A meeting of the Cumberland Local Planning Panel will be held via Electronic Determination on Wednesday, 12 May 2021.

Business as below:

Yours faithfully

Peter Fitzgerald
Acting 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: LPP015/21

DEVELOPMENT APPLICATION FOR 535 MERRYLANDS ROAD, MERRYLANDS

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: DA2020/0301

Application lodged	25 May 2020
Applicant	S Restifa
Owner	Saba Property Development Pty Limited
Application No.	DA2020/0301
Description of Land	535 Merrylands Road MERRYLANDS NSW 2160 Lot 15 Sec B DP 2815
Proposed Development	Demolition of existing structures, removal of trees and construction of a 90-bed residential aged care facility, including at grade car parking and associated site improvements (State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004)
Site Area	7,746m^2
Zoning	R2 Low Density Residential
Disclosure of political donations and gifts	Nil disclosure
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 Standards	Floor Space Ratio Permissible: 0.5:1 (HLEP 2013) / 1.0:1 (SEPP (HSPD) 2004) Proposed: 0.58:1 (calculated in accordance with SEPP (HSPD) 2004) Height of Building Permissible: Max. 9m (HLEP 2013) / Max. 8m (SEPP (HSPD) 2004) Proposed: Max. 9.3m (calculated in accordance with SEPP (HSPD) 2004) Clause 4.6 Written Request submitted for variation sought to building height
Issues	Flooding Building height Rear Setback

SUMMARY:

1. Development Application No. DA2020/0301 was received on 25 May 2020 for the demolition of existing structures, removal of trees and construction of a 120-bed residential aged care facility, including at grade car parking and associated site improvements.

2. Subsequent amendments have been made to the proposal to address matters raised by Council with respect to the number of storeys and flooding matters which has resulted in the proposal being reduced in scale from a 120-bed to 90-bed residential aged care facility.

3. The application is made pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP (HSPD) 2004), which permits seniors housing development on land zoned R2 Low Density Residential, despite the provisions of any other environmental planning instrument.

4. The application was publicly notified to occupants and owners of the adjoining properties for a period of 21 days between 3 June 2020 and 24 June 2020. In response, two (2) submissions were received. The amended plans and additional information submitted did not warrant re-notification of the application.

5. The subject application has been assessed against the relevant provisions of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, Holroyd Local Environmental Plan 2013 (HLEP) and Holroyd Development Control Plan 2013 (HDCP).

6. The proposal seeks the following numerical non-compliances which are considered supportable as discussed in detail elsewhere in the report:

Control	**Required**	**Provided**	**% variation**
Building Height Clause 40(4)(a) of SEPP (HSPD) 2004	Max. 8m	Max. 9.3m	16.25%
Building Height Clause 40(4)(c) of SEPP (HSPD) 2004	Max. single storey in height in the rear 25% area of the site	2 storeys	100%

7. The application is referred to the Panel as the proposal contravenes 2 development standards by more than 10%.

8. The application is recommended for approval subject to conditions in the draft Notice of Determination at Attachment 1.

REPORT:

Subject Site and Surrounding Area

The subject site is legally identified as Lot 15 Sec B DP2815, and known as 535 Merrylands Road, Merrylands. The property has a site area of approximately 7,746m² with a frontage of 33.61m to Merrylands Road. The site has a gradual fall from the front to the rear of approximately 2.1m.

The subject site is situated on the northern side of Merrylands Road and adjoins Leeton Street Park to the rear of the site. An existing open grassed channel transverse the subject site along the western boundary. The property is currently occupied by a vacant dwelling house and vegetation. The site has been substantially vacant since 2009 or earlier.

The subject allotment and properties adjoining the site directly to the east and part west are zoned R2 – Low Density Residential under the Holroyd Local Environmental Plan 2013.

The immediate locality is characterised by low to medium density housing.

Figure 1 – Aerial image of subject site outlined in yellow

Figure 2 – Zoning Map. Subject site indicated in purple outline.

Figure 3 – Street view of the subject site – Source: Google Maps

Figure 4 – View of the western boundary of subject site from Yoogali Street

Figure 5 – Image of existing grass channel along the western boundary of the subject site

Description of the Proposed Development

Development consent is sought for the demolition of existing structures, removal of trees and construction of a 90-bed residential aged care facility, including at grade car parking and associated site improvements.

Key features of the proposed development are as follows:

Demolition:

- Demolition of all existing structures on site and removal of 25 trees.

Construction / site works:

- Construction of a 2 storey residential aged care facility comprising 90 beds/suites as follows:
    - Ground Floor: 42 suites, reception/lobby, common dining rooms, outdoor landscaped courtyard/gardens, nurse stations, kitchen, staff rooms, offices, linen room, cleaner's rooms, waste rooms, and mechanical plant room.

- Level 1: 48 suites, dining rooms with terraces, sitting rooms, office, nurse stations, physio, and cleaner's rooms.

- Site preparation and stormwater works, including landscaping works.

On-site car parking:

- At-grade carpark accommodating 39 car parking spaces as follows:
  - 22 resident/visitor car parking spaces (including 4 accessible parking spaces); and
  - 17 staff car parking spaces.
- Allocation has also been made for emergency vehicles and loading dock.

Staff:

- The proposed residential aged care facility is staffed and supervised 24 hours a day.
- A maximum of 30 staff at any one time will be working at the proposed residential aged care facility.

Figure 6 – Site Plan showing the proposed development at the subject site and relationship with adjoining properties

BACKGROUND

On 28 November 2018, a preliminary pre-lodgement meeting for a proposed residential aged care facility was held with the applicant and Council staff on site.

On 7 May 2019, a pre-lodgement meeting was held for a proposed 114 bed residential aged care facility with at-grade car park, and associated site works (PDA/847).

Application History

Date	Action
29 May 2020	Development Application 2020/0301 lodged with Council.
29 May 2020	The application was referred to Council's internal and external departments for review.
3 June to 24 June 2020	The application was publicly notified to adjoining and opposite owners, and on Council's website, and a notice placed on the site for 21 days. In response, two (2) submissions were received.
30 July 2020	The application was deferred requesting the Applicant to submit legal advice pertaining to the issue of permissibility of the proposed development at the subject site having regard to Clause 4(6)(a) of SEPP (Housing for Seniors or People with a Disability) 2004.
27 August 2020	The Applicant submitted legal advice pertaining to the permissibility of the proposed development at the subject site for review.
9 October 2020	Correspondence was sent to the Applicant advising that the application could not be supported with respect to flooding and building height variation sought, inviting the Applicant to withdraw the application.
5 November 2020	A meeting was held between the applicant and Council staff to discuss matters raised in Council's letter dated 9 October 2020. At this meeting, it was concluded that Council would provide further clarification with respect to the flooding issues and bulk and scale matters raised to enable the applicant to provide additional information in response.
11 November 2020	Council provided the applicant with further clarification and additional information required to satisfy flooding and height concerns.
28 January 2021	The applicant advised that results of the flood modelling identifies that the proposed building would need to be raised by 1.0m to be above the PMF levels and requested Council's response to the proposed additional height.
4 February 2021	Correspondence was sent to the applicant advising that the request to increase the building height by 1m would result in the building having a maximum height of approximately 11.9m and cannot be supported. It was recommended that the proposal be amended to be a maximum of 2 storey in height and that all flooding and stormwater matters previously raised by Council be addressed.
19 March 2021	Amended plans and documents prepared in response to Council's information request submitted for review.
12 May 2021	Application referred to CLPP for determination.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects (SEE) prepared by City Plan dated 27 February 2020 and revised SEE prepared by City Plan dated 19 March 2021, 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 subject site is identified as being impacted by the 1% AEP storm event, and portions of the site is identified as High Hazard Flood and Floodway. To ensure safety of aged care residents, the building has been designed with finished floor levels set above the PMF flood level for safe refuge (FFL 35.00m AHD).

The building is to be constructed to withstand the anticipated hydrostatic forces, flooding and overland flow.

Flood modelling carried out further indicates that the proposed development will have negligible overall difference in flood depth and flood velocity (pre to post) immediately upstream or downstream during the 1% AEP flood event. Additionally, pier construction and flood storage is provided within the site below the 1 in 100 year flood levels has been increased to ensure that there is no significant increase in flood levels and no exacerbation of the flooding on neighbouring and downstream properties.

A culvert system has also been designed through the site to collect and drain the traversing overland flow from Merrylands Road and direct towards the reserve (Leeton St Park).

The proposal has been accompanied by detailed stormwater plans, Overland Flow 'Flood' Assessment (Ref No. 200439_Flood, Rev C, prepared by Quantum Engineers, dated 13/04/2021), and Stormwater Report (Rev 04, prepared by Henry & Hyams, dated April 2021).

Council's Development Engineer has outlined that the justification provided in Section 9.3 of the Overland Flow 'Flood' Assessment is considered satisfactory. Flood warning system and Flood Evacuation Strategy have been proposed as part of the report to minimise the risk of flood to occupants. The FFLs of the building ensure safe refuge for staff and residents within the building. Early stage off-site evacuation can commence prior to the PMF flood event occurring, whereby the evacuation point will further east of the site, towards the frontage of No. 469 Merrylands Road, Merrylands, which is identified as an area located outside the PMF flood extents.

No objections are raised to the proposal subject to the imposition of recommended conditions requiring the above stated drainage, civil and flood management works on site to ensure safety and protection from flood.

Figure 7 – Off-site Evacuation Route (Extract from Overland Flow Flood Assessment, prepared by Quantum Engineers, Rev C, dated 13 April 2021)

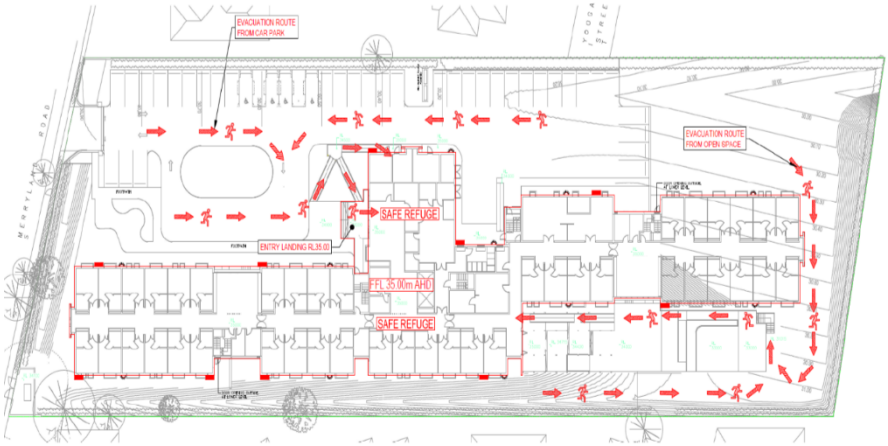

Figure 8 – On-site Evacuation Route (Extract from Overland Flow Flood Assessment, prepared by Quantum Engineers, Rev C, dated 13 April 2021)

Environment and Health

The development is on land that will be impacted by road noise and vibration as identified by State Environmental Planning Policy (Infrastructure) 2007. Council's Environmental Health Officer has reviewed the submitted Acoustic Report prepared by Acoustic Logic, dated 20 February 2020; and submitted plans, and advised the proposal is acceptable with respect to road noise, subject to compliance with conditions.

However, Council's Environmental Health Officer has advised that the submitted Acoustic Report has not undertaken an assessment of noise from mechanical plant to ensure appropriate plant selection and room design prior to construction. In this regard, noise impacts resulting from mechanical plant has not been addressed and it is uncertain as to how noise and vibration from mechanical plant on site will be managed to meet the set criteria. This matter has been resolved via the imposition of conditions.

Tree Management Officer

Council's Tree Management Officer has reviewed the proposal and considers the proposed tree removal and planting and landscape works acceptable, subject to compliance with recommended conditions.

Waste Management

Council's Waste Management Officer has reviewed the proposed development and advises that the proposal is generally satisfactory subject to safe manoeuvring of a 10.5m heavy rigid waste vehicle for on-site collection.

External Referrals

Transport for NSW

The proposed development was referred to Transport for NSW (TfNSW) in accordance with Clause 101 of State Environmental Planning Policy (Infrastructure) 2007 for concurrence.

Correspondence from TfNSW dated 25 August 2020 outlined that no objections are raised by TfNSW subject to Council being satisfied with the proposed access arrangements in terms of safety and efficiency and the inclusion of the following requirements in any determination issued:

1. The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.

2. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS2890.1-2004, AS2890.6-2009 and AS2890.2-2018 for heavy vehicle usage. Parking restrictions may be required to maintain the required sight distances at the driveway.

Endeavour Energy

The proposed development was referred to Endeavour Energy in accordance with Clause 45 of State Environmental Planning Policy (Infrastructure) 2007. No objections were raised by Endeavour Energy with respect to the proposal.

NSW Police

The application was referred to NSW Police for comment regarding CPTED. Response dated 10 June 2020 indicates that the proposal is satisfactory subject to conditions.

PLANNING COMMENTS

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

(a) Water Management Act 2000

Correspondence dated 15 September 2020 received from Natural Resources Access Regulator (Water NSW) outlined that the existing open grassed channel located along the western boundary of the subject site is not identified as a watercourse, and as such a controlled activity approval is not required to be obtained from Natural Resources Access Regulator for the proposed works. In this regard, the proposed development is not identified as 'Integrated Development' pursuant to Section 91(2) of the Water Management Act 2000.

State Environmental Planning Policies

(a) State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

SEPP (Housing for Seniors or People with a Disability) 2004 aims to provide access to affordable housing for older people, people with disability and those on low income. The proposed development has been assessed and found to generally comply with the provisions of the SEPP (Housing for Seniors or People with a Disability) 2004.

A comprehensive assessment against the provisions of the SEPP (Housing for Seniors or People with a Disability) 2004 has been undertaken, and is provided at Attachment 2. The following table sets out the SEPP (HSPD) 2004 non-compliances, which are considered supportable as discussed in detail below:

29	**Consent Authority to Consider Certain Site Compatibility Criteria for Development Applications to which Clause 24 Does Not Apply**	
	(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) to which clause 24 does not apply. Note. Clause 24 (1) sets out the development applications to which that clause applies. (2) A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v). (3) Nothing in this clause limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied	The subject site is not identified as requiring a Site Compatibility Certificate. In this regard, Clause 24 does not apply to the proposed development. In accordance with Clause 29(1) & 29(2), the consent authority is required to consider criteria referred to in Clause 25(5)(b)(i), (iii) and (v). The proposal satisfies Clause 25(5)(b)(iii) and (v) with respect to access to services and infrastructure, and appropriate bulk and scale. Clause 25 (5) (b) (i) states the following: *(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria—* *(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*

	under another provision of this Policy) in determining a development application to which this clause applies.	Comment: The subject site is identified as being impacted by the 1% AEP storm event, and portions of the site shown as High Hazard Flood and is located within the flood way. Council's Development Engineering has reviewed the proposal and outlined that the proposed residential aged care facility has been designed to have minimum finished floor levels set above the PMF flood level to ensure safe refuge for future occupant. Pier construction, flood storage and a culvert system has also been provided to collect and drain the traversing overland flow from Merrylands Road and direct towards the reserve (Leeton St Park), to not result in a significant increase in flooding on neighbouring properties. Furthermore, an appropriate flood evacuation plan has been provided. In this regard, the proposal is considered to satisfy Clause 25(5)(b)(i) of SEPP (HSPD) 2004 as it has been designed appropriately to respond to the environmental constraints of the site.
33	**Division 2 Design principles Neighbourhood Amenity and Streetscape** The proposed development should: (g) Be designed so that no building is constructed in a riparian zone.	Portions of the at-grade carpark and Blocks E, G & J are located within the riparian zone as mapped within HLEP 2013. A concrete culvert has been proposed to convey flows underground to ensure that a minimum freeboard of 500mm to the proposed FFL can be achieved. Council's Development Engineer has reviewed the civil works proposed and is satisfied that the development has been designed, sited and managed appropriately in a manner which would minimise adverse environmental impacts.
40	**Part 4 Development Standards to be complied with** **Division 1 General** **Development Standards – Minimum Sizes & Building Height**	
	(4) **Height in zones where residential flat buildings are not permitted** If the development is proposed in a residential zone where residential flat buildings are not permitted: (a) The height of all buildings in the proposed development must be 8 metres or less, and **Note.** Development consent for	Residential flat buildings are not permissible at the subject site. a) All buildings are in excess of 8m in height.

	development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a). (c) A building located in the rear 25% area of the site must not exceed 1 storey in height.	c) Block J is located within the rear 25% of the site, and 2 storey in height. The Applicant has submitted a Clause 4.6 written request to vary the height standards prescribed by Clause 40(4)(a) and (c). Refer to detailed assessment contained within the body of the report.
48	**Division 2 Residential care facilities** **Standards that cannot be used to refuse development consent for residential care facilities** (a) **building height:** if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or	The building exceeds the 8m height limit. The Applicant has submitted a Clause 4.6 written request to vary the height standards prescribed by Clause 40(4)(a). Refer to detailed assessment contained within the body of the report.

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

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

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	☒ Yes ☐ No
In the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?	☒ Yes ☐ No

Matter for Consideration	Yes/No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	☐ 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 Detailed Site Investigation report prepared by GCA (report reference E2058-1, dated 22 April 2020) was submitted with the application. The report did not reveal any potential matters of concern with regard to contamination and concludes that the site is suitable for its intended use, providing the recommendations contained within the report are undertaken. Council's Environmental Health Officer has reviewed the DSI report and determined that the site is suitable to support such a development given that the report provides that the site is suitable for the proposed use, and outlined conditions of consent to be imposed requiring the compliance with the recommendations of the DSI report. Notwithstanding, a standard condition of consent, to manage any unexpected finds during the course of the construction work, has also been recommended.	

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

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

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

The proposed development occurs within 5 metres of existing overhead electricity power lines. The proposed development was referred to Endeavour Energy in

accordance with Clause 45 of State Environmental Planning Policy (Infrastructure) 2007. No objections were raised by Endeavour Energy with respect to the proposal.

Clause 101 – Frontage to classified road

The application is subject to clause 101 of the ISEPP as the site has frontage to a classified road being Merrylands Road. The proposed development was referred to Transport for NSW (TfNSW) in accordance with Clause 101 of State Environmental Planning Policy (Infrastructure) 2007 for concurrence.

Correspondence from TfNSW dated 25 August 2020 outlined that no objections are raised by TfNSW subject to Council being satisfied with the proposed access arrangements in terms of safety and efficiency and the inclusion of recommended requirements, should approval be granted.

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

The site has frontage to a classified road being Merrylands Road, and the application is accompanied by an Acoustic Impact Assessment. Council's Environmental Health Officer has reviewed the report and advised that appropriate measures are recommended to ensure acceptable noise levels are maintained for bedrooms from road noise.

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

The subject site adjoins land reserved for public open space purposes, being Leeton Street Park, to the rear of the site. The proposal development is not considered to pose adverse impacts on Leeton Street Park.

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

The proposal does not exceed the biodiversity offsets scheme threshold. Council's Tree Management Officer has reviewed the proposal outlined that the vegetation removal is considered acceptable. Please refer to the DCP compliance table for further discussion.

Regional Environmental Plans

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

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

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

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

Local Environmental Plans

Holroyd Local Environmental Plan 2013

The provision of the Holroyd LEP 2013 is applicable to the development proposal. It is noted that the development exceeds the maximum LEP building height and FSR permitted for the site.

(a) Permissibility: -

The proposed development is defined as a 'seniors housing', which is not listed as a permitted land use with consent on R2 zoned land pursuant to HLEP 2013.

The proposed development is made pursuant to SEPP (Housing for Seniors and People with a Disability) 2004. In accordance with Clause 4(1)(a)(i) of SEPP (HSPD) 2004, the Policy applies to land that is zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if development for the purposes of dwelling houses is permitted on the land.

Dwelling houses are a land use permitted with consent at the subject site pursuant to HLEP 2013.

In this regard, seniors housing in the form of residential care facilities are permitted at the subject site in accordance with Clause 4(1)(a)(i) of SEPP (HSDP) 2004.

(b) LEP Building Height & Floor Space Ratio development standards

The maximum Building Height and Floor Space Ratio development standards applicable to development at the subject site as follows:

Development Standard	Yes	No	N/A	Response
4.3 Height of buildings Max. 9 metres	☐	☒	☐	The maximum height of the proposed building is: • Max. 10.3-11.6m as calculated in accordance with the LEP definition of building height; and • Max. 9.3m as calculated in accordance with the SEPP (HSPD) 2004 definition of height. The Applicant has submitted a Clause 4.6 written request to vary the building height standards prescribed by SEPP (HSPD) 2004. Refer to detailed assessment below.
4.4 Floor Space Ratio Max. 0.5:1 (Max. GFA of 3,873m²)	☐	☒	☐	Clause 48(b) of SEPP (HSPD) 2004 states that if the density and scale of a residential aged care facility when expressed as a

				FSR is 1:1 or less, the standard cannot be used as ground for refusal. • The FSR of the proposal as calculated in accordance with the LEP definition of GFA is: 0.54:1. - Total GFA = 4,200m² - Ground Floor = 2,151.8m² - Level 1 = 2,048.2m² • The FSR of the proposal as calculated in accordance with the SEPP (HSPD) 2004 definition of GFA is: 0.58:1. - Total GFA = 4,523.9m² - Ground Floor = 2,344.7m² - Level 1 = 2,179.2m²

In accordance with Clause 5(3) of SEPP (HSPD) 2004, this Policy prevails to the extent of inconsistency with any other environmental planning instrument.

Notwithstanding, a comprehensive assessment and compliance table of the proposal against the relevant planning controls and development standards applicable to the site under the Holroyd LEP 2013 is attached to this report in Attachment 3.

(c) Clause 4.6 – Variations sought to maximum 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.

Variations Sought

The Applicant's Clause 4.6 Variation Requests to SEPP (HSPD) 2004 Development Standards is contained at Attachment 10 – Appendix A & B.

The applicant has submitted 2 written requests to vary Clause 40 Development Standards – Minimum sizes and building height, subclauses (a) and (c); contained in SEPP (HSPD) 2004:

Clause 40(4) Height in zones where residential flat buildings are not permitted

If the development is proposed in a residential zone where residential flat buildings are not permitted –

(a) The height of all buildings in the proposed development must be 8 metres or less, and

Note – Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).

(b) A building located in the rear 25% area of the site must not exceed 1 storey in height.

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

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

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

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

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

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

<u>Assessment of Variation sought to Clause 40(4)(a) of SEPP (HSPD) 2004:</u>

Clause 40(4)(a) The height of all buildings in the proposed development must be 8 metres or less

Extent of variation sought

It is noted that SEPP (HSPD) 2004 defines 'height' as follows:

height in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.

The maximum building height of the proposed development is 9.3m. The majority of the building which exceeds the 8m height limit comprises of the ceiling of Level 1. The extent of variation sought is detailed in Figures 9, 10 & 11 below.

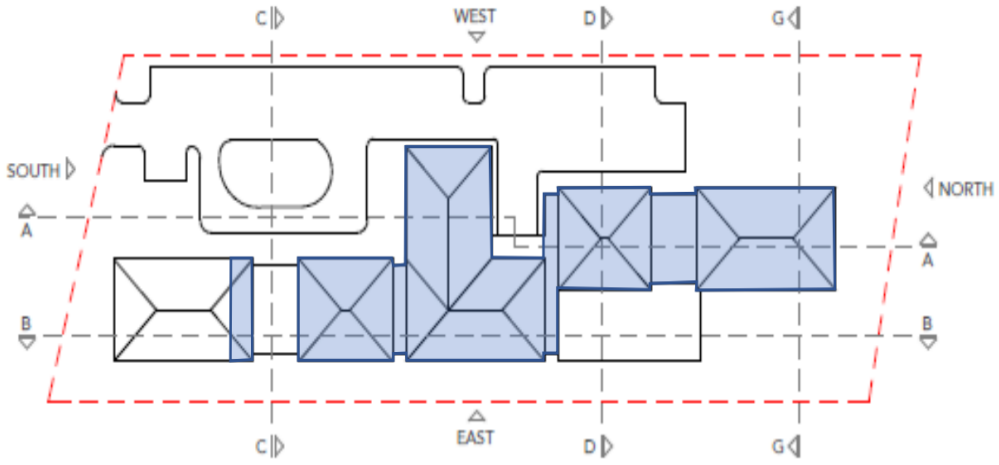

Figure 2: Section Plan Key, approximate extent of height breach outlined blue (Source: Team 2 Architects)

Figure 9 – Building height plane showing extent of 8m height variation sought in blue

Figure 3: Section A with 8 metre projected existing ground plane (Source: Team 2 Architects)

Figure 4: Section B with 8 metre projected existing ground plane (Source: Team 2 Architects)

Figure 10 – Section plans showing extent of 8m height variation sought in red

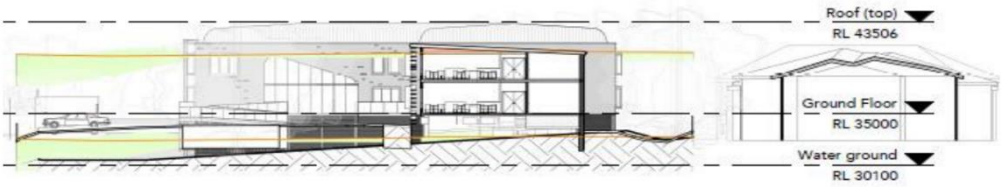

Figure 5: Section C with 8 metre projected existing ground plane (Source: Team 2 Architects)

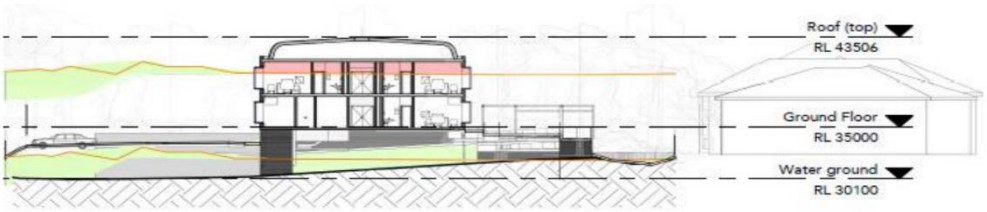

Figure 6: Section D with 8 metre projected existing ground plane (Source: Team 2 Architects)

Figure 11 – Section plans showing extent of 8m height variation sought in red

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

Zone R2 Low Density Residential

1 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.

Applicant's justification:

Table 2: Consistency with Zone Objectives.

Objectives of Zone R2 Low Density Residential	Discussion
To provide for the housing needs of the community within a low density residential environment.	The contravention of the standard does not result in an inconsistency with this objective. The proposed development will provide additional housing within the locality of Merrylands, nearby to a range of local services, facilities and amenities.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The contravention of the standard does not result in an inconsistency with this objective. The proposed development is consistent with this objective as the proposal is for a RACF designed to cater for the needs of the growing ageing population.
To allow residents to carry out a range of activities from their homes while maintaining neighbourhood amenity.	The contravention of the standard does not result in an inconsistency with this objective. The proposal allows seniors to access numerous services and carry out numerous activities from the residential aged care facility whilst not detracting from the amenity enjoyed by the nearby residents, the natural and cultural heritage of the area or the existing quality of the environment.

As demonstrated in Table 2, the proposal is consistent with the objectives of the zone and in Section 5 it was demonstrated that the proposal is consistent with the objectives of the development standard. According to Clause 4.6(4)(a)(ii), therefore, the proposal in the public interest.

Planner's comment:

The proposal is for the purposes of a residential aged care facility, which is consistent with the R2 zone objectives as it provides for the housing needs of the community, specifically the ageing population of the locality. The residential aged care facility also includes on-site services which provides residents with access to carry out a range of activities in their home setting.

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

Applicant's justification:

The Applicant has referred to De Stoop v Ku ring gai Council [2010] NSWLEC 1019 and Pathways Property Group Pty Ltd v Ku-ring-gai Council [2017] NSWLEC 1486; to derive the assumed intent/purpose (objectives) of the height standard in Clause 40(4)(a) as follows:

- To ensure that the development is compatible, by virtue of its bulk and scale, with the existing and desired future character of the area;

- To not cause unreasonable amenity impacts on adjoining developments.

Justification provided by the Applicant based on the above assumed objective of the height standard is as follows:

Bulk and scale

Consistent with the heights of the adjoining development, the proposed RACF will be two storeys. The height contravention is a result of the flood hazard of the land which required a minimum FFL of RL 35000 to ensure that it is compatible with the raised flood planning levels. As such, the built form is consistent with and appropriate to the desired future character of the site, ensuring compatibility with the streetscape by virtue of its scale and high-quality design which reduces building bulk when viewed from the public domain.

The proposed development provides a significant setback to the adjoining boundaries to allow for a variety of deep soil landscaping, including canopy trees (such as rough-barked apple, forest red gum and lemon scented myrtle) expected to reach mature heights of 20 metres to reduce the perceived bulk and scale of the development.

The proposed development is compatible, by virtue of its bulk and scale, with the existing and desired future character of the area. The areas of contravention have been positioned away from the front setback of the site, which will reduce the developments bulk from the streetscape. Through careful architectural treatment and choice of materials, the building will be consistent with other two storey developments within the locality. To further reduce the bulk and scale of the development, sympathetic landscaping is proposed incorporating a variety of large canopy trees.

The overall bulk and scale of the building remains similar to a height compliant development, only with the emphasis on the vertical plane rather than the horizontal plane. A height compliant scheme with the same compliant FSR (of 0.75:1) would take

up more site area and reduce the extent of setbacks and associated landscaping (which in the non-compliant scheme) assists in reducing the apparent bulk and scale of the building.

Views

Views from surrounding properties will not be largely affected as a consequence of the contravention of the development standard. Views in the surrounding area are generally limited to street level views, sky and some canopy trees.

Overshadowing

Team 2 Architects have prepared detailed shadow diagrams for the proposal. These demonstrate the proposed seniors housing development above the 8m height standard within the R2 zoned land would protect the amenity of neighbouring properties in relation to sunlight, despite the non-compliance with the height standard.

Privacy

Where the proposed contraventions occur, there is a proposed setback of 6 metres to the site's eastern property boundary and 13.87 metres to the site's western property boundary. The proposed setbacks, together with the considered design of the proposed development ensures there would not be an unreasonable impact in terms of privacy as a result of the scheme.

Visual Impact

The areas of contravention will not have a visual impact as the two-storey development is consistent with surrounding development heights. As discussed above, the height contravention is located away from the front setback to limit the building's visual presence onto the streetscape. The additional height, as a result of raised flood planning levels, does not cause the building to appear overly dominant or bulky. Design features including setbacks, articulation, materials and associated landscaping, make the proposed development compatible with the existing and future character of the area.

Planner's comment:

Clause 40(4) of SEPP (HSPD) 2004 does not contain objectives which specify the intent of the prescribed height standards.

The proposed development is considered to be consistent with the derived assumed intent/purpose (objectives) of the height standard in Clause 40(4)(a), for the following reasons:

- The immediate area is characterised by single and two-storey low to medium density housing developments. It is expected that future development at the subject site and in the immediate vicinity of the site would be a maximum of 2 storey/9m in height, having regard to the HLEP 2013 building height standard applicable to the site and adjoining properties.

- The subject site is identified to as a High Flood Risk area and is located within the flood way. The proposed development has been designed with elevated finished floor levels of RL 35.00 to achieve the required flood planning level of the site and ensure the safety of the aged care facility residents.

- The proposed development is 2 storey in height, and setback a minimum distance of 6m from the eastern boundary. The finished floor level of the ground floor of the proposed development is set approximately level with the top of the 1.8m high common boundary fence of dwellings at 529 Merrylands Rd. Blocks A, B, C, D & E comprise of elevated floor levels, and are setback a minimum distance of 6m from the eastern boundary for both the ground and first floor levels. Visual privacy is adequately maintained between properties, noting that the design of the east facing suite windows of Blocks A-E (inclusive) comprise of solid elements with translucent corner windows, which restrict direct overlooking to neighbouring properties.

- Greater setbacks are provided from the proposed development to the western boundary, as a result of the location of the at-grade car park along this boundary. The proposed building provides a minimum setback of 13m, increasing to 20m and 30.5m to western boundary.

- The two-storey height and massing of the building across the site with recessed elements between blocks, adequate setbacks to site boundaries, and perimeter landscaping, is considered to present an appropriate built form when viewed from neighbouring properties and public domain.

- Suite windows facing both the eastern and western boundary have been designed to provide adequate amenity for future occupants whilst ensuring privacy is maintained between neighbouring properties.

- The ground floor landscape garden/courtyard is setback min. 6m from the common boundary. The garden/courtyard is raised approx. 2-2.3m above the existing ground levels and considered to result is visual privacy and overlooking impacts to neighbouring properties' private open space areas.

- Landscaping is proposed along the eastern boundary which comprises of a mix of tree plantings with a mature height of 1-10m. This is considered to address overlooking concerns from the proposed development.

- In addition, the 6m setback provided from the terrace, and the existing 1.8m high eastern boundary fence is considered to obscure direct sight lines to the rear yard of the neighbouring dwellings. The mature perimeter landscaping proposed along the eastern boundary will also ensure that privacy is maintained between properties having regard to the elevated floor levels of the courtyard.

In this regard, the Clause 4.6 variation sought is considered acceptable as the design of the proposal is compatible with both the existing and future desired character of the locality, and does not result in adverse amenity impacts on neighbouring properties.

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

Applicant's justification:

Bulk and scale

As identified in Figure 8 and 9, the roof will appear as an angled, rounded iron mansard which will reduce the visual impact of bulk and scale as well as softening the appearance of the building through a rounded finish. The contrast between building materials and the lightweight nature of the iron roof serves to visually reduce the bulk and scale of the proposed development. The proposed building respects and harmonises with the surrounding residential area by setting back with a less obvious roof profile and this rounding "steps in" the roof from the remainder of the building envelope to reduce the bulk of the building when viewed from the adjoining residential dwellings to the east and west.

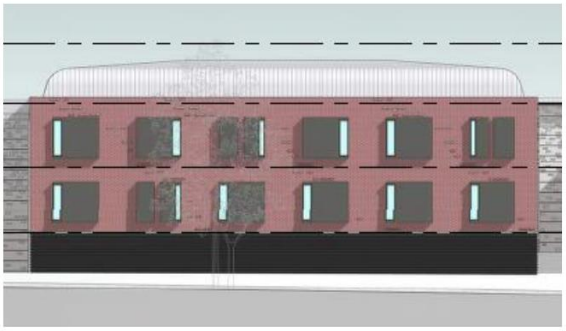

Figure 8: Extract from the east elevation showing the design of roof and windows (Source: Team 2 Architects)

Figure 9: Extract from the schedule of materials and finishes showing the indicative design of the Colourbond rounded roof (Source: Team 2 Architects)

Views

The proposed development will be setback from the adjoining boundaries by at least 6 metres to the eastern boundary and 13.87 metres to the western boundary.

The closest adjoining dwellings to the area of contravention are located at 7 Yoogali Street and 529 Merrylands Road. The dwelling at 7 Yoogali Street is orientated north/south, with principal views towards the north and south. The proposal, located due east of this dwelling will not impact views currently enjoyed from this dwelling given their principal views are north/south.

The adjoining dwellings at 529 Merrylands Road are two-storey and single storey and orientated east/west with their rear gardens adjoining the site. The site's eastern common property boundary between the proposed development and the adjoining dwellings comprises a solid metal fence which currently limits views from the existing dwellings across the subject site.

Overshadowing

Team 2 Architects have prepared detailed shadow diagrams for the proposal. These demonstrate the proposed seniors housing development above the 8m height standard

within the R2 zoned land would protect the amenity of neighbouring properties in relation to sunlight, despite the noncompliance with the height standard.

Privacy

The substantial setbacks, together with landscaping to the boundaries, will ensure the proposal does not result in sightlines causing a loss of privacy to these adjoining dwellings on the eastern and western boundary of the site.

Visual Impact

The proposed development as a whole will be visually consistent in terms of design and materials in that is represents fine grain urban form with large landscaped setbacks to the site's boundaries, responding to the existing lower residential character of the adjoining properties. The development provides considerable separation between the proposed building and the adjoining low-density residential development.

As demonstrated in Table 1 above, the objectives of the building height development standard are achieved notwithstanding the proposed variation. In accordance with the decision in Wehbe v Pittwater Council [2007] NSWLEC 827, Initial Action Pty Limited v Woollahra Municipal Council [2018] NSWLEC 118, Al Maha Pty Ltd v Huajun Investments Pty Ltd (2018) 233 LGERA 170; [2018] NSWCA 245 and RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130, therefore, compliance with the building height development standard is demonstrated to be unreasonable or unnecessary and the requirements of Clause 4.6(3)(a) have been met on this way alone.

Planner's comment:

Council Officers are satisfied that the proposed variation has been appropriately justified and can be supported in this instance. The building is raised higher in response to the conditions of the site and to achieve minimum finished floor levels required to ensure safety and protection of residents and property during a flood event. The height breach is limited to a maximum building height of 9.3m (RL41200 to the ceiling of the building) and 11.606m (RL43506 to the uppermost ridge of roof). The proposal is 2 storey in height which is consistent with the existing and desired future character of development within the immediate area. A rounded roof design, and a mix of materials and finishes has been incorporated to the external facades, together with recessed links in between blocks, to alleviate the appearance of visual bulk when viewed from neighbouring properties and the existing streetscape.

Furthermore, additional height sought does not result in adverse amenity impacts with respect to visual privacy and solar access on neighbouring properties. Given the proposal has been designed to respond to the constraints of the site, strict compliance with the SEPP (HSPD) 2004 maximum 8m height standard is considered unreasonable or unnecessary in this instance.

3. 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:

A compliant development would result in a lesser built form, but in this case, the part of the building that contravenes the standard does not cause any adverse impacts to surrounding residential properties and is appropriately setback. Therefore, it can be concluded that the proposal does not result in any unreasonable environmental impacts and it is considered there are sufficient environmental planning grounds to justify the contravention.

Some additional specific environmental grounds to justify the contravention of the standard are summarised as follows:

- The proposed height of buildings was derived from careful consideration of the site's constraints and opportunities and in discussion with Council.
- Compliance with the building height standard under the Seniors SEPP would restrict the development to one storey in height and result in a poorer social outcome due to loss of aged beds being delivered;
- A minimum finished floor level (FFL) of RL 35000 is required for the proposed development to ensure that it is compatible with the raised flood planning levels of the land. The requirements of the FFL directly contribute to the extent of height contravention that is proposed;
- There is no increase in the intensity of development on the site. The proposal provides considerably less GFA than allowed under the SEPP (approximately 3,389m² of GFA);
- The design of the proposal incorporates generous setbacks and extensive landscape planting to complement the built form and assist in reducing the scale of the development when viewed from the adjoining property boundaries. This will ensure the proposal results in minimal amenity impact and is compatible with the surrounding area in terms of bulk and scale;
- The contravention of the standard allows for a development that is consistent with the existing and desired future character of the area;
- The additional height will not have a detrimental visual impact on the surrounding area;
- There are no adverse environmental impacts such as unacceptable additional overshadowing or overlooking as a result of the contravention of the standard;
- The proposal would result in a better planning outcome than if compliance were to be achieved, as it allows for the co-ordinated redevelopment of the site; and
- The proposal will facilitate development to provide a modern, purpose built RACF to assist in providing seniors housing within the Cumberland local government area.

Planner's comment:

Given that the proposed development has been designed to respond to the site, and does not result in adverse amenity impacts to neighbouring sites, the proposal is considered to be consistent with the assumed objectives of the building height standard and development within the R2 zone, and as such warrants support of the departure. In this regard, the exception is considered to be well founded and is supported by Council.

Conclusion:

The applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6 subclause (3). Council is satisfied that the proposed development will be in the public interest because the additional height of the proposal is consistent with the objectives of the height standard, and the objectives for development within the R2 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 8m building height development standard is supported.

Assessment of Variation sought to Clause 40(4)(c) of SEPP (HSPD) 2004:

Clause 40(4)(c) A building located in the rear 25% area of the site must not exceed 1 storey in height.

Extent of variation sought

It is noted that SEPP (HSPD) 2004 does not contain a definition for 'storey'. The Standard Instrument defines 'storey' as follows:

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include—

(a) a space that contains only a lift shaft, stairway or meter room, or

(b) a mezzanine, or

(c) an attic.

Block J of the proposal is located within the rear 25% of the subject site, and is 2 storey in height. Extent of variation sought shown in Figure 12 & 13 below.

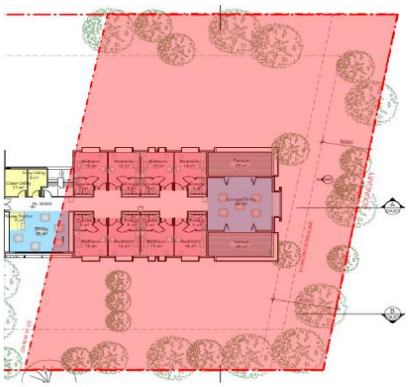

Figure 1: Proposed first floor plan, extent of rear 25% of subject site outlined in red hatching (Source: Team 2 Architects

Figure 12 – Applicant's diagram showing extent of variation

Figure 2: Proposed western elevation, approximate extent of breach highlighted blue (Source: Team 2 Architects)

Figure 3: Proposed eastern elevation, approximate extent of breach highlighted blue (Team 2 Architects)

Figure 13 – Applicant's diagram showing extent of variation

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

<u>Applicant's justification:</u>

Table 2: Consistency with Zone Objectives.

Objectives of Zone R2 Low Density Residential	Discussion
To provide for the housing needs of the community within a low density residential environment.	The contravention of the standard does not result in an inconsistency with this objective. The proposed development will provide additional housing within the locality of Merrylands, nearby to a range of local services, facilities and amenities.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The contravention of the standard does not result in an inconsistency with this objective. The proposed development is consistent with this objective as the proposal is for a RACF designed to cater for the needs of the growing ageing population.
To allow residents to carry out a range of activities from their homes while maintaining neighbourhood amenity.	The contravention of the standard does not result in an inconsistency with this objective. The proposal allows seniors to access numerous services and carry out numerous activities from the residential aged care facility whilst not detracting from the amenity enjoyed by the nearby residents, the natural and cultural heritage of the area or the existing quality of the environment.

Planner's comment:

The proposal is for the purposes of a residential aged care facility, which is consistent with the R2 zone objectives as it provides for the housing needs of the community, specifically the ageing population of the locality. The residential aged care facility also includes on-site services which provides residents with access to carry out a range of activities in their home setting.

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

Applicant's justification:

The Applicant has referred to Pathways Property Group Pty Ltd v Ku-ring-gai Council [2017] NSWLEC 1486 and Manderrah Pty Ltd v Woollahra Municipal Council and Anor [2013] NSWLEC 1196; to derive the assumed intent/purpose (objectives) of the height standard in Clause 40(4)(c) as follows:

- To ensure that the development is compatible by virtue of its bulk and scale to be consistent with the existing and future character of the rear of the site; and

- To not cause unreasonable amenity impacts on adjoining developments at the rear of the site.

Justification provided by the Applicant based on the above assumed objective of the height standard is as follows:

The rear of the site is defined, in this case, as development at the northern end of the site (refer Figure 5). At present there is no development to the immediate north and northwest of the site as the land comprises Leeton Street Park, an area of public open space zoned RE1 Public Recreation. To the northeast of the site, two-storey town houses are located at 5 Mark Street and single storey dwellings are located at 529 Merrylands Road. Beyond Leeton Street Park to the northwest, single storey and two-storey dwellings are situated along Yoogali Street.

In relation to the existing future character, as detailed in Figure 7, there is no consistent rear setback provided in the immediate locality, with rear setbacks varying between 2 metres and 5.1 metres along the site's eastern extent and 2.3 metres and 3.5 metres along the site's western extent.

The proposed development provides a rear setback of 9.1 metres at first floor level, providing a significantly larger setback when compared to the existing setback conditions of adjacent residential development.

Physical separation to existing development at the rear of the site will be retained by virtue of the significant setbacks provided to the site's eastern boundary (approximately 16.5 metres) and western boundary (20.01 metres).

Consideration has been provided to the RE1 Public Recreation zone at the rear of the site and an extensive, high quality landscaping treatment incorporating a variety of canopy trees, palms and climbers is proposed which will complement the existing landscaped setting at the rear of the site.

It is therefore reasonable to assume that an alternative likely future redevelopment of the subject site would result in a two storey development which provides a reduced rear setback of 7 metres. A proposed development would therefore similarly fall within the rear 25% of the site.

The location of the proposed RACF, which partially falls within the rear 25% of the site, would provide a considerably lesser built form at the rear of the site, if developed in accordance with the Holroyd DCP provisions.

When viewed from the rear of the site, the proposed development will provide a compatible built form, with the bulk of the built form reduced and setback to reduce the perceived scale and mass of the development, as well as to reduce any potential amenity impacts.

There is limited scope for redevelopment of the RE1 zoned land and therefore reasonable to assume future development at the rear of the site is unlikely to change.

Privacy

The proposed development is setback approximately 16.5 metres from the site's eastern property boundary at first and second floor level and over 20 metres from the site's western property boundary at first floor level to ensure privacy levels will be maintained for the adjoining residential properties at 5 Mark Street, 529 Merrylands Road and 7 and 8 Yoogali Street. To further assist in maintaining privacy levels, large canopy trees (including spotted gum, cabbage gum, swamp mahogany and river she-oak) expected to reach mature heights of 20 metres are proposed along the site's northern and eastern site boundaries.

Overshadowing

Team 2 Architects have prepared detailed shadow diagrams for the proposal. The shadow diagrams demonstrate that the area of contravention at the rear of the site will not result in any overshadowing impacts to adjoining dwellings. All properties along the north-eastern and north-western property boundary will receive in excess of 3 hours of direct sunlight between 9am and 3pm on 21 June. The majority of the shadows will fall on the site itself throughout the day.

Visual Impact

The portion of the building that contravenes the one-storey height limit will have no visual impact. The proposed development will be visually consistent in terms of design and materials. The building is located centrally on the site, with large landscaped setbacks to the northern, eastern and western boundaries responding to the existing lower residential character of the adjoining properties at the rear of the site. Significant landscaping is proposed along the site's boundaries, with tree species which will reach a mature height of 20 metres specifically chosen to minimise any visual impacts.

Views

Views from the surrounding properties will not be affected as a consequence of the portion of the building that contravenes the one storey height limit. Views in the surrounding area are generally limited to street level views.

Planner's comment:

Clause 40(4) of SEPP (HSPD) 2004 does not contain objectives which specify the intent of the prescribed height standards.

The proposed development is considered to be consistent with the derived assumed intent/purpose (objectives) of the height standard in Clause 40(4)(c), for the following reasons:

- The established and future character of development at the site and within the immediate vicinity is considered to be 2 storey in height having regard to the maximum 9m HLEP 2013 building height development standard applicable to R2 zoned land.

- Existing residences adjoining the subject site comprise of varying rear setbacks due to the orientation and siting of the dwellings on their respective lots. It is noted that dwellings behind the front dwelling at 529 Merrylands Rd are single storey in height with setbacks ranging from 2m-3m to each dwellings' rear boundary (being the subject site's eastern boundary).

- Although all dwellings behind the building line of 529 Merrylands Rd are single storey in height, the 2 storey built form of Block J at the rear of the subject site is not considered to be incompatible with the scale of both the existing and future character of the rear of the site as a 2 storey height limit is consistent with what is generally anticipated on R2 zoned land, and what would occur should the rear of the subject site be an extension of Yoogali St comprising of residential allotments.

- Block J provides a setback of 16.5m to the eastern boundary, and is setback 20m and minimum 8m from their respective western and northern boundary with Leeton Street Park. The 2 storey height of Block J is not considered to result in adverse overlooking concerns to dwellings at 529 Merrylands Road, as a result of the setback provided the eastern boundary.

- Block J being 2 storey in height is also not considered to result in adverse streetscape impacts when viewed from Yoogali Street or as viewed from the public domain being Leeton Street Park.

- The location of Block J at the subject site also does not pose overshadowing impacts on adjoining properties, despite its 2 storey height.

In this regard, the departure sought is considered to be acceptable as the second storey does not unreasonably impact on adjoining properties. The additional storey within the rear setback area does not result in the appearance of bulk when viewed from the existing streetscape and would not impinge on the changing streetscape that is anticipated for the immediate area. Given that the proposed development responds to the site and does so without compromising relationships with adjoining development, the height of Block J is consistent with the objectives of height requirements and development within the R2 zone.

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

Applicant's justification:

Bulk and scale

In relation to the future character of the site, the Holroyd DCP requires that rear setbacks of dwelling houses and secondary dwellings at the upper storey are at least 7 metres from the rear boundary. The DCP requires side setbacks of 900mm are to be provided.

The proposed development provides a rear setback of 9.1 metres at first floor level, providing a significantly larger setback when compared to the existing setback conditions of adjacent residential development.

There is limited scope for redevelopment of the RE1 zoned land and therefore reasonable to assume future development at the rear of the site is unlikely to change.

Overall, there is limited scope for redevelopment at the rear of the site given the established residential character of the area and it is therefore reasonable to assume development at the rear of the site is unlikely to change. Notwithstanding this, the extent of the variation is considered to be compatible by virtue of its bulk and scale with future development at the rear of the site.

The proposed development achieves compatibility with the existing and future character of built form and landscape in the area. Generous landscaped setbacks and the reduction of building heights near the site boundaries creates a transition in built form from the site to its surrounds.

Privacy

The proposal does not cause unreasonable direct overlooking of habitable rooms and principal private open spaces to the rear of the site, specifically to 5 Mark Street, 529 Merrylands Road and 7 and 8 Yoogali Street.

Overshadowing

Team 2 Architects have prepared detailed shadow diagrams for the proposal. The shadow diagrams demonstrate that the area of contravention at the rear of the site will not result in any overshadowing impacts to adjoining dwellings. All properties along the north-eastern and north-western property boundary will receive in excess of 3 hours of direct sunlight between 9am and 3pm on 21 June. The majority of the shadows will fall on the site itself throughout the day. Refer to Figure 7, Figure 8 and Figure 9.

Visual impact

Significant landscaping is proposed along the site's boundaries, with tree species which will reach a mature height of 20 metres specifically chosen to minimise any visual impacts.

Views

Views from the surrounding properties will not be affected as a consequence of the portion of the building that contravenes the one storey height limit. Views in the surrounding area are generally limited to street level views.

As demonstrated in Table 1 above, the objectives of the building height development standard are achieved notwithstanding the proposed variation. In accordance with the decision in Wehbe v Pittwater Council [2007] NSWLEC 827, Initial Action Pty Limited v Woollahra Municipal Council [2018] NSWLEC 118, Al Maha Pty Ltd v Huajun Investments Pty Ltd (2018) 233 LGERA 170; [2018] NSWCA 245 and RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130, therefore, compliance with the building height development standard is demonstrated to be unreasonable or unnecessary and the requirements of Clause 4.6(3)(a) have been met on this way alone.

Planner's comment:

Council Officers are satisfied that the proposed variation has been appropriately justified and can be supported in this instance. The height breach of Block J to contain 2 storeys at the rear of the site is consistent with the scale of development within the R2 zone located within the immediate vicinity of the site, and does not unreasonably impact on adjoining properties. It is therefore considered that strict compliance with the Development Standard is unreasonable or unnecessary in the circumstances of the case.

3.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:

A compliant development would result in a lesser built form, but in this case, the part of the building that contravenes the standard does not cause any adverse impacts to surrounding residential properties and is appropriately setback. Therefore, it can be concluded that the proposal does not result in any unreasonable environmental impacts and it is considered there are sufficient environmental planning grounds to justify the contravention.

Some additional specific environmental grounds to justify the contravention of the standard are summarised as follows:

- The proposed height of buildings was derived from careful consideration of the site's constraints and opportunities and in discussion with Council. A similar yield could have been achieved from a height compliant development however this would have taken up a significantly greater site area, to the detriment of the landscape setting, tree retention and stormwater management. A superior planning and design outcome is achieved as a result of the variation;

- There is no increase in the intensity of development on the site. The proposal provides considerably less GFA than allowed under the SEPP (approximately 3,389m² of GFA);

- The proposal provides an opportunity to provide significant un-built upon open space at the rear and provides amenity to the residents at the rear of the development.

- The contravention of the standard allows for a development that is consistent with the existent and desired future character of the area;

- The additional height will not have a detrimental visual impact on the surrounding area;

- There are no adverse environmental impacts such as unacceptable additional overshadowing or overlooking as a result of the contravention of the standard;

- The proposal would result in a better planning outcome than if compliance were to be achieved, as it allows for the co-ordinated redevelopment of the site; and

- The proposal will facilitate development to provide a modern, purpose built RACF to assist in providing seniors housing within the Cumberland local government area.

Planner's comment:

The unique circumstances of the case are considered to warrant support of the departure. Given that the proposed development responds to the site and does so without unduly compromising relationships with adjoining development, the proposal is considered to be consistent with the objectives of building height in terms of the number of storeys located within the rear setback area, and development within the R2 zone. In this regard, the exception is well founded and can be supported.

Conclusion:

Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6 subclause (3). Council is further satisfied that the 2 storey height of the building within the rear setback area 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. A R2 land use zone is maintained for the site under Draft CLEP as is a maximum building height of 9 metres, and maximum floor space ratio of 0.5:1.

It is noted that ‘seniors housing’ is listed as a permitted land use in the R2 zone under the Draft Cumberland Local Environmental Plan.

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

The Holroyd DCP 2013 (HDCP 2013) provides guidance for the design and operation of development to achieve the aims and objectives of the HLEP 2013.

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

The following table highlights non-compliances with the DCP, which relate primarily to flood affectation of the site, site coverage and the rear setback requirement.

The variations sought are considered satisfactory on merit in this instance as detailed in the following table.

No.	Clause	Comment
PART A – GENERAL CONTROLS		
8	**Flood Prone Land**	
	Sensitive land uses such as residential aged care facilities are identified as an unsuitable land use within medium/high flood risk area in Table 7 of Section 8 Flood Prone Land in HDCP 2013.	The site is identified as a flood control lot on Council's Mapping system, specifically the site is shown as impacted by the 1% AEP storm event, and portions of the site as High Flood Risk and located within a flood way. The proposal is for the purposes of a residential aged care facility, which is identified within the sensitive land use category in Table 7 – Land Use Categories for Development upon Flood Prone Land – Section 8 – Flood Prone Land in Part A of HDCP 2013, as an unsuitable land use within the medium/high flood risk area. The proposal provides finished floor levels set above the PMF flood level for safe refuge. Pier construction, flood storage and a culvert system has also been provided to collect and drain the traversing overland flow from Merrylands Road and direct towards the reserve (Leeton St Park), to not result in a significant increase in flooding on neighbouring properties. In this regard, Council's Development Engineer is satisfied that the proposal has been designed appropriately with regard to the flood affectation of the site, and raised no objections to the development subject to the imposition of recommended conditions requiring the above stated drainage, civil and flood management works on site to ensure safety and protection from flood. A Flood warning system and Flood Evacuation

		Strategy have also been proposed to minimise the risk of flood to occupants
PART B – RESIDENTIAL CONTROLS		
Whilst there is no specific controls under that HDCP 2013 that are directly relevant to aged care facility development, the proposal being a purpose built development have been considered on merit and the site coverage and setbacks section of the Dual Occupancy DCP (being the maximum development yield in an R2 zone) have been considered in the assessment of the proposal.		
3.0	**DUAL OCCUPANCY**	
3.6	**Setbacks**	
	Minimum rear setback required is 30% length of site Required = 43.6-44.9m (min. 30% of site length)	Provided = 8.667m The variation sought to the required rear setback is considered supportable as the proposal adjoins Leeton Street Park to the rear/northern boundary. The northern elevation of the ground floor only comprises of a corridor window, and the first floor lounge/dining and terraces do not pose adverse concerns to properties located on Leeton Street as a result of the 8.667m rear setback provided, perimeter landscaping proposed along the northern boundary and the location of Leeton Street Park. In this regard, the non-compliance to the required rear setback provision is supportable as the proposal does not pose adverse amenity impacts or restrict solar access to neighbouring properties.

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 would not result in 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 known to be affected by flooding and overland flow and has been designed to incorporate appropriate measures to respond to the site constraints, to ensure safe refuge for occupants and protection from flood. 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))

(a) Advertised (newspaper) ☒ **(b)** Mail ☒ **(c)** Sign ☒ **(d)** Not Required ☐

In accordance with Council's Notification requirements contained within the Holroyd DCP 2013, the proposal was publicly notified for a period of 21 days between 3 June 2020 and 24 June 2020. The notification generated two (2) submissions in respect of the proposal with nil disclosing a political donation or gift.

The additional information and amended plans did not warrant re-notification of the application.

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

Figure 13 – Submissions summary table

	Concern	**Comment**
1	Three (3) storey built form within R2 zone is inconsistent with Council's building height development standards and planning controls, and height limits prescribed by SEPP (HSPD) 2004 and would result in an undesirable precedent for future 3 storey development within the R2 zone. The three storey height of the development is inconsistent with development within the R2 zone.	The proposal has been amended to be a maximum 2 storey in height to ensure compatibility with the desired future character of the area, which is identified to have a maximum height of 2 storeys. The proposal provides a maximum building height of 10.3-11.6m (calculated in accordance with the definition of building height under LEP). The building is raised higher in response to the conditions of the site to achieve the required FFLs, which has contributed to the non-compliance with the building height standard. The Applicant has submitted a Clause 4.6 written request to vary the height standards prescribed by Clause 40(4)(a) and (c) of SEPP (HSPD) 2004. Council has reviewed the request relating to the variation sought to the maximum building height and considers the height sought to be supportable as the building is 2 storey in height in its entirety and has been designed to be of an appropriate bulk and scale

	Concern	Comment
		proportional to the site area and context of the site.
2	Integrity and state of existing easement running across respective property and subject development site is poor. Poor construction of support on sides of the easement has resulted in sink holes and the proposed development would further impact on the grounds integrity.	Issues pertaining to the condition of existing Council easements and impacts on surrounding properties is required to be reported to Council's Drainage Department for investigation and action with the property owner. The proposed development involves the construction of a 8m wide culvert, along the western boundary (in the location of the existing open channel) under the proposed car parking area; to collect, drain and direct overland flow safely through the site towards Leeton St Park, and to ensure no significant increase in flood levels and no exacerbation of the flooding on neighbouring and downstream properties. Conditions are imposed requiring easement creation to incorporate the culvert. The design has been reviewed by Council's Development Engineer as acceptable. Any future development at the subject site would be required to carry out a dilapidation report to record and detail the existing condition of adjoining sites which would be impacted by the future development, to assess any potential impacts that may have occurred during/after construction works carried out.
3	No rainwater tanks or stormwater reuse are proposed for the development	Council's Development Engineer has reviewed the proposal and advised that the stormwater drainage is satisfactory.
4	Adequacy of one ambulance bay for a 120 bed residential aged care facility	In accordance with Clause 48(d)(iii) of SEPP (HSPD) 2004, one parking space suitable for an ambulance, is required for residential care facility developments. The proposal includes one parking space suitable for an ambulance, complying with Clause 48(d)(iii).

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

In view of the foregoing analysis it is considered that the development as proposed would be consistent with the public interest.

Cumberland Local Infrastructure Contributions Plan 2020

The development would require the payment of contributions in accordance with Cumberland Local Infrastructure Contributions Plan 2020.

In accordance with the Contribution Plan a contribution is payable, pursuant to Section 7.12 of the EP&A Act, calculated on the cost of works. A total contribution of $150,332.71 would be payable prior to the issue of a Construction Certificate, and this requirement has been imposed as a condition of consent.

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, SEPP (HSPD) 2004, SEPP55, ISEPP, SREP 2005, Draft Environment SEPP, Draft CLEP, HLEP 2013 and the HDCP 2013 and is considered to be satisfactory for approval, subject to conditions.

REPORT RECOMMENDATION:

1. **That the two (2)x Clause 4.6 variation requests to vary the Height development standard, pursuant to Clause 40(4)(a) & (c) of State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004, be supported.**

2. **That Development Application No. DA2020/0301 for Demolition of existing structures and removal of trees and construction of a 90-bed residential aged care facility, including at grade car parking and associated site improvements (State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004) on land at 535 Merrylands Road MERRYLANDS NSW 2160 be approved subject to the attached conditions, provided at Attachment 1.**

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

ATTACHMENTS

1. Draft Notice of Determination ⇩
2. SEPP (Housing for Seniors or People with a Disability) 2004 Compliance Table ⇩
3. Holroyd Local Environmental Plan 2013 Compliance Table ⇩
4. Holroyd Development Control Plan 2013 compliance table ⇩
5. Architectural Plans ⇩
6. Landscape Plans ⇩
7. Stormwater Plans ⇩

8. Stormwater Report ⇩
9. Overland Flow Flood Assessment (including Evacuation Strategy & Plan) ⇩
10. Appendix A - Clause 4.6 Variation Request to SEPP(HSPD) 2004 Devlopment Standards: Clause 40(4)(a) - Height of all buildings of proposal must be 8m or less ⇩
11. Appendix B - Clause 4.6 Variation Request to SEPP(HSPD) 2004 Development Standards:Clause 40(4)(c) - A building located in the rear 25% area of the site must not exceed 1 storey in height ⇩
12. Submissions Received ⇩

DOCUMENTS ASSOCIATED WITH REPORT LPP015/21

Attachment 1

Draft Notice of Determination

CUMBERLAND CITY COUNCIL

DEVELOPMENT APPLICATION
DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2020/0301
Applicant:	S Restifa Level 3 123 Walker Street NORTH SYDNEY NSW 2060
Property Description:	535 Merrylands Road MERRYLANDS NSW 2160, Lot 15 Sec B DP 2815
Development:	Demolition of existing structures and removal of trees and construction of a 90-bed residential aged care facility, including at grade car parking and associated site improvements (State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004)
Determined by:	Cumberland Local Planning Panel

CONDITIONS OF CONSENT

General Conditions

1. **DAGCA01- General**
   This consent shall lapse five years after the date from which it operates unless building, engineering or construction work has physically commenced.

   (Reason: Advisory)

2. **DAGCA02 - Approved Plans and Supporting Documents**
   The development must be carried out in accordance with the following endorsed plans and documents, except as otherwise provided by the conditions of this consent.

Reference/Dwg No	***Title/Description***	***Prepared By***	***Date/s***
Architectural plans, Project No. 828			
DA000, Rev J	Cover Page	Team 2 Architects	18/03/2021
DA006, Rev B	Site Plan - Demolition	Team 2 Architects	14/02/2020
DA010, Rev M	Site Plan - Proposed	Team 2 Architects	05/03/2021
DA100, Rev L	Ground Floor Plan	Team 2 Architects	05/03/2021
DA101, Rev I	Level 1 Plan	Team 2 Architects	14/02/2020
DA102, Rev J	Roof Plan	Team 2 Architects	05/03/2021
DA201, Rev J	Elevations	Team 2 Architects	18/03/2021
DA301, Rev J	Sections	Team 2 Architects	18/03/2021
DA302, Rev E	Sections	Team 2 Architects	18/03/2021
DA701, Rev F	Finishes Schedule	Team 2 Architects	05/03/2021
Dwg Nos. 000, 101-103, 401-403, 601-603 & 701, all Issue D	Landscape Plans	Arcadia	14/02/2020
	Arboricultural Development Impact Assessment Report	Birds Tree Consultancy	13/03/2019
Concept Drainage Plans			
19133_DA_C000, Rev 03	Cover Sheet, Drawing Schedule, Notes & Locality Sketch	Henry & Hyams	12/03/2021
19133_DA_C100, Rev 05	General Arrangement Plan	Henry & Hyams	12/04/2021
19133_DA_C110, Rev 05	Typical Sections & Details	Henry & Hyams	12/04/2021

19133_DA_C200, Rev 04	Stormwater Miscellaneous Details & Pit Lid Schedule	Henry & Hyams	12/03/2021
19133_DA_C201, Rev 05	OSD Sections & Details, Sheet 1 of 2	Henry & Hyams	12/04/2021
19133_DA_C202, Rev 05	OSD Sections & Details, Sheet 2 of 2	Henry & Hyams	12/04/2021
19133_DA_C250, Rev 05	Catchment Plan	Henry & Hyams	12/04/2021
19133_DA_SE01, Rev 04	Sediment & Erosion Control Plan	Henry & Hyams	12/03/2021
19133_DA_SE02, Rev 01	Sediment & Erosion Control, Typical Sections & Details	Henry & Hyams	01/11/2019
Ref. 200439_Flood (Rev C)	Overland Flow Flood Assessment	Quantum Engineers	13/04/2021
Job No. 19133, Revision 04	Civil Engineering Stormwater Report	Henry & Hyams Consulting Engineers Pty Ltd	April 2021
Ref No. E2058-1	Detailed Site Investigation	Geotechnical Consultants Australia	22/04/2020
Report No. SO336, Revision C	Operational Waste Management Plan	Elephants Foot Recycling Solutions	14/01/2020
Ref No. 20191132.1/2002A/R2/KB, Revision 2	Noise Impact Assessment	Acoustic Logic	20/02/2020
TfNSW Ref. SYD20/00914	Correspondence from Transport for NSW	Transport for NSW	25/08/2020
CNR-8394	Correspondence from Endeavour Energy	Endeavour Energy	10/06/2020

(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)

6. **DAGCB02 - Food Premises - Design, Construction and Fitout of Food Premises**
   The design, construction, and fitout of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - 2004 Design, Construction and Fitout of Food Premises.
   Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service by visiting the website www.standards.com.au. Copies of the Food Standards Code (Australia) may be obtained by visiting the website www.foodstandards.gov.au.

(Reason: To ensure the food premises fitout complies with relevant food safety legislation and standards)

7. **DAGCB03 - Lighting**
   Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

   (Reason: Protect amenity of surrounding area)

8. **DAGCB04 - Street Numbering of Lots and Units**
   Numbering of units/properties shall be prominently displayed at the front of the property and shall be maintained in accordance with the property numbers allocated by Council. 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)

9. **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)

10. **DAGCB07 - Tree Preservation**
    All street trees and trees on private property that are protected under Cumberland City Council's controls, shall be retained except where Council's prior written consent has been obtained.

    (Reason: Tree preservation)

11. **DAGCD06 - Mechanical Ventilation**
    The premises must be suitably ventilated in accordance with the National Construction Code 2019 and AS1668.1 and 2 - 2012. The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings.

    (Reason: To ensure compliance with ventilation standards)

12. **DAGCD07 - Waste Management**
    Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction phases of the development.

    (Reason: Compliance with approval)

13. **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)

14. **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)

15. **DAGCZ04 - Service relocation / Adjustment**
    The applicant shall locate any utility services affected by the proposal and shall be responsible for any damage to, or relocation of services required by the proposal including adjustment to the levels of pit lids etc. All works shall be carried out to the satisfaction of the relevant Authority or Council. All the costs shall be borne by the applicant.
    (Reason: To protect utility services)

16. DAGCZ05 - Driveway alignment

Driveway shall be perpendicular to the boundary. In this regard, amended plan shall be submitted to and approved by Principal Certifying Authority.

(Reason: To improve the safety)

17. DAGCZ06 - Fire Sprinkler Systems

A fire sprinkler system shall be installed for the residential aged care facility.

(Reason: Safety)

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

18. DAPDB02 - Demolition - General

Demolition - General

a) That two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
   - The date when demolition will commence,
   - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
   - The licence number of the demolisher, and relevant WorkCover licenses, (see minimum licensing requirements in (d) below, and
   - Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of $10,000,000.00.

b) Demolition of buildings and structures must comply with all current and relevant Australian Standards.

c) Demolition works are restricted as follows:
   - Monday to Saturday inclusive - 7:00am - 5:00pm
   - Sundays and Public Holidays - No work

d) At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to demolition commencing advising the following:
   - The date when demolition will commence;
   - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
   - The telephone number of WorkCover's Hotline 13 10 50.

Demolition Involving the Removal of Asbestos

General Information

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

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

Asbestos to be removed by licensed asbestos removalist

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

NOTE:

- Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m2 or less of non-friable asbestos

(approximately the size of a small bathroom).
- Friable asbestos materials must only be removed by a person who holds a current Class A asbestos license.
- To find a licensed asbestos removalist please see www.workcover.nsw.gov.au

Compliance with applicable Legislation, Policies and Codes of Practice
Asbestos removal works are to be undertaken in accordance with the following:
- NSW Work Health and Safety Act and Regulation 2011;
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)]
- NSW Government WorkCover Code of Practice - How to Safely Remove Asbestos;
- NSW Government WorkCover Code of Practice - How to Manage and Control Asbestos in the Workplace; and

Clearance certificate
Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

Notification of asbestos removal works
At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
- The date and time when asbestos removal works will commence;
- The name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
- The full name and license number of the asbestos removalist/s; and
- The telephone number of WorkCover's Hotline 13 10 50

Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.

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

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

19. DAPDB03 - Demolition - Asbestos

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

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

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

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

Compliance with applicable Legislation, Policies and Codes of Practice
Asbestos removal works are to be undertaken in accordance with the following:

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

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

20. **DAPDB04 - Asbestos Clearance Certificate**
Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

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

21. **DAPDB05 - Notification of Asbestos Removal Works**
At least five (5) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to the commencement of asbestos removal works. Notification is to include, at a minimum:

- The date and time when asbestos removal works will commence;
- The name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
- The full name and license number of the asbestos removalist/s; and
- The telephone number of WorkCover's Hotline 13 10 50.

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

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

22. **DAPDB06 - Barricades for Asbestos Removal**
Appropriate barricades must be installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

23. **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)

24. **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)

25. **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)

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

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

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

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

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

(Reason: Environmental and residential protection)

27. 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)

28. 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)

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

A site specific Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared in accordance with Landcom's Managing Urban Stormwater: Soils and Construction guidelines for all construction, excavation and demotion phases of the development. All required erosion and sediment control measures at the site shall be installed and maintained in accordance with the site's Soil and Water Management plans for the duration of any demolition, excavation and construction works and in a way that minimises/prevents impacts on waterways. A copy of the plan must be kept on-site at all times and made available to Council Officers on request.

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

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

30. DACCA01 - Revised Acoustic Report

Amended plans/documents shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate addressing the following matters:

- An amended acoustic report or statement that assesses noise from mechanical plant to ensure appropriate plant selection and room design prior to construction shall be submitted. The report/statement must provide noise specific criteria for these plant rooms and how noise and vibration from mechanical plant on site will be managed to meet the set criteria.

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

31. DACCA02 - Application for a Construction Certificate

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

(Reason: Statutory requirement)

32. DACCA03 - Disabled Access & Facilities

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

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

33. 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)

34. 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)

35. 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)

36. DACCB04 - Section 7.12 Contribution

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.12 of the Environmental Planning and Assessment Act 1979 and Cumberland Local Infrastructure Contributions Plan 2020, 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 2020 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)

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

Damage Deposit	$6,470.00
Sect. 7.12 Contributions	$150,322.71 + CPI
Positive Covenant Bond	$6,290.00
Traffic Management Plan	$211.50
Construction Traffic Management Plan	$250.00
Kerb Crossing Bond	$5,725.00

Please note that other fees and charges may be applicable to the proposal, and the total fees calculated at the time of payment may exceed the figures detailed above. Further, fees to be paid to Council will be determined at the time of payment in accordance with Council's current adopted Fees and Charges Policy and therefore may exceed the fee amount quoted above.

(Reason: Statutory requirement and information)

38. 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)

39. 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)

40. 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)

41. DACCC03 - Submission of Plans for Works within the Road Reserve

The submission to Council of three (3) copies and an electronic copy of Civil Engineering drawings for the design of all works within the road reserve required adjacent/near/outside 535 Merrylands Road, Merrylands including long and cross sections, details of proposed structures, ancillaries (e.g. footpaths, signage etc.) and specifications.

The drawings must be approved by Council in writing and all fees and charges paid prior to the issue of the Construction Certificate.

Such design shall be:

(a) Prepared and submitted in electronic format, undertaken by a consulting Civil Engineer,

(b) Approved in writing by Council under Section 138 of the Roads Act., prior to the issue of the Construction Certificate, and

(c) All Civil Engineering works adjacent/near/outside 535 Merrylands Road, Merrylands 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)

42. DACCC04 - Vehicular Crossings, Redundant Vehicular Crossings and other Works

Concrete vehicular crossing(s) and layback shall be constructed across the nature strip 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 and natural grass verge 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 under Section 138 of the Road Act 1993 (available from Council's Customer Services Centre or from Council's website), and pay the appropriate fees and charges prior to works commencing.

This application will also be required where new pavement, repair or reinstatement of footpath or other ancillary works such as kerb and gutter and stormwater pit construction is proposed and/or required.

(Reason: To ensure appropriate access to the site can be achieved)

43. 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)

44. DACCE02 - Construction Management Plan

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

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

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

45. DACCE03 - Construction Traffic Management Plan (CTMP)

Prior to the issue of any Construction Certificate, the applicant shall submit and have approved by Accredited Certifier, a detailed construction Traffic Management Plan (TMP). The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition, excavation and construction phase of the development. The plan shall be certified by a suitably qualified and experienced traffic consultant and all traffic associated with the subject development shall comply with the terms of the approved Construction Traffic Management Plan.

The following matters (at a minimum) must be addressed in the TMP:

a) A detailed description and route map of the proposed truck/construction vehicle access routes.
b) The locations of any proposed Construction Works Zones along the site frontage.
c) Provide a construction schedule.
d) Tradesperson parking (parking shall be provided on-site where possible).
e) Provide relevant Traffic Control Plans (must be certified by a suitably qualified RMS ticket

holder).

f) Provide relevant Pedestrian Management Plans.

g) A site plan which indicates site entrances and exits, turning areas within the site for construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller.

(Reason: Traffic safety and amenity during construction phase)

46. DACCF02 - Landscape Maintenance Strategy

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

(Reason: Ensure landscape survival)

47. DACCF03 - Landscape Plan

The landscape plan shall be amended to correspond with the approved architectural plans, and remove the following tree species from its list:

- Casuarina cunninghamiana
- Eucalyptus robusta
- Melaleuca leucadendra

And replace them with appropriate endemic tree species of Cumberland Plain Woodland.

The proposed Eucalyptus species on the eastern side of the property are not recommended due to their proximity to adjacent properties. Small to medium tree species are to be selected.

(Reason: Landscape quality)

48. DACCF05 - Tree Replacement

The landscape plan submitted with the Construction Certificate application shall incorporate the following replacement tree/s to ensure the preservation of the landscape character of the area.

Species	Location	Pot Size
Melaleuca decora x 4	Rear	75 litre

(Reason: Preservation of the landscape character of the area)

49. 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)

50. DACCG05 - Off Street Car Parking - General

Thirty-nine (39) off-street car parking spaces suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with the relevant Australian Standard.

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

(Reason: Parking and access)

51. DACCG06 - Emergency Vehicles - Pavement Design

Internal access roads and driveways, which are required for access by service and/or emergency vehicles, shall be designed to withstand minimum laden weight of up to 24 tonnes. Details shall be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate.

(Reason: Adequate access and egress)

52. 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)

53. 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)

54. DACCH01 - Translucent Glazing for Privacy in Wet Areas

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

(Reason: Amenity)

55. 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)

56. DACCJ01 - Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate a detailed stormwater drainage plan for the safe disposal of stormwater from the site, prepared in accordance with Council's "On-Site Stormwater Detention Policy", the "Stormwater and On Site Detention Drawing Submission Checklist " and the "Upper Parramatta River Catchment Trust's On-site Stormwater Detention Handbook" shall be submitted and approved by the Accredited Certifier.

Should any changes be required to the approved stormwater drainage plan, the amended design shall achieve equivalent performance standards in accordance with Council's "On-Site Stormwater Detention Policy".

Please note that where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works.

(Reason: Stormwater management)

57. DACCJ03 - Certification of the Stormwater Drainage System Design

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Council's "On-site Stormwater Detention Policy" and shall be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

Certification of the proposed stormwater design shall be obtained from a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) and shall be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

(Reason: Adequate stormwater management)

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

No line of natural drainage or any stormwater drainage channel, pipeline, pit or any other drainage

infrastructure shall be filled in, relocated, diverted or otherwise interfered with, except by the construction of an overland flow path, pit, pipeline of a specific size, material and location, approved by Council.

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

(Reason: Protection of existing drainage infrastructure)

59. **DACCK01 - Dilapidation Report**

A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken on the site as part of this approved development. This is designed to assist all parties should damage occur which is not preventable. The dilapidation reports must be completed and submitted to the owner/s of the affected property/ies, Council and the Principal certifier prior to undertaking any works that may cause damage. All costs shall be borne by the applicant/person acting on the consent.

The Dilapidation Report is to be prepared by a suitably qualified practising engineer.

Please note:

a) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.
b) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

(Reason: To ensure there is an adequate record of the state of neighbouring properties prior to works commencing on site)

60. **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)

61. **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)

62. **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)

63. **DACCL01 - Electricity Substation**

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

(Reason: Access to utility)

64. **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)

65. 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)

66. DACCL05- Compliance with Acoustic Report

Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with any requirements and recommendations of the approved acoustic report prepared by Acoustic Logic dated 20 February 2020 reference 20191132.1/2002A/R2/KB.

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)

67. DACCL06- Waste Storage Area

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

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

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

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

68. DACCL07 - Front Fence Height

The new front fence is to be a maximum height of 1.5 metres above Council's footpath at any point, the fence being stepped if necessary to comply with the height requirement.

(Reason: Streetscape)

69. DACCM01 - Food Premises - Detailed Plans

Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the Australia New Zealand Food Standards Code - 3.2.3 - Food Premises and Equipment under the Food Act 2003 and AS 4674 - Design, Construction and Fit-out of Food Premises. A copy of these plans must be submitted to and approved by the Principal Certifier as compliant with the required standards prior to the issue of the Construction Certificate.

(Reason: To ensure the food premises fitout complies with relevant food safety legislation and standards)

70. DACCM01 - Food Premises - Detailed Plans

a) To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated enclosed waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 - Design, Construction and Fit-out of Food Premises, Australia New Zealand Food

Standards Code 3.2.3 - Food Premises and Equipment and must be:

i. Suitably sized to contain all waste and recyclable material.
ii. Provided with a hose tap connected to the water supply.
iii. Paved with impervious floor materials.
iv. Coved at the intersection of the floor and walls.
v. Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).
vi. Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the Protection of the Environment Operations Act 1997 or a nuisance.
vii. Fitted with appropriate interventions to meet fire safety standards in accordance with the National Construction Code 2019.
viii. Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.
ix. Appropriately managed so that it does not attract pests or create litter.

b) Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Principal Certifier prior to the issue of the Construction Certificate. The proposed must be constructed in accordance with such plans and specifications prior to the issue of an Occupation Certificate.

(Reason: To ensure waste generated by the business is appropriately contained)

71. DACCM03 - Mechanical Ventilation - Certification of Compliance

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

(Reason: To ensure adequate mechanical ventilation is provided)

72. DACCZ01 - Positive Covenant Bond

The applicant shall lodge with Council a **$6,290.00** cash bond to cover the registration of a Positive Covenant and Restriction as to User over the *On-site Detention system/ Compensatory Flood Storage/ Overland Flowpath/ Gross Pollutant device/ access management. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the NSW Land Registry Service.

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

73. DACCZ02 - Hydraulic engineering design certificate

A written verification from suitably qualified hydraulic engineer shall be obtained, stating that

a) Construction certificate plans comply with approved Overland Flow 'Flood' Assessment Study Report.
b) The development has no adverse impact on flood levels and/or adjoining properties.

Copy of the electronic model shall be submitted to Cumberland Council.

The above written verification shall be submitted to and approved by Principal Certifying Authority

(Reason: To ensure construction plans comply with the flood study)

74. DACCZ03 - Drainage design - Council's drainage within the subject site

Prior to the issue of any Construction Certificate including any site works detail design for the proposed modification to the existing water course shall be submitted and approved by Cumberland Council's Manager Engineering and Traffic. In this regard,

a) Details of the proposed box culvert and open channel within the site shall be submitted.
b) Details of the modification to the headwalls and connection to the proposed box culvert.
c) Flood impact report shall be submitted approved by Council's stormwater engineers.
d) Proposed stormwater connection shall be designed in consultation with Cumberland Council's stormwater engineers.
e) Detail longitudinal sections and cross sections of the proposed culvert and channel shall be submitted. The depth and location of all the services within the area of the proposed works shall be submitted.
f) Detail construction methodology shall be submitted.

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

75. DACCZ04 - Grated drains across the driveway

The grated drains across the driveway shall be provided as per the approved stormwater and flood reports. The grated drains shall be designed to provide the access to largest vehicle to the site, construction vehicles and fully loaded larger garbage truck. Detail design shall be prepared by suitably qualified structural engineer.

No support shall be located within the culvert.

The detail design shall be submitted to and approved by Principal Certifying Authority.

(Reason: to ensure grated drain across the driveway shall be designed to provide the access to the vehicles that use the access)

76. DACCZ05 - Flood warning system

The building must include a flood warning alarm system activated by a float valve. Details must be provided with the Construction Certificate plans and documentation to the satisfaction of the Principal Certifying Authority. The design shall also comply with approved Overland Flow 'Flood' Assessment Study Report.

The property owner/body corporate is to ensure the warning system is in good working order, through regular testing and maintenance.

(Reason: To ensure the flood warning system is installed and maintained)

77. DACCZ06 - Street sign (Bus Zone) relocation

The 'Bus Zone shall be clear of the proposed driveway. In this regard, a detailed plan showing the proposed relocation of the existing 'Bus Zone' sign in Merrylands Road, Merrylands shall be prepared in consultation with Council and shall be submitted to Cumberland Local Traffic Committee for consideration and approval.

Note: In General, Cumberland Local Traffic Committee consideration requires minimum six (6) weeks.

(Reason: To sign relocation comply with the regulatory requirements)

78. DACCZ07 - Drainage construction - Council's drainage within the subject site

Prior to the commencement of any works related to the proposed modification to the exiting water course works and drainage system shall be completed to Council's satisfaction at no cost to Council. In this regard,

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

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

79. DACCZ08 - 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 proposed stormwater system shall be generally in accordance with the stormwater concept plans 19133_DA_C000 issue 03, 19133_DA_C100 issue 05, 19133_DA_C110 issue 05, 19133_DA_C200 issue 04, 19133_DA_C201 issue 05, 19133_DA_C202 issue 05 and 19133_DA_250 issue 05 prepared by Henry & Hymas.

b) The development has been identified as requiring an on-site stormwater detention (OSD) system, which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design, and construction details of the OSD system demonstrating compliance with the development consent, Upper Parramatta River Catchment Trust "On-Site Detention Handbook" (Third edition), Parramatta Council's Development Engineering Design Guidelines and Council's on-site detention policy shall be

submitted to the certifying authority prior to the issue of a construction certificate. The following shall also be addressed:

i) Permissible Site Discharge and Site Storage Requirement for the subject site are 80 L/S/Ha and 470 m3/Ha respectively.

ii) Dry platform shall be clearly shown on the plan.

iii) All the OSD access opening shall be 900x900 in size with double (2/900x450) hinged grates.

iv) 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.

v) OSD shall be clear of building floor and roof areas.

(Reason: To prevent localised flooding)

80. DACCZ09 - Parking Layout & Ramp Gradients

a) Parking lay out shall comply with Australian standard AS2890.1 and AS2890.6. In this regard detail plan showing the all necessary dimension shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
b) Circulation ramp grades and transitions shall comply with section 2.5.3 of the Australian Standard AS2890.1:2004. In this regard detail longitudinal section along ramp to a scale of 1:20, shall be submitted to and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.

Copy of the approved plans shall be submitted to Council.
(Reason: To ensure parking layouts and access ramps comply with Australian Standard AS28890.1:2004.)

81. Structure to withstand impact of flood and floating debris

All the building-structures, walls, etc. shall be designed to withstand the effects of the overland flow and impact of the floating debris.
(Reason: To ensure protection of properties from the overland flood)

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

82. DAPCB04 - Removal of Trees

Tree removal shall be in accordance with the approved Arboricultural Development Impact Assessment Report.

To ensure the protection of tree/s to be retained on site all removals are to be undertaken by a suitably qualified arborist practicing industry current arboricultural best practice methods.

Trunk protection to applicable trees must be in place prior to the commencement of any works.

(Reason: To clarify which trees are permitted to be removed)

Conditions which must be satisfied during any development work

83. 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)

84. 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)

85. 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)

86. 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)

87. DADWA07 - General Site Requirements during Demolition and Construction

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

a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
b) Demolition must be carried out by a registered demolition contractor.
c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
d) No blasting is to be carried out at any time during construction of the building.
e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
f) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
g) Any demolition and excess construction materials are to be recycled wherever practicable.
h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
i) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
j) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
k) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
l) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
m) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
n) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
o) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
p) All site waters during excavation and construction must be contained on site in an approved

manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

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

88. **DADWA09 - Power Connection - Major Development**
All power connection to the development shall be installed underground for all major development (excluding dwellings, secondary dwellings and dual occupancy developments).

(Reason: To avoid visual clutter)

89. **DADWA11 - Communication Cabling**
All communication cabling shall be installed underground as per the relevant authority's requirements.

(Reason: Environmental Amenity)

90. **DADWA12 - Compliance with the Demolition, Excavation and Construction Noise and Vibration Management Plan**
All demolition, excavation and construction works carried out on the premises which form part of this consent must be carried out in accordance with the Demolition, Excavation and Construction Noise and Vibration Management Plan submitted to and approved by Council as part of this consent.

(Reason: To protect residential amenity)

91. **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)

92. **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)

93. **DADWA15- Importation of Fill**
All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

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

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

94. 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)

95. 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)

96. DADWA22 - Dust Control - Major Works

The following measures must be implemented (in part or in total), along with any other measures as directed by Cumberland Council, to control the emission of dust:

a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.
b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours or as directed by the Cumberland Council.

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

97. 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)

98. 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)

99. 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)

100. **DADWC03 - Progress Survey - Major Development (greater than two stories)**
In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

a) At the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
b) Prior to placement of concrete, the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
c) Prior to placement of concrete at each second floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
d) Prior to roofing, or completion of the highest point of the building, showing the anticipated level of the completed work and the relationship to the boundary; and
e) At completion, works showing the relationship of the building to the boundary.

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

(Reason: To ensure compliance with approved plans)

101. **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)

102. **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)

103. **DADWC08 - Anti-Graffiti Coatings**
The external fabric of the building shall utilise anti-graffiti coatings, where required, to prevent the application of graffiti to the buildings.

(Reason: To minimise the opportunity for graffiti)

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

104. **DAOCA01 - Occupation Certificate (section 6.9 of the Act)**
A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an Occupation Certificate has been issued in relation to the building or part.

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

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

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

(Reason: Statutory requirement)

105. **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)

106. **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).

107. **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)

108. **DAOCA05 - Height**
The maximum height of the proposed development shall be A.H.D. RL43.506. A survey report is to be provided to the Principal Certifier prior to the issue of any occupation certificate confirming that the building does not exceed this height.

(Reason: To ensure that the structure as built does not exceed the approved building height)

109. **DAOCA06- Adaptable Housing**
A signed checklist as per Appendix A of AS4299-1995 confirming that all suites 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).

110. **DAOCA08 - Certification of Engineering Works**
Prior to occupation, the following documents must be submitted to the Accredited Certifier.
(a) A Certificate from a Chartered Professional Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) under the appropriate professional category,

(b) The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table

(c) OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).

(d) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).

(e) Approved verses installed Drainage Design (OSD) Calculation Sheet. And

(f) "Work - As - Executed" drawings of the engineering works prepared by a Registered Surveyor or equivalent.

The abovementioned Certificate is to certify that:
(i) the stormwater drainage system, and/or
(ii) the car parking arrangement and area including circulating ramps, and/or
(iii) any related footpath works, and/or
(iv) the basement mechanical pump and well system, and/or

(v) the proposed driveway and layback, and/or
(vi) other civil works have been constructed in accordance with the Council approved plans and details and satisfies the design intent and complies with the appropriate SAA Codes relevant Standards and Council's Policies and Specifications.

Where Council is not the Principal Certifier, copies of the above documents are to be provided to Council prior to the issue of any Occupation Certificate.

The above requirement shall be submitted to and approved by Council prior to Council endorse the Positive Covenant documents.
(Reason: Asset management)

111. **DAOCA09 - Boundary Fencing Flood Affected Areas**
All boundary fencing within the flood affected area(s) as identified in the flood report shall need to be constructed to comply with the approved flood report.

The fencing shall be constructed in consultation with adjoining affected property owner(s) at full cost to the developer.

(Reason: To ensure boundary fence comply with flood report and owners' consent from all affected property owner(s) are obtained for boundary fence changes)

112. **DAOCA10 - Provision of Street Numbers**
A street number is to be displayed in a prominent position at the entrance to the premises. Numbers are to be of a colour contrasting with the wall to which they are affixed.

(Reason: To clearly identify the street number of the property)

113. **DAOCA11 - Civil Works on the Footway**
The following works are to be carried out at the applicant's expense and to Council's satisfaction prior to the issue of any occupation certificate:

a) Reconstruct sections of cracked or defective footpath along the full frontage of the site, and/or
b) Reconstruct existing public drainage pit/pipe system, and/or
c) Construct a new vehicular crossing, and/or
d) Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

Where the Applicant nominates Council to undertake the civil and stormwater works, they must contact Council in order to obtain an estimated cost for construction and contract to undertake the works.

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

114. **DAOCA12- Construction of Concrete Footpath**
A full width concrete footpath shall be constructed adjacent to the front and side of the property as per Council's requirements at no costs to Council.

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)

115. **DAOCA14 - Maintenance Schedule**
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)

116. **DAOCB01 - Mechanical Ventilation - Certificate of Completion**
Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all

the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with the National Construction Code 2019, must be submitted to the Principal Certifier.

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

117. **DAOCB04 - Acoustic Verification Report**
Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant* must prepare an acoustic verification report to the satisfaction of the Principal Certifier that confirms the following:
   a) All recommendations contained in the DA acoustic report prepared by Acoustic Logic dated 20 February 2020 reference 20191132.1/2002A/R2/KB 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)

118. **DAOCD01 - Fire Safety Certificate**
A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment Regulation 2000, prior to the issue of the Occupation Certificate for the building.

A copy of the Fire Safety Certificate and fire safety schedule shall be:
   1) Forwarded to Cumberland Council;
   2) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
   3) Prominently displayed in the building.

(Reason: Fire safety)

119. **DAOCE01- Covenant - Housing for Seniors or People with a Disability**
Prior to occupation of the premises, a restriction as to user shall be registered against the property in accordance with Section 88E of the Conveyancing Act 1919, limiting the use of accommodation to
   a) Seniors within the meaning of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
   b) People who have a disability within the meaning of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004,
   c) People who live within the same household with seniors or people who have a disability,
   d) Staff employed to assist in the administration of and provision of services to housing provided under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

(Reason: Compliance)

120. **DAOCF01 - Landscape**
Prior to the issue of an Occupation Certificate all approved landscaping/tree planting works required on the subject site are to be completed to a professional standard in accordance with the endorsed landscape plan/s. At the completion of the landscape works, a final on-site inspection of the works and comparison with the relevant endorsed documents is required by the designer of the approved Landscape Plan or another suitably qualified person (not the person who carried out the landscape works).

Following the inspection and prior to the issue of an Occupation Certificate, certification of completion of all landscape/tree planting works in accordance with the relevant conditions of this Consent and the approved Landscape Plan/s must be provided to the Principal Certifier.

Any works that vary from the approved plan/s must be documented or shown on a Works-As-Executed Landscape Plan and attached to the certificate. A copy of the Landscape Certification is to be provided for Council's verification with the Occupation Certificate.

(Reason: Landscape certification)

121. **DAOCH02 - Covenant & Restriction as to User for Stormwater Controlled Systems**
Prior to occupation and the issuing of an Occupation Certificate, the Applicant shall register a Positive Covenant and a Restriction as to User, under section 88E and or section 88B of the Conveyancing Act as appropriate in favour of Council ensuring the ongoing retention, maintenance and operation of the stormwater System. This is to include the on-site stormwater detention system (OSD)/Compensatory Flood Storage/Overland Flowpath/Pollution Control Device/access management, which are related to the OSD system.

Easement Registration
Where any drainage line or service conduit is to traverse any property other than that which it serves, an appropriate easement will be required. In this case, the applicant shall register an easement of minimum width 1.25m (or as specified by Council), over the proposed stormwater drainage line or service concurrently with any subdivision registration. Typical wording can be obtained from Council.

(Reason: Compliance and adequate maintenance of drainage system)

122. **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)

123. **DAOCH09 - Structural Engineering Certificate**
The applicant shall submit a structural engineer's certificate of adequacy verifying that the works as detailed on the approved plans for the storage tank have been completed under his/her supervision and that the design is adequate to support the anticipated design loads. The certificate shall be submitted to Council with the works-as-executed plan.
(Reason: To ensure the construction is structurally adequate)

124. **DAOCZ01 - Creation of drainage easement in favour of Council**
Stormwater drainage easement shall be created over the proposed Councils drainage systems within the subject site. This should include all the existing/proposed headwalls, pipes, culvert and open channels.

Width of the drainage easement shall be minimum 1.0m wider than the proposed culvert widths both side of the culverts.

Easement details shall be submitted to and approved by Cumberland Council prior to lodgement at the Land Registry Services.

The easements and appropriate section 88B instrument under the Conveyancing Act must be registered with the Land Registry Services prior to occupation of the building and/or commencement of land use whichever occurs first.

All associated costs are to be borne by the applicant.

Note: The system within the property shall be constructed and maintained by the owner at all times at no cost to Council.
(Reason: To ensure stormwater easement is created over Council' drainage system)

125. **DAOCZ02 - Stormwater disposal - Flood Storage and flowpath**
Flood storage is to be provided in conjunction with the stormwater disposal. The storage is to comply with the approved plans.
A positive covenant under Section 88E of the Conveyancing Act is to be created on the title of the property detailing the flood storage and flow path incorporated in the development. The wording of the instrument is to be submitted and approved by Council prior to lodgement at the NSW Land Registry Services. Evidence confirming the registration of the positive covenant shall be

submitted to Council.
Work as executed plan(s) and engineers' certifications shall be submitted to and approved by Council prior to the endorsement of Positive Covenant.
(Reason: to prevent localised flooding by ensuring the detention system is maintained as designed)

126. **DAOCZ03 - Maintenance Restriction - Flood Storage and flowpath**
A title restriction under Section 88E of the Conveyancing Act shall be created to reflect that the ongoing cleaning/ maintenance, and asset replacement of culvert and flood storage areas are to be undertaken by the property owner at any time at no cost to Council.
The owner(s) of the land shall relieve Council from any claims and demands arising from the failure of the maintenance and/or replacement of assets.
The wording of the instrument shall be prepared in consultation with Council, prior to lodgement at the NSW Land Registry Services.
Registered copy of the Restriction shall be submitted to approved by Cumberland Council's Manager Engineering and Traffic.
(Reason: to ensure maintenance and replacement of the stormwater asset is carried out by the property owner at no cost to Council)

127. **DAOCZ04 - Maintenance Schedule - Flood Storage and Flowpath**
Prior to the issue of the occupation certificate, a maintenance schedule of the proposed culvert, flood storage facility and flow path 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.
All the maintenance, restoration and reconstruction shall be carried out by the property owner(s) at no cost to Council.
(Reason: to ensure the flood storage and flowpath is in good working order)

128. **DAOCZ05 - Street sign (Bus Zone) relocation works**
Relocation of 'Bus Zone' signs shall be completed as approved by Cumberland Traffic committee and all cost shall be borne by the applicant the existing 'Bus Zone' signs shall be relocated at no cost to Council to the satisfaction of Council.
(Reason: To sign relocation comply with the regulatory requirements)

129. **DAOCZ06 - Flood Risk Evacuation Plan**
A flood risk evacuation plan shall be prepared by a suitably qualified person in conjunction with Council's floodplain risk management plan. The flood risk management plan shall be in force at all times. The flood evacuation shall also comply with approved Overland Flow 'Flood' Assessment Study Report
The evacuation plan shall be submitted to and approved by Principal Certifying Authority.
(Reason: To ensure adequate evacuation procedures are implemented on the premises in the event of flooding occurring on the site)

130. **DAOCZ07 - Hydraulic engineering construction certificate**
A written verification from suitably qualified hydraulic engineer shall be obtained, stating that
a) Development complies with the approved Overland Flow 'Flood' Assessment Study Report.
b) The development has no adverse impact on flood levels and/or adjoining properties.
The written verification shall be submitted to and approved by Principal Certifying Authority.
(Reason: To ensure construction comply with the flood study)

131. **DAOCZ08 - Floodplain access control**
'Pool type' vertical bar fencing and access gates, all to Australian Standards, shall be installed and maintained in perpetuity to prevent casual access by people to any of the high hazard areas of the site adjacent to the flood storage area and cavity beneath the ground floor slab. Maintenance of this fencing shall be the subject of covenants and instruments in terms satisfactory to Council which shall be placed on the title of the subject land prior to issue of any Occupation Certificate.
(Reason: Protection of public safety and property, securing the safety of residents and managing risk from flooding)

132. **DAOCZ09 - Access control to the high hazard areas**
'Pool type' vertical bar fencing and access gates, all to Australian Standards, shall be installed and maintained in perpetuity to prevent casual access by people to any of the high hazard areas identified in approved Overland Flow 'Flood' Assessment Study Report and cavity beneath the ground floor slab.

Access to the high flood risk area shall be restricted. In this regard an access management plan shall be prepared by suitably qualified person to prevent any risk to the persons.
A flood risk evacuation plan shall be prepared by a suitably qualified person in conjunction with Council's floodplain risk management plan. The flood risk management plan shall be in force at all times.
Access control/management plan and maintenance of this fencing shall be the subject of covenants and instruments in terms satisfactory to Council which shall be placed on the title of the subject land prior to issue of any Occupation Certificate. Copy of the registered covenant and restriction shall be submitted.
The access management plan and flood risk management plan shall be in force at all times.
(Reason: Protection of public safety and property, securing the safety of residents and managing risk from flooding)

133. DAOCZ10 - Flood gauges

To ensure that residents are appropriately aware of this risk, the following are to be installed on the site prior to the release of any Occupation Certificate for the development:

- Four flood gauges are to be provided measuring the depth of floodwaters.
- At all entry points to the building including and vehicular access flood warning signs are to be provided. The signs are to provide the warning in English and graphic only. These signs are to be of material that can withstand severe flooding.
- Provide 1 x 225mm approx. diameter stainless steel tube, capped, bolted to a suitable flood proof concrete base clearly marked with the 1% AEP / 1 in 100 year flood level located centrally in open space area at the rear of the site. This is to be designed to withstand floodwaters and vandalism.

These measures are to be installed to the satisfaction of the Principal Certifying Authority with appropriate documentary and photographic evidence of installation to be provided to Council for record keeping purposes.
(Reason: To ensure that residents are aware of the flood conditions of the site and have sufficient infrastructure to understand the depth of floodwater around the site during flood events)

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

134. DAOUA01 - Clinical Waste

All clinical waste must comply with the following:
(a) Suitably constructed waste disposal containers with securely fitting lids must be kept on the premises for the storage of any clinical waste prior to final disposal of the material at a facility approved by the NSW EPA.
(b) A licensed clinical waste contractor must be engaged to collect and dispose of all clinical waste generated on site and their contact details produced to Council upon request. Receipts of service must be kept on site specifying the volume collected and the dates of service.

(Reason: To ensure control of clinical waste)

135. DAOUA02 -Sharps Waste Disposal

The premises must be equipped with a sharps waste container, which complies with AS 4031:1992 Non-reusable containers for the collection of sharp medical items used in health care areas. Sharps waste must be disposed of to a facility that is licensed to receive sharps waste.

(Reason: To ensure safe disposal of sharps waste)

136. DAOUA09 - Business/Trade Commercial Waste Collection

Prior to occupation of the premises the operator shall enter into a commercial contract for the collection of trade waste and recyclables generated at the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.

(Reason: To ensure suitable arrangements are in place for the collection of business/trade commercial waste and recyclables)

137. DAOUA10 - Removal of Litter and Graffiti

In addition to Council's street sweeping and cleansing operations, the owner/manager of the building

shall ensure that the footpath, gutter, building entry and surrounds are kept clean and clear of litter at all times.

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

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

138. **DAOUA11 - Flashing Lights**
No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.

(Reason: Environmental protection)

139. **DAOUA14 - Hours of Business Operation**
The hours of operation of the residential aged care facility is 24 hours, 7 days a week.

(Reason: Ensure business operates between approved hours)

140. **DAOUA17 - Maximum Number of Staff**
A maximum number of 30 staff are permitted to work on the premises at any one time. Any increase in this number shall be subject to the further written consent of Council.

(Reason: Environmental Amenity)

141. **DAOUA19- Lighting Nuisance**
The use of floodlighting or the like, to advertise or attract attention or for the convenience of patrons must be controlled so as not to cause any distraction or disturbance to nearby or adjacent residents, pedestrians or motorists. The use of flashing lights is strictly prohibited.

(Reason: Environmental amenity)

142. **DAOUA20 - Loading**
All loading and unloading operations shall be carried out wholly within the confines of the site, at all times. All delivery vehicles shall enter and leave the site in a forward direction.

(Reason: Adequate servicing)

143. **DAOUB01 - Annual Fire Safety Statement**
Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be issued within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Annual Fire Safety Statement shall also be:
a) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
b) Prominently displayed in the building

(Reason: Fire safety)

144. **DAOUC03 - Microbial Control**
The installation and ongoing operation of the water cooling systems, evaporative coolers and hot/warm water systems within the premises shall be undertaken in accordance with the relevant provisions of:
a) Public Health Act 2010 and Public Health Regulation 2012
b) Relevant Australian Standard AS/NZS 3666 - Air Handling and Water Systems of Buildings - Microbial Control; and
c) Any relevant NSW Health Guidelines and Codes for the Control of Legionnaires Disease.

(Reason: Health and safety)

145. **DAOUC04 - Air Emissions**
The use of the premises shall not give rise to air pollution or and an odour nuisance as defined by the Protection of the Environment Operations Act 1997 and waste gases shall not be hazardous or harmful to human health or the environment.

(Reason: To protect human health and the environment)

146. **DAOUC12 - Notification of Warm Water and Cooling Water Systems**
Within one month of installation of any warm water and cooling water systems at the premises, the occupier must notify Council of the details of the system in accordance with the Public Health Act 2010. Registration forms are available on Council's website www.cumberland.nsw.gov.au.

(Reason: To ensure premises are notified to Council)

147. **DAOUC14 - General Noise Emission Criteria**
a) Noise from the development must not exceed any required project amenity/intrusiveness noise level or maximum noise level as determined in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI).
b) Background noise monitoring for the purpose of ensuring compliance with the NPfI must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI.
c) An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 minute (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
    i. The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.
    ii. Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
d) Consideration must be given to any annoying characteristics of the noise in accordance with Fact Sheet C of the NPfI.

Corrections in Fact Sheet C of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

(Reason: To protect residential amenity)

148. **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)

149. **DAOUC18 - No speakers or Amplified Sound Equipment Outside**
Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the external/outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

(Reason: To protect residential amenity)

150. **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)

151. **DAOUC23 - Compliance with Acoustic Report - Ongoing Use**
All recommendations contained in the DA acoustic report prepared by Acoustic Logic dated 20 February 2010 reference 20191132.1/2002A/R2/KB relating to use and/or management of the site must be implemented and complied with.

(Reason: to ensure acoustic impacts of the development are controlled.)

152. **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)

153. **DAOUE03 - Parking**
At least 39 car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for vehicles associated with the premises.

(Reason: Access to required car parking spaces)

154. **DAOUE04 - Vehicle Access**
All vehicles are to enter and exit the site in a forward direction.

(Reason: Traffic and pedestrian safety)

155. **DAOUZ01 - Flood warning system**
The property owner/body corporate is to ensure the flood warning system is in good working order, through regular testing and maintenance.
(Reason: To ensure the flood warning system is maintained)

156. **Flood Management Measures**
The recommendations and requirements as contained in the Overland Flow Flood Assessment, Ref No 200439_Flood (Rev C), prepared by Quantum Engineers, dated 13 April 2021; including the evacuation strategy and plan, shall be complied with at all times.
(Reason: To ensure compliance with flood study)

157. **DAOUZ02 - 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 logbook 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)

158. **DAOUZ03 - Limit of the delivery trucks**
Largest vehicles making deliveries to the commercial/retail premises shall be limited to Medium Rigid Vehicle (MRV) that is defined in Australian standard AS2890.2.
(Reason: To ensure delivery trucks use approved loading area and enter/exit the site in a forward direction)

159. **DAOUZ04 - Council's Reserve**
Use or access through Council's Reserve for minor works such as stormwater drainage, where necessary, will be considered in the submission of a Park Use and Access application. Information including guidelines and an application form for Park Use and Access is available on Council's website under:
<http://www.cumberland.nsw.gov.au/parks-and-gardens>

(Reason: Access to Council's Reserve)

Advisory Notes

160. **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.

161. **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>.

162. **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

163. **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.

164. **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.

165. **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.

166. **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.

167. **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.

168. **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.

169. **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)

170. **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)

171. **DAANN20 - Critical Stage Inspections for Building Work (Classes 5 ,6, 7, 8 or 9)**
Where applicable inspections of the development site may be required to be undertaken at the following stages:

a) Prior to covering any stormwater drainage connections; and
b) After the building work has been completed and prior to any occupation certificate being issued in relation to the building;
c) Final.

If the person having the benefit of the development consent appoints Council as the Principal Certifier, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate the Principal Certifier must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (c), the inspections may be carried out by the Principal Certifier or, if the Principal Certifier agrees, by another certifier.

The final inspection detailed at subclause (c) may only be carried out by the Principal Certifier.

For each inspection the principal contractor (or owner-builder) must notify the Principal Certifier at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements)

DOCUMENTS ASSOCIATED WITH REPORT LPP015/21

Attachment 2

SEPP (Housing for Seniors or People with a Disability) 2004 Compliance Table

ATTACHMENT 2 – SEPP (Housing for Seniors or People with a Disability) 2004 Compliance Table

SEPP (Housing for Seniors or People with a Disability) 2004			
No.	**Required/Permitted**	**Comment**	**Comply**
	Chapter 1 Preliminary		
1	**Name of Policy**		
	This Policy is *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.	Noted.	Noted
2	**Aims of Policy**		
	(1) This Policy aims to encourage the provision of housing (including residential care facilities) that will: (a) Increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and (b) Make efficient use of existing infrastructure and services, and (c) Be of good design.	The proposed development is considered to be consistent with the aims of SEPP (HSPD) 2004 as the design of the proposal responds to the constraints of the site and does not result in adverse amenity impacts on surrounding properties.	Yes
3	**Interpretation**		
	Noted.		Noted
4	**Land to which Policy applies**		
	(1) General This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if: (a) Development for the purpose of any of the following is permitted on the land: (i) Dwelling-houses, (ii) Residential flat buildings, (iii) Hospitals, (iv) Development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or (b) The land is being used for the purposes of an existing registered club.	The subject site is zoned R2 Low Density Residential under the Holroyd LEP 2013. *Dwelling-houses* are a permissible land use, which satisfies Clause 4(1)(a)(i).	Yes

	(2) Land that is not zoned primarily for urban purposes For the avoidance of doubt, land that is not zoned primarily for urban purposes includes (but is not limited to) land that is within any of the following zones under another environmental planning instrument: (a) A zone that is identified as principally for rural uses, (b) A zone that is identified as principally for urban investigation, *(c)* A zone that is identified as principally for residential uses on large residential allotments (for example, Zones R5 Large Lot Residential and RU6 Transition referred to in the standard instrument for principal local environmental planning instruments prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*).	Not Applicable.	N/A
	(2A) For the avoidance of doubt, land that is not zoned primarily for urban purposes includes (but is not limited to) land to which Warringah Local Environmental Plan 2000 applies that is located within locality B2 (Oxford Falls Valley) or C8 (Belrose North) under that plan.	Not Applicable.	N/A
	(3) Nothing in subclause (2) or (2A) operates to make any land not referred to in those subclauses land that is zoned primarily for urban purposes.	Not Applicable.	N/A
	(4) **Land that adjoins land zoned primarily for urban purposes** For the purposes of this Policy, land that adjoins land that is zoned primarily for urban purposes includes (but is not limited to) land that would directly adjoin land that is zoned primarily for urban purposes but for the presence of a public road to which there is direct vehicular and pedestrian access from the adjoining land.	Not Applicable.	N/A

	(5) Application of Policy to land zoned for special uses and existing registered clubs For the purposes of this Policy (and for the avoidance of doubt), a consent authority must not treat: (a) Land on which development for the purposes of special uses is permitted, or (b) Land that is being used for the purposes of an existing registered club, As being land zoned primarily for urban purposes unless it is satisfied that most of the land that it adjoins is land zoned for urban purposes.	Not Applicable.	N/A
	(6) Land to which Policy does not apply This Policy does not apply to: (a) Land described in Schedule 1 (Environmentally sensitive land), or (b) Land (other than land to which *Warringah Local Environmental Plan 2000* applies) that is zoned for industrial purposes, or (c) (Repealed) (d) The land to which *Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989)* applies, or *(e)* The land to which *State Environmental Planning Policy (Western Sydney Parklands) 2009* applies.	Clause 4(6) of the SEPP lists land in Schedule 1 (Environmentally sensitive land) to which the policy does not apply. This includes land described as: g) floodway; h) high flooding hazard; and i) natural hazard by any like descriptions or by descriptions that incorporate any of those words or expressions. Clause 6.4 Flood Planning of HLEP 2013 does not identify the subject site as land described in Schedule 1 of SEPP (HSPD) 2004. In this regard, the subject site is not land described in Schedule 1 of SEPP (HSPD) 2004.	N/A
	(7) Nothing in subclause (6) (a) or Schedule 1 operates to preclude the application of this Policy to land only because: (a) The land is identified under *State Environmental Planning Policy No 71—Coastal Protection*, or In the case of land that is used for the purposes of an existing registered club—the land is described in another environmental planning instrument as: (i) Private open space, or (ii) Open space where dwellings or dwelling-houses are permitted.	Not Applicable.	N/A

	(8) (Repealed)		Noted
	(9) **Application of Policy to certain land in Sutherland Shire** For the purposes of this Policy (and despite anything to the contrary in subclause (1), (2) or (5)), the land that is shown with heavy edging on the map marked "*Map 32 Cronulla Sutherland Leagues Club, Captain Cook Drive*" in Schedule 7 to *Sutherland Shire Local Environmental Plan 2000* is taken to be land that is zoned primarily for urban purposes. **Note.** Clause 7 (2) (a) of *Sutherland Shire Local Environmental Plan 2006* continues the application of *Sutherland Shire Local Environmental Plan 2000* to the land referred to in this subclause.	Not Applicable.	N/A
	(10) For the purposes of this Policy (and despite anything to the contrary in subclause (1) or (4)), any land that adjoins the land referred to in subclause (9) is not to be treated as being land that adjoins land zoned primarily for urban purposes.	Not Applicable – Subject site is not located within the Sutherland Shire LGA.	N/A
	(11) Subclause (6) does not apply in relation to: (a) The land referred to in subclause (9), or (b) Land in Alexander Avenue, Taren Point, being Lot 2, DP 1026203, or (c) An application to carry out development for the purposes of a residential care facility on land in any of the following zones under *Sutherland Shire Local Environmental Plan 2006*: (i) Zone 4—Local Housing, (ii) Zone 5—Multiple Dwelling A, (iii) Zone 6—Multiple Dwelling B, (iv) Zone 7—Mixed Use—Kirrawee, (v) Zone 8—Urban Centre, (vi) Zone 9—Local Centre, (vii) Zone 10—Neighbourhood Centre.	Not Applicable.	N/A

	(12) Application of Policy to certain land in Hornsby Shire For the purposes of this Policy (and despite anything to the contrary in subclause (1), (2) or (6)), the land comprised by each of the following is taken to be land that adjoins land zoned primarily for urban purposes: (a) 599–607 Old Northern Road, Glenhaven (being Lot 2, DP 1123753), (b) 589–593 Old Northern Road, Glenhaven (being Lot 1, DP 135398 and Lots 2 and 3, DP 225754).	Not Applicable.	N/A
	(13) (Repealed)		Noted
4A	**Land to which Policy applies – heritage conservation areas in Greater Sydney Region** (1) This Policy does not apply to land in the Greater Sydney Region if an environmental planning instrument identifies the land as being within a heritage conservation area. (2) This Policy continues to apply to development on land referred to in subclause (1) if— (a) the relevant development application was lodged before the commencement of this clause, or (b) the relevant development application was lodged after the commencement of this clause but the development application relies on a site compatibility certificate and the application for that certificate was lodged before the commencement of this clause. (3) A site compatibility certificate may be issued for land referred to in subclause (1) after the commencement of this clause if the application for that certificate was lodged before the commencement of this clause. (3A) This clause does not apply to land in the North Sydney local government area. (4) This clause ceases to have effect on 1 July 2021.	Not Applicable	N/A
4B	**Land to which Policy applies— metropolitan rural areas in Greater Sydney Region** (1) This Policy does not apply to land identified on the metropolitan rural areas exclusion zone map as a metropolitan rural area exclusion zone. (2) This Policy continues to apply to development on land referred to in subclause (1) if—	Not Applicable	N/A

	(a) the relevant development application was lodged before the commencement of this clause, or (b) the relevant development application was lodged after the commencement of this clause but the development application relies on a site compatibility certificate and the application for that certificate was lodged before the commencement of this clause. (3) A site compatibility certificate may be issued for land referred to in subclause (1) after the commencement of this clause if the application for that certificate was lodged before the commencement of this clause. (4) In this clause— ***metropolitan rural areas exclusion zone map*** means the map marked "*State Environmental Planning Policy—Housing for Seniors or People with a Disability, Metropolitan Rural Areas Exclusion Zone Map*" approved by the Minister on the making of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) Amendment (Metropolitan Rural Areas Exemption) 2020* and made available on the NSW Planning Portal.		
5	**Relationship to Other Environmental Planning Instruments**		
	(3) If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails in the extent of the inconsistency.		Noted
6	**Transitional Provisions Relating to Certain Development Applications and Development**		
	Noted.		Noted
7	**Suspension of Certain Agreements and Covenants**		
	(1) For the purpose of enabling development to be carried out in accordance with this Policy or in accordance with a consent granted under the Act, any agreement or covenant imposing restrictions on any such development, to the extent necessary to serve that purpose, does not apply to the development. (2) Subclause (1) does not apply to a covenant in favour of Sydney Water Corporation or a water supply authority listed in Schedule 3 to the Water Management Act 2000. (3) Before this Policy was made, the Governor approved this clause under section 28 of the Act.	Water NSW is listed as a water supply authority under Part 3 State owned corporations in Schedule 3 Water supply authorities of the Water Management Act 2000. There is an existing grassed channel adjacent to the western boundary which conveys stormwater flows from the upstream catchment. This grassed channel / watercourse is not recognised as a 'river' by Water NSW. In this regard, the proposal does not require a controlled activity approval from Water NSW and the proposal is not identified as integrated development requiring referral to Water NSW.	Yes

	Chapter 2 Key concepts		
8	In this Policy, ***seniors*** are any of the following: (a) People aged 55 or more years, (b) People who are resident at a facility at which residential care (within the meaning of the *Aged Care Act 1997* of the Commonwealth) is provided, (c) People who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.	The proposal will cater for *seniors*, as defined.	Yes
9	**People with a Disability**		
	In this Policy, ***people with a disability*** are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.	Not Applicable.	N/A
10	**Seniors Housing**		
	In this Policy, ***seniors housing*** is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of: (a) A residential care facility, or (b) A hostel, or (c) A group of self-contained dwellings, or (d) A combination of these, but does not include a hospital. **Note.** The concept of seniors housing is intended to be a shorthand phrase encompassing both housing for seniors and for people with a disability. This Policy deals with both kinds of housing. Accommodation provided by seniors housing does not have to be limited to seniors or people with a disability. Clause 18 provides that seniors housing may be used for the accommodation of the following: (a) seniors or people who have a disability, (b) people who live within the same household with seniors or people who have a disability, (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy. Relevant classifications in the *Building Code of Australia* for the different types of residential accommodation are as follows: (a) Class 3, 9a or 9c in relation to residential care facilities, (b) Class 1b or 3 in relation to hostels,	The proposal is defined as a *residential care facility* falling within the definition of *Seniors Housing*.	Yes

	(c) Class 1a or 2 in relation to self contained dwellings.		
11	**Residential Care Facilities**		
	In this Policy, a ***residential care facility*** is residential accommodation for seniors or people with a disability that includes: (a) Meals and cleaning services, and (b) personal care or nursing care, or both, and (c) Appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, not being a dwelling, hostel, hospital or psychiatric facility. **Note.** The *Aged Care Act 1997* of the Commonwealth requires residential care facilities to which that Act applies to meet certain requirements.	The proposed residential care facility meets this definition.	Yes
12	**Hostels**		
	Not Applicable.		N/A
13	**Self Contained Dwelling**		
	(1) **General term: "self-contained dwelling"** In this Policy, a ***self-contained dwelling*** is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis. **(2) Example: "in-fill self-care housing"** In this Policy, ***in-fill self-care housing*** is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care. **(3) Example: "serviced self-care housing"** In this Policy, ***serviced self-care housing*** is seniors housing that consists of self- contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.	Not Applicable	N/A

	Chapter 3 Development for seniors housing **Part 1 General**		
14	**Objective of Chapter**		
	The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.	Noted.	Noted
15	**What Chapter Does**		
	This Chapter allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy: (a) Development on land zoned primarily for urban purposes for the purpose of any form of seniors housing, and (b) Development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of seniors housing consisting of a hostel, a residential care facility or serviced self-care housing.	The proposed development is permissible by virtue of the operation of SEPP (HSPD) 2004 as the subject site and adjoining properties is zoned R2 Low Density Residential, and as such is land zoned primarily for urban purposes for the purpose of any form of seniors housing. The subject site adjoins RE1 zoned land to the rear being Leeton Street Park. Land zoned RE1 is not identified as land not zoned primarily for urban purposes in accordance with Clause 4(2) of SEPP 2004.	Yes
16	**Development Consent Required**		
	Development allowed by this Chapter may be carried out only with the consent of the relevant consent authority unless another environmental planning instrument allows that development without consent.	The subject development application seeks consent for the proposed residential care facility.	Yes
17	**Development on Land Adjoining Land Zoned Primarily for Urban Purposes**		
	Not Applicable.		N/A
18	**Restrictions on Occupation of Seniors Housing Allowed under this Chapter**		
	(1) Development allowed by this Chapter may be carried out for the accommodation of the following only: (a) Seniors or people who have a disability, (b) People who live within the same household with seniors or people who have a disability, (c) Staff employed to assist in the administration of and provision of services to housing provided under this Policy.	The proposal is defined as a *residential care facility*, falling within the definition of *Seniors Housing*.	Yes

	(2) A consent authority must not consent to a development application made pursuant to this Chapter unless: (a) A condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and (b) The consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).	Condition of Consent.	**Yes – with condition**
	(3) Subclause (2) does not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.	Noted.	Noted
19	**Use of Seniors Housing in Commercial Zones**		
	Not Applicable.		N/A
20	**Repealed**		Noted
21	**Subdivision**		
	Land on which development has been carried out under this Chapter may be subdivided with the consent of the consent authority. **Note.** Clause 5 (3) of this Policy ensures that subdivision on the land referred to in clause 4 (9) (b) is permitted by this clause with the consent of the consent authority despite the provisions of clause 65A of the former *Sutherland Shire Local Environmental Plan 2000* (which continues to apply to the land by virtue of clause 7 (2) (a) of *Sutherland Shire Local Environmental Plan 2006*).	Subdivision is not proposed.	N/A
22	**Fire Sprinkler Systems in Residential Care Facilities for Seniors**		
	Development for the purpose of the installation of a fire sprinkler system in a residential care facility for seniors may be carried out with development consent.	The installation of a fire sprinkler system is imposed as a condition of consent	**Yes – with conditions**
23	**Development on Land Used for the Purposes of an Existing Registered Club**		
	Not Appliable		N/A

	Part 1A Site compatibility certificates		
24	**Site Compatibility Certificates Required for Certain Development Applications**		
	(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) if— (a) the development is proposed to be carried out on any of the following land to which this Policy applies— (i) land that adjoins land zoned primarily for urban purposes, (ii) land that is within a zone that is identified as "special uses" under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted), (iii) land that is used for the purposes of an existing registered club, or (b) the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45.	Clause 24(1)(a)(i) of SEPP 2004 outlines that a Site Compatibility Certificate (SCC) is required for land that adjoins land zoned primarily for urban purposes. The subject site and adjoining sites are zoned for urban purposes (R2 and RE1 zoned land). However, Clause 24(1A) outlines that despite subclause (1), development for the purposes of seniors housing does not require a SCC if the proposed development is permissible with consent on the subject site under the zoning of another environmental planning instrument. Seniors housing is not a permissible land use in the R2 zone pursuant to Holroyd LEP 2013. However, as seniors housing is permitted by virtue of Clause 4 of SEPP 2004, a SCC is not required, and Clause 24 does not apply to the proposed development.	N/A
	(1A) Despite subclause (1), this clause does not apply to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing if the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument.		
	(2) A consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the relevant panel has certified in a current site compatibility certificate that, in the relevant panel's opinion— (a) the site of the proposed development is suitable for more intensive development, and (b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b). **Note.** Clause 50 (2A) of the Environmental Planning and Assessment Regulation 2000 requires a development application to which this clause applies to be accompanied by a site compatibility certificate.	Not Applicable.	N/A
	(3) Nothing in this clause— (a) prevents a consent authority from— (i) granting consent to a development application to which this clause applies to carry out development that is on a smaller (but not larger) scale than the kind of development in respect of which a site compatibility certificate was issued,	Not Applicable.	N/A

	or (ii) refusing to grant consent to a development application to which this clause applies by reference to the consent authority's own assessment of the compatibility of the proposed development with the surrounding environment, or (b) otherwise limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies. **Note.** Nothing in this clause affects a consent authority's duty to give effect to non-discretionary standards set out in this Policy. See, for example, clauses 48, 49 and 50.		
	(4) (Repealed)		Noted
25	**Application for Site Compatibility Certificate**		
	A SCC is not required in accordance with Clause 24 of SEPP (HSPD) 2004. Clause 25(5)(b)(i), (iii) and (v) are to be considered under Clause 29 of SEPP (HSPD) 2004.		N/A
	Part 2 Site-related requirements		
26	**Location and Access to Facilities**		
	(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to: (a) Shops, bank service providers and other retail and commercial services that residents may reasonably require, and (b) Community services and recreation facilities, and (c) The practice of a general medical practitioner.	The site is located approximately 250m to the Merrylands West Local Centre, which provides retail and commercial services including an IGA supermarket, chemist and dentist. There is a medical centre approximately 650m walking distance from the site at 2/23 Paton Street, Merrylands (Heart Centre Merrylands).	Yes
	(2) Access complies with this clause if: (a) The facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable: (i) A gradient of no more than 1:12 for slopes for a maximum of 15 metres at	The subject site is located within the Greater Sydney (Greater Capital City Statistical Area). In this regard, the site needs to comply with access requirements as stated in subclause 2(b).	N/A – Refer to subclause (b)

	a time; (ii) A gradient of no more than 1:10 for a maximum length of 5 metres at a time, (iii) A gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or		
	(b) In the case of a proposed development on land in a local government area within the Greater Sydney (Greater Capital City Statistical Area)—there is a public transport service available to the residents who will occupy the proposed development: (i) That is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and (ii) That will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and (iii) That is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or	(i) Public transport services are available within 400m from the site as follows: • The bus stop at the front of the site is serviced by the 806 bus which provides access to Merrylands Town Centre and Parramatta Town Centre which both contain facilities and services referred to in subclause (1). • Residents would return via the 806 bus at the bus stop located to the east of 534A Merrylands Road (on the southern side of Merrylands Road), which is 350m walking distance from the site, requiring residents to cross the road at the signalised intersection at Merrylands Road and Centenary Road. • Access in all directions along Merrylands Road is relatively flat between the bus stop locations and the subject site. (ii) The abovementioned public transport service will take residents to Merrylands and Parramatta Town Centre, which has facilities and services within 400m distance. (iii) The 806 bus is available to and from the site during daylight hours, twice every hour, Monday to Friday (both days inclusive). The existing footpath infrastructure provides an accessible path of travel with a gradient of no more than 1:14, in accordance with subclause (3).	Yes

	(c) In the case of a proposed development on land in a local government area that is not within the Greater Sydney (Greater Capital City Statistical Area)—there is a transport service available to the residents who will occupy the proposed development: (i) That is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and (ii) That will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and That is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive), (iii) and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3). **Note.** Part 5 contains special provisions concerning the granting of consent to development applications made pursuant to this Chapter to carry out development for the purpose of certain seniors housing on land adjoining land zoned primarily for urban purposes. These provisions include provisions relating to transport services.	The subject site is located within the Greater Sydney.	N/A

	(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable: (i) A gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time, (ii) A gradient of no more than 1:10 for a maximum length of 5 metres at a time, (iii) A gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.	These services and bus stops as noted within Subclause (2) are accessible via a footpath with a gradient of no more than 1:14, in accordance with subclause (3).	No
	(4) For the purposes of subclause (2): (a) A suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and (b) Distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.	Noted.	Noted
	(5) In this clause: Bank service provider means any bank, credit union or building society or any post office that provides banking services.	Noted.	Noted
27	**Bush Fire Prone Land**		
	Not Applicable.		N/A
28	**Water and Sewer**		
	(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.	The subject site is within an established area, with access to water and sewerage services. This can be conditioned accordingly.	Yes, with **Condition**
29	**Consent Authority to Consider Certain Site Compatibility Criteria for Development Applications to Which Clause 24 Does Not Apply**		
	(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) to which clause 24 does not apply.	The subject site is not identified as requiring a Site Compatibility Certificate. In this regard, Clause 24 does not apply to the proposed development. In accordance with Clause 29(1) and 29(2), the consent authority is required to	Yes

	Note. Clause 24 (1) sets out the development applications to which that clause applies. (2) A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v). (3) Nothing in this clause limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies.	consider criteria referred to in Clause 25(5)(b)(i), (iii) and (v). Clause 25 (5) (b) (i), (iii) and (v) states the following: *(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria—* *(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,* Comment: The subject site is identified as being impacted by the 1% AEP storm event, and portions of the site shown as High Hazard Flood and is located within the flood way. Council's Development Engineering has reviewed the proposal and outlined that the proposed residential aged care facility has been designed to have minimum finished floor levels set above the PMF flood level to ensure safe refuge for future occupant. Pier construction, flood storage and a culvert system has also been provided to collect and drain the traversing overland flow from Merrylands Road and direct towards the reserve (Leeton St Park), to not result in a significant increase in flooding on neighbouring properties. Furthermore, an appropriate flood evacuation plan has been provided. *(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,* Comment: The existing footpath infrastructure provides an accessible path of travel with a gradient of no more than 1:14, to essential services and facilities for residents in accordance with subclause 26(3) of SEPP (HSPD) 2004. *(v) without limiting any other criteria, the impact that the bulk, scale, built form*	

		and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development, Comment: The subject site adjoins an established multi dwelling housing complex along the eastern boundary (529 Merrylands Rd). As stated above, the subject site is identified to be impacted by the 1% AEP storm event, and as such the proposal is required to achieve minimum FFLs above the 1% AEP flood plus 500mm freeboard. In this regard, the building is raised higher in response to the conditions of the site and to achieve the required FFLs. The proposal is 2 storey in height, and setback a minimum distance of 6m from the eastern boundary. The finished floor level of the ground floor of the proposed development is set approximately level with the top of the 1.8m high common boundary fence of dwellings at 529 Merrylands Rd. Blocks A, B, C, D & E comprise of elevated floor levels, and are setback a minimum distance of 6m from the eastern boundary for both the ground and first floor levels. Visual privacy is adequately maintained between properties, noting that the design of the east facing suite windows of Blocks A-E (inclusive) comprise of solid elements with translucent corner windows, which restrict direct overlooking to neighbouring properties. Two (2) dwelling houses adjoin the subject site along the western boundary – 7 Yoogali St (single storey dwelling) & 541-543 Merrylands Rd (two storey dwelling). Greater setbacks are provided from the proposed development to the western boundary, as a result of the location of the at-grade car park along this boundary. The proposed building provides a minimum setback of 13m, increasing to 20m and 30.5m to western boundary. The two storey height and massing of the building across the site with recessed elements between blocks,	

		adequate setbacks to site boundaries, and perimeter landscaping, is considered to present an appropriate built form when viewed from neighbouring properties and public domain. It is expected that future development at the subject site and in the immediate vicinity of the site would be a maximum of 2 storey/9m in height, having regard to the HLEP 2013 building height standard applicable. The proposal has a maximum building height of 9.3m, measured in accordance with the SEPP (HSDP) 2004 definition of 'height'. In this regard, the design of the proposal is considered to be compatible with both the existing and future desired character of the locality. In this regard, the design of the proposal is considered to be compatible with both the existing and future desired character of the locality, responds to the environmental constraints of the site, satisfying Clause 25(5)(b)(i), (ii) and (v) of SEPP (HSPD) 2004.	
	Part 3 Design requirements **Division 1 General**		
30	**Site Analysis**		
	(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.	A Site Analysis Plan has been submitted with the required information.	Yes
31	**Design of In-Fill Self-Care Housing**		
	In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the *Seniors Living Policy: Urban Design Guideline for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004.	The proposal is a residential care facility.	N/A
32	**Design of Residential Development**		
	A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.	Refer to assessment below (refer to Clauses 33-39).	Refer to Assessment Below

	Division 2 Design principles		
33	**Neighbourhood Amenity and Streetscape**		
	The proposed development should: (a) Recognise the desirable elements of the location's current character (or, in the caseof precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and (b) Retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and (c) maintain reasonable neighbourhood amenity and appropriate residential character by: (i) Providing building setbacks to reduce bulk and overshadowing, and (ii) Using building form and siting that relates to the site's land form, and (iii) Adopting building heights at the street frontage that are compatible in scale with adjacent development, and (iv) Considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and (d) Be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and (e) Embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and (f) Retain, wherever reasonable, major existing trees, and (g) Be designed so that no building is constructed in a riparian zone.	a) Proposal is maximum 2 storey in height in a predominantly 2 storey area. The bulk and scale of the proposal is considered in keeping with the existing and desired character of development in the locality. b) Subject site is not located within a heritage conservation area or within the vicinity of heritage items. c) <u>Residential character and amenity</u> i) <u>Setbacks:</u> *East / Side:* Ground Floor & Level 1 Blocks A, B, C, E & landscape garden/courtyard: Min. 6m Blocks G, H & J: 16.6m *West / Side:* Ground Floor & Level 1 Block A, B & C: 30.5m Block E: 13m-13.8m Block G: 20.1m Block H: 22.4m Block J: 20m *Front Setback:* Ground Floor & Level 1: Min. 6m *Rear Setback:* Ground Floor & Level 1: Min. 8.667m <u>Overshadowing impacts:</u> The subject site is of a north-south orientation. Neighbouring properties to the west are not adversely overshadowed by the proposal. Neighbouring properties to the east, receive sunlight from 9am to 1.30pm to private open space areas oriented to the common boundary. ii) Elevated FFLs are proposed to address flooding. The bulk and scale of the building with elevated FFLs are considered appropriate, noting the building is a maximum of 2 storey in height. iii) The proposal is 2 storey in height at the street frontage and it's in entirety.	Yes

		iv) The visual bulk impact of the proposal on the neighbouring townhouses east of the site at 529 Merrylands Rd are acceptable. The ground floor and 2 storey components of the building with elevated FFLs does not pose adverse visual privacy and overlooking concerns to neighbouring properties. d) A 6m front setback is provided. This is consistent with the existing front setback of neighbouring properties, and prevailing front setback of properties located on the northern side of Merrylands Rd. e) Landscaping within front setback area is acceptable and consistent with the existing streetscape. f) The 3 existing street trees within the street frontage of the property are to be retained. Existing trees centrally located within the front half of the property are proposed to be removed. Council's Tree Management Officer has reviewed the proposed tree removal raised no objections. g) Portions of the at-grade carpark and Blocks E, G & J are located within the riparian zone as mapped within HLEP 2013. A concrete culvert has been proposed to convey flows underground to ensure that a minimum freeboard of 500mm to the proposed FFL can be achieved. Council's Development Engineer has reviewed the civil works proposed and is satisfied that the development has been designed, sited and managed appropriately in a manner which would minimise adverse environmental impacts.	
34	**Visual and Acoustic Privacy**		
	The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by: (a) Appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and (b) Ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths. **Note.** The Australian and New Zealand Standard entitled AS/NZS 2107–2000,	a) <u>East:</u> Townhouses at 529 Merrylands Rd have a min. 2m rear setback to the common boundary with 535 Merrylands Rd. The proposal is setback min. 6m from the common boundary for Blocks A, B, C, D & E. • Suite windows of Blocks A-E (inclusive) comprise of solid elements with translucent corner windows, which restrict direct	Yes

	Acoustics— Recommended design sound levels and reverberation times for building interiors and the Australian Standard entitled AS 3671—1989, *Acoustics—Road traffic noise intrusion— Building siting and construction*, published by Standards Australia, should be referred to in establishing acceptable noise levels.	overlooking to neighbouring properties. Blocks G, H & J are setback min. 16.5m. • Level 1 east facing terrace from the dining/lounge room is setback 16.5m from the common boundary and considered to be sufficiently setback to mitigate privacy concerns. • Level 1 dining room (Link H) has full height large windows and is setback 16.5m from common boundary. Privacy is considered to be maintained from the dining room. However, the ground floor landscape garden/courtyard is setback min. 6m from the common boundary. The garden/courtyard is raised approx. 2-2.3m above the existing ground levels and considered to result is visual privacy and overlooking impacts to neighbouring properties' private open space areas. • Landscaping is proposed along the eastern boundary which comprises of a mix of tree plantings with a mature height of 1-10m. This is considered to address overlooking concerns from the proposed development. • In addition, the 6m setback provided from the terrace, and the existing 1.8m high eastern boundary fence is considered to obscure direct sight lines to the rear yard of the neighbouring dwellings. The mature perimeter landscaping proposed along the eastern boundary will also ensure that privacy is maintained between properties having regard to the elevated floor levels of the courtyard. <u>West:</u> Min. 13m setback provided to western boundary for Block E which comprises plant and services (i.e. Comms, switch room, hydraulic and mechanical rooms). • Suites in Blocks E & G are adjacent to the staff car parking spaces and the loading area, and mechanical plant area. Council's Environmental Health Officer has advised that the submitted Acoustic Report does not address the noise and vibration impact from the mechanical plant on proposed suites as well as neighbouring properties. Conditions are imposed requiring an amended acoustic report incorporating	

		measures to be implemented to ensure noise levels of these suites are acceptable. • Windows of suites above face north and south / internal to the site. No windows are proposed along the western elevation of Block E. Min. 20.1m setback provided to western boundary for Block G linen room. • Suites above on Level 1 (Blocks G & J) are setback 20.1m and adjacent to the front yard of 7 Yoogali St, Yoogali St and Leeton St Park, and are not considered to pose adverse privacy concerns. • The west facing terrace from the lounge/dining room (Level 1) does not pose overlooking concerns as it is adjacent to Leeton St Park. <u>North</u>: Faces Leeton St Park. b) West facing suites in Blocks A & C is directly opposite the drop off / reception area. Noise impacts to bedrooms are considered acceptable as parking is located further west along the western boundary, and this area would be utilised mainly for drop off / pick up, and vehicle manoeuvring.	
35	**Solar Access and Design for Climate**		
	The proposed development should: (a) Ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and (b) Involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction. **Note.** AMCORD: A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.	a) <u>Solar access to neighbouring properties:</u> *7 Yoogali St & 541-543 Merrylands Rd* Receive adequate solar access to living areas and POS from 10.30am-3pm. *529 Merrylands Rd* Receive adequate solar access to living areas and POS from 9am-1.30pm. <u>Proposed suites</u> East facing suites receive sunlight from 9am-1.30pm West facing suites receive sunlight from Noon-3pm Ground floor landscaped garden/courtyard along eastern boundary receives sunlight from 9am-Noon. b) Dining rooms Ground floor front – west orientation Ground floor rear – east orientation Level 1 front – west orientation Level 1 (Link H) – east orientation	Yes

		Level 1 (Block J) – east & west orientation	
36	**Stormwater**		
	The proposed development should: (a) Control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and (b) Include, where practical, on-site stormwater detention or re-use for second quality water uses.	On-site stormwater detention is required to be provided to facilitate the proposed development. Council's Development Engineer has reviewed the proposal and advised that the stormwater design and civil works is satisfactory.	Yes
37	**Crime Prevention**		
	The proposed development should provide personal property security for residents and visitors and encourage crime prevention by: (a) Site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and (b) Where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and (c) Providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	Safety and security have been maintained to an acceptable level. Gated vehicular access is provided. Defined pedestrian access provided to reception from the street.	Yes
38	**Accessibility**		
	The proposed development should: (a) Have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and (b) Provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	The proposed development has obvious and safe pedestrian links to public transport, parks and shops, and will provide for attractive and safe environments for pedestrians and motorists with convenient parking.	Yes
39	**Waste Management**		
	The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	Waste facilities are provided on site for the proposed residential aged care facility.	Yes
	Part 4 Development standards to be complied with **Division 1 General**		
40	**Development Standards – Minimum Sizes and Building Height**		
	(1) **General** A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.	Noted	Noted
	(2) **Site size** The size of the site must be at least 1,000 square metres.	The lot size for the proposed 7,746m².	Yes

	(3) **Site frontage** The site frontage must be at least 20 metres wide measured at the building line.	Site frontage = 33.61m	Yes
	(4) **Height in zones where residential flat buildings are not permitted** If the development is proposed in a residential zone where residential flat buildings are not permitted: (a) The height of all buildings in the proposed development must be 8 metres or less, and **Note.** Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a). (b) A building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and **Note.** The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape. (c) A building located in the rear 25% area of the site must not exceed 1 storey in height.	Residential flat buildings are not permissible at the subject site. a) All buildings are in excess of 8m in height. b) All blocks are 2 storey in height. c) Block J is located within the rear 25% of the site, and 2 storey in height. The Applicant has submitted a Clause 4.6 written request to vary the height standards prescribed by Clause 40(4)(a) and (c).	No – Clause 4.6 written request submitted for height variation. Refer to detailed assessment contained within the body of the report.
	(5) Development applications to which clause does not apply Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following: (a) The Department of Housing, (b) Any other social housing provider.	The Development Application is not made by the Department of Housing or by a social housing provider. In this regard, Clauses 2, 3 & 4 are applicable to the development.	Noted
	Division 2 Residential care facilities – standards concerning accessibility and useability		
	Note. Development standards concerning accessibility and useability for residential care facilities are not specified in this Policy. For relevant standards, see the Commonwealth aged care accreditation standards and the *Building Code of Australia*.	Can be addressed via standard conditions of consent, should approval be granted.	Noted
	Part 5 Development on land adjoining land zoned primarily for urban purposes		
42	**Serviced self-care housing**	Not appliable	N/A
43	**Transport Services to Local Centres**	Not applicable – proposal is not for self-care housing	N/A

44	**Availability of facilities and services** A consent authority must be satisfied that any facility or service provided as a part of a proposed development to be carried out on land that adjoins land zoned primarily for urban purposes will be available to residents when the housing is ready for occupation. In the case of a staged development, the facilities or services may be provided proportionately according to the number of residents in each stage.	Can be made to comply. Staged construction/development is not proposed.	Yes
45	**Vertical Villages**		
	Not Applicable.		N/A
46	**Inter-Relationship of Part with Design Principles in Part 3**		
	(1) Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3. **Note.** It is considered possible to achieve good design and achieve density ratios set out in Division 2. Good design is critical to meriting these density ratios.	The proposed development must satisfy design principles set out in Division 2 of Part 3. The proposal is considered satisfactory in this regard.	Noted
	(2) For the avoidance of doubt, nothing in this Part limits the matters to which the Director- General may have regard in refusing to issue a site compatibility certificate.	A site compatibility certificate is not required.	N/A
47	**Part Does Not Apply to Certain Development Applications Relating to Heritage Affected Land**		
	Nothing in this Part applies in relation to the granting of consent to a development application made pursuant to this Chapter for the carrying out of development on land to which an interim heritage order or listing on the State Heritage Register under the *Heritage Act 1977* applies.	Not Applicable.	N/A
	Division 2 Residential care facilities		
48	**Standards that Cannot be Used to Refuse Development Consent for Residential Care Facilities**		
	A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds— (a) **building height:** if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or	The building exceeds the 8m height limit. The building is no more than 2 storey in height.	No
	(b) **density and scale:** if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less, Site Area = 7,746m²	The FSR of the proposal as calculated in accordance with the SEPP definition is: 0.58:1 Total GFA = 4,523.9m² Ground Floor = 2,344.7m²	Yes

	SEPP (HSPD) 2004 defines gross floor area as follows: ***gross floor area*** means the sum of the areas of each floor of a building, where the area of each floor is taken to be the area within the outer face of the external enclosing walls (as measured at a height of 1,400 millimetres above each floor level)— (a) excluding columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall, and (b) excluding cooling towers, machinery and plant rooms, ancillary storage space and vertical air conditioning ducts, and (c) excluding car parking needed to meet any requirements of this Policy or the council of the local government area concerned and any internal access to such parking, and (d) including in the case of in-fill self-care housing any car parking (other than for visitors) in excess of 1 per dwelling that is provided at ground level, and (e) excluding space for the loading and unloading of goods, and (f) in the case of a residential care facility—excluding any floor space below ground level that is used for service activities provided by the facility.	Level 1 = 2,179.2m²	
	(c) **landscaped area:** if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,	Required: 90 beds x 25m² = 2,250m² Provided: 2,830.6m²	Yes
	(d) **parking for residents and visitors:** if at least the following is provided— (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and (iii) 1 parking space suitable for an ambulance. **Note.** The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.	Required: Total of 9 resident/visitor spaces & 15 staff spaces (90 beds / 10 beds = 9 spaces) (30 staff / 2 persons = 15 spaces) Provided: 22 resident/visitor spaces & 17 staff spaces Allocation has also been made for emergency vehicles.	Yes
	Chapter 4 Miscellaneous		
55	**Residential care facilities for seniors required to have sprinkler systems** A consent authority must not grant consent to carry out development for the purpose of a residential care facility for seniors unless the proposed development includes a fire sprinkler system.	This requirement has been addressed via the imposition of a condition of consent.	Yes – with conditions

DOCUMENTS ASSOCIATED WITH REPORT LPP015/21

Attachment 3

Holroyd Local Environmental Plan 2013 Compliance Table

Attachment 3 - Holroyd Local Environmental Plan 2013 Compliance Table

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 Permitted or prohibited development					
	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 subject site is zoned R2 Low Density Residential under Holroyd LEP 2013. The proposal is considered to be consistent with the objectives of the R2 zone as it provides for the housing needs of the community.	☒	☐	☐
	Permissible Uses/Development	The proposed development is defined as 'seniors housing', which is not listed as a permitted land use with consent on R2 zoned land pursuant to HLEP 2013. The proposed development is made pursuant to SEPP (Housing for Seniors and People with a Disability) 2004. In accordance with Clause 4(1)(a)(i) of SEPP (HSPD) 2004, seniors housing in the form of residential care facilities are permitted at the subject site.	☐	☒	☐
2.7	**Demolition requires consent**	Demolition is sought as part of this application.	☒	☐	☐
Part 4 Principal development standards					
4.3	**Height of Buildings** Max. 9 metres	A maximum building height of 10.3-11.6m is proposed (calculated in accordance with the LEP definition of 'building height'). The Applicant has submitted a Clause 4.6 written request to vary the building height standards prescribed by SEPP (HSPD) 2004. Refer to detailed assessment within the main body of this Report.	☐	☐	☒
4.4	**Floor Space Ratio** Max. 0.5:1	**Site Area:** 7,746m^2	☐	☐	☒

Clause	Standard	Comment	Comply?		
			Yes	No	N/A
		The FSR of the proposal as calculated in accordance with the LEP definition of GFA is: 0.54:1. - Total GFA = 4,200m² - Ground Floor = 2,151.8m² - Level 1 = 2,048.2m² Clause 48(b) of SEPP (HSPD) 2004 states that if the density and scale of a residential aged care facility when expressed as a FSR is 1:1 or less, the standard cannot be used as ground for refusal. The FSR of the proposal as calculated in accordance with the SEPP (HSPD) 2004 definition of GFA is: 0.58:1.			
4.6	**Exceptions to development standards**	The Applicant has submitted 2 x Clause 4.6 written requests to vary Clause 40(4)(a) & (c) of SEPP (HSPD) 2004. A detailed assessment of each variation sought is provided within the main body of the Report.	☒	☐	☐
Part 5 Miscellaneous provisions					
5.9	**Repealed**				
5.10	**Heritage conservation**	The subject site does not contain a heritage item and is not located within a heritage conservation area or in close proximity to a heritage item.	☐	☐	☒
Part 6 Additional local provisions					
6.1	**Acid Sulfate Soils**	The site is not affected by potential acid sulfate soils.	☐	☐	☒
6.2	**Earthworks**	Excavation works proposed is associated with the installation of drainage and stormwater infrastructure. Appropriate measures can be implemented to ensure that the proposal would not result in adverse impacts on surrounding properties.	☒	☐	☐
6.3	**Essential services**	Standard conditions are imposed with regard to the servicing of the site for the proposal.	☒	☐	☐
6.4/6.7	**Flood planning and Stormwater Management**	The site is identified as a flood control lot on Council's Mapping system, specifically the site is shown as impacted by the 1% AEP storm event, and portions of the site as High Flood Risk and located within a flood way.	☐	☒	☐

Clause	Standard	Comment	Comply?		
			Yes	No	N/A
		Council's Development Engineer has reviewed the proposal and advised that the proposal has been designed to be suitable at the subject site and for the proposed purposes as a residential aged care facility. Refer to detailed discussion contained within the body of the report.			
6.5	**Terrestrial Biodiversity**	The site is not identified as being affected by biodiversity.	☐	☐	☒
6.7	**Riparian land and watercourses**	The existing open grassed channel along the western boundary of the site is not classified as a water course. Portions of the at-grade carpark and Blocks E, G & J are located within the riparian zone as mapped within HLEP 2013. A concrete culvert has been proposed to convey flows underground to ensure that a minimum freeboard of 500mm to the proposed FFL can be achieved. Council's Development Engineer has reviewed the civil works proposed and is satisfied that the development has been designed, sited and managed appropriately in a manner which would minimise adverse environmental impacts.	☐	☒	☐
6.8	**Salinity**	The site is located on lands identified as being affected by moderate salinity potential. Standard conditions have been imposed to address salinity.	☒	☐	☐

DOCUMENTS ASSOCIATED WITH REPORT LPP015/21

Attachment 4

Holroyd Development Control Plan 2013 compliance table

Attachment 4 - Holroyd Development Control Plan 2013 compliance table

No.	Clause	Comment	Yes	No	N/A
PART A – GENERAL CONTROLS					
1	**Subdivision**				
	Subdivision not proposed.		☐	☐	☒
2	**Roads and Access**				
2.4	**Access: Vehicular Crossings, Splay Corners, Kerb & Guttering**				
	VC to be reconstructed if in poor condition, damaged or design doesn't comply.	New VC proposed along Merrylands Road. The VC is required to be perpendicular to the kerb alignment. Conditions are imposed requiring the VC be amended to be perpendicular to the kerb.	☒	☐	☐
	Avoid services/facilities in road reserve, existing trees, pedestrian crossing, pram ramps etc.	The existing Bus Stop sign is located to the east of the proposed driveway. Conditions are imposed requiring the relocation of the bus stop sign to be clear of the proposed driveway.	☒	☐	☐
	Corner sites VC to be min. 6m from the tangent point.	The subject site is not a corner allotment.	☐	☐	☒
	Corner sites require 3m x 3m (residential) and 4m x 4m (commercial) splay corner to be dedicated.		☐	☐	☒
2.7	**Road Widening**				
	The subject site is not affected by road widening in accordance with Appendix K.		☐	☐	☒
3	**Car Parking**				
3.1	**Minimum Parking Spaces**				
	Car Parking **– residential aged care facility**	Refer to SEPP (HSPD) 2004 compliance table.	☐	☐	☒
3.3	**Car Parking, Dimensions & Gradient**				
	Council's Development Engineer reviewed the application and advised that the car parking layout is satisfactory.		☒	☐	☐
3.5	**Access, Maneuvering and Layout**				
	Driveways shall be setback a minimum of 1.5m from the side boundary.	Driveway is setback 7.3m from the western boundary.	☐	☒	☐
3.6	**Parking for the Disabled**				
	2 spaces per 100 spaces up to 400, and 1 per 100 thereafter, or part thereof. **Required**: 2 accessible spaces	4 accessible visitor car parking spaces are provided.	☒	☐	☐
4	**Tree and Landscape Works**				
	Council's Tree Management Officer has assessed the proposal and advised that the proposed tree removal is acceptable subject to conditions, should consent be granted.		☒	☐	☐
5	**Biodiversity**				
	The subject site is not identified on the Environmentally Sensitive Land Map and is not within an E2 - Environmental Conservation zone.		☐	☐	☒
6	**Soil Management**				
6.1	**Retaining Walls**				
	No retaining walls are proposed.		☐	☐	☒

6.3	**Erosion and Sediment Control Plan**				
	The applicant has submitted an erosion and sediment control plan which is satisfactory.		☒	☐	☐
7	**Stormwater Management**				
	The application was referred to Council's Development Engineer, who raised no objection, subject to conditions.		☒	☐	☐
8	**Flood Prone Land**				
	The site is identified as a flood control lot on Council's Mapping system, specifically the site is shown as impacted by the 1% AEP storm event, and portions of the site as High Flood Risk and located within a flood way. The proposal is for the purposes of a residential aged care facility, which is identified within the sensitive land use category in Table 7 – Land Use Categories for Development upon Flood Prone Land – Section 8 – Flood Prone Land in Part A of HDCP 2013, as an unsuitable land use within the medium/high flood risk area. The proposal provides finished floor levels set above the PMF flood level for safe refuge. Pier construction, flood storage and a culvert system has also been provided to collect and drain the traversing overland flow from Merrylands Road and direct towards the reserve (Leeton St Park), to not result in a significant increase in flooding on neighbouring properties. In this regard, Council's Development Engineer is satisfied that the proposal has been designed appropriately with regard to the flood affectation of the site, and raised no objections to the development subject to the imposition of recommended conditions requiring the above stated drainage, civil and flood management works on site to ensure safety and protection from flood.		☐	☒	☐
9	**Managing External Road Noise**				
	The site is affected by road noise from Merrylands Road. The DA has been accompanied by an Acoustic Impact Report. Council's Environmental Health Officer has reviewed the report and advised that appropriate measures are recommended to ensure acceptable noise levels are maintained for bedrooms from road noise. The acoustic report recommends a 2.1m high lapped and capped fence to be installed along the western boundary, and for parking and loading dock use to be restricted between 7am and 10pm.		☒	☐	☐
10	**Safety and Security**				
	Design new development to reduce the attractiveness of crime by minimising, removing or concealing crime opportunities.	The building entry is easily identifiable from the street and not considered to create opportunities for concealment.	☒	☐	☐
	Incorporate and/or enhance opportunities for effective natural surveillance by providing clear sight lines between public and private places, installation of effective lighting, and the appropriate landscaping of public areas.	Design provides for passive surveillance with clear sightlines between public domain and building entrances as a result of the orientation of rooms to common boundaries and the street.	☒	☐	☐
	Minimise opportunities for crime through suitable access control. Use physical or symbolic barriers to attract, channel and/or restrict the movement of people. Use landscaping and/or physical elements to direct people to destinations, identify where people can and cannot go and restrict access to high crime risk areas such as car parks.	Suitable access control is proposed.	☒	☐	☐

	Clearly define the boundaries between public and private spaces as a method of territorial reinforcement. Methods other than gates, fences and enclosures are encouraged.	Private spaces are defined by fencing.	☒	☐	☐
	When incorporating crime prevention measures in the design of new buildings and spaces, apply subtle design techniques to blend into facades and places, and to be sympathetic with the quality of the streetscape.	Proposal is considered to provide adequate crime prevention measures through design which are sympathetic to the quality of the streetscape.	☒	☐	☐
11	**Waste Management**				
	Waste facilities are provided on site for the proposed residential aged care facility. Council's Waste Management Section has advised that the waste collection areas for the proposal are satisfactory.		☒	☐	☐
12	**Services**				
	Appropriate conditions are included requiring consultation with relevant service providers.		☒	☐	☐
PART B – RESIDENTIAL CONTROLS					
Whilst there is no specific controls under that HDCP 2013 that are directly relevant to aged care facility development, the proposal being a purpose built development have been considered on merit and the site coverage and setbacks section of the Dual Occupancy DCP (being the maximum development yield in an R2 zone) have been considered in the assessment of the proposal.					
1	**GENERAL RESIDENTIAL CONTROLS**				
1.1	**Building Materials**				
	Acceptable materials and finishes proposed.		☒	☐	☐
1.2	**Fences**				
	Drawing No. DA701 – Finishes Schedule, shows that a palisade front fence proposed to the front boundary of the site, and vehicular entry. The height of the front fence is not indicated. Conditions are imposed requiring the front fence to be a maximum height of 1.5m. A 2.1m high lapped and capped fence, measured from the car park RL, is to be installed along the western boundary of the carpark. The top of the fence is to have an RL of 36200. The eastern and northern boundaries are fully fenced with timber lapped and capped fencing (1.8m high).		☒	☐	☐
1.3	**Views**				
	No significant views will be affected by the proposed development.		☒	☐	☐
1.4	**Privacy**				
	To provide a high level of visual and acoustic privacy for residents and neighbours in dwellings and private open spaces. **<u>Comment:</u>** *Visual privacy* <u>East:</u> Townhouses at 529 Merrylands Rd have a min. 2m rear setback to the common boundary with 535 Merrylands Rd. The proposal is setback min. 6m from the common boundary for Blocks A, B, C, D & E. • Suite windows of Blocks A-E (inclusive) comprise of solid elements with translucent corner windows, which restrict direct overlooking to neighbouring properties.		☒	☐	☐

	Blocks G, H & J are setback min. 16.5m. • Level 1 east facing terrace from the dining/lounge room is setback 16.5m from the common boundary and considered to be sufficiently setback to mitigate privacy concerns. • Level 1 dining room (Link H) has full height large windows and is setback 16.5m from common boundary. Privacy is considered to be maintained from the dining room. However, the ground floor landscape garden/courtyard is setback min. 6m from the common boundary. The garden/courtyard is raised approx. 2-2.3m above the existing ground levels and considered to result is visual privacy and overlooking impacts to neighbouring properties' private open space areas. • Landscaping is proposed along the eastern boundary which comprises of a mix of tree plantings with a mature height of 1-10m. This is considered to address overlooking concerns from the proposed development. • In addition, the 6m setback provided from the terrace, and the existing 1.8m high eastern boundary fence is considered to obscure direct sight lines to the rear yard of the neighbouring dwellings. The mature perimeter landscaping proposed along the eastern boundary will also ensure that privacy is maintained between properties having regard to the elevated floor levels of the courtyard. <u>West</u>: Min. 13m setback provided to western boundary for Block E which comprises plant and services (i.e. Comms, switch room, hydraulic and mechanical rooms). • Windows of suites above face north and south / internal to the site. No windows are proposed along the western elevation of Block E. Min. 20.1m setback provided to western boundary for Block G linen room. • Suites above on Level 1 (Blocks G & J) are setback 20.1m and adjacent to the front yard of 7 Yoogali St, Yoogali St and Leeton St Park, and are not considered to pose adverse privacy concerns. • The west facing terrace from the lounge/dining room (Level 1) does not pose overlooking concerns as it is adjacent to Leeton St Park. <u>North</u>: Faces Leeton St Park. *Acoustic privacy* West facing suites in Blocks A & C is directly opposite the drop off / reception area. Noise impacts to bedrooms are considered acceptable as parking is located further west along the western boundary, and this area would be utilised mainly for drop off / pick up, and vehicle manoeuvring. • Suites in Blocks E & G are adjacent to the staff car parking spaces and the loading area, and mechanical plant area. Council's Environmental Health Officer has advised that the submitted Acoustic Report does not address the noise and vibration impact from the mechanical plant on proposed suites as well as neighbouring properties. Conditions are imposed requiring an amended acoustic report incorporating measures to be implemented to ensure noise levels of these suites are acceptable.			
1.5	**Landscaped Area**			
	25% of site area to be provided as landscaped area (2m min. width) Refer to SEPP (HSPD) 2004 compliance table.	☐	☐	☒
1.8	**Sunlight Access**			

	1 main living area of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	*7 Yoogali St & 541-543 Merrylands Rd* Receive adequate solar access to living areas and POS from 10.30am-3pm. *529 Merrylands Rd* Receive adequate solar access to living areas and POS from 9am-1.30pm.	☒	☐	☐
	Min. 50% of required POS of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.		☒	☐	☐
1.9	**Cut and Fill**				
	Cut is permitted to a maximum of 1 metre	Minimal cut is proposed to accommodate the development.	☒	☐	☐
	Cut is to be limited to 450mm where it is within 900 mm of rear or side boundaries	Minimal cut proposed outside building envelope.	☒	☐	☐
1.10	**Demolition**				
	Approval for demolition is required from Council.	Demolition of existing structures sought as part of this application.	☒	☐	☐
	Photographic record capturing the external configuration of the building proposed to be demolished is required.	Submitted with application.	☒	☐	☐
1.11	**Vehicular Access and Driveways**				
	VCs to be a minimum width of 3m and maximum width of 5m at the boundary	New VC 6.5m width proposed. Conditions imposed to comply.	☒	☐	☐
	All new driveways should be located at least 1.5m from side property boundaries	New driveway is setback 7.3m from western boundary.	☒	☐	☐
	Council favours the use of a central under-building access with arrangement for cars to exit the property in a forward direction.	One vehicular access is provided to the site. Vehicles can safely enter and exit the site in a forward direction.	☒	☐	☐
	Maximum gradient to be 20%	Driveway gradients less than 20%.	☒	☐	☐
	Basement parking is mandatory for all residential flat buildings and multi-dwelling developments within the R4 zone.	No basement proposed.	☐	☐	☒
3.0	**Dual Occupancy**				
3.5	**Site Coverage**				
	Maximum site coverage of any residential flat development shall not exceed 50% (Max. 3,873m²)	2,344.7m² (30.2%) (Excludes landscaped garden/courtyard area)	☒	☐	☐
3.6	**Setbacks**				
	Front setback from principal street minimum 6m	6m provided to Merrylands Rd	☒	☐	☐
	Front setback from secondary street minimum 4m	The subject site is not a corner lot	☐	☐	☒
	Minimum rear setback required is 30% length of site	30% of site = 43.6-44.9m Provided = 8.667m	☐	☒	☐
	Side setback minimum 0.9m	East = Min. 6m West = Min. 13.8m	☒	☐	☐
3.7	**Building Height**				
	Two storeys max (See LEP Max Building Height)	The proposal has a maximum building height of 10.3-11.6m and is 2 storey in height.	☐	☒	☐

3.8	**Building appearance**				
	Facades to be composed with an appropriate scale, rhythm and proportion	Each block is recessed to provide articulation of the building and present an appropriate built form when viewed from neighbouring properties and the public domain. The building has also been designed with a mix of materials and finishes with modulation of windows to provide visual interest to the external facades.	☒	☐	☐
	Part E – Public Participation				
	Notification Requirements	The application was publicly notified to adjoining and opposite owners, a notice was placed in the local press and a notice placed on the site for 21 days from 3 June 2020 to 24 June 2020. In response, 2 submissions were received. Issues raised in the public submissions are summarised and assessed within the Main Report. Additional information and amended plans submitted did not warrant re-notification.	☒	☐	☐

DOCUMENTS ASSOCIATED WITH REPORT LPP015/21

Attachment 5

Architectural Plans

DRAWING STATUS

DEVELOPMENT APPLICATION

Rev	Revision Description	Date
A	Design meeting	24.5.19
B	Updated drawings sent to consultants	05.06.19
C	Issued to Restifa & Partners	12.06.19
D	Pre-DA documents	08.08.19
E	Documents for review	10.09.19
F	DA DRAFT SET	05.12.19
G	DA DRAFT SET	19.12.19
H	LANDSCAPE UPDATE	14.02.20
I	DA DRAFT SET	05.03.21
J	UPDATED HEIGHTS	19.03.21

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DRAWING LEGEND

1. All construction drawings shall be read in conjunction with other consultant drawings and specifications. Any discrepancies shall be referred to Team 2 Architects before proceeding with work.
2. All dimensions and levels are in millimeters unless noted otherwise. No dimension shall be obtained by scaling the drawing.
3. All dimensions to be checked on site with any discrepancies referred to team 2 architects before proceeding with work.
4. All work to be carried out in accordance with the requirements of the principal certifying authority, current local & australian standards.

DRAWINGS LIST

Number	Name
000-Specification + Site	
DA000	Cover Page
DA002	Notification Plan
DA003	Notification Plan
DA005	Site Plan - Existing
DA006	Site plan - Demolition
DA010	Site Plan - Proposed
DA020	Site Analysis
100-General Arrangement Plans	
DA100	Ground Floor Plan
DA101	Level 1 Plan
DA102	Roof Plan

DRAWINGS LIST

Number	Name
200-Elevations	
DA201	Elevations
300-Sections	
DA301	Sections
DA302	Sections
700-Details	
DA701	Finishes Schedule
800-Shadow Studies	
DA801	Shadow Diagrams
900-Perspectives	
DA901	Perspective 1
DA902	Perspective 2
DA903	Perspective 3

Overall Site Area: 7731 sqm

FSR = 0.56:1

Car park area: 1052 (roads) + 577 (parkings) = 1629 sqm (approx.)

Landscaped areas: 3148 sqm (approx.)

GROSS FLOOR AREAS

Level	Area
Ground Floor	2172 m²
Level 1	2171 m²
	4342 m²

PROPOSED BEDROOMS

Level	Number
Ground Floor	42
Level 1	48
	90

PROPOSED PARKING

Type	Number
Disabled	4
Staff	17
Visitor	18
	39

Client
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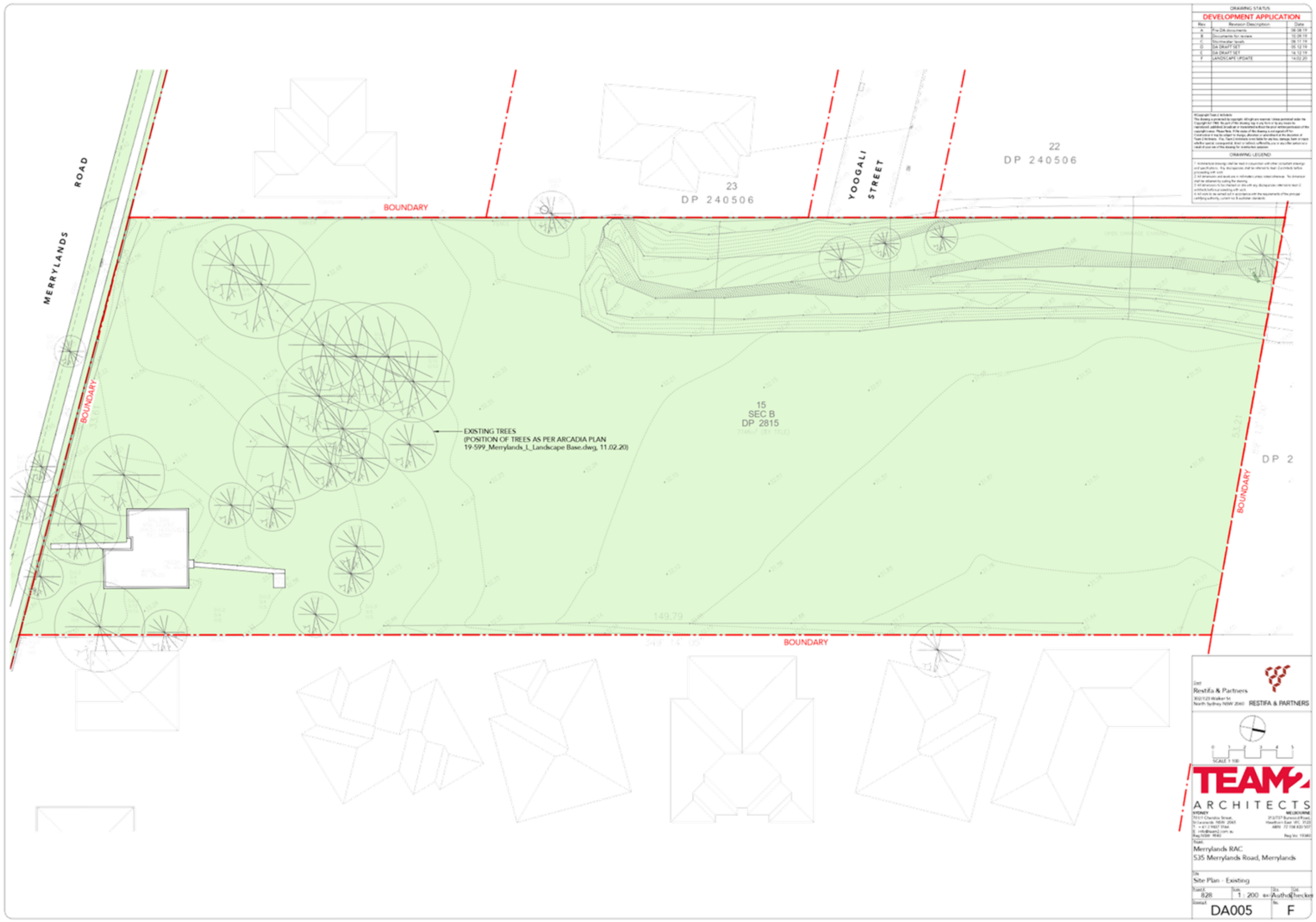
ABN: 72 104 833 507
Reg Vic: 19340

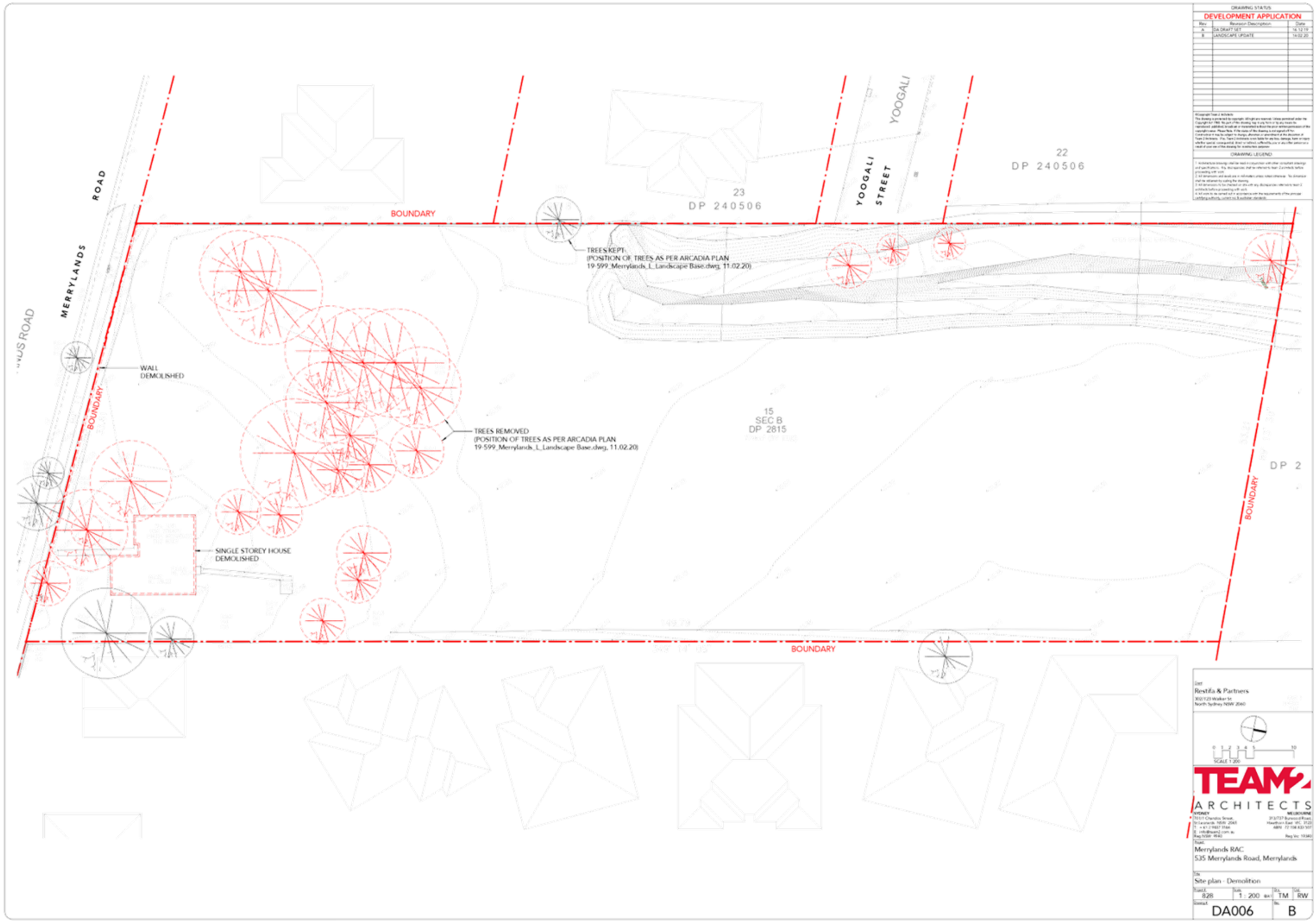
Project
Merrylands RAC
535 Merrylands Road, Merrylands

Title
Cover Page

Scale@A1	Scale@A3	Drn	Chkd
1:200	1:400	TM	TM

Drawing No. DA000 | Rev. J


DRAWING STATUS
DEVELOPMENT APPLICATION
Rev
Revision Description
Date
A
Pre-DA documents
06.09.19
B
Documents for review
10.09.19
C
Pre-lodge submission
26.11.19
D
DA DRAFT SET
05.12.19
E
DA DRAFT SET
16.12.19
F
LANDSCAPE UPDATE
14.02.20
DRAWING LEGEND
MERRYLANDS ROAD
BOUNDARY
23
DP 240506
YOOGALI STREET
22
DP 240506
15
SEC B
DP 2815
DP 2
EXISTING TREES
(POSITION OF TREES AS PER ARCADIA PLAN
19-599_Merrylands_L_Landscape Base.dwg, 11.02.20)
149.79
Restifa & Partners
RESTIFA & PARTNERS
SCALE 1:100
TEAM 2
ARCHITECTS
Merrylands RAC
535 Merrylands Road, Merrylands
Site Plan - Existing
Project
828
Scale
1 : 200 @ A1
Drawing
DA005
No.
F


DRAWING STATUS
DEVELOPMENT APPLICATION
Rev | Revision Description | Date
A | DA DRAFT SET | 14.12.19
B | LANDSCAPE UPDATE | 14.02.20
DRAWING LEGEND
MERRYLANDS ROAD
BOUNDARY
YOOGALI STREET
YOOGALI
22
DP 240506
23
DP 240506
15
SEC B
DP 2815
DP 2
TREES KEPT:
(POSITION OF TREES AS PER ARCADIA PLAN
19-599_Merrylands_L_Landscape Base.dwg, 11.02.20)
WALL
DEMOLISHED
TREES REMOVED
(POSITION OF TREES AS PER ARCADIA PLAN
19-599_Merrylands_L_Landscape Base.dwg, 11.02.20)
SINGLE STOREY HOUSE
DEMOLISHED
Client
Restifa & Partners
SCALE 1:200
TEAM 4
ARCHITECTS
Project
Merrylands RAC
535 Merrylands Road, Merrylands
Title
Site plan - Demolition
Project
828
Scale
1 : 200
Dr.
TM
Ckd.
RW
Drawing
DA006
No.
B

DRAWING STATUS
DEVELOPMENT APPLICATION

Rev	Revision Description	Date
A	Design meeting	24.09.19
B	Updated drawings sent to consultants	03.09.19
C	Issued to Restifa & Partners	12.09.19
D	Pre DA documents	06.09.19
E	Documents for review	06.09.19
F	Documents for review	10.09.19
G	Workshop issue	06.11.19
H	DA DRAFT SET	05.12.19
I	DA DRAFT SET	16.12.19
J	Traffic & Swept Paths	17.12.19
K	Traffic & Swept Paths	31.07.20
L	LANDSCAPE UPDATE	14.02.20
M	DA DRAFT SET	05.03.21

DRAWING LEGEND

ROAD
MERRYLANDS
BOUNDARY
YOOGALI STREET
block A
link B
block C
link D
block E
link F
block G
link H
block J

Client
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SCALE 1:200

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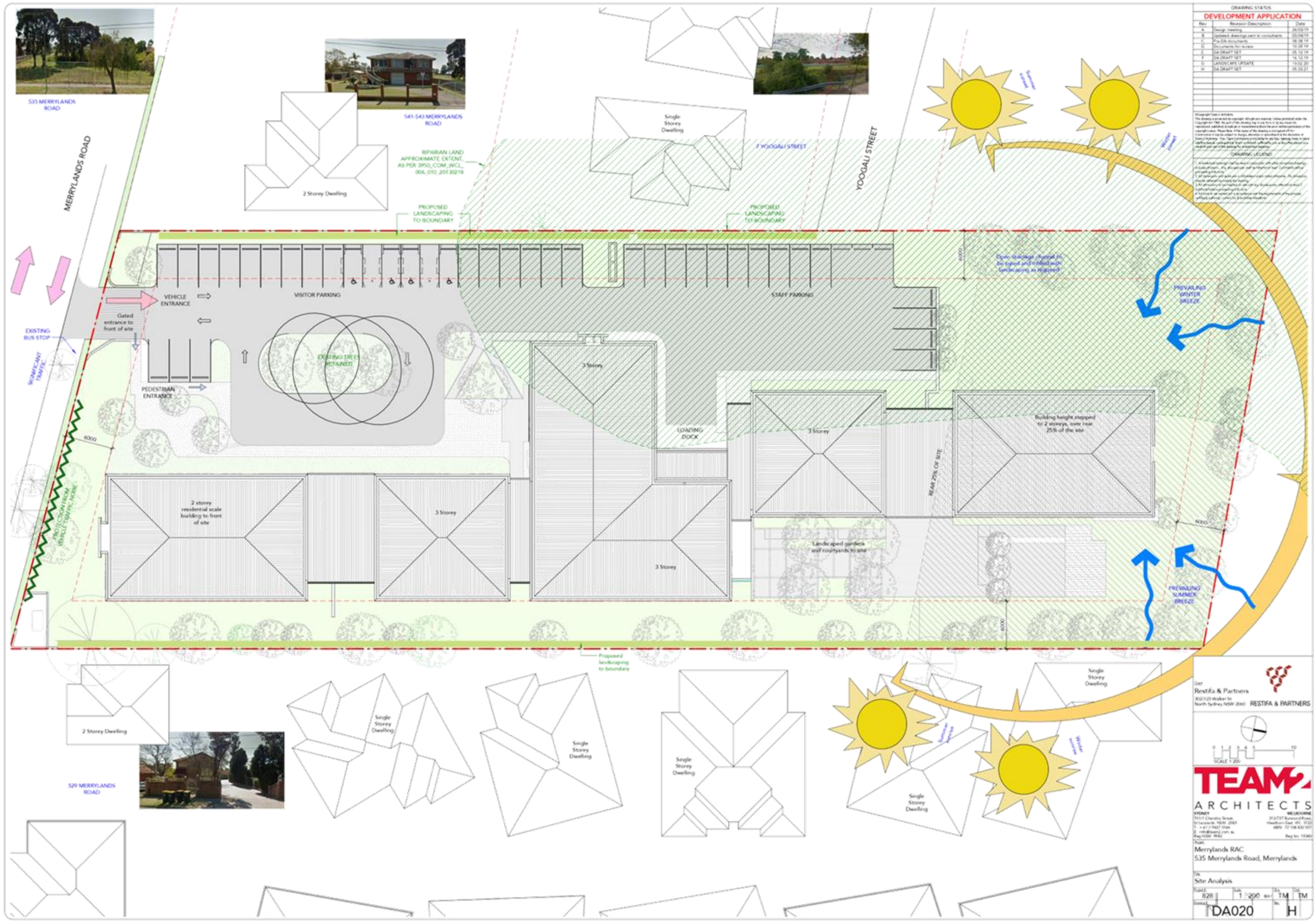
Reg Vic: 19360

Project
Merrylands RAC
535 Merrylands Road, Merrylands

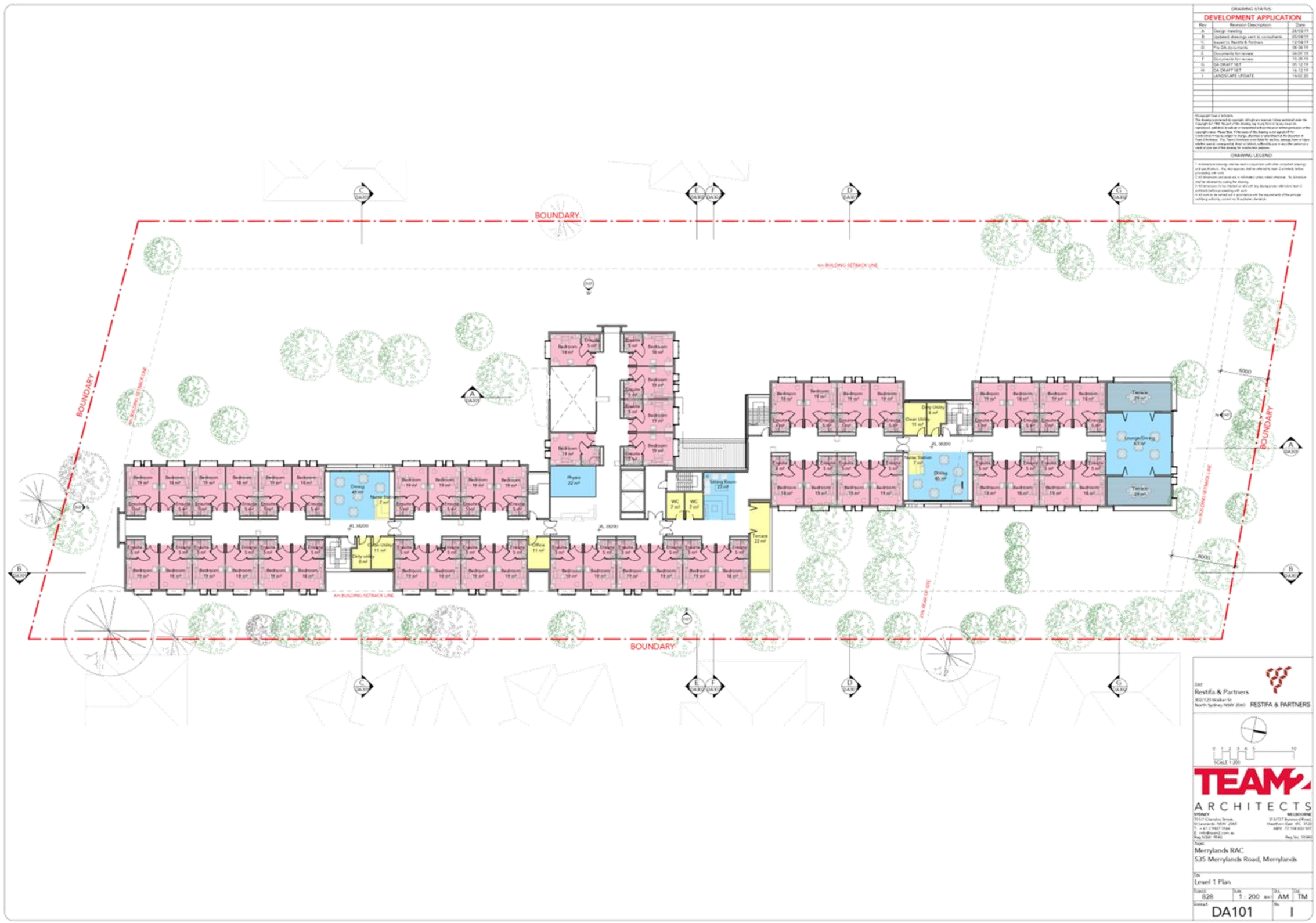
Title
Site Plan - Proposed

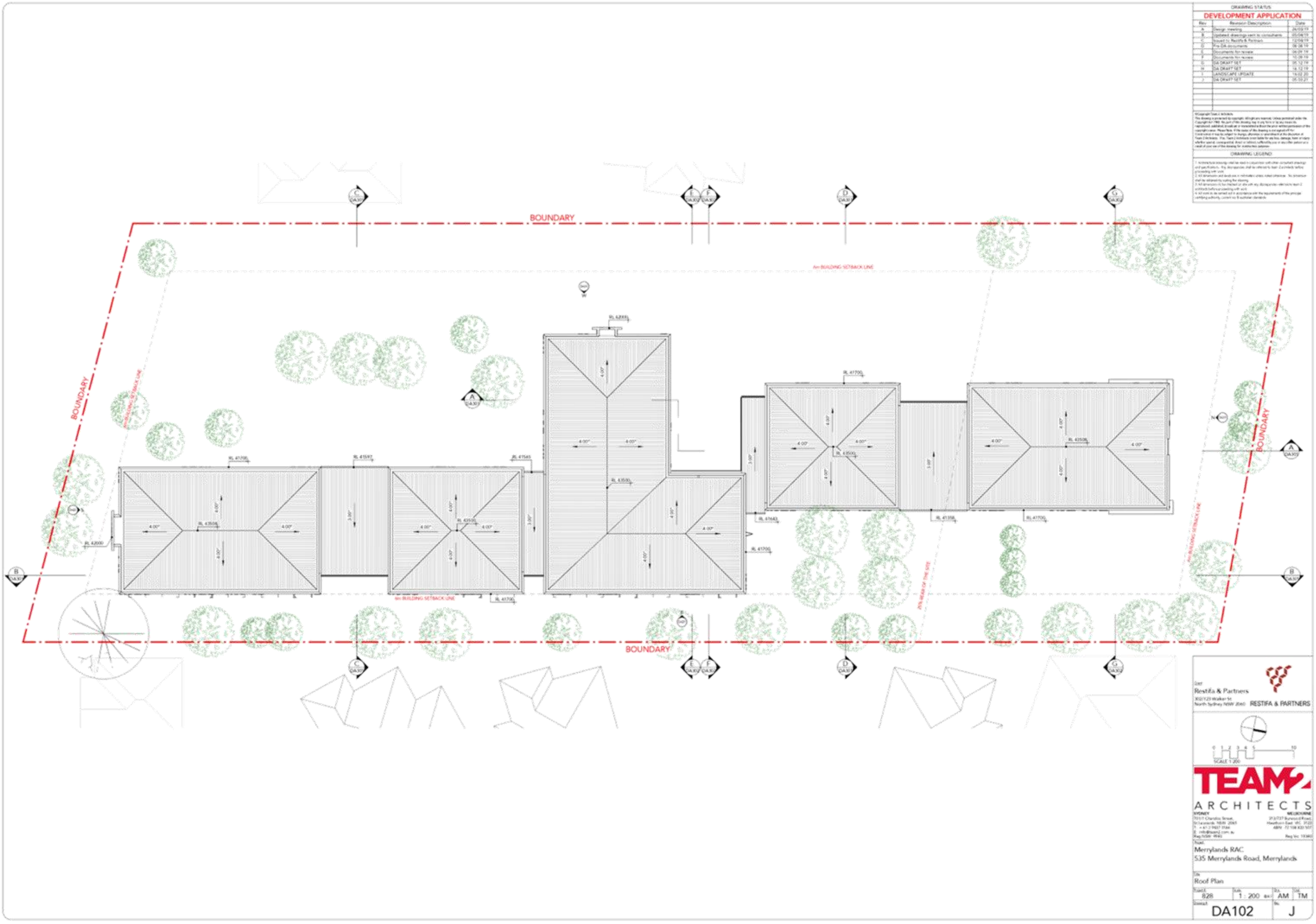
Project	Scale	Dr.	Ckd
828	1 : 200 @ A1	AM	TM

Drawing # DA010 No. M


535 MERRYLANDS ROAD
541-543 MERRYLANDS ROAD
MERRYLANDS ROAD
YOOGALI STREET
2 Storey Dwelling
Single Storey Dwelling
RIPARIAN LAND APPROXIMATE EXTENT AS PER 3950_COM_WCL_006_010_20130218
PROPOSED LANDSCAPING TO BOUNDARY
VEHICLE ENTRANCE
VISITOR PARKING
STAFF PARKING
Gated entrance to front of site
EXISTING BUS STOP
SIGNIFICANT TRAFFIC
PEDESTRIAN ENTRANCE
EXISTING TREES RETAINED
LOADING DOCK
3 Storey
2 storey residential scale building to front of site
Landscaped gardens and courtyards to site
Building height stepped to 2 storeys, over rear 25% of the site
REAR 25% OF SITE
PROTECTION OF VEHICLE TRAFFIC AISLE
6000
PREVAILING WINTER BREEZE
PREVAILING SUMMER BREEZE
DEVELOPMENT APPLICATION
DRAWING LEGEND
Restifa & Partners
RESTIFA & PARTNERS
TEAM 4 ARCHITECTS
Merrylands RAC
535 Merrylands Road, Merrylands
Site Analysis
DA020
H

DRAWING STATUS
DEVELOPMENT APPLICATION
DRAWING LEGEND
BOUNDARY
YOOGALI STREET
MERRYLANDS ROAD
4m BUILDING SETBACK LINE
DOOR OPENING OUTSIDE AT LOWER LEVEL
Restifa & Partners
RESTIFA & PARTNERS
SCALE 1:200
TEAM ARCHITECTS
Merrylands RAC
535 Merrylands Road, Merrylands
Ground Floor Plan
828
1 : 200
AM
TM
DA100
L


DRAWING STATUS
DEVELOPMENT APPLICATION
DRAWING LEGEND
BOUNDARY
6m BUILDING SETBACK LINE
BOUNDARY
BOUNDARY
Restifa & Partners
RESTIFA & PARTNERS
SCALE 1:200
TEAM 2
ARCHITECTS
Merrylands RAC
535 Merrylands Road, Merrylands
Level 1 Plan
828
1 : 200
AM
TM
DA101
I

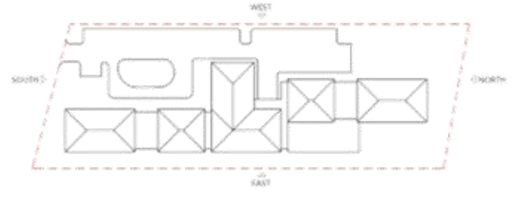

DRAWING STATUS
DEVELOPMENT APPLICATION
Rev | Revision Description | Date
A | Design meeting | 24.09.19
B | Updated drawings sent to consultants | 03.09.19
C | Issued to Rectify & Reissue | 12.09.19
D | For DA documents | 09.09.19
E | Documents for review | 06.09.19
F | Documents for review | 10.09.19
G | DA DRAFT SET | 05.12.19
H | DA DRAFT SET | 16.12.19
I | LANDSCAPE UPDATE | 19.02.20
J | DA DRAFT SET | 05.03.21
DRAWING LEGEND
BOUNDARY
4m BUILDING SETBACK LINE
RL 42000
RL 41700
RL 41597
RL 41545
RL 43530
RL 43500
RL 41642
RL 41700
RL 43500
RL 41358
RL 43700
RL 42355
RL 41700
Restifa & Partners
RESTIFA & PARTNERS
SCALE 1:200
TEAM 2 ARCHITECTS
Merrylands RAC
535 Merrylands Road, Merrylands
Roof Plan
Project 828
Scale 1 : 200 at A1
Drawn AM
Chkd TM
Drawing # DA102
Rev. J

N North Elevation
Scale: 1 : 200

E East Elevation
Scale: 1 : 200

W West Elevation
Scale: 1 : 200

S South Elevation
Scale: 1 : 200



DRAWING STATUS
DEVELOPMENT APPLICATION

Rev	Revision Description	Date
A	Design meeting	26/03/19
B	Updated drawings sent to consultants	05/06/19
C	Pre-DA documents	18.09.19
D	Documents for review	24.09.19
E	Documents for review	10.09.19
F	DA DRAFT SET	05.12.19
G	DA DRAFT SET	16.12.19
H	LANDSCAPE UPDATE	14.02.20
I	DA DRAFT SET	05.03.21
J	UPDATED HEIGHTS	19.03.21

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4. All work to be carried out in accordance with the requirements of the principal certifying authority, current local & australian standards.

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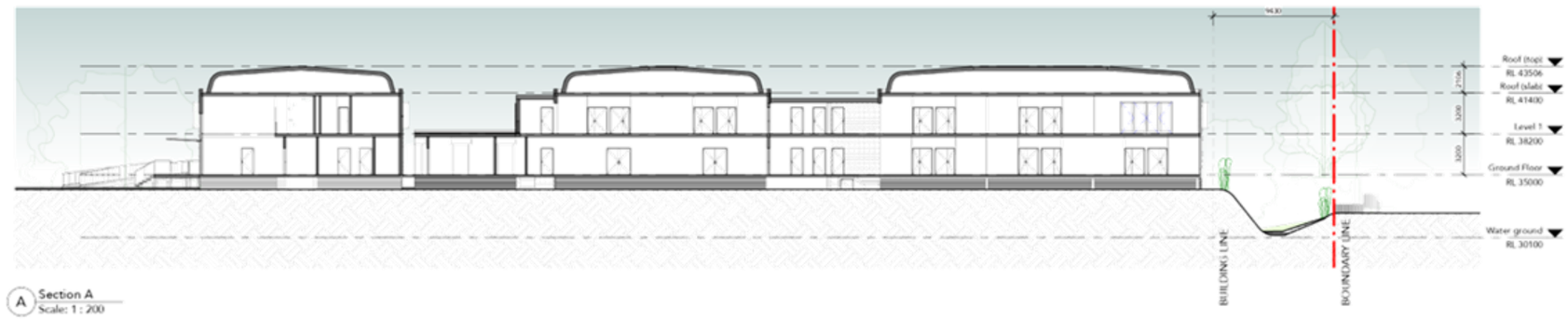
Project
Merrylands RAC
535 Merrylands Road, Merrylands

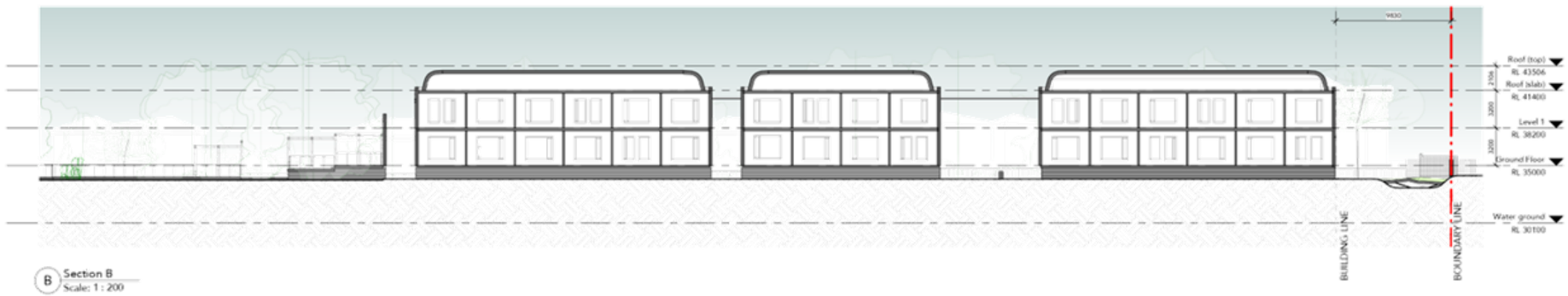
Title
Elevations

Project	Scale	Dr.	Chkd
828	As indicated	AM	TM

Drawing No. DA201 — No. J

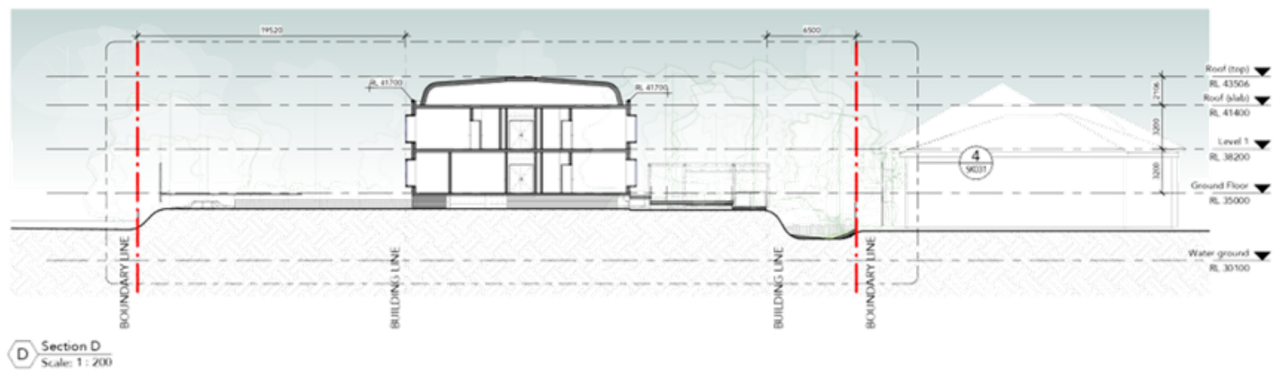


A Section A
Scale: 1 : 200

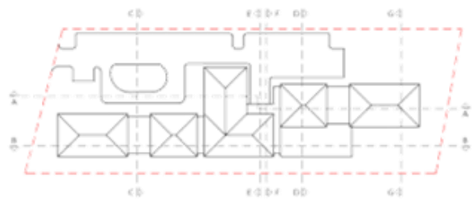


B Section B
Scale: 1 : 200

C Section C
Scale: 1 : 200



D Section D
Scale: 1 : 200



DRAWING STATUS
DEVELOPMENT APPLICATION

Rev	Revision Description	Date
A	Design meeting	26/03/19
B	Updated drawings sent to consultants	05/06/19
C	Pre-DA documents	18.08.19
D	Documents for review	04.09.19
E	Documents for review	10.09.19
F	DA DRAFT SET	05.12.19
G	DA DRAFT SET	16.12.19
H	LANDSCAPE UPDATE	14.02.20
I	DA DRAFT SET	05.03.20
J	UPDATED HEIGHTS	19.03.20

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Hawthorn East VIC 3123
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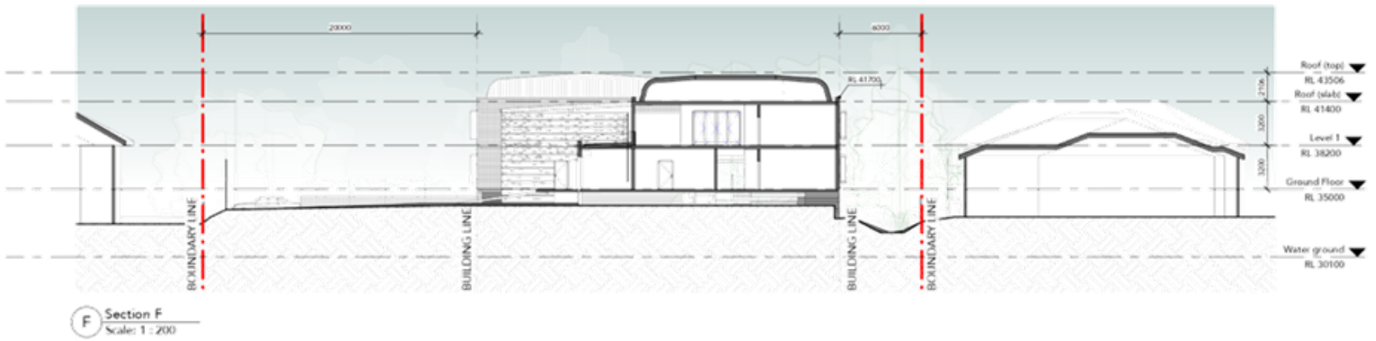
Reg Vic 19340

Project
Merrylands RAC
535 Merrylands Road, Merrylands

Title
Sections

Project	Scale	Dr.	Chk
828	As indicated	AM	TM

Drawing No. DA301
No. J



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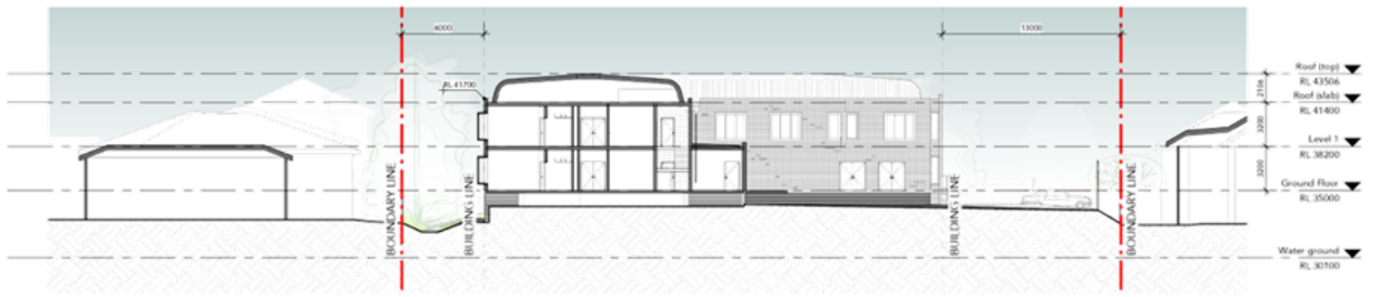

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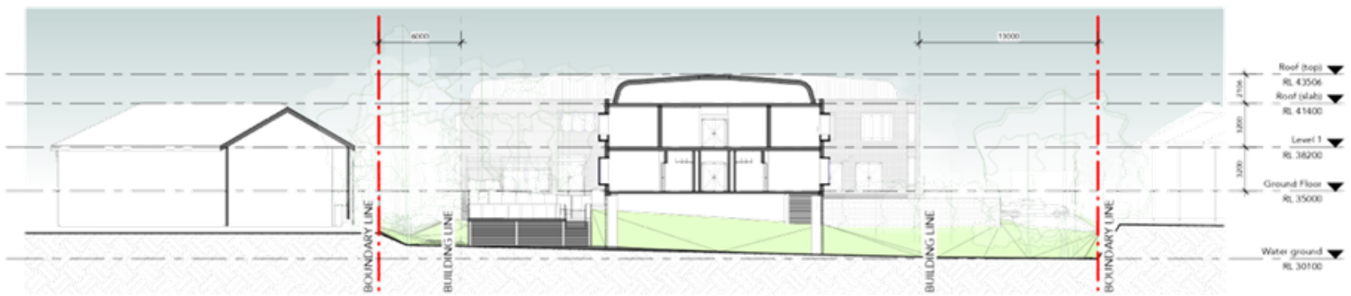
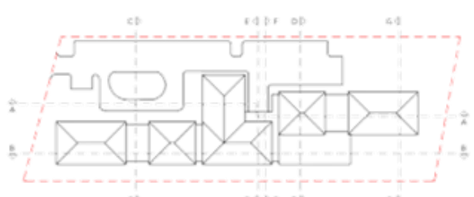


G Section G
Scale: 1 : 200



DRAWING STATUS
DEVELOPMENT APPLICATION

Rev	Revision Description	Date
A	DA DRAFT SET	05.12.19
B	DA DRAFT SET	16.12.19
C	LANDSCAPE UPDATE	14.02.20
D	DA DRAFT SET	05.03.21
E	UPDATED HEIGHTS	18.03.21

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Project
Merrylands RAC
535 Merrylands Road, Merrylands

Title
Sections

Project	Scale	Drawn	Chkd
828	As indicated	JL	TM

Drawing No. DA302
No. E

STANDING SEAM ROOF & CLADDING SHEET
COLORBOND STEEL
LIGHT COLOUR TBC

BALUSTRADE TO OUTDOOR TERRACE
GLASS, SEAMLESS

PERGOLA
TIMBER + STAINLESS
STEEL CABLES

TIMBER DECKING AND RAMPS

PERFORATED SCREEN, ON TOP OF GLAZING OR UTILITIES AREAS
ALUMINIUM

HORIZONTAL LOUVRES, ON TOP OF GLAZING (LIVING AREAS)
ALUMINIUM

LAPPED AND CAPPED FENCE
TIMBER, TINT TBC

FRAMED BAY WINDOWS TO RESIDENTS ROOMS
ALUMINIUM , MONUMENT COLOUR

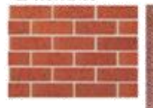
FENCE
DARK COLOUR, TBC

HORIZONTAL LOUVRES FOR BASEMENT SIDES
ALUMINIUM , MONUMENT COLOUR

CURTAIN WALLS / WINDOWS WITH MULLIONS
ALUMINIUM , MONUMENT COLOUR

EXTERNAL PAVING TO ENTRANCE AND PATHWAY
STONE, COLOUR TBC

BRICKWORK TO WALLS
RED COLOUR, TBC



DRAWING STATUS
DEVELOPMENT APPLICATION

Rev	Revision Description	Date
A	Pre-DA documents	06.09.19
B	Documents for review	10.09.19
C	DA DRAFT SET	05.12.19
D	DA DRAFT SET	16.12.19
E	LANDSCAPE UPDATE	14.02.20
F	DA DRAFT SET	26.03.21

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4. All work to be carried out in accordance with the requirements of the principal certifying authority, current local & national standards.

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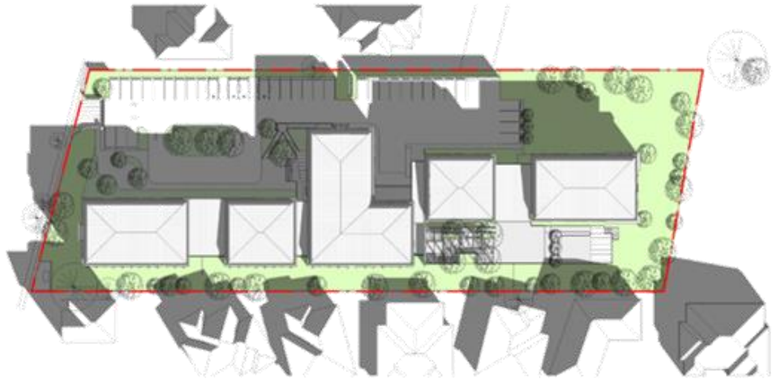
Hawthorn East VIC 3123
ABN: 72 108 830 557
Reg No: 13380

Project
Merrylands RAC
535 Merrylands Road, Merrylands

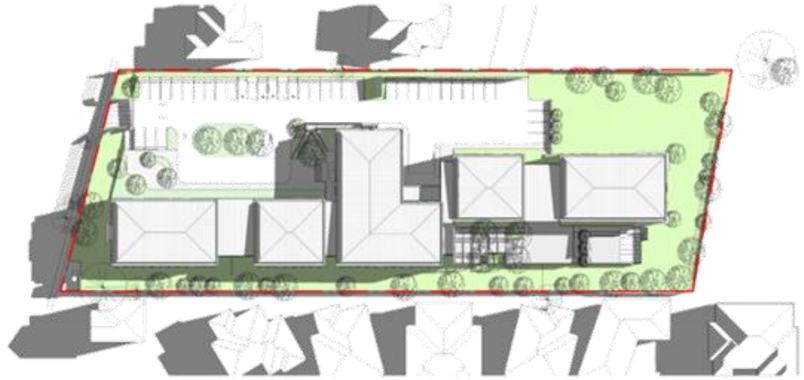
Title
Finishes Schedule

Project	Date	Drawn	Chkd
828		TM	TM

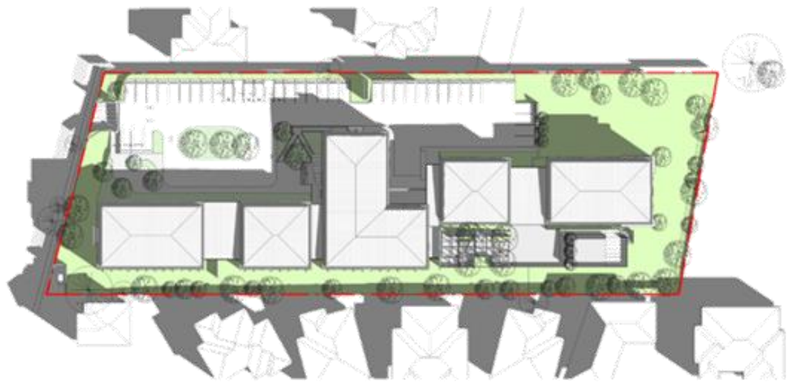
Drawing No. DA701 — Rev. F



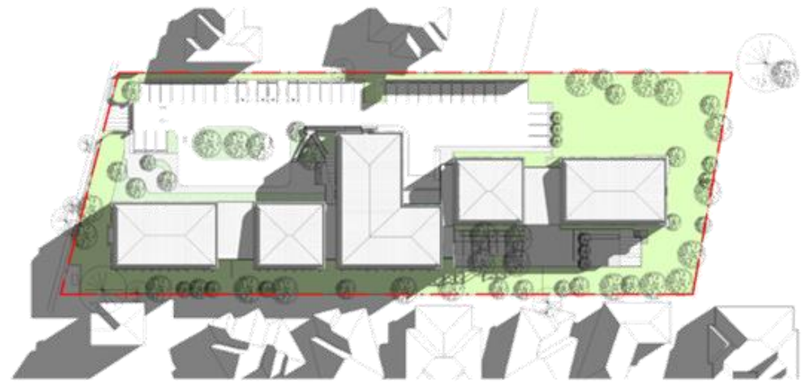
1 Shadow Diagram 9am
Scale:1 : 650



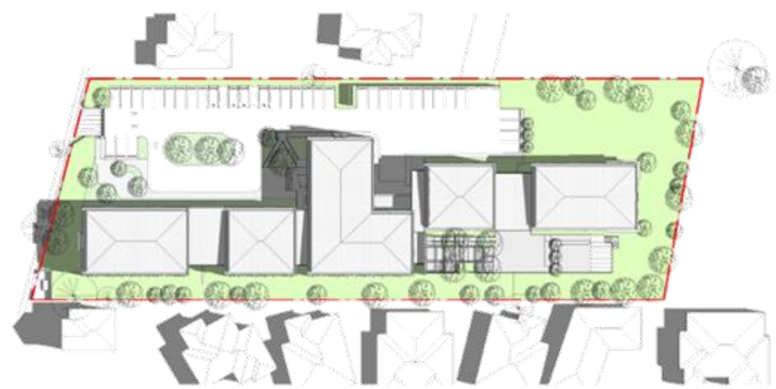
5 Shadow Diagram 1.30pm
Scale:1 : 650



4 Shadow Diagram 10.30am
Scale:1 : 650



3 Shadow Diagram 3pm
Scale:1 : 650



2 Shadow Diagram 12pm
Scale:1 : 650

DRAWING STATUS
DEVELOPMENT APPLICATION

Rev	Revision Description	Date
A	Updated drawings sent to consultants	05.09.19
B	Diagrams for review	25.09.19
C	DA DRAFT SET	25.12.19
D	SHADOWS REVISED	16.12.19
E	DA DRAFT SET	16.12.19
F	LANDSCAPE UPDATE	14.02.20
G	DA DRAFT SET	25.03.21

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4. All work to be carried out in accordance with the requirements of the principal certifying authority, current local & national standards.

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RESTIFA & PARTNERS

SCALE 1:100

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Hawthorn East VIC, 3123
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Reg No: 19340

Project
Merrylands RAC
535 Merrylands Road, Merrylands

Title
Shadow Diagrams

Scale	Date	Dr.	Chk.
828	1 : 650 @A1	TM	RW

Drawing No. DA801
Issue G

DRAWING STATUS

DEVELOPMENT APPLICATION

Rev	Revision Description	Date
A	Pre-DA documents	06.08.19
B	DA DRAFT SET	05.12.19
C	DA DRAFT SET	13.12.19
D	LANDSCAPE UPDATE	14.02.20
E	UPDATED HEIGHTS	18.03.21

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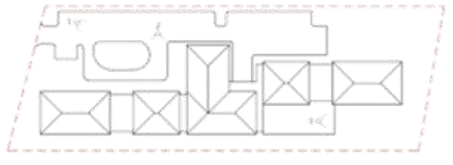

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Reg Vic: 19340

Project
Merrylands RAC
535 Merrylands Road, Merrylands

Title
Perspective 1

Project	Scale	Size	Drawn
1628	1 : 1000@A1	Author	TM

Drawing No. DA901 E

DOCUMENTS ASSOCIATED WITH REPORT LPP015/21

Attachment 6

Landscape Plans

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MERRYLANDS AGED CARE

535 Merrylands Road, Merrylands NSW

DRAWING SCHEDULE

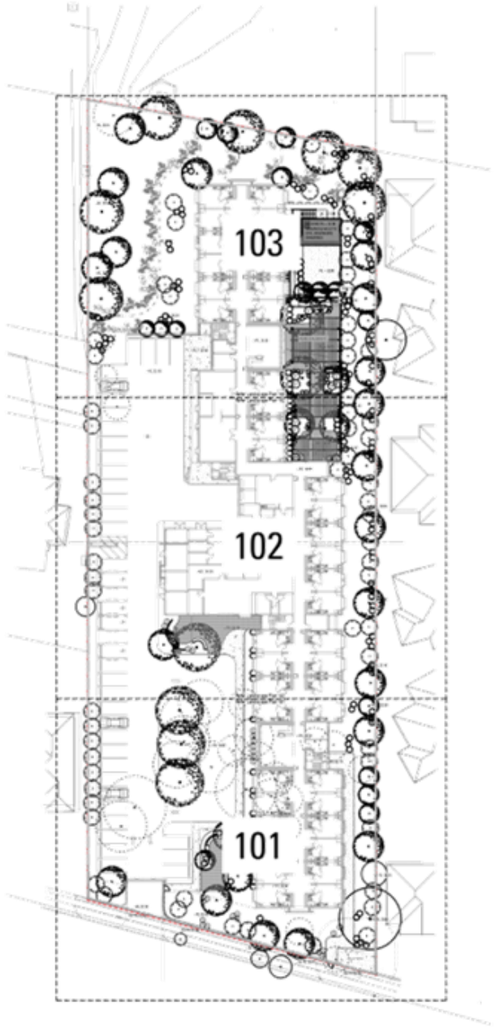
DRAWING NO.	DRAWING TITLE
000	COVER SHEET
101	LANDSCAPE PLAN
102	LANDSCAPE PLAN
103	LANDSCAPE PLAN
401	PLANTING PLAN
402	PLANTING PLAN
403	PLANTING PLAN
601	LANDSCAPE DETAILS - PAVING
602	LANDSCAPE DETAILS - PLANTING
603	LANDSCAPE DETAILS - PLANTING
701	SPECIFICATIONS

19-599 (MERRYLANDS AGED CARE) PLANT SCHEDULE

CODE	BOTANIC NAME	COMMON NAME	MATURE SIZE (h x w) (m)	PROPOSED POT SIZE	QUANTITY
	TREES & PALMS				
Af	*Angophora floribunda*	Rough-barked apple	20 x 10	75L	1
Bc	*Backhousia citriodora*	Lemon Scented Myrtle	10 x 5	75L	6
Cc	*Casuarina cunninghamiana*	River she-oak	20 x 10	75L	8
CcS	*Corymbia citriodora 'Scentuous'*	Lemon Scented Gum	7 x 4.5	75L	14
Cm	*Corymbia maculata*	Spotted Gum	20 x 10	75L	3
Ea	*Eucalyptus amplifolia*	Cabbage Gum	20 x 10	75L	2
Em	*Eucalyptus moluccana*	Grey Box	20 x 10	75L	3
Er	*Eucalyptus robusta*	Swamp Mahogany	20 x 10	100L	2
Et	*Eucalyptus teretecornis*	Forest Red Gum	20 x 10	75L	2
Jm	*Jacaranda mimosifolia*	Jacaranda	10 x 5	100L	2
Ml	*Melaleuca leucadendra*	Weeping Paperbark	15 x 10	75L	6
Rp	*Robinia Pseudoacacia 'Frisia'*	Dwarf Golden Robinia	8 x 5	100L	3
	SHRUBS & ACCENTS				
Ad	*Acacia decurrens*	Black wattle	4 x 3	200mm	8
Ap	*Acacia parramattensis*	Parramatta Green Wattle	6 x 3	200mm	14
As	*Anigozanthos ssp.*	Kangaroo Paw	1 x 1	150mm	17
Bs	*Bursaria spinosa*	Blackthorn	5 x 3	150mm	3
Bsc	*Banksia spinosa 'Birthday Candles'*	Giant Candles Banksia	1.5 x 1	150mm	13
Cl	*Callistemon viminalis 'Little John'*	Little John Bottlebrush	0.8 x 0.8	200mm	40
Ec	*Exocarpus cupressiformis*	Native cherry	4 x 3	150mm	2
Hf	*Hymenosporum flavum 'Gold Nugget'*	Native frangipani	0.5 x 0.5	150mm	19
Gj	*Gardenia jasminoides*	Gardenia	1.5 x 1.5	200mm	31
Gs	*Grevillea ssp.*	Grevillea	4 x 3	200mm	31
Ms	*Melaleuca squamea*	Swamp Honey-Myrtle	2 x 2	200mm	126
Lp	*Leptospermum petersonii*	Tea tree	1.5 x 1.5	200mm	46
Ps	*Prostanthera ssp.*	Mint bush	2 x 2	150mm	12
wf	*Westringia fruticosa*	Coastal Rosemary	1.5 x 1.5Ls	200mm	69
	GRASSES & RUSHES				
Ds	Dichopogon strictus	Chocolate lily	0.5 x 1	150mm	1020
Lf	Lomandra filiformis	Wattle mat-rush	1 x 1	150mm	850
Pa	Pennisetum alopecuroides	Swamp Foxtail	1 x 1	150mm	850
	GROUNDCOVERS & CLIMBERS				
Ar	*Ajuga reptans*	Bugleweed	0.2 x spreading	150mm	60
Bs	*Brachyscome ssp.*	Brachyscome	0.5 x 0.5	150mm	549
Ls	*Lavandula ssp.*	French Lavender	1 x 1	150mm	547
Ma	*Mentha australis*	Native mint	0.5 x 0.5	150mm	5
Rl	*Ranunculus lappaceus*	Common buttercup	0.2 x 0.15	150mm	1275
Sc	*Santolina chamaecyparissus*	Cotton lavender	0.5 x 0.8	150mm	518
Sl	*Stachys lanata*	Lamb's ear	0.5 x 1	150mm	557
Tv	*Thymus vulgaris*	Thyme	0.3 x 1	140mm	537
Wg	*Wahlenbergia gracilis*	Sprawling bluebell	0.5 x spreading	150mm	1126
	CLIMBERS				
Pp	*Pandorea pandorana*	Wonga Wonga vine	Climbing	150mm	10
Pf	*Passiflora ssp.*	Passiflora	Climbing	150mm	11
Ws	*Wisteria frutescens*	'Amethyst Falls' Wisteria	Climbing	150mm	8
	RIPARIAN / BIOSWALE				
Bj	*Baumea juncea*	Bare twig-rush	0.8 x 0.8	150mm	555
Ca	*Carex appressa*	Tall Sedge	1 x 1	150mm	1060
Gh	*Gahnia sieberiana*	Red Saw Sedge	2 x 2	150mm	222
Ii	*Isolepsis inundata*	Swamp club rush	0.4 x 0.4	150mm	370
In	*Isolepsis nodosa*	Knobby club rush	0.8 x 0.8	150mm	1060
Ju	*Juncus usitatus*	Common Rush	1 x 1	150mm	1060
Vh	*Violacea hederacea*	Native violet	0.2 x spreading	150mm	222
Vj	*Viminaria juncea*	Native Broom	2 x2	150mm	166

KEY PLAN

SCALE: 1:500@A1



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C	Draft DA	KS	AL	10.02.2020
B	Draft DA	BM	MB	24.01.2020
A	Draft DA	KS	AL	13.12.2019
Issue	Revision Description	Drawn	Check	Date

Not for Construction

Project
MERRYLANDS AGED CARE
Merrylands
Development Application

Residio + Partners

Drawing No: 000 Drawing Name: COVER PAGE

Job No: 19-599
Issue: C
Scale:

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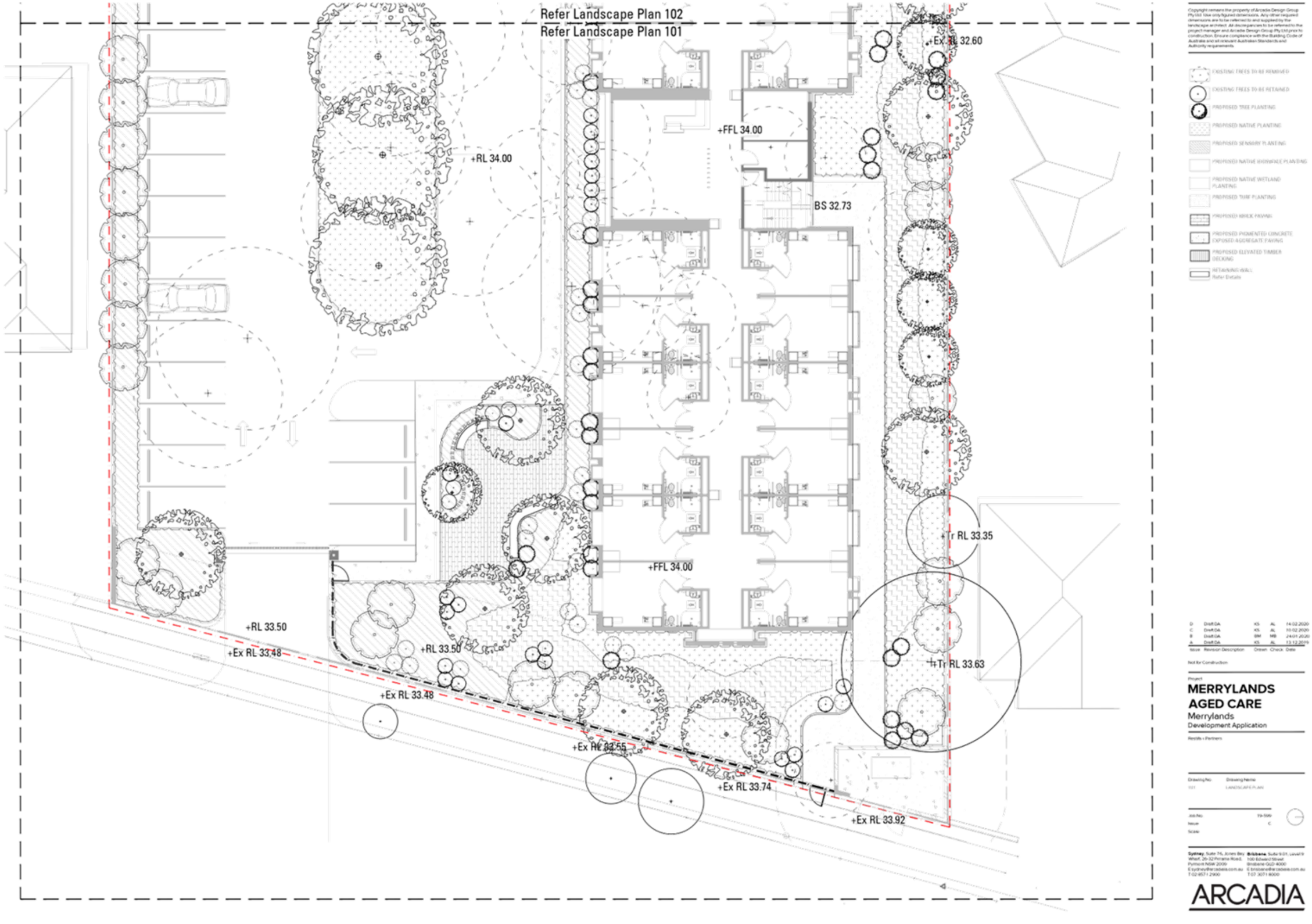

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EXISTING TREES TO BE RETAINED
PROPOSED TREE PLANTING
PROPOSED NATIVE PLANTING
PROPOSED SENSORY PLANTING
PROPOSED NATIVE WARWALE PLANTING
PROPOSED NATIVE WETLAND PLANTING
PROPOSED TURF PLANTING
PROPOSED BRICK PAVING
PROPOSED PIGMENTED CONCRETE EXPOSED AGGREGATE PAVING
PROPOSED ELEVATED TIMBER DECKING
RETAINING WALL Refer Details

Issue	Revision Description	Drawn	Check	Date
D	Draft DA	KS	AL	14.02.2020
C	Draft DA	KS	AL	10.02.2020
B	Draft DA	BM	MB	24.01.2020
A	Draft DA	KS	AL	13.12.2019

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Project
MERRYLANDS AGED CARE
Merrylands
Development Application

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Drawing No. 101 — Drawing Name: LANDSCAPE PLAN

Job No. 19-599
Issue C
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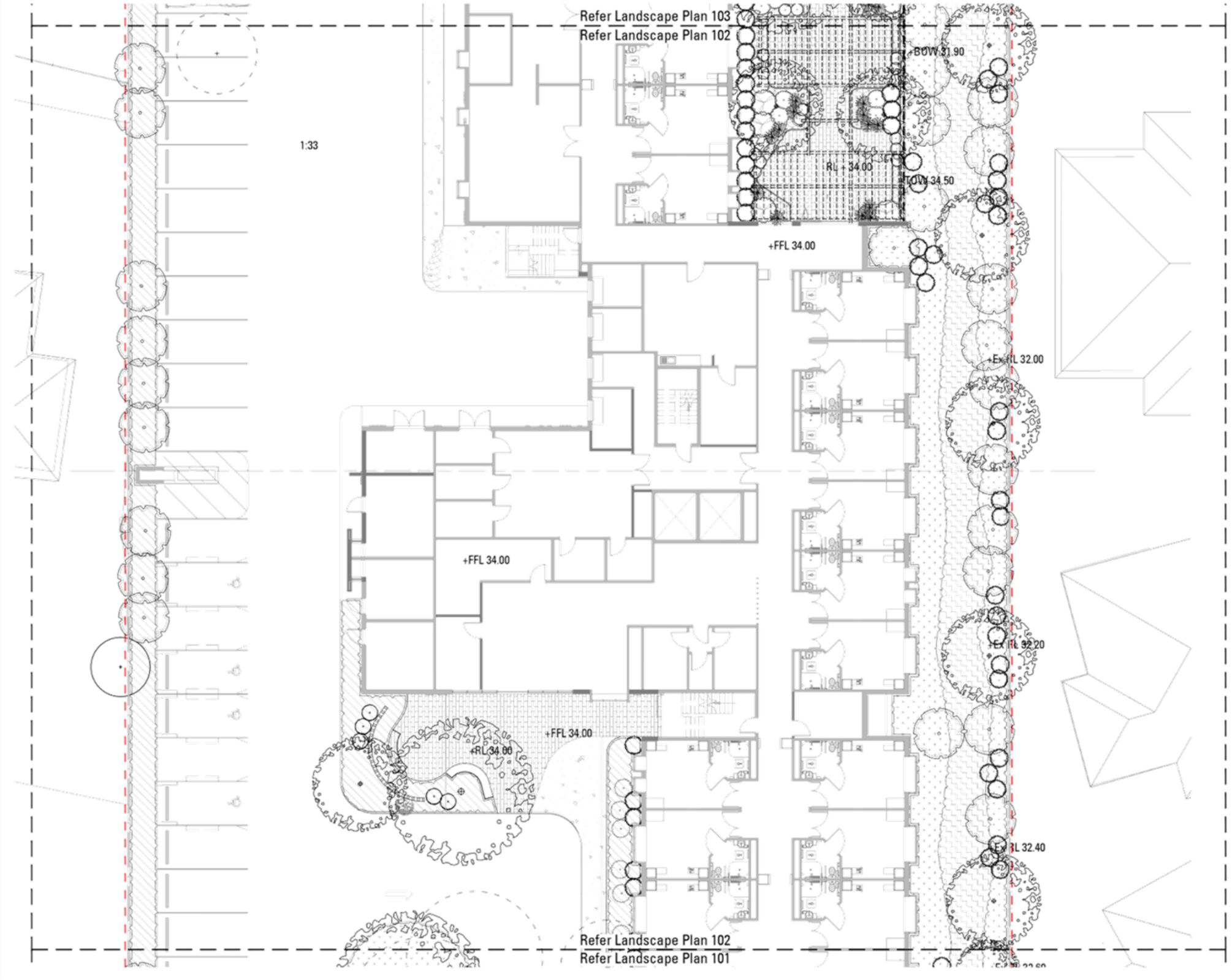

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PROPOSED TREE PLANTING
PROPOSED NATIVE PLANTING
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D	Draft DA	KS	AL	14.02.2020
C	Draft DA	KS	AL	10.02.2020
B	Draft DA	BM	MB	24.01.2020
A	Draft DA	KS	AL	13.12.2019

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Project
MERRYLANDS AGED CARE
Merrylands
Development Application

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Drawing No. 102 | Drawing Name LANDSCAPE PLAN

Job No. 19-599
Issue C
Scale

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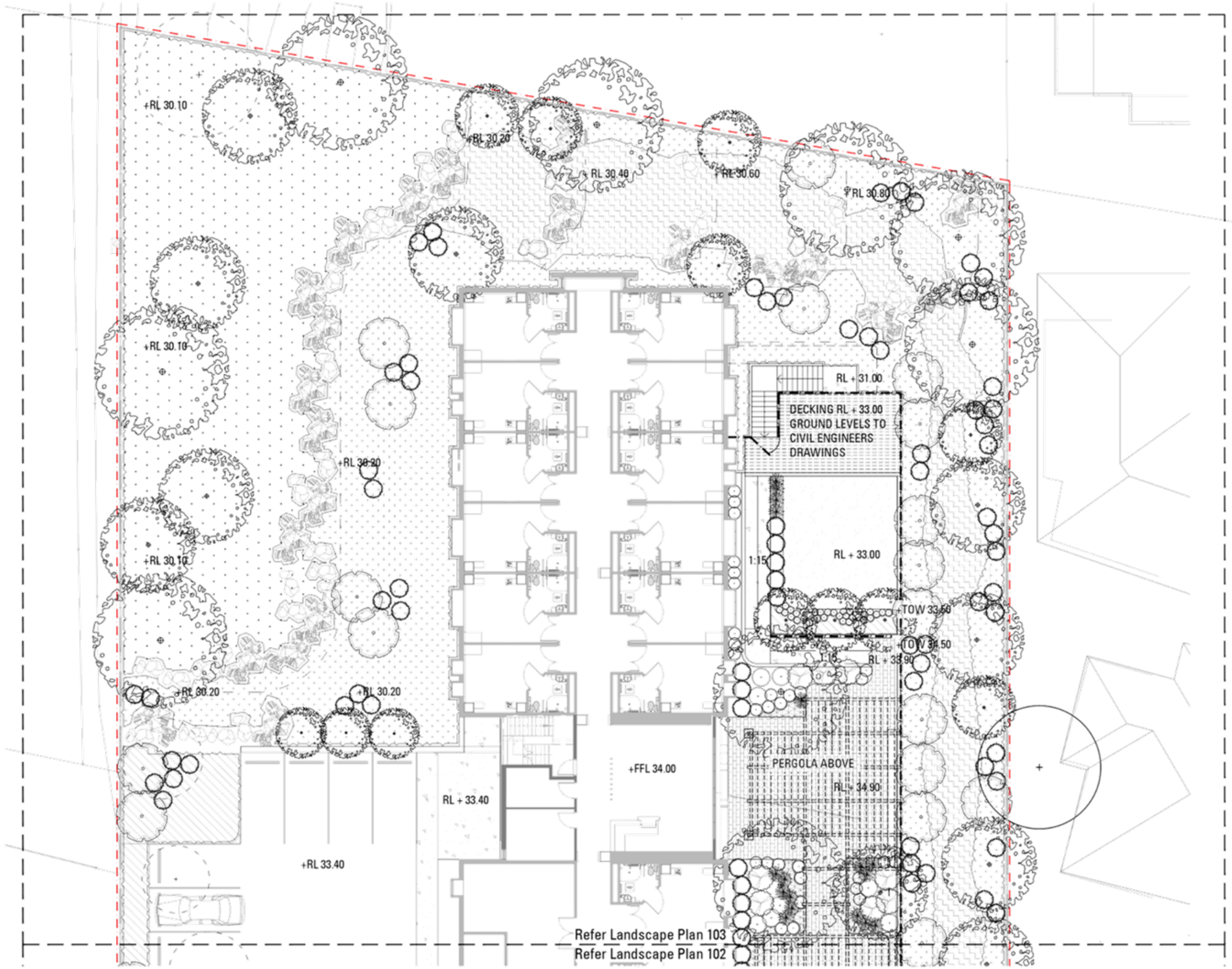

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PROPOSED TREE PLANTING
PROPOSED NATIVE PLANTING
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PROPOSED NATIVE WETLAND PLANTING
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RETAINING WALL Refer Details

Issue	Revision Description	Drawn	Check	Date
D	Draft DA	KS	AL	14.02.2020
C	Draft DA	KS	AL	10.02.2020
B	Draft DA	SM	NB	24.01.2020
A	Draft DA	KS	AL	13.12.2019

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Project
MERRYLANDS AGED CARE
Merrylands
Development Application

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Drawing No.	Drawing Name
103	LANDSCAPE PLAN

Job No. 19-596
Issue C
Scale 1:100 @ A1

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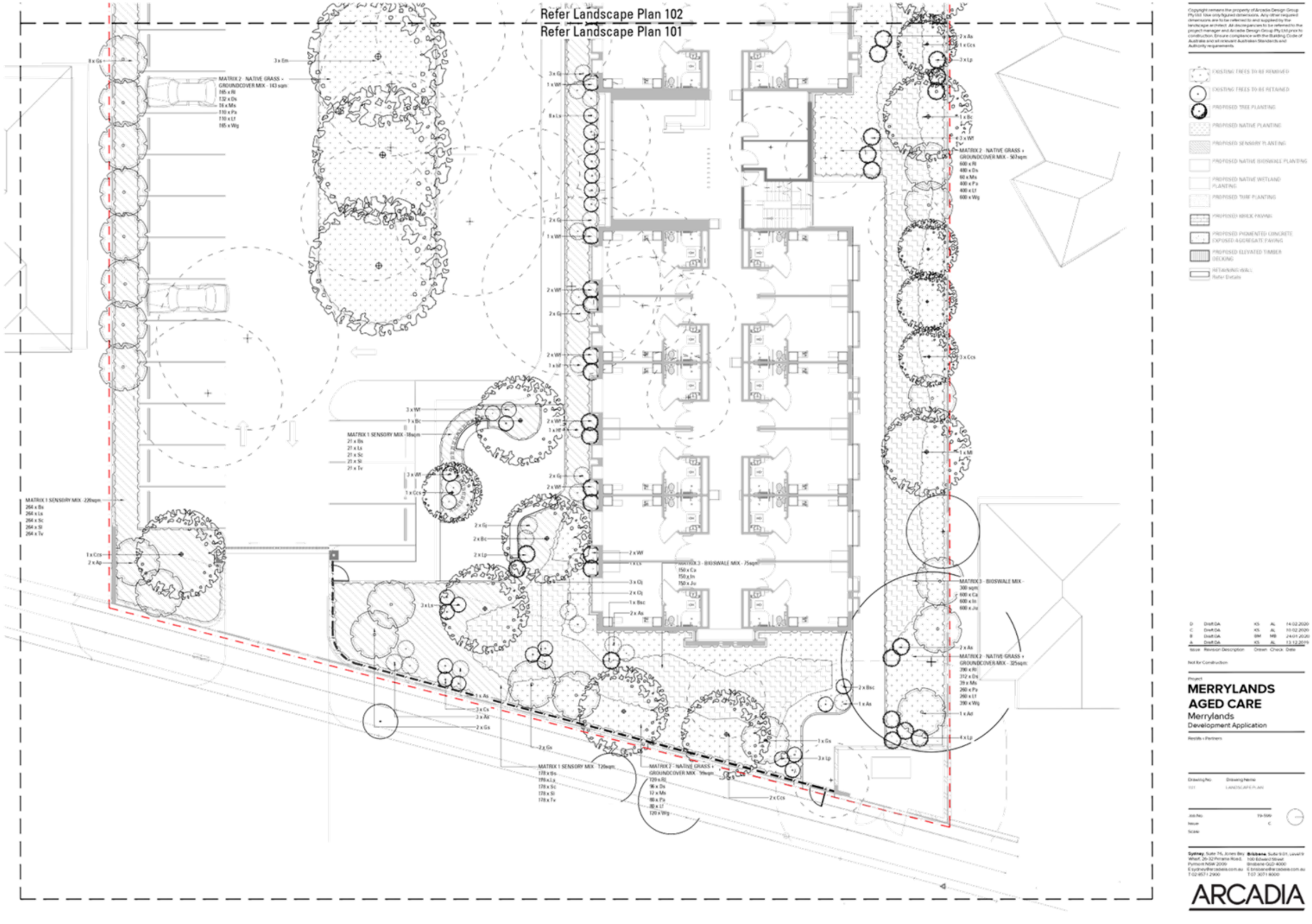
Refer Landscape Plan 102
Refer Landscape Plan 101
MATRIX 2 - NATIVE GRASS + GROUNDCOVER MIX - 143 sqm
MATRIX 1 SENSORY MIX - 18sqm
MATRIX 1 SENSORY MIX - 226sqm
MATRIX 3 - BIOSWALE MIX - 75sqm
MATRIX 1 SENSORY MIX - 126sqm
MATRIX 2 - NATIVE GRASS + GROUNDCOVER MIX - 99sqm
MATRIX 2 - NATIVE GRASS + GROUNDCOVER MIX - 507sqm
MATRIX 3 - BIOSWALE MIX - 300 sqm
MATRIX 2 - NATIVE GRASS + GROUNDCOVER MIX - 325sqm
EXISTING TREES TO BE REMOVED
EXISTING TREES TO BE RETAINED
PROPOSED TREE PLANTING
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D Draft DA KS AL 14.02.2020
C Draft DA KS AL 10.02.2020
B Draft DA BM MB 24.01.2020
A Draft DA KS AL 13.12.2019
Issue Revision Description Drawn Check Date
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Project
MERRYLANDS AGED CARE
Merrylands
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Drawing No. 101
Drawing Name LANDSCAPE PLAN
Job No. 19-599
Issue C
Scale
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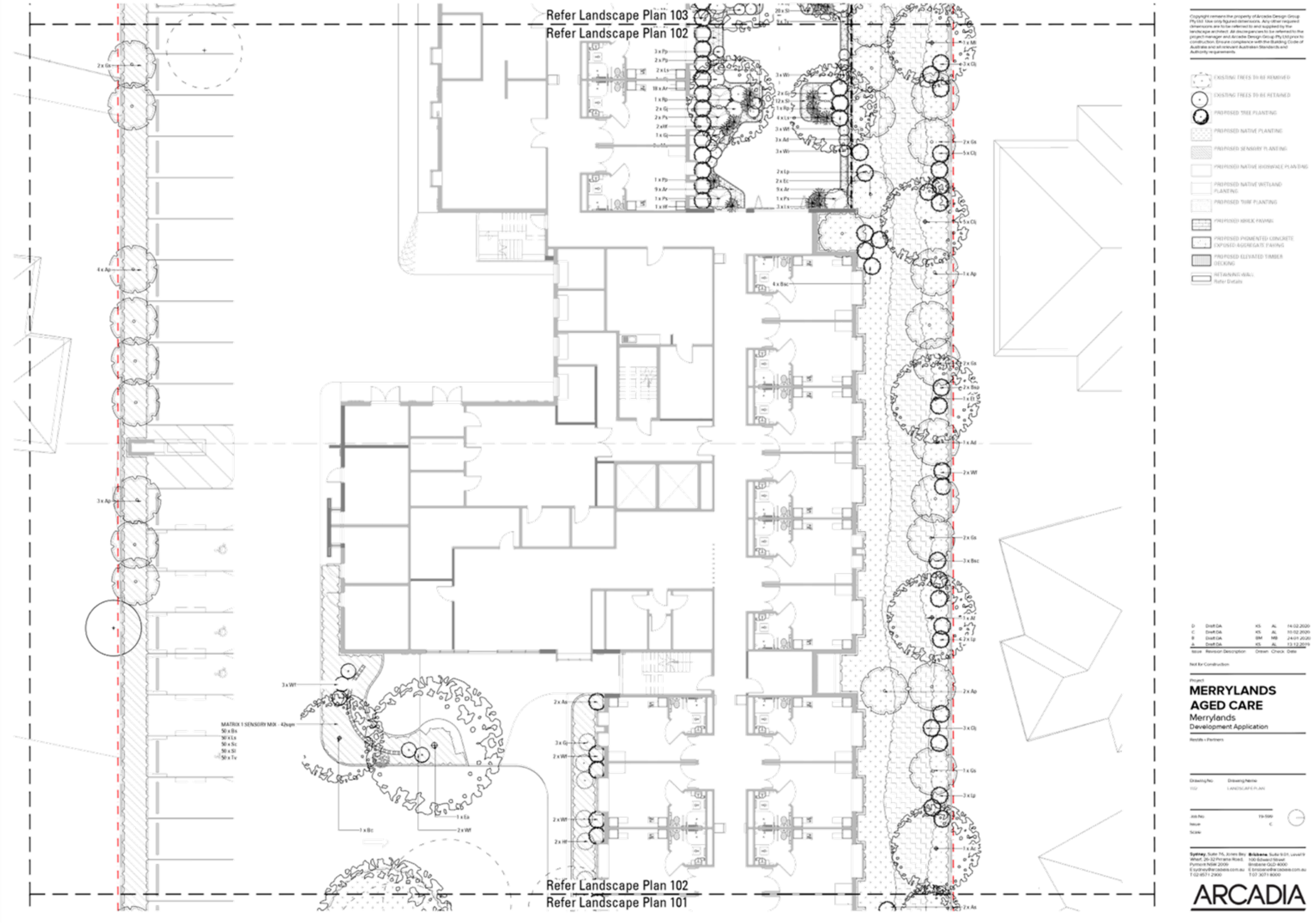
Refer Landscape Plan 103
Refer Landscape Plan 102
Refer Landscape Plan 102
Refer Landscape Plan 101
MATRIX 1 SENSORY MIX - 42sqm
50 x Bs
50 x Ls
50 x Sc
50 x Sl
50 x Tv
EXISTING TREES TO BE REMOVED
EXISTING TREES TO BE RETAINED
PROPOSED TREE PLANTING
PROPOSED NATIVE PLANTING
PROPOSED SENSORY PLANTING
PROPOSED NATIVE WETLAND PLANTING
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PROPOSED BRICK PAVING
PROPOSED ELEVATED TIMBER DECKING
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Refer Details
Not for Construction
MERRYLANDS
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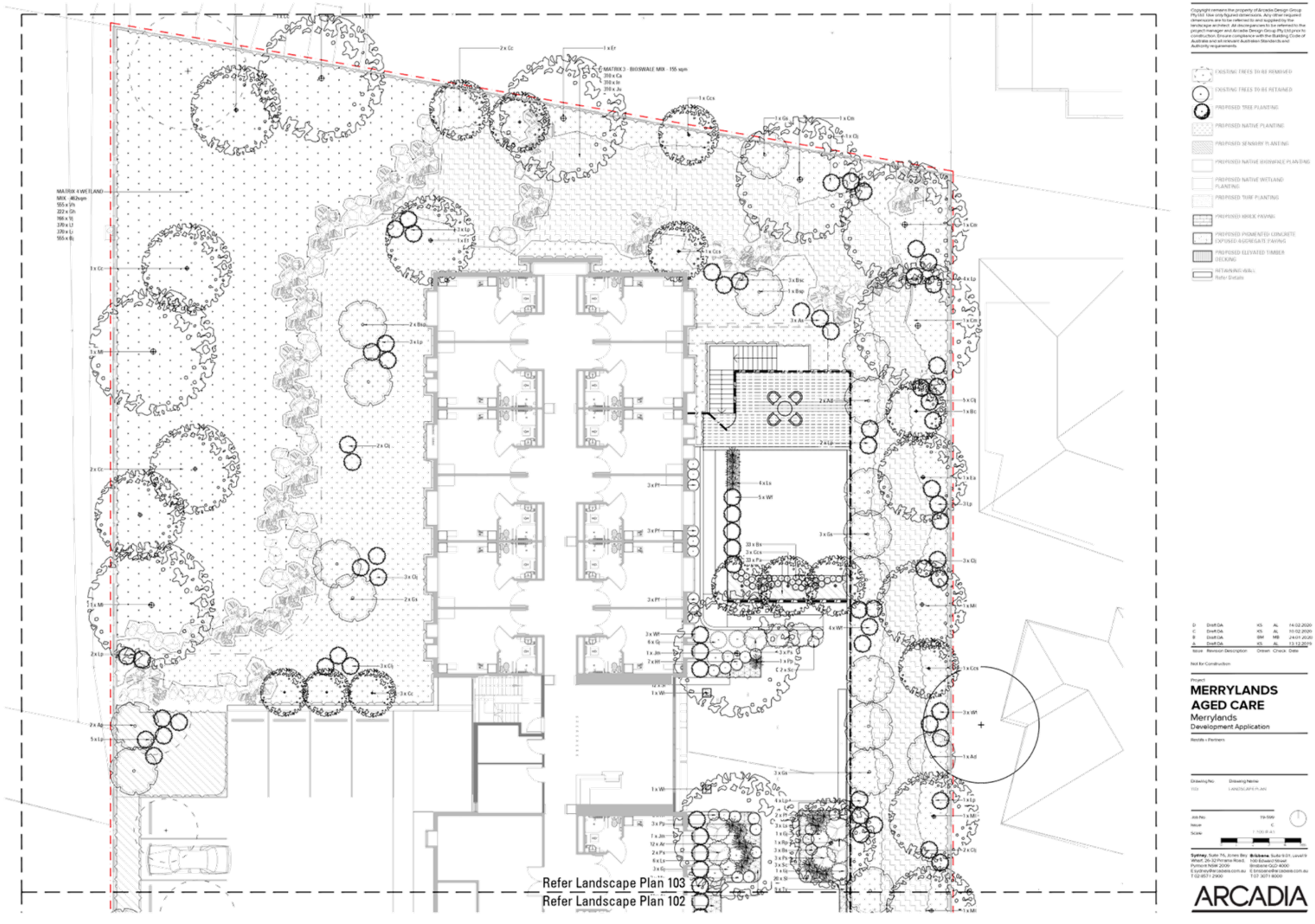

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PROPOSED TREE PLANTING
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RETAINING WALL Refer Details

Issue	Revision Description	Drawn	Check	Date
D	Draft DA	KS	AL	14.02.2020
C	Draft DA	KS	AL	10.02.2020
B	Draft DA	BM	MB	24.01.2020
A	Draft DA	KS	AL	13.12.2019

Not for Construction

Project
MERRYLANDS AGED CARE
Merrylands
Development Application

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Drawing No. 103 — Drawing Name: LANDSCAPE PLAN

Job No. 19-599
Issue C
Scale 1:100 @ A1

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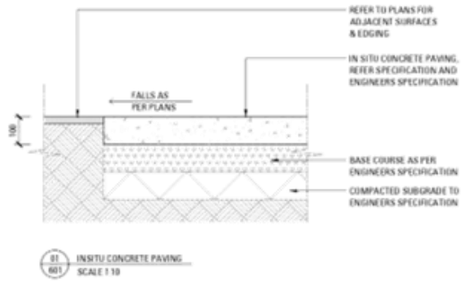
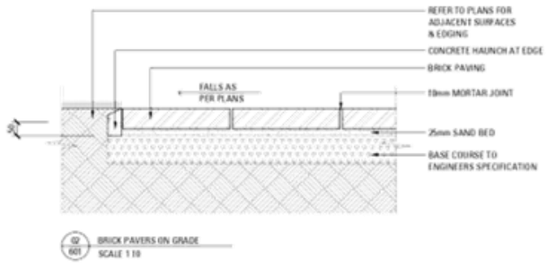
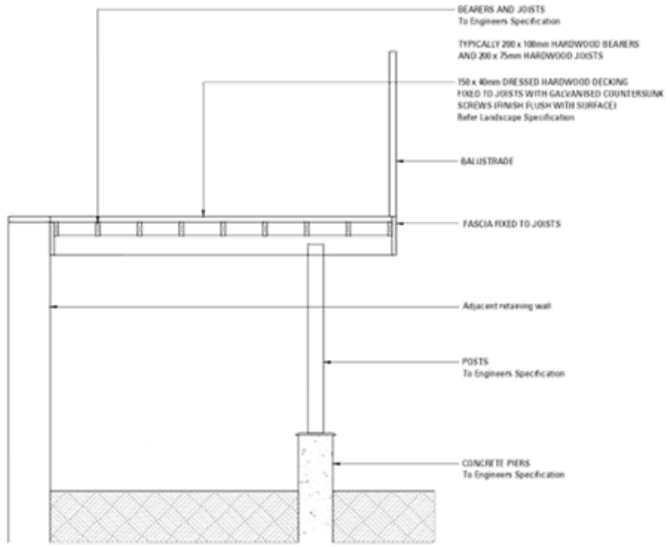


01 601 INSITU CONCRETE PAVING
SCALE 1:10



02 601 BRICK PAVERS ON GRADE
SCALE 1:10



03 601 TIMBER DECKING
SCALE 1:20

Issue	Revision Description	Drawn	Check	Date
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C	Draft DA	KS	AL	10.02.2020
B	Draft DA	BM	MB	24.01.2020
A	Draft DA	KS	AL	13.12.2019

Not for Construction

Project
MERRYLANDS AGED CARE
Merrylands
Development Application

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Drawing No.	Drawing Name
601	DETAILS - PAVING

Job No.	19-599
Issue	C
Scale	

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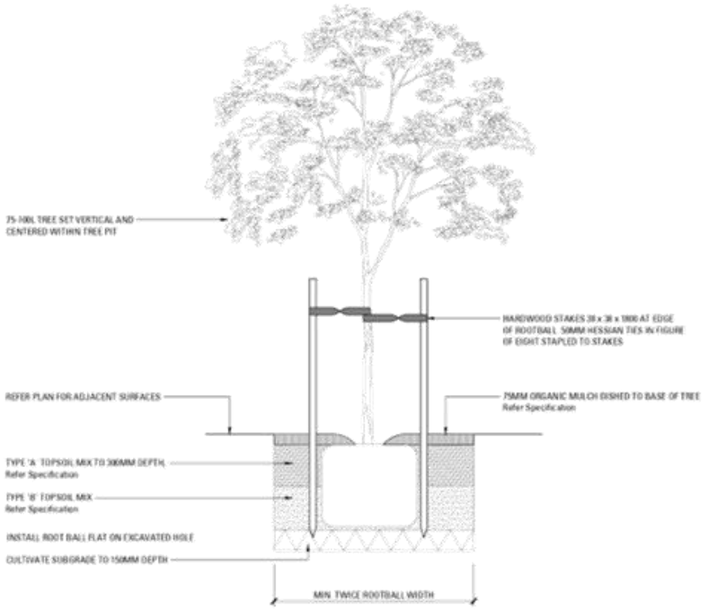
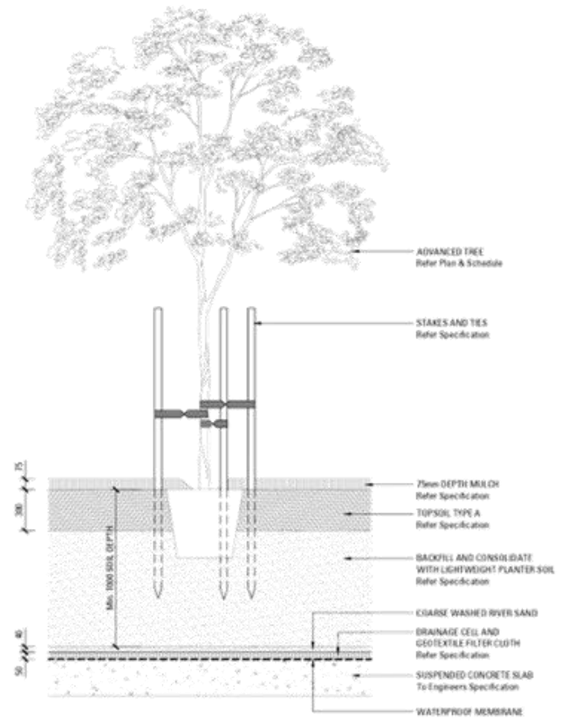
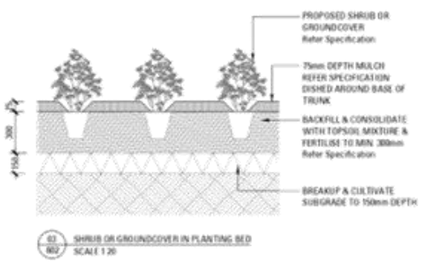


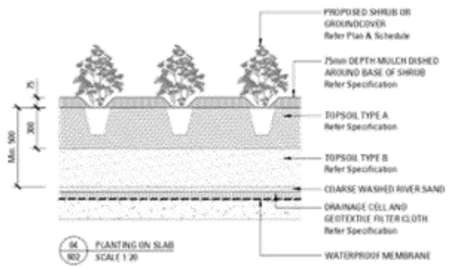
01 / 802 TREE PLANTING 75-100L SCALE 1:20



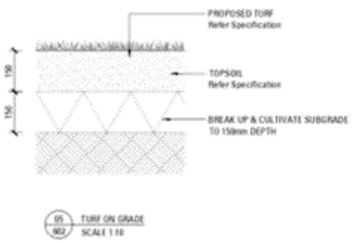
02 / 802 TREE PLANTING ON SLAB 75-100L SCALE 1:20



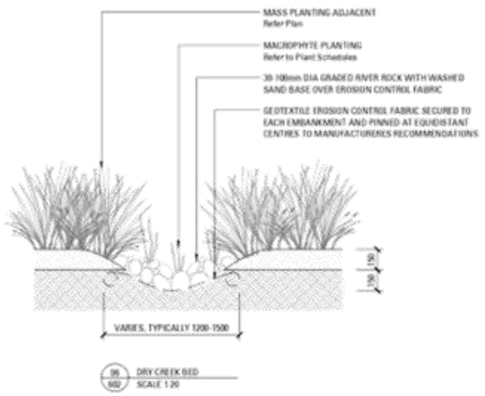
03 / 802 SHRUB OR GROUNDCOVER IN PLANTING BED SCALE 1:20



04 / 802 PLANTING ON SLAB SCALE 1:20



05 / 802 TURF ON GRADE SCALE 1:10



06 / 802 DRY CREEK BED SCALE 1:20

Issue	Revision Description	Drawn	Check	Date
D	Draft DA	KS	AL	14.02.2020
C	Draft DA	KS	AL	10.02.2020
B	Draft DA	BM	MB	24.01.2020
A	Draft DA	KS	AL	13.12.2019

Not for Construction

Project
MERRYLANDS AGED CARE
Merrylands
Development Application

Hamilton + Partners

Drawing No: 802 | Drawing Name: DETAILS - PLANTING

Job No: 19-599
Issue: C
Scale:

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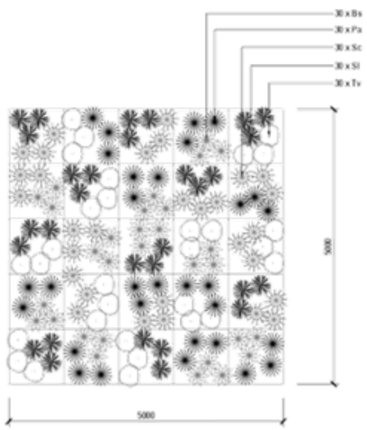
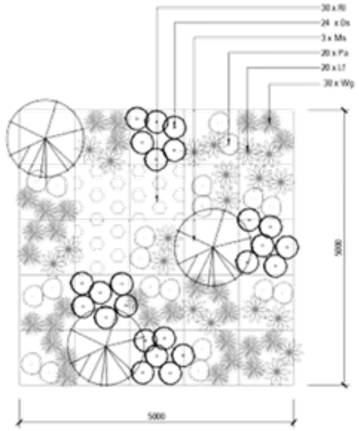
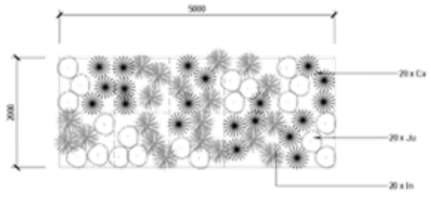


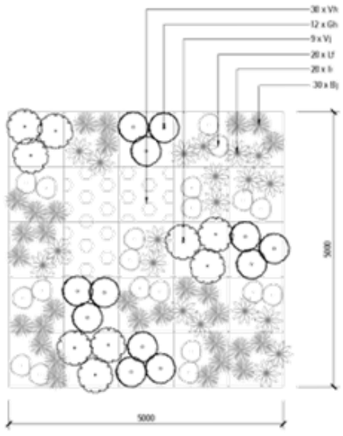
01 603 MATRIX 1 - SENSORY GROUNDCOVERS AND SHRUBS 5m x 5m
SCALE 1:50
NOTE: DETAIL IS INDICATIVE ONLY.
PLANT ALL SPECIES RANDOMLY AT
AN OVERALL RATE OF N/m2



02 603 MATRIX 2 - NATIVE GRASSES + GROUNDCOVERS 5m x 5m
SCALE 1:50
NOTE: DETAIL IS INDICATIVE ONLY.
PLANT ALL SPECIES RANDOMLY



03 603 MATRIX 3 - NATIVE BIOSWALE PLANTING 5m x 2m
SCALE 1:50



04 603 MATRIX 4 - NATIVE WETLAND PLANTING - 5m x 5m
SCALE 1:50
NOTE: DETAIL IS INDICATIVE ONLY.
PLANT ALL SPECIES RANDOMLY

Issue	Revision Description	Drawn	Check	Date
D	Draft DA	KS	AL	14.02.2020
C	Draft DA	KS	AL	10.02.2020
B	Draft DA	BM	MB	24.01.2020
A	Draft DA	KS	AL	13.12.2019

Not for Construction

Project
MERRYLANDS AGED CARE
Merrylands
Development Application

Reddis + Partners

Drawing No.	Drawing Name
601	DETAILS - PLANTING MATRICES

Job No.	19-599
Issue	C
Scale	

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LANDSCAPE SPECIFICATION NOTES

SERVICES
BEFORE LANDSCAPE WORK IS COMMENCED THE LANDSCAPE CONTRACTOR IS TO ESTABLISH THE POSITION OF ALL SERVICE LINES AND ENSURE TREE PLANTING IS CARRIED OUT AT LEAST 3 METRES AWAY FROM THESE SERVICES. SERVICE LIDS, VENTS AND HYDRANTS SHALL BE LEFT EXPOSED AND NOT COVERED BY ANY LANDSCAPE FINISHES (TURFING, PAVING, GARDEN BEDS ETC.) FINISH ADJOINING SURFACES FLUSH WITH PIT LIDS.

ARBORIST MANAGEMENT OF TREE PROTECTION
A QUALIFIED AND APPROVED ARBORIST IS TO BE CONTRACTED TO UNDERTAKE OR MANAGE THE INSTALLATION OF PROTECTIVE FENCING, AND TO UNDERTAKE SUCH MEASURES AS HE DEEMS APPROPRIATE TO PRESERVE THE SUBJECT TREES TO BE RETAINED. THE ARBORIST IS TO BE RETAINED FOR THE ENTIRE CONTRACT PERIOD TO UNDERTAKE ONGOING MANAGEMENT AND REVIEW OF THE TREES.

DRAINAGE CELL AND FILTER FABRIC
FOR ON-SLAB AREAS INSTALL AN APPROVED 'DRAINAGE CELL' PRODUCT TO COMPREHENSIVELY COVER THE BOTTOM OF ALL PLANTERS. OVER DRAINAGE CELL TO ON-SLAB AREAS, A POLYFELT GEOTEXTILE LINING (AS SUPPLIED BY 'POLYFELT TS' OR APPROVED EQUIVALENT) IS TO BE INSTALLED TO COVER THE BOTTOM OF ALL PLANTERS, TURNED UP 300MM AND TAPED TO THE PLANTER SIDES TO ENSURE SOIL MIX DOES NOT ESCAPE INTO DRAINAGE OUTLETS/HOLES. INSTALL MIN. 50MM COARSE RIVER SAND OVER ALL GEOTEXTILE LINING PRIOR TO INSTALLATION OF SOIL MIX.

PLANTING MIXTURE
SHALL BE HOMOGENOUS BLEND OF SOIL AND ADDITIVES IN THE FOLLOWING PROPORTIONS:
EXISTING SITE SOIL IF SUITABLE OR
IMPORTED TOPSOIL 50%
COMPOST 30%
D/W SAND 20%
SOIL TESTING OF EXISTING SITE SOIL IS TO BE UNDERTAKEN TO ASSESS SUITABILITY OF USE AS PLANTING TOPSOIL AND COMPLIANCE WITH AUSTRALIAN STANDARDS.

MULCH APPLICATION
PLACE MULCH TO THE REQUIRED DEPTH, (REFER TO DRAWINGS) CLEAR OF PLANT STEMS, AND RAKE TO AN EVEN SURFACE FINISHING 25MM BELOW ADJOINING LEVELS. ENSURE MULCH IS WATERED IN AND TAMPED DOWN DURING INSTALLATION.

MULCH TYPE
PINE BARK, FROM MATURE TREES, GRADED IN SIZE FROM 15MM TO 30MM, FREE FROM WOOD SLIVERS. DARK BROWN IN COLOUR AND TEXTURE.

COMPOST
SHALL BE WELL ROTTED VEGETATIVE MATERIAL OR ANIMAL MANURE , OR OTHER APPROVED MATERIAL, FREE FROM HARMFUL CHEMICALS, GRASS AND WEED GROWTH AND WITH NEUTRAL PH. PROVIDE A CERTIFICATE OF PROOF OF PH UPON REQUEST.

PLANT MATERIAL
ALL PLANTS SUPPLIED ARE TO CONFORM WITH THOSE SPECIES LISTED IN THE PLANT SCHEDULE ON THE DRAWINGS. GENERALLY PLANTS SHALL BE VIGOROUS, WELL ESTABLISHED, HARDENED OFF, OF GOOD FORM CONSISTENT WITH SPECIES OR VARIETY, NOT SOFT OR FORCED, FREE FROM DISEASE OR INSECT PESTS WITH LARGE HEALTHY ROOT SYSTEMS AND NO EVIDENCE OF HAVING BEEN RESTRICTED OR DAMAGED. TREES SHALL HAVE A LEADING SHOOT. IMMEDIATELY REJECT DRIED OUT, DAMAGED OR UNHEALTHY PLANT MATERIAL BEFORE PLANTING. ALL STOCK IS TO BE CONTAINER GROWN FOR A MINIMUM OF SIX (6) MONTHS PRIOR TO DELIVERY TO SITE.

FERTILISER MASS PLANTING AREAS:
FERTILISER SHALL BE 'NUTRICOTE' 100 APPROVED EQUIVALENT IN GRANULE FORM INTENDED FOR SLOW RELEASE OF PLANT NUTRIENTS OVER A PERIOD OF APPROXIMATELY NINE MONTHS. THOROUGHLY MIX FERTILISER WITH PLANTING MIXTURE AT THE RECOMMENDED RATE, PRIOR TO INSTALLING PLANTS.

TURF
SHALL BE SIR WALTER BUFFALO. SHIRLEYS NO. 17 OR APPROVED EQUAL LAWN FOOD SHALL BE THOROUGHLY MIXED INTO THE TOPSOIL PRIOR TO PLACING TURF.

TREES IN GRASS AND SUPER ADVANCED TREES:
PELLETS SHALL BE IN THE FORM INTENDED TO UNIFORMLY RELEASE PLANT FOOD ELEMENTS FOR A PERIOD OF APPROXIMATELY NINE MONTHS EQUAL TO SHIRLEYS KOKEI PELLETS. ANALYSIS 8.2.1.8.2.5 KOKEI PELLETS SHALL BE PLACED AT THE TIME OF PLANTING TO THE BASE OF THE PLANT. 50MM MINIMUM FROM THE ROOT BALL AT A RATE OF TWO PELLETS PER 300MM OF TOP GROWTH TO A MAXIMUM OF 8 PELLETS PER TREE.

STAKING AND TYING
STAKES SHALL BE STRAIGHT HARDWOOD, FREE FROM KNOTS AND TWISTS, POINTED AT ONE END AND SIZED ACCORDING TO SIZE

OF PLANTS TO BE STAKED.
A. 5-15 LITRE SIZE PLANT 1X(1200)X25MM)
B. 35-75 LITRE SIZE PLANT 2X(1500)X50MM)
C. 100-GREATER THAN 200LITRE 3X(1800)X50MM)
TIES SHALL BE 50MM WIDE HESSIAN WEBBING OR APPROVED EQUIVALENT NAILED OR STAPLED TO STAKE. DRIVE STAKES A MINIMUM ONE THIRD OF THEIR LENGTH, AVOIDING DAMAGE TO THE ROOT SYSTEM, ON THE WINDWARD SIDE OF THE PLANT.

IRRIGATION SYSTEM
SUPPLY AN AUTOMATIC WATERING SYSTEM USING 'TORO IRRIGATION SYSTEM' OR SIMILAR APPROVED, WITH MICRO-JET SPRINKLER HEADS AND LOW DENSITY, RUBBER MODIFIED POLYPROPYLENE RETICULATION, TO INCLUDE FILTERS, BENDS ,JUNCTIONS, ENDS AND OTHER ANCILLARY EQUIPMENT. THE LANDSCAPER SHALL NOMINATE HIS SOURCE OF SUPPLY FOR THE WATERING SYSTEM AND OBTAIN APPROVAL FROM THE SUPERINTENDENT BEFORE PLACING ORDERS FOR EQUIPMENT OR SUPPLY.

A SCHEMATIC PLAN OF THE PROPOSED IRRIGATION SYSTEM IS TO BE PREPARED BY THE CONTRACTOR, SHOWING SOLENOIDS, PIPE DIAMETERS, AND ALL NOZZLE AND TRICKLE ATTACHMENT TYPES (INCLUDING SPRAYHEAD ANGLE), FOR REVIEW BY THE SUPERINTENDENT PRIOR TO INSTALLATION.

THE CONTRACTOR IS TO LIAISE WITH THE HYDRAULIC ENGINEER AND COUNCIL AS NECESSARY, TO ENSURE THE THE IRRIGATION SYSTEM CONFORMS WITH ALL THE COUNCIL AND WATER BOARD CODES AND REQUIREMENTS.

PROVIDE AN AUTOMATIC CONTROLLER THAT PROVIDES FOR TWO WEEK SCHEDULING AND HOURLY MULTI-CYCLE OPERATION. THE CONTROLLER SHALL MANUAL OVERRIDE. PROGRAMMING SHALL BE UNDERTAKEN BY THE CONTRACTOR WHO SHALL ADVISE ON THE OPERATION OF THE SYSTEM.

PROVISION OF SECURE HOUSING FOR THE AUTOMATIC IRRIGATION CONTROLLER TO BE LOCATED IN ASSOCIATION WITH THE LANDSCAPE CONTRACTOR AND LOCATION CONFIRMED BY THE SUPERINTENDENT. WIRING TO CONNECT REMOTE SOLENOID LOCATIONS IS TO BE PROVIDED. THE CONTROLLER SHALL BE LOCATED IN A DRY PLACE, PROTECTED FROM THE WEATHER, AND ALL CABLE CONNECTIONS SHALL BE MADE WITH WATERPROOF CONNECTORS.

WATER SUPPLY POINTS TO BE SUPPLIED BY BUILDER.

IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ENSURE AND GUARANTEE SATISFACTORY OPERATION OF THE IRRIGATION SYSTEM.

AFTER THE SYSTEM HAS BEEN INSTALLED TO THE SATISFACTION OF THE SUPERINTENDENT, THE INSTALLATION SHALL BE TESTED UNDER KNOWN WORKING CONDITIONS. ACCEPTANCE OF THE INSTALLED PLANT AND EQUIPMENT SHALL BE SUBJECT TO THESE BEING SATISFACTORY.

TREATED PINE TIMBER EDGING
TIMBER EDGE: 190 X 25MM CCA TREATED RADIATA PINE TIMBER STAKES: 90 X 50 X 500MM CCA TREATED RADIATA PINE. SHARPENED AT ONE END. INSTALL IN LOCATIONS SHOWN ON THE DRAWINGS FLUSH TO FINISHED SURFACE LEVELS.

TURF
TURF ALL LANDSCAPE AREAS AS SHOWN ON THE LANDSCAPE DRAWINGS. TURF IS TO HAVE AN EVEN THICKNESS OF NOT LESS THAN 25MM. OBTAIN TURF FROM AN APPROVED GROWER. FURNISH A WARRANTY FROM THE GROWER THAT THE TURF IS FREE FROM WEEDS AND OTHER FOREIGN MATTER. DELIVER TURF TO THE SITE WITHIN 24 HOURS OF BEING CUT, AND LAY IT WITHIN 24 HOURS OF BEING DELIVERED.

TO PREPARE GRADED AREAS TO RECEIVE TURF, EXCAVATE THE AREA AND CULTIVATE SO AS TO ALLOW FOR IMPORTING OF 100MM OF TURF UNDERLAY SOIL. REMOVE ALL STONES OVER 50MM Ø AND REMOVE ALL WEEDS AND FOREIGN MATTER. SPREAD SOIL MIX A, B, S TO A DEPTH OF 100MM AND GRADE TO APPROPRIATE LEVELS TO ACHIEVE GENERAL EVEN GRADES TO DRAINAGE OUTLETS INSTALLED BY OTHERS.

LAY THE TURF ALONG THE LAND CONTOURS WITH STAGGERED, CLOSE BUTTED JOINTS, SO THAT THE FINISHED TURF SURFACE IS FLUSH WITH ADJACENT FINISHED SURFACES OF PAVING AND THE LIKE. AS SOON AS PRACTICABLE AFTER LAYING, ROLL THE TURF WITH A ROLLER WEIGHING NOT MORE THAN 90KG PER METRE OF WIDTH FOR SANDY OR LIGHT SOILS.

WATER AS NECESSARY TO KEEP THE SOIL MOIST TO A DEPTH OF 100MM. PROTECT NEWLY TURFED AREAS AGAINST TRAFFIC UNTIL GRASS IS ESTABLISHED. FERTILISE TWO WEEKS AFTER LAYING FERTILISE A B S

'TOP DRESS' THE TURF WHEN IT IS ESTABLISHED TO A DEPTH OF 10MM WITH COARSE WASHED RIVER SAND. RUB THE DRESSING WELL INTO THE JOINTS AND CORRECT ANY UNEVENNESS IN THE TURF SURFACES

LANDSCAPE MAINTENANCE PROGRAM

MAINTENANCE SHALL MEAN THE CARE AND MAINTENANCE OF THE LANDSCAPE WORKS BY ACCEPTED HORTICULTURAL PRACTICE AS RECTIFYING ANY DEFECTS THAT BECOME APPARENT IN THE LANDSCAPE WORKS UNDER NORMAL USE. THIS SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, WATERING, MOWING, FERTILISING, RESEEDING, RETURFING, WEEDING, PEST AND DISEASE CONTROL, STAKING AND TYING, REPLANTING, CULTIVATION, PRUNING, AERATING, RENOVATING, TOP DRESSING, MAINTAINING THE SITE IN A NEAT AND TIDY CONDITION AS FOLLOWS:-

GENERAL
THE LANDSCAPE CONTRACTOR SHALL MAINTAIN THE LANDSCAPE WORKS FOR THE TERM OF THE MAINTENANCE (OR PLANT ESTABLISHMENT) PERIOD TO THE SATISFACTION OF THE COUNCIL. THE LANDSCAPE CONTRACTOR SHALL ATTEND TO THE SITE ON A WEEKLY BASIS. THE MAINTENANCE PERIOD SHALL COMMENCE AT PRACTICAL COMPLETION AND CONTINUE FOR A PERIOD OF TWENTY SIX (26) WEEKS.

WATERING
GRASS, TREES AND GARDEN AREAS SHALL BE WATERED REGULARLY SO AS TO ENSURE CONTINUOUS HEALTHY GROWTH.

RUBBISH REMOVAL
DURING THE TERM OF THE MAINTENANCE PERIOD THE LANDSCAPE CONTRACTOR SHALL REMOVE RUBBISH THAT MAY OCCUR AND REGULAR THROUGHOUT THE MAINTENANCE PERIOD. THIS WORK SHALL BE CARRIED OUT REGULARLY SO THAT AT WEEKLY INTERVALS THE AREA MAY BE OBSERVED IN A COMPLETELY CLEAN AND TIDY CONDITION.

REPLACEMENTS
THE LANDSCAPE CONTRACTOR SHALL REPLACE ALL PLANTS THAT ARE MISSING, UNHEALTHY OR DEAD AT THE LANDSCAPE CONTRACTOR'S COST. REPLACEMENTS SHALL BE OF THE SAME SIZE, QUALITY AND SPECIES AS THE PLANT THAT HAS FAILED UNLESS OTHERWISE DIRECTED BY THE LANDSCAPE ARCHITECT. REPLACEMENTS SHALL BE MADE ON A CONTINUING BASIS NOT EXCEEDING TWO (2) WEEKS AFTER THE PLANT HAS DIED OR IS SEEN TO BE MISSING.

STAKES AND TIES
THE LANDSCAPE CONTRACTOR SHALL REPLACE OR ADJUST PLANT STAKES, AND TREE GUARDS AS NECESSARY OR AS DIRECTED BY THE LANDSCAPE ARCHITECT. REMOVE STAKES AND TIES AT THE END OF THE MAINTENANCE PERIOD IF SO DIRECTED.

PRUNING
TREES AND SHRUBS SHALL BE PRUNED AS DIRECTED BY THE LANDSCAPE ARCHITECT. PRUNING WILL BE DIRECTED AT THE MAINTENANCE OF THE DENSE FOLIAGE OR MISCELLANEOUS PRUNING AND BENEFICIAL TO THE CONDITION OF THE PLANTS. ANY DAMAGED GROWTH SHALL BE PRUNED. ALL PRUNED MATERIAL SHALL BE REMOVED FROM THE SITE.

MULCHED SURFACES
ALL MULCHED SURFACES SHALL BE MAINTAINED IN A CLEAN AND TIDY CONDITION AND BE REINSTATED IF NECESSARY TO ENSURE THAT A DEPTH OF 75MM IS MAINTAINED. ENSURE MULCH IS KEPT CLEAR OF PLANT STEMS AT ALL TIMES.

PEST AND DISEASED CONTROL
THE LANDSCAPE CONTRACTOR SHALL SPRAY AGAINST INSECT AND FUNGUS INFESTATION WITH ALL SPRAYING TO BE CARRIED OUT IN ACCORDANCE WITH THE MANUFACTURER'S DIRECTIONS. REPORT ALL INSTANCES OF PESTS AND DISEASES IMMEDIATELY THAT THEY ARE DETECTED TO THE LANDSCAPE ARCHITECT.

GRASS AND TURF AREAS
THE LANDSCAPE CONTRACTOR SHALL MAINTAIN ALL GRASS AND TURF AREAS BY WATERING, WEEDING, DRESSING, ROLLING, MOWING, TRIMMING OR OTHER OPERATIONS AS NECESSARY. SEED AND TURF SPECIES SHALL BE THE SAME AS THE ORIGINAL SPECIFIED MIXTURE. GRASS AND TURF AREAS SHALL BE SPRAYED WITH APPROVED SELECTIVE HERBICIDE AGAINST BROAD LEAFED WEEDS AS REQUIRED BY THE LANDSCAPE ARCHITECT AND IN ACCORDANCE WITH THE MANUFACTURER'S DIRECTIONS. GRASS AND TURF AREAS SHALL BE FERTILISED ONCE A YEAR IN AUTUMN WITH "DYNAMIC LIFTER" FOR LAWNS AT A RATE OF 20GS PER 100M2. FERTILISER SHALL BE WATERED IN IMMEDIATELY AFTER APPLICATION. IRREGULARITIES IN THE GRASS AND TURF SHALL BE WATERED IN IMMEDIATELY AFTER APPLICATION. GRASS AND TURF AREAS SHALL BE KEPT MOWN TO MAINTAIN A HEALTHY AND VIGOROUS SWARD. MOWING HEIGHT 30-50MM.

WEED ERADICATION
ERADICATE WEEDS BY ENVIRONMENTALLY ACCEPTABLE METHODS USING A NON RESIDUAL GLYPHOSATE HERBICIDE (EG 'ROUNDUP') IN ANY OF ITS REGISTERED FORMULAE, AT THE RECOMMENDED MAXIMUM RATE. REGULARLY REMOVE BY HAND, WEED GROWTH THAT MAY OCCUR OR RECUR THROUGHOUT GRASSED, PLANTED AND MULCHED AREAS. REMOVE WEED GROWTH FROM AN AREA 750MM DIAMETER AROUND THE BASE OF TREES IN GRASSED AREAS. CONTINUE ERADICATION THROUGHOUT THE COURSE OF THE WORKS AND DURING THE MAINTENANCE PERIOD.

SOIL SUBSIDENCE
ANY SOIL SUBSIDENCE OR EROSION WHICH MAY OCCUR AFTER THE SOIL FILLING AND PREPARATION OPERATIONS SHALL BE MADE GOOD BY THE LANDSCAPE CONTRACTOR AT NO COST TO THE CLIENT.

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Not for Construction

Project
MERRYLANDS AGED CARE
Merrylands
Development Application

Hostlab + Partners

Drawing No.	Drawing Name
700	LANDSCAPE SPECIFICATION NOTES

Job No.	19-566
Issue	C
Scale	

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DOCUMENTS ASSOCIATED WITH REPORT LPP015/21

Attachment 7

Stormwater Plans

PROPOSED AGED CARE DEVELOPMENT
535 MERRYLANDS ROAD, MERRYLANDS NSW
CIVIL ENGINEERING WORKS

GENERAL NOTES:

1. ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH CUMBERLAND COUNCIL'S SPECIFICATION. CONTRACTOR TO OBTAIN AND RETAIN A COPY ON SITE DURING THE COURSE OF THE WORKS.
2. ALL NEW WORKS ARE TO MAKE A SMOOTH JUNCTION WITH EXISTING CONDITIONS AND MARRY IN A 'WORKMANLIKE' MANNER.
3. THE CONTRACTOR IS TO VERIFY THE LOCATION OF ALL SERVICES WITH EACH RELEVANT AUTHORITY. ANY DAMAGE TO SERVICES SHALL BE RECTIFIED BY THE CONTRACTOR OR THE RELEVANT AUTHORITY AT THE CONTRACTOR'S EXPENSE. SERVICES SHOWN ON THESE PLANS ARE ONLY THOSE EVIDENT AT THE TIME OF SURVEY OR AS DETERMINED FROM SERVICE DIAGRAMS. H & H CONSULTING ENGINEERS PTY. LTD CANNOT GUARANTEE THE INFORMATION SHOWN NOR ACCEPT ANY RESPONSIBILITY FOR INACCURACIES OR INCOMPLETE DATA.
4. SERVICES & ACCESSES TO THE EXISTING PROPERTIES ARE TO BE MAINTAINED IN WORKING ORDER AT ALL TIMES DURING CONSTRUCTION.
5. ADJUST EXISTING SERVICE COVERS TO SUIT NEW FINISHED LEVELS TO RELEVANT AUTHORITY REQUIREMENTS WHERE NECESSARY.
6. REINSTATE AND STABILISE ALL DISTURBED LANDSCAPED AREAS.
7. MINIMUM GRADE OF SUBSOIL SHALL BE 0.5% (1:200) FALL TO OUTLETS.
8. ALL TEMPORARY SEDIMENT AND EROSION CONTROL DEVICES ARE TO BE CONSTRUCTED, PLACED AND MAINTAINED IN ACCORDANCE WITH THE TECHNICAL SPECIFICATIONS, EROSION AND SEDIMENTATION CONTROL PLAN AND CUMBERLAND COUNCIL'S REQUIREMENTS WHERE APPLICABLE.
9. CONTRACTOR TO CHECK AND CONFIRM SITE DRAINAGE CONNECTIONS ACROSS THE VERGE PRIOR TO COMMENCEMENT OF SITE DRAINAGE WORKS.
10. PROPERTIES AFFECTED BY THE WORKS ARE TO BE NOTIFIED IN ADVANCE WHERE DISRUPTION TO EXISTING ACCESS IS LIKELY.

EXISTING SERVICES & FEATURES

- THE CONTRACTOR SHALL ALLOW FOR THE CAPPING OFF, EXCAVATION AND REMOVAL OF REQUIRED OF ALL EXISTING SERVICES IN AREAS AFFECTED BY WORKS WITHIN THE CONTRACT AREA OR AS SHOWN ON THE DRAWINGS UNLESS DIRECTED OTHERWISE BY THE SUPERINTENDENT.
- THE CONTRACTOR SHALL ENSURE THAT AT ALL TIMES SERVICES TO ALL BUILDINGS NOT AFFECTED BY THE WORKS ARE NOT DISRUPTED.
- PRIOR TO COMMENCEMENT OF ANY WORKS THE CONTRACTOR SHALL GAIN APPROVAL OF HIS PROGRAM FOR THE RELOCATION/ CONSTRUCTION OF TEMPORARY SERVICES.
- CONTRACTOR SHALL CONSTRUCT TEMPORARY SERVICES TO MAINTAIN SUPPLY TO EXISTING BUILDING REMAINING IN OPERATION DURING WORKS TO THE SATISFACTION AND APPROVAL OF THE SUPERINTENDENT. ONCE DIVERSION IS COMPLETE AND COMMISSIONED, THE CONTRACTOR SHALL REMOVE ALL SUCH TEMPORARY SERVICES AND MAKE GOOD TO THE SATISFACTION OF THE SUPERINTENDENT.
- INTERRUPTION TO SUPPLY OF EXISTING SERVICES SHALL BE DONE SO AS NOT TO CAUSE ANY INCONVENIENCE TO THE PRINCIPAL, CONTRACTOR TO GAIN APPROVAL FROM THE SUPERINTENDENT FOR TIME OF INTERRUPTION.
- EXISTING SERVICES, BUILDINGS, EXTERNAL STRUCTURES AND TREES SHOWN ON THESE DRAWINGS ARE EXISTING FEATURES PRIOR TO ANY DEMOLITION WORKS.
- EXISTING SERVICES UNLESS SHOWN ON SURVEY PLAN HAVE BEEN PLOTTED FROM SERVICES SEARCH PLANS AND AS SUCH THEIR ACCURACY CANNOT BE GUARANTEED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO COMPLETE A 'DIAL BEFORE YOU DIG' SEARCH AND TO ESTABLISH THE LOCATION AND LEVEL OF ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THE SUPERINTENDENT. CLEARANCES SHALL BE OBTAINED FROM THE RELEVANT SERVICE AUTHORITY.
- ALL BRANCH GAS AND WATER SERVICES UNDER DRIVEWAYS AND BRICK PAVING SHALL BE LOCATED IN Ø80 uPVC SEWER GRADE CONDUITS EXTENDING A MINIMUM OF 500mm BEYOND EDGE OF PAVING.

LOCALITY SKETCH
N.T.S

DRAWING SCHEDULE	
19133_DA_C000	COVER SHEET, DRAWING SCHEDULE, NOTES AND LOCALITY SKETCH
19133_DA_C100	GENERAL ARRANGEMENT PLAN
19133_DA_C110	TYPICAL SECTIONS AND DETAILS
19133_DA_C200	STORMWATER MISCELLANEOUS DETAILS AND PIT LID SCHEDULE
19133_DA_C201	OSD SECTIONS AND DETAILS, SHEET 1 OF 2
19133_DA_C202	OSD SECTIONS AND DETAILS, SHEET 2 OF 2
19133_DA_SE01	SEDIMENT AND EROSION CONTROL PLAN
19133_DA_SE02	SEDIMENT AND EROSION CONTROL TYPICAL SECTIONS AND DETAILS

SITEWORKS NOTES

- DATUM: A.H.D.
- ORIGIN OF LEVELS: REFER TO BENCH OR STATE SURVEY MARKS WHERE SHOWN ON PLAN.
- CONTRACTOR MUST VERIFY ALL DIMENSIONS AND EXISTING LEVELS ON SITE PRIOR TO THE COMMENCEMENT OF WORK.
- ALL WORKS TO BE UNDERTAKEN IN ACCORDANCE WITH THE DETAILS SHOWN ON THE DRAWINGS & THE DIRECTIONS OF THE SUPERINTENDENT.
- EXISTING SERVICES UNLESS SHOWN ON THE SURVEY PLAN HAVE BEEN PLOTTED FROM SERVICES SEARCH PLANS AND AS SUCH THEIR ACCURACY CANNOT BE GUARANTEED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ESTABLISH THE LOCATION AND LEVEL OF ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THE SUPERINTENDENT. CLEARANCES SHALL BE OBTAINED FROM THE RELEVANT SERVICE AUTHORITY.
- WHERE NEW WORKS ABUT EXISTING THE CONTRACTOR SHALL ENSURE THAT A SMOOTH EVEN PROFILE, FREE FROM ABRUPT CHANGES IS ACHIEVED.
- THE CONTRACTOR SHALL ARRANGE ALL SURVEY SETOUT TO BE CARRIED OUT BY A REGISTERED SURVEYOR.
- CARE IS TO BE TAKEN WHEN EXCAVATING NEAR EXISTING SERVICES. NO MECHANICAL EXCAVATION IS TO BE UNDERTAKEN OVER TELSTRA OR ELECTRICAL SERVICES. HAND EXCAVATE IN THESE AREAS.
- CONTRACTOR TO OBTAIN AUTHORITY APPROVAL(S) WHERE APPLICABLE.
- MAKE SMOOTH TRANSITION TO EXISTING SURFACES AND MAKE GOOD.
- THESE PLANS SHALL BE READ IN CONJUNCTION WITH APPROVED LANDSCAPE, ARCHITECTURAL, STRUCTURAL, HYDRAULIC AND MECHANICAL DRAWINGS AND SPECIFICATIONS OR WRITTEN INSTRUCTIONS THAT MAY BE ISSUED RELATING TO DEVELOPMENT AT THE SITE.
- TRENCHES THROUGH EXISTING ROAD AND CONCRETE PAVEMENTS SHALL BE SAWCUT TO FULL DEPTH OF CONCRETE AND A MINIMUM OF 50mm IN BITUMINOUS PAVING.
- ALL BRANCH GAS AND WATER SERVICES UNDER DRIVEWAYS AND BRICK PAVING SHALL BE LOCATED IN Ø80 uPVC SEWER GRADE CONDUITS EXTENDING A MINIMUM OF 500mm BEYOND EDGE OF PAVING.
- GRADES TO PAVEMENTS TO BE AS IMPLIED BY RL'S ON PLAN. GRADE EVENLY BETWEEN NOMINATED RL'S. AREAS EXHIBITING PONDING GREATER THAN 5mm DEPTH WILL NOT BE ACCEPTED UNLESS IN A DESIGNATED SAG POINT.
- ALL COVERS AND GRATES ETC TO EXISTING SERVICE UTILITIES ARE TO BE ADJUSTED TO SUIT NEW FINISHED SURFACE LEVELS WHERE APPLICABLE.

SURVEY NOTES

THE EXISTING SITE CONDITIONS SHOWN ON THE FOLLOWING DRAWINGS HAVE BEEN INVESTIGATED BY THE SURVEYOR SPECIFIED IN THE TITLE BLOCK.
THE INFORMATION IS SHOWN TO PROVIDE A BASIS FOR DESIGN. HENRY AND HYMAS PTY. LTD. DOES NOT GUARANTEE THE ACCURACY OR COMPLETENESS OF THE SURVEY BASE OR ITS SUITABILITY AS A BASIS FOR CONSTRUCTION DRAWINGS.
SHOULD DISCREPANCIES BE ENCOUNTERED DURING CONSTRUCTION BETWEEN THE SURVEY DATA AND ACTUAL FIELD DATA, CONTACT HENRY AND HYMAS PTY. LTD. THE FOLLOWING NOTES HAVE BEEN TAKEN DIRECTLY FROM ORIGINAL SURVEY DOCUMENTS.
CONTOUR INTERVAL 0.2m

FOR DA ONLY

SURVEY INFORMATION
SURVEYED BY RGM
DATUM: AHD
ORIGIN OF LEVELS: BM 8140 RL 32.5m

REVISION	AMENDMENT	DRAWN	DESIGNED	DATE
03	ISSUED FOR DA	MG	NH	12.03.2021
02	ISSUED FOR DA	MC	NH	18.11.2019
01	ISSUED FOR DA	MC	NH	01.11.2019

Client: Restrifa & Partners
Architect: TEAM 2

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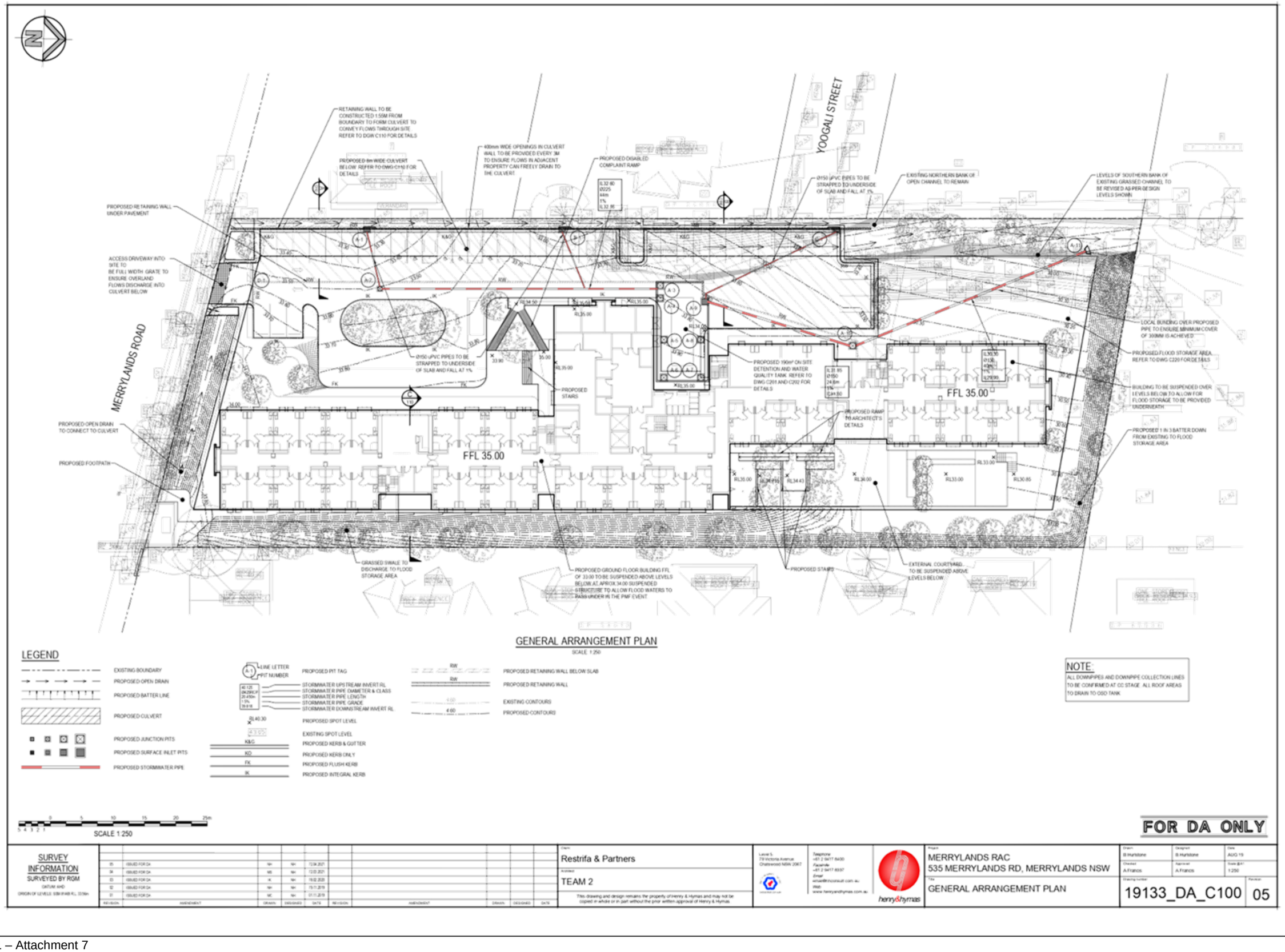
Project: MERRYLANDS RAC
535 MERRYLANDS RD, MERRYLANDS NSW
Title: COVER SHEET, DRAWING SCHEDULE, NOTES AND LOCALITY SKETCH

Drawn	Designed	Date
M.Cerra	T.Chan	MAR '19
Checked	Approved	Scale @A1
T.Chan	A.Francis	NTS

Drawing number: 19133_DA_C000
Revision: 03



GENERAL ARRANGEMENT PLAN

SCALE 1:250

LEGEND

- EXISTING BOUNDARY
- PROPOSED OPEN DRAIN
- PROPOSED BATTER LINE
- PROPOSED CULVERT
- PROPOSED JUNCTION PITS
- PROPOSED SURFACE INLET PITS
- PROPOSED STORMWATER PIPE
- LINE LETTER / PIT NUMBER — PROPOSED PIT TAG
- STORMWATER UPSTREAM INVERT RL
- STORMWATER PIPE DIAMETER & CLASS
- STORMWATER PIPE LENGTH
- STORMWATER PIPE GRADE
- STORMWATER DOWNSTREAM INVERT RL
- PROPOSED SPOT LEVEL
- EXISTING SPOT LEVEL
- K&G — PROPOSED KERB & GUTTER
- KO — PROPOSED KERB ONLY
- FK — PROPOSED FLUSH KERB
- IK — PROPOSED INTEGRAL KERB
- RW — PROPOSED RETAINING WALL BELOW SLAB
- RW — PROPOSED RETAINING WALL
- EXISTING CONTOURS
- PROPOSED CONTOURS

NOTE:
ALL DOWNPIPES AND DOWNPIPE COLLECTION LINES TO BE CONFIRMED AT CC STAGE. ALL ROOF AREAS TO DRAIN TO OSD TANK

0 1 2 3 4 5 10 15 20 25m
SCALE 1:250

FOR DA ONLY

SURVEY INFORMATION
SURVEYED BY RGM
DATUM: AHD
ORIGIN OF LEVELS: SSM PAB RL 33.94m

REVISION	AMENDMENT	DRAWN	DESIGNED	DATE
15	ISSUED FOR DA	NH	NH	13.04.2021
14	ISSUED FOR DA	MS	NH	12.03.2021
13	ISSUED FOR DA	IK	NH	19.02.2020
12	ISSUED FOR DA	NH	NH	15.11.2019
11	ISSUED FOR DA	MC	NH	01.11.2019

Client: Restrifa & Partners
Architect: TEAM 2

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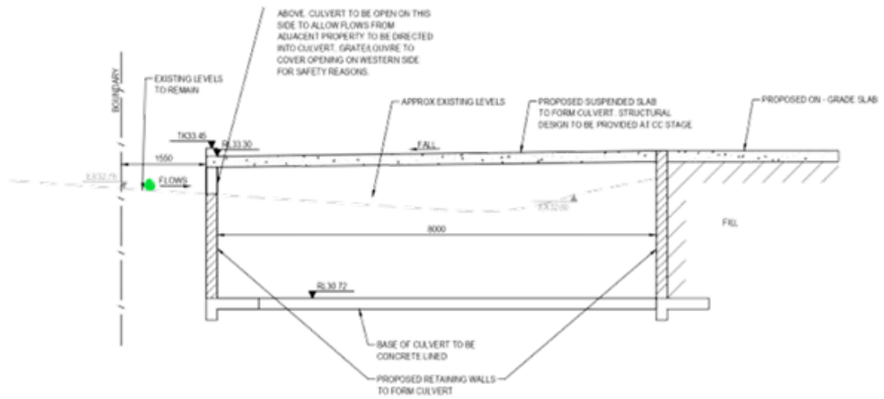
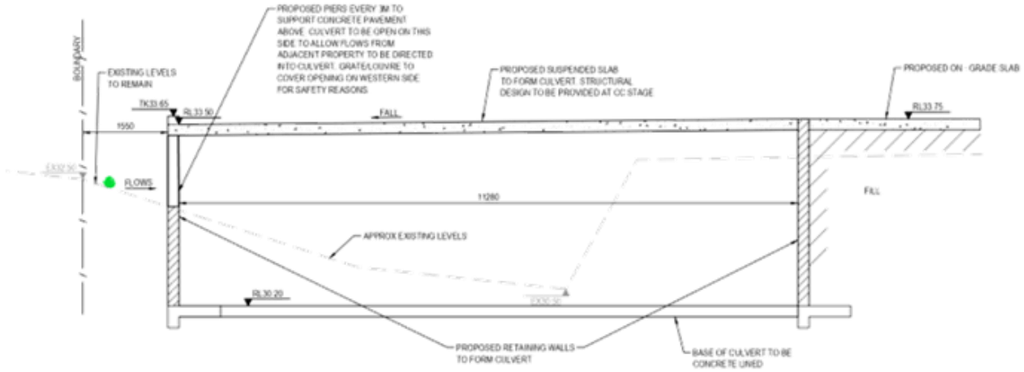
Project: MERRYLANDS RAC
535 MERRYLANDS RD, MERRYLANDS NSW
Title: GENERAL ARRANGEMENT PLAN

Drawn	Designed	Date
B.Hurlstone	B.Hurlstone	AUG 19
Checked	Approved	Scale @ A1
A.Franos	A.Franos	1:250

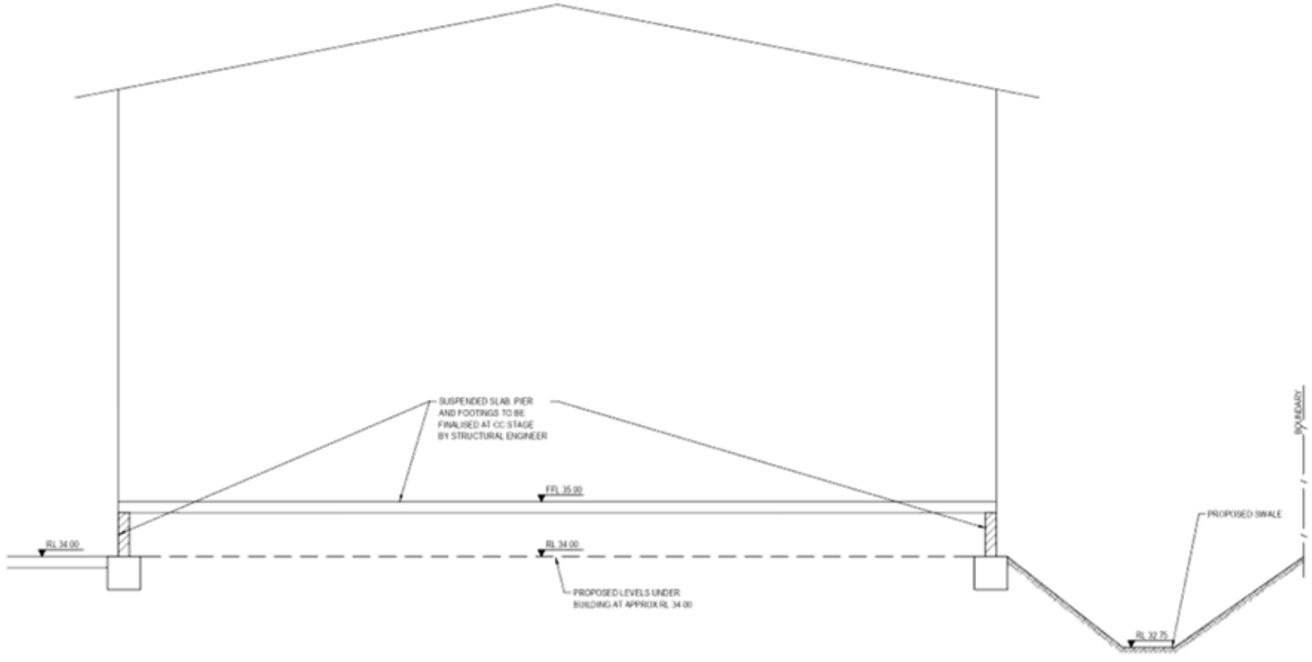
Drawing number: 19133_DA_C100
Revision: 05



SECTION A
SCALE: 1:50
C100



SECTION B
SCALE: 1:50
C100



SECTION C
SCALE: 1:50
C100

1000 500 200 0 1000 2000 3000 4000 5000mm
SCALE 1:50

FOR DA ONLY

SURVEY INFORMATION
SURVEYED BY RGM
DATUM: AHD
ORIGIN OF LEVELS: SSM 61487-1, 33.5m

REVISION	AMENDMENT	DRAWN	DESIGNED	DATE
05	ISSUED FOR DA	NH	NH	12.04.2021
04	ISSUED FOR DA	NH	NH	07.04.2021
03	ISSUED FOR DA	MS	NH	12.03.2021
02	ISSUED FOR DA	NH	NH	19.11.2019
01	ISSUED FOR DA	JK	NH	01.11.2019

Client: Restrifa & Partners
Architect: TEAM 2

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Project: MERRYLANDS RAC
535 MERRYLANDS RD, MERRYLANDS NSW
Title: TYPICAL SECTIONS AND DETAILS

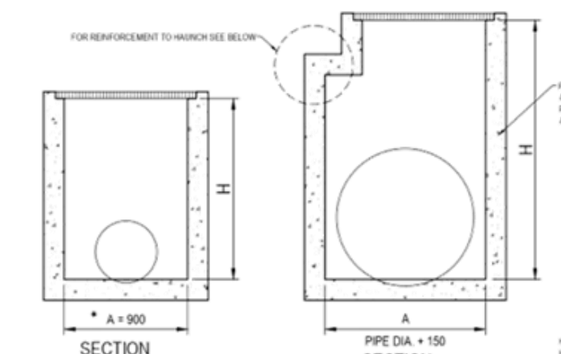
Drawn	Designed	Date
M.Cerna	T.Chan	MAR 19
Checked	Approved	Scale @A1
T.Chan	A.Francis	1:50

Drawing number: 19133_DA_C110
Revision: 05

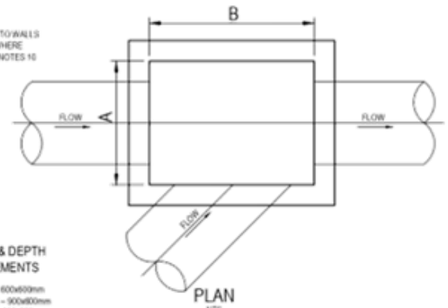
TYPICAL PIT CHAMBER SIZES

IT IS THE CONTRACTORS RESPONSIBILITY TO SELECT PIT CHAMBER SIZE WITH REGARDS TO PIPE SIZE, DEPTH TO INVERT AND SKEW ANGLE. REFER SKETCHES BELOW.

1. SELECT PIT CHAMBER USING THE STEPS BELOW
2. SELECT PIT CHAMBER SIZE DEPENDING ON THE PIPE DIAMETERS
3. CHECK PIT CHAMBER SIZE TO SATISFY DEPTH TO INVERT REQUIREMENTS
4. CHECK PIT CHAMBER DIMENSIONS TO SATISFY THE SKEW ANGLE IN THE TABLE



FOR B = 600mm - MAX. SIDE ENTRY PIPE AT 45° SKEW = 225mm
FOR B = 900mm - MAX. SIDE ENTRY PIPE AT 45° SKEW = 375mm
FOR B = 1200mm - MAX. SIDE ENTRY PIPE AT 45° SKEW = 600mm
FOR B = 1500mm - MAX. SIDE ENTRY PIPE AT 45° SKEW = 825mm
FOR B = 1900mm - MAX. SIDE ENTRY PIPE AT 45° SKEW = 1050mm



2 PIT SIZE & DEPTH REQUIREMENTS

H = 0-900mm - AxB = 600x600mm
H = 900-1200mm - AxB = 900x900mm
H = >1200mm - AxB = 900x900mm

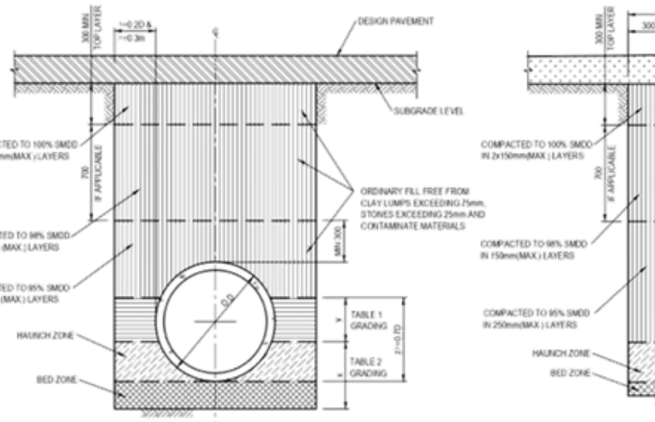
TABLE 1	
SIEVE SIZE (MM)	WEIGHT PASSING (%)
75.0	100
9.5	100 TO 50
2.36	100 TO 30
0.60	50 TO 15
0.075	25 TO 0

TABLE 2	
SIEVE SIZE (MM)	WEIGHT PASSING (%)
19.0	100
2.36	100 TO 50
0.60	90 TO 20
0.30	60 TO 10
0.15	25 TO 0
0.075	10 TO 0

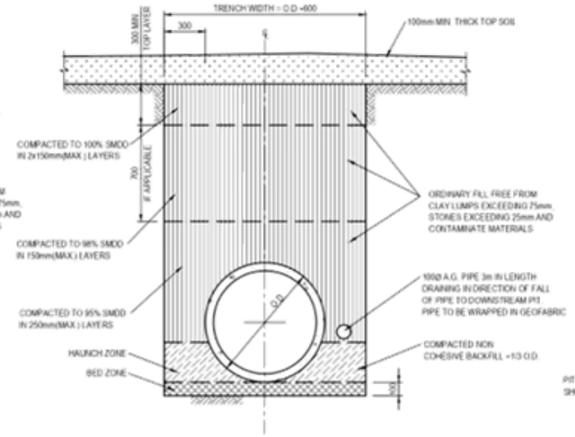
TABLE 3				
SUPPORT TYPE	BED ZONE 'X'	HAUNCH ZONE 'Y'	BED AND HAUNCH ZONES COMPACTION	MAX BEDDING FACTOR
HS1	100 IF D=<1500, OR 150 IF D>=1500	0.1D	50	2.0
HS2		0.3D	80	2.5
HS3		0.3D	70	4.0

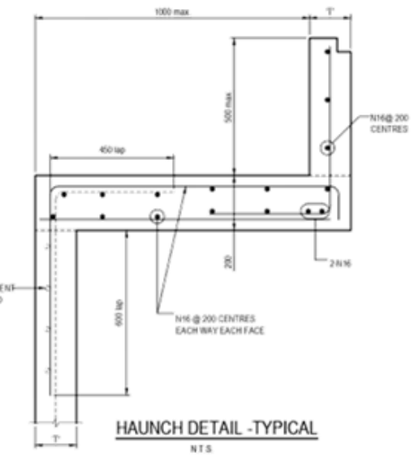
PIT LID SCHEDULE

PIT/STRUCTURE NUMBER	DESCRIPTION
A-1 B-1 C-1	1.2m KERB INLET PIT HEAVY DUTY CLASS 'D' IN ACCORDANCE WITH LOCAL COUNCIL'S REQUIREMENTS. PITS TO BE FITTED WITH OCEANGUARD PIT BASKET
A-2	JUNCTION PIT WITH 600x600 HEAVY DUTY SEALED LID CLASS 'D' IN ACCORDANCE WITH LOCAL COUNCIL'S REQUIREMENTS
A-3 A-4 A-5 A-6 A-7 A-8 A-10	JUNCTION PIT WITH 900x900 HEAVY DUTY SEALED LID CLASS 'D' IN ACCORDANCE WITH LOCAL COUNCIL'S REQUIREMENTS
A-9	SURFACE INLET PIT WITH HINGED 900x900 HEAVY DUTY GRATED LID CLASS 'D' IN ACCORDANCE WITH LOCAL COUNCIL'S REQUIREMENTS
A-11	PROPOSED HEADWALL
D-1	PROPOSED CUSTOM 6M WIDE, 2M LONG HEAVY DUTY GRATED DRAIN CLASS 'D' IN ACCORDANCE WITH LOCAL COUNCIL'S REQUIREMENTS.



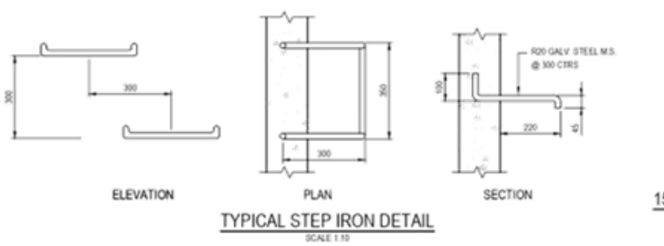
NOTE:
TYPE HS2 TO BE USED AS A TYPICAL SUPPORT FOR TRENCHES UNDER ROADWAY UNLESS SPECIFIED SEPERATELY

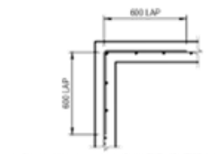


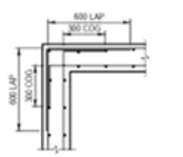


DRAINAGE NOTES:

1. ALL STORMWATER WORK TO COMPLY WITH AS 3500 PART 3.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE MINIMUM COVER OF 600mm ON ALL PIPES.
3. PROTECTION OF PIPES DUE TO LOADS EXCEEDING W7 WHEEL LOAD SHALL BE THE CONTRACTORS RESPONSIBILITY.
4. BEDDING TYPE SHALL BE TYPE H2 FOR RCP. WHERE NECESSARY THE OVERLAY ZONE SHALL BE REDUCED TO ACCOMMODATE PAVEMENT REQUIREMENTS. REFER TO THIS DRAWING FOR DETAILS.
5. MINIMUM COVER OVER EXISTING PIPES FOR PROTECTION DURING CONSTRUCTION SHALL BE 800mm.
6. NO CONSTRUCTION LOADS SHALL BE APPLIED TO PLASTIC PIPES.
7. FINISHED SURFACE LEVELS SHOWN ON LAYOUT PLAN DRGS TAKE PRECEDENCE OVER DESIGN DRAINAGE SURFACE LEVELS.
8. ALL PIPES UP TO AND INCLUDING 300 DIA. SHALL BE SOLVENT OR RUBBER RING JOINTED PVC CLASS SH PIPE TO AS1260. ALL OTHER PIPES TO BE RCP USING CLASS 2 RUBBER RING JOINTED PIPE. HARDIES FRC PIPE MAY BE USED IN LIEU OF RCP IF DESIRED IN GROUND. ALL AERIAL PIPES TO BE PVC CLASS SH.
9. ALL PITS IN NON TRAFFICABLE AREAS TO BE PREFABRICATED POLYESTER CONCRETE "POLYCRETE" WITH "LIGHT DUTY" CLASS B GALV. MILD STEEL GRATING AND FRAME.
ALL PITS IN TRAFFICABLE AREAS (CLASS "D" LOADING MAX.) TO HAVE 150mm THICK CONCRETE WALLS AND BASE CAST IN SITU f'c=32 MPa. REINFORCED WITH N12-200 BOTH LOADING WAYS CENTRALLY PLACE U.N.O. ON SEPARATE DESIGN DRAWINGS IN THIS SET. GALV MILD STEEL GRATING AND FRAME TO SUIT DESIGN LOADING. PRECAST PITS RECTANGULAR OR CIRCULAR IN SHAPE, MAY BE USED IN LIEU AND SHALL COMPLY WITH RELEVANT AUSTRALIAN STANDARDS.
10. ALL PITS, GRATINGS AND FRAMES SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURERS SPECIFICATION AND TO BE IN ACCORDANCE WITH AS3500.3 AND AS3996
11. PIT CHAMBER DIMENSIONS ARE TO BE SELECTED TO SATISFY THE FOLLOWING:
- PIPE SIZE
- DEPTH TO INVERT
- SKEW ANGLE
REFER TYPICAL PIT CHAMBER DETAILS BELOW
IF PIT LID SIZE IS SMALLER THAN THE PIT CHAMBER SIZE THEN THE PIT LID IS TO BE CONSTRUCTED ON THE CORNER OF THE PIT CHAMBER WITH THE STEP IRONS DIRECTLY BELOW. ALTERNATIVELY THE PIT LID TO BE USED, IS TO BE THE SAME SIZE AS THE PIT CHAMBER.
12. FOR PIPE SIZES GREATER THAN Ø300mm, PIT FLOOR IS TO BE BENCHED TO FACILITATE FLOW.
13. GALVANISED STEP IRONS SHALL BE PROVIDED AT 300 CTS FOR PITS HAVING A DEPTH EXCEEDING 1200mm. SUBSOIL DRAINAGE PIPE SHALL BE PROVIDED IN PIPE TRENCHES ADJACENT TO INLET PITES. (MINIMUM LENGTH 3m)
14. ALL SUBSOIL PIPES SHALL BE 100mm SLOTTED PVC IN A FILTER SOCK, U.N.O. WITH 3m INSTALLED UPSTREAM OF ALL PITS.
15. ALL PIPEWORK SHALL HAVE MINIMUM DIAMETER 100.
16. MINIMUM GRADE FOR ROOFWATER DRAINAGE LINES SHALL BE 1%.
17. ALL PIPE JUNCTIONS AND TAPER UP TO AND INCLUDING 300 DIA. SHALL BE VIA PURPOSE MADE FITTINGS.
18. ALL ROOF DRAINAGE TO BE INSTALLED IN ACCORDANCE WITH AS3500, PART 3. TESTING TO BE UNDERTAKEN AND REPORTS PROVIDED TO THE SUPERINTENDENT.
19. LOCATION OF THE DIRECT DOWN PIPE CONNECTIONS MAY VARY ON SITE TO SUIT SITE CONDITIONS, WHERE CONNECTION SHOWN ON LONG SECTIONS CHAINAGES ARE INDICATIVE ONLY.
20. PITS IN EXCESS OF 1.5 m DEEP TO HAVE WALL AND FLOOR THICKNESS INCREASED TO 200mm. REINFORCED WITH N12@200 CTS CENTRALLY PLACED BOTH WAYS THROUGHOUT U.N.O ON SEPARATE DESIGN DRAWINGS IN THIS SET. IF DEPTH EXCEEDS 5m CONTACT ENGINEER.
21. SUBSOIL DRAINAGE LINES FOR LANDSCAPE AREA NOT SHOWN ON THESE DRAWINGS. REFER TO LANDSCAPING PLANS FOR DETAILS.
22. ALL STORMWATER PITS TO HAVE Ø100 uPVC SLOTTED SUBSOIL PIPES CONNECTED TO THEM. THESE SUBSOILS TO EXTEND 3m UPSTREAM OF THE PIT AT A MINIMUM GRADE.







FOR DA ONLY

REVISION	AMENDMENT	DRAWN	DESIGNED	DATE
04	ISSUED FOR DA	MS	MH	12.02.2021
03	ISSUED FOR DA	AK	MH	19.02.2020
02	ISSUED FOR DA	MH	MH	15.11.2019
01	ISSUED FOR DA	MC	MH	01.11.2019

Client: Restrifa & Partners
Architect: TEAM 2

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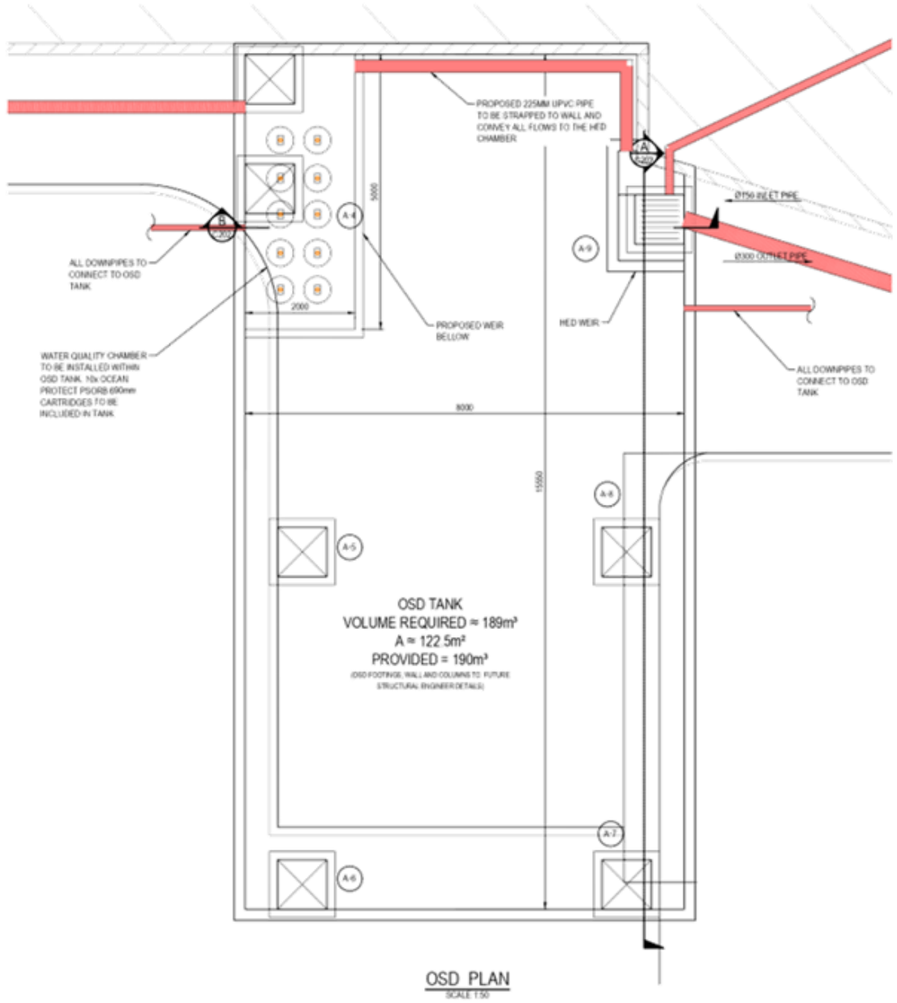
Project: MERRYLANDS RAC
535 MERRYLANDS RD, MERRYLANDS NSW

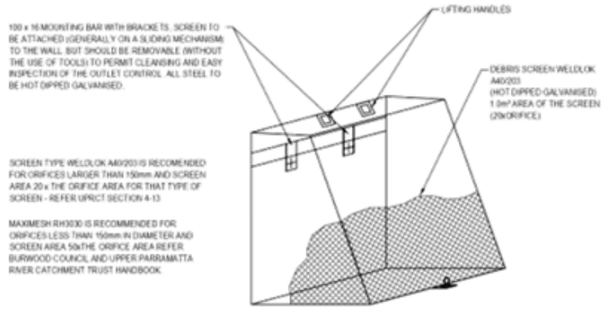
Title: STORMWATER MISCELLANEOUS DETAILS AND PIT LID SCHEDULE

Drawn	Designed	Date
M.Cerna	T.Chan	MAR 19
Checked	Approved	Scale @ A1
T.Chan	A.Francis	AS NOTED

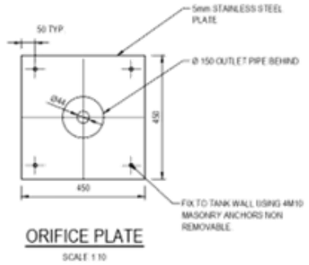
Drawing Number: 19133_DA_C200
Revision: 04



OSD PLAN
SCALE 1:50



DEBRIS SCREEN DETAIL
NOT TO SCALE
ALL STEEL TO BE HOT DIPPED GALVANISED



ORIFICE PLATE
SCALE 1:10

DANGER
CONFINED SPACE
NO ENTRY WITHOUT CONFINED SPACE TRAINING

NTS

A) A CONFINED SPACE DANGER SIGN SHALL BE POSITIONED IN A LOCATION SUCH THAT IT IS CLEARLY VISIBLE TO PERSONS PROPOSING TO ENTER THE BELOW GROUND TANKS/ CONFINED SPACE AT ALL ACCESS POINTS OF THE TANK/ CONFINED SPACE.

B) SIGN TO BE MINIMUM DIMENSIONS 250mm x 180mm ENTRIES I.E. GRATES, MANHOLES

C) SIGN SHALL BE MANUFACTURED FROM COLOUR BONDED METAL OR POLYPROPYLENE

D) SIGN SHALL BE AFFIXED TO A SURFACE WITH SCREWS AT EACH CORNER.

NOTE: ALL WALLS FORMING THE DETENTION TANK SHALL WE CONSTRUCTED WHOLLY WITHIN THE BOUNDARY OF THE SITE

SCALE 1:10

SCALE 1:50

FOR DA ONLY

REVISION	AMENDMENT	DRAWN	DESIGNED	DATE
05	ISSUED FOR DA	NH	NH	12.04.2021
04	ISSUED FOR DA	MS	NH	12.03.2021
03	ISSUED FOR DA	NH	NH	17.12.2019
02	ISSUED FOR DA	NH	NH	19.11.2019
01	ISSUED FOR DA	MC	NH	01.11.2019

Client: Restrifa & Partners
Architect: TEAM 2

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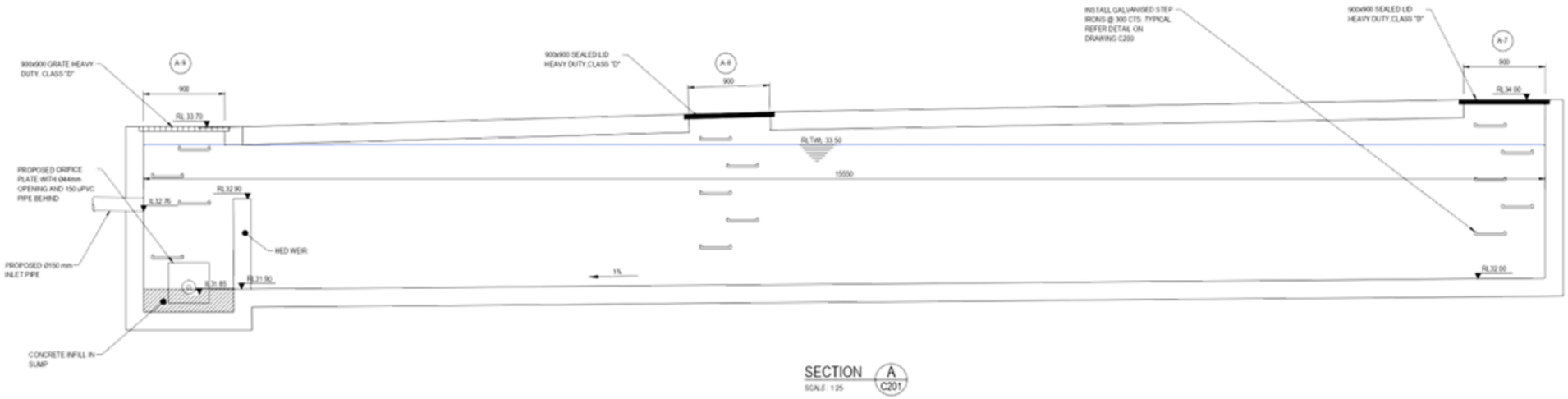
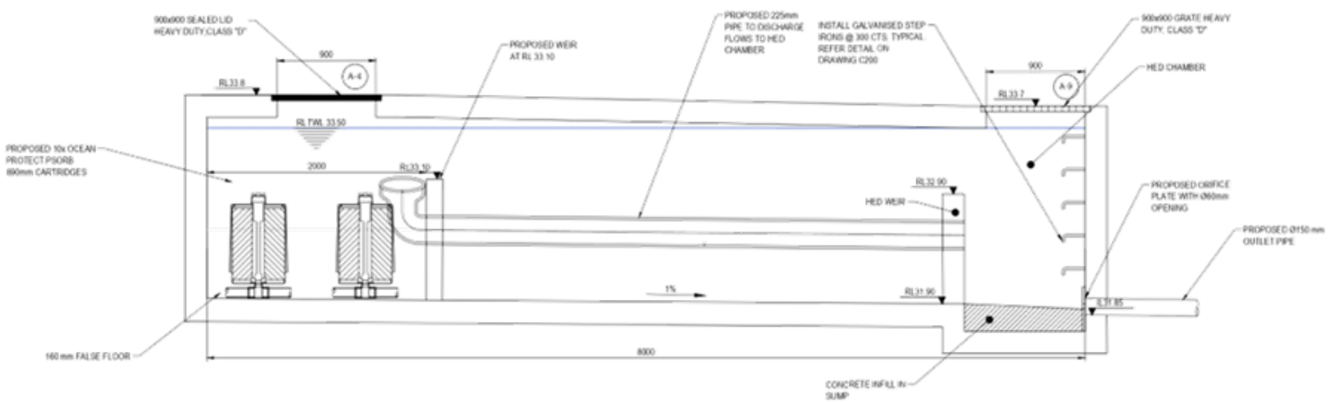
Project: MERRYLANDS RAC
535 MERRYLANDS RD, MERRYLANDS NSW
Title: OSD SECTIONS AND DETAILS
SHEET 1 OF 2

Drawn	Designed	Date
M Cerna	T Chan	MAR 19
Checked	Approved	Scale @A1
T Chan	A.Francis	AS NOTED

Drawing number: 19133_DA_C201
Revision: 05



SECTION A
SCALE: 1:25
C201



SECTION B
SCALE: 1:25
C201

0 500 1000 1500 2000 2500mm
500 300 100
SCALE 1:25

FOR DA ONLY

REVISION	AMENDMENT	DRAWN	DESIGNED	DATE
05	ISSUED FOR DA	MH	MH	7/04.2021
04	ISSUED FOR DA	MS	MH	7/20.2021
03	ISSUED FOR DA	MH	MH	17.12.2019
02	ISSUED FOR DA	MH	MH	15.11.2019
01	ISSUED FOR DA	MC	MH	01.11.2019

Client: Restrifa & Partners
Architect: TEAM 2

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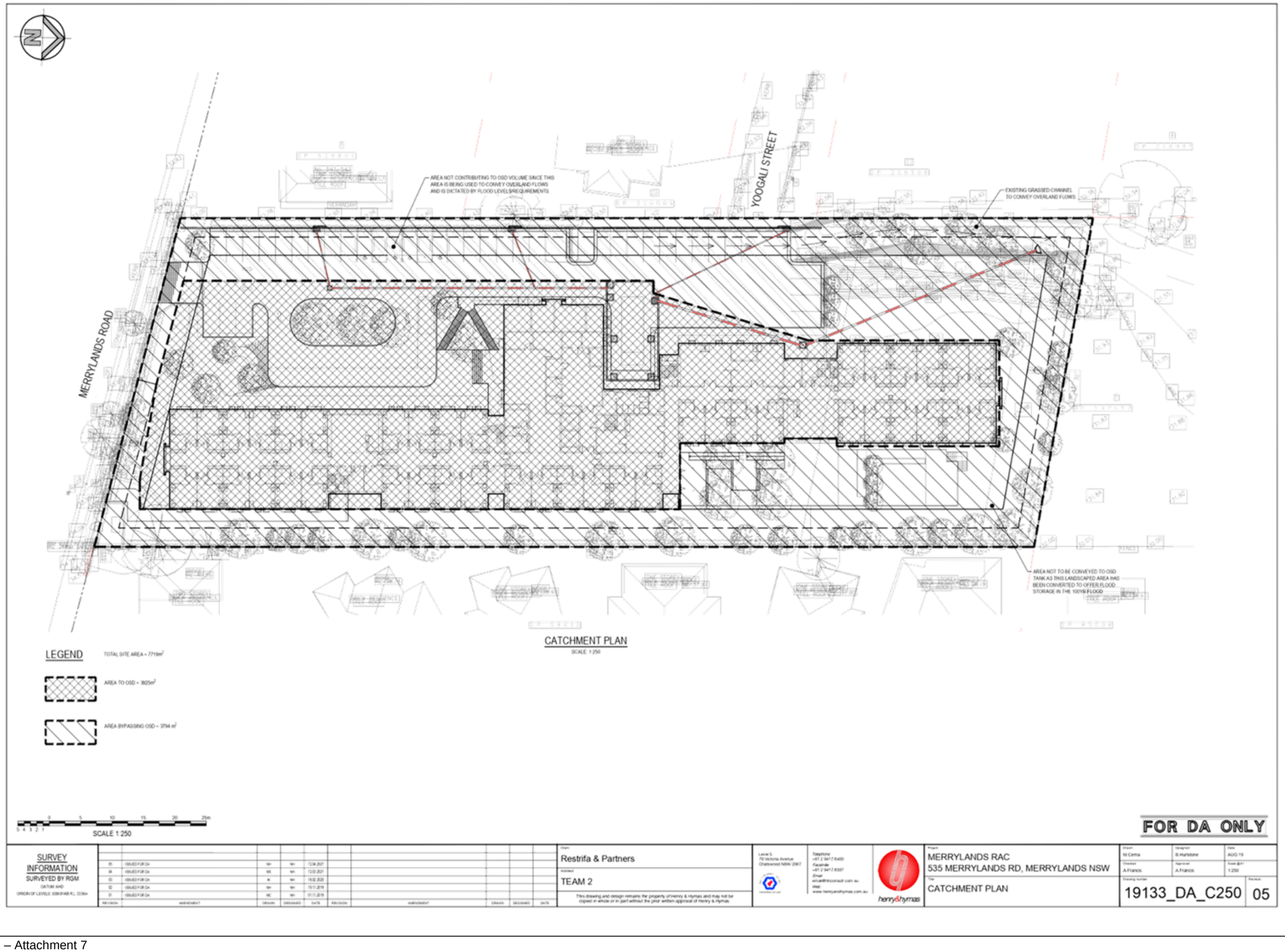
Project: MERRYLANDS RAC
535 MERRYLANDS RD, MERRYLANDS NSW

Title: OSD SECTIONS AND DETAILS
SHEET 2 OF 2

Drawn	Designed	Date
M.Cerna	T.Chan	MAR.19
Checked	Approved	Scale @ A1
T.Chan	A.Francis	1:25

Drawing Number: 19133_DA_C202
Revision: 05


N
MERRYLANDS ROAD
YOOGALI STREET
AREA NOT CONTRIBUTING TO OSD VOLUME SINCE THIS AREA IS BEING USED TO CONVEY OVERLAND FLOWS AND IS DICTATED BY FLOOD LEVELS REQUIREMENTS
EXISTING GRASSED CHANNEL TO CONVEY OVERLAND FLOWS
AREA NOT TO BE CONVEYED TO OSD TANK AS THIS LANDSCAPED AREA HAS BEEN CONVERTED TO OFFER FLOOD STORAGE IN THE 100YR FLOOD
CATCHMENT PLAN
SCALE 1:250
LEGEND
TOTAL SITE AREA = 7719m²
AREA TO OSD = 3925m²
AREA BYPASSING OSD = 3794 m²
0 5 10 15 20 25m
5 4 3 2 1
SCALE 1:250
FOR DA ONLY
SURVEY INFORMATION
SURVEYED BY RGM
DATUM: AHD
ORIGIN OF LEVELS: SSM 8468 R.L. 33.56m
15 ISSUED FOR DA YH YH 12.04.2021
14 ISSUED FOR DA MS YH 12.03.2021
13 ISSUED FOR DA K YH 19.02.2020
12 ISSUED FOR DA YH YH 19.11.2019
11 ISSUED FOR DA MC YH 01.11.2019
REVISION AMENDMENT DRAWN DESIGNED DATE
Client: Restrifa & Partners
Architect: TEAM 2
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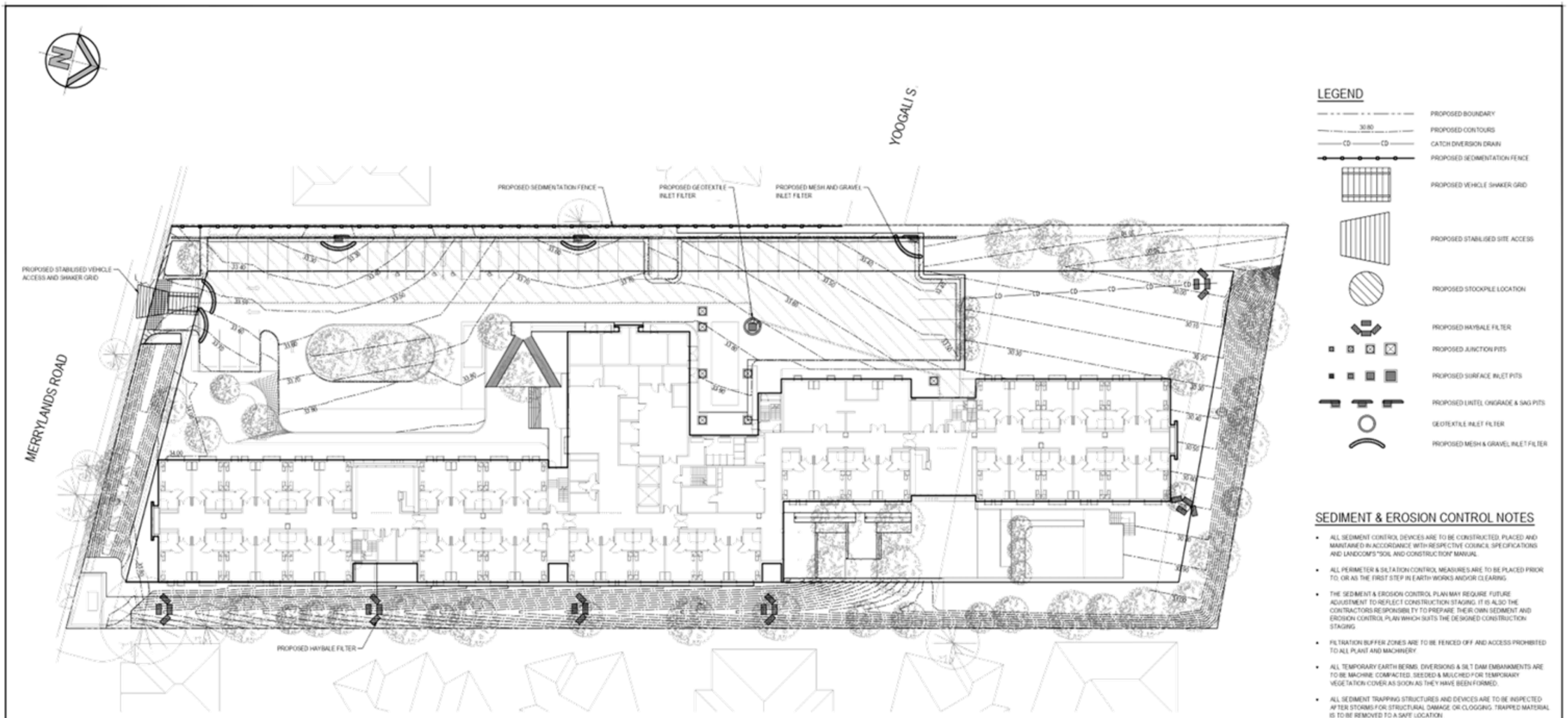
henry&hymas
Project: MERRYLANDS RAC
535 MERRYLANDS RD, MERRYLANDS NSW
Title: CATCHMENT PLAN
Drawn: M.Cema
Designed: S.Hurlstone
Date: AUG.19
Checked: A.Franos
Approved: A.Franos
Scale @ A1: 1:250
Drawing number: 19133_DA_C250
Revision: 05



SEDIMENT AND EROSION CONTROL PLAN

SCALE 1:250

SEDIMENT & EROSION CONTROL NOTES

- ALL SEDIMENT CONTROL DEVICES ARE TO BE CONSTRUCTED, PLACED AND MAINTAINED IN ACCORDANCE WITH RESPECTIVE COUNCIL SPECIFICATIONS AND LANDCOM'S "SOIL AND CONSTRUCTION" MANUAL.
- ALL PERIMETER & SILTATION CONTROL MEASURES ARE TO BE PLACED PRIOR TO, OR AS THE FIRST STEP IN EARTH WORKS AND/OR CLEARING.
- THE SEDIMENT & EROSION CONTROL PLAN MAY REQUIRE FUTURE ADJUSTMENT TO REFLECT CONSTRUCTION STAGING. IT IS ALSO THE CONTRACTORS RESPONSIBILITY TO PREPARE THEIR OWN SEDIMENT AND EROSION CONTROL PLAN WHICH SUITS THE DESIGNED CONSTRUCTION STAGING.
- FILTRATION BUFFER ZONES ARE TO BE FENCED OFF AND ACCESS PROHIBITED TO ALL PLANT AND MACHINERY.
- ALL TEMPORARY EARTH BERMS, DIVERSIONS & SILT DAM EMBANKMENTS ARE TO BE MACHINE COMPACTED, SEEDED & MULCHED FOR TEMPORARY VEGETATION COVER AS SOON AS THEY HAVE BEEN FORMED.
- ALL SEDIMENT TRAPPING STRUCTURES AND DEVICES ARE TO BE INSPECTED AFTER STORMS FOR STRUCTURAL DAMAGE OR CLOGGING. TRAPPED MATERIAL IS TO BE REMOVED TO A SAFE LOCATION.
- ALL TOPSOIL IS TO BE STOCKPILED ON SITE FOR REUSE (AWAY FROM TREES AND DRAINAGE LINES). MEASURES SHALL BE APPLIED TO PREVENT EROSION OF THE STOCKPILES.
- ALL EARTHWORK AREAS SHALL BE ROLLED EACH EVENING TO SEAL THE EARTHWORKS.
- ALL FILLS ARE TO BE LEFT WITH A LIP AT THE TOP OF THE SLOPE AT THE END. ALL CUT AND FILL SLOPES ARE TO BE SEEDED AND STRAW MULCHED WITHIN 14 DAYS OF COMPLETION OF FORMATION U.N.O. BY LANDSCAPE ARCHITECTS.
- UPON COMPLETION OF ALL EARTHWORKS OR AS DIRECTED BY COUNCIL SOIL CONSERVATION TREATMENTS SHALL BE APPLIED SO AS TO RENDER AREAS THAT HAVE BEEN DISTURBED, EROSION PROOF WITHIN 14 DAYS.
- EROSION AND SILT PROTECTION MEASURES ARE TO BE MAINTAINED AT ALL TIMES.

0 5 10 15 20 25m
5 4 3 2 1
SCALE 1:250

FOR DA ONLY

SURVEY INFORMATION
SURVEYED BY RGM
DATUM: AHD
ORIGIN OF LEVELS: SSM (PAB R.L. 33.56m

REVISION	AMENDMENT	DRAWN	DESIGNED	DATE
04	ISSUED FOR DA	MS	NH	12.03.2021
03	ISSUED FOR DA	NH	NH	19.11.2019
02	ISSUED FOR DA	NH	NH	19.11.2019
01	ISSUED FOR DA	JK	NH	01.11.2019

Client: Restrifa & Partners
Architect: TEAM 2

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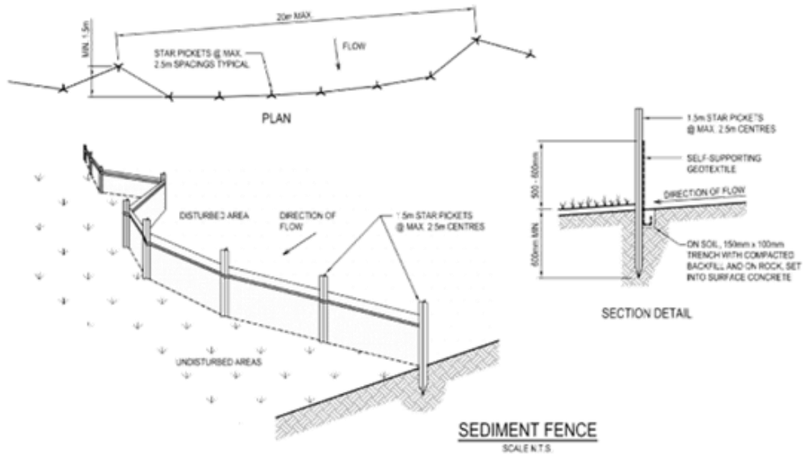
Project: MERRYLANDS RAC
535 MERRYLANDS RD, MERRYLANDS NSW
Title: SEDIMENT AND EROSION CONTROL PLAN

Drawn	Designed	Date
N Cerna	T Chan	MAR 19
Checked	Approved	Scale @A1
T Chan	A Francis	1:250

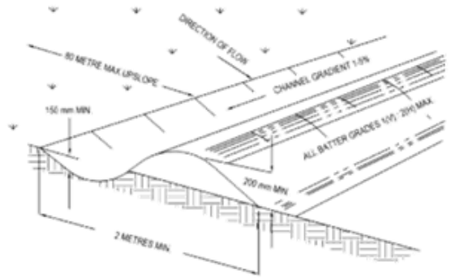
Drawing number: 19133_DA_SE01
Revision: 04



SEDIMENT FENCE
SCALE N.T.S.

SEDIMENT FENCE CONSTRUCTION NOTES:

1. CONSTRUCT SEDIMENT FENCES AS CLOSE AS POSSIBLE TO BEING PARALLEL TO THE CONTOURS OF THE SITE, BUT WITH SMALL RETURNS AS SHOWN IN THE DRAWING TO LIMIT THE CATCHMENT AREA OF ANY ONE SECTION. THE CATCHMENT AREA SHOULD BE SMALL ENOUGH TO LIMIT WATER FLOW IF CONCENTRATED AT ONE POINT TO 50 LITRES PER SECOND IN THE DESIGN STORM EVENT, USUALLY THE 10-YEAR EVENT.
2. CUT A 150mm DEEP TRENCH ALONG THE UPSLOPE LINE OF THE FENCE FOR THE BOTTOM OF THE FABRIC TO BE ENTRENCHED.
3. 3. DRIVE 1.5m LONG STAR PICKETS INTO GROUND @ 2.5m INTERVALS (MAX.) AT THE DOWNSLOPE EDGE OF THE TRENCH. ENSURE ANY STAR PICKETS ARE FITTED WITH SAFETY CAPS.
4. 4. FIX SELF-SUPPORTING GEOTEXTILE TO THE UPSLOPE SIDE OF THE POSTS ENSURING IT GOES TO THE BASE OF THE TRENCH. FIX THE GEOTEXTILE WITH WIRE TIES OR AS RECOMMENDED BY THE MANUFACTURER. ONLY USE GEOTEXTILE SPECIFICALLY PRODUCED FOR SEDIMENT FENCING. THE USE OF SHADE CLOTH FOR THIS PURPOSE IS NOT SATISFACTORY.
5. 5. JOIN SECTIONS OF FABRIC AT A SUPPORT POST WITH A 150mm OVERLAP. 6. BACKFILL THE TRENCH OVER THE BASE OF THE FABRIC AND COMPACT IT THOROUGHLY OVER THE GEOTEXTILE.

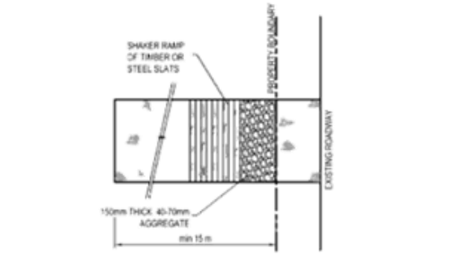


NOTE: ONLY TO BE USED AS TEMPORARY BANK WHERE MAC UPSLOPE LENGTH IS 80 METERS.

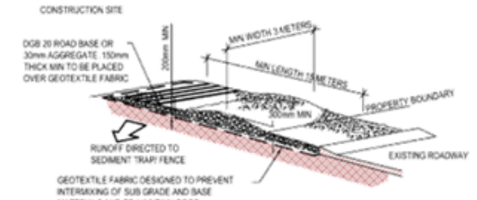
CATCH DRAIN CONSTRUCTION NOTES:

1. CONSTRUCT ALONG GRADIENT AS SPECIFIED.
2. MAXIMUM SPACING BETWEEN BANKS SHALL BE 80 METRES.
3. DRAINS TO BE OF PARABOLIC OR TRAPEZOIDAL CROSS SECTION NOT V-SHAPED.
4. EARTH BANKS TO BE ADEQUATELY COMPACTED IN ORDER TO PREVENT FAILURE.
5. CONSTRUCTION IS OF A TEMPRORARY NATURE AND SHALL BE COMPACTED AT THE END A DAYS WORK OR IMMEDIATELY PRIOR RAIN.
6. ALL OUTLETS FROM DISTURBED LANDS ARE TO FEED INTO SEDIMENT BASIN OR SIMILAR.
7. DISCHARGE RUNOFF COLLECTED FROM UNDISTURBED LANDS ONTO EITHER A STABILISED OR AN UNDISTURBED DISPOSAL AISTE WITHIN THE SAME SUBCATCHMENT AREA FROM WHICH THE WATER ORIGINATED.
8. COMPACT WITH A SUITABLE IMPLEMENT IN SITUATIONS WHERE THEY ARE REQUIRED TO FUNCTION FOR MORE THAN FIVE DAYS.
9. EARTH BANKS TO BE FREE OF PROJECTIONS OR OTHER IRREGULARITIES THAT WILL IMPEDE NORMAL FLOW.

CATCH DRAINS SD 5-8
SCALE N.T.S.



PLAN
STABILISED SITE ACCESS WITH SHAKER RAMP
N.T.S.



GEOTEXTILE MAY BE A WOVEN OR NEEDLE PUNCHED PRODUCT WITH A MINIMUM CBR BURST STRENGTH (AS3726.4-90) OF 2500 N

STABILISED SITE ACCESS WITH SHAKER RAMP
N.T.S.

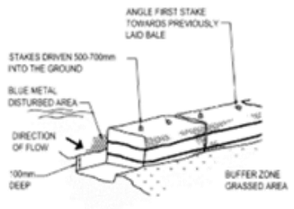
NOTES:

1. THIS DEVICE IS TO BE LOCATED AT ALL EXITS FROM CONSTRUCTION SITE.
2. THIS DEVICE IS TO BE REGULARLY CLEANED OF DEPOSITED MATERIAL SO AS TO MAINTAIN A 50mm DEEP SPACE BETWEEN PLANKS.
3. ANY UNSEALED ROAD BETWEEN THIS DEVICE AND NEAREST ROADWAY IS TO BE TOPPED WITH 100mm THICK 40-70mm SIZE AGGREGATE.
4. ALTERNATIVELY, THREE(3) PRECAST CONCRETE CATTLE GRIDS (AS MANUFACTURED BY "HUMES CONCRETE MAY BE USED. 1, 2 & 3 ABOVE ALSO APPLY.

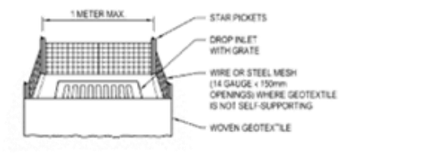
CONSTRUCTION SEQUENCE

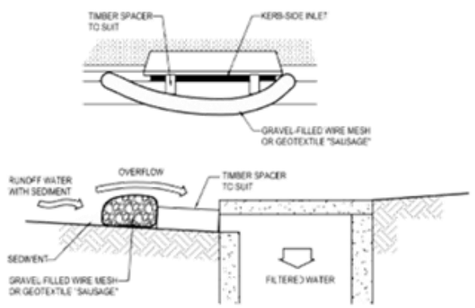
WORKS SHALL BE UNDERTAKEN IN THE FOLLOWING SEQUENCE:

1. INSTALL SEDIMENT FENCING AND CUT DRAINS TO MEET THE REQUIREMENTS OF THE SEDIMENT AND EROSION CONTROL PLAN. WASTE COLLECTION BINS SHALL BE INSTALLED ADJACENT TO SITE OFFICE.
2. CONSTRUCT STABILISED SITE ACCESS IN ACCORDANCE WITH BLACKTOWN CITY COUNCIL'S REQUIREMENTS.
3. REDIRECT CLEAN WATER AROUND THE CONSTRUCTION SITE.
4. INSTALL SEDIMENT CONTROL PROTECTION MEASURES AT ALL NATURAL AND MAN-MADE DRAINAGE STRUCTURES. MAINTAIN UNTIL ALL THE DISTURBED AREAS ARE STABILISED.
5. CLEAR AND STRIP THE WORK AREAS. MINIMISE THE DAMAGE TO THE GRASS AND LOW GROUND COVER OF NON-DISTURBED AREAS.
6. ANY DISTURBED AREAS, OTHER THAN BUILDING PAD AREAS, SHALL IMMEDIATELY BE COVERED WITH SITE TOPSOIL WITHIN 7 DAYS OF CLEARING. BUILDING PAD AREAS SHALL BE COVERED WITH BITUMEN EMULSION AS SPECIFIED.
7. APPLY PERMANENT STABILISATION TO SITE (LANDSCAPING).



HAYBALE BARRIERS
N.T.S.

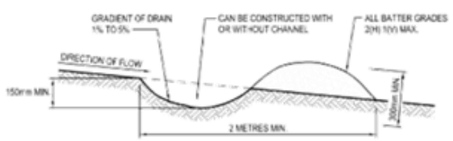




MESH & GRAVEL INLET FILTER CONSTRUCTION NOTES:

1. FABRICATE A SLEEVE MADE FROM GEOTEXTILE OR WIRE MESH LONGER THAN THE LENGTH OF THE INLET PIT AND FILL IT WITH 25mm TO 50mm GRAVEL.
2. FORM AN ELLIPTICAL CROSS-SECTION ABOUT 150mm HIGH x 400mm WIDE.
3. PLACE THE FILTER AT THE OPENING LEAVING AT LEAST A 100mm SPACE BETWEEN IT AND THE KERB INLET. MAINTAIN THE OPENING WITH SPACER BLOCKS.
4. FORM A SEAL WITH THE KERB TO PREVENT SEDIMENT BYPASSING THE FILTER.
5. SANDBAGS FILLED WITH GRAVEL CAN SUBSTITUTE FOR THE MESH OR GEOTEXTILE PROVIDING THEY ARE PLACED SO THAT THEY CAN FIRMLY ABUT EACH OTHER AND SEDIMENT LADEN WATERS CANNOT PASS BETWEEN.

MESH & GRAVEL INLET FILTER
SCALE N.T.S.

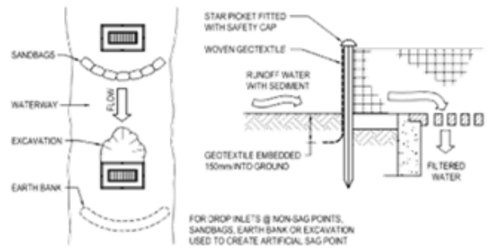


NOTE: ONLY TO BE USED AS TEMPORARY BANK WHERE MAXIMUM UPSLOPE LENGTH IS 80 METRES.

EARTH BANK CONSTRUCTION NOTES:

1. BUILD WITH GRADIENTS BETWEEN 1% AND 5%.
2. AVOID REMOVING TREES AND SHRUBS IF POSSIBLE - WORK AROUND THEM.
3. ENSURE THE STRUCTURES ARE FREE OF PROJECTIONS OR OTHER IRREGULARITIES THAT COULD IMPEDE WATER FLOW.
4. BUILD THE DRAINS WITH CIRCULAR, PARABOLIC OR TRAPEZOIDAL CROSS-SECTIONS, NOT "V" SHAPED.
5. ENSURE BANKS ARE PROPERLY COMPACTED TO PREVENT FAILURE.
6. COMPLETE PERMANENT OR TEMPORARY STABILISATION WITHIN 10 DAYS OF CONSTRUCTION.

EARTH BANK (LOW FLOW)
SCALE N.T.S.



FOR DROP INLET'S @ NON-SAG POINTS, SANDBAGS, EARTH BANK OR EXCAVATION USED TO CREATE ARTIFICIAL SAG POINT

GEOTEXTILE INLET FILTER CONSTRUCTION NOTES:

1. FABRICATE A SEDIMENT BARRIER MADE FROM GEOTEXTILE.
2. PICKET SPACING TO BE MAXIMUM 1.0m.
3. IN WATERWAYS, ARTIFICIAL SAG POINTS CAN BE CREATED WITH SANDBAGS OR EARTH BANKS AS SHOWN IN THE DRAWING.
4. DO NOT COVER THE INLET WITH GEOTEXTILES UNLESS THE DESIGN IS ADEQUATE TO ALLOW FOR ALL WATERS TO BYPASS IT.

GEOTEXTILE INLET FILTER
SCALE N.T.S.

FOR DA ONLY

REVISION	AMENDMENT	DRAWN	DESIGNED	DATE
01	ISSUED FOR DA	JK	NH	01.11.2019

Client: Restrifa & Partners
Architect: TEAM 2

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henry&hymas

Project: MERRYLANDS RAC
535 MERRYLANDS RD, MERRYLANDS NSW

Title: SEDIMENT AND EROSION CONTROL TYPICAL SECTIONS AND DETAILS

Drawn	Designed	Date
M.Gerna	T.Chan	MAR 19
Checked	Approved	Scale @A1
T.Chan	A.Francis	NTS

Drawing number: 19133_DA_SE02
Revision: 01

DOCUMENTS ASSOCIATED WITH REPORT LPP015/21

Attachment 8

Stormwater Report

CIVIL ENGINEERING
STORMWATER REPORT
PROPOSED AGED CARE DEVELOPMENT
535 MERRYLANDS RD, MERRYLANDS, NSW

Development Application Submission
Revision 04
April 2021

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CHATSWOOD NSW 2067
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Fax: (02) 9417 8337
Our Job No. 19133
E-mail: email@hhconsult.com.au

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APPENDIX A: DEVELOPMENT APPLICATION DRAWINGS
APPENDIX B: SITE SURVEY
APPENDIX C: MAINTENANCE SCHEDULE

1. INTRODUCTION

1.1 General

This report has been prepared to support the Development Application for the proposed Aged Care Development at 545 Merrylands Rd, Merrylands, NSW. This report has been prepared in accordance with Cumberland Council's DCP and flood requirements (as outlined in Holroyd Development Control plan – Part A General Controls 2013). TUFLOW modelling has been undertaken by Quantum Engineers, which supersedes the HEC-RAS modelling which was prepared as part of the original DA submission. Refer to the TUFLOW flood report by Quantum Engineers for further details. Additionally, this report has been prepared to demonstrate that Council's on-site detention and water quality requirements have been met.

1.2 Background

The site is located at 535 Merrylands Rd, Merrylands and has a total site area of 7719m^2. The site is bordered by residential properties on the western and eastern side, as well as Yogali road reserve along the western boundary. There is no current vehicular access to the site from Yogali Street, however the piped and overland stormwater from Yogali Street does discharge through the site.

In addition to the 375mm pipe discharging flows from Yogali Street, a 1500mm pipe also connects to the existing grassed channel running adjacent to the western boundary within the site. Refer to Figure 1.3 below for an overview of the site and the existing stormwater connections.

1.3 The Existing Site

The existing site consists of a single residential building, with the majority of the site undeveloped and grassed. There is an existing grassed channel running adjacent to the western boundary, which conveys stormwater flows from the upstream catchment. This grassed channel is not recognised as a watercourse by Water NSW. The site generally grades to the North-West Corner at approximately 1-4% gradient.

Figure 1.3 The site

1.4 The Proposed Development

The proposed development consists of a residential aged care facility, with a suspended ground floor level and external on-grade car parking. The proposed site also includes a large landscaped area dedicated to flood storage. Refer to Appendix A for a set of the civil engineering Development Application drawings.

2. COUNCIL LETTER DATED 09 OCT 2020

Refer to the below excerpt from Council's letter dated 9th of October 2020, which outlines outstanding flood related issues with the proposed development.

> *The subject site is identified as a flood control lot on Council's Mapping System. The subject Da has been accompanied by Stormwater and Flood Report prepared by Henry & Hymas Consulting*

Engineers Pty Ltd, dated February 2020; which was prepared base don flood levels outlined in Council's Flood Advice Letter dated 25 February 2019. It is outlined in Council's Flood Advice Letter that 'flood levels are not static due to changing circumstances (eg revision of flood model) and accordingly, the flood levels provided is only valid for six (6) months from the date of issue. In this regard, the proposal has been designed to outdated flood levels.

Given the above advice from Council, in addition to advice given after further consultation that was made with Council, it was decided that in order to satisfy Council's flooding controls, TUFLOW modelling would be required to be undertaken for the development site. Council's catchment wide TUFLOW model, which was prepared by Lyall and Associates, has been used as a base for the site-specific TUFLOW model (prepared by Quantum Engineers) to ensure proper calibration of the proposed flood model with Council's existing flood model. Refer to the TUFLOW flood report by Quantum Engineers for further details.

3. TUFLOW MODELLING

TUFLOW modelling has been undertaken by Quantum Engineers in order to demonstrate that Council's requirements and controls in relation to flooding have been satisfied. The TUFLOW modelling is proposed to supersede the HEC-RAS modelling which was previously undertaken by Henry & Hymas. Refer to the report by Quantum Engineers which addresses the following flood controls/items:

- Finished Floor Level (FFL) and minimum freeboard requirement of 500mm from the 100yr ARI flood levels.
- FFL in relation to the probable maximum flood (PMF) level.
- Flood impacts on neighbouring or downstream properties in the 100yr ARI flood event.
- The suitability of the development in reference to the medium/high hazard flood affected areas within the site.

4. PROPOSED CULVERT

A culvert has been proposed to convey the overland flows through the site given the large catchment area and significant flow rate in the 100yr storm. It is not expected that a safe velocity/depth ratio can be achieved through the car park if flows are to be conveyed overland through the site, nor can the appropriate freeboard be achieved if this design approach is taken.

An 8m wide culvert has therefore been proposed to discharge the flows through the site, with the culvert being converted to a grassed channel in the northern (downstream) portion of the site. Refer to the civil drawings included within Appendix A for more details.

An open grassed channel along the southern boundary has been proposed in order to ensure that the flows drop down into the culvert without affecting the flood levels upstream of the site within Merrylands Road. A driveway/ vehicular crossing is proposed to connect to Merrylands Road as a part of the development. In order to ensure that flows are not directed through the external car park, a full width grated drain 2m in length has been provided along the boundary. Refer to the spreadsheet titled *Generic Pits spreadsheet* which has been included as a part of this DA submission, which demonstrates that the 6m wide, 2m long grated drain has the inlet capacity to ensure all flows in the 100yr storm (for the 6m

grate width) can discharge to the culvert below. The spreadsheet and inlet capacity calculations are based on the parameters below:

Grate width = 6m
Grate length = 2m
Overland flow conveyed through upstream end of site = 43.5m^3/s
Existing flow width upstream of the site = 50m
Percentage of flow within the 6m grate width (conservative) = 25%
Estimated flow over grate = 10.9 m^3/s

The attached spreadsheet demonstrates that with a flow rate of 10.9m^3/s, the proposed grate has an inlet capacity of approximately 100%.

5. ON-SITE DETENTION (OSD) TANK

Refer to drawing C201, C202 and C100 within Appendix A for the on-site detention tank details. The tank size has been provided in accordance with Council's volume requirement of 470m3 per hectare.

Although the site area is 7719m2, a large portion of the site has been dedicated to provide flood storage and because Council also require the OSD tank to be above the 100yr flood level, these flood storage areas cannot be conveyed to the OSD tank. Refer to Drawing C250 within Appendix A showing the catchment to the OSD tank. The OSD tank has a catchment area of 3925m^2, which gives a total OSD volume requirement of 189m^3.

The invert of the OSD tank is set at IL 31.90m. The OSD tank discharges to the grassed swale at the downstream end of the site, which has a 100yr flood level of 31.80 (refer to table 5.4). It can thus be demonstrated that the OSD tank has been set above the 100yr flood level and is in accordance with Council's requirements.

Refer to the below spreadsheet, which was used in order to size the OSD tank in accordance with Council's requirements.

DRAINAGE DESIGN SUMMARY

Project:	OSD	SUB/DA No.:	#
Location:	535 Merryland Rd Merrylands	Client:	

PRELIMINARY DESIGN:						
Site area:			=	0.3925	ha	[A]
Basic storage volume:	470	x [A]	=	184.5	cu.m	[B]
Basic discharge:	0.080	x [A]	=	0.0314	cu.m/s	[C]
Area of site drained to storage:			=	0.3925	ha	[D]
Proportion of site stored:		[D] / [A] x 100	=	100	%	[E]
Storage per ha of contributing area:		[B] / [D]	=	470	cu.m/ha	[F]
Adjusted PSD:			=	11.5	l/s/ha	[G]
Final PSD:		[G] x [D]	=	4.52	l/s	[H]
DESIGN DCP:						
Maximum area draining to DCP			=	0.3925	ha	
Rainfall intensity for site,	ARI= 100		=	224.2	mm/hr	
Peak discharge to DCP	C= 1	Qmax	=	0.244	cu.m/s	
Peak flow over weir to primary storage		Qw	=	0.240	cu.m/s	
Width of weir		L	=	2.400	m	
Design flow over weir	ARI= 100	Q	=	0.240	cu.m/s	
Height of flow over weir in DCP		h= (Qw/CL)^0.66	=	0.157	m	
Maximum head to orifice centre:		Hmax	=	1.157	m	[K]
Head for high early discharge: (to weir crest)		Hmin	=	1.000		[M]
Selected orifice diameter:		(0.464 x Q / sqrt(h)) ^ 0.5	=	0.044	m	[J]
SCREEN DESIGN:						
Minimum screen area required (where orifice is <= 150mm):			=	0.077	sq.m	
Minimum screen area required (where orifice is > 150mm):			=	0.031	sq.m	
Diameter of Outlet pipe (D):			=	150	mm	
Height of Screen (Hmin + 0.5D):			=	1.075	m	
Minimum Width of Screen (where orifice is <= 150mm):			=	0.071	m	
Minimum Width of Screen (where orifice is > 150mm):			=	0.029	m	
Actual Width of Screen:			=	0.500	m	
Screen area provided:			=	0.538	sq.m	
REVISE SITE DISCHARGE:						
Maximum discharge:			=	4.52	l/s	[L]
High early discharge: (HED):		([L] x SQRT([M] / [K]))	=	4.20	l/s	[N]
Approximate mean discharge:		([L] + [N]) / 2	=	4.36	l/s	[P]
Average discharge / ha:		[P] / [D]	=	11.1	l/s/ha	[Q]
REVISE SITE STORAGE:						
Final storage volume per hectare:			=	482.5	cu.m/ha	[R]
Determine final SSR:		[R] x [D]	=	189.4	cu.m	[S]
SITE STORAGE: (See Figure 5.2)						
Primary storage proportion:	%[W]= 100	ARI= 100	=	189.4	cu.m	[T]
Secondary storage proportion:	%[W]= 0	ARI= 100	=	0.0	cu.m	[U]
Tertiary storage proportion:	%[W]= 0	ARI= 0	=		cu.m	[V]
Check storage:		[T] + [U] + [V]	=	189.4	cu.m	[W]

Signature:
Company: Henry & Hymas Pty Ltd

Date: 12/4/21

6. WATER QUALITY

Urban developments have the potential to increase gross pollutants, sediments, hydrocarbons and nutrient concentrations in stormwater runoff. To limit impact on the downstream water quality, water quality measures at source and end of line treatments will be provided. This section describes the specific implementation of these measures for the proposed development. Water quality treatment is a requirement of Cumberland Council, with Council's specific pollution reduction requirements set out in Table 10.0.

Water quality measures will be implemented for the site including 4 x Oceanguard pit baskets treating the external car park area, and 10x 690mm Psorb OceanProtect cartridges to treat the entire catchment that drains to the OSD tank.

The water quality modelling software program MUSIC has been used to establish the effectiveness of the water quality treatment proposal. MUSIC has been developed by the Cooperative Research Centre for Catchment Hydrology, and is designed as a planning tool for water quality treatment trains for catchment runoff. The program MUSIC is able to model pollutant loads present in stormwater runoff from a catchment and assess the effectiveness of different treatment devices in terms of pollutant load reduction.

Refer to Table 10.0 below which demonstrates that the development meets Council's pollution reduction requirements.

Pollutant	Sources	Residual Load	Reduction %	Target Reduction %
Total Suspended Solids (kg/yr)	719	107	85.1	85
Total Phosphorus (kg/yr)	1.31	0.335	74.4	60
Total Nitrogen (kg/yr)	9.37	4.64	50.5	45
Gross Pollutants (kg/yr)	96.2	0	100	90

Table 10.0 Total Pollutant loads and reductions

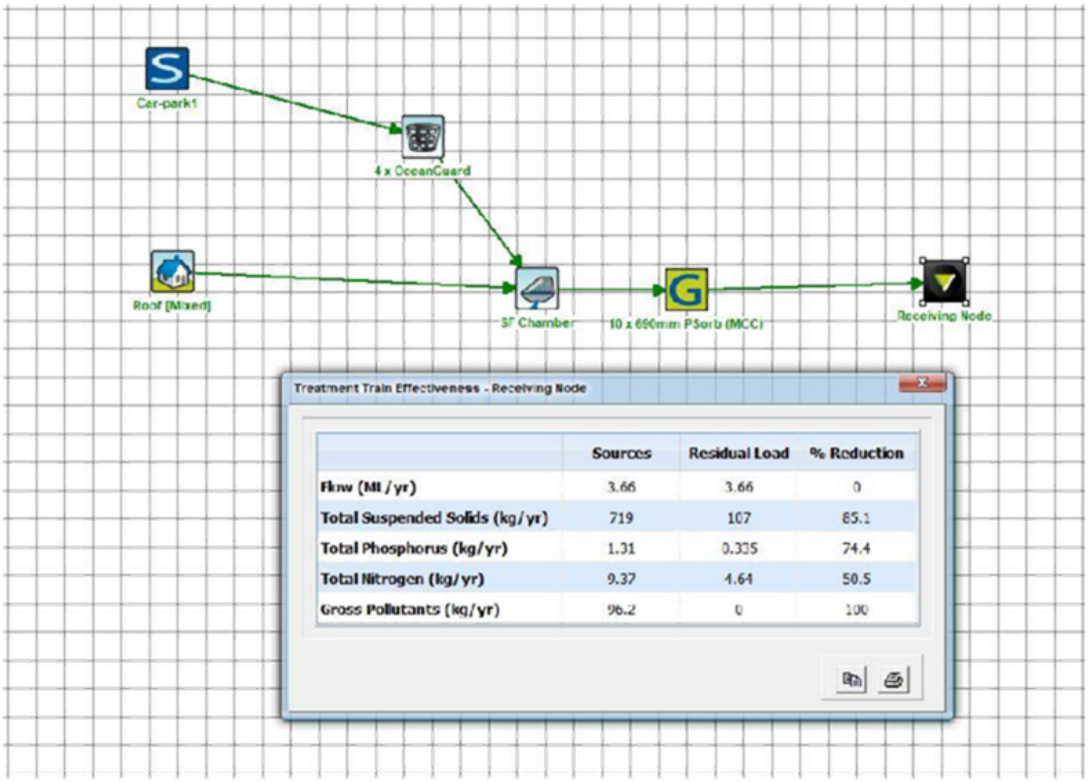

Figure 10.1 MUSIC modelling screenshot

7. WATER MANAGEMENT - SITE CONSTRAINTS AND OPPORTUNITIES

As shown on the survey plan and civil engineering plans, there is an existing grassed channel within the site which conveys overland flows from an upstream catchment. The northern bank of the grassed swale is proposed to remain, with the southern bank of the swale proposed to be removed. This will ensure that the eastern landscaped section of the site can act as flood storage, and to increase the capacity of the overland flow route in this area. This grassed channel is not recognised as a watercourse by Water NSW and thus there should be no restriction on proposing works to the channel.

The proposed developed is an opportunity for the overland flows to be conveyed more efficiently through the site via a concrete culvert (refer to the engineering plans in Appendix A) and lower the 100-year flood levels for the length of the site. Refer to the pre and post-development flood modelling reported by Quantum Engineers showing that the development has a net beneficial impact on neighbouring properties in the 100yr ARI event.

8. WATER CONSERVATION

No rainwater tanks or stormwater reuse systems are proposed for the development.

9. CONCLUSION

TUFLOW modelling has been undertaken by Quantum Engineers, which supersedes the HEC-RAS modelling which was prepared as part of the original DA submission. Refer to the TUFLOW flood report by Quantum Engineers for further details regarding flooding.

With the inclusion of an appropriately sized on-site detention tank and water quality treatment system in the stormwater design, it can be surmised that the development is in accordance with Council's DCP and stormwater requirements.

It should be noted that the results shown in this report are limited to use for Development Application purposes only. During the detailed design stages, a further refinement of the modelling based on the detail design of the development may be necessary.

10. APPENDICES

APPENDIX A: DEVELOPMENT APPLICATION DRAWINGS

PROPOSED AGED CARE DEVELOPMENT
535 MERRYLANDS ROAD, MERRYLANDS NSW
CIVIL ENGINEERING WORKS

GENERAL NOTES:

1. ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH CUMBERLAND COUNCIL'S SPECIFICATION. CONTRACTOR TO OBTAIN AND RETAIN A COPY ON SITE DURING THE COURSE OF THE WORKS.
2. ALL NEW WORKS ARE TO MAKE A SMOOTH JUNCTION WITH EXISTING CONDITIONS AND MARRY IN A 'WORKMANLIKE' MANNER.
3. THE CONTRACTOR IS TO VERIFY THE LOCATION OF ALL SERVICES WITH EACH RELEVANT AUTHORITY. ANY DAMAGE TO SERVICES SHALL BE RECTIFIED BY THE CONTRACTOR OR THE RELEVANT AUTHORITY AT THE CONTRACTOR'S EXPENSE. SERVICES SHOWN ON THESE PLANS ARE ONLY THOSE EVIDENT AT THE TIME OF SURVEY OR AS DETERMINED FROM SERVICE DIAGRAMS. H & H CONSULTING ENGINEERS PTY. LTD CANNOT GUARANTEE THE INFORMATION SHOWN NOR ACCEPT ANY RESPONSIBILITY FOR INACCURACIES OR INCOMPLETE DATA.
4. SERVICES & ACCESSES TO THE EXISTING PROPERTIES ARE TO BE MAINTAINED IN WORKING ORDER AT ALL TIMES DURING CONSTRUCTION.
5. ADJUST EXISTING SERVICE COVERS TO SUIT NEW FINISHED LEVELS TO RELEVANT AUTHORITY REQUIREMENTS WHERE NECESSARY.
6. REINSTATE AND STABILISE ALL DISTURBED LANDSCAPED AREAS.
7. MINIMUM GRADE OF SUBSOIL SHALL BE 0.5% (1:200) FALL TO OUTLETS.
8. ALL TEMPORARY SEDIMENT AND EROSION CONTROL DEVICES ARE TO BE CONSTRUCTED, PLACED AND MAINTAINED IN ACCORDANCE WITH THE TECHNICAL SPECIFICATIONS, EROSION AND SEDIMENTATION CONTROL PLAN AND CUMBERLAND COUNCIL'S REQUIREMENTS WHERE APPLICABLE.
9. CONTRACTOR TO CHECK AND CONFIRM SITE DRAINAGE CONNECTIONS ACROSS THE VERGE PRIOR TO COMMENCEMENT OF SITE DRAINAGE WORKS.
10. PROPERTIES AFFECTED BY THE WORKS ARE TO BE NOTIFIED IN ADVANCE WHERE DISRUPTION TO EXISTING ACCESS IS LIKELY.

EXISTING SERVICES & FEATURES

- THE CONTRACTOR SHALL ALLOW FOR THE CAPPING OFF, EXCAVATION AND REMOVAL (IF REQUIRED) OF ALL EXISTING SERVICES IN AREAS AFFECTED BY WORKS WITHIN THE CONTRACT AREA OR AS SHOWN ON THE DRAWINGS UNLESS DIRECTED OTHERWISE BY THE SUPERINTENDENT.
- THE CONTRACTOR SHALL ENSURE THAT AT ALL TIMES SERVICES TO ALL BUILDINGS NOT AFFECTED BY THE WORKS ARE NOT DISRUPTED.
- PRIOR TO COMMENCEMENT OF ANY WORKS THE CONTRACTOR SHALL GAIN APPROVAL OF HIS PROGRAM FOR THE RELOCATION/ CONSTRUCTION OF TEMPORARY SERVICES.
- CONTRACTOR SHALL CONSTRUCT TEMPORARY SERVICES TO MAINTAIN SUPPLY TO EXISTING BUILDING REMAINING IN OPERATION DURING WORKS TO THE SATISFACTION AND APPROVAL OF THE SUPERINTENDENT. ONCE DIVERSION IS COMPLETE AND COMMISSIONED, THE CONTRACTOR SHALL REMOVE ALL SUCH TEMPORARY SERVICES AND MAKE GOOD TO THE SATISFACTION OF THE SUPERINTENDENT.
- INTERRUPTION TO SUPPLY OF EXISTING SERVICES SHALL BE DONE SO AS NOT TO CAUSE ANY INCONVENIENCE TO THE PRINCIPAL. CONTRACTOR TO GAIN APPROVAL FROM THE SUPERINTENDENT FOR TIME OF INTERRUPTION.
- EXISTING SERVICES, BUILDINGS, EXTERNAL STRUCTURES AND TREES SHOWN ON THESE DRAWINGS ARE EXISTING FEATURES PRIOR TO ANY DEMOLITION WORKS.
- EXISTING SERVICES UNLESS SHOWN ON SURVEY PLAN HAVE BEEN PLOTTED FROM SERVICES SEARCH PLANS AND AS SUCH THEIR ACCURACY CANNOT BE GUARANTEED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO COMPLETE A 'DIAL BEFORE YOU DIG' SEARCH AND TO ESTABLISH THE LOCATION AND LEVEL OF ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THE SUPERINTENDENT. CLEARANCES SHALL BE OBTAINED FROM THE RELEVANT SERVICE AUTHORITY.
- ALL BRANCH GAS AND WATER SERVICES UNDER DRIVEWAYS AND BRICK PAVING SHALL BE LOCATED IN Ø80 uPVC SEWER GRADE CONDUITS EXTENDING A MINIMUM OF 500mm BEYOND EDGE OF PAVING.

LOCALITY SKETCH
N.T.S

SITEWORKS NOTES

- DATUM: A.H.D.
- ORIGIN OF LEVELS: REFER TO BENCH OR STATE SURVEY MARKS WHERE SHOWN ON PLAN.
- CONTRACTOR MUST VERIFY ALL DIMENSIONS AND EXISTING LEVELS ON SITE PRIOR TO THE COMMENCEMENT OF WORK.
- ALL WORKS TO BE UNDERTAKEN IN ACCORDANCE WITH THE DETAILS SHOWN ON THE DRAWINGS & THE DIRECTIONS OF THE SUPERINTENDENT.
- EXISTING SERVICES UNLESS SHOWN ON THE SURVEY PLAN HAVE BEEN PLOTTED FROM SERVICES SEARCH PLANS AND AS SUCH THEIR ACCURACY CANNOT BE GUARANTEED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ESTABLISH THE LOCATION AND LEVEL OF ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THE SUPERINTENDENT. CLEARANCES SHALL BE OBTAINED FROM THE RELEVANT SERVICE AUTHORITY.
- WHERE NEW WORKS ABUT EXISTING THE CONTRACTOR SHALL ENSURE THAT A SMOOTH EVEN PROFILE FREE FROM ABRUPT CHANGES IS ACHIEVED.
- THE CONTRACTOR SHALL ARRANGE ALL SURVEY SETOUT TO BE CARRIED OUT BY A REGISTERED SURVEYOR.
- CARE IS TO BE TAKEN WHEN EXCAVATING NEAR EXISTING SERVICES. NO MECHANICAL EXCAVATION IS TO BE UNDERTAKEN OVER TELSTRA OR ELECTRICAL SERVICES. HAND EXCAVATE IN THESE AREAS.
- CONTRACTOR TO OBTAIN AUTHORITY APPROVAL(S) WHERE APPLICABLE.
- MAKE SMOOTH TRANSITION TO EXISTING SURFACES AND MAKE GOOD.
- THESE PLANS SHALL BE READ IN CONJUNCTION WITH APPROVED LANDSCAPE, ARCHITECTURAL, STRUCTURAL, HYDRAULIC AND MECHANICAL DRAWINGS AND SPECIFICATIONS OR WRITTEN INSTRUCTIONS THAT MAY BE ISSUED RELATING TO DEVELOPMENT AT THE SITE.
- TRENCHES THROUGH EXISTING ROAD AND CONCRETE PAVEMENTS SHALL BE SAWCUT TO FULL DEPTH OF CONCRETE AND A MINIMUM OF 50mm IN BITUMINOUS PAVING.
- ALL BRANCH GAS AND WATER SERVICES UNDER DRIVEWAYS AND BRICK PAVING SHALL BE LOCATED IN Ø80 uPVC SEWER GRADE CONDUITS EXTENDING A MINIMUM OF 500mm BEYOND EDGE OF PAVING.
- GRADES TO PAVEMENTS TO BE AS IMPLIED BY RL'S ON PLAN. GRADE EVENLY BETWEEN NOMINATED RL'S. AREAS EXHIBITING PONDING GREATER THAN 5mm DEPTH WILL NOT BE ACCEPTED UNLESS IN A DESIGNATED SAG POINT.
- ALL COVERS AND GRATES ETC TO EXISTING SERVICE UTILITIES ARE TO BE ADJUSTED TO SUIT NEW FINISHED SURFACE LEVELS WHERE APPLICABLE.

DRAWING SCHEDULE

19133_DA_C000	COVER SHEET, DRAWING SCHEDULE, NOTES AND LOCALITY SKETCH
19133_DA_C100	GENERAL ARRANGEMENT PLAN
19133_DA_C110	TYPICAL SECTIONS AND DETAILS
19133_DA_C200	STORMWATER MISCELLANEOUS DETAILS AND PIT LID SCHEDULE
19133_DA_C201	OSD SECTIONS AND DETAILS, SHEET 1 OF 2
19133_DA_C202	OSD SECTIONS AND DETAILS, SHEET 2 OF 2
19133_DA_SE01	SEDIMENT AND EROSION CONTROL PLAN
19133_DA_SE02	SEDIMENT AND EROSION CONTROL TYPICAL SECTIONS AND DETAILS

SURVEY NOTES

THE EXISTING SITE CONDITIONS SHOWN ON THE FOLLOWING DRAWINGS HAVE BEEN INVESTIGATED BY THE SURVEYOR SPECIFIED IN THE TITLE BLOCK.
THE INFORMATION IS SHOWN TO PROVIDE A BASIS FOR DESIGN. HENRY AND HYMAS PTY. LTD. DOES NOT GUARANTEE THE ACCURACY OR COMPLETENESS OF THE SURVEY BASE OR ITS SUITABILITY AS A BASIS FOR CONSTRUCTION DRAWINGS.
SHOULD DISCREPANCIES BE ENCOUNTERED DURING CONSTRUCTION BETWEEN THE SURVEY DATA AND ACTUAL FIELD DATA, CONTACT HENRY AND HYMAS PTY. LTD. THE FOLLOWING NOTES HAVE BEEN TAKEN DIRECTLY FROM ORIGINAL SURVEY DOCUMENTS.
CONTOUR INTERVAL 0.2m

FOR DA ONLY

SURVEY INFORMATION
SURVEYED BY RGM
DATUM: AHD
ORIGIN OF LEVELS: SSM 91491 R.L. 22.5m

REVISION	AMENDMENT	DRAWN	DESIGNED	DATE
03	ISSUED FOR DA	MG	NH	12.03.2021
02	ISSUED FOR DA	MC	NH	18.11.2019
01	ISSUED FOR DA	MC	NH	01.11.2019

Client: Restrifa & Partners
Address: TEAM 2
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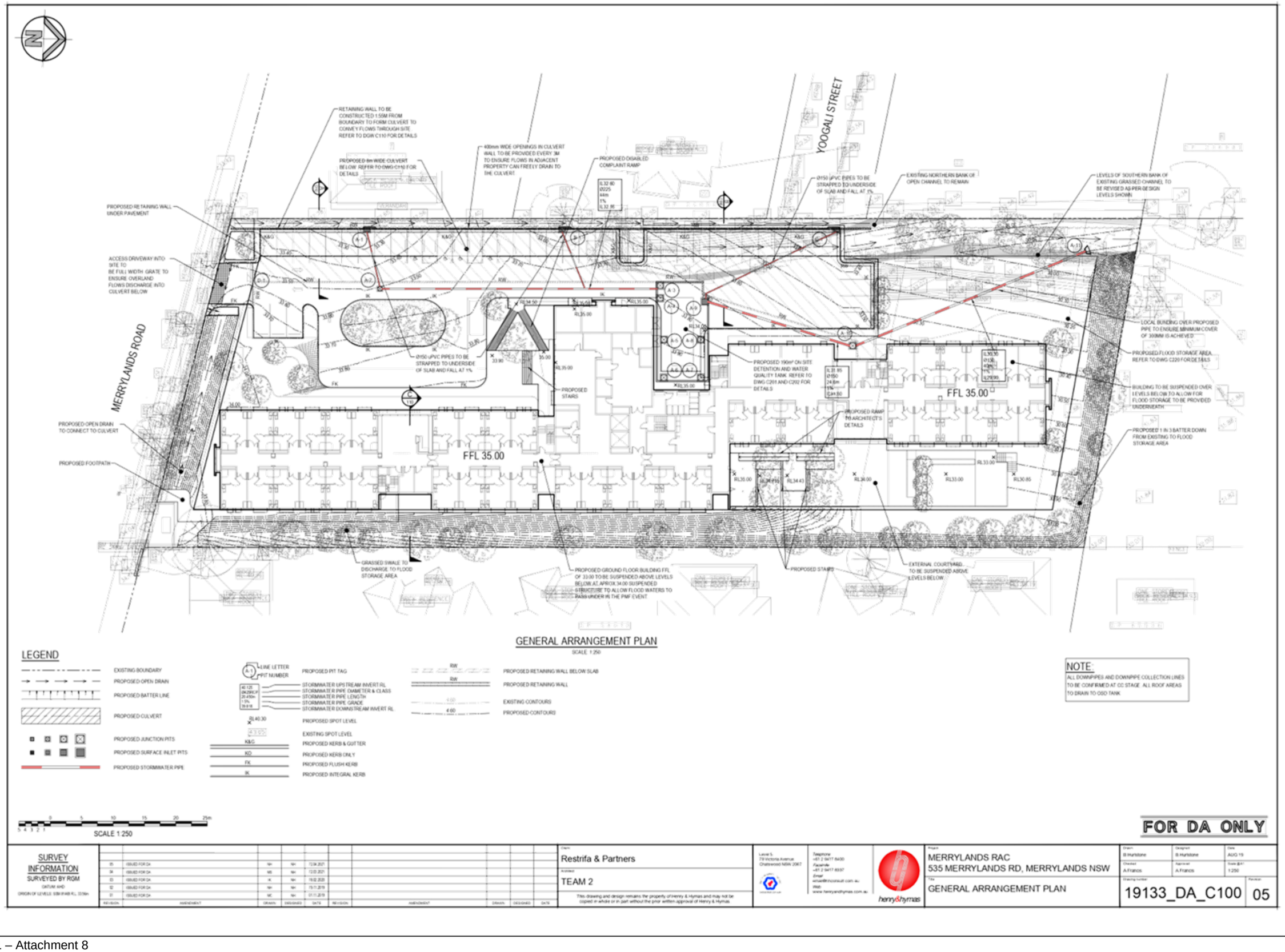
henry&hymas

Project: MERRYLANDS RAC
535 MERRYLANDS RD, MERRYLANDS NSW
Title: COVER SHEET, DRAWING SCHEDULE, NOTES AND LOCALITY SKETCH

Drawn	Designed	Date
M.Cerny	T.Chan	MAR '19
Checked	Approved	Scale @A1
T.Chan	A.Francis	NTS

Drawing Number: 19133_DA_C000
Revision: 03



GENERAL ARRANGEMENT PLAN

SCALE 1:250

LEGEND

- EXISTING BOUNDARY
- PROPOSED OPEN DRAIN
- PROPOSED BATTER LINE
- PROPOSED CULVERT
- PROPOSED JUNCTION PITS
- PROPOSED SURFACE INLET PITS
- PROPOSED STORMWATER PIPE
- LINE LETTER / PIT NUMBER — PROPOSED PIT TAG
- STORMWATER UPSTREAM INVERT RL
- STORMWATER PIPE DIAMETER & CLASS
- STORMWATER PIPE LENGTH
- STORMWATER PIPE GRADE
- STORMWATER DOWNSTREAM INVERT RL
- PROPOSED SPOT LEVEL
- EXISTING SPOT LEVEL
- K&G — PROPOSED KERB & GUTTER
- KO — PROPOSED KERB ONLY
- FK — PROPOSED FLUSH KERB
- IK — PROPOSED INTEGRAL KERB
- RW — PROPOSED RETAINING WALL BELOW SLAB
- RW — PROPOSED RETAINING WALL
- EXISTING CONTOURS
- PROPOSED CONTOURS

NOTE:
ALL DOWNPIPES AND DOWNPIPE COLLECTION LINES TO BE CONFIRMED AT CC STAGE. ALL ROOF AREAS TO DRAIN TO OSD TANK

0 1 2 3 4 5 10 15 20 25m
SCALE 1:250

FOR DA ONLY

SURVEY INFORMATION
SURVEYED BY RGM
DATUM: AHD
ORIGIN OF LEVELS: SSM PAB RL 33.94m

REVISION	AMENDMENT	DRAWN	DESIGNED	DATE
15	ISSUED FOR DA	NH	NH	13.04.2021
14	ISSUED FOR DA	MS	NH	12.03.2021
13	ISSUED FOR DA	IK	NH	19.02.2020
12	ISSUED FOR DA	NH	NH	15.11.2019
11	ISSUED FOR DA	MC	NH	01.11.2019

Client: Restrifa & Partners
Architect: TEAM 2

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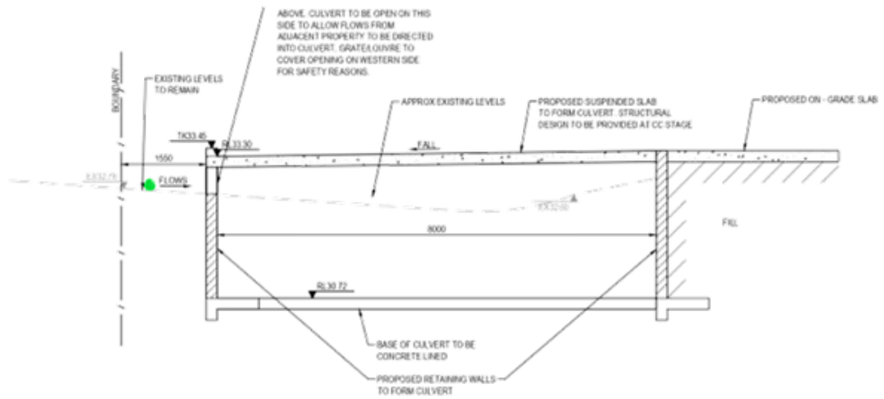
Project: MERRYLANDS RAC
535 MERRYLANDS RD, MERRYLANDS NSW
Title: GENERAL ARRANGEMENT PLAN

Drawn	Designed	Date
B.Hurlstone	B.Hurlstone	AUG 19
Checked	Approved	Scale @ A1
A.Franos	A.Franos	1:250

Drawing number: 19133_DA_C100
Revision: 05



SECTION A
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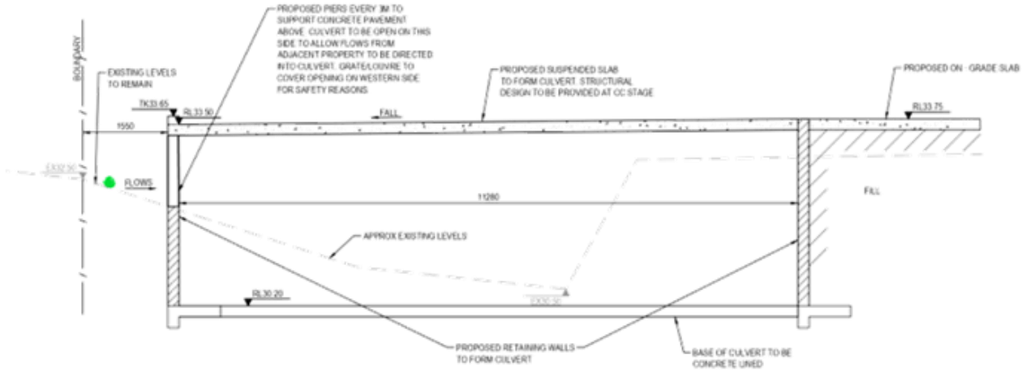
C100



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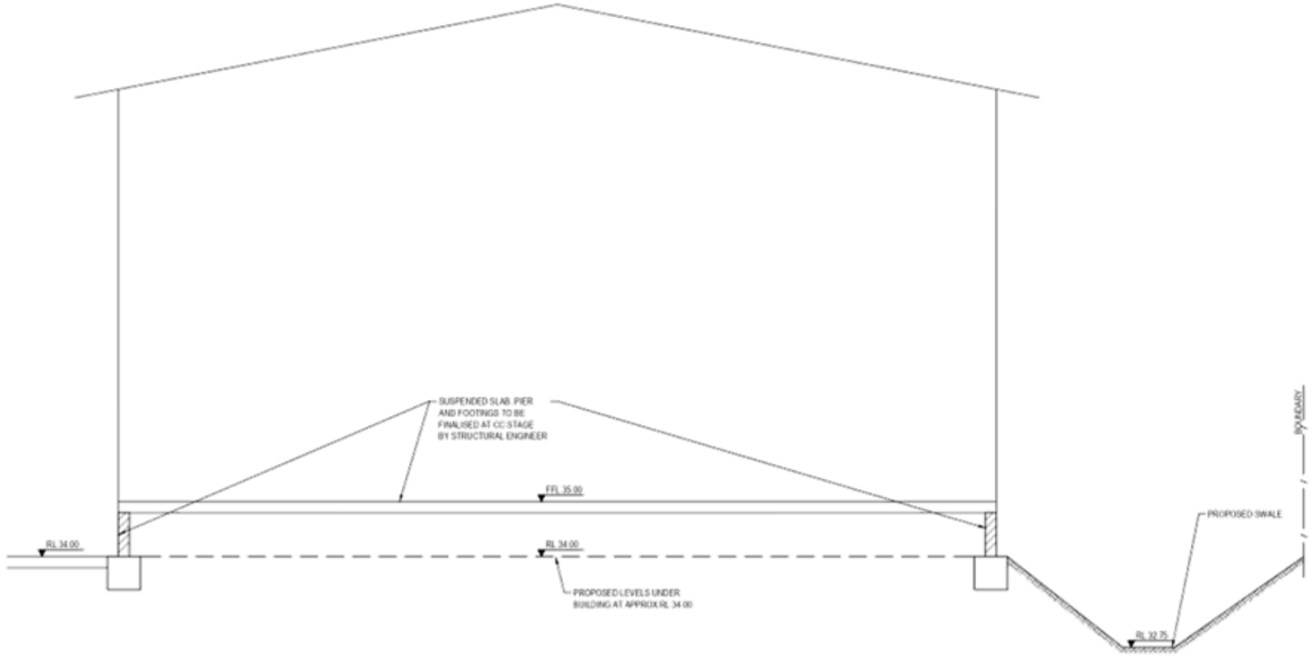

SECTION C
SCALE: 1:50
C100

0 1000 2000 3000 4000 5000mm
1000 600 200
SCALE 1:50

FOR DA ONLY

SURVEY INFORMATION
SURVEYED BY RGM
DATUM: AHD
ORIGIN OF LEVELS: SSM 61487-1, 33.16m

REVISION	AMENDMENT	DRAWN	DESIGNED	DATE
05	ISSUED FOR DA	NH	NH	12.04.2021
04	ISSUED FOR DA	NH	NH	07.04.2021
03	ISSUED FOR DA	MS	NH	12.03.2021
02	ISSUED FOR DA	NH	NH	19.11.2019
01	ISSUED FOR DA	JK	NH	01.11.2019

Client: Restrifa & Partners
Architect: TEAM 2

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Project: MERRYLANDS RAC
535 MERRYLANDS RD, MERRYLANDS NSW
Title: TYPICAL SECTIONS AND DETAILS

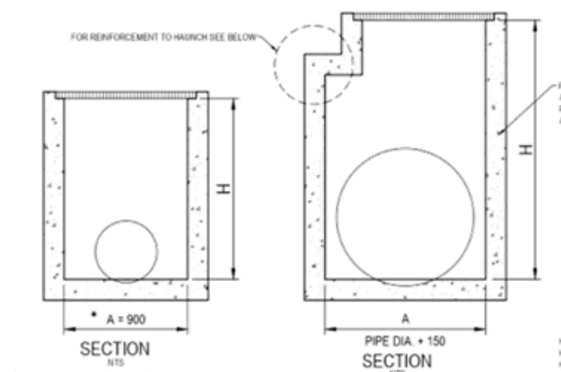
Drawn	Designed	Date
M.Cerna	T.Chan	MAR 19
Checked	Approved	Scale @A1
T.Chan	A.Francis	1:50

Drawing number: 19133_DA_C110
Revision: 05

TYPICAL PIT CHAMBER SIZES

IT IS THE CONTRACTORS RESPONSIBILITY TO SELECT PIT CHAMBER SIZE WITH REGARDS TO PIPE SIZE, DEPTH TO INVERT AND SKEW ANGLE. REFER SKETCHES BELOW.

1. SELECT PIT CHAMBER USING THE STEPS BELOW
2. SELECT PIT CHAMBER SIZE DEPENDING ON THE PIPE DIAMETERS
3. CHECK PIT CHAMBER SIZE TO SATISFY DEPTH TO INVERT REQUIREMENTS
4. CHECK PIT CHAMBER DIMENSIONS TO SATISFY THE SKEW ANGLE IN THE TABLE

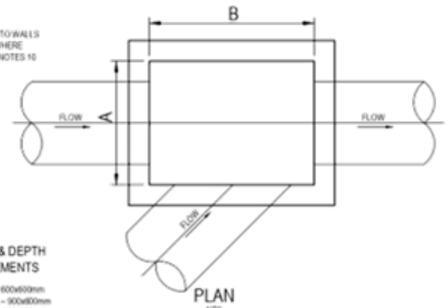


*A = 600 FOR PIPES UP TO 375 DIA.

1 PIT CHAMBER DIMENSIONS FOR PIPES UP TO 600 DIA.

1 PIT CHAMBER FOR PIPES GREATER THAN 600 DIA.

FOR B = 600mm - MAX. SIDE ENTRY PIPE AT 45° SKEW = 225mm
FOR B = 900mm - MAX. SIDE ENTRY PIPE AT 45° SKEW = 375mm
FOR B = 1200mm - MAX. SIDE ENTRY PIPE AT 45° SKEW = 600mm
FOR B = 1500mm - MAX. SIDE ENTRY PIPE AT 45° SKEW = 825mm
FOR B = 1900mm - MAX. SIDE ENTRY PIPE AT 45° SKEW = 1050mm



3 PIT CHAMBER FOR SIDE ENTRY ON SKEW

2 PIT SIZE & DEPTH REQUIREMENTS

H = 0-900mm - AxB = 600x600mm
H = 900-1200mm - AxB = 900x900mm
H = >1200mm - AxB = 900x900mm

TABLE 1	
SIEVE SIZE (MM)	WEIGHT PASSING (%)
75.0	100
9.5	100 TO 50
2.36	100 TO 30
0.60	50 TO 15
0.075	25 TO 0

TABLE 2	
SIEVE SIZE (MM)	WEIGHT PASSING (%)
19.0	100
2.36	100 TO 50
0.60	90 TO 20
0.30	60 TO 10
0.15	25 TO 0
0.075	10 TO 0

TABLE 3				
SUPPORT TYPE	BED ZONE 'X'	HAUNCH ZONE 'Y'	BED AND HAUNCH ZONES COMPACTION	MAX BEDDING FACTOR
HS1	100 IF D<=1500, OR 150 IF D>1500	0.1D	50	2.0
HS2		0.3D	80	2.5
HS3		0.3D	70	4.0

PIT LID SCHEDULE

PIT/STRUCTURE NUMBER	DESCRIPTION
A-1 B-1 C-1	1.2m KERB INLET PIT HEAVY DUTY CLASS 'D' IN ACCORDANCE WITH LOCAL COUNCIL'S REQUIREMENTS. PITS TO BE FITTED WITH OCEANGUARD PIT BASKET
A-2	JUNCTION PIT WITH 600x600 HEAVY DUTY SEALED LID CLASS 'D' IN ACCORDANCE WITH LOCAL COUNCIL'S REQUIREMENTS
A-3 A-4 A-5 A-6 A-7 A-8 A-10	JUNCTION PIT WITH 900x900 HEAVY DUTY SEALED LID CLASS 'D' IN ACCORDANCE WITH LOCAL COUNCIL'S REQUIREMENTS
A-9	SURFACE INLET PIT WITH HINGED 900x900 HEAVY DUTY GRATED LID CLASS 'D' IN ACCORDANCE WITH LOCAL COUNCIL'S REQUIREMENTS
A-11	PROPOSED HEADWALL
D-1	PROPOSED CUSTOM 6M WIDE, 2M LONG HEAVY DUTY GRATED DRAIN CLASS 'D' IN ACCORDANCE WITH LOCAL COUNCIL'S REQUIREMENTS.

DRAINAGE NOTES:

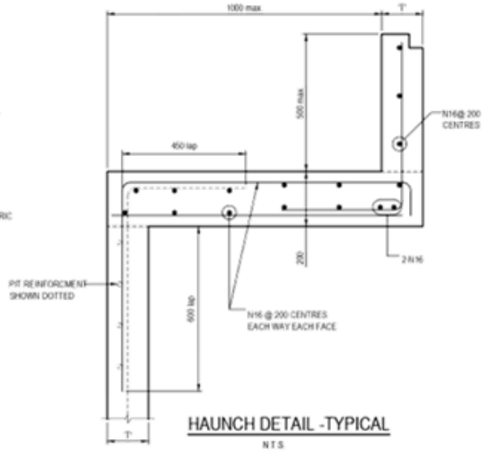
1. ALL STORMWATER WORK TO COMPLY WITH AS 3500 PART 3.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE MINIMUM COVER OF 600mm ON ALL PIPES.
3. PROTECTION OF PIPES DUE TO LOADS EXCEEDING W7 WHEEL LOAD SHALL BE THE CONTRACTORS RESPONSIBILITY.
4. BEDDING TYPE SHALL BE TYPE H2 FOR RCP. WHERE NECESSARY THE OVERLAY ZONE SHALL BE REDUCED TO ACCOMMODATE PAVEMENT REQUIREMENTS. REFER TO THIS DRAWING FOR DETAILS.
5. MINIMUM COVER OVER EXISTING PIPES FOR PROTECTION DURING CONSTRUCTION SHALL BE 800mm.
6. NO CONSTRUCTION LOADS SHALL BE APPLIED TO PLASTIC PIPES.
7. FINISHED SURFACE LEVELS SHOWN ON LAYOUT PLAN DRGS TAKE PRECEDENCE OVER DESIGN DRAINAGE SURFACE LEVELS.
8. ALL PIPES UP TO AND INCLUDING 300 DIA. SHALL BE SOLVENT OR RUBBER RING JOINTED PVC CLASS SH PIPE TO AS1260. ALL OTHER PIPES TO BE RCP USING CLASS 2 RUBBER RING JOINTED PIPE. HARDIES FRC PIPE MAY BE USED IN LIEU OF RCP IF DESIRED IN GROUND. ALL AERIAL PIPES TO BE PVC CLASS SH.
9. ALL PITS IN NON TRAFFICABLE AREAS TO BE PREFABRICATED POLYESTER CONCRETE "POLYCRETE" WITH "LIGHT DUTY" CLASS B GALV. MILD STEEL GRATING AND FRAME. ALL PITS IN TRAFFICABLE AREAS (CLASS "D" LOADING MAX.) TO HAVE 150mm THICK CONCRETE WALLS AND BASE CAST IN SITU f'c=32 MPa. REINFORCED WITH N12-200 BOTH LOADING WAYS CENTRALLY PLACE U.N.O. ON SEPARATE DESIGN DRAWINGS IN THIS SET. GALV MILD STEEL GRATING AND FRAME TO SUIT DESIGN LOADING. PRECAST PITS RECTANGULAR OR CIRCULAR IN SHAPE, MAY BE USED IN LIEU AND SHALL COMPLY WITH RELEVANT AUSTRALIAN STANDARDS.
10. ALL PITS, GRATINGS AND FRAMES SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURERS SPECIFICATION AND TO BE IN ACCORDANCE WITH AS3500.3 AND AS3996
11. PIT CHAMBER DIMENSIONS ARE TO BE SELECTED TO SATISFY THE FOLLOWING:
- PIPE SIZE
- DEPTH TO INVERT
- SKEW ANGLE

REFER TYPICAL PIT CHAMBER DETAILS BELOW
IF PIT LID SIZE IS SMALLER THAN THE PIT CHAMBER SIZE THEN THE PIT LID IS TO BE CONSTRUCTED ON THE CORNER OF THE PIT CHAMBER WITH THE STEP IRONS DIRECTLY BELOW. ALTERNATIVELY THE PIT LID TO BE USED, IS TO BE THE SAME SIZE AS THE PIT CHAMBER.
12. FOR PIPE SIZES GREATER THAN Ø300mm, PIT FLOOR IS TO BE BENCHED TO FACILITATE FLOW.
13. GALVANISED STEP IRONS SHALL BE PROVIDED AT 300 CTS FOR PITS HAVING A DEPTH EXCEEDING 1200mm. SUBSOIL DRAINAGE PIPE SHALL BE PROVIDED IN PIPE TRENCHES ADJACENT TO INLET PITES. (MINIMUM LENGTH 3m)
14. ALL SUBSOIL PIPES SHALL BE 100mm SLOTTED PVC IN A FILTER SOCK, U.N.O. WITH 3m INSTALLED UPSTREAM OF ALL PITS.
15. ALL PIPEWORK SHALL HAVE MINIMUM DIAMETER 100.
16. MINIMUM GRADE FOR ROOFWATER DRAINAGE LINES SHALL BE 1%.
17. ALL PIPE JUNCTIONS AND TAPER UP TO AND INCLUDING 300 DIA. SHALL BE VIA PURPOSE MADE FITTINGS.
18. ALL ROOF DRAINAGE TO BE INSTALLED IN ACCORDANCE WITH AS3500, PART 3. TESTING TO BE UNDERTAKEN AND REPORTS PROVIDED TO THE SUPERINTENDENT.
19. LOCATION OF THE DIRECT DOWN PIPE CONNECTIONS MAY VARY ON SITE TO SUIT SITE CONDITIONS, WHERE CONNECTION SHOWN ON LONG SECTIONS CHAINAGES ARE INDICATIVE ONLY.
20. PITS IN EXCESS OF 1.5 m DEEP TO HAVE WALL AND FLOOR THICKNESS INCREASED TO 200mm. REINFORCED WITH N12@200 CTS CENTRALLY PLACED BOTH WAYS THROUGHOUT U.N.O ON SEPARATE DESIGN DRAWINGS IN THIS SET. IF DEPTH EXCEEDS 5m CONTACT ENGINEER.
21. SUBSOIL DRAINAGE LINES FOR LANDSCAPE AREA NOT SHOWN ON THESE DRAWINGS. REFER TO LANDSCAPING PLANS FOR DETAILS.
22. ALL STORMWATER PITS TO HAVE Ø100 uPVC SLOTTED SUBSOIL PIPES CONNECTED TO THEM. THESE SUBSOILS TO EXTEND 3m UPSTREAM OF THE PIT AT A MINIMUM GRADE.

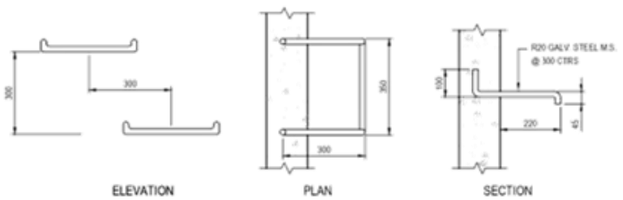
PIPE TRENCH INSTALLATION BENEATH PAVEMENT
(HS SUPPORT TO BE USED UNDER ROADWAY)
SCALE 1:20

NOTE:
TYPE HS2 TO BE USED AS A TYPICAL SUPPORT FOR TRENCHES UNDER ROADWAY UNLESS SPECIFIED SEPERATELY

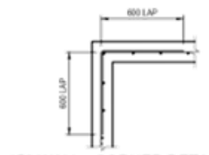
PIPE TRENCH INSTALLATION IN LANDSCAPE AREAS
(H1 & H2 SUPPORT)
SCALE 1:20



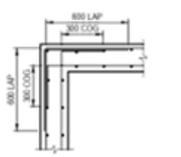
HAUNCH DETAIL -TYPICAL
N.T.S



TYPICAL STEP IRON DETAIL
SCALE 1:10



150 WALL - CORNER DETAIL



200 WALL - CORNER DETAIL

SCALE 1:20

SCALE 1:10 | SCALE 1:20

FOR DA ONLY

REVISION	AMENDMENT	DRAWN	DESIGNED	DATE
04	ISSUED FOR DA	MS	MH	12.02.2021
03	ISSUED FOR DA	AK	MH	19.02.2020
02	ISSUED FOR DA	MH	MH	15.11.2019
01	ISSUED FOR DA	MC	MH	01.11.2019

Client: Restrifa & Partners
Architect: TEAM 2

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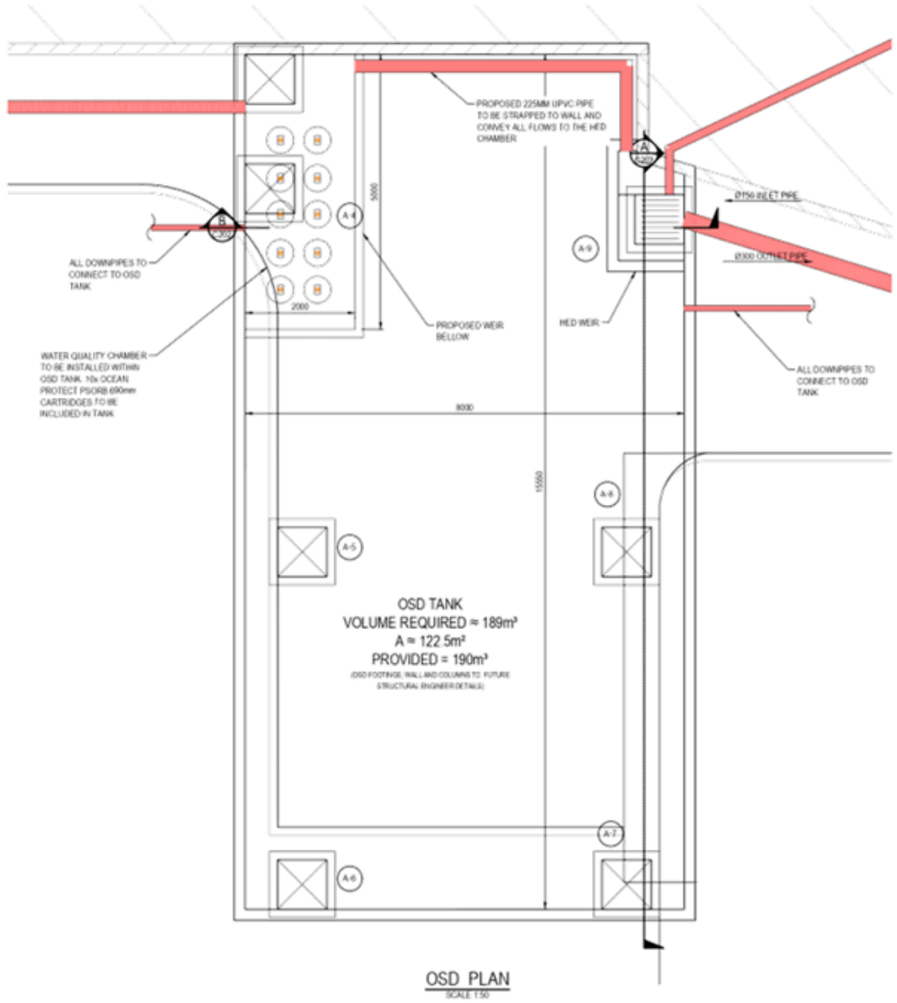
Project: MERRYLANDS RAC
535 MERRYLANDS RD, MERRYLANDS NSW

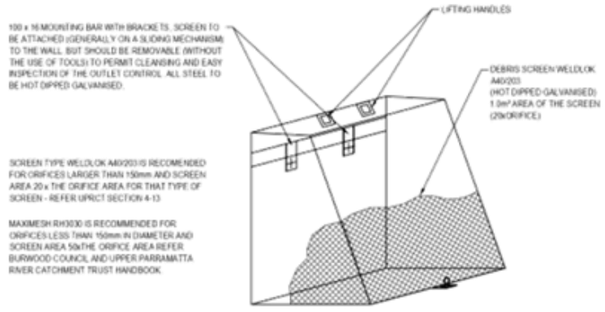
Title: STORMWATER MISCELLANEOUS DETAILS AND PIT LID SCHEDULE

Drawn	Designed	Date
M.Cerna	T.Chan	MAR 19
Checked	Approved	Scale @A1
T.Chan	A.Francis	AS NOTED

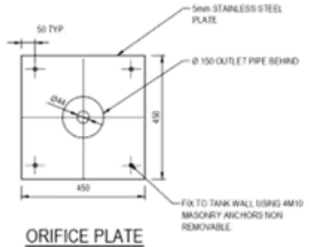
Drawing number: 19133_DA_C200
Revision: 04



OSD PLAN
SCALE 1:50



DEBRIS SCREEN DETAIL
NOT TO SCALE
ALL STEEL TO BE HOT DIPPED GALVANISED



ORIFICE PLATE
SCALE 1:10

DANGER
CONFINED SPACE
NO ENTRY WITHOUT CONFINED SPACE TRAINING

NTS

A) A CONFINED SPACE DANGER SIGN SHALL BE POSITIONED IN A LOCATION SUCH THAT IT IS CLEARLY VISIBLE TO PERSONS PROPOSING TO ENTER THE BELOW GROUND TANKS/ CONFINED SPACE AT ALL ACCESS POINTS OF THE TANK/ CONFINED SPACE.

B) SIGN TO BE MINIMUM DIMENSIONS 250mm x 180mm ENTRIES I.E. GRATES, MANHOLES

C) SIGN SHALL BE MANUFACTURED FROM COLOUR BONDED METAL OR POLYPROPYLENE

D) SIGN SHALL BE AFFIXED TO A SURFACE WITH SCREWS AT EACH CORNER.

NOTE: ALL WALLS FORMING THE DETENTION TANK SHALL WE CONSTRUCTED WHOLLY WITHIN THE BOUNDARY OF THE SITE

SCALE 1:10

SCALE 1:50

FOR DA ONLY

REVISION	AMENDMENT	DRAWN	DESIGNED	DATE
05	ISSUED FOR DA	NH	NH	12.04.2021
04	ISSUED FOR DA	MS	NH	12.03.2021
03	ISSUED FOR DA	NH	NH	17.12.2019
02	ISSUED FOR DA	NH	NH	19.11.2019
01	ISSUED FOR DA	MC	NH	01.11.2019

Client: Restrifa & Partners
Architect: TEAM 2

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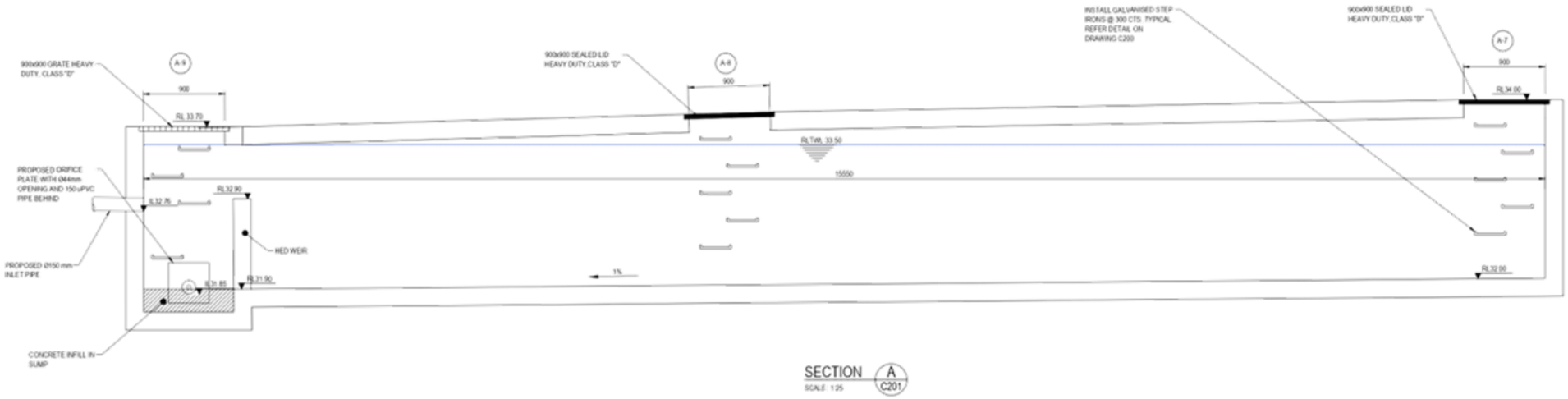
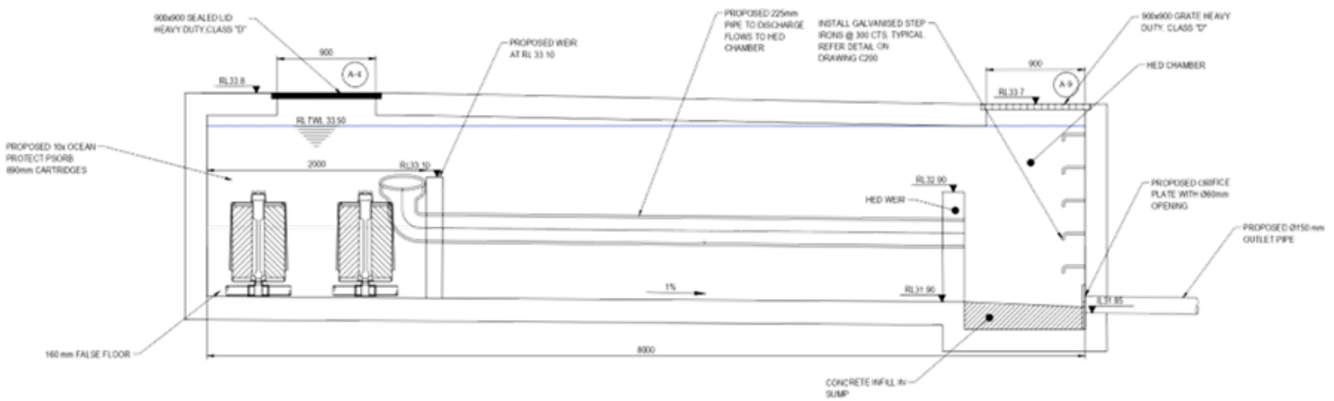
Project: MERRYLANDS RAC
535 MERRYLANDS RD, MERRYLANDS NSW
Title: OSD SECTIONS AND DETAILS
SHEET 1 OF 2

Drawn	Designed	Date
M Cerra	T Chan	MAR 19
Checked	Approved	Scale @A1
T Chan	A.Francis	AS NOTED

Drawing number: 19133_DA_C201
Revision: 05



SECTION A
SCALE: 1:25
C201



SECTION B
SCALE: 1:25
C201

0 500 1000 1500 2000 2500mm
500 300 100
SCALE 1:25

FOR DA ONLY

REVISION	AMENDMENT	DRAWN	DESIGNED	DATE
05	ISSUED FOR DA	NH	NH	7.04.2021
04	ISSUED FOR DA	MS	NH	7.03.2021
03	ISSUED FOR DA	NH	NH	17.12.2019
02	ISSUED FOR DA	NH	NH	15.11.2019
01	ISSUED FOR DA	MC	NH	01.11.2019

Client: Restrifa & Partners
Architect: TEAM 2

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Project: MERRYLANDS RAC
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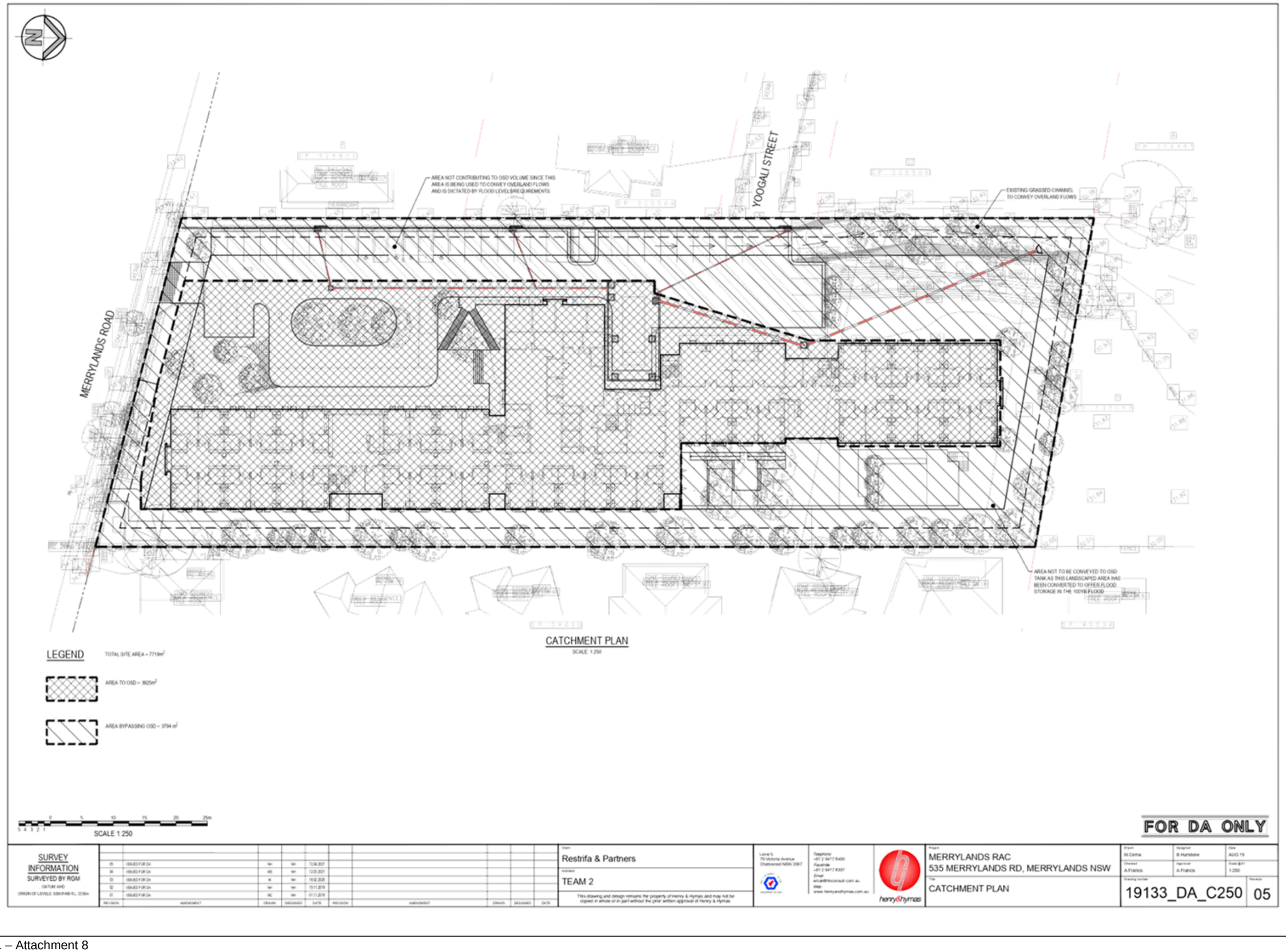
Title: OSD SECTIONS AND DETAILS
SHEET 2 OF 2

Drawn	Designed	Date
M.Cerna	T.Chan	MAR 19
Checked	Approved	Scale @ A1
T.Chan	A.Francis	1:25

Drawing Number: 19133_DA_C202
Revision: 05


N
MERRYLANDS ROAD
YOOGALI STREET
AREA NOT CONTRIBUTING TO OSD VOLUME SINCE THIS AREA IS BEING USED TO CONVEY OVERLAND FLOWS AND IS DICTATED BY FLOOD LEVELS REQUIREMENTS
EXISTING GRASSED CHANNEL TO CONVEY OVERLAND FLOWS
AREA NOT TO BE CONVEYED TO OSD TANK AS THIS LANDSCAPED AREA HAS BEEN CONVERTED TO OFFER FLOOD STORAGE IN THE 100YR FLOOD
LEGEND
TOTAL SITE AREA = 7719m²
AREA TO OSD = 3925m²
AREA BYPASSING OSD = 3794 m²
0 5 10 15 20 25m
5 4 3 2 1
SCALE 1:250
CATCHMENT PLAN
SCALE 1:250
FOR DA ONLY
SURVEY INFORMATION
SURVEYED BY RGM
DATUM: AHD
ORIGIN OF LEVELS: SSM 8148 R.L. 33.56m
15 ISSUED FOR DA YH YH 12.04.2021
14 ISSUED FOR DA MS YH 12.03.2021
13 ISSUED FOR DA K YH 19.02.2020
12 ISSUED FOR DA YH YH 19.11.2019
11 ISSUED FOR DA MC YH 01.11.2019
REVISION AMENDMENT DRAWN DESIGNED DATE
Client: Restrifa & Partners
Architect: TEAM 2
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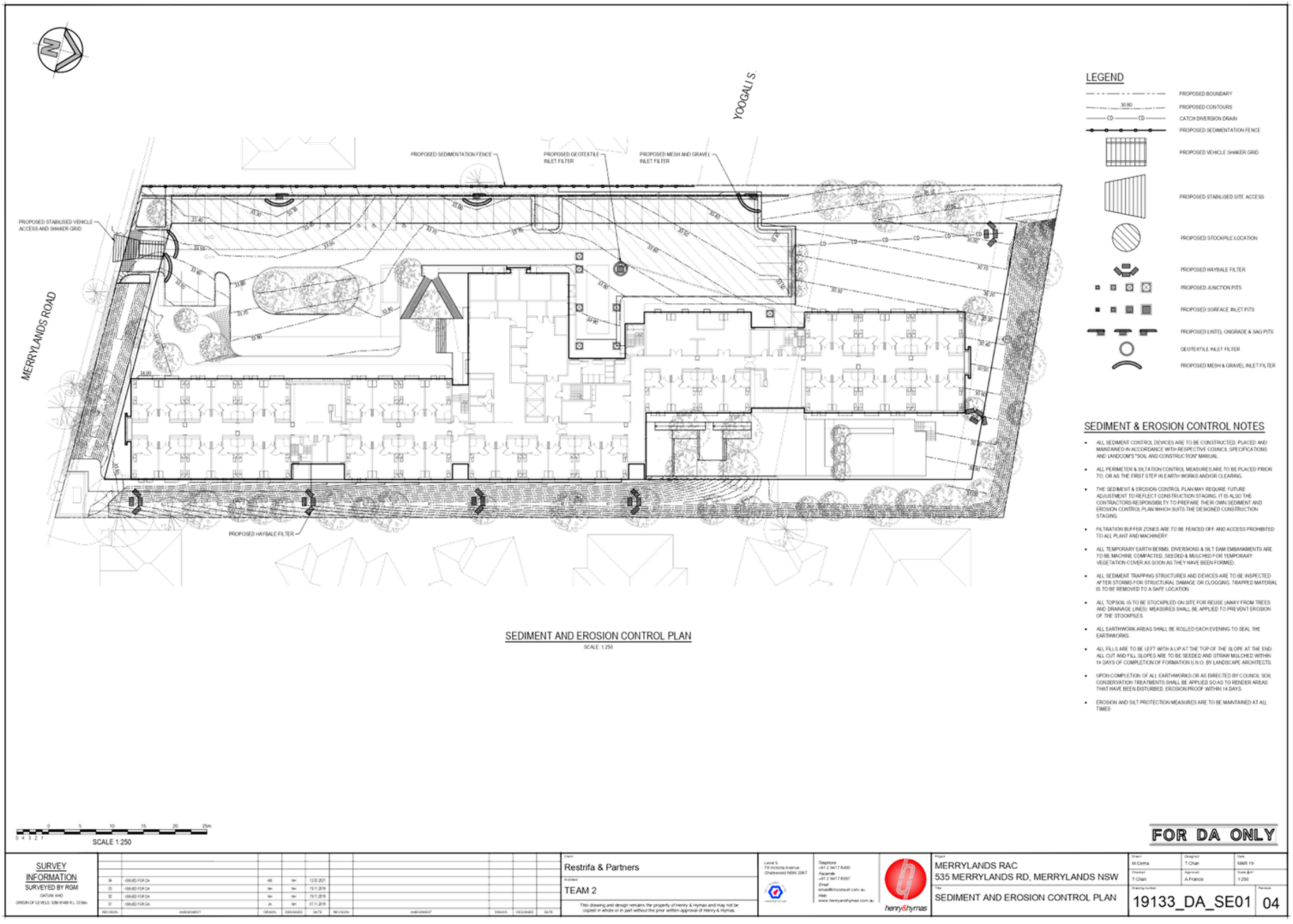
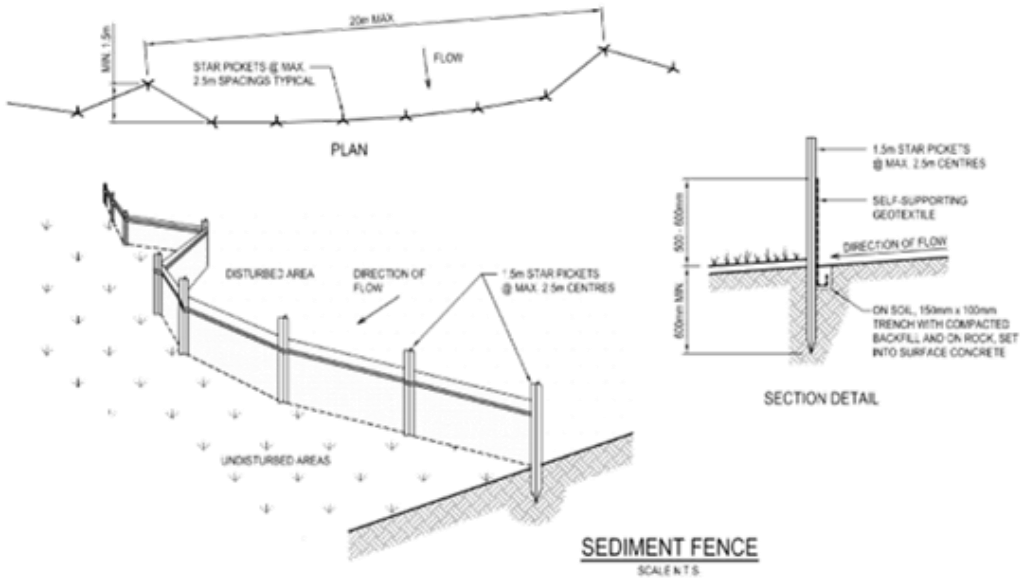
Project: MERRYLANDS RAC
535 MERRYLANDS RD, MERRYLANDS NSW
Title: CATCHMENT PLAN
Drawn: M.Cema
Designed: B.Hurlstone
Date: AUG.19
Checked: A.Franos
Approved: A.Franos
Scale @ A1: 1:250
Drawing number: 19133_DA_C250
Revision: 05


N
YOOGALI S
PROPOSED SEDIMENTATION FENCE
PROPOSED GEOTEXTILE INLET FILTER
PROPOSED MESH AND GRAVEL INLET FILTER
PROPOSED STABILISED VEHICLE ACCESS AND SHAKER GRID
MERRYLANDS ROAD
PROPOSED HAYBALE FILTER
LEGEND
PROPOSED BOUNDARY
PROPOSED CONTOURS
CATCH DIVERSION DRAIN
PROPOSED SEDIMENTATION FENCE
PROPOSED VEHICLE SHAKER GRID
PROPOSED STABILISED SITE ACCESS
PROPOSED STOCKPILE LOCATION
PROPOSED HAYBALE FILTER
PROPOSED JUNCTION PITS
PROPOSED SURFACE INLET PITS
PROPOSED LINTEL ONGRADE & SAG PITS
GEOTEXTILE INLET FILTER
PROPOSED MESH & GRAVEL INLET FILTER
SEDIMENT & EROSION CONTROL NOTES
ALL SEDIMENT CONTROL DEVICES ARE TO BE CONSTRUCTED, PLACED AND MAINTAINED IN ACCORDANCE WITH RESPECTIVE COUNCIL SPECIFICATIONS AND LANDCOM'S "SOIL AND CONSTRUCTION" MANUAL.
ALL PERIMETER & SILTATION CONTROL MEASURES ARE TO BE PLACED PRIOR TO, OR AS THE FIRST STEP IN EARTH WORKS AND/OR CLEARING.
THE SEDIMENT & EROSION CONTROL PLAN MAY REQUIRE FUTURE ADJUSTMENT TO REFLECT CONSTRUCTION STAGING. IT IS ALSO THE CONTRACTORS RESPONSIBILITY TO PREPARE THEIR OWN SEDIMENT AND EROSION CONTROL PLAN WHICH SUITS THE DESIGNED CONSTRUCTION STAGING.
FILTRATION BUFFER ZONES ARE TO BE FENCED OFF AND ACCESS PROHIBITED TO ALL PLANT AND MACHINERY.
ALL TEMPORARY EARTH BERMS, DIVERSIONS & SILT DAM EMBANKMENTS ARE TO BE MACHINE COMPACTED, SEEDED & MULCHED FOR TEMPORARY VEGETATION COVER AS SOON AS THEY HAVE BEEN FORMED.
ALL SEDIMENT TRAPPING STRUCTURES AND DEVICES ARE TO BE INSPECTED AFTER STORMS FOR STRUCTURAL DAMAGE OR CLOGGING. TRAPPED MATERIAL IS TO BE REMOVED TO A SAFE LOCATION.
ALL TOPSOIL IS TO BE STOCKPILED ON SITE FOR REUSE (AWAY FROM TREES AND DRAINAGE LINES). MEASURES SHALL BE APPLIED TO PREVENT EROSION OF THE STOCKPILES.
ALL EARTHWORK AREAS SHALL BE ROLLED EACH EVENING TO SEAL THE EARTHWORKS.
ALL FILLS ARE TO BE LEFT WITH A LIP AT THE TOP OF THE SLOPE AT THE END. ALL CUT AND FILL SLOPES ARE TO BE SEEDED AND STRAW MULCHED WITHIN 14 DAYS OF COMPLETION OF FORMATION U.N.O. BY LANDSCAPE ARCHITECTS.
UPON COMPLETION OF ALL EARTHWORKS OR AS DIRECTED BY COUNCIL SOIL CONSERVATION TREATMENTS SHALL BE APPLIED SO AS TO RENDER AREAS THAT HAVE BEEN DISTURBED, EROSION PROOF WITHIN 14 DAYS.
EROSION AND SILT PROTECTION MEASURES ARE TO BE MAINTAINED AT ALL TIMES.
SEDIMENT AND EROSION CONTROL PLAN
SCALE 1:250
SCALE 1:250
FOR DA ONLY
SURVEY INFORMATION
SURVEYED BY RGM
Restrifa & Partners
TEAM 2
henry&hymas
MERRYLANDS RAC
535 MERRYLANDS RD, MERRYLANDS NSW
SEDIMENT AND EROSION CONTROL PLAN
19133_DA_SE01
04

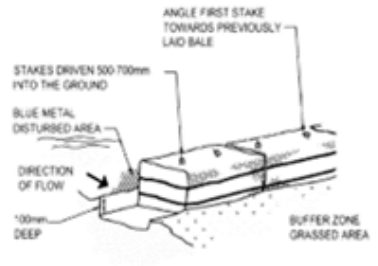


SEDIMENT FENCE

SCALE N.T.S.

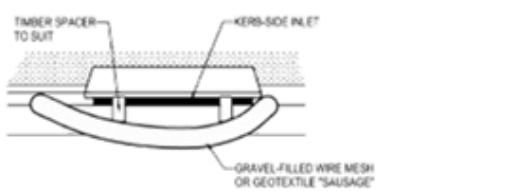
SEDIMENT FENCE CONSTRUCTION NOTES:

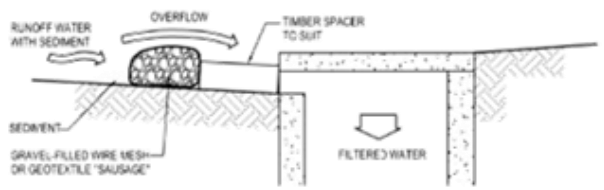
1. CONSTRUCT SEDIMENT FENCES AS CLOSE AS POSSIBLE TO BEING PARALLEL TO THE CONTOURS OF THE SITE, BUT WITH SMALL RETURNS AS SHOWN IN THE DRAWING TO LIMIT THE CATCHMENT AREA OF ANY ONE SECTION. THE CATCHMENT AREA SHOULD BE SMALL ENOUGH TO LIMIT WATER FLOW IF CONCENTRATED AT ONE POINT TO 5ℓ LITRES PER SECOND IN THE DESIGN STORM EVENT, USUALLY THE 10-YEAR EVENT.
2. CUT A 150mm DEEP TRENCH ALONG THE UPSLOPE LINE OF THE FENCE FOR THE BOTTOM OF THE FABRIC TO BE ENTRENCHED.
3. 3. DRIVE 1.5m LONG STAR PICKETS INTO GROUND @ 2.5m INTERVALS (MAX.) AT THE DOWNSLOPE EDGE OF THE TRENCH. ENSURE ANY STAR PICKETS ARE FITTED WITH SAFETY CAPS.
4. 4. FIX SELF-SUPPORTING GEOTEXTILE TO THE UPSLOPE SIDE OF THE POSTS ENSURING IT GOES TO THE BASE OF THE TRENCH. FIX THE GEOTEXTILE WITH WIRE TIES OR AS RECOMMENDED BY THE MANUFACTURER. ONLY USE GEOTEXTILE SPECIFICALLY PRODUCED FOR SEDIMENT FENCING. THE USE OF SHADE CLOTH FOR THIS PURPOSE IS NOT SATISFACTORY.
5. 5. JOIN SECTIONS OF FABRIC AT A SUPPORT POST WITH A 150mm OVERLAP. 6. BACKFILL THE TRENCH OVER THE BASE OF THE FABRIC AND COMPACT IT THOROUGHLY OVER THE GEOTEXTILE.



HAYBALE BARRIERS

N.T.S.



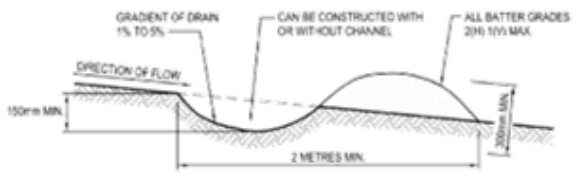


MESH & GRAVEL INLET FILTER CONSTRUCTION NOTES:

1. FABRICATE A SLEEVE MADE FROM GEOTEXTILE OR WIRE MESH LONGER THAN THE LENGTH OF THE INLET PIT AND FILL IT WITH 25mm TO 50mm GRAVEL.
2. FORM AN ELLIPTICAL CROSS-SECTION ABOUT 150mm HIGH x 400mm WIDE.
3. PLACE THE FILTER AT THE OPENING LEAVING AT LEAST A 100mm SPACE BETWEEN IT AND THE KERB INLET. MAINTAIN THE OPENING WITH SPACER BLOCKS.
4. FORM A SEAL WITH THE KERB TO PREVENT SEDIMENT BYPASSING THE FILTER.
5. SANDBAGS FILLED WITH GRAVEL CAN SUBSTITUTE FOR THE MESH OR GEOTEXTILE PROVIDING THEY ARE PLACED SO THAT THEY CAN FIRMLY ABUT EACH OTHER AND SEDIMENT-LADEN WATERS CANNOT PASS BETWEEN.

MESH & GRAVEL INLET FILTER

SCALE N.T.S.



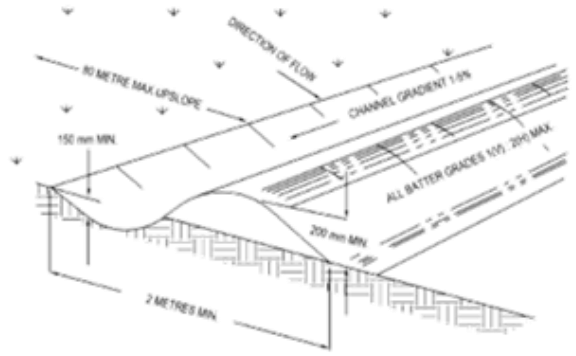
NOTE: ONLY TO BE USED AS TEMPORARY BANK WHERE MAXIMUM UPSLOPE LENGTH IS 80 METRES.

EARTH BANK CONSTRUCTION NOTES:

1. BUILD WITH GRADIENTS BETWEEN 1% AND 5%.
2. AVOID REMOVING TREES AND SHRUBS IF POSSIBLE - WORK AROUND THEM.
3. ENSURE THE STRUCTURES ARE FREE OF PROJECTIONS OR OTHER IRREGULARITIES THAT COULD IMPEDE WATER FLOW.
4. BUILD THE DRAINS WITH CIRCULAR, PARABOLIC OR TRAPEZOIDAL CROSS-SECTIONS, NOT "V" SHAPED.
5. ENSURE BANKS ARE PROPERLY COMPACTED TO PREVENT FAILURE.
6. COMPLETE PERMANENT OR TEMPORARY STABILISATION WITHIN 10 DAYS OF CONSTRUCTION.

EARTH BANK (LOW FLOW)

SCALE N.T.S.



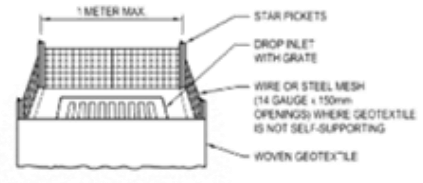
NOTE: ONLY TO BE USED AS TEMPORARY BANK WHERE MAX.UPSLOPE LENGTH IS 80 METERS.

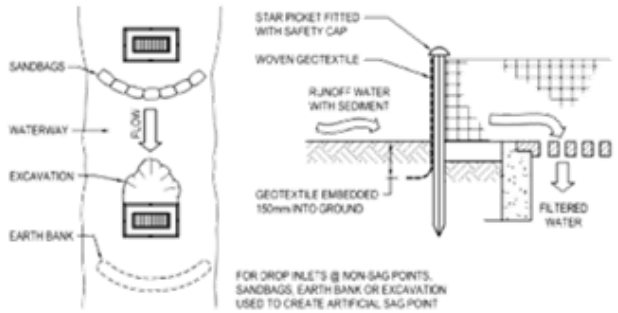
CATCH DRAIN CONSTRUCTION NOTES:

1. CONSTRUCT ALONG GRADIENT AS SPECIFIED.
2. MAXIMUM SPACING BETWEEN BANKS SHALL BE 80 METRES.
3. DRAINS TO BE OF PARABOLIC OR TRAPEZOIDAL CROSS SECTION NOT V-SHAPED.
4. EARTH BANKS TO BE ADEQUATELY COMPACTED IN ORDER TO PREVENT FAILURE.
5. CONSTRUCTION IS OF A TEMPRORARY NATURE AND SHALL BE COMPACTED AT THE END A DAYS WORK OR IMMEDIATELY PRIOR RAIN.
6. ALL OUTLETS FROM DISTURBED LANDS ARE TO FEED INTO SEDIMENT BASIN OR SIMILAR.
7. DISCHARGE RUNOFF COLLECTED FROM UNDISTURBED LANDS ONTO EITHER A STABILISED OR AN UNDISTURBED DISPOSAL AISTE WITHIN THE SAME SUBCATCHMENT AREA FROM WHICH THE WATER ORIGINATED.
8. COMPACT WITH A SUITABLE IMPLEMENT IN SITUATIONS WHERE THEY ARE REQUIRED TO FUNCTION FOR MORE THAN FIVE DAYS.
9. EARTH BANKS TO BE FREE OF PROJECTIONS OR OTHER IRREGULARITIES THAT WILL IMPEDE NORMAL FLOW.

CATCH DRAINS SD 5-8

SCALE N.T.S.



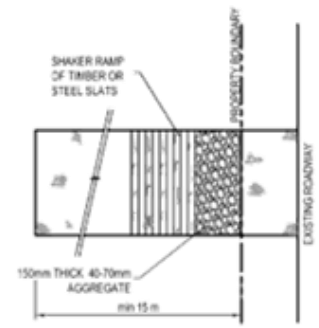


GEOTEXTILE INLET FILTER CONSTRUCTION NOTES:

1. FABRICATE A SEDIMENT BARRIER MADE FROM GEOTEXTILE.
2. PICKET SPACING TO BE MAXIMUM 1.0m.
3. IN WATERWAYS, ARTIFICIAL SAG POINTS CAN BE CREATED WITH SANDBAGS OR EARTH BANKS AS SHOWN IN THE DRAWING.
4. DO NOT COVER THE INLET WITH GECTEXTILES UNLESS THE DESIGN IS ADEQUATE TO ALLOW FOR ALL WATERS TO BYPASS IT.

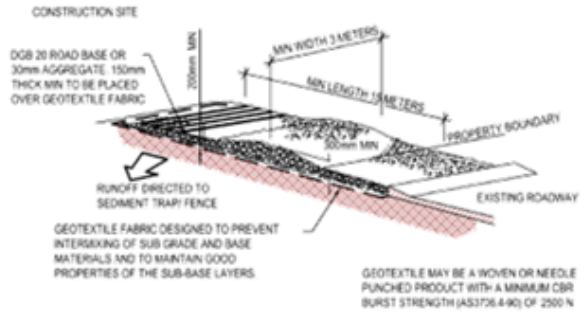
GEOTEXTILE INLET FILTER

SCALE N.T.S.



PLAN
STABILISED SITE ACCESS WITH SHAKER RAMP

N.T.S.



STABILISED SITE ACCESS WITH SHAKER RAMP

N.T.S.

NOTES:

1. THIS DEVICE IS TO BE LOCATED AT ALL EXITS FROM CONSTRUCTION SITE.
2. THIS DEVICE IS TO BE REGULARLY CLEANED OF DEPOSITED MATERIAL SO AS TO MAINTAIN A 50mm DEEP SPACE BETWEEN PLANKS.
3. ANY UNSEALED ROAD BETWEEN THIS DEVICE AND NEAREST ROADWAY IS TO BE TOPPED WITH 100mm THICK 40-70mm SIZE AGGREGATE.
4. ALTERNATIVELY, THREE(3) PRECAST CONCRETE CATTLE GRIDS (AS MANUFACTURED BY HUMES CONCRETE MAY BE USED. 1, 2 & 3 ABOVE ALSO APPLY.

CONSTRUCTION SEQUENCE

WORKS SHALL BE UNDERTAKEN IN THE FOLLOWING SEQUENCE:

1. INSTALL SEDIMENT FENCING AND CUT DRAINS TO MEET THE REQUIREMENTS OF THE SEDIMENT AND EROSION CONTROL PLAN. WASTE COLLECTION BINS SHALL BE INSTALLED ADJACENT TO SITE OFFICE.
2. CONSTRUCT STABILISED SITE ACCESS IN ACCORDANCE WITH BLACKTOWN CITY COUNCIL'S REQUIREMENTS.
3. REDIRECT CLEAN WATER AROUND THE CONSTRUCTION SITE.
4. INSTALL SEDIMENT CONTROL PROTECTION MEASURES AT ALL NATURAL AND MAN-MADE DRAINAGE STRUCTURES. MAINTAIN UNTIL ALL THE DISTURBED AREAS ARE STABILISED.
5. CLEAR AND STRIP THE WORK AREAS. MINIMISE THE DAMAGE TO THE GRASS AND LOW GROUND COVER OF NON-DISTURBED AREAS.
6. ANY DISTURBED AREAS, OTHER THAN BUILDING PAD AREAS, SHALL IMMEDIATELY BE COVERED WITH SITE TOPSOIL WITHIN 7 DAYS OF CLEARING. BUILDING PAD AREAS SHALL BE COVERED WITH BITUMEN EMULSION AS SPECIFIED.
7. APPLY PERMANENT STABILISATION TO SITE (LANDSCAPING).

FOR DA ONLY

REVISION	AMENDMENT	DRAWN	DESIGNED	DATE
01	ISSUED FOR DA	JK	NH	01.11.2019

Client: Restrifa & Partners

Architect: TEAM 2

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henry&hymas

Project: MERRYLANDS RAC
535 MERRYLANDS RD, MERRYLANDS NSW

Title: SEDIMENT AND EROSION CONTROL TYPICAL SECTIONS AND DETAILS

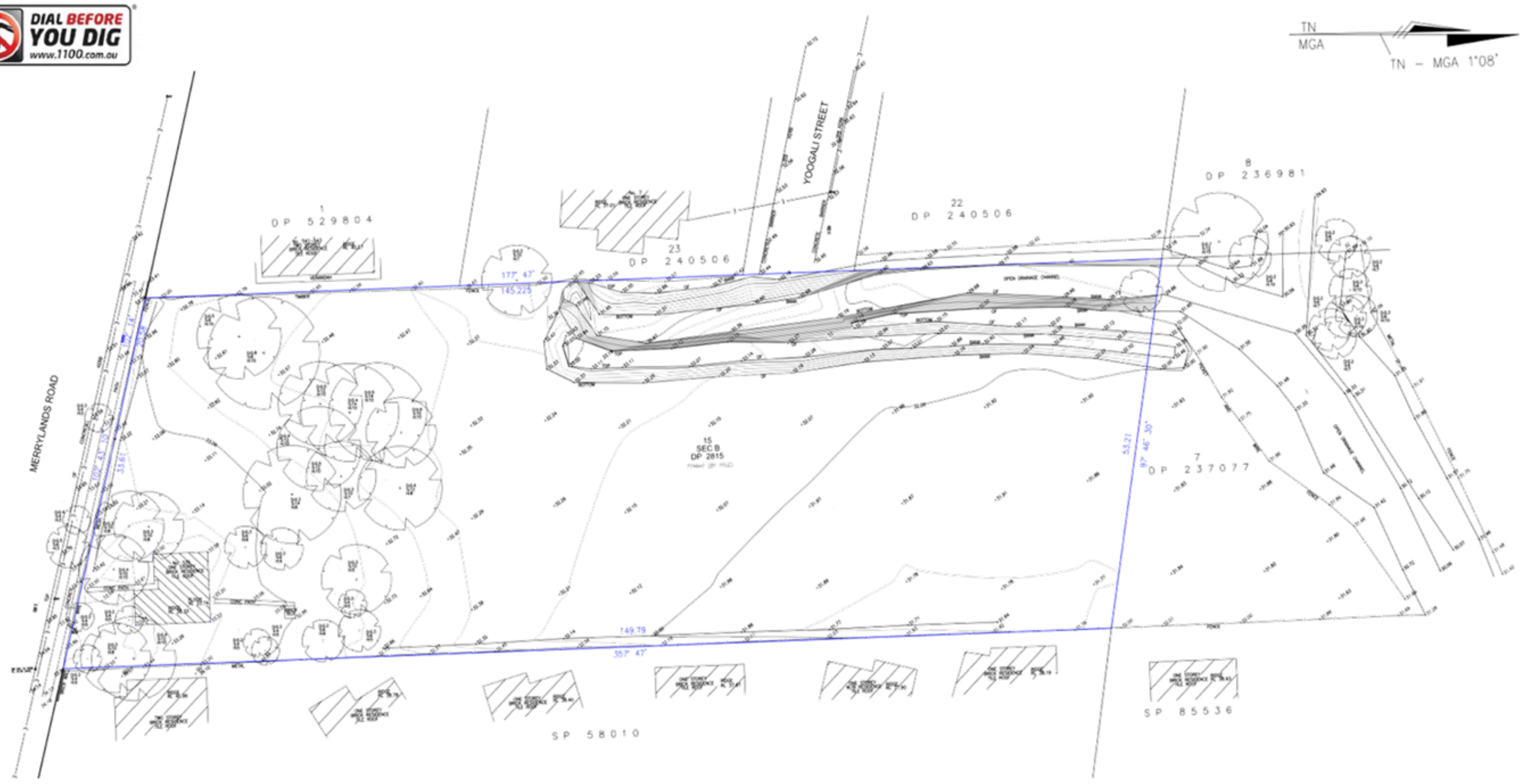
Drawn	Designed	Date
M.Cerna	T.Chan	MAR 19
Checked	Approved	Scale @A1
T.Chan	A.Francis	NTS

Drawing number: 19133_DA_SE02 | Revision: 01

CUMBERLAND CITY COUNCIL

APPENDIX B: SITE SURVEY

DIAL BEFORE YOU DIG
www.1100.com.au



NOTES

NO BOUNDARY SURVEY HAS BEEN UNDERTAKEN. BEARINGS, DIMENSIONS AND AREAS ARE FROM TITLE ONLY AND ARE SUBJECT TO CONFIRMATION BY BOUNDARY SURVEY.

SERVICES SHOWN ARE INDICATIVE ONLY. POSITIONS ARE BASED ON SURFACE INDICATOR(S) LOCATED DURING FIELD SURVEY.CONFIRMATION OF THE EXACT POSITION SHOULD BE MADE PRIOR TO ANY EXCAVATION WORK.OTHER SERVICES MAY EXIST WHICH ARE NOT SHOWN.

LEVELS ARE BASED ON AUSTRALIAN HEIGHT DATUM (A.H.D.) USING SSM 81469 R.L. 33.56m.

RIDGE & GUTTERS HEIGHTS HAVE BEEN OBTAINED BY INDIRECT METHOD AND ARE ACCURATE TO ±0.05m

ADJOINING DWELLINGS, BUILDING HAVE BEEN PLOTTED FOR DIAGRAMMATIC PURPOSES ONLY. ADJOINING WINDOWS HAVE NOT BEEN SURVEYED.

DIMENSIONS SHALL NOT BE OBTAINED BY SCALING THE DETAIL FROM THE DRAWING. SURVEYOR NEEDS TO BE CONTACTED IF THERE ARE ANY DISCREPANCIES.

CONTOUR INTERVALS 0.2m.

LEGEND

- M WATER METER
- BENCH MARK
- COMMS PIT
- E ELECTRICITY POWER LINE
- PP : POWER POLE/SERVICES
- GUT : TOP OF GUTTER
- H : HYDRANT
- S:3 (SPREAD) D:0.3 (DIAMETER) H:10 (HEIGHT)
- SHRUB

REV	DATE		DESCRIPTION
B	13.03.19		CONVERSION TO MGA
A	21.01.14		INITIAL ISSUE

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« DRAWING STATUS »
UNLESS THERE IS AN APPROVED SIGNATURE IN THE BOX PROVIDED THIS PLAN IS NOT VERIFIED AND IS NOT FOR CONSTRUCTION.

« CAUTION »
THE INFORMATION SHOWN ON THIS PLAN MAY BE INSUFFICIENT FOR SOME TYPES OF DETAILED DESIGN. RGM PROPERTY SURVEYS SHOULD BE CONSULTED AS TO THE SUITABILITY OF THE INFORMATION SHOWN HEREIN PRIOR TO THE COMMENCEMENT OF ANY DESIGN WORKS.

RGM property surveys
ABN 37 145 495 825

HUY THAI – REGISTERED SURVEYOR

SCALE	1 : 300 @ A1
LOCAL GOVT AREA	HOLROYD
SURVEY	A.S.
LEVEL BK	
DATE OF SURVEY	11.08.14
HEIGHT ORIGIN	AHD
DRAWN	C.E.
DESIGNED	
CHECKED	R.M.
APPROVED	H.T.

CLIENT: HENRY & HYMAS

PROJECT TITLE: 535 MERRYLANDS ROAD, MERRYLANDS

DRAWING TITLE: PLAN SHOWING LEVELS & DETAIL OVER LOT 15 SEC B IN DP 2815

CAD REF: C:\14632.dwg
DRAWING NO: 14632/001B
SHEET 1 OF 1
JOB NAME: MERRYLANDS
REV: B

CUMBERLAND CITY COUNCIL

APPENDIX C: MAINTENANCE SCHEDULE

HENRY & HYMAS

Level 5, 79 Victoria Avenue CHATSWOOD NSW 2067
Ph: +61 2 9417 8400 Fx: +61 2 9417 8337 E-mail: email@hhconsult.com.au Web: www.henryandhymas.com.au

MAINTENANCE SCHEDULE – 19133 - 535 Merrylands Rd, Merrylands

MAINTENANCE ACTION	FREQUENCY	RESPONSIBILITY	PROCEDURE
Enviropod Pit Baskets			
Visual inspection	Monthly after rain	Maintenance Contractor/Petrol Operator	During each inspection and clean, details of the mass, volume and type of material observed should be recorded to provide ongoing data for future management plan revisions and the optimization of the maintenance frequency.
Emptying and maintenance	3 to 6 monthly after rain or if bag is 50% full.	Maintenance Contractor/Petrol Operator	Open gully pit. Place the lifting hooks in the lifting loops of the filter bag. For extremely heavy and overfilled bags either use a hydraulic lifting arm to lift the bag, or remove excess material using a shovel or similar piece of equipment. The use of a post hole shovel is preferable, due to the reduced strain on the back when digging and the ability of the shovel to grab material vertically. Lift the bag vertically off the supporting frame, ensuring that no undue pressure is placed on the filter bag. Lift the bag clear of the stormwater pit. Position the bag over the truck or other collection vehicle, taking hold of the loops at the base of the bag. Lift and empty the filter bag by holding the bottom lifting loops only. Completely empty the filter bag. Brush the filter bag with a stiff brush to remove bound sediment from the filter pores. Check the filter bag. Check the Enviropod unit. Reinstate filter bag, ensuring bag is installed the correct way. Reinstate pit lids. Enviropod can alternatively be maintained using Cleaning Inductor Truck.
Grass Lined Swale(s)			
Sediment deposition	Three monthly or after heavy rain	Maintenance Contractor	Remove sediment build up from swale and in and around trees
Holes or Scour	Three monthly or after heavy rain	Maintenance Contractor	Infill any holes in the turf/grass area. Check for erosion or scour repair. Provide energy dissipation (eg. Rocks and pebbles at inlet) if necessary.

MAINTENANCE ACTION	FREQUENCY	RESPONSIBILITY	PROCEDURE
Litter Control	Three monthly or as desired for aesthetics	Maintenance Contractor	Check for litter (including organic litter) in and around the swale area. Remove both organic and anthropogenic litter to ensure flow paths is maintained.
Pests and diseases	Three monthly or as desired for aesthetics	Maintenance Contractor	Assess plants for disease, pest infection, stunted growth or senescent plants. Treat or replace as necessary. Reduced plant density reduces pollutant removal and performance
Maintain original plant densities	Three monthly or as desired for aesthetics	Maintenance Contractor	Infill planting – between 6 and 10 plants per square metre should be adequate (depending on species) to maintain a density where the plants' roots touch each other. Planting should be evenly spaced to help prevent scouring due to a concentration of flow.
Weeds	Three monthly or as desired for aesthetics	Maintenance Contractor	Inspect for and manually remove weed species. Application of herbicide should be limited to a wand or restrictive spot spraying due to the fact that the swale is directly connected to the waterways.
Inspection after rainfall	Twice a year after rain	Maintenance Contractor	Occasionally observe the swale system after a rainfall event to check infiltration. Identify signs of poor drainage (extended ponding). If poor drainage is identified, check land use and assess whether it has altered from design capacity (eg. Unusually high sediment loads may require installation of a sediment forebay).
Stormwater Pits, Grated Drains and Pipes, OSD Tank			
Pits, grated drains and pipes around the site	Annually	Maintenance Contractor	Check pits, grated drains and pipes for blockages. Remove debris and flush pipes if required.
Check step irons for corrosion	Annually	Maintenance Contractor	Remove grate. Examine step irons and repair any corrosion or damage.
Check fixing of step irons is secure	Six monthly	Maintenance Contractor	Remove grate and ensure fixings secure prior to placing weight on step iron.
Clean trash rack	Six monthly	Maintenance Contractor	Clean all sediment and debris form trash rack

DOCUMENTS ASSOCIATED WITH REPORT LPP015/21

Attachment 9

Overland Flow Flood Assessment (including Evacuation Strategy & Plan)

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EASTWOOD NSW 2122
02 9807 7800
admin@quantumengineers.com.au
quantumengineers.com.au

Our Reference: 200439_Flood (REV C)

Lot 15, No.535 Merrylands Road, Merrylands

Overland Flow 'Flood' Assessment

Prepared by: ***Jason Li*** *BE (Civil) MSE (Civil) MIEAust*
Checked by: ***Robert Eltobbagi*** *BE(Civil) MIE Aust CPEng NER (1052208) RPEQ (25464)*
Dated: ***13th April 2021***

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1 EXECUTIVE SUMMARY

This Report analyses the Local Overland Flooding for the proposed development at ***No.535 Merrylands Road, Merrylands***.

The Clients Representative, 'Restifa & Partners', is proposing an Aged Care development on this site. The Site Plan for the proposed development is presented in ***Figure 1.1*** below as prepared by 'Team 2 Architects'.

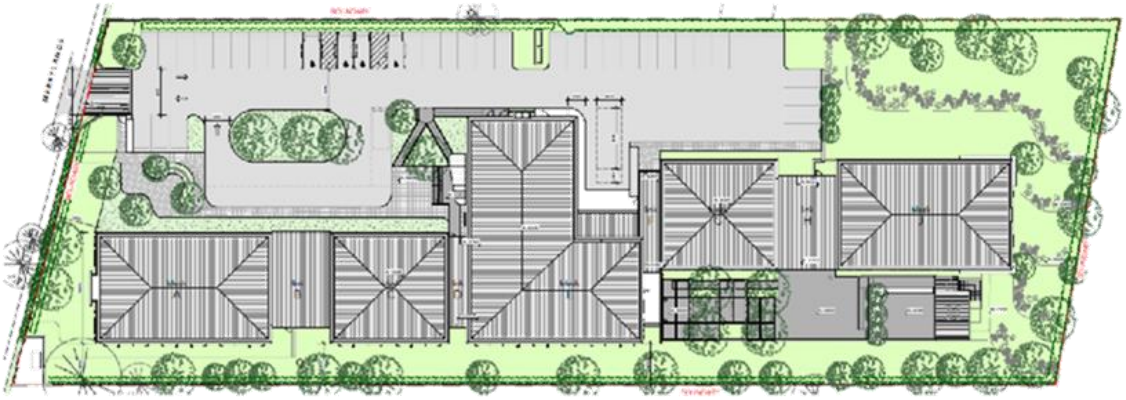


Figure 1.1: Proposed Site Plan

The **Overland Flow 'Flood' Study** incorporates the following:

- ***Addressing the 'flood planning controls' per Cumberland Councils LEP & DCP;***
- ***Design considerations pursuant to 'NSW Floodplain Development Manual' for the purposes of Section 733 Local government Act 1993;***
- ***An assessment of the overland flooding from local upstream catchment affecting the subject site;***
- ***Modelling of overland flow flood behaviours comparing pre & post flood impact on the subject site utilising 2D 'TUFLOW' Flood Model.***

'NSW Floodplain Development Manual':

- *supports the NSW Government's Flood Prone Land Policy by guiding councils through the floodplain risk management process*
- *provides advice on how to identify flood risk, develop floodplain risk management plans and implement those plans*
- *outlines the technical and financial assistance provided by the NSW Government*

The proposed building footprint encroaches into both the 1% AEP (100YR ARI) & PMF flood extent, as such the proposed building will be constructed on a suspended pier & beam system to facilitate the overland flow flooding to ensure the flood volume is not exacerbated nor impacted. In addition, remedial localised site 'cut' earthworks and a drainage culvert proposal have been incorporated into the development proposal to further enhance the proposal outlined in this Report.

Hence on this basis, our 2D 'TUFLOW' modelling on which the basis of this Report is provided, will outline a comparison between the pre-development & post-development scenarios.

Our modelling & subsequent analysis confirms there is no adverse exacerbation of flooding on the neighbouring properties – this conclusion also considers the Council Reserve area at the rear of the subject site.

2 INTRODUCTION

This analysis, modelling & Report outlines the procedures and findings of the hydraulic modelling relative to the subject site for both the pre & post development scenario conditions.

In summary, our assessment concluded:

1. ***Off-site flood conditions relative to the proposed development are largely unchanged from the existing conditions;***
2. ***Development Proposal for an Aged Care development does not materially affect local flood characteristics;***
3. ***Proposed development has negligible offsite flood impacts & does not exacerbate flood characteristics;***
4. ***Proposed Aged Care 'habitable' floor level elevated to PMF Flood Level provides genuine safety refuge for resident occupants;***
5. ***Comprehensive Assessment of 'Council Flood Controls' indicates the proposed development complies with Council general 'design intent' requirements.***

3 REFERENCE DOCUMENTS

The following documents have been adopted as reference documents in this Overland Flow Flood Report:

1. *Site Survey Plan prepared by 'RGM Property Surveys', dated 11th August 2014*
2. *Architectural Plans prepared by 'TEAM 2 Architects'*
3. *NSW Government Floodplain Development Manual – Management of Flood Liable Land (2005)*
4. *Cumberland Council DCP*
5. *Holroyd Development Control Plan 2013*
6. *Australian Rainfall and Runoff (AR&R 2016)*
7. *Holroyd City LGA 'Overland Flood Study Hydraulic Model Input (TUFLOW)'*
8. *EMA Flood Preparedness Manual*

4 LOCAL CATCHMENT

The site is affected by overland flooding from the local upstream catchment. The runoff from the localised upstream catchment traverses overland through the low-lying areas of the catchment until it reaches Merrylands Road. As the upstream catchment runoff exceeds the capacity of the existing inground drainage infrastructure, overland flooding will overtop the kerb along the frontage of the subject property and traverse along the nature strip and then through the subject site.

The applicable upstream catchment is predominantly 'urban residential' and is characterised by an average slope of 2.3% (approximately).

Figure 4 Upstream Catchment Plan

4.1 Objective

The purpose of this Overland Flow Study is to provide a detailed assessment of the potential Local Overland Flooding and to determine the flood impact on the subject site.

Furthermore, to assess if there will be any potential exacerbation on the surrounding neighbouring properties (& rear Reserve) when assessing the pre to post-development scenario conditions.

In summary, the objectives are as follows:

- ***Define design flood levels, velocities and depths for the catchment using Councils Flood Model;***
- ***Amend the model to include the proposed development footprint and investigate if the proposed development affects the flood characteristics;***
- ***Propose mitigation measures to eliminate any impacts; and***
- ***Address the requirements of Cumberland (former Holroyd) Council's DCP***

5 GLOSSARY

Annual Exceedance Probability (AEP)

The chance of a flood of a given or a larger size occurring in any one year, usually expressed as a percentage.

Australian Height Datum (AHD)

A common national surface level datum approximately corresponding to mean sea level.

Catchment

The land area draining through the main stream, as well as tributary streams, to a particular site. It always relates to an area above a specific location.

Flood

Relatively high stream flow which overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or local overland flooding associated with major drainage before entering a watercourse.

Flood Planning Levels (FPLs)

Are the combinations of 1% AEP (100YR ARI) flood levels and freeboards selected for floodplain risk management purpose.

Freeboard

Is a factor of safety typically used in relation to the setting of floor levels.

Habitable Room

- In a residential situation: a living or working area, such as a lounge room, dining room, rumpus room, kitchen, bedroom or workroom;
- In industrial or commercial situation: an area used for offices or to store valuable possessions susceptible to damage in the event of a flood.

Peak Discharge

The maximum discharge occurring during a flood event.

Probable Maximum Flood

PMF is the largest flood that could conceivably occur at a location, usually estimated from probable maximum precipitation.

High Flood Risk Precinct

Land below the 1% AEP (100-year) flood that is either subject to a high hydraulic hazard or where there are significant evacuation difficulties.

Medium Flood Risk Precinct

Land below the 1% AEP (100-year) flood that is not subject to a high hydraulic hazard and where there may be some evacuation difficulties.

Low Flood Risk Precinct

All other land within the floodplain (i.e. within the extent of the probable maximum flood) but not identified within either the High Flood Risk or the Medium Flood Risk Precinct.

Hazard

Is a source of potential harm or a situation with a potential to cause loss. In relation to this plan, the hazard is flooding which has the potential to cause harm or loss to the community.

Hydraulic Hazard

Is the hazard as determined by the provisional criteria outlined in the FMM in a 1% Annual Exceedance Probability (AEP) flood event.

Local Overland Flooding

Local overland flooding means inundation by local runoff rather than overbank discharge from a stream, river, estuary, lake or dam.

6 AUTHORITIES REQUIREMENTS

6.1 Cumberland Council *(formerly Holroyd Council DCP)*

The Controls for the development in flood liable land are detailed in the applicable document relevant to our subject site **Holroyd DCP 2013 – Part A General Control Section 8 'Flood Prone Land':**

The objective of 'Controls':

a) *To ensure the proponents of development and the community in general are aware of the potential flood hazard and consequent risk associated with the use and development of land within the floodplain.*
b) *To require all development to be raised above the flood planning level (being the 1% AEP + freeboard) or (in certain development only) to be designed such that it will be protected up to the flood planning level.*
c) *To require development of high sensitivity to flood risk (e.g. critical public utilities) to be sited and designed such that they are subject to an acceptably minimal risk from flooding.*
d) *To allow development with a lower sensitivity to the flood hazard to be located within the floodplain, subject to appropriate design and planning controls, provided that the potential consequences which could still arise from flooding, remain acceptable having regard to the New South Wales Flood Prone Land Policy and the likely expectations of the community.*
e) *To prohibit any intensification of the land uses located within the high hazard precinct, and wherever appropriate and possible, allow for their conversion to natural waterway corridors.*
f) *To ensure that design and planning controls required to address the flood hazard do not result in unreasonable impacts upon the amenity, economy or ecology of an area.*
g) *To ensure that development does not result in any increased risk to human safety but does endeavour to reduce such risks.*
h) *To ensure that the additional economic and social costs which may arise from damage to property from flooding is not greater than that which can reasonably be managed by the property owner, property occupants and general community.*
i) *To ensure that redevelopment mitigates the extent of the flood effect to new buildings or existing buildings to be refurbished.*
j) *To reduce flood damage to inundated areas such as the part of a building below the flood planning level.*

Performance Criteria:

a) *The proposal shall only be permitted where reliable access is available for the evacuation of an area potentially affected by floods. Evacuation shall be consistent with any relevant flood evacuation strategy where in existence.*
b) *Development shall not detrimentally increase the potential flood affectation on other development or properties, either individually or in combination with the cumulative impact of development that is likely to occur within the same floodplain.*
c) *Development shall, to the fullest extent practicable, maintain the site's flood storage capacity and preserve and improve flood flow capacity through the site.*
d) *Development shall not result in significant impacts upon the amenity of an area by way of unacceptable overshadowing of adjoining properties, privacy impacts (e.g. by unsympathetic house-raising) or by being incompatible with the streetscape or character of the locality.*

e) *Development shall comply with the **'Prescriptive Controls'** (outlined below) relevant to the appropriate Flood Risk Precinct and Land Use Category.*

Prescriptive Control

Land use categories see table 1 / Planning Consideration	Flood Risk Precincts (FRPs)																											
	Low Flood Risk										Medium Flood Risk										High Flood Risk									
	Sensitive Uses and Facilities	Critical Utilities and Uses	Subdivisions	Filling	Residential	Commercial or Industrial	Tourist Related evelopment	Open Space or Non-Urban	Re-development	Minor Additions	Sensitive Uses and Facilities	Critical Utilities and Uses	Subdivisions	Filling	Residential	Commercial or Industrial	Tourist Related evelopment	Open Space or Non-Urban	Re-development	Minor Additions	Sensitive Uses and Facilities	Critical Utilities and Uses	Subdivisions	Filling	Residential	Commercial or Industrial	Tourist RelatedDevelopment	Open Space or Non-Urban	Re-development	Minor Additions
Design Floor Level	3	3			2,5	2,5	2,5			4					2,5	2,5	2,5	1	5,6	4								1	5,6	4
Building Components	2	2													1	1	1	1	1	1								1	1	1
Structural Soundness	2	2													1	1	1	1	1	1								1	1	1
Flood Effects	2	2	2	1	2	2	2						1		2	2	2	2	1	2								1	1	2
Evacuation	2,4	2,4	3,4		4	3,4	3,4						3,4		3,4	3,4	3,4	1	3,4	3,4								1	3,4	3,4
Management and Design	4	2,4	1										1		3	4	4	3,4	4,5	3,4								3,4	4,5	3,4

Not relevant — Unsuitable Land Use

NOTES:
Terms are defined in Part K of the DCP.

Filling
Filling of the site, where acceptable to Council, may change the Flood Risk Precinct considered to determine the controls applied in the circumstances of individual applications.

Freeboard
Freeboard to habitable floor level equals an additional height of 500mm.
For sites subject to local overland flooding only, the freeboard to habitable floor level can be reduced to the following:
i) Upstream catchment area <2ha – freeboard 200mm minimum;
ii) Upstream catchment area >16ha – freeboard 500mm minimum;
iii) Upstream catchments between 2 to 16ha – freeboard may vary linearly between 200mm to 500mm.

Design Floor Level
1. All Floor Levels shall be equal to or greater than the 20% AEP flood level plus freeboard unless justified by site specific assessment.
2. Habitable floor levels shall be equal to or greater than the FPL (1% AEP flood plus freeboard).
3. All Floor Levels shall be equal to or greater than the PMF event.
4. Floor levels shall be as close to the design floor level as practical & no lower than the existing floor level when undertaking alterations or additions.
5. Floor levels of open car parking areas and garages shall be 150mm above the 1% AEP flood. This may be achieved with an suspended floor which allows the continued passage of flood waters or filling if justified by a site specific assessment, (subject to "Flood Effects" and other controls below new line). Basement car parking must be protected from the 1% AEP flood plus freeboard of 500mm, except where, in Council's view, it is impractical to do so, but freeboard shall not be less than 150mm.
6. Habitable floor levels of residential, commercial and industrial re-development shall be protected to the FPL (1% AEP flood level plus freeboard). For Commercial/Industrial sites where it is impractical to achieve this (and subject to Council approval) the building is to be effectively flood proofed to FPL and the floor level is to be as high as practical.

Building Components & Method
1. All structures to have flood compatible building components below or at the FPL (1% AEP flood level plus freeboard).
2. All structures to have flood compatible building components below or at the PMF event level.

Structural Soundness
1. Engineers report to demonstrate and certify that any structure can withstand the forces of floodwater, debris & buoyancy up to & including the FPL (1% AEP flood plus freeboard).
2. Engineers Report to demonstrate and certify that any structure can withstand the forces of floodwater, debris & buoyancy up to & including a PMF event.

Flood Effects
1. Engineers report required to demonstrate and certify that the development will not increase flood effects elsewhere.
2. The impact of the development on flooding elsewhere shall be considered.

Note: When assessing flood effects, the following must be considered:
- loss of storage area in the floodplain;
- changes in flood levels & velocities caused by alteration of conveyance flood waters; and
- cumulative impacts of the development.

Evacuation
1. Reliable egress for pedestrians required during a 20% AEP flood.
2. Reliable egress for pedestrians and vehicles to an area refuge on or off site that is above the PMF level is required during a PMF event.
3. Reliable egress for pedestrians to the lowest habitable floor level is required from the building to an area refuge above the PMF level, either on-site or off-site.
4. Applicant to demonstrate that the development is to be consistent with any relevant flood evacuation strategy or similar plan.

Management and Design
1. Applicant to demonstrate that potential development as a consequence of a subdivision proposal can be undertaken in accordance with this Plan.
2. Site Emergency Response Flood plan required (except for single dwelling-houses) where floor levels are below the design floor level.
3. Applicant to demonstrate that area is available to store goods above the FPL (1% flood plus freeboard).
4. No external storage of materials below the FPL (1% flood plus freeboard) which may cause pollution or be potentially hazardous during any flood.

5. The applicant is to prepare an Economic Analysis of Flood Losses (See Appendix 1). The applicant to submit a Flood Preparedness Loss Minimisation Plan.

7 HYDROLOGY

A hydrologic model combines rainfall information with local catchment characteristics to estimate a runoff hydrograph. For this study, all hydrological data sets were obtained from Councils 'TUFLOW' model - *Holroyd City LGA Overland Flood Study*.

7.1 Critical Storm Definition

Based on the Councils 'TUFLOW' model simulation results, the 1% AEP (100YR ARI) and PMF critical storm duration adopted for this study is 90min and 45min respectively.

Figure 7.1.1 indicates the total upstream **1% AEP (100YR ARI)** overland flow runoff hydrograph (including 25min – 3hr duration storm events) on Merrylands Road. The critical storm duration event of 90min has generated the highest peak flow for any storm duration event.

Figure 7.1.2 indicates the total upstream **PMF** overland flow runoff hydrograph (including 15min – 1hr duration storm events) on Merrylands Road. The critical storm duration event of 45min has generated the highest peak flow for any storm duration event.

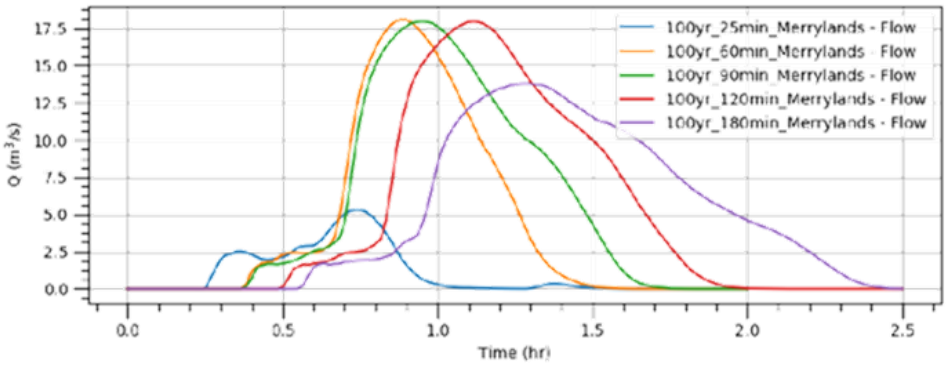


Figure 7.1.1: 1% AEP Runoff Overland Flow Hydrograph (Merrylands Road)

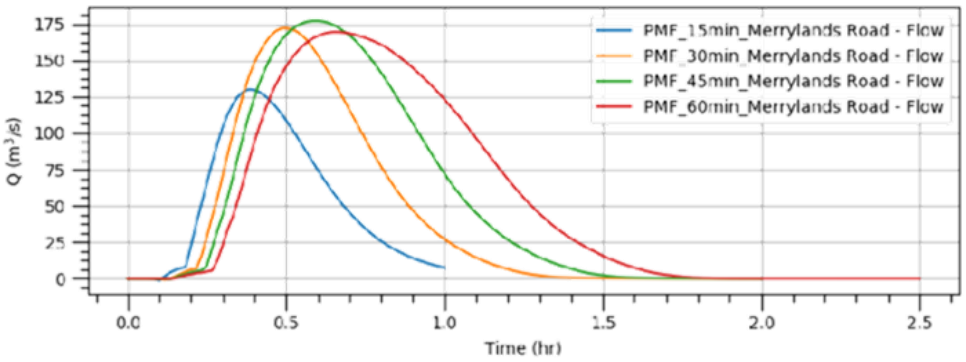


Figure 7.1.2: PMF Runoff Overland Flow Hydrograph (Merrylands Road)

8 HYDRAULIC

8.1 Definition

A hydraulic model converts runoff (traditionally from a hydrological model) into water levels and velocities throughout the major drainage/creek systems in the study area (known as the model 'domain', which includes the definition of both terrain and roughness).

The model simulates the hydraulic behaviour of the water within the study area as potential overland flow paths, which develops when the capacity of the channel(s) is exceeded. The model is established in conjunction with boundary conditions, which include upstream runoff hydrographs generated by 'TUFLOW' model and appropriate downstream boundary.

8.2 Model Topographic Surface

The DEM data included in the model was extrapolated from the ALS datasets. The data sets were obtained from councils 'TUFLOW' model - Holroyd City LGA Overland Flood Study

8.3 2D Model Set-up

'TUFLOW' hydraulic modelling was carried out to determine the flood behaviour within the catchment area. Grid spacing of **2m x 2m** was adopted for the flood model and deemed satisfactory to define the flood extent through the developed areas in the vicinity of the subject property.

8.4 Model 2D Roughness

Material ID	Mannings n	Land Use
1	0.02	Road and Railway
2	0.015	Concrete Surface Channel
3	0.03	Well Maintained Grassed Cover e.g. Golf Course, Riverbed, Sand/Gravel
4	0.045	Grass/Lawns (Default for TUFLOW model)
5	0.06	Macrophytes
6	0.07	Medium Vegetated Area
7	0.08	Trees
8	0.09	Trees and Scrub
9	0.12	Mildly Dense Vegetation
10	0.135	Dense Vegetation
11	0.1	Duc Pipeline
12	10	Buildings
13	0.035	Water/Wetlands
14	0.05	Lightly Vegetated Area
15	0.08	Fenced Houses (Alternate Roughness)

Table 8.4: Manning's Roughness Coefficient (Holroyd City LGA Overland Flood Study)

8.5 'TUFLOW' Obstruction

In the post development state, future building footprints was incorporated and modelled within the 'TUFLOW' model as elevated structures with a pier & beam structure.

Proposed Building Piers - The flow contraction/expansion losses caused by the building piers, 2d_fcsh file, was adopted to simulate the impact on flood water. The Position of Pier was adopted with minimum 3.0m spacing. The soffit level of the floor structure (underside) was set 300mm below flood level and β Blockage factor of 50% and Form Loss Coefficient (FLC) of 0.4 was assigned respectively as attributes to 2d_fcsh file. In addition, the fill surface under the proposed building and car park area's were incorporated into Councils 'TUFLOW' model to assess the impact

- Refer to Figure 9.2.1

The FLC was estimated in accordance with 'Incremental Backwater Coefficient for Piers' Table (FHA, 1978) and the final input FLC was rectified based on width of obstruction - Refer to Figure 8.5 below

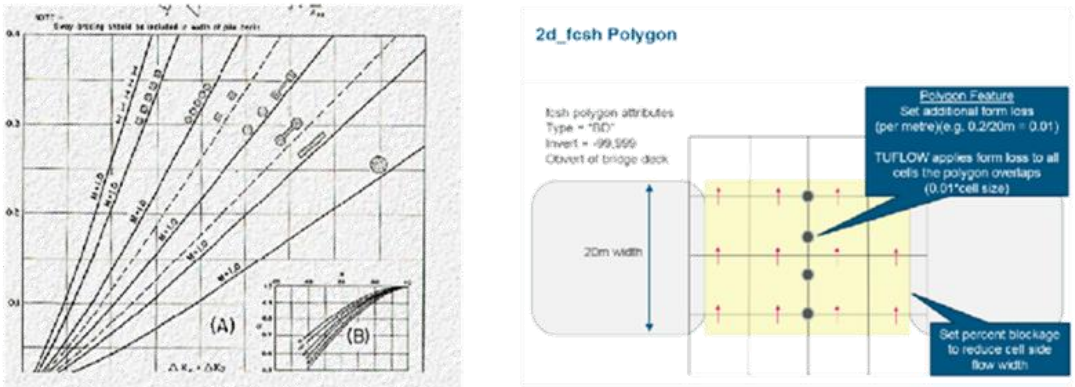


Figure 8.5 – Incremental Backwater Coefficient & FLC definition

8.6 Upstream & Downstream Boundary Condition

The upstream and downstream boundary conditions were defined by the Council 'TUFLOW' model.

8.7 Adopted Drainage Network

For this study, all in-ground stormwater drainage pits & pipes located within the study area has been incorporated by the Council 'TUFLOW' model. Quantum Engineers did not alter any input parameters for the existing pipe network. The existing 1500mm DIA pipe incoming from Merrylands Road and the 375mm DIA pipe incoming from Yoogali Street are connected to the proposed Culvert in the post-development 'TUFLOW' model.

9 RESULTS

9.1 Design Flood Modelling Results

2D 'TUFLOW' hydraulic models were undertaken for both the 1% AEP (100YR ARI) & PMF design flood events. The peak water level, depth, and velocity for each 2m x 2m grid cell in the study area were determined. The pre & post development flood extent, flood level contours, flood velocity, hazard classification & flood impact generated by the 'TUFLOW' model are presented in ***Appendix A 'Figures A.1 – A.19'***

9.2 Discussion

9.2.1 Impact of Proposed Development

The subsequent flooding on the subject site occurs due to generated catchment 'overland flow' from the upstream road network and urban area when council's drainage infrastructure system capacity is exceeded.

The critical storm event's peak 1% AEP (100YR ARI) local upstream catchment flow was determined as approximately **17.70m³/s**. As shown in the **Flood Maps *(Appendix A - Figures A.1 & A.5)***, the majority of the site is impacted by the 1% AEP (100YR ARI) local upstream overland flow.

As the Proposed Building footprint encroaches into the floodway, there may be a potential for the proposed development to increase the flood levels and reduce the flood volume if mitigation measures are not incorporated. To reduce and in fact eliminate any potential impact that the Proposed Building footprint may have on flooding, the following mitigation measures were modelled in 'TUFLOW':

- ***Provide additional flood storage as shaded in Figure 9.2.1 – Flood Mitigation Measures***
- ***Building Level to be RL35.00mAHD and suspended by a pier + beam structure (further discussed in Section 9.3 of this Report – Land Use Category requirements)***
- ***Raise Car Park area to Flood Planning Level (minimum RL33.00mAHD)***
- ***Provide 8m wide culvert under Car Park area to divert upstream overland flow (refer to Figures 9.2.1 & 9.2.2 and Plans prepared by Henry & Hymas)***
- ***Provide 6.6m wide x 2m long grate opening at driveway entry as an inlet structure for proposed culvert to collect traversing overland flow off Merrylands Road***
- ***Post-Development Surface provide more than 20% additional flood storage compared to Pre-Development Surface (refer to Figures 9.2.3)***

These measures resulted in the 'TUFLOW' hydraulic modelling revealing the Proposed Aged Care development at **No.535 Merrylands Road, Merrylands** will not have an adverse impact or exacerbate the flooding behaviour elsewhere in the respective floodplain.

The proposed culvert directs captured flow and remaining overland flow 'away' from the proposed building footprint to create protection to the Aged Care and its occupant residents. Furthermore, there will be no upstream afflux created by this development.

In assessing the **'Flood Impact Map'** ***(Appendix A - Figure A.17),*** the off-site flood impact is contained within the Council Reserve. As such, we deem acceptable and critically protects residents of the proposed development and also neighbouring lots from potential flood hazards & flood exacerbation.

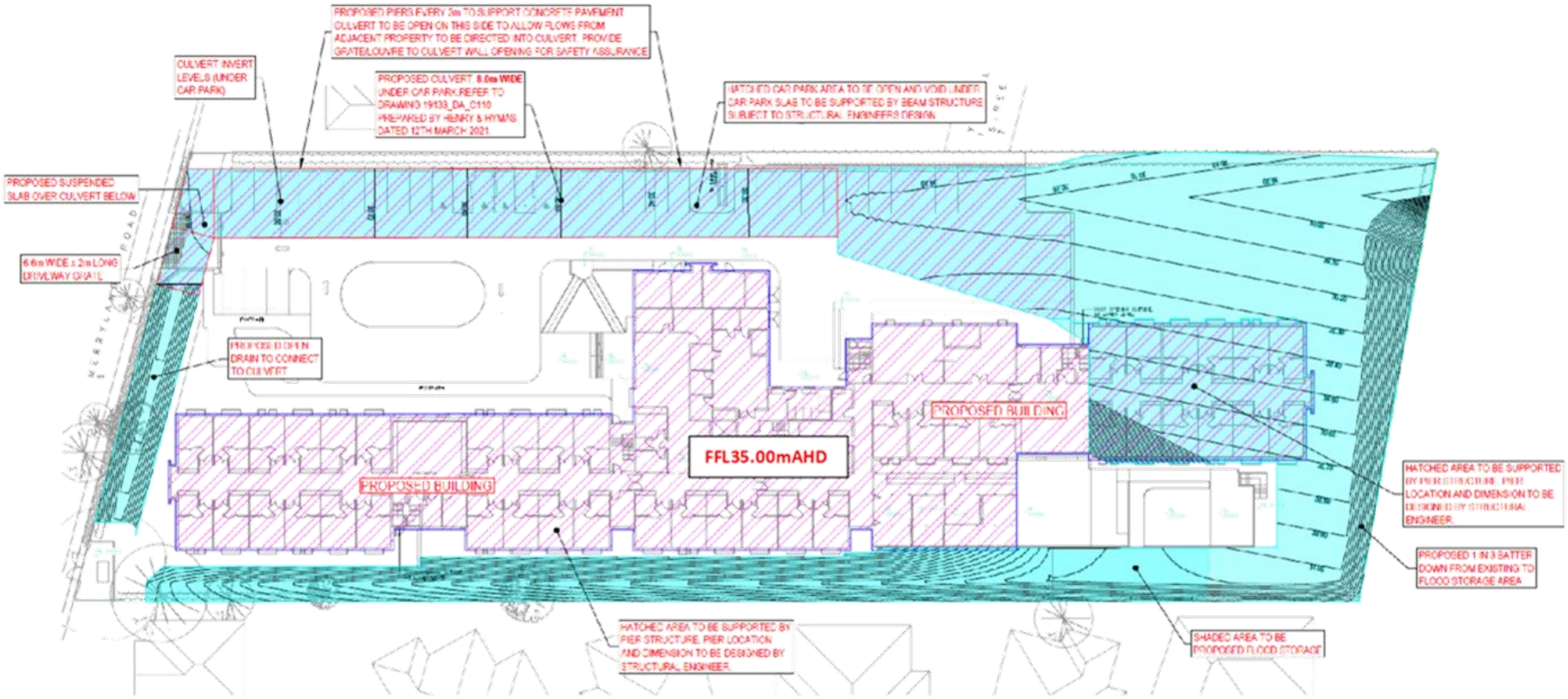


Figure 9.2.1 Flood Mitigation Measures

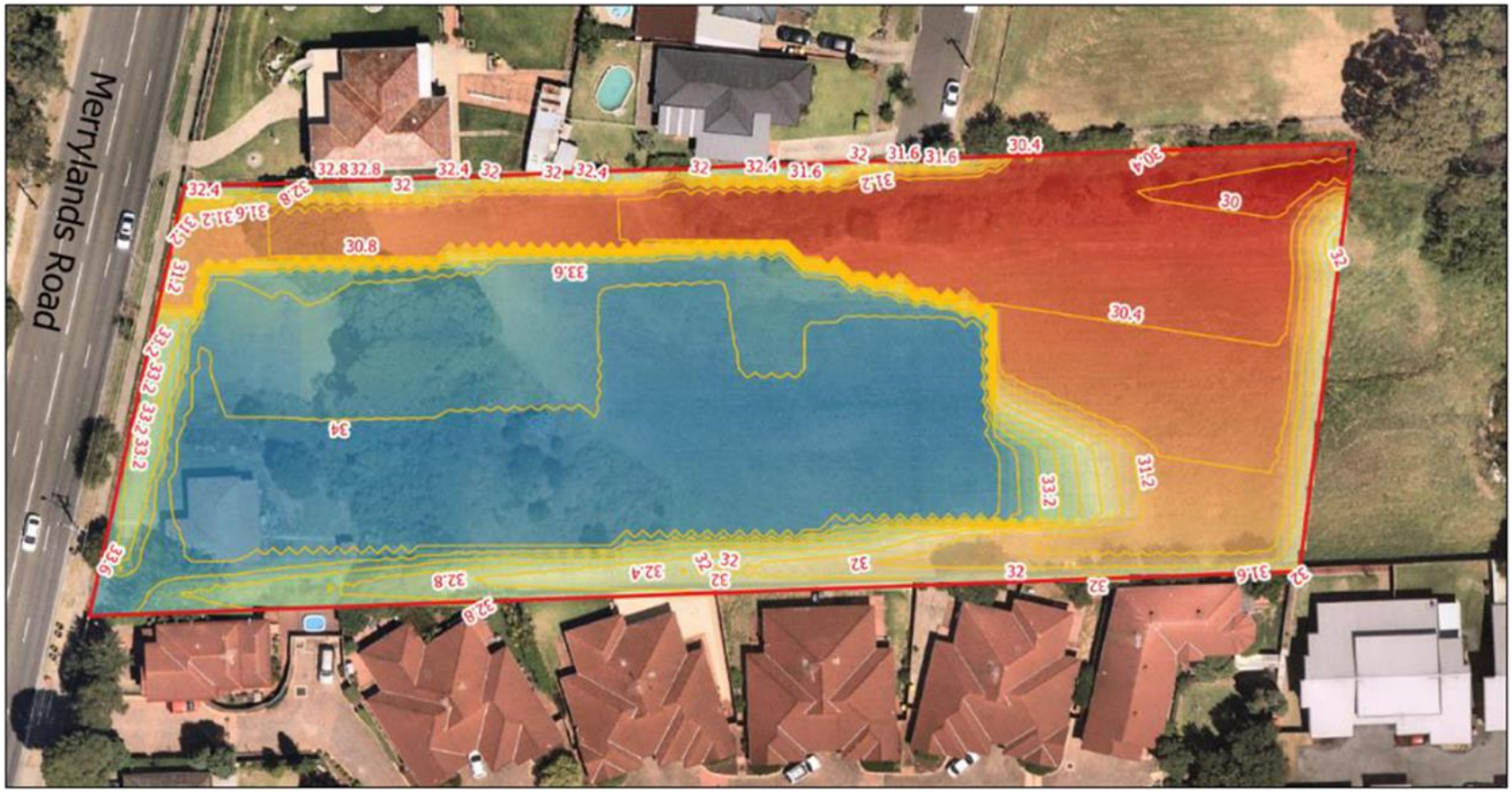


Figure 9.2.2 Post Development Base Surface Input in 'TUFLOW'

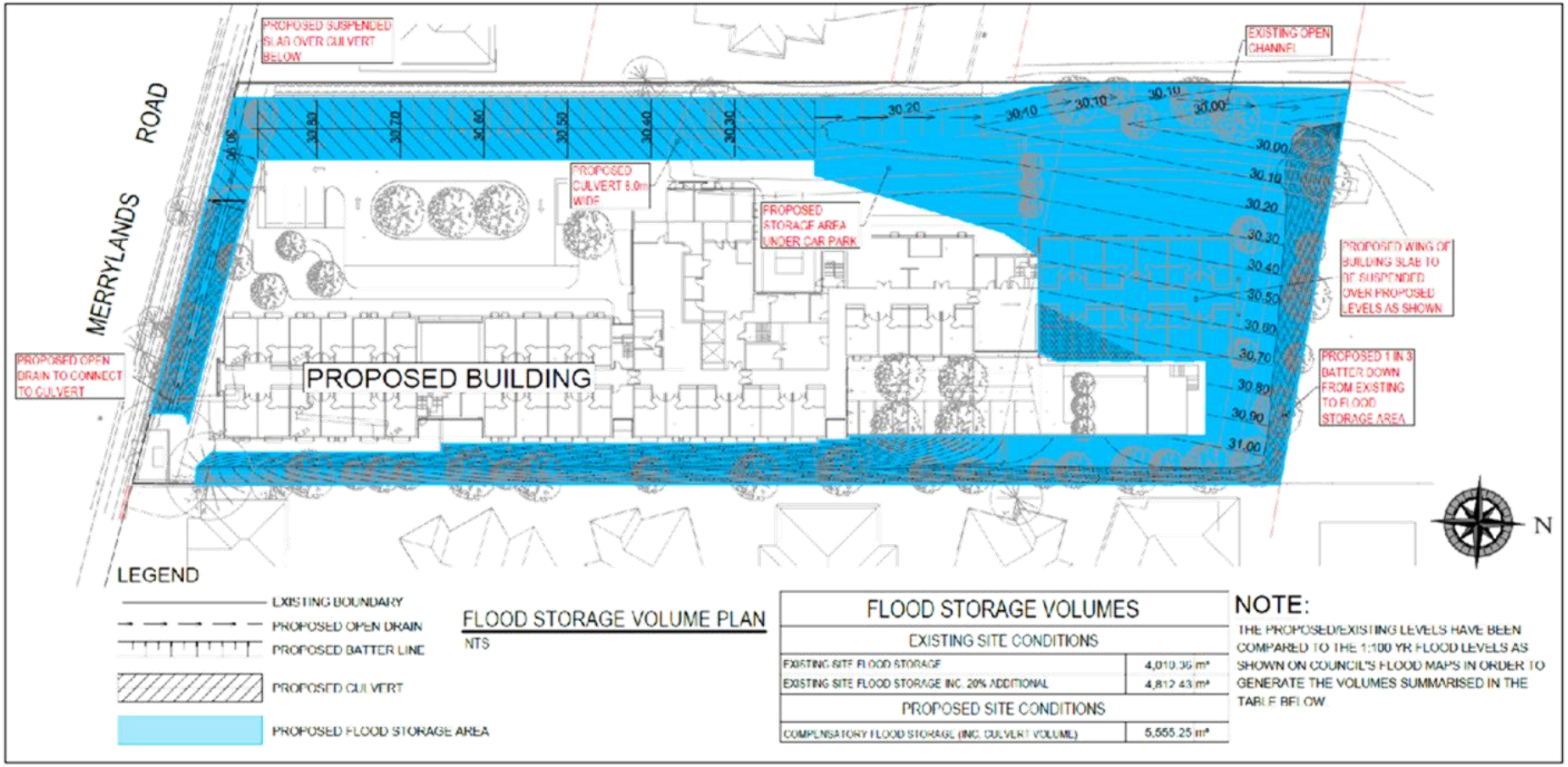


Figure 9.2.3 Flood Storage Calculation

9.2.2 Hazard Assessment (1%AEP & PMF)

Safety of people/residence in floods is of major concern. As such, an assessment of the **1%AEP Provisional Flood Hazard** (*Velocity & Depth product at 0.1 m^2/s interval*) is presented in ***Appendix A - Figures A.4 & A.8***

Base on the Hazard criteria outlined in ***Figures 9.2.1, 9.2.2 & 9.2.3***, the **Hazard Classification Maps *(Refer to Appendix A - Figure A.3 & A.7)*** have been generated for both the pre-development and post development scenario's to assist in understanding the potential relevant flood hazard.

The modelling revealed that for the **1%AEP Post-development Flood Hazard Classification Map (*Refer to Appendix A – Figure A.7*)**, the resulting Hazard Category's were confirmed:

- **Driveway & Carpark Entry- H1 to H2 Hazard Category *(shading below H5 culvert results)***
- **Culvert - H5 Hazard Category**

As such, during the 1%AEP storm event, it can be concluded that the Hazard Category for egress off-site evacuation from the proposed building to Merrylands Road, is generally **safe** for people and vehicles. Furthermore, the proposed buildings will not be in a position of compromise during such storm event.

However, off-site evacuation is not possible during **PMF event** and on-site evacuation shall be implemented in extreme rainfall events.

Hazard Vulnerability Classification	Description
H1	Generally safe for vehicles, people and buildings.
H2	Unsafe for small vehicles.
H3	Unsafe for vehicles, children and the elderly.
H4	Unsafe for vehicles and people.
H5	Unsafe for vehicles and people. All buildings vulnerable to structural damage. Some less robust buildings subject to failure.
H6	Unsafe for vehicles and people. All building types considered vulnerable to failure.

Figure 9.2.1 – Combined Hazard Curves 'Vulnerability Thresholds'
(Smith et al.2014)

Hazard Vulnerability Classification	Classification Limit (D and V in combination)	Limiting Still Water Depth (D)	Limiting Velocity (V)
H1	D*V ≤ 0.3	0.3	2.0
H2	D*V ≤ 0.6	0.5	2.0
H3	D*V ≤ 0.6	1.2	2.0
H4	D*V ≤ 1.0	2.0	2.0
H5	D*V ≤ 4.0	4.0	4.0
H6	D*V > 4.0	-	-

Figure 9.2.2 – Combined Hazard Curves 'Vulnerability Thresholds Classification Limits'
(Smith et al.2014)

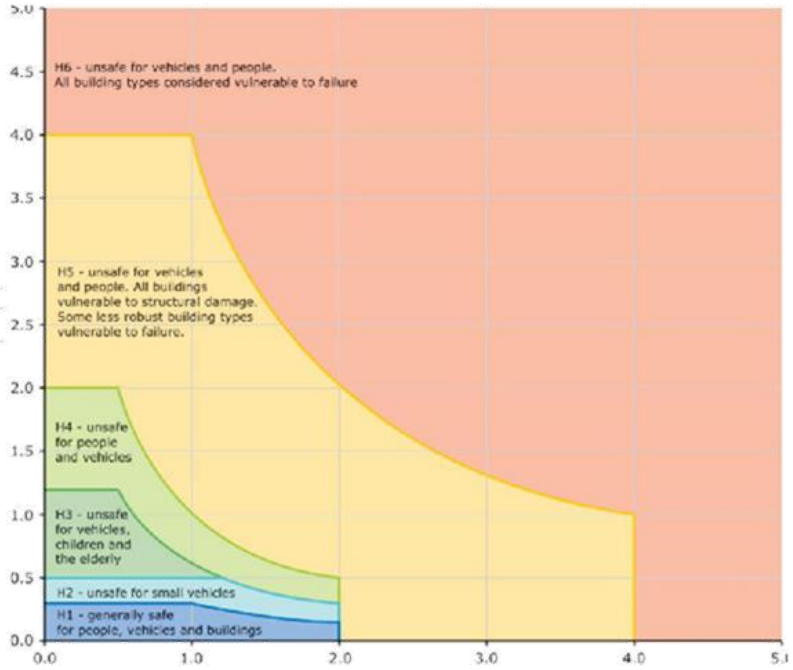


Figure 9.2.3 – Combined Hazard Curves (Smith et al.2014)

9.3 Council Requirement

This section of the Report demonstrates how the Proposed Aged Care development will achieve Council's requirements as outlined in Cumberland (Holroyd) Council DCP.

Land Use Category:

Aged Care is classified as Sensitive Use according to Holroyd DCP 2013. According to the flood matrix, sensitive use building is prohibited in Medium to High Hazard region. However, the proposed culvert and additional flood storage area has diverted majority of overland flow away from the building (refer to Figure A.5 in Appendix A). During 1% AEP (100YR ARI), majority of the building is not impacted by the flood water as the proposed culvert conveys all the upstream runoff towards the creek at the rear boundary.

In addition, the building will be supported by piers and constructed with flood resistance material up to PMF flood level which is RL35.0mAHD. Therefore, it is deemed satisfactory to propose such development in the subject site.

9.3.1 Floor Level

Proposed buildings finish floor levels subject to overland flooding has adopted the following floor level which has set above the required flood planning level, and hence deem to comply council's requirement. To comply with Holroyd Council Flood Matrix, Habitable Floor Level is set to above PMF flood level to provide safe refuge for occupants. Car Park level is significantly above 1% AEP (100YR ARI) flood level with over 500mm freeboard.

Locations	Freeboard Requirements for 1%AEP (mm)	Post Development 1% AEP Flood Level (m AHD)	Post-Development PMF Flood Level (m AHD)	Adopted Floor Level (m AHD)
Aged Care Finished Floor Level	*500mm*	*RL31.90*	*RL35.00*	*FFL35.00*
Car Park Area	*500mm*	*RL32.50*	*RL35.00*	*RL33.30 - RL34.00*

9.3.2 Building Component & Structural Soundness

New structures subject to flooding and overland flow must be designed & constructed to withstand the anticipated hydrostatic forces.

For all parts of the development potentially exposed to floodwater, the development structure must:

i) *Be constructed of flood compatible building components in accordance with the Cumberland Councils DCP (formerly Holroyd Council) requirements* ***(Refer to Appendix B)***

ii) *All structures to have flood compatible building components below or at the PMF storm event level*

iii) *Structural Engineer must design & Certify that the structure is designed and is capable of withstanding forces subject to forces of floodwater, debris, buoyancy forces anticipated up to the* ***'PMF' flood events***

9.3.3 Flood Affectation

The modelling results undertaken for this Overland Flow Flood Study indicates that the proposed development will have **negligible overall difference in flood depth & flood velocity (*pre to post*)** immediately upstream or downstream during the 1% AEP (100YR ARI) flood event. The flood increase is contained within the site alone and Council Reserve area. As such, it can be safely concluded that there is no adverse impact on neighbouring properties ***(Refer to Appendix A Figure A.17)***

Additionally, the flood storage provided within the site below the 100yr flood levels has been increased (**Refer to Figures 9.2.1 & 9.2.2**). By providing the culvert (*as proposed by Henry & Hymas*) and additional cut volume, the flood storage volume has substantially increased by more than 20% (**Refer to Figures 9.2.3**). Hence ensuring there is no increase in flood levels and no exacerbation of the flooding on neighbouring & downstream properties.

9.3.4 Flood Evacuation Strategy

To minimise risk to personal safety of occupants, evacuation strategies shall be prepared and implemented in order to mitigate the flood water impacts due to the land use nature of the proposed building.

This section of the Report identifies and discusses the strategies applicable to the subject site in accordance with ***Cumberland Councils DCP (former Holroyd)*** and ***Councils Local Floodplain Risk Management Plan***.

In reference to the site specific flood modelling undertaken, the main flowpath traverses along Merrylands Road. And in extreme flood events, the overland flow will overtop the kerb in front of the subject property, and travel down the nature strip and inundate the site.

Now as proposed, a culvert system has been designed through the site to collect and drain the traversing overland flow from Merrylands Road and direct towards the Reserve. **Such a proposal is considered logical to ensure a safe containment of flows during larger storm events.**

Access for leaving the site is via the car park entry at the Merrylands Road frontage. **Flood Plain Management Guidelines** suggest that persons evacuating a flood affected area should be moving away from the flood affected area.

'Early stage' Off-Site Evacuation:

'Early stage' evacuation can commence prior to the PMF flood event occurring.

Triggers for such an 'early stage' event will come in the form of the following:

- ***Bureau of Meteorology issuing a flood warning***
- ***Bureau of Meteorology issuing a severe weather warning or a severe thunderstorm warning indicating a likelihood of a flash storm***
- ***'State Emergency Service' issuing a flood bulletin***
- ***Raining floodwaters***
- ***Heavy rainfall***

The recommended 'early stage' off-site evacuation route is (*Refer to Figure 9.3.4*):

1. ***Exit the property and walk/drive towards the site frontage (No.535 Merrylands Road); and***

2. ***Once at site frontage (No.535 Merrylands Road), head east towards the frontage of No.469 Merrylands Road as this frontage has been identified as an area located outside of the PMF flood extents.***

If the road frontage of the site commences to become inundated, then 'early stage' off-site evacuation route is not possible. Residents MUST then stay within the building (which is above PMF flood level) and On-Site Evacuation procedure must be implemented. Refer to following Section of the Report.

Figure 9.3.4 Off-site Evacuation Route

On-Site Evacuation:

In the event of the **PMF flood event**, the road frontage of the site will be cut off by flood water. In this instance, off-site evacuation will no longer be practical. As such, Shelter-In-Place strategy shall be implemented.

The highest flood level during the PMF flood event within the subject site is RL35.00m AHD. The habitable floor level has been set to the PMF flood level and the building structure is constructed by flood resistance material to withstand the hydraulic forces. Therefore, the building will provide safe refuge area for the occupants.

On-site Evacuation Route has been demonstrated on Figure 9.3.4.1

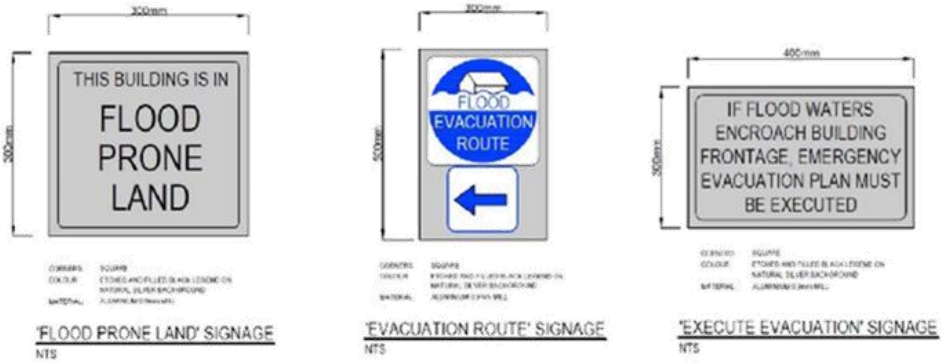
A 'flood warning system', including appropriate warning signs, directional signs & flood alert system must be installed at the driveway site entry and at the low-level rear area of the site to alert residents, employees & visitors during potential flood emergency's.

The audible alarm and flashing light 'flood warning system' is to be activated by float switches within the culvert, and the flashing light (Blue) should be activated when the flood water level reaches RL32.30

The critical duration of the PMF event for the subject site is 42minutes – this has been determined as being the critical duration. By setting the 'flood warning float system' to RL32.30mAHD with in the proposed culvert (which has been determined to take 15minutes), will provide residents, employees and visitors approximately 27minutes to take refuge either on-site or off-site. The audible alarms and the flashing light shall operate until the water completely drains from around the building.

Personnel occupying and visiting the subject site shall be made aware of the 'flood prone' nature of this site, as well as the emergency evacuation routes during the PMF flood event. As such, flood alarm system with audible alarm, flashing light & signages must be installed and displayed at critical locations within the subject site.

Signages shown (as indicated below) shall be displayed and made visible to all personnel entering the building. Detailed locations and corresponding signages are illustrated on Figure 9.3.4.2



'FLOOD PRONE LAND' SIGNAGE
NTS

'EVACUATION ROUTE' SIGNAGE
NTS

"EXECUTE EVACUATION" SIGNAGE
NTS

The Aged Care 'Management' team and the persons nominated as part of the 'flood warden' group (senior staff and building security) must monitor the 'flood warning system' as well as pay attention to the weather report by BOM during any heavy rainfall events.

If the **flood detection alarm** is activated at **RL32.30m**, it is possible that PMF may be reached within a short period. It is therefore advised that when the flood detection alarm sounds, the Centre Manager and those nominated as part of the flood warden group take the following actions:

1. *Elderly, staff and visitors shall stay within the building where the floor level is greater than RL35.00mAHD;*
2. *Flood Wardens shall assist to move people with mobility problems in carpark or external area to safe refuge points (Ground Floor);*
3. *Ensure all electrical equipment and utility service facilities are switched off safely;*
4. *Listen to the radio announcement for the flood reports and instructions from BOM. In addition, people in the building should also takes the follow actions listed below:*
    - i. *Do not try to evacuate or travel through the flood water on foot;*
    - ii. *Do not use the elevator;*
    - iii. *Exist the Ground Floor unless nominated as part of the Flood Warden group;*

iv. *People wanting to leave the building must report to the flood warden group first and follow their instruction.*

If flood isolation occurs, rescue execution should be undertaken by approved agencies and organisations with appropriate modes of transport such as rescue boat, aircraft or high-clearance vehicle (EMA Flood Preparedness Manual, 2020).

9.3.5 Management and Design

No external storage of materials is below the FPL (1% AEP flood level plus freeboard) which may cause pollution or be potentially hazardous during any flood.

The FPL is defined as RL33.00mAHD during 1% AEP (100YR ARI).

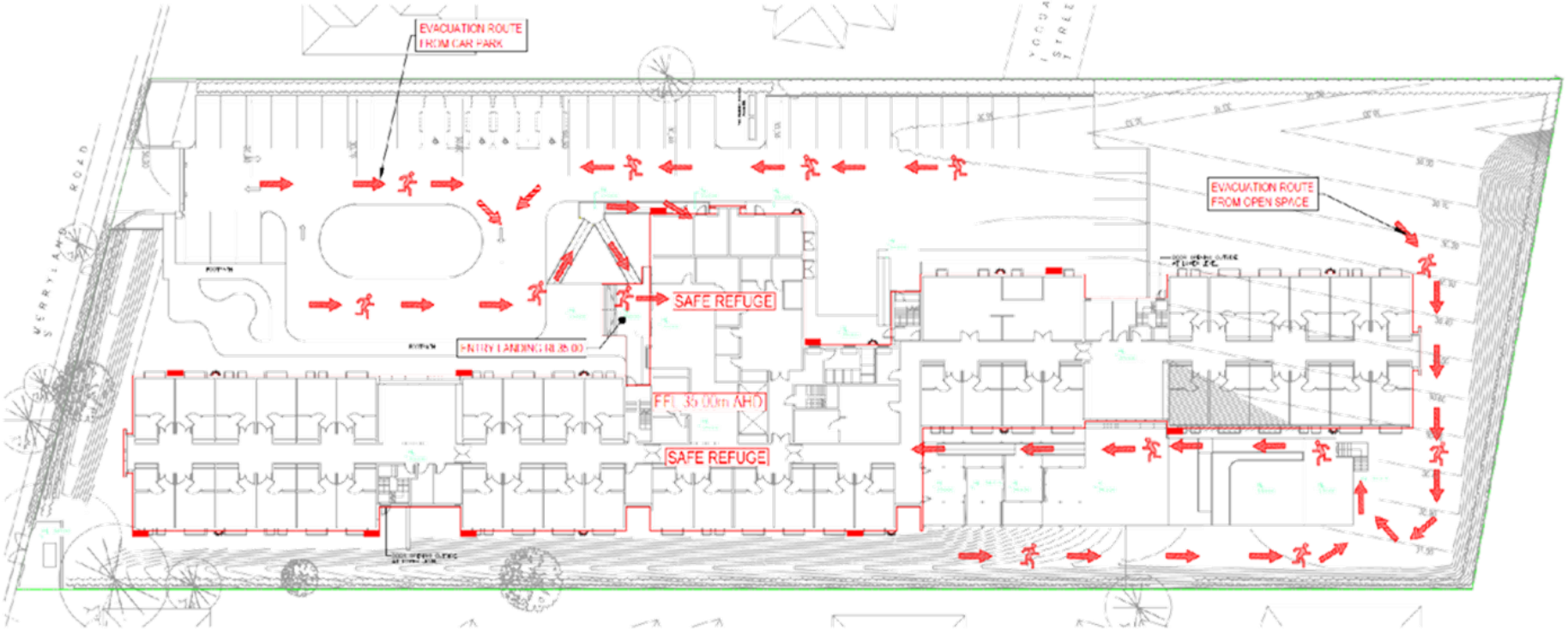


Figure 9.3.4.1 On-Site Evacuation Route

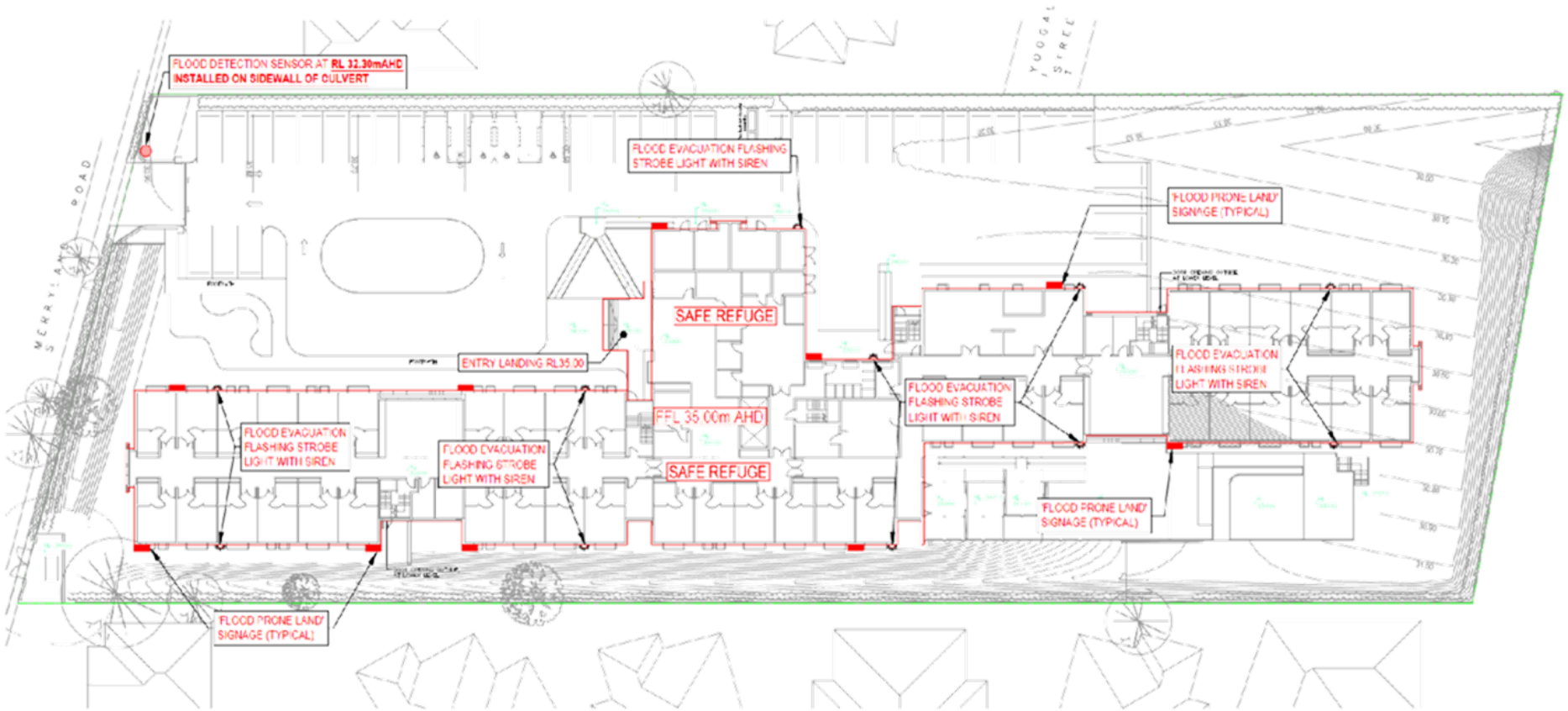


Figure 9.3.4.2 Site Flood Warning System and Flood Signage locations

10 INLET CAPACITY CALCULATION

As the proposed development will not alter the front boundary levels, the inlet capacity will be generally unchanged from pre-development to post-development scenario. The proposed Open Drain at front boundary and proposed retaining wall opening along the western side of culvert will allow flood water to freely enter the culvert system. The proposed driveway grate at the driveway ramp has a dimension of 6.6m Wide and 2m Long. According to the inflow capacity spreadsheet (attached below), the grate is deemed satisfactory to capture overflow runoff towards the driveway ramp and prevent flood water from overtopping to car park area.

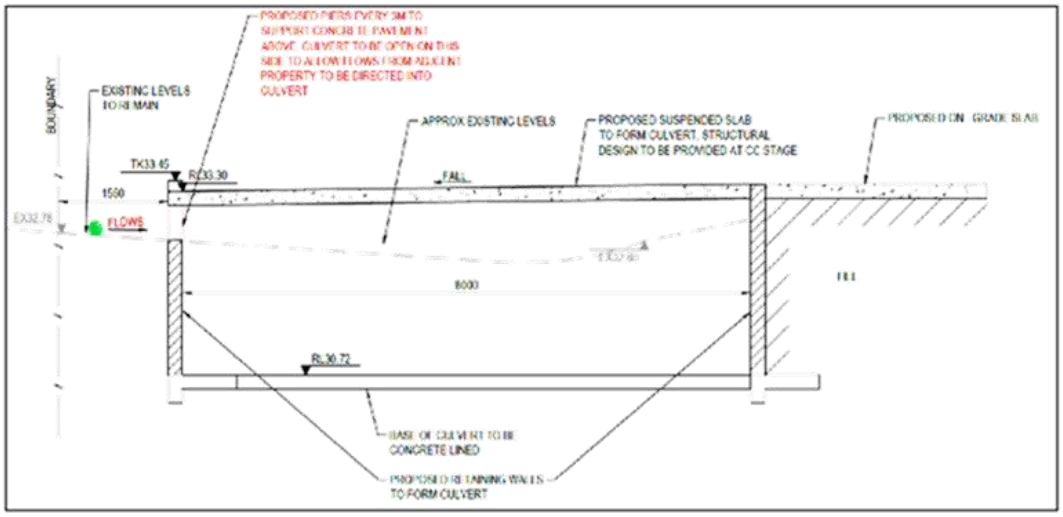


Figure 10.1 Typical Culvert Cross Section (along Western Boundary)

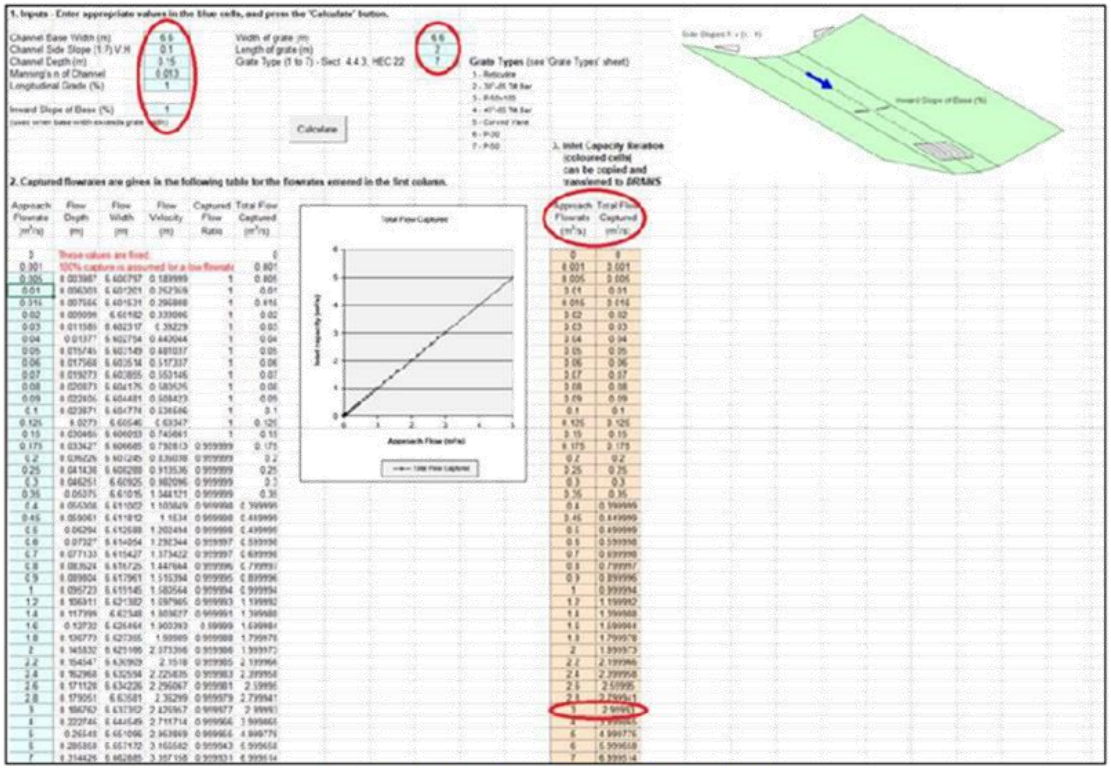


Figure 10.2 Grate Inlet Capacity Spreadsheet

11 CONCLUSION

This Report has been undertaken on the subject site (No.535 Merrylands Road, Merrylands) and the proposal for an Aged Care development

A two-dimensional hydraulic model ('TUFLOW') was constructed for this study which modelled the overland flow from the local upstream catchment with a cell size of 2m x 2m (entire model). The 'TUFLOW' model was undertaken to simulate the overland flood contributing towards the subject site.

Utilising the 2D hydraulic model, the flood behaviour during 1% AEP (100YR ARI) & PMF storm events was determined. The flood water depth, flood levels and velocities generated by the 'TUFLOW' model were assessed in this study. Our assessment has revealed 'negligible' increase in off-site floodwater depth from pre to post development scenarios. Furthermore and more importantly, this increase does not create a hazard to the subject residents nor exacerbate flooding in the surrounding catchment.

In an overall conclusion, to avoid any impact on the flood behaviour of the catchment and whilst ensuring flooding is not exacerbated, the following must be implemented as part of the Proposed Development:

- ***Minimum Habitable Floor Level must be above FFL35.00m AHD (PMF flood level);***
- ***Carpark to provide minimum 500mm freeboard above 1%AEP flood level (RL33.00mAHD);***
- ***Provide 8m wide culvert under Carpark area to collect, drain & direct overland flow safely through the subject site towards the logical discharge zone within the Reserve at the rear (refer to Figure 9.2.1 – Flood Mitigation Measures). No pier is permitted in the internal area of the proposed culvert;***
- ***Western side of culvert retaining wall to be open and only supported by Piers at 3m interval. Provide grate/louvre at the opening for safety assurance.***
- ***Provide additional flood storage and site grading as indicated in Figures 9.2.1, Figure 9.2.2 & Figure 9.2.3;***
- ***Provide 6.6m wide x 2m long grate opening at driveway entry to capture overland flow to culvert;***
- ***Proposed Aged Care to maintain subfloor Open and Void; (refer to Figure 9.2.1 – 'Flood Mitigation Measures');***
- ***Main Building Structure to be supported by a pier + beam system to Structural Engineers details, Minimum distance between the piers shall be 3.0m;***
- ***Flood Warning System & Flood Warning Sign to be installed in an appropriate location to inform occupants of the danger of imminent flooding;***

- *All structures of the proposed building below the PMF flood level (RL35.00mAHD) to be of flood compatible building components;*

- *All structures of the building below the PMF flood level (RL35.0mAHD) to be able to withstand the hydraulic forces of the PMF storm event;*
- *All goods and materials that may cause pollution or are potentially hazardous must be stored above the Flood Planning Level of RL33.00mAHD – being the 1% AEP (100YR ARI) + 500mm freeboard;*

- *All future proposed fencing within the PMF floodplain to be permeable fencing.*

APPENDIX A

'TUFLOW' Flood Modelling Flood Results

(Prepared by Quantum Engineers)

Flood Mapping:

Figure A.1 *1% AEP Flood Depth & Contours – Pre Development*
Figure A.2 *1% AEP Flood Velocity – Pre Development*
Figure A.3 *1% AEP Flood Hazard Classification– Pre Development*
Figure A.4 *1% AEP Velocity Depth Product– Pre Development*
Figure A.5 *1% AEP Flood Depth & Contours – Post Development*
Figure A.6 *1% AEP Flood Velocity – Post Development*
Figure A.7 *1% AEP Flood Hazard Classification – Post Development*
Figure A.8 *1% AEP Velocity Depth Product– Post Development*

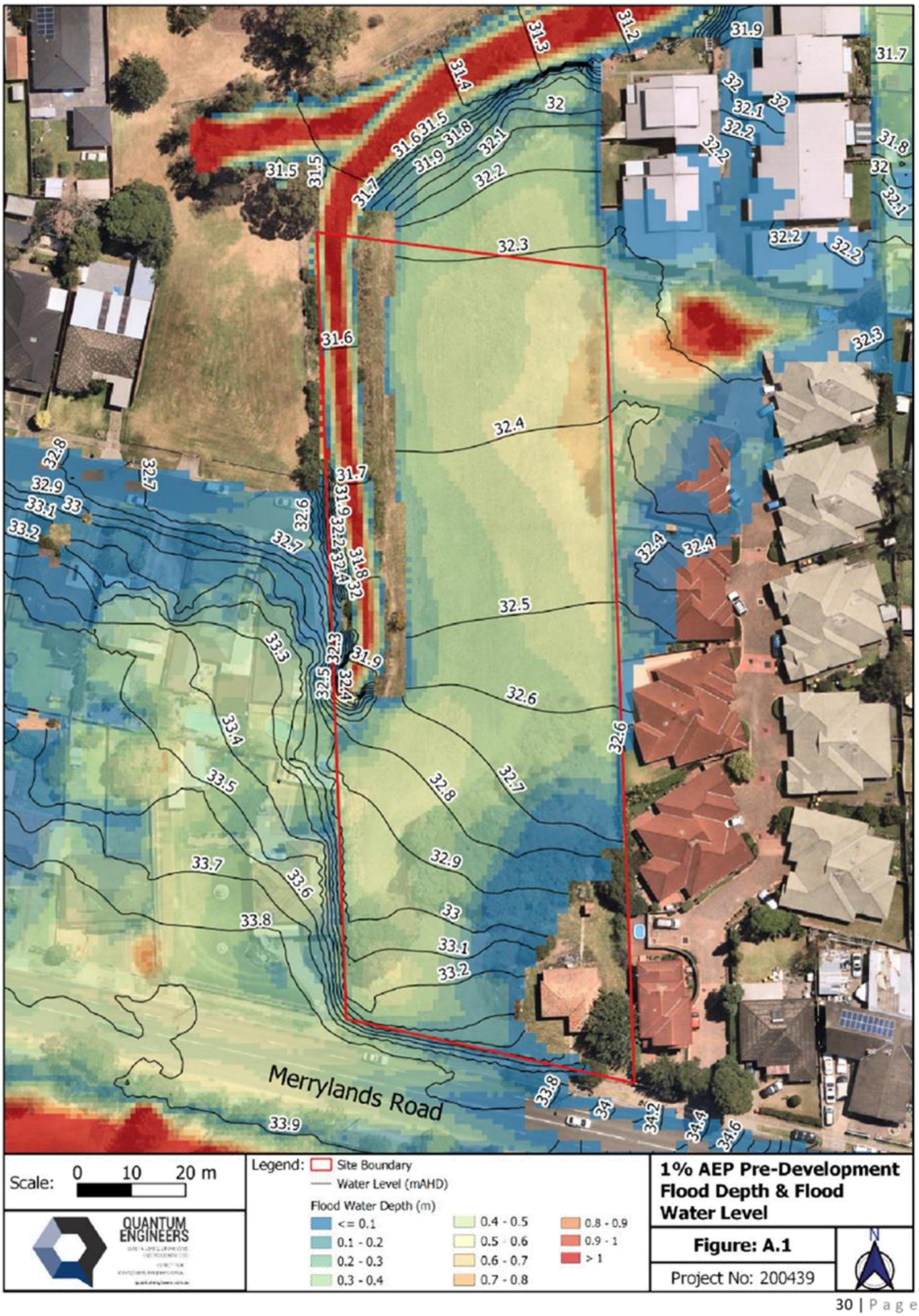
Figure A.9 *PMF Flood Depth & Contours – Pre Development*
Figure A.10 *PMF Flood Velocity – Pre Development*
Figure A.11 *PMF Flood Hazard Classification– Pre Development*
Figure A.12 *PMF Velocity Depth Product– Pre Development*
Figure A.13 *PMF Flood Depth & Contours – Post Development*
Figure A.14 *PMF Flood Velocity – Post Development*
Figure A.15 *PMF Flood Hazard Classification – Post Development*
Figure A.16 *PMF Velocity Depth Product– Post Development*

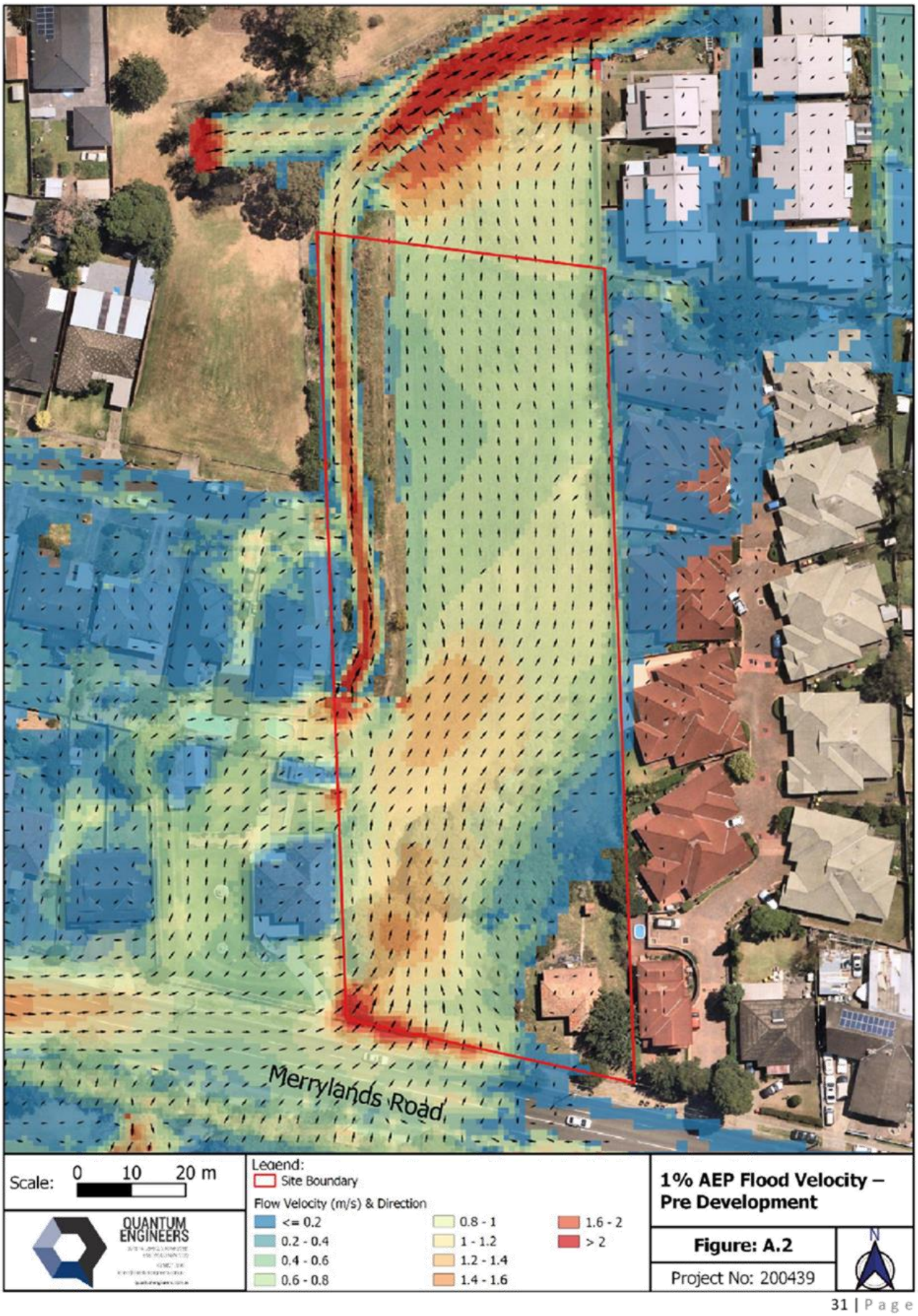
Flood Impact:

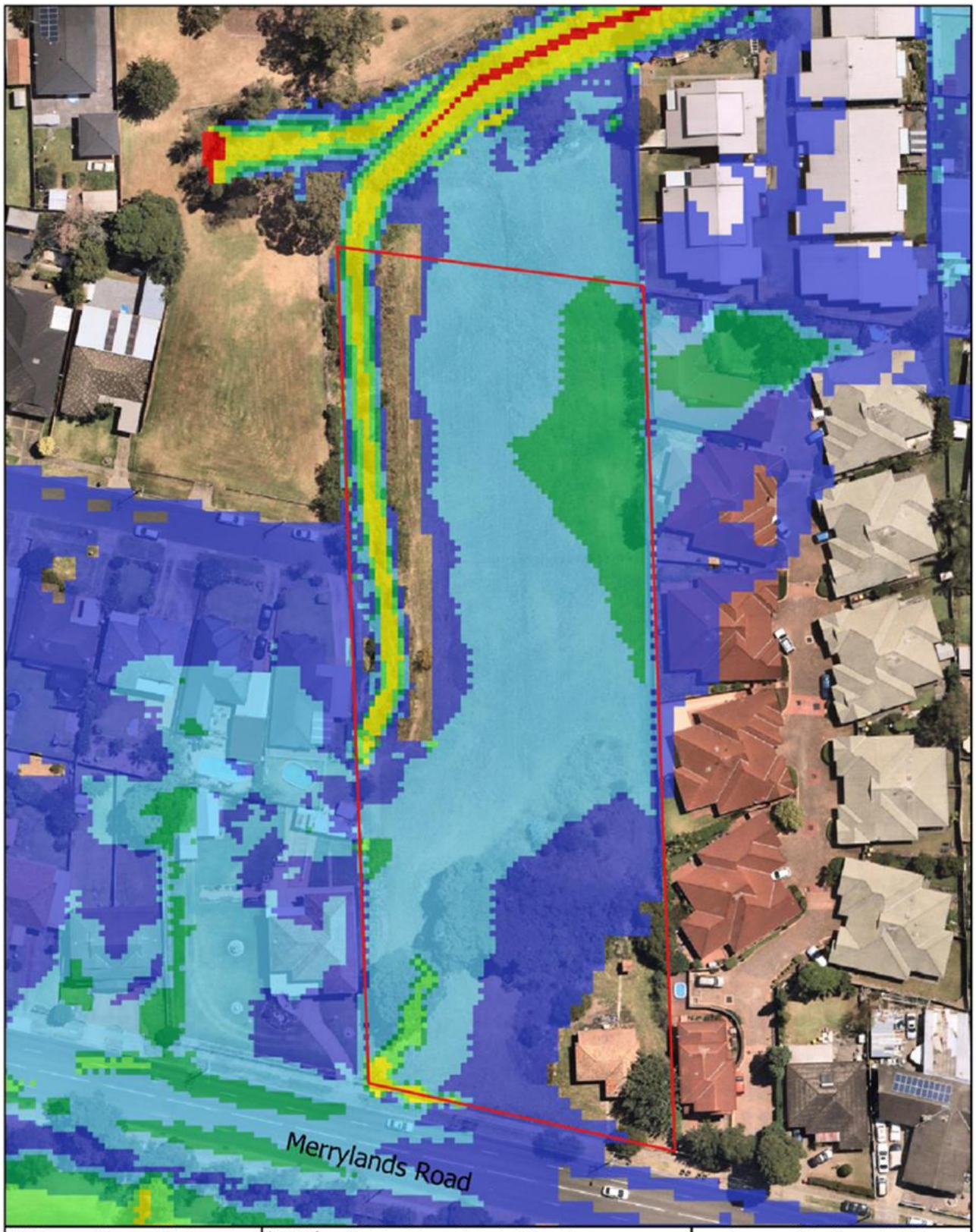
Figure A.17 *1% AEP Flood Impact Map*

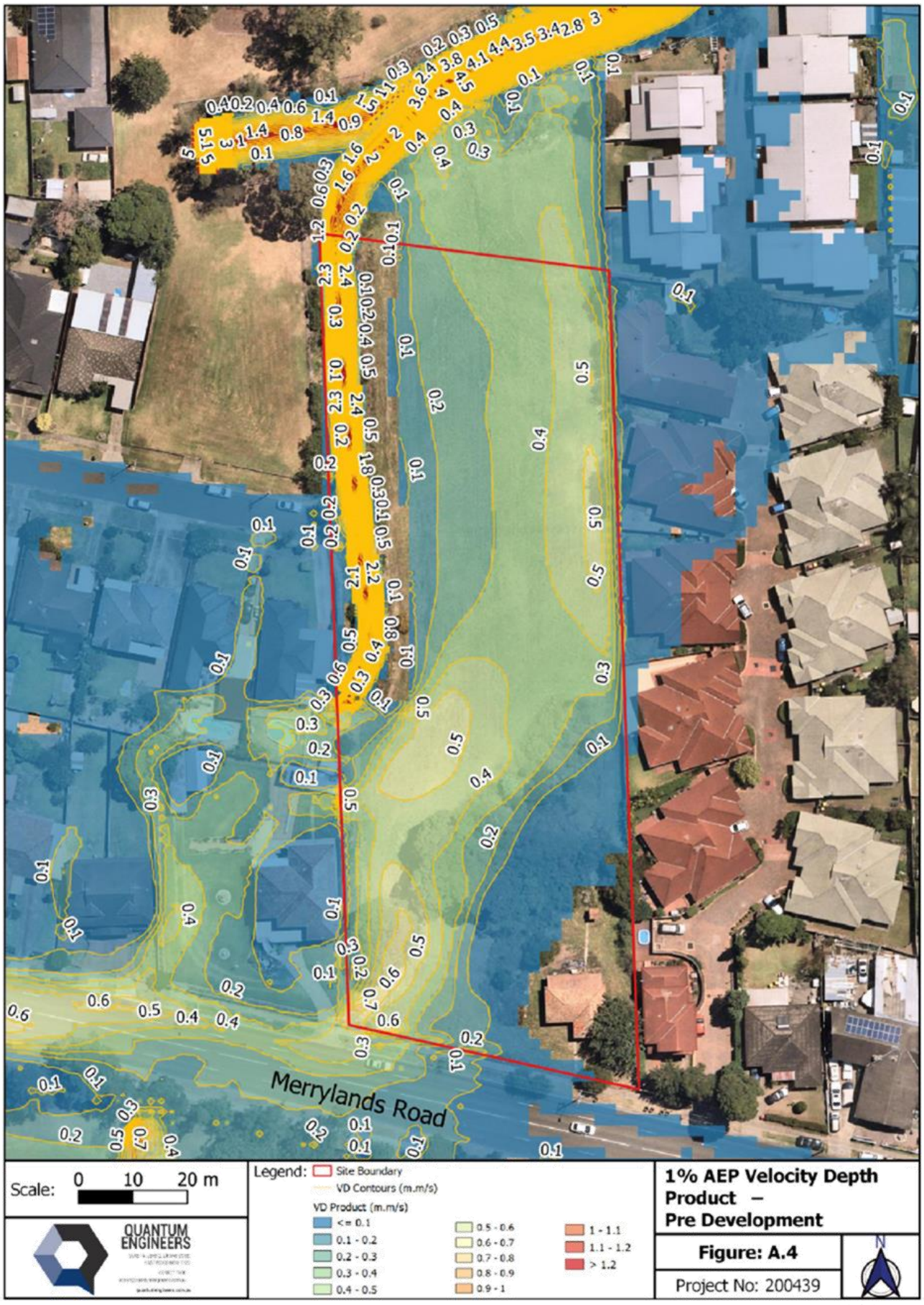
Flood Risk Precinct (NSW Floodplain Development Manual):

Figure A.18 *1% AEP Flood Risk Precincts – Pre Development*
Figure A.19 *1% AEP Flood Risk Precincts – Post Development*


Merrylands Road
Scale: 0 10 20 m
QUANTUM ENGINEERS
Legend:
Site Boundary
Water Level (mAHD)
Flood Water Depth (m)
<= 0.1
0.1 - 0.2
0.2 - 0.3
0.3 - 0.4
0.4 - 0.5
0.5 - 0.6
0.6 - 0.7
0.7 - 0.8
0.8 - 0.9
0.9 - 1
> 1
1% AEP Pre-Development Flood Depth & Flood Water Level
Figure: A.1
Project No: 200439
N


Merrylands Road
Scale: 0 10 20 m
Legend:
Site Boundary
Flow Velocity (m/s) & Direction
<= 0.2
0.2 - 0.4
0.4 - 0.6
0.6 - 0.8
0.8 - 1
1 - 1.2
1.2 - 1.4
1.4 - 1.6
1.6 - 2
> 2
QUANTUM ENGINEERS
1% AEP Flood Velocity – Pre Development
Figure: A.2
Project No: 200439
N


Merrylands Road
Scale: 0 10 20 m
Legend:
Site Boundary
Flood Hazard Classification (ARR2019)
H1
H2
H3
H4
H5
H6
QUANTUM ENGINEERS
1% AEP Flood Hazard Classification – Pre Development
Figure: A.3
Project No: 200439
N


Merrylands Road
Scale: 0 10 20 m
Legend:
Site Boundary
VD Contours (m.m/s)
VD Product (m.m/s)
<= 0.1
0.1 - 0.2
0.2 - 0.3
0.3 - 0.4
0.4 - 0.5
0.5 - 0.6
0.6 - 0.7
0.7 - 0.8
0.8 - 0.9
0.9 - 1
1 - 1.1
1.1 - 1.2
> 1.2
QUANTUM ENGINEERS
1% AEP Velocity Depth Product – Pre Development
Figure: A.4
Project No: 200439
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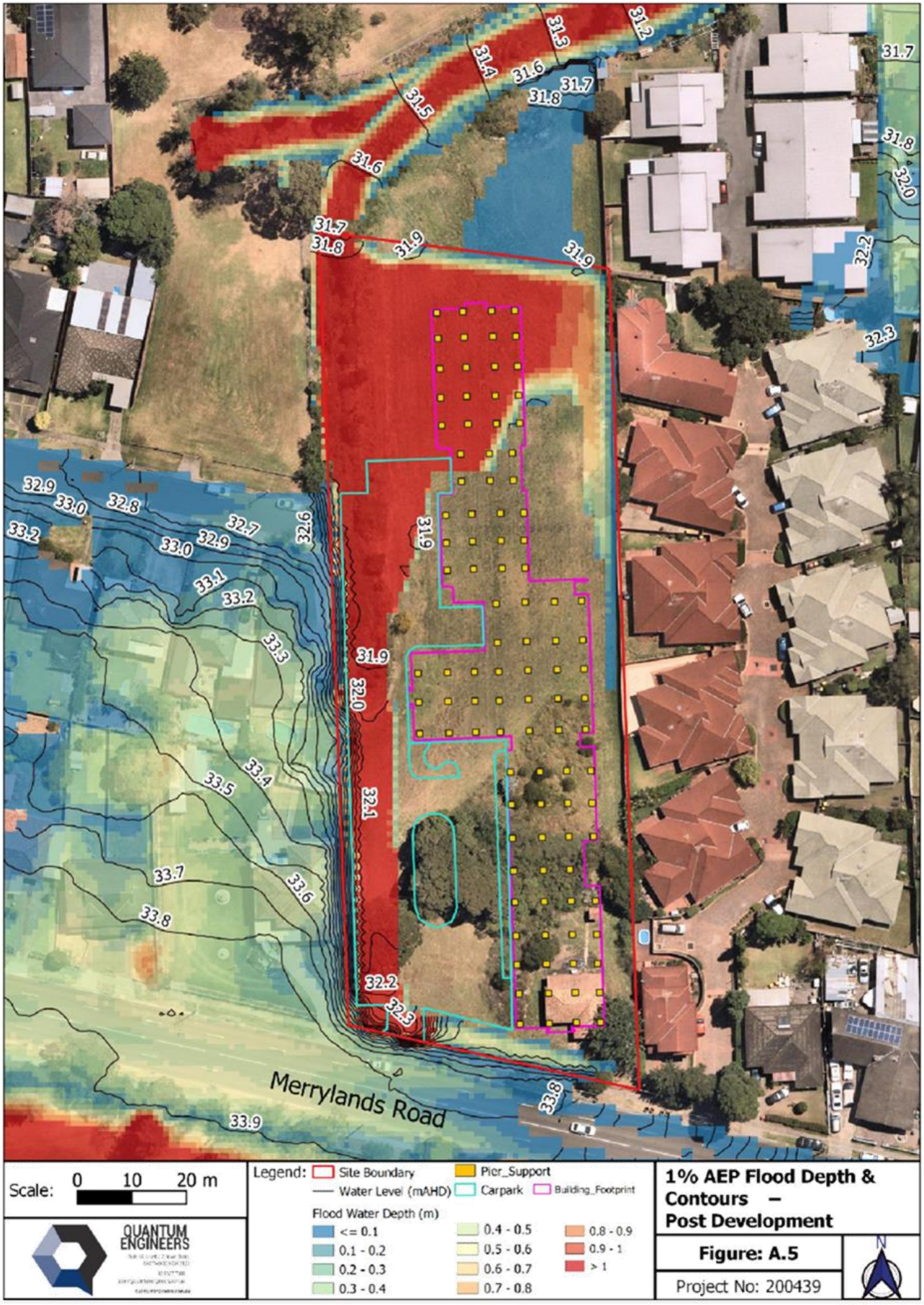
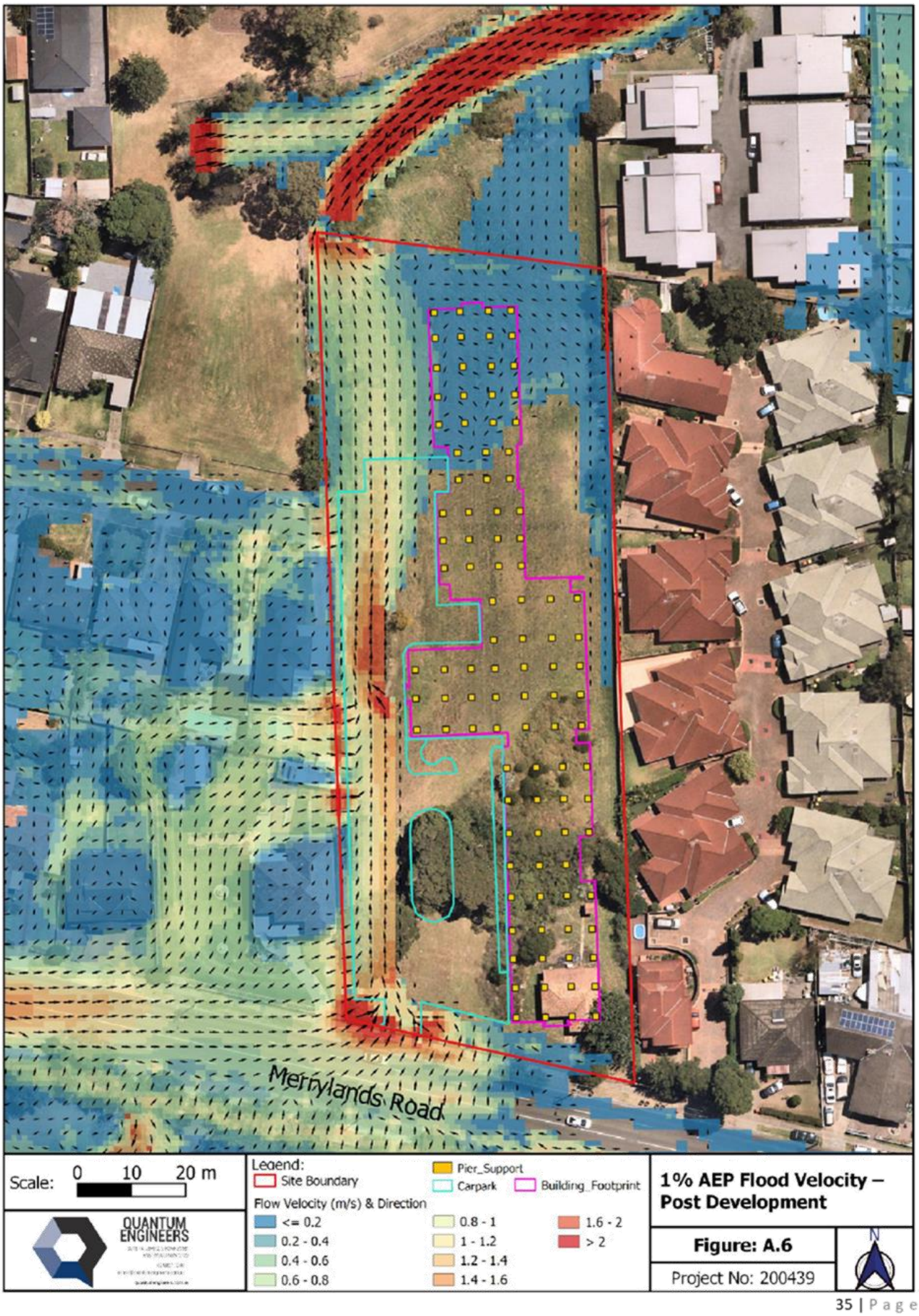
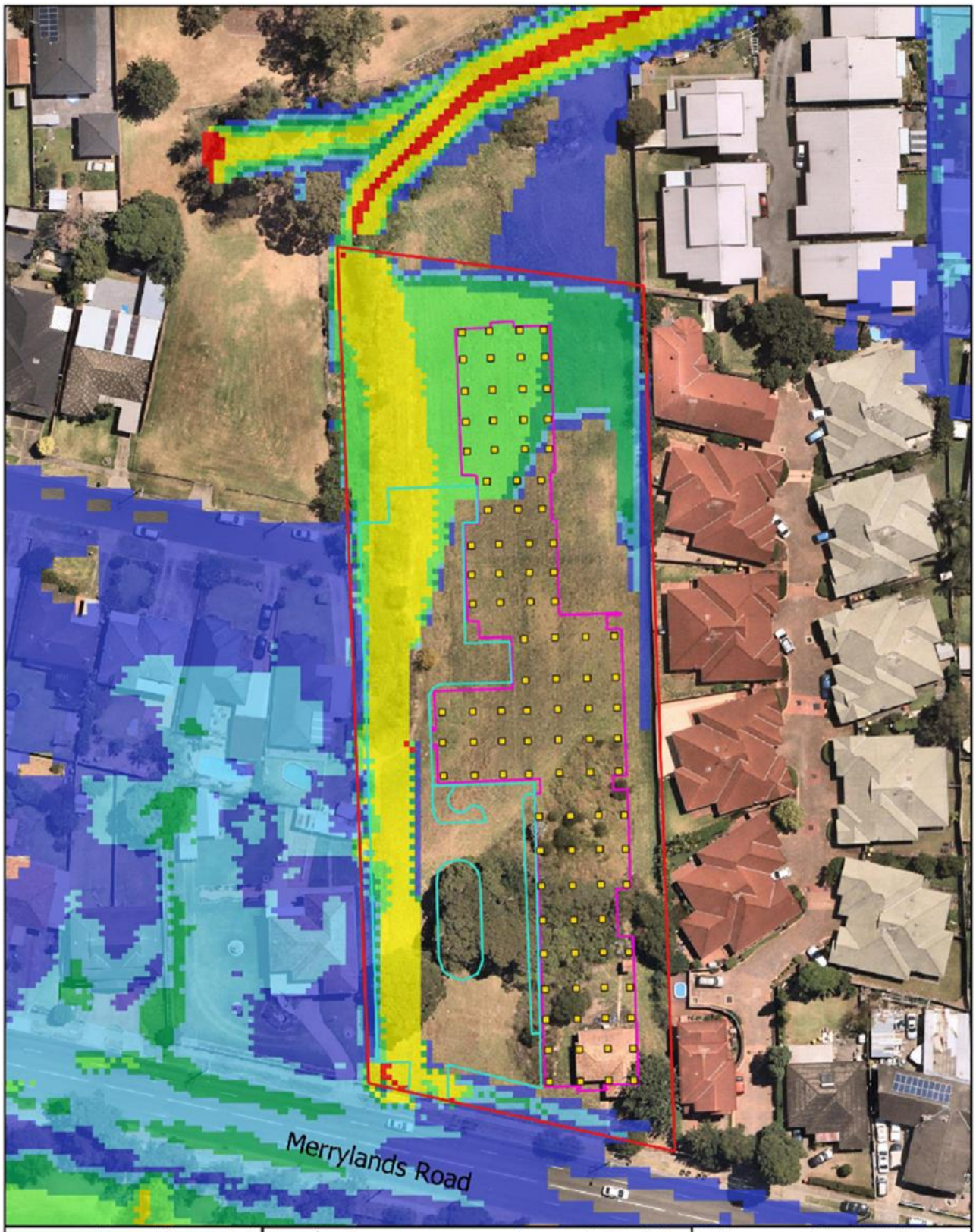

Merrylands Road
Scale: 0 10 20 m
Legend:
Site Boundary
Water Level (mAHD)
Pier_Support
Carpark
Building_Footprint
Flood Water Depth (m)
<= 0.1
0.1 - 0.2
0.2 - 0.3
0.3 - 0.4
0.4 - 0.5
0.5 - 0.6
0.6 - 0.7
0.7 - 0.8
0.8 - 0.9
0.9 - 1
> 1
QUANTUM ENGINEERS
1% AEP Flood Depth & Contours – Post Development
Figure: A.5
Project No: 200439
N


Merrylands Road
Scale: 0 10 20 m
Legend:
Site Boundary
Pier_Support
Carpark
Building_Footprint
Flow Velocity (m/s) & Direction
<= 0.2
0.2 - 0.4
0.4 - 0.6
0.6 - 0.8
0.8 - 1
1 - 1.2
1.2 - 1.4
1.4 - 1.6
1.6 - 2
> 2
QUANTUM ENGINEERS
1% AEP Flood Velocity – Post Development
Figure: A.6
Project No: 200439
N


Merrylands Road
Scale: 0 10 20 m
QUANTUM ENGINEERS
Legend:
Site Boundary
Pier_Support
Carpark
Building_Footprint
Flood Hazard Classification (ARR2019)
H1
H2
H3
H4
H5
H6
1% AEP Flood Hazard Classification – Post Development
Figure: A.7
Project No: 200439
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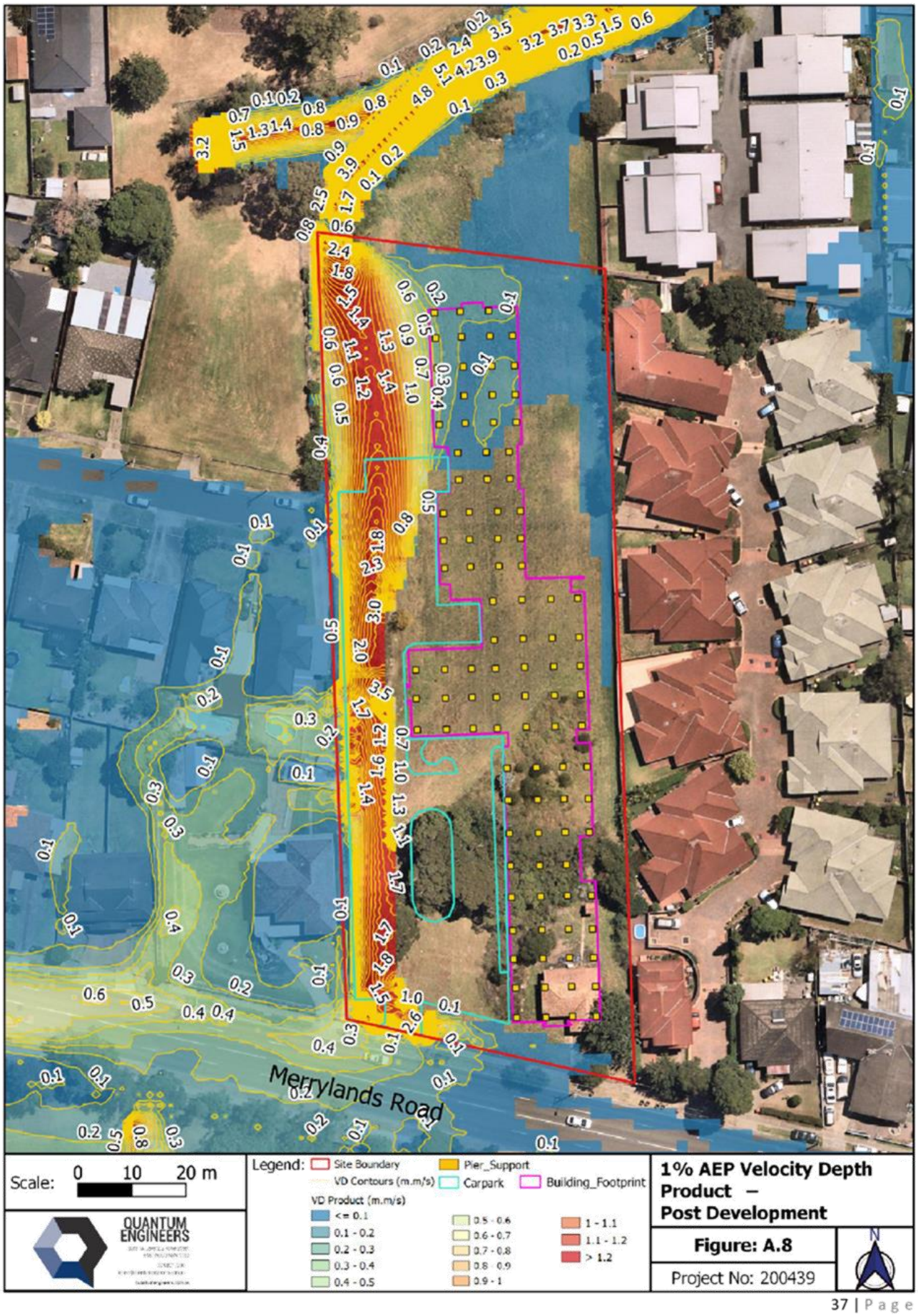
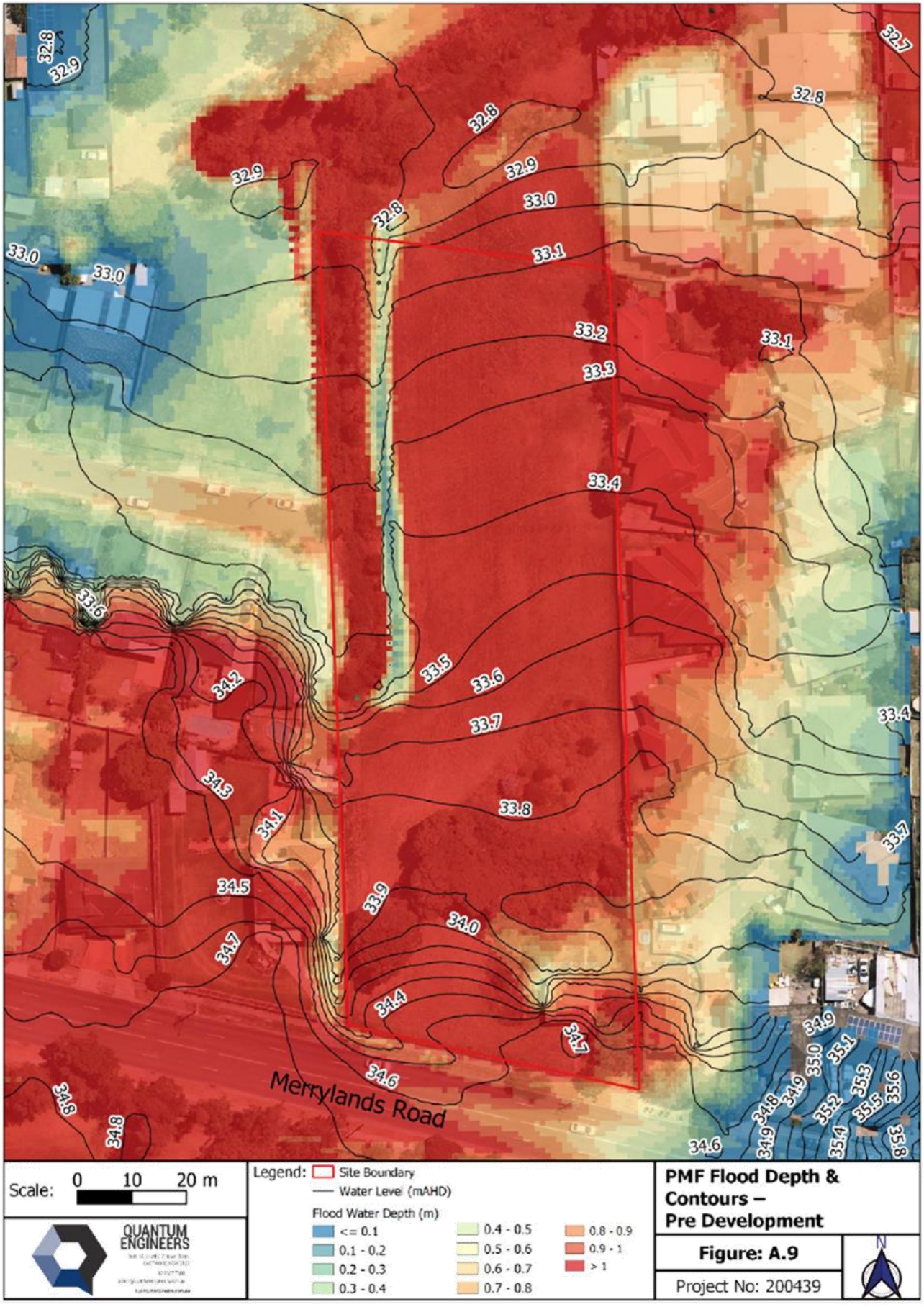

Merrylands Road
Scale: 0 10 20 m
Legend:
Site Boundary
VD Contours (m.m/s)
Pier_Support
Carpark
Building_Footprint
VD Product (m.m/s)
<= 0.1
0.1 - 0.2
0.2 - 0.3
0.3 - 0.4
0.4 - 0.5
0.5 - 0.6
0.6 - 0.7
0.7 - 0.8
0.8 - 0.9
0.9 - 1
1 - 1.1
1.1 - 1.2
> 1.2
QUANTUM ENGINEERS
1% AEP Velocity Depth Product – Post Development
Figure: A.8
Project No: 200439
N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Legend:
Site Boundary
Water Level (mAHD)
Flood Water Depth (m)
<= 0.1
0.1 - 0.2
0.2 - 0.3
0.3 - 0.4
0.4 - 0.5
0.5 - 0.6
0.6 - 0.7
0.7 - 0.8
0.8 - 0.9
0.9 - 1
> 1
QUANTUM ENGINEERS
PMF Flood Depth & Contours – Pre Development
Figure: A.9
Project No: 200439
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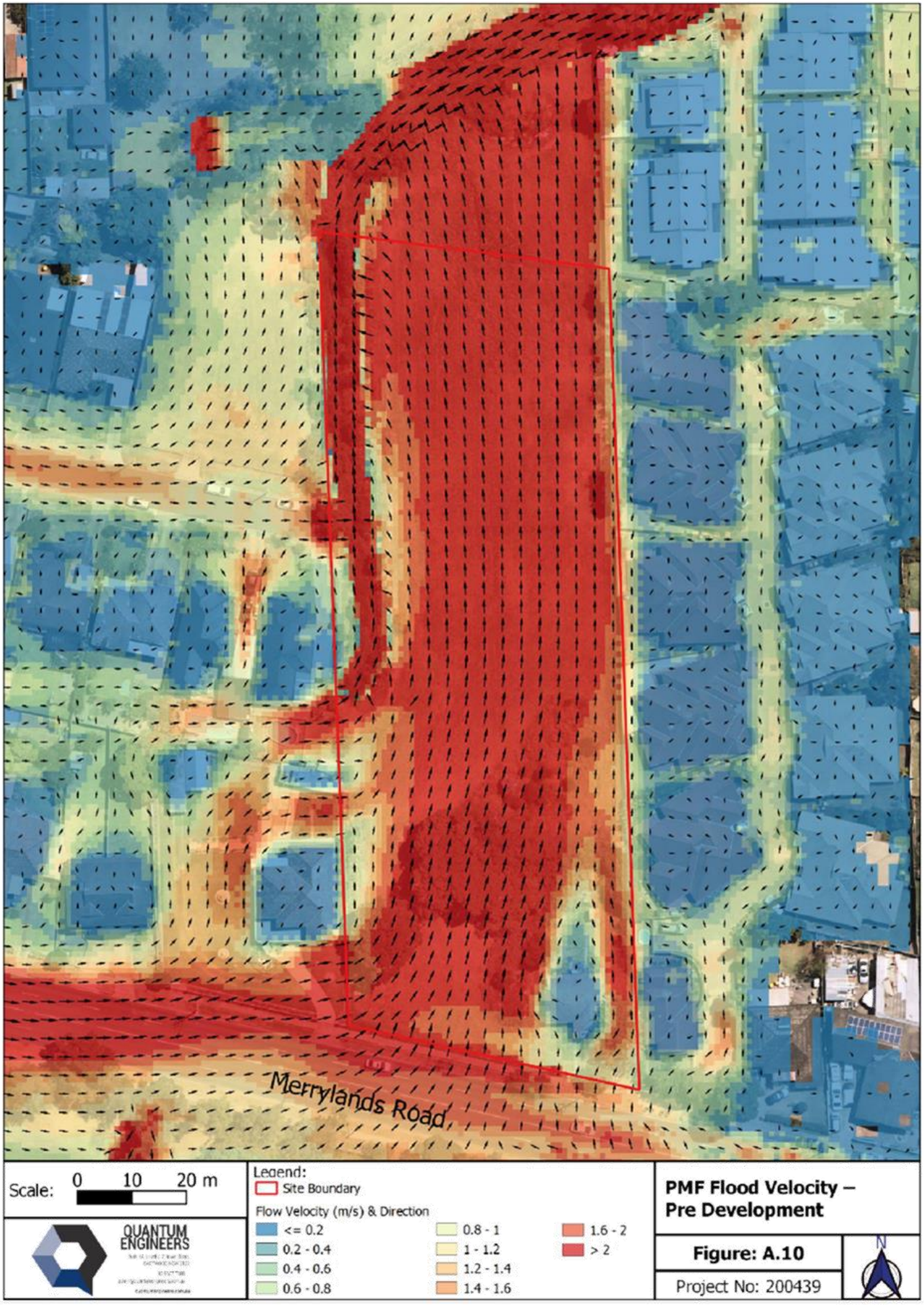
Merrylands Road
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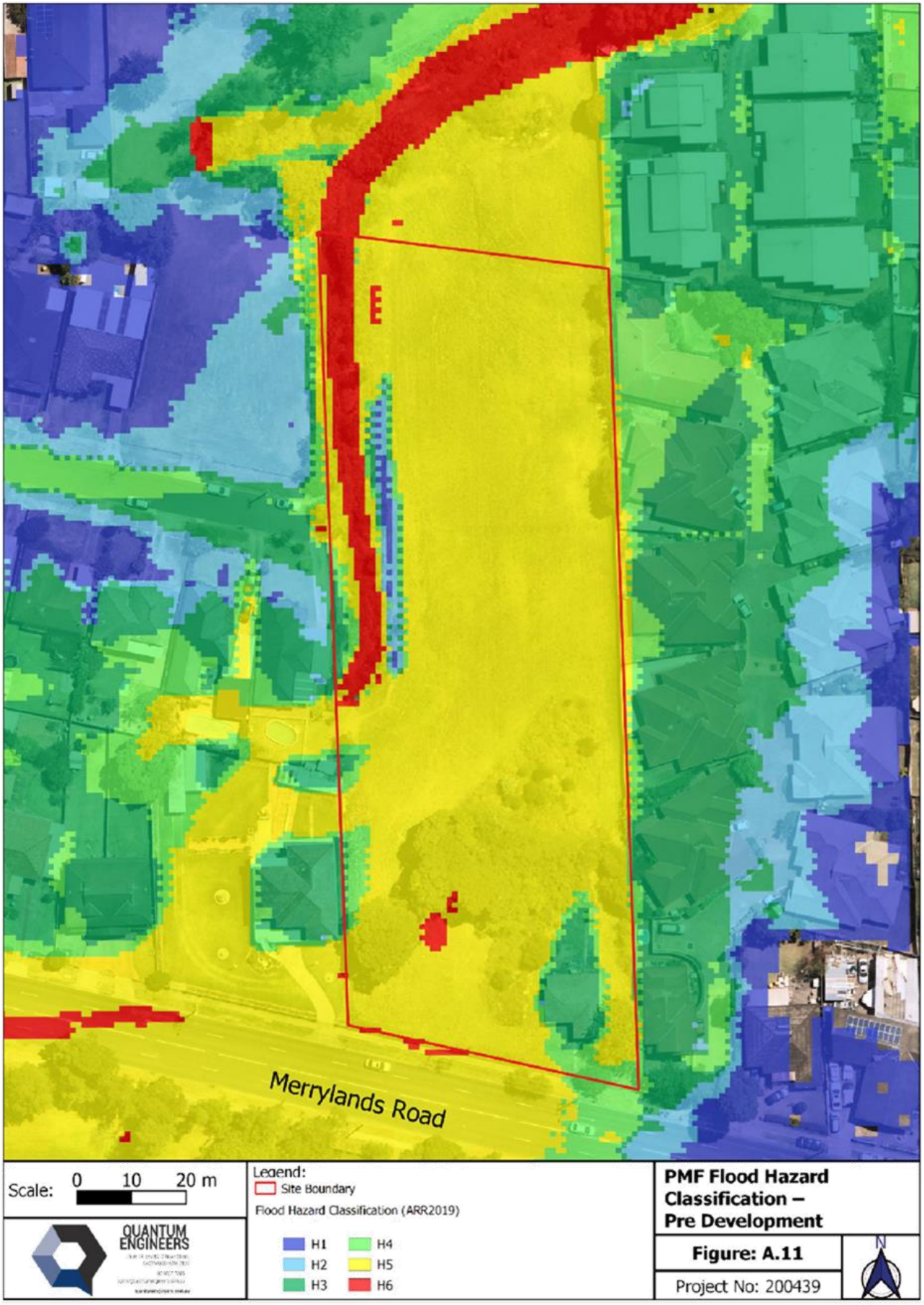
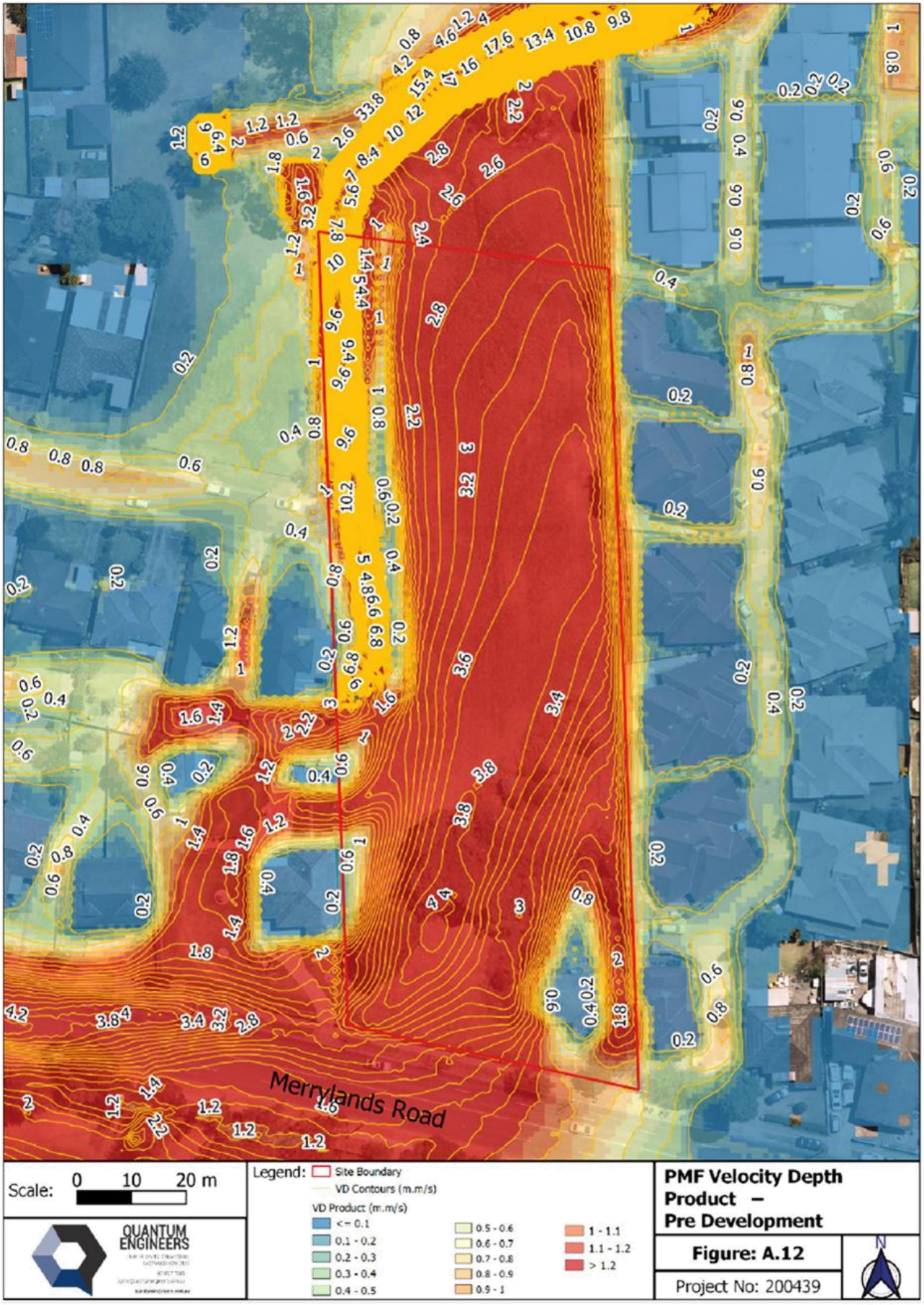
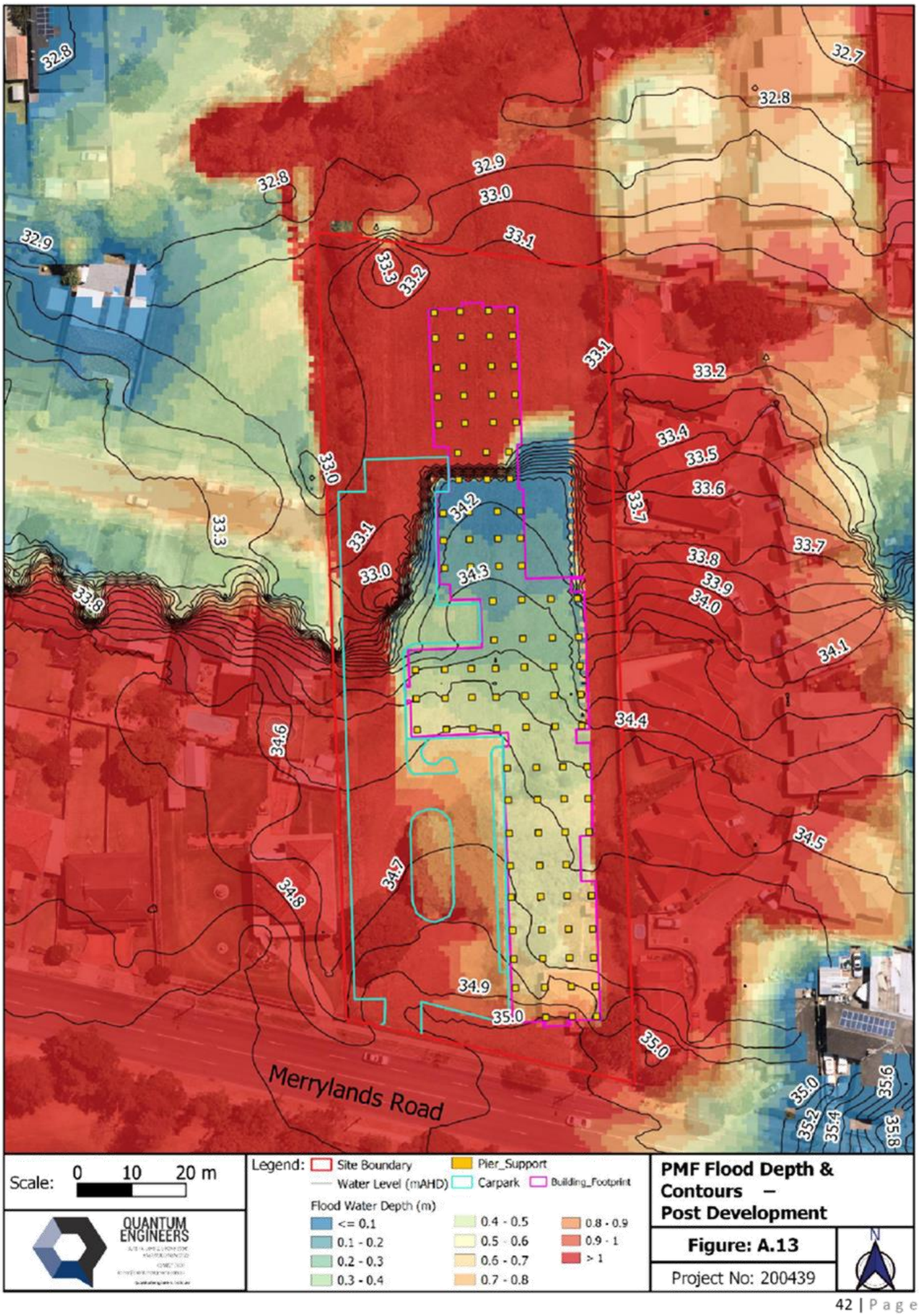
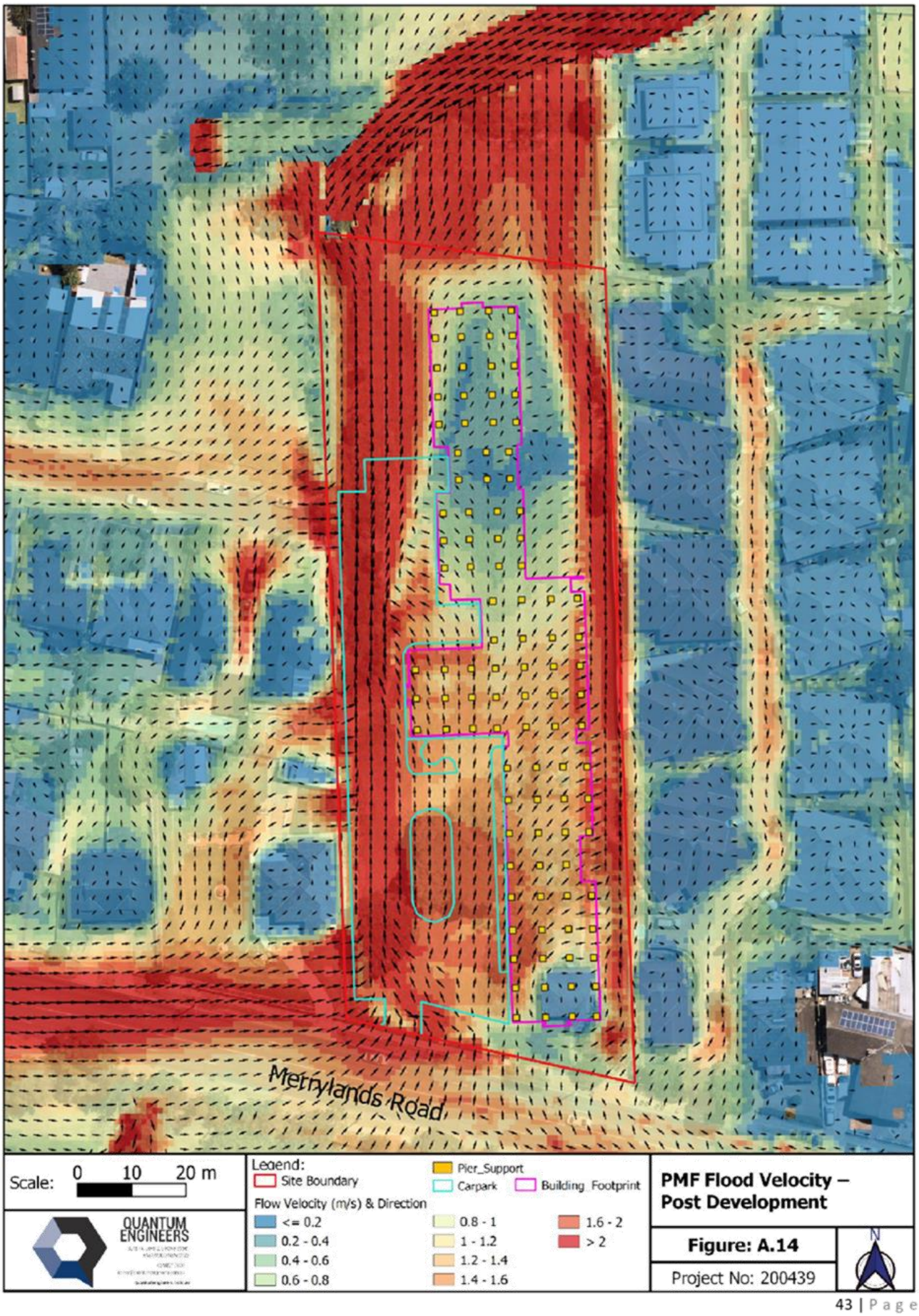
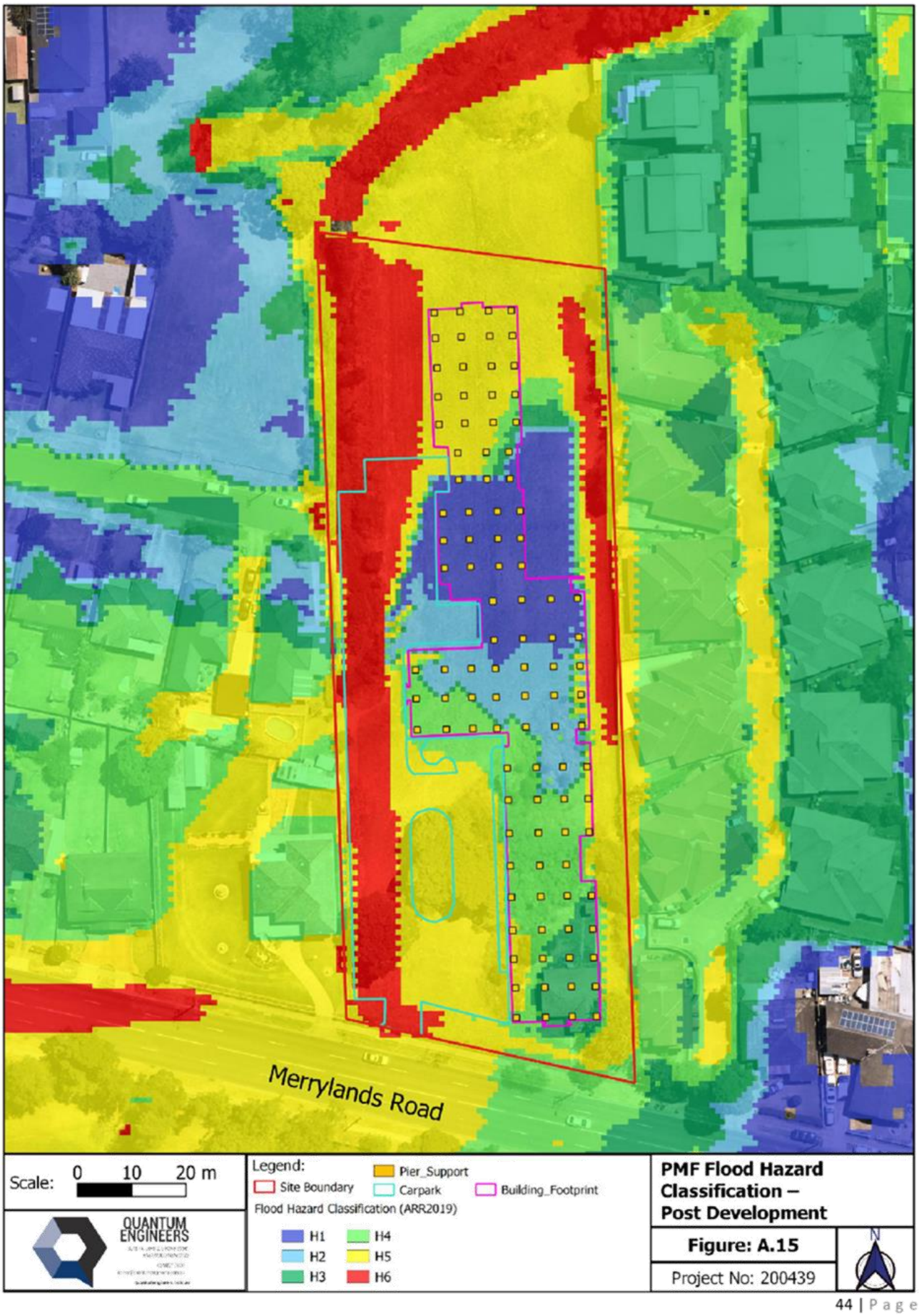
QUANTUM ENGINEERS
Legend:
Site Boundary
Flow Velocity (m/s) & Direction
<= 0.2
0.2 - 0.4
0.4 - 0.6
0.6 - 0.8
0.8 - 1
1 - 1.2
1.2 - 1.4
1.4 - 1.6
1.6 - 2
> 2
PMF Flood Velocity – Pre Development
Figure: A.10
Project No: 200439
N

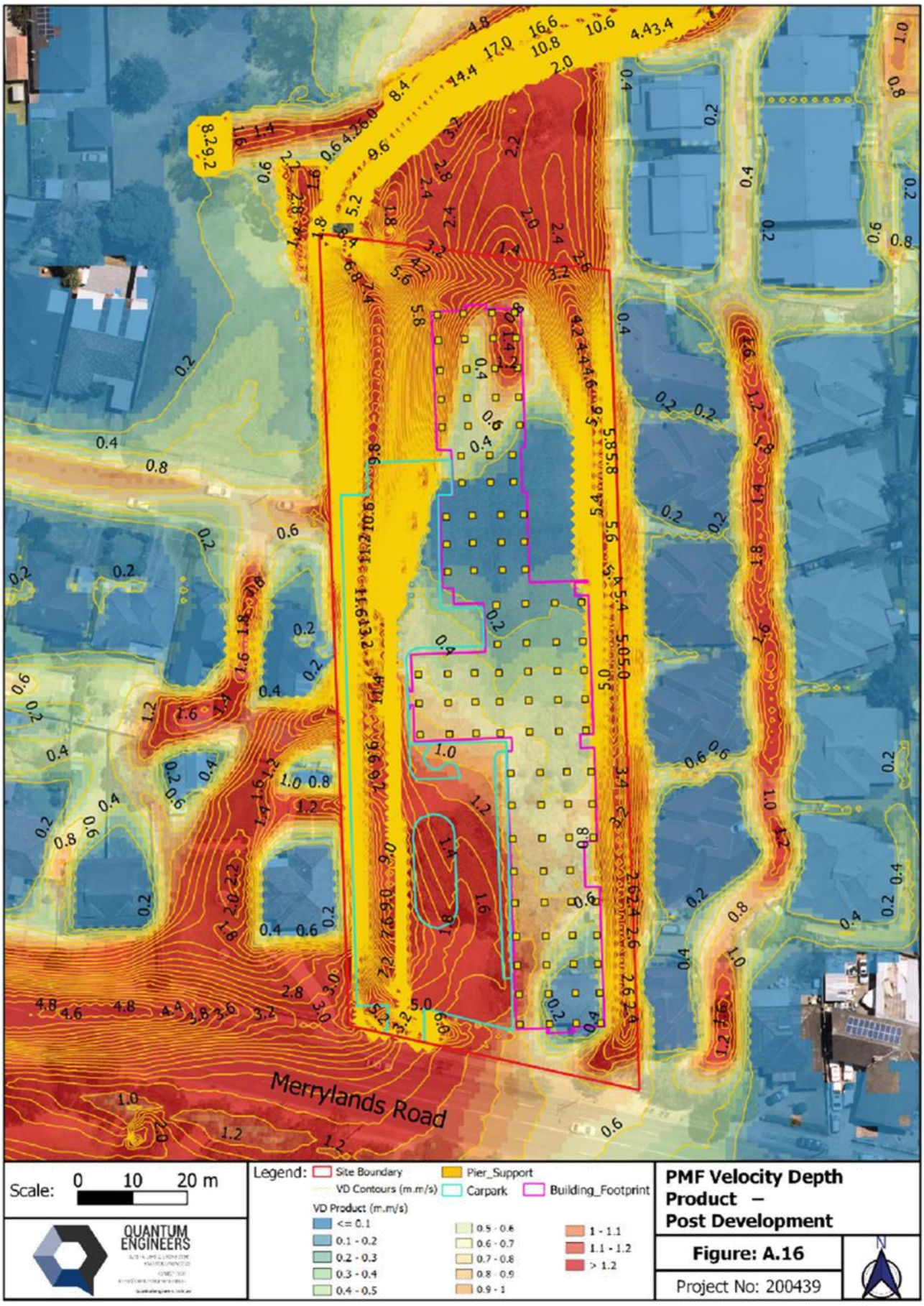

E
Merrylands Road
Scale: 0 10 20 m
Legend:
Site Boundary
Flood Hazard Classification (ARR2019)
H1
H2
H3
H4
H5
H6
QUANTUM ENGINEERS
PMF Flood Hazard Classification – Pre Development
Figure: A.11
Project No: 200439
N


Merrylands Road
Scale: 0 10 20 m
Legend:
Site Boundary
VD Contours (m.m/s)
VD Product (m.m/s)
<= 0.1
0.1 - 0.2
0.2 - 0.3
0.3 - 0.4
0.4 - 0.5
0.5 - 0.6
0.6 - 0.7
0.7 - 0.8
0.8 - 0.9
0.9 - 1
1 - 1.1
1.1 - 1.2
> 1.2
QUANTUM ENGINEERS
PMF Velocity Depth Product – Pre Development
Figure: A.12
Project No: 200439
N

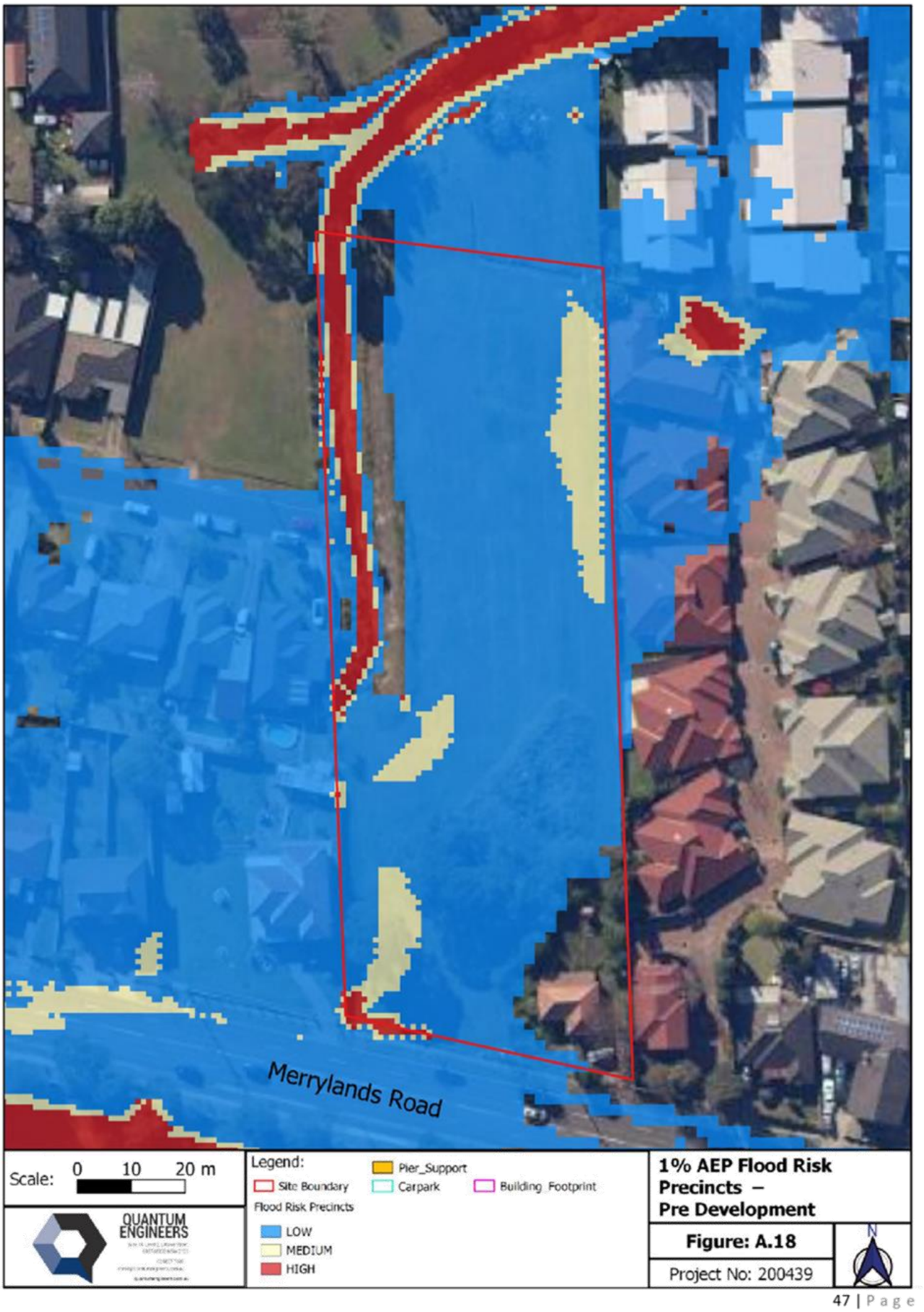

32.8
32.7
32.8
32.9
33.0
32.8
33.1
32.9
33.3
33.2
33.1
33.2
33.4
33.5
33.0
33.6
34.2
33.7
33.3
33.1
33.7
33.0
34.3
33.8
33.9
34.0
33.8
34.1
34.4
34.6
34.5
34.7
34.8
34.9
35.0
35.0
Merrylands Road
35.0
35.6
35.2
35.4
35.8
Scale: 0 10 20 m
Legend:
Site Boundary
Water Level (mAHD)
Pier_Support
Carpark
Building_Footprint
Flood Water Depth (m)
<= 0.1
0.1 - 0.2
0.2 - 0.3
0.3 - 0.4
0.4 - 0.5
0.5 - 0.6
0.6 - 0.7
0.7 - 0.8
0.8 - 0.9
0.9 - 1
> 1
QUANTUM ENGINEERS
PMF Flood Depth & Contours – Post Development
Figure: A.13
Project No: 200439
N

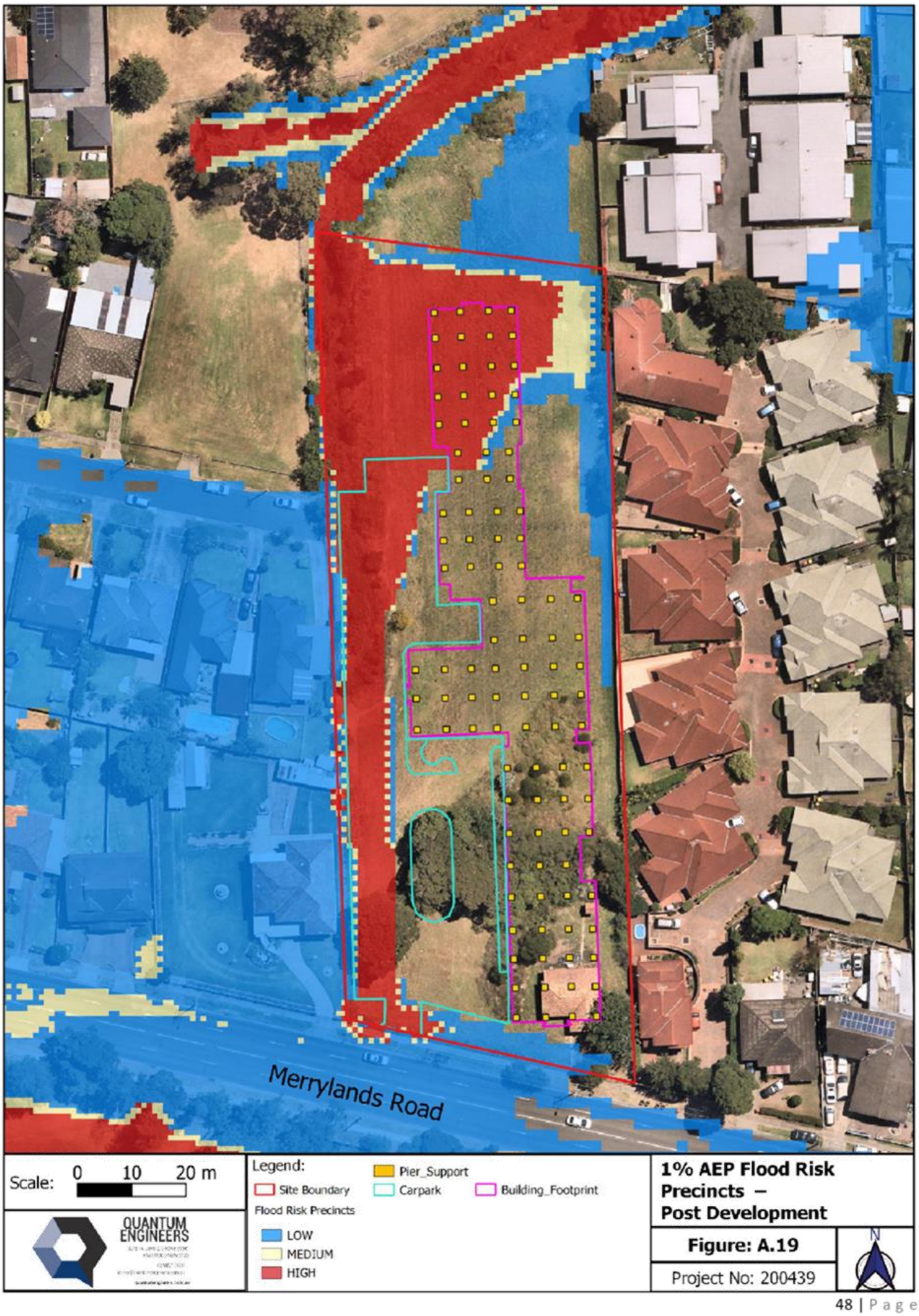

Merrylands Road
Scale: 0 10 20 m
Legend:
Site Boundary
Pier_Support
Carpark
Building Footprint
Flow Velocity (m/s) & Direction
<= 0.2
0.2 - 0.4
0.4 - 0.6
0.6 - 0.8
0.8 - 1
1 - 1.2
1.2 - 1.4
1.4 - 1.6
1.6 - 2
> 2
QUANTUM ENGINEERS
PMF Flood Velocity – Post Development
Figure: A.14
Project No: 200439
N


Merrylands Road
Scale: 0 10 20 m
Legend:
Site Boundary
Pier_Support
Carpark
Building_Footprint
Flood Hazard Classification (ARR2019)
H1
H2
H3
H4
H5
H6
QUANTUM ENGINEERS
PMF Flood Hazard Classification – Post Development
Figure: A.15
Project No: 200439
N


Merrylands Road
Scale: 0 10 20 m
Legend:
Site Boundary
VD Contours (m.m/s)
Pier_Support
Carpark
Building_Footprint
VD Product (m.m/s)
<= 0.1
0.1 - 0.2
0.2 - 0.3
0.3 - 0.4
0.4 - 0.5
0.5 - 0.6
0.6 - 0.7
0.7 - 0.8
0.8 - 0.9
0.9 - 1
1 - 1.1
1.1 - 1.2
> 1.2
QUANTUM ENGINEERS
PMF Velocity Depth Product – Post Development
Figure: A.16
Project No: 200439
N

Merrylands Road
Scale: 0 10 20 m
Legend:
Site Boundary
Pier_Support
Building_Footprint
Flood Impact (m)
Carpark
<= -0.05
-0.05 - -0.02
-0.02 - -0.005
-0.005 - 0.005
0.005 - 0.01
0.01 - 0.02
0.02 - 0.1
>0.1
QUANTUM ENGINEERS
1% AEP Flood Impact Map
Figure: A.17
Project No: 200439
N


Merrylands Road
Scale: 0 10 20 m
QUANTUM ENGINEERS
Legend:
Site Boundary
Pier_Support
Carpark
Building_Footprint
Flood Risk Precincts
LOW
MEDIUM
HIGH
1% AEP Flood Risk Precincts – Pre Development
Figure: A.18
Project No: 200439
N


Merrylands Road
Scale: 0 10 20 m
QUANTUM ENGINEERS
Legend:
Site Boundary
Pier_Support
Carpark
Building_Footprint
Flood Risk Precincts
LOW
MEDIUM
HIGH
1% AEP Flood Risk Precincts – Post Development
Figure: A.19
Project No: 200439
N

APPENDIX B

Cumberland Council (Holroyd Council DCP 2013) –
Flood Compatible Materials & Building Components

BUILDING COMPONENT	FLOOD COMPATIBLE MATERIAL	BUILDING COMPONENT	FLOOD COMPATIBLE MATERIAL
Flooring and Sub-floor Structure	• Concrete slab-on-ground monolith construction • Suspension reinforced concrete slab • Steel Piers/Columns	Doors	• Solid panel with water proof adhesives • Flush door with marine ply filled with closed cell foam • Painted metal construction • Aluminium or galvanised steel frame
Floor Covering	• Clay tiles • Concrete precast or in situ • Concrete tiles • Epoxy, formed-in-place • Mastic flooring, formed-in-place • Rubber sheets or tiles with chemical-set adhesives • Silicone floors formed-in-place • Vinyl sheets or tiles with chemical-set adhesive • Ceramic tiles, fixed with mortar or chemical –set adhesive • Asphalt tiles, fixed with water resistant adhesive	Wall and Ceiling Linings	• Fibro-cement board • Brick, face or glazed • Clay tile glazed in waterproof mortar • Concrete • Concrete block • Steel with waterproof applications • Stone, Natural solid or veneer, waterproof grout • Glass blocks • Glass • Plastic sheeting or wall with waterproof adhesive
Wall Structure	• Solid brickwork, blockwork, reinforced, concrete or mass concrete	Insulation Windows	• Foam (closed cell types) • Aluminium frame with stainless steel rollers or similar corrosion and water resistant material
Roofing Structure (for Situations Where the Relevant Flood Level is Above the Ceiling)	• Reinforced concrete construction • Galvanised metal construction	Nails, Bolts, Hinges and Fittings	• Brass, nylon or stainless steel • Removable pin hinges • Hot dipped galvanised steel wire, nails or similar

Figure B.1 – Flood compatible Materials & Building Components

Electrical and Mechanical Equipment For dwelling constructed on land to which this Plan applies, the electrical and mechanical materials, equipment and installation should conform to the following requirements.	**Heating and Air Conditioning Systems** Heating and air conditioning systems should, to the maximum extent possible, be installed in areas and spaces of the house above the relevant flood level. When this is not feasible every precaution should be taken to minimise the damage caused by submersion according to the following guidelines.
Main Power Supply – Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, shall be located above the relevant flood level. Means shall be available to easily disconnect the dwelling from the main power supply.	**Fuel –** Heating systems using gas or oil as a fuel should have a manually operated valve located in the fuel supply line to enable fuel cut-off.
Wiring – All wiring, power outlets, switches, etc., should, to the maximum extent possible, be located above the relevant flood level. All electrical wiring installed below the relevant flood level should be suitable for continuous submergence in water and should contain no fibrous components. Earth core linkage systems (or safety switches) are to be installed. Only submersible-type splices should be used below relevant flood level. All conduits located below the relevant designated flood level should be so installed that they will be self-draining if subjected to flooding.	**Installation –** The heating equipment and fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks should be vented to an elevation of 600 millimetres above the relevant flood level.
Equipment – All equipment installed below or partially below the relevant flood level should be capable of disconnection by a single plug and socket assembly.	**Ducting –** All ductwork located below the relevant flood level should be provided with opening for drainage and cleaning. Self draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water-tight wall or floor below the relevant flood level, the ductwork should be protected by a closure assembly operated from above relevant flood level.
Reconnection – Should any electrical device and/or part of the wiring be flooded it should be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.	**Ancillary Structures (Steps, pergolas, etc.) –** Suitable water tolerant materials should be used such as masonry sealed hardwood and corrosive resistant metals. Copper Chrome Arsenate (CCA) treated timber is not a suitable material.

Figure B.2 – Flood compatible Materials & Building Components (Continued)

Note: ***A document for reducing vulnerability of buildings to flood damage, "Guidance on Building in Flood Prone Areas" is a comprehensive document that anyone building or renovating a property in a flood affected area should consult.***

The link below will take you directly to the document.

http://www.ses.nsw.gov.au/content/documents/pdf/resources/Building_Guidelines.

APPENDIX C

Figure C.1 Architectural Plan – 'Site Plan'
Figure C.2 Architectural Plan – 'Floor Plans'
Figure C.3 Survey Plan

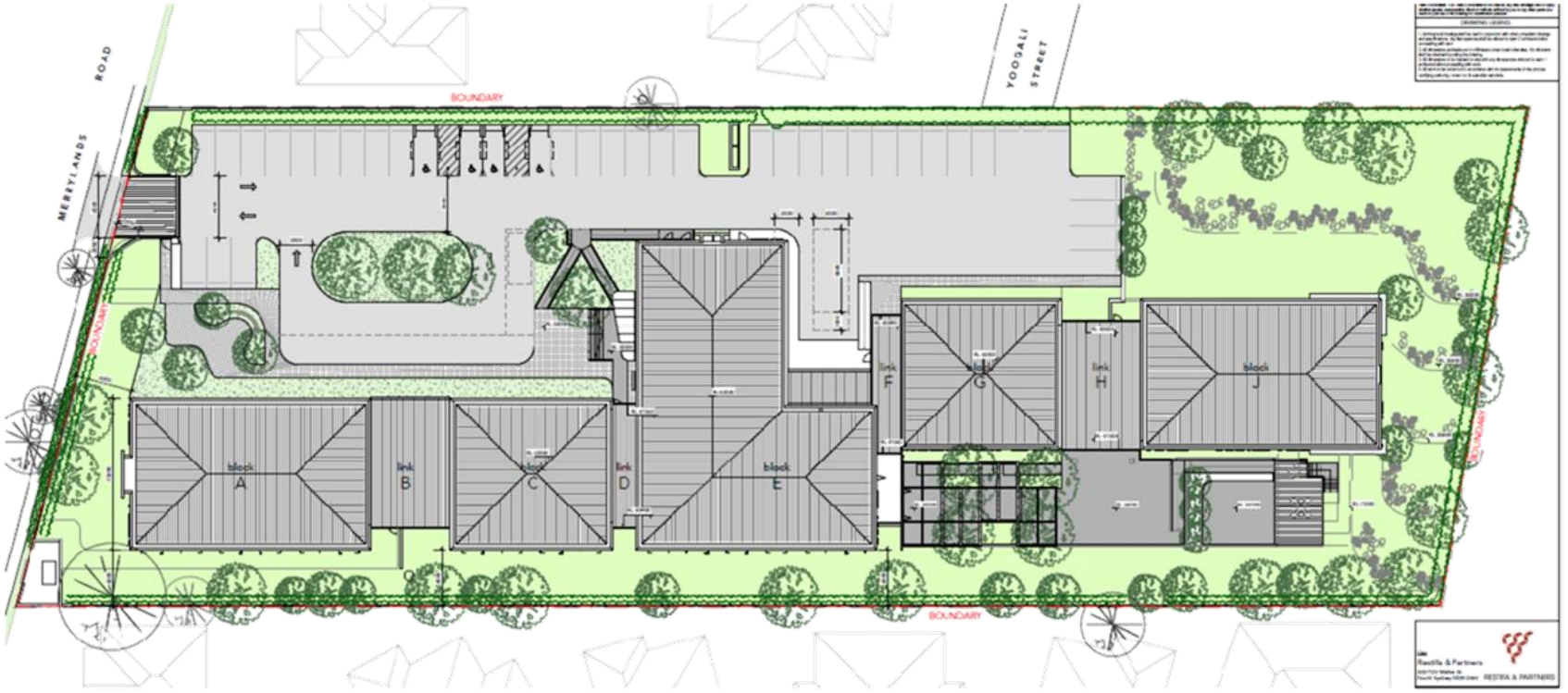


Figure C.1 Architectural Plan – 'Site Plan'

Figure C.2 Architectural Plan – 'Floor Plans'

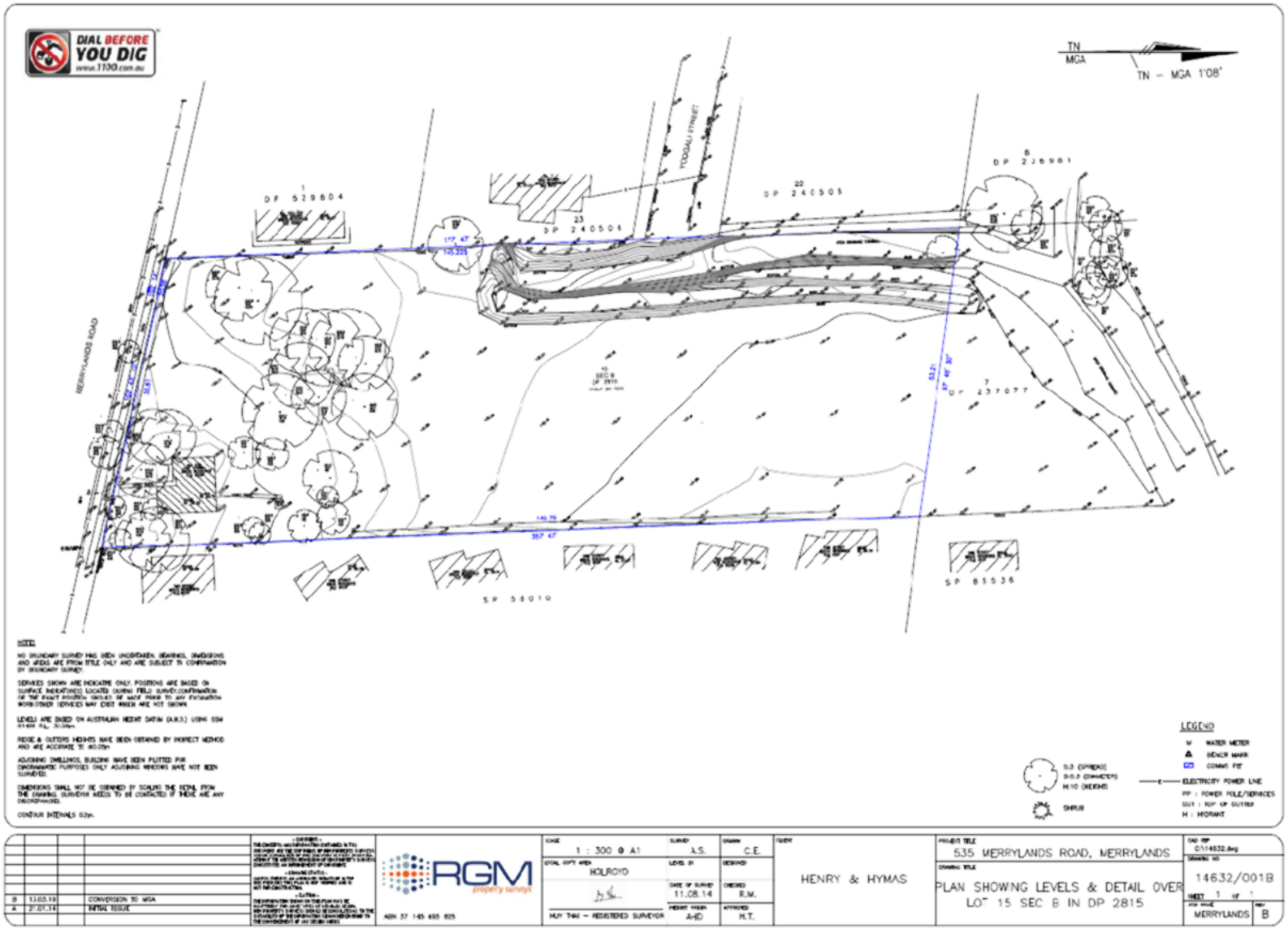


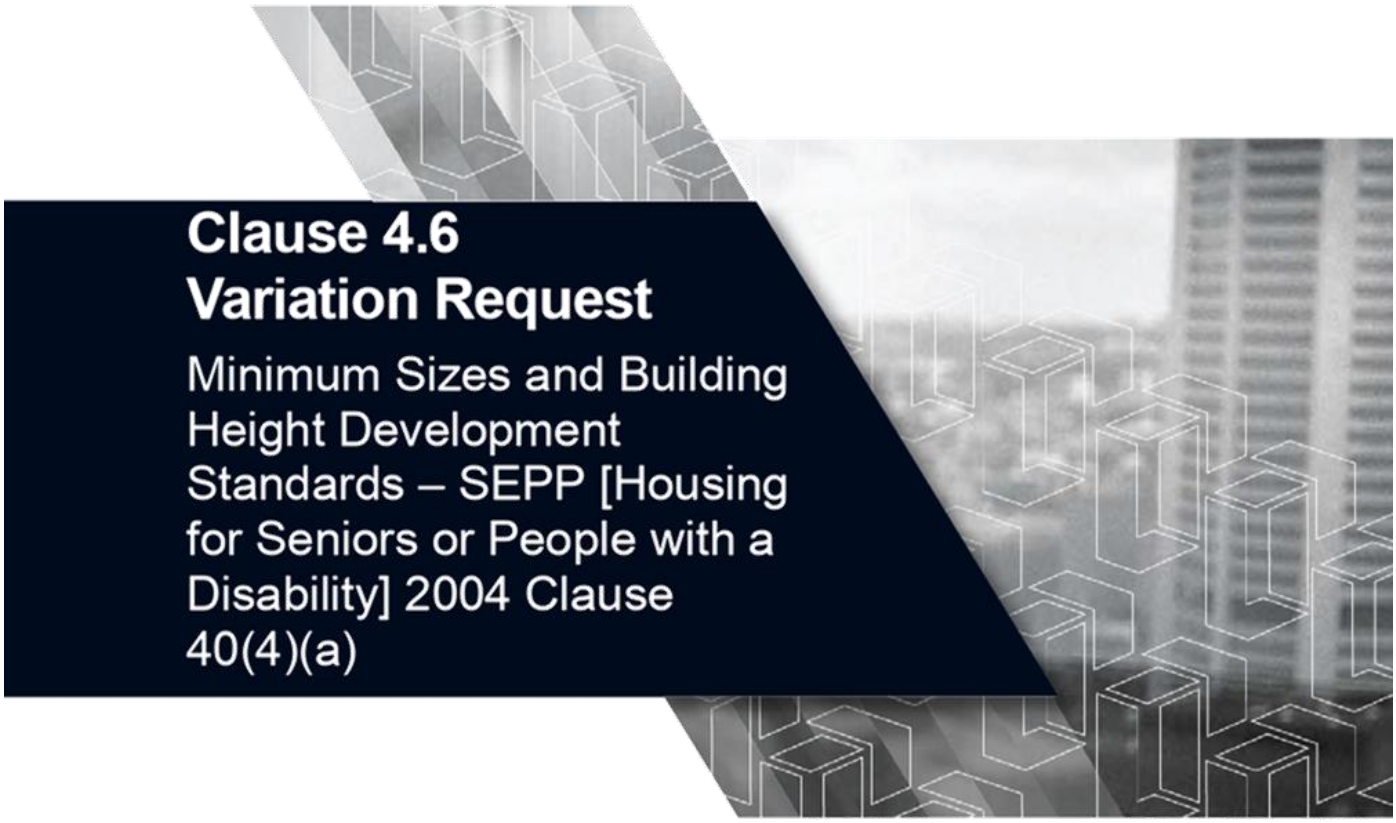
Figure C.3 Survey Plan

DOCUMENTS ASSOCIATED WITH REPORT LPP015/21

Attachment 10

Appendix A - Clause 4.6 Variation Request to SEPP(HSPD) 2004 Devlopment Standards: Clause 40(4)(a) - Height of all buildings of proposal must be 8m or less

CITY PLAN



Clause 4.6 Variation Request

Minimum Sizes and Building Height Development Standards – SEPP [Housing for Seniors or People with a Disability] 2004 Clause 40(4)(a)

535 Merrylands Road, Merrylands

Submitted to Cumberland City Council
On Behalf of Restifa & Partners Pty Ltd

MARCH 2021

CITY PLAN

4.6 Request - Height
535 Merrylands Road, Merrylands
18-287
March 2021

REPORT REVISION HISTORY

Revision	Date Issued	Revision Description	
01	27/02/20	Final	
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		Prepared by	**Verified by**
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1. EXECUTIVE SUMMARY

The proposed development involves the demolition of existing structures and the construction of a two storey residential aged care facility (RACF) comprising 90 beds and 39 at-grade car parking spaces at 535 Merrylands Road, Merrylands.

This Clause 4.6 variation is to address a variation to Clause 40(4)(a), relating to the height of buildings of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP), specifically "*(a) the height of all buildings in the proposed development must be 8 metres or less*".

Council advised the applicant that the flood planning levels supplied and which the design relied upon, had changed and the proposal needed to be amended to satisfy the increase floor level. In an email dated 24 February 2021, Council advised the resultant increase in the overall height would not be supported and recommended the third storey to be removed. This Clause 4.6 Variation Request reflects Council's recommendation to remove the third storey and elevate the proposal in accordance with the raised flood planning levels of the site.

As a result of the flood hazard of the land, the proposed development has been designed with raised floor levels. Consequently, a minimum finished floor level (FFL) of RL 35000 is required for the proposed development to ensure that it is compatible with the flood planning level for the site. However, the requirement for this FFL directly contributes to the extent of the variation that is proposed, noting the maximum contravention of the height standard is 1.3m (16.25%).

The portions of the building that contravene the height of buildings standard do not result in any detrimental impacts on the adjoining or nearby properties in terms of privacy, overshadowing or view loss, and do not detract from the amenity enjoyed by these residences. Through a combination of significant setbacks, plantings and the careful placement of windows, adequate levels of privacy are maintained. The overshadowing impacts caused by minor height contravention are limited in duration and an acceptable level of solar access will be provided to adjoining developments.

The proposed building height will result in a building that is of an appropriate scale and density to the surrounding locality. The proposed setbacks of 6m from the eastern boundary and 13.87m from the western boundary allows for significant boundary landscaping to be provided which will comprise a number of canopy trees expected to reach mature heights of 20 metres. This will provide adequate screening to adjoining residential development to ensure privacy is not impacted and the proposal is consistent with the scale of development along Merrylands Road. The development is compatible with the character of the adjacent development and the scale of development along Merrylands Road.

This request demonstrates compliance with the building height standard is unreasonable or unnecessary in the circumstances of the proposed development and that there are sufficient environmental planning grounds to justify the variation. The development as a whole satisfies the assumed objectives of the height standard, as well as the objectives of the R2 – Low Density Residential Zone and is in the public interest. Strict adherence to the height standard in this instance is therefore unreasonable and unnecessary and Council may be satisfied that the requirements of Clause 4.6 are met.

2. INTRODUCTION

This request has been prepared in accordance with Clause 4.6 of the Holroyd LEP to justify a variation to Clause 40(4)(a) relating to the height of buildings in Seniors SEPP. The variation is in relation to a proposed development application submitted to Cumberland City Council for the construction of a 90-bed RACF.

The objectives of Clause 4.6 are to provide an appropriate degree of flexibility in applying development standards to achieve better outcomes for, and from, development.

As the following request demonstrates, a better planning outcome would be achieved by exercising the flexibility afforded by Clause 4.6 in the particular circumstances of this application.

This request has been prepared having regard to the Department of Planning and Environment's Guidelines to Varying Development Standards (August 2011) and various relevant decisions in the New South Wales Land and Environment Court and New South Wales Court of Appeal (Court).

Clause 4.6 requires that a consent authority be satisfied of three matters before granting consent to a development that contravenes a development standard (see *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130, *Al Maha Pty Ltd v Huajun Investments Pty Ltd* (2018) 233 LGERA 170; [2018] NSWCA 245) at [23] and *Baron Corporation Pty Limited v Council of the City of Sydney* [2019] NSWLEC 61 at [76]-[80]:

- That the applicant has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case [Clause 4.6(3)(a)];
- That the applicant has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard [Clause 4.6(3)(b)];
- 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 [Clause 4.6(4)]

This request also addresses the requirement for the concurrence of the Secretary as required by Clause 4.6(4)(b).

3. STANDARD TO BE VARIED

The site is zoned R2 Low Density Residential under the Holroyd LEP. Residential flat buildings are not permitted within the R2 Low Density Residential zone.

The standard that is proposed to be varied is the "*height in zones where residential flat buildings are not permitted*" which is set out in Clause 40(4)(a) of the Seniors SEPP as follows:

> ***(4) Height in zones where residential flat buildings are not permitted*** *If the development is proposed in a residential zone where residential flat buildings are not permitted—*
>
> *(a) the height of all buildings in the proposed development must be 8 metres or less, and*

The development standard to be varied is not excluded from the operation of Clause 4.6 of the Holroyd LEP.

4. EXTENT OF VARIATION

The definition of height within the Seniors SEPP is:

> ***height*** *in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.*

As demonstrated by the plans prepared by Team 2 Architects, the development exceeds the 8 metre height limit by a maximum 1.3 metres (16.25%). The maximum contravention is located at the rear of Block J. The portions of the building that contravene the 8 metre building height are partially located at Block A, Blocks C – J and links D – H.

The figures below illustrate the extent and locations of the proposed contraventions. Refer to Figure 2 for the location of section plans.

Figure 1: Proposed Site Plan (Source: Team 2 Architects)

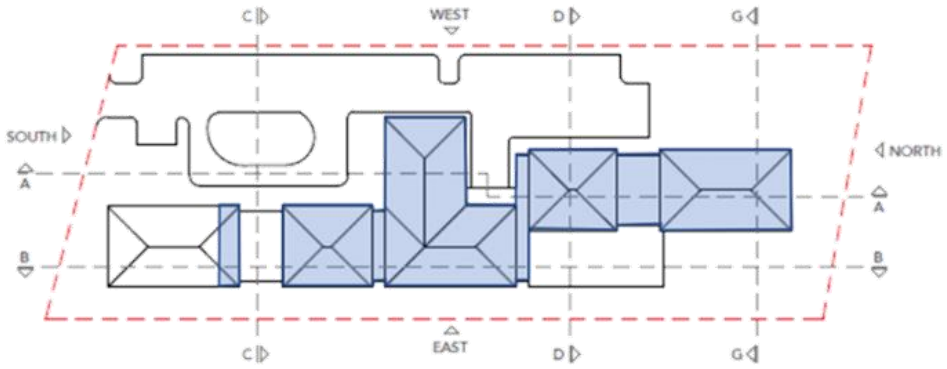


Figure 2: Section Plan Key, approximate extent of height breach outlined blue (Source: Team 2 Architects)

Figure 3: Section A with 8 metre projected existing ground plane (Source: Team 2 Architects)

Figure 4: Section B with 8 metre projected existing ground plane (Source: Team 2 Architects)

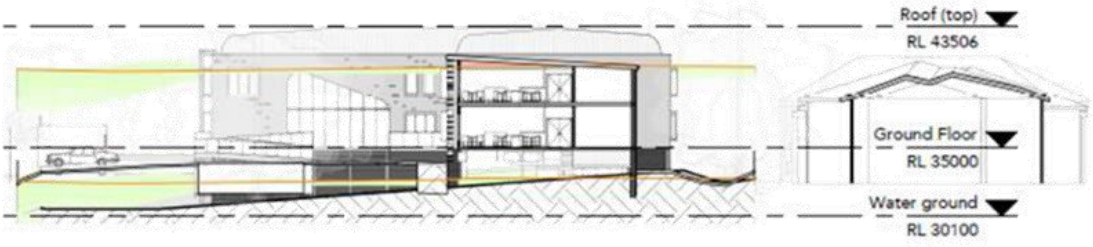


Figure 5: Section C with 8 metre projected existing ground plane (Source: Team 2 Architects)

Figure 6: Section D with 8 metre projected existing ground plane (Source: Team 2 Architects)

5. UNREASONABLE OR UNNECESSARY

In this section it is demonstrated why compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by Clause 4.6(3)(a) of the LEP.

The Court has held that there are at least five different ways, and possibly more, through which an applicant might establish that compliance with a development standard is unreasonable or unnecessary (see Wehbe v Pittwater Council [2007] NSWLEC 827).

The five ways of establishing that compliance is unreasonable or unnecessary are:

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;
3. The objective would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence the standard is unreasonable and unnecessary; and
5. The zoning of the land is unreasonable or inappropriate

It is sufficient to demonstrate only one of these ways to satisfy Clause 4.6(3)(a) (*Wehbe v Pittwater Council* [2007] NSWLEC 827, *Initial Action Pty Limited v Woollahra Municipal Council* [2018] NSWLEC 118 at [22] and RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130 at [28]).

In this case, it is demonstrated below that Test 1 has been satisfied.

5.1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard.

In Table 1 and Table 2 we have considered whether the elements which contravene the development standard prevent the objectives of the development standard being achieved. The Seniors SEPP provides no instruction on the intent of the height controls in Clause 40(4)(c) and does not otherwise nominate any objectives to underpin the intent of this control. Given the provision relates to issues concerning where a residential flat building is not permitted, it is therefore necessary to assume what the purpose of the standard might be, then evaluate whether a variation to the control would be consistent with these objectives.

A review of Land and Environment Court cases has been undertaken specifically relating to the height objectives of the Seniors SEPP.

In *De Stoop v Ku ring gai Council* [2010] NSWLEC 1019, Commissioner Murrell states at [60] that the underlying purpose of the standard in Clause 40(4)(a) is:

"to provide a development that will be compatible with the adjoining residential area and not create adverse impacts having regard to the desirable elements of the location and character of the area".

In *Pathways Property Group Pty Ltd v Ku-ring-gai Council* [2017] NSWLEC 1486, Commissioner Brown at [45] stated:

"The absence of any objectives in SEPP Seniors for height raises a difficulty but not one that cannot be overcome. Ms Francis and Mr Goodwill adopt objectives for the purposes of the cl 4.6 written request and I prefer the more comprehensive objectives of Ms Francis".

Specifically, as noted at [17]:

"In the cl 4.6 written request, Ms Francis adopts the following objectives:

- *To ensure that the development does not dominate the streetscape by virtue of its scale and bulk and is consistent with the character of the area.*
- *To ensure compatibility with the streetscape and existing context.*

- *To not cause unreasonable amenity impacts on adjoining developments."*

These Land and Environment Court cases and relevant documents have been considered in preparing the assumed objectives of this standard as shown below.

It is assumed that the intent/purpose (objectives) of this control are:

- *To ensure that the development is compatible, by virtue of its bulk and scale, with the existing and desired future character of the area;*
- *To not cause unreasonable amenity impacts on adjoining developments.*

The variation sought will be tested against these assumed objectives. The following table considers whether the objectives of the development standard are achieved notwithstanding the proposed variation (Test 1 under Wehbe).

Table 1: Achievement of Objectives of Clause number of LEP.

To ensure that the development is compatible, by virtue of its bulk and scale, with the existing and desired future character of the area; and
Existing development surrounding the site is residential in character, consistent with the R2 Low Density Residential zoning. To the east of the site, development comprises two-storey detached town houses at 5 Mark Street and a mix of two-storey and single storey dwellings at 529 Merrylands Road. To the west of the site development comprises a mixture of single and two storey detached dwellings along Merrylands Road and Yoogali Street. Leeton Street Park is located to the immediate north of the site and another park is located to the south of the site, south of Merrylands Road. An aerial photograph of the adjoining development is provided at Figure 7.

Figure 7: Aerial view of the site looking north, site shaded red (Source: Near Map)

To ensure that the development is compatible, by virtue of its bulk and scale, with the existing and desired future character of the area; and

Consistent with the heights of the adjoining development, the proposed RACF will be two storeys as requested by Council in an email dated 24 February 2021. The height contravention is a result of the flood hazard of the land which required a minimum FFL of RL 35000 to ensure that it is compatible with the raised flood planning levels. As such, the built form is consistent with and appropriate to the desired future character of the site, ensuring compatibility with the streetscape by virtue of its scale and high-quality design which reduces building bulk when viewed from the public domain.

As identified in **Error! Reference source not found.** and 9, the roof will appear as an angled, r ounded iron mansard which will reduce the visual impact of bulk and scale as well as softening the appearance of the building through a rounded finish. The contrast between building materials and the lightweight nature of the iron roof serves to visually reduce the bulk and scale of the proposed development. The proposed building respects and harmonises with the surrounding residential area by setting back with a less obvious roof profile and this rounding "steps in" the roof from the remainder of the building envelope to reduce the bulk of the building when viewed from the adjoining residential dwellings to the east and west.

To assist in breaking up the façade, lightweight perforated screens are proposed between the buildings to appear as links and are setback from the building line to reduce the extent of building mass along the site's elevations.

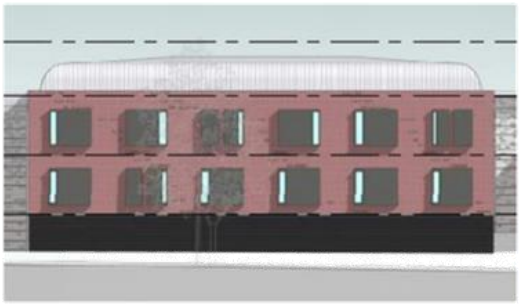


Figure 8: Extract from the east elevation showing the design of roof and windows (Source: Team 2 Architects)

Figure 9: Extract from the schedule of materials and finishes showing the indicative design of the Colourbond rounded roof (Source: Team 2 Architects)

The Holroyd DCP requires side setbacks of 900mm and rear setbacks of 7 metres from the rear boundary to ensure there is sufficient separation to allow for privacy and sunlight access and to maintain the established landscaped character of Holroyd with prominent deep soil zones to the rear of lots.

The proposed development provides a significant setback to the adjoining boundaries to allow for a variety of deep soil landscaping, including canopy trees (such as rough-barked apple, forest red gum and lemon scented myrtle) expected to reach mature heights of 20 metres to reduce the perceived bulk and scale of the development.

The proposed development is compatible, by virtue of its bulk and scale, with the existing and desired future character of the area. The areas of contravention have been positioned away from the front setback of the site, which will reduce the developments bulk from the streetscape. Through careful architectural treatment and choice of materials, the building will be consistent with other two storey developments within the locality. To further reduce the bulk and scale of the development, sympathetic landscaping is proposed incorporating a variety of large canopy trees.

The overall bulk and scale of the building remains similar to a height compliant development, only with the emphasis on the vertical plane rather than the horizontal plane. A height compliant scheme with the same compliant FSR (of 0.75:1) would take up more site area and reduce the extent of setbacks and associated landscaping (which in the non-compliant scheme) assists in reducing the apparent bulk and scale of the building.

To not cause unreasonable amenity impacts on adjoining developments.

Views

Views from surrounding properties will not be largely affected as a consequence of the contravention of the development standard. Views in the surrounding area are generally limited to street level views, sky and some canopy trees.

The proposed development will be setback from the adjoining boundaries by at least 6 metres to the eastern boundary and 13.87 metres to the western boundary.

The closest adjoining dwellings to the area of contravention are located at 7 Yoogali Street and 529 Merrylands Road. The dwelling at 7 Yoogali Street is orientated north/south, with principal views towards the north and south. The proposal, located due east of this dwelling will not impact views currently enjoyed from this dwelling given their principal views are north/south.

The adjoining dwellings at 529 Merrylands Road are two-storey and single storey and orientated east/west with their rear gardens adjoining the site. The site's eastern common property boundary between the proposed development and the adjoining dwellings comprises a solid metal fence which currently limits views from the existing dwellings across the subject site.

Overshadowing

It is somewhat difficult to assess overshadowing when dealing with a ceiling height control rather than a 'top of building height', since the roof type and pitch can vary and generate different shadow outcomes above the same ceiling height.

Team 2 Architects have prepared detailed shadow diagrams for the proposal. These demonstrate the proposed seniors housing development above the 8m height standard within the R2 zoned land would protect the amenity of neighbouring properties in relation to sunlight, despite the noncompliance with the height standard.

The properties at 541-543 Merrylands Road and 7 Yoogali Street will receive minor overshadowing to part of their primary open space between 9am and 10:30am on 21 June. However, they will not receive any additional overshadowing as a result of the proposal after 10:30am.

Three properties at 529 Merrylands Road will receive additional overshadowing between 1:30pm and 3pm. However, they will not receive any additional overshadowing between 9am and 1:30am as a result of the proposal.

All properties along the north-eastern and north-western property boundary will receive in excess of 3 hours of direct sunlight between 9am and 3pm on 21 June. As detailed in the overshadowing diagrams, the majority of the shadows will fall on the site itself throughout the day. Refer to Figure 10, Figure 11 and Figure 12.

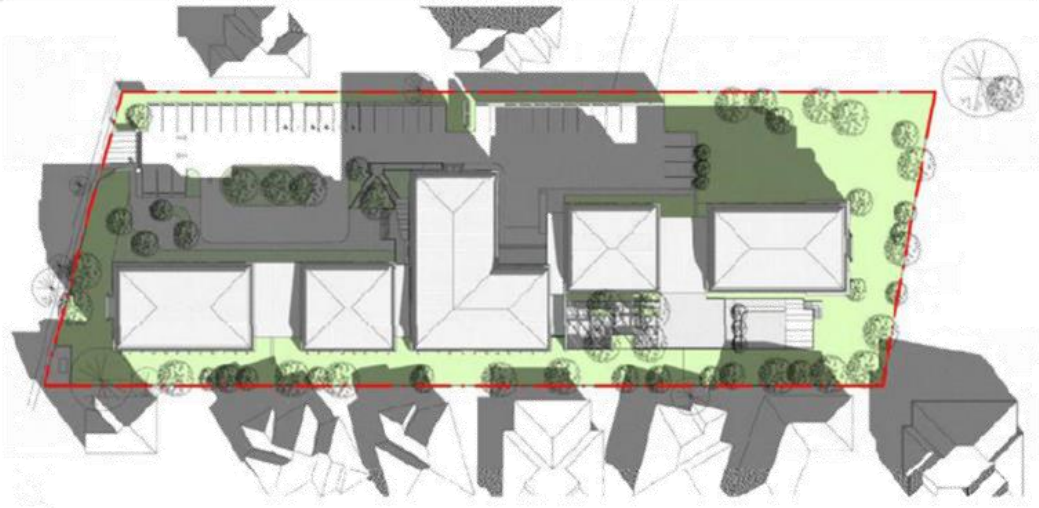


Figure 10: Shadow diagram at 9am on 21 June (Source: Team 2 Architects)

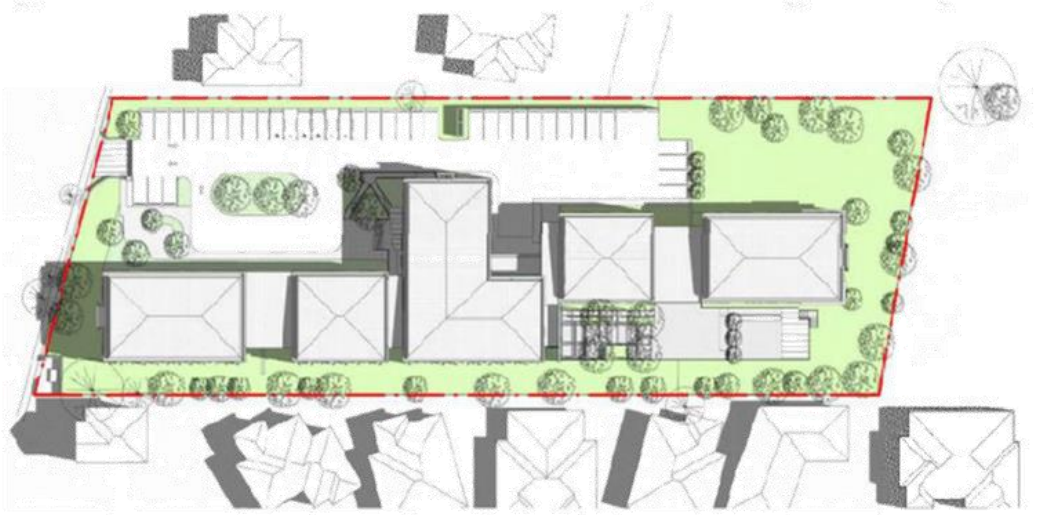


Figure 11: Shadow diagram at 12pm on 21 June (Source: Team 2 Architects)

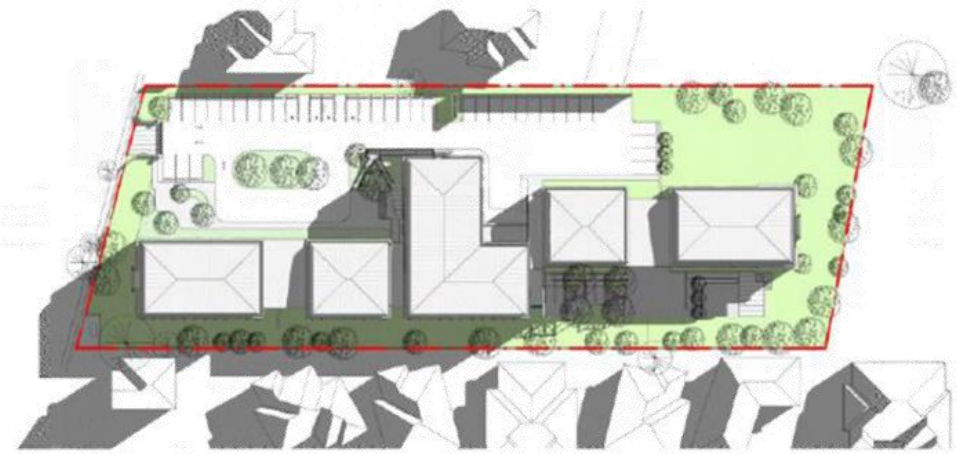


Figure 12: Shadow diagram at 3pm on 21 June (Source: Team 2 Architects)

Privacy

Where the proposed contraventions occur, there is a proposed setback of 6 metres to the site's eastern property boundary and 13.87 metres to the site's western property boundary. The proposed setbacks, together with the considered design of the proposed development ensures there would not be an unreasonable impact in terms of privacy as a result of the scheme. Refer to Figure 13 for an overview of the setback distances provided at level two.

Figure 13: Proposed setbacks at first floor level (Source: Team 2 Architects)

To not cause unreasonable amenity impacts on adjoining developments.

It is worth noting the maximum contravention of the height standard is located at the rear Block J. This is considered not to impact privacy of surrounding development as a rear setback of 8m is provided and deep soil landscaping is proposed to provide adequate screening. Additionally, the majority of Block A at the front of the site complies with the building height limit which reduces the bulk and scale of the development when viewed from Merrylands Road.

The substantial setbacks, together with landscaping to the boundaries, will ensure the proposal does not result in sightlines causing a loss of privacy to these adjoining dwellings on the eastern and western boundary of the site.

Further, it is noted that the Holroyd DCP allows a minimum side setback of 900mm for two storey dwellings. The proposed development provides substantially larger setbacks to the adjoining side boundaries to ensure that the intent of the Holroyd DCP setback controls can be achieved.

Visual Impact

The areas of contravention will not have a visual impact as the two storey development is consistent with surrounding development heights. As discussed above, the height contravention is located away from the front setback to limit the building's visual presence onto the streetscape. The additional height, as a result of raised flood planning levels, does not cause the building to appear overly dominant or bulky. Design features including setbacks, articulation, materials and associated landscaping, make the proposed development compatible with the existing and future character of the area.

The proposed development as a whole will be visually consistent in terms of design and materials in that is represents fine grain urban form with large landscaped setbacks to the site's boundaries, responding to the existing lower residential character of the adjoining properties. The development provides considerable separation between the proposed building and the adjoining low-density residential development.

As demonstrated in Table 1 above, the objectives of the building height development standard are achieved notwithstanding the proposed variation.

In accordance with the decision in *Wehbe v Pittwater Council* [2007] NSWLEC 827, *Initial Action Pty Limited v Woollahra Municipal Council* [2018] NSWLEC 118, *Al Maha Pty Ltd v Huajun Investments Pty Ltd* (2018) 233 LGERA 170; [2018] NSWCA 245 and *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130, therefore, compliance with the building height development standard is demonstrated to be unreasonable or unnecessary and the requirements of Clause 4.6(3)(a) have been met on this way alone.

6. SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS

In this section it is demonstrated that there are sufficient environmental planning grounds to justify contravening the Clause 40(4)(a) as required by Clause 4.6(3)(b) of the LEP.

In *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118, Preston CJ observed that in order for there to be 'sufficient' environmental planning grounds to justify a written request under Clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard, not on the development as a whole.

In *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, Pain J observed that it is within the discretion of the consent authority to consider whether the environmental planning grounds relied on are particular to the circumstances of the proposed development on the particular site.

A compliant development would result in a lesser built form, but in this case, the part of the building that contravenes the standard does not cause any adverse impacts to surrounding residential properties and is appropriately setback. Therefore, it can be concluded that the proposal does not result in any unreasonable environmental impacts and it is considered there are sufficient environmental planning grounds to justify the contravention.

Some additional specific environmental grounds to justify the contravention of the standard are summarised as follows:

- The proposed height of buildings was derived from careful consideration of the site's constraints and opportunities and in discussion with Council.
- Compliance with the building height standard under the Seniors SEPP would restrict the development to one storey in height and result in a poorer social outcome due to loss of aged beds being delivered;
- A minimum finished floor level (FFL) of RL 35000 is required for the proposed development to ensure that it is compatible with the raised flood planning levels of the land. The requirements of the FFL directly contribute to the extent of height contravention that is proposed;
- There is no increase in the intensity of development on the site. The proposal provides considerably less GFA than allowed under the SEPP (approximately 3,389m² of GFA);
- The design of the proposal incorporates generous setbacks and extensive landscape planting to complement the built form and assist in reducing the scale of the development when viewed from the adjoining property boundaries. This will ensure the proposal results in minimal amenity impact and is compatible with the surrounding area in terms of bulk and scale;
- The contravention of the standard allows for a development that is consistent with the existing and desired future character of the area;
- The additional height will not have a detrimental visual impact on the surrounding area;
- There are no adverse environmental impacts such as unacceptable additional overshadowing or overlooking as a result of the contravention of the standard;
- The proposal would result in a better planning outcome than if compliance were to be achieved, as it allows for the co-ordinated redevelopment of the site; and
- The proposal will facilitate development to provide a modern, purpose built RACF to assist in providing seniors housing within the Cumberland local government area.

7. PUBLIC INTEREST

In this section it is explained how 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. This is required by Clause 4.6(4)(a)(ii) of the LEP.

In Section 5 it was demonstrated that the proposed development overall achieves the objectives of the development standard notwithstanding the variation of the development standard (see comments under "public interest" in Table 1).

The table below considers whether the proposal is also consistent with the objectives of the zone.

Table 2: Consistency with Zone Objectives.

Objectives of Zone R2 Low Density Residential	Discussion
To provide for the housing needs of the community within a low density residential environment.	The contravention of the standard does not result in an inconsistency with this objective. The proposed development will provide additional housing within the locality of Merrylands, nearby to a range of local services, facilities and amenities.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The contravention of the standard does not result in an inconsistency with this objective. The proposed development is consistent with this objective as the proposal is for a RACF designed to cater for the needs of the growing ageing population.
To allow residents to carry out a range of activities from their homes while maintaining neighbourhood amenity.	The contravention of the standard does not result in an inconsistency with this objective. The proposal allows seniors to access numerous services and carry out numerous activities from the residential aged care facility whilst not detracting from the amenity enjoyed by the nearby residents, the natural and cultural heritage of the area or the existing quality of the environment.

As demonstrated in Table 2, the proposal is consistent with the objectives of the zone and in Section 5 it was demonstrated that the proposal is consistent with the objectives of the development standard. According to Clause 4.6(4)(a)(ii), therefore, the proposal in the public interest.

8. STATE OR REGIONAL ENVIRONMENTAL PLANNING

This section considers whether contravention of the development standard raises any matter of significance for State or regional environmental planning, the public benefit of maintaining the development standard, and any other matters required to be taken into consideration by the Secretary before granting concurrence required by Clause 4.6(5).

There is no identified outcome which would be prejudicial to planning matters of state or regional significance resulting from varying the development standard as proposed by this application.

As demonstrated already, the proposal is consistent with the objectives of the zone and the objectives of the development standard and in our opinion, there are no additional matters which would indicate there is any public benefit of maintaining the development standard in the circumstances of this application.

9. CONCLUSION

This submission requests a variation, under Clause 4.6 of the Holroyd LEP to Clause 40(4)(a) of the Seniors SEPP and demonstrates that:

- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;
- The development achieves the objectives of the development standard notwithstanding non-compliance with the standard and is consistent with the objectives of the R2 Low Density Residential zone.
- There are sufficient environmental planning grounds to justify the contravention;

The consent authority can be satisfied to the above and that the development achieves the objectives of the development standard and is consistent with the objectives of the R2 Low Density Residential zone notwithstanding the non-compliance with Clause 40(4)(a) of the Seniors SEPP and is therefore in the public interest.

The concurrence of the Secretary can be assumed in accordance with Planning Circular PS 18-003.

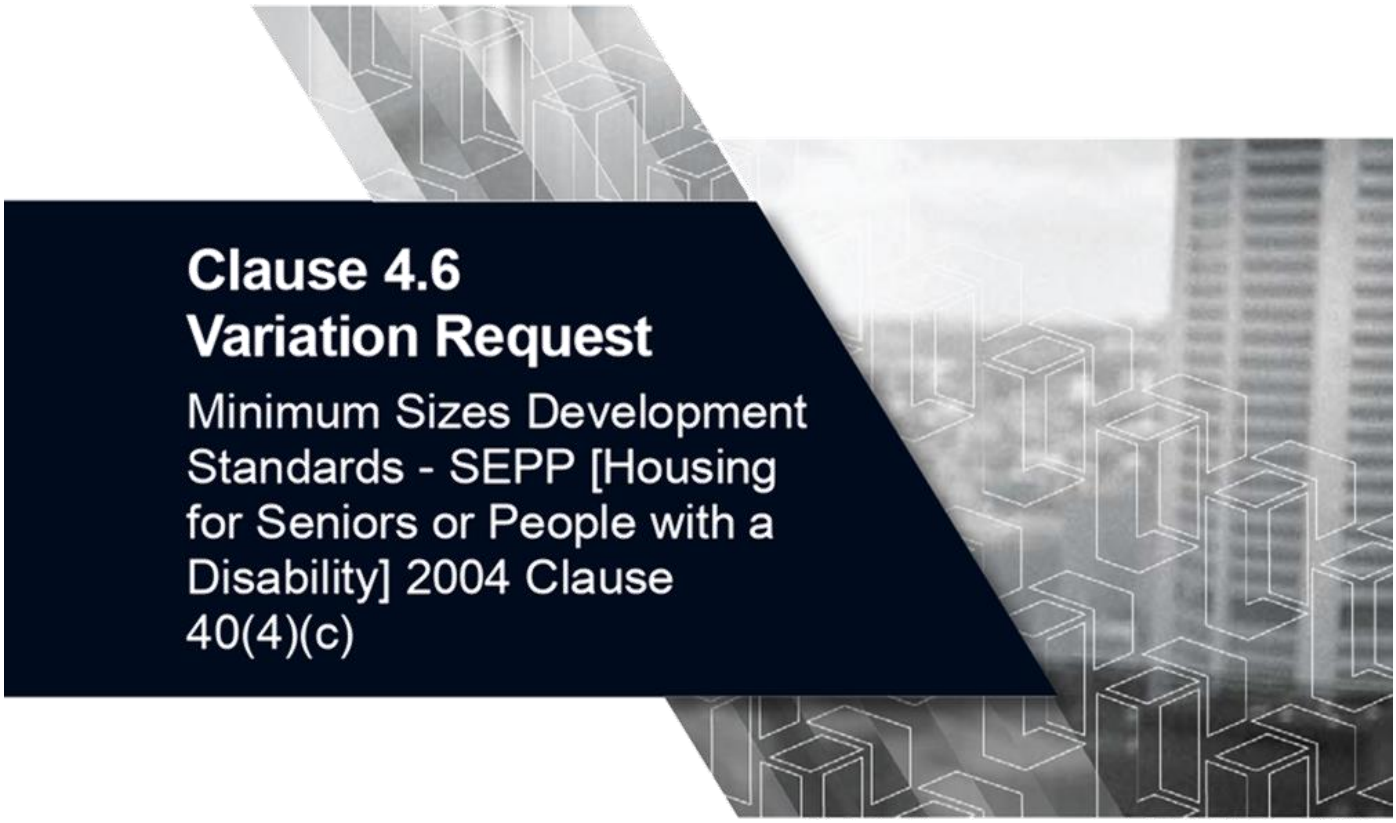
On this basis, therefore, it is appropriate to exercise the flexibility provided by Clause 4.6 in the circumstances of this application.

DOCUMENTS ASSOCIATED WITH REPORT LPP015/21

Attachment 11

Appendix B - Clause 4.6 Variation Request to SEPP(HSPD) 2004 Development Standards:Clause 40(4)(c) - A building located in the rear 25% area of the site must not exceed 1 storey in height

CITY PLAN



Clause 4.6 Variation Request

Minimum Sizes Development Standards - SEPP [Housing for Seniors or People with a Disability] 2004 Clause 40(4)(c)

535 Merrylands Road, Merrylands

Submitted to Cumberland City Council
On Behalf of Restifa & Partners Pty Ltd

MARCH 2021

CITY PLAN

4.6 Request - Rear 25%
535 Merrylands Road, Merrylands
18-287
March 2021

REPORT REVISION HISTORY

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		Lotti Wilkinson *Associate*	 David Ryan *Executive Director*
02	19/03/21	Draft revision	
		Prepared by	**Verified by**
		William Wolter *Project Planner*	 David Ryan *Executive Director*

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1. EXECUTIVE SUMMARY

The proposed development involves the demolition of existing structures and the construction of a two storey residential aged care facility (RACF) comprising 90 beds and 39 at-grade car parking spaces at 535 Merrylands Road, Merrylands.

This Clause 4.6 variation is to address a variation to Clause 40(4)(c), relating to the height of buildings within the rear 25% of the site within *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors SEPP); specifically, "(c) *a building located in the rear 25% area of the site must not exceed 1 storey in height*".

The site is zoned R2 Low Density Residential under the Holroyd Local Environmental Plan 2013 (Holroyd LEP), and seniors housing is permissible within the provisions of the Seniors SEPP.

In the context of the subject site, the rear of the site relates to the site's northern boundary and the variation relates to approximately 27.7 metres at first floor level (second storey) of the northern part of the building which protrudes into the rear 25% of the site.

The proposed height of buildings was derived from careful consideration of the site's constraints and opportunities and in discussion with Council. A similar yield could have been achieved from a height compliant development however this would have taken up a significantly greater site area, to the detriment of the landscape setting, tree retention and stormwater management. A superior planting and design outcome is achieved as a result of the variation.

The proposal is compatible by virtue of its bulk and scale, with the existing and future character of the rear of the site. The departure from the standard does not result in detrimental impacts on the adjoining residential development to the rear in terms of overshadowing, privacy, visual impact or view loss.

A combination of careful siting of the building, enhanced separation distances and consideration of the position of windows and landscaping ensures issues of privacy and overlooking are well managed. Compliance with the height standard in the rear 25% of the site is unreasonable or unnecessary in the circumstances of the proposed development. The development as a whole is in the public interest and therefore strict adherence to the standard, in this instance, is unreasonable and unnecessary and Council may be satisfied that the requirements of Clause 4.6 are met.

2. INTRODUCTION

This request has been prepared in accordance with Clause 4.6 of the Holroyd LEP to justify a variation to Clause 40(4)(c) relating to the height of buildings within the rear 25% of the site in Seniors SEPP. The variation is in relation to a proposed development application submitted to Cumberland City Council for the construction a 90-bed RACF.

The objectives of Clause 4.6 are to provide an appropriate degree of flexibility in applying development standards to achieve better outcomes for, and from, development.

As the following request demonstrates, a better planning outcome would be achieved by exercising the flexibility afforded by Clause 4.6 in the particular circumstances of this application.

This request has been prepared having regard to the Department of Planning and Environment's Guidelines to Varying Development Standards (August 2011) and various relevant decisions in the New South Wales Land and Environment Court and New South Wales Court of Appeal (Court).

Clause 4.6 requires that a consent authority be satisfied of three matters before granting consent to a development that contravenes a development standard (see *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130) and *Al Maha Pty Ltd v Huajun Investments Pty Ltd* (2018) NSWCA 245):

- That the applicant has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case [Clause 4.6(3)(a)];
- That the applicant has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard [Clause 4.6(3)(b)];
- 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 [Clause 4.6(4)]

This request also addresses the requirement for the concurrence of the Secretary as required by Clause 4.6(4)(b).

3. STANDARD TO BE VARIED

The site is zoned R2 Low Density Residential under the Holroyd LEP. Residential flat buildings are not permitted within the R2 Low Density Residential zone.

The standard that is proposed to be varied is the "*height in zones where residential flat buildings are not permitted*" which is set out in Clause 40(4)(c) of the Seniors SEPP as follows:

> *(4) **Height in zones where residential flat buildings are not permitted** If the development is proposed in a residential zone where residential flat buildings are not permitted—*
>
> *(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.*

The development standard to be varied is not excluded from the operation of Clause 4.6 of the Holroyd LEP.

4. EXTENT OF VARIATION

The subject site's primary frontage is to Merrylands Road to the south and its rear boundary is situated along its northern boundary. As demonstrated in Figure 1 below, the variation is restricted to a portion of the northern extent of the building for a length of approximately 27.7 metres at first floor level.

Figure 1: Proposed first floor plan, extent of rear 25% of subject site outlined in red hatching (Source: Team 2 Architects

Figure 2: Proposed western elevation, approximate extent of breach highlighted blue (Source: Team 2 Architects)

Figure 3: Proposed eastern elevation, approximate extent of breach highlighted blue (Team 2 Architects)

5. UNREASONABLE OR UNNECESSARY

In this section it is demonstrated why compliance with the development standard is unreasonable or unnecessary in the circumstances of this case as required by Clause 4.6(3)(a) of the LEP.

The Court has held that there are at least five different ways, and possibly more, through which an applicant might establish that compliance with a development standard is unreasonable or unnecessary (see Wehbe v Pittwater Council [2007] NSWLEC 827).

The five ways of establishing that compliance is unreasonable or unnecessary are:

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary;
3. The objective would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence the standard is unreasonable and unnecessary; and
5. The zoning of the land is unreasonable or inappropriate

It is sufficient to demonstrate only one of these ways to satisfy Clause 4.6(3)(a) (*Wehbe v Pittwater Council* [2007] NSWLEC 827, *Initial Action Pty Limited v Woollahra Municipal Council* [2018] NSWLEC 118 at [22] and *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130 at [28]).

In this case, it is demonstrated below that Test 1 has been satisfied.

5.1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard.

In Table 1 we have considered whether the elements which contravene the development standard prevent the objectives of the development standard being achieved. The Seniors SEPP provides no instruction on the intent of the height controls in Clause 40(4)(c) and does not otherwise nominate any objectives to underpin the intent of this control. Given the provision relates to issues concerning where a residential flat building is not permitted, it is therefore necessary to assume what the purpose of the standard might be, then evaluate whether a variation to the control would be consistent with these objectives.

A review of Land and Environment Court cases has been undertaken specifically relating to the height of a building adjacent to a boundary of the site.

In *Pathways Property Group Pty Ltd v Ku-ring-gai Council* [2017] NSWLEC 1486, Commissioner Brown at [95] stated:

"I am satisfied that the nominated objective is satisfied in that the proposed alterations and additions are "a compatible bulk and mass to protect amenity of adjoining properties sharing rear and side common boundaries". The breach of the standard, in numerical terms, is not significant given the size of the site. I adopt the meaning of "compatibility" as set out in the planning principle in Project Venture (at 22) where it refers to compatibility as existing "together in harmony" without having the "same density, scale or appearance"."

Tuor C in *Manderrah Pty Ltd v Woollahra Municipal Council and Anor* [2013] NSWLEC 1196 at [70] concludes that:

"The primary objective of cl 40(4)(c) is to limit the bulk and scale of a building to protect the amenity of the rear of adjoining properties."

In reaching that conclusion Tuor C accepts the evidence of the town planners that an earlier decision of the Court: *De Stoop v Ku-ring-gai Council [2010] NSWLEC 1019* at [60]; that concludes that the underlying purpose of the standard in cl 40(a) is:

"to provide a development that will be compatible with the adjoining residential area and not create adverse impacts having regard to the desirable elements of the location and character of the area."

These Land and Environment Court cases and relevant documents have been considered in preparing the assumed objectives of this standard as shown below.

It is assumed that the intent/purpose (objectives) of this control are:

- *To ensure that the development is compatible by virtue of its bulk and scale to be consistent with the existing and future character of the rear of the site; and*
- *To not cause unreasonable amenity impacts on adjoining developments at the rear of the site.*

The variation sought will be tested against these assumed objectives. The following table considers whether the objectives of the development standard are achieved notwithstanding the proposed variation (Test 1 under Wehbe).

Table 1: Achievement of assumed development standard objectives

To ensure that the development is compatible by virtue of its bulk and scale to be consistent with the existing and future character of the rear of the site
The rear of the site is defined, in this case, as development at the northern end of the site (refer Figure 4). At present there is no development to the immediate north and northwest of the site as the land comprises Leeton Street Park, an area of public open space zoned RE1 Public Recreation. To the northeast of the site, two-storey town houses are located at 5 Mark Street and single storey dwellings are located at 529 Merrylands Road. Beyond Leeton Street Park to the northwest, single storey and two-storey dwellings are situated along Yoogali Street. An aerial photograph of the existing development at the rear of the site is provided at Figure 5.

Figure 4: Subject site shaded red (Source: Near Map)

Figure 5: Aerial view of site looking north, site outlined red (Source: Near Map)

In relation to the existing future character, as detailed in Figure 6, there is no consistent rear setback provided in the immediate locality, with rear setbacks varying between 2 metres and 5.1 metres along the site's eastern extent and 2.3 metres and 3.5 metres along the site's western extent.

The proposed development provides a rear setback of 9.1 metres at first floor level, providing a significantly larger setback when compared to the existing setback conditions of adjacent residential development.

Physical separation to existing development at the rear of the site will be retained by virtue of the significant setbacks provided to the site's eastern boundary (approximately 16.5 metres) and western boundary (20.01 metres).

Consideration has been provided to the RE1 Public Recreation zone at the rear of the site and an extensive, high quality landscaping treatment incorporating a variety of canopy trees, palms and climbers is proposed which will complement the existing landscaped setting at the rear of the site.

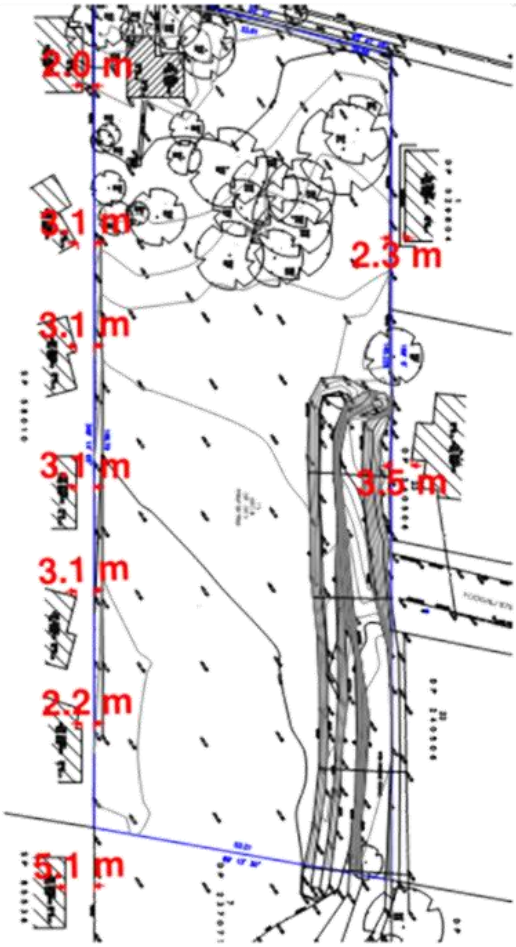


Figure 6: Survey Plan identifying rear setbacks of adjoining properties (Source: RGM Property Surveys)

In relation to the future character of the site, the Holroyd DCP requires that rear setbacks of dwelling houses and secondary dwellings at the upper storey are at least 7 metres from the rear boundary. The DCP requires side setbacks of 900mm are to be provided.

It is therefore reasonable to assume that an alternative likely future redevelopment of the subject site would result in a two storey development which provides a reduced rear setback of 7 metres. A proposed development would therefore similarly fall within the rear 25% of the site.

The location of the proposed RACF, which partially falls within the rear 25% of the site, would provide a considerably lesser built form at the rear of the site, if developed in accordance with the Holroyd DCP provisions.

When viewed from the rear of the site, the proposed development will provide a compatible built form, with the bulk of the built form reduced and setback to reduce the perceived scale and mass of the development, as well as to reduce any potential amenity impacts.

There is limited scope for redevelopment of the RE1 zoned land and therefore reasonable to assume future development at the rear of the site is unlikely to change.

Overall, there is limited scope for redevelopment at the rear of the site given the established residential character of the area and it is therefore reasonable to assume development at the rear of the site is unlikely to change. Notwithstanding this, the extent of the variation is considered to be compatible by virtue of its bulk and scale with future development at the rear of the site.

The contravention of the standard does not affect the achievement of the assumed objectives of this control.

To not cause unreasonable amenity impacts on adjoining developments at the rear of the site

The extent of the building which contravenes this standard is for a length of approximately 27.7 metres at first floor level. The two-storey height at the rear of the site is generally to reduce the impacts from a development, particularly in relation to privacy, overshadowing, visual impact and views. These will be discussed below:

Privacy

The proposed development is setback approximately 16.5 metres from the site's eastern property boundary at first and second floor level and over 20 metres from the site's western property boundary at first floor level to ensure privacy levels will be maintained for the adjoining residential properties at 5 Mark Street, 529 Merrylands Road and 7 and 8 Yoogali Street. To further assist in maintaining privacy levels, large canopy trees (including spotted gum, cabbage gum, swamp mahogany and river she-oak) expected to reach mature heights of 20 metres are proposed along the site's northern and eastern site boundaries.

Further, we note that the Holroyd DCP 2013 allows a minimum rear setback at the upper level of at least seven metres and a side setback of at least 900mm for dwelling houses and secondary dwellings. The proposed development provides considerably larger setbacks at the rear of the site than what would normally be achieved under the current planning controls set out in the DCP.

The proposal does not cause unreasonable direct overlooking of habitable rooms and principal private open spaces to the rear of the site, specifically to 5 Mark Street, 529 Merrylands Road and 7 and 8 Yoogali Street.

Overshadowing

Team 2 Architects have prepared detailed shadow diagrams for the proposal. The shadow diagrams demonstrate that the area of contravention at the rear of the site will not result in any overshadowing impacts to adjoining dwellings. All properties along the north-eastern and north-western property boundary will receive in excess of 3 hours of direct sunlight between 9am and 3pm on 21 June. The majority of the shadows will fall on the site itself throughout the day. Refer to Figure 7, Figure 8 and Figure 9.

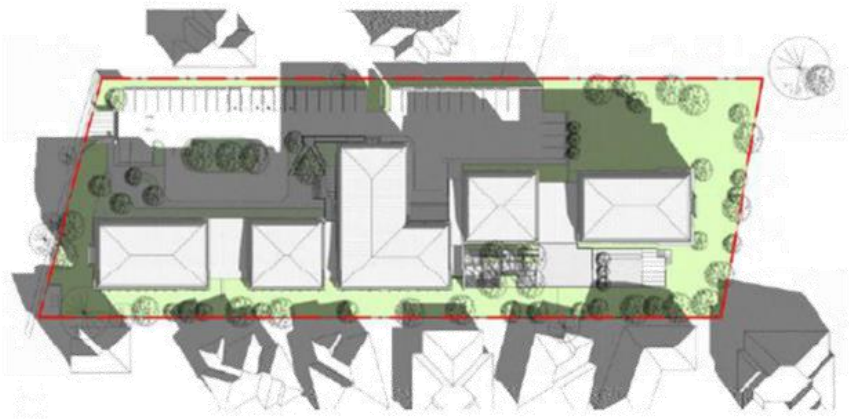


Figure 7: Shadow diagram at 9am on 21 June (Source: Team 2 Architects)

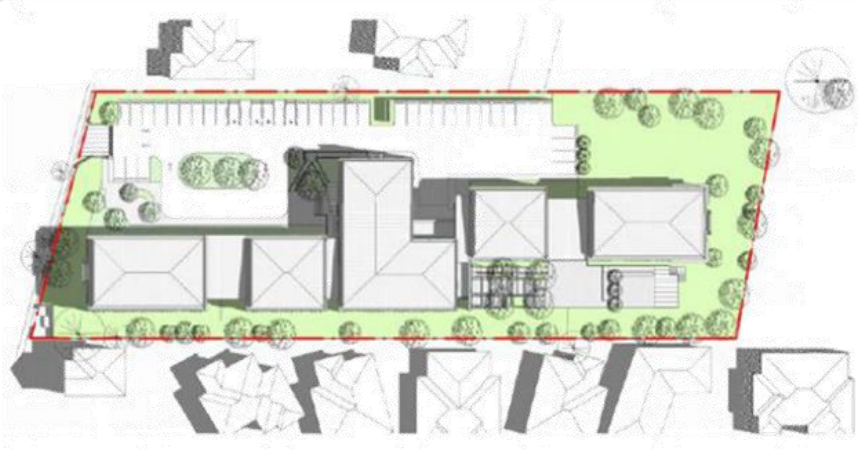


Figure 8: Shadow diagram at 12pm on 21 June (Source: Team 2 Architects)

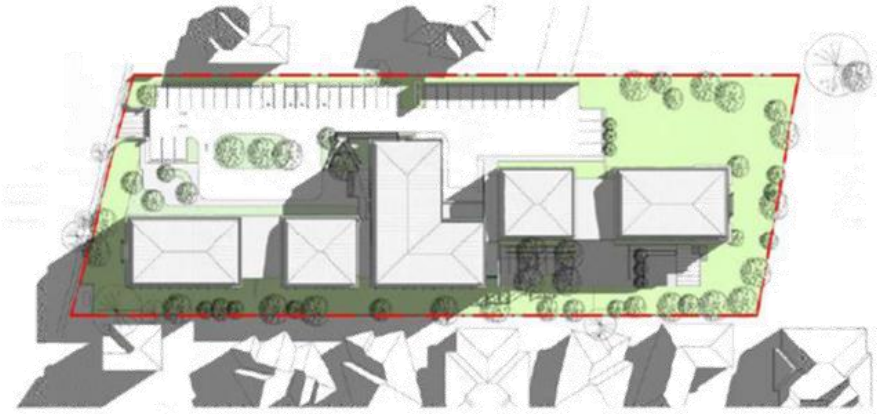


Figure 9: Shadow diagram at 3pm on 21 June (Source: Team 2 Architects)

Visual Impact

The portion of the building that contravenes the one-storey height limit will have no visual impact. The proposed development will be visually consistent in terms of design and materials. The building is located centrally on the site, with large landscaped setbacks to the northern, eastern and western boundaries responding to the existing lower residential character of the adjoining properties at the rear of the site. Significant landscaping is proposed along the site's boundaries, with tree species which will reach a mature height of 20 metres specifically chosen to minimise any visual impacts.

Views

Views from the surrounding properties will not be affected as a consequence of the portion of the building that contravenes the one storey height limit. Views in the surrounding area are generally limited to street level views.

The proposed development achieves compatibility with the existing and future character of built form and landscape in the area. Generous landscaped setbacks and the reduction of building heights near the site boundaries creates a transition in built form from the site to its surrounds.

As demonstrated in Table 1 above, the objectives of the building height development standard are achieved notwithstanding the proposed variation.

In accordance with the decision in *Wehbe v Pittwater Council* [2007] NSWLEC 827, *Initial Action Pty Limited v Woollahra Municipal Council* [2018] NSWLEC 118, *Al Maha Pty Ltd v Huajun Investments Pty Ltd* (2018) 233 LGERA 170; [2018] NSWCA 245 and *RebelMH Neutral Bay Pty Limited v North Sydney Council* [2019] NSWCA 130, therefore, compliance with the building height development standard is demonstrated to be unreasonable or unnecessary and the requirements of Clause 4.6(3)(a) have been met on this way alone.

6. SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS

In this section we demonstrate that there are sufficient environmental planning grounds to justify contravening Clause 40(4)(c) as required by Clause 4.6(3)(b) of the LEP.

We note that in *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 118, Preston CJ observed that in order for there to be 'sufficient' environmental planning grounds to justify a written request under Clause 4.6 to contravene a development standard, the focus must be on the aspect or element of the development that contravenes the development standard, not on the development as a whole.

We also note that in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, Pain J observed that it is within the discretion of the consent authority to consider whether the environmental planning grounds relied on are particular to the circumstances of the proposed development on the particular site.

A compliant development would result in a lesser built form, but in this case, the part of the building that contravenes the standard does not cause any adverse impacts to surrounding residential properties and is appropriately setback. Therefore, it can be concluded that the proposal does not result in any unreasonable environmental impacts and it is considered there are sufficient environmental planning grounds to justify the contravention.

Some additional specific environmental grounds to justify the contravention of the standard are summarised as follows:

- The proposed height of buildings was derived from careful consideration of the site's constraints and opportunities and in discussion with Council. A similar yield could have been achieved from a height compliant development however this would have taken up a significantly greater site area, to the detriment of the landscape setting, tree retention and stormwater management. A superior planning and design outcome is achieved as a result of the variation;
- There is no increase in the intensity of development on the site. The proposal provides considerably less GFA than allowed under the SEPP (approximately 3,389m² of GFA);
- The proposal provides an opportunity to provide significant un-built upon open space at the rear and provides amenity to the residents at the rear of the development.
- The contravention of the standard allows for a development that is consistent with the existent and desired future character of the area;
- The additional height will not have a detrimental visual impact on the surrounding area;
- There are no adverse environmental impacts such as unacceptable additional overshadowing or overlooking as a result of the contravention of the standard;
- The proposal would result in a better planning outcome than if compliance were to be achieved, as it allows for the co-ordinated redevelopment of the site; and
- The proposal will facilitate development to provide a modern, purpose built RACF to assist in providing seniors housing within the Cumberland local government area.

7. PUBLIC INTEREST

In this section we explain how 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 as required by Clause 4.6(4)(a)(ii) of the LEP.

In Section 5 it was demonstrated that the objectives of the development standard are achieved notwithstanding the variation of the development standard.

The table below considers whether the proposal is also consistent with the objectives of the zone.

Table 2: Consistency with Zone Objectives.

Objectives of Zone R2 Low Density Residential	Discussion
To provide for the housing needs of the community within a low density residential environment.	The contravention of the standard does not result in an inconsistency with this objective. The proposed development will provide additional housing within the locality of Merrylands, nearby to a range of local services, facilities and amenities.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The contravention of the standard does not result in an inconsistency with this objective. The proposed development is consistent with this objective as the proposal is for a RACF designed to cater for the needs of the growing ageing population.
To allow residents to carry out a range of activities from their homes while maintaining neighbourhood amenity.	The contravention of the standard does not result in an inconsistency with this objective. The proposal allows seniors to access numerous services and carry out numerous activities from the residential aged care facility whilst not detracting from the amenity enjoyed by the nearby residents, the natural and cultural heritage of the area or the existing quality of the environment.

As demonstrated in Table 2, the proposal is consistent with the objectives of the zone and in Section 5 it was demonstrated that the proposal is consistent with the objectives of the development standard. According to Clause 4.6(4)(a)(ii), therefore, the proposal in the public interest.

8. STATE OR REGIONAL ENVIRONMENTAL PLANNING

This section considers whether contravention of the development standard raises any matter of significance for State or regional environmental planning, the public benefit of maintaining the development standard, and any other matters required to be taken into consideration by the Secretary before granting concurrence required by Clause 4.6(5).

There is no identified outcome which would be prejudicial to planning matters of state or regional significance resulting from varying the development standard as proposed by this application.

As demonstrated already, the proposal is consistent with the objectives of the zone and the objectives of the development standard and in our opinion, there are no additional matters which would indicate there is any public benefit of maintaining the development standard in the circumstances of this application.

9. CONCLUSION

This submission requests a variation, under Clause 4.6 of the Holroyd LEP to Clause 40(4)(c) of the Seniors SEPP and demonstrates that:

- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;
- The development achieves the objectives of the development standard notwithstanding non-compliance with the standard and is consistent with the objectives of the R2 Low Density Residential zone.
- There are sufficient environmental planning grounds to justify the contravention.

The consent authority can be satisfied to the above and that the development achieves the objectives of the development standard and is consistent with the objectives of the R2 Low Density Residential zone notwithstanding the non-compliance with Clause 40(4)(c) of the Seniors SEPP and is therefore in the public interest.

The concurrence of the Secretary can be assumed in accordance with Planning Circular PS 18-003.

On this basis, therefore, it is appropriate to exercise the flexibility provided by Clause 4.6 in the circumstances of this application.

DOCUMENTS ASSOCIATED WITH REPORT LPP015/21

Attachment 12

Submissions Received

From:
Sent: Monday, 15 June 2020 10:43 AM
To: Records Department <council@cumberland.nsw.gov.au>
Subject: DA2020/0301 - 535 Merrylands Road, Merrylands Aged Care Facility Development application

To whom it may concern,

to the proposed development site associated with application number DA2020/0301.

I have been in contact with the council for many years regarding the current integrity and state of the easement which runs under my property and into the proposed development site. Most recently, last week (ref: RM-PH2020//2375) to try and speak to Rajan who has been our contact but he has not returned our calls on many occasions - this just being the last one.
The easements poor construction has resulted in sink holes in my backyard which we have been trying to get addressed and now my concerns about the grounds integrity has been heightened as a result of viewing the planned development next door.

I am deeply concerned that there has been no consideration or engineering report provided or considered at this time, taking into consideration the current state of the easement pipeline under my property and I ask that the council and developers undertake further assessments to determine what can be done to resolve the current sink holes and plans for additional support during the extensive work which is proposed.

I have attached one of the reports attached to the development application, citing figure 11 on page 15 to show the poor construction of support on the sides of the easement resulting in the sink holes and ask that the council look into this issue regardless of the development proceeding. Should the application result in approval, and no action take on the current integrity of easement, I have grave concerns that my property will be greatly impacted.

See attached for Figure 11: View of the existing stormwater drainage system at the western boundary of the site near Yoogali Street, facing west (Source: City Plan)

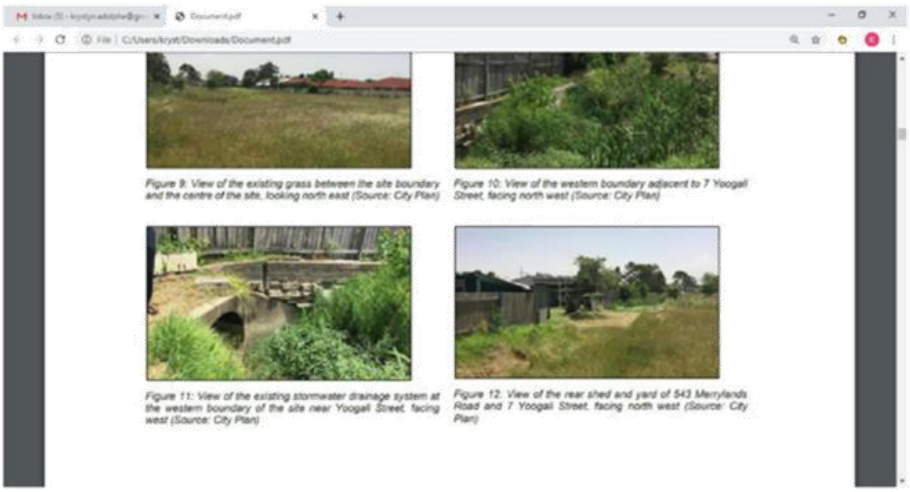


Figure 9: View of the existing grass between the site boundary and the centre of the site, looking north east (Source: City Plan)

Figure 10: View of the western boundary adjacent to 7 Yoogali Street, facing north west (Source: City Plan)

Figure 11: View of the existing stormwater drainage system at the western boundary of the site near Yoogali Street, facing west (Source: City Plan)

Figure 12: View of the rear shed and yard of 543 Merrylands Road and 7 Yoogali Street, facing north west (Source: City Plan)

I am available any time of day or evening so please feel free to contact me directly on the details below and I look forward to your response in this matter.

Your Sincerely,

Submission – Questions / Concerns - DA2020/0301 535 Merrylands Road Merrylands (State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004) (Seniors SEPP)

Proposed:

- **Construction of a 2-3 storey residential aged care facility comprising 120 beds**
- **Removal of 25 trees**
- **At grade car parking with 39 car parking spaces on site**
- **Demolition of existing structures**
- **Associated landscaping and civil infrastructure works**

I'm certainly not against the provision of residential aged care facilities but am obliged to question why Cumberland Council has had pre-lodgement meetings with the applicant and indicated possible support for a '2-3 storey scheme' - when 3 storey buildings are clearly in breach of Council controls for the R2 Low Density Residential Zone.
And the proposal also clearly doesn't comply with height controls listed in the Seniors SEPP - which is interesting - as I thought SEPP controls always stipulated the barest of acceptable minimum standards - and are way less demanding than Council controls, permitting higher yields than Council controls. (But I guess this uplift in height and provision of a 3rd storey probably explains why the applicant altered their original concept - which consisted of 10 townhouses, a childcare facility and an 8m wide private road).
According to the Holroyd LEP 2013, this site is zoned as R2 Low Density Residential, with a maximum 9 metre restriction for the height of buildings - which restricts heights to 2 storeys on this site, in this zone. And the DCP clearly restricts heights to 2 storeys in this zone. And, as expected and not surprisingly, the adjacent development surrounding the subject site is the typical development found in the low density residential area ie all development is between 1-2 storeys.
The LEP also states residential flat buildings (RFBs) aren't permitted in the R2 zone - and Part 4 of the Seniors SEPP also clearly states this type of development shouldn't be in the R2 zone, due to the issue of height, as per below:
40 (4) Height in zones where residential flat buildings are not permitted
If the development is proposed in a residential zone where residential flat buildings are not permitted—
(a) the height of all buildings in the proposed development must be 8 metres or less, and
(b) a building that is adjacent to a boundary of the site must be not more than 2 storeys in height, and
(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.
And the DA fails to comply with this SEPP clause on all 3 counts with this proposed 2-3 storey residential aged care facility - particularly because it's impossible to fit a 3 storey dwelling in a building height of only 8 metres. (Notwithstanding this, the proposal also contravenes DCP controls, as well as the LEP controls mentioned above).
With regard the Seniors SEPP:
(a) The proposed development has a maximum building height of 10.9 metres, not 8 metres - due to the inclusion of the 3rd storey.

Blocks C, E and G and links B, D and F all have a 3rd storey.

So, in fact it's only Blocks A and J that are compliant with the Seniors SEPP - being the only 2 storey buildings on the site.

Please note: The 10.9 metre height also doesn't comply with the Holroyd DCP height control - which is 9 metres.

(b) With regard to the boundary control, Blocks C and E and Links B and D are adjacent to the eastern boundary of the site - and are more than 2 storeys in height.

(c) The location of buildings constructed in the rear 25% area of the site exceed 1 storey in height - with the applicant advising the building is non-compliant on the northern extent of the building for 27.7 metres on the 1st floor and 3.25 metres at the second floor level.
I don't think I've ever seen 3-storeys built in the R2 zone, either through the former Holroyd Council - or the amalgamated Cumberland Council. I may be wrong - but I thought the R2 zone was sacrosanct - regarding only a maximum of 2 storeys being allowed.
And I remember Council's concern regarding the minimum lot size for dual occupancies in the R2 zone, that Council was so insistent to increase the state government's designated minimum lot size for dual occupancies, wanting to maintain the character and amenity of its seemingly sacrosanct R2 zone.
So, as said, I'm obliged to question why Cumberland Council has had pre-lodgement meetings with the applicant and apparently indicated in correspondence 21/12/19 that a '2-3 storey scheme' (which does not comply with height and storey controls) can be considered supportable. (I realise there was the qualification that the applicant needs to demonstrate merit for the non-compliances, that the proposed development maintains reasonable neighbourhood amenity and appropriate residential character etc etc).
And thus I gather the applicant has lodged this DA for a 2-3 storey scheme - and has also lodged three Clause 4.6 Variation Requests to justify and explain their proposed non-compliance with the three SEPP development standards.
But:

- Anyone could extol the virtues of providing more accommodation for our growing demographic of seniors.
- And a developer can easily say such accommodation is in the public interest - and thus strict adherence to building standards is unreasonable and unnecessary.
- And with only 1 or 2 storeys difference in height, it's easy for a report to assert the proposal provides an appropriate relationship in storeys and scale to adjoining land and the streetscape and avoids an abrupt change in scale.
- And equally easy for a report to assert the departures from standards don't result in detrimental impacts on the adjoining residential development - that the proposed development maintains reasonable neighbourhood amenity and appropriate residential character.
- I've read many such reports and their justifications for variances - for way more than one storey increases - often cut and paste from report to report - even sometimes forgetting to change the name and address of the site currently being promoted.

However, I don't think I've ever read about a Claytons 3-storey building - that it only looks like a 2-storey building - with the 3rd storey 'magically' disappearing:

- On p. 44 of the SEE, the applicant references an interesting concept:
  The proposal will present as two storeys with an additional level appearing as "rooms in the roof" to the surrounding dwellings as the materiality of the roof, being of a lightweight and rounded iron finish, contrasts with the solid brick veneer of the ground and first levels.
  And p.11 of the Compliance Tables report states: *the bulk of the development (is) concentrated in the middle three buildings (Blocks C, E and G). These blocks appear as two storey with an additional storey located in the roof.*
- Yet when looking at the photomontages etc, I'm not sure how the applicant claims the building appears as two storeys - when a third storey can clearly be seen - on Blocks C, E and G and links B, D and F?

- I realise the front and rear blocks (Block A and J) are not 3 storeys - but I'm not sure how the applicant insists 'rooms in the roof' ensures that the proposal presents as a two storey building of a compliant height.
- Surely as you approach the site along Merrylands Road - or view it from the adjacent homes - the 3 storeys will inevitably be seen. (It's like saying I can't see a 6 storey building when I stand close to it - because I only see the ground floor level in front of me. But across the road, or even further away, it's inevitable I see the true height of the building - and 6 storeys?)

Notwithstanding this, does this mean that in the future Council will approve 3-storey dwellings in the R2 zone, if builders and developers use different building materials for the 3rd storey level, as the building will (magically) appear as a two-storey building - even though there is a 3rd level containing 'rooms in the roof'?

- If this 3 storey development is approved, will this be the precedent for the start of 3-storey development in the R2 zone - even though this change was never mentioned in the recent Draft LEP and DCP on exhibition and Council has been so insistent on maintaining the character of the low density zone?
- Please note: For those living in the R4 zone (as I do now, having moved from the R2 zone) this may well sound like a great idea - as a 3rd storey in the R2 zone could help remove some of the ever-mounting pressure of oversaturation, overdevelopment and density in the R4 zone.
- Mass 'rooms in the roof' in the R2 zone could help fix the housing crisis?
- And it's interesting how the applicant quotes the DCP - that the R2 zone requires side setbacks to be 900mm - even though this is not what the DCP or ADG requires for RFBs, the building type referenced in the SEPP - and things get a little messier with infill development such as this, particularly when some of the dwellings to the eastern side are not built north-south facing, as are those located on Merrylands Road - nor do these buildings seem to have appropriate setback from the eastern boundary of the subject site.
- And how does the applicant assert the proposed development is consistent with the current and desired future character of this neighbourhood and residential area in Merrylands - when the applicant doesn't meet Council's desired character obviously dictated and controlled through the detail in the LEP and DCP? It's a no-brainer! (Surely the LEP and DCP outline and stipulate certain standards to ensure a certain type of living environment in the R2 zone is developed - and blatant contravention of those standards surely means that environment won't exist?)

Two other concerns arising from reading the documents on exhibition:

- Stormwater
  P.39 of the SEE states: *No rainwater tanks or stormwater reuse systems are proposed for the development*
  I ask why no rainwater tanks or stormwater reuse systems are proposed for this development, when it will surely be a high-use water establishment?
  - I thought the Seniors SEPP mandated buildings of good design and today's new buildings (and controls) are to be oriented and focused on sustainability, recycling etc?
  - And Clause 28 of the SEPP references that the housing needs to be connected to a reticulated water system?
  - And Clause 36 references re-use of stormwater for second quality water uses?

- Adequate ambulance bay
  I note a separate loading dock will also function as an ambulance bay.

- Is this considered satisfactory - and safe - as a 120 bed residential aged care facility could have frequent ambulance visits - either as emergency call-outs - or as patient transport for those residents who have no families or friends to take them to hospital appointments?

Conclusion
I note the applicant says the proposed height of buildings was derived from careful consideration of the site's constraints and opportunities. A similar yield could have been achieved from a height compliant development however this would have taken up a significantly greater site area, to the detriment of the landscape setting, tree retention and stormwater management. A superior planting and design outcome is achieved as a result of the variation.
I understand developers focus on yields but I question if the yield to which the applicant is referring would be achievable if controls were properly adhered to eg height, setbacks, separations, site coverage, landscaping, site amenity etc.
And why did the developer alter their original concept - which consisted of 10 townhouses, a childcare facility and an 8m wide private road?
The applicant knew the site constraints for this site when they purchased the site in 2014 - I gather at a price tag of $3.2 million. And the Daily Telegraph reported that there were 67 contracts issued for the block, but there were only eight registered bidders on the day, with a battle between 2 developers - but the R2 zoning deterred several buyers due to its restrictions.
I have got the impression over the years that SEPP controls really are the lowest (minimum) standards that should ever be considered for a site - introduced by NSW Planning to increase yields - and I've observed SEPP controls always do give greater yields to developers, as opposed to Council DCP and LEP controls.

- So if this proposal contravenes SEPP controls, should we be hearing alarm bells?

A developer can easily present that accommodation achieves objectives and is in the public interest - and maintains reasonable neighbourhood amenity and appropriate residential character - and that strict adherence to building standards is unreasonable and unnecessary and wouldn't be in the public interest - and there are sufficient environmental planning grounds to justify the contravention of controls.
I note this DA will be determined by Council and perhaps I'm being devil's advocate by asking:

- Can there actually now be any refusal of this DA - as this will be in conflict with the prior discussions already held with Council that resulted in this 3 storey proposal?
- If this 3 storey development is approved, will this be the precedent for the start of 3-storey development in the R2 zone - even though this change was never mentioned in the recent Draft LEP and DCP consultation process and Council has been so insistent on maintaining the character of the low density zone?
- If approved, does this mean that in the future Council will approve Claytons 3-storey dwellings in the R2 zone, if builders and developers use different building materials for the 3rd storey level, as the building can apparently (and magically) appear as a two-storey building - even though photomontages clearly reveal there is a visible 3rd level containing 'rooms in the roof'?

Please note: For those living in the R4 zone (as I do now, having moved from the R2 zone) this may well sound like a great idea - as a 3rd storey in the R2 zone could help remove some of the ever-mounting pressure of oversaturation, overdevelopment, congestion and the invasion of acoustic and audio privacy in the R4 zone.

- Mass 'rooms in the roof' could help fix the housing crisis!

Non-compliance with controls often seems be approved, favouring developers, and thus I wait with interest to see what transpires with this DA - proposing 3 storeys in the R2 zone.

Kind regards,

Item No: LPP016/21

DEVELOPMENT APPLICATION FOR 24 MEAKIN STREET, MERRYLANDS

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: DA2020/0769

Application lodged	11 December 2020	
Applicant	Gabrielle Design	
Owner	Mrs K Moujalli	
Application No.	DA2020/0769	
Description of Land	24 Meakin Street, Merrylands, Lot 21B, DP 387018	
Proposed Development	Retention of principal dwelling and construction of a secondary dwelling with a double car garage and second storey contained within the roof space and rear pergola pursuant to Affordable Rental Housing SEPP 2009.	
Site Area	848.30m^2	
Zoning	R2 - Low Density Residential	
Disclosure of political donations and gifts	Nil disclosure	
Heritage	No	
Principal Development Standards	HELP 2013: Floor Space Ratio: Permissible: 0.50:1 Proposed: 0.28:1 Height of Building: Permissible: 9 metres Proposed: 7.54 metres	ARH SEPP 2009: Maximum floor area: 60m^2 Proposed: 112.2m^2
Issues	• Exceedance in maximum prescribed floor area under SEPP ARH 2009. • Non-compliance with AS 2890.1, Parking Facilities, Part 1: Off-street car parking; • Visual Privacy; • Side Setback; and • Height;	

SUMMARY:

1. Development Application No. DA2020/0769 was received on 11 December 2020 seeking consent for the retention of principal dwelling and construction of a secondary dwelling with a double car garage and second storey contained within the roof space and rear pergola. The proposal being a secondary dwelling is not a permissible form of development in the R2 Zone under Holroyd Local Environmental Plan 2013 (HLEP 2013) and the application is therefore assessed

under State Environmental Planning Policy (Affordable Rental Housing) 2009, which permits secondary dwellings on land where dwelling houses are permissible in the zone.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 15 January 2021 and 29 January 2021. In response, no submissions were received.

3. The proposal results in the following non-compliances which are not supported:

Control	Required	Provided	Variation (%)
Floor area of Secondary Dwelling (SEPP (ARH) 2009)	Maximum 60m^2	112.2m^2	87%
Section 1.4, Control C26 – Visual Privacy (HDCP 2013)	Balconies greater than 800mm above ground level must not reduce privacy to adjoining properties.	Proposed balcony on eastern elevation results in adverse privacy impact	-
Section 2.3, Control C3 – Side Setback (HDCP 2013)	Minimum 900mm from side boundaries.	298mm – 311mm from southern boundary.	66.8% - 65.4%
Section 2.6, Control C28 – Rainwater tank (HDCP 2013)	450mm from boundaries.	Nil setback	100%
Section 2.7, Control C6 – Secondary Dwellings (Height) (HDCP 2013)	Maximum one (1) storey	Two (2) storeys	100%

4. The application is referred to the Cumberland Local Planning Panel (CLPP) for determination as the proposal contravenes a development standard by more than 10% (Clause 22(3)(b) of SEPP (ARH) 2009).

5. The application is recommended for refusal for the reasons provided in the Draft Notice of Determination contained in Attachment 1 of this report.

REPORT:

Subject Site and Surrounding Area

The site is legally described as Lot 21B in DP 387018 and is known as 24 Meakin Street, Merrylands. The site is rectangular in shape with an area of 848.30m2 and a frontage to Meakin Street of 12.61 metres. The site has depths of 67.265 metres at the southern boundary, 67.27 metres along the northern boundary and a rear boundary

width of 12.61 metres. The site has a sloping topography with a fall of approximately 2.5 metres from the rear of the site (RL32.23) to Meakin Street (RL 29.73).

At present, the site accommodates a single dwelling with ancillary structures and a paved area at the rear. Vehicular access to the site is provided Meakin Street with a driveway crossing located at the north western corner of the site.

The site is located within a low density residential area with surrounding development including a variety of single and two (2) storey residential developments such as detached dwellings, attached dual occupancies and multi dwelling housing developments varying in age, scale and architectural style each containing a domestic landscaped setting.

The site is located opposite to Warren Try Reserve and is bounded by 22, 22A and 26 Meakin Street. To the south the subject site adjoins the driveway of 22A Meakin Street which is a battle axe allotment containing a single storey dwelling and to the north is 22 Meakin Street also containing a single storey dwelling. The southern adjoining allotment is 26 Meakin Street contains a single storey dwelling and associated ancillary structures.

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

The proposal seeks consent for the construction of a secondary dwelling with a second storey contained within the roof space, an attached double garage and a rear pergola. The upper is not defined as an attic under HLEP 2013, as the upper floor contains an entire storey with other elements such as a balcony. Notwithstanding this, the proposed the secondary dwelling is a "Dormer Style Development", which is defined under Holroyd's Development Control Plan 2013 as:

"Dormer style development means a two-storey dwelling in which the roof cavity space is used to contain the second storey."

A breakdown of the proposal is as follows:

- Construction of a new secondary dwelling located to the rear of the site with a double car garage and second storey contained within the roof space. The layout of the secondary dwelling is as follows:
    - Ground Floor (RL 32.20): Lounge room, kitchen, a bathroom, attached double garage. To the rear of the secondary dwelling is an attached veranda and pergola for the use of private open space.
    - Upper Floor (RL 35.250): Two (2) bedrooms, one (1) bathroom, a storage area (which can be adapted for the use as a bedroom or other habitable room) and a balcony orientated to the western elevation of the dwelling. Dormer windows are also proposed for each room located on the upper floor orientated to the side (northern and southern) boundaries.
- The proposal also includes the extension of the existing driveway to provide vehicular access to the secondary dwelling, new concrete pathways, associated landscaping and drainage works.

History

Date	Action
11 December 2020	The subject Development Application was lodged to Council seeking consent for the retention of principal dwelling and

	construction of a secondary dwelling with a double car garage and second storey contained within the roof space and rear pergola.
15 January 2021 - 29 January 2021	The application was notified to adjoining properties. No submissions were received.
16 March 2021	A seven (7) day letter to withdraw the application was forwarded to the applicant on 16 March 2021 with issues regarding non-compliances with AS 2890.1, floor area of the secondary dwelling, visual privacy, side setbacks and height of the secondary dwelling.
23 March 2021	A request for an extension of time was requested by the applicant. Subsequently, Council provided an additional seven (7) days.
12 May 2021	The application reported to CLPP for determination.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Gabrielle Design (Aust.) dated November 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 contact with the applicant throughout the assessment process.

Internal Referrals

Development Engineer

The development application was referred to Council's Development Engineer for review. Council's Development Engineer has raised concerns that the proposed car parking and vehicular arrangements fail to comply with the provisions of AS 2890.1. Therefore, the application cannot be supported in its current form and these reasons form a part of the recommendation to refuse the application.

External Referrals

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

PLANNING COMMENTS

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

State Environmental Planning Policies

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

In accordance with Clause 7 of SEPP 55, a consent authority must consider if the land is contaminated, the extent of the contamination, suitability of the proposed use and remediation to standards to ensure if the proposal is suitable. The matters listed within Clause 7 have been considered in the assessment of the development application.

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	☐ 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
Comment: The site has historically been used for a low-density residential use and is not located in close proximity to any known contaminated land. Therefore, it is considered that the subject site satisfies the requirements of SEPP 55 with regard to the proposed development.	

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

Not applicable. The site is not zoned bushland and reserved public open space is not affected.

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

The objective of the SEPP is to protect the biodiversity values of trees and other vegetation and to preserve the amenity of the area through the preservation of trees and other vegetation. The proposal does not exceed the biodiversity offsets scheme threshold. The proposal is consistent with the objectives of the SEPP.

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

Not applicable. The subject site is not identified as a coastal wetland or 'land identified as "proximity area for coastal wetlands" or coastal management area.

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

A BASIX Certificate (Certificate No. 1160285S dated 2 December 2020) has been submitted with the application. The Certificate confirms that the development will meet the NSW government's requirements for sustainability.

(f) State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)

The provision of a Secondary Dwelling is a prohibited use in the R2 zone under Holroyd Local Environmental Plan 2013 (HLEP 2013). However, pursuant to Division 2(20) of SEPP ARH, Secondary Dwellings are permissible in R2 zones only if development for the purposes of a dwelling house is permissible in that zone. Under the provisions of HLEP 2013, dwelling houses are permissible in R2 zones and therefore permissibility is relent pursuant to the provisions of SEPP ARH.

Given that the secondary dwelling relies on the provisions of the ARH SEPP for permissibility, Clauses 20, 21, 22 and 24 of the SEPP are mandatory matters which apply to the development. Pursuant to Clause 22(3)(b) secondary dwellings are limited to a maximum total floor area of 60m2. Despite that the term "floor area" is defined in Schedule 1 of the SEPP, this only applies to complying development.

There is no nominated definition for "floor area" outlined in the SEPP applicable for Development Applications. On this basis, Gross Floor Area (GFA) has been utilised to determine the floor area of the secondary dwelling. It should be noted that the car parking concession is not applicable in the circumstances of the case as secondary dwellings are not required to provide carparking (Clause 22(4)(b)), and therefore should be included as GFA.

The "store" room located on the upper floor has also been included as the area is considered capable of being adapted for the use as a habitable room given the rooms dimensions, floor to ceiling height and direct access to the balcony.

Overall, the secondary dwelling has a floor area of 112.2m2 and contravenes the development standard by 52.2m2 or 87%. A Clause 4.6 has not been submitted for Council to consider a variation to the development standard. Without addressing the relevant preconditions required to enable a variation to the development standard, the non-compliance cannot be supported in this instance.

Regional Environmental Plans

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

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

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

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

Local Environmental Plans

Holroyd Local Environmental Plan 2013 (HLEP 2013)

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

(a) Permissibility: -

The proposed development is defined as a 'Secondary Dwelling' which is a prohibited form of development in the R2 Zone. A secondary dwelling is defined as:

'secondary dwelling means a self-contained dwelling that—

(a) is established in conjunction with another dwelling (the principal dwelling), and

(b) is on the same lot of land as the principal dwelling, and

(c) is located within, or is attached to, or is separate from, the principal dwelling.'

As identified above, Division 2(20) of SEPP ARH permits Secondary Dwellings in R2 zones so long as development for the purposes of a dwelling house are permissible in the zone. As contained in the land use table of HLEP 2013, dwelling houses are permissible in R2 zones and therefore the provision of a secondary dwelling is permissible.

HLEP 2013 Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
Clause 4.3 - Height of Buildings – 9 metres	Yes	**Secondary Dwelling Height:** Top of Ridge: RL 39.240 EGL below: 31.700 Overall height: 7.54 metres
Clause 4.4 - Floor Space Ratio – 0.50:1	Yes	Secondary Dwelling: 112.2m^2 Existing Dwelling: 126.3m^2 Total: 238.5m^2 238.5m^2 848.30m^2

		FSR: 0.28:1
Clause 5.10 – Heritage Conservation	Not applicable.	The subject site is not a heritage item, located within the vicinity of a heritage item or conservation area.
Clause 6.1 - Acid Sulphate Soils	Yes	The site is not subject to Acid Sulphate Soils.
Clause 6.2 - Earthworks	Yes	No notable significant earthworks are proposed which warrant concern and the proposal does not adversely impact the amenity of adjoining properties and is considered to be consistent with the provisions of Clause 6.2(3).
Clause 6.4 – Flood Planning	Not applicable.	The subject site is not identified as flood prone land.
Clause 6.5 - Terrestrial Biodiversity	Not applicable	The site does not contain Terrestrial Biodiversity.
Clause 6.6 - Riparian Land and Watercourse	Not applicable	The development does not result in impact on Riparian Land and does not impact on any watercourse.
Clause 6.7 - Stormwater Management	Yes	The proposed stormwater management system for the secondary dwelling incorporates a 3500L rainwater tank and connects to the existing system discharging to the kerb at Meakin Street via gravity flow.
Clause 6.8 - Salinity	Yes	The site is subject to Moderate Salinity. Given the location of the subject site from any land which is Known Salinity or has High Salinity Potential, the proposal is unlikely to have any adverse impact on salinity processes on the land. To this effect, standard conditions generally apply, however given the application is recommended for refusal further consideration on salinity is not warranted.
Clause 6.9 - Buffer between industrial and residential zones	Not applicable.	The subject site is not identified on the Site-Specific Provisions Map.

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 Remediation of Land SEPP

The Draft Remediation of Land SEPP is a review of SEPP 55 Remediation of Land. The draft SEPP does not change the requirements for a consent authority to consider the contamination of land. The findings of the preliminary consultation noted that the provisions of SEPP 55 are generally effective, however consultation noted that further clarification was required in the circumstances when development consent was required for remediation work. The draft SEPP does not seek to change the requirement for consent authorities to consider land contamination. The subject site has been historically used for residential purposes. As such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

(c) 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))

The proposed development is defined as under HDCP 2013 as a "Dormer Style Development" and the proposal is subject to the provisions of Part A – General Controls and Part B – Residential Controls of the Holroyd Development Control Plan 2013 (HDCP 2013). A comprehensive assessment against the provisions of HDCP 2013 is attached as Attachment 3 to this report. It is concluded that the proposal is inconsistent with the provisions and objectives of HDCP 2013. A summary of the DCP non-compliances is provided below.

(a) Non-compliances:

Part A – General Controls

Section 3.5, Control C3 - Access, Manoeuvring and Layout:

The design of car parking areas must provide sufficient circulation and minimise the possibility of conflicting vehicular movements, this is generally achieved through arranging the car parking to comply with the provisions of AS 2890.1. The secondary dwelling proposes an attached double garage which is accessed via an extension of the existing driveway located along the northern boundary of the site. The length of the extended driveway is 46.4 metres and splays to the garage for a further length of 12.1 metres.

Under the provisions of the AS 2890.1, such an extensive driveway length requires a turning area to be provided to allow vehicles to leave the site in a forward direction. The standard also stipulates where a driveway has a length of 30 metres, a passing bay with dimensions of 5.5-metres by 6 metres must be provided to avoid confliction between vehicles entering and leaving the site. The non-compliances result in an unsafe outcome for future occupants as vehicles are required to exit the site in reverse for a lengthy distance with further potential to conflict with inbound vehicles entering the site. The carparking arrangement is fails to comply with the provisions of AS 2890.1 and the non-compliance cannot be supported.

Part B – Residential Controls

Section 1.4, Control C26 – Visual Privacy:

Balconies higher than 800mm above existing ground level must incorporate privacy measures to ensure that the privacy of surrounding residents is not unduly reduced. The intent of the control is to ensure that balconies do not result in adverse privacy impact to adjoining properties. The secondary dwelling proposes a balcony on the upper floor along the eastern elevation which consists of dimensions 1.950 metres x

6.1 metres and an area of 11.895m2. The balcony is orientated to allow direct visual connection into adjoining properties private open space and results in an adverse privacy impact. This privacy impact is considered unacceptable and cannot be supported.

Section 2.3, Control C3 – Side Setback:

Dwellings must be setback 900mm from the side boundaries, the intent is to establish a desired setback for dwellings and their associated parking facilities from the property boundaries and to ensure that dwellings maintain a suitable bulk and scale. The secondary dwelling proposes a 298mm - 311mm setback from the southern boundary for the entire length of the southern elevation which is inconsistent with the desired separation from the side setbacks. Given the proposal is of an unacceptable bulk and scale, the non-compliant side setback is not supported.

Section 2.6, Control C28 – Rainwater tank

Rainwater tanks must be setback a minimum of 450mm from any lot boundary, if the tank has a height of more than 1.8m above ground level (existing). A rainwater tank is proposed to the rear of the secondary dwelling along the southern boundary underneath the proposed pergola. As notated on the submitted plans, the tank has a maximum height of 1.8 metres above existing ground level and fails to comply with the minimum 450mm setback. The intent of the control is to ensure that the tanks do not result in adverse visual impact to adjoining properties or in the event of overflow or failure, do not cause nuisance for water run off to adjoining properties. No details have adequately provided to determine the extent of visual impact of the tank and overflow pipes. The reduced setback may also result in unforeseen impact to adjoining properties in the event of overflow failure. As a result of these unforeseen impacts the location of the tank cannot be supported.

Section 2.7, Control C6 – Secondary Dwellings (Height)

Secondary dwellings are restricted to a maximum of one (1) storey in height. The proposal is a dormer style development where the roof cavity is used to contain a whole second storey. The second storey is required to accommodate the additional rooms located on the upper floor primarily as a result of the excessive floor area on the ground floor to accommodate the garage. This non-compliance in combination with the excessive floor area and non-compliant southern setback results in the secondary dwelling to consist of an unacceptable bulk and scale.

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))

The proposal has not demonstrated compliance with the requirements of AS 2890.1, SEPP ARH 2009 or Holroyd's Development Control Plan 2013. Without such consistency with these requirements, the proposal is considered to result in adverse impacts to future occupants and surrounding properties. The proposal will also result in an undesirable precedent to the character of the area.

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

The subject is zoned R2 for the purposes of low density residential and the provision of a secondary dwelling is a prohibited form of development unless compliance with SEPP ARH is adhered to. The car parking arrangement contributes the excessive floor area and also results in non - compliance with AS 2890.1. These issues in combination with the non-compliances of HDCP 2013 are unacceptable and the proposed development is considered unsuitable in the context of the site and surrounding locality.

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

In accordance with Council's Notification requirements contained within, the proposal was publicly notified for a period of 14 days between 15 January 2021 and 29 January 2021. In response to the public notification period, no submissions were received.

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

The public interest is best determined by the consistent application of the requirements of the relevant statutory provisions and by the consent authority ensuring that any adverse impact on future occupants, surrounding area and the environment is minimised. The proposal has been assessed under the relevant statutory requirements and it is determined that the development is inconsistent with the provisions of AS2890.1, SEPP ARH 2009 and HDCP 2013. These non-compliances are considered unacceptable and, on this basis, the proposal is considered to raise issues that are contrary to the public interest.

Cumberland Local Infrastructure Contributions Plan 2020

The development would require the payment of contributions in accordance with Cumberland Local Infrastructure Contribution Plan. Notwithstanding, the application is recommended for refusal.

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 (Affordable

Rental Housing) 2009 (ARH SEPP), Holroyd Local Environmental Plan 2013 and the Holroyd Development Control Plan 2013 and Draft Cumberland Local Environmental Plan and is considered to be unsatisfactory.

REPORT RECOMMENDATION:

That Development Application No. DA2020/0769 for the retention of principal dwelling and construction of a secondary dwelling with a double car garage and second storey contained within the roof space and rear pergola on land at 24 Meakin Street MERRYLANDS NSW 2160 be refused for the reasons listed in the attached schedule.

ATTACHMENTS

1. Draft Notice of Determination ⇩
2. State Environmental Planning Policy (Affordable Rental Housing) 2009 Compliance table ⇩
3. HDCP 2013 Analysis Dwelling houses, secondary dwelling & outbuildings ⇩
4. Architectural Plans ⇩

DOCUMENTS ASSOCIATED WITH REPORT LPP016/21

Attachment 1

Draft Notice of Determination

CUMBERLAND CITY COUNCIL

DEVELOPMENT APPLICATION
Notice of Determination
Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2020/0769
Applicant:	Gabrielle Design PO Box 200 CAMPSIE NSW 2194
Property Description:	24 Meakin Street MERRYLANDS NSW 2160, Lot 21B DP 387018
Development:	Retention of principal dwelling and construction of a secondary dwelling with a double car garage and second storey contained within the roof space and rear pergola pursuant to Affordable Rental Housing SEPP 2009.
Determined by:	Cumberland Local Planning Panel

Reasons for Refusal

1. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the development is inconsistent with the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009, in that:

   - The proposal contravenes the development standard of Clause 22(3)(b) which limits the maximum total floor area of secondary dwellings to no more than 60m². The secondary dwelling has a floor area of 112.2m² with no clause 4.6 submitted with the application.

2. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposal is non-compliant with Part A- General Controls of Holroyd Development Control Plan 2013, in particular:

   Part A – General Controls

   Section 3.5 - Access, Manoeuvring and Layout

   The development does not provide for an appropriate car parking arrangement that is sufficient in circulation or minimises the possibility of conflicting vehicular movements. The car parking arrangements do not demonstrate compliance with the provisions of AS 2890.1, in that:

   - The car parking arrangement is not designed to allow vehicles to exit the site from the secondary dwelling in a forward direction; and,
   - Potential conflict with inbound vehicles entering the site and those exiting, as no passing bay has been provided.

3. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposal is non-compliant with Part B - Residential Controls of Holroyd Development Control Plan 2013, in particular:

   Part B – Residential Controls

   Section 1.4 – Visual Privacy

   The proposal results in an adverse privacy impact to adjoining properties as the balcony along the eastern elevation on the upper floor is orientated to allow direct visual connection into adjoining properties.

   Section 2.3 – Side Setback

The secondary dwelling proposes a 298mm - 311mm setback along the entire length of the southern elevation. This setback is inconsistent with the desired separation from the side boundaries. The non-compliance is unacceptable given the proposal is considered to consist of an unacceptable bulk and scale.

Section 2.6 – Rainwater tank

The rainwater tank fails to provide the minimum 450mm setback from the southern boundary. Limited details on the tank have been provided and results in unforeseen impact with regard to amenity impact in terms of visual and acoustic impact and event of overflow failure.

Section 2.7 – Secondary Dwellings (Height)

The secondary dwelling is two (2) storeys in scale as the proposal is defined as a *"Dormer Style Development"*. The non-compliance with the number of storeys in combination with the exceedance in floor area and significantly reduced southern setback results in the development to have an exacerbated bulk and scale.

4. Pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act1979*, the development fails to comply with AS 29890.1, SEPP ARH or Holroyd's Development Control Plan 2013. The proposal is considered to result in adverse impacts and is considered to contain an undesirable precedent on the locality and built environment.

5. Pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the proposed secondary dwelling is not suitable for the site given the proposal does not meet key development standard for floor area, non-compliant with AS 2890.1 and inconsistent with the provisions of Holroyd Development Control Plan 2013.

6. Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the development is contrary to the public interest as it fails to the objectives and requirements of the applicable statutory provisions.

DOCUMENTS ASSOCIATED WITH REPORT LPP016/21

Attachment 2

State Environmental Planning Policy (Affordable Rental Housing) 2009 Compliance table

CUMBERLAND CITY COUNCIL

CUMBERLAND LOCAL PLANNING PANEL

Attachment 2 - State Environmental Planning Policy (Affordable Rental Housing) 2009 Compliance table.

Relevant Control		Proposed	Compliance
Division 2 Secondary dwellings			
Clause 20 - Land to which Division applies	R2 Zone – Only if development for the purposes of a dwelling house is permissible on the land	The subject is zoned R2 for the purposes of low density residential and the provision of a secondary dwelling is permissible under the provisions of SEPP ARH.	Yes
Clause 21 - Development to which Division applies	This division applies for the purposes of a secondary dwelling and ancillary development.	The proposal seeks consent for a secondary dwelling and ancillary structures such as a rear pergola and patio.	Yes
Clause 22 - Development may be carried out with consent	(2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.	The proposal includes the retention of an existing dwelling and secondary dwelling at the rear of the site.	Yes
	(3) A consent authority must not consent to development to which this Division applies unless— (a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument	The maximum total floor area of the principle and secondary dwelling is limited to a maximum of 424.15m² or a ratio of 0.50:1 pursuant to Clause 4.4 of HLEP 2013. The secondary dwelling has an area of 112.2m² and the principal dwelling being 126.3m². This results in a total area of 238.5m² and a ratio of 0.28:1.	Yes
	(b) Total floor area of secondary dwelling no greater than 60m²	Proposed floor area of Secondary Dwelling: 112.2m²	No – Not Supported
	(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds— (a) site area (i) the secondary dwelling is located within, or is attached to, the principal dwelling.	The secondary dwelling is detached from the principal dwelling and located to the rear of the site.	Yes
	(ii) the site area is at least 450 square metres,	Site Area: 848.30m²	Yes

CUMBERLAND CITY COUNCIL

CUMBERLAND LOCAL PLANNING PANEL

	(b) parking if no additional parking is to be provided on the site.	Additional car parking is proposed in the form of an attached double garage. Despite Subclause (5), the additional car parking is a contributing factor to the excess in floor area and is not supported.	No – Not Supported.
	(5) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).	Noted.	Yes
Clause 24 - No subdivision	A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.	No land subdivision is proposed as apart of this application.	Yes

DOCUMENTS ASSOCIATED WITH REPORT LPP016/21

Attachment 3

HDCP 2013 Analysis Dwelling houses, secondary dwelling & outbuildings

CUMBERLAND CITY COUNCIL

CUMBERLAND LOCAL PLANNING PANEL

ATTACHMENT 2 – HDCP 2013 Analysis
Dwelling houses, secondary dwelling & outbuildings

Relevant Control		Compliance with Requirements	Consistency Objectives
Part A - General Controls			
3.3 Dimensions and Gradients	Parking length – 5.5m, Parking width – 2.4m, 3m for enclosed single garages, 5.5m for double garages	The internal dimensions of the garage for the secondary dwelling are 6.1 metres x 6 metres.	Yes
3.5 Access, Manoeuvring and Layout	Design car parking areas to expedite vehicle circulation by adopting a simple layout and by minimising congestion points and the possibility of conflicting vehicle movements.	The car parking arrangement for the secondary dwelling fails to comply with the provisions of AS 2890.1. The driveway does not accommodate a 5.5-metre-wide passing bay for the first 6 metres to allows vehicles the two way vehicular movement. No turning bay has been provided for the 2-car garage attached to the secondary dwelling. Council requires all vehicles to enter and exit the property in a forward direction.	No – Not Supported.
4.1 Tree and Landscape Works	Council approval is required for following prescribed trees/vegetation: - height of over 3.6m - Table 1 & 2 trees are not prescribed trees - Not including noxious weeds	No significant tree removal proposed.	Yes
4.2 Development Works including existing trees and landscaping	- Conserve and retain trees where possible. - Vehicular driveways shall be located a minimum of 3 metres from the outside edge of the trunk.	No significant tree removal proposed.	Yes
	Discourage the removal of the following trees: - significant height, size, portion or age - part of the streetscape - part of a wildlife habitat - indigenous, rare or endangered species - visual screening - remnant or riparian vegetation	No significant tree removal proposed.	Yes
	Submission of arborist report to justify the reason(s) for tree removal.	Not required. No significant tree removal proposed.	N/A
	Submission of Tree Management Plan if necessary.	Not required. No significant tree removal proposed.	N/A
5.0 Biodiversity	Refer to HLEP Biodiversity map	Not applicable. Site not identified on HELP 2013 biodiversity map.	N/A
6.4 ESCP	Submission of a satisfactory erosion, sediment control plan (ESCP)	A site management plan with sediment and erosion details provided.	Yes
7.0 Stormwater Management	Stormwater Management	Stormwater management plan submitted showing that the	Yes

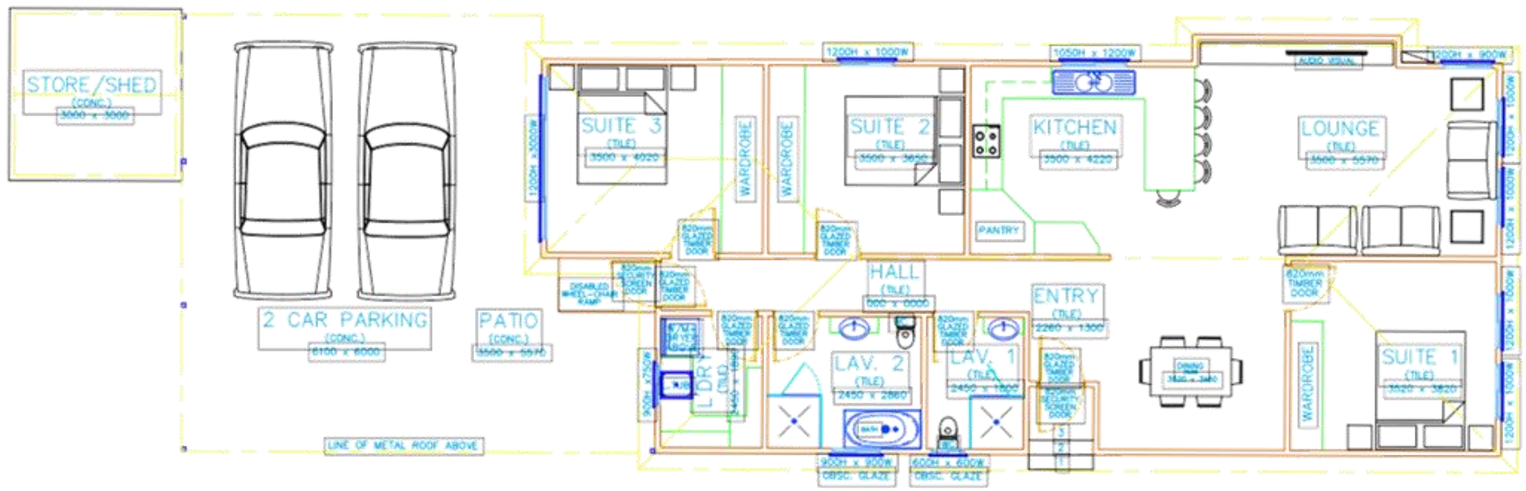
		development will connect to the existing system and will discharge to the kerb along Meakin Street.	
11 Waste Management	Waste Management Plan	Waste Management Plan and Sediment and Erosion Control Plan prepared by Gabrielle Design submitted with the application.	Yes
Part B - Residential Controls			
1.3 Views	Significant or district views should be retained (at least in part).	The secondary dwelling does not restrict significant views from adjoining properties.	Yes
1.4 Privacy	Visual Privacy	There is no adverse privacy impact from the living areas or patio/pergola area as sightlines are obstructed by the 1.8-metre-high boundary fence. The balcony on the western elevation however is of concern. The balcony is orientated to the private open spaces of adjoining properties and results in adverse visual privacy impact.	No – Not Supported
1.5 Landscaping and Open Space	Min. landscaping area: - lots <600m^2 – min. 20% - lots >600m^2 – min. 25%	The total landscaped area is 33%	Yes
	Total Private Open Space (POS) min. 15% site area & min. 3m wide	The private open space of the principal dwelling will remain at 15.3% with capable dimensions of 3 metres.	Yes
	POS directly accessible from living area	The existing arrangements for the POS of the principle dwelling remain unchanged. The POS for the secondary dwelling is directly accessible from the living area.	Yes
1.8 Sunlight and Access	Min. 3 hours solar access to at least one main living area of proposed development between 9am and 4pm in mid-winter	At least three (3) hours solar access to the internal living area of the secondary dwelling is achievable between 9am and 4pm during mid-winter.	Yes
	Min. 3 hours solar access to adjoining developments' to at least one main living area between 9am and 4pm in mid-winter	The living area of the adjoining dwelling at 26 Meakin Street will not be impacted from the secondary dwelling.	Yes
	Min. 3 hours solar access to 50% of POS area of proposed and adjoining developments' between 9am and 4pm in mid-winter	Minimum 50% solar access is retained between 9am and 4pm.	Yes
1.9 Cut and Fill	Max. 300mm fill outside building envelope	No fill external to the building's footprint is proposed.	Yes
	Max. 450mm cut outside building envelope	No excavation is proposed to accommodate the secondary dwelling.	Yes
1.12 Universal Housing and Accessibility	All 2 storey dwellings to provide1 room capable of being used as a bedroom, kitchen, bathroom/toilet and living areas on ground level.	The secondary dwelling (being a dormer style development) does not allow for a universal design. The ground floor consists of a garage, lounge,	No – Not Supported.

		kitchen and toilet. The bedrooms are located on the upper floor inclusive of the shower amenities.	
2.6 Outbuildings	A minimum setback of 450mm from each lot boundary, if the tank has a height of more than 1.8m above ground level (existing).	A rainwater tank is proposed to the rear of the secondary dwelling with a height of 1.8 metres. The tank is located along the southern boundary with a nil setback.	No – Not Supported.
2.7 Secondary dwellings	Min. lot size 450m2	Site Area: 848.30m^2	Yes
	Max. 1 storey, 1 storey above garage facing laneway	Two (2) storeys.	No
	Min. rear setback 3m, 1.5m from rear lanes	Rear setback: 4.0 metres to dwelling.	Yes
	Min. side setback 900mm	Northern side setback: 1.0 metres Southern side setback: 311mm	Yes No – Not Supported
	Min. secondary street setback 3m	Not Applicable. Subject site does not contain a secondary street setback.	N/A
	Shall compliment the principal dwelling in style of construction, design and materials.	The design of the secondary dwelling does not compliment the design of the principal dwelling.	No – Not Supported
	Must be behind front building line	Secondary dwelling is located at the rear of the site.	Yes
	Min. floor to ceiling 2.4m	The ground floor has a floor to ceiling height of 2.8 metres and the attic upper floor has a floor to ceiling height of 2.73 metres from the floor to the ceiling of the dormer.	Yes
	Max. site coverage 60%	Site Coverage: 24.8%	Yes
	No subdivision	No subdivision proposed.	Yes
	Shall contain separate facilities	Separate facilities provided such as bathrooms and laundry.	Yes

DOCUMENTS ASSOCIATED WITH REPORT LPP016/21

Attachment 4

Architectural Plans



GROUND LEVEL

FLOOR/S – EXISTING (Primary Residence)

EXISTING CONSTRUCTION

FOOTINGS/SLABS =REO. CONC. + BRICK PIERS
FLOOR FRAMING =STRUCTURAL TIMBER
EXT. WALLS =TIMBER (CEMENT BOARD CLAD)
INT. WALLS =TIMBER (PLASTER BOARD CLAD)
ROOF FRAME/CLADDING =TIMBER + TILE
EXT. WINDOWS/DOORS =GLAZED ALU. + TIMBER

Gabrielle Design
(Aust)
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E: gdcastrobox@gmail.com
A: P.O. Box 200, Campsie NSW 2194

REVISIONS

ISSUE	DETAILS	DATE

LEGEND

SYMBOL	PARTICULARS
(UNO/U.N.O.)	UNLESS NOTED OTHERWISE
(NTS/N.T.S.)	NOT TO SCALE
(HWS/RWS)	HOT, RAIN/WATER SYSTEM
(DP/SP.)	DOWNPIPE/SPREADER
(DP+SP.)	DOWNPIPE+SPREADER
(CBD/WIR)	CUPBOARD/WALK-IN-ROBE
(CPT/FT)	CARPET/FLOOR TILES
(TF)	TIMBER FLOOR
(GTD)	GLAZED TIMBER DOOR
(GAD)	GLAZED ALUMINUM DOOR
(FCB)	FIBROUS CEMENT BOARD
(GPB)	GYPSUM PLASTER BOARD
(ML/TL/GL)	METAL, TIMBER, GLASS/LOUVRES
(TG/TS)	TIMBER GLAD/SCREEN
(TFS)	TIMBER FRAME STRUCTURE
(CRW/CW)	CEMENT RENDER/CLAZED WALL
(OBG/TLG)	OBSCURE/TRANSLUSCENT GLAZED
(CB/MB/GB)	CONCRETE/MEBEL/GLASS BLOCKS
(FB/FS)	FEATURE BRICK/STONE
(DW/RW)	DWARF/RETAINING WALL
(LZ)	LANDSCAPE ZONE
(STC/TTC)	STEEL/TIMBER TROWEL CONCRETE
(AW/SW)	AWNING/SLIDING WINDOW
(CW)	CASEMENT WINDOW
(SLD/FRD)	SLIDING/FRENCH DOORS
(CD)	CONCERTINA DOORS
(AVIS)	AUDIO-VISUAL INTERCOM SYSTEM
(VSS)	VISUAL SURVEILLANCE SYSTEM
(DACS)	DUCTED AIR-CONDITION SYSTEM
(RCACS)	REVERSE CYCLE AIR CON. SYS.
(DVCS)	DUCTED VACUUM CLEANING SYS.
(SD/TD)	SMOKE/THERMAL DETECTOR
(FRW/FRS)	FIRE RATED WALL/SCREEN
(FDR/FWIN)	FIRE DOOR/WINDOW
(FRG)	FIRE RATED GELAND
(FD/FR/VP)	FLOOR DRAIN/WASTE/VENT. PIPE
(GT)	GREASE TRAP

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3. WRITTEN DIMENSIONS, LEVELS, TAKE PREFERENCE OVER SCALED.
4. REPORT/VERIFY ALL DISCREPANCIES WITH ARCHITECT/DESIGNER.
5. MATERIALS/WORKMANSHIP SHALL COMPLY WITH REQUIREMENTS OF ARCHITECT/DESIGNER, CODES, ORDINANCES, REGULATIONS, ENGINEER'S/CONSULTANTS SPECIFICATIONS, MANUFACTURER'S INSTRUCTIONS, AND ALL APPLICABLE AUSTRALIAN STANDARDS.
6. INTERPRET DRAWINGS IN CONJUNCTION WITH THE SPECIFICATION, ENGINEER'S DRAWINGS/INSTRUCTIONS, AND PROFESSIONALISM.
7. USE APPROVED SYSTEM/S FOR TERMITE RISK MANAGEMENT COMPLYING WITH THE CURRENT AUSTRALIAN STANDARDS.
8. SMOKE/THERMAL DETECTORS MUST COMPLY WITH CURRENT AUSTRALIAN STANDARDS.

PROJECT:
MEAKLANDS

PROPOSAL:
SECONDARY RESIDENCE (ATTACHED)

LOCATION:
24 MEAKIN STREET,
MERRYLANDS NSW 2160

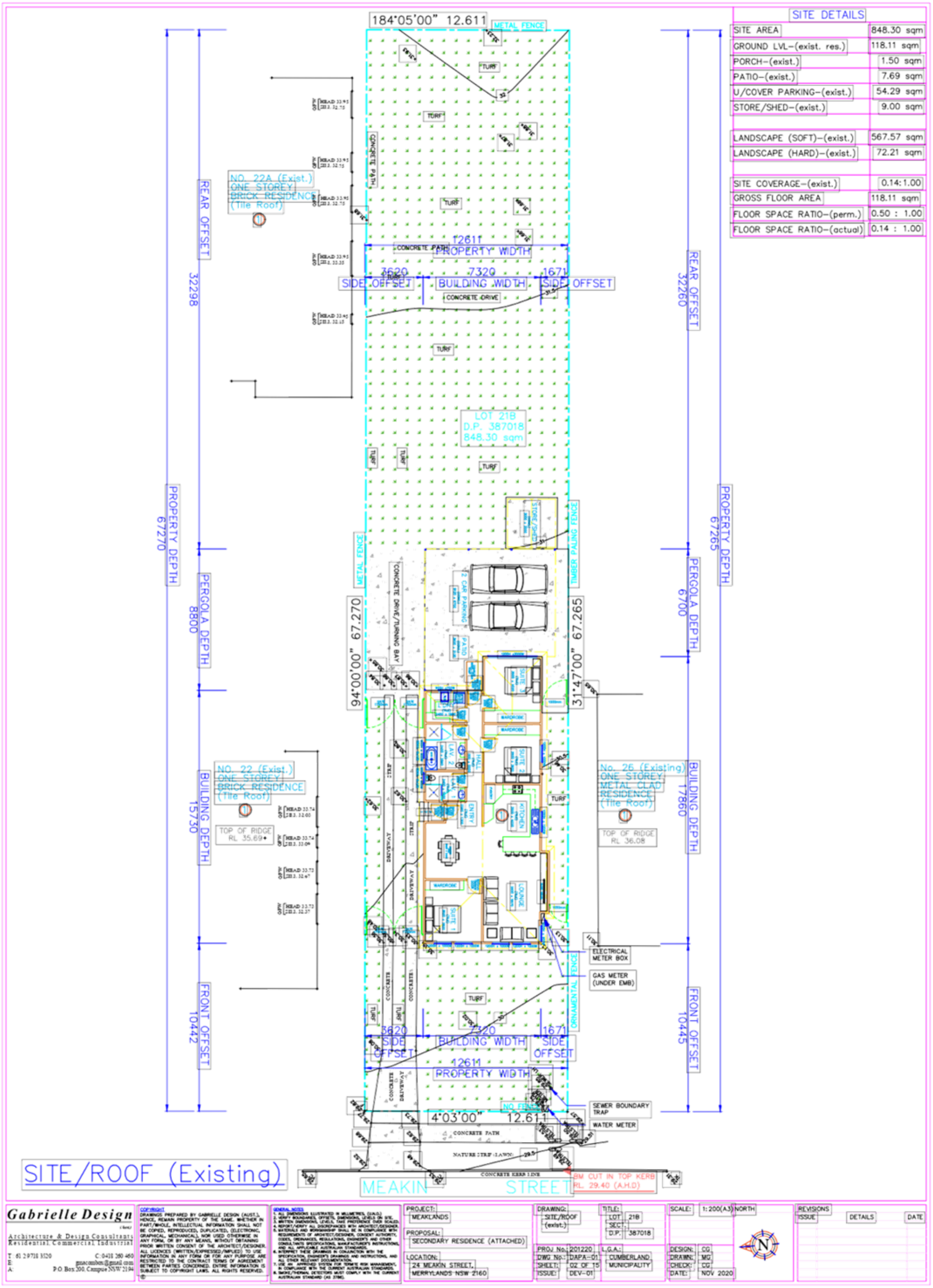
DRAWING: FLOORS (exist. prim. res.)
TITLE: LOT 218, SECT., D.P. 387018

PROJECT:	201220	L.G.A.:	CUMBERLAND MUNICIPALITY
DRAWING:	DAPA-01		
SHEET:	06 OF 15		
ISSUE:	DEV-01		

SCALE: 1:100(A3) NORTH

DESIGN:	CG
DRAWN:	MC
CHECK:	CG
DATE:	NOV 2020

Document Set ID: 8562512
Version: 1, Version Date: 11/12/2020



SITE DETAILS

SITE AREA	848.30 sqm
GROUND LVL–(exist. res.)	118.11 sqm
PORCH–(exist.)	1.50 sqm
PATIO–(exist.)	7.69 sqm
U/COVER PARKING–(exist.)	54.29 sqm
STORE/SHED–(exist.)	9.00 sqm
LANDSCAPE (SOFT)–(exist.)	567.57 sqm
LANDSCAPE (HARD)–(exist.)	72.21 sqm
SITE COVERAGE–(exist.)	0.14:1.00
GROSS FLOOR AREA	118.11 sqm
FLOOR SPACE RATIO–(perm.)	0.50 : 1.00
FLOOR SPACE RATIO–(actual)	0.14 : 1.00

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A: P.O. Box 200, Campsie NSW 2194

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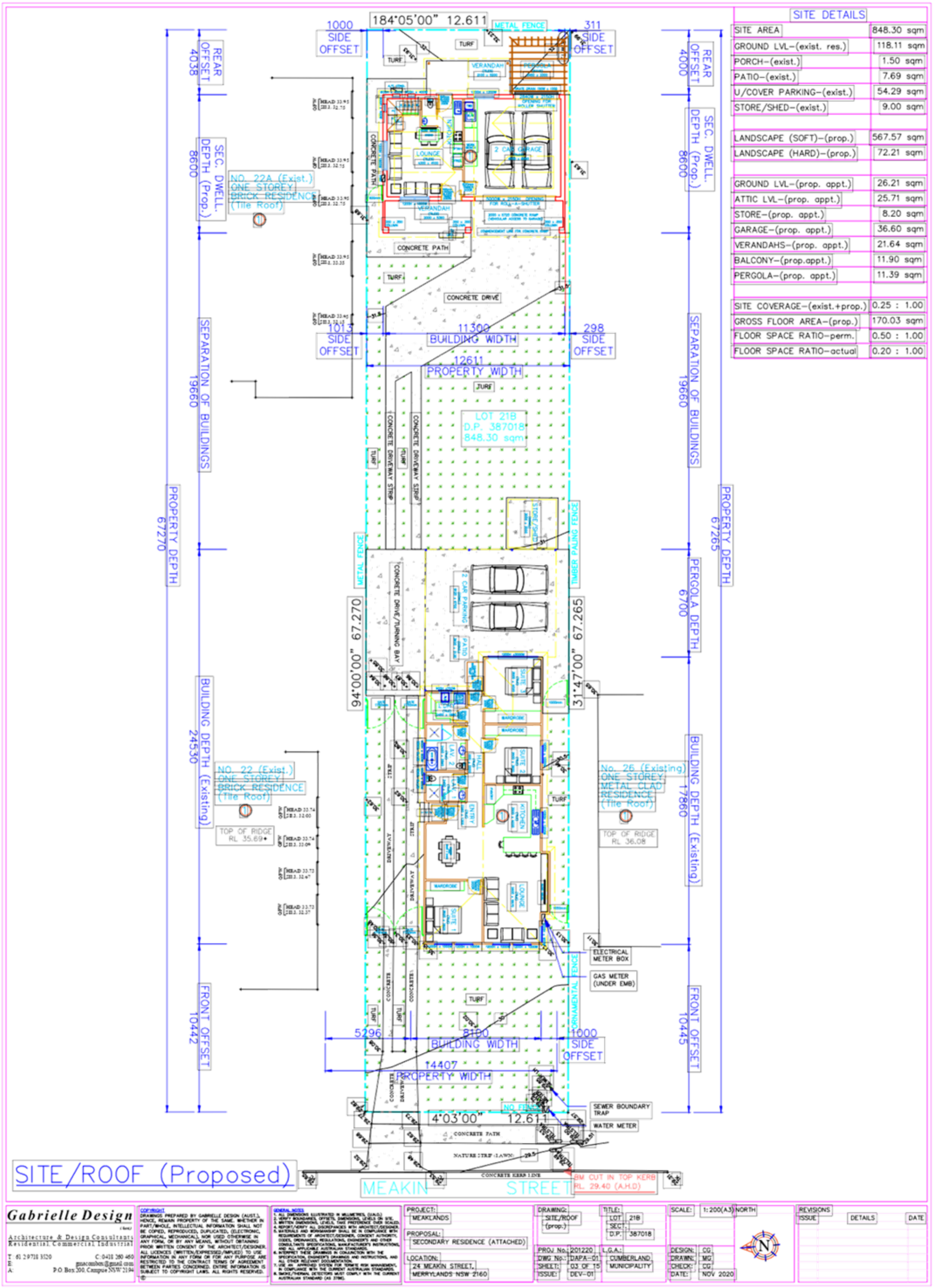
4. REPORT/VERIFY ALL DISCREPANCIES WITH ARCHITECT/DESIGNER.
5. MATERIALS AND WORKMANSHIP SHALL BE IN COMPLIANCE WITH REQUIREMENTS OF ARCHITECT/DESIGNER, CONSENT AUTHORITY, CODES, ORDINANCES, REGULATIONS, ENGINEER'S AND OTHER CONSULTANTS' SPECIFICATIONS, MANUFACTURER'S INSTRUCTIONS, AND ALL APPLICABLE AUSTRALIAN STANDARDS.
6. INTERPRET THESE DRAWINGS IN CONJUNCTION WITH THE SPECIFICATION, ENGINEER'S DRAWINGS AND INSTRUCTIONS, AND ALL OTHER RELEVANT DOCUMENTATION.
7. USE AN APPROVED SYSTEM FOR TERMITE RISK MANAGEMENT, IN COMPLIANCE WITH THE CURRENT AUSTRALIAN STANDARDS.
8. SMOKE/THERMAL DETECTORS MUST COMPLY WITH THE CURRENT AUSTRALIAN STANDARD (AS 3786).

PROJECT: MEAKLANDS	DRAWING: SITE/ROOF (exist.)	TITLE: LOT 21B SEC: D.P. 387018	SCALE: 1:200(A3) NORTH
PROPOSAL: SECONDARY RESIDENCE (ATTACHED)	PROJ No.: 201220	L.G.A.: CUMBERLAND MUNICIPALITY	DESIGN: CG
LOCATION: 24 MEAKIN STREET, MERRYLANDS NSW 2160	DWG No.: DAPA-01		DRAWN: MG
	SHEET: 02 OF 15		CHECK: CG
	ISSUE: DEV-01		DATE: NOV 2020

REVISIONS		
ISSUE	DETAILS	DATE

Document Set ID: 8562524
Version: 1, Version Date: 11/12/2020



SITE DETAILS

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PATIO–(exist.)	7.69 sqm
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STORE/SHED–(exist.)	9.00 sqm
LANDSCAPE (SOFT)–(prop.)	567.57 sqm
LANDSCAPE (HARD)–(prop.)	72.21 sqm
GROUND LVL–(prop. appt.)	26.21 sqm
ATTIC LVL–(prop. appt.)	25.71 sqm
STORE–(prop. appt.)	8.20 sqm
GARAGE–(prop. appt.)	36.60 sqm
VERANDAHS–(prop. appt.)	21.64 sqm
BALCONY–(prop.appt.)	11.90 sqm
PERGOLA–(prop. appt.)	11.39 sqm
SITE COVERAGE–(exist.+prop.)	0.25 : 1.00
GROSS FLOOR AREA–(prop.)	170.03 sqm
FLOOR SPACE RATIO–perm.	0.50 : 1.00
FLOOR SPACE RATIO–actual	0.20 : 1.00

SITE/ROOF (Proposed)

Gabrielle Design
Architecture & Design Consultants
Residential Commercial Industrial
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E: gracemben@gmail.com
A: P.O. Box 200 Campsie NSW 2194

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5. MATERIALS AND WORKMANSHIP SHALL BE IN COMPLIANCE WITH REQUIREMENTS OF ARCHITECT/DESIGNER, CONSENT AUTHORITY, CODES, ORDINANCES, REGULATIONS, ENGINEER'S AND OTHER CONSULTANTS' SPECIFICATIONS, MANUFACTURER'S INSTRUCTIONS, AND ALL APPLICABLE AUSTRALIAN STANDARDS.
6. INTERPRET THESE DRAWINGS IN CONJUNCTION WITH THE SPECIFICATION, ENGINEER'S DRAWINGS AND INSTRUCTIONS, AND ALL OTHER RELEVANT DOCUMENTATION.
7. USE AN APPROVED SYSTEM FOR TERMITE RISK MANAGEMENT, IN COMPLIANCE WITH THE CURRENT AUSTRALIAN STANDARDS.
8. SMOKE/THERMAL DETECTORS MUST COMPLY WITH THE CURRENT AUSTRALIAN STANDARD (AS 3786).

PROJECT: MEAKLANDS
PROPOSAL: SECONDARY RESIDENCE (ATTACHED)
LOCATION: 24 MEAKIN STREET, MERRYLANDS NSW 2160

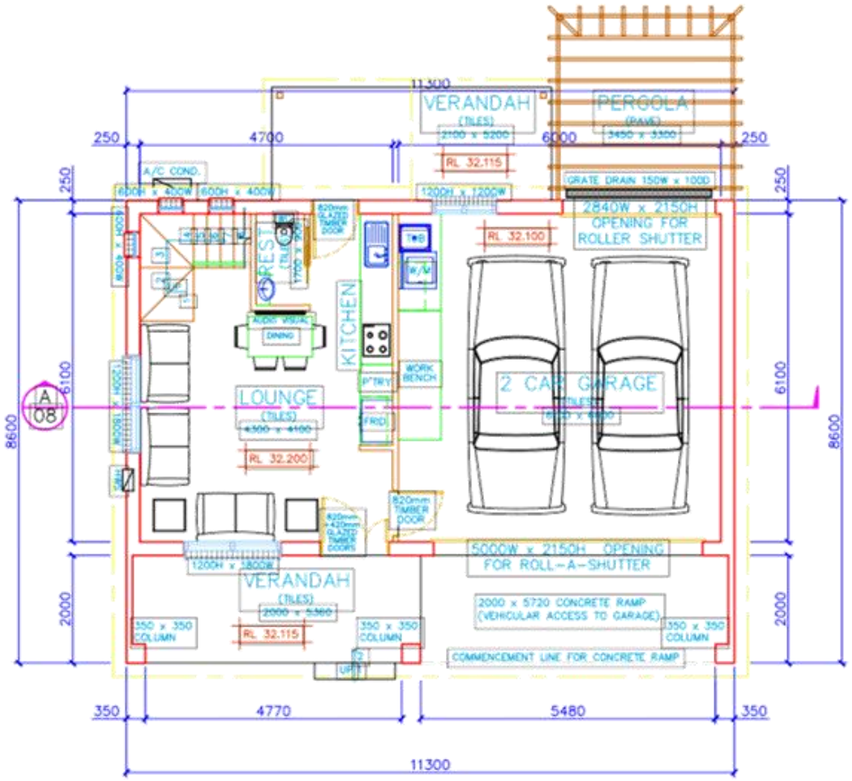
DRAWING: SITE/ROOF (prop.)
PROJ No.: 201220
DWG No.: DAPA-01
SHEET: 03 OF 15
ISSUE: DEV-01

TITLE: LOT 21B, SEC., D.P. 387018
L.G.A.: CUMBERLAND MUNICIPALITY

SCALE: 1:200(A3) NORTH
DESIGN: CG
DRAWN: MG
CHECK: CG
DATE: NOV 2020

REVISIONS
ISSUE | DETAILS | DATE

Document Set ID: 8666150
Version: 2, Version Date: 13/01/2021



GROUND LEVEL

FLOOR/S – PROPOSED (Secondary Dwelling)

PROPOSED CONSTRUCTION

FOOTINGS/SLABS =REINFORCED CONCRETE
FLOOR FRAMING =STRUCTURAL TIMBER
EXT. WALLS =MASONRY (2 LEAF + CAVITY)
INT. WALLS =TIMBER (SINGLE LEAF)
ROOF FRAME/CLADDING =POWDERCOAT METAL
EXT. WINDOWS/DOORS =GLAZED ALUMINIUM

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REVISIONS

ISSUE	DETAILS	DATE

LEGEND

SYMBOL	PARTICULARS
(UNO/U.N.O.)	UNLESS NOTED OTHERWISE
(NTS/N.T.S.)	NOT TO SCALE
(H/S/R/WS)	HOT, RAIN/WATER SYSTEM
(DP/SP.)	DOWNPIPE/SPREADER
(DP+SP.)	DOWNPIPE+SPREADER
(CBD/WIR)	CUPBOARD/WALK-IN-ROBE
(CPT/FT)	CARPET/FLOOR TILES
(TF)	TIMBER FLOOR
(GTD)	GLAZED TIMBER DOOR
(GAD)	GLAZED ALUMINUM DOOR
(FCB)	FIBROUS CEMENT BOARD
(GPB)	GYPSUM PLASTER BOARD
(ML/TL/GL)	METAL, TIMBER, GLASS/LOUVRES
(TG/TS)	TIMBER CLAD/SCREEN
(TFS)	TIMBER FRAME STRUCTURE
(CRW/CW)	CEMENT RENDER/GLAZED WALL
(OBG/TLG)	OBSCURE/TRANSLUSCENT GLAZED
(CB/MB/GB)	CONCRETE/MEDIEL/GLASS BLOCKS
(FB/FS)	FEATURE BRICK/STONE
(DW/RW)	DWARF/RETAINING WALL
(LZ)	LANDSCAPE ZONE
(STC/TTC)	STEEL/TIMBER TROWEL CONCRETE
(AW/SW)	AWNING/SLIDING WINDOW
(CW)	CASEMENT WINDOW
(SLD/FRD)	SLIDING/FRENCH DOORS
(CD)	CONCERTINA DOORS
(AVIS)	AUDIO-VISUAL INTERCOM SYSTEM
(VSS)	VISUAL SURVEILLANCE SYSTEM
(DAOS)	DUCTED AIR-CONDITION SYSTEM
(RCAOS)	REVERSE CYCLE AIR CON. SYS.
(DVCS)	DUCTED VACUUM CLEANING SYS.
(SD/TD)	SMOKE/THERMAL DETECTOR
(FRW/FRS)	FIRE RATED WALL/SCREEN
(FDR/FWW)	FIRE DOOR/WINDOW
(FRC)	FIRE RATED CEILING
(FD/FW/VP)	FLOOR DRAIN/WASTE/VENT. PIPE
(GT)	GREASE TRAP

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8. SMOKE/THERMAL DETECTORS MUST COMPLY WITH CURRENT AUSTRALIAN STANDARDS.

PROJECT: MEAKLANDS

PROPOSAL: SECONDARY RESIDENCE (ATTACHED)

LOCATION: 24 MEAKIN STREET, MERRYLANDS NSW 2160

DRAWING: FLOOR (prop...ground sec. dwell.)

TITLE: LOT 218, SECT., D.P. 387018

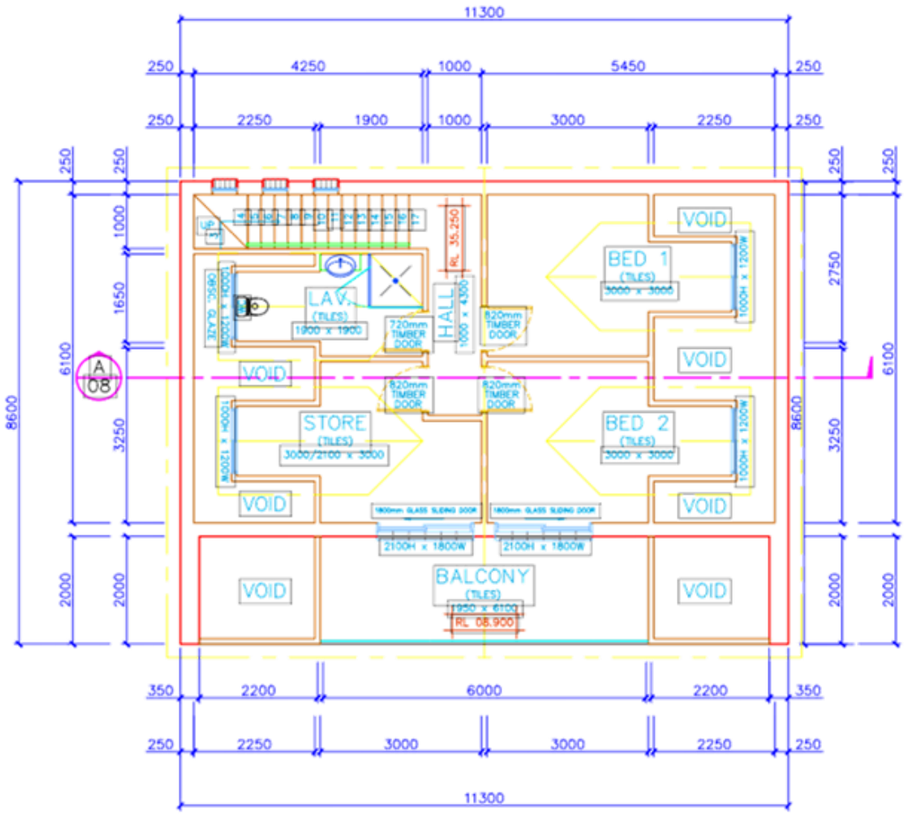
PROJECT: 201220
DRAWING: DAPA-01
SHEET: 07 OF 15
ISSUE: DEV-01

L.G.A.: CUMBERLAND MUNICIPALITY

SCALE: 1:100(A3) NORTH

DESIGN: CG
DRAWN: MG
CHECK: CG
DATE: NOV 2020

Document Set ID: 8562518
Version: 1, Version Date: 11/12/2020



ATTIC LEVEL

ATTIC – PROPOSED (Secondary Dwelling)

PROPOSED CONSTRUCTION

FOOTINGS/SLABS =REINFORCED CONCRETE
FLOOR FRAMING =STRUCTURAL TIMBER
EXT. WALLS =MASONRY (2 LEAF + CAVITY)
INT. WALLS =TIMBER (SINGLE LEAF)
ROOF FRAME/CLADDING =POWDERCOAT METAL
EXT. WINDOWS/DOORS =GLAZED ALUMINIUM

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REVISIONS

ISSUE	DETAILS	DATE

LEGEND

SYMBOL	PARTICULARS
(UNO/U.N.O.)	UNLESS NOTED OTHERWISE
(NTS/N.T.S.)	NOT TO SCALE
(H&R/R&W)	HOT, RAIN/WATER SYSTEM
(DP/SP.)	DOWNPIPE/SPREADER
(DP+SP.)	DOWNPIPE+SPREADER
(CBD/WIR)	CUPBOARD/WALK-IN-ROBE
(CPT/FT)	CARPET/FLOOR TILES
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(GAD)	GLAZED ALUMINUM DOOR
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(OBG/TLG)	OBSCURE/TRANSLUSCENT GLAZED
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(CD)	CONCERTINA DOORS
(AVIS)	AUDIO-VISUAL INTERCOM SYSTEM
(VSS)	VISUAL SURVEILLANCE SYSTEM
(DAOS)	DUCTED AIR-CONDITION SYSTEM
(RCACS)	REVERSE CYCLE AIR CON. SYS.
(DVCS)	DUCTED VACUUM CLEANING SYS.
(SD/TD)	SMOKE/THERMAL DETECTOR
(FRW/FRS)	FIRE RATED WALL/SCREEN
(FDR/FWN)	FIRE DOOR/WINDOW
(FRC)	FIRE RATED CEILING
(FD/FW/VP)	FLOOR DRAIN/WASTE/VENT. PIPE
(GT)	GREASE TRAP

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8. SMOKE/THERMAL DETECTORS MUST COMPLY WITH CURRENT AUSTRALIAN STANDARDS.

PROJECT: MEAKLANDS

PROPOSAL: SECONDARY RESIDENCE (ATTACHED)

LOCATION: 24 MEAKIN STREET, MERRYLANDS NSW 2160

DRAWING: FLOOR (prop. attic sec. yes.)

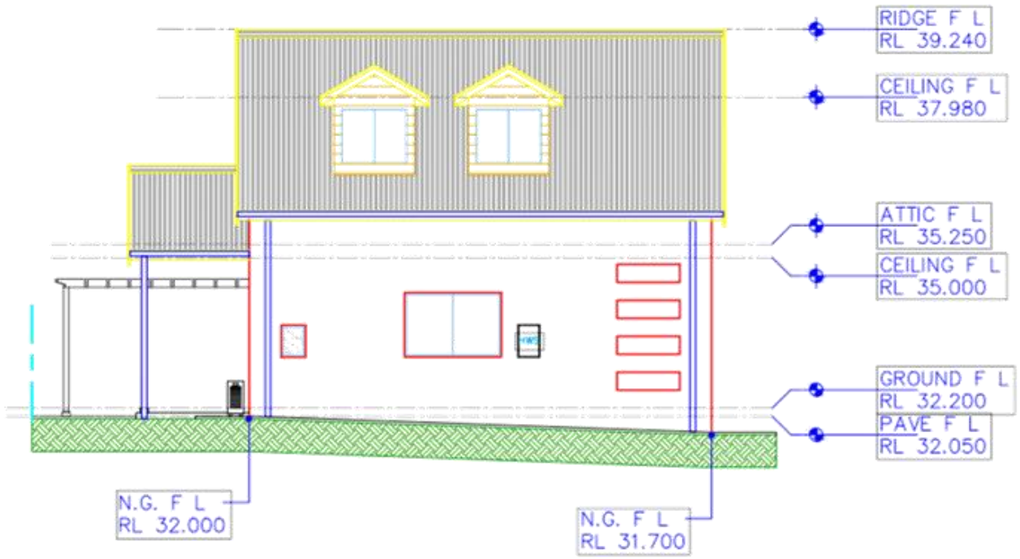
TITLE: LOT 218 SECT. D.P. 387018

PROJECT:	201220	L.G.A.:	CUMBERLAND MUNICIPALITY
DRAWING:	DAPA-01		
SHEET:	08 OF 15		
ISSUE:	DEV-01		

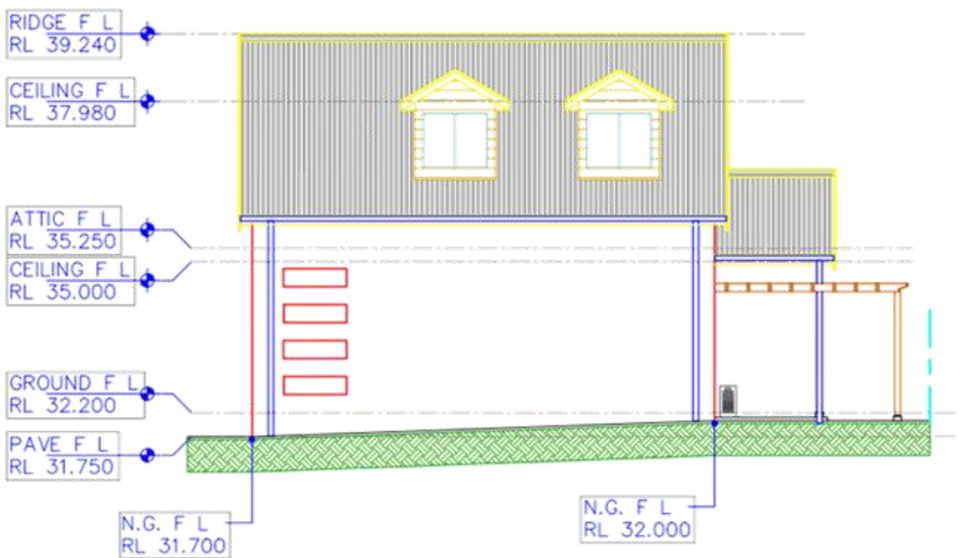
SCALE: 1:100(A3) NORTH

DESIGN:	CG
DRAWN:	MG
CHECK:	CG
DATE:	NOV 2020

Document Set ID: 8562514
Version: 1, Version Date: 11/12/2020



ELEVATION (Northern)



ELEVATION (Southern)

PROPOSED CONSTRUCTION

FOOTINGS/SLABS =REINFORCED CONCRETE
FLOOR FRAMING =STRUCTURAL TIMBER
EXT. WALLS =MASONRY (2 LEAF + CAVITY)
INT. WALLS =TIMBER (SINGLE LEAF)
ROOF FRAME/CLADDING =POWDERCOAT METAL
EXT. WINDOWS/DOORS =GLAZED ALUMINIUM

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REVISIONS

ISSUE	DETAILS	DATE

LEGEND

SYMBOL	PARTICULARS
(UNO/U.N.O.)	UNLESS NOTED OTHERWISE
(NTS/N.T.S.)	NOT TO SCALE
(HWS/RWS)	HOT, RAIN WATER SYSTEM
(DP/SP.)	DOWNPIPE/SPREADER
(DP+SP.)	DOWNPIPE+SPREADER
(CBD/WIR)	CUPBOARD/WALK-IN-ROBE
(CPT/FT)	CARPET/FLOOR TILES
(TF)	TIMBER FLOOR
(GTD)	GLAZED TIMBER DOOR
(GAD)	GLAZED ALUMINUM DOOR
(FCB)	FIBROUS CEMENT BOARD
(GPB)	GYPSUM PLASTER BOARD
(ML/TL/GL)	METAL, TIMBER, GLASS/LOUVRES
(TG/TS)	TIMBER GLAD/SCREEN
(TFS)	TIMBER FRAME STRUCTURE
(CRW/CW)	CEMENT RENDER/GLAZED WALL
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(DW/RW)	DWARF/RETAINING WALL
(LZ)	LANDSCAPE ZONE
(STC/TTC)	STEEL/TIMBER TROWEL CONCRETE
(AW/SW)	AWNING/SLIDING WINDOW
(CW)	CASEMENT WINDOW
(SLD/FRD)	SLIDING/FRENCH DOORS
(CD)	CONCERTINA DOORS
(AVIS)	AUDIO-VISUAL INTERCOM SYSTEM
(VSS)	VISUAL SURVEILLANCE SYSTEM
(DAOS)	DUCTED AIR-CONDITION SYSTEM
(RCACS)	REVERSE CYCLE AIR CON. SYS.
(DVCS)	DUCTED VACUUM CLEANING SYS.
(SD/TD)	SMOKE/THERMAL DETECTOR
(FRW/FRS)	FIRE RATED WALL/SCREEN
(FDR/FWN)	FIRE DOOR/WINDOW
(FRC)	FIRE RATED CEILING
(FD/FW/VP)	FLOOR DRAIN/WASTE/VENT. PIPE
(GT)	GREASE TRAP

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8. SMOKE/THERMAL DETECTORS MUST COMPLY WITH CURRENT AUSTRALIAN STANDARDS.

PROJECT:
MEAKLANDS

PROPOSAL:
SECONDARY RESIDENCE (ATTACHED)

LOCATION:
24 MEAKIN STREET,
MERRYLANDS NSW 2160

DRAWING: ELEVATIONS (northern + southern)

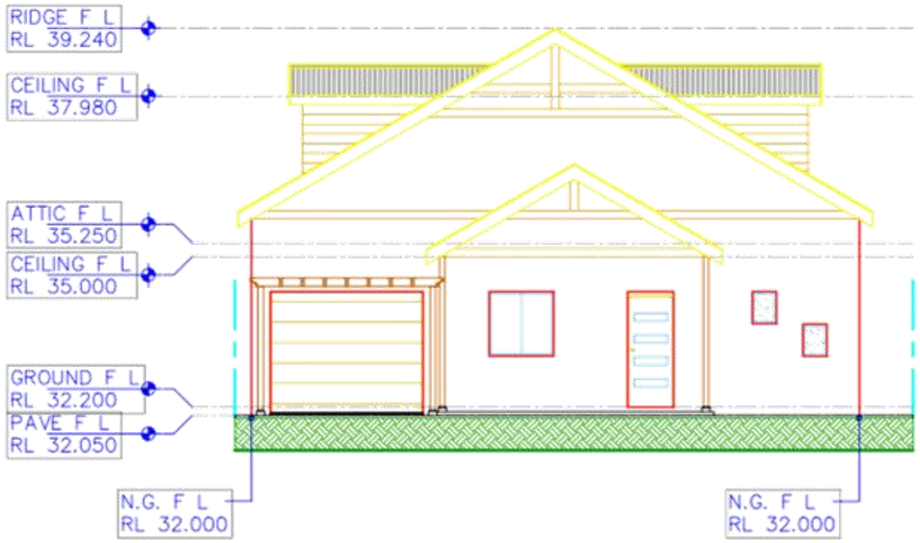
TITLE: LOT 218, SECT., D.P. 387018

PROJECT:	201220	L.G.A.:	CUMBERLAND
DRAWING:	DAPA-01		MUNICIPALITY
SHEET:	10 OF 15		
ISSUE:	DEV-01		

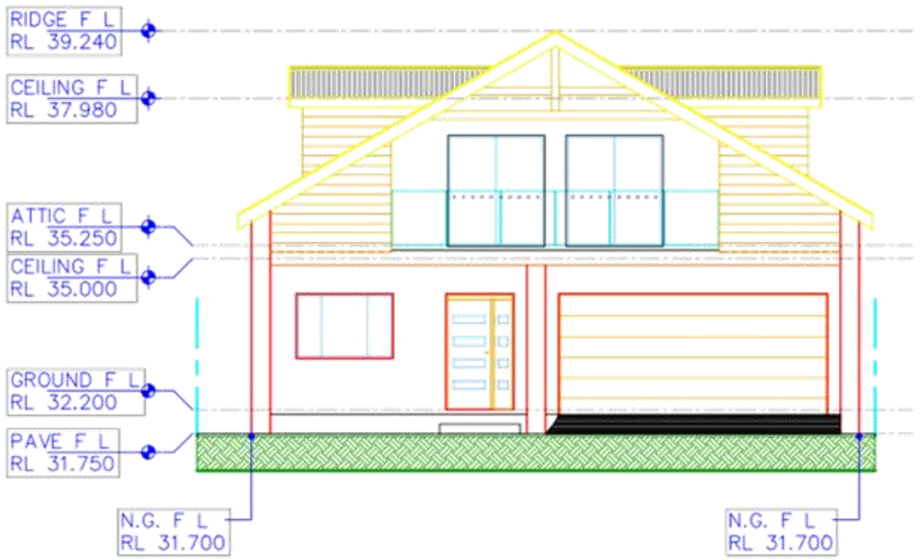
SCALE: 1:100(A3) NORTH

DESIGN:	CG
DRAWN:	MG
CHECK:	CG
DATE:	NOV 2020

Document Set ID: 8562516
Version: 1, Version Date: 11/12/2020



ELEVATION (Eastern)



ELEVATION (Western)

PROPOSED CONSTRUCTION

FOOTINGS/SLABS =REINFORCED CONCRETE
FLOOR FRAMING =STRUCTURAL TIMBER
EXT. WALLS =MASONRY (2 LEAF + CAVITY)
INT. WALLS =TIMBER (SINGLE LEAF)
ROOF FRAME/CLADDING =POWDERCOAT METAL
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(SD/TD)	SMOKE/THERMAL DETECTOR
(TRW/TRS)	FIRE RATED WALL/SCREEN
(FDR/FWH)	FIRE DOOR/WINDOW
(FRC)	FIRE RATED CEILING
(FD/FW/VP)	FLOOR DRAIN/WASTE/VENT. PIPE
(GT)	GREASE TRAP

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PROJECT: MEAKLANDS

PROPOSAL: SECONDARY RESIDENCE (ATTACHED)

LOCATION: 24 MEAKIN STREET, MERRYLANDS NSW 2160

DRAWING: ELEVATIONS (eastern + western)

TITLE: LOT 218 SECT. D.P. 387018

PROJECT:	201220	L.G.A.:	CUMBERLAND MUNICIPALITY
DRAWING:	DAPA-01		
SHEET:	09 OF 15		
ISSUE:	DEV-01		

SCALE: 1:100(A3) NORTH

DESIGN:	CG
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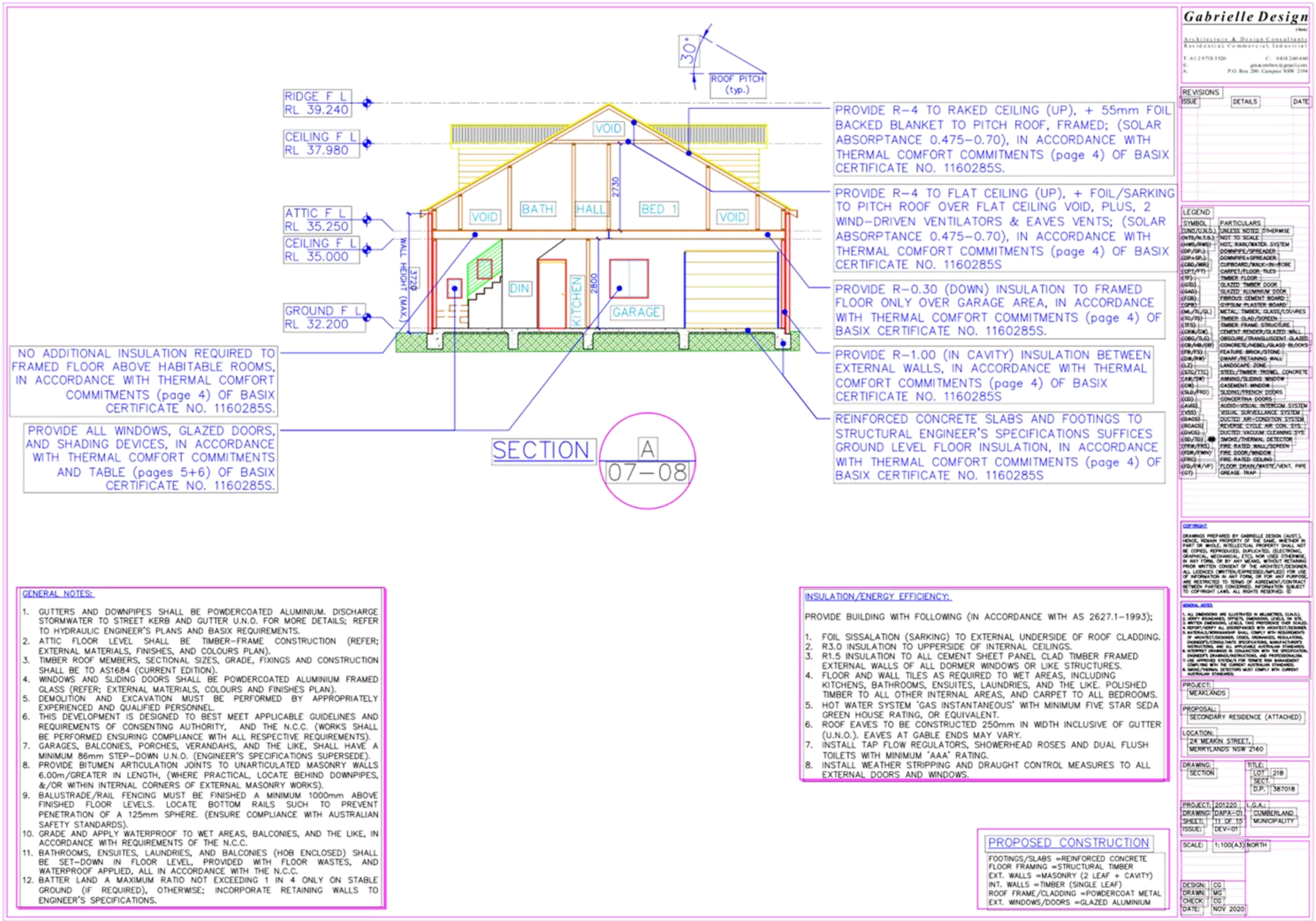
DATE:	NOV 2020



GENERAL NOTES:

1. GUTTERS AND DOWNPIPES SHALL BE POWDERCOATED ALUMINIUM. DISCHARGE STORMWATER TO STREET KERB AND GUTTER U.N.O. FOR MORE DETAILS; REFER TO HYDRAULIC ENGINEER'S PLANS AND BASIX REQUIREMENTS.
2. ATTIC FLOOR LEVEL SHALL BE TIMBER-FRAME CONSTRUCTION (REFER; EXTERNAL MATERIALS, FINISHES, AND COLOURS PLAN).
3. TIMBER ROOF MEMBERS, SECTIONAL SIZES, GRADE, FIXINGS AND CONSTRUCTION SHALL BE TO AS1684 (CURRENT EDITION).
4. WINDOWS AND SLIDING DOORS SHALL BE POWDERCOATED ALUMINIUM FRAMED GLASS (REFER; EXTERNAL MATERIALS, COLOURS AND FINISHES PLAN).
5. DEMOLITION AND EXCAVATION MUST BE PERFORMED BY APPROPRIATELY EXPERIENCED AND QUALIFIED PERSONNEL.
6. THIS DEVELOPMENT IS DESIGNED TO BEST MEET APPLICABLE GUIDELINES AND REQUIREMENTS OF CONSENTING AUTHORITY, AND THE N.C.C. (WORKS SHALL BE PERFORMED ENSURING COMPLIANCE WITH ALL RESPECTIVE REQUIREMENTS).
7. GARAGES, BALCONIES, PORCHES, VERANDAHS, AND THE LIKE, SHALL HAVE A MINIMUM 86mm STEP-DOWN U.N.O. (ENGINEER'S SPECIFICATIONS SUPERSEDE).
8. PROVIDE BITUMEN ARTICULATION JOINTS TO UNARTICULATED MASONRY WALLS 6.00m/GREATER IN LENGTH, (WHERE PRACTICAL, LOCATE BEHIND DOWNPIPES, &/OR WITHIN INTERNAL CORNERS OF EXTERNAL MASONRY WORKS).
9. BALUSTRADE/RAIL FENCING MUST BE FINISHED A MINIMUM 1000mm ABOVE FINISHED FLOOR LEVELS. LOCATE BOTTOM RAILS SUCH TO PREVENT PENETRATION OF A 125mm SPHERE. (ENSURE COMPLIANCE WITH AUSTRALIAN SAFETY STANDARDS).
10. GRADE AND APPLY WATERPROOF TO WET AREAS, BALCONIES, AND THE LIKE, IN ACCORDANCE WITH REQUIREMENTS OF THE N.C.C.
11. BATHROOMS, ENSUITES, LAUNDRIES, AND BALCONIES (HOB ENCLOSED) SHALL BE SET-DOWN IN FLOOR LEVEL, PROVIDED WITH FLOOR WASTES, AND WATERPROOF APPLIED, ALL IN ACCORDANCE WITH THE N.C.C.
12. BATTER LAND A MAXIMUM RATIO NOT EXCEEDING 1 IN 4 ONLY ON STABLE GROUND (IF REQUIRED), OTHERWISE; INCORPORATE RETAINING WALLS TO ENGINEER'S SPECIFICATIONS.

INSULATION/ENERGY EFFICIENCY:

PROVIDE BUILDING WITH FOLLOWING (IN ACCORDANCE WITH AS 2627.1-1993);

1. FOIL SISSALATION (SARKING) TO EXTERNAL UNDERSIDE OF ROOF CLADDING.
2. R3.0 INSULATION TO UPPERSIDE OF INTERNAL CEILINGS.
3. R1.5 INSULATION TO ALL CEMENT SHEET PANEL CLAD TIMBER FRAMED EXTERNAL WALLS OF ALL DORMER WINDOWS OR LIKE STRUCTURES.
4. FLOOR AND WALL TILES AS REQUIRED TO WET AREAS, INCLUDING KITCHENS, BATHROOMS, ENSUITES, LAUNDRIES, AND THE LIKE. POLISHED TIMBER TO ALL OTHER INTERNAL AREAS, AND CARPET TO ALL BEDROOMS.
5. HOT WATER SYSTEM 'GAS INSTANTANEOUS' WITH MINIMUM FIVE STAR SEDA GREEN HOUSE RATING, OR EQUIVALENT.
6. ROOF EAVES TO BE CONSTRUCTED 250mm IN WIDTH INCLUSIVE OF GUTTER (U.N.O.). EAVES AT GABLE ENDS MAY VARY.
7. INSTALL TAP FLOW REGULATORS, SHOWERHEAD ROSES AND DUAL FLUSH TOILETS WITH MINIMUM 'AAA' RATING.
8. INSTALL WEATHER STRIPPING AND DRAUGHT CONTROL MEASURES TO ALL EXTERNAL DOORS AND WINDOWS.

PROPOSED CONSTRUCTION

FOOTINGS/SLABS =REINFORCED CONCRETE
FLOOR FRAMING =STRUCTURAL TIMBER
EXT. WALLS =MASONRY (2 LEAF + CAVITY)
INT. WALLS =TIMBER (SINGLE LEAF)
ROOF FRAME/CLADDING =POWDERCOAT METAL
EXT. WINDOWS/DOORS =GLAZED ALUMINIUM

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REVISIONS

ISSUE	DETAILS	DATE

LEGEND

SYMBOL	PARTICULARS
(UNO/U.N.O.)	UNLESS NOTED OTHERWISE
(NTS/N.T.S.)	NOT TO SCALE
(H&R/R&W)	HOT, RAIN/WATER SYSTEM
(DP/SP.)	DOWNPIPE/SPREADER
(DP+SP.)	DOWNPIPE+SPREADER
(CBD/WR)	CUPBOARD/WALK-IN-ROBE
(CPT/FT)	CARPET/FLOOR TILES
(TF)	TIMBER FLOOR
(GTD)	GLAZED TIMBER DOOR
(GAD)	GLAZED ALUMINUM DOOR
(FCB)	FIBROUS CEMENT BOARD
(GPB)	GYPSUM PLASTER BOARD
(ML/TL/GL)	METAL, TIMBER, GLASS/LOUVRES
(TG/TS)	TIMBER GLAD/SCREEN
(TFS)	TIMBER FRAME STRUCTURE
(CRW/CW)	CEMENT RENDER/GLAZED WALL
(OBG/TLG)	OBSCURE/TRANSLUSCENT GLAZED
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(DW/RW)	DWARF/RETAINING WALL
(LZ)	LANDSCAPE ZONE
(STC/TTC)	STEEL/TIMBER TROWEL CONCRETE
(AW/SW)	AWNING/SLIDING WINDOW
(CW)	CASEMENT WINDOW
(SLD/FRD)	SLIDING/FRENCH DOORS
(CD)	CONCERTINA DOORS
(AVIS)	AUDIO-VISUAL INTERCOM SYSTEM
(VSS)	VISUAL SURVEILLANCE SYSTEM
(DAOS)	DUCTED AIR-CONDITION SYSTEM
(RCACS)	REVERSE CYCLE AIR CON. SYS.
(DVCS)	DUCTED VACUUM CLEANING SYS.
(SD/TD)	SMOKE/THERMAL DETECTOR
(TFW/TFS)	FIRE RATED WALL/SCREEN
(FDR/FWH)	FIRE DOOR/WINDOW
(FRC)	FIRE RATED CEILING
(FD/FW/VP)	FLOOR DRAIN/WASTE/VENT. PIPE
(GT)	GREASE TRAP

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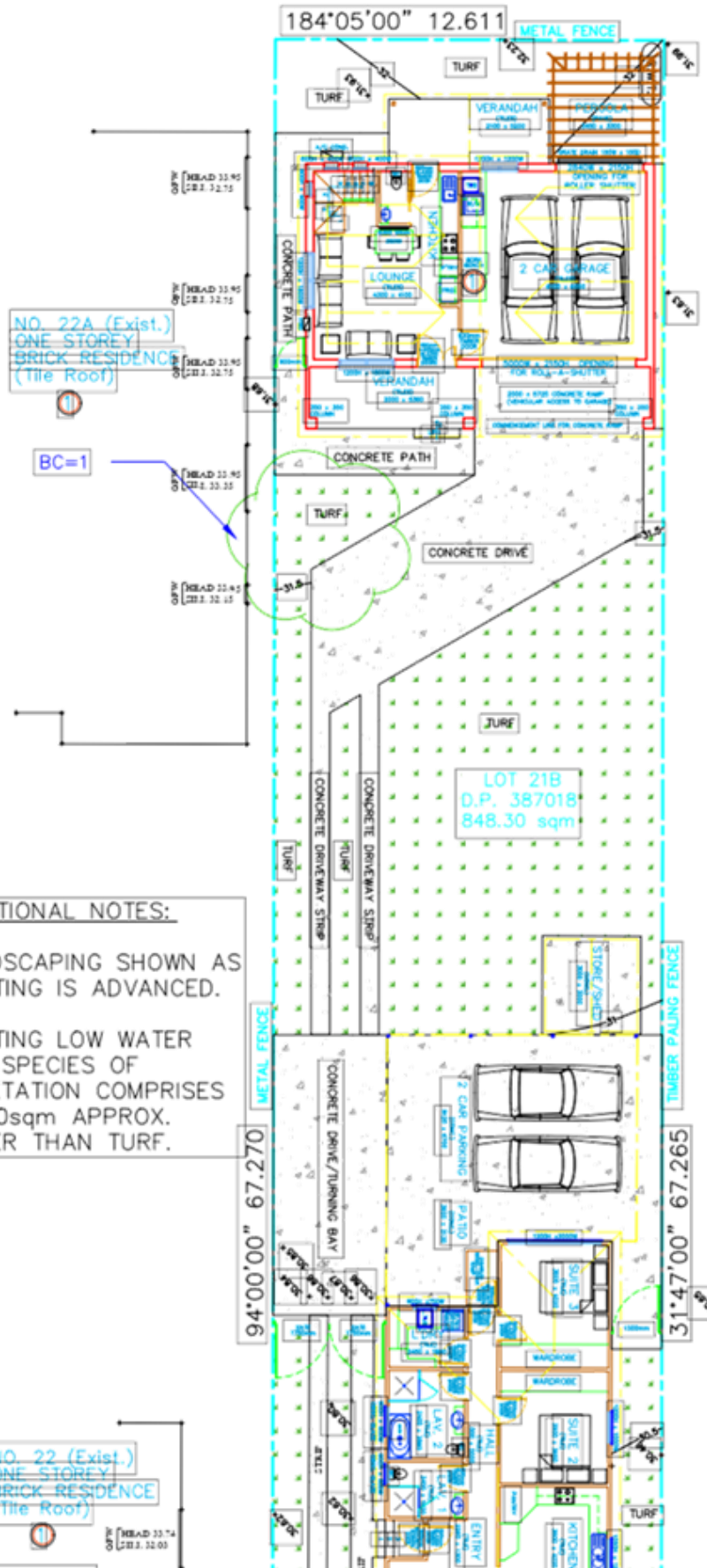
8. SMOKE/THERMAL DETECTORS MUST COMPLY WITH CURRENT AUSTRALIAN STANDARDS.

PROJECT: MEAKLANDS
PROPOSAL: SECONDARY RESIDENCE (ATTACHED)
LOCATION: 24 MEAKIN STREET, MERRYLANDS NSW 2160
DRAWING: SECTION
TITLE: LOT 218 SECT. D.P. 387018
PROJECT: 201220 L.G.A.: CUMBERLAND
DRAWING: DAPA-01 MUNICIPALITY
SHEET: 11 OF 15
ISSUE: DEV-01
SCALE: 1:100(A3) NORTH
DESIGN: CG
DRAWN: MG
CHECK: CG
DATE: NOV 2020



NOTES AND SPECIFICATIONS

SUB-GRADE PREPARATION
THE SUB-GRADE TO ALL LANDSCAPED AREAS IS TO BE GRADED EVENLY TO ACHIEVE THE REQUIRED FALLS AND FINISHED LEVELS. LOOSE STONES AND/OR ANY BUILDING DEBRIS TO BE REMOVED PRIOR APPLICATION OF TOPSOIL. WHERE THE SUB-GRADE IS CLAY, APPLY GYPSUM AT A RATE OF 300kg/Ha PRIOR TO CULTIVATION.

GARDEN BED/TOPSOIL
ALL GARDEN BEDS ARE TO HAVE A MINIMUM 300mm LAYER OF CLEAN SITE TOP SOIL PLACED OVER PREPARED SUB-GRADE. TOPSOIL TO BE MULCHED WITH AN 80mm LAYER OF PINE BARK MULCH.

TURF AREAS
EXISTING TURF TO BE PROTECTED (MAX. POSSIBLE FROM REAR BOUNDARY, OR ALL AREAS NOT REQUIRED DURING WORKS) WITH TEMPORARY BARRICADES THROUGHOUT DURATION OF CONSTRUCTION ACTIVITIES. ALTERNATIVELY, ALL TURF AREAS TO HAVE A MINIMUM 100mm LAYER OF CLEAN SITE TOP SOIL OVER PREPARED SUB-GRADE. TURF TO BE BUFFALO GRASS AS SPECIFIED BY A RECOGNIZED COMMERCIAL TURF FARM.

FERTILIZER
FERTILIZER TO BE LONG-LIFE (8-9 MONTHS) WITH AN NPK RATIO OF 18:883 OR SIMILAR. FERTILIZER TO BE PLACED AT THE BASE OF EACH PLANTING HOLE AT THE FOLLOWING RATES:

150 mm – 20 GRAMS	300 mm – 40 GRAMS
5 LITRE – 20 GRAMS	35 LITRE – 40 GRAMS
75 LITRE – 300 GRAMS	100 LITRE – 300 GRAMS

FERTILIZE ALL TURF AREAS USING SHIRLEY'S No. 17 OR SIMILAR APPLIED IN ACCORDANCE WITH MANUFACTURERS RECOMMENDED RATES.

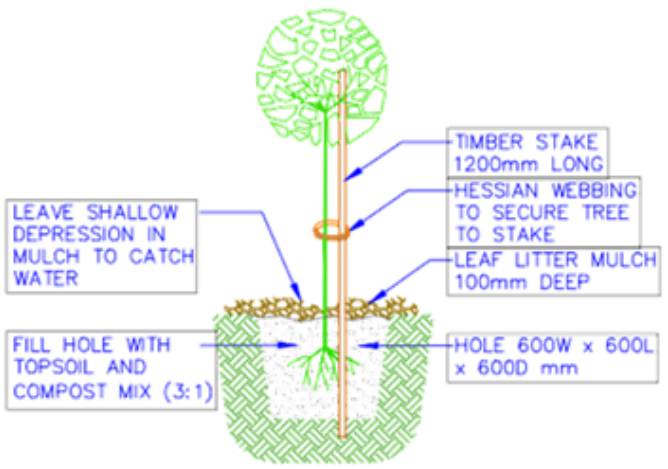
PLANTING MATERIAL / PLANTING PROCEDURES
ALL PLANTS MUST BE OF TRUE TYPE, FREE FROM PESTS, DISEASES AND IN A VIGOROUS WELL DEVELOPED CONDITION. ALL TREES TO HAVE A SINGLE LEADING SHOOT. THOROUGHLY WATER ALL PLANTS AND PLANTING AREAS, PRIOR TO, AND AFTER PLANTING OPERATIONS.

PLANT-STOCK (TREE PROTECTION)
ALL TREES 300MM AND LARGER ARE TO BE STAKED USING TWO (2) 50x50x1200mm HARDWOOD STAKES. HARDWOOD STAKES AND HESSIAN STRAP TIES SHALL BE UTILIZED TO SUPPORT TREES UNTIL TRUNKS ARE STURDY.

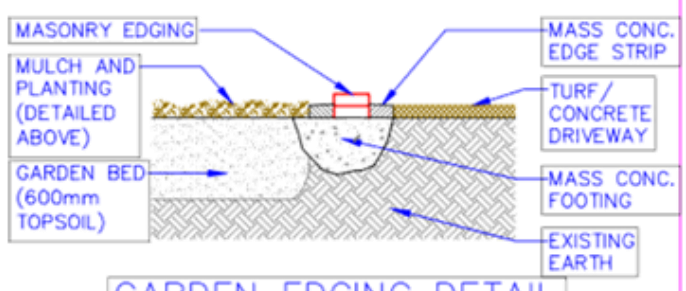
MAINTENANCE
MAINTAIN ALL LANDSCAPED AREAS FOR A PERIOD OF 12 MONTHS. MAINTENANCE SHALL INCLUDE THE FOLLOWING ACTIVITIES: MOWING, EDGING AND TOP-DRESSING OF TURF AREAS, FERTILIZING ALL PLANT MATERIAL, PRUNING, WATERING, REPLACING FAILED PLANTING, TREATING FOR PESTS AND DISEASES. TOPPING-UP OF MULCH AREAS, WEEDING GARDEN BEDS AND TURF AREAS.

LANDSCAPE PLANTATION SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	POT SIZE	No.	HEIGHT	SPREAD
AS	ACMENA SMITHII	LILLY PILLY	75 LITRE	1	10.0m	6.0m
BC	BACKHOUSIA CITRIODORA	LEMON-SCENTED MYRTLE	75 LITRE	1	8.0m	5.0m



TREE STAKING DETAIL



GARDEN EDGING DETAIL

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6. INTERPRET THESE DRAWINGS IN CONJUNCTION WITH THE SPECIFICATION, ENGINEER'S DRAWINGS AND INSTRUCTIONS, AND ALL OTHER RELEVANT DOCUMENTATION.
7. USE AN APPROVED SYSTEM FOR TERMITE RISK MANAGEMENT, IN COMPLIANCE WITH THE CURRENT AUSTRALIAN STANDARDS.
8. SMOKE/THERMAL DETECTORS MUST COMPLY WITH THE CURRENT AUSTRALIAN STANDARD (AS 3786).

PROJECT:	MEAKLANDS
PROPOSAL:	SECONDARY RESIDENCE (ATTACHED)
LOCATION:	24 MEAKIN STREET, MERRYLANDS NSW 2160
DRAWING:	LANDSCAPE (exist. + prop.)
TITLE:	LOT 21B, SEC:, D.P. 387018
PROJ No.:	201220
DWG No.:	DAPA-01
SHEET:	13 OF 15
ISSUE:	DEV-01
L.G.A.:	CUMBERLAND MUNICIPALITY
SCALE:	1:200(A3) NORTH
DESIGN:	CG
DRAWN:	MG
CHECK:	CG
DATE:	NOV 2020

REVISIONS		
ISSUE	DETAILS	DATE

FASCIA/BARGE BOARD–AS SELECTED (COLOUR–MEDIUM GREY)

COLORBOND POWDERCOAT SHEET METAL ROOF CLADDING (COLOUR–DARK GREY)

GUTTERING AND DOWNPIPES ALUMINIUM POWDERCOAT (COLOUR–SLATE GREY)

WINDOWS + SLIDING DOORS–ALUMINIUM POWDERCOAT FINISH (COLOUR–BLACK)

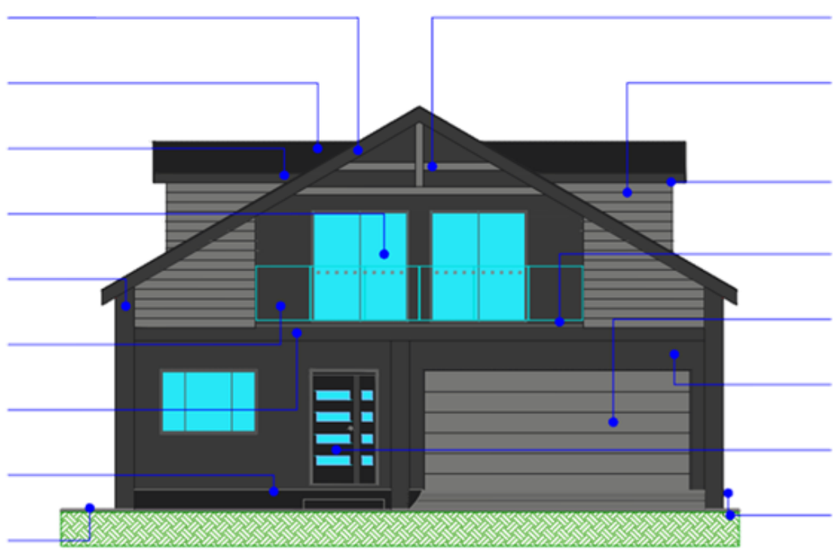
MASONRY COLUMNS WITH STACK STONE FINISH (COLOUR–AS SELECTED)

BALUSTRADES AND RAILS–TOUGHENED SAFETY GLASS PANELS (COLOUR–CLEAR)

FEATURE TIMBER/STEEL TO RELEVANT AUST. STANDARDS (COLOUR–AS SELECT)

PORCH/VERANDAH CONCRETE FLOOR FINISHED WITH SELECT FLOOR TILES

COLOURED CONCRETE TO VEHICULAR DRIVE AND PATH PAVEMENT (COLOUR–AS SELECT)



TIMBER FEATURE TRIMMING D.A.R. + PAINT FINISH (COLOUR–DARK LIGHT GREY)

GABLE & DORMER CLAD WITH FIBRE CEMENT SHEET PANELS AND TIMBER TRIMMING, ALL PAINT FINISH (COLOUR–LIGHT GREY)

CEMENT SHEET LINING TO ALL ROOF EAVES AND PAINT FINISH (COLOUR–PEARL WHITE)

COMPRESSED FCB SHEETING LAID ON TIMBER BALCONY FINISHED WITH SELECT FLOOR TILES

POWDERCOAT ALUMINIUM AUTO CONROLLED ROLL–A–SHUTTER (COLOUR–LIGHT GREY)

MASONRY WALLS CEMENT RENDER AND PAINT FINISH (COLOUR–LIGHT GREY)

MAIN ENTRY DOOR– GLAZED TIMBER + PAINT FINISH (COLOUR–DARK GREY)

COLORBOND ALUMINIUM POWDERCOAT ROLL–A–SHUTTER (COLOUR–)

FACADE (Western Elevation)

COLOUR SCHEDULE (exterior)

	PEARL WHITE
	LIGHT GREY
	MEDIUM GREY
	DARK GREY
	BLACK

MATERIALS, FINISHES, + COLOURS (Exterior)

PROPOSED CONSTRUCTION

FOOTINGS/SLABS =REINFORCED CONCRETE
FLOOR FRAMING =STRUCTURAL TIMBER
EXT. WALLS =MASONRY (2 LEAF + CAVITY)
INT. WALLS =TIMBER (SINGLE LEAF)
ROOF FRAME/CLADDING =POWDERCOAT METAL
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SYMBOL	PARTICULARS
(UNO/U.N.O.)	UNLESS NOTED OTHERWISE
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(DP+SP.)	DOWNPIPE+SPREADER
(CBD/WIR)	CUPBOARD/WALK–IN–ROBE
(CPT/FT)	CARPET/FLOOR TILES
(TF)	TIMBER FLOOR
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(CD)	CONCERTINA DOORS
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(DAOS)	DUCTED AIR–CONDITION SYSTEM
(RCACS)	REVERSE CYCLE AIR CON. SYS.
(DVCS)	DUCTED VACUUM CLEANING SYS.
(SD/TD)	SMOKE/THERMAL DETECTOR
(FRW/FRS)	FIRE RATED WALL/SCREEN
(FDR/FWN)	FIRE DOOR/WINDOW
(FRC)	FIRE RATED CEILING
(FD/FW/VP)	FLOOR DRAIN/WASTE/VENT. PIPE
(GT)	GREASE TRAP

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PROJECT: MEAKLANDS

PROPOSAL: SECONDARY RESIDENCE (ATTACHED)

LOCATION: 24 MEAKIN STREET, MERRYLANDS NSW 2160

DRAWING: MAT'S, FIN'S, + COL'S (ext.)

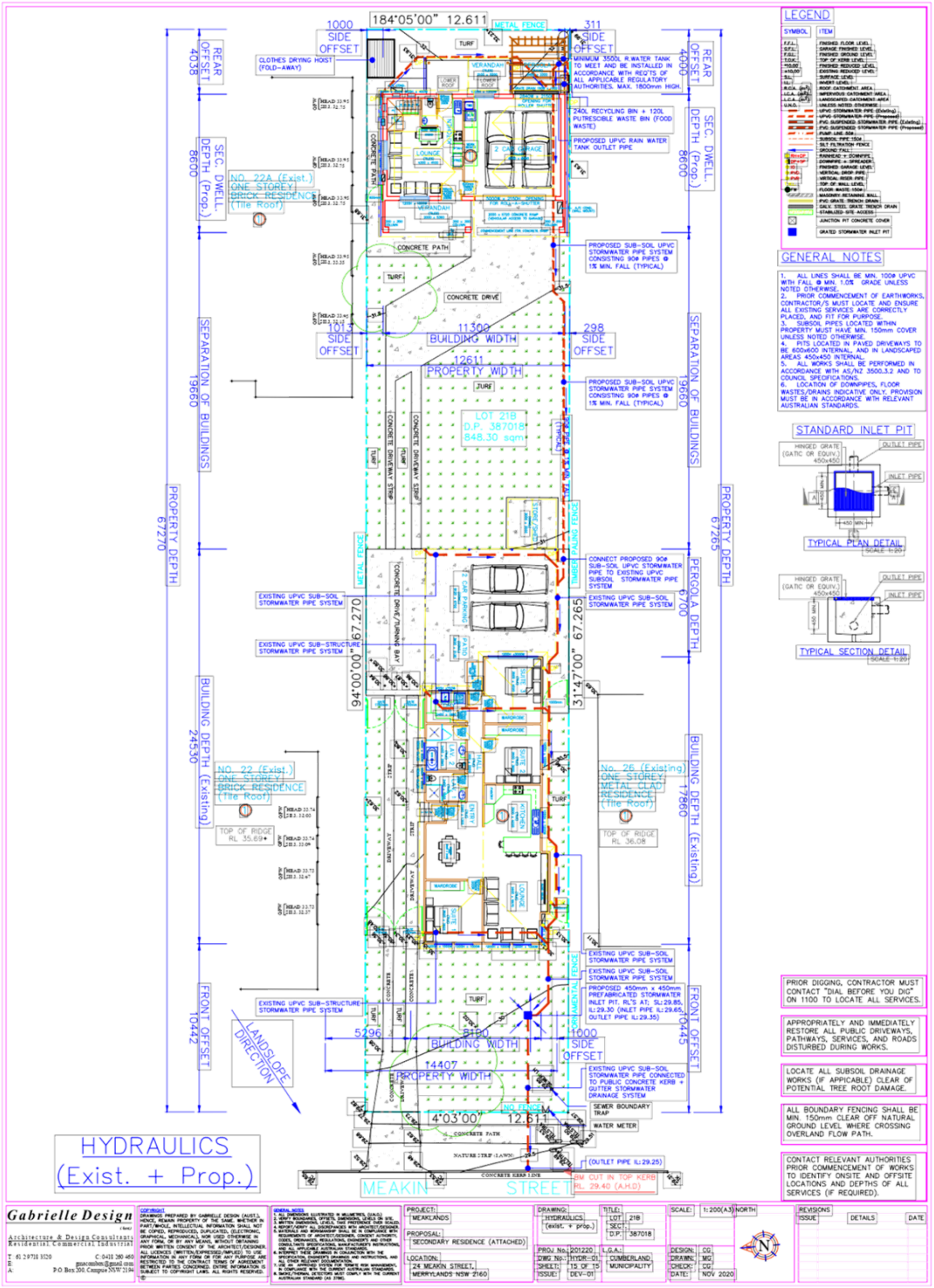
TITLE: LOT 218, SECT., D.P. 387018

PROJECT:	201220	L.G.A.:	CUMBERLAND MUNICIPALITY
DRAWING:	DAPA–01		
SHEET:	12 OF 15		
ISSUE:	DEV–01		

SCALE: 1:100(A3) NORTH

DESIGN:	CG
DRAWN:	MG
CHECK:	CG
DATE:	NOV 2020

Document Set ID: 8562532
Version: 1, Version Date: 11/12/2020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1000 SIDE OFFSET
311 SIDE OFFSET
REAR OFFSET 4038
REAR OFFSET 4000
SEC. DWELL. DEPTH (Prop.) 8600
SEC. DWELL. DEPTH (Prop.) 8600
METAL FENCE
TURF
CLOTHES DRYING HOIST (FOLD-AWAY)
VERANDAH
LOUNGE
KITCHEN
2 CAR GARAGE
CONCRETE PATH
NO. 22A (Exist.) ONE STOREY BRICK RESIDENCE (Tile Roof)
MINIMUM 3500L R.WATER TANK TO MEET AND BE INSTALLED IN ACCORDANCE WITH REQ'TS OF ALL APPLICABLE REGULATORY AUTHORITIES. MAX. 1800mm HIGH.
240L RECYCLING BIN + 120L PUTRESCIBLE WASTE BIN (FOOD WASTE)
PROPOSED UPVC RAIN WATER TANK OUTLET PIPE
PROPOSED SUB-SOIL UPVC STORMWATER PIPE SYSTEM CONSISTING 90ø PIPES @ 1% MIN. FALL (TYPICAL)
CONCRETE DRIVE
1013 SIDE OFFSET
11300 BUILDING WIDTH
298 SIDE OFFSET
12611 PROPERTY WIDTH
LOT 21B D.P. 387018 848.30 sqm
CONCRETE DRIVEWAY STRIP
TIMBER PALING FENCE
STORE/SHED
PROPOSED SUB-SOIL UPVC STORMWATER PIPE SYSTEM CONSISTING 90ø PIPES @ 1% MIN. FALL (TYPICAL)
SEPARATION OF BUILDINGS 19660
PROPERTY DEPTH 67270
PROPERTY DEPTH 67265
CONNECT PROPOSED 90ø SUB-SOIL UPVC STORMWATER PIPE TO EXISTING UPVC SUBSOIL STORMWATER PIPE SYSTEM
EXISTING UPVC SUB-SOIL STORMWATER PIPE SYSTEM
EXISTING UPVC SUB-STRUCTURE STORMWATER PIPE SYSTEM
2 CAR PARKING
CONCRETE DRIVE/TURNING BAY
PATIO
PERGOLA DEPTH 6700
94°00'00" 67.270
31°47'00" 67.265
BUILDING DEPTH (Existing) 24530
BUILDING DEPTH (Existing) 17860
NO. 22 (Exist.) ONE STORY BRICK RESIDENCE (Tile Roof)
No. 26 (Existing) ONE STOREY METAL CLAD RESIDENCE (Tile Roof)
TOP OF RIDGE RL 35.69+
TOP OF RIDGE RL 36.08
EXISTING UPVC SUB-SOIL STORMWATER PIPE SYSTEM
EXISTING UPVC SUB-SOIL STORMWATER PIPE SYSTEM
PROPOSED 450mm x 450mm PREFABRICATED STORMWATER INLET PIT. RL'S AT; SL: 29.85, IL: 29.30 (INLET PIPE IL: 29.65, OUTLET PIPE IL: 29.35)
EXISTING UPVC SUB-STRUCTURE STORMWATER PIPE SYSTEM
LANDSLOPE DIRECTION
FRONT OFFSET 10442
FRONT OFFSET 10445
5296
8100 BUILDING WIDTH
1000 SIDE OFFSET
14407 PROPERTY WIDTH
EXISTING UPVC SUB-SOIL STORMWATER PIPE CONNECTED TO PUBLIC CONCRETE KERB + GUTTER STORMWATER DRAINAGE SYSTEM
SEWER BOUNDARY TRAP
WATER METER
NO FENCE
4°03'00" 12.611
CONCRETE PATH
NATURE STRIP (LAWN)
CONCRETE KERB LINE
(OUTLET PIPE IL: 29.25)
BM CUT IN TOP KERB RL 29.40 (A.H.D)
MEAKIN STREET
HYDRAULICS (Exist. + Prop.)
LEGEND
SYMBOL
ITEM
FINISHED FLOOR LEVEL
GARAGE FINISHED LEVEL
FINISHED GROUND LEVEL
TOP OF KERB LEVEL
FINISHED REDUCED LEVEL
EXISTING REDUCED LEVEL
SURFACE LEVEL
INVERT LEVEL
ROOF CATCHMENT AREA
IMPERVIOUS CATCHMENT AREA
LANDSCAPED CATCHMENT AREA
UNLESS NOTED OTHERWISE
UPVC STORMWATER PIPE (Existing)
UPVC STORMWATER PIPE (Proposed)
PVC SUSPENDED STORMWATER PIPE (Existing)
PVC SUSPENDED STORMWATER PIPE (Proposed)
PUMP LINE 50ø
SUBSOIL PIPE 150ø
SILT FILTRATION FENCE
GROUND FALL
RWH/EAD + DOWNPIPE
DOWNPIPE + SPREADER
FINISHED GARAGE LEVEL
VERTICAL DROP PIPE
VERTICAL RISER PIPE
TOP OF WALL LEVEL
FLOOR WASTE 150ø
MASONRY RETAINING WALL
PVC GRATE TRENCH DRAIN
GALV. STEEL GRATE TRENCH DRAIN
STABILIZED SITE ACCESS
JUNCTION PIT CONCRETE COVER
GRATED STORMWATER INLET PIT
GENERAL NOTES
1. ALL LINES SHALL BE MIN. 100ø UPVC WITH FALL @ MIN. 1.0% GRADE UNLESS NOTED OTHERWISE.
2. PRIOR COMMENCEMENT OF EARTHWORKS, CONTRACTOR/S MUST LOCATE AND ENSURE ALL EXISTING SERVICES ARE CORRECTLY PLACED, AND FIT FOR PURPOSE.
3. SUBSOIL PIPES LOCATED WITHIN PROPERTY MUST HAVE MIN. 150mm COVER UNLESS NOTED OTHERWISE.
4. PITS LOCATED IN PAVED DRIVEWAYS TO BE 600x600 INTERNAL, AND IN LANDSCAPED AREAS 450x450 INTERNAL.
5. ALL WORKS SHALL BE PERFORMED IN ACCORDANCE WITH AS/NZ 3500.3.2 AND TO COUNCIL SPECIFICATIONS.
6. LOCATION OF DOWNPIPES, FLOOR WASTES/DRAINS INDICATIVE ONLY. PROVISION MUST BE IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS.
STANDARD INLET PIT
HINGED GRATE (GATIC OR EQUIV.) 450x450
OUTLET PIPE
INLET PIPE
450 MIN.
TYPICAL PLAN DETAIL
SCALE 1:20
TYPICAL SECTION DETAIL
SCALE 1:20
PRIOR DIGGING, CONTRACTOR MUST CONTACT "DIAL BEFORE YOU DIG" ON 1100 TO LOCATE ALL SERVICES.
APPROPRIATELY AND IMMEDIATELY RESTORE ALL PUBLIC DRIVEWAYS, PATHWAYS, SERVICES, AND ROADS DISTURBED DURING WORKS.
LOCATE ALL SUBSOIL DRAINAGE WORKS (IF APPICABLE) CLEAR OF POTENTIAL TREE ROOT DAMAGE.
ALL BOUNDARY FENCING SHALL BE MIN. 150mm CLEAR OFF NATURAL GROUND LEVEL WHERE CROSSING OVERLAND FLOW PATH.
CONTACT RELEVANT AUTHORITIES PRIOR COMMENCEMENT OF WORKS TO IDENTIFY ONSITE AND OFFSITE LOCATIONS AND DEPTHS OF ALL SERVICES (IF REQUIRED).
Gabrielle Design
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A: P.O. Box 200 Campsie NSW 2194
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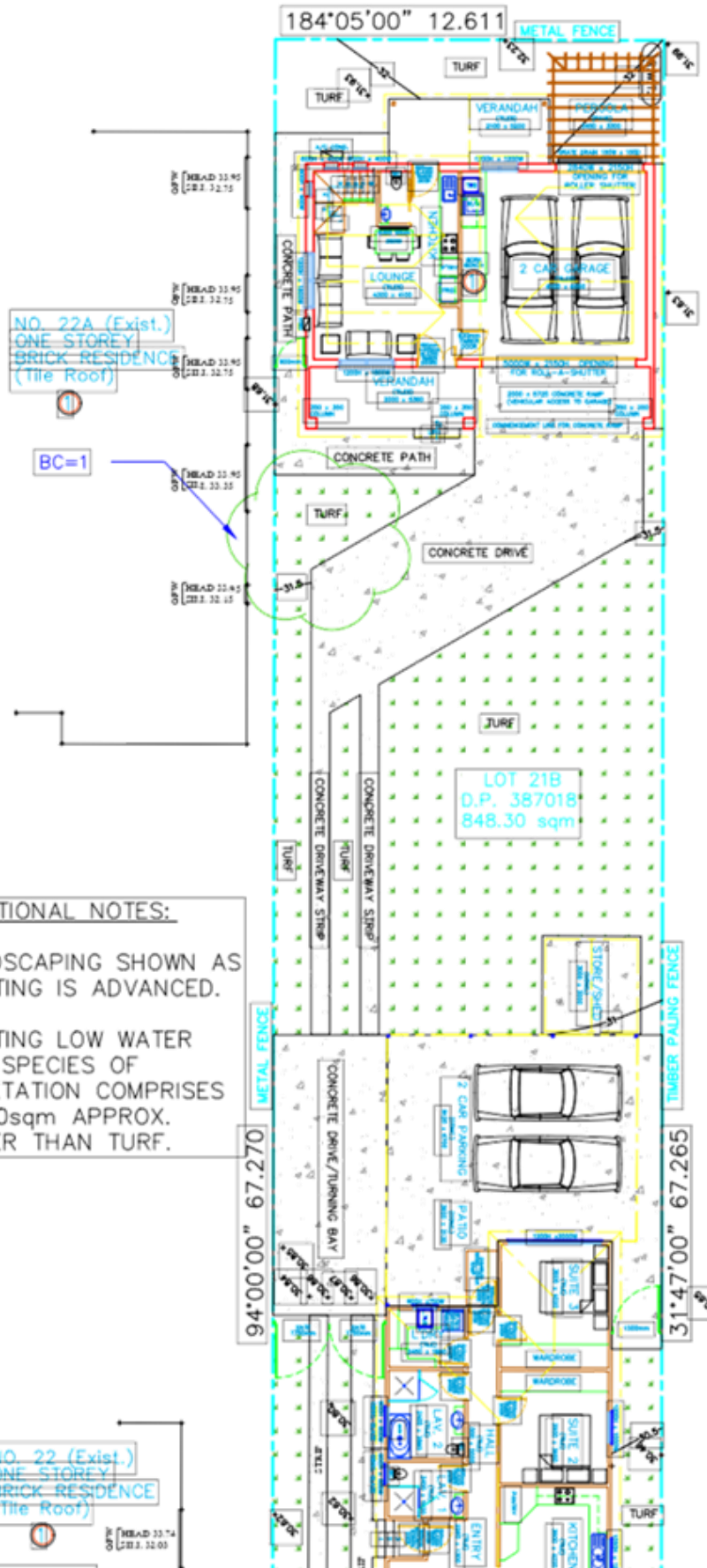
8. SMOKE/THERMAL DETECTORS MUST COMPLY WITH THE CURRENT AUSTRALIAN STANDARD (AS 3786).
PROJECT: MEAKLANDS
PROPOSAL: SECONDARY RESIDENCE (ATTACHED)
LOCATION: 24 MEAKIN STREET, MERRYLANDS NSW 2160
DRAWING: HYDRAULICS (exist. + prop.)
TITLE: LOT 21B SEC. D.P. 387018
PROJ No.: 201220
DWG No.: HYDR-01
SHEET: 15 OF 15
ISSUE: DEV-01
L.G.A.: CUMBERLAND MUNICIPALITY
SCALE: 1:200(A3) NORTH
DESIGN: CG
DRAWN: MG
CHECK: CG
DATE: NOV 2020
REVISIONS
ISSUE
DETAILS
DATE



NOTES AND SPECIFICATIONS

SUB-GRADE PREPARATION
THE SUB-GRADE TO ALL LANDSCAPED AREAS IS TO BE GRADED EVENLY TO ACHIEVE THE REQUIRED FALLS AND FINISHED LEVELS. LOOSE STONES AND/OR ANY BUILDING DEBRIS TO BE REMOVED PRIOR APPLICATION OF TOPSOIL. WHERE THE SUB-GRADE IS CLAY, APPLY GYPSUM AT A RATE OF 300kg/Ha PRIOR TO CULTIVATION.

GARDEN BED/TOPSOIL
ALL GARDEN BEDS ARE TO HAVE A MINIMUM 300mm LAYER OF CLEAN SITE TOP SOIL PLACED OVER PREPARED SUB-GRADE. TOPSOIL TO BE MULCHED WITH AN 80mm LAYER OF PINE BARK MULCH.

TURF AREAS
EXISTING TURF TO BE PROTECTED (MAX. POSSIBLE FROM REAR BOUNDARY, OR ALL AREAS NOT REQUIRED DURING WORKS) WITH TEMPORARY BARRICADES THROUGHOUT DURATION OF CONSTRUCTION ACTIVITIES. ALTERNATIVELY, ALL TURF AREAS TO HAVE A MINIMUM 100mm LAYER OF CLEAN SITE TOP SOIL OVER PREPARED SUB-GRADE. TURF TO BE BUFFALO GRASS AS SPECIFIED BY A RECOGNIZED COMMERCIAL TURF FARM.

FERTILIZER
FERTILIZER TO BE LONG-LIFE (8-9 MONTHS) WITH AN NPK RATIO OF 18:883 OR SIMILAR. FERTILIZER TO BE PLACED AT THE BASE OF EACH PLANTING HOLE AT THE FOLLOWING RATES:

150 mm – 20 GRAMS	300 mm – 40 GRAMS
5 LITRE – 20 GRAMS	35 LITRE – 40 GRAMS
75 LITRE – 300 GRAMS	100 LITRE – 300 GRAMS

FERTILIZE ALL TURF AREAS USING SHIRLEY'S No. 17 OR SIMILAR APPLIED IN ACCORDANCE WITH MANUFACTURERS RECOMMENDED RATES.

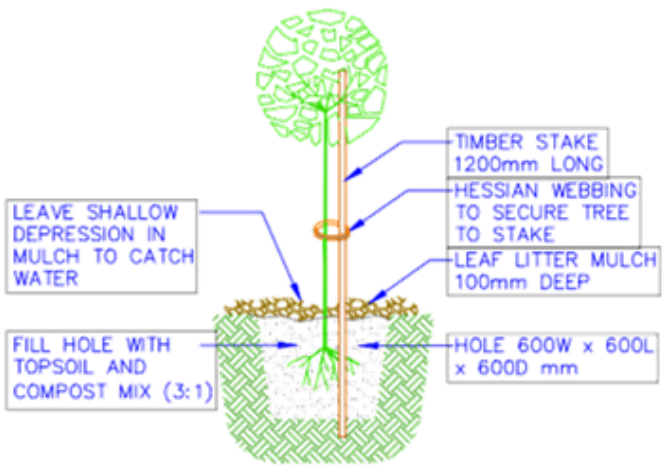
PLANTING MATERIAL / PLANTING PROCEDURES
ALL PLANTS MUST BE OF TRUE TYPE, FREE FROM PESTS, DISEASES AND IN A VIGOROUS WELL DEVELOPED CONDITION. ALL TREES TO HAVE A SINGLE LEADING SHOOT. THOROUGHLY WATER ALL PLANTS AND PLANTING AREAS, PRIOR TO, AND AFTER PLANTING OPERATIONS.

PLANT-STOCK (TREE PROTECTION)
ALL TREES 300MM AND LARGER ARE TO BE STAKED USING TWO (2) 50x50x1200mm HARDWOOD STAKES. HARDWOOD STAKES AND HESSIAN STRAP TIES SHALL BE UTILIZED TO SUPPORT TREES UNTIL TRUNKS ARE STURDY.

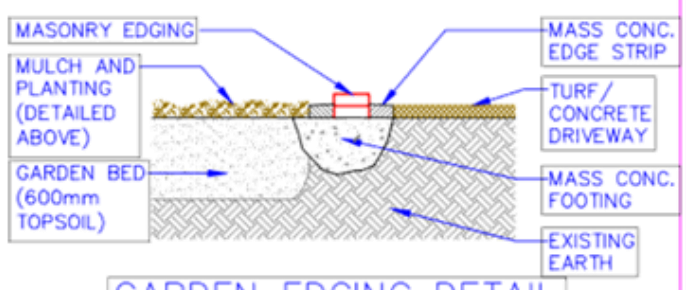
MAINTENANCE
MAINTAIN ALL LANDSCAPED AREAS FOR A PERIOD OF 12 MONTHS. MAINTENANCE SHALL INCLUDE THE FOLLOWING ACTIVITIES: MOWING, EDGING AND TOP-DRESSING OF TURF AREAS, FERTILIZING ALL PLANT MATERIAL, PRUNING, WATERING, REPLACING FAILED PLANTING, TREATING FOR PESTS AND DISEASES. TOPPING-UP OF MULCH AREAS, WEEDING GARDEN BEDS AND TURF AREAS.

LANDSCAPE PLANTATION SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	POT SIZE	No.	HEIGHT	SPREAD
AS	ACMENA SMITHII	LILLY PILLY	75 LITRE	1	10.0m	6.0m
BC	BACKHOUSIA CITRIODORA	LEMON-SCENTED MYRTLE	75 LITRE	1	8.0m	5.0m



TREE STAKING DETAIL



GARDEN EDGING DETAIL

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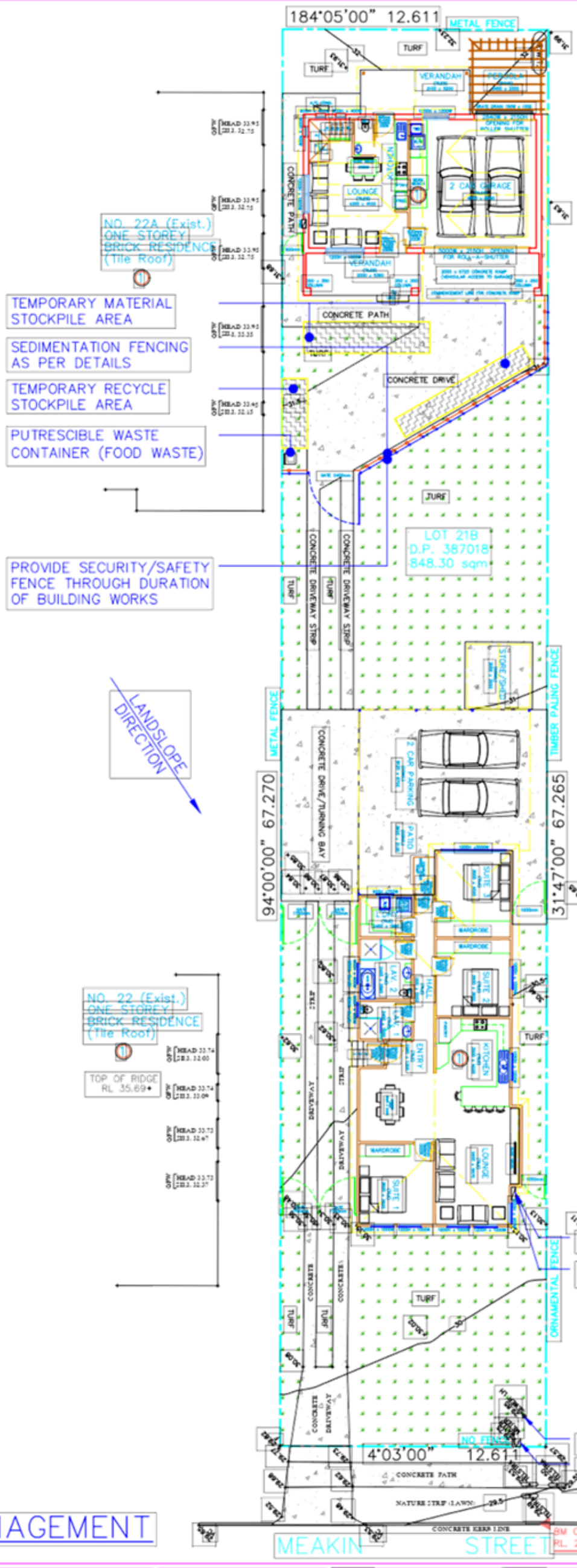
8. SMOKE/THERMAL DETECTORS MUST COMPLY WITH THE CURRENT AUSTRALIAN STANDARD (AS 3786).

PROJECT:	MEAKLANDS
PROPOSAL:	SECONDARY RESIDENCE (ATTACHED)
LOCATION:	24 MEAKIN STREET, MERRYLANDS NSW 2160
DRAWING:	LANDSCAPE (exist. + prop.)
TITLE: LOT	21B
SEC:	
D.P.	387018
PROJ No.:	201220
DWG No.:	DAPA-01
SHEET:	13 OF 15
ISSUE:	DEV-01
L.G.A.:	CUMBERLAND MUNICIPALITY
SCALE:	1:200(A3) NORTH
DESIGN:	CG
DRAWN:	MG
CHECK:	CG
DATE:	NOV 2020

REVISIONS		
ISSUE	DETAILS	DATE

Document Set ID: 8666135
Version: 2, Version Date: 13/01/2021



SEDIMENT FILTER FENCE NOTES

1. SET OUT POSTS ALONG LENGTH OF PROPOSED SEDIMENT BARRIER IN POSITIONS SHOWN ON SITE PLAN. SPACE POSTS MAXIMUM 3m APART AND DRIVE MINIMUM 600mm INTO GROUND. WHERE EXTRA-STRENGTH OR SELF-SUPPORT FABRIC IS USED WITHOUT WIRE FENCE, POST SPACING MUST NOT EXCEED 1.8m. POSTS FOR SEDIMENT FENCING SHALL BE EITHER 0.1m DIAMETER WOOD OR EQUIVALENT STEEL, WITH A MINIMUM LENGTH OF 1.2m TO WITHSTAND 105kg/m. STEEL POSTS MUST HAVE PROVISION TO FACILITATE WIRE FASTING.

2. EXCAVATE SOIL TO FORM A TRENCH APPROXIMATELY 0.1m WIDE AND 0.2m DEEP ALONG THE LINE OF POSTS AND UPSLOPE FROM THE SEDIMENTATION BARRIER.

3. FASTEN WIRE MESH SECURELY TO UPSLOPE SIDE OF POSTS. USE HEAVY-DUTY WIRE STAPLES MINIMUM 2.5cm LONG AND/OR TIE WIRE. EXTEND WIRE MESH 0.15m INTO TRENCH. WIRE REINFORCEMENT FOR SEDIMENT FENCE MUST BE MINIMUM 14 GAUGE AND HAVE MAXIMUM MESH SPACING OF 0.15m.

4. FASTEN FILTER FABRIC TO UPHILL SIDE OF FENCE POSTS, AND EXTEND 0.2m INTO TRENCH. FENCE HEIGHT SHOULD NOT EXCEED 0.6m. DO NOT FIX OR STAPLE FABRIC ONTO TREES. USE FILTER FABRIC FROM A CONTINUOUS ROLL TO AVOID JOINTS. WHERE JOINTS ARE NECESSARY, SPLICE FILTER CLOTH AT SUPPORT POST ENSURING MINIMUM 0.15m OVERLAP AND SECURELY FASTEN BOTH ENDS TO POST.

5. ADEQUATELY BACKFILL TRENCH OVER FABRIC TOE WITH SOIL AND COMPACT.

6. FOLLOWING EACH EVENT OF INCLIMATE WEATHER, INSPECT FENCE FOR UNDERCUTTING, SAGGING AND OVERTOPPING, AND REPAIR IF REQUIRED.

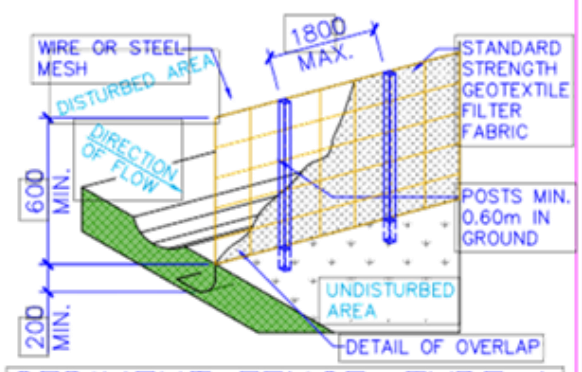
NOTES

1. MATERIAL STOCKPILES TO BE CLEAR (AWAY) FROM DRAINS, GUTTERS, PEDESTRIAN PATHS & ROADS.

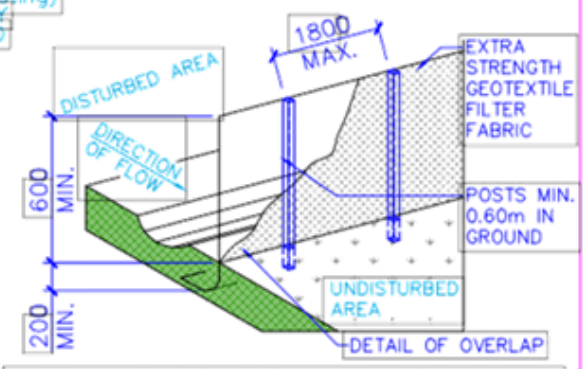
2. MINIMISE DISTURBANCE OF SITE & NEARBY AREAS.

3. CONNECT ALL STORM-WATER DRAINAGE TO EXISTING SYSTEM AS SOON AS PRACTICAL.

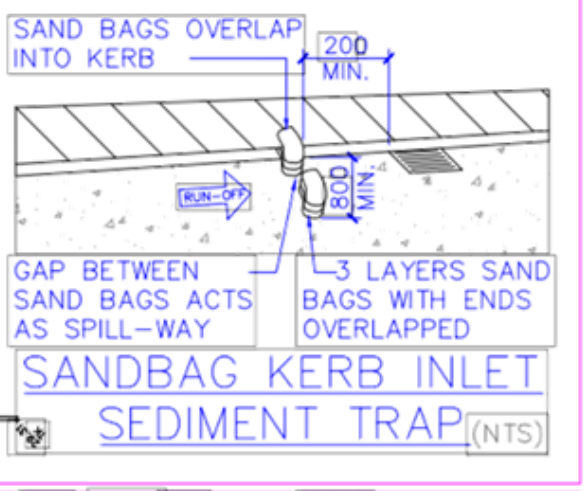
4. INSTALL SITE SECURITY FENCE & MAINTAIN UNTIL PROJECT COMPLETION.



SEDIMENT FENCE-TYPE 1 (NTS)



SEDIMENT FENCE-TYPE 2 (NTS)



SANDBAG KERB INLET SEDIMENT TRAP (NTS)

SITE MANAGEMENT

Gabrielle Design
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Residential Commercial Industrial
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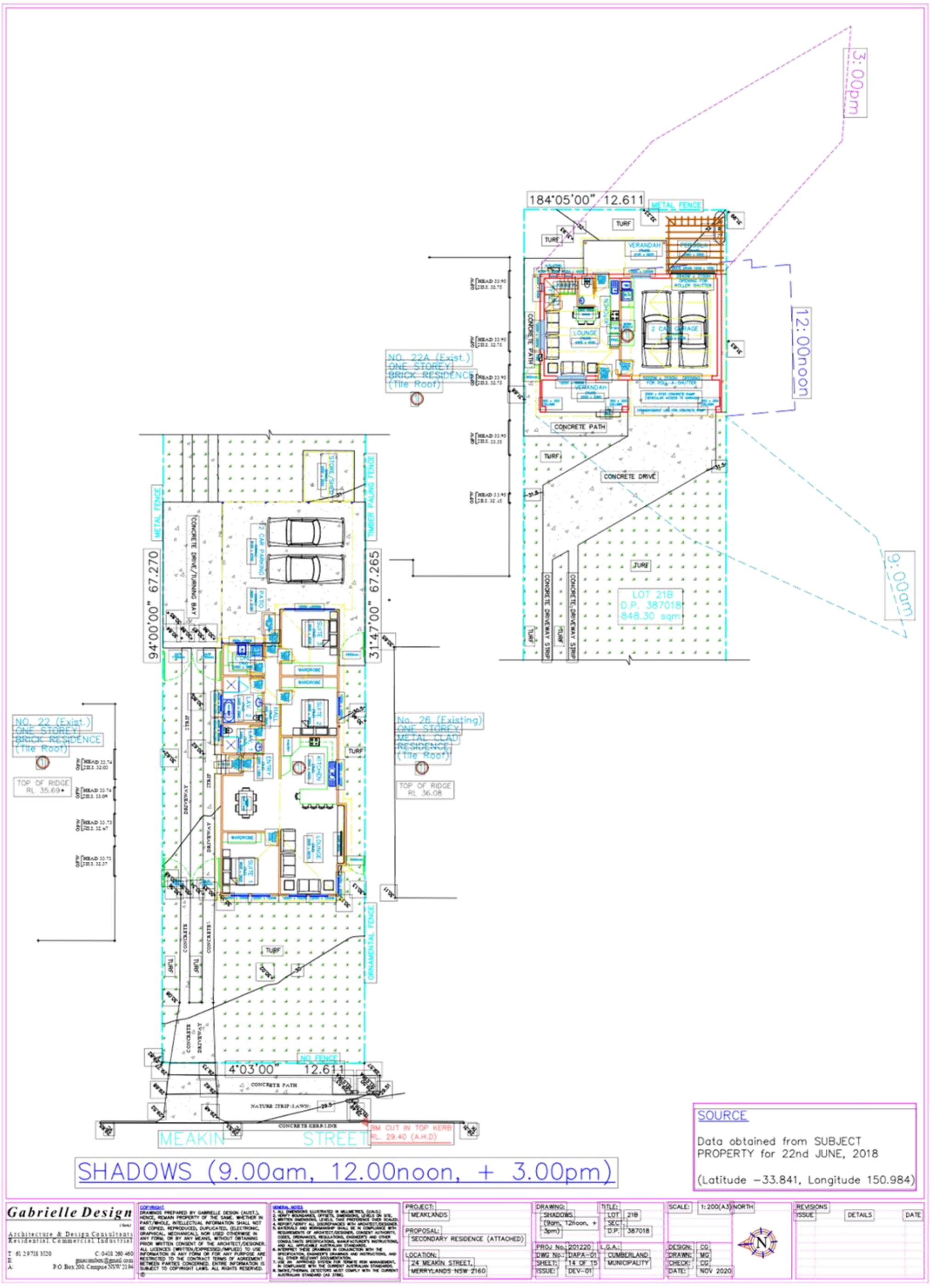
PROJECT:	MEAKLANDS
PROPOSAL:	SECONDARY RESIDENCE (ATTACHED)
LOCATION:	24 MEAKIN STREET, MERRYLANDS NSW 2160
DRAWING:	SITE MANAGEMENT
TITLE:	LOT 21B, SEC:, D.P. 387018
PROJ No.:	201220
DWG No.:	DAPA-01
SHEET:	05 OF 15
ISSUE:	DEV-01
L.G.A.:	CUMBERLAND MUNICIPALITY
SCALE:	1:200(A3) NORTH
DESIGN:	CG
DRAWN:	MG
CHECK:	CG
DATE:	NOV 2020

REVISIONS		
ISSUE	DETAILS	DATE


3:00pm
12:00noon
9:00am
184°05'00" 12.611
METAL FENCE
TURF
VERANDAH
2 CAR GARAGE
LOUNGE
KITCHEN
CONCRETE PATH
CONCRETE DRIVE
CONCRETE DRIVEWAY STRIP
LOT 218
D.P. 387018
848.30 sqm
NO. 22A (Exist.)
ONE STOREY
BRICK RESIDENCE
(Tile Roof)
94°00'00" 67.270
31°47'00" 67.265
METAL FENCE
TIMBER PALING FENCE
CONCRETE DRIVE/TURNING BAY
12 CAR PARKING
PATIO
SUITE 3
SUITE 2
SUITE 1
WARDROBE
HALL
LAUNDRY
LOUNGE
CONCRETE DRIVEWAY
ORNAMENTAL FENCE
NO. 22 (Exist.)
ONE STOREY
BRICK RESIDENCE
(Tile Roof)
TOP OF RIDGE
RL 35.69
No. 26 (Existing)
ONE STOREY
METAL CLAD
RESIDENCE
(Tile Roof)
TOP OF RIDGE
RL 36.08
NO FENCE
4°03'00" 12.611
CONCRETE PATH
NATURE STRIP (LAWN)
CONCRETE KERB LINE
RM CUT IN TOP KERB
RL 29.40 (A.H.D)
MEAKIN STREET
SHADOWS (9.00am, 12.00noon, + 3.00pm)
SOURCE
Data obtained from SUBJECT PROPERTY for 22nd JUNE, 2018
(Latitude −33.841, Longitude 150.984)
Gabrielle Design
Architecture & Design Consultants
Residential. Commercial. Industrial
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E: gracemben@gmail.com
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GENERAL NOTES
PROJECT: MEAKLANDS
PROPOSAL: SECONDARY RESIDENCE (ATTACHED)
LOCATION: 24 MEAKIN STREET, MERRYLANDS NSW 2160
DRAWING: SHADOWS (9am, 12noon, + 3pm)
PROJ No.: 201220
DWG No.: DAPA-01
SHEET: 14 OF 15
ISSUE: DEV-01
TITLE: LOT 218 SEC: D.P. 387018
L.G.A.: CUMBERLAND MUNICIPALITY
SCALE: 1:200(A3) NORTH
DESIGN: CG
DRAWN: MG
CHECK: CG
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Item No: LPP017/21

DEVELOPMENT APPLICATION FOR 2 HYLAND ROAD, GREYSTANES

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: DA2021/0022

Application lodged	15 January 2021
Applicant	Mr G Bakewell
Owner	Cumberland City Council
Application No.	DA2021/0022
Description of Land	2 Hyland Road, Greystanes, Lot 10, DP 817980
Proposed Development	Alterations and repair works to existing milking shed (Heritage Item No. I27 and A1) for storage use and the removal of a tree
Site Area	3,991m^2
Zoning	RE1 – Public Recreation
Disclosure of political donations and gifts	Nil disclosure
Heritage	Yes – local listed heritage item No. 127 & Archaeological site No. A1
Principal Development Standards	N/A
Issues	Council owned property

SUMMARY:

1. Development Application No. DA2021/0022 was received on 15 January 2021 for the alterations and repair works to existing milking shed (Heritage Item No. I27 and A1) for storage use and the removal of a tree.

2. The application was not required to be publicly notified in accordance with Holroyd Development Control Plan 2013, Part E, as the site does not adjoin any residential zoned land.

3. The subject site is listed as a locally significant heritage item in the Holroyd Local Environmental Plan 2013, under Schedule 5 as Heritage Item 127 and Archaeological site No. A1. The subject heritage item is a 1938 Milking Shed which is encompassed within the site boundaries of the 'House and farm buildings'. The works proposed are limited to the former Milking Shed structure and would not affect other heritage buildings located on the heritage listed site.

4. The application is referred to the Cumberland Local Planning Panel as Cumberland City Council are the property owners of the subject site.

5. 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 legally described as Lot 10 in DP 817980 and is known as 2 Hyland Road, Greystanes. The site is located south of Pemulwuy and north of Prospect Creek. Currently located on the subject site is a single storey cottage currently used as 'West Cumberland Mens Shed', an existing basketball court and the former 1938 'Milking Shed'.

'West Cumberland Mens Shed' is approximately 34 metres north of the 'Milking Shed' and Holroyd Riffle Range and Pigeon Club is approximately 31 metres east of the of the 'Milking Shed'. The site has a curved frontage of approximately 105 metres to Hyland Road. The site has a total area of approximately 3,991m2 (as per DP). The site falls approximately 6 metres from north-west to south-east. The site is zoned RE1 Public Recreation and is surrounded by RE1 Public Recreation zoned land to the north and east and Transgrid electrical site is directly to the south. The site is a local listed heritage item (No. 127) and an Archaeological listed site (No. A1) under Schedule 5 of Holroyd Local Environmental Plan 2013.

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

Figure 2 – Aerial view of subject site – Source: Near Maps 2021

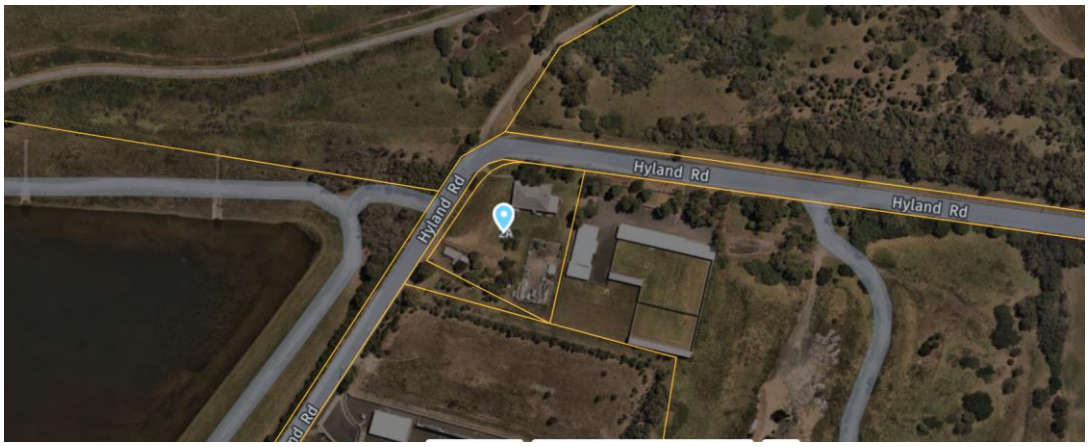


Figure 3 – Street view of subject site – Source: Google Maps Street View

Description of the Proposed Development

Council has received a development application for alterations and repair works to exiting milking shed (Heritage Item No.127 and A1) for storage use and the removal of a tree. As detailed in the submitted Heritage Impact Statement (prepared by City Plan, dated 22 December 2020), breakdown of the proposal as follows:

Roofing	• Secure existing metal sheeting over the Feed Store and the Milking Bays • Install new roofing (Fielder: 5-Rib corrugated sheet profile with zincalume finish) • Replace all ridge capping, gutter, downpipes and flashings • Repair missing or deteriorated sheet metal roofing to match existing • Repair or replace section of timber bargeboard and replace rolled flashings • Replace missing or deteriorated roof battens to match the dimensions of the exiting battens • Replace install 3 new rafters above Milking Bay 4 and strengthen split rafter above Milking Bay 3 and 4
Structure	• Replace top plate in south wall of Milking Bays

	• Splice repair owner section of corner posts of Milking Bay 4 and provide new concrete base for SW corner post • Replace 1 no. timber stud adjacent Bay 4 exit door; replace exit doors to Bays 3 and 4, reuse gate on site Bay 2 and retain gate on Bay 1 • Replace wall plates, rafter and SE corner post of Feed Store • Remove cracked brickwork and rebuild above and near door to equipment room. Install hardwood intel above door. Re-align wall to support roof beam above the feed store • Repair concrete base at E corner to Milking Bay 1 • Remove/replace damaged sections of concrete dwarf walls on south elevation • Stitch cracks in north elevation using Helifix' system to engineers details
Other	• Replace damage terracotta wall vents • Replace deteriorated timber window frame and install new glass louvred window sash • Replace missing or damaged hardware and door furniture to match existing • Install grated drain along northern edge of concrete slab with fall to underground PVC stormwater pipes on east and west elevations, terminating at two stormwater pits on the southern elevation • Remove redundant conduits and pipes • Prepare walls and ceiling surfaces in 'Equipment Room' and 'Cool Room' and repaint with Haymes 'Elite Interior Low Sheen'. • Repair 'Cool Room' door and install barrel bolt
Setting	• Removal of a 'Wild Olive Tree' located to the south of the Equipment Room/Cool Room.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Graham Bakewell Architect dated October 2020 and was received by Council on 15 January 2021 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

Building Surveyor

The development application was referred to Council's Building Surveyor for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent, in particular a condition of

consent requiring the works to be supervised by a nominated Heritage Consultant, as suggested in the submitted Heritage Impact Statement.

Tree Management Officer

The development application was referred to Council's Tree Management Officer for comment who has advised that the removal of the 'Wild Olive Tree' can be supported subject to recommended conditions of consent, including tree protection measures of the surrounding trees to be protected on site.

Cumberland Heritage Committee

The development application was referred to Council's Heritage Committee for comment who has advised that the development proposal is satisfactory.

External Referrals

Heritage Council of NSW

Pursuant to Clause 5.10 of Holroyd Local Environmental Plan 2013, the development application was referred to the Heritage Council of NSW for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to a condition of consent for unexpected finds during construction.

PLANNING COMMENTS

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

State Environmental Planning Policies

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

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

Local Environmental Plans

Holroyd Local Environmental Plan 2013 (HLEP 2013)

The provision of the HLEP 2013 is applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the HLEP 2013 and the objectives of the RE1 Public Recreation Zoning.

(a) Permissibility: -

The alterations and repair works to an existing locally listed heritage item are permitted with consent.

On the site there is an existing Community Facility (West Cumberland Mens Shed), which is permitted within the RE1 – Public Recreation zone, the storage use will become ancillary to the existing Community Facility on the site.

The below table provides a summary of Clause 5.10 – Heritage Conservation as detailed in Holroyd Local Environmental Plan 2013:

Control	Compliance
(1) **Objectives** The objectives of this clause are as follows— (a) to conserve the environmental heritage of Holroyd, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	The alterations and repair works to the existing Milking Shed will minimise further loss and deterioration to the surviving building whilst also conserving the heritage significance of the building and archaeological site.
(2) **Requirement for consent** Development consent is required for any of the following— (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)— (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area, (b)altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item. (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land— on which a heritage item is located or that is within a heritage conservation area, or on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (f) subdividing land—	Development consent for the alterations and repair works to the existing heritage building have been sought. The application has also been accompanied with a Heritage Impact Statement, which concluded that the works will have a positive heritage impact.

on which a heritage item is located or that is within a heritage conservation area, or on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.	
(5) **Heritage assessment** The consent authority may, before granting consent to any development— (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned. (6) **Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.	The application has been accompanied with a Heritage Impact Statement which concludes with a recommendation: *"for the works to be overseen by a suitably qualified heritage professional with experience in built heritage conservation to ensure the works are carried out in line with heritage best practice and to provide heritage advice during the works where unexpected detailing and exposure of building element occurs. This will ensure any unknown building element that may reveal further deterioration during the works would be guided by adequate advice and appropriate method of conservation is implemented. It is also recommended that the appointed heritage professional also to undertake ongoing archival photography prior and during the works to document the construction phase for future reference and research purposes. The appointed heritage professional is to submit a statement on completion of works and include all photography as part of the statement together with any unexpected finds and additional methods applied during the works as a record of the works and heritage approach".*
(7) **Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies)— (a) notify the Heritage Council of its intention to grant consent, and (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	The subject site is listed as a locally significant heritage item in the Holroyd Local Environmental Plan 2013, under Schedule 5 as Heritage Item 127 and Archaeological site No. A1. The application was referred to the Heritage Council of NSW for comments. Comments were provided on the 11 March 2021 and the Heritage Council's condition recommendation has been imposed on the development consent.

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

(a) Draft Cumberland Local Environmental Plan (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.

A comprehensive assessment and compliance table is contained in Appendix A.

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

Holroyd Development Control Plan 2013 (HDCP 2013)

The HDCP 2013 provides guidance for the design and operation of development to achieve the aims and objectives of the HDCP 2013. Whilst there are no specific controls under the HDCP 2013 that are directly relevant to the proposed development, the proposal has been assessed to comply with the requirements of the HDCP2013.

A comprehensive assessment and compliance table is contained in Appendix B.

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

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

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

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

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

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

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

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

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

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

In accordance with Council's Notification requirements contained within the Holroyd Development Control Plan 2013, Part E, the development application was not required to be publicly notified, as the site does not adjoin any residential zoned land.

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

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

Cumberland Local Infrastructure Contributions Plan 2020

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

Comments:

The development does not require the payment of contributions in accordance with Cumberland Local Infrastructure Contributions Plan 2020.

Disclosure of Political Donations and Gifts

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

CONCLUSION:

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55), Holroyd LEP 2013 and Holroyd DCP 2013 and is considered to be satisfactory for approval subject to conditions.

The proposed development is located within the RE1 – Public Recreation zone under the relevant provisions of the Holroyd Local Environmental Plan 2013. The proposal is consistent with all statutory and non-statutory controls applying to the development. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to maintaining local heritage significance.

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

REPORT RECOMMENDATION:

That Development Application No. DA2021/0022 for alterations and repair works to existing milking shed (Heritage Item No. I27 and A1) for storage use and the removal of a tree on land at 2 Hyland Road GREYSTANES NSW 2145 be approved subject to conditions listed in the attached schedule.

ATTACHMENTS

1. Draft Notice of Determination ⇩
2. Architectural Plans ⇩
3. Heritage Impact Statement ⇩
4. Heritage Council of NSW Advice ⇩
5. Appendix A - Holroyd Local Environmental Plan 2013 ⇩
6. Appendix B - Holroyd Development Control Plan 2013 ⇩

DOCUMENTS ASSOCIATED WITH REPORT LPP017/21

Attachment 1

Draft Notice of Determination

CUMBERLAND CITY COUNCIL

DEVELOPMENT APPLICATION
DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2021/0022
Applicant:	Mr G Bakewell 45 Prospect Street ERSKINEVILLE NSW 2043
Property Description:	2 Hyland Road GREYSTANES NSW 2145, Lot 10 DP 817980
Development:	Alterations and repair works to existing milking shed (Heritage Item No. I27 and A1) for storage use and the removal of a tree
Determined by:	Cumberland Local Planning Panel

CONDITIONS OF CONSENT

General Conditions

1. **DAGCA01 - General**

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

   (Reason: Advisory)

2. **DAGCA02 - Approved Plans and Supporting Documents**

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

Reference/Dwg No	***Title/Description***	***Prepared By***	***Date/s***
Project No.2038, Drawing No.'s DA01 – DA04 (inclusive), all Issue A	Architectural plans	Graham Bakewell	23/12/2020
Project No.2038, Drawing No. ER01, Issue A	Erosion & Sediment Control Plan	Graham Bakewell	October 2020
H20-111	Heritage Impact Statement	City Plan Heritage P/L	22/12/2020
	Waste Management Plan	Graham Bakewell	21/12/2020

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. **DAGCA06- Heritage - No Demolition of Extra Fabric**

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

   Should any portion of the existing building indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of this damaged portion are to cease and written notification

given to Council. You must obtain written approval of Council prior to work proceeding.

(Reason: Heritage conservation)

5. **DAGCB07 - Tree Preservation**

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

(Reason: Tree preservation)

6. **DAPDZ01 – Unexpected Finds**

The applicant must ensure that if any unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified as required by s146 of the Heritage Act 1977. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

(Reason: Relics have statutory protection under s146 of the Heritage Act 1977. The applicant must obtain an approval under s141 of the Heritage Act 1977 prior to any harm occurring to relics.)

7. **DAPDZ02 – Works to be Overseen by a Suitably Qualified Heritage Professional**

The works approved under this development application are to be overseen by a suitably qualified heritage professional with experience in built heritage conservation to ensure the works are carried out in line with heritage best practice and to provide heritage advice during the work where unexpected dealing and exposure of building element occurs.

(Reason: To ensure appropriate method of heritage conversation is implement).

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

8. **DAPDA01 - Heritage - Submission of Photographic Survey**

Prior to the commencement of works to the heritage item, a photographic survey must be submitted to Council. The photographic survey shall be prepared in accordance with the guidelines "Photographic Recording of Heritage Items Using Film or Digital Capture" published by the NSW Heritage Office.

(Reason: To provide an accurate record of the building)

9. **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)

10. **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)

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

11. 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)

12. 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)

13. 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)

14. 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)

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

Damage Deposit	$1,920.00

Please note that other fees and charges may be applicable to the proposal, and the total fees calculated at the time of payment may exceed the figures detailed above. Further, fees to be paid to Council will be determined at the time of payment in accordance with Council's current adopted Fees and Charges Policy

and therefore may exceed the fee amount quoted above.

(Reason: Statutory requirement and information)

16. DACCB06 - Photographic Record of Council Property - Damage Deposit

The applicant shall submit to Council prior to demolition commencing and/or issue of any Construction certificate, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full photographic record of the condition of Council's property (i.e., road pavement, kerb and guttering, footway, stormwater drainage, etc.) adjacent to the subject site.

The purpose of the photographic record is to establish any pre-existing damage to Council's property to ensure that you are not liable for any re-instatement works associated with that damage. However, if in the opinion of Council, the existing damage has worsened or any new damage occurred during the course of construction, Council may require either part or full re-instatement.

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

(Reason: Maintain public assets)

17. DACCC02 - Protection of Public Places

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

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

(Reason: Safety)

18. DACCE02 - Construction Management Plan

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

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

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

19. DACCJ01 - Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate a detailed stormwater drainage plan for the safe disposal of stormwater from the site, prepared in accordance with Council's "On-Site Stormwater Detention Policy", the "Stormwater and On Site Detention Drawing Submission Checklist " and the "Upper Parramatta River Catchment Trust's On-site Stormwater Detention Handbook" shall be submitted and approved by the Accredited Certifier.

Should any changes be required to the approved stormwater drainage plan, the amended design shall achieve equivalent performance standards in accordance with Council's "On-Site Stormwater Detention Policy".

Please note that where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works.

(Reason: Stormwater management)

20. DACCJ09 - Stormwater Connection to Public Drainage System within property

The proposed stormwater connection into Council's drainage system within a property is subject to further approval. In this regard, a separate application shall be submitted to Council under Section 68 of the Local Government Act for approval prior to the issue of a Construction Certificate. Council will undertake inspections of the connection at various stages (e.g., at exposure stage, connection stage and backfilling stage).

(Reason: Protection and maintenance of Council assets)

21. 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)

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

22. DAPCA01 - Appointment of Principal Certifier

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

a) A construction certificate for the building work has been obtained from a Certifier.
b) the person having the benefit of the development consent has:
    (i) appointed a principal certifier for the building work, and
    (ii) given at least 2 days' notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building, and
c) The principal certifier has, no later than 2 days before the building work commences:
    (i) notified the Council of his or her appointment, and
    (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
d) The person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case
e) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
    (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
    (ii) notified the principal certifier of such appointment, and
    (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(Reason: Statutory requirements)

23. 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)

24. DAPCA04 - Principal Certifier Sign

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

identifying:

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

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

(Reason: Statutory requirement)

25. 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)

26. 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)

27. 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)

28. DAPCB04 - Removal of Trees

The following trees are approved for removal:

Species	***Location***
Wild Olive	Side building

To ensure the protection of tree/s to be retained on site all removals are to be undertaken by a suitably qualified arborist practicing industry current arboricultural best practice methods.

Trunk protection to applicable trees must be in place prior to the commencement of any works.

(Reason: To clarify which trees are permitted to be removed)

Conditions which must be satisfied during any development work

29. 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)

30. 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)

31. 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)

32. 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)

33. 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)

34. DADWA07 - General Site Requirements during Demolition and Construction

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

a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
b) Demolition must be carried out by a registered demolition contractor.
c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
d) No blasting is to be carried out at any time during construction of the building.
e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
f) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
g) Any demolition and excess construction materials are to be recycled wherever practicable.

h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
i) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
j) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
k) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
l) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
m) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
n) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
o) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
p) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

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

35. **DADWA12 - Compliance with the Demolition, Excavation and Construction Noise and Vibration Management Plan**

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

(Reason: To protect residential amenity)

36. **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)

37. **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)

38. **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)

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

39. DAOCA01 - Occupation Certificate (section 6.9 of the Act)

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

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

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

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

(Reason: Statutory requirement)

40. 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).

41. 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)

42. DAOCA11 - Civil Works on the Footway

The following works are to be carried out at the applicant's expense and to Council's satisfaction prior to the issue of any occupation certificate:

a) Reconstruct sections of cracked or defective footpath along the full frontage of the site, and/or
b) Reconstruct existing public drainage pit/pipe system, and/or
c) Construct a new vehicular crossing, and/or
d) Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

Where the Applicant nominates Council to undertake the civil and stormwater works, they must contact Council in order to obtain an estimated cost for construction and contract to undertake the works.

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

43. DAOCZ01 – Heritage Statement

Prior to the Issue of an Occupation Certificate, the appointed heritage professional shall submit a statement to Council on the completion of works and include all photography as part of the statement together with any unexpected finds and additional methods applied during the works as a record of the works and heritage approach.

(Reason: To ensure Heritage Significance)

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

44. 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)

Advisory Notes

45. 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.

46. 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. 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)

52. 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.

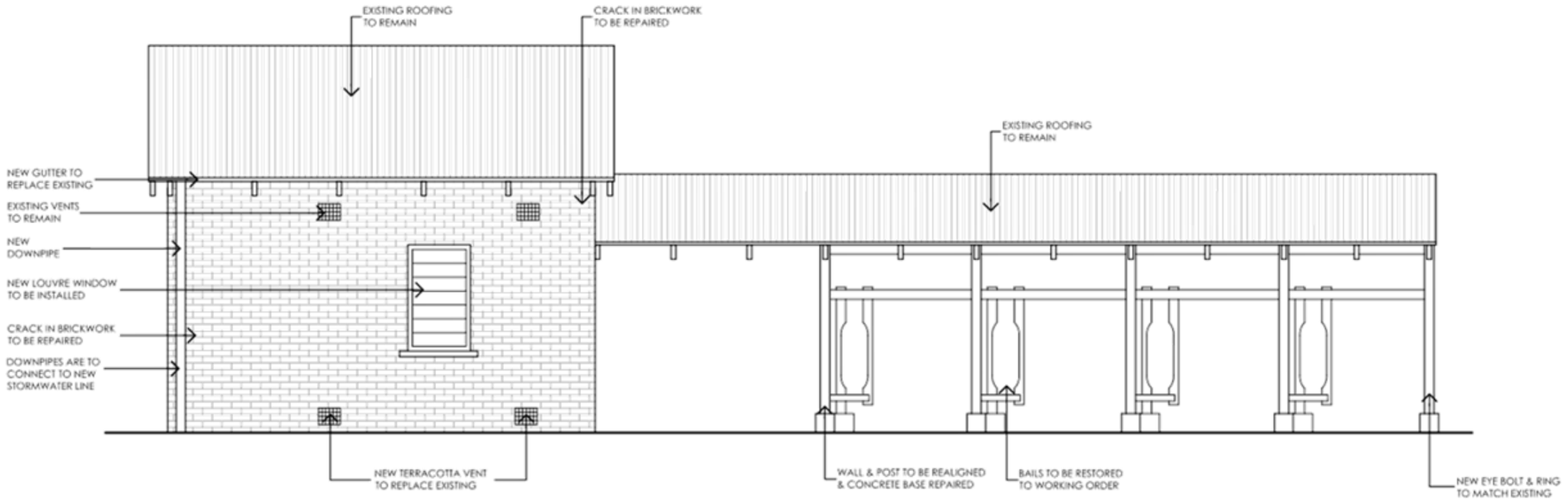
Note 2: The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the NCC in relation to any matter relevant to the development.

(Reason: Statutory requirement)

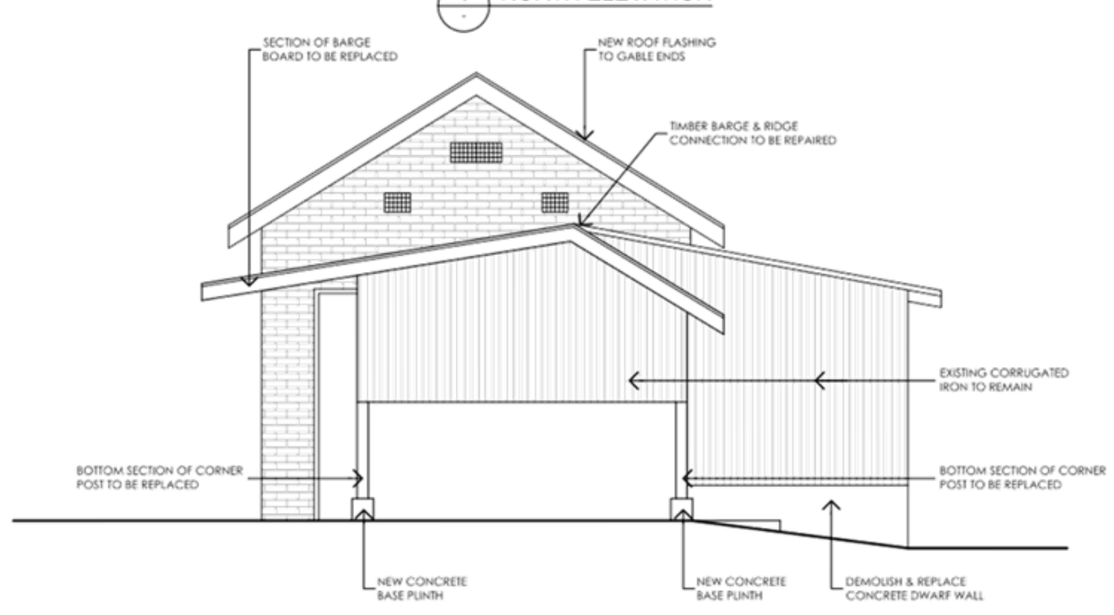
DOCUMENTS ASSOCIATED WITH REPORT LPP017/21

Attachment 2

Architectural Plans



1 - NORTH ELEVATION



2 - WEST ELEVATION

issue		date
A	Issue for DA Submission	23.12.20

note: All dimensions and levels are to be checked on site prior to any fabrication or commencement of work. Any discrepancies to be referred to Architect prior to proceeding. Use written dimensions only, do not scale from drawings. All drawings are to be read in conjunction with the specification and consultant documents. This drawing is COPYRIGHT © and shall not be copied without consent of Architect.

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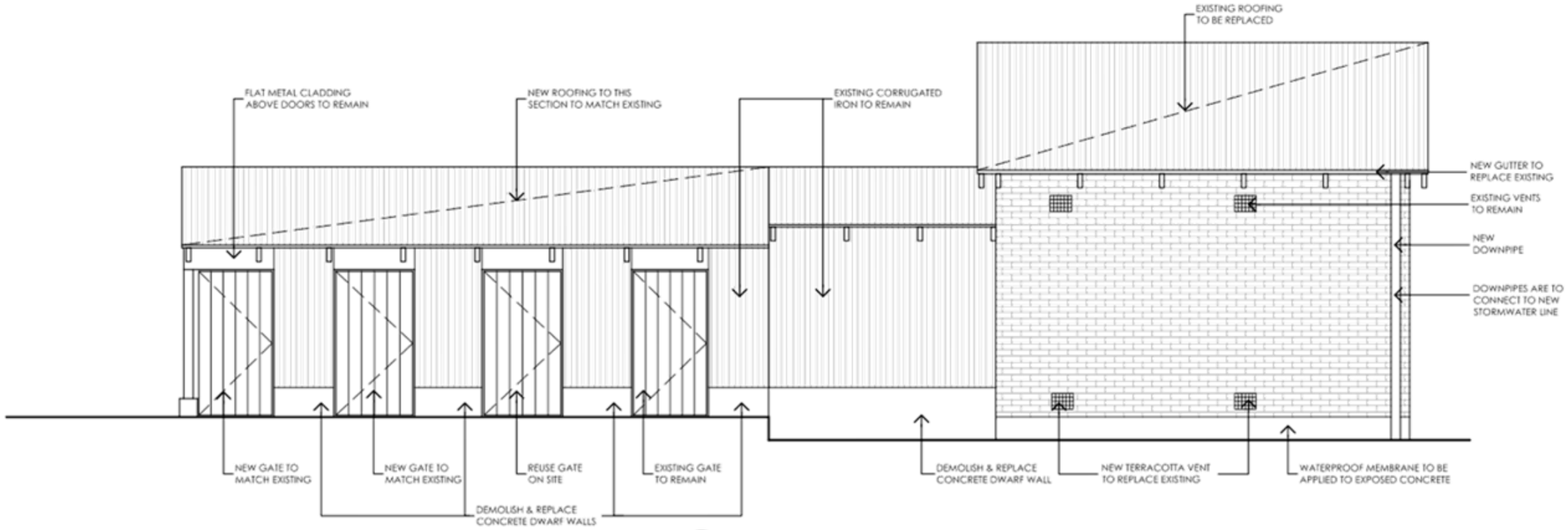
email: gb100@optusnet.com.au
Reg. No. 6118

project: Milking Shed Refurbishment
2 Hyland Road
Greystanes NSW

client: Cumberland City Council

drawing: North & West Elevations

project	2038
scale	1:50 @ A3
date	October 2020
drawing no.	DA03
issue	A
north	


EXISTING ROOFING TO BE REPLACED
FLAT METAL CLADDING ABOVE DOORS TO REMAIN
NEW ROOFING TO THIS SECTION TO MATCH EXISTING
EXISTING CORRUGATED IRON TO REMAIN
NEW GUTTER TO REPLACE EXISTING
EXISTING VENTS TO REMAIN
NEW DOWNPIPE
DOWNPIPES ARE TO CONNECT TO NEW STORMWATER LINE
NEW GATE TO MATCH EXISTING
NEW GATE TO MATCH EXISTING
REUSE GATE ON SITE
EXISTING GATE TO REMAIN
DEMOLISH & REPLACE CONCRETE DWARF WALLS
DEMOLISH & REPLACE CONCRETE DWARF WALL
NEW TERRACOTTA VENT TO REPLACE EXISTING
WATERPROOF MEMBRANE TO BE APPLIED TO EXPOSED CONCRETE
1 SOUTH ELEVATION
NEW ROOF FLASHING TO GABLE ENDS
EXISTING CORRUGATED IRON TO REMAIN
EXISTING VENTS TO REMAIN
DEMOLISH & REPLACE CONCRETE DWARF WALL
WATERPROOF MEMBRANE TO BE APPLIED TO EXPOSED CONCRETE
2 EAST ELEVATION
NEW ROOF SHEETING TO MATCH EXISTING
NEW TOP PLATE TO REPLACE EXISTING
DOOR LEVER - REPAIRED OR NEW TO MATCH
CORRUGATED IRON SHEETING
DWARF CONCRETE WALL
CONCRETE BASE PLINTHS
3 SECTION
A Issue for DA Submission 23.12.20
issue date
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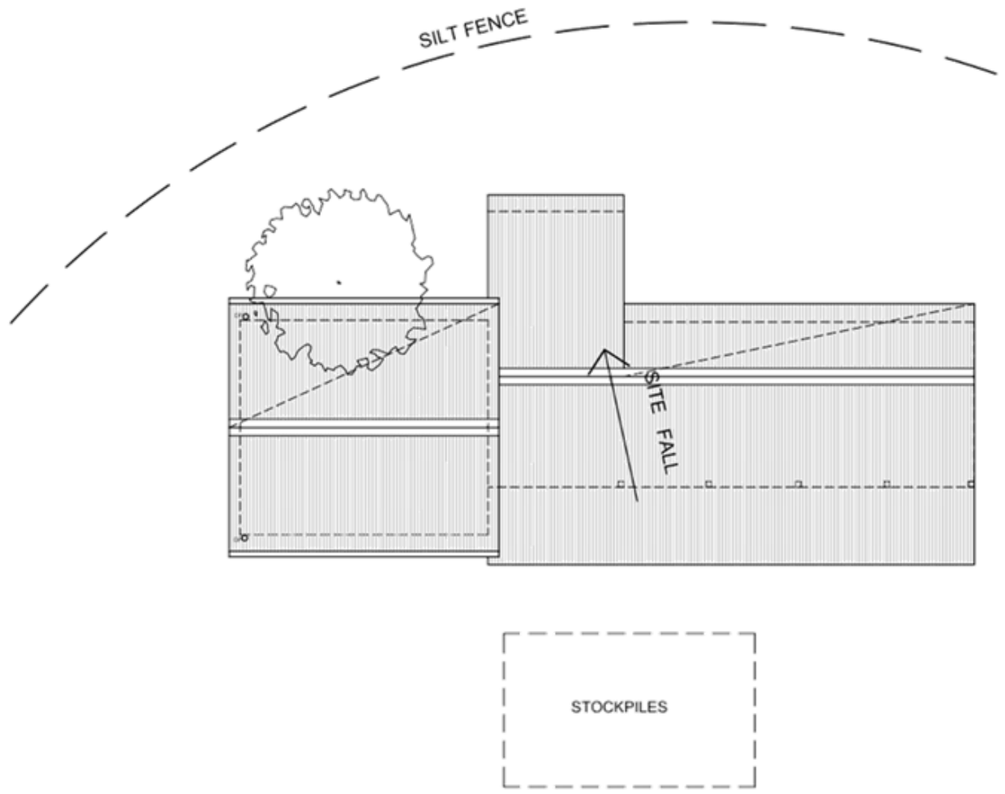
project
Cumberland City Council
client
South & East Elevations & Section
drawing
2038
project
1:50/25 @ A3
scale
October 2020
date
north
DA04
drawing no.
A
issue



EROSION & SEDIMENT CONTROL:

1. LANDS ON THE FOOTPATH WILL NOT BE DISTURBED DURING WORKS EXCEPT WHERE ESSENTIAL. WHERE WORKS ARE NECESSARY THEY WILL BE UNDERTAKEN IN SUCH A WAY TO MINIMISE THE OCCURANCE OF SOIL EROSION. THEY WILL BE REHABILITATED AS SOON AS POSSIBLE. STOCKPILES WILL NOT BE PLACED ON THESE LANDS AND THEY WILL NOT BE USED AS VEHICLE PARKING AREAS.
2. APPROVED BINS FOR WASTE WILL BE PROVIDED & ARRANGEMENTS MADE FOR REGULAR COLLECTION & DISPOSAL.
3. GUTTERS WILL BE CONNECTED TO THE STORMWATER SYSTEM AS SOON AS PRACTICABLE.
4. ALL EROSION & SEDIMENT CONTROLS WILL BE CHECKED AT LEAST WEEKLY & AFTER RAIN TO ENSURE THEY ARE MAINTAINED IN A FULLY FUNCTIONING CONDITION.
5. ROADS & FOOTPATHS ARE TO BE SWEPT DAILY.

issue		date
A	Issue for DA Submission	23.12.20

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Cumberland City Council

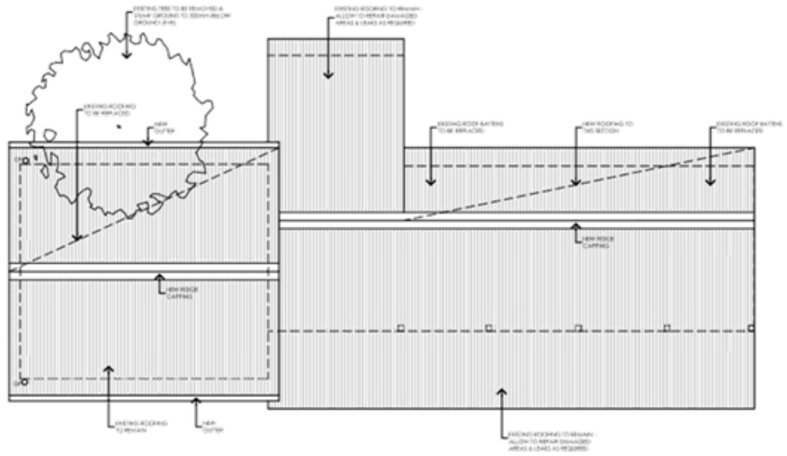
Erosion & Sediment Control Plan

2038

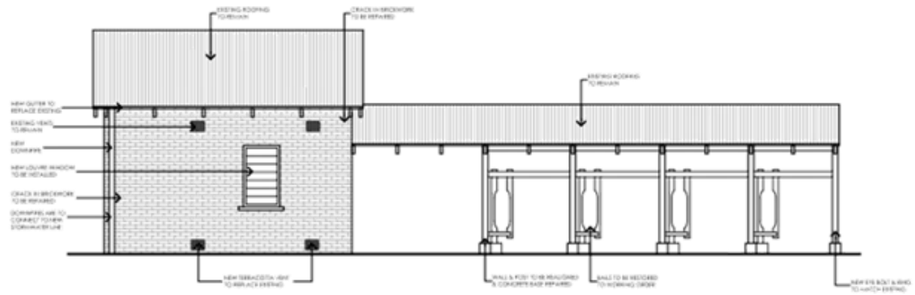
1:50 @ A3

October 2020

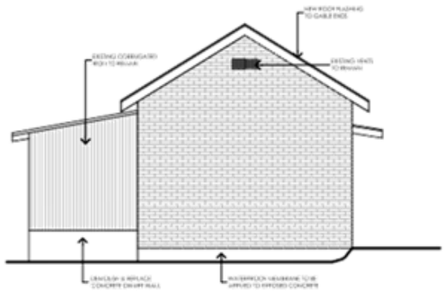
ER01 A



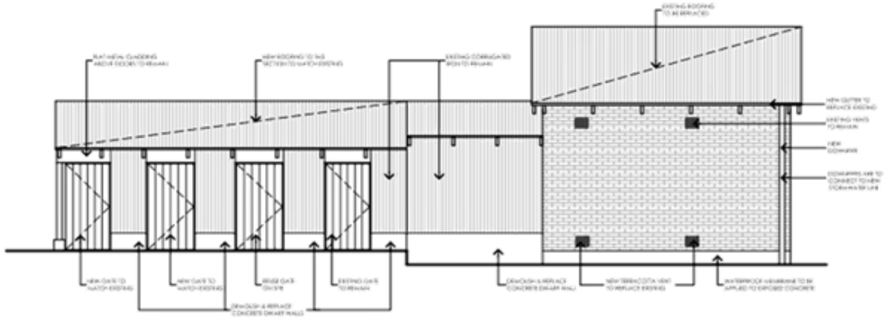
1 ROOF PLAN



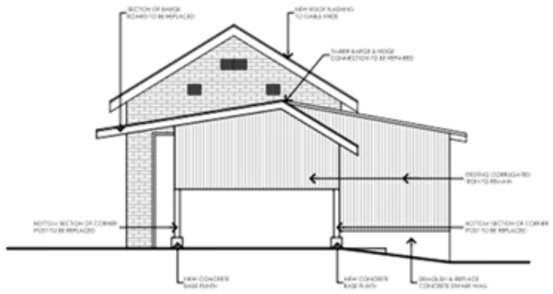
2 NORTH ELEVATION



3 WEST ELEVATION



4 SOUTH ELEVATION



5 EAST ELEVATION

A	Issue for DA Submission	23.12.20
issue		date

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architect

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Greystanes NSW

project

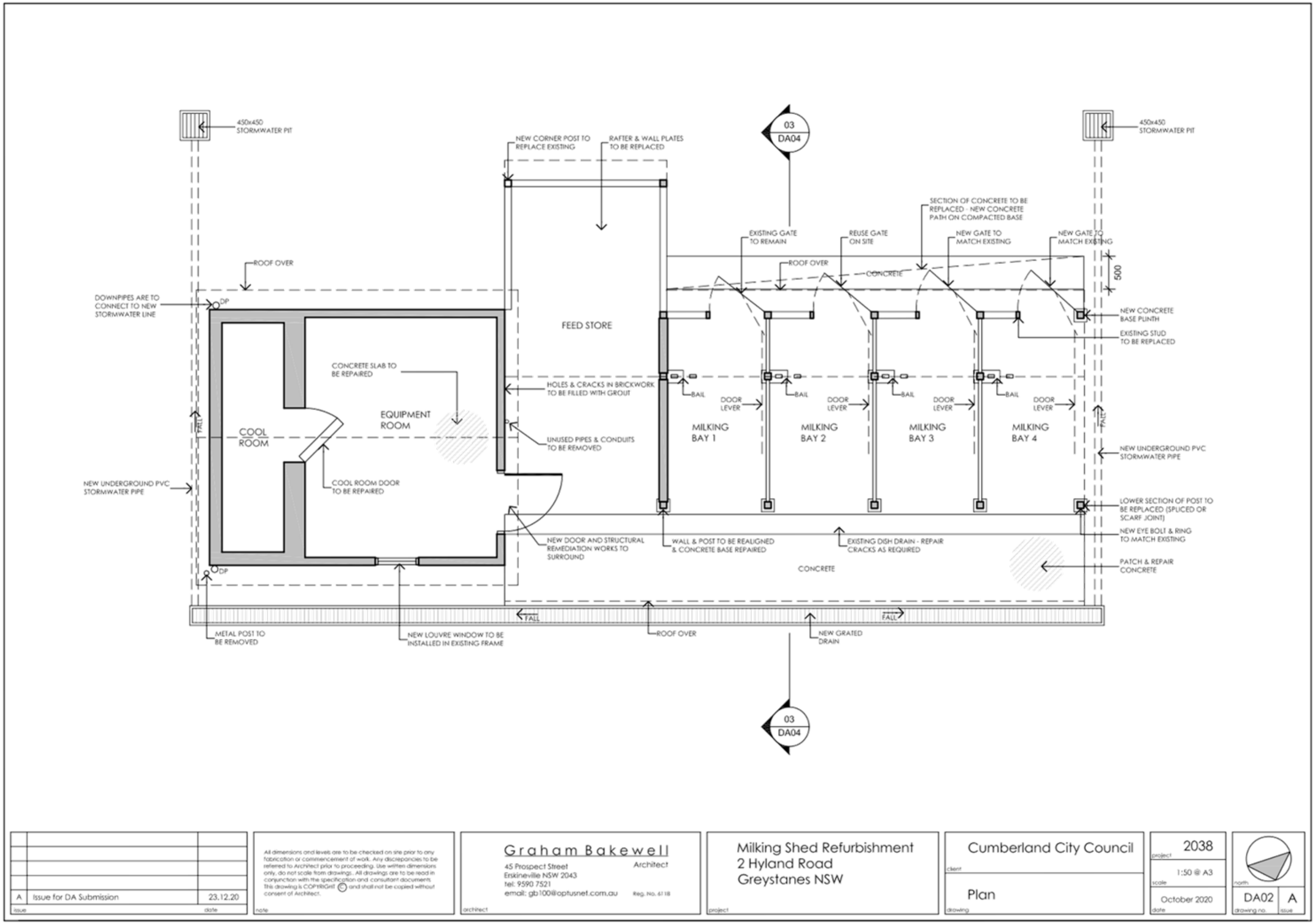
Cumberland City Council

client

Notification Plan

drawing

project	2038
scale	NTS
date	December 2020
north	
drawing no.	N01
issue	A



A	Issue for DA Submission	23.12.20
issue		date

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project

Cumberland City Council

client

Plan

drawing

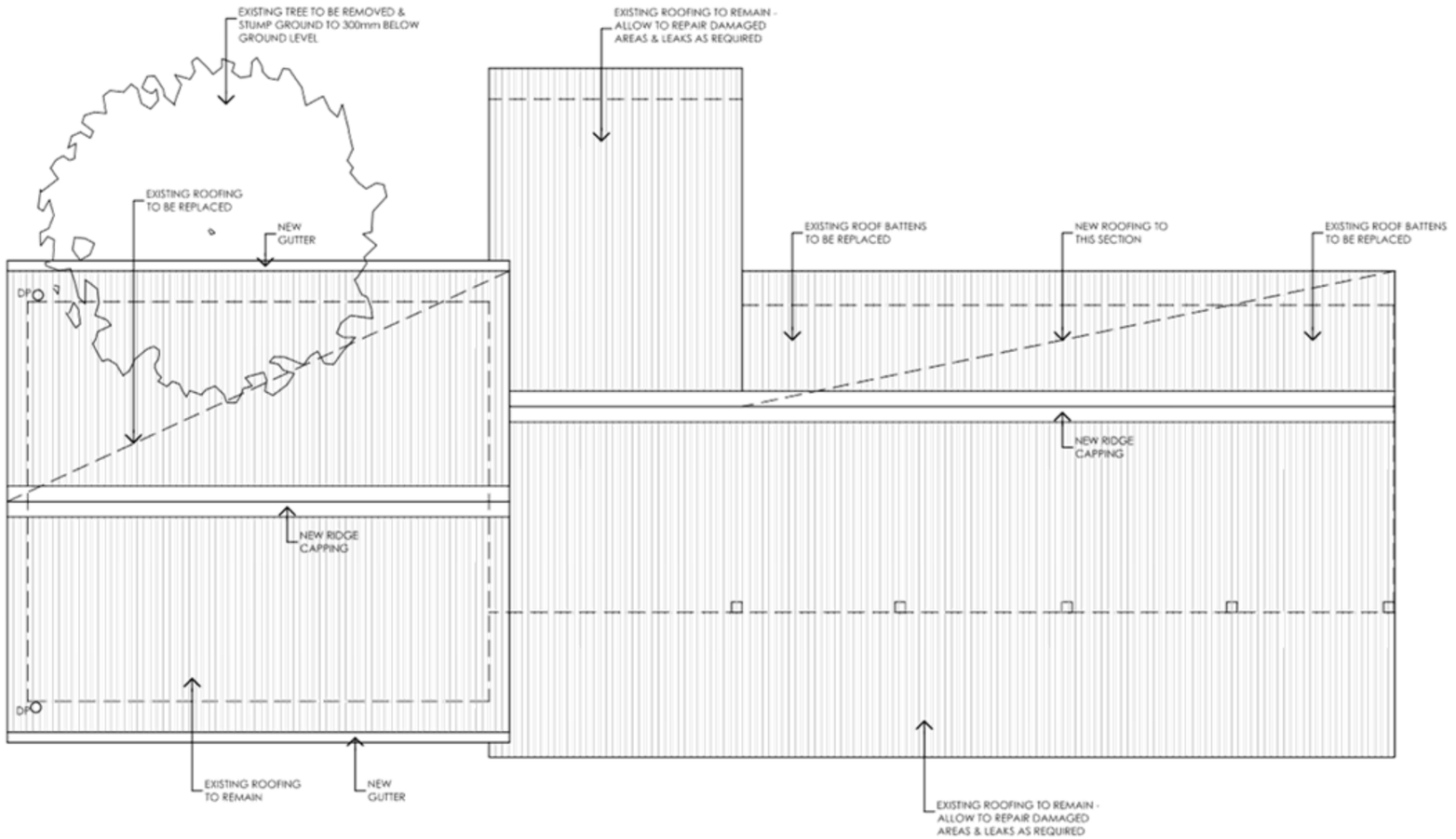
2038
project

1:50 @ A3
scale

October 2020
date

north

DA02 | A
drawing no. | issue



GENERAL NOTES:

1. RESECURE & REALIGN EXISTING ROOF SHEETING THAT IS TO REMAIN
2. REPAIR & SECURE ROOF BATTENS TO REMAIN & REPLACE SECTIONS OF ROOF BATTENS THAT ARE MISSING
3. INSTALL NEW ROOFING (FIELDERS S-RIB CORRUGATED SHEET PROFILE 0.42BMT ZINCALUME FINISH) ZINCALUME TO REAR ROOF SECTIONS AS NOTED
4. INSTALL THREE NEW RAFTERS ABOVE MILKING BAY 4 & STRENGTHEN SPLIT IN RAFTER ABOVE MILKING BAY 3/4 WALL
5. INSTALL NEW ZINCALUME RIDGE CAPPING TO ROOF RIDGES
6. REPLACE CORRODED ROOF SHEETS
7. FILL OLD NAIL HOLES IN ROOF SHEETING WITH CLEAR SILICONE SEALANT - ENTIRE ROOF AREA TO BE WATER PROOF
8. REMOVE EXISTING GUTTERS AND REPLACE WITH FIELDERS 115 QUAD GUTTER AND 100 DIA. DOWNPIPES - ALL ZINCALUME FINISH
9. INSTALL ZINCALUME ROLLED FLASHINGS TO ALL ROOF BARGE BOARDS
10. SECTION OF BARGE BOARD AT ROOF END OVER MILKING BAY 4 IS TO BE REPLACED
11. REPLACE ALL ROOF FLASHINGS
12. REPLACE THE TOP PLATE IN SOUTH WALL OF THE MILKING BAYS
13. REPAIR & REPLACE BOTTOM SECTION OF MILKING BAY 4 CORNER POSTS - SPLICE IF POSSIBLE - & INSTALL CONCRETE BASE TO MATCH EXISTING FOR SOUTH WEST CORNER POST
14. INSTALL NEW EXIT DOORS FOR MILKING BAYS 2, 3 & 4 - REUSE DOOR ON SITE FOR BAY 2
15. REPLACE TIMBER STUD AT EASTERN SIDE OF MILKING BAY 4 EXIT DOOR
16. DEMOLISH & REPLACE CONCRETE DWARF WALLS ALONG SOUTHERN SIDE OF MILKING BAYS & FEED STORE
17. INSTALL NEW CORNER POST AT SOUTH EASTERN CORNER OF FEED STORE
18. REPLACE WALL PLATES & RAFTER IN FEED STORE
19. REALIGN WALL & POST & REPAIR CONCRETE BASE AT EASTERN CORNER OF MILKING BAY 1
20. EQUIPMENT ROOM DOOR - REMOVE CRACKED BRICKWORK ABOVE & NEAR DOOR. INSTALL 100x75 HARDWOOD LINTEL & REBUILD BRICKWORK ABOVE DOOR WITH BRICK-TOR IN FIRST 3 COURSES ABOVE LINTEL. REALIGN WALL TO SUPPORT ROOF BEAM ABOVE FEED STORE. INSTALL NEW DOOR & PART OF FRAME - DOOR IS TO MATCH MILKING BAY EXIT DOORS.
21. REPLACE DAMAGED TERRACOTTA WALL VENTS INCLUDING MESH (x5)
22. INSTALL NEW GLASS LOUVRED WINDOW TO EQUIPMENT ROOM - NEW TIMBER FRAME & SILL
23. STITCH CRACKS IN NORTHERN CORNER FACADE (HIGH LEVEL) OF EQUIPMENT ROOM WITH 6mm HELIFIX CEMTIES INSTALLED IN EVERY SECOND COURSE
24. REPAIR BAILS TO WORKING ORDER - REPLACE EXISTING TIMBER WHERE NECESSARY
25. REPAIR COW EXIT DOOR LEVERS TO BAYS 1 & 4. INSTALL NEW LEVERS TO MATCH IN BAYS 2 & 3.
26. INSTALL NEW METAL EYE BOLT & RING TO BASE OF NORTHERN CORNER POST - TO MATCH EXISTING (REMOVE RUST FROM EXISTING & PAINT)
27. REPAIR ALL CONCRETE BASE PLINTHS AND BASE OF POSTS AS REQUIRED
28. INSTALL 300X350 GALVANISED STEEL GRATED DRAIN ALONG NORTHERN EDGE OF CONCRETE SLAB - FALL TO EAST & WEST
29. REMOVE ALL UNUSED CONDUITS & WATER PIPES
30. INTERNAL WALLS & CEILINGS OF COOL ROOM & EQUIPMENT ROOM ARE TO BE PATCHED & PAINTED
31. REPAIR COOL ROOM DOOR (ADD MISSING ARCHITRAVE ON RIGHT HAND SIDE TO MATCH EXISTING, SAND ALL TIMBER WORK) & INSTALL BARREL BOLT
32. REMOVE REMNANT PAINT FROM EXISTING TIMBER TO REMAIN. SAND TO PREPARE FOR FINISH. FINISH ALL EXISTING & NEW TIMBER WITH HAYMES WOODCARE UVEX FINISH (IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS).
33. EQUIPMENT & COOL ROOM WALLS ARE TO BE PAINTED - HAYMES ELITE INTERIOR LOW SHEEN (EILSW) - WHITE. NO FINISH TO CEILINGS
34. REPAIR CONCRETE BASE PLINTHS IN MILKING AREA AS REQUIRED

issue		date
A	Issue for DA Submission	23.12.20

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Milking Shed Refurbishment
2 Hyland Road
Greystanes NSW

Cumberland City Council

Roof Plan & General Notes

2038 (project)
1:50 @ A3 (scale)
October 2020 (date)
DA01 (drawing no.) A (issue)

DOCUMENTS ASSOCIATED WITH REPORT LPP017/21

Attachment 3

Heritage Impact Statement

CITY PLAN

City Plan Heritage P/L
ABN 46 103 185 413

22 December 2020

Our Ref: H20-111

The General Manager
Cumberland City Council
PO Box 42
MERRYLANDS NSW 2160

Dear Sir/Madam,

HERITAGE IMPACT STATEMENT - FORMER MILKING SHED REFURBISHMENT
2 HYLAND ROAD, GREYSTANES

Following our inspection of the affected structure and perusal of the drawings prepared by Graham Bakewell Architect, we write in support of heritage aspects of the proposed repair works and set out our comments on the potential heritage impacts of the works for your consideration.

In 2019 Cumberland Council leased the subject site to the Cumberland West Men's Shed Inc, a registered charity. The Cumberland City Council intend to stabilise and repair the former Milking Shed to provide additional workshop and storage areas for the Men's Shed group.

HERITAGE SIGNIFICANCE

The former Milking Shed is encompassed within the boundary of the 'House and farm buildings' located at Hyland Road, Greystanes which is included as heritage item No. I27 on Schedule 5 attached to Holroyd Local Environmental Plan 2013. The subject site is located within the 50 acres of land granted to Thomas Hyland by Governor Lachlan Macquarie (NSW Gov Gazette, 16 April 1834, p.218), and remained in the ownership of the Hyland family until c1940. The site was used as a dairy farm until the second half of the twentieth century. The Milking Shed appears to date from 1938 and is consistent with the description of dairy buildings approved by Holroyd Council for J McMahon of Widemere Dairy, Hylands Lane. (*The Broadcaster*, 'Building in Holroyd', 1 September 1938, p3).

The works are limited to the former Milking Shed structure and would not affect other buildings located on the site.

CURRENT SITUATION

The former Milking Shed is currently in poor condition and requires immediate repair to prevent further deterioration of the structure. Inspection of the brick and timber structure confirmed the following issues:

Level 6, 120 Sussex St, Sydney NSW 2000
P +61 2 8270 3500
CITYPLAN.COM.AU
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a) Lack of adequate drainage in the immediate area of the former Milking Shed. The site is subject to flooding and a section of soil has been eroded resulting in subsidence of part of the foundation wall and cracking of the concrete floor slab.
b) Deterioration and loss of structural integrity of timber structure caused by water ingress, including roof structure, internal posts, door frame, lintels.
c) Loss of building fabric including timber doors and metal roof sheeting.
d) Asbestos has been identified in the existing ceiling finish.
e) Tree roots are causing cracking in a section of the brick foundation wall.

ASSESSMENT OF POTENTIAL HERITAGE IMPACTS

The works are limited to the repair of the former Milking Shed and associate works and are shown on the drawings prepared by Graham Bakewell Architect, and included in Attachment A of the report. We summarise the proposed works and our comments on potential heritage impacts in the table below.

PROPOSED WORKS	ASSESSMENT OF HERITAGE IMPACT
Roof	
Secure existing metal sheeting over the Feed Store and the Milking Bays. Install new roofing (Fielder 5-Rib corrugated sheet profile with zincalume finish). Replace all ridge capping, gutter, downpipes and flashings. Repair damaged sheet metal roofing. Replace missing or deteriorated sheet metal roofing to match existing. Repair or replace section of timber bargeboard and replace rolled flashings. Replace missing or deteriorated roof battens to match the dimensions of the existing battens. Replace install 3no new rafters above Milking Bay 4 and strengthen split rafter above Milking Bay 3 and 4.	Overall positive heritage impact. The works are essentially for repair and maintenance to existing building fabric that has been damaged and at the end of its life expectancy, and where necessary replace deteriorated or missing fabric to match existing. The works will minimise water ingress into the structure to protect surviving significant fabric. Replacement battens are to match the existing battens and will retain the layout pattern. Replacement fabric will match the existing details or will be based on physical and documentary evidence of the original Milking Shed to retain the original architectural character of the structure.
Structure	
Replace top plate in south wall of the Milking Bays.	Negligible heritage impact. The works are necessary to ensure the structural adequacy of the

PROPOSED WORKS	ASSESSMENT OF HERITAGE IMPACT
Splice repair lower section of corner posts of Milking Bay 4 and provide new concrete base for SW corner post. Replace 1no. timber stud adjacent Bay 4 Exit door; replace exit doors to Bays 3 and 4, reuse gate on site for Bay 2 and retain gate on Bay 1. Replace wall plates, rafter and SE corner post of Feed Store. Remove cracked brickwork and rebuild above and near door to equipment room. Install hardwood lintel above door. Re-align wall to support roof beam above the feed store. Repair concrete base at E corner of Milking Bay 1. Remove/replace damaged sections of concrete dwarf walls on south elevation. Stitch cracks in north elevation using 'Helifix' system to engineer's detail.	former Milking Shed is maintained and further deterioration is halted. The works have been carefully considered by the undersigned and the Architect during the site inspection in order to minimise the removal of significant building fabric or components and to assist in the structural integrity of the former Milking Shed. This includes the removal repair and reuse of existing fabric where possible and replacement like for like where not possible as with repair works to the entryway and associated western wall to the equipment room. Where possible new sections of timber will be spliced into position to enable the retention of original or early building components. However, some of the timber elements or concrete elements are damaged and worn to a degree that their salvage and retention cannot be considered. Therefore, their replacement is necessary for the structure to protection of the remainder of the elements and fabric that is in reasonable condition. This approach is common heritage practice in similar considerably damaged timber sheds and is acceptable from a heritage perspective.
Other	
Replace damaged terracotta wall vents Replace deteriorated timber window frame and install new glass louvred window sash. Replace missing or damaged hardware and door furniture to match existing. Install grated drain along northern edge of concrete slab with fall to underground PVC stormwater pipes on east and west elevations, terminating at two stormwater pits on the southern elevation. Remove redundant conduits and pipes. Prepare walls and ceiling surfaces in 'Equipment Room' and 'Cool Room' and repaint with Haymes 'Elite Interior Low Sheen'.	Negligible to positive heritage impact. The works would not alter the general appearance of the Shed or its presentation as part of the dairy group. The installation of a louvred windows into the north elevation will not require a change to the dimensions of the existing window frame. The louvred window will provide ventilation in the Equipment Room to maintain air circulation in the eastern section of the building while also allowing daylight into a dark space. The installation of a grated drain to the northern elevation will be recognisable as an introduced element, and although not consistent with the original vernacular character of the Milking Shed will assist in the longer-term management of drainage around the Shed where issues associated

PROPOSED WORKS	ASSESSMENT OF HERITAGE IMPACT
Repair 'Cool Room' door and install barrel bolt.	with drainage have been creating damage to the foundation of the Shed. The existing concrete drain is not effective in keeping the water away from the structure hence decision was made to install a grated drain connected to new underground PVC pipes on the east and western elevation of the concrete slab (to be repaired and made good as a part of the current works), leading to two stormwater pits south of the structure. Removal of redundant pipes and conduits is a positive aspect of the proposed repair works as the fabric associated with the redundant elements will be made good and will no longer be affected by rust or unsympathetic/untidy appearance. Similarly, undertaking repainting works to match existing finishes and colour schemes or the introduction of new but appropriate paint internally where matching is not possible are considered essential and are positive from a heritage perspective.
Setting	
Removal of a tree located to the south of the Equipment Room/Cool Room.	Positive heritage impact. The tree proposed for removal appears to be self-sown and was not part of the original setting of the of Milking Shed or diary generally. The removal of the tree will prevent further damage to the Milking Shed structure and will enable access for repair of the Milking Shed structure.

CONCLUSION AND RECOMMENDATIONS

Based on the site observations and above assessment, we are of the opinion that the repair works are required to minimise the further loss and deterioration of the surviving building fabric. In general, the proposed works would have a positive impact on the Milking Shed and its presentation as part of the heritage listed group of 'House and Farm Buildings'.

We further recommend that the works are to be overseen by a suitably qualified heritage professional with experience in built heritage conservation to ensure the works are carried out in line with heritage best practice and to provide heritage advice during the works where unexpected detailing and exposure of building element occurs. This will ensure any unknown building element that may reveal further deterioration

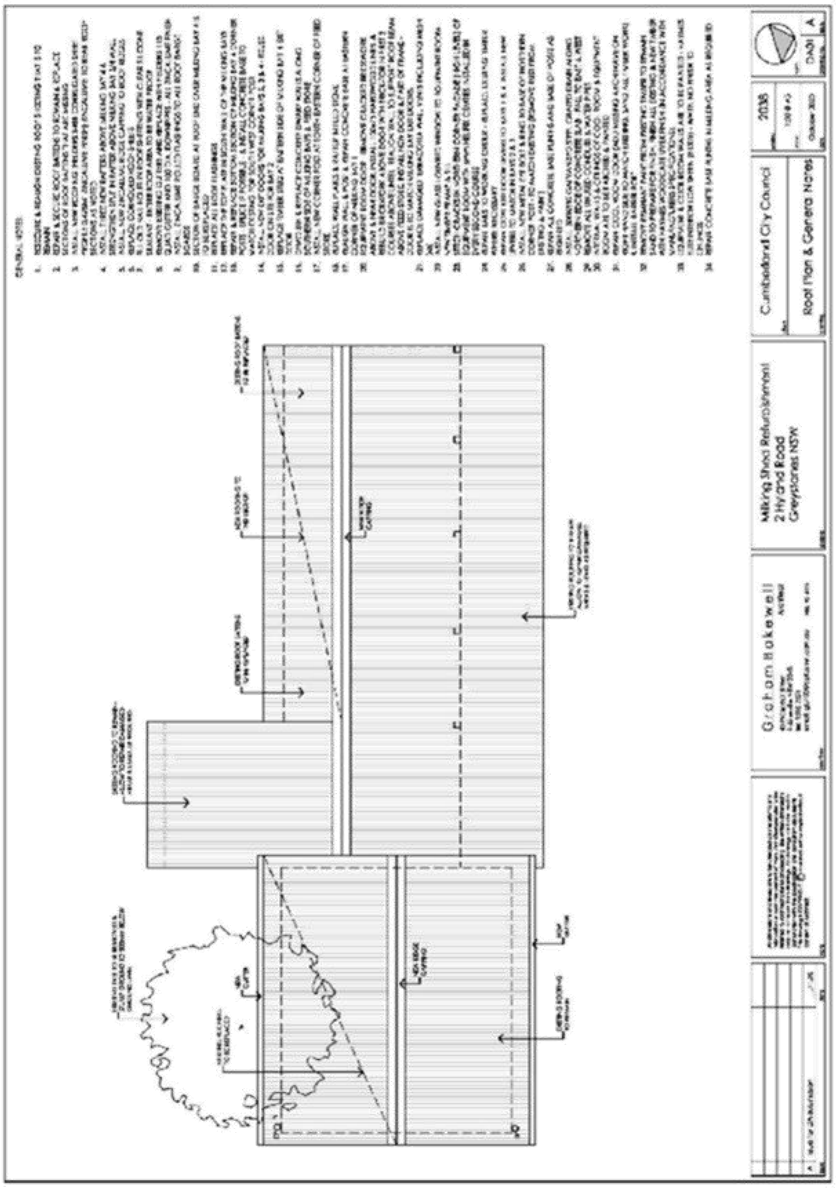
during the works would be guided by adequate advice and appropriate method of conservation is implemented. It is also recommended that the appointed heritage professional also to undertake ongoing archival photography prior and during the works to document the construction phase for future reference and research purposes. The appointed heritage professional is to submit a statement on completion of works and include all photography as part of the statement together with any unexpected finds and additional methods applied during the works as a record of the works and heritage approach.

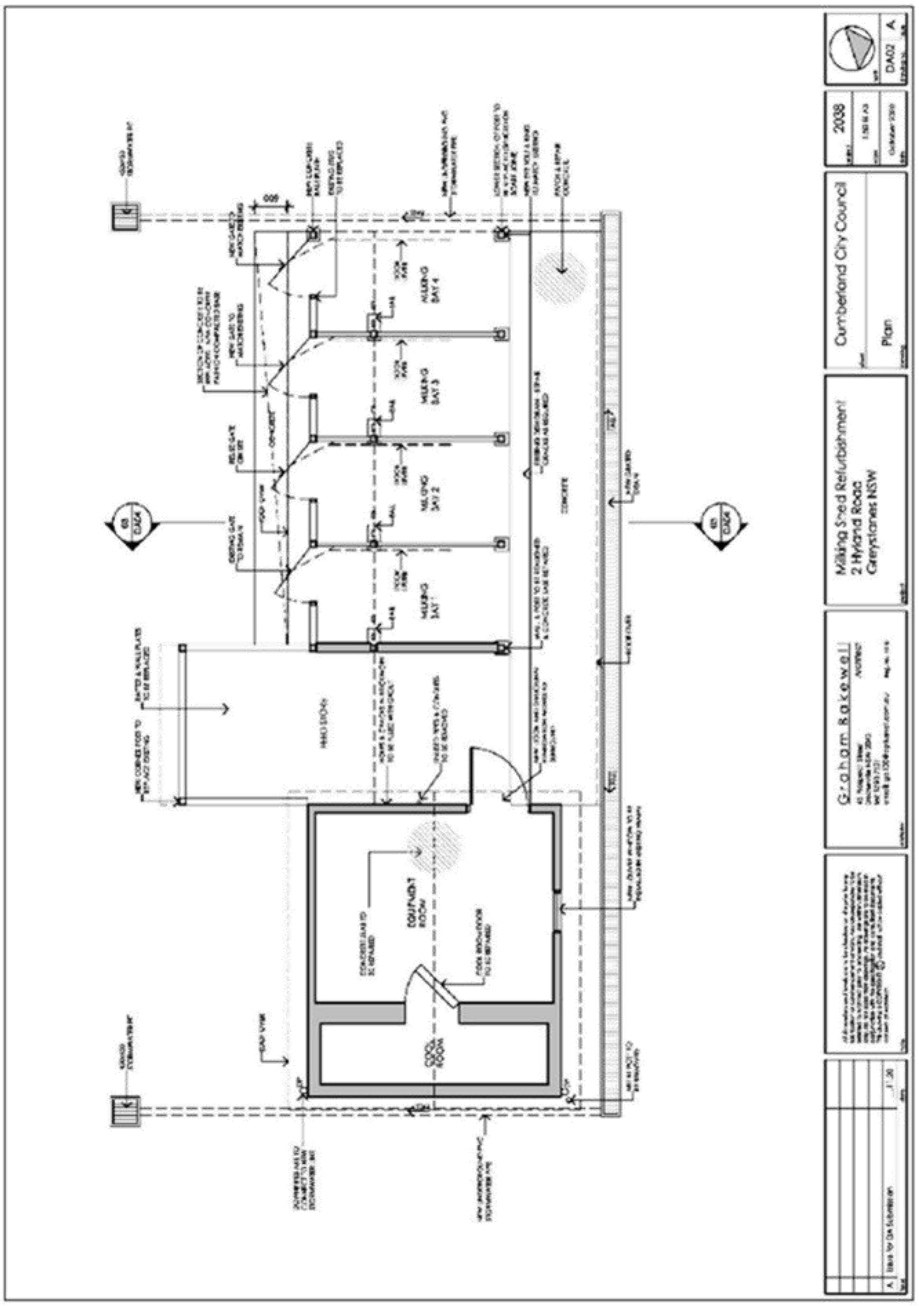
We trust the above brief heritage impact assessment will assist the Council in its own assessment of the proposed repair works. Should you wish to discuss this matter further, please do not hesitate to contact the undersigned on 8270 3500, or at kerimed@cityplan.com.au. Supporting images of the site and proposed works have been provided as attachments to this letter.

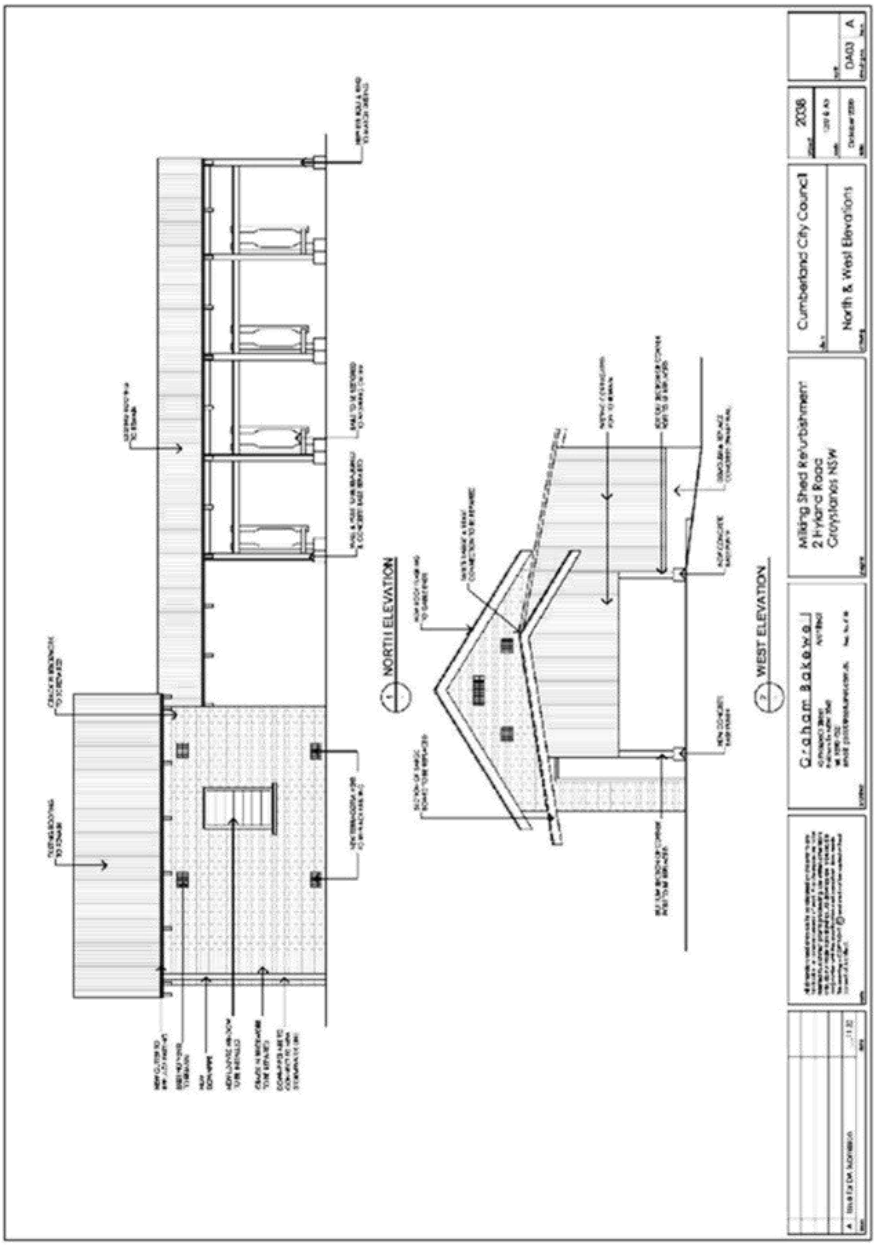
Yours sincerely,

Kerime Danis
Director - Heritage

ATTACHMENT A
ARCHITECTURAL DRAWINGS PREPARED BY GRAHAM BAKEWELL ARCHITECT




Cumberland City Council
Plan
Milking Shed Refurbishment
2 Hyland Road
Greystanes NSW
Graham Rakewell
2038
DA02
A


NORTH ELEVATION
WEST ELEVATION
Cumberland City Council
North & West Elevations
Milking Shed Refurbishment
2 Hyland Road
Greystanes NSW
Graham Bakewell
2038
DA03
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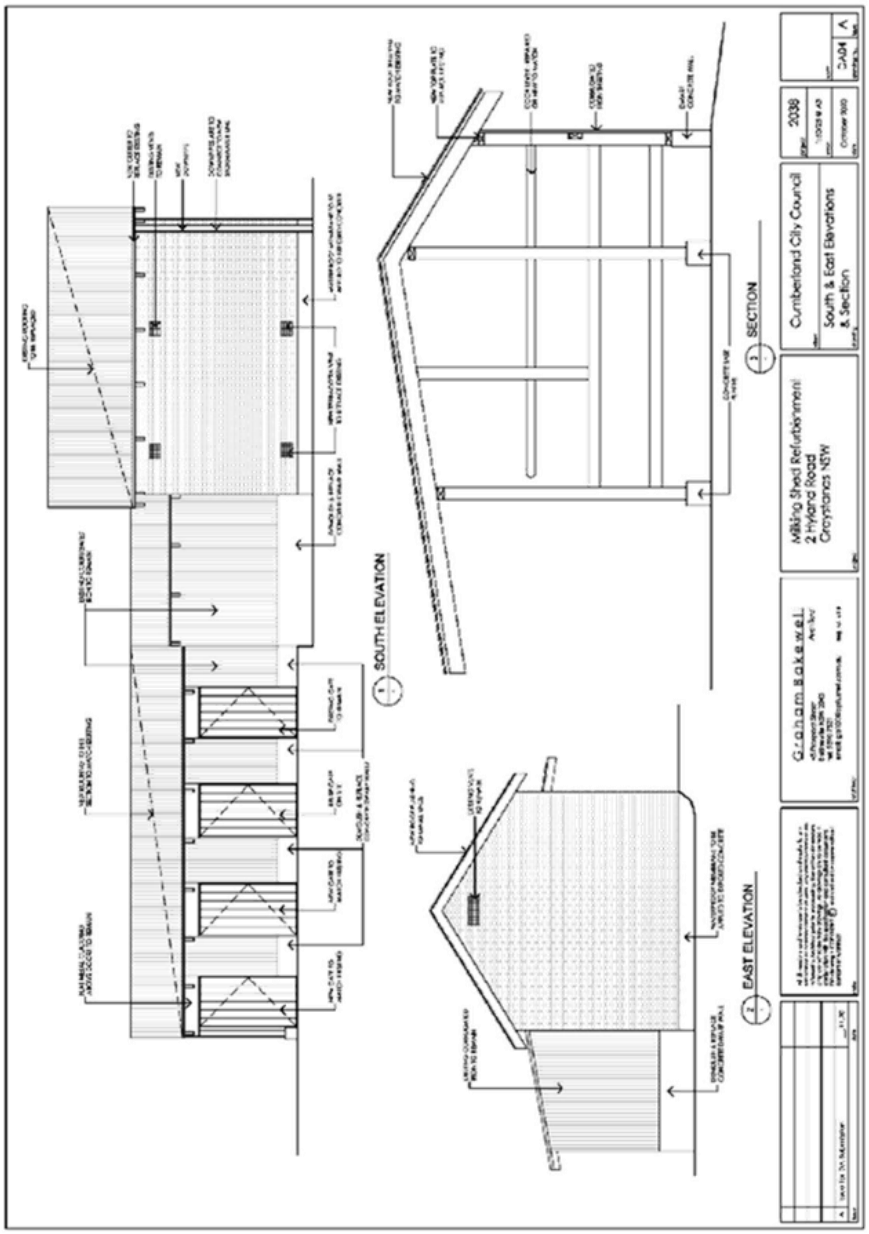
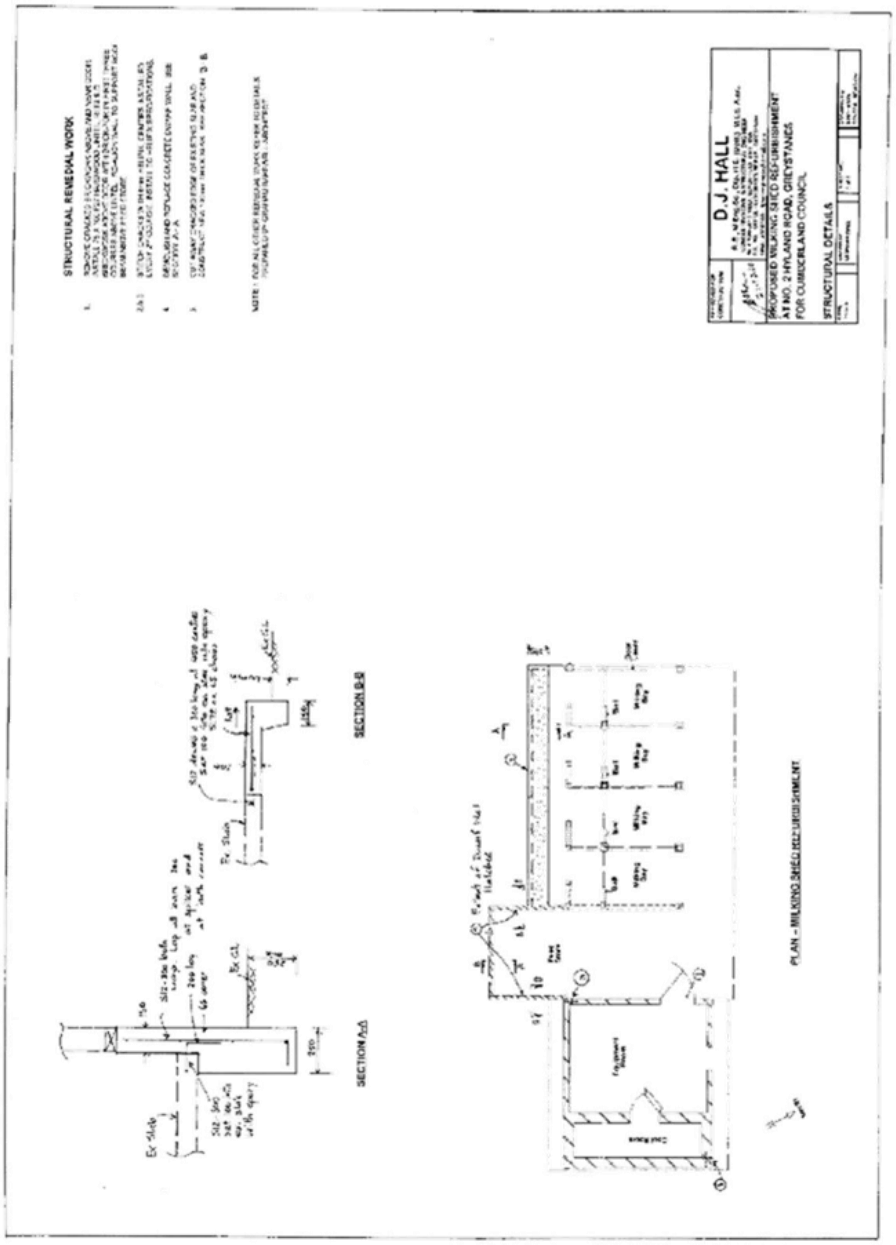

SOUTH ELEVATION
SECTION
EAST ELEVATION
Cumberland City Council
South & East Elevations & Section
Milking Shed Refurbishment
2 Hyland Road
Greystanes NSW
2038
DA04

ATTACHMENT B
STRUCTURAL REMEDIATION DETAILS PREPARED BY D.J. HALL



ATTACHMENT C – MISCELLANEOUS PHOTOGRAPHS TAKEN 12 OCTOBER 2020

Figure 1. North elevation of the former Milking Shed.

Figure 2. Detail of north elevation of the Equipment Room showing the location of the proposed louvre window in an existing window opening.

Figure 3. Detail of cracked brickwork to be repaired as part of this application.

Figure 4. General view of the Milking Bays.

Figure 5. Temporary repair to the NE corner of the Cool Room

Figure 6. Door opening between the Equipment Room and Feed Store to be reconstructed.

Figure 7. South elevation of the Milking Bays, looking eastwards to the Feed Store.

Figure 8. View of the south elevation of the Cool Room and Equipment Room, looking westwards to the Feed Store and showing the tree to be removed as part of this application.

Figure 9. General view of the interior of the Feed Store, looking south.

Figure 10. Detail of the interior of the Feed Store showing the condition of part of the concrete footing and dwarf wall.

HISTORIC IMAGES OF THE SHED (ON THE RIGHT OF THE IMAGE) AND ADJACENT SHEDS PRIOR TO THEIR DEMOLITION. DATE OF THE PHOTOGRAPHS PROVIDED BY THE COUNCIL'S PROJECT ENGINEER IS UNKNOWN.

DOCUMENTS ASSOCIATED WITH REPORT LPP017/21

Attachment 4

Heritage Council of NSW Advice

NSW GOVERNMENT

Our File No: EF21/3306
Our Ref: DOC21/102115
Your ref: DA2021/0022

Ms Elma Sukurma
Cumberland City Council
PO Box 42
Merrylands NSW 2160
Email: Elma.Sukurma@cumberland.nsw.gov.au

Dear Ms Sukurma,

DEVELOPMENT APPLICATION REFERRAL House and Farm Buildings, 2 Hyland Road Greystanes, Cumberland City LGA, (DA2021/022)

I refer to your letter received by Heritage NSW, Department of Premier and Cabinet on 17 February 2021 referring the above-named development application for comment under the terms of the Holroyd LEP, 2013. This development is for the reconstruction of a former Milking Shed to be used as a storage area for the local Men's Shed group. This development is being referred as the works are located within archaeological site A1 'Former Farm, Hyland Road Inn and former post office'. The works are also located within the heritage item 'House and Farm buildings' Item I27 on the Holroyd LEP.

The proposed works involve the repair and reconstruction of the Milking Shed a 1930s concrete and brick building adjacent to Hyland Road. Works will include replacement of beams, bricks and footings as well as roof repairs and silt fencing.

The documents assessed in this review include:

- HERITAGE IMPACT STATEMENT - FORMER MILKING SHED REFURBISHMENT 2 HYLAND ROAD, GREYSTANES, prepared by Cityplan Heritage, dated 22 December 2020.
- Statement of Environmental Effects, Milking Shed, 2 Hylands Road Greystanes, prepared by Graham Bakewell, dated October 2020.
- Drawings prepared by Graham Bakewell, dated 23 December 2020.

It is noted that none of the documentation presented with the application identifies that this site is also an archaeological site, instead focused only on its listing as a local heritage item. As such, no archaeological investigation has occurred as part of the application.

Based on the historical information provided the likelihood of finding archaeological relics is low due to the twentieth century age of the building when rubbish disposal was well established. It is recommended that Council includes the following Condition on the DA:

Level 6, 10 Valentine Ave Parramatta NSW 2150 ■ Locked Bag 5020 Parramatta NSW 2124
P: 02 9873 8500 ■ E: heritagemailbox@environment.nsw.gov.au

Unexpected Finds:

1. The Applicant must ensure that if any unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified as required by s146 of the *Heritage Act 1977*. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: Relics have statutory protection under s146 of the Heritage Act 1977. The Applicant must obtain an approval under s141 of the Heritage Act 1977 prior to any harm occuring to relics.

If you have any questions regarding the above matter please contact Rebecca Newell, Senior Historical Archaeology Officer, at Heritage NSW, Department of Premier and Cabinet by email at Rebecca.Newell@environment.nsw.gov.au.

Yours sincerely

11 March 2021

Dr Siobhan Lavelle OAM
Senior Team Leader, Specialist Services
Heritage NSW, Community Engagement
Department of Premier and Cabinet

AS DELEGATE OF THE HERITAGE COUNCIL OF NSW

Level 6, 10 Valentine Ave Parramatta NSW 2150 ■ Locked Bag 5020 Parramatta NSW 2124
P: 02 9873 8500 ■ E: heritagemailbox@environment.nsw.gov.au

DOCUMENTS ASSOCIATED WITH REPORT LPP017/21

Attachment 5

Appendix A - Holroyd Local Environmental Plan 2013

APPENDIX A

Holroyd Local Environmental Plan 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 Permitted or prohibited development					
	Zone RE1 Public Recreation • To enable land to be used for public open space or recreational purposes. • To provide a range of recreational settings and activities and compatible land uses. • To protect and enhance the natural environment for recreational purposes.	The proposal meets the objectives of the zone by further enhancing the land to be used for recreational purposes.	☒	☐	☐
	Permissible Uses/Development	The alterations and repair works to the existing heritage building are permitted with consent.	☒	☐	☐
2.7	**Demolition requires consent**	No demolition is sought as part of this application.	☐	☐	☒
Part 4 Principal development standards					
4.3	**Height of Buildings**	N/A - no change to height	☐	☐	☒
4.4	**Floor Space Ratio**	N/A - no change to floor space	☐	☐	☒
4.6	**Exceptions to development standards**	N/A – no exceptions to development standards sought	☐	☐	☒
Part 5 Miscellaneous provisions					
5.9	**Preservation of Trees or Vegetation**	The application is seeking approval for the removal of 1 x 'Wild Olive' Tree. Council's Landscaping and Tree Management Officer has reviewed the proposal and has raised no objection, subject to conditions which will protect the other existing surround tress on the subject site.	☒	☐	☐
5.10	**Heritage conservation**	The subject site is listed as Heritage Item 127 and Archaeological site No. A1 as a locally significant heritage item under Schedule 5 of Holroyd Local Environmental Plan 2013. The subject heritage item is a 1938 Milking Shed which is encompassed within the site boundaries of the 'House and	☒	☐	☐

Clause	Standard	Comment	Comply?		
			Yes	No	N/A
		farm buildings'. The alteration and repair works proposed are limited to the former Milking Shed structure and would not affect other heritage buildings located on the heritage listed site. The application was accompanied with a Heritage Impact Statement, prepared by City Plan Heritage, dated 22 December 2020. The Heritage Impact Statement has concluded that the alterations and repair works will have a positive impact on the heritage significance of the existing Milking Shed and site, and are required to minimise further loss and deterioration of the surviving building. The Heritage Impact Statement also concluded that a condition be imposed requiring the works to be overseen by a suitably qualified heritage professional with experience in built conservation. The application was referred to the Heritage Council of NSW for comments. The Heritage Council of NSW has raised no objections, subject to the imposition of the following condition: *Unexcepted Finds:* *The applicant must ensure that if any unexcepted archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified as required by s146 of the Heritage Act 1977. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.* Further, the application was also referred to Council's Heritage Committee for comments. Council's Heritage Committee have raised no objections to the proposal.			
Part 6 Additional local provisions					
6.1	**Acid Sulfate Soils**	The site is not affected by potential acid sulfate soils.	☐	☐	☒
6.4/6.7	**Flood planning and Stormwater Management**	The subject site is not affected by local stormwater overflow flooding. The application proposes to repair and replace all existing downpipes and gutters and to construct new stormwater pits.	☒	☐	☐
6.5	**Terrestrial Biodiversity**	The site is not identified as being affected by biodiversity.	☐	☐	☒
6.7	**Riparian land and watercourses**	N/A	☐	☐	☒
6.8	**Salinity**	The site is located on lands identified as being affected by moderate salinity	☒	☐	☐

Clause	Standard	Comment	Comply?		
			Yes	No	N/A
		potential. Appropriate conditions would be imposed to address this issue should consent be granted.			

DOCUMENTS ASSOCIATED WITH REPORT LPP017/21

Attachment 6

Appendix B - Holroyd Development Control Plan 2013

APPENDIX B

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**	No new roads or access points proposed as part of the application, existing re remain.	☐	☐	☒
3	**Car Parking**	No changes to existing parking situation, as existing to remain.	☐	☐	☒
4	**Tree and Landscape Works**	Council's Landscape and Tree Management Officer has assessed the submitted plans and documentation and advised that the proposal is acceptable, subject to conditions.	☒	☐	☐
6	**Soil Management**	No changes no existing soil. No cut or fill or retaining walls proposed as part of the application.	☐	☐	☒
7	**Stormwater Management**	The application proposes to repair and replace all existing downpipes and gutters and to construct new stormwater pits.	☒	☐	☐
11	**Waste Management**	Waste Management Plan submitted and is considered satisfactory.	☒	☐	☐
PART H – HERITAGE AND CONSERVATION					
1	**Development Requirements for Heritage Items**	Development consent has been sought for alterations and repairs to the heritage item. Th application has been accompanied with a Heritage Impact Assessment.	☒	☐	☐
2	**Conservation and Development Works on Heritage items**	The alterations and repair works to the existing Milking Shed are proposing to use the same materials colour schemes to match the exiting finishes. Works will be supervised and overseen by a suitably qualified heritage consultant, ensuring heritage significance is maintained. New roofing materials to be used will match and be sympathetic in style and colour to the appearance of original materials. The removal of the wild olive tree will not cause any disrespect to existing significant gardens and landscaping on the subject site. The alterations and repair works to the existing Milking Shed will not take away from the heritage significance of the site curtilage.	☒	☐	☐
3	**Specific Development Controls for Heritage Conservation Areas**	The alterations and repair works to the existing Milking Shed will ensure the special character of the archaeological conservation area is retained and conserved, whilst the repair works will complement the style of the building and the character of the conservation area.	☒	☐	☐
4	**Specific controls for Development in the Vicinity of Heritage item**	The alterations and repair works to the existing Milking Shed are considered satisfactory.	☒	☐	☐
5	**Conservation Incentives**	N/A	☐	☐	☒

Item No: LPP018/21

DEVELOPMENT APPLICATION FOR 298-302 MERRYLANDS ROAD & 2-2A CAMBRIDGE STREET, MERRYLANDS

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: DA2020/0791

Application lodged	17 December 2020
Applicant	Mr A Calhoun
Owner	Mr A Calhoun
Application No.	DA2020/0791
Description of Land	298-302 Merrylands Road & 2-2A Cambridge Street, Merrylands, NSW 2160, Lot 7 Sec 2 DP 602, Lot C DP 397906, Lot A DP 397906, Lot B DP 397906
Proposed Development	Demolition of existing structures and construction of a 6 (six) storey mixed use development comprising 42 (forty-two) residential units and 6 (six) commercial tenancies over basement car parking.
Site Area	2074.1 sqm
Zoning	B6 – Enterprise Corridor
Disclosure of political donations and gifts	Nil disclosure
Heritage	Subject site is not within the vicinity of any heritage item or heritage conservation area
Principal Development Standards	FSR Permissible: 2:1 Proposed: 1.94:1 (4016.30sqm) Height of Building Permissible: 17m Proposed: 20m (17.6% variation)
Issues	ADG non-compliance - Solar day light access - Floor to ceiling height - Habitable room depth - Setbacks LEP non-compliance: - Height of Building DCP non-compliances - Sunlight access - Floor to ceiling height & height in storeys - Front setbacks - Street wall height - Balcony size 4 submissions received

SUMMARY:

1. Development Application No. DA2020/0791 was received on 17 December 2020 for the demolition of existing structures and construction of a 6 storey mixed use development comprising 42 residential units and 6 commercial tenancies over basement car parking.

2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 21 days between 15 January 2021 and 5 February 2021. In response, 4 submissions were received.

3. The variations are as follows:

Control	Required	Provided	% variation
Floor to ceiling height – first floor Section 4C-1 of SEPP 65	3.3m	2.7m	18%
Maximum habitable room depth for open plan layout Section 4D-2 of SEPP 65	8m	9m	12.5%
Height of Building Clause 4.3 of HLEP 2013	17m	20m	17.6%
Building Height Section 1.3 of HDCP 2013	4 storeys	6 storeys	50%

4. The application is recommended for deferred commencement approval subject to the conditions as provided in the attached schedule.

5. The application is being reported to the Cumberland Local Planning Panel (CLPP) for determination as it is a development with more than 4 storeys to which the State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development applies.

REPORT:

Subject Site and Surrounding Area

The subject site is known as 298-302 Merrylands Road, 2, & 2A Cambridge Street Merrylands and is legally described as lots A, B & C in DP 397906, and lot 7, section 2 in DP 602. The amalgamated site will be an irregular 'L' shaped corner lot, located at the intersection of Merrylands Road and Cambridge Street at the south eastern corner. The site accommodates area of 2074.1 sqm, with a frontage of 27.43m to Merrylands Road and 57.91m to Cambridge Street.

The site currently contains four single storey dwellings and associated outbuildings. The existing structures on site are to be demolished as part of the proposal. There are no significant trees within the subject site affected by the proposal.

Surrounding land use is predominantly mixed, consisting of various 2-3 storey walk ups apartments, retail/business uses and place of public worship. The site adjoins a 2-3 storey apartments to the south and east side. A six-storey mixed use building is located at 306 Merrylands Road on the opposite side of Cambridge Street. The locality is undergoing transition to higher density developments in line with the planning controls that currently apply.

The site is zoned B6 – Enterprise Corridor, as are neighbouring sites to the north, east and west. The land to the south is zoned R4 – High Density Residential. The site is neither listed as a heritage item nor is located within a Heritage Conservation Area.

Photos of the site and surrounds are provided below:

Figure 1 – Locality plan of subject site.

Figure 2 – Aerial view of subject site and surrounding area.

Figure 3 – Subject sites as viewed along Merrylands Road.

Figure 4 – Subject sites as viewed along Cambridge Street.

Figure 5 – Existing neighbouring developments to the east of subject site, as viewed from Merrylands Road.

Figure 6 – Existing mixed use development to the west of subject site, at 306 Merrylands Road.

Figure 7 – Existing three storey residential development to the south of subject site, as viewed to the east from Cambridge Street.

Figure 8: Photomontage of the proposed development (Source: IDRAFT Plans).

Figure 9: Photomontage of the proposed development and its relationship with existing mixed use building at 306 Merrylands Road (Source: IDRAFT Plans).

Description of the Proposed Development

Council has received a development application for demolition of existing structures and construction of a six (6) storey mixed use development comprising of 42 residential units and 6 commercial tenancies over basement car parking. Detailed breakdown of the proposed development is provided below:

Amalgamation of the following allotments:

- Lot 7 SP 2 DP602– 2 Cambridge Street, Merrylands
- Lot C in DP 397906 – 2A Cambridge Street, Merrylands
- Lot B in DP 397906 – 298 Merrylands Road, Merrylands
- Lot A in DP 397906 – 302 Merrylands Road, Merrylands

Basement levels 2:

- 36 residential car spaces including 7 accessible car parking spaces;
- 1 car wash bay;
- 22 bicycle spaces; and
- Storage spaces.

Basement levels 1:

- 7 residential car parking spaces;
- 19 commercial parking spaces;
- 8 visitors parking spaces; and
- 8 bicycle spaces.

Ground floor

- 6 commercial tenancies, accessed off Merrylands Road and Cambridge Street;
- 1 loading bay and waste room to the rear of the commercial tenancies;
- 5 commercial visitor's parking spaces;
- 338 sqm of communal open space, provided to the south east side; and
- 2 access lobbies for the residential units above, off Cambridge Street.

Levels 1 to 4

- 29 x 2 bedroom units;
- 5 x 1 bedroom accessible units; and
- 4 x 3 bedroom unit.

Level 5

- 2 x 2 bedroom units
- 1 x 1 bedroom unit;
- 1 x 3 bedroom units; and
- 237sqm of roof top communal open space with a provision of two WCs and a barbeque area.

The dwelling mix of the proposal is as follows:

- 6 x 1 bed (14.2%)
- 31 x 2 bed (73.8%)
- 5 x 3 bed (11.9%)

Proposed Offer and Voluntary Planning Agreement

Following legal advice for road widening (1.5m wide along Cambridge Street) required by the HDCP 2013, an offer to prepare a Voluntary Planning Agreement in exchange for an increase in height to 20m, which equates to 4 additional units and a sixth storey, was made to Council.

The proposed Offer includes:

- Design and construction of the road widening by the developer.
- Subdivision and dedication of land subject to road widening to Council (approximately 97sqm).

The Offer was presented to Council in April 2021 and supported in-principle. As part of the application, a condition will be imposed for the preparation and finalisation of a Voluntary Planning Agreement in accordance with the proposed Offer.

History

The subject land parcel has previously had five (5) applications associated with it, broadly under DA2014/531 and associated modifications. However, the development was not able to be commenced and as a result the consent lapsed on 12 January 2020.

DA2014/531/1 – on 8 October 2015, a development application was refused for the consolidation of 4 lots into 1 lot; demolition of existing structures; construction of a 5 storey shop top housing development comprising 40 residential units; 6 ground floor commercial premises and at-grade parking plus basement parking.

REV2014/531/1 – Section 82A Review of Council's refusal for the consolidation of 4 lots and construction of a 5 storey shop top housing development comprising 39 residential units; 6 ground floor commercial premises and at-grade parking plus basement parking was approved on 12 January 2016.

M2014/531/2 & M2014/531/3 – subsequent modification applications approved changes to the approved development. The most recent modification application (M2014/531/3) approved additional storey and 3 additional units for the development.

Subject DA History

Date	**Action**
17 December 2020	The subject development application was lodged with Council.
21 December 2020	The subject application was referred to the following internal sections: Development Engineering Waste Management Environmental Health Unit Landscape/ Tree officer
Between 15 January 2021 and 5 February 2021	Application placed on public notification. In response, four submissions were received.
March 2021	Council was approached with an Offer and to prepare a Voluntary Planning Agreement (VPA), which was identified as a way forward following legal advice for the road widening required by the Holroyd DCP 2013.
April 2021	The VPA offer reported to Council. As part of the DA, a condition will be imposed for the preparation, notification and finalisation of a Voluntary Planning Agreement in accordance with the proposed Offer.
12 May 2021	Application referred to CLPP for determination.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects and a Clause 4.6 written statement prepared by Think Planners dated 15 December 2020 to support the proposed exemption of Height of Building standard, contained within the HLEP 2013.

Contact with Relevant Parties

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and Council Officers have 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, subject to the satisfaction of compliance with the critical issues relating to flooding and traffic, the proposal can be made satisfactory.

To confirm that the proposal does not result in any unreasonable impact to the locality and subject development, conditions of consent requiring details/ plans, such as revised flood model and study report and amended stormwater plan, are required to be submitted to and approved by the council prior to issue of a Construction Certificate.

Environmental Health Officer

The development application was referred to Council's Environmental Health Officer for comment who has raised concerns in relation to the outdated acoustic report and outdated contamination report.

In relation to the concerns regarding the acoustic report, a condition requiring an updated acoustic report and recommendations of the updated report to be incorporated within the architectural plans is recommended. The updated plans are recommended to be submitted to and approved by Council prior to the issue of a Construction Certificate.

In relation to the concerns regarding the contamination report, the site is not identified in Council's records as being contaminated. A site inspection revealed that the site does not have any obvious history of a previous land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated. The subject site is currently used for residential purposes and contamination is not expected, as such an updated contamination report was not requested.

Subject to the recommended conditions of consent, the proposed development is considered acceptable.

Tree Management Officer

The development application was referred to Council's Tree Management Officer for comments, who advised that the development proposal particularly, the proposed OSD and storm water layout will require excavation within close proximity to the trees on the adjacent property at 4-6 Cambridge Road.

To confirm that the proposal does not result in any unreasonable impacts to the existing trees located within the neighbouring property, a non-evasive, root mapping of the relevant trees is required. In addition to this, an arborist report is also required to provide an assessment of the Council Street trees (Brush Box) on Merrylands Road.

Subject to the recommended conditions of consent, proposed development is considered acceptable.

Waste Management

The development application was referred to Council's Waste Management Officer for comment, who raised concerns about the suitability of the bin room location for residential purposes. It was discussed that subject to provision of safe access to the bin room for the residents, the proposal can be supported.

External Referrals

Endeavour Energy

The development application was referred to Endeavour Energy for comment who has not raised any objection to the proposed development, however, concerns in relation to flooding and proposed capacity and design of the substation are raised.

In light of the above, a condition of consent has been imposed within the draft conditions of consent, noting no approval is granted or implied for the erection of a substation, and that separate approval from Council is required. Recommended conditions from Endeavour Energy form part of the draft conditions of consent.

NSW Police

The development application was referred to NSW Police for comment who has not raised any objection with the proposed development.

PLANNING COMMENTS

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

State Environmental Planning Policies

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

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

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

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	☒ Yes ☐ No

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

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

SEPP 65 applies to the development as the building is 3 storeys or more and contains more than 4 dwellings. A design statement addressing the design quality principles prescribed by SEPP 65 was prepared by the project architect. Integral to SEPP 65 is the Apartment Design Guide (ADG), which sets benchmarks for the appearance, acceptable impacts and residential amenity of the development.

A design verification statement signed by registered architect Adrian Winton was submitted by the applicant.

Following a detailed assessment of the proposal against the provisions of SEPP 65 and the ADG, the proposal is generally considered compliant and therefore performs satisfactorily with respect to the core design quality principles of the ADG and achieves acceptable amenity for the future occupants of the subject development and neighbouring properties, and achieves a built form that has proportions and balanced composition of elements, that are compatible with the character of the streetscape.

An assessment against the Apartment Design Guide (ADG) controls is provided at Attachment 5.

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

<table>
<tr><td>3F</td><td colspan="3">Visual Privacy</td><td></td></tr>
<tr><td>3F-1</td><td colspan="3">Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.</td><td>Yes</td></tr>
<tr><td></td><td>Design Criteria</td><td>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:
<table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table></td><td>Minimum setback provided at the eastern side is:

At level 1 to level 3 – 5m between balcony and side boundary. However, the subject balconies are separated from neighbouring balconies by over 8m. in addition, to minimise any adverse amenity impacts to the units to east, 1.5m high privacy screens are proposed to the east facing balconies, which is supported.

At level 4 – 6m setback provided from eastern boundary.

At level 5 – 9m setback provided from eastern boundary fence.

Southern side:

Levels 1 to 3: 6m setback provided from the boundary.

At level 4 and 5: over 12m setback from existing boundary provided to the southern side.</td><td>Partially

Considered acceptable.</td></tr>
<tr><td>4A</td><td colspan="3">Solar and Daylight Access</td><td></td></tr>
<tr><td>4A-1</td><td colspan="3">To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.</td><td>Yes</td></tr>
</table>

	Design Criteria	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter. **Required:** 15% x 42 units = 6 units max	9 units (20%) do not receive any solar access. Due to the existing site constraints and its orientation, solar access is not achieved within the units. However, balconies of all these units will receive solar access. In light to of this, minor non-compliance is considered acceptable.	No, Considered acceptable.
4C	**Ceiling Heights**			
4C-1	Ceiling height achieves sufficient natural ventilation and daylight access.			
	Design Criteria	Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Minimum ceiling height for apartment and mixed use buildings Habitable rooms: 2.7m Non-habitable: 2.4m For 2 storey apartments: 2.7m for main living area flo; 2.4m for second floor, where area does not exceed 50% o apartment area Attic spaces: 1.8m at edge of room with a degree minimum ceiling slop If located in mixed used areas: 3.3m for ground and first flo promote future flexibility of u	Ceiling height for ground floor commercial is 3.7. 2.7m for all residential floors. The first-floor unit does not achieve 3.3m floor to ceiling height. However, it is noted that the overall height of the building will be increased, and the breach will be intensified, if a strict compliance is requested with this provision. As such, proposed development is considered acceptable in this instance.	Partially complies Considered acceptable.
4D-2	Environmental performance of the apartment is maximised.			Partially
	Design Criteria	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Living area for units 40 and 41 achieves 9m depth. However, these units rely on skylights as secondary source of natural ventilation. This will provide adequate daylight and ventilation and as such considering its location, the minor breach is considered	No

			acceptable.	

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

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

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

The subject development occurs within 5 metres of an overhead electricity power line. As such, the development application was referred to Endeavour Energy for comment, who raised no objections, subject to conditions, which have included within the draft notice of determination.

Additionally, the proposed development includes the design of a substation. As discussed above under external referrals, a condition has been imposed within the draft conditions of consent, noting no approval is granted or implied for the erection of a substation, and that separate approval from Council is required.

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

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

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

The proposal does not seek to remove any significant vegetation from the subjects sites, however, as discussed above under the Internal Referral section, proposed works within the subject site are likely to result in unreasonable impacts to the neighbouring trees located within 4-6 Cambridge Street.

In order to minimise any unreasonable adverse impacts to the neighbouring trees and existing street trees, conditions requiring non-evasive root mapping and arborist report are recommended. Subject to the recommended conditions of consent, the proposed development is considered acceptable.

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

BASIX Certificate 901344M_02 dated 25 November 2020 has been submitted with the application. The certificate achieves target scores and is acceptable.

<u>Regional Environmental Plans</u>

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

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

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

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

Local Environmental Plans

Holroyd LEP 2013

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

(a) Permissibility: -

The proposed development is defined as a 'Mixed Use Development' under the provisions of HLEP 2013. Mixed use developments are permitted with consent in the B6 – Enterprise Corridor, which applies to the land as follows:

Mixed use development means a building or place comprising 2 or more different land uses.

The relevant matters to be considered under Holroyd LEP 2013 and the applicable clauses for the proposed development are summarised below. A comprehensive LEP assessment is contained in Attachment 6.

Figure 4 –Holroyd LEP Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.3 Height of buildings (1) The objectives of this clause are as follows: (a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties, (b) to ensure development is	No However, considered acceptable.	In accordance with the Height of Buildings Map accompanying HLEP 2013, a maximum 17m building height applies to the site. The proposed development at its highest point is 20m which is 3m above the maximum permitted height (which includes 650mm of lift overrun), or a 17.6% variation to the standard. Notwithstanding the variation, the proposed development is considered acceptable as

consistent with the landform, (c) to provide appropriate scales and intensities of development through height controls. (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.		discussed below under clause 4.6 of the HLEP 2013.
4.4 Floor space ratio (1) The objectives of this clause are as follows: (a) to support the viability of commercial centres and provide opportunities for economic development within those centres, (b) to facilitate the development of a variety of housing types, (c) to ensure that development is compatible with the existing and desired future built form and character of the locality, (d) to provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping.	Yes	In accordance with the FSR map accompanying HLEP 2013, a maximum FSR of 2.00:1 (4148.2sqm) applies to the subject site. The proposal results in FSR of 1.94:1 (4016.30sqm), which complies with the permissible FSR control.

(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 standards (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	Yes	Clause 4.6 written request has been submitted for the height variation. Refer to the discussion below.

Clause 4.6 Exceptions to Development Standards

Height of Building

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 site is subject to a maximum height of building control of 17m. The proposed development achieves 20m height of building, this comprises of a 17.6% variation of the Height of Building control.

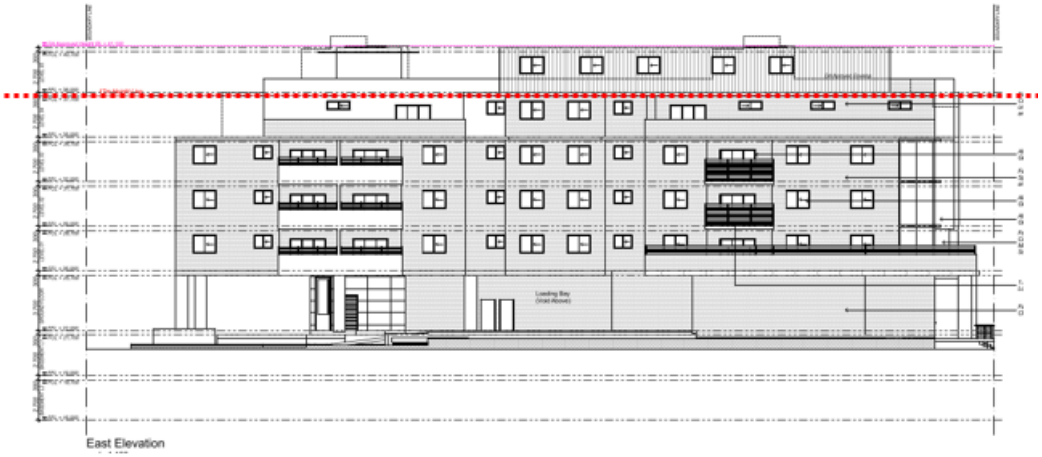


Figure 10: East elevation, the maximum permissible height is indicated by red dotted line.

The applicant has submitted a written request to vary the development standards for clause 4.3 (Height of Building) of the HLEP 2013. Based on various case laws established by the Land and Environment Court of NSW such as Four2five P/L v Ashfield Council [2015] NSWLEC 9, Randwick City Council v Micaul Holdings P/L [2016] NSW LEC7 and Zhang and anor v Council of the City of Ryde [2016] NSWLEC 1179, a 3 part assessment framework for a variation request proposed under clause 4.6 has been considered and an assessment of the proposed variance, following the 3 part test is discussed in detail below.

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

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

Applicant's justification:

The proposed development remains consistent with the objectives of the B6 zone insofar as the development is not antipathetic to the zone objectives (per Schaffer Corporation v Hawkesbury City Council (1992) 77 LGRA 21) noting that:

- The development will provide for the housing needs of the community within a high-density environment.
- The development contributes to a variety of housing types in a high-density environment.
- The development will provide increased employment opportunities and encourage people to shop and work within the Merrylands Precinct.
- The development will maximise public transport patronage by providing employment and residential accommodation in an accessible location.
- The development is designed to respond to the context and setting of the locality and the development is consistent with the desired future character of the locality; and
- The development is designed to minimise impact on the amenity of the area and adjoining properties.

Planner's comment:

The proposed development satisfies the relevant objectives of the B6 – Enterprise Corridor.

Consistent with objectives that requires a development to promote businesses along main roads and to encourage a mix of compatible uses and provide a range of employment uses, the proposal seeks approval for a mixed use development, consisting of total six commercial tenancies along Merrylands Road and Cambridge Street. These six commercial tenancies have potential to be used for different purposes, subject to Council's approval.

In line with objective which seeks to provide for residential uses, but only as part of a mixed-use development, the development provides 42 residential units above 6 ground floor commercial tenancies as part of proposed mixed-use development.

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

Applicant's justification:

The current development proposal, despite the numerical non-compliance, remains consistent with the objectives, which are identified accordingly, based on the following:

- A fundamental component of the proposal is ensuring that the proposal provides an appropriate transition between the B6 land and the adjoining R4 land, with the current design providing appropriate separation to the south to ensure that a transition of scale is achieved and that privacy impacts and overshadowing impacts are mitigated.

- Given the level of separation proposed there will be no unreasonable privacy impacts to adjoining properties and the shadow analysis submitted indicates that the level of overshadowing to the residential flat buildings is acceptable.

- It is considered that this area will serve as a transition between commercial and residential land uses and act as a bridge that links these higher density and low density areas together whilst also providing an appropriate gateway entry to the Merrylands Town Centre that will help to sustain and enhance its growth and function. Therefore, the adoption of a 4/5/6 storey form is a suitable design response on the site to respond to the site context.

- To reinforce the intersection of Merrylands Road and Cambridge Street through greater height that then transitions down at the rear presents a suitable urban design response.

- To adopt improved materials and finishes and a more balanced building form on the site that is achieved through greater modulation of the building height of the building.

- The extent of non-compliance does not generate any discernible additional amenity impacts in terms of overshadowing or privacy impacts having regard to compliant separation and a reduction in shadow cast to the adjoining residential flat building in Cambridge Street and therefore the revised building minimises the effects of bulk and scale.

- The proposal has been designed to comply with the maximum permitted FSR on the site and also complies with key controls pertaining to setbacks, open space, and car parking which indicates an appropriate scale of development on the site.

- The proposal will not obstruct existing view corridors.

- The proposed development incorporates a complying floor space ratio as per the provisions of the HLEP 2013, which will ensure that the scale of the proposed development will be appropriate and will be visually consistent with the permitted building height with the variation relating to the rooftop common open space area and lift overrun.

- The additional height does not generate any additional amenity impacts given the location of the site and the surrounding site context.

- The proposal provides residential accommodation opportunities, the proposal will strongly contribute towards revitalising the subject area, as it will increase employment opportunities both during the construction phase and at the completion of the proposal. The design concept with ground floor commercial units will promote increased activation of the street level to enhance pedestrian movement and patronage for the area and the 10 additional residential units will provide augmented patronage in the locality thus both components will contribute towards boosting the local economy of Merrylands.

- The proposal will provide for a number of distinct public benefits:
    - Delivery of additional housing within close proximity to the Merrylands Town Centre.
    - Creation of jobs both during the construction stage and through the delivery of additional commercial floor space upon completion of the proposal.
    - Activation of the street level.
    - Amenity impacts to adjoining properties are mitigated and the distribution of additional floor space across the site will not be discernibly different to a built form that is compliant with the FSR control.
    - The traffic modelling concludes that the impact of the development on the surrounding traffic network is acceptable, and
    - The scale and intensity of the development is appropriate noting that the proposal complies with the maximum height, setbacks and DCP prescriptive controls, which demonstrate an appropriate development outcome.

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.

Planner's comment:

The objectives of the building height standard are to enable appropriate development density to be achieved and to ensure that the height of the building is compatible with the character of the locality as outlined above. The proposal is compliant with the maximum FSR and the departure sought is considered to be modest and does not unreasonably impact on adjoining properties.

In accordance with the objective that requires to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties, as discussed elsewhere in the report, the proposed development, due to the provision of adequate setbacks and privacy screens, achieves adequate level of solar access and privacy for the neighbouring properties.

The proposed departure from the height of building control does not generate any additional amenity impacts due to the corner location of the site and the surrounding site context.

Additionally, an existing development across the street at 306 Merrylands Road achieves building height of over 20m and 6 storeys, which is consistent with the subject development. The proposed height will assist in reinforcing the street edge condition at the intersection of Merrylands Road and Cambridge Street through greater height that can provide opportunity for transition from the permissible 29m height of building control towards east (to the town centre). Building height of less than 20m height will not provide appropriate built form transition due to the existing 6 storey development across the street.

The proposed breach of the height in metres control will assist in providing for appropriate scale and intensities for the locality. The proposal is considered to be appropriate in the context of the site and surrounding area as existing neighbouring mixed use development exhibits a similar built form to the proposal.

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

Applicant's justification:

- The contravention of the height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal.

- There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the control is acceptable in the circumstances given the underlying objectives of the control are achieved and it will not set an undesirable precedent for future development within the locality as any future development on another site would require consideration of the relevant merits and circumstances of the individual application.

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

- The design response aligns with the intent of the control and provides for an appropriate transition to the adjoining properties.

- The proposal promotes the economic use and development of the land consistent with its zone and purpose.

- 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.

Planner's comment:

The written request indicates that the proposed variation is contextually appropriate. Additionally, it does not result in an undue or adverse environmental planning impact in terms of amenity or streetscape presentation. Accordingly, it has been demonstrated that there are sufficient environmental planning grounds to justify contravening the standard.

The breach is limited to the sixth storey, which consists of four apartments and two lift overruns. The sixth storey is designed such that it is set in by around 3m from the northern and western sides, by 6m from the east side and over 16m from the southern boundary. Due to the proposed setbacks, the sixth storey is not clearly visible from the subject intersection and will be discernible from a distant vantage point and as such is not considered to result in unreasonable bulk to the proposed development.

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:

- The proposal remains consistent with the underlying objectives of the control. In addition to the above it is noted that the development, including the departure to the height control enables the following to occur which demonstrates environmental planning grounds to support the numerical non-compliance.

- Adopt an appropriate Urban Form: The additional height provides an appropriate transition between the B6 land and the adjoining R4 land, with the current design providing appropriate separation to the south to ensure that a transition of scale is achieved and that privacy impacts and overshadowing impacts are mitigated. Given the level of separation proposed there will be no unreasonable privacy impacts to adjoining properties and the shadow analysis submitted indicates that the level of overshadowing to the residential flat buildings is acceptable. It is considered that

this area will serve as a transition between commercial and residential land uses and act as a bridge that links these higher density and low density areas together whilst also providing an appropriate gateway entry to the Merrylands Town Centre that will help to sustain and enhance its growth and function. The amendment facilitates the reduction in the amount of building height at the rear of the site where it interfaces with a 3 storey residential flat building and to reduce the privacy and overshadowing impacts. Therefore, the adoption of a 4/5/6 storey form is a suitable design response on the site to respond to the site context.

- To reinforce the intersection of Merrylands Road and Cambridge Street through greater height that then transitions down at the rear to present a suitable urban design response. This demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

Planner's comment:

Given that the proposed development responds to the site and does so without unduly compromising relationships with adjoining development, and does not unduly compromise other relevant controls, the proposal is considered to be consistent with the objectives of building height, and development within the B6 Enterprise Corridor. In this regard, the exception is well founded and can be supported.

In addition to this, as discussed above, following legal advice for road widening (1.5m wide to Cambridge Street side) required by the HDCP 2013, an Offer to prepare a Voluntary Planning Agreement in exchange of proposed height (20m), which equates to 4 additional units and sixth storey, was made to Council. This was supported in-principle by Council in April 2021.

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 Height of Building 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 Holroyd LEP 2013 are not proposed to change under the Draft CLEP. The proposed development is not affected by any relevant Draft Environmental Planning Instruments.

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

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

A comprehensive assessment and compliance table is contained in Attachment 7.

The following table highlights relevant clauses and non-compliances with the DCP, which relate primarily to Sunlight access, Floor to ceiling height, height in storeys, front setbacks, Street wall height and Balcony size. and the variations sought are considered satisfactory on merit in this instance:

Figure 6 –Holroyd DCP 2013 Compliance Table

Clause	Control	Proposed	Complies
PART B – RESIDENTIAL CONTROLS			
1.8	**Sunlight Access**		
	1 main living area of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June	**296 Merrylands Road** Due to the orientation of property at 296 Merrylands Road, the proposal will not have any additional adverse impacts to the 2 eastern units and they will achieve solar access between 9am and 11pm. However, due to the proposed 6 storey structure (from existing single storey dwelling) solar access to the 2 western units will be reduced and these units will achieve less than 3 hours of solar access on winter solstice. However, this is considered acceptable as: - The non compliance is a function of the allotment orientation, as the neighbouring site is located immediately to the east of the subject site. - Adequate efforts have been made such as over 6m setback of the upper levels (levels 1 -5) from the east to minimise the effect. - Avoiding overshadowing impacts, whilst enabling development for a mixed-use proposal, to satisfy the zone intent is not possible without delivering a significant underdevelopment on the subject site. - Additionally, the proposed built form and setbacks do not result in any unreasonable impact to the character of the area and contributes positively to the street scape.	No, however considered acceptable.

		- Having regard to the above, the noncompliance is acceptable, given the lot orientation, design of the development proposal that meets the building envelope controls. **i)** **4-6 Cambridge Street** This property is located to the south of the subject site. The shadow diagrams provided by the applicant indicates that the eastern units and the western unit to the second floor (to the south elevation) achieve solar access for over 3 hours between 9am and 12pm. However, the western first floor unit (to the south elevation), receives solar access for 2 hours between 9am and 10am and between 2pm and 3pm, which is inconsistent with the DCP provisions. **ii)** Notwithstanding the above, it is noted that 3m setback is provided for the ground level and the upper levels (1 to 5) are setback by over 6m from the southern boundary. **iii)** Awing to the orientation of the neighbouring property, compliance with the solar access provision of the DCP will require significant reduction of the proposed built form, which is not considered reasonable. **iv)** The proposed built form and setbacks do not result in any unreasonable impact to the character of the area and contributes positively to the street scape. In light of the above, the minor non-compliance is considered acceptable. **v)**	

<table>
<tr><td></td><td></td><td>1 Burford Street:
Due to its location (to the east) in relation to the subject site, proposed development does not result in any unreasonable adverse shadow impacts to 1 Burford Street between 9am and 1pm and the solar access to its POS and balconies will remain as existing.

The resultant shadow impact will only occur for 1 hour between 2pm and 3pm, which his considered acceptable.</td><td></td></tr>
<tr><td colspan="4">PART C – COMMERCIAL, SHOP TOP HOUSING AND MIXED USE CONTROLS</td></tr>
<tr><td>1.3</td><td colspan="3">Building Height</td></tr>
<tr><td></td><td>Maximum building height in storeys shall be provided in accordance with the table below:
<table><tr><th colspan="2">Permitted Height (storeys)</th></tr><tr><th>Height</th><th>Storeys</th></tr><tr><td>17m</td><td>4</td></tr></table></td><td>The subject site has a 17m / 4 storey height maximum.

The proposed overall height is 20m / 6 storey.

The proposal seeks to provide habitable floor space at level 5 (6th storey) which also exacerbates the non-compliance with the LEP. However, as discussed elsewhere in the report, there are no resultant unreasonable adverse amenity impacts to the adjoining properties.

Additionally, the design of the 6th storey is such that it is setback by over 3m from the northern and western facades, making it discernible from distant vantage points.

Furthermore, as indicated by Figures 6 and 9 above, an existing mixed use development at 306 Merrylands Road also accommodates a 6 storey scale, which is consistent with the proposed design and as such the scale of the proposed development is considered to be</td><td>No
However, considered acceptable.</td></tr>
</table>

<table>
<tr><td></td><td></td><td>compatible with the character of the streetscape.

In light of the above, the non-compliance with the number of storeys control is assessed as acceptable.</td><td></td></tr>
<tr><td></td><td>Min. floor to ceiling height of commercial development / component:

<table><tr><th>Floor</th><th>Min. Floor to Ceiling</th></tr><tr><td>Ground Floor</td><td>3.5m</td></tr><tr><td>First Floor</td><td>3.3m</td></tr><tr><td>All other floors</td><td>2.7m</td></tr></table></td><td>The proposed ceiling heights are as follows:

• Ground floor – 3.7m
• Levels 1, 2, 3 & 4 – 2.7m

The floor to ceiling height for the first floor is inconsistent with the DCP provisions by 0.5m.

This provision generally seeks to provide flexibility in the use of the first floor of the development. However, as indicated on the plans, the first floor of proposed development is to be used for residential purposes and the 2.7m floor to ceiling height for residential purposes is considered adequate.

Additionally, if the proposal was to be amended to achieve compliance with the DCP provision, it would result in intensification of the breach of the height of building provision of HLEP 2013, and in turn it may result in unreasonable amenity impacts to the neighbouring properties. Also, an additional 0.5m height of building would not be consistent with the character of the area.

In light of the above, proposed minor departure from DCP control is considered acceptable.</td><td></td></tr>
<tr><td>1.4</td><td colspan="3">Setbacks, Separation and Depth</td></tr>
<tr><td></td><td colspan="3">Upper storey setback</td></tr>
<tr><td></td><td>Street wall height of 3 storeys (11-14m) is required for all</td><td>Street wall height of 5 storey (up to 17m) is proposed. The 6th storey is setback by over 3m from</td><td>No</td></tr>
</table>

	commercial development and mixed use development, unless otherwise stated in site specific controls.	the north and west elevation and is discernible from distant vantage point. Being a corner lot, departure from the street wall height control will not result in any overshadowing impacts to any other residential areas and the public domain and will allow an outlook to and surveillance of the street. Proposed design and the use of different materials and fenestrations/ balconies provides a design that is compatible with the character of the area. In addition, it is noted that a new development across the road from subject site at 306 Merrylands Road also consists of 6 storeys, with a 4 storey wall height control. In light of the above, the built form of proposed 6 storey development is considered consistent with existing streetscape, which in the absence of any unreasonable amenity impact is acceptable.	However, considered acceptable.
3.0	**Design and Building Amenity**		
3.2	Façade Design and Building Materials		
	All walls are to be articulated via windows, verandahs, balconies or blade walls. Articulation elements forward of the building line max. 600mm.	The proposed facades of the development are adequately articulated with fenestrations and balconies. However, the balconies extend greater than 600 mm forward of the building line on both street elevations. Notwithstanding the non-compliance, these balconies provide weather protection and are compatible with the character of the area. Additionally, the balconies are unlikely to create any unreasonable impact to the visual quality of the street or to the amenity of the locality.	No However considered acceptable.

		In light of the above, the minor non-compliance is considered acceptable.	

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

Following legal advice for road widening (1.5m wide along Cambridge Street) required by the HDCP 2013, an offer to prepare a Voluntary Planning Agreement in exchange for an increase in height to 20m, which equates to 4 additional units and a sixth storey, was made to Council.

The proposed Offer includes:

- Design and construction of the road widening by the developer.
- Subdivision and dedication of land subject to road widening to Council (approximately 97sqm).

The Offer was presented to Council in April 2021 and supported in-principle. As part of the application, a condition will be imposed for the preparation and finalisation of a Voluntary Planning Agreement in accordance with the proposed Offer.

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, subject to the recommended conditions, 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 ☒ Mail ☒ Sign ☒ Not Required ☐

In accordance with Council's notification requirements contained within the Holroyd DCP 2013, the proposal was publicly notified for a period of 21 days between 15 January 2021 and 5 February 2021. The notification generated four submissions in

respect of the proposal with nil disclosing a political donation or gift. The issues raised in the public submissions are summarised and commented on as follows:

Issues	**Planner's comments**
The existing structures have asbestos as they are built of old fibro sheets. How are the neighbours protected from the asbestos dust and dust while the demolition work is being carried out?	While there is expected to be some impacts during construction of the development, conditions will be imposed to ensure any building work including demolition of existing dwelling is carried out in accordance with the relevant standards by appropriately qualified person and within restricted hours of work in order to preserve the amenity of adjoining properties.
Does Council arrange for an inspection of our property, inside and out, before work starts? And In case there is damage to our property after the work is completed how is this addressed? Would council consent to include all appropriate provisions required for construction access to mitigate and have minimal impact on land and building of neighbouring properties such as provisions to mitigate sinking holes, damage to our land and property such as foundations etc.	Council is not required to arrange an inspection of neighbouring properties prior to the work commencing. However, in order to minimise any unreasonable impacts to the neighbouring properties during construction, conditions requiring dilapidation report for adjacent properties is recommended.
Street parking is currently very limited on this particular block due to the new gym on the corner of Burford Street and Merrylands Road. The new development should not have a shopfront & it will contribute to local congestion.	The proposal seeks approval for two basement levels accommodating parking spaces. The number of parking spaces for both the residential and commercial uses, including visitor parking spaces, are considered satisfactory.
A six storey building will cast a shadow over 1 Burford Street. The four units facing the building from my complex will be affected adversely. I would like to know how my unit will be affected by the proposed site. It appears the shadow diagrams are for ground level, my unit is situated on level 3. I would like to see sun diagrams throughout the year, Spring, Summer, Autumn and Winter.	In accordance with the DCP, the applicant provided shadow diagrams in plans and elevation (for the property to the south) for winter solstice as per DCP/ADG requirements. As indicated in the shadow diagrams and as discussed above under the body of the report, the resultant minor overshadowing impacts of the neighbouring properties are considered acceptable.
Balconies of subject site need to be a sufficient distance away from the balconies at the rear of the building.	Sufficient setbacks, consistent with the ADG are provided, which are supported.

Over development of the site.	The proposed development is consistent with the maximum permissible FSR for the subject stie under HLEP. Additionally, as discussed elsewhere in the report, the non-compliance with the height of building control is considered acceptable in light of the existing development across the street and in the absence of unreasonable impacts to the neighbouring properties.
What the zoning for 296 Merrylands Road will be in the future as I have noticed this is not part of the proposed development plans.	Zoning at this location is based on mixed use development, and is anticipated to continue in this form.
Acoustic/ Privacy impacts Are the windows going to be double glazed to reduce noise? The large balcony, where does this sit in relation to neighbouring balcony to south. Resultant adverse acoustic and privacy impacts.	The proposed setbacks are generally consistent to minimise overlooking of the neighbouring properties. Additionally, 1.5m high privacy screens are proposed to the eastern side balconies and no balconies are proposed to the southern façade to minimise privacy issues.

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

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

Cumberland Local Infrastructure Contributions Plan 2020

The development would require the payment of contributions in accordance with Cumberland Local Infrastructure Contributions Plan 2020.

In accordance with the Contribution Plan a contribution is payable, pursuant to Section 7.11 of the EP&A Act, calculated on the cost of works. A total contribution of $571,397.00 would be payable prior to the 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. 55 – Remediation of Land, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy No. 65 (SEPP 65) – Design Quality of Residential Apartment Development, Draft Cumberland

Local Environmental Plan, Holroyd Local Environmental Plan 2013 and the Holroyd Development Control Plan 2013 considered to be satisfactory for approval subject to recommended conditions. However, variations in relation to the Height of Building under the HLEP 2013 is sought.

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

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

REPORT RECOMMENDATION:

1. **That the Clause 4.6 variation request to vary the Height of Building development standard, pursuant to the Holroyd LEP 2013, be supported.**

2. **That Development Application No. DA2020/0791 for demolition of existing structures and construction of a six storey mixed use development comprising 42 residential units and six commercial tenancies over basement car parking on land at 298 Merrylands Road Merrylands NSW 2160 be deferred commencement approved subject to attached conditions.**

3. **Persons who have lodged a submission in respect to the application be notified of the determination of the application.**

ATTACHMENTS

1. Draft Notice of Determination ⇩
2. Architectural Plans ⇩
3. Statement of Environmental Effects & Clause 4.6 Variation Request ⇩
4. Submissions Recieved ⇩
5. Apartment Design Guide Compliance Table ⇩
6. Holroyd Local Environmental Plan 2013 Compliance Table ⇩
7. Holroyd Development Control Plan 2013 Compliance Table ⇩

DOCUMENTS ASSOCIATED WITH REPORT LPP018/21

Attachment 1

Draft Notice of Determination

CUMBERLAND CITY COUNCIL

DEVELOPMENT APPLICATION
DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2020/0791
Applicant:	Mr A Chalhoub 302 Merrylands Road MERRYLANDS NSW 2160
Property Description:	298 Merrylands Road MERRYLANDS NSW 2160, 302 Merrylands Road MERRYLANDS NSW 2160, 2 Cambridge Street MERRYLANDS NSW 2160, 2A Cambridge Street MERRYLANDS NSW 2160 Lot 7 Sec 2 DP 602, Lot C DP 397906, Lot A DP 397906, Lot B DP 397906
Development:	Demolition of existing structures and construction of a six (6) storey mixed use development comprising forty two (42) residential units and six (6) commercial tenancies over basement car parking.
Determined by:	Cumberland Local Planning Panel

CONDITIONS OF CONSENT

Deferred Commencement Conditions

1. **DADCA01 - Deferred Commencement Approval**
   This is a 'Deferred Commencement Consent' under Section 4.16(3) of the Environmental Planning and Assessment Act 1979. This consent does not become operative until the applicant has satisfied Council of the requirements listed in Schedule 'A' of this consent, and Council has advised in writing that those matters have been satisfactorily addressed. In accordance with s.4.53(6) of the Act, if the applicant fails to satisfy Council as to the matter/s specified in Schedule A within 5 years from the date of this consent, this consent lapses.

   (Reason: Statutory requirement)

Schedule 'A'

2. **DADCA03- Boundary Fencing Flood Affected Areas**
   The development site has been identified as a flood affected site in the 1% Annual Exceedance Probability (AEP) storm event. In order to ensure fencing does not result in the undesirable obstruction of the free flow of floodwater, Council's relevant Development Control Plan requires that all boundary fencing within the flood affected area(s) as identified in the submitted flood report to be constructed in accordance with Council's standard detail SD8025. This involves pool type fencing being provided at the base of the boundary fence to the extent of the post-developed 1% AEP flood. The consent of all neighbouring owners for affected boundaries shall be provided to Council for the installation of such fencing prior to Schedule "B" conditions becoming operational.

   (Reason: To ensure adjoining property owners consent to the fencing)

General Conditions

3. **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.)

4. **DAGCA02 - Approved Plans and Supporting Documents**
The development must be carried out in accordance with the following endorsed plans and documents, except as otherwise provided by the conditions of this consent.

Reference/Dwg No	*Title/Description*	*Prepared By*	*Date/s*
0005 Rev A	Demolition plan	IDRAFT Architects	23 November 2020
0008 Rev A	Site Plan	IDRAFT Architects	23 November 2020
1001 Rev A	Basement L2 Floor Plan	IDRAFT Architects	23 November 2020
1002 Rev A	Basement L1 Floor Plan	IDRAFT Architects	23 November 2020
1003 Rev A	Ground Floor Plan	IDRAFT Architects	23 November 2020
1004 Rev A	Level 1 Floor Plan	IDRAFT Architects	23 November 2020
1005 Rev A	Level 2 Floor Plan	IDRAFT Architects	23 November 2020
1006 Rev A	Level 3 Floor Plan	IDRAFT Architects	23 November 2020
1007 Rev A	Level 4 Floor Plan	IDRAFT Architects	23 November 2020
1008 Rev A	Level 5 Plan	IDRAFT Architects	23 November 2020
1009 Rev A	Roof Plan	IDRAFT Architects	23 November 2020
2001 Rev A	North Elevation	IDRAFT Architects	23 November 2020
2002 Rev A	West Elevation	IDRAFT Architects	23 November 2020
2003 Rev A	South Elevation	IDRAFT Architects	23 November 2020
2004 Rev A	East Elevation	IDRAFT Architects	23 November 2020
3001 Rev A	Section A	IDRAFT Architects	23 November 2020
3002 Rev A	Section B	IDRAFT Architects	23 November 2020
Landscape Plan			
17097-2 rev A DA3/3	Landscape concept Plan	vision dynamics	6 June 2017
17097-2 rev A DA2/3	Landscape concept Plan	vision dynamics	6 June 2017
17097-2 rev A DA1/3	Landscape concept Plan	vision dynamics	6 June 2017
Cert. No. 901344M_02	BASIX Certificate	Outsource Ideas P/l	25 November 2020
Demolition and Construction	Waste Management	-	11 November 2014
0002	Material and Finishes	IDRAFT Architects	23 November 2020

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

5. **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.)

6. **DAGCA07 - Separate Approvals**
Separate Development Approval shall be obtained for the fitout and use of the six commercial tenancies located to the ground level.

(Reason: To control the future development of the site.)

7. **DAGCA08 - Obtaining a Construction Certificate for Building Work**

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

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

(Reason: Information.)

8. **DAGCB01- Australia Post Guidelines**
Letter boxes are to be provided for each occupancy within the development in accordance with the relevant Australia Post Guidelines.

(Reason: To ensure compliance with mail delivery regulations)

9. **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.)

10. **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.)

11. **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.)

12. **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.)

13. **DAGCD02 - General standards for Warm Water and Cooling Water Systems**
All warm water and cooling water systems installed at the premises must be notified to Council and comply with the relevant requirements of the Public Health Act 2010, Public Health Regulation 2012, and relevant parts of AS 3666 Air handling and water systems of buildings - Microbial control.

(Reason: To ensure compliance with health standards for infection control.)

14. **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:

i. EPA's Environment Protection Manual for Authorised Officers: Technical Section (Car Washing Waste)

ii. EPA's Managing Urban Stormwater: treatment techniques

(c) The following requirements must be incorporated into the car wash bay design/operation:

i. 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.
ii. 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.)

15. **DAGCD06 - Mechanical Ventilation**
The premises must be suitably ventilated in accordance with the National Construction Code 2019 and AS1668.1 and 2 - 2012. The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings.

(Reason: To ensure compliance with ventilation standards.)

16. **DAGCD07 - Waste Management**
Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction phases of the development.

(Reason: Compliance with approval.)

17. **DAGCD08 - Future use of Mixed-Use Building for Commercial Tenancy**
The building design must incorporate measures to enable the installation of appropriate mechanical ventilation systems that comply with relevant Australian Standards including AS1668 and are capable of accommodating any exhaust/ventilation requirements for ground floor commercial units in particular food premises. In the event that a food premises requires a mechanical exhaust system for charcoal cooking purposes, separate consent is required as additional filtration systems and odour assessment will be necessary.

(Reason: To ensure that future commercial tenancies can meet legislative requirements for mechanical ventilation.)

18. **DAGCZ01 - Overland flow path**
The existing 1%AEP overland flow path shall not be adversely impacted. Any modification to the existing overland flow path and extent shall ensure that the flow characteristics of the overland flow-path such as the channel flow capacity, velocity, and the depth of flow within the neighbouring properties are not adversely impacted.

The proposed re-alignment of the overland flow path shall strictly comply with the levels and extend of inundation as outlined in the Flood Impact Assessment Report (reference 59914157-L01:BCP/bcp dated 13/1/2014) prepared by Cardno (NSW/Act) Pty Ltd, and any subsequence revisions , and including recommendation as outlined in the Flood Impact Assessment Report.

(Reason: to maintain existing overland flow path.)

19. **DAGCZ02 - Approval for the Drawings of Connection into council pit.**
Any work including drainage pipe works within the public domain and/or connection work into existing council's Kerb inlet pit must be approved by council. In this regard, detail drawings must be submitted to council' (Manager, Engineering and Traffic) for approval prior to issue of any construction certificate.

Drawing showing details of the connection into council's Stormwater pipe, in accordance with council's standard drawing SD8018 shall be prepared to the satisfaction of Council's works and infrastructure section for approval. No works relating to connection shall start until the approval has been obtained.

Council's standard assessment fee will apply. Additional fees will apply for additional assessments that are required to be undertaken by Council. The required drawings must be submitted together with a

completed Approval Application form and required assessment fee.

(Reason: To ensure appropriate design and standards are maintained for the protection and maintenance of council Assets.)

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

20. DAPDB02 - Demolition - General

Demolition - General

a) That two (2) working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work, notice in writing is to be given to the Council. Such written notice is to include:
   - The date when demolition will commence,
   - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer.
   - The licence number of the demolisher, and relevant WorkCover licenses, (see minimum licensing requirements in (d) below, and
   - Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of $10,000,000.00.

b) Demolition of buildings and structures must comply with all current and relevant Australian Standards.

c) Demolition works are restricted as follows:
   - Monday to Saturday inclusive - 7:00am - 5:00pm
   - Sundays and Public Holidays - No work

d) At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to demolition commencing advising the following:
   - The date when demolition will commence;
   - Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
   - The telephone number of WorkCover's Hotline 13 10 50.

Demolition Involving the Removal of Asbestos

General Information

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

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

Asbestos to be removed by licensed asbestos removalist

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

NOTE:

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

Compliance with applicable Legislation, Policies and Codes of Practice

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

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

- NSW Government WorkCover Code of Practice - How to Safely Remove Asbestos;
- NSW Government WorkCover Code of Practice - How to Manage and Control Asbestos in the Workplace; and

Clearance certificate
Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

Notification of asbestos removal works
At least two (2) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to the commencement of asbestos removal works. Notification is to include, at a minimum:

- The date and time when asbestos removal works will commence;
- The name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
- The full name and license number of the asbestos removalist/s; and
- The telephone number of WorkCover's Hotline 13 10 50

Warning signs must be placed so they inform all people nearby that asbestos removal work is taking place in the area. Signs should be placed at all of the main entry points to the asbestos removal work area where asbestos is present. These signs should be weatherproof, constructed of light-weight material and adequately secured so they remain in prominent locations. The signs should be in accordance with AS 1319-1994 Safety signs for the occupational environment for size, illumination, location and maintenance.

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

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

21. **DAPDB03 - Demolition - Asbestos**

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

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

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

Note:

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

Compliance with applicable Legislation, Policies and Codes of Practice
Asbestos removal works are to be undertaken in accordance with the following:

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

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

22. **DAPDB04 - Asbestos Clearance Certificate**
Following completion of asbestos removal works undertaken by a licensed asbestos removalist re-occupation of a workplace must not occur until an independent and suitably licensed asbestos removalist undertakes a clearance inspection and issues a clearance certificate.

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

23. **DAPDB05 - Notification of Asbestos Removal Works**
At least five (5) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
    - The date and time when asbestos removal works will commence;
    - The name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
    - The full name and license number of the asbestos removalist/s; and
    - The telephone number of WorkCover's Hotline 13 10 50.

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

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

24. **DAPDB06 - Barricades for Asbestos Removal**
Appropriate barricades must be installed as appropriate to prevent public access and prevent the escape of asbestos fibres. Barricades must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

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

25. **DAPDB07 - Site Safety Fencing - Demolition Only**
The site must be fenced to a minimum height of 1.8m in accordance with SafeWork NSW guidelines to prevent public access throughout demolition. The fencing must be erected before the commencement of any demolition work and maintained.

(Reason: Public safety.)

26. **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.)

27. **DAPDB09 - Tree Preservation**
All street trees and trees on private property that are protected under Cumberland City Council's controls, shall be retained and protected in accordance with AS 4970 - 2009 'Protection of Trees on Development Sites' during demolition and construction works except where Council's prior written consent has been obtained.

(Reason: Tree Preservation and Protection.)

28. **DAPDB10 - Demolition, Excavation, Construction Noise and Vibration Management Plan**
A site specific Noise Management Plan shall be developed and submitted to Council prior to the commencement of any demolition, excavation and construction works on site.

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

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

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

(Reason: Environmental and residential protection.)

29. **DAPDB12 - Sediment and Erosion Control measures**

Prior to the commencement of 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.)

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

30. DACCA01 - Amendments to Approved Plans
Amended plans/documents shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate addressing the following matter:

a) The residential garbage bay, located to the rear of the loading bay on the ground level must be provided with an additional safe access for the residents away from the loading bay.

b) Glazing proposed to bedrooms of the units, to the northern corner of the development, must be adequately treated to prevent unreasonable privacy impacts to the occupants of the subject building.

c) Secured storage area for each unit shall be provided with the following rates:

- 1 Bedroom Units – $6m^3$
- 2 bedroom units - $8m^3$
- 3 Bedroom Units - $10\ m^3$

At least 50% of the required storage is to be provided within each unit and any storage provided in the basement is to be allocated to a specific unit and is to be functional and accessible.

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

31. DACCA02 - Application for a Construction Certificate
Construction work must not commence until a Construction Certificate has been obtained from Council or an Accredited Certifier.

(Reason: Statutory requirement)

32. DACCI01 - S7.4 Planning Agreement
Prior to issue of any Construction Certificate, the applicant is to enter into a Planning Agreement under Section 7.7(3) of the Environmental Planning and Assessment Act 1979 with Council in accordance with the letter of offer made by the applicant dated 18 March 2021, for the:

a) Design, construction, subdivision and dedication of the land (to Cambridge street, including a splay to the corner of Cambridge Street and Merrylands Road) indicated by red hatching on the architectural plan no. 0008 Rev A dated 23 November 2020, to council as required under the Holroyd DCP 2013.

(Reason: To ensure compliance with the terms of the Section 7.4 Agreement.)

33. DADCZ01 - Sydney Water approval
Approval in principle, from Sydney Water must be obtained for the following matters prior to issue of a Construction Certificate. The approval letter must indicate Sydney Water's approval or no objection to the following activities affecting Sydney Water asset.

a. Excavation on and around the Sydney Water's sewer line.
b. Proposed measure of replacing and/or relocating the existing sewer pipe as required by Sydney Water, that hangs open across the basement,

(Reason: To ensure compliance with the requirements for construction within the Sydney Water's asset.)

34. DADCZ02 - Revised Flood model and study report
An updated flood and impact study shall be carried to appreciate the current situation and impact due to the development and report detailing the risk and management measures addressing the issues and the controls, including the flood matrix table, as outlined under the section 8.6, Part "A" of Holroyd DCP 2013). The flood and risk management study report and the flood model shall be submitted to the satisfaction of council, prior to issue of a Construction Certificate, with the following provisions.

a. The existing flood affected area shall be kept open to allow free flow of flood water, and

shall not be blocked/ obstructed that results in loss of flood area, redirection of flow, or change in the characteristics of the flood, or cause impact elsewhere (increase in inundation, velocity, depth or vxd product).

b. The flood study model and report must be consistent with the Statement of Environmental Effect report and the architectural provisions.
c. Tabular presentation of the flood model results, flood water level, natural ground level, velocity, depth, and vxd product for the pre and post development scenario at the critical locations such as each corners of the proposed building, each corners of the subject site, in front of the each entrance to the building, at the critical locations within the adjoining neighbouring properties, shall be provided for clear understanding and comparison of the impact. The report shall include the results outlined above for 1% AEP and 5% AEP to clarify and appreciate the behaviour of the flood and its sensitivity with respect to the development.
d. The flood levels in the post development scenario in both public road and private property must not be increased. The tolerance, level difference, must not exceed 10mm.
e. Electronic copy of the model setup (hydrological and hydraulics models) shall also be submitted together with the report.
f. A crest across the access driveway shall be provided to prevent the street stormwater/floodwater spilling into the basement through the driveway. The crest level shall be at least 500mm above the associated 1%AEP flood level.

Note: the submitted flood report indicates that the flood level near the access driveway entrance appear to be over 21.5mAHD. Hence, the crest across the driveway access ramp and the habitable floor levels must be at 500mm above the associated flood level (Fl21.5+0.5 = 22.0mAHD).

(Reason: To ensure minimal flood affectation, impact, and protection from the flood.)

35. DADCZ04 - Amended Stormwater plan

The stormwater plans shall be amended to demonstrate its functionality addressing the following matters, and submitted to the satisfaction of council's Manager, Engineering and Traffic prior to issue of a Construction Certificate.

a. The area bypassing the OSD system must not exceed 15% of site area into consideration for OSD system.
b. The OSD tank floor base slab must have gradient/slope of at least 1% to the control pit.
c. In order to ensure that the flood water does not spill into the basement through the driveway ramp, a crest shall be formed across full width of the driveway such that the crest level be at least 500mm above the associated 1% AEP flood level. (Note. The submitted flood report indicates the 1%AEP flood level as 21.50mAHD, hence the crest must not be lower than RL22.00m AHD).
d. The car spaces within the basement level 2 shall be provided with a freeboard of at least 150mm above the associated ponding water level at aboveground ponding area for the basement pump out system.
e. The basement pump-out tank shall have a holding storage volume of at least $3.5m^3$ (minimum for subsoil drainage requirements) and also capable of storing the runoff from the exposed area of the driveway for 1%AEP 90 minutes duration. Currently the exposed area is over $200m^2$ and require proportionately larger storage provision.
f. The exposed area of the driveway that generates runoff and that cannot be directed into the OSD system must not exceed $50m^2$. The exposed area is noted to be over $200m^2$ exceeding the limit. The excess area must be eliminated.
g. The Long section profile of the pipeline from the OSD tank up to the connection into existing kerb inlet pit shall be provided with the details (sectional lengths, pipe size, gradients, invert levels, associated finished ground levels etc.).
h. Clarify why the outlet is proposed to be connected into the pit at the corner of Merrylands Road and Cambridge Street, despite a kerb inlet being noted on Cambridge Street in the vicinity of the proposed OSD tank.
i. Details of the existing pit at the connection point, such as the pit size invert and grate level of the pit, invert level of the proposed connecting pipe and size etc. shall be investigated and a survey plan shall be provided. The design must demonstrate that the outlet pipe had sufficient hydraulic gradient and there is no backflow into the OSD system.

(Reason: To ensure appropriate stormwater management provisions.)

36. DADCZ06 - Amended Architectural Plan

Amended plans indicating compliance with the following parking provisions must be submitted to and approved by Council prior to issue of a Construction Certificate.

a. The parking spaces shall be numbered according to the respective user groups.
b. At least 23 car space for commercial use (employees)
c. At least one loading bay shall be provided.
d. 40 car spaces for resident, including one for car wash bay for residents.
e. At least 9 car spaces for residential visitors.
f. Each disabled car space for commercial use/residential use shall be provided with an adjoining 2.4m wide shared zone. The following remedial rectification shall be carried out.
    i. The commercial disabled car spaces on basement level 1 must have a shared zone adjacent to it (one disabled car space missing the shared zone).
    ii. The residential disabled car spaces on basement level 2 must have a shared zone adjacent to it (one disabled car space missing the shared zone).
g. The end of the blind parking aisle for commercial parking on the basement level 1 shall include either 1m extension or have a turning bay provided by deleting one of the end car space.
h. The end of the blind parking aisle for residential parking on the basement level 1 shall include either 1m extension or have a turning bay provided by deleting one of the end car space.
i. For the safety reason a designated safe and pedestrian access from the car parking aisle to the access lift/staircase shall be provided to prevent conflict between the pedestrian and the internal traffic. The safe pedestrian access to the parking aisle shall be designated and line marked on site, and the layout shall be shown on the plan.
j. Clarify the use, allocations and accessibility of the storage areas located behind the commercial car spaces (employee), visitor's car space, and lift/staircase on basement level1.

(Reason: To ensure appropriate provision of parking spaces and designated safe pedestrian access to and from the car park.)

37. DADCZ07 - Vehicular Access, Manoeuvring Access

An amended basement car park plan, indicating compliance with the following requirements must be submitted to and approved by Council prior to issue of a Construction Certificate.

a. All aisle width and dimensions shall comply with the relevant clause of Holroyd DCP 2013.

Driveway gradients

b. The gradient of the driveway for the first 6m from the property boundary to the car park shall be designed to limit within the 5% gradient. Further, the ramp shall be designed to comply with the gradient in accordance with the AS2890.1-2004 with the resultant levels and gradients clearly shown on the drawings (Plan and Long-sectional profile).

Clearance width

c. The door jamb for the roller shutter door located at the entrance to the basement level 2 ramp, shall be deleted to widen the ramp width for improved manoeuvrability and to provide enough space to allow passing of vehicles travelling in opposite direction.

(Reason: to improve manoeuvrability.)

Headroom Clearance

d. The headroom clearance along the driveway and the basement parking including the ramp, and the aisles, parking spaces must comply with the requirements as outlined in AS2890.1-2004 and Holroyd DCP2013. The minimum clearance from floor to the lowest hanging objects or structures from the ceiling should be 2.3m but not less than 2.2m. where the clearance is less than 2.3 m a "Low level clearance warning sign with the clearance height in metre" shown must be installed before the starting point of the area.

(Reason: to indicate waring and improve manoeuvrability.)

Swept path diagram

e. Swept path diagram demonstrating vehicular manoeuvring within the basement parking aisles without any obstruction to traffic in opposite direction, shall be prepared. The swept path diagrams shall demonstrate how the vehicle can manoeuvre and access the parking spaces at critical locations (such as at the entry and exit around the base of the access ramp, around the

90 degree turn along the aisle, access to and from the end car spaces of the blind aisles within the commercial and residential parking aisles, etc., and to and from the main entrance.

The swept path shall demonstrate the turning vehicle do not encroach into or cause obstruction to the lane for opposite traffic at the following locations.

i. At the upstream and downstream ends of the ramp from ground floor to the basement level
ii. At the upstream and downstream ends of the ramp from basement level 1 to the basement level 2.

(Reason: Compliance with the manoeuvring requirements.)

38. 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)

39. DADCZ09 - Retention of neighbouring trees

The following further investigation must be submitted to and approved by Council prior to issue of a Construction Certificate:

- Investigation via Root Mapping, outside the Structural Root Zone (SRZ) of Trees 1 (Eucalyptus sp (smooth barked)), 2 (Eucalyptus sp (rough barked)), 3 (Eucalyptus sp (smooth barked)), 4 (Tristaniopsis laurina - Water Gum) and 5 (Tristaniopsis laurina - Water Gum) located within the adjoining property at 4 - 6 Cambridge Street, and to a minimum depth of 600mm is to be undertaken by hand or non-destructive methods, under direction and supervision of an AQF Level 5 Consulting Arborist.

  This involves carefully hand excavating a narrow trench under supervision of an AQF Level 5 Consulting Arborist, along the closest line of cut to the trees. This will allow the location of woody tree roots greater than 30mm in diameter to be carefully exposed, with Arborist documenting the extent of roots that would require removal to accommodate the current design layout.

- The Consulting Arborist engaged to undertake the works must contact Council's Tree Management Officers 48 hours prior to the start of the Root Mapping exercise to organize an onsite meeting on the day of the works, and to discuss the extent of root pruning/root loss that may be required to accommodate the current design layout.

- Detailed results of the Root Investigation are to be included in a report prepared by an AQF Level 5 Consulting Arborist, which is to be submitted to Council for assessment and comment by Council's Tree Management Officer prior to the commencement of any works.

- Based on the findings of the Root Mapping, the following must also be addressed in the Arborist Report:

  - Comment/recommendations regarding if this closest line of cut to the trees to accommodate the proposed development will compromise the long-term retention of the tree.

  - Any additional tree sensitive construction methods/tree protection to be implemented within the proximity of the subject trees during the proposed works, and necessary remedial works to be implemented, if it is determined by the Arborist that the extent of root mass that is required to be removed will not compromise the long-term retention of the trees.

- Pending the findings/recommendations of the Root Mapping, the current stormwater/building layout may require modification so the trees can be retained.

- The Arborist Report must provide an assessment of Council's Street Tree Brush Box on Merrylands Road.

40. **DADCZ10 - Acoustic Report**
An acoustic assessment carried out by a suitably qualified Acoustic Consultant which demonstrates how the proposed development will comply with the NSW Environment Protection Authority's Noise Policy for Industry and other relevant standards and guidelines, must be submitted to and approved by Council prior to issue of a Construction Certificate. The report must include an assessment of all potential noise sources including (but not limited to) plant, equipment and traffic noise and their impact on both surrounding sensitive receivers and residents living in the proposed development.

Note: Suitably qualified Acoustical 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 minimise adverse amenity impacts to the locality)

41. **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)

42. **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)

43. **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.)

44. **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.)

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

Damage Deposit	$6,470.00
Sect. 7.11 Contributions	$571,397 + CPI
Tree Bond	$5,000
Landscaping Bond	$685.00
Construction Traffic Management Plan	$250.00
TOTAL	$583,802 + 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)

46. **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.)

47. **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.)

48. **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.)

49. **DACCC03 - Submission of Plans for Works within the Road Reserve**
The submission to Council of three (3) copies and an electronic copy of Civil Engineering drawings for the design of all works within the road reserve required adjacent and outside the subject site including long-Section and cross sections, details of proposed structures, ancillaries (e.g. footpaths, signage etc.) and specifications.

The drawings must be approved by Council in writing and all fees and charges paid prior to the issue of

the Construction Certificate.

Such design shall be:

(a) Prepared and submitted in electronic format, undertaken by a consulting Civil Engineer,

(b) Approved in writing by Council under Section 138 of the Roads Act., prior to the issue of the Construction Certificate, and

(c) All Civil Engineering works outside the subject site or within the road reserve and road 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.)

50. **DACCC04 - Vehicular Crossings, Redundant Vehicular Crossings and other Works**
Concrete vehicular crossing(s) and layback shall be constructed across the nature strip 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 and natural grass verge 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 under Section 138 of the Road Act 1993 (available from Council's Customer Services Centre or from Council's website), and pay the appropriate fees and charges prior to works commencing.

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.)

51. **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.)

52. **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.)

53. DACCE01 - Public Access

The public access generally as identified on the approved plans must be made available for the public and an appropriate restriction and easement benefitting Council must be created under Section 88E of the Conveyancing Act to the satisfaction of Council.

The easement must reserve the land for the purposes of landscaping, public recreation and access, and allow unrestricted public access to this area including the right of the public to pass, re-pass and remain upon the land for recreational and access purposes.

Notices must be prominently displayed at each end of the path clearly indicating the availability of public access.

The public access area must be maintained to the satisfaction of Council by the proprietors of the land including lighting, upkeep and repair of paths, landscaping, furniture and the like, as well as fencing. Proprietors must hold an appropriate public liability insurance and indemnify Cumberland City Council.

No access paths or the like are permitted within this area from the adjoining private use portion of the land other than as shown on the approved plans. No gates or the like are permitted within or at either end of the public area.

(Reason: To facilitate ongoing public access to the identified portion of the site.)

54. DACCE02 - Construction Management Plan

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

a) Actions and works proposed to ensure safe access to and from the site, including how the road and footpath area will be protected from building activities, plant and materials delivery, or static loads from cranes, concrete pumps and the like.

b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.

c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.

d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.

e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.

f) A Soil and Water Management Plan detailing all sedimentation controls.

(Reason: to ensure construction management, amenity and protection of public infrastructure and the environment.)

55. DACCE03 - Construction Traffic Management Plan (CTMP)

Prior to the issue of any Construction Certificate, the applicant shall submit and have approved by Council's Transportation & Traffic Section, a detailed construction Traffic Management Plan (TMP). The plan shall demonstrate how construction and delivery vehicles will access the development site during the demolition, excavation and construction phase of the development. The plan shall be certified by a suitably qualified and experienced traffic consultant and all traffic associated with the subject development shall comply with the terms of the approved Construction Traffic Management Plan.

The following matters (at a minimum) must be addressed in the TMP:

a) A detailed description and route map of the proposed truck/construction vehicle access routes.

b) The locations of any proposed Construction Works Zones along the site frontage.

c) Provide a construction schedule.

d) Tradesperson parking (parking shall be provided on-site where possible).

e) Provide relevant Traffic Control Plans (must be certified by a suitably qualified RMS ticket holder).

f) Provide relevant Pedestrian Management Plans.

g) A site plan which indicates site entrances and exits, turning areas within the site for construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller.

(Reason: Traffic management, pedestrian safety and amenity during construction phase.)

56. 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)

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

The following car parking and service vehicle requirements apply:-

a) Minimum 72 car spaces shall be provided on the development site. This shall comprise of:

39 residential spaces.
1 car wash bay

9 visitor's spaces.

23 business/commercial/retail premises spaces.

Car parking spaces for people with mobility impairment/disabilities in accordance with the relevant Australian Standards.

(b) All car spaces shall be allocated and marked according to this requirement.

(c) If the development is to be strata subdivided, the car park layout must reflect the above allocation and be part of the entitlement of that strata lot.

(d) Each car parking space shall have minimum dimensions in accordance with the relevant Australian Standard and be provided on-site in accordance with the approved plans.

(e) The parking bays shall be delineated by line marking.

(f) Visitor spaces shall be clearly line marked and/or signposted and shall only be used by persons visiting residents or commercial/business/retail premises located within the development.

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

(a) Signage indicating "Entry Only" shall be prominently displayed at the entrance to the development.

(b) Signage indicating "Exit Only" shall be prominently displayed at the exit to the development.

(c) One-Way directional arrows shall be painted on the driveway pavement to indicate the required vehicular directional movement through the car parking area.

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

(Reason: Parking and access)

58. 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 prior to the issue of the Construction Certificate.

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

59. **DACCG07 - Maintaining Sight Lines (multi- unit development)**
All solid walls adjacent to vehicular crossings must be lowered to a height of 600mm above the internal driveway level for a distance of 2m within the site or splayed 2.0m wide by 2.5m deep to provide satisfactory sight lines or alternatively they must be see through to allow sightlines. Details are to be submitted to the Accredited Certifier prior to the issue of a Construction Certificate showing compliance with this condition.

(Reason: To maintain traffic sight distance and ensure pedestrian safety.)

60. **DACCG08 - Ramp Width Requirements (multi-unit development)**
The internal driveway must be a minimum 5.50m wide (clear width) for the first 6 metres inside the property to allow entering & exiting vehicles to pass within the site. Should the driveway narrow after this point it is to be designed with a minimum 1.5m x 1.5m splay to allow the passing to work. The building plans shall indicate compliance with this requirement prior to the issue of a Construction Certificate.

(Reason: Safety and traffic management.)

61. **DACCG09 - Speed Hump and Stop Sign on Exit**
The applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5 metres from the boundary alignment. The devices shall be designed and constructed in accordance with the provision of all relevant Australian Standards. The building plans shall indicate compliance with this requirement prior to the issue of a Construction certificate.

(Reason: Traffic safety and management.)

62. **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.)

63. **DACCH01 - Translucent Glazing for Privacy in Wet Areas**
Translucent glazing must be installed in all bathroom, ensuite and toilet windows.

(Reason: Amenity.)

64. **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.)

65. **DACCI03- Substation /Fire Hydrant Boosters**

No approval is granted or implied for the substation including 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.)

66. **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.)

67. DACCJ01 - Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate a detailed stormwater drainage plan for the safe disposal of stormwater from the site, prepared in accordance with Council's "On-Site Stormwater Detention Policy", the "Stormwater and On Site Detention Drawing Submission Checklist " and the "Upper Parramatta River Catchment Trust's On-site Stormwater Detention Handbook" shall be submitted and approved by the Accredited Certifier.

Should any changes be required to the approved stormwater drainage plan, the amended design shall achieve equivalent performance standards in accordance with Council's "On-Site Stormwater Detention Policy".
(Note: where the proposed design extends beyond the property boundary, separate approval under Section 138 of the Roads Act 1993, must be obtained from Council prior to the commencement of works).

The stormwater plan shall be in accordance with the stormwater plans prepared by Australian Consulting Engineers, Drawings ACE170148.SW.DA 101 to -106, revision "A" dated 30/05/2017 and address the followings:

a. The roof gutter and downpipe system shall be designed to convey the 5-minute duration 1% AEP storm event into the OSD system with no gutter overflows.

b. All the rain head shall have sufficient inlet capacity to prevent overflowing.

c. One half of the base of the HED control pit shall have a dry platform installed to allow stepping while inside the control pit for maintenance. The platform shall be at least level with the centre of the orifice to allow it to remain dry.

d. The other half of the base of the HED control pit shall a sump adjacent to the orifice plate for collection of the sediments and to allow trash screen to be fitted. The sump shall be benched towards the orifice plate.

e. All roof-runoff from the building shall be directed into the OSD system

f. The basement pump-out tank shall be incorporate a sump of at least 300mm deep to house the pumps installation, and to ensure continuation of priming of the pump to avoid cavitation.

g. 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.

h. Galvanised step irons staggered at 300mm centres shall also be proposed at each access point to the underground storage tank/s.

i. All access points to the belowground tank shall be a minimum of 900mm x 900mm grated lid.

j. A confined space danger sign shall be provided at all access points to the underground OSD storage tank.

k. The access covers over the belowground OSD tank shall be grated, hinged with child proof safety lock.

l. Amendments in red as shown on the Council's approved plans.

The amended plan shall be submitted to the Principal Certifying Authority (PCA) for approval together with the application for the construction certificate.

(Reason: Stormwater management.)

68. DACCJ03 - Certification of the Stormwater Drainage System Design

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Council's "On-site Stormwater Detention Policy" and shall be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

Certification of the proposed stormwater design shall be obtained from a Chartered Professional Civil

Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) and shall be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

(Reason: Adequate stormwater management.)

69. **DACCJ05- Grated Drain across the driveway within the ramp**
A grated trench drain shall be provided across the width of the driveway within the ramp. Unless otherwise designed by a Qualified Civil Engineer, the dimensions of the trench grate shall not be less than 200mm wide by 150mm deep at the shallow end and have a minimum slope of 2%. This trench drain shall be connected to an approved drainage system. The grated drain calculation shall be in accordance with AS/NZS3500.

The above information must be indicated on all relevant drawings to be submitted with the Construction Certificate.

(Reason: Environmental protection.)

70. **DACCJ06 - Silt Arrestors and Gross Pollutant Traps**
Silt and gross pollutant traps shall be fitted in all stormwater pits, designed in accordance with Council's Engineering Specifications and Holroyd Development Control Plan and to the satisfaction of Council or an Accredited Certifier. Details are to be submitted with the design prior to the issue of the Construction Certificate.

(Reason: Environmental protection.)

71. **DACCJ07 - Installation of Temporary Ground Anchor**
Where ground anchors are proposed for the protection of Council's land or assets such as utility services, footpaths, kerb and gutter and other ancillary infrastructure, a separate application form for temporary ground anchors shall be submitted with payment of the relevant fees & charges prior to the issue of a Construction Certificate. For Council to consider this option, a statement from a qualified Structural or Geotechnical Engineer must be submitted with the application demonstrating there is no other alternative method of stabilisation.

(Reason: Protection of Council assets.)

72. **DACCJ08 - Control of Seepage Water**
A holding tank shall be provided to store seepage water for a period of 24 hours. The discharge of seepage water to the kerb is to be restricted between 11:00pm and 3:00am at a maximum discharge rate of 5.0 L/s. A minimum of seepage rate of 0.001 L/s per sq. shall be adopted to calculate the capacity of the holding tank unless a geotechnical report prepared by a qualified Geotechnical Consultant is submitted which provides a different seepage rate, prior to the issue of a Construction Certificate.

(Reason: Prevention of public nuisance from discharge of seepage water.)

73. **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.)

74. **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.)

75. **DACCK01 - Dilapidation Report**
A Dilapidation report should be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken on the site as part of this approved development. This is designed to assist all parties should damage occur which is not preventable. The dilapidation reports must be completed and submitted to the owner/s of the affected property/ies, Council and the Principal certifier prior to undertaking any works that may cause damage. All costs shall be borne by the applicant/person acting on the consent.

The Dilapidation Report is to be prepared by a suitably qualified practising engineer.

Please note:

a) Any damage that may be caused is a civil matter. This consent does not allow or authorise any party to cause damage, trespass, or any other unlawful act and Council will not be held responsible for any damage that may be caused to adjoining buildings as a consequence of the development being carried out.

b) Council will not become directly involved in disputes between the builder, owner, developer, its contractors and the owners of neighbouring buildings.

(Reason: To ensure there is an adequate record of the state of neighbouring properties prior to works commencing on site.)

76. **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.)

77. **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.)

78. **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.)

79. **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.)

80. **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.)

81. **DACCL06- Waste Storage Area**
A designated waste and recyclable storage room must be provided on the premises in accordance with the following requirements:
a) The area must be fully enclosed, suitably sized to contain all waste and recyclable material generated by the premises, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls;
b) The floor must be graded and drain to sewer in accordance with Sydney Water requirements;
c) A hot and cold hose cock shall be provided within the room.
d) If there is a mix of residential and commercial uses on site, then separate storage rooms complying with the above requirements must be provided for each.

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.)

82. **DACCM03 - Mechanical Ventilation - Certification of Compliance**
Details of any mechanical ventilation and/or air handling system must be prepared by a suitably qualified person and certified in accordance with Clause A2.2 (a) (iii) of the National Construction Code 2019, to the satisfaction of the Principal Certifier prior to the issue of a Construction Certificate. The system must be certified as complying with AS1668.1 and 2 - 2012 The Use of Ventilation and Air-Conditioning in Buildings - Mechanical Ventilation in Buildings, the National Construction Code and relevant Australian Standards.

(Reason: To ensure adequate mechanical ventilation is provided.)

83. **DACCZ01 - Bond for removal of redundant vehicular crossing**
The applicant shall lodge with Council a $7,500.00 cash bond or bank guarantee to cover the removal of redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.

(Reason: To ensure compliance with the requirements.)

84. **DACCZ02 - Bond for footpath construction/ reconstruction**
The applicant shall lodge with Council a $10,000.00 cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete footpath paving adjacent to the site. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.

(Reason: To ensure compliance with the requirements.)

85. **DACCZ03 - Bond for Kerb & Gutter construction/ reconstruction**
The applicant shall lodge with Council a $10,00.00 cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete kerb and guttering adjacent to the site. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.

(Reason: To ensure compliance with the requirements.)

86. **DACCZ04 - Bond for Registration of positive covenant and restriction/ Overland Flow path**
The applicant shall lodge with Council a $6,605.00 cash bond to cover the registration of a Positive Covenant and Restriction as to User over the *On-site Detention system and Overland Flow path. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the land Property Information NSW.

(Reason: To ensure compliance with the requirements.)

87. **DACCZ05 - Bond for of Connection work into Council's Drainage System**
The applicant shall lodge with Council a $5,000.00 cash bond or bank guarantee to cover the satisfactory completion of construction and/or re-construction of kerb inlet pit, and connection into the kerb inlet pit/ stormwater pipe and associated restoration works to the satisfaction of council. This bond will be withheld for Six (6) months after the completion of works or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.

(Reason: To ensure compliance with the requirements.)

88. **DACCZ06 - Architectural plan (Clearance and Manoeuvring)**
The architectural plans shall demonstrate the following:
    a. The existing footpath levels shall not be lowered to cause undulation along the footpath surface.
    b. The existing surface along the front boundary line, that fall within the proposed driveway shall not be lowered. The approved levels shall be obtained by application for approval of the levels from council.
    c. A crest shall be provided across the width of the driveway within the property boundary to prevent the floodwater spilling into the basement through the driveway. The crest shall be at least 500mm higher than the associated flood level during 1%AEP flood event.
    d. The long section profile of the driveway from the street to the basement shall demonstrate the following:
        i. The headroom clearance along the driveway ramp from the property boundary up to the basement car park shall preferably be more but no less than 2.2m.
        ii. Wherever the headroom clearance is less than 2.3m, a "Low level clearance" warning sign as specified in clause 4.3.4 (a) of AS2890.1-2004, shall be provided in conjunction with the appropriate warning devices such as flexible striker.
        iii. The headroom clearance from the finished floor surface to the ceiling and /or to the lowest hanging object within the basement car park shall be at least 2.2m.
        iv. The sectional gradients, transition length, etc along the access driveway and ramp shall comply with AS2890.1-2004.

(Reason: To ensure compliance with clearance, manoeuvring.)

89. **DACCZ07 - Pedestrian safety measures**
Various measures including signalling lights and convex mirror shall be installed at appropriate locations for warning pedestrian or oncoming traffic, to enhance the visibility for pedestrian and exiting vehicles as part of traffic and pedestrian safety measures.

(Reason: To improve pedestrian and traffic safety.)

90. **DACCZ08 - Habitable floor level to be 500mm above the 1%AEP flood level**
The habitable floor level shall be at least 500mm above the associated 1%AEP flood level at the respective locations of the proposed building. However, the level shall not be lower than the following:

a. The habitable finished floor level for building shall be at least 500mm above the associated 1%AEP flood level i.e. at least RL22.0mAHD.

b. The crest of the driveway ramp to the basement car park, shall be at least 500mm above the associated 1% AEP flood level, i.e. at least at RL22.0mAHD, to the full width of the driveway.

c. The car parking spaces at the basement level 2 shall be at least 150mm above the associated aboveground ponding for the basement pump-out system.

All the plans, architectural, stormwater etc. shall be amended to incorporate the above requirements.

(Reason: To ensure protection of properties from floodwater.)

91. DACCZ09 - Structure to withstand impact of flood and floating debris
All the building-structures, walls, etc. up to 500mm above 1%AEP flood level shall be designed to withstand effect of the overland flow and impact of the floating debris.

(Reason: To ensure protection of properties from the overland flood.)

92. DACCZ10 - Flood Management Measures
The development site has been identified as a flood affected site in the 1%AEP storm event, which was considered as part of the development consent. In this regard, design and construction details shall be submitted to the certifying authority prior to the issue of a Construction Certificate and the following shall also be addressed: -

a. Demonstrate compliance with recommendation and requirements as outlined in the Flood Impact Assessment Report (reference 59914157-L01:BCP/bcp dated 13/1/2014) prepared by Cardno (NSW/Act) Pty Ltd, and any subsequence revisions and all the relevant development controls specifically Table 8 under Section 8.6 of part "A" of Holroyd DCP 2013 shall be complied with.

b. Design and construction of the proposed structures shall also include the proposed structures being able to withstand the forces of floodwater, floating debris and objects, and buoyancy up to and including the Flood Planning Level (1% AEP flood plus 500mm freeboard).

c. All works up to the flood planning level shall be constructed of flood compatible materials.

d. All the electrical equipment, power supply, wiring, power outlets shall be located above the flood planning level. All works shall generally be in accordance with Holroyd DCP 2013 Section 8 table 9 and 10.

e. All boundary fencing within the flood-affected area shall be installed of flood compatible pool type fence, in accordance with Council standard detail SD8025.

(Reason: to ensure appropriate flood management measures are in place and protection from the flood.)

93. DACCL05- Compliance with Acoustic Report
Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with any requirements and recommendations of the acoustic report as required to satisfy condition 40.

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.)

94. External Walls and Cladding Flammability

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 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.

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

95. DAPCA01 - Appointment of Principal Certifier

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

a) A construction certificate for the building work has been obtained from a Certifier.

b) the person having the benefit of the development consent has:

(i) appointed a principal certifier for the building work, and
(ii) given at least 2 days' notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building, and

c) The principal certifier has, no later than 2 days before the building work commences:

(i) notified the Council of his or her appointment, and
(ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

d) The person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case

e) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:

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

(Reason: Statutory requirements.)

96. 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.)

97. DAPCA04 - Principal Certifier Sign

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

a) The Principal Certifier by showing their name, address and telephone number.

b) The Principal Contractor (if any) by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.

c) The sign must state that unauthorised entry to the work site is prohibited.

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

(Reason: Statutory requirement.)

98. 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.)

99. 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.)

100. 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.)

101. DAPCB05 - Trunk Protection

To limit the potential for damage to trees to be retained, trunk protection measures must be installed in accordance with section 4.5.2 of AS 4970 - 2009 'Protection of Trees on Development Sites' for the following tree/s prior to the commencement of demolition, excavation or building works:

Species	Location
Brush Box Tree	Council naturestrip on Merrylands Road

Trunk protection shall comprise the placement of 2000mm lengths of 100mm x 50mm hardwood battens organized vertically at 150mm centres around the trunk and secured in place by metal strap bindings or ten gauge fencing wire fixed at 300mm centres. Prior to placing battens a soft protective padding must be installed to the ends of the timbers to prevent damage to the bark and conductive tissue. Under no circumstances are the battens to be secured to the tree by a method that involves the trunk being penetrated by a nail, screw, rod or the like. Trunk protection must remain in place for the duration of the works.

(Reason: Tree trunk protection.)

102. 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.)

103. DAPCC02 - Dewatering

If groundwater is encountered or expected to be encountered during excavation works, the following actions must be taken prior to the commencement of any dewatering activities on site:

a) Approval must be obtained from Water NSW and adhered to, with a copy of the approval to be kept on site at all times and be available to the appropriate regulatory authority, including Council, upon request.

b) A Dewatering Management Plan (DMP) must be prepared by a qualified water quality expert and a copy submitted to Council. The DMP must:

i. State why de-watering is necessary and confirm any required approvals;
ii. Clearly state that the DMP will be used as the basis for approval to enable connection and discharge to the stormwater system;
iii. Detail the proposed de-watering techniques;
iv. Outline anticipated dewatering flow rate and total dewatering duration;
v. Details on the controls (e.g. settling tank, turbidity curtain etc.) and method of discharge to ensure compliance with conditions of approval and requirements of the Protection of the Environment Operations Act 1997;
vi. Explain the measures and techniques to monitor and record groundwater and

tailwater quality, water discharges, and monitoring results. Groundwater must be discharged directly to the nearest stormwater pit and not spread over any road or footpath areas. Safe passage for pedestrians must be maintained;

vii. Records are to be kept on site at all times and be available to the appropriate regulatory authority upon request;

viii. Provide a contingency plan in case of emergency situation;

ix. Provide details of water quality analysis and testing that has been undertaken by a NATA accredited laboratory and demonstrate compliance against relevant water quality criteria including the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ 2018). Where the ANZECC/ARMAC 2018 guidelines are silent on any elements or chemicals identified in testing, the water discharge is to comply with relevant endorsed guidelines and recommendations issued by the NSW EPA. The DMP must state that further analysis will be undertaken prior to connection to Council's stormwater system;

x. State that the release of water into Council's stormwater system is to halt immediately where water quality does not meet discharge criteria identified above;

xi. State that the water quality monitoring will be self-certified by an experienced water quality expert; and

xii. State that water quality parameters will be tested bi-weekly.

(Reason: To minimise/prevent impacts on waterways.)

104. DAPCZ01 - Protection of Footpath Paving, Kerb and Gutter

Protection must be provided for Council footpath paving, kerbs and gutters. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.

(Reason: To ensure protection of public asset.)

105. DAPCZ02 - Surveying - Boundaries

All footings and walls proposed within 1 metre of a boundary must be set out by a registered surveyor, a boundary survey and report shall be prepared indicating the true boundaries and position of the external walls that are adjacent to the boundaries of the development site. The survey/report shall be submitted to the principal certifying authority.

(Reason: To ensure correct boundary offsets.)

106. DAPCZ03 - Connection into council Kerb Inlet pit

The connection into council's existing kerb inlet pit must comply with the following requirements.

a. The connection into council pit must be in accordance with the Council's requirements.

b. Drawing showing the connection details including the levels and the details of connecting pipe and the existing pit must be provided.

c. The connecting pipe must traverse the nature strip at a shortest distance and at a minimum disruption to the public facilities such as footpath and grass verge. The connecting pipe must not be traversing at an angle less than 45 degrees to the Council pipe.

d. The connection into the pit must be made at a level as high from the invert of the pit as possible to avoid the pipe being blocked by sediments and debris that are collected at the base of the pit.

e. The connecting pipe shall be provided with a sufficient cover depth.

f. The details of the services that runs within the road verge (nature strip) must be identified, their position/location, level, size, depth etc. shall be investigated and plotted on the plane long- sectional drawing of the connecting pile. It should be acknowledged that the connecting 375mm dia. outlet pipe will face many obstacles and conflict with the services running along the road verge (nature strip).

g. The designing engineer shall certify the information shown on the drawings about the services crossing or running along the outlet pipe to ensure that no unforeseen additional obstacles appears and disrupts the work while construction works begins.

(Reason: To ensure appropriate stormwater connection provisions.)

107. DAPCZ04 - Endeavour Energy Conditions

a) With the likely increase in both vehicular and pedestrian traffic, although the existing street lighting is designed for an urban environment, the street lighting for the proposed development should be reviewed and if necessary upgraded to comply with the series of standards applying to the lighting of roads and public spaces set out in with Australian/New Zealand Standard AS/NZS 1158: 2010 'Lighting for roads and public spaces' as updated from time to time.

b) Endeavour Energy requires the electricity network needed to service an area / development to be fit for purpose and meet the technical specifications, design, construction and commissioning standards based on Endeavour Energy's risk assessment associated with the implementation and use of the network connection / infrastructure for a flood prone site.

c) The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations' as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. It applies to all electrical installations including temporary builder's supply / connections.

d) Dial Before You Dig
Before commencing any underground activity the applicant is required to obtain advice from the Dial Before You Dig 1100 service in accordance with the requirements of the Electricity Supply Act 1995 (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

e) Removal of Electricity Supply
Approval for the permanent disconnection and removal of supply must be obtained from Endeavour Energy's Network Connections Branch (contact via Head Office enquiries on business days on telephone: 133 718 or (02) 9853 6666 from 9am - 4:30pm) by Accredited Service providers (ASP) with the relevant class of Authorisation for the type of work being carried out. The work could involve:
- The disconnection and removal of an underground service cable or overhead service line,
- Removal of metering equipment.

The written request must be submitted to Endeavour Energy using Form FPJ4603 'Permission to Remove Service / Metering by Authorised Level 2 Accredited Service Provider' which must be accompanied by Notification of Service Works (NOSW) forms provided as a result of service work activity performed by a Level 2 ASP. The retailer must also provide written agreement for the permanent removal of supply.
For details of the ASP scheme please refer to the above point 'Network Capacity / Connection'.

f) Asbestos
When undertaking works on or in the vicinity of Endeavour Energy's electricity network, asbestos or ACM must be identified by a competent person employed by or contracted to the applicant and an asbestos management plan, including its proper disposal, is required whenever construction works has the potential to impact asbestos or ACM.
The company's potential locations of asbestos to which construction / electricity workers could be exposed include:
- customer meter boards;
- conduits in ground;
- pad mount substation culvert end panels; and
- joint connection boxes and connection pits.

Further details are available by contacting Endeavour Energy's Electrical and Public Safety Section via Head Office enquiries on business days on telephone: 133 718 or (02) 9853 6666 from 9am - 4:30pm.

g) Public Safety
Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's

public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link: <http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communityna v/safety/safety+brochures>

(Reason: to comply with Endeavour Energy requirements.)

Conditions which must be satisfied during any development work

108. 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.)

109. 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.)

110. 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.)

111. 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.)

112. DADWA07 - General Site Requirements during Demolition and Construction

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

a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
b) Demolition must be carried out by a registered demolition contractor.
c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
d) No blasting is to be carried out at any time during construction of the building.
e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
f) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
g) Any demolition and excess construction materials are to be recycled wherever practicable.
h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
i) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip

or other authorised disposal area.

j) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
k) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
l) Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
m) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
n) Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
o) Building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the roadway or public footway or any other locations which could lead to the discharge of materials into the stormwater drainage system.
p) All site waters during excavation and construction must be contained on site in an approved manner to avoid pollutants entering into waterways or Council's stormwater drainage system.

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

113. **DADWA09 - Power Connection - Major Development**
All power connection to the development shall be installed underground for all major development (excluding dwellings, secondary dwellings and dual occupancy developments).

(Reason: To avoid visual clutter.)

114. **DADWA11 - Communication Cabling**
All communication cabling shall be installed underground as per the relevant authority's requirements.

(Reason: Environmental Amenity.)

115. **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.)

116. **DADWA15- Importation of Fill**
All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

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

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

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

117. **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.)

118. **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.)

119. **DADWA19 - Excavation Pump-out (surface water)**

Water that has accumulated in any excavation is not to be pumped or discharged into any stormwater system unless a written approval of Cumberland City Council or the Private Certifier responsible for the work is obtained prior to commencement of the pump out activities. The following details must be outlined in any application to Council/Certifier for discharge of stormwater:

(a) Identification of the suitably qualified environmental scientist who will carry out water quality testing for the activity.

(b) Confirmation that the analytical results of any discharge will comply with relevant water quality criteria including the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ 2018). Where the ANZECC/ARMAC 2018 guidelines are silent on any elements or chemicals identified in testing, the water discharge is to comply with relevant endorsed guidelines and recommendations issued by the NSW EPA.

Note: Water that does not comply with the above standards must not be discharged to the stormwater system, and shall be disposed of using alternative approved means (other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility).

(c) Details on the measures and techniques to monitor and record compliance with the above water quality criteria.

(d) Details on the controls (e.g. settling tank, turbidity curtain etc.) and method of discharge.

Water quality monitoring records are to be kept on site at all times and be available to the appropriate regulatory authority upon request.

(Reason: To minimise/prevent impacts on nearby waterways.)

120. **DADWA22 - Dust Control - Major Works**

The following measures must be implemented (in part or in total), along with any other measures as directed by Cumberland Council, to control the emission of dust:

a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work.

b) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to

enter the stormwater system.

c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
d) All stockpiles of soil or other materials shall be placed away from drainage lines, gutters or stormwater pits or inlets.
e) All stockpiles of soil or other materials likely to generate dust or odours shall be covered.
f) All stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining more than 24 hours or as directed by the Cumberland Council.

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

121. **DADWB01 - Arborist Inspections**
Prior to the commencement of works the applicant must engage a suitably qualified and experienced arborist (Australian Qualification Framework Level 5 or above) to assess the impact of the proposed works and ensure tree protection conditions of this consent, and recommendations of the endorsed arborist report are complied with throughout the duration of the development. This requires the arborist supervising works/attending the site during critical stages of excavation and construction works within the vicinity of tree/s to be retained and is to record the following information:

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

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

122. **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.)

123. **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.)

124. **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.)

125. **DADWC03 - Progress Survey - Major Development (greater than two stories)**
In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

a) At the completion of excavation, prior to the placement of any footings, showing the completed level of the excavation and its relationship to the boundaries;
b) Prior to placement of concrete, the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
c) Prior to placement of concrete at each second floor level showing the principal level of the formwork and the intended relationship of the completed works to the boundary;
d) Prior to roofing, or completion of the highest point of the building, showing the anticipated level of the completed work and the relationship to the boundary; and
e) At completion, works showing the relationship of the building to the boundary.

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

(Reason: To ensure compliance with approved plans.)

126. **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.)

127. **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.)

128. **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.)

129. **DADWC08 - Anti-Graffiti Coatings**
The external fabric of the building shall utilise anti-graffiti coatings, where required, to prevent the application of graffiti to the buildings.

(Reason: To minimise the opportunity for graffiti.)

130. **DADWZ01 - Driveway within the Nature Strip/Road Reserve**
The vehicle crossing and the driveway between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.

(Reason: To maintain uniformity of driveway.)

131. **DADWZ02 - Inspection of Works (Stormwater Connection to Public Infrastructure)**
The stormwater drainage works connecting into the Council stormwater system shall be inspected by Council during construction. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

(a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the drainage connection.
(b) Prior to backfilling of the trench following the laying and connection of the storm water pipe/channel.
(c) Final Inspection.

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

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

(Reason: To protect council's asset and maintain quality.)

132. **DADWZ03 - Inspection of Works (OSD system)**
The stormwater drainage and/or pollution control devices shall be inspected during construction, by the Council or by a suitably qualified Civil Engineer. Documentary evidence of compliance with Council's specifications shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:

(a) Initial inspection to discuss concept and site conditions/constraints prior to commencement of the construction of the pollution control devices.

(b) After completion of storage but prior to installation of fittings (e.g. Screens etc.)

(c) Final Inspection.

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

(Reason: To ensure work complies with the design standard and maintain quality of works.)

133. **DADWZ04 - Access to premise and parking provisions**
The access to the premise and parking provision shall comply with the following requirements:

a. Access to the premise

i. An application for the vehicle crossing approval must be made to Council prior to commencement of the work.

ii. Any works requiring levels within the road reserve will require the submission of Council's Vehicular Crossing application form.

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

iv. A full width heavy duty vehicular crossing shall be provided opposite each vehicular entrance to the site, with a maximum width of *6 metres and a minimum width of *5.5 metres at the boundary line, with a maximum of 0.60 metres splays for entering and exiting site. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.

b. Parking space

i. All parking spaces shall be signposted, and line marked in accordance with the endorsed signs and line marking plans and Australian Standards (i.e. AS2890.1 2004, AS2890.1 2002, and 2890.6 2009).

ii. The entry/exit driveways shall be indicated with appropriate signage and line marking to avoid traffic conflict at the driveway.

iii. Wheel stops shall be provided at appropriate parking locations in accordance with AS2890.1-2004.

(Reason: Provision of access and parking management.)

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

134. **DAOCA01 - Occupation Certificate (section 6.9 of the Act)**
A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless an Occupation Certificate has been issued in relation to the building or part.

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

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

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

(Reason: Statutory requirement.)

135. **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.)

136. **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).

137. **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 reinforced concrete/structural members have been carried out/erected in accordance with the Engineer's requirements and the relevant standards/codes.

(Reason: Structural certification)

138. **DAOCA08 - Certification of Engineering Works**
Prior to occupation, the following documents must be submitted to the Principal Certifying Authority and another set shall be submitted to council.

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.
c) The "As-built" On-Site Detention (OSD) storage volumes are to be prepared based on the as build floor levels.
d) OSD WAE Survey certification form and WAE dimensions form (Refer to UPRCT Handbook).
e) Approved verses installed On-site Detention (OSD) Design Calculation summary Sheet certified by a qualified practicing Hydraulic Engineer.
f) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.
g) Structural Engineer's Certificate for the OSD tank structure, basement pump out tank structure, OSD basin (retaining) wall certifying structural stability of the structure and leak-

proof capability etc.

The abovementioned Certificate is to certify that:

i. the stormwater drainage system, and/or
ii. the car parking arrangement and area including circulating ramps, and/or
iii. any related footpath works, and/or
iv. the basement mechanical pump and well system, and/or
v. the proposed driveway and layback, and/or
vi. other civil works have been constructed in accordance with the Council approved plans and details and satisfies the design intent and complies with the appropriate SAA Codes relevant Standards and Council's Policies and Specifications.

Where Council is not the Principal Certifier, copies of the above documents are to be provided to Council prior to the issue of any Occupation Certificate.

(Reason: to ensure quality of the asset, Councils record and Asset management.)

139. DAOCA09 - Boundary Fencing Flood Affected Areas

The development site has been identified as a flood affected site in the 1% Annual Exceedance Probability (AEP) storm event. In this regard, all boundary fencing within the flood affected area(s) as identified in the flood report shall be constructed in accordance with Council's standard detail SD8025. The pool type fencing shall be provided at the base of the boundary fence to the extent of the post-developed 1% AEP flood. The fencing shall be constructed in consultation with adjoining affected property owner(s) at full cost to the developer. In this regard, photographic evidence of the construction of the fence in accordance with this requirement shall be provided to Council for approval prior to the issue of any Occupation Certificate.

(Reason: Safety and security.)

140. DAOCA10 - Provision of Street Numbers

A street number is to be displayed in a prominent position at the entrance to the premises. Numbers are to be of a colour contrasting with the wall to which they are affixed.

(Reason: To clearly identify the street number of the property.)

141. DAOCA11 - Civil Works on the Footway

The following works are to be carried out at the applicant's expense and to Council's satisfaction prior to the issue of any occupation certificate:

a) Reconstruct sections of cracked or defective footpath along the full frontage of the site, and/or
b) Reconstruct existing public drainage pit/pipe system, and/or
c) Construct a new vehicular crossing, and/or
d) Remove any redundant vehicular crossings and replace with kerb and gutter to match the adjoining.

Where the Applicant nominates Council to undertake the civil and stormwater works, they must contact Council in order to obtain an estimated cost for construction and contract to undertake the works.

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

142. DAOCB01 - Mechanical Ventilation - Certificate of Completion

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

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

143. DAOCF01 - Landscape Certificate

Prior to the issue of an Occupation Certificate all approved landscaping/tree planting works required on the subject site are to be completed to a professional standard in accordance with the endorsed landscape plan/s. At the completion of the landscape works, a final on-site inspection of the works

and comparison with the relevant endorsed documents is required by the designer of the approved Landscape Plan or another suitably qualified person (not the person who carried out the landscape works).

Following the inspection and prior to the issue of an Occupation Certificate, certification of completion of all landscape/tree planting works in accordance with the relevant conditions of this Consent and the approved Landscape Plan/s must be provided to the Principal Certifier.

Any works that vary from the approved plan/s must be documented or shown on a Works-As-Executed Landscape Plan and attached to the certificate. A copy of the Landscape Certification is to be provided for Council's verification with the Occupation Certificate.

(Reason: Landscape certification.)

144. **DAOCF03 - Arborist's Report - Follow up**
As part of the on-going assessment of the trees to be retained, the consulting arborist engaged by the applicant is to assess their health and any associated impacts from the proposed approved development. Findings are to be compiled and provided in a detailed report to the satisfaction of the Principal Certifier at the completion of construction and prior to the issue of an Occupation Certificate. This report must document:

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

(Reason: Ensure survival of trees to be retained.)

145. **DAOCF05 - Unpaved Verge Area**
The applicant shall construct/reconstruct the unpaved verge area with grass, species and installation approved by Council prior to issue of a Final Occupation Certificate.

(Reason: Environmental protection.)

146. **DAOCG01 - Certification of the Constructed Stormwater Drainage System**
The constructed stormwater drainage system shall be certified by a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER), in accordance with Council's Engineering Specifications, Development Control Plan", prior to issue of the Final Occupation Certificate.

(Reason: Adequate stormwater management.)

147. **DAOCH02 - Positive Covenant and Restriction as to User for the maintenance of OSD system and the overland flow path**
Prior to 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 constructed OSD System and the redirected overland flow path in accordance with the flood study report.

(Reason: To ensure owner's obligation and covenants are in place for the ongoing maintenance of the systems.)

148. **DAOCH03 - OSD Identification Plate**
Prior to the issue of a Final Occupation Certificate, the applicant shall install an identification plate near or on the control structure of the On-site Stormwater Detention (OSD) system. This is to advise the registered proprietor of their responsibility to maintain the OSD facility and not to tamper with it in any manner without the written consent of Council.

The wording and plate shall be in accordance with Council's standard requirements.

(Reason: To ensure that the OSD system is installed and identified in accordance with this

approval.)

149. **DAOCH04 - Evidence of Consolidation**
The existing allotments shall be consolidated into a single lot. Evidence that the plan of consolidation has been registered as a deposited plan by the NSW Land Registry Services must be submitted to Council prior to the issue of the Occupation Certificate.

(Reason: Information.)

150. **DAOCH09 - Certificate of Compliance**
A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and roadworks shall be obtained from Council and be submitted to the Principal Certifier.

(Reason: Protection of public asset.)

151. **DAOCH10 - Splay Corner**
A 4m x 4m splay at the corner of Merrylands Road and Cambridge Street is to be constructed and dedicated to Council. Documents relative to the creation of the splay corner shall be lodged with the NSW Land Registry Services with registration being effected prior to the issue of the Occupation Certificate. All costs associated with the construction, creation and dedication of the splay corner are to be borne by the applicant.

(Reason: Facilitate splay corner.)

152. **DAOCH11 - Road Widening**
Council requires the dedication of a strip of land 1.5m wide for road widening purposes prior to the issue of the Occupation Certificate. The construction of the widened road pavement, kerb and gutter and footpaving shall be at the full cost of the developer. This road-widening strip shall be indicated on the linen plans.

(Reason: To ensure that land required for road widening purposes is dedicated to Council.)

153. **DAOCZ01 - Emergency Flood Evacuation Plan**
Emergency Flood Evacuation Plan shall be prepared for evacuation to a safe refuge noting that the street around will be inundated with flood and access road will be cut off during the PMF flood event.

(Reason: ensure protection of person from flood.)

154. **DAOCZ02 - Civil Works on the Footway**
The following works are to be carried out at the applicant's expense and to Council's satisfaction prior to the issue of any occupation certificate:

a. Reconstruct sections of cracked or defective kerb & gutter along the full frontage of the site, and/or
b. Reconstruct existing public drainage pit/pipe system, and/or
c. Construct a new vehicular crossing, and/or
d. Remove any redundant vehicular crossings, and replace with kerb & 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.)

155. **DAOCZ03 - Construction of Concrete Footpath**
A concrete footpath of width as required by council shall be across the full length) adjacent to Merrylands Road and Cambridge Street frontage and side of the property. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD8100 and issued level sheets. All footpath areas within the road reserves that are not concrete shall be turfed with 'ST85 Buffalo' or 'Sir Walter'.

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

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

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

156. **DAOCZ04 - Construction of Concrete Kerb and Gutter**
Standard 150mm high concrete kerb with gutter shall be constructed across the full length adjacent to the frontage and side of the property. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD8100 and issued level sheets.

The above works must be programmed and constructed prior to the issuing of any Occupation Certificate.

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

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

157. **DAOCZ05 - Construction/Reconstruction kerb ramps**
The construction or reconstruction of the kerb ramps and associated works at the corner of Merrylands Road and Cambridge Street Roadside frontage shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD 8101 and issued level sheets

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

158. **DAOCZ07 - Maintenance Schedule for On-Site Detention (OSD) System and overland flow path**
A maintenance schedule for the stormwater and On-site Stormwater Detention including a sketch plan of the components forming the sites stormwater drainage and On-Site-Detention system shall be submitted. The maintenance schedule shall be prepared by a qualified hydraulic engineer and shall be in accordance with the Upper Parramatta River Catchment Trust requirements.

(Reason: To alert and guide the owners of the required maintenance of the system.)

159. **DAOCB04 - Acoustic Verification Report**
Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant* must prepare an acoustic verification report to the satisfaction of the Principal Certifier that confirms the following:

a) All recommendations contained in the DA acoustic report (in accordance with Condition 40)] have been implemented, and
b) The project specific noise criteria established in the DA acoustic report (in accordance with Condition 40) 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.)

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

160. **DAOUA06 - Trading Outside the Building**
At no time may any signs, sound amplification equipment and the like or goods for sale or display be placed on the public road, public footpath, service land, parking area and driveways, public or private pedestrian walkways, outside the shop or in the immediate vicinity without prior consent of Council.

(Reason: Safety and amenity.)

161. **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.)

162. **DAOUA09 - Business/Trade Commercial Waste Collection**
Prior to occupation of the premises the operator shall enter into a commercial contract for the collection of trade waste and recyclables generated at the premises. A copy of all contracts and receipts shall be kept on the premises and made available to Council Officers on request.

(Reason: To ensure suitable arrangements are in place for the collection of business/trade commercial waste and recyclables.)

163. **DAOUA11 - Flashing Lights**
No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.

(Reason: Environmental protection.)

164. **DAOUB01 - Annual Fire Safety Statement**
Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be issued within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Annual Fire Safety Statement shall also be:
a) Forwarded to the Commissioner of the New South Wales Fire Brigade; and
b) Prominently displayed in the building

(Reason: Fire safety.)

165. **DAOUC03 - Microbial Control**
The installation and ongoing operation of the water cooling systems, evaporative coolers and hot/warm water systems within the premises shall be undertaken in accordance with the relevant provisions of:
a) Public Health Act 2010 and Public Health Regulation 2012
b) Relevant Australian Standard AS/NZS 3666 - Air Handling and Water Systems of Buildings - Microbial Control; and
c) Any relevant NSW Health Guidelines and Codes for the Control of Legionnaires Disease.

(Reason: Health and safety.)

166. **DAOUC04 - Air Emissions**
The use of the premises shall not give rise to air pollution or and an odour nuisance as defined by the Protection of the Environment Operations Act 1997 and waste gases shall not be hazardous or harmful to human health or the environment.

(Reason: To protect human health and the environment.)

167. **DAOUC12 - Notification of Warm Water and Cooling Water Systems**
Within one month of installation of any warm water and cooling water systems at the premises, the occupier must notify Council of the details of the system in accordance with the Public Health Act 2010. Registration forms are available on Council's website www.cumberland.nsw.gov.au.

(Reason: To ensure premises are notified to Council.)

168. **DAOUC14 - General Noise Emission Criteria**

a) Noise from the development must not exceed any required project amenity/intrusiveness noise level or maximum noise level as determined in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI).
b) Background noise monitoring for the purpose of ensuring compliance with the NPfI must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI.
c) An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 minute (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
    i. The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.
    ii. Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
d) Consideration must be given to any annoying characteristics of the noise in accordance with Fact Sheet C of the NPfI.

Corrections in Fact Sheet C of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

(Reason: To protect residential amenity.)

169. **DAOUC23 - Compliance with Acoustic Report - Ongoing Use**
All recommendations contained in the DA acoustic report (as required in accordance with Condition 40) relating to use and/or management of the site must be implemented and complied with.

(Reason: to ensure acoustic impacts of the development are controlled.)

170. **DAOUC22 - Car Wash Residential**
Washing of vehicles shall be conducted in a car wash bay, which is roofed and bunded to exclude rainwater. The carwash bay shall be regularly cleaned and maintained. Alternative water management and disposal options may be appropriate where water is recycled, minimised or re-used on the site.

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

a) The Owners Corporation or building owner should advise all users of the car wash facilities, how to operate, maintain and use the equipment so that good housekeeping practices can be adopted at all times.
b) Have clearly visible sign(s) indicating that no degreasing, engine washing or mechanical work is to be undertaken in the car wash bay, informs car wash bay users of how to use and maintain the system, and encourages users to minimise the use of detergents and water.

(Reason: To protect the environment.)

171. **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.)

172. **DAOUZ01 - Future use of the facility prohibition**
As the site is identified as flood-affected land, the site facility must not be used for collecting, handling, storing, or processing of any kind of waste materials.

(Reason: Protection of environment.)

173. **DAOUZ02 - Annual maintenance inspection of OSD**
Annual maintenance inspection summary of the On Site Detention with associated certificates shall be sent to Council within the first month of every calendar year. In this regard,

- All critical inspections shall be carried out by a qualified person.
- A maintenance logbook 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(s).

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

174. **DAOUZ03 - External Walls and Cladding Flammability**
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 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.

175. **DAOUE04 - Vehicle Access**
All vehicles are to enter and exit the site in a forward direction.

(Reason: Traffic and pedestrian safety)

176. **DAOUZ04 - S7.4 Planning Agreement**
The planning agreement, as indicated in condition 32, must be executed prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance with the terms of the Section 7.4 Agreement.)

Advisory Notes

177. **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.

178. **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>.

179. **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

180. **DAANN04 - Footway Lease - Business Use of Footpath**
The operator of an approved business must apply to Council to lease Council's property (i.e. footways, plazas, or portions of public ways) should it be required for use in conjunction with the approved business.

The use of any footpath area for the purposes of additional dining to the approved business requires separate Council approval by application under section 125-127 & 137-139 of the Roads Act, 1993 prior to the commencement of any such use.

A leasing fee will apply to the use of Council's property. The lease must be executed upon commencement of the use of footpath, and renewed annually.

181. **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.

182. **DAANN07 - Owner Builders**
Under the Home Building Act 1989, any property owner who intends undertaking construction work to a dwelling or dual occupancy over the value of $10,000 (inclusive of GST) must obtain an owner-builder permit from the NSW Fair Trading. See www.fairtrading.nsw.gov.au.

183. **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.

184. **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.

185. **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.

186. **DAANN11 - Signage Approval**
A separate development application for any proposed external signs must be submitted for the approval of Council, prior to the erection or display of any such signs. This does not apply to signage which is 'Exempt Development'.

187. **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.

188. **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.

189. **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.)

190. **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.)

191. DAANN18 - Inspections for Building Work (Classes 1 or 10)

Where applicable inspections of the development site may be required to be undertaken at the following stages:

a) After the excavation for, and prior to the placement of, any footings;
b) Prior to pouring any in-situ reinforced concrete building element;
c) Prior to covering of the framework for any floor, wall, roof or other building element;
d) Prior to the covering waterproofing in any wet areas;
e) Prior to covering any stormwater drainage connections;
f) After the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
g) Final.

If the person having the benefit of the development consent appoints Council as the Principal Certifier, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate, the Principal Certifier must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (g), the inspections may be carried out by the Principal Certifier or, if the Principal Certifier agrees, by another certifier.

The final inspection detailed at subclause (g) may only be carried out by the Principal Certifier.

For each inspection, the principal contractor (or owner-builder) must notify the Principal Certifier at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements.)

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

a) Where applicable inspections of the development site may be required to be undertaken at the following stages:
b) Prior to covering of waterproofing in any wet areas, for a minimum of 10 % of rooms with wet areas within a building;
c) Prior to covering any stormwater drainage connections;
d) 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.)

193. **DAANN20 - Critical Stage Inspections for Building Work (Classes 5 ,6, 7, 8 or 9)**

Where applicable inspections of the development site may be required to be undertaken at the following stages:

a) Prior to covering any stormwater drainage connections; and
b) After the building work has been completed and prior to any occupation certificate being issued in relation to the building;
c) Final.

If the person having the benefit of the development consent appoints Council as the Principal Certifier, Council will give written advice as to what critical stage inspections apply.

Prior to issuing an occupation certificate or subdivision certificate the Principal Certifier must be satisfied that the work has been inspected on the above occasions.

Except as provided by subclause (c), the inspections may be carried out by the Principal Certifier or, if the Principal Certifier agrees, by another certifier.

The final inspection detailed at subclause (c) may only be carried out by the Principal Certifier.

For each inspection the principal contractor (or owner-builder) must notify the Principal Certifier at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.

(Reason: Statutory Requirements.)

DOCUMENTS ASSOCIATED WITH REPORT LPP018/21

Attachment 2

Architectural Plans

Calculations

Site Details
298 - 302 Merrylands Road & 2 Cambridge St,
Merrylands
: Lot A, DP: 397906 : Lot C, DP: 397906
: Lot B, DP: 397906 : Lot 7, DP: 602

Site Area $2066.53m^2$

Compliance

Category	Requirement - ADG/DCP/LEP	Proposal
Zoning	B6 Mixed Use	B6 Mixed Use
FSR	2:1, GFA - 4133.06m^2	1.95:1, GFA - 4016.30m^2
Max Height	17m	20m
Communal Open Space	30% min, 619m^2	620.00m^2, (30%)
Deep Soil	7% min, 145m^2	356.45m^2, (17%)
Landscaping	30% min, 619m^2	475m^2, (23%)
Parking	.8/ 1BR Unit = 4.8	
	1./ 2BR Unit = 31	
	1.2 / 3BR Unit = 6	
	0.2/ Units (Visitors) = 8.4	43 Resident Spaces Provided.
	1per 20m^2 Comm) = 22.6	09 Visitor Spaces Provided.
		23 Comm. Spaces Provided.
	= 41.8 Resident Spaces	01 Carwash Bay Provided.
	= 8.4 Visitor Spaces	
	= 22.6 Commercial Spaces	77 Total Spaces Provided

Unit Area	
Ground Floor	537.45m^2
Level One	832.80m^2
Level Two	832.80m^2
Level Three	832.80m^2
Level Four	636.75m^2
Level Five	343.70m^2
Total Area Provided	4016.30m^2

Unit Breakdown	
1 Bedroom Units	06 Units (14%)
2 Bedroom Units	31 Units (76%)
3 Bedroom Units	05 Units (10%)
Total Units	42 Units

Unit Breakdown

Unit Schedule

Zone Name	Zone Number	Measured Area	POS (Area m2)
Unit 01	2 Bedroom	76.34	10.18
Unit 02	2 Bedroom	77.83	11.41
Unit 03	1 Bedroom	52.32	11.73
Unit 04	2 Bedroom	78.66	12.29
Unit 05	1 Bedroom	96.72	18.64
Unit 06	2 Bedroom	76.34	10.73
Unit 07	2 Bedroom	77.83	10.96
Unit 08	1 Bedroom	52.32	11.88
Unit 09	2 Bedroom	78.61	11.88
Unit 10	3 Bedroom	96.72	12.80
Unit 11	2 Bedroom	77.83	12.80
Unit 12	1 Bedroom	52.32	11.30
Unit 13	2 Bedroom	78.61	10.96
Unit 14	3 Bedroom	96.72	10.16
Unit 15	2 Bedroom	76.34	12.48
Unit 16	2 Bedroom	77.83	10.73
Unit 17	1 Bedroom	52.32	11.30
Unit 18	2 Bedroom	78.61	11.30
Unit 19	2 Bedroom	75.16	10.96
Unit 20	1 Bedroom	53.36	11.88
Unit 21	2 Bedroom	76.44	11.83
Unit 22	2 Bedroom	76.06	15.58
Unit 23	2 Bedroom	77.62	10.09
Unit 24	2 Bedroom	75.78	10.81
Unit 25	2 Bedroom	75.49	11.48
Unit 26	2 Bedroom	75.78	10.34
Unit 27	2 Bedroom	76.06	10.01
Unit 28	2 Bedroom	77.62	10.09
Unit 29	2 Bedroom	76.44	10.18
Unit 30	2 Bedroom	75.49	11.30
Unit 31	2 Bedroom	76.44	10.81
Unit 32	2 Bedroom	76.06	11.70
Unit 33	2 Bedroom	77.62	10.51
Unit 34	2 Bedroom	75.78	10.09
Unit 35	2 Bedroom	75.49	10.72
Unit 36	2 Bedroom	75.78	10.81
Unit 37	2 Bedroom	80.91	11.70
Unit 38	3 Bedroom	96.82	10.18
Unit 39	3 Bedroom	79.38	10.51
Unit 40	3 Bedroom	95.36	12.96
Unit 41	1 Bed	84.91	10.18
Unit 42	1 Bed	60.34	11.70
			26.72

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0003	Perspective
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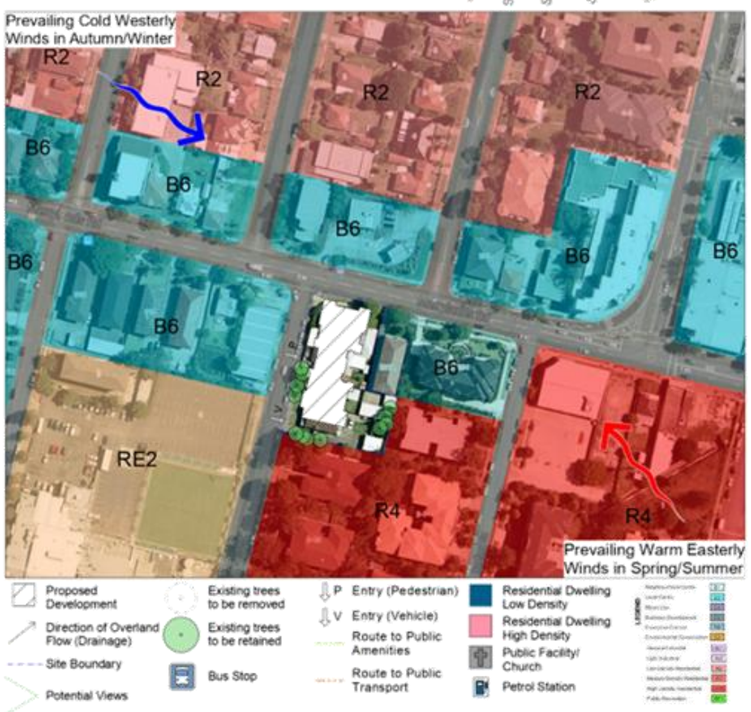
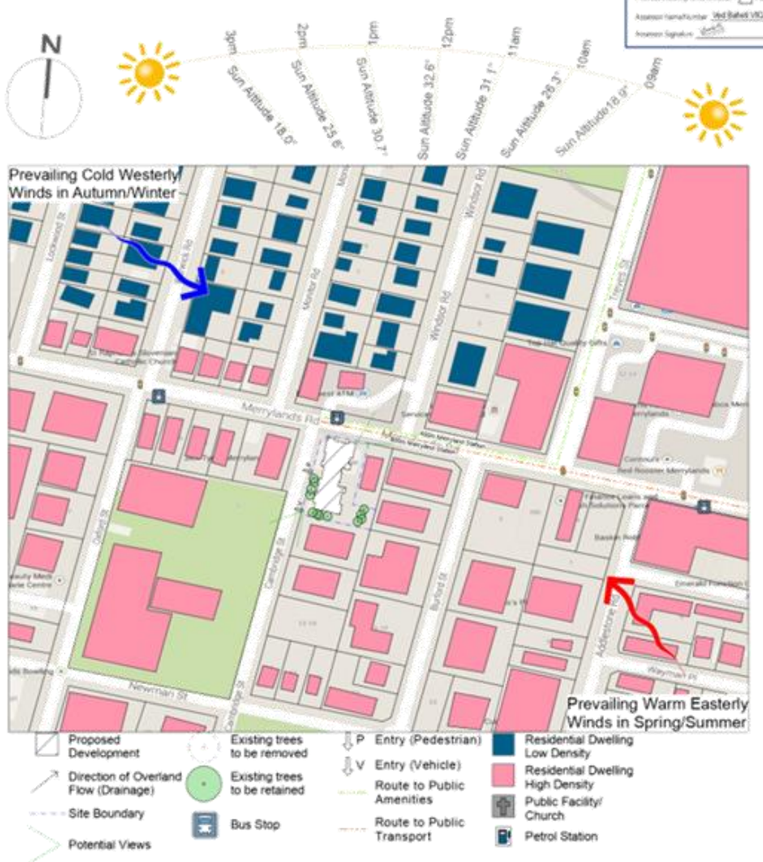
0007	Shadow Diagrams
0008	Site Plan
1001	Basement L2 Floor Plan
1002	Basement L1 Floor Plan
1003	Ground Floor Plan
1004	Level 1 Floor Plan
1005	Level 2 Floor Plan
1006	Level 3 Floor Plan
1007	Level 4 Floor Plan
1008	Level 5 Plan
1009	Roof Plan
2001	North Elevation
2002	West Elevation
2003	South Elevation
2004	East Elevation
3001	Section A
3002	Section B
3003	Driveway Sections

Stamping

IDRAFT
ARCHITECTS
Energy Rating
Certificate Number: 0021143
single-dwelling rating
5.6 stars
multi-unit development (attach rating of ratings)
Heating 38.7 MJ/m²
Cooling 23.8 MJ/m²
Received drawing(s) confirmation
Rated with
Rated without
Assessor Name/Accreditation: Ved Bahadur VIC/BDAV/13/1521
Assessor Signature:
Date: 12/03/2018

IDRAFT
ARCHITECTS
Energy Rating
single-dwelling rating
multi-unit development
5.6
38.7
23.8





All work to be carried out in accordance with BCA, AS & Council conditions.

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Energy Smart Design: AAA rated water conservation devices include rainwater tanks shower heads, water tap flow regulators, dual flush toilets & cisterns & compliant hot water systems with minumum green house score of 3.5 stars are to be used in this development. All occupants are encouraged to use AAA rated dish washing machines with front loading where possible

notes:

ISSUE	DESCRIPTION	DATE

IDRAFT ARCHITECTS

NSW Architects Registration Board No. 5347 Nominated registered architect - Adriaan Winton

p: 02 9648 8648 e: www.idraft.com.au
PO Box 437, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council:
Cumberland City Council

drawing title:
Site Analysis

designed + drawn:
M.Trinh

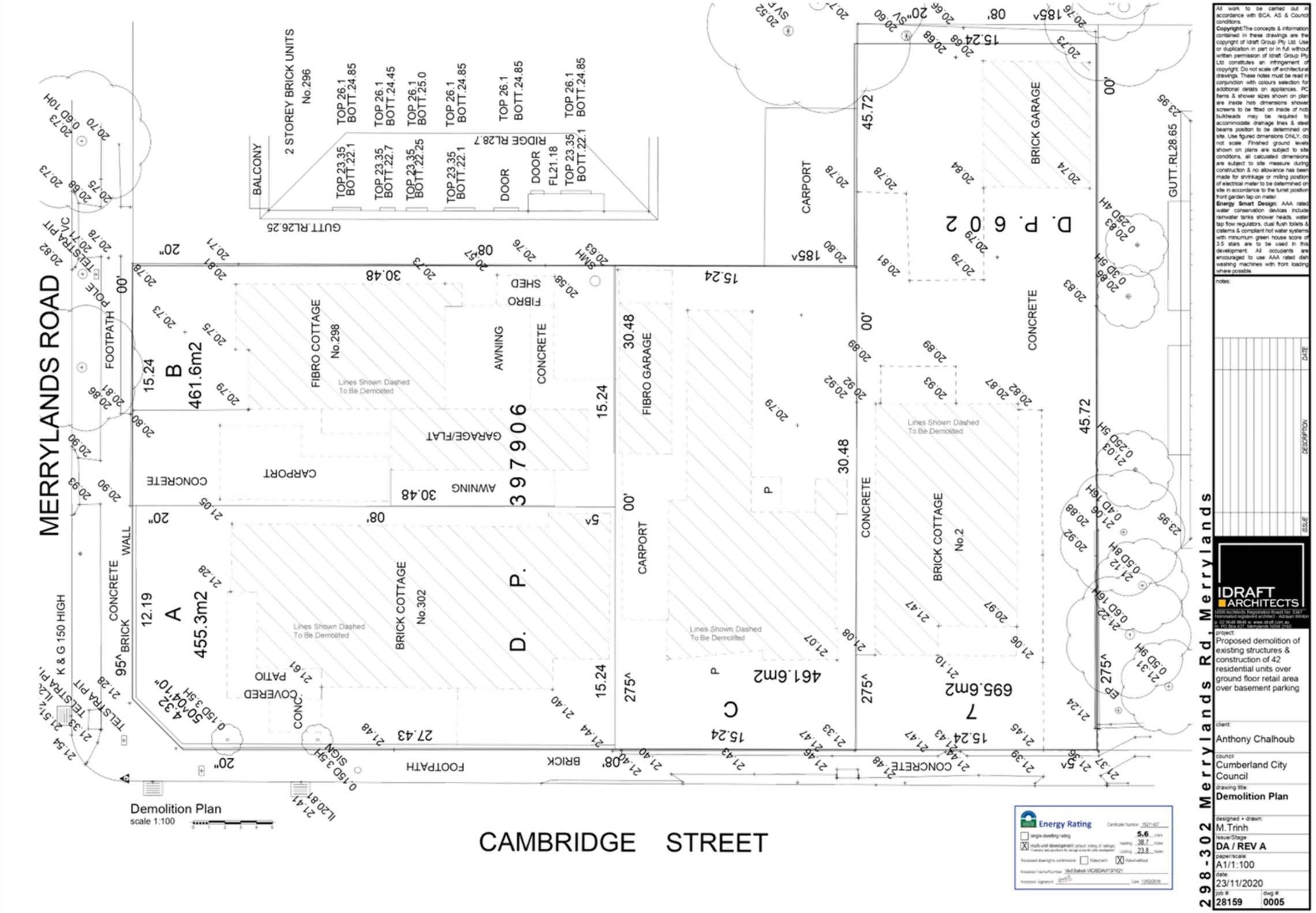
issue/Stage:
DA / REV A

paper/scale:
A1/1:1.80, 1:300

date:
23/11/2020

job #: **28159** dwg #: **0004**

298-302 Merrylands Rd, Merrylands



All work to be carried out in accordance with BCA, AS & Council conditions.

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Energy Smart Design: AAA rated water conservation devices include rainwater tanks shower heads, water tap flow regulators, dual flush toilets & cisterns & compliant hot water systems with minumum green house score of 3.5 stars are to be used in this development. All occupants are encouraged to use AAA rated dish washing machines with front loading where possible

notes:

no.	description	date
	ISSUE	

IDRAFT ARCHITECTS
NSW Architects Registration Board No: 5347
Nominated registered architect - Adriaan Winkler
p: 02 9648 8648 w: www.idraft.com.au
PO BOX 644, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
Demolition Plan

designed + drawn:
M.Trinh

issue/Stage
DA / REV A

paper/scale:
A1/1:100

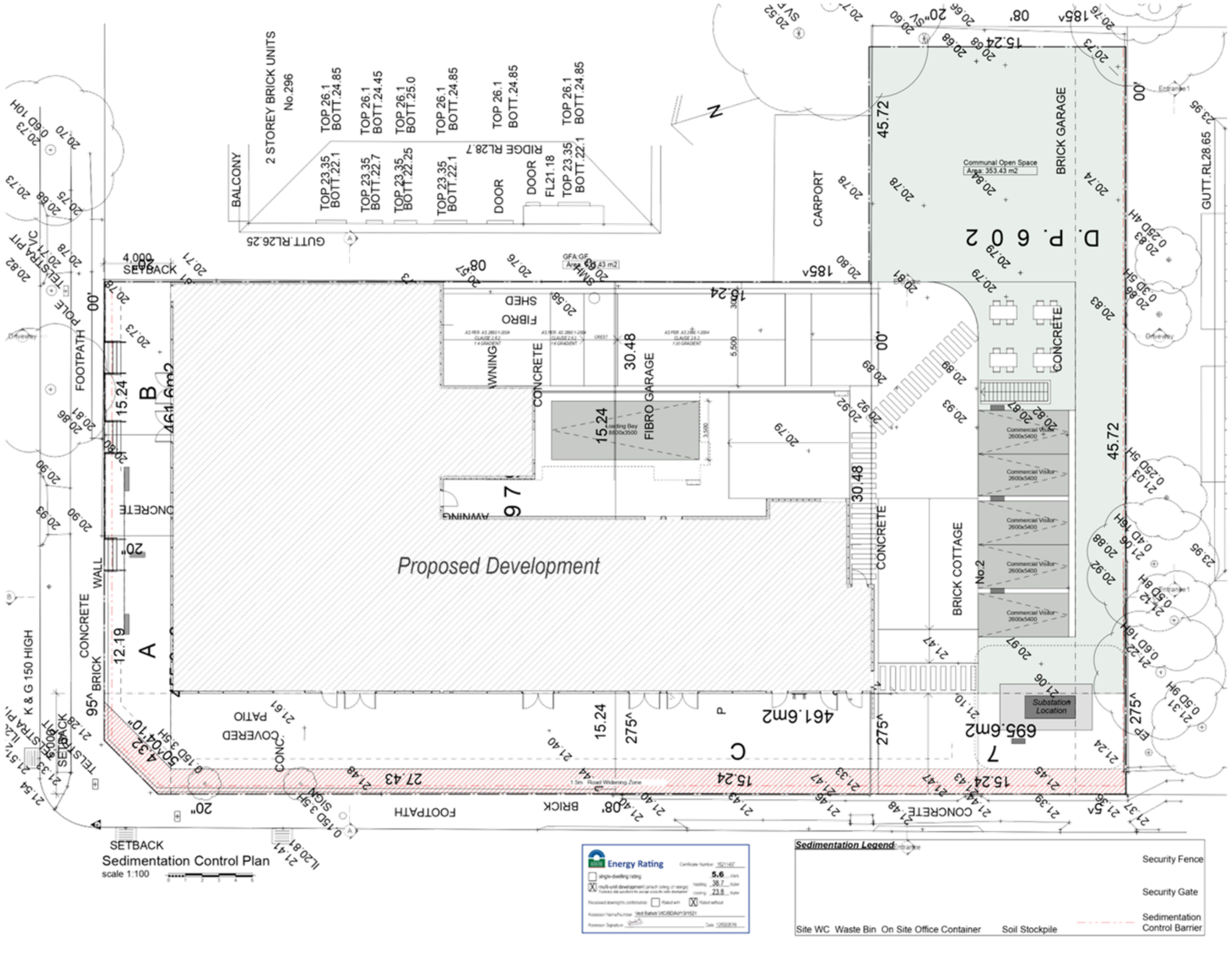
date:
23/11/2020

job #
28159

dwg #
0005

298-302 Merrylands Rd, Merrylands

Energy Rating — Certificate Number: 0021437
single-dwelling rating
multi-unit development (attach rating of lowest)
5.6 stars
heating 38.7 MJ/m²
cooling 23.8 MJ/m²
Assessor Name/Number: Mrs Rahvé VIC/BDAP/13/521
Assessor Signature: Date: 12/02/2018



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notes:

DATE
DESCRIPTION
ISSUE

IDRAFT ARCHITECTS

NSW Architects Registration Board No: 5347 Nominated registered architect - Adriaan Winkler
p: 02 9648 8648 w: www.idraft.com.au
PO Box 627, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council:
Cumberland City Council

drawing title:
Sedimentation Control Plan

designed + drawn:
M.Trinh

issue/Stage:
DA / REV A

paper/scale:
A1/1:100

date:
23/11/2020

job #
28159

dwg #
0006

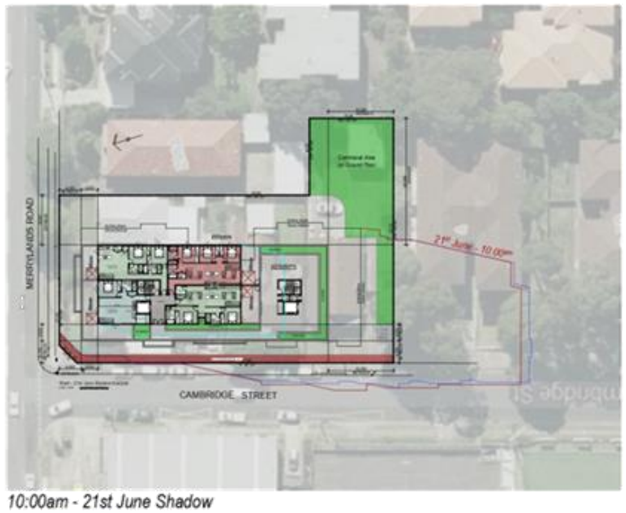
298-302 Merrylands Rd, Merrylands

09:00am - 21st June Shadow

12:00pm - 21st June Shadow

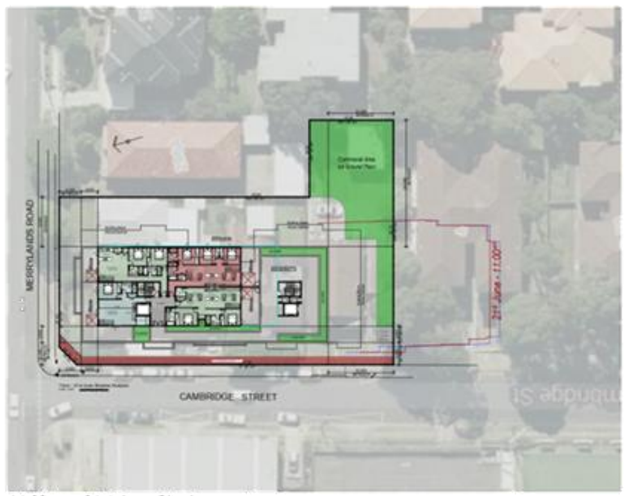
15:00pm - 21st June Shadow

DA APPROVED
S96 PROPOSAL
COMMUAL ROOFTOP



10:00am - 21st June Shadow

13:00pm - 21st June Shadow



11:00am - 21st June Shadow

14:00pm - 21st June Shadow

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notes:

ISSUE	DESCRIPTION	DATE

IDRAFT ARCHITECTS
NSW Architects Registration Board No. 5347
Nominated registered architect - Adriaan Winton
p. 02 9648 8648 w. www.idraft.com.au
po BOX 631, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
Shadow Diagrams

designed + drawn:
M.Trinh

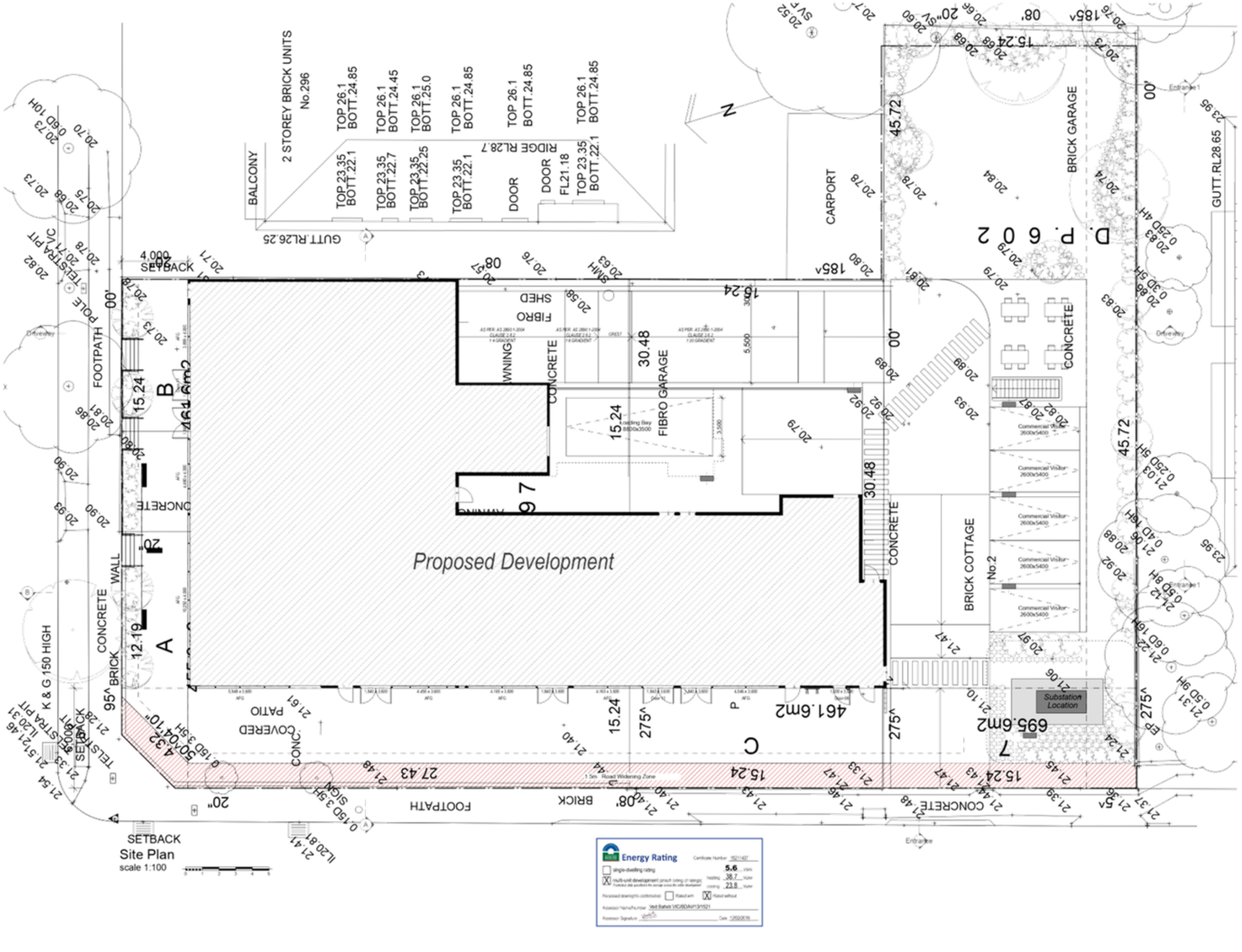
issue/Stage
DA / REV A

paper/scale:
A1/1:500

date:
23/11/2020

job #: **28159** dwg #: **0007**

298-302 Merrylands Rd, Merrylands



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notes:

DATE
DESCRIPTION
ISSUE

IDRAFT ARCHITECTS
NSW Architects Registration Board No: 5347
Nominated registered architect - Adrian Winkler
p: 02 9648 9648 w: www.idraft.com.au
PO BOX 644, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title
Site Plan

designed + drawn:
M.Trinh

issue/Stage
DA / REV A

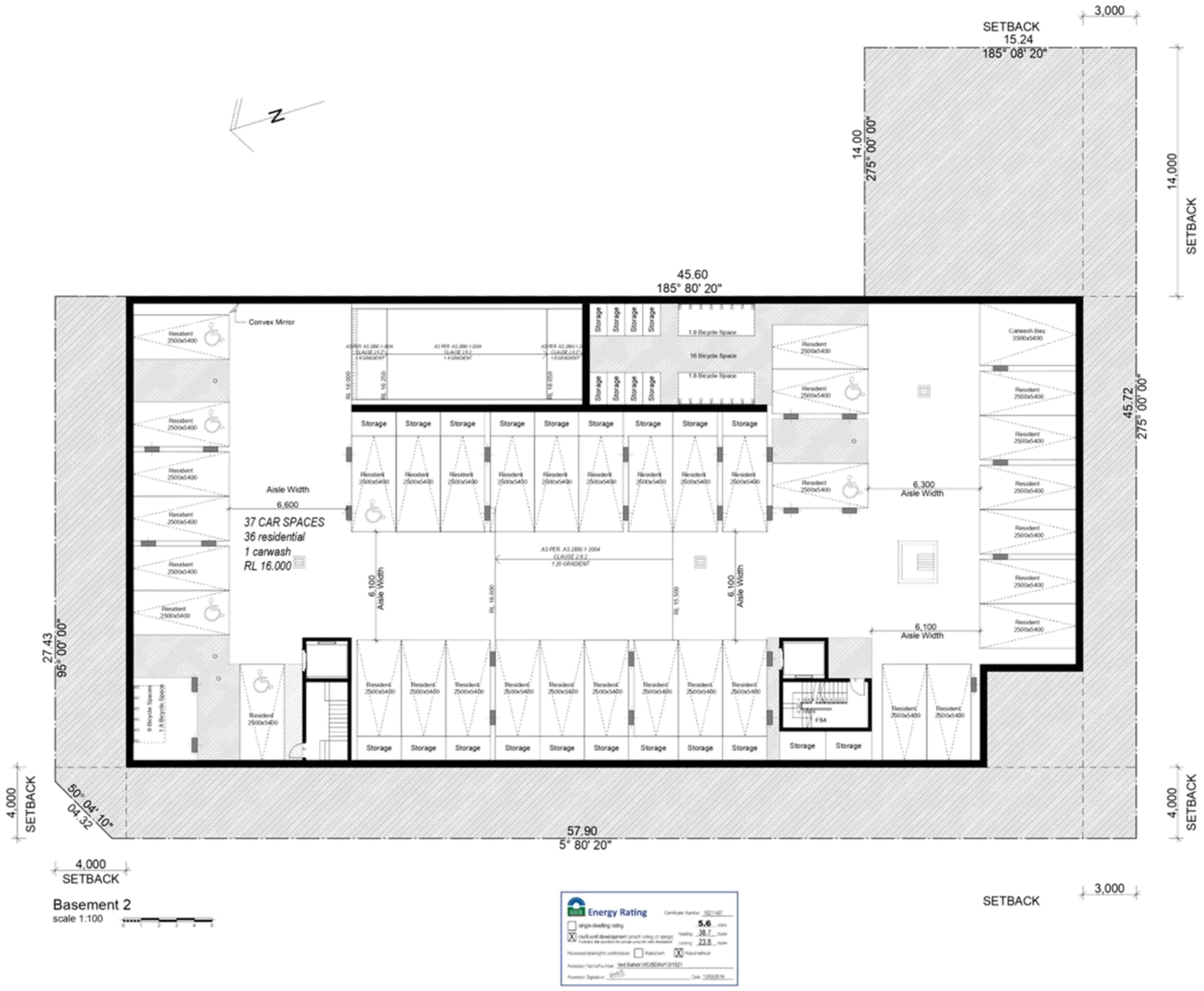
paper/scale:
A1/1:100

date:
23/11/2020

job #
28159

dwg #
0008

298-302 Merrylands Rd, Merrylands



Basement 2
scale 1:100

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notes:

ISSUE	DESCRIPTION	DATE

IDRAFT ARCHITECTS
NSW Architects Registration Board No: 5347
Nominated registered architect - Adriaan Wintjes
p: 02 9648 8648 w: www.idraft.com.au
po. PO Box 437, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
Basement L2 Floor Plan

designed + drawn:
M.Trinh

issue/Stage
DA / REV A

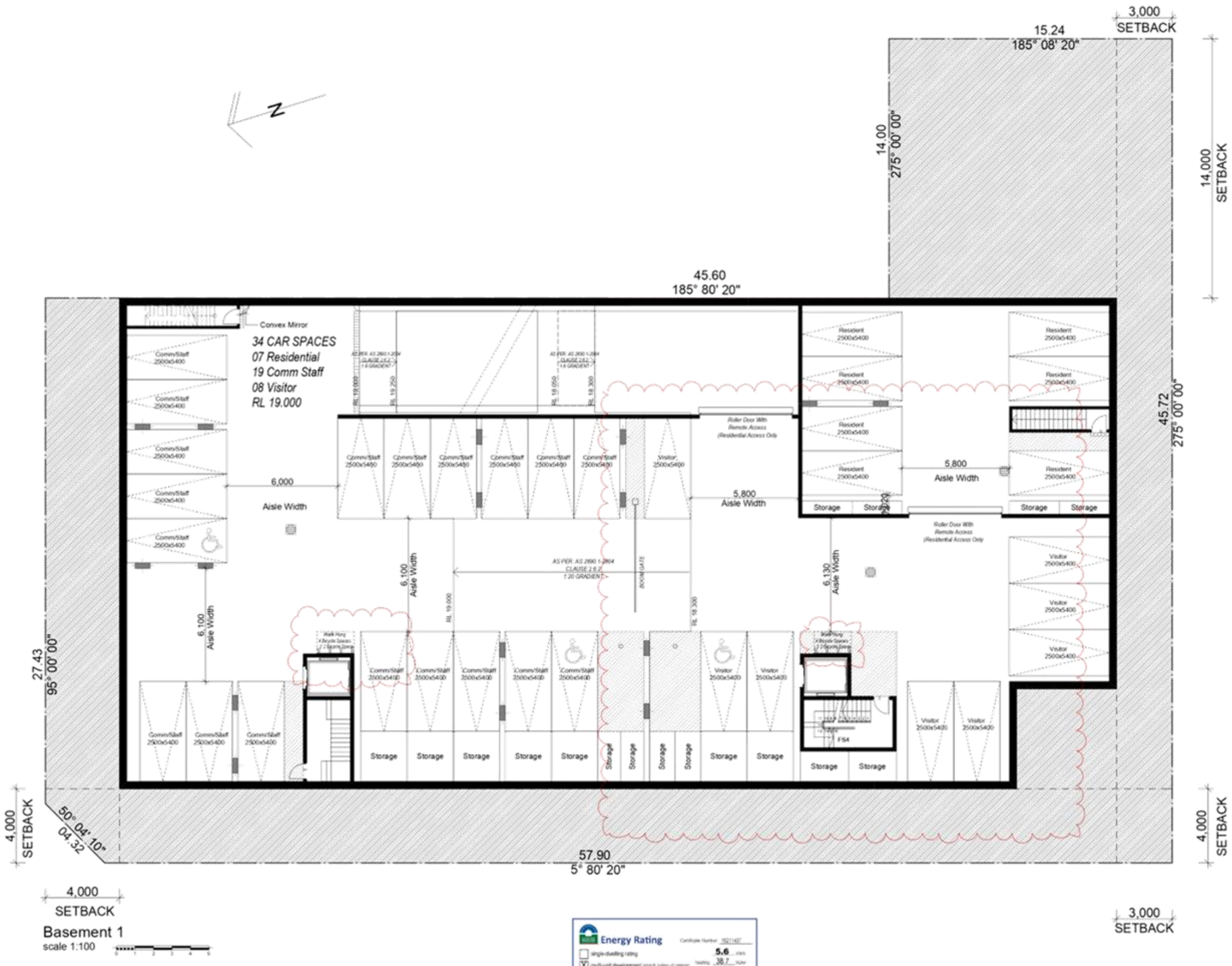
paper/scale:
A1/1:100

date:
23/11/2020

job #
28159

dwg #
1001

298-302 Merrylands Rd, Merrylands



Basement 1
scale 1:100

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Energy Smart Design: AAA rated water conservation devices include rainwater tanks shower heads, water tap flow regulators, dual flush toilets & cisterns & compliant hot water systems with minumum green house score of 3.5 stars are to be used in this development. All occupants are encouraged to use AAA rated dish washing machines with front loading where possible

notes:

ISSUE	DESCRIPTION	DATE

IDRAFT ARCHITECTS
NSW Architects Registration Board No. 5347
nominated registered architect - Adriaan Winton
p. 02 9548 8648 w. www.idraft.com.au
PO Box 427, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
Basement L1 Floor Plan

designed + drawn:
M.Trinh

issue/Stage
DA / REV A

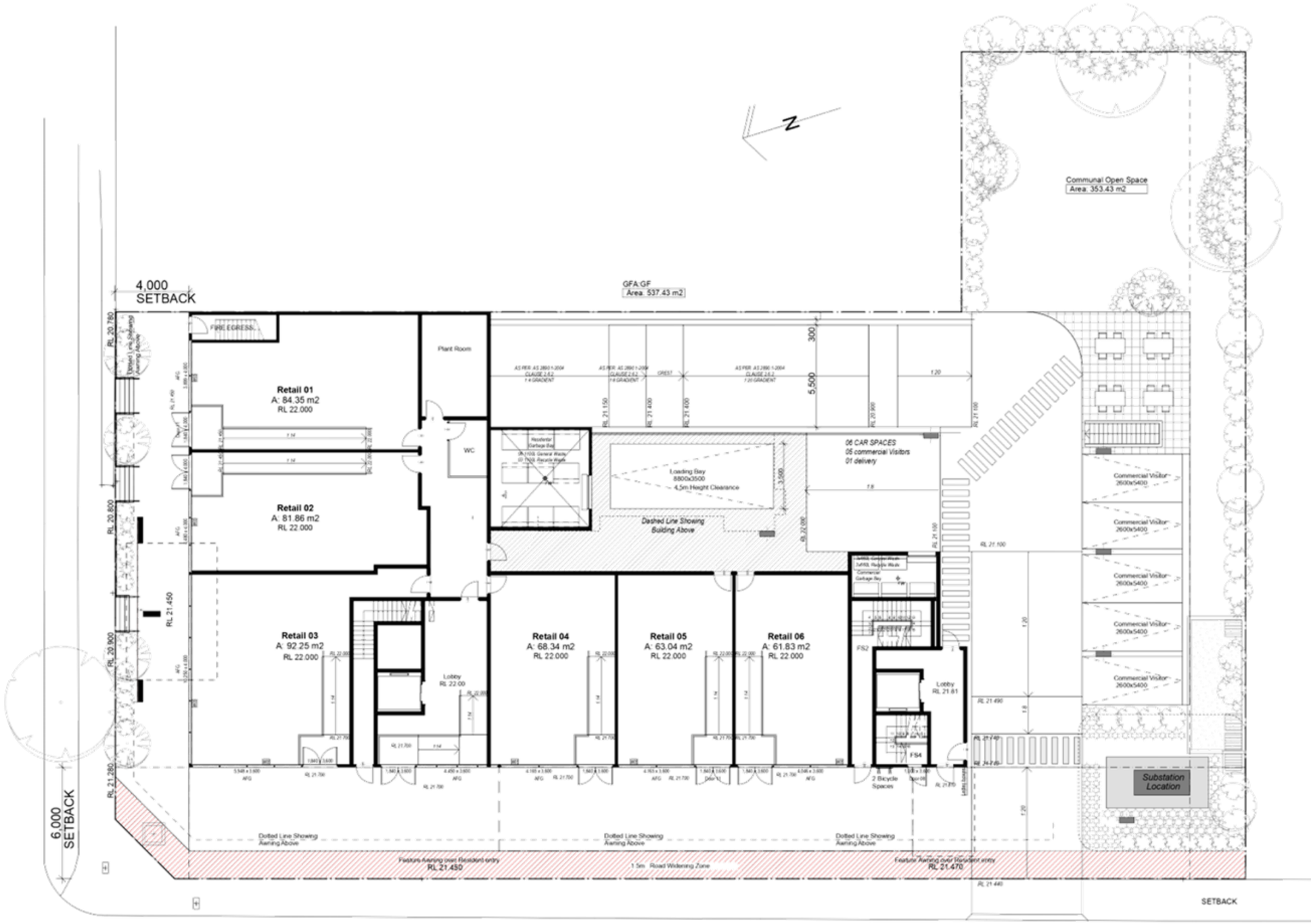
paper/scale:
A1/1:100

date:
23/11/2020

job #:
28159

dwg #
1002

298-302 Merrylands Rd, Merrylands



SETBACK
Ground Floor Plan
scale 1:100

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Energy Smart Design: AAA rated water conservation devices include rainwater tanks shower heads, water tap flow regulators, dual flush toilets & cisterns & compliant hot water systems with minumum green house score of 3.5 stars are to be used in this development. All occupants are encouraged to use AAA rated dish washing machines with front loading where possible

notes:

ISSUE	DESCRIPTION	DATE

IDRAFT ARCHITECTS
NSW Architects Registration Board No: 5347
Nominated registered architect - Adriaan Wilkin
p: 02 9648 8648 w: www.idraft.com.au
po box 644, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title
Ground Floor Plan

designed + drawn:
M.Trinh

issue/Stage
DA / REV A

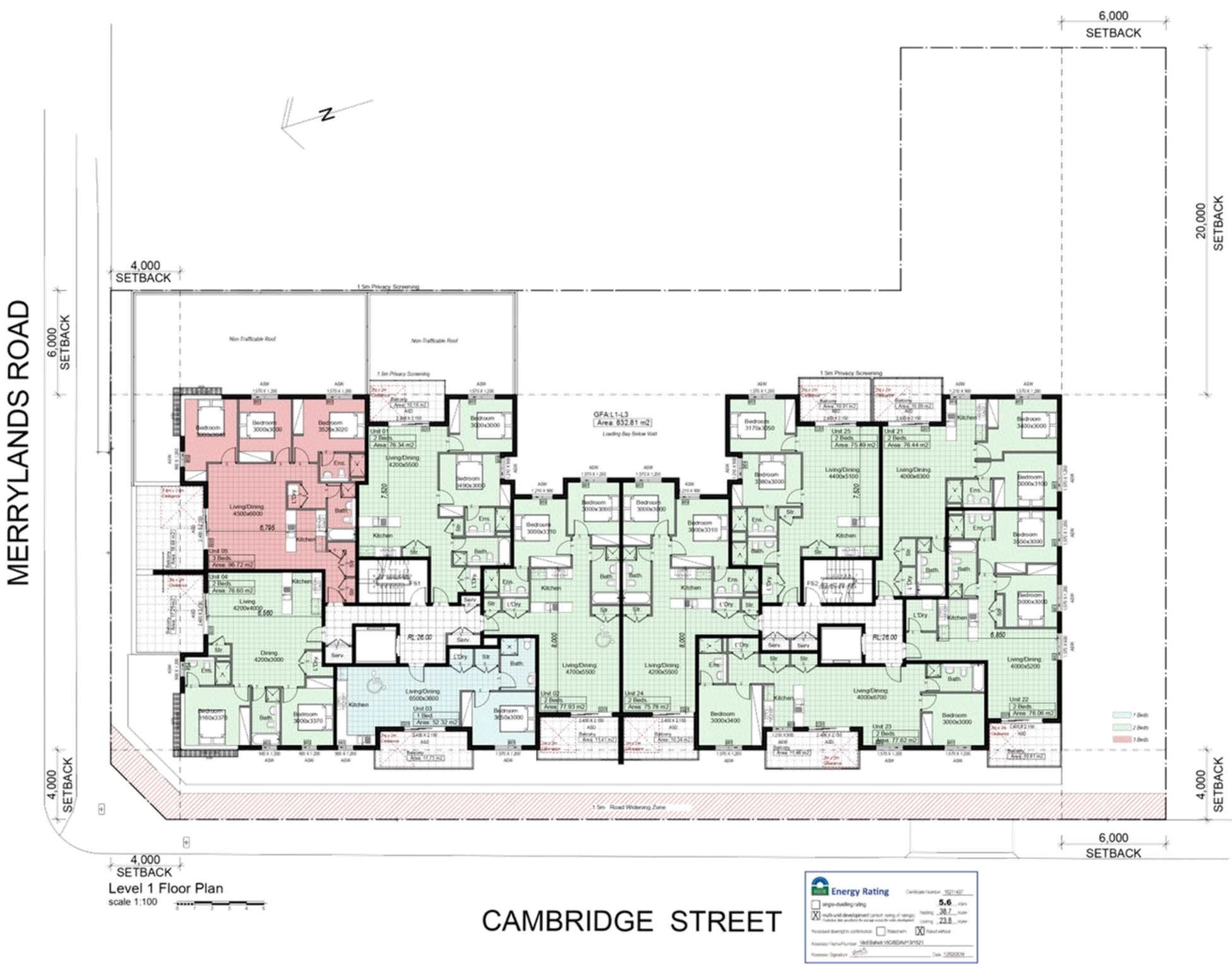
paper/scale:
A1/1:100

date:
23/11/2020

job #
28159

dwg #
1003

298-302 Merrylands Rd, Merrylands



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Energy Smart Design: AAA rated water conservation devices include rainwater tanks shower heads, water tap flow regulators, dual flush toilets & cisterns & compliant hot water systems with minumum green house score of 3.5 stars are to be used in this development. All occupants are encouraged to use AAA rated dish washing machines with front loading where possible

notes:

ISSUE	DESCRIPTION	DATE

IDRAFT ARCHITECTS
NSW Architects Registration Board No. 5347
Nominated registered architect: Adrian Winton
p. 02 9648 8648 e. www.idraft.com.au
PO BOX 622, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
Level 1 Floor Plan

designed + drawn:
M.Trinh

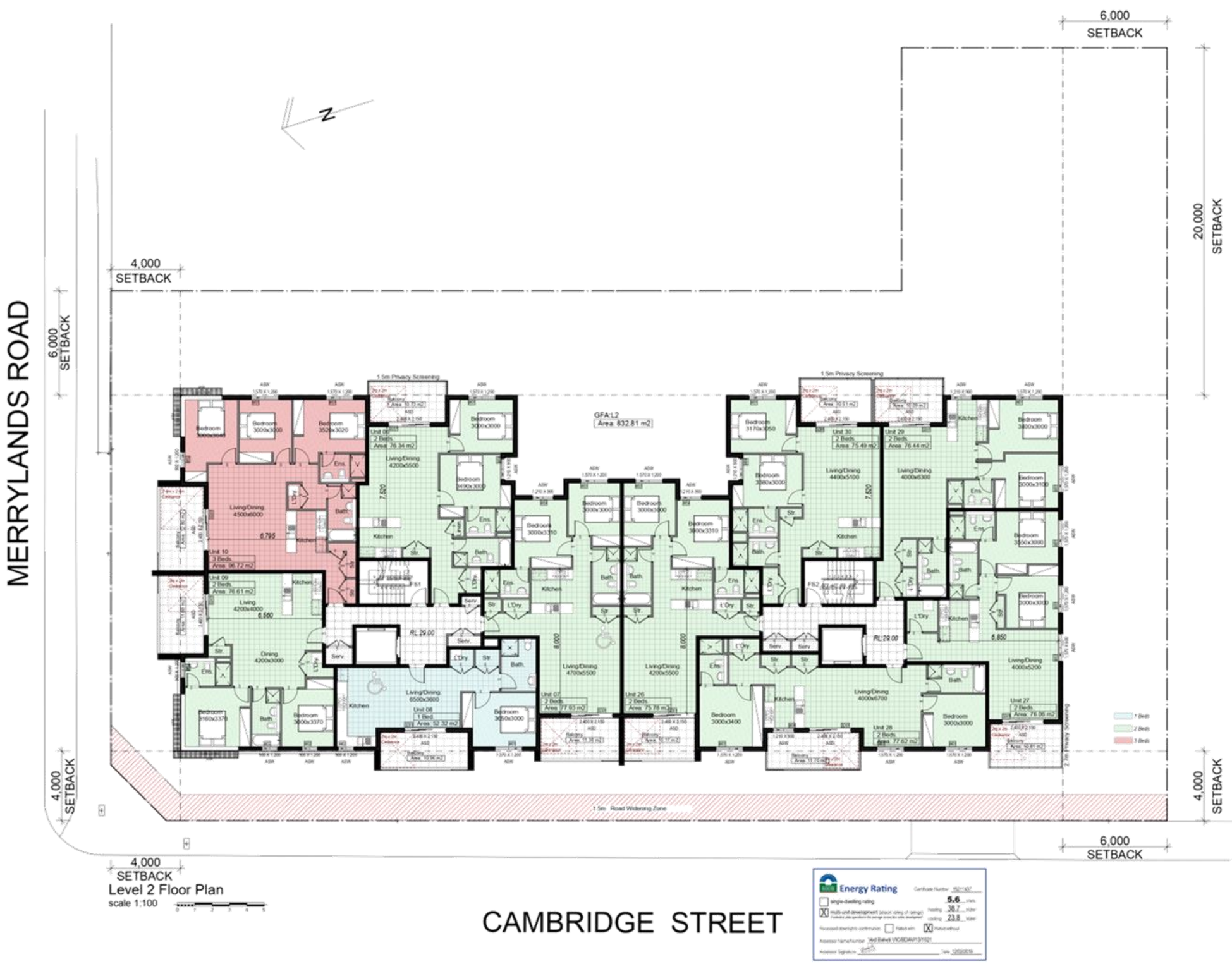
issue/Stage
DA / REV A

paper/scale:
A1/1:100

date:
23/11/2020

job #: **28159** dwg #: **1004**

298-302 Merrylands Rd, Merrylands



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notes:

ISSUE	DESCRIPTION	DATE

IDRAFT ARCHITECTS
NSW Architects Registration Board No. 5347
Nominated registered architect: Adnan Winkin
p. 02 9648 8648 e. www.idraft.com.au
PO BOX 622, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title
Level 2 Floor Plan

designed + drawn:
M.Trinh

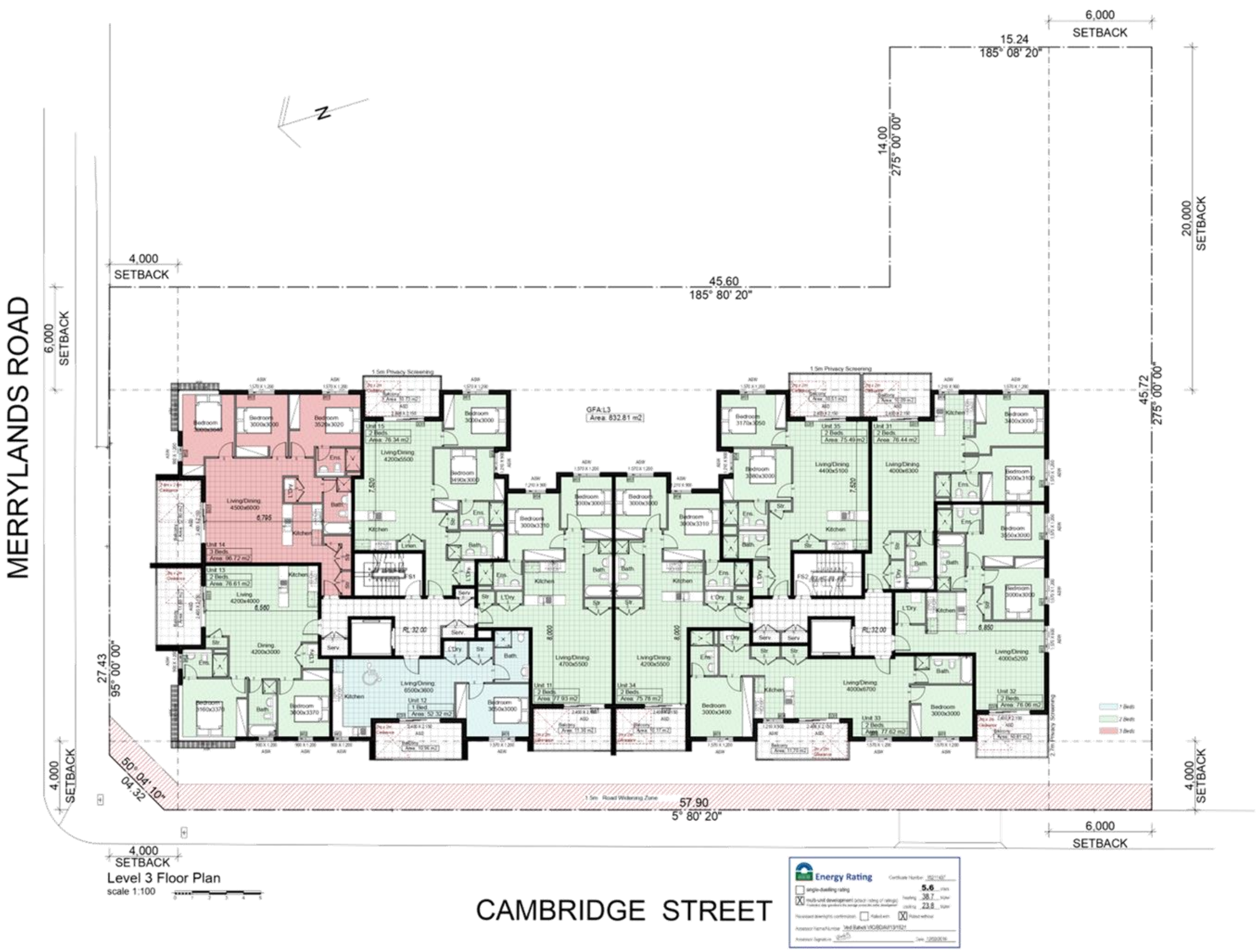
issue/Stage
DA / REV A

paper/scale:
A1/1:100

date:
23/11/2020

job #: **28159** | dwg #: **1005**

298-302 Merrylands Rd, Merrylands



Energy Rating

single-dwelling rating

multi-unit development (stock rating of ratings)

5.6 stars

Heating 38.7 MJ/m²

Cooling 23.8 MJ/m²

Assessor Name/Number: Mel Raheb VIC/BDAP/13152/1

Assessor Signature: Date: 12/03/2016

All work to be carried out in accordance with BCA, AS & Council conditions.

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Energy Smart Design: AAA rated water conservation devices include rainwater tanks shower heads, water tap flow regulators, dual flush toilets & cisterns & compliant hot water systems with minumum green house score of 3.5 stars are to be used in this development. All occupants are encouraged to use AAA rated dish washing machines with front loading where possible

notes:

ISSUE	DESCRIPTION	DATE

IDRAFT ARCHITECTS

NSW Architects Registration Board No. 5347 - Nominated registered architect - Adriaan Winkler
p. 02 9648 8648 e. www.idraft.com.au
PO BOX 627 - Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council:
Cumberland City Council

drawing title:
Level 3 Floor Plan

designed + drawn:
M.Trinh

issue/Stage:
DA / REV A

paper/scale:
A1/1:100

date:
23/11/2020

job #: **28159** dwg #: **1006**

298-302 Merrylands Rd, Merrylands

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notes:

DATE
DESCRIPTION
ISSUE

IDRAFT ARCHITECTS
NSW Architects Registration Board No. 5347
nominated registered architect - Adriaan Venton
p. 02 9548 8648 e. www.idraft.com.au
PO Box 427, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
Level 4 Floor Plan

designed + drawn:
M.Trinh

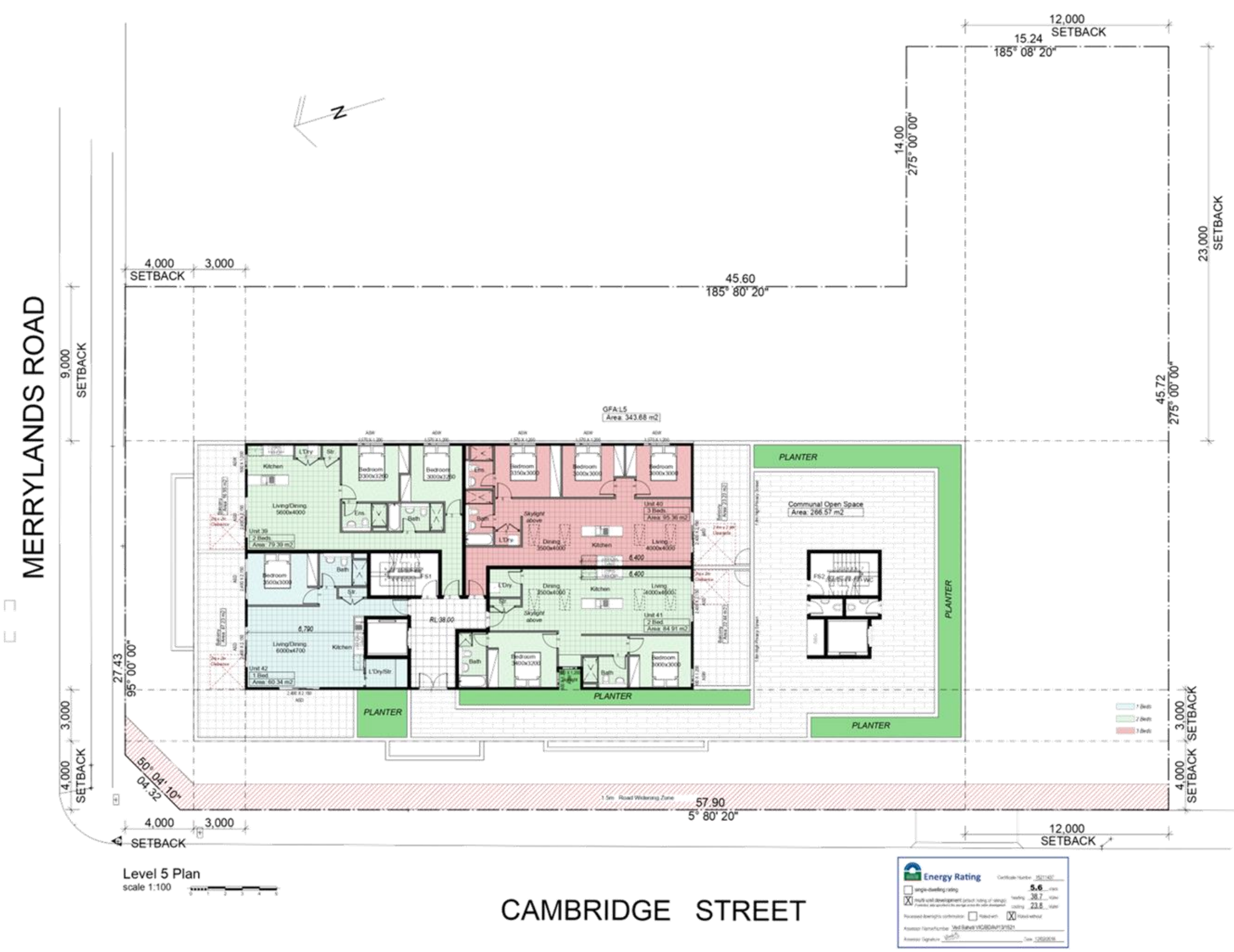
issue/Stage
DA / REV A

paper/scale:
A1/1:100

date:
23/11/2020

job #: **28159**
dwg #: **1007**

298-302 Merrylands Rd, Merrylands



Energy Rating
single-dwelling rating
X multi-unit development (project rating of average)
5.6 stars
Heating 38.7 MJ/m²
Cooling 23.6 MJ/m²
Assessor Name/Number: Vlad Bahelli VIC/BDAV/13/1521
Assessor Signature: Date: 12/02/2016

All work to be carried out in accordance with BCA, AS & Council conditions.

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notes:

NO	DESCRIPTION	DATE
ISSUE		

IDRAFT ARCHITECTS
NSW Architects Registration Board No. 5347
Nominated registered architect - Adrian Winton
p. 02 9648 8648 w. www.idraft.com.au
29-302 Merrylands Rd, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
Level 5 Plan

designed + drawn:
M.Trinh

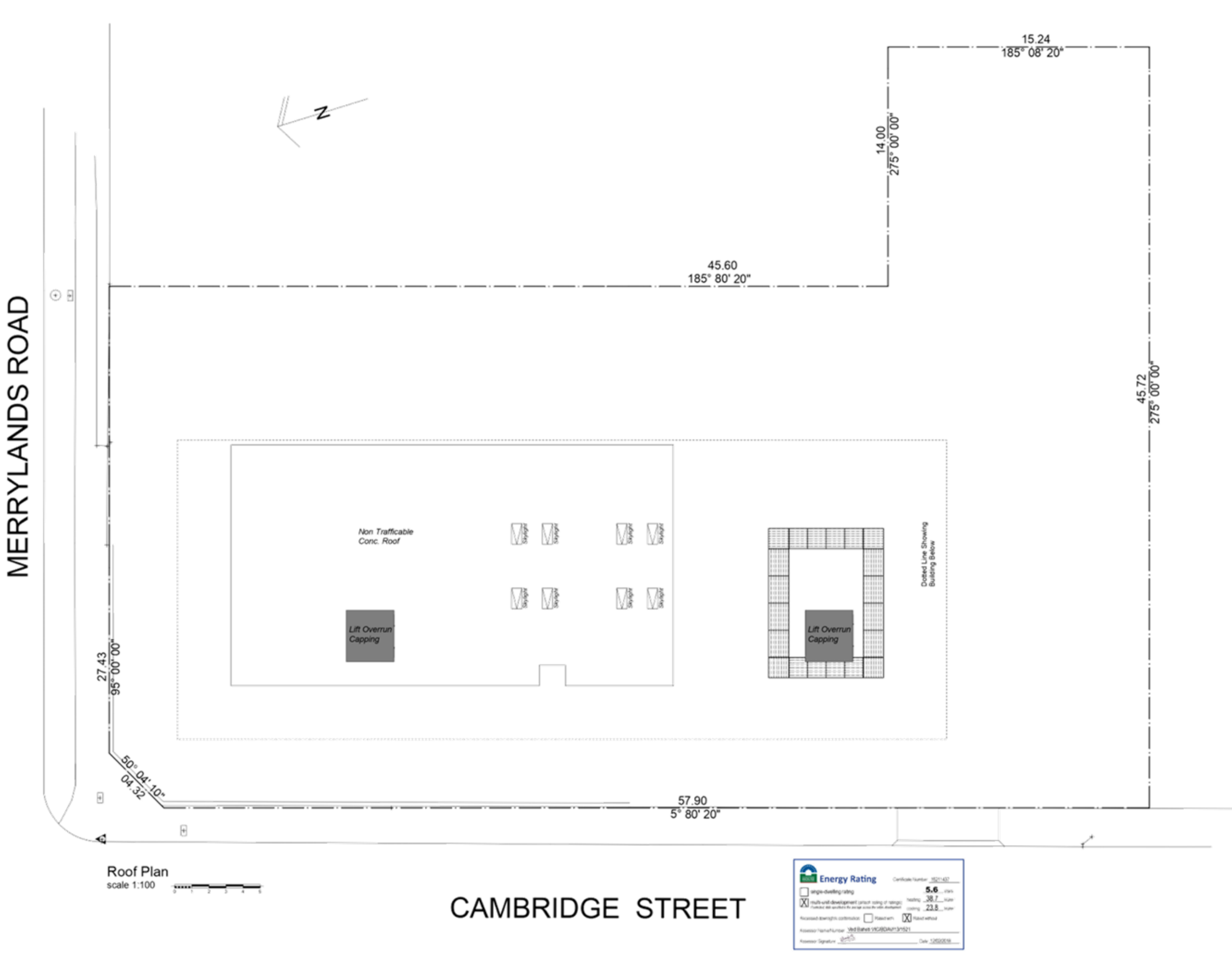
issue/Stage
DA / REV A

paper/scale:
A1/1:100

date:
23/11/2020

job #
28159

dwg #
1008



Roof Plan
scale 1:100

Energy Rating
Certificate Number: 1021437
single-dwelling rating
5.6 stars
multi-unit development (amount stating of ratings)
heating 38.7 MJ/m²
cooling 23.8 MJ/m²
Assessor Name/Number: Vlad Bahek VIC/BDAV/13/1521
Assessor Signature: Date: 12/02/2018

All work to be carried out in accordance with BCA, AS & Council conditions.

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notes:

ISSUE	DESCRIPTION	DATE

IDRAFT ARCHITECTS
NSW Architects Registration Board No. 5347
Nominated registered architect - Adriaan Winton
p. 02 9648 8648 w. www.idraft.com.au
m. PO Box 470, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
Roof Plan

designed + drawn:
M.Trinh

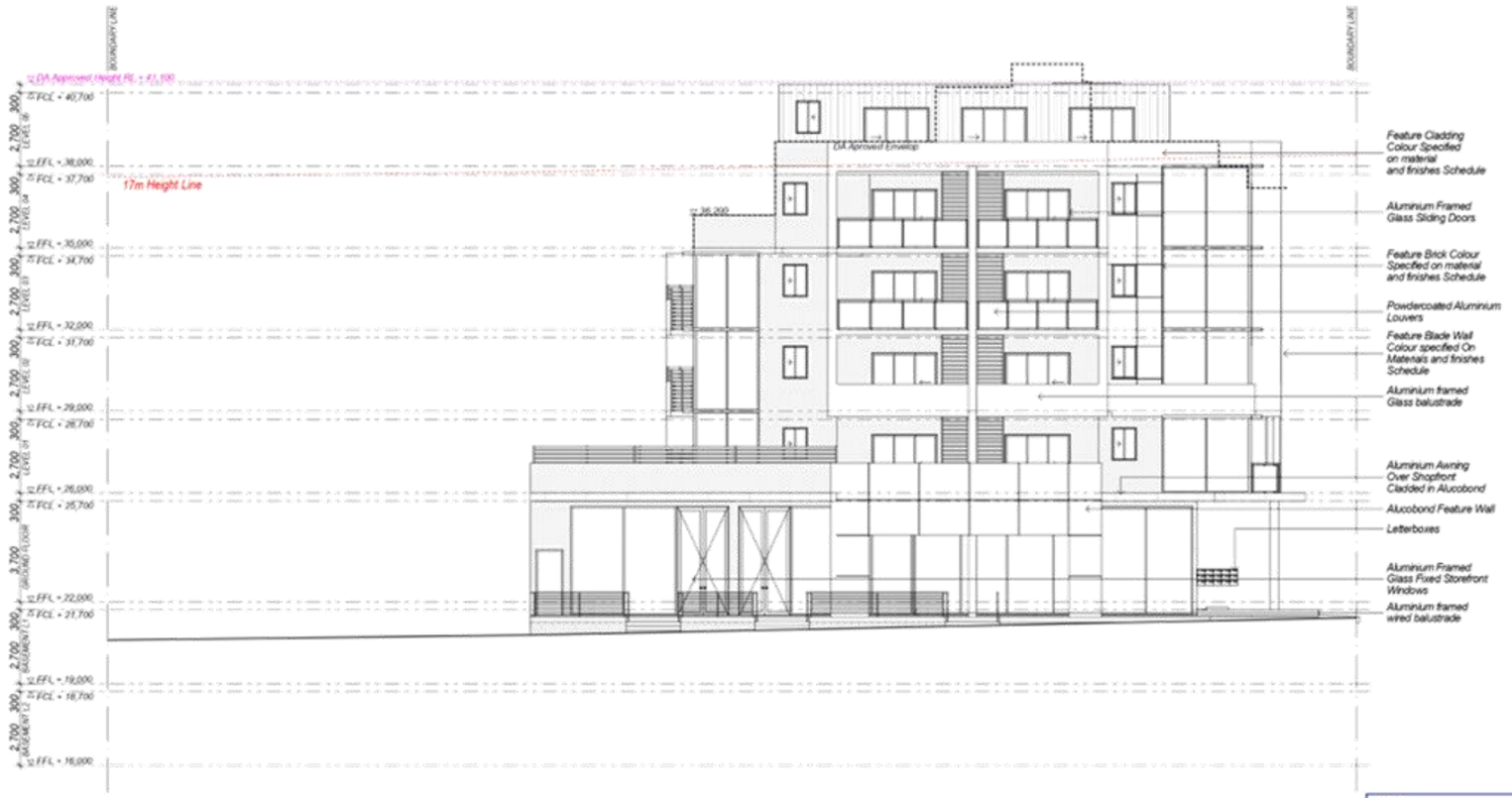
issue/Stage
DA / REV A

paper/scale:
A1/1:100

date:
23/11/2020

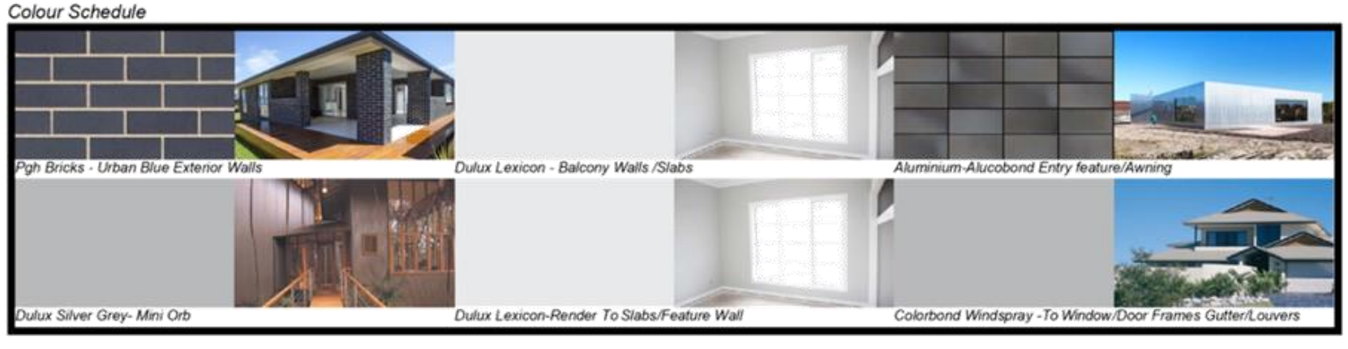
job #: **28159** | dwg #: **1009**

298-302 Merrylands Rd, Merrylands



North Elevation
scale 1:100

Colour Schedule



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notes:

ISSUE	DESCRIPTION	DATE

IDRAFT ARCHITECTS
NSW Architects Registration Board No. 5347
nominated registered architect - Adriaan Winton
p. 02 9648 8648 w. www.idraft.com.au
PO BOX 427, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title
North Elevation

designed + drawn:
M.Trinh

issue/Stage
DA / REV A

paper/scale:
A1/1:100

date:
23/11/2020

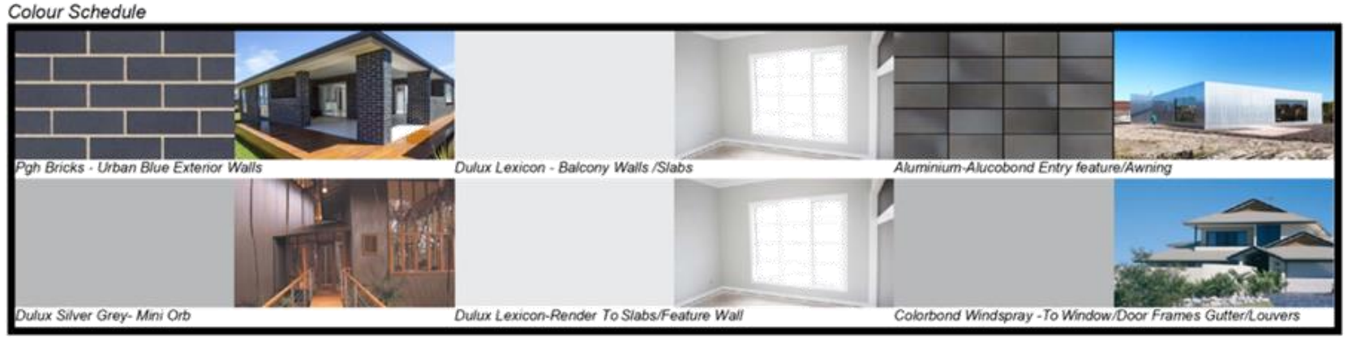
job #
28159

dwg #
2001

298-302 Merrylands Rd, Merrylands

West Elevation
scale 1:100

Colour Schedule



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notes:

S	DESCRIPTION	DATE
	ISSUE	

IDRAFT ARCHITECTS
NSW Architects Registration Board No. 5347
nominated registered architect - Adriaan Winton
p. 02 9648 9648 w. www.idraft.com.au
pb. PO Box 437, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
West Elevation

designed + drawn:
M.Trinh

issue/Stage
DA / REV A

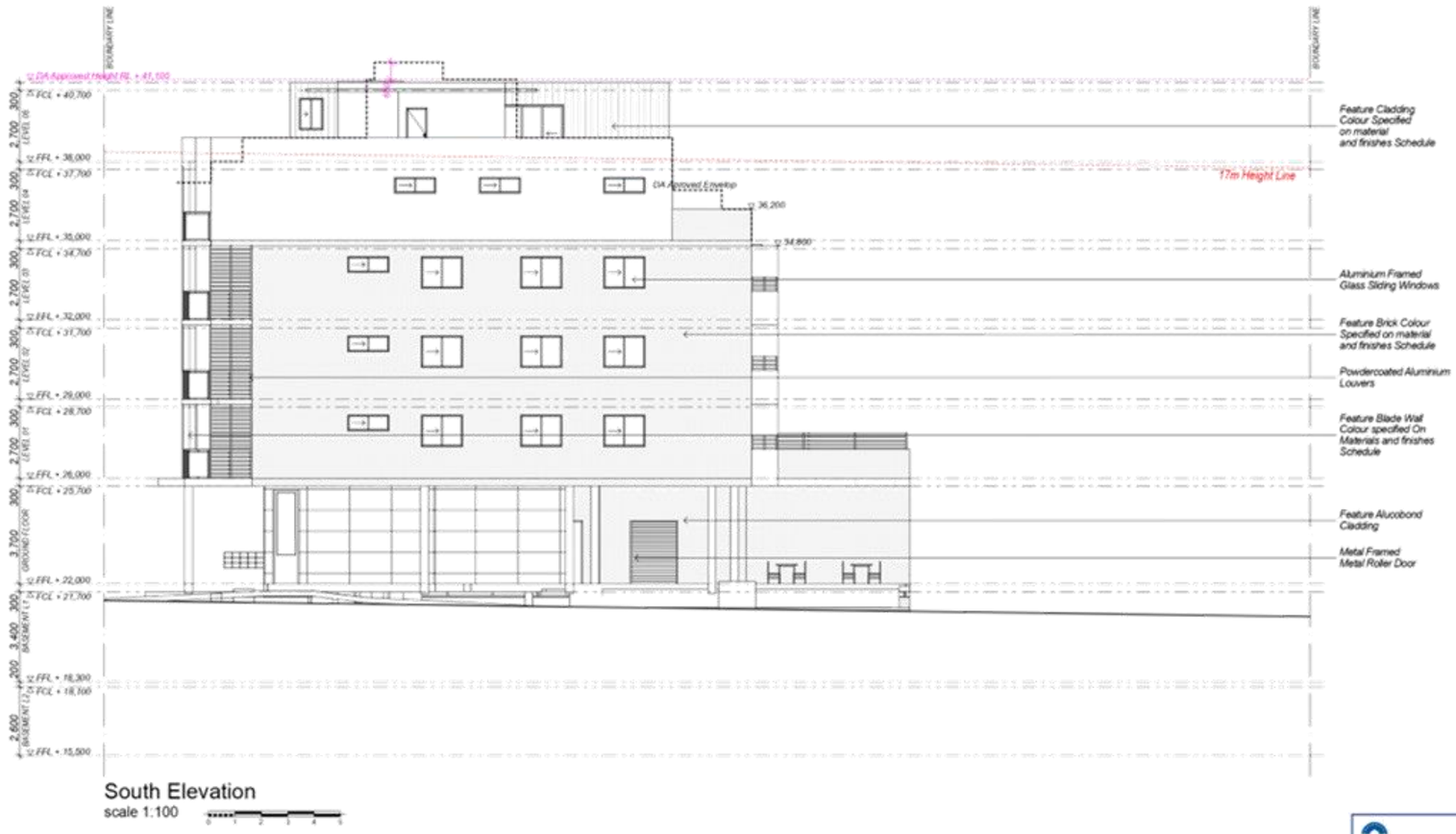
paper/scale:
A1/1:100

date:
23/11/2020

job #:
28159

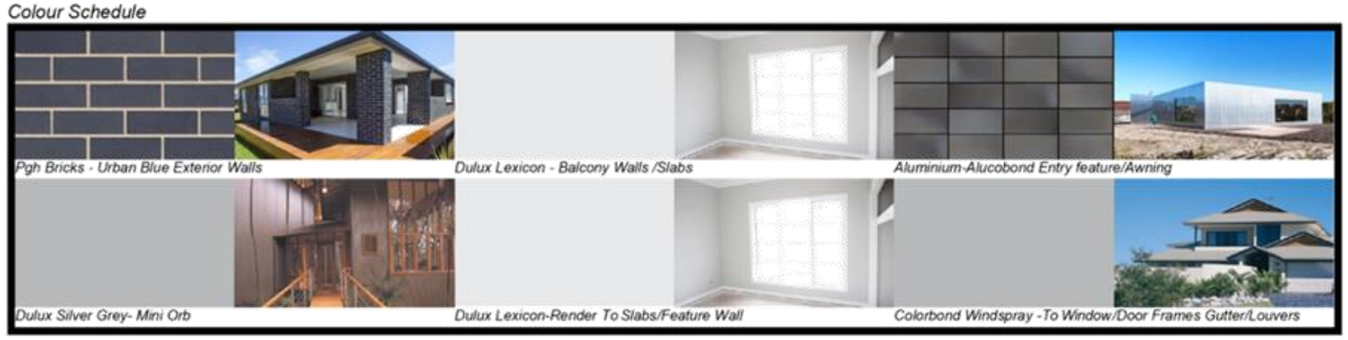
dwg #
2002

298-302 Merrylands Rd, Merrylands



South Elevation
scale 1:100

Colour Schedule



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notes:

ISSUE	DESCRIPTION	DATE

IDRAFT ARCHITECTS

NSW Architects Registration Board No. 5347
Nominated registered architect - Adriaan Winton

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council:
Cumberland City Council

drawing title:
South Elevation

designed + drawn:
M. Trinh

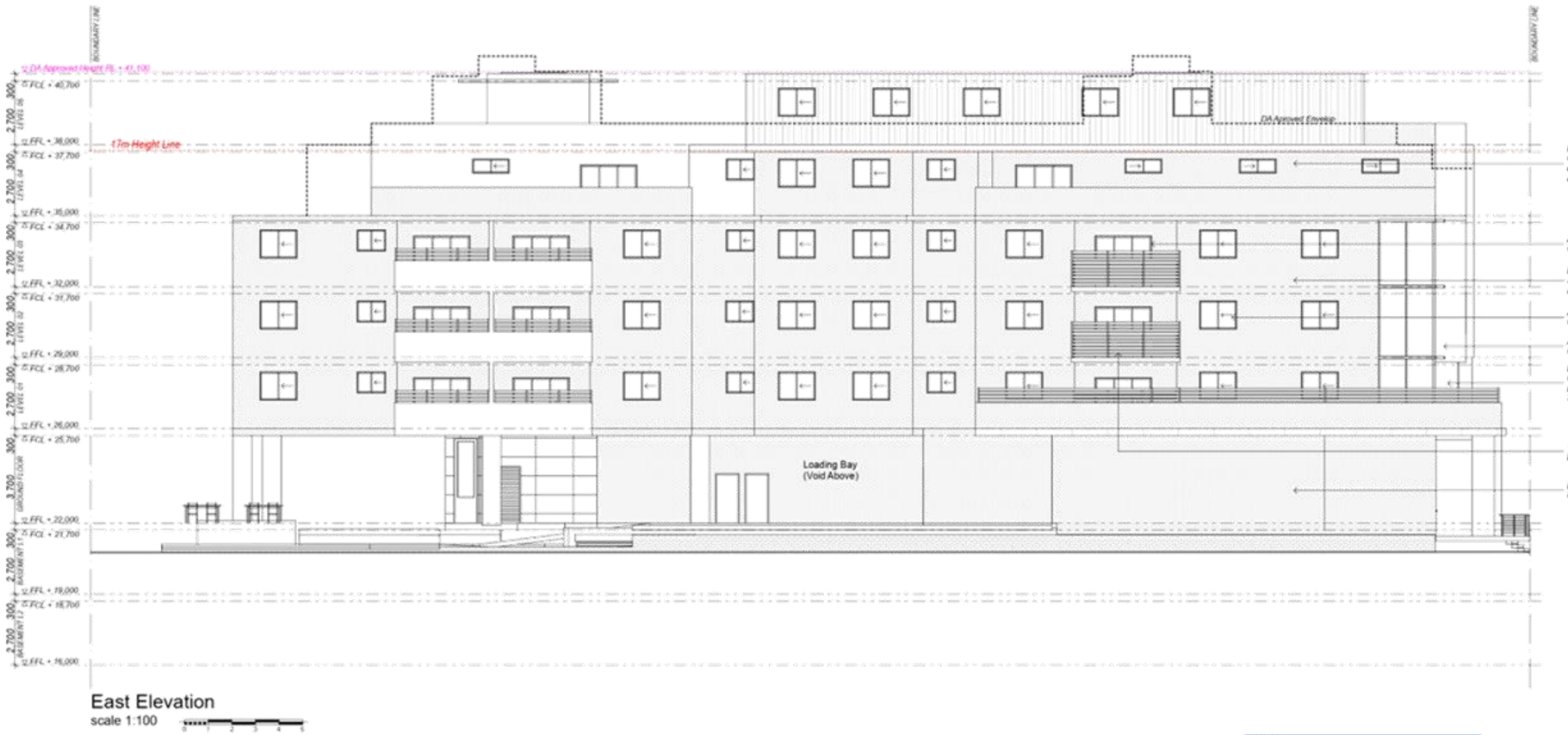
issue/Stage:
DA / REV A

paper/scale:
A1/1:100

date:
23/11/2020

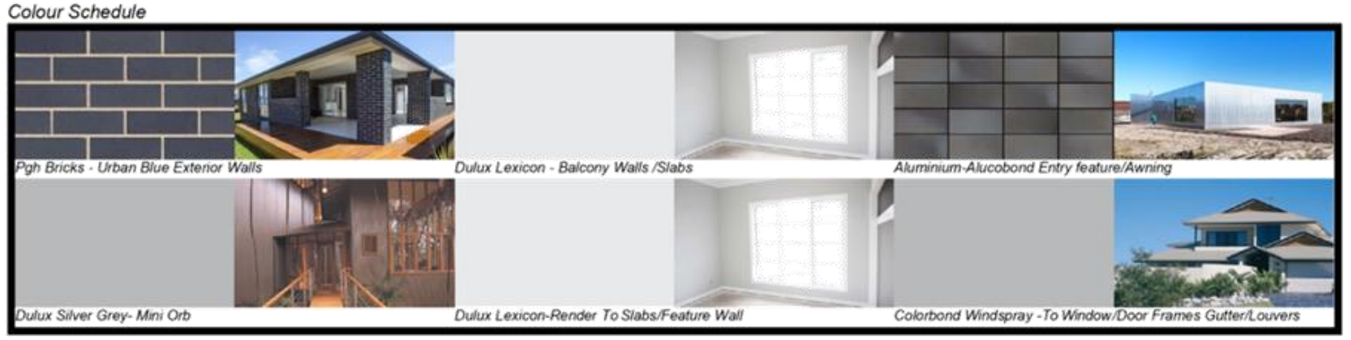
job #: **28159** dwg #: **2003**

298-302 Merrylands Rd, Merrylands



East Elevation
scale 1:100

Colour Schedule



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notes:

NO	DESCRIPTION	DATE
ISSUE		

IDRAFT ARCHITECTS
NSW Architects Registration Board No. 5347
Nominated registered architect - Adriaan Winton
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unit 3/53 Rns E/W, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
East Elevation

designed + drawn:
M.Trinh

issue/Stage
DA / REV A

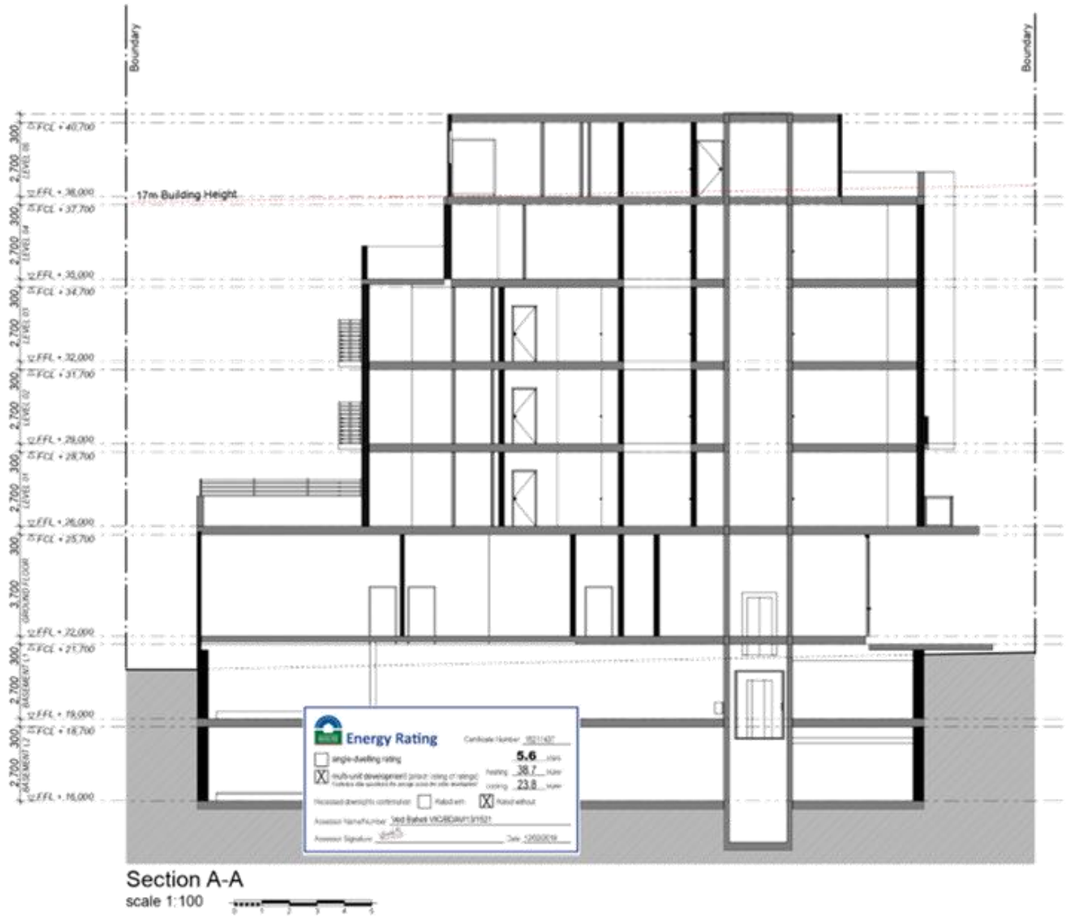
paper/scale:
A1/1:100

date:
23/11/2020

job #
28159

dwg #
2004

298-302 Merrylands Rd, Merrylands



Section A-A
scale 1:100

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notes:

ISSUE	DESCRIPTION	DATE

IDRAFT ARCHITECTS
NSW Architects Registration Board No. 5347
nominated registered architect - Adriaan Winton
p. 02 9648 9648 w. www.idraft.com.au
pt. PO Box 437, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
Section A

designed + drawn:
M.Trinh

issue/Stage
DA / REV A

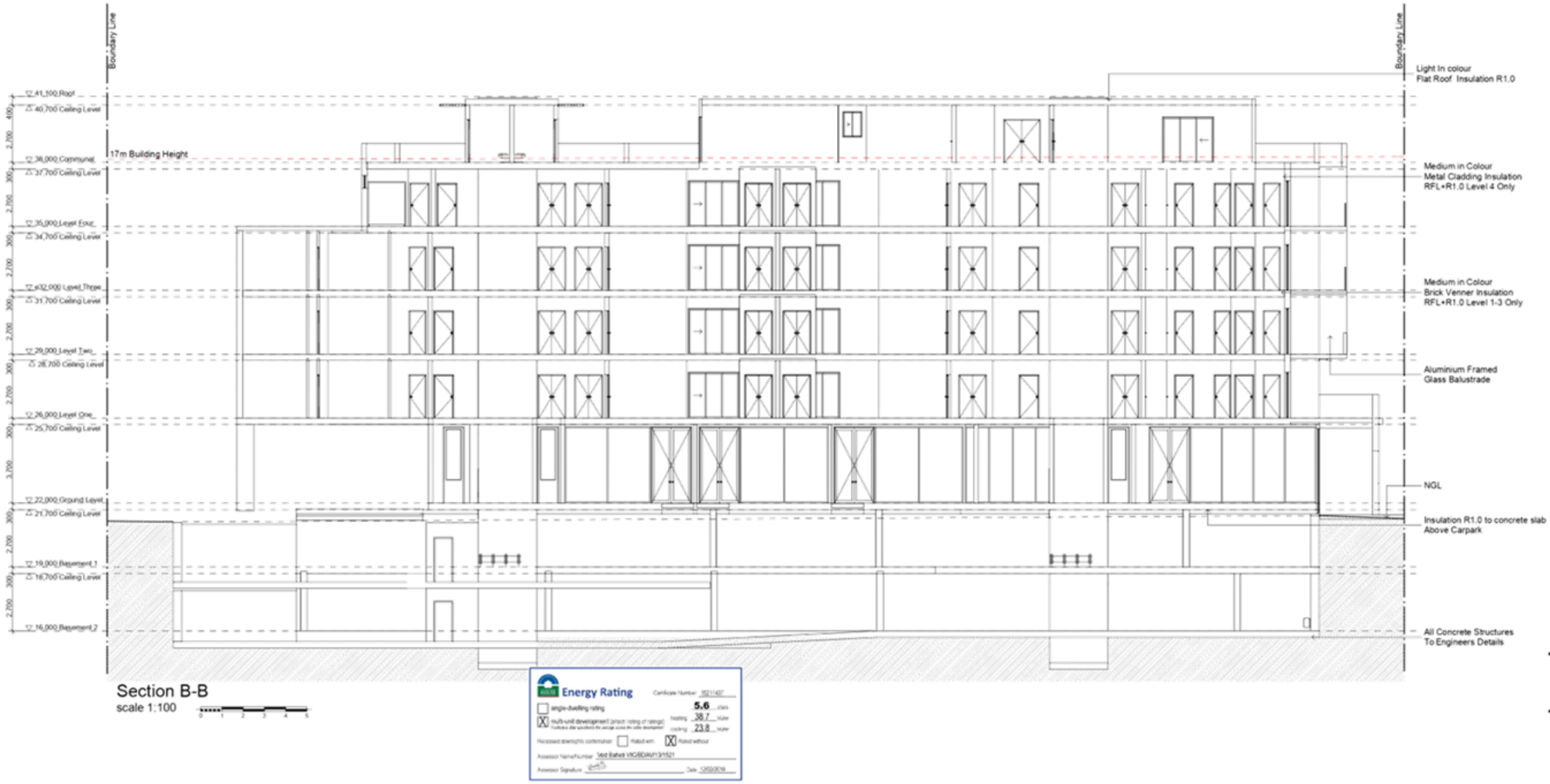
paper/scale:
A1/1:100

date:
23/11/2020

job #:
28159

dwg #
3001

298-302 Merrylands Rd, Merrylands



Section B-B
scale 1:100

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notes:

ISSUE	DESCRIPTION	DATE

IDRAFT ARCHITECTS
NSW Architects Registration Board No: 5347
Nominated registered architect - Adriaan Witton
p: 02 9648 8648 w: www.idraft.com.au
po box bmc 627, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title
Section B

designed + drawn:
M.Trinh

issue/Stage
DA / REV A

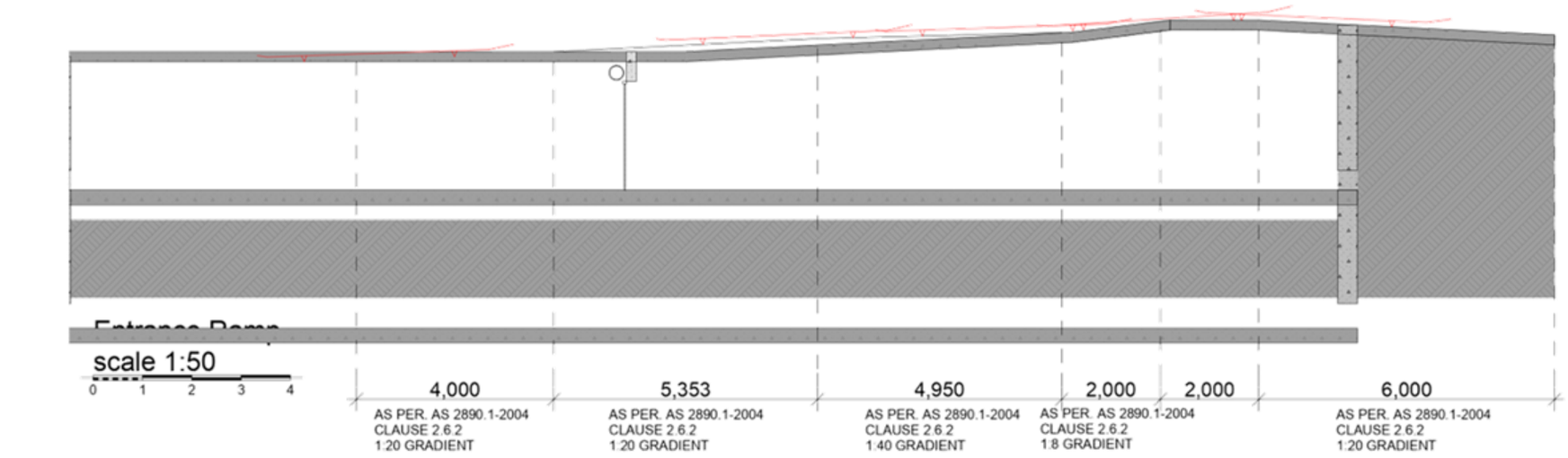
paper/scale:
A1/1:100

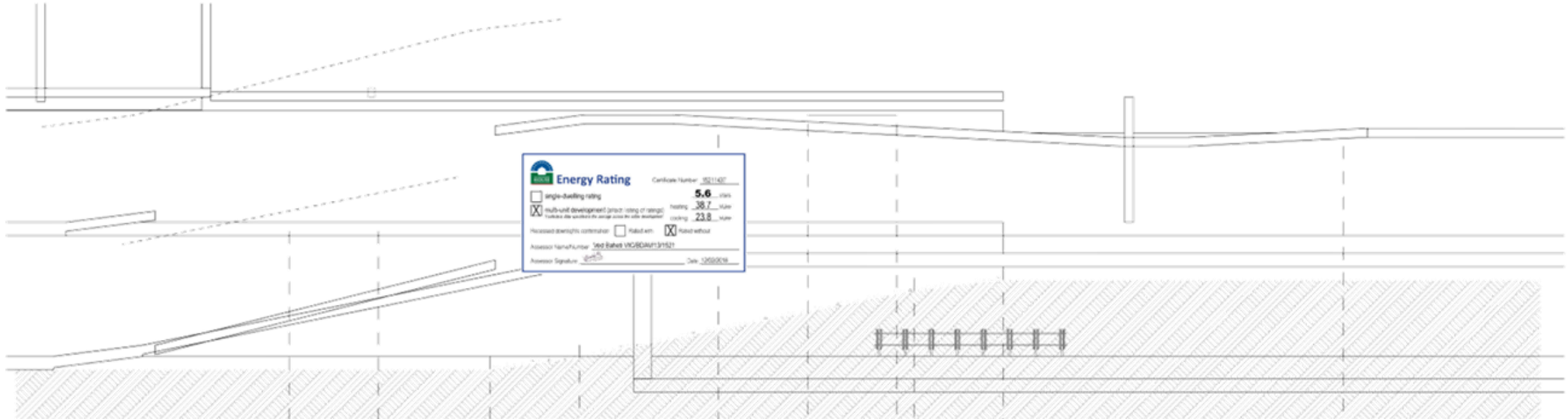
date:
23/11/2020

job #
28159

dwg #
3002

298-302 Merrylands Rd, Merrylands





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notes:

ISSUE	DESCRIPTION	DATE

IDRAFT ARCHITECTS
NSW Architects Registration Board No. 5347 - nominated registered architect - Adriaan Wilton
p. 02 9648 8648 w. www.idraft.com.au
PO Box 427, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
Driveway Sections

designed + drawn:
M.Trinh

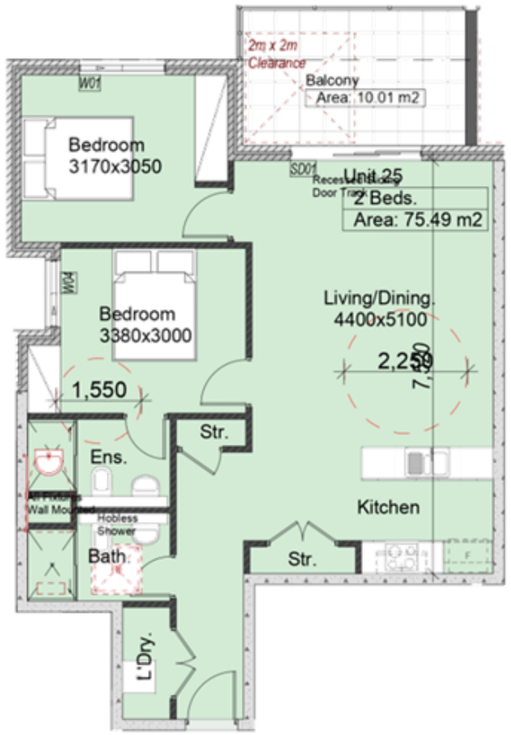
issue/Stage
DA / REV A

paper/scale:
A1/1:50

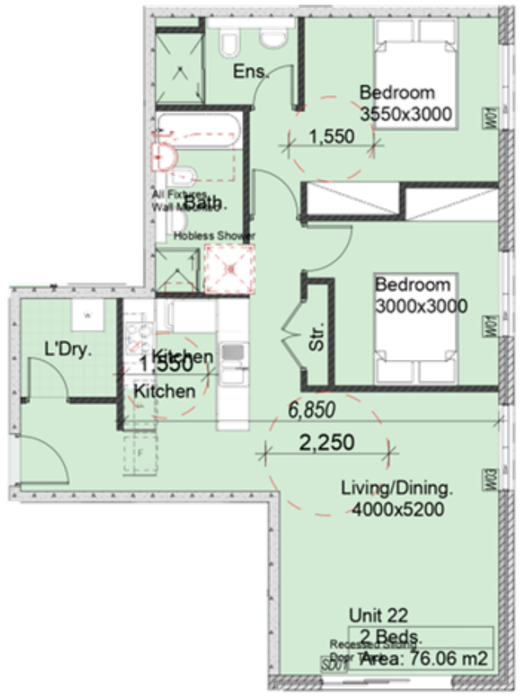
date:
23/11/2020

job #: **28159** dwg #: **3003**

298-302 Merrylands Rd, Merrylands



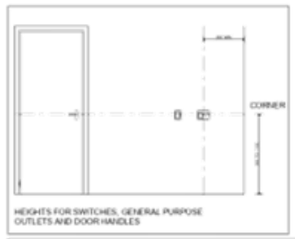
Typical Adaptable Units 3,13,23

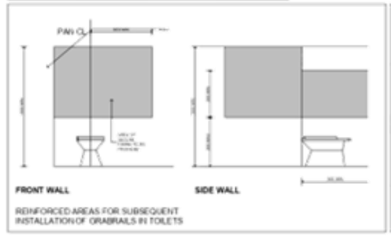


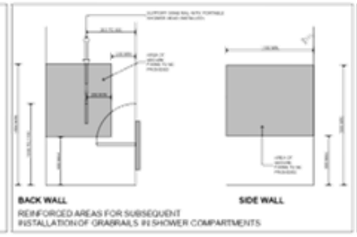
Typical Adaptable Units 5,15,25

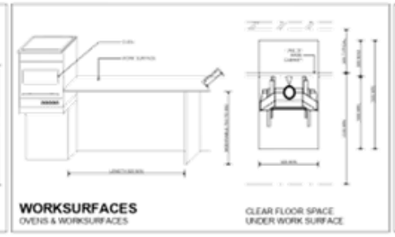
SCHEDULE OF FEATURES FOR ADAPTABLE HOUSING
ADAPTABLE HOUSE CLASS B
All essential features incorporated

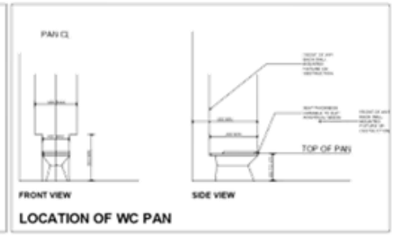
	DRAWINGS	CLAUSE	
1	Provision of drawings showing the housing unit in its pre-adaption and post-adaption stages		2.3
	SITING		
3	A continuous accessible path of travel from street frontage and vehicle parking to entry complying with AS1428.1	3.3.2	
	LETTERBOXES IN ESTATE DEVELOPMENTS		
11	Letterboxes to be on hard standing area connected to accessible pathway		3.8
	PRIVATE CAR ACCOMMODATION		
14	Carparking space or garage min. area 6.0m x 3.8m	3.7.2	
	ACCESSIBLE ENTRY		
20	Accessible entry	4.3.1	
22	Accessible entry to be level (i.e. max. 1:40 slope)	4.3.2	
23	Threshold to be low level	4.3.2	
24	Landing to enable wheelchair manoeuvrability	4.3.2	
25	Accessible entry door to have 850mm min clearance	4.3.1	
27	Door lever handles and hardware to AS 1428.1	4.3.4	
	INTERIOR GENERAL		
32	Internal doors to have 820 mm mm clearance	4.3.3	
33	Internal corridors min. width of 1000mm	4.3.7	
34	Provision for compliance with AS 1428.1 for door approaces	4.3.7	
	LIVING ROOM & DINING ROOM		
36	Provision for circulation space of min 2250mm diameter		4.7.1
38	Telephone adjacent to GPO	4.7.4	
41	Potential illumination level min 300 lux	4.10	
	KITCHEN		
42	Minimum width 2.7m (1550mm clear between bences)		4.5.2
43	Provision for circulation at doors to comply with AS 1428.1	4.5.1	
44	Provision for benches planned to include at least one worksurface of 800mm length, adjustable in height from 750mm to 850mm or replaceable refer to Figure 4.8		4.5.5
45	Refrigerator adjacent to work surface	4.5.5	
46	Kitchen sink adjustable to heights from 750mm to 850mm or replacable		4.5.6
47	Kitchen sink bowl max 150mm deep	4.5.6	
48	Tap set capstan or lever handles or lever mixer	4.5.6 (e)	
49	Tap set located within 300mm of front of sink	4.5.6 (e)	
51	Cooktops to include either front or side controls with raised cross bars	4.5.7	
52	Cooktops to include isolationg switch	4.5.7	
53	Worksurface min 800mm length adjacent to cooktop at same height	4.5.7	
54	Oven located adjacent to an adjustable height or replaceable work surface		4.5.8
59	GPOs to comply with AS 1428.1. At least one double GPO with 300mm of front of worksurface	4.5.11	
60	GPO for refrigerator to be easily reachable when the refrigerator is in its operating position		4.5.11
61	Slip-resistant floor surface	4.5.4	
	MAIN BEDROOM		
62	At least one bedroom of area sufficient to accommodate queen size bed and wardrobe and circulation space requirements of AS 1428.2	4.6.1	
	BATHROOM		
75	Provision for bathroom area to comply with as 1428.1	4.4.1	
76	Slip-resistant floor surface	4.4.2	
77	Shower recess - no hob. Minimum size 1160 x 1100 to comply with AS 1428.1.	4.4.4 (f)	
78	Shower area waterproofed to AS 3740 with floor to fall to waste	4.4.4 (f)	
79	Recessed soap holder	4.4.4 (f)	
80	Shower taps positioned for easy reach to access side of shower sliding track	4.4.4 (f)	
82	Provision for adjustable, detachable hand held shower rose mounted on a slider grabrail or fixed hook (plumbing and wall-strengthening provision)	4.4.4 (h)	
83	Provision for grabrail in shower to comply with AS 1428.1	4.4.4 (h)	
86	Tap sets to be capstan or lever handles with single outlet	4.4.4 (c)	
88	Provision for washbasin with clearance to comply withAS 1428.1	4.4.4 (g)	
90	Double GPO beside mirror	4.4.4 (d)	
	TOILET		
92	Provision of either 'visitable toilet' or accessible toilet	4.4.3	
93	Provision to comply with AS 1428.1	4.4.1	
94	Location of WC pan at correct distance from fixed walls	4.4.3	
95	Provision for grab rail zone	4.4.4 (h)	
96	Slip resistant floor surface (Vitreous tiles or similar)	4.4.2	
	LAUNDRY		
98	Circulation at doors to comply with AS 1428.1	4.8	
99	Provision for adequate circulation space in front of or beside appliances (min 1550 mm depth)	4.8	
100	Provision for automatic washing machine	4.8 (e)	
102	Where clothes line is provided an accessible path of travel to this	4.8 (a)	
105	Double GPO	4.8 (g)	
108	Slip-resistant floor surface	4.9.1	
	DOOR LOCKS		
110	Door hardware operable with one hand, located 900-1100mm above floor		4.3.4











Assessor # BDAV/13/1521 Assessor's Cert # 15211437

Thermal Load & NatHERS Spec

Unit no.	Heating load MJ/m2/yr	Cooling load MJ/m2/yr	Star Rating
Unit-1	41	29	5.2
Unit-2	43	22	5.5
Unit-3	33	20	6.5
Unit-4	31	26	5.9
Unit-5	35	26	5.9
Unit-6	42	28	5.2
Unit-7	44	23	5.5
Unit-8	34	21	6.5
Unit-9	32	27	5.9
Unit-10	36	26	5.9
Unit-11	42	28	5.2
Unit-12	44	23	5.5
Unit-13	34	21	6.5
Unit-14	32	27	5.9
Unit-15	36	26	5.9
Unit-16	42	29	5.2
Unit-17	44	23	5.5
Unit-18	34	21	6.5
Unit-19	32	27	5.9
Unit-20	36	26	5.8
Unit-21	45	22	4.9
Unit-22	30	19	6.2
Unit-23	37	20	5.7
Unit-24	43	22	5.5
Unit-25	41	27	5.2
Unit-26	43	22	5.5
Unit-27	30	19	6.2
Unit-28	37	20	5.7
Unit-29	45	22	4.9
Unit-30	41	27	5.2
Unit-31	45	22	4.9
Unit-32	30	19	6.2
Unit-33	37	20	5.7
Unit-34	43	22	5.5
Unit-35	41	27	5.2
Unit-36	42	26	5.2
Unit-37	39	19	5.5
Unit-38	44	25	5.7
Unit-39	41	26	5.5
Unit-40	43	28	5.3
Unit-41	40	24	5.4
Unit-42	45	26	5.2
Total (42)	1629	1003	236.2
Average	38.78	23.8	5.6

Ceiling Insulaiton: R2.0 Only for U36,U37, U38, U39, U40, U41, U42 & U12

External wall Insulation: R1.0

- Suspended Slab roof: Medium colour (SA 0.475 -0.7)

All External Glazing: ALM-002-01 A: Aluminium B SG Clear U=6.7 SHGC =0.70

All External door & window to be weather sealed

Eaves / shading as per drawings

All work to be carried out in accordance with BCA, AS & Council conditions.

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Energy Smart Design: AAA rated water conservation devices include rainwater tanks shower heads, water tap flow regulators, dual flush toilets & cisterns & compliant hot water systems with minumum green house score of 3.5 stars are to be used in this development. All occupants are encouraged to use AAA rated dish washing machines with front loading where possible

notes:

ISSUE	DESCRIPTION	DATE

IDRAFT ARCHITECTS
NSW Architects Registration Board No: 5347 nominated registered architect - Adriaan Winton
p. 02 9648 8648 w. www.idraft.com.au
pt. PO Box 427, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
Adaptable Details

designed + drawn:
M.Trinh

issue/Stage
DA / REV A

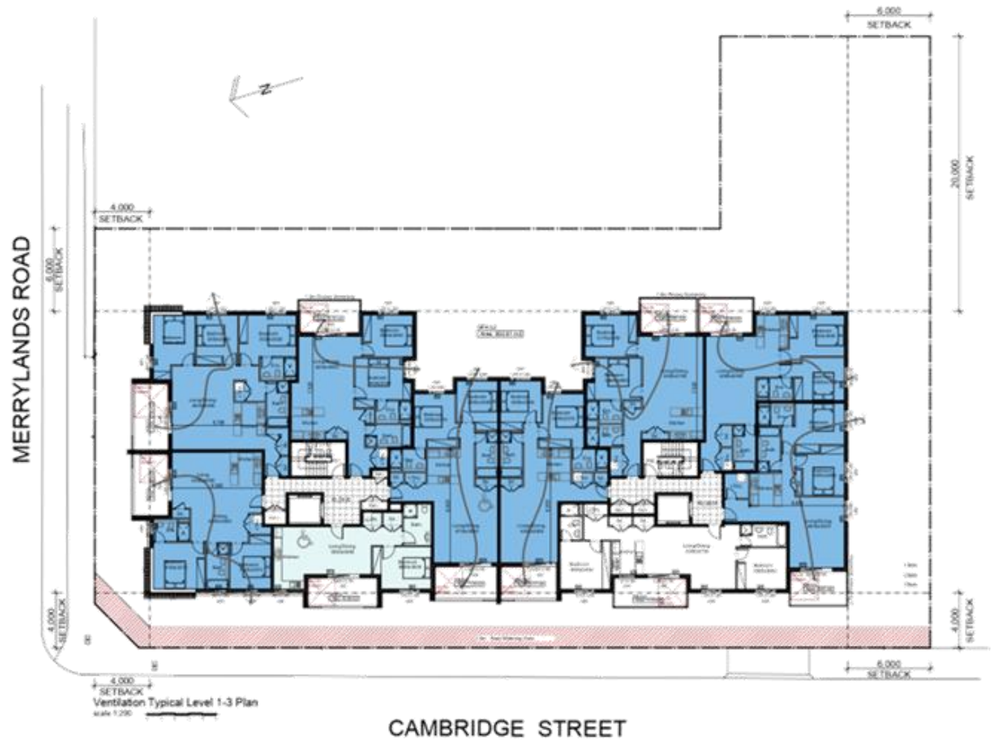
paper/scale:
A1/1:50

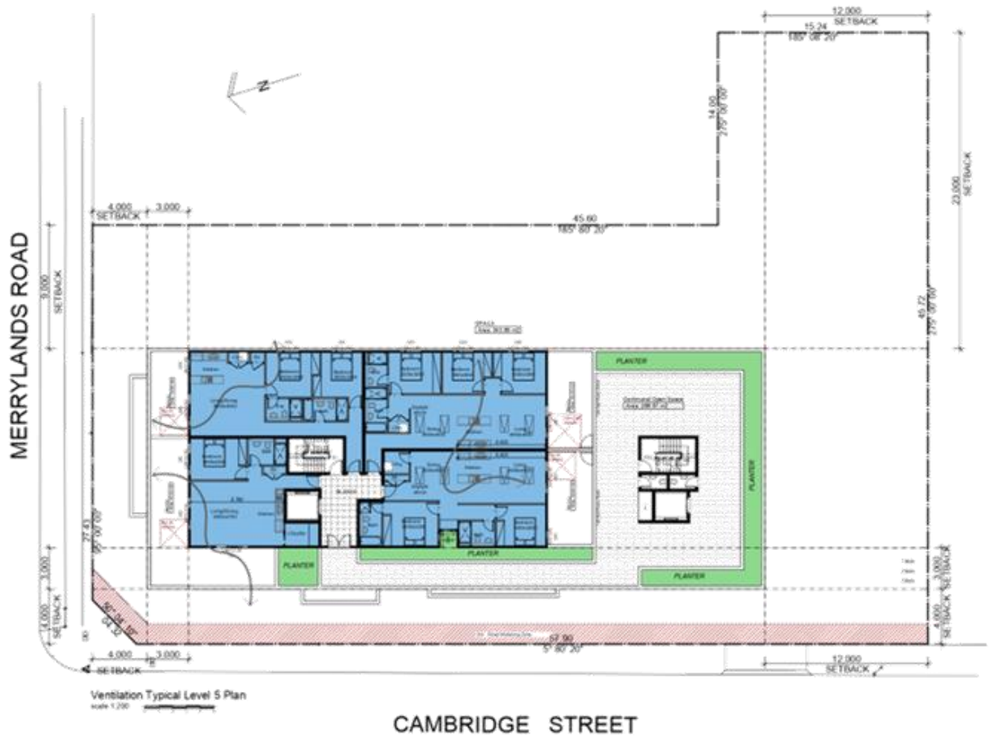
date:
23/11/2020

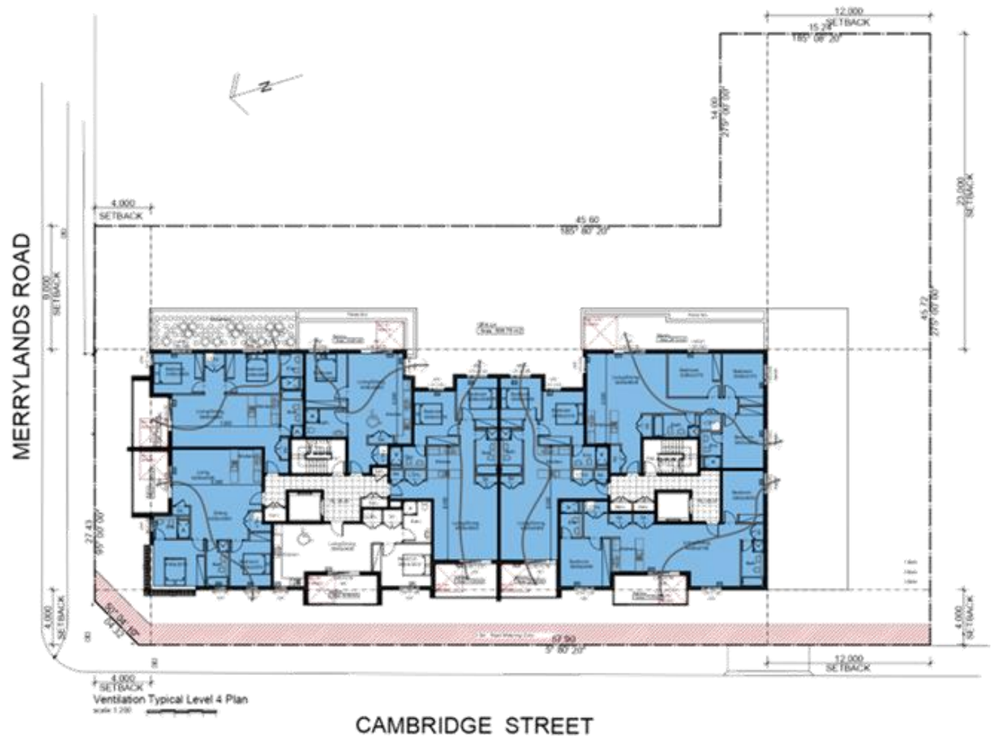
job #:
28159

dwg #
4001

298-302 Merrylands Rd, Merrylands







Cross Ventilation Required (60%) - 26 Units
Cross Ventilation Provided (83%) - 35 Units

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Energy Smart Design: AAA rated water conservation devices include rainwater tanks shower heads, water tap flow regulators, dual flush toilets & cisterns & compliant hot water systems with minumum green house score of 3.5 stars are to be used in this development. All occupants are encouraged to use AAA rated dish washing machines with front loading where possible

notes:

ISSUE	DESCRIPTION	DATE

IDRAFT ARCHITECTS
NSW Architects Registration Board No. 5347
nominated registered architect - Adriaan Winton
p. 02 9648 8648 w. www.idraft.com.au
PO Box 437, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title
Cross Ventilation

designed + drawn:
M.Trinh

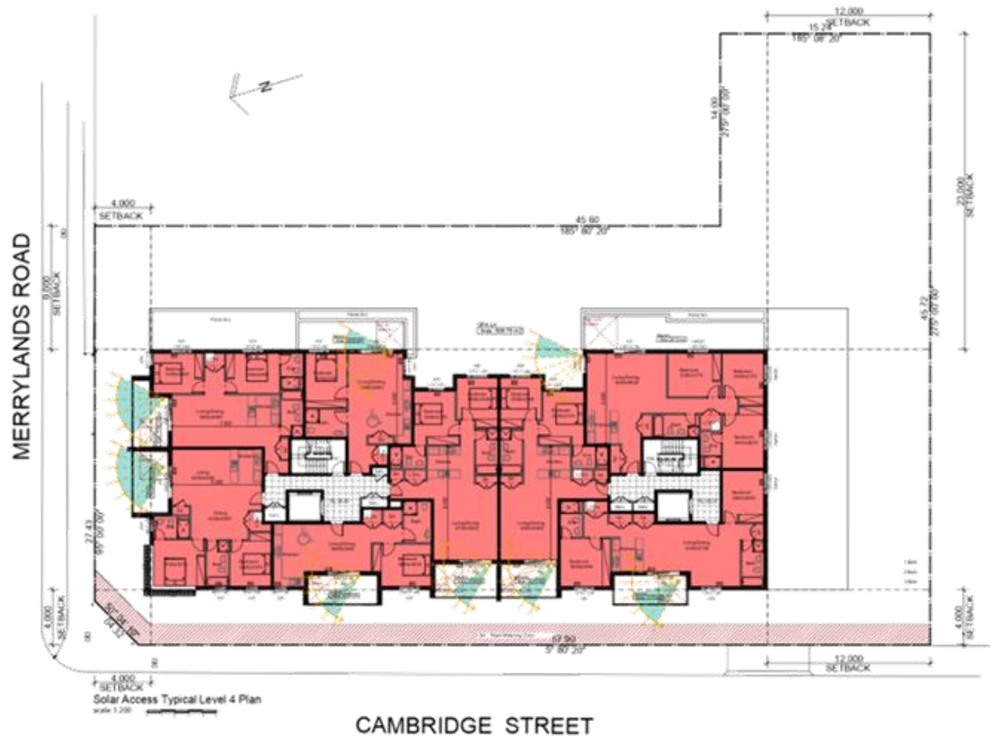
issue/Stage
DA / REV A

paper/scale:
A1/1:200

date:
23/11/2020

job #: **28159** dwg #: **4002**

298-302 Merrylands Rd, Merrylands



Solar Access Required (70%) - 30 Units
Solar Access Provided (78%) - 33 Units

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notes:

ISSUE	DESCRIPTION	DATE

IDRAFT ARCHITECTS

NSW Architects Registration Board No. 5347
nominated registered architect - Adriaan Winton
p. 02 9648 8648 w. www.idraft.com.au
PO Box 437, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
Solar Access Plan

designed + drawn:
M.Trinh

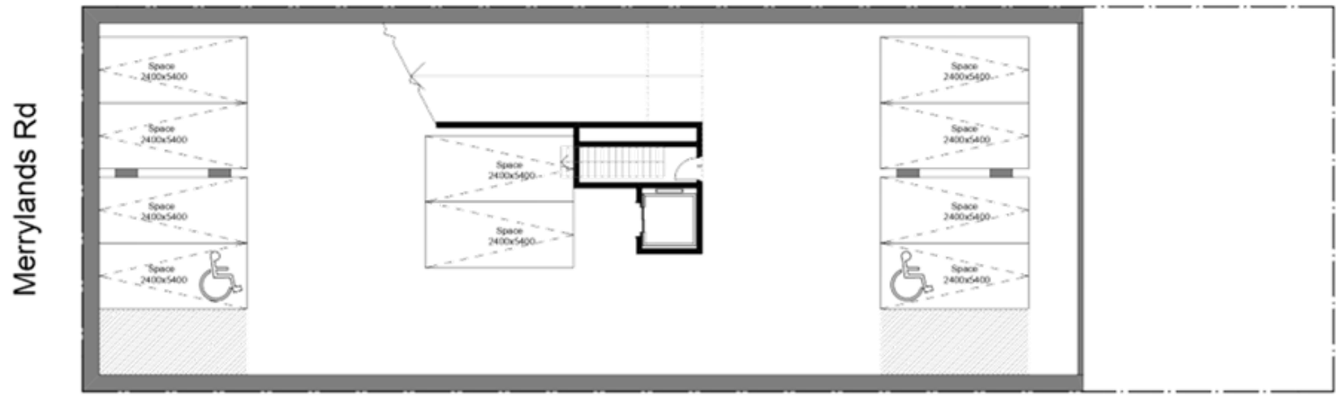
issue/Stage
DA / REV A

paper/scale:
A1/1:200

date:
23/11/2020

job #: **28159**
dwg #: **4003**

298-302 Merrylands Rd, Merrylands



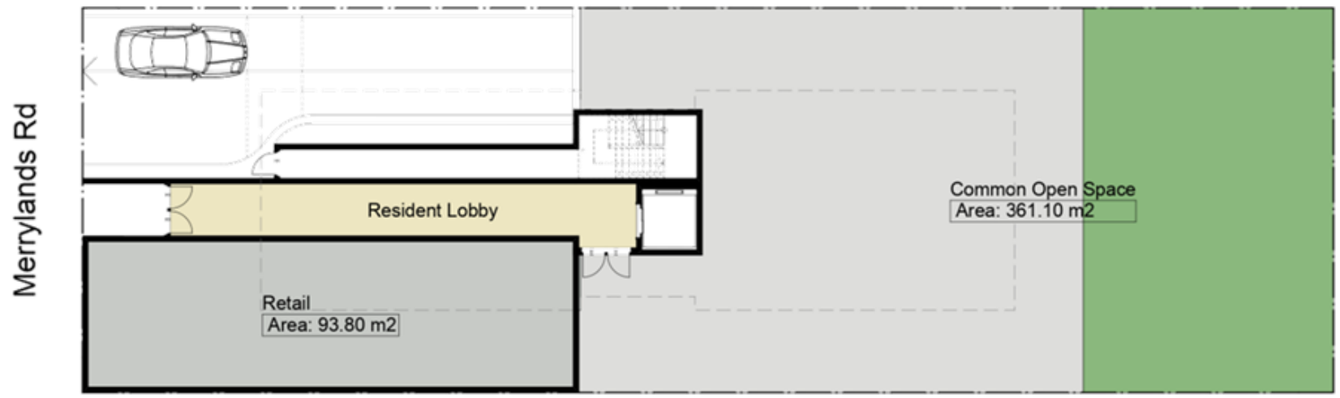
296 Merrylands Rd, Merrylands

Site Area
Approx 638m2

Zoning B6
FSR 2:1 (1276m2)
Height 17m

Potential proposal
6 Residential units
with 1 retail shop over
basement carpark

Adjoining potential plan - Basement
scale 1:100



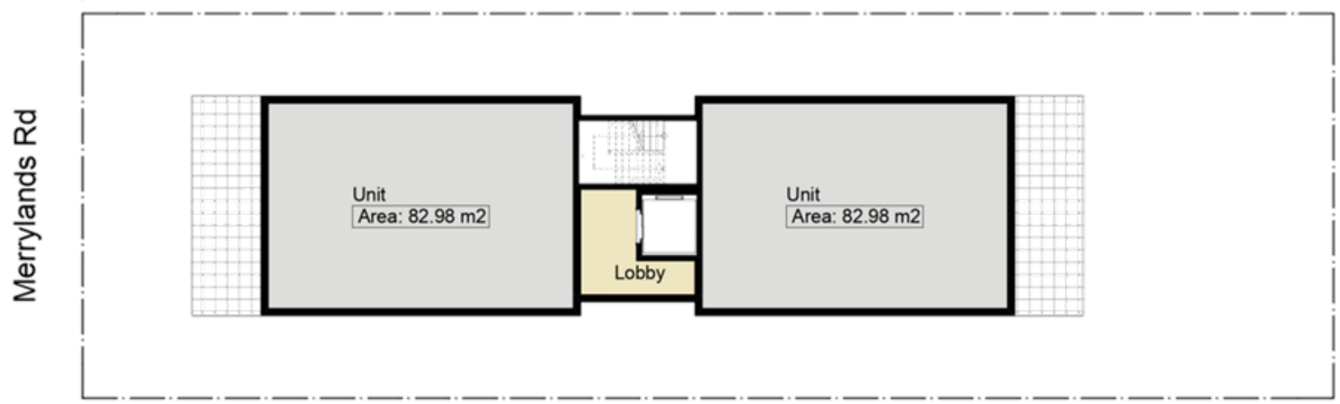
296 Merrylands Rd, Merrylands

Site Area
Approx 638m2

Zoning B6
FSR 2:1 (1276m2)
Height 17m

Potential proposal
6 Residential units
with 1 retail shop over
basement carpark

Adjoining potential plan - Ground Floor
scale 1:100



296 Merrylands Rd, Merrylands

Site Area
Approx 638m2

Zoning B6
FSR 2:1 (1276m2)
Height 17m

Potential proposal
6 Residential units
with 1 retail shop over
basement carpark

Adjoining potential plan - Typical Resident Floor
scale 1:100

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notes:

ISSUE	DESCRIPTION	DATE

IDRAFT ARCHITECTS

NSW Architects Registration Board No. 5347 | nominated registered architect - Adriaan Wilton
p. 02 9648 8648 w. www.idraft.com.au
PO Box 427, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
Adjoining Concept
296 Merrylands

designed + drawn:
M.Trinh

issue/Stage
DA / REV A

paper/scale:
A1/1:100

date:
23/11/2020

job #: **28159**
dwg #: **0011**

298-302 Merrylands Rd, Merrylands

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IDRAFT ARCHITECTS
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m: PO Box 427, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
Elevational shadow 9am

designed + drawn:
M.Trinh

issue/Stage:
DA / REV A

paper/scale:
A1/1:200

date:
23/11/2020

job #: **28159** | dwg #: **0003**

298-302 Merrylands Rd, Merrylands

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IDRAFT ARCHITECTS
NSW Architects registration board No.6447
Nominated registered architect - Adriaan Winton
p: 02 9648 8848 w: www.idraft.com.au
a: PO Box 427, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
Elevational shadow 10am

designed + drawn:
M.Trinh

issue/Stage:
DA / REV A

paper/scale:
A1/1:200

date:
23/11/2020

job #: **28159** | dwg #: **0004**

298-302 Merrylands Rd, Merrylands

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NSW Architects registration board No.6447
Nominated registered architect - Adnaan Winton
p: 02 9648 8848 w: www.idraft.com.au
a: PO Box 427, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
Elevational shadow 11am

designed + drawn:
M.Trinh

issue/Stage:
DA / REV A

paper/scale:
A1/1:200

date:
23/11/2020

job #: **28159** | dwg #: **0005**

298-302 Merrylands Rd, Merrylands

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IDRAFT ARCHITECTS

NSW Architects registration board No.5447
Nominated registered architect - Adriaan Winton
p: 02 9648 8848 w: www.idraft.com.au
p: PO Box 427, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
Elevational shadow 12pm

designed + drawn:
M.Trinh

issue/Stage:
DA / REV A

paper/scale:
A1/1:200

date:
23/11/2020

job #: **28159** | dwg #: **0006**

298-302 Merrylands Rd, Merrylands

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p: 02 9648 8848 w: www.idraft.com.au
a: PO Box 427, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
Elevational shadow 1pm

designed + drawn:
M.Trinh

issue/Stage:
DA / REV A

paper/scale:
A1/1:200

date:
23/11/2020

job #: **28159** | dwg #: **0007**

298-302 Merrylands Rd, Merrylands

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a: PO Box 427, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
Elevational shadow 2pm

designed + drawn:
M.Trinh

issue/Stage:
DA / REV A

paper/scale:
A1/1:200

date:
23/11/2020

job #: **28159** | dwg #: **0008**

298-302 Merrylands Rd, Merrylands

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p: 02 9648 8848 w: www.idraft.com.au
a: PO Box 427, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
Elevational shadow 3pm

designed + drawn:
M.Trinh

issue/Stage:
DA / REV A

paper/scale:
A1/1:200

date:
23/11/2020

job #: **28159** | dwg #: **0009**

298-302 Merrylands Rd, Merrylands

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IDRAFT ARCHITECTS
NSW Architects registration board No.5447
Nominated registered architect - Adriaan Winton
p: 02 9648 8848 w: www.idraft.com.au
m: PO Box 427, Merrylands NSW 2160

project:
Proposed demolition of existing structures & construction of 42 residential units over ground floor retail area over basement parking

client:
Anthony Chalhoub

council
Cumberland City Council

drawing title:
Elevational shadow 4pm

designed + drawn:
M.Trinh

issue/Stage:
DA / REV A

paper/scale:
A1/1:200

date:
23/11/2020

job #: **28159** | dwg #: **0010**

298-302 Merrylands Rd, Merrylands

DOCUMENTS ASSOCIATED WITH REPORT LPP018/21

Attachment 3

Statement of Environmental Effects & Clause 4.6 Variation Request

think planners

Statement of Environmental Effects

298-302 MERRYLANDS ROAD, MERRYLANDS

15 DECEMBER 2020

QUALITY ASSURANCE	
PROJECT:	*Mixed Use Development*
ADDRESS:	*298-302 Merrylands Road & 2-2A Cambridge Street, Merrylands*
COUNCIL:	*Cumberland Council*
AUTHOR:	*Think Planners Pty Ltd*

Document Management		
Prepared by:	**Purpose of Issue:**	**Date:**
LK/JW	Draft Issue	November 2020
Reviewed by:	**Purpose of Issue:**	**Date:**
JW	Revised Lodgement Issue	December 2020

Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?	
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mine Subsidence Act 1992	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No
Concurrence	
SEPP 64- Advertising and Signage	No
SEPP Coastal Management 2018	No
SEPP (Infrastructure) 2007	No
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No

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SUBJECT SITE 8
CUMBERLAND LOCAL GOVERNMENT AREA 9
BROADER LOCALITY ANALYSIS 10

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HERITAGE 15

DESCRIPTION OF PROPOSAL 16

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EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application for a mixed use development at 298-302 Merrylands Road, Merrylands and 2-2A Cambridge Street, Merrylands.

It should be noted, the subject land parcel has previously had five (5) applications approved on-site broadly under DA2014/531 and associated modifications. However owing to market conditions and restrictions on finance the development was not able to be commenced and as a result the consent has now lapsed. Accordingly a new development application package is prepared for lodgement to Cumberland Council that seeks consent for the same development previously granted consent on the site.

This includes:

- Demolition of existing structures, lot consolidation and the construction of a 5-6 storey mixed use development.

- The proposal will comprise 42 residential units, 6 commercial suites and 77 car parking spaces within the 2 basement levels and at-grade.

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

A summary of the key elements of the proposal are provided below:

Amalgamation

The development is to amalgamate the following allotments:

- Lot 7 SP 2 DP602– 2 Cambridge Street, Merrylands
- Lot C in DP 397906 – 2A Cambridge Street, Merrylands
- Lot B in DP 397906 – 298 Merrylands Road, Merrylands
- Lot A in DP 397906 – 302 Merrylands Road, Merrylands

Residential Units

The proposal incorporates the following dwelling mix:

- 6 x 1 bedroom units;
- 31 x 2 bedroom units; and
- 5 x 3 bedroom units.

Tenancy Mix

The development proposal incorporates the following neighbourhood shop tenancies:

- Tenancy 1: 84.35m^2;
- Tenancy 2: 81.86m^2;
- Tenancy 3: 92.25m^2;
- Tenancy 4: 68.04m^2;
- Tenancy 5: 63.04m^2; and
- Tenancy 6: 61.83m^2.

Parking:

- The proposal incorporates a total of 77 car parking within the 2 basement levels and at grade with the following breakdown:
    - 43 Resident Spaces Provided.
    - 9 x Visitor Spaces Provided.
    - 23 x Commercial/ Staff spaces.
    - 1 x Carwash Bay
    - 1 x loading bay

Sited adjacent the western fringe of the Merrylands Town Centre, the development site is an irregular 'L' shaped corner land parcel located at the intersection of Merrylands Road and Cambridge Street at the south eastern corner.

The site is currently afforded dual access from both streets noting that it incorporates 4 established vehicle crossovers, however, to improve vehicular access and traffic conditions along Merrylands Road, noting its importance to the Merrylands Town Centre, the proposal will remove all 4 crossovers and provide a new vehicular crossover via the south western corner of the site from Cambridge Street. In addition, the site comprises four (4) separate allotments and once consolidated will have a combined street frontage of 30.44m to Merrylands Road, 60.88m to Cambridge Street and a total site area of 2,066m^2.

There is a variation to the building height control (previously found to be a suitable outcome) due to the context of the site with other development consents in the area as well as structures associated with the rooftop communal open space, noting that The variation to the height control is discussed further in this statement.

The subject site is zoned B6 Enterprise Corridor with a permitted maximum building height of 17m and a FSR of 2:1 under the provisions of the Holroyd Local Environmental Plan 2013. It is noted that both '*Shop Top Housing*' and '*Neighbourhood Shops*' are permissible with consent within the B6 zone and the proposed development will comply with the maximum FSR control as established within the LEP.

The existing buildings on site are in a reasonable condition, however, the existing land uses within the subject site significantly underplays the role of the site considering its prominence as a gateway site into Merrylands Town Centre via the west and is considerably underutilising the site's full zoning potential given the strategic location of the site within close proximity to the Merrylands Town Centre and Train Station, bus stops, arterial roads and recreational opportunities.

The proposed development seeks to utilise the land in accordance with the B6 zoning and take advantage of its proximity to the Merrylands Town Centre. The proposed mixed use building aims to provide a prominent gateway building that will clearly identify this strategic location at the entry to the Merrylands Town Centre and as such will enhance legibility for both pedestrians and motorists. Furthermore, the development will increase housing stock and add to the viability of the town centre by increasing quality retail/commercial space whilst minimising amenity impacts to adjoining properties.

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

SITE AND LOCALITY DESCRIPTION

LEGAL DESCRIPTION

The subject site is legally defined as Lots A, B and C in DP 397906 and Lot 7 SP 2 DP602 but is more commonly known as 298-302 Merrylands Road, Merrylands & 2-2A Cambridge Street, Merrylands.

SUBJECT SITE

The site comprises four (4) separate allotments and once consolidated will have a combined street frontage of 30.44m to Merrylands Road, 60.88m to Cambridge Street and a total site area of 2,066m2. The site is relatively flat and only experiences a slight fall from the rear towards Merrylands Road.

The subject site currently accommodates four single storey dwelling houses along with existing improvements such as garages and established landscaping. The existing structures on site are to be demolished as part of the proposal. The site also contains existing trees, and it is proposed to remove a number of these trees to accommodate the proposed development.

An aerial map extract of the locality is provided below demonstrating the site and its relationship with adjoining properties.

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

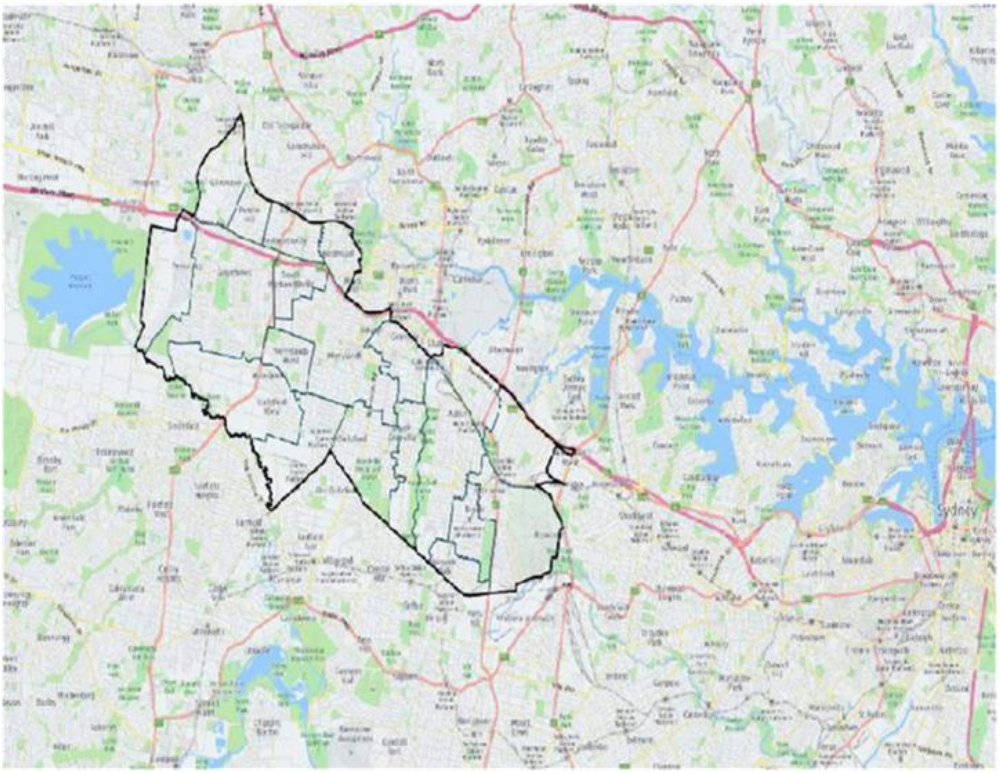
Subject Site

CUMBERLAND LOCAL GOVERNMENT AREA

The subject site resides within the local government area of Cumberland, which was formed as part of the State Government's policy in 2016 to amalgamate or redraw the boundaries of identified NSW Council's the consolidation of the former Auburn and Holroyd Council whilst also acquiring land associated with the Parramatta Council.

The boundaries associated with the LGA of Cumberland Council is illustrated by an aerial map below, noting that it resides within the Merrylands Town Centre.

Figure 2: Cumberland Local Government Area Boundary (Source: forecast i.d)



BROADER LOCALITY ANALYSIS

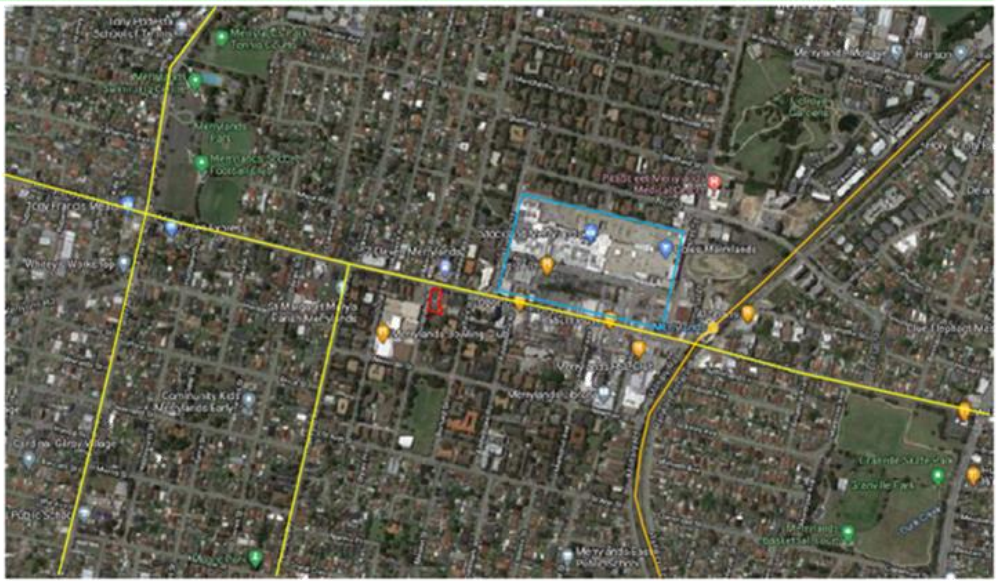
The '*Plan for Growing Sydney*' prepared by the NSW Government supports higher residential development in strategic locations to accommodate future population growth. The subject site is ideal for urban intensification as it is located approximately 450m from the Merrylands Town Centre, 650m from the Merrylands Train Station and Bus Interchange, 10m-130m east of bus stops with regular services to Parramatta, Greystanes and Liverpool and is within walking distance to schools and public reserves.

Therefore, it is expected with the current demand for housing and commercial opportunities in close proximity to Sydney's rail corridor, that the existing low scale B6 and R4 zoned land parcels within the area will undergo a transformation from their existing built forms to higher density developments of comparable scale to the current proposal over the next 5-10 years.

The subject site is ideal for future intensification as it is located within proximity to educational establishments, employment opportunities, recreational activities, and public transportation.

An aerial map extract of the broader locality is provided below

Figure 3: Aerial Map Extract of the Broader Locality (Source: Google Maps)



Subject Site *Key Arterial Roads* *Commercial Premises* *Public Transportation*

Photograph 1: Shows 239-302 Merrylands Road, Merrylands.

Photograph 2: Shows 2-2A Cambridge Street, Merrylands.

Photograph 3: Shows a mixed use development opposite the site (1 Cambridge St)

Photograph 4: Shows the Presbyterian Church and Service Station opposite the site

BACKGROUND TO PRIOR DEVELOPMENT APPLICATIONS

DA2014/531/1

- Consolidation of 4 lots into 1 lot; demolition of existing structures; construction of a 5 storey shop top housing development comprising 40 residential units; 6 ground floor commercial premises and at-grade parking plus basement parking accommodating 70 carparking spaces. (Lodged:17/11/2014)

REV2014/531/1

- Section 82A Review of Council's refusal for the consolidation of 4 lots into 1 lot; demolition of existing structures; construction of a 5 storey shop top housing development comprising 39 residential units; 6 ground floor commercial premises and at-grade parking plus basement parking accommodating 70 carparking spaces (Lodged:18/11/2015)

M2014/531/3

- S4.55(2) modification approving development by providing an additional level with 4 units, totalling 42 residential units, and 6 additional parking spaces totalling 76 spaces. (Lodged:16/06/2017)

M2014/531/2

- S96(2) Modification approving alterations and additions to the approved shop top housing development including a reduction in number of residential units from 39 to 38. (Lodged:08/06/2017).

XT2014/531/1

- Section 4.54 extension of lapsing consent (Lodged:10/10/2018)

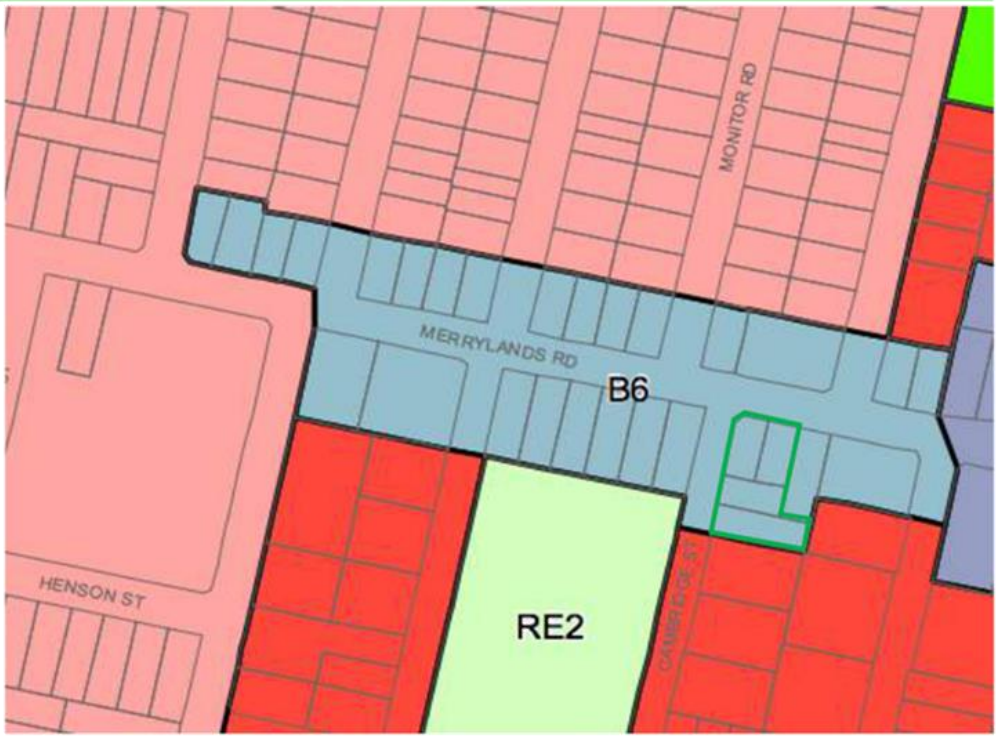
PRINCIPAL PLANNING LAYERS

The principal planning layers including zoning and heritage are demonstrated below and overleaf.

ZONING CONTROL

As evident via zoning map extract below, the subject site is zoned B6 – Enterprise Corridor under the provisions of the Holroyd Local Environmental Plan 2013. '*Shop Top Housing*' and '*Neighbourhood Shops*' are both permissible with consent within the B6 zone and the subject site is permitted a maximum building height of 17m and a FSR of 2:1.

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

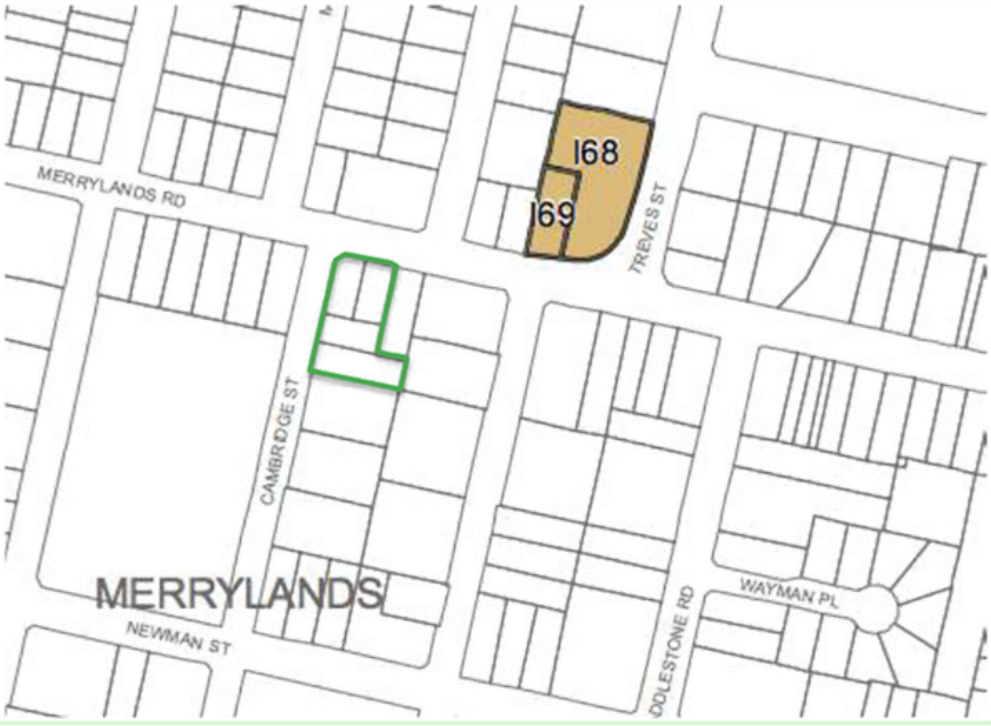


The subject site is located within a larger block that has been zoned as an Enterprise Corridor to provide a gateway entry with mixed use and residential land uses to help support the function and growth of the Merrylands Town Centre. This block is bound by R2 - Low Density Residential zoned lands to the north and west, R4 - High Density Residential and RE2 - Private Recreation zoned lands to the south and B4 Mixed Use zoned lands to the east (being the commercial core of Merrylands).

HERITAGE

The subject site is not located within a Heritage Conservation Area nor does it contain any heritage-listed items. However, 2 heritage-listed items are located to the north east of the subject site at the opposite side of Merrylands Road as demonstrated via heritage map extract provided below.

Figure 5: Heritage Map Extract (Source: Holroyd LEP 2013)



Item I68 is identified as a historical electrical substation located on the northern portion of that site and Item I69 is identified as a former Merrylands School of Arts constructed in the 1920's.The current proposal is well removed from this item and will not have any impact on its heritage significance.

Given the heritage significance stems primarily from the social role of the site, as opposed to the built form itself (which does not contain any significant architectural period characteristics, the current proposal will have no impact on the heritage significance of the item.

Having regard to the above and the location of the subject site relative to the heritage listed items, it is acknowledged that the existing physical separation provided by Merrylands Road and the buffer provided by existing developments will ensure that the proposed development will not have a negative impact on the heritage significance or setting of these listed items and as such is considered acceptable.

DESCRIPTION OF PROPOSAL

The Development Application proposes the demolition of existing structures on site, the amalgamation of 4 lots and the construction of a 5-6 storey '*Shop Top Housing*' development at 298-302 Merrylands Road, Merrylands and 2-2A Cambridge Street, Merrylands.

It should be noted, the subject land parcel has previously had five (5) applications approved on-site broadly under DA2014/531 and associated modifications. However owing to market conditions and restrictions on finance the development was not able to be commenced and as a result the consent has now lapsed. Accordingly a new development application package is prepared for lodgement to Cumberland Council that seeks consent for the same development previously granted consent on the site.

Amalgamation

The development is to amalgamate the following allotments:

- Lot 7 SP 2 DP602– 2 Cambridge Street, Merrylands
- Lot C in DP 397906 – 2A Cambridge Street, Merrylands
- Lot B in DP 397906 – 298 Merrylands Road, Merrylands
- Lot A in DP 397906 – 302 Merrylands Road, Merrylands

Residential Units

The proposal incorporates the following dwelling mix, noting a total of 42 units.

- 6 x 1 bedroom units;
- 31 x 2 bedroom units; and
- 5 x 3 bedroom units.

Tenancy Mix

The development proposal incorporates the following neighbourhood shop tenancies:

- Tenancy 1: 84.35m^2;
- Tenancy 2: 81.86m^2;
- Tenancy 3: 92.25m^2;
- Tenancy 4: 68.04m^2;
- Tenancy 5: 63.04m^2; and
- Tenancy 6: 61.83m^2.

Parking:

- The proposal incorporates a total of 77 car parking within the 2 basement levels and at grade with the following breakdown:
    - 43 Resident Spaces Provided.
    - 9 x Visitor Spaces Provided.
    - 23 x Commercial/ Staff spaces.
    - 1 x Carwash Bay
    - 1 x loading bay

The site is currently afforded dual access from both streets noting that it incorporates 4 established vehicle crossovers, however, to improve vehicular access and traffic conditions along Merrylands Road, noting its importance to the Merrylands Town Centre, the proposal will remove all 4 crossovers and provide a new double vehicular crossover via the south western corner of the site from Cambridge Street.
In addition, the proposal will provide a total of 77 parking spaces at-grade and within two (2) levels of basement parking that will be accessed via the double width crossover and driveway located at the south western corner of the site from Cambridge Street. The proposal will incorporate a double width driveway and circulation areas that will provide access to the at-grade car parking spaces and the double width graded access ramp to the basement levels below. Basement level 1 will contain an additional internal double width graded access ramp to the lower basement level 2 below.

Dedication of Land
The proposal involves the dedication of a 1.5m wide section of land along the western boundary of the site to Cambridge Street to enable road widening to occur.

Flooding
The subject site has been identified as being flood prone land. In light of the information provided by Council during the Pre-DA process, a Flood Impact Assessment has been carried out and appropriate Modelling details are submitted in support of the proposed development. In addition, the proposed development has been designed to address the flooding context of the subject site and will incorporate a raised finished floor level set 500mm above the post-development 1% AEP stormwater overland flow, as advised.

Pedestrian Access
Primary pedestrian access to the residential component will be via two separate entry pints from the public footpath along Cambridge Street along the western elevation. The entry points will provide secured access to a lobby area each containing a lift core that will provide equitable access to the upper residential levels and roof top communal open space. Secondary access will be provided via stairwells with two entry points along Cambridge adjacent the lobby area and one along Merrylands Street.

Primary access to the ground floor neighbourhood shops will be via the public footpath along Merrylands Road and Cambridge Street with secondary access provided via the rear at-grade parking area.

Design Intent

The development seeks to utilise the land in accordance with the zoning and present a strong interface to Merrylands Road and Cambridge Street whilst providing a prominent gateway development that marks the B6 Enterprise Corridor and an entry into the western section of the Merrylands Town Centre. The proposal will also contribute towards providing additional business and alternative residential accommodation opportunities whilst activating pedestrian movement at the street level. The proposal will provide additional employment opportunities within the locality both during the construction phase and through the provisions of 6 neighbourhood shops at the completion of the proposal. The increase of 42 residential units in the locality will provide additional patronage and will contribute towards boosting the local economy of Merrylands.

The proposal has been designed to promote interaction at the street level through providing vehicular access at the south western portion of the site and the use of a generous building line setback at the ground floor level with a mixture of a protruding upper level, feature awnings and feature walls to enable businesses to provide outdoor seating that will serve as a positive social gathering point for residents to enhance the enjoyment of the area and also provide passive surveillance of the area.

The proposal will address both street frontages with high quality articulated facades and the proposed balcony areas will act as an extension of the internal living areas and will be oriented to the street to ensure appropriate levels of passive surveillance will be established. The proposed 5-6 mixed use building will also incorporate contemporary architectural aesthetics that adequately address the streetscape whilst providing a prominent gateway building into the western section of the Merrylands Town Centre.

Design consideration has been given to the scale, size and form of the proposal in relation to the desired future character envisioned by Council and embodied within the Holroyd LEP 2013 and associated DCP. The proposed development is commensurate of the prominent and strategic location of the corner site and is considered acceptable. Design consideration has also been given to residential amenity including aspects such as privacy and solar access for both future residents of the proposal and those of surrounding properties.

It is noted that the proposal does not incorporate the required recessed level to the top storey however this is considered appropriate given the prominent corner location and given the alternative measures proposed to give the development a defined base, middle, and top. It is noted that this development form and presentation was previously granted consent and the photomontages are provided below that show the site in the context of surrounding development.

PLANNING CONTROLS

STATUTORY CONTROLS

The relevant Statutory Planning Controls include: -

- State Environmental Planning Policy (BASIX)- 2004
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy – (Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy No. 65 – Apartment Design Guide Controls; and
- Holroyd Local Environmental Plan 2013

POLICY CONTROLS

The applicable policy control documents are: -

- Holroyd Development Control Plan.2013

CONSIDERATION OF PLANNING CONTROLS

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

STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004

Introduced on 1 July 2004, BASIX is an integral part of the NSW planning system. It assists in reducing potable water consumption and greenhouse gas emissions from new homes built in NSW.

The application has been assessed and is accompanied by a complying BASIX certificate that demonstrates how the dwellings will utilise 40% less energy and water than a typical dwelling pre Basix.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

Clause 7 of SEPP 55 provides:

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

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The requirement at clause 7 of SEPP 55 for Council to be satisfied that the site is suitable or can be made suitable for the proposed development is considered in the following table.

Matter for consideration	Yes	No
Does the application involve re-development of the site or a change of land use?	X	
Is the development going to be used for a sensitive land use (e.g. residential, educational, recreational, childcare or hospital)?		X
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site?		X

acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation		
Is the site listed on Council's Contaminated land database?		X
Is the site subject to EPA clean-up order or other EPA restrictions?		X
Has the site been the subject of known pollution incidents or illegal dumping?		X
Does the site adjoin any contaminated land/previously contaminated land?		X
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?	X	

There is no information that would indicate that the site is contaminated. Based on the available information there is nothing to warrant further investigation in relation to contamination at this stage noting it was previously found satisfactory as it applies to the site.

STATE ENVIRONMENTAL PLANNING POLICY NO. 65 – DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

The development application is accompanied by a design verification statement prepared by Adriaan Winton, verifying that he has directed and designed the proposal, and that the design quality principles set out in Part 2 of the SEPP are achieved for the residential apartment development. A description of compliance with the applicable development controls such as setbacks, building depth, separation, height, etc is provided in the local planning controls discussion and tables below.

An assessment against the relevant objectives and design guidelines contained in parts 3 and 4 of the Architectural Design Guide can be found below.

Clause 6A of the amended SEPP states that development control plans cannot be inconsistent with the Apartment Design Guide for the following matters set out in parts 3 and 4 of the guide:

(a) visual privacy,
(b) solar and daylight access,
(c) common circulation and spaces,
(d) apartment size and layout,
(e) ceiling heights,
(f) private open space and balconies,
(g) natural ventilation,
(h) storage.

The SEPP states that if a development control plan contains provisions that specify requirements, standards, or controls in relation to a matter to which clause 6A applies, those provisions are of no effect.

The table below provides a detailed discussion against the relevant provisions of the Apartment Design Guide, noting that a number of these provisions are embodied within the Holroyd Local environmental Plan 2013 and supporting Holroyd Development Control Plan 2013.

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
Part 3 Siting the Development			
3A Site Analysis	Appendix 1 of the ADG	Provided	**Yes**
3B Orientation	Building to define the street, by facing it and incorporating direct access from the street	The proposed residential flat building has been designed to address its frontage, with direct pedestrian access and vehicular access provided via Tennyson Street.	**Yes**
	Where an adjoining building does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by >20%	Not applicable	**N/A**
	4 hours of solar access should be retained to solar collectors on neighbouring buildings	Adjoining properties do not contain solar collectors	**N/A**

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
3C Public Domain Interface	Terraces, balconies should have direct street entry, where appropriate	No units are located on the ground floor.	**Yes**
	Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided	Mail boxes are to be appropriate located. Complies.	**Yes**
	Substation, pump room, garbage storage rooms and other service rooms should be located in the basement carpark or out of view	The communal bin room is located within basement level and thus not visible from the street level.	**Yes**
3D Communal and Public Open Space	*Design Criteria:*		
	Communal open space has a minimum area equal to 25% of the site	620m² (30%) of the site area is dedicated for communal open space area.	**Yes**
	50% of the principal COS should receive 2 hours of sunlight between 9am and 3pm	Complies	**Yes**
	Design Criteria:		
	Minimum dimension of 3m	Complies	
	Direct, equitable access should be provided to communal open space areas from common circulation areas, entries, and lobbies	Proposal ensures that direct, equitable access in line with relevant Australian Standard is provide to communal open space areas from common circulation areas, entries, and lobbies.	**Yes**
	Where communal open space cannot be provided at ground level, it should be provided on a podium or roof	It is noted that the common open space area is located on the roof.	**Yes**
	Facilities are provided within communal open	Complies.	**Yes**

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
	spaces and common spaces for a range of age groups, incorporating some of the following elements: • seating for individual or groups • barbecue areas • play equipment or play area • swimming pools, gyms, tennis courts or common rooms		
	Communal open space and the public domain should be readily visible from habitable room and private open space areas while maintaining privacy	The proposed RFB has been designed with the orientation of balconies and windows to maximise passive surveillance to the communal open space areas on the ground floor and to the public domain.	**Yes**
	Public open space should be well connected with public street along at least one edge	Direct access to site is provided from pedestrian pathway from existing roads. See attached plans for detail.	**Yes**
3E Deep Soil Zones	*Design Criteria:*		
	A deep soil zone equivalent to 7% of the site must be provided	356.45m² (17%) of the site area is dedicated for deep soil zones.	**Yes**
		Given the B6 Enterprise Corridor zoning and the Mixed Use nature of the proposed development, the limited deep soil area is considered acceptable noting that the ground floor level has been designed with priority given to activating the street level.	**Yes**

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
3F Visual Privacy			
Buildings separation up to 4 storeys (up to 12m)	12m between habitable rooms (6m) 6m between non-habitable rooms (3m)	The proposed development will be generally compliant with the principles of building separation noting that design measures will be provided to address amenity impacts in instances where the numerical distances are not achieved. The proposal will maintain and establish appropriate levels of acoustic and visual privacy by incorporating a mixture of compliant DCP setbacks and design elements which include smart internal layout and apartment orientation, strategically placed planter boxes, privacy screens, louvres, blade walls, receded portions of balconies and offset and highlight windows. It is noted that the proposal aims to provide half of the required separation distances recommended where practicable. The design adopts a built to eastern boundary form along Merrylands Road to provide a consistent street edge form. The 5th floor does not provide the 9m separation however, the upper level contains screens, limited windows, and highlight windows to offset the numerical non-compliance and to mitigate the departure. Therefore, the minor departure has merit as it does not generate any discernible privacy impacts.	**Variation**
Building separation between 5-8 storey (up to 25m)	18m between habitable rooms (9m) 9m between non-habitable rooms (4.5m)		

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
3G Pedestrian Access and Entries	Buildings entries should be clearly identified, and communal entries should be clearly distinguished from private areas	The proposal represents a mixed-use development with ground floor neighbourhood shops, at-grade parking, and services. As such, the proposal will have limited scope for direct access from the street to the residential units. However, the development site is serviced by a number of pedestrian entries and stair cores to provide equitable and convenient access to the residential units contained within the upper levels. In addition, all of the ground floor neighbourhood shops will be accessible form the public footpath to ensure the proposal will provide positive street activation. Considering the scale of the site and the proposal, where appropriate entrance is clearly identified and visible from the existing and planned street level	**Yes**
3H Vehicle Access	Car park access should be integrated with the building's overall façade	Vehicle access point to the basement levels are integrated with the proposal building's overall façade	**Yes**
	Adequate separation distance should be provided between vehicle entries and street intersection.	The location of the vehicle driveway is sufficiently separated from the street intersection. See attached Traffic Report for detail.	**Yes**
	Garbage collection, loading and service areas are screened	Garbage collection, loading and service area are located within the basement level.	**Yes**
	Clear sight lines should be provide at pedestrian and vehicle crossing	Clear sight lines are provided at pedestrian and vehicle crossing to ensure safety of pedestrians.	**Yes**

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
3J Carparking	*Design Criteria:* Carparking for sites within 800m of a railway station or light rail stop can provide parking at the rate of: **>20 units** Metropolitan Sub-Regional Centres 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom units. 1 space per 5 units (visitor parking)	The proposal is located within a 650m distance to Merrylands Train Station. The proposal can provide the following rates: - 0.6 spaces per 1 bedroom unit. - 0.9 spaces per 2 bedroom unit. - 1.40 spaces per 3 bedroom units. - 1 space per 5 units (visitor parking) The proposal can provide the following - 3.6 spaces per 1- bedroom unit - 27.9 spaces per 2-bedroom unit - 7 spaces per 3-bedroom unit - 8.4 spaces for visitors - Total 46.9 spaces. The proposal has provided 43 residential spaces and 9 visitor spaces in accordance with the design criteria. It should be noted, parking is discussed in further detail within Holroyd DCP.	**Refer to discussion against the relevant section of the DCP for detail**
	Design Guidelines: Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas	Secure undercover overed bicycle parking spaces are provided within the basement level and have been located to be easily accessible from future residents.	**Yes**

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
Part 4 – Designing the Building			
4A Solar Access	*Design Criteria:*		
	Living rooms and private open space of at least 70% of units to receive 2 Hours Solar Access between 9am and 3pm Mid-Winter	78% of units (33 units) achieve the required 2 hours of solar access at mid-winter	**Yes**
	A maximum of 15% of apartments receive no direct sunlight between 9am and 3pm Mid-Winter	<15%	**Yes**
4B Naturally Ventilation	*Design Criteria:*		
	60% of units are cross ventilated in a building up to 9 storeys	83% of units (35 units) are cross ventilated.	**Yes**
	Overall width of cross over or cross through apartments is < 18m	Complies	**Yes**
	Design Guidelines:		
	The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths	Development has a mix of dual aspect apartments and corner apartments. See attached architectural plans for detail.	**Yes**
4C Ceiling Height	*Design Criteria:*		
	2.7m for habitable and 2.4m for non-habitable	Complies.	**Yes**
4D Unit Sizes	*Design Criteria:*		
1 bed **2 bed** **3 bed**	50m² 70m² 90m²	All units comply with many unit exceeding, see attached plans for detail.	**Yes**

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
+5m² for each unit with more than 1 bathroom	Every habitable room must have a window in an external wall with a total minimum glass are of not less than 10% *Design Criteria:*	Every habitable room is provided with a window.	**Yes**
Habitable Room Depths	Limited to 2.5m x Ceiling Heights	Despite the noncompliance with object 4D-2, Figure 4D.3 indicates that an 8.1m depth (3 x ceiling height) is ok for open plan apartments.	**Yes**
Bedroom sizes **Master** **Normal**	10m² 9m²	Comply Comply	**Yes** **Yes**
Living room/dining areas have a minimum width of: **3.6m** **4m** **Open plan layouts that include a living, dining room and kitchen**	Studio/ 1 br 2br / 3br 8m to a window	 Comply Comply Comply	**Yes** **Yes** **Yes**
4E Private Open Space **Balcony Sizes** **1 bed** **2 bed** **3 bed** **Ground level / podium apartments**	 8m² & 2m depth 10m² & 2m depth 12m² & 2.4m depth 15m² & 3m depth	 Comply Comply Comply Comply	 **Yes** **Yes** **Yes** **Yes**
4F Common circulation and space **Common circulation units per plate**	*Design Criteria:* 8 – 12 unit per plate	 Complies	 **Yes**

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
4G Storage	*Design Criteria:*		
	1 bed: 6m³ 2 bed: 8m³ 3 bed: 10m³	The proposal provides: 1 bed: >6m³ 2 bed: >8m³ 3 bed: >10m³	**Yes**
	Minimum 50% of required storage is within the apartment	This is provided within the basement and within the units themselves, and where appropriate a minimum of 50% of storage is to be provided within each individual unit. The proposed development is considered to offer storage space that aligns with the provision of the ADG.	**Yes**
4H Acoustic Privacy	*Design Criteria:*		
	Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses	Development has provided adequate separation from neighbouring buildings/properties in-line with 3F Visual Privacy – design criteria above.	**Yes**
	Windows and door openings are generally orientated away from noise source	Where appropriate windows and door openings are orientated away from noise sources.	**Yes**
	Noisy areas within buildings including building enters and corridors should be located next to or above each other and quieter areas next to or above quieter areas.	The application is designed to create different 'zones' with more active areas clustered together and more passive areas also clustered together to maximise acoustic privacy and also take advantage of the lot orientation.	**Yes**
4K Apartment Mix	*Design Guidelines:*		
	A variety of apartment types is provided	Dwelling diversity provided with the development providing the following unit mix: - 6 x 1 bedroom units; - 31 x 2 bedroom units; and - 5 x 3 bedroom units.	**Yes**

ADG Element	Design Criteria/Design Guideline	Proposed	Compliance
4M Facades	*Design Guidelines:* Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale	The proposed facades are well articulated with a mixture of vertical and horizontal features including windows, projecting walls and balconies and framed elements. Overall, the proposed facade is considered a quality design outcome that is compatible with other comparable modern mixed use development within the locality and within the wider local government area.	**Yes**
4O Landscape design	*Design Guidelines:*	Consistent as per landscaping plan	**Yes**
4Q Energy efficiency		The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit provided. Furthermore, it is noted that 74% of units achieve the minimum 2 hours of solar access at mid-winter and over 61% of units achieve natural ventilation.	**Yes**
4V Water management and conservation	*Design Guidelines:* Reduce mains consumption, and reduce the quantity of stormwater runoff	The residential development has been provided with BASIX certificate indicating energy efficiency for each residential unit provided.	**Yes**
4W Waste Management	*Design Guidelines:* Supply WMP Allocate storage area	 Provided. Appropriate waste storage areas are provided.	 **Yes** **Yes**
4X Building Maintenance	*Design Guidelines:* To ensure long life and ease of maintenance for the development	The proposed material is considered durable which may be easily cleaned.	**Yes**

HOLROYD LOCAL ENVIRONMENTAL PLAN 2013

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

Figure 6: Zoning Map Extract (Source: Holroyd LEP 2013)

Neighbourhood Shops and *Shop Top Housing* are both permissible with consent, with the LEP containing the following definitions:

Neighbourhood shop *means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.*

It is also noted that Clause 5.4 of the HLEP 2013 limits the floor area of neighbourhood shops to 100m^2. The proposed development has given consideration to this floor area

control and all 6 of the proposed ground floor neighbourhood shops will have a GLFA less than 100m^2.

Shop top housing *means one or more dwellings located above ground floor retail premises or business premises.*

The proposal is consistent with the above definitions and is also consistent with the specified B6 zone objectives:

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

The proposed mixed use development will provide a gateway building with a strong building line and form that will help to define and mark the B6 Enterprise Corridor and the importance of the area as it represents an entry to the western section of the Merrylands Town Centre.

The proposed design concept will enhance legibility for both pedestrians and motorists as it will readily identify that they are approaching the commercial core of Merrylands.

Furthermore, the development will contribute towards providing additional business and alternative residential accommodation opportunities whilst promoting pedestrian activation at the street level. The site is well located and is situated within proximity to essential services, public transportation, and recreational opportunities.

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

Holroyd Local Environmental Plan 2013 – Compliance Table			
Clause	**Controls**	**Comment**	**Complies**
Zoning	B6 – Enterprise Corridor	A mixed commercial and residential premise is permissible with Council consent within the B6 zone.	**Yes**
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposed development is consistent with the zone objectives of the B6 – Enterprise Corridor, as the proposal will increase local business and residential opportunities within a high-density context in the catchment of public	**Yes**

		transport, essential services, and recreational opportunities. The site as it is currently existing is under utilised in terms of its development potential. Therefore, the proposal will not only permit the site to be developed to its full zoning potential but will also aim to be consistent with the established tone and scale of comparable developments within the area. The subject site is located on a prominent corner at a strategic gateway location along Merrylands Road and as such, the design concept has given eminence to delivering a gateway building that appropriately addresses the corner siting with a strong building form, highly articulated facades, an activated street level and design excellence that will pronounce the proposed development to both pedestrians and motorists travelling along Merrylands Road so as to also enhance legibility of the area. In addition, the proposal will align with the desired future high-density character for the B6 zone that will help to support the growth and function of the Merrylands Town Centre. Furthermore, the proposal aims to set the tone and scale for comparable future high-density developments within the locality. The proposal will contribute towards maximising public transport patronage, as it is located within close proximity to the Merrylands Train Station, Bus Interchange and local bus stops. The ground floor commercial element will help to extend the commercial element of the town centre west so as to bring services closer to the residential areas located within the western fringe of the Merrylands Town Centre and enhance walkability to services.	
2.6	Subdivision – Consent Requirements	No subdivision is proposed.	**Yes**

2.7	Demolition Requires Consent	Council consent is sought for the demolition of the existing structures on site.	**Yes**
Part 4 Principal Development Standards			
4.1	Minimum Subdivision Lot Size	Holroyd Local Environmental Plan 2013 Lot Size Map Sheet indicates that there are no minimum lot size requirements for the subject site. The development proposes the amalgamation of four allotments to provide a total site area of 2,066.53m², which will appropriately accommodate the proposed development.	**Yes**
4.3	Height of Buildings: 17m	A maximum building height of 17m is identified for the site under the Holroyd Local Environmental Plan 2013 Height of Buildings Map. As shown on the attached plans, the 2 x roof top lobby areas containing access arrangements and services for the roof top communal open space and the parapets to contain the raised roof top perimeter planters will exceed the maximum building height control as well as the upper most level of the building. See the Clause 4.6 variation request for further detail.	**Clause 4.6 Variation**
4.4	Floor Space Ratio: 2:1	A maximum floor space ratio of 2:1 is identified for the site under the Holroyd Local Environmental Plan 2013 Floor Space Ratio Map. The extent of floor space for each use is as follows: The proposed development will incorporate a total of floor area of 4016.30m², which equates to 1.95:1 of the total site area. It is noted this includes the widening land- as it is zoned B6, mapped with an FSR, and not reserved for acquisition such that it is considered part of the site area of the allotment. As such, the proposal will comply with the permitted maximum 2:1 FSR control.	**Yes**

Part 5 Miscellaneous Provisions			
5.10	Heritage Conservation	Please see the relevant previous Heritage discussion at the end of Section 2 of the SEE above.	**Yes**
Part 6 Additional Local provisions			
6.1	Acid Sulfate Soils	The subject site is not identified as being affected Acid Sulfate Soils. Not applicable.	**N/A**
6.2	Earthworks	This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, particularly for the basement car parking area will have minimal adverse environmental or amenity impacts. The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls. The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area – please see the flood report for further detail. The proposed excavations are consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies. It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.	**Yes**
6.3	Essential Services	The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	**Yes**

6.4	Flood Planning	The subject site is identified as being affected by flooding. Appropriate measures such as elevating the proposed FFL and providing a raised crest to the basement graded access ramp have been undertaken in accordance with the recommendations of the Flood Impact Report that accompanies the DA submission. Please refer to the above report for further detail with respect to flooding impacts.	**Yes**
6.5	Terrestrial Biodiversity	The subject site is not identified as containing Biodiversity Land under the Holroyd Local Environmental Plan 2013. Not applicable.	**N/A**
6.6	Riparian Land and Watercourses	The subject site is not identified as containing any Riparian Lands under the Holroyd Local Environmental Plan 2013 and is not located within 40m of a waterway. Not applicable.	**N/A**
6.7	Stormwater Management	A Stormwater Management Plan has been prepared and is attached as part of this application. The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area. The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater. The proposal incorporates appropriate setbacks and landscaping that will permit stormwater penetration and will reduce runoff and the impact of stormwater on site and in the area. See attached Stormwater Management Plan for detail.	**Yes**
6.8	Salinity	The subject site has been identified as being affected by moderate salinity potential. Given the nature of the proposal detailed measures to mitigate salinity impacts will be prepared prior to the issue of a Construction Certificate and it is anticipated that conditions of consent will reinforce this.	**Yes**

DRAFT CUMBERLAND LOCAL ENVIRONMENTAL PLAN

It is noted that the Draft LEP has been exhibited and as such is a matter for consideration- however it is noted that this DA is the same as that previously granted consent and is only submitted owing to the fact the prior DA has lapsed. It is noted the zone, height and FSR provisions remain the same as those previously approved.

HOLROYD DEVELOPMENT CONTROL PLAN 2013 – PART A GENERAL CONTROLS

All relevant Council controls have been considered in the following compliance table.

Holroyd Development Control Plan 2013 – Part A General Controls Compliance Table			
Clause	**Controls**	**Comment**	**Complies**
3. Car Parking			
3.	Minimum Parking Spaces: **Dwellings in B6 Enterprise Corridor Zone:** 1-bedroom unit: 0.8 = 3.2 2-bedroom unit: 1 = 32 3-bedroom unit: 1.2= 4.8 = 40 **Visitor/dwelling**: 0.2/dwelling = 8 **Neighbourhood Shop in B6 Enterprise Corridor Zone**: 1 space per 30m² = 452sqm/30 = 15 **Total=** 63 required.	The development proposes the construction of a 5-6 storey mixed use development with: - 6 x 1-bedroom apartment - 31 x 2-bedroom apartments - 5 x 3-bedroom apartments As per the DCP, the proposed development will have a total car parking requirement of 68 spaces. The development proposes a compliant provision of 77 car parking spaces at grade and within two basement levels with the following breakdown: - 44 resident spaces. - 9 visitor spaces; - 23 commercial spaces; and - 1 loading bay - 1 car wash bay The proposal will fully comply with the car parking rates prescribed by the HDCP 2013. As previously outlined, the car parking area for the proposed mixed-use building will be serviced via a driveway/ramp that will be accessed via Cambridge Street as outlined previously. It is considered that the vehicular access and exit points will be clearly defined and	**Yes**

		provide for the safe and efficient movement of vehicular traffic on site and entering and exiting the site. The proposed parking area and ancillary driveways will not contribute to the creation of traffic hazards.	
3.2	Parking Design Guidelines	*External Appearance:* The internal at-grade parking area has been designed to be sited behind the ground floor neighbourhood shops to ensure that they will not be viewable from either Merrylands Road or Cambridge Street. Landscaping along the sites southern boundary is provided to soften the impact of the car parking driveway from adjoining properties. The design of the at-grade parking area within the site will enhance activation of the street by providing a highly articulated street façade that strongly defines the site's street edge along both streets and the strong building form will provide legibility for pedestrians and motorists. Landscaping along the site's southern boundary will also be provided to soften the impact of the car parking driveway from adjoining properties.	**Yes**
3.3	Dimensions and Guidelines	The proposed dimensions for car parking spaces are consistent with Council's controls. Refer to Traffic Report that accompanies this statement for detail.	**Yes**
3.4	Site Works	*Drainage, Light & Ventilation:* The proposed at-grade parking area will provide adequate drainage of surface water to Council's stormwater system. Furthermore, the excavation work required for the proposed basement parking will make adequate provisions for the drainage of runoff and seepage to Council's stormwater system. A Stormwater Management Plan has been prepared and is attached as part of this application. See attached Stormwater Plan for detail.	**Yes**

		All car parking areas within the site will have adequate lighting with a mechanical ventilation system installed within the basement in-accordance with the relevant BCA and AS 1668 requirements. *Landscaping of Open Car Parks* The proposed at-grade parking area will be adequately screened from both streets noting its internal location behind the ground floor neighbourhood shops. In addition, the 3m wide landscape strip along the south boundary will help to obscure the driveway and circulation areas form the adjoining property to the south. The subject site is located within a business zone and as such landscaping of the proposed at-grade parking is not required. It is also noted that the at-grade parking area and basement graded access ramp adjoin the driveway and parking area of the adjoining site to the east. As such, the location of the vehicular parking and access arrangements together will help to reduce any potential amenity impacts associated with the proposed car parking area.	**N/A**
3.5	Access, Maneuvering and Layout	*General Layout:* The proposed car parking layout incorporates a logical and simple design that aims to expedite vehicle circulation, minimise congestion points and be appropriately dimensioned. In addition, vehicles can enter and leave the site in a forward direction. The proposal will incorporate a double width vehicle crossover at the south western corner of the site via Cambridge Street that will provide direct access to the at-grade car parking area, which in turn will provide access to the graded basement access ramp, and basement car parking facilities. The at-grade parking area will also incorporate double width internal circulation areas along with controlled driveway markings. It is also noted that an at-grade loading area will also be provided internally within the site	**Yes**

		to permit waste collection and commercial deliveries. Please see plans for detail. The proposed access arrangements via Cambridge Street have been appropriately designed and informed by a Traffic Engineer and as such will not lead to the creation of any adverse traffic hazards along either Merrylands Roads or Cambridge Street and will therefore align will Council's policy. *Minimum Setbacks from Side Property Boundaries to Driveways* The proposal will provide a generous 3m-landscaped setback from the common southern boundary so as to mitigate any negative impacts associated with the vehicular access and driveway arrangements adjacent this common boundary. *Clearances* The basement parking levels have complying minimum ceiling heights of 2.5m. *Pedestrian Circulation* The proposed basement and at-grade car parking arrangements are to be appropriately integrated into the proposal and are consistent with similar types of shop top housing developments within the Holroyd Local Government Area. It is considered that the proposal provides an appropriate outcome on site that will ensure the delivery of adequate parking arrangements as well as ensuring the safe and efficient movement of vehicular and pedestrian traffic.	N/A Yes Yes
3.6.	Parking for the Disabled	The proposal will provide 9 accessible residential parking spaces and 1 accessible commercial parking space to comply with Council's car parking requirements. The accessible car parking spaces have been designed and located to comply with Council's prescribed dimensions and controls for car parking spaces for the disabled.	Yes

4. Tree and Landscape Works			
4.1	Preservation of Trees	The subject site is predominantly cleared of vegetation noting its existing residential uses. This application seeks Council consent for the removal of a number of trees on site. As such, an Arborist report is submitted in support of the proposed tree removal and outlines both construction techniques and protection measures to ensure the longevity of the trees to be retained within and adjoining the subject site. The proposal will incorporate landscape embellishment works in accordance with the landscape plan to help soften the physical bulk and built form of the proposed development. It is further noted, that the roof top communal open space area will be appropriately landscaped to further soften the built form and massing of the proposed development and to both provide high quality amenity for future residents and reduce any amenity privacy impacts on the adjoining properties. Ultimately, the subject site does not contain any significant trees or vegetation.	**Yes**
5. Biodiversity			
		The proposed development will not impact on any significant flora and fauna. It is noted that the proposal is for the erection of a mixed commercial and residential building near the edge of the commercial centre. It is also noted that the site has previously been used for residential purposes and is substantially clear. The development proposes appropriate open space and landscaped areas undertaken in accordance with Council controls.	**Yes**

6. Soil Management			
6.1	Cut & Fill and Retaining Walls	The proposal has been designed to minimise the amount of cut and fill required, whilst also providing a built form that is appropriate considering the context of the site and the surrounding area and which addresses the flood affectation of the site. It is considered that the proposal results in an appropriate outcome on site that will not adversely affect the environment or the existing residential amenity of adjoining properties.	**Yes**
6.2	Site Contamination and Land Filling	Given the historical use of the site for residential purposes, land contamination is not likely. Therefore, further investigation and reporting under SEPP 55 is not considered necessary. If any contaminated material or suspected material is unearthed during the construction process, then actions consistent with the legislative requirements and guideline documents will be undertaken.	**N/A**
6.3	Erosion and Sediment Control	Appropriate measures will be undertaken during the construction and construction phase of the development application to ensure that all soil materials will be contained on the site.	**Yes**
6.4	Erosion and Sediment Control Plan	An Erosion and Sediment Control Plan is attached as part of this application.	**Yes**
6.5	Salinity Management	The subject site has been identified by Council's Salinity Map to have moderate salinity potential. Detailed will be submitted at CC stage addressing the impact of salinity on building materials.	**Yes**
7. Stormwater Management			
		A Stormwater Management Plan has been prepared and is attached as part of this application. The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area.	**Yes**

	The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater. The proposal incorporates appropriate setbacks and landscaping that will permit stormwater penetration and will reduce runoff and the impact of stormwater on site and in the area.	
8. Flood Prone Land		
	The subject site is identified as being flood prone land. The proposal will incorporate finished floor levels that will mitigate flooding impacts as recommended from the finding of the Flood report. In addition, the residential component will be contained within the upper floors and as such will be set clear from any flood level. As such the proposal has been designed to appropriately address its unique context. Refer to attached Flood Report for detail.	**Yes**
10. Safety and Security		
	The proposed development incorporates an active façade that will permit casual surveillance of both Merrylands Road and Cambridge Street and the driveway and at-grade parking areas at the rear of the site. The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders. Appropriate lighting will be provided to the lobby and communal areas and access to the residential component of the development will be security controlled. The proposal incorporates design elements including clearly defined and	**Yes**

	controlled access points as well as clearly defined public and private spaces in order to minimise opportunity for criminal activity. The proposal incorporates built elements and landscaping that clearly distinguish between the public and private domain. Clear entry points are proposed, that are easily read by resident, visitor, and passer by alike. It is considered that the proposal does not impact on amenity or the streetscape of the area but is in context with development and street presentation of surrounding development. All materials and finishes are appropriate. The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.	
11. Waste Management		
	A Waste Management Plan is submitted as part of the Development Application. Notwithstanding, it is noted that waste is to be appropriately managed during the demolition and construction stages of the development. Further, appropriate waste facilities will be provided for both future residents and commercial tenants and customers of the proposal. See attached Waste Management Plan and architectural plans for further detail. No chute system is proposed as part of the development, with waste contained to the common areas provided.	**Yes**
12. Services		
	The development site is well serviced by electricity, water and sewer and the required utility clearances will be obtained prior to works commencing on site.	**Yes**

HOLROYD DEVELOPMENT CONTROL PLAN 2013 – PART C COMMERCIAL, SHOP TOP HOUSING AND MIXED USE DEVELOPMENT

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

Holroyd Development Control Plan 2013 – Part C Commercial, Shop Top Housing and Mixed Use Development Controls Compliance Table			
Clause	**Controls**	**Comment**	**Complies**
1. Building Envelope			
1.1	Lot Size and Frontage – 26m for a 4-8 storey building	The subject site incorporates a 30.44m frontage to Merrylands Road and a 60.88m frontage to Cambridge Street and as such exceeds the prescribed 26m minimum lot frontage control as per the DCP. As addressed previously the adjoining site to the east would not meet the frontage control however as the site contains 6 strata units there is no potential for amalgamation. In the medium-long term (subject to changes to strata laws) there is a small potential for amalgamation with the 3 storey residential flat building to the east.	**Yes**
1.2	Site Coverage, Floor Area and Building Use	Site Coverage As the proposal is for a mixed-use development, the site coverage control is not applicable. Floor Area This section of the DCP is not applicable to the proposed development noting the proposed commercial ground floor use and the B6 zoning. Building Use The proposed mixed use development will incorporate commercial and at-grade parking uses at the ground floor and residential uses at the upper floors and will comply with the provisions of this section of the DCP. The proposal will contribute towards activating the street level by encouraging pedestrian movement at ground level and will also provide an attractive building that addresses the site's prominent corner location and its two street frontages.	**N/A** **N/A** **Yes**

1.3	Building Height	Building Height A maximum building height of 17m is identified for the site under the Holroyd Local Environmental Plan 2013 Height of Buildings Map Sheet. As evident in the submitted plans, the proposed development will incorporate a variation to the permitted building height as a result of the raised ground floor level to address the flooding context of the site and as a result of providing access and services for the communal roof top open space area. As such, a Clause 4.6 Variation is proposed with all relevant detail contained within Annexure 1 at the end of the SEE.	**Clause 4.6 Variation**
		Ceiling Height Noting the B6 zoning of the subject site, the ground floor will be provided with larger ceiling heights to permit a flexibility of uses and to comply with the DCP. The GF will incorporate a 3.7m ceiling height which exceeds the prescribed 3.5m requirement however the first floor is not provided with an increased floor to ceiling height as commercial premises are prohibited and there is limited capacity for future re-use.	**Yes**
		Building Height in Storeys As outlined above, the subject site is permitted a 17m maximum building height allowance. As such, the corresponding permitted storeys would be 4 according to the table within C3 of Section 1.3 of the DCP. However, the proposed development will incorporate a 5-6 storey mixed use building, which exceeds the permitted four-storey control. Notwithstanding this, the proposed development has been designed in cognisance of the subject site's unique development merits and the proposed 5-6 storey structure is considered acceptable noting it has been previously granted consent on the site.	**Variation**

As explicated previously within this SEE, the subject site represents a prominent corner site at a strategic gateway location along Merrylands Road just outside the western fringe of the town centre. As such, the design concept has been formulated to provide a development that accentuates the site's prominent and strategic corner location.

As such, the design concept has given eminence to delivering a gateway building that appropriately addresses the corner siting with a strong building form, highly articulated facades, an activated street level and design excellence that will pronounce the proposed development to both pedestrians and motorists travelling along Merrylands Road so as to also enhance legibility of the area.

The appropriateness of the scale of the proposed development is reinforced by the site's B6 zoning, its proximity to essential services, public transportation and recreational opportunities and the proposed development's compliant 1.9:1 FSR.

Therefore, it is envisaged that the proposed mixed use development will provide a gateway building with a strong building line and form that will help to define and mark the B6 Enterprise Corridor and the importance of the area as it represents a gateway entry to the western section of the Merrylands Town Centre.

Furthermore, the development will contribute towards extending the commercial/retail element of the town centre towards the residential areas to the west of the town centre whilst the limited size of these shops below 100m^2 will ensure that they will not compete with the function of the town centre but instead will serve to offer local day-to-day services to the surrounding residents and enhance walkability. In addition, the proposal will incorporate alternative residential accommodation opportunities to help support the growth of the Merrylands Town Centre whilst promoting pedestrian

		activation at the street level and thus improve passive surveillance in the area. In light of the above, it is considered that the proposed variation is worthy of support as the proposal will deliver a development with a scale and mass that is commensurate of the site's strategic and prominent gateway location.	
1.4	Setbacks	Front Setback The proposed development will incorporate a predominantly compliant street setback with a ground floor setback that ranges from 4m to 6m and an upper level setback that ranges from 4m-6m. The proposed ground floor neighbourhood shop and feature arcade wall with a private terrace at the first-floor level will be built to the boundary alignment to emphasise the Merrylands Road frontage. The proposed encroachment is considered acceptable as the protruding unit will provide protection from the elements for the potential seating area noting the east–west orientation of the prevailing winds and both elements will help to enhance the articulation of the built form so as to provide architectural interest at the street level in line with design excellence. The upper level balconies will also encroach within the prescribed setback areas but these structure will help to provide an overhang at the ground level that will offer protection from the elements, provide passive surveillance and will also enhance the articulation of the built form so as to ensure that a well-designed building is delivered at a prominent location. In addition, the upper level feature blade walls will also encroach within the setback areas, but these elements will provide privacy between balconies and further enhance the articulation of the proposed 5-6 mixed use building and are also considered acceptable.	**Minor Variation**

	Upper Storey Setback The proposal will provide a strong building line along Merrylands Road and Cambridge Street with positive articulation of the built form to add interest to both the building and the streetscape and to appropriately address this site's prominent corner interface. The proposal does not provide for the required 3m setback above the 3 storey street wall height as the proposal seeks to provide for a consistent 4m setback to both frontages the whole way up the building. Given the corner location and design measures proposed the lack of the 3m step is considered appropriate on this site.	**Variation**
	Side and Rear Setback As the subject site adjoins a business zone to the east, the ground floor neighbourhood shop component will be built to the boundary alignment as permitted by the DCP. No side facing windows or doors will be provided so as to ensure no privacy issues will be created by the boundary alignment configuration. In addition, the proposal will provide a 3m – 6m setback along the southern boundary, which will comply with the prescribed 3m side and 6m rear boundary setback. It is noted that the subject site is a corner land parcel with two site frontages and as such does not have a typical rear boundary and it is also noted that the site adjoins the common side boundary of adjacent properties. Notwithstanding, the proposal has been designed to incorporate generous setbacks so as to comply with the intentions of the rear boundary setback control and the prescribed separation distances. However, the irregular L-shaped site will adjoin a rear common boundary at the south eastern section of the site, but a 19m-25m setback to the building line will ensure that no adverse amenity or environmental impacts will be created for this adjoining residential development at No. 1 Burford Street.	**Yes**

1.4	Separation	The proposed development will be generally compliant with the principles of building separation noting that design measures will be provided to address amenity impacts in instances where the numerical distances are not achieved. The proposal will maintain and establish appropriate levels of acoustic and visual privacy by incorporating a mixture of compliant DCP setbacks and design elements which include smart internal layout and apartment orientation, strategically placed planter boxes, privacy screens, louvres, blade walls, receded portions of balconies and offset and highlight windows. It is noted that the proposal aims to provide half of the required separation distances recommended where practicable. The design also adopts a built to eastern boundary form along Merrylands Road to provide a consistent street edge form. As addressed previously the 5th floor level is provided with limited windows and screens to mitigate cross-viewing. Perimeter planters at the roof level need to encapsulate entire building as overlooking can occur at section along the eastern section that are missing raised planters.	**Variation to 5th Floor.**
1.5	Landscaping and Open Space	Considering that the proposal is located within a business zone, where appropriate, the proposal will provide for landscaping embellishment works that will improve and enhance the subject site. It is noted that priority has been given to achieving positive activation of the street level and to providing appropriate circulation areas for pedestrians and future customers of the neighbourhood shops. However, the existing street trees will be retained, and the proposed works will include a landscaped deep soil setback along the site's southern boundary and	**Yes**

		planter boxes along the perimeter of the podium level terraces and roof top communal open space to establish a 3 landscaped setting and improve amenity for future residents whilst also protecting and enhancing privacy for future residents and adjoining properties. The proposed landscaping works will also help to soften the built form of the proposal. Please see the submitted landscape plan for details.	
1.5	Landscaping and Open Space	*Streetscape planting and public domain works* No street planting is proposed.	**N/A**
1.5	Landscaping and Open Space	*Deep Soil Zones* Considering that the proposal is a mixed-use building in a Business zone with ground floor neighbourhood shops and an at-grade parking area, the proposed deep soil zone is considered appropriate. Noting its Business zone context, the design concept aims to activate the street level and will therefore provide for landscaping in the form of strategically placed planter boxes along the buildings edge at the podium level and roof top communal open space area.	**Yes**
1.5	Landscaping and Open Space	*Communal Open Space - Residential Uses* DCP requires a minimum of 25% of the site area to be dedicated for communal open space. Noting the ground level neighbourhood shops and at-grade parking area, the proposal will incorporate a total area of approximately 475m^2 or 23% of the site area for open space at the roof top terrace. Considering that the proposal is a mixed-use building in a Business zone with ground floor neighbourhood shops and an at-grade parking area, the proposed landscaping is considered appropriate.	**Yes**

		It is noted that the rooftop terrace will be highly useable and will provide an appropriate amount of communal open space with ancillary facilities such as a turfed area, a pergola, and seating areas. It is also noted that the site is within close proximity to King Park. Furthermore, all residential units are provided with ample private open space areas.	
1.5	Landscaping and Open Space	*Private Open Space - Residential Uses* The proposal provides a minimum of one balcony for each residential unit, with the majority of balconies having a northern, north eastern and north western aspect. Where appropriate, primary balconies are located adjacent to main living areas with a minimum dimension that ranges from 2m-2.5m and a minimum area that ranges from $10m^2$-$92m^2$ that are sufficient to cater for the needs of residents. The proposed balconies have been designed to ensure that future residents will be provided with high quality private open space areas that are both useable and functional. As such, the submitted architectural plans show that each balcony can accommodate a seating area.	**Yes**
1.5	Landscaping and Open Space	*Roof Garden and On Structure Planting* Where appropriate, strategically placed perimeter planter boxes will be provided at the roof top terrace to maintain and establish visual and acoustic privacy for adjoining properties and future residents. In addition, a centrally located turfed area will also be provided to enhance the landscaped setting of the roof top communal area. Please see plans for detail.	**Yes**
1.5	Landscaping and Open Space	*Landscape Design* The proposed landscaping and materials have been designed in accordance with the DCP and by a fully qualified Landscape Architect. Please refer to the Landscape plan for further details.	**Yes**

2. Movement			
2.1	Rear Laneways	The proposed development is not benefitted by a rear laneway and as such this section of the DCP is not applicable to the proposed development.	**Yes**
2.2	Pedestrian Access	As stated previously in this report, the proposal will contribute towards activating the streetscape and improving pedestrian access within subject site. Direct and unimpeded access from the car park areas to all residential units and neighbourhood shops is provided. Furthermore, appropriate access is provided to, from and within the site for those with a disability. See site plans for detail. Clear entry points with feature awnings are proposed, that are easily read by resident, visitor and passer by alike. It is considered that the proposal will not negatively impact on amenity or the streetscape of the area but will in fact enhance street level activation by providing positive circulation space and the opportunity for outdoor seating so as to enhance passive surveillance in the area.	**Yes**
2.3	Building Entries	Direct and unimpeded access is provided with the main entrances to both the neighbourhood shops and residential components of the proposed shop top housing development being accessible for all members of the community. The street setback areas will grade to the FFL from the existing footpath to ensure ease of access for all. Separate entries are provided for cars and pedestrians with multiple entrances for the neighbourhood shops also provided. Please see plans for detail. The residential entries are clearly defined to ensure that visitors and future residents can gain convenient access to the subject site.	**Yes**

		Appropriate lighting will be provided to the ground floor neighbourhood shop component and residential lobby areas and access to the residential component of the development will be security controlled.	
2.4	Vehicle Access	Vehicular access to the site will be via a double width crossover from Cambridge Street. It is noted that an at-grade loading area will also be provided internally within the site and double width circulation areas will permit safe vehicular movement and will also enable all vehicles to enter and exit the site in a forward direction. In addition, the vehicle access and parking facilities have been integrated with the design of the overall proposal to provide a high-quality outcome. The internal driveway will be offset form the southern boundary by 8.8m and the car parking spaces will be offset form the southern boundary by a 3m wide deep soil landscaped area. It is noted that the driveway and parking areas along the site's eastern boundary will adjoin the areas of adjacent properties that are also defined by parking and access arrangements and as such will not create any negative amenity impacts which is also helped by the proposed fencing arrangements. It is considered that the vehicular access and exit points are clearly defined and will provide for the safe and efficient movement of vehicular traffic on site and entering and exiting the site. The proposed parking area and ancillary driveway will not contribute to the creation of traffic hazards.	**Yes**
2.5	Parking	Parking for the proposed shop top housing development is provided within the basement level and at-grade, with the extent of parking at-grade appropriate to provide for the majority of the parking for the neighbourhood shops and a loading bay for waste collection trucks and delivery vehicles.	**Yes**

		The proposed ground floor neighbourhood shops will screen the at-grade parking area from both Merrylands Road and Cambridge Street to ensure that no negative views will be created. The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site. Vehicle and pedestrian routes are clearly indicated and accessible. The proposed basement car parking arrangement is to be appropriately integrated into the proposal and is consistent with similar types of shop top housing developments within the Holroyd LGA. It is considered that the proposal provides an appropriate outcome on site that will deliver suitable parking arrangements as well as ensuring the safe and efficient movement of vehicular and pedestrian traffic. It is noted that access from the basement to the lobby areas is provided via lift cores and stairwells. In addition, the proposal will provide 9 (9) accessible car parking spaces.	
3. Design and Building Amenity			
3.1	Safety and Security	The proposed development incorporates an active façade that will permit casual surveillance of both Merrylands Road and Cambridge Street and the internal areas of the site including the at-grade parking area. The proposal incorporates ground floor circulation areas, open space and landscaped areas that will contribute to activity and natural surveillance of the area. The proposed landscaping and fencing is appropriate when considering CPTED principles and will not permit easy concealment of intruders.	**Yes**

		The proposal incorporates design elements including clearly defined and controlled access points as well as clearly defined public and private spaces in order to minimise opportunity for criminal activity. The proposal incorporates built elements and landscaping that clearly distinguishes between the public and private domain. Clear entry points are proposed, that are easily read by resident, visitor and passer by alike. It is considered that the proposal does not impact on amenity or the streetscape of the area but is in context with development and street presentation of surrounding development. All materials and finishes are appropriate. The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.	
3.2	Facade Design and Building Materials	The proposed shop top housing development represents a modern mixed use building that addresses its prominent corner gateway location and will be highly articulated along both street frontages with facades that will contain a mixture of vertical and horizontal features including windows, projecting and receding walls and balconies, framed elements, feature wall blades and awnings, strategically placed planter boxes, louvres and a mixed palette of materials, colours and finishes. The range of materials will significantly contribute to the articulation of the building and will help to reduce the overall bulk and mass of the building. Please see attached plans for further detail. It is noted that the materials and finishes to be used will be consistent with those existing in the area and with similar modern mixed-use developments while also being contemporary in character. The proposed balconies represent an extension of internal living areas and the	**Yes**

		development will provide an attractive interface with the public domain in a visually prominent location.	
3.4	Shopfronts	*Security* Appropriate shopfront security devices are to be installed. The security devices will present a suitable streetscape appearance.	**Yes**
		Design The proposed neighbourhood shops will incorporate a glass façade at the ground level to enhance natural light penetration whilst also activating the street level. The proposed high-quality design concept and contemporary materials aim to provide architectural interest at this prominent corner location whilst also providing high quality amenity for future residents and outdoor seating areas for future customers. Overall, the proposed design will positively activate the street level and enhance the streetscape presentation of the subject site in line with the B6 zoning and provide a strong articulated building form proportionate to the site's strategic and prominent location.	**Yes**
3.5	Daylight Access	Proposed Development The subject site has a north east to south west orientation and where appropriate, units, habitable rooms and private open spaces are located to the north, east and west. The single aspect apartments will be oriented to the north west and will be approximately between 3.5m-6m deep and the kitchens of these units comply given the location of the kitchens and the windows. The proposal will not incorporate any single aspect south facing units. The proposal incorporates appropriate design features including window size and location that will permit adequate solar penetration as well as cross ventilation of the proposed dwellings, noting the proposal provides 70% of units	**Yes**

		with 3 hours of solar access and 80% are cross-ventilated. Appropriate direct sunlight and daylight will be provided for the roof top communal open space within the subject site. The communal open space is proposed on the rooftop, which will maximise solar access. Where appropriate shading devices are proposed for the communal open space to provide protection in summer. See attached plans for detail. <u>Adjoining Properties</u> The proposed mixed-use building has been designed to reduce the potential for overshadowing of neighbouring properties. It is considered that appropriate solar access is to be provided on site and for neighbouring properties and this is supported by the attached shadow diagrams.	**Yes**
3.6	Visual & Acoustic Privacy	*<u>Visual Privacy</u>* The proposal will provide adequate separation and setbacks in accordance with the DCP. It is noted that the subject site is located within a business zone with the building built to the eastern boundary alignment at the ground floor level along Merrylands Street to be consistent with the prevailing pattern of mixed-use buildings and noting the B6 zoning along Merrylands Road. The building line will step back from the eastern boundary to 6m at the upper levels and a perimeter-raised planter is proposed to remove any potential privacy or amenity impacts with the podium level private terraces at the first floor level. It is noted that the common eastern and southern boundaries represent the sensitive interfaces of the subject site as the northern and western boundaries adjoin public roads. As a result, the proposal has been designed with the majority of balconies facing the northern and western boundaries to reduce privacy impacts and provide passive surveillance of the public domain.	**Yes**

	However, consideration has been given to privacy and amenity impacts for the internal living area windows and balconies that face the southern and eastern boundaries. As such, the proposal will incorporate design elements that seek to reduce potential visual, privacy and acoustic impacts and promote a high standard of residential amenity. These include smart internal layouts, receded portions of the balconies, strategic planter placements, highlight windows, 5m-6m setbacks from the boundaries, privacy walls and privacy screens/louvres so as to reduce any associated overlooking and privacy impacts. It is further noted that the roof top communal space will be provided with a perimeter raised planter that will reduce the ability of future residents to overlook into adjoining properties In light of the above, It is considered that the proposed development produces an appropriate outcome on site that will provide a high level of residential amenity for future residents and will not adversely impact upon residential amenity currently enjoyed by adjoining properties or prejudice future development on adjoining sites. This is reinforced by the setbacks provided by the adjoining properties to the south and east, the existing vegetation within these sites and the location of the access and parking areas of these developments.	
	Acoustic Privacy The proposal will have limited acoustic impacts to adjoining properties given the design and layout of the proposed development as it relates to surrounding properties. Internal places are appropriately zoned into passive and more active areas. In addition, the proposal is well removed from external sources of noise. However, noting the location of the site along Merrylands Road, being a classified road, an Acoustic Report is submitted as requested by Council in the Pre-DA comments and	**Yes**

		which outlines that appropriate noise levels and amenity can be provided for future residents subject to mitigation measures.	
3.8	Awnings	The proposed development will provide a combination of feature awnings, a feature wall, a generous 4m street setback and protruding upper level building line and balconies so as to provide a continuous 3m deep covered area along both street frontages that will be consistent with the intentions of this control as it will activate the street level and provide appropriate protection and shading form the elements.	**Consistent**
3.9	Apartment Layout 1 bedroom dwelling: 50m² 2 bedroom dwelling: 70m² 3 bedroom dwelling: 95m²	The single aspect apartments have been designed to be approximately between 3.5m-6m deep and the kitchens of these units will also comply given the location of kitchens and windows. The proposed residential unit sizes comply with the minimum apartment sizes.	**Yes**
3.10	Flexibility and Adaptability - Residential Mix	The proposal is designed to align with the intention of providing flexibility and adaptability of uses. The proposed neighbourhood shop layouts will permit the flexibility of uses noting their proposed sizes that comply with the 100m² LEP maximum area. The proposed dimensions are considered ideal as they will help to ensure the economic feasibility of the units by enabling local services to be provided commensurate with the definition of a neighbourhood shop and zoning objectives of the B6 zone whilst not being too large so as to compete with the function of the Merrylands Town Centre commercial units. In addition, the development will provide multiple entries to enhance movement and mobility within the subject site. The residential component of the proposal will have a complying maximum of 5 units per lift core per plate level.	**Yes**

		It is also noted that the proposal will incorporate 6 adaptable units that comply with the 15% requirement prescribed by the HDCP 2013 and are designed accordingly to provide flexibility for future adaptation. In addition, all units will be accessible via lifts to comply with the BCA 2013 requirements for accessibility and an accessible parking space will be provided for each adaptable unit within the basement. A diversity of apartments is proposed: • 6 x 1 bedroom units; • 31 x 2 bedroom units; and • 5 x 3 bedroom units. The unit mix will offer a variety of housing choices and the 1 bedroom component represents 14% of the unit mix and will therefore comply with the 20% maximum allowance. The mix of one, two and three-bedroom apartments is spread throughout the development as the ground level is to be utilised for neighbourhood shop purposes in line with the B6 zoning objectives. In addition, the proposal will incorporate a majority of 2 bedroom product, which traditionally the market favours and the overall size and diversity of units is consistent with the intent of the control and will therefore provide for a variety of unit sizes and types to meet the needs of a wide range of residents whilst providing various pricing points to contribute to affordability.	
3.11	Corner Buildings	The subject site is located at the south eastern corner of the intersection of Merrylands Road and Cambridge Street and as such represents a corner site. The proposed development has been designed with consideration given to the prominent location of the site. In this regard, both the northern and eastern facades will be highly articulated with	**Yes**

		vertical and horizontal design elements to address both street frontages and to add variety and interest to the street. In addition, the proposal will provide a splayed corner as requested in the Pre-DA comments and the strong building form will serve to positively define the street edge along this western gateway entry to the Merrylands Town Centre.	
3.12	Ground Floor Apartments	The proposal does not propose any residential units at the ground floor.	N/A
3.13	Internal Circulation and Storage for Residential Uses	*Internal Circulation* The proposal will provide multi entries to enhance circulation within the subject site. Two separate security-controlled lobby areas, each with its own lift core and stairwell including fire escape stairs, will service the residential component of the proposal. This will result in an average of 5 units per plate level. The proposed lobby and corridor areas are provided with appropriate levels of lighting, corridor length and natural ventilation to provide adequate amenity and safety for future residents. *Storage* Each unit is provided with an appropriate storage space within the unit and the basement garage. In addition, each bedroom within the proposed development includes a wardrobe that would offer additional storage. The proposed development is considered to offer reasonable storage space and complies with the quantitative requirements.	Yes Yes
3.14	Balconies	The majority of balconies will have good solar access and will provide space for external clothes drying. Where appropriate, primary balconies are located adjacent to main living areas. In addition, each of the primary balconies will comply with the $8m^2$-$10m^2$ controls.	Yes
3.15	Natural Ventilation	The proposal adopts a design that supports natural ventilation, noting 80% of units are naturally cross-ventilated.	Yes

3.16	Roof Design	The proposal will Incorporate a flat roof with a parapet design to contain the roof level communal open space and a skillion roof for the 2 x roof top lobby areas containing equitable access arrangements such as a lift core and essential services such as fire escape stairs, toilets and storage. The design of the roof and the siting of the recessed lobby areas will ensure that the bulk of the building is not detrimentally increased. This will help to reduce overshadowing and also help to ensure that the proposal will not incorporate any adverse streetscape presentation impacts. In addition, the proposed communal roof top terrace will incorporate shaded structures that are suitably setback from the building line to ensure that they are not viewable from the ground level. Please see the submitted architectural plans for further detail.	**Yes**
3.17	Maintenance	The proposal will comply with the controls outlined within this section of the HDCP 2011.	**Yes**
3.18	Waste Management	A Waste Management Plan is attached as part of this application. Notwithstanding it is noted that waste is to be appropriately managed during the demolition and construction stages of the development. Further, appropriate waste facilities will be provided for future residents of the proposal. See attached Waste Management Plan and architectural plans for details.	**Yes**
5. General			
5.2	Signage	Signage for the neighbourhood shops will be addressed under a separate future DA, therefore not applicable to the current DA.	**N/A**
5.3	Hours of Operation	Hours of operation for the neighbourhood shops will be addressed under a future DA, therefore not applicable to the current DA.	**N/A**

7. Residential Mixed for Business Zoned Land		
	A diversity of apartments is proposed: • 6 x 1-bedroom units; • 31 x 2-bedroom units; and • 5 x 3-bedroom units. The unit mix will offer a variety of housing choices and increase the housing stock levels within close proximity to the Merrylands Town Centre so as to help support its function and growth. The proposal will provide at last 10% of the total development as 1 and 3 bedroom units. The proposed unit mix is considered acceptable noting the market demand and favourability for 2 bedroom apartments and that the proposed mix of units will align with the intent of the control. It is further noted that the 1 bedroom component will not exceed the 20% maximum allowance.	**Yes**

SITE ISOLATION AND EFFORTS TO AMALGAMATE

It is noted that the site adjoins an older style block of units at 296 Merrylands Road that is considered to be isolated by the proposal. This was a matter in the prior DA and further attempts have been made to acquire that site.

In accordance with the DCP the proponent has undertaken valuations and made offers to the adjoining properties as follows:

1. 2 valuations were obtained for 296 that valued the property as a single holding and as a development site- noting that it is only relevant to consider the value as an amalgamated development site as it relates to the offers made
    a. $1,800,000
    b. $1,950,000
2. An offer was made on 9 November 2020 for $1,950,000 that was not responded to;
3. A further final offer was made dated 23 November for $2,028,000 that again was not responded to and therefore taken to be refused.

Accordingly amalgamation was not feasible.

Concept plans have been prepared for that adjoining site to demonstrate that there remains the ability to redevelop that allotment independently of the subject development and therefore it is considered that this issue has been satisfactorily addressed as per the Holroyd DCP and per LEC Planning Principles.

CONCLUSION

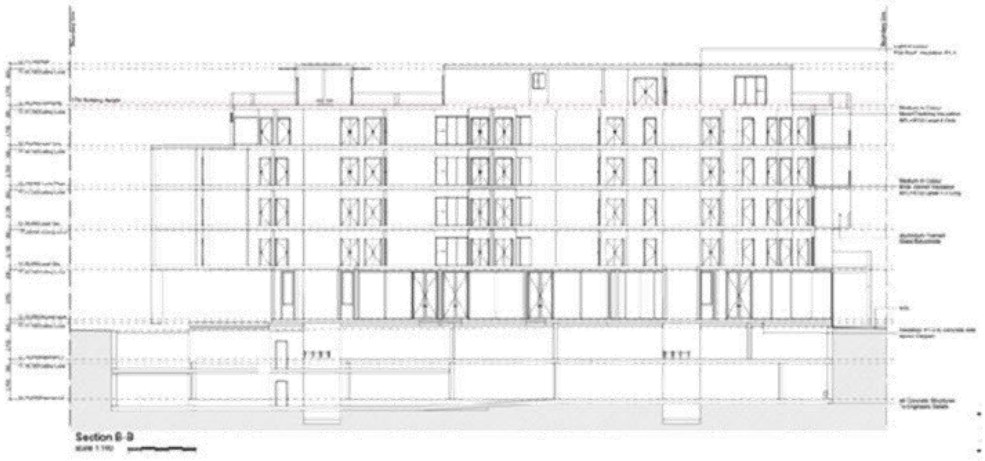
Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

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

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

CLAUSE 4.6 VARIATION

As shown on the submitted architectural plans the proposal varies the maximum building height control of 17m applying to the site, noting that the original proposal adopted the same approved height limit. The variation to the height limit is 3m- or 17.6%.



Consideration of Height Departure

The variation to maximum building height control is considered acceptable based on the following:

- A fundamental component of the proposal is ensuring that the proposal provides an appropriate transition between the B6 land and the adjoining R4 land, with the current design providing appropriate separation to the south to ensure that a transition of scale is achieved and that privacy impacts and overshadowing impacts are mitigated. Given the level of separation proposed there will be no unreasonable privacy impacts to adjoining properties and the shadow analysis submitted indicates that the level of overshadowing to the residential flat buildings is acceptable. It is considered that this area will serve as a transition between commercial and residential land uses and act as a bridge that links these higher density and low density areas together whilst also providing an appropriate gateway entry to the Merrylands Town Centre that will help to sustain and enhance its growth and function. The amendment facilitates the reduction in the amount of building height at the rear of the site where it interfaces with a 3 storey residential flat building and to reduce the privacy and overshadowing impacts. Therefore, the adoption of a 4/5/6 storey form is a suitable design response on the site to respond to the site context;

- To reinforce the intersection of Merrylands Road and Cambridge Street through greater height that then transitions down at the rear to present a suitable urban design response;

- To adopt improved materials and finishes and a more balanced building form on the site that is achieved through greater modulation of the building height of the building.

- The extent of non-compliance does not generate any discernible additional amenity impacts in terms of overshadowing or privacy impacts having regard to compliant separation and a reduction in shadow cast to the adjoining residential flat building in Cambridge Street and therefore the revised building minimises the effects of bulk and scale.

- The proposal has been designed to comply with the maximum permitted FSR on the site and also complies with key controls pertaining to setbacks, open space, and car parking which indicates an appropriate scale of development on the site;

- The proposal will not obstruct existing view corridors;

Therefore, the request to vary the maximum height control is considered appropriate in the context of the site and the variation does not detract from consistency with the underlying intent of the controls.

An address of the relevant provisions of Clause 4.6 are provided in turn.

Land and Environment Case Law

The decision by Chief Judge Preston in a judgement dated 14 August 2018 in the matter of *Initial Action Pty Ltd v Woollahra Council* confirmed that the absence of impact was a suitable means of establishing grounds for a departure and also confirmed that there is no requirement for a development that breaches a numerical standard to achieve a '*better outcome*'.

However recent developments in the law in ***RebelMH Neutral Bay Pty Limited v North Sydney Council*** [2019] NSWCA 130 have set out to confirm that the approach taken in *Al Maha Pty Ltd v Huajun Investments Pty Ltd* [2018] NSWCA 245 ('***Al Maha***') is also relevant.

In simple terms *Al Maha* requires that a Clause 4.6 will have only adequately addressed Clause 4.6(3) if the consent authority is satisfied the matters have been demonstrated in the Clause 4.6 request itself- rather than forming a view by the consent authority itself.

This Clause 4.6 request demonstrates the matters if Clause 4.6 (3).

The key tests or requirements arising from recent judgements is that:

- The consent authority be satisfied the proposed development will be in the public interest because it is "*consistent with*" the objectives of the development standard and zone is not a requirement to "*achieve*" those objectives. It is a requirement that the development be compatible with the objectives, rather than having to 'achieve' the objectives.

- Establishing that 'compliance with the standard is unreasonable or unnecessary in the circumstances of the case' does not always require the applicant to show that the relevant objectives of the standard are achieved by the proposal (Wehbe "test" 1). Other methods are available as per the previous 5 tests applying to SEPP 1, set out in Wehbe v Pittwater.

- When pursuing a clause 4.6 variation request it is appropriate to demonstrate environmental planning grounds that support any variation ; and

- The proposal is required to be in 'the public interest'.

In relation to the current proposal the keys are:

- Demonstrating that the development remains consistent with the objectives of the building height standard;
- Demonstrating consistency with the B6 zoning; and
- Satisfying the relevant provisions of Clause 4.6.

Consideration of Clause 4.6

Clause 4.6 of the Holroyd Local Environmental Plan 2013 provides that development consent may be granted for development even though the development would contravene a development standard.

This is provided that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:

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

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

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

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

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

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

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

Each of these provisions are addressed in turn.

Clause 4.6(3) & Underlying Objectives of the Standard

Compliance unreasonable or unnecessary

Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control, and the objectives of the zone, are achieved despite the non-compliance to the numerical development standard as set out above, which satisfies Wehbe Test 1.

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

The current development proposal, despite the numerical non-compliance, remains consistent with the objectives, which are identified accordingly, based on the following:

- A fundamental component of the proposal is ensuring that the proposal provides an appropriate transition between the B6 land and the adjoining R4 land, with the current design providing appropriate separation to the south to ensure that a transition of scale is achieved and that privacy impacts and overshadowing impacts are mitigated. Given the level of separation proposed there will be no unreasonable privacy impacts to adjoining properties and the shadow analysis submitted indicates that the level of overshadowing to the residential flat buildings is acceptable. It is considered that this area will serve as a transition between commercial and residential land uses and act as a bridge that links these higher density and low density areas together whilst also providing an appropriate gateway entry to the Merrylands Town Centre that will help to sustain and enhance its growth and function. The amendment facilitates the reduction in the amount of building height at the rear of the site where it interfaces with a 3 storey residential flat building and to reduce the privacy and overshadowing impacts. Therefore, the adoption of a 4/5/6 storey form is a suitable design response on the site to respond to the site context;

- To reinforce the intersection of Merrylands Road and Cambridge Street through greater height that then transitions down at the rear to present a suitable urban design response;

- To adopt improved materials and finishes and a more balanced building form on the site that is achieved through greater modulation of the building height of the building.

- The extent of non-compliance does not generate any discernible additional amenity impacts in terms of overshadowing or privacy impacts having regard to compliant separation and a reduction in shadow cast to the adjoining residential flat building in Cambridge Street and therefore the revised building minimises the effects of bulk and scale.

- The proposal has been designed to comply with the maximum permitted FSR on the site and also complies with key controls pertaining to setbacks, open space, and car parking which indicates an appropriate scale of development on the site;

- The proposal will not obstruct existing view corridors;

- The proposed development incorporates a complying floor space ratio as per the provisions of the HLEP 2013, which will ensure that the scale of the proposed development will be appropriate and will be visually consistent with the permitted building height with the variation relating to the rooftop common open space area and lift overrun.

- The additional height does not generate any additional amenity impacts given the location of the site and the surrounding site context.

- The proposal provides residential accommodation opportunities, the proposal will strongly contribute towards revitalising the subject area, as it will increase employment opportunities both during the construction phase and at the completion of the proposal. The design concept with ground floor commercial units will promote increased activation of the street level to enhance pedestrian movement and patronage for the area and the 10 additional residential units will provide augmented patronage in the locality thus both components will contribute towards boosting the local economy of Merrylands; and

- The proposal will provide for a number of distinct public benefits:
    - Delivery of additional housing within close proximity to the Merrylands Town Centre;
    - Creation of jobs both during the construction stage and through the delivery of additional commercial floor space upon completion of the proposal;
    - Activation of the street level;
    - Amenity impacts to adjoining properties are mitigated and the distribution of additional floor space across the site will not be discernibly different to a built form that is compliant with the FSR control.
    - The traffic modeling concludes that the impact of the development on the surrounding traffic network is acceptable.

- The scale and intensity of the development is appropriate noting that the proposal complies with the maximum height, setbacks and DCP prescriptive controls, which demonstrate an appropriate development outcome.

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

Clause 4.6(3) & Environmental Planning Grounds

As outlined above the proposal remains consistent with the underlying objectives of the control. In addition to the above it is noted that the development, including the departure to the height control enables the following to occur which demonstrates environmental planning grounds to support the numerical non-compliance.

- Adopt an appropriate Urban Form: The additional height provides an appropriate transition between the B6 land and the adjoining R4 land, with the current design providing appropriate separation to the south to ensure that a transition of scale is achieved and that privacy impacts and overshadowing impacts are mitigated. Given the level of separation proposed there will be no unreasonable privacy impacts to adjoining properties and the shadow analysis submitted indicates that the level of overshadowing to the residential flat buildings is acceptable. It is considered that this area will serve as a transition between commercial and residential land uses and act as a bridge that links these higher density and low density areas together whilst also providing an appropriate gateway entry to the Merrylands Town Centre that will help to sustain and enhance its growth and function. The amendment facilitates the reduction in the amount of building height at the rear of the site where it interfaces with a 3 storey residential flat building and to reduce the privacy and overshadowing impacts. Therefore, the adoption of a 4/5/6 storey form is a suitable design response on the site to respond to the site context;

  To reinforce the intersection of Merrylands Road and Cambridge Street through greater height that then transitions down at the rear to present a suitable urban design response;

The demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

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

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3).

As addressed the proposed development is in the public interest as it remains consistent with the objectives of the building height control and the objectives of the B6 zone.

The objectives of the B6 zone are:

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

The proposal is consistent with the objectives of the B6 zone, insofar as the development is not antipathetic to the zone objectives (per *Schaffer Corporation v Hawkesbury City Council (1992) 77 LGRA 21).*

The development is consistent with the zone objectives noting that:

- The development will provide for the housing needs of the community within a high density environment;
- The development contributes to a variety of housing types in a high density environment;
- The development will provide increased employment opportunities and encourage people to shop and work within the Merrylands Precinct;
- The development will maximise public transport patronage by providing employment and residential accommodation in an accessible location;
- The development is designed to respond to the context and setting of the locality and the development is consistent with the desired future character of the locality; and
- The development is designed to minimise impact on the amenity of the area and adjoining properties.

Clause 4.6(5)

The Secretary (of Department of Planning and Environment) can be assumed to have concurred to the variation. This is because of Department of Planning Circular PS 18–003 'Variations to development standards', dated 21 February 2018. This circular is a notice under 64(1) of the Environmental Planning and Assessment Regulation 2000.

A consent granted by a consent authority that has assumed concurrence is as valid and effective as if concurrence had been given.

The points contained in Clause 4.6 (5) are a matter for consideration by the consent authority however the following points are made in relation to this clause:

- The contravention of the height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal

- There is no public benefit in maintaining the development standard as it relates to the current proposal. The departure from the control is acceptable in the circumstances given the underlying objectives of the control are achieved and it will not set an undesirable precedent for future development within the locality as any future development on another site would require consideration of the relevant merits and circumstances of the individual application.

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

The design response aligns with the intent of the control and provides for an appropriate transition to the adjoining properties.

The proposal promotes the economic use and development of the land consistent with its zone and purpose.

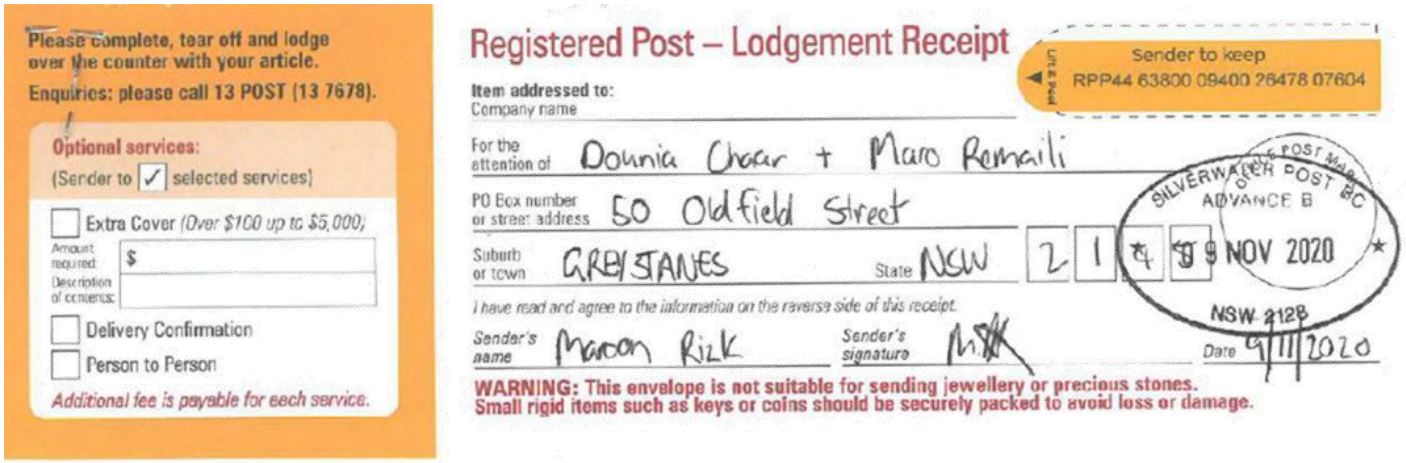
Conclusion

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

The proposal will not have any adverse effect on the surrounding locality, which will be characterised by residential development of comparable height and character. The proposal promotes the economic use and development of the land consistent with its zone and purpose.

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

VALUATIONS AND OFFERS



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Enquiries: please call 13 POST (13 7678).

Optional services:
(Sender to ✓ selected services)

☐ Extra Cover *(Over $100 up to $5,000)*
Amount required: $
Description of contents:

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☐ Person to Person

Additional fee is payable for each service.

Registered Post – Lodgement Receipt

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Item addressed to:
Company name

For the attention of Dounia Chaar + Maro Remaili

PO Box number or street address 50 Oldfield Street

Suburb or town GREYSTANES State NSW 2161

SILVERWATER POST OFFICE ADVANCE B 9 NOV 2020 NSW 2128

I have read and agree to the information on the reverse side of this receipt.

Sender's name Maroon Rizk *Sender's signature* *Date* 9/11/2020

WARNING: This envelope is not suitable for sending jewellery or precious stones. Small rigid items such as keys or coins should be securely packed to avoid loss or damage.

the suburb PROPERTY MANAGEMENT

Maro Remaili & Dounia Chaar
50 Oldfield St
GREYSTANES NSW 2145

9th November 2020

Dear Mr Remaili & Mr Chaar,

Re: LETTER OF OFFER
Property: 296 Merrylands Rd Merrylands NSW 2160

Reference is made to the above-mentioned property.

We wish to advise that our client Mr Anthony Chalhoub has expressed interest in purchasing your property and will make the following offer of $1,950,000 (one million nine hundred and fifty thousand dollars) plus legal fees.

We hope you will seriously consider the offer and advise of your response within 7 days of this offer date.

If this is acceptable, please advise details of your solicitor so that a contract can be negotiated. Please forward response and details to maroon@thesuburbpm.com.au or contact me on 0414 822 222 .

Kind Regards,

Maroon Rizk
Principal

P: 02 9648 8000
E: rent@thesuburbpm.com.au
thesuburbpm.com.au

Coronavirus: delays & other impacts

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Track an item Item details

Your delivery

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Delivered
GREYSTANES NSW

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Customer name : Maroon Rizk

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Attach file (jpg, png, or pdf)

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Enquiries: please call 13 POST (13 7678).

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Amount agreed: $
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Additional fee is payable for each service.

Registered Post – Lodgement Receipt

Sender to keep
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Item addressed to:
Company name
For the attention of: Dennis Dear & Mrs Lorraine
PO Box number or street address: 50 Oldfield Street
Suburb or town: ALEXSTANES State: NSW Postcode: 2141

I have read and agree to the information on the reverse side of this receipt
Sender's name: Megan Zilic Sender's signature:

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OFFICE
23 NOV 2020
NSW 2128

Date

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the suburb PROPERTY MANAGEMENT

Maro Remaili & Dounia Chaar
50 Oldfield St
GREYSTANES NSW 2145

23st November 2020

Dear Mr Remaili & Mr Chaar,

Re: LETTER OF OFFER
Property: 296 Merrylands Rd Merrylands NSW 2160

Reference is made to the above-mentioned property.

We wish to advise that our client Mr Anthony Chalhoub has expressed interest in purchasing your property and will make the following offer of $2,028,000 (two million and twenty eight thousand dollars) plus legal fees.

We hope you will seriously consider the offer and advise of your response within 7 days of this offer date.

If this is acceptable, please advise details of your solicitor so that a contract can be negotiated. Please forward response and details to maroon@thesuburbpm.com.au or contact me on 0414 822 222 .

Kind Regards,

Maroon Rizk
Principal

P: 02 9648 8000
E: rent@thesuburbpm.com.au
thesuburbpm.com.au

ACCESS VALUATIONS PTY LTD
ABN: 48 079 865 204

CERTIFIED PRACTISING VALUERS & PROPERTY CONSULTANTS

10A Spireton Place
Pendle Hill NSW 2145

All correspondence to:
PO Box 3080
Toongabbie East
NSW 2146

Tel: (02) 8820 0190
Fax: (02) 8820 0191

VALUATION

Of a block of flats
Situated at

296 MERRYLANDS ROAD
MERRYLANDS NSW 2160

ON BEHALF OF

ANTHONY CHALHOUB
302 MERRYLANDS ROAD
MERRYLANDS NSW 2160

For the Purposes of

PRE-SALE NEGOTIATION ASSESSMENT

VALUATION DATE: 27 OCTOBER 2020

INSPECTION DATE: 27 OCTOBER 2020

Liability limited by a scheme approved under Professional Standards Legislation.

API Member of the AUSTRALIAN PROPERTY INSTITUTE

Email: account@accessvaluations.com.au • www.accessvaluations.com.au

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1. VALUATION INSTRUCTIONS

I have been instructed to inspect, report on and determine the Current Market Value of **296 Merrylands Road, Merrylands** for negotiation purposes only.

2. MARKET VALUE DEFINITION

This may be defined as the price which might reasonably be expected to be obtained for the interest in the property at the date of Valuation between a willing vendor and willing purchaser, assuming a reasonable period in which to negotiate the sale, taking into account the nature of the property, the state of the market and that values remain static during the selling period.

The interest being valued is the unencumbered fee simple in possession.

3. MARKET UNCERTAINTY

The Market is being impacted by the uncertainty caused by the COVID-19 pandemic. As at the date of valuation I consider that there is market uncertainty resulting in significant valuation uncertainty.

This valuation is therefor reported on the basis of 'significant valuation uncertainty'. As a result, less certainty exists than normal and a higher degree of caution should be attached to my valuation than normally would be the case. Given the unknown future impact that COVID-19 might have on markets, I recommend that the user(s) of this report review this valuation periodically.

This valuation is current at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period of time (including as a result of factors that the Valuer could not reasonably have been aware of as at the date of valuation).

I do not accept responsibility or liability for any losses arising from such subsequent changes in value.

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4. LOCATION

The subject property is situated on the southern side of Merrylands Road at Merrylands, in between its intersection with Cambridge Street to the west and Burford Street to the east.

The subject property is situated within a well-established residential area at Merrylands and is surrounded by older style dwellings, established after from about the late 1950s which has been recently rezoned to allow for high-density mixed-use redevelopment.

The subject property is located some 500 metres west of the Merrylands Railway Station, 250 metres south of the new Stocklands Shopping complex and a further 25 kilometres west of the Sydney G.P.O.

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5. PROPERTY IDENTIFICATION & REGISTERED PROPRIETORS

Title Details:

The subject property is known as Lot 4 of Section 2 in Deposited Plan 602 at Merrylands, Local Government Area Cumberland, Parish of St John County of Cumberland. Title Diagram DP602.

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 4/2/602

SEARCH DATE	TIME	EDITION NO	DATE
27/10/2020	12:37 PM	3	12/9/1995

LAND

LOT 4 OF SECTION 2 IN DEPOSITED PLAN 602
AT MERRYLANDS
LOCAL GOVERNMENT AREA CUMBERLAND
PARISH OF ST JOHN COUNTY OF CUMBERLAND
TITLE DIAGRAM DP602

FIRST SCHEDULE

MARO REMAILI
DOUNIA CHAAR
AS TENANTS IN COMMON IN EQUAL SHARES (T 0528939)

SECOND SCHEDULE (1 NOTIFICATION)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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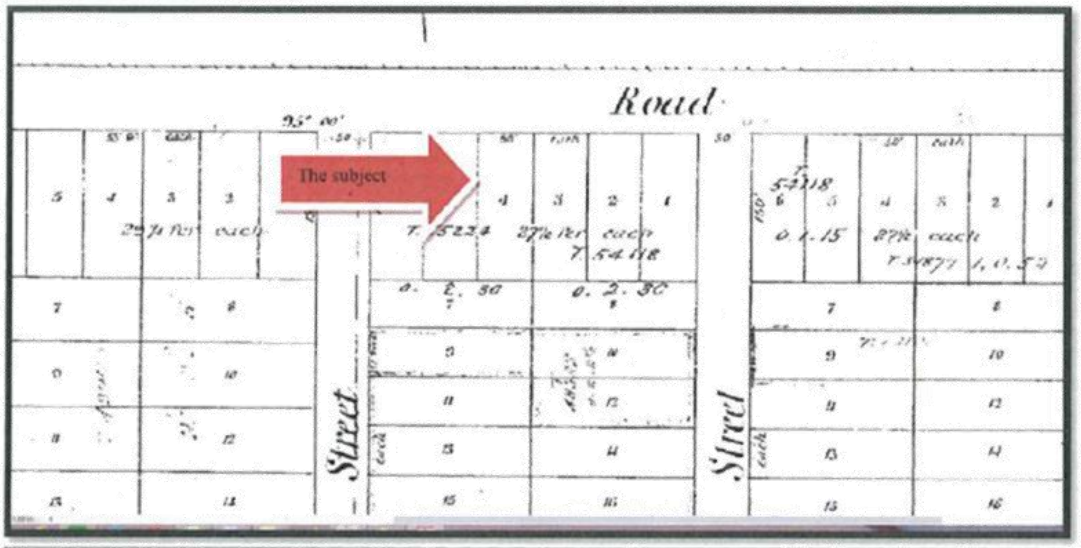
6. DIMENSIONS

Extract taken from DP602.



Frontage	15.240 metres
Rear boundary	15.240 metres
Eastern side boundary	45.720 metres
Western side boundary	45.720 metres
Total land Area	696.80 square metres

The above information was obtained from The Deposited Plan. I am not aware of any easements or Public Authority proposals which may affect the property.

I recommend you seek legal advice to confirm the above information as I have not carried out a full title search and have prepared this valuation on the assumption that no easements or encumbrances affect the property as at the date of valuation. In the event that a full title search indicates information as to any encumbrances I will reserve the right to revise this valuation.

7. SITE DESCRIPTION

Topography:

A regular rectangular shaped allotment of land which is situated level with the street and is fairly level through-out.

Utility Services:

All usual city services are available to the property.

Roads and Access

Merrylands Road is a very busy through road which carries a medium to heavy volume of mainly local residential traffic.

The road is bitumen sealed with a concrete kerb and guttering adjacent to the subject property.

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8. LOCAL GOVERNMENT AREA

Cumberland (formerly Holroyd City Council)

9. TOWN PLANNING

Zoning:

Enquiries reveal the subject property to be within B6 Enterprise Corridor under the Holroyd LEP 2013.

10. OBJECTIVES OF ZONE

Zone B6 Enterprise Corridor

1 Objectives of zone

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

2 Permitted without consent

Nil

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3 Permitted with consent

Boarding houses; Bulky goods premises; Business premises; Community facilities; Food and drink premises; Garden centres; Group homes; Hardware and building supplies; Hostels; Hotel or motel accommodation; Landscaping material supplies; Light industries; Multi dwelling housing; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Residential flat buildings; Roads; Shop top housing; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Home occupations (sex services); Industrial retail outlets; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Truck depots; Vehicle body repair workshops; Veterinary hospitals; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

I recommend the above information be confirmed by a Certificate issued under Section 149 of the Environmental Planning and Assessment Act 1979. In the event that a full investigation reveals any of the above information is incorrect then I will reserve the right to revise this valuation accordingly.

11. DEVELOPMENT CONTROLS

I note that the subject allotment holds an existing FSR of 2:1 and a building height limit of 17 meters (4-5 stories), however developing the subject property is subject to DPC 2013.

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12. IMPROVEMENTS

Erected upon the land and assumed to stand wholly within the boundaries are the improvements known as **296 Merrylands Road, Merrylands** being an established 1960s style red textured brick clad block of flats.

The construction comprises the following: -

Floors	Suspended concrete flooring
External walls	Brick
Internal walls	Render
Ceilings	Plasterboard lined
Roof	Terra cotta tiled roofing
Windows	Aluminium framed windows

13. ACCOMMODATION

Whilst I have not been granted an internal inspection of the subject property I have relied upon my own research and believe that the subject property accommodates 6 x 2-bedroom units each with balcony, open lounge/dining area, small kitchen, bathroom and rear car space.

Each unit offers combined lounge/dining area with good sized balcony. Original timber veneer kitchen with electric appliances. Original bathrooms with combined bath & shower.

Should any part of the following information be deemed incorrect then I shall reserve the rights to amend and or adjust this report accordingly.

14. STATE OF REPAIR

I have not sighted a structural survey report or tested any of the services and am, therefore, unable to give any assurances that the premises are free from defects.

My physical inspection revealed that the building appears to be structurally sound and to be in a fair state of repair, with no visible evidence of termites or vermin activity; however, this Valuation should not be read as a Structural Report, Survey Report or Pest Controllers Report.

15. VALUATION METHODOLOGY

In arriving at my opinion of value I have adopted the comparable sales method of Valuation as my chief method of Valuation, whereby, I have taken cognisance of sales within the surrounding area.

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16. DEVELOPMENT SALES

Address	Price	Date	Zone/FSR	Land Area/GFA	$/sqm of GFA	Comments
34 Macarthur Street, Parramatta	$1,910,000	12/2019	R4 / 1:1	762/762	$2,506	1920s style cottage, corner position. Superior location. Proposal for a boarding home.
Comparison						Superior location and position. Supports a rate of $1350-$1450/sqm of GFA for the subject property.
74 Essington Street, Wentworthville	$1,500,000	2/2020	R4/1.2:1	639/766.8	$1,956	1980s style single level brick home. Sold to adjoining owner for redevelopment. Superior location closer to station and shops.
Comparison						Superior location and position. Supports a rate of $1350-$1450/sqm of GFA for the subject property.
2-4 Boundary Street, Parramatta	$3,900,000	3/2020	R4/1.2:1	1789/2146.8	$1817	DA approved site for 18 apartments. 3 x 1, 12 x 2 and 3x3 (Yield 119sqm/per unit). Price reflects DA approval. Superior location.
Comparison						Similar location and position. Rate achieved reflects DA approval. Supports a rate of $1350-$1450/sqm of GFA for the subject property.
8-10-12 Patricia Street, Mays Hill	$3,550,000	7/2020	R4/1.2:1	2128.8/2551.56	$1389	Two adjoining homes sold in one line. Similar location and position.
Comparison						Slightly inferior location and position. Supports a rate of $1350-$1450/sqm of GFA for the subject property.
1 Rawson Road, South Wentworthville	$1,150,000	8/2020	B6/1:1	801/801	$1435	B6 zoning allows for shop top housing and boarding home development. Similar position.
Comparison						Similar zoning, highway location. Supports a rate of $1350-$1450/sqm of GFA for the subject property.

17. FLAT BUILDING SALES (EXISTING USE)

SALES EVIDENCE OF "BLOCK OF UNITS SOLD IN ONE LINE"

	Address	Date	Purchase Price	Land Size (m^2)	Net Yield
1	57 Neil Street, Merrylands	8/2020	$2,350,000	697	3.70%
	1970s style block containing 5 x 2-bedroom units. Whole block of units to be sold in one line. Under cover parking spaces. Current annual rental return $ 108,900.00 approx. R4 zoned. FSR 1.2:1.				
	Comparison Analysis: Similar location. Small block of six units within an easy managed brick building. Sold to Investor on a return basis. This sale helps to support a yield range of 3.5% to 3.75% net for the subject property on an income approach basis.				
	Source: RP Data, APM research and Professionals Real Estate				

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	Address	Date	Purchase Price	Land Size (m²)	Net Yield
2	**31 Gibbons Street, Auburn**	**7/2020**	**$3,310,000**	**740**	**3.70%**
	well maintained block of six renovated apartments. With each home has been renovated throughout. The complex is set on a grand 739.8sqm parcel of land with a 15.24m frontage. Set on 739.8sqm block with a 15.24m frontage. R4 zoned. FSR 1.7:1. (Estimated net return $125,000 p.a.)				
	Comparison Analysis: Similar location. Small block of six units within an easy managed brick building. Sold to Investor on a return basis. This sale helps to support a yield range of 3.5% to 3.75% net for the subject property on an income approach basis.				
	Source: RP Data, APM research and Richard Matthews Real Estate				

	Address	Date	Purchase Price	Land Size (m²)	Net Yield
3	**35 Park Avenue Westmead**	**5/2020**	**$3,855,000**	**741**	**3.22%**
	1980s style block containing Two (2) two-bedroom units with lock up garage parking. Two (2) three-bedroom units with double lock up garage parking. One (1) three-bedroom split level unit with 153sqm* and double lock up garage parking. Strata-title units forming a full block offered in one line. Estimated fully let annual income of $124,540. Recently refurbished with immaculate presentation. *FSR 1.7:1.				
	Comparison Analysis: Superior location. Small block of five units within an easy managed 1980s full brick building. Sold to Investor on a return basis. This sale helps to support a yield range of 3.5% to 3.75% net for the subject property on an income approach basis.				
	Source: RP Data, APM research and Ray White Real Estate				

	Address	Date	Purchase Price	Land Size (m²)	Net Yield
4	**6 Cross Street, Guildford**	**10/2018**	**$2,700,000**	**1689**	**4%**
	entire block of six (6) townhouses in one line of investment, with immediate rental growth possibilities, strata subdivision potential (STCA) and only seconds away from the thriving Guildford shopping centre and railway station. Large townhouses of 3 bedrooms, 2 bathrooms, separate lounge & dining. Private courtyards and lock up garage. Currently rented to long term tenants with growth potential. Approx. Gross Annual Return: $152,000. Outgoings: Water Rates: approx. $ 7,128.00 p/a, Council Rates: approx. $ 5,073.60 p/a, Land Tax: $17,082.50 p/a, Insurance: $ 4,235.00 p/a. Land: 1,670 square metres Zoning: R4 High Density. Net income $118,482 approx.				
	Comparison Analysis: Inferior location. Small block of six town house on a large underdeveloped site. Sold to Investor on a return basis. Inferior overall, this sale help to support a yield range of 3.5% to 3.75% net for the subject property on an income approach basis.				
	Source: RP Data, APM research and L H Brown				

	Address	Date	Purchase Price	Land Size (m²)	Net Yield
5	**6 Maud Street, Granville**	**9/2019**	**$2,760,000**	**696**	**4%**
	Whole Block of 8 Units Plus future Development Potential. of 8 X 2 Bedroom units in good condition. All units have car space including 2 Lock up garages, internal laundries and balconies. Current income approximately $141,000 PA. Future development potential with current zoning B4, FSR2.1:1 and 15m height limit				
	Comparison Analysis: Similar location. Small block of six units within an easy managed brick building. Sold to Investor on a return basis. This sale helps to support a yield range of 3.5% to 3.75% net for the subject property on an income approach basis.				
	Source: RP Data, APM research and L J Hooker Real Estate				

	Address	Date	Purchase Price	Land Size (m²)	Net Yield
6	**6 O'Reilly Street, Parramatta**	**12/2019**	**$3,950,000**	**809**	**3.3%**
	Gross income approximately $175,000 pa. 1980s style complex features eight two-bedroom, one-bathroom units all with tandem garages. Each unit showcases light-filled open-plan living. Kitchens are all well-presented with modern appliances and a functional layout. Well-maintained property with easy-care grounds and additional off-street parking				
	Comparison Analysis: Similar location. Small block of 8 units. Sold to Investor on a return basis. Inferior overall, this sale helps to support a yield range of 3.5% to 3.75% net for the subject property on an income approach basis.				
	Source: RP Data, APM research and Belle RE				

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18. VALUATION RATIONALE

1. Value as a part development site.

Land area	FSR	GFA	S/sqm of GFA	Value
696.8	2:1	1393.60	$1400	$1,950,040
Buy say valuation is				$1,950,000

2. Value of existing use

This valuation has been conducted using a Direct Comparison methodology of valuation. This method requires the valuer to examine sales of properties which are as similar to the property being valued, and after adjusting for differences, place a value on the subject property. Typical factors that are considered in making these adjustments include the comparative size of the allotment, topographical and locational aspects, position of the allotment, size and quality of the residences, and general state of repair and presentation. As such, a comparison of market sales to the subject property have been made to determine the subject's underlying value.

Sales 1 - 6 are relied upon as examples of the marketplace for block of flats. These sales are considered the best available comparable evidence to determine the yield achieved in similar style properties. These sales show passing yields between 3.5% and 4%.

Estimated gross rental per unit estimated at $325 per week x 6	$1,950 per week
Estimated Gross estimated annual rental:	$101,400
Less estimated outgoings at 20%	-$ 20,280.00
Estimated net income	$ 81,120.00
Capitalised at 3.7% (yield)	$2,192,432.00
But say valuation is say	**$2,190,000.00**

19. SPECIAL REMARKS

This valuation is current as at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). I do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 3 months from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.

It is my usual practice to look at comparable sales externally only. If in certain circumstances an internal inspection is available I shall inspect the property. However due to the privacy constraints, internal inspections cannot be obtained. Market value is the estimated amount for which an asset should exchange on the date of valuation between a willing purchaser and a willing seller in an arm's length transaction, after proper marketing, wherein the parties had each acted knowledgeably, prudently and without compulsion.

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I am unaware of any encroachments by or on the subject property which may be disclosed on survey. I emphasise that I have not carried out a structural survey of the improvements, nor have we examined them for signs of pest infestations and accordingly, cannot be responsible for either of these matters.

I have not examined service diagrams and accordingly am unaware of any anomalies, deficiencies or impediments relating to services which may affect value. This valuation presumes all services have been installed to the satisfaction of all relevant authorities
The zoning should be verified by a Certificate under section 149 of the Environmental Planning and Assessment Act, 1979. We are unaware of any planning proposals affecting the subject property.

I note that while the land appears suitable for its present use, no soil test or environmental tests have been made available to Access Valuations Pty Ltd as at the date of this report and accordingly my valuation is subject to there being no surface or sub-surface soil problems including instability, toxic or hazards waste or building material hazards in or on the property that would adversely affect existing or material hazards in or on the property that would adversely affect existing or potential use or reduce its saleability. Should an environmental audit address any of these issues, the valuation should be referred to Access Valuations Pty Ltd for comment.

This valuation has been prepared on the basis that full disclosure of all information and facts which may affect the property has been made to Access Valuations Pty Ltd and we cannot accept any liability or responsibility whatsoever for the valuation unless such full disclosure has been made.

This valuation report, can in no way and under any circumstances, be relied upon or released for mortgage assessment purposes. Any person or company who wishes to place financial reliance upon this property is acting at their own risk. Access Valuations will not and cannot give indemnity to any persons/company, who suffers potential financial losses by the advancement of any mortgage funds over the subject property. Access Valuations will in no way endorse this report for mortgage assessment. Access Valuations will in no way recommend that this property be considered as being suitable for mortgage security.

This valuation is for the use only of the party to whom it is addressed and for no other purpose. No responsibility is accepted to any third party who may use or rely on the whole or any part of the content of this valuation. Neither the whole no any part of this Valuation Certificate nor any reference hereto may be included in any published document, circular or statement nor published in part or in full in any way without written approval of **Access Valuations Pty Limited.** We accept no responsibility to third parties for errors and omissions which may appear herein.

This valuation has been prepared by Simon Azar, FAPI, Member No. 68304, as engaged by **Access Valuations Pty. Ltd ACN 079 865 204.**

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ACCESS VALUATIONS PTY LTD

20. VALUATION

I assess the Current Market Value of the within described property, **296 Merrylands Road, Merrylands, New South Wales,** unencumbered and in accordance with the comments in this report, to be as follows:

Valuation 1: As part development site
$ 1,950,000.00
ONE MILLION, NINE HUNDRED AND FIFTY THOUSAND DOLLARS

OR

Valuation 2: As existing residential flat building
$ 2,190,000.00
TWO MILLION, ONE HUNDRED AND NINETY THOUSAND DOLLARS

ISSUED BY: ACCESS VALUATIONS PTY. LIMITED

SIMON AZAR FAPI
Certified Practising Valuer No. 68304
WITHOUT LIMITATION

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ACCESS VALUATIONS PTY LTD

296 MERRYLANDS ROAD, MERRYLANDS 27 OCTOBER 2020

21. PICTORIAL STUDY

(ALL IMAGES ARE DATED 21/10/2012 VIA APM RESEARCH)

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ACCESS VALUATIONS PTY LTD

296 MERRYLANDS ROAD, MERRYLANDS 27 OCTOBER 2020

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LAND REGISTRY SERVICES

GLOBALX

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 4/2/602

SEARCH DATE	TIME	EDITION NO	DATE
27/10/2020	12:37 PM	3	12/9/1995

LAND

LOT 4 OF SECTION 2 IN DEPOSITED PLAN 602
AT MERRYLANDS
LOCAL GOVERNMENT AREA CUMBERLAND
PARISH OF ST JOHN COUNTY OF CUMBERLAND
TITLE DIAGRAM DP602

FIRST SCHEDULE

MARO REMAILI
DOUNIA CHAAR
AS TENANTS IN COMMON IN EQUAL SHARES (T 0528939)

SECOND SCHEDULE (1 NOTIFICATION)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

tspaccess PRINTED ON 27/10/2020

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* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. GlobalX hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900. Note: Information contained in this document is provided by GlobalX Pty Ltd, ABN 35 099 032 596, www.globalx.com.au an approved NSW Information Broker.

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MEMBER OF THE API PROPERTY INSTITUTE

Valuation Report

Property

Residential Flat Building,
296 Merrylands Road, Merrylands NSW 2145.

Instructed By

Anthony Chalhoub
Email: anthonypeterchalhoub@gmail.com
C/- Michael Trinh – Idraft Architects.
Unit 43, 2 Slough Avenue, Silverwater NSW 2128
Telephone: 9648 8848 Mobile: 0488 884 488
Email: Michael@idraft.com.au

Date of Inspection

23 October 2020 (External)

Date of Valuation

23 October 2020

Valuation For

Anthony Chalhoub

This valuation is for the use only of the party to whom it is addressed and for no other purpose. No responsibility is accepted to any third party who may use or rely on the whole or any part of the content of this valuation. No part of this Valuation may be published in any way without written approval of the Company of the format and context in which it may appear.

Purpose

To assist Anthony Chalhoub in purchase negotiations by determining the current market value of the subject property firstly on a single holding basis and secondly as a development site amalgamated with the adjoining properties (298-302 Merrylands Road and 2-2A Cambridge Street, Merrylands).

Valuation

Having regard to the assumptions and disclaimers referred to in the following report we are of the opinion that the current market value of the property on a single holding basis as at 23 October 2020, is:

Two Million One Hundred Thousand Dollars ($2,100,000)

And as a development site amalgamated with the adjoining property (298-302 Merrylands Road and 2-2A Cambridge Street, Merrylands) as at 23 October 2020, is:

One Million Eight Hundred Thousand Dollars ($1,800,000)

 # Note Disclaimer on the final Valuation Certificate page of this report

Jeff Younis JP BCom (Land Ec.) B Env Plan AAPI
Certified Practising Valuer
AAPI No. 68868
Liability limited by a scheme approved under Professional Standards Legislation

Ref: Merrylands, 296 Merrylands Road (J) - 2020

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1 Introduction

1.1 Instructions

This valuation of, 296 Merrylands Road Merrylands (subject property), has been prepared on specific instructions from Michael Trinh from Idraft Architects to assist Anthony Chalhoub in purchase negotiations by determining the current market value of the subject property firstly on a single holding basis and secondly as a potential development site amalgamated with the adjoining properties (298-302 Merrylands Road and 2-2A Cambridge Street, Merrylands).

This confidential report is not to be relied upon by any other person or for any other purpose. We accept no liability to third parties nor do we contemplate that this report will be relied upon by third parties. We invite other parties who may come into possession of this report to seek our written consent to them relying on this report. We reserve our right to withhold consent or to review the contents of this report in the event that our consent is sought.

This valuation is current at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period of time (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume responsibility or accept any liability where the valuation is relied upon after the expiration of ninety (90) days from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.

1.2 Interest Being Valued

The interest being valued is the fee simple in possession. The property comprises the land and the improvements thereon together with all fixtures and fittings.

1.3 Investigations

This valuation is conducted on the basis that we are not engaged to carry out all possible investigations in relation to the property. We have identified certain limitations to our investigations to enable you to instruct further investigations if you consider this appropriate. Blueprint Property is not liable for any loss occasioned by a decision not to instruct further investigations.

1.4 Assumptions

As some matters are not capable of accurate calculation, or fall outside the scope of our expertise, or instructions, assumptions will be a necessary part of this valuation. The risk that any of the assumptions adopted in this document may be incorrect should be taken into account. Blueprint Property does not warrant or represent that the assumptions on which this valuation is based are accurate or correct.

1.5 Information Supplied by Others

This document contains a significant volume of information which is directly derived from other sources, without verification by us including, but not limited to details of sales evidence, town planning information and environmental and other expert reports. We confirm that we are not instructed to verify this information. Further, the information is not adopted by Blueprint Property as our own, even where it is used in our calculations. Where the content of this document has been derived, in whole or part, from sources other than Blueprint Property, Blueprint Property does not warrant or represent that such information is accurate or correct.

1.6 Definition of Market Value

In accordance with the definition adopted by the Australia Property Institute, Market Value is defined as:

"Market value is the estimated amount for which the asset should exchange on the date of valuation between a willing buyer and a willing seller in an arms length transaction, after proper marketing, wherein the parties had each acted knowledgeably, prudently and without compulsion.

1.7 Valuer's Interest

We confirm that the valuer: -

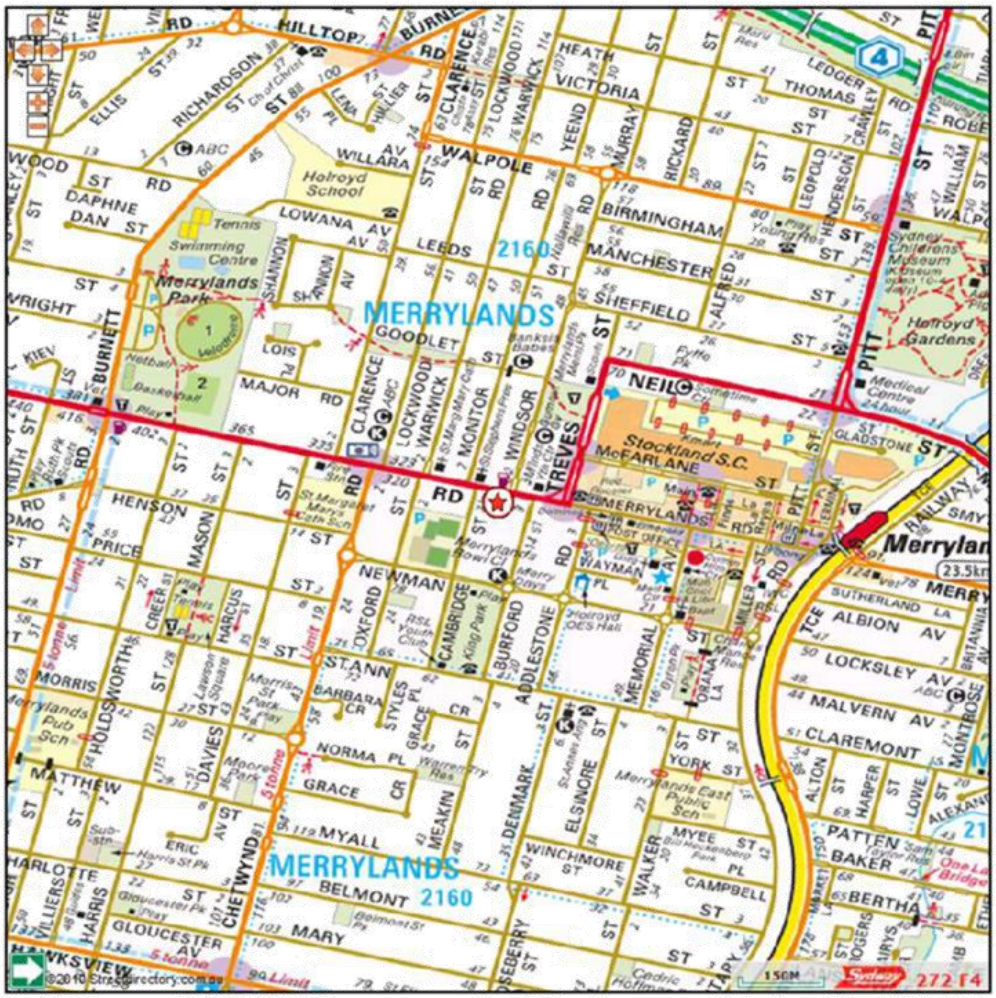
1. Is suitably qualified to carry out the valuations.
2. Is authorised under the law of the state or territory where the valuation takes place to act as a valuer.
3. Has no pecuniary interest that could reasonably be regarded as being capable of affecting that person's ability to give an unbiased opinion of the value or that conflict with the proper valuation of the property.

2 Property Particulars

2.1 Location and Locality

The subject property is situated on the southern side of Merrylands Road, between the intersections of Cambridge Street and Burford Street, 500 metres west of Merrylands Railway Station and 24 kilometres west of the Sydney Central Business District.

Properties surrounding the subject property predominately comprise a combination of single storey free standing residential dwellings and residential flat buildings.



2.2 Title Details

Torrens Title property known as Lot 4 in Section 2 in Deposited Plan 602 at Merrylands in the Holroyd Local Government Area, Parish of St John and in the County of Cumberland.

2.3 Registered Proprietor

According to Cumberland Council records the proprietors of the property are Maro Remaili and Dounia Chaar as tenants in common in equal shares.

2.4 Encumbrances

Any person intending to rely on this valuation should conduct a search of the Title to confirm that there are no covenants, easements or reservations detrimental in any way to the value of the property. Should any encumbrance not referred to above be found to exist, the valuation should be returned to the valuer for review.

2.5 Land Description

The land subject of this valuation comprises an area of 697 square metres in accordance with Council records and is rectangular shaped site with boundaries as follows:

Merrylands Road Frontage:	15.24 metres
Rear Boundary:	15.24 metres
Side Boundaries:	45.72 metres

All areas and dimensions quoted herein are approximate. The land is relatively level with minimal fall.

2.6 Environment

A site inspection has not revealed any obvious pollution or contamination. Therefore this valuation has been completed on the basis that the site is not contaminated and has not been affected by pollutants of any kind. Any contamination of the land or existence of pollutants on the land is likely to affect the value of the land. Verification that the property is free from contamination and has not been affected by pollutants of any kind should be obtained from a suitably qualified environmental consultant. Should subsequent investigation show that the site is contaminated, our valuation will require revision.

2.7 Land Identification

The land has been identified by reference to the street numbers of the existing residential development and Cumberland Council maps and plans.

Whilst we have physically identified the boundaries upon inspection and there does not appear to be any encroachments, we are not surveyors and no warranty can be given without the benefit of an identification survey.

The valuation is made on the basis that there are no encroachments by or upon the property and this should be confirmed by a current survey report and/or advice from a Registered Surveyor. If any encroachments are noted by the survey report the valuer should be consulted to reassess any effect on the value stated in this report.

2.8 Services

Electricity, water, sewer and telephone are available to the property.

Merrylands Road is the main traffic route into Merrylands from the west, it carries two lanes of traffic in both directions and is sealed full width with bitumen and has concrete kerb and guttering and a formed concrete footpath.

The property is conveniently situated within 1 kilometre of a wide range of retail, commercial, educational, transport, and recreational and spiritual facilities.

2.9 Town Planning

Our enquiries through the Town Planning Department of Holroyd City Council reveal that the zoning of the property is B6 Enterprise pursuant to Holroyd Local Environmental Plan 2013.

The existing use of the property as a residential flat building is permitted under existing use rights.

The planning information set out in this report has been obtained from our own enquiries with the relevant authorities and is relied upon in our assessment of value. No responsibility is accepted for the accuracy of the planning information.

Town Planning (Continued)

We recommend that this zoning information should be verified by obtaining from Council a Planning Certificate pursuant to Section 10.7 of the Environmental Planning and Assessment Act, 1979.

We have been provided with the following basic density study which has been completed by IDraft Architects and states:-

Stand alone: 296 Merrylands Road, Merrylands
8 residential units with 1 shop over basement parking (Mix of 2 and 3 bedroom units)

Combined site: 296-302 Merrylands Road and 2-2A Cambridge Street, Merrylands
52 residential units with 8 shops over basement parking (Mix of 1, 2 and 3 bedroom units)

Current Development Application
298-302 Merrylands Road and 2-2A Cambridge Street, Merrylands 40 residential units with 6 shops over basement parking (Mix of 1, 2 and 3 bedroom units)

Any person intending to rely on this Valuation should make the usual enquiries of the statutory authorities to ascertain the precise nature and extent of the restrictions on the future development of the property.

3 Improvements

From my external inspection, research and information provided, we have assumed that the subject property accommodates 6 x 2 bedroom residential home units each with balcony, combined lounge/dining area, kitchen, bathroom and rear car space.

We have assumed that the units each contain kitchens with original timber veneer cupboards and electric appliances. Bathrooms in original condition with combined bath & shower.

Should any part of the above information be deemed incorrect then we shall reserve the right to amend and or adjust this report accordingly.

3.1 Construction

The construction of the dwellings are summarised as follows:

Footings	Reinforced concrete
Flooring	Reinforced concrete
External Walls	Brick
Internal Walls	Rendered and painted
Roof Covering	Tiled
Ceiling Lining	Plaster set
Windows	Aluminium framed

3.2 Building Certification

We have carried out an inspection of exposed and readily accessible areas of the improvements. However, the Valuer is not a building construction or a structural expert and is therefore unable to certify as to the structural soundness of the improvements. Readers of this report should make their own enquiries.

It is possible that the property may suffer from defects that are unexposed or inaccessible and so have escaped attention. We cannot comment on possible defects, rot, infestation or the existence or otherwise of asbestos or other materials now considered suspect.

We did not observe any pest infestation during my inspection. However we are not qualified pest experts and recommend a pest certificate be obtained from an appropriate expert showing the property to be free from infestation (whether active or dormant). A Building Certificate, issued under Section 169 of the Local Government Act 1993, should be obtained. A satisfactory final inspection advice should be obtained from the Local Government Authority to ensure compliance with any development and/or building consent.

4 Valuation Rationale

The appropriate technique to ascertain the current market value of the subject property is the direct comparison method of valuation. This method of valuation involves direct comparison of the subject property with properties the subject of recent or relatively recent sales and an analysis of those sales to reflect the variances with regard to location, size, accessibility and development potential.

4.1 Sales Evidence

The following information has been obtained purely as a guide and while we understand the facts to be reliable, we have not sighted the contracts for sale and are therefore unable to guarantee their accuracy.

The following sales evidence has been obtained from reliable sources including RP Data (Sales produced from the NSW Land Titles Office and Valuer General's Department). We have also, where possible, had discussions with local Real Estate Agents to undertake a process of verification of the data. Should it be revealed that any of the sales information stated herein, upon which we have relied, is incorrect or misleading, we reserve the right to reconsider our opinion of Market Value as determined herein.

Where sales data have been obtained from RP Data, we have considered that to be the most current sales data available. However sales which have occurred during the course of the last three months or sales which have been the subject of deferred settlement terms may not necessarily appear immediately on the Land Titles Office records. Accordingly with this type of transaction, we rely on separate enquiries to attempt to obtain all available sales data.

In certain instances it has not been possible for us to inspect properties internally, however they have been externally inspected for purposes of carrying out our valuation.

4.2 Sales Evidence (Existing Single Holding)

The sales evidence have been analysed to ascertain the value of the subject property on a single holding basis.

Sale Date	Sale Price	Land Area m²
13 July 2020	$1,820,000	613

43 MANCHESTER STREET, MERRYLANDS

Two level brick residential flat building (Circa 1970's). The development comprises 4 x 2 bedroom units and 2 x 1 bedroom units with combined lounge and dining, original kitchen and bathroom. Sale represents a value of approx. $330,000 per 2 bedroom unit and $250,000 per 1 bedroom unit.
Zoned Residential R4 and a 1.2:1 FSR.

- Comparable location.
- Slightly inferior land area.
- Supports a value of $350,000 per unit for the subject.

Sale Date	Sale Price	Land Area m²
17 August 2020	$2,350,000	697

57 NEIL STREET, MERRYLANDS

Two level red brick residential flat building (Circa 1970's) with car ports located at the rear of the property. The development comprises 6 x 2 bedroom units. Sale represents a value of $391,666 per unit.
Zoned Residential R4 and a 1.2:1 FSR.

- Comparable location.
- Comparable land area.
- Supports a value of $350,000 per unit for the subject.

Sale Date	Sale Price	Land Area m²
3 May 2019	$3,000,000	1,160

41 MEMORIAL AVENUE, MERRYLANDS

Two level red brick residential flat building (Circa 1970's) with at grade parking to the rear of the building. The development 8 x 2 bedroom units and 2 x 3 bedroom units. Sale represents a value of $300,000 per unit.
Zoned Residential R4 and a 1.2:1 FSR.

- Comparable location.
- Larger land area.
- Supports a value of $350,000 per unit for the subject.

Sales Evidence* (Existing Single Holding) *(Continued)

Sale Date	Sale Price	Land Area m²
14 September 2019	$2,760,000	704
6 MAUD STREET, GRANVILLE		
	Two level brick residential flat building (Circa 1970's). The development comprises 8 x 2 bedroom units. Sale represents a value of $345,000 per unit. Zoned Residential B4 and a 2.1:1 FSR. • Slightly inferior location. • Comparable land area. • Supports a value of $350,000 per unit for the subject.	

Having analysed the sales evidence and the condition of the subject property, we of the opinion that the current market value of the subject property on a single holding basis is $350,000 per flat which equates to a total value of $2,100,000.

4.3 Sales Evidence (Development Site)

Address	Sale Date	Sale Price ($)	Land Area (m^2)	F.S.R.	($)/$m^2$ (F.S.R.)
231 William Street Merrylands	07/20	880,000	469	0.8:1	2,347
23 Memorial Avenue Merrylands	12/19	1,650,000	632	3:1	870
33 Military Road Merrylands	12/19	1,300,500	930	0.7:1	1,998
69 Monitor Road Merrylands	06/20	1,068,000	638	0.7:1	2,389

4.4 Reconciliation of Sales Evidence

The sales evidence reflects analysed land values on a capital rate per square metre of FSR range between $870 /m^2 and $2,389/m^2.

In analysing the sales evidence we have attributed a nominal value to the improvements on the land as we are informed all of the sales were purchased by developers for the purpose of development.

Those properties reflecting a higher value per square metre are generally in a superior location or have a wider street frontage.

Having regard to the nature, size, dimensions, zoning provisions and location of the subject property we consider an appropriate capital rate per square metre of FSR to fall within the vicinity of $1,200 to $1,400.

697 square metres @ FSR of 2:1 = 1,394 square metres.

1,394 square metres @ $1,300 per square metre = $1,812,200.

But say $1,800,000.

5 Valuation Certificate

Having regard to the matters referred to in this report, we are of the opinion that the current market value of the property on a single holding basis as at 23 October 2020, is:

Two Million One Hundred Thousand Dollars ($2,100,000)

And as a development site amalgamated with the adjoining property (298-302 Merrylands Road and 2-2A Cambridge Street, Merrylands) as at 23 October 2020, is:

One Million Eight Hundred Thousand Dollars ($1,800,000)

Jeff Younis JP BCom (Land Ec.) B Env Plan AAPI
Certified Practising Valuer
AAPI No. 68868
Liability limited by a scheme approved under Professional Standards Legislation

"The market that the property is transacted and valued in is being impacted by the uncertainty that the COVID-19 outbreak has caused. Market conditions are changing daily at present. As at the date of valuation we consider that there is a market uncertainty resulting in significant valuation uncertainty.

This valuation is current at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period of time (including as a result of factors that the Valuer could not reasonably have been aware of as at the date of valuation). We do not accept responsibility or liability for any losses arising from such subsequent changes in value.

Given the valuation uncertainty noted, we recommend that the user(s) of this report review this valuation periodically."

DOCUMENTS ASSOCIATED WITH REPORT LPP018/21

Attachment 4

Submissions Recieved

From: [redacted]
Sent: Saturday, 6 February 2021 5:06 PM
To: Records Department <council@cumberland.nsw.gov.au>
Subject: DA2020/0791

Hi Whom it may concern.

I would like to submit my concerns for consideration for the development proposal on site DA2020/0197. I would like to know what contingencies are in place for parking, noise, traffic.and what the zoning for 296 Merrylands Road will be in the future as I have noticed this is not part of the proposed development plans.
I have also noted there will be a basement carpark on the proposed site and would like to know that the council consent to include all appropriate provisions required for construction access to mitigate and have minimal impact on land and building of 4-6 Cambridge Street Merrylands, 2160. For example, provisions to mitigate sinking holes, damage to our land and property such as foundations etc.

Your sincerely
[redacted]

From: [redacted]
Sent: Monday, 1 February 2021 5:13 PM
To: Records Department <council@cumberland.nsw.gov.au>
Subject: Feedback for DA2020/0791

Dear Elma,

Thank you for your letter dated 13 January 2021 concerning DA2020/0791. I live in [redacted] and would like to express concern over any fast-tracking of this particular application.

Given that the proposed development is vastly different from the two or three storey buildings on the same block - six floors in total - the proposal is set to have a disruptive impact on existing settlements.

- Street parking is currently very limited on this particular block due to the new gym on the corner of Burford Street and Merrylands Road. The new development should not have a shopfront & it will contribute to local congestion.
- A six storey building will cast a shadow over [redacted]. The [redacted] units facing the building from my complex will be affected adversely.
- Balconies facing [redacted] to be a sufficient distance away from the balconies at the rear of the building.
- Cramming 42 units into where there are currently three homes is simply unsustainable

Finally, I request an extension to the consultation period of three months in order for more input to be provided by affected stakeholders. The way council letters are formatted are not always friendly to lay people who don't often review development applications.

I thank you for your consideration, and I hope that common sense will prevail.

Kind regards,
[redacted]

From: [redacted]
Sent: Wednesday, 20 January 2021 11:18 AM
To: Diep Hang <diep.hang@cumberland.nsw.gov.au>
Cc: [redacted]
Subject: DA2020/0791 298 Merrylands Road, Merrylands. NSW

Dear Diep,

Thank you for talking to me today.

We, [redacted] are the owners of [redacted], Merrylands.
We have received from Council notification that our neighbours are to commence their development, which includes-

Demolition of existing structures and construction as per development #DA2020/0791.

We believe that the existing structures have asbestos as they are built of OLD FIBRO SHEETS.

1. How are our tenants protected from the asbestos dust while the demolition work is being carried out?

2. How are our tenants protected from the dust during the structure of the new buildings?

3. Does Council arrange for an inspection of our property, inside and out, before work starts?

4. In case there is damage to our property after the work is completed how is this addressed?

[redacted]

Yours faithfully,

[redacted]

-----Original Message-----
From: [redacted]
Sent: Wednesday, 10 February 2021 11:44 AM
To: Records Department <council@cumberland.nsw.gov.au>
Cc: [redacted]
Subject: submission for 2020/0197

To Whom It May concern,

I would like to know how my unit will be affected by the proposed site DA2020/0791. It appears the shadow diagrams are for ground level, [redacted]. I would like to see sun diagrams throughout the year, Spring,Summer, Autumn and winter.

I would also like to know what contingencies are in place by the council regarding, noise, dust, parking and if due to the underground carpark if a containment wall will be built on the boundary of this site on their land to prevent damage [redacted]. ie: sink holes, damage to our building foundations. What contingencies are in place if the developer goes into receivership, or if they do damage our property assurances to ensure they pay for the damage. Is the zone for [redacted] the same as 298 -302 Merrylands Road? I have also noted 296 is not part of the proposed development, what if this is sold how will this affect my property? What would future zone be?

The south side of the proposed site, are the windows going to be double glazed to reduce noise? Will these be smaller windows and higher up so as not to invade the privacy of my unit and balcony? The large balcony, where does this sit in relation to my balcony. As the owner my have large parties and this will affect the enjoyment and privacy, noise etc of my unit.

Worth noting, this development has been approved for 5 levels, now they are seeking approval for 6. I would like the council to consider leaving the site at the 5 levels that have previously been approved.

Yours sincerely
[redacted]

DOCUMENTS ASSOCIATED WITH REPORT LPP018/21

Attachment 5

Apartment Design Guide Compliance Table

Attachment 5 - Apartment Design Guide compliance table

No.	Control		Comments	Compliance
Part 3 - Siting the Development				
3B	**Orientation**			
3B-2	*Solar access to the neighbouring properties should be considered.*		Due to its orientation, the proposal does not result in any unreasonable adverse overshadowing impacts to the neighbouring properties. The neighbouring property to the south will achieve solar access to it POS 12pm and 3pm.	Yes
3C	**Public Domain Interface**			
3C-1	*Transition between private and public domain is achieved without compromising safety and security.*			Yes
3C-2	*Amenity of the public domain is retained and enhanced.*			Yes
3D	**Communal and Public Open Space**			
3D-1	*An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.*			
	Design Criteria	Communal open space has a minimum area equal to 25% of the site. **Required:** 25% x 2074.1sqm = 518.5m².	575sqm (27%) of combined communal open space provided to the ground level and roof top terrace.	
		Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).	Shadow diagrams detail that the rooftop and ground level COS areas receive adequate solar access.	Yes
3D-2	*Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.*			Yes
3D-3	*Communal open space is designed to maximise safety.*			Yes
3E	**Deep Soil Zones**			
3E-1	*Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.*			The ground floor communal area provides for a deep soil zone
	Design Criteria	Deep soil zones are to meet the following minimum requirements: Site area / Minimum dimensions / Deep soil zone (% of site area) less than 650m² / - / 7% 650m² - 1,500m² / 3m greater than 1,500m² / 6m greater than 1,500m² with significant existing tree cover / 6m **Required:** 7% x 2074.1m² = 145.2m²	264.8sqm (12.7%) Provided	Yes
3F	**Visual Privacy**			
3F-1	*Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.*			Yes
	Design Criteria	Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:	Minimum setback provided at the eastern side is: At level 1 to level 3 – 5m between balcony and side	Yes Considered acceptable.

<table>
<tr><td></td><td></td><td><table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table></td><td></td><td>boundary. However, the subject balconies are separated from neighbouring balconies by over 8m. in addition, to minimise any adverse amenity impacts to the units to east, 1.8m high privacy screens are proposed to the east facing balconies, which is supported.

At level 4 – 6m setback provided from eastern boundary.

At level 5 – 9m setback provided from easte
rn boundary fence.

Southern side:

Levels 1 to 3 : 6m setback provided from the boundary.

At level 4 and 5: over 12m setback from existing boundary provided to the southern side.</td><td></td></tr>
<tr><td>3F-2</td><td colspan="3">Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</td><td></td><td>Yes</td></tr>
<tr><td>3H</td><td colspan="5">Vehicle Access</td></tr>
<tr><td>3H-1</td><td colspan="4">Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</td><td>Yes</td></tr>
<tr><td>3J</td><td colspan="5">Bicycle and Car Parking</td></tr>
<tr><td>3J-1</td><td colspan="4">Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.</td><td>Yes</td></tr>
<tr><td></td><td>Design Criteria</td><td>For development in the following locations:

• on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or
• on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre,

The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.

The car parking needs for a development must be provided off street.</td><td>The subject site is within 800 metres of Merrylands Train Station.

<table><tr><th>Required</th><th>Provided</th></tr><tr><td>Studio/ 1bedroom - 0.8 spaces x 6 = 4.8 (5)</td><td rowspan="5">45 residential and 8 visitors parking provided.</td></tr><tr><td>2 bedroom - 1 x 31 = 31</td></tr><tr><td>3 bedroom - 1.2 x 5 = 6</td></tr><tr><td>Visitors - 0.2 spacesx42 = 8.4</td></tr><tr><td>Total = 50</td></tr></table></td><td></td><td>Yes</td></tr>
<tr><td>3J-2</td><td colspan="4">Parking and facilities are provided for other modes of transport.</td><td>Yes</td></tr>
<tr><td>3J-3</td><td colspan="4">Car park design and access is safe and secure.</td><td>Yes</td></tr>
<tr><td>3J-4</td><td colspan="4">Visual and environmental impacts of underground car parking are minimised.</td><td>Yes</td></tr>
<tr><td>3J-5</td><td colspan="3">Visual and environmental impacts of on-grade car parking are minimised.</td><td>Yes</td><td>N/A</td></tr>
</table>

3J-6	*Visual and environmental impacts of above ground enclosed car parking are minimised.*			Yes

Part 4 – Designing the Building				
4A	**Solar and Daylight Access**			
4A-1	*To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.*			Yes
	Design Criteria	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas. **Required:** 70% x 42 units = 30 units	30 of 42 units (71.5%) receive at least 2 hours.	Yes
		A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter. **Required:** 15% x 42 units = 6 units max	9 units (20%) do not receive any solar access. Due to the existing site constraints and its orientation, solar access is not achieved within the units. However, balconies of all these units will receive solar access. In light to of this, minor non-compliance is considered acceptable.	No, Considered acceptable.
4B	**Natural Ventilation**			
4B-1	*All habitable rooms are naturally ventilated.*			Yes
4B-2	*The layout and design of single aspect apartments maximises natural ventilation.*			Yes
4B-3	*The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.*			Yes
	Design Criteria	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. **Required:** 60% x 42 units = 26 units	35 of 42 (83%) units are naturally cross ventilated	Yes
		Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Overall unit depth is maximum 14m.	Yes
4C	**Ceiling Heights**			
4C-1	*Ceiling height achieves sufficient natural ventilation and daylight access.*			Yes
	Design Criteria	Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	Ceiling height for ground floor commercial is 3.7. 2.7m for all residential floors. The first-floor unit does not achieve 3.3m floor to ceiling height. However, it is noted that the overall height of the building will be increased, and the breach will be intensified, if a strict compliance is	Partially complies Considered acceptable.

<table>
<tr><td></td><td></td><td><table><tr><th colspan="2">Minimum ceiling height
for apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor
2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table></td><td>requested with this provision. As such, proposed development is considered acceptable in this instance.</td><td></td></tr>
<tr><td>4D</td><td colspan="3">Apartment Size and Layout</td><td></td></tr>
<tr><td>4D-1</td><td colspan="3">The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.</td><td></td></tr>
<tr><td></td><td>Design Criteria</td><td>Apartments are required to have the following minimum internal areas:<table><tr><th>Apartment type</th><th>Minimum internal area</th></tr><tr><td>Studio</td><td>35m²</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 bedroom</td><td>90m²</td></tr></table>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.

A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</td><td>All apartments comply with minimum internal areas.</td><td>Yes</td></tr>
<tr><td></td><td></td><td>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</td><td>Yes</td><td>Yes</td></tr>
<tr><td>4D-2</td><td colspan="3">Environmental performance of the apartment is maximised.</td><td>Partially</td></tr>
<tr><td></td><td>Design Criteria</td><td>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</td><td>All comply</td><td>Yes</td></tr>
<tr><td></td><td></td><td>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</td><td>living area for units 40 and 41 achieves 9m depth. However these units rely on skylights as secondary source of natural ventilation. This will provide adequate daylight and ventilation and as such considering its location, the minor breach is considered acceptable.</td><td>No</td></tr>
<tr><td>4D-3</td><td colspan="3">Apartment layouts are designed to accommodate a variety of household activities and needs</td><td>Yes</td></tr>
<tr><td></td><td>Design Criteria</td><td>Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).</td><td>Units 2, 7, 11, 16, 19, 24, 26, 34 and 36 are marginally non-compliant. However, master bedroom of all these units consists of minimum 3m dimension and achieves a window to the external wall. The bedroom layouts is</td><td>Yes</td></tr>
</table>

			considered to provide spaces for a range of activities.	
		Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	All comply	Yes
		Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments.	All units achieves this.	Yes
		Wardrobes are to have a minimum length of 1.5 m for all bedrooms and 1.8m for master bedrooms.	Unit 5, 10, 14, 25, 30, 35 have wardrobes 1.3 m in length which is less than the required minimum of 1.5m. Minor non-compliance considered satisfactory as the proposed floor layouts improves the functionality of a number of apartments.	
		The width of the cross over or cross through apartments are at least 4m internally.	Compliance achieved.	Yes
4E	**Private Open Space and Balconies**			
4E-1	*Apartments provide appropriately sized private open space and balconies to enhance residential amenity.*			Yes
	Design Criteria	All apartments are required to have primary balconies as follows: Dwelling type / Minimum area / Minimum depth Studio apartments: 4m² / - 1 bedroom apartments: 8m² / 2m 2 bedroom apartments: 10m² / 2m 3+ bedroom apartments: 12m² / 2.4m The minimum balcony depth to be counted as contributing to the balcony area is 1m.	All comply	Yes
		For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.	N/A	N/A
4E-2	*Primary private open space and balconies are appropriately located to enhance liveability for residents.*			Yes
4E-3	*Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.*			Yes
4E-4	*Private open space and balcony design maximises safety.*			Yes
4F	**Common Circulation and Spaces**			
4F-1	*Common circulation spaces achieve good amenity and properly service the number of apartments.*			Yes
	Design Criteria	The maximum number of apartments off a circulation core on a single level is eight.	The maximum number of units per core per floor is 5.	Yes
		For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Not applicable.	N/A
4F-2	*Common circulation spaces promote safety and provide for social interaction between residents.*			Yes

CUMBERLAND LOCAL PLANNING PANEL

4G	**Storage**			
4G-1	*Adequate, well designed storage is provided in each apartment.*			Yes
	Design Criteria	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: Dwelling type / Storage size volume Studio apartments / 4m³ 1 bedroom apartments / 6m³ 2 bedroom apartments / 8m³ 3+ bedroom apartments / 10m³ At least 50% of the required storage is to be located within the apartment.	Condition recommended requiring the development to achieve ADG compliant storage for all units.	Yes
4G-2	*Additional storage is conveniently located, accessible and nominated for individual apartments.*			Condition recommended requiring the development to achieve ADG compliant storage for all units.
4H	**Acoustic Privacy**			
4H-1	*Noise transfer is minimised through the sitting of buildings and building layout.*			Yes
4H-2	*Noise impacts are mitigated within apartments through layout and acoustic treatments.*			Yes
4K	**Apartment Mix**			
4K-1	*A range of apartment types and sizes is provided to cater for different household types now and into the future.*			Yes
4K-2	*The apartment mix is distributed to suitable locations within the building.*			Yes
4O	**Landscape Design**			
4O-1	*Landscape design is viable and sustainable.*			Yes
40-2	*Landscape design contributes to the streetscape and amenity.*			Yes
4Q	**Universal Design**			
4Q-1	*Universal design features are included in apartment design to promote flexible housing for all community members.*			Yes
4Q-2	*A variety of apartments with adaptable designs are provided.*			Yes
4Q-3	*Apartment layouts are flexible and accommodate a range of lifestyle needs.*			Yes
4S	**Mixed Use**			
4S-1	*Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.*			Yes
4S-2	*Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.*			Yes
4T	**Awnings and Signage**			
4T-1	*Awnings are well located and complement and integrate with the building design.*			Yes
4T-2	*Signage responds to the context and desired streetscape character.*			N/A
4V	**Water Management and Conservation**			
4V-1	*Potable water use is minimised.*			Yes
4V-2	*Urban stormwater is treated on site before being discharged to receiving waters.*			Yes
4V-3	*Flood management systems are integrated into site design.*			Yes
4W	**Waste Management**			
4W-1	*Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.*			Yes
4W-2	*Domestic waste is minimised by providing safe and convenient source separation and recycling.*			Yes

DOCUMENTS ASSOCIATED WITH REPORT LPP018/21

Attachment 6

Holroyd Local Environmental Plan 2013 Compliance Table

ATTACHMENT 6 – HOLROYD LOCAL ENVIRONMENTAL PLAN 2013 COMPLIANCE TABLE

Clause	Yes	No	N/A	Comment
Land use table				
Zone B6 – Enterprise Corridor **1 Objectives of zone** • To promote businesses along main roads and to encourage a mix of compatible uses. • To provide a range of employment uses (including business, office, retail and light industrial uses). • To maintain the economic strength of centres by limiting retailing activity • To provide for residential uses, but only as part of a mixed use development. **2 Permitted without consent** Nil **3 Permitted with consent** Boarding houses; Bulky goods premises; Business premises; Community facilities; Food and drink premises; Garden centres; Group homes; Hardware and building supplies; Hostels; Hotel or motel accommodation; Landscaping material supplies; Light industries; Multi dwelling housing; Neighbourhood shops; Passenger transport facilities; Plant nurseries; Residential flat buildings; Roads; Shop top housing; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4 **4 Prohibited** Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition	☒	☐	☐	The proposal provides for residential development as part of a mixed-use development, and business activity along the main road. Shop top housing, Mixed use development, neighbourhood shops, and business premises are permitted with consent.

Clause	Yes	No	N/A	Comment
homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Home occupations (sex services); Industrial retail outlets; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Truck depots; Vehicle body repair workshops; Veterinary hospitals; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities				
4.3 Height of buildings (1) The objectives of this clause are as follows: (a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties, (b) to ensure development is consistent with the landform, (c) to provide appropriate scales and intensities of development through height controls. (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	☐	☒	☐	In accordance with the Height of Buildings Map accompanying HLEP 2013, a maximum 17m building height applies to the site. The proposed development at its highest point is 20m which is 3m above the maximum permitted height (which includes 650mm of lift overrun), or a 17.6% variation to the standard. Notwithstanding the variation, the proposed development is considered acceptable as discussed below under clause 4.6 of the HELP 2013.
4.4 Floor space ratio (1) The objectives of this clause are as follows: (a) to support the viability of commercial centres and provide opportunities for economic development within those centres, (b) to facilitate the development of a variety of housing types, (c) to ensure that development is compatible with the existing and desired future	☒	☐	☐	In accordance with the FSR map accompanying HLEP 2013, a maximum FSR of 2.00:1 (4148.2sqm) applies to the subject site. The proposal results in FSR of 1.94:1 (4016.30sqm), which complies with the permissible FSR control.

Clause	Yes	No	N/A	Comment
built form and character of the locality, (d) to provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping. (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 standards (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.	☒	☐	☐	Clause 4.6 written request has been submitted for the height variation – Refer to discussion in the body of report.
5.10 Heritage Conservation	☐	☐	☒	The site is not heritage listed, nor in the vicinity of a heritage item.
6.2 Earthworks (3) Before granting development consent for earthworks, the consent authority must consider the following matters: (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics,	☒	☐	☐	Subject to the recommended conditions, the proposed earthworks will not have a detrimental effect on existing drainage patterns or soil stability. The proposal will not affect the amenity of adjoining properties.

Clause	Yes	No	N/A	Comment
(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.				
6.4 Flood planning (1) The objectives of this clause are as follows: (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, (c) to avoid significant adverse impacts on flood behaviour and the environment. (2) This clause applies to land at or below the flood planning level.	☐	☐	☒	The proposal was discussed with Council's Development Engineer, who raised some concerns in relation to the flooding of the subject site. The site is identified as being flood prone land. It is noted that flood levels have changed since the previous consent was granted. As such, an updated flood and impact study to appreciate the current situation and impact due to the development and report detaining the risk management measures addressing the issues and the controls (including the flood matrix table) as outlined in the under the section 8.6 part A of Holroyd DCP 2013, is recommended to be submitted to council. It is also recommended that a crest be formed across the driveway within or at the property boundary to prevent the flood water spilling into the basement. It is recommended that the proposal is acceptable subject to the recommended conditions.
6.7 Stormwater management	☒	☐	☐	Subject application was discussed with Council's Development Engineer, who indicated that the stormwater plans should be amended to demonstrate its functionality and must be approved by Council's Engineering and Traffic Unit. Relevant conditions form part of the draft conditions of consent.

Clause	Yes	No	N/A	Comment
6.8 Salinity Consult the Salinity Map accompanying HLEP 2013	☒	☐	☐	The site is identified as having a moderate salinity potential. Appropriate conditions were imposed on the original consent to address this issue.

DOCUMENTS ASSOCIATED WITH REPORT LPP018/21

Attachment 7

Holroyd Development Control Plan 2013 Compliance Table

CUMBERLAND LOCAL PLANNING PANEL

Attachment 7 - Holroyd Development Control Plan 2013 compliance table

No.	Clause	Comment	Yes	No	N/A
PART A – GENERAL CONTROLS					
1	**Subdivision**				
	The application form indicates that strata subdivision is proposed. However, it is noted that no information/plans are provided in support of the proposed strata subdivision. As such, strata subdivision for the subject application is not considered as part of the assessment.		☐	☐	☒
2	**Roads and Access**				
2.4	**Access: Vehicular Crossings, Splay Corners, Kerb & Guttering**				
	VC to be reconstructed if in poor condition, damaged or design doesn't comply.	Existing crossing to be made redundant and new crossing proposed.	☒	☐	☐
	Avoid services/facilities in road reserve, existing trees, pedestrian crossing, pram ramps etc.	Subject to the recommended conditions, no impact on infrastructure or trees anticipated.	☒	☐	☐
	Corner sites VC to be min. 6m from the tangent point.	Around 42m setback provided.	☒	☐	☐
	Corner sites require 3m x 3m (residential) and 4m x 4m (commercial) splay corner to be dedicated.	More than 5x5 splay will be provided with the dedication.	☒	☐	☐
2.7	**Road Widening**				
	The subject site is affected by road widening. following a legal advice for road widening required by the HDCP 2013, an offer to prepare a VPA in exchange of proposed height (20m), which equates to 4 additional units and sixth storey was made to council. This was Supported by Council in April 2021.		☒	☐	☐
3	**Car Parking**				
3.1	**Minimum Parking Spaces**				
	Car Parking – Residential - Studio/1bedroom – 0.8 spaces x 6 = 4.8 (5) - 2 bedroom – 1 space x 31 = 31 - 3 bedroom – 1.2 spaces x 5 = 6 - Visitors/dwellings – 0.2 spacesx42 = 8.4 50 spaces required in total.	43 residential, 1 carwash bay and 8 visitors parking provided.	☒	☐	☐
	Car Parking – Commercial Minimum spaces required: • Commercial - 1 per 20m² – 451.7 m² / 20 = 22.58 (23) • Neighbourhood shop – 1 per 30m² - 451.7 m² / 30 = 15.05 (15)	Use of the ground floor tenancies is not known. As such requirement for commercial is considered. 25 parking spaces, including 5 commercial visitors parking spaces and a loading bay.	☒	☐	☐
	Bicycle Parking Minimum residential spaces required: • Studio / 1 bed. unit = 0.5 • 2 bed unit = 0.5 • 3+ bed unit = 0.5	0.5 x 0.6 = 3 0.5 x 31 = 15.5 = 16 5 x 0.5 = 2.5 (3) required	☒	☐	☐

CUMBERLAND LOCAL PLANNING PANEL

	• Visitor = 0.1 per unit.	30 bicycle parking spaces proposed			
	Minimum commercial spaces required: GLFA: Employee 1 per 300 m^2 GLFA: Visitor 1 per 2500 m^2	Employees' spaces 1.52 (2) Visitor spaces - 1 Total required = 3 Total provided = 6 (4 in the basement + 2 Cambridge Street façade)	☒	☐	☐
3.3	**Car Parking, Dimensions & Gradient**				
	Council's Traffic Engineer reviewed the application and considers it satisfactory subject to conditions requiring an updated traffic report, consistent with the proposal.		☒	☐	☐
3.5	**Access, Maneuvering and Layout**				
	Driveways shall be setback a minimum of 1.5m from the side boundary.	Over 1.5m setback from side boundary	☒	☐	☐
3.6	**Parking for the Disabled**				
	2 spaces per 100 visitors spaces up to 400, and 1 per 100 thereafter, or part thereof.	10 accessible space provided	☒	☐	☐
4	**Tree and Landscape Works**				
	Refer to the discussion above under Internal Referrals section.		☒	☐	☐
5	**Biodiversity**				
	The subject site is not identified on the Environmentally Sensitive Land Map and is not within an E2 - Environmental Conservation zone.		☐	☐	☒
6	**Soil Management**				
6.1	**Retaining Walls**				
	Full details of retaining walls can be required by condition prior to the issue of a construction certificate.		☐	☐	☒
6.3	**Erosion and Sediment Control Plan**				
	A condition requiring the erosion and sediment to comply with relevant provision is recommended.		☒	☐	☐
7	**Stormwater Management**				
	The application was reviewed by Council's Development Engineer and is considered satisfactory subject to the recommended conditions.		☒	☐	☐
8	**Flood Prone Land**				
	The site is identified as flood prone in Council's mapping. The application was reviewed by Council's Development Engineer and is considered satisfactory subject to conditions.		☒	☐	☐
9	**Managing External Road Noise**				
	It is noted that an Acoustic report was approved as part of the previous consent for the identical development on subject site. However, considering recent developments around subject site, a condition requiring an amended acoustic report to be submitted and approved by the principal certifier prior to issue of a construction Certificate is recommended.		☐	☐	☒
10	**Safety and Security**				
	Design new development to reduce the attractiveness of crime by minimising, removing or concealing crime opportunities.	Proposed design minimises crime opportunities due to inclusion of various active uses such as balconies and commercial premises to the streets.	☒	☐	☐
	Incorporate and/or enhance opportunities for effective natural surveillance by providing clear sight lines between public and private places, installation of effective lighting, and the	Design provides for passive surveillance with clear sightlines between public domain and proposed building entrance and provision of balconies facing main street.	☒	☐	☐

	appropriate landscaping of public areas.				
	Minimise opportunities for crime through suitable access control. Use physical or symbolic barriers to attract, channel and/or restrict the movement of people. Use landscaping and/or physical elements to direct people to destinations, identify where people can and cannot go and restrict access to high crime risk areas such as car parks.	Suitable access control such as doors to main street façade, landscaping proposed.	☒	☐	☐
	Clearly define the boundaries between public and private spaces as a method of territorial reinforcement. Methods other than gates, fences and enclosures are encouraged.	Private spaces are clearly defined.	☒	☐	☐
	When incorporating crime prevention measures in the design of new buildings and spaces, apply subtle design techniques to blend into facades and places, and to be sympathetic with the quality of the streetscape.	Proposal provides for adequate crime prevention measures whilst being sympathetic to the quality of the streetscape.	☒	☐	☐
11	**Waste Management**				
	The bin room location does not seem like a suitable location for residents to dispose off their rubbish. A condition requiring additional safe access to the residential bin room is recommended. Subject to the recommended conditions, proposed development is considered acceptable.		☒	☐	☐
12	**Services**				
	Appropriate conditions are included in the consent requiring consultation with relevant service providers.		☒	☐	☐
PART B – RESIDENTIAL CONTROLS					
1	**GENERAL RESIDENTIAL CONTROLS**				
1.1	**Building Materials**				
	The proposed materials include, alucobond, pgh brick, urban blue exterior wall and colour bond windspray (for door window frames). Detailing and materials of the proposed development is consistent with character of the locality and are unlikely to interfere with the residential amenity within the locality. The combination of dark brick and lighter wall colour complements the architectural language of neighbouring contemporary developments. In addition to this, it is noted that due to the combustible nature of the alucobond, a condition requiring compliance with NCC is recommended.		☒	☐	☐
1.2	**Fences**				
	Street fencing not proposed. No changes to existing side fences proposed.		☐	☐	☒
1.3	**Views**				
	No significant district views will be affected by the proposed development.		☒	☐	☐
1.8	**Sunlight Access**				
	1 main living area of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	**296 Merrylands Road** Due to the orientation of property at 296 Marrylands Road, the proposal will not have any additional adverse impacts to	☐	☒	☐

		the 2 eastern units and they will achieve solar access between 9am and 11pm. However, due to the proposed 6 storey structure (from existing single storey dwelling) solar access to the 2 western units will be reduced and these units will achieve less than 3 hours of solar access on winter solstice. However, this is considered acceptable as: - The noncompliance is a function of the allotment orientation, as the neighboring site is located immediately to the east of the subject site. - Adequate efforts have been made such as over 6m setback of the upper levels (levels 1 -5) from the east to minimize the effect. - Avoiding overshadowing impacts, whilst enabling development for a mixed-use proposal, to satisfy the zone intent is not possible without delivering a significant underdevelopment on the subject site. - Additionally, the proposed built form and setbacks do not result in any unreasonable impact to the character of the area and contributes positively to the street scape. - Having regard to the above, the noncompliance is acceptable, given the lot orientation, design of the development proposal that meets the building envelope controls. **4-6 Cambridge Street** - This property is located to the south of the subject site. The shadow diagrams provided by the applicant indicates that the eastern units and the western unit to the second floor (to the south elevation) achieve solar access for over 3 hours between 9am and 12pm. - However, the western first floor unit (to the south elevation), receives solar access for 2 hours between 9am and 10am and between 2pm and 3pm, which is inconsistent with the DCP provisions. Notwithstanding the above, it is noted that 3m setback is provided for the ground level and the upper levels (1 to 5) are setback by over 6m from the southern boundary.			

		Awing to the orientation of the neighbouring property, compliance with the solar access provision of the DCP will require significant reduction of the proposed built form, which is not considered reasonable. - The proposed built form and setbacks do not result in any unreasonable impact to the character of the area and contributes positively to the street scape. Lin light of the above, the minor non-compliance is considered acceptable. **1 Burford Street:** - Due to its location (to the east) in relation to the subject site, proposed development does not result in any unreasonable adverse shadow impacts to 1 Burford street between 9am and 1pm and the solar access to its POS and balconies will remail as existing. - The resultant shadow impact will only occur for 1hour between 2pm and 3pm, which his considered acceptable.			
	Min. 50% of required POS of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	**296 Merrylands Road** – It is understood that the POS of the neighboring site at 296 Merrylands are located at the front and to the rear. The proposal will not impact on solar access to POS of existing adjacent dwellings and it receives solar access between 9 am and 12pm. **4-6 Cambridge Street** – Front POS receives solar access between 12pm and 3pm.	☒	☐	☐
1.10	**Demolition**				
	Approval for demolition is required from Council.	Demolition of existing structures proposed. Satisfactory subject to the recommended conditions.	☒	☐	☐
	Photographic record capturing the external configuration of the building proposed to be demolished is required.	A condition is recommended requiring compliance with this provision.	☒	☐	☐
1.11	**Vehicular Access and Driveways**				
	VCs to be a minimum width of 3 m and maximum width of 5m at the boundary	6m wide VCs proposed.	☒	☐	☐
	All new driveways should be located at least 1.5 m from side property boundaries	Over 8m from side boundary.	☒	☐	☐
	Council favours the use of a central under-building access with	Proposal complies.	☒	☐	☐

	arrangement for cars to exit the property in a forward direction.				
	Basement parking is mandatory for all residential flat buildings and multi-dwelling developments within the R4 zone.	N/A Subject site is zoned B6 – Enterprise corridor.	☐	☐	☒
1.12	**Universal Housing and Accessibility**				
	15% of units shall be adaptable units Class B. **Required**: 15% x 42 units = 6.3 (6) units	7 adaptable units proposed	☒	☐	☐
7	**Controls for landlocked sites**				
	Encourage the consolidation of properties for the development of high density residential development in a manner that maximises the potential of land to best achieve the zone objectives without resulting in any unreasonable adverse impact to the neighbouring properties and without impact on the character of the streetscape.	Development at the subject site has a potential to landlock adjacent site at 296 Merrylands Road. However, reasonable attempt has been made by the applicants to purchase the land locked site to the east. Adequate evidence of the attempts including written valuations that represent the affected sites potential value and evidence that a genuine, reasonable offer has been made to the owner of affected property (296 Merrylands Road) is provided to the council.	☒	☐	☐
PART C – COMMERCIAL, SHOP TOP HOUSING AND MIXED USE CONTROLS					
1.1	**Lot Size and Frontage**				
	Min. lot frontage for Zone B2, B4, B5 and B6 is: • 4-8 storeys – 26m	27.43 m frontage to Merrylands Road	☒	☐	☐
	Commercial development is not permitted on battleaxe lots	Not a battleaxe lot	☐	☐	☒
	Council may require consolidation of more than 1 existing allotment to meet the DCP.	Not required	☐	☐	☒
	Proposals that cannot be amalgamated shall: • Provide two written independent valuations representing the affected sites value. • Provide evidence that a reasonable offer has been made to the affected owners. Demonstrate how future development on the isolated sites will achieve vehicle access, basement parking and appropriate built form.	Amalgamation not required, however to support site isolation, 2 valuations and letter of offer provided.	☒	☐	☐
1.2	**Floor Area**				
	Bulky good development: bulky goods shall occupy min. 60% TFA.	N/A	☐	☐	☒

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	Food and drink premises in Zone B6: Max. GFA 1000m².	N/A	☐	☐	☒
	Shops in Zone B1: Max. GFA 1000m².	N/A	☐	☐	☒
	Building Use				
	The minimum floor to ceiling height for a floor in a commercial building, or the commercial component of a building shall be: Ground floor: 3.5m	3.7m provided.	☒	☐	☐
	Commercial development shall be located at street level, fronting the primary street, and where possible the secondary street.	Commercial fronts both primary and secondary streets at ground level	☒	☐	☐
	Residential development is permitted at ground floor in Zone B1 and B6.	N/A	☐	☐	☒
	Residential development is not permitted at ground floor in Zone B2 and B4.	N/A	☐	☐	☒
	Where residential development is located at ground level and faces the street, they shall be constructed as flexible floor plates to enable future commercial development.	N/A	☐	☐	☒
1.3	**Building Height**				
	Min. floor to ceiling height of commercial development / component: **Floor** / **Min. Floor to Ceiling** Ground Floor – 3.5m First Floor – 3.3m All other floors – 2.7m	The proposed ceiling heights are as follows: • Ground floor – 3.7m • Levels 1, 2, 3 & 4 – 2.7m The floor to ceiling height for the first floor is inconsistent with the DCP provisions by 0.5m. This provision generally seeks to provide flexibility in the use of the first floor of the development. However, as indicated on the plans, the first floor of proposed development is to be used for residential purposes and the 2.7m floor to ceiling height for residential purposes is considered adequate. Additionally, if the proposal was to be amended to achieve compliance with the DCP provision, it would result in intensification of the breach of the height of building provision of HLEP 2013, and in turn it may result in unreasonable amenity impacts to the neighbouring properties. Also, additional 0.5m height of building would not be consistent with the character of the area. In light of the above, proposed minor departure from DCP control is	☐	☒	☐

		considered acceptable.			
	Maximum building height in storeys shall be provided in accordance with the table below: **Permitted Height (storeys)** **Height** / **Storeys** **17m** / **4**	The subject site has a 17m / 4 storey height maximum. The proposed overall height is 20m / 6 storey. The proposal seeks to provide habitable floor space at level 5 (6th storey) which exacerbates the non-compliance with the LEP too. However, as discussed elsewhere in the report, there are no resultant unreasonable adverse amenity impacts to the adjoining properties. Additionally, the design of the 6th storey is such that it is setback by over 3m from the northern and western facades, making it discernible from distant vantage points. Furthermore, as indicated by the figures 6 and 9 in the report, an existing mixed use development at 306 Merrylands Road also accommodates a 6 storey scale, which is consistent with the proposed design and as such the scale of the proposed development is considered to be compatible with the character of the streetscape. In light of the above, the non-compliance with the number of storeys control is assessed as acceptable.	☐	☒	☐
1.4	**Setbacks, Separation and Depth**				
	Zone B1 shall observe established front setbacks.	N/A	☐	☐	☒
	Zone B2 and B4 are within site specific section of DCP.	N/A	☐	☐	☒
	Zone B5: • Greystanes and Smithfield – 10m. • Holroyd/Granville – 6m. • Church St Granville – 0m. All other areas not stated in other sections of DCP – 4m.	N/A	☐	☐	☒
	Zone B6: • South Wentworthville – 6m. • All others areas not stated in other sections of DCP – 4m.	4m setback provided, however the associated awnings/ upper level balconies encroach within the setback. The encroachment is limited to the street facades and given there are no unreasonable amenity or visual impacts associated with the proposed design, it is considered acceptable. A total setback of 4m from Cambridge	☐	☒	☐

		Street is provided. However, it includes a 1.5m road widening along Cambridge Street under DCP. As such affectively this leaves setback of 2.5m fronting Cambridge Street. Notwithstanding the above, as discussed elsewhere in the report, the land to be dedicated is for the purpose of road widening by the developer, dedication of laneway to Council (over 97sqm including splay) for a footpath, which is considered acceptable. In addition, being a corner lot, the reduced setback does not result in any unreasonable amenity impacts to the neighboring properties and provides adequate visual and acoustic privacy for the occupants. Also, proposal will still allow outlook and surveillance of the street and achieves compatible urban form and amenity of the future occupants of the subject development. In light of the above, proposed reduced setback is considered acceptable.			
	Upper storey setback				
	Street wall height of 3 storeys (11-14m) is required for all commercial development and mixed use development, unless otherwise stated in site specific controls.	Street wall height of 5 storey (up to 17m) is proposed. The 6th storey is setback by over 3m from the north and west elevation and is discernible from distant vantage point. Being a corner lot, departure from the street wall height control will not result in any overshadowing impacts to any other residential areas and the public domain and will allow an outlook to and surveillance of the street. Proposed design and the use of different materials and fenestrations/ balconies provides a design that is compatible with the character of the area. In addition, it is noted that a new development across the road from subject site at 306 Merrylands Road also consists of 6 storeys, with a 4 storey wall height control. In light of the above, the built form of proposed 6 storey development is considered consistent with existing streetscape, which in the absence of any unreasonable amenity impact is acceptable.	☐	☒	☐

	Street wall height of 4 storeys (14-17m) is required: • Zone B6 on GWH at Mays Hill and Finlayson Transit Precincts. • Zone B5 – Church St.	N/A	☐	☐	☒
	3m setback required above street wall height.	As discussed above, the proposal does not comply with the street wall height control of 3 storeys and achieves 5 storey street wall height. The 6th storey is setback by 3m from the north and west sides.	☐	☒	☐
	Side Setback				
	Where site adjoins a business zone, no side setback requirement, unless otherwise stated in site specific controls.	The site adjoins a business zone to the east. Therefore, 0 m setback is acceptable	☒	☐	☐
	Where site adjoins a residential zone (not separated by road), side setback shall be 3m and shall demonstrate solar access and privacy to adjoining residential development.	Site adjoins the R4 zone to the south east. The building is set back 20 m from this boundary. To the south, building separation of 3m is achieved. Please refer to the discussion above under part B of the DCP in relation to the resulting impacts to the neighboring residential properties.	☒	☐	☐
	Development adjoining residential shall have a rear setback of 6m.	The residential sections of the development have a 6 m setback from the adjoining residential. There are encroachments into the 6 m setback at ground floor level. However, this is for parking and the substation and as such will not have any adverse privacy impacts.	☒	☐	☐
	In Zone B6, 0m setback where access to rear laneway provided.	N/A	☐	☐	☒
	Sunlight and privacy shall be maintained to adjoining residential developments.	As discussed above, the proposal is not considered to result in any unreasonable amenity impacts to the neighbouring residential developments.	☒	☐	☐
1.5	**Landscaping and Open Space**				
	Landscaped areas not required in business zones, unless stated in site specific controls.	Landscaped COS area provided.	☒	☐	☐
	Where street setbacks are required, the resulting open space, other than that approved for vehicular and pedestrian access, shall be landscaped and maintained to Council's satisfaction.	Landscaped COS provided to the southeast side. Appropriate conditions of consent recommended to confirm that the proposal achieves satisfactory landscape outcomes.	☒	☐	☐
	Developments are to contribute to streetscape character and public domain amenity by using planting and landscape elements appropriate to the scale of the development and mediating between and visually softening	Proposal seeks plating along Merrylands Road, which is supported.			

	the bulk of large development for the person on the street				
	Communal open space is to comprise a minimum of 25% of the site area for each development. Locate open space on a podium level or on roofs, making it accessible for all residents. Communal open space should be in part open to the sky, unless where it contains a gym, swimming pool or similar	575sqm (27%) of combined communal open space provided to the ground level and roof top terrace.	☒	☐	☐
	The minimum dimension of communal open space in any one direction is 6m	Minimum side is 12m.	☒	☐	☐
	Dwellings adjoining communal open space may provide private entries with adequate fencing to ensure a suitable level of privacy	Roof top units are provided with separate entries to the COS.	☒	☐	☐
	Opportunities for planting shall be provided.	Planter boxes proposed to the roof top and deep soil area to the ground floor COS provided.	☒	☐	☐
	A minimum of one (primary) balcony and/or terrace must be provided for each residential unit	Balcony provided for each unit.	☒	☐	☐
	Primary balconies must: i) Be located adjacent to the main living areas, such as the living room, dining room or kitchen to extend the dwelling living space; ii) Have a minimum dimension of 2.4m and with a minimum area of 10m2 for 2+ bedroom apartments iii) Council may consider dimension of 2m and a minimum area of 8m2 for balconies of studio and 1 bedroom apartments iv) Should be large enough to accommodate an outdoor dining table and seating Provide for planter boxes to allow for plantings within private balconies.	Balcony size ranges from 10sqm to 47sqm and are directly accessible from the principle living area/	☒	☐	☐
	v) Consider secondary balconies, including juliet balconies or operable walls with balustrades, for additional amenity and choice in larger apartments, adjacent to bedrooms and for clothes drying, site balconies off laundries or bathrooms.	N/A	☐	☐	☒

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	Design and detail balconies in response to the local climate and context. This may be achieved by: i) Locating balconies facing predominantly north, east or west to provide solar access; ii) Utilising sun screens, pergolas, shutters or louvres and operable walls to control sunlight and wind; iii) Providing balconies with operable screens, Juliet balconies or operable walls/sliding doors with a balustrade in special locations where noise or high winds prohibit other solutions – along rail corridors, on busy roads or in tower buildings; iv) Ensure the long face of the balcony is oriented to the outside of the building; v) Choose cantilevered balconies, partially cantilevered balconies and/or recessed balconies in response to daylight, wind, acoustic privacy and visual privacy; and vi) Ensuring balconies are not so deep that they prevent sunlight entering the apartment below. vii) Design balustrades to allow views and casual surveillance of the street while providing for safety and visual privacy. Design considerations may include: viii) Detailing balustrades using a proportion of solid to transparent materials to address site lines from the street, public domain or adjacent development. Full glass balustrades are not permitted as they do not provide privacy for the balcony or the apartment's interior, especially at night; and Detailing balustrades and providing screening from the public, for example, for a person seated looking a view, clothes drying areas, bicycle storage or air conditioning units.	Balconies are located to the north, east and west sides. Louvres provided to the balconies. Long face of balconies are orientated to the outside of the building. In addition to this, it is noted that the existing clear glass to the northwest corner has a potential to create unreasonable impact to the future occupants of these units. To minimise any unreasonable privacy impacts to these units, a condition requiring adequate treatment of the corner glazing is recommended. The details are recommended to be submitted to and approved by a principal certified prior to issue of a Construction Certificate.	☒	☐	☐
	Use mechanisms to reduce noise impacts such as glass shutters to	In order to minimis any unreasonable acoustic impacts due to the proposal, an	☒	☐	☐

	balconies.	updated acoustic report is required as part of the conditions of consent. The recommended of the acoustic report are also required to be accommodated in the design of the development prior to issue of a construction certificate.			
	Provide drying cupboards within balconies. Provide water and gas outlets on the main balconies, terraces and courtyards.	Balcony sizes are adequate to accommodate required facilities.	☒	☐	☐
	The provision of pedestrian plaza area and open space facilitating pedestrian movements.	Pedestrian areas in front of the commercial tenancies facilitate movements.	☒	☐	☐
	Pedestrian areas are to be paved in a manner to match existing paving or to suit the architectural treatment of the proposed development.	Appropriate conditions of consent recommended.	☒	☐	☐
	Landscaping, including tree planting shall be provided within pedestrian areas.	Landscaping provided to the Merrylands Road side.	☒	☐	☐
	Pedestrian areas shall be provided as frontage to shops and shall link all activity within a centre.	Pedestrian area provided in front of the commercial tenancies.	☒	☐	☐
2.0	**Movement**				
2.1	**Rear Laneways and Private Access ways**				
	Vehicular access must be provided where access to existing laneways is possible.	No laneway access	☐	☐	☒
	Laneways shall be min. 8m in width.	N/A	☐	☐	☒
2.2	**Pedestrian Access**				
	The site and its planning is to be utilised to optimise accessibility to the development.	The site benefits from it location as a corner lot, and provides direct access to commercial and residential component from public domain.	☒	☐	☐
	Direct access shall be provided from the car park to all residential and commercial units.	Lift and stairwell access to all floors provided	☒	☐	☐
	Main building entry points shall be clearly visible.	The main building entries are clearly visible from the public domain.	☒	☐	☐
2.3	**Building Entries**				
	The main entrance of buildings must be accessible for all members of the community.	Provided.	☒	☐	☐
	Separate entries from the street shall be provided for cars, pedestrians, multiple uses and ground floor apartments.	Separate entries have been provided for cars, pedestrians and the commercial facilities.	☒	☐	☐
	Residential entries must be secure where access is shared between residential and commercial uses.	Secured residential entries provided within the basement.	☒	☐	☐
	Multiple cores which access above ground uses shall be provided where the site frontage	2 cores provided.	☒	☐	☐

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	≥30m.				
2.4	**Vehicle Access**				
	Driveways shall be provided from laneways, private access ways and secondary streets where possible.	Driveway provided via secondary street	☒	☐	☐
	The location of vehicular access shall consider existing services (power, drainage etc) and street trees.	No impact anticipated.	☒	☐	☐
	Loading and unloading facilities shall be provided from a rear lane, side street or right of way where possible.	Loading / unloading provided via secondary street.	☒	☐	☐
	One two-way driveway is permitted per development site up to 10,000m².	1 x 2-way driveway provided	☒	☐	☐
	Vehicular access shall be integrated with the overall design of the building and shall consider site layout, streetscape character and façade design.	Considered acceptable.	☒	☐	☐
	Driveways are limited to a maximum of 6m or 8m for commercial loading docks and servicing.	6m driveway proposed	☒	☐	☐
	Pedestrian safety shall be maintained	Satisfactory	☒	☐	☐
2.5	**Parking**				
	Onsite parking is to be provided underground where possible.	Most parking is provided within the basement. There are five spaces provided at ground level, which does not result in any unreasonable impact to the streetscape character – considered satisfactory.	☒	☐	☐
	Basement parking shall be consolidated to maximise landscaping.	Parking is consolidated under building.	☒	☐	☐
	Parking shall not be visible from main street frontages.	Most parking provided within basement and the at grade parking for the commercial visitors will not be directly visible from the street due to the provision of landscaping.	☒	☐	☐
	Natural ventilation or ventilation grills shall be provided to basement parking Ventilation grilles and structures shall be integrated into the façade and landscape design, should not be provided at active frontage and should not be near windows of habitable rooms and open space areas.	Appropriate conditions of consent such as compliance with the relevant Australian standards form part of the draft conditions of consent.	☒	☐	☐
	Visitor parking is not to be stacked parking.	Visitor parking is not stacked.	☒	☐	☐
	Required visitor spaces must be capable of being accessed by visitors with a disability.	Satisfactory.	☒	☐	☐

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	Private car parking for shop top housing must be clearly identified and separated from regular business car parking must be clearly identified and separated from regular business car parking.	Satisfactory.	☒	☐	☐
3.0	**Design and Building Amenity**				
3.1	**Safety and Security**				
	Casual surveillance is to be achieved through active street frontages and creating views of common internal areas.	Surveillance over both streets and entries provided.	☒	☐	☐
	Boundaries between private and public spaces should be defined and strengthened through building form and/or design elements.	Visible, functional and safe separate residential lobbies provided.	☒	☐	☐
	Building entries are to be provided with clear lines of site, should be provided in visually prominent locations and separate residential and commercial entries shall be observed.	Building entries considered satisfactory. Residential and commercial entries are separate.	☒	☐	☐
	Adequate lighting shall be provided within the development i.e. pedestrian access ways, common areas and communal open space, car parking areas and all entries. Illumination in carparks and building entrances should draw attention to the spaces to increase perceived safety.	Appropriate conditions form part of the draft conditions of consent.	☒	☐	☐
	Landscaping shall avoid opportunities for concealment.	Satisfactory	☒	☐	☐
3.2	**Façade Design and Building Materials**				
	Provide a street address to each building	Appropriate conditions form part of the draft conditions of consent.	☒	☐	☐
	Facade proportions and vertical and horizontal emphasis shall be appropriate to the scale of development and its interaction with the streetscape. Vertical emphasis shall be incorporated above awnings Express vertical elements within the façade rather than floor levels.	As discussed above in the report, the design of the façade is such that it appears as a part 5 part 6 building which is consistent with existing streetscape. The façade accommodates vertical and horizontal elements such as louvres and balustrades above ground floor awnings.	☒	☐	☐
	All walls are to be articulated via windows, verandahs, balconies or blade walls. Articulation elements forward of the building line max. 600mm. Buildings located on corner sites are to be articulated to address each street frontage. Balconies and terraces should be	The proposed facades of the development are adequately articulated. Balconies extend greater than 600 mm forward of the building line on both street elevations. However, this is considered satisfactory in the light of it being a prominent corner commercial building with location of the balconies fronting Merrylands Road and Cambridge Street.	☒	☐	☐

	provided to overlook the street and public domain and shall be integrated into the design of the facade. Security grills, ventilation louvres and carpark entry doors shall be integrated with the design of the overall facade.				
	Building finishes should not result in causing glare that creates a nuisance and hazard for pedestrians and motorists in the centre. Generally reflective and glazed finishes are discouraged above the first floor	Satisfactory.	☒	☐	☐
	The design of plant rooms and lift overruns is to be integrated into the overall architecture of the building	Lift overruns are located in the middle of the roof floor and as such are indiscernible from the public domain, reducing adverse impact on the bulk and scale of the development.	☒	☐	☐
	The ground floor level must have active uses facing streets and public open spaces	Satisfactory.	☒	☐	☐
3.4	**Shop Fronts**				
	Solid roller shutters and security bars are not permitted.	None proposed.	☐	☐	☒
	Open grill (concertina) and transparent grill shutter security devices are permitted.	None proposed.	☐	☐	☒
	All windows on the ground floor to the street frontage are to be clear glazing Street numbers shall be located on shopfronts and awnings and shall be clearly visible from the street.	Clear glazing proposed to all street facing ground floor windows. A condition requiring compliance with this provision is recommended.	☒	☐	☐
3.5	**Daylight Access**				
	Design and orientate dwelling to maximise northerly aspect. **Habitable rooms and primary private open spaces should be located on northern, eastern and western aspects.**	The proposed development maximizes the northerly aspect.	☒	☐	☐
	1 main living area of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	Please refer to the discussion above under part B of the HDCP 2013.	☒	☐	☐
	Single aspect dwellings shall be limited in depth to 8m.	Satisfactory.			
	Living rooms and private open spaces in a minimum of 70% of dwellings within a development shall receive at least 2 hours of direct sunlight between 9am and 3pm in Mid-winter	Achieves.			

	Min. 50% of required POS of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm.	Please refer to the discussion above under part B of the HDCP 2013.	☒	☐	☐
	Direct daylight shall be achieved in communal open spaces between March and September and appropriate shading is to be provided in summer	Achieves due to location.	☒	☐	☐
3.6	**Visual and acoustic privacy**				
	Visual privacy				
	New development shall be located and oriented to maximise visual privacy between buildings on site and adjacent buildings. Building layouts are to be designed such that direct overlooking of rooms and private open spaces is minimised in apartments.	Due to the corner location, the north and west facing units are unlikely to result in any unreasonable privacy impacts to the neighbors. To minimize any adverse overlooking impacts to the units to east, the proposal includes 1.5m high privacy screens to the upper level balconies facing east. Additionally, the units to the south achieves over 6m setback (for levels 1-3 and over 11m setback for levels 4 and 5) from the southern boundary fence, which is considered adequate in minimizing unreasonable overlooking impacts. It is also noted that the windows to the southern elevation are designed to minimize direct view of neighboring balconies at 4-6 Cambridge Street.	☒	☐	☐
	Acoustic Privacy				
	Building siting and layout shall be designed to maximise the potential for acoustic privacy. This shall be achieved through: i) providing adequate building separation and setbacks in accordance with Section 4.5 and, ii) ensuring vertical and horizontal separation between conflicting uses generating different levels of noise. Conflicts between noise, outlook and views are to be resolved by using design measures such as double glazing, operable screened balconies.	Proposed building separation is considered adequate. It is noted that an Acoustic report was approved as part of the previous consent for the identical development on subject site. However, considering recent developments around subject site, a condition requiring an amended acoustic report to be submitted and approved by the principal certifier prior to issue of a construction Certificate is recommended.	☒	☐	☐
	Developments shall be designed to locate driveways, carports or garages away from bedrooms.	Achieved.	☒	☐	☐
3.8	**Awnings**				
	Awnings generally: • Should be flat. • Must be 3m deep. • Setback from the kerb a min. 600mm. • Min. soffit height of 3.2m-	3m wide awning to Merrylands Road and 4m awning to Cambridge Street proposed, which are sets back by 60mm from the kerb.	☒	☐	☐

	3.3m. To be located over all building entries.				
	Permitted on laneways where active street frontages are required. Shall be retractable and only used in hours of operation.	No laneway.	☐	☐	☒
	Shall wrap around street corners.	Satisfactory.	☒	☐	☐
	Cut outs or offsets in awnings for trees and lightpoles are not acceptable.	Not proposed.	☐	☐	☒
3.9	**Apartment Layout**				
	Please refer to the ADG compliance table.		☒	☐	☐
3.10	**Flexibility and Adaptability**				
	15% of units shall be adaptable units. Required = 6.45 (7)	7 adaptable units provided.	☒	☐	☐
	Building configurations should provide multiple entries and circulation cores, especially in larger buildings over 15 m long by adopting the following: i) Thin building cross sections which are suitable for residential or commercial uses, ii) A mix of apartment types, iii) Higher ceiling heights on the ground and first floors, iv) Separate entries for ground floor uses and upper levels, and Sliding and/or moveable wall systems.	2 cores provided. Commercial tenancies have separate entries and higher ceiling height of 3.7m. Mixture of 1 bedroom, 2 bedrooms and 3 bedroom apartments provided.	☒	☐	☐
	Apartment layouts are required to facilitate the change of use of rooms, including the provision of: i) Windows in all habitable rooms and to a maximum number of non-habitable rooms, and ii) Adequate room sizes or open-plan apartments that enable a variety of furniture layout opportunities, v) dual master-bedroom apartments, which can support two independent adults living together or a live/work situation,	Windows to all habitable rooms provided. Room sizes are satisfactory.	☒	☐	☐
	Facilitate accessibility and adaptability of developments by: i) Optimising the amount accessible retail, commercial, communal space; ii) Maximising the number of accessible apartments; and	Satisfactory 7 adaptable units proposed	☒	☐	☐

	iii) Providing adequate pedestrian access and mobility in the development.				
	iii) Studios and 1 bedroom apartments are not to exceed 20% of the total apartment mix within each development.	6 x 1 bedroom units (14%) provided.	☒	☐	☐
	A mix of one and three bedroom apartments are to be located on the ground level where accessibility is more easily achieved for disabled, elderly people or families with children.	Due to the provision of commercial component to the ground level, accessible units are located on upper levels. However they are easily accessible due to provision of lift.	☐	☐	☒
3.11	**Corner Buildings**				
	Corner buildings shall articulate street corners and present each frontage as a main frontage.	The proposed development has appropriate presentation to both street frontages.	☒	☐	☐
3.13	**Internal circulation and storage for residential uses**				
	Internal circulation				
	Better apartment layouts are to be supported by designing buildings with multiple cores which: i) increase the number of entries along a street, ii) increase the number of vertical circulation points, iii) give more articulation to the facade, iv) limit the number of units off a circulation core on a single level.	Two separate residential provided to the street which creates safe and pleasant spaces for the circulation of people	☒	☐	☐
	Amenity and safety in circulation spaces is to be increased by: i) providing generous corridor widths and ceiling heights, particularly in lobbies, outside lifts and apartment entry doors ii) providing appropriate levels of lighting, including the use of natural daylight, where possible, iii) minimising corridor lengths to give short, clear sight lines, iv) avoiding tight corners	Satisfactory.	☒	☐	☐
	Storage				
	In addition to kitchen cupboards and bedroom wardrobes, accessible storage facilities shall be provided at the following rates as a minimum: i) Studio apartments 6sqm , ii) One bedroom apartments 6sqm , iii) Two bedroom apartments 8sqm , and iv) Three plus bedroom apartments 10sqm.	AS discussed below under ADG compliance table, a condition requiring provision of adequate storage areas in line with the ADG requirement is recommended.	☒	☐	☐

	Provide storage, which is suitable for the needs of residents in the local area and able to accommodate larger items, such as: i) Sporting equipment (skiing, surfing, golfing etc), and ii) Bicycles Where basement storage is provided, ensure that it does not compromise natural ventilation in car parks or create potential conflicts with fire regulations.	Storage spaces provided within the basement. Adequate conditions of consent requiring compliance with relevant controls and standards form part of the consent.	☒	☐	☐
3.14	**Balconies**				
	Each apartment shall have a minimum of at least one primary balcony.	Satisfactory.	☒	☐	☐
	Primary balconies are to have a minimum depth of 2.4m and a minimum area of 10m2	Majority of the balconies comply with this provision, except for the balconies at units 03, 08, 12, 17, 23, 28, 33 and 37, which achieves depth of around 2.2m. Notwithstanding the minor non-compliance, due to its location off the living areas, they are functional and acts as an extension of the living area. Additionally, the balconies are integrated into the overall architectural form and detail of buildings, which is supported.	☐	☒	☐
3.15	**Natural ventilation**	Refer to the ADG compliance table.	☒	☐	☐
3.16	**Roof design**				
	Roof forms and styles shall reflect and related to the scale and context of the building and character of the street	Satisfactory.	☒	☐	☐
	Incorporate roof top elements such as lift overruns, service plants and other visually intrusive service elements and infrastructure into the design of the roof Where flat roofs are proposed, lift overruns, rooftop plant and machinery should be obscured from view by parapets or be incorporated within rooftop activities/features.	Not directly visible, satisfactory.	☒	☐	☐
	Wherever possible provide landscaped and shaded areas on roofs	Provided.	☒	☐	☐
	Minimise the bulk and mass of roofs and the potential for overshadowing from roofs.	Satisfactory.	☒	☐	☐
3.18	**Waste Management**				
	Garbage/recycling storage areas	Waste storage areas are considered	☒	☐	☐

	should be located to be easily accessible	satisfactory subject to the recommended conditions.			
4.0	**Environmental**				
4.1	**Wind Mitigation**				
	A winds effect report shall be submitted where buildings ≥41m in height.	N/A	☐	☐	☒
	Balconies shall be designed to minimise wind impacts through recessed balconies, openable screens, pergolas and shutters.	Provided with louvres.	☒	☐	☐
5.3	**Hours of Operation**				
	Refer to table on pg. 287 for applicable hours of operation.	Hours of operation not provided for commercial activities. Condition imposed on original consent requiring separate approval for use of commercial units	☐	☐	☒
	For hours extending outside 6am – 12am, applicants must submit an acoustic report, social impact statement, CPTED report and plan of management.	N/A	☐	☐	☒