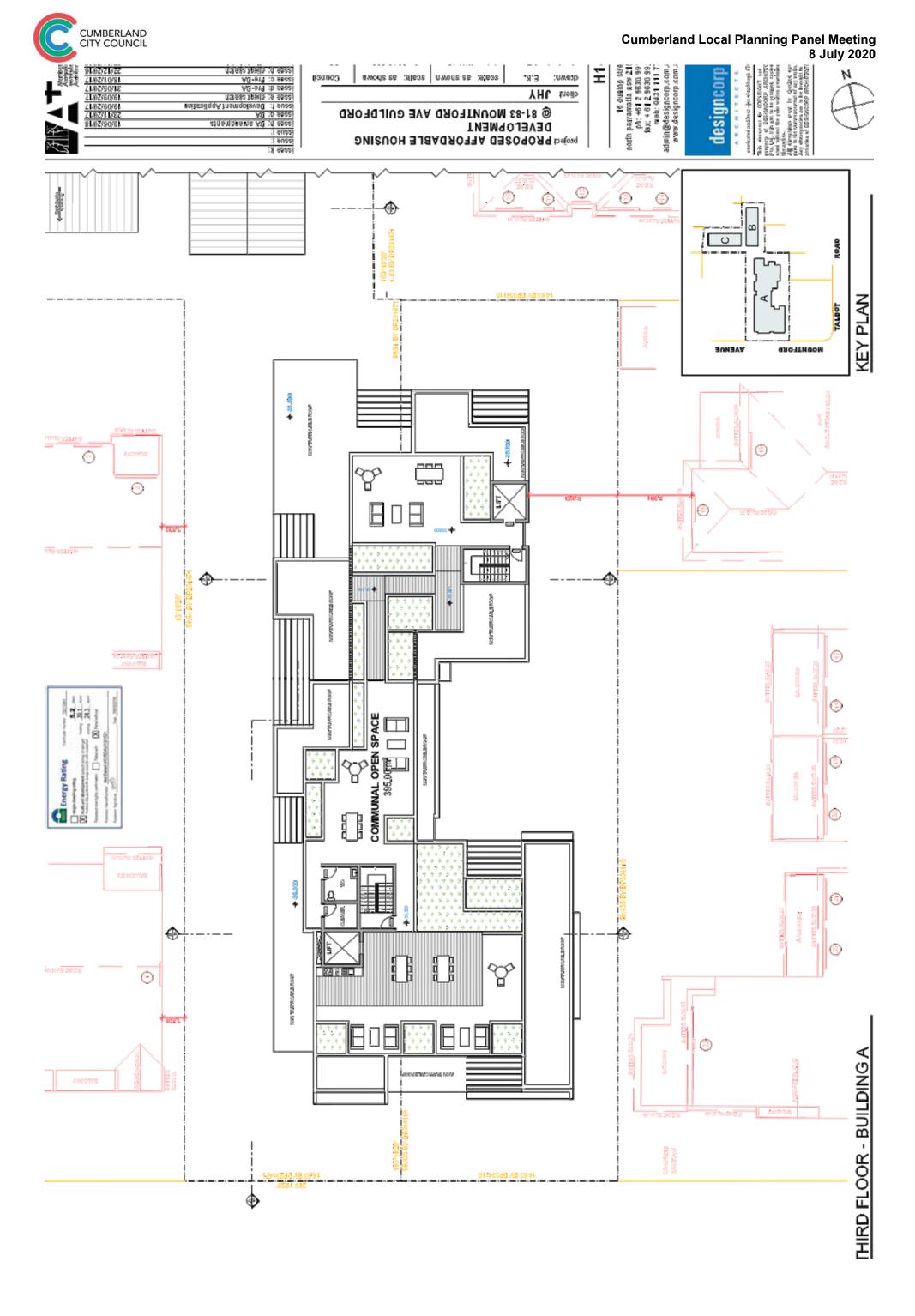
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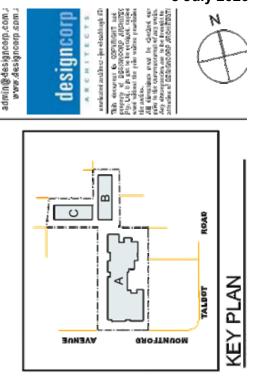
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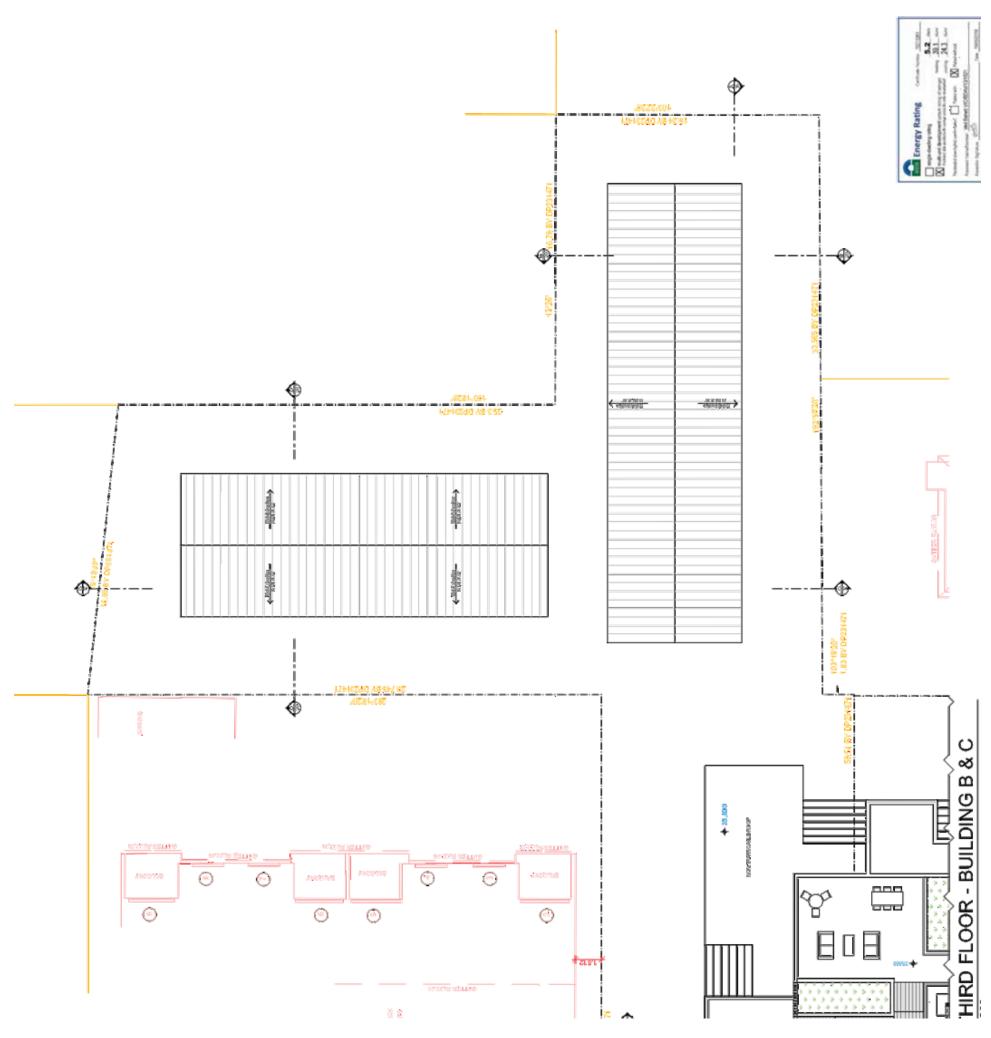
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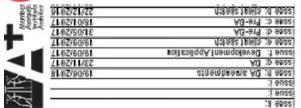


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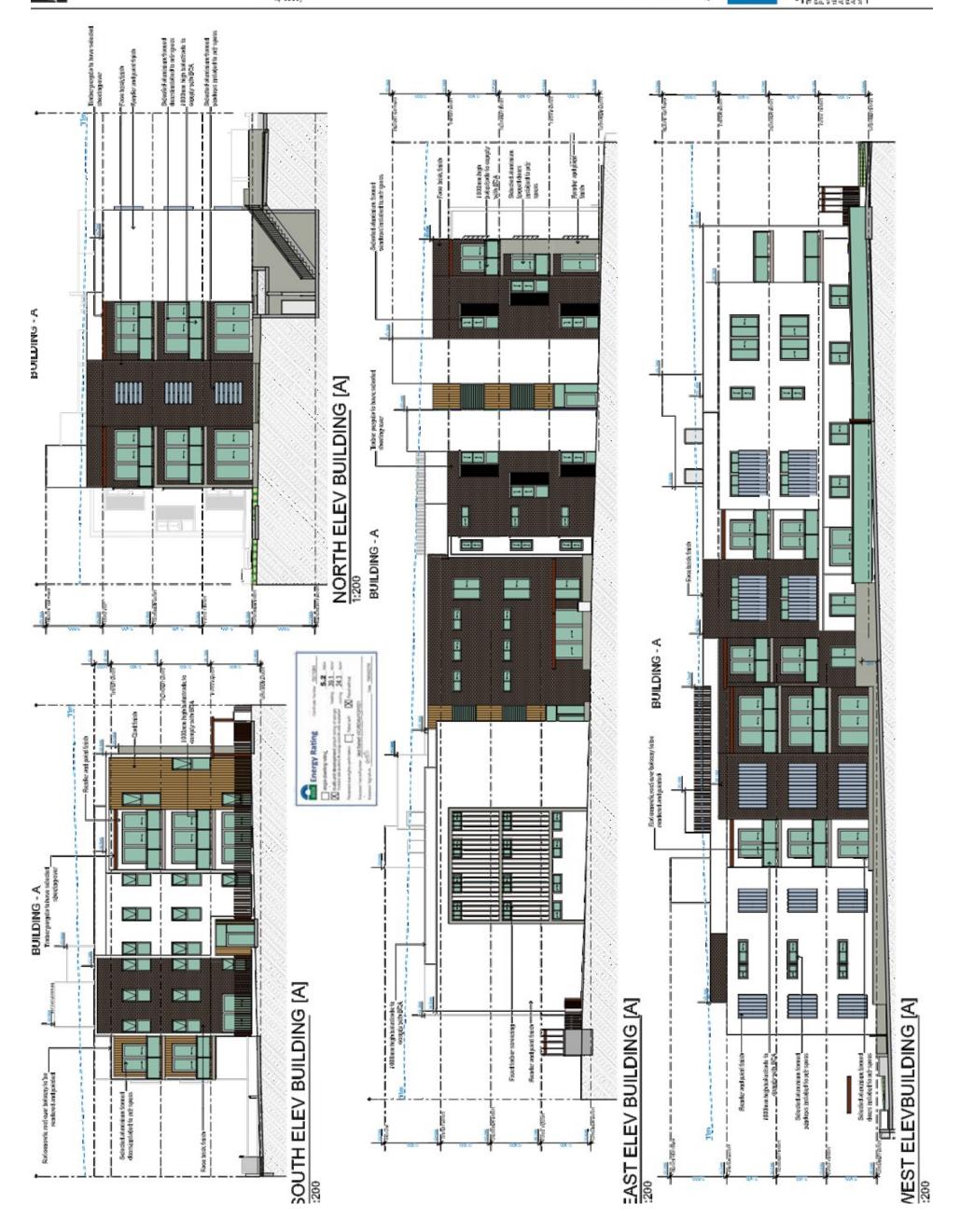
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@ 81-83 MOUNTFORD AVE GUILDFORD

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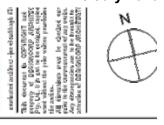
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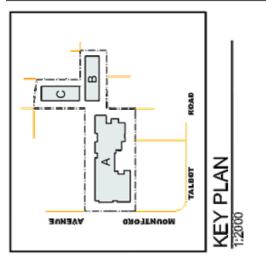
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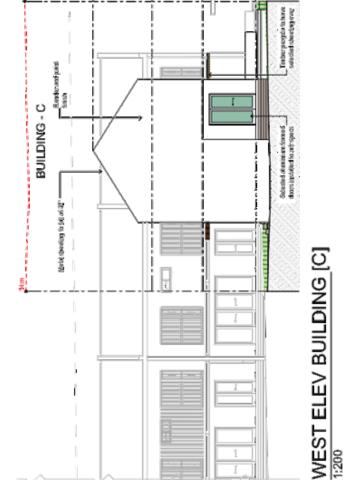
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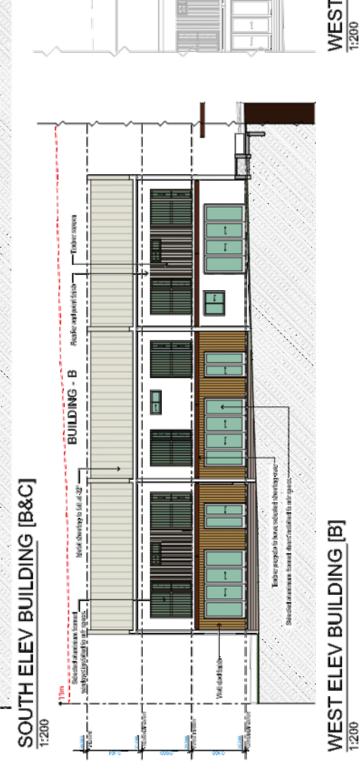












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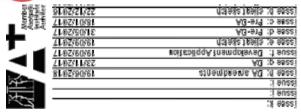
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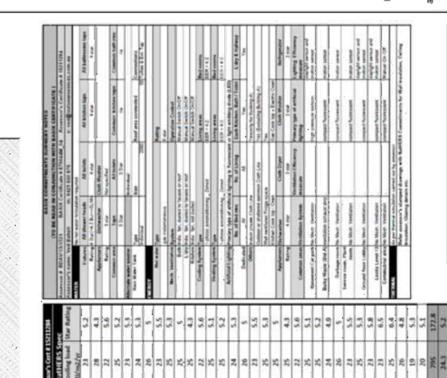
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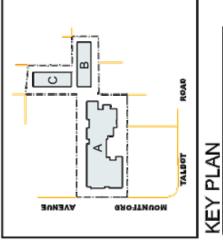
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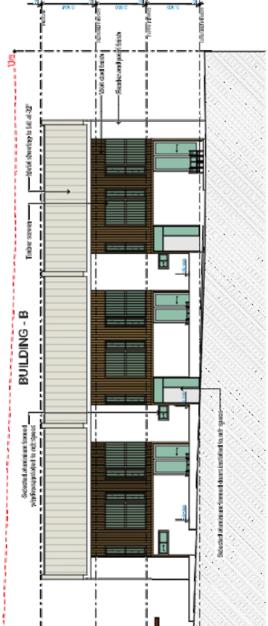




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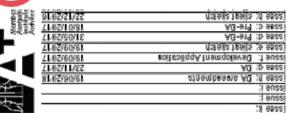
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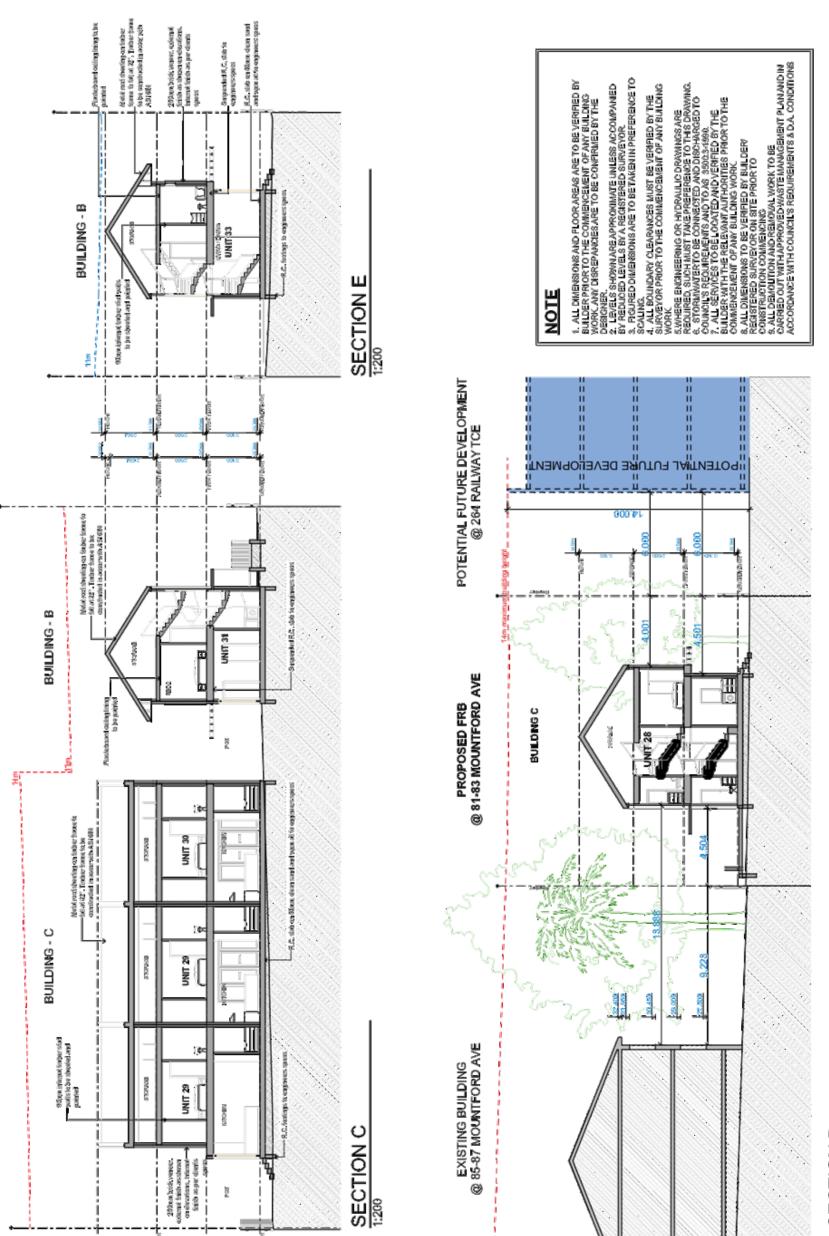
@ 81-83 MOUNTFORD AVE GUILDFORD **DEVELOPMENT** project PROPOSED AFFORDABLE HOUSING





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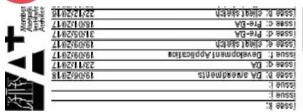




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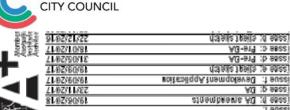
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PROPOSED FSR 0.65:1 PROPOSED GFA 288.27 m² ARH SEPP FSR +0.5:1 MAX FSR 1.6:1 MAX GFA 703.6 m² 439.75 m² 483.7 m² AREA MAX GFA

: anss

N ages

State Environmental Planning Palicy (Affantable Rental Housing) 2009

0.8:1 + 0.19:1 extra =0.99:1

PROPOSED FSR PROPOSED GFA

ARH SEPP FSR +0.5:1

1.3:1 2,933.14 m²

FSR MAX GFA

AREA 2,256.26 m² MAX GFA 1,805 m²

FSR 0.8:1

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(4) This closes applies to development to which this Division applies if the percentage of the grass floor area of the development that is to be exceed for the purposes of effortable housing is a last 20 per read.
(3) The most rake to be exceeded as a common floor posses of a floor applies to a space rake to a sixtual pass applies is to accur, plus rake for any four of residencial accounts about a pass some rake of a floor and a which the development is to accur, plus:
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Act is the percentage of the great flate area of the development that is used for affordable housing.

ITE FSR PLAN

2695.8 m² 2288.7 m² 3636.74 m²

TE TOTAL

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SITE FSR PLAN

PARRAMATTA LEP

FSR 1.1:1

FSR 0.8:1

2520.54 m²

ROPOSED GFA

SHSEPP MAX GFA

AX GFA DCP

0.935:1

ROPOSED FSR

RH SEPP FLOOR AREA (min 20% 504.1m²) FOR AFFORDABLE HOUSING 516.09 m² (20.5%)

LPP039/20 - Attachment 6



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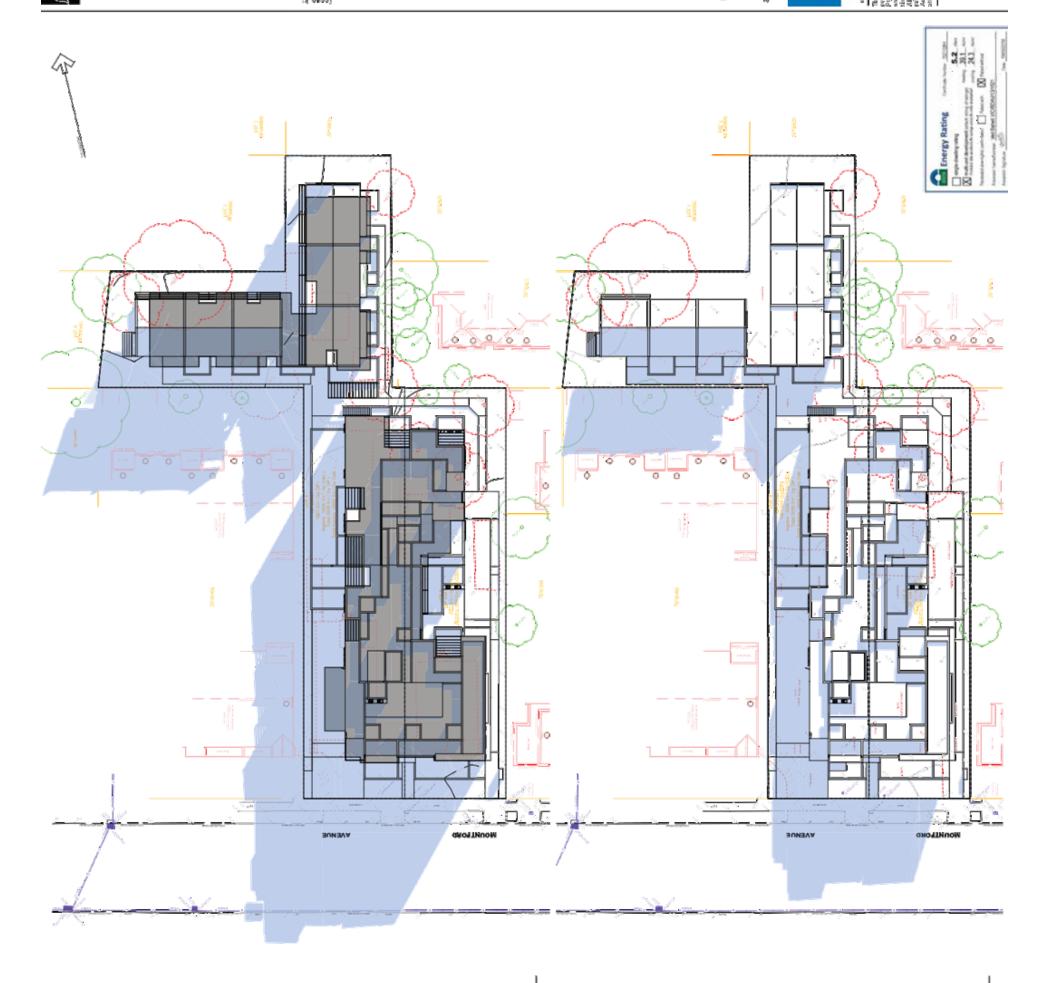
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PROPER PROPOSED AFFORDABLE HOUSING

@ 81-83 MOUNTFORD AVE GUILDFORD



Jun-21-10am

Jun-21-9am

NOTE

1. ALL CIMENSIONS AND FLOOR AREAS ARE TO BE VERHED BY BUILDER PROFIT THE COMMENCEMENT OF ANY BUILDING WORK, ANY DISREPANCHES ARE TO BE CONFIRMED BY THE DESIGNER.

2. LEVELS SHOWN ARE APPROXIMATE UNLESS ACCOMPANIED BY REDUCED LEVELS BY A REGISTERED SURVEYOR.

3. REDUCED LEVELS BY A REGISTERED SURVEYOR.

4. ALL BOUNDARY CLEARANCES MUST BE VERIFIED BY THE SURVEYOR PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK.

5. WHERE ENGINEERING OR HYDRALLIC DRAWINGS ARE REQUIRED, SUCH MUST THE COMMENCEMENT OF THIS DRAWING.

6. STORMANZIER TO BE CONNECTED AND DISCHARGED TO COUNCIL'S REQUIRED BY THE BUILDING WORK.

6. ALL DIMENSIONS TO BE VERIFIED BY BUILDER BY THE BUILDER WITH THE RELEVANTIAL HORRIES PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK.

8. ALL DIMENSIONS TO BE VERIFIED BY BUILDER REGISTERED SURVEYOR ON SITE PRIOR TO CONTRUCTION COMMENCING WORK.

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LPP039/20 – Attachment 6



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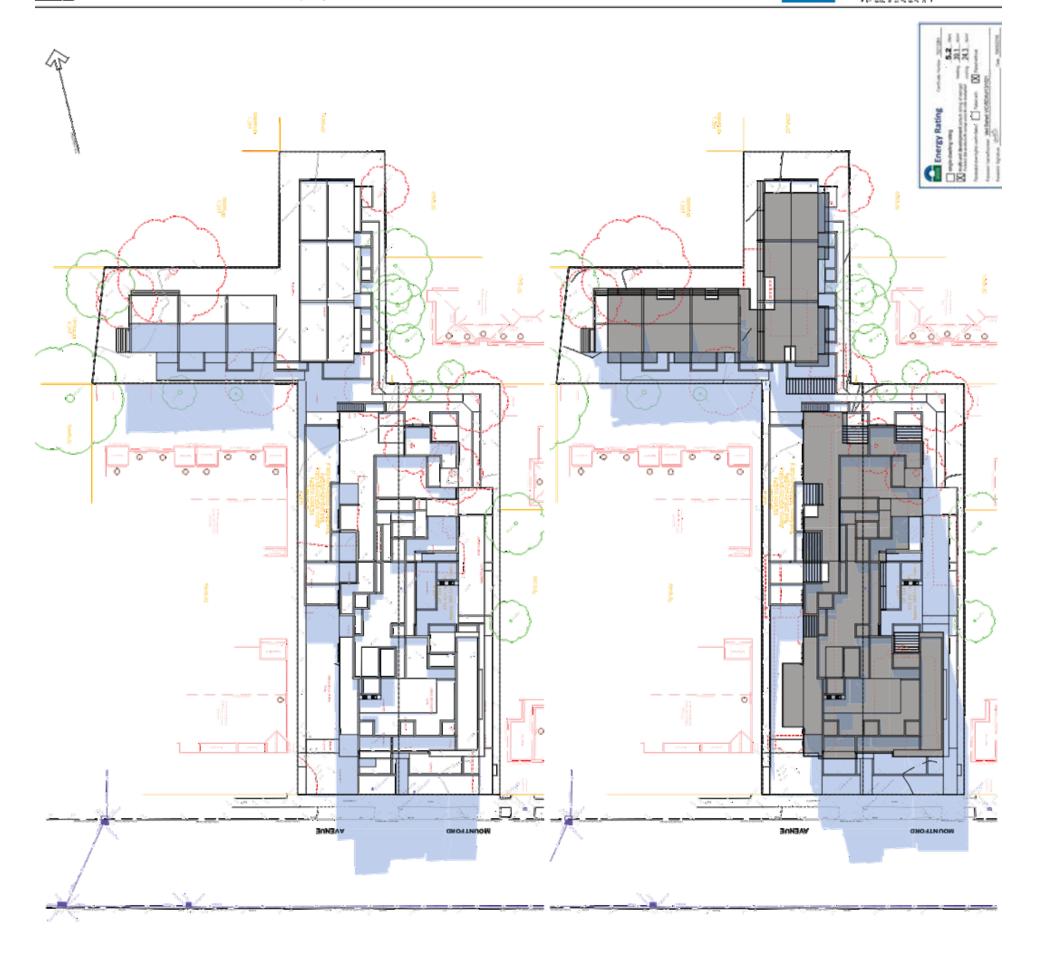
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PEVELOPMENT

@ 81-83 MOUNTFORD AVE GUILDFORD

PROPOSED AFFORD AVE GUILDFORD



Jun-21-12pm

Jun-21-11am

NOTE

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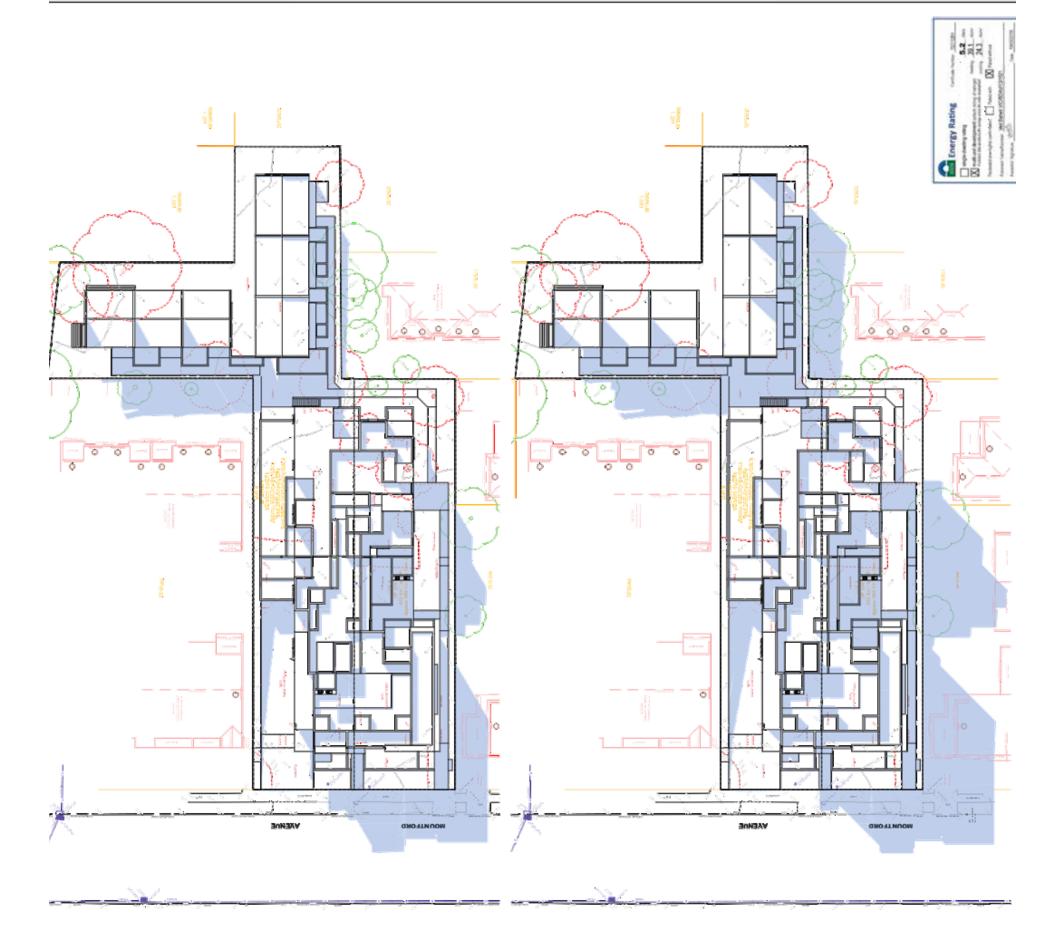
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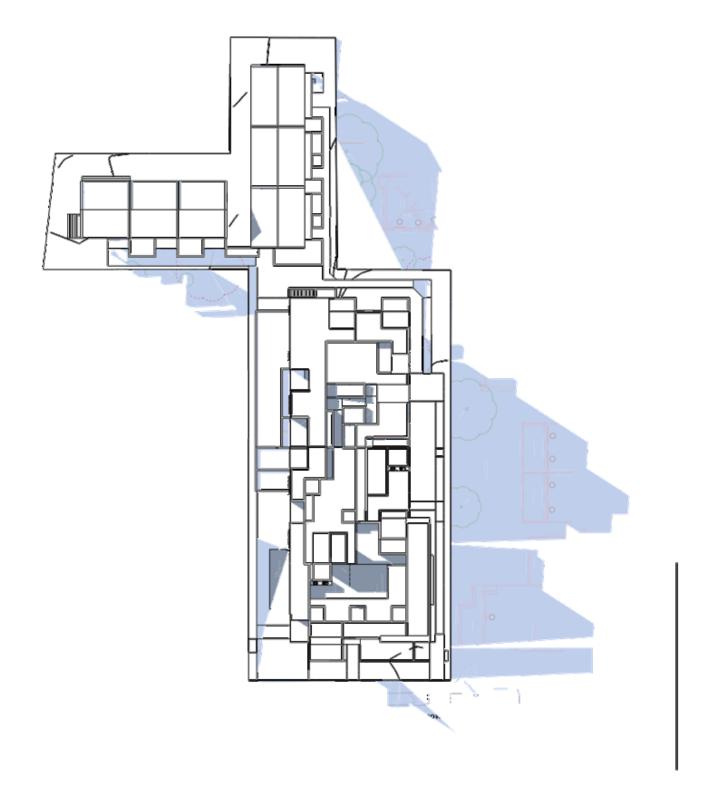
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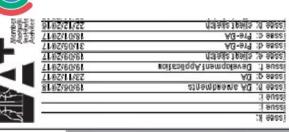












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* Note: Every surface shown receives sun on nominated hour



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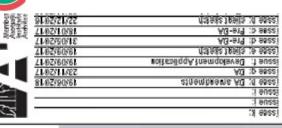


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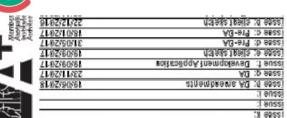
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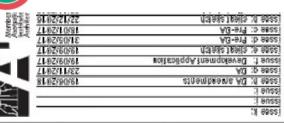






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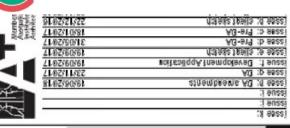
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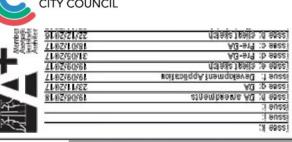
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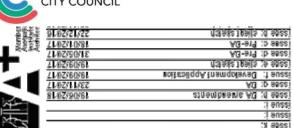
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SOLAR ACCESS STUDY VIEWS FROM THE SUN ON 21st June

79 MOUNTFORD AVE

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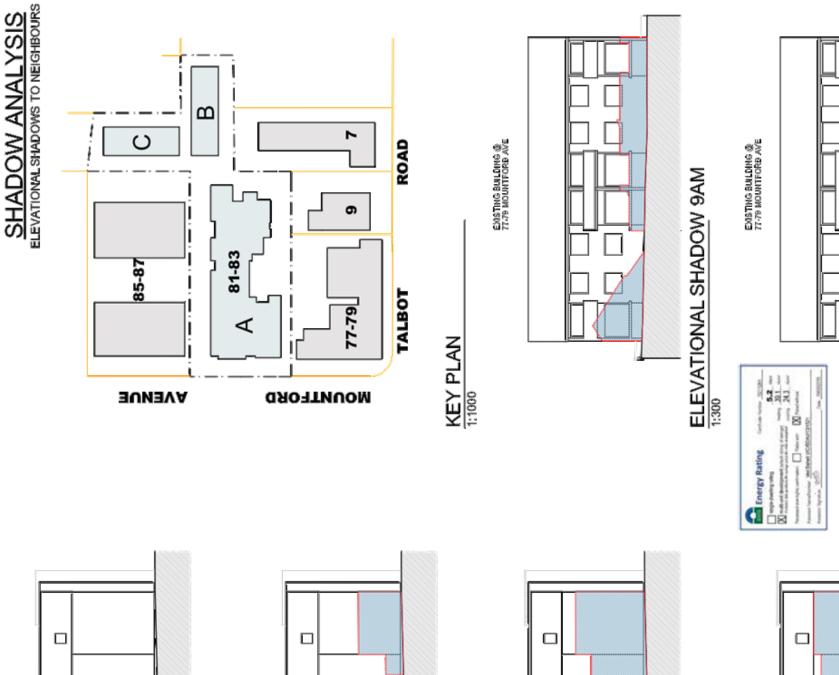








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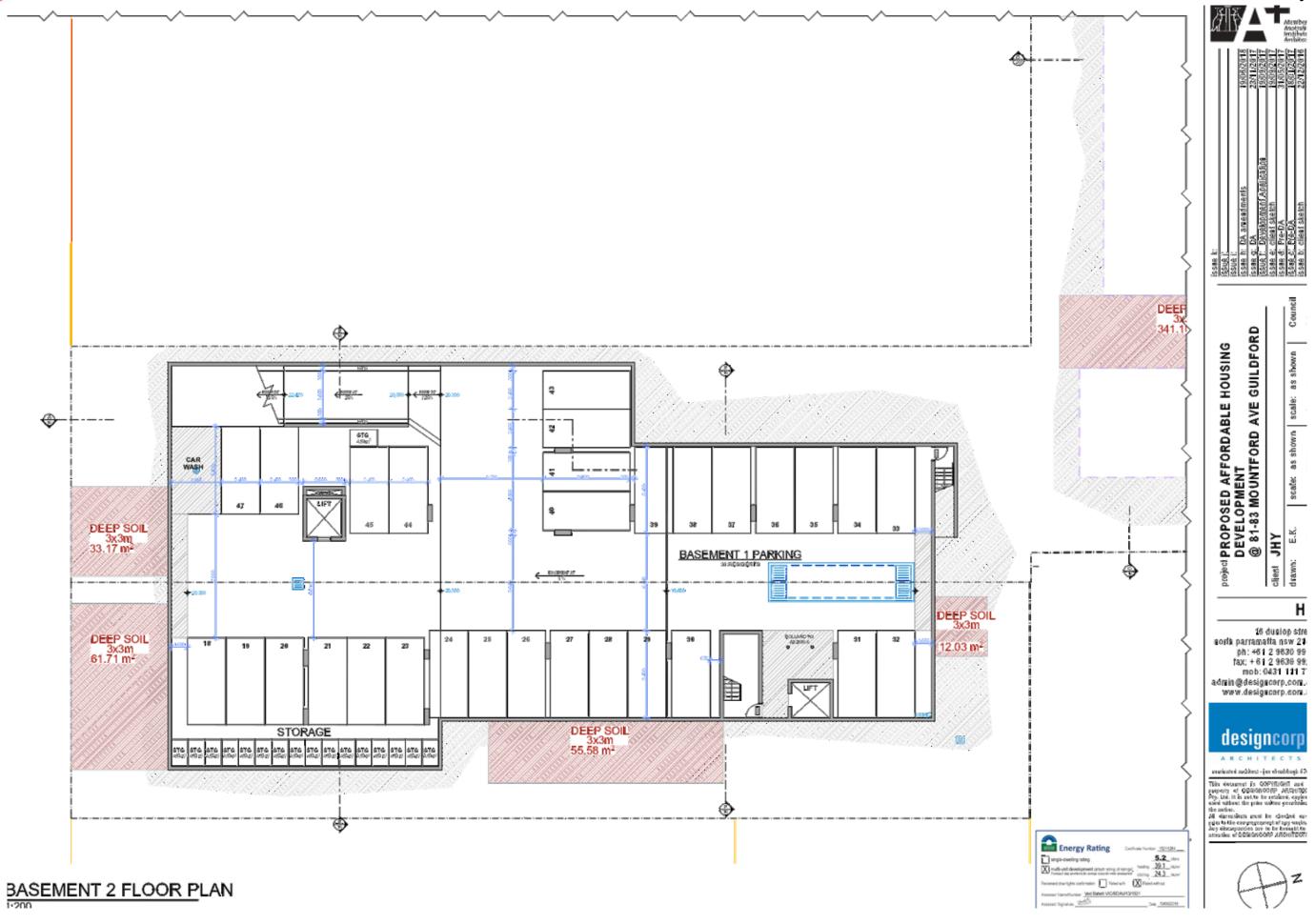




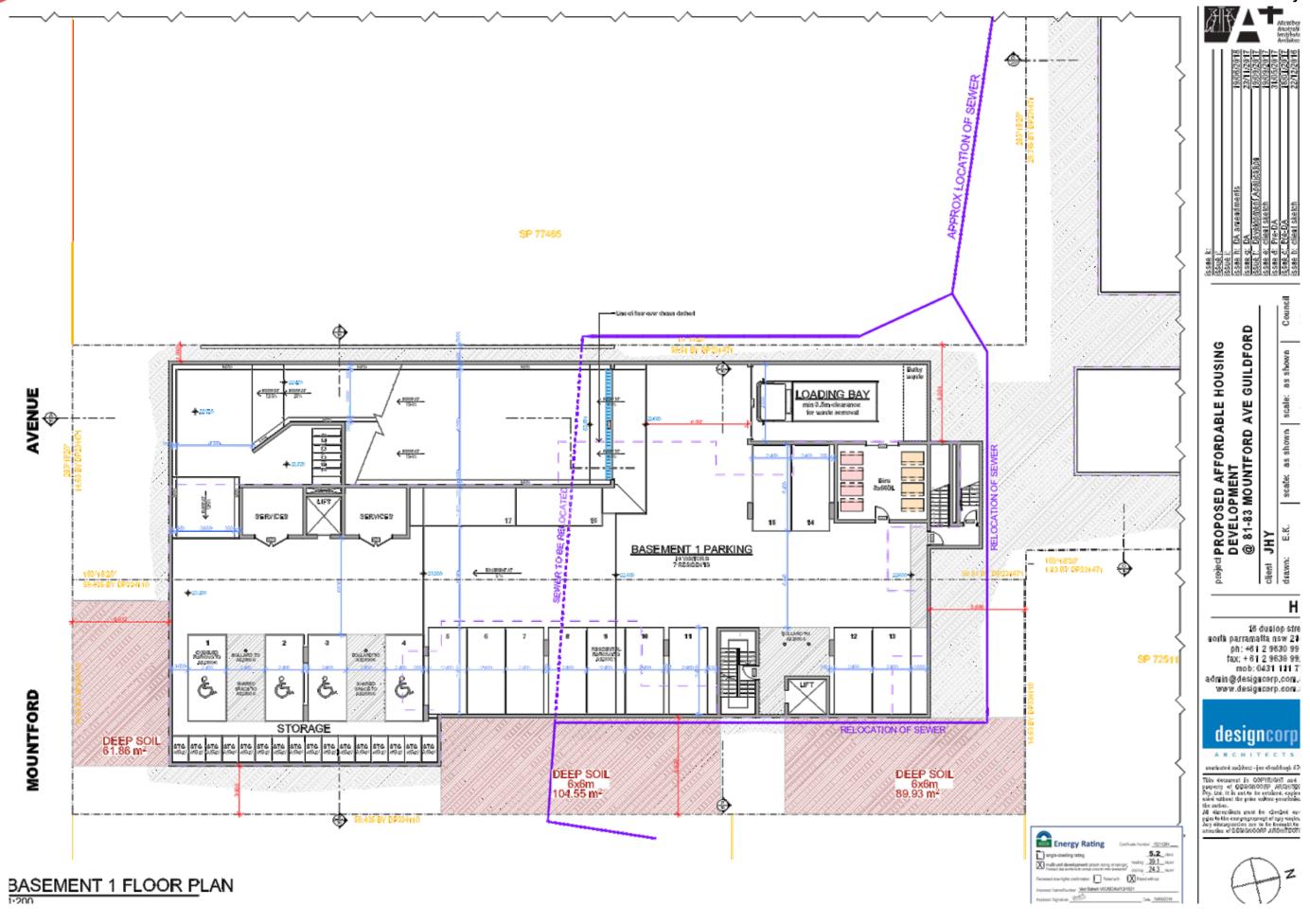
EXISTING BUILDING @ 77-79 MOUNTFORD AVE

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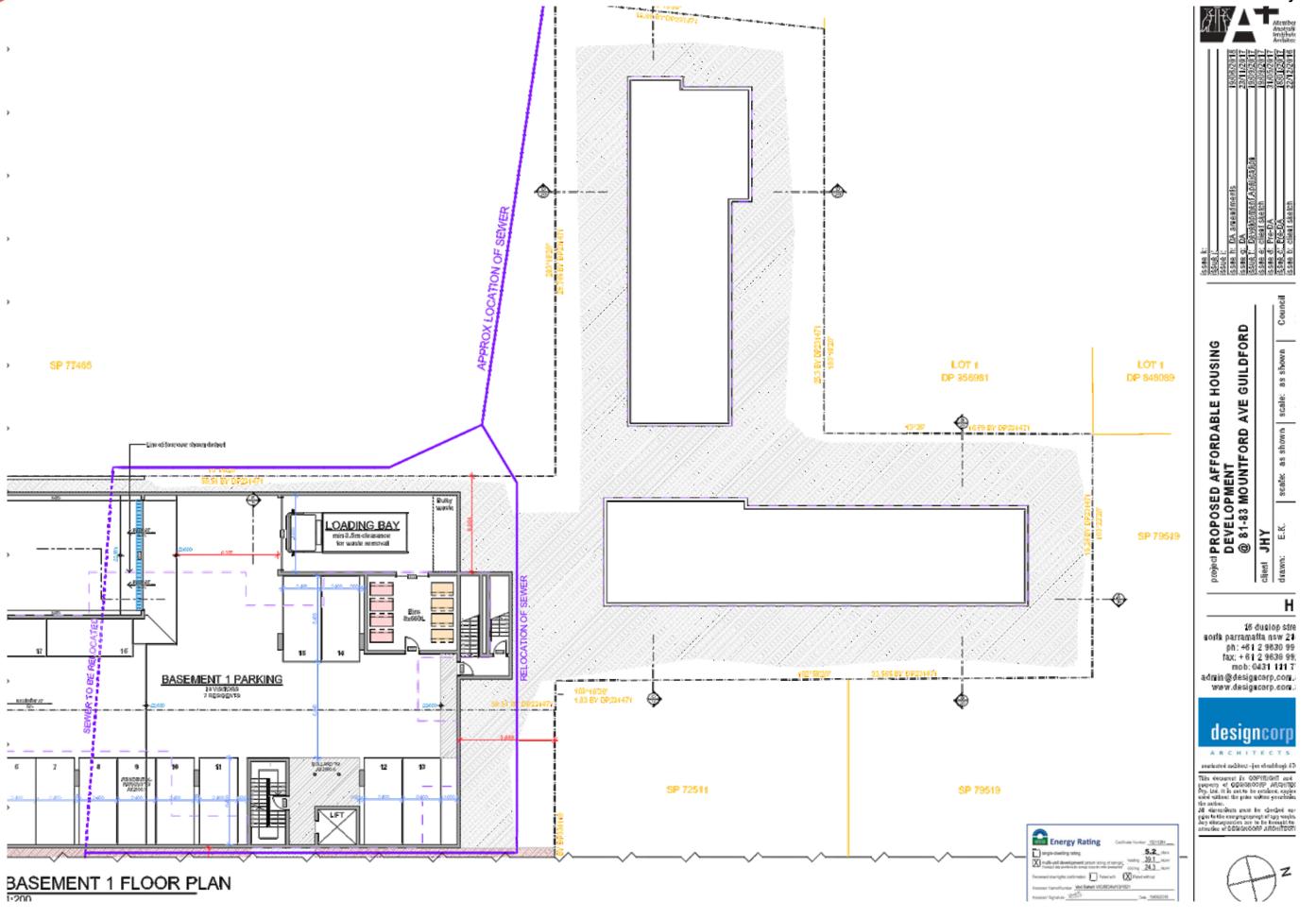




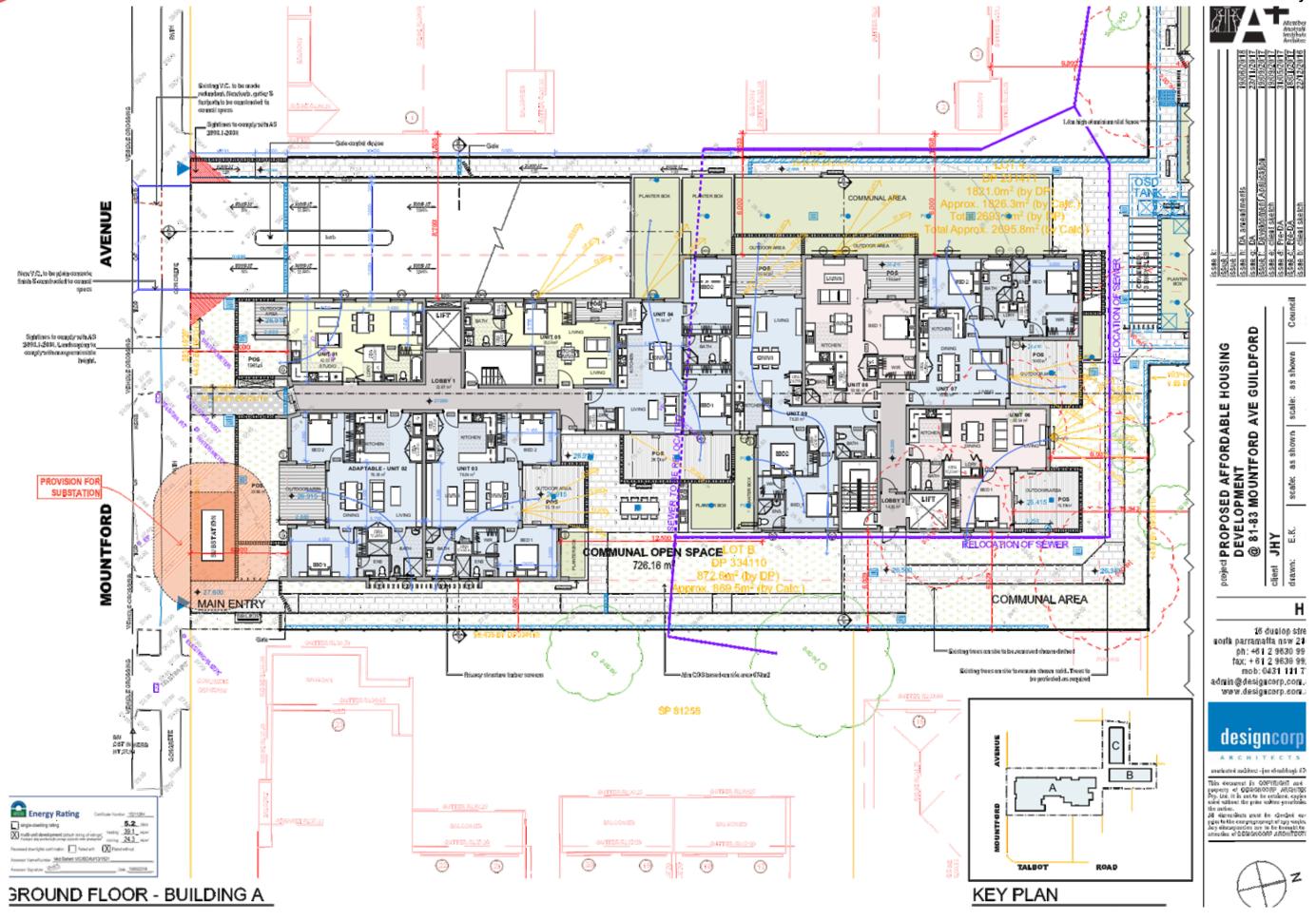




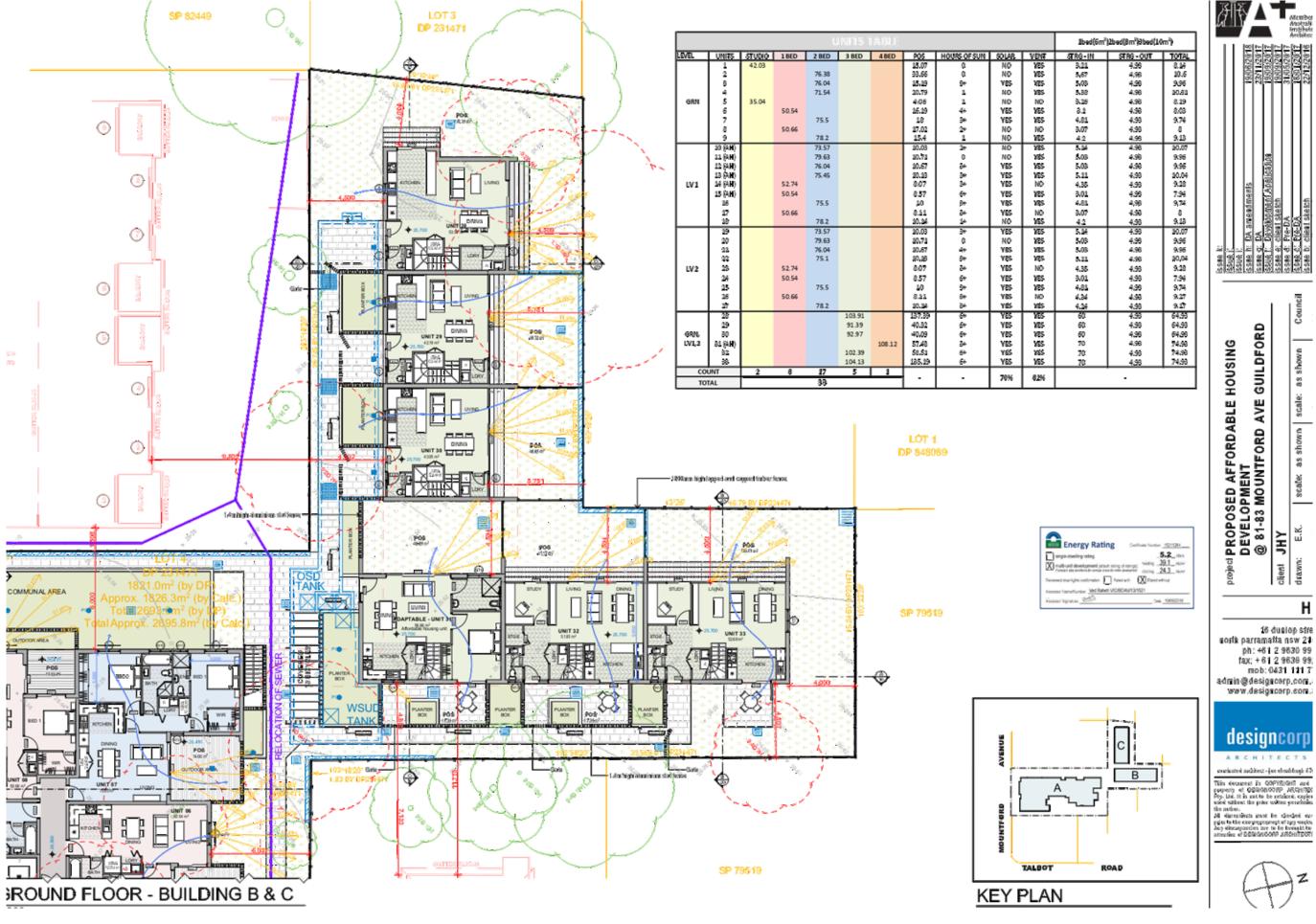






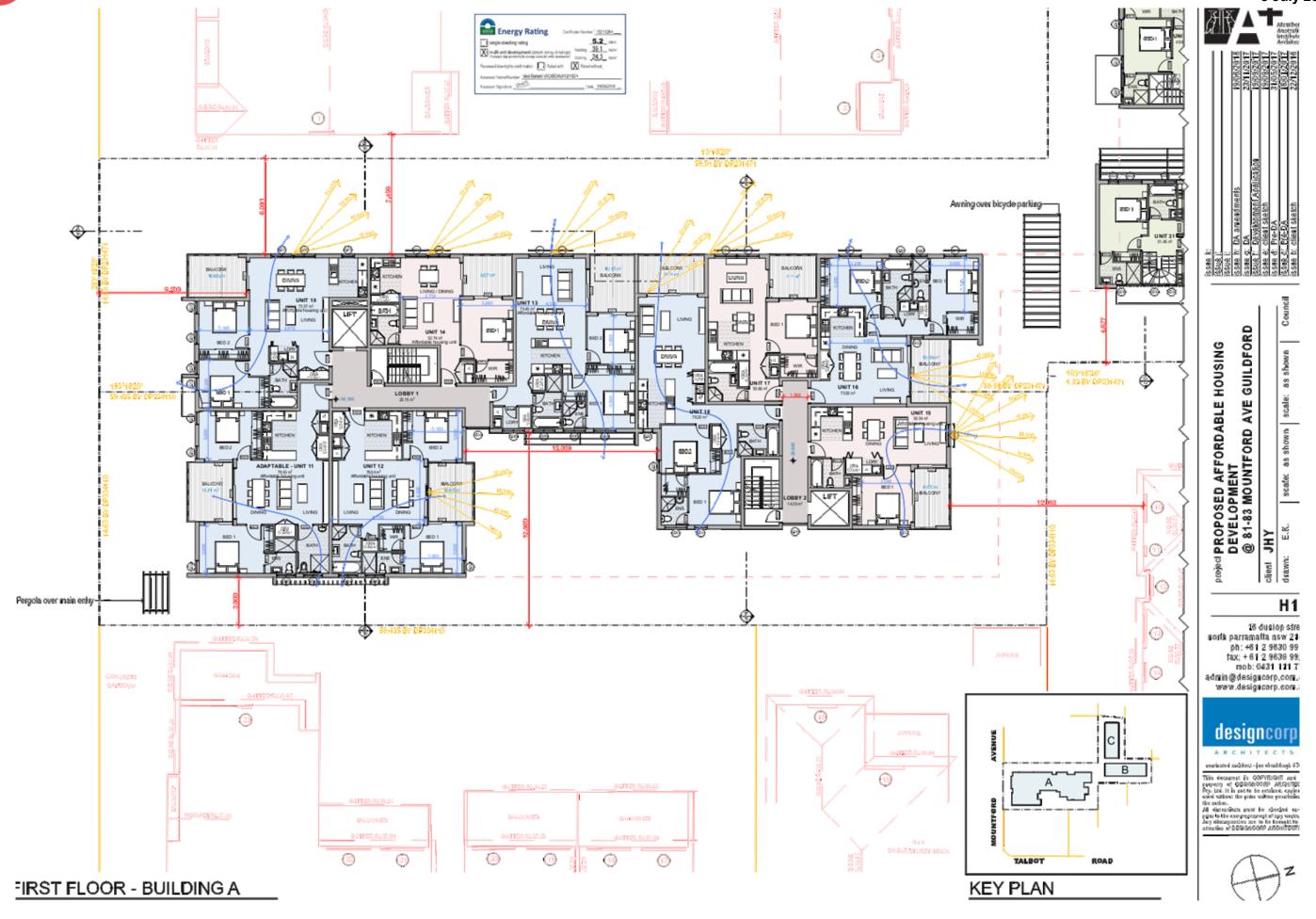




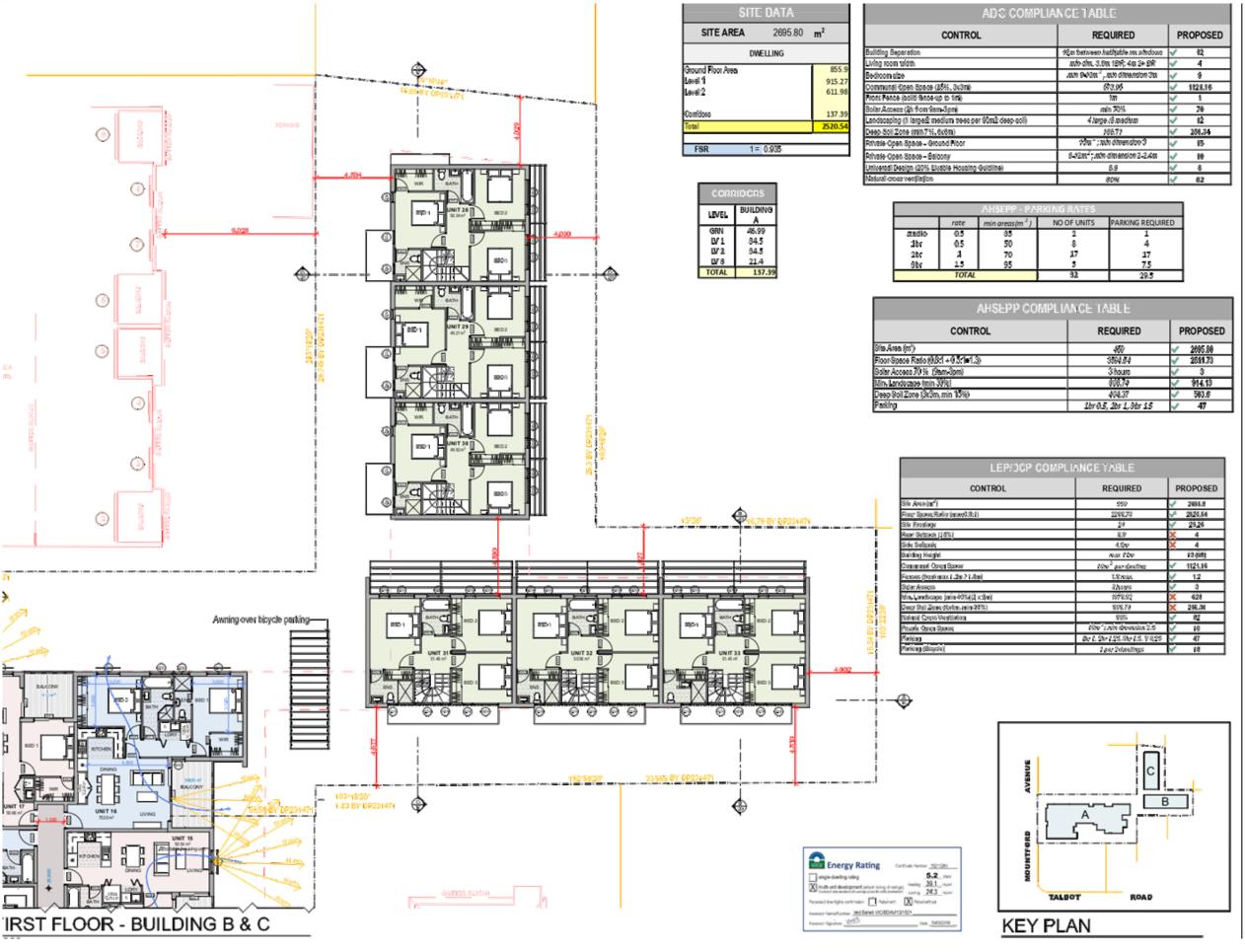


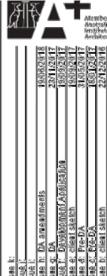
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project PROPOSED AFFORDABLE HOUSING
DEVELOPMENT
@ 81-83 MOUNTFORD AVE GUILDFORD
client JHY

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mob: 0431 121 7
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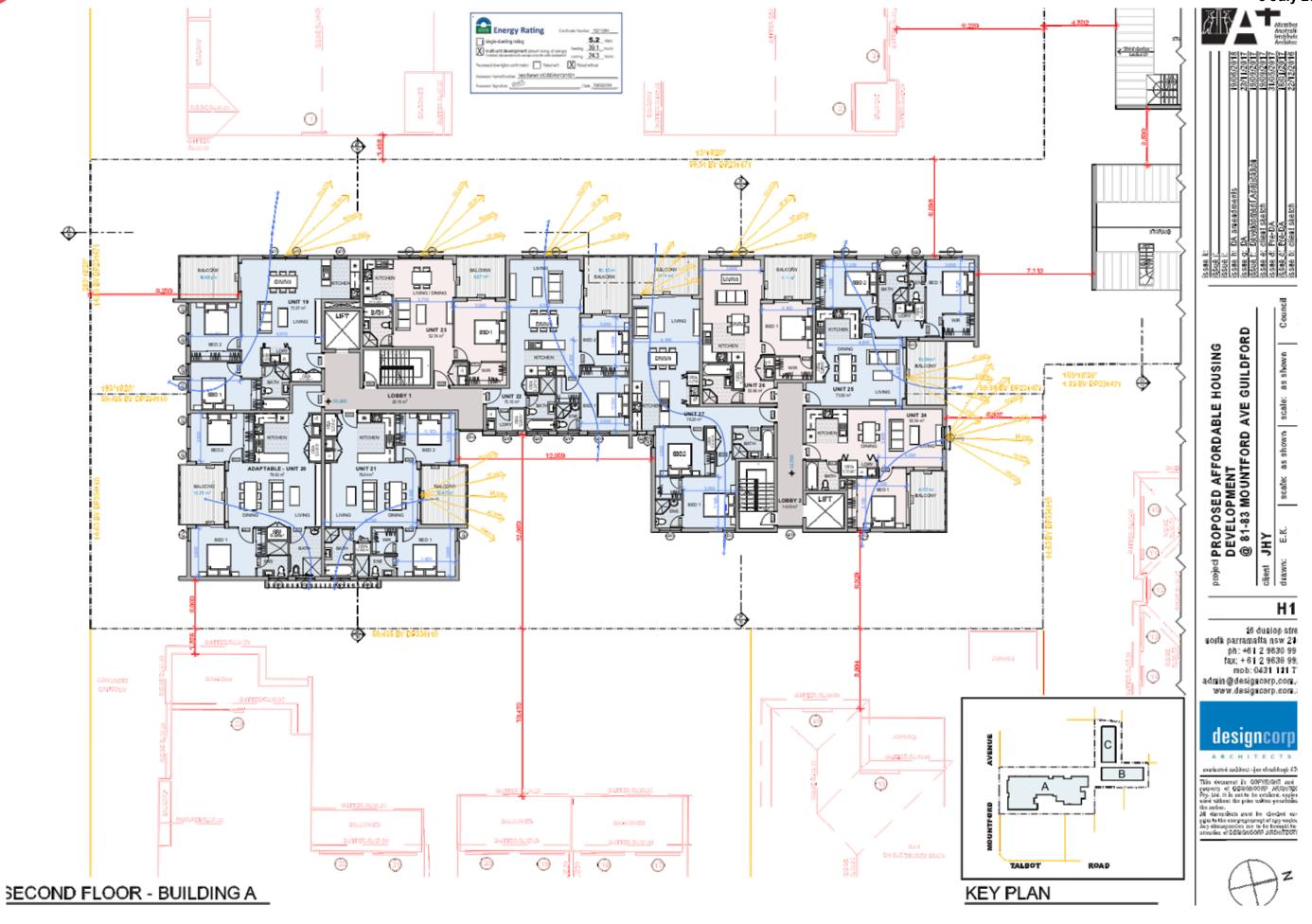
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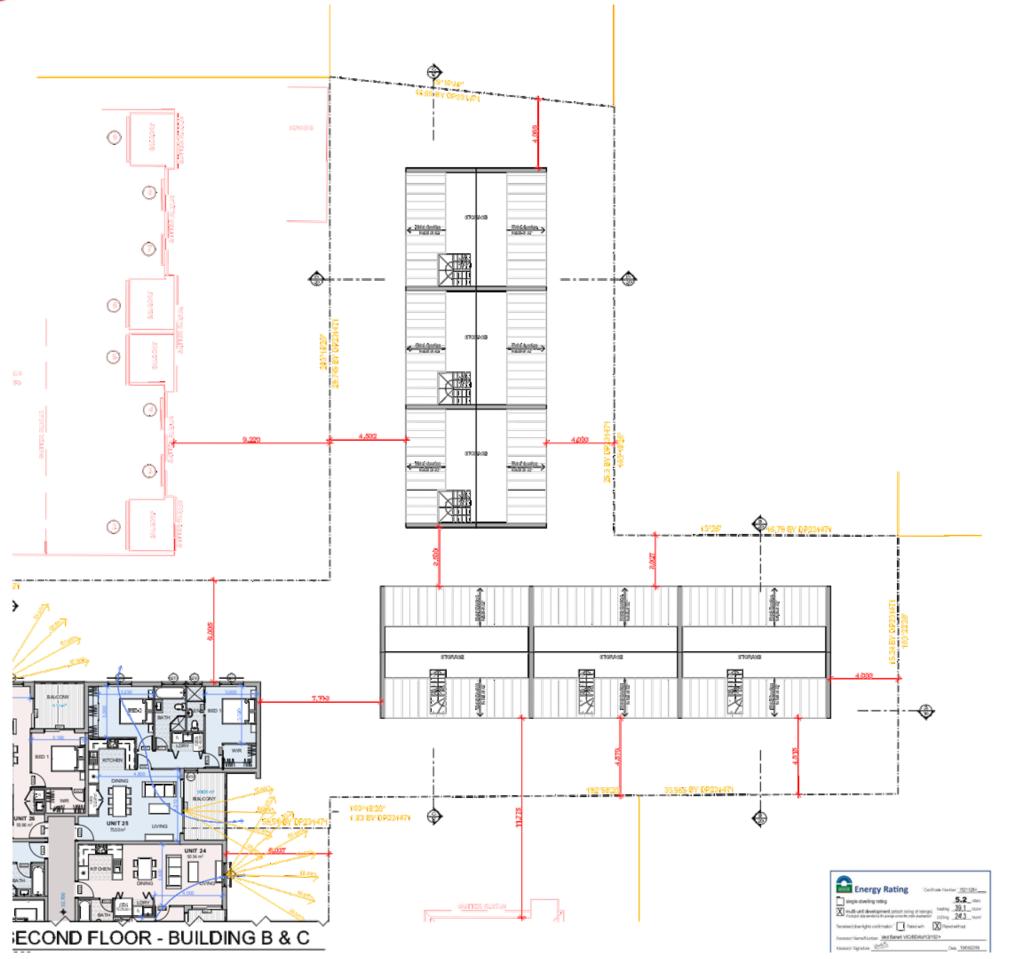
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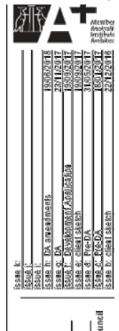












project PROPOSED AFFORDABLE HOUSING DEVELOPMENT @ 81-83 MOUNTFORD AVE GUILDFORD

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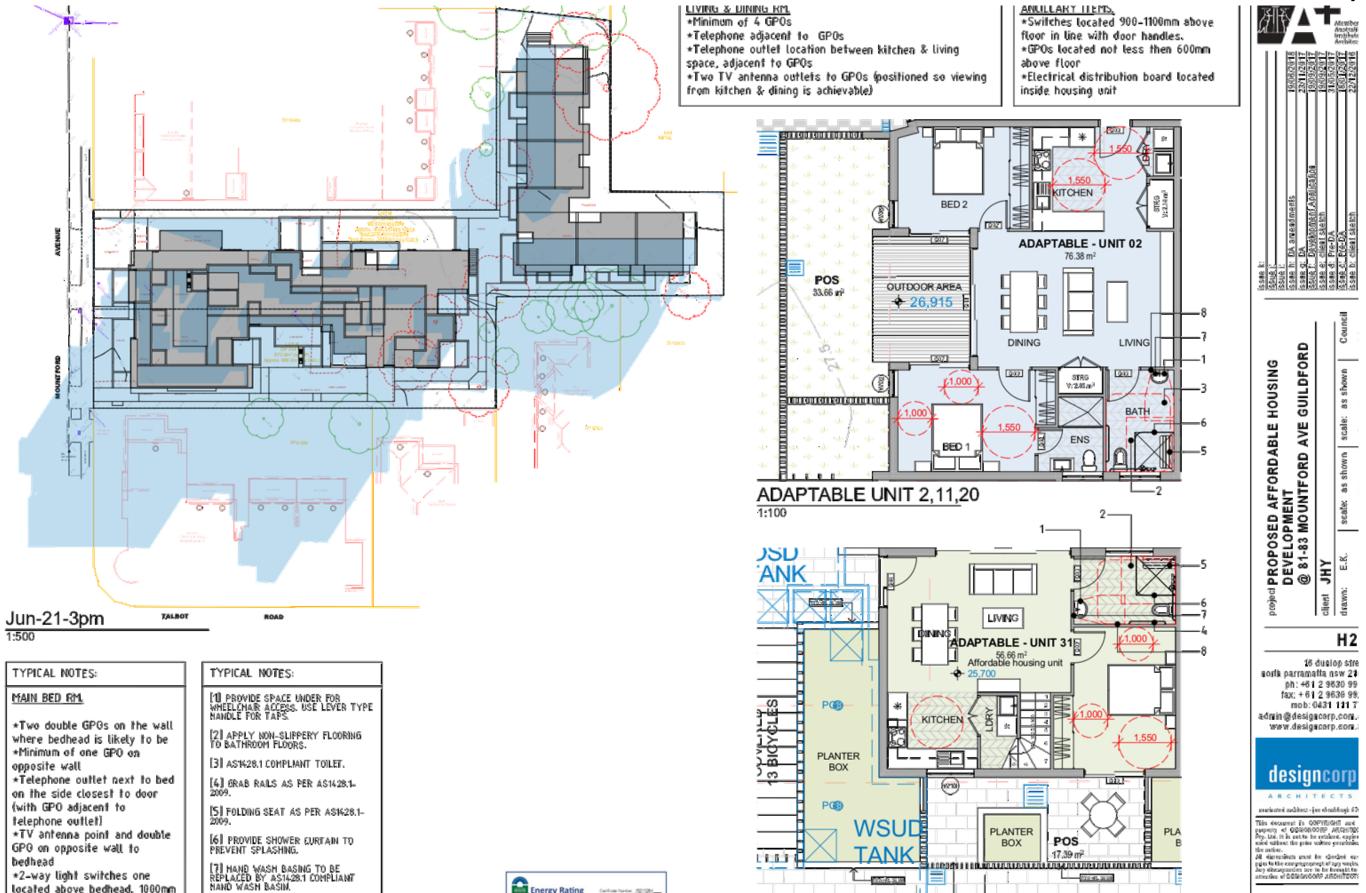
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TALBOT

KEY PLAN







CUMBERLAND CITY COUNCIL

located above bedhead, 1000mm

[8] DOUBLE GPO BESIDE MIRROR

high above floor

LPP039/20 – Attachment 6 Page 770

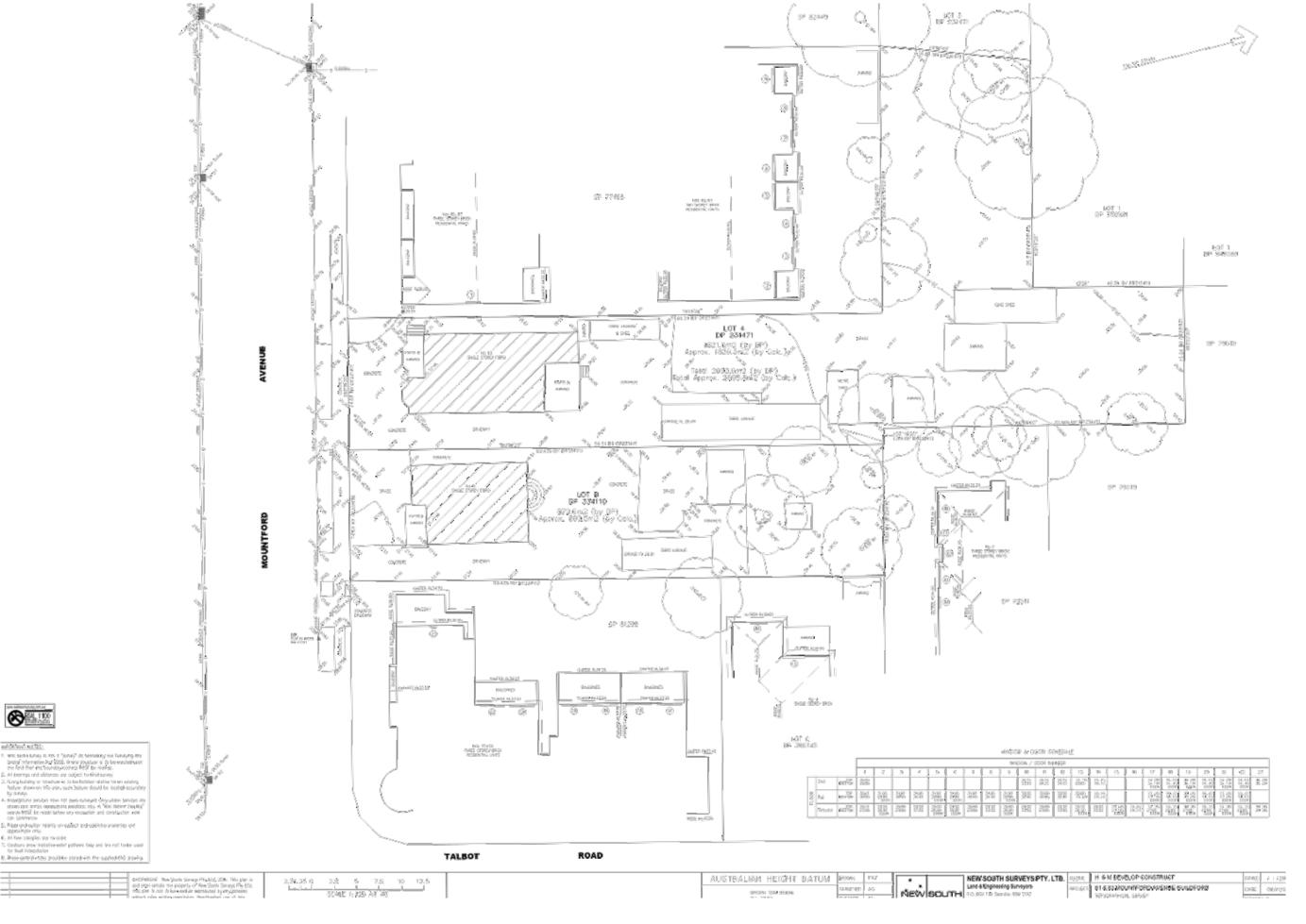
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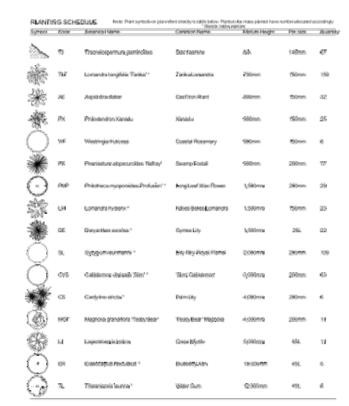
Page 771 LPP039/20 - Attachment 6



Appendix F Survey of Subject Tree/s re marked on the plans in the following appendions ar

Trises the subject of this report are marked on the plans in the following appendices and are numbered as listed belong the subject of this report are marked on the plans in the following appendices and are numbered as listed belong the subject of this report are marked on the plans in the following appendices and are numbered as listed belong the subject of this report are marked on the plans in the following appendices and are numbered as listed belong the subject of this report are marked on the plans in the following appendices are subject of this report are marked on the plans in the following appendices and are numbered as listed belong the subject of this report are marked on the plans in the following appendices and are numbered as listed belong the subject of the sub

Redgum Tree / Stand No.	Genus and species	Common name	Recommendation
1	Thuja orientally	Bookleaf Conifer	Remove and replace
2	Thuja orientalis	Bookleaf Conifer	Remove and replace
3	Clies europees	Edble Olive	Remove and replace
4	Syzygium australe	Scrub Cherry.	Remove and replace
. 5	Syzyglum (uehmanni)	Small Leafed Lifty Pilly	Remove and replace
62	Syzygium spp. x4	Lifty PWy	Retain and protect - Adjoining site
7/3	Califetemen virninalis atli	Weeping Bottlebrush	Retain and protect - Adjoining site
8	Morup alter	Muberry	Remove and replace
9	X Cupressocyperis leylandi/	Leyland Cygress	Remove and replace
10	Fhotinia glabra	Photnia	Remove and replace
11	Collisterroff Wirehald	Wedging Bottledifush	Remove and replace
12	Angophora costata	Sydney Red Gum	Retain and protect - Adjoining site
13/4	Vibumum odoratissimum (HEDGE)	Sweet Vibumum	Retain and protect - Adjoining site
14	Angophora costata	Sydney Red Gum	Retain and protect - Adjoining site
15	Grevillea robusta	Silky Cuk	Retain and protect - Adjoining site
16	Grevillea robusta	Sifky Cak	Retain and protect - Adjoining site
17	Grevillee robusta	Silky Oak	Retain and protect - Adjoining site
18	Jacaranda mimosifolia	Jacaranda	Retain and protect - Adjoining site
19	Leptospermum petersonii	Lemon Scented Tea Tree	Remove and replace
20	Melia azedarach	White Cedar	Remove and replace
21	Phoenix canariensis	Date Palm	Retain and protect - Adjoining site
22	Cinnemonum camphora	Camphor Laurel	Retain and protect - Adjoining site
23	Gravillee robusta	Silky Cok	Retain and protect - Adjoining site
24	Melia azedarach	White Cedar	Remove and replace
25	Cinnamonum camphora	Camphor Laurel	Remove and replace

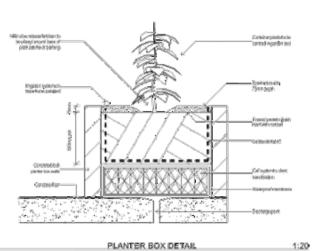


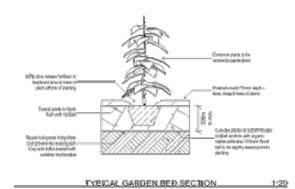
PROPOSED LANDSCAPE DESIGN @ 81-83 MOUNTFORD AVENUE, GUILDFORD FOR JHY DEVELOPMENT APPROVAL

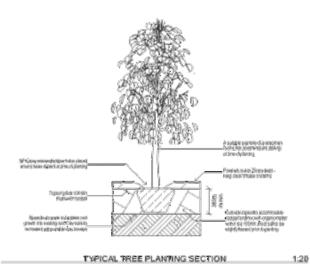


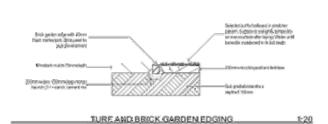
Plant type	Defention	Sol votere	Soil depth	Sofarea
Large trees	12-16m high, up to 15m crown spread at maturity	150m²	1,200mm	10m x 10m or equivalent
Medium Yees	6-12m high, up to tim crown spread at makely	35m²	1,000eve	Gre x Gre or equivalent
Small trees	6-6m high, up to 4m crown spread at maturity	Ser	800mm	3.5m x 3.5m or equivalent
Struits			500-600mm	
Ground cover			300-450mm	
Tuff			200mm	

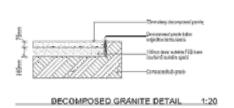
90m² of deep soil zone 1 large tree or 2 medium trees per 80m² of deep soil zone

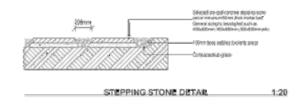


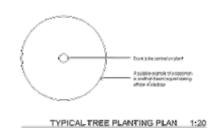






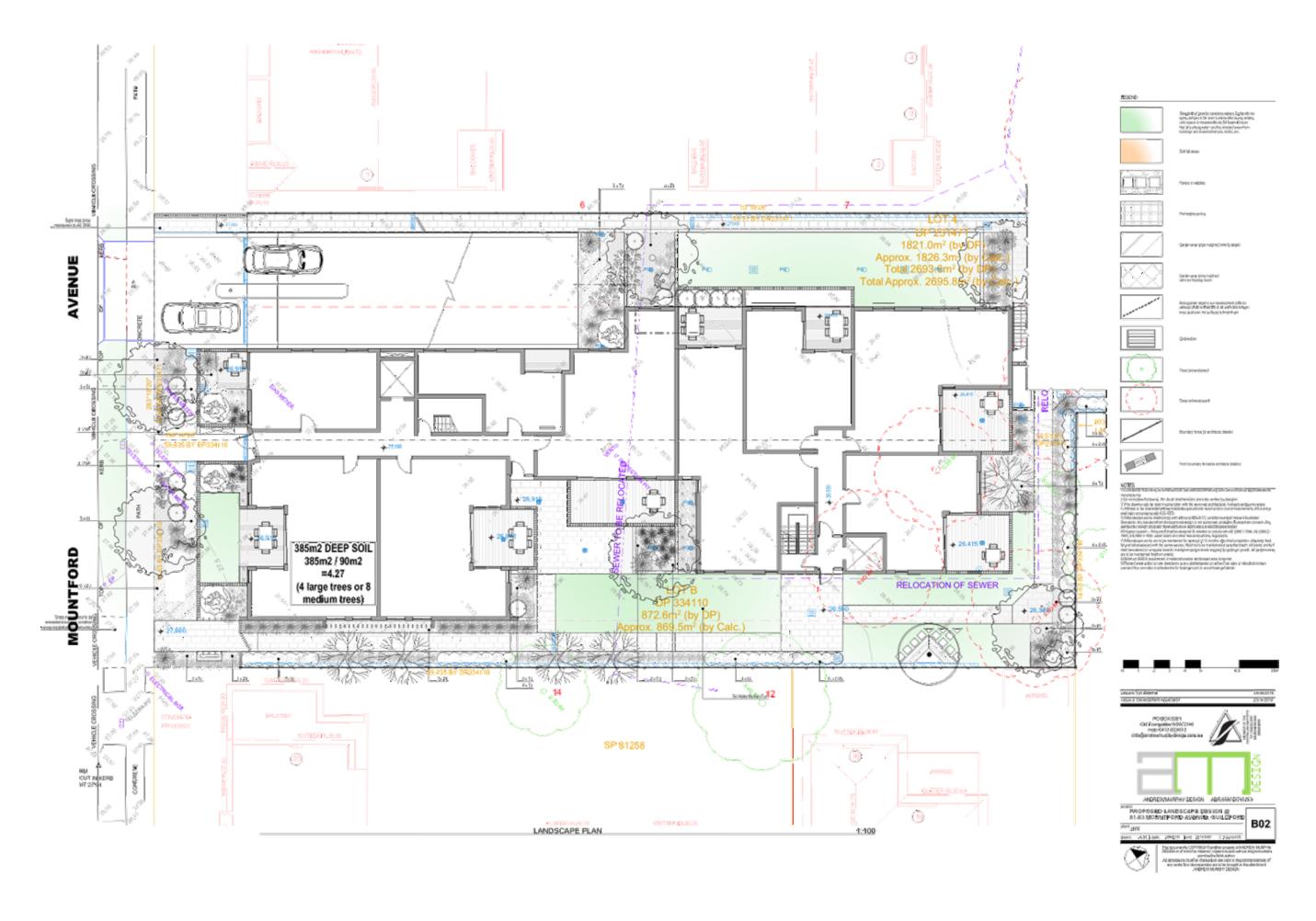




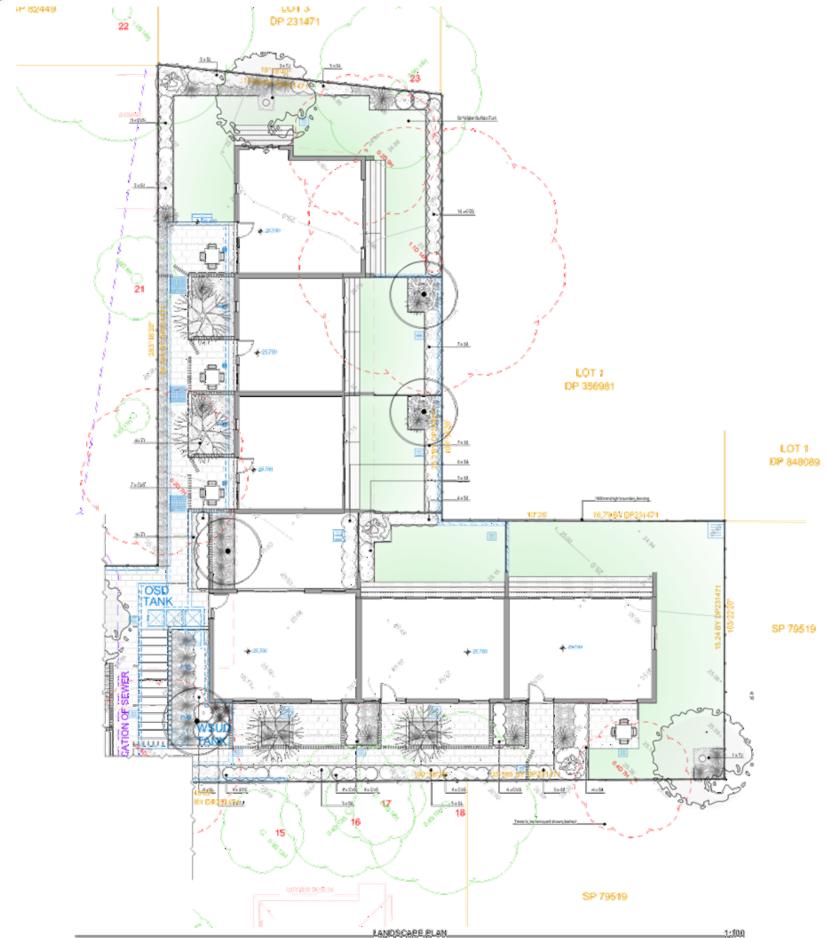


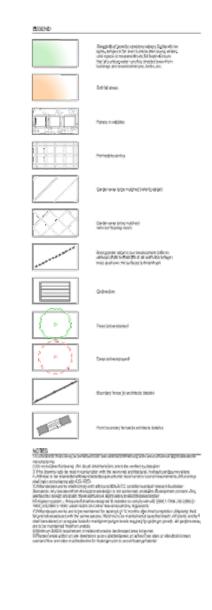






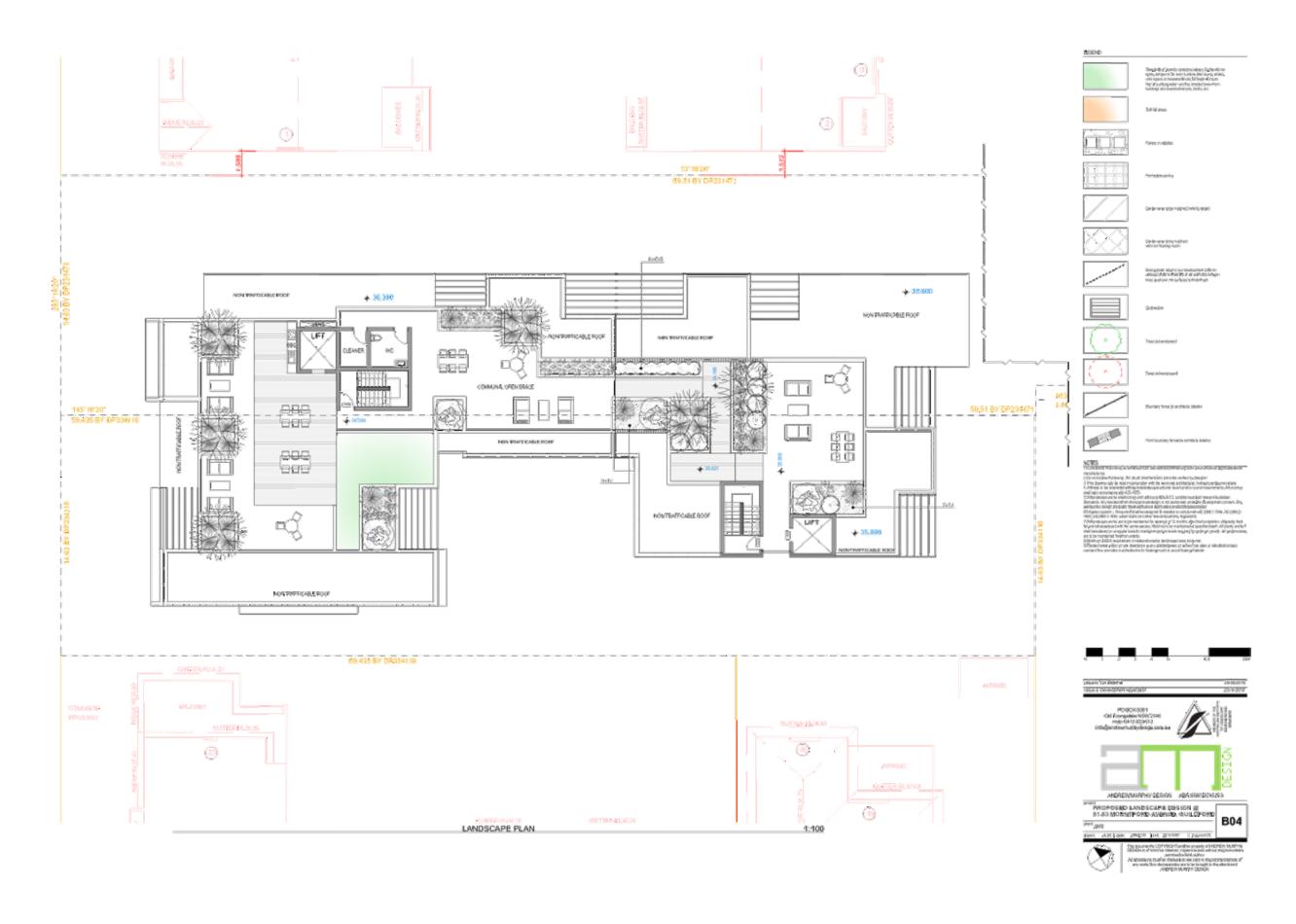














PROPOSED UNIT DEVELOPMENT 81-83 MOUNTFORD AVENUE, GUILDFORD



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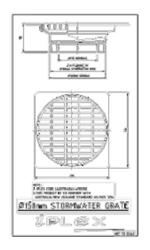
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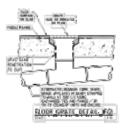
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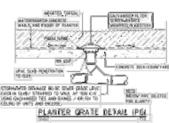
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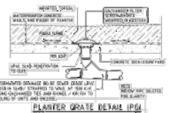
2358-DA-SWEEL - TITLE PAGE, NOTES AND BRAINAGE DETAILS DRAWING

2358-DA-SW80 - BASEMENT LEVEL Z STORKAWAREN DRAINAGE LAYOUT DRAWING 12358-DA-SW820 - GROUND FLOOR/SITE STORKWAREN DRAINAGE LAYOUT, UN SITE DETENTION AND WISUD DRAWING 2358-DA-SW22L - GROUND FLOOR/SITE STORMWATER DRAWING LAYOUT, ON SITE DETENTION AND WOUD DRAWING 2358-DA-SW022 - BSG AND WOUD SECTIONS AND DETAILS DRAWING



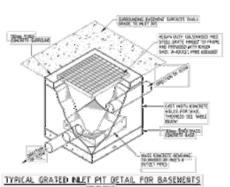












TYPICAL GRATEB INLET PIT DETAIL

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1586-3080	500	MSZ200 KHEKR
	HOR GRATE SPEC	
TABLE	FOR GRATE SPEC	NUMBER
TABLE		
	FOR GRATE SPEC	SHARE GRAD
TABLE PROCESSION	FOR GRATE SPEC	NUMBER

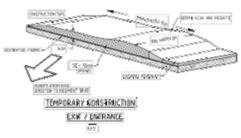


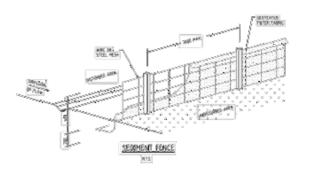


DANGER

CONFINED SPACE

NO ENTRY WITHOUT













CONFINED SPACE DARGER SIGN

ELBYDALNEN - REL ESTEMBLECHONNES SKRIET - BLACK

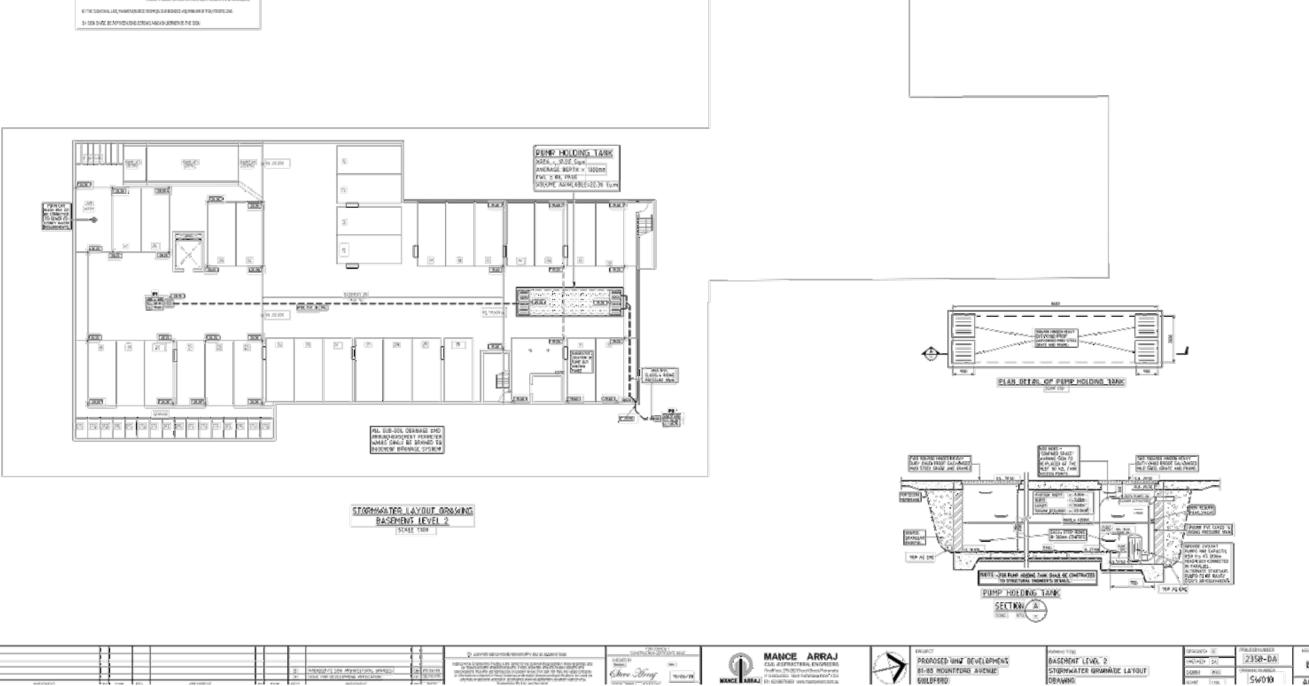
edindadischer (Sendischer Burg, as Pestindellenau, as eine Auge wiestscher St. aus Installandische Sellicher von der einer Vertrand in der unt neuer der Grand affects dem was dem der

EL PRINTOPERPENSINO OF THE SIGN - Steller in Affice SEARCE ENTRES, SIGN INSCORPES - TO bear - Steller IN CONTRACT COLOR AND ANY OF THE ARMANY

STANDARD FUMFOUT DESIGN NOTES

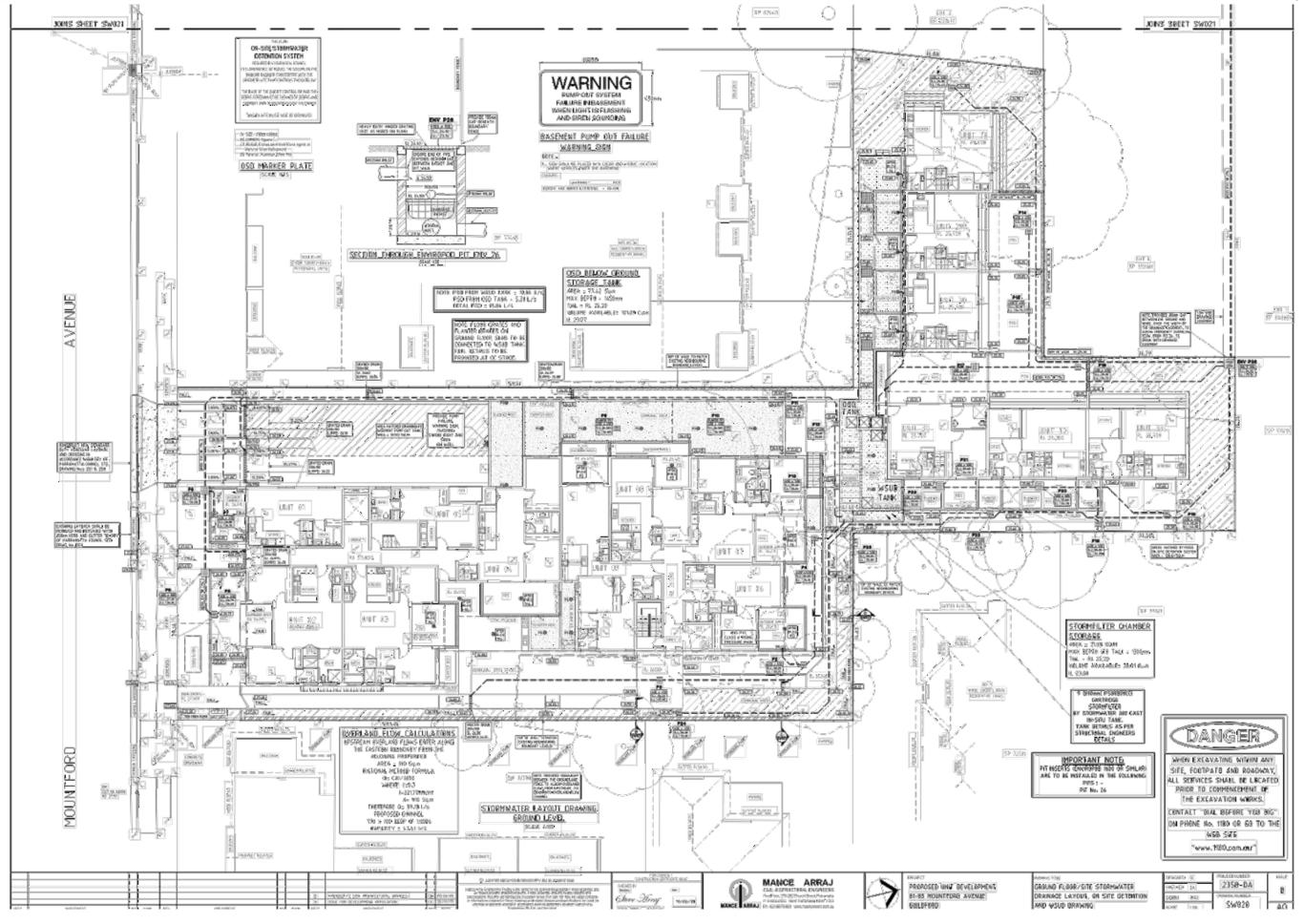
The pump-out system shottlite designed to the operated in like difficulty-manner -

- The pumps, shall be programmed to such alternately so us to allow both gamps to how on requisingmenter lend and gamp 16s.
- is maintained within the sump area of the below pound face, in this require this. Test will function as an off switch for the summs.
- X second Deat shall be exercised at a figher level, operatingfully 200hn above the minimum visitor Jevel, whereas, one of the jumps will operate and aron the Zonk to
- X. Olifd fillet chair, be gravited at high level, which is approximately the sold key at the below ground fam. This Kept should start the other gung that is not.
- (c) No otherways feet shall for provided will be flushing yields high best a pulsy Fallar earning sign which are to be located of the divisory enterior for the baselest level. But allow southers shall be marked within better to take a basin or a same of one.

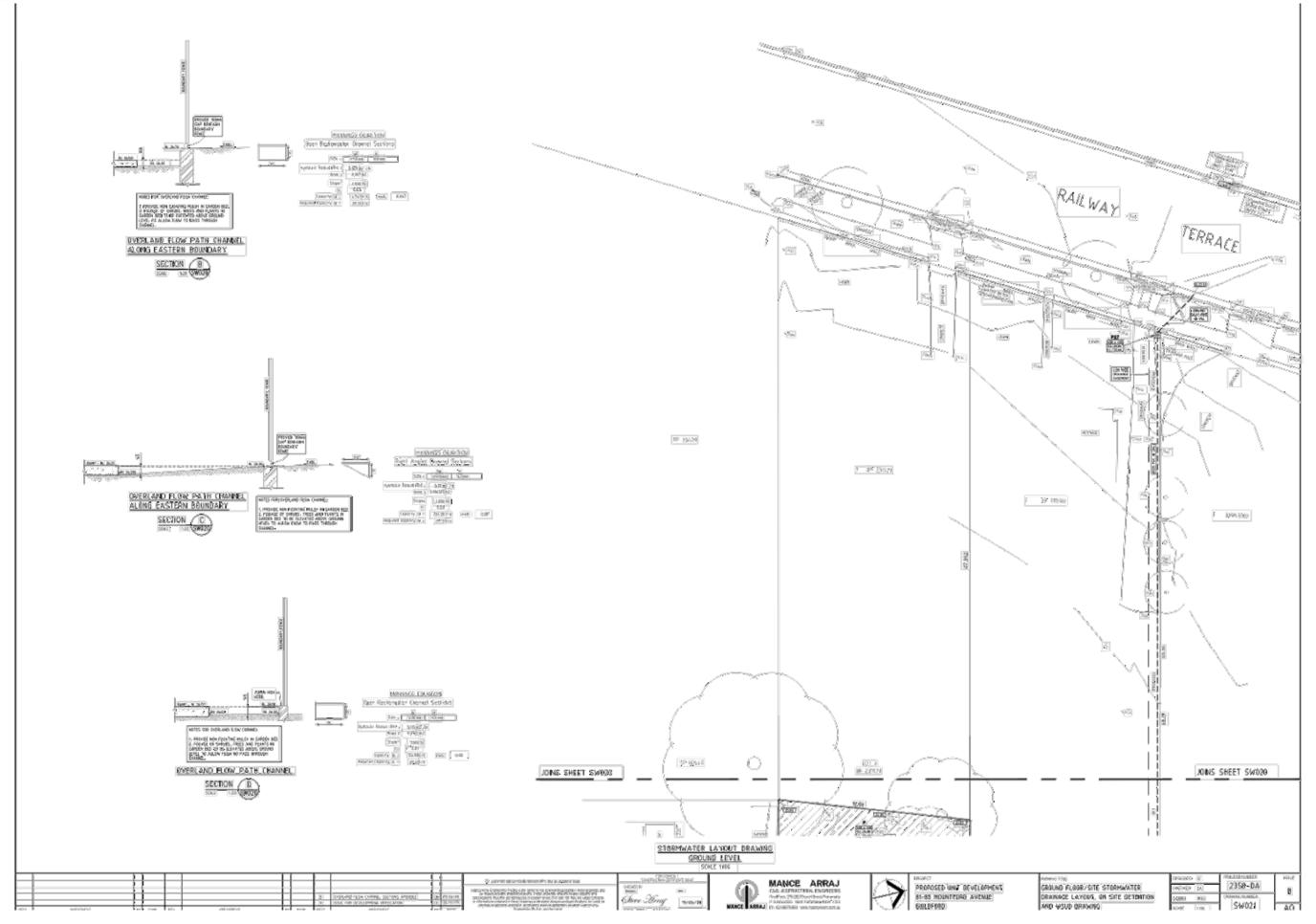


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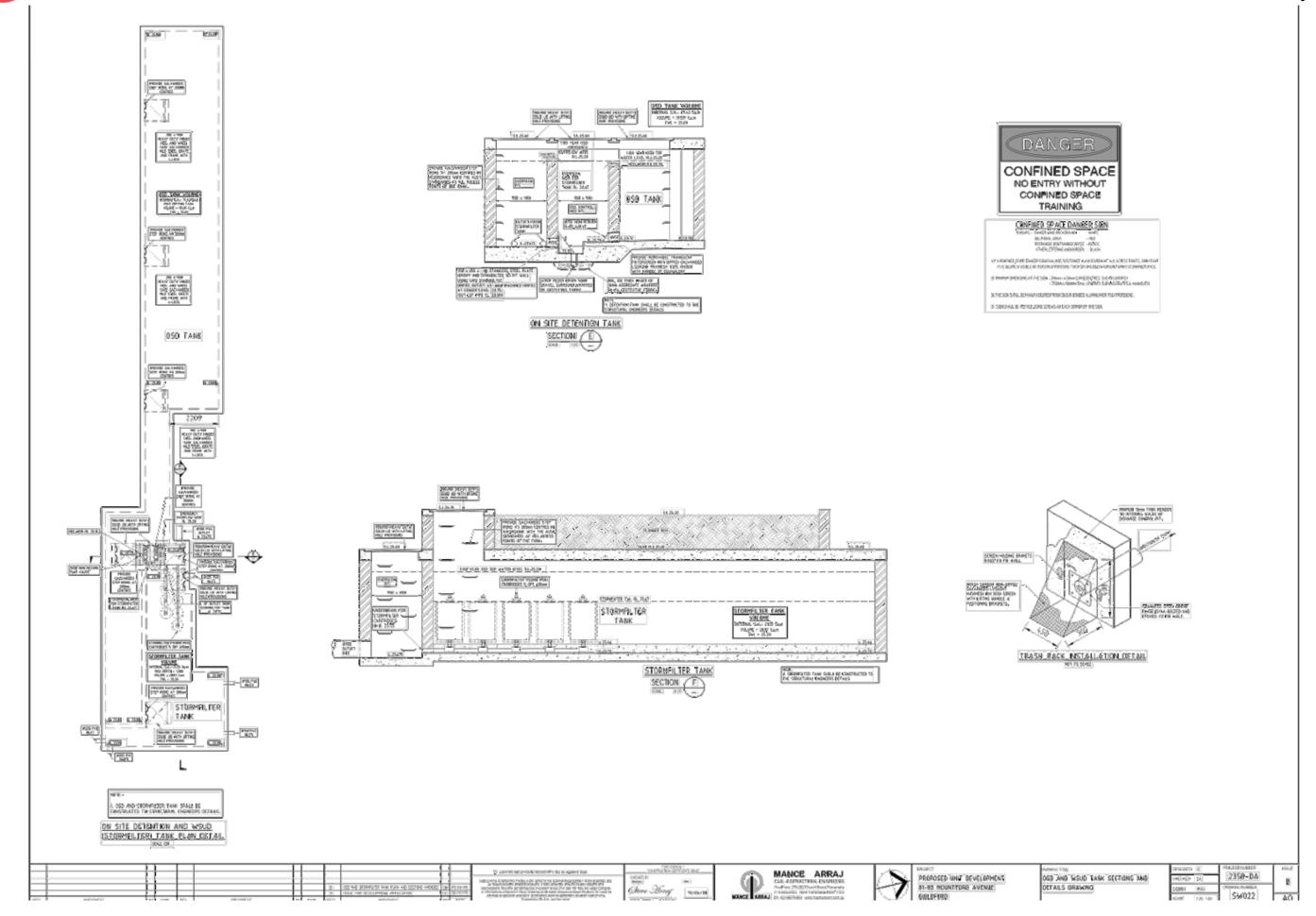












DOCUMENTS ASSOCIATED WITH REPORT LPP039/20

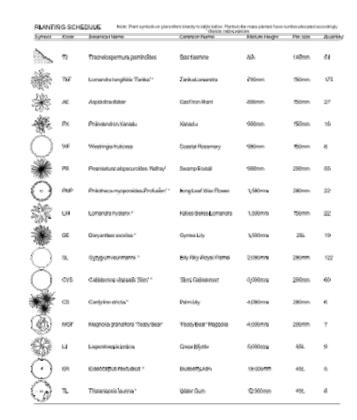
Attachment 7
Landscape Plan



Greater than 1,500m²

Appendix F
Survey of Subject Tree/s
Trees the subject of this report are marked on the plans in the following appendices and are numbered as listed below.

Redgum Tree / Stand No.	Genus and species	Common name	Recommendation
1	Thuja orientally	Bookleaf Conifer	Remove and replace
2	Thuja orientalls	Bookleaf Conifer	Remove and replace
3	Clies europees	Edble Olive	Remove and replace
4	Syzygium australe	Scrub Cherry.	Remove and replace
. 5	Syzyglum (uehmanni)	Small Leafed Lifty Pilly	Remove and replace
62	Syzygium spp. x4	Lifty PWy	Retain and protect - Adjoining site
7/3	Califetemen virninalis atli	Weeping Bottlebrush	Retain and protect - Adjoining site
8	Morup alter	Mulberry	Remove and replace
9	X Cupressocyperts leylandi/	Leyland Cygress	Remove and replace
10	Photinia glabra	Photnia	Remove and replace
11	Collistem01 Wm/nalls	Wedping Bottlebfush	Remove and replace
12	Angophora costata	Sydney Red Gum	Retain and protect - Adjoining site
13/4	Vibumum odoratissimum (HEDGE)	Sweet Vibumum	Retain and protect - Adjoining site
14	Angophora costata	Sydney Red Cum	Retain and protect - Adjoining site
15	Grevillee robusta	Silky Cuk	Retain and protect - Adjoining site
16	Grevillea robusta	Sifky Cuk	Retain and protect - Adjoining site
17	Grevillea robusta	Silky Ouk	Retain and protect - Adjoining site
18	Jacaranda mimosifolia	Jacaranda	Retain and protect - Adjoining site
19	Leptospermum petersoniii	Lemon Scented Tea Tree	Remove and replace
20	Melia azedarach	White Cedar	Remove and replace
21	Phoenix canariensis	Date Palm	Retain and protect - Adjoining site
22	Cinnamomum camphora	Camphor Laurel	Retain and protect - Adjoining site
23	Grevillee robusta	Silky Oak	Retain and protect - Adjoining site
24	Melia azedarach	White Cedar	Remove and replace

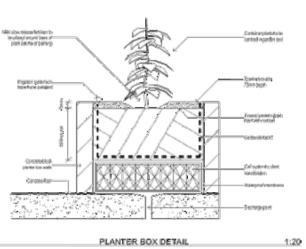


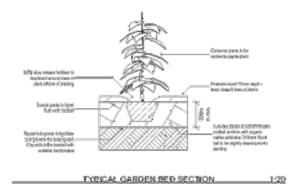
PROPOSED LANDSCAPE DESIGN @ 81-83 MOUNTFORD AVENUE, **GUILDFORD** FOR JHY SECTION 4.55

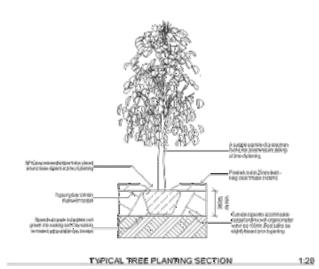


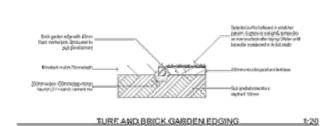


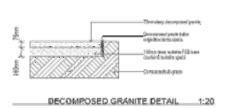
1 large tree or 2 medium trees per 80m² of deep soil zone

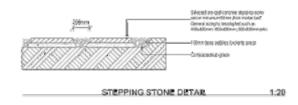


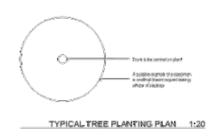


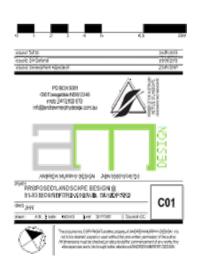






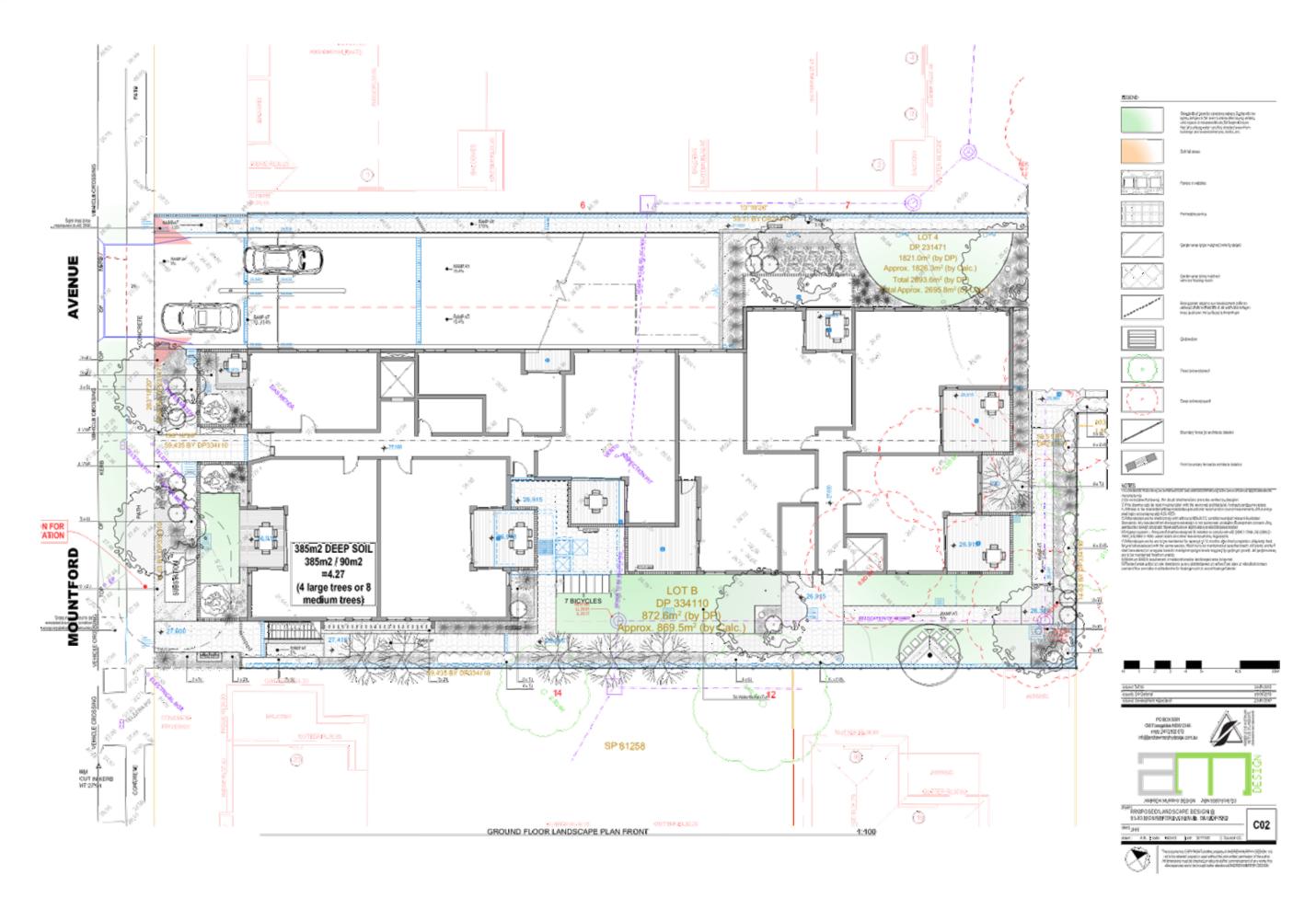




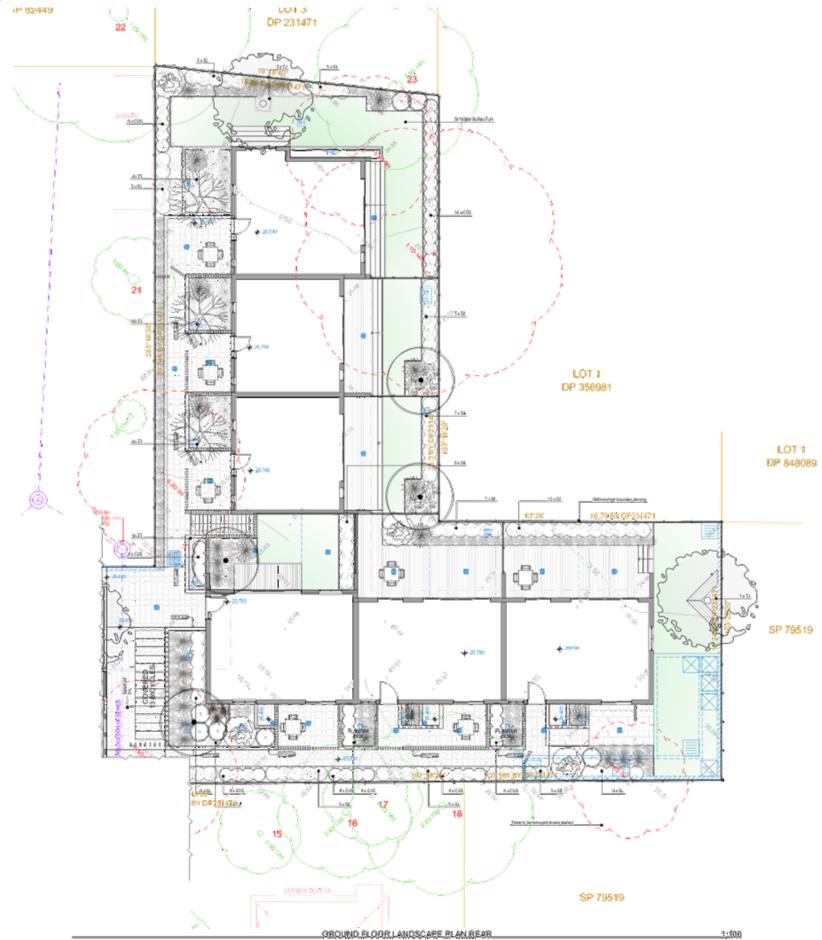


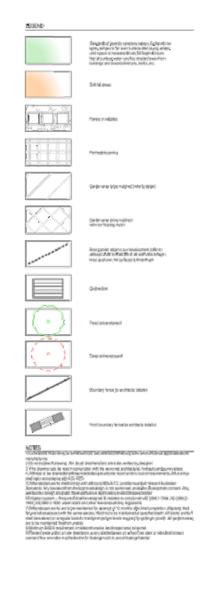
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