

A meeting of the Cumberland Local Planning Panel will be held at 11.30am via Zoom on Wednesday, 14 July 2021.

Business as below:

Yours faithfully

Peter J 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: LPP028/21

DEVELOPMENT APPLICATION FOR CHURCH STREET, LIDCOMBE

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: DA2021/0054

Application lodged	3 February 2021
Applicant	Mr S P J Brennen
Owner	The Minister for Lands (under the care and management by Council)
Application No.	DA2021/0054
Description of Land	Church Street LIDCOMBE NSW 2141, Lot 7046 DP 1065005
Proposed Development	Partial demolition of existing toilet block, reinstatement of landscaping and installation of a lockable power bollard
Site Area	93sqm
Zoning	RE1 – Public Recreation
Disclosure of political donations and gifts	Nil disclosure
Heritage	Yes – The subject building is located on a site (Wyatt Park) that is a Local Heritage Item (I40)
Principal Development Standards	N/A
Issues	Nil

SUMMARY:

1. Development Application No. DA2021/0054 was received on 3 February 2021 for the partial demolition of existing toilet block, reinstatement of landscaping and installation of lockable power bollard.
2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 17 March 2021 and 31 March 2021. In response, no submissions were received.
3. The subject site is located on a site that is a heritage item in the Auburn Local Environmental Plan 2010 as Heritage Item I40. The heritage item is Wyatt Park and a Heritage Impact Statement has been submitted in support of the proposal. The proposed development will have minimal impact on the heritage item and is considered satisfactory, having regard to the provisions of Clause 5.10(4) of the Auburn Local Environmental Plan 2010.
4. The development was referred to Council's Heritage Committee for comment who has raised no objections to the proposed development.
5. The application is referred to the Cumberland Local Planning Panel for determination as the development is proposed on land for which Council is the land manager, resulting in a conflict of interest.

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

REPORT:

Subject Site and Surrounding Area

The subject site is known as Wyatt Park Lidcombe and is accessed via Church Street to the west and Olympic Drive to the east. A rail corridor is located parallel to Church Street and the park is located within walking distance (approximately 400m) to Lidcombe railway station. The location of Wyatt Park is identified in Figure 1 below.

Wyatt Park contains numerous sporting facilities that serve the wider residents of the Local Government Area and Western Sydney. The Wyatt Park Management Plan recognises that the 'majority of the park currently operates below capacity' with a number of dated and dilapidated facilities scattered throughout the park including a defunct skate bowl, the Wyatt Park Youth Centre (WPYC) building, the Cumberland Basketball Centre (CBC) building, netball courts and a dilapidated toilet block.

The subject of this DA is a toilet block located on the southern side of Lidcombe Oval. The building is two storeys in height, contains toilets and a change room and is in a poor dilapidated state. The subject site is shown in context with the surrounding land uses in Figure 1. The building proposed to be demolished is hi-lighted in 'red' in Figure 2 below.

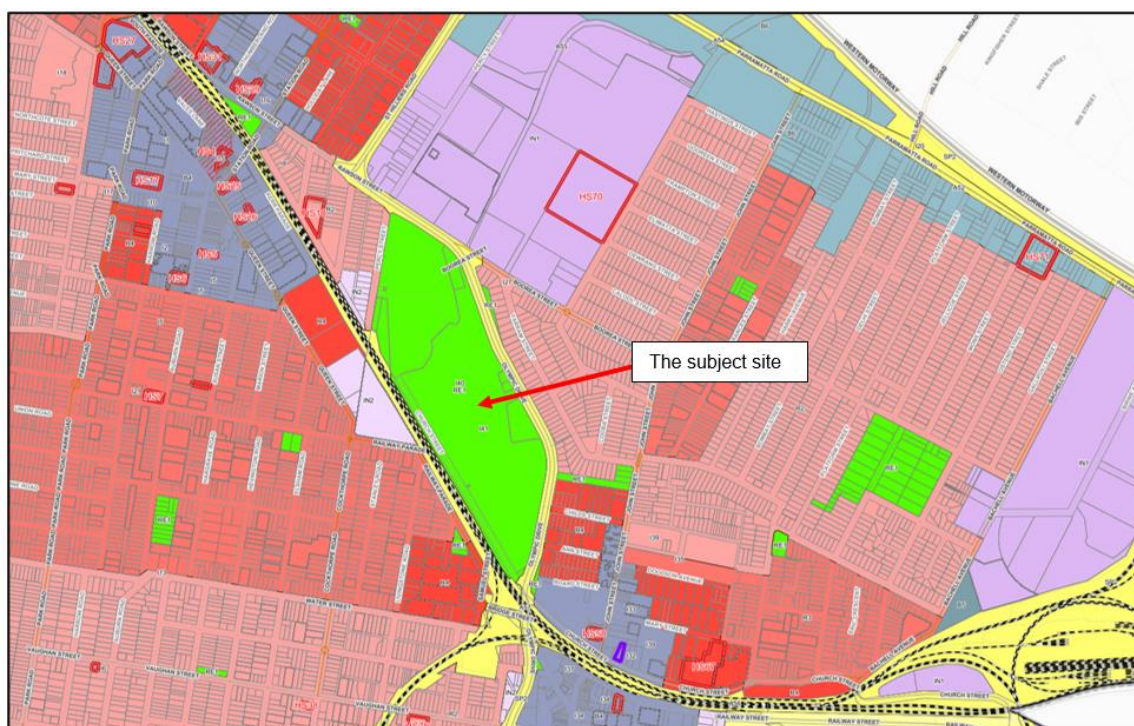


Figure 1 – Land use map showing the location of the subject site



Figure 2 – Map showing the location of the amenities block within Wyatt Park (source: Wyatt Park Plan of Management, Revision 6, 13 April 2021)



Figure 3 – View of the amenities block building (south elevation) from within Wyatt Park

Description of the Proposed Development

Council has received a development application for the demolition of a disused amenities block located within Wyatt Park. The amenities block is located on the southern side of Lidcombe Oval and as shown in Figure 3 is in a dilapidated state. Specifically, the proposal will involve the removal of the following items:

- Amenities block building.
- Two concrete slabs to the north west of the building.
- Remnant steps to the west of the building.
- Fencing to the north east of the building.
- Reinstatement of turf and landscaping to the area.

The slab and the electrical infrastructure of the amenities block is proposed to be retained for future use as defined in Council's Wyatt Park Plan of Management (refer to 'Referrals' section of this report).

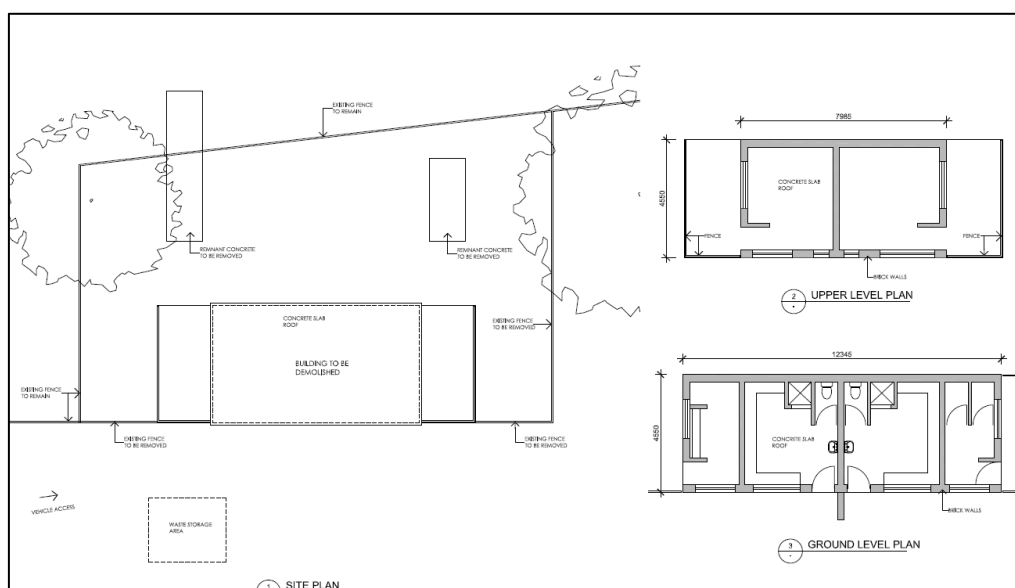


Figure 4 – Demolition plan

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Graham Bakewell dated November 2020 and was received by Council on 3 February 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 ReferralsLandscape Officer

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

The Wyatt Park Plan of Management (the plan) dated 13 April 2021 was adopted by Council on 5 May 2021 and provides a clear direction and framework for the future use and management of the park. The plan identifies an intention to provide a kiosk or food truck on the hard stand area where the amenities block currently stands (Refer to Management Action B6 of the plan, page 73). Council's Landscape Officer has raised no issue to the demolition of the amenities block subject to the retention of the ground slab and the associated electricity infrastructure. The slab of the building and existing electricity infrastructure can be adapted with little effort for use as a kiosk or a food truck in the future as envisaged by the plan.

Tree Management Officer

It is noted that there are several trees in close proximity to the amenities block. The development application was referred to Council's Tree Management Officer for comment who has advised that the proposal is satisfactory subject to the imposition of standard tree protection conditions in any consent.

Heritage Committee

The development application was referred to Council's Heritage Committee for comment who have raised no objections to the proposal. It is noted that the amenities block building is not identified as a local heritage item in Auburn Local Environmental Plan 2010 and is a small dilapidated structure that possesses no heritage value.

External Referrals

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

PLANNING COMMENTS**The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))**State Environmental Planning Policies**The proposed development is affected by the following State Environmental Planning Policies:****(a) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)**

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

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site listed on Council's Contaminated Land database?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the site adjoin any contaminated land/previously contaminated land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>Details of contamination investigations carried out at the site:</p> <p>Council's contamination mapping does not indicate the subject site is contaminated in any way nor is it identified as being potentially contaminated. A site inspection reveals the site does not have any obvious history of a previous land use that may have the potential to cause contamination and there is no specific evidence that indicates the site is contaminated.</p> <p>Notwithstanding, a standard condition of consent has been recommended to manage any unexpected finds encountered during the proposed works.</p>	

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

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

Clause 85 – Development adjacent to railway corridors

The site is adjacent to an existing rail corridor and the development has been assessed against the provisions of Clause 85(1). The development is not likely to have an adverse effect on rail safety, given the distance of the works to the corridor and the

fact that the works are minor in nature. Further, the development does not involve the placing of a metal finish, will not involve the use of a crane in airspace above the rail corridor and is not located within 5 metres of an exposed overhead electricity powerline that is used for the purpose of railways or rail infrastructure facilities.

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

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

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

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

Clause 101 – Frontage to classified road

The application is subject to clause 101 of the ISEPP as Wyatt Park has frontage to Olympic Drive which is a classified road. Council is satisfied that consent to the development can be granted with respect to this clause noting that vehicles and machinery can gain access to the site via an alternative roadway being Church Street to the west. As such, the proposed demolition will not have a significantly adverse impact on the ongoing operation of Olympic Drive.

Regional Environmental Plans

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

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

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

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

Local Environmental Plans

Auburn Local Environmental Plan 2010 (ALEP)

The provision of the ALEP is applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the ALEP and the objectives of the RE1 Public Recreation land use zone.

(a) Permissibility:-

The proposed development involves demolition works which is permissible pursuant to Part 2, Clause 2.7 of the ALEP.

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

Figure 5 – Auburn LEP 2010 Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
2.7 Development requires development consent	Yes	Development consent is sought by this DA
5.10 Heritage conservation	Yes	<p>A Heritage Impact Statement prepared by Graham Bakewell was submitted in support of the application concluding that the proposed 'demolition complies with the objectives of the LEP, will have a positive impact on the heritage item and is therefore compatible'</p> <p>The application was referred to Council's Heritage Committee for comment as the building to be removed is located within a local heritage item (Wyatt Park, item no. 140) and is within close proximity to local heritage items (Stand of <i>Eucalyptus microcorys</i> fronting Olympic Drive, item no. 141). No objections were raised.</p> <p>It is further noted that the building proposed to be removed is not a heritage item. It is simply located within a site that is identified as a local heritage item under the ALEP. Given its proximity to the nearby heritage listed trees fronting Olympic Drive, it is considered that the development would pose no significantly detrimental heritage impact. This is supported by comment provided by Council's Tree Management Officer.</p> <p>Based on the above assessment, the proposed development is not considered to pose a significantly detrimental impact on the heritage</p>

		significance of Wyatt Park and the nearby heritage listed trees and is therefore consistent with the provisions of this clause.
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The provisions of any proposed instrument that is or has been the subject (EP&A Act s4.15 (1)(a)(ii))

(a) Draft State Environmental Planning Policy (Environment)

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

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

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

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

(b) Draft Cumberland Local Environmental Plan (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 Auburn Local Environmental Plan 2010 are not proposed to change under the Draft CLEP.

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

The Auburn Development Control Plan 2010 (ADCP) provides guidance for the design and operation of development to achieve the aims and objectives of the Auburn Local Environmental Plan 2010. The proposed development complies with the relevant provisions and controls of the ADCP and is considered acceptable from an environmental planning view point.

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 Wyatt Park Plan of Management identifies the amenities block as being in 'poor' condition. It was apparent during an inspection of the site that the building is in a poor visual state and may pose a danger to users of Wyatt Park if left in its current dilapidated condition. The proposed demolition of the building would address this concern and permit this part of the park to be upgraded for use (as envisioned by the plan) which will have economic and social benefits for the local area and the community.

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 (Council website) ☒ Mail ☒ Sign ☒ Not Required ☐

In accordance with Council's Notification requirements contained within the ADCP, the proposal was publicly notified for a period of 14 days between 17 March 2021 and 31 March 2021. No submissions were generated in respect of the proposal.

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

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

Cumberland Local Infrastructure Contributions Plan 2020

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

Disclosure of Political Donations and Gifts

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

CONCLUSION:

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, SEPP 55 – Remediation of Land, SEPP (infrastructure) 2007, SREP (Sydney Harbour Catchment) 2005, Auburn Local Environmental Plan 2010 and Auburn Development Control Plan 2010 and is considered to be satisfactory for approval subject to conditions.

REPORT RECOMMENDATION:

That Development Application No. DA2021/0054 for partial demolition of existing toilet block, reinstatement of landscaping and installation of a lockable power bollard on land at Church Street LIDCOMBE NSW 2141 be approved subject to attached conditions.

ATTACHMENTS

1. Draft Notice of Determination [↓](#)
2. Architectural Plans [↓](#)
3. Locality Map [↓](#)
4. Heritage Impact Statement [↓](#)
5. Appendix A - Auburn Local Environmental Plan 2010 [↓](#)
6. Appendix B - Auburn Development Control Plan 2010 [↓](#)

**DOCUMENTS
ASSOCIATED WITH
REPORT LPP028/21**

**Attachment 1
Draft Notice of Determination**



DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No: DA2021/0054

Applicant: Mr S P J Brennen
16 Memorial Avenue
MERRYLANDS NSW 2160

Property Description: Church Street LIDCOMBE NSW 2141,
Lot 7046 DP 1065005

Development: Partial demolition of existing toilet block, reinstatement of
landscaping and installation of a lockable power bollard

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 demolition 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.

<i>Reference/Dwg No</i>	<i>Title/Description</i>	<i>Prepared By</i>	<i>Date/s</i>
2044/DA01	Demolition-Site & Building Plans	Graham Bakewell Architect	03.12.20
2044/DA02	Demolition-Elevations	Graham Bakewell Architect	03.12.20
2044/DA03	Erosion & Sediment Control Plan	Graham Bakewell Architect	03.12.20
Church Street, Lidcombe NSW 2141	Hazardous Materials Inspection	Trinitas Group	21/10/2020
Wyatt Park, Church Street Lidcombe	Waste Management Plan	-	-

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

3. **DAGCB07 - Tree Preservation**

All street trees and trees in proximity to the toilet block that are protected under Cumberland City Council's controls, shall be retained except where Council's prior written consent has been obtained.

(Reason: Tree preservation)

4. **DAGCD07 - Waste Management**

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

(Reason: Compliance with approval)

5. **DAGCZ01 - Structures to be retained**

Retain and protect the existing main footprint ground slab of the amenities block and electrical power infrastructure for reuse; connect and install a separately metered lockable Power Bollard (Leda - Code TPB103B); apply floor leveller to achieve a clean flush level top surface, and; reinstate turf to all areas disturbed by works in consultation with Council's Landscape Architect.

(Reason: To facilitate the adaptive reuse of the area in accordance with Wyatt Park Management Plan 2021)

6. **DAGCZ02 - Installation of a power bollard**

The power bollard (Leda - Code TPB103B) must be installed in accordance with the manufacturer's specifications and the Building Code of Australia.

(Reason: To ensure the installation of the power bollard complies with the relevant specifications and requirements)

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

7. 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)

8. **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)

9. **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)
10. **DAPDB05 - Notification of Asbestos Removal Works**
At least five (5) working days (i.e. Monday to Friday exclusive of public holidays), the developer or demolition contractor must notify adjoining residents prior to the commencement of asbestos removal works. Notification is to include, at a minimum:
 - The date and time when asbestos removal works will commence;
 - The name, address and business hours contact telephone number of the demolisher, contractor and/or developer;
 - The full name and license number of the asbestos removalist/s; and
 - The telephone number of WorkCover's Hotline 13 10 50.
Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm are to be erected in prominent visible positions on the site during asbestos removal works.

(Reason: To ensure compliance with the relevant legislation and to ensure public and work safety)
11. **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)
12. **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)
13. **DAPDB09 - Tree Preservation**
All street trees and trees in proximity to the toilet block 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 works except where Council's prior written consent has been obtained.

(Reason: Tree Preservation and Protection)
14. **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.

(Reason: To ensure controls are in place for hazardous materials)
15. **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 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 demolition area;
 - (c) Vegetation and areas not affected by the demolition 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;
 - (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; and
 - (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.

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

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

16. DAPCA03 - Site Safety Fencing

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

(Reasons: Statutory requirement and health and safety)

17. 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)

18. 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 works:

Species	Location
<i>Eucalyptus microcorys</i>	Adjacent to the development

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)

Conditions which must be satisfied during any development work

19. DADWA01 - Demolition Hours

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

(Reason: To minimise impacts on neighbouring properties)

20. DADWA02 - Dust Control - Minor Works

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition 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)

21. 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 works.

(Reason: Health and amenity)

22. DADWA06 - Stamped Plans

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

(Reason: To ensure compliance with approved plans)

23. DADWA07 - General Site Requirements during Demolition

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

- a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- b) Demolition must be carried out by a registered demolition contractor.
- c) A single entrance is permitted to service the site for demolition. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- d) Care must be taken during demolition 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 materials are to be recycled wherever practicable.
- h) The disposal of 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 demolition 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 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 and any other site works are undertaken in accordance with relevant legislation and policy)

24. 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)

25. 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)

26. 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)

27. DADWA17 - Notification of New Contamination Evidence

- (a) Any new information which comes to light during site preparation and demolition 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.

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

28. 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)

29. **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)

Advisory Notes

30. 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.



31. 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>.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.

37. 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.

38. 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)

39. 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.

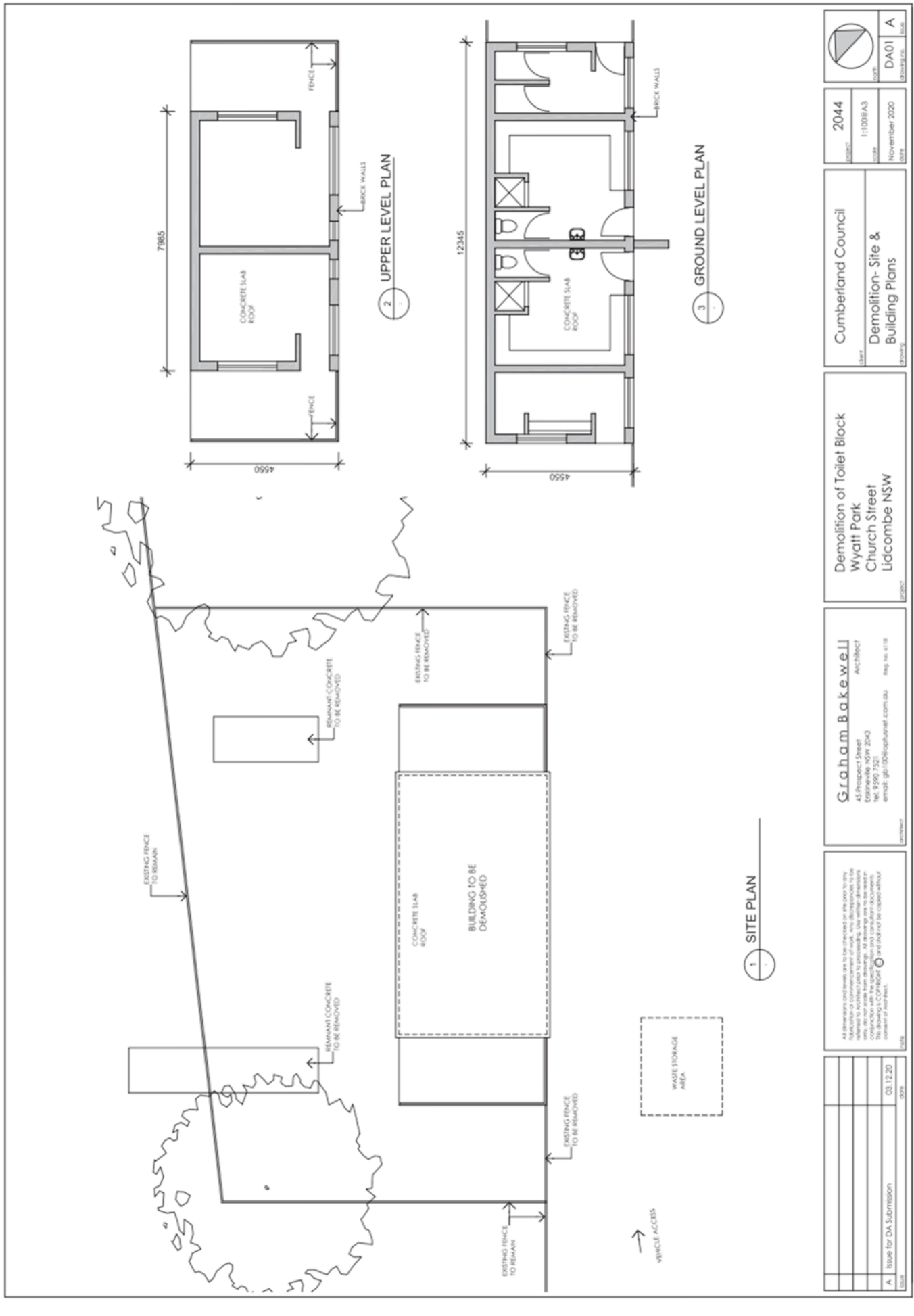
Note 1: The Principal Certifier may require additional inspections beyond mandatory critical stage inspections in order to be satisfied that work is proceeding in accordance with this consent.

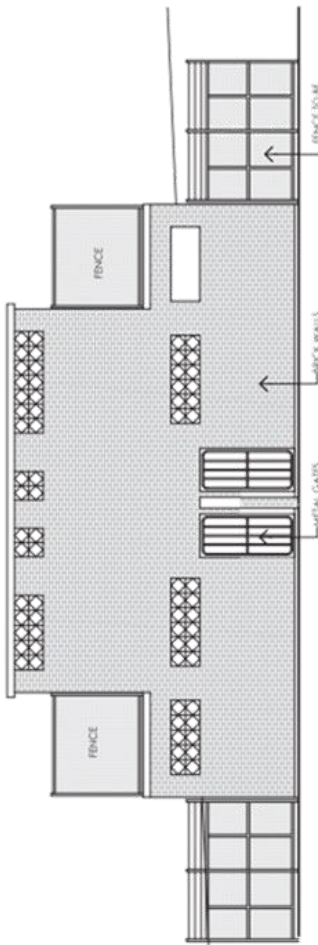
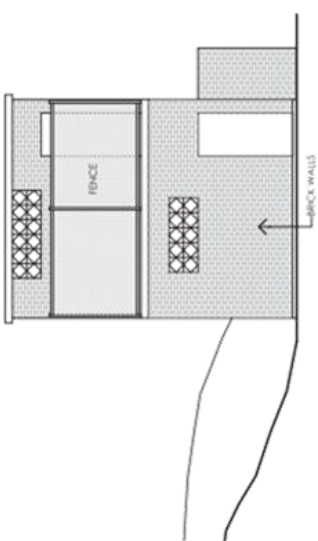
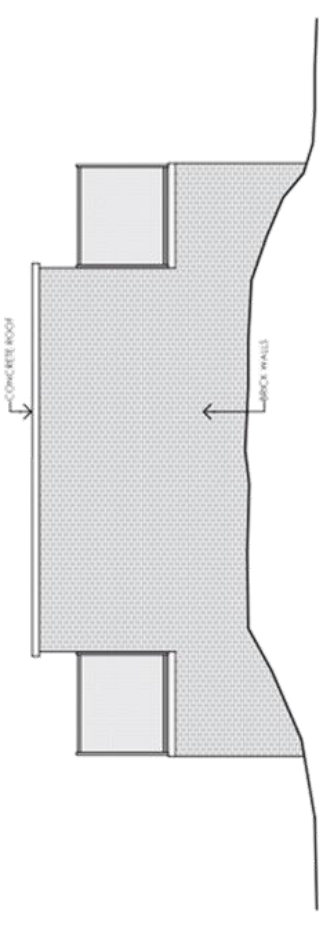
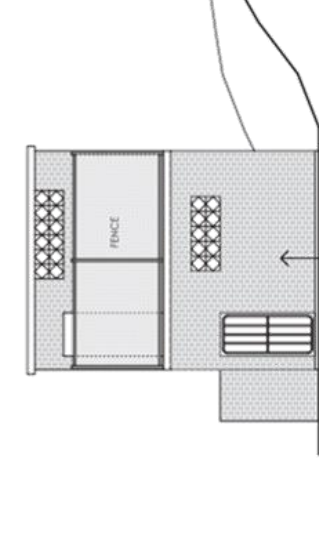
Note 2: The Principal Certifier may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the NCC in relation to any matter relevant to the development.

(Reason: Statutory requirement)

DOCUMENTS
ASSOCIATED WITH
REPORT LPP028/21

Attachment 2
Architectural Plans



 <p style="text-align: center;">1 SOUTH EAST ELEVATION</p>	 <p style="text-align: center;">2 SOUTH WEST ELEVATION</p>	 <p style="text-align: center;">3 NORTH WEST ELEVATION</p>	 <p style="text-align: center;">4 NORTH EAST ELEVATION</p>
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Issue

A	Issue for DA Submission
03.12.20	Date

Scale

03.12.20

Project

Demolition of Toilet Block
Wyatt Park
Church Street
Lidcombe NSW

Client

Cumberland Council

Project

2044

Scale

1:100@A3

Date

November 2020

Author

DA02

Check

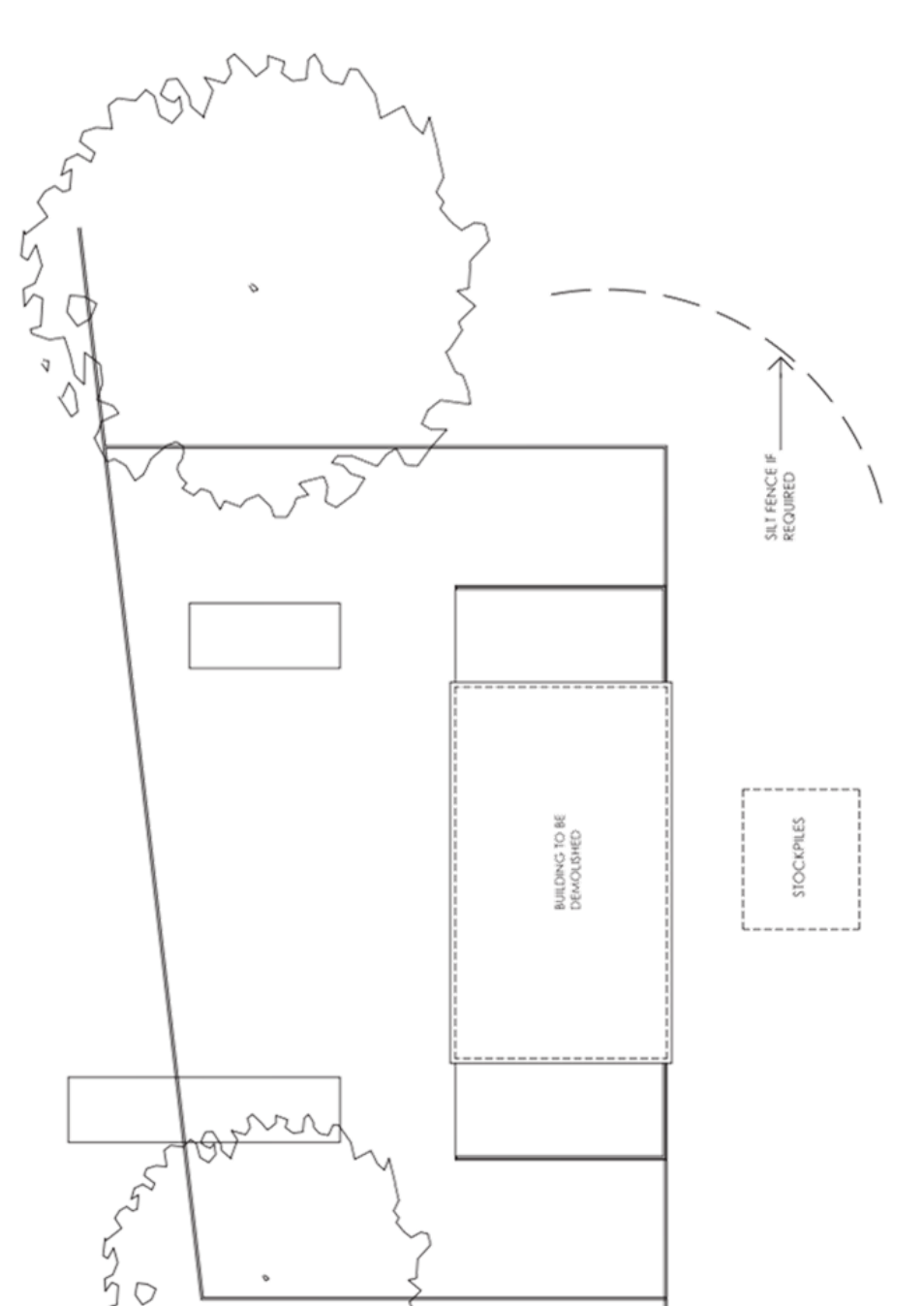
A

Architect

Graham Bakewell
45 Prospect Street
Lidcombe NSW 2143
Tel: 9960 2531
email: gb@gbakewell.com.au
Reg No: 4178

Notes

All dimensions and levels are to be checked on site prior to any excavation or commencement of work. Any discrepancies to be reported to the Council immediately. All work to be carried out in accordance with the applicable and current documents. The Council is not responsible for the accuracy of the information provided by the applicant. The Council is not responsible for the accuracy of the information provided by the applicant.



BUILDING TO BE DEMOLISHED

STOCKPILES

SILT FENCE IF REQUIRED

NOTE:

1. LANDS ON THE FOOTPATH WILL NOT BE DISTURBED DURING WORKS EXCEPT WHERE ESSENTIAL. WHERE SUCH A WAY TO MINIMISE THE OCCURRENCE 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. ALL EROSION & SEDIMENT CONTROLS WILL BE CHECKED AT LEAST WEEKLY & AFTER RAIN TO ENSURE THEY ARE MAINTAINED IN A FULLY FUNCTIONING CONDITION.
4. ROADS & FOOTPATHS ARE TO BE SWEEP DAILY IF NECESSARY.

Issue

A Issue for DA Submission

03.12.20

DATE

Project

Demolition of Toilet Block
Wyatt Park
Church Street
Lidcombe NSW

Client

Cumberland Council

Erosion & Sediment
Control Plan

Scale

2044

1:100@A3

November 2020

DATE

Sheet

DA03

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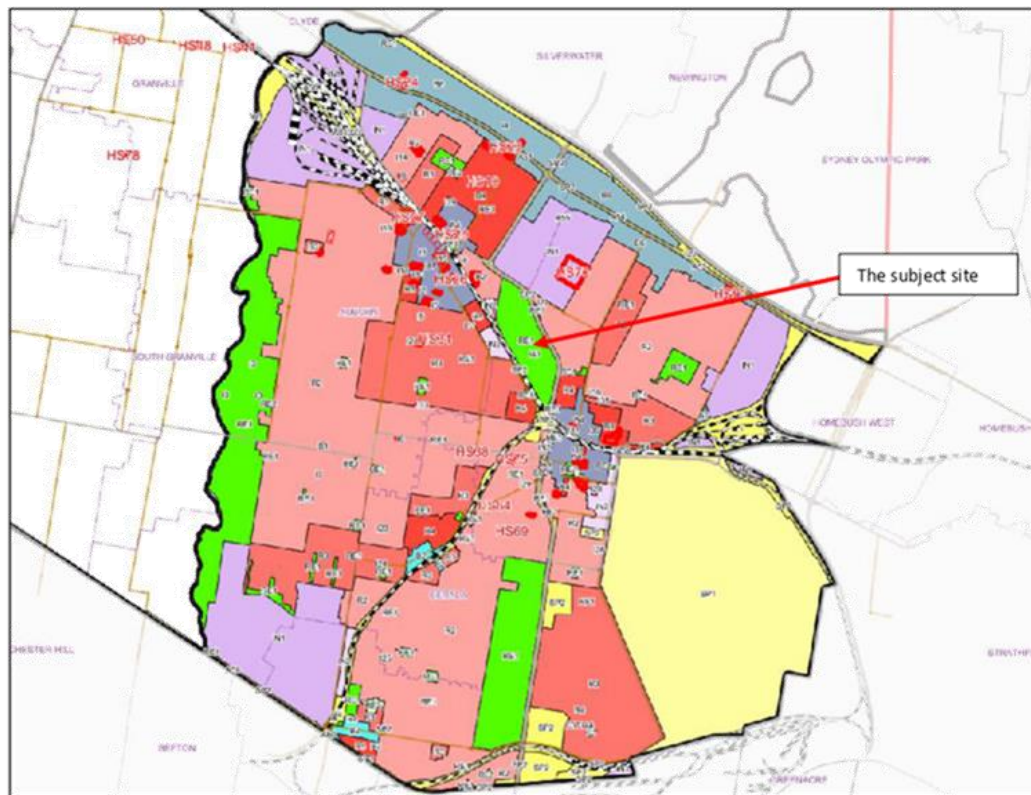
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Document Set ID: 8720763

DOCUMENTS
ASSOCIATED WITH
REPORT LPP028/21

Attachment 3
Locality Map

Locality Map



**DOCUMENTS
ASSOCIATED WITH
REPORT LPP028/21**

**Attachment 4
Heritage Impact Statement**

Graham Bakewell
Architect

HERITAGE IMPACT STATEMENT

FOR DEMOLITION OF TOILET BLOCK

WYATT PARK

CHURCH STREET
LIDCOMBE

HERITAGE ITEM NUMBER 140



Prepared by Graham Bakewell

Ref: 2044/HIS

November 2020

1. INTRODUCTION

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

The site is located within the following Heritage Item:

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

2. EXISTING BUILDING

The disused toilet block is a brick and concrete structure. The brickwork is cracked in places and the interiors are damaged. There are remnant concrete slabs on the cycling oval side of the building which appear to have been bridge elements to access the upper level from the oval side. There is currently no access to the upper level.

The existing building detracts from the heritage item.



3. STREETScape

The existing building is an isolated building located between Lidcombe Oval and Wyatt Park and therefore does not form part of a consistent built streetscape.

4. PROPOSED WORKS

The proposed works involve the following:

- Demolition of the toilet block building
- Removal of remnant concrete slabs to the north west of the building
- Removal of remnant steps to the west of the building
- Removal of fencing to the north east of the building
- Reinstatement of turf and landscaping to the area.

The following aspects of the proposal respect or enhance the heritage significance of the heritage item:

- The removal of a dilapidated unused building will contribute to the heritage item by removing the building and reinstating landscaping.

The following aspects of the proposal could detrimentally impact on the heritage item:

- The removal of the building will not have any detrimental effects on the heritage item.

Alternative options:

- Refurbishment of the building is not considered a viable option.

5. PLANNING CONTROLS

AUBURN LOCAL ENVIRONMENTAL PLAN 2010 (LEP):

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

Clause	Controls	Proposal & Compliance	Y/N
5.10 – Heritage Conservation	(1) Objectives The objectives of this clause are as follows:		
	(a) to conserve the environmental heritage of Auburn,	The removal of the dilapidated and unused building will not compromise the heritage item.	Yes
	(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,	The existing building does not have any significant heritage fabric and does not contribute to the heritage item.	Yes
	(c) to conserve archaeological sites,	Not applicable	
	(d) to conserve Aboriginal objects and Aboriginal places of heritage significance	Not applicable	
	(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 building is contained within a heritage item but is	Yes

Heritage Impact Statement / Demolition of Toilet Block

3

the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance): (i) a heritage item,	not specifically mentioned in the heritage item description. The building is part of the heritage item and development consent is therefore required.
(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	The removal of the Yes dilapidated and unused building will have a positive impact on the heritage item in terms of visual appearance and safety.

6. CONCLUSION

The demolition of the building complies with the objectives of the LEP, will have a positive impact on the heritage item and is therefore compatible.

DOCUMENTS
ASSOCIATED WITH
REPORT LPP028/21

Attachment 5

Appendix A - Auburn Local
Environmental Plan 2010

Cumberland Local Planning Panel

Appendix A
Auburn Local Environmental Plan 2010

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
2.7 Demolition requires development consent	Yes	Consent for demolition is sought by this DA.
4.4 Floor Space Ratio – No requirement specified	N/A	The establishment of new built form on the site does not form part of this application.
5.10 Heritage conservation	Yes	<p>The application was referred to Council's Heritage Committee for comment as the building to be removed is located within a local heritage item (Wyatt Park, item no. 140) and is within close proximity items (Stand of <i>Eucalyptus microcorys</i> fronting Olympic Drive, item no. 141). No response was received from Council's Heritage Committee within the required timeframe.</p> <p>It is further noted that the building proposed to be removed is not a heritage item. It is simply located within a site that is identified as a local heritage item under ALEP. The removal of the subject building would not result in a conflict with the nearby heritage listed eucalyptus trees fronting Olympic Drive.</p> <p>On the basis of the above, the proposed development would not pose a significantly detrimental impact on the heritage significance of Wyatt Park and the nearby heritage listed trees.</p>
6.1 Acid sulphate soils	Yes	No significant earthworks are proposed.
6.3 Flood planning	Yes	The site is identified as being impacted by a low to medium flood affectation. The proposed demolition works will not increase the flood risk associated with use of the land.

**DOCUMENTS
ASSOCIATED WITH
REPORT LPP028/21**

Attachment 6

**Appendix B - Auburn
Development Control Plan 2010**

Appendix B
Auburn Development Control Plan 2010 - Waste

Requirement	Yes	No	N/A	Comments
2.0 Demolition and construction				
<p>D1. All materials that arise from demolition and construction shall comply with a Waste Management Plan (WMP) before recycling or disposal.</p> <p>Note: The WMP shall provide details of on-site storage, volume or area estimates and information about reuse, recycling and disposal options for all waste produced on-site, including excavation materials.</p> <p>The WMP is a plan that provides Council with details of the following:</p> <ul style="list-style-type: none"> „ the volume and type of waste to be generated; „ how the waste is to be stored and treated on site; „ how the waste is to be disposed of; and „ how ongoing waste management will function. <p>The applicant should also consider the following additional criteria when planning and undertaking demolition:</p> <ul style="list-style-type: none"> „ Does the site require a contaminated land assessment? „ What type of waste is going to be produced from the site? „ Is the waste to be produced hazardous (e.g. does it contain lead paint or asbestos)? „ Will special arrangements need to be made for the removal and disposal of hazardous material and it will need to be separately handled and stored on-site? „ Can packaging be reduced or recycled by: <ul style="list-style-type: none"> • returning packaging to the supplier? • seeking cardboard or metal drums instead of plastic? • seeking metal straps rather than shrink wrap? • returning packaging such as delivery storage pallets and reels? 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>A waste management plan has been submitted for the development and will be included as part of any development consent for the proposal to ensure compliance with this control.</p> <p>A hazardous materials survey has been prepared for the development which identifies some asbestos will be present onsite which will require handling and disposal to be undertaken by a suitably qualified asbestos removalist. The recommendations of the survey regarding the handling and disposal of asbestos and any other contaminated material will be imposed as a condition in any consent of the development.</p>
D2. Identify and nominate opportunities to reuse materials from the demolition and excavation phase for the proposed new use as well as potential waste materials (such as recyclable packaging, off-cuts and other excess materials as part of the construction process).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Any consent can be conditioned to comply with this requirement.
D3. Reuse timber formwork or waste corrugated iron as formwork and examine the useability of other materials for productive purposes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Any consent can be conditioned to comply with this requirement.
D4. Sorting bins/areas to be provided on-site for recycling and disposal of building waste materials and indicated on the site plans/drawings as part of the WMP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sufficient area exists onsite to accommodate the storage of waste bins. Compliance with this requirement shall be conditioned accordingly.
<p>D5. All waste streams shall be stored separately on site such as:</p> <ul style="list-style-type: none"> „ landfill waste; 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Any consent can be conditioned to comply with this requirement.

Cumberland Local Planning Panel

„ recyclable waste; „ reusable materials; and „ excavation materials.				
D6. Demolition and construction materials/waste shall be sorted and stored on-site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Any consent can be conditioned to comply with this requirement.
D7. Where a skip is required and on-site constraints do not enable it to be located on the property, a separate application for a road occupancy license is required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Any consent can be conditioned to comply with this requirement.
D8. The WMP together with records of waste disposal (waste/tipping receipts or dockets) are to be retained by the applicant as Council may wish to audit such documentation so as to monitor compliance with the WMP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Any consent can be conditioned to comply with this requirement.
D9. Construction materials are to be stored separately from waste and recycling materials to enable easy access for waste collectors.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Any consent can be conditioned to comply with this requirement.
D10. Maximise reuse and recycling of materials from demolition and construction which can be assisted by deconstruction, where the various building components are carefully dismantled and sorted.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Any consent can be conditioned to comply with this requirement.
D11. Demolition must occur in accordance with the relevant Australian Standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Any consent can be conditioned to comply with this requirement.
D12. The removal of hazardous materials such as asbestos, lead paint or dust in roof cavities shall be in accordance with WorkCover NSW and Department of Environment, Climate Change and Water (DECCW) under the requirements of the relevant legislation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A hazardous materials survey has been prepared for the development which identifies some asbestos will be present onsite which will require handling and disposal to be undertaken by a suitably qualified asbestos removalist. The recommendations of the survey regarding the handling and disposal of asbestos and any other contaminated material will be imposed as a condition in any consent of the development.
D13. Provision of designated areas on the site sufficient for colour coded or labelled storage bins, containers or stockpiles for separated and any left-over waste from the construction process in locations with convenient vehicular access for removal by the waste contractor.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Any consent can be conditioned to comply with this requirement.
D14. Source separation of off-cuts to facilitate reuse, resale or efficient recycling.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Any consent can be conditioned to comply with this requirement.
D15. Temporary stockpiling of surplus materials for use in later stages.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Any consent can be conditioned to comply with this requirement.
D16. Building waste materials shall be reused, recycled or disposed to approved landfill sites.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Any consent can be conditioned to comply with this requirement.

Item No: LPP029/21

MODIFICATION APPLICATION FOR 16-18 STIMSON STREET, GUILDFORD

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: MOD2021/0076

Application lodged	2 March 2021
Applicant	Zhinar Architects
Owner	Burnett St Pty Ltd
Application No.	MOD2021/0076
Description of Land	16 -18 Stimson Street GUILDFORD NSW 2161, Lot 100 DP 1241157
Proposed Development	Section 4.55(2) application for various modifications to the approved residential flat building including amendments to external finishes and floor levels and increase in building height
Site Area	1,782.82m ²
Zoning	R4 - High Density Residential Zone
Disclosure of political donations and gifts	Nil disclosure
Heritage	No –The subject site is not Heritage Listed or located within a Heritage Conservation Area
Principal Development Standards	<p><u>Floor Space ratio (FSR)</u> Permissible: 1.2 :1 Proposed: No Change, remains as approved.</p> <p><u>Height of Building (HOB)</u> Permissible:15m Approved: 15m Proposed:16.64m</p>
Issues	Building Height

SUMMARY:

1. Modification Application No. MOD2021/0076 was received on 4 March 2021 for the Section 4.55(2) application for various modifications to the approved residential flat building including amendments to external finishes and floor levels and increase in building height.
2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 21 days between 31 March 2021 and 21 April 2021. In response, two (2) submissions were received.
3. The application has been assessed against the relevant provisions of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65), Holroyd Local Environmental Plan 2013 (HLEP), Apartment Design Guide and Holroyd Development Control Plan 2013 (HDGP).

4. The application involves the following non-compliances which are considered supportable as discussed in detail in the body of this report:

Control	Required	Approved DA	Proposed	% variation
Height of buildings (HLEP2013)	15m	15m	16.64m (lift overrun)	10.9%

5. The application is being reported to the Cumberland Local Planning Panel (CLPP) for determination as it is a development that contravenes a development standard by more than 10%.
6. The application is recommended for approval subject to the conditions in the draft notice of determination at Attachment 1.

REPORT:

Subject Site and Surrounding Area

The subject site is legally described as Lot 100 DP 1241157 and known as No. 16 to 18 Stimson Street, GUILDFORD NSW 2161. The site has an area of 1,782.82m² and a frontage to Stimson Street of 23m and 13m to the Esplanade. The site is located within walking distance to the Guildford Railway Station and the local commercial town centre. The site is currently vacant and fenced off for upcoming works. The subject site and neighbouring allotments are zoned R4 – High Density Residential. The existing developments adjoining the site include 4 storey residential flat building to the east and south and a single storey detached dwelling house to the west.

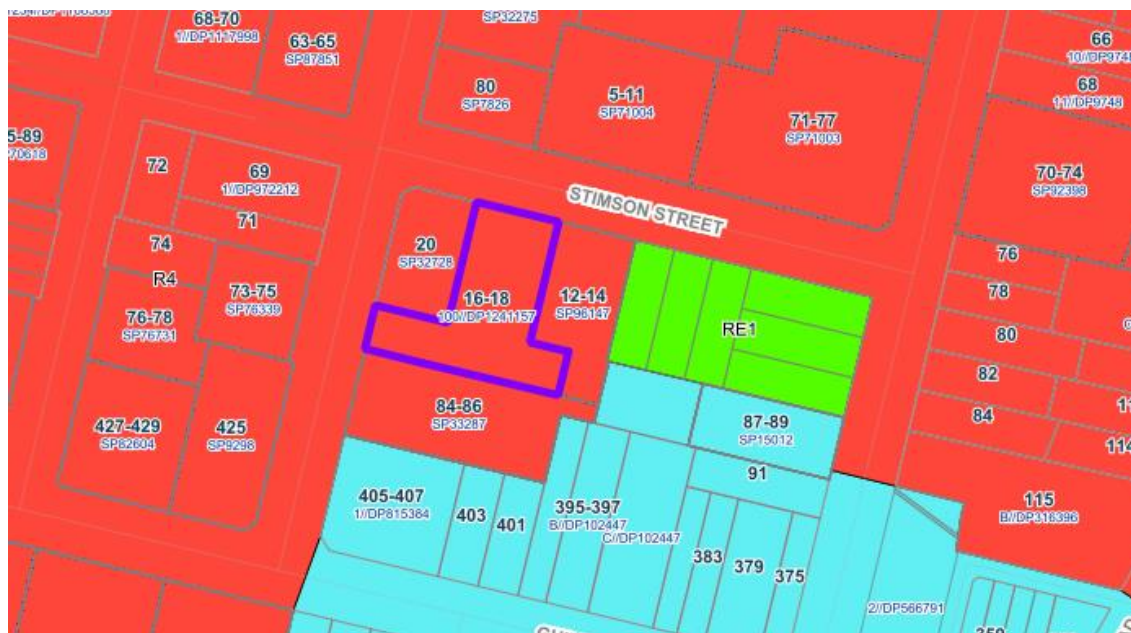


Figure 1 – Locality Plan of subject site



Figure 2 – Aerial view of subject site



Figure 3 – Street view of subject site

Description of the Proposed Development

Council has received a modification application for various modifications to the approved residential flat building including the following works:

- Refine the external façade of the building by further increasing the use of face brick and reducing render and removing metal cladding;
- Extend the eastern portion of the roof level to increased weather protection to balconies associated with units 28 and 29;
- Introduction of service cupboards on each level of the building;

- Relocate the planterbox location to minimize waterproofing issue to unit area;
- Lowering of the basement level by 400mm from RL 31.085 to RL 30.685 as a result of design refinement and to assist with providing sprinklers to the residential levels;
- Increasing the height of the building by 1.64m as a result of increasing the floor to floor level from 2.915m to 3.17m to facilitate the provision of fire sprinklers throughout the building and the lift overrun.

The following table provides a comparison of approved development and proposed modification:

	Approved	Modified
Storeys	5-storey Residential Flat Building	5-storey Residential Flat building
Maximum Building Height	48.575 RL	50.8RL

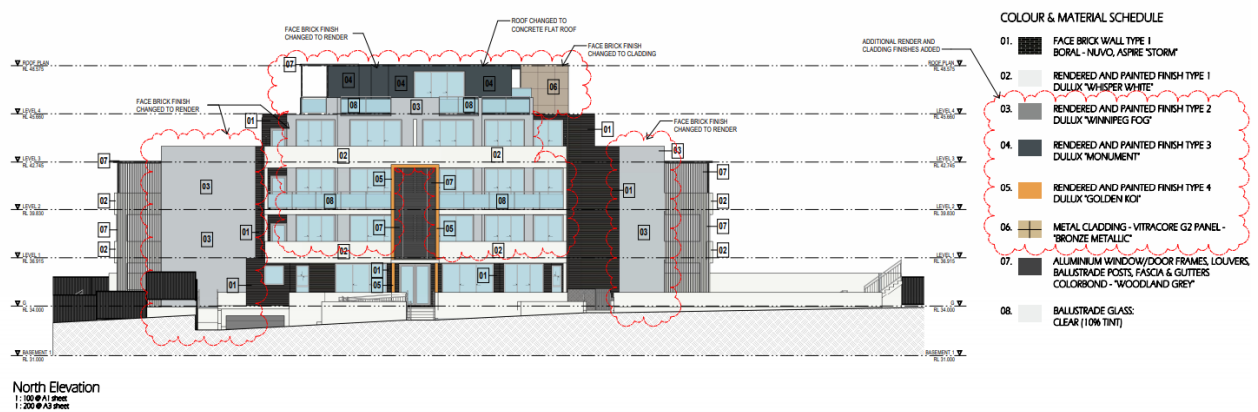


Figure 4: Approved on 16 October, 2017(Mod2014/194/2)

See Attachment 5 to view in detail



Figure 5: Proposed, Current Design (MOD2021/0076)

See Attachment 2 to view in detail

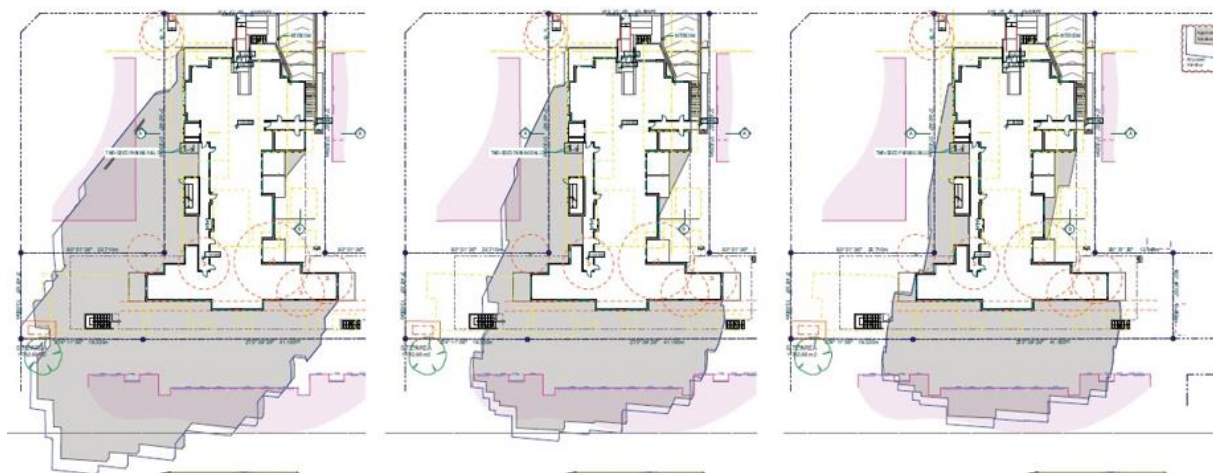


Figure 6: Shadow Diagram, Current Application

See Attachment 2 to view in detail

History

26 March 2014: A Pre-lodgement Application was held to discuss construction of a 4 storey residential flat building over one level of basement parking accommodating 30 residential units.

28 January 2015: Council approved Development Application No. 2014/194/1 as a deferred commencement approval for the demolition of the existing structures and construction of a five (5) storey residential flat building accommodating thirty (30) units above a basement parking.

26 February 2015: Council issued an operative consent for the Development Application No. 2014/194/1 for the demolition of the existing structures and construction of a five (5) storey residential flat building accommodating thirty (30) units above a basement parking.

16 October 2017: A Section 96 Modification of Development Consent No. 2014/194/2 was approved for minor changes to the stamped approved architectural plans and Condition No. 2 of the consent. This altered the RL to 48.575 but the overall building height was within the allowable 15m height restriction.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Think Planners dated 1 March 2021 and was received by Council on 4 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 development application was referred to Council's Development Engineer for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

Building Surveyor

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

External Referrals

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

PLANNING COMMENTS

Section 4.55(2):

Requirement	Comments
Council is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	The development as proposed to be modified is substantially the same as the original consent. That is, demolition and consolidation of three (3) residential lots into one (1) lot for the construction of a five (5) storey residential flat building accommodating thirty (30) units over a basement car parking for thirty-four (34) vehicles
Council has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	No Minister, public authority or other approval body was required to be consulted regarding the proposed modification.
Council has notified the application in accordance with: <ul style="list-style-type: none"> (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the 	See discussion on "Public Notification" in this report.

notification or advertising of applications for modification of a development consent, and	
Council has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	See discussion on "Public Notification" in this report.
Relevant matters referred to in Section 4.15(1) of the act have been taken into consideration.	Proposed modification is not contrary to the public interest and the likely environmental impacts of the development as modified are considered acceptable.
Council has considered the reasons given by the consent authority for the grant of the consent that is sought to be modified.	

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

State Environmental Planning Policies

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

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

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

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

SEPP 65 applies to the development as the building is 3 storeys or more, and contains more than 4 dwellings. A design statement addressing the design quality principles prescribed by SEPP 65 was prepared by the project architect. Integral to SEPP 65 is the Apartment Design Guide (ADG), which sets benchmarks for the appearance, acceptable impacts and residential amenity of the development. A revised design verification statement signed by registered architect, Andre Mulder, Registered Architect NSW, Registration No. 6294 was submitted with the s4.55(2) application.

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. A comprehensive assessment against SEPP 65 and the ADG is contained in Attachment 6.

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

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

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

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

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

A revised BASIX certificate is not warranted for the proposed modification.

Regional Environmental Plans

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

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

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

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

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

Local Environmental Plans

Holroyd Local Environmental Plan 2013

The provision of the Holroyd Local Environmental Plan 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 High Residential Density Zoning.

(a) Permissibility:-

The proposed development is defined as a 'Residential Flat Building' and is permissible in the R4 Zone with consent.

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

The relevant matters to be considered under HLEP2013 and the applicable clauses for the proposed development are summarised below. A comprehensive LEP assessment is contained in Attachment 7.

(b) Clause 4.3 Height of Buildings

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

The modified proposal seeks the following breaches to the maximum 12.5m building height standard:

Control	Development Standard	Approved DA	Proposed	% variation
Height of buildings (HLEP2013)	4.3 Height of Buildings Maximum allowable height = 15m	15m	16.64m (lift overrun)	10.9%

(c) Variation to Building Height

It is noted that there is no statutory requirement for a Clause 4.6 variation request to be submitted for Section 4.55 modification applications. Nonetheless, the applicant has prepared a Clause 4.6 variation request for the departure sought to the building height standard (refer to Attachment 3).

Assessment of Building Height variation

Applicant's justification:

The applicant requests that the consent authority consider the request to vary the building height standard, and grant development consent to the proposal, despite the departure from the control, for the reasons stated below.

- The overall height of the development presents as a compatible form of development to the anticipated high density residential development that are emerging in the locality, noting that the emerging character is for 5 plus storey residential developments. The lift overrun is recessed behind the main building alignment to downplay visual dominance as viewed from the public domain and adjoining residential properties.
- The proportion of the building that protrudes above the 15m height limit is largely attributed to the lift overrun and presents with a dominant 5 storey building design, reinforcing that the breach to the height standard does not result in the development representing an overdevelopment of the site but rather a suitable contextual response to the locational characteristics on the site in order to achieve a suitable ground floor outcome with sufficient amenity for the suites at this level.
- 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 upper levels recessed and designed using a lighter design style to ensure a positive streetscape presentation.
- The additional height does not generate any additional amenity impacts given the location of the site and the surrounding site context.

- The proposal has been carefully designed to ensure that no adverse visual or acoustic amenity impacts will be created by the proposed building height along site boundaries as the upper levels are substantially recessed behind the building perimeter.
- The proposed articulation of the built form will ensure that the additional building height will not be discernibly noticeable from street level.
- The proposal provides for a better planning outcome as the same density of apartments could be achieved in a building that is squashed into 5 levels of development with a bigger floor plate that would be less articulated and would be located closer to adjoining properties. Therefore, the response has been to maximise the amenity of apartments.
- The proposal has been designed to ensure that privacy impacts are mitigated against and that the proposal will not obstruct existing view corridors
- 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 proposal will provide for a number of distinct public benefits: Delivery of additional housing within close proximity to the Employment Precinct of the Guildford Town Centre.
 - Creation of jobs during the construction stage;
 - 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 height control. The scale and intensity of the development is appropriate noting that the proposal complies with the maximum FSR, 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.

Planners Comment:

The variation sought as part of the subject application is minor. The additional height is the result of the lift overrun and to provide a compliant floor to ceiling height which was increased from 2.915m to 3.17m to facilitate the provision of fire sprinklers throughout the building as per NCC requirements and the current Apartment Design Guide (ADG) standards. As a result, the modification increases the overall height of the building by 1.64m. This is due to the lift overrun and the cumulative increase of floor to floor level from 2.915m to 3.17m.

The departures sought to the building height standard are restricted to the lift overrun and roof slab and do not include any additional habitable or additional gross floor area. The variation is not considered to create unreasonable amenity impacts to the adjoining properties via overshadowing or overlooking. The presentation of the building is also not considered to be compromised by the variation to the height control.

Council's Building Surveyor has confirmed that the building would require a sprinkler system and raise no objection to the additional ceiling height. Therefore, the increase in building height is considered acceptable in this instance.

Furthermore, the shadow diagrams accompanying the application demonstrate that the proposal does not result in any significant adverse impacts on surrounding properties and that the development complies with the solar access requirements under the ADG.

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

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

(a) Draft State Environmental Planning Policy (Environment)

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

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

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

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

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

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

- Holroyd Local Environmental Plan 2013,
- Parramatta Local Environmental Plan 2011, 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 2013 provides guidance for the design and operation of development to achieve the aims and objectives of the Holroyd Local Environmental Plan 2013.

A comprehensive assessment and compliance table is contained in Attachment 8.

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

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

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

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

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

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

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

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

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

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

Advertised (Council website) ☒ 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 31 March 2021 and 21 April 2021. The notification generated two (2) submissions in respect of the proposal with no submissions disclosing a political donation or gift. The issues raised in the public submissions are summarised and commented on as follows:

Figure 7 – Submissions summary table

Issue	Planners Comment
1. The submission raises concerns that the modification is seeking additional units which would trigger on-street parking demand.	The modification is not seeking to increase the number of units from what is already approved therefore the number of units and the number of parking remain as approved.
2. The submission raises concerns that a revised Clause 4.6 should be applicable for the modification application because of the increase in height.	Planner's comment: A revised Clause 4.6 for a Development Standard is not required for a modification application. However, justification is required and accordingly the applicant has provided reasoning for the increase in height. Therefore, this clause will not be applicable to this application. In accordance with case law, as outlined in the Land Environment Court Case of Gann & Anor v Sutherland Shire Council [2008] that there is power to modify a development application where the modification would result in the breach of development standards. The court took the view that development standards within an LEP did not operate to prohibit the grant of consent if they were not complied with (and no objection pursuant to SEPP No. 1 (now clause 4.6) had been lodged). Notwithstanding, the court held that despite a SEPP No. 1 Objection not

	being required, Section 96(2) (now known as cl 4.55(2)) of the Environmental Planning and Assessment Act 1979 (The Act) still requires the consent authority to take into consideration those matters referred to in Section 79C (now Clause 4.15) of the Act. This case law has been applied to Clause 4.6 of the Standard instrument (on which the HLEP 2013 is derived).
3. The submission raises concerns that the height exceedance will have a direct impact on the sunlight and privacy to the neighbouring property	The additional building height will not be discernibly noticeable from street level, furthermore, no adverse visual or acoustic amenity impacts will be created by the proposed building height along site boundaries as the upper levels are substantially recessed behind the building perimeter. Furthermore, the application has provided revised Solar Access Plans that indicate the new shadows are not significantly altered from what was previously approved. 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, and is consistent with the future character envisioned, while supporting the role of Guildford as a strategic precinct.

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

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

Section 7.11 (Formerly S94) Contribution Towards Provision or Improvement of Amenities or Services

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

Cumberland Local Infrastructure Contributions Plan 2020

The development would not require the payment of any additional 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 as modified is appropriately located within the R4 – High Density Residential zone under the relevant provisions of the Holroyd Local Environmental Plan 2013, however variation in relation to the additional building height sought. Having regard to the assessment of the proposal from a merit perspective, Council may be satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the departures noted above, is consistent with the intentions of Council's planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

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

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

REPORT RECOMMENDATION:

- 1. That Modification Application No. MOD2021/0076 for Section 4.55(2) application for various modifications to the approved residential flat building including amendments to external finishes and floor levels and increase in building height on land at 16 -18 Stimson Street GUILDFORD NSW 2161 be approved subject to attached.**
- 2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.**

ATTACHMENTS

1. Draft Notice of Determination [↓](#)
2. Architectural Plans [↓](#)
3. Statement of Environmental Effects [↓](#)
4. Design Verification Statement [↓](#)
5. Previous Approved Plans [↓](#)
6. SEPP 65 Design Quality of Residential Apartment Development Assessment [↓](#)
7. Holroyd LEP Compliance Table [↓](#)
8. Holroyd DCP Compliance Table [↓](#)
9. Submissions Recieved [↓](#)

**DOCUMENTS
ASSOCIATED WITH
REPORT LPP029/21**

**Attachment 1
Draft Notice of Determination**



MODIFICATION APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	MOD2021/0076
Applicant:	Zhinar Architects PO Box 229 EASTWOOD NSW 2122
Property Description:	16 -18 Stimson Street GUILDFORD NSW 2161, Lot 100 DP 1241157
Development:	Section 4.55(2) application for various modifications to the approved residential flat building including amendments to external finishes and floor levels and increase in building height
Determined by:	Cumberland Local Planning Panel

CONDITIONS OF APPROVAL

Accordingly, Development Consent DA2014/194/1 is amended as follows:

Condition 2 of DA2014/194/1 is modified to read as follows: -

- As amended by the following plans and documents approved under the subject modification application MOD2021/0076:

Plan Number	Prepared By	Revision No.	Dated
Architectural Plans Job No. 8706(8304)	Zhinar Architects	Issue A	03 February 2021
Drawing No. 100, 101, 102, 103, 104, 105, 106, 200, 201, 202			
Landscape Plan - Drawing No. 14052	Vision Dynamics	Revision E	3 February 2021
Stormwater Plan Project Number – 1784-S4.55 SW010, SW020, SW021, SW070	Mance Arraj Civil & Structural Engineers	Issue A	4 February 2021
Arboriculture Impact Assessment Report	Redgum Horticultural Consultants	Reference Number 9249	11 April 2014
Waste Management Plan	Zhinar Architects	-	-
BASIX Certificate No. 545987M_03	-	-	31 January 2018

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

All other conditions of Development Consent DA2014/194/1 and as amended remain unchanged.

DOCUMENTS
ASSOCIATED WITH
REPORT LPP029/21

Attachment 2
Architectural Plans

DEVELOPMENT SUMMARY

SITE AREA 1782.88m²
GFA 2114.12m²
FSR 1 : 1.185

UNIT MIX/YIELD

UNIT TYPE	No. OF UNITS	REQUIRED PARKING PER UNIT	REQUIRED PARKING	DA APPROVED PARKING	PROPOSED PARKING
1 BED	1	0.8	0.8	0.8	1
1 BED + STUDY	13	0.8	10.4	10.4	12
2 BED	15	1	15	15	15
3 BED	1	1.2	1.2	1.2	2
TOTAL :	30	0.2 (VISITOR)	6	6	6
					1 CARWASH BAY
		TOTAL :	34	34	37

DEEP SOIL : 449m²

COS : 802m²

Drawing List	
Sheet Number	Sheet Name
S405.100	BASEMENT FLOOR
S405.101	GROUND FLOOR
S405.102	LEVEL 1
S405.103	LEVEL 2
S405.104	LEVEL 3
S405.105	LEVEL 4
S405.106	ROOF PLAN
S405.107	NORTH & SOUTH ELEVATION
S405.108	EAST & WEST ELEVATION

September 2017

BSA Reference: 9119

Building Sustainability Assessments
enquiries@buildingsustainability.net.au

Phy (62) 4962 3439
www.buildingsustainability.net.au

Important Note for Development Applicants

The following specification was used to achieve the thermal performance values indicated on the Assessment Certificate. If they vary from drawings or other specifications this Specification shall take precedence. If only one specification option is detailed for a building element, that specification must apply to all instances of that element for the whole project. If alternate specifications are detailed, the location and extent of the alternate specification must be detailed below and / or clearly indicated on referenced documentation.

Once the development is approved by the consent authority, these specifications will become a condition of consent and must be included in the built works. If you do not want to include these requirements, the proposed construction varies to those detailed or need further information, please contact Building Sustainability Assessments.

This assessment has assumed that the BCA provisions for building sealing will be complied with at construction. No loss of insulation arising from ceiling penetrations has been simulated.

Thermal Performance Specifications

External Wall Construction	Insulation	Colour (Solar Absorptance)	
Brick Veneer	R2.0	Any	
75mm AAC Veneer	R1.0	Any	
Internal Wall Construction	Insulation		
Plasterboard on studs	none		
200 Concrete on studs & 75mm AAC on studs	R1.3		
150 Brick	none		
Ceiling Construction	Insulation	Detail	
Plasterboard	R0.5 to ceilings adjacent to roof and decks above		
Roof Construction	Insulation	Colour (Solar Absorptance)	Detail
Metal	R2.0 - R1.8 (insulated)	Any	
Concrete	none	Any	
Floor Construction	Insulation	Covering	Detail
Concrete	none	As drawn (if not noted default values used)	
Windows	Glass and frame type	U - SHGC	Area sq m
Overall	Single clear Aluminium	As drawn	

U and SHGC values are according to NFRC. Alternate products may be used if the U value is lower and the SHGC is less than 10% higher or lower than the above figures.

External Window Cover	Detail		
As drawn			
Fixed shading - Eaves	Width includes guttering, offset a distance above windows		
Width	as drawn	Offset	as drawn
Fixed shading - Other	Verandahs, Pergolas (type and description)		
Shaded areas and shade devices as drawn			

For construction to comply with the BCA Vol 1 or 2 must be complied with, in particular the following:

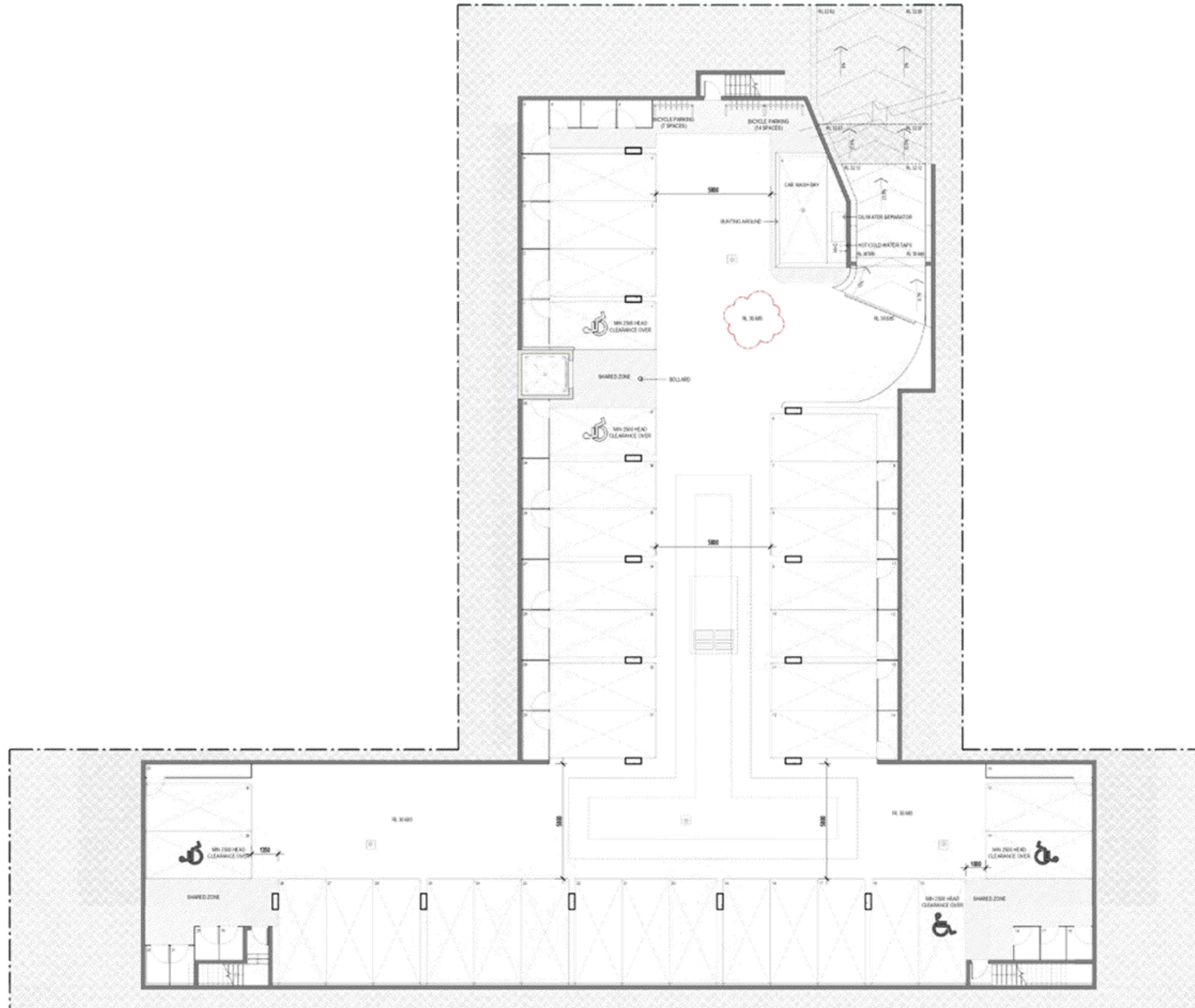
- Thermal construction in accordance with Vol 1 Section 3.12.1 or Vol 2 Part 3.12.1.1
- Thermal breaks in accordance with Section 3.12.1.3(a) & 1.3(b) or Part 3.12.1.3(c) & 3.12.1.3(d)
- Compensating for loss of ceiling insulation in accordance with Section 3.12.1.3(c) or Part 3.12.1.3(d)
- Floor insulation in accordance with Section 3.12.1.3(d) or Part 3.12.1.3(c) or (c) & (d)
- Building sealing in accordance with Section 3.9 or Part 3.12.3.1 to 3.12.3.6



• AS PER APPROVED DRAWING
• NO AMENDMENT ON THE DEVELOPMENT SUMMARY
• PHOTOMONTAGE UPDATED

8706 (8304)
16-18 Stimson St & 82 The Esplanade
GUILDFORD, NSW 2161

Proposed Development



BASEMENT FOOTPRINT AS PER APPROVED DRAWING.
BASEMENT LEVEL ADJUSTED TO ACHIEVE HEIGHT CLEARANCE REQUIRED.

BASEMENT 1
1:100 @ A1 sheet
1:200 @ A3 sheet

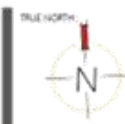
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NO.	DATE	BY	CHKD.	DESCRIPTION
1	03/10/2017	BA	LA	ISSUE FOR SECTION 4.55
2	03/10/2017	BA	LA	AMENDED PARKING
3	03/10/2021	JA	YB	SH-15 ISSUE

DATE	DRAWN	CHECKED
03/10/2021	BA	YB
03/10/2017	BA	LA

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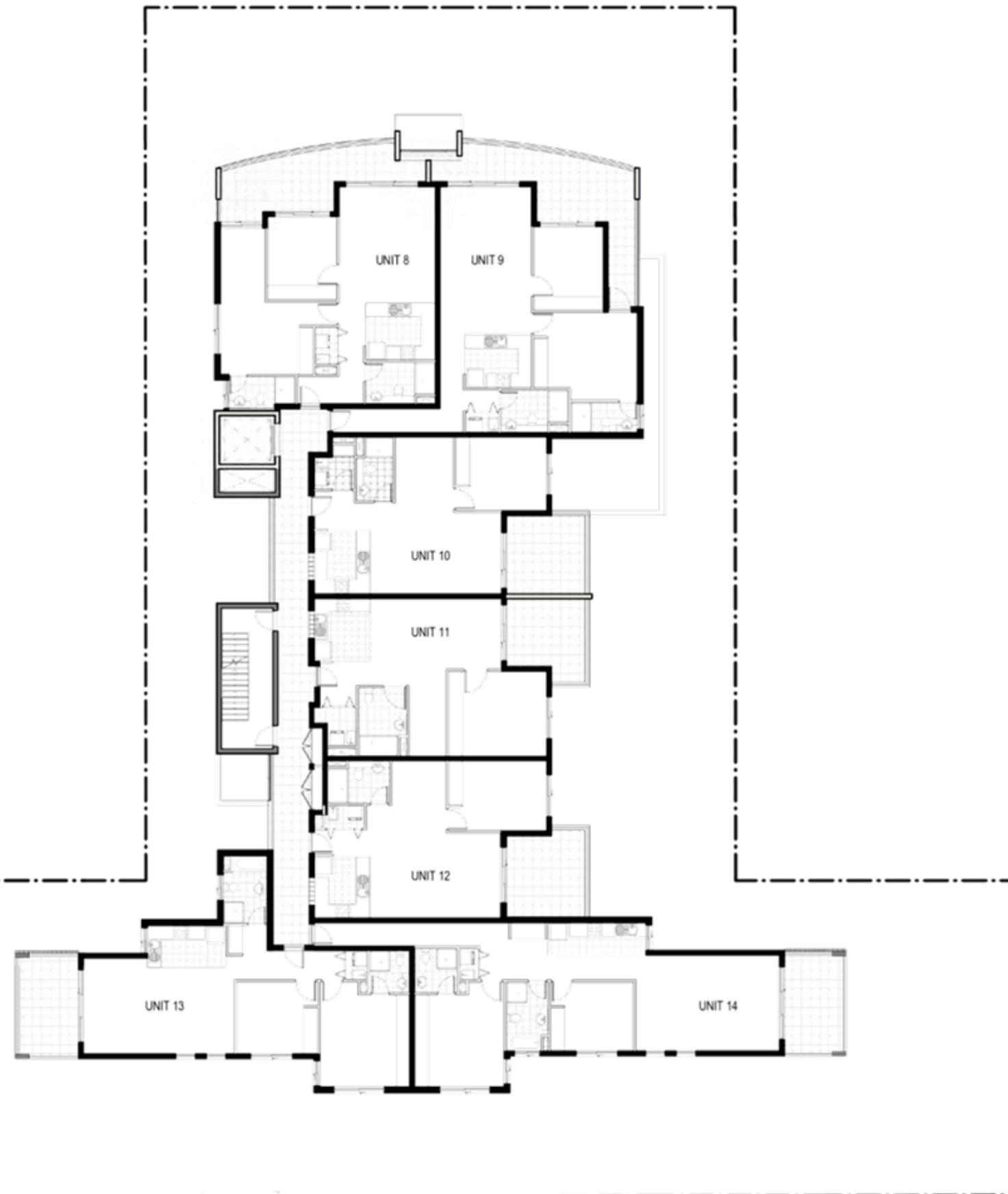
Ruston-Wong Chung-Austin-Kwan (reg. 4376) - Nominated Architect

PROJECT STATUS:
Section 4.55 Application
Development Consent 2014/194/1

PROJECT NAME:
Proposed Development
16-18 Simson St & 82 The Esplanade
GUILDFORD, NSW 2161
LGA - CUMBERLAND COUNCIL

SHEET TITLE:
BASEMENT 1 PLAN
1:100 @ A1 sheet
SCALE
8706 (8304) 100
JOB No. DRAWING No.
S455
A



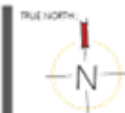


LEVEL 1
1:100

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A S455 ISSUE
1 ISSUE FOR SECTION 4.55
ISSUE AMENDMENT

03/02/2021 JA VB
03/10/2017 BK LA
DATE DRAWN CHECK



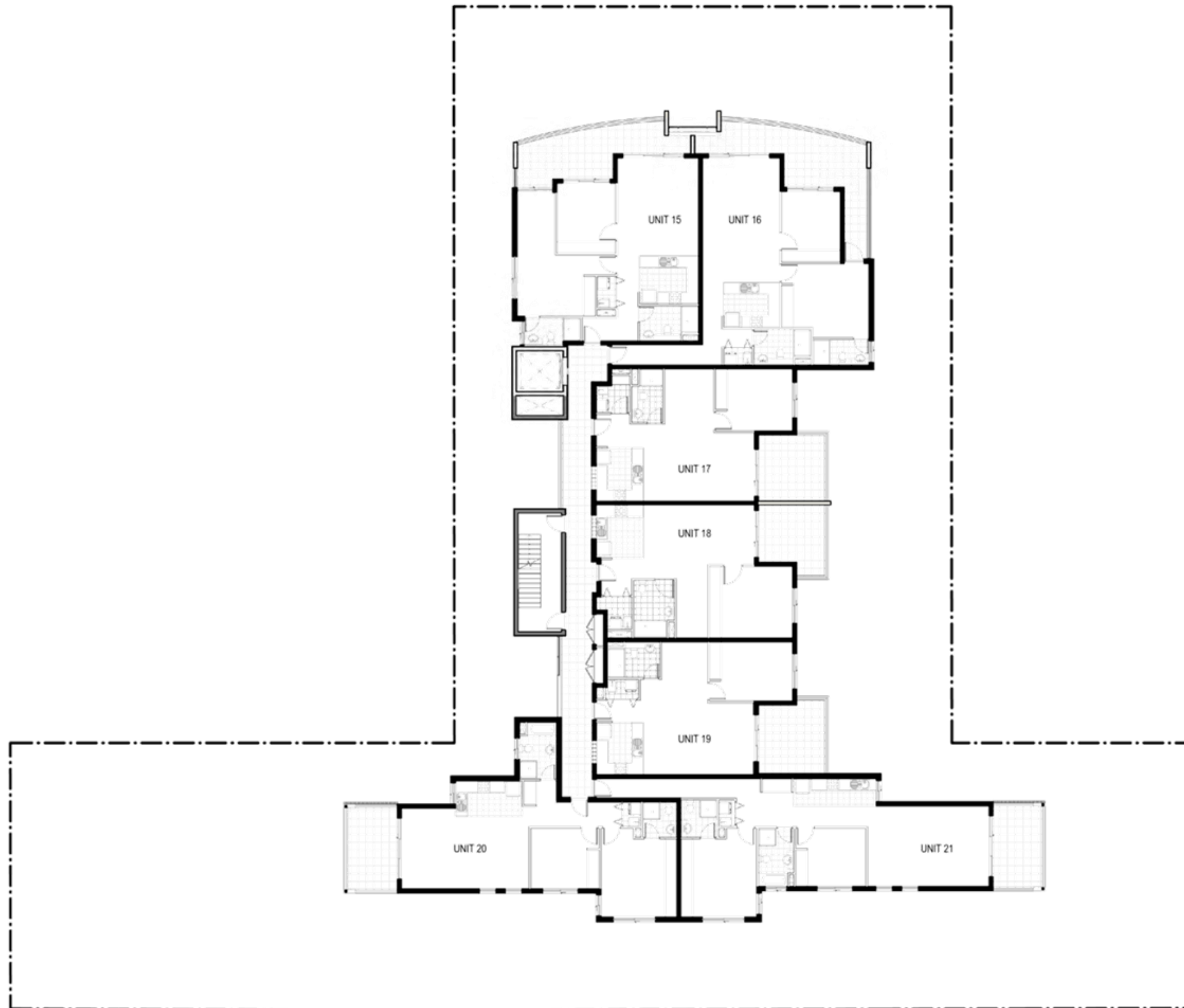
Zhin Architects Pty Ltd
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+61 2 8893 8833
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Russian-Slee Chung-Audrey-Kwee (Reg. 4376) - Nominated Architect

PROJECT STATUS:
Section 4.55 Application
Development Consent 2014/194/1

PROJECT NAME:
Proposed Development
16-18 Simson St & 82 The Esplanade
GUILDFORD, NSW 2161
LGA: CUMBERLAND COUNCIL

SHEET TITLE:
LEVEL 1
1:100 @ A1 sheet S455
SCALE 8706 (8304) 102
JOB No. DRAWING No. A
ISSUE



• BUILDING FOOTPRINT AND UNIT LAYOUT
AS PER APPROVED DRAWING.
• SERVICES CUPBOARD ADDED

LEVEL 2
1:100

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A S455 ISSUE
1 ISSUE FOR SECTION 4.55
AMENDMENT

03/02/2021 JA VB
03/10/2017 BK LA
DATE DRAWN CHECK



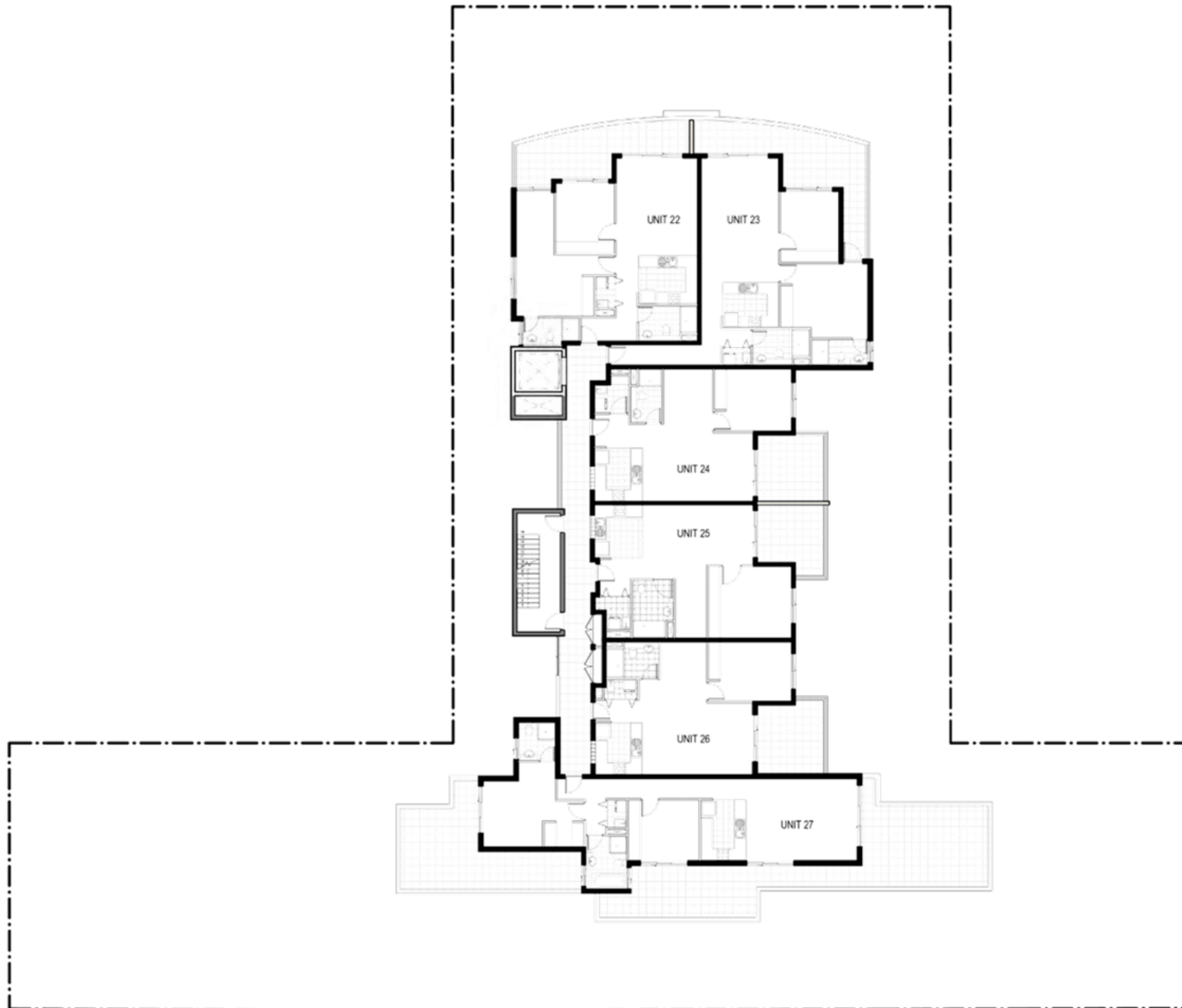
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Eastwood NSW 2122
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Russian-Slee Chung-Audrey-Kwee (Reg. 4576) - Nominated Architect

PROJECT STATUS:
Section 4.55 Application
Development Consent 2014/194/1

PROJECT NAME:
Proposed Development
16-18 Simson St & 82 The Esplanade
GUILDFORD, NSW 2161
LGA: CUMBERLAND COUNCIL

SHEET TITLE:
LEVEL 2
1:100 @ A1 sheet S455
SCALE 8706 (8304) 103
JOB No. DRAWING No. ISSUE



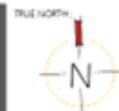
• BUILDING FOOTPRINT AND UNIT LAYOUT
AS PER APPROVED DRAWING.
• SERVICES CUPBOARD ADDED

LEVEL 3
1:100

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before proceeding. All workmanship and materials shall comply with all relevant codes,
standards, Australian Standards and manufacturer's instructions. Unless noted 'as per' for
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A S455-ISSUE
1 ISSUE FOR SECTION 4.55
ISSUE AMENDMENT

03/02/2021 JA VB
03/10/2017 BK LA
DATE DRAWN CHECK



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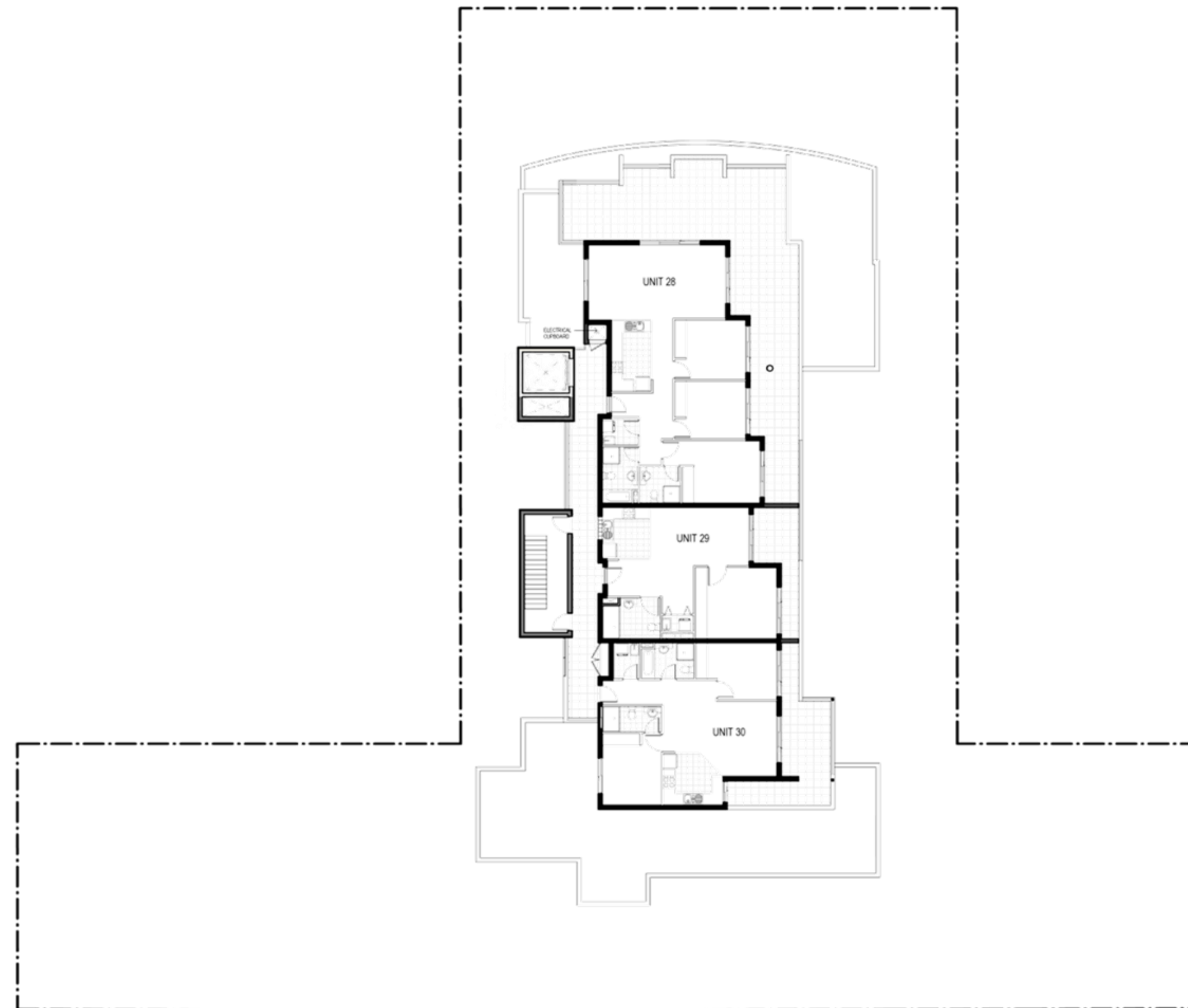
Russian-Slee Chung-Audrey-Kwee (Reg. 4576) - Nominated Architect

PROJECT STATUS:
Section 4.55 Application
Development Consent 2014/194/1

PROJECT NAME:
Proposed Development
16-18 Simson St & 82 The Esplanade
GUILDFORD, NSW 2161
LGA: CUMBERLAND COUNCIL

SHEET TITLE:
LEVEL 3
1:100 @ A1 sheet S455
SCALE 8706 (8304) 104
JOB No. DRAWING No. ISSUE

LEVEL 4
1:100



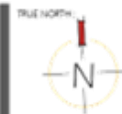
• BUILDING FOOTPRINT AND UNIT LAYOUT
AS PER APPROVED DRAWING.
• SERVICES CUPBOARD ADDED

COMMITMENT & GENERAL NOTE:

Figured dimensions shall be taken in preference to rising. Drawing to be read in conjunction with information on this page. Check all dimensions and levels on site before commencing work on any building material. All existing ground levels, tree locations are approximate. Therefore to be verified on site by the builder. Any discrepancies to be verified back to Zhin Architects before proceeding. All workmanship and materials shall comply with all relevant codes, standards, Australian Standards and manufacturer's instructions. Unless noted 'issued for construction' drawing not to be used for construction. All art / graphic representations are indicative only. Information on this drawing is the copyright of Zhin Architects. Copying or using this drawing in whole or part without written permission infringes copyright.

ISSUE	AMENDMENT	DATE	DRAWN	CHECK
1	ISSUE FOR SECTION 4.55	03/10/2017	BN	LA

DATE	DRAWN	CHECK
03/10/2021	JA	VB



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28 Kings Bay 790

Russian-Slee Chung-Audrey-Kwee (reg. 4576) - Nominated Architect

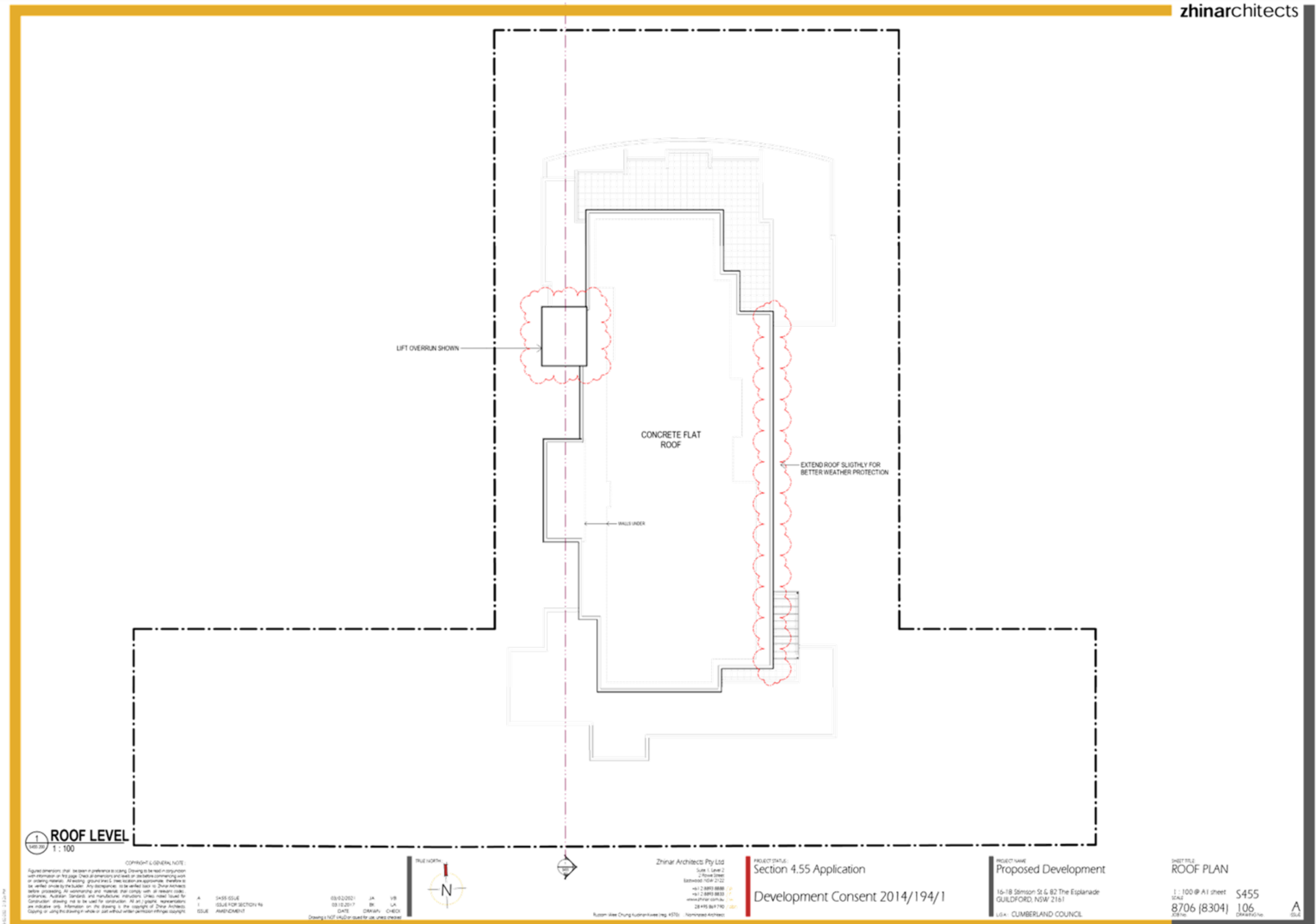
PROJECT STATUS:
Section 4.55 Application
Development Consent 2014/194/1

PROJECT NAME:
Proposed Development
16-18 Simson St & 82 The Esplanade
GUILDFORD, NSW 2161
LGA: CUMBERLAND COUNCIL

SHEET TITLE:
LEVEL 4

1:100 @ A1 sheet S455
SCALE 8706 (8304) 105
JOB No. DRAWING No.

A
ISSUE





North Elevation

1: 100 @ A1 sheet
1: 200 @ A3 sheet



South Elevation

1: 100 @ A1 sheet
1: 200 @ A3 sheet

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A	SASS ISSUE
I	ISSUE FOR SECTION 46
ISSUE	AMENDMENT?

03/02/2021	JA	VB
03/10/2017	BK	LA
DATE	DRAWN	CHECK

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Rusun Wae Chung Kuan Kwai (reg. 4570) - Nominated Architect

Zinegar Architects Pty Ltd

Suite 1, Level 2
2 Royal Street
Sydney, NSW 2012

January 2022

● 2019 年 10 月 1 日起，中国公民出境旅游将实行电子签证，中国公民出境旅游将实行电子签证，中国公民出境旅游将实行电子签证。

Fig. 1.2. 2003 0000

Fig. 2. 2013 06.13
09:00:00 00:00:00

28 495 847 740

28 95 86 7 40

PROJECT STATUS:
Section 4.55 Application

.....

Development Consent 2014/194/1

PROJECT NAME
Proposed Development

Abstract

16.18 Simon, St. C. 87 The Eclogiarie

GUILDFORD, NSW 2161

CLARK AND COLEMAN

SHEET TITLE:
NORTH & SOUTH
ELEVATION

ELEVATION
As indicated on A1 sheet AEE

\$455

8706 (8304) 200



East Elevation
1:100 @ A1 sheet
1:200 @ A3 sheet



West Elevation
1:100 @ A1 sheet
1:200 @ A3 sheet

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A. DATES/ISSUE
1. ISSUE FOR SECTION 4.55
2. AMENDMENT

03/02/2021 JA YB
03/10/2017 BK LA
DATE DRAWN CHECK

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Barrack Hill NSW 2122

Russian-Viet Chung-Audman-Kwee (reg. 4576) - Nominated Architect

PROJECT STATUS:
Section 4.55 Application
Development Consent 2014/194/1

PROJECT NAME:
Proposed Development
16-18 Simson St & 82 The Esplanade
GUILDFORD, NSW 2161
LGA: CUMBERLAND COUNCIL

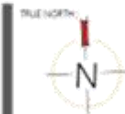
SHEET TITLE:
EAST & WEST ELEVATION
As indicated @ A1 sheet \$455
SCALE
8706 (8304) 201
A



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A **S455** **ISSUE**
ISSUE **AMENDMENT**

03/02/2021 **JA** **VB**
DATE **DESIGN** **CHECK**
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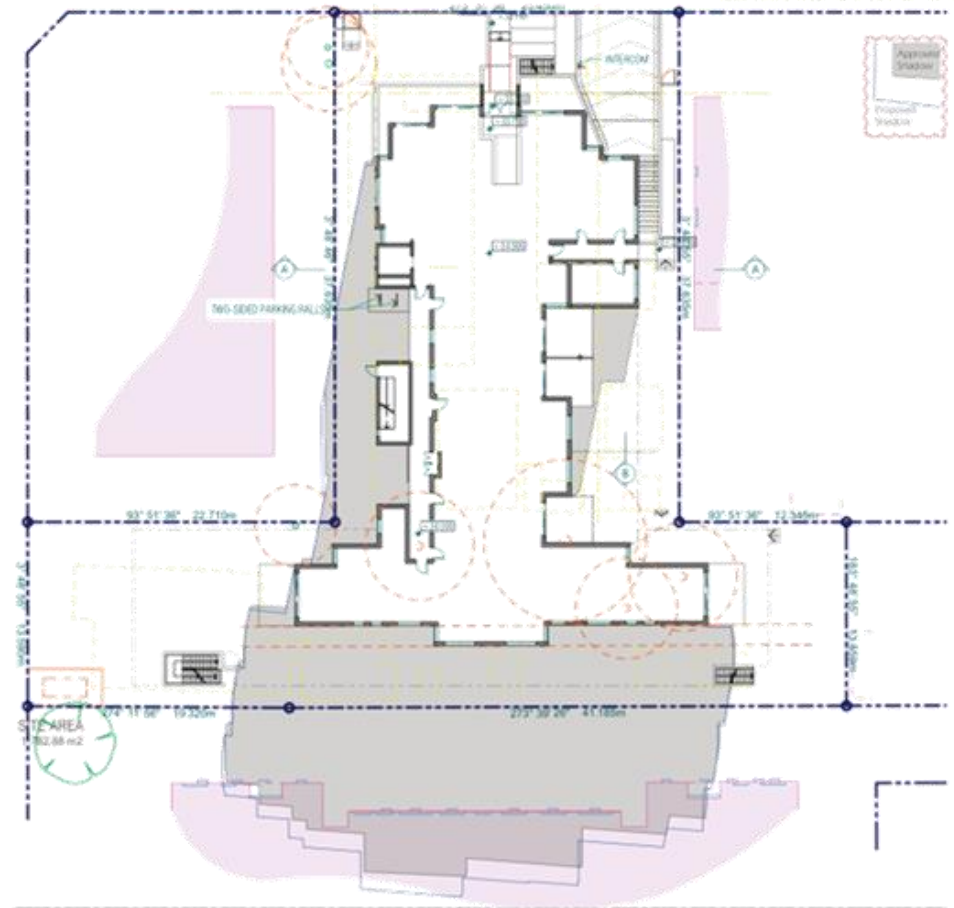
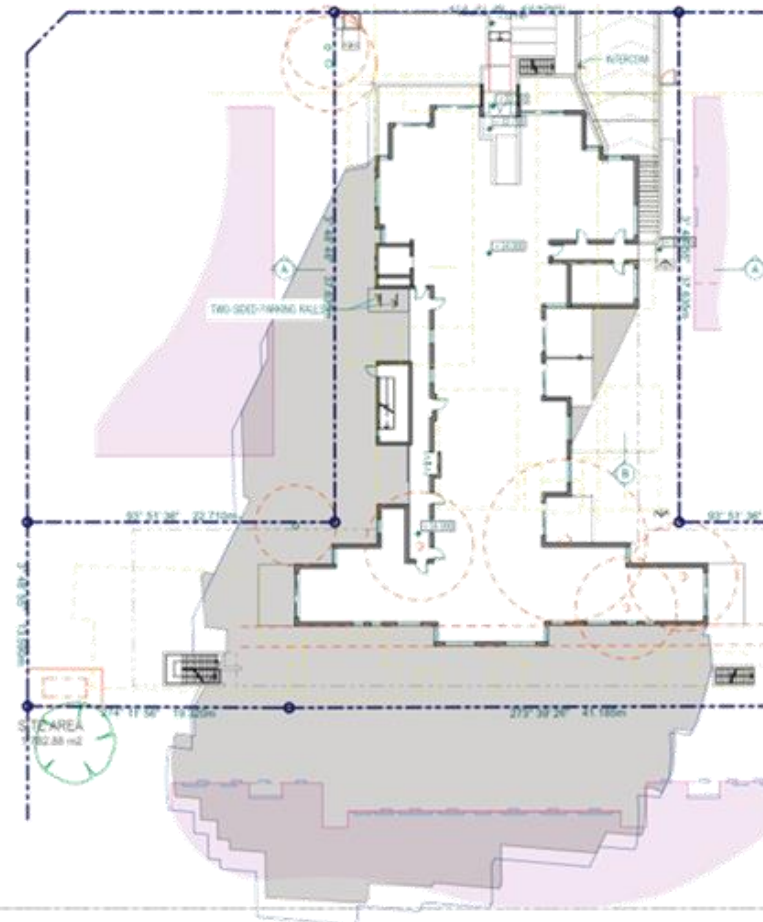
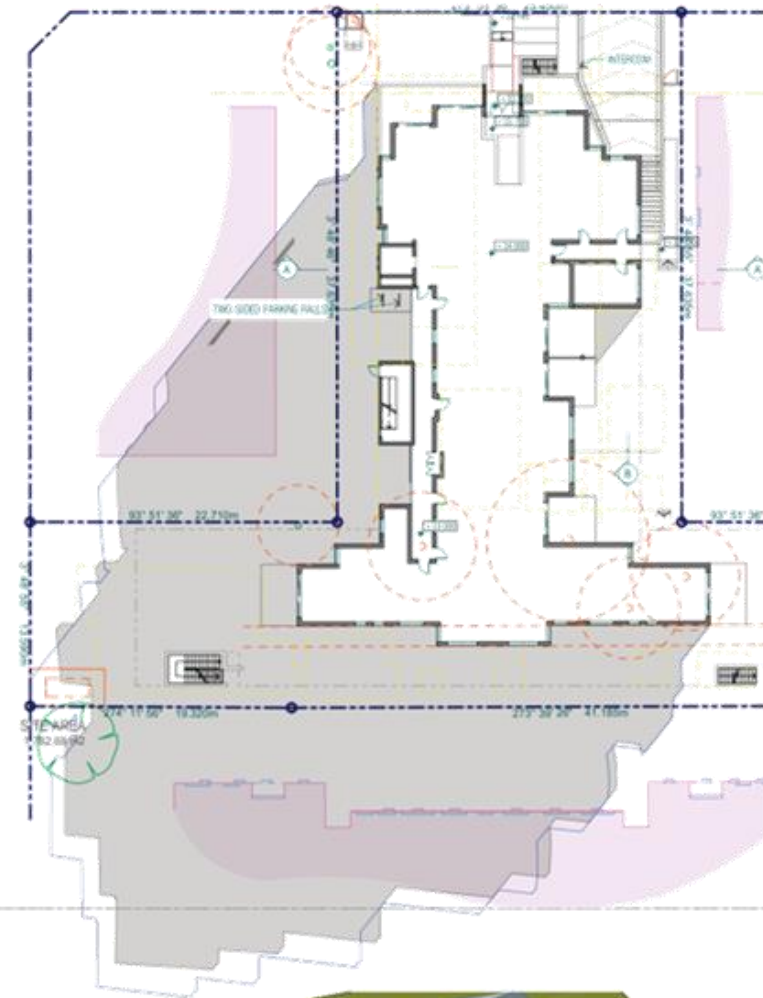
Zhin Architects Pty Ltd
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2/100-100m
Barrack Street
Sydney NSW 2102
+61 2 8893 8888
+61 2 8893 8833
www.zhinarchitects.com.au
28 495 864 790

Russian-Viet-Chung-Australian-Korea (reg. 4376) - Nominated Architect

PROJECT STATUS:
Section 4.55 Application
Development Consent 2014/194/1

PROJECT NAME:
Proposed Development
16-18 Simson St & 82 The Esplanade
GUILDFORD, NSW 2161
LGA: CUMBERLAND COUNCIL

SHEET TITLE:
SECTION
1:100 @ A1 sheet **S455**
1:200 @ A3 sheet **8706 (8304) 202**
Issue **Drawn** **Issue**



1 Shadow Diagram 09.00 a.m. 21 June
Scale 1:250, 200 @ A1
Scale 1:500, 400 @ A3

2 Shadow Diagram 10.00 p.m. 21 June
Scale 1:250, 200 @ A1
Scale 1:500, 400 @ A3

3 Shadow Diagram 11.00 a.m. 21 June
Scale 1:250, 200 @ A1
Scale 1:500, 400 @ A3

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NO.	DATE	BY	CHKD.	DESCRIPTION
1	03/02/2021	JA	VB	SH-05 ISSUE
2	01/02/2018	BA	JA	LANDSCAPE AMENDMENT
3	03/10/2017	BA	JA	ISSUE FOR SECTION 4.55
4				AMENDMENT



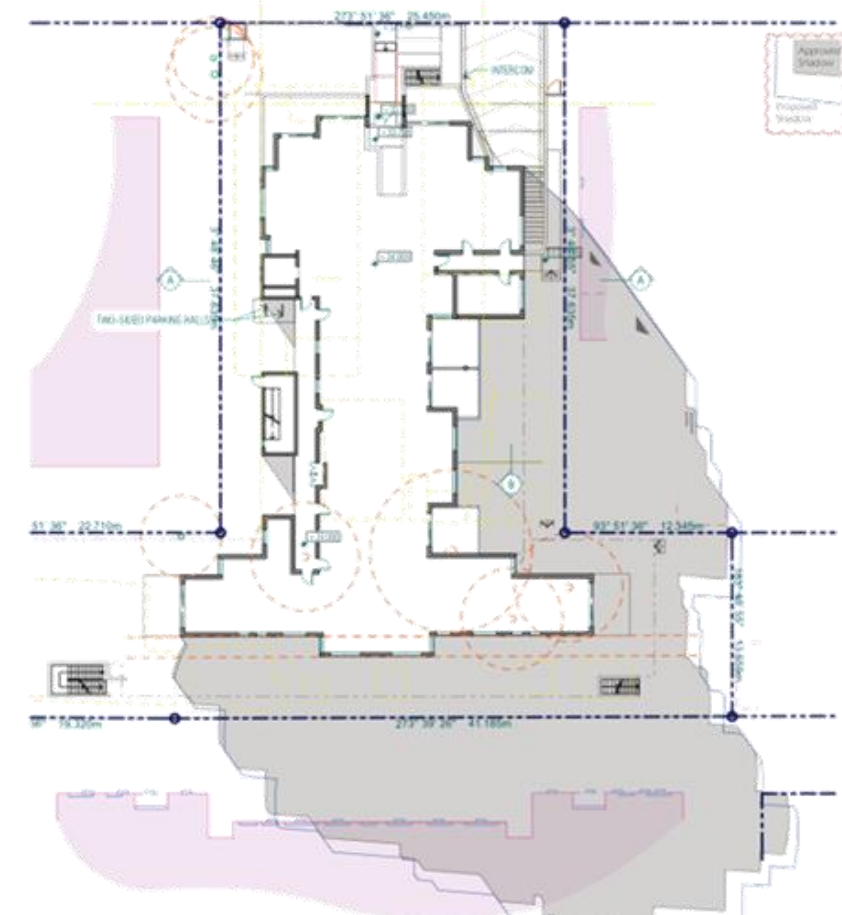
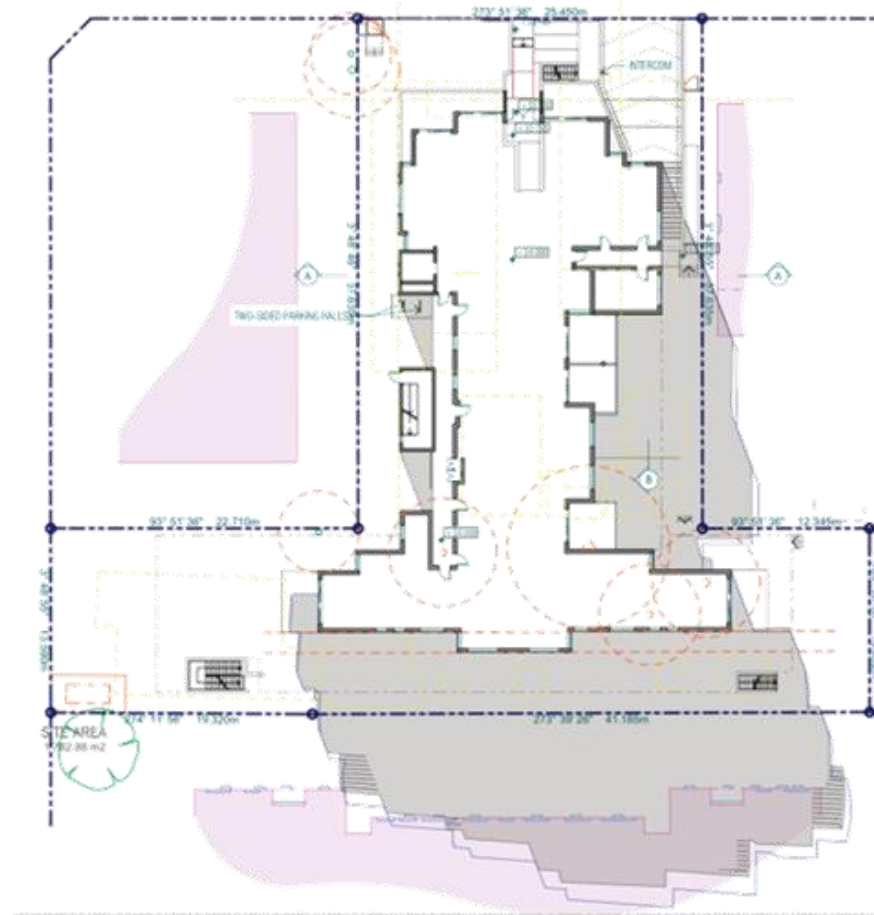
Zhin Architects Pty Ltd
Suite 1, Level 2
2/200 Street
Enmore NSW 1512
+61 2 9593 8888
+61 2 9593 8833
www.zhinarchitects.com.au
28/495/194/194

PROJECT STATUS:
Section 4.55 Application
Development Consent 2014/194/1

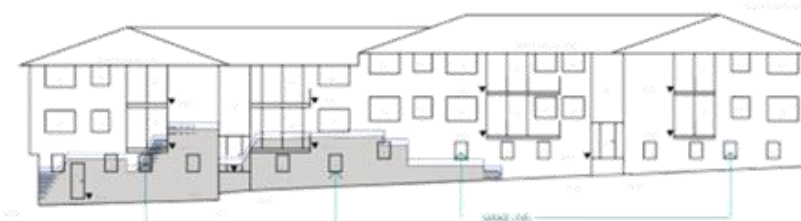
PROJECT NAME:
Proposed Development
16-18 Simson St & 82 The Esplanade
GUILDFORD, NSW 2161
LGA: CUMBERLAND COUNCIL

SHEET TITLE:
SHADOW DIAGRAMS
9am-11am-21 JUNE
1:100 @ A1 sheet S455
1042 8706 (8304) 301
JOB No. DRAWING No.

A



1 Shadow Diagram 12.00 p.m. 21 June
Scale 1:250 @ A1
Scale 1:500 @ A3



2 Shadow Diagram 01.00 p.m. 21 June
Scale 1:250 @ A1
Scale 1:500 @ A3

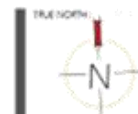


3 Shadow Diagram 02.00 p.m. 21 June
Scale 1:250 @ A1
Scale 1:500 @ A3

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A SH-05 ISSUE
2 LANDSCAPE AMENDMENT
1 ISSUE FOR SECTION 9a
ISSUE AMENDMENT

03/03/2021 JA VB
01/02/2018 BK LA
03/10/2017 BK LA
DATE DRAWN CHECK



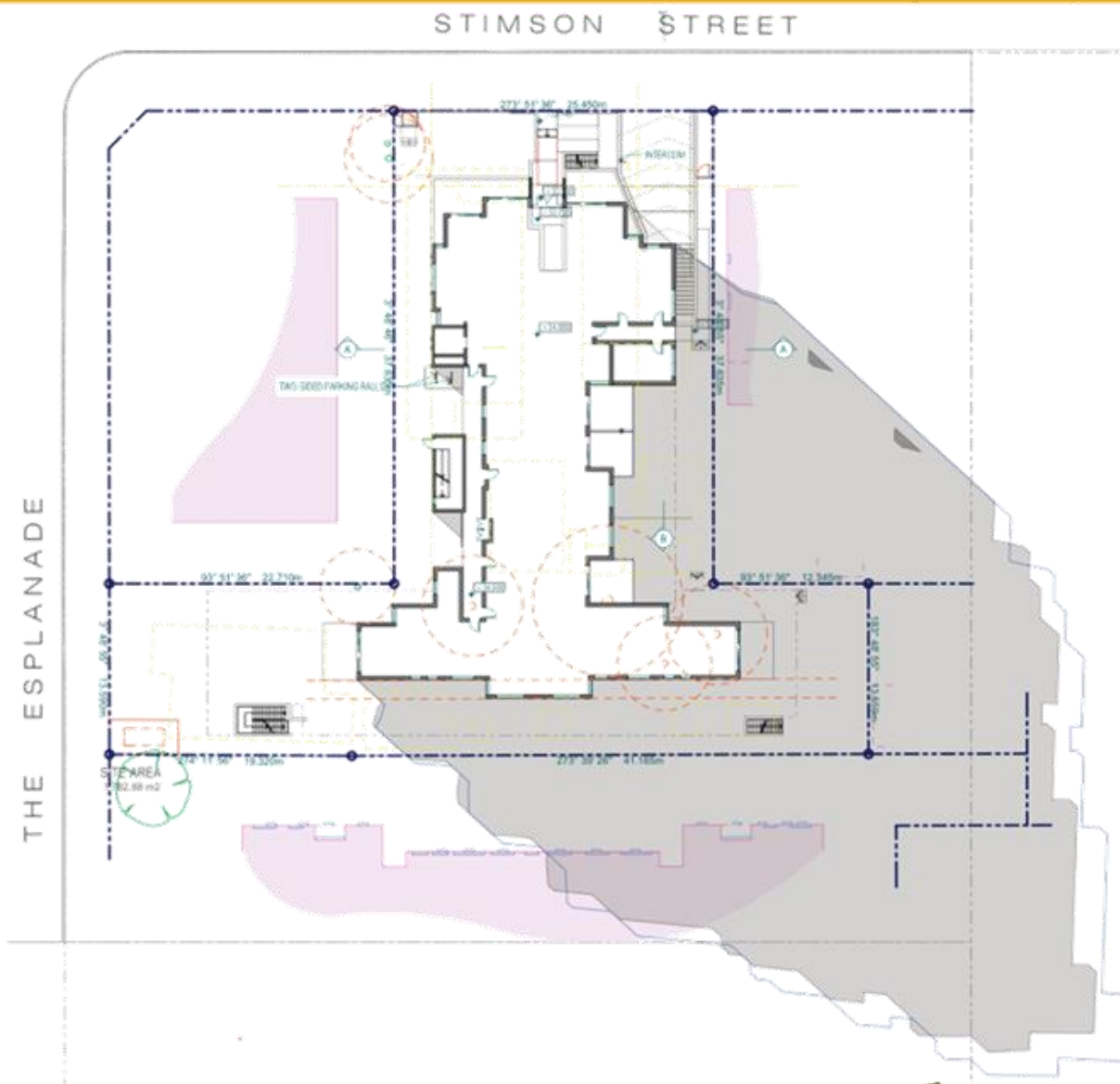
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Suite 1 Level 2
2 Rose Street
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Tel: 2 8893 8888
Fax: 2 8893 8833
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28-495 Brix 770

Rustin Wike Chung Rustin Wike (Reg. 41870) - Nominated Architect

PROJECT STATUS:
Section 4.55 Application
Development Consent 2014/194/1

PROJECT NAME:
Proposed Development
16-18 Simson St & 82 The Esplanade
GUILDFORD, NSW 2161
LGA: CUMBERLAND COUNCIL

SHEET TITLE:
SHADOW DIAGRAMS
12pm-2pm - 21 JUNE
1:100 @ A1 sheet S455
1042 8706 (8304) 302
JGB/nc
30/2
DRAWN/ISSUED
A
SUA



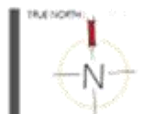
1 Shadow Diagram 03.00 p.m. 21 June
Scale 1:250, 200 @ A1
Scale 1:500, 400 @ A3



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1	SH-SS ISSUE	03/02/2021	JA	VB
2	LANDSCAPE AMENDMENT	01/02/2018	BN	LA
3	ISSUE FOR SECTION 4.55	03/10/2017	BN	LA
4	AMENDMENT			

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Eastwood NSW 2122

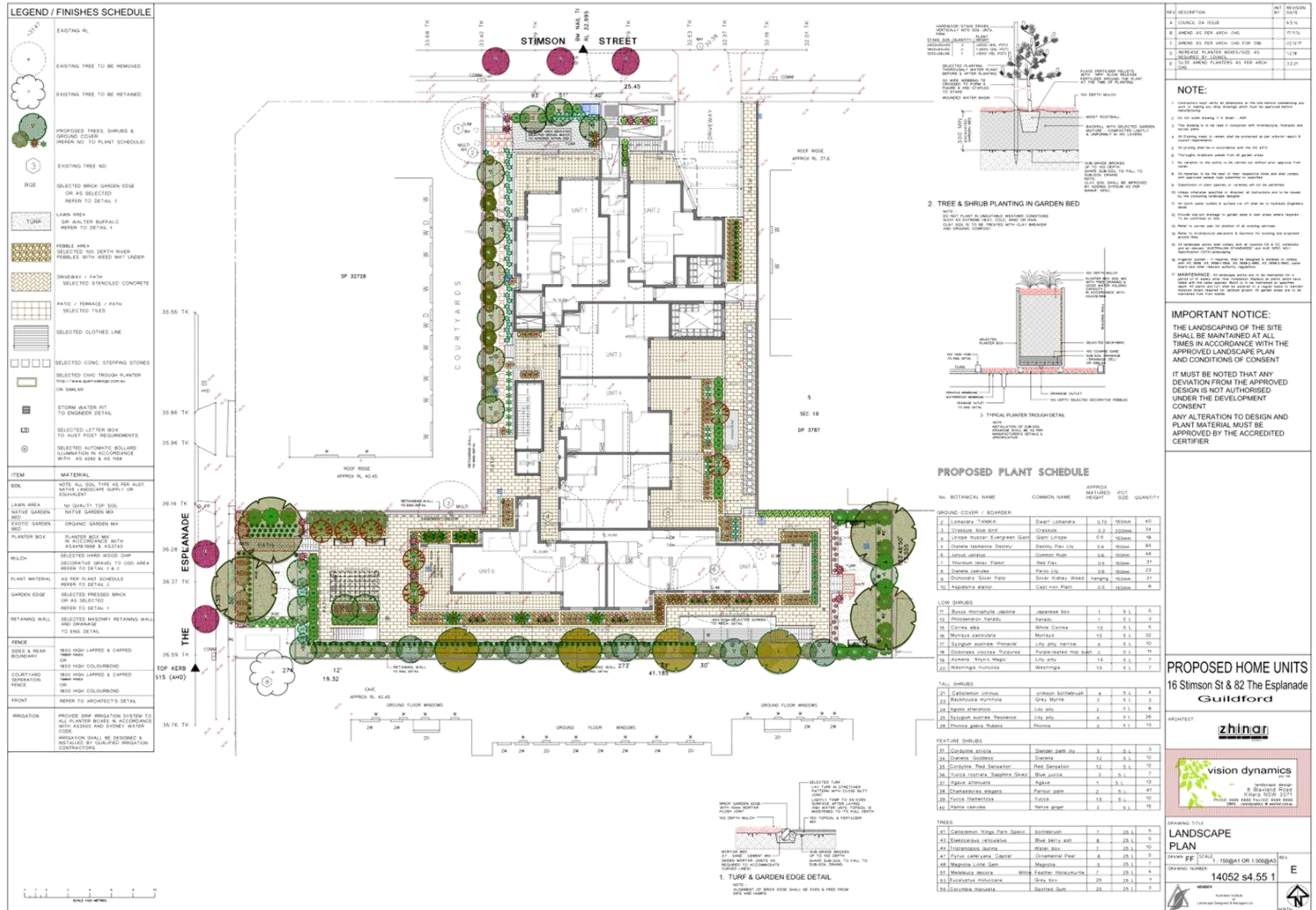
Rustin Mike Chung, Rustin Kwee (Reg. 4870) - Non-Resident Architect

PROJECT STATUS:
Section 4.55 Application
Development Consent 2014/194/1

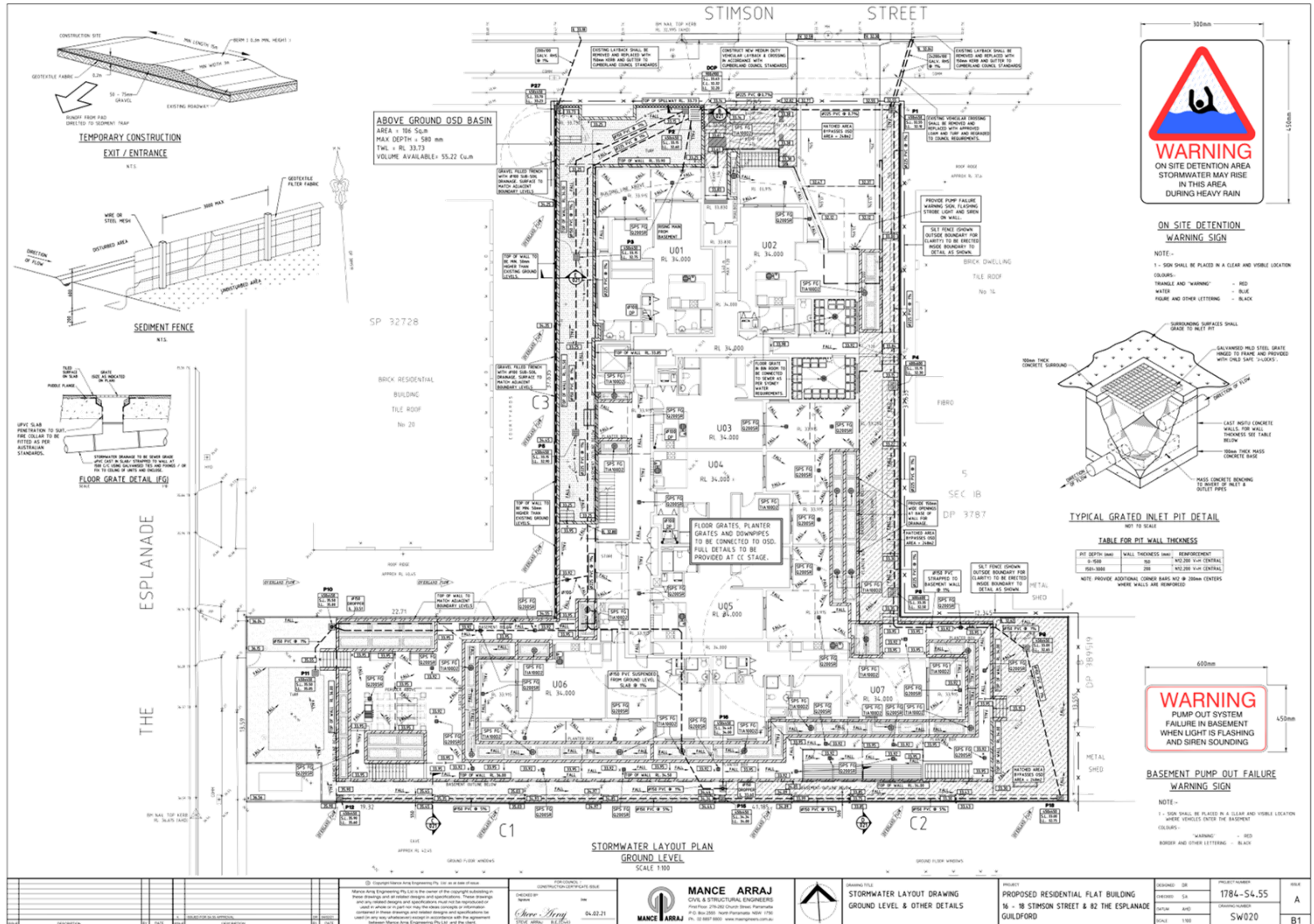
PROJECT NAME:
Proposed Development
16-18 Stimson St & 82 The Esplanade
GUILDFORD, NSW 2161
LGA: CUMBERLAND COUNCIL

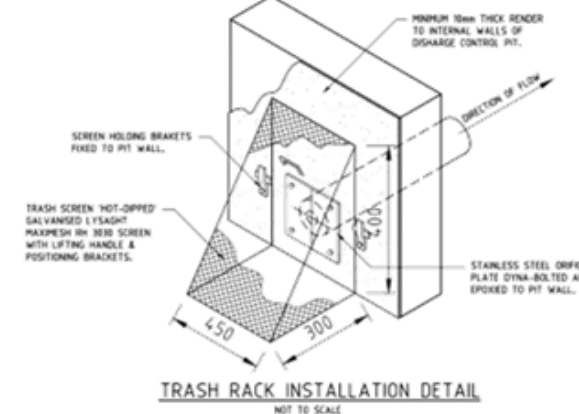
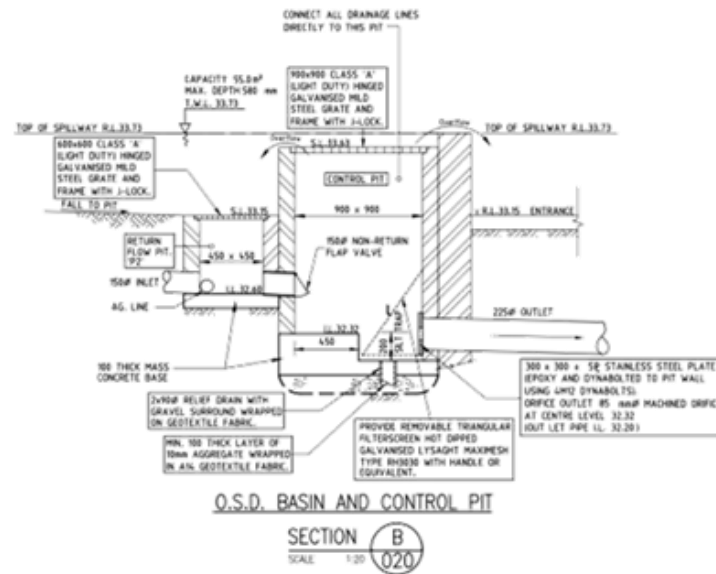
SHEET TITLE:
SHADOW DIAGRAMS
3pm - 21 JUNE
Scale 1:100 @ A1 sheet S455
8706 (8304) 303
JOB No. DRAWING No.

A









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OVERLAND FLOW CALCULATIONS
CATCHMENT 1 (C1)
UPSTREAM OVERLAND FLOWS ENTER ALONG THE SOUTHERN BOUNDARY FROM ADJOINING PROPERTY
AREA = 200 Sq.m

RATIONAL METHOD FORMULA
 $Q = CAI/3600$
WHERE: $C=0.7$
 $I=209mm/hr$
 $A=200 Sq.m$
THEREFORE $Q=8.12 l/s$

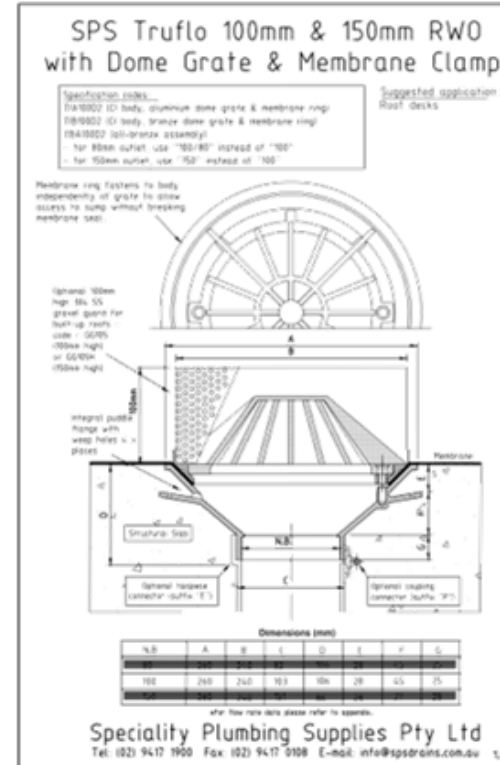
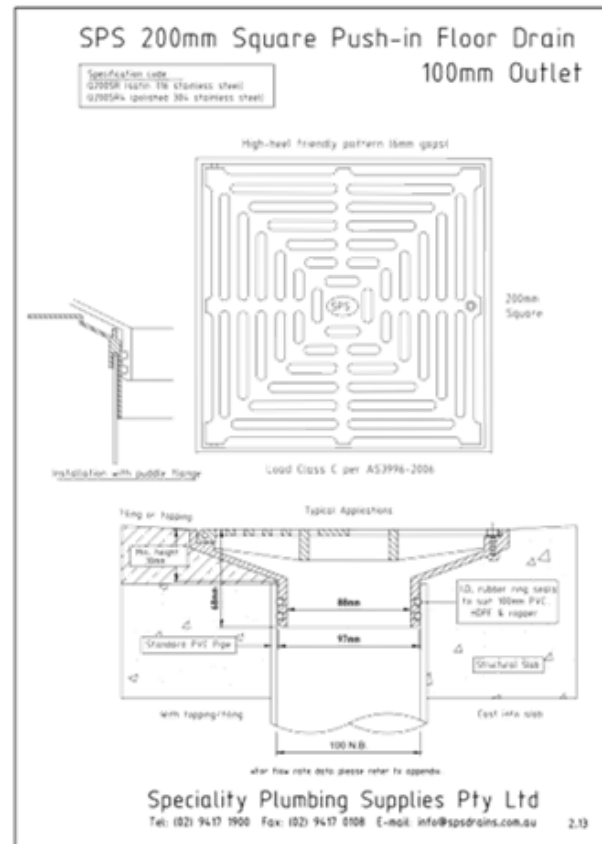
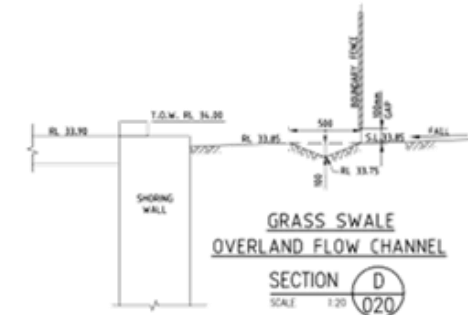
PROPOSED V-CHANNEL
550 x 100 DEEP @ 2%
CAPACITY = 16.88 l/s
 $\phi 150 @ 1\%$ (min) CAPACITY = 22.00 l/s



OVERLAND FLOW CALCULATIONS
CATCHMENT 2 (C2)
UPSTREAM OVERLAND FLOWS ENTER ALONG THE SOUTHERN BOUNDARY FROM ADJOINING PROPERTY
AREA = 175 Sq.m

RATIONAL METHOD FORMULA
 $Q = CAI/3600$
WHERE: $C=0.7$
 $I=209mm/hr$
 $A=175 Sq.m$
THEREFORE $Q=7.11 l/s$

PROPOSED V-CHANNEL
500 x 100 DEEP @ 2%
CAPACITY = 15.22 l/s
 $\phi 150 @ 1\%$ (min) CAPACITY = 22.00 l/s



OVERLAND FLOW CALCULATIONS
CATCHMENT 3 (C3)
UPSTREAM OVERLAND FLOWS ENTER ALONG THE WESTERN BOUNDARY FROM ADJOINING PROPERTY
AREA = 228 Sq.m

RATIONAL METHOD FORMULA
 $Q = CAI/3600$
WHERE: $C=0.4$ (GRASSED)
 $I=209mm/hr$
 $A=228 Sq.m$
THEREFORE $Q=5.29 l/s$
CAPACITY OF $\phi 100mm$ SUB-SOIL DRAIN @ 1% = 7.46 l/s OK.



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LPP029/21 – Attachment 2

DOCUMENTS
ASSOCIATED WITH
REPORT LPP029/21

Attachment 3
Statement of Environmental
Effects



Statement of Environmental Effects for Section 4.55(2) Modification DA/194/2014

16-18 STIMSON STREET AND 82 THE
ESPLANADE, GUILDFORD





QUALITY ASSURANCE

PROJECT: Statement of Environmental Effects for Section 4.55 (2) modification to DA/194/2014/2

ADDRESS: Lot 100 in DP1241157 16 Stimson Street, Guildford

COUNCIL: Cumberland

AUTHOR: Think Planners Pty Ltd

Date	Purpose of Issue	Revision	Reviewed	Authorised
4 February 2021	Co-ordination	Draft	BD	BD
5 February 2021	Lodgement Issue	Final	BD	BD
1 March 2021	Planning portal return	Update	BD	BD



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EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Section 4.55(2) modification to an approved development for a 5 storey Residential Flat Building containing 30 residential units over basement parking at 16-18 Stimson Street and 82 The Esplanade, Guildford

The former Holroyd City Council approved DA/194/2014 which granted consent for the demolition of existing dwellings and the construction of a 5 storey 'Residential Flat Building' comprising of 30 residential units over basement parking. The consent became operative on 26 February 2015.

Construction works have yet to commence but demolition works and lot consolidation has occurred and accordingly the consent is considered to be active.

Key aspects of the approved development are:

Construction of a 6 storey residential flat containing 30 units with the following mix:

- 14 x 1 bedroom units;
- 15 x 2 bedroom units; and
- 1 x 3 bedroom units.

The development makes provision for a total of 37 car parking spaces comprising 31 resident spaces and 6 visitor residential car spaces in a single basement level..

Modification DA/194/2014/2 was approved on 13 February 2018 and granted approval for:

- Changes to the external facade of the building to introduce a Hebel and render finish to part of the building.
- Roof changed from a skillion metal roof to a flat concrete slab;
- The basement was extended to the edges of the podium;
- Fire stair to the south west corner of the basement has been redirected to allow for egress directly up and out, no switch back on podium level;
- Reduce planters to south west corner of podium and increase paving area for common space, also reduce planters along east side of building adjacent to Units 03, 04 & 05 and increase courtyards to Units 03, 04 & 05;
- Remove windows to fire stairs; and
- Provision of an additional highlight window to the west façade of Bedroom 1 of units 01, 08, 15, and 22.

This modification seeks approval to:

- Refine the external façade of the building by further increasing the use of face brick and reducing render and removing metal cladding;



- Extend the eastern portion of the roof level to increased weather protection to balconies associated with units 28 and 29;
- Introduction of service cupboards on each level of the building;
- Lowering of the basement level by 400mm from RL 31.085 to RL 30.685 as a result of design refinement and to assist with providing sprinklers to the residential levels; and
- Increasing the overall height of the building by 1.02m as a result of increasing the floor to floor level from 2.915m to 3.17m to facilitate the provision of fire sprinklers throughout the building that is a result of changes to NCC requirements.

It is noted that the building footprint and FSR of the development is not altered by this modification.

The changes will facilitate the construction of the development. The changes are annotated in red on plans prepared by Zhinar Architects.

Situated within walking distance to the Guildford Town Centre and Railway line, the development site is an irregular shaped site with frontage to both Stimson Street and The Esplanade. The development site is also within 300m walking distance of the Guildford Railway Station that provides regular services to Parramatta, Leppington, Richmond and the Sydney CBD.

The site has been consolidated with a frontage of approximately 23m to Stimson Street, approximately 13m to The Esplanade and a total site area of 1,782.82m².

The development site is zoned R4 - High Density Residential and residential flat buildings remain permissible with consent within the R4 zone.

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

SITE AND LOCALITY DESCRIPTION

The subject site is legally described as Lot 100 in DP1241157 but commonly known as 16 Stimson Street, Guildford.

Situated within walking distance to the Guildford Town Centre, the development site is an irregular shaped site with frontage to both Stimson Street and The Esplanade. The development site is also within 300m walking distance of the Guildford Railway Station that provides regular services to Parramatta, Leppington, Richmond and the Sydney CBD.

The site has been consolidated with a frontage of approximately 23m to Stimson Street, approximately 13m to The Esplanade and a total site area of 1,782.82m².

The site is adjoined on all its boundaries by residential flat buildings. This is illustrated by an aerial map below.

Figure 1: Aerial Map of Subject Site (Source: Nearnmap).



The modified development will continue to provide a strong interface to Stimson Street.



PROPOSED SECTION 4.55(2) MODIFICATION

This Section 4.55(2) modification seeks approval for the refinement of the development to allow construction to commence including:

- Refine the external façade of the building by further increasing the use of face brick and reducing render and removing metal cladding;
- Extend the eastern portion of the roof level to increased weather protection to balconies associated with units 28 and 29;
- Introduction of service cupboards on each level of the building;
- Lowering of the basement level by 400mm from RL 31.085 to RL 30.685 as a result of design refinement and to assist with providing sprinklers to the residential levels; and
- Increasing the overall height of the building by 1.02m as a result of increasing the floor to floor level from 2.915m to 3.17m to facilitate the provision of fire sprinklers throughout the building that is a result of changes to NCC requirements.

It is noted that the building footprint and FSR of the development is not altered by this modification.

The changes will facilitate the construction of the development. The changes are annotated in red on plans prepared by Zhinar Architects.



PLANNING CONTROLS

Section 4.55 of the Environmental Planning and Assessment Act 1979

Pursuant to Section 4.55 (2) of the Act (Previously known as Section 96 2), Council may consider an application to amend a development consent provided that it is substantially the same development and of minimal environmental impact.

An extract of Section 4.55 (2) is provided below:

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

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

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(c) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, or

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

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

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

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The application is substantially the same as the approved development, with the minor refinement of the external façade of scheme and minor change to the roof form and height in essence the same application. The minor changes to the plans are reasonably and appropriately considered 'substantially the same development' when having regard to case law set down by the Land and Environment Court



Land and Environment Court Judgments

The question as to whether a modified proposal is 'substantially the same' as that originally approved has been an ongoing issue dealt with in the Land and Environment Court. It is also important to note that the Court has consistently described the section 96-modification provision of the Act as "beneficial and facultative". It is designed to assist the modification process rather than to act as an impediment to it; "It is to be construed and applied in a way that is favourable to those who seek to benefit from the provision" (see *North Sydney Council v Michael Standley & Associates Pty Limited* [1998]).

As demonstrated below the change to an approval can be substantial without the amended proposal failing the 'substantially the same' test. By way of example, and relevant to the current proposal, the following cases were considered in the Court and found to be substantially the same development, with this extract contained in a *Gadens Publication* dated 17 June 2012:

Bassett and Jones Architects Pty Limited v Waverley Council (No 2) [2005]: The modification application sought an additional storey to the approved front building of a mixed commercial and residential development, which would alter the building from three- storeys to four-storeys; and the provision of a zero side setback for a part of the external side walls at all three levels. This resulted in an increase in floor space of 112 square metres, being a 20 per cent increase in floor space, and a 28 per cent increase in height (both of which exceeded the applicable council controls).

The Court found that the test was satisfied albeit only on "a very fine balance". The Court noted however that the modified design might give rise to privacy impacts that may warrant refusal of the application when the merits of the change are assessed. The application was later refused on its merits, but not before passing the "substantially the same" threshold test.

Davi Developments Pty Ltd v Leichhardt Council [2007]: A modification application sought to change consent for a seven storey residential flat building with two levels of basement parking. There was to be a reduction of one floor, but an increase in the main parapet height by 900mm, and the substantial reconfiguration of the unit mix such that the numbers reduced from 42 to 30, with a rearrangement of the car park plan such that it was "entirely different".

The Court nevertheless considered that the fundamental characteristics and essence of the building would remain essentially the same.

Bathla Investments Pty Limited v Blacktown City Council [2008]: The original approval was for eight townhouses presenting as four, single-storey buildings. Some of the townhouses were attached.



The modification application sought to change some of the townhouses to two storeys, and also sought to separate the dwellings and made changes to the garage designs and parking layout. The Court noted that there were "numerous differences" between the schemes, however, the townhouse development presented as materially and essentially the same development.

Marana Developments Pty Limited v Botany City Council [2011]: The original approval was for the construction of five residential flat buildings (with basement car parking) comprising a total of 76 units. The modification application sought 'significant changes to the external appearance and layout of the buildings' including an increase in unit numbers from 76 up to 102, and an additional level of basement car parking.

This also involved a changed unit mix. Despite significant internal changes, the minimal change to the external floor plates and layout was of great significance and the test was satisfied.

Boyd v Bega Valley Council [2007]: It was proposed to add a second storey to a single storey dual occupancy development. Although the application was unsuccessful on merit grounds reasons (visual impact from the waterway caused by poor architectural design), the Court was satisfied that the increase from a single storey to a two storey dwelling satisfied "substantially the same" test.

As can be seen above, particularly in *Bathla v Blacktown*, the Court noted that despite there being "numerous differences" the development presented as materially and essentially the same development. Having regard to the series of minor amendments proposed in this application, it is noted that the proposal remains materially and essentially the same development.

Therefore, the proposal is considered to be in essence substantially the same development as that originally approved.

It is anticipated that the development application will be notified to adjoining property owners and a discussion against the relevant planning controls is provided further in this statement.

State Environmental Planning Policy (BASIX)

The modification remains consistent with the BASIX SEPP.

State Environmental Planning Policy (Infrastructure) 2007

The modification remains consistent with the ISEPP.

State Environmental Planning Policy No.55 - Remediation of Land

Clause 7 of SEPP 55 provides:



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

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

STATE ENVIRONMENTAL PLANNING POLICY – (VEGETATION IN NON-RURAL AREAS) 2017

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

The subject site is located within an emerging medium density environment. The site contains limited vegetation and it is noted that this modification does not seek approval for any additional vegetation removal.

Sydney Regional Environmental Plan- Sydney Harbour Catchment

The subject site is subject to the broad planning principles contained within the SREP.

The Sydney Harbour Catchment Planning Principles must be considered and achieved, where possible, in the carrying out of development within the catchment.

The relevant principles include:

- Protect and improve hydrological, ecological and geomorphologic processes;*
- Consider cumulative impacts of development within the catchment;*
- Improve water quality of urban runoff and reduce quantity and frequency of urban runoff; and*
- Protect and rehabilitate riparian corridors and remnant vegetation.*

The modified proposed development will not detract from the above listed principles given the nature of the development and the environmental safeguards proposed, including the detailed drainage concept and erosion and sediment controls that will be in place throughout the construction phase of the development.



State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide

The parent development application was accompanied by a design verification statement by verifying that the company 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 flat development.

A description of compliance with the applicable development facets and guidelines such as setbacks, building heights 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, noting that a number of these provisions are embodied within the Holroyd Local Environmental Plan 2013 and supporting Holroyd Development Control Plan 2013.

It is noted that the proposal is technically captured by the ADG as it applies to modification applications. A discussion against the ADG matters is outlined below, noting that it is of limited relevance, given the minor modification.

ADG Element	Requirement	Proposed
3A Site Analysis required	Appendix 1 of the ADG	Site Analysis has been provided via previous DA.
3B Orientation	Building to define the street, by facing it and incorporating direct access from the street.	No changes to the entry sequence approved via DA/194/2014/2.
3C Public Domain Interface	Terraces, balconies should have direct street entry, where appropriate.	The proposed modification will have no impact on the approved access arrangements to and from the site via the ground floor.
	Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.	As per approved DA/194/2014/2 no changes. Not applicable.
	Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement carpark or out of view.	As per approved DA/194/2014/2 no changes. Not applicable.
3D Communal and Public Open Space	Communal open space has a minimum area equal to 25% of the site.	No changes to the communal arrangement approved via DA/194/2014/2



3E Deep Soil Zones	A deep soil zone equivalent to 7% of the site area must be provided. If the site is between 650m ² to 1,500m ² then the DSZ must have minimum dimensions of 3m.	No changes to the deep soil zone arrangement approved via DA/194/2014/2
3F Visual Privacy		
Building Separation Up to 4 storeys (up to 12m)	12m between habitable rooms (6m)	No changes.
5-8 Storeys (up to 25m)	18m between habitable rooms (9m)	
3G Pedestrian Access and Entries	Building entries should be clearly identifiable and communal entries should be clearly distinguished from private areas.	The development continues to provide a clearly identifiable entrance to the lobby on the ground floor.
3H Vehicle Access	Car park access should be integrated with the building's overall façade. Car park entry and access should be located on secondary streets or lanes where available. Garbage collection, loading and servicing areas are screened	No change. No change to vehicular access arrangement approved via DA/194/2014/2. To change to the service arrangements approved via previous DA.
4A Solar Access	70% of Units to receive 2 Hours Solar Access between 9am and 3pm Mid Winter.	No changes.
4B Natural Ventilation	60% of Units are cross ventilated in a building up to 9 storeys.	No changes.
4C Ceiling Height	3.3m from ground and first floor in mixed use area; 2.7m for habitable; and 2.4m for non-habitable	The floor to floor height of the residential levels have been increased from 2.915m to up to 3.17m and this will assist with ensuring that 2.7m floor to ceiling heights are able to be provided.
4D Unit Sizes		No changes.
1 bed	50m ²	



2 bed 3 bed + 5m ² for each unit with more than 1 bathroom.	70m ² 90m ²	
Bedroom sizes Master Other	10m ² 9m ²	
4E Private Open Space Balcony Sizes		
Ground floor apartments (15m2)		No changes.
4F Common Circulation and Spaces		
Common Circulation Units per Plate	8 -12 Unit per Plate	No changes.
4G Storage		
1 bed 6m ³ 2 bed 8m ³ 3 bed 10m ³		No change.
Min 50% of required storage is within the apartment but not in kitchens, bathrooms and bedrooms.		
4K Apartment Mix	A variety of apartment types is provided.	No changes.
4O Landscape Design		There will be a minor reduction in landscaping as a result of planters
4Q Universal Design		
20% of the total apartments	Achieve Liveable House Guidelines silver level universal design features.	No change to the proposed number of adaptable units
4U Energy Efficiency		No Change

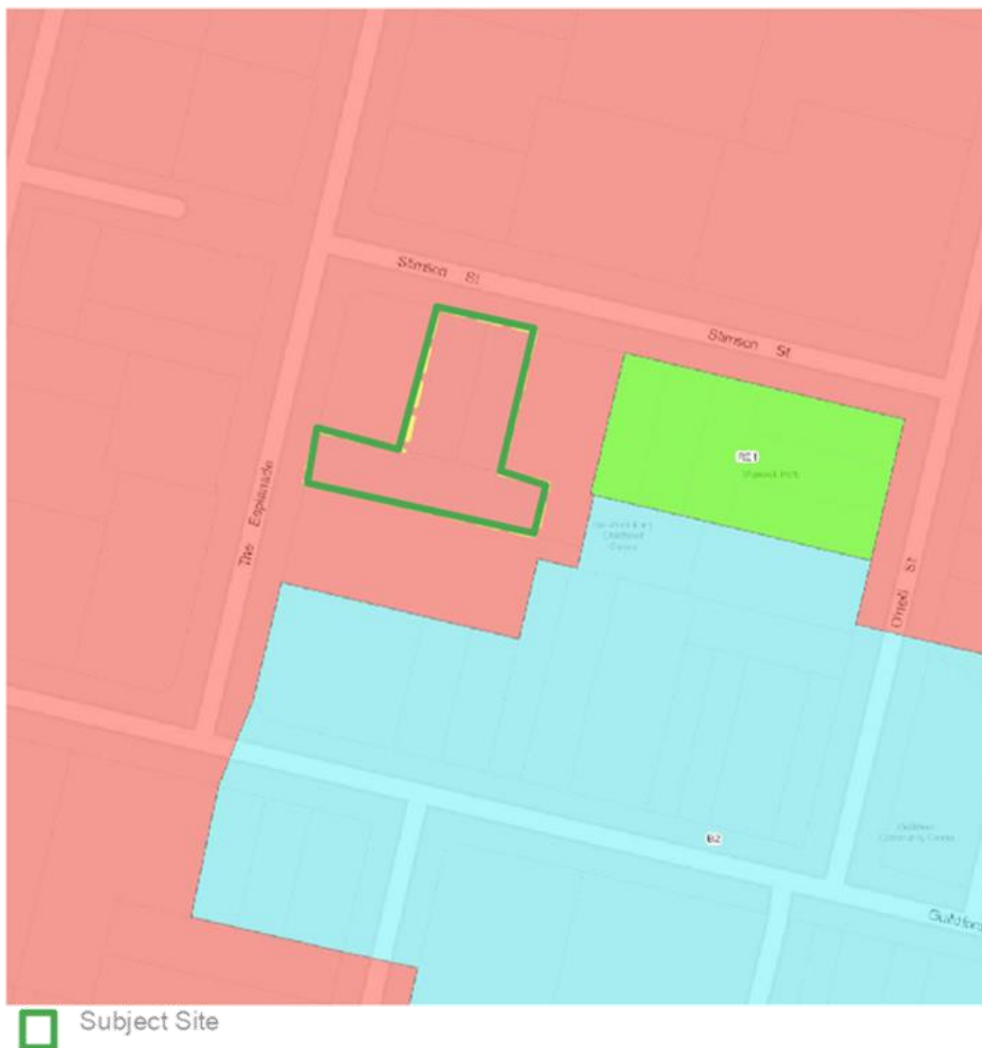


4V Water Management and Conservation	Reduce mains consumption and reduce the quantity of storm water runoff.	No Change
4W Waste Management	Supply WMP Allocate storage area	No changes proposed under this application.
4X Building Maintenance	To ensure long life and ease of maintenance for the development.	The proposed modified material is considered durable and may be easily cleaned. Yes

HOLROYD LOCAL ENVIRONMENTAL PLAN 2013

As shown on the zoning map extract below the development site remains zoned R4 – High Density Residential under the provisions of Holroyd LEP 2013.

Figure 4: Zoning Map Extract Sheet (Source: Holroyd LEP)



'Residential Flat Buildings' remain permissible with consent on the subject site and the proposal is consistent with the definition contained within the LEP:



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

The modified proposal is consistent with the definition contained within the LEP and is also consistent with the relevant prescribed zone objectives:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The 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	Control	Comment	Complies
Zoning	R4 – High Density Zone – Permitted with Consent	No changes to the proposed land uses under this modification.	No change
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal remains consistent with the zone objectives of the R4 – High Density Zone.	Yes
2.7	Demolition Requires Consent	No changes under this proposed modification.	No Change
Part 4 Principal Development Standards			
4.3	Height of Buildings 15m	This modification seeks to increase the overall height of the development by 1.02m. As a result of this increase in height the building will have an overall height of 16.64m to the top of the lift overrun. Although not technically required as this is a clause 4.55 modification a clause 4.6 departure that outlines the planning merits of this, is provided at appendix A for this increase in the height departure.	Variation
4.4	Floor Space Ratio- 1.2:1	No changes under this proposed modification.	No Change
4.6	Exception to Development Standards	The modification increases the height departure. Although not technically required as this is a clause 4.55 modification a clause 4.6 departure that outlines the planning merits of this, is provided at appendix A for this increase in the height departure.	Yes



Part 5 Miscellaneous Provisions			
5.10	Heritage Conservation	The site is not heritage listed or located within a heritage conservation area. The impact of the development on heritage items in the wider vicinity of the site was considered as part of the parent development application and found to be acceptable.	No Change
Part 6 Additional Local Provisions			
6.1	Acid sulphate soils	The subject site is not identified as being affected by Acid Sulphate Soils. Not applicable.	No change
6.2	Earthworks	The minor increase in excavation for the deepened basement will have no unacceptable impact on adjoining properties..	Yes
6.3	Flood planning	No changes under this proposed modification.	No Change
6.5	Biodiversity	The site is not identified on the Natural Resources Biodiversity Map. Not applicable.	N/A
6.6	Riparian Land and Watercourses	The subject site is not identified as containing Riparian Land and Waterways under Holroyd Local Environmental Plan 2013.	N/A
6.7	Stormwater Management	No changes under this proposed modification.	No Change

DRAFT CUMBERLAND LOCAL ENVIRONMENTAL PLAN 2020

The Draft Cumberland Local Environmental Plan 2020 was exhibited in 202 and adopted by Council at its meeting on 15 July 2020 and seeks to provide a single planning framework for the future planning of the Cumberland LGA.. The changes proposed seek to harmonise and repeal the three existing LEPs currently applicable to the Cumberland local government area, those being:

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



The relevant planning controls for the subject site, as contained within the Holroyd Local Environment Plan 2013 are not proposed to change under the Draft PLEP. Accordingly no further assessment of the DLEP controls is warranted.

HOLROYD DEVELOPMENT CONTROL PLAN 2012

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

Holroyd Development Control Plan 2013 – Part A General Controls Compliance Table			
Clause	Controls	Comment	Complies
7. Stormwater Management		No changes under this proposed modification.	No Change
8. Flood Prone Land		No changes under this proposed modification.	No Change
12. Services		No changes under this proposed modification.	No Change

Holroyd Development Control Plan 2013 – Part B Residential

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

Holroyd Development Control Plan 2013 – Part B Residential Controls Compliance Table			
Clause	Controls	Comment	Complies
1. General Residential Controls			
1.2	Fences	No changes under this proposed modification.	No Change
1.10	Cut and Fill	The minor increase in excavation for the deepened basement will have no unacceptable impact on adjoining properties..	Yes
6. Residential Flat Buildings			
C10	Development is to be sympathetic to the surrounding development.	Demonstrated throughout this statement, the proposal is consistent with the emerging trend for high density residential development consistent with new zoning provisions. The design will ensure building materials and colour schemes are complimentary to add value to the existing residential environment.	YES



C13	Area between the street alignment and building setback to be landscaped.	The setback area is landscaped with the exception of areas used for driveways, required service provision and paths for vehicles and pedestrians, gaining access to the site.
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CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed modified 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 considering 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 modification application, subject to necessary, relevant and appropriate conditions of consent.



ANNEXURE 1 – CLAUSE 4.6 EXCEPTION TO DEVELOPMENT STANDARDS: BUILDING HEIGHT

Background

As outlined in within the Statement the height control for this site is 15m with the development seeking to vary this control with the top of the lift overrun to the building having a height of 16.64m.

Although not technically required as this is a modification a clause 4.6 departure is provided to assist with Council considering this variation.

A detailed discussion against the relevant provisions of Clause 4.6 are provided below with further discussion against the relevant case law 'tests' set down by the Land and Environment Court. As shown on the sections below, the proposed development varies the height control to a portion of the lift overrun.

The proposal presents the following departures to the height controls:

- The height, relative to habitable floor areas, equates to 705mm or a ??% variation. ;
- The height variation to the top of the lift overrun is 1640mm.

A section drawing is provided below to demonstrate the nature of the departure and the portion of the building height control that is exceeded.



Given the proposed height, the proposal is noncompliant with Clause 4.3 – height of buildings that stipulates that the height of a building is not to exceed 15m on the subject site.



Clause 4.6 Departure

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 Secretary before granting concurrence**

Each of these provisions is addressed individually below.

As this application seeks approval for a building with a height of 16.64m, a Clause 4.6 variation request has been prepared, noting that this request addresses a number of recent Land and Environment Court cases including *Four 2 Five v Ashfield* and *Micaul Holdings Pty Ltd v Randwick City Council* and *Moskovich v Waverley Council*.

The key tests or requirements arising from the above 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 how the proposal achieves a better outcome than a complying scheme; and
- The proposal is required to be in 'the public interest'.

In relation to the current proposal the keys are:

- Demonstrating that the development remains consistent with the objectives of the building height standard;
- Demonstrating consistency with the R4 zoning; and
- Satisfying the relevant provisions of Clause 4.6.

These matters are addressed below.

Clause 4.6(3)

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

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

The current development proposal is consistent with the underlying intent of the control based on the following key points:

- The overall height of the development presents as a compatible form of development to the anticipated high density residential development that are emerging in the locality, noting that the emerging character is for 5 plus storey residential developments. The lift overrun is recessed behind the main building alignment to downplay visual dominance as viewed from the public domain and adjoining residential properties.
- The proportion of the building that protrudes above the 15m height limit contains very limited habitable floor space and presents with a dominant 5 storey building design, reinforcing that the breach to the height standard does not result in the development representing an overdevelopment of the site but rather a suitable contextual response to the locational characteristics on the



site in order to achieve a suitable ground floor outcome with sufficient amenity for the suites at this level.

- 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 upper levels recessed and designed using a lighter design style to ensure a positive streetscape presentation.
- The additional height does not generate any additional amenity impacts given the location of the site and the surrounding site context.
- The proposal has been carefully designed to ensure that no adverse visual or acoustic amenity impacts will be created by the proposed building height along site boundaries as the upper levels are substantially recessed behind the building perimeter.
- The proposed articulation of the built form will ensure that the additional building height will not be discernably noticeable from street level
- The proposal provides for a better planning outcome as the same density of apartments could be achieved in a building that is squashed into 5 levels of development with a bigger floor plate that would be less articulated and would be located closer to adjoining properties. Therefore, the response has been to maximise the amenity of apartments.
- The proposal has been designed to ensure that privacy impacts are mitigated against and that the proposal will not obstruct existing view corridors.
- 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 proposal will provide for a number of distinct public benefits:
 - Delivery of additional housing within close proximity to the Employment Precinct of the Guildford Town Centre.
 - Creation of jobs during the construction stage;
 - 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 height control.
 - The scale and intensity of the development is appropriate noting that the proposal complies with the maximum FSR, 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.



Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest as it remains consistent with the objectives of the building height control. In addition, the proposal is consistent with the objectives of the R4 zone, being:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*

The proposal ensures that the desired mixed-use nature of the zone is augmented with the proposal providing additional residential housing types to augment the existing housing stock within the Guildford Precinct.

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:

- a) The contravention of the lot size control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal and the site specific design response to the allotment configuration and orientation.
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal when noting that the area of non-compliance is so minor that it is indistinguishable from a compliant lot area. 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.



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

Land and Environment Court Case Law

The Land and Environment Court, through case law, provides guidelines for the consideration of Clause 4.6 departures.

Two cases that it is appropriate to discuss are:

- Wehbe v Pittwater Council (2007) NSWLEC 872; and
- Four2Five Pty Ltd v Ashfield Council (2015) NSWLEC 2009.

Wehbe v Pittwater Council Wehbe v Pittwater related to a SEPP 1 objection and outlines that there are 5 methods to establish that the application of a development standard is unreasonable or unnecessary in the circumstances of the case.

1. The development achieves the objectives of the development standard;
2. The underlying objective or purpose of the development standard is not relevant to the development with the consequence that compliance is unnecessary;
3. The underlying objective or purpose of the development standard 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 compliance with the standard is unnecessary and unreasonable; and
5. The zoning of particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in that case would also be unreasonable or unnecessary.



The case law indicates that if *any* of these methods are satisfied then the departure to the standard can be supported. In respect of this site, it is considered that the proposal satisfies method 1 for the reasons outlined above.

Four2Five Pty Ltd v Ashfield Council

Four2Five Pty Ltd v Ashfield Council relates to a consideration of a clause 4.6 departure to a Building height development standard. The court indicated that merely showing that the development achieves the objectives of the development standard will be **insufficient** to justify that a development is unreasonable or unnecessary in the circumstances of the case for the purposes of an objection under Clause 4.6, (and 4.6(3)(a) in particular). The previous discussion clearly confirms that the objectives of the development standard are achieved.

Further, the requirement in cl4.6(3)(b) to justify that there are sufficient environmental planning grounds for the variation, may well require identification of grounds particular to the circumstances of the proposed development. As opposed merely to grounds that would apply to any similar development on the site or in the vicinity.

There are particular circumstances associated with this site and the building height departure. The proposal seeks to deliver a building that is 5 storeys which is consistent with the emerging high-density character of developments. The proposed building design delivers a better outcome in terms of architectural style and urban design outcomes. Strict compliance is clearly not a preferred outcome on environmental planning grounds there are specific grounds to warrant departure to the height control that satisfy the test in *Four2Five V Ashfield*.

Therefore, the current proposal is a preferable outcome from an environmental planning perspective and demonstrates that there is merit in varying the height control to achieve a better design response on the site. Therefore, the departure to the height control satisfies the test set down under *Four 2 Five V Ashfield*.

Conclusion

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

The proposal will not have any adverse effect on the surrounding locality, and is consistent with the future character envisioned, while supporting the role of Guildford as a strategic precinct. The proposal promotes the economic use and development of the land consistent with its zone and purpose. Council is requested to invoke its powers under Clause 4.6 to permit the proposed variation.



DOCUMENTS
ASSOCIATED WITH
REPORT LPP029/21

Attachment 4
Design Verification Statement



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SEPP65 DESIGN VERIFICATION STATEMENT

16-18 Stimson St & 82 The Esplanade, Guildford

8706-S4.55(02) – June 2021

Lot 04 Sec 18 DP 3787

Lot B DP 372726

Lot A DP 359519

Introduction

This Section 4.55 modification to DA 2014/194/2 applies to selective elements within the above residential apartment proposal at 16-18 Stimson St & 82 The Esplanade, Guildford.

The client *Nick & Sons Constructions Pty Ltd* engaged *Zhinar Architects* to also prepare Construction Documentation for above approved proposal.

However, it was clear that some modifications had to be introduced to facilitate the construction of the development and the client thus instructed *Zhinar Architects* to prepare a S4.55.

The modifications include:

- Lowering of the basement level by 400mm from RL 31.085 to RL 30.685 as a result of design refinement and to assist with providing sprinklers to the residential levels.
- Increased the overall height of the building by 1.02m as a result of increasing the floor to floor level from 2.915m to 3.17m to facilitate the provision of fire sprinklers throughout the building that is a result of changes to NCC requirements
- Introduction of service cupboards on each level of the building.
- Amend the location of planter boxes to eliminate moist penetration into apartments.
- Refine the external façade of the building by further increasing the use of face brick and reducing render, thus reducing maintenance issues in future.
- Remove metal cladding finishes for improved fire safety.
- Extend the eastern portion of the roof level to increased weather protection to balconies associated with units 28 and 29.
- This modification seeks to increase the overall height of the development by 1.02m. As a result of this increase in height the building will have an overall height of 16.64m to the top of the lift overrun.

Do note that the building footprint and FSR of the development are not altered by this modification and the amendments will comply with the NCA 2019 and latest ADG standards.

SEPP 65 Urban Design Principles

SEPP 65 includes 9 design quality principles. These principles are intended to guide good design, provide a basis to evaluate the merits of proposed design solutions and provide a basis for subsequent planning policy documents, design processes and decisions made under SEPP 65. The SEPP requires that before determining a development application for residential apartment development, the consent authority must consider the design quality principles.

The following statement of consistency with the SEPP 65 Design Principles has been prepared and signed by the nominated architect as required under the policy.

Design Principle	Consistent	Comment
1. Context & Neighbourhood Character	Yes	<p>The site is off the corner of Stimson & The Esplanade with 25.45m frontage to Stimson St and 13.59m frontage to The Esplanade.</p> <p>The subject site "wraps around" the corner site adjoining to the west (20 Stimson Street) which contains strata titled villas. The site is adjoined to the south by an older style residential flat building. To the east stands a single storey brick and tile dwelling.</p> <p>The building design responds to site analysis undertaken. It reflects the shape and constraints of the site and is consistent with the vision for the character of the area. The proposal is a contemporary interpretation of the DCP taking into consideration modern aesthetics and amenity standards.</p> <p>The vehicular entry to the basement parking is located off Stimson Street on the north-east corner of the site.</p>
2. Built Form & Scale	Yes	<p>This modification seeks to increase the overall height of the development by 1.02m. As a result of this increase in height the building will have an overall height of 16.64m to the top of the lift overrun. Refer to SEE for more information.</p> <p>The proposal is considered appropriate for the site and commensurate in scale and height with its surroundings, its own structural proportions and volumetric space relationship to the human scale.</p> <p>A building of 5 storeys is proposed.</p> <p>The design provides a sensitive transition between existing residential buildings in the vicinity and the future ones, allowed for by planning controls.</p> <p>The buildings have been appropriately modulated and articulated as required by the DCP to reduce apparent bulk and express its residential character; chosen materials underline the building's function.</p> <p>COS is behind Stimson Street BL. What would otherwise be the BL to The Esplanade has been included as COS.</p> <p>The COS consists of 2 main parcels: the eastern parcel contains the drying yard and has a more passive function, the western parcel contains a BBQ, pergola and seating – so is more activated. This gives the residents options depending on what they want to use the COS for. Provided is 802m²-complies.</p> <p>The concept of base-middle-top is effectively applied to building's massing.</p>
3. Density	Yes	<p>No change.</p> <p>The design responds to the shape of its site to minimise adverse effects on its surrounding and adjoining site. Its containment within the DCP's prescriptive measures and envelope constraints is permissible and appropriate for the site.</p>
4. Sustainability	Yes	<p>No change.</p> <p>The building design reflects a considered and efficient use of natural resources through effective cross-flow ventilation within 100% of units, which is compliant with the recommendation of the Residential Flat Design</p>

Design Principle	Consistent	Comment
		<p>Code (RFDC-60%).</p> <p>Sustainability is integral to the design; aspects include selection of appropriate and sustainable materials, passivesolar design principles & use of energy efficient appliances.</p> <p>The building will incorporate other energy and water efficient devices appropriate to specification of the building and awareness of needs. Details are provided in The BASIX Report.</p>
5. Landscape	Yes	<p>The common open spaces and deep soil zones surrounding the building will be landscaped for residents' amenity and will also reflect <i>The Housing Strategy's</i> objective of a RFB within a landscaped setting.</p> <p>Refer to Landscape architect's documentation for further information and details.</p>
6. Amenity	Yes	<p>No change.</p> <p>Solar Access</p> <p>This proposal achieves 3 hours (minimum) solar access to primary living spaces of 70% of residential units, which is compliant with recommendation of the Residential Flat DesignCode (ADG-70%).</p> <p>Visual and acoustic privacy</p> <p>The layouts of individual apartments are configured in a way to assure rooms of similar function are adjacent to common walls (where practicable). Design protects resident's ability to carry out private functions within all rooms and private open spaces without compromising views, outlook, ventilation and solar access or the functioning of internal and external spaces.</p> <p>Apartment layouts, private open spaces</p> <p>Individual layouts are fully functional, consistent with spatial recommendations of ADG.</p> <p>Dwellings feature internal storage areas as per recommendations of ADG; all apartments are provided with additional storage areas in the basement for larger objects likesporting equipment.</p> <p>Private open spaces can accommodate required seating arrangements and comply with or exceed the requirements of the ADG.</p> <p>Many units are provided with flexible media or study areas topermit a variety of future use and furnishing options.</p> <p>Natural ventilation</p> <p>100% of apartments are naturally cross-ventilated (ADG recommendation- 60%).</p>
7. Safety	Yes	<p>No change.</p> <p>Proposed orientation of building, floor layouts and provision ofbalconies provide natural passive surveillance of public domain and common open space.</p> <p>Appropriate security arrangements are incorporated at pedestrian entry</p>

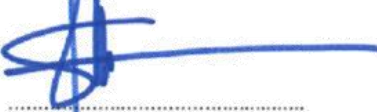
Design Principle	Consistent	Comment
		lobbies and access to common open spaces. All pedestrian areas are designed to provide clear sight lines and minimize potential for "hiding" places for attacks. Storage cages will be of chain wire partitioning to allow visual sight lines.
8. Housing Diversity and Social Interaction	Yes	No change. The proposed development of 30 units will compliment and extend the range and diversity of residential accommodation available in the area. The residential building with its mix of 1, 2, and 3 bedroom units will complement and extend the range and diversity of residential accommodation available in the area. The unit mix consists of 1x one bedroom, 28x two bedroom and 1x three bedroom apartments. 5x adaptable units are included within this apartment type mix. See Access Report.
9. Aesthetics	Yes	 An appropriate composition of building elements, material textures and colour has been utilised to reflect the building's residential use character. Further refinement off the external façade of the building by increasing the use of face brick and reducing render. The external appearance of the building reflects the "base-middle and top" typology encouraged by the SEPP 65 guidelines. The articulation of the building facades, the design's massing composition seek to find balance with it's surroundings. Selected materials also compliant required and desired materials as set-out in the DCP.

Mr. André Mulder has been responsible for the design of the project since its inception and has commissioned on behalf of the applicant related professionals and experts in respect of the matter.

Mr. André Mulder also prepared, supervised preparation of and reviewed the architectural drawings and is satisfied that the design meets the intent of the design quality principles as set out in Part 2 of State Environmental Planning Policy No. 65 Design quality of residential Flat Development.

Yours faithfully,

ZHINAR ARCHITECTS



André Mulder

Registered Architect NSW

Registration Number 6294

DOCUMENTS
ASSOCIATED WITH
REPORT LPP029/21

Attachment 5
Previous Approved Plans

DEVELOPMENT SUMMARY

SITE AREA 1782.88m²
GFA 2114.12m²
FSR 1:1.185

UNIT MIX/YIELD

UNIT TYPE	No. OF UNITS	REQUIRED PARKING PER UNIT	REQUIRED PARKING	PROPOSED PARKING
1 BED	1	0.8	0.8	1
1 BED + STUDY	13	0.8	10.4	13
2 BED	15	1	15	15
3 BED	1	1.2	1.2	2
TOTAL :	30	0.2 (VISITOR)	6	6
		TOTAL :	34	37

ADDITIONAL PARKING ADDED

DEEP SOIL : 449m²

COS : 802m²

Drawing List	
Sheet Number	Sheet Name
S04 100	BASIS PLAN
S04 101	GROUND FLOOR
S04 102	LEVEL 1
S04 103	LEVEL 2
S04 104	LEVEL 3
S04 105	LEVEL 4
S04 106	ROOF PLAN
S04 200	NORTH & SOUTH ELEVATION
S04 201	EAST & WEST ELEVATION

September 2017		BSA Reference: 9119			
Building Sustainability Assessments		Phy (62) 4962 3439			
enquiries@buildingsustainability.net.au		www.buildingsustainability.net.au			
Important Note for Development Applicants					
The Building Specification was used to achieve the thermal performance values indicated on the Assessment Certificate. If they vary from drawings or other specifications this Specification shall take precedence. If only one specification option is detailed for a building element, that specification must apply to all instances of that element for the whole project. If alternate specifications are detailed, the location and extent of the alternate specification must be detailed below and / or clearly indicated on referenced documentation.					
Once the development is approved by the consent authority, these specifications will become a condition of consent and must be included in the built works. If you do not want to include these requirements, the proposed construction varies to those detailed or need further information, please contact Building Sustainability Assessments.					
This assessment has assumed that the BCA provisions for building sealing will be complied with at construction. No loss of insulation arising from ceiling penetrations has been simulated.					
Thermal Performance Specifications					
External Wall Construction	Insulation	Colour (Solar Absorbance)			
Brick Veneer	R2.0	Any			
75mm AAC Veneer	R1.0	Any			
Internal Wall Construction	Insulation				
Plasterboard on studs	none				
200 Concrete on studs & 75mm AAC on studs	R1.3				
180 Block	none				
Ceiling Construction	Insulation	Detail			
Plasterboard	R3.5 to ceiling adjacent to roof and decks above				
Roof Construction	Insulation	Colour (Solar Absorbance)	Detail		
Metal	R4.0 + R1.0 blanket	Any			
Concrete	none	Any			
Floor Construction	Insulation	Covering	Detail		
Concrete	none	As drawn (if not noted default values used)			
Windows	Glass and frame type	U SHGC Area sq m	Detail		
Generic	Single clear Aluminium	As drawn			
U and SHGC values are according to NRC. Alternate products may be used if the U value is lower and the SHGC is less than 10% higher or lower than the above figures.					
External Window Cover	Detail				
As drawn					
Fixed shading - Eaves	Width includes guttering, offset is distance above windows				
Width	As drawn	Normal only, refer to plan for detail			
Fixed shading - Other	Verandahs, Pergolas (type and description)				
Shaded areas and shade devices as drawn					
For construction in NSW the BCA Vol 1 or 2 must be complied with. In particular the following:					
- Thermal construction in accordance with Vol 1 Section 3.12.1 or Vol 2 Part 3.12.1.1					
- Thermal breaks in accordance with Section 4.1.30(d) & 4.30(e) or Part 3.12.1.2(d) & 3.12.1.2(e)					
- Compensating for loss of ceiling insulation in accordance with Section 3.12.1.2(d) or Part 3.12.1.2(e)					
- Floor Sealant in accordance with Section 3.12.1.2(d) or Part 3.12.1.2(e) or (d) & (e)					
- Building sealing in accordance with Section 3.12.1.2 or Part 3.12.1.2 to 3.12.1.6					



8304

16-18 Stimson St & 82 The Esplanade
GUILDFORD, NSW 2161

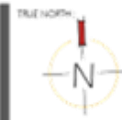
Proposed Development

1 ROOF PLAN
1:100

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1 ISSUE FOR SECTION 96 APPLICATION
AMENDMENT

08/10/2017 BK LA
DATE DRAWN CHECKED
Drawing is NOT valid for use unless checked



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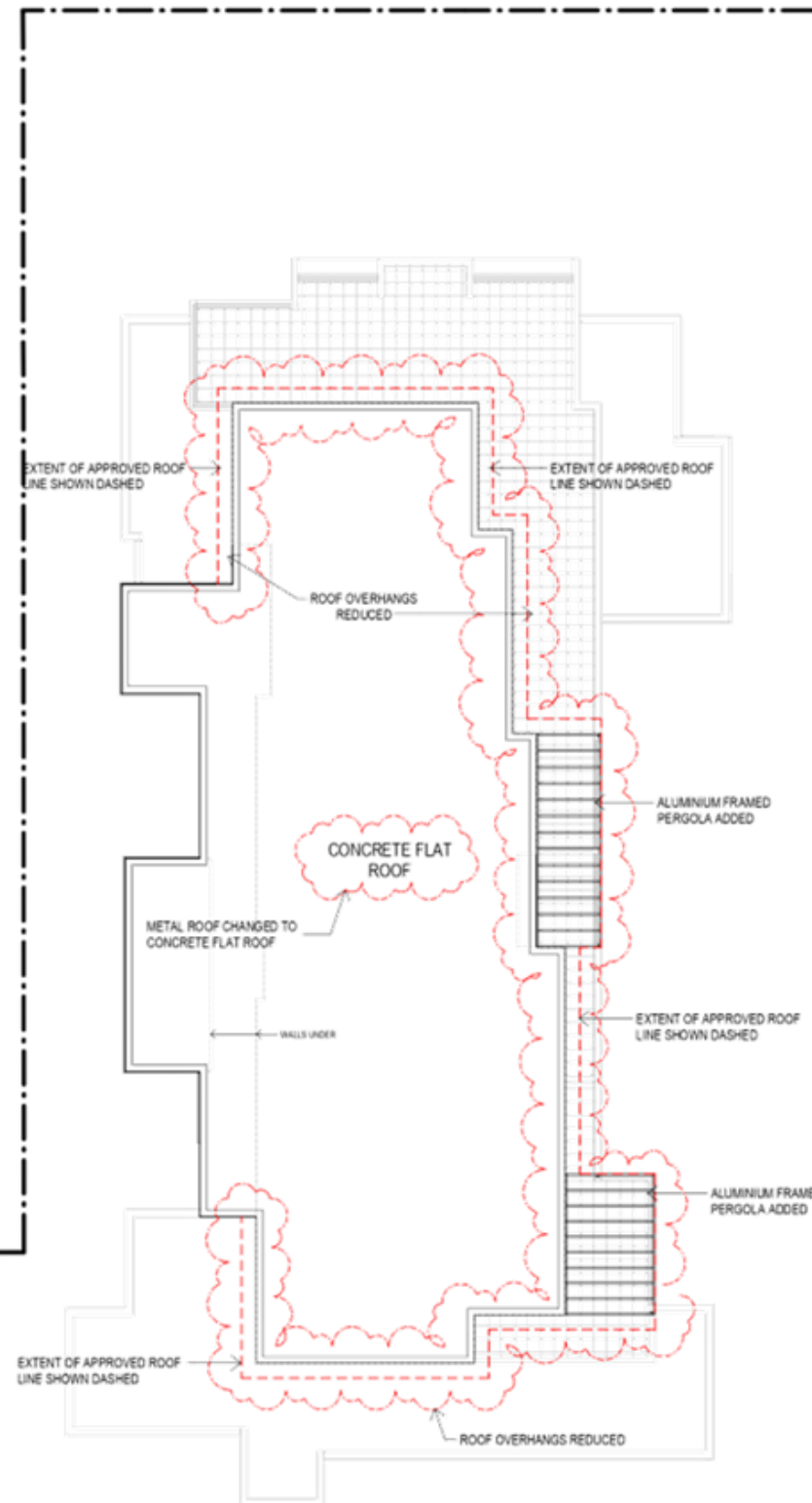
Russian-Slee Chung-Austin-Kwee (reg. 4570) - Nominated Architect

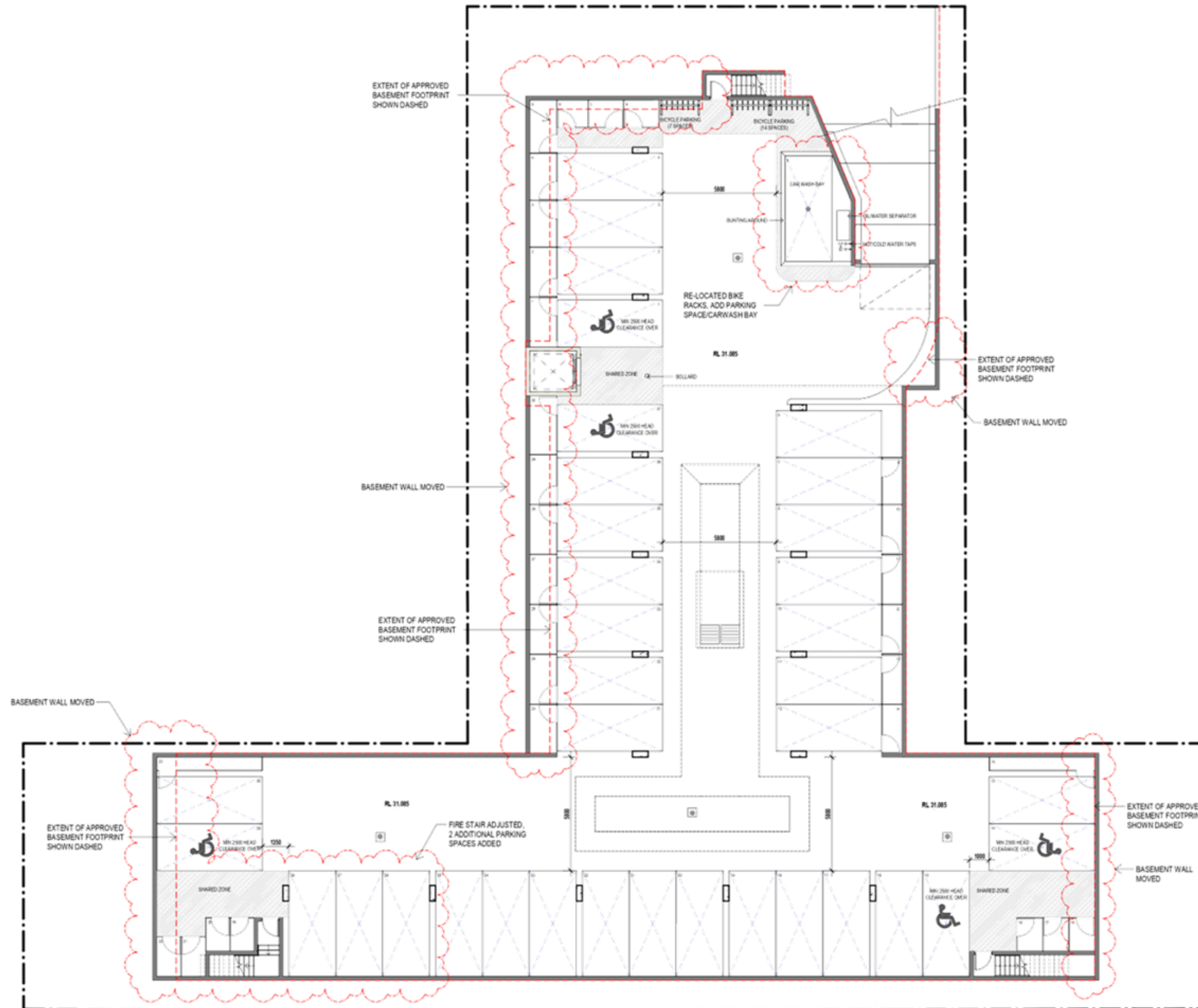
PROJECT STATUS:
Section 96 Application
PRELIMINARY

PROJECT NAME:
Proposed Development
16-18 Stronson St & 82 The Esplanade
GUILDFORD, NSW 2161
LGA:

SHEET TITLE:
ROOF PLAN
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SCALE:
8304 596.106
JOB No. DRAWING No.

1 ISSUE



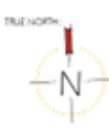


BASEMENT 1
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1:200 @ A3 sheet

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1. ISSUE FOR SECTION 96 APPLICATION
2. AMENDMENT

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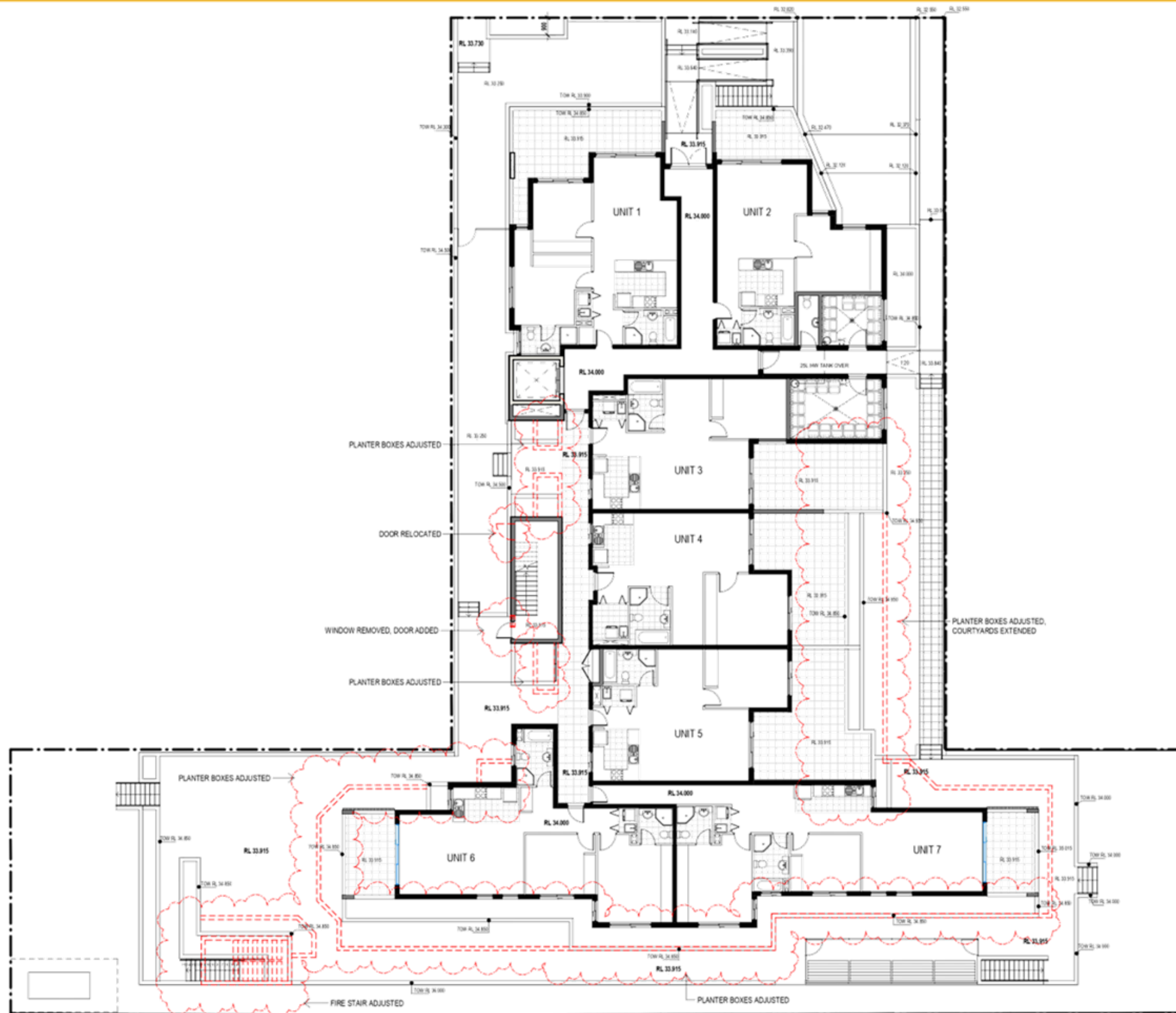


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PROJECT STATUS:
Section 96 Application
PRELIMINARY

PROJECT NAME:
Proposed Development
16-18 Stronson St & 82 The Esplanade
GUILDFORD, NSW 2161
LGA:

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SCALE:
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DRAWING No. 1
ISSUE

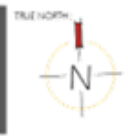


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GROUND FLOOR PLAN

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1. ISSUE FOR SECTION 96 APPLICATION
2. AMENDMENT

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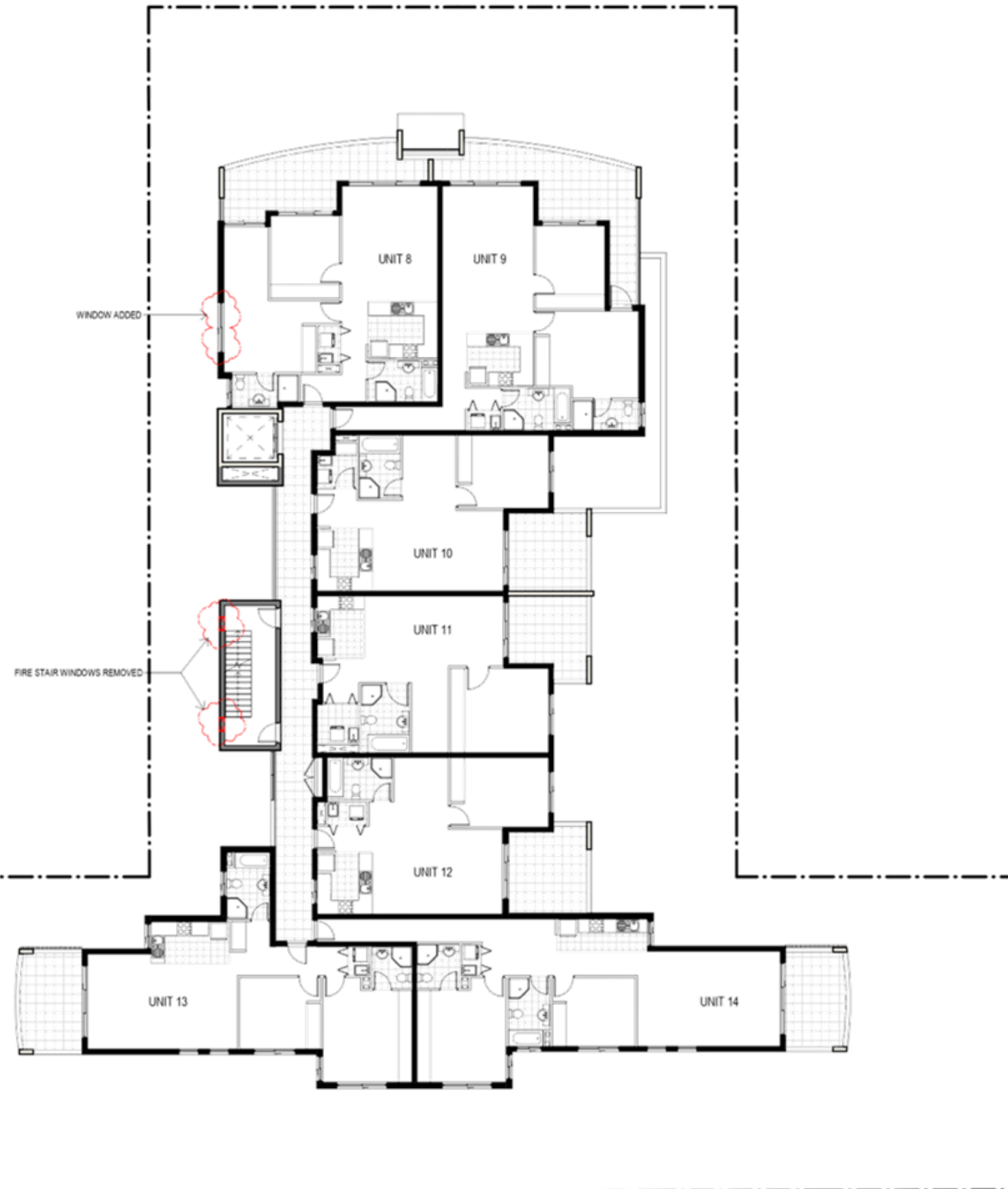
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PROJECT STATUS:
Section 96 Application
PRELIMINARY

PROJECT NAME:
Proposed Development
16-18 Stron St & 82 The Esplanade
GUILDFORD, NSW 2161
LGA:

SHEET TITLE:
GROUND FLOOR
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ISSUE



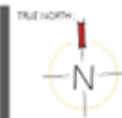
LEVEL 1
1:100

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1. ISSUE FOR SECTION 96 APPLICATION
2. AMENDMENT

08/10/2017 BK LA
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www.zhinarchitects.com.au
28 495 849 790

Russian-Slee Chung-Audrey-Kwee Reg. 4370 - Nominated Architect

PROJECT STATUS:
Section 96 Application
PRELIMINARY

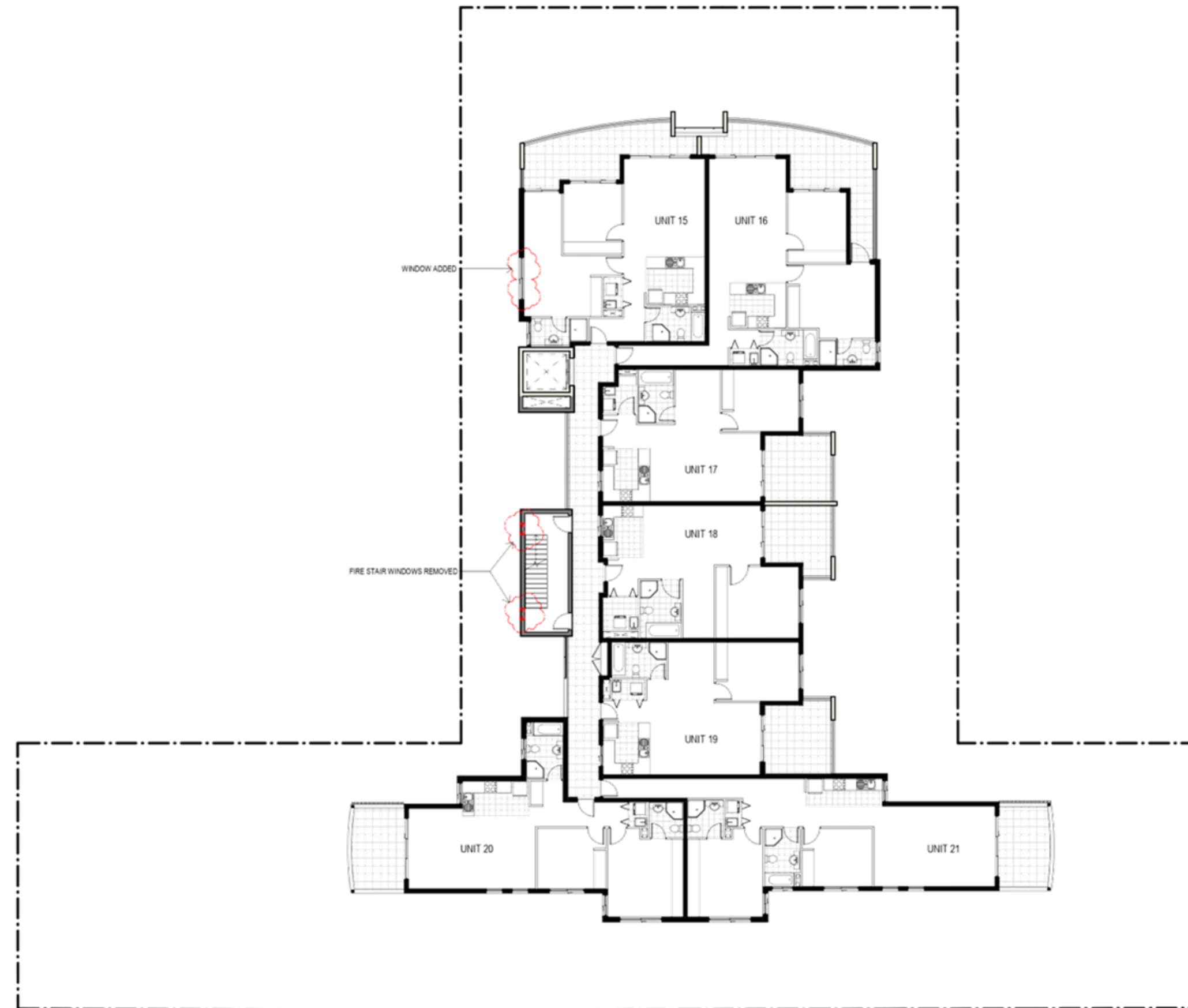
PROJECT NAME:
Proposed Development
16-18 Stron St & 82 The Esplanade
GUILDFORD, NSW 2161
LOK:

SHEET TITLE:
LEVEL 1

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SCALE
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JOB No. DRAWING No.

1
ISSUE

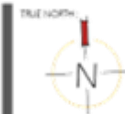
LEVEL 2
1:100



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Russian-Slee Chung-Audrey-Kwee (reg. 4570) - Nominated Architect

PROJECT STATUS:
Section 96 Application
PRELIMINARY

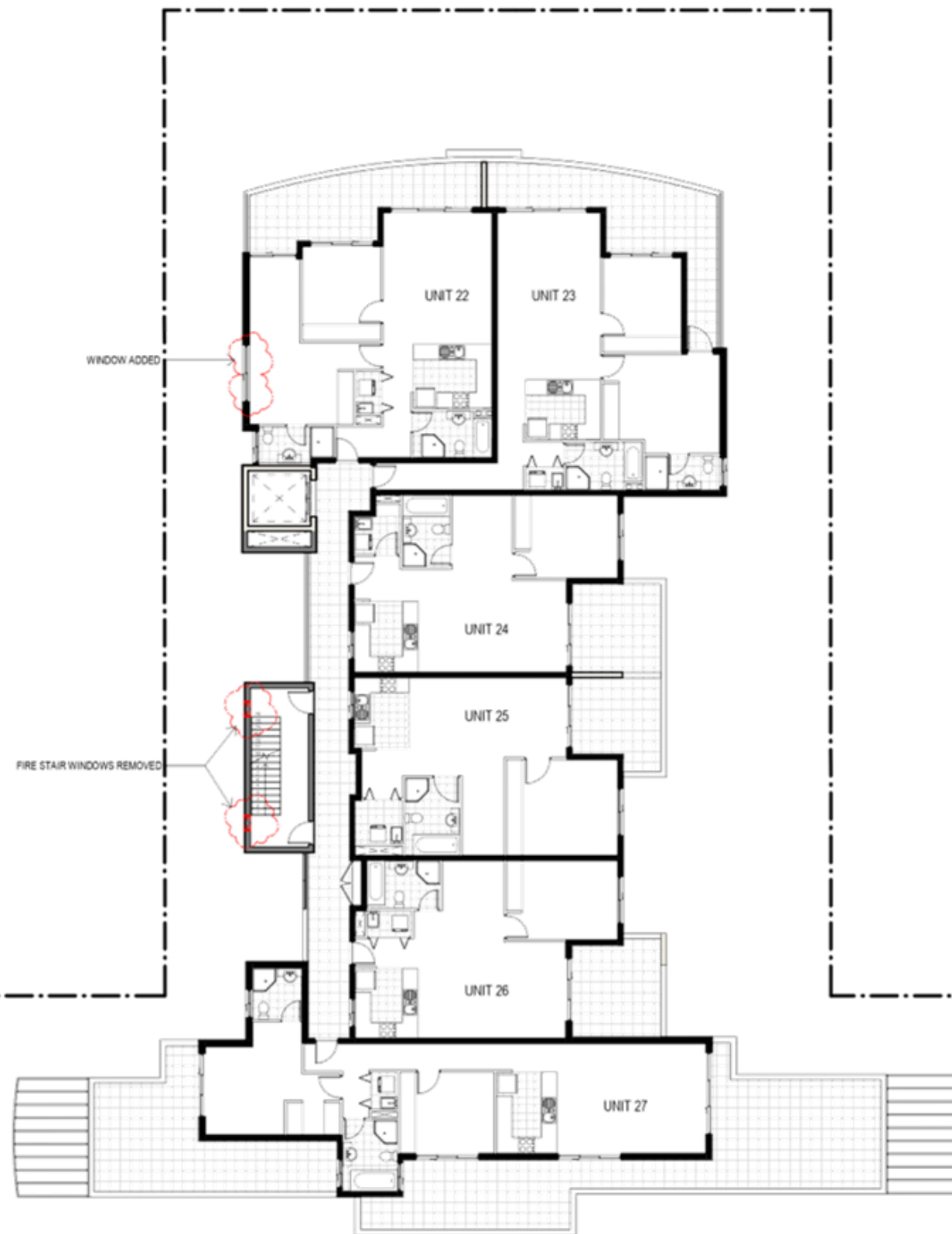
PROJECT NAME:
Proposed Development
16-18 Stroud St & 82 The Esplanade
GUILDFORD, NSW 2161
LOK:

SHEET TITLE:
LEVEL 2

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SCALE
8304 596.103
JOB No. DRAWING No.

1
ISSUE

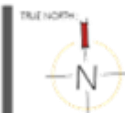
LEVEL 3
1:100



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Russian-Slee Chung-Audrey-Kwee (reg. 4570) - Nominated Architect

PROJECT STATUS:
Section 96 Application
PRELIMINARY

PROJECT NAME:
Proposed Development
16-18 Stronson St & 82 The Esplanade
GUILDFORD, NSW 2161
LGA:

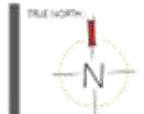
SHEET TITLE:
LEVEL 3

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SCALE
8304 596 104
JOB No. DRAWING No.

1
ISSUE

LEVEL 4
1:100

FIRE STAIR WINDOWS REMOVED



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Russian-Viet Chung-Audien-Korea Reg. 4370 - Nominated Architect

PROJECT STATUS:
Section 96 Application
PRELIMINARY

PROJECT NAME:
Proposed Development
16-18 Simpson St & 82 The Esplanade
GUILDFORD, NSW 2161
LGA:

SHEET TITLE:
LEVEL 4
1:100 @ A1 sheet
SCALE
8304 596.105
JOB No. Drawing No.
1 ISSUE



North Elevation
1:100 @ A1 sheet
1:200 @ A3 sheet



South Elevation
1:100 @ A1 sheet
1:200 @ A3 sheet

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1. ISSUE FOR SECTION 96 APPLICATION

08/10/2017 BK LA
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Russian-Slee Chung-Austin-Kwee Reg. 45750 - Nominated Architect

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28 495 849 790

PROJECT STATUS:
Section 96 Application
PRELIMINARY

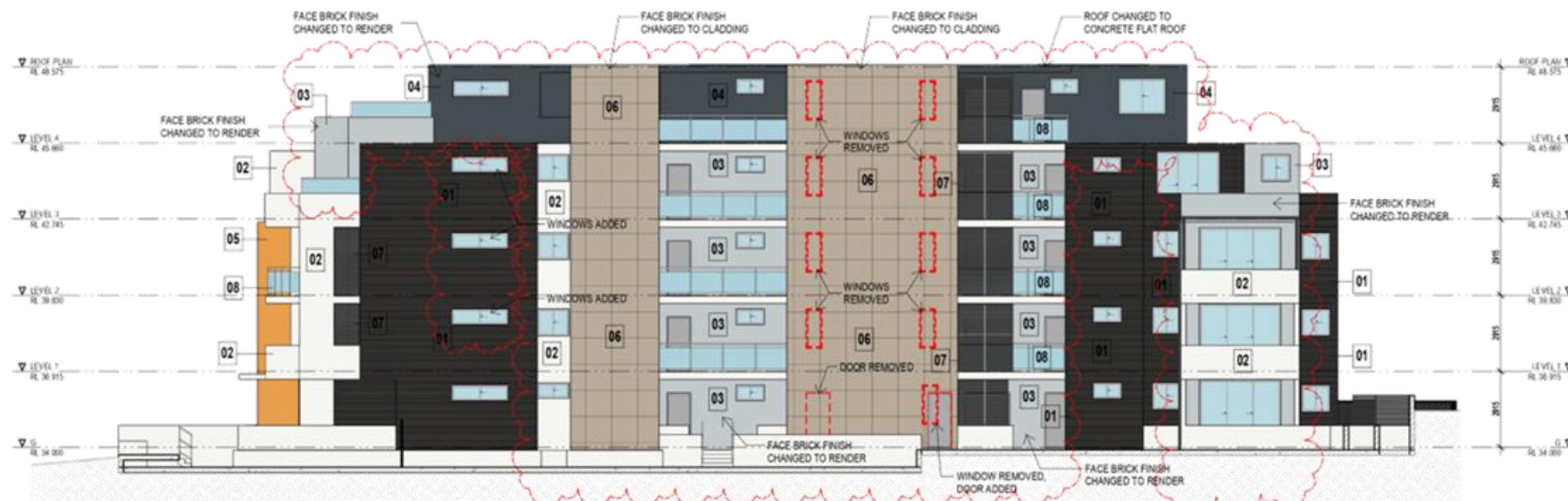
PROJECT NAME:
Proposed Development
16-18 Stronson St & 82 The Esplanade
GUILDFORD, NSW 2161
LGA:

SHEET TITLE:
NORTH & SOUTH
ELEVATION
As indicated @ A1 sheet
SCALE:
8304 596 200
JOB No. Drawing No.

1
ISSUE



East Elevation
1: 100 @ A1 sheet
1: 200 @ A3 sheet



West Elevation
1: 100 @ A1 sheet
1: 200 @ A3 sheet

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2. AMENDMENT

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Russian-Viet Chung-Audien-Kowee Reg. 45718 - Nominated Architect

PROJECT STATUS:
Section 96 Application
PRELIMINARY

PROJECT NAME:
Proposed Development
16-18 Simson St & 82 The Esplanade
GUILDFORD, NSW 2161
LGA:

SHEET TITLE:
EAST & WEST ELEVATION
As indicated @ A1 sheet
SCALE:
8304 596 201
JOB No. Drawing No.
1 ISSUE



Our Reference:
Contact:
Phone:

2014/194/2
Mrs E Kucuk
02 8757 9893

13 February 2018

Zhinar Architects
Suite 1 Level 2
2 Rowe Street
EASTWOOD NSW 2122

Dear Sir/Madam,

**PREMISES: 16 STIMSON STREET GUILDFORD, 18 STIMSON STREET GUILDFORD, 82 THE ESPLANADE GUILDFORD
SECTION 96(1A) MODIFICATION TO DEVELOPMENT CONSENT NO. 2014/194/1
MODIFICATION APPLICATION NO. 2014/194/2**

I refer to your application lodged on 13 October 2017 seeking amendment to Development Consent 2014/194/1 issued for the demolition of the existing structures and construction of a five (5) storey residential flat building accommodating thirty (30) units above a basement parking. The modification seeks alterations to an approved residential flat building.

Pursuant to Section 96(1A) of the Environmental Planning & Assessment Act, 1979, Council grants approval for the modifications sought.

Accordingly, Development Consent 2014/194/1 is amended as follows:-

Condition 2 of DA-2015/431/1 is amended to read:

2. Development shall take place in accordance with the attached endorsed plans:
 - Architectural plans prepared by Zhinar Architects, Job Number 8304, Drawing No's DA01, DA03 to DA12 (inclusive), DA17 and DA18, Issue E, dated 11 November 2014;
 - Landscape Plans prepared by Vision Dynamics, Drawing No. 14052 DA1-2 and 2-2, Issue B, dated 17 November 2014;
 - Stormwater plans prepared by HKMA Engineers, Drawing No. 1784-DA SW001-SW003 (inclusive), Issue C, dated 19 November 2014, SW004-SW007 (inclusive) Issue B, dated 19 November 2014; and as amended to satisfy Schedule "A" conditions;

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

Welcome *Belong* Succeed

- Arboriculture Impact Assessment Report prepared by Redgum Horticultural Consultants, Reference Number 9249 and dated 11 April 2014;
- Waste Management Plan prepared by Zhinar Architects; and
- BASIX Certificate No. 545987M, dated 7 May 2014, as amended to satisfy Condition No 33.

As amended by the following plans and documents approved under application 2014/194/2 dated 13 February 2018:

- Architectural plans prepared by Zhinar Architects, Job Number 8304, Drawing No. S96 100, S96 102 to 106 (inclusive), S96 200 and 201, Issue 1, dated 3 October 2017, and Drawing No. S96 101, Issue 2, dated 1 February 2018;
- Landscape Plan prepared by Vision Dynamics, Drawing No. 14052 CC 1-2, Revision D, dated 1 February 2018; and
- BASIX Certificate No. 545987M_03, issued on 31 January 2018.

Condition 12a (i) of DA-2014/194/1 is inserted to read:

Amended Plans

- 12a. Amended plans shall be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate addressing the following issues:
- i. The BASIX Certificate shall be updated to indicate the correct number of car parking spaces.

All other conditions of Development Consent 2014/194/1 remain unchanged.

S97AA of the Environmental Planning & Assessment Act 1979 confers upon an applicant, dissatisfied with Council's determination of an application made pursuant to Section 96(1A) a right of appeal to the Land and Environment Court within 6 months of the date of determination.

Section 96AB of the Act provides that an applicant may request, within 28 days of the date of determination of the Section 96 Application, that the Council review its determination (this does not apply to integrated or designated development). A fee is required for this review.

If you have any further enquiries please contact Mrs E Kucuk of Council's Environment & Infrastructure Division on 02 8757 9893, Monday to Friday.

Yours faithfully,


Sohail Faridy

COORDINATOR DEVELOPMENT ASSESSMENT

Noted
SKC
15/02/18

DOCUMENTS
ASSOCIATED WITH
REPORT LPP029/21

Attachment 6
SEPP 65 Design Quality of
Residential Apartment
Development Assessment

ATTACHMENT F - APARTMENT DESIGN GUIDE COMPLIANCE TABLE

The proposal is classified as a residential apartment development and SEPP 65 applies.
SEPP 65 sets 9 design quality principles. The development has adequately addressed the principles in the following way:

ADG design quality principle	Response
1. Context and neighborhood character	<p>The area is zoned to accommodate new development, including residential flat building that is a permitted type of development within the R4 zone. The existing character of the streetscape is in transition where existing dwelling houses are being replaced with higher densities development, such as residential flat buildings. The proposed development satisfies Holroyd LEP 2013 objectives in that it will provide a variety of housing type within a high density environment. The siting of development has been appropriately designed to minimise any potential overshadowing and visual privacy impact to the adjoining properties by maintaining a landscaped buffer area at the rear and side boundaries for communal open space.</p> <p>Whilst it is noted that the proposed modification introduces additional height, it is considered that the additional height forms part of the established bulk and scale of the original development and is considered compatible with the proposed surrounds.</p>
2. Built form and scale	<p>The development application is seeking consent for a 5 storey residential flat buildings over one level of basement car parking. The building has been designed to correspond with the existing landform. The soft landscape area and open space will assist in softening the built form and minimise any potential overshadowing and visual privacy impact to the adjoining properties.</p> <p>The proposed modification is not considered to generate any significant changes to the built form and scale of the development. The development has been supported by sufficient documentation demonstrating that the proposed height changes do not generate any additional impacts upon the adjoining properties particularly that of overshadowing.</p>
3. Density	<p>The subject site is well located with respect to existing public transport and community facilities. The design of the development provides for appropriate separation between dwellings supplemented by privacy treatment to balconies and windows where necessary.</p>
4. Sustainability	<p>A BASIX Certificate and relevant reports have been submitted with the original development application. The certificates require sustainable development features to be installed into the development. The proposal will incorporate features relating to ESD in the design and construction of the development inclusive of water efficient fixtures and energy saving devices.</p>
5. Landscape	<p>Compliant landscaped area has been provided, which will provide appropriate level of amenity to the resident and consistent with the environmental surrounds of the subject site. This remains unchanged.</p>
6. Amenity	<p>The proposed modification will continue to deliver sufficient amenity to residents of the building. The amended plans increase the overall height of building and as a result the shadow diagrams have been slightly altered. However, the proposal achieves compliance with the</p>

	ADG in this regard which contains many amenity controls. The building design incorporates access and circulation, apartment layouts, floor area, ceiling height, private open space, common open space, energy efficiency rating, adaptability and diversity, safety, security and site facilities. The modification is considered to generally comply with the ADG and HDCP 2013 which contains numerous amenity controls. Suitable access is provided to all parts of the building, through the efficient use of lift to access all levels. The development is considered to provide an appropriate level of amenity for future residents.
7. Safety	Suitable and secure access is provided to all parts of the building, through the efficient use of lift to access all levels. The proposed modification is considered to be consistent with this principle.
8. Housing diversity and social interaction	The apartment mix is satisfactory and has not changed from what was originally approved. The number of adaptable units proposed is considered satisfactory with the provision of associated accessible car spaces.
9. Aesthetics	The proposed modification is considered to be consistent with this principle. The residential flat building has an attractive contemporary appearance and utilises building elements that provide individuality to the development without compromising the streetscape or detracting from the appearance of existing surrounding development. The building responds well in this regard with its provision of good aesthetics through the use of high quality materials, attention to detail in its internal spaces and how it addresses the street frontage. Whilst it is noted that the materials and finishes are being amended under the modification, the changes are considered compatible with the locality and the building provides an appropriate response to the existing and likely future character of the locality.

APARTMENT DESIGN GUIDE COMPLIANCE TABLE

No.	Control	Comments	Compliance		
PART 3 – SETTING THE DEVELOPMENT					
3A	Site Analysis		Yes	No	N/A
3A-1	Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	The Site Analysis Plan is acceptable as it shows the site, its context and constraints for the proposed development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3B	Orientation		Yes	No	N/A
3B-1	Building types and layouts respond to the streetscape and site while optimising solar access within the development.	The site runs north-south, and the design attempts to optimise northern sunlight. The building satisfactorily addresses the street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3B-2	Overshadowing of neighbouring properties is minimised during mid-winter.	The site is orientated with the street to the north, meaning that neighbouring properties are still able to receive the minimum level of direct sunlight.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3C	Public Domain Interface		Yes	No	N/A
3C-1	Transition between private and public	Transition considered	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	domain is achieved without compromising safety and security.	satisfactory, even though the front facing units are not provided with direct access.															
3C-2	Amenity of the public domain is retained and enhanced.	The front setback areas are adequately landscaped. Amenity of the public domain is maintained.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
3D	Communal and Public Open Space		Yes	No	N/A												
3D-1	An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
	Design Criteria Communal open space has a minimum area equal to 25% of the site.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
3D-2	Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
3D-3	Communal open space is designed to maximise safety.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
3D-4	Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
3E	Deep Soil Zones		Yes	No	N/A												
3E-1	Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
	Design Criteria Deep soil zones are to meet the following minimum requirements:	No change, as approved.															
	<table><tr><th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr><tr><td>less than 650m²</td><td>-</td><td rowspan="4">7%</td></tr><tr><td>650m² - 1,500m²</td><td>3m</td></tr><tr><td>greater than 1,500m²</td><td>6m</td></tr><tr><td>greater than 1,500m² with significant existing tree cover</td><td>6m</td></tr></table>	Site area	Minimum dimensions	Deep soil zone (% of site area)	less than 650m ²	-	7%	650m ² - 1,500m ²	3m	greater than 1,500m ²	6m	greater than 1,500m ² with significant existing tree cover	6m		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site area	Minimum dimensions	Deep soil zone (% of site area)															
less than 650m ²	-	7%															
650m ² - 1,500m ²	3m																
greater than 1,500m ²	6m																
greater than 1,500m ² with significant existing tree cover	6m																
3F	Visual Privacy		Yes	No	N/A												
3F-1	Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												

	<p>Design Criteria Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <table><tr><th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table> <p>Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room.</p> <p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.</p>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Building height	Habitable rooms and balconies	Non-habitable rooms															
up to 12m (4 storeys)	6m	3m															
up to 25m (5-8 storeys)	9m	4.5m															
over 25m (9+ storeys)	12m	6m															
3F-2	Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
3G	Pedestrian Access and Entries		Yes	No	N/A												
3G-1	Building entries and pedestrian access connects to and addresses the public domain.	Ground floor units are provided with a direct connection to street. Front entrance to building is visible to street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
3G-2	Access, entries and pathways are accessible and easy to identify.	All access, entries and pathways are accessible.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
3G-3	Large sites provide pedestrian links for access to streets and connection to destinations.	The site is not required to provide a through site link.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
3H	Vehicle Access		Yes	No	N/A												
3H-1	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
3J	Bicycle and Car Parking		Yes	No	N/A												
3J-1	Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
	<p>Design Criteria For development in the following locations:</p> <ul style="list-style-type: none">on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; oron land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre, <p>The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating</p>	Refer to ARH SEPP and DCP compliance table.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												

	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.																
	<table border="1"> <tr> <th colspan="2">Control</th></tr> <tr> <td>1 bedroom spaces</td><td>0.6</td></tr> <tr> <td>2 bed</td><td>0.9 spaces</td></tr> <tr> <td>3 bed</td><td>1.4 spaces</td></tr> <tr> <td>4+ bed</td><td>1.4 spaces</td></tr> <tr> <td>Visitor</td><td>0.2 spaces per dwelling</td></tr> </table>	Control		1 bedroom spaces	0.6	2 bed	0.9 spaces	3 bed	1.4 spaces	4+ bed	1.4 spaces	Visitor	0.2 spaces per dwelling				
Control																	
1 bedroom spaces	0.6																
2 bed	0.9 spaces																
3 bed	1.4 spaces																
4+ bed	1.4 spaces																
Visitor	0.2 spaces per dwelling																
3J-2	Parking and facilities are provided for other modes of transport.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
3J-3	Car park design and access is safe and secure	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
3J-4	Visual and environmental impacts of underground car parking are minimised.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
3J-5	Visual and environmental impacts of on-grade car parking are minimised.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
3J-6	Visual and environmental impacts of above ground enclosed car parking are minimised.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
PART 4 – DESIGNING THE BUILDING																	
4A	Solar and Daylight Access		Yes	No	N/A												
4A-1	To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
	<table border="1"> <tr> <td>Design Criteria</td> <td>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.</td> <td>No change, as approved.</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td></td> <td>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</td> <td>No change, as approved.</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	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.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>				
Design Criteria	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
4A-2	Daylight access is maximised where sunlight is limited.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
4A-3	Design incorporates shading and glare control, particularly for warmer months.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
4B	Natural Ventilation		Yes	No	N/A												
4B-1	All habitable rooms are naturally ventilated.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
4B-2	The layout and design of single aspect apartments maximises natural ventilation.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												
4B-3	The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>												
	<table border="1"> <tr> <td>Design Criteria</td> <td>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or</td> <td>No change, as approved.</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Design Criteria	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
Design Criteria	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>												

	greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.															
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>												
4C	Ceiling Heights		Yes	No												
4C-1	Ceiling height achieves sufficient natural ventilation and daylight access.		<input checked="" type="checkbox"/>	<input type="checkbox"/>												
	Design Criteria Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <table border="1"> <thead> <tr> <th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th> </tr> </thead> <tbody> <tr> <td>Habitable rooms</td> <td>2.7m</td> </tr> <tr> <td>Non-habitable</td> <td>2.4m</td> </tr> <tr> <td>For 2 storey apartments</td> <td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td> </tr> <tr> <td>Attic spaces</td> <td>1.8m at edge of room with a 30 degree minimum ceiling slope</td> </tr> <tr> <td>If located in mixed used areas</td> <td>3.3m for ground and first floor to promote future flexibility of use</td> </tr> </tbody> </table> These minimums do not preclude higher ceilings if desired.	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	Maximum 3.17m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Minimum ceiling height for apartment and mixed use buildings																
Habitable rooms	2.7m															
Non-habitable	2.4m															
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area															
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope															
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use															
4C-2	Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.		<input checked="" type="checkbox"/>	<input type="checkbox"/>												
4C-3	Ceiling heights contribute to the flexibility of building use over the life of the building.		<input checked="" type="checkbox"/>	<input type="checkbox"/>												
4D	Apartment Size and Layout		Yes	No												
4D-1	The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.		<input checked="" type="checkbox"/>	<input type="checkbox"/>												
	Design Criteria Apartments are required to have the following minimum internal areas: <table border="1"> <thead> <tr> <th>Apartment type</th> <th>Minimum internal area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m²</td> </tr> <tr> <td>1 bedroom</td> <td>50m²</td> </tr> <tr> <td>2 bedroom</td> <td>70m²</td> </tr> <tr> <td>3 bedroom</td> <td>90m²</td> </tr> </tbody> </table> The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each.	Apartment type	Minimum internal area	Studio	35m ²	1 bedroom	50m ²	2 bedroom	70m ²	3 bedroom	90m ²	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>		
Apartment type	Minimum internal area															
Studio	35m ²															
1 bedroom	50m ²															
2 bedroom	70m ²															
3 bedroom	90m ²															
	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	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>												

	air may not be borrowed from other rooms.																			
4D-2	Environmental performance of the apartment is maximised.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
	Design Criteria Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>															
	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>															
4D-3	Apartment layouts are designed to accommodate a variety of household activities and needs.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
	Design Criteria Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>															
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>															
	Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>															
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>															
4E	Private Open Space and Balconies		Yes	No	N/A															
4E-1	Apartments provide appropriately sized private open space and balconies to enhance residential amenity.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
	Design Criteria All apartments are required to have primary balconies as follows: <table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio apartments</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table> The minimum balcony depth to be counted as contributing to the balcony area is 1m.	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3+ bedroom apartments	12m ²	2.4m	No change, as approved.			
Dwelling type	Minimum area	Minimum depth																		
Studio apartments	4m ²	-																		
1 bedroom apartments	8m ²	2m																		
2 bedroom apartments	10m ²	2m																		
3+ bedroom apartments	12m ²	2.4m																		
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
4E-2	Primary private open space and balconies are appropriately located to enhance liveability for residents.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
4E-3	Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
4E-4	Private open space and balcony design maximises safety.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
4F	Common Circulation and Spaces		Yes	No	N/A															
4F-1	Common circulation spaces achieve good amenity and properly service the number of apartments.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>															
	Design Criteria The maximum number of apartments off a circulation core on a single level is eight.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>															
	For buildings of 10 storeys and over, the maximum number of apartments sharing	Not applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>															

	a single lift is 40.														
	Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.	Not applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
4F-2	Common circulation spaces promote safety and provide for social interaction between residents.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4G	Storage		Yes	No	N/A										
4G-1	Adequate, well designed storage is provided in each apartment.														
	Design Criteria In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr><tr><td>1 bedroom apartments</td><td>6m³</td></tr><tr><td>2 bedroom apartments</td><td>8m³</td></tr><tr><td>3+ bedroom apartments</td><td>10m³</td></tr></table> At least 50% of the required storage is to be located within the apartment.	Dwelling type	Storage size volume	Studio apartments	4m ³	1 bedroom apartments	6m ³	2 bedroom apartments	8m ³	3+ bedroom apartments	10m ³	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dwelling type	Storage size volume														
Studio apartments	4m ³														
1 bedroom apartments	6m ³														
2 bedroom apartments	8m ³														
3+ bedroom apartments	10m ³														
4G-2	Additional storage is conveniently located, accessible and nominated for individual apartments.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4H	Acoustic Privacy		Yes	No	N/A										
4H-1	Noise transfer is minimised through the siting of buildings and building layout.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4H-2	Noise impacts are mitigated within apartments through layout and acoustic treatments. <ul style="list-style-type: none">• Rooms with similar noise requirements are grouped together.• Where physical separations not achieved, noise conflicts are resolved using design solutions.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
4J	Noise and Pollution		Yes	No	N/A										
4J-1	In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
4J-2	Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
4K	Apartment Mix		Yes	No	N/A										
4K-1	A range of apartment types and sizes is provided to cater for different household types now and into the future.	No change, as approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										
4K-2	The apartment mix is distributed to suitable locations within the building.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4L	Ground Floor Apartments		Yes	No	N/A										
4L-1	Street frontage activity is maximised where ground floor apartments are located.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4L-2	Design of ground floor apartments delivers amenity and safety for residents.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4M	Façades		Yes	No	N/A										
4M-1	Building facades provide visual interest along the street while respecting the character of the local area.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4M-2	Building functions are expressed by the façade.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										
4N	Roof Design		Yes	No	N/A										
4N-1	Roof treatments are integrated into the building design and positively		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>										

	respond to the street.			
4N-2	Opportunities to use roof space for residential accommodation and open space are maximised.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4N-3	Roof design incorporates sustainability features.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4O	Landscape Design	Yes	No	N/A
4O-1	Landscape design is viable and sustainable.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4O-2	Landscape design contributes to the streetscape and amenity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4P	Planting on Structures	Yes	No	N/A
4P-1	Appropriate soil profiles are provided.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4P-2	Plant growth is optimised with appropriate selection and maintenance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4P-3	Planting on structures contributes to the quality and amenity of communal and public open spaces. The overall amount of landscape has not been substantially altered other than the relocation of planter box. The amount of landscape is adequate for the development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4Q	Universal Design	Yes	No	N/A
4Q-1	Universal design features are included in apartment design to promote flexible housing for all community members.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features	No change, as approved.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4Q-2	A variety of apartments with adaptable designs are provided.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4Q-3	Apartment layouts are flexible and accommodate a range of lifestyle needs.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4R	Adaptive Reuse	Yes	No	N/A
4R-1	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4R-2	Adapted buildings provide residential amenity while not precluding future adaptive reuse.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4S	Mixed Use	Yes	No	N/A
4S-1	Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4S-2	Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4T	Awnings and Signage	Yes	No	N/A
4T-1	Awnings are well located and complement and integrate with the building design.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4T-2	Signage responds to the context and desired streetscape character.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4U	Energy Efficiency	Yes	No	N/A
4U-1	Development incorporates passive environmental design.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4U-2	Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4U-3	Adequate natural ventilation minimises the need for mechanical ventilation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4V	Water Management and Conservation	Yes	No	N/A
4V-1	Potable water use is minimised.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4V-2	Urban stormwater is treated on site before being discharged to receiving waters.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4V-3	Flood management systems are integrated into site design.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4W	Waste Management	Yes	No	N/A
4W-1	Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4W-2	Domestic waste is minimised by providing safe and convenient source separation and recycling.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4X	Building Maintenance	Yes	No	N/A

4X-1	Building design detail provides protection from weathering.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4X-2	Systems and access enable ease of maintenance.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4X-3	Material selection reduces ongoing maintenance costs.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DOCUMENTS
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Attachment 7
Holroyd LEP Compliance Table

ATTACHMENT G – Holroyd Local Environmental Plan 2013 COMPLIANCE TABLE

Clause	Yes	No	N/A	Comment
Land use table				
Zone R4 High Density Residential 1 Objectives of zone <ul style="list-style-type: none"> To provide for the housing needs of the community within a high density residential environment. To provide a variety of housing types within a high density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. 	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed development is defined as a <i>residential flat building</i>, which is permissible with consent in the R4 zone as follows:</p> <p>“residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.</p> <p>Note— Residential flat buildings are a type of residential accommodation— see the definition of that term in this Dictionary.”</p> <p>The proposed development is considered to be consistent with the R4 zone objectives as it provides a variety of housing types, satisfying the needs of the community within a high-density residential environment.</p>
4.3 Height of buildings <p>(1) The objectives of this clause are as follows:</p> <p>(a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,</p> <p>(b) to ensure development is consistent with the landform,</p> <p>(c) to provide appropriate scales and intensities of development through height controls.</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>In accordance with the Height of Buildings Map accompanying Holroyd LEP 2013, a maximum building height of 15 metres is permitted for the site.</p> <p>Maximum allowable height = 15m Approved = Within 15m Proposed under Modification Application = 16.64m (lift overrun)</p> <p>The building breaches the height by maximum 1.64m (10.9%) as a result of increasing the floor to floor level from 2.915m to 3.17m to facilitate the provision of fire sprinklers throughout the building.</p> <p>The exceedance in building height is supported in this instance, having regard to the circumstances of the case. Refer to further discussion in body of Report.</p>
4.4 Floor space ratio <p>(1) The objectives of this clause are as follows:</p> <p>(a) to support the viability of commercial centres and provide opportunities for</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>In accordance with the FSR map accompanying HLEP 2013, a maximum FSR of 1.2:1 is applicable to the site.</p> <p>No change to the FSR is proposed.</p>

Clause	Yes	No	N/A	Comment
<p>economic development within those centres,</p> <p>(b) to facilitate the development of a variety of housing types,</p> <p>(c) to ensure that development is compatible with the existing and desired future built form and character of the locality,</p> <p>(d) to provide a high level of amenity for residential areas and ensure adequate provision for vehicle and pedestrian access, private open space and landscaping.</p>				
<p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
5.10 Heritage Conservation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The site is not heritage listed, nor in the vicinity of a heritage item.
6.2 Earthworks				
<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The proposed earthworks will not have a detrimental effect on existing drainage patterns or soil stability. The proposal will not affect the amenity of adjoining properties. The proposal is satisfactory subject to compliance with standard conditions in the original consent.</p>

Clause	Yes	No	N/A	Comment
6.4 Flood planning (1) The objectives of this clause are as follows: (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, (c) to avoid significant adverse impacts on flood behaviour and the environment. (2) This clause applies to land at or below the flood planning level.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The site is not identified as being flood prone land.
6.7 Stormwater management	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The proposed stormwater management system is satisfactory subject to conditions.
6.8 Salinity Consult the Salinity Map accompanying HLEP 2013	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The site is identified as having a moderate salinity potential. Appropriate conditions were imposed on the original consent to address this issue.

DOCUMENTS
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Attachment 8
Holroyd DCP Compliance Table

ATTACHMENT H - HOLROYD DEVELOPMENT CONTROL PLAN 2013 COMPLIANCE TABLE

No.	Clause	Comment	Yes	No	N/A
PART A – GENERAL CONTROLS					
1	Subdivision				
	Subdivision not proposed.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Roads and Access				
2.4	Access: Vehicular Crossings, Splay Corners, Kerb & Guttering				
	VC to be reconstructed if in poor condition, damaged or design doesn't comply.	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Avoid services/facilities in road reserve, existing trees, pedestrian crossing, pram ramps etc.	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Corner sites VC to be min. 6m from the tangent point.	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Corner sites require 3m x 3m (residential) and 4m x 4m (commercial) splay corner to be dedicated.	N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.7	Road Widening				
	The subject site is not affected by road widening in accordance with Appendix K.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Car Parking				
3.1	Minimum Parking Spaces				
	Car Parking - Residential Minimum spaces required: 1 bedroom = 0.8 1 bedroom = 1 2 bedroom = 1.2 3+ bedroom = 1.5 Visitor/dwelling = 0.2	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Bicycle Parking - Residential Minimum residential spaces required: • Studio / 1 bed. unit = 0.5 • 2 bed unit = 0.5 • 3+ bed unit = 0.5 • Visitor = 0.1 per unit.	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.3	Car Parking, Dimensions & Gradient				
	Satisfactory		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.5	Access, Maneuvering and Layout				
	Driveways shall be setback a minimum of 1.5m from the side boundary.	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.6	Parking for the Disabled				
	2 spaces per 100 spaces up to 400, and 1 per 100 thereafter, or part thereof. Required: 2 accessible spaces	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	Tree and Landscape Works		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	Biodiversity				
	The subject site is not identified on the Environmentally Sensitive Land Map and is not within an E2 - Environmental Conservation zone.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6	Soil Management					
6.1	Retaining Walls			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.3	Erosion and Sediment Control Plan					
	The applicant has submitted an erosion and sediment control plan which is satisfactory.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	Stormwater Management					
	Council's Development Engineer has reviewed the proposal and Considered satisfactory subject to conditions			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8	Flood Prone Land					
	The site is not identified as flood prone in Council's mapping.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Managing External Road Noise					
	The site is not affected by road or rail noise.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Safety and Security					
	Design new development to reduce the attractiveness of crime by minimising, removing or concealing crime opportunities.	No change, as approved		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	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.	No change, as approved		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Clearly define the boundaries between public and private spaces as a method of territorial reinforcement. Methods other than gates, fences and enclosures are encouraged.	No change, as approved		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11	Waste Management			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12	Services					
	Appropriate conditions would be included in any consent granted requiring consultation with relevant service providers.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
PART B – RESIDENTIAL CONTROLS						
1	GENERAL RESIDENTIAL CONTROLS					
1.1	Building Materials					
	Acceptable materials and finishes proposed.			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.2	Fences					
	The proposed fencing is considered satisfactory.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.3	Views					
	No significant views will be affected by the proposed development.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.4	Visual Privacy					
	Building separations provided as per ADG requirements.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.5	Landscaped Area					
	30% of site area to be provided as landscaped area (2m min. width)			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Refer to ARH SEPP compliance table.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1.8	Sunlight Access			
	1 main living area of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.	The Shadow Diagrams have been altered due to the increase in overall height of building. The shadow diagrams accompanying the application demonstrate that the proposal does not result in any significant adverse impacts on surrounding properties and that the development complies with the solar access requirements under the ADG.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Min. 50% of required POS of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.9	Cut and Fill			
	Cut is permitted to a maximum of 1 metre	No change, as approved	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Cut is to be limited to 450mm where it is within 900 mm of rear or side boundaries	No change, as approved	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.11	Vehicular Access and Driveways			
	VCs to be a minimum width of 3 m and maximum width of 5m at the boundary	No change, as approved	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	All new driveways should be located at least 1.5m from side property boundaries	No change, as approved	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Council favours the use of a central under-building access with arrangement for cars to exit the property in a forward direction.	No change, as approved	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Maximum gradient to be 20%	No change, as approved	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Basement parking is mandatory for all residential flat buildings and multi-dwelling developments within the R4 zone.	No change, as approved	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.12	Universal Housing and Accessibility			
	15% of units shall be adaptable units Class B. Required: 15% x 33 = 4.95 (5) units	No change, as approved	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.0	Residential Flat Buildings			
6.1	Lot Size and Frontage			
	Minimum lot frontage for residential flat buildings is 24m or 28m	No change, as approved	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Residential flat buildings are not permitted on battleaxe lots	No change, as approved	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.2	Site Coverage			
	Maximum site coverage of any residential flat development shall not exceed 30% (Max. 551.7m ²)	No change, as approved	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.3	Setbacks			
	Front setback from principal street minimum 6m	No change, as approved	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Front setback from secondary street minimum 4m	No change, as approved	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Minimum rear setback required: Up to four storeys – 20% (Min. 6.4m) Five storeys or more – 30%	No change, as approved	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Side setback minimum 3m Basement setback to side and rear boundaries minimum 3m	No change, as approved	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	All floors >4 storeys to be setback 3m	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																		
6.4	Building Height																						
	<p>Maximum building height in storeys shall be provided in accordance with the table below:</p> <table border="1"> <thead> <tr> <th colspan="2">Permitted Height (storeys)</th> </tr> <tr> <th>Height</th> <th>Storeys</th> </tr> </thead> <tbody> <tr> <td>9m</td> <td>1</td> </tr> <tr> <td>11m</td> <td>2</td> </tr> <tr> <td>12.5m</td> <td>3</td> </tr> <tr> <td>15m</td> <td>4</td> </tr> <tr> <td>18m</td> <td>5</td> </tr> <tr> <td>21m</td> <td>6</td> </tr> <tr> <td>24 m</td> <td>7</td> </tr> </tbody> </table>	Permitted Height (storeys)		Height	Storeys	9m	1	11m	2	12.5m	3	15m	4	18m	5	21m	6	24 m	7	<p>Max. permitted = 15m (4 storeys)</p> <p>Provided – 16.64m (5 storeys)</p> <p>The development was approved for 5 storeys and no change is proposed in relation to number of storey</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Permitted Height (storeys)																							
Height	Storeys																						
9m	1																						
11m	2																						
12.5m	3																						
15m	4																						
18m	5																						
21m	6																						
24 m	7																						
	<p>Minimum Floor to ceiling heights shall be:</p> <ul style="list-style-type: none"> 2.7 metres for habitable rooms. 2.4 metres for non habitable rooms. 2.4 metres for the second storey section of two storey units if 50% or more of the apartment has a 2.7 metre minimum ceiling height. 	2.915mm to 3.17mm.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																		
6.6	Open Space																						
	Communal Open Space Min. 30% (551.7m ²)	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																		
6.7	Building appearance																						
	Facades to be composed with an appropriate scale, rhythm and proportion	Design response is appropriate in the context of the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																		
6.8	Building entry and pedestrian access																						
	Building entries shall be visible from the street, sheltered and well lit	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																		
	Main building entry is to be separate from car park entry	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																		
	Only basement car parking is permitted for residential flat buildings	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																		
6.9	Parking																						
	Shall be maintained to a basement.	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																		
	Vehicle entries shall be setback from the main façade and security doors shall be provided to car park entries to improve the appearance of vehicle entries	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																		
	One car wash bay shall be provided for all developments having 10 or more dwellings (not a visitor space).	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																		
6.11	Internal circulation																						
	All common facilities must be accessible.	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																		
	All staircases are to be internal.	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																		
	Sensitive noise rooms shall be located away from less sensitive noise rooms, corridors and stairwells.	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																		
6.12	Facilities and amenities																						
	Each unit shall be provided with a laundry within the unit.	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>																		

	Open air clothes drying facilities shall be provided in a sunny, ventilated area, screened from the public domain.	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Clothes drying areas shall be screened by 1.5m high walls.	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	A master antenna shall be provided.	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Mailboxes shall not be at 90° to the street and shall be integrated with the overall design.	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.15	Waste Management – Bin Storage				
	Bin storage must: <ul style="list-style-type: none"> • Be located behind the building line and screened from the street and any public place. • Be accessible and relatively close to each dwelling. • Not impact upon the amenity of adjoining premises or dwellings within the development, i.e. odour. 	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Allow for unobstructed access that does not exceed a grade of 1:8 for bins to be wheeled to the collection point.	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	Landlocked Sites				
	Residential R4 zoned lots should not result in the creation of landlocked sites.	No change, as approved	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DOCUMENTS
ASSOCIATED WITH
REPORT LPP029/21

Attachment 9
Submissions Recieved

To: General Manager
Cumberland City Council

By email: sifa.kc@cumberland.nsw.gov.au

29 April 2021

Re: Submission on MOD2021/0076

Dear Sir

This submission is made on behalf of [REDACTED] with regard to the MOD2021/0076 regarding properties at:

18 Stimson Street GUILDFORD NSW 2161
82 The Esplanade GUILDFORD NSW 2161
16-18 Stimson Street GUILDFORD NSW 2161

[REDACTED] has interests in [REDACTED]

The modification requests increased height and reduced landscaping.

Submission

1. [REDACTED] objects to the modification
2. While the *Statement of Environmental Effects for Section 4.55(2) Modification DA/194/2014* dated 1 March 2021 claims that technically a s 4.6 application is not required that is not our view. In our opinion the modification is requesting an increase in height of 1.02 metres over the previous DA approval bringing the total exceedance of the development standard of 15m set by the *Holroyd Local Environment Plan 2013 (HLEP2013)* to 1.64 metres.
3. It is submitted that any previous Clause 4.6 application cannot suffice for the current Section 4.55 modification application as the height has increased by over 1 metre from the previous approval.
4. Clause 4.6(3) requires both of the following are satisfied:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

Email: [REDACTED] Mob: [REDACTED] ABN: [REDACTED]


(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

5. The response provided by the applicant to Clause 4.6(3) on pages 24 & 25 of the SEE_2 does not demonstrate that compliance is unreasonable. The site is relatively flat and does not present any geographical or other reasons why adherence to the height controls cannot be complied with or would be unreasonable. The additional height exceedance will have a direct impact on the sunlight received by my client's property as well as on the privacy experienced by my client. Contrary to what is claimed by the applicant the proposal does generate additional amenity impacts.
6. Secondly the applicant has not justified an exception to Clause 4.6 on planning grounds. To say (as it does on page 25) that the outcome with the increased height is better than could be achieved.... *in a building that is squashed into 5 levels of development with a bigger floor plate that would be less articulated and would be located closer to adjoining properties. Therefore, the response has been to maximise the amenity of apartments...* is more of a condemnation of the design of the building than a valid planning reason for a breach of a development standard.
7. The further claims that the development would result in:
 - *Delivery of additional housing within close proximity to the Employment Precinct of the Guildford Town Centre.*
 - *Creation of jobs during the construction stage;*

Are very similar to the planning justifications which were rejected (by the Commissioner in the first instance, and Pain J in the second) in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 with the comments at [60] of the Commissioner's judgment:

60 The environmental planning grounds identified in the written request are the public benefits arising from the additional housing and employment opportunities that would be delivered by the development, noting (at p 5) the close proximity to Ashfield railway station, major regional road networks and the Ashfield town centre; access to areas of employment, educational facilities, entertainment and open space; provision of increased employment opportunities through the ground floor retail/business space; and an increase in the available housing stock. I accept that the proposed development would provide those public benefits, however any development for a mixed use development on this site would provide those benefits, as would any similar development on any of the sites on Liverpool Road in the vicinity of the subject site that are also in the B4 zone. These grounds are not particular to the circumstances of this proposed development on this site. To accept a departure from the development standard in that context would not promote

Email: [REDACTED] Mob: [REDACTED] ABN: [REDACTED]
[REDACTED]



the proper and orderly development of land as contemplated by the controls applicable to the B4 zoned land, which is an objective of the Act (s 5(a)(ii)) and which it can be assumed is within the scope of the "environmental planning grounds" referred to in cl 4.6(4)(a)(i) of the LEP.

8. It is our submission that there are not sufficient environment planning grounds to justify a departure from the development standard.
9. Clause 4.6(4) of the HLEP requires the Council to be satisfied it has received an application that has addressed the matters in Clause 4.6(3). It is our view that Council cannot be satisfied that Clause 4.6(3) has been addressed because of the lack of environmental planning grounds.
10. The validity of a Clause 4.6 objection is subject to an objective test and failure to receive a valid written objection voids a Council decision.
11. It is submitted that Council cannot approve MOD2021/0076 and should request a further valid Clause 4.6 objection be submitted by the applicant for public exhibition, or the Modification application should be determined by way of refusal.

If you have questions arising from this correspondence please don't hesitate to contact me.

Regards



Email:

Mo

ABN:

From: [REDACTED]
Sent: Mon, 5 Apr 2021 19:18:04 +1000
To: "Records Department" <council@cumberland.nsw.gov.au>
Subject: MOD2021/0076 16 & 18 Stimson St Guildford and 82 The Esplanade Guildford

Dear Sir/Madam,

Reference: MOD2021/0076 16 & 18 Stimson St Guildford and 82 The Esplanade Guildford
Lot B DP 372726 Lot A DP 389519, Lot 100 DP 1241157.

I am [REDACTED]
[REDACTED]

I have looked at the plan, this proposal, the number of units are increased substantially but not enough parking for visitors and unit owners and visitors will park cars in the street and it will make it difficult to park other people in that street/area. Hence we should not allow to increase floor/units. if they really want, they need to buy neighbouring properties. If allowed, other properties in that area will increase the floors/units through modifications because of this approval and the density ratio will increase but no proper infrastructure. Hence I am against this proposal.

Thanks
Regards
[REDACTED]

Item No: LPP030/21

DEVELOPMENT APPLICATION FOR 217 GREAT WESTERN HIGHWAY, MAYS HILL

Responsible Division: Environment & Planning
Officer: Executive Manager Development and Building
File Number: DA2021/0115

Application lodged	1 April 2021
Applicant	Miletic-Mieler Development Consultants Pty Ltd
Owner	The Saiva Manram
Application No.	DA2021/0115
Description of Land	217 Great Western Highway, Mays Hill NSW 2145 Lot 1 DP 870186
Proposed Development	Alterations and additions to convert existing lower ground storage area into a dining hall associated with the existing place of public worship, new entrance structures, reconfiguration of parking spaces and associated site works
Site Area	1.17 hectares (11,700m ²)
Zoning	B6 – Enterprise Corridor
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	<u>Floor Space Ratio</u> Permissible: Maximum 1:1 Proposed: The proposal does not result in any additional GFA. <u>Height of Building</u> Permissible: Maximum 15m Proposed: Maximum 5.1m
Issues	Submissions received

SUMMARY:

- Development Application No. DA2021/0115 was received on 1 April 2021 for alterations and additions to convert existing lower ground storage area into a dining hall associated with the existing place of public worship, new entrance structures, reconfiguration of parking spaces and associated site works.
- The application was publicly notified to occupants and owners of the adjoining properties, published online on Council's website and a site notice placed at the property, for a period of 21 days between 9 April 2021 and 30 April 2021.

A further two-week extension of time was granted until 14 May 2021 to lodge submissions with respect to the proposal.

A total of sixteen (16) unique submissions were received in response to the proposed development.

3. The application is referred to the Cumberland Local Planning Panel (CLPP) for determination as the matter is considered to be contentious.
4. It is recommended that the application be approved subject to conditions provided in the Draft Notice of Determination at Attachment 1.

REPORT:

Subject Site and Surrounding Area

The subject site is legally identified as Lot 1 in DP 870186 and is known as 217 Great Western Highway, Mays Hill. The subject site has an approximate total site area of 1.17 hectares (11,700m²).

The subject site is situated on the southern side of Great Western Highway and western side of Belinda Place, and directly adjoins the M4 Motorway on its southern boundary. The properties to the north and east of the subject site predominantly consist of residential dwellings that are transitioning into high density development noting the zoning of the properties are B6 Enterprise Corridor along the Great Western Highway, and R4 High Density Residential on the eastern side of Belinda Place.

The subject site is situated within the Mays Hill Transitway Precinct, as identified in Holroyd Development Control Plan 2013, and is zoned B6 Enterprise Corridor pursuant to Holroyd Local Environmental Plan 2013.

The subject site is currently occupied by the existing Murugan Temple on land known as 217 Great Western Highway, Mays Hill.



Figure 1 – Aerial image of subject site outlined in purple

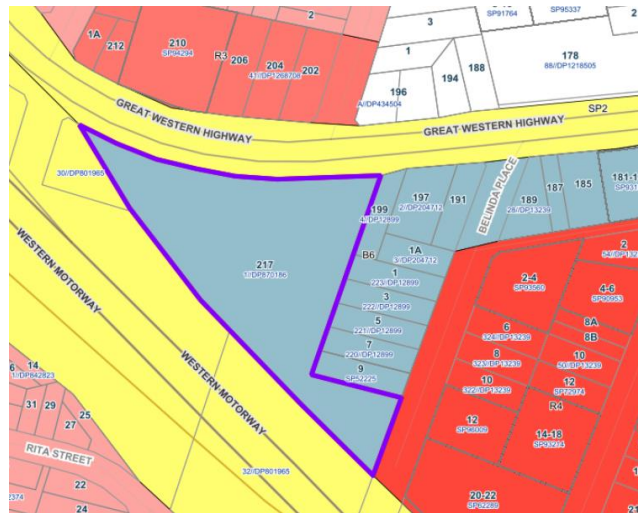


Figure 2 – Zoning Map. Subject site indicated in purple outline.



Figure 3 – Site Photo showing existing entry to lower ground level.



Figure 4 – Site Photo showing existing entry to lower ground level (left). Proposed windows and new entry located to the right of the existing entry in location of existing car parking spaces.



Council has received a development application for the following:

- The existing lower ground storage area is adjacent to an existing kitchen servery and amenities. The conversion of the existing lower ground storage area does not result in additional gross floor area.

[illegible]

Figure 6 – Eastern elevation plan showing proposed development (Extract from Drawing No. A2.005, Rev 4, prepared by JEYA Architects, dated 19/12/2020)

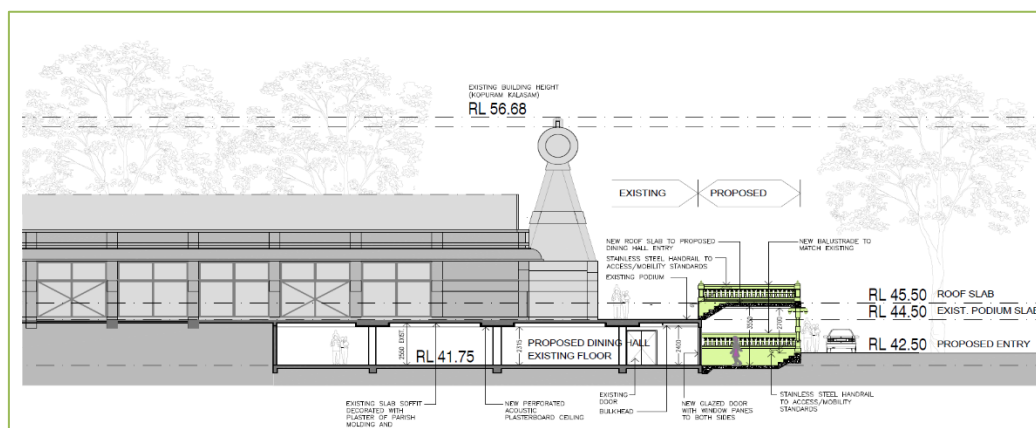


Figure 7 – Section plan showing proposed development (Extract from Drawing No. A2.006, Rev 4, prepared by JEYA Architects, dated 04/01/2021)

Background

The following recent applications at the subject site are of relevance to the proposed development:

DA2016/392/1 - 217 Great Western Highway and 3-9 Belinda Place, Mays Hill

Development Consent No. 2016/392 was approved by Sydney West Central Planning Panel on 13 September 2017 for consolidation of 5 lots into 1 lot, part demolition of existing structures, new access driveway off Belinda Place, construction of a part 2, part 3 storey community facility over 3 levels of basement car parking accommodating 197 parking spaces, a dining hall and an auditorium (meeting hall) accommodating a maximum of 800 patrons, multi-purpose halls to be used in association with an existing place of public worship at 217 Great Western Highway and 3-9 Belinda Place, Mays Hill.

- DA2016/392/1 is a valid development consent, however no works have commenced under the consent.

DA2019/371/1 – 217 Great Western Highway, Mays Hill

Development Consent No. 2019/371/1 was issued by Council on 10 February 2020 for construction of a detached garage to house a timber chariot associated with an existing place of worship and associated site works, including alterations to the openings of the cultural hall and construction of walls.

DA2020/0018 – 217 Great Western Highway & 7-9 Belinda Place, Mays Hill

Deferred Commencement Development Consent No. 2020/0018 was approved by the Sydney City Central Planning Panel on 22 December 2020 for demolition of existing structures, tree removal and construction of a multi storey car park in association with the existing place of public worship (Murugan Temple) including consolidation of 3 lots into 1 lot, and associated site works.

Application History

Date	Action
1 April 2021	Development Application 2021/0115 lodged with Council.
1 April 2021	The application was referred to Council's internal departments for review.
9 April to 30 April 2021	<p>The application was publicly notified to occupants and owners of the adjoining properties, published online on Council's website and a site notice placed at the property, for a period of 21 days between 9 April 2021 and 30 April 2021.</p> <p>A further two-week extension of time was granted until 14 May 2021 to lodge submissions with respect to the proposal.</p> <p>A total of sixteen (16) unique submissions were received in response to the proposed development.</p>
14 July 2021	Application referred to CLPP for determination.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Miletic-Mieler Development Consultants Pty Ltd dated February 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 development application was referred to Council's Development Engineer for comment who has advised that the development is satisfactory with respect to stormwater and parking, and therefore can be supported subject to recommended conditions of consent.

Environmental Health Officer

The development application was referred to Council's Environmental Health Officer for comment who has advised that the development proposal is satisfactory with respect to noise and environmental impacts during construction works, and therefore can be supported subject to recommended conditions of consent.

PLANNING COMMENTS

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

State Environmental Planning Policies

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

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

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

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In the development going to be used for a sensitive land use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site listed on Council's Contaminated Land database?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the site adjoin any contaminated land/previously contaminated land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Details of contamination investigations carried out at the site: The site is not identified in Council's records as being contaminated. A site inspection reveals the site does not have any obvious history of a previous land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated. The proposed development is for the conversion of an existing storage area within the lower ground level to the dining hall and contamination is not expected.	

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

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

Clause 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 the Great Western Highway. The proposed development is for the conversion of the existing lower ground storage area to a dining hall and does not seek changes to the existing vehicular access to the site from the Great Western Highway. In this regard, the traffic impacts on the safety, efficiency and ongoing operation of the Great Western Highway are not considered to be adversely affected by the proposal.

Clause 104 – Traffic-generating development

The proposal is not identified as development specified in Column 1 of the Table to Schedule 3, and as such does not require referral to Transport for NSW.

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 achieves compliance with the key statutory requirements of the Holroyd LEP 2013 and the objectives of the B6 Enterprise Corridor zone.

(a) Permissibility: -

The subject site operates as a 'place of public worship' and is a permissible land use in the B6 Enterprise Corridor zone.

The proposed dining hall is ancillary to the approved place of public worship.

'Place of public worship' is defined as:

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

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

An assessment of the proposed development against the principal development standards is summarised below.

Holroyd Local Environmental Plan 2013			
No.	Required/Permitted	Comment	Comply
Part 4 Principal Development Standards			
1.	Height of Buildings Max. 15m	The proposed balustrade over the proposed entry has a maximum building height of 5.1m.	Yes
2.	Floor Space Ratio Max. 1:1	The proposal does not result in any additional GFA.	Yes
3.	Exceptions to Development Standards	Not Applicable.	N/A

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

(a) Draft State Environmental Planning Policy (Environment)

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

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

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

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

(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 HLEP 2013 are not proposed to change under the Draft CLEP. A B6 land use zone is maintained for the site under the Draft CLEP as is a maximum building height of 15 metres and maximum floor space ratio of 1.1.

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.

The proposed development is generally compliant with the relevant provisions. The net loss of one (1) car parking space will be accounted for elsewhere within the site as demonstrated in the table below.

PART A – GENERAL CONTROLS		
3	Car Parking	
3.1	Minimum Parking Spaces	
	Car Parking – Place of Public Worship Minimum spaces required: <ul style="list-style-type: none"> • 1 per 8.5m² of GFA 	<p>The existing at-grade car park contains 114 car parking spaces.</p> <p>The proposal does not result in any additional GFA. In this regard no additional car parking is required for the proposed dining hall.</p> <p>It is noted that the reconfiguration of the existing car parking spaces adjacent to the existing and proposed building entries to the lower ground level will result in the loss of 1 car parking space. Conditions are imposed requiring that the 1 car parking space be provided elsewhere within the subject site. The site can accommodate the extra parking space.</p>

A comprehensive assessment and compliance table is contained in Attachment 3 which demonstrates the proposal's compliance with the relevant planning controls applicable to the site.

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

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

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 (Council website) ☒ Mail ☒ Sign ☒ Not Required ☐

In accordance with Council's Notification requirements contained within Holroyd DCP 2013, the proposal was publicly notified for a period of 21 days between 9 April 2021 and 30 April 2021. The notification generated sixteen (16) unique 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:

Figure 8 – Submissions summary table

	Concern	Comment
1	DA2016/392 approved a cultural hall, dining area and the associated works that satisfy the needs of the community and is not an overdevelopment of the site. The approved development under DA2016/392 is less intrusive in its location that is both affordable and deliverable and maintains the existing above ground OSD.	DA2016/392/1 approval was granted by the Sydney West Central Planning Panel on 13 September 2017 for consolidation of 5 lots into 1 lot, part demolition of existing structures, new access driveway off Belinda Place, construction of a part 2, part 3 storey community facility over 3 levels of basement car parking accommodating 197 parking spaces, a dining hall and an auditorium (meeting hall) accommodating a maximum of 800 patrons, multi-purpose halls to be used in association with an existing place of public worship at 217 Great Western Highway and 3-9 Belinda Place, Mays Hill.

	Concern	Comment
		DA2016/392/1 is an active consent and it is open to the owners of the premises to activate the consent prior to its expiration.
2	It is unclear why the multi storey car park was approved under DA2020/0018 when there is an existing approval (DA2016/392) for a community hall and dining hall that formalises all future needs of the existing place of public worship.	On 22 December 2020, DA2020/0018 deferred commencement approval was granted by the Sydney City Central Planning Panel for demolition of existing structures, tree removal and construction of a multi storey car park in association with the existing place of public worship (Murugan Temple) including consolidation of 3 lots into 1 lot, and associated site works. DA2020/0018 is yet to become an operative consent.
3	The existing lower ground storage area is non-habitable and should not be converted to a dining hall. Floor to ceiling height of the dining hall does not comply with the BCA.	The existing lower ground storage has a 2.4m floor to ceiling height measured to the bulkhead, and 2.315m floor to ceiling height measured to the plasterboard ceiling. Conditions are imposed requiring the dining hall room height to comply with Part F3 of the NCC. This matter will be addressed as part of the Construction Certificate application.
4	The design proposed is inconsistent/not in harmony with the façade and design principles of the existing temple.	The built form of the proposal incorporates key architectural design features of the temple and is considered to be in keeping with the existing temple buildings. Windows are proposed along the eastern elevation to provide natural light to the proposed dining hall.
5	The additional entry proposed is not required for access and egress.	The proposed entry provides additional access to improve access and egress to the lower ground level and dining hall.
6	A minimum 1:14 grade ramp is required with balustrade and handrails for DDA compliance for the proposed entry ramp.	Stainless steel handrails are provided to the proposed access ramp and will be fixed to the side wall. Conditions are imposed requiring compliance with the BCA and Disability Discrimination Act 1992.
7	There is no DDA compliant access to the servery from the proposed dining hall.	The access between the existing servery and proposed dining hall is an operational matter. Conditions are imposed requiring DDA compliance as part of the construction certificate for the dining hall.

	Concern	Comment
8	<p>Unauthorised demolition of the storage space hall wall that separated the approved kitchen has not been addressed. Safety concerns raised regarding structural adequacy and load.</p>	<p>There is evidence to suggest that the existing storage room contained a southern wall along the corridor previously. The unauthorised demolition of the referenced wall has been reported to Council's Compliance Section for investigation and action.</p> <p>The proposal includes the removal of the southern wall referred to above. A certificate of structural adequacy is required to be prepared and signed by a qualified practising structural engineer in respect to the load carrying capabilities of the existing structure to support the proposed dining hall area as part of the construction certificate application.</p>
9	<p>The maximum capacity of the dining hall and frequency of use is not outlined.</p> <p>The 100 person limit for the dining hall is inadequate for functions and should accommodate 250 people.</p> <p>How will catering and dining activity or special training for staff be managed?</p>	<p>The proposed conversion of the existing storage room to a dining hall is for volunteers and devotees associated with the existing place of public worship.</p> <p>The applicant has outlined that no change to or intensification of the current temple uses on site are proposed.</p> <p>In accordance with the submitted BCA Review prepared by Philip Chun, dated 18 January 2021, the maximum number of people which can be accommodated within the dining hall is 100 people. Conditions of consent are imposed restricting the maximum number of people within the dining at any one time as 100 people.</p>
10	<p>There is no car parking proposed for the new dining hall.</p> <p>There is inadequate on-site car parking currently and The Saiva Manram has requested an extension from Council to use the temporary overflow car park at 1A Belinda Place & 197 Great Western Highway.</p> <p>A traffic management plan has not been submitted.</p>	<p>The proposed dining hall is in the location of the existing storage room. As there is no additional gross floor area proposed as part of the subject application, this proposal does not require additional car parking spaces to be provided on site.</p> <p>The existing at-grade car park contains 114 car parking spaces.</p> <p>It is noted that the reconfiguration of the existing car parking spaces adjacent to the existing and proposed building entries to the lower ground level will result in the loss</p>

	Concern	Comment
		of 1 car parking space. Conditions are imposed requiring that the 1 car parking space be provided elsewhere within the subject site.
11	Where will the storage area be moved to with the proposed conversion of the existing storage to dining hall?	Relocation of the existing storage area is not proposed as part this application.
12	The application was not referred to TfNSW.	The proposed development does not require referral to TfNSW in accordance with SEPP (Infrastructure) 2007 or the Roads Act 1993.
13	The directors listed on The Saiva Manram (TSM) authorisation letter to lodged DA2021/0115 is incorrect.	Information submitted at the time of lodgement with respect to owner's consent for 217 Great Western Highway, Mays Hill is consistent with information on Council's records.
14	Documents for DA2021/0115 were not available on the Council website during the notification period and only an extension of 2 weeks was provided to lodge a submission. Exhibition dates were not changed on Council's website reflecting the extension of time.	The application was publicly notified to occupants and owners of the adjoining properties, published online on Council's website and a site notice placed at the property, for a period of 21 days between 9 April 2021 and 30 April 2021. On 29 April 2021, Council was advised that documents and plans submitted as part of DA2021/0115 were not available on Council's website for viewing. This matter was rectified, and Council's website was updated to show all documents and plans on 30 April 2021. Due to the technical issues encountered, a two-week extension of time was granted until 14 May 2021 to lodge submissions with respect to the proposal.

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

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

Cumberland Local Infrastructure Contributions Plan 2020

The development would 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, 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 the imposition of recommended draft conditions.

REPORT RECOMMENDATION:

- 1. That Development Application No. DA2021/0115 for alterations and additions to convert existing lower ground storage area into a dining hall associated with the existing place of public worship, new entrance structures, reconfiguration of parking spaces and associated site works on land at 217 Great Western Highway, Mays Hill; be approved subject to attached conditions.**
- 2. 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. Holroyd Local Environmental Plan 2013 Compliance Table [↓](#)
3. Holroyd Development Control Plan 2013 Compliance Table [↓](#)
4. Architectural Plans [↓](#)
5. Stormwater Plan [↓](#)
6. Submissions Received [↓](#)

**DOCUMENTS
ASSOCIATED WITH
REPORT LPP030/21**

**Attachment 1
Draft Notice of Determination**



DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the *Environmental Planning and Assessment Act, 1979*

Application No:	DA2021/0115
Applicant:	Miletic-Mieler Development Consultants Pty Ltd 48/2 Ashton Street ROCKDALE NSW 2216
Property Description:	217 Great Western Highway MAYS HILL NSW 2145, Lot 1 DP 870186
Development:	Alterations and additions to convert existing lower ground storage area into a dining hall associated with the existing place of public worship, new entrance structures, reconfiguration of parking spaces and associated site works
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
Dwg No. A2.004, Rev 4	Proposed Floor Plan	Jeya Architects	04/01/2021
Dwg No. A2.005, Rev 4	Proposed Elevation	Jeya Architects	09/12/2020
Dwg No. A2.006, Rev 4	Proposed Section	Jeya Architects	04/01/2021
Dwg No. A2.007, Rev 4	Proposed Roof Plan	Jeya Architects	04/01/2021
Dwg No. A2.008, Rev 2	Proposed Reflected Ceiling Plan	Jeya Architects	04/01/2021
Dwg No. D-01, Sheet 1 of 1, Ref No. 20.12.15.1, Issue A	Drainage Plan	Consulting Civil Engineers Rammy Associates Pty Ltd	15/12/2020
	Waste Management Plan		Undated

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

3. **DAGCA05 - Construction within Boundary**

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

(Reason: To ensure compliance with approved plans)

4. **DAGCA08 - Obtaining a Construction Certificate for Building Work**

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

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

(Reason: Information)

5. **DAGCD07 - Waste Management**

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

(Reason: Compliance with approval)

6. **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)

7. **DAGCZ02 - Service relocation / Adjustment**

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

(Reason: To protect utility services)

8. **DAGCZ03 - Sediment Control**

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

(Reason: To ensure sediment and erosion controls are maintained during the construction process to prevent water pollution from occurring)

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

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

Where demolition is associated with the erection of a new structure, or an altered portion of or an extension to an existing building, the demolition of any part of a building is "commencement of building work" pursuant of section 6.6 of the Act. In such circumstance all conditions of this consent must be satisfied prior to any demolition work. This includes, but is not limited to, the issue of a Construction Certificate, appointment of a PCA and Notice of Commencement under the Act.

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

(Reason: Statutory Requirement)

10. **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)

11. 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)

12. 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

13. DACCA01 - Amendments to Approved Plans

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

- (a) One (1) additional car parking space shall be provided within the site to ensure that a total of 114 car parking spaces are provided within the at-grade car park.

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

14. 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)

15. 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 and facilities are to be included in the plans/specifications for the construction certificate.

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

16. 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)

17. 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)

18. 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)

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

Damage Deposit	\$2,995.00
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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)

20. 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)

21. 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)

22. 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)

23. DACCCJ03 - 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)

24. DACCK03 - Structural Adequacy of Existing Structure

A Certificate of Structural Adequacy prepared and signed by a qualified practising Structural Engineer with suitable professional indemnity cover must be submitted to the Principal Certifier in respect of the load carrying capabilities of the existing structure to support the proposed additions prior to the issue of a Construction Certificate.

(Reason: Structural safety)

25. 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)

26. 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)

27. DACCZ01 - Submission of Full Stormwater Disposal Details

Prior to the issue of the Construction Certificate, stormwater drainage plans and details showing the proposed method of stormwater collection and disposal shall be prepared by a suitably qualified practising Civil/Hydraulic Engineer in accordance the "Holroyd Development Control Plan 2013" shall be submitted and approved by the Accredited Certifier. In this regard, the proposed stormwater management shall be incorporated in endorsed stormwater plans.

(Reason: To ensure stormwater is suitably discharged)

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

28. 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)

29. 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)

30. 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)

31. DAPCA05 - Sydney Water Tap in Approvals

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

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

(Reason: Statutory requirement)

32. 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)

33. 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)

34. 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)

Conditions which must be satisfied during any development work

35. 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)

36. 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)

37. 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)

38. 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)

39. 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)

40. 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.)

41. DADWA10- Power Connection - Minor Development

Where power connection is not available on the same side of the street an intermediate power pole (one power pole per development site) can be provided within the front setback of the property to allow above-ground connection from the existing power lines (for dwellings, secondary dwellings and dual occupancy developments only).

Connection from the intermediate power pole to each dwelling must be underground.

(Reason: Environmental Amenity)

42. 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)

43. 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)

44. 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)

45. 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)

46. 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

47. 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)

48. 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)

49. 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).

50. 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)

51. DAOCA08 - Certification of Engineering Works

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

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

The abovementioned Certificate is to certify that:

- i. the stormwater drainage system, and/or
- ii. the car parking arrangement and area including circulating ramps, and/or
- iii. any related footpath works, and/or
- iv. the basement mechanical pump and well system, and/or
- v. the proposed driveway and layback, and/or
- vi. other civil works have been constructed in accordance with the Council approved plans and details and satisfies the design intent and complies with the appropriate SAA Codes

relevant Standards and Council's Policies and Specifications.

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

(Reason: Asset management)

52. 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)

53. 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)

54. DAOCG01 - Certification of the Constructed Stormwater Drainage System

The constructed stormwater drainage system shall be certified by a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER), in accordance with Council's Engineering Specifications of the "Holroyd Development Control Plan 2013", prior to issue of the Final Occupation Certificate.

(Reason: Adequate stormwater management)

55. 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)

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

56. DAOUA18 - Maximum Patrons

A maximum of 100 patrons are permitted within the dining hall at any one time.

(Reason: To monitor patron numbers and safety)

57. 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)

58. 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)

59. DAOUC16 - Entertainment Noise Emission Criteria

Noise from entertainment sources at the premises (music and patrons) must comply with the following:

- (a) The LA10, 15 minute noise level emitted from the use must not exceed the background noise level (LA90, 15minute) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- (b) The LA10, 15 minute noise level emitted from the use must not exceed the background noise level (LA90, 15 minute) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- (c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an LA10, 15 minute enters any residential use through an internal to internal transmission path is not to exceed the existing internal LA90, 15 minute (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7am and 12midnight. Where the LA10, 15 minute noise level is below the threshold of hearing, Tf at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003- Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.
- (d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12.00 midnight and 7.00am.

The LA10, 15 minute noise level emitted from the use is as per the definition in the Australian Standard AS1055-1997 Acoustics - Description and measurement of environmental noise. The background noise level LA90, 15 minute is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. It is to be determined from the assessment LA90 / rating LA90 methodology in complete accordance with the processes listed in the NSW Noise Policy for Industry (2017) and relevant requirements of AS1055.1997.

(Reason: To protect residential amenity)DAOUC16 - Entertainment Noise Emission

60. 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)

61. 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)

62. **DAOUE03 - Parking**

At least 114 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 place of public worship.

(Reason: Access to required car parking spaces)

63. **DAOUZ01 - Sightlines within at-grade car park**

The required sight lines to pedestrians and other vehicles in and around the carpark and building entrances are not to be obstructed by landscaping or structures.

(Reason: To maintain unobstructed sight distance for drivers and pedestrians)

64. **DAOUZ02 - Dining Hall**

The dining hall shall be used as an ancillary facility to the existing place of public worship and shall not operate independent of the place of public worship.

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

Advisory Notes

65. **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.



66. **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>.

67. **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

68. **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.

69. 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.

70. 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.

71. 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.

72. 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.

73. 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)

DOCUMENTS
ASSOCIATED WITH
REPORT LPP030/21

Attachment 2

Holroyd Local Environmental Plan
2013 Compliance Table

Attachment 2 – Holroyd Local Environmental Plan 2013 compliance table

No.	Required/Permitted	Comment	Comply
Part 2 Permitted or prohibited development			
	Zone B6 – Enterprise Corridor 1 Objectives of zone <ul style="list-style-type: none"> To promote businesses along main roads and to encourage a mix of compatible uses. To provide a range of employment uses (including business, office, retail and light industrial uses). To maintain the economic strength of centres by limiting retailing activity. To provide for residential uses, but only as part of a mixed use development. 	<p>The subject site is zoned B6 – Enterprise Corridor pursuant to HLEP 2013.</p> <p>The subject site operates as a 'place of public worship' which is a permissible land use in the B6 Enterprise Corridor zone.</p> <p>The proposed dining hall is an ancillary use to the existing place of public worship.</p>	Yes
2.7	Demolition requires consent.	Demolition is sought as part of this application.	Yes
Part 4 Principal Development Standards			
4.1	Minimum Lot Size	<p>There is no minimum lot size applicable to the subject site.</p> <p>Subdivision is not proposed as part of this application.</p>	N/A
4.3	Height of Buildings Max. 15m	The proposed balustrade over the proposed entry has a maximum building height of 5.1m.	Yes
4.4	Floor Space Ratio Max. 1:1	The proposal does not result in any additional GFA.	Yes
4.6	Exceptions to Development Standards	Not Applicable.	N/A
Part 5 Miscellaneous Provisions			
5.6	Architectural Roof Features	Not Applicable.	N/A
5.10	Heritage	The subject site does not contain a heritage item, and is not located within the vicinity of the heritage item or heritage conservation area.	Yes
Part 6 Additional Local Provisions			
6.1	Acid Sulfate Soils	The site is not affected by acid sulfate soils.	N/A
6.2	Earthworks	Minor excavation will be required for the proposed entry.	Yes
6.3	Essential Services	Standard conditions shall be imposed with regard to the servicing of the site for the proposal.	Yes
6.4 & 6.7	Flood Planning and Stormwater Management	The proposed development was referred to Council's Development Engineer, who advised that the proposal is satisfactory subject to compliance with recommended conditions of consent relating to stormwater disposal.	Yes
6.5	Terrestrial Biodiversity	There is no evidence of terrestrial biodiversity on the site.	N/A
6.6	Riparian land and watercourses	The subject site is not adjacent or adjoins riparian land or a watercourse.	N/A

No.	Required/Permitted	Comment	Comply
6.8	Salinity	The site is located on lands identified as being affected by moderate salinity.	Yes

DOCUMENTS
ASSOCIATED WITH
REPORT LPP030/21

Attachment 3

Holroyd Development Control
Plan 2013 Compliance Table

Attachment 3 - Holroyd Development Control Plan 2013 compliance table

No.	Clause	Comment	Yes	No	N/A
PART A – GENERAL CONTROLS					
1	Subdivision				
	Subdivision is proposed as part of this application.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Roads and Access				
2.4	Access: Vehicular Crossings, Splay Corners, Kerb & Guttering				
	VC to be reconstructed if in poor condition, damaged or design doesn't comply.	No changes are proposed to the existing Great Western Highway vehicular access to the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Avoid services/facilities in road reserve, existing trees, pedestrian crossing, pram ramps etc.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Corner sites VC to be min. 6m from the tangent point.	The subject site is not a corner allotment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Corner sites require 3m x 3m (residential) and 4m x 4m (commercial) splay corner to be dedicated.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.7	Road Widening				
	The subject site is not affected by road widening as prescribed within Appendix K – Locations subject to Road Widening and Splay Corners; in Part A of HDCP 2013.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Car Parking				
3.1	Minimum Parking Spaces				
	Car Parking – Place of Public Worship Minimum spaces required: • 1 per 8.5m ² of GFA	The existing at-grade car park contains 114 car parking spaces. The proposal does not result in any additional GFA. In this regard no additional car parking is required for the proposed dining hall. It is noted that the reconfiguration of the existing car parking spaces adjacent to the existing and proposed building entries to the lower ground level will result in the loss of 1 car parking space. Conditions are imposed requiring that the 1 car parking space be provided elsewhere within the subject site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.3	Car Parking, Dimensions & Gradient				
	Council's Development and Traffic Engineer reviewed the proposal and advised that the proposed development is supported subject to the imposition of conditions.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.5	Access, Maneuvering and Layout				
	Driveways shall be setback a minimum of 1.5m from the side boundary.	No changes are sought the existing vehicular access to and from the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.6	Parking for the Disabled				
	2 spaces per 100 spaces up to 400, and 1 per 100 thereafter, or part thereof.	Total parking spaces provided = 200 spaces	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		Required accessible parking spaces = 2 spaces Existing 2 accessible parking spaces adjacent (south) to the existing building entry are retained.			
4	Tree and Landscape Works				
	No objections are raised to the removal of the existing garden bed adjacent to the existing building entry to the lower ground level.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Biodiversity				
	The subject site is not identified on the Environmentally Sensitive Land Map and is not within an E2 - Environmental Conservation zone.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	Soil Management				
6.1	Retaining Walls				
	No retaining walls proposed.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.3	Erosion and Sediment Control Plan				
	An erosion and sediment control plan has been submitted with the application, which has been considered acceptable by Council's Environmental Health Officer.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Stormwater Management				
	The application was reviewed by Council's Development Engineer and is considered satisfactory subject to compliance with conditions, should consent be granted.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Flood Prone Land				
	The site is not affected by local stormwater overland flooding. The site is above the 1% AEP flood level.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Managing External Road Noise				
	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 proposal and raised no objections to the proposed dining hall with respect to noise generated from the site.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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 at the building entries.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Clearly define the boundaries between public and private spaces as a method of territorial	The site currently is fenced and controlled access is provided to the site.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	reinforcement. Methods other than gates, fences and enclosures are encouraged.				
	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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Waste Management				
	Proposed waste arrangements are deemed satisfactory.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Services				
	Appropriate conditions shall be included as part of any consent requiring consultation with relevant service providers to ensure the site can be serviced.		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PART E – PUBLIC PARTICIPATION					
	Notification requirements	In accordance with Council's Notification requirements contained within Holroyd DCP 2013, the proposal was publicly notified for a period of 21 days between 9 April 2021 and 30 April 2021. The notification generated sixteen (16) submissions. Issues raised in the public submissions are summarised and assessed within the Main Report.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PART G – PLACES OF PUBLIC WORSHIP CONTROLS					
1	Locational requirements				
	Minimum lot size in R2, R3 and R4 zones is 900m	Site is zoned B6	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Places of public worship not permitted on roads with carriageway width less than 10m	Site is located with frontage to Great Western Highway.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Places of public worship not permitted on cul-de-sacs		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Places of public worship not to be located within view from existing or approved sex services premises	Complies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Floor space ratio and site coverage				
	Places of public worship in residential zones must have site coverage not greater than 50%	N/A – site is zoned B6	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Setbacks				
	Minimum front setback in residential zone 6m	N/A – site is zoned B6	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Side setbacks in residential zones 3 m		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Minimum rear setback in residential zone 6 m		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	Built form				
	Height limit in accordance with LEP	Max. LEP height limit of 15m applies to the subject site. The proposed balustrade over the proposed entry has a	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		maximum building height of 5.1m.			
	In or adjacent to residential areas to be consistent with the character of the streetscape	Land on the eastern side of Belinda Place is zoned R4 High Density Residential. The built form of the proposed building entries and roof above, incorporates key architectural design features of the temple and is considered to be in keeping with the existing temple buildings. Windows are proposed along the eastern elevation to provide natural light to the proposed dining hall.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Front entrance to be in clear view from the street	Complies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Where a place of public worship has dual frontages, the development shall be designed to address both streets	The proposal provides a new pedestrian entrance and addresses the at-grade car park.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	In residential zones where side wall length is longer than 10m, wall to incorporate some form of articulation	The site is zoned B6.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Where fencing is proposed it must comply with the fencing provisions in the relevant part of the DCP pertaining to the zoning of the site.	As per existing.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	Landscaping and open space				
	Landscaped area to comply with relevant sections of Part B & C of HDCP 2013	No objections are raised to the removal of the existing garden bed adjacent to the entry to the lower ground level.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Amenity				
	Comply with sunlight access provisions in Parts B & C of HDCP 2013	Proposal does not result in adverse solar access concerns to adjoining properties. Windows are proposed along the eastern elevation to provide natural light to the proposed dining hall.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Visual privacy				
	Places of public worship shall be sited to not cause loss of visual amenity to surrounding residential land uses	No impact on visual amenity of surrounding residential properties.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Location of windows, doors or balconies to have regard to privacy of adjoining properties	The proposal includes entrances and windows facing the at-grade car park and not considered to pose adverse visual privacy concerns.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Use of landscaping as visual privacy buffer is encouraged	Not required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Acoustic privacy				
	Noise Impact Statement to be submitted where proposal is located within or adjacent to a residential zone	The proposal has been reviewed by Council's EHU as satisfactory. The EHU does not have any objections to the proposal, as there is likely to be	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		no impacts on the neighbouring properties, and no increase in the likelihood of noise generated from the site.			
	Accessibility				
	Design to minimise barriers to less mobile persons	A condition is imposed to ensure compliance with this control and the DDA.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Main entrance to enable wheelchair access	Complies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Access to be provided in accordance with relevant Australian Standard	A condition is imposed for compliance with the relevant Australian Standard.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Parking and traffic				
	Car parking to comply with requirements under Part A	Parking complies with Part A requirements. Refer to detailed discussion above.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	All parking to be provided on site, through on-grade or basement parking.	Existing at-grade car park.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	All vehicles shall be able to enter and leave the site in a forward direction	Complies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Provision of parking shall not reduce required landscaped area	Parking does not reduce required landscaping area as landscaped areas not required in business zones, unless stated in site specific controls.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Traffic impact statement shall be submitted for establishment of place of public worship or where proposal is to increase capacity to 50 persons or more <i>Note: A Traffic Impact Statement, at a minimum, shall assess the number of parking spaces required for such development, the impact of the proposed place of public worship on the surrounding locality and the measures taken to minimise any potential issues. The statement shall also detail the impact of any festivals or functions (i.e. weddings) and their impact in relation to car parking and vehicular access.</i>	A Traffic & Parking Impact Assessment is not required for the proposed development as no change to or intensification of the current temple uses on site are proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8	Operational management				
	An operation management plan is to be submitted addressing the following: <ul style="list-style-type: none"> The frequency of all proposed services, events and the like; The proposed hours of operation for all proposed services and events and the like; The likely number of persons to attend each type of service, event etc.; Whether street parades or road closures are proposed. Any other uses that may take place within the place of public worship (i.e. community uses – youth group, community colleges etc.), the 	An operational management plan is not required for the dining hall as no change to or intensification of the current temple uses on site are proposed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

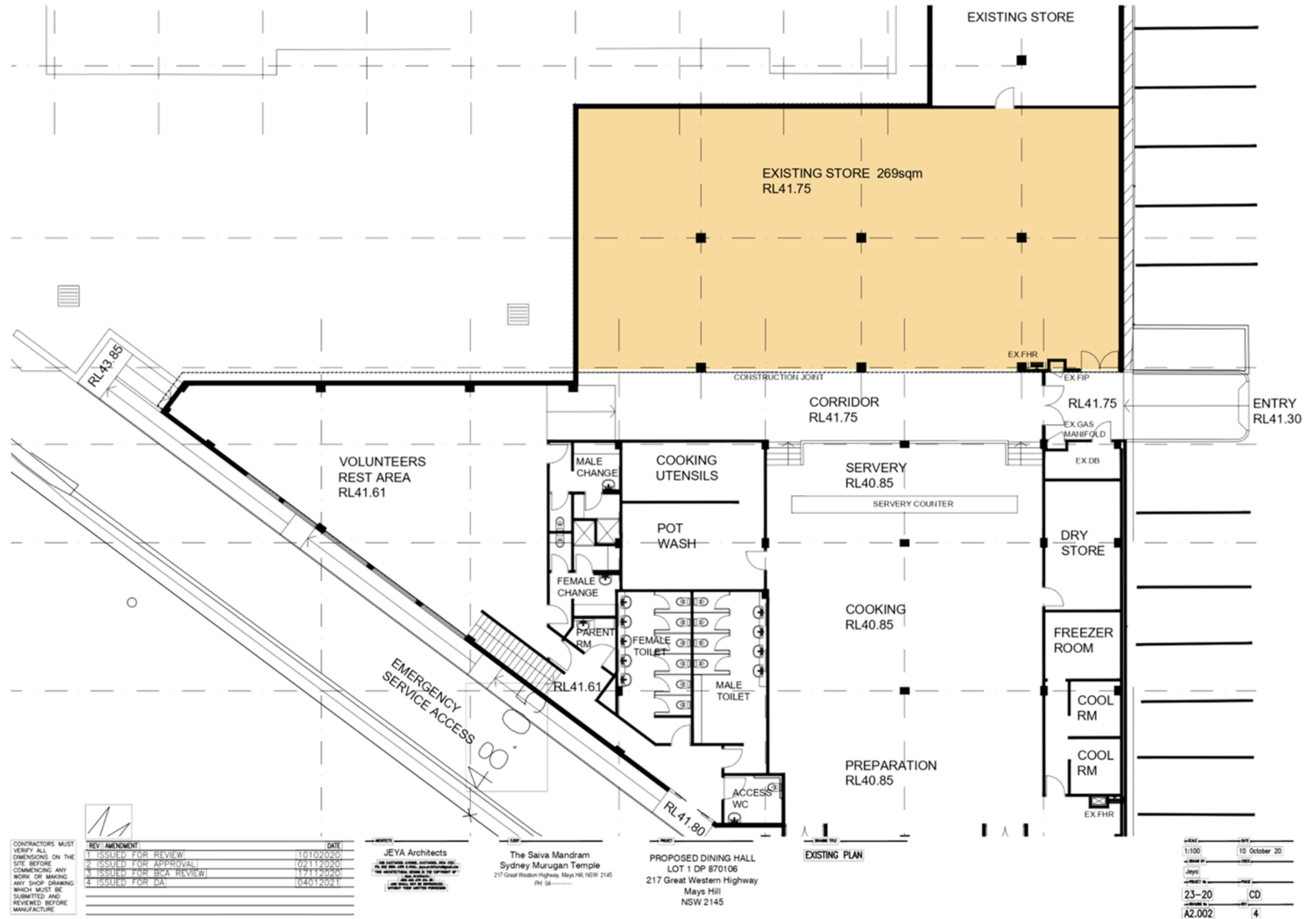
	<p>frequency of these uses and the number of patrons proposed for these.</p> <ul style="list-style-type: none"> Any particular custom or practice (such as ringing bells) that may occur and the frequency and length of such rituals. The nomination of a contact person that will be responsible in responding to any issues or complaints raised by the community or Council. 				
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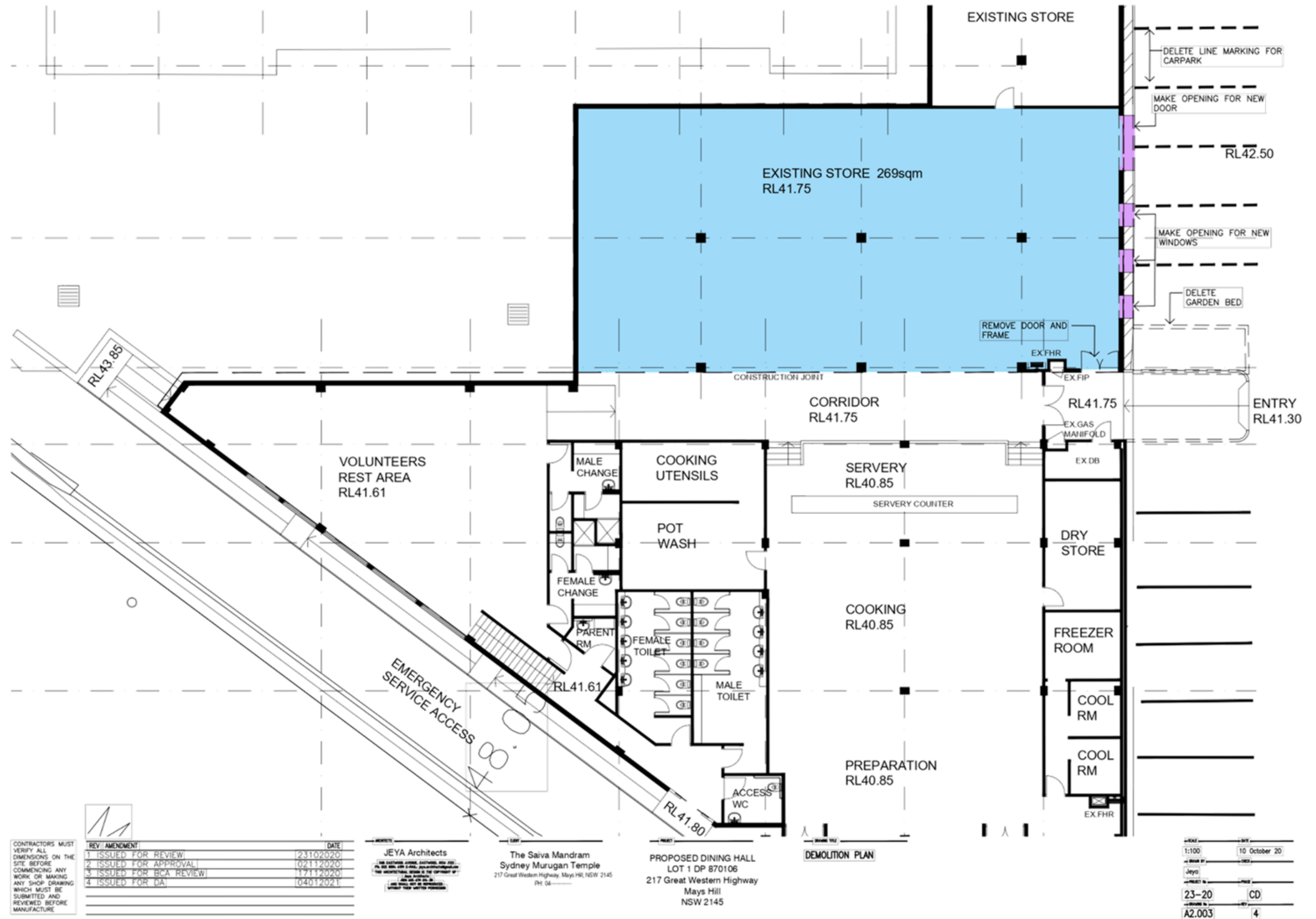
DOCUMENTS
ASSOCIATED WITH
REPORT LPP030/21

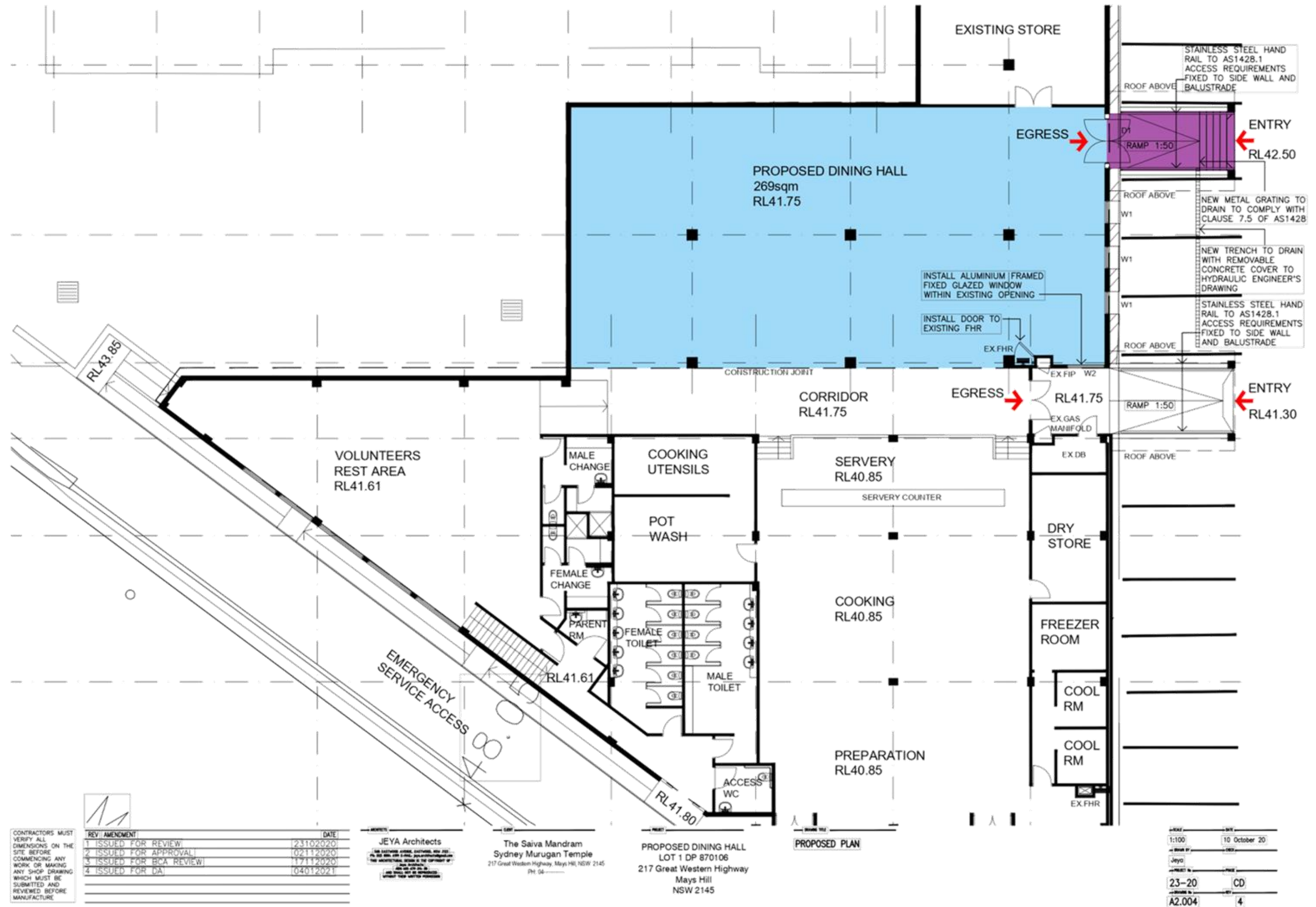
Attachment 4
Architectural Plans

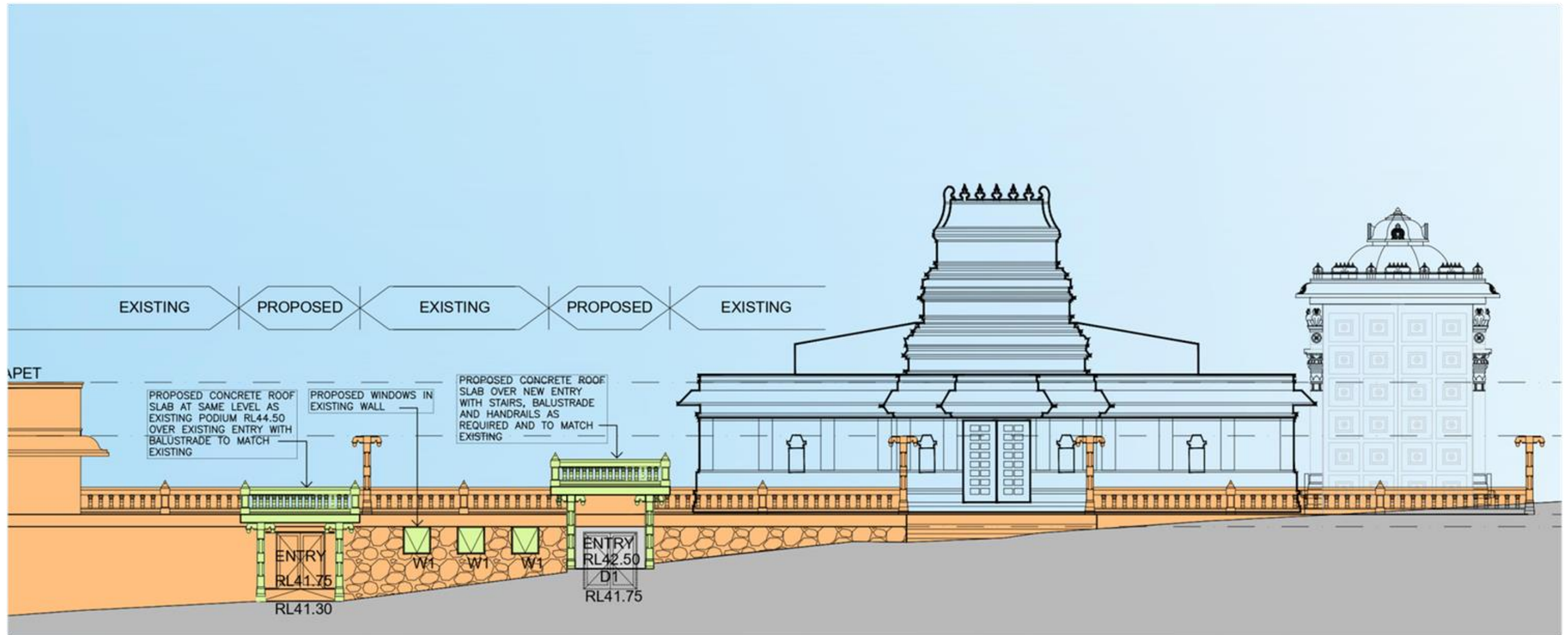












DOOR AND WINDOW SCHEDULE		
D1	DOUBLE SWING GLAZED DOOR IN ALUMINIUM FRAME AND SASHES WITH LOCK AND HOLD OPEN GEAR	1800mm CLEAR OPENING x 2200mm HT.
W1	TOP HUNG GLAZED ALUMINIUM FRAMED WINDOW OPEN OUTWARDS WITH STAY, LOCK AND REMOVABLE FLY SCREEN INTERNALLY	1000mm WIDE x 1000mm HT. UNDER EXISTING BEAM
W2	FIXED GLAZED ALUMINIUM FRAMED WINDOW IN EXISTING OPENING	EXISTING OPENING

CONTRACTORS MUST VERIFY ALL DIMENSIONS ON THE SITE BEFORE COMMENCING ANY WORK OR MAKING ANY SHOP DRAWING WHICH MUST BE SUBMITTED AND REVIEWED BEFORE MANUFACTURE

REV	AMENDMENT	DATE
1	ISSUED FOR REVIEW	23/10/2020
2	ISSUED FOR APPROVAL	02/11/2020
3	ISSUED FOR BCA REVIEW	17/11/2020
4	ISSUED FOR DA	09/12/2020

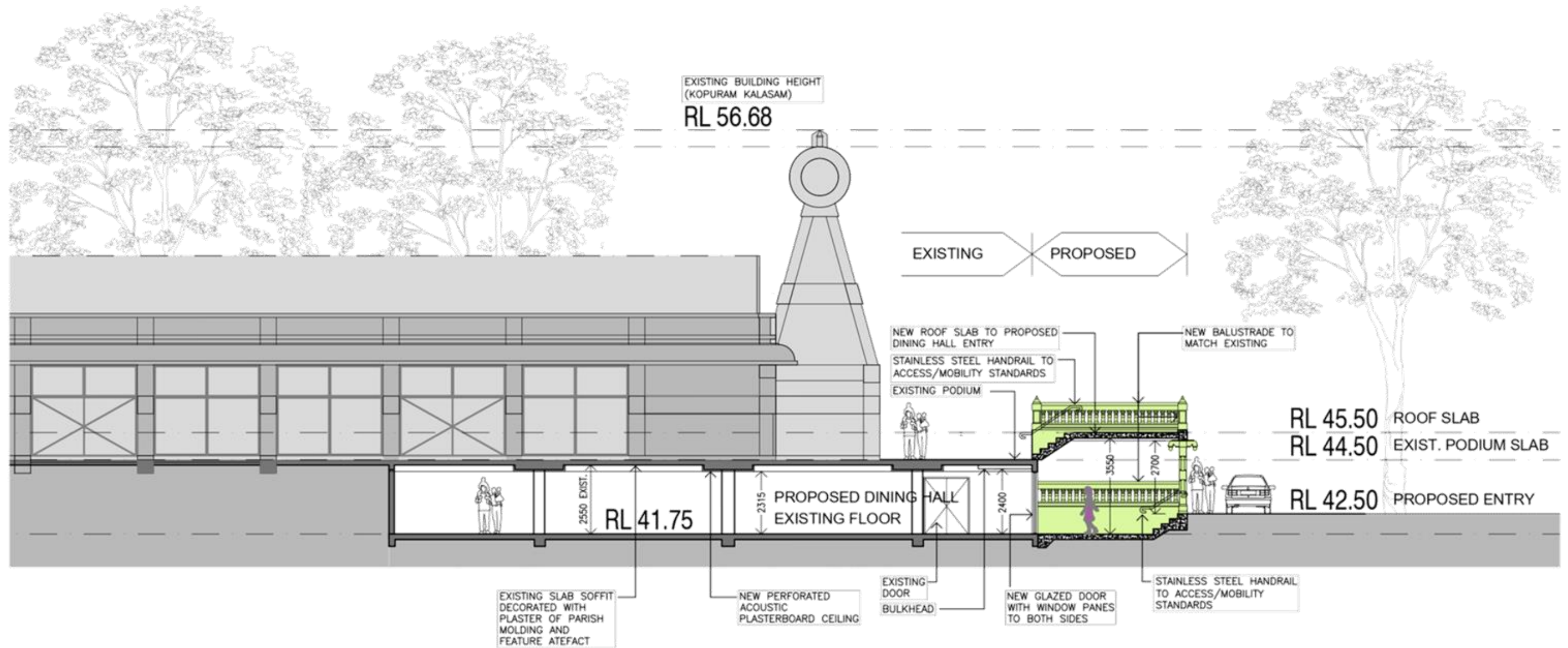
JEYA Architects
100 EASTVIEW AVENUE, EASTVIEW NSW 2111
PH: 02 9551 4555 FAX: 02 9551 4556
THE ARCHITECTS' SIGNATURE IS THE EVIDENCE OF
THEIR AUTHORITY
AND SHALL NOT BE REPRODUCED
WITHOUT THEIR WRITTEN PERMISSION

**The Saiva Mandram
Sydney Murugan Temple**
217 Great Western Highway, Mays Hill, NSW 2145
PH: 04

PROPOSED DINING HALL
LOT 1 DP 870106
217 Great Western Highway
Mays Hill
NSW 2145

PROPOSED ELEVATION

SCALE
1:100
DATE
10 October 20
PROJECT NO
23-20
CD
REV
A2.005
4



CONTRACTORS MUST VERIFY ALL DIMENSIONS ON THE SITE BEFORE COMMENCING ANY WORK OR MAKING ANY SHOP DRAWING WHICH MUST BE SUBMITTED AND REVIEWED BEFORE MANUFACTURE

REV	AMENDMENT	DATE
1	ISSUED FOR REVIEW	23/10/2020
2	ISSUED FOR APPROVAL	02/11/2020
3	ISSUED FOR BCA REVIEW	17/11/2020
4	ISSUED FOR DA	04/01/2021

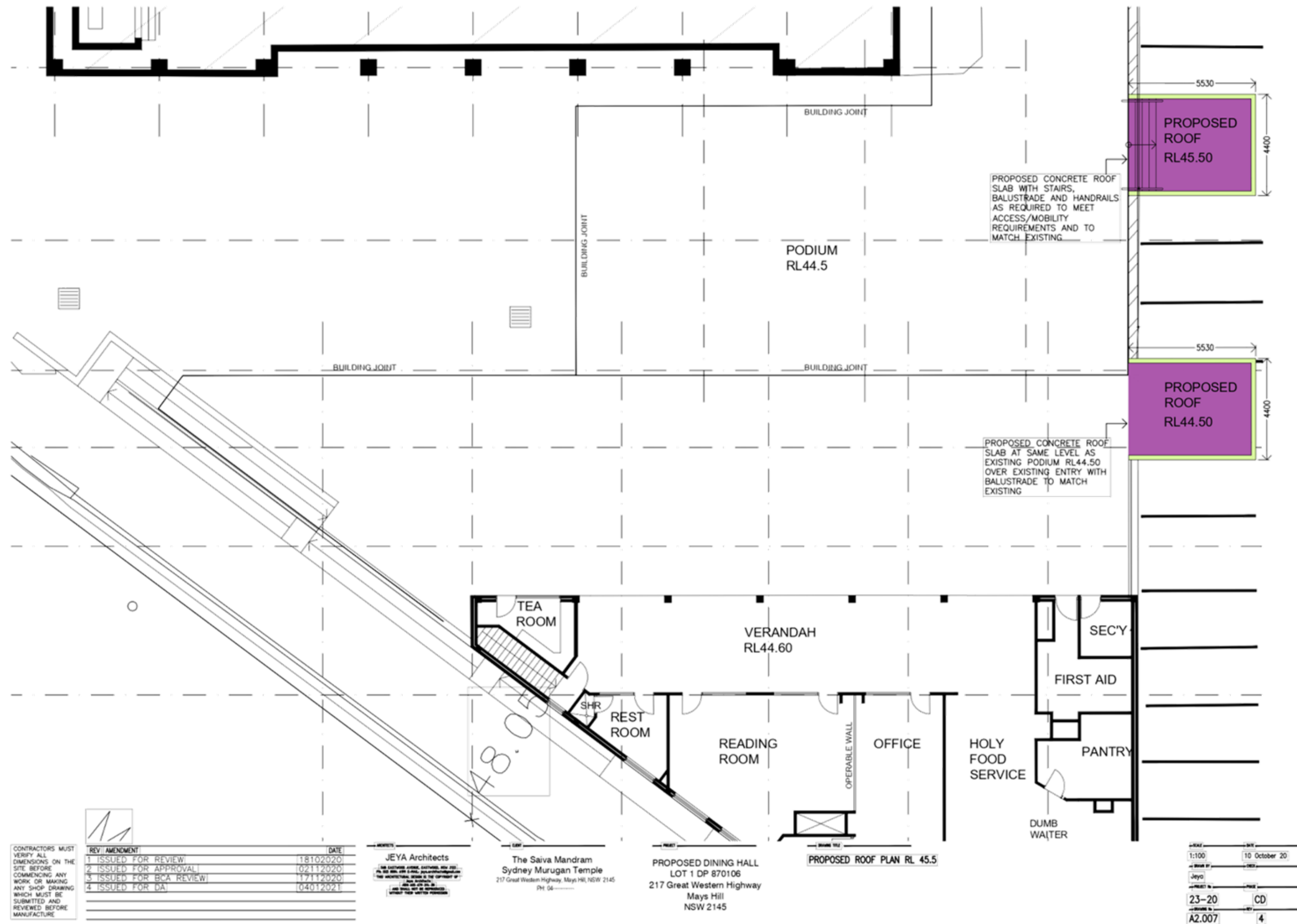
JEYA Architects
100 EASTVIEW AVENUE, EASTVIEW, NSW 2211
PH: 02 9551 4551 FAX: 02 9551 4552
THE ARCHITECTURE SHOWN IS THE PROPERTY OF
JEYA ARCHITECTS
AND SHALL NOT BE REPRODUCED
WITHOUT THEIR WRITTEN PERMISSION

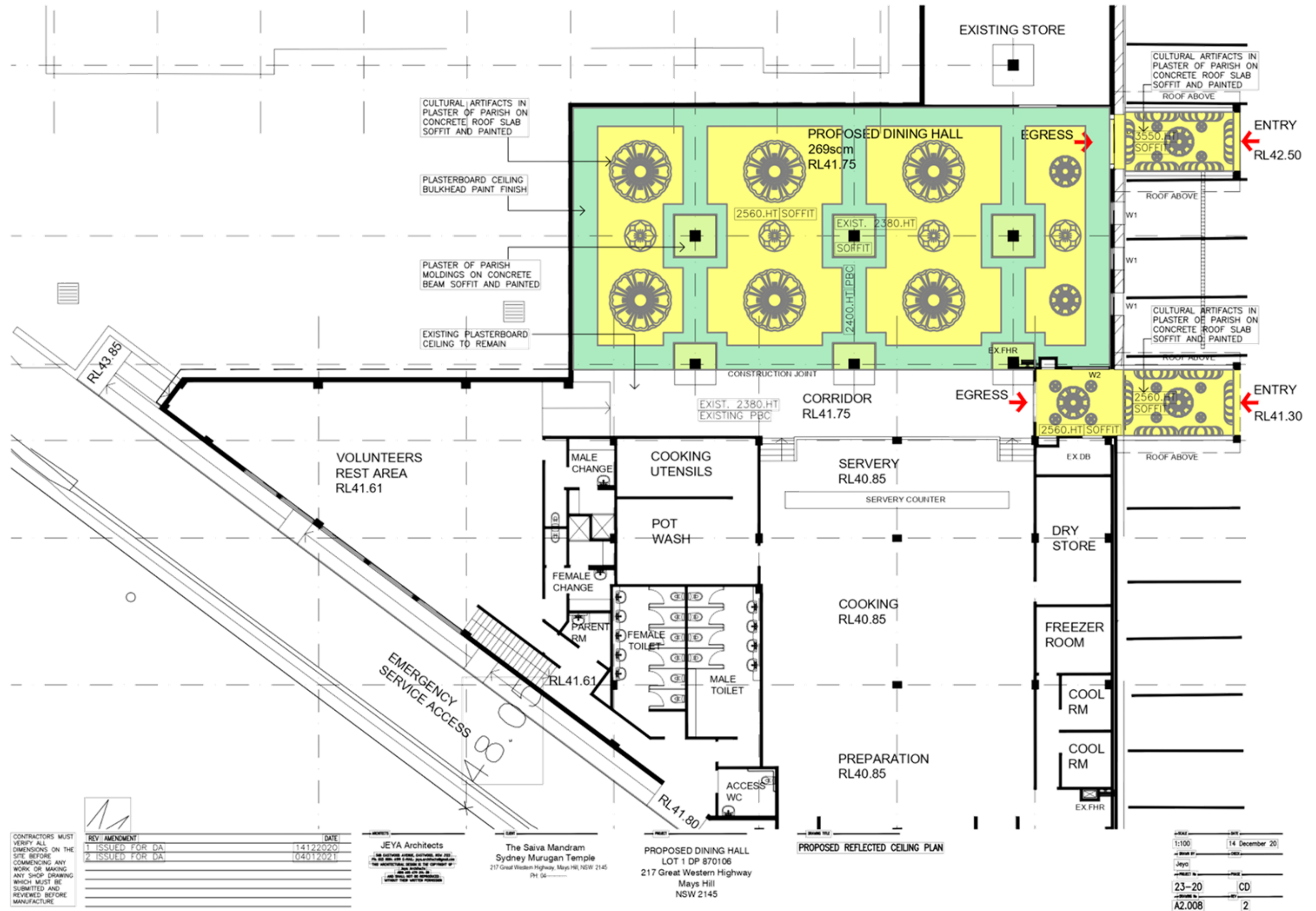
The Saiva Mandram
Sydney Murugan Temple
217 Great Western Highway, Mays Hill, NSW 2145
PH: 04

PROPOSED DINING HALL
LOT 1 DP 870106
217 Great Western Highway
Mays Hill
NSW 2145

PROPOSED SECTION

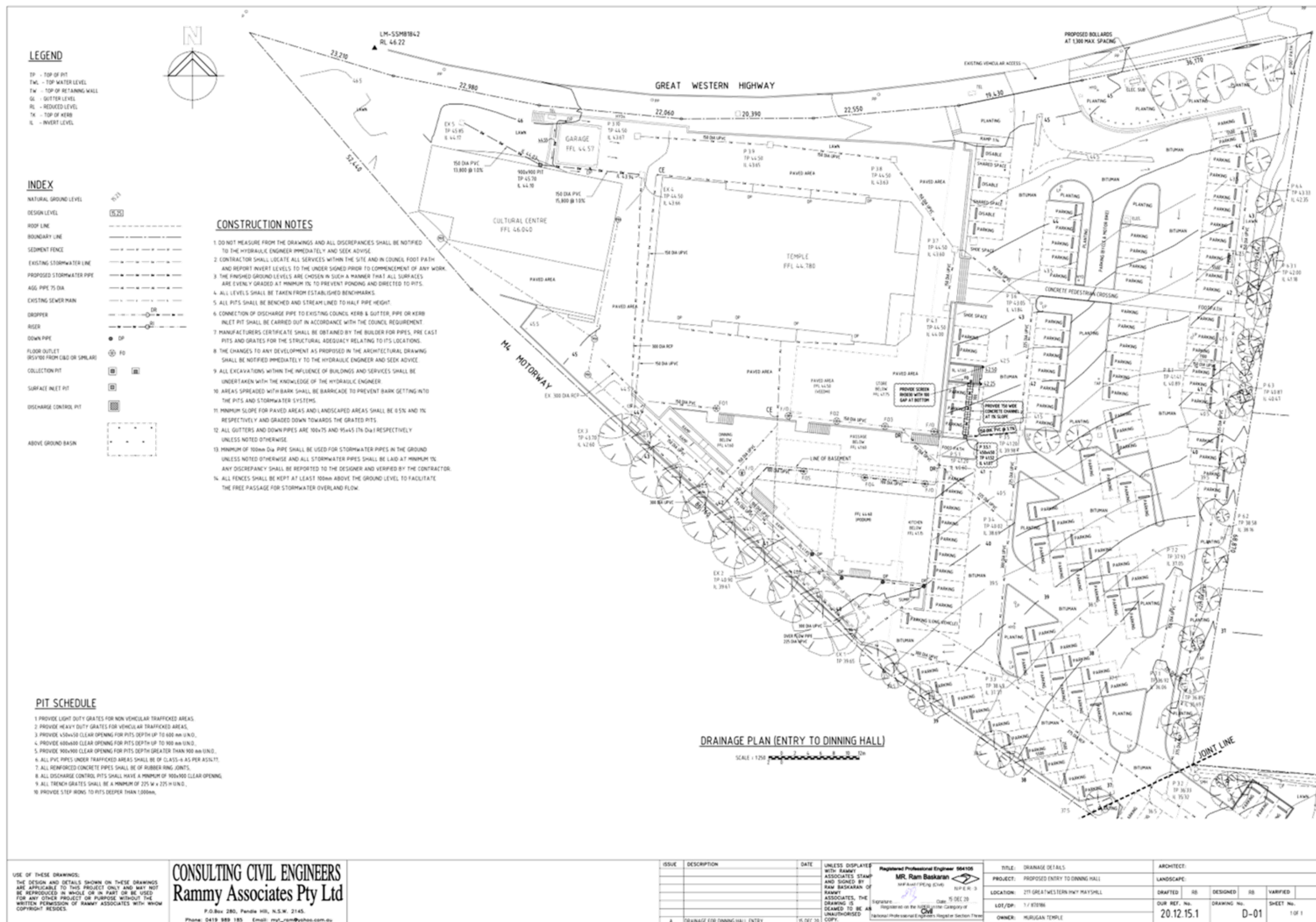
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10 October 20
Jeya
23-20
A2.006
CD
4





DOCUMENTS
ASSOCIATED WITH
REPORT LPP030/21

Attachment 5
Stormwater Plan



DOCUMENTS
ASSOCIATED WITH
REPORT LPP030/21

Attachment 6
Submissions Recieved

1

From:
Sent: Sunday, 9 May 2021 5:26 PM
To: Records Department <council@cumberland.nsw.gov.au>
Subject: Objections to DA 2021-115 submitted by The Saiva Manram"

The General Manger,
Cumberland Council
Merrylands.

9 May 2021

The General Manager,

Dear Sir / Madam

Re: Objection to DA2021-0115, Great Western Highway, Mays Hill, NSW 2145

**Change of Use – Conversion of Existing Lower Ground Storage Area into a
Class 9b – Substantial Habitable Dining Hall Space.**

I wish to remain anonymous and my contact details confidential in making this submission.

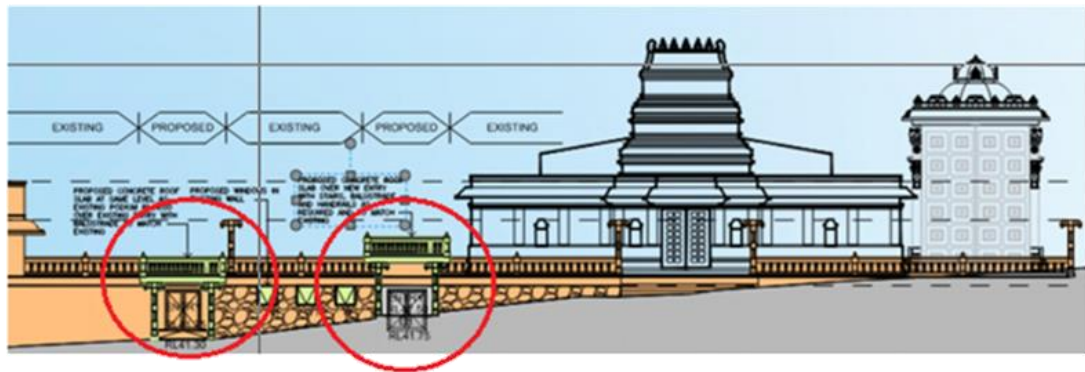
Refer to the above-named DA under consideration and advice Council as to why it should be rejected on a range of planning and community concerns.

The Statement of Environmental Effects [SEE] and the architectural plans lodged by MMDC Pty Ltd on behalf of TSM does not address the fundamental issues as detailed in the submission. It made poor attempt to hide the facts disguising the application as a simple extension to an existing facility which should be rejected on the following basis:

1. Council has already approved development consent DA-2016/392 for the Cultural hall, Dining Area and the Associated works that satisfy the requirements of the Constitution. This consent also satisfies the needs of the community and is not an over development of the site. The approved DA-2016/392 is less intrusive in its location that is both affordable and deliverable and maintains the existing above ground OSD.
2. The SEE refers to the proposal as proposed alterations and additions to convert an existing lower ground storage area into a dining hall associated with the existing place of worship. This is code for converting an existing non-habitable space for a dining hall. The Author of the SEE is silent on the number and frequency of use of this space during operating hours approved by Council and its impact. This space was never considered habitable and as such does not comply for the intended use at many levels for consideration.
3. If this chain of thought is correct it is not clear why Council approved the multistorey carpark when there is an approved DA for community hall and dining that formalises all future needs of the place of worship. Why would Council even entertain this proposal? It should have been rejected at the first instance.
4. The Author of the SEE concludes that the form and urban design proposed is satisfactory without any justification to the proposed brutalisation of the existing Temple and its façade

with an ad-hoc intrusion to the original design. This is an insult to our architect who designed the building and its façade only to be desecrated by the new architect without any understanding of the design principles. What an insult to urban form and design. Perhaps the Author of the SEE has been misled.

5. In my opinion and further reference to BCA assessment note page 3 of 6, section D – Access and Egress, there is no need to provide the proposed new entry. Please find attached the sketch showing the egress distance from the two worst case scenarios to the point of choice and discharge to the exits.
6. The SEE and the architectural plans attempt destroy the front elevation should not be supported at any cost, defaming the original design is a significant impact on an ICONIC Hindu temple in Western Sydney. We do not destroy the original architecture and it's cultural values.



architectural elevation should be harmonious with a degree of unity. Unity makes the different elements and components of the elevation seem to be one, a whole instead of parts. The entry elements as highlighted in circle are unnecessary. This proposal brings disharmony to both building facade and also in the minds' of hindu community.

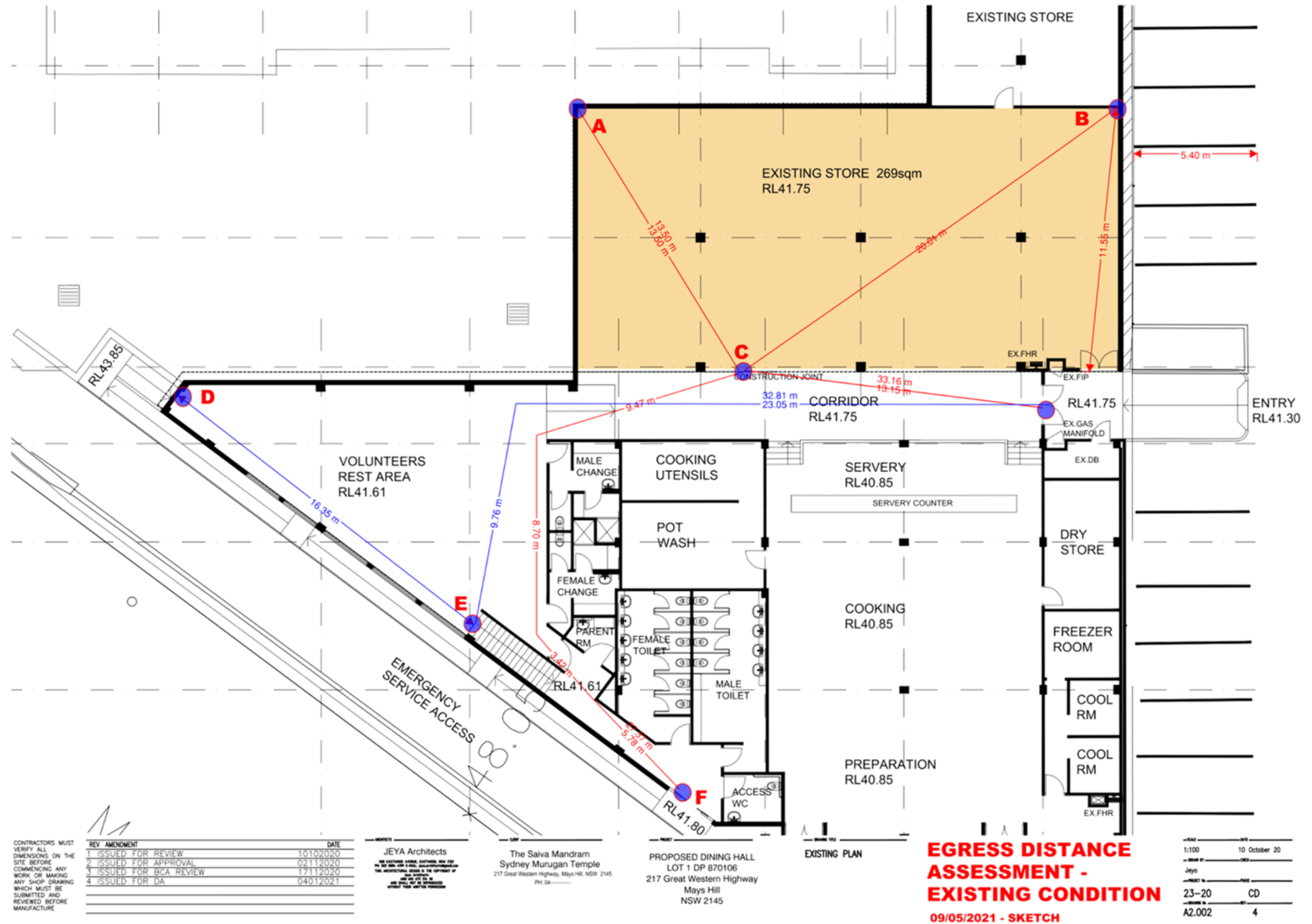
7. In reference to the proposed elevation, there is a continuity of the horizontality throughout the elevation to form a sort of a rhythmic pattern of the decorative balustrade design which is forming grid pattern; something that leads the eye along the elevation. This sensitivity of the façade is broken up by the intrusion of the elevation podium façade which is architecturally NOT acceptable.
8. Emphasis is important in the "Hindu Architecture" in designing the hierarchical principle and maintain design harmony especially when designing the Entry [Main Entrance to the temp
9. Proportions are vital in "Hindu Architecture" and naturally in elevation design. The proposal is breaking the design intent of the original architect of the temple. Please note that the rules were being devised since the time of ancient history to obtain perfect proportions.
10. Balance is another essential factor that should be present in the design of an architectural façade. The most obvious way to achieve this balance in Hindu temples is by symmetry.
11. In reference to Dwg No. A2.007 proposed roof plan, the proposed podium design by elevating a small portion of the floor above proposed dining hall entry measures 4.4m x

- 5.5m which is out of scale and meaning less design proposals. This is NOT acceptable to the devotees.
12. The SEE further supports the ill-conceived design by the architect by advising that proposed three windows [approx. 3sq.m in total] to provide adequate natural light to the proposed 269sq.m habitable dining hall?
 13. The proposed architecture drawing No A2.004 noted that the gradient of the proposed entry ramp would be 1:50. on the existing access ramp which is totally wrong. According to the sketch the existing gradient is 1:12 which is not DDA compliant. A minimum of 1:14 grade ramp is required with balustrade and handrails for DDA compliance.
 14. The Architect and the Author of the SEE has deliberately not addressed the lack of DDA compliant access to the servery from the proposed dining hall. The answer lies in the previous approvals by Council not addressed in the SEE. Council approved the Kitchen with a dumb waiter lift to provide food that was prepared at the podium level. The same approval had triangular area allocated for the volunteers. The SEE and the architectural plans now attempts cloud the original approvals to justify this poorly presented proposal.
 15. The SEE is silent on the illegal demolition of the storage space hall wall that separated approved Kitchen and now attempts to formalise this space that meets public interests? From all previous approvals Council has should be clear that the minimum number of persons to use this dining area is around 250 persons for any occasion. Post covid use of this space on a Friday evening is minimum 150 persons for take away offerings. The proposal does not demonstrate how the limitations set by Council on people control can be managed in meeting any BCA requirements and potential breaches.
 16. The proposal intentionally overcrowds a very small space resulting in overdevelopment of this space that was never intended. It is not as simple as proposed in the SEE. The authors of the SEE deliberately oversimplified its assessment has not addressed the land use planning, urban design, de-facing the Temple façade and traffic and parking issues.
 17. Mieler-Miletic Planner who prepared the SEE Report is not aware of the historical information about the AGCP and the Restrictions (Refer DA 2020-18) through the main gate at 217 GWH. Additionally TSM has confirmed to members that it had informed, Council that they do not accept the decision of the Planning Panel and Council.
 18. The SEE report does not nominate the functions, and their frequency when this 100 person Dining hall will be used.

I now ask Council to lead by example on behalf of the community and reject DA-2021-0115 for reasons given in this submission.

I strongly object to the proposed development application and request that Council invite me to address the Council and/or the independent panel, in the event that it is reported for a determination.

Regards



2

From:**Sent:** Saturday, 15 May 2021 12:19 AM**To:** Records Department <council@cumberland.nsw.gov.au>**Subject:** Objections to DA 2021-115 submitted by The Saiva Manram

The General Manager,
Cumberland Council, Merrylands

Dear Sir/Madam,

Re: "Objections to DA 2021-115 submitted by The Saiva Manram"

The document is "CONFIDENTIAL" and "I want to remain ANONYMOUS and my name and should not be released to anyone"

I have concern on this above application form and object the application on the following reasons.

1. The Saiva Manram has an approved cultural hall, dining hall and underground carpark.
2. The new dining hall, doesn't have any carpark for the customers or the devotees.
3. I could not see any traffic management plan for this application.
4. This proposed dining hall is currently approved for storage place. Where is the storage place for this large temple? I have serious concern on the safety too.

Due to above reasons, I am objecting above application form. Please keep my details "CONFIDENTIAL" and "I want to remain ANONYMOUS and my name and should not be released to anyone".

Thanking You

Yours Faithfully

CONFIDENTIAL

The General Manager

Cumberland Council

Merrylands

Dear Sir/Madam

DA2021-115 at 217 Great Wester Highway

Conversion of Storage area to a Dining Hall to seat 100 persons

I wish to remain anonymous and my contact details confidential in making this submission.

I am a member of The Saiva Manram(TSM) and am gravely concerned about the shabby ad-hoc DAs being submitted on the development of this site.

The DA submitted desecrates the Architecture, lacks justification and has grossly inadequate detailed information re purpose, capacity, usage frequencies, traffic and parking impacts as well as BCA Compliances. On this basis the DA should be rejected.

1. Desecration of the Granite front wall

The original design of this frontal granite wall by our reputable architect Mr V S Thuraijah is of great significance to Saivaites. Incidentally Mr Thuraijah came from Ceylon and studied architecture in Australia in the early nineteen fifties. According to Saiva mythology it is a well known fact that our primary Deity of Lord Murugan resides on peaks of rocky mountains. It is with this in mind that our late architect designed the front façade in this fashion.

Now some incompetent architect wants to destroy this icon by way of a second door, a porch and a balcony.

This desecration can easily be avoided by deleting the second door which is not required.

There is no justification for a second egress door when the existing exits are more than adequate to meet all contingencies to BCA regulations.

2. Need for Dining Hall, Capacity and Usage of same

The DA submitted does not justify the need for a dining hall. How did TSM arrive at the 100 person figure? Based on current usage TSM needs a dining hall of about 400person capacity. This is to cater for Weddings, Memorial Services and other Religious functions. In this connection your attention is directed to DA 2016/392 approved by Council.

There is no mention of when this hall will be used – dates, functions, frequencies, and capacity needs in each case. This information needs to be justified based on current and forecast usage.

If the storage area is to be converted to a dining hall, where is the new storage area? I would kindly urge the Council to carry out a surprise inspection. What they see will shock Council. Materials are stored all over the place without an inventory. Quite a large amount of material is dumped in the backyard - out sight is out of mind. This is an OH&S hazard.

3. Car spaces and Traffic Impact

The submission has totally overlooked this topic. The additional 100 persons will need at least 30 more car spaces plus some for disabled.

Why has Council not referred this DA to TfNSW? Is Council authorised to deal with entry and egress from 217 GWH without referral to TfNSW? Pl clarify.

The submission claiming that it will be provided by the Above Ground Car Park (ACGP) DA 2020/0018 is totally false. Since the Council approved this deferred DA the TSM members and TSM Board have rejected that DA due to the restrictions placed by TfNSW and included by Council.

At the last AGM held on Sunday 14th Feb 2021 two Resolutions were overwhelmingly approved by members “not to restrict any vehicular access through the main gate at 217 GWH”. Also “the members directed the current Board and any future Boards not to have any discussions whatsoever, with any authority such the Council or TfNSW”. On this basis the deferred approval of DA 2020/0018 for the AGCP cannot be activated.

It appears that the former Board has not communicated this information to the consultant Milette-Mieler and miss-led the consultant stating that the AGCP will provide the additional car spaces.

Copies of the two Resolutions are attached for your information as Attachment 1.

Furthermore the Secretary and Treasurer in their correspondence to members have advised that they have written to Council not accepting the determination of the Planning Panel and Council. See Attachment 2.

Based on the above, Council to confirm the current status of DA 2020/0018 as invalid.

4. Governance : Misleading/False information provided by the Board to members and/or Council.

According to the Council this DA was lodged with Council on 09th March 2021. This lodgement included the Directors of TSM shown in the publicly exhibited documents. However TSM wrote to Council on 10th March 2021 re Overflow car park which had the

correct information of the Directors. The Directors changed at the AGM held on 14th Feb 2021. The former Secretary now President is acting deceptively in not keeping the Board as well as Council fully informed of the correct position of TSM.

In this connection Refer Attachment 3.

Conclusion : In view of the foregoing I urge the Council to act correctly and independently of political influence and reject the DA.

Furthermore that is a very comprehensive DA 2016/392 approved by the Council to meet the needs of TSM presently and into the future.

I am prepared to appear before any Council meeting and justify my case.

If you need any clarification I can be contacted via email on

Yours Sincerely

ATTACHMENT 1

ORDINARY RESOLUTION

ORDINARY RESOLUTION ①

The House authorises the Board of Management to

- a) Not give up or compromise the main gate vehicular access at 217 Great Western Highway as part of any current or future project. The main gate shall be available for members vehicular use at all times and shall not be restricted in any manner.
- (b) The TSM Board of Directors or any members of any subcommittees shall not engage with the council or with Transport for NSW to compromise TSM members' right to vehicular access to the temple through the main gate under any circumstances. The current arrangement of access shall be retained for all time into the future.
- (c) The main gate access to the Temple is the right of the Members and it shall not be closed or restricted, now or into the future. It shall remain as the member's right and ownership at all times. It shall not be negotiable.

Received

21/12/21

SYDNEY MURUGAN TEMPLE

MAIN GATE ENTRY NON - NEGOTIABLE

Explanatory Notes

Since the establishment of the temple the main gate at 217 Great Western Highway has been the only access to the premises. The current access is unrestricted and unlimited for the free flow of vehicular traffic of members and devotees and service vehicles. The Board should not at any stage shut down or restrict access through this main gate.

The existing approved DAs allow devotees to continue to **use unrestricted access through our main gate at 217 Great Western Highway.**

Our senior members and the founding members have negotiated one of the best deals with the then council during the formation of this beautiful Temple to have the main entrance via 217 Great Western Highway for various religious and strategic reasons.

The 217 Great Western Highway, Mays Hill, NSW 2135 is our trade mark and this address is well known around the world.

Apparently the council approved a Deferred Commencement Consent for the above ground car park which has the following **serious restriction.**

- A maximum of 25 car spaces for **Ceremonial vehicles** being provided with vehicular access from Great Western Highway. Only these 25 cars will be permitted to enter/exit through the main gate at Great Western Highway. The gate will remain closed at all times other than during ceremonies.
- It was also outlined that there will be separation between the 25 ceremonial car spaces and the remaining existing at-grade car park. This means that there will be no through flow of traffic from Great Western Highway to Belinda Place and vice versa.
- All other vehicles will have to enter and exit through Belinda Place.
- The probability of using the Main Gate for the entry of ceremonial vehicles would be very minimal. Because ceremonies eventuate very rarely as such the Main Gate would remain closed most of the time. This is not desirable. Under the existing system the Temple is functioning well and when any stable system is disturbed this is likely to cause adverse/detrimental effects, particularly in a religious place.

TSM members will lose their rights of unlimited access via 217 Great Western Highway entry. Once lost it can never be regained as traffic volumes will increase and there will be no reprieve.

This right in dollar terms could be valued in excess of \$1.0million per annum and compounded for next 50 to 100 years into the future. Members have taken this for granted and will not realise its value until this right is taken away or restricted.

ORDINARY RESOLUTION ②

Secretary
Saiva Manram

A Resolution not to compromise on any move to restrict vehicle access from Great Western Highway

Please present the following resolution at the forthcoming Annual General Meeting or at any Special General Meeting if it is not possible to present at the Annual General Meeting.

Resolution.

The house resolves that the current Board or future Boards of Management, in order to achieve council development approvals, should not compromise on any move to restrict or to make any changes to the existing access via the Great Western Highway to the property owned by the Saiva Manram at 217 Great Western Highway or any other properties to be amalgamated with the same property.

Proposed By

Seconded By

17th January 2021

Justification for the above resolution

The Saiva Manram submitted a Development Application in January 2020 to build a multi storey car park with about 200 car spaces. The Cumberland Council in the process of reviewing the application referred the application to Traffic NSW (formerly RMS) for comments on traffic related matters. Traffic NSW quoting a traffic related legislation said that the multi storey car park is being provided with access through Belinda Place and hence the existing access from Great Western Highway should be closed. Saiva Manram objected to this decision and said that the right of access enjoyed by the Saiva Manram for more than 25 years should not be denied. After several appeals, the Traffic NSW said that access will be permitted only for 25 cars and the remaining cars will need to access through Belinda Place. There are few other matters pending with the Cumberland Council with regard to multi storey car park but on this issue of restricting access to 25 cars is not acceptable to the Saiva Manram and we should continue to fight against this unreasonable restriction in order to maintain the current access for 114 car parks. This resolution is to reiterate our position that there will be no compromise on this issue.

2. What are matters pending with Council?

3. Is it in the Council's position...

Extract from TSM Update of 17th Jan 2021

ATTACHMENT 2

Option 2: Conducting AGM outside temple premises

AGM with resolutions and other business matters will be conducted outside the temple premises at Olympic Park, NSW. To conduct the AGM through this way, the board obtained a written quotation for 300-500 participants in person, for a limited duration of only 5 hours at the price quote of \$10,095. TSM will incur additional charges if the duration of the AGM exceeds 5 hours.

Furthermore, members will have to pay for car parking on their own.

Default option in the event of insufficient response

In order to confirm the above options a minimum of at least 225 responses are required. In the event of not meeting this minimum response criteria, the sample size will be considered insufficient and therefore **Option 1: Conducting AGM via zoom** will be the default choice as a majority of the Board of Directors chose this option at the Board Meeting held on 14th of January 2021.

Other Matters

Above Ground Car Park

Sydney Central City Planning Panel (SCCPP) approved the above ground car park as deferred commencement consent, as per condition as stated in council's report issued previously.

However, to date we have not received the official letter from Cumberland Council.

We wish to inform the members that we wrote to the SCCPP to delete the deferred commencement condition that reduces the total car parking number to 200. However, the Panel did not accept our request to remove the conditions imposed by the council. **The Board has not accepted** as approved by SCCPP due to conditions imposed by the Cumberland Council.

Internal Audit Committee

All three members of the Internal Audit Committee wrote on the 19th of December 2020 to the Board informing their decision to resign with immediate effect.

Enclosure:

1. Consent Form with reply paid envelope.
2. Letter to Members dated 08 January 2021. (attachment -1)
3. Letter received from NSW Health Department regarding the visit of a confirmed case of Covid-19.
4. Board's response letter to for his request that the current Secretary stepdown from his position, which he circulated to many members.

Thank you

DA 98/144
cl 33 - concurrent usage prohibited

Extract from Treasurer's Report Part 2 - AGM 2021 - 14 Feb 2021

7.4 The Board's position:

The Board understands that as the council is not convinced with our argument for additional car spaces solely to fulfil the needs of a place of worship (particularly in the absence of additional facilities such as new Cultural hall.

* The Secretary informed the members on 17 January 2021; the Board of Management has not received the official letter from the Council. The Board of Management wrote SCCPP to delete the differed commencement condition that reduces the total car parking number to 200. However, the panel did not accept our request to remove the conditions imposed by the council. The Board of Management has not accepted the council's decisions as approved by SCCPP due to conditions imposed by the Cumberland Council. *

7.5 The Treasurer's view on the current status of the AGCP:

As the Treasurer, I believe that the following points below should be considered by the members before we proceed further:

1. We should not be spending any more funds on the Above Ground Multistorey Car park from a financial point of view until we have achieved the primary objective to obtain additional car park spaces (241) as stated in our members resolutions.
2. We should not proceed further on the AGCP project with the differed conditions. If the members want to proceed further with these conditions or alteration to the conditions, a formal approval is required from the TSM members through by passing a novel resolution. This should include a supporting Cash Flow Projection under the current economic circumstances.

7.6 A summary of AGCP cost up to 31 December 2020 is given below:

Table 4 - Total cost up to 31 December 2020

	Description	Cost
1	Audited expenses up to 30 June 2019	\$35,970
2	Audited Expenses-Financial Year 2019- 2020	\$186,241
3	Audited Expenses as at 30 June 2020	\$222,221
4	Expenses since 1 July 2020 to 31 Dec 2020	\$56,847
	Total	\$279,059

As of to-day we have no further financial commitment on this car park project. The Board of Management acknowledges the dedicated professional engineering and other services offered by the MPS.

சைவமன்றம்
சிதனி முருகன் கோயில்
தமிழ் கல்வி கலாச்சார நிலையம்



The Saiva Manram
Sydney Murugan Temple
Tamil Educational & Cultural Centre

ATTACHMENT 3

10, March 2021

Mr. Brad Ferguson
Manager Development Operations,
Cumberland Council
Merrylands
NSW 2160

Dear Sir

**Approval to Extend the Use of 1A Belinda Place and
197 Great Western Highway as a Temporary overflow car park**

We refer to your email dated 27th February 2020 permitting the two lands at 1A Belinda Place and 197 Great Western Highway, Mays Hill to be used as a temporary car park for a limited number of days over a period of one year from 29th March 2020. The permission was granted after satisfying the council that the following works were completed.

- A Traffic Management Plan, specific to both properties, to ensure pedestrian and vehicle safety;
- Certification from an appropriately qualified Occupational Hygienist indicating that the unidentified fill spread on the two properties is free of contaminants
- Details of environmental protection measures provided with regarding sediment Control
- Details of neighbour notification methods to be adopted prior to the events recorded.

The Saiva Manram was permitted to use the above lands on a temporary basis as the Council was considering a development application to build a multi storey car park. The Saiva Manram could not use the lands even for a day as the temple was closed to public on the 23 March 2020 due to Covid 19. Although the temple was opened to operate under various restrictions with effect from 10 June 2020. There was no need to use the temporary overflow car park as even the existing at grade car parks within the temple compound could not be fully used due to a significant drop in patronage following the Covid pandemic. The Covid restrictions have now been relaxed permitting more devotees to attend to the temple for warship and other religious functions.

We wish to request extending the use of the temporary car park for one year as the permitted use is due to expire on the 11th March 2021. As you may be aware, the use of the land will be for a limited number of days as shown in Annex 1. This is worked out, based on the best case scenario for not exceeding to 300 hours per year or 3 to 4 percent of the available hours in a year. This usage is the same as previously approved, shown in Annex 2.

The main reasons for requesting the extension are as follows:

- As you are aware, over the last 12 months, the community has suffered due to lockdowns and stay at home regulations. Due to these restrictions, many religious functions and weddings were postponed. As the restrictions are now eased, more people will visit the temple, hence we need to use the overflow car park for a limited number of hours to fulfil the additional need of car parking spaces as shown in Annex 1.

The Saiva Manram
ABN No: 19 612 793 471

217 Great Western Highway,
Mays Hill, NSW 2145,
Australia

Phone:

Email

Website
www.sydneymurugan.org.au



13.05.2021

The General Manager,
Cumberland Council,
Merrylands,
council@cumberland.nsw.gov.au

Objections to DA 2021-115 Submitted by The Saiva Manram

This document shall be treated as **CONFIDENTIAL**

I want to remain ANONYMOUS and my name and e mail address should not be released to anyone.

1. The current two exits are adequate to meet the need of the dining hall. The new doors will move away from the original purpose of the Temple vision. It was the original design of the Architects vision that the Temple is build on a hill to reflect the Mays Hill suburb.
2. The SEE Report is not clear of the historical information about the AGCP and the Restrictions (refer DA 2020-18) through the main gate at 217GWH.
3. The TSM members have completely rejected at the last AGM not to shut down the main gate at 217 GWH.

Regards

From:
Sent: Friday, 14 May 2021 4:21 PM
To: Records Department <council@cumberland.nsw.gov.au>
Subject: Objection to DA2021/0115

**General Manager
Cumberland Council
Merrylands, NSW-2160.**

An appeal against the DA2021/0115 lodged by "The Saiva Manrum"

I and my family are regular worshippers of Sydney Murugan Temple and users of the facilities of "The Saiva Manrum" at Mays Hill, NSW. As such, our objection to this DA is based on the following reasons.

1.Defacing the Historical/architectural granite frontage: The development plan requires the defacing the granite frontage of the temple podium, which has very high historical value to us and other devotees. This demolition desecrates the architectural view and the history of rocks all the way from South India where Hinduism started.

2.Unauthorised modification: The South podium extension, Kitchen and the associated structures were completed in 2012 as per DA 2010/558/1 and approved by Holroyd Council. The adjoining storage area had been used as dining hall violating the approved development consent of DA. Part of the wall had been removed without approval from the consent authority.

3.Structural safety concerns: There are safety concerns of the structure as a load bearing wall was demolished between the kitchen and the storeroom. The current DA is seeking to authorise the storeroom for a dining hall without rectifying the safety concerns.

4..Requirement of Extra Carpark: Extra traffic will be expected as this DA is seeking to attract even more patronage. There is no plan for extra carpark facility provided in the DA. This will result in significant congestion around the site, which in turn will cause direct impact on residents and businesses and importantly the devotees of the temple.

5..DA lodgement not made by current Directors: This DA has been lodged (date 09/03/2021) with the names of the previous Board of Directors After the new Directors had been sworn in (14/02/2021). No consultation or discussion had taken place with the new directors or with us. This is against "The Saiva Manrum constitution".

6.Number of people: The limit on the number of people (100) is grossly inadequate as any function. Under normal situation, it attracts more than 200 people. The proposed dining hall shall be redesigned to accommodate 250 people easily, and to

comply with the increased capacity with the existing approved carpark which is still to be built.

7.Council response: We are also disappointed with the council procedure regarding this DA. As I found out, the council has failed publish the DA on the "Tracker web page" for the period allocated. The reason given by the council officer (of technical issue) is not convincing as other DAs around the lodgement dates had been displayed accordingly. The verbal extension of 2 weeks given by the council for submission is also disappointing. It is good to clarify what happened as it affect the reputation of the council.

I herewith request that I want to remain anonymous and my name and other details should not be disclosed to anyone. I would be grateful if you can acknowledge my appeal.

Yours Sincerely,

14th of May 2021.

The General Manager
Cumberland Council, Merrylands

Dear Sir/Madam,

Ref: 217 Great Western Highway MAYS HILL NSW 2145: DA 2021/115:

Conversion of storage area to 100-person Dining Hall

Please treat this submission as CONFIDENTIAL. I wish to remain anonymous and do not wish my name released to third parties.

Dining hall capacity – inadequate request: Since the temple was opened in 1999, there is a significant increase in the number of temple worshippers with the growth of Hindu population in Sydney. Temple services are on increase and the necessity for a dining hall with adequate capacity is essential. The Development application submitted by a care-taker committee had requested to convert the storage area to 100-person dining room. The submission underestimated the required need of the dining room. In my opinion, considering the temple services to the community, the capacity should be from 250 to 300. Therefore, it will be wiser for the TSM to review the submission with increased capacity. Hence, DA 2021/115 should not be approved in the current form.

Architectural changes in the temple wall: DA 2021/115 proposes to create openings to the storage area on the temple front wall which was designed by the prominent temple architect to maintain the accepted practice of temple building. It is customary for the Hindu temples to carry out any renovation in Temple structure and Temple walls once in 12 years with the approval of the members of the temples. Since the last consecration of the Sydney Murugan Temple was held in 2012, any renovation, which alters the temple view, including the wall should not be allowed to happen before 2024. If it is done, it is considered as bad omen and could bring misfortune to the community.

In addition there could be many other issue related to building safety and legality of the submission from a care taker committee in a rush

Hope this submission will be considered together with others who are interested in the temple progress in a orderly and respectful way.

Yours sincerely

,

14-05-2021

CONFIDENTIAL

The General Manager
Cumberland Council
Merrylands
Dear Sir/Madam

**DA2021-115 at 217 Great Wester Highway
Conversion of Storage area to a Dining Hall to seat 100 persons**

I wish to remain anonymous and my contact details confidential in making this submission.

I am a member of The Saiva Manram(TSM) and am gravely concerned about the shabby ad-hoc DAs being submitted on the development of this site.

The DA submitted desecrates the Architecture, lacks justification and has grossly inadequate detailed information re purpose, capacity, usage frequencies, traffic and parking impacts as well as BCA Compliances. On this basis the DA should be rejected.

1. Desecration of the Granite front wall

The original design of this frontal granite wall by our reputable architect is of great significance to Saivaites. According to Saiva mythology it is well known that our primary Deity of Lord Murugan resides on peaks of Rocky Mountains. It is with this in mind that our late architect designed the front façade in this fashion.

Now some incompetent architect wants to destroy this icon by way of a second door, a porch and a balcony.

This desecration can easily be avoided by deleting the second door which is not required. There is no justification for a second egress door when the existing exits are more than adequate to meet all contingencies to BCA regulations.

2. Car spaces and Traffic Impact

The submission has totally overlooked this topic. The additional 100 persons will need at least 30 more car spaces plus some for disabled.

Why has Council not referred this DA to TfNSW? Is Council authorised to deal with entry and egress from 217 GWH without referral to TfNSW? Please clarify.

The submission claiming that it will be provided by the Above Ground Car Park (AGCP) DA 2020/0018 is totally false. Since the Council approved this deferred DA the TSM members and TSM Board have rejected that DA due to the restriction placed by TfNSW and included by Council.

At the last AGM held on Sunday 14th Feb 2021 two Resolutions were overwhelmingly approved by members "not to restrict any vehicular access through the main gate at 217 GWH". Also "the members directed the current Board and any future Boards not to have any discussions whatsoever, with any authority such the Council or TfNSW". On this basis the deferred approval of DA 2020/0018 for the AGCP cannot be activated.

It appears that the former Board has communicated this information to the consultant Miletac-Mieler resulting in the consultant stating that the AGCP will provide the additional car spaces.

Furthermore the Secretary and Treasurer in their correspondence to members have advised that they have written to Council not accepting the determination of the Planning Panel. See Attached.

Council to confirm the current status of DA 2020/0018 as invalid.

Conclusion:

Based on the above information I sincerely hope that the Council will give due consideration to the above matters and **reject** the DA submitted.

If you need any further clarification I can be contacted on email :

Kind Regards

Option 2: Conducting AGM outside temple premises

AGM with resolutions and other business matters will be conducted outside the temple premises at Olympic Park, NSW. To conduct the AGM through this way, the board obtained a written quotation for 300-500 participants in person, for a limited duration of only 5 hours at the price quote of \$10,095. TSM will incur additional charges if the duration of the AGM exceeds 5 hours.

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However, to date we have not received the official letter from Cumberland Council.

We wish to inform the members that we wrote to the SCCPP to delete the deferred commencement condition that reduces the total car parking number to 200. However, the Panel did not accept our request to remove the conditions imposed by the council. **The Board has not accepted as approved by SCCPP due to conditions imposed by the Cumberland Council.**

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4. Board's response letter to _____ for his request that the current Secretary stepdown from his position, which he circulated to many members.

Thank you

EXTRACT FROM TSM UPDATE OF 17TH Jan 2021

EXTRACT FROM Treasurer's Report 2020 - Part 2

7.4 The Board's position:

The Board understands that as the council is not convinced with our argument for additional car spaces solely to fulfil the needs of a place of worship (particularly in the absence of additional facilities such as new Cultural hall.

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As of to-day we have no further financial commitment on this car park project. The Board of Management acknowledges the dedicated professional engineering and other services offered by the MPS.

CONFIDENTIAL

The General Manager

Cumberland Council

Merrylands

Dear Sir/Madam

DA2021-115 at 217 Great Wester Highway

Conversion of Storage area to a Dining Hall to seat 100 persons

I wish to remain anonymous and my contact details confidential in making this submission.

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Now some incompetent architect wants to destroy this icon by way of a second door, a porch and a balcony.

This desecration can easily be avoided by deleting the second door which is not required.

There is no justification for a second egress door when the existing exits are more than adequate to meet all contingencies to BCA regulations.

2. Capacity and Usage

The DA submission for 100 persons is grossly inadequate for TSM. This 100 person capacity does not serve any purpose. What is the basis and justification for 100person capacity?? The area can accommodate at least 250 persons.

What is the usage pattern with date/days/duration times, frequency of usage etc. None of this has been provided to make a fair assessment.

In this connection refer Approved DA 2016/392

3. Car spaces and Traffic Impact

The submission has totally overlooked this topic. The additional 100 persons will need at least 30 more car spaces plus some for disabled. Why has Council not referred this DA to TfNSW? Is Council authorised to deal with entry and egress from 217 GWH without referral to TfNSW? PI clarifies.

Also, this development is based on concerns around additional traffic, congestion and disruption to local residents, the regular devotees to the temple and the community at large using the surrounding roads, which are already congested on Friday, special days and weekend, and the applicant's inability to manage the parking within the temple premises. This application is seeking to attract even more patronage as a place of worship and further increase the usage of the site. This will result in significant congestion around the site, which in turn will cause direct impact on local residents and businesses and importantly the devotees of the temple.

Conclusion:

Based on the above information I sincerely hope that the Council will give due consideration to the above matters and **reject** the DA submitted.

If you need any further clarification, I can be contacted on email.



RE: Objections to DA 2021-115 submitted by The Saiva Manram

Thu, May 13, 2021 at 4:08 PM

Draft To: council@cumberland.nsw.gov.au

The General Manager,
Cumberland Council, Merrylands

Dear Sir/Madam,

Please note that this communication shall be treated as **"CONFIDENTIAL"**.

"I want to remain ANONYMOUS and my name and address should not be released to any third party" opposed by The Saiva Manram under the above DA 2021-115.

I strongly object to the modification works for the canteen area proposed by The Saiva Manram under the above DA2021-115 for the main two(02) reasons, even though there are many others prevailing, as specifically follows;

- (1) To accommodate 100 people the modification is not at all needed and the place had been previously used with more than 100 people and the existing exit and entry requirements are adequately sufficient.
- (2) Conversion of the storage area for canteen use and the associated modification works under the above DA 2021-115 will damage the external Granite Wall and the Southern Veethy and will disfigure the Temple Architecture.

The General Manger,
Cumberland Council
Merrylands.

council@cumberland.nsw.gov.au

11 May 2021

Dear Sir,

Re: Objection to DA2021-0115, Great Western Highway, Mays Hill, NSW 2145

I wish to remain anonymous and my contact details confidential in making this submission.

- DA 2021-0115_submission by the TSM president to the council is not discussed with the temple members and the current board of directors.
- This DA submission will attract for commercial activity of the kitchen rather than the divinity, harmony and peaceful environment of our temple
- I have noticed several mistakes in the DA 2021-0115 online documents and unnecessary financial burden for our Hindu community.
- Jeya Architects who prepared this document is not aware of previous approved DA 2010/558, DA 98 /144 and DA 92/224 by Holroyd council
- Not confirming with Building code of Australia, lot of information to the council is missing in the Statement of Environmental Effects.

1. Building Code of Australia of DA 2021-0115

- This report on section 5 of part F3 prepared by Philip Chun Building code consulting is wrong. This dining hall is needed for minimum 250 persons and not for 100 persons

5.0 Section F – Health and Amenity

Part F2 – Sanitary & Other facilities

There are no changes proposed to the existing facilities. Assessment of the number of sanitary facilities and total population to occur prior to issue of the CC.

Part F3 – Room heights

A class 9b building with a room height of 2.4m can accommodate up to 100 persons. **To comply. At least 2.4m room height required when measured from the perforated plasterboard ceiling.**

- No details are provided in relation to the clearance of the dining hall to the roof. It varies several areas (Not considered existing air conditioners and storm water pipe in the soffit)
- Not ensure that dignified, equitable and access from dining hall to servery counter as per Disability standards 2011
- Approach the dining hall from the road boundary for people with disabilities and vision impairment devotees are not considered in this DA 2021-0115 submission

2. Statement of Environmental Effects of DA 2021-0115

The report did not explained and detailed for:

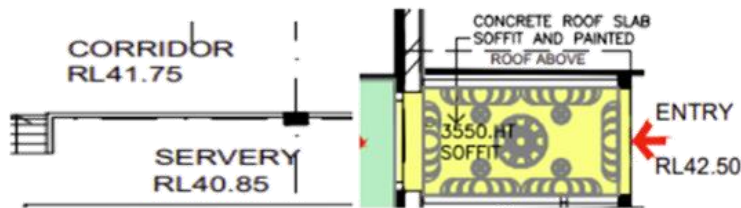
- ❖ The purpose of the hall is used by Hindu community
- ❖ How the current Architect changes granite special effect on the wall for the temple and against the DA 98 /144 conditions? (one new door and three widows)
- ❖ How to manage the catering and dining activity or special training for the staff is not mentioned in this document?
- ❖ Section 5.2.2 of car parking section is not explaining how many additional car spaces needed for this dining hall area of 269 sqm & 250 persons

- Section 3 Car Parking – As previously noted, whilst the proposal involves a net reduction of 1 car space, this is considered to be negligible in terms of the overall parking provision of 113 car spaces and will not result in any adverse traffic impacts given no increase in FSR or additional traffic generation and no changes to existing access arrangements. Further, it is noted that this is intended to be a temporary situation until such time as the multi-storey carpark approved under DA2020/0018 is constructed. Therefore, it is considered that the proposal is minor in nature and would not trigger any requirements for referral to the RMS.

- Traffic report included existing uses and the proposed dining hall uses is important
- Environmental capacities are not done to the reference to RMS guidelines
- TfNSW approval is needed for this DA 2021-0115 document with reference to clause 101 of "State Environmental Planning Policy 2007
- Council's DCP requirements for normal day temple use and special events are not identified
- Traffic modelling is not done for this project
- Section 6.2 has to be detailed with traffic study and the traffic impact statement
- A road safety assessment of the existing and proposed entrances has not been provided

3. Architectural plan of DA 2021-0115

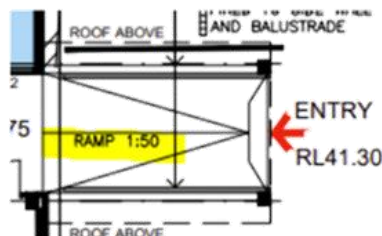
- Not complying for Disable and vision impairment devotees
- The reduce level for Corridor is 41.75 / 42.50 and servery counter is 40.85. How can the disable person or others collect food order from the servery counter to the dining hall?



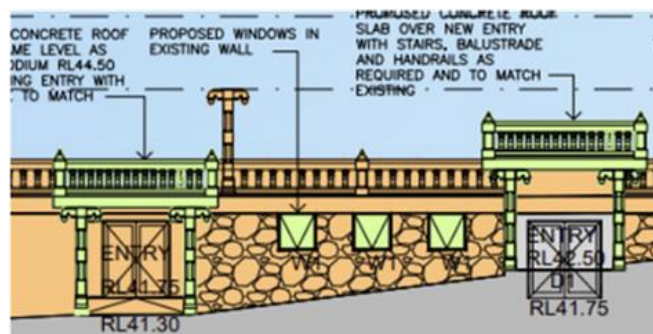
- The long-sectional profile along the storm water pit and pipe is not given.



- Is the ramp level from level from ENTRY is 1:50



- Why we want this type of ugly appearance of the new entry and roof for the six-million-dollar value of our Hindu temple. No consultation done by the Architect with members of the temple. (one-meter difference in roof level. i.e 45.5 – 44.5)



- Front elevation of chariot garage is not correct. Completed building appears like an inverted empty BOX. No art effects in the building which has destroyed the appearance of our Hindu temple



4. **Conclusion for DA 2021-0115**

- Council has to object the proposed development application DA 2021-0115.
- This DA 2021-0115 is a band-aid solution rather than well planned Master plan

5. **Recommendation**

- ❖ Cumberland council approved DA 2016/392 will the best master plan for temple weddings, cultural programme and memorial services
- ❖ Catering and dining more than 400 devotees will be resolved by implementing Cumberland Council approved DA/2016/392
- ❖ Current car park capacity will be increased from 114 to **311** by activating DA 2016/392

Regards

Rate payer family of Cumberland council

The General Manger,
Cumberland Council
Merrylands.

13 May 2021

Dear Sir,

Re: Objection to DA2021-0115, Great Western Highway, Mays Hill, NSW 2145

I wish to remain anonymous and my contact details confidential in making this submission.

Refer to the above-named DA under consideration and advice Council as to why it should be rejected on a range of planning and community concerns.

My sincere thanks to Council Officer Diep Hang to extend the exhibition period by a further 2 weeks, email correspondences attached.

The 2-week exhibition period is questioned for a significant DA that proposes a change of use not adequately covered in the SEE, it should have been a minimum 4 weeks and referral to TfNSW as a minimum, reasons provided in this submission. I also note that Council did not change the exhibition period on its website and as such has misled the community who could have made further submissions. There seems to be critical failure of due process with the administrators of the institution and council detailed in this submission that warrants independent review.

The SEE and the architectural plans accepted by Council does not address fundamental issues as detailed in the submission and poor attempt to hide the facts disguising the application as a simple extension to an existing facility should be rejected as it aims to de-face the culturally heritage building for the Community.

Development consents at hand

It should be noted that the Council and the independent planning panel has approved the following recent DA's:

1. Development Consent – DA-2016/392 Sydney West Planning Panel 13/09 2017 (unanimous determination of the panel) - satisfies the Constitution and supported by the community.
2. Development Consent – DA-2019/317/1 by delegated authority (10/02/2020): promoted by the greedy developers to ensure that the developable land on Belinda Place is not compromised for potential apartments and medical centre, which requires the approved DA 2018/55/1 to be made redundant. The location of the garage is moved north west of the temple adjacent to the Great Western Highway, supported by Council and a poor outcome on the landscape.
3. DA2020-0018, Great Western Highway, Mays Hill, NSW 2145, Multistorey Carpark has been approved by council with deferred conditions. It should be noted that Council officers recommended the rejection of the DA on 2 occasions, and sudden change of direction to approve the DA. The Board of the institution has now informed the members that it has rejected the deferred conditions, copies attached.
4. Temporary overflow carpark approved under discretion by Council Manager. This has been extended to June 2020 by council and further request from TSM to extend the period by another 12 months.

TSM sought pre-DA meetings 20/2/2019 with Council for alternate proposals to maximise the potential for developable land on Belinda Place for future medical centre and apartments with a view to killing the two approved development consents DA-2016/392. Council rejected the above ground carpark twice and approved with deferred conditions. This is further explained not covered in the SEE before you.

This DA cannot be considered in isolation as the narrative provided by the council and the The Saiva Manram (TSM) are conflicted.

Why Reject the DA?

Council approved development consent DA-2016/392 for the community hall and dining that satisfies the requirements of the Constitution. This consent also satisfies the needs of the community and is not an over development of the site. The approved DA-2016/392 is less intrusive in its location that is both affordable and deliverable and maintains the existing above ground OSD.

DA2020-0018 - Approved multi Storey carpark with deferred conditions:

The proposed location of the multistorey car park and its deferred conditions has been rejected by the TSM Board March 2020 and in particular by the current President [redacted]. The extracts of the advice to the members are attached.

The former President [redacted] (2019/200) advised the members in writing that the deferred conditions was as a result of a meeting by community member [redacted] on his own accord to influence the development consent. Notwithstanding this the current President [redacted] (2020) is on record advising the members that it is usual practice to engage persons who can influence Council in its decision making and the Board sought the help of [redacted] to influence Council that has now led to the famous deferred conditions rejected by the same Board. It is assumed that Council has detailed file notes of its meeting with [redacted] and commitments made that led to the deferred conditions on behalf of TSM but not the community.

SEE February 2021

The SEE refers to the proposal as proposed alterations and additions to convert an existing lower ground storage area into a dining hall associated with the existing place of worship. This is code for converting an existing non-habitable space for a dining hall. The Author of the SEE is silent on the number and frequency of use of this space during operating hours approved by Council and its impact. This space was never considered habitable and as such does not comply for the intended use at many levels for consideration. The author is also silent on the details of current approved DA's and the compelling reasons council considered for approval.

The Author bullishly concludes that the proposal is satisfactory in addressing urban design, access, traffic inter-alia but does not provide the justification. It is not known if the Author is a subject matter expert on urban design and/or traffic related matters. The Author has only provided an opinion as to why the conversion of non-habitable space to a substantial habitable space is satisfactory and further advice to Council that the proposal does not warrant TfNSW referral. It is disappointing that Council has accepted this position without the evidence to support the

assertions made by the Author in its opinion. Notwithstanding councils position to the current approved DA's.

The SEE and the attached documents to the proposal do not provide an insight as to how this inadequate storage space will be used and its frequency as a dining hall. The temporary overflow carpark approved by Council pre-covid by the discretion of the Council manager has now been extended to June 2020 provided the rationale for additional parking post covid. I am advised that Council is now considering a 12 months extension not mentioned in the SEE. Council also approved the multistorey carpark on the basis that there was no additional floor space that generated additional traffic. Please refer to objections made to the multistorey carpark now supported by Council and rejected by the Board. This contradicts the statement made in the SEE that multistorey carpark will be built some time in the distant future. Council is required to assess this proposal based on current conditions and not something that may be built in the future.

If this chain of thought is correct it is not clear why Council approved the multistorey carpark when there is an approved DA for community hall and dining that formalises all future needs of the place of worship. Why would Council even entertain this proposal? It should be rejected.

How is it now possible if you consider the existing uses and frequency approved by Council on previous DA's, this proposal for a dining hall has no impact on access, traffic and parking. Question as to how and why Council has not rejected the acceptance of the DA on this basis.

The SEE poorly alludes to the fact that public interest is met, but is silent as to how this is achieved. Presumably the Author is happy to support a space designed for storage to be converted public space with the frequency of use unknown and poor design that de-faces a famous culturally significant building for the community. The community deserves better as per the approved DA-2016/392 Sydney West Planning Panel 13/09 2017 community hall and dining.

Architectural Plans

The Author of the SEE concludes that the form and urban design proposed is satisfactory without any justification to the proposed brutalisation of the existing Temple and its façade with an ad-hoc intrusion to the original design. This is an insult to our architect who designed the building and its façade only to be desecrated by the new architect without any understanding of the design principles. The same architect was responsible for the big box multistorey carpark design in an urban residential catchment approved deferred condition after lobbying. What an insult to urban form and design. Perhaps the Author of the SEE has been misled.

The SEE further supports the ill-conceived design by the architect by advising that proposed 3 very small windows will provide adequate natural light without any science to demonstrate this fact.

The architect notes that 1:50 ramps can be achieved, there are no cross section to demonstrate if this can be achieved or as minimum ramps that are DDA compliance.

The Architect and the Author of the SEE has deliberately not addressed the lack of DDA compliant access to the servery from the proposed dining hall. The answer lies in the previous

approvals by Council not addressed in the SEE. Council approved the Kitchen with a dumb waiter lift to provide food that was prepared at the podium level. The same approval had triangular area allocated for the volunteers. The SEE and the architectural plans now attempts cloud the original approvals to justify this poorly presented proposal.

The SEE is silent on the illegal demolition of the storage space hall wall that separated approved Kitchen and now attempts to formalise this space that meets public interests? From all previous approvals Council has should be clear that the minimum number persons to use this dining area is minimum 250 persons for any occasion. Post covid use of this space on a Friday evening is minimum 150 persons for take away offerings. The proposal does not demonstrate how the limitations set by Council on people control can be managed in meeting any BCA requirements and potential breaches. Council has the frequency of use provided and as assessed for the approved DA's.

Overdevelopment of the storage space

The proposal intentionally overcrowds a very small space resulting in overdevelopment of this space that was never intended for formal dining. I assume that TSM is now preparing other spaces for storage within the land. It is not as simple as proposed in the SEE. The authors of the SEE deliberately over simplified its assessment has not addressed the land use planning, urban design, de-facing the Temple façade and traffic and parking issues.

Background

The site established some 20 years ago is significant to the community for both spiritual and educational reasons established in its constitution. The constitution has laid out the masterplan in its "objectives". A fact ignored in the SEE.

It is also a place of interest for school and university students, visitors and a destination for tourist attraction that defines western Sydney. The approved development consents 2016/392 satisfies TSM constitution and land use planning for its land holdings for community hall and dining.

Council has an inherent responsibility to protect the land and this building by ensuring that the Temple and its façade ids not desecrated by poor decisions made by practitioners who has supported this proposal notably the Author of the SEE and the Architect.

Conclusion

The conclusion drawn by the Author of the SEE is fundamentally flawed as it relies on a simple text book approach that ignores basic urban design principles and the intent of the space contemplated in the planning approvals under the Environmental Planning Act and HDCP. It ignores the impact on the Great Western Highway, T-Way infrastructure that serves a place of worship surrounded by high density development. It ignores and is silent on the true use of the space as dining, its frequency and impact for activities already approved within the premises such as Weddings and bereavement functions that caters for a minimum 250 to 800 persons. It ignores and does not address the impact of peak days by devotees and nor does it provide the volunteer numbers. It is

not clear if the volunteer numbers if has changed since the Kitchen DA was approved or justification for additional dining space.

The proposal poorly attempts to justify for no additional parking and all ability access without any justification.

The community has invested in the local area and are rate payers. Council has a responsibility to protect the investment made by the community. The community does not have the capacity, knowledge and experience to review, assess and make a submission on a complex and constrained site and a proposal for dining without any justification.

The community relies on the Council to be its manger to protect the local area in its entirety in particular from poor development and community outcomes notwithstanding the deferred multistorey carpark DA approved that has now been rejected by the Board and President I . Quite contrary to the flawed statement made in the SEE that when the multistorey car park is built, it will be ok?

The SEE concludes that there is no heritage impact which is flawed and limited to understanding of European Heritage. The SEE and the architectural plans attempt destroy the front elevation should not be supported at any cost, defaming the original design is a SIGNIFICANT IMACT ON MY HERITAGE. We do not destroy the original architecture and should not be approved.

Recommendation

I now ask Council to lead by example on behalf of the community and reject DA-2021-0115 for reasons given in this submission.

I strongly object to the proposed development application and request that Council invite me to address the Council and/or the independent panel, in the event that it is reported for a determination.

சைவமன்றம்
சிதனி முருகன் கோயில்
தமிழ் கல்வி கலாச்சார நிலையம்



The Saiva Manram
Sydney Murugan Temple
Tamil Educational & Cultural Centre

10, March 2021

Mr. Brad Ferguson
Manager Development Operations,
Cumberland Council
Merrylands
NSW 2160

Dear Sir

**Approval to Extend the Use of 1A Belinda Place and
197 Great Western Highway as a Temporary overflow car park**

We refer to your email dated 27th February 2020 permitting the two lands at 1A Belinda Place and 197 Great Western Highway, Mays Hill to be used as a temporary car park for a limited number of days over a period of one year from 29th March 2020. The permission was granted after satisfying the council that the following works were completed.

- A Traffic Management Plan, specific to both properties, to ensure pedestrian and vehicle safety;
- Certification from an appropriately qualified Occupational Hygienist indicating that the unidentified fill spread on the two properties is free of contaminants
- Details of environmental protection measures provided with regarding sediment Control
- Details of neighbour notification methods to be adopted prior to the events recorded.

The Saiva Manram was permitted to use the above lands on a temporary basis as the Council was considering a development application to build a multi storey car park. The Saiva Manram could not use the lands even for a day as the temple was closed to public on the 23 March 2020 due to Covid 19. Although the temple was opened to operate under various restrictions with effect from 10 June 2020. There was no need to use the temporary overflow car park as even the existing at grade car parks within the temple compound could not be fully used due to a significant drop in patronage following the Covid pandemic. The Covid restrictions have now been relaxed permitting more devotees to attend to the temple for warship and other religious functions.

We wish to request extending the use of the temporary car park for one year as the permitted use is due to expire on the 11th March 2021. As you may be aware, the use of the land will be for a limited number of days as shown in Annex 1. This is worked out, based on the best case scenario for not exceeding to 300 hours per year or 3 to 4 percent of the available hours in a year. This usage is the same as previously approved, shown in Annex 2.

The main reasons for requesting the extension are as follows:

- As you are aware, over the last 12 months, the community has suffered due to lockdowns and stay at home regulations. Due to these restrictions, many religious functions and weddings were postponed. As the restrictions are now eased, more people will visit the temple, hence we need to use the overflow car park for a limited number of hours to fulfil the additional need of car parking spaces as shown in Annex 1.

The Saiva Manram
ABN No: 19 612 793 471

217 Great Western Highway,
Mays Hill, NSW 2145,
Australia

Phone:

Email

Website
www.sydneymurugan.org.au



Extract from TSM Update of 17th Jan 2021

Option 2: Conducting AGM outside temple premises

AGM with resolutions and other business matters will be conducted outside the temple premises at Olympic Park, NSW. To conduct the AGM through this way, the board obtained a written quotation for 300-500 participants in person, for a limited duration of only 5 hours at the price quote of \$10,095. TSM will incur additional charges if the duration of the AGM exceeds 5 hours.

Furthermore, members will have to pay for car parking on their own.

Default option in the event of insufficient response

In order to confirm the above options a minimum of at least 225 responses are required. In the event of not meeting this minimum response criteria, the sample size will be considered insufficient and therefore **Option 1: Conducting AGM via zoom** will be the default choice as a majority of the Board of Directors chose this option at the Board Meeting held on 14th of January 2021.

Other Matters

Above Ground Car Park

Sydney Central City Planning Panel (SCCPP) approved the above ground car park as deferred commencement consent, as per condition as stated in council's report issued previously.

However, to date we have not received the official letter from Cumberland Council.

* We wish to inform the members that we wrote to the SCCPP to delete the deferred commencement condition that reduces the total car parking number to 200. However, the Panel did not accept our request to remove the conditions imposed by the council. **The Board has not accepted** as approved by SCCPP due to conditions imposed by the Cumberland Council. *

Internal Audit Committee

All three members of the Internal Audit Committee wrote on the 19th of December 2020 to the Board informing their decision to resign with immediate effect.

Enclosure:

1. Consent Form with reply paid envelope.
2. Letter to Members dated 08 January 2021. (attachment -1)
3. Letter received from NSW Health Department regarding the visit of a confirmed case of Covid-19.
4. Board's response letter to [redacted] for his request that the current Secretary stepdown from his position, which he circulated to many members.

Thank you

Secretary, The Saiva Manaram

Extract from Treasurer's Report Part 2 - AGM 2021 - 14 Feb 2020

7.4 The Board's position:

The Board understands that as the council is not convinced with our argument for additional car spaces solely to fulfil the needs of a place of worship (particularly in the absence of additional facilities such as new Cultural hall.

* The Secretary informed the members on 17 January 2021; the Board of Management has not received the official letter from the Council. The Board of Management wrote SCCPP to delete the differed commencement condition that reduces the total car parking number to 200. However, the panel did not accept our request to remove the conditions imposed by the council. The Board of Management has not accepted the council's decisions as approved by SCCPP due to conditions imposed by the Cumberland Council. *

7.5 The Treasurer's view on the current status of the AGCP:

As the Treasurer, I believe that the following points below should be considered by the members before we proceed further:

1. We should not be spending any more funds on the Above Ground Multistorey Car park from a financial point of view until we have achieved the primary objective to obtain additional car park spaces (241) as stated in our members resolutions.
2. We should not proceed further on the AGCP project with the differed conditions. If the members want to proceed further with these conditions or alteration to the conditions, a formal approval is required from the TSM members through by passing a novel resolution. This should include a supporting Cash Flow Projection under the current economic circumstances.

7.6 A summary of AGCP cost up to 31 December 2020 is given below:

Table 4 - Total cost up to 31 December 2020

	Description	Cost
1	Audited expenses up to 30 June 2019	\$35,970
2	Audited Expenses-Financial Year 2019- 2020	\$186,241
3	Audited Expenses as at 30 June 2020	\$222,221
4	Expenses since 1 July 2020 to 31 Dec 2020	\$56,847
	Total	\$279,059

As of to-day we have no further financial commitment on this car park project. The Board of Management acknowledges the dedicated professional engineering and other services offered by the MPS.

CONFIDENTIAL

The General Manager
Cumberland Council

Merrylands

12/05/2021

Dear Sir/Madam,

Re DA 2021/115 – Conversion of storage area of 269 sqm to 100-patron Dining Hall

This submission is to be treated as CONFIDENTIAL. In addition, I wish to remain anonymous and do not wish my name or email released to third parties.

The South podium extension and Kitchen Project building/associated structures, where in the storage area/proposed dining hall is located, were completed in year 2012 as per DA 2010/558/1 at a final cost of \$3.6M. Due to short-sighted view of some in the TSM, the wall separating the kitchen area and the store area was demolished and the store area was used as a dining hall.

I wish to draw your attention, wrt to this DA 2021/115 proposal, to the following three main issues:

1) The conversion of the store room into a Dining Hall to accommodate only 100 worshippers/volunteers

A 100-person capacity dining hall does not serve the needs of The Saiva Mantram (TSM) at all. A dining hall with a capacity to accommodate 100 people is inadequate to hold Athmashanthy Pooja, Weddings, Cultural meetings, and other functions approved and held at the dining hall. These functions in the past were held with more than 250 – 300 patrons whenever the converted store room was used as a dining hall.

There is no necessity for a second door. The current egresses comply with the BCA requirement for 100 persons. On the above basis there is no need for the demolition of the front granite facade wall to build the second entry/exit door. This demolition desecrates the architectural view of the history of rock temples in south India where Lord Murugan resides. This is of very high significance to Saivaites all over the world.

What we need for TSM is a dining hall which can accommodate more than 250 people.

2) Traffic and additional car parking space inside the temple premises.

The Dining Hall with 100 people capacity, as per application, could attract about 35 additional vehicles (3ppv) into the Temple premises. Firstly, I emphasise that TSM has no means to limit the number of people in the hall to 100 people on any day.

The peak activity at the temple site occurs on every Fridays and Saturdays and it generates high volumes of traffic inside the temple site and outside along the Liverpool to Parramatta Transitway Bus Lane on the Great Western Highway. This number in the dining hall in the past had exceeded more than 200 on peak day/s. The proposal significantly

underestimated the number of people to be accommodated, actual traffic impacts, and adverse congestion inside the temple site.

The traffic conditions on the Great Western Highway in consequence to this proposal have not been assessed nor referred to NSW Transport. I refer to the NSW Transport ruling on TSM's DA/2020/0018 that "No more than 25 additional vehicles will be approved via the main gate at 217 Great Western Highway (GWH) to the temple premises". Which may be applicable to this DA 2021/0115 proposal as well.

I urge Council not to under estimate the traffic issues, which has been totally ignored in this DA proposal. A real local traffic impacts study may be undertaken, and restriction place for number of vehicles that could enter via main gate at 217, GWH. This studies outcome was clearly known to Council via the TSM's DA application No 2020/0018.

3) The Lodgement of the Development Application

The lodgement of the DA 2021/0115 application was done secretly. TSM had an Annual General Meeting of the Members on 14 Feb 2021, and a new Board of Directors (BOD) sworn in. The new TSM Secretary, being the Public Officer for TSM, and the other newly elected BOD were not aware of the DA 2021/115 that was submitted on 09/03/2021.

This is clearly seen as per ASIC list annexed to DA – showing names of the TSM's previous BOD office bearers, prior to 14/02/2021. The DA 2021/0115 application, document, & drawings were neither circulated to the new BOD members nor to General Membership for review/endorsement prior to submission to Council on 09/03/2021.

This is considered as a breach of the objectives of TSM.

In conclusion:

- 4) There is a need for TSM to redesign a dining hall to accommodate more than 250 people and resubmit the DA application duly endorsed by the current office holders of the BOD and Members following a review of the proposal submitted; and**
- 5) TSM may be requested to consider DA 2016/392, approved by the Council as the only facility that provides for the needs of TSM on a 10-year plan basis and into the future i.e., 197 additional car parking, dining hall and meeting hall to accommodate 800 patrons. TSM may be asked to consider and implementing it rather than submitting sub-standard proposals.**

I sincerely hope that the Council will give due consideration to the above matters and reject the DA submitted.

I can be contacted via email:

Kind Regards,

CONFIDENTIAL

The General Manager

Cumberland Council

Merrylands

Dear Sir/Madam,

Submission re DA 2021/115 – Conversion of storage area to 100 person Dining Hall

This submission is to be treated as CONFIDENTIAL. In addition, I wish to remain anonymous and do not wish my name released to third parties.

My Name is _____, a founder member of The Saiva Manram (year 1984) and currently holding a subcommittee position under the current Board's Religious Director from April 2021.

As a founder member of The Saiva Manram, and my continuing involvement, my services and support to The Temple and its organisation, I am very much concerned about the over roll development of the current and any new project what is being planned and proposed by the previous TSM Board. The new Board of Directors (BOD) of TSM had been sworn in 14/02/2021 and were not aware of this DA 2021/0115 lodgement.

I wish to draw your attention to the following three main issues:

This submission regarding the proposed Development Application 2021/0115 submitted by The Saiva Manram (TSM) to Council to convert 269 sqm of existing lower ground storage area into a dining hall for 100 volunteers/devotees. This application was lodged on 09/03/2021.

As this proposal is significantly out of keeping with the proposed uses of the temple site, I urge Council to reject the application and request TSM review and resubmit a Development application so that a minimum of 250 worshipers could use the dining hall. A 100 person dining hall does not serve the needs of TSM at all.

1) The capacity of the Dining Hall 100 persons is not enough.

At least 2.4m room height required when measured from the perforated plasterboard ceiling.

The proposed dining hall shall be designed to accommodate a minimum of 250 people, and to comply with the increased capacity, redesign of the facility shall be undertaken.

It is requested that Council may request TSM to resubmit the DA 2021/0115 following a review of the DA application considering increased capacity for the proposed Dining Hall.

2) Traffic and additional car parking space inside the temple premises.

The traffic conditions on the Great Western Highway in consequence to this proposal have not been assessed for the DA 2021/0115 application. This Development was not referred to NSW Transport which previously advised (As I understand with respect to another DA submitted by

TSM) that "No more than 25 additional vehicles will be approved via the main gate at 217 Great Western Highway to the temple premises.

The peak activity at the temple site occurs on every Fridays and Saturdays and it generates high volumes of traffic inside the temple site and blocks the Liverpool to Parramatta Transitway Bus way.

I urge Council to not to under estimate the traffic issues, which has been totally ignored in the DA proposal. A real local traffic impacts study should be undertaken as this studies outcome was clearly known to Council via the DA application No 2020/0018.

It is requested that Council may ask TSM to re submit the DA application with increased capacity for dining facility together with estimating a peak parking demand & parking analysis for the temple premises.

3) The Lodgement of the Development Application

The new Board of Directors (BOD) of TSM had been sworn in 14/02/2021 and were not aware of this DA 2021/0115 lodgement. The DA lodgement was made by the previous board of directors through Miletic-Mieler Development Consultants Pty Ltd. while the new Board has been managing the company.
This is considered as a serious breach of the Constitution of TSM.

As such the proposal fails to meet the TSM Constitutional requirements for submission of a Development Application process to Council. Council may ask TSM to resubmit the DA application duly endorsed by the current office holders of the BOD following a review of the proposal by TSM Members and Office Holders of the BOD.

I sincerely hope that the Council will give due consideration to the above matters and reject the DA submitted.
If you need any further clarification I can be contacted on email :

Kind Regards,

(Founder Member of The Saiva Manram).
.....

From:
Sent: Wednesday, 12 May 2021 12:48 PM
To: Records Department <council@cumberland.nsw.gov.au>
Subject: Objection to DA 2021/115

(Resend with my address included)

CONFIDENTIAL

To: The General Manager, Cumberland Council, Merrylands

Dear Madam/Sir,

RE: Objections to DA 2021-115 submitted by The Saiva Manram (TSM)

I am deeply concerned and object to the above DA 2021-115 submission for the following reasons:

1. The above DA submission was not made with due consideration and approval by the then current parent management committee and members. It lacks transparency and is contrary to the TSM constitution. I believe that the lack of due diligence and forethought will mean that your consideration will waste resource time as well and use unnecessarily funds of TSM.
2. The DA 2021-115 development application has been made to accommodate 100 person dining capacity. This number is likely able to accommodate envisaged dining during food sales over the weekends. However, this number will increase during festivals. Further, it is also very likely that the premise will be an attractive venue for other functions which usually attract as many as 250 individuals. This premise if approved, will be an inevitable and a very desirable option as the TSM lacks such venues. The management is aware of the dire need for a hall to accommodate such numbers. In view of this need, TSM has already submitted a DA for a cultural centre hall to accommodate over 800 persons (DA 2016-392-1). This has already been approved by the Council. The current new submission to modify the store is a band-aid and short-sighted approach procrastinating and deviating unnecessarily away from the already approved long term strategy with no real tangible benefits.
3. Members of TSM often host events where attendee numbers could reach far beyond 100. If approved this venue will become an incorrectly used a make-do option. Policing the numbers by authorities will be impossible. It also raises the issue of safety in the unlikely event of fire as well as will breach many other OHS regulations. The kitchen is nearby, and many of the ceremonies include raising an open fire and show of flames to deity. Bearing in mind that the premise was meant to be a store and in my opinion the ceiling height is currently relatively low to accommodate such rituals. There will be little room for the smoke to rise to give clearance below for people to breath – a fire and health and safety risk.
4. Finally, the proposed northern entry including the stairs, will eat into the road substantially and a small terrace in front of the entry will extend further. Even currently that area is congested between the main temple entrance and the entry to the store/food sale area. The current development will further congest this area. If there are functions at both dining and the temple, the road will really be over inundated with pedestrians bearing in mind that it is the main road leading out to the main gate. Again, another health and safety risk.

These are some of my concerns against the above development application. I strongly request your attention to the above points and that of other submissions if any.

Any form of approval risks temptations to violate safety rules without being detected. It is essential not to put the community and the public at risk.

On the other hand, TSM should be strongly encouraged, under no uncertain terms to expedite the construction of the approved development of the Cultural Hall with parking below it.

I would like to remain anonymous. Please ensure that my letter of objection remains anonymous. Please contact me via my email if needed.

Thank You

From:

Sent: Wednesday, 12 May 2021 11:01 AM

To: Records Department <council@cumberland.nsw.gov.au>

Subject: Objection to DA2021/0115 - 217 Great Western Highway, Mays Hill NSW 2145

This information is "CONFIDENTIAL"

The General Manager

Cumberland Council

Dear Sir,

Objection to DA2021/0115 – 217 Great Western Highway, Mays Hill NSW 2145

The following brief information is provided for the Council to consider when determining the Development Application.

- 1) The proposal involves a net reduction of 1 car parking space. In addition, this DA relies on the differed approved multi-storey carpark (DA2020/00180). However, the members in the Annual General Meeting held on February 2021, rejected this DA through a Resolution.
- 2) Council has already approved a good quality dining hall as part of the previously approved DA 2016/0392. It is my understanding that DA2016/0392 is likely to be reactivated.
- 3) I understand that, recent communication with the Council and payment are being carried out without the knowledge of the current temple Committee including the Public Officer. Please note of this.

I want to remain anonymous and my name should not be released to anyone.

Kind Regards

Rate Payer

Via email: council@cumberland.nsw.gov.au

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The General Manager,
Cumberland Council, Merrylands
NSW 2160
12-05-2021

Objections to DA 2021/0115 submitted by The Saiva Manram" , 217 Great Western Highway , Mays Hill, NSW 2145

Dear Sirs/Madame

This information/ observation be kept in strictest confidence & treated as anonymous as I wish to make the following submission for your consideration/evaluation on DA2021/0115

Am writing this submission regarding a recent DA submitted by the The Saiva Manram (referred as **TSM**), 217 Great Western Highway Mays Hill, NSW 2145, the applicant of DA2021/0115

Issues Raised

Board of directors were replaced after the AGM held on 14-02-2021 with **05 new directors** (replacing 05 existing directors) and 01 existing director (elected from Secretary to President), were appointed by the members of the TSM which consist of **11 directors in total**.

The Temple is owned by the TSM, is a beautiful structure and this needs to be preserved without any alteration that affects the beauty of the temple.
My understanding is, the granite stones embedded on the walls have been designed by a well know late architect in the Sri Lankan Tamil community. He was associated with the temple when it was being designed/built, who was familiar with temple structure principles. Breaking these walls as entry to the proposed area, **I strongly object**.

There are **two existing large entrances** (one facing East & other facing South) to access this area **from the garden side** on natural ground level & also from the **West via stair case**.

There are parking issues particularly on special days & on Fridays. We make it a point to go early before prayer times starts particularly on special days including Fridays just to get **A** car park. Losing **EVEN** half a car space is not advisable. The proposal appears to break the wall & thereby losing car Park(s).

The information made available is that TSM got conditionally approved DA 2020/0018(was partly exhibited on the TSM premises board room area) , which, the members of TSM at the AGM held on 14-02-2021 by way of two specific resolutions directed the board now & future not to compromise. This means as far as my analysis goes, the **DA 2020/0018** could not proceed due to members resolution(s) passed at the AGM held on 14-02-2021 , unless the board now & future gets TSM members approval & overturning the two specific resolutions passed by the TSM members at the AGM held on 14-02-2021.

The proposed area could accommodate about 250 with table & chairs. The number of persons to accommodate in this area be considered well above 100 to 250 subject to applicable rules, thus not restricting to 100 . TSM got an approved DA 2016/392, which got car park spaces.

Last but not least, at a minimum **not to demolish the walls to gain ADDITIONAL entry, when we do have existing entrances**, as these entrances are in use.

I want to remain ANONYMOUS and my name and should not be released to anyone. The document is "CONFIDENTIAL"