

A meeting of the Cumberland Local Planning Panel will be held via Electronic Determination on Wednesday, 10 February 2021.

Business as below:

Yours faithfully

Hamish McNulty General Manager

ORDER OF BUSINESS

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



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Item No: LPP001/21

MODIFICATION APPLICATION FOR 15 HYACINTH STREET, GREYSTANES

Responsible Division: Environment & Planning

Officer: Executive Manager Development and Building

File Number: MOD2020/0332

Application lodged	29 September 2020		
Applicant	Baini Design		
Owner	Ishak Group Holdings Pty Ltd		
Application No.	MOD2020/0332		
Description of Land	15 Hyacinth Street GREYSTANES NSW 2145, Lot 29 DP 239685		
Proposed Development	Section 4.55(2) application for various modifications to approved child care centre including increasing capacity from 28 to 40 places, reconfiguration of first floor to provide indoor play area and addition of outdoor play area, reallocation of basement car parking spaces, front facade changes and addition of signage		
Site Area	560.2m ²		
Zoning	R2 Low Density Residential Zone		
Disclosure of political	Nil disclosure		
donations and gifts			
Heritage	The subject site does not contain a heritage item, and is not located within the vicinity of the heritage item or heritage conservation area		
Principal Development	Permissible:		
Standards	Floor Space Ratio – 0.5:1 (HLEP 2013)		
	Proposed: 0.48:1		
	Permissible:		
	Height of Buildings – 9m (HLEP 2013) Proposed: 8.4m (no changes)		
Issues	Car parking allocation;		
133463	Basement setback;		
	Upper level use; and		
	Upper level use, and Upper level rear setback.		
	- Opportovorrour octodor.		

SUMMARY:

 Modification Application No. MOD2020/0332 was received on 29 September 2020 for the Section 4.55(2) application for various modifications to approved child care centre including increasing capacity from 28 to 40 places, reconfiguration of first floor to provide indoor play area and addition of outdoor play area, reallocation of basement car parking spaces, front facade changes and addition of signage.



- 2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 21 October 2020 and 4 November 2020. In response, no submission was received.
- The subject application has been assessed against the relevant provisions of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, Child Care Planning Guideline (the Guideline) 2017, Holroyd Local Environmental Plan 2013 and Holroyd Development Control Plan 2013 (HDCP).
- 4. The numerical variations are as follows:

i)

Control	Required	Provided	% variation
Basement setback	0.9m	Nil	100%
Upper level rear setback	7m	5.2m	25.71%

- 5. The application is referred to the Cumberland Local Planning Panel (CLPP) as the modification seeks to alter a condition of approved development specifically added by the Panel, being the size of deep soil area to accommodate mature planting on the north-western corner of the rear yard.
- 6. The application is recommended for conditional approval subject to the conditions as provided in the attached schedule.

REPORT:

Subject Site and Surrounding Area

The subject site is known as 15 Hyacinth Street, Greystanes, and is legally described as Lot 29 in DP 239685. The site is located on the western side of Hyacinth Street. The site is a rectangular block with a frontage of 20.4m, depth of 27.4m and a total site area of 560.2m². Single-storey dwelling with attached carport on the site have been demolished. Construction for the child care centre is nearly completed. Adjoining developments consist of one to two storey detached dwelling houses with landscaped front setbacks. Widemere Public School directly adjoins the subject site and shares its rear boundary. Nemesia Street Park is located 100m walking distance north-east from the subject site. The subject site and all of adjoining properties are zoned R2 Low Density Residential.

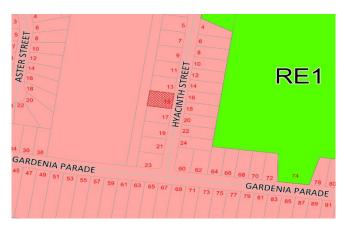




Figure 1 – Locality Plan of subject site



Figure 2 – Aerial view of subject site



Figure 3 – Street view of subject site

Description of the Proposed Development

MOD2020/0332 is seeking various modifications to an approved child care centre including increasing capacity from 28 to 40 places, reconfiguration of first floor to provide indoor play area and addition of outdoor play area, reallocation of basement car parking spaces, front facade changes and addition of signage. Additional gross floor area (GFA) of 1.7m² is proposed for the external storage on the first floor level.

Key features of the development proposal are as follows:-

J	rtoy router of the development proposer are do ronove.				
Level	Previous Approval (DA2018/284/2)	Modified Proposal			
Basement	10 car parking spaces (2 staff and 8	Reallocation of car parking space			
Level	visitor including 1 accessible)	to provide a total of 10 car parking spaces (3 visitor and 7 staff			
	Fire stairs, lift and bin room	spaces including 1 accessible). The car parking spaces allocation however is not supported by			
		Council and the plans need to be amended to accommodate 3 staff			



Level	Previous Approval (DA2018/284/2)	Modified Proposal
		and 7 visitor spaces including 1 accessible.
		New columns between car parking spaces.
		Works subject to this proposal have been completed. Should approval be granted, the applicant will be required to obtain a BIC from Council for the unauthorised works.
	Minimum side setbacks 415mm	Minimum nil setbacks
Ground Floor	Reception and office	No changes.
	2-3yr old indoor play area (10 children)	
	3-5yr old indoor play area (18 children)	
	Outdoor play area including landscaped area, external storage, verandah and deep soil area	Gradual reduction in deep soil area dimensions from: - 5.7m (length) x 2.7m (width) (DA2018/284/1) to, - 5.7m (length) x 2m (width) (M2018/284/2) to, - 5.7m (length) x 1.1m (width) (subject modification). The deep soil area is required to
		accommodate a mature planting as imposed by CLPP at its meeting on 16 April 2019 as a deferred commencement condition. Planting of tree with size of 1 x 45L as indicated in condition 206A is therefore required. Refer to Council's Tree Management Officer comments for further details.
		Works subject to this proposal have been completed. Should approval be granted, the applicant will be required to obtain a BIC from Council for the unauthorised works.



Level	Previous Approval (DA2018/284/2)	Modified Proposal
First	Staff room, kitchen, office, laundry,	New signage with dimensions of
Floor	front balcony and bathroom	950mm (width) x 4m (length).
		Staff room, kitchen, laundry, front balcony, cot room, 0-2yr old indoor play area (12 children), rear facing balcony for outdoor play area, external storage and disabled bathroom.
		Works proposed have been completed. Should approval be granted, the applicant will be required to obtain a BIC from Council for the unauthorised works.

The modified child care centre seeks to increase children placement from 28 to 40 children, as follows:

- 12 children 0-2 yrs
- 10 children 2-3 yrs
- 18 children 3-5 yrs

The proposed centre will operate from 7.00am to 6.00pm Monday to Friday and will employ minimum of 7 staff.

History

- DA2018/284/1 was approved by the CLPP on 16 April 2019 as deferred commencement consent for the demolition of existing structures and construction of a 26 place two storey, child care centre over basement parking accommodating 9 parking spaces. Deep soil area with dimensions of approximately 5.7m (length) x 2.7m (width) to be provided on the north-western corner of the rear yard to accommodate a mature planting forms part of the deferred commencement condition.
- Operational consent of DA2018/284/1 was issued by Council on 12 June 2019.
- M2018/284/2 was approved by the CLPP on 13 November 2019 as section 4.55(1A) modification application seeking removal of the external storage shed and dense planting, reinstatement of visitor parking space numbered 10 in the basement, and amendments to the outdoor play space to increase the capacity of approved child care centre from 26 to 28 places. Deep soil area with dimensions of approximately 5.7m (length) x 2m (width) is proposed on the northwestern corner of the rear yard to accommodate a mature planting, which is subject to condition 206A replicated as follows.



- 206A. All trees installed within close proximity to the rear boundary fence line that are 45L and greater in container size shall be appropriately maintained by a qualified horticulturalist for a minimum period for 12 months from the date of issue of the final Occupation Certificate, or until the respective trees reach a height of 6m and greater, measured from the base of the tree.
- Construction Certificate was issued on 6 February 2020 by the private certifier.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Think Planners dated 18 September 2020 and was received by Council on 29 September 2020 in support of the application.

Contact with Relevant Parties

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

Internal Referrals

Development Engineer

The development application was referred to Council's Development Engineer for comment who has advised that the development proposal is satisfactory in relation to the basement level changes and car parking reallocation and therefore can be supported subject to recommended conditions of consent.

Environment and Health

The development application was referred to Council's Environment and Health Officer for comment who has advised that the development proposal is satisfactory in relation to the acoustic impacts and therefore can be supported subject to recommended conditions of consent.

Tree Management Officer

The development application was referred to Council's Tree Management Officer for comment who has advised that the development proposal is satisfactory for further reduction to the deep soil area width from 2m to 1.1m and therefore can be supported subject to recommended conditions of consent, in which instead of 1 x 45L tree, 2 x 25 L trees could be planted as replacement.

Children's Services

The development application was referred to Council's Children's Services for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent in complying with the Education and Care Services National Regulations and Law requirements.

Building Surveyor



The development application was referred to Council's Building Surveyor for comment who has advised that should the proposal be supported, building information certificate must be submitted to Council for works that have been completed.

External Referrals

The application was not required to be referred to any external government authorities for comment. Concurrence from the NSW Department of Education for the proposed first floor level outdoor play area for children aged 0-2 years is not required. The outdoor area is not considered as simulated space given that the wall within the opening forms of the perimeter has height less than 1.4m.

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 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	The development as proposed to be modified is substantially the same as the original consent. That is, changes to the approved built form of a two storey child care centre with additional 12 children proposed. 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

ii) 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.

The Section 4.55(2) Modification was notified in accordance with Holroyd Development Control Plan 2013. No submissions were received.

Approval of the subject application is not contrary to the public interest.

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

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

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

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.

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

The relevant provisions of the SEPP have been considered in the assessment of the Application. A comprehensive assessment and compliance table is attached to this report in Appendix A which demonstrates the development proposal's compliance with



the relevant planning controls that are applicable to the site. The following table indicates the play area proposed to accommodate the additional children.

Part 4 – Applying the National Regulations to development proposals					
4.1 Indoor space requirements					
(Regulation 107)	Required:	Provided:			
Min. 3.25 ² m of unencumbered indoor space (Regulation 107)	28 x 3.25sqm = 91m² (GF)	97.5m²			
	12 x 3.25sqm = 39m² (FF)	39m²			
4.9 Outdoor space requirement	S				
(Regulation 108) Min. 7sqm of unencumbered outdoor space per child.	28 x 7sqm = 196m² (GF)	210m²			
Where a covered space such as a verandah is to be included in	12 x 7sqm = 84m ² (FF)	90m²			
outdoor space it should:	(,	The first floor			
 be open on at least one third 		level verandah			
of its perimeter		is to be as outdoor space			
 have a clear height of 2.1 metres 		as it is open more than one third of its			
 have a wall height of less 		perimeter,			
than 1.4 metres where a wall		have a clear			
with an opening forms the perimeter		height more than 2.1m, have a wall			
have adequate flooring and roofing		height less than 1.4m,			
		have adequate flooring and			
be designed to provide		roofing and			
adequate protection from the		designed to			
elements		provide			
		adequate			
		protection from			
		the elements.			

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

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

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



Tree removal was assessed as part of the original application. No additional tree removal is sought as part of this modification application. Council's Tree Management Officer has reviewed the proposed modification and raised no objections, subject to the imposition of conditions.

(e) State Environmental Planning Policy 64 – Advertising and Signage

The relevant provisions of the SEPP have been considered in the assessment of the Application. A comprehensive assessment and compliance table is attached to this report in Appendix B which demonstrates the development proposal's compliance with the relevant planning controls that are applicable to the site. The proposed child care centre signage is not considered as advertisements to which Clause 9 of SEPP 64 applies. It satisfies the definition of business identification sign in accordance with the Standard Instrument with proposed dimensions of 950mm (width) x 4m (length).

Regional Environmental Plans

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

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

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

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

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

Local Environmental Plans

(g) Holroyd Local Environmental Plan (LEP) 2013

The proposed development is defined as a 'centre based child care facility' as stipulated below under the provisions of Holroyd Local Environmental Plan (LEP) 2013. Centre based child care facilities are a permissible land use with consent under the R2 – Low Density Residential zoning applying to the land under Holroyd LEP 2013.

centre-based child care facility means—

- (a) a building or place used for the education and care of children that provides any one or more of the following—
- (i) long day care,
- (ii) occasional child care,
- (iii) out-of-school-hours care (including vacation care),





- (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

Note:

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

but does not include—

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the Children (Education and Care Services) National Law (NSW)), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

The proposed modifications do not result in any new non-compliances with the LEP. A comprehensive assessment and compliance table is attached to this report in Appendix C which demonstrates the development proposal's compliance with the relevant planning controls that are applicable to the site under the Holroyd LEP 2013.

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

(h) Draft Cumberland Local Environmental Plan (Draft CLEP)

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

Holroyd Local Environmental Plan 2013,



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

The current planning controls for the subject site, as contained within the Holroyd LEP 2013 are not proposed to change under the Draft CLEP.

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

(i) Holroyd Development Control Plan (HDCP) 2013

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

The proposed modifications will result in new non-compliances with the relevant DCP controls as follows. Parts A, B & I apply to the proposal. A comprehensive assessment and compliance table is attached to this report at Appendix D.

Clause	Control	Proposed	Supported,
3.1	1 per 4 children &	1 per 4 children in	No, however, the proposal
Minimum	1 per two	accordance with	is relying on the car parking
Parking	employees.	Childcare Planning	rate as stipulated in the
Spaces		Guideline	Childcare Planning
	No of children –	requirement	Guideline and it complies.
	40/4 = 10	D : 1.40	The allocation between
	No. of employees	Required: 10	staff and visitors parking
	= 7/2 = 3.5~4		ratio need to be amended
	Total Required:		on the plans, subject to condition, to accommodate
	14		3 staff and 7 visitor spaces
	1-7		including 1 accessible,
			which is considered
			satisfactory and supported
			by Council's Development
			Engineer.
2.3	Basement:	Basement: nil	Yes, the expansion of
Setbacks	900mm to side	setbacks	basement footprint is
(Part B)	boundary	Upper level: 5.2m	required to allow for the
	Upper level: 7m		provision of columns
	to rear boundary		required for the
			construction of the child
			care centre. The impact of the proposed footprint is
			negligible to the landscaped
			area on the ground floor
			level. Further to that the
			subject site adjoins to the
			school's yard at the rear.
			Non-compliance with the



			rear setback requirement will not impact the amenity of the school. Non compliances with the setback requirements are supported in this instance.
1 Size & Density (Part I)	Only office and storage space permitted on the upper level.	Additional indoor and outdoor playroom proposed for children aged 0 – 2 years old on the first floor.	Yes, the intent of the control to limit use of play area on the ground floor and to ensure that during evacuation process, the mobility of the children will be maintained. The proposal has been accompanied with details of how the evacuation could be carried out for the 0 – 2 years old children with the multi seats child carrier stroller, which is considered acceptable in case the lift is not useable during emergency events. Acoustic report submitted states that the child care centre operation can comply with the noise requirements for the proposed additional outdoor play area on the upper level by managing the play time and installation of acoustic barriers. Council's Environment and Health Officer has reviewed the acoustic report and found that the proposal is satisfactory, subject to conditions.

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 accor	dance with the	e Act or Regulati	ion (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 21 October 2020 and 4 November 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

This part of the Act relates to the collection of monetary contributions from applicants for use in developing key local infrastructure. The development does not require the payment of additional contributions in accordance with Holroyd Section 94 Contributions Plan 2013.

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. 55 – Remediation of Land, State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, Education and Care Services National Regulations, Holroyd Local Environmental Plan 2013 and the



Holroyd Development Control Plan 2013 and is considered to be satisfactory for addition 12 children and internal modification to the approved built form.

The proposal is generally consistent with all statutory and non-statutory controls applying to the development. Minor non-compliances with Council's controls have been discussed in the body of this report. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 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. MOD2020/0332 for Section 4.55(2) application for various modifications to approved child care centre including increasing capacity from 28 to 40 places, reconfiguration of first floor to provide indoor play area and addition of outdoor play area, reallocation of basement car parking spaces, front facade changes and addition of signage on land at 15 Hyacinth Street GREYSTANES NSW 2145 be approved subject to attached conditions.

ATTACHMENTS

- 1. Draft Notice of Determination 4
- 2. Architectural Plans !
- 3. Previous Consent J
- 4. Previous Approved Plans J
- 5. Previous Cumberland Local Planning Panel Minutes J.
- 6. Appendix A State Environmental Planning Policy (Educational Establishments & Child Care Facilities) 2017 <u>J</u>
- 7. Appendix B State Environmental Planning Policy 64 Advertising and Signage
- 8. Appendix C Holroyd Local Environmental Plan 2013 J.
- 9. Appendix D Holroyd Development Control Plan 2013 J
- 10. Appendix E Child Care Planning Guideline 2017 J

DOCUMENTS ASSOCIATED WITH REPORT LPP001/21

Attachment 1 Draft Notice of Determination





MODIFICATION APPLICATION DRAFT CONDITIONS OF CONSENT

Under the Environmental Planning and Assessment Act, 1979

 Application No:
 MOD2020/0332

 Applicant:
 Baini Design PO Box 2402

NORTH PARRAMATTA NSW 1750

Property Description: 15 Hyacinth Street GREYSTANES NSW 2145,

Lot 29 DP 239685

Development: Section 4.55(2) application for various modifications to approved

child care centre including increasing capacity from 28 to 40 places, reconfiguration of first floor to provide indoor play area and addition of outdoor play area, reallocation of basement car parking spaces,

front facade changes and addition of signage

Determined by: Cumberland Local Planning Panel

CONDITIONS OF CONSENT

Condition 2 is amended to read as follows:

- Development shall take place in accordance with the following endorsed plans and documents:
 - Architectural Plans prepared by Baini Design, Job No. 18156, Drawing No. 05, dated 06/07/17, Drawing No. 06, dated 07/17/18, Drawing No. 03, 07, 10, and 12, dated 08/07/18, Drawing No. 14, dated 02/12/19 as amended to satisfy Schedule A, Conditions 14 and 15;
 - Acoustic fencing/Slimwall prepared by Slimwall Next Generation Fencing, Drawing Nos. S0, S1, S3, S4 & S12 (Rev B dated 31 July 2015) and Nos. S2, S5-S11 inclusive (Rev A dated 25 February 2015);
 - Stormwater Management Plans prepared by M.M. Farah Civil/Structural Pty Ltd, Job Nos. SW-15 HYNCINTH, Sheet No. 1 and 2 of 2, dated 22 February 2019 (OSD Plan No.2019-065) – as amended to satisfy Schedule A;
 - Landscape plan prepared by Outside in Design Group Pty Ltd, Drawing No L-01, Issue
 E. dated 28 February 2019 as amended to satisfy Schedule A;
 - Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference R180318R2, Revision 1, dated 11 February 2019;
 - Noise Management plan prepared by Rodney Stevens Acoustics, Reference R180318NMP1, Revision 0, dated 11 February 2019 – as amended to satisfy Condition 15;
 - Arboricultural Assessment and Tree Management Plan prepared by Horticultural Management Services, dated 15 February 2019; and
 - Waste management plan prepared by Baini Design, dated 8 August 2018.



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

As amended by the following plans and documents approved to satisfy Schedule "A" of Development Consent 2018/284/1, dated 12 June 2019:

 Architectural Plans prepared by Baini Design, Job No. 18156, Drawing No. 05, dated 06/07/17.

As amended by the following plans and documents approved by application 2018/284/2, dated 13 November 2019:

Architectural Plans prepared by Baini Design, Project No. 18156				
Dwg No.	Revision	Title	Date	
03	Α	Site Plan	05/07/2019	
05	Α	Floor Plans	05/07/2019	
06	Α	Elevations	05/07/2019	
07	Α	Call Out Elevations / Sections	05/07/2019	

 Landscape plan prepared by Outside in Design Group Pty Ltd, Drawing No L-01, Issue G, dated 19 July 2019.

As amended by the following plans and documents approved by application MOD2020/0332, dated 10 February 2020:

Architectural Plans prepared by Baini Design, Project No. 19117				
Dwg No.	Revision	Title	Dated	
05	В	Basement	September 20	
06	В	Ground Floor	September 20	
07	В	First Floor	September 20	
08	В	Elevations	September 20	
09	В	Sections	September 20	

- Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference 180318IN1, Revision 1, dated 17 November 2020.
- Multi seat stroller specifications received by Council on 19 December 2020.
- Evacuation Plan received by Council on 29 September 2020.
- Signage Plan received by Council on 29 September 2020.



Condition 8 is amended to read as follows:

Child Care Centres

 An approval shall be obtained from Department of Education and Communities (DEC) prior to commencement of operations. The number of children cared for in the new centre shall not exceed 26 28 40 aged up to 5 years.

Condition 13, 14(d) and 203 are to be deleted

Condition 14(g) and (h) relating to amended plans are added to read as follows:

Amended Plans

- 14. Amended plans shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate addressing the following issues:
 - g) The numbers of cot for 0 2 years old children shall be provided to comply with the relevant Education and Care Services National Regulations and Law requirements.
 - h) Amended landscape plan shall incorporate 2 x 25L plantings, such as, Dwarf Lilly Pilly, on deep soil area located on the north-western corner of the rear yard.

Condition 15(b), 42, 122, 165 and 181 relating to acoustic report are amended to read as follows:

Amended Plans

- Prior to the issue of an amended construction certificate, amended plans/documents are to be submitted to Council's Manager of Development Assessment to address the following:
 - b) Noise Management plan prepared by Rodney Stevens Acoustics, Reference R180318NMP1, Revision 0, dated 11 February 2019 shall be reviewed and updated to reference the endorsed Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference 180318IN1, Revision 1, dated 17 November 2020, including recommendations under Part 6 that must be implemented.

Acoustic

 All recommendations contained in the Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference 180318IN1, Revision 1, dated 17 November 2020 shall be adopted, implemented, and adhered to.

General

122. The recommendations of the Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference 180318IN1, Revision 1, dated 17 November 2020; shall be implemented.

Noise Compliance Report

165. The Principal Certifying Authority (PCA) shall obtain a certificate from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference 180318IN1, Revision 1, dated 17 November 2020 have been completed and that relevant noise criteria have been satisfied prior to the issue of any Occupational Certificate.

Acoustic Measures



181. In reference to the Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference 180318IN1, Revision 1, dated 17 November 2020; the recommendations of the report shall be adhered to at all times.

Condition 130 is amended to read as follows:

130. As shown on the endorsed plan 1 x Lophostemon confertus is to be planted in the footpath area/s of Hyacinth Street. The tree is to come from a minimum 75L container and be planted, so as not to affect existing services, in accordance with the attached guidelines.

Condition 166A is added to read as follows:

166A. A building information certificate must be obtained from Council prior to the issue of any occupation certificate for the unauthorised works sought under MOD2020/0332 that have been completed.

Condition 179 is amended to read as follows:

Parking

179. Ten (10) on site car parking spaces numbered and linemarked in accordance with the endorsed plan shall be provided on the site. Minimum 7 car parking spaces are to be allocated for visitors with dimensions of 2.6m (width) x 5.4m (length) and are to be accessible at all times, and a sign post erected at the vehicular entry point(s) of the development indicating the location of the visitor parking.

Condition 202 is amended to read as follows:

General

202. The number of children cared for in the new centre shall not exceed **26 28 40** aged up to 5 years.

Condition 206A is amended to read as follows:

206A. All trees installed within close proximity to the rear boundary fence line that are 45L 25L and greater in container size shall be appropriately maintained by a qualified horticulturalist for a minimum period for 12 months from the date of issue of the final Occupation Certificate, or until the respective trees reach a height of 6m 2m and greater, measured from the base of the tree.

Condition 206B is added to read as follows:

206B. The following shall be complied with:

- The signage shall be for business identification purposes only and be associated with the approved uses carried out within the premises;
- The signage shall not be adapted or used for third party advertising purposes at any time;
- c) The signage shall not:
 - Flash, move, be animated, scintillate or be decorated with rotating flashing lights;





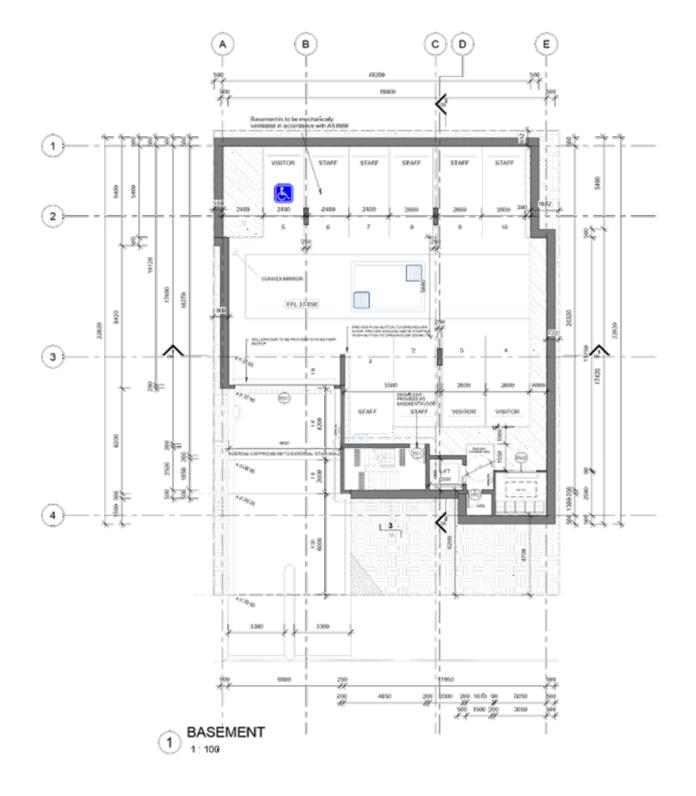
- ii) Include any apparatus to provide any sound;
- iii) Carry a message which is offensive;
- iv) Give instructions to traffic by the use of the words, 'Halt', 'Stop', or any other direction, nor imitate traffic signs in respect to shape, layout or colour;
- v) Contain interchangeable or moveable parts;
- Impair or distract the vision of a driver through the intensity of the illumination of the site; and
- vii) Must not impede the ability of the occupants to exit the building under emergency conditions.
- d) The signage shall be appropriately maintained at all times and kept in a clean and tidy condition.

All other conditions of Development Consent 2018/284/1 and as amended remain unchanged.

DOCUMENTS ASSOCIATED WITH REPORT LPP001/21

Attachment 2 Architectural Plans





OPENINGS	TREATMENT PROVISIONS
Wox, W05, W06, W07	Masonry wall to be provided at the boundary at a minimum height at 2-1m ACL. The maconry was their actions a minimum FRL of 1999 B. The wall shall extend a minimum of 2m past the opening
S7W, 41W	Tibe openings shall be provided with Comisale radiate heat attenuation screens designed to attenuate heat by 42%
W13	The sponing shall be provided with Crimisals radiant beat attenuation screens designed to attenuate heat by #2%
Guiddoor Store room doors:	A missority wild to be provided at the boundary et a minimum height of 2 1m ACS. The manority wall shall achieve a minimum FRL of elsories, The-wait shall extend a minimum of 2m past the opening.
Ratter Door	Bit Additional sequirements





BAINI DESIGN

CHILD CARE SPECIALISTS

PROPOSED CHILDCARE CENTRE
15 Hyacinth Street, Greystanes NSW 2145

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FOR DA APPROVAL



LPP001/21 – Attachment 2



TING ENGINEERS - FIRE SAFETY ENGINEERING

RECONNIENDATIONS

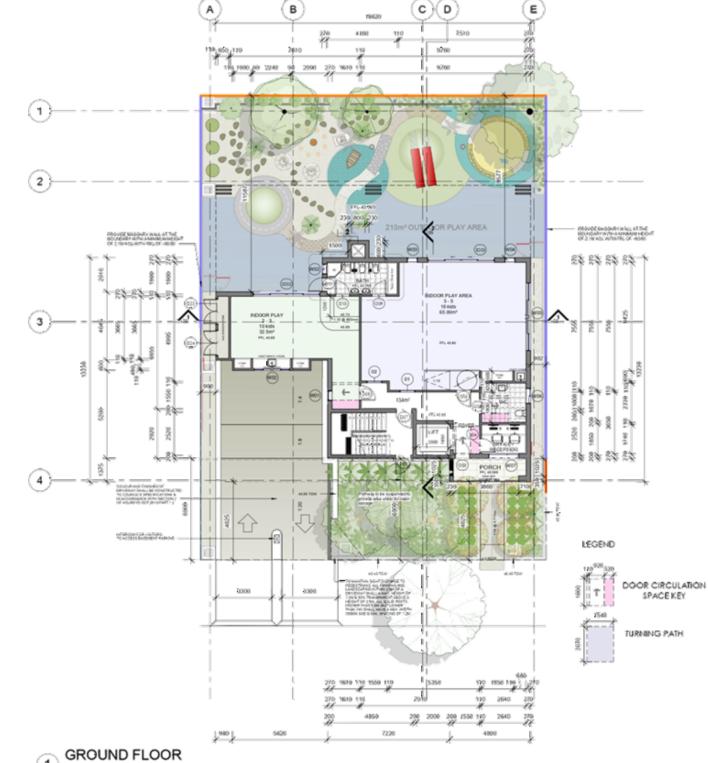
Performance Solution 3 It. The openings noted be outlined in the Jubile below: iow shall be provided with the following additional protection mean

OPERINGS	TREATMENT PROVISIONS
N64, W65, N66, W67	Alacony was to be provided at the bouldbay at a minimum insight of 2 am AGI. The massary was shall solvevs a minimum FRI, of J60/99, the wait start careful a minimum of 2m past the opening
STAN, 1EAN	The openings shall be provided with Crimsale radiant heat attenuation screens designed to attenuate heat by 42%.
16/33	The opening shall be provided with Crimsale radiant heat atteruation screens designed to atteruate heat by 42%.
Outdoor Store room doors	A masonry wall to be provided at the boandary at a minimum beight of 2 2m AGE. The missoory wall shall actively a manimum FRE of +60%0 Tibe well shall extend a minimum of 2m past the opening
Roller Door	NI Addtonal requrements

Openings Treatment Provisisons

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•	Performance Solutions	BCA DTS Provision	BCA Performance Requirement	Assessment Methodology
1.	To waive the requirement for the first floor of the childcare and the basement level to require two exits.	D1.2	DP4, EP2.2	Qualitative assessment demonstrating compliance with the performance requirements under A2.2(1)(a) via a performance-based analysis under A2.2(2)(b)(ii).
2.	To permit an extended travel distance to an exit on the basement carpark level of 21m to a single exit.	D1.4	DP4, EP2.2	Qualitative, quantitative and absolute assessment demonstrating compliance with the relevant performance requirements under A2.2(1)(a) via a performance-based analysis under A2.2(2)(b)(ii).
1.	To waive the requirement for openings located within 3m of a boundary fire source feature to require protection in accordance with C3.4 of the BCA.	C3.2, C3,4	GP2	Quantitative assessment demonstrating compliance with the performance requirements under A2.2(1)(a) via a performance-based analysis under A2.2(2)(b)(i).



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TREE PROTECTION DO BE READ IN ACCORDANCE WITM ARBORIST REPORT PROVIDED BY HORDICULTURAL MANAGEMENT SERVICES DATED 15 FEBRUARY 2019.

THE RECOMMENDATIONS STATED HIT THE "ARBORNOUS TURAL IMPACT ASSESSMENT AND TREE MANAGEMENT FLAM, PARTICULARLY THE "TREE MANAGEMENT FLAM, PARTICULARLY THE "TREE MANAGEMENT FLAM AS PER SECTION 12 0/5HMLL BE COMPARD WITH AT ALL TIMES.

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PROPOSED CHILDCARE CENTRE 15 Hyacinth Street, Greystanes NSW 2145 GROUND FLOOR 06 03/17/20

FOR DA APPROVAL

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Summary of AS1428, 7-2009 reg. - Assessible Sorifory Fosibles as per ACCESSIBIUTY REVIEW - BCA ACCESS STATEMENT OF COMPUNINCE FOR ISSUE OF CONSTRUCTION CERTIFICATE

DATE > 24% ADM 2020 REPORT NO > 0899 REV C - FRING PREPARED B? > 22 CONSULTING ENGINEERS - ACCESS CONSULTING

Water tops - Must have:

Water fags - Must have!

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Tags shall have lever boundies, sensor plates on other similar quertes,

Tags shall have lever boundies,

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Flushing control:

• Flushing control: shall be user activated, either hand operated or automatic, transloperated controls.

to comply with figure 40, or on the centre line of the talet within the vertical limit zone. Controls within this 2006 shall not be within the care required for graderally.
• Controls shall be proud of the serface and activate the flush before being flevel with the surrounding serious.

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inequirins gractical collections.

Contrain

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closes
as an Figure 42:
Glovalition space = Shallibe as per Figure 45 of AS\$428.1 (2001), except for the fallowing inhusions:

* Tolian paper disperses;

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- Videocaris with roomen intrusion.

 Videocaris—and lowed dispersions.

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 Shelver.

 Videocaris—swith 150mm inhusion, mounted between 0.9m and 1.25m.

 Clohest handing devices.

 Partitios existing signous units (figure 43).

 Cither wall mounted lichanowith 150mm inhusion, mounted between 0.9m.

 Cither wall mounted lichanowith 150mm inhusion, mounted between 0.9m.

apping of disculation space that be in accordance with Clause 15.6.

Baby change tables

• Witere installed, baby change tables shalloot encroach into the required circulation space when in

open.

**WC does

**To be alther hinged at sliding.

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**Online alther hinged at sliding.

**Online alther hinged at sliding.

Doors provided with an in-use indicator and a ball or catch. If fitted with a sale, the sale handle is to

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 A Jains to be focated above or adjocent to washbosis.
 A Jains to be focated above or adjocent to washbosis.
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 In an accessible residential unit, the misus it Sam.
 In an accessible residential unit, the misus to be centred over the washbosis.
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 A yaparabe tahere, within any disculption spaces at a height of 8,9mr k,0m, and external to all Jains above.

space committee. Soap dispesses, lowel dispenses and similar fillings • Soap and towel dispenses and hand diyets shall be operable by one hand and inhalled so the

t or cuttlet between 0:9m and 2, lim and no close than 0.5m from an 9/lernal comer

Clathes hanging devices • A conservanging device stall be installed 142m to 1455m high and not less than 0.5m from an internal

Sanitary-disposal unit Where provided, seriegy sixposal units to be as per Figure 43 for periodile units or 9.5m from the pen.

Forencessed uses. Switches and general purpose outlets • Witness provided near the wasticasis, ywitches and GPOs to be located as per Clause F4 and as slose.

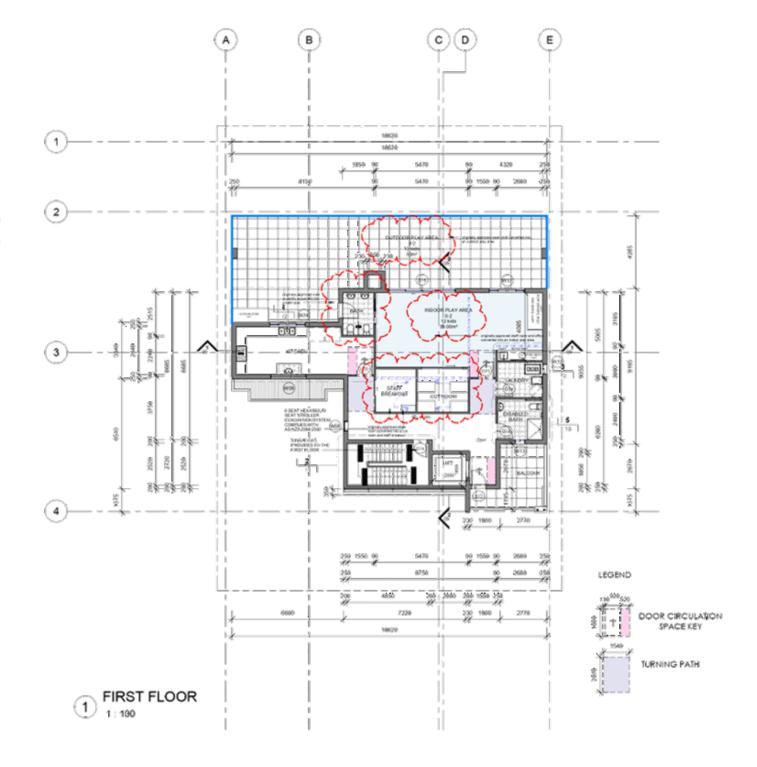
Showers

Shower recesses and circulation space to a height not less than 0.9m as per figure 47.40 abrails,

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Figures:
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- Cisculation spaces, including door circulation space, anay be overlapped.
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- Insures snathrate ensought stouchalon or specifique 43;
b. Washbasin in with circulation as per Figure 50;
c. Washbasin in door siculation as per Figure 50.
c. Washbasin in door siculation as per Figure 51;34 and 51 (8);
- Clamana ecoenealis washbasin as per Glasse 15.3;

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FOR DA APPROVAL



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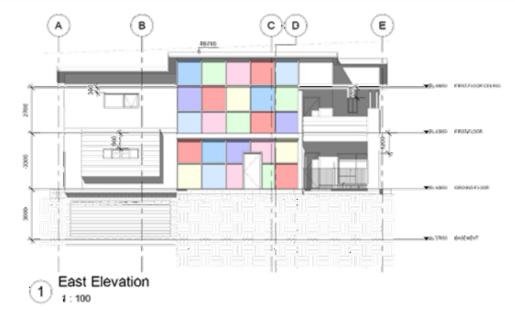
CHILD CARE SPECIALISTS

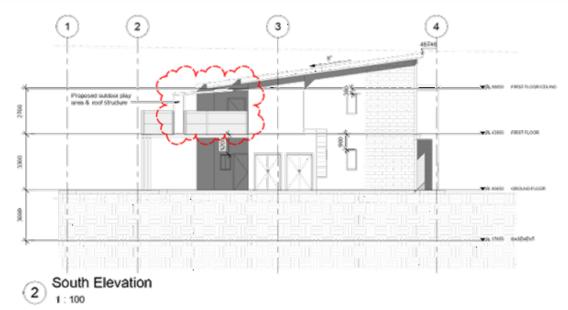
PROPOSED CHILDCARE CENTRE 15 Hyacinth Street, Greystanes NSW 2145

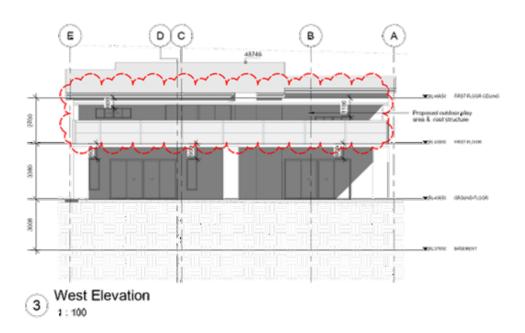
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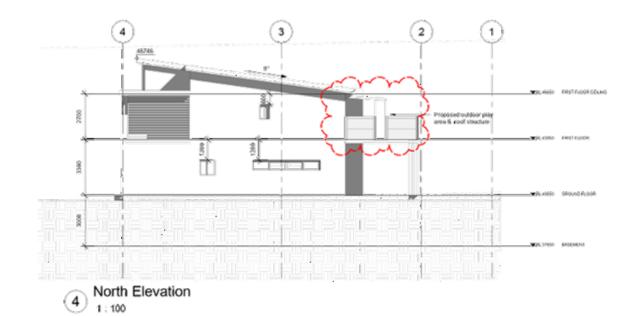
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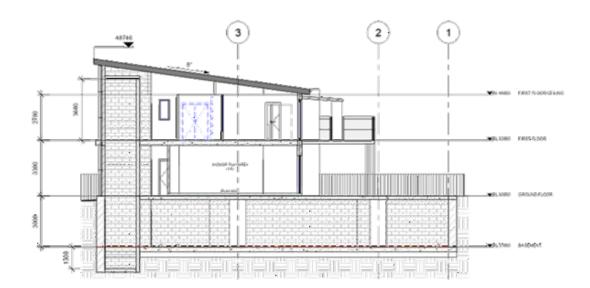
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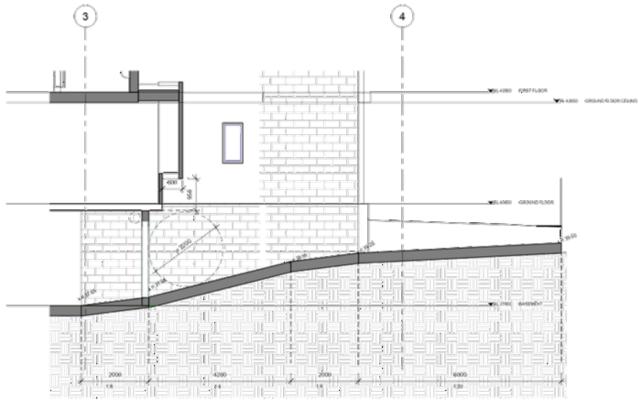


1 SECTION A-A



2 SECTION B-B

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3 DRIVEWAY SECTION



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DOCUMENTS ASSOCIATED WITH REPORT LPP001/21

Attachment 3
Previous Consent







Our Reference: Contact: Phone: 2018/284/2 Ms D Hang 8757 9493

13 November 2019

Baini Design PO Box 2402 NORTH PARRAMATTA NSW 1750

Dear Sir/Madam.

PREMISES: 15 HYACINTH STREET, GREYSTANES
SECTION 4.55(1A) MODIFICATION TO DEVELOPMENT CONSENT NO. 2018/284/1
MODIFICATION APPLICATION NO. 2018/284/2

I refer to your application lodged on 2 August 2019 seeking amendment to Development Consent 2018/284/1 issued for demolition of existing structures and construction of a 26 place two storey, child care centre over basement parking accommodating 9 parking spaces. This modification seeks removal of the external storage shed and dense planting, reinstatement of visitor parking space numbered 10 in the basement, and amendments to the outdoor play space to increase capacity of approved child care centre from 26 to 30 places.

Pursuant to Section 4.55(1A) of the Environmental Planning & Assessment Act, 1979, Council grants approval for modifications sought, subject to a reduction in the number of children to 27 places (to comply with the outdoor unencumbered space).

Accordingly, Development Consent 2018/284/1 is amended as follows:-

The proposed development description is to be amended to read as follows:

Proposed Development:

Demolition of existing structures and construction of a 26 28 place two storey, child care centre over basement parking accommodating 9 10 parking spaces

SCHEDULE "B"

Condition 2 is amended to read as follows:

- Development shall take place in accordance with the following endorsed plans and documents:
 - Architectural Plans prepared by Baini Design, Job No. 18156, Drawing No. 05, dated 06/07/17, Drawing No. 06, dated 07/17/18, Drawing No. 03, 07, 10, and 12, dated 08/07/18, Drawing No. 14, dated 02/12/19 as amended to satisfy Schedule A, Conditions 14 and 15;

T 02 8757 9000 F 02 9840 9734 E council@cumberland.nsw.gov.au W cumberland.nsw.gov.au

ABN 22 798 563 329

Welcome Belong Succeed



Cumberland Local Planning Panel Meeting 10 February 2021

Important

English

This letter contains important information, If you do not understand it please ask a relative or friend to translate it or come to Council and discuss this letter with Council's staff using the Telephone Interpreter Service.

شام

Arabic

تحقوي هذه الرسالة على معلومات هامة. إذا قد تكن تقيمها أبر جي طلب تو جملها من قريف أبر صديق أو احضر إلى المجلس وناقش هذه الرسالة مع موظفي المجلس عن طريق الاستعالة بخدمة الترجمة الهلافية.

里安負計

Cantones

本的包含重要的資訊。如果您報送理辦框關內容。可請您的與屬案勝友顧讚成中文。或者原注市政府並通過電話傳達服務 應用政府的工作人員注論本的內容。

两点

Dan

این نامه حاری معلومات مهر است. اگر شما آن را تمی فهمید، از دوستان با فلمیل تان بخواهید که بر اینان نزجمه کند و پرابه شور ا امده و در مورد این نامه با کار متدایی شوره با استفاده از حدمات درجمه نلیفونی مجت کنید

Σημαντικά

Greek

Αυτή η επιστολή περιέχει σημαντικές πληροφορίες. Εάν δεν την καταλαβαίνετε, ζητήστε από ένα συγγενή ή φίλο να σας την μεταφράσει, ή ελάτε στο Συμβούλιο και συζητήστε για την επιστολή με το προσωπικό του Συμβουλίου χρησιμοποιώντας την Τηλεφωνική Υπηρεσία Διερμηνέων.

सहत्वपूर्ण

Hindi

इस पत्र में महत्वपूर्ण जानकारी दी गई है। यदि आप इसे नहीं समझ पाते हैं तो कृपया अपने रिश्तेदार या दोस्त से कहें कि वे इसे अनुवाद कर बताएँ या परिषद में आएँ और टेलीफोन दुशाषिया सेवा का इस्तेमाल करते हुए परिषद के स्टाफ के साथ इस पत्र पर चर्चा करें।

IMPORTANTE

italiai

Questa lettera contiene informazioni importanti. Se non la comprende chieda ad un parente od amico di tradurgliela, o venga al Municipio a discuterta col personale del Comune con l'aiuto del Servizio Telefonico Interpreti.

중요

Korean

이 서신에는 중요한 정보가 포함되어 있습니다. 잘 이해되지 않으면, 친척이나 친구에게 번역을 부탁하거나 또는 위원회를 방문하여 전화 통역 서비스로 위원회 직원과 이 서신에 대해 논의하십시오.

Importanti

Maltese

Din Fittra fiha taghrif importanti. Jekk ma tifimhiex, jekk jogligbok staqsi lil qarib jew habib biex jittradocihielek jew ejja sal-Kunsill u ddiskuti din Fittra ma' Fistaff tal-Kunsill böli tuza s-Servizz Telefoniku tal-Interpreti.

重要信息

Mandarin

本語包含重要的信息。如果您无法理解相美内容,可请您的家属政制安创译成中文、或者前往市政府并通过电话传译服务 与市政府的工作人员讨论本函内容。

Mahalaga

Tagalog

Ang sulat na ito ay naglalaman ng mahalagang impormasyon. Kung hindi mo ito nauunawaan, mangyaring hilingin ang isang kamag anak o kaibigan na isalin ito o lumapit sa isang Council at talakayin ang sulat na ito sa kawani ng Council gamit ang Serbisyo ng Interpreter sa Telepono.

முக்கிய குறிப்பு:

Tamil

இந்த கடிதத்தில் முக்கிய தகவல் அடங்கியுள்ளது. உங்களுக்கு இது புரியவில்லையென்றால், உங்கள் உறவினர் அல்லது நண்பரை மொழிபெயர்க்க சொல்லி கேட்கவும் அல்லது அமைச்சகத்திற்கு வருகை அளித்து, அமைச்சக ஊழியருடன் தொலைபேசி மொழிபெயர்ப்பு சேவை உதவியுடன் இந்த கடிதத்தைப் பற்றி விவாதிக்கவும்.

Önemli

Turkish

Bu mektup önemli bilgiler içermektedir. Bu bilgileri anlamıyorsanız lütfen bir akrabanızdan veya arkadaşınızdan onu çevirmesini isteyin ya da Konseye gelin ve Telefonla Sözlü Çeviri Hizmeti'ni kultanarak bu mektup hakkında Konsey personeli ile görüşün.

TIN QUAN TRONG

Vietnamese

Tin tực trong thư này rất quan trọng. Nếu qui vị không hiểu rõ, xin họi những người thân hoặc ban bẻ phiên dịch cho qui vị hoặc đến họi nhân viên Toà Hanh Chanh, tại đây có phương tiện Thông Ngôn Qua Điện Thoại



Page 2 of 4

- Acoustic fencing/Slimwall prepared by Slimwall Next Generation Fencing, Drawing Nos. S0, S1, S3, S4 & S12 (Rev B dated 31 July 2015) and Nos. S2, S5-S11 inclusive (Rev A dated 25 February 2015);
- Stormwater Management Plans prepared by M.M. Farah Civil/Structural Pty Ltd, Job Nos. SW-15 HYNCINTH, Sheet No. 1 and 2 of 2, dated 22 February 2019 (OSD Plan No.2019-065) – as amended to satisfy Schedule A;
- Landscape plan prepared by Outside in Design Group Pty Ltd, Drawing No L-01, Issue E, dated 28 February 2019 – as amended to satisfy Schedule A;
- Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference R180318R2, Revision 1, dated 11 February 2019;
- Noise Management plan prepared by Rodney Stevens Acoustics, Reference R180318NMP1, Revision 0, dated 11 February 2019 – as amended to satisfy Condition 15;
- Arboricultural Assessment and Tree Management Plan prepared by Horticultural Management Services, dated 15 February 2019; and
- Waste management plan prepared by Baini Design, dated 8 August 2018.
 - except as otherwise provided by the conditions of this determination and/or amended in red.

As amended by the following plans and documents approved to satisfy Schedule "A" of Development Consent 2018/284/1, dated 12 June 2019:

 Architectural Plans prepared by Baini Design, Job No. 18156, Drawing No. 05, dated 06/07/17.

As amended by the following plans and documents approved by application 2018/284/2, dated 13 November 2019:

Architectural Plans prepared by Baini Design, Project No. 18156				
Dwg No.	Revision		Date	
03	Α	Site Plan	05/07/2019	
05	Α	Floor Plans	05/07/2019	
06	Α	Elevations	05/07/2019	
07	Α	Call Out Elevations / Sections	05/07/2019	

 Landscape plan prepared by Outside in Design Group Pty Ltd, Drawing No L-01, Issue G, dated 19 July 2019.



Page 3 of 4

Condition 8 is amended to read as follows:

Child Care Centres

An approval shall be obtained from Department of Education and Communities (DEC)
prior to commencement of operations. The number of children cared for in the new
centre shall not exceed 26 28 aged up to 5 years.

Condition 14(d) is amended to read as follows:

Amended Plans

- 14. Amended plans shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate addressing the following issues:
 - At least 7 8 on site car parking spaces are to be allocated to visitors.

Condition 14(e) is added to read as follows:

- 14. Amended plans shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate addressing the following issues:
 - The accessible parking space shall be relocated closer to the lift within the basement level.

Condition 14(f) is added to read as follows:

- 14. Amended plans shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate addressing the following issues:
 - f) A landscape buffer which is also suitable for children to play within shall be provided in the area:
 - i. along the southern boundary fence between the OSD pit and gate; and
 - along the northern boundary fence between the north-west column of the awning and gate.

Condition 179 is amended to read as follows:

Parking

179. Nine (9) Ten (10) on site car parking spaces numbered and linemarked in accordance with the endorsed plan, are to be made available at all times for employees and visitors' vehicles only in conjunction with the occupation of the building/premises at 15 Hyacinth Street, Greystanes.



Page 4 of 4

Condition 202 is amended to read as follows:

General

202. The number of children cared for in the new centre shall not exceed 26 28 aged up to 5 years.

Condition 206A is added to read as follows:

206A. All trees installed within close proximity to the rear boundary fence line that are 45L and greater in container size shall be appropriately maintained by a qualified horticulturalist for a minimum period for 12 months from the date of issue of the final Occupation Certificate, or until the respective trees reach a height of 6m and greater, measured from the base of the tree.

All other conditions of Development Consent 2018/284/1 remain unchanged.

Section 8.9 of the Environmental Planning & Assessment Act 1979 confers upon an applicant, dissatisfied with Council's determination of an application made pursuant to Section 4.55(1A) a right of appeal to the Land and Environment Court within 6 months of the date of determination.

Section 8.2 of the Act provides that an applicant may request, within 28 days of the date of determination of the Section 4.55(1A) Application, that the Council review its determination (this does not apply to designated development). A fee is required for this review.

If you have any further enquiries please contact Ms D Hang of Council's Environment & Planning Department on 02 8757 9493, Monday to Friday.

Yours faithfully,

Sohail Faridy

COORDINATOR DEVELOPMENT ASSESSMENT





Our Reference: Contact:

Phone:

2018/284 Ms O Yana 8757 9544

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 NOTICE OF DETERMINATION OF APPLICATION

DEFERRED COMMENCEMENT

16 April 2019

Baini Design PO Box 2402 NORTH PARRAMATTA NSW 1750

Dear Sir/Madam

Pursuant to Section 4.16(3) of the Act, Council has granted conditional approval to your Development Application described as follows:

PROPERTY:

Lot 29 in DP 239685

STREET ADDRESS:

15 Hyacinth Street GREYSTANES

DEVELOPMENT CONSENT NO:

2018/284/1

DECISION:

Cumberland Local Planning Panel

DATE FROM WHICH

TO BE ADVISED UPON SATISFACTORY

CONSENT OPERATES:

COMPLETION OF SCHEDULE 'A'

DATE OF EXPIRY OF CONSENT: TO BE ADVISED UPON SATISFACTORY

COMPLETION OF SCHEDULE 'A'

PROPOSED DEVELOPMENT:

Demolition of existing structures and construction of

a 26 place two storey, child care centre over

basement parking accommodating 9 parking spaces

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

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

16 Memorial Avenue, PO Box 42, Merrylands NSW 2160 T 02 8757 9000 F 02 9840 9734 E council@cumberland.nsw.gov.au W cumberland.nsw.gov.au ABN 22 798 563 329

Welcome Belong Succeed



Cumberland Local Planning Panel Meeting 10 February 2021

Important

English

This letter contains important information. If you do not understand it please ask a relative or friend to translate it or come to Council and discuss this letter with Council's staff using the Telephone Interpreter Service.

فأد

Arabic

تحتوي هذه الرسالة على معلومات هامة. إذا لم تكن تقيمها يُرجى طلب ترجمتها من قريب أو صديق أو إحضر إلى المجلس وناقش هذه الرسالة مع موظفي المجلس عن طريق الاستحانة بخدمة القرجمة الهاتفية.

重要資訊

Cantones

本函包含重要的資訊。如果您無法理解相關內容,可請您的親屬或關意觀器成中文,或者前往市政府並通過電話傳譯服務 與市政府的工作人員討論本函內容。

مهم

Dani

این تامه هاوی معلومات مهم است. اگر شما ان را نمی فهمینه از توستان یا فامیل تان بخواهید که بر ایثان ترجمه کند و یا به شورا آمده و در موبرد این نامه با کارمندان شور ا با استفاده از خدمات ترجمه تلیفونی بحث کنید.

Σημαντικό

Greek

Αυτή η επιστολή περιέχει σημαντικές πληροφορίες. Εάν δεν την καταλαβαίνετε, ζητήστε από ένα συγγενή ή φίλο να σας την μεταφράσει, ή ελάτε στο Συμβούλιο και συζητήστε για την επιστολή με το προσωπικό του Συμβουλίου χρησιμοποιώντας την Τηλεφωνική Υπηρεσία Διερμηνέων.

महत्वपूर्ण

Hindi

इस पत्र में महत्वपूर्ण जानकारी दी गई है। यदि आप इसे नहीं समझ पाते हैं तो कृपवा अपने रिश्तेदार या दोस्त से कहें कि वे इसे अनुवाद कर बताएँ या परिषद में आएँ और टेलीफोन दुशांषिया सेवा का इस्तेमाल करते हुए परिषद के स्टाफ के साथ इस पत्र पर चर्चा करें।

IMPORTANTE

Italian

Questa lettera contiene informazioni importanti. Se non la comprende chieda ad un parente od amico di tradurgliela, o venga al Municipio a discuterla col personale del Comune con l'aiuto del Servizio Telefonico Interpreti.

중요

Korean

이 서신에는 중요한 정보가 포함되어 있습니다. 잘 이해되지 않으면, 친척이나 친구에게 번역을 부탁하거나 또는 위원회를 방문하여 전화 통역 서비스로 위원회 적원과 이 서신에 대해 논의하십시오.

Importanti

Maltese

Din I-ittra fiha taghrif importanti. Jekk ma tifimhlex, jekk joghgbok stagsi lil qarib jew habib biex jittraducihielek jew ejja sal-Kunsill u ddiskuti din I-ittra ma' I-istaff tal-Kunsill billi tuza s-Servizz Telefoniku tal-Interpreti.

重要信息

Mandarin

本商包含重要的信息。如果您无法理解相关内容。可请您的亲属或朋友翻译成中文,或者前往市政府并通过电话传译服务与市政府的工作人员讨论本函内容。

Mahalaga

Tagalog

Ang sulat na ito ay naglalaman ng mahalagang impormasyon. Kung hindi mo ito nauunawaan, mangyaring hilingin ang isang kamag-anak o kaibigan na isalin ito o lumapit sa isang Council at talakayin ang sulat na ito sa kawani ng Council gamit ang Serbisyo ng Interpreter sa Telepono.

முக்கிய குறிப்பு:

Tamil

இந்த கடிதத்தில் முக்கிய தகவல் அடங்கியுள்ளது. உங்களுக்கு இது புரியவில்லையென்றால், உங்கள் உறவினர் அல்லது நண்பரை மொழிபெயர்க்க சொல்லி கேட்கவும் அல்லது அமைச்சகத்திற்கு வருகை அளித்து, அமைச்சக ஊழியருடன் தொலைபேசி மொழிபெயர்ப்பு சேவை உதவியுடன் இந்த கடிதத்தைப் பற்றி விவாதிக்கவும்.

Önemli

Turkish

Bu mektup önemli bilgiler içermektedir. Bu bilgileri anlamıyorsanız lütfen bir akrabanızdan veya arkadaşınızdan onu çevirmesini isteyin ya da Konseye gelin ve Telefonla Sözlü Çeviri Hizmeti'ni kultanarak bu mektup hakkında Konsey personeli ile görüşün.

TIN QUAN TRONG

Vietnamese

Tin tực trong thư này rất quan trọng. Nếu quí vị kháng hiểu rõ, xin hỏi những người thăn hoặc bạn bẻ phiên dịch cho quí vì hoặc đến hỏi nhân viên Tòa Hành Chánh, tại đây có phương tiện Thông Ngôn Qua Điện Thoại



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SCHEDULE "A"

Consent to the demolition of existing structures and construction of a 26 place two storey, child care centre over basement parking accommodating 9 parking spaces shall not operate until all of the following Schedule "A" conditions have been complied with to Council's satisfaction.

- Car space numbered 10 (visitor) on drawing number 05 (floor plans) is to be deleted and that portion of the basement is to be cut back accordingly. The corresponding ground area is to be provided for deep soil planting and be suitably landscaped, including one mature canopy tree capable of achieving a height of 6 metres.
- The width of car space 4 (staff) on drawing number 05 (floor plans) is to be increased to 2.7 metres.

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

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



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SCHEDULE "B"

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

PRELIMINARY

- This consent shall lapse if the above development is not physically commenced by the date of expiry shown on the front page of this Consent.
- Development shall take place in accordance with the following endorsed plans and documents:
 - Architectural Plans prepared by Baini Design, Job No. 18156, Drawing No. 05, dated 06/07/17, Drawing No. 06, dated 07/17/18, Drawing No. 03, 07, 10, and 12, dated 08/07/18, Drawing No. 14, dated 02/12/19 as amended to satisfy Schedule A, Conditions 14 and 15;
 - Acoustic fencing/Slimwall prepared by Slimwall Next Generation Fencing, Drawing Nos. S0, S1, S3, S4 & S12 (Rev B dated 31 July 2015) and Nos. S2, S5-S11 inclusive (Rev A dated 25 February 2015);
 - Stormwater Management Plans prepared by M.M. Farah Civil/Structural Pty Ltd, Job Nos. SW-15 HYNCINTH, Sheet No. 1 and 2 of 2, dated 22 February 2019 (OSD Plan No.2019-065) – as amended to satisfy Schedule A;
 - Landscape plan prepared by Outside in Design Group Pty Ltd, Drawing No L-01, Issue E, dated 28 February 2019 – as amended to satisfy Schedule A;
 - Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference R180318R2, Revision 1, dated 11 February 2019;
 - Noise Management plan prepared by Rodney Stevens Acoustics, Reference R180318NMP1, Revision 0, dated 11 February 2019 – as amended to satisfy Condition 15;
 - Arboricultural Assessment and Tree Management Plan prepared by Horticultural Management Services, dated 15 February 2019; and
 - Waste management plan prepared by Baini Design, dated 8 August 2018.
 except as otherwise provided by the conditions of this determination and/or amended
- 3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. Fully detailed plans including fire safety details shall be submitted with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.



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SCHEDULE "B"

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

PRELIMINARY

- This consent shall lapse if the above development is not physically commenced by the date of expiry shown on the front page of this Consent.
- Development shall take place in accordance with the following endorsed plans and documents:
 - Architectural Plans prepared by Baini Design, Job No. 18156, Drawing No. 05, dated 06/07/17, Drawing No. 06, dated 07/17/18, Drawing No. 03, 07, 10, and 12, dated 08/07/18, Drawing No. 14, dated 02/12/19 as amended to satisfy Conditions 14 and 15;
 - Acoustic fencing/Slimwall prepared by Slimwall Next Generation Fencing, Drawing Nos. S0, S1, S3, S4 & S12 (Rev B dated 31 July 2015) and Nos. S2, S5-S11 inclusive (Rev A dated 25 February 2015);
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 - Noise Management plan prepared by Rodney Stevens Acoustics, Reference R180318NMP1, Revision 0, dated 11 February 2019 – as amended to satisfy Condition 15;
 - Arboricultural Assessment and Tree Management Plan prepared by Horticultural Management Services, dated 15 February 2019; and
 - Waste management plan prepared by Baini Design, dated 8 August 2018.
 - except as otherwise provided by the conditions of this determination and/or amended in red.
- 3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. Fully detailed plans including fire safety details shall be submitted with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.



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Demolition

- 10. In the event that demolition is to occur prior to the issue/release of a Construction Certificate, all relevant fees and bonds such as the demolition inspection fee, kerb & gutter and tree protection bonds shall be paid in full to Council prior to demolition commencing (as per the relevant conditions elsewhere in this Development Consent). Furthermore, the applicant/developer is to ensure that all relevant conditions in this Development Consent relating to the protection of the site, adjoining lands and trees are adhered to in full prior to commencement of any demolition works.
- Permission is granted for the nominated demolition works on the property, subject to strict compliance with the following:
 - a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures. Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications. a) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. The demolition must not commence prior to the date stated in the notification.
 - b) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Cumberland Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
 - c) On the first day of demolition, work is not to commence until Cumberland Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with WorkCover's document "Your Guide to Working with Asbestos", a copy of which accompanies this Development Consent and demolition works must at all times comply with its requirements.
 - d) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 8757 9000. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.





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

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

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

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

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





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Signage

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

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



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

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

Amended Plans

- 14. Amended plans shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate addressing the following issues:
 - a) Finished floor level of indoor play area for age 3 5 years old shall be increased to RL 40.80m AHD minimum.
 - b) A 2.1m high acoustic fence as measured from the finished floor level of the outdoor play area shall be constructed entirely within the subject property.
 - c) All boundary fence on top of retaining wall with the fence height exceeding 2.4m as measured from the lower adjacent ground level, shall be constructed of transparent Perspex/lattice type of materials in its place.
 - d) At least 7 on site car parking spaces are to be allocated to visitors.
- 15. Prior to the issue of a construction certificate, amended plans/documents are to be submitted to Council's Manager of Development Assessment to address the following:
 - a) A soil assessment for the site of the proposed education and care service premises shall be undertaken by an appropriately qualified consultant as required by the Child Care Planning Guideline issued by NSW Department of Planning and Environment.
 - b) Noise Management plan prepared by Rodney Stevens Acoustics, Reference R180318NMP1, Revision 0, dated 11 February 2019 shall be reviewed and updated to reference the endorsed Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference R180318R2, Revision 1, dated 11 February 2019.

Payment of Bonds, Fees and Long Service Levy

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

Damage Deposit

17. A cash bond/bank guarantee of \$2,780.00 must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for 'six (6) months after the



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completion of works' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

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

Consistency with Endorsed Development Consent Plans

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

Landscape Inspection Fee

 Payment of a \$372.00 fee for the inspection by Council of landscape works and/or trees to be retained at the key stages, where Council is the Principal Certifying Authority.

Engineering Fees and Bonds

- Payment of a \$609.00 fee for the inspection by Council of the stormwater drainage and Onsite Stormwater Detention System at the key stages, where Council is the Principal Certifying Authority.
- 21. The applicant shall lodge with Council a \$3,000 cash bond or bank guarantee to cover the removal of redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.
- 22. The applicant shall lodge with Council a \$6,135 cash bond to cover the registration of a Positive Covenant and Restriction as to User over the Onsite Stormwater Detention System. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the Land and Property Information NSW.

Construction and Traffic Management Plan

23. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a \$428.00 fee for the assessment of the Traffic Management





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Plan by Council, prior to commencing works within the road reserves. A copy of the approved Traffic Management Plan shall be kept on site during the course of construction for reference and compliance.

- 24. The applicant shall also provide a Construction and Traffic Management Plan, prepared by a suitably qualified consultant and submitted to Council for approval. The following matters must be specifically addressed in the Plan:
 - A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
 - Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
 - Signage type and location to manage pedestrians in the vicinity;
 - The locations of any proposed Work Zones in the frontage roadways note: Work Zone fees apply in accordance with Council's Fees and Charges;
 - d) Locations and type of any hoardings proposed along all street frontages;
 - e) Area of site sheds and the like;
 - f) Location of any proposed crane standing areas;
 - g) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected;
 - ii. A Traffic Control Plan for the site must be prepared for approval by Council incorporating the following:
 - a) Traffic control devices proposed in the road reserve must in accordance with the RMS publication "Traffic Control Worksite Manual" and designed by a person licensed to do so with appropriate qualification. The main stages of the development requiring specific construction management measures shall be identified and specific traffic control measures identified for each.
 - A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing: -
 - Light traffic roads and those subject to a load or height limit must be avoided at all times; and
 - A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
 - Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial Road.



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d) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements;

Council's adopted fee for certification of compliance with this condition shall be payable on lodgement, or in any event, prior to the issue of the relevant approval.

- Any use of Council property shall require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- iv. Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.
- Dependent on the circumstances of the site, Council may request additional information to that detailed above.
- vi. Subject to an application for the occupation of public roadway or footway (Section 138, Local government Act 1993), and covered by a minimum Public Liability cover of \$20,000,000. Cumberland Council shall be named on the certificate of currency as an interested party.

Traffic Conditions

- 25. The applicant shall provide 'No Stopping' parking restrictions along the frontage of the site. The proposed 'No Stopping' parking restrictions is subject to Council's Traffic Committee approval. In this regard, plan shall be provided to Council's Traffic Committee meeting four weeks prior to meeting date.
 - Note: contact Council's Traffic Engineer to include an item for the proposed 'No Stopping' parking restrictions on Hyacinth Street along the frontage of the site.
- 26. Any required adjustment to utility services, trees, signs and other street furniture requires approval of the appropriate authority shall be undertaken by the applicant. All cost associated with the proposed works shall be borne from the applicant and at no cost to Council.
- 27. Any works requiring closure of any road or footway closure will require submission of a Council's Temporary Road Closure application form and payment of fees.
- 28. Signs and line marking plans for the car parking area (e.g. parking spaces, internal arrows, Give-way signs, pedestrian crossing/walkways etc.) shall be prepared prior to the issue of Construction Certificate and to be in accordance with AS 2890.1-2004, AS 2890.6-2009 and the endorsed plans.

Sight Distance

29. To maintain sight distance to pedestrians, all fencing and landscaping within 2.0m of a driveway shall have a maximum height of 1.0 m and 50% transparent above a height of



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0.5m. All solid posts higher than 0.5m (but lower than 1m) shall have a maximum width 350mm and a minimum spacing of 1.2m.

Basement Drainage

- 30. Basement drainage system shall comply with Council's Stormwater DCP. Basement below ground and above ground storage volumes shall be calculated in accordance with Section 7.3 C12 of the DCP. Detail calculations shall be provided.
- Submit engineering details and manufacturers specifications for the pumps and switching system including a plot of the system curve against the pump curve.

Access Ramp

- 32. A long section of the access ramps to basements shall be submitted showing all gradients and dimensions. The transitions shall be checked for scraping and bottoming out in accordance with AS2890.1:2004 for B85 vehicles. Also the following shall be addressed:
 - Boundary line levels at the Hyacinth Street frontage shall be obtained from Council.
 The levels shall provide adequate protection to the basement from stormwater flows
 within the road reserve.
 - The maximum gradient for the first 6m shall be 5%.
 - A minimum clear headroom clearance of 2.2m shall be available for vehicles for the full travel length and manoeuvring areas (including turning area).
 - iv. The ramp shall be designed to comply with the relevant Australian Standards.

On-site detention

- 33. The development has been identified as requiring an on-site storm water detention (OSD) system which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, OSD plan number 2019-065 and council's on-site detention policy shall be submitted to the certifying authority prior to the issue of a construction certificate. The system shall generally be in accordance with the stamped approved drawings however the following shall also be addressed:
 - All pipe sizes and grades shall be annotated on the plan.
 - ii. A safety fence or an equivalent barrier shall be provided where there is a vertical drop of greater than 500mm from a walkway into an above ground basin area.
 - All mulch to landscaped areas of the above ground basin shall be non-floatable (ie rock/gravel or similar).
 - iv. A minimum of 85% of the site area shall be discharged to storage in accordance with Council's OSD policy.



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v. The maximum head to orifice centre and the same for high early discharge as shown in the plan doesn't correspond to the calculations.

Required Submissions to Certifying Authority

- 34. If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.
- 35. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.
- 36. Retaining walls greater than 1.0m above finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with any Construction Certificate application.
- Structural engineer's details (in duplicate) prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.
- Details for compliance with the Disability (Access to Premises Buildings) Standards 2010
 are required to be submitted to the Principal Certifying Authority with the Construction
 Certificate application.
- An emergency evacuation plan shall be submitted to the Principal Certifying Authority with the Construction Certificate application.
- The colour and finishes of the proposed driveway shall be constructed in accordance with Section 2, Part I of Holroyd Development Control Plan 2013 Part I.2.
- 41. An acoustic report for all associated mechanical ventilation system to be installed on the site outlining acoustic treatment is to be submitted and approved by the Principal Certifying Authority.

Acoustic

42. All recommendations contained in the Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference R180318R2, Revision 1, dated 11 February 2019 shall be adopted, implemented, and adhered to.

Tree Protection

43. The recommendations stated in the 'Arboricultural Impact Assessment and Tree Management Plan', particularly the 'Tree Management Plan' as per Section 12.0, prepared by Horticultural Management Services, dated 15 February 2019, shall be complied with at all times. Details demonstrating compliance with the recommendations of this report shall be submitted to the Principal Certifying Authority for approval.



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Salinity

44. The site has been identified as having a potential salinity hazard. To prevent moisture/salinity from entering the built structure, appropriate construction methods are to be incorporated for all buildings. Details of proposed methods of construction are to be detailed in the engineering plans and submitted to the PCA.

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

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

Sydney Water

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

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

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

Fire Safety Upgrading & Essential Services

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

External Walls and Cladding Flammability

- 47. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate, the Certifying Authority and Principal Certifying Authority must:
 - Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.



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PRIOR TO DEMOLITION / WORKS COMMENCING

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

Appointment of Principal Certifying Authority and Notification of Commencement of Work

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

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

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

Notification of Principal Contractor (Builder)/Owner-Builder

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

OR

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

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



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Required Submissions to Council or the Principal Certifying Authority

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

Photographic Record of Council Property - Damage Deposit

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

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

Notification to Relevant Public Authority

52. The applicant shall ensure that relevant public utility authorities are made aware of the salinity problems that have been identified within the subject site by the Department of Land and Water Conservation, such that their services are designed to take into consideration the effects the saline soils may have on their installations.

Fencing of Sites

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



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Signs to be Erected on Sites

- 54. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours and at any time for business purposes, and
 - c) stating that unauthorised entry to the work site is prohibited.

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

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

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

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

Prohibited Signage

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

Protection of Public Places

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

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

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



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Site Control Measures

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

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

Footpaving, Kerbing and Guttering

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

Support for Neighbouring Buildings

- 60. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land (including a public road and any other public place), the person causing the excavation to be made:
 - a) must preserve and protect the building from damage, and
 - b) if necessary, must underpin and support the building in an approved manner, and
 - c) must, at least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the building being erected or demolished.
 - The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land. (In this clause, allotment of land includes a public road and any other public place).
- A dilapidation report of adjoining properties/allotments and details of the proposed excavation works in excess of 2m or within the zone of influence of neighbouring building foundations and required underpinning and supportive measures shall be submitted to the Principal Certifying Authority. Any required underpinning and supportive measures shall be designed by a practising structural engineer and details shall be submitted to the Principal Certifying Authority for approval prior to construction works commencing.

Toilet Facilities

- 62. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
 Each toilet provided:
 - a) Must be a standard flushing toilet, and
 - b) Must be connected:





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

Tree Protection

- 63. The recommendations stated in the 'Arboricultural Impact Assessment and Tree Management Plan', particularly the 'Tree Management Plan' as per Section 12.0, prepared by Horticultural Management Services, dated 15 February 2019, shall be complied with at all times.
- 64. An Arborist qualified to at least Australian Qualifications Framework (AQF) Certificate Level 4 shall be retained throughout all demolition/construction work to ensure the proper protection and management of the tree/s required to be retained/transplanted and that any necessary pruning work within 1m of the building/s approved, is carried out in accordance with Australian Standard 4373-1996 "Pruning of Amenity Trees". This includes on site supervision of the erection of tree protection measures and, where necessary, any works that are required within tree protection zones.
- 65. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected prior to and throughout the demolition/construction process in accordance with the 'Arboricultural Impact Assessment and Tree Management Plan', particularly the 'Tree Management Plan' as per Section 12.0, prepared by Horticultural Management Services, dated 15 February 2019 for the Protection of Trees On and Adjacent To Demolition/Building sites, and relevant conditions of this Consent. All trees not authorised to be removed by this Consent must be retained. Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to the Principal Certifying Authority by a suitably qualified person or the Arborist (as appropriate) engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted. A copy of the Certificate is to be issued to Council within seven (7) days of the inspection and prior to any works commencing. Additionally, trees identified for removal are to be retained until immediately prior to works commencing, to assist with soil management and erosion control.
 - 66. Protective fencing is to be installed around the tree/s to be retained/transplanted in line with the outer edge of the canopy which overhangs the site and no further than 0.5m from any buildings. This fencing is to be constructed of chainwire mesh 1.8m high, which is supported by steel stakes or piping and braced to resist impacts. Where appropriate the trunk/s of the tree/s on the site and any street tree/s (which are not to be fenced other than as mentioned above), shall also be protected by vertical timber boards, installed by or under the supervision of a suitably qualified person or the arborist (as appropriate) engaged to ensure the proper protection and management of the trees required to be retained/transplanted to accepted horticultural and TAFE standards.



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

Roadworks

- 67. The applicant is to submit to Council an application for a road opening permit when the drainage connection into Council's system is within the road reserve. In this regard the applicant shall pay Council a relevant fee prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (eg. telephone, electricity, sewer, water or gas) required within the road reserve.
- 68. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.

Works Within Council's Reserve

- 69. All works within the Council reserve shall be completed within three (3) weeks of the date of commencement. Council's Development Engineer shall be advised prior to the commencement of works.
- Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
- 71. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of \$20,000,000 is to be submitted prior to commencement of works. Council shall be named on the Certificate of Currency as an interested party.



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DURING DEMOLITION/ CONSTRUCTION

The following conditions are applicable during demolition/construction:-

Endorsed Plans & Specifications

72. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and approved Traffic Management Plan are to be retained on site at all times.

Hours of Work & Display of Council Supplied Sign

73. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited. Note: Demolition work is not permitted on weekends or Public Holidays - refer to specific demolition condition for approved hours.

The yellow "Hours of Building Work" sign (supplied by Council with the approval), is to be displayed in a prominent position at the front of the site for the duration of the work.

Site Control

- 74. All soil erosion measures required in accordance with the approved sediment and erosion control plan and any other relevant conditions of this Consent are to be put in place prior to commencement of construction works are to be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation. This includes the provision of turf laid on the nature strip adjacent to the kerb.
- 75. Builder's refuse disposal and storage facilities are to be provided on the development site for the duration of construction works and all rubbish shall be removed from the site upon completion of the project.
- 76. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

Asbestos Cement Sheeting

- 77. i) All asbestos cement sheeting must be removed by contractors with an appropriate licence issued by WorkCover and who are familiar with asbestos removal prior to the commencement of:-
 - (a) Recladding or brick veneering of any building where the existing walls to be covered are currently clad with asbestos cement;

OR



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(b) Construction work where new work abuts existing asbestos cement sheeting and/or where parts of the existing building clad with asbestos cement sheeting are to be altered or demolished.

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

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

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

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

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

Waste Management Plan

- 78. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.
- 79. Within seven (7) days of completion of construction/building works, the applicant shall submit a signed statement to Council or the Principal Certifying Authority verifying that demolition work and recycling of materials was undertaken in compliance with the Waste Management Plan. The Principal Certifying Authority shall submit a copy of the statement to Council.

In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

Compliance with Critical Stage Inspections and other Inspections nominated by the Principal Certifying Authority

80. Section 6.5 of the Act requires certain specific inspections (prescribed by clause 162A of the Regulations) and known as 'Critical Stage Inspections' to be carried out for building work. Prior to permitting commencement of the work your Principal Certifying Authority is required to give notice of these inspections pursuant to clause 103A of the Regulations.



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N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

Construction

81. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has been supplied with a check survey report prepared by a registered surveyor certifying that the floor levels and external wall locations to be constructed, comply with the approved plans, finished floor levels (FFL)s and setbacks to boundary/ies. The slab shall not be poured, nor works continue, until the Principal Certifying Authority has advised the builder/developer that the floor level and external wall setback details shown on the submitted survey are satisfactory.

In the event that Council is not the Principal Certifying Authority, a copy of the survey shall be provided to Council within three (3) working days.

On placement of the concrete, works again shall not continue until the Principal Certifying Authority has issued a Certificate stating that the Condition of approval has been complied with and that the slab has been poured at the approved levels.

Salinity

82. The building and external walls are not to proceed past ground floor formwork/reinforcing steel level until such time as the Principal Certifying Authority has confirmed that all required construction measures addressing salinity, as required by this Consent and its accompanying Construction Certificate have been carried out.

Landscaping/Site Works

- 83. All turfed areas shall be finished level with adjoining surfaces and also fall evenly to approved points of drainage discharge.
- 84. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected against damage throughout the demolition/construction process in accordance with the 'Arboricultural Impact Assessment and Tree Management Plan', particularly the 'Tree Management Plan' as per Section 12.0, prepared by Horticultural Management Services, dated 15 February 2019 for the Protection of Trees On and Adjacent to Demolition/Building Sites and relevant conditions of this Consent.
- 85. A report is to be prepared and submitted to Council by the Arborist engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted that:
 - Sets out maintenance work carried out on tree/s; and
 - Assesses the health and condition of the tree/s required to be retained/transplanted and protected.



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

- 86. The applicant shall accept all responsibility for the accuracy of the information provided to Council for assessment. If any tree/s are not shown on the endorsed plan or are required to be retained/transplanted and protected but are threatened by demolition/construction work through unforeseen construction requirements or plan inaccuracy, all site and building works so affected are to cease until the matter is resolved to the satisfaction of Council. Council's Environmental and Planning Services Department is to be notified immediately upon such a problem being encountered.
- 87. Branches of trees to be retained/transplanted within 1m of the approved building, may be pruned by an Arborist qualified to at least Australian Qualification Framework (AQF) Certificate Level 3 in accordance with Australian Standard AS4373-1996 'Pruning of Amenity Trees' to enable demolition/construction works to occur.

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

88. No works are to occur within the fenced tree protection zone. All authorised works/activities within the fenced tree protection zone/s are to be undertaken by hand held equipment under the supervision of the consulting Arborist. No roots over 50mm in diameter are to be cut within the tree protection zone without prior consultation with Council officers or the consulting Arborist.

All roots over 50mm in diameter which are encountered outside the fenced tree protection zone/s are to be cleanly cut and not ripped.

89. In accordance with the Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference R180318R2, Revision 1, dated 11 February 2019, the fencing/barrier along proposed external play area shall be constructed to height of 2.1 metres from the finished floor level. The barrier(s) should be of solid continuous construction (i.e. free of gaps) and of masonry or SlimWall type construction at full cost to the developer.

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

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



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Inspection of On Site Detention Works

- 90. The stormwater drainage works are to be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
 - Initial inspection to discuss concept and site conditions/constraints prior to commencement of construction of the detention basin/tank,
 - b) Prior to landscaping of detention basin or pouring of the roof of the detention tank.
 - After completion of storage but prior to installation of fittings (e.g. orifice plates, screens, flap valves etc.)
 - d) Final Inspection

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

Road Works and Footpaving

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

Child Care Centre Kitchen

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

Underground Power Connection

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

Alarms

- 95. 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



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 a warning system, such as an audible alarm with flashing light and warning sign installed within a common area or areas of the building, such as the ground floor lobby.

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

Basement Parking

- A convex mirror is to be provided so that drivers can see up the driveway from within the basement.
- 97. An intercom device is to be located:
 - 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
 - within the basement foyer so that disabled persons can contact any unit if the lift is not working.
- 98. Details of any control device for the roller gates (if proposed) shall be shown on the plans. The control device shall not reduce the width of the access driveway/ramp (i.e. maintain compliance with AS2890.1-2004) and shall not impact on the flow of traffic and road safety.

Vehicle Cleansing

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

Importation of Fill

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

Additional Information during Construction

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

Fitout of Food Preparation Area

- 102. A rigid smooth faced impervious ceiling shall be provided over the food preparation, cooking and serving areas. The surface finish shall be free of open joints, cracks, crevices or openings with the intersection of the walls and ceiling being tight jointed, sealed and dustproof.
- 103. The ceiling shall be painted with a light coloured washable paint.





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- 104. All fluorescent light fittings shall be fitted with a smooth faced diffuser. The light fitting shall be either recessed so that the diffuser is flush with the ceiling, or designed to ensure that no horizontal surface exists which would allow dust and grease to accumulate.
- 105. Coving is to be provided between all walls and the floor and between the floor and all fittings. This can be achieved by coving tiles, cement render, or by turning vinyl flooring up the walls. In this case a fillet or backing piece is required to support the cove.
- 106. The floor shall be constructed of a material which is impervious to water, non slip and graded and drained to the floor waste.
- 107. The walls of food preparation areas to be tiled with close-jointed, glazed tiles of a light colour to a height of 2 metres.
- 108. The walls of the food preparation areas to be tiled with close-jointed, glazed tiles of a light colour to a height of 450mm above all sinks, tubs, draining boards, wash hand basins and preparation benches.
- 109. The walls of the food preparation areas to be tiled with close-jointed, glazed tiles of a light colour from the floor to the underside of the exhaust hood.
- 110. All walls where not tiled shall be cement rendered to a smooth even surface and painted with a light coloured washable paint.
- 111. Refrigeration, frozen food cabinets, cooking appliances, equipment, fittings, cupboards, and cabinets are to be supported on one of the following systems:-
 - Wheels or casters which allow the fully loaded fitting to be easily moved
 - Legs which provide a minimum 150mm clearance from the floor to the underside of the fitting.
- 112. All shelving being installed on approved metal brackets and kept at least 25mm clear of
- Food preparation benches shall be constructed of stainless steel.
- 114. The top and exposed edges of all benches, counters and shelving shall be finished in a smooth and non absorbent material free of joints.
- All service pipes and electrical conduits shall be concealed within the floors, plinths, walls or ceilings.
- All service pipes and electrical conduits which are not capable of being concealed within the walls shall be mounted on brackets so as to provide at least 25mm clearance between the pipe and adjacent (wall) vertical surface and 100mm between the pipe and adjacent (floor) horizontal surface.
- 117. A freestanding hand wash basin is to be provided in an approved position in the kitchen/food preparation area, which provides a supply of warm water (minimum 40°c) through a single spout. The hand wash basin shall facilitate hands free operation (should a mixer tap be used for this purpose it shall have an extended handle of not less that 250mm



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- in length), and shall be provided with a mounted liquid soap and paper towel dispenser adjacent to the basin.
- 118. All openings in the walls, floors and ceiling and all external doors and windows must be vermin proof.
- 119. All windows and doors to the external air are to be provided with fly screens.
- 120. All doors be rendered vermin proof by installing a metal strip 150mm wide at the bottom of the door on both sides of the door.
- 121. A kitchen exhaust hood is to be provided above all appliances of heating capacity greater than 8KW in accordance with AS 1668 Part 2. A test certificate shall be submitted to the Principal Certifying Authority with application for an Occupation Certificate.

General

122. The recommendations of the Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference R180318R2, Revision 1, dated 11 February 2019; shall be implemented.



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PRIOR TO ISSUE OF FINAL OCCUPATION CERTIFICATE

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

Certificates/Documentary Evidence

- 123. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
- 124. A Section 73 Certificate (Sydney Water) must be submitted to the Principal Certifying Authority prior to occupation of the development.
- 125. A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal Certifying Authority and shall state that all foundation works/reinforced concrete/structural members have been carried out/erected in accordance with the Engineer's requirements and the relevant SAA Codes.

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

Playground Equipment Certification

126. Certification is to be provided to the Principal Certifying Authority (PCA) from the installer of the playground equipment that the equipment has been constructed and installed in accordance with the relevant Australian Standards. If Council is not the PCA, a copy of this certification is to be provided to Council with the Occupation Certificate.

Landscaping/Tree Protection

- 127. Certification is to be provided to the Principal Certifying Authority (PCA) from the installer of the playground equipment that the equipment has been constructed and installed in accordance with the relevant Australian Standards. If Council is not the PCA, a copy of this certification is to be provided to Council with the Occupation Certificate.
- 128. Certification is to be provided to the Principal Certifying Authority (PCA), from the designer of the landscape proposal (as appropriate), that all tree planting/landscape works have been carried out in accordance with the endorsed plan. If Council is the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council is not the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.
- 129. The Arborist engaged to ensure the proper protection and management of the trees required to be retained/transplanted is to provide a report to Council concerning the health and condition of the tree/s and if necessary any remedial works required. The report should also provide documentary evidence that the tree protection conditions were complied with throughout the demolition/construction phases, in the form of site notes and photographs. Should the trees require remedial works which are not exempt under Council's Tree Management Order, an application for General Tree Works will be required to be submitted





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- and approved before the works are carried out and certified by the Arborist. Remedial works which are exempt under Council's Tree Management Order will also be required to be completed and certified.
- 130. As shown on the endorsed plan 1 x Lophostemon confertus is to be planted in the footpath area/s of «insert_streetname». The tree is to come from a minimum 75L container and be planted, so as not to affect existing services, in accordance with the attached guidelines.
- 131. Boundary and courtyard fences must be erected and finished in a professional manner.

Parking/Driveway

- 132. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.
- All parking spaces shall be signposted and linemarked in accordance with Australian Standards 2890.1-2004 and 2890.6-2009.
- 134. All accessible parking spaces shall be provided with a shared area and bollards in accordance with Australian Standard 2890.6,2009.
- 135. The entry / exit driveway shall be indicated with appropriate signage and linemarking to avoid conflict at the driveway.
- 136. The height clearance at the entry/exit point of the ramp shall be in accordance with AS 2890.1-2004.
- Wheel stops shall be provided at appropriate parking locations in accordance with AS 2890.1-2004.
- 138. The applicant shall install 'No Stopping' signs on Hyacinth Street along the frontage of the site at no cost to Council.

Operational Management Plan

- 139. An Operational Management Plan (OMP) shall be prepared and submitted to Council prior to the issue of an Occupation Certificate and be approved by Council's Manager Development Assessment and reviewed in regular basis. The plan shall detail how the Childcare Centre will be managed to minimise impact on neighbouring properties (particularly on-street parking). The OMP should include but not limited to the below:
 - a) Drop off / pick up time is staged and occurs within the basement carpark area,
 - Encourage staff and parents to use public transport,
 - Advice parents to not park outside neighbouring properties and respect residents' amenity,
 - Regular monitoring of off-street and on-street parking,
 - The Noise Management plan prepared by Rodney Stevens Acoustics, Reference R180318NMP1, Revision 0, dated 11 February 2019 – as amended to satisfy Condition 15, and



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 Any other conditions of this consent relevant to operational management of the centre.

Fire Safety

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

NOTE:

- Such Certificate shall state, pursuant to Clause 80E in relation to each essential fire safety measure mentioned in the certificate:-
 - that the service has been assessed by a properly qualified person (chosen by the owner of the building); and
 - that the service was found to be, when assessed, capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.
- The person who carries out the assessment must inspect and verify the performance
 of each fire safety measure being assessed, and must test the operation of each
 new item of equipment installed in the building premises that is included in the
 current fire safety schedules for the building.
- The assessment must have been carried out within the three (3) months prior to the date on which the final fire safety certificate is issued.
- 141. At least once in each period of twelve (12) months after a Fire Safety Certificate is required to have been furnished to the Council, the owner of the building shall, pursuant to Clause 177 of the Regulation, submit to the Council and the Commissioner of the New South Wales Fire Brigades, an Annual Fire Safety Statement, in respect of each essential fire or other safety measure listed on the current Fire Safety Schedule. A copy of the Certificate and Schedule is to be prominently displayed in the building.

External Walls and Cladding Flammability

- 142. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of an Occupation Certificate, the Certifying Authority and Principal Certifying Authority must:
 - (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.



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

- 143. A copy of the as approved stormwater drainage and On Site Detention System showing work as executed details shall be submitted to Council. The work as executed plan shall be in accordance with Council's standards and specifications for stormwater drainage and onsite stormwater detention.
- 144. The On-site Stormwater Detention design summary calculation sheet using the Works-as-Executed levels shall be provided to Council.
- 145. A certificate of compliance in accordance with Council's standards and specifications for stormwater drainage and On Site Detention System shall be issued to the Principal Certifying Authority by a suitably qualified Civil Engineer.
- 146. A certificate of compliance for the pump out drainage system of the basement level shall be issued to the Principal Certifying Authority by the pump installers stating that the pump out system has been installed to operate in accordance with the Council requirements and approved drawings.
- 147. Documents giving effect to the creation of a Positive Covenant and Restriction on Use over the as constructed On Site Detention shall be submitted to the authority benefited for approval prior to lodging with the Land and Property Information NSW. The wording of the terms of the Positive Covenant and Restriction On Use shall be in accordance with Council's standards and specifications for stormwater drainage and on-site stormwater detention. The documents shall be approved by the benefiting authority for registration with Land and Property Information NSW.

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

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

- 148. A maintenance schedule for the stormwater and On-Site Detention system including a sketch plan of the components forming the sites stormwater and On-Site Detention system shall be submitted. The maintenance schedule shall be prepared by a qualified hydraulic engineer and shall be in accordance with the Upper Parramatta River Catchment Trust requirements.
- 149. The applicant shall provide a standard OSD sign within the aboveground basin area in accordance with Clause 7.1 (i) of the Council's OSD policy.
- 150. An On-site Stormwater Detention plate shall be installed within the detention basin or tank. The plate shall be located in or near the Discharge Control Unit to alert future owners of their obligations to maintain the facility and its restrictions. The wording and plate shall be in accordance with Council's standard requirements.



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Road Works

- 151. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
- 152. A full width heavy duty vehicular crossing shall be provided opposite each vehicular entrance to the site, with a maximum width of 8 metres and a minimum width of 6.1 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.
- 153. The reconstruction of cracked and/or damaged concrete kerb and gutter and any associated works along all areas of the site frontage. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD 8100 and issued level sheets.
- 154. Removal of all redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing number SD-8100.
- 155. The removal of existing and construction of footpath paving to the site frontage. The works shall be in accordance with and Council approved design, levels and specifications. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall address the following:
 - A minimum 1.8m wide footpath paving, and full width adjoining any potential drop off area, with associated works.
 - ii. Street tree planting. In this regard trees shall be sited considering sight lines etc. Trees shall be planted in accordance with Council requirements for street trees eg. Numbers, species, size, guards, surface treatments, root barriers.
 - All footpath areas within the road reserves that are not concrete shall be turfed with ST85 Buffalo or 'Sir Walter'.
- 156. A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and roadworks shall be obtained from Council and be submitted to the Principal Certifying Authority.

Child Care Centre Kitchen

- 157. A certificate shall be submitted to Council for the air conditioning system, together with a copy of the test report done at completion of installation and balancing in accordance with the minimum requirements of AS.1668, Part 1 and 2.
- 158. Food Business registration shall be obtained from Council, PRIOR to commencement of business operations, in accordance with Council's adopted policy.



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- 159. To ensure compliance with the Australia/New Zealand Food Safety Standards Code, Food Safety Standards 3.2.3 "Food Premises and Equipment" and Australian Standard 4674.2004 Design, Construction & Fit Out of Food Premises", Council is to be given forty eight (48) hours notice prior of intention to occupy the premises and commence trade.
- 160. Certification that the mechanical ventilation system has been tested and found to comply with the approved plans and specification together with a copy of the final test figures shall be submitted to the Principal Certifying Authority.
- 161. Certification must be provided from a suitably qualified person that all work in connection with the occupation or use of the premises for the preparation, display and storage of food has been carried out in accordance with the terms of this development consent.
- 162. A notification/registration application shall be submitted to Council's Compliance & Environment Department for the food business.

Street Number

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

Air Conditioning

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

Noise Compliance Report

165. The Principal Certifying Authority (PCA) shall obtain a certificate from an appropriately qualified acoustic consultant, stating that the recommendations outlined in the Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference R180318R2, Revision 1, dated 11 February 2019 have been completed and that relevant noise criteria have been satisfied prior to the issue of any Occupational Certificate.

General

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



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CONDITIONS RELATING TO USE

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

Safety and Amenity

- 167. No signs or goods are to be displayed or trading of any description is to be carried out on the public road, public footpath, utility service land, customer and/or employee parking area, the driveways or pedestrian walkways outside or in the immediate vicinity of the premises.
- 168. For the purposes of preserving the amenity of neighbouring occupations and residents, hours of operation; including the operation of all plant and machinery; are to be restricted to between 7.00am and 6.00pm Monday to Friday. All deliveries shall occur only during the approved hours of operation. Any use of the childcare centre outside those hours for meetings, training, early drop-offs, late pick-ups, cleaning, maintenance etc will require an amended acoustic report to be prepared and modification to the Development Consent for the approved hours of use.
- 169. No use of the premises is permitted on Saturday, Sunday or Public Holidays.
- 170. No approval is granted or implied to hold events on the site including concerts, recitals, fetes, fairs, markets and the like. Separate approval shall be obtained from Council for these activities.
- 171. Business is to be conducted and patrons are to be controlled at all times so that no interference occurs to the amenity of the adjoining occupations.
- 172. The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
- 173. Where an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 174. Within three months of the premises being occupied by the childcare centre, an acoustic report by a suitably qualified person, is to be submitted to the consent authority demonstrating that the noise emitted from the premises complies with the criteria contained in the acoustic report prepared by Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference R180318R2, Revision 1, dated 11 February 2019. Where the criteria are not met the acoustic report is to include recommendation of noise control measures that are to be implemented to ensure compliance with the criteria. The report is to include post validation results.



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Mechanical Ventilation System

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

Operational Management Plan

- Compliance with Operational Management Plan (OMP) (refer to Condition 139) throughout the life of this consent.
- 177. The Operational Management Plan (OMP) shall be reviewed on regular basis to ensure all road safety conditions are adequately addressed. Any changes to the OMP are to be submitted to and approved by Council's Manager Development Assessment.

Parking

- 178. The car parking spaces, driveways and manoeuvring areas are to be used for employees' and visitors' vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
- 179. Nine (9) on site car parking spaces numbered and linemarked in accordance with the endorsed plan, are to be made available at all times for employees and visitors' vehicles only in conjunction with the occupation of the building/premises at 15 Hyacinth Street, Greystanes.
- 180. All vehicles shall enter and leave the site in a forward direction.

Acoustic Measures

181. In reference to the Acoustic Impact Assessment prepared by Rodney Stevens Acoustics, Reference R180318R2, Revision 1, dated 11 February 2019; the recommendations of the report shall be adhered to at all times.

Hygiene and Food Storage

- 182. Sufficient provisions must be made for the installation of adequate double bowl wash sinks (or single bowl with dishwasher), food preparation sinks and hand wash basins within all food handling areas including bottle preparation areas.
- 183. Staff food must be stored in a separate area for food intended for the children. Sufficient space must be available to store any required dry goods for the premises.

Refuse & Trade Waste

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



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Emergency Procedures

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

Air Emissions

- 186. The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act 1997 and shall be controlled in accordance with the requirements of such Act.
- 187. In the event of Council receiving complaints regarding air pollution or odour from the premises, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour exiting the premises.
- 188. Any discharge to the atmosphere must not result in any odour or other air impurity detectable outside the boundaries of the property.
- 189. In the event of Council receiving complaints regarding excessive odour from the garbage bay area, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour emanating from the garbage bay area.

Noise - Outdoor play areas at childcare centre

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

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

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

Examples of this location may include:

- 1.5 m above ground level;
- On a balcony on the ground or higher floors;
- Outside a window on the ground or higher floors.
- 191. The operation of all plant and equipment shall not give rise to an equivalent continuous (LA_{eq}) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background L_{A90} level (in the absence of the noise under consideration).
- 192. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises.



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

Clean Water Discharge

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

Waste Collection

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

Lighting

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

Storage

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

Waste Storage

- 198. All putrescible waste must be stored in approved, lidded, flyproof containers. Proper arrangements such as waste paper bales and stands are to be provided for any waste paper or cardboard.
- 199. A sufficient number of approved garbage receptacles must be provided on the premises for the storage of garbage and trade waste. Such receptacles are to be fitted with close fitting and flyproof lids.

Mechanical Ventilation

- 200. Any discharge to the atmosphere from the subject development shall not result in any odour or other air impurity being detected outside the boundaries of the property.
- 201. The mechanical exhaust ventilation system effectively capturing and conveying all heat, fumes and other aerosols to the hood exhaust openings, but in a case the capture velocity at any position over the face area of the hood, serving the cooking facilities, being not less than requirement under AS 1668 Parts 1 & 2.



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General

- 202. The number of children cared for in the new centre shall not exceed 26 aged up to 5 years.
- 203. The first floor shall only be associated with administrative, office, kitchen or storage functions.
- 204. No retail sales or advertising of retail sales is to be undertaken from the subject site at any time.
- 205. Identification number/s is/are to be clearly displayed at the front of the premises.
- 206. All privacy measures shall be maintained in their approved condition for the life of the development and shall not be modified or removed without written consent from Council.



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ADVISORY NOTES

Other Necessary Approvals

- A. The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
 - (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council's Tree Preservation Order protects trees by definition taller than 3.5m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council's Tree Management Officer.
 - (b) Any fencing located forward of the proposed building and exceeding the limitations specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
 - (c) The erection of any advertising sign, not being exempt from the need to obtain approval.
 - (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.
- B. Section 8.7 of the Act provides that an applicant who is dissatisfied with the Council's determination of the Development Application may appeal to the Land and Environment Court within 6 months of the date of determination, or as otherwise prescribed.
- C. Section 8.3 of the Act provides that an applicant may request, within 6 months of the date of determination of the Development Application, that the Council review its determination (this does not apply to designated development). A fee is required for this review.
 - It should also be noted that an application under Section 8.3 of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.3 application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.
- D. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 -Design for Access and Mobility.
- E. A Construction Certificate shall be obtained in accordance with Section 6.7 of the Act, prior to the commencement of any work on site. Council can provide this service for you.
- F. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.



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G. BANK GUARANTEES

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

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

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

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

H. SMOKE DETECTORS

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

TERMITE PROTECTION

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

J. WET AREAS

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

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

A current Certificate of Accreditation for the product.



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AND

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

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

K. SARKING

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

CONSTRUCTION/OCCUPATION CERTIFICATE FEES

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

M. SOUND TRANSMISSION AND INSULATION

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

N. GLAZING CERTIFICATION

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

O. DIAL BEFORE YOU DIG

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



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P. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

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

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

Q. DIVIDING FENCES

Please be advised that arrangements concerning existing or proposed fences between properties are a civil matter determined by the involved parties under the <u>Dividing Fences</u>

<u>Act.</u> You are therefore required to consult with the owners of neighbouring properties if fences are to be removed or constructed.

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

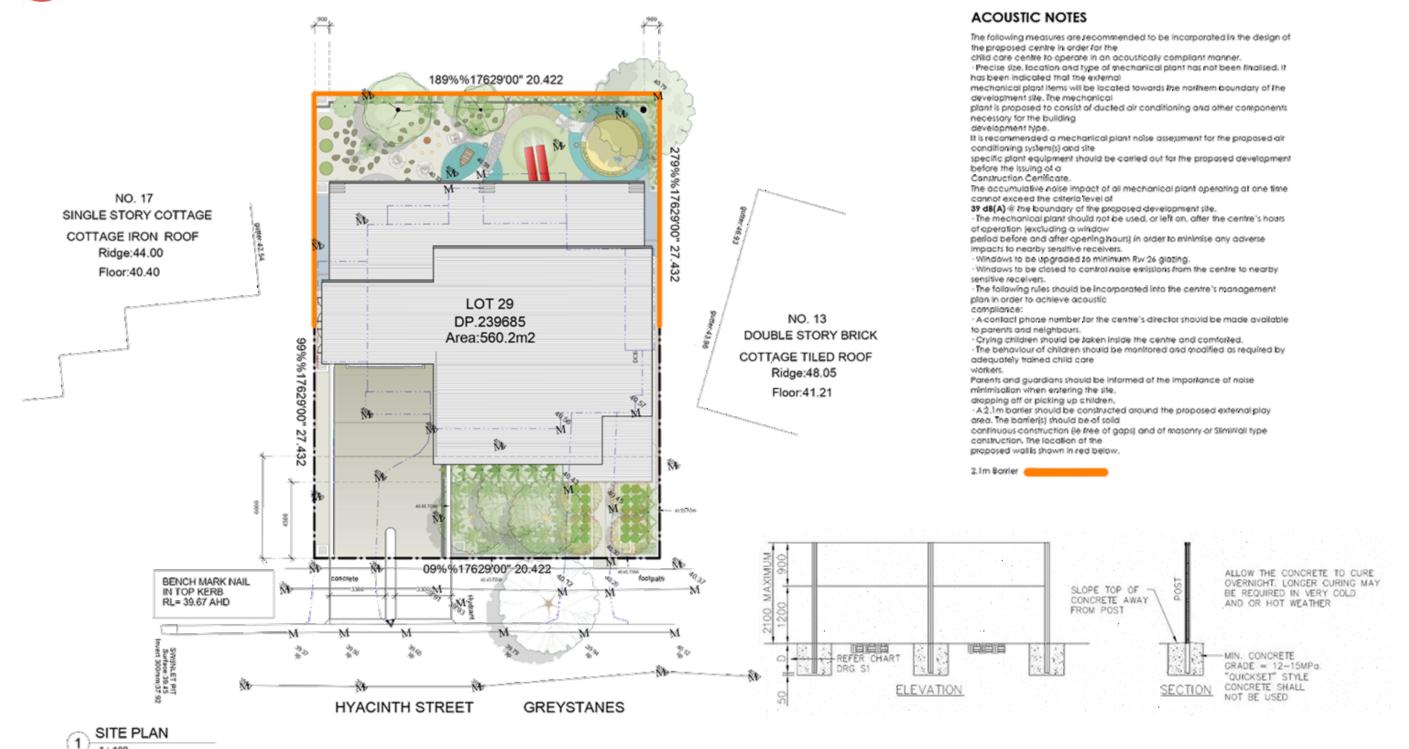
Yours faithfully

ACTING MANAGER DEVELOPMENT ASSESSMENT

DOCUMENTS ASSOCIATED WITH REPORT LPP001/21

Attachment 4 Previous Approved Plans





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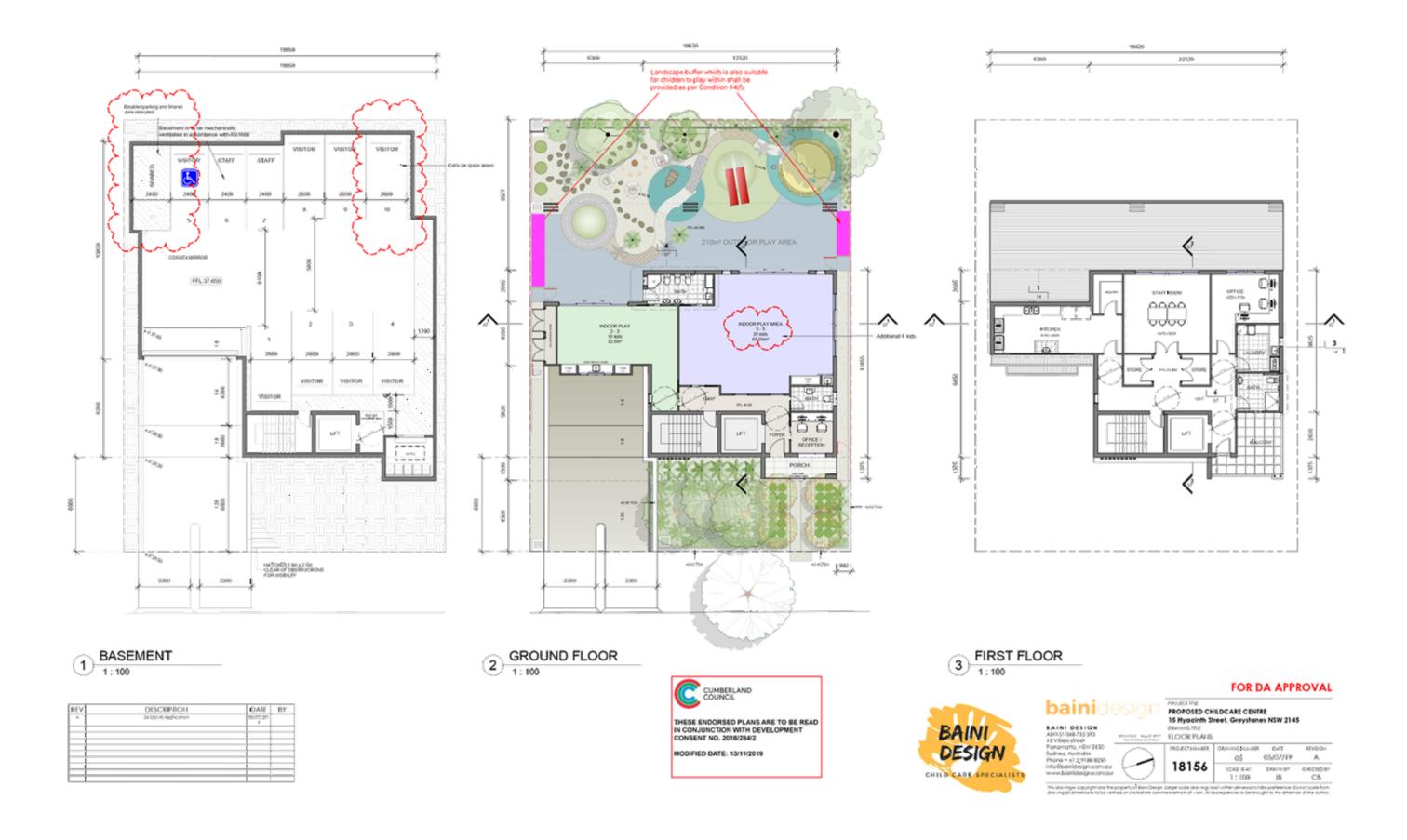


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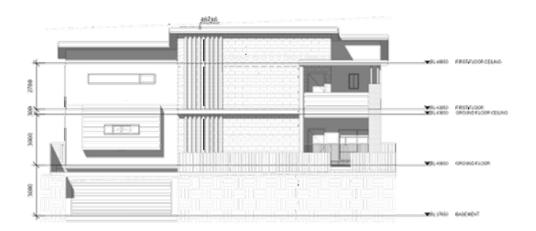


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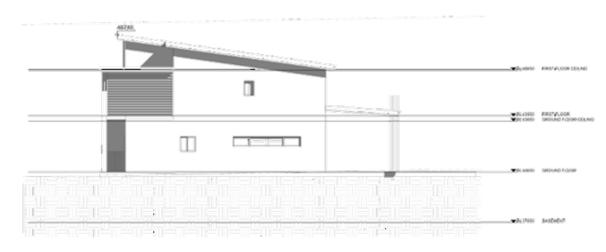
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2 South Elevation



North Elevation



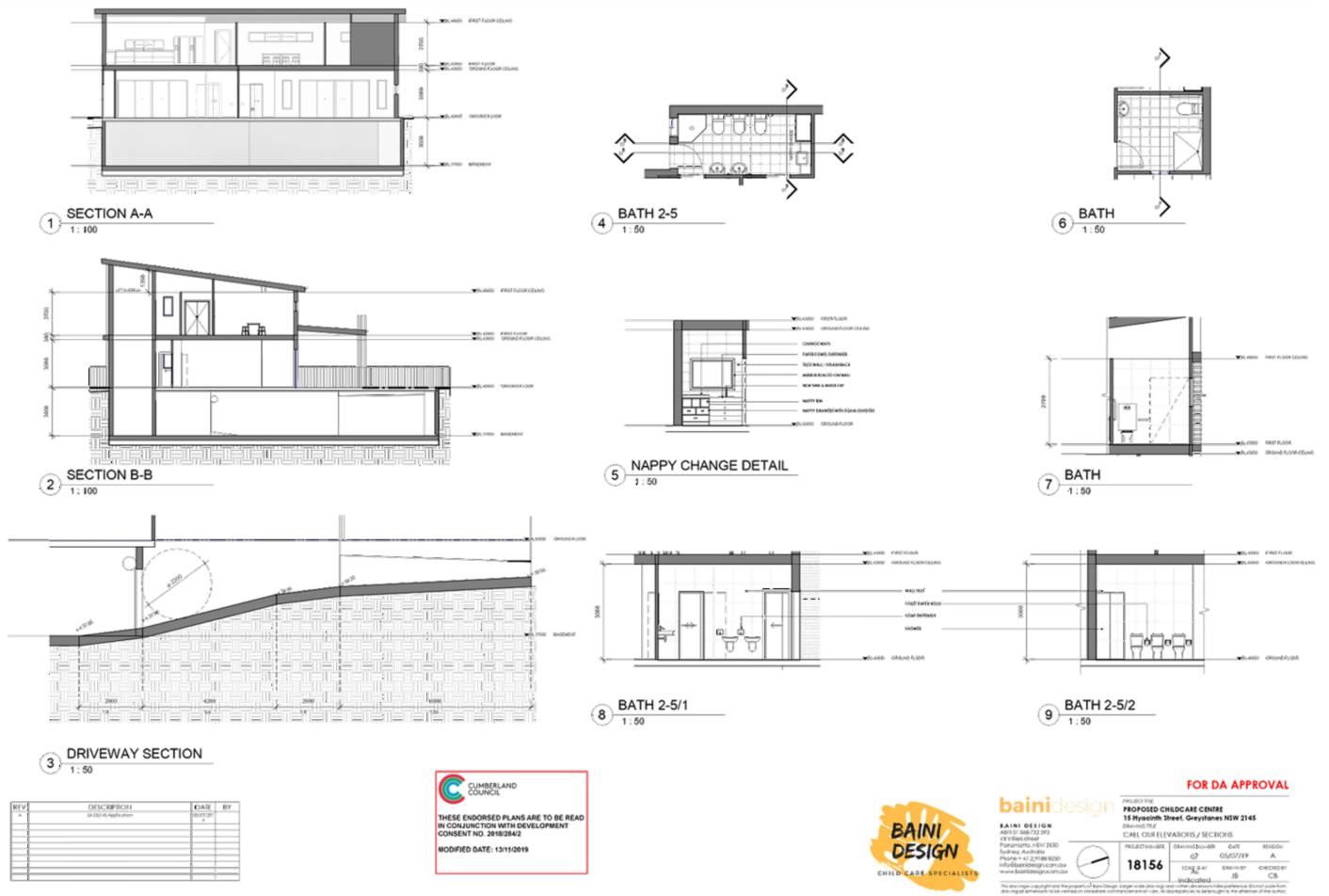




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LPP001/21 – Attachment 4





LPP001/21 – Attachment 4

DOCUMENTS ASSOCIATED WITH REPORT LPP001/21

Attachment 5 Previous Cumberland Local Planning Panel Minutes





Minutes of the Extraordinary Cumberland Local Planning Panel Meeting held at Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Tuesday 16 April 2019.

PRESENT:

Julie Walsh (Chairperson), Brian Kirk, Michael Ryan and Irene Simms.

IN ATTENDANCE:

Karl Okorn, Monica Cologna, Sohail Faridy, Bianca Chiu, Esra Calim, Somer Ammar, Laith Jammal.

NOTICE OF LIVE STREAMING OF CUMBERLAND LOCAL PLANNING PANEL MEETING

The Chairperson advised that the Cumberland Local Planning meeting was being streamed live on Council's website and members of the public must ensure their speech to the Panel is respectful and use appropriate language.

The meeting here opened at 11:30a.m.

DECLARATIONS OF INTEREST:

There were no declarations of interest.

ADDRESS BY INVITED SPEAKERS:

The following persons had made application to address the Cumberland Local Planning Panel meeting:

Speakers Item No. Subject

Brad Delapierre Development Application 5-7 Bransgrove Street and 1-3 Irwin

Place, Wentworthville

Alan Thompson Development Application for 15 Hyacinth Street, Greystanes

Marilyn Power Development Application for 15 Hyacinth Street, Greystanes

Jonathon Wood Development Application for 15 Hyacinth Street, Greystanes

Geoff Burton Development Application for 15 Hyacinth Street, Greystanes

Raymond Ishak Development Application for 15 Hyacinth Street, Greystanes

Peter Israel Development Application for 2-22 William Street, Granville

The Chairperson enquired to those present in the Gallery as to whether there were any further persons who would like to address the Panel.





negotiating the terms and conditions of the restriction, producing documents or otherwise facilitating the preparation and registration of the required documents.

7. Amendment to condition 164 Use for Affordable Housing as follows:

Units 1, 3, 4, 5, 11, 14, 15, 21, 24, 25, 31, 34 and 35 as identified on the plans in condition 2 (being minimum GFA of 1,075.81m²); 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 10 years from the date of the issue of the occupation certificate

For: Julie Walsh (Chairperson), Brian Kirk, Michael Ryan and Irene Simms. **Against:** Nil.

Reason:

 The Panel generally concurs with the Council Officer's report and recommendation subject to a minor refinement to the conditions as set out above.

ITEM EELPP021/19 - DEVELOPMENT APPLICATION FOR 15 HYACINTH STREET, GREYSTANES

RESOLVED:

 That Development Application 2018/284/1 for demolition of existing structures and construction of a two storey, 26 place child care centre over basement parking accommodating 10 parking spaces on land at 15 Hyacinth Street, Greystanes, be Approved as a deferred commencement consent, subject to the below deferred commencement conditions and conditions provided at Attachment 1.

2. Deferred commencement conditions

- a. Car space numbered 10 (visitor) on drawing number 05 (floor plans) is to be deleted and that portion of the basement is to be cut back accordingly. The corresponding ground area is to be provided for deep soil planting and be suitably landscaped, including one mature canopy tree capable of achieving a height of 6 metres.
- b. The width of car space 4 (staff) on drawing number 05 (floor plans) is to be increased to 2.7 metres.

Amendment to condition 168 as follows:

For the purposes of preserving the amenity of neighbouring occupations and residents, hours of operation; including the operation of all plant and machinery; are to be restricted to between 7.00am and 6.00pm Monday to Friday. All deliveries shall occur only during the approved hours of operation. Any use of the childcare centre outside those hours for meetings, training, early drop-offs, late





pick-ups, cleaning, maintenance etc will require an amended acoustic report to be prepared and modification to the Development Consent for the approved hours of use.

Amendment to conditions 139 and 177 Operational Management Plan as follows:

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

- a) Drop off / pick up time is staged and occurs within the basement carpark area,
- b) Encourage staff and parents to use public transport,
- Advice parents to not park outside neighbouring properties and respect residents' amenity,
- d) Regular monitoring of off-street and on-street parking,
- e) The Noise Management plan prepared by Rodney Stevens Acoustics, Reference R180318NMP1, Revision 0, dated 11 February 2019 as amended to satisfy Condition 15, and
- Any other conditions of this consent relevant to operational management of the centre.

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

Amendment to Condition 179 as follows:

Nine (9) on site car parking spaces numbered and linemarked in accordance with the endorsed plan, are to be made available at all times for employees and visitors' vehicles only in conjunction with the occupation of the building/premises at 15 Hyacinth Street, Greystanes.

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

For: Julie Walsh (Chairperson), Brian Kirk, Michael Ryan and Irene Simms. Against: Nil.

Reason:

- The Panel generally concurs with the Council Officer's report and recommendation subject to the amendments to the conditions as set out above.
- 2. The Panel notes the extensive amount of impervious area proposed and having regard to the reduction in the approved number of children, it is considered appropriate to reduce the number of basement car spaces and allow a corresponding increase in the amount of area for deep soil planting on the site.





 The Panel has considered the objections raised and considers that the proposal is appropriate having regard to the provisions of State Environmental Planning policy (Educational Establishments and Childcare Facilities) 2017 subject to conditions as modified above.

ITEM EELPP022/19 - PLANNING PROPOSAL REQUEST FOR 2-22 WILLIAM STREET, GRANVILLE

RESOLVED:

The Panel recommends that:

- Council proceed with the preparation of a Planning Proposal for 2-22 William Street, Granville (Lots 18 – 31 DP 2371 and SP 31488), with the following development standards:
 - a floor space ratio of 1.7:1; and
 - · a maximum building height of 16m;
- A voluntary planning agreement be negotiated between Council and the Proponent to ensure a public benefit is derived from the uplifting value that this planning proposal will achieve.
- Council prepare site specific development controls that prohibit rooftop communal open space, specify the maximum number of storeys, and ensures an appropriate transition in built form between the higher density development on the site and neighbouring low density dwellings.
- 4. The proponent undertake the following, prior to any demolition approval if allowed:
- prepare an archival recording of the heritage item at 10 William Street as per the NSW OEH Guideline How to prepare archival records of heritage items;
- organise for an interpretation strategy to be prepared by a qualified heritage consultant for the group of three cottages at 6, 8 and 10 William Street, and for this strategy to be integrated into any proposed development in accordance with The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013, and the NSW OEH documents namely Interpreting Heritage Places and Items Guidelines 2005, and the Heritage Interpretation Policy 2005. The interpretation strategy should also integrate the reuse of any salvaged material; and





Cumberland Local Planning Panel Meeting 13 November 2019

Minutes of the Cumberland Local Planning Panel Meeting held at Merrylands Administration Building, 16 Memorial Avenue, Merrylands on Wednesday 13 November 2019.

PRESENT:

The Hon. Paul Stein AM (Chairperson) QC, Lindsay Fletcher, Michael Ryan and Bruce Simpson.

IN ATTENDANCE:

Michael Lawani, Elma Sukurma, Diep Hang, Sarah Pritchard, Elif Haliloglu, Rennie Rounds, Esra Calim and Laith Jammal.

NOTICE OF LIVE STREAMING OF CUMBERLAND LOCAL PLANNING PANEL MEETING

The Chairperson advised that the Cumberland Local Planning meeting was being streamed live on Council's website and members of the public must ensure their speech to the Panel is respectful and use appropriate language.

The meeting here opened at 11:32a.m.

DECLARATIONS OF INTEREST:

There was an actual conflict of interest declared by the Hon. Paul Stein in relation to Item LPP071/19 - 2/2-6 Peel Street, Holroyd. The Hon. Paul Stein noted that he chaired the original hearing and decision and therefore would not participate in the review of this application.

There was also a perceived conflict of interest declared by Mr Bruce Simpson in relation to Item LPP077/19 – 9 Wainwright Street, Guilford as he stated that his appointment by Council may be perceived as a conflict of interest as a Councillor is a part owner of the site.

ADDRESS BY INVITED SPEAKERS:

The Hon. Paul Stein AM exited the Chamber at 11:34a.m. and Mr Michael Ryan assumed the Chair for the remainder of the speakers for 2/2-6 Peel Street, Holroyd.

The Hon. Paul Stein AM re-entered the Chamber at 11:50a.m.

The following persons had made application to address the Cumberland Local Planning Panel meeting:

Speakers Item No. Subject

Mr Allan Caladine Section 8.3 Review of Application - 2/2-6 Peel Street, Holroyd

Mr Moussaab Legha Section 8.3 Review of Application - 2/2-6 Peel Street, Holroyd

Mr Jonathon Wood Development Application-17 Nottinghill Road, Lidcombe





Cumberland Local Planning Panel Meeting 13 November 2019

Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

For: The Hon. Paul Stein AM QC (Chairperson), Lindsay Fletcher, Michael Ryan and Bruce Simpson.

Against: Nil.

Reasons for Decision:

- 1. The Panel generally agrees with the Planning Officer's report and notes that the heritage impact study commissioned by the Council did not recommend that the subject building be considered as an item of environmental heritage for inclusion in the Auburn LEP 2010. Their Panel notes the findings of the remedial action plan prepared by Envirotech that the site can be made suitable for its intended use through remedial action and therefore the Panel is satisfied that the development meets the requirements of SEPP 55 Remediation of Land.
- The Panel is satisfied that the application was suitably notified and the Panel notes that the proposed development is fully compliant with both State and Local planning controls.

ITEM LPP073/19 - MODIFICATION APPLICATION - 15 HYACINTH STREET, GREYSTANES

RESOLVED:

- That Section 4.55(1A) modification application (DA2018/284/2) seeking removal of the external storage shed and dense planting, reinstatement of visitor parking space numbered 10 in the basement, and amendments to the outdoor play space to increase the capacity of approved child care centre from 26 to 28 places, on land at 15 Hyacinth Street, Greystanes, be approved, subject to the conditions provided in Attachment 5 of the assessment report as amended by the Panel.
- 2. Amendment to Proposed Development description to read as follows:

Demolition of existing structures and construction of a 28 place two storey, child care centre over basement parking accommodating 10 parking spaces

Amendment to Condition 8 to read as follows:

Condition 8 is amended to read as follows:

Child Care Centres

An approval shall be obtained from Department of Education and Communities (DEC) prior to commencement of operations. The number of children cared for in the new centre shall not exceed 28 aged up to 5 years.





Cumberland Local Planning Panel Meeting 13 November 2019

Amendment to Condition 202 to read as follows:

Condition 202 is amended to read as follows:

General

The number of children cared for in the new centre shall not exceed 28 aged up to 5 years.

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

For: The Hon. Paul Stein AM QC (Chairperson), Lindsay Fletcher, Michael Ryan and Bruce Simpson.

Against: Nil.

Reasons for Decision:

The Panel generally concurs with the Planning Officer's report but is of the view that
the open swale and drainage pits may be included in the calculation of
unencumbered outdoor playing space. Accordingly the Panel has increased the
capacity of the childcare centre to 28 places in accordance with the revised
calculations provided by Council staff.

ITEM LPP074/19 - DEVELOPMENT APPLICATION - 9-15 RAPHAEL STREET, LIDCOMBE

RESOLVED:

- That this application be deferred at the applicant's request to permit the applicant to lodge amended plans which;
 - (i) Delete the 5th basement level from the proposal
 - (ii) Reduce the number of dwelling units from the top floor of the proposal
 - (iii) Include a plan of the proposed communal open space on the top floor

In addition, the deferral will allow the applicant to lodge a revised Clause 4.6 Variation with the Council.

The amended plans and revised Clause 4.6 Variation to be lodged by Friday 13 December 2019.

For: The Hon. Paul Stein AM QC (Chairperson), Lindsay Fletcher, Michael Ryan and Bruce Simpson.

Against: Nil.

DOCUMENTS ASSOCIATED WITH REPORT LPP001/21

Attachment 6

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



APPENDIX A

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

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

Standard	Required/Permitted	Provided	Compliance
Notes	Note 1.	İ	i i
	A service approval is required to operate	A service approval	Conditioned
	an early education and care facility that is	from the NSW Dept. of	under
	an education and care service to which	Education (DEC) is	original
	the Children (Education and Care	required to be	consent.
	Services) National Law (NSW) applies or	obtained by the	
	a State regulated education and care	operator.	
	service to which the Children (Education	-	
	and Care Services) Supplementary		
	Provisions Act 2011 applies. Approved		
	services are subject to various operational		
	requirements under that legislation,		
	including requirements for the physical		
	environment of the approved service.		
	Note 2.		
	Complying development controls		
	specifically for school-based child care are		
	provided for in clause 40.		
	provided for all didded 10.		
22	(1) This clause applies to development for		
Centre-based	the purpose of a centre-based child care		
child care	facility if:		
facility-	(a) the floor area of the building or place	The proposed	Yes
concurrence	does not comply with regulation 107	development complies	
of Regulatory	(indoor unencumbered space	with Clause 107 of the	
Authority	requirements) of the Education and Care	National Regulations.	
required for	Services National Regulations, or		
certain			
development	(b) the outdoor space requirements for	The proposed	Yes
	the building or place do not comply with	development complies	
	regulation 108 (outdoor unencumbered	with Clause 108 of the	
	space requirements) of those Regulations.	National Regulations.	
	(2) The consent authority must not grant		
	development consent to development to		
	which this clause applies except with the	Noted	Noted
	concurrence of the Regulatory Authority.		
23	Before determining a development	Refer to assessment	Refer to
Centre-based	application for development for the	contained at Appendix	Appendix D
child care	purpose of a centre-based child care	D	• •
facility—	facility, the consent authority must take		
matters for	into consideration any applicable		
consideration	provisions of the Child Care Planning		
by consent	Guideline, in relation to the proposed		
authorities	development.		



25 Centre- based child care facility— non- discretionary development standards	(1) The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.		
	(2) The following are non-discretionary development standards for the purposes of section 79C (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:		
	(a) location—the development may be located at any distance from an existing or proposed early education and care facility,	Noted	Noted
	(b) indoor or outdoor space		
	(i) for development to which	The proposed	
	regulation 107 (indoor	development complies	
	unencumbered space	with Clause 107 of the	Yes
	requirements) or 108 (outdoor unencumbered space	National Regulations.	
	requirements) of the Education	The proposed	Yes
	and Care Services National	development complies	
	Regulations applies—the unencumbered area of indoor	with Clause 108 of the National Regulations.	
	space and the unencumbered	National Negulations.	
	area of outdoor space for the	The proposed	Yes
	development complies with the	development complies	
	requirements of those regulations, or	with Clause 28(2) of the Supplementary	
	(ii) for development to which clause	Provisions Regulation.	
	28 (unencumbered indoor		l
	space and useable outdoor play space) of the <u>Children</u>	The proposed development complies	Yes
	(Education and Care Services)	with Clause 28(4) of	
	Supplementary Provisions	the Supplementary	
	Regulation 2012 applies—the	Provisions Regulation.	
	development complies with the indoor space requirements or		
	the useable outdoor play space		
	requirements in that clause,		
	(c) site area and site dimensions—	Noted	Noted
	the development may be located		
	on a site of any size and have any length of street frontage or any		
	allotment depth,		
	•		
	(d) colour of building materials or shade structures—the	Noted	Noted
	development may be of any colour	110100	



	or colour scheme unless it is a State or local heritage item or in a heritage conservation area. (3) To remove doubt, this clause does not prevent a consent authority from: (a) refusing a development application in relation to a matter not specified in subclause (2), or (b) granting development consent even though any standard specified in subclause (2) is not complied with.	Noted	Noted
26 Centre-based child care facility— development control plans	(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility: (a) operational or management plans or arrangements (including hours of operation), (b) demonstrated need or demand for child care services, (c) proximity of facility to other early education and care facilities, (d) any matter relating to development for the purpose of a centre-based child care facility contained in: (i) the design principles set out in Part 2 of the Child Care Planning Guideline, or (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates). (2) This clause applies regardless of when the development control plan was made.	Noted	Noted

Consideration of the relevant requirements of the Child Care Planning Guideline is provided at Appendix D to this report.

DOCUMENTS ASSOCIATED WITH REPORT LPP001/21

Attachment 7

Appendix B - State Environmental Planning Policy 64 – Advertising and Signage



APPENDIX B

State Environmental Planning Policy 64 - Advertising and Signage

The proposed child care centre signage is not considered as advertisements to which Clause 9 of SEPP 64 applies. It satisfies the definition of business identification sign in accordance with the Standard Instrument, which means a sign:

- a) that indicates:
- (i) the name of the person or business, and
- (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

	SESSMENT CRITERIA
Assessment Criteria	Comments
1 Character of the area	
ls the proposal compatible with the existing or desired future character of the area or locality in	The proposed business identification sign for a child care centre, which flushed to the front facade, is
which it is proposed to be located?	compatible with the character of the locality.
Is the proposal consistent with a particular theme	There are no identifiable themes for outdoor
for outdoor advertising in the area or locality?	advertising in the area.
2 Special areas	
Does the proposal detract from the amenity or	There are no environmentally sensitive areas or
visual quality of any environmentally sensitive area,	heritage items or residential areas in the locality. The
heritage area, natural or other conservation areas,	proposed sign will not have any adverse impact on
open space areas, waterways, rural landscapes or	the amenity of the existing surrounding development
residential areas? 3 Views and vistas	and is therefore considered satisfactory.
o views and vistas	
Does the proposal obscure or compromise	There are no identifiable significant views in the
important views?	locality. The proposed sign will not obscure any
Does the proposal dominate the skyline and reduce	The proposal will not dominate the skyline and will
the quality of vistas?	not reduce the quality of any view vistas.
Does the proposal respect the viewing rights of	N/A
other advertisers?	
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal	The scale and form of the sign are considered
appropriate for the streetscape, setting or landscape?	appropriate and will not impact on the streetscape.
Does the proposal contribute to the visual interest	The design and finishes of the proposed sign will not
of the streetscape, setting or landscape?	have any adverse impact on the streetscape or landscaping.
Does the proposal reduce clutter by rationalising	Only one (1) sign proposed.
and simplifying existing advertising?	
Does the proposal screen unsightliness?	N/A
Does the proposal protrude above buildings,	The proposed sign does not protrude above the
structures or tree canopies in the area or locality?	approved building.
Does the proposal require ongoing vegetation	N/A
management? 5 Site and building	<u> </u>





The proposal is compatible with the site and compliments the scale of the existing buildings on the site.
The design and siting of the signage has consideration of the site and existing buildings.
The design of the signage has consideration of the character of the area and the design of the existing buildings.
ents and advertising structures
Not proposed.
Not proposed.
The safety of the surrounding road network will not be compromised.
The proposal will not compromise the safety of pedestrians and cyclists.
The proposal will not obscure any sightlines and will not compromise the safety of road users.

DOCUMENTS ASSOCIATED WITH REPORT LPP001/21

Attachment 8 Appendix C - Holroyd Local Environmental Plan 2013



APPENDIX C

Holroyd Local Environmental Plan 2013

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

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

Clause	Standard	Comment	Comply?		
			Yes	No	N/A
Part 2 Per	mitted or prohibited developmen	t			
	Zone R2 - Low Density Residential Objectives of zone To provide for the housing needs of the community within a low density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To allow residents to carry out a range of activities from their homes while maintaining neighbourhood amenity.	The proposed centre based child care facility is consistent with the objectives of the zone as it provides a service that meets the day to day needs of residents.			
	Permissible Uses/Development	A centre based child care facility is a permissible form of development within the R2 – Low Density Residential Zone, and requires the consent of Council.			
2.7	Demolition requires consent	Demolition is sought and approved as part of the original consent.			
	ncipal development standards				
4.3	Height of Buildings 9 metres	The maximum height of the proposed building is 8.4m, as measured from natural ground level.			
4.4	Floor Space Ratio 0.5:1	Site Area: 560.2m ² Maximum FSR: 0.5:1 Maximum GFA: 280.1m ² Previous approval: 268m ² (0.47:1) Provided: 269.7m ² (0.48:1)			
4.6	Exceptions to development standards	N/A			
	scellaneous provisions				
5.10	Heritage conservation	The site is not identified as a heritage item and it is not located within a heritage			



Clause	Standard	Comment	Comp	Comply?		
Clause	Standard	Comment	Yes	No	N/A	
		conservation area or in the vicinity of other heritage items.				
Part 6 Ad	Iditional local provisions					
6.1	Acid Sulfate Soils	The site is not affected by potential acid sulfate soils.			\boxtimes	
6.4/6.7	Flood planning and Stormwater Management	The site is not affected by flooding. Overland flood study undertaken applies to the site. No modifications to the approved finished floor levels are proposed. Council's Development Engineer has raised no objections to the modified proposal.				
6.5	Terrestrial Biodiversity	The site is not identified as being affected by biodiversity.			\boxtimes	
6.7	Riparian land and watercourses	N/A			\boxtimes	
6.8	Salinity	The site is located on lands identified as being affected by moderate salinity potential. Standard conditions have been included under the original consent.				

DOCUMENTS ASSOCIATED WITH REPORT LPP001/21

Attachment 9 Appendix D - Holroyd Development Control Plan 2013



APPENDIX D

Holroyd Development Control Plan 2013

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

No.	Clause	Comment	Yes	No	N/A
PART	A – GENERAL CONTROLS				
2	Roads and Access				
2.4		Splay Corners, Kerb & Guttering		,	
	VC to be reconstructed if in	Vehicular access consistent with	_		_
	poor condition, damaged or	approved plans. No changes sought	$ \boxtimes $	$ \sqcup $	$ \sqcup $
	design doesn't comply.	to the location of the entry and exit to			
	Avoid services/facilities in road	the basement.			
	reserve, existing trees,		\boxtimes		
	pedestrian crossing, pram		-		—
	ramps etc. Corner sites VC to be min. 6m	Not Applicable			
		Not Applicable.			
	from the tangent point. Corner sites require 3m x 3m	Not Applicable.			
	(residential) and 4m x 4m	Not Applicable.	_		_
	(commercial) splay corner to				$ \boxtimes $
	be dedicated.				
2.7	Road Widening	Not Applicable.			
3	Car Parking				
3.1	Minimum Parking Spaces				
	1 per 4 children & 1 per two	10 car parking spaces provided			
	employees.	within basement level with the			
		following ratio.			
	No of children – 40/4 = 10	Staff = 3 spaces	_	_	_
	No. of employees = 7/2 =	 Visitor = 7 spaces 		$ \boxtimes$	$ \sqcup $
	3.5~4				
	Total Bassissadi 14				
	Total Required: 14				
3.3	Car Parking, Dimensions & Gr	radient			
0.0		The application was referred to			
	(5.4m AS2890.1-2004).	Council's Traffic Engineer, who			
	- Min. clear width 2.4m for				
	open space; 3m for	car parking layout.	\boxtimes		$ \sqcup $
	between walls.				
	- Min. clearance height 2.3m.	<u> </u>			
3.5	Access, Maneuvering and Lay				
	Driveways shall be setback a				
	minimum of 1.5m from the side	1.2m from the eastern boundary. No		\boxtimes	
	boundary.	changes sought to the approved	_	—	_
3.6	Parking for the Disabled	driveway.			
0.0	2 spaces per 100 spaces up to	1 accessible car parking space			
	400, and 1 per 100 thereafter,	provided. Given the relatively low			
	or part thereof.	number of parking spaces in total			
		this has been considered	$ \boxtimes $		
		acceptable by Council's Traffic			
		Engineer.			



No.	Clause	Comment	Yes	No	N/A
4	Tree and Landscape Works	Council's Tree Management Officer			127
•	Troo una Banaoapo Homo	has assessed the modified plans			
		and documentation and advised the		П	
		proposal is acceptable, subject to		٦	
		conditions.			
5	Biodiversity	The land is not environmentally			
		sensitive land and is not zoned E2			
		Environmental Conservation.			
6.1	Retaining Walls	No changes sought to retaining	\boxtimes		
		walls associated with the basement.			
6.3	Erosion and Sediment	Endorsed under original	\boxtimes	ΙП	
	Control Plan	application.			
7	Stormwater Management	The application was referred to			
		Council's Development Engineer,	\boxtimes	ΙП	
		who raised no objection, and no	-		
•	Flood Brone Land	additional conditions to be imposed.			_
8	Flood Prone Land	The site is not affected by flooding.			
		Overland flood study undertaken applies to the site. No modifications			
		to the approved finished floor levels	\boxtimes	Ιп	П
		are proposed. Development			
		Engineer has raised no objections			
		to the modified proposal.			
9	Managing External Road	The site is not affected by road or			
•	Noise and Vibration	rail noise.			\boxtimes
10	Safety and Security	The design is considered to be			-
		satisfactory from a safety and	\boxtimes	ΙП	
		security perspective.		١-	
11	Waste Management	Waste Management Plan endorsed			
		under original application. No			
		changes to on-going waste			
		management arrangements	—	_	_
		sought.			
	B - RESIDENTIAL CONTROLS				
1	GENERAL RESIDENTIAL CON			,	
1.1	Building Materials	Acceptable materials and finishes			
	I	proposed. Unchanged from	$ \boxtimes $	$ \sqcup $	
4.0	Fances	approval.		-	-
1.2	Fences	No changes sought to approved			
		1.1m high front fence and 2.1m high			
	1	side and rear fencing. Acoustic fencing conditioned under original		$ \sqcup $	
	1	consent.			
1.3	Views	The proposed development does			_
1.0	Tiems	not impede existing views currently	\boxtimes		П
	1	enjoyed by neighbouring properties.			
1.4	Visual Privacy	Visual privacy considered			<u> </u>
		acceptable under original approval.			
	1	No changes sought to the approved			
	I	design that poses adverse visual		٦	
		privacy concerns.			
		No changes proposed to the			
1.5	Landscape Area	INO CHAINGES PROPOSED TO THE			
1.5	Landscape Area Min. 20% = 112.04m ²	approved area. However the			
1.5					
1.5		approved area. However the	\boxtimes		



No.	Clause	Comment	Yes	No	N/A
	= 94.8m ² (16.9%)				
	Max. 50% of provided landscaped area shall be forward of the front building line	No changes sought to landscaped area within the front setback area.	\boxtimes		
	Only hard paved areas for driveways/pathways to be in front setback area. Not to cover entire area.	Only driveway and pathways to the entry of the centre is provided as hardstand areas. No change from approval.			
1.6	Safety & Security	Safety and security has been maintained to an acceptable level, as identified above in Part A, Section 10.	\boxtimes		
1.8	Sunlight Access	Adequate solar access to proposed child care centre and surrounding dwellings.			
1.9	Cut and Fill	No change from approval.	\boxtimes		
1.11	Vehicular Access and Driveways	Vehicular access consistent with approved plans.	\boxtimes		
	Basement Parking	Whilst basement parking shall not be located outside the building footprint for single dwellings and dual occupancies, this provision does not apply to child care centres. Minor changes are sought to the basement layout. The modified basement layout exceeds beyond the building footprint of the child care centre, with the provision of deep soil at the north-west corner of the site, and is considered acceptable.			
2.2	Site Coverage Max. 60% of the site area (Max. 336.12m²)	Unchanged from approval. 175.9m² (31.4%)	\boxtimes		
2.3	Setbacks - Principal St: 6m (articulation zone max. 25% of the building width and 1.5m in length) - Side: 0.9m - Rear: 3m to single storey component; 7m to 2 storey component	No changes to approved building envelope, with exception of: Basement: 900mm to side boundary Upper level: 7m to rear boundary			
2.4	Building Height Max. 2 storey and 9m; if single storey max. 7m (this also applies to attics) Min. 2.4m floor to ceiling height	No changes to approved building envelope. Total building height = 8.4m Ground floor: 3m floor to ceiling height.			



No.	Clause	Comment	Yes	No	N/A
		First floor: 2.7m floor to ceiling			
		height.			
	Building Appearance Design: Have regard to the size/shape/orientation of lot; style not to be in strong visual contrast to locality.	Changes proposed to the building façade is considered acceptable and is compatible with the proposed use being a child care centre.			
	Bulk and scale: Max. 10m blank wall on first floor side; min. 1m wide indent.				
	Front Facade: Front door and a window of a habitable room on the ground floor to face Principal Street.				
	Corner lot: Address Secondary Street with windows, architectural features, surveillance				
	Building facades to be modulated in plan and elevation, articulated to reduce the appearance of bulk and express the elements of the buildings architecture.				
	Part E - Public Participation				
	Notification Requirements	In accordance with Part E – Public Participation of Holroyd Development Control Plan 2013, the application was notified to adjoining and opposite owners, and residents who submitted an objection to original DA, by way of letters, for 14 days from 21 October 2020 to 4 November 2020. In response, no submission was received.	\boxtimes		
_	Part F – Advertising and Signa			ſ	
2	Signs in Residential Zones Signage related to child care centres must: • be limited to one sign; • not be illuminated; • only display the name, telephone number and hours of operation of the centre; • be located behind the building	One (1) non-illuminated business identification signage with dimensions of 950mm x 4m proposed.			
	line to the primary street frontage.				



No.	Clause	Comment	Yes	No	N/A
	DENSITY AND LOCATION				
No.	Clause	Comment	Yes	No	N/A
1	Any proposed Child Care Centres in R2 zones should be limited in size to accommodate not more than forty-five (45) children. Capacities of child care centres located in other zones will be assessed on the merits of each application.	40 children.			
	Development in residential zones shall have an appropriate size, scale, bulk, etc sympathetic to the surrounding residential development.				
	The general design requirements for Child Care Centres located within R2 and R3 zones, should comply with the standards outlined in Part B of this DCP relating to one and two storey residential development.				
	Note: If the proposed child care centre has a common boundary with an existing child care centre, the applicant must demonstrate that the new centre is not an addition to the existing centre by way of illustrating that the centre cannot be combined at a later stage.				
	If the proposed child care centre is to be located in a building consisting of more than one level, the child care centre component must be located on the ground floor of the buildings with office and storage space permitted on the upper level.	to cater additional 12 children aged			
	The minimum site frontage for a child care centre is 20 metres.	No changes, as approved.			
	LOCATION				



No.	Clause	Comment	Yes	No	N/A
	The site must not be 300m from hazardous industries, LP gas sites, mobile telephone base stations and towers, and safe from any other environmental health hazards, such as high lead levels, chemical spraying in rural areas, or proximity to cooling tower drift in high rise building areas. Child care centres should not	This has been addressed as part of the original application and it is considered that there are no hazardous land uses within the locality. This has been addressed as part of			
	be located having frontage to any road, which in the opinion of Council, is unsuitable for the establishment of a child care centre having regard to: (a) prevailing traffic conditions; (b) pedestrian and traffic safety; and (c) the likely impact of development on the flow of traffic on the surrounding street system.	the original application The proposal is considered to be satisfactory from a locational perspective. The site does not have frontage to an arterial or sub-arterial road. The site / road is not listed within Appendix 1 or 2 of Part I of the HDCP 2013.			
	In this regard child care centres should not be located having frontage to an arterial or subarterial road (see Appendix 1 to Part I of HDCP 2013). As a general guide the roads identified in Appendix 2 are also considered by Council to be generally unsuitable for the establishment of child care centres, without special consideration firstly being given to the prevailing traffic conditions. All applications are to be supported by a Traffic and Parking Report prepared by a suitably qualified person addressing the above issues to Council's satisfaction.	The modified development has been accompanied by a Parking and Traffic Impact Assessment which has been reviewed and deemed acceptable by Council's Traffic Engineering department.			
2	VEHICULAR ACCESS AND PA	ARKING			
	ACCESS	Canarata anticipati deli			
	Separate entry and exit driveways shall be provided where safe and convenient on street parking is not otherwise available, to Council's satisfaction, for the sating down and picking up	Separate entry/exit driveways are provided as per the original approval.			
	setting down and picking up				



No.	Clause	Comment	Yes	No	N/A
	of children. The design of such driveways shall ensure that inbound and outbound vehicles are separated and that vehicles enter and leave the site in a forward direction. Applications for Child Care	The site does not have frontage to			
	Centres will not be favourably considered where the site has frontage to an arterial road, sub-arterial road or where the development would be contrary to the environmental capacity of the street or contrary to the traffic movement on the surrounding street system.	an arterial or sub-arterial road. The application is supported by a Parking and Traffic Impact Assessment, which has been assessed by Council's Traffic			
	All applications are to be supported by a Traffic and Parking Report prepared by a suitably qualified person addressing the above issues to Council's satisfaction.				
	PARKING				,
	All staff parking shall be provided on-site in any event. To eliminate the possibility of frontages and access ways containing expanses of plain cement, decorative pavement treatment shall be provided to all driveways and parking areas. That is, the use of decorative paving materials such as exposed aggregate or pattern stamped and coloured concrete and paving bricks. Plain cement or coloured cement will not be accepted for driveways and parking areas for aesthetic and amenity purposes. ACOUSTIC AND VISUAL PRIV	Some staff parking will be provided. SEPP parking rate prevails.			
	ACOUSTIC AND VISUAL PRIV	Council's Environmental Health		1	
	must be completed by a suitably qualified person. A Noise Management Plan shall accompany the	Unit has reviewed the modified proposal and acoustic report and raises no objections or additional conditions to be imposed.			
	development application. This should, as a minimum, provide details of child				



No.	Clause	Comment	Yes	No	N/A
	to staff ratios, noise control measures of children while in outdoor play areas and seasonal play times Noise abatement measures are to be undertaken to ensure that inside noise levels do not exceed 40dB(A) (Leq 24). Assessments should take background noise levels into account A landscape buffer with suitable screening plants and a minimum width of 1 metre shall be provided along the side and rear boundaries of the development to help minimise overlooking.	Visual privacy of the adjoining properties is acceptable. A landscape buffer has been continuously provided adjacent to outdoor spaces along the side and rear boundaries.			
4	INDOOR SPACES	ieai bouildailes.			
	Where achievable, windows of indoor play areas are to be located with a northern orientation and should receive at least three hours of sunlight between the hours of 9am and 3pm on June 21. For locations where a northern orientation for indoor play areas is not achievable, they should be located where they will receive a minimum of 3 hours of sunlight, where possible	All indoor play spaces are provided with good access to direct sunlight.			
5	a) Located away from the main				
	entrance of the child care centre, car parking areas or vehicle circulation areas; b) Integrated with indoor space and provide direct and easy access between those two areas; c) Of a design and layout to enable clear lines of sight to all areas of the outdoor space to allow direct staff supervision from other areas of the child care centre; d) Located away from existing and potential noise and environmental health sources; e) If the child care centre is located in a predominantly	outdoor play area which provides a transitional space between the two areas. c) The levels proposed between the indoor areas and outdoor areas will enable sightlines to be maintained to allow direct staff supervision. d) The outdoor area is located away from existing and potential noise sources as it is located at the rear of the site. e) The outdoor areas are located			



Clause	Comment	Yes	No	N/A
residential area, outdoor spaces are to be located away from the living/bedroom windows of surrounding dwellings; f) Inaccessible from public areas outside of the child care	of surrounding dwellings, and any potential noise impacts will be mitigated by way of recommendations made within the acoustic report – conditioned as part of original consent. f) The proposed outdoor areas are	les	NO	NA
emergency evacuation or centre deliveries such as sand replacement; g)Located away from areas where objects can be projected down onto play areas; and h) Adequately fenced on all sides	outside of the child care centre. g) Considered satisfactory. h) The facility is considered to be adequately fenced.			
Transitional Areas a) A transitional area between the building and the play area supporting space for both indoor and outdoor activities is to be provided. It is space additionally required for the building and the playground and may only be included as either the outdoor or indoor space requirement, not both. It may comprise of a verandah; b) The roof area of the transitional area must be a minimum of 4 meters in width to ensure sufficient activity zones with access space around them; c) The transitional area must be designed in a manner that offers protection from unfavourable weather conditions, including strong winds and rainfall; d) The transitional area must be designed in a manner that utilises natural temperature controlling measures, including cross ventilation.	Transitional Areas – unchanged from approval a) A transitional area in the form of an outdoor deck has been provided, b) The primary rear deck/transitional area is covered by roof, c) Achievable d) Achievable			
LANDSCAPING				
A detailed landscape plan prepared by a suitably qualified landscape professional should be submitted with all development applications for child care centres and should demonstrate the following:	Updated landscape plan has not been submitted with the subject application. Condition is to be imposed to ensure that the remaining deep soil area will be provided with a more suitable planting.			
	residential area, outdoor spaces are to be located away from the living/bedroom windows of surrounding dwellings; f) Inaccessible from public areas outside of the child care centre, except in the case of an emergency evacuation or centre deliveries such as sand replacement; g)Located away from areas where objects can be projected down onto play areas; and h) Adequately fenced on all sides Transitional Areas a) A transitional area between the building and the play area supporting space for both indoor and outdoor activities is to be provided. It is space additionally required for the building and the playground and may only be included as either the outdoor or indoor space requirement, not both. It may comprise of a verandah; b) The roof area of the transitional area must be a minimum of 4 meters in width to ensure sufficient activity zones with access space around them; c) The transitional area must be designed in a manner that offers protection from unfavourable weather conditions, including strong winds and rainfall; d) The transitional area must be designed in a manner that utilises natural temperature controlling measures, including cross ventilation. LANDSCAPING A detailed landscape plan prepared by a suitably qualified landscape professional should be submitted with all development applications for	residential area, outdoor spaces are to be located away from the living/bedroom windows of surrounding dwellings; of surrounding measures are interested by way of recommendations made within the acoustic report – conditioned as part of original consent. 1) The proposed outdoor areas are inaccessible from public areas outside of the child care centre. 2) Considered satisfactory. h) The facility is considered to be adequately fenced. 1) The facility is considered to be adequately fenced. 1) The facility is considered to be adequately fenced. 1) The facility is considered to be adequately fenced. 1) The facility is considered to be adequately fenced. 1) The facility is considered to be adequately fenced. 1) The facility is considered to be adequately fenced. 1) The facility is considered to be adequately fenced. 1) The facility is considered to be adequately fenced. 1) The facility is considered to be adequately fenced. 1) The facility is considered to be adequately fenced. 1) The facility is considered to be adequately fenced. 1) The facility is considered to fence the form approval and the playsround and the playsround and ence are the form approval and the playsround and the playsround and the playsround and ence are the form approval and the playsround and the playsround and ence are the form approval and t	residential area, outdoor spaces are to be located away from the living/bedroom windows of surrounding dwellings; f) Inaccessible from public areas outside of the child care centre, except in the case of an emergency evacuation or centre deliveries such as sand replacement; g)Located away from areas where objects can be projected down onto play areas; and h) Adequately fenced on all sides Transitional Areas a) A transitional area between the building and the play area supporting space for both indoor and outdoor activities is to be provided. It is space additionally required for the building and the playground and may only be included as either the outdoor or indoor space requirement, not both. It may comprise of a verandah; b) The roof area of the transitional area must be a minimum of 4 meters in width to ensure sufficient activity zones with access space around them; c) The transitional area must be designed in a manner that offers protection from undavourable weather conditions, including strong winds and rainfall; d) The transitional area must be designed in a manner that offers protection from undavourable weather conditions, including strong winds and rainfall; d) The transitional area must be designed in a manner that offers protection from undavourable weather conditions, including strong winds and rainfall; d) The transitional area must be designed in a manner that utilises natural temperature controlling measures, including cross ventilation. LANDSCAPING A detailed landscape plan prepared by a suitably qualified landscape plan prepared by a suitably experience of the condition is to be imposed to ensure that the remaining deep soil area will be provided with a more suitable planting.	residential area, cutdoor spaces are to be located away from the living/bedroom windows of surrounding dwellings; f) Inaccessible from public areas outside of the child care centre, except in the case of an emergency evacuation or centre deliverles such as sand replacement; g)Located away from areas where objects can be projected down onto play areas; and h) Adequately fenced on all sides Transitional Areas a) A transitional area between the building and the play area supporting space for both indoor and outdoor activities is to be provided. It is space additionally required for the building and the playground and may only be included as either the outdoor or indoor space requirement, not both, it may comprise of a verandah; b) The roof area of the transitional area must be designed in a manner that offers protection from unfavourable weather conditions, including cross ventilation. LANDSCAPING A detailed landscape plan prepared by a suitably qualified landscape plan prepared by a suitably qualified landscape provided with a more suitable planting.



No.	Clause	Comment	Yes	No	N/A
No.	a) Separation of outdoor space into active quiet areas; b) Proposed planting, with a variety of trees and plants to be used which create visual interest for children, and can provide shading where appropriate; c) Locations of play equipment; d) Separation of outdoor space according to age ranges, including the locations of lower fencing or other structures which divide the outdoor spaces; and e) Outdoor spaces which	Comment	Yes	No	N/A
	include a variety of surfaces such as grass, soft porous				
_	paving and the like				
7	Cutdoor space is required to be fenced on all sides with a height of at least 1.8m. Acoustic fences should not be higher than 2m. If a fence higher than 2m is unavoidable it must be contained within the development site with a 1.8m traditional lapped and capped boundary fence and the remaining height to be of thick, transparent perspex to ensure any views are maintained.	rear boundaries adjacent to outdoor spaces is recommended in the acoustic report. A 1.8m high solid boundary fence is proposed to the remaining boundaries. Fencing as stated above are imposed as conditions of consent within the original approval.			
8	An evacuation plan complying with AS3745-2002 Emergency Control Organisation and Procedures for Buildings, Structures and Workplaces shall be submitted as part of the Development Application	An evacuation plan has been submitted as part of the original application.			
9	ACCESSIBILITY				
	All new child care centres, building conversions and additions to existing premises shall comply with the minimum access requirements outlined in Part D3 of the Building Code of Australia and AS 1428.1	An accessibility report was submitted as part of the original application. Standard condition of consent are imposed within the original consent requiring compliance with the BCA, Disability Discrimination Act and			



No.	Clause	Comment	Yes	No	N/A
	Design for Access and	Disability (Access to Premises -			
	Mobility – General	Buildings) Standards 2010.			
	Requirements for Access -				
	New Building Work.				
	Details are to be included on				
	plans to be submitted with				
	the application for				
	development consent.				

DOCUMENTS ASSOCIATED WITH REPORT LPP001/21

Attachment 10 Appendix E - Child Care Planning Guideline 2017



APPENDIX E

CHILD CARE PLANNING GUIDELINE 2017

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

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

Part 2 - Design quality principles

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

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

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

Comment:

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

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

Part 3 Matters for consideration

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

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

Criteria	Comments	Compliand		е
3.1 Site selection and location			No	N/A
For proposed developments in or				
adjacent to a residential zone,				
consider:	Acoustic report submitted as part of subject			
	modification application considered		_	
 the acoustic and privacy impacts of 	satisfactory. Refer to discussion provided	\bowtie	$ \sqcup $	$ \; \sqcup \;$
the proposed development on the	under Appendix C. Visual privacy			
residential properties	considered satisfactory.			
the setbacks and siting of buildings	No changes are sought to the approved			
within the residential context	building envelope. Setbacks and siting of the			
William the residential context	building complies with HDCP requirements.			
· traffic and parking impacts of the	Traffic and parking report submitted with			
proposal on residential amenity.	modified application considered satisfactory.			
proposal on residential anienty.	Refer to discussion provided under			
	Appendix C.			
3.2 Local character, streetscape and t	he public domain interface			
The proposed development should:				



	contribute to the local area by being designed in character with the locality and existing streetscape reflect the predominant form of surrounding land uses, particularly in low density residential areas use landscaping to positively contribute to the streetscape and	No changes sought to the approved building design and appearance. It is considered that the landscaping proposed will contribute positively to the visual amenity of the site and locality. Basement car parking provided.	\boxtimes		
•	neighbouring amenity integrate car parking into the building and site landscaping design in residential areas.				
tra	eate a threshold with a clear nsition between public and private alms, including:				
•	fencing to ensure safety for children entering and leaving the facility windows facing from the facility	A front catchment area provided at the entrance for children safety. The centre provides a satisfactory level of			
	towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community	passive surveillance to the street.			
3.3	Building orientation, envelope and	design			
•	Orient a development on a site and design the building layout to ensure visual privacy and minimise potential noise and overlooking impacts on neighbours.	Visual privacy considered to be satisfactorily maintained.	\boxtimes		
•	optimise solar access to internal and external play areas	Solar access to indoor and outdoor space is optimised.			
•	avoid overshadowing of adjoining residential properties	The proposed development does not overshadow adjoining properties.			
•	minimise cut and fill	No changes sought to cut and fill proposed to accommodate the development.			
•	building height should be consistent with other buildings in the locality	No changes are sought to the approved building envelope. The height of the building is 2 storey / 8.4m			
	building height should respond to the scale and character of the street	and is consistent with surrounding dwellings and complies with HLEP height standard.	\boxtimes		
•	setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility	Setbacks comply with HDCP controls for child care centres and are considered satisfactory.			
	setbacks should provide adequate	Adequate access is provided for building			



•	setbacks to the street should be consistent with the existing character	Setbacks comply with HDCP controls for buildings in a residential zone and are consistent with new residential development.		
Ac	cessible design can be achieved by:			
•	linking all key areas of the site by level or ramped pathways that are accessible to prams and	All areas of the site are accessible through the use of lifts and ramps.		
	wheelchairs, including between all car parking areas and the main building entry			
3.4	Landscaping			
•	Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.	Appropriate landscaping is provided.		
	orporate car parking into the dscape design of the site by:			
•	planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings			
•	taking into account streetscape, local character and context when siting car parking areas within the front setback			
•	using low level landscaping to			
L.	soften and screen parking areas.			
	Visual and acoustic privacy			
	nimise direct overlooking of indoor			
	oms and outdoor play spaces from blic areas through:			
:	appropriate site and building layout suitably locating pathways, windows and doors	The centre has been designed to ensure visual and acoustic privacy is maintained between properties.		
•	permanent screening and landscape design.	The provision of 2.1m high acoustic boundary fencing will eliminate any potential overlooking from the outdoor play area.		
tha 50 and	new development, or development t includes alterations to more than per cent of the existing floor area, d is located adjacent to residential			
aco	commodation should:			
•	provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). ensure that mechanical plant or	Acoustic report submitted which recommends the installation of acoustic fencing.		
	equipment is screened by solid, gap free material and constructed	Type and location of mechanical plant provided. Satisfactory.		



to reduce noise levels e.g. acoustic fence, building, or enclosure.			
A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:	Acoustic report submitted.		
 identify an appropriate noise level for a child care facility located in residential and other 			
zones • determine an appropriate	Projected noise levels identified.		
background noise level for outdoor play areas during times they are proposed to be in use	Background noise levels identified.		
 determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 	Heights of acoustic fences recommended.		
3.6 Noise and air pollution			
An acoustic report should identify			
appropriate noise levels for sleeping areas and other non play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following	Acoustic report submitted. The site is not affected by external noise or vibration.	\boxtimes	
locations:			
on industrial zoned land			
 where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 			
along a railway or mass transit			
comidor, as defined by State			
Environmental Planning Policy			
(Infrastructure) 2007 • on a major			
or busy road			
 other land that is impacted by substantial external noise. 			
Locate child care facilities on sites	The site is not located adjacent to a major		
which avoid or minimise the potential	road and is not affected by air pollution.		
impact of external sources of air	, ,	\boxtimes	
pollution such as major roads and			
industrial development 3.7 Hours of operation			
Hours of operation within areas where	The core operating hours for the centre		
the predominant land use is residential should be confined to the core hours of	proposed are contained to between 7.00am and 6.00pm.	\boxtimes	
7.00am to 7.00pm weekdays. The			
hours of operation of the proposed	Hours of operation imposed within original		
child care facility may be extended if it	consent.		
adjoins or is adjacent to non-residential land uses.			
3.8 Traffic, parking and pedestrian circ	culation		
Off street car parking should be	On-site parking complies with 1 space per 4		
provided at the rates for child care facilities specified in a	children rate as required.	\boxtimes	



Development Control Plan that applies to the land.				
A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that: • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network.	The application is supp and Traffic Impact Asse indicated that the more remains to be a low trip of be accommodated in the affecting performance, of nearby intersections, as Council's parking require	ssment, which has diffied development generator which can the locality without lelays or queues of and complies with		
Alternative vehicular access should be provided where child care facilities are on sites fronting: • a classified road	Not applicable.			
The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:				
separate pedestrian access from the car park to the facility	· · ·			
delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities vehicles can enter and leave	The approved and mod not include a loading are as part of the original ap the nature of the use, do not be servicing the scommercial vans would products to be used, if centre by the operator.	a. It was considered plication that, given elivery trucks would ite. At most, light deliver any required		
the site in a forward direction.	Vehicles can enter and exit the site in a forward manner. Refer to traffic comments.			
Car parking design should:				
 include a child safe fence to separate car parking areas from the building entrance and play areas provide clearly marked 	from the main building entrance and foyer			
accessible parking as close as possible to the primary entrance to the building in accordance with appropriate	1 accessible space is provided, which is clearly marked located near the lift.			
Australian Standards include wheelchair and pram accessible parking.	Lift access is provided.			
Part 4 – Applying the National Regula	tions to development pr	oposals		
4.1 Indoor space requirements	Danuirad:	Dravidad		
(Regulation 107)	Required:	Provided		
Min. 3.25sqm of unencumbered indoor space	28 x 3.25sqm = 91sqm (GF)	97.5sqm		



(Regulation 107)	12 x 3.25sqm = 39sqm	39sqm			
Storage: - Min. 0.3m³ per child of external storage	(FF)				
- Min. 0.2m³ per child of internal	40 x 0.3m³ = 12m³	14m³			
storage	40 x 0.2m³ = 8m³	10.8m³			
4.2 Laundry and hygiene facilities				Ì	
(Regulation 106)					
	Laundry is located on fire	st floor.			
On-site laundry facilities should					
contain: • a washer or washers capable of					l —
dealing with the heavy requirements of				$ \cup $	
the centre					
• a dryer					
laundry sinks					
adequate storage for soiled items					
prior to cleaning.			-		
4.2 Laundry and hygiene facilities					
(Regulation 109) Toilet and hygiene facilities should be					
designed to maintain the amenity and					
dignity of the occupants. Design					
considerations could include:				ΙП	$ \Box $
 junior toilet pans, low level sinks 	Achievable				
and hand drying facilities for children					
 a sink and handwashing facilities in all bathrooms for adults 	Provided				
 direct access from both activity rooms and outdoor play areas 	Provided				
 windows into bathrooms and 	Cumandalan la ashlavahl				
cubicles without doors to allow	Supervision is achievable	е			
supervision by staff					
external windows in locations that					
prevent observation from neighbouring	Window locations and	sizes considered			
properties or from side boundaries	appropriate.		ļ		
4.4 Ventilation and natural light					
(Regulation 110) Services must be well ventilated, have					
adequate natural light, and be	Indoor activity rooms	receive adequate			
maintained at a temperature that	sunlight from openings				
ensures the safety and wellbeing of	and northern elevations		\boxtimes	$ \square $	
children.			-	_	_
Child core to siliting must comply with	Canditions are imposed	within the evisional			
Child care facilities must comply with the light and ventilation and minimum	Conditions are imposed consent requiring BCA of				
ceiling height requirements of the	and ventilation.	compliance for light			
National Construction Code. Ceiling					
height requirements may be affected					
by the capacity of the facility.	Room depths exceed 2.				
	BCA compliant, and ha	ve good cross-flow			
Designers should aim to minimise the	ventilation.				
need for artificial lighting during the day, especially in circumstances where					
room denth exceeds ceiling height by					



	2.5 times. It is recommended that				
	ceiling heights be proportional to the				
	room size, which can be achieved				
	using raked ceilings and exposed trusses, creating a sense of space and				
	visual interest.				
	4.5 Administrative space				
	(Regulation 111)				
	A service must provide adequate area	Provided.			
	or areas for the purposes of				
	conducting the administrative functions				
	of the service, consulting with parents				
	of children and conducting private				
	conversations.				
	4.6 Nappy change facilities (Regulation 112)				
	Child care facilities must provide for	Provided.			
	children who wear nappies, including	T TOTIGOG.			
	appropriate hygienic facilities for nappy				
	changing and bathing. All nappy				
	changing facilities should be designed				
	and located in an area that prevents				
	unsupervised access by children.				
	Child care facilities must also comply				
	with the requirements for nappy	Conditions are imposed within original			
	changing and bathing facilities that are contained in the <i>National</i>	consent regarding compliance with the BCA.			
	Construction Code.				
	4.7 Premises designed to facilitate su	pervision			
	(Regulation 115)				
	A centre-based service must ensure	Provided.			
	that the rooms and facilities within the			П	ΙП
	premises (including toilets, nappy			_	
	change facilities, indoor and outdoor				
	activity rooms and play spaces) are				
	designed to facilitate supervision of				
	children at all times, having regard to				
	the need to maintain their rights and dignity.				
	digitity.				
	Child care facilities must also comply	Conditions are imposed within original			
	with any requirements regarding the	consent regarding compliance with the BCA.			
	ability to facilitate supervision that are				
	contained in the National				
	Construction Code.				
	4.8 Emergency and evacuation proceed				
	(Regulation 97 & 168) Regulation 168 sets out the list of	Information provided.			
	procedures that a care service must		\boxtimes		
	have, including procedures for			$ \sqcup $	$ \; \sqcup \; $
	emergency and evacuation. Regulation				
	97 sets out the detail for what those				
	procedures must cover including:				
	 instructions for what must be done 				
	in the event of an emergency				
	an emergency and evacuation				
	floor plan, a copy of which is				
	displayed in a prominent position near each exit				
1	LIGGI GOVILGAN				



a risk assessment to identify potential emergencies that are relevant to the service.				
4.9 Outdoor space requirements				
(Regulation 108) Min. 7sqm of unencumbered outdoor space per child.				
28 x 7sqm = 196sqm (GF)	210sqm	\boxtimes		
12 x 7sqm = 84sqm (FF)	90sqm			
Where a covered space such as a verandah is to be included in outdoor space it should: • be open on at least one third of its perimeter • have a clear height of 2.1 metres	The first floor level verandah is to be as outdoor space as it is open more than one third of its perimeter, have a clear height more than 2.1m, have a wall height less than 1.4m, have adequate flooring and roofing and designed to provide adequate protection from the elements.			
have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter				
have adequate flooring and roofing				
be designed to provide adequate protection from the elements				
4.10 Natural environment				
(Regulation 113)				
The approved provider of a centre-	Satisfactory.			
based service must ensure that the				
outdoor spaces allow children to				
explore and experience the natural environment.		\boxtimes	$ \cup $	$ \; \sqcup \; $
4.11 Shade				
(Regulation 114)				
Controlled exposure to daylight for	The rear outdoor areas receive sunlight			
limited periods is essential as sunlight	from the north and west.			
provides vitamin D which promotes healthy muscles, bones and overall wellbeing. Outdoor play areas should be provided with controlled solar access throughout the year.				
Outdoor play areas should:				
have year-round solar access to at				
least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered. • provide shade in the form of trees or built shade structures giving	The shade structures provided total 92.8m ² in area, which equates to approximately 50% coverage (i.e. 92.8m ² / 185.5m ²).			
protection from ultraviolet radiation to at least 30 per cent of the outdoor play area	Shade structures and shade trees are provided.			
have evenly distributed shade structures over different activity				
spaces.				
4.12 Fencing				





(Regulation 104)	At least 1.8m high fencing is proposed for			
Any outdoor space used by children	the boundaries, and secure fencing is			
must be enclosed by a fence or barrier	provided at the front of the site to stop			
that is of a height and design that	children from leaving the centre			
children preschool age or under cannot	unsupervised or people entering from the			
go through, over or under it.	sides.			
4.13 Soil Assessment				
(Regulation 25)	A soil assessment report is required in			
To ensure consistency between the	accordance with the Child Care Planning			
development consent and	Guideline issued by NSW Department of			
the service approval application, a soil	Planning and Environment.			
assessment should be			ΙП	ΙП
undertaken as part of the development	Condition 15(a) of the original consent	_	—	_
application process.	requires a soil assessment for the site to be			
	submitted to Council's Manager of			
Where children will have access to soil	Development Assessment for approval prior			
the regulatory authority requires a	to the issue of a Construction Certificate.			
preliminary investigation of the soil.				



Item No: LPP002/21

DEVELOPMENT APPLICATION FOR 27-29 TOONGABBIE ROAD, TOONGABBIE

Responsible Division: Environment & Planning

Officer: Executive Manager Development and Building

File Number: REV2020/0006

Application lodged	25 September 2020	25 September 2020			
Applicant	Dawn Enterprise Pty Ltd				
Owner	Mr P Kumar & Mrs P Guglani				
Application No.	REV2020/0006				
Description of Land	27-29 Toongabbie Road, Toong Section B DP 10697	gabbie NSW 2146, Lots 40 & 41			
Proposed	Section 8.3 Review of the Cum	berland Local Planning Panel's			
Development	determination for the demo	olition of existing structures,			
	consolidation of 2 lots into	1 lot, and construction of a			
	residential flat building including	g a 3 storey building facing Cox			
		facing Toongabbie Road over			
	basement parking accommoda	ting 20 residential units and 25			
	parking spaces				
Site Area	1393.5m ²				
Zoning	R4 High Density Zone (HLEP 2013)				
Disclosure of political	Nil disclosure				
donations and gifts					
Heritage	No				
Principal Development	FSR	Height of Building			
Standards	Permissible: 1.2:1	Permissible: 15m			
	Proposed: 1.2:1	Proposed: 16.13m			
Issues	 Building height 				
	- Deep soil				
	- Driveway setbacks				
	- Site Coverage				
	- Site Isolation				
	- Submission				

SUMMARY:

- 1. Section 8.3 Review Application No. REV2020/0006 was received on 25 September 2020 for the Section 8.3 Review of the Cumberland Local Planning Panel's determination for the demolition of existing structures, consolidation of 2 lots into 1 lot, and construction of a residential flat building including a 3 storey building facing Cox Lane and a 5 storey building facing Toongabbie Road over basement parking accommodating 20 residential units and 25 parking spaces.
- 2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 14 October 2020 and 28 October 2020. In response, Council received 1 submission.



3. The application involves the following numerical non-compliances as discussed in detail elsewhere in the report:

Control	Required	Proposed	%
Building height (LEP)	15m	16.13m for the 5 storey building facing Toongabbie Road	Variation 7.53%
Deep soil (ADG) Site area: 1,393.5m²	7% (97.5m²)	Area = 79.9m ² 5.7%	18%
Number of storeys (DCP)	4	5	25%
Site coverage (DCP) Site area: 1,393.5m²	Max 30% (418.05m²)	Area = 560m ² 40.18%	33.95%
Driveway setback (DCP)	1.5m	1.185m	21%

- 4. The application is referred to the Panel as the proposal is a development with 4 or more storeys to which the State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Developments applies.
- 5. The application is recommended for approval subject to the conditions as provided in Attachment 1.

REPORT:

Subject Site and Surrounding Area

The subject site is known as 27-29 Toongabbie Road, Toongabbie and is legally described as Lots 40 and 41 Section B in DP 10697. The total site area is 1,393.5m2 with frontage of 30.48m on Toongabbie Road. Improvements on site consist of a single storey and a two storey dwelling with associated outbuildings located on each of the existing sites. There are existing trees located on the subject site and within the Council's street verge. The site falls towards Toongabbie Road by approximately 1m from the north to south.

The subject site is located within the R4 – High Density Residential zone and borders the B2 – Local Centre zone to the north. It is located approximately within 300m walking distance to Toongabbie Railway Station and the town centre. Vehicular access to the site is designated from Cox Lane to the north. The construction of Cox Lane servicing the property at 64-72 Aurelia Street, which was approved for mixed use development (DA2016/57), has been completed. Existing developments adjoining the site include single storey dwelling houses located to the western side (31 and 33 Toongabbie Road). Residential flat building development, which has been approved under DA2016/75 to eastern side at 23-25 Toongabbie Road, is currently under construction. Existing lot at 31 Toongabbie Road will be landlocked as a result of this subject application and it is also burdened by the land dedication to form part of Cox Lane (refer to Figure 4). Existing lot at 33 Toongabbie Road was landlocked by the approved

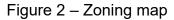


residential flat building development at 35-43 Toongabbie Road, which was approved under DA2015/9. With the exception of the laneway access to Toongabbie Road to be situated between 31 and 33 Toongabbie Road, the construction of Cox Lane has been completed at the rear of the subject site with access to Aurelia Street. Any future development of the properties at 31 and 33 Toongabbie Road must take into consideration the proposed location of Cox Lane within both sites.

Toongabbie Road is presently undergoing transformation by replacing the older stock of residential dwellings with multi dwelling development and residential flat buildings. The site does not contain any heritage items and is not within a heritage conservation area. There are no heritage items located within the visual catchment of the subject site.



Figure 1 – Aerial view of subject site



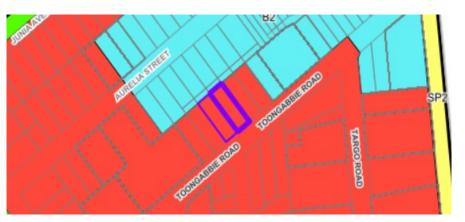




Figure 3 – Street view of subject site



Figure 4 – Location of Cox Lane (marked in blue)



Description of the Proposed Development

Council is in receipt of a Section 8.3 Review Application on 25 September 2020 seeking a review of the CLPP's determination of refusal for the demolition of existing structures, consolidation of 2 lots into 1 lot, and construction of a residential flat building including a 3 storey building facing Cox Lane and a 5 storey building facing Toongabbie Road over basement parking accommodating 20 residential units and 25 parking spaces.

Specific works of the proposed development include:

- Demolish existing single storey and two storey dwelling houses and ancillary structures including a detached fibro garage along the northern rear boundary.
- Removal of two (2) trees along the northern rear boundary.
- Construct part 5 and part 3 residential flat buildings (comprising of 4 x 1 bedroom, 12 x 2 bedroom and 4 x 3 bedroom units) accommodating a total of 20 units. Access into the site is viable from Toongabbie Road for pedestrians, and Cox Lane for both pedestrians and vehicles. The development provides communal open space with landscaping within the central courtyard and drainage system,



pull in bay and substation at the rear. A lift is also proposed to allow access from the basement level of building facing Toongabbie Road.

Construct a basement level car park to accommodate 25 car spaces including 3
accessible spaces, 4 visitor parking, 1 car wash bay, 16 bicycle spaces, waste/bin
room, storage cages, plants and services, stairs for egress and a new driveway
via Cox Lane.

The notable differences proposed between the previous design and the current design are as follows:

- a) Changes to the architectural character of the building incorporate improvement to the materials and finishes and additional fenestration. Despite there being no difference in the number of units proposed, the overall FSR for the development has been reduced from 1.29:1 to 1.2:1. The reduction in floor area results from relocation of the waste/bin room into the basement level and the lobby area on the ground floor level is now an open breezeway within an outdoor area.
- b) Slight reduction in the building height by 400mm for the building facing Toongabbie Road.
- c) The size of private open spaces of ground floor units has been increased from 9.6m² to 15m², and deep soil zone has been increased from 2.42% to 5.7%. Site coverage has been reduced from 44.8% to 40.18%.
- d) Basement parking layout, driveway and stormwater management designs have been amended to accommodate the development requirements.
- e) Additional one (1) adaptable unit and one (1) accessible car parking space are proposed.
- f) Additional details have been submitted in relation to the building separation at the rear of the site, acoustic impact from the development and flooding impact on the location of substation.

History

On 27 May 2020, the Cumberland Local Planning Panel resolved to refuse DA2019/0506 for the demolition of existing structures, consolidation of 2 lots into 1 lot, and construction of a residential flat building including a 3 storey building facing Cox Lane and a 5 storey building facing Toongabbie Road over basement parking accommodating 20 residential units and 25 parking spaces. The reasons for the refusal were as follows:

1. Failure to demonstrate compliance with State Environmental Planning Policy No. 65 — Design Quality of Residential Apartment Development (pursuant to S.4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979), with regard to the following:-

Clause 28(2) – Determination of Development Applications



1.1 In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration the provisions of the Apartment Design Guide (ADG). The proposal is unsatisfactory with regard to the following provisions of the ADG:

3F - Visual Privacy

1.1.1By reason of the provision of the 3.8m setback to Cox Lane, the proposal fails to protect visual privacy between the adjoining properties. The applicant has not demonstrated that a 12m building separation can be achieved as required by the ADG.

<u>3E – Deep Soil Zones</u>

1.1.2By reason of the inadequate provision of deep soil area of 2.42% where 7% is required, the development fails to sustain planting of canopy trees to positively contribute to landscaping on the subject site.

4E - Private Open Space

1.1.3By reason of the inadequate private open space for units 1, 2, 3 and 4 on the ground floor level of 9.6m² where 15m² is required, the development compromises amenity of future residents.

4W – Waste Management

- 1.1.5Design to waste management area with openings is unsuitable as it is to be located adjoining to unit 4 bedroom window. Waste storage facility design fails to consider adverse impacts on the amenity of residents.
- 2. Failure to demonstrate compliance with Holroyd Local Environmental Plan (HLEP) 2013 (pursuant to S.4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979), with regard to the following:-

Clauses 4.3 and 4.6 – Variation to Height of Buildings

2.1Pursuant to the Height of Buildings Map referred to in Clause 4.3(2) of HLEP 2013, the maximum permissible building height for the site is 15m. The maximum height of the proposed building is 16.7m, which is 1.7m greater than the maximum building height, representing a 11.3% variation to the development standard. The development application has not adequately demonstrated the variation to the building height would allow for the development that is complementary to, and well-integrated with the high density residential development; as an amended Clause 4.6 variation requested was not submitted.

The development application must be refused because a written request pursuant to Clause 4.6 of HLEP 2013 in relation to the 1.7m contravention of the development standard in clause 4.3(2) of HLEP 2013 has not been submitted to demonstrate:

i. that compliance with the development standard in clause 4.3(2) of HLEP 2013 is unreasonable or unnecessary in the circumstances of the case,



- ii. that there are sufficient environmental planning grounds to justify contravening the development standard in clause 4.3(2) of HLEP 2013, and
- iii. that the proposed development will be in the public interest because it is consistent with the objective of the standard in clause 4.3(2) of HLEP 2013.

Clauses 4.4 and 4.6 – Variation to Floor Space Ratio (FSR)

2.2Pursuant to the Height of Buildings Map referred to in Clause 4.4(2) of HLEP 2013, the maximum permissible floor space ratio (FSR) for the site is 1.2:1. The maximum FSR of the proposed building is 1.29:1 representing a 8.25% variation to the development standard. The development application has not adequately demonstrated the variation to the FSR would allow for the development that is complementary to, and well-integrated with the high density residential development; as a Clause 4.6 variation requested was not submitted.

The development application must be refused because a written request pursuant to Clause 4.6 of HLEP 2013 in relation to the contravention of the development standard in clause 4.4(2) of HLEP 2013 has not been submitted to demonstrate:

- i. that compliance with the development standard in clause 4.4(2) of HLEP 2013 is unreasonable or unnecessary in the circumstances of the case,
- ii. that there are sufficient environmental planning grounds to justify contravening the development standard in clause 4.4(2) of HLEP 2013, and
- iii. that the proposed development will be in the public interest because it is consistent with the objective of the standard in clause 4.4(2) of HLEP 2013.

Clause 6.5 – Essential Services

2.3Inadequate information to confirm the location of substation to enable the supply of electricity to be provided wholly within the site.

Clause 6.7 – Stormwater Management

- 2.4The proposed stormwater system will allow for contaminants to seep into the OSD tank, which is detriment to environment. Inadequate information to confirm that stormwater management could be provided wholly within the site.
- 3. Failure to demonstrate compliance with Holroyd Development Control Plan (DCP) 2013, Part A General Controls (pursuant to S.4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979), with regard to the following:-

3.3 - Car Parking Dimensions and 3.5 - Access Manoeuvring and Layout

3.1The proposal fails to provide proper vehicles manoeuvring to allow for adequate setback from the existing lamp pole and side boundary, and sufficient passing and turning bays, as the aisle widths do not comply.

3.6 - Parking for Disabled



- 3.2By the reason that 2 accessible spaces are provided where 3 spaces are required, the proposal fails to provide the required parking spaces for disabled person.
- 4. Failure to demonstrate compliance with Holroyd Development Control Plan (DCP) 2013, Part B Residential Controls (pursuant to S.4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979), with regard to the following:-

1.12 – Universal Housing and Accessibility

4.1By the reason that 2 adaptable units are provided where 3 units are required, the proposal fails to provide the required parking spaces for disabled person.

6.2 – Site Coverage

- 4.2The proposed site coverage is 44.8% where maximum of 30% is permitted, which results in failure to provide adequate deep soil area and stormwater management.
- 5. Failure to demonstrate compliance with Holroyd Development Control Plan (DCP) 2013, Part L Town Centre Controls (pursuant to S.4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979), with regard to the following:-

6.3 - Building Height

5.1The maximum number of storeys for residential flat building on the subject site is 4 storeys. However, the development proposes a maximum 5 storey building. Given that the proposal has not been accompanied with appropriate justification and Clause 4.6 variation request for height of buildings, the storey exceedance is not supported.

Traffic and Parking

- 6. The development application should be refused because the design of the basement and car parking provided is unacceptable and fails to meet the relevant Australian Standards. There is inadequate information to demonstrate the following:
 - i. That dimensions of the proposed aisle width comply with the relevant Australian Standards.
 - ii. That two vehicles can pass each other at intersection points and at the entry and exit of the ramp.
 - iii. That details of the control device for the roller gates to ensure that the control device shall not reduce the width of the access driveway or impact on the flow of traffic and road safety.
 - iv. That appropriate setback of driveway to the existing lamp post could be provided.

Inadequate Information



- 7. The proposed development fails to address the relevant matters arising from the Environmental Planning and Assessment Regulations 2000 (EP&A Reg) in relation to documents required to be submitted to accompany a development application pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979. The development application should be refused because there is inadequate information submitted with regard to the following:
 - i. There is inadequate information submitted to address issues raised with respect to the design of the basement, setback from existing lamp pole, and traffic and parking matters.
 - ii. There is inadequate information submitted to address issues raised with respect to the design of the stormwater management on site.
 - iii. A revised acoustic report to address noise during construction, communal open space, and mechanical and basement ventilations is required.
 - iv. There is inadequate information submitted to ensure supply of electricity could be provided wholly within the site.

Suitability of the site for the proposed development

8. The subject site is not considered suitable for the development as proposed due to the inadequacies detailed above (section 4.15(c) of the Environmental Planning and Assessment Act 1979).

Environmental Impact

9. Due to the deficiencies detailed above, the likely environmental impacts of the proposed development are considered to be unacceptable (section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979).

Public Interest

10. Due to the deficiencies detailed above, approval of the proposed development would be contrary to the public interest (section 4.15(1) (e) of the Environmental Planning and Assessment Act 1979).

On 25 September 2020, Council received the subject s8.3 Review application seeking approval for the same development (i.e. demolition of existing structures, consolidation of 2 lots into 1 lot, and construction of a residential flat building including a 3 storey building facing Cox Lane and a 5 storey building facing Toongabbie Road over basement parking accommodating 20 residential units and 25 parking spaces). The proponent has sought to address the reasons for refusal by incorporating the following design amendments:

- a) Amending the ground floor level design to reduce overall gross floor area and site coverage whilst increasing deep soil area and private open spaces.
- b) Improving the driveway access, provision of accessible car spaces and manoeuvring area on the basement level.



c) Submission of additional information regarding on site detention system, building separation at the rear, acoustic impact and substation.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by IDraft Architects dated 25 August 2020 and was received by Council on 25 September 2020 in support of the application.

Contact with Relevant Parties

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

Internal Referrals

Development Engineer

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

Environment and Health

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

Landscape/Tree Management Officer

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

Waste Management

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

External Referrals

Endeavour Energy

The application was required to be referred to Endeavour Energy for comment. Council received formal correspondence on 13 October 2020 raising no objections to the proposed development subject to advisory comments provided.

PLANNING COMMENTS

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



The proposed development is affected by the following Environmental Planning Instruments:

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

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

Claded I flate been concluded in the acceptance of the action	apphoanom.
Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	∑ Yes ☐ No
a) Does the application involve re-development of the site or a change of land use?	⊠ Yes □ No
In the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?	∑ Yes ☐ No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	☐ Yes ⊠ No
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 dumping?	☐ Yes ⊠ No
Does the site adjoin any contaminated land/previously contaminated land?	☐ Yes ⊠ No
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	☐ Yes ⊠ No
Details of contamination investigations carried out at the site: A Preliminary Site Investigation prepared by Geotechnical Consult dated 6 September 2019 (E1961-1) was submitted with the application identified that the site is suitable for the proposed development implementing recommendations in section 12 of the report, including the of a Hazardous Materials Survey prior to the construction and following of unexpected find. Further, the report has been reviewed by Council's advice provided that the proposal was satisfactory to proceed recommended conditions to be imposed on the consent.	on. The report nt, subject to the completion of the protocol s EHU and the



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

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

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

BASIX Certificate 1034598M_03 dated issued on 21 August 2020 prepared by Credwell Energy has been submitted to Council and is considered to be satisfactory.

(d) 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 Biljana Pop Stefanija (8789) was submitted with the application.

The relevant provisions of the SEPP have been considered in the assessment of the Application. A comprehensive assessment and compliance table is attached to this report in Appendix A which demonstrates the development proposal's compliance with the relevant planning controls that are applicable to the site.

Pursuant to clause 28(2)(c) of SEPP 65, a consent authority must consider the provisions of the Apartment Design Guide (ADG) in the assessment of a residential flat development.

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

ï		Poor Coll Zones			
	3E	Deep Soil Zones			
	3E-	Deep soil zones provide	Due to the nil setback provision applying on		
	1	areas on the site that	the site, the area nominated for deep soil zone		
		allow for and support	adjoining to Cox Lane equates to 79.9m ² or		
		healthy plant and tree	5.7%. The remaining deep soil area is in the		
		growth. They improve	form of planter boxes, which equates to		
		residential amenity and	84.4m ² . Total deep soil area proposed is		
		promote management of	164.3m² or 11.79%.		
		water and air quality.	10-1.0111 Of 11.7070.		
		water and an quanty.	The proposed development demonstrates that		
		Area of 70/			
		Area of 7%	sufficient area for deep soil to sustain the		
		(97.5m²)	growth of canopy trees and positively		
		with minimum dimension	contribute to the landscaped area provision		
		of 3m to be provided	could be provided within the planter boxes		
			proposed. Section plan has also been		
			submitted with the application to support this.		
	4D	Apartment Size			
ſ	4D-	Apartments are required	All units meet the minimum ADG sizes, with		
	1	to have the following	minor non compliances of 2 bedroom with 2		
		minimum internal areas:	: bathrooms unit nos. 1, 3 and 7 as follows.		
			, ,		
		Min. Internal Area	Unit 1 – 72m²		



- Studio = 35m ²	Unit 3 – 72m ²
- 1 b/r unit = 50m²	Unit 7 – 70.5m ²
- 2 b/r unit = 70m ²	
- 3 b/r unit = 90m²	Without reducing the dimensions of living area and bedrooms, unit 1 and 3 shall be amended
The minimum internal	to 75m² in size, with the area apportioned from
areas include only one	Unit 2 which has additional floor area above
bathroom. Additional	the minimum standard.Unit 7 shall be provided
bathrooms increase the	with only 1 bathroom to comply with size of 2
minimum internal area	bedroom unit. Condition is to be imposed to
by 5m ² each.	satisfy the minimum internal areas
	requirements accordingly.
A fourth bedroom and	
further additional	
bedrooms increase the	
minimum internal area	

(e) State Environmental Planning Policy (Infrastructure) 2007

by 12m² each.

The provisions of the Infrastructure SEPP (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 proposed development involves works within proximity to the existing overhead power lines. As such, the application was referred to Endeavour Energy for comment as the relevant electricity supply authority.

See discussion regarding the Endeavour Energy response under 'external referrals' above.

(f) 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).

(g) Holroyd Local Environmental Plan 2013

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

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 are a type of residential accommodation—see the definition of that term in this Dictionary.

The proposed development results in the following non-compliance.

Development Standard	Proposal	Compliance
4.3 Height of Buildings 15m	Proposed: 16.13m (RL46.95 – RL30.82m AHD) for the building facing Toongabbie Road List of exceedances: (according to the calculation of the assessment planner): Part of the awning – 1.13m (7.53%) Lift overrun – 0.7m (4.6%) Variation: 4% to 7.53%	Clause 4.6 variation request has been submitted accompanying the application for the breach in the building height development standard by 4.6% or 700mm. It is the view of Council Officers that the applicant's written request, as stated below, has adequately addressed the matters required to be demonstrated by clause 4.6 subclause (3), with the exception of the building height exceedance within the habitable area. Further reduction in floor to floor height on each level for the building facing Toongabbie Road by 0.1m will ensure that the building height exceedance includes only part of the awning and lift overrun. Condition is to be imposed accordingly.

A comprehensive HLEP assessment is provided at Attachment 6.

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 exceedance of building height facing Toongabbie Road with variation of 4.6% or 700mm. 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>

Applicant's justification:

Zone Objectives of the R4 Zone

The relevant objectives are prescribed as:

- 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 zone, providing for the housing needs of the community in a high density residential environment and providing a variety of housing types in the development scheme.

Planner's comment:

The development is consistent with the zone objectives, as the proposal provides a variety of housing needs across the site with a mixture of 1 to 3 bedrooms apartments.

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

Applicant's justification:

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 seeks to depart from the height control for small portions of the upper storey of the building, and the 'shifting' of the height



of the Cox Lane building to the Toongabbie Road building to establish the 3-5 storey height split on the site rather than a uniform 4/4 storey approach.

Despite this, the proposal remaining consistent with the objectives of the clause because:

- The visual impact of the non-compliance is limited noting the departure is as small portion of the Toongabbie Road building that provides a suitable design response. The transfer of height will reduce the visual impact of the development relative to Cox Lane.
- The shadow diagrams show the adjoining properties received adequate solar access, noting the elements of non-compliance are limited to the Toongabbie. Road building which actually shifts the height towards Toongabbie Road which reduces the shadow impact to the adjoining properties given the lot orientation as the shadow is then largely cast on the road.
- The departure will not unreasonably impact on the solar access of adjoining properties or the public areas in the vicinity of the site which satisfies objective
 - (c). The orientation of the site means that there is self-shadowing from the laneway building- hence maintaining a 3 storey form in that the location maximises solar access to the common open space area and also avoids self-shadowing of the north facing dwellings in the 5 storey building.
- The additional height has no bearing on the privacy of neighbouring properties;
- The development is designed to follow the landform.
- The development provides an appropriate scale and intensity, noting consistency with the intent of the Toongabbie Town Centre DCP through following the urban design principles established on the adjoining site with the 3/5 storey split and noting the FSR is in compliance. In a compliant scheme the design outcome results in the same yield- but a poorer planning outcome. It is preferred to adopt a height much lower than the 15m to Cox Lane and transfer this height to Toongabbie Road.
- The departure does not impact on the achievement of suitable land use intensity and the proposal maintains an appropriate height of 3-5 storeys, which satisfies objective (a) and the stepped height of the development allows maximum solar access to the site and a suitable bulk and scale to the lane (3 storeys) with the larger building mass facing Toongabbie Road and aligns with the observed character along Toongabbie Road to the east which is 5 storeys (either constructed or approved including the site immediately to the east of this site.









Planner's comment:

The proposed development is consistent with the building height objectives as the built form is considered to respond to the site topography and its location within the vicinity of the Toongabbie Town Centre. The bulk and scale of the development is considered acceptable and the development presents acceptable visual and solar access impacts on the amenity of future development itself and the neighbouring properties.

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

Applicant's justification:

To adopt a compliant 4/4 storey form, which would adopt the same yield, would reduce solar access, and also result in a design outcome that is inconsistent with the approved 5/3 storey split (noting construction on that site is imminent). Therefore, the design response relates to the context of the site and the lot orientation as well as Urban Design Principles of avoiding an overwhelming height and scale to the built form on the narrow laneway alignment.

Planner's comment:

Strict compliance with the maximum building height requirement is considered unreasonable and unnecessary in the context of the development as the built form is site responsive, particularly with the approved adjoining development at 23-25 Toongabbie Road under DA2016/75 adopting the similar yield with building height exceedance facing Toongabbie Road. The development presents an acceptable bulk and scale within the existing streetscape.

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:

In relation to environmental planning grounds the variation to the height standard is satisfactory on these grounds for the following reasons:

- The additional height transferred to the Toongabbie Road building as proposed does not result in detrimental environmental planning outcomes, as it does not give rise to adverse solar access, view loss or visual or acoustic privacy impacts on site, or to neighbouring properties and if anything it improves solar access and reduces bulk to the laneway.
- The provision of a logical built form outcome, noting that the adoption of a 3-5 storey 'split' follows the recent development consent for the development at 23-25 Toongabbie Road (immediately adjoining the site).
- The design intent is clearly to match the form associated with the adjoining site. The development proposes a residential flat building comprising of 2 buildings, with the overall design scheme influenced by a comparable flat



building approved to the site's immediate eastern boundary (23-25 Toongabbie Road, Toongabbie) by DA-75/2016. Similar to 23-25 Toongabbie Road, the current application comprises of a 5 storey form that addresses Toongabbie Road that transition into a 3 storey form addresses Cox Lane.

- The desire to maximise solar access to the internal communal open space area which is assisted through the lower height of the Cox Lane building given the lot orientation. This also enables maximum amenity for residents in the north facing 5 storey form.
- The departure to the height standard furthers the objects of the Environmental Planning and Assessment Act 1979 as set out below:
- To promote the orderly and economic use and development of land
- To promote good design and amenity of the built environment through the provision of a suitable contextual response with the 3/5 storey height split which follows the adjoining site and maximises solar access to the subject site and surrounding properties. Given the above, and as a result of the agreed laneway interface of the adjoining property and the adoption of a 3/5 storey split the flexible application of the Height standard is not inappropriate in this instance. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

Planner's comment:

The variation to the maximum building height development standard is considered acceptable on environmental planning grounds and the Applicant's written justification is well founded.

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 (Draft CLEP)

The Draft Cumberland Local Environmental Plan (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 HLEP 2013 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 2013

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

A comprehensive HDCP compliance table is attached to this report at Attachment 7. A summary of the DCP non-compliances is provided in the following table.



No.	Clause	Proposal	Compliance		
3.5	Access, Manoeuvring		•		
	Driveways shall be setback a minimum of 1.5m from the side boundary.	The proposed driveway and vehicular crossing is offset 1.185m.	Minor non-compliance in driveways setback is considered acceptable in this instance given that the site is subject to nil setbacks control. The setbacks proposed will continue to maintain sufficient sightlines for vehicular access to the basement level. Council's Development Engineer has reviewed the proposal and considered it to be acceptable, subject to conditions.		
6.2	Site Coverage				
	Maximum site coverage of any residential flat development shall not exceed 30% Max 0.3 x 1,393.5m² = 418.05m²	Area: 560m² 40.18%	The amended scheme proposes to further reduce site coverage on the site and increases landscaped area and private open spaces on the ground floor level. Non-compliance with the site coverage is therefore considered acceptable.		
6.4	Building Height				



No.	Clause	Proposal	Compliance
	Maximum building height in storeys shall be provided in accordance with the table below: 4 storey	5 storey	Strict compliance with the number of storeys permitted on the Toongabbie Road will not be inconsistent with previously approved development, particularly on the adjoining sites at 23-25 Toongabbie Road under DA2016/75. Noncompliance with the number of storeys proposed is therefore considered acceptable.
			The additional height transferred to the Toongabbie Road building will not result in detrimental environmental planning outcomes, as it does not give rise to adverse solar access, view loss or visual or acoustic privacy impacts on site, or to neighbouring properties given it reduces bulk to the laneway being located on the northern side of the site.
1.1	Site Consolidation		
	Amalgamation of lots in accordance with Figure 5 is required	Due to the existing approval on Toongabbie Road, the desired lots amalgamation could not be achieved and would result in the landlocking of 31 Toongabbie Road.	Development proposals that create land locking or site isolation shall provide documentation that demonstrates a reasonable attempt has been made by the applicants to purchase the land locked site(s), including written valuation that represent the affected sites potential value. Consistent with the Planning Principle of Karavallas v Sutherland Shire Council [2004] NSWLEC 251 (Karavellas v Sutherland Shire Council), the application is supported by an offer to the owner of the isolated property, with the



No.	Clause	Proposal	Compliance
140.	Ciause	гюрозаг	offer being based on two recent independent valuations. The offer is deemed a <i>reasonable offer</i> by the Planning Principle of
			Karavallas v Sutherland Shire Council. Furthermore, the applicant has also submitted a concept plan of how the landlocked site may be development in the future, which has been reviewed and found to be acceptable.

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

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

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

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

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

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

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

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

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

Advertised (newspaper) 🛚	Mail 🔀	Sign 🔀	Not Required
In accordance with Council's N DCP 2013, the proposal was p October 2020 and 28 October 2 respect of the proposal with Nil	publicly notifie 2020. The noti	ed for a period of fication generated	14 days between 14 one (1) submission in



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

Figure 5 – Submissions summary table

No	Concern	Comment		
1	Landlocking of 31 Toongabbie	The matter in relation to the landlocking of		
	Road; incomplete sketch of	31 Toongabbie Road has been addressed		
	concept plan; burdening on 31	in the assessment of this application in		
	and 33 Toongabbie Road due to	Holroyd DCP 2013 Part L. Offers based on		
	location of laneway	valuation reports provided to 31		
		Toongabbie Road were rejected. Council is		
		satisfied that the application has		
		undertaken the steps required by Holroyd		
		DCP 2013 including the submission of		
		concept plan for 31 Toongabbie Road.		
		Should a development application be		
		lodged to Council for 31 Toongabbie Road,		
		the onus is on the applicant of such		
		development to submit detailed		
		architectural plans. Proposal to relocate the		
		laneway would require amendments to the Holroyd Development Control Plan and the		
		relevant process should be undertaken by		
		the affected sites to achieve that.		
		Given the location of the laneway between 31 and 33, the landlocking matter of 33		
		Toongabbie Road has been addressed by		
		the assessment of DA2015/9 for residential		
		flat building development at 35-43		
		Toongabbie Road.		

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 Holroyd Section 94 Contributions Plans.

The calculation is based on:



4 x 1 bedroom + 12 x 2 bedroom + 4 x 3 bedroom, less credit for 2 x 3 bedroom
 = \$261,781.10.

This figure is subject to indexation as per the relevant plan. The draft determination attached includes a condition requiring payment of the contribution prior to issue of a Construction Certificate.

Disclosure of Political Donations and Gifts

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

CONCLUSION:

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No. 65, Holroyd LEP and Holroyd DCP; and is considered to be satisfactory for approval subject to conditions.

The proposed development is appropriately located within the R4 High Density Zone under the relevant provisions of the Holroyd LEP 2013. The proposal is generally consistent with all statutory and non-statutory controls applying to the development. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

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

REPORT RECOMMENDATION:

- 1. That the Clause 4.6 variation request to vary the Height development standard, pursuant to the Holroyd LEP P 2013, be supported.
- 2. That 8.3 Review Application No. REV2020/0004 for Section 8.3 Review of the Cumberland Local Planning Panel's determination for the demolition of existing structures, consolidation of 2 lots into 1 lot, and construction of a residential flat building including a 3 storey building facing Cox Lane and a 5 storey building facing Toongabbie Road over basement parking accommodating 20 residential units and 25 parking spaces on land at 27-29 Toongabbie Road, Toongabbie NSW 2146 be approved subject to conditions listed in the attached schedule.
- 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 J.
- 2. Architectural Plans J
- 3. Clause 4.6 Variation Request &
- 4. Refused Architectural Plans J.
- 5. Previous CLPP Minutes &
- 6. Appendix A State Environmental Planning Policy No. 65 –Design Quality of Residential Apartment Development <u>J</u>
- 7. Appendix B Holroyd LEP 2013 J
- 8. Appendix C Holroyd Development Control Plan 2013 J.
- 9. Redacted Submission J.

DOCUMENTS ASSOCIATED WITH REPORT LPP002/21

Attachment 1 Draft Notice of Determination





REVIEWS DRAFT CONDITIONS OF CONSENT

Under the Environmental Planning and Assessment Act, 1979

Application No: REV2020/0006

Applicant: Idraft Plans 43/2 Slough Avenue

SILVERWATER NSW 2128

Property Description: 27 Toongabbie Road & 29 Toongabbie Road

TOONGABBIE NSW 2146 Lot 41 Sec B DP 10697

Development: Section 8.3 Review of the Cumberland Local Planning Panel's

determination for the demolition of existing structures, consolidation of 2 lots into 1 lot, and construction of a residential flat building including a 3 storey building facing Cox Lane and a 5 storey building facing Toongabbie Road over basement parking accommodating 20

residential units and 25 parking spaces

Determined by: Cumberland Local Planning Panel

CONDITIONS OF CONSENT General Conditions

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	Dated	
Architectural plans, Project no. 28674				
DA 01, Rev A	Site Plan	IDraft Architects	23/07/2020	
DA 06, Rev A	Sedimentation & Waste	IDraft Architects	23/07/2020	
	Management Plan			
DA 10, Rev A	Ground Level	IDraft Architects	23/07/2020	
DA 11, Rev A	Level 1	IDraft Architects	23/07/2020	
DA 12, Rev A	Level 2	IDraft Architects	23/07/2020	
DA 13, Rev A	Level 3	IDraft Architects	23/07/2020	
DA 14, Rev A	Level 4	IDraft Architects	23/07/2020	
DA 15, Rev A	Roof	IDraft Architects	23/07/2020	
DA 20, Rev A	South & North Elevations	IDraft Architects	23/07/2020	
DA 21, Rev A	Internal Elevations	IDraft Architects	23/07/2020	
DA 22, Rev A	West & East Elevations	IDraft Architects	23/07/2020	
DA 23, Rev A	External Finishes	IDraft Architects	23/07/2020	
DA 30, Rev A	Sections	IDraft Architects	23/07/2020	
DA 40, Rev A	Adaptable Units	IDraft Architects	23/07/2020	
DA 41, Rev A	Livable Units	IDraft Architects	23/07/2020	
DA 42, Rev A	Adaptable Units	IDraft Architects	23/07/2020	
Sheet 1 of 1, Ref	Demolition/Survey Plan	SDG	13/06/2019	
7843, Issue B				
Landscape Plans, Project no. 19100				



DA1-2 & DA2-2, Rev	Landscape Concept Plan	Vision Dynamics	20/08/2020
D			
Stormwater Plans, P	roject no. 2637		
SW010, Issue E	Concept Stormwater Layout	Mance Arraj	24/07/2020
	Drawing Basement Level		
SW020, Issue E	Concept Stormwater Layout Drawing Ground Level, Details & Notes	Mance Arraj	24/07/2020
SW021, Issue C	On Site Detention Tank Plan & Section Details	Mance Arraj	4/06/2020
SW022, Issue D	On Site Detention Tank Details	Mance Arraj	24/07/2020
SW030, Issue B	Concept Stormwater Layout Drawing Roof Level & Floor Grate Details	Mance Arraj	11/12/2019
Reports			
Cert. No. 1034598M_03	BASIX Certificate	Credwell Energy	21/08/2020
E1961-1, Rev 1	Preliminary Site Investigation	Geotechnical Consultants Australia	6/09/2019
	Preliminary Tree Inspection	Treehaven Environscapes	14/08/2019
R190128R2, Rev 2	Traffic Noise Assessment	Rodney Stevens Acoustics	6/11/2020
R190128R2, Rev 1	Construction Noise & Vibration Management Plan	Rodney Stevens Acoustics	6/11/2020
Ref no. SO239, Rev D	Operational Waste Management Plan	Elephants Foot	29/07/2020
	Correspondence and Conditions	Endeavour Energy	13/10/2020

(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. 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)

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. DAGCB06 - Telecommunications/ TV Antennae

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

(Reason: To prevent the proliferation of telecommunications/TV antennae)

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. DAGCD04 - Vehicle Washing

- (a) Washing of vehicles must be conducted inside a roofed and bunded designated vehicle wash bay as indicated on the approved plans to exclude rainwater. This area is to be suitably designed and located to ensure all wastewater is appropriately discharged to the sewer, in accordance with a Trade Waste Agreement with Sydney Water. This may require the installation of a pre-treatment device.
- (b) The means of disposal shall comply with:
 - EPA's Environment Protection Manual for Authorised Officers: Technical Section (Car Washing Waste)
 - EPA's Managing Urban Stormwater: treatment techniques
- (c) The following requirements must be incorporated into the car wash bay design/operation:
 - Have a water supply cut out system/ fail-safe mechanisms provided to ensure that mechanical failure; drainage blockage or lack of maintenance cannot result in wastewater surcharge into the stormwater system.
 - Be designed to ensure that over spray, drift of water or detergent does not cause a nuisance to persons, vehicles, residences, other buildings, neighbouring properties or the environment.
 - iii. Must not under any circumstances allow spillages and wastewater to be discharged to the stormwater system or surrounding environment.

Must not under any circumstances allow degreasing, engine washing or mechanical work to be undertaken in the vehicle wash bay, unless explicitly permitted under the trade waste agreement with Sydney Water.

(Reason: To protect the environment)

11. DAGCZ01 - 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.)

12. DAGCZ02 - 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.)

13. DAGCZ03 - 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)

DAGCZ04 – Basement Drainage System

Basement drainage is to comply with Holroyd Development Control Plan 2013 requirements. In this regard:

- Two pump units being installed, the capacity of each being calculated on the basis of a hundred-year storm recurrence interval and a storm duration of 5 (five) minutes, one pump acting in reserve capacity.
- The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.
- iii) A holding wall being provided within the basement, of sufficient capacity to store the discharge based on a hundred year storm recurrence interval and storm duration of ninety minutes. In addition to this an above ground storage shall be provided up to a hundred year storm recurrence interval and storm duration of two hours. The holding well is to be designed so that a minimum volume of water is retained in the well for health reasons when the pumps are in the "off" position or if there is a break in electrical supply.
- iv) A storm of two hours' duration has been adopted as a basis for determining the size of the well, the assumption being that electrical supply will be reinstated within this period.
- v) The pump out system is to be independent of any gravity drainage lines, except at the property boundary where a grated surface pit is to be constructed from which a connection will be permitted to the gravity drainage system. The invert levels of the pipes in the grated surface pit are to be such that the outlet from the pump out system is above the inlet of the gravity system.
- Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100mm above the top water level.
- vii) The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage.

(Reason: to prevent localised flooding)

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

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.

Note: This only applies to demolition work associated with an altered portion or an extension to an existing building and does not apply to demolition works prior to a new development/build, as demolition may occur prior to a Construction Certificate being issued.

(Reason; Statutory Requirement)

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 light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.

Barricades

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

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

17. 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)

18. DAPDB08 - Demolition Inspections

Council (not a private certifier) must inspect the site prior to and after demolition works.

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)

19. 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)

20. 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)

21. DAPDB12 - Sediment and Erosion Control measures

Prior to the commencement of any works, temporary sediment and erosion control measures are to be installed in accordance with Landcom's Managing Urban Stormwater: Soils and Construction guidelines and maintained during the demolition, excavation and construction phase of the project to



the satisfaction of Council and the Principal Certifier. The following measures should be included:-

- (a) A stabilised dish shaped diversion drain or similar structure constructed above the proposed building works to divert overland run-off to a stabilised discharge area such as dense ground cover or turf;
- (b) Sediment-trapping fencing 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;
- (c) Vegetation and areas not affected by the construction are to remain undisturbed;
- (d) Provision of one designated point for vehicular access which is adequately covered at all times with blue metal or the like to prevent mud and dirt leaving the site and being deposited on the street. Wheel wash/shakers may be required for extensive construction works;
- (e) Building operations such as brick cutting, washing tools or brushes and mixing mortar must not be carried out on public roadways or footway areas:
- (f) Stockpiles such as 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; and
- (g) Gutters, downpipes and the connection of downpipes to the stormwater disposal system must be complete prior to the fixing of the roof cladding.

(Reason: To minimise/prevent impacts on waterways by minimising soil erosion and sediment leaving the site)

22. DAPDZ01 - Land Contamination - SEPP 55

The recommendations of the Preliminary Site Investigation by Geotechnical Consultants Australia Report No. E1961-1 Rev1 dated 6 September 2019 must be implemented prior to/during the necessary demolition and excavation works.

(Reason: to ensure compliance with SEPP 55)

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

23. 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) Internal size of unit 2 shall be amended to 60m², without reducing the dimensions of living area and bedrooms:
- Internal size of units 1 and 3 shall be amended to 75m², without reducing the dimensions of living area and bedrooms;
- Only one (1) bathroom shall be provided for unit 7;
- d) One (1) car space shall be allocated as a car wash bay only;
- A bin tug with lockable storage shall be provided within the waste storage area on the basement level.
- Floor to floor height of all levels (ground level to level 4) of the building facing Toongabbie Road shall be limited to a maximum of 3m.

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

24. 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)

25. 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)



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)

27. 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)

28. 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)

29. 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 Cumberland Local Infrastructure Contributions Plan, is to be paid to Council. The amount of the contribution will be determined at the time of payment in accordance with the relevant Contributions Plan in force at that time. A copy of the Cumberland Local Infrastructure Contributions Plan 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)

30. DACCB05 - Fees to be paid to Council prior to issue of the Construction Certificate

Demolition Inspections	\$495.02
Damage Deposit	\$6,470.00
Sect. 7.11 Contributions	\$261,781.10 + CPI
Traffic Management Plan	\$201.00 initial fee
Cash bond or bank guarantee to cover the	\$1,500.00
removal of redundant vehicular crossings	
and laybacks along the full road frontage	
and replacement with kerb and gutter. (This	
bond will be held for six (6) months after the	
completion of works or issue of a 'Final	
Occupation Certificate' (whichever occurs	
last) to remedy and defects that may arise	
within this time.)	
Cash bond or bank guarantee for the	\$1,000.00
satisfactory completion of the construction	
and/or reconstruction of the concrete	
footpath paving adjacent to the site. (This	
bond will be held for six (6) months after the	
completion of works of issue of a 'Final	



Occupation Certificate' (whichever occurs	
last) to remedy and defects that may rise	
within this time.)	
TOTAL	\$271,447.12 + 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)

31. 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)

32. 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)

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)



34. 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 27-29 Toongabbie Road, Toongabbie (Cox Lane) 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,
- Approved in writing by Council under Section 138 of the Roads Act., prior to the issue of the Construction Certificate, and
- (c) All Civil Engineering works adjacent/near/outside 27-29 Toongabbie Road, Toongabbie (Cox Lane) 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)

35. 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)

36. 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)

37. DACCC06 - Separate Approval for Works in the Public Road (External Works) - Section 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)

38. 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:

- 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.
- The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- 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.
- 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.
- 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.
- 6. A Soil and Water Management Plan detailing all sedimentation controls.

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

DACCE03 - Construction Traffic Management Plan (CTMP)

Prior to the issue of any Construction Certificate, the applicant shall submit and have approved by Principal Certifying Authority, 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 detailed description and route map of the proposed truck/construction vehicle access routes.
- 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).
- 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)

40. 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)

41. 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. Details shall be submitted to the Principal Certifier 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)

42. DACCG04 - Off Street Car Parking - Residential Buildings

The following car parking (including the car wash bay) requirements apply:-

25 car spaces shall be provided on the development site.

This shall comprise of:-

- 20 residential spaces (including 3 accessible spaces);
- · 4 residential visitor spaces; and
- 1 car wash bay.
- 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.
- A sign shall be erected at the vehicular entrance indicating the availability of visitor parking. Such spaces shall be clearly marked.
- g) No car space is to be separately allocated, sold, leased or used by any other person or entity other than the resident owner or occupier of the strata lot the car space forms part of.

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)

43. DACCG05 - Off Street Car Parking - General

Twenty-one (25) off-street car parking spaces (including the car wash bay) suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided.

The driveway/access ramp grades, access and car parking facilities must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004 - Parking facilities - Off-street car parking. The dimensions of car parking bays and aisle widths in the car park are to comply with Australian/New Zealand Standard for Off-Street Parking AS/NZS 2890.1-2004. Appropriate setback of driveway to the existing lamp post shall be provided for traffic safety.

Detail demonstrating compliance with this condition are to be submitted to the Accredited Certifier prior to the issue of a construction certificate.

(Reason: Parking and access)

44. 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)

45. 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)

46. 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)

47. DACCH01 - Translucent Glazing for Privacy in Wet Areas

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

(Reason: Amenity)

48. DACCH04 - Privacy

All of the residential private open spaces shall be provided with balustrade with translucent/obscure glass material. Details shall be included on the Construction Certificate plans submitted to the Principal Certifier prior to the issue of a Construction Certificate.

(Reason: Amenity)

49. 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)

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)

51. 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 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)

52. DACCJ03 - Certification of the Stormwater Drainage System Design

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with the approved plans and 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)

53. 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)

54. DACCJ11 - Excavations Extending Below the Base of Footings of Adjoining Development
Where excavations extend below the level of the base of the footings of a building on an adjoining
allotment of land, the person causing the excavation must preserve and protect the building from
damage and, if necessary, underpin and support the adjoining building in an approved manner. The
person causing the excavation must give the owner of the adjoining property at least seven (7) days
written notice of its intention to excavate below the level of the base of the footing. The person must
also furnish the adjoining property owner with particulars of the proposed work.

(Reason: To ensure the support for neighbouring buildings)

55. 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.
- 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)

56. 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)

57. 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)

58. 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)

59. 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)

60. 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)

61. 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)

62. 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 Rodney Stevens Acoustics, Reference No. R190128R2 Rev 2, dated 6 November 2020.

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)

63. 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;
- 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)

64. DACCZ01 - Minimum Headroom- Adaptable Car Spaces

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

Sectional plans to comply 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.)

65. DACCZ02 - Ramp Gradients

Ramp grades shall comply with section 2.5.3 of Australian Standard 2890.1 - 2004. Detailed longitudinal sections of the ramps shall be submitted to and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate. The ramp section shall show all necessary headroom clearances to comply with the relevant Australian Standard. Gradients adjacent to entry/exit point shall be a maximum of 5% for the first 6 metres in the property boundary. Maximum 12.5 percent change in grade is acceptable for summit grade change as per clause 2.5.3 (d) in AS2890.1:2004. Appropriate crest level shall be provided in the proposed driveway for flood protection.

A copy of the approved plan shall be submitted to Council as part of Construction Certificate.

(Reason: to ensure the access ramp comply with Australian Standard AS28890.1:2004.)

66. DACCZ03 - Headroom Clearance

Headroom clearance shall comply with section 5.3 of the Australian Standard AS2890.1:2004. In accordance with AS2890.1:2004 minimum 2.2m headroom clearance shall be provided.

Detail plans showing the compliance of above requirements shall be submitted and approved by the Principle Certifying Authority prior to issue of a Construction Certificate.

(Reason: to ensure headroom clearance complies with Australian Standards AS 2890.1, AS2890.6 and Council's DCP)

67. DACCZ04 - 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)

68. DACCZ05 - 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:-

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

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

(Reason: to ensure the development is designed by a qualified designer)

DACCZ06 - 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)

70. DACCZ07 - Stormwater Disposal

Stormwater runoff generated from the development shall be directed to the On Site Detention system prior to being discharged by gravity system as per approved plans. In this regard,

- a) The development has been identified as requiring an on-site stormwater detention (OSD) system, which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating in compliance with the development consent, Holroyd Development Control Plan 2013, Upper Parramatta River Catchment Trust "On-Site Detention Handbook" (Third/Fourth Edition) 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 council's DCP requirements.
 - ii. The minimum clearance height for accessible tanks is 900 mm
 - The base of the tank is shaped with a 1% crossfall to a Vee drain and with a 1% longitudinal slope along the Vee drain
 - iv. Dry platform and weep hole details shall be clearly shown on the plan
 - v. Stomwater 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, stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.
 - vi. All the OSD access opening shall be 900x900 in size with double (2/900x450) hinged grates.
 - 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.



- viii. 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.
- ix. OSD shall be clear of building floor and roof areas.

(Reason: To ensure appropriate provision for disposal and stormwater management arising from development.)

71. DACCZ08 - On Street Drainage Design

Prior to the issue of any Construction Certificate, a detail design for the proposed connection to the Council's stormwater drainage system shall be submitted and approved by Council. In this regard:

- a) The new kerb inlet pit on Cox Lane must be designed and details prepared in accordance with the Council's Standard Drawing or as required by council's Works and Infrastructure Section.
- A Longitudinal section of the proposed stormwater outlet within Council controlled land, showing the depth and location of all the services within the area of the proposed works, shall be submitted.
- The depth of the Council pipe shall be verified and annotated on the plan.
- d) A detailed service search shall be carried out to ensure that the existing stormwater pipes within the road reserve are incorporated in the design.

(Reason: to ensure Council's assets are designed to Council's requirements and existing assets are incorporated in the design.)

72. DACCZ09 - Pedestrian Sight Distance

A pedestrian sight triangle of 2.0 metres by 2.5m metres, in accordance with AS2890.1:2004 is to be provided at the vehicular access to the property and where internal circulation roadways intersect with footpaths or other pedestrian access areas.

(Reason: To maintain pedestrian safety)

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

73. 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:
 - 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:
 - 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
 - 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)

74. 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)

75. DAPCA04 - Principal Certifier Sign

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

- 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)

76. 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)

77. 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)

78. 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)

79. 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)

80. 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)

81. 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)

82. 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)

83. 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)

84. DAPCZ05 - Relocation of Services

The developer shall arrange with the relevant authority for the relocation of the services affected by the proposed vehicular crossing.

Conditions which must be satisfied during any development work

85. 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)

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

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

87. 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)

88. DADWA04 - Unexpected find of Acid Sulphate Soils

a) Any excavation works carried out on site should be closely monitored to ensure no signs of Potential Acid Sulphate Soil (PASS) or Actual Acid Sulphate 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.
- b) If an Acid Sulphate Soils management plan is recommended by the suitably qualified environmental consultant, then all recommendations of this plan must be complied with during works.

(Reason: Environmental protection)

89. 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)

90. 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)

91. 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.
- 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.
- 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.
- 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.)

92. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity)

93. 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)

94. DADWA14 - Classification of Waste

Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA's Waste Classification Guidelines, Part1: Classifying Waste (2014). The materials must also be transported and disposed of in accordance with the Protection of the Environment Operations Act 1997 and the requirements of their relevant classification.

(Reason: Environmental protection)

95. 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)

96. 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)

97. 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)

98. 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)

99. 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)

100. 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)

101. DADWC04 - Survey Report - Minor Development (up to two stories)

In order to ensure compliance with approved plans, a Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:-

- At the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries.
- At the completed height of the building, prior to the placement of concrete inform work, or the laying of roofing materials.
- At completion, the relationship of the building and any penetrations thereto, to the boundaries.

Progress certificates in response to points (a) through to (c) shall be provided to the Council or the Accredited Certifier at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the proposed works.

(Reason: To ensure compliance with approved plans)

102. 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)

103. 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)

104. 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)

105. DADWZ01 - Inspection of On Site Detention Works

The stormwater drainage works are to be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

- (a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of construction of the detention basin/tank.
- (b) Prior to landscaping of detention basin or pouring of the roof of the detention tank.
- After completion of storage but prior to installation of fittings (e.g. orifice plates, screens, flap valves etc.)
- (d) Final Inspection

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

(Reason: Stormwater Management)

106. DADWZ02 - Inspection of Works - Stormwater Connection to Council's Pipeline

The stormwater drainage works connecting into the Council stormwater pipe shall be inspected by Council during construction. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

- (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.
- (c) After the completion of all pits and connection points.

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.

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.

Work is not to proceed until the works are inspected and approved by Council.

Note: Private certifier or the PCA cannot be engaged to do this inspection.

(Reason: To ensure compliance of civil works with Council's specification for engineering works.)

107. DADWZ03 - Stormwater Connection

The applicant shall connect the pipeline in accordance with the Section 138 Roads Act approval and Section 7.5 of Holroyd's on-site stormwater detention policy. In addition, the applicant shall reconstruct all affected kerb and gutter, bitumen reinstatements; adjust all vehicular crossings for paths, grass verges and stormwater connections to suit the works. All works shall be undertaken at the applicant's cost.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority and Council.



(Reason: To ensure compliance of drainage works with Council's approved plans.)

108. DADWZ04 - Basement Intercom

An intercom device is to be located:

- 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
- 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

109. 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)

110. 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)

111. 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).

112. 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)

113. DAOCA06- Adaptable Housing

A signed checklist as per Appendix A of AS4299-1995 confirming that units 7, 13 and 18 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).



114. DAOCA08 - Certification of Engineering Works

Prior to occupation, the following documents must be submitted to the Accredited Certifier.

- a) A Certificate from a Chartered Professional Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) under the appropriate professional category, and
- b) "Work As Executed" drawings of the engineering works prepared by a Registered Surveyor or equivalent.

The abovementioned Certificate is to certify that:

- 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)

115. 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
- 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)

116. DAOCA12- Construction of Concrete Footpath

A concrete footpath shall be constructed to replace cracked or damaged sections/ full length adjacent to the front of the property.

The above works must be constructed prior to the release of any Occupation Certificate.

Note: The above works will require the submission of the relevant application for the works to be undertaken.

(Reason: To preserve Council's assets and amenity)

117. DAOCA13 - Construction of Concrete Kerb and Gutter

Standard 150mm high concrete kerb with gutter shall be constructed to replace damaged sections/full length 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)



118. 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 Rodney Stevens Acoustics, Reference No. R190128R2 Rev 2, dated 6 November 2020 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)

119. 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;
- Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- Prominently displayed in the building.

(Reason: Fire safety)

120. 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)

121. DAOCG01 - Certification of the Constructed Stormwater Drainage System

The constructed stormwater drainage system shall be certified by a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER), in accordance with Council's Engineering Specifications of the Holroyd Development Control Plan, prior to issue of the Final Occupation Certificate.

(Reason: Adequate stormwater management)

122. DAOCH02 - Covenant & Restriction as to User for Stormwater Controlled Systems

Prior to occupation and the issuing of an Occupation Certificate, the Applicant shall register a Positive Covenant and a Restriction as to User, under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council ensuring the ongoing retention, maintenance and operation of the stormwater System. This is to include the on-site stormwater detention system (OSD).

(Reason: Compliance and adequate maintenance of drainage system)

123. 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)

124. 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)

125. <u>DAOCZ01 - Post-Construction Stormwater Assets Dilapidation Report (Council Stormwater</u> Assets)

The Applicant shall submit a post-construction Dilapidation Survey of Council's Stormwater Assets is to be prepared by a suitably qualified person in accordance with Council's Guidelines for Preparing a Dilapidation Survey of Council Stormwater Asset in order to determine if the asset has been damaged by the works.

The post-construction / demolition dilapidation report must be submitted to Council for review Any damage to Council's stormwater infrastructure is to be rectified prior to the issue of the Occupation certificate.

(Reason: Protection of Council's infrastructure.)

126. DAOCZ02 - Maintenance Schedule - OSD

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

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

127. DAOCZ03 - Engineer Certificate for Pump

A certificate from a practising hydraulic engineer verifying that the stormwater pump installation and the design with the executed levels shall be submitted to the Council with the work as executed plan prior to the release of Occupation Certificate.

(Reason: to ensure the system has been constructed Council's standards and specifications.)

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

128. 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)

129. DAOUC15 - Noise from operation of air conditioning unit at residential dwelling

Noise emitted by the air conditioning unit installed at the premises must comply with the following criteria:

- a) Shall be inaudible within any room in any other residential premises (that is not a garage, storage area, bathroom, laundry, toilet or pantry) whether or not any door or window to that room is open during the following hours:
 - i. before 8am or after 10pm on any Saturday, Sunday or public holiday, or
 - ii. before 7am or after 10pm on any other day, and
- b) Shall not emit an LAeq,15min noise level when measured at the boundary of any other residential property which exceeds the background (LA90, 15minutes) by more than 5dB(A) when used during all other times that are not restricted in (a) above.

(Reason: To protect residential amenity)

130. 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)

131. 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:

- 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)

132. 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)

133. DAOUE02 - Visitor Parking Restriction

Visitor parking spaces must not be allocated, sold or leased to an owner, occupier or any other person or entity. In any strata subdivision, visitor parking spaces must be retained within the common property.

(Reason: Compliance)

134. DAOUE03 - Parking

At least 25 car parking spaces (including a 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)

135. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety)

136. 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.)

137. DAOUZ02 - Privacy

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

(Reason: Privacy)

Advisory Notes



138. 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.



139. 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>.

140. 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

141. 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.

142. 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.

143. 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.

144. 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.

145. 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.

146. 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.

147. 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)

148. 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)

149. 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:
- 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 LPP002/21

Attachment 2 Architectural Plans



DEVELOPMENT APPLICATION

27 - 29 TOONGABBIE ROAD, TOONGABBIE

PROPOSED RESIDENTIAL FLAT BUILDING



Site Area by DP:1393.50m2 Lot No.: 40 & 41 Sec B DP: 10697

COMPLIANCE

CATEGORY	REQUIREMENT - ADG	PROPOSED
ZONNG	R4 HIGH DENSITY	R4 HIGH DENSITY
FSR	12:1. GEA 1.672.20m²	GFA 1.672.00m²
MAX HEIGHT	15m	SSTOREYS
COMMUNAL OPEN SPACE	25% MIN, 348,37m ²	\$10,00m2(\$7,81k) 5
DEEP SOIL	7% MR4.97.545m²	164.30m²
LANDSCAPING	30% MIN. 418,05m²	477;40m² 3-4
RARKING	0.811BR UNIT = 4 SPACES	4 SPACES
	11/29RUNIT=12 SPACES	12 SPACES
	12/38RUNT = 5 SPACES	5 SPACES
	0.2 VISITOR//UNIT = 4 SPACES	4-393CE5
	{	25 TOTAL SPACES INCLUDE 3 ACCESSIBLE SPACES
		72

DRAWING No.

DA 00 COVERSHEET DA 01 SITEPLAN DA 05 SITE ANALYSIS

DA 10 GROUND LEVEL DA 10 GROUND LEVEL

DA 11 LEVEL 1

DA 12 LEVEL2 DA 13 LEVELS DA 14 LEVEL4

DA 15 ROOF

DA 20 SOUTH & NORTH ELEVATIONS

DA 21 INTERNAL ELEVATIONS

DA 22 WEST & EAST ELEVATIONS

DA 30 SECTIONS

DA 40 ADAPTABLE UNITS

DA 41 LIVABLE UNITS

DA 42 ADAPTABLE UNITS

DA 50 SHADOW DIAGRAM 22rd JUNE (1) DA 51 SHADOW DIAGRAM 22nd JUNE (2)

DA 52 SHADOW DIAGRAM 224d JUNE (3) DA 53 SHADOW DIAGRAM 2246-JUNE (4)

DA 54 SHADOW DIAGRAM 22nd MARCH (1) DA 55 SHADOW DIAGRAM 224d MARCH

DA 56 SHADOW DIAGRAM 22Nd DECEMBER

DA 57 No. 31 SHADOW ELEVATIONS DA 60 STREETSCAPE

DA 70 FSR CALCULATION

DA 71 DEEP SOIL CALCULATION

DA 72 LANDSCAPE CALCULATION

DA 73 CUT & FILL

DA 74 SOLAR ACCESS

DA 75 CROSS VENTILATION

UNITS SUMMARY				
UNIT No.	UNIT DESCRIPTION	ARBA	STORAGE	ROS.
UNIT 1	2 980	72:00m2	4.70m2	15:00m2
UNIT 2	1 BED + STUDY	66:40m2	3/12	15:00m2
UNIT 3	2 86D	72:00m2	470n2	15:00m2
UNIT 4	2 86D	75:00m2	4.00m2	15,00m2
UNIT 5	2 BED + STUDY - LN/ABUS	85.30m2	4.40m2	10:30m2
UNIT 6	1960	60,00m2	4.00%2	8.73m2
UNIT 7	2 BED - ADAPTABLE	70.50m2	4.00%2	14.60m2
UNIT 8	2 860	77.70m2	4,00m2	10:00m2
UNIT 9	3 86D	98-20m2	5.00m2	12:00m2
UNIT 10	1 BED + STUDY	69:70m2	4.50m2	8.88m2
ŲNIT 11	2 BED + STUDY - LIVABUE	86:00m2	4.40m2	10.30m2
UNIT 12	2 BED + STUDY	36.80m2	5:00m2	21:00m2
UNIT 13	3 BED -ADAPTABLE	108,20m2	5.00m2	18:09m2;
UNIT 14	3 8ED	98:00m2	5:00m2	12:00m2
UNIT 15	1 BED + STUDY	69:40m2	4.50m2	8.88m2
UNIT 16	2 BED + STUDY - LIVABUS	85:30m2	4.40m2	10.30m2
UNIT 17	2 860 + STUDY	36.80m2	5.00m2	21:00m2
UNIT 18	3 BED - ADAPTABLE	108-20m2	420n2	18:09m2
UNIT 19	2 9ED	78:00m2	420n2	32:00m2
UNIT 20	2960	81:00m2	4.50n2	82:00m2

FLOOR AREAS			
GROUND FLOOR	289:00m2 (4 units 3 + 1)		
LEVEL 1	471,10m2 (6 units 4 + 2)		
LEVEL 2	481.40m2 (5 unis 3 + 2)		
LEVEL-3	291.50m2 (3 units)		
LE/EL4	159.00m2 (2 units)		
TOTAL	167200m2		

UNIT BREAKDOWN			
BEDROOM	1 UNTS	5%	
BEDROOM+STUDY	3 UNTS	15%	
2 BEDROOM	7 UNITS	35%	
2 BEDROOM+ STUDY	5 UNTS	25%	
BEDROOM	4 UNTS	20%	
TOTAL	20 UNITS Industria 3 Associate 8 4 Uvalle Units		

BASIX NOTE

meet trove por deven three seen extrem or extension.			
THERMA LOADS			
HEATING LOAD (nmamply)		COOLINGUOADANIME	
OWELLING Y	502	94.3	
OWELLNG 2	630	94.7	
CMBUNG 3	386	29.1	
OWELLNO-F		23.1	
OWELLING 5		362	
OWENNO-C		267	
CVMSLLING 7		29.2	
CWELLING 6		384	
OWELLING 9		27.3	
CW6,LNG 10	322	36.5	
CVMS,LNG 11	321	327	
OWELLING 12		183	
OWELLING 13		254	
OVERLING TO	292	37.0	
CVMSLLING 15	402	336	
OWELLING H		30-6	
CWELLING 17	364	25.2	
CVMSLLING 15	367	31.5	
OWELLING 19		40.5	
OWELLING 20	500	600	

WEATHER SEALS TO ALL EXTERNAL DOORS AND WINDOWS UNAUE SE SHOCOSE FOR WANNING 3 RESINSULATION TO SUSPENIE WALLS 4 RESINSULATION TO SUSPENIE DEDITION SLABSTI ORGUNDOR TO SUSPENIE SEE CONSULATION CELING OF BOOF AREAS.



DO NOT SCALE OFF ARCHITECTURAL DRAWINGS

VISUAL PRIVACY P.O.S. TO UNIT 1, 2,384 ADAPTABLE UNIT DEEP SOIL FSR + WASTE AREA

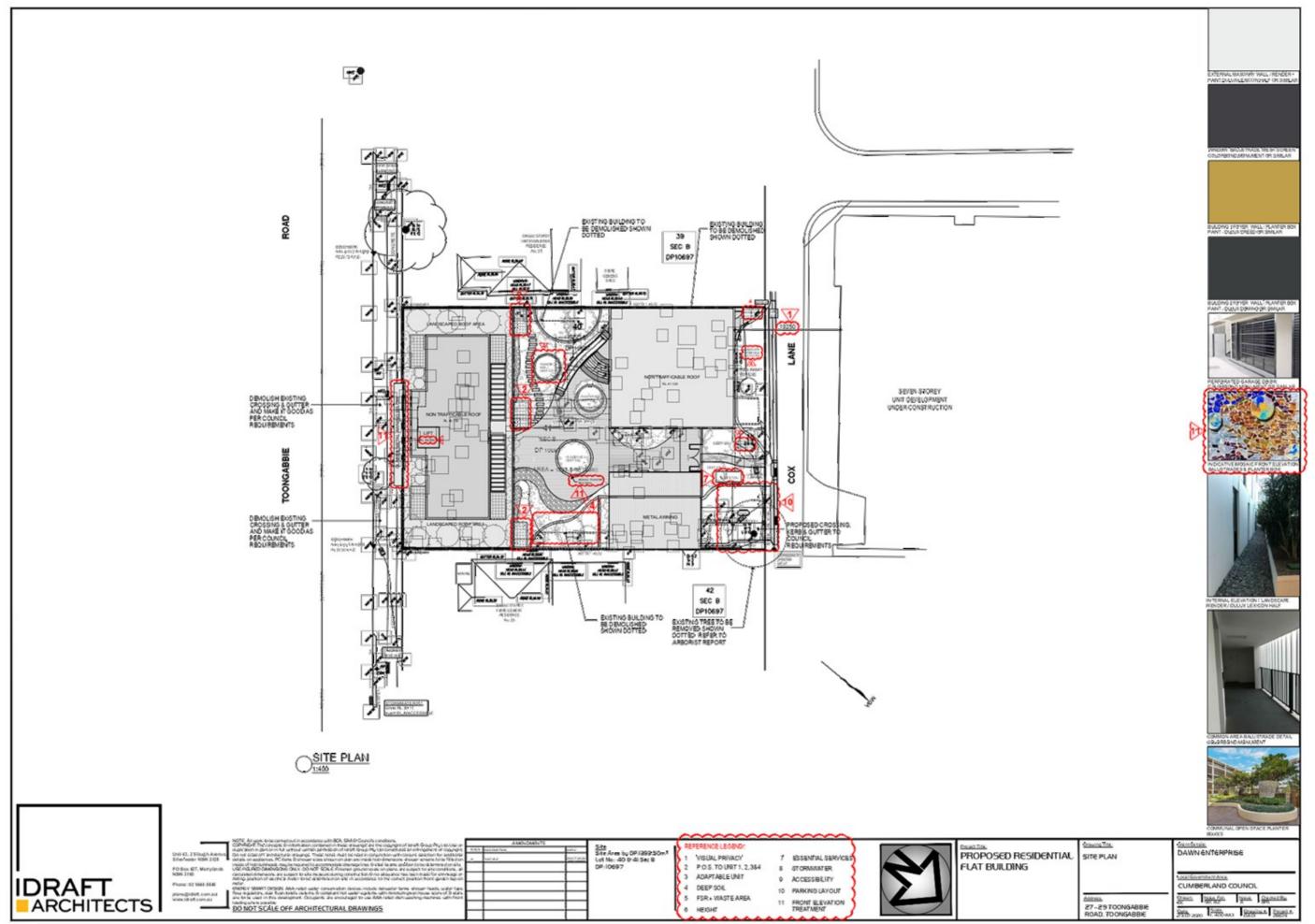
ESSENTIAL SERVICES 8 STORMWATER 9 ACCESSIBILITY 10 PARKING LAYOUT FRONT BLEVATION TREATMENT

PROPOSED RESIDENTIAL FLAT BUILDING

DAWN ENTERPRISE CUMBERLAND COUNCIL

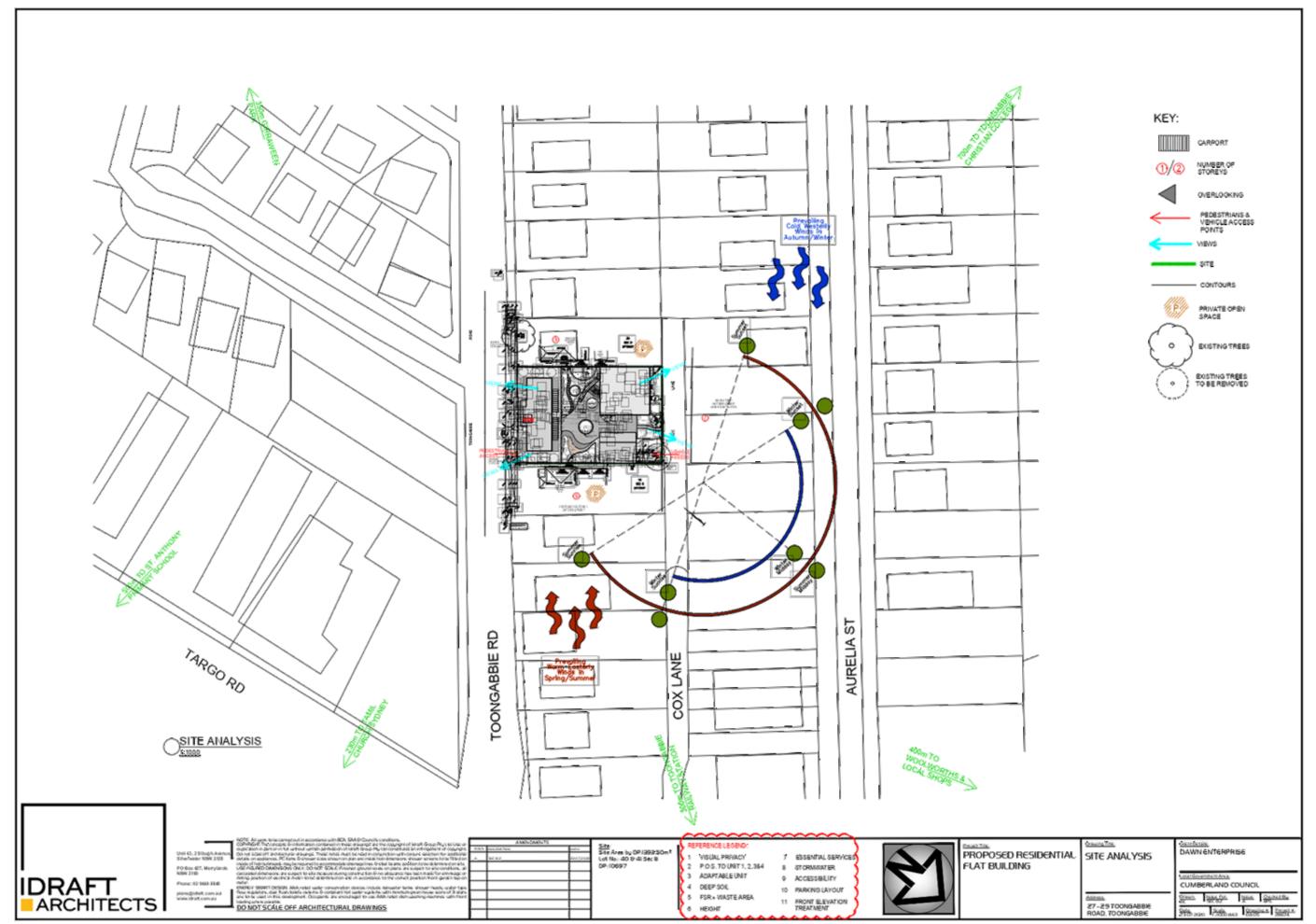
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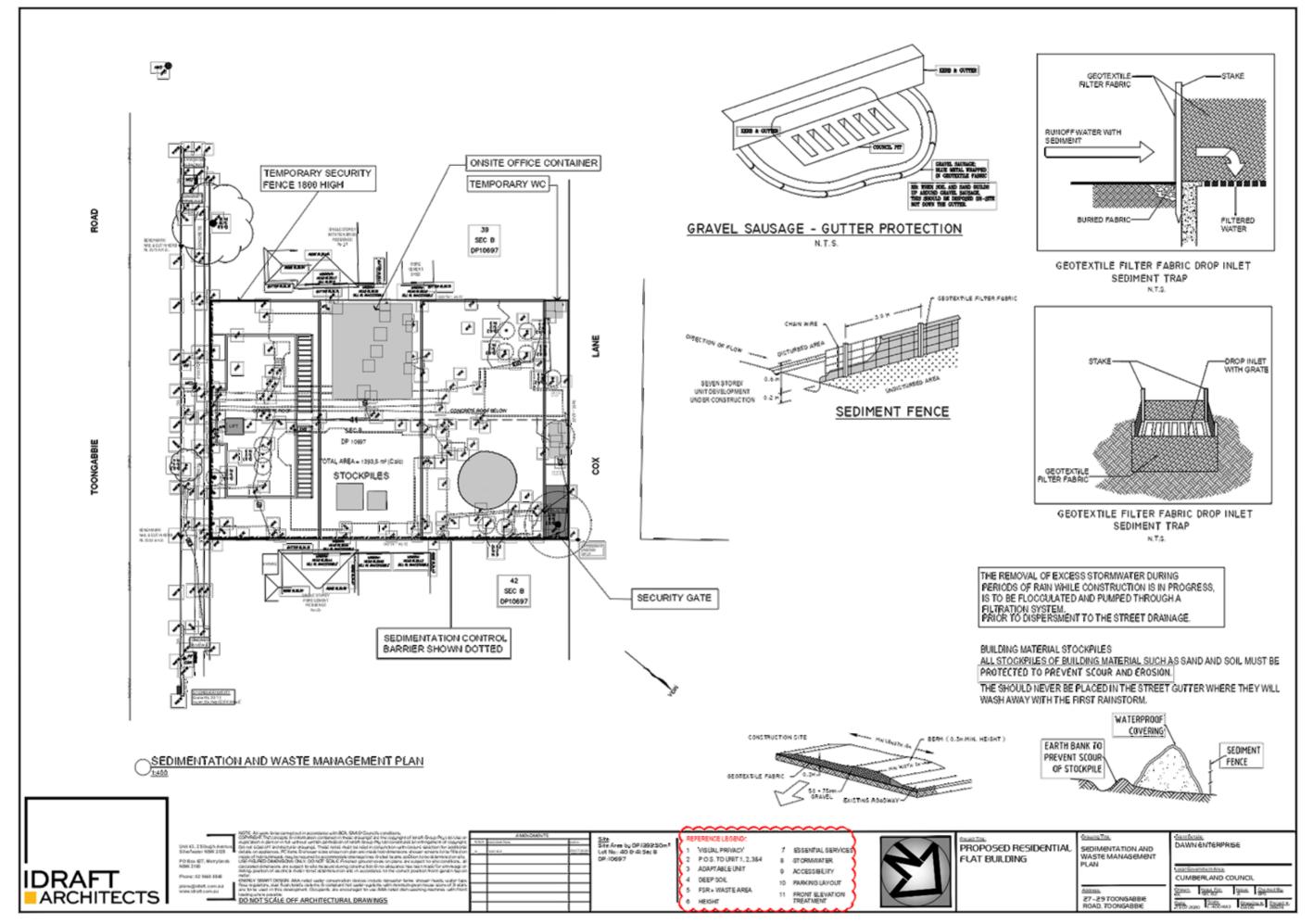


LPP002/21 – Attachment 2

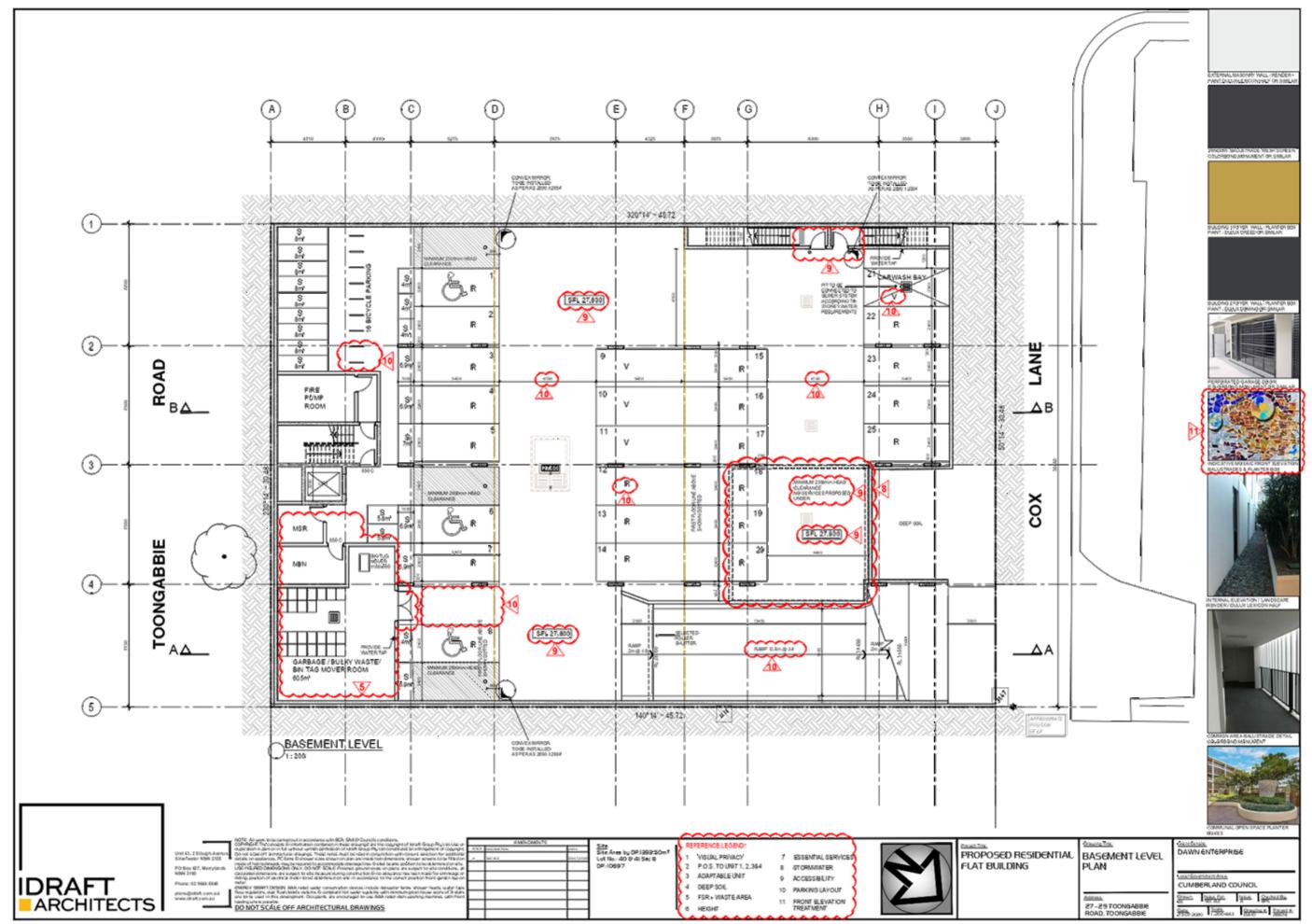




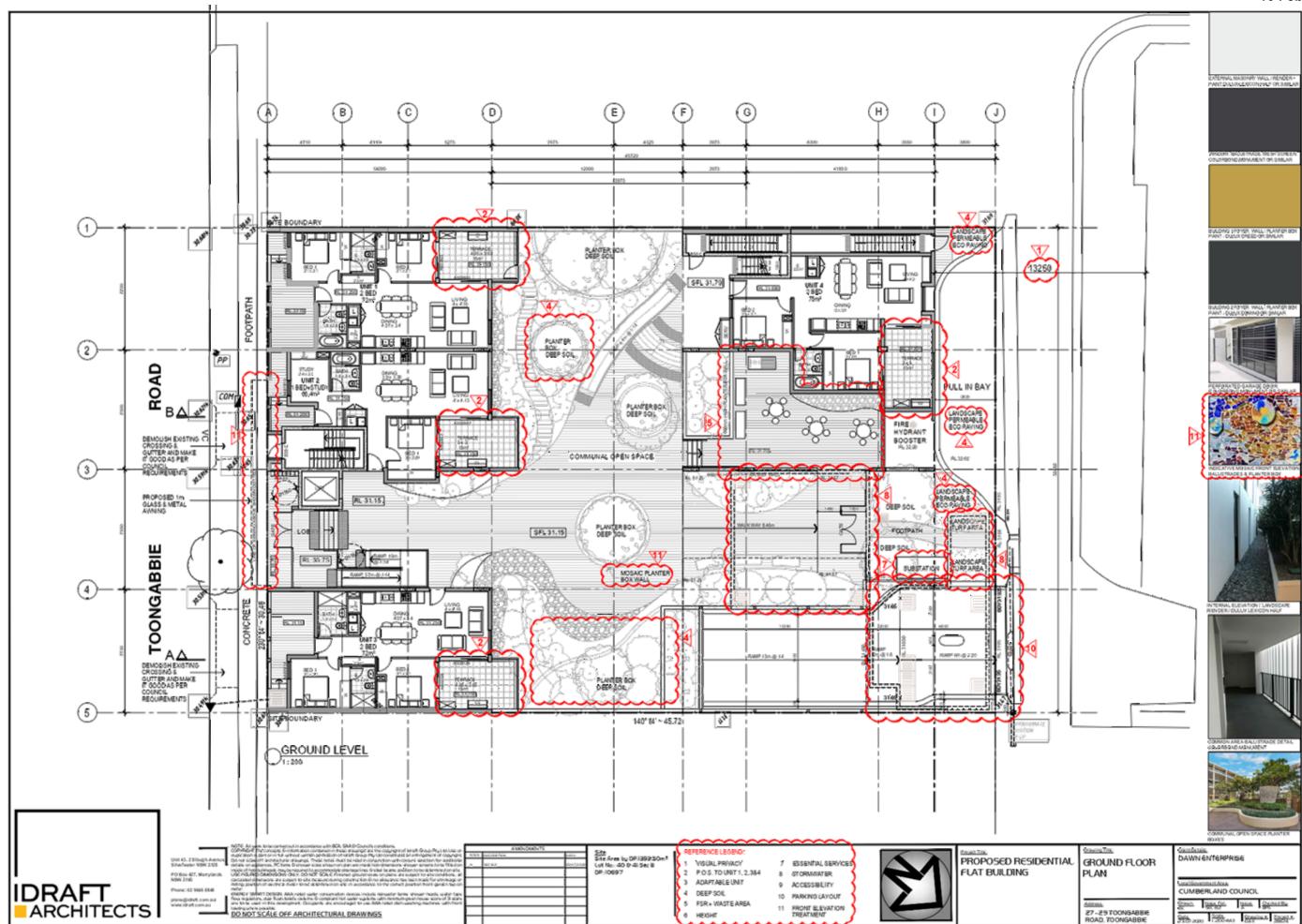






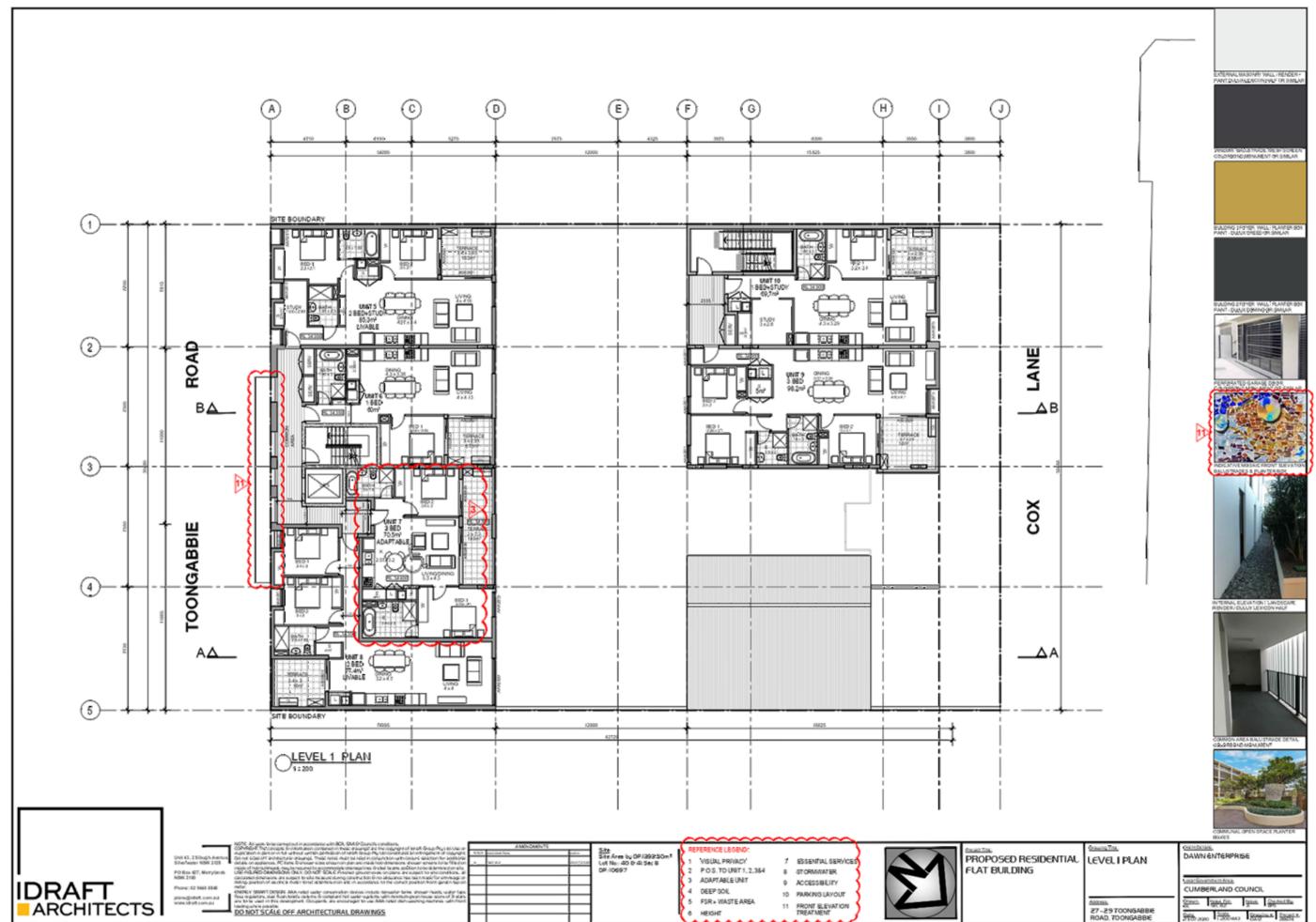




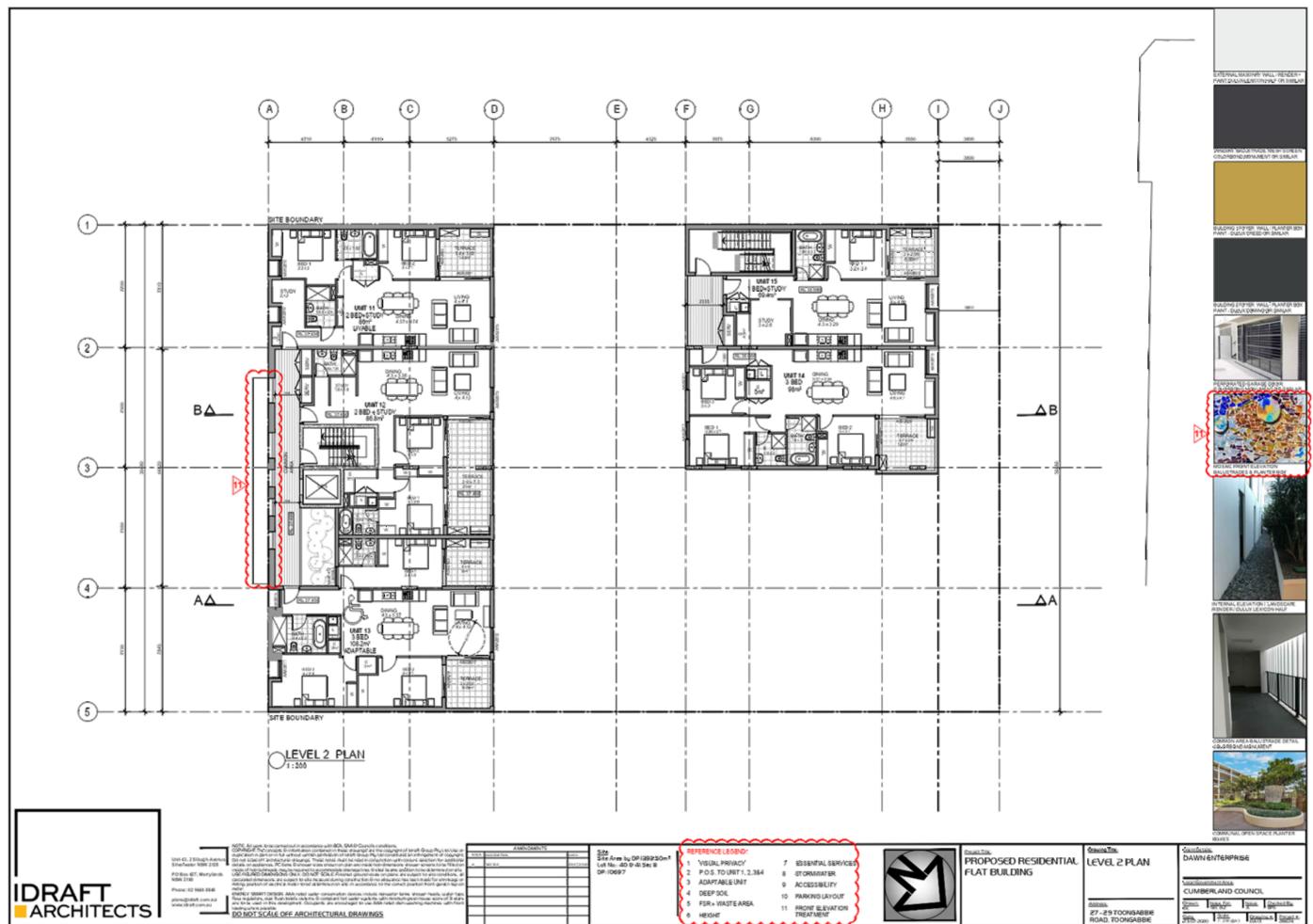


LPP002/21 – Attachment 2

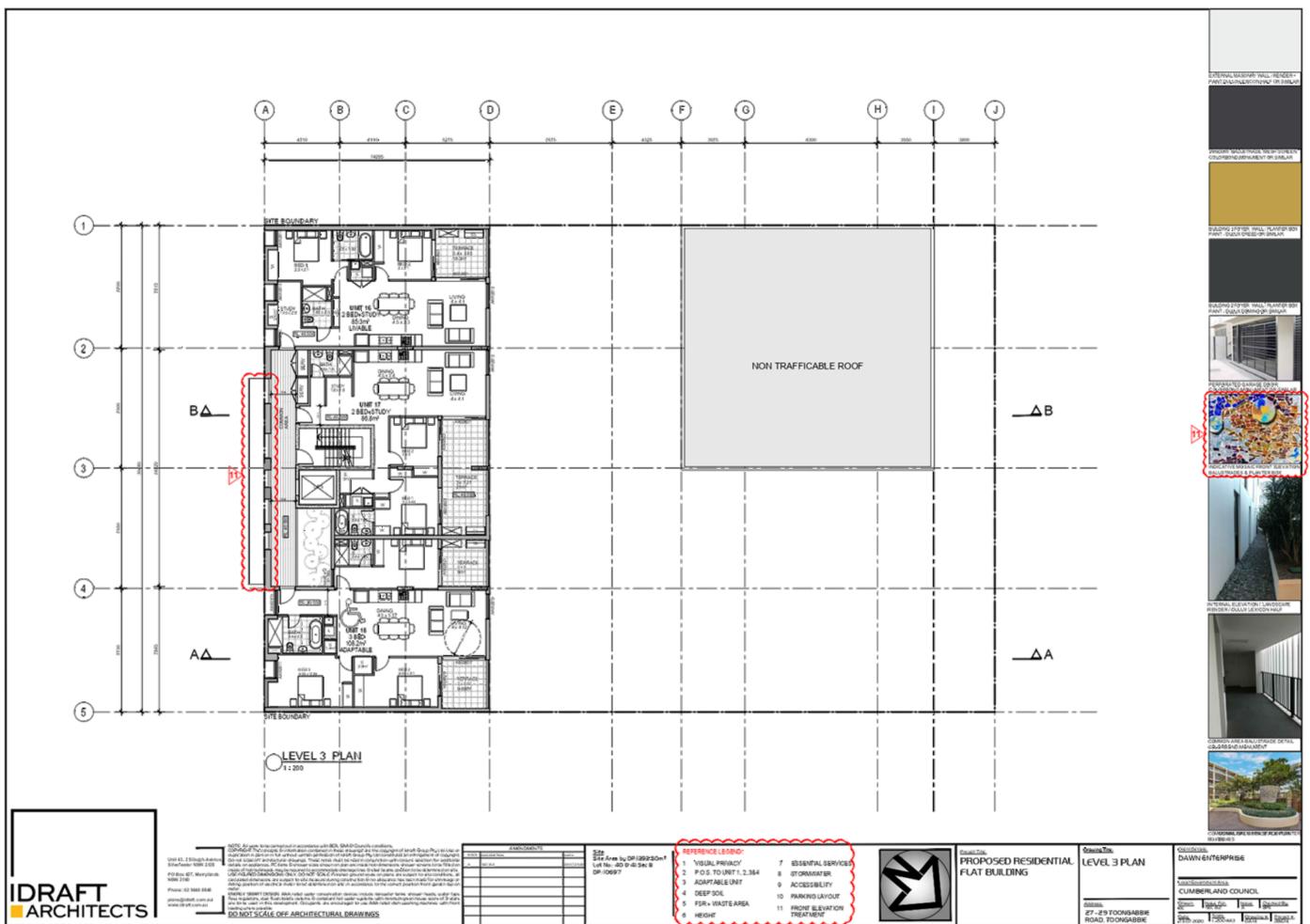




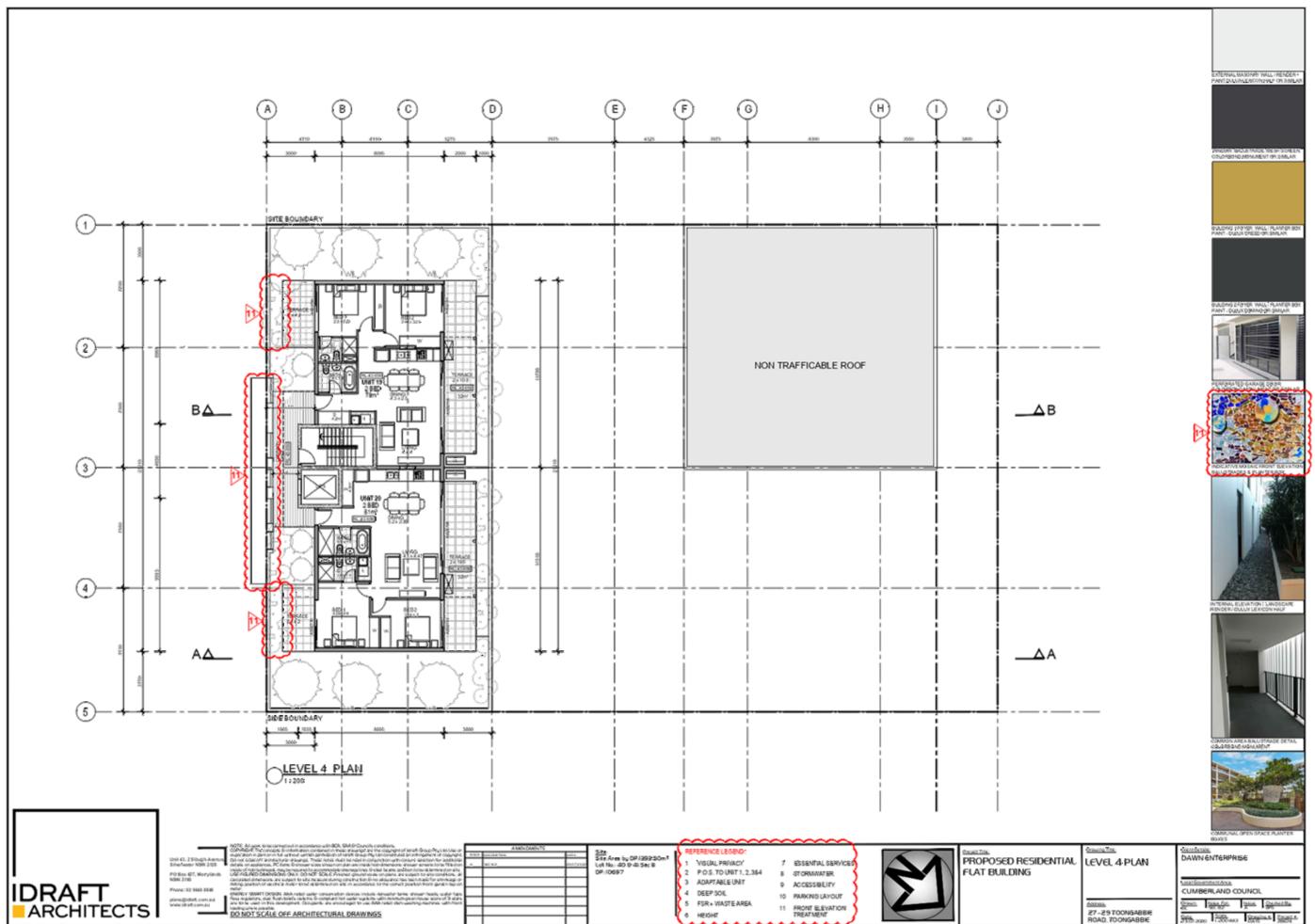




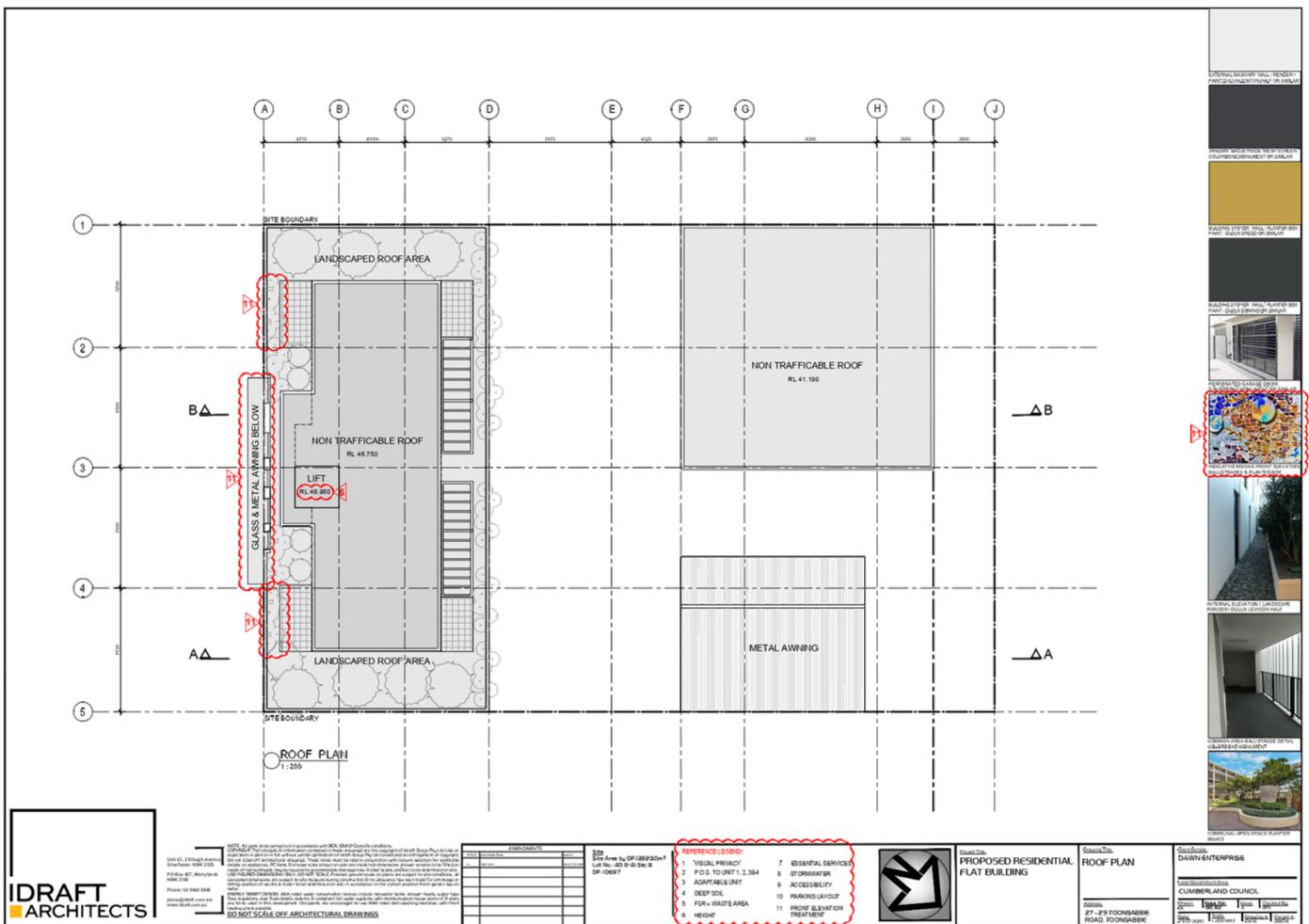




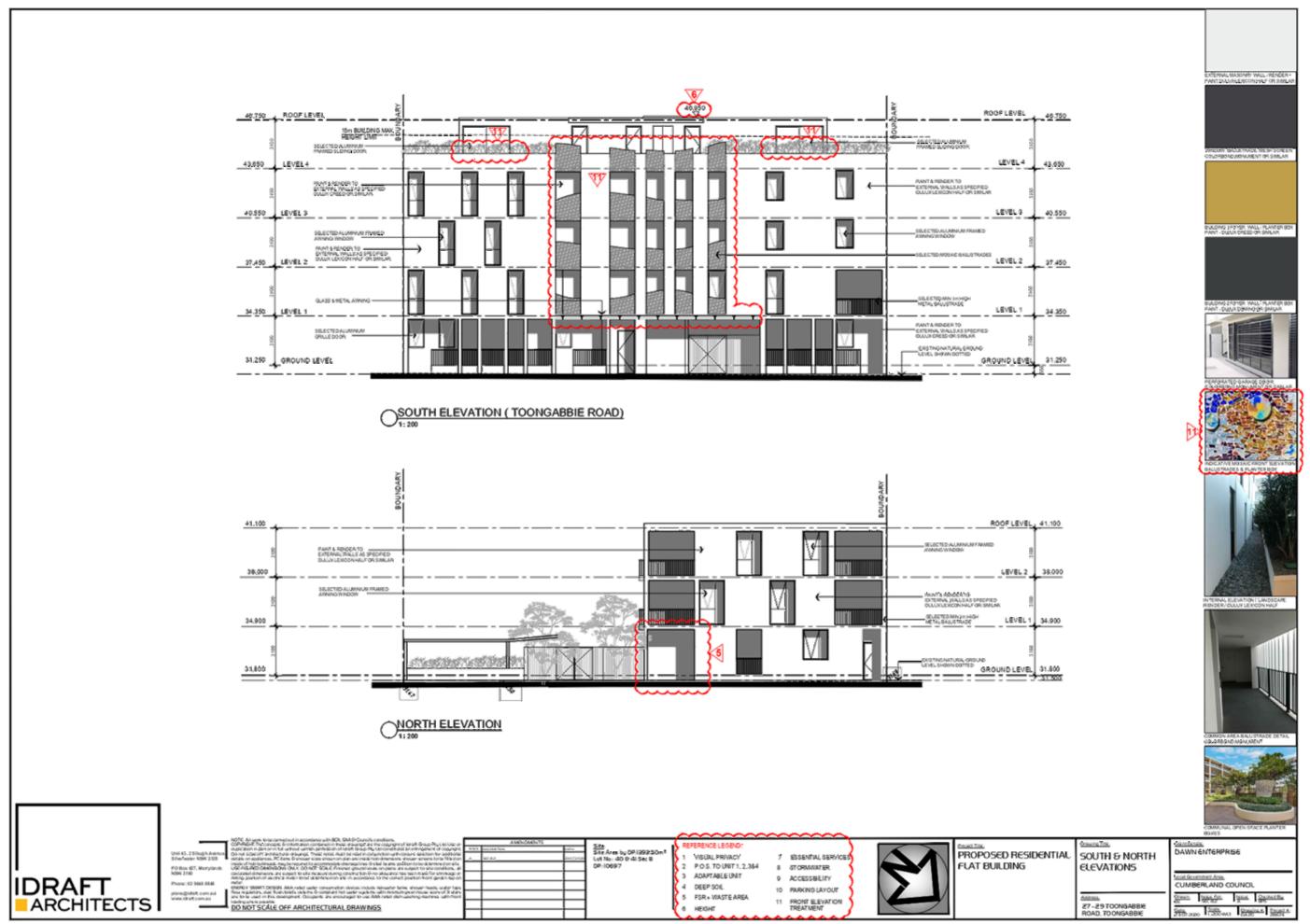




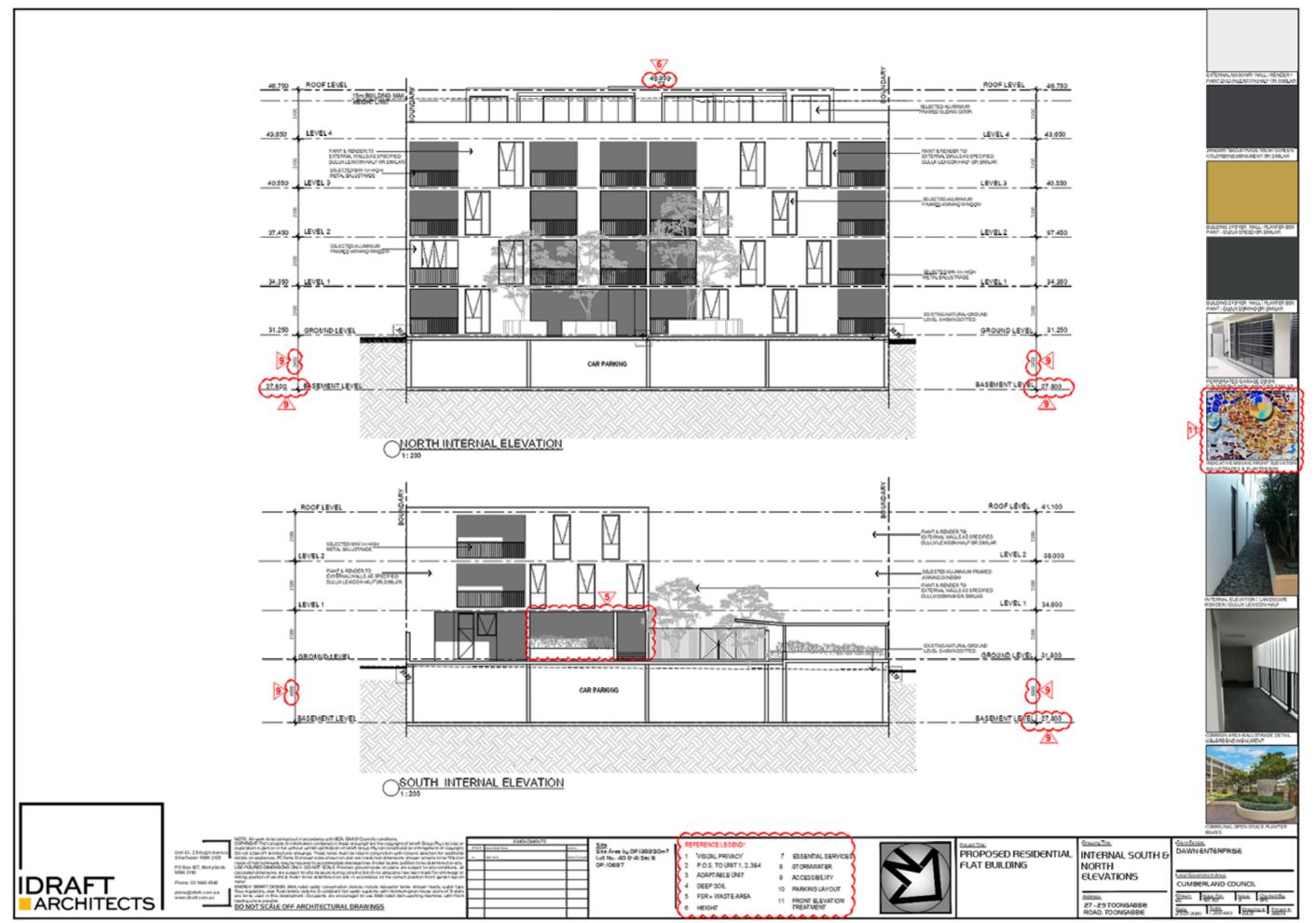




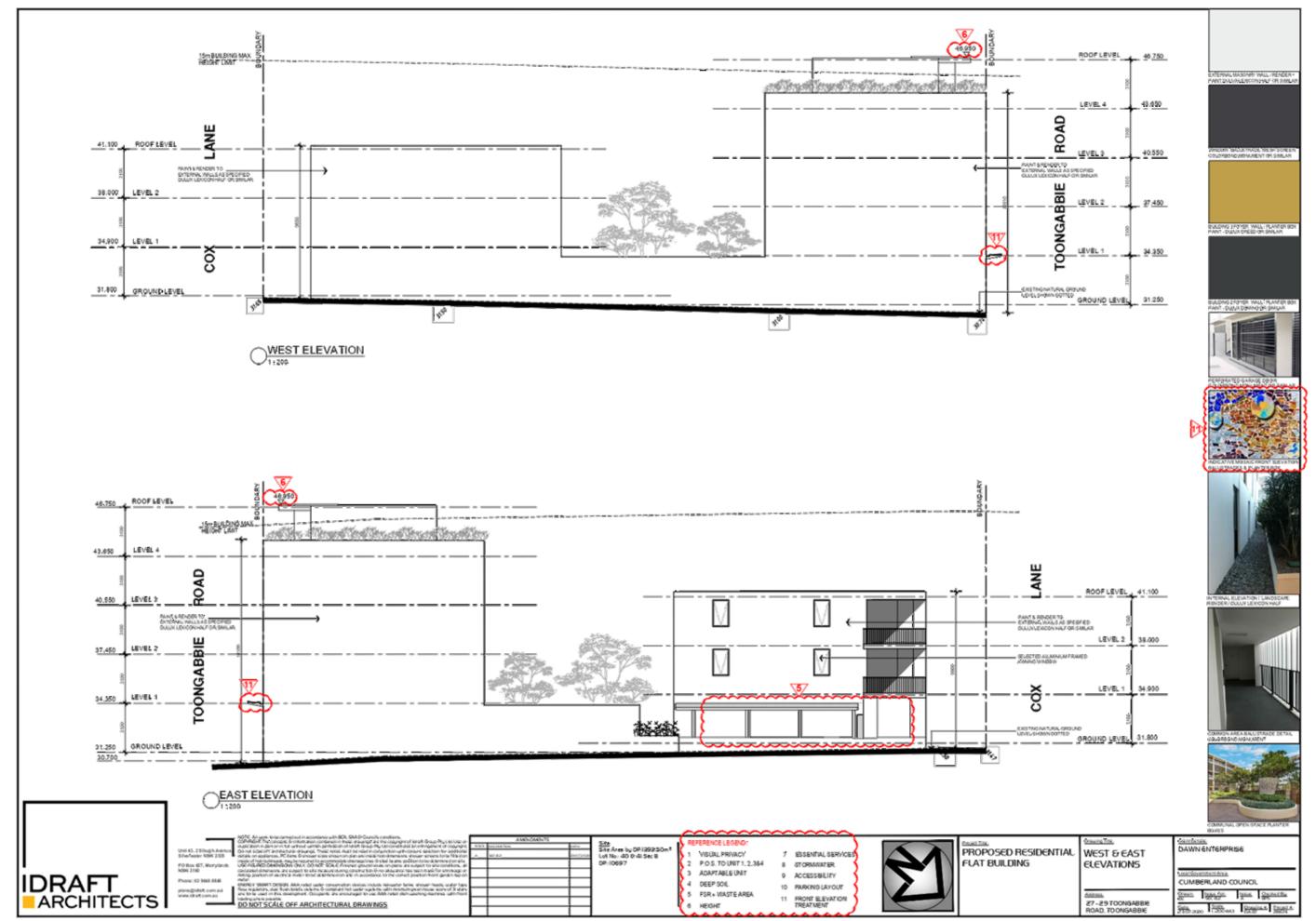




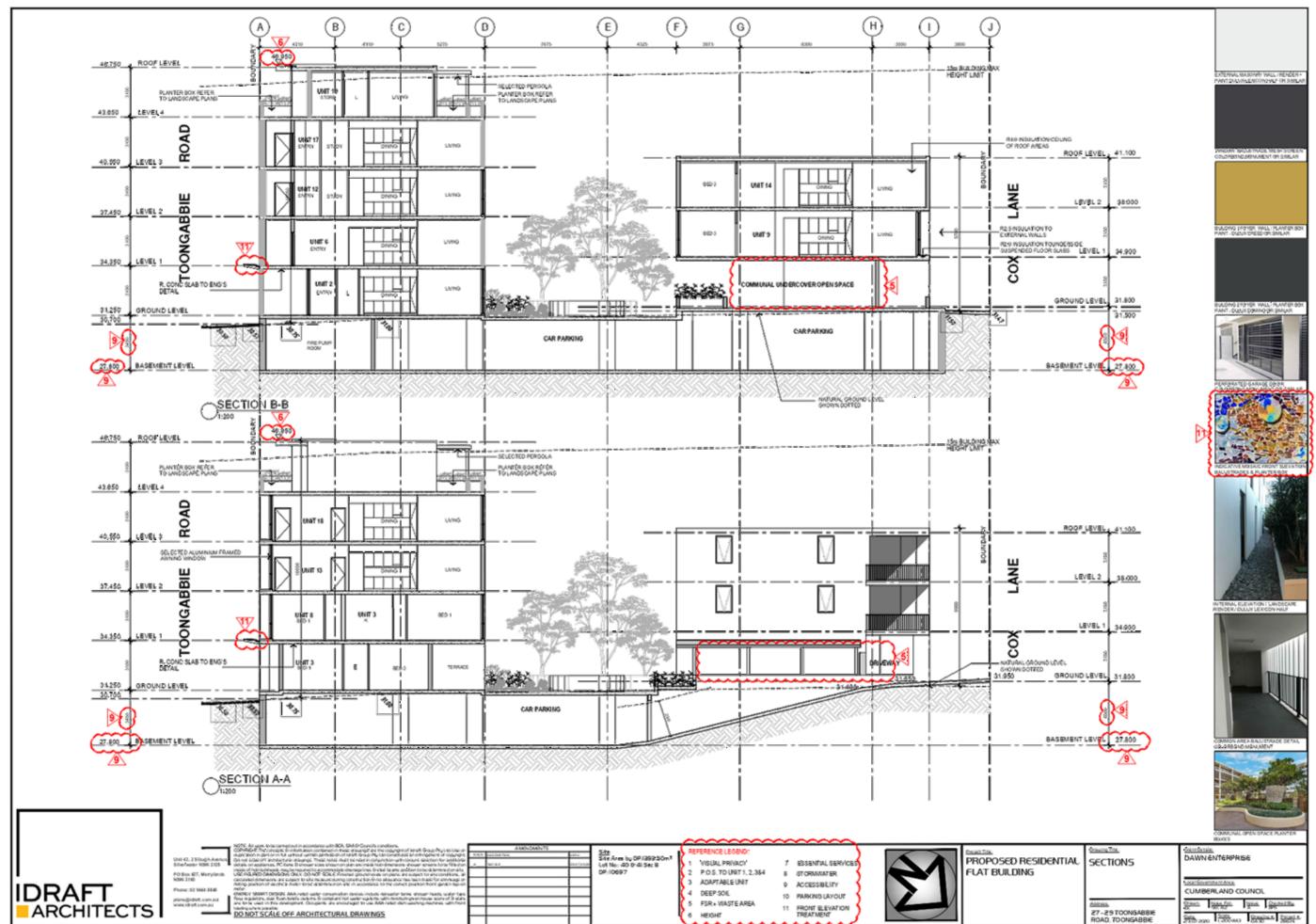














EXTERNAL FINISHES SCHEDULE 27 - 29 TOONGABBIE ROAD, TOONGABBIE



BUILDING 1 + BUILDING 2 EXTERNAL WALLS
TEXTURED RENDER + PAINT FINISH IN DULUX LEXICON HALF OR SIMILAR

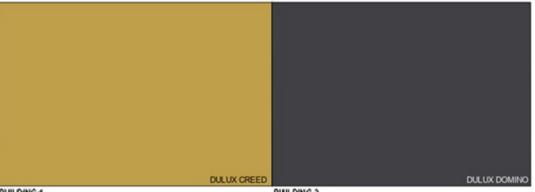


FRONT ELEVATION SOLID WALL MOSAIC BALUSTRADE - INDICATIVE PATTERN

PODIUM / GROUND LEVEL PLANTER BOXMOSAIC WALL - INDICATIVE PATTERN



WINDOWS, BALUSTRADES, PERFORATED ROLLER SHUTTER, ENTRY STEEL CANOPY POWDER COATED ALUMINIUM IN COLORBOND MONUMENT OR SIMILAR



PODIUM / GROUND LEVEL
PLANTER BOX WALLS - RENDER + PAINT FINISH IN DULUX CREED
OR SIMILAR

FOYER + COMMON CORRIDORS WALLS - RENDER + PAINT FINISH IN FULUX CREED OR SIMILAR

FULUX CREED OR SIMILAR

PODIUM / GROUND LEVEL PLANTER BOX WALLS - RENDER + PAINT FINISH IN DULUX DOMINO OR SIMILAR



DO NOT SCALE OFF ARCHITECTURAL DRAWINGS

VISUAL PREVACY P.O.S. TO UNIT 1, 2, 384 ESSENTIAL SERVIC 8 STORMMATER ADAPTABLE UNIT 9 ACCESSIBILITY DEEP SOIL PARKING LAYOUT FSR + WASTE AREA FRONT ELEVATION TREATMENT



PROPOSED RESIDENTIAL FLAT BUILDING

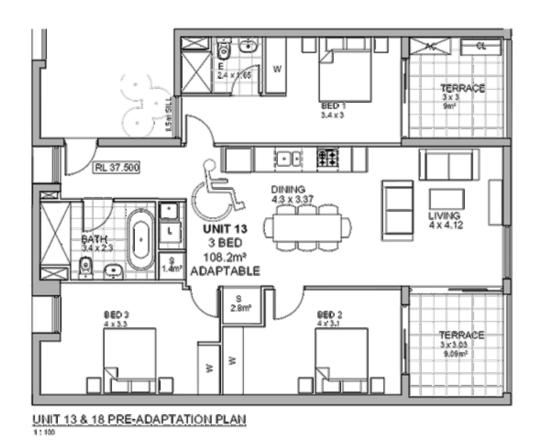
external Finishes

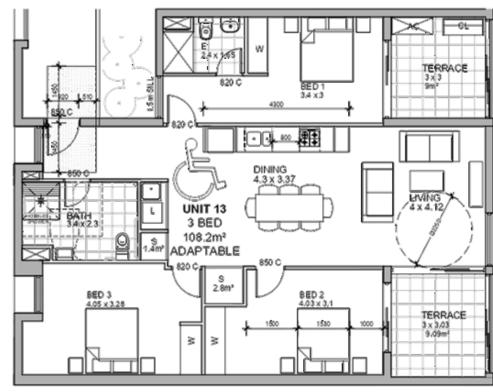
CUMBERLAND COUNCIL ESSENT THESE PROPERTY.

DAWN ENTERPRISE

27 - 29 TOONSABBIE ROAD, TOONSABBIE







UNIT 13 & 18 POST ADAPTATION PLAN



DO NOT SCALE OFF ARCHITECTURAL DRAWINGS

VISUAL PRIVACY ADAPTABLE UNIT DEEP SOIL

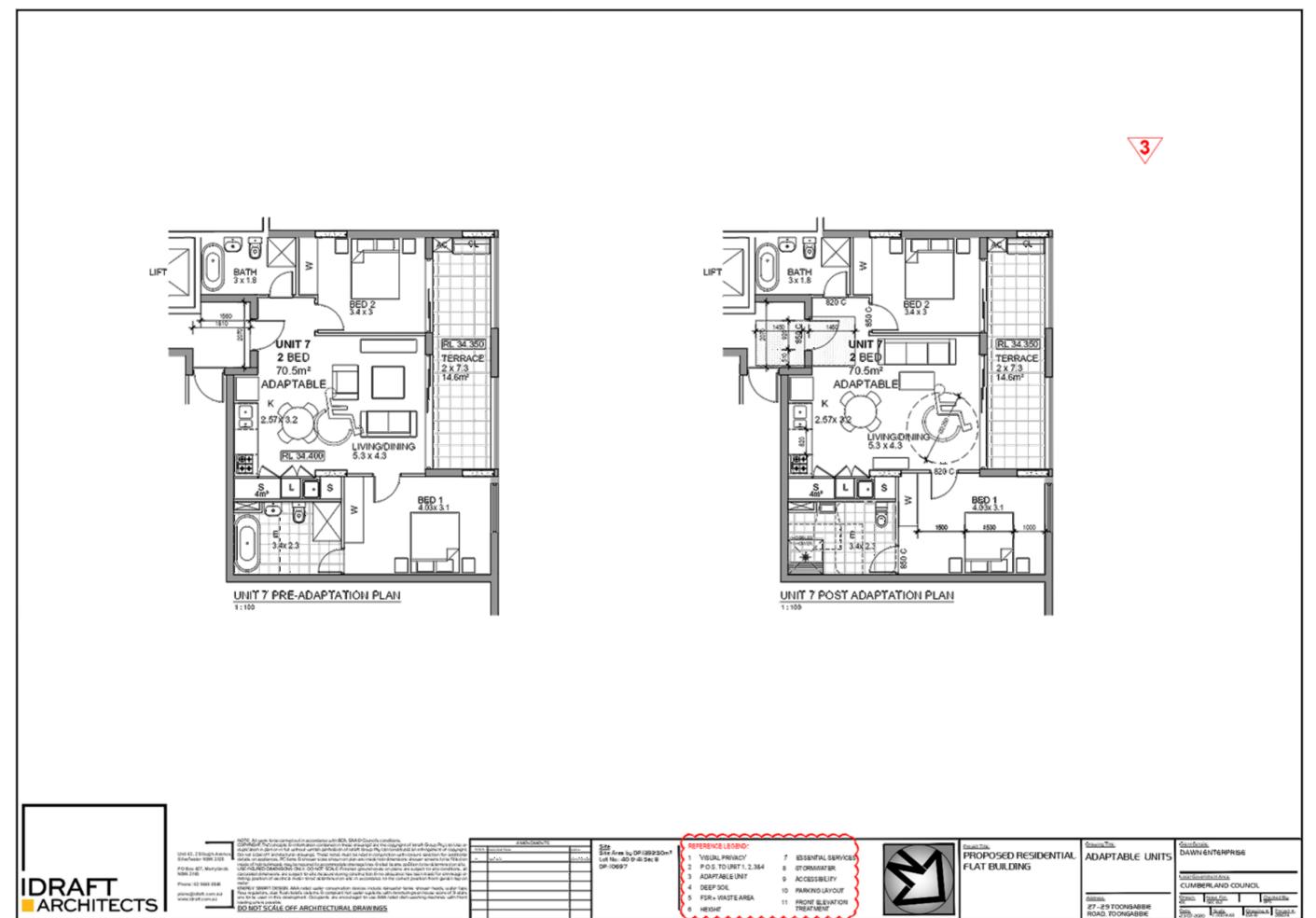
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PROPOSED RESIDENTIAL FLAT BUILDING

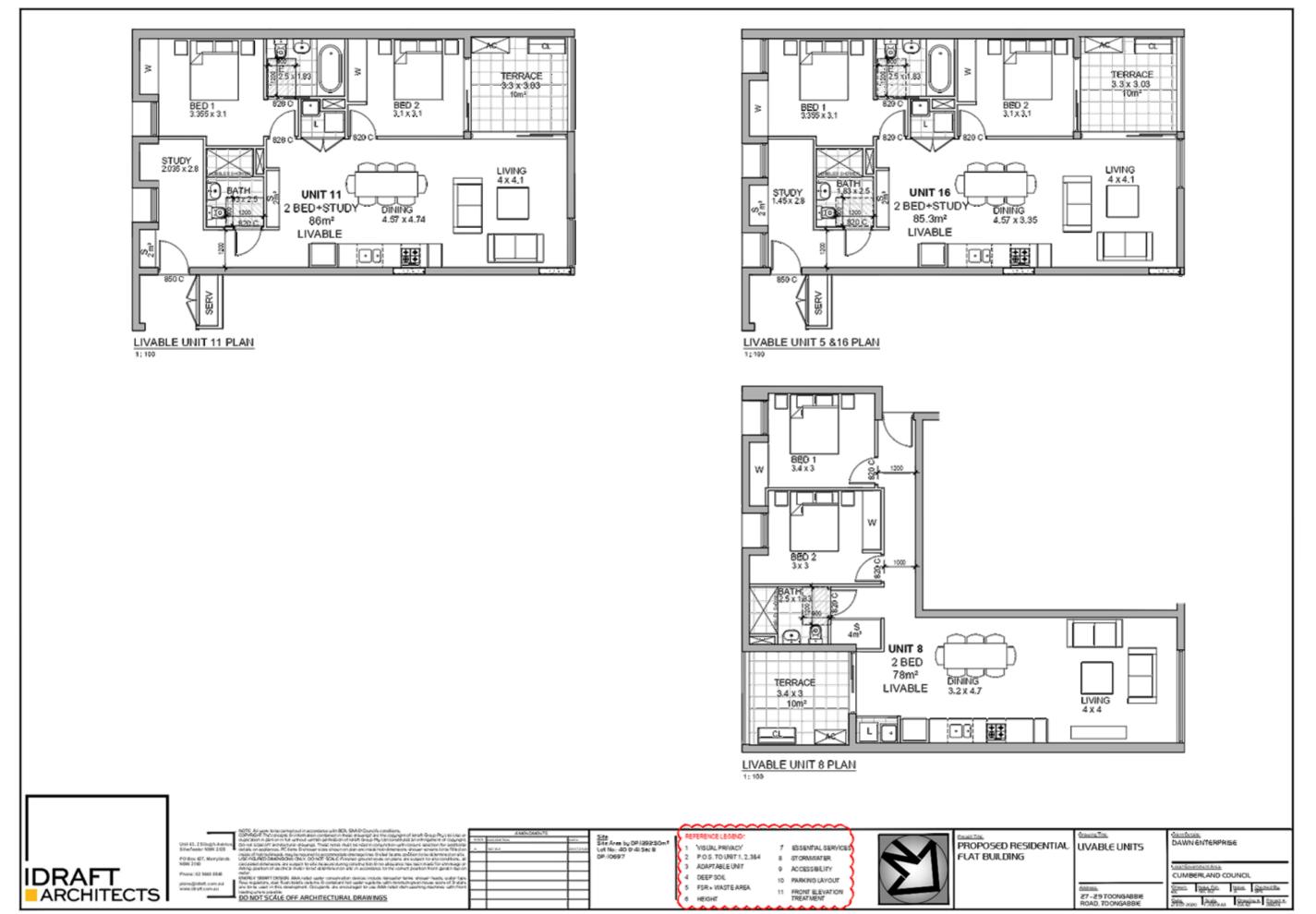
ADAPTABL€ UNITS

DAWN ENTERPRISE

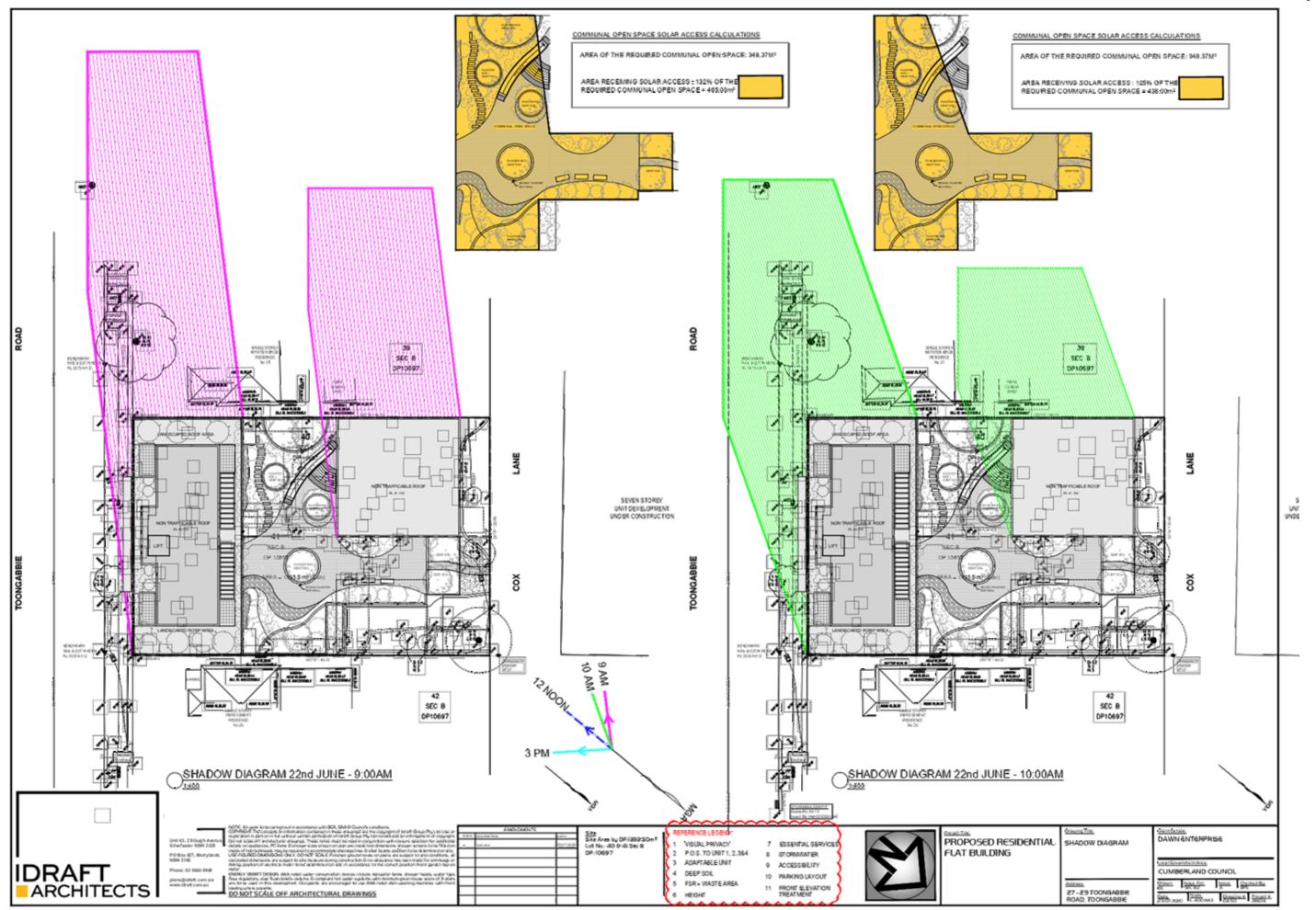
CUMBERLAND COUNCIL Territor Torrico Torrico Character St. 27-29 TOONGABBIE ROAD, TOONGABBIE Scale State

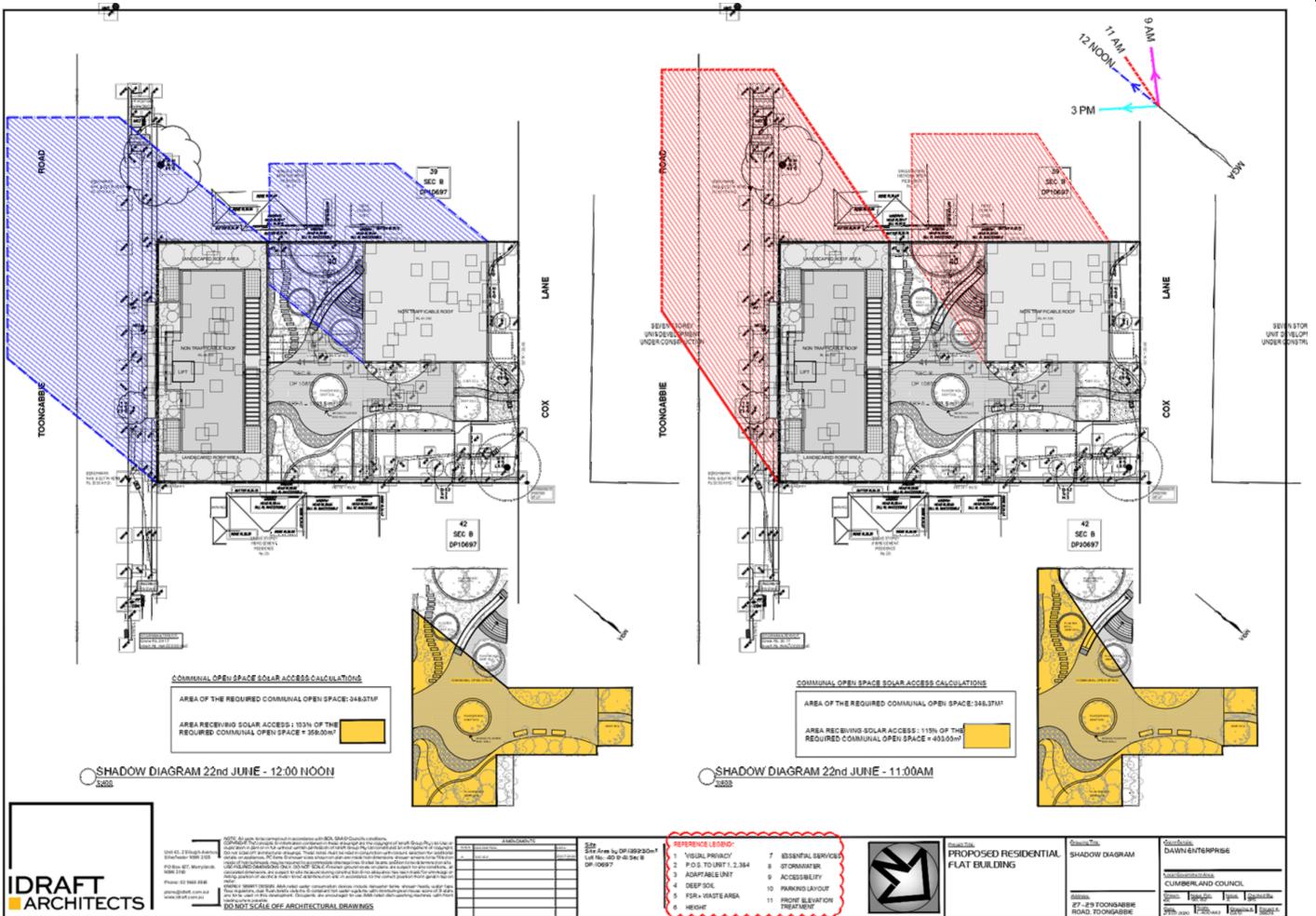




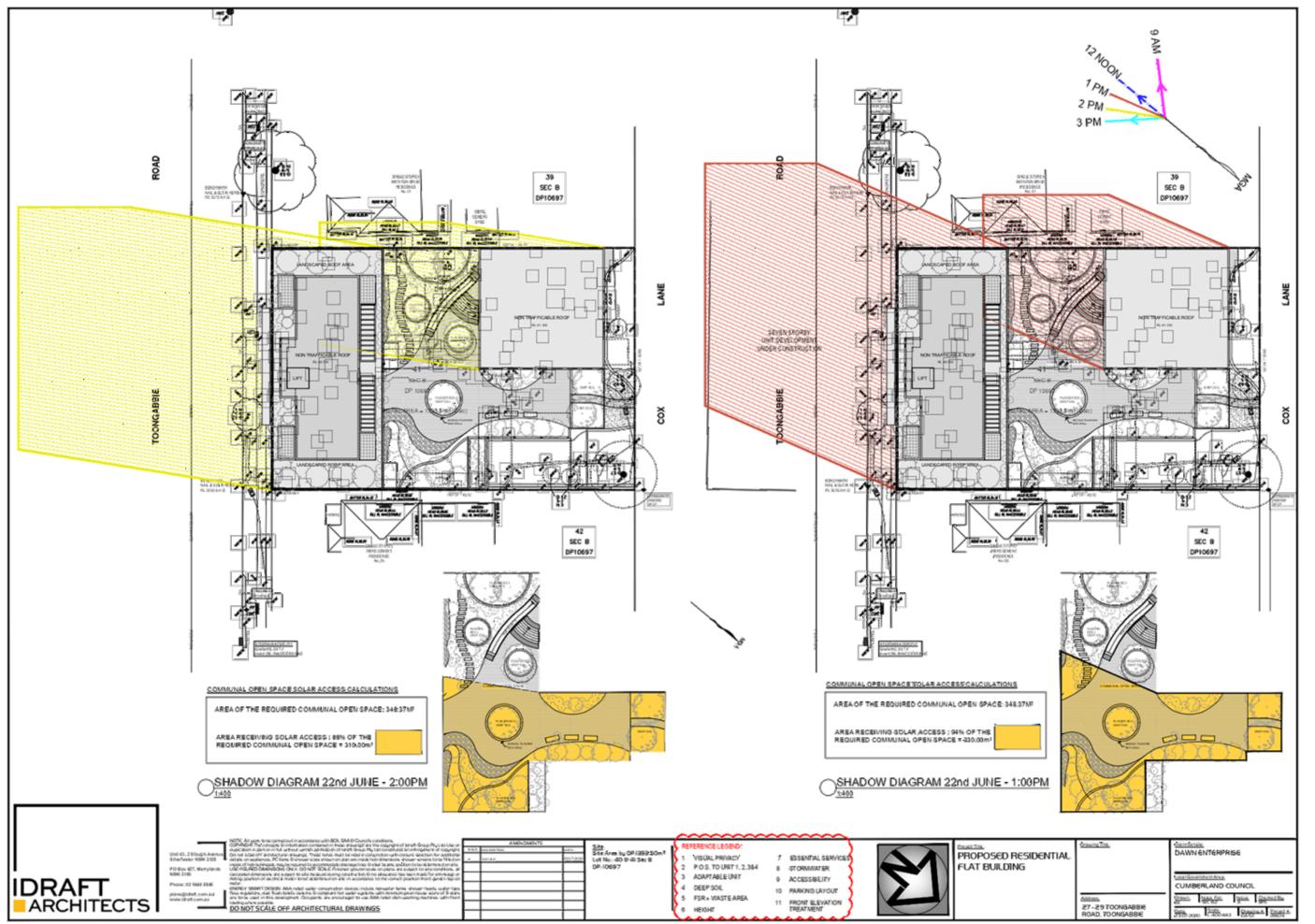




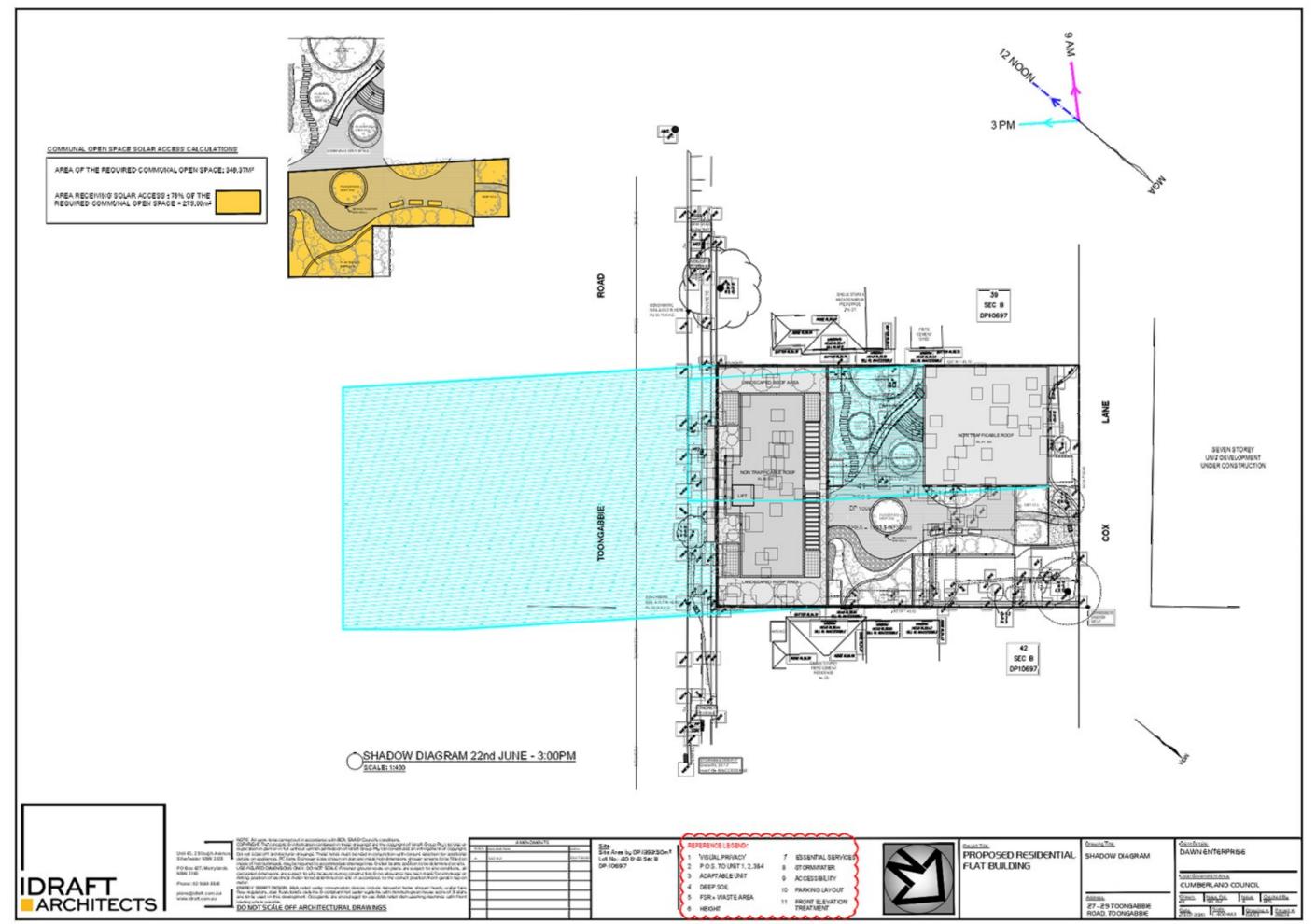




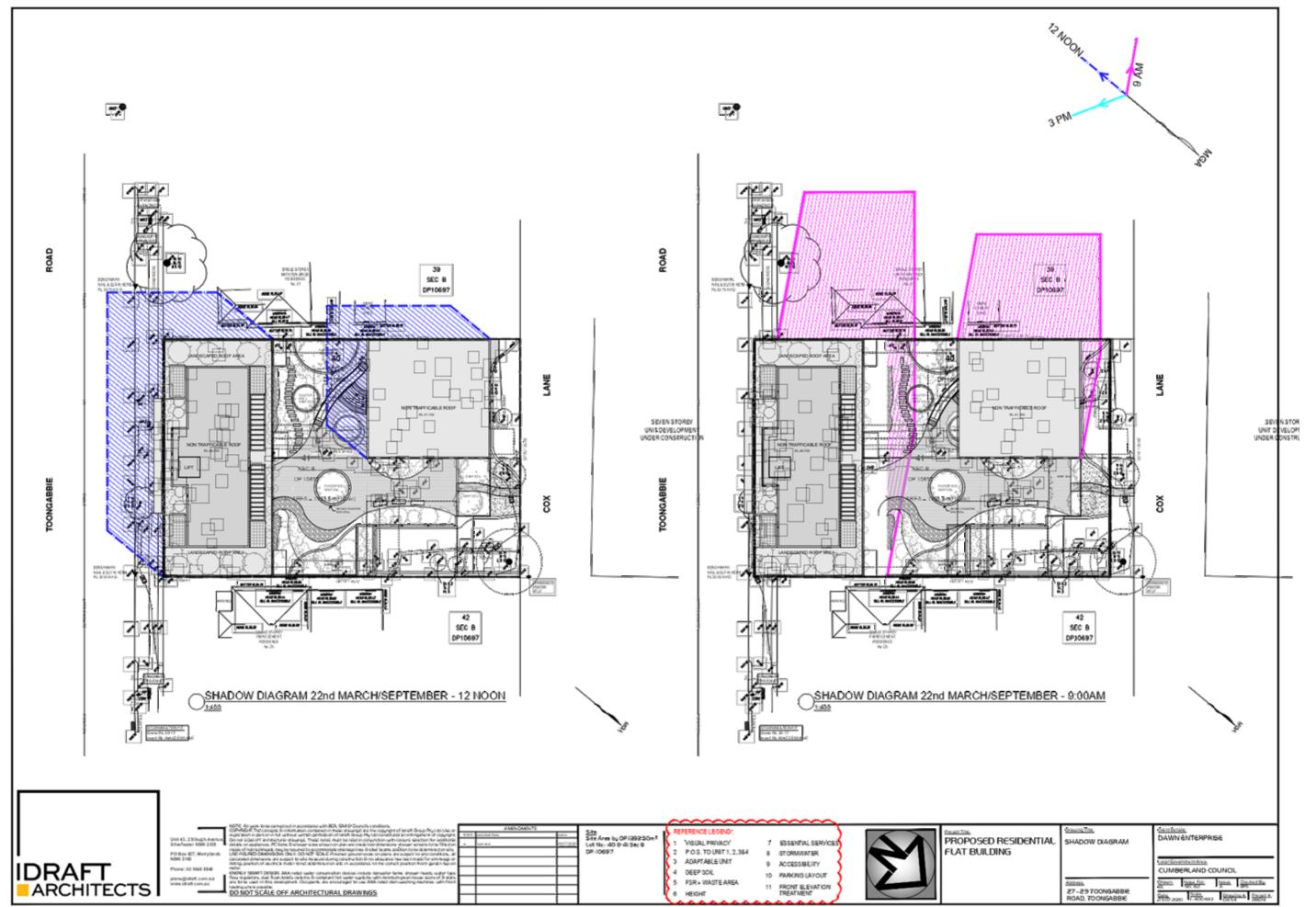




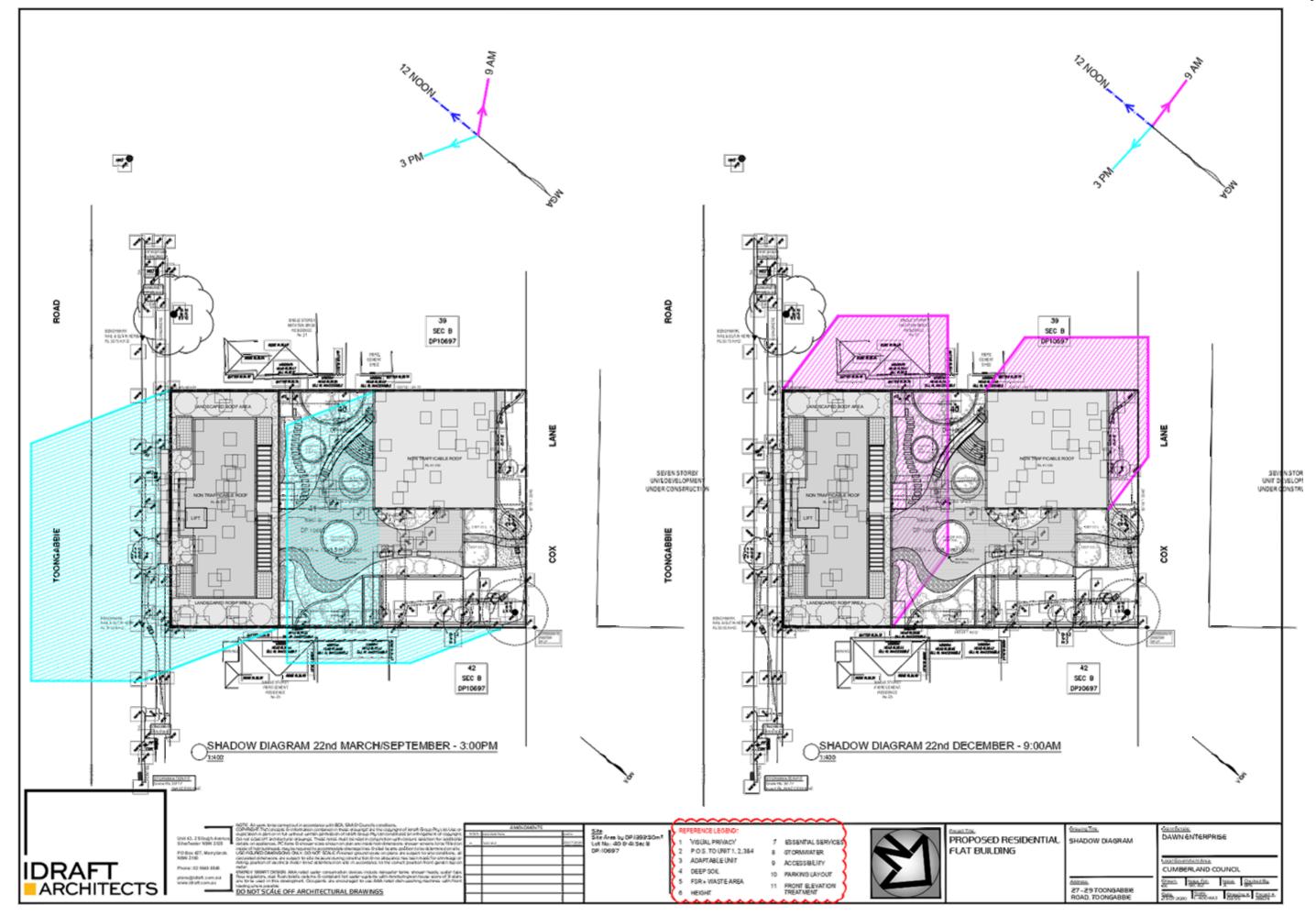




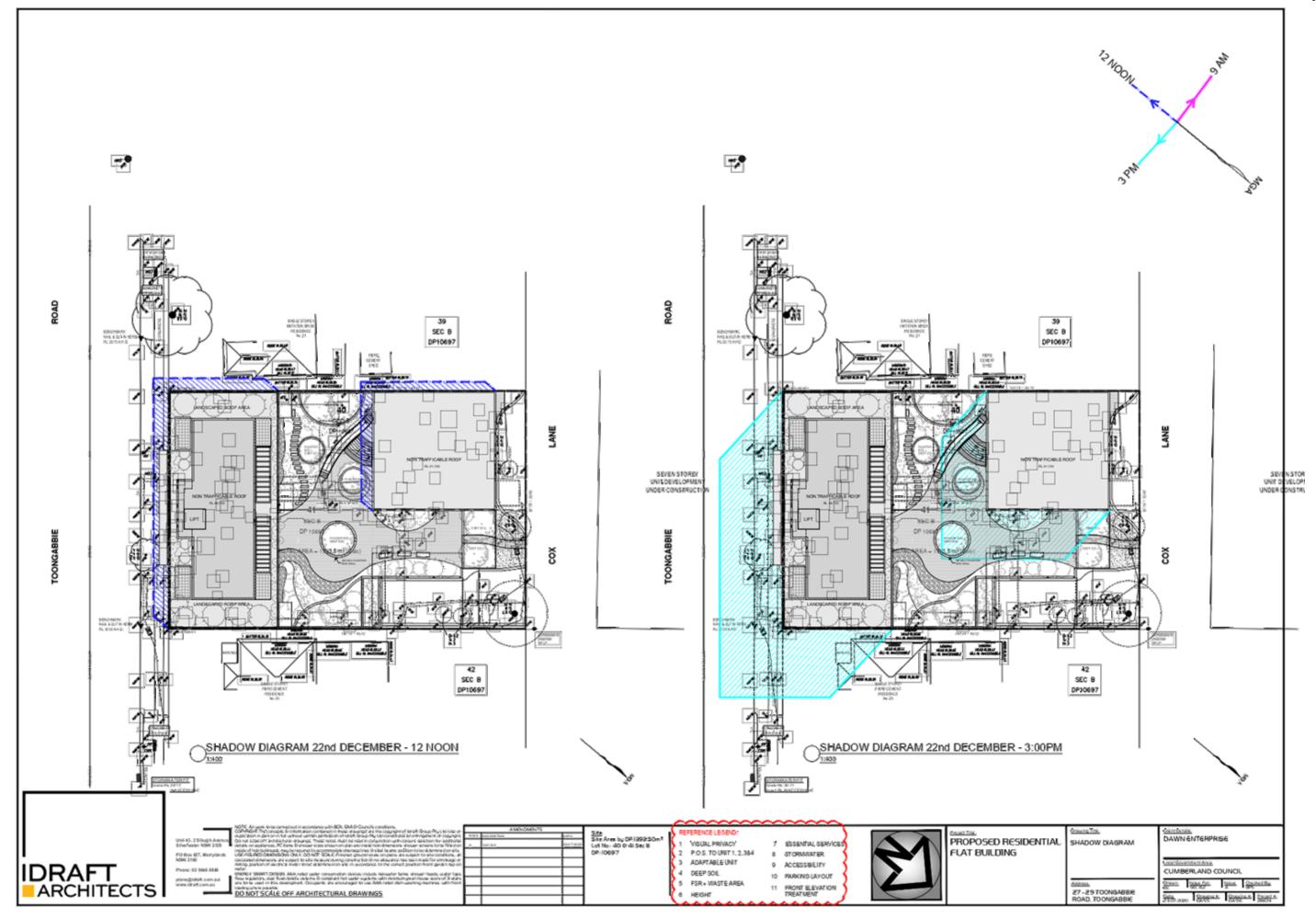




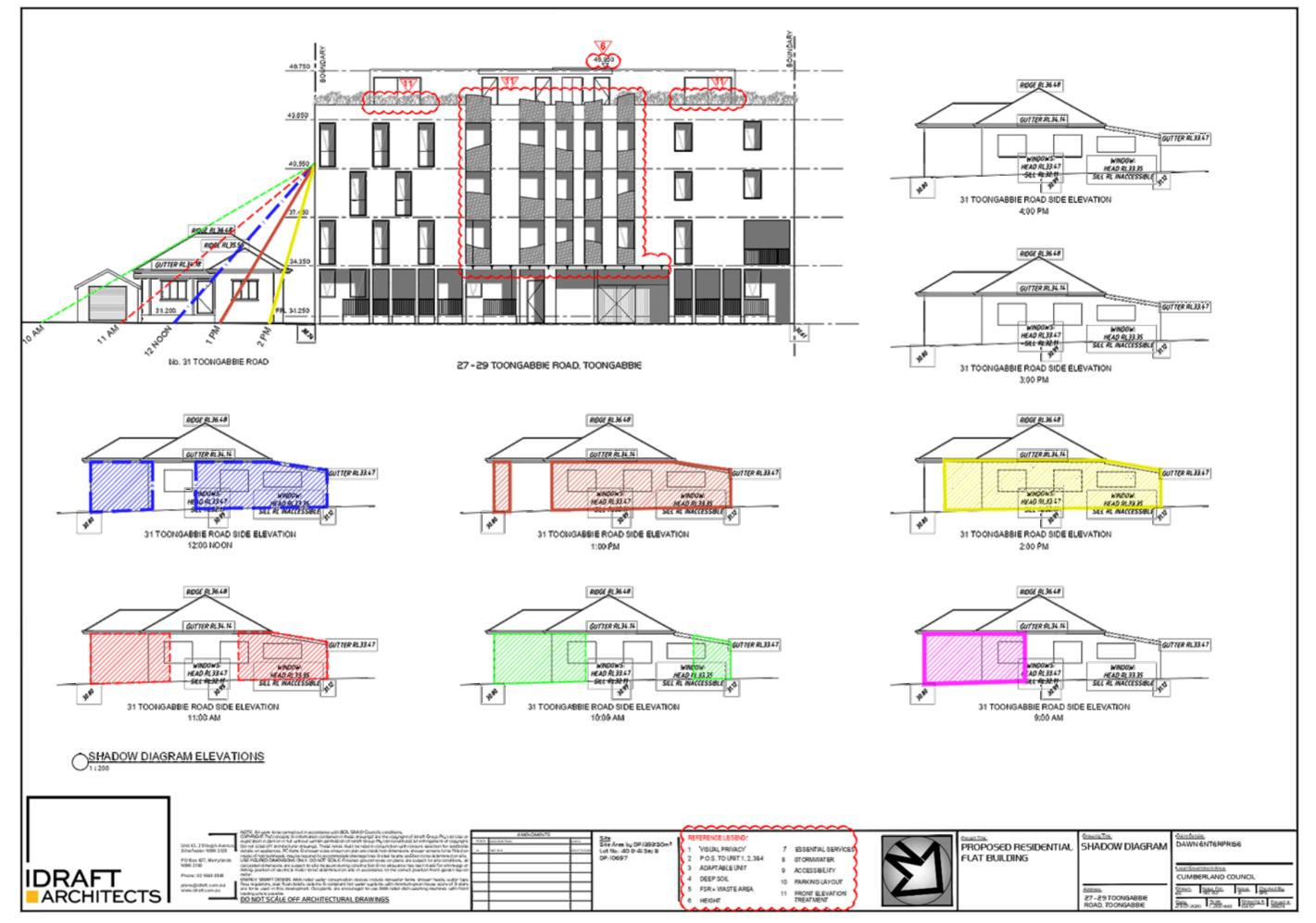




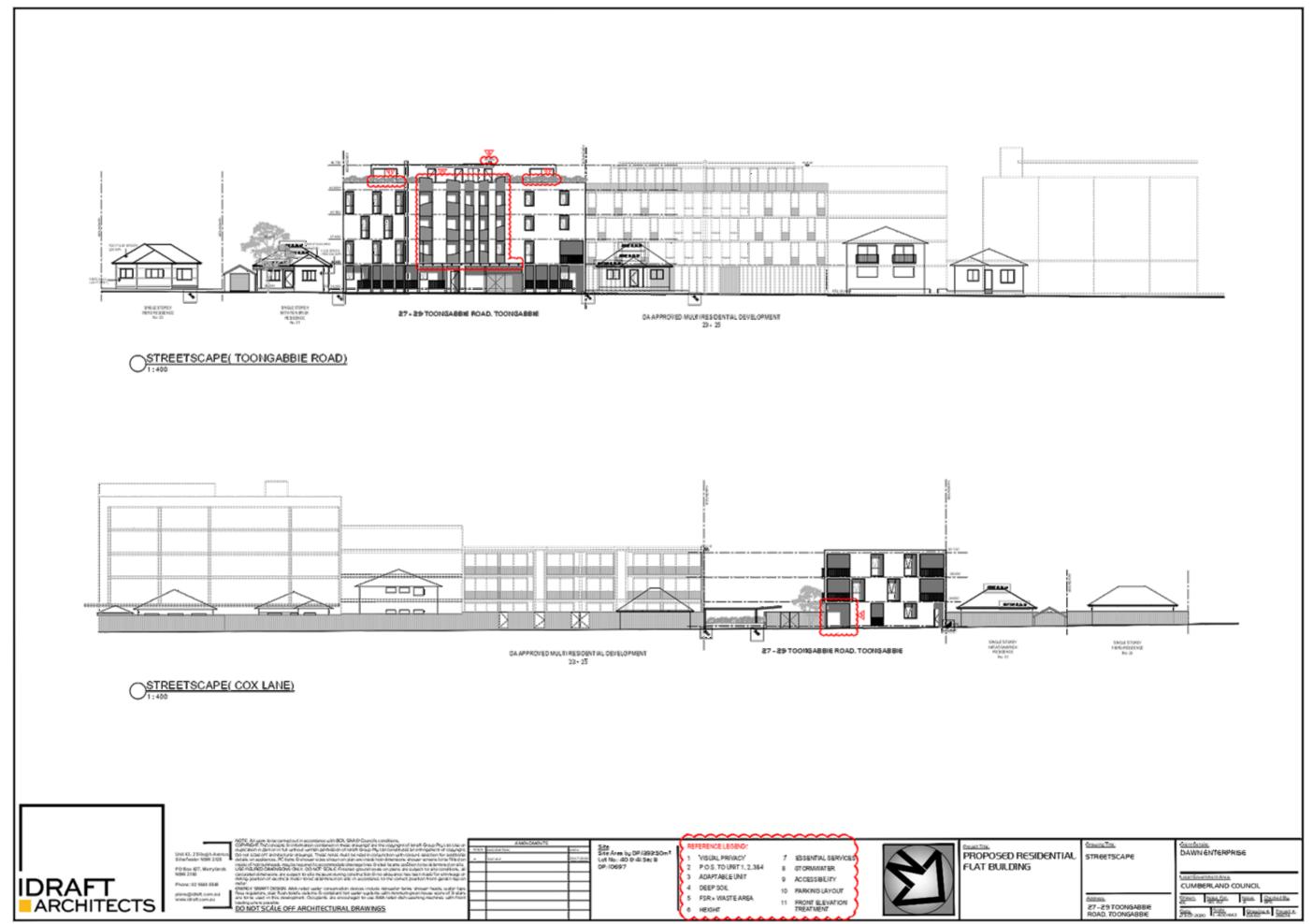




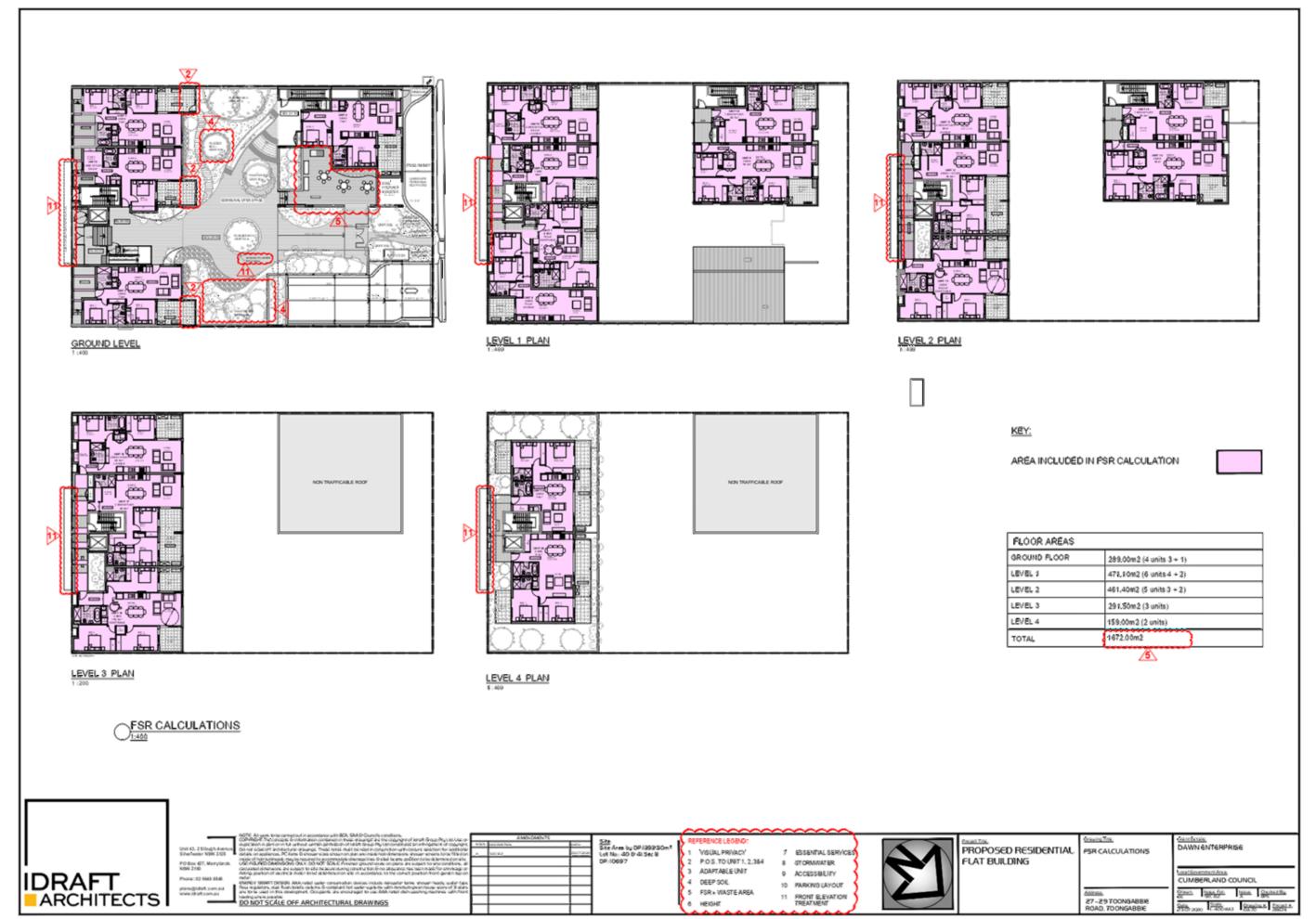




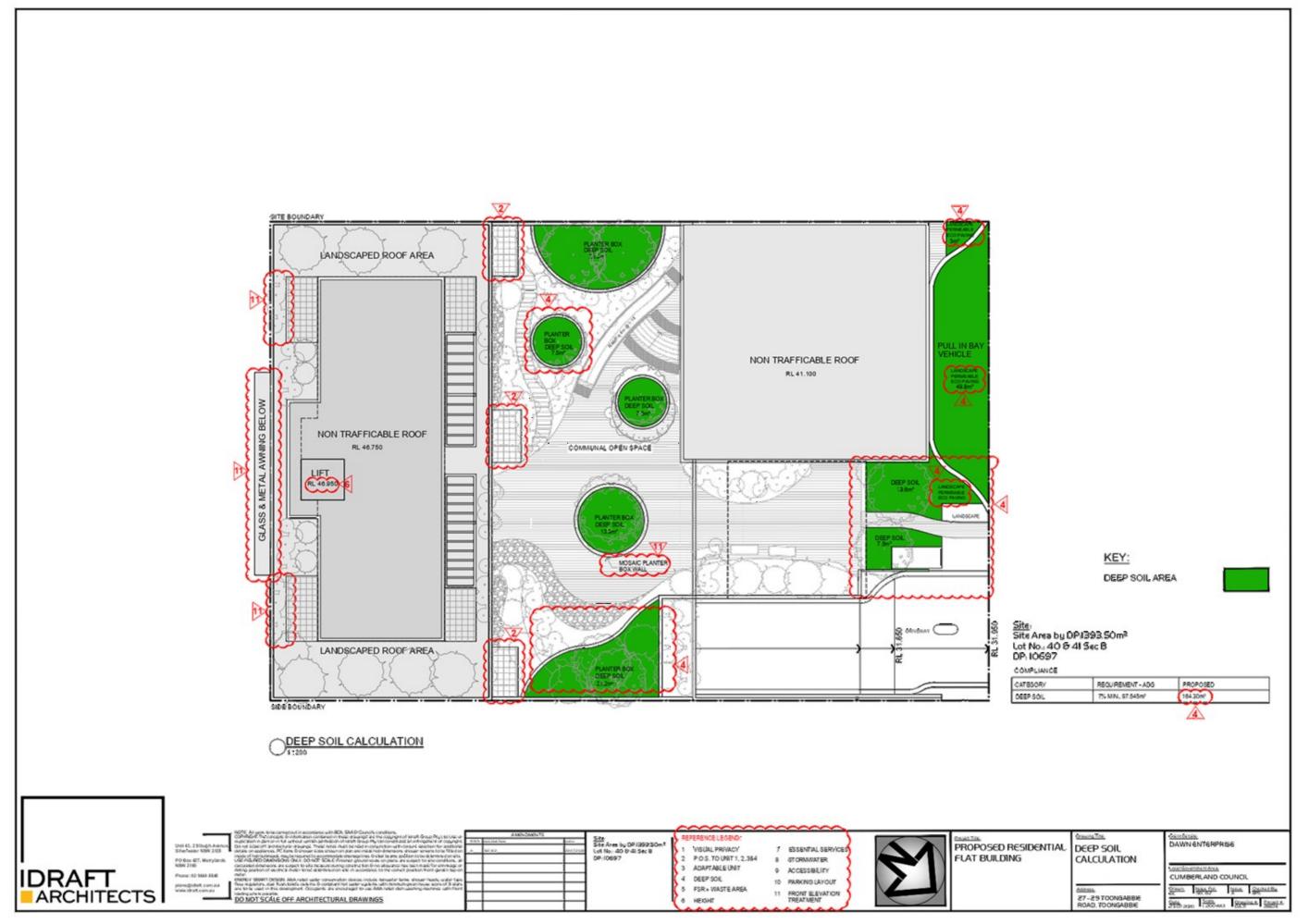




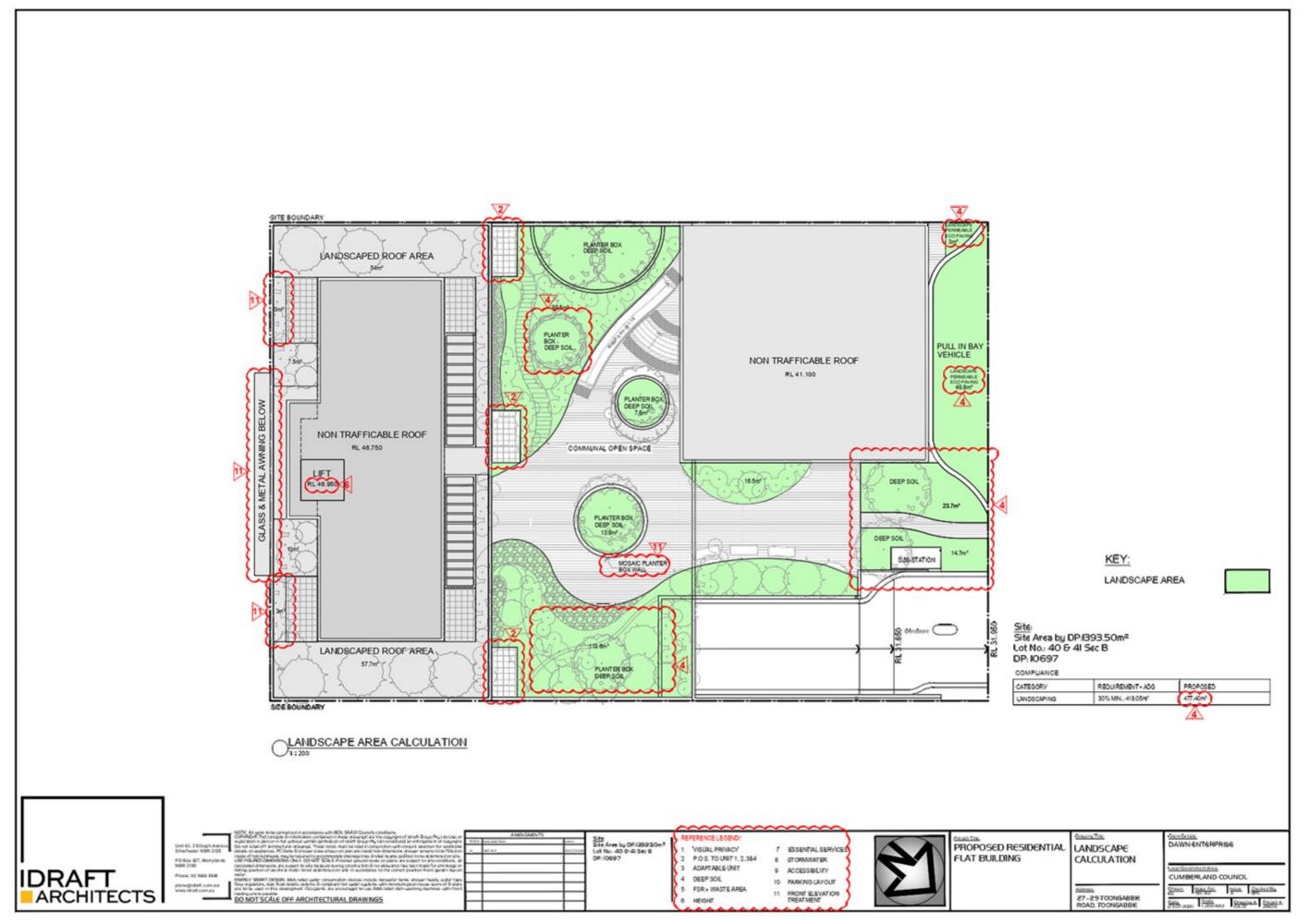




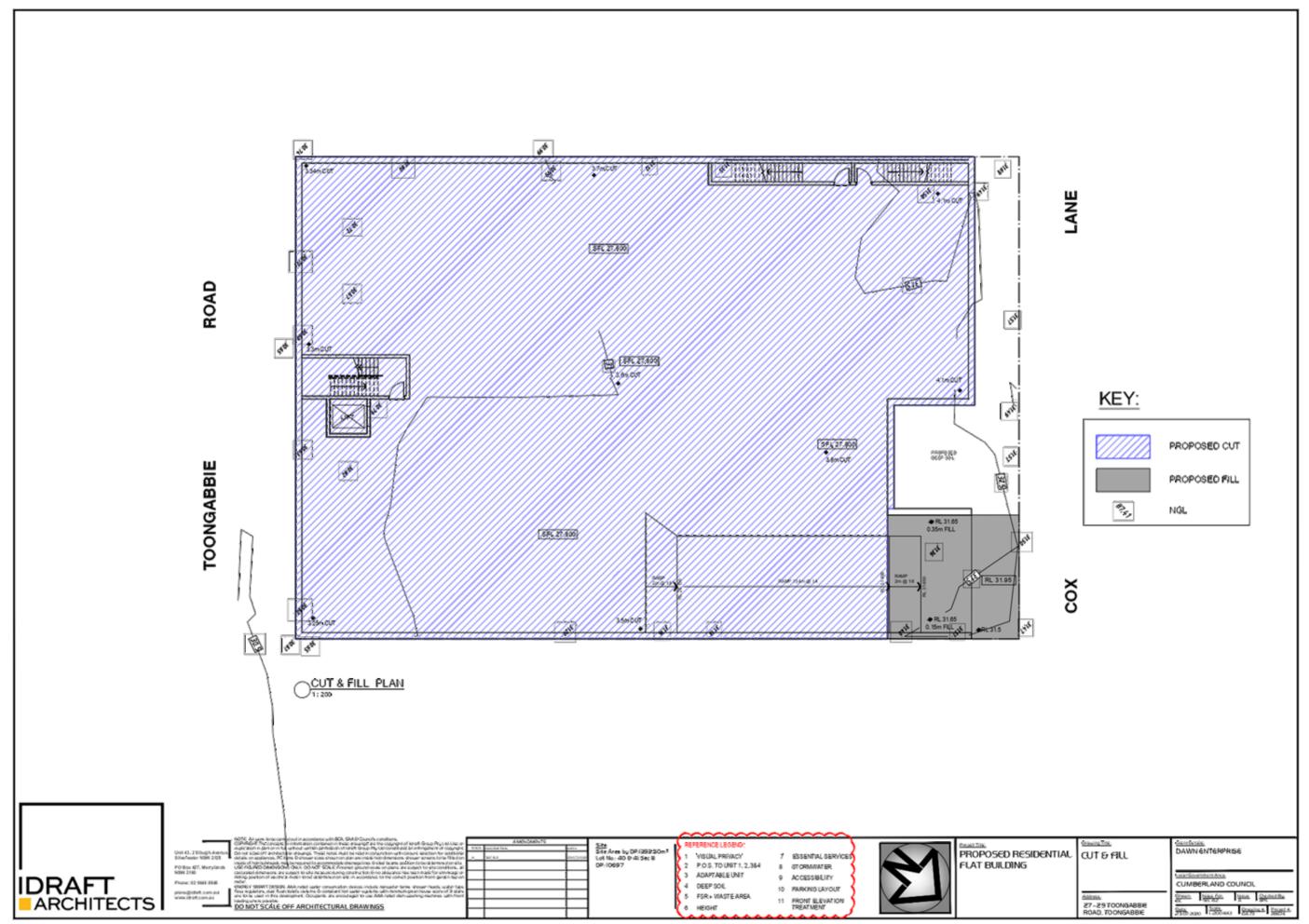




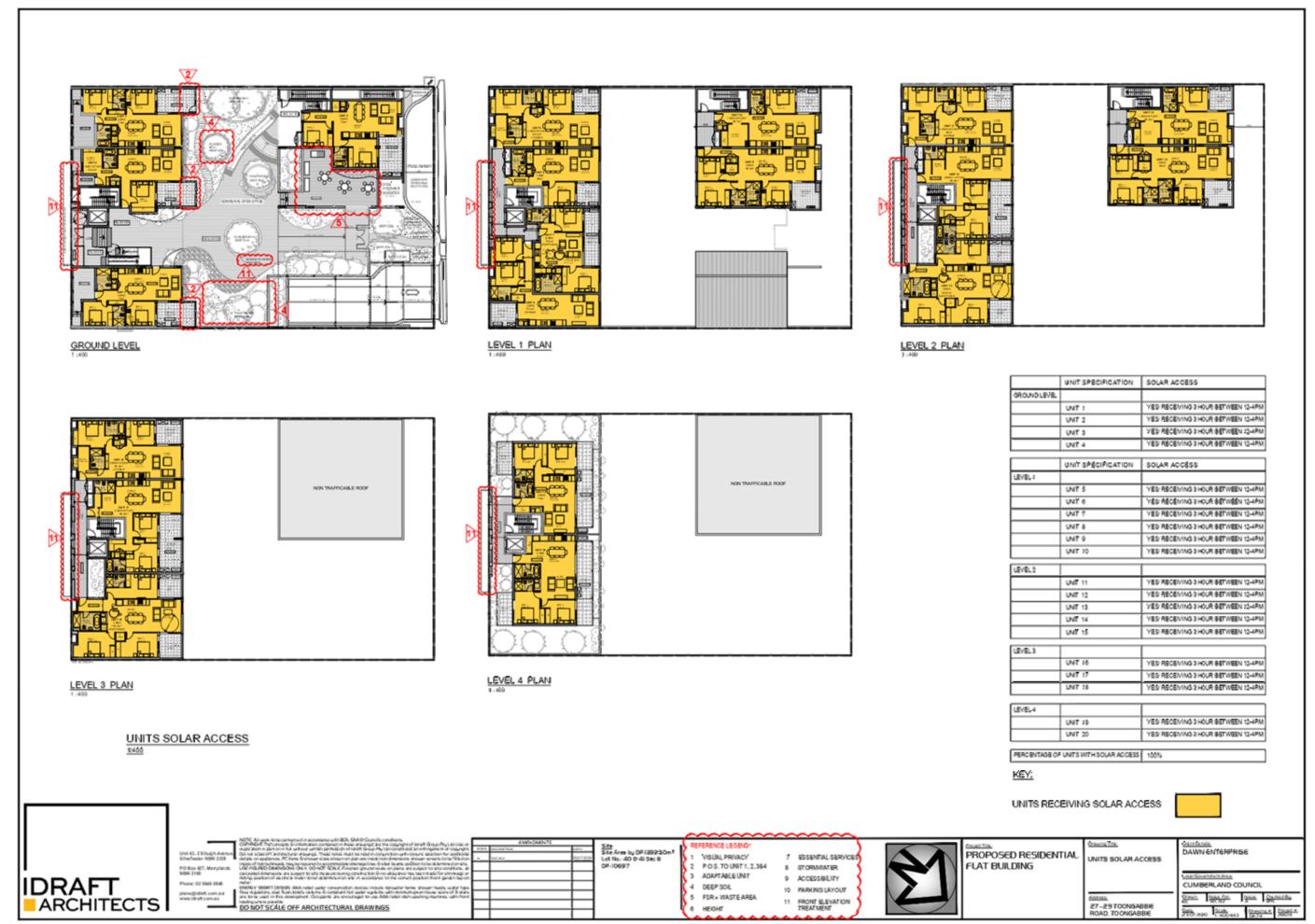






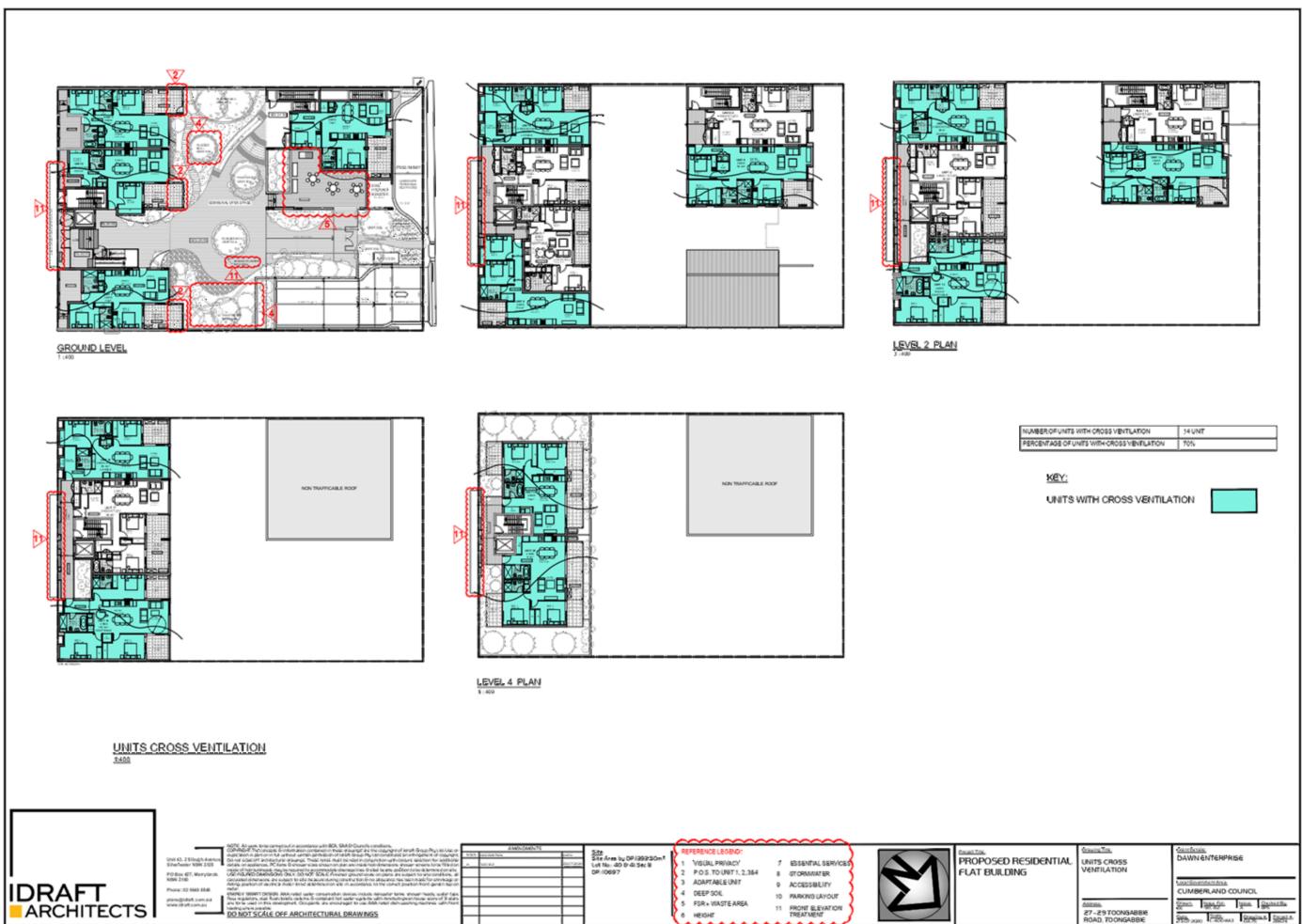




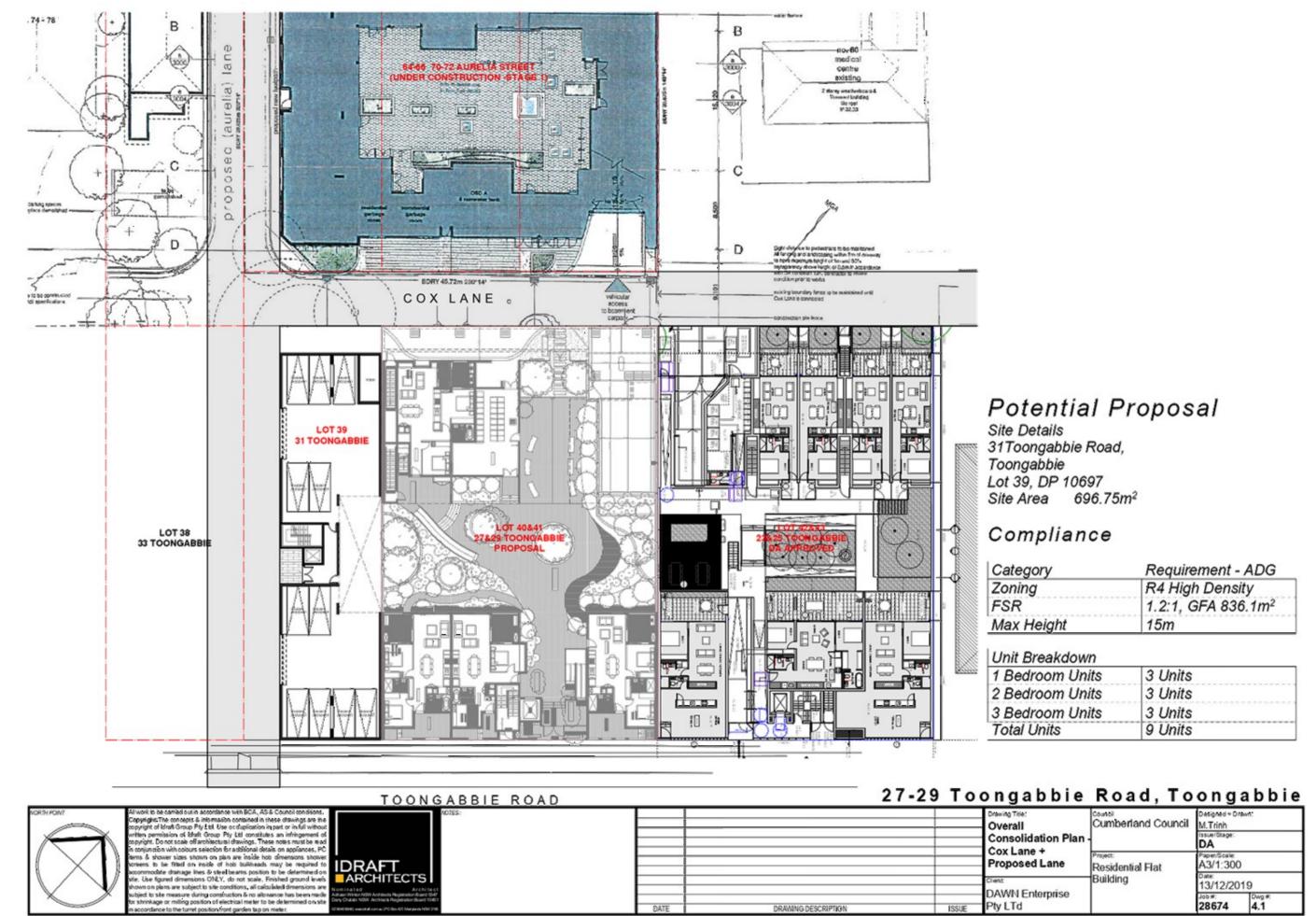


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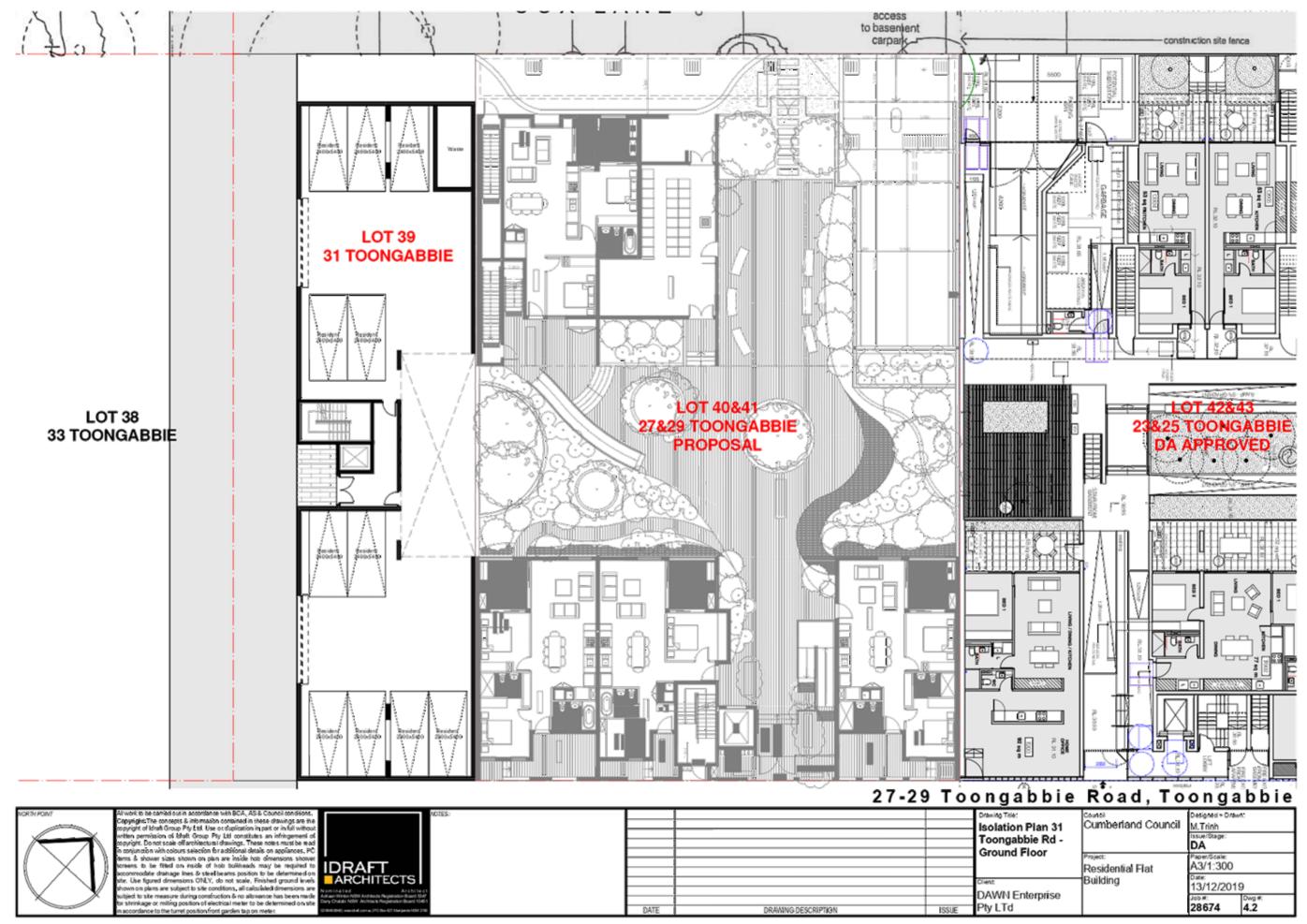




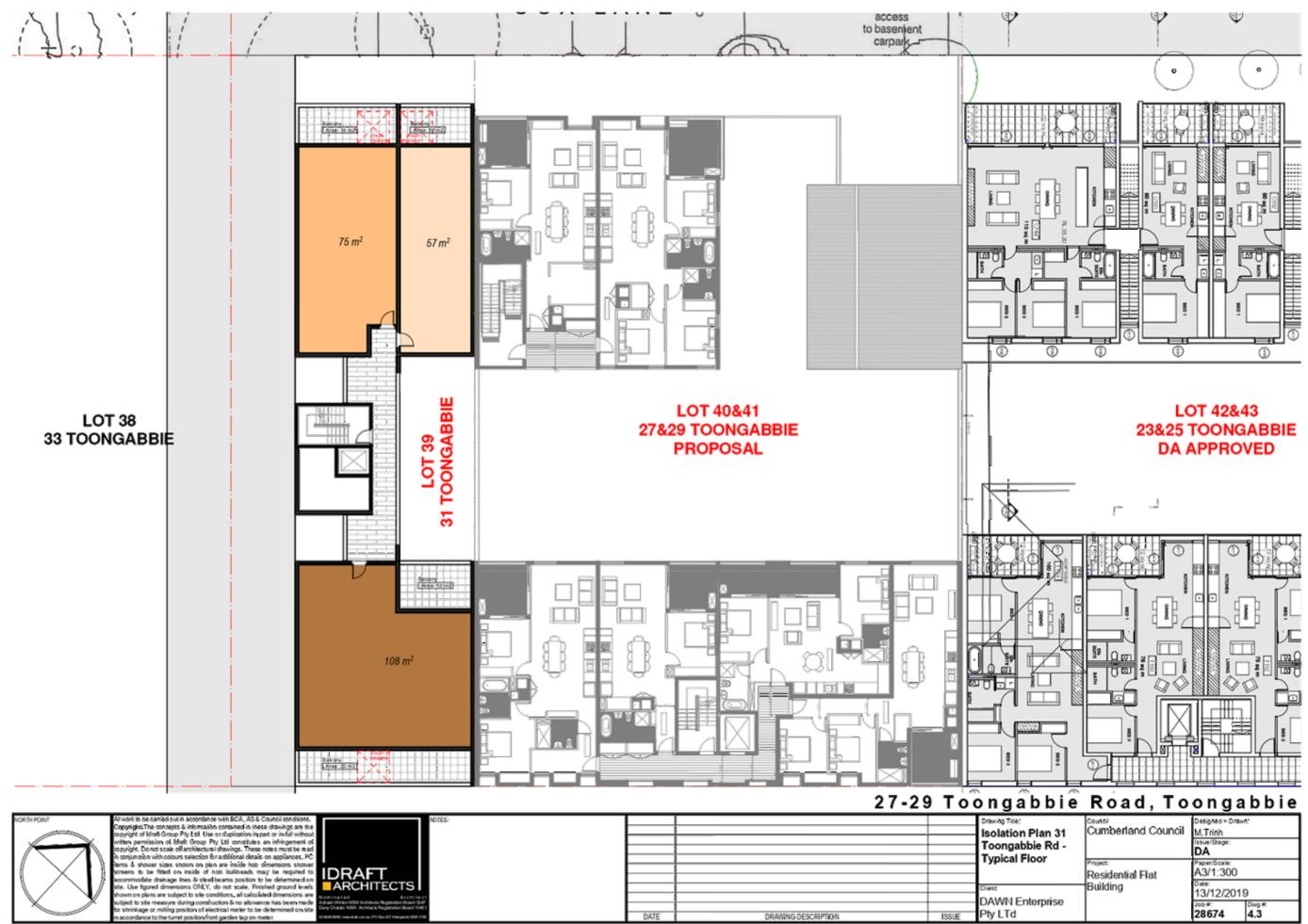












DOCUMENTS ASSOCIATED WITH REPORT LPP002/21

Attachment 3 Clause 4.6 Variation Request





Clause 4.6 Variation Request









CONTENTS

CLAUSE 4.6 VARIATION- BUILDING HEIGHT

3

Clause 4.6 27-29 Toongabbie Rd, Toongabbie PAGE 2





CLAUSE 4.6 VARIATION-BUILDING HEIGHT

Relevant Case Law

There are a number of recent Land and Environment Court cases including Four 2 Five v Ashfield and Micaul Holdings Pty Ltd v Randwick City Council and Moskovich v Waverley Council, as well as Zhang v Council of the City of Ryde.

In addition a recent judgement in *Initial Action Pty Ltd v Woollahra Municipal Council* (2018) NSWLEC 118 confirmed that it is not necessary for a non-compliant scheme to be a better or neutral outcome and that an absence of impact as a way of demonstrating consistency with the objectives of a development standard. Therefore this must be considered when evaluating the merit of the height departure.

Further a decision in Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245 has adopted further consideration of this matter which requires that a consent authority must be satisfied that:

- The written request addresses the relevant matters at Clause 4.6 (3) and demonstrates compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds; and
- The consent authority must consider that there are planning grounds to warrant the departure in their own mind and there is an obligation to give reasons in arriving at a decision.

The approach in Al Maha was reinforced by RebeiMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130 where is was found that:

... in order for a consent authority to be satisfied that an applicant's written request has "adequately addressed" the matters required to be demonstrated by cl 4.6(3), the consent authority needs to be satisfied that those matters have in fact been demonstrated. It is not sufficient for the request merely to seek to demonstrate the matters in subcl (3) (which is the process required by cl 4.6(3)), the request must in fact demonstrate the matters in subcl (3) (which is the outcome required by cl 4.6(3) and (4)(a)(i)).

Finally the decision in Baron Corporation Pty Limited v Council of the City of Sydney [2019] NSWLEC 61 confirmed that the consent authority must be directly satisfied that the matters are adequately addressed in the written Clause 4.6 variation request.

Clause 4.6 27-29 Toongabbie Rd, Toongabbie PAGE 3





On that basis it is necessary that the following be satisfied.

- The consent authority must be satisfied the written request demonstrates the matters in Clause 4.6(3).
- 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.
- The proposal is required to be in 'the public interest'.

Clause 4.6 27-29 Toongabbie Rd, Toongabbie PAGE 4





The Design Intent & The Height Departure

The development proposal has been influenced by a series of drivers, noting the building height and associated breach is driven by:

- The provision of a logical built form outcome, noting that the adoption of a 3-5 storey 'split' that follows the recent development consent for the development at 23-25 Toongabbie Road (immediately adjoining the site). Diagrammatically this is reflected on Drawing DA-100-005 and reproduced below to enable an understanding of the 5 storey built form emerging typology on Toongabbie Road, and the lower heights along Cox Lane.
- The design intent is clearly to match the form associated with the adjoining site. The development proposes a residential flat building comprising of 2 buildings, with the overall design scheme influenced by a comparable flat building approved to the site's immediate eastern boundary (23-25 Toongabbie Road, Toongabbie) by DA-75/2016. Similar to 23-25 Toongabbie Road, the current application comprises of a 5 storey form that addresses Toongabbie Road that transitions into a 3 storey form addresses Cox Lane.

Figure 1: Streetscape Map Extract (Source: Idraft Architectural Plans)



Figure 2: Streetscape Map Extract (Source: Idraft Architectural Plans)

The desire to maximise solar access to the internal communal open space area which is assisted through the lower height of the Cox Lane building given the lot orientation. This also enables maximum amenity for residents in the north facing 5 storey form as it avoids self-shadowing from the 3 storey Cox Lane building.

> Clause 4.6 27-29 Toongabbie Rd, Toongabbie PAGE 5





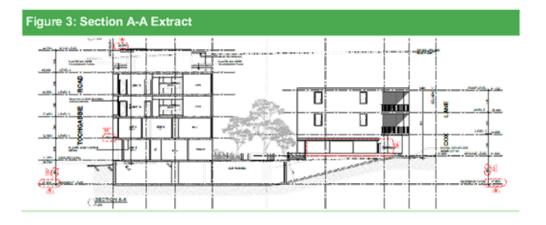
To adopt a compliant 4/4 storey form, which would adopt the same yield, would reduce solar access, and also result in a design outcome that is inconsistent with the approved 5/3 storey split (noting construction on that site is imminent). Therefore, the design response relates to the context of the site and the lot orientation as well as Urban Design Principles of avoiding an overwhelming height and scale to the built form on the narrow laneway alignment.

The Height Variations

By way of summary the respective buildings are set out below

- Cox Lane Building: Complies with the 15m height limit noting the maximum height of that building is 10m- some 5m or 33.3% below the height. Which is an important consideration in the overall height departure to the Toongabbie Road building.
- Toongabbie Road Building: Exceeds the height limit by 700mm, or 4.6% of the control.

A section showing the height departure is provided below- again reinforcing the substantially lower height of the Cox Lane building, and the minor extent of the departure to the Toongabbie Road building.



Clause 4.6 27-29 Toongabbie Rd, Toongabbie PAGE 6





Clause 4.6 of the LEP

Clause 4.6 of the Holroyd LEP 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 sub clause 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
 - that there are sufficient environmental planning grounds to justify contravening the development standard.
- Development consent must not be granted for development that contravenes a development standard unless;
 - a. the consent authority is satisfied that:
 - the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - ii. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - b. the concurrence of the Secretary has been obtained.
- 5) In deciding whether to grant concurrence, the Secretary must consider:
 - a. whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - b. the public benefit of maintaining the development standard, and
 - c. any other matters required to be taken into consideration by the Secretary before granting concurrence.

Each of these provisions are addressed in turn.

Clause 4.6 27-29 Toongabbie Rd, Toongabbie PAGE 7





Clause 4.6(3)- Objectives of the Standard

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

The objectives of the building height development standard are stated as:

- 1) The objectives of this clause are as follows:
- (a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties.
- (b) to ensure development is consistent with the landform,
- (c) to provide appropriate scales and intensities of development through height controls.

The current development proposal seeks to depart from the height control for small portions of the upper storey of the building, and the 'shifting' of the height of the Cox Lane building to the Toongabbie Road building to establish the 3-5 storey height split on the site rather than a uniform 4/4 storey approach.

Despite this, the proposal remaining consistent with the objectives of the clause because:

- The visual impact of the non-compliance is limited noting the departure is as small portion of the Toongabbie Road building that provides a suitable design response. The transfer of height will reduce the visual impact of the development relative to Cox Lane.
- The shadow diagrams show the adjoining properties received adequate solar access, noting the elements of non-compliance are limited to the Toongabbie Road building which actually shifts the height towards Toongabbie Road which reduces the shadow impact to the adjoining properties given the lot orientationas the shadow is then largely cast on the road.
- The departure will not unreasonably impact on the solar access of adjoining
 properties or the public areas in the vicinity of the site which satisfies objective
 (c). The orientation of the site means that there is self-shadowing from the
 laneway building- hence maintaining a 3 storey form in that the location
 maximises solar access to the common open space area and also avoids selfshadowing of the north facing dwellings in the 5 storey building.
- The additional height has no bearing on the privacy of neighbouring properties;
- · The development is designed to follow the landform

Clause 4.6 27-29 Toongabbie Rd, Toongabbie PAGE 8





- The development provides an appropriate scale and intensity, noting consistency with the intent of the Toongabbie Town Centre DCP through following the urban design principles established on the adjoining site with the 3/5 storey split and noting the FSR is in compliance. In a compliant scheme the design outcome results in the same yield- but a poorer planning outcome. It is preferred to adopt a height much lower than the 15m to Cox Lane and transfer this height to Toongabbie Road.
- The departure does not impact on the achievement of suitable land use intensity and the proposal maintains an appropriate height of 3-5 storeys, which satisfies objective (a) and the stepped height of the development allows maximum solar access to the site and a suitable bulk and scale to the lane (3 storeys) with the larger building mass facing Toongabbie Road and aligns with the observed character along Toongabbie Road to the east which is 5 storeys (either constructed or approved including the site immediately to the east of this site.

On that basis the underlying objectives are satisfied. Therefore the proposal satisfies the objectives of the control per Wehbe Test 1.

Clause 4.6(3)- Environmental Planning Grounds

In relation to environmental planning grounds the variation to the height standard is satisfactory on these grounds for the following reasons:

- The additional height transferred to the Toongabbie Road building as proposed does not result in detrimental environmental planning outcomes, as it does not give rise to adverse solar access, view loss or visual or acoustic privacy impacts on site, or to neighbouring properties and if anything it improves solar access and reduces bulk to the laneway.
- The provision of a logical built form outcome, noting that the adoption of a 3-5 storey 'split' follows the recent development consent for the development at 23-25 Toongabbie Road (immediately adjoining the site).
- The design intent is clearly to match the form associated with the adjoining site. The development proposes a residential flat building comprising of 2 buildings, with the overall design scheme influenced by a comparable flat building approved to the site's immediate eastern boundary (23-25 Toongabbie Road, Toongabbie) by DA-75/2016. Similar to 23-25 Toongabbie Road, the current application comprises of a 5 storey form that addresses Toongabbie Road that transition into a 3 storey form addresses Cox Lane.

Clause 4.6 27-29 Toongabbie Rd, Toongabbie PAGE 9





- The desire to maximise solar access to the internal communal open space area which is assisted through the lower height of the Cox Lane building given the lot orientation. This also enables maximum amenity for residents in the north facing 5 storey form.
- To adopt a compliant 4/4 storey form, which would adopt the same yield, would reduce solar access, and also result in a design outcome that is inconsistent with the approved 5/3 storey split (noting construction on that site is imminent).
 Therefore, the design response relates to the context of the site and the lot orientation as well as Urban Design Principles of avoiding an overwhelming height and scale to the built form on the narrow laneway alignment.
- The departure to the height standard furthers the objects of the Environmental Planning and Assessment Act 1979 as set out below:
 - To promote the orderly and economic use and development of land
 - To promote good design and amenity of the built environment through the provision of a suitable contextual response with the 3/5 storey height split which follows the adjoining site and maximises solar access to the subject site and surrounding properties.

Given the above, and as a result of the agreed laneway interface of the adjoining property and the adoption of a 3/5 storey split the flexible application of the Height standard is not inappropriate in this instance. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control. This also satisfies Wehbe Test 1.

Clause 4.6 27-29 Toongabbie Rd, Toongabbie PAGE 10





Clause 4.6(4)- Public Interest and Objectives of the Zone

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).

Zone Objectives of the R4 Zone

The relevant objectives are prescribed as:

- 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 zone, providing for the housing needs of the community in a high density residential environment and providing a variety of housing types in the development scheme.

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 zone as addressed previously in this statement.

Clause 4.6(5)

It is understood that the concurrence of the Secretary can be assumed in the current circumstances.

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.

Clause 4.6 27-29 Toongabbie Rd, Toongabbie PAGE 11





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 and the contextual design response and the precedent set on the adjoining site.
- 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. Further Council has previously accepted the suitability of the 3/5 split as observed with the development consent issued for the adjoining site.

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.

Clause 4.6 27-29 Toongabbie Rd, Toongabbie PAGE 12





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 variation 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 and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council and the planning panel support the development proposal.

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DOCUMENTS ASSOCIATED WITH REPORT LPP002/21

Attachment 4 Refused Architectural Plans



DEVELOPMENT APPLICATION

27 - 29 TOONGABBIE ROAD, TOONGABBIE

PROPOSED RESIDENTIAL FLAT BUILDING



Site: Site Area by DP:1393.50m² Lot No.: 40 & 41 Sec B DP: 10697

COMPLIANCE

CATEGORY	REQUIREMENT-ADG	PROPOSED
ZONING	R4 HIGH DENSITY	RA HIGH DENSITY
FSR.	1.2:1. 95A 1.672.20m²	GFA 1:071,70m²
MAX HEIGHT	15m	SSTOREYS
COMMUNAL OPEN SPACE	25% MIN., 348,37m ³	478,00m² (34,3%)
DEEP SOIL	7% MIN. 97.545%*	105.10HF
LANDSCAPING	30% MIN. 418.05m²	418.40m²
RARKING	0.811BR UNIT = 4.SRACES	4 SPACES
	1/29R UNIT=12.5PACES	12 SPACES
	12/38RUNIT=5SRACES	5 SPACES
	02 VISITOR/UNIT =4 SPACES	4 SPACES
		25 TOTAL SPACES

UNIT No.	UNIFOESCRIPTION	AREA	INTERNAL STORAGE	P.O.S.
UNIT 1	2 98D	72:00m2	4.70m2	10.00m2
UNIT 2	1 BED + STUDY	66,70m2	3m2	9.0n2
UNIT 3	2 86D	72:00m2	4.70m2	70.00m2
UNIT 4	2 98D	75:20m2	4.00m2	70.60m2
UNIT 5	2 98D + STUDY = LIVABLE	85:60m2	4.40m2	10:30m2
UNIT 6	1960	60;00m2	4.00m2	8.73m2
UNIT 7	2 980	70.50m2	4.00m2	14.60m2
UNIT 8	2 860	78:00m2	4.00m2	10,00m2
ŲNT 9	3 86D	98-20m2	5.00m2	12.00m2
UNIT 10	1 BED + STUDY	69.70m2	4.50m2	4.88m2
UNIT 11	2 BED + STUDY - LIVABUE	86:00m2	4.40n2	10.30m2
UNIT 12	2 BED + STUDY	36.80m2	5.00m2	21.00m2
UNIT 13	3 BED - ADAPTABLE	108:20m2	5.00m2	18,09m2
UNIT 14	3 8ED	98:00M2	5.00m2	12,00m2
UNIT 15	1 8ED + STUDY	69,40m2	4.50m2	8.88m2
UNIT 16	2 BED + STUDY - LIVABUS	85.30m2	4.40n2	10.30m2
UNIT 17	2 BED + STUDY	36.80m2	5.00n2	21.00m2
UNIT 18	3 BED - ADAPTABLE	108-20m2	4:20n2	18.09m2
UNIT 19	2 9ED	78:00m2	4:20%2	32.00m2
UNIT 20	2 860	81:00m2	4.50m2	82:00m3

FLOOR AREAS		
GROUND FLOOR	28590m2 (4 units 3 + 1)	
LEVEL 1	481.70n2 (6 units 4 + 2)	
LEVEL 2	448.40m2 (5 unks 3 + 2)	
LEVEL-3	280.30m2 (3 units)	
LEVEL4	159.00m2 (2 units)	_
TOTAL	1835.30m2	

UNIT BREAKDOWN			
1 BEDROOM	1 UNITS	5%	
1 BEDROOM+STUDY	3 UNITS	15%	
2 BEDROOM	7 UNITS	35%	
2 BEDROOM + STUDY	5 UNITS	25%	
3 BEDROOM	4 UNITS	20%	
TOTAL	20 UNITS Including 2 Adaptable 8.4 Livable Units		

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DA 10 GROUND LEVEL

DA 10 GROUND LEVEL DA 11 LÉVÉL 1

DA 11 LEVEL 1

DA 13 LEVEL 3 DA 14 LEVEL 4

DA 15 ROOF

DA 20 SOUTH & NORTH ELEVATIONS
DA 21 INTERNAL ELEVATIONS

DA 22 WEST & EAST ELEVATIONS DA 30 SECTIONS

DA 40 ADAPTABLE UNITS

DA 41 LIVASLE UNITS

DA 50 SHADOW DIAGRAM 22nd JUNE (1)
DA 51 SHADOW DIAGRAM 22nd JUNE (2)

DA 52 SHADOW DIAGRAM 22nd JUNE (3) DA 53 SHADOW DIAGRAM 22nd JUNE (4)

DA 54 SHADOW DIAGRAM 22nd MARCH (1)

DA 55 SHADOW DIAGRAM 22nd MARCH/ DECEMBER

DA 56 SHADOW DIAGRAM 22nd DECEMBER DA 57 No. 31 SHADOW ELEVATIONS

DA 60 STREETSCAPE

DA 70 FSR CALCULATION
DA 71 DEEP-SOIL CALCULATION

DA 72 LANDSCAPE CALCULATION

DA 73 CUT & FILL

DA 74 SOLAR ACCESS

DA 75 CROSS VENTILATION

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PROPOSED RESIDENTIAL FLAT BUILDING COVER SHEET

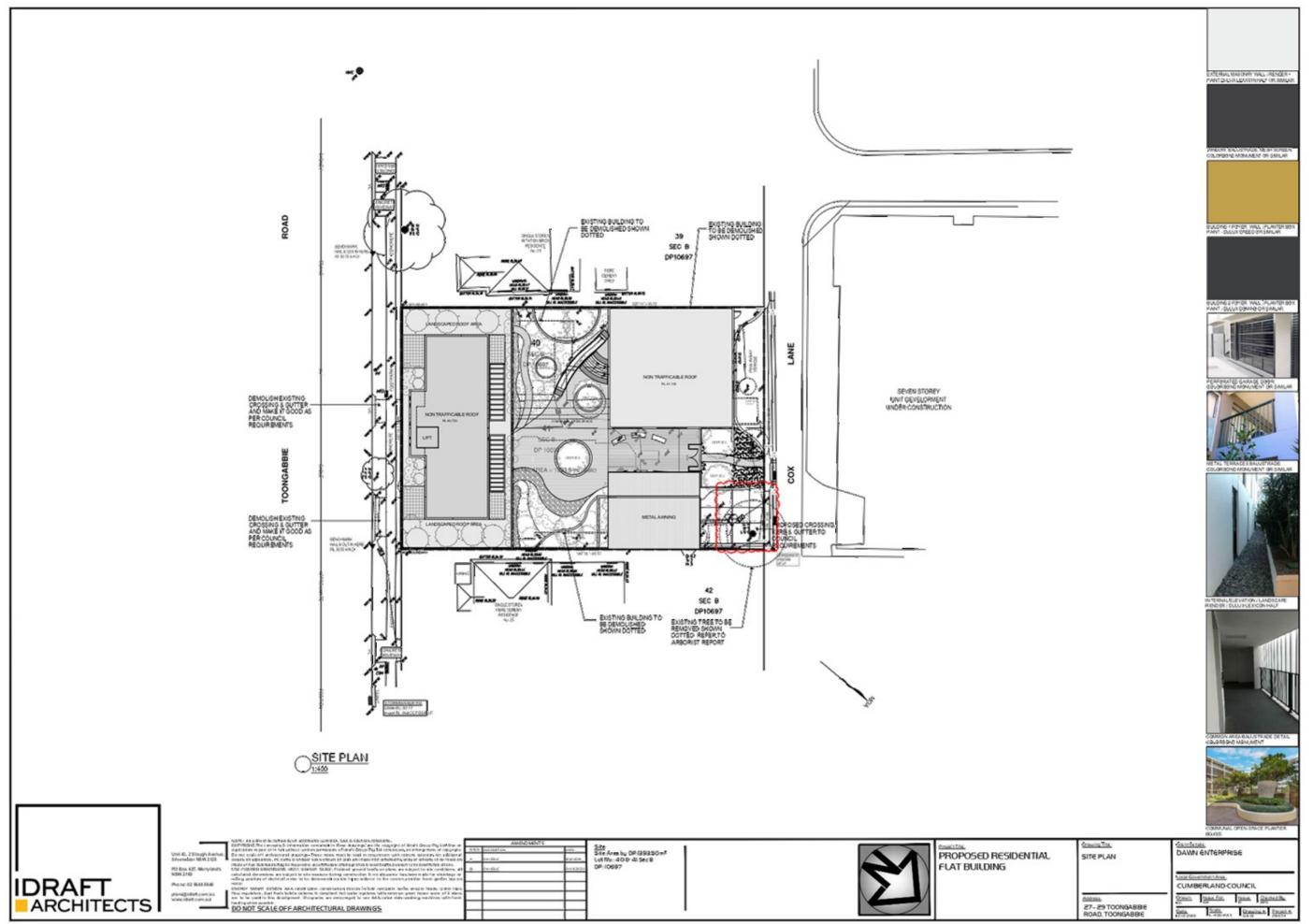
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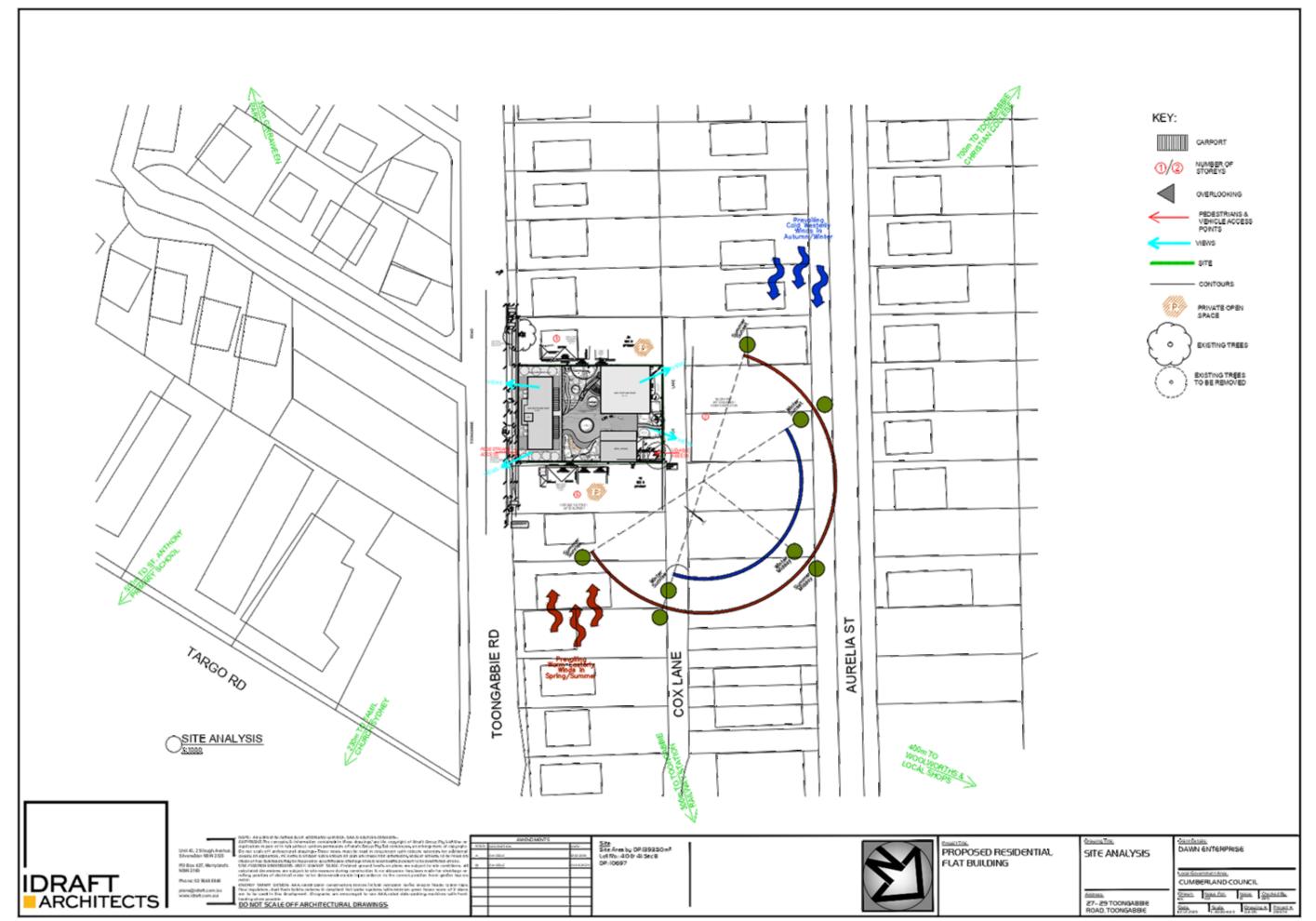
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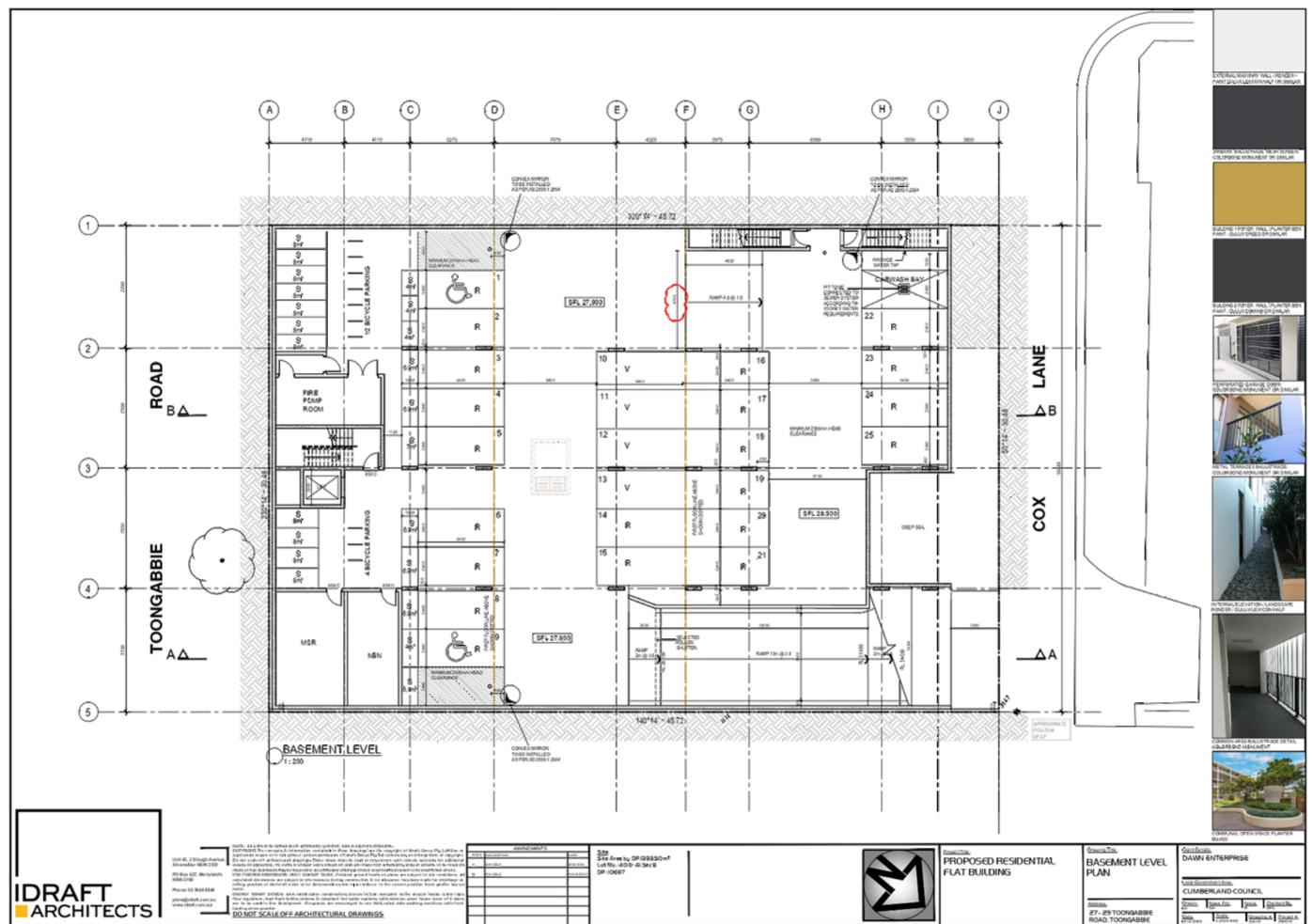




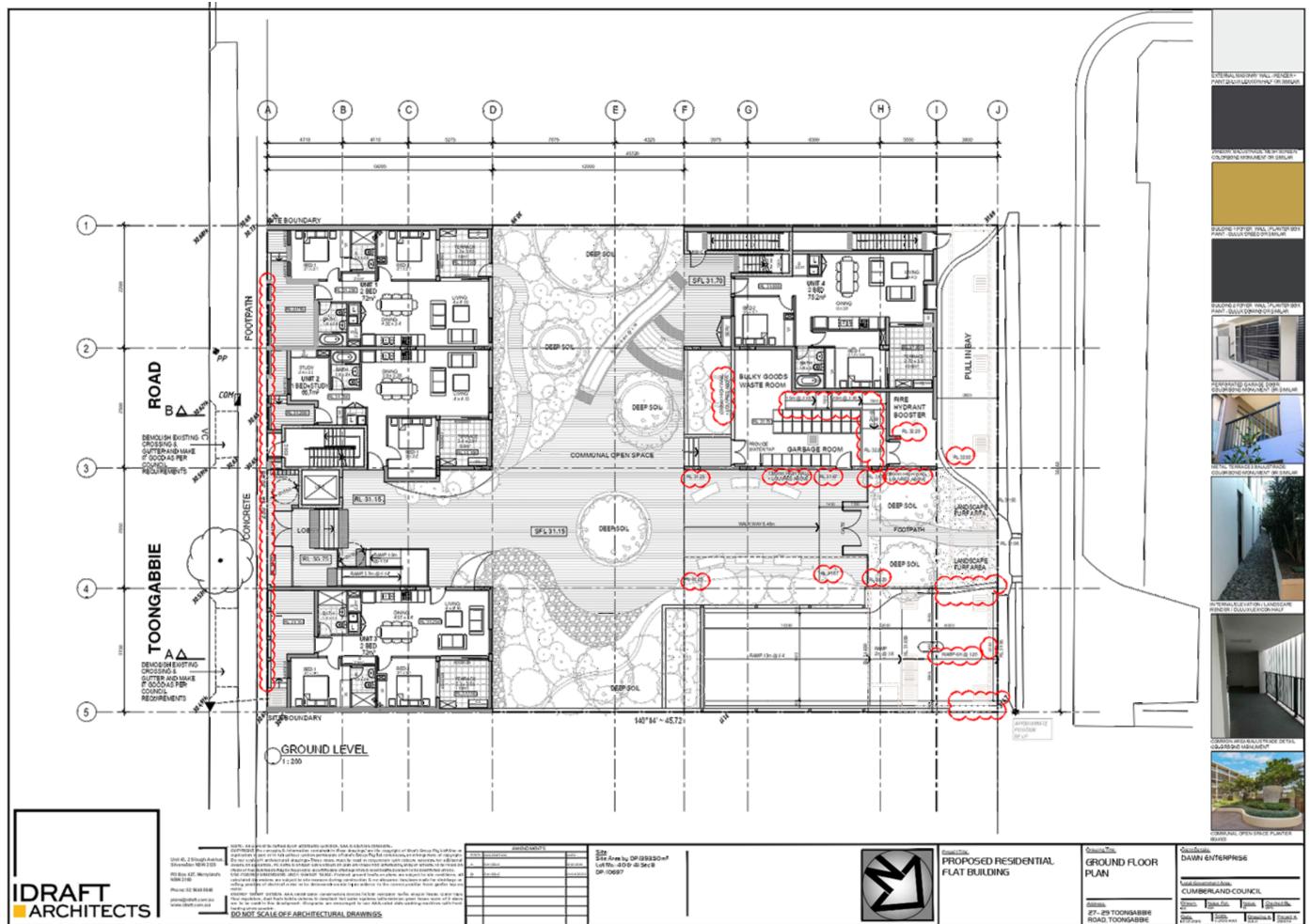




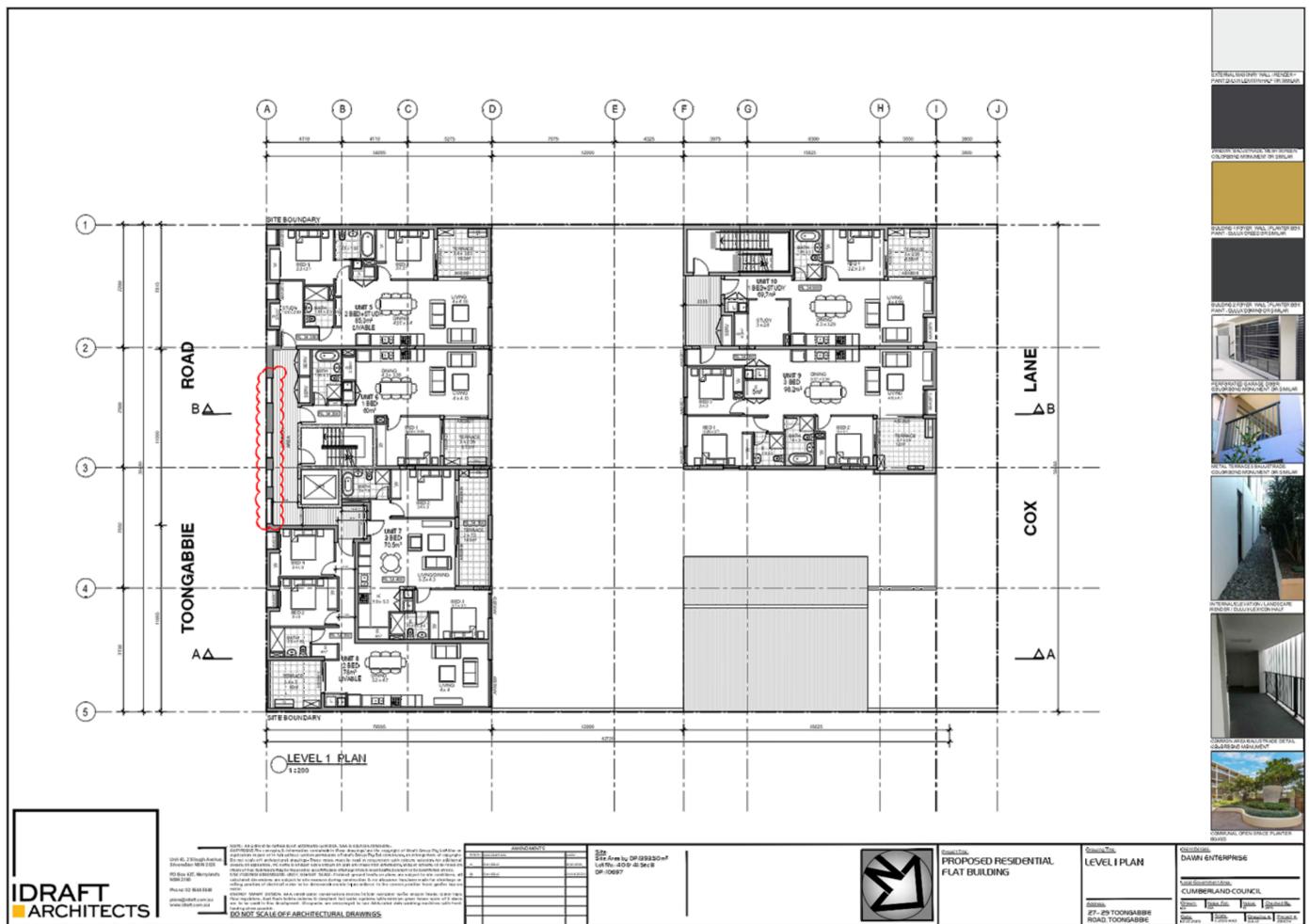




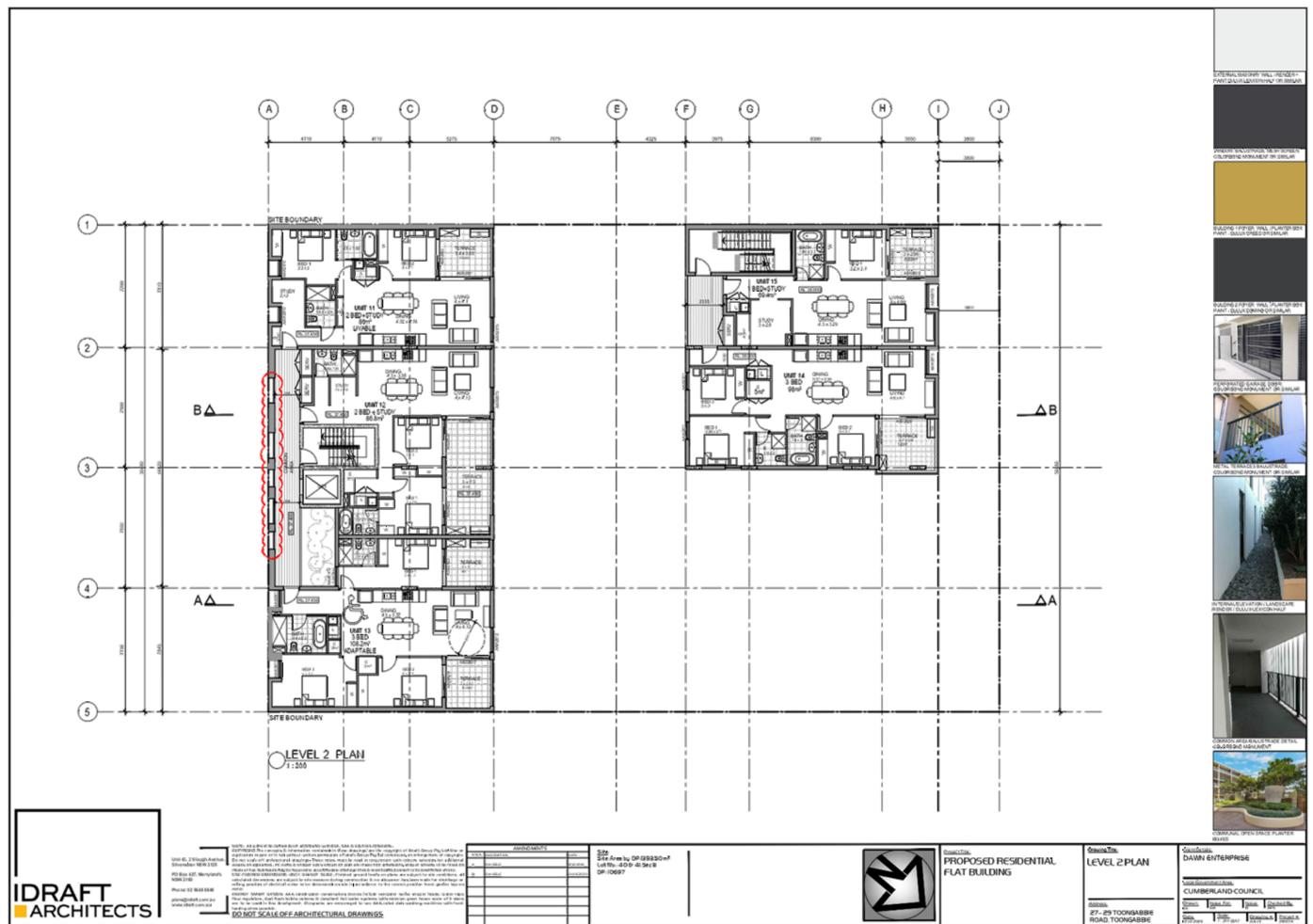




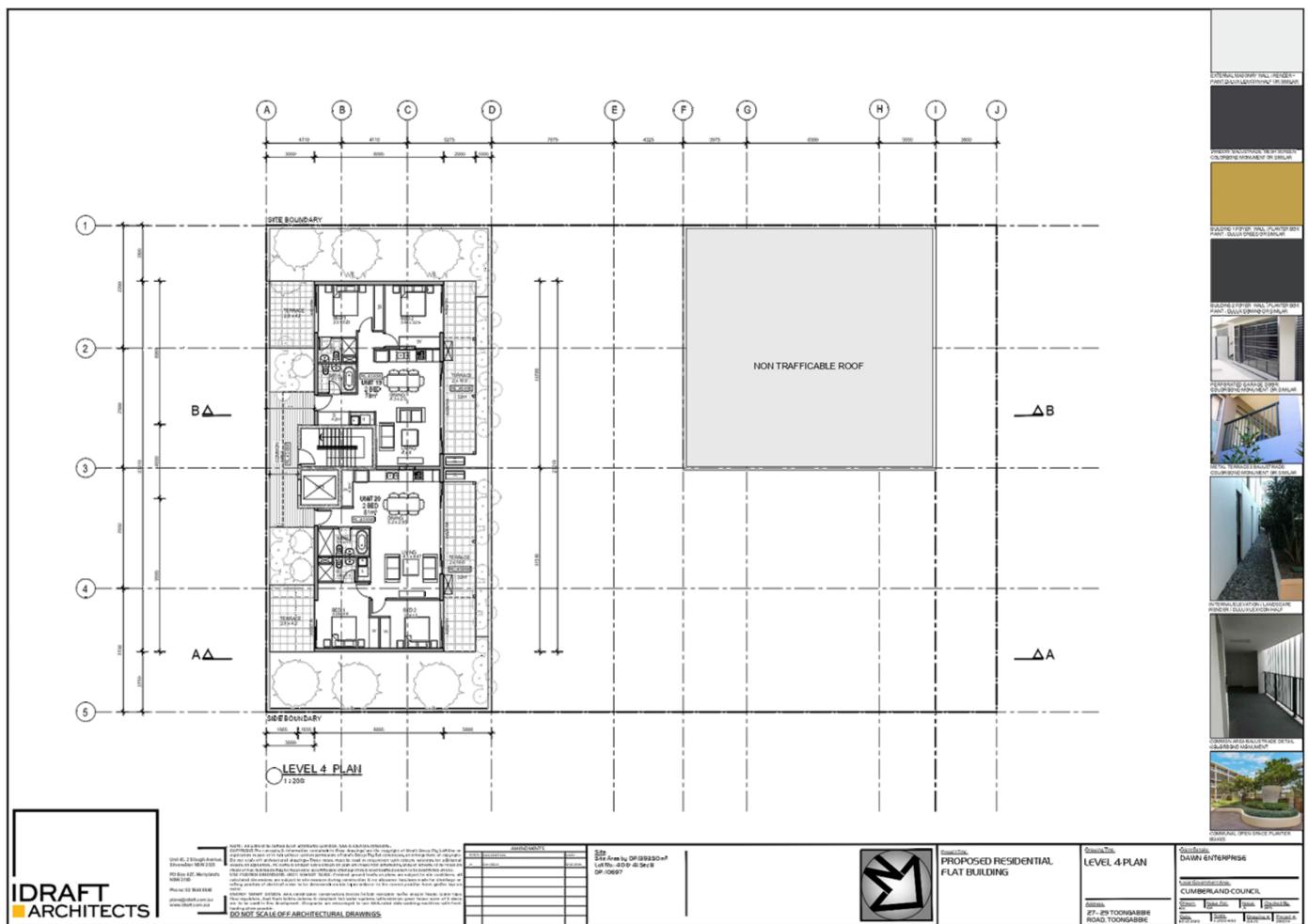




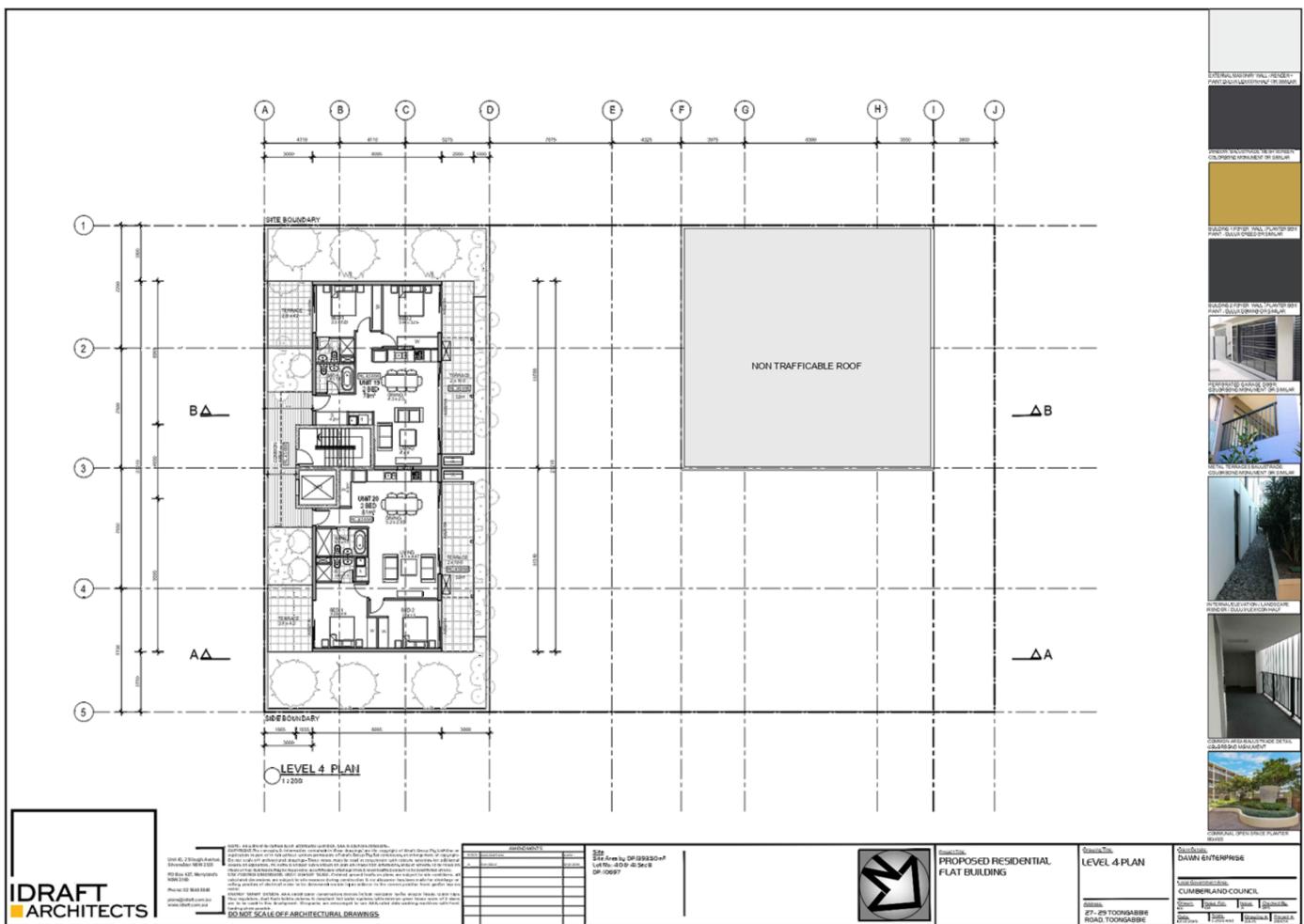




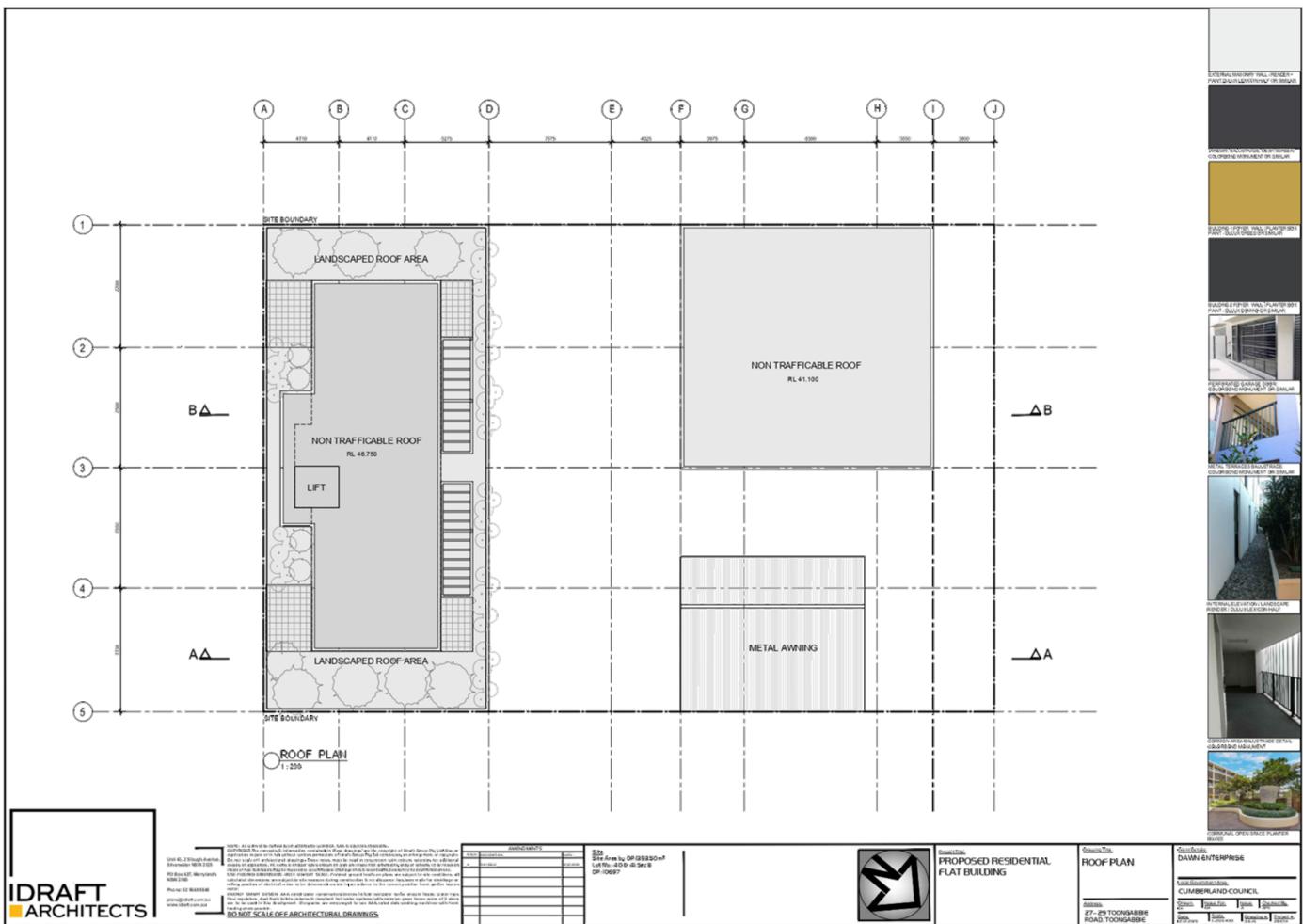




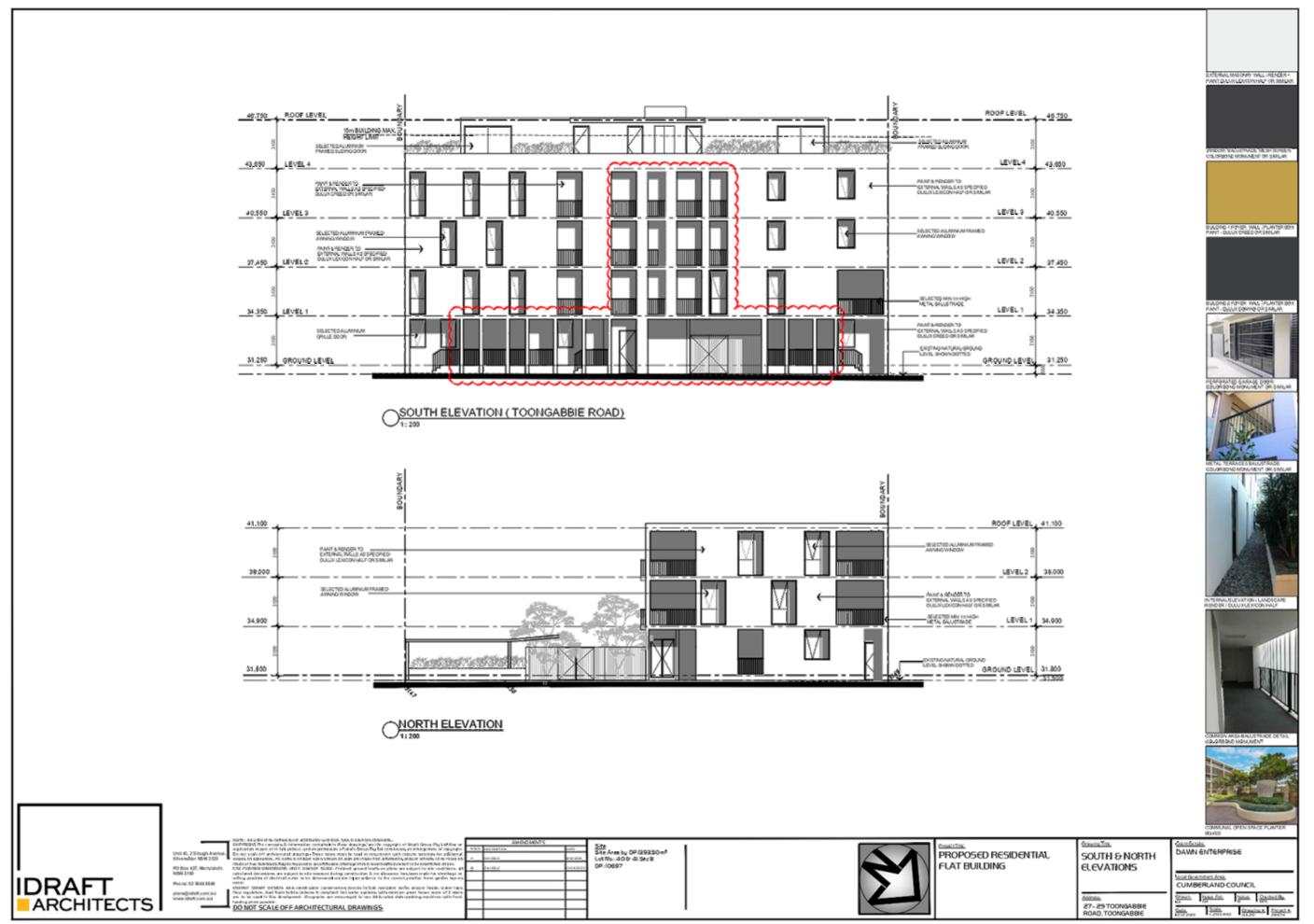




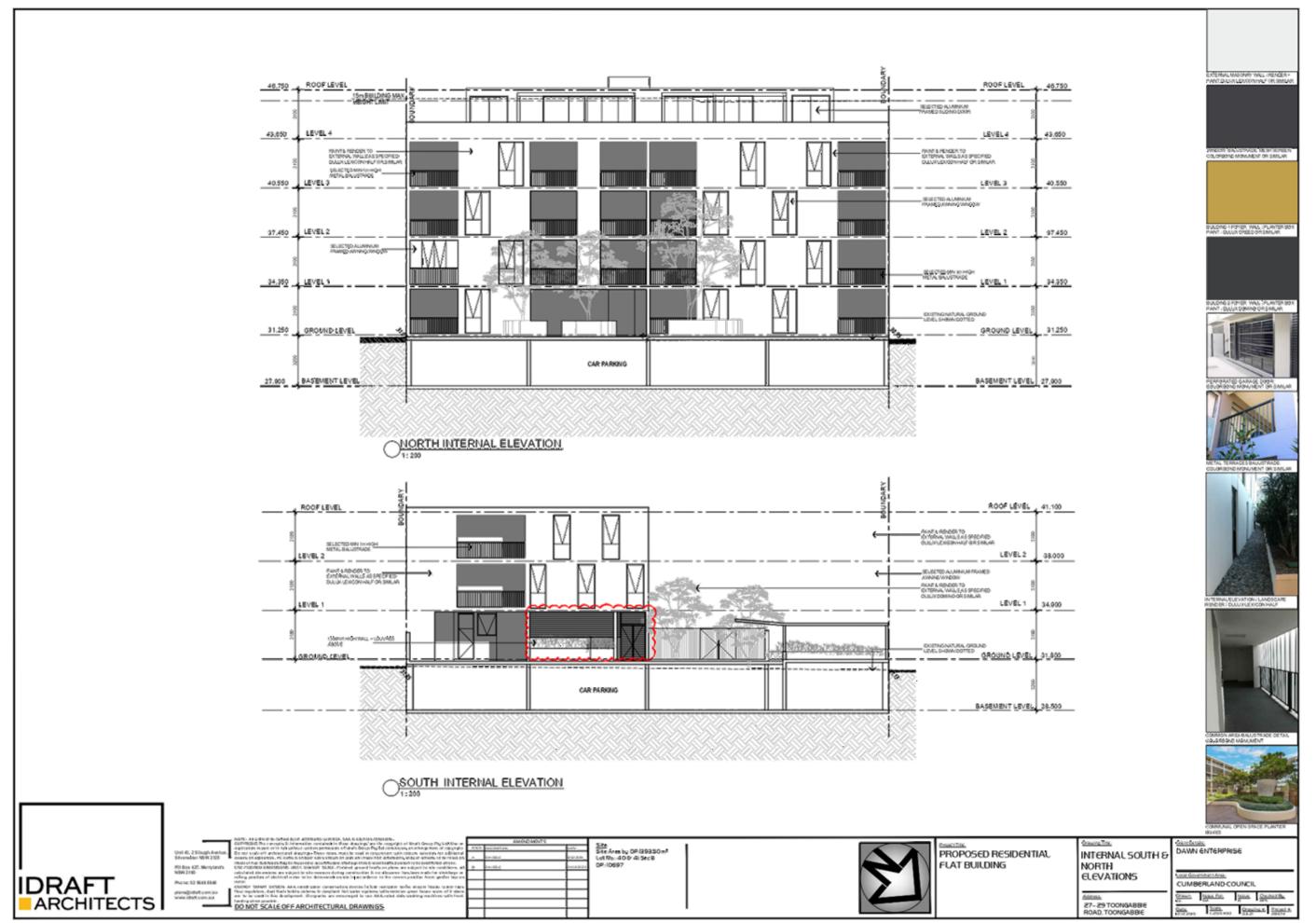




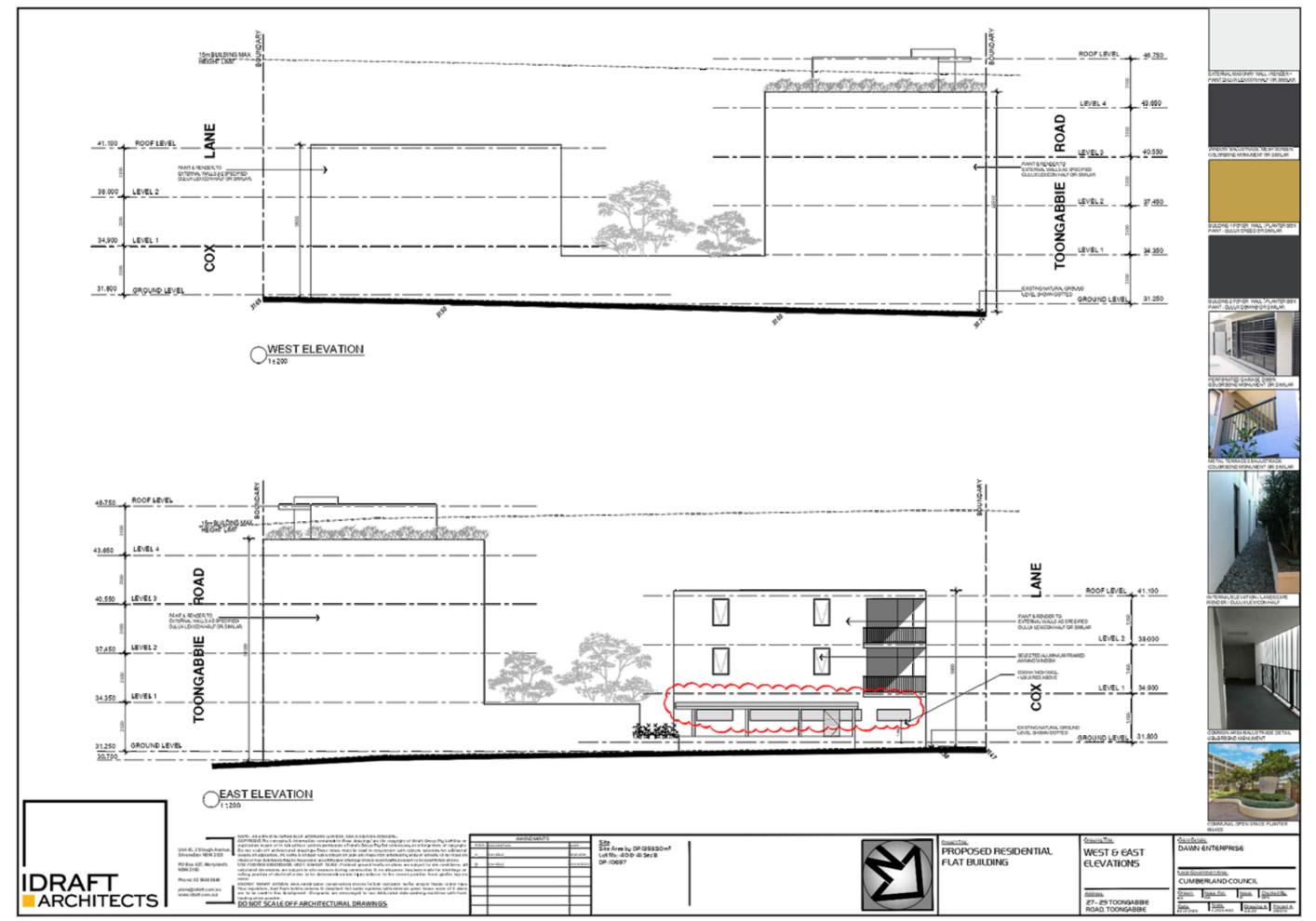




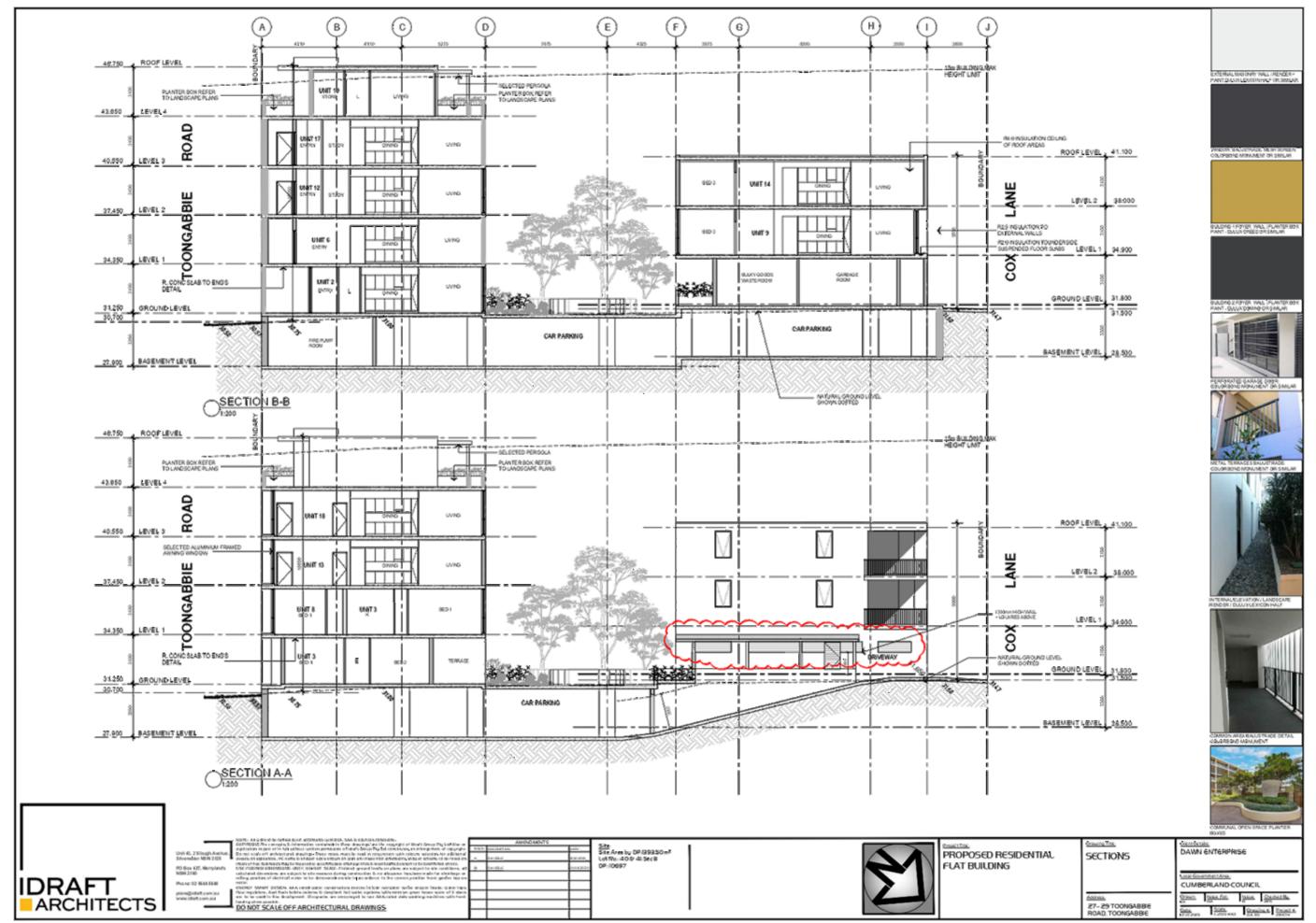




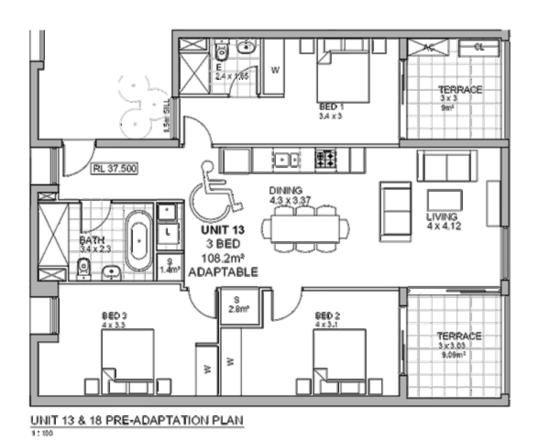


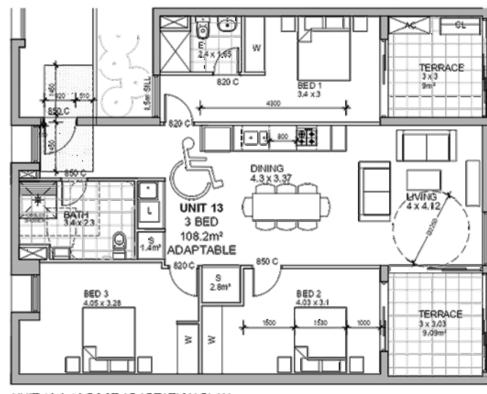












UNIT 13 & 18 POST ADAPTATION PLAN



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PROPOSED RESIDENTIAL FLAT BUILDING

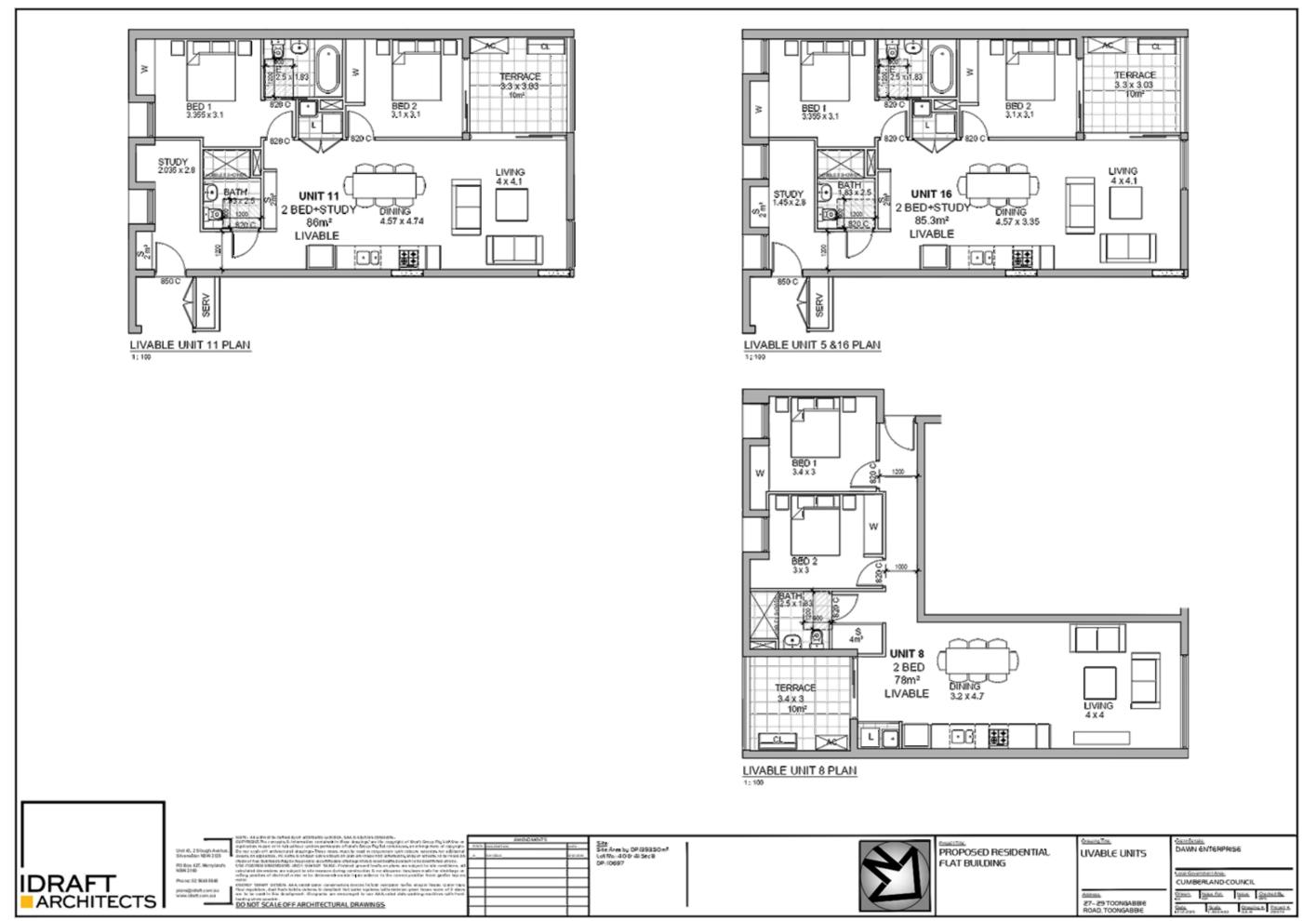
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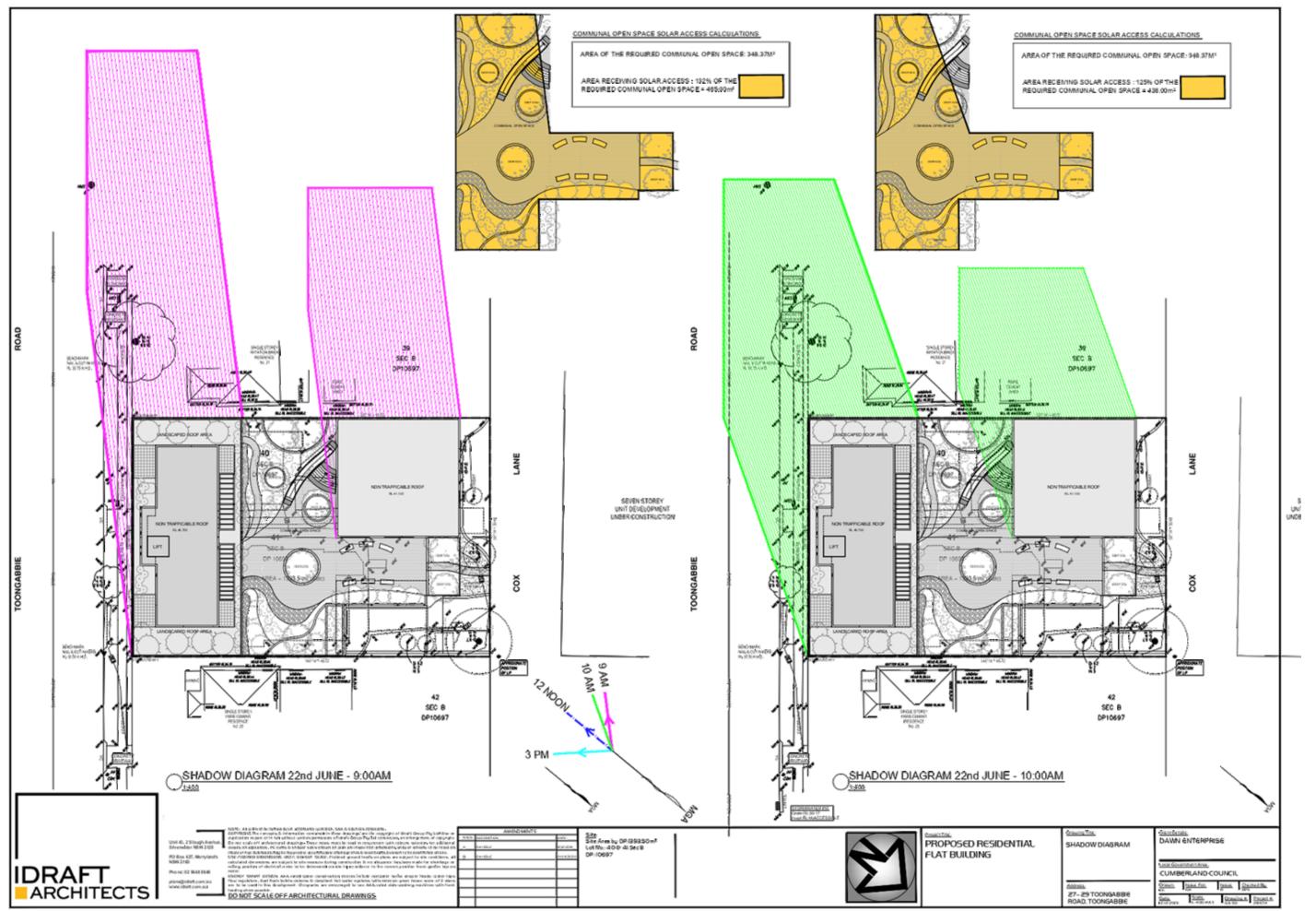
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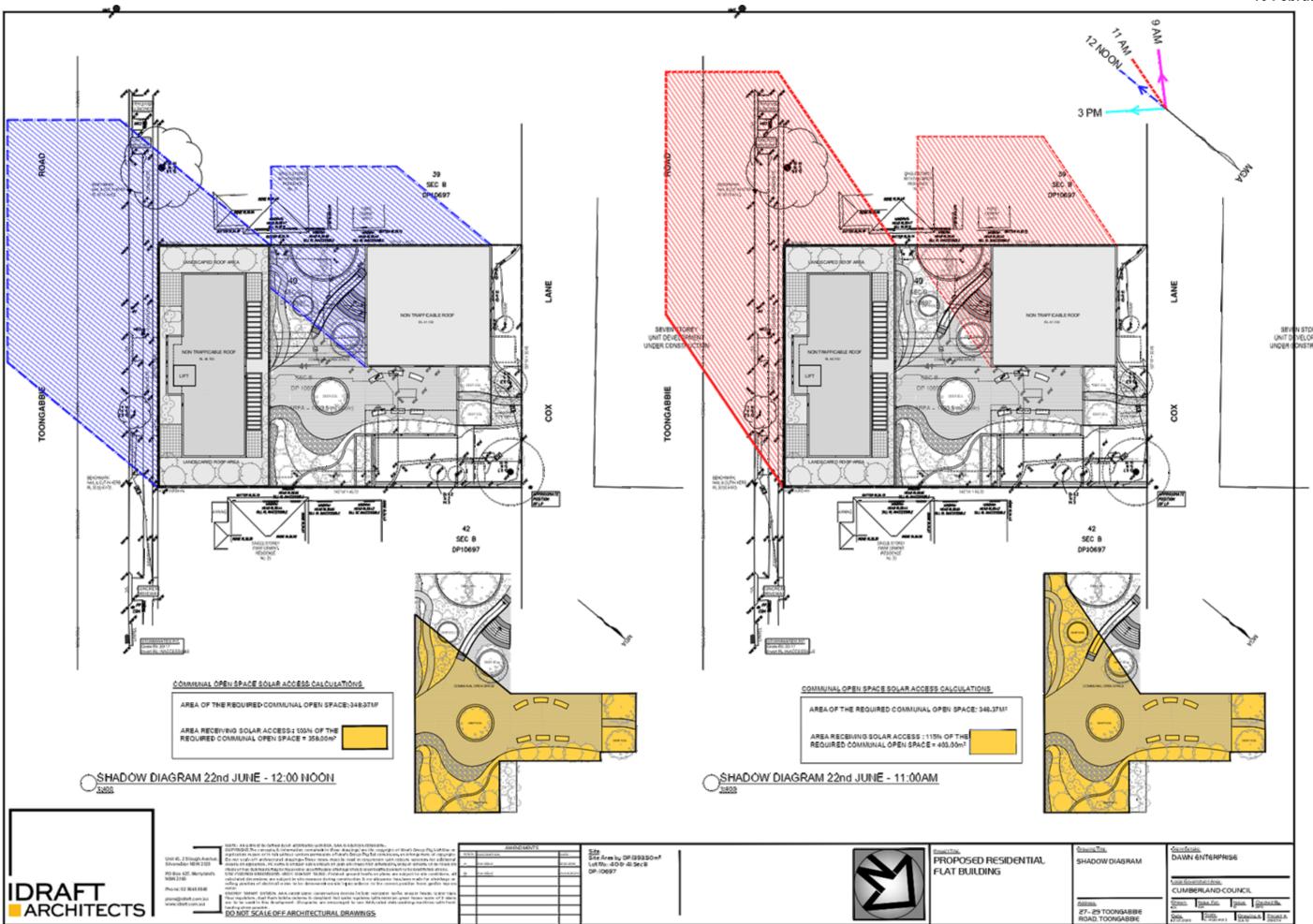




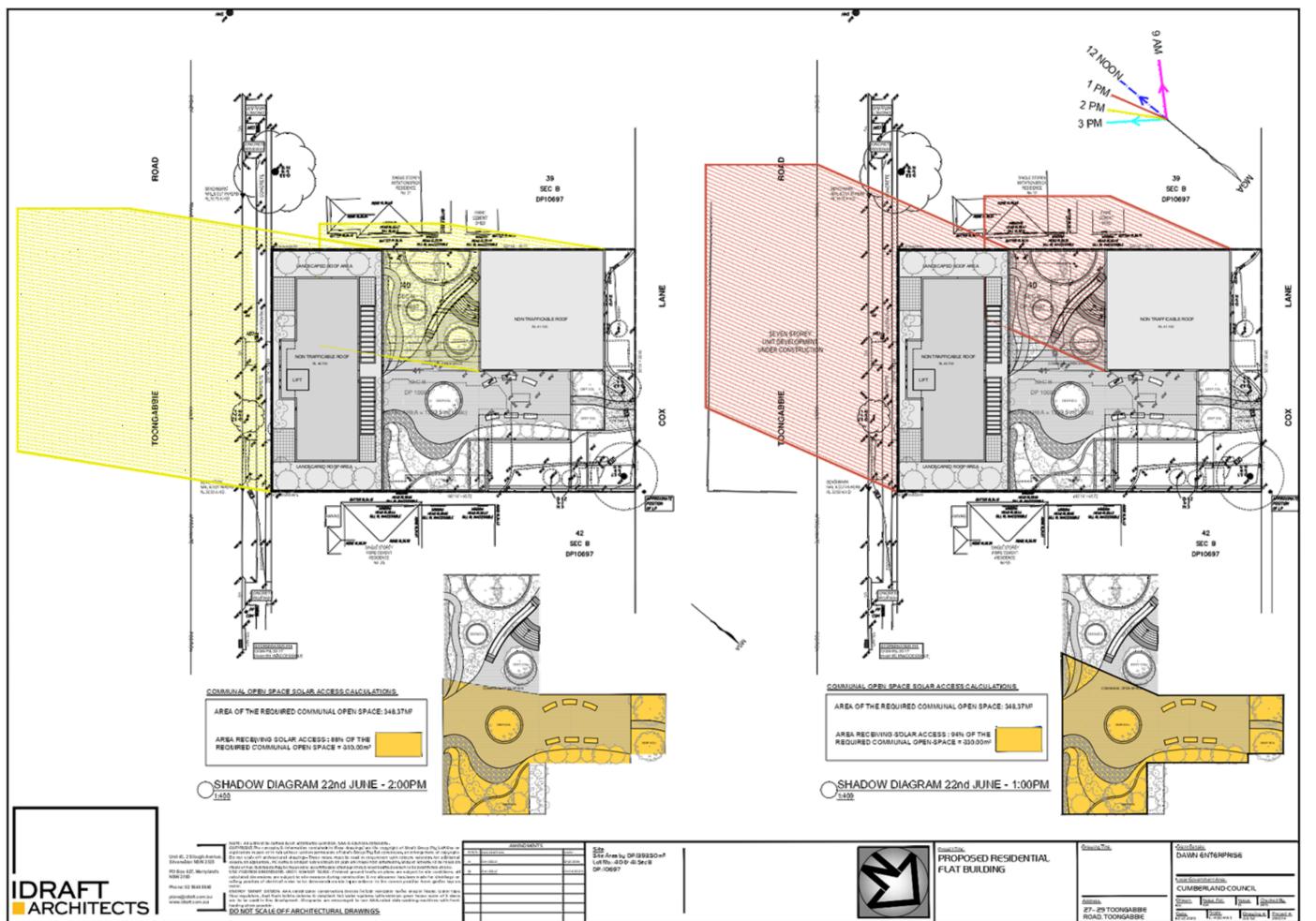




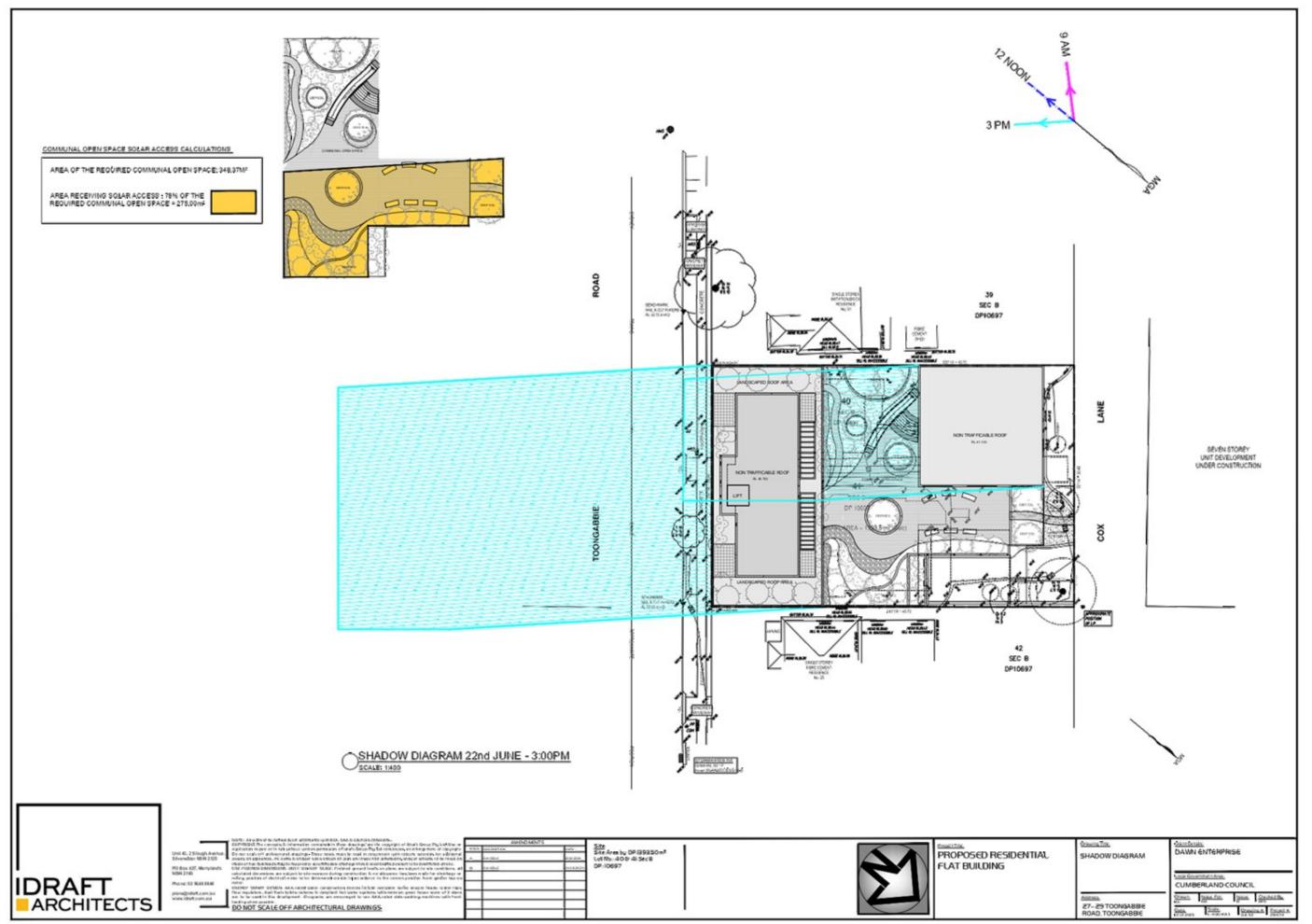




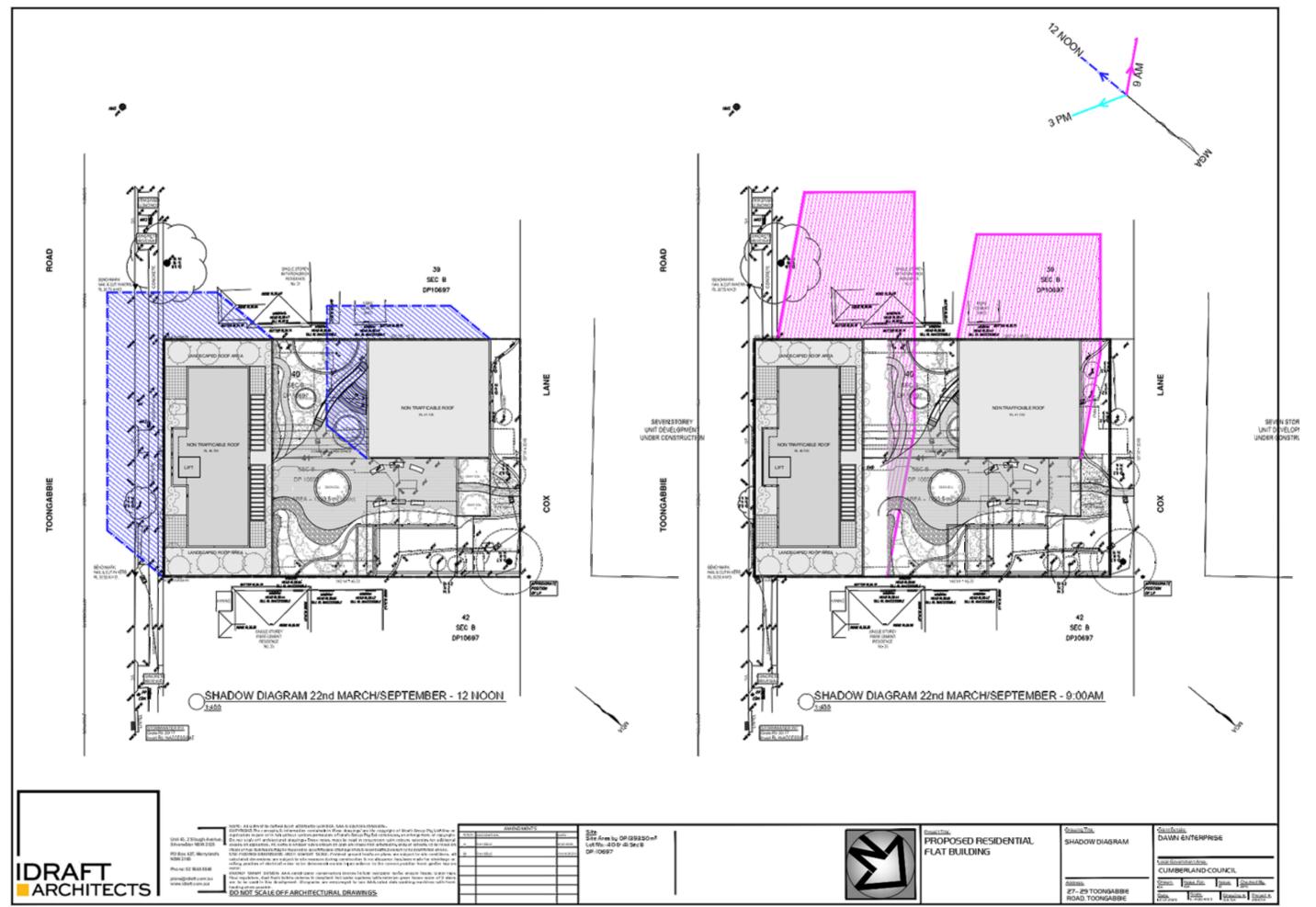




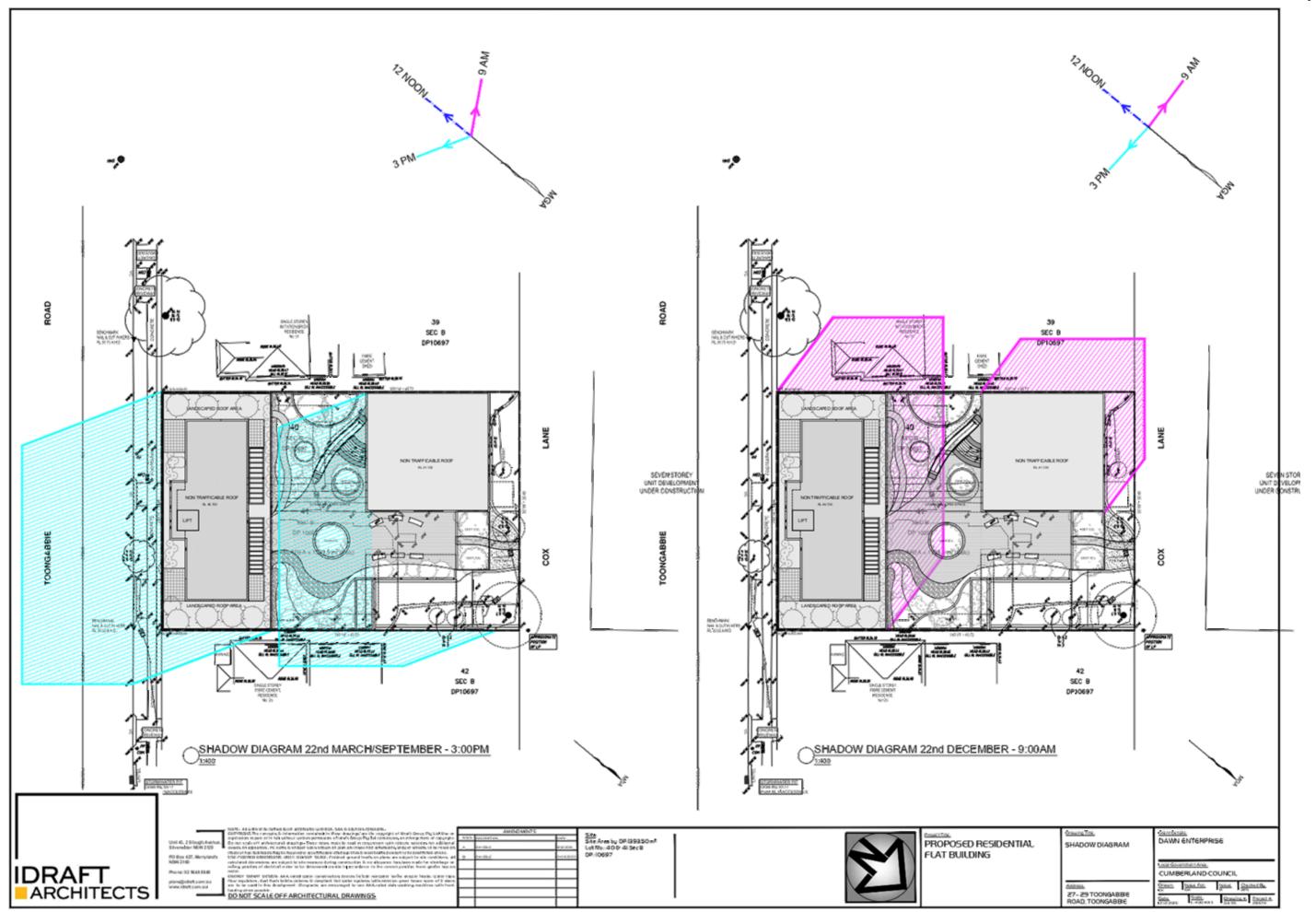




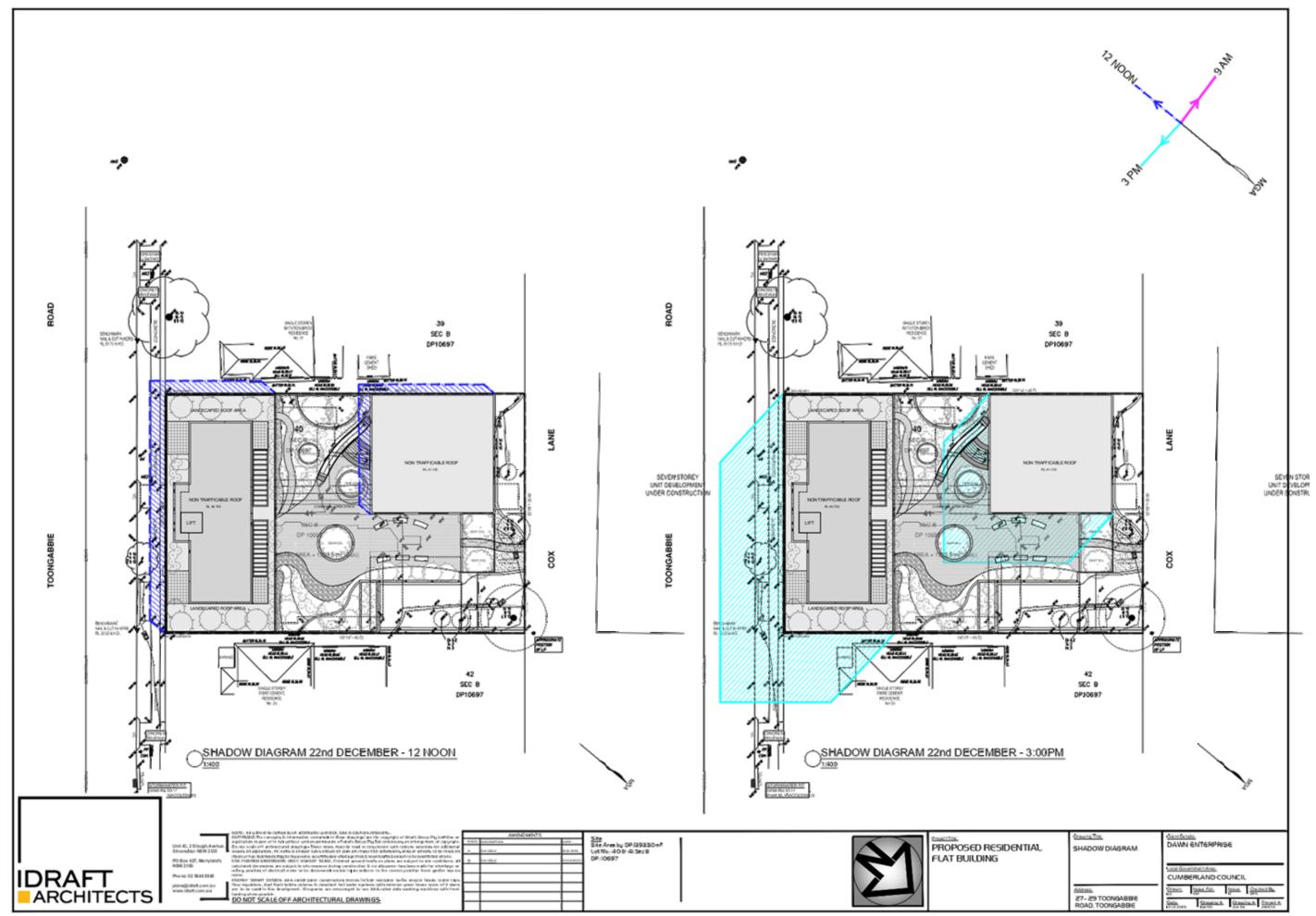




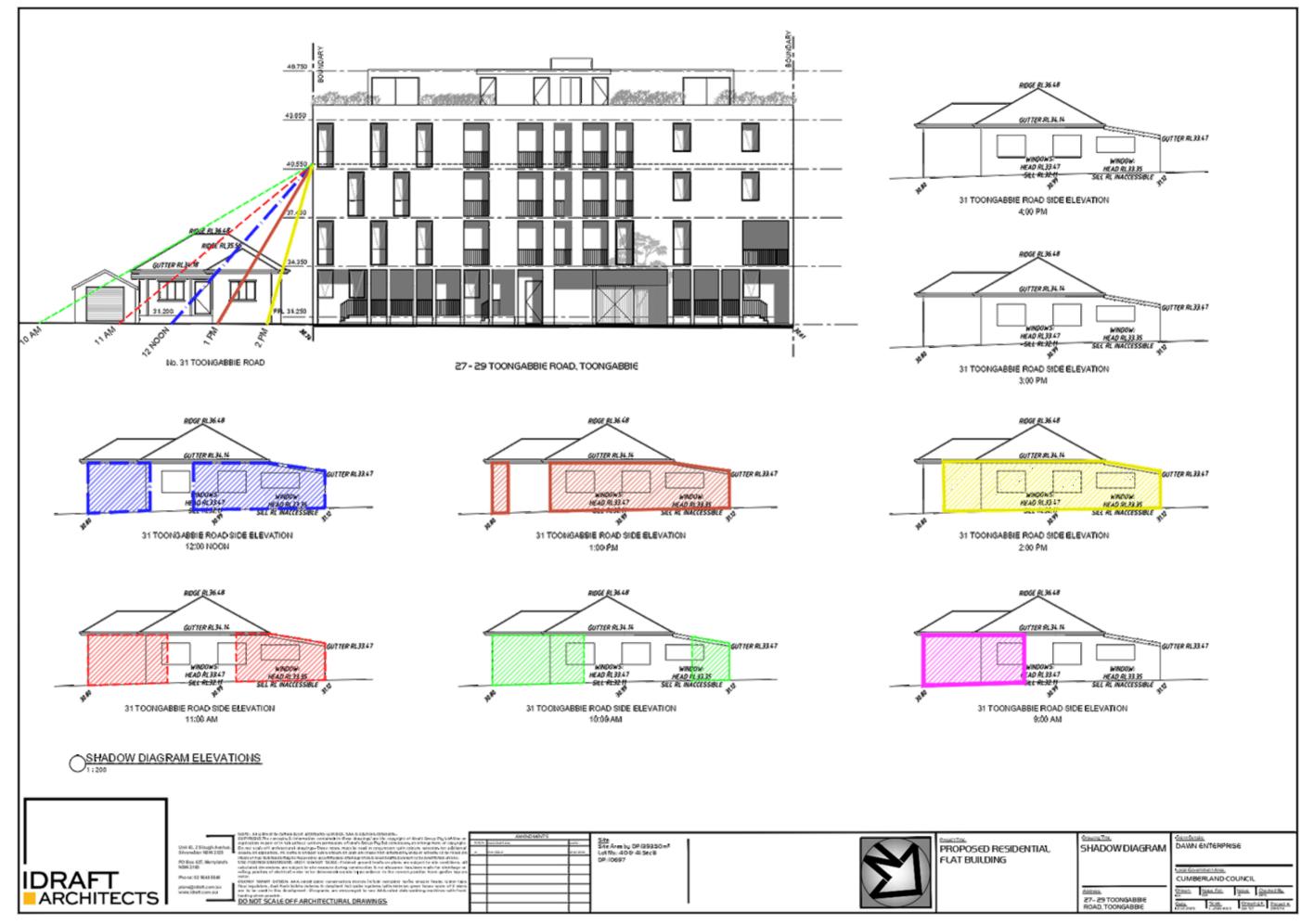




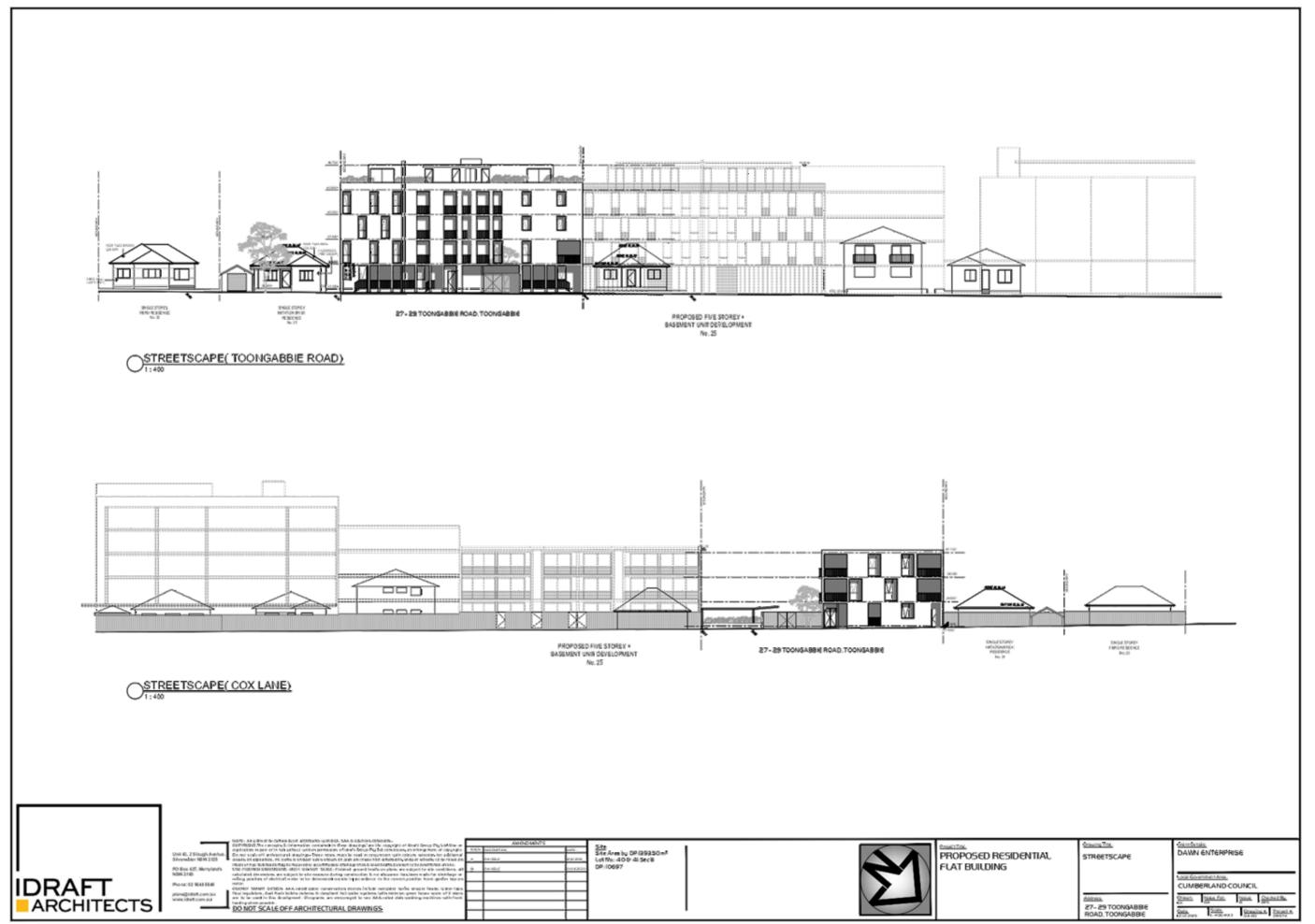
















FLOOR AREAS GROUND FLOOR 289.50m2 (4 units 3 + 1) 471,70m2 (6 units 4 + 2) 459,80 m2 (5 units 3 + 2) 291.70m2 (3 units) 159.00m2 (2 units) 1671.70m2

 $\bigcirc_{\underline{1:400}}^{\pmb{\mathsf{FSR}}}\,\underline{\mathsf{CALCULATIONS}}$



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PROPOSED RESIDENTIAL FLAT BUILDING

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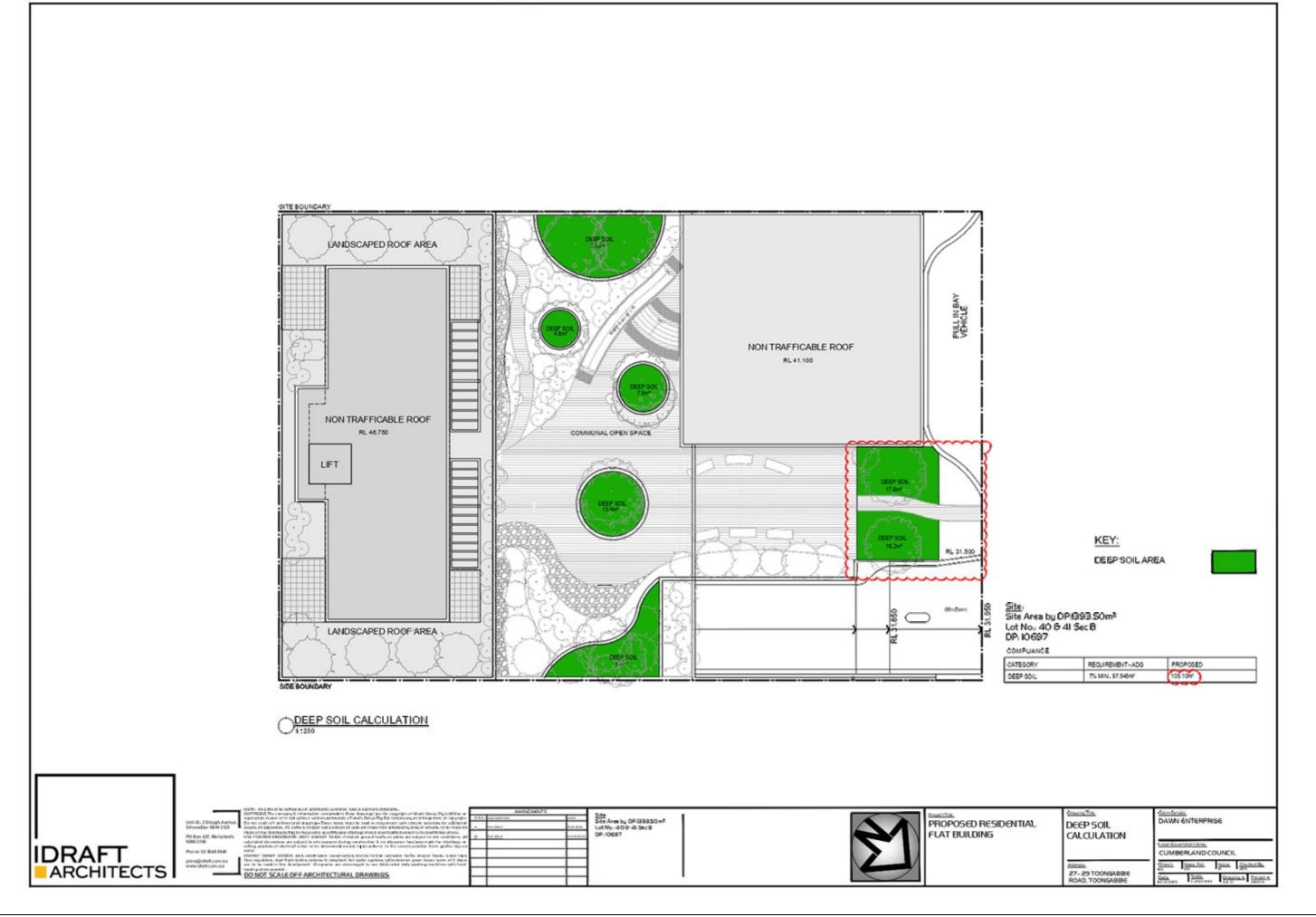
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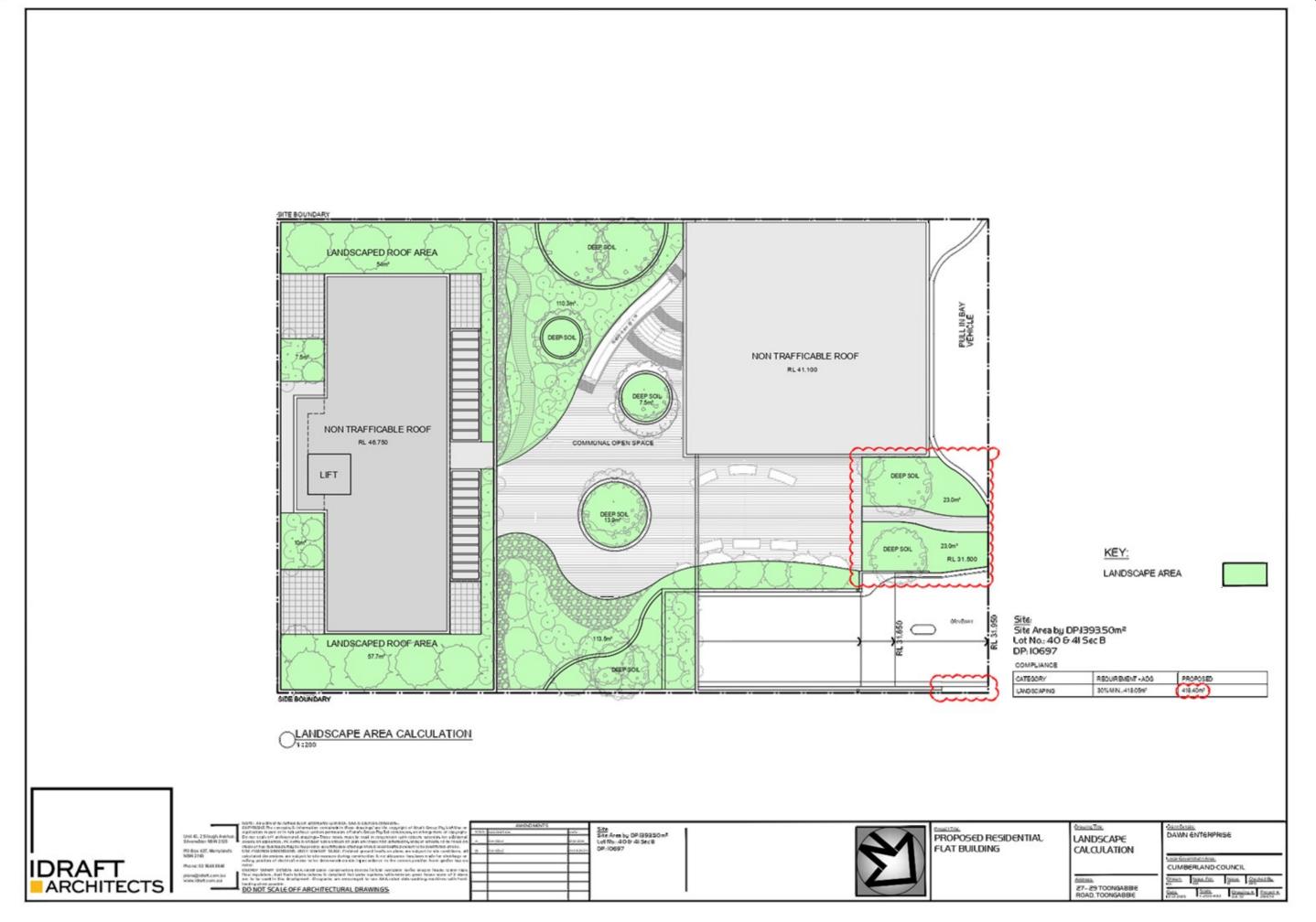
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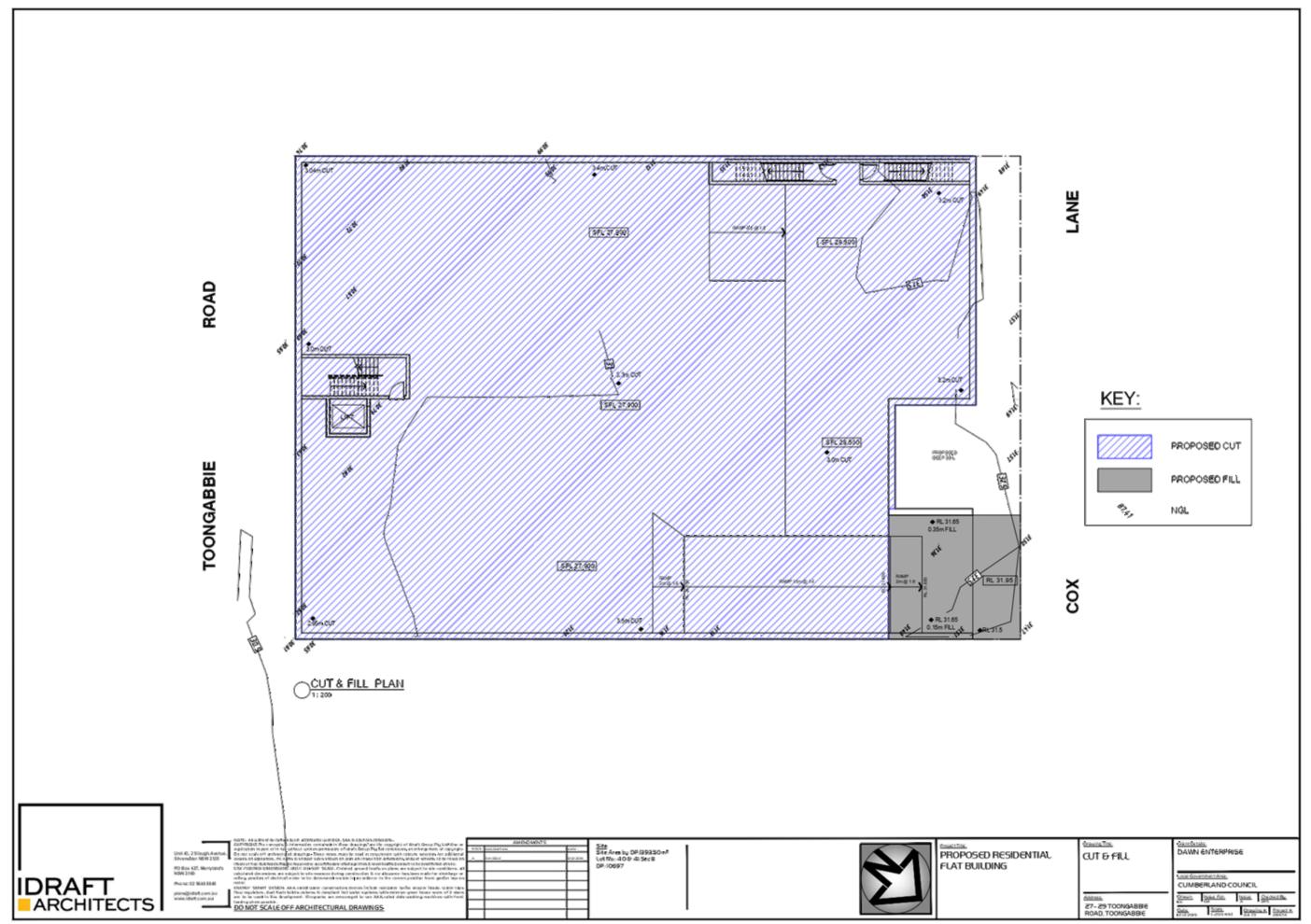






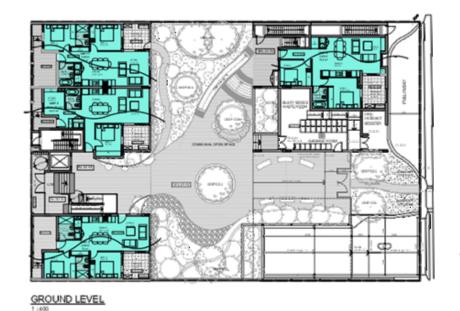




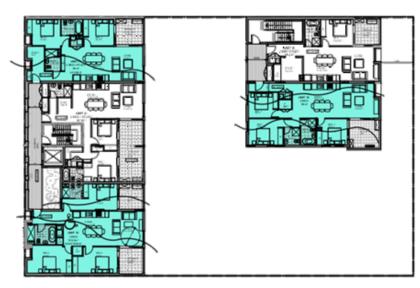


LPP002/21 – Attachment 4



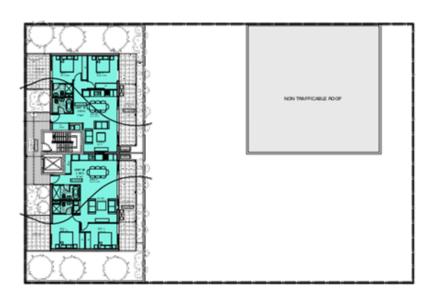






LEVEL 2 PLAN





LEVEL 4 PLAN

NUMBER OF UNITS WITH CROSS VENTILATION 14 UNIT
PERCENTAGE OF UNITS WITH CROSS VENTILATION 70%

KEY:

UNITS WITH CROSS VENTILATION

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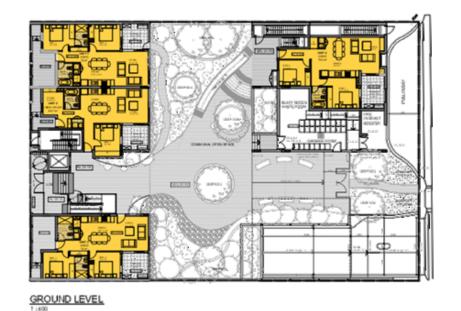
PROPOSED RESIDENTIAL FLAT BUILDING

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UNIT 6

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UNIT 9

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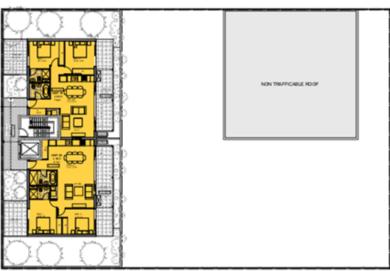
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LEVEL 1

LEVEL 2

LEVEL 2 PLAN

NON TRAFFICABLE ROOF



LEVEL 4 PLAN

UNIT 12 YES RECEIVING 3 HOUR BETWEEN 12-4PM

UNIT 14 YES RECEIVING 3 HOUR BETWEEN 12-4PM

UNIT 15 YES RECEIVING 3 HOUR BETWEEN 12-4PM

UNIT 15 YES RECEIVING 3 HOUR BETWEEN 12-4PM

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UNIT	16	YES: RECEIVING 3 HOUR BETWEEN 12-4PM
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	UNIT 19	YES RECEIVING 3 HOUR BETWEEN 124PM
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PERCENTAGE OF UNITS WITH SOUR ACCESS | 100%

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PO Box 425, Murrylands NSW 3140



LEVEL 3 PLAN

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PROPOSED RESIDENTIAL FLAT BUILDING	

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27-29 TOONGABBIE ROAD, TOONGABBIE	Sats Scale Drawing # Paint

LPP002/21 – Attachment 4

DOCUMENTS ASSOCIATED WITH REPORT LPP002/21

Attachment 5 Previous CLPP Minutes





Minutes of the Electronic Extraordinary Cumberland Local Planning Panel Meeting held via Zoom on Wednesday 27 May 2020.

PRESENT:

The Hon. Paul Stein AM (Chairperson) QC, Marjorie Ferguson, Lindsay Fletcher and Irene Simms.

IN ATTENDANCE:

Daniel Anderson, Jai Shankar, Sohail Faridy, Olivia Yana, Glen Weekley, Brittany Mould, Esra Calim, Olivia Shields and Rashika Rani.

NOTICE OF LIVE STREAMING OF CUMBERLAND LOCAL PLANNING PANEL MEETING

The Chairperson advised that the Cumberland Local Planning meeting was being streamed live on Council's website and members of the public must ensure their speech to the Panel is respectful and use appropriate language.

The meeting here opened at 11:36a.m.

DECLARATIONS OF INTEREST:

There were no declarations of interest.

ADDRESS BY INVITED SPEAKERS:

The following persons had made application to address the Cumberland Local Planning Panel meeting:

<u>Speakers</u>	Item No. Subje	<u>ect</u>				
Nebahat Ipak	Development Merrylands	Application	for	20-22	Dressler	Court,
Joseph Scuderi	Development Merrylands	Application	for	20-22	Dressler	Court,
Garry Chapman	Development Merrylands	Application	for	20-22	Dressler	Court,
Jonathon Wood	Development Toongabbie	Application	for 2	27-29 T	oongabbie	Road,
Matthew Daniel	Alteration to 1 Proposal for 2	•			for the P	lanning
James Matthews	Alteration to the Gateway Determination for the Planning Proposal for 2 Bachell Avenue, Lidcombe					





The Chairperson enquired to those present in the Zoom meeting as to whether there were any further persons who would like to address the Panel and no further persons presented themselves.

The open session of the meeting here closed at 12:50p.m.

The closed session of the meeting here opened at 1:10pm.

ITEM ELPP021/20 - DEVELOPMENT APPLICATION FOR 20-22 DRESSLER COURT, MERRYLANDS

PANEL DECISION

1. That modification application M2016/496/8 seeking internal and external alterations to Buildings 3 and 4, including changes to basement levels, rearrangement of apartments to introduce additional dual key apartments, enlargement of Building 3 footprint, modification of roof form, reconfiguration of OSD tanks, relocation of substation kiosk and changes to glazed areas at 20-22 Dressler Court, Merrylands, be approved in part and subject to the conditions contained in the draft notice of determination contained in Attachment 2 of this report with the following changes:

Addition of Condition 38H

The conversion of units 3.L.07 at levels 1-11 of building 3 to a dual key apartment with a 2 bedroom and studio arrangement and the consequent change to the common corridor of those units is not approved. The plans are to be amended accordingly prior to the issue of a Construction Certificate.

- . Deletion of condition 13B
- 2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

For: Paul Stein AM QC, Marjorie Ferguson, Lindsay Fletcher and Irene Simms.

Against: Nil.

Reasons for Decision

 The Panel is not satisfied that the changes result in acceptable amenity for the studio apartments given the increased noncompliance with the solar access/orientation requirements of the ADG.





ITEM ELPP022/20 - DEVELOPMENT APPLICATION FOR 27-29 TOONGABBIE ROAD, TOONGABBIE

PANEL DECISION:

- 1. That DA2019/0506 for the demolition of existing structures, consolidation of 2 lots into 1 lot, and construction of a residential flat building including a 3 storey building facing Cox Lane and a 5 storey building facing Toongabbie Road over basement parking accommodating 20 residential units and 25 parking spaces on land at 27-29 Toongabbie Road, Toongabbie be refused for the following reasons:
- Failure to demonstrate compliance with State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (pursuant to S.4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979), with regard to the following:-

Clause 28(2) - Determination of Development Applications

1.1 In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration the provisions of the Apartment Design Guide (ADG). The proposal is unsatisfactory with regard to the following provisions of the ADG:

3F - Visual Privacy

1.1.1 By reason of the provision of the 3.8m setback to Cox Lane, the proposal fails to protect visual privacy between the adjoining properties. The applicant has not demonstrated that a 12m building separation can be achieved as required by the ADG.

3E - Deep Soil Zones

1.1.2 By reason of the inadequate provision of deep soil area of 2.42% where 7% is required, the development fails to sustain planting of canopy trees to positively contribute to landscaping on the subject site.

4E - Private Open Space

1.1.3 By reason of the inadequate private open space for units 1, 2, 3 and 4 on the ground floor level of 9.6m² where 15m² is required, the development compromises amenity of future residents.

4W - Waste Management

1.1.5 Design to waste management area with openings is unsuitable as it is to be located adjoining to unit 4 bedroom window. Waste





storage facility design fails to consider adverse impacts on the amenity of residents.

2. Failure to demonstrate compliance with Holroyd Local Environmental Plan (HLEP) 2013 (pursuant to S.4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979), with regard to the following:-

Clauses 4.3 and 4.6 – Variation to Height of Buildings

2.1 Pursuant to the Height of Buildings Map referred to in Clause 4.3(2) of HLEP 2013, the maximum permissible building height for the site is 15m. The maximum height of the proposed building is 16.7m, which is 1.7m greater than the maximum building height, representing a 11.3% variation to the development standard. The development application has not adequately demonstrated the variation to the building height would allow for the development that is complementary to, and well-integrated with the high density residential development; as an amended Clause 4.6 variation requested was not submitted.

The development application must be refused because a written request pursuant to Clause 4.6 of HLEP 2013 in relation to the 1.7m contravention of the development standard in clause 4.3(2) of HLEP 2013 has not been submitted to demonstrate:

- that compliance with the development standard in clause 4.3(2) of HLEP 2013 is unreasonable or unnecessary in the circumstances of the case.
- ii. that there are sufficient environmental planning grounds to justify contravening the development standard in clause 4.3(2) of HLEP 2013, and
- that the proposed development will be in the public interest because it is consistent with the objective of the standard in clause 4.3(2) of HLEP 2013.

Clauses 4.4 and 4.6 – Variation to Floor Space Ratio (FSR)

2.2 Pursuant to the Height of Buildings Map referred to in Clause 4.4(2) of HLEP 2013, the maximum permissible floor space ratio (FSR) for the site is 1.2:1. The maximum FSR of the proposed building is 1.29:1 representing a 8.25% variation to the development standard. The development application has not adequately demonstrated the variation to the FSR would allow for the development that is complementary to, and well-integrated with the high density residential development; as a Clause 4.6 variation requested was not submitted.

The development application must be refused because a written request pursuant to Clause 4.6 of HLEP 2013 in relation to the contravention of the development standard in clause 4.4(2) of HLEP 2013 has not been submitted to demonstrate:





- that compliance with the development standard in clause 4.4(2) of HLEP 2013 is unreasonable or unnecessary in the circumstances of the case,
- ii. that there are sufficient environmental planning grounds to justify contravening the development standard in clause 4.4(2) of HLEP 2013, and
- that the proposed development will be in the public interest because it is consistent with the objective of the standard in clause 4.4(2) of HLEP 2013.

Clause 6.5 - Essential Services

2.3 Inadequate information to confirm the location of substation to enable the supply of electricity to be provided wholly within the site.

Clause 6.7 - Stormwater Management

- 2.3 The proposed stormwater system will allow for contaminants to seep into the OSD tank, which is detriment to environment. Inadequate information to confirm that stormwater management could be provided wholly within the site.
- Failure to demonstrate compliance with Holroyd Development Control Plan (DCP) 2013, Part A – General Controls (pursuant to S.4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979), with regard to the following:-

3.3 - Car Parking Dimensions and 3.5 - Access Manoeuvring and Layout

3.1 The proposal fails to provide proper vehicles manoeuvring to allow for adequate setback from the existing lamp pole and side boundary, and sufficient passing and turning bays, as the aisle widths do not comply.

3.6 - Parking for Disabled

- 3.2 By the reason that 2 accessible spaces are provided where 3 spaces are required, the proposal fails to provide the required parking spaces for disabled person.
- Failure to demonstrate compliance with Holroyd Development Control Plan (DCP) 2013, Part B – Residential Controls (pursuant to S.4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979), with regard to the following:-

1.12 - Universal Housing and Accessibility

4.1 By the reason that 2 adaptable units are provided where 3 units are required, the proposal fails to provide the required parking spaces for disabled person.

6.2 - Site Coverage





- 4.2 The proposed site coverage is 44.8% where maximum of 30% is permitted, which results in failure to provide adequate deep soil area and stormwater management.
- Failure to demonstrate compliance with Holroyd Development Control Plan (DCP) 2013, Part L – Town Centre Controls (pursuant to S.4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979), with regard to the following:-

1.2 - Rear Laneways, Land Dedication, Access and Vehicular Entries

5.1 Deleted

6.3 - Building Height

5.2 The maximum number of storeys for residential flat building on the subject site is 4 storeys. However, the development proposes a maximum 5 storey building. Given that the proposal has not been accompanied with appropriate justification and Clause 4.6 variation request for height of buildings, the storey exceedance is not supported.

Traffic and Parking

- 6. The development application should be refused because the design of the basement and car parking provided is unacceptable and fails to meet the relevant Australian Standards. There is inadequate information to demonstrate the following:
 - That dimensions of the proposed aisle width comply with the relevant Australian Standards.
 - ii. That two vehicles can pass each other at intersection points and at the entry and exit of the ramp.
 - iii. That details of the control device for the roller gates to ensure that the control device shall not reduce the width of the access driveway or impact on the flow of traffic and road safety.
 - iv. That appropriate setback of driveway to the existing lamp post could be provided.

Inadequate Information

- 7. The proposed development fails to address the relevant matters arising from the Environmental Planning and Assessment Regulations 2000 (EP&A Reg) in relation to documents required to be submitted to accompany a development application pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979. The development application should be refused because there is inadequate information submitted with regard to the following:
 - Deleted
 - ii. There is inadequate information submitted to address issues raised with respect to the design of the basement, setback from existing lamp pole, and traffic and parking matters.





- iii. There is inadequate information submitted to address issues raised with respect to the design of the stormwater management on site.
- iv. A revised acoustic report to address noise during construction, communal open space, and mechanical and basement ventilations is required.
- v. There is inadequate information submitted to ensure supply of electricity could be provided wholly within the site.

Suitability of the site for the proposed development

8. The subject site is not considered suitable for the development as proposed due to the inadequacies detailed above (section 4.15(c) of the Environmental Planning and Assessment Act 1979).

Environmental Impact

 Due to the deficiencies detailed above, the likely environmental impacts of the proposed development are considered to be unacceptable (section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979).

Public Interest

10. Due to the deficiencies detailed above, approval of the proposed development would be contrary to the public interest (section 4.15(1) (e) of the Environmental Planning and Assessment Act 1979).

For: Paul Stein AM QC, Marjorie Ferguson, Lindsay Fletcher and Irene Simms.

Against: Nil.

ITEM ELPP023/20 - DEVELOPMENT APPLICATION FOR 363-373 GUILDFORD ROAD, GUILDFORD

PANEL DECISION:

 That Development Application No. DA2019/0525 for alterations and additions to the signage layout and extension of hours of operation (Monday - Friday & Sunday 8.00am to 10.00pm and Saturday & Public Holidays 8.00am to 12 midnight) on land at 363-373 Guildford Road GUILDFORD NSW 2161 be approved subject to the conditions listed in Attachment 8 of the report.

For: Paul Stein AM QC, Marjorie Ferguson, Lindsay Fletcher and Irene Simms.

Against: Nil.

Reasons for Decision





The Panel is in agreement with the Planning Officer's report and notes that there is a condition requiring a plan of management which will enable any noise issues to be addressed should they arise.

ITEM ELPP024/20 - ALTERATION TO THE GATEWAY DETERMINATION FOR THE PLANNING PROPOSAL FOR 2 BACHELL AVENUE, LIDCOMBE

PANEL DECISION

That the Cumberland Local Planning Panel (CLPP):

- Recommend that the request not proceed until the following issues are addressed:
 - a. The Panel was not persuaded that an FSR in excess of 2.5:1 has been justified by the proponent and if the amendment is to proceed, further justification for the increased FSR is necessary.
 - b. Further, the economic study should be updated to address the impact of the additional permitted uses and proposed office and business premises floor space cap on nearby centres.
- 2. The Panel accepts the recommendation of 18m and 29.9m height of building control for the site.
- 3. Note that the following controls are to be retained as included in the Gateway Determination for the proposal:
 - i) Introduction of B5 Business Development Zone for the site
 - ii) Removal of Foreshore Building Line that applies to the site.

For: Paul Stein AM QC, Marjorie Ferguson, Lindsay Fletcher and Irene Simms.

Against: Nil.

The closed session of the meeting here closed at 3:23p.m.

The open session of the meeting here opened at 3:24p.m. The Chairperson delivered the Cumberland Local Planning Panel's resolutions via the Zoom link.

The meeting terminated at 3:27p.m..

Signed:

Paul Stein AM QC Chairperson

DOCUMENTS ASSOCIATED WITH REPORT LPP002/21

Attachment 6

Appendix A - State Environmental Planning Policy No. 65 –Design Quality of Residential Apartment Developmentv



APPENDIX A

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

The design quality principles from Schedule 1 of the SEPP are considered in the following table:

Design quality principle	Response
Context and neighbourhood character	The design of the residential flat buildings addressing Toongabbie Road and Cox Lane facades with the addition of communal open space and landscaping provided in the middle section has taken consideration of approved development at the adjoining sites, 23-25 Toongabbie Road. The building façade consists of articulated bedroom windows, moderate finishes and open style hallway and lobby entry with metal railings. The proposed development will provide a positive addition to the streetscape and character of the locality.
2. Built form and scale	The proposal adopts the general built from of adjoining development, which makes it consistent with the desired future character of the area.
3. Density	The proposal now complies with FSR development standards for the site with minor exceedance in building height.
4. Sustainability	A BASIX certificate was submitted with the application, demonstrating that the building meets the applicable thermal comfort, energy efficiency and water efficiency targets.
5. Landscape	The proposed development now provides sufficient area for deep soil to sustain the growth of canopy trees and positively contribute to the landscaped area provision.
6. Amenity	The proposed development now maintains amenity of the residential units.
7. Safety	The proposal provides casual surveillance to the public domain and communal areas whilst maintaining privacy for the proposed units with well defined public and private areas and access within the development is appropriately restricted to ensure safety of residents.
8. Housing diversity and social interaction	The proposal provides for a mix of apartment sizes and layouts for different types of housing needs. The provision of communal open spaces and the design of the common circulation spaces will encourage social interaction among residents.
9. Aesthetics	The proposal provides balanced composition of building elements with a variety of colours and textures. The external presentation of the building appearance has considered appropriate articulation that contribute positively to the residents' amenity and character of the locality.

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 buildings have north to south street facing orientation. Communal open space is provided in the middle of the 2 buildings with the			



No.	Clause	Comment	Yes	No	N/A
		northern building lowered in			
		height to allow for optimising			
0P 0	Overahadavija a of a sighh suria a	solar access.			
3B-2	Overshadowing of neighbouring properties is minimised during mid-	Given the site orientation, the proposal will maintain the 3		$ \sqcup $	
	winter.	hours of direct sunlight between			
	wintor.	9.00am and 4.00pm to at least			
		one main living area of the			
		adjoining properties to the west			
		side, as required by Section 1.8			
		of Part B of the Holroyd DCP			
3C	Public Domain Interface	2013.			
3C-1	Transition between private and	Transition is considered			
	public domain is achieved without	satisfactory.			
	compromising safety and security.				
3D	Communal and Public Open Space				
3D-1	Communal open space has a	Required:			
	minimum area equal to 25% of the	1393.5m ² x 0.25 = 348.37m ²			
	site.	Proposed:			
		478m ² or 34.3%			
	Developments achieve a minimum	North facing COS will be able to			
	of 50% direct sunlight to the	receive minimum of 2 hours to			Ľ
	principal usable part of the	50% of principle usable part			
	communal open space for a	between 9 am and 3 pm on 21			
	minimum of 2 hours between 9 am	June (mid-winter).			
3D-2	and 3 pm on 21 June (mid-winter). Communal open space is designed to	allow for a range of activities			
3D-2	respond to site conditions and be attr			$ \sqcup $	
3D-3	Communal open space is designed	Fencing/balustrade provided.			
	to maximise safety.				
3D-4	Public open space, where provided, is				\boxtimes
.=	pattern and uses of the neighbourhoo	od.			
3E-1	Deep Soil Zones Deep soil zones are to meet the	The area nominated for deep soil			
3E-1	following minimum requirements:	zone adjoining to Cox Lane			
	lolowing milliman requirements.	equates to 79.9m² or 5.7%. The			
	Area of 7% min 3m dimension	remaining deep soil area is in the			
	= 97.5m²	form of planter boxes, which			
		equates to 84.4m². Total deep soil			
		area proposed is 164.3m² or			
3F	Visual Privacy	11.79%.		<u> </u>	
3F-1	Adequate building separation distance	es are shared equitably between ne	iahbour	ina site	es to
J	achieve reasonable levels of external		-gribodi	ig site	, , ,
	Separation between windows and	Ground Floor (6m)			
	balconies is provided to ensure	1m to Toongabbie Road - no		_	_
	visual privacy is achieved. Minimum	impact addressing the street			
	required separation distances from				
	buildings to the side and rear	3.8m to Cox Lane – no impact			
	boundaries are as follows:	addressing the laneway			
	Building Height = 12m / 4 storeys	Nil setback to east and west side			
	- Habitable Rm / Balc = 6m	boundaries - in accordance with			
	- Non-Habitable Rm = 3m	Holroyd DCP controls			



No.	Clause	Comment	Yes	No	N/A
	Building Height = 25m / 5-8	12m internal between 2 buildings			
	storeys	- complies			
	- Habitable Rm / Balc = 9m - Non-Habitable Rm = 4.5m	First, Second and Third Floors (6m): First & Second Floors			
	Separation distances between buildings on the same site should combine required building	Nil setback to Toongabbie Road – no impact addressing the street			
	separations depending on the type of room.	3.8m to Cox Lane – additional information provided by the applicant shown that separation			
	Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring	between habitable room and POS of 64-78 Aurelia Street is 13.25m.			
	properties.	Nil setback to east and west side boundaries – in accordance with Holroyd DCP control			
		12m internal between 2 buildings complies			
		Third Floor Nil setback to Toongabbie Road – no impact addressing the street Nil setback to east and west side boundaries – in accordance with Holroyd DCP control			
		Fourth Floor (9m) 3m setback to Toongabbie Road – no impact addressing the street 3.5m setback to western side boundary – no impact to isolated site 3.77m setback to eastern side			
		boundary – no openings on western elevation of 23-25 Toongabbie Road.			
3G	Pedestrian Access and Entries	•			
3G-1	Building entries and pedestrian access connects to and addresses the public domain.	Satisfactory.			
3G-2	Access, entries and pathways are accessible and easy to identify.	Satisfactory.			
3G-3	Large sites provide pedestrian links for connection to destinations.	or access to streets and			
3H	Vehicle Access		_		
3H-1	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	Vehicle entry is separate from pedestrian entry.			
3J	Bicycle and Car Parking				
	For development in the following locations:	See assessment in HDCP 2013 table at Appendix C.			



No.	Clause	Comment	Yes	No	N/A
	on sites that are within 800				
	metres of a railway station or				
	light rail stop in the Sydney				
	Metropolitan Area; or				
	 on land zoned, and sites within 				
	400 metres of land zoned, B3				
	Commercial Core, B4 Mixed				
	Use or equivalent in a				
	nominated regional centre,				
	The minimum car parking				
	requirement for residents and				
	visitors is set out in the Guide to				
	Traffic Generating Developments,				
	or the car parking requirement				
	prescribed by the relevant council,				
	whichever is less.				
	The car parking needs for a				
	development must be provided off				
	street.				
3J-2	Parking and facilities are provided for	-	\boxtimes		
3J-3	Car park design and access is safe a				
3J-4	Visual and environmental impacts of	underground car parking are			
	minimised.				
3J-5	Visual and environmental impacts of	on-grade car parking are			\boxtimes
3J-6	minimised. Visual and environmental impacts of				
30-0	parking are minimised.		$ \sqcup $		
Part 4	- Designing the Building				
4A	Solar and Daylight Access				
4A-1	To optimise the number of apartment				
	rooms, primary windows and private	open space.			
	Design Criteria	*			
	Living rooms and private open	19/20 units (95%) achieve 2			
	spaces of at least 70% of	hours minimum.		_	
	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	All units receive direct sunlight.			
	in a building receive no direct	and and an			
	sunlight between 9 am and 3 pm at				
	mid-winter.				
4A-2	Daylight access is maximised where	sunlight is limited.			
4A-3	Design incorporates shading and glar	re control, particularly for warmer			ΠĪ
	months.	•			
4B	Natural Ventilation				
4B-1	All habitable rooms are naturally vent				
4B-2	The layout and design of single asper ventilation.	ct apartments maximises natural			
		ral areas vantilation is mavimised			
4B-3	The number of apartments with natur	al cross ventilation is maximised	I IXI		1 1 1
4B-3	The number of apartments with natur to create a comfortable indoor environ				Ш



No.	Clause	Comment	Yes	No	N/A
	At least 60% of apartments are	20/20 (100%) of units are	\square		
	naturally cross ventilated in the first	naturally cross ventilated.	_	_	
	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 or	N/A	П	П	
	cross-through apartment does not		_	—	_
	exceed 18m, measured glass line				
	to glass line.				
4C	Ceiling Heights				
4C-1	Ceiling height achieves sufficient nati access.	ural ventilation and daylight	\boxtimes	$ \sqcup $	$ \; \sqcup \; $
	Design Criteria				
	Measured from finished floor level	Min. 2.7m			
	to finished ceiling level, minimum]	
	ceiling heights are:				
	Min. Ceiling Height				
	- Habitable Rm = 2.7m				
	- Non-Habitable Rm = 2.4m				
	These minimums do not preclude				
	higher ceilings if desired.				
4C-2	Ceiling height increases the sense of	space in apartments and provides			
	for well-proportioned rooms.				
4C-3	Ceiling heights contribute to the flexit the building.	pility of building use over the life of	\boxtimes		
4D	Apartment Size and Layout				
4D-1	The layout of rooms within an apartme	ent is functional, well organised and	\boxtimes		
	provides a high standard of amenity.				
	Design Criteria				
	Apartments are required to have	All units meet the minimum ADG			
	the following minimum internal	sizes, with minor non			
	areas:	compliances of 2 bedroom with 2 bathrooms unit nos. 1, 3 and 7			
	Min. Internal Area	as follows.			
	- Studio = 35m ²				
	- 1 b/r unit = 50m²	Unit 1 – 72m²			
	- 2 b/r unit = 70m²	Unit 3 – 72m²			
	- 3 b/r unit = 90m²	Unit 7 – 70.5m²			
	The minimum internal areas include				
	only one bathroom. Additional				
	bathrooms increase the minimum				
	internal area by 5m ² each.				
	A fourth bedroom and further				
	additional bedrooms increase the				
	minimum internal area by 12m ²				
	each.	From hobitable come to a			
	Every habitable room must have a	Every habitable room has a	\boxtimes	$ \sqcup $	$ \; \sqcup \;$
	window in an external wall with a	window in an external wall with			
	total minimum glass area of not less than 10% of the floor area of	minimum glass area.			
	less than 10% of the hoof area of				



No.	Clause Comment		Yes	No	N/A
	the room. Daylight and air may not				
	be borrowed from other rooms.				
4D-2	Environmental performance of the ap	artment is maximised.			$oxed{oxed}$
	Design Criteria				
	Habitable room depths are limited	The proposed development		$ \sqcup $	∐
	to a maximum of 2.5 x the ceiling	complies with this requirement.			
	In open plan layouts (where the	The proposed development			
	living, dining and kitchen are	complies with this requirement.			
	combined) the maximum habitable	compiles with this requirement.			
	room depth is 8m from a window.				
4D-3	Apartment layouts are designed to ac	commodate a variety of			
	household activities and needs.				
	Master bedrooms have a minimum	Satisfactory.			
	area of 10m ² and other bedrooms		-	—	_
	9m ² (excluding wardrobe space).				
	Bedrooms have a minimum	Satisfactory.		$ \sqcup $	$ \; \sqcup \; $
	dimension of 3m (excluding	All bedrooms have minimum			
	wardrobe space).	dimension of 3m.			
	Living rooms or combined	The proposed development			
	living rooms or combined living/dining rooms have a minimum	complies with this requirement.			
	width of:	compiles with any requirement.			
	3.6m for studio and 1 bedroom				
	apartments.				
	4m for 2 and 3 bedroom				
	apartments.				
	The width of cross-over or cross-	N/A			
	through apartments are at least 4m		_	_	_
	internally to avoid deep narrow				
	apartment layouts.				
4E	Private Open Space and Balconies				
4E-1	Apartments provide appropriately size balconies to enhance residential ame			$ \sqcup $	Ш
	Design Criteria	eraty.	[
	All apartments are required to have	The dimensions and areas of all			
	primary balconies as follows:	balconies comply with the			
	printerly believings as follows:	standards.			
	Min. Balcony Areas / Depths				
	- Studio = 4m3 / no min. depth				
	- 1 b/r unit = 8m³ / 2m				
	- 2 b/r unit = 10m ³ / 2m				
	- 3 b/r unit = 12m³ / 2.4m				
	The minimum halossy death to be				
	The minimum balcony depth to be				
	counted as contributing to the balcony area is 1m.				
	For apartments at ground level or	Provided.			
	on a podium or similar structure, a	i i o vided.			
	private open space is provided				
	instead of a balcony. It must have a				
	minimum area of 15m ² and a				
	minimum depth of 3m.				
4E-2	Primary private open space and balco	onies are appropriately located to			
	enhance liveability for residents.				
4E-3	Private open space and balcony desi				
45.1	contributes to the overall architectura		F 3		
4E-4	Private open space and balcony design		ΙШ	l ∐ l	



No.	Clause	Comment	Yes	No	N/A		
4F	Common Circulation and Spaces						
4F-1	Common circulation spaces achieve the number of apartments.	good amenity and properly service					
	Design Criteria	1			_		
	The maximum number of	One core serving max 4 units.					
	apartments off a circulation core on						
	a single level is eight.				-		
	For buildings of 10 storeys and	N/A	$ \; \sqcup \;$	$ \sqcup $	\boxtimes		
	over, the maximum number of						
	apartments sharing a single lift is 40.						
	Daylight & natural ventilation to be	N/A					
	provided to CCS above ground	IWA		$ \cup $	\boxtimes		
	level. Windows should be at ends						
	of corridors or next to core.						
4F-2	Common circulation spaces promote	safety and provide for social					
41 -2	interaction between residents.	salety and provide for social					
4G	Storage						
4G-1	Adequate, well designed storage is p	rovided in each apartment.					
	Design Criteria	retion in each againment					
	In addition to storage in kitchens,	Storage areas have been					
	bathrooms and bedrooms, the	provided within the units and					
	following storage is provided:	storage rooms within the					
	lollowing storage is provided.	basement.					
	Min. Storage Areas	basement.					
	- Studio = 4m ³						
	- 1 b/r unit = 6m°						
	- 2 b/r unit = 8m°						
	- 3 b/r unit = 10m3						
	At least 50% of the required						
	storage is to be located within the						
	apartment.						
4G-2	Additional storage is conveniently loc	ated, accessible and nominated					
	for individual apartments.						
4H	Acoustic Privacy						
4H-1	Noise transfer is minimised through	Considered satisfactory					
	the sitting of buildings and building						
	layout.						
4H-2	Noise impacts are mitigated within an	partments through layout and		$ \sqcup $			
	acoustic treatments.						
4.1							
4J	Noise and Pollution	ann and and and and are in a size a second					
4J 4J-1	Noise and Pollution In noisy or hostile environments the in						
	Noise and Pollution In noisy or hostile environments the in pollution are minimised through the control of the						
4J-1	Noise and Pollution In noisy or hostile environments the in pollution are minimised through the obuildings.	areful sitting and layout of					
	Noise and Pollution In noisy or hostile environments the in pollution are minimised through the obuildings. Appropriate noise shielding or attenu	areful sitting and layout of ation techniques for the building					
4J-1	Noise and Pollution In noisy or hostile environments the inpollution are minimised through the obuildings. Appropriate noise shielding or attenut design, construction and choice of minimise.	areful sitting and layout of ation techniques for the building					
4J-1 4J-2	Noise and Pollution In noisy or hostile environments the inpollution are minimised through the obuildings. Appropriate noise shielding or attenut design, construction and choice of materials.	areful sitting and layout of ation techniques for the building					
4J-1 4J-2 4K	Noise and Pollution In noisy or hostile environments the inpollution are minimised through the obuildings. Appropriate noise shielding or attenut design, construction and choice of minimises. Apartment Mix	areful sitting and layout of ation techniques for the building aterials are used to mitigate noise					
4J-1 4J-2	Noise and Pollution In noisy or hostile environments the inpollution are minimised through the cobuildings. Appropriate noise shielding or attenut design, construction and choice of mit transmission. Apartment Mix A range of apartment types and sizes	areful sitting and layout of ation techniques for the building aterials are used to mitigate noise s is provided to cater for different					
4J-1 4J-2 4K 4K-1	Noise and Pollution In noisy or hostile environments the inpollution are minimised through the obuildings. Appropriate noise shielding or attenut design, construction and choice of mit transmission. Apartment Mix A range of apartment types and sizes household types now and into the fut	areful sitting and layout of ation techniques for the building aterials are used to mitigate noise s is provided to cater for different ure.					
4J-1 4J-2 4K	Noise and Pollution In noisy or hostile environments the inpollution are minimised through the obuildings. Appropriate noise shielding or attenut design, construction and choice of mit transmission. Apartment Mix A range of apartment types and sizes household types now and into the fut. The apartment mix is distributed to see	areful sitting and layout of ation techniques for the building aterials are used to mitigate noise s is provided to cater for different ure.					
4J-2 4K-1 4K-2	Noise and Pollution In noisy or hostile environments the inpollution are minimised through the obuildings. Appropriate noise shielding or attenut design, construction and choice of mit transmission. Apartment Mix A range of apartment types and sizes household types now and into the fut The apartment mix is distributed to subuilding.	areful sitting and layout of ation techniques for the building aterials are used to mitigate noise s is provided to cater for different ure.					
4J-1 4J-2 4K 4K-1 4K-2 4L	Noise and Pollution In noisy or hostile environments the inpollution are minimised through the obuildings. Appropriate noise shielding or attenut design, construction and choice of mit transmission. Apartment Mix A range of apartment types and sizes household types now and into the fut The apartment mix is distributed to subuilding. Ground Floor Apartments	areful sitting and layout of ation techniques for the building aterials are used to mitigate noise as is provided to cater for different ure. uitable locations within the					
4J-2 4K 4K-1 4K-2	Noise and Pollution In noisy or hostile environments the inpollution are minimised through the obuildings. Appropriate noise shielding or attenut design, construction and choice of minimises. Apartment Mix A range of apartment types and sizes household types now and into the fut The apartment mix is distributed to subuilding. Ground Floor Apartments Street frontage activity is maximised.	areful sitting and layout of ation techniques for the building aterials are used to mitigate noise as is provided to cater for different ure. uitable locations within the					
4J-1 4J-2 4K 4K-1 4K-2 4L	Noise and Pollution In noisy or hostile environments the inpollution are minimised through the obuildings. Appropriate noise shielding or attenut design, construction and choice of mit transmission. Apartment Mix A range of apartment types and sizes household types now and into the fut The apartment mix is distributed to subuilding. Ground Floor Apartments	ation techniques for the building aterials are used to mitigate noise is provided to cater for different ure. uitable locations within the					



No.	Clause	Comment	Yes	No	N/A
4M	Façades				
4M-1	Building facades provide visual interest along the street while respecting the character of the local area.				
4M-2	Building functions are expressed by the	ne façade	\boxtimes		
4N	Roof Design				
4N-1	Roof treatments are integrated into the respond to the street.	e building design and positively			
4N-2	Opportunities to use roof space for re- open space are maximised.	sidential accommodation and			\boxtimes
4N-3	Roof design incorporates sustainabilit	v features.			\square
40	Landscape Design	,			
40-1	Landscape design is viable and susta	inable.			
40-2	Landscape design contributes to the s		H	H	H
4P		streetscape and amenity.			
	Planting on Structures				
4P-1	Appropriate soil profiles are provided.				ᆜ
4P-2	Plant growth is optimised with appropr			ļЦ	_Ц_
4P-3	Planting on structures contributes to the communal and public open spaces.	he quality and amenity of			
4Q	Universal Design				_
4Q-1	Universal design features are included flexible housing for all community mer				
4Q-2	A variety of apartments with adaptable	e designs are provided.			
4Q-3	Apartment layouts are flexible and acconeeds.				
4R	Adaptive Reuse		,		
4R-1	New additions to existing buildings are contemporary and				\boxtimes
	complementary and enhance an area's identity and sense of place.		_	-	
4R-2	Adapted buildings provide residential amenity while not precluding future adaptive reuse.				\boxtimes
4S	Mixed Use				
4S-1	Mixed use developments are provided	in appropriate locations and			\square
	provide active street frontages that en	courage pedestrian movement.			
4S-2	Residential levels of the building are in and safety and amenity is maximised				\boxtimes
4T	Awnings and Signage				
4T-1	Awnings are well located and compler building design.	ment and integrate with the			
4T-2	Signage responds to the context and	desired streetscape character.			\boxtimes
4U	Energy Efficiency				
4U-1	passive environmental design.	The development is considered satisfactory with regard to solar access and cross-ventilation.			
4U-2	Development incorporates passive so	lar design to optimise heat			
4U-3	storage in winter and reduce heat transfer in summer. Adequate natural ventilation minimises the need for mechanical ventilation.				
4V	Water Management and Conservati	on			
4V-1	Potable water use is minimised.		M		
4V-2	Urban stormwater is treated on site be	efore being discharged to			
4)// 2	receiving waters.	rated into site decises			
4V-3	Flood management systems are integ	rated into site design.			_Ц_
	Waste Management				
4W 4W-1	Waste storage facilities are designed				





No.	Clause	Comment	Yes	No	N/A
4W-2	Domestic waste is minimised by prov	iding safe and convenient source			
	separation and recycling.				
4X	Building Maintenance				
4X-1	Building design detail provides protect	ction from weathering.			
4X-2	Systems and access enable ease of	maintenance.			
4X-3	Material selection reduces ongoing m	naintenance costs.			

DOCUMENTS ASSOCIATED WITH REPORT LPP002/21

Attachment 7 Appendix B - Holroyd LEP 2013



APPENDIX B

The proposal is defined as a 'residential flat buildings'. An assessment against the relevant Holroyd LEP 2013 clauses is provided in the table below:

No.	Clause	Comment	Comply
	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 to meet the day to day needs of residents. 	The proposal is for residential flat buildings which is a permissible land use within the zone with consent.	Yes
	2 Permitted without consent		
	Home occupations		
	3 Permitted with consent		
	Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centrebased 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		
	4 Prohibited		
	Any development not specified in item 2 or 3		
4.3	Height of Buildings – 15m (1) The objectives of this clause are as follows:	Proposed: 16.13m (RL46.95 – RL30.82m AHD) for the building facing Toongabbie Road List of exceedances:	Refer to clause 4.6 request.
	 (a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties, 	Part of the awning – 1.13m Habitable area – 0.6m Lift overrun – 0.7m Variation: 4% to 7.53%	
	(b) to ensure development is consistent with the landform, (c) to provide appropriate scales and intensities of	Clause 4.6 variation request has been submitted accompanying the application for the breach in the building height development standard.	



No.	Clause	Comment	Comply
	development through		
	height controls.		
	(O) The height of a height		
	(2) The height of a building on any		
	land is not to exceed the		
	maximum height shown for the land on the Height of Buildings		
	Map.		
4.4	Floor Space Ratio - 1.2:1	As compared to the previous	Yes
		application submitted to Council, the	
	The objectives of this clause	proposal has been amended by	
	are as follows:	relocating the waste management room	
	(a) to assess and the scient life, of	into the basement level, which	
	(a) to support the viability of	precludes it from the GFA calculation.	
	commercial centres and provide opportunities for	The lobby area details on the ground floor level have also been provided,	
	economic development	which now indicate that the area is an	
	within those centres,	open breezeway within an outdoor area	
	(b) to facilitate the	to be excluded from the GFA	
	development of a variety	calculation.	
	of housing types,		
	(c) to ensure that development	The applicant's GFA calculation shows	
	is compatible with the	that the total GFA of the development is	
	existing and desired future built form and character of	1,672m² or 1.2:1, which complies.	
	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.		
	(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	The applicant has submitted an	Refer to
	Standards	updated written request to vary the	main
		development standard for height of	body of
		buildings. Council is satisfied that the applicant's written request has	report for
		adequately addressed the matters	detailed
		required to be demonstrated by clause	discussi
		4.6 subclause (3). Council is satisfied	on.
		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.	
		carned out.	
		The concurrence of the Secretary can	
		be assumed in the circumstances and	
		the variation request is considered	
		well-founded.	



No.	Clause	Comment	Comply
5.10	Heritage conservation	The site does not contain any heritage items and is not within a heritage conservation area. There are no heritage items located within the visual catchment of the subject site.	N/A
6.1	Acid Sulfate Soils	The site is not affected by Acid Sulfate Soils.	N/A
6.2	Earthworks	The proposal relates to excavation of 1 level of basement. Appropriate conditions imposed.	Yes
6.3	Essential Services	Sufficient details have been provided in relation to the location of substation for the proposed development to ensure adequate supply of electricity on the subject site complying with the flood floor level control.	No
6.4	Flood planning	The site is affected by flood floor level control. The proposal has been reviewed by Council's Engineer and found satisfactory.	Yes
6.5	Terrestrial Biodiversity	There is no evidence of any terrestrial biodiversity on the site.	N/A
6.7	Stormwater Management	Amended stormwater plans have been submitted and reviewed by Council's Engineer, which are found satisfactory.	No
6.8	Salinity	The site is located on land identified as being affected by moderate salinity. Standard conditions imposed.	Yes

DOCUMENTS ASSOCIATED WITH REPORT LPP002/21

Attachment 8 Appendix C - Holroyd Development Control Plan 2013



APPENDIX C

Holroyd Development Control Plan 2013

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

No.	Clause	Comment	Yes	No	N/A		
	A - GENERAL CONTROLS						
1	Subdivision						
	Not Applicable						
2	Roads and Access						
2.4	Access: Vehicular Crossings, Splay	Corners Kerb & Guttering					
	VC to be reconstructed if in poor	5.5m - two way driveway.					
	condition, damaged or design doesn't	com the may arrenay.			"		
	comply.						
	Avoid services/facilities in road	The proposed driveway and					
	reserve, existing trees, pedestrian	vehicular crossing will		_	_		
	crossing, pram ramps etc.	impact on existing lintel on					
		Cox Lane. Condition to be					
		imposed to address this.		<u> </u>			
	Comer sites VC to be min. 6m from	Not a corner site.					
	the tangent point.			 			
	Comer sites require 3m x 3m	Not a corner site.	$ \sqcup $	$ \sqcup$			
	(residential) and 4m x 4m						
	(commercial) splay corner to be dedicated.						
2.7	Road Widening						
2.1	Not Applicable						
2			ш				
3 3.1	Car Parking Minimum Parking Spaces						
3.1	Car Parking	4 x 0.8 =3.2					
	Cal Falking	12 x 1 = 12					
	Studio / 1 bedroom 0.8 spaces	$4 \times 1.2 = 4.8$					
	2 bedroom 1.0 space	4 7 7 2 - 4.0					
	3 bedroom 1.2 spaces	20 x 0.2 = 4					
	4+ bedroom 1.5 spaces						
	Visitor / dwelling 0.2 spaces	Total = 24					
		Provided = 25					
	Commercial:						
	1/20m²	<u> </u>		-			
	Bicycle Parking	Required – 11 spaces		$ \sqcup$	\sqcup		
	- 0.5 per Studio / 1 b/r	Provided – 16 spaces					
	- 0.5 per 2 b/r - 0.5 per 3+ b/r						
	- 0.3 per 3* bit						
3.3	Car Parking, Dimensions & Gradient						
0.0	Council's Traffic Engineer has assesse						
	documentation and advised the propos				"		
	proposed basement arrangement has now demonstrated proper						
	vehicles manoeuvring to allow for suffic						
3.5	Access, Maneuvering and Layout						
	Driveways shall be setback a	The proposed driveway and					
	minimum of 1.5m from the side	vehicular crossing are now	_	-	_		
	boundary.	offset 1.185m from the					
		eastern side property					
		boundary and from the					
		existing street light					
	Parking for the Disabled	column/light pole.					



No.	Clause	Comment	Yes	No	N/A
	1 accessible space shall be provided	3 accessible car spaces			
	per adaptable unit.	proposed.			
4	Tree and Landscape Works				
	Tree removals have been accompanied	with arborist report and found			
_	to be satisfactory.				
5	Biodiversity	in diversity on the site			
_	There is no evidence of any terrestrial b	logiversity on the site.	oxdot		
6	Soil Management				
6.1	Retaining Walls	d should the explication be			
	A condition of consent would be impose approved requiring retaining walls >1 m			$ \; \sqcup \;$	⊔
	suitably qualified person, if consent wer				
6.2	Site Contamination and Land Filling				
	Preliminary Site Investigation (PSI) subr	nitted to Council for review and			
	found to be satisfactory.				
6.3	Erosion and Sediment Control Plan				
	Subject to conditions.		oxdot oxtimes		
7	Stormwater Management				
	Amended stormwater plans have addre				
	raised, including, cross ventilation open				
	stomwater system and its location awa pull in bay. Council's Engineer has review				
	found it to be satisfactory, subject to con				
8	Flood Prone Land	Teleforio:			
	The site is subject to the floor level cont	rol lot. The proposal was			
	reviewed by Council's Engineer and fou	ind to be satisfactory.			
9	Managing External Road Noise				
	Not located on classified road.				
10	Safety and Security				
	The design is considered to be satisfact	ory from a safety and security			
44	perspective.			<u> </u>	
11 11.3	Waste Management Residential Land Use Waste Manage	mant			
11.3	Waste storage room is now relocated to				
	is considered satisfactory, subject to co				⊔
12	Services	TOTAL TOTAL			
	Sufficient details have been provided in	relation to the supply of			
	electricity on the subject site complying		"	_	
	control. The proposal is considered sati	sfactory, subject to conditions.			<u> </u>
PART	B - RESIDENTIAL CONTROLS				
1	GENERAL RESIDENTIAL CONTROLS	3			
1.1	Building Materials				
	The proposed building materials are con	nsidered acceptable.		oxdot	
1.2	Fences				
	Max 1.5m	Not proposed.			
1.3	Views				
	No significant views will be affected by	the proposed development.			
1.4	Visual & Acoustic privacy				
	Refer to ADG assessment above.				
1.5	Landscape Area				
	Min. 30% for a residential flat building.	Area: 477.4m ²			
	Be muline di				
	Required: 0.3 x 1,393.5 = 418.05m ²	34.25%			🗆
	0.5 x 1,585.5 = 410.00111°	34.2370			
	Max. 50% of provided landscaped	The majority of the			
	area shall be forward of the front	landscaped area is behind			
	building line.	the building line.			



No.	Clause	Comment	Yes	No	N/A
1.8	Sunlight Access				
	1 main living area of existing adjacent	Given the site orientation,			
	dwellings to receive 3 hours direct	the	_	_	_
	sunlight between 9am and 4pm, 22	proposal will maintain the 3			
	June	hours of direct sunlight			
		between 9.00am and			
		4.00pm to at least one main			
		living area of the adjoining			
		properties to the west side.			
1.9	Cut and Fill				
	The cut controls are not applicable as be	asement parking is proposed.			
	Not within easements.				
1.10	Demolition				
	Approval for demolition is required from	Council.			
1.12	Universal Housing and Accessibility				
	15% of units shall be adaptable units	Required:			
	Class B.	20 units x 0.15 = 3 units	_	_	_
		Provided:			
		3 adaptable units provided			
1.13	Subdivision				
	Strata subdivision of residential flat	Not proposed.	$ \; \sqcup \; $	\sqcup	
^^	buildings is permitted.	<u> </u>		<u> </u>	
6.0	Residential Flat Buildings				
6.1	Lot Size and Frontage	Cobject site has frontess of			
	Minimum lot frontage for residential	Subject site has frontage of			
	flat buildings is 24m or 28m	30.48 m to Toongabbie Road.			
	Decidential flat buildings are not	Site is not a battleaxe lot			
	Residential flat buildings are not permitted on battleaxe lots	Site is not a battleaxe lot			
6.2					
0.2	Site Coverage Maximum site coverage of any	Area: 625.92m²			
	residential flat development shall not	Alea, 625,92111-			
	exceed 30%				П
	Max		"		"
	0.3 x 1,393.5m ²	44.8%			
	0.5 x 1,595.5III	44.0%			
6.3	Setbacks				
	Front setback from principal street	Refer to Part L			
	minimum 6m				
	Front setback from secondary street	No secondary street			N
	minimum 4m				
	Minimum rear setback required:	Refer to Part L			
	Up to four storeys – 20%				"
	Five storeys or more – 30%				
	Side setback minimum 3m	Refer to Part L	\boxtimes		
	Minimum upper storey setback of 3 m	Refer to Part L	_		
	is required for all floors above 4				
	storeys.			ļ	
	Basement setback to side and rear	Refer to Part L	\boxtimes		
^ -	boundaries minimum 3m				
6.4	Building height	F starry		<u> </u>	
	Maximum building height in storeys	5 storey			
	shall be provided in accordance with				
	the table below:			\boxtimes	
	Downside of Halanda (adams)		_		
	Permitted Height (storeys)				
	Height Storeys				
	9m 1	I		I	1



No.	Clause		Comment	Yes	No	N/A
	11m 2	2				
	12.5m	3				
	15m 4	1				
	18m 5	5				
	21m (3				
	24 m	7				
	The minimum floor to	ceiling heights	The proposed floor to floor			
	shall be:	ceiling neignis	dimensions provided on the			
	2.7 metres for ha	hitable roome	plans are 3.1 m at all levels.			
			This will allow for 2.7 m			
	2.4 metres for no	on nabitable	ceiling heights throughout all			
	rooms.		habitable rooms.			
	2.4 metres for the second		Habitable rooms.			
	section of two storey u					
	more of the apartment					
	minimum ceiling heigh			_		
	Attics are permissible	in RFBs	No attics proposed			
6.6	Open space					
	Private open space is		Verandah within the street			
	within the street setb	ack unless as a	setbacks is not included in		lп	
	terrace or verandah ar	nd the area is not	the POS calculation and will			
	included in the minimu	ım calculation.	provide casual surveillance.			
6.7	Building appearance				Ì	
	Facades to be com		Design response is			
	appropriate scale,	rhythm and	appropriate to the context of		Ιп	Ιп
	proportion	myann ana	the site.	"	"	"
	Roof design is to	respond to the	Roof design is appropriate			
	orientation of the site		Root design is appropriate	_	l _	_
	eaves and skillion roo					
	sun access.	ns to respond to				
6.8	Building entry and po	adaatrian			-	
0.8	access	edestrian				
	Building entries shall b	a visible from the	Pedestrian entry is sheltered			
	street, sheltered and v		and visible from the street.	\boxtimes		
	Main building entry is		Separate pedestrian access			
	from car park entry	to be separate	to the building is provided		Ιп	П
	noni car park entry		from the street.			
	Only becoment corner	etela er la marenalitta et			-	
	Only basement car par		Basement parking proposed			
	for residential flat build		0	_	_	
	Where possible, ve		Cox Lane access			
	entries shall be locate	ed off secondary				
• •	streets.		<u> </u>			
6.9	Parking		1-			
	Shall be maintained to	a basement.	Basement parking			
			proposed.			
	Vehicle entries shall be		Proposal complies			
	the main façade and s					
	shall be provided to ca	r park entries to				
	improve the appearan	ce of vehicle	1			
	entries		d assurable provided			
	One car wash bay sha	III be provided	1 car wash provided		1	
	One car wash bay sha		1 car wash provided			
	One car wash bay sha for all developments h	aving 10 or	1 car wash provided			
6.10	One car wash bay sha for all developments h more dwellings (not a	aving 10 or	1 car wash provided	☒		
6.10	One car wash bay sha for all developments h more dwellings (not a Vehicular access	aving 10 or visitor space).				
6.10	One car wash bay sha for all developments h more dwellings (not a Vehicular access Shall be located off se	aving 10 or visitor space).	Cox Lane access			
6.10	One car wash bay sha for all developments h more dwellings (not a Vehicular access Shall be located off se where possible.	aving 10 or visitor space). condary streets,	Cox Lane access			
6.10	One car wash bay sha for all developments h more dwellings (not a Vehicular access Shall be located off se	aving 10 or visitor space). condary streets, provided				



No.	Clause	Comment	Yes	No	N/A
	Access to resident parking areas shall be restricted via a security gate or	Provided.			
6.11	door. Internal circulation				
0.11	All common facilities must be	All common facilities are		<u> </u>	
	accessible.	accessible.	\boxtimes		
	All staircases are to be internal.	Staircases are internal.	\square		
	Sensitive noise rooms shall be located	Provided			
	away from less sensitive noise rooms.		.⊠		
	corridors and stairwells.		-	_	_
6.12	Facilities and amenities			İ	
	Each unit shall be provided with a	Laundry provided within			
	laundry within the unit.	each unit.			
	Open air clothes drying facilities shall	Sufficient space for clothes			
	be provided in a sunny, ventilated area,	drying provided to each unit.			
	screened from the public domain.				
	Clothes drying areas shall be screened	Subject to condition.			
	by 1.5m high walls.				
6.15	Waste management				
	Bin storage must:	Waste storage room is to be			
	Be located behind the building	relocated in basement level.			
	line and screened from the street				
	and any public place.				
	Be accessible and relatively close			3 🗆	
	to each dwelling.				_
	Not impact upon the amenity of				
	adjoining premises or dwellings				
	within the development, i.e. odour.				
	Allow for unobstructed access that	Provided.			
	does not exceed a grade of 1:8 for bins	Plovided.			
	to be wheeled to the collection point.				
7	Landlocked sites				
•	Residential R4 zoned lots should not	The proposal will result in			
	result in the creation of landlocked	landlocking of site to the			
	sites.	eastern side at 31			
		Toongabbie Road.			
		However, it is considered	_	_	_
		acceptable as discussed			
		below.			
	Where adjacent sites are developed	Not applicable.			
	concurrently, amalgamation or			Ιп	
	integration of public domain / open			_	"
	spaces shall be explored.	The proposal has been			
	Proposals that create landlocked sites	The proposal has been			
	shall:	accompanied with 2 written			
	Provide two written independent valuations representing the	independent valuations representing the affected			
	valuations representing the affected sites value.	site value and the evidence		_	_
		that a reasonable offer has	\boxtimes		
	Provide evidence that a reasonable offer has been made	been made to the affected			
	to the affected owners.	owners. The offers were			
	to the dilected owners.	rejected by the owner of 31			
		Toongabbie Road.			
	Where a proposed development is	The proposed development			
	likely to result in an isolated site the	has submitted concept plan			
	applicant is to demonstrate how a	how the site at 31	\boxtimes		
	future development on the isolated site	Toongabbie Road could be	-	_	-
	can be achieved to ensure a high	redeveloped.		I	I



No.	Clause	Comment	Yes	No	N/A
	quality streetscape. The following should be addressed: Height Car parking access Site coverage Constructability Envelope separation Open space				
	Existing landlocked sites				
	Existing landlocked sites shall be assessed on their merits.	Not a landlocked site.			
	Proposals shall achieve a satisfactory level of amenity, privacy, solar access, landscaping and setbacks and shall not detract from the streetscape.	Not a landlocked site.			
PART	L - TOWN CENTRE CONTROLS				
The si	te is located within the Toongabbie Town	Centre.			
1.1	Site Consolidation and Frontage			,	
	Amalgamation of lots in accordance with Figure 5 is required	Due to the existing approval on Toongabbie Road, the desired lots amalgamation could not be achieved and resulted in the landlocking of 31 Toongabbie Road, particularly due to existing lot at 21 Toongabbie Road not amalgamating with the adjoining properties and the approval granted at 23-25 Toongabbie Road. The proposed consolidation of 27-29 Toongabbie Road is considered acceptable, subject to the assessment below.	⊠		
	In instances where amalgamation cannot be achieved, the following information must be submitted with any development application: • Two written valuations indicating the value of the remaining sites that were to be developed in conjunction with the applicants properties. These are to be undertaken by two independent valuers registered with the Australian Valuers Institute, and • Evidence that a reasonable offer has been made to the owners(s) of the affected sites to purchase and valuation reports.	Development proposals that create land locking or site isolation shall provide documentation that demonstrates a reasonable attempt has been made by the applicants to purchase the land locked site(s), including written valuation that represent the affected sites potential value. Consistent with the Planning Principle of Karavallas v Sutherland Shire Council [2004] NSWLEC 251 (Karavellas v Sutherland Shire Council), the application is supported by an offer to the owner of the isolated property, with the offer being based on two recent independent valuations. The offer is deemed a reasonable offer by the Planning Principle of			



No.	Clause	Comment	Yes	No	N/A
		Karavallas v Sutherland			
		Shire Council.			
		Furthermore, the applicant			
		has also submitted a			
		concept plan of how the			
		landlocked site may be			
		development in the future.			
1.2	Rear Laneways, Land Dedication, Ad	cess and Vehicular Entries			
	8m laneway between Aurelia Street and Toongabbie Road is to be provided as shown in Figure 6 4m wide	Cox Lane at the rear of the subject site has been constructed as part of the approved development at 64-78 Aurelia Street. The subject site is not required to dedicate a 4m width land to form part of the Cox Lane.			⊠
1.3	Building Height				
	4 storeys (Figure 7)	5 storeys			
1.4	Building Setbacks, Separation and S	treet Presentation			
	0 metres – including side setback between buildings (Figure 8)	Satisfactory, subject to ADG building separation assessment.	\boxtimes		

DOCUMENTS ASSOCIATED WITH REPORT LPP002/21

Attachment 9 Redacted Submission





To: Subject: Records Department

APPLICATION NO. REV2020/0006

Dear Sir/Madam,

- 1. I refer to Councils letter REV2020/0006 of 12 Oct 2020 and my emails to Council of 11/7/18, 18/9/19, 17/10/19, 28/10/19 and 17/3/20 (re initial DA 2019/361/1).
- I am now compelled to seek development of my property independently, in view of the following:
- a. The developers low offer to purchase and amalgamate my property with this DA was rejected.
- b. The concept plan for my property, provided by the developer is just an incomplete sketch and is about as reliable as the independent valuations.
- c. Property No 33 Toongabbie Rd is also subject to independent development, as integration into one site with my property is not possible because of the laneway.
- d. Area/length/width of my property is 696.77 sq.mr. DIM. 15.24 mr x 45.72 mr.

 After deducting the length/width/area of the laneway viz. 4 mr x 45.72 mr = 182.88 sq mr, the remaining area of my property, available for development, will be reduced to 513.89 sq. mr (ie. 696.77 182.88).
- e. Aurelia Laneway, linking Aurelia St to Toongabbie Rd (8mr wide) planned to bisect my property and neighbour property apparently, will not, or cannot be relocated within either site as one integrated lot. I have yet to receive a formal reply from Council on this matter. I presume that the DCP 2013 of 13 July 2013, on which I was not consulted at that time, did not make any provision in such circumstance.
- 4. This Council plan has placed a major burden on my property. I have tried to sell it, but obviously it has been blacklisted by prospective developers, probably making it unsellable, because of this laneway which greatly reduces the property area, impacting on development potential and decreasing its market value.
- 5. It appears Council has inadvertently put me between a rock and a hard place with respect to the usage of my land at

With empathy and fairness, can Council please inform me now of what I can do with this land. I look forward to your kind earliest convenient response.

Yours faithfully,