

A meeting of the Cumberland Local Planning Panel will be held at 11.30am via Electronic Determination on Wednesday, 14 February 2024.

Business as below:

Yours faithfully

Peter J. Fitzgerald General Manager

ORDER OF BUSINESS

- 1. Receipt of Apologies
- 2. Declarations of Interest
- 3. Reports:
 - Development Applications
 - Planning Proposals
- 4. Closed Session Reports





CONTENTS

Report No. 1	Name of Report	Page No.
1 Develo	oment Applications	
LPP001/24	Development Application - 8 - 12 Good Street, Westmead	5
LPP002/24	Development Application - 45 - 47 Merrylands Road, Merrylands	ands267
LPP003/24	Development Application - Daruga Avenue, Pemulwuy	409
	Development Application - 5 Cumberland Road, Auburn	
	Development Application - 11 Moree Avenue, Grevstanes	



Item No: LPP001/24

DEVELOPMENT APPLICATION - 8 - 12 GOOD STREET, WESTMEAD

Directorate: Environment and Planning

Responsible Officer: Executive Manager Development and Building

Application accepted	2 June 2023
Applicant	Westmead 888 Pty Ltd C/O The Planning Hub
Owner	Westmead 888 Pty Ltd
Application No.	DA2023/0320
Description of Land	8-12 Good Street Westmead, Lot 9 DP 9675, Lot 8 DP 9675, Lot 7 DP 9675
Proposed Development	Alterations and additions to the residential flat building approved under DA2021/0682 to accommodate an 85 place centre-based child care centre with outdoor play area on the ground floor changes to the design of basement levels, deletion of ground floor residential units, changes to communal space and various internal and external changes to the building
Site Area	1,751m ²
Zoning	R4 High Density Residential
Disclosure of political donations and gifts	Nil disclosure
Cost of works	\$742,916.00
Heritage	No
Principal Development	FSR
Standards	Permissible: 1.5:1
	Proposed: 1.48:1
	Height of Building Permissible: 21m Proposed: 22.96m
Issues	Height of buildings / Cumberland Development Control Plan 2021 non-compliances / submissions

SUMMARY:

- 1. Development Application No. DA2023/0320 was accepted on 2 June 2023 for the alterations and additions to a residential flat building approved under DA2021/0682 to accommodate an 86 place centre-based child care centre with outdoor play area on the ground floor changes to the design of basement levels, deletion of ground floor residential units, changes to communal space and various internal and external changes to the building.
- 2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 22 June 2023 and 6 July 2023. In response, two (2) submissions were received.



- 3. On 1 September 2023, a request for information was issued to the applicant detailing various issues and in response, the applicant carried out a number of design changes including a change to the provision of outdoor child play area and a reduction in child capacity from 86 to 85.
- 4. The variations are as follows:

Control	Required	Provided	% variation
Height of buildings	21m	22.96m	9.3%
CLEP, clause 4.3			
Extent of child play area	No encroachment	14sqm of the play	100%
CDCP, Part E1, clause	of front setback	area encroaches	
2.2, C5	permitted.	the front setback.	
Extent of basement level	Basement walls	1m	16.6%
CDCP, Part B3, clause	shall be setback		
3.2, C3	minimum of 1.2m		
	from side boundary		
Residential apartment	Residential	2 x 1 bedroom (8%)	20%
mix	apartment mix shall		
CDCP, Part B5, clause	comply with the	2 x 3 bedroom (8%)	
2.2, C1	following:		
	- 1		
	bedroom/studio		
	dwellings =		
	10%		
	- 3 plus bedroom		
	dwelling = 10%		
	- remaining		
	balance to be 2		
	bedroom		
	dwellings		

- 5. The application is referred to the Panel as SEPP 65 applies to the development and is 4 or more storeys in height.
- 6. The application is recommended for Approval subject to the conditions as recommended in the Council's assessment report.

REPORT:

Subject Site and Surrounding Area

The subject site is comprised of three (3) lots described as 8-12 Good Street Westmead. The legal description of the lots is Lot 7 DP 9675, Lot 8 DP 9675 and Lot 9 DP 9675. The site is rectangular in shape, has a total area measuring 1,751sqm and is currently void of any natural or built structures as shown in Figure 2.

Immediately adjoining development includes multi storey contemporary residential flat buildings (RFB) to the north and south and older forms of RFBs on the opposing side of Good Street to the east. Immediately to the west is a five storey residential flat building comprising 46 dwellings and two levels of basement parking which appears to



be in the final stages of construction (DA2019/141/1). A power pole and overhead power lines are located above the footpath fronting the site.

The site is zoned R4 Residential and is located at the interface to Parramatta Council's Local Government Area boundary to the east. The site is buffered by R2 Low Density Residential land to the north and west and E3 Productivity Support zoned land to the south as shown in Figure 1. The Great Western Highway runs perpendicular to Good Street and is located approximately 90m south of the subject site.

The site is identified as being subject to a flood planning level according to Council's mapping with only a small portion of the southwestern corner being 'Low Risk (PMF)' flood liable land.

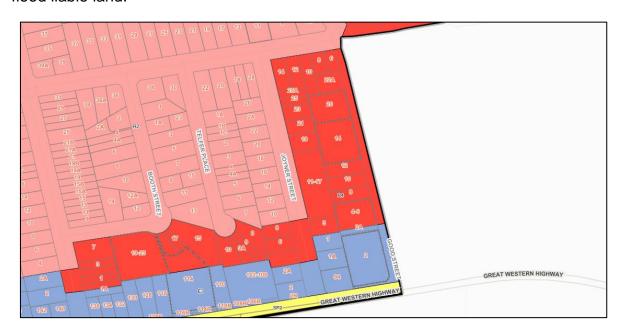


Figure 1 – Locality Plan of subject site



Figure 2 – Aerial view of subject site





Figure 3 – Site inspection photos taken 29 November 2023

Description of The Development

The applicant seeks approval for an amending DA to introduce a new use and associated alterations and additions to an approved Development Application (DA) for a residential flat building development (DA2021/0682). The subject development application as originally submitted proposed an 86 place centre-based child care centre. As noted earlier in the report, the applicant has since implemented some design changes which has caused child placements to be reduced from 86 to 85.

The introduction of the child care centre results in modifications to various aspects of the development approved under DA2021/0682 including the residential apartment mix, design of the basement levels, the provision of communal space and various other internal and external design changes to the building and the site. Following is a description of the child care centre followed by the resulting changes to the residential component of the development approved under DA2021/0682.

Centre-based child care centre

The new centre-based child care centre will occupy the majority of the ground floor of the building which is currently approved to accommodate six (6) residential apartments. The centre comprises the following spaces:

Indoor child play areas as described below:

Indoor playroom	Child age ratio	Floor area (sqm)
Playroom 1	0-2 years (16 children)	52.01
Playroom 2	2-3 years (20 children)	65.14
Playroom 3	3-4 years (29 children)	94.64
Playroom 4	4-5 years (20 children)	65.13
Total area (sqm)	276.92	

- Two (2) amenities rooms comprising toilets, sinks and a nappy changing facility.
- A cot room and bottle prep room.
- A managers' office, a staff room and a meeting room.
- Four (4) internal and two (2) external storage areas/facilities.



- A kitchen, a laundry and a WC.
- Provision of twenty-four (24) parking spaces, sixteen (16) bicycle spaces, a
 waste room, a pump room and a plant room in Basement 1. The composition of
 changes to the basement level associated with the child care centre is
 discussed in greater detail below.

Basement level changes

Under DA2021/0682, 'Basement 1' accommodates parking of motor vehicles and various service-related rooms/facilities associated with the residential apartments. The subject DA proposes to increase the extent of the floor plate, and alter the layout to accommodate parking and service-related rooms for use by the new child care centre. The design changes are identified in detail as follows:

- Twenty-two (22) parking spaces inclusive of two (2) disabled spaces are to be allocated for use by the child care centre.
- A designated waste room is added to serve the child care centre.
- A new lift provides internal access to the child care centre.
- Two (2) residential visitor spaces are located in the south eastern corner of the level and is separated from the child care centre parking spaces by an automatic gate.

Operational details

- The maximum number of child placements is 85 comprising of the age ratios noted in the aforementioned table identifying the indoor child play areas.
- Hours of operation are 7.00am to 6.00pm, Monday to Friday.
- Thirteen (13) staff are proposed.

Changes to the development as approved under DA2021/0682

The addition of a child care centre results in changes to the design of the residential component of the development approved under DA2021/0682. The changes are detailed as follows:

Deletion of residential units

- Deletion of five (5) ground floor residential apartments (Units 002 to 006) to accommodate the new child care centre.
- Deletion of a residential apartment (Unit 001) on the ground floor to accommodate a part open/enclosed communal area to be used by the residents.

Change to unit mix

 The deletion of the abovementioned residential apartments results in a change to the residential apartment mix and yield as follows:



Approved unit mix	2 x 1 bedroom
	27 x 2 bedroom
	2 x 3 bedroom
Total units	31
Proposed unit mix	2 x 1 bedroom
	21 2 bedroom
	2 x 3 bedroom
Total units	25

Provision of communal space

The allocation of communal open space associated with the residential component of the development is modified in response to the introduction of outdoor child play area that occupies the entirety of the rear (west) and side (north) setback areas of the development at ground level. The following allocation of communal space is proposed:

- Enclosed communal space and open communal space is provided at the south eastern corner of the ground floor amounting to areas of 40sqm and 48.23sqm respectively.
- Communal open space on the roof level increases from 215.98sqm to 391.17sqm resulting in a total provision of 439.4sqm.

External design changes

The following external design changes to the building are sought:

- Non-trafficable roof area is added to the floor slab of Level 1 extending over the northern and western setbacks of the site to redirect view lines from balconies and windows of the residential apartments to the outdoor play areas of the proposed child care centre.
- Privacy screens are added to the north facing balconies of Units 104, 105, 204, 205, 304 and 305 and to the west facing balcony of Unit 102.
- A north facing window to a bedroom of Units 105, 205 and 305 is modified to be hi-light windows.
- A north facing window to the living room of Units 104, 204 and 304 is modified to be hi-light windows.
- The west facing living room window to Units 102, 202 and 302 are modified to be hi-light windows.
- The extent of communal open space on the roof level is altered as detailed above.



Basement level changes

Both 'Basement 1' and '2' are modified with respect to the residential component of the development. Design changes to Basement 1 include:

- The provision of two (2) residential visitor parking spaces in the south eastern corner of the level. An automatic gate provides separation from the parking spaces of the child care centre.
- Sixteen (16) bicycle spaces.
- A new lift provides direct access to the child care centre.
- The position and extent of the waste storage room is modified and now includes a bulky waste storage space.

The building footprint of Basement 2 is increased to match Basement 1 and to accommodate the following design changes:

- The parking layout is modified to accommodate thirty-one (31) parking spaces consisting of twenty-six (26) resident spaces (inclusive of five disabled spaces) and five (5) visitor spaces (inclusive of a car wash space).
- Three (3) bicycle spaces.
- Repositioning of storage associated with the residential apartments throughout the level.

Other changes

Other changes to the development approved under DA2021/0682 include the following:

- A centrally located fire stair currently providing access to the residential levels is modified to also provide access to the basement levels.
- Fire stair providing egress from both basement levels located within the front setback is repositioned.
- The extent of the fire hydrant booster is modified.
- As a result of outdoor area at ground level being converted to outdoor child play area, the landscape concept plans are modified.
- As a result of the change to the extent of the basement levels, the provision of deep soil zone is altered to approximately 22.69% (397.14sqm).





History

On 9 February 2016, a development application (DA2015/222/1) was approved under delegated authority for 'Demolition of existing structures; consolidation of 3 lots into 1 lot; construction of a 5 storey residential flat building comprising 33 units over basement parking accommodating 40 carparking spaces'. Demolition works has occurred in accordance with this development consent.

On 30 June 2021 pre-lodgement advice was issued for 'Alterations and additions to an approved residential flat building to introduce an additional storey, reduce units from 33 to 31, changes to apartment mix reconfiguration and changes to basement level'.

On 13 July 2022, a Deferred Commencement approval was issued by the Cumberland Local Planning Panel to a development application (DA2021/0682) for 'Construction of a six storey Residential Flat Building comprising 31 units with two levels of basement parking and associated works'. On 25 May 2023, operational consent was issued for DA2021/0682.

On 13 September 2022, pre-lodgement advice (PL2022/0068) was issued for 'Alterations and additions to an approved residential flat building to accommodate a 90 place child care centre on the ground floor'.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by The Planning Hub dated 30 May 2023 which was received by Council on 30 May 2023 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 with regard to stormwater drainage, traffic and parking provision and therefore can be supported subject to recommended conditions of consent.

Environment and Health

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



Waste Management

The development application was referred to Council's Waste Management Officer for comment who has raised issue with the disposal of commercial and residential operational waste. It is considered that the matters raised are able to be addressed by conditions of consent as detailed in Attachment 1.

Childrens Development Team

No objection to the development was raised.

External Referrals

Transport for NSW (TfNSW)

No objection to the development was raised by TfNSW subject to conditions.

Endeavour Energy

No objection to the development was raised by Endeavour Energy subject to conditions.

Sydney Water

No objection to the development was raised by Sydney Water subject to conditions.

Planning Comments

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

State Environmental Planning Policies

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

State Environmental	Relevant	Compliance with Requirements
Planning Policies (SEPPs)	Clause(s)	
State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development	Schedule 1 Design quality principles and the Apartment Design Guide (ADG)	·
		compliance table at Attachment 7.



State Environmental	Chapter 2 -	The proposal does not exceed the
Planning Policy (Biodiversity and Conservation) 2021	Vegetation in non Rural Areas	biodiversity offsets scheme threshold as no vegetation removal
		is proposed.
	Chapter 6 - Water	A detailed assessment is not required given that there is no direct
	Catchments	impact upon the catchment and no
		direct impact upon watercourses.
	Sydney Harbour	As such, the development is
	Catchment	acceptable under the new
		provisions that came into effect on Monday 21 November 2022.
State Environmental	Chapter 2 -	The subject site is not identified as
Planning Policy (Resilience	Coastal	a coastal wetland or 'land identified
and Hazards) 2021	Management	as "proximity area for coastal
		wetlands" or coastal management area.
	Chapter 4 -	Part 4.6 - Contamination and
	Remediation of	remediation to be considered in
	Land	determining development
	Part 4.6	application.
	1 4.1 1.0	A Detailed Site Investigation (DSI)
		was submitted with the application
		that concluded that the risk to
		human health and the environment with regard to soil contamination is
		negligible within the context of the
		child care centre. Council's
		Environmental Health Unit (EHU)
		has assessed the report and has raised no objection to the
		development subject to conditions
		of consent.
		As such, it is considered that the
		development application is
		satisfactory under Part 4.6 of
State Environmental	Chapter 2 -	Chapter 4 of this Policy. A BASIX Certificate (Certificate
Planning Policy (Building	Infrastructure	number: 1248685M_03) was
Sustainability Index: BASIX)		submitted in response to
2004		modifications to the unit mix and
		other changes to the residential component of the development
		arising from the addition of a child
		care centre.
State Environmental Planning Policy (Sustainable		State Environmental Planning Policy (Sustainable Buildings) 2022
Buildings) 2022		sets sustainability standards of
	L	coto odotamasmity otamadad of



		buildings across NSW for residential and non-residential development. The Sustainable Buildings SEPP was notified on 29 August 2022 and came into effect on 1 October 2023 to allow for the relevant industry to adjust to the new standards. In accordance with the savings and transitional provisions of Clause 4.2 of the Sustainable Buildings SEPP 2022, the policy does not apply as the development application was submitted but not determined before 1 October 2023.
State Environmental Planning Policy (Industry and Employment) 2021	Chapter 3 Advertising and Signage	No signage is proposed as part of the development application and thus no assessment of signage is required.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2 - Infrastructure Clause 2.48 Chapter 3 - Education Establishments and Child Care Facilities	The development site is located within 5m of an overhead electricity power line. Clause 2.48 of the Policy requires comment to be sought from the relevant energy provider (Endeavour Energy) who raised no objection to the proposed development subject to conditions. Chapter 3 Educational Establishments and Child Care Facilities. The development is generally compliant with the provisions specified in Chapter 3 of the Policy. Clause 3.23 of the Policy requires consideration of the Child Care Planning Guideline in relation to the proposed development. The proposal has been assessed with regard to the relevant provisions of the Guideline and is found to be compliant. A detailed assessment against the provisions of the Policy and the Guideline is provided in the assessment table at Attachments 7 and 8.



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

SEPP 65 applies to the development as the new child care centre requires design changes to the residential component of the development approved under DA2021/0682. The design changes result in a building that is over 3 storeys 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 comprehensive assessment against SEPP 65 and the ADG is contained in Attachment 7.

Local Environmental Plans

Cumberland Local Environmental Plan 2021 (CLEP)

The provision of the Cumberland Local Environmental Plan 2021 is applicable to the development proposal. It is noted that the development is generally compliant with the key statutory requirements of the Cumberland Local Environmental Plan 2021 and the objectives of the R4 High Density Residential.

(a) Permissibility:

The proposed development is defined as a 'centre-based child care centre' and a 'residential flat building' and is permissible in the R4 High Density Residential zone with consent.

centre-based child care facility means -

- (a) a building or place used for the education and care of children that provides any one or more of the following—
 - (i) long day care,
 - (ii) occasional child care,
 - (iii) out-of-school-hours care (including vacation care),
 - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW))

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

Note -

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



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

Figure 4 – Cumberland LEP 2021 Compliance Table

DEVELOPMENT STANDARD	PROPOSED	VARIATION	DISCUSSION
4.4 Floor Space Ratio 1.5:1	1.48:1	Nil	Compliance is achieved.
4.3 Height of Buildings 21m	22.96m	9.3%	The applicant has submitted a clause 4.6 request in accordance with Cumberland Local Environmental Plan 2021 to vary the height of buildings development standard.

Recent changes to the provisions regarding Clause 4.6 Variations will not apply to the current development application because the application was lodged prior to the new provisions coming into effect on Wednesday 1 November 2023.

(b) Clause 4.6 – Variation to Building Height

Clause 4.6 allows the consent authority to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. The consent authority may grant the exception as the Secretary's concurrence can be assumed where clause 4.6 is adopted as per the Department of Planning Circular PS 20-002, dated 05 May 2020.

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

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



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

Applicant's justification: The development continues to provide for the housing needs of the community, continues to provide a range of unit types, will not preclude the ability of other land uses to provide facilities or services to residents and does not adversely impact the amenity of the surrounding residential environment.

Planner's comment: The development results in a reduction to the total yield (31 to 25 apartments) and a change to the mix of apartments (refer to development description earlier in this report). Notwithstanding, it is considered that a broad range of apartment types is maintained and a satisfactory level of residential amenity (of residents within the development and surrounding properties) will be maintained by the provision of acoustic measures to limit the operational noise generated by the child care centre. This includes the provision of acoustic barriers around the perimeter of outdoor child play areas which is supported by Council's Environmental Health Unit (EHU).

The development is considered to satisfy the objectives of the R4 High Density Residential zone.

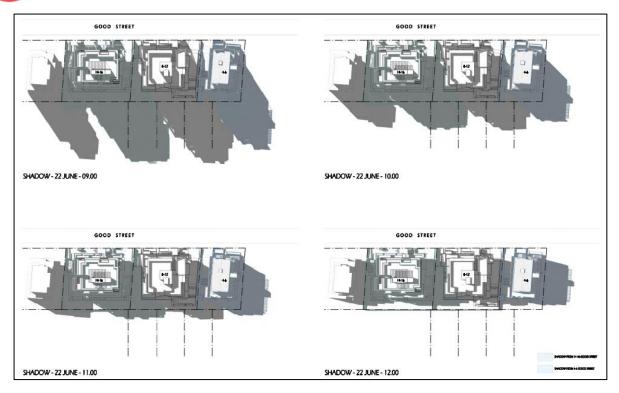
2. <u>Is the proposed development consistent with the objectives of the development standard which is not met?</u>

Applicant's justification: The development continues to provide a scale and intensity that is consistent with surrounding development what is envisaged for the site and surrounding area. The development is designed to be compatible with the character of the locality and the proposed additions do not exceed the maximum building height control. Material textures and colours have been utilised to reflect the buildings commercial and residential use character. Strict compliance with the height limit would not result in reduced solar access impacts.

Planner's comment: It is noteworthy that the extent of the building height breach remains unchanged from what was considered and deemed to be appropriate by the Cumberland Local Planning Panel under the related development application, DA2021/0682. Additionally, based on an assessment of the architectural plans and amended sun shadow diagrams of the development the following is acknowledged:

- The height of the building remains unchanged and is consistent with adjoining residential flat development to the north and west which are of equivalent building heights.
- The development maintains an appearance that is consistent with contemporary residential flat development in the area despite the introduction of a child care centre on the ground floor as detailed in the submitted elevations in Attachment
- Sun shadow diagrams of the development were submitted (refer to Figure 5 and 6) with the application indicating no significant change to the extent of shadows over surrounding properties compared to the development approved under DA2021/0682.





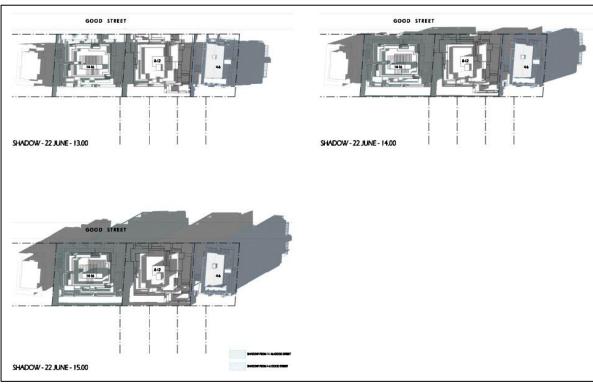
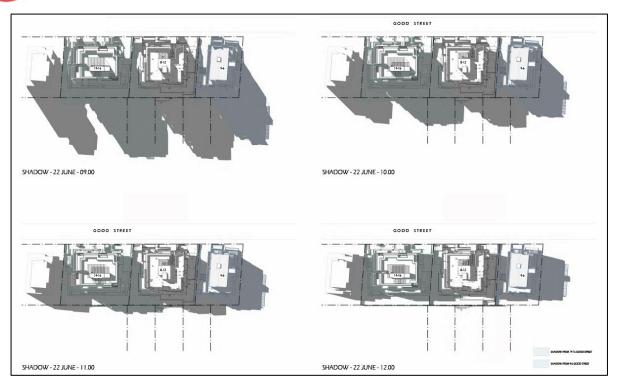


Figure 5. Extent of shadows cast by the approved development DA2021/0682





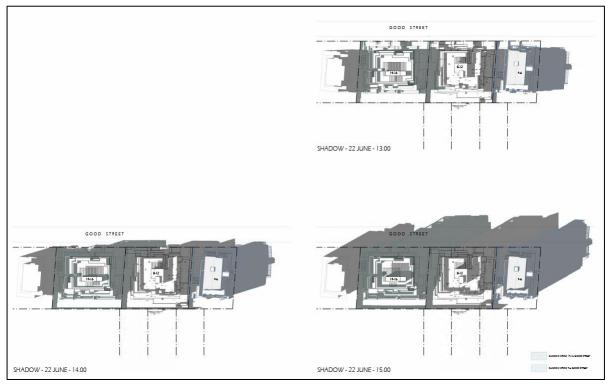


Figure 6. Extent of the shadows cast by the subject DA

Based on the above reasons, Council considers the development to maintain consistency with the objectives of the standard.

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



Applicant's justification: The proposed works do not result in a numerical increase in the approved building height and therefore the exceedance continues to be reasonable as it only relates to the lift overruns and roof structures and does not result in adverse impacts on surrounding development.

Planner's comment: Council concurs with the justification provided by the applicant and considers compliance to be unnecessary noting these building elements do not contain internal habitable floor area, a relatively small in size and do not add significantly to the shadow cast by the development. It is Council's opinion that to require a reworking of the design to achieve compliance would be unreasonable in this instance.

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

Applicant's justification: The proposed non-compliance was deemed acceptable under the related DA, DA2021/0682, the proposed development does not result in additional variations or adverse impacts on adjoining properties and the area of exceedance only relates to the lift overrun, a small portion of the rooftop area to facilitate stairs and services.

Planner's comment: Council considers that there are sufficient environmental planning grounds to justify contravening the development standard noting the following:

- Sufficient solar access is maintained to surrounding residential development based on the sun shadow diagrams which show no significant change to the extent of shadow cast over these properties as currently approved.
- As discussed above, the development maintains compliance with the objectives of the prescribed land use zone and the intent of the height of buildings development standard.

Council therefore considers the applicant's written justification to be well founded.

Conclusion:

Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6 subclause (3). Council is further satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

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

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

No proposed planning instruments applicable.



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

The Cumberland Development Control Plan 2021 is relevant to the development proposal.

The development has been assessed using the following chapters:

Child care centre component:

- Part E1 Centre-based child care centres
- Part G3 Traffic, Parking, Transport & Access (Vehicle)
- Part G4 Stormwater & Drainage
- Part G5 Sustainability, Biodiversity & Environmental Management
- Part G7 Tree Management & Landscaping

Residential component:

- Part B3 Residential flat buildings
- Part B5 Adaptable housing and housing mix
- Part G3 Traffic, Parking, Transport & Access (Vehicle)
- Part G4 Stormwater & Drainage
- Part G5 Sustainability, Biodiversity & Environmental Management
- Part G8 Waste Management

The development is found to comply with the relevant provisions except for the following:

Figure 7 – Cumberland DCP 2021 - Compliance Table

Clause	Control	Proposed	Complies
Part E1, clause 2.2, C5	Extent of outdoor child play area The front setback area shall not be used as or included in the calculation of outdoor play space.	7% (14sqm) of the front	No
Part B3, clause 3.2, C3	Extent of basement walls Where practicable, basement walls not located on the side boundary shall have minimum setback of 1.2m from the side boundary to allow planting.	Basement 2 is extended	No



Part B5,	Residential apartment	Due to the deletion of six	No
clause 2.2,	<u>mix</u>	(6) ground floor residential	
C1	A minimum provision of	units to accommodate the	
	one bedroom/studio	new child care centre, the	
	dwellings (10%), and	apartment mix is altered to	
	three plus-bedroom	provide the following	
	dwelling types (10%)	percentage yields:	
		 8% 1 bedroom; and 	
	provided as 2 bedroom	- 8% 2 bedroom.	
	dwellings.		

As indicated in the compliance table above, the proposed development departs from three controls of the CDCP.

Irrespective of these departures, it is considered that the proposal performs adequately from an environmental planning viewpoint and may be supported for the reasons discussed below:

Extent of outdoor child play area

The non-compliance in this instance is considered acceptable noting the extent of the encroachment is insignificant relative to the size of the front setback area (approximately 7% of the front setback area) and the outdoor play area cannot be seen from the public domain due to being screened by building elements including an outdoor storage room and a fire egress stair. As such, it is considered that the visual and acoustic amenity of children and users of the centre will not be compromised by this non-compliance.

Extent of basement level walls

The non-compliance is considered acceptable in this instance in noting that the southern wall of Basement 2 is now in alignment with the currently approved wall of the basement level above. This is more practical from a construction perspective. Planning-wise, the building mass above ground level remains consistent with what was approved under the related DA noting that the extension of Basement 2 will not be completely underground and will therefore poses no impact on the amenity of the adjacent properties.

Residential apartment mix

The apartment mix as approved under DA2021/0682 provided yields of 6.4% for both 1 and 2 bedroom apartment types. The proposed development reduces the degree of the non-compliance by increasing the proportion of these apartment types to 8%. As the extent of the non-compliance is reduced from what is currently approved, the non-compliance is considered to be acceptable in this instance.

Car park provision

The provision of car parking for both uses is fully compliant as detailed in the following table.



Parking requirement	Proposed	Compliance
CDCP, Part G3, clause 3 Onsite parking is to comply at a minimum with the rates in Table 1.	Based on 85 child placements, 22 parking spaces are provided in Basement 1.	Yes
that For 'Centre Based Child Care Centres' – The parking rate shall rely on the Child Care Planning Guideline' (The Guide).		
The Guide specifies the following parking rate for centres located more than 400m away from a metro strain station: - 1 space per 4 children		
		Yes
bedroom-1 space/dwelling - 3 or more bedrooms-1.5 space/dwelling - Visitor parking- 0.25 space/dwelling - Bicycle parking-	26 x residential 7 visitor 19 bicycle	
	requirement CDCP, Part G3, clause 3 Onsite parking is to comply at a minimum with the rates in Table 1. Table 1 specifies that For 'Centre Based Child Care Centres' — The parking rate shall rely on the Child Care Planning Guideline' (The Guide). The Guide specifies the following parking rate for centres located more than 400m away from a metro strain station: 1 space per 4 children CDCP, Part G3, clause 3 Onsite parking is to comply at a minimum with the rates in Table 1: 1 and 2 bedroom-1 space/dwelling 3 or more bedrooms—1.5 space/dwelling Visitor parking—0.25 space/dwelling	requirement CDCP, Part G3, clause 3 Onsite parking is to comply at a minimum with the rates in Table 1. Table 1 specifies that For 'Centre Based Child Care Centres' — The parking rate shall rely on the Child Care Planning Guideline' (The Guide). The Guide specifies the following parking rate for centres located more than 400m away from a metro strain station: - 1 space per 4 children CDCP, Part G3, clause 3 Onsite parking is to comply at a minimum with the rates in Table 1: - 1 and 2 bedroom-1 space/dwelling - 3 or more bedrooms—1.5 space/dwelling - Visitor parking—0.25 space/dwelling - Bicycle parking—1 space/3

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))



Advertised (Website)

Cumberland Local Planning Panel Meeting 14 February 2024

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 Regulation 2021 (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))

Mail 🖂

In	accordance	with	Council's	Notification	requirements	contained	within	the
Cu	mberland De	velopr	ment Contr	ol Plan 202	1, the proposa	al was publ	icly not	ified
inc	luding resider	nts in t	he adjoinin	g Local Gove	rnment Area of	Parramatta	for a pe	riod
	4.4 1 1				000 TI			(0)

Sign X

Not Required

of 14 days between 22 June 2023 and 6 July 2023. The notification generated two (2) submissions in respect of the proposal with none 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

-	
Issue	Planner's Comment
On-street parking availability	The provision of onsite parking for both the child care centre and residential components of the development are compliant with the parking requirements in the relevant planning instruments as detailed in this report. Council's Engineer has undertaken a parking assessment and has raised no objection to the development in this regard. As sufficient onsite parking is provided to cater for the anticipated demand of the development, it is considered that there will be no impact on the current availability of on-street parking in the area.



Safety of pedestrians

The safety of children, staff and visitors to the child care centre was considered as part of the assessment. The development has been designed to ensure sufficient onsite parking is provided within two levels of basement to accommodate the anticipated demand for both uses of the development. With respect to the child care centre, visitor spaces will be used by parents to drop off and pick up children within the confines of the basement level negating the need for vehicles to stop on the roadway. Likewise, sufficient parking is provided in the basement levels to serve the residential component of the development which is fully compliant with requirements the relevant of Cumberland Development Control Plan.

The onsite parking facilities for both components of the development has been designed to ensure the safety of all stakeholders including pedestrians will be maintained during the operation of both uses of the development.

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

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

Cumberland Local Infrastructure Contributions Plan 2020

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

Noting the decrease in number and change to the mix of residential units (refer to description of development), contributions imposed as part of the related DA, DA2021/0682 requires amendment. The Section 7.11 contribution of \$450,143.00 is amended to \$386,474.00 and will be applied as part of the 'amending' condition of consent (Condition 6) in the Draft Notice of Determination.

Housing and Productivity Contribution (HPC)

In accordance with s7.24 of the Environmental Planning and Assessment Act, 1979 as amended by the Environmental Planning and Assessment Amendment (Housing and Productivity Contribution) Act 2023, the development is subject to the (Housing and Productivity Contribution) Act 2023.



In accordance with Part 2 of Schedule 5 of the Environment Planning and Assessment (Housing and Productivity Contribution) Order 2023 ('the Order'), the Order does not apply to a development consent granted to a pending development application (Pending DA).

A 'Pending DA' as per Schedule 1 of the Order and Schedule 6, Part 9, s16 of the EP&A Reg 2021 is as follows:

- (a) A development application that is made, but not determined, before the commencement of this Order, or
- (b) A development application that is made and determined before the commencement of this Order, but has not been finally determined, or
- (c) An application for a complying development certificate that is made, but not determined, before the commencement of this Order.

As the application was lodged on the 02 June 2023, the provisions of the HPC do not apply.

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, Environmental Planning and Assessment Regulation 2021, Cumberland Local Environmental Plan 2021, Cumberland Development Control Plan 2021 and is considered to be satisfactory for approval subject to conditions.

The proposed development is appropriately located within the R4 High Density Residential zone under the relevant provisions of the Cumberland LEP, however variations in relation to the height of buildings development standard under the Cumberland LEP and the extent of child play area, basement level walls and the residential apartment mix under the Cumberland DCP are sought.

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

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



CONSULTATION:

There are no consultation processes for Council associated with this report.

FINANCIAL IMPLICATIONS:

There are no financial implications for Council associated with this report.

POLICY IMPLICATIONS:

There are no policy implications for Council associated with this report.

COMMUNICATION / PUBLICATIONS:

The final outcome of this matter will be notified in the newspaper. The objectors will also be notified in writing of the outcome.

REPORT RECOMMENDATION:

- 1. That the Clause 4.6 variation request to contravene the height of buildings development standard, pursuant to the Cumberland LEP 2021, be supported.
- 2. That Development Application No. DA2023/0320 for alterations and additions to the residential flat building approved under DA2021/0682 to accommodate an 85 place centre-based child care centre with outdoor play area on the ground floor, changes to the design of basement levels, deletion of ground floor residential units, changes to communal space and various internal and external changes to the building on land at 8-12 Good Street WESTMEAD NSW 2145 be Approved subject to conditions listed in the attached schedule.
- 3. Persons who have lodged a submission in respect to the application be notified of the determination of the application.

ATTACHMENTS

- 1. Draft Notice of Determination \downarrow
- 2. Architectural Plans U
- 3. Clause 4.6 Request !
- 4. Submissions received 4.
- 5. Cumberland LEP Assessment J.
- 6. Cumberland DCP Assessment J.
- 7. State Environmental Planning Policies Assessment 4
- 8. Child Care Planning Guideline Assessment J.
- 9. Approved Architectural Plans DA2021/0682 J

DOCUMENTS ASSOCIATED WITH REPORT LPP001/24

Attachment 1 Draft Notice of Determination





DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the Environmental Planning and Assessment Act, 1979

Application No: DA2023/0320

Westmead 888 Pty Ltd C/O The Planning Hub Applicant:

Level 3

Suite 3.09/100 Collins Street ALEXANDRIA NSW 2015

Property Description: 8-12 Good Street WESTMEAD NSW 2145,

Lot 9 DP 9675, Lot 8 DP 9675, Lot 7 DP 9675Lot 9 DP 9675, Lot 8

DP 9675, Lot 7 DP 9675

Development: Alterations and additions to the residential flat building approved

> under DA2021/0682 to accommodate an 85 place centre-based child care centre with outdoor play area on the ground floor changes to the design of basement levels, deletion of ground floor residential units, changes to communal space and various internal and external

changes to the building

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
8775/DA-100, Issue C	Basement 2	Zhinar Architects Pty Ltd	20/10/23
8775/DA-101, Issue C	Basement 1 (with amendments in red)	Zhinar Architects Pty Ltd	20/10/23
8775/DA-102, Issue C	Ground Floor	Zhinar Architects Pty Ltd	20/10/23
8775/DA-103, Issue C	Typical Level 1-3	Zhinar Architects Pty Ltd	20/10/23
8775/DA-104, Issue B	Level 4	Zhinar Architects Pty Ltd	01/06/23
8775/DA-105, Issue B	Level 5	Zhinar Architects Pty Ltd	01/06/23
8775/DA-106, Issue C	Roof Plan - Terrace	Zhinar Architects Pty Ltd	20/10/23
8775/DA-107, Issue B	Site Plan	Zhinar Architects Pty Ltd	20/10/23
8775/DA-200, Issue C	Street Elevation	Zhinar Architects Pty Ltd	20/10/23
8775/DA-201, Issue B	Elevation 1	Zhinar Architects Pty Ltd	20/10/23



8775/DA-202, Issue B	Elevation 2	Zhinar Architects Pty Ltd	20/10/23
8775/DA-203, Issue A	Elevation 3	Zhinar Architects Pty Ltd	10/02/23
8775/DA-204, Issue B	Sections	Zhinar Architects Pty Ltd	20/10/23
8775/DA-205, Issue C	Sections	Zhinar Architects Pty Ltd	20/10/23
8775/DA-206, Issue B	Materials Schedule	Zhinar Architects Pty Ltd	01/06/23
L-01 and L-02/Issue D	Landscape Concept	Outside In Design Group	18-10-23
1248685M_03	BASIX Certificate	Gradwell Consulting	26 May 2023
Ref-22341	Waste Management Plan	Dickens Solutions	December 2022
2902-S4.55/SW010, SW020 and SW030, Issue B	Stormwater Plans	Mance Arraj	09/10/23
2902-S4.55/SW031, Issue A	Stormwater Plans	Mance Arraj	09/10/23
Ref: ES8897	Detailed Site Investigation 8-12 Good Street Westmead	Aargus	26 May 2023
7648-1.1R Rev B	Environmental Noise Impact Assessment	Day Design Pty Ltd	7 November 2023
-	Plan of Management Proposed Child Care Centre 8-12 Good Street Westmead NSW 2145	Lynda Campbell	19 December 2022 Version 2
8775/SP-108 and SP- 109, Issue A	Evacuation Plan	Zhinar Architects Pty Ltd	10/02/23
-	Sydney Water DA Referral Information Sheet	Sydney Water	-

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

3. DAGCA04 - Centre-based Child Care Facility

Approval is granted for a maximum child placement of 85 children and the following age group ratio and staff numbers:

- 0-2 years 16 children
- 2-3 years 20 children
- 3-4 years 29 children
- 4-5 years 20 children
- 13 staff

A separate approval and/or licence will be required from the Department of Education and Communities prior to the centre commencing operation. Compliance with the Education and Care Services National Regulations is required at all times.

(Reason: Clarify approved use)

4. DAGCB02 – Food premises – Design, construction and fitout of food premises

The design, construction, and fitout of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and AS 4674 – 2004 *Design, Construction and Fitout of Food Premises*.



Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service by visiting the website www.standards.com.au. Copies of the Food Standards Code (Australia) may be obtained by visiting the website www.foodstandards.gov.au.

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

5. DAGCZ02 - Residential apartment mix

The residential apartment mix approved by this development consent is as follows:

Apartment mix	2 x 1 bedroom 21 x 2 bedroom
	2 x 3 bedroom
Total number of apartments	25

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

6. DAGCZ01 - Modification of Development Consent DA2021/0682

Development consent 2023/0320 related to 8-12 Good Street Westmead amends and changes various aspects of Development Consent DA2021/0682.

Pursuant to Section 4.17(1)(b) of the Environmental Planning and Assessment Act 1979, development consent DA2021/0682 related to 8-12 Good Street Westmead must be modified in the following manner:

The approved documentation specified in Condition 4 of Schedule B is amended to read as follows:

Reference/Dwg No	Title/Description	Prepared By	Date/s
8718/DA-100, Issue B	Basement 2	Zhinar Architects Pty Ltd	11/05/22
8718/DA-101, Issue B	Basement 1	Zhinar Architects Pty Ltd	11/05/22
8718/DA-102, Issue B	Ground Floor	Zhinar Architects Pty Ltd	11/05/22
8718/DA-103, Issue A	Typical Level 1-3	Zhinar Architects Pty Ltd	11/10/21
8718/DA-104, Issue A	Level 4	Zhinar Architects Pty Ltd	11/10/21
8718/DA-105, Issue A	Level 5	Zhinar Architects Pty Ltd	11/10/21
8718/DA-106, Issue A	Roof Plan - Terrace	Zhinar Architects Pty Ltd	11/10/21
8718/DA-107, Issue A	Site Plan	Zhinar Architects Pty Ltd	11/10/21
8718/DA-200, Issue A	Street Elevation	Zhinar Architects Pty Ltd	11/10/21
8718/DA-201, Issue A	Elevation 1	Zhinar Architects Pty Ltd	11/10/21
8718/DA-202, Issue A	Elevation 2	Zhinar Architects Pty Ltd	11/10/21
8718/DA-203, Issue A	Elevation 3	Zhinar Architects Pty Ltd	11/10/21
8718/DA-204, Issue A	Sections	Zhinar Architects Pty Ltd	11/10/21
8718/DA-205, Issue A	Materials Schedule	Zhinar Architects Pty Ltd	11/10/21
21187 DA 1-3, 2-3 and 3-3	Landscape Concept	Vision Dynamics	12/10/21
REPORT 210623R1, Revision 2	Road, Traffic Noise Assessment	Rodney Stevens Acoustics	4 May 2022



7859			Arboricul	ltural	Impact	Redgu	m Horticultu	ıral	19 May 2022	
			Assessm	nent	8-10					
			Good		Street					
			Westmea	ad NSV	V					
124868	35M		BASIX C	ertificat	te	Gradw	ell Consultir	ng	19 October 2021	
8-12	Good	Street	Waste	Manag	gement	Zhinar	Architects	Pty	15/10/2021	\neg
Westme	ead		Plan			Ltd				

As amended by the following plans approved by DA2023/0320:

Reference/Dwg No	Title/Description	Prepared By	Date/s
8718/DA-100, Issue B	Basement 2	Zhinar Architects Pty	11/05/22
8775/DA-100, Issue C	Basement 2	Ltd	20/10/23
		Zhinar Architects Pty	
		Ltd	
8718/DA-101, Issue B	Basement 1	Zhinar Architects Pty	11/05/22
8775/DA-101, Issue C	Basement 1 (with	Ltd	20/10/23
	amendments in red)	Zhinar Architects Pty	
		Ltd	
8718/DA-102, Issue B	Ground Floor	Zhinar Architects Pty	11/05/22
8775/DA-102, Issue C	Ground Floor	Ltd	20/10/23
		Zhinar Architects Pty	
		Ltd	
8718/DA-103, Issue A	Typical Level 1-3	Zhinar Architects Pty	11/05/22
8775/DA-103, Issue C	Typical Level 1-3	Ltd	20/10/23
		Zhinar Architects Pty	
		Ltd	
8718/DA-104, Issue A	Level 4	Zhinar Architects Pty	11/05/22
8775/DA-104, Issue B	Level 4	Ltd	01/06/23
		Zhinar Architects Pty	
		Ltd	
8718/DA-105, Issue A	Level-5	Zhinar Architects Pty	11/05/22
8775/DA-105, Issue B	Level 5	Ltd	01/06/23
		Zhinar Architects Pty	
		Ltd	
8718/DA-106, Issue A	Roof Plan - Terrace	Zhinar Architects Pty	11/05/22
8775/DA-106, Issue C	Roof Plan - Terrace	Ltd	20/10/23
		Zhinar Architects Pty	
		Ltd	
8718/DA-107, Issue A	Site Plan	Zhinar Architects Pty	11/05/22
8775/DA-107, Issue B	Site Plan	Ltd	20/10/23
		Zhinar Architects Pty	
		Ltd	
8718/DA-200, Issue A	Street Elevation	Zhinar Architects Pty	11/05/22
8775/DA-200, Issue C	Street Elevation	Ltd	20/10/23
		Zhinar Architects Pty	
		Ltd	
8718/DA-201, Issue A	Elevation 1	Zhinar Architects Pty	11/05/22
8775/DA-201, Issue B	Elevation 1	Ltd	20/10/23
		Zhinar Architects Pty	
		Ltd	
8718/DA-202, Issue A	Elevation 2	Zhinar Architects Pty	11/05/22
8775/DA-202, Issue B	Elevation 2	Ltd	20/10/23
		Zhinar Architects Pty	
		Ltd	
8718/DA-203, Issue A	Elevation 3	Zhinar Architects Pty	11/10/21
8775/DA-203, Issue A	Elevation 3	Ltd	10/02/23
		Zhinar Architects Pty	
		Ltd	



0740/74 004 4	- · ·		11105100
8718/DA-204, Issue A	Sections	Zhinar Architects Pty	11/05/22
8775/DA-204, Issue B	Sections	Ltd	20/10/23
		Zhinar Architects Pty	
		Ltd	
8775/DA-205, Issue C	Sections	Zhinar Architects Pty	20/10/23
		Ltd	
8718/DA-205, Issue A	Materials-Schedule	Zhinar Architects Pty	11/10/21
8775/DA-206, Issue B	Materials Schedule	Ltd	01/06/23
		Zhinar Architects Pty	
		Ltd	
21187 DA 1-3, 2-3 and	Landscape Concept	Vision Dynamics	12/10/21
3-3	Landscape Concept	Outside In Design	18-10-23
L-01 and L-02/Issue	Zanassaps somespi	Group	10 10 20
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REPORT 210623R1,	Road, Traffic Noise	Rodney Stevens	4 May 2022
Revision 2	Assessment	Acoustics Stevens	4 May 2022
			19 May 2022
7859		Redgum Horticultural	19 May 2022
	Assessment 8-10		
	Good Street		
	Westmead NSW		
1248685M	BASIX Certificate	Gradwell Consulting	19 October 2021
1248685M_03	BASIX Certificate	Gradwell Consulting	26 May 2023
8-12 Good Street	Waste Management	Zhinar Architects Pty	15/10/2021
Westmead	Plan	Ltd	December 2022
Ref-22341	Waste Management	Dickens Solutions	
	Plan		
2902-S4.55/SW010,	Stormwater Plans	Mance Arraj	09/10/23
SW020 and SW030,			
Issue B			
2902-S4.55/SW031,	4	Managa Amagi	
,	Stormwater Plans	Mance Arraj	09/10/23
Issue A	Stormwater Plans	Mance Arraj	09/10/23
	Stormwater Plans Detailed Site		
Issue A Ref: ES8897	Detailed Site	Aargus	09/10/23 26 May 2023
	Detailed Site Investigation 8-12		
	Detailed Site Investigation 8-12 Good Street		
Ref: ES8897	Detailed Site Investigation 8-12 Good Street Westmead	Aargus	26 May 2023
	Detailed Site Investigation 8-12 Good Street Westmead Environmental Noise		
Ref: ES8897	Detailed Site Investigation 8-12 Good Street Westmead Environmental Noise Impact Assessment	Aargus Day Design Pty Ltd	26 May 2023 7 November 2023
Ref: ES8897	Detailed Site Investigation 8-12 Good Street Westmead Environmental Noise Impact Assessment Plan of Management	Aargus Day Design Pty Ltd	26 May 2023 7 November 2023 19 December 2022
Ref: ES8897	Detailed Site Investigation 8-12 Good Street Westmead Environmental Noise Impact Assessment Plan of Management Proposed Child Care	Aargus Day Design Pty Ltd	26 May 2023 7 November 2023
Ref: ES8897	Detailed Site Investigation 8-12 Good Street Westmead Environmental Noise Impact Assessment Plan of Management Proposed Child Care Centre 8-12 Good	Aargus Day Design Pty Ltd	26 May 2023 7 November 2023 19 December 2022
Ref: ES8897	Detailed Site Investigation 8-12 Good Street Westmead Environmental Noise Impact Assessment Plan of Management Proposed Child Care Centre 8-12 Good Street Westmead	Aargus Day Design Pty Ltd	26 May 2023 7 November 2023 19 December 2022
Ref: ES8897 7648-1.1R Rev B	Detailed Site Investigation 8-12 Good Street Westmead Environmental Noise Impact Assessment Plan of Management Proposed Child Care Centre 8-12 Good Street Westmead NSW 2145	Aargus Day Design Pty Ltd Lynda Campbell	26 May 2023 7 November 2023 19 December 2022 Version 2
Ref: ES8897 7648-1.1R Rev B - 8775/SP-108 and SP-	Detailed Site Investigation 8-12 Good Street Westmead Environmental Noise Impact Assessment Plan of Management Proposed Child Care Centre 8-12 Good Street Westmead	Aargus Day Design Pty Ltd Lynda Campbell Zhinar Architects Pty	26 May 2023 7 November 2023 19 December 2022
Ref: ES8897 7648-1.1R Rev B	Detailed Site Investigation 8-12 Good Street Westmead Environmental Noise Impact Assessment Plan of Management Proposed Child Care Centre 8-12 Good Street Westmead NSW 2145 Evacuation Plan	Aargus Day Design Pty Ltd Lynda Campbell Zhinar Architects Pty Ltd	26 May 2023 7 November 2023 19 December 2022 Version 2
Ref: ES8897 7648-1.1R Rev B - 8775/SP-108 and SP-	Detailed Site Investigation 8-12 Good Street Westmead Environmental Noise Impact Assessment Plan of Management Proposed Child Care Centre 8-12 Good Street Westmead NSW 2145 Evacuation Plan	Aargus Day Design Pty Ltd Lynda Campbell Zhinar Architects Pty	26 May 2023 7 November 2023 19 December 2022 Version 2
Ref: ES8897 7648-1.1R Rev B - 8775/SP-108 and SP-	Detailed Site Investigation 8-12 Good Street Westmead Environmental Noise Impact Assessment Plan of Management Proposed Child Care Centre 8-12 Good Street Westmead NSW 2145 Evacuation Plan	Aargus Day Design Pty Ltd Lynda Campbell Zhinar Architects Pty Ltd	26 May 2023 7 November 2023 19 December 2022 Version 2

[Approved documentation for DA2021/0682 dated 15 March 2021 as amended by DA2023/0320]

Condition 9 is amended to read:

DAGCZ04 - Bond positive covenant

The applicant shall lodge with Council a \$6290 \$7,360.00 cash bond to cover the registration of a Positive Covenant and Restriction as to User over the On-site Detention system. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the NSW Land Registry Service.



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

[Condition 9 as amended by this Development Consent DA2023/0320]

Condition 16 is amended to read:

DACCB05 - Fees to be paid to Council

Types of fees	Amount	Payment timing
Construction Traffic	\$323.00 \$374.00	Prior to CC
Management Plan		
Bond positive covenant	\$6,290.00 \$7,360.00	Prior to CC
Damage Deposit	\$5,239.20 \$6,860.00	Prior to CC
Sec. 7.11 Contributions	\$450,143.00 \$386,474.00 +	Prior to CC
	CPI	
TOTAL	\$461,995.20 \$401,068.00 +	
	CPI where applicable	

Payment of the above fees shall be paid to Council in accordance with timing stipulated above. 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.

Note: In the event that the applicant does not apply for refund of bonds, Council will forfeit the bonds and it will be transferred to the Infrastructure Reserve 7 years after the completion of works in accordance with Construction Bonds Management Policy.

(Reason: Statutory requirement and information)

[Condition 16 as amended by this Development Consent DA2023/0320]

Condition 29 is amended to read:

DACCG04 - Off Street Car Parking - Residential Buildings

No less than 41 car parking spaces are required to be provided on site as follows:

- 33 spaces for residents.
- 8 spaces for visitors (inclusive of a car wash bay).
- 19 bicycle spaces.
- All car spaces shall be allocated and marked according to this requirement.
- b) If the development is to be strata subdivided, the car park layout must reflect the above allocation and shall be part of the entitlement of that strata lot.
- Each space shall have minimum dimensions in accordance with the relevant Australian Standard.
- d) Visitor spaces shall only be used by persons visiting residents of the property or persons with a legitimate legal reason to be upon the land.
- A sign shall be erected at the vehicular entrance indicating the availability of visitor parking.
 Such spaces shall be clearly marked.

A total of 33 onsite car parking spaces are required to be provided on site to serve the <u>residential component</u> of the development as follows:

- 26 spaces for residents
- 7 spaces for visitors (inclusive of a car wash bay)
- 19 bicycle spaces

A total of 22 onsite car parking spaces are required to serve the <u>child care centre component</u> of the development.

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



(Reason: Parking and access)

[Condition 29 as amended by this Development Consent DA2023/0320]

Condition 34 is deleted as follows:

DACCH02 - Privacy screen to courtyard of Unit 002

A privacy screen shall be installed on the southern side of the private courtyard to Unit 002. The privacy screen shall be 1.5m in height as measured from the finished floor level and extend along the entire southern side of the courtyard.

(Reason: Amenity)

[Condition 34 as deleted by this Development Consent DA2023/0320]

Condition 51 is amended as follows:

DACCL05 - Compliance with Acoustic Report

Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified Acoustic Consultant to be in accordance with any requirements and recommendations of the approved acoustic report prepared by Rodney Stevens Acoustics dated 4 May 2022 reference REPORT 210623R1 and the acoustic report prepared by Day Design Pty Ltd dated 7 November 2023 reference 7648-1.1R Rev B. Note: Suitably qualified Acoustic Consultant means a consultant who holds a current member grade of the Australian Acoustics Society.

In the event of any inconsistency/ies between these two acoustic reports, the recommendations of the report prepared by Day Design Pty Ltd dated 7 November 2023 reference 76481.1R Rev B shall prevail.

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

[Condition 51 as deleted by this Development Consent DA2023/0320]

Condition 65 is amended as follows:

DACCZ09 - Stormwater disposal

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

- The proposed stormwater system shall be generally in accordance with the stormwater concept plans SW010, SW020 and SW030, issue B and SW031, issue A dated 13. 05. 2022 09.10.2023 prepared by Mance Arraj. and any modifications approved as part of the deferred commencement conditions.
- iii. The development has been identified as requiring an on-site stormwater detention (OSD) system, which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent and Council's DCP shall be submitted to the certifying authority prior to the issue of a construction certificate. The following shall also be addressed:
- Discharge control pit access opening shall be 900x900 in size with double (2/900x450) hinged grates.
- Grated drains shall be provided directly behind the flap as per Council's standard Drawings.
- OSD shall be clear of building floor and roof areas.

(Reason: To prevent localised flooding)

[Condition 65 as amended by this Development Consent DA2023/0320]



Condition 114 is amended as follows:

DAOCB04 - Acoustic Verification Report

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

- All recommendations contained in the DA acoustic report prepared by Rodney Stevens Acoustics dated 4 May 2022 reference REPORT 210623R1 have been implemented, and
- b) The project specific noise criteria established in the DA acoustic report and any other noise and vibration criteria specified in this consent are being complied with.
- c) All recommendations contained in the DA acoustic report prepared by Day Design Pty Ltd dated 7 November 2023 reference 7648-1.1R Rev B have been implemented.

In the event of any inconsistency/ies between these two acoustic reports, the recommendations of the report prepared by Day Design Pty Ltd dated 7 November 2023 reference 76481.1R Rev B shall prevail.

*Note: Suitably qualified Acoustic Consultant being a consultant who holds a current member grade of the Australian Acoustical Society.

(Reason: To protect residential amenity)

[Condition 114 as amended by this Development Consent DA2023/0320]

Condition 133 is amended as follows:

DAOUE03 - Parking

At least 55 car parking spaces (comprising 33 residential spaces and 8 visitor spaces) and inclusive of 1 car wash bay numbered and line marked in accordance with the endorsed plan, are to be made available at all times for vehicles associated with the occupation/use of the premise.

A total of 33 onsite car parking spaces are required to be provided on site to serve the <u>residential component</u> of the development as follows:

- 26 spaces for residents
- 7 spaces for visitors (inclusive of a car wash bay)
- 19 bicycle spaces

A total of 22 onsite car parking spaces are required to serve the <u>child care centre component</u> of the development.

(Reason: Access to required car parking spaces)

[Condition 133 as amended by this Development Consent DA2023/0320]



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

7. DACCA01 - Amendments to Approved Plans

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

- a) A minimum of 25.5 cubic metres of external storage shall be provided.
- b) The Plan of Management approved by this development consent shall be amended to be consistent with the approved child and staff numbers/ratios.
- c) The Waste Management Plan approved by this development consent shall be amended to demonstrate how waste generated from the operation of the child care centre is handled and disposed of by a private contractor noting there is insufficient head height at the entrance of the basement to accommodate a Small Rigid Vehicle (SRV). In addition, the following matters shall also be addressed:
 - A safety risk assessment shall be undertaken detailing how they plan to store, present
 and arrange fins for collection of wastes and recycling materials, either from the bin
 room or from the designated temporary bin storage area at ground level. Operational
 measures should be implemented to ensure the safety of users of the child care centre
 is maintained.
 - The mixing of operational waste from each use of the development shall be avoided.
- d) It shall be demonstrated how vehicles associated with the residential apartments will access designated residential parking spaces (resident and visitor spaces) of the development. In this regard, vehicle access control devices shall be provided at appropriate locations near the vehicle entry point to the basement levels and near the boom gate in Basement 1.

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



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

8. DAPCA08 - Footpath Design Levels

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

When lodging the 'Application for Property Boundary Line Levels' fees are payable in accordance with Council's adopted fees and charges.

Unless an alternative specific design is submitted and approved by Council, the footpath levels adjoining the site shall generally be as follows:

- a) The internal driveway levels shall be designed to meet Council's footpath verge levels such that a maximum cross fall of 2.5% is achieved where the footpath meets the driveway.
- b) The level of the boundary line as it crosses the driveway shall incorporate a cross fall equivalent to the general longitudinal grade of the street.
- c) Any required adjustments shall be included in the plans and submitted for approval under Section 138 of the Roads Act 1993 prior to the release of the Construction Certificate.

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

(Reason: Public infrastructure)

9. DAPCA09 - Vehicular Crossings, Redundant Vehicular Crossings and other Works

A separate Council approval is required. The applicant must lodge an application (available from Council's Customer Services Centre or from Council's website) and pay the appropriate fees and charges.

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

Driveway Setbacks - A minimum of 1.0m clear setback from side property boundary to driveway shall be provided and must be perpendicular to the street frontage.

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



Conditions which must be satisfied during any development work

10. DADWC14 - Liquid trade waste

The food premises must comply with the following standards:

If a grease trap is required to be installed, then it must be installed in accordance with Sydney Water trade waste requirements by a suitably qualified and licensed plumber in accordance with the *Plumbing Code of Australia*. The grease trap must be suitably constructed; suitably located for cleaning and pump out; must be not be located in any kitchen, food preparation or food storage area or accessed through these areas for cleaning and pump out purposes; and must not impact on stormwater systems.

(Reason: To ensure that liquid trade waste is suitably disposed of and does not affect the environment or food safety)



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

11. DAOCA07 - Notification of Food Business

Prior to the issue of any Occupation Certificate, the food business must notify Council of their food business details in accordance with the *Food Act 2003* and *The Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements, Clause 4.* Registration forms are available on Council's website.

(Reason: Registration and notification to relevant authorities)

12. DAOCD01 - Fire Safety Certificate

A final Fire Safety Certificate shall be obtained in accordance with Part 11 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, prior to the issue of the Occupation Certificate for the building.

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

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

(Reason: Fire safety)

13. DAOCE02 - Evacuation Plan - Child Care Centres

Prior to the issue of an Occupation Certificate for the child care centre, an evacuation plan complying with AS3745 -2010 shall be prepared and implemented. The emergency evacuation plan shall take into account and address:

- a) The mobility of children and how this is to be accommodated during an evacuation;
- The location of a safe congregation area, away from the evacuated building, busy roads, other hazards and the evacuation points of other residents or tenants within the building or surrounding buildings;
- In circumstances where the centre is part of a larger building or complex, that the emergency evacuation plan is complementary to and consistent with other emergency evacuation plans in place; and
- d) The supervision of children during the evacuation having regard to the child to staff ratios.

Centres which accommodate children under 2 years of age are to have a large mobile cot (on wheels) so groups of babies can be quickly evacuated.

(Reason: Safety)



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

14. DAOUA09 – Business/Trade Commercial Waste Collection

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

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

15. DAOUA10 - Removal of Litter and Graffiti

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

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

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

16. DAOUA14 - Hours of Business Operation

The hours of operation of the child care centre are restricted to between:

7.00am to 6.00pm on Mondays to Fridays, excluding public holidays.

(Reason: Ensure business operates between approved hours)

17. DAOUA17 - Maximum Number of Staff

A maximum number of 13 staff are permitted to work on the premises at any one time. Any increase in this number shall be subject to the further written consent of Council.

(Reason: Environmental Amenity)

18. 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)

19. DAOUA20 - Loading

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

(Reason: Adequate servicing)

20. DAOUA26 - Plan of Management

The child care centre shall be operated and managed in accordance with the approved Plan of Management prepared by Early Education Solutions dated 16 October 2023 reference Version 3. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management. The Plan of Management may not be amended without the approval of Council.

(Reason: To protect residential amenity)

21. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety)



Advisory Notes

22. DAANN01 - Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets it is recommended that you contact Dial Before You Dig before excavating or erecting structures 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 when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.



23. DAANN02 - Telecommunications Act 1997 (Commonwealth)

Telstra and its authorised contractors are the only companies that are permitted to conduct works on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works, which may affect or impact on Telstra's assets in any way, you should contact Telstra's Network Integrity Team.

24. DAANN03 - Dividing Fences

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under that 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 can provide mediation services.

25. DAANN08 - Process for Modification

The plans and/or conditions of this Consent are binding and may only be modified upon approval of an application under s.4.55 of the *Environmental Planning and Assessment Act, 1979*. A modification application shall be accompanied by the appropriate fee, application form and required information. You are not to commence any action, works or the like on the requested modification until Council issues an amended consent.

26. DAANN09 - Review of Determination

In accordance with the provisions of Section 8.2 of the *Environmental Planning and Assessment Act* 1979, you can request a review of a determination not relating to a complying development certificate, application for designated development or application for Crown development. A review application may not be determined after the period within which any appeal may be made to the Court if no appeal was made. To determine a review application within that time limit, the application must be submitted well in advance of the appeal right timeframe. A fee as per Council's current Pricing Policy, Fees and Charges, is payable for a review application.

27. DAANN10 - Right of Appeal

Section 8.7 and 8.10 of the *Environmental Planning and Assessment Act 1979*, gives the applicant the right of appeal to the Land and Environment Court within six months after the date the decision appealed against is notified or registered on the NSW Planning Portal occurs.

28. DAANN13 - Work Health and Safety

For information regarding, codes of practice and guidelines regarding demolition and construction work, visit the SafeWork NSW.

29. 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 that Act.

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

30. DAANN17 - Critical Stage Inspections - General

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: 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)

31. DAANN20 - Critical Stage Inspections for Building Work (Classes 5, 6, 7, 8 or 9)

The following critical stage inspections must be carried out:

- a) after the commencement of the excavation for, and before the placement of, the first footing;
- b) in relation to a critical stage inspection of a class 9a and 9c building, as defined in the Building Code of Australia-prior to covering of fire protection at service penetrations to building elements that are required to resist internal fire or smoke spread, inspection of a minimum of one of each type of protection method for each type of service, on each storey of the building comprising the building work;
- c) Prior to covering any stormwater drainage connections; and
- d) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The Principal Certifier may nominate additional inspections which need to be carried out.

Prior to issuing an Occupation Certificate or Subdivision Certificate the Principal Certifier must be satisfied that the work has been inspected on the above occasions.

The last critical stage inspection must be carried out by the Principal Certifier. Earlier critical stage inspections may be carried out by the Principal Certifier or, if the Principal Certifier agrees, by another certifier.

For each inspection the principal contractor or owner-builder must notify the Principal Certifier at least 48 hours before each required inspection needs to be carried out.

(Reason: Statutory Requirements)

32. DAANN22 - 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)

DOCUMENTS ASSOCIATED WITH REPORT LPP001/24

Attachment 2 Architectural Plans



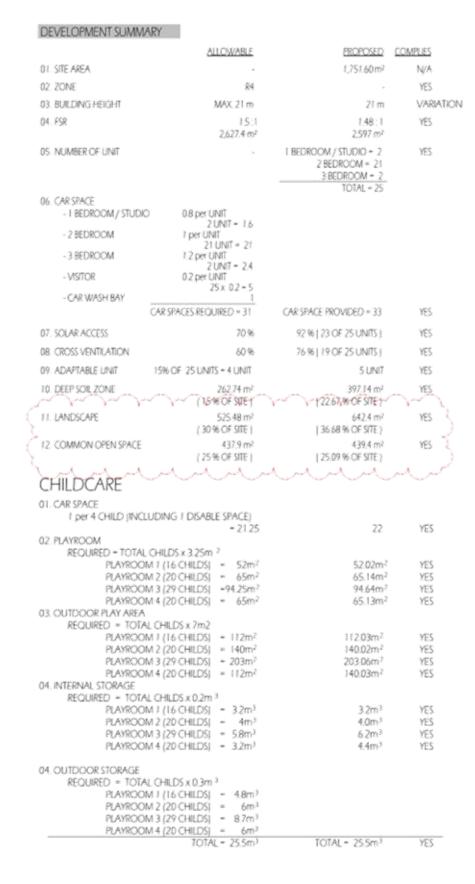


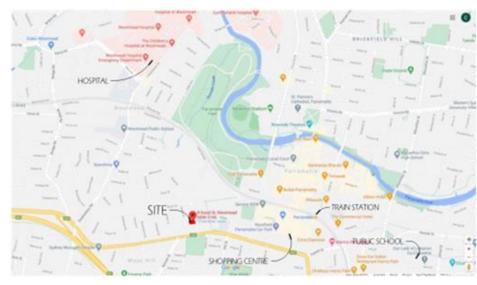
8775 8-12 Good Street WESTMEAD, NSW 2145

Proposed Residential Development

LPP001/24 – Attachment 2











MINIMUM LOT AREA

Assessor Construction Summary

Project:	Address:	8-12 Good Street Westmead NSW 2145 (S4.55))	File Ref:	ZA52a	
Applicant:	Name:	Gaby Group Pty Ltd			Designer:	Zhinar Architects Pty Ltd		
Assessor:	Name:	David Gradwell			Company:	Gradwell Consulting		
	Address:	PO Box 819 Bowral NSW 2576			Number:	DMN/12/1451 ACT2011220		
	Contact:	0408 964 13	9		Email:	david@gradwellconsulting.co	m	
Ext. Walls:	Construction	- 1	Insulation		Colour	Details		
	Brick Veneer		R2.0 added		Varies	As per plans		
	Metal Clad		R2.0 added		Dark	As per plans		
Int. Walls:	Construction	Construction Insulation				Details		
	Shaftliner with Plasterboari None				Intertenancy			
	Concrete with Plasterboard None				To stairs/lift			
	Plasterboard on Stud None				As per plans			
Floors:	Construction		Insulation			Details		
	Concrete	9	R1.4 added			Where open below		
Ceilings:	Construction		Insulation			Details		
	Plasterboard		None			As per plans		
Roof:	Construction		Insulation		Colour	Details		
	Concrete		50mm PIR or equiv (R2.5)		Medium	As per plans		
Windows:	Product ID		Glass	Frame	Uw/SHGCw	Details		
Group A	ALM-001-03	Α :	Single Low E	Aluminium	5.4/0.49	Awning - Unit 401		
Group B	ALM-002-03		Single Low E	Aluminium	5.4/0.58	Sliding, Double Hung - Unit 401		
Group A	ALM-001-01	Α :	Single Clear	Aluminium	6.7/0.57	Awning - elsewhere		
Group B	ALM-002-01	Α :	Single Clear	Aluminium	6.7/0.70	Sliding, Double Hung - elsewhere		
Skylights:	Product ID		Glass	Туре	Uw/SHGCw	Details		
Other:	Orientation		Terrain	Rangehood	Recessed Downlights Soft		are Version	
			on retrain Kangenood				Joitware Version	

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LOCATION MAP

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Proposed Residential Development
8-12 Good Street
WESTMEAD, NSW 2145

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2 4-6 GOOD STREET

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Proposed Residential Development

8-12 Good Street
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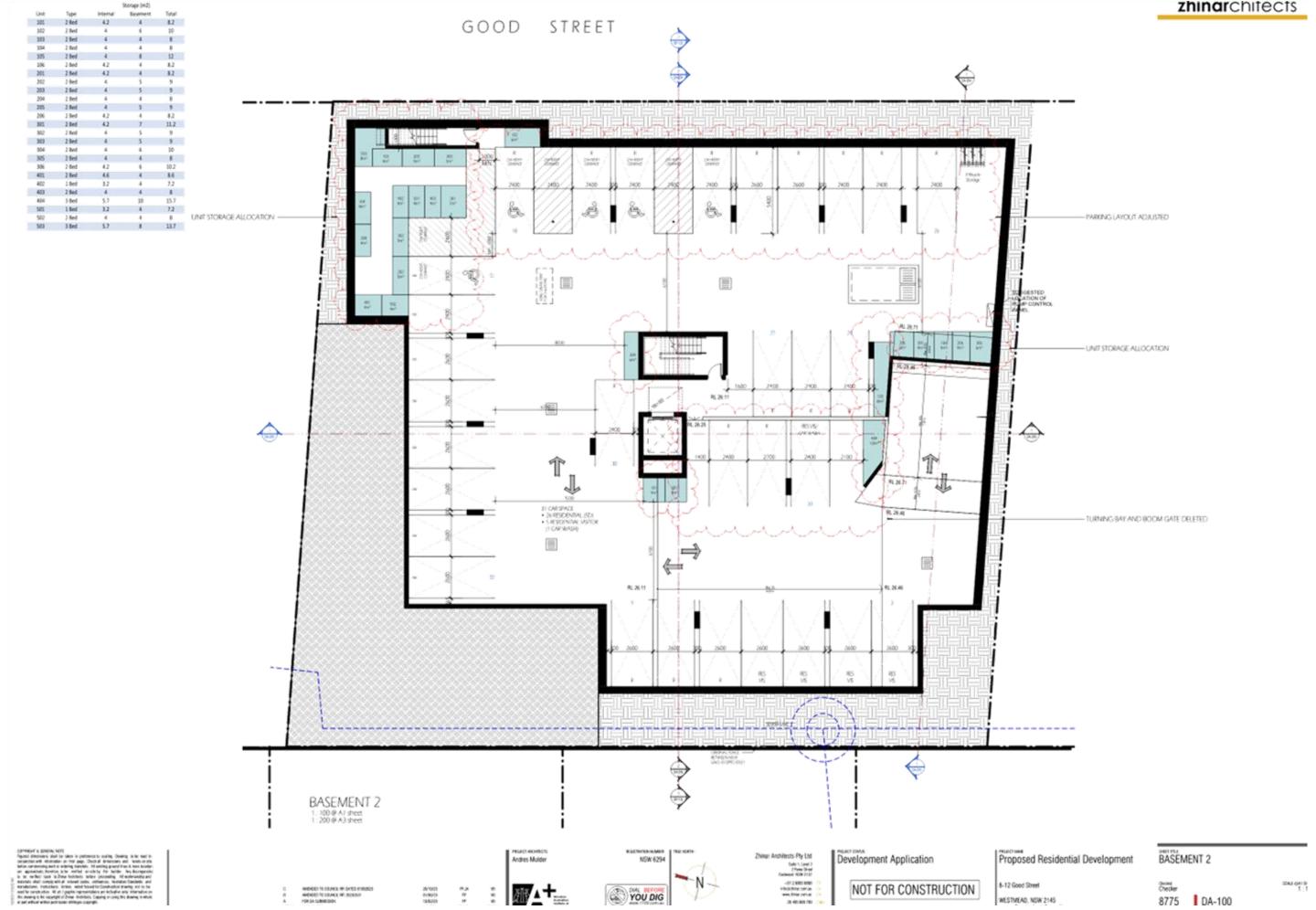
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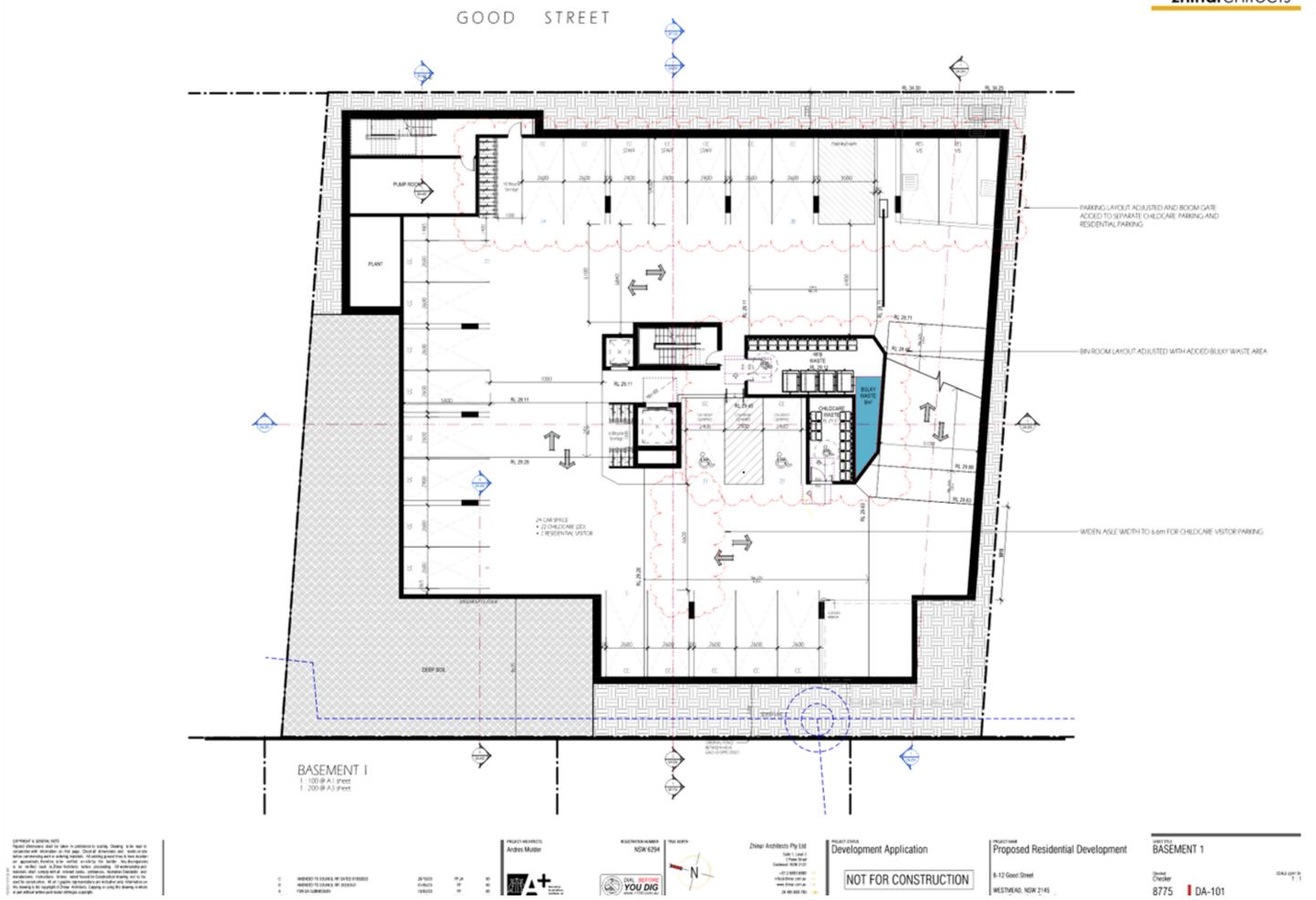
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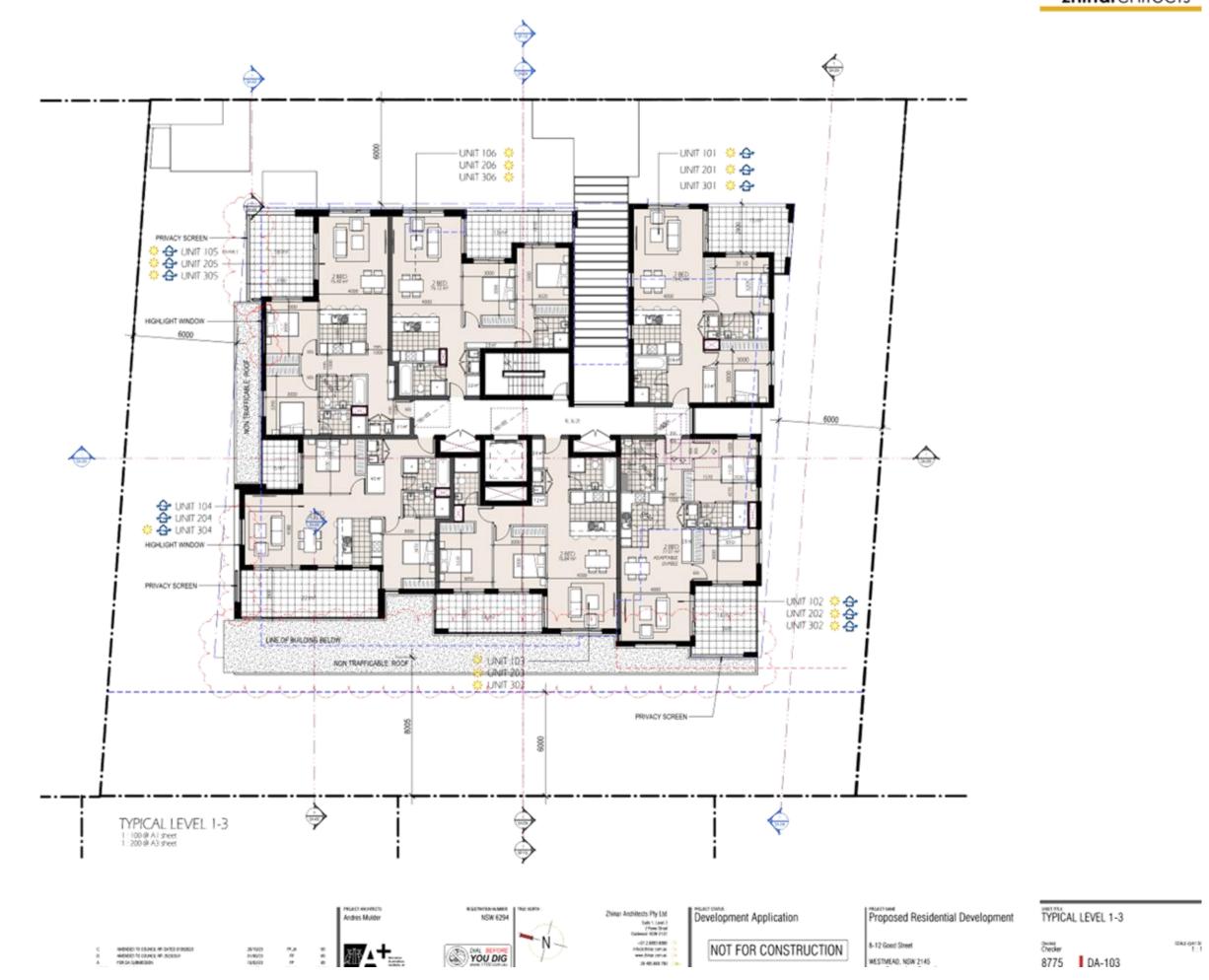














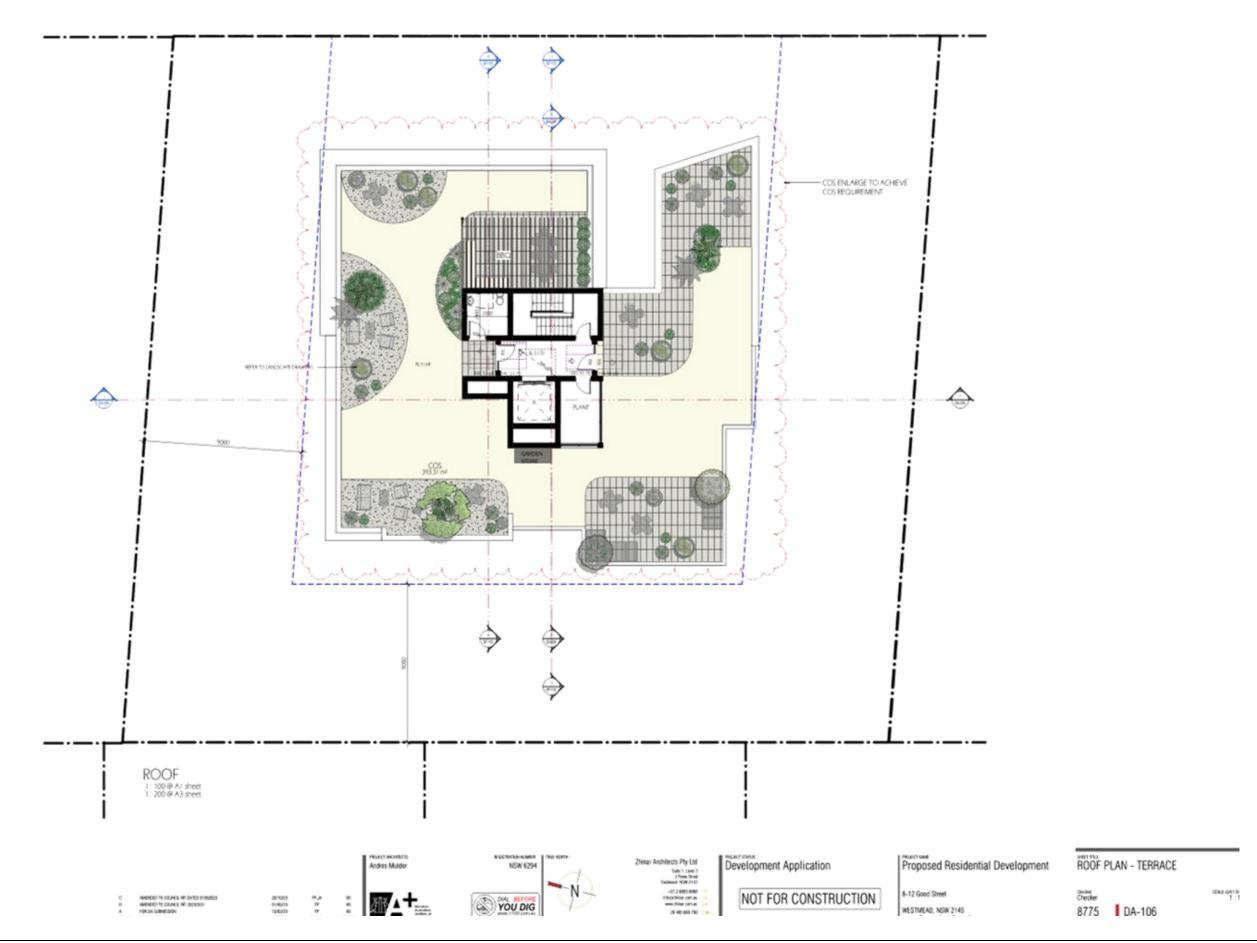


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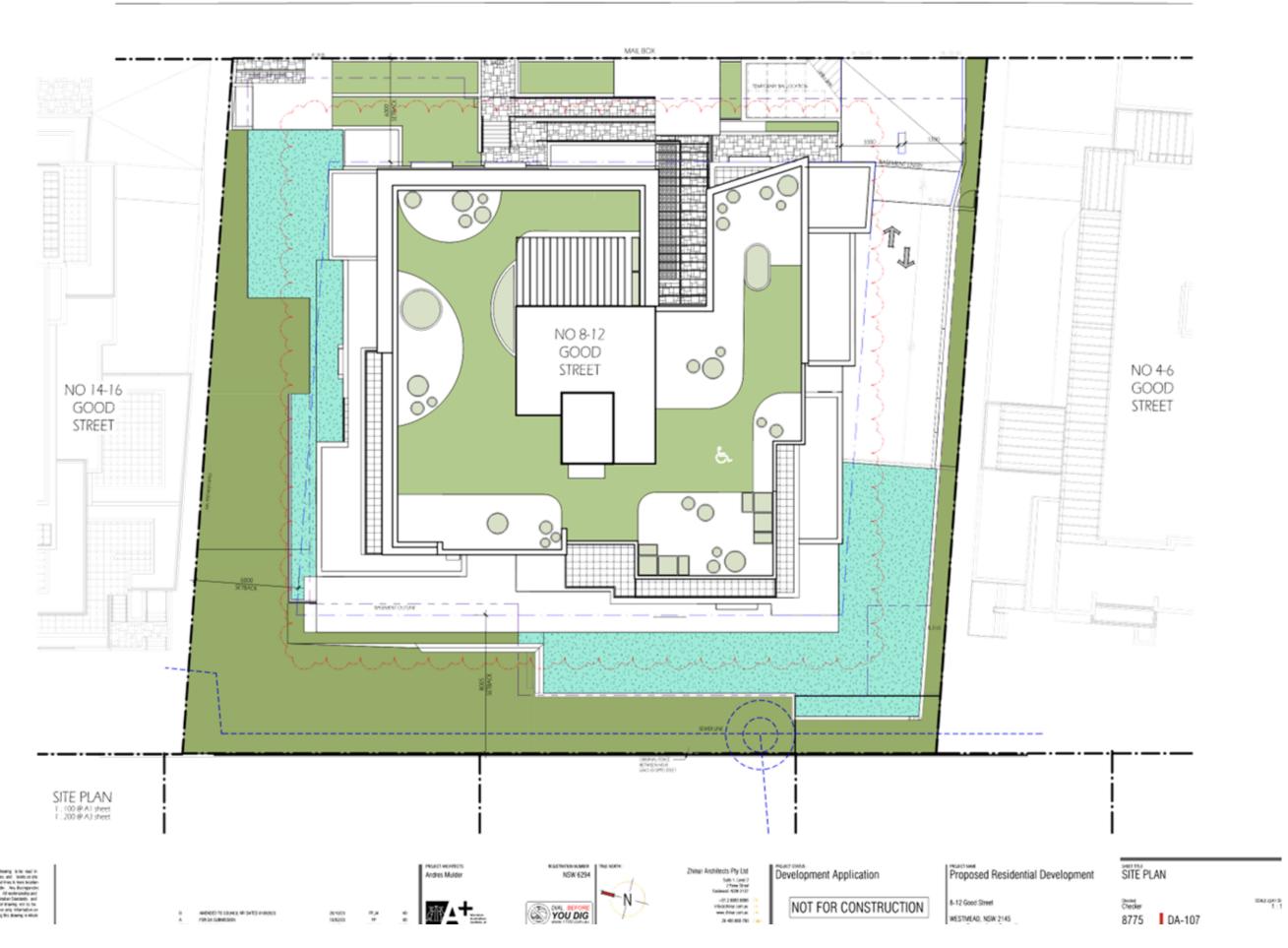














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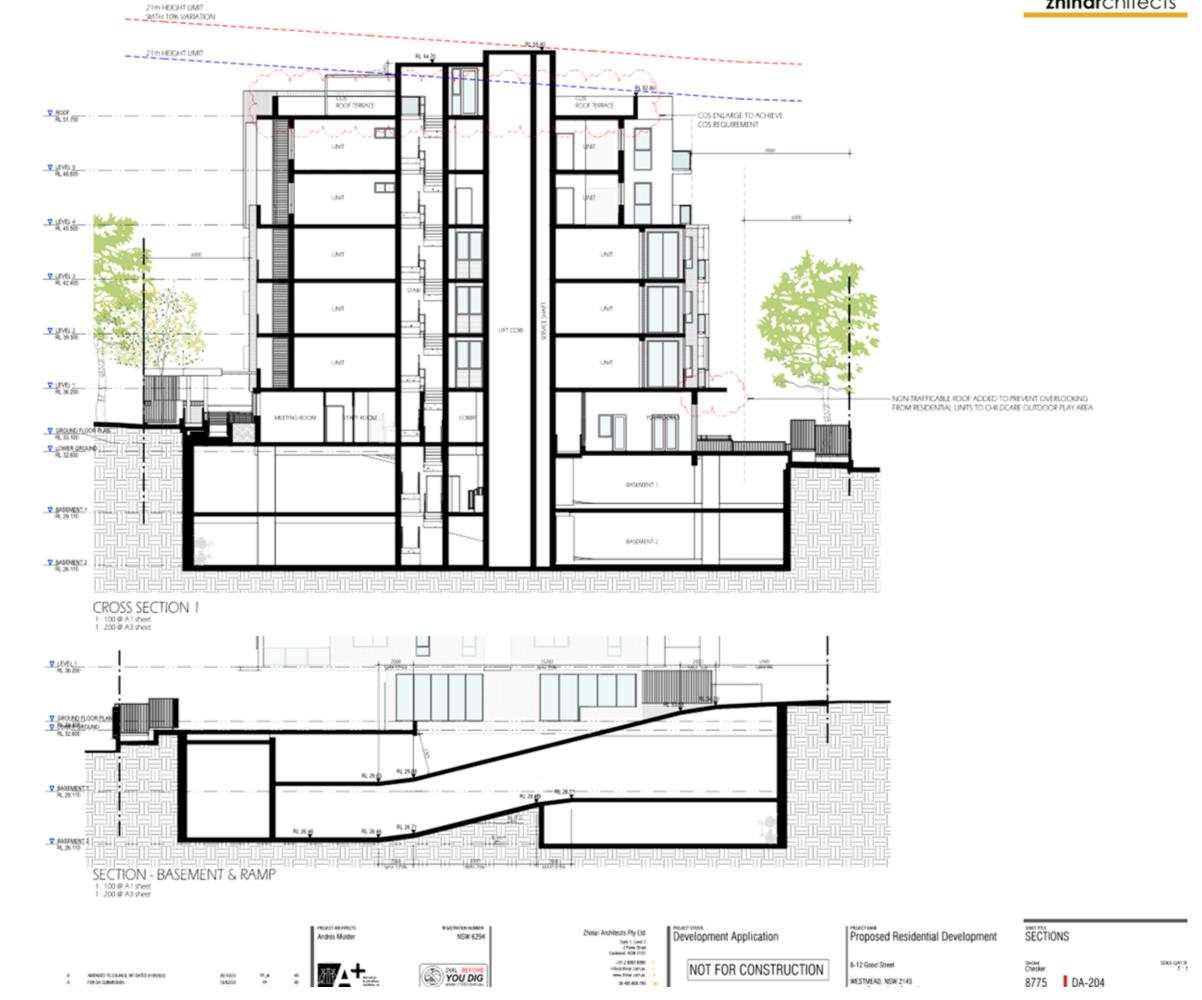




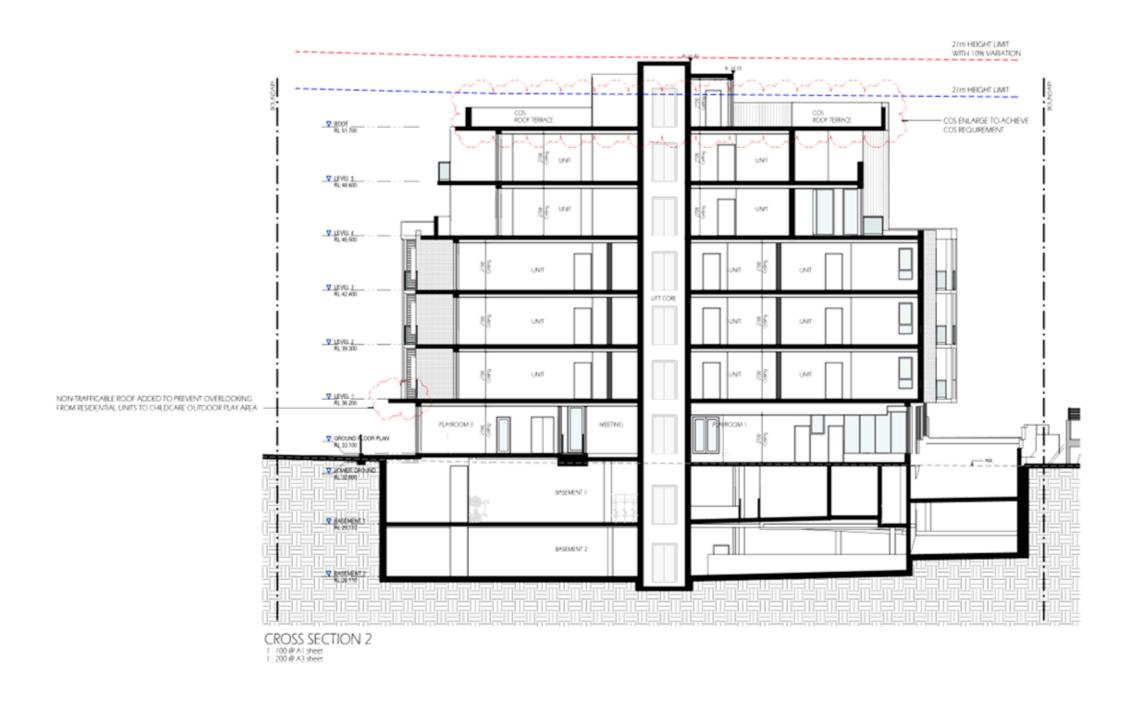












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Proposed Residential Development

8-12 Good Street
WESTIMEAD, NSW 2145

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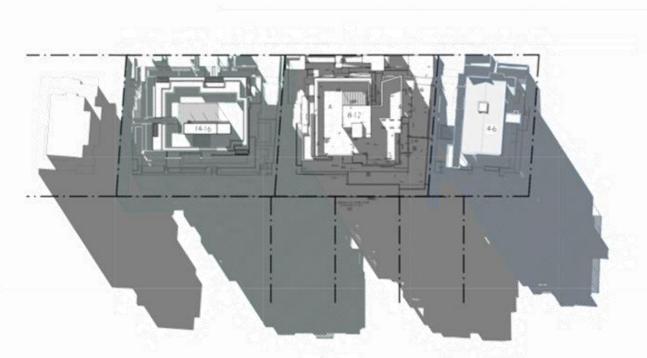














SHADOW - 22 JUNE - 09.00

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SHADOW - 22 JUNE - 10.00



SHADOW - 22 JUNE - 11.00

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Proposed Residential Development
8-12 Good Street
WESTMEAD, NSW 2145

SHADOW DIAGRAM 1

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Development Application NOT FOR CONSTRUCTION Proposed Residential Development 8-12 Good Street WESTMEAD, NSW 2145

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Proposed Residential Development
8-12 Good Street
WESTIMEAD, NSW 2145

PHOTOMONTAGE

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Name	Level	Atro
LANDSCAPS - ARCHA STRUCTURE	GROUND FLOOR PLAN	34.8 m
LANDSCAPE DEEP SOIL (HSM)	GROUND FLOOR PLAN	15.3 m
LANESCARE - DEEP SCHOMM SWIT	ORDIND/FLOOR FLAN	379.3vm
GROUND PLOCK PLAN		429 X (W

#004 2728# Owndest 442K#

ANDSCAPE (30%) WENGER - \$25.46 m2





	Area Schedule (CO:	50
Name	Level	Area
.05	GROONE FLOOR PLAN	46277
75	ROOF	291,249
nand load	-	4,004,00





LPP001/24 – Attachment 2

STALLOWS 1:3













APPROVED DA - VIEW FROM SUN 22 JUNE - 10.00



APPROVED DA - VIEW FROM SUN 22 JUNE - 11 00



APPROVED DA - VIEW FROM SUN 22 JUNE - 12.00



PROPOSED DA - VIEW FROM SUN 22 JUNE - 09.00



PROPOSED DA - VIEW FROM SUN 22 JUNE - 10.00

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PROPOSED DA - VIEW FROM SUN 22 JUNE - 11.00



PROPOSED DA - VIEW FROM SUN 22 JUNE - 12.00

SHADOW STUDY IMPACT TO EXISTING ADJACENT DEVELOPMENT { 4-6 GOOD STREET, WESTMEAD }





Zhina: Architects Pty Ltd

Development Application NOT FOR CONSTRUCTION

Proposed Residential Development

SHADOW STUDY 1 Checker WESTMEAD, NSW 2145 8775 SP-105

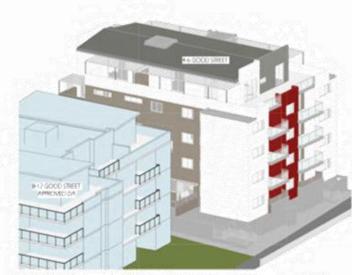








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PROPOSED DA - VIEW FROM SUN 22 JUNE - 13.00



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Development Application

NOT FOR CONSTRUCTION

Proposed Residential Development

8-12 Good Street WESTIMEAD, NSW 2145 SHADOW STUDY 2



Cumberland Local Planning Panel Meeting 14 February 2024





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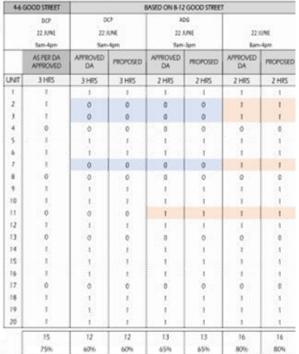
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SHADOW COMPARISSON SCHEDULE













FLOOR PLAN OF 4-6 GOOD STREET

SHADOW STUDY IMPACT TO EXISTING ADJACENT DEVELOPMENT (4-6 GOOD STREET, WESTMEAD)

SHADOW STUDY 3 Proposed Residential Development 8-12 Good Street As indical WESTMEAD, NSW 2145 8775 SP-107



14-15



GOOD STREET

GOOD STREET



B12-GOOD STREET ARRICKED DA SHADOW OUTSNE SHADOW STUDY - 22 JUNE - 11.00



SHADOW STUDY - 22 JUNE - 13.00

GOOD STREET

SHADOW STUDY - 22 JUNE - 14.00

GOOD STREET



SHADOW STUDY - 22 JUNE - 12.00







Zhina: Architects Pty Ltd

Development Application NOT FOR CONSTRUCTION

LPP001/24 - Attachment 2 Page 79





BASEMENT I EVACUATION PLAN

GOOD STREET















FIRE HOSE REEL



FIRE EXTINGUISHER



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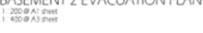


ASSEMBLY POINT



EMERGENCY EXIT













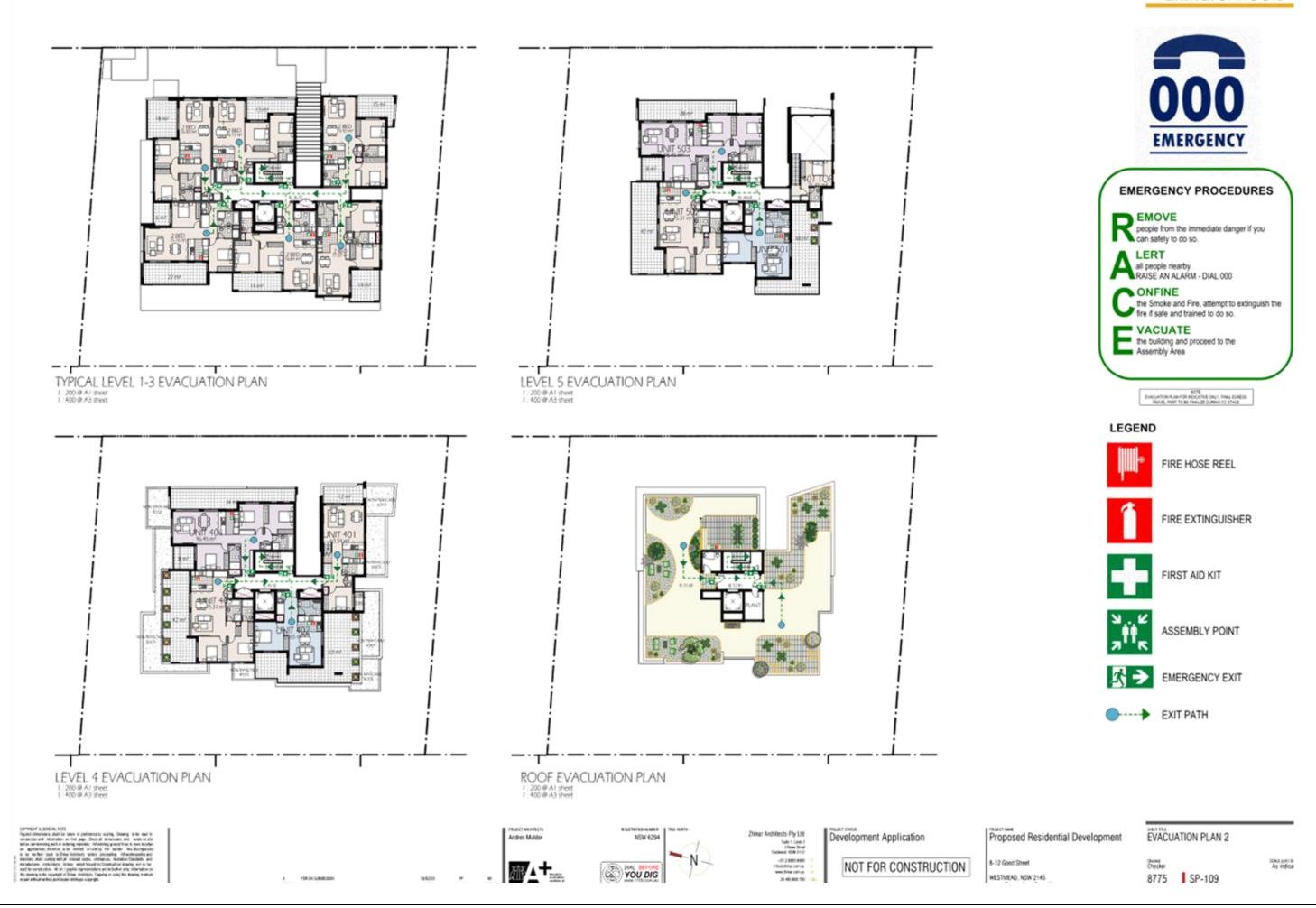


WESTMEAD, NSW 2145

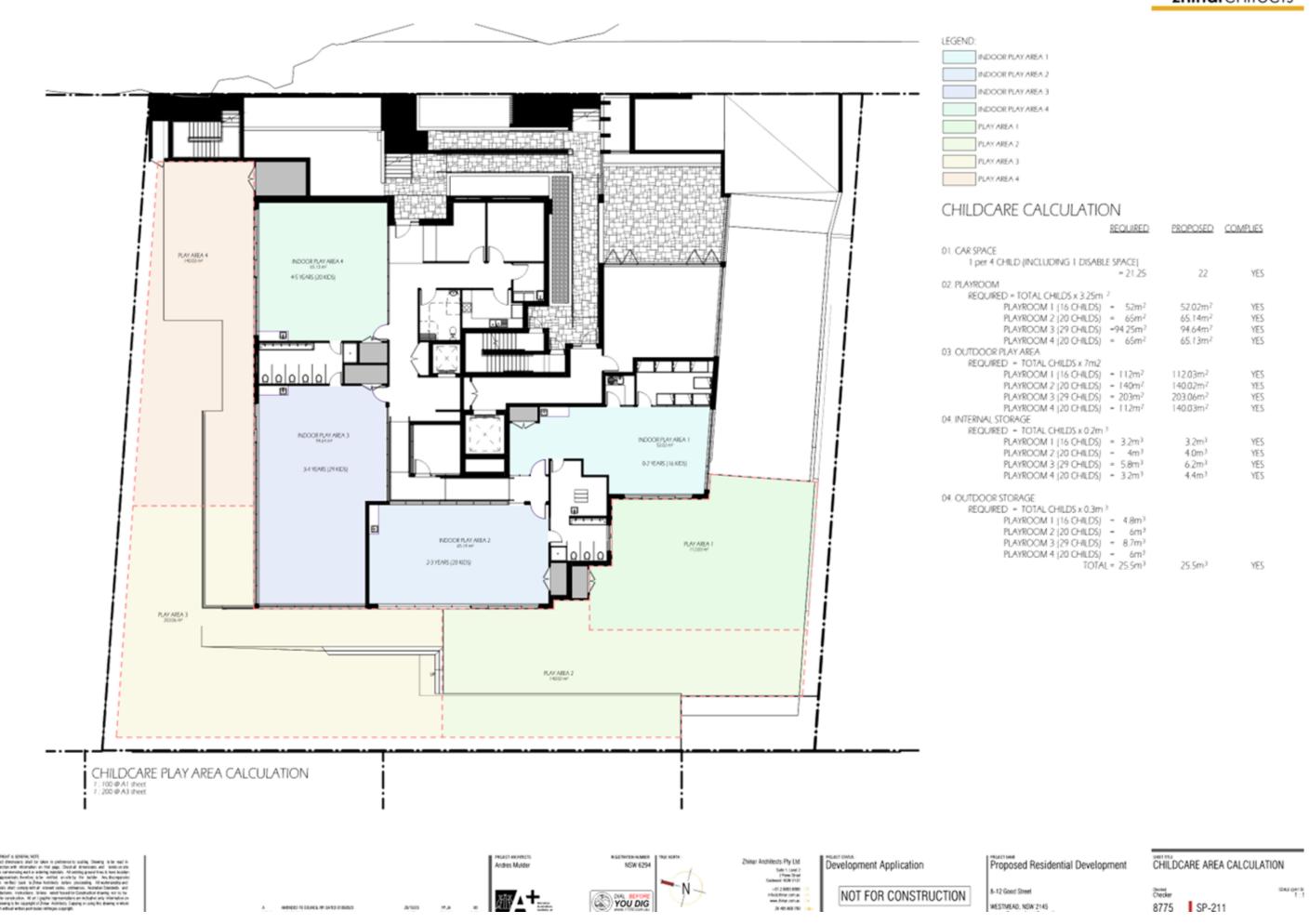


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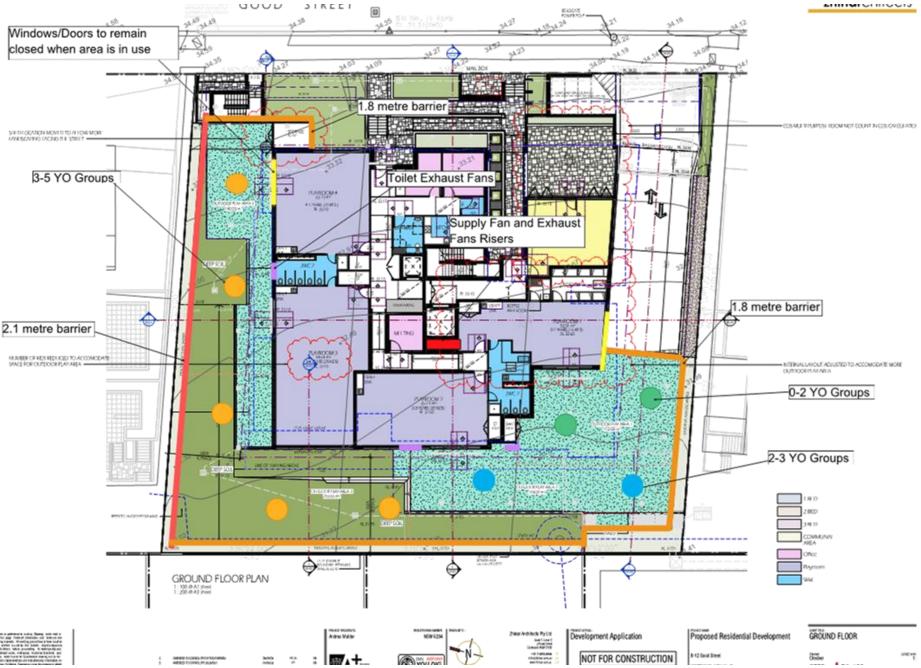












LPP001/24 – Attachment 2 Page 83



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DOCUMENTS ASSOCIATED WITH REPORT LPP001/24

Attachment 3
Clause 4.6 Request





REQUEST UNDER CLAUSE 4.6 OF Cumberland LEP 2021

Alterations and Additions to an Approved Residential Flat Building to Accommodate an 86-place Childcare Centre on the Ground Floor

8-12 Good Street Westmead

o 12 dood street Westmeda

LPP001/24 – Attachment 3 Page 89



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Project Name:

8-12 Good Street,

Westmead

Job Reference:

23/064

Date Approved:

11 December 2023

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LPP001/24 – Attachment 3 Page 90





1.0 The Proposal

This Clause 4.6 Request relates to a variation proposed to Council's Maximum Building Height control as prescribed by Cumberland Local Environmental Plan (LEP) 2021.

This request is written in support of a development application (DA) that proposes alterations and addition to an approved residential flat building to accommodate an 86-place childcare centre on the ground floor at 8-12 Good Street, Westmead.

It is noted that no alterations are proposed to the maximum building height approved under DA2021/0682 and no structures proposed exceed the maximum building height of 21m. This letter is written at the request of Council noting the application relates to a new development application proposing alterations and addition to an approved residential flat building.

1.1 Relevant Case Law

Clause 4.6 of the Cumberland Local Environmental Plan 2021 allows the consent authority to grant consent for development even though the development contravenes a development standard imposed by the LEP.

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Further Clause 4.6(4) provides that:

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

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

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

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

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

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

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

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

1.2 Relevant Development Standard

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

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

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- (a) to establish a maximum height of buildings to enable appropriate development density,
- (b) to ensure that the height of buildings is compatible with the character of the locality,
- (c) to minimise the visual impact of development,
- (d) to ensure sufficient solar access and privacy for neighbouring properties.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Comment:

The applicable maximum building height for the site is 21m. The DA approved under DA2021/0682 proposed a portion of the building which exceeds the height control by a maximum of 1.965m. The subject DA does not propose any changes to height based on the works proposed.

1.3 Is the Planning Control in Question a Development Standard?

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

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

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

Comment:

The maximum building height control under Clause 4.3 of the Cumberland LEP 2021 is clearly a development standard.

2.0 The Contravention

The development approved under DA2021/0682 approved a maximum building height of 22.965m. That breached the building height control of 21m by 1.965 (9.35% variation). No new works are proposed under the subject DA that result a in a further height breach.

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Table 1: Variation to Council's Maximum Building Height Control			
	Control	Approved	Proposed
Maximum Building Height	21m	22.965m	No Change to approved maximum building height – All new works sit below the 21m height limit
Variation	-	1.965m 9.35%	No Change. All new works sit below the 21m height limit

The proposed variation accommodated a minimal percentage of the total building volume proposed. The principal reason for the approved exceedance in maximum building height limit was the built forms response to the to the slope of the site and the provision of communal open space on the rooftop to provide a high level of residential amenity. The approved exceedance consisted of the lift overrun, a small portion of the roof space of a toilet to facilitate the use of the rooftop communal open space, stairs and services as detailed in Figure 1 below.



Figure 1: Section demonstrating the approved exceedance per DA2021/0682 (Source: Zhinar Architects)

It is noted that an enlargement of the COS is proposed on the roof to ensure compliance with the Apartment Design Guide. As previously noted, the proposed works do not result in a further height breach. Figure 2 below illustrates the location of new works.

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Figure 2: Section demonstrating no new works exceeding the maximum HOB (Source: Zhinar Architects)

2.1 Impacts of the Contravention

There are no adverse impacts as a result of the approved contravention as assessed under DA2021/0682. Specifically, the approved exceedance does not result in any visual or solar access impacts and is consistent with the desired future character of the area, as detailed below.

Visual Impacts

From a visual perspective, an appropriate composition of building elements, material textures and colours have been utilised to reflect the buildings residential use character.

The elevations continue to achieve an aesthetic outcome and composition based on the developments interface with Good Street and adjoining properties.

The facades and numerous architectural features provide articulation and interest to the elevations and result in a high-quality built form that contributes positively to the streetscape and the emerging built form. The development will continue to complement the emerging character of the locality with regard to the character, scale and proportion of the past and future built form.

The development is considered to represent a positive contribution to the streetscape and its siting design and location of car parking with a basement ensures the amenity of adjoining residents is not unduly compromised.

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The upper levels of the proposed development retain an appropriate setback to reduce the visual bulk of the development and to ensure the exceedance is not visually prominent or apparent from the public domain. The approved variation only relates to the lift overrun, a small portion of the roof space of a toilet to facilitate the use of the rooftop communal open space, stairs and services.

Solar Access

The approved variation does not result in any adverse impacts on surrounding development. A key consideration in the design of the proposal was the amenity of adjoining properties and the future context of the surrounding area. The development as amended continues to be sited and designed in a manner that ensures an appropriate level of solar access is maintained for adjoining properties and to ensure they can be redeveloped in line with the applicable development controls for the site.

As detailed in the Shadow Analysis provided in the Architectural Plans (Appendix A). The height of the proposed development remains consistent to that approved under DA2021/0682 and will not increase solar impacts on surrounding development. It was satisfied under DA2021/0682 that strict compliance with the height limit would not result in reduced solar access impacts and therefore the proposed variation was deemed to be reasonable.

3.0 Justification of the Contravention

3.1 The Site Context

Site context is a key consideration when determining the appropriateness and necessity of a development standard. The site is zoned R4 High Density Residential under the provisions of the Cumberland LEP 2021. The surrounding area consists of a range established medium density residential developments and recently constructed high density residential developments reflective of the transition of the area to higher density development.

The following details recently approved high density residential developments within the Cumberland LGA that have been approved with a height exceedance:

Table 2: Recently Approved Developments in Close Proximity to the Subject Site that Varied Council's Maximum Building Height Control			
DA No & Address	Proposed	Comment	Approved
DA- 2019/141/1 11 Joyner Street, Westmead	Demolition of existing structures and construction of a five (5) storey residential flat building under State Environmental Planning	The development exceeded the maximum building height by 2.67m (17.8%). The development was approved with the height variation as the exceedance was not readily apparent from the street, it did not adversely impact surrounding development,, the	27 May 2020

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Table 2: Recently Approved Developments in Close Proximity to the Subject Site that Varied Council's Maximum Building Height Control			
DA No & Address	Proposed	Comment	Approved
	Policy (Affordable Rental Housing) 2009 comprising 46 Units (including 12 dual key units) over two (2) levels of basement parking for 57 vehicles and a car wash bay	development complied with the FSR and the development was consistent with the zone objectives and objectives of the height standard.	
DA2019/0501 58-60 Berwick Street, Guilford	Demolition of existing structures, construction of a 5 storey residential flat building over basement parking accommodating 25 units and 22 car parking spaces under the Affordable Rental Housing SEPP 2009.	The development exceeded the maximum building height by 5.3%. The development was approved with the variation as the variation only related to the lift overrun and roof structures.	8 July 2020
DA2019/124/1 57-61 Toongabbie Road, Toongabbie	Demolition of existing structures and construction of a three storey residential flat building comprising 34 residential units over basement car parking for 44 vehicles including associated site works	The development exceeded the maximum building height by 5.3%. The development was approved with the variation as the variation only related to the lift overrun and roof structures and the development was consistent with the scale of the development within the R4 zone located in the immediate vicinity of the site.	12 February 2020
DA -2018/379 46 Winnima Circuit, Pemulwuy	Construction of a four storey residential flat building comprising 25 dwellings over basement car parking containing 33 car spaces and 1 car wash bay	The development exceeded the maximum building height by 12%. The development was approved with the variation as the variation only related to the lift overrun and roof structures and the variation did not result in noticeable bulk, height or scale, as viewed from the public domain, and will not result in additional solar access, view loss or privacy.	28 August 2020

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Table 2: Recently Approved Developments in Close Proximity to the Subject Site that Varied Council's Maximum Building Height Control			
DA No & Address	Proposed	Comment	Approved
DA 2017/563 3-9 Peggy Street, Mays Hill	Demolition of existing structures, consolidation of 4 lots into 1 lot and construction of a part 4, part 5 storey residential flat building over basement parking accommodating 60 units and 70 parking space	The development exceeded the maximum building height by 5.3%. The development was approved with the variation as the variation only related to the lift overrun and roof structures, the variation did not result in noticeable bulk, height or scale, as viewed from the public domain, and will not result in additional solar access, view loss or privacy and the development was consistent with the streetscape and area.	8 May 2019

As detailed the above, high density residential developments were approved due to the variations only relating to lift overruns, roof structures and services, the developments being consistent with development in the area, the variation not resulting in any adverse impacts or additional bulk.

The approved development is consistent with other recently approved high density residential developments approved by Council with a variation to the maximum height limit as:

- the variation only relates the lift overrun, a small portion of the roof space of a toilet to facilitate the
 use of the rooftop communal open space, stairs and services;
- the variation does not result in noticeable bulk, height or scale, as viewed from the public domain; and
- The variation will not result in additional solar access, view loss or privacy and the development is consistent with the streetscape and area.

This application is limited to alterations and addition to the approved residential flat building to accommodate an 86-place childcare centre on the ground floor at 8-12 Good Street, Westmead. Alterations proposed under this DA remain below the maximum HOB.

3.2 Public Interest

Clause 4.6(4)(a)(ii) of Cumberland LEP 2021 requires that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The proposed development has been assessed against the objectives for the R4 High Density Residential zone below. Despite the proposed variation to the maximum building height development standard, the

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proposal is considered in the public interest as it satisfies the objectives of the zone and the objectives of the development standard.

3.3 Consistency with R4 High Density Residential Zone

The consistency of the proposal against the objectives of the R4 High Density Residential zone is outlined below.

To provide for the housing needs of the community within a high density residential environment

The development continues to provide for the housing needs of the community in a well-designed high density residential environment consistent with recent development in the area.

To provide a variety of housing types within a high density residential environment.

The development provides a range of unit types in a well-designed high density residential environment consistent with recent development in the area.

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The development is not inconsistent with this objective as it does not preclude the ability for other land uses that provide facilities or services to be developed in the area.

 To ensure that non-residential land uses are located in a setting that minimises impacts on the amenity of a high-density residential environment.

The development continues to be sited and designed to ensure it does not adversely impact on the amenity of the surrounding high density residential environment and is consistent with the existing and desired future character of the area.

To encourage residential development that maintains the amenity of the surrounding area.

The development continues to be sited and designed to ensure it does not adversely impact on the amenity of the surrounding high density residential environment.

3.4 Consistency with Objectives of the Building Height Development Standard

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

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

The development continues to provide a scale and intensity that is consistent with surrounding development and development envisaged for the site and surrounding area.

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

The development continues to be designed to ensure it is compatible with the character of the locality. The proposed additions do not exceed the maximum building height control.

To minimise the visual impact of development.

The proposed development has been designed to minimise visual impacts on the surrounding area. An appropriate composition of building elements, material textures and colours have been utilised to reflect the building's commercial and residential use character.

The external appearance of the building reflects consideration to various development controls and the articulation of the building along with its massing composition reflects the desired future character of the area.

To ensure sufficient solar access and privacy for neighbouring properties.

All additions are located below the maximum building height for the site. However, it is noted that Strict compliance with the height limit would not result in reduced solar access impacts and therefore the proposed variation is deemed to be reasonable.

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

Clause 4.6(3)(a) of Cumberland LEP 2021 requires the departure from the development standard to be justified by demonstrating:

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

Comment

As detailed in the section above, the proposal maintains a built form that is reflective of the future higher density-built form envisaged for the area. The proposed works relate only to alterations an additions that do not result in a numerical increase in the approved building height. The approved height exceedance is continues to be reasonable as it involved a minimal percentage of the building volume, only related to lift overruns and roof structures, it does not result in adverse impacts on surrounding development and is the result of providing rooftop communal open space which provides a better planning outcome for the site than strict compliance with the height control.

The proposed development, including the proposed building elements located on the roof, are wholly located below the maximum building height and achieve the objectives of the standard. It is therefore considered that the objectives of the development standard are met notwithstanding the approved breach of the height of buildings standard.

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

Clause 4.6(3)(b) of Cumberland LEP 2021 requires the departure from the development standard to be justified by demonstrating:

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

Comment

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

- The proposed exceedance was deemed acceptable under DA2021/0682.
- The development continues to be is consistent with the objectives of the zone and the objectives of the building height control.
- The proposal does not result in an additional variation and avoids adverse impacts on adjoining properties.
- The approved variation only included a minor portion of the building and is a result of providing rooftop communal open space which provides a better planning outcome for the site than strict compliance with the height control;
- The area of exceedance only consists of the lift overrun, a small portion of the roof space of a toilet to facilitate the use of the rooftop communal open space, stairs and services.

It is considered the objectives of the LEP height standard are achieved in this instances given the proposal does not increase the building height development standard.

Whilst the approved built form exceeds the building height control applicable to the site, it is was considered acceptable under DA2021/0682 noting it did not unreasonably detract from the amenity of adjacent residents or the existing quality of the environment.

Strict compliance with the building height development standard would result in a development that does not achieve the desired development density for the site, reduces residential amenity through the removal of rooftop communal open space and would be inconsistent with the desired future character of the area.

6.0 Conclusion

The proposed contravention of the 21m maximum building height was considered acceptable under DA2021/0682 and no further exceedances are proposed.

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Cumberland Local Planning Panel Meeting 14 February 2024

Clause 4.6 Variation Request - 8-12 Good Street, Westmead

In view of the above, it is considered that this written request has adequately addressed the matters required by Clause 4.6(3) of the Cumberland LEP 2021 (where applicable) and Council's should be satisfied that the development does not propose a further contravention to the maximum building height.

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LPP001/24 – Attachment 3 Page 103

DOCUMENTS ASSOCIATED WITH REPORT LPP001/24

Attachment 4 Submissions received



Cumberland Local Planning Panel

Attachment 4 Submissions

Good Street is a very narrow and already heavily congested street with high traffic throughout the day.

It is a hazardous street to drive on, without the addition of cars coming and going to collect 86 children from a childcare centre in one of the unit blocks.

86 children? 86 cars cannot be accommodated on the proposed site during morning drop offs and afternoon collections.

Residents of this area will already be affected by additional cars parking in the street and along Amos Street and in the car park area within the park at the end of Amos Street, once the construction of the Parramatta Aquatic Centre is completed.

This development will result in traffic issues and create further noise pollution to the area.

I do not support the development.

Regarding the above application I have grave concerns about adding to the parking load on Good St, Parramatta. There is already not much street parking and cars regularly park illegally across driveways. This makes it extremely dangerous for drivers and pedestrians alike. I'm sure the parking has been "taken into consideration" but I am certain that the reality will be very different.

I do not look forward to having to deal with this issue on a daily basis.

Concerned Resident of Good St.

LPP001/24 – Attachment 4 Page 107

DOCUMENTS ASSOCIATED WITH REPORT LPP001/24

Attachment 5 Cumberland LEP Assessement



Attachment 5 Cumberland Local Environmental Plan 2021 Assessment

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
Is the development permissible?	Yes	Refer to discussion of permissibility in the
		body of the report.
Is the development consistent with the aims of the LEP?	Yes	The development is consistent with the aims of the CLEP as it provides for a range if uses (child care centre and residential apartments) in an appropriate location.
Is the development consistent with the Zone objectives?	Yes	The development is consistent with the objectives of the R4 High Density Residential zone as detailed in the clause 4.6 discussion in the body of the report.
4.3 Height of Buildings max. 21m	No	The proposed building height is 22.96m which is in excess of the maximum height of buildings control. A request to vary a development standard under clause 4.6 of the CLEP was submitted and deemed acceptable by Council as discussed in the body of the report.
4.4 Floor Space Ratio (FSR) 1.5:1	Yes	The addition of a child care centre to the ground floor of the building results in a compliant FSR of 1.48:1 (2,597sqm).
5.6 Architectural roof features	Yes	A flat roof form is proposed which does not result in an unacceptable level of overshadowing over surrounding properties.
5.21 Flood planning	Yes	A small southwestern part of the site is impacted by low-risk flood affectation according to Council's flood mapping. Council's Engineer has assessed the development and has raised no objection to the development in this regard.
6.2 Earthworks	Yes	The proposal seeks to increase the overall size of the approved basement levels which will result in additional earthworks. The extent of earthwork is not considered to be excessive in this instance.
6.4 Essential services	Yes	Standard conditions were imposed in the consent of the related DA for the provision of essential services which remains applicable and as such, shall be retained.
6.7 Stormwater management	Yes	Stormwater plans were submitted to account for the new child care centre and associated outdoor play areas and design changes to the basement levels.
		Council's Engineer has assessed the proposed concept and has raised no objection subject to conditions of consent. The proposal is considered to satisfy the provisions of this requirement on this basis.
6.12 Urban heat	Yes	The development incorporates projecting elements that provide some level of shading of outdoor child play areas. A standalone shade structure and various trees are proposed within the outdoor child



Cumberland Local Planning Panel Meeting 14 February 2024

Cumberland Local Planning Panel

play areas that will also provide some shade. Sufficient landscape area is maintained at ground level within the northern side and rear setback areas which will further promote a cooling effect across the site.
The development is considered to satisfy the urban heat provisions of this requirement.

DOCUMENTS ASSOCIATED WITH REPORT LPP001/24

Attachment 6 Cumberland DCP Assessment



Attachment 6 Cumberland Development Control Plan 2021 Assessment

Child care centre

- Part E1 Centre-based child care centres
- Part G3 Traffic, Parking, Transport & Access (Vehicle)
- Part G4 Stormwater & Drainage
- Part G5 Sustainability, Biodiversity & Environmental Management
- Part G7 Tree Management & Landscaping

Relevant Control		Compliance with Requirements	Consistency Objectives
	and Use Based Development Controls		
	based childcare facilities		
2.1 General	Objectives		
	O1. Encourage the provision of high- quality child care which meets the needs of the community, including users of the facility and owners and users of surrounding land uses.	Yes – Satisfactory.	Yes
	O2. Ensure that child care centres are compatible with neighbouring land uses and integrate into existing residential environments that are unobtrusive in terms of size, bulk, height and the amount of landscaped area provided.	Yes – Satisfactory.	Yes
	O3. Ensure the amenity of adjoining neighbours is retained and is not detrimentally affected by noise emissions from the site.	Yes – An acoustic report was submitted with the application. A number of acoustic measures are recommended by the report to appropriately minimise noise generated by the operation of the centre by the installation of acoustic barriers around the perimeter of the outdoor child play areas. Council's Environmental Health Unit (EHU) has undertaken an assessment and has raised no objection to the development subject to conditions.	Yes
		The development is considered to perform satisfactorily with regard to acoustic amenity of the surrounding properties.	
2.2 Bulk and scale	C1. The minimum side setbacks for a new child care centre is 2m to allow for landscaping and separation of uses.	Yes – Side setbacks are compliant. Northern setback = approx. 6.8m	Yes
		Southern setback = 6.1m	
	C2. The front and rear setback shall comply with the relevant building envelope controls for the established built form of the locality and zone.	Yes – The centre maintains a front setback that is generally consistent with the approved setback of the related DA (DA2021/0682) which	Yes



	Land use zone R4	approved a residential flat development on the site. Likewise, a consistent rear setback is also proposed. Approved front and rear setbacks are 6m and 9m respectively. Proposed front setback = 3.8m to the external storage room which accommodates a small proportion of the width of the centre. The majority of the frontage to the centre is otherwise setback approximately 6.5m from the front boundary. Proposed rear setback = 8.8m The proposed front and rear setbacks is consistent with the recently approved RFB on the site and as such, is deemed to	
	C3. The front setback shall reflect the existing streetscape and desired future	yes – Satisfactory.	Yes
	character of the locality. C4. The child care centre building is to be designed so as to reflect the scale, bulk, size of surrounding residential uses. However, this does not preclude the use of 'U' shaped or 'L' shaped buildings for the purpose of minimising acoustic impacts on neighbouring properties.	Yes – The centre occupies the ground floor level of the building only. The upper levels are to remain residential units as approved under the related DA and is therefore considered to be of an appropriate scale to surrounding developments.	Yes
	C5. The front setback area: • may only be used for access, parking and landscaping purposes; • shall not be used as an outdoor play space; and • shall not be included in calculations of unencumbered outdoor space.	No but considered acceptable on merit – A relatively small portion of the outdoor child play area and external storage room encroaches the front setback area of the development. Refer to body of report for a discussion of this noncompliance.	Yes
2.3 Traffic, parking and transport	C6. Development for the purposes of centre based child care facilities will comply with the specific traffic, parking and transport requirements set out in Part G3 of this DCP.	Yes – Compliance is achieved as detailed in the following Part G assessment table.	Yes
Part G – General Controls			
	Parking, Transport & Access (Vehicle)		
3. Parking rate	Development is to provide on-site parking in accordance with the following minimum rates in Table 1. Where a parking rate has not been specified in the table, the Guide to Traffic	Yes – The provision of onsite parking to serve the child care centre is compliant.	Yes



	Generating Developments shall be used to calculate the parking requirements for the proposed development. Alternatively, a parking study may be used to determine the parking, subject to prior approval by Council. Additional parking objectives and controls are provided in Section 4 of this DCP. For 'Centre Based Child Care Centres' — The parking rate shall rely on the Child Care Planning Guideline'. The guideline specifies the following parking requirements for sites in excess of 400m away from a metro railway station (noting the subject site is 4.3km away from Pendle Hill Train Station):	Proposed child placements = 85 Proposed number of parking spaces within basement level 1 = 22	
4.3 Basement parking	1 space per 4 children C1. Basement garages and driveways shall be permitted in accordance with the relevant Australian Standards. Where slope conditions require a basement, the area of the basement shall not significantly exceed the area required to meet the car parking and access requirements for the development. C2. Basement parking shall be located	Yes – No issue is raised by Councils Engineer with regard to the design of the driveway and basement ramp. Yes – Satisfactory.	Yes
	within the building footprint. C3. Basement parking shall not unreasonably increase the bulk and	Yes	Yes
	scale of development. C4. Basement parking shall provide, where required, a pumpout drainage system according to Council's engineering requirements.	Yes – Compliance with this requirement is addressed by condition of consent imposed by Council's Engineer.	Yes
	C5. Basement parking shall not affect the privacy of adjacent residential development.	Yes – Satisfactory.	Yes
	C6. Basement parking manoeuvring shall ensure that vehicles can enter and exit in a forward direction.	Yes – Satisfactory.	Yes
	C7. Basement access/ramp design shall comply with ramp requirements specified in AS2890.	Yes – Satisfactory.	Yes
4.7 Other land use	C1. Parking rates shall comply with the minimum parking rates in Section 3 of this Part of the DCP.	Yes	Yes
	C2. All vehicles shall be able to enter and leave the site in a forward direction.	Yes	Yes
Part G4 - Storm	water & Drainage		
2.2 Method of stormwater disposal from the site	•	Yes – Stormwater plans were submitted detailing engineering infrastructure in the amended basement and at ground level.	Yes



	(b) an inter-allotment drainage	Council's Development	
	system, or (c) an on-site disposal system.	Engineer has approved the concept subject to conditions.	
2.6 Flood Risk Management	C1. The proposed development does not result in any increased risk to human life and does not increase the potential flood affectation on other development or properties.	Yes – The flood affectation of the subject site is minor (noting its extent and level of affectation) and will pose no implications on the safety of children, staff and visitors to the centre.	Yes
	C8. The proposed development shall comply with Council's Flood Risk Management Policy.	Yes – No issue raised by Council's Engineer.	Yes
2.7 Water Sensitive Urban Design, water quality and water re- use	C10. The ESCP shall be in accordance with the standards outlined in Managing Urban Stormwater: Soils and Construction by the NSW Department of Housing.	Yes – Any consent can be conditioned to comply.	Yes
Part G5 - Sustain	nability, Biodiversity & Environmental M	Management	
2.1 Groundwater	C1. Operating practices and technology, including dewatering, shall not contaminate groundwater or adversely impact on adjoining properties and infrastructure. Any dewatering activities may require concurrence from the NSW Government. Any application to discharge ground and surface water to Council's stormwater system must be accompanied by a Dewatering Management Plan.	Yes – Dewatering related conditions imposed in the consent for DA2021/0682 will ensure compliance with this control.	Yes
	C2. Groundwater is to be recharged, where possible, while still protecting and/or enhancing groundwater quality, using water sensitive urban design.	Yes – Refer to comment above.	Yes
	C3. Protection measures for groundwater are to be proportional to the risk the development poses. Where the potential risk to groundwater is high, a separate Groundwater Impact and Management Report will be required.	Yes – Refer to comment above.	Yes
2.3 Land contamination	C1. Prior to the submission of a development application, an assessment is to be made by the applicant under Clause 7 of SEPP No. 55 as to whether the subject land is contaminated prepared in accordance with the relevant Department of Planning, Industry and Environment Guidelines and the Guideline to Asbestos Management in Cumberland Council 2018.	Yes — A Detailed Site Investigation (DSI) was submitted with the application that concluded that the risk to human health and the environment with regard to soil contamination is negligible within the context of the child care centre. Council's Environmental Health Unit (EHU) has assessed the report and has raised no objection to the development subject to conditions of consent. As such, it is considered that the development application is satisfactory with respect to the	Yes



		contamination provisions of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021.	
	C2. In accordance with Clause 7 (1) of SEPP No. 55 Council will not consent to development unless it has considered whether land is contaminated, and if the land is contaminated is suitable for the proposed purpose or is satisfied that the land will be appropriately remediated. Where land is proposed to be subject to remediation, adequate documentation is to be submitted to Council supporting the categorisation.	Yes – Refer to comment above.	Yes
2.5 Biodiversity	C1. Development is to be sited and designed to minimise the impact on indigenous flora and fauna, including canopy trees and understorey vegetation, and on remnant native ground cover species.	Yes – Satisfactory.	Yes
2.6 Energy efficiency and renewables	C1. New development shall implement energy efficient design and promote renewable energy sources through the inclusion of solar panels, skylights, cross ventilation and other such measures.	Yes – Satisfactory.	Yes
Part G7 - Tree M	anagement & Landscaping		
2.1 Preservation of trees	C1. The following are not considered to	N/A - No tree removal is proposed by this DA. Yes - No existing trees on	Yes
management and proposed development	consider existing trees situated on adjacent properties with adequate setbacks to any works and protection measures stipulated in accordance with AS4970-2009 to ensure their long-term survival.	adjacent properties are impacted.	res
2.3 Landscaping	C1. Where a landscape plan is required, it shall be prepared by an appropriately qualified person such as an experienced Landscape Architect/Landscape Designer. The landscape plan shall be prepared at a minimum scale of 1:100, be fully documented with the inclusion of a plant schedule and show sufficient detail to enable construction.	Yes – Submitted and deemed to be satisfactory. Despite the majority of the outdoor area at ground level being converted to outdoor child play area, the areas along the site boundaries contain abundant landscaping and new tree plantings.	Yes
rant Go - waste	management		



3.2 Commercial development	C1. The number of bins required, and size of storage area will be calculated against the current standard NSW commercial waste generation rates are those established by the Combined Sydney Region of Councils set out in Table 1.	Yes — A designated waste storage room to serve the child care centre is provided in Basement 1.	Yes
3.5 Bin transfer requirements	C1. Waste and recycling bins shall be positioned in locations that permit easy, direct and convenient access for users of the facility and permit easy transfer of bins to the collection point.	Yes – Satisfactory subject to condition to require the transfer and collection of operational waste generated by the child care centre to be addressed in a revised Waste Management Plan (WMP) noting there is insufficient headroom clearance for a Small Rigid Vehicle (SRV) to enter the basement as proposed in the current WMP.	Yes
	C6. An electric portable bin tug device must be used for bin movement where the grade exceeds 1:14. Specifications for a typical portable bin tug device are provided as a guide in Table 3.	Yes – It is acknowledged that a bin tug will need to be used to transport waste bins up the driveway as it exceeds a grade of 1:14. This is already enforced as a condition in the related DA.	Yes
3.6 Collection area requirements	C1. All developments must allocate a suitable collection point for collection of waste and recycling bins from either inside the development (on-site) or from kerbside (off-site).	Yes — As noted above, the WMP specifies a SRV is to enter the basement in order to pick up commercial waste. This is not feasible given the inadequate head height at the entrance to the basement. It is noted that there is a designated temporary waste bin storage area at the front of the site adjacent to the basement driveway which appears to be large enough to accommodate commercial waste bins in addition to the residential bins.	Yes



Residential component

- Part B3 Residential flat buildings
- Part B5 Adaptable housing and housing mix
- Part G3 Traffic, Parking, Transport & Access (Vehicle)
- Part G4 Stormwater & Drainage
- Part G5 Sustainability, Biodiversity & Environmental Management
- Part G8 Waste Management

Relevant Control		Compliance with Requirements	Consistency Objectives	
Part B - Develop	ment in Residential	Zones		harman American
Part B3 - Reside	ntial Flat Buildings			
3.1 Building envelope	C2. Residential development shall accordance with Setbacks.	flat building be provided in Table 7 for RFB	N/A – The front, side and rear setbacks of the development relating to the residential component remains unchanged from what is	N/A
	Front setbacks (min)	No less than 6m or correspond with the existing prevalent building setback or with emerging setbacks in areas undergoing transition	currently approved under DA2021/0682.	
	Secondary street setbacks (min) Side setback (min) Rear setback (min)	2m for laneways and 4m for other roads 3m Up to four storeys: 20% the length of the site,		
	Site area Street frontage	or 6m, whichever is greater Five storeys or more: 30% the length of the site 1,000m²		
3.2 Basement design	C1. Basement wal	ls shall be located ing walls, wherever	Yes – The walls of both basement levels are in alignment.	Yes
	C2. A dilapidation prepared for all de	n report shall be evelopment that is which build to the	Yes – Conditions were imposed in the consent for DA2021/0682 which ensure compliance with this control.	Yes
	C3. Where practical not located on the shave minimum set the side boundary to	side boundary shall back of 1.2m from	No but acceptable on merit - The setback of the southern side wall of Basement 1 remains unchanged at 1m.	Yes
			The footprint of Basement 2 is extended towards the southern side boundary resulting in a side setback of 1m.	



Refer to body of report for discussion of this no compliance.	
his DCP, or Refer to Part G assessme r car parking below.	ent Yes
x	
adaptable units remaindential flat residential evelopments owing: 20% (unless consideration) The provision of five (adaptable units is compliated based on the propose reduction in dwelling yield from 31 to 25.	is by 5) ed ch (5) int ed om
No but acceptable on merit s and a three plus- s shall be provided as An alternate may be where the te that the cs indicates would need development The development approved proposes a no compliant mix of 1 and bedroom units at 6.4% ar 6.4% respectively. The proposed developme maintains a non-complia mix of 1 and 3 bedroom uni which each make up 8% the total dwelling yield. Refer to body of report for discussion of this no compliance.	as n- 3 nd nt nt its of
Compilation.	
ess (Vehicle)	
ride on-site the following 1. Where a specified in to Traffic s shall be ne parking proposed retermine the approval by g objectives Yes — The resident component of the developme is fully compliant with respect to resident, visitor and bicycoparking. Required parking based of Table 1: 1 bed — 2 2 bed — 21 3 bed — 3 Total residential — 26	ent ect cle
	etermine the 2 bed – 21 approval by 3 bed – 3



	space/dwelling	Proposed: 26 residential 7 visitors 19 bicycle	
	Visitor parking – 0.25 space/dwelling		
44	Bicycle parking – 1 space/3 units	The discount of	
4.1 Development in residential zones	C1. Only one driveway crossover shall be permitted per residential property where the property frontage is less than 15m.	The driveway crossover and basement ramp remains unchanged as approved by DA2021/0682.	
	C7. Driveways servicing car parking including manoeuvring areas to the parking bays shall comply with AS 2890 – Parking Facilities unless otherwise specified by Council.	Yes – Council's Engineer has raised no issue with vehicle manoeuvring within the basement levels subject to conditions of consent.	Yes
	C10. Vehicular access points and parking areas are to be: • easily accessible and recognisable to motorists; • located to minimise traffic hazards; and • located to minimise the loss of onstreet car parking.	Yes	Yes
	C11. The area between the driveway and the property boundary shall be suitably landscaped to minimise the visual impacts of vehicular access points and to maximise the visual quality of the streetscape.	Yes	Yes
	C12. Driveways shall be designed and constructed in materials to avoid glare and large expanses of plain concrete, whilst ensuring the driveway colour does not detract from the development and character of the street.	Yes	Yes
4.3 Basement parking	C1. Basement garages and driveways shall be permitted in accordance with the relevant Australian Standards. Where slope conditions require a basement, the area of the basement shall not significantly exceed the area required to meet the car parking and access requirements for the development.	Yes	Yes
	C2. Basement parking shall be located within the building footprint.	Yes – The extent of the basement levels is generally located within the footprint of the building at ground level.	Yes
	C3. Basement parking shall not unreasonably increase the bulk and scale of development.	Yes – The basement level protrudes above natural ground level due to the fall of the land towards the rear boundary. The protrusion is minor and does not contribute significantly to the resulting bulk and scale of the development.	Yes



	C4. Basement parking shall provide,	Yes	Yes
	where required, a pumpout drainage		
	system according to Council's		
	engineering requirements.		
	C5. Basement parking shall not affect	Yes	Yes
	the privacy of adjacent residential		
	development.		
	C6. Basement parking manoeuvring	Yes	Yes
	shall ensure that vehicles can enter and		
	exit in a forward direction.		
	C7. Basement access/ramp design	Yes	Yes
	shall comply with ramp requirements		
	specified in AS2890.		
Part G4 - Storm	water & Drainage		
	C1. All stormwater collecting as a result	Yes - Council's Engineer has	Yes
stormwater	of the carrying out of development	raised no objection to	
disposal from	under this DCP must be directed by a	stormwater drainage subject to	
the site	gravity fed or charged system to:	conditions of consent.	
	(a) a public drainage system, or		
	(b) an inter-allotment drainage system,		
	or		
	(c) an on-site disposal system.		
2.6 Flood Risk	C1. The proposed development does	Yes - No issue was raised by	Yes
Management	not result in any increased risk to	Council's Engineer.	
management	human life and does not increase the	Courier 3 Engineer.	
	potential flood affectation on other		
	development or properties.		
	C7. The filling of flood prone land,	Yes - No issue was raised by	Yes
	where acceptable and permitted by this	Council's Engineer.	163
	Part, must involve the extraction of the	Council's Engineer.	
	practical maximum quantity of fill		
	material from that part of the site		
	adjoining the waterway.		
	C8. The proposed development shall	N/A - According to Council's	
	comply with Council's Flood Risk	mapping, the flood affectation	
	Management Policy.	of the site is minor and will not	
	Management Folicy.	pose a significant risk to the	
		safety of visitors associated	
		with each component of the	
2.7	C2 All other developments stall	development.	Vaa
2.7 Water		Yes - Amended BASIX	res
Sensitive	provide appropriate water sensitive		
Urban Design,	treatments.	the application to account for	
water quality		changes to the approved	
and water re-		residential component arising	
use		from the establishment of the	
		new child care centre.	
	nability, Biodiversity & Environmental N		
2.1		Yes - Addressed by existing	Yes
Groundwater	technology, including dewatering, shall	conditions of consent imposed	
	not contaminate groundwater or	as part of DA2021/0682.	
	adversely impact on adjoining		
	properties and infrastructure. Any		
	dewatering activities may require		
	concurrence from the NSW		
	Government. Any application to		
	discharge ground and surface water to		
	Council's stormwater system must be		
	accompanied by a Dewatering		
	Management Plan.		
	ivianagement i lan.		



Part G8 – Waste			
3.3 Residential	C28. Low rise medium density housing and residential flat building developments must provide a bulky household waste storage area and needs to be that is located adjacent to the communal bin storage area. The area must be designed to accommodate storage of unwanted bulky household waste such as mattresses, furniture, cardboards, appliances and other goods to be collected by Council's waste collection service.	Yes — A designated waste room to serve the residential units is provided in Basement 1 adjacent to the commercial waste room. The room has been relocated and now contains a bulky waste area. The design of the amended waste facility is considered satisfactory with regard to size and location.	Yes
3.4 Waste chute and service room requirements	C1. Residential flat buildings containing 4 or more storeys require a system for the transportation of waste from each floor level to the waste and recycling collection room(s). This is in the form of a waste chute system.	N/A - The flat building as approved does not contain waste chutes at each floor and therefore will not be required as part of the determination of this DA.	N/A
3.5 Bin transfer requirements	C1. Waste and recycling bins shall be positioned in locations that permit easy, direct and convenient access for users of the facility and permit easy transfer of bins to the collection point. C6. An electric portable bin tug device	Yes – Satisfactory. Yes – Use of a bin tug has	Yes
	must be used for bin movement where the grade exceeds 1:14. Specifications for a typical portable bin tug device are provided as a guide in Table 3.	been conditioned as part of DA2021/0682.	
3.6 Collection area requirements	C1. All developments must allocate a suitable collection point for collection of waste and recycling bins from either inside the development (on-site) or from kerbside (off-site).	Yes – Kerb side collection is proposed which remains unchanged from the related DA.	Yes

DOCUMENTS ASSOCIATED WITH REPORT LPP001/24

Attachment 7 State Environmental Planning Policies Assessment



Attachment 7 State Environmental Planning Policies

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 3 - Early education and care facilities under the SEPP is relevant to the application. An assessment against the relevant clauses of the SEPP is provided in the table below:

Relevant Control		Compliance with Requirements					
Part 3.3 Early education and care facilities—specific development controls							
Notes	Note 1. A service approval is required to operate an early education and care facility that is an education and care service to which the Children (Education and Care Services) National Law (NSW) applies, or a State regulated education and care service to which the Children (Education and Care Services) Supplementary Provisions Act 2011 applies. Approved services are subject to various operational requirements under that legislation, including requirements for the physical environment of the approved service. Note 2. Complying development controls specifically for school-based childcare are provided	A service approval/licence from the NSW Department of Education (DEC) is required to be obtained by the operator. This shall be enforced by a condition of consent.					
3.22 Centre- based child care facility— concurrence of Regulatory Authority required for certain development	for in clause 40. (1) This clause applies to development for the purpose of a centre-based child care facility if: (a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or (b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations. (2) The consent authority must not grant development consent to development to which this clause applies except with the concurrence of the Regulatory Authority.	Yes - The proposed development complies with Clause 107 and 108 of the National Regulations with respect to 85 child placements. Concurrence was not required to be sought with regard to the proposed outdoor child play areas					
3.23 Centre- based child care facility— matters for consideration by consent authorities	Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.	Yes - The proposed development is generally consistent with the provisions of the Child Care Planning Guideline subject to conditions.					
3.25 Centre- based child care facility—floor space ratio	(1) Development must not be granted for a centre-based child care facility in zone R2 Low Density Residential if the floor space ratio of the building on the site exceeds 0.5:1.	N/A – The site is located in a R4 High Density Residential zone.					



	(A) W()	
	(2) This section does not apply if	
	another environmental planning	
	instrument or a development control	
	plan sets a maximum floor space ratio	
	for the centre-based child care facility.	
3.26 Centre	(1) The object of this clause is to	Yes - The proposed development complies with
based child care	identify development standards for	clause 107and 108 of the Regulations as
facility— non	particular matters relating to a centre-	discussed in the Child care planning guideline
discretionary	based child care facility that, if	compliance table at Attachment 8.
development	complied with, prevent the consent	
standards	authority from requiring more onerous	
	standards for those matters.	
	(2) The following are non-discretionary	
	development standards for the	
	purposes of section 79C (2) and (3) of	
	the Act in relation to the carrying out of	
	development for the purposes of a	
	centre-based child care facility:	
	a) location—the development may be	
	located at any distance from an	
	existing or proposed early education	
	and care facility,	
	b) indoor or outdoor space	
	i. for development to which regulation	
	107 (indoor unencumbered space	
	requirements) or 108 (outdoor	
	unencumbered space requirements) of	
	the Education and Care Services	
	National Regulations applies—the	
	unencumbered area of indoor space	
	and the unencumbered area of outdoor	
	space for the development complies	
	with the requirements of those	
	regulations, or	
	ii. for development to which clause 28	
	(unencumbered indoor space and	
	useable outdoor play space) of	
	the Children (Education and Care	
	Services) Supplementary Provisions	
	Regulation 2012 applies— the	
	development complies with the indoor	
	space requirements or the useable	
	outdoor play space requirements in	
	that clause,	
	c) site area and site dimensions—the	
	development may be located on a site	
	of any size and have any length of	
	street frontage or any allotment depth,	
	d) colour of building materials or shade	
	structures—the development may be	
	of any colour or colour scheme unless	
	it is a State or local heritage item or in	
	a heritage conservation area.	
	3) To remove doubt, this clause does	
	not prevent a consent authority from:	
	a) refusing a development application in relation to a matter not specified in	
	subclause (2), or	
	Subciause (2), Oi	



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



State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development (SEPP 65) and Apartment Design Guide (ADG)

The provisions and design quality principles of SEPP 65 has been considered in the assessment of changes to the residential component of the development application as approved under the related DA (DA2021/0682) within the following table:

Requirement	Yes	No	N/A	Comment
Part 1 Preliminary				
Clause 2 Aims, objectives etc.				The proposal maintains compliance with the
	_	_	_	aims and objectives of SEPP 65.
(1) This Policy aims to improve the design				
quality of residential flat development in				
New South Wales.		_	l	
(2) This Policy recognises that the design				
quality of residential flat development is				
of significance for environmental planning for the State due to the				
economic, environmental, cultural and				
social benefits of high quality design.				
(3) Improving the design quality of				
residential flat development aims:				
(a) To ensure that it contributes to the				
sustainable development of NSW:	$ \boxtimes$	$ \sqcup $	$ \sqcup $	
(i) by providing sustainable				
housing in social and				
environmental terms;	$ \boxtimes$	$ \sqcup$	$ \sqcup $	
(ii) By being a long-term asset to its				
neighbourhood;				
(iii) By achieving the urban planning	$ \boxtimes$	$ \sqcup $	$ \sqcup $	
policies for its regional and local				
contexts.	$ \boxtimes$	$ \sqcup $	$ \sqcup $	
(b) To achieve better built form and aesthetics of buildings and of the				
streetscapes and the public spaces				
they define.	$ \boxtimes$	$ \sqcup $	$ \sqcup $	
(c) To better satisfy the increasing				
demand, the changing social and				
demographic profile of the	$ \boxtimes$	$ \sqcup $	$ \sqcup $	
community, and the needs of the				
widest range of people from				
childhood to old age, including those				
with disabilities.				
(d) To maximise amenity, safety and				
security for the benefit of its	\boxtimes			
occupants and the wider				
community.				
(e) To minimise the consumption of energy from non-renewable				
resources to conserve the	\boxtimes			
environment and to reduce				
greenhouse gas emissions.				
(f) to contribute to the provision of a				
variety of dwelling types to meet				
population growth.	\boxtimes	П	ΙП	
(g) to support housing affordability.				
(h) to facilitate the timely and efficient				
assessment of applications for			lΗ	
development to which this Policy				
applies.				



Requirement	Yes	No	N/A	Comment
(4) This Policy aims to provide: (a) consistency of policy and mechanisms across the State, and (b) a framework for local and regional planning to achieve identified outcomes for specific places.				
Part 4 Application of design principles				
28 Determination of development applications				
(1) In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration): (a) the advice (if any) obtained from the			\boxtimes	The proposed development did not satisfy
design review panel, and				the criteria to be referred to Council's Design Excellence Panel for review being: - Clause 6.14 of the CLEP 2021. - Building height greater than 25m.
 (b) the design quality of the development when evaluated in accordance with the design quality principles, and 				The design quality of the development has been assessed against the design quality principles of SEPP 65 and the Apartment Design Guide as detailed throughout this compliance table.
(c) the Apartment Design Guide.				Yes, generally compliant.
(2) However, if the relevant design review	$ \boxtimes$	$ \sqcup $	$ \sqcup $	
panel fails to inform the consent authority of its advice concerning the design quality of the development to which this Policy applies within 14 days after its first meeting to deal with the application			\boxtimes	
concerned, the consent authority may determine the development application without considering any such advice and a development consent so granted is not voidable on that ground.				
(3) The 14 day period referred to in subclause (3) does not increase or otherwise affect the period within which a development application is required to be determined by a consent authority.				
A consent authority is not required to obtain the advice of a relevant design review panel under subclause (1) if an architectural design competition that is consistent with the Design Excellence Guidelines has been held in relation to the proposed development.				
30 Standards that cannot be used as grounds to refuse development				



Requirement	Yes	No	N/A	Comment
consent or modification of				
development consent				
 (1) If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters: (a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide, 				There is adequate car parking to support the modified residential component of the development. The change to apartment mix results in less onsite parking required to serve the residential component. The design of the basement levels has been amended in response to this design change and is fully compliant.
 (2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to: (a) the design quality principles, and (b) the objectives specified in the Apartment Design Guide for the relevant design criteria. 				The development maintains compliance.
Schedule 1 Design quality principles				
Principle 1: Context and Neighbourhood				
Character Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.				Development in the area is currently undergoing transition as the existing low density dwellings are replaced by high density residential flat development. It is acknowledged that the development satisfies the relevant objectives of the R4 High Density Residential zone as detailed in the CLEP 2021 and has been designed appropriately with regard to its impact on the existing development surrounding the site.
Principle 2: Built Form and Scale Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's				There will be a marginal increase to the massing of the development due to an enlargement of the rooftop communal open space. The form and scale of the development is appropriate with regard to the context of the area noting it is immediately surrounded on three sides by



Requirement	Yes	No	N/A	Comment
purpose in terms of building alignments,	103	140	IVA	recently established residential flat buildings
proportions, building type, articulation and				of similar architectural style and proportions.
the manipulation of building elements.				or similar architectural style and proportions.
Appropriate built form defines the public				
domain, contributes to the character of				
streetscapes and parks, including their				
views and vistas, and provides internal				
amenity and outlook.				
Principle 3: Density				
Good design achieves a high level of				An adequate level of amenity is provided to
amenity for residents and each apartment,				the residential dwellings above the child
resulting in a density appropriate to the site				care centre. Un-trafficable roof area extends
and its context.				from the floor slab of the Level 1 apartments
Appropriate densities are consistent with the				facing the north and west that will help to
area's existing or projected population.				reduce the level of noise entering these
area o existing or projected population.				apartments arising from the operation of the
Appropriate densities can be sustained by				child care centre below.
existing or proposed infrastructure, public				onina dana danina banami
transport, access to jobs, community				
facilities and the environment.				
Principle 4: Sustainability				
Good design combines positive				An amended BASIX Certificate has been
environmental, social and economic				submitted to account for changes to the
outcomes.				design of the residential component of the
odtoomoo.				development.
Good sustainable design includes use of				do releptions.
natural cross ventilation and sunlight for the				
amenity and liveability of residents and				
passive thermal design for ventilation,				
heating and cooling reducing reliance on				
technology and operation costs. Other				
elements include recycling and reuse of				
materials and waste, use of sustainable				
materials and deep soil zones for				
groundwater recharge and vegetation.				
Principle 5: Landscape				
Good design recognises that together				Whilst the majority of the outdoor space at
landscape and buildings operate as an	_			ground level has been converted to outdoor
integrated and sustainable system, resulting				child play area, generous landscaping is
in attractive developments with good				maintained along the adjacent boundaries
amenity. A positive image and contextual fit				providing some screening of view lines to
of well-designed developments is achieved				and from the subject site and the adjoining
by contributing to the landscape character of				properties. The modified landscape
the streetscape and neighbourhood.				treatments are considered to be
Cood landsoons design enhances the				satisfactory.
Good landscape design enhances the				
development's environmental performance				
by retaining positive natural features which				
contribute to the local context, co-ordinating				
water and soil management, solar access, micro-climate, tree canopy, habitat values				
and preserving green networks.				
and preserving green networks.				
Good landscape design optimises useability,				
privacy and opportunities for social				
interaction, equitable access, respect for				
neighbours' amenity and provides for				



Requirement	Yes	No	N/A	Comment
practical establishment and long term				
management.				
Principle 6: Amenity Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.				The proposal will deliver sufficient amenity to residents of the building and to neighbouring properties with regard to the provisions of SEPP 65 and the ADG by altering the design of windows to be hi-light windows and the introduction of privacy screens to north and west facing balconies of apartments located on Level 1 to 3. The layout and size of the residential apartments to be retained does not change from what is currently approved under the related DA, DA2021/0682. The development maintains suitable front, side and rear setbacks of the residential apartments which remains unchanged from what is currently approved under the related DA. The pedestrian pathway to the residential component is completely separate to that of
				the child centre, is well defined and provides for disabled access.
Principal 7: Safety Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.				Passive surveillance of public space is maximised through the orientation of units which remains unchanged from DA2021/0682 with respect to the apartments that are retained. The modified pedestrian access arrangement from the public domain to the lobby of the residential component is well designed and clearly defined. Lift foyer and basement car parking can be appropriately secured with security cards and intercom access for visitors.
Principal 8: Housing Diversity and Social Interaction Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.				The development achieves and appropriate dwelling mix being: - 2 x 1 Bed Unit (8%); - 21 x 2 Bed Unit (84%); and - 2 x 3 Bed Unit (8%).
Principle 9: Aesthetics				



Requirement	Yes	No	N/A	Comment
Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.				The development maintains an attractive contemporary appearance and utilises building elements that provide individuality without compromising the streetscape or detracting from the appearance of existing surrounding development.
The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.				The appearance of the building is architecturally attractive. This is achieved through the use of contrasting materials, and architectural features on the building facades. The building provides an appropriate
				The building provides an appropriate response to the existing and likely future character of the locality.



Apartment Design Guide (ADG)

The proposed development is assessed with regard to the relevant requirements of the ADG as detailed below:

Requirement	Yes	No	NA	Comment
Part 3B - Orientation				
3B-1 Design Guidance Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1).	\boxtimes			Achieved.
Where the street frontage is to the east or west, rear buildings should be orientated to the north.	\boxtimes			Achieved.
3B-2 Design Guidance Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access.				Achieved. The bulk of communal open space is provided on the rooftop which will receive unimpeded solar access.
Solar access to living rooms, balconies and private open spaces of neighbours should be considered.				The minor increase in the overall massing of the development due to the increase in communal outdoor space on the roof level will result in no significant change to the extent of overshadowing impacts on the site to the south being 4-6 Good Street (compared to what is currently approved by the related DA, DA2021/0682). This is demonstrated by the submitted sun shadow diagrams of the subject development. Given the negligible difference to the extent of shadow over surrounding properties, the conclusions obtained from the assessment of DA2021/0682 remain valid. That is: - The proposed building mass with respect to building height and setbacks is generally compliant with regard to Council's local planning controls, SEPP 65 and the ADG. - Sufficient building separation is provided between the two developments in accordance with SEPP 65 and the ADG. - It is acknowledged that the orientation of the block in is such that a significant overshadowing impact is unavoidable irrespective of the design of the development proposed.





			It is of note that the impact of recently established RFB developments on the neighbouring properties (14-16 and 4-6 Good Street) pose similar extents of overshadowing.
Part 3C - Public domain interface			
3C-1 Design Guidance			
In developments with multiple buildings and/or entries, pedestrian entries and spaces associated with individual buildings/entries should be differentiated to improve legibility for residents, using a number of the following design solutions:- architectural detailing. changes in materials. plant species.			Separate entrances are provided to the residential lobby and child care centre of the development which are functional and well articulated.
colours.			
Opportunities for people to be concealed should be minimised.	\boxtimes		Concealment opportunities appropriately minimised.
3C-2 Design Guidance			
Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking.		\boxtimes	
Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.	\boxtimes		Letterboxes are integrated into street facing fencing and are in alignment with the pedestrian path leading to the residential lobby.
Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels.			The proposed disabled ramps are discreetly located within the front setback area and are suitably screened by walls and landscape features.
Part 3D - Communal and public open space			10000
3D-1 Design Criteria Communal open space has a minimum area equal to 25% of the site (see figure 3D.3).	\boxtimes		Communal open space = 25% (439.4sqm)
			Site area = 1,751sqm Ground COS = 48.23sqm Roof top COS = 391.17sqm
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).			Achieved.
3D-1 Design Criteria Communal open space should be consolidated into a well-designed, easily identified and usable area.	\boxtimes		Achieved.
Communal open space should have a minimum dimension of 3m, and larger	\boxtimes		Achieved.





	developments s dimensions.	hould consi	der greater			
Direct, equitable access should be provided to communal open space areas from common				Achieved.		
	circulation areas,				\boxtimes	COS is provided on the roof top and at ground level.
F	Where communa provided at ground on a podium or ro	level, it should				
Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should: • provide communal spaces elsewhere such as a landscaped roof top terrace or a common room.					The majority of COS is provided in the rooftop due to the conversion of outdoor area at ground level into outdoor child play area to serve the new child care centre.	
3D-2 Design Guidance Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the						
•	ollowing elements seating for in barbecue are	dividuals or gr	oups.	\boxtimes		Pergola and BBQ facility is provided in COS.
The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts.						
3D-3 Design Guidance Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include:- Bay windows. Corner windows. Balconies.					COS is appropriately designed and is well secured.	
Communal open space should be well lit.			\boxtimes			
Where communal open space / facilities are provided for children and young children they are safe and contained.						
	Part 3E1 - Deep s					
3E-1 Design criteria Deep soil zones are to meet the following					Site area = 1,751sqm.	
minimum requirements:						
Γ	Site Area	Dimension	Deep Soil			Deep soil zone = 22.69% (397.14sqm)
		s				
	Less than 650m ²		7%			
Ì	650m ² to 1,500m ²	3m	7%			





11	eater than 600m ²	6m	7%				
1	eater than	6m	7%				
	00m ² with nificant						
	sting tree						
	Design Guid						
		may be possib					
	er deep soil zo and context:	ones, dependir	ng on the site				
•		site as deep	soil on sites				Achieved.
	greater than						
Dee	p soil zones	should be loca	ated to retain				
		t trees and to					
		healthy ro ge and stabili					
		tions may inclu					
•	_	nd sub basem		\boxtimes		П	Two levels of basement car parking is
		is consolida	ted beneath			_	provided generally in alignment with
	building footp		aida aathaala		\boxtimes		the footprint of the building above ground level.
Part	3F - Visual p	sed front and	side setbacks				ground level.
	Design Guid						
Com	nmunal open	space, commo					
		nould be sep					
priva			windows to itable room				
		solutions may					
•	setbacks.	,		\boxtimes			
•		tially solid ba	alustrades to				
	balconies at fencing and/	or trees and	vegetation to		_		Communal open space within the
	separate spa		vegetation to		Ш	Ш	northern side and western rear
							setback areas are separated from private open space areas through the
							use of fencing and landscaping.
							Level 1 units possess solid
							balustrades.
•		ments/private		\boxtimes			Additional COS is provided on the roof level.
	open space.	ublic domain	or communal	-	_	_	level.
•		nould be offs	et from the				A contraction to the contraction to
	windows of a	djacent buildir	igs.		$ \sqcup $		A north facing bedroom window to Units 105, 205 and 305 is converted to
							a hi-light window to preserve the
							amenity of the neighbouring residents
							to the north and the occupants of the
							child care centre below. The same design change has been undertaken
							to the north facing living room window
							of Units 104, 204 and 304 to achieve
							the same objective.
							The west facing living room window of
							Units 102, 202 and 302 is also converted to be hi-light windows to
							improve amenity with respect to the





			neighbouring residential flat
Part 3G - Pedestrian access and entries			development to the west.
3G-1Design Guidance			
Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge.	\boxtimes		Separate pedestrian pathways and entries are provided to the child care centre and residential components of
Entry locations relate to the street and subdivision pattern and the existing pedestrian network.	\boxtimes		the development. Achieved.
Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries.	\boxtimes		Achieved.
3G-2Design Guidance Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces.			A direct line of sight is provided from the public domain to the entrance of the residential lobby.
The design of ground floors and underground car parks minimise level changes along pathways and entries.	\boxtimes		Achieved.
Steps and ramps should be integrated into the overall building and landscape design.	\boxtimes		Achieved.
Part 3H - Vehicle Access			
3H-1 Design Guidance			
Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include: changes in surface materials. level changes. the use of landscaping for separation.			Achieved.
Part 3J - Bicycle and car parking			
3J-1 Design Criteria The car parking needs for a development must be provided off street.	\boxtimes		Achieved.
3J-2 Design Guidance Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.	\boxtimes		Achieved.
3J-3 Design Guidance Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces.	\boxtimes		The garage and plant rooms are conveniently located in close proximity to the lift cores and driveway ramp.
A clearly defined and visible lobby or waiting area should be provided to lifts and stairs.	\boxtimes		Achieved.
3J-4 Design Guidance Excavation should be minimised through efficient car park layouts and ramp design.	\boxtimes		The modified car park layout is satisfactory. Council's Development Engineer has assessed the proposal



Cumberland Local Planning Panel Meeting 14 February 2024

Cumberland Local Planning Panel

Car parking layout should be using a logical, efficient str double loaded aisles.					and has raised no objection subject to conditions. Basement level protrudes 650mm from natural ground level at the south				
					west part of the site.				
Part 4A - Solar and daylight access									
4A-1 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.					23 out of 25 units (92%) receive at least 2 hours of solar access based on the submitted sun shadow diagrams.				
A maximum of 15% of apartm receive no direct sunlight beto pm at mid-winter.	ween 9 am and 3	\boxtimes			2 out of 25 units (8%) will receive less than 2 hours of solar access during mid-winter.				
Part 4B - Natural ventilation	1								
4B-3 Design Criteria At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.					19 of 25 units (76%) are naturally cross ventilated.				
4D - Apartment size and layout									
Apartment type Minimum internal area					The size and layout of residential apartments to be retained will be unchanged from the related DA, DA2021/0682.				
Studio 35m² 1 bedroom 50m² 2 bedroom 70m² 3 bedroom 95m²									
Part 4F - Common circulati	on and spaces	•							
4F-1 Design Guidance Daylight and natural ventilation should be provided to all common circulation spaces that are above ground.		\boxtimes			Some access to sunlight is provided by a window at all residential levels.				
Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors.			\boxtimes		Not feasible given the layout of the apartments and corridor.				
4G - Storage									
4G-1Design Criteria In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:		1							
provided:					Sufficient storage appears feasible within the apartments and in combination the available area within the basement levels.				
Dwelling type					within the apartments and in combination the available area within				
Dwelling type Studio apartments	Storage 4m³			\boxtimes	within the apartments and in combination the available area within				
Dwelling type	ving storage is				within the apartments and in combination the available area within				





3 plus bedroom 10m³ apartments	$ \boxtimes $							
4G-2Design Guidance								
Storage not located in apartments is secure				Achieved.				
and clearly allocated to specific apartments.				Admicros.				
and orderly anotated to specific apartments.								
Storage space in internal or basement car				The siting of Storage in the basement				
parks is provided at the rear or side of car	$ \boxtimes$	$ \sqcup $	$ \sqcup $	level is modified and is appropriate.				
spaces or in cages so that allocated car				To to the mountain and to appropriate.				
parking remains accessible.								
parising remains acceptance								
If communal storage rooms are provided they				Achieved.				
should be accessible from common circulation	\boxtimes	$ \sqcup $	$ \sqcup $					
areas of the building.								
Storage not located in an apartment is		_						
integrated into the overall building design and		$ \sqcup $	$ \sqcup $	Achieved.				
is not visible from the public domain.								
Part 4H - Acoustic Privacy								
4H-1 Design Guidance								
Adequate building separation is provided		ΙП		Noise from the operation of the new				
within the development and from neighbouring				child care centre and associated				
buildings/adjacent uses (see also section 2F				outdoor play areas will in part be				
Building separation and section 3F Visual				reduced by the provision of un-				
privacy).				trafficable roof area extending from				
				the floor slab of the Level 1				
				apartments that face these areas.				
				Building separation from buildings on				
				surrounding properties remains				
				unchanged from the related DA,				
				DA2021/0682.				
Part 4J - Noise and pollution								
4J-1 Design Guidance								
To minimise impacts the following design								
solutions may be used:		_						
non-residential uses are located at lower	$ \boxtimes$	$ \sqcup $	$ \sqcup $	A new child care centre is proposed on				
levels vertically separating the residential				the ground floor Refer to above				
component from the noise or pollution				comment.				
source. Setbacks to the underside of								
residential floor levels should increase								
relative to traffic volumes and other noise								
sources.								
Part 4K - Apartment mix	_							
4K-1 Design Guidance A variety of apartment types is provided.				The apartment mix is madified due to				
A variety of apartment types is provided.	$ \boxtimes$	$ \sqcup $	$ \sqcup $	The apartment mix is modified due to the new child care centre which				
The apartment mix is appropriate taking into				occupies the majority of the ground				
The apartment mix is appropriate, taking into consideration:				floor resulting in the deletion of six (6)				
				residential apartments.				
 the distance to public transport, employment and education centres. 		∣∐		residential apartments.				
the current market demands and	$ \boxtimes $			The proposed mix is estisfactory as				
projected future demographic trends.				The proposed mix is satisfactory as discussed in the body of the report in				
the demand for social and affordable	\boxtimes		П	response to the relevant CDCP				
housing.		٦		control.				
different cultural and socioeconomic		ΙП		COTTUOL.				
groups.			_					
9.0000	\boxtimes							
Flexible apartment configurations are provided								
to support diverse household types and stages								





×				
I	of life including single person households, families, multi-generational families and group households			
l	4M - Facades			
Ì	4M-2Design Guidance			
ı	Building entries should be clearly defined.	\boxtimes		Achieved.
Ì	4N - Roof design			
	 4N-1 Design Guidance Roof design relates to the street. Design solutions may include:- special roof features and strong corners. use of skillion or very low pitch hipped roofs. breaking down the massing of the roof by using smaller elements to avoid bulk. using materials or a pitched form complementary to adjacent buildings. 			The roof of the development remains similar in design to what is currently approved. The design remains satisfactory.
ı	Roof treatments should be integrated with the building design. Design solutions may include:-			
	 roof design proportionate to the overall building size, scale and form. roof materials compliment the building. service elements are integrated. 			
	4N-2 Design Guidance Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations.			The area of communal open space on the roof top level is increased due to the majority of the approved COS at ground level being converted to outdoor child play area. There is no significant change to the visual impact of the modified roof level from what is currently approved.
Į	4Q - Universal design			
	4Q-1 Design Guidance Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features.			Compliance with this requirement is required by condition 56 imposed in DA2021/0682.
	4Q-2Design Guidance Adaptable housing should be provided in accordance with the relevant council policy.	\boxtimes		No change is proposed to the composition of adaptable units as approved under DA2021/0682.
				A total of 25 units are proposed. The CDCP at Part B5, C1 requires at least 20% of dwellings to be adaptable dwellings. In this regard, five (5) adaptable units (25%) are maintained which remains unchanged from the related approval.
J	4W - Waste management			ı
	4W-1 Design Guidance Adequately sized storage areas for rubbish bins should be located discreetly away from	\boxtimes		The residential waste room is modified in size and placement. It is



Cumberland Local Planning Panel Meeting 14 February 2024

Cumberland Local Planning Panel

r			_	_	
1	the front of the development or in the				basement ramp and lifts and is of
ı	basement car park.				sufficient size to accommodate bins.
ļ	AND THE RESIDENCE OF THE PROPERTY OF THE PROPE				Sufficient size to accommodate bins.
ı	4W-2 Design Guidance		1		
ı		123			Achieved.
ı	Communal waste and recycling rooms are in		ш	\sqcup	Achieved.
ı	convenient and accessible locations related to		—		
ı	each vertical core.				
ı	each vertical core.				
ı					
ı	For mixed use developments, residential	5-21			Separate waste and recycling rooms
ı					
ı	waste and recycling storage areas and access	No.	_	_	are provided to serve each use.
ı	should be separate and secure from other				
ı	should be separate and secure nom other				
ı	uses.				
1			1		

DOCUMENTS ASSOCIATED WITH REPORT LPP001/24

Attachment 8 Child Care Planning Guideline Assessment



Attachment 8 Child Care Planning Guideline 2021 Assessment

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

Part 2 - Design quality principles

The design quality principles establish the broad design context guide of all new proposals for child care facilities, regardless of whether they are stand alone, part of a mixed-use development, modifications or retrofits of existing buildings or seeking to occupy premises without incurring new building works. Good design is integral to creating sustainable and liveable communities. There is growing appreciation of the significant role that good design can play in education with increasing evidence that learning outcomes are closely related to the quality of learning environments. Factors such as air quality, ventilation, natural lighting, thermal comfort and acoustic performance have been shown to have a profound impact on learning, engagement, social interactions and competencies. They also contribute to wellbeing through creating a sense of belonging, self-esteem and confidence.

Comment: The 7 design quality principles have been considered within the DCP assessment sections of this report, as well as in detail in Part 3 below, entitled Matters for consideration, which provide specific design controls and criteria to support the overarching design quality principles. The proposed development is considered to have been designed having regard to the 7 design quality principles and is therefore satisfactory as demonstrated in the compliance table below.

Part 3 - Matters for consideration

The considerations give guidance to applicants on how to design a high-quality proposal that takes account of its surroundings and any potential environmental impacts the development may cause and to be mindful of potential impacts that may arise from existing uses and conditions within a locality. The matters support the design principles and must be considered by the consent authority when assessing a DA for a child care facility. Child care facilities can be developed in a broad range of locations and need to be flexible in how they respond to the requirements and challenges this brings.

Relevant Control		Compliance with Requirements			
Part 3 Matters of	considerations				
3.1 Site selection	3.1 Site selection and location				
Zoning	For proposed developments in or adjacent to a residential zone, particularly if that zone is for low density residential uses consider: • the acoustic and privacy impacts of the proposed development on the residential properties. • the setbacks and siting of buildings within the residential context. • visual amenity impacts (e.g. additional building bulk and overshadowing, local character). • traffic and parking impacts of the proposal on residential amenity and road safety.	Yes, compliant. The subject site is located in the R4 High Density residential zone. Amenity The acoustic assessment submitted with the application recommends measures to minimise noise impacts arising from the operation of the centre. Council's Environmental Heath Unit (EHU) has raised no objection to the development subject to conditions of consent. Building setbacks The residential component of the development remains unchanged in terms of building setbacks with the related residential flat building development approved under DA2021/0682. Visual amenity and building bulk The visual amenity of the development as a whole remains consistent with the related residential flat building development approved under DA2021/0682.			



	Traffic and parking Council's Engineer has assessed the modified basement levels which accommodate additional parking to cater for the new child care centre. A traffic report was submitted in support of the proposal and Council's Engineer has
	raised no objection to the development subject
When collecting a site ansure that	to conditions.
the location and surrounding uses are compatible with the proposed development or use. there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed. the characteristics of the site are suitable for the scale and type of development proposed having regard to: - length of street frontage, lot configuration, dimensions and overall size. - number of shared boundaries with residential properties. - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas. - there are suitable and safe drop off and pickup areas, and off and on street parking. - the characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use. - the site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities. - it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises	Yes, compliant. A Detailed Site Investigation (DSI) was submitted with the application that concluded that the risk to human health and the environment with regard to soil contamination is negligible within the context of the child care centre. Council's Environmental Health Unit (EHU) has assessed the report and has raised no objection to the provision of a child care centre on the site subject to conditions of consent. The drop off and pick up of children will be undertaken from designated parking spaces within the site and traffic impacts are deemed to be acceptable based on an assessment of the traffic report by Council's Engineer. The centre is located in an area surrounded by compatible uses being predominantly low and high density residential in character. There are no incompatible social activities or uses in close proximity to the subject site.
	Yes, compliant as discussed above.
near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship.	100, compliant as discussed above.
	compatible with the proposed development or use. • there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed. • the characteristics of the site are suitable for the scale and type of development proposed having regard to: • length of street frontage, lot configuration, dimensions and overall size. • number of shared boundaries with residential properties. • the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas. • there are suitable and safe drop off and pickup areas, and off and on street parking. • the characteristics of the fronting road or roads (for example its operating speed, road classification, traffic volume, heavy vehicle volumes, presence of parking lanes) is appropriate and safe for the proposed use. • the site avoids direct access to roads with high traffic volumes, high operating speeds, or with high heavy vehicle volumes, especially where there are limited pedestrian crossing facilities. • it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. A child care facility should be located: • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities,



Risk minimisation	near or within employment areas, town centres, business centres, shops. with access to public transport including rail, buses, ferries. in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. A child care facility should be located to avoid risks to children, staff or visitors and adverse environmental conditions arising from: heavy industry, LPG tanks and service stations, water cooling and water warming systems, odour, extractive industries and the like.	Yes, compliant as discussed above.
3.2 Local charac	ter, streetscape and the public domain	interface
Compatibility	The proposed development should:	Yes - The appearance of the building on the site
	 contribute to the local area by being designed in such a way to respond to the character of the locality and existing streetscape. build on the valued characteristics of the neighbourhood and draw from the physical surrounds, history and culture of place. reflect the predominant form of surrounding land uses, particularly in low density residential areas. recognise and respond to predominant streetscape qualities, such as building form, scale, materials and colours. include design and architectural treatments that respond to and integrate with the existing streetscape and local character. use landscaping to positively contribute to the streetscape and neighbouring and neighbourhood amenity. integrate car parking into the building and site landscaping design in residential areas. 	will remain consistent with surrounding development. The child care centre occupies the majority of the ground floor level and as such, will have a direct interface with the Good Street and the public domain. A high level of visual compatibility with surrounding development is maintained due to the following: - The street facing elevation of the centre is well articulated by glazed features, pathways and landscaping within the front setback area. - The pedestrian entry point to the centre is completely separate from the entry to the residential apartments, is well articulated by built elements (letterboxes and pathways). - Car parking is maintained underground in Basement 1.
Delineate from public spaces	Create a threshold with a clear transition between public and private realms, including: • fencing to ensure safety for children entering and leaving the facility. • windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and a connection between the facility and the community. • integrating existing and proposed landscaping with fencing. On sites with multiple buildings and/or	Yes - Landscaping creates a clear distinction between the public and private realms whilst maintaining a high level of security. Passive surveillance is provided from large and prominent street facing windows on the street facing façade. Yes - Windows are orientated to ensure all
	entries, pedestrian entries and spaces associated with the child care facility	areas of the outdoor child play areas are viewable.



	should be differentiated to improve	
	legibility for visitors and children by	
	changes in materials, plant species and colours.	
Fences and	Front fences and walls within the front	Yes, subject to conditions - The submitted
retaining walls	setback should be constructed of	acoustic report recommends the provision of
rotuming frame	visually permeable materials and	1.8m and 2.1m high acoustic fencing around the
	treatments.	perimeter of outdoor child play areas located
		within the side and rear boundaries. The design
	High solid acoustic fencing may be	and appearance of the recommended acoustic
	used when shielding the facility from	fencing will not be dissimilar to typical fencing
	noise on classified roads. The walls	approved for recent developments in the
	should be setback from the property	Cumberland Local Government Area that are
	boundary with screen landscaping of a similar height between the wall and the	typically up to 3m in height and comprised of solid capped and lapped timber, thick
	boundary.	polycarbonate and/or laminated glass or
	boundary.	masonry.
3.3 Building orie	ntation, envelope and design	, maconny.
Solar access	Orient a development on a site and	Yes - The visual and acoustic amenity of
	design the building layout to:	residents within the development has been
		considered by the provision of non-trafficable
	ensure visual privacy and minimise	roofs which extend from balconies of the north
	potential noise and overlooking impacts	and west facing Level 1 residential units. hi-light
	on neighbours by - facing doors and windows	windows and privacy screens are also incorporated to ensure view lines from the
	away from private open space,	residential units are appropriately redirected
	living rooms and bedrooms in	away from the outdoor child play areas of the
	adjoining residential properties.	centre.
	- placing play equipment away	
	from common boundaries with	As noted above, acoustic fencing around the
	residential properties.	perimeter of outdoor child play area will be
	- locating outdoor play areas	provided to minimise noise impacts from the
	away from residential dwellings and other sensitive uses.	operation of the centre to surrounding residential uses to the north, south and west.
	optimise solar access to internal and	residential uses to the north, south and west.
	external play areas.	Sufficient solar access is maintained to
	avoid overshadowing of adjoining	surrounding properties noting the extent of
	residential properties.	shadow will be consistent with what is approved
	minimise cut and fill.	under the related DA, DA2021/0682 and based
	ensure buildings along the street	on the submitted sun shadow diagrams, solar
	frontage define the street by facing it. • ensure where a child care facility is	access will be provided to the outdoor child play areas from lunch time onwards (1.00pm to
	located above ground level, outdoor	3.00pm during 22 June).
	play areas are protected from wind and	,
	other climatic conditions.	
Scale of	The following matters may be	Yes - The physical bulk of the development
development	considered to minimise the impacts of	remains consistent with the related DA,
	the proposal on local character:	DA2021/0682. There will be an increase in the
	building height should be consistent	overall bulk of the development due to extending the outdoor communal open space
	with other buildings in the locality.	on the roof level of the building to serve the
	building height should respond to the	residential apartments. It is apparent that the
	scale and character of the street.	bulk and scale of the building will remain
	setbacks should allow for adequate	consistent with neighbouring development to
	privacy for neighbours and children at	the north, south and west which are residential
	the proposed child care facility.	flat developments of comparable size and
	setbacks should provide adequate	height (5 to 6 storeys).
	access for building maintenance. • setbacks to the street should be	
	consistent with the existing character.	
	outsident with the existing character.	



Building setbacks	Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use. On land in a residential zone, side and	Yes – The centre will occupy the ground floor of the building which retains front, side and rear setbacks that is consistent with the approved building setbacks under DA2021/0682 and is compliant with the required setbacks enforced by CDCP (refer to CDCP, Part E1 compliance table). The proposed setbacks are considered appropriate on this basis. Yes - The proposed setbacks are consistent
	rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	with the existing and desired setbacks in the area.
Accessible design	Accessible design can be achieved by: • providing accessibility to and within the building in accordance with all relevant legislation. • linking all key areas of the site by level or ramped pathways that are accessible to pram and wheelchairs, including between all car parking areas and the main building entry. • providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible. • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.	Yes – Accessible parking spaces in the basement are situated in close proximity to the lift.
3.5 Visual and ac		
Privacy and security of children	Design and site layout are the main ways of reducing acoustic impacts for example: • site context and orientation of the building. • building design including the location of public and private open spaces and the arrangement of internal spaces. • physical relationship to surrounding uses. • building separation and providing physical barriers between the outdoor areas and the noise receivers.	Yes — The submitted acoustic assessment recommends a mix of 1.8m and 2.1m high acoustic fencing around the perimeter of the outdoor child play areas. Council's EHU has raised no objection to the development subject to compliance with the recommended measures in the acoustic assessment. Compliance shall be required as a condition of consent.
Overlooking to adjoining properties	Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through: • appropriate site and building layout. • suitable location of pathways, windows and doors. • landscape design and screening.	Yes – Appropriate setbacks are maintained to surrounding properties and there will be no direct views from the centre to surrounding residential dwellings.



Noise impact to A new development, or development Yes - A mix of 1.8m and 2.1m high acoustic adjoining that includes alterations to more than fencing is proposed around the perimeter of the 50 per cent of the existing floor area. outdoor child play areas. Council's EHU has properties and is located adjacent to residential raised no objection to the development subject accommodation should: to compliance with the recommendations of the acoustic report which shall be enforced as a condition of consent. · provide an acoustic fence along any boundary where the adjoining property contains a residential use. An acoustic fence is one that is a solid, gap free fence. suitably Yes - An acoustic assessment was submitted qualified acoustic professional should prepare an with the application and deemed satisfactory by acoustic report which will cover the Council's EHU. following matters: · identify an appropriate noise level for a child care facility located in residential and other zones. · determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use. · determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 3.6 Noise and air pollution Outdoor noise Adopt design solutions to minimise the Yes - The acoustic report makes design level control impacts of noise, such as: recommendations to ensure noise impacts to users of the centre are suitably minimised. · creating physical separation between Council's, EHU has raised no objection to the buildings and the noise source. development subject to compliance with these · orienting the facility perpendicular to measures. the noise source and where possible This shall be enforced as a condition of consent. buffered by other uses. · using landscaping to reduce the perception of noise. limiting the number and size of openings facing noise sources. · using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens). · using materials with mass and/or insulation or absorption properties, such as solid balcony balustrades, external screens and locating cot rooms, sleeping areas and play areas away from external noise

sources. 3.8 Traffic, parking and pedestrian circulation

Car parking demand

Refer to relevant DCP for off street car parking requirements

Where DCP has no parking control for Child Care Centres:

- Within 400m of train or Metro station within:
 - · 1sp per 10 children; plus
 - 1sp per 2 staff

Yes – The site is in excess of 400m away from a metro railway station (4.3km away from Pendle Hill Train Station)

As CDCP contains no parking controls for child care centres, the following rates in the Guide applies:

1 space per 4 children



	- In other areas: 1sp per 4 children	
		Proposed child placements = 85
		Required onsite parking = 22
	Dravida Troffic and Darking Study to	Proposed onsite parking = 22
	Provide Traffic and Parking Study to	Yes – Traffic report was submitted.
	quantify the potential impacts on the	
Environment	surrounding land uses	Voc. Bodostrian naths of travel are provided at
for pedestrians	The following design solutions may be incorporated into a development to help	Yes - Pedestrian paths of travel are provided at ground level and within the basement level, are
ioi pedestriaris	provide a	well articulated, legible and suitable separation
	safe pedestrian environment:	is provided to the entry points to the residential
	Sale pedesalari cirvilorinicin.	component of the development.
	separate pedestrian access from the	
	car park to the facility.	The development is considered to maintain an
	· defined pedestrian crossings and	acceptable level of pedestrian safety.
	defined/separate paths included within	
	large car parking areas.	
	 separate pedestrian and vehicle 	
	entries from the street for parents,	
	children and visitors.	
	pedestrian paths that enable two	
	prams to pass each other.	
	delivery, loading and vehicle	
	turnaround areas located away from the	
	main pedestrian access to the building	
	and in clearly designated, separate facilities.	
	minimise the number of locations	
	where pedestrians and vehicles cross	
	each other.	
	in commercial or industrial zones and	
	mixed-use developments, the path of	
	travel from the car parking to the centre	
	entrance physically separated from any	
	truck circulation or parking areas.	
	vehicles can enter and leave the site	
	in a forward direction.	
	clear sightlines are maintained for	
	drivers to child pedestrians, particularly	
	at crossing locations.	
	the National Regulations (Education and	d Care Services National Regulations)
Indoor space red	Min. 3.25m ² of unencumbered indoor	Vec Compliant
Regulation 107	space per child	Yes – Compliant.
	space per critic	Child capacity - 85
	Note:	Required indoor space = 276.25sqm
	Verandah can be fully closed during	Proposed indoor space = 276.92sqm
	inclement weather may include in	
	the calculation	
	- Exclude all simulated outdoor	
	space	
	Min. 0.3m3 of external storage space	Yes, subject to condition of consent to
	per child	comply.
		Required external storage = 25.5 cubic
		metres
		Proposed external storage = 20.5 cubic metres (15.7, 4.8)
		11100.03 (13.7, 4.0)
	I	



		The external storage at the eastern end of the site adjacent to Outdoor Play Area 4 can be extended to achieve compliance with this control. The additional 5 cubic metres required can be accommodated without impacting the visual quality of the development when viewed from the street.
	Min. 0.2m ³ of internal storage space per child	Yes – Compliant. Required internal storage = 17 cubic metres Proposed internal storage = 17.8 cubic metres
	lana fa allida a	(4.4, 6.2, 4, 3.2)
Regulation 106	On-site laundry facilities should contain: • a washer or washers capable of dealing with the heavy requirements of	Yes – Satisfactory.
	the centre	
Toilets and hygie		
Regulation 109	Toilet and hygiene facilities should be designed to maintain the amenity and dignity of the occupants. Design	Yes – Satisfactory.
	 junior toilet pans, low level sinks and hand drying facilities for children. a sink and handwashing facilities in all bathrooms for adults. 	
	 direct access from both activity rooms and outdoor play areas. windows into bathrooms and cubicles without doors to allow supervision by staff. external windows in locations that prevent observation from neighbouring properties or from 	
	side boundaries.	
Ventilation and n	atural light	
Regulation 110	Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children.	Yes - There are numerous opportunities for solar access via windows. Access to natural sunlight is satisfactory.
	Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code . Ceiling height requirements may be affected by the capacity of the facility.	
	Designers should aim to minimise the need for artificial lighting during the day, especially in circumstances where room depth exceeds ceiling height by 2.5 times. It is recommended that	



	ceiling heights be proportional to the	
	room size, which can be achieved using	
	raked ceilings and exposed trusses,	
	creating a sense of space and visual interest.	
Administrative s		
Regulation 111	A service must provide adequate area	Yes - Reception area and meeting room is
Regulation 111	or areas for the purposes of conducting	provided.
	the administrative functions of the	provided.
	service, consulting with parents of	
	children and conducting private	
	conversations.	
Nappy change fa	cilities	
Regulation 112	Child care facilities must provide for	Yes - Nappy changing areas are appropriately
	children who wear nappies, including	located.
	appropriate hygienic facilities for nappy	
	changing and bathing. All nappy	
	changing facilities should be designed	
	and located in an area that prevents	
	unsupervised access by children.	
	0.7.	
	Child care facilities must also comply	
	with the requirements for nappy	
	changing and bathing facilities that are contained in the National	
	Construction Code.	
Premises design	ed to facilitate supervision	
Regulation 115	A centre-based service must ensure	Yes - Windows provide clear views of outdoor
Regulation 115	that the rooms and facilities within the	and indoor play areas.
	premises (including toilets, nappy	and mood play arous.
	change facilities, indoor and outdoor	
	activity rooms and play spaces) are	
	designed to facilitate supervision of	
	children at all times, having regard to	
	the need to maintain their rights and	
	dignity.	
	Child care facilities must also comply	
	with any requirements regarding the	
	ability to facilitate supervision that are contained in the National	
	Construction Code.	
Emergency and	evacuation procedures	
Regulations 97	Regulation 168 sets out the list of	Yes - An evacuation report has been submitted
and 168	procedures that a care service must	to ensure the safe evacuation of children and
	have, including procedures for	staff in the event of an emergency.
	emergency and evacuation. Regulation	,
	97 sets out the detail for what those	This report shall be included as part of the
	procedures must cover including:	approved documents should this DA be
	 instructions for what must be done 	approved.
	in the event of an emergency	
	an emergency and evacuation floor	
	plan, a copy of which is displayed in	
	a prominent position near each exit	
	a risk assessment to identify	
	potential emergencies that are	
0.44	relevant to the service.	
Outdoor space r		Van Oamaliant
Regulation 108	Min. 7sqm of unencumbered outdoor	Yes – Compliant.
	space per child.	



Natural environn Regulation 113	The approved provider of a centre-	Child capacity - 85 Required outdoor space = 595sqm Proposed outdoor space = 595.14sqm Yes - The outdoor play areas are spacious and		
Shada	based service must ensure that the outdoor spaces allow children to explore and experience the natural environment.	shaded areas are provided. The areas have sufficient access to direct sunlight throughout the day based on the submitted shadow diagrams.		
Regulation 114	Controlled exposure to daylight for limited periods is essential as sunlight provides vitamin D which promotes healthy muscles, bones and overall wellbeing. Outdoor play areas should be provided with controlled solar access throughout the year. Outdoor play areas should: • have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered. • provide shade in the form of trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area • have evenly distributed shade structures over different activity spaces.	Yes - The outdoor play areas are spacious and shaded areas are provided. The areas have sufficient access to direct sunlight.		
Fencing Regulation 104	Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.	Yes – Achieved.		
Educators to child ratio				
Regulation 123	The minimum number of educators required to educate and care for children at a centre-based service is to be calculated in accordance with the following ratios: (a) for children from birth to 24 months of age—1 educator to 4 children; (b) for children over 24 months and less than 36 months of age—1 educator to 5 children;	Yes – Sufficient staff proposed based on: 0-2 years – 16 (4 staff required) 2-3 years – 20 (4) 3-4 years – 29 (3) 4-5 years – 20 (2) 13 staff is proposed.		





(c) for children aged 36 months of age or over (not including children over preschool age)—1 educator to 11 children; (d) for children over preschool age, 1 educator to 15 children.	
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DOCUMENTS ASSOCIATED WITH REPORT LPP001/24

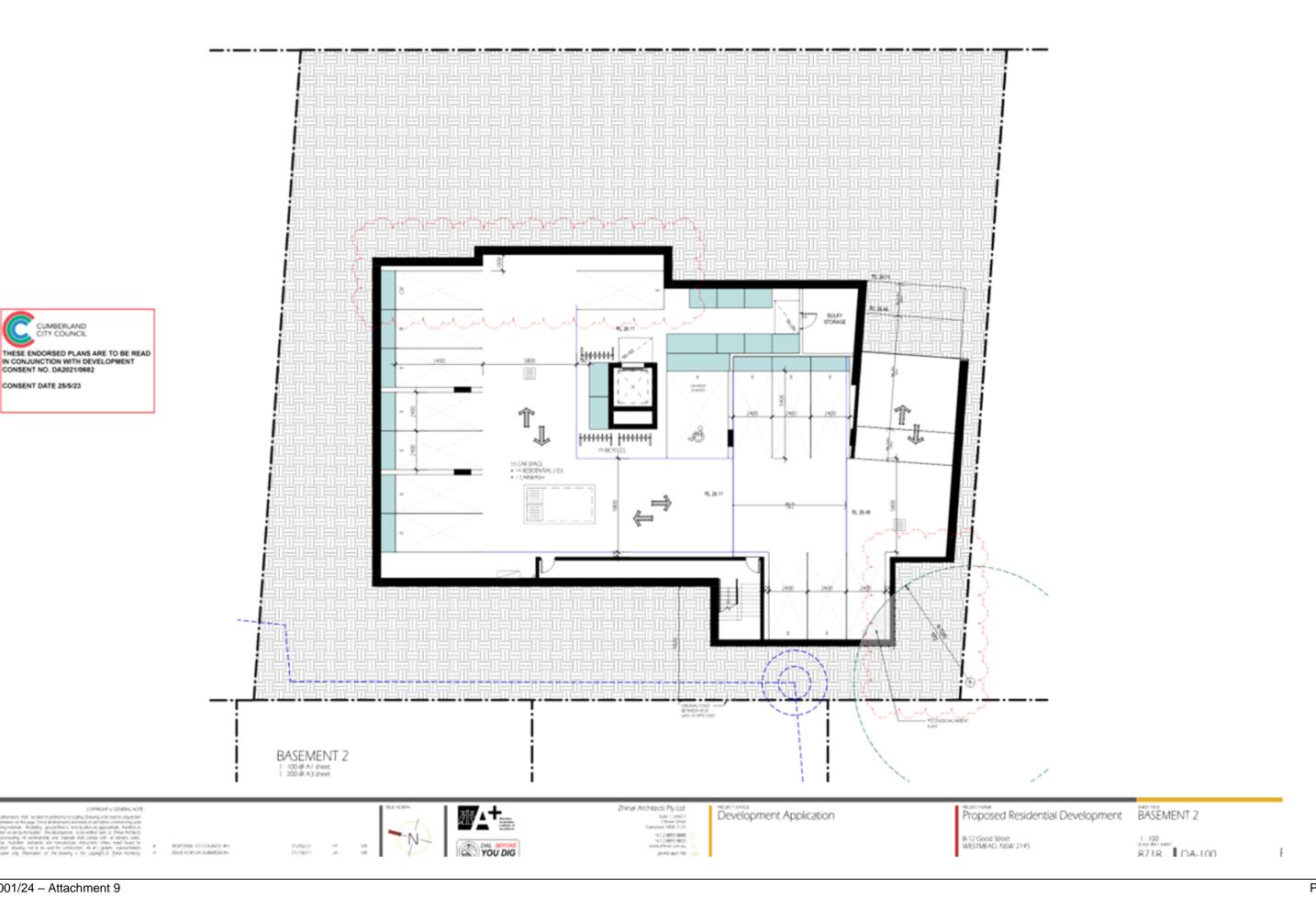
Attachment 9 Approved Architectural Plans DA2021/0682



CUMBERLAND CITY COUNCIL

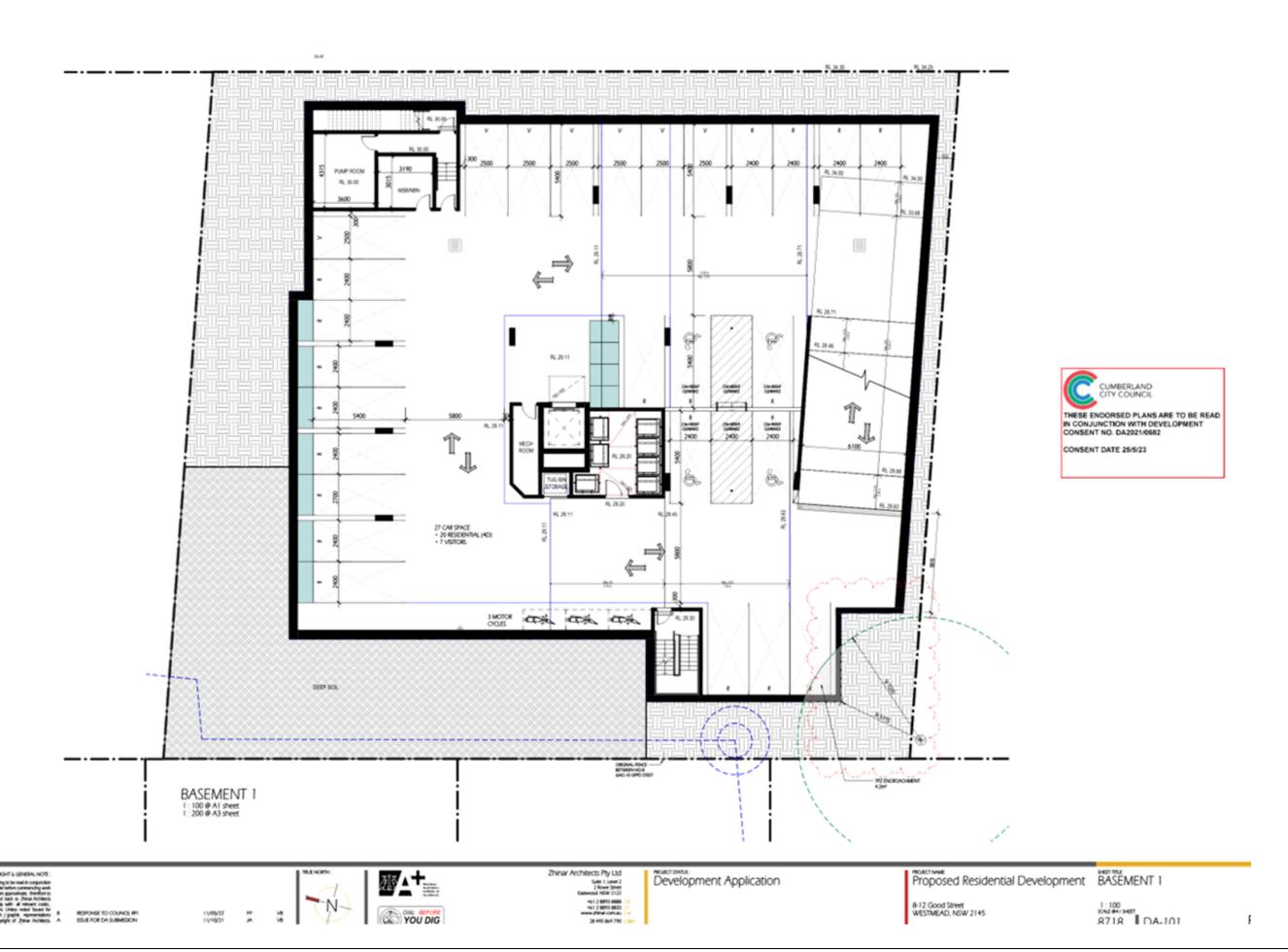
CONSENT DATE 25/5/23

GOOD STREET





GOOD STREET











LPP001/24 - Attachment 9

CONSENT DATE 25/5/23

TYPICAL LEVEL 1-3

8718 I DA-103

8-12 Good Street WESTMEAD, NSW 2145





LPP001/24 – Attachment 9

CONSENT DATE 25/5/23

LEVEL 4

8718 I DA-104

8-12 Good Street WESTMEAD, NSW 2145





Zhinar Architects Pty Ltd Subr L Level 2 2 Rown Street Eastwood NSW 2122 MOMESTATUS: Development Application **那**本十

CONSENT DATE 25/5/23

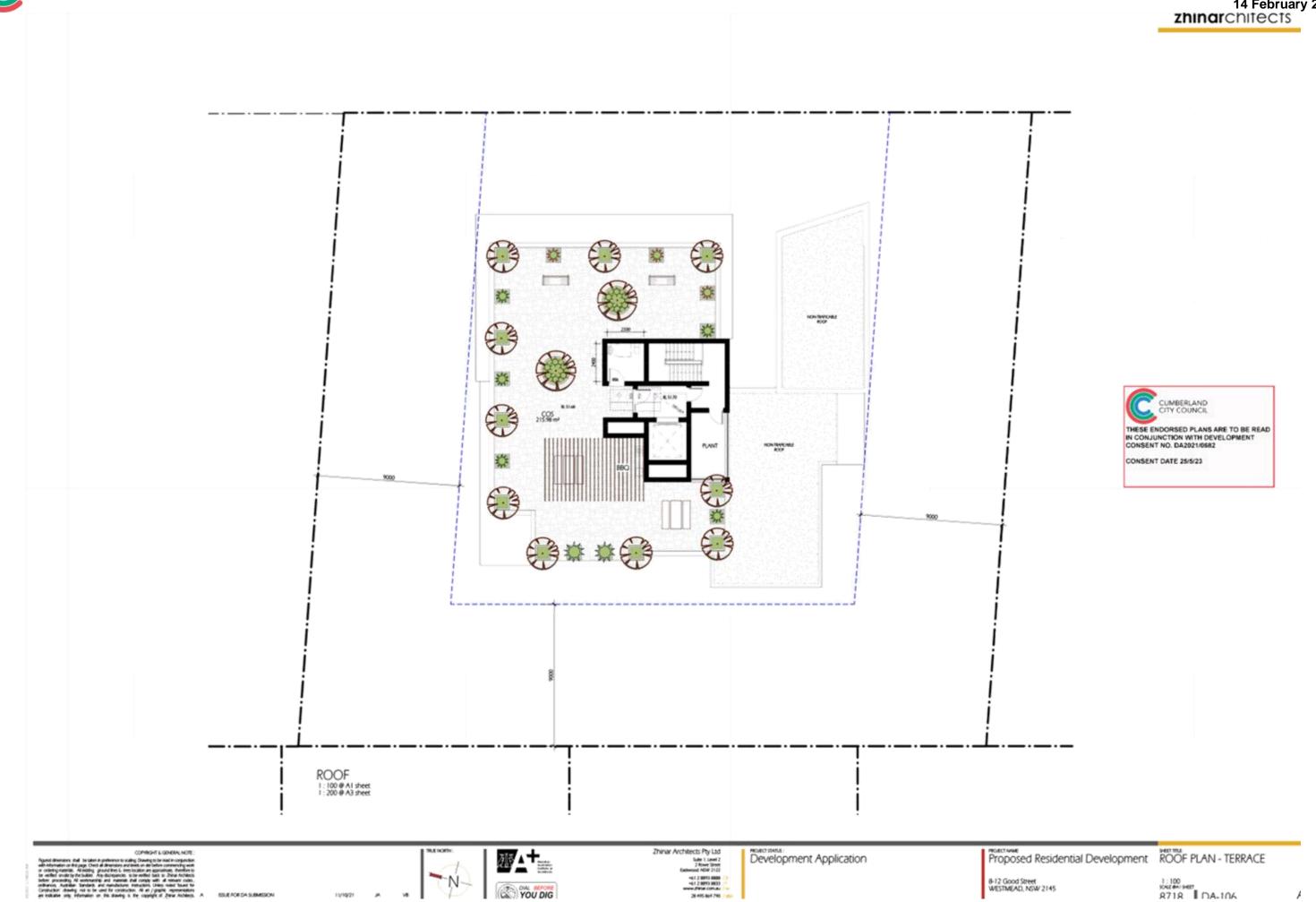
Proposed Residential Development

8-12 Good Street WESTMEAD, NSW 2145

LEVEL 5

8718 I DA-105















NO 4-6 GOOD STREET NO 8-12 GOOD STREET NO 14-16 GOOD STREET

ELEVATION EAST - GOOD STREET

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Zhinar Architects Pty Ltd

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Eastwood NGP 2122
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941 2 892 8880

Development Application

Proposed Residential Development
8-12 Good Street
WESTMEAD, NSW 2145

STREET ELEVATION

LPP001/24 – Attachment 9







ELEVATION WEST
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Zhinar Architects Pty Ltd Sale Lund 2 7 Row Steel Entwood NOV 21/2 417 pers 8888 491 2 WTS 8818 www.fear.com.au 3 Novel 64879

Development Application

Proposed Residential Development
8-12 Good Street
WESTMEAD, NSW 2145

ELEVATION I







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Development Application

Proposed Residential Development
8-12 Good Street
WESTMEAD, NSW 2145

ELEVATION 2

1 11/0-/11/







ELEVATION SOUTH
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1: 200 @ A3 sheet

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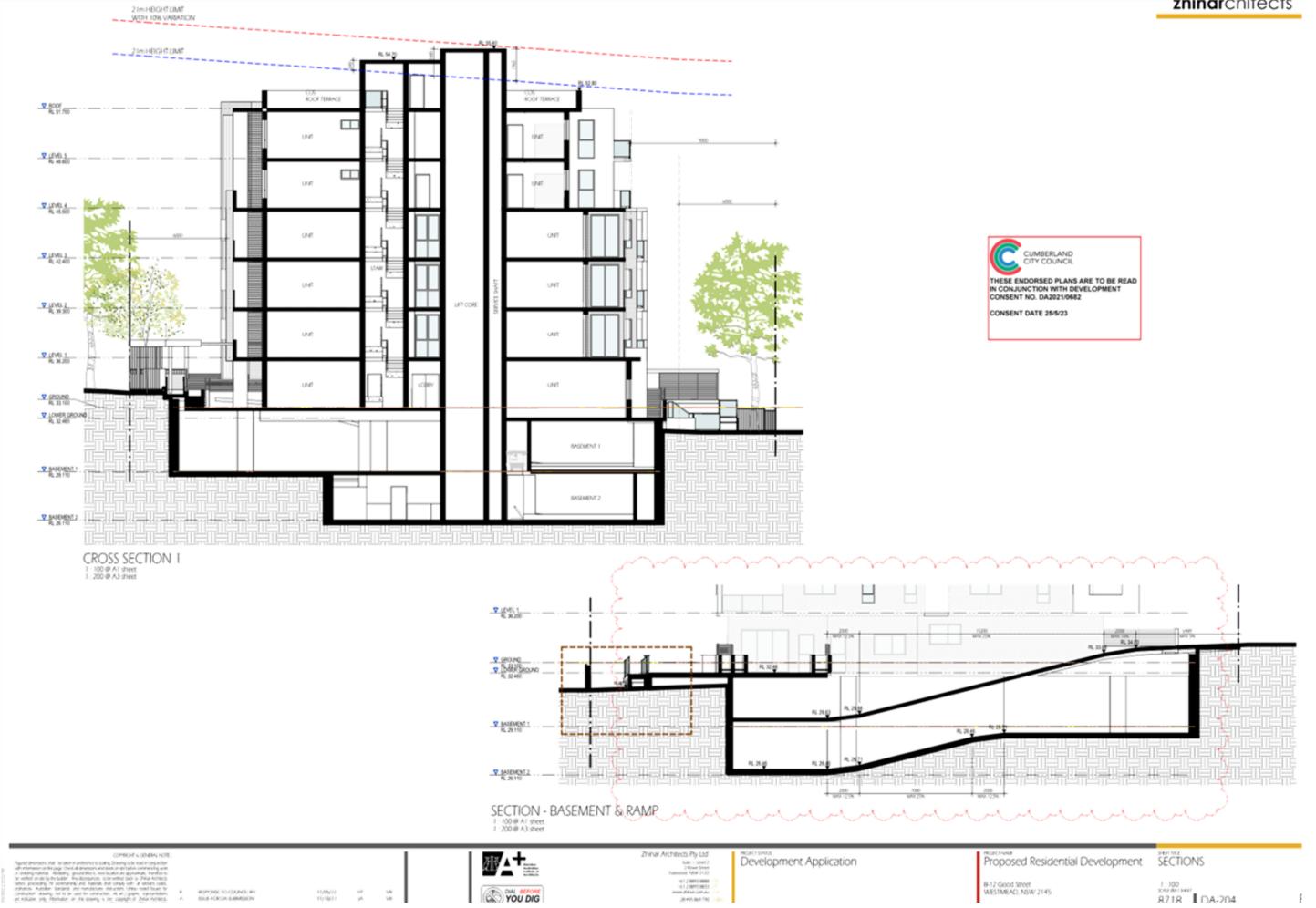
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Development Application

Proposed Residential Development 8-12 Good Street WESTIMEAD, NSW 2145

ELEVATION 3





Cumberland Local Planning Panel Meeting 14 February 2024 zninarchitects

FEATURE ELEMENT, LIFT & STAIR CORE EXTERIORS WALL - APPLIED TEXTURED PAINT FINISH PAINT - DULLIX - DOMINO 5G6G8

WALL - APPLIED TEXTURED PAINT FINISH

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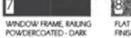


COLOUR (COLORBOND) RONSTONE CB8 FEATURE WALL - SKYON COMPOSITE BOARD CLADDING AXON - SMOOTH 400MM VERTICAL COLOUR - COLORBOND IRONSTONE CBB



VERTICAL ALUMINIUM BATTEN SCREENS COLOUR - POWDERCOATED - DARK GREY







FLAT ROOF - GRAVEL





PERGOLA -POWDERCOAT DULUX - DARK GREY

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Zhinar Architects Pty Ltd

Development Application

Proposed Residential Development

8-12 Good Street WESTMEAD, NSW 2145

MATERIAL SCHEDULE

8718 DA-205

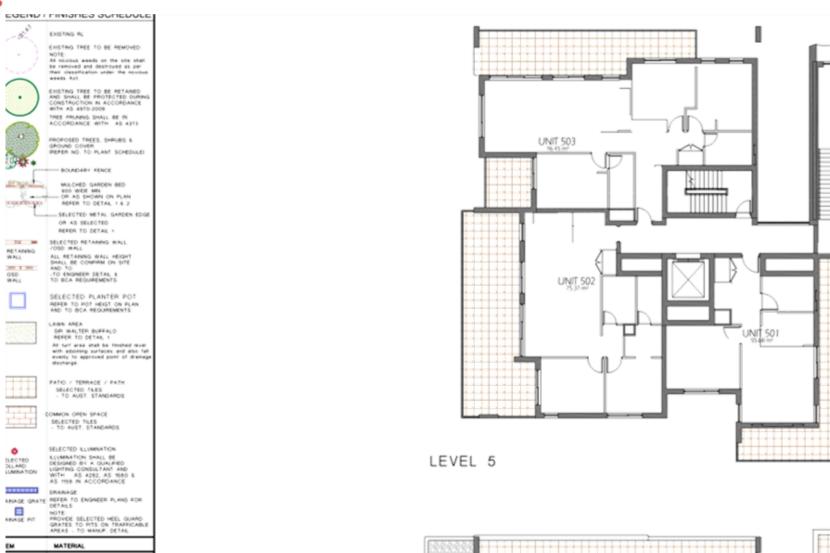


Cumberland Local Planning Panel Meeting 14 February 2024





Cumberland Local Planning Panel Meeting 14 February 2024



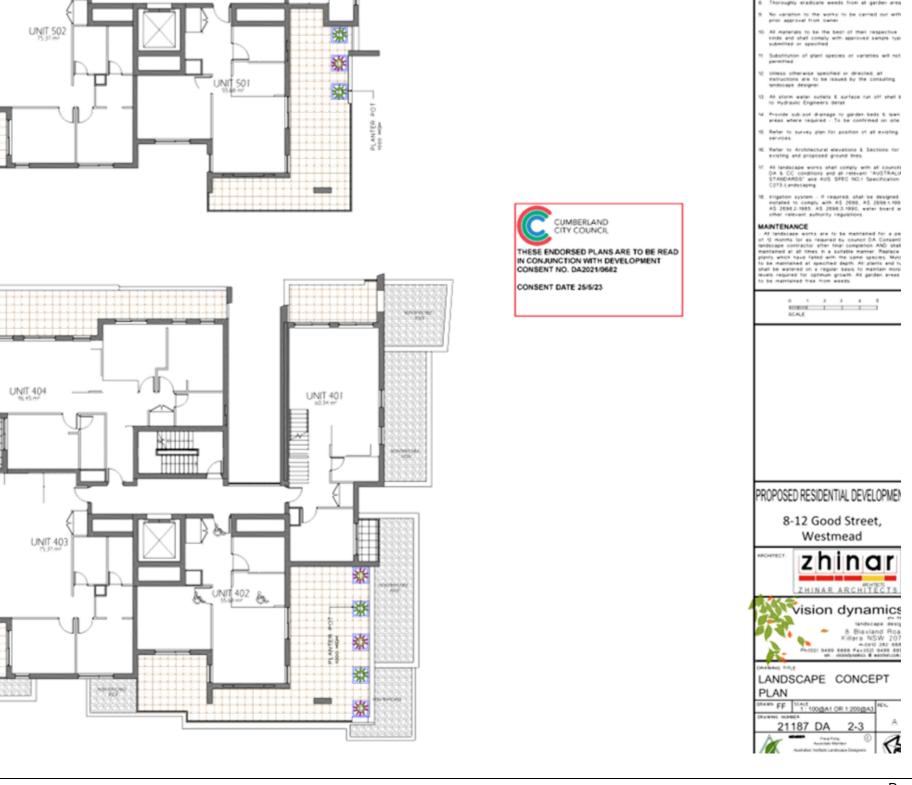






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NAME GRATE REFER TO ENGINEER PLANS FOR

NATIVE GARDEN MIX

ORGANIC GARDEN MIX

SELECTED METAL EDIGNG OR AS SELECTED

UNLESS THE TYPE OF MATERIAL IS STRUCKTED IN ANY PLOCE STUDY PREPARE FOR THE SITE

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ARINGE PUT

ATIVE GARDEN

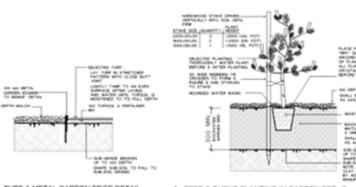
SELECTED METAL GARDEN ED REFER TO DETAIL 1 SELECTED METARING WALL 7000 WALL

Cumberland Local Planning Panel Meeting 14 February 2024

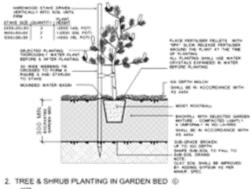


ROOF LEVEL

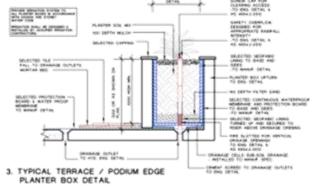




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PROPOSED PLANT SCHEDULE

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S. Managara assutation, Vaccount	Managery, springer	44	10000	_
LOW SHRUBS				
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PROPOSED RESIDENTIAL DEVELOPMEN

8-12 Good Street, Westmead





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4. TYPICAL PLANTER TROUGH DETAIL







Acoustic Consultants

REPORT 210623R1

Revision 2

Road Traffic Noise Assessment

Multi-Storey Residential Development

8-12 Good Street, Westmead

THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

CONSENT DATE 25/5/23

PREPARED FOR:
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Suite 7, 241/245 Pennant Hills Rd
Carlingford NSW 2118

4 May 2022

PO Box 522 Wahroonga NSW 2076 P 02 9943 5057 F 02 9475 1019

ABN 78 149 311 455

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CONSENT DATE 25/5/23

PREPARED BY:

Rodney Stevens Acoustics Pty Ltd

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DOCUMENT CONTROL

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210623R1	Revision 2	4 May 2022	Brian Mendieta	Desmond Raymond	Rodney Stevens

Rodney Stevens Acoustics Report Number 210623R1 Revision 0 Road Traffic Noise Assessment 8-12 Good Street, Westmead Gaby Group Pty Ltd Page 2

LPP001/24 – Attachment 9 Page 181



TABLE OF CONTENTS

1	INTR	ODUCTION		5
2	PROF	POSED DEVELOPMENT		5
	2.1	Development Site		5
	2.2	Surrounding Receivers		5
3	BASE	ELINE NOISE SURVEY		6
	3.1	Unattended Noise Monitoring		6
	3.2	Data Processing 3.2.1 Noise Emission (Noise Policy for	r Industry)	7 7
	3.3	Noise Intrusion (State Environmental Pl	anning Policy (Infrastructure) 2007)	7
4	NOIS	E GUIDELINES AND CRITERIA		8
	4.1	Operational Noise Project Trigger Noise	Levels	8
		4.1.1 Intrusiveness Noise Levels		8
		4.1.2 Amenity Noise Levels		8
		4.1.3 Area Classification4.1.4 Project Specific Trigger Noise L	avele	8 8
		, ,	SYCIS	
	4.2	Road Noise Criteria 4.2.1 State Environmental Planning P	olicy (Infrastructure) 2007	9
5	OPER	RATIONAL NOISE ASSESSMENT		11
	5.1	Mechanical Noise Assessment		11
		5.1.1 Mechanical Units		11
		5.1.2 Mechanical Plant Noise Emission		11
		5.1.3 Predicted Mechanical Noise Lev	rels	14
	5.2	Carpark Noise Emission		15
	5.3	Communal Noise Assessment 5.3.1 Tenant Sound Power Level		16
	5.4			16
		Noise Emissions Calculation		17
	5.5	Predicted Noise Levels 5.5.1 Communal Open Space		17 17
6	NOIS	E CONTROL MEASURES	CUMBERLAND CITY COUNCIL	19
7	TRAF	FIC NOISE IMPACT ASSESMENT	THESE SUPPOSED BY AND ARE TO BE	- 20
	7.1	Traffic Noise Assessment	THESE ENDORSED PLANS ARE TO BE IN CONJUNCTION WITH DEVELOPMEN	READ
	7.2		CONSENT NO. DA2021/0682	20
		Recommended noise control treatment		
	7.3	Glazing	CONSENT DATE 25/5/23	20
	7.4	Roof/Ceiling		22
	7.5	External Walls		22
		7.5.1 Light-Weight Wall 7.5.2 Masonry Walls		22

Rodney Stevens Acoustics Report Number 210623R1 Revision 0 Road Traffic Noise Assessment 8-12 Good Street, Westmead Gaby Group Pty Ltd Page 3



Cumberland Local Planning Panel Meeting 14 February 2024

	7.5.3 Detailing	22
8 COI	NCLUSION	23
APPENDI	X A – ACOUSTIC TERMINOLOGY	24
APPENDI	X B – LOGGER GRAPHS	28
APPENDI	X C – CALIBRATION CERTIFICATE	31
APPENDI	X D – ARCHITECTURAL PLANS	32
Table 2-1	Sensitive Receivers	5
Table 3-1		7
Table 3-2	, ,	7
Table 4-1	, ,	9
Table 4-2	, , , , , , , , , , , , , , , , , , , ,	9
Table 5-1	CPEF Sound Power Level	11
Table 5-2	Predicted Noise Levels At Sensitive Receivers.	14
Table 5-3	Predicted Noise Levels at sensitive receivers – Carpark	15
Table 5-4	Speech Spectrums - Handbook of Acoustical Measurements and Noise Control.	16
Table 5-5		16
Table 5-6	Predicted Noise Levels At Sensitive Receivers – Communal Areas	18
Table 7-1	Minimum Acoustic Rating (R _w) Required for Glazing Elements	21
Table 7-2		21
Figure 2-1	Site Location	6
Figure 5-1	Ground Level AC Condenser Unit Locations	12
Figure 5-2	2 Levels 1 – 3 AC Condenser Unit Locations	12
Figure 5-3	B Level 4 AC Condenser Unit Locations	13
Figure 5-4	Level 5 AC Condenser Unit Locations	13
Figure 5-5	Rooftop AC Condenser Unit Locations	14
Figure 5-6	Rooftop Communal Area and Surrounding Receivers	17
Figure 6-1	Ground Level Noise Barrier Location	19



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682





1 INTRODUCTION

Rodney Stevens Acoustics Pty Ltd (RSA) has been engaged by Gaby Group Pty Ltd to undertake an acoustic assessment for the proposed multi-storey residential development at 8-12 Good Street, Westmead (the site).

This report addresses noise emission from mechanical plant, carpark noise and tenant noise, and provides noise control measure to satisfy the relevant noise standards. The noise assessment also addresses the road traffic noise impacts on the proposed multi-storey residential development. Acoustic recommendations on glazing, external wall and roof of the proposed development to satisfy internal noise limits is provided in this report.

This assessment is to form part of the supporting documentation for the DA submission to Council. Specific acoustic terminology is used in this report. An explanation of common acoustic terms is provided in Appendix A.

2 PROPOSED DEVELOPMENT

2.1 Development Site

The site is bounded by residential dwellings to the north, west and south side, and by Good Street on the east side. The proposal is to construct a six-storey apartment building with an underground carpark.

The floor plans of the proposed residential development are presented in Appendix C.

2.2 Surrounding Receivers

There are a number of sensitive receivers surrounding the proposed development, these receivers will be affected by noise generated by the proposed development. The following table shows the most affected receivers

Table 2-1 Sensitive Receivers

Receiver	Sensitive Receiver's Address
R1	14 Good Street, Westmead
R2	11-13 Good Street, Westmead
R3	CUM BEARL STIRLED Westmead
R4	CITY COUNCIL 13 Joyner Street, Westmead
R5	THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT
The site and the noise logger location is shown in	CONSENT NO. DA2021/0682 in Figure 2-1. CONSENT DATE 25/5/23

Rodney Stevens Acoustics Report Number 210623R1 Revision 0 Multi-Storey Residential Development Noise Assessment 8-12 Good Street, Westmead Gaby Group Pty Ltd





Figure 2-1 Site Location



Aerial image courtesy of Google Maps © 2021

3 BASELINE NOISE SURVEY

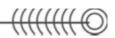
3.1 Unattended Noise Monitoring

Unattended noise monitoring was conducted at a nearby site between 3rd October and 10th October 2018, located at 11 Good Street, Westmead. This measurement would reflect the general ambient/traffic noise levels compared to reduced road traffic volume conditions due to the Covid-19 lockdown. The noise logger for measurement conducted in 2018 was located on the front yard of 11 Good Street, Westmead, this location is representative of the traffic noise levels that the site will be exposed to.

Instrumentation for the survey comprised of a RION NL-EX environmental noise loggers (serial numbers 00521656) fitted with microphone windshields. Calibration of the logger was checked prior to and following measurements. Drift in calibration did not exceed ±0.5 dB(A). All equipment carried appropriate and current NATA (or manufacturer) calibration certificates. Measured data has been filtered to remove data measured during adverse weather conditions upon consultation with historical weather reports provided by the Bureau of Meteorology (BOM). Noise data affected by significant weather conditions (i.e. heavy rain and strong winds) was removed from the noise analysis; this includes measurement taken on the 4th, 5th and 6th of October 2018.

The logger determines L_{A1}, L_{A10}, L_{A90} and L_{Aeq} levels of the ambient noise. L_{A1}, L_{A10}, L_{A90} are the levels exceeded for 1%, 10% and 90% of the sample time respectively (see Glossary for definitions in Appendix A).





Detailed results at the monitoring location are presented in graphical format in Appendix B. The graphs show measured values of RAND Lago and Lag for each 15-minute monitoring period.

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Data Processing

CONSERTO assess Apice emission from the proposed multi-storey residential development, the data obtained from the noise logger has been processed in accordance with the procedures contained in the NSW Environmental Protection Authority's (EPA) Noise Policy for Industry (NPfI, 2017) to establish representative noise levels that can be expected in the residential vicinity of the site. The monitored baseline noise levels are detailed in Table 3-1.

Table 3-1 Measured Baseline Noise Levels Corresponding to Defined NPfl Periods

	Management	Measured	d Noise Level – dB(A)	re 20 μPa
Location	Measurement Descriptor	Daytime 7 am - 6 pm	Evening 6 pm – 10 pm	Night-time 10 pm – 7 am
44 Cood Street	Laeq	60	58	55
11 Good Street, Westmead	RBL (Background)	49	44	40

Notes: All values expressed as dB(A) and rounded to nearest 1 dB(A);

L_{Ang} Equivalent continuous (energy average) A-weighted sound pressure level. It is defined as the steady sound level that contains the same amount of acoustic energy as the corresponding time-varying sound.

Noise level present for 90% of time (background level). The average minimum background sound level (in the absence of the source under consideration).

Noise Intrusion (State Environmental Planning Policy (Infrastructure) 2007)

To assess noise intrusion into the proposed multi-storey residential development, the data obtained from the noise logger has been processed to establish representative ambient noise levels at the facades most exposed to the road.

The time periods used for this assessment are as defined in the State Environmental Planning Policy (Infrastructure) 2007and the Development near Rail Corridors and Busy Roads Interim Guideline. Results are presented below in Table 3-2.

Table 3-2 Traffic Noise Levels Corresponding to Defined SEPP 2007 Periods

Location	Period	External Noise Levels dB(A)	
Approximately 10m from	Day Time 7:00 am - 10:00 pm	LAeq(15hour) 59	
Road	Night Time 10:00 pm - 7:00 am	LAeq(9hour) 55	

Rodney Stevens Acoustics Report Number 210623R1 Revision 0 Multi-Storey Residential Development Noise Assessment 8-12 Good Street, Westmead Gaby Group Pty Ltd





4 NOISE GUIDELINES AND CRITERIA

4.1 Operational Noise Project Trigger Noise Levels

Responsibility for the control of noise emissions in New South Wales is vested in Local Government and the EPA. The EPA oversees the Noise Policy for Industry (NPfI) October 2017 which provides a framework and process for deriving project trigger noise level. The NPfI project noise levels for industrial noise sources have two (2) components:

- Controlling the intrusive noise impacts for residents and other sensitive receivers in the short term;
- Maintaining noise level amenity for particular land uses for residents and sensitive receivers in other land uses.

4.1.1 Intrusiveness Noise Levels

For assessing intrusiveness, the background noise generally needs to be measured. The intrusiveness noise level essentially means that the equivalent continuous noise level (L_{Aeq}) of the source should not be more than 5 dB(A) above the measured Rated Background Level (RBL), over any 15 minute period.

4.1.2 Amenity Noise Levels

The amenity noise level is based on land use and associated activities (and their sensitivity to noise emission). The cumulative effect of noise from industrial sources needs to be considered in assessing the impact. The noise levels relate only to other industrial-type noise sources and do not include road, rail or community noise. The existing noise level from industry is measured.

If it approaches the project trigger noise level value, then noise levels from new industrial-type noise sources, (including air-conditioning mechanical plant) need to be designed so that the cumulative effect does not produce total noise levels that would significantly exceed the project trigger noise level.

The amenity noise criteria, as prescribed by NPfI, derived from an average noise level of the whole time period and is more suitable for constant noise sources. However, the NPfI, project trigger noise levels and limits are assessed on a 15-minute assessment period. The NPfI provides the following guidance on adjusting the LAcq.ported level to a representative LAcq.psrioute for non-constant noise level to standardise the time periods:

LAeq,15minute = LAeq,period + 3dB(A)

4.1.3 Area Classification

The NPfl characterises the "Suburban" noise environment as an area with an acoustical environment that:

- has local traffic with characteristically intermittent traffic (10) FERTUAS (10) Imited commerce or industry.
- This area often has the following characteristic: evening ambient noise levels defined by the natural environment and human activity.

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The area surrounding the proposed development fall Nucleon Will Control of the proposed development fall Nucleon Will C

CONSENT NO. DA2021/0682

4.1.4 Project Specific Trigger Noise Levels

4.1.4 Project Specific Higger Noise Levels

Having defined the area type, the processed results of the unattended noise monitoring have been used to determine project specific project trigger noise levels. The intrusive and amenity project trigger noise levels for nearby residential premises are presented in Table 4-1. These project trigger noise levels are nominated for the purpose of assessing potential noise impacts from the proposed development.





In this case, the ambient noise environment is not controlled by industrial noise sources and therefore the project amenity noise levels are assigned as per Table 2.2 of the NPfI (Recommended Amenity Noise Levels) and standardised as per Section 2.2 of the NPfI. For each assessment period, the lower (i.e. the more stringent) of the amenity or intrusive project trigger noise levels are adopted. These are shown in bold text in Table 4-1.

Table 4-1 Operational Project Trigger Noise Levels

Bassian	Time of	ANL 1		sured	Project Trigge	er Noise Levels
Receiver	Day	L _{Aeq}	RBL ² L _{A90(15min)}	Existing L _{Aeq(Period)}	Intrusive L _{Aeq(15min)}	Amenity L _{Aeq(15min)}
	Day	55	49	60	54	58
Residential	Evening	45	44	58	49	48
-	Night	40	40	55	45	43

Note 1: ANL = "Amenity Noise Level" for residences in Suburban Areas.

Note 2: RBL = "Rating Background Level".

Note 3: As per the NPfl, Where the rating background noise level is found to be less than 30 dB(A) for the evening and night periods, then

it is set to 30 dB(A).



The determination of the consideration of the application of the those activities.

THESE ENDERSEDATIONS ARECTO BE READ residential spaces requires to which noise will interfere with those activities.

As sleep is the activity most affected by traffic noise, bedrooms are considered to be the most sensitive internal living areas. Higher evels of noise are acceptable in living areas without interfering with activities such as reading, listening to the television etc. Noise levels in utility spaces such as kitchens, bathrooms, laundries etc. can be higher.

4.2.1 State Environmental Planning Policy (Infrastructure) 2007

The NSW Government's State Environmental Planning Policy (Infrastructure) 2007 (SEPP (Infrastructure) 2007) was introduced to facilitate the delivery of infrastructure across the State by improving regulatory certainty and efficiency. In accordance with the SEPP, Table 3.1 of the NSW Department of Planning and Infrastructure's "Development near Rail Corridors and Busy Roads - Interim Guideline" (the DP&I Guideline) of December 2008 provides noise criteria for residential and non-residential buildings. These criteria are summarised in Table 4-2.

Table 4-2 DP&I Interim Guideline Noise Criteria

Type of occupancy	Noise Level dB(A)	Applicable time period
Sleeping areas (bedroom)	35	Night 10 pm to 7 am
Other habitable rooms (excl. garages, kitchens, bathrooms & hallways)	40	At any time

Note 1: Airborne noise is calculated as LAcq(150cur) daytime and LAcq(160cur) night-time

Rodney Stevens Acoustics Report Number 210623R1 Revision 0

Multi-Storey Residential Development Noise Assessment 8-12 Good Street, Westmead Gaby Group Pty Ltd





The following guidance is also provided in the DP&I Guideline:

"These criteria apply to all forms of residential buildings as well as aged care and nursing home facilities. For some residential buildings, the applicants may wish to apply more stringent design goals in response to market demand for a higher quality living environment.

The night-time "sleeping areas" criterion is 5 dB(A) more stringent than the "living areas" criteria to promote passive acoustic design principles. For example, designing the building such that sleeping areas are less exposed to road or rail noise than living areas may result in less onerous requirements for glazing, wall construction and acoustic seals. If internal noise levels with windows or doors open exceed the criteria by more than 10 dB(A), the design of the ventilation for these rooms should be such that occupants can leave windows closed, if they so desire, and also to meet the ventilation requirements of the Building Code of Australia."

The noise criteria presented in Section 4.2.1 and in Table 4-2 apply to a 'windows closed condition'. Standard window glazing of a building will typically attenuate noise ingress by 20 dB(A) with windows closed and 10 dB(A) with windows open (allowing for natural ventilation). Accordingly, the external noise threshold above which a development will require mechanical ventilation is an $L_{Aeq(9hour)}$ 55 dB(A) for bedrooms and $L_{Aeq(15hour)}$ 60 dB(A) for other areas.

Where windows must be kept closed, the adopted ventilation systems must meet the requirements of the Building Code of Australia and Australian Standard 1668 – The use of ventilation and air conditioning in buildings.



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682





5 OPERATIONAL NOISE ASSESSMENT

5.1 Mechanical Noise Assessment

5.1.1 Mechanical Units

The mechanical units have not yet been selected at this stage of the project. The plans do not establish the location of the condenser units for the development; however, it was advised in an email from the client (dated 2nd of May 2022), that the condenser units will be located on the balcony of each unit.

The Sound Power Level (Lw) of the proposed condenser units and the Car Park Exhaust Fan (CPEF) have been recommended in this report. The assumed Lw for the CPEF and is presented in table below.

Table 5-1 CPEF Sound Power Level

			Octave Frequency Band Sound Power Level (dB)							
Plant Type	Reference	63	125	250	500	1000	2000	4000	8000	dB(A)
Carpark Exhaust Fan	CEF	96	100	92	91	92	90	85	81	97

It is assumed that 31 Air Conditioning (AC) will operate simultaneously. The Lw of each condenser unit is assumed to be 70dB(A).

5.1.2 Mechanical Plant Noise Emission

Calculations of the noise levels from the operation of the proposed mechanical plant have been carried out using the data in Table 5-1 and assumptions of AC condenser units operating. Calculations take into account factors such as distance, shielding from buildings and barriers, and the following assumptions:

- Heights of receivers are assumed to be 1.5 meters above respective level.
- Each AC condenser unit has a Lw 70dB(A). It is assumed 31 condenser units will operate on balcony of each unit.
- · The AC condenser units are placed on the floor of each balcony.
- . It is assumed each balcony consists of a 1m balustrade obstructing the condenser units.
- All mechanical plant is operational at the same time (worst case scenario).
- Noise Control Measures within Section 5.3 of this report are included in the noise prediction. Noise control
 measures include a rooftop noise barrier around the site and a silencer for the CPEF discharge. In this
 assumption, the silencer has 22dB noise reduction.

 CUMBERLAND

Figure 5-1 to present the location of the condenser units (red dot) and CPEF (purple square), and noise barrier layout. Figure 5-2 presents the rooftop in contrast to the surrounding receivers.

THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682





Figure 5-1 Ground Level AC Condenser Unit Locations



Figure 5-2 Levels 1 THESE CENTO PAGE TO BE READ

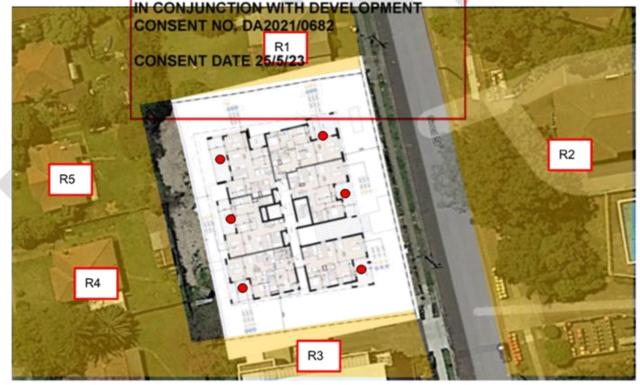






Figure 5-3 Level 4 AC Condenser Unit Locations

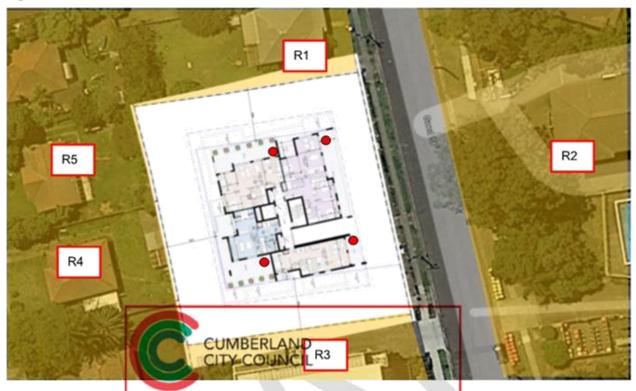


Figure 5-4 Level 5 ATION FINE PLANS ARE TO BE READ

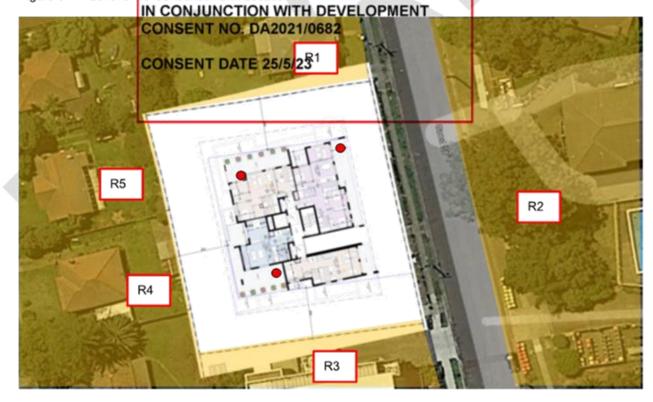






Figure 5-5 Rooftop AC Condenser Unit Locations



5.1.3 Predicted Mechanical Noise Levels

Predictive resultant noise levels have been calculated for all mechanical plant items. Noise emissions at the nearest residential receivers are presented in the table below.

CONSENT NO. DA2021/0682

Table 5-2 Predicted Noise Levels At Sensitive Receivers.

Receiver	Period	Calculated Noise Level Lasq – dB(A)	Criteria	Compliance
	Day	43	54	Yes
R1	Evening	43	48	Yes
	Night	43	43	Yes
	Day	38	54	Yes
R2	Evening	38	48	Yes
	Night	38	43	Yes
	Day	41	54	Yes
R3	Evening	41	48	Yes
	Night	41	43	Yes
	Day	39	54	Yes
R4	Evening	39	48	Yes
	Night	39	43	Yes

Rodney Stevens Acoustics Report Number 210623R1 Revision 0 Multi-Storey Residential Development Noise Assessment 8-12 Good Street, Westmead Gaby Group Ptv Ltd





Receiver	Period	Calculated Noise Level L _{Aeq} – dB(A)	Criteria	Compliance
	Day	39	54	Yes
R5	Evening	39	48	Yes
CUMBERLAND	Night	39	43	Yes
CITY COUNCIL Carpark Noise				

THESE ENDORS ED BLANS ARE TO PREVENCE based on typical noise generating events within a carpark IN CONJUNGJION WITH DEMELLORMENTERS driving away. We have assumed a scenario were 10 residential CONSENTING. ITAA 2021 10682 in a span of 15 minutes with a sound power of 78dB(A).

CONSENT DATE 25/5/23

The noise calculation also includes the noise control measures outlined in Section 5.3, this includes establishing 1.8m noise barriers on the north and east boundary, a 2.1m noise barrier on the south boundary and applying/mounting acoustic absorption material on the basement carpark ceiling.

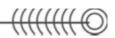
The calculated noise levels from the activities carried out within the carpark are presented in the table below:

Table 5-3 Predicted Noise Levels at sensitive receivers - Carpark

Receiver	Period	Calculated Noise Level L _{Aeq} – dB(A)	Criteria	Compliance
	Day	18	54	Yes
R1	Evening	18	48	Yes
	Night	18	43	Yes
	Day	29	54	Yes
R2	Evening	29	48	Yes
	Night	29	43	Yes
	Day	44	54	Yes
R3	Evening	44	48	Yes
	Night	44*	43	Yes
	Day	31	54	Yes
R4	Evening	31	48	Yes
	Night	31	43	Yes
	Day	25	54	Yes
R5	Evening	25	48	Yes
	Night	25	43	Yes

^{*} We note that an exceedance of 1 dB(A) is generally regarded as being acoustically insignificant





5.3 Communal Noise Assessment

Tenant Sound Power Level 5.3.1

Calculations of the amount of noise transmitted to these receivers from the proposed boarding house have been based on voice levels as referenced in the Handbook of Acoustical Measurements and Noise Control by Cyril M. Harris. This handbook provides voice spectrums for males and females as well as different vocal efforts. The spectrum is given in Table 5-4. The spectra have been scaled based upon the overall number of patrons expected to be in the outdoor areas at any given time

Speech Spectrums - Handbook of Acoustical Measurements and Noise Control. Table 5-4

Toma	Noise Level (dB) at Octave Band Centre Frequency (Hz)							Overell dP(A)	
Туре	125	250	500	1 k	2 k	4 k	8 k	Overall dB(A)	
Male (Raised Voices)	56	63	65	62	57	52	46	66	
Female (Normal)	37	51	54	49	44	43	38	55	

It is generally agreed that the human voice is not capable of producing noise at 32 Hz and 63Hz octave bands at significant amplitudes. It is noted that men have a louder noise level compared to women and men's voices will be used to assess worst-case scenario.

A worst-case operational scenarios have also been assumed for our assessment:

- A total of 50 men will be using the rooftop communal open space and total of 20 men will be using the ground communal open space during the night. 50 percent of the patrons will be talking (one person talks and one person listens).
- The Sound Power Level for each communal is presented in the table below:

Sound Power Levels of People talking with Raised Vocal - Lw - dB(A) Table 5-5

Conneile	Resultant Sound Power Level per Octave Band (dB)							
Scenario	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz
50 men with 25 Raised Voices during the day and evening period		78	82	86	81	77	73	67
20 men with 10 raised voices during the night		76	80		MB [™] ERL Y COU		71	65

The balustrade surrounding the communal area is CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

The noise control measures outlined in Section 5.3, this includes establishing noise barriers on the north east and south side of the site and limiting the CONSERPONE in each communal area.

Rodney Stevens Acoustics Report Number 210623R1 Revision 0

Multi-Storey Residential Development Noise Assessment 8-12 Good Street, Westmead Gaby Group Pty Ltd

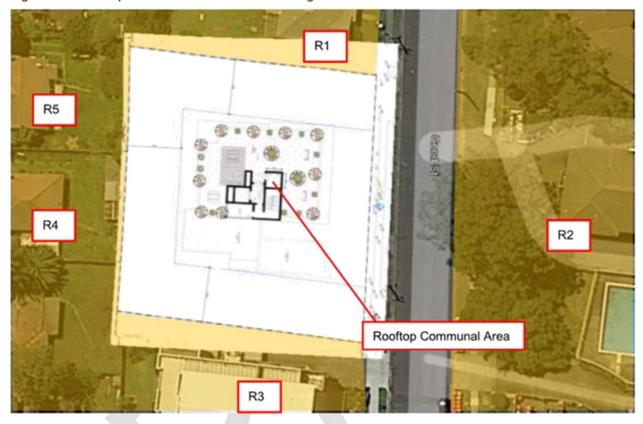




5.4 Noise Emissions Calculation

Calculations take into account factors such as distance, shielding from buildings and the noise management plan. The following figure presents the proposed development and all sensitive receivers.

Figure 5-6 Rooftop Communal Area and Surrounding Receivers



5.5 Predicted Noise Levels

5.5.1 Communal Open Space

Predictive resultant noise levels have been calculated for residents using the communal open space. Noise emissions at the nearest residential receivers are presented in the table below.

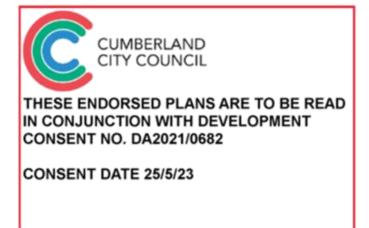






Table 5-6 Predicted Noise Levels At Sensitive Receivers – Communal Areas

Receiver	Period	Calculated Noise Level L _{Aeq} – dB(A)	Criteria	Compliance
	Day	47	54	Yes
R1	Evening	47	48	Yes
	Night	42	43	Yes
	Day	40	54	Yes
R2	Evening	40	48	Yes
	Night	36	43	Yes
	Day	39	54	Yes
R3	Evening	39	48	Yes
	Night	35	43	Yes
	Day	28	54	Yes
R4	Evening	28	48	Yes
	Night	24	43	Yes
	Day	31	54	Yes
R5	Evening	31	48	Yes
	Night	27	43	Yes



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682



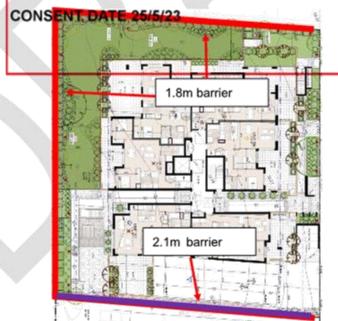


6 NOISE CONTROL MEASURES

Noise control measures for the development should include the following:

- The Sound Power Level of each AC condenser unit should be no greater than 70dB(A.
- Based on generic noise output of CPEF, the CPEF is likely to require further noise control. This may
 include inline duct insulation and/or a installing a silencer. The selected mechanical units should be
 reviewed by an Acoustic Engineer at the Construction Certificate stage.
- The basement carpark ceiling should be fitted with absorption material/panels with a Noise Reduction Coefficient (NRC) of 0.7 to absorb noise emission from vehicles and people noise.
- The Sound Power Level of the Roller Door should be no greater than 78db(A).
- Rooftop communal area should follow the noise control measures:
 - A total of 50 people will be using the rooftop communal open space during the day and evening period (7am to 10pm). A total of 20 people will be using the rooftop communal open space during the night period (10pm to 7am).
 - o Speakers should not be used during the evening and night period (6pm to 7am)
- Noise barriers on the ground level and rooftop are to be constructed and should have the following features:
 - o Layout of the noise tarted the Agraph and level and rooftop are shown in Figure 6-1.
 - The height of the ground level barrier should be no less than 1.8m high on the north and west boundary and no less than 2.1m high on the south boundary THESE ENDORSED PLANS ARE TO BE READ
 - The SIN aCONDUNCTION WITH IDEV ELORWENT 15kg/m².

Figure 6-1 CONSENT NO. DA2021/0682
Ground Level Noise Barrier Location







7 TRAFFIC NOISE IMPACT ASSESMENT

7.1 Traffic Noise Assessment

In order to ascertain the existing traffic noise levels from Good Street, the measured noise logger data was processed in accordance with the NSW Department of Planning and Infrastructure's "Development near Rail Corridors and Busy Roads - Interim Guideline" assessment time periods as shown in Table 3-2.

The final façade noise levels were predicted for each time period taking into account the distance attenuation from each respective source, virtual source, façade's orientation and any barrier effects. The required noise reduction via the building façade for each respective room for each time period was compared to determine the appropriate design criteria levels.

It is typically accepted that an open window (fractionally open to meet ventilation requirements) results in an attenuation of external noise by 10 dB(A). This reduction has been used to predict the room noise level in the window open condition.

7.2 Recommended noise control treatment

The calculation procedure establishes the required noise insulation performance of each surface component such that the internal noise level is achieved whilst an equal contribution of traffic noise energy is distributed across each component. Building envelope components with a greater surface area must therefore offer increased noise insulation performance.

The recommended acoustic treatment is based on the following floor finishes:

Carpet and underlay Bedrooms:

Living Room Hard Flooring

Kitchen/Wet Areas: Tiles

The acoustic requirements shown in this report may increase further where the bedroom floor finishes are tiled or timber.

All recommendations must be checked by others to ensure compliance with other non-acoustic requirements that Council or other authority may impose (e.g. Thermal requirements for BASIX compliance).

7.3 Glazing

The R_w rating required for each window will vary from room to room. Recommendations for windows also apply to any other item of glazing located on the external facade of the building in a habitable room unless otherwise stated.

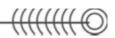
Note that the Rw rating is required for the complete glazing and frame assembly. The minimum glazing thicknesses will not necessarily meet the required Rw rating without an appropriate frame system. It will be therefore necessary to provide a window glass and trans exception of laboratory desired BE READ performance meeting the requirements below. IN CONJUNCTION WITH DEVELOPMENT

The window systems must be tested in accordance

- Australian Window Association Industry Code of Practice Window and 230 Method of Acoustic Testing; and
- AS 1191 Acoustics Method for laboratory measurement of airborne sound insulation of building elements.

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It is necessary to submit such Laboratory certification for the proposed glazing systems (i.e. windows and framing systems) (e.g. NAL or CSIRO) for approval by RSA prior to ordering or commitment.

The entire frame associated with the glazing must be sealed into the structural opening using acoustic mastics and backer rods. Normal weather proofing details do not necessarily provide the full acoustic insulation THESE ENDORSED PLANS ARE TO BE WEAD INSTALL TO WITH DEVELOPMENT

CONSENTING that structural 82 mands for wind loading or fire rating or the like may require more substantial glass and framing assemblies than nominated above. Where this is the case the acoustic requirements must CONSENTATES 25/5/3/3 the structural or fire rating demands.

Table 7-1 presents the minimum recommended R_w (weighted noise reduction) for glazing elements.

Table 7-1 Minimum Acoustic Rating (R_w) Required for Glazing Elements

Orientation	Room	Window	Glazed Door
North	Ground to Level 3 Kitchen/Dining & Bedroom	Rw 28	Rw 28
East	Ground to Level 3 Kitchen/Dining & Bedroom	Rw 28	Rw 28
South	Ground to Level 3 Kitchen/Dining & Bedroom	Rw 28	Rw 28
West	Ground to Level 3 Kitchen/Dining & Bedroom	Rw 28	Rw 28
All	Level 4 and 5 Kitchen/Dining & Bedroom	Rw 32	Rw 32

Care should be taken when selecting the system to ensure the acoustic rating (Rw) is verified through laboratory tested data. As a guide, the following table presents the Rw ratings of different glass thicknesses, please note that these are shown as a guide only, all final glazing system selections must comply with the requirements in the table above.

Table 7-2 Glass Thickness Guideline

Glass Thickness	Rw Rating (Glass Pane Only)		
5mm	26		
6mm	28		
6.38mm Laminated	32		
8.38 Laminated	34		
10.38 Laminated	36		
12.38 Laminated	37		
4mm – 50mm Airgap – 6mm Double Glazed	41		

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7.4 Roof/Ceiling

The overall acoustic rating required is Rw 40 (minimum). The proposed roof will consist of concrete slab which is greater than Rw 40. No further acoustic requirements are needed.

If ventilators, heat extraction units or other openings into the ceiling cavity for lighting, ventilation, decoration or other purposes are to be provided, then care should be taken to ensure that such units are properly attenuated and all penetrations are properly sealed off so as not to degrade the rating of the roof/ceiling construction system. Care should also be taken to avoid any noise paths into the ceiling cavity via the eaves.

7.5 External Walls

The following wall construction recommendations are given as guidance only. The client is responsible for selecting adequate systems in order to achieve the recommended acoustic ratings.

7.5.1 Light-Weight Wall

The overall acoustic rating of the residential wall requirement is Rw 40 (minimum). This can be achieved by the following construction:

- External Cladding materials on batten with sarking
- 2 x 13mm Gyprock Fyrchek MR Plasterboard
- Timber studs at 600mm maximum centre
- 75 Gold Batts 1.5
- 1 x 10mm Gyprock Plus Plasterboard (minimum 5.7 kg/m² density)

7.5.2 Masonry Walls

It is understood that the existing external walls are masonry. The masonry external walls will be required to achieve a rating of R_w 40. This Rw rating is generally achieved with a standard construction with insulation. No further acoustic requirements are needed.

7.5.3 Detailing

Note that well-detailed construction and careful installation is needed to achieve the required R_w acoustic ratings. All gaps are to be minimised and fully sealed with an acoustic rated sealant, such as FireBan One by Bostik or Sikaflex Pro 2HP by Sika.



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682





8 CONCLUSION

RSA has conducted a road traffic noise impact assessment of the proposed residential development at 8-12 Good Street, Westmead. A noise survey has been conducted and the processed data has been used to determine traffic noise impact from Good Street and Great Western Highway at the project site.

Based on the noise impact study conducted, the proposed development is assessed to comply with the SEPP (Infrastructure) 2007 noise criteria, provided the recommendations outlined in Section 7 from this report are implemented. It is therefore recommended that planning approval be granted for the proposed development on the basis of acoustics.

Approved:-

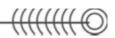
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Manager/Principal



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Appendix A – Acoustic Terminology

A-weighted sound pressure

The human ear is not equally sensitive to sound at different frequencies. People are more sensitive to sound in the range of 1 to 4 kHz (1000-4000 vibrations per second) and less sensitive to lower and higher frequency sound. During noise measurement an electronic 'A-weighting' frequency filter is applied to the measured sound level dB(A) to account for these sensitivities. Other frequency weightings (B, C and D) are less commonly used. Sound measured without a filter is denoted as linear weighted dB(linear).

Ambient noise

The total noise in a given situation, inclusive of all noise source contributions in the near and far field.

Community annoyance

Includes noise annoyance due to:

- character of the noise (e.g. sound pressure level, tonality, impulsiveness, low-frequency content)
- character of the environment (e.g. very quiet suburban, suburban, urban, near industry)
- miscellaneous circumstances (e.g. noise avoidance possibilities, cognitive noise, unpleasant associations)
- human activity being interrupted (e.g. sleep, communicating, reading, working, listening to radio/TV, recreation).

Compliance

The process of checking that source noise levels meet with the noise limits in a statutory context.

Cumulative noise level

The total level of noise from all sources.

Extraneous noise

Noise resulting from activities that are not typical to the area. Atypical activities may include construction, and traffic generated by holiday periods and by special events such as concerts or sporting events. Normal daily traffic is not considered to be extraneous.

Feasible and reasonable measures

Feasibility relates to engineering considerations and what is practical to build; reasonableness relates to the application of judgement in arriving at a decision, taking into account the following ractors:

- Noise mitigation benefits (amount of noise reduction provided, number of people protected).
- THESE ENDORSED PLANS ARE TO BE READ COST OF MITTING THESE ENDORSED PLANS ARE TO BE READ IN CONTUNING THE DEVICE OPMENT
- Community views (CSINSEINT AND ATT A 2024/0882 shes).
- Noise levels for affected land uses (existing and future levels, and changes in noise levels CONSENT DATE 25/5/23

Impulsiveness

Impulsive noise is noise with a high peak of short duration or a sequence of these peaks. Impulsive noise is also considered annoying.





Low frequency Noise containing major components in the low-frequency range (20 to

250 Hz) of the frequency spectrum.

Noise criteria The general set of non-mandatory noise levels for protecting against

intrusive noise (for example, background noise plus 5 dB) and loss of

amenity (e.g. noise levels for various land use).

Noise level (goal) A noise level that should be adopted for planning purposes as the highest

acceptable noise level for the specific area, land use and time of day.

Noise limits Enforceable noise levels that appear in conditions on consents and

> licences. The noise limits are based on achievable noise levels, which the proponent has predicted can be met during the environmental assessment. Exceedance of the noise limits can result in the requirement

for either the development of noise management plans or legal action.

Performancebased goals

Goals specified in terms of the outcomes/performance to be achieved, but

not in terms of the means of achieving them.

Rating

Background Level

(RBL)

The rating background level is the overall single figure background level representing each day, evening and night time period. The rating background level is the 10th percentile min Lago noise level measured over

all day, evening and night time monitoring periods.

The noise-sensitive land use at which noise from a development can be Receptor

heard.

Sleep disturbance Awakenings and disturbance of sleep stages.

Sound and decibels (dB) Sound (or noise) is caused by minute changes in atmospheric pressure that are detected by the human ear. The ratio between the guietest noise audible and that which should cause permanent hearing damage is a million times the change in sound pressure. To simplify this range the sound pressures are logarithmically converted to decibels from a reference level of 2 x 10-5 Pa.

The picture below indicates typical noise levels from common noise sources.



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dB is the abbreviation for decibel - a unit of sound measurement. It is equivalent to 10 times the logarithm (to base 10) of the ratio of a given sound pressure to a reference pressure.

The sound poller level of a noise source is the sound energy emitted by

the source. Notaled as SWL, sound power levels are typically presented

Sound power Level (SWL)

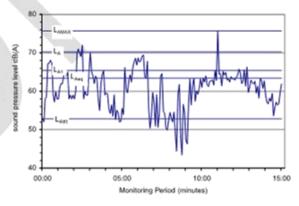
Sound Pressure Level (SPL)

THESE ENDORSEDURIANS ARE JO BE READ) as measured by a IN COMMUNICATION WITH DEVILL OPMENT microphone. The sound CONSENTeNOelDA2021g0682 close indication of the subjective loudness of the noise.

Statistic noise levels

CONSENT DATE 25/5/23
Noise levels varying over time (e.g. community noise, traffic noise, construction noise) are described in terms of the statistical exceedance level.

A hypothetical example of A weighted noise levels over a 15 minute measurement period is indicated in the following figure:



Key descriptors:

Maximum recorded noise level.

The noise level exceeded for 1% of the 15 minute interval. LAS

Rodney Stevens Acoustics Report Number 210623R1 Revision 0

Multi-Storey Residential Development Noise Assessment 8-12 Good Street, Westmead Gaby Group Pty Ltd





Tonality



L_{A10} Noise level present for 10% of the 15 minute interval. Commonly referred to the average maximum noise level.

L_{Aeq} Equivalent continuous (energy average) A-weighted sound pressure level. It is defined as the steady sound level that contains the same amount of acoustic energy as the corresponding time-varying sound.

Lago Noise level exceeded for 90% of time (background level). The average minimum background sound level (in the absence of the source under consideration).

Threshold The lowest sound pressure level that produces a detectable response (in

an instrument/person).

Tonal noise contains one or more prominent tones (and characterised by a distinct frequency components) and is considered more annoying. A 2 to 5 dB(A) penalty is typically applied to noise sources with tonal characteristics

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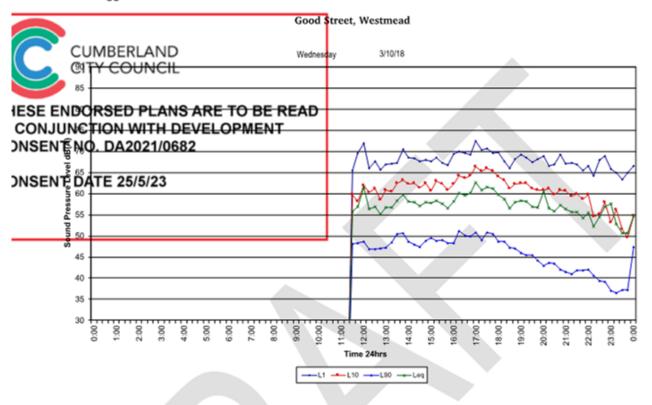
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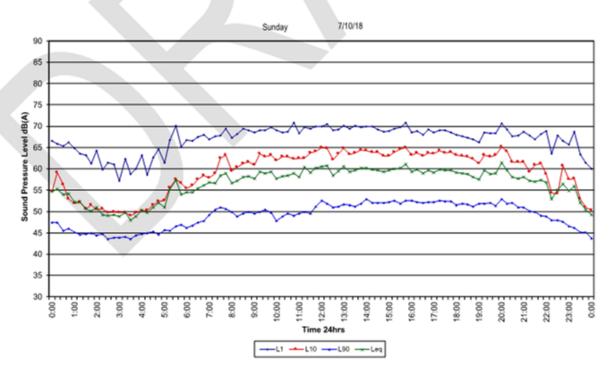


Appendix B - Logger Graphs

Traffic Logger



Good Street, Westmead

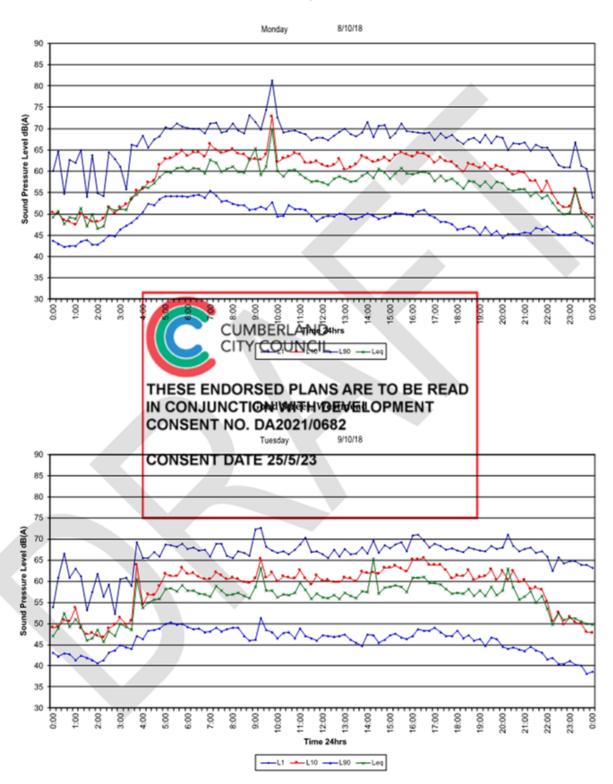


Rodney Stevens Acoustics Report Number 210623R1 Revision 0 Multi-Storey Residential Development Noise Assessment 8-12 Good Street, Westmead Gaby Group Ptv Ltd





Good Street, Westmead







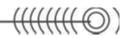
Good Street, Westmead





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Appendix C - Calibration Certificate



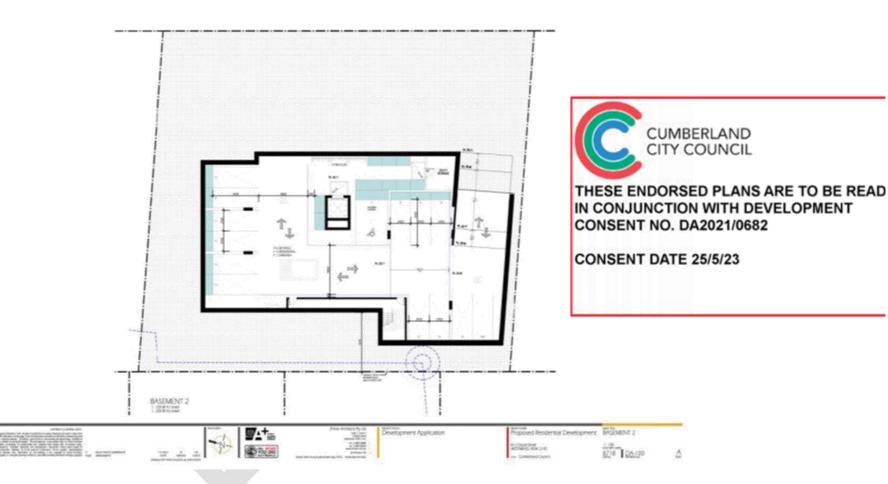




Appendix D - Architectural Plans

GOOD STREET

zhinarchitects



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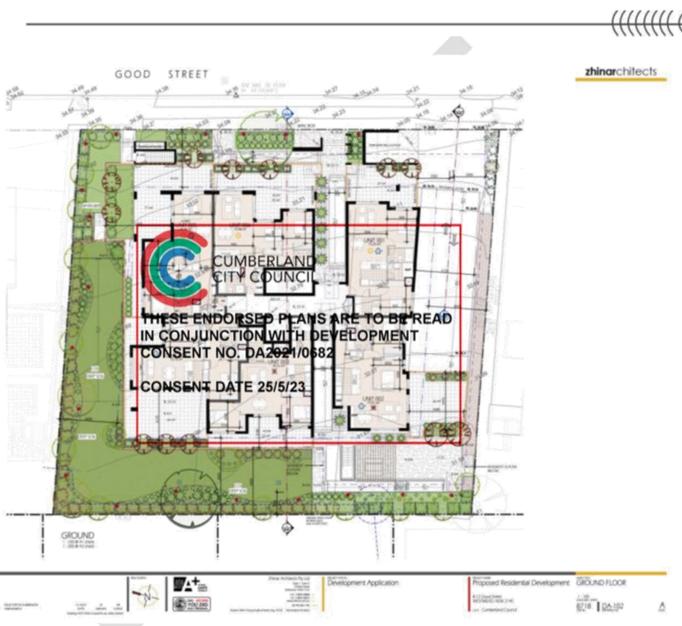






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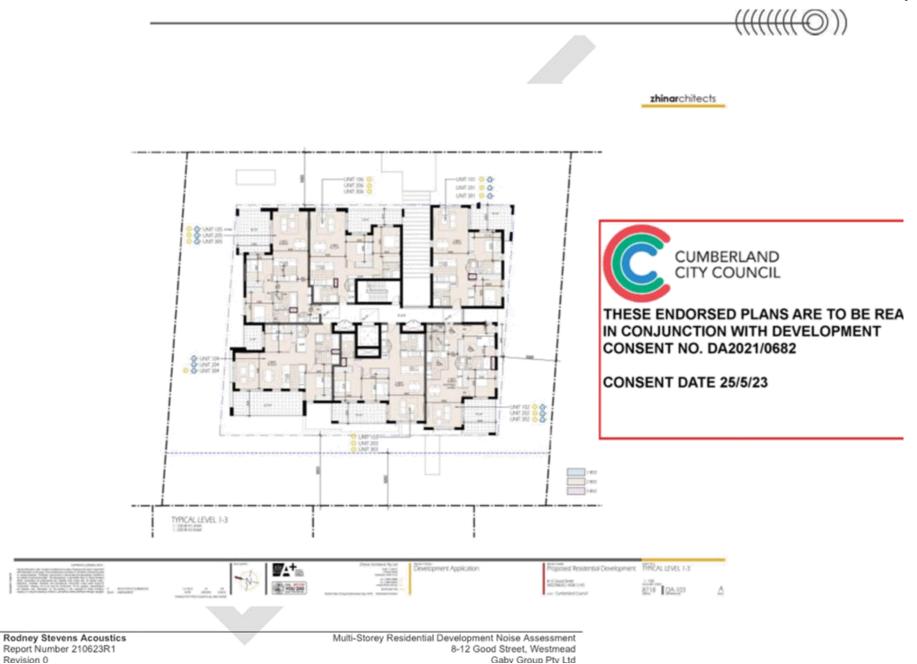


Rodney Stevens Acoustics Report Number 210623R1 Revision 0 Multi-Storey Residential Development Noise Assessment 8-12 Good Street, Westmead Gaby Group Ptv Ltd

LPP001/24 – Attachment 9 Page 213

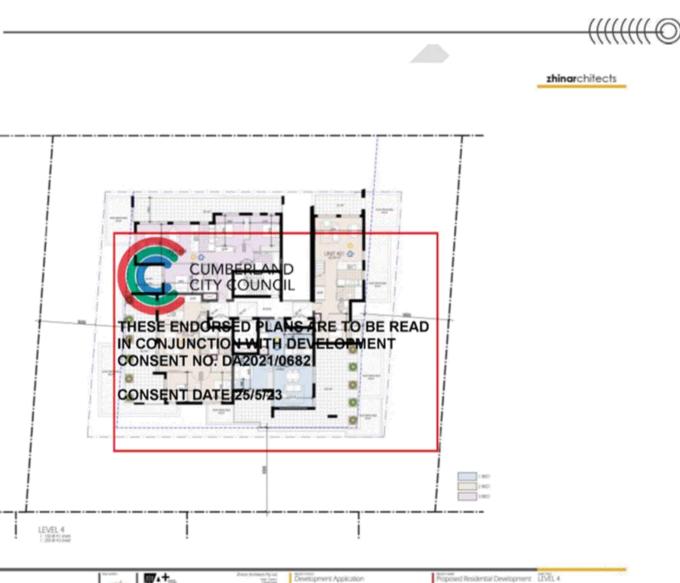


Revision 0



LPP001/24 - Attachment 9 Page 214





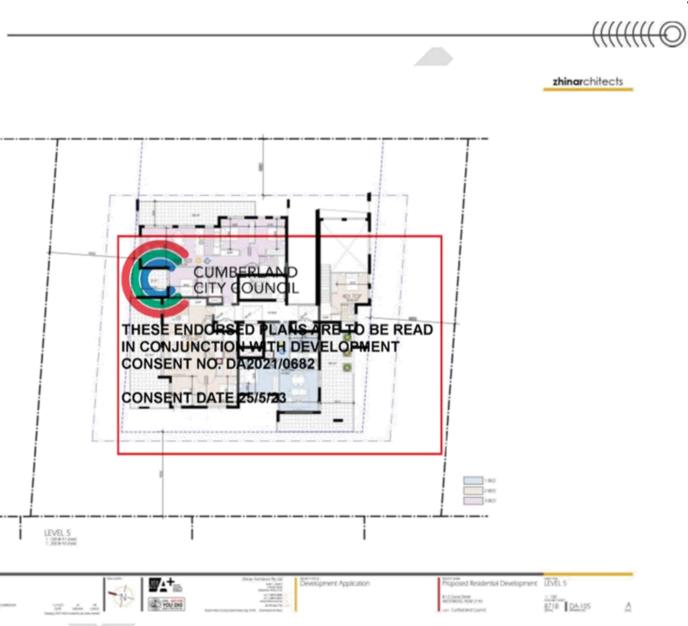
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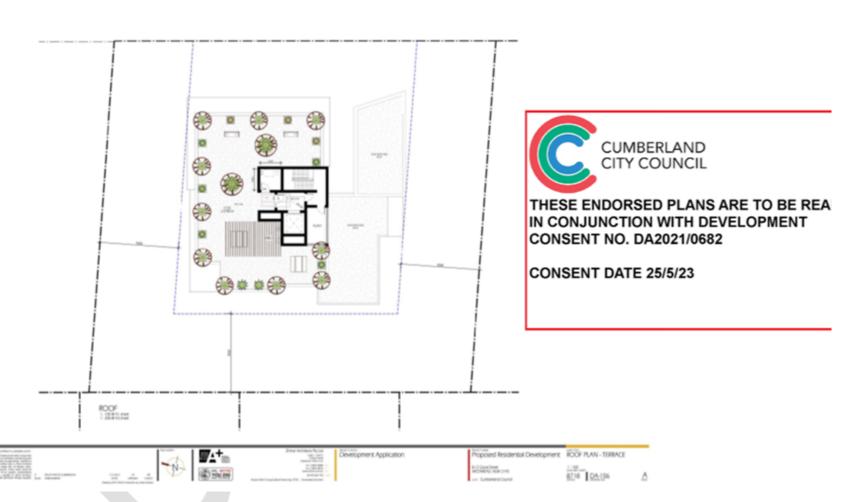
Rodney Stevens Acoustics Report Number 210623R1 Revision 0 Multi-Storey Residential Development Noise Assessment 8-12 Good Street, Westmead Gaby Group Ptv Ltd

LPP001/24 – Attachment 9 Page 216





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REDGUM Horticultura

REPORT:

ARBORICULTURAL IMPACT



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

_{сомѕемт}8<u>л</u>12,Good Street, Westmead NSW

> Development Application RFI – 21 April 2022 DA2021/0682

Prepared 19 May 2022 Our Ref: 7859

PH/FAX 02 8847 3586 PO Box 3687, Rouse Hill NSW 2155 ABN 28116465304 E info@redgumhrt.com.au





Contents

		Page
Prefac	e	3
Introd	uction	3
Summ	ary	4
1.0	Aims	5
2.0	Objectives	5
3.0	Methodology	5
4.0	Pruning Standards	6
5.0	Tree Assessments Assessment of tree Observations / Discussions	7
6.0	Conclusion	11
7.0	Recommendations	12
Disclai	troduction 3 Jammary 4 O Aims 5 O Objectives 5 O Methodology 5 O Pruning Standards 6 O Tree Assessments 7	
<u>Tables</u> 1.0 2.0	General description of trees and Schedule of works.	7 22

Appendices

Appendix A IACA Significance of a Tree, Assessment Rating System (STARS) (IACA, 2010) ©

Appendix B Matrix - Sustainable Retention Index Value (S.R.I.V.), Version 4, (IACA) 2010 ©

Appendix C Extract from Australian Standard AS4970 2009 Protection of trees on development sites, Section 3 Determining the tree protection zones of the selected trees, 3.1 Tree protection zone (TPZ), 3.3.5
Structural root zone (SRZ)

Appendix D Glossary of terminology

Appendix E Survey of Subject Tree/s

Appendix F Tree Protection Plan



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

CONSENT DATE 25/5/23

Redgum Horticultural 2022, Our Ref: 7859
Report: Arboricultural Impact Assessment; 8-10 Good Street, Westmead NSW



PREFACE

Redgum Horticultural has prepared this report for Zhinar Architects Pty Ltd (the architect), and on behalf of Gaby Group Pty Ltd (the applicant), 7/241-245 Pennant Hill Road, Carlingford NSW. Mr. Craig Martin (the author) attended 8-12 Good Street, Westmead NSW (the site), on 07 May 2022 and the tree and the growing environment was examined. The site is subject to a Development Application No. DA2021/0682, this report and any works recommended herein that require approval from the consenting authority forms part of that Development application. This report has been prepared in address to Item 4 in the Request for Further Information, requiring the retention, protection of the neighbouring tree. The root mapping investigation has not been undertaken as redesign of the basement has reduced the impact to this specimen.

INTRODUCTION

The land is situated in the Cumberland City Council (the Council) Local Government Area (LGA) and the trees are protected under Holroyd City Council's Local Environmental Plan (LEP) 2013 (Clause 5.9) and Development Control Plan (DCP) 2013 (Part A – Section 4). The Council is the consenting authority for development works on the site. This report involves 1 tree (the trees), as indicated on Site Plan A - Survey of Subject Trees (Appendix E) and considers the retention of the tree situated within the neighbouring property. The Tree considered is marked on Appendix E, Site Plan A – Survey of Subject Trees. Tree Protection Zone fences or works are marked on the Appendix F, Site Plan B - Trees to be Retained and Tree Protection Zones.

The site is comprised of a parcel of land with consolidation of 3 lots into 1, construction of a six storey Residential Flat Building and associated works and the proposal comprises 31 units which consists of a mix of 1, 2 and 3 bedroom apartments and two levels of basement parking. As part of the Landscape Plan where appropriate, the tree cover on the site will be enhanced by planting with advanced specimens/s of appropriate tree species for the space available above and below ground being soil volumes available and to prevent future conflict between trees and built structures.

The current proposed building design and its configuration and infrastructure were revised following the undertaking of an arboricultural assessment of the trees on the site to determine their significance by Redgum Horticultural. The plans provided do not show the location of sewer, water or electricity supply to the proposed development.

Setbacks for the new works and associated infrastructure should provide sufficient space to protect the existing growing environments both above and below ground for trees to be retained, and so that trees within the property and on adjoining properties will not be adversely affected.

The proposed design has considered the spatial requirements for the trees to be retained based on the information available or provided at the time of compiling this report, and those areas to be protected will be discussed further. The Summary lists the general condition of trees and a summary of works in Table 1.0. In section 5.0 each individual tree is described in greater detail including protective or remedial works. Tree maintenance works including pruning, removal or transplantation are detailed in section 4.0.



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

CONSENT DATE 25/5/23

Redgum Horticultural 2022, Our Ref: 7859
Report: Arboricultural Impact Assessment; 8-10 Good Street, Westmead NSW



SUMMARY

This report considers 1 tree situated within a neighbouring property, identified as Tree 1 and recommends its retention and protection. For Tree 1, the alignment of the basement will be a minor encroachment with the proposed decking to the Common Open Space (COS) a major encroachment to this specimen. The section of the development within the TPZ of this specimen is to be constructed using tree sensitive construction techniques with the excavation for the basement to be vertical cut with shotcrete and contiguous pilings with the elevated decking area in the with piers to be dug by hand with non-motorised machinery to further assist in the protection of this specimen. As the upper floors are >9.0m from the centre of tree, no pruning of this specimen would be required to clear the proposed development. This specimen has compaction and soil build-up in the root zone, which requires remediation with fill removed and natural ground level re-established, independent to the proposed development in consultation with an AQF Level 5 Arborist.

Where boundary fences within the tree protection zone of the retained specimens are to be installed, they are to be constructed using tree sensitive excavation and construction techniques such as post and rail construction with suspended panels to reduce any impact on the stability of retained trees, with posts to be dug by hand using non-motorised machinery to further assist in the protection of the trees.

If associated infrastructure (pipe works) is to be installed within the Tree Protection Zone of the retained specimen, it is to be installed by hand with non-motorised machinery. If structural roots are found within the trench, they are to be left intact and dug around retaining this specimen's structural integrity with works to be undertaken in consultation with the project arborist.

Tree 1 will be subject to major encroachment and is to be retained and protected as per AS 4970 (2009) Section 3, 3.3.3 *Major Encroachments* from development works within >10% of the area of the Tree Protection Zone. These excavations must be supervised and certified by the Project Arborist in accordance with AS4970 (2009).



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

CONSENT DATE 25/5/23



1.0 AIMS

- 1.1 Detail the condition of the trees on the site, adjoining properties or adjacent road reserve where such trees may be affected by the proposed works, by assessment of individual trees and indicate protection measures or remedial works for their retention and protection pre, during and post construction. Consider the location and condition of the trees in relation to the proposed building works and recommend retention and protection or removal and replacement where appropriate. The retained specimens are to remain in a safe and healthy condition, not less than at the time of initial inspection for this report, or in a reduced but sustainable condition due to the impact of the development but ameliorated through tree protection measures recommended to be applied.
- 1.2 Provide as an outcome of the assessment, the following: a description of the trees, observations made, discussion of the effects the location of the proposed building works may have on the trees and make recommendations required for remedial or other works to the trees, if and where appropriate. (See section 5 Tree Assessment.)
- 1.3 Determine from the assessment as detailed in 1.2 a description of the works or measures required to ameliorate the impact upon the trees to be retained, by the proposed building works or future impacts the trees may have upon the new building works if and where appropriate, or the benefits of removal and replacement if appropriate for the medium to long term safety and amenity of the site.

2.0 OBJECTIVES

- 2.1 Assess the condition of the subject trees.
- 2.2 Determine impact of development on the subject trees.
- 2.3 Provide recommendations for retention or removal of the subject trees.

3.0 METHODOLOGY

Note: Individual methodologies applied as applicable.

- 3.1 The method of assessment of tree/s applied is adapted from the principles of visual tree assessment undertaken from the ground, which considers:
 - 1. Tree health and subsequent stability, both long and short term
 - Sustainable Retention Index Value (SRIV) Version 4 (IACA 2010) ©
 - 3. Hazard potential to people and property
 - 4. Amenity values
 - Habitat values
 - Significance
- 3.2 This assessment is undertaken using standard tree assessment criteria for each tree based on the values above and is implemented as a result of at least one comprehensive and detailed site inspection to undertake a visual tree assessment from the ground of each individual tree. Any dimensions recorded as averages, or by approximation are noted accordingly.



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

CONSENT DATE 25/5/23

Redgum Horticultural 2022, Our Ref: 7859
Report: Arboricultural Impact Assessment; 8-10 Good Street, Westmead NSW



- 3.3 This report adopts Australian Standard AS4970 2009 Protection of trees on development sites as a point of reference and guide for the recommended minimum setbacks (Appendix C) from the centre of a tree's trunk to development works and the distances may be increased or decreased by the author in accordance with AS4970 Section 3.3.4 as a result of other factors providing mitigating circumstances or constraints as indicated by but not restricted to the following:
 - Condition of individual trees.
 - Tolerance of individual species to disturbance,
 - 3. Geology e.g. physical barriers in soil, rock floaters, bedrock to surface
 - Topography e.g. slope, drainage,
 - Soil e.g. depth, drainage, fertility, structure,
 - Microclimate e.g. due to landform, exposure to dominant wind,
 - Engineering e.g. techniques to ameliorate impact on trees such as structural soil, gap graded fill, lateral boring,
 - Construction e.g. techniques to ameliorate impact on trees such as pier and beam, bridge footings, suspended slabs,
 - Root mapping,
 - 10. Physical limitations existing modifications to the environment and any impact to tree/s by development e.g. property boundaries, built structures, houses, swimming pools, road reserves, utility services easements, previous impact by excavation, or construction in other directions, soil level changes by cutting or filling, existing landscaping works within close proximity, modified drainage patterns,
 - Extraneous factors e.g. potential future impacts from development on adjoining land when the tree is located on or near to a property boundary.
- 3.4 The meanings for terminology used herein are taken from the IACA Dictionary for Managing Trees in Urban Environments 2009. An extract from the IACA Dictionary forms a glossary of terms included as Appendix D.

4.0 PRUNING STANDARDS

- 4.1 Any pruning recommended in this report is to be to the Australian Standard® AS4373 Pruning of amenity trees and conducted in accordance with the NSW Work Cover Authority Code of Practice, Tree Work, 2007.
- 4.2 All pruning or removal works are to be in accordance with the appropriate Tree Management Policy where applicable, or Tree Management Order (TMO), or Tree Preservation Order (TPO).
- 4.3 Tree maintenance work is specialised and in order to be undertaken safely to ensure the works carried out are not detrimental to the survival of a tree being retained, and to assist in the safe removal of any tree, should be undertaken by a qualified arboriculturist with appropriate competencies recognised within the Australian Qualification Framework, with a minimum of 5 years of continual experience within the industry of operational amenity arboriculture, and covered by appropriate and current types of insurance to undertake such works.



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

CONSENT DATE 25/5/23

Redgum Horticultural 2022, Our Ref: 7859
Report: Arboricultural Impact Assessment; 8-10 Good Street, Westmead NSW



Table 1.0 General condition of trees and Schedule of works. Trees described in greater detail in section 5.0.

Tree No.	Genus and species	Common name	Condition G = Good, F = Fair P = Poor, D = Dead	Description of work to be done
1	Jacaranda mimosifolia	Jacaranda	G	Retain and protect within a Tree Protection Zone (TPZ) as per the Tree Protection Plan - Neighbouring property specimen

5.0 TREE ASSESSMENT - 5.1 - Assessment of Tree

Tree No.	Genus & Species Common Name	Age Y ≃ Young M = Mature O ≈ Overmature	Vigour GV = Good Vigour LV = Low Vigour	Condition G = Good F = Fair P = Poor D = Dead	1, SRIV Age, Vigour, Condition / Index Rating White Asian org ass (2, Estimated Life Expectancy 1, Long 2, Medium 3, Short	Crown Form D = Dominant C = Co-dominant I = Intermediate S = Suppressed F = Forest E = Emergent	Ht. Approx. motres		Cres Spr app mel Orien N= r S= S E= I	ead rox. res tation orth		Crown Cover % / Crown Density % / D = dormant	DBH in mm @ 1.4m, or other, as indicated f Trunk Orientation other than R = radial, e.g. NIS g = ground	Trunk Lean 1 = Upright-Slight 2 = Moderate 3 = Severe 4 = Critical. 5 = Acautescent j ST = Static P = Progressive Sc = Setf- convecting	Roots Evident at Root Crown 1. = None 2. = Adventisous 3. = Basal Flare 4. = Buttesses 5. = First Order Roots (FOR), No. 5. dish'bution e.g. R = radial, or one each to N. S., E and W	Pests, Diseases & Damage No or Yes If Yes see comments	Branch Bark Included No or Yes or N/A	Form G = Good Form P = Poor Form	Significance scale 1-High 2-Medium 3-Low J Retention Value 1-High 2-Medium 3-Low 4-Remove
	Jacaranda mimosifolia	м	GV	G	MGVG - 10	D	12	6	4	4	6	60	600	1/R		NO	NO	G	1
1	Jacaranua milmosilolia		30	,	1		'*	N	\$	E	W	70	R	ST	'			3	1
'	Jacaranda				es, crown delique northwest of the				,		bias to	the northw	est. Compact	ed soil build-u	p in root zone,	with OSD	wall in ne	eighbour	ring



Redgum Horticultural 2022, Our Ref: 7859



Observations / Discussion

5.2 The report considers a mature, planted or self-sown, exotic, deciduous taxa within the current proposal. The specimen to be retained is considered significant for its contribution as a landscape element to the property and the retention of this tree allows it as a component of the current curtilage to be transferred to the new proposal, maintaining an element of a continuous landscape, providing a more harmonious integration and transition of the use of the land.

Tree Significance

5.3 Significant Trees as established by the Rating System for Tree Significance – IACA Stars (2010), Appendix A.

Significance Scale

- 1 High
- 2 Medium
- 3 Low

Significance Scale	1	2	3
Redgum Tree No.	1		

Tree Retention Value

5.4 See Appendix A for Retention Value Matrix.

Retention Value

High – Priority for Retention Medium – Consider for Retention Low – Consider for Removal Remove - Priority for Removal

Retention Value	High Priority for Retention	Medium Low Remove
Redgum Tree No.	1*	

^{*} Trees located within the neighbouring property and should be retained and protected. Consent required from owner if semoval required.

- 5.5 AS4970 (2009) section 3 3.33 requires the Project Arborist to demonstrate that where a retained tree is subject to a major encroachment (>10% of Green PEZ) It can be protected to remain viable CITY COUNCIL
- 5.6 <u>Tree 1</u> Jacaranda mirnosifolia Jacaranda, this neighbouring specimen was found in good health & vigour at time of assessment.

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- Trees viability tryleval superior in the project arborist is to certify the installing project arborist is to certify the installing project at approx. 3 mthly intervals depending on the length of the development. The specimen should remain viable beyond completion of development provided recommended installation & protection measures are adhered to.
- <u>Development Impacts</u>: AS4970 (2009) section 3 requires a Tree Protection Zone (TPZ) setback of 7.2 metres (m) from centre of trunk (COT), the setback for the proposed basement adjacent to this specimen is 5.176m with the decking area at ground estimated at 1.8m from COT, which is an encroachment into the TPZ estimated at 2.5% & 14.1% respectively by the proposed development. This specimen has compaction and soil build-up in the root zone, which requires remediation with fill removed and natural ground level re-established, independent to the proposed development in consultation with an AQF Level 5 Arborist.

The alignment of the basement will be a minor encroachment with the proposed decking to the Common Open Space (COS) a major encroachment to this specimen. The section of the development within the TPZ of this specimen is to be constructed using tree sensitive construction techniques with the excavation for the basement to be vertical cut with shotcrete and contiguous pilings with the elevated decking area in the with piers to be dug by hand with non-motorised machinery to further assist in the protection of this specimen. As the upper floors are >9.0m from the centre of tree, no pruning of this specimen would be required to clear the proposed development.

Where boundary fences within the tree protection zone of the retained specimens are to be installed, they are to be constructed using tree sensitive excavation and construction techniques such as post and rail construction with suspended panels to reduce any impact on the stability of retained trees, with posts to be dug by hand using non-motorised machinery to further assist in the protection of the trees.

If associated infrastructure (pipe works) is to be installed within the Tree Protection Zone of the retained specimen, it is to be installed by hand with non-motorised machinery. If structural roots are found within the trench, they are to be left intact and dug around retaining this specimen's structural integrity with works to be undertaken in consultation with the project arborist.

Redgum Horticultural 2022, Our Ref: 7859
Report: Arboricultural Impact Assessment; 8-10 Good Street, Westmead NSW



Tree 1 will be subject to major encroachment and is to be retained and protected as per AS 4970 (2009) Section 3, 3.3.3 Major Encroachments from development works within >10% of the area of the Tree Protection Zone. These excavations must be supervised and certified by the Project Arborist in accordance with AS4970 (2009).

General - Tree Protection works - Prior to Demolition

- 5.7 <u>Milestone</u> Prior to demolition works, a site arborist shall be appointed to supervise all tree protection procedures detailed in this specification. The Site Arborist shall have a minimum level 5 AQF qualification in Arboriculture. Milestones are to be adhered to throughout the duration of this development and all relevant documentation is to be submitted to the local authority.
- 5.8 The Tree Protection Zone for each tree/s is to be incorporated into the construction works for the site and the protection fencing or works to be located as indicated on the Appendix F Tree Protection Plan. The setbacks from building works on the side closest to each tree are to be carried out as indicated in Table 2.0, and Tree Protection Zones be constructed as described here and detailed in Appendix C. The trees will be sustained within the constraints of the modifications to the site by the proposed development works.
- 5.9 Tree 1 is to be retained and protected and incorporated into the landscape works for the site, and Tree Protection Zone fencing to be marked accordingly on the Landscape Plan, where appropriate and installed prior to any demolition or construction.
- 5.10 <u>Ground protection</u> If temporary access for machinery is required within the TPZ ground protection measures will be required. The purpose of ground protection is to prevent root damage and soil compaction within the TPZ. Measures may include a permeable membrane such as geotextile fabric beneath a layer of mulch or crushed rock below rumble boards. These measures may be applied to root zones beyond the TPZ.
- Where applicable, any excavation for the establishment of a batter slope or benching for reasons of safety and to comply with Work Cover Authority safety regulations should be restricted as far as is safely possible near to trees to be retained to prevent root damage. If the excavations cannot be undertaken near to vertical the stability of these trees and their long-term viability may be compromised and their retention in a safe and healthy condition jeopardized and they may need to be revised and possibly removed.

Specific - Tree Protection With DEVELOPMENT

- All trees/shrubs; price All tr
 - The Protective fencing where required may delineate the Tree Protection Zone (TPZ) and should be located as determined by the project arborist in accordance with AS4970 Protection of trees on development sites, Section 4, 4.3. "Fencing should be erected before any machinery or materials are brought onto the site and before the commencement of works including demolition. Once erected, protective fencing must not be removed or altered without approval by the project arborist. The TPZ must be secured to restrict access. AS4687 Temporary fencing and hoardings specifies applicable fencing requirements. Shade cloth or similar should be attached to reduce the transport of dust, other particulate matter and liquids into the protected area. Fence posts and supports should have a diameter greater than 20 mm and be located clear of roots. Existing perimeter fencing and other structures may be suitable as part of the protective fencing" or similar.
 - <u>Tree Protection signage</u> is to be attached to each TPZ and displayed from within the development site in accordance with AS4970 2009 Protection of trees on development sites
 - The area of the Tree Protection Zone to be mulched to a depth of 100 mm with organic material being 75% leaf litter and 25% wood, and this being composted material preferably from the same genus and species of tree as that to where the mulch is to be applied, i.e., species-specific mulch where possible. The depth of mulch and type as indicated, to be maintained for the duration of the project. Where deep excavation will expose the soil profile to drying out the root plate is to be protected by pegging jute matting across the ground surface 2 m back from the edge of the profile and 2 m down the face of the profile and is to be in one continuous sheet or layers up to 5 mm thick and overlapped 300 mm and pegged. Pegs are to be a minimum length of 200 mm and spaced at 500 mm increments in a grid pattern. Once installed mulch is to be placed on top of the jute matting previously described.

Redgum Horticultural 2022, Our Ref: 7859
Report: Arboricultural Impact Assessment; 8-10 Good Street, Westmead NSW



- 5.13 There is to be no storage of materials, rubbish, soil, equipment, structures or goods of any type to be kept or placed within 5 metres from the trunk or within the dripline of any tree for the duration of the development. This will ensure protection of the tree/s to be retained on or adjacent to site.
- 5.14 <u>Milestone</u> Project/Site arborist is to inspect/assess all retained specimens prior to demolition to inspect tree protection measures have been carried out as per the approved D/A conditions for the site. Documentation is to be submitted to the consenting authority after each inspection.

Specific - Tree Protection works - During Demolition

5.15 <u>Demolition of landscape structures:</u> the demolition of sheds etc. within 6 m of a tree to be retained should be undertaken manually using hand tools. If the tree becomes unstable immediately contact the project arborist.

Specific - Tree Protection works - Post Demolition and Prior to Construction

- 5.16 Location of underground utilities within a Tree Protection Zone of a retained specimen.

 Any utility services to be located underground within the TPZ are to be undertaken utilising excavation techniques that prevent or minimise damage to structural roots (roots greater than >20 mm diameter). Such works should be conducted with non-motorised hand tools of with an air knife or water knife and vacuum truck or with directional drilling to prevent soil compaction and root damage.
- 5.17 Re-grading of site near retained trees; Grading &/or re-grading of sites/slopes within Tree Protection Zones or near retained specimens is to be undertaken <u>only</u> if at all, after consultation with the Project Arborist. This is to protect all structural roots systems from damage or compaction from machinery.
- Placement of relocatable buildings; consideration should be given to tree sensitivity such as the buildings being placed on pier and beam or skids construction as they are to be positioned on their driplines within the Tree Protection Zone (TPZ). The area of the Well-Rite that Zone under the buildings is to be mulched to a depth of 200 mm (if installed on skids) with of and the Control of the reduce compaction. The mulch is to be composted material, i.e. species specific mulch. Alternatively, if installed on a pier & beam construction, piers are to be undertaken manually by using non-motorised hand tools to determine the location of first order and lower order structural roots with a transfer the power of the protection of

- 5.19 <u>Milestone</u> Project/Site arborist is to inspect/assess all retained specimens during construction in relation to tree protection measure GONSEN Track III 25/6/23 approved D/A conditions for the site. Documentation is to be submitted to the consenting authority after each inspection.
- Where any structural roots (roots with a diameter of greater than >20 mm) encountered by excavation are to be pruned and it is to be undertaken with clean sharp pruning tools, with a final cut to undamaged wood to prevent infestation by pathogens and assist continued root growth and undertaken in consultation with the Consulting Arboriculturist. Tree Protection Zone fences are to be maintained during these works. Ground protection in accordance with AS4970 section 4, 4.5.3 may require steel plates to protect the ground surface from compaction to protect roots between the stages of demolition and construction.
- 5.21 All Tree Protection Zones of retained trees are to be monitored for the duration of the construction phase of the development. The three main areas requiring monitoring are; <u>mulching</u> mulch must be maintained to a depth of 50–100 mm using material that complies with AS 4454. Where the existing landscape within the TPZ is to remain unaltered (e.g., garden beds or turf) mulch may not be required, <u>watering</u> soil moisture levels should be regularly monitored by the project arborist. Temporary irrigation or watering may be required within the TPZ. An above-ground irrigation system could be installed and maintained by a competent individual and <u>weeding</u> weeds should be removed by hand without disturbing soil or should be controlled with weedicide.

Specific - Tree Protection works - Post Construction

5.22 At completion of construction work the Site/Project Arborist should carry out an assessment of all trees retained &/or affected by works. This assessment is to document any required on-going remedial care needed to ensure viable retention of trees affected. Documentation is to be submitted to the consenting authority.

Redgum Horticultural 2022, Our Ref: 7859
Report: Arboricultural Impact Assessment; 8-10 Good Street, Westmead NSW



6.0 CONCLUSION

As this tree is to be preserved it will be retained and protected through the implementation of adequate measures for the integration into the development by the application of appropriate technology as detailed in this report.

The retention and protection of existing trees on site is a significant aspect of the development process, allowing those trees as components of the current curtilage to be transferred to the new dwellings for incorporation into the landscaping works for the site. The retention of the existing trees contributes to the preservation of local amenity, screening of views to and from the site, and a balance to the scale and bulk of buildings, while maintaining elements of a continuous landscape, providing a more harmonious integration and transition of the use of the land.

If all the recommendations and procedures detailed herein are adhered to, some or all of the trees the subject of this report will continue and will grow to develop as important landscape components providing elements of long term amenity for the property and its owners or occupants, and the local community.

The recommendations made in this report are subject to approval by the consent authority.

As a renewable and dynamic natural resource, the urban tree and the growing environment essential for its survival must be understood and carefully managed to balance its needs with those of people. It is crucial that as required: this resource be planned for, planted, nurtured, protected, maintained and replaced, to ensure appropriateness and suitability of new plantings and trees retained, for safety and viability, so that it remains vital, and is sustainable in continuity.



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

CONSENT DATE 25/5/23



7.0 RECOMMENDATIONS

- Tree 1 is to be retained in situ within a neighbouring property and is to be protected as detailed in 5.6 5.22. Tree protection fences, or works, to be located in accordance with Site Plan B - Trees to Be Retained and Tree Protection Zones (Appendix F).
- 7.2 Where Tree Protection Zone fences are to be moved or relocated this must be undertaken in consultation with the Consultant Arboriculturist for the project to ensure that tree protection is maintained. If the fences are relocated areas are to be mulched in accordance with 5.12 of this report to reduce compaction to the root system of the retained specimens.
- To minimise damage to retained crowns, all Tree Protection Zones are to be adhered to. This must be 7.3 undertaken in consultation with the Consultant Arboriculturist for the project to ensure that tree protection is maintained. Minor pruning may be required if damage occurs, work is to be undertaken in accordance with section 4 of this report.
- 7.4 Milestones - Project/Site arborist is to inspect/assess all retained specimens prior to Demolition, Post Demolition, Prior to Construction during Construction and on completion in relation to trees protected and the protection measures have been carried out as per the approved D/A conditions for the site. Documentation is to be submitted to the consenting authority after each inspection.
- 7.5 Any work to be undertaken within Tree Protection Zones is to be undertaken in accordance with 7.2 of this report.

7.6 There is to be no storage of materials, rubbish, soil, equipment, structures or goods of any type to be kept or placed within 5 metres from the trunk or within the dripline of any tree for the duration of the development. This will ensure protection of the tree/s to be retained on or adjacent to site.

> CUMBERLAND CITY COUNCIL

THESE ENDORSED PLANS AFRE T IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682
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Horticulture Certificate; 1984 Urban Pest Control Certificate; 1963

Member of: Institute of Australia Consulting Arboriculturists (IACA), 2003 International Society of Arboriculture (ISA), 2006 Australian Institute of Horticulture (AIH) 2005 Arboriculture Australia (AA) 2015

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 Learning Publications Sydney Australia.

Substances.

author and Redgum Horifouliural take no responsibility for actions taken and their consequences, contrary to those expent and prefessional instructions given as recommendations pertaining to safety by way of exercising our responsit and the public as our duty of one commitment, to mitigate or prevent hazards from arising, from a feature increase in full or part, from a structurally delicient or account tree or a three likely to be rendered thus by its relation and disciously to a growing environment either above to below ground contrary to our advice.

Redgum Horticultural 2022, Our Ref: 7859 Report: Arboricultural Impact Assessment; 8-10 Good Street, Westmead NSW



Appendix A

IACA Significance of a Tree, Assessment Rating System (STARS) © (IACA 2010) ©

In the development of this document IACA acknowledges the contribution and original concept of the Footprint Green Tree Significance & Retention Value Matrix, developed by Footprint Green Pty Ltd in June 2001.

The landscape significance of a tree is an essential criterion to establish the importance that a particular tree may have on a site. However, rating the significance of a tree becomes subjective and difficult to ascertain in a consistent and repetitive fashion due to assessor bias. It is therefore necessary to have a rating system utilising structured qualitative criteria to assist in determining the retention value for a tree. To assist this process all definitions for terms used in the Tree Significance - Assessment Criteria and Tree Retention Value - Priority Matrix, are taken from the IACA Dictionary for Managing Trees in Urban

This rating system will assist in the planning processes for proposed works, above and below ground where trees are to be retained on or adjacent a development site. The system uses a scale of High, Medium and Low significance in the landscape. Once the landscape significance of an individual tree has been defined, the retention value can be determined.

Tree Significance - Assessment Criteria

1. High Significance in landscape

- The tree is in good condition and good vigour;
- The tree has a form typical for the species;
- The tree is a remnant or is a planted locally indigenous specimen and/or is rare or uncommon in the local area or of botanical interest or of substantial age;
- The tree is listed as a Heritage Item, Threatened Species or part of an Endangered ecological community or listed on Councils Significant Tree Register,
- The tree is visually prominent and visible from a considerable distance when viewed from most directions within the landscape due to its size and scale and makes a positive contribution to the local amenity
- The tree supports social and cultural sent
- ments or spiritual associations, reflected by the broader population or community group or has commemorative values; and below ground influences, supporting its ability to reach dimensions typical for the taxa in situ tree is appropriate to The tree's growth is unrestricted by above the site conditions. CUMBERLAND

2. Medium Significance in landscape

- The tree is in fair-good condition and good or low v
- The tree has form typical or atypical of the spe
- The tree is a planted locally indigen OTHESENENDORSEDOPMANS ARE COURSE READ
- The tree is visible from surrounding properties all hough not visually prominent as partially obstructed by other vege. The tree provides a fair contribution IN CONJUNCTACING WILD ADEVELOPMENT lings when viewed from the street,
- The tree's growth is moderately resident SENTEL MOCUPA 2021/0682 ability to reach dimensions typical for the taxa in situ.

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3. Low Significance in landscape

- The tree is in fair-poor condition an CONSENT DATE 25/5/23
- The tree has form atypical of the species.

 The tree is not visible or is partly visible from surrounding properties as obstructed by other vegetation or buildings,
- The tree provides a minor contribution or has a negative impact on the visual character and amenity of the local area,
- The tree is a young specimen which may or may not have reached dimension to be protected by local Tree Preservation orders or similar protection mechanisms and can easily be replaced with a suitable specimen
- The tree's growth is severely restricted by above or below ground influences, unlikely to reach dimensions typical for the taxa in situ tree is inappropriate to the site conditions.
- The tree is listed as exempt under the provisions of the local Council Tree Preservation Order or similar protection mechanisms,
- The tree has a wound or defect that has potential to become structurally unsound.

Environmental Pest / Noxious Weed Species

- The tree is an Environmental Pest Species due to its invasiveness or poisonous/ allergenic properties,
- The tree is a declared noxious weed by legislation.

Hazardous/Irreversible Decline

- The tree is structurally unsound and/or unstable and is considered potentially dangerous,
- The tree is dead, or is in irreversible decline, or has the potential to fail or collapse in full or part in the immediate to short term.

The tree is to have a minimum of three (3) criteria in a category to be classified in that group.

Note: The assessment criteria are for individual trees only, however, can be applied to a monocultural stand in its entirety e.g. hedge.

Redgum Horticultural 2022, Our Ref: 7859 Report: Arboricultural Impact Assessment; 8-10 Good Street, Westmead NSW



Table 1.0 Tree Retention Value - Priority Matrix.

				Significance		
		1. High	2. Medium		3. Low	
		Significance in Landscape	Significance in Landscape	Significance in Landscape	Environmental Pest / Noxious Weed Species	Hazardous / Irreversible Decline
ıcy	1. Long >40 years					
Estimated Life Expectancy	2. Medium 15-40 Years					
timated Li	3. Short <1-15 Years					
Es	Dead					
Leger	nd for Matrix A	Assessment			CI	ACA
	or re-loca	for Retention (High) - tion of building/s should be co opment sites. Tree sensitive on zone.	insidered to accommodate th	e setbacks as prescribed by	the Australian Standard AS	S4970 Protection of trees
		ler for Retention (Medi main priority with removal con usted.				
		ler for Removal (Low) - nted for their retention.	These trees are not conside	red important for retention, r	nor require special works or	design modification to be
	Priority developm	for Removal - These thent.	rees are considered hazardo	ous, or in irreversible declin	e, or weeds and should be	removed irrespective of

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Australia ICOMOS Inc. 1999, The Burra Charter – The Australian ICOMOS Charter for Places of Cultural Significance, International Council of Monuments and Sites, www.icomos.org/australia

Draper BD and Richards PA 2009, Dictionary for Managing Trees in Urban Environments, Institute of Australian Consulting Arboriculturists (IACA), CSIRO Publishing, Collingwood, Victoria, Australia.

Footprint Green Pty Ltd 2001, Footprint Green Tree Significance & Retention Value Matrix, Avalon, NSW Australia, www.footprintgreen.com.au



Redgum Horticultural 2022, Our Ref: 7859
Report: Arboricultural Impact Assessment; 8-10 Good Street, Westmead NSW



Appendix B

Matrix - Sustainable Retention Index Value (SRIV) ©

Version 4, 2010

Developed by IACA - Institute of Australian Consulting Arboriculturists www.iaca.org.au

The matrix is to be used with the value classes defined in the Glossary for Age / Vigour / Condition.

An index value is given to each category where ten (10) is the highest value.



Class			Vigour Class and	Condition Class	i	
Age	Good Vigour & Good Condition (GVG)	Good Vigour & Fair Condition (GVF)	Good Vigour & Poor Condition (GVP)	Low Vigour & Good Condition (LVG)	Low Vigour & Fair Condition (LVF)	Low Vigour & Poor Condition (LVP)
	Able to be retained if sufficient space available above and below ground for future growth. No remedial work or improvement to growing environment required. May be subject to high vigour. Retention potential - Medium – Long Term.	Able to be retained if sufficient space available above and below ground for future growth. Remedial work may be required or improvement to growing environment may assist. Retention potential - Medium Term. Potential for longer with remediation or favourable environmental conditions.	Able to be retained if sufficient space available above and below ground for future growth. Remedial work unlikely to assist condition, improvement to growing environment may assist. Retention potential - Short Term. Potential for longer with remediation or favourable environmental conditions.	May be able to be retained if sufficient space available above and below ground for future growth. No remedial work required, but improvement to growing environment may assist vigour. Retention potential - Short Term. Potential for longer with remediation or favourable environmental conditions.	May be able to be retained if sufficient space available above and below ground for future growth. Remedial work or improvement to growing environment may assist condition and vigour. Retention potential. Short Term. Potential for longer with remediation or favourable environmental conditions.	Unlikely to be able to be retained if sufficient space available above and below ground for future growth. Remedial work or improvement to growing environment unlikely to assist condition or vigour. Retension potential - Likely to be removed immediately or retained for Short Term. Potential for longer with remediation or favourable environmental conditions.
(Y)	YGVG - 9	YGVF - 8	YGVP - 5	YLVG - 4	YLVF - 3	YLVP - 1
Young	Index Value 9 Retention potential - Long Term. Likely to provide minimal contribution to local amenity if height <5 m. High potential for future growth and adaptability. Retain, move or replace.	Index Value 8 Retention potential - Short - Medium Term. Potential for longer with improved growing conditions. Likely to provide minimal contribution to local amenity if height <5 m. Medium-high potential for future growth and adaptability. Retain, move or replace.	Index Value 5 Retention potential - Short Term. Potential for longer with improved growing conditions. Likely to provide minimal contribution to local amenity if height <5 m. Low- medium potential for future growth and adaptability. Retain, move or replace.	Index Value 4 Retention potential - Short Term. Potential for longer with improved growing conditions. Likely to provide minimal contribution to local amenity if height <5 m. medium potential for future growth and adaptability. Retain, move or replace.	Index Value 3 Retention potential - Short Term. Potential for longer with improved growing conditions. Likely to provide minimal contribution to local amenity if height <5m. Low- medium potential for future growth and adaptability. Retain, move or replace.	Index Value 1 Retention potential - Likely to be removed immediately or retained for Short Term. Likely to provide minimal contribution to local amenits if he for the short of the short o
Mature (S)	MGVG - 10 Index Value 10 Retention potential - Medium - Long Term.	MGVF - 9 Index Value 9 Retention potential - Medium Term. Potential for longer with improved growing conditions.	MGVP - 6 Index Value 6 Retention potential - Short Term. Potential for longer with improved growing conditions.	MLVG - 5 Index Value 5 Retention potential - Short Term. Potential for longer with improved growing conditions.	MLVF - 4 Index Value 4 Retention potential - Short Term. Potential for longer with improved growing conditions.	MLVP - 2 Index Value 2 Retension potential - Likely to be removed immediately or retained for Short Term.
Over-mature ©	OGVG - 6 Index Value 6 Retention potential - Medium - Long Term.	OGVF - 5 Index Value 5 Retention potential - Medium Term.	OGVP - 4 Index Value 4 Retention potential - Short Term.	OLVG - 3 Index Value 3 Retention potential - Short Term. Potential for longer with improved growing conditions.	OLVF - 2 Index Value 2 Retention potential - Short Term.	OLVP - 0 Index Value 0 Retention potential - Likely to be removed immediately or retained for Short Term.



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

CONSENT DATE 25/5/23

Redgum Horticultural 2022, Our Ref: 7859

Report: Arboricultural Impact Assessment; 8-10 Good Street, Westmead NSW



Appendix C

Extract from Australian Standard AS4970 2009 Protection of trees on development sites

Section 3, Determining the tree protection zones of the selected trees

3.1 Tree protection zone (TPZ)

"The tree protection zone (TPZ) is the principal means of protecting trees on development sites. The TPZ is a combination of the root area and crown area requiring protection. It is an area isolated from construction disturbance, so that the tree remains viable.

The TPZ incorporates the structural root zone (SRZ) (refer to Clause 3.3.5)."

3.2 Determining the TPZ

The radius of the TPZ is calculated for each tree by multiplying its DBH x 12.

TPZ = DBH x 12

were

DBH = trunk diameter measured at 1.4 m above ground

Radius is measured from the centre of the stem at ground level.

Section 3, Determining the protection zones of the selected trees

3.3.5 Structural root zone (SRZ)

"The SRZ is the area required for street stability. A larger area is required to maintain a viable tree. The SRZ only needs to be calculated when a major encroachment into a TPZ is proposed. Root investigation may provide more information on the extent of these roots."

Determining the SRZ

The radius of the TPZ is calculated for each tree by multiplying its DBH x 12.

SRZ radius = (D x 50)0.42 x 0.64

were

D = trunk diameter, in metres, measured above the root buttress.

Note: The SRZ for trees with trunk diameters less than 0.15 m will be 1.5 m (see Figure 1).



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

CONSENT DATE 25/5/23

Redgum Horticultural 2022, Our Ref: 7859
Report: Arboricultural Impact Assessment; 8-10 Good Street, Westmead NSW



Appendix D

Glossary

From

Dictionary for Managing Trees in Urban Environments by Draper BD and Richards PA 2009, Institute of Australian Consulting Arboriculturists (IACA), CSIRO Publishing, Collingwood, Victoria, Australia.

Age of Trees

Age Most trees have a stable biomass for the major proportion of their life. The estimation of the age of a tree is based on the knowledge of the expected lifespan of the taxa in situ divided into three distinct stages of measurable biomass, when the exact age of the tree from its date of cultivation or planting is unknown and can be categorized as Young, Mature and Over-mature (British Standards 1991, p. 13, Harris et al, 2004, p. 262).

Young Tree aged less than <20% of life expectancy, in situ.

Mature Tree aged 20-80% of life expectancy, in situ.

Over-mature Tree aged greater than >80% of life expectancy, in situ, or senescent with or without reduced vigour, and declining gradually or rapidly but irreversibly to death.

Condition of Trees

Condition A tree's crown form and growth habit, as modified by its environment (aspect, suppression by other trees, soils), the stability and viability of the root plate, trunk and structural branches (first (1st) and possibly second (2nd) order branches), including structural defects such as wounds, cavities or hollows, crooked trunk or weak trunk/branch junctions and the effects of predation by pests and diseases. These may not be directly connected with vigour, and it is possible for a tree to be of normal vigour but in poor condition. Condition can be categorized as Good Condition, Fair Condition, Poor Condition and Dead.

Good Condition Tree is of good habit, with crown form not severely restricted for space and light, physically free from the adverse effects of predation by pests and diseases, obvious instability or structural weaknesses, fungal, bacterial or insect infestation and is expected to continue to live in much the same condition as at the time of inspection provided conditions around it for its basic survival do not alter greatly. This may be independent from or contributed to by vigour.

Fair Condition Tree is of good habit or misshapen, a continue early restricted for space and light, has some physical indication of decline due to the early effects of predation by pests and diseases, fungal, bacterial, or insect infestation, or has suffered physical injury to itself that may be contributing to instability or structural weaknesses, or is faltering due to the modification of the environment essential for its basic survival. Such a tree may recover with remedial works where appropriate or without intervention may stabilise or improve over time or in esponse to the implementation of beneficial changes to its local environment. This may be independent from or contributed to by vigour.

Poor Condition Tree is of good habit or missnaper, a form that may be severely restricted for space and light, exhibits symptoms of advanced and irreversible decline such as fungal, control of the tree, or damage e.g. termite infestation, or storm damage or lightning strike, ring barking from borer activity in the trunk, root damage or instability of the tree, or damage from physical wounding impacts or abrasion or from altered local environment that would normally be sufficient to provide for its basic survival if in good to fair condition. Deterioration physically, often characterised by a gradual and continuous reduction in vigour but characterised by a proportionate increase in susceptibility to, and predation by pests and diseases against which the tree cannot be sustained. Such conditions may also be evident in trees of advanced senescence due to normal phenological processes, without modifications to the growing environment or physical damage having been inflicted upon the tree. This may be independent from or contributed to by vigour.

Senescent / Moribund Advanced state of decline, dying or nearly dead.

Dead Tree is no longer capable of performing any of the following processes or is exhibiting any of the following symptoms.

Processes

Photosynthesis via its foliage crown (as indicated by the presence of moist, green or other coloured leaves);

Osmosis (the ability of the root system to take up water);

Turgidity (the ability of the plant to sustain moisture pressure in its cells);

Epicormic shoots or epicormic strands in Eucalypts (the production of new shoots as a response to stress, generated from latent or adventitious buds or from a lignotuber);

Symptoms

Permanent leaf loss;

Permanent wilting (the loss of turgidity which is marked by desiccation of stems leaves and roots);

Abscission of the epidermis (bark desiccates and peels off to the beginning of the sapwood).

Removed No longer present, or tree not able to be located or having been cut down and retained on a site or having been taken away from a site prior to site inspection.

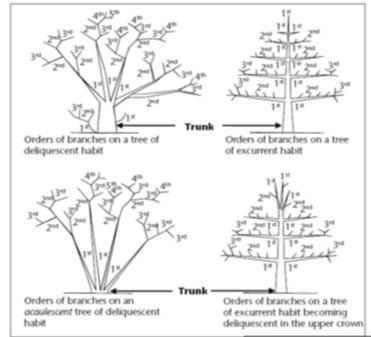
Redgum Horticultural 2022, Our Ref: 7859
Report: Arboricultural Impact Assessment; 8-10 Good Street, Westmead NSW



Branch

Branch An elongated woody structure arising initially from the trunk to support leaves, flowers, fruit and the development of other branches. A branch may itself fork and continue to divide many times as successive orders of branches with the length and taper decreasing incrementally to the outer extremity of the crown. These may develop initially as a gradually tapering continuation of the trunk with minimal division as in a young tree or a tree of excurrent habit, or in a sapling, or may arise where the trunk terminates at or some distance from the root crown, dividing into first order branches to form and support the foliage crown. In an acaulescent tree, branches arise at or near the root crown. Similarly branches may arise from a sprout mass from damaged roots, branches or trunk.

Orders of branches the marked divisions between successively smaller branches (James 2003, p. 168) commencing at the initial division where the trunk terminates on a deliquescent tree or from lateral branches on an excurrent tree. Successive branching is generally characterised by a gradual reduction in branch diameters at each division, and each gradation from the trunk can be categorised numerically, e.g. first order, second order, third order etc. (See Figure 21.)



Crown Figure 21 Orders of branches

Canopy 1. Of multiple trees, the convergance, or merging in full or part, of the crowns of two or more trees due to their proximity, or where competition for light and space available in a forest environment is timiled as a plural for crown. 3. Sometimes synonymously used for crown (USA) TY COUNCIL

Crown Of an individual tree all the parts arising above the trunk where it terminates by its division forming branches, e.g., the branches, leaves, flowers and fruit; or the total amount of foliage supported by the branches. The crown of any tree can be divided vertically into three sections and can be categorised as lower crown, mid groups supported by the branches. The crown of any tree can be divided vertically into three sections and can be categorised as lower crown, mid groups supported by the branches. The crown of any tree can be divided vertically into three sections of one-third from the base to apex. The volume of a crown can be categorised as the inner crown, outer crown and outer extremity of crown.

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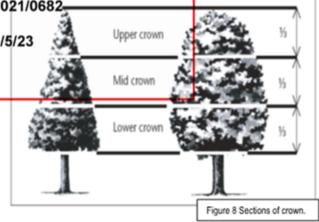
Lower crown The proximal or lowest section of a crown when divided vertically into one-third (1/s) increments. See 15.0 Clown One 10.0020 21/0682 and Upper crown.

Mid crown The middle section of a GONISENT DATE, 25/5/23 one-third (1/3) increments. See also Crown, Lower crown and Upper crown.

Upper crown The distal or highest section of a crown when divided vertically into one-third (1/3) increments. See also Crown, Mid crown and Lower crown.

Crown Projection (CP) Area within the dripline or beneath the lateral extent of the crown (Geiger 2004, p. 2). See also Crown spread and Dripline.

Dripline A line formed around the edge of a tree by the lateral extent of the *crown*. Such a line may be evident on the ground with some trees when exposed soil is displaced by rain shed from the crown. See also *Crown Projection*.



Crown Form of Trees

Crown Form The shape of the crown of a tree as influenced by the availability or restriction of space and light, or other contributing factors within its growing environment. Crown Form may be determined for tree shape and habit generally as Dominant, Codominant, Intermediate, Emergent, Forest and Suppressed. The habit and shape of a crown may also be considered qualitatively and can be categorized as Good Form or Poor Form.

Good Form Tree of *typical* crown shape and habit with proportions representative of the taxa considering constraints such as origin e.g., indigenous or exotic, but does not appear to have been adversely influenced in its development by environmental factors in situ such as *soil water* availability, prevailing wind, or cultural practices such as lopping and competition for space and light.

Poor Form Tree of *atypical* crown shape and habit with proportions not representative of the species considering constraints and appears to have been adversely influenced in its development by environmental factors in situ such as *soil water* availability, prevailing wind, cultural practices such as lopping and competition for space and light; causing it to be *misshapen* or disfigured by disease or vandalism.

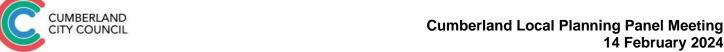
Crown Form Codominant Crowns of trees restricted for space and light on one or more sides and receiving light primarily from above e.g., constrained by another tree/s or a building.

Crown Form Dominant Crowns of trees generally not restricted for space and light receiving light from above and all sides.

Redgum Horticultural 2022, Our Ref: 7859

Report: Arboricultural Impact Assessment; 8-10 Good Street, Westmead NSW

Page 18

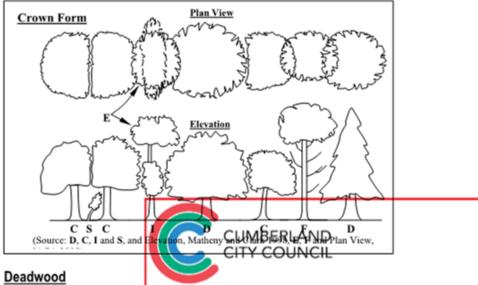


Crown Form Emergent Crowns of trees restricted for space on most sides receiving most light from above until the upper crown grows to protrude above the canopy in a stand or forest environment. Such trees may be crown form dominant or transitional from crown form intermediate to crown form forest asserting both apical dominance and axillary dominance once free of constraints for space and light.

Crown Form Forest Crowns of trees restricted for space and light except from above forming tall trees with narrow spreading crowns with foliage restricted generally to the top of the tree. The trunk is usually erect, straight and continuous, tapering gradually, crown often excurrent, with first order branches becoming structural, supporting the live crown concentrated towards the top of the tree, and below this point other first order branches arising radially with each inferior and usually temporary, divergent and ranging from horizontal to ascending, often with internodes exaggerated due to competition for space and light in the lower crown.

Crown Form Intermediate Crowns of trees restricted for space on most sides with light primarily from above and on some sides only.

Crown Form Suppressed Crowns of trees generally not restricted for space but restricted for light by being overtopped by other trees and occupying an understorey position in the canopy and growing slowly.



Deadwood Dead branches within a TeHESTE JENDORSED IN BLANSPARE JOB BET READ: attegorised as Small Deadwood and Large Deadwood according to THOSE CARETURN CORPTONIC WIPPENT EN EMPTY THE THORSE ON A ree can be categorized as Low Volume Deadwood, Medium Volum CONSENT NO. DA2021/0682

Deadwooding Removing of dead branches by pruning. Such pruning may assist in the prevention of the spread of decay from dieback or for reasons of safety near an identifiable target

Small Deadwood A dead branch up to 10mm diameter and usually <2 metres long, generally considered of low-risk potential.

Large Deadwood A dead branch 10mm diameter and usually >2 metres long, generally considered of high-risk potential.

High Volume Deadwood High Volume Deadwood Where >10 dead branches occur that may require removal.

Medium Volume Deadwood Where 5-10 dead branches occur that may require removal.

Low Volume Deadwood Where <5 dead branches occur that may require remova

Dieback

Dieback The death of some areas of the crown. Symptoms are leaf drop, bare twigs, dead branches and tree death, respectively. This can be caused by root damage, root disease, bacterial or fungal canker, severe bark damage, intensive grazing by insects, abrupt changes in growth conditions, drought, water-logging or over-maturity. Dieback often implies reduced resistance, stress or decline which may be temporary. Dieback can be categorized as Low Volume Dieback, Medium Volume Dieback and High Volume Dieback.

High Volume Dieback Where >50% of the crown cover has died.

Medium Volume Dieback Where 10-50% of the crown cover has died.

Low Volume Dieback Where <10% of the crown cover has died. See also Dieback, High Volume Dieback and Medium Volume Dieback.

Epicormic shoots

Epicormic Shoots Juvenile shoots produced at branches or trunk from epicormic strands in some Eucalypts (Burrows 2002, pp. 111-131) or sprouts produced from dormant or latent buds concealed beneath the bark in some trees. Production can be triggered by fire, pruning, wounding, or root damage but may also be as a result of stress or decline. Epicormic shoots can be categorized as Low Volume Epicormic Shoots, Medium Volume Epicormic Shoots and High Volume Epicormic Shoots.

High Volume Epicormic Shoots Where >50% of the crown cover is comprised of live epicormic shoots. Medium Volume Epicormic Shoots Where 10-50% of the crown cover is comprised of live epicormic shoots. Low Volume Epicormic Shoots Where <10% of the crown cover is comprised of live epicormic shoots.

Redgum Horticultural 2022, Our Ref: 7859 Report: Arboricultural Impact Assessment; 8-10 Good Street, Westmead NSW





General Terms

Cavity A usually shallow void often localized initiated by a wound and subsequent decay within the trunk, branches or roots, or beneath bark, and may be enclosed or have one or more opening.

Decay Process of degradation of wood by microorganisms (Australian Standard 2007, p. 6) and fungus.

Hazard The threat of danger to people or property from a tree or tree part resulting from changes in the physical condition, growing environment, or existing physical attributes of the tree, e.g., included bark, soil erosion, or thorns or poisonous parts, respectively.

Included bark 1. The bark on the inner side of the branch union or is within a concave crotch that is unable to be lost from the tree and accumulates or is trapped by acutely divergent branches forming a compression fork. 2. Growth of bark at the interface of two or more branches on the inner side of a branch union or in the crotch where each branch forms a branch collar and the collars roll past one another without forming a graft where no one collar is able to subsume the other. Risk of failure is worsened in some taxa where branching is acutely divergent or acutely convergent and ascending or erect.

Hollow A large void initiated by a wound forming a cavity in the trunk, branches or roots and usually increased over time by decay or other contributing factors, e.g., fire, or fauna such as birds or insects e.g., ants or termites. A hollow can be categorized as an Ascending Hollow or a Descending Hollow.

Risk The random or potentially foreseeable possibility of an episode causing harm or damage.

Significant Important, weighty or more than ordinary.

Significant Tree A tree considered important, weighty or more than ordinary. Example: due to prominence of location, or in situ, or contribution as a component of the overall landscape for amenity or aesthetic qualities, or curtilage to structures, or importance due to uniqueness of taxa for species, subspecies, variety, crown form, or as an historical or cultural planting, or for age, or substantial dimensions, or habit, or as remnant vegetation, or habitat potential, or a rare or threatened species, or uncommon in cultivation, or of aboriginal cultural importance, or is a commemorative planting.

Substantial A tree with large dimensions or proportions in relation to its place in the landscape.

Sustainable Retention Index Value (SRIV) A visual tree assessment method to determine a qualitative and numerical rating for the viability of urban trees for development sites and management purposes, based on general tree and landscape assessment criteria using classes of age, condition and vigour. SRIV is for the professional manager of urban trees to consider the tree in situ with an assumed knowledge of the taxon and its growing environment. It is based on the physical attributes of the tree and its response to its environment considering its position in a matrix for age class, vigour class, condition class and its sustainable retention with regard to the safety of people or damage to property it is also to the ability to retain the tree with remedial work or beneficial modifications to its growing environment or removal and replacement. SRIV is supplementary to the decision models are property to the decision models are property to the decision models. CITY COUNCIL

Visual Tree Assessment (VTA) A visual inspection of a tree from the ground based on the principle that, when a tree exhibits apparently superfluous material in its shape, this represents repair structures to rectify defects or to reinforce weak areas in accordance with the Axiom of Uniform Stress (Mattheck & Breloer 1994, pp. 12-13THESE BENDORSED PLANSINGER TO BE PREAD Decitioners.

Leaning Trees

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Leaning A tree where the trunk grows or moves away from upright. A lean may occur anywhere along the trunk influenced by a number of contributing factors e.g., genetically predetermined characteristics, competition for space or light, prevailing winds, aspect, slope, or other factors. A leaning tree may maintain a static lean or display GONSENT TO ASTEL 25/15/123 and may be hazardous and prone to failure and collapse. The degrees of leaning can be categorized as Sightly Leaning, Moderately Leaning, Severely Leaning and Critically Leaning.

Slightly Leaning A leaning tree where the trunk is growing at an angle within 0°-15° from upright.

Moderately Leaning A leaning tree where the trunk is growing at an angle within 15°-30° from upright.

Severely Leaning A leaning tree where the trunk is growing at an angle within 30°-45° from upright.

Critically Leaning A leaning tree where the trunk is growing at an angle greater than >45° from upright.

Progressively Leaning A tree where the degree of leaning appears to be increasing over time.

Static Leaning A leaning tree whose lean appears to have stabilized over time.

Periods of Time

Periods of Time The life span of a tree in the urban environment may often be reduced by the influences of encroachment and the dynamics of the environment and can be categorized as Immediate, Short Term, Medium Term and Long Term.

Immediate An episode or occurrence, likely to happen within a twenty-four (24) hour period, e.g. tree failure or collapse in full or part posing an imminent danger.

Short Term A period of time less than <1 - 15 years.

Medium Term A period of time 15 - 40 years.

Long Term A period of time greater than >40 years.

Redgum Horticultural 2022, Our Ref: 7859
Report: Arboricultural Impact Assessment; 8-10 Good Street, Westmead NSW



Roots

First Order Roots (FOR) Initial woody roots arising from the root crown at the base of the trunk, or as an adventitious root mass for structural support and stability. Woody roots may be buttressed and divided as a marked gradation, gradually tapering and continuous or tapering rapidly at a short distance from the root crown. Depending on soil type these roots may descend initially and not be evident at the root crown or become buried by changes in soil levels. Trees may develop 4-11 (Perry 1982, pp. 197-221), or more first order roots which may radiate from the trunk with a relatively even distribution, or be prominent on a particular aspect, dependent upon physical characteristics e.g. leaning trunk, asymmetrical crown; and

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constraints within the growing environment from topography e.g. slope, soil depth, rocky outcrops, exposure to predominant wind, soil moisture, depth of water table etc.

Orders of Roots The marked divisions between woody roots, commencing at the initial division from the base of the trunk, at the *root crown* where successive branching is generally characterised by a gradual reduction in root diameters and each gradation from the trunk and can be categorized numerically, e.g., first order roots, second order roots, third order roots etc. Roots may not always be evident at the *root crown*, and this may be dependent on species, age class and the growing environment. Palms at maturity may form an adventitious root mass.

Root Plate The entire root system of a tree generally occupying the top 300-600mm of soil including roots at or above ground and may extend laterally for distances exceedingly twice the height of the tree (Perry 1982, pp. 197-221). Development and extent are dependent on water availability, soil type, soil depth and the physical characteristics of the surrounding landscape.

Root Crown Roots arising at the base of a trunk.

Zone of Rapid Taper The area in the root plate where the diameter of structural roots reduces substantially over a short distance from the trunk. Considered to be the minimum radial distance to provide structural support and root plate stability. See also Structural Root Zone (SRZ).

Structural Roots Roots supporting the infrastructure of the *root plate* providing strength and *stability* to the tree. Such roots may taper rapidly at short distances from the *root crown* or become large and woody as with gynnesperns and protection or become large and according to the protection of the root gynnesperns and are usually 1st and 2st order roots or form an adventitions protection mass in monocotyledonous angiosperms (palms). Such roots may be proseed and grafted and are usually contained within the area of *crown projection* or extend just beyond the dripline.

Orders of roots (indicative)

1. Fint order root
2. Second order root
3. Third order root
4. Fourth order root
5. Fifth order root
9. Root and root plate sections (indicative)
1. Zone of rapid taper
2. Root crown
3. Tap root
4. Buttress root
8. Heart root
12. Dripline

Symmetry

the axis of the trunk of branch and foliage, and root distribution respectively and can be categorized as Asymmetrical and CONSENT DATE 25/5/23

Asymmetrical Imbalance within a crown, where there is an uneven distribution of branches and the foliage crown or root plate around the vertical axis of the trunk. This may be due to Crown Form Codominant or Crown Form Suppressed as a result of natural restrictions e.g., from buildings, or from competition for space and light with other trees, or from exposure to wind, or artificially caused by pruning for clearance of roads, buildings or power lines. An example of an expression of this may be, crown asymmetrical, bias

Symmetrical Balance within a crown, where there is an even distribution of branches and the *foliage crown* around the vertical axis of the trunk. This usually applies to trees of *Crown Form Dominant* or *Crown Form Forest*. An example of an expression of this may be crown symmetrical.

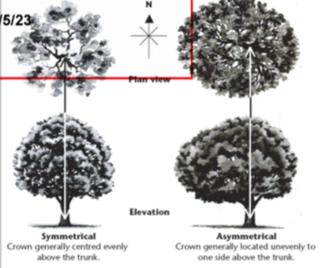


Figure 27 Symmetry within crown

Figure 22 Orders of Roots.

Redgum Horticultural 2022, Our Ref: 7859
Report: Arboricultural Impact Assessment; 8-10 Good Street, Westmead NSW



Trunk

Trunk A single stem extending from the root crown to support or elevate the crown, terminating where it divides into separate stems forming first order branches. A trunk may be evident at or near ground or be absent in acaulescent trees of deliquescent habit or may be continuous in trees of excurrent

habit. The trunk of any caulescent tree can be divided vertically into three (3) sections and can be categorized as Lower Trunk, Mid Trunk and Upper Trunk. For a leaning tree these may be divided evenly into sections of one third along the trunk.

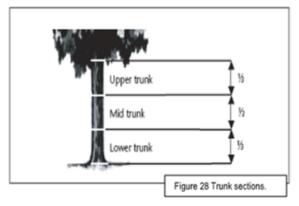
Acaulescent A trunkless tree or tree growth forming a very short trunk. See also Caulescent. (See Fig. 21)

Caulescent Tree grows to form a trunk. See also Acaulescent. (See Fig. 21)

Lower trunk Lowest, or proximal section of a trunk when divided into one-third (1/s) increments along its axis. See also Trunk, Mid trunk and Upper trunk.

Mid trunk A middle section of a trunk when divided into one-third (1/3) increments along its axis. See also Trunk, Lower trunk and Upper trunk.

Upper trunk Highest, or distal section of a trunk when divided into one-third (1/s) increments along its axis. See also Trunk, Lower trunk and Mid trunk.



Diameter at Breast Height (DBH) Measurement of trunk width calculated at a given distance above ground from the base of the tree often measured at 1.4 m. The trunk of a tree is usually not a circle when viewed in cross section, due to the presence of reaction wood or adaptive wood, therefore an average diameter is determined with a diameter tape or by recording the trunk along its narrowest and widest axes, adding the two dimensions together and dividing them by 2 to record an average and allowing the orientation of the longest axis of the trunk to also be recorded. Where a tree is growing on a lean the distance along the top of the trunk is measured to 1.4m and the diameter then recorded from that point perpendicular to the edge of the trunk. Where a leaning trunk is crooked a vertical distance of 1.4m is measured from the ground. Where a tree branches from a trunk that is less than 1.4m above ground, the trunk diameter is recorded perpendicular to the length of the trunk from the point immediately below the base of the flange of the branch collar extending the furthest down the trunk, and the distance of this point above ground recorded as trunk length. Where a tree is located on sloping ground the DBH should be measured at halfway along the side of the tree to average out the angle of slope. Where a tree is acaulescent or trunkless branching at or near ground an average diameter is determined by recording the radial extent of the trunk at or near ground and noting where the measurement was recorded e.g. at ground.

Vigour

Vigour Ability of a tree to sustain its life processes. This is independent of the condition of a tree but may impact upon it. Vigour can appear to alter rapidly with change of seasons (seasonality) e.g. dormant, deciduous or semi-deciduous trees. Vigour can be categorized as Normal Vigour, High Vigour, Low Vigour and Dormant Tree Vigour.

Normal Vigour Ability of a tree to maintain and sustain its life processes. This may be evident by the typical growth of leaves, crown cover and crown density, branches, roots and trunk and resistance to predation. This is independent of the condition of a tree but may impact upon it, and especially the ability of a tree to sustain itself against predation.

High Vigour Accelerated growth of a tree due to incidental or deliberate artificial changes to its growing environment that are seemingly beneficial, but may result in premature aging or failure if the favourable conditions cease, or promote prolonged senescence if the favourable conditions remain, e.g. water from a leaking pipe; water and nutrients from a leaking or disrupted sewer pipe; nutrients from animal waste, a tree growing next to a chicken coop, or a stock feed lot, or a regularly used stockyard; a tree subject to a stringent watering and fertilising program; or some trees may achieve an extended lifespan from continuous pollarding practices over the life of the tree.

Low Vigour Reduced ability of a tree to sustain its life processes. This may be evident by the atypical growth of leaves, reduced crown cover and reduced crown density, branches, roots and trunk, and a deterioration of their functions with reduced resistance to predation. This is independent of the condition of a tree but may impact upon it, and especially the ability of a tree to sustain itself against predation.



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

CONSENT DATE 25/5/23

Redgum Horticultural 2022, Our Ref: 7859
Report: Arboricultural Impact Assessment; 8-10 Good Street, Westmead NSW



Appendix E & F

Survey of Subject Tree/s

This report has relied upon the following plan/s and documents which have been reproduced from electronic transmission and no longer to original scale. The trees which are the subject of this report are marked on the plans in the following appendices and are numbered as listed below.

Redgum Tree No.	Genus and species	Common name	Recommendation
1	Jacaranda mimosifolia	Jacaranda	Retain and protect - Neighbouring tree

Table 2.0 This table only applies to trees being retained. Tree Protection Zone fencing locations as measured from the centre of each tree and the recommended distances for the side closest to the building construction works e.g., excavation (see explanatory notes below). Tree Protection Zone fences and setbacks where applicable are indicated in Appendix F.

1. Redgum Tree No.	2. Structural Root Zone SRZ (DARB)	3. Trunk Diameter at Breast Height	4. Tree Protection Zone (TPZ) =	5. Proposed distance of tree protection fence/works on the side closest to building			
	From centre of trunk (COT) Diameter Above Root Buttress AS4970 2009 Section 3, 3.3.5 (see Appendix D) where applicable (Minimum 1.5 metres)	DBH 1.4m above ground, AS4970 2009, or mm or m above ground where indicated. # = average. g = ground	From centre of trunk (COT) in metres AS4970 2009Section 3 (See Appendix D) (Minimum 2.0 metres)	construction², in metres by Redgum Horticultural.			
				1.8 (14.1% decking)			
1	2.7	600	7.2	5.2			
				(2.5% basement with paving over)			
2 Additional 3 Acceptabl 4 Range of required. 5 Acceptabl 6 Acceptabl 7 Acceptabl developm 8 Street tree road rese 9 Acceptabl 10 Acceptabl 11 Young tree and able to acceptabl 2 Set back	e as tree transplanted reducing the area of the as not effected by development works, es not expected to have established a sub to re-establish or modify growth to be sust prescribed by the consent authority.	in attached plans. species to development impacts, ear stand are to be calculated if the beyond dripline or may also a larger tree to be retained and the referencing for that larger tree, is, see Section 5.0 for this tree, ductive to having restricted the to allow for pedestrian access along if the root zone.	diameter of 20 mm or more. 15 Acceptable as a specimen of pair 16 Acceptable as excavation on doe 17 Acceptable as encroachment into building or excavation works exte 18 Acceptable as encroachment by 19 Acceptable as encroachment by 19 Acceptable as encroachment with 20 Acceptable as encroachment with exchange between roots/soil and 22 Minimum setback 2 m, AS4970 23 Maximum setback 15 m, AS4970 24 Tree is a palm, other monocot, cy projection AS4970 (2009) section	indicated extent of structural woody roots with a maxa tolerant of encroachment, on slope or across slope side of tree, or growing area below ground minor, with one comer of inding to within the radius of the dripline, pier, including screw piles, with minimal disturbance, ove grade without excavation or sub-base compaction, in from edge of dripline, a gap graded fill that can accommodate gaseous (the atmosphere and ongoing root growth, 2009) section 3, 3.2. (2009) section 3, 3.2. cad or tree fem TPZ is to be 1 m outside crown			
This table is development: Appendix D), v than the dimer "3.3 Variation	notes for Table 2.0. based upon Australian Standard AS4 sites, Section 3 Determining the protective where the approved building works should site above. s to the TPZ noroachment - if the proposed encroach	on zone of the selected trees (see d be no closer, including excavation,	If the proposed encroachment is greater than 10% of the area of the TPZ or inside the the project arborist must demonstrate that the tree(s) would remain viable. The area to this encroachment should be compensated for elsewhere and contiguous with the TPZ.*				



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

CONSENT DATE 25/5/23

Redgum Horticultural 2022, Our Ref: 7859

Report: Arboricultural Impact Assessment; 8-10 Good Street, Westmead NSW

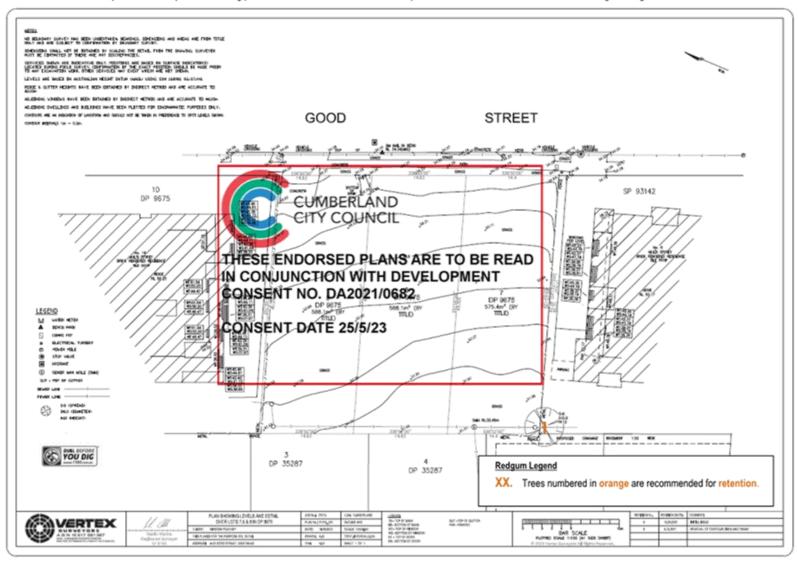
the TPZ and is outside the SRZ, detailed root investigations should not be required. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ.



Appendix E

Site Plan A - Survey of Subject Trees

This report has relied upon the following plan/s and documents which have been reproduced from electronic transmission and no longer to original scale.



Redgum Horticultural 2022, Our Ref: 7859
Report: Arboricultural Impact Assessment; 8-10 Good Street, Westmead NSW

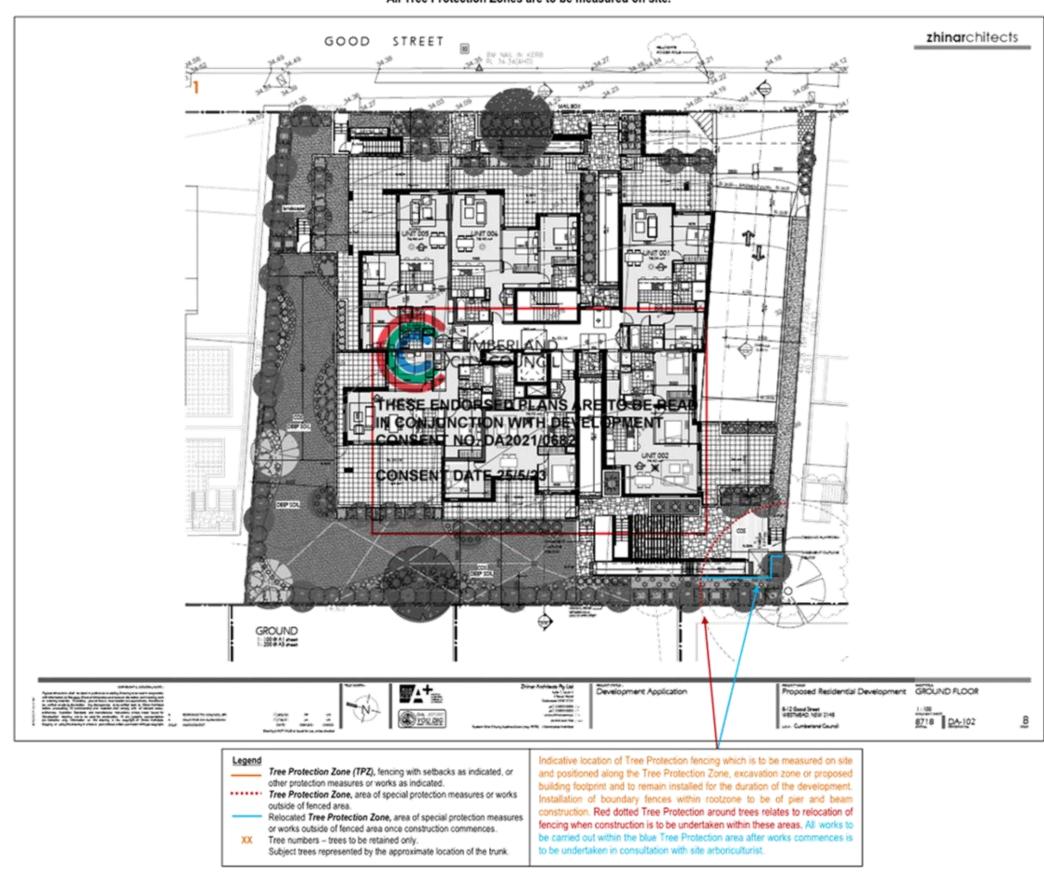


Appendix F

Site Plan B - Survey of Trees to be Retained and Tree Protection Plan

Plan reproduced by email and further reduced by electronic scanning and no longer to original scale. For other tree protection measures see sections 5.0 and 7.0.

All Tree Protection Zones are to be measured on site.



Redgum Horticultural 2022, Our Ref: 7859
Report: Arboricultural Impact Assessment; 8-10 Good Street, Westmead NSW

Page 25



BASIX Certificate

Building Sustainability Index www.basix.nsw.gov.au

Multi Dwelling

Certificate number: 1248685M

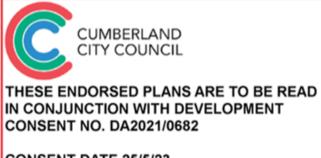
This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary

Date of issue: Tuesday, 19 October 2021

To be valid, this certificate must be lodged within 3 months of the date of issue.





CONSENT DATE 25/5/23

Project summary		
Project name	8-12 Good St Westmea	ad ZA52
Street address	8-12 Good Street West	mead 2145
Local Government Area	Cumberland Council	
Plan type and plan number	deposited 9675	
Lot no.	7/8/9	
Section no.		
No. of residential flat buildings	1	
No. of units in residential flat buildings	31	
No. of multi-dwelling houses	0	
No. of single dwelling houses	0	
Project score		
Water	✓ 40	Target 40
Thermal Comfort	✓ Pass	Target Pass
Energy	✓ 28	Target 25

Certificate Prepared by
Name / Company Name: Gradwell Consulting
ABN (if applicable): 68 872 791 784

BASIX Planning, Industry & Environment www.basix.nsw.gov.au Version: 3.0 / DARWINIA_3_18_5 Certificate No.: 1248685M Tuesday, 19 October 2021 page 1/17



Description of project

Project address			Common area landscape		
Project name	8-12 Good	St Westmead ZA52	Common area lawn (m²)	207.0	
Street address	8-12 Good	Street Westmead 2145	Common area garden (m²)	256.0	
Local Government Area	Cumberland	d Council	Area of indigenous or low water use	77.0	
Plan type and plan number	deposited 9	675	species (m²)		
Lot no.	7/8/9	CUMBERLAN	Assessor details		
Section no.	-	CITY COUNC		DMN/12/1451	
Project type			Certificate number	0006687380	
No. of residential flat buildings	1	THESE ENDORSED PLA	ANS ARE TO BE READ	28	
No. of units in residential flat buildings	31	IN CONJUNCTION WITH	DEVELOPMENT one bedroom	No	
No. of multi-dwelling houses	0	CONSENT NO. DA2021/	0682 ling fan in at least one living room or other conditioned area	No	
No. of single dwelling houses	0		Duringt access		
Site details		CONSENT DATE 25/5/23			
Site area (m²)	1722		Water	✓ 40	Target 40
Roof area (m²)	493		Thermal Comfort	✓ Pass	Target Pass
Non-residential floor area (m²)	0.0		_	+	
Residential car spaces 41		Energy	✓ 28	Target 25	
Non-residential car spaces	0				

BASIX Planning, Industry & Environment www.basix.nsw.gov.au Version: 3.0 / DARWINIA_3_18_5 Certificate No.: 1248685M Tuesday, 19 October 2021 page 2/17



BASIX

Description of project

The tables below describe the dwellings and common areas within the project

Residential flat buildings - Building1, 31 dwellings, 8 storeys above ground

Dwelling no.	No. of hedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & Iawn (m²)	Indigenous species (min area m²)
001	2	76.0	0.0	3.0	0.0
006	2	78.0	0.0	7.0	0.0
105	2	78.0	0.0	0.0	0.0
204	2	77.0	0.0	0.0	0.0
303	2	79.0	0.0	0.0	0.0
402	1	58.0	0.0	3.0	0.0
503	3	99.0	0.0	0.0	0.0

Dwelling no.	No. of hedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
002	2	81.0	0.0	6.0	0.0
101	2	78.0	0.0	0.0	0.0
106	2	78.0	0.0	0.0	0.0
205	2	78.0	0.0	0.0	0.0
304	2	77.0	0.0	0.0	0.0
403	2	78.0	0.0	3.0	0.0

Dwelling no.	No. of hedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & Iawn (m²)	Indigenous species (min area m²)
003	2	76.0	0.0	0.0	0.0
102	2	77.0	0.0	0.0	0.0
201	2	78.0	0.0	0.0	0.0
206	2	78.0	0.0	0.0	0.0
305	2	78.0	0.0	0.0	0.0
404	3	99.0	0.0	0.0	0.0

Dwelling no.	No. of hedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & lawn (m²)	Indigenous species (min area m²)
004	2	77.0	0.0	8.0	0.0
103	2	79.0	0.0	0.0	0.0
202	2	77.0	0.0	0.0	0.0
301	2	78.0	0.0	0.0	0.0
306	2	78.0	0.0	0.0	0.0
501	1	52.0	6.0	2.0	0.0

Dwelling no.	No. of hedrooms	Conditioned floor area (m²)	Unconditioned floor area (m²)	Area of garden & Iawn (m²)	Indigenous species
005	2	79.0	0.0	25.0	0.0
104	2	77.0	0.0	0.0	0.0
203	2	79.0	0.0	0.0	0.0
302	2	77.0	0.0	0.0	0.0
401	2	85.0	26.6	0.0	0.0
502	2	78.0	0.0	0.0	0.0



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

CONSENT DATE 25/5/23

Planning, Industry & Environment www.basix.nsw.gov.au Version: 3.0 / DARWINIA_3_18_5 Certificate No.: 1248685M Tuesday, 19 October 2021 page 3/17



Description of project

The tables below describe the dwellings and common areas within the project

Common areas of the development (non-building specific)

Common area	Floor area (m²)
Basement 2 Carpark	557.0
MECH room	8.0
Tug bin storage	2.0
Basement 2 bulky storage	13.0
Level 1 corridor	29.0
Level 4 corridor	20.0

Common area	Floor area (m²)				
Basement 1 Carpark	926.0				
MSB/NBN	8.0				
Pump room	16.0				
Terrace Toilet	6.0				
Level 2 corridor	29.0				
Level 5 corridor	20.0				

Common area	Floor area (m²)
Lift car (No.1)	-
Garbage	22.0
Plant	9.0
GL corridor	29.0
Level 3 corridor	29.0
Terrace Corridor	6.0



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

CONSENT DATE 25/5/23

BASIX Planning, Industry & Environment www.basix.nsw.gov.au Version: 3.0 / DARWINIA_3_18_5 Certificate No.: 1248685M Tuesday, 19 October 2021 page 4/17



Schedule of BASIX commitments

- 1. Commitments for Residential flat buildings Building1
 - (a) Dwellings
 - (i) Water
 - (ii) Energy
 - (iii) Thermal Comfort
 - (b) Common areas and central systems/facilities
 - (i) Water
 - (ii) Energy
- 2. Commitments for multi-dwelling houses
- 3. Commitments for single dwelling houses
- 4. Commitments for common areas and central systems/facilities for the development (non-building specific)
 - (i) Water
 - (ii) Energy



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

CONSENT DATE 25/5/23

BASIX Planning, Industry & Environment www.basix.nsw.gov.au Version: 3.0 / DARWINIA_3_18_5 Certificate No.: 1248685M Tuesday, 19 October 2021 page 5/17



Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

1. Commitments for Residential flat buildings - Building1

(a) Dwellings

) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments lister below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below. as private lands and BFRatAwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the Bescription of Project" table).	~	~	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		~	~
(d) The applicant must install an on demand hot water rec <mark>ircles system points and are used to the description will be developed and the description will be developed and the developed and the description will be developed and the developed and t</mark>		~	~
(e) The applicant must install: CONSENT NO. DA2021/0682			
(aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of LEONSENT . DATE 25/5/23		~	-
(bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		~	~
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it table below.	~	~	
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		~	
(g) The pool or spa must be located as specified in the table.	~	~	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	~	~	~

BASIX Planning, Industry & Environment www.basix.nsw.gov.au Version: 3.0 / DARWINIA_3_18_5 Certificate No.: 1248685M Tuesday, 19 October 2021 page 6/17



	Fixtures				Appliances Individ			vidual poo		Individual spa					
Dwelling no.	All shows heads		kitchen	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish- washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	(n	olume nax olume)	Spa cover	Spa shaded
403, 404, 503	4 star 6 but < 7.5 L/min)	ζ=	4 star	5 star	no	4 star	5 star	-		-	-	-		-	-
All other dwellings	4 star 6 but 4 7.5 L/min)	<=	4 star	5 star	no	-	5 star	-	-		-	-		-	-
·		'				CUMBER	RLAND Alternative v	vater source			'				
Dwelling n		Alternative wa supply system		Size					Laun conn	dry ection	Pool top-u	р	Spa top-up		
001, 002, 004, 005, 006, 402, 403, 501	c	entral water ta	nk (no. 1)	See central systems	CONSENT	NO. DA2		ELOPME	ysT	no	no		no		no
(ii) Energy	,										Show on DA plans		w on CC s & spec		Certifier check
(a) The a	pplicant	t must comply	with the con	nmitments list	ed below in carry	ring out the d	evelopment of	a dwelling lis	ted in a ta	ble below.					
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwellin supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must central system to the dwelling, so that the dwelling's hot water is supplied by that central system.							~		~		~				
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.							~		¥						
areas no co any si	" headir oling or uch are:	ngs of the "Coo heating syster	lling" and "H n is specifie 'zoned" is s	leating" colunt d in the table pecified besid	stem/s specified to the sin the table be for "Living areas" to an air condition	elow, in/for a " or "Bedroon	t least 1 living/t n areas", then r	edroom are	a of the dy nay be ins	velling. If talled in			~		~

BASIX Planning, Industry & Environment www.basix.nsw.gov.au Version: 3.0 / DARWINIA_3_18_5 Certificate No.: 1248685M Tuesday, 19 October 2021 page 7/17



BASIX

ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		~	
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	~	~	~
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must:			
(aa) install the system specified for the pool in the findividual Pool column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and		~	
(bb) install the system specified for the spa in the "ndividual Spa" இ யி இயிரு [மூடி நில்ல (or alternatively must not install any system for the spa). If specified, the appli <mark>cant must install a time to control the</mark> spa's pump.		~	
(h) The applicant must install in the dwelling:			
(aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below;		~	
(bb) each appliance for which a rating is specified to that swening in the Appliances & other eniciency measures" column of the table, and ensure that the appliance has the table, and ensure that the appliance has the column of the table, and ensure that the appliance has the column of the table, and ensure that the appliance has the column of the table, and ensure that the appliance has the column of the table, and ensure that the appliance has the column of the table, and ensure that the appliance has the column of the table, and ensure that the appliance has the column of the table, and ensure that the appliance has the column of the table, and ensure that the appliance has the column of the table, and ensure that the appliance has the column of the table, and the column of the table, and tabl		-	-
(cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table. CONSENT DATE 25/5/23		~	
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".		~	

	Hot water	Bathroom ven	tilation system	Kitchen venti	lation system	Laundry ventilation system		
Dwelling no.	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control	
All dwellings	central hot water system 1	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off	

Planning, Industry & Environment www.basix.nsw.gov.au Version: 3.0 / DARWINIA_3_18_5 Certificate No.: 1248685M Tuesday, 19 October 2021 page 8/17



Dwelling no.	Cooling		Heating		Artificial lighting						Natural lighting	
	living areas	bedroom areas	living areas	bedroom areas	No. of bedrooms &/or study	No. of living &/or dining rooms	Each kitchen	All bathrooms/ toilets	Each laundry	All hallways	No. of bathrooms &/or toilets	Main kitche
401	1-phase airconditioning EER 3.5 - 4.0	2 (dedicated)	1 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	1	yes			
402	1-phase airconditioning EER 3.5 - 4.0	1 (dedicated)	1 (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	0	no			
501	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1 (dedicated)	(dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	1	no
404, 503	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	1-phase Clairconditioning EER 3.5 - 4.0	T ³ Y COUNC (dedicated)	(dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	yes (dedicated)	0	no
004, 101, 104, 201, 204, 301, 304, 403, 502	1-phase airconditioning EER 3.5 - 4.0	1-phase airconditioning EER 3.5 - 4.0	(THESE ENDO NECON UNIC CONSENT NO CONSENT D	O. DA2021/	0682	OBE REA MENT ^{ed)}	D/es (dedicated)	yes (dedicated)	yes (dedicated)	0	yes
All other dwellings	1-phase airconditioning EER 3.5 - 4.0	2 (dedicated)	1 (dedicated)	yes (dedicated)	ye <mark>s</mark> (dedicated)	yes (dedicated)	yes (dedicated)	0	no			

BASIX Planning, Industry & Environment www.basix.nsw.gov.au Version: 3.0 / DARWINIA_3_18_5 Certificate No.: 1248685M Tuesday, 19 October 2021 page 9/17



	Individual pool		Individual spa		Appliances & other efficiency measures								
Dwelling no.	Pool heating system	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Refrigerator	Well ventilated fridge space	Dishwasher	Clothes washer	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line	
403, 404, 503	-	-	-	-	gas cooktop & electric oven	-	no	3.5 star	3 star	-	no	no	
All other dwellings	-	-	-	-	gas cooktop & electric oven	-	no	3.5 star	-	-	no	no	

iii) Thermal Comfort	CUMBERLAND		Show on DA plans	Show on CC/CDC plans & specs	Certifier check
"Assessor Certificate") to the development application the applicant is applying for a complying developmen must also attach the Assessor Certificate to the application.	nder Assessor details" on the front page of this BASIX certificate and construction certificate application for the proposed development, to that application at the proposed development, to that application called to a final decapation bentificated in the proposed development.	pment (or, if he applicant that			
(b) The Assessor Certificate must have been issued by a	A CONTROL ASSESSIT OF ACCOUNT OF WITH THE THE MENT FOR	Protocol.			
Certificate, including the details shown in the "Therma					
	the development application for the proposed development, all own on those plans. Those plans must bear a stamp of endorse		~		
	the application for a construction certificate (or complying develor cifications set out in the Assessor Certificate, and all aspects of cifications.			~	
	ordance with all thermal performance specifications set out in the the development application or application for a complying devel cations.			~	~
(g) Where there is an in-slab heating or cooling system, t	he applicant must:		~	~	~
(aa) Install insulation with an R-value of not less to	han 1.0 around the vertical edges of the perimeter of the slab; o				
(bb) On a suspended floor, install insulation with a edges of the perimeter of the slab.	an R-value of not less than 1.0 underneath the slab and around	he vertical			

BASIX Planning, Industry & Environment www.basix.nsw.gov.au Version: 3.0 / DARWINIA_3_18_5 Certificate No.: 1248685M Tuesday, 19 October 2021 page 10/17



(iii) Thermal Comfort	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.	~	✓	~

		Therm	nal loads	
Dwelling no.	Area adjusted h	eating load (in mJ/m²/yr)	Area adjust	ed cooling load (in mJ/m²/yr)
001	37.4		30.7	
002	58.2	CUMBERLAND	29.8	
003	50.1	CITY COUNCIL	46.7	
004	55.7		34.7	
005	22.7	THESE ENDORSED PLANS ARE TO	BE READ	
006	38.6	IN CONJUNCTION WITH DEVELOPM	IENT	
101	50.2	CONSENT NO. DA2021/0682	35.6	
102	54.9		33.9	
103	26.5	CONSENT DATE 25/5/23	39.5	
104	50.1		53.8	
105	23.4		30.9	
106	22.5		30.9	
201	46.0		36.4	
202	48.2		35.0	
203	26.6		39.4	
204	48.0		54.0	
205	22.5		31.3	
206	21.5		31.2	
301	51.9		35.9	
302	60.6		36.1	

BASIX Planning, Industry & Environment www.basix.nsw.gov.au Version: 3.0 / DARWINIA_3_18_5 Certificate No.: 1248685M Tuesday, 19 October 2021 page 11/17



	Thermal loads							
Dwelling no.	Area adjusted heating load (in mJ/m²/yr)	Area adjusted cooling load (in mJ/m²/yr)						
303	31.3	34.7						
304	55.1	50.2						
305	29.8	32.8						
306	31.2	30.9						
401	54.2	28.3						
402	41.7	35.5						
403	53.5	41.9						
404	35.4	44.4						
501	54.1	44.5						
502	44.0	45.9						
All other dwellings	39.3	45.5						



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

CONSENT DATE 25/5/23

BASIX Planning, Industry & Environment www.basix.nsw.gov.au Version: 3.0 / DARWINIA_3_18_5 Certificate No.: 1248685M Tuesday, 19 October 2021 page 12/17



(i) Water							Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.								~	~
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.							~	~	
(c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.								~	
(d) A pool or s	pa listed in the table must have a	cover o	shading if specified for the pool or	spa in the table.				~	
(e) The applic	ant must install each fire sprinkle	system	listed in the table SUM BESUM		table.			~	~
(f) The applica	ant must ensure that the central c	ooling sy	stem for a cooling tower is configure	-				~	-
			THESE ENDORSED PLA IN CONJUNCTION WITH						
Common area	Showerheads rating		CONSENT NO. DA2021	0682 Taps rating		Clot	hes washers	s rating	
All common areas	no common facility		GONSENT DATE 25/5/2	3 6 star		no c	ommon laund	dry facility	
(ii) Energy							Show on DA plans	Show on CC/CDC plans & specs	Certifier check
			alls a ventilation system to service a pe specified for that common area, a					~	~
below, the specified.	and the development the coulies		nstall, as the "primary type of artifici that common area. This lighting mu	st meet the efficiency measure sp	ecifie			~	~
specified. (b) In carrying specified in	n the table below, the lighting spe ant must also install a centralised		control system or Building Managen	nent System (BMS) for the comm	on are	u,			

BASIX Planning, Industry & Environment www.basix.nsw.gov.au Version: 3.0 / DARWINIA_3_18_5 Certificate No.: 1248685M Tuesday, 19 October 2021 page 13/17

page 14/17



4. Commitments for common areas and central systems/facilities for the development (non-building specific)

(b) Common areas and central systems/facilities

(i) Water						Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.							~	~
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.							~	~
(c) A swimming table.	pool or spa listed in the table must no	t ha	ve a volume (in kLs) greater than the	nat specified for the pool or spa in	the	~	~	
(d) A pool or spa	a listed in the table must have a cover	or s	hading if specifi優はMB原組会队 CITY COUNC				✓	
(e) The applican	t must install each fire sprinkler syste	m lis	ted in the table so that the system	is configured as specified in the t	able.		✓	~
(f) The applicant	must ensure that the central cooling		THESE ENDORSEDIBLE IN CONJUNCTION WITH				✓	~
			CONSENT NO. DA2021/	0682				
Common area	Showerheads rating	To	CONSENT DATE 25/5/23	Taps rating		Clothes washers	rating	
All common areas	no common facility	4	star	6 star		no common launo	dry facility	

Central systems	Size	Configuration	Connection (to allow for)
Central water tank - rainwater or stormwater (No. 1)	45000.0	To collect run-off from at least: - 493.0 square metres of roof area of buildings in the development - 0.0 square metres of impervious area in the development - 0.0 square metres of garden/lawn area in the development - 0.0 square metres of planter box area in the development (excluding, in each case, any area which drains to, or supplies, any other alternative water supply system).	irrigation of 463.0 square metres of common landscaped area on the site car washing in 1 car washing bays on the site
Fire sprinkler system (No. 1)	-		

BASIX Planning, Industry & Environment www.basix.nsw.gov.au Version: 3.0 / DARWINIA_3_18_5 Certificate No.: 1248685M Tuesday, 19 October 2021



Central systems	Size	Configuration	Connection (to allow for)
Fire sprinkler system (No. 2)		•	
Fire sprinkler system (No. 3)	-	-	-

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		~	~
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified. CUMBERLAND		~	~
(c) The applicant must install the systems and fixtures specified in the "Central Energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	~	~	~

THESE ENDORSED PLANS ARE TO BE READ

	Common area	ventilation system		Common area lighting	
Common area	Ventilation system type	Ventilation efficiency	Primary type of artificial lighting	Lighting efficiency measure	Lighting control system/BMS
Basement 2 Carpark	ventilation (supply + exhaust)	carbon monoxide monitor + VSD fan	light-emitting diode	time clock and motion sensors	No
Basement 1 Carpark	ventilation (supply + exhaust)	carbon monoxide monitor + VSD fan	light-emitting diode	time clock and motion sensors	No
Lift car (No.1)	-	-	light-emitting diode	connected to lift call button	No
MECH room	ventilation exhaust only	thermostatically controlled	light-emitting diode	manual on / manual off	No
MSB/NBN	ventilation exhaust only	thermostatically controlled	light-emitting diode	manual on / manual off	No
Garbage	ventilation exhaust only	-	light-emitting diode	manual on / manual off	No
Tug bin storage	ventilation exhaust only	-	light-emitting diode	manual on / manual off	No
Pump room	ventilation exhaust only	thermostatically controlled	light-emitting diode	manual on / manual off	No
Plant	ventilation exhaust only	thermostatically controlled	light-emitting diode	manual on / manual off	No
Basement 2 bulky storage	ventilation exhaust only	time clock or BMS controlled	light-emitting diode	manual on / manual off	No

BASIX Planning, Industry & Environment www.basix.nsw.gov.au Version: 3.0 / DARWINIA_3_18_5 Certificate No.: 1248685M Tuesday, 19 October 2021 page 15/17



	С	ommon area	ventilation syste	em		Common area lighting	
Common area	Ventilation sy	stem type	Ventilation e	fficiency	Primary type of artificial lighting	Lighting efficiency measure	Lighting control system/BMS
Terrace Toilet	ventilation exh	aust only	time clock or l	BMS controlled	light-emitting diode	manual on / manual off	No
GL corridor	no mechanica	ventilation	-		light-emitting diode	manual on / manual off	No
Level 1 corridor	no mechanica	l ventilation	-		light-emitting diode	time clock and motion sensors	No
Level 2 corridor	no mechanica	l ventilation	-		light-emitting diode	time clock and motion sensors	No
Level 3 corridor	no mechanica	l ventilation			light-emitting diode	time clock and motion sensors	No
Level 4 corridor	no mechanica	l ventilation	C	UMBERLAN	light-emitting diode	time clock and motion sensors	No
Level 5 corridor	no mechanica	l ventilation	C	ITY COUNC	hght-emitting diode	time clock and motion sensors	No
Terrace Corridor	no mechanica	l ventilation			ANS ARE TO BE READ I DEVELOPMENT	time clock and motion sensors	No
	·		CONSENT N				
Central energy systems		Туре	CONSENT D	ATE 25/5/23	3		
Central hot water system (No. 1)	gas instanta		Piping insulation (a) Piping exte	on (ringmain & supply risers): rnal to building: R1.0 (~38 mm); rnal to building: R1.0 (~38 mm)		
Lift (No. 1)		gearless tra	ction with V V V	Number of leve	els (including basement): 9		

BASIX Planning, Industry & Environment www.basix.nsw.gov.au Version: 3.0 / DARWINIA_3_18_5 Certificate No.: 1248685M Tuesday, 19 October 2021 page 16/17



Notes

- 1. In these commitments, "applicant" means the person carrying out the development.
- 2. The applicant must identify each dwelling, building and common area listed in this certificate, on the plans accompanying any development application, and on the plans and specifications accompanying the application for a construction certificate / complying development certificate, for the proposed development, using the same identifying letter or reference as is given to that dwelling, building or common area in this certificate.
- 3. This note applies if the proposed development involves the erection of a building for both residential and non-residential purposes (or the change of use of a building for both residential and non-residential purposes). Commitments in this certificate which are specified to apply to a "common area" of a building or the development, apply only to that part of the building or development to be used for residential purposes.
- 4. If this certificate lists a central system as a commitment for a dwelling or building, and that system will also service any other dwelling or building within the development, then that system need only be installed once (even if it is separately listed as a commitment for that other dwelling or building).
- 5. If a star or other rating is specified in a commitment, this is a minimum rating.
- 6. All alternative water systems to be installed under these commitments (Carly) Bust be in accordance with the requirements of all applicable regulatory authorities. NOTE: NSW Health does not recommend that stormwater, recycled water or private damped by used to irrigate edible plants which are consumed raw, or that rainwater be used for human consumption in areas with potable water supply.

Legend

THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT

CONSENT NO. DA2021/0682

- 1. Commitments identified with a " in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development application is to be lodged for the proposed development application is to be lodged for the proposed development application is to be lodged for the proposed development application is to be lodged for the proposed development application is to be lodged for the proposed development application is to be lodged for the proposed development application is to be lodged for the proposed development application is to be lodged for the proposed development application is to be lodged for the proposed development application for the proposed development application is to be lodged for the proposed development application is to be lodged for the proposed development application is to be lodged for the proposed development application is to be lodged for the proposed development application is to be lodged for the proposed development application applica
- 2. Commitments identified with a " in the "Show on CC/CDC plans and specs" column must be shown in the plans and specifications accompanying the application for a construction certificate / complying development certificate for the proposed development.
- 3. Commitments identified with a " in the "Certifier check" column must be certified by a certifying authority as having been fulfilled. (Note: a certifying authority must not issue an occupation certificate (either interim or final) for a building listed in this certificate, or for any part of such a building, unless it is satisfied that each of the commitments whose fulfilment it is required to monitor in relation to the building or part, has been fulfilled).

BASIX Planning, Industry & Environment www.basix.nsw.gov.au Version: 3.0 / DARWINIA_3_18_5 Certificate No.: 1248685M Tuesday, 19 October 2021 page 17/17



WASTE MANAGEMENT PLAN

Rev DA-A

DEMOLITION, CONSTRUCTION AND USE OF PREMISES

The applicable sections of this table must be completed and submitted with your Development Application.

Completing this table will assist you in identifying the type of waste that will be generated and in advising Council now you intend to reuse, recycle or dispose of the waste.

The information provided on the form (and on your plans) will be assessed against the objectives of the DCP.

If space is insufficient in the table please provide attachments.

Outline of Proposal

Titles and Site Address:	8-12 Good Street Westmead NSW 2145
Applicant's name and address:	Zhinar Architects
Phone:	
Buildings and other structures currently on the site:	
Brief Description of Proposal:	Excavation and construction of 1 x six-storey residential flat buildings for 31 units over 2 basement levels
The details provided on this form	are the intentions of managing waste relating to this project.
Signature of Applicant:	Date: 15 / 10 / 202
Signature of Applicant:	Date: 15 / 10 / 202

Ref: 08616 - 14-18 Good Street Westmead - WMP

Page 1 of 6



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

CONSENT DATE 25/5/23

LPP001/24 – Attachment 9



SECTION ONE - DEMOLITION

This is the stage with the greatest potential for waste minimisation, particularly in Sydney where there are high levels of development, relatively high tipping charges and where alternative quarry materials are located on the outskirts.

Applicants should consider if it is possible to re-use existing buildings, or parts thereof, for the proposed use.

With careful on-site sorting and storage and by staging work programs, it is possible to re-use many materials, either on-site or off. Instead of simply pulling down a building, waste management encourages the practice of recycling on site. This could require a number of colour-coded or clearly labeled bins on-site rather than one size fits all.

- Location of on-site storage space for materials (for re-use) and containers for recycling and disposal.
- Vehicle access to the site and to storage and container areas.

Continued Over Page



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

CONSENT DATE 25/5/23

Ref: 08616 - 14-18 Good Street Westmead - WMP

Page 2 of 6



Demolition Stage 1

Materials On-Site		DESTINATION						
		RE-USE AN	DISPOSAL					
Type of Material	Estimated Volume (m³) or Area (m²)	Specify proposed reuse or on-site recycling methods.	Specify contractor and recycling outlet.	Specify contracto and landfill site.				
Excavation Material	-m3	Keep and re-use some topsoil for landscaping. Store on-site. Use some behind retaining walls etc.	* 39 39	Nil				
Green Waste	- m3	Separated, some chipped and stored on-site for re-use on landscaping	-	Nil				
Bricks	- m3	CLIMAREDI AND	-	Nil				
Concrete/stone cladding		CUMBERLAND CUST CONTROL OF THE CONTR		Nil				
Cladding/ Weatherboard	เ _ม conj	UNCTION WITH I	S ARE TO BE READEVELOPMENT	Nil				
Timber – Hardwood/pine		TRING (DAZ021/06) work and stud-work. TIDATE: 25/5/23 use in landscaping.	582	Nil				
Plasterboard	- m2	Break-up and remove from site		Nil				
Metals – Zinc-alum	m2	NII	-	NII				
Tiles and door fitting Including roof tiles	- m2	Broken tiles for fill on-site sale of door fittings	-	Nil				
Kitchen cupboard, sink & stove	*	Nil	*	Nil				
Bathtub vanity and closet pan		Nil		Nil				
Asbestos	- m2	Nil	-	Kari and Ghossayn Waste Depot Clifton Ave, Kemps Creek				

Note: Details of site area to be used for on-site separation, treatment and storage (including weather protection) should be provided on the plan drawings accompanying your application.

Ref: 08616 – 14-18 Good Street Westmead - WMP

Page 3 of 6



SECTION TWO - CONSTRUCTION AND USE

Section 2(a) - Potential for Waste Minimisation During Construction Stage

The following measures should be considered when looking to save resources and minimise waste at the construction stage.

- Purchasing Policy considering measures such as ordering the right quantities of materials and prefabrication of materials where possible;
- Reusing form-work;
- Minimising site disturbance, limiting unnecessary excavation;
- · Careful source separation of off-cuts to facilitate re-use, resale or efficient recycling; and
- Co-ordination/sequencing of various trades.

The following details should be shown on your plans.

- · Location of temporary storage space within each dwelling unit;
- Location of Waste Storage and recycling Area(s), per dwelling unit or located communally on-site. In the latter case this could be a Garbage and Recycling room;
- Details of design for Waste Storage and Recycling Area(s) or Garbage and Recycling Room(s) and any
 conveyance of volume reduction equipment; and
- · Location of communal composting area.

Section 2(b) - Design Of Facilities

The following details should be shown on your plans:

- Location of Waste Storage and Recycling Area(s) per unit or located communally on-site;
- Details of design of Waste Storage and Recycling Area(s);
- Where appropriate, design details of Garbage and Recycling Room(s);
- Access for vehicles.

Every building shall be provided with a Waste Storage and recycling Area which is flexible in size and layout to cater for future changes in use. The size is to be calculated on the basis of waste generation rates and proposed bin sizes.

Section 2(c) - On-going Management

This section will enable you to describe how you intend to ensure on-going management of waste on-site (e.g. lease conditions, care-taker/manager on-site).



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

CONSENT DATE 25/5/23

Ref: 08616 - 14-18 Good Street Westmead - WMP

Page 4 of 6



Construction - Stage 2(a)

Materials On-Site		DESTINATION			
		RE-USE A	ND RECYCLING	DISPOSAL	
Type of Material	Estimated Volume (m³) or Area (m²)	Specify proposed reuse or on-site recycling methods.	OFF-SITE Specify contractor and recycling outlet.	Specify contractor and landfill site.	
Excavation Material	6100 m ³	Covered in sectional as part of demolition			
Green Waste	2 m3	Covered in sectional as part of demolition			
Bricks	5 m3	Use for fill behind retaining walls	Remainder to Brandown Recycling Facilities	Nil	
Concrete	4 m3	Use for fill behind retaining walls	Remainder to Brandown Recycling Facilities	Nil	
Timber – Oregon Pine Timber pallets Particle board finishes	3 m3	Chip for landscaping sell some on-site for firewood	Remainder to approved landscaping supplies of chipping and composting	Nil	
Plasterboard	6 m3	Break-up and use in landscaping	Remainder to Boral Recycling 3 Thackery St Camelia 2142	Nil	
Metals – Copper Aluminum	2 m2	Nil	To Sell & Parker Metal Recyclers for re-use	2	
Other – Electrical fittings Reject trade- ins PVC Plastic	3 m3	Nil		To Collex Recycling Waste Contractors	

Note: Details of site area to be used for on-site separation, treatment and storage (including weather protection) should be provided on the plan drawings accompanying your application.



THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

CONSENT DATE 25/5/23

Ref: 08616 - 14-18 Good Street Westmead - WMP

Page 5 of 6



Design of Facilities - Stage 2(b) All waste removal by Council contractor

TYPE OF WASTE TO BE GENERATED	VOLUME PER WEEK	PROPOSED ON-SITE STORAGE AND TREATMENT FACILITIES	DESTINATION
Please specify. For example: glass, paper, food waste, off cuts etc.	Litre or m3	For example: Waste storage & recycling area Garbage chute On-site composting Compaction equipment	Recycling Disposal Specify Contractor
A. Residential Recyclables:- 1.Paper and cardboard waste. 2.Glass, aluminum and plastic (bottles).	1 x 240l bin per 3 units 31 units/3	A. 240 Litres recycling bin for paper, cardboard, glass, plastic and aluminium.	Paper/cardboard to recyclers. Glass/ aluminum & plastic to be collected by Council appointed contractor
Total	3 x 1100 L Bins	once per week	
B. Residential Non- recyclables:- 1.Food-scraps etc. 2.Other plastics (eg wrapping). 3.Non-recyclable waste	1 x 1,100l bin per 8 units 31 units/8	B. 1,100 Litres waste bin.	To be collected by Council appointed contractors
Total	4 x 1,100 L Bins	once per week	<u> </u>

On-going Management – Stage 2(c)

Describe how you intend to ensure on-going management of waste on-site (e.g. lease conditions, caretaker/manager on-site).

- The Owner's Corporation will provide an Environmental Management System addressing waste and recycling. This will include expectations and achievable objectives for sorting and separating waste & recycling.
- 2. An information kit will be provided for tenants, followed up every 12 months.
- Council's contractors will be removing all waste on collection day. The Owner's Corporation will arrange to locate bins to Council's requirements.
- The Owner's Corporation will be responsible for arranging the transfer of waste/recycling bins to the temporary bin standing area for collection, and will be responsible for keeping the areas clean and tidy.

Extract of Basement -2 plan, showing bin circulation path

Ref: 08616 - 14-18 Good Street Westmead - WMP

Page 6 of 6

THESE ENDORSED PLANS ARE TO BE READ IN CONJUNCTION WITH DEVELOPMENT CONSENT NO. DA2021/0682

CONSENT DATE 25/5/23



Item No: LPP002/24

DEVELOPMENT APPLICATION - 45 - 47 MERRYLANDS ROAD, MERRYLANDS

Directorate: Environment and Planning

Responsible Officer: Executive Manager Development and Building

Application accepted	19 June 2023.
Applicant	S Al Ghrabi.
Owner	Mr S Al Ghrabi.
Application No.	DA2023/0285.
Description of Land	45 - 47 Merrylands Road Merrylands being Lot C in DP 320347 and Lot 25A in DP 417959.
Proposed Development	Demolition of existing structures and construction of a four storey residential apartment building pursuant to Chapter 2 Affordable Housing of State Environmental Planning Policy (Housing) 2021 comprising of 17 apartments over basement parking with associated stormwater and landscaping works and strata subdivision into 17 lots.
Site Area	1277.30 sqm.
Zoning	R4 - High Density Residential.
Disclosure of political	Nil disclosure.
donations and gifts	
Heritage	The site is not heritage listed or within a Heritage Conservation Area.
Principal Development Standards	Floor Space Ratio Permissible: 0.8:1 (LEP). Proposed:1.13:1 (this includes an additional bonus FSR of 33% as per SEPP Housing 2021). Height of Building Permissible: 11m. Proposed:11.65m.
Issues	 Height of Building. Apartment size. Basement side setback.

SUMMARY:

1. Development Application 2023/0285 was accepted on the 19 June 2023 for the demolition of existing structures and construction of a four storey residential apartment building pursuant to Chapter 2 Affordable Housing of State Environmental Planning Policy (Housing) 2021 comprising of 17 apartments over basement parking with associated stormwater and landscaping works and strata subdivision into 17 lots.



- 2. The application was publicly notified to occupants and owners of the adjoining properties for a period of fourteen days between 10 July 2023 and 24 July 2023. In response, no submissions were received.
- 3. The subject site is not listed as a heritage item or located within the heritage conservation area within the Cumberland Local Environmental Plan 2021.
- 4. The notable variations are delineated as follows:

Control	Required	Provided	% Variation
Apartment Design Guide Visual Privacy (Part 3F)	6m 6m (habitable) & 3m (non habitable) (4 storeys)	Level 1 & Level 2: 4.5m separation to habitable rooms on the eastern and western elevation.	25%
Apartment Design Guide 4D-1 - Apartment Layout.	70 sqm for 2 bedroom apartment	Unit 5: 67 sqm.	4.3%
Cumberland Local Environmental Plan 2021. Clause 4.3 - Height of Buildings.	11m.	11.65m (Maximum)	5.9%
Cumberland DCP 2021 Part B3 Section 3.2 Control C1 and C3 - Basement footprint.	Basement be contained within footprint of building. Basement shall have a minimum setback of 1.2m from the side boundary.	775 mm from eastern boundary i) .	35.4%.

- 5. The application is referred to the Panel for determination.
- 6. The application is recommended for approval subject to conditions as recommended in the Council's assessment report.

REPORT:

Subject Site And Surrounding Area

The subject site is located at 45-47 Merrylands Road Merrylands and consists of Lot C in DP 320347 and Lot 25A in DP 417959. The site is regular in shape and has a total combined area of 1,277.3 square metres with a combined frontage of 31.09m to Merrylands Road, Merrylands. The subject allotment is zoned R4 – High Density Residential under the Cumberland Local Environmental Plan 2021. The site as a



combined entity contains two single storey clad dwellings (one dwelling house per allotment), various trees along the western side boundary, two separate vehicular crossovers, two fibro outbuildings and two detached fibro garages and an awning.

The developments adjoining to the east, west and north (rear) are older low density developments being dwelling houses. The locality is undergoing transition and comprises of older low density housing stock and newer high density developments being residential apartment buildings and shop top housing developments.

Land to the north (bounded by Mombri Street) and immediate west is zoned R4 High Density Residential. A railway Line including the Merrylands Railway Station is located further to the west being approximately 340m from the site and the Merrylands Town Centre is located further west but on the western side of the Railway Line. Land to the east (eastern side of Loftus Street) is zoned R3 Medium Density Residential and land to the south is zoned R2 Low Density Residential. Granville Park is located to the south east on the opposite side of Merrylands Road.



Figure 1 - Locality Plan of subject site edged in red. Source: Council's IntraMaps





Figure 2 - Zoning map with the subject site edged in purple. Source: Council's IntraMaps.

Photos of the site taken during a site inspection on the 10 July 2023 are provided below:



Description of The Development

Council has received a development application that was accepted on the 19 June 2023 for demolition of existing structures and construction of a four storey residential apartment building pursuant to Chapter 2 Affordable Housing of SEPP (Housing) 2021 comprising of 17 apartments over basement parking with associated stormwater and landscaping works and strata subdivision into 17 lots.

Key features of the development proposal are as follows:



Basement	 22 residential car spaces; including 18 residential parking spaces and 2 accessible spaces. 4 visitor parking spaces. Storage, plant room, lifts and fire stairs.
Ground Floor	 3 x 2 bedroom apartments. 1 x 1 bedroom apartment. 1 x 3 bedroom apartment. Entry foyer/lobby. Lift and fire stair. Landscaped Communal Open Space.
Level 1 and 2	 The development provides 5 apartments per level within Levels 1 & 2 (a total of 10) with the following breakdown: 1 x 1 bedroom apartments per level; and 4 x 2 bedroom apartments per level. Internal foyer including a lift core and stairwells including fire escape stairwell.
Level 3	2 x 2 bedroom apartments;Roof top communal open space.

The dwelling mix of the proposal is as follows:

- 3 x 1 bedroom apartments (17.6%).
- 13 x 2 bedroom apartments (76.4%).
- 1 x 3 bedroom apartment (5.88%).

Other works:

- Construction of a new vehicular crossing along south-eastern corner of site leading to basement entrance.
- Landscaping works throughout site including planting of 13 trees.
- Ancillary stormwater and driveway works.
- Strata subdivision into 17 lots.
- 7 apartments out of 17 apartments are proposed to be used as affordable housing units.

History

A Pre - Lodgement meeting PL2022/0046 was held on the 24 November 2022 for the demolition of all existing structures, consolidation of 2 lots into 1 allotment and the construction of a four storey boarding house comprising of 38 double boarding rooms for 76 lodgers and 12 parking spaces.

The current application was accepted by Council on the 19 June 2023 for determination.

The application was deferred initially in relation to floor space ratio, building height, deep soil zone, setbacks, amenity, stormwater management, parking and traffic impacts.



Amended plans and additional information were submitted to Council on 31 October 2023 and 1 December 2023 respectively. The application did not warrant re-notification as the amendments made did not result in a greater environmental impact to the locality.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Think Planners dated 11 May 2023 and 14 November 2023 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 Engineering

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.

Environment and Health

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

Tree Management

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

Waste Management

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

External Referrals

Endeavour Energy

The development application was referred to Endeavour Energy for comment. As per correspondence of 23 July 2023, it was advised that the development is supportable in terms of electricity connection and there is adequate clearance to the existing electricity asset close by subject to conditions.



Planning Comments

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

State Environmental Planning Policies (SEPPs)	Relevant Clause(s)	Compliance with Requirements
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapter 2 - Vegetation in non Rural Areas. Chapter 6 - Water Catchments Sydney Harbour Catchment.	N/A- The development application does not seek to remove any significant vegetation, which hold any biodiversity or ecological values, on the site. It is determined that given location, a detailed assessment is not required as there is no direct impact upon the catchment and there is no direct impact upon watercourses. As such, the development is acceptable under the new provisions that came into effect on Monday 21 November 2022.
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 2 - Coastal Management. Chapter 4 - Remediation of Land. Part 4.6.	The subject site is not identified as a coastal wetland or 'land identified as "proximity area for coastal wetlands" or coastal management area. Part 4.6 - Contamination and remediation to be considered in determining development application. Comments Yes — A detailed site investigation report prepared by Geotechnical Consultants Australia Pty Ltd, dated 30 October 2023 was provided with the application. The report concludes that the site can be made suitable for the proposed use after implementation of the recommended remedial action plan (RAP). A remediation action plan prepared by Geotechnical Consultants Australia Pty Ltd, dated 30 October 2023 has also been submitted with the DA. The report concludes that the site is suitable for the proposed development subject to conditions. The report and recommendations have been reviewed by Council's Environmental and Health Officer and considered to be satisfactory, subject to conditions.



			As such, it is considered that the development application is satisfactory under Part 4.6 of Chapter 4 of the State Policy.
•	State Environmental Planning Policy (Transport and	Chapter 2 - Infrastructure.	State Environmental Planning Policy (Transport and Infrastructure) 2021 is relevant to the development application as follows.
	Infrastructure) 2021	Clause 2.48	Chapter 2 - Infrastructure.
	2021		Where relevant, appropriate referrals have been undertaken to service authorities.
			Generally, no objections have been raised to the proposed development. Appropriate conditions are applied to the recommendation for Panel consideration to address any relevant matters raised.
		Clause 2.122	Division 17 - Roads and Traffic.
			The site access is located within 90m distance from section of classified road (Merrylands Road and Loftus Street), and as per the Schedule 3 Traffic-generating development to be referred to TfNSW—Chapter 2, Column 3 of the SEPP, the development does not trigger referral to TfNSW under the SEPP as the proposal is for less than 75 dwellings and generates less than 50 vehicle trips per hour. This was confirmed by TfNSW in the correspondence of 14 September 2023.
•	State Environmental Planning Policy (Building Sustainability Index BASIX) 2004		BASIX Certificate Number No. 1392050M_02 dated 24 January 2024 and prepared by Taylor Smith Consulting has been submitted to the Council and considered as being satisfactory.
•	State Environmental Planning Policy (Sustainable Buildings) 2022		State Environmental Planning Policy (Sustainable Buildings) 2022 sets sustainability standards of buildings across NSW for residential and non-residential development. The Sustainable Buildings SEPP was notified on 29 August 2022 and came into effect on 1 October 2023 to allow for the relevant industry to adjust to the new standards.



		In accordance with the savings and Transitional provisions of Clause 4.2 of the Sustainable Buildings SEPP 2022, the policy does not apply as the development application was submitted but not determined before 1 October 2023.
State Environmental Planning Policy (Housing) 2021	Chapter 2 – Affordable housing Part 2 Development for affordable housing Division 1 – In-fill affordable housing	Refer to discussion below.
	Chapter 4 - Design of residential apartment development	Refer to discussion below.

State Environmental Planning Policy (Housing) 2021

On 14 December 2023, the NSW Government consolidated the provisions of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) into the Housing SEPP and the Environmental Planning and Assessment Regulation 2021 (the Regulation). In addition, the NSW Government implemented in-fill affordable housing reforms to encourage private developers to boost affordable housing and deliver more market housing.

The process of consolidation does not affect the operations of the provisions or the Apartment Design Guide. An assessment of the Apartment Design Guide (ADG) is contained in Attachment B.

As per Schedule 7A Savings and transitional provisions, Section 8(1) of the State Environmental Planning Policy (Housing) 2021, the consolidated provisions regarding SEPP 65 and the housing reforms relating to in-fill affordable housing will not apply to the current development application as the amendment made to this policy by the amending policy does not apply to a development application made but not finally determined before the commencement date. The subject development application was lodged prior to the consolidated provisions coming into effect on 14 December 2023.

Therefore, an assessment against the controls under Chapter 2 – Affordable Housing, (Part 2 Development for affordable housing, Division 1 – In-fill affordable housing) and Chapter 4 Design of residential apartment development of the State Environmental Policy (Housing) 2021 which commenced on the 14 December 2023 do not apply to this application.





Chapter 2 – Affordable housing (Part 2 Development for affordable housing, Division 1 In-fill affordable housing)

The assessment of the proposal was carried out against the now historical version dated 10 November 2023 - 13 December 2023 of Chapter 2 – Affordable Housing, (Part 2 Development for affordable housing, Division 1 – In-fill affordable housing) given the time of lodgement of the development application and based on the savings provisions discussed above.

It should be noted that the proposal fully complies with the key planning controls contained within the Housing SEPP and is considered acceptable from an environmental planning viewpoint.

A relevant assessment against the requirements of the SEPP is contained in Appendix A.

Clause 19 (3a)

Development consent must not be granted to development to which this Division applies unless the consent authority has considered whether the design of the residential development is compatible with—

(a) the desirable elements of the character of the local area

A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area. The SEPP (Housing) 2021 does not contain any guidance for assessing whether a proposal is compatible with the character of the local area. However, a planning principle for assessing compatibility in the urban environment was established by Senior Commissioner Roseth of the Land and Environment Court in the judgement for Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191. This involves asking the following two questions:

- Are the proposal's physical impacts on surrounding development acceptable?
 The physical impacts include constraints on the development potential of surrounding sites.
- Is the proposal's appearance in harmony with the buildings around it and the character of the street?

A merit assessment of the character of the local area should consider the following 3 steps:

- Step 1 Identify the 'local area'.
- Step 2 Determine the character of the 'local area'.
- Step 3 Determine whether the design of the proposed development is compatible with the character of the 'local area'.



An assessment against each step is provided below:

Step 1 – Identify the local area.

This assessment identifies the local area as primarily the visual catchment of the site (defined by green outline) as viewed from within the site, directly adjacent to the site and surrounding streets, which is defined on the map below.



Figure 3 - Locality area catchment.

Step 2 – Determine the character (present and future) of the local area.

The zoning of the broader locality and immediate area comprises R4 High Density Residential, land to the south of Merrylands Road is zoned R2 Low Density Residential and land to the east (eastern side of Loftus Street) is zoned R3 Medium Density Residential under the CLEP 2021.

Present character of the area

The character of the local area comprises the visual catchment of regular shaped allotments viewed from the site and surrounding streets, which include: -

- 1. single storey dwellings to its northern, eastern and western boundaries,
- 2. 3 storey walk-up flat buildings located further to the south of Merrylands Road (60 Merrylands Road);
- 3. The locality is also within the proximity of Woodville Road commercial precinct. Educational establishments and public recreation areas are located within the wider locality.





Future character of the area

The locality is in transition from lower density residential dwellings towards high density residential flat buildings and multi dwelling housing development particularly to support the increasing demand of affordable housing within the close proximity of public transport hub and major commercial centre. The transition issue is clear with regard to height and setbacks for the proposed development. It is considered that the site is ideal for future urban intensification as it is located within a high density precinct within proximity to the Merrylands Train Station and CBD and would not be inconsistent with the desired future character of the locality.

<u>Step 3 - Determine if the development is compatible with the character of the local area.</u>

In accordance with the Land and Environment Court's 'Planning Principle' and case law compatibility is best defined as 'capable of existing together in harmony'. In order to test compatibility two questions are to be considered. These questions, as well as a response to each, are provided below:

Are the proposal's physical impacts on surrounding development acceptable?
 The physical impacts include constraints on the development potential of surrounding sites.

The height, FSR and landscaping of the proposed development are designed to maintain the harmony within the streetscape, whilst contributing to the site context and constraint.

The 11m height limit requirement is breached for part of the roof slab and the lift overrun as discussed later in the report. However, the development does not pose any unreasonable overshadowing impacts on adjoining properties. The proposal is a permissible land use, meets the FSR requirement (in accordance with SEPP (Housing)) and contributes to the provision of affordable housing within the proximity of public transport hub and major commercial centre. Appropriate setbacks and privacy treatments are provided to minimise any adverse impacts to the adjoining properties. The proposal is appropriately articulated to complement the existing and changing streetscape within the local area. The overall design represents the form of development that is envisaged under the planning controls.

<u>Step 4 - Is the proposal's appearance in harmony with the buildings around it and the character of the street?</u>

To be compatible, a development should contain, or at least respond to, the key aesthetic elements that make up the character of the surrounding area. The front and side setbacks are considered compatible with the existing streetscape. The proposal is considered to maintain an appropriate residential character which is consistent with the streetscape and does not result in unreasonable impacts to the neighbouring properties. As discussed above, the proposed development is not considered to be inconsistent with the existing and desired future streetscape character of the area surrounding the subject site.



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

As stated earlier in the report, on 14 December 2023 SEPP 65 was repealed with no savings or transitional provisions preserving the operation of State Environmental Planning Policy 65 - <u>Design Quality of Residential Apartment Development</u> (SEPP 65). Despite this, a comprehensive merit assessment against the SEPP 65 and Apartment

Design Guide (ADG) controls is contained in at Appendix B:

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

No.	Clause	Clause Comment		Yes	No	N/A
3F	Visual Privacy					
3F-1	Separation between and balconies is pro-	rovided to rivacy is required ses from e and rear	The proposal generally complies with the building separation requirements. However, there is a minor variation on Level 1 and Level 2 along the eastern and Western elevations.		\boxtimes	
	Building Height = 12m / 4 storeys - Habitable Rm / Balc = 6m - Non-Habitable Rm = 3m Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room.		Eastern and Western Separation: Required = 6m. Provided = Minimum 4.5m to section of the habitable rooms' external walls on Level 1 and 2. Given that these rooms have been designed with recessed north/south facing windows with blank walls to the east and west side boundaries, visual privacy will be reasonably maintained and therefore			
4D	Apartment Size and	d Lavout	considered satisfactory.			
4D-1	Apartments are re have the following internal areas:	quired to	All apartments comply with the minimum internal areas with the exception of Unit 05 (2 bedroom unit) which provides an internal area of 67 sqm (requires 70 sqm).			
	2 bedroom 3 bedroom	70m ²	However, the departure is minor and considered			
	o bealoom	30111	or and odnorda			



No.	Clause	Comment	Yes	No	N/A
140.	The minimum internal areas include only one bathroom.	acceptable given the overall design incorporates a functional and well organised layout with appropriate room sizes and provides a reasonable level	163	140	IV/A
		of residential amenity.			

Local Environmental Plans

The provision of the Cumberland LEP 2021 is applicable to the development proposal. It is noted that the development generally achieves compliance with the key statutory requirements of the Cumberland LEP 2021

(a) Permissibility:

The proposed development is defined as a 'residential flat building' under the provisions of CLEP 2021. Residential flat buildings are permitted with consent in the R4 - High Density Residential zone which applies to the land as follows:

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

Note -

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

The main provisions of the Cumberland LEP 2021 relevant to the development are prescribed in the table below. A comprehensive LEP assessment is contained in Appendix C.

Figure 3 - Cumberland LEP 2021 Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.3 Height of Buildings Max 11m	No Refer to Clause 4.6 Variation below.	11.65m - Clause 4.6 request to contravene the height of building development standard was submitted with the application.



4.4 Floor Space Ratio	Yes	The development provides a total		
0.8:1	Total allowable	GFA of 1,436.5 sqm which equates		
0.0.1	FSR:	to a total FSR of 1.13:1, which		
	TOIX.	complies with the maximum FSR of		
	0.0.4/4.004.04	•		
	• 0.8:1(1,021.84	1.33:1 under the Housing SEPP 2021.		
	sqm sqm) under	2021.		
	CLEP.			
	and			
	0.33:1 additional			
	permitted			
	under			
	Clause 17			
	Housing			
	SEPP			
	2021.			
4.6 Exceptions to	Yes	A written request in accordance		
Development Standards		with Clause 4.6 of the CLEP 2021		
		to vary the building height		
		development standard was		
		submitted.		
		Refer to detailed assessment		
		below.		

(a) Clause 4.6 - Exceptions to Development Standards

Height of Buildings

The proposal seeks to contravene the Height of Building Development Standard under Clause 4.3 of the CLEP that requires that the height of building is not to exceed 11m on the subject site.

It is noted that the residential apartment building predominantly complies with the 11m maximum building height requirement, however the only portion of the building that exceeds the maximum building height is limited to non-habitable structures including the lift over-run and concrete roof slab as shown in the 3D height planes. The architectural plans provide RLs of the NGL and finish roof level showing compliance of the habitable floor height.

The proposed building has a maximum building height of 11.65m to the top of the lift over run (5.9%) and 11.15m to the concrete roof slab (1.36%). This equates to a maximum of 5.9% variation to the permitted height of buildings under the Cumberland LEP 2021.

Clause 4.6 allows the consent authority to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. The consent authority may grant the exception as the Secretary's concurrence can be assumed where clause 4.6 is adopted as per the Department of Planning Circular PS 18-003, dated 21 February 2018.



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

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

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

Applicant's justification:

The Applicant states the proposal is consistent with the objectives of the R4 Zone being:

- Consistency with the objectives is evident as the proposal ensures that the high density nature of the zone is retained and there is not a significant change to the character of the locality. In addition, the proposal complements and enhances the local streetscape by virtue of the careful siting of the development.
- The proposal presents as a 3 storey form when viewed from the street and the variation will have a minimal impact on the character of the locality.

Planner's Comment:

Residential apartment buildings are a permitted land use and the locality is undergoing a transition particularly to support the increasing demand of affordable housing within the close proximity of public transport hub and major commercial centre. The proposed development is consistent with the objectives of the R4 High Density Residential zone.

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

Applicant's justification:

In relation to objective (a) the minor non-compliance to the roof elements located at the rear of the building will not be perceivable from the street level where a 3 storey form is maintained. In this regard, the variation will have a minimal visual impact of the development. Further, it will not have any adverse impacts on solar access or privacy for neighbouring properties given the variation is from the roof form and that the development complies with the visual separation requirements under the ADG.

It is further noted that the breach of the development standard is a direct result of applying the affordable housing bonus under the SEPP (Housing) 2021, which permits greater FSR. Hence in the context of 'appropriate development density' the proposal is compliant with the FSR (having regard to the bonus for affordable housing) and the additional FSR does necessitate a minor breach to the height standard.





Planner's comment:

The objectives of the building height standard are to enable appropriate development density to be achieved and to ensure that the height of the building is compatible with the character of the locality as outlined above. The proposal is compliant with the maximum FSR development standard inclusive of the bonus provision under the SEPP(Housing). The increased height does not result in an additional level for residential use as it comprises portion of the portions of roof slab of the 4th storey and the top of the lift core.

The departure sought is modest and does not unreasonably impact on adjoining properties. The additional height does not result in the appearance of bulk when viewed from the existing streetscape and would not impinge on the changing streetscape that is anticipated for the immediate area. Given that the proposed development responds to the site and does so without compromising relationships with adjoining development, the proposal is consistent with the objectives of height requirements and development within the R4 zone.

It shall be noted that the increased height does not result in an additional level for habitable use, as it only comprises portion of the roof slab and lift overrun.

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

Applicant's justification:

The minor variation is not considered to impact the compatibility of the development with the character of the locality, given that the majority of the proposed building form is contained below the maximum permitted height control, and the top level which exceeds the height control is recessed to the rear of the site and will not be visible when viewing the building from the street level.

The height breach, arising from the additional permitted FSR for affordable housing, is appropriate and demonstrates environmental planning grounds through the delivery of affordable housing and this aligns directly with the Objects of the Environmental Planning and Assessment Act 1979.

Planner's comment:

Council Officers are satisfied that the proposed variation has been appropriately justified and can be supported in this instance. The height breach is limited to an overall building height of 11.65m for the lift over run. The additional height will not be visible from the adjacent streets and properties. The proposed variation to the development standard is necessary to provide the safety features of the roof top terraces and is consistent with the scale of the development within the R4 zone located in the immediate vicinity of the site. The departure sought is modest and does not unreasonably impact on views of the heritage item or adjoining properties. Given the site topography, the additional height does not result in the appearance of bulk when viewed from the existing streetscape, would not impinge on the changing streetscape that is anticipated for the immediate area and does not result in additional overshadowing to the adjoining properties. It is considered, therefore, that the non-





compliance with the Development Standard is not unreasonable or unnecessary in the circumstances of the case.

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

Applicant's justification:

The design of the building ensures that all habitable floor spaces are contained below the maximum building height line which indicates that the variation is not simply a means of achieving additional development yield on the site, but a site specific design response.

Social and affordable housing reforms: The NSW Government has announced new measures to boost the supply of affordable and social housing in the state. The proposed changes include amendments to the existing in-fill affordable housing provisions under the Housing SEPP to introduce a new floor space bonus of 30 per cent and a height bonus of 30 per cent for residential developments with at least 15 per cent affordable housing. The proposed changes by the NSW government demonstrates the need for a height bonus to accompany a floor space ratio bonus. Under the proposed legislation the development would receive a 30 percent height bonus and would comply with the maximum building height requirement.

Planner's comment:

The unique circumstances of the case are considered to warrant support of the departure. Given that the proposed development responds to the site and does so without unduly compromising relationships with adjoining development, and does not unduly compromise other relevant controls, the proposal is consistent with the objectives of building height, and development within the R4 zone. In this regard, the exception is well founded and can be supported.

Conclusion:

Council is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6 subclause (3). Council is further satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

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

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

The Cumberland Development Control Plan (DCP) 2021 provides guidance for the design and operation of development to achieve the aims and objectives of the Cumberland LEP 2021.



A comprehensive assessment and compliance table is contained in Appendix C. A summary of the DCP non-compliances is provided in the following table.

Control	Provided	Complies (Yes/No)			
Part B3 – Residential Flat Buildings					
Section 3.2 Control C1 and C3 - Basement footprint	775 mm from the eastern boundary.	No - Acceptable in this instance.			
	A basement side setback of 1.2m is				
Minimum setback of 1.2m from the side boundary	required. However, setback of 775 mm is proposed along the western boundary. This is considered satisfactory as the proposal complies with the minimum deep soil requirements, side setbacks and landscaping requirements and will not result in any impacts on trees on adjacent sites.				

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 2021 (EP&A Reg).

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

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

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

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

Submissions made in accord (1)(d))	lance with the A	Act or Regulatio	n (EP&A Act s4.15
Advertised (Website)	Mail ⊠	Sign 🖂	Not Required



In accordance with Council's notification requirements contained within the Cumberland Development Plan 2021, the proposal was publicly notified for a period of 14 days between 10 July 2023 and 24 July 2023. In response, Council received no submissions.

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

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

Cumberland Local Infrastructure Contributions Plan 2020

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

In accordance with the Contribution Plan a contribution is payable, pursuant to Section 7.11 of the EP&A Act, calculated on the cost of works. A total contribution of **\$251,595.00** would be payable prior to the issue of a Construction Certificate.

The calculation is based on:

- 3 x 1 bedroom unit
- 13 x 2 bedroom unit
- 1 x 3 bedroom unit
- Credit of 2 x 3 bedroom (existing dwellings on subject site).

Housing and Productivity Contribution (HPC)

In accordance with s7.24 of the Environmental Planning and Assessment Act, 1979 as amended by the Environmental Planning and Assessment Amendment (Housing and Productivity Contribution) Act 2023, the development is subject to the (Housing and Productivity Contribution) Act 2023.

In accordance with Part 2 of Schedule 5 of the Environment Planning and Assessment (Housing and Productivity Contribution) Order 2023 ('the Order'), the Order does not apply to a development consent granted to a pending development application (Pending DA).

A 'Pending DA' as per Schedule 1 of the Order and s16, Part 9 of the EP&A Reg 2021 is as follows:

- a) a development application that is made, but not determined, before the commencement of this Order, or
- b) a development application that is made and determined before the commencement of this Order, but has not been finally determined, or
- c) an application for a complying development certificate that is made, but not determined, before the commencement of this Order.



As the application was lodged on the 19 June 2023, the HPC provisions do not apply to this application.

Disclosure of Political Donations and Gifts

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

CONCLUSION:

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Housing 2021), Cumberland Local Environmental Plan 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Cumberland Development Control Plan 2021 and is satisfactory for approval subject to conditions.

The proposed development is appropriately located within the R4 – High Residential Density under the relevant provisions of the 2021. The proposal is generally consistent with all statutory and non-statutory controls applying to the development. Having regard to the assessment of the proposal from a merit perspective, Council may be satisfied that the development has been responsibly designed and provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the departures noted above, is consistent with the intentions of Council's planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

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

CONSULTATION:

There are no consultation processes for Council associated with this report.

FINANCIAL IMPLICATIONS:

There are no financial implications for Council associated with this report.

POLICY IMPLICATIONS:

There are no policy implications for Council associated with this report.

COMMUNICATION / PUBLICATIONS:

The final outcome of this matter will be notified in the newspaper. The objectors will also be notified in writing of the outcome.



REPORT RECOMMENDATION:

- 1. That the Clause 4.6 variation request to contravene the Height of Building development standard, pursuant to the Cumberland LEP 2021, be supported.
- 2. That Development Application 2023/0285 for demolition of existing structures and construction of a four storey residential apartment building pursuant to Chapter 2 Affordable Housing of SEPP (Housing) 2021 comprising of 17 apartments over basement parking with associated stormwater and landscaping works and strata subdivision into 17 lots on land at 45 47 Merrylands Road, Merrylands be approved subject to conditions listed in the attached schedule.

ATTACHMENTS

- 1. Draft Notice of Determination 4
- 2. Appendix A State Environmental Planning Policy Housing 2021 J.
- 3. Appendix B Apartment Design Guide Assessment J.
- 4. Appendix C Cumberland Local Environmental Plan 2021 Assessment J.
- 5. Appendix D Cumberland Development Control Plan 2021 Assessment J.
- 6. Clause 4.6 Variation Request 4.
- 7. Architectural Plans !
- 8. Landscape Plans J
- 9. Shadow Diagrams J.

DOCUMENTS ASSOCIATED WITH REPORT LPP002/24

Attachment 1 Draft Notice of Determination





DEVELOPMENT DRAFT CONDITIONS OF CONSENT

APPLICATION

Under the Environmental Planning and Assessment Act, 1979

Application No: DA2023/0285
S Al Ghrabi

Applicant: 20 Trenton Road

GUILDFORD NSW 2161

Property Description: 45 - 47 Merrylands Road Merrylands.

Lot C DP 320347, Lot 25A DP 417959.

Development: Demolition of existing structures and construction of a four storey

residential apartment building pursuant to Chapter 2 Affordable Housing of SEPP (Housing) 2021 comprising of 17 apartments over basement parking with associated stormwater and landscaping works

and strata subdivision into 17 lots.

Determined by: Cumberland Local Planning Panel.

CONDITIONS OF CONSENT

General Conditions

DAGCA01- General

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

(Reason: Advisory)

2. DAGCA02 - Approved Plans and Supporting Documents

The development must be carried out in accordance with the following endorsed plans and documents, except as otherwise provided by the conditions of this consent.

Reference/Dwg No	Title/Description	Prepared By	Date/s
Architectural Plans, J	ob Number 30119		
DA-098, Issue A	Site Demolition Plan		09/05/23
DA-099, Issue B	Site Plan		09/05/23
DA-100, Issue D	Basement Floor Plan		01/12/23
DA-101, Issue D	Ground Floor Plan		01/12/23
DA-102, Issue D	Level 1 - Floor Plan		01/12/23
DA-103, Issue D	Level 2 - Floor Plan		01/12/23
DA-104, Issue D	Level 3 - Floor Plan		01/12/23
DA-105, Issue C	Roof Plan		14/11/23
DA-200, Issue D	Elevations - Sht 1	IDA Design Group	01/12/23
DA-201, Issue D	Elevations - Sht 2	IDA Design Group	01/12/23
DA-300, Issue B	Sections		09/05/23
DA-410, Issue B	Adaptation Details		09/05/23
DA-460, Revision B	Strata Subdivision Plans		09/05/23
DA-480, Revision B	Material Schedule		09/05/23
Landscape Plans:			
DA-L101, Issue A	Ground Floor Plan	Canvas Landscape	15/05/2023
DA-L102, Issue A	Level 01 & level; 04	Architects	15/05/2023
DA-L103, Issue A	Landscape typical details & maintenance		15/05/2023



	schedule		
Stormwater Plans, Joh	Number 23081 (as am	ended in red on the plar	ns):
Drg No. 000, Issue A	Cover Sheet Plan		14/04/2023
Drg No. 101, Issue C	Stormwater Concept Plan Basement Level Sheet 1 Of 2		13/11/2023
Drg No. 102, Issue A	Stormwater Concept Plan Basement Level Sheet 2 Of 2		13/11/2023
Drg No. 103, Issue D	Stormwater Concept Plan Ground Level	Telford Civil	01/12/2023
Drg No. 104, Issue B	On-Site Detention Details And Calculations		13/11/2023
Drg No. 105, Issue A	Sediment And Erosion Control Plan & Details		14/04/2023
Drg No. 106, Issue B	Miscellaneous Details Sheet		05/10/2023
Reports			***************************************
Certificate. No. 1392050M_02	BASIX Certificate	Taylor Smith Consulting	24/01/2024
E23171-1 Rev 0	Detailed Site Investigation	Geotechnical Consultants Australia Pty Ltd	30/10/2023
E23172-1 Final version	Remedial Action Plan	Geotechnical Consultants Australia Pty Ltd	30/10/2023
Reference 4886, Issue D	Operational Waste Management Plan	Elephants Foot Consulting Pty Ltd	29/09/2023
-	Waste Management Plan, demolition and construction	-	23/05/2023
	Tree Inspection Report	Treehaven Environscapes	11/05/2023
R230128R1 Rev 0 Acoustic Report		Rodney Stevens Acoustics Pty Ltd	17/05/2023
R22-003-A, Issue 1	Preliminary Accessibilty Report	Sp Certification & Consultancy	18/03/2023
R23-003, Issue 1	Preliminary Building Code of Australia Report	Sp Certification & Consultancy	
CNR-57325	Correspondence and all conditions/recommen dations contained therein	Endeavour Energy	6/07/2023

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

3. DAGCB04 - Street Numbering of Lots and Units

Numbering of units/properties shall be prominently displayed at the front of the property and shall be maintained in accordance with the property numbers allocated by Council.

(Reason: Identification of property for emergency services and mail deliveries).

4. DAGCD03 - Land Remediation (no auditor engaged)

The site is to be remediated and validated in accordance with the recommendations set out within the Remedial Action Plan, prepared by Geotechnical Consultants Australia Pty Ltd dated 30th October 2023 referenced E23172-1 Final version. All remediation work carried out shall be conducted in



accordance with the guidelines in force from time to time under the Contaminated Land Management Act 1997.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions or recommendations about site contamination must be immediately notified to the Principal Certifier. Any required variations to the Remedial Action Plan must be documented and approved by a suitably qualified environmental consultant, with a copy of the documentation provided to Cumberland City Council.

(Reason: To ensure compliance with requirements of Remedial Action Plan for contaminated sites)

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)

6. 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)



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

7. DAPDB02 - Demolition - General

Notice in writing is to be given to Council within two working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work. Such written notice is to include:

- The date when demolition will commence;
- Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
- A copy of the notification issued to adjoining residents including the date the notice was delivered;
- · The licence number of the demolisher;
- · Relevant SafeWork licences, and
- Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.
- Demolition work is to be carried out in accordance with AS 2601-2001.
- · Demolition works are restricted as follows:
- Monday to Friday inclusive 7:00am 5:00pm
- Saturdays 7:00am 5:00pm
- Sundays and Public Holidays No demolition work

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 7.00am and 6.00pm Monday to Friday, excluding public holidays.

The developer or demolition contractor must notify Council at least five working days before the commencement of any demolition work. The developer or demolition contractor must notify adjoining residents of the following:

- The date when demolition will commence;
- Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
- · The telephone number of the SafeWork NSW Hotline.

Demolition work must not commence until Council has inspected the site and is satisfied that all predemolition conditions have been satisfied.

Within fourteen days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving tip as evidence of proper disposal.

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

8. <u>DAPDB03 - Demolition - Asbestos</u>

The developer or demolition contractor must notify Council at least five 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 following:

- · 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 licence number of the asbestos removalist/s; and
- · The telephone number of SafeWork NSW.

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works. Barricades to prevent public access and prevent the escape of asbestos fibres must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

a) Asbestos to be removed by a licensed asbestos removalist.

All demolition and site works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current SafeWork NSW Class A Licence for friable asbestos removal where applicable or a Class B Licence for non-friable (bonded) asbestos removal. No asbestos products are to be re-used on site and asbestos laden skips/bins must



not be left in any public place.

Note: To find a licensed asbestos removalist please visit SafeWork NSW website.

b) Compliance with applicable Legislation, Policies and Codes of Practice.

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

- Work Health and Safety Act 2011 & Work Health and Safety Regulation 2017;
- 'Code of Practice on how to safely remove asbestos' published by Safe Work Australia (dated July 2020).
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)].

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

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

9. DAPDB07 - Site Safety Fencing - Demolition Only

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

(Reason: Public safety)

10. DAPDB08 - Demolition Inspections

Council (not a private certifier) must inspect the site prior to and after demolition works. Payment of the demolition inspection fee in accordance with Council's current fees and charges policy must be made to arrange the inspections.

After completion of demolition works, the applicant must notify Council within 7 days to assess the site and ensure compliance with AS2601-2001 - Demolition of Structures.

(Reason: To ensure compliance with the relevant legislation and to ensure

11. DAPDB09 - Tree Preservation

All street trees and trees on private property that are protected under Council's Development Control Plan and relevant policies, shall be retained and protected in accordance with AS 4970 - 2009 'Protection of Trees on Development Sites' during demolition and construction works except where Council's prior written consent has been obtained.

(Reason: Tree Preservation and Protection)

12. <u>DAPDB10 - Demolition, Excavation, Construction Noise and Vibration Management Plan</u>

A site specific Noise Management Plan shall be developed and submitted to the Principal Certifying Authority prior to the commencement of any demolition, excavation and construction works on site. The Plan must be prepared by a suitably qualified Acoustic Consultant, being a consultant who holds a current member grade of the Australian Acoustical Society.

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

- a) Identification of any noise sensitive receivers near to the site;
- A prediction as to the level of noise and vibration impact, including the likely number of high noise intrusive appliances/equipment likely to affect the nearest noise sensitive receivers;
- c) A statement outlining whether or not predicted noise levels will comply with the noise criteria stated in the NSW EPA Interim Construction Noise Guideline (2009). Where resultant site noise levels are likely to be in exceedance of this noise criteria then details of the following must be included in the plan:
 - Duration and frequency of respite periods that will be afforded to the occupiers of neighbouring properties; and
 - Details of any other noise mitigation measures that will be deployed on site to reduce noise impacts on the occupiers of neighbouring noise sensitive property to a minimum.
- d) Confirmation of the level of community consultation that has/is and will be undertaken with the occupiers of the main adjoining noise sensitive properties likely to be most affected by site



- works and the operation of plant/machinery particularly during demolition and excavation phases;
- e) Details of the noise and vibration monitoring that is to be undertaken during works;
- f) The type of action will be undertaken following receipt of a complaint concerning offensive noise or vibration, including nomination of a site contact.

(Reason: Environmental and residential protection)

13. 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 Registered Certifier, with a copy provided to Council. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to the safe management and/or removal to ensure the site is safe for demolition, construction and future use/occupation.

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

14. DAPDB12 - Sediment and Erosion Control measures

Prior to the commencement of works, the following measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project:

- a) A dish shaped diversion drain, or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.
- b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed in suitable locations below the construction area to reduce impacts on waterways.
- Vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.
- d) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.
- A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed
 prior to commencement of any site works or activities, to prevent mud and dirt leaving the site
 and being deposited on the street.
- f) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations, which could lead to the discharge of materials into the stormwater drainage system or waterways.
- g) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway. Stockpiles shall be protected with adequate sediment controls.
- h) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.
- Such measures are to be maintained at all times to the satisfaction of Council and the Principal Certifier. Failure to do so may result in the issue of penalty notices.

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



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

15. DACCA01 - Amendments to Approved Plans

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

 Revised landscape plans shall be submitted to reflect consistency with the approved architectural and stormwater plans.

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

16. DACCA02 - Application for a Construction Certificate

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

(Reason: Statutory requirement)

17. DACCA03 - Disabled Access & Facilities

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

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

DACCA04 - Works within Boundary

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

(Reason: To ensure protection of adjoining properties)

19. DACCB01 - Damage Deposit for Council Infrastructure

A damage deposit of \$6,860.00 calculated in accordance with Council's adopted Fees and Charges shall be paid to Council prior to the issue of the Construction Certificate. Council may use part or all of the deposit to carry out rectification work to Council's infrastructure that was damaged as a result of carrying out development works. Unused portions of the damage deposit can be refunded following the completion the issue of an Occupation Certificate and a written request to release the deposit.

(Reason: To protect Council infrastructure)

20. DACCB02 -Payment of Bonds, Fees and Long Service Levy

The Council or Registered 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)

21. DACCB03 - Section 7.11 Contribution

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.11 of the *Environmental Planning and Assessment Act 1979* and the *Cumberland Local Infrastructure Contributions Plan 2020* is to be paid to Council. The amount of contribution payable is calculated at **254,845.00**. A copy of the *Cumberland Local Infrastructure Contributions Plan 2020* can be viewed on Council's website

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

22. DACCB05 - Fees to be paid to Council



Types of fees	Amount	Payment Timing
Demolition Inspections	\$3,175.00	Prior to issue of CC
Damage Deposit	\$6,860.00	Prior to issue of CC
Sect. 7.11 Contributions	\$251,595.00+ CPI	Prior to issue of CC
Cash bond to cover the registration of a Positive Covenant and Restriction as to User over the On-site Detention system. This bond is refundable upon the submission of proof of registration of the Restriction on Use and Positive Covenant with the NSW Land Registry Service.	\$7,360.00	Prior to issue of CC
Kerb Crossing Bond (Related to Driveways)	\$3,790.00	Prior to issue of CC
Kerb & Gutter construction/reconstruction	3,000 or as required by Infrastructure Asset Section.	Prior to issue of CC
Footpath	6,000.00 or as required by	Prior to issue of CC
construction/reconstruction	Infrastructure Asset Section	
Driveways Inspections	\$806.00	Prior to issue of CC
Traffic Management Plan	\$374.00	Prior to issue of CC
TOTAL	\$290,220.00 + CPI where applicable	

Payment of the above fees shall be paid to Council in accordance with timing stipulated above. 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.

Note: In the event that the applicant does not apply for refund of bonds, Council will forfeit the bonds and it will be transferred to the Infrastructure Reserve 7 years after the completion of works in accordance with Construction Bonds Management Policy.

(Reason: Statutory requirement and information)

23. DACCB06 - Photographic Record of Council Property - Damage Deposit

Prior to demolition commencing and prior issue of a Construction Certificate, the applicant shall submit to Council a full photographic record of the condition of Council's assets (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 assets 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 arose during the course of demolition or construction work, Council may require either part or full re-instatement of its assets.

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)

24. 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 the 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 by Council.

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

The submission to Council of three (3) copies and an electronic copy of Civil Engineering drawings for the design of all works within the road reserve required adjacent 45 -47 Merrylands Road, Merrylands including long and cross sections, details of proposed structures, ancillaries (e.g. footpaths, signage etc.) and specifications.

The drawings must be approved by Council in writing and all fees and charges.

Such design shall be:

- a) Prepared and submitted in electronic format, undertaken by a consulting Civil Engineer,
- Approved in writing by Council under Section 138 of the Roads Act 1993, prior to the issue of the Construction Certificate, and
- c) All Civil Engineering works adjacent 45 -47 Merrylands Road, Merrylands is to be fully supervised by Council. A maintenance period of six (6) months or as specified by Council shall apply to the work after it has been completed and approved. In that period the Applicant shall be liable for any part of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the design conditions, and
- d) Upon completion of the works, the Applicant is to provide to Council two (2) copies of "work as executed plans". The plans are to show relevant dimensions and finished levels and are to be certified by a registered surveyor. Also the Applicant is to provide to Council, in an approved format, details of all public infrastructure created as part of the works, including certification from the Design Engineer.

Note: Driveway construction will require a separate approval vehicular crossing and road works.

(Reason: To ensure compliance of engineering works/Council assets are constructed to acceptable standards for engineering works)

26. DACCC05 - Hoardings

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

(Reason: Safety & information)

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

In accordance with Section 138 of the *Roads Act 1993* and prior to the issue of any Construction Certificate, the applicant must submit a Road and Footpath Opening Permit application that is accompanied by detailed plans. Written approval must be obtained from the appropriate road authority under the *Roads Act 1993* for any works in the road reserve prior to the commencement of works.

Where the work is likely to have an impact on the operation of an arterial road then a Road Occupancy Licence must be obtained from the relevant road authority. The application should be lodged at least 10 days prior to the planned commencement date.

(Reason: Protection of Public Assets and information)

28. DACCE02 - Construction Management Plan

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

- a) Actions and works proposed to ensure safe access to and from the site, including how the road and footpath area will be protected from building activities, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
- b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- The proposed areas within the site to be used for a builder's site office and amenities, the storage



- of excavated material, construction materials and waste containers during the construction period.
- d) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.
- f) A Soil and Water Management Plan detailing all sedimentation controls.

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

29. DACCE03 - Construction Traffic Management Plan (CTMP)

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

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

- a) A detailed description and route map of the proposed truck/construction vehicle access routes.
- b) The locations of any proposed Construction Works Zones along the site frontage.
- c) Provide a construction schedule.
- d) Tradesperson parking (parking shall be provided on-site where possible).
- e) Provide relevant Traffic Control Plans (must be certified by a suitably qualified RMS ticket holder).
- f) Provide relevant Pedestrian Management Plans.
- g) A site plan which indicates site entrances and exits, turning areas within the site for construction and spoil removal vehicles allowing a forward ingress and egress for all construction vehicles on the site (superimposed truck swept path diagrams). Site entrances and exits shall be controlled by a certified traffic controller.

(Reason: Traffic safety and amenity during construction phase)

30. DACCF02 - Landscape Maintenance Strategy

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

(Reason: Ensure landscape survival)

31. DACCF04 - On Slab Landscaping

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

(Reason: To ensure the site landscaping thrives)

32. DACCF05 - Tree Replacement

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

Species	Location	Pot size
Corymbia ficifolia x2	Council nature strip	45L

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

33. DACCF08 - Tree Planting

Minimum soil standards for plant sizer are provided in accordance with the Table below:



Tree Size	Height	Spread	Min Soil Area	Min Soil depth
Large trees	>12m	>8m	10 x 10	1.2m
Medium trees	8-12m	4-8m	6 x 6m	1.0m
Small trees	5-8m	<4m	3.5 x 3.5m	0.8m
Shrubs				0.5-0.6m
Turf				0.2m

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

34. DACCG01 - Available Visitor Car Parking Signage

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

(Reason: Adequate access and egress)

35. DACCG02 - Bicycle Storage Provision

Provision for bicycles parking / storage shall be in accordance with the provisions of the Cumberland Development Control Plan. Details shall be submitted with the Construction Certificate application.

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

36. DACCG05 - Off Street Car Parking - General

A minimum of 22 off-street car parking spaces including 18 residential car spaces and 4 visitor car spaces suitably line marked in accordance with the approved plans shall be provided. Each space shall have minimum dimensions in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004.

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

(Reason: Parking and access)

37. DACCG09 - Speed Hump and Stop Sign on Exit

The applicant shall install a stop sign and a speed hump at the exit from the site. The stop sign must be accompanied by the associated line marking and the speed hump shall be set back by 1.5 metres from the boundary alignment. The devices shall be designed and constructed in accordance with the provision of Australian/New Zealand Standards AS/NZS 2890/1:2004. The building plans shall indicate compliance with this requirement prior to the issue of a Construction certificate.

(Reason: Traffic safety and management)

38. DACCG11 - Stop Signs

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

(Reason: Adequate access and egress)

39. DACCH01 - Translucent Glazing for Privacy in Wet Areas

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

(Reason: Amenity)

40. DACCI03- Substation /Fire Hydrant Boosters

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

(Reason: Streetscape amenity)

41. DACCI04- Site Cranes

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



Cranes must not swing or hoist over any public place unless approval has been obtained under the Local Government Act 1993.

(Reason: Safety and statutory compliance)

42. DACCJ01 - Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate, a detailed stormwater drainage plan for the safe disposal of stormwater from the site shall be prepared in accordance with Council's Development Control Plan and relevant policies. The plan shall be submitted and approved by the Registered Certifier.

Should any changes be required to the approved stormwater drainage plan, the amended design shall achieve equivalent performance standards in accordance with Council's Development Control Plan and relevant policies.

Please note that where the proposed design extends within the public road area, separate approval under section 138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of works.

(Reason: Stormwater management)

43. DACCJ03 - Certification of the Stormwater Drainage System Design

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Council's Development Control Plan and relevant policies and shall be submitted to the Council or Registered Certifier prior to the issue of the Construction Certificate.

Certification of the proposed stormwater design shall be obtained from a qualified practising professional engineer with the Engineers Australia membership and shall be submitted to the Council or Registered Certifier prior to the issue of the Construction Certificate.

(Reason: Adequate stormwater management)

44. DACCJ05- Grated Drain to Garage Entrance/Driveway/Street Boundary

A grated trench drain shall be provided across the basement garage entrance. Unless otherwise designed by a Qualified Civil Engineer, the dimensions of the trench grate shall not be less than 300 300mm wide by 150 mm deep at the shallow end, and have a minimum slope of 2%. This trench drain shall be connected to an approved drainage system. The grated drain calculation shall be in accordance with AS/NZS3500.

The above information must be indicated on all relevant drawings to be submitted with the Construction Certificate application.

(Reason: Environmental protection)

45. DACCJ10 - Engineering Design - Basement Excavation

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

- a) Documentary evidence prepared by a suitably qualified professional geotechnical engineer shall be submitted to the Principal Certifier, that confirms the suitability and stability of the site for the proposed excavation and building as well as certifying the suitably and adequacy of the proposed design and construction of the building for the site.
- b) A report shall be prepared by a professional engineer and submitted to the Principal Certifier prior to the issuing of a Construction Certificate, detailing the proposed methods of excavation, shoring or pile construction. This report must include details of vibration emissions and any possible damage which may occur to adjoining or nearby premises from the proposed building and excavation works. Any practices or procedures specified in the engineer's report in relation to the avoidance or minimisation of structural damage to nearby premises, are to be fully complied with and incorporated into the plans and specifications for the Construction Certificate. A copy of the engineer's report is to be submitted to the Council, if the Council is not the Principal Certifier.



- c) Driven type piles/shoring must not be provided unless a geotechnical engineer's report is submitted to the Principal Certifier, prior to the issuing of a Construction Certificate, which states that damage should not occur to any adjoining premises and public place as a result of the works.
- d) The installation of ground or rock anchors (including underneath a public roadway or public place) are subject to separate approval. Works associated with proposed anchors must not be carried out without the specific written consent of the owners of the affected adjoining premises and details of compliance must be provided to the Principal Certifier prior to the commencement of any excavation or building works.

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

46. DACCJ11 - Excavations Extending Below the Base of Footings of Adjoining Development

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

(Reason: To ensure the support for neighbouring buildings)

47. DACCK01 - Dilapidation Report

A dilapidation report prepared by a suitably qualified practising engineer shall be prepared for any adjoining or nearby property that may be subject to potential damage as a result of any works being undertaken on the site pursuant to this development consent. This is designed to assist all parties should damage occur which is not preventable. The dilapidation reports must be submitted to the owner/s of the affected property/ies and the Council or Registered Certifier prior to the issue of a Construction Certificate. All costs shall be borne by the applicant/person acting on the consent.

Please note:

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

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

48. DACCK06 - Retaining Walls

Retaining walls greater than 1.0m above the finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with any Construction Certificate application.

(Reason: To ensure safety and the proper design or retaining structures)

49. 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 Council or Registered Certifier.

(Reason: To ensure safety and the proper design or structural elements of the building)

50. DACCL02 - Telecommunications

If the development likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted



to Council or Registered Certifier prior to the issue of a Construction Certificate or Subdivision Works Certificate or the commencement of works, whichever occurs first.

(Reason: Ensure services are not disturbed)

51. DACCL03 - Adjustment to Telecommunications

The arrangements and costs associated with any adjustment/relocation of telecommunications infrastructure shall be borne in full by the applicant/developer.

(Reason: Ensure the applicant is responsible for costs associated with adjustments to Telecommunications infrastructure)

52. DACCL05 - Compliance with Acoustic Report

Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified Acoustic Consultant to be in accordance with any requirements and recommendations of the approved acoustic report prepared by Rodney Stevens Acoustics Pty Ltd dated 03 April 2023, referenced R230128R1, Rev 0.

Note: Suitably qualified Acoustic Consultant means a consultant who holds a current member grade of the Australian Acoustics Society.

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

53. DACCL06- Waste Storage Area

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

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

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

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

54. DACCL07 - Front Fence Height

Any new front fence shall comply with the following:

- Are visually permeable (no more than 50% of the allowable fence area will be solid masonry, timber or metal).
- Height no greater than 1.2m from natural ground level.
- Have a consistent character with other front fences in the street.
- Are not to be constructed of solid metal panels or unfinished timber palings.

(Reason: Streetscape and amenity)

55. DACCL10 - Site Audit Statement

Prior to the issue of any Construction Certificate associated with the built form of the development (excluding work directly related to remediation), a Section A Site Audit Statement (SAS) must be obtained from a NSW EPA Accredited Site Auditor.

The SAS must confirm that the site has been remediated in accordance with the approved Remedial Action Plan and clearly state that the site is suitable for the proposed use.

In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a s4.55 modification of the consent pursuant to the provisions of the *Environmental Planning & Assessment Act 1979*).

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



56. DACCM03 - Mechanical Ventilation - Certification of Compliance

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

(Reason: To ensure adequate mechanical ventilation is provided)

57. DACCZ01- Basement Parking layout Design

The basement layout shall be modified to address the following:

- a) Proposed parallel resident parking spaces next to the access ramp shall be replaced with a visitor parking space, and one of the visitor parking space shall be modified as resident parking space.
- b) Width of the circulation aisle between the parallel parking space and the angle parking spaces shall be minimum 6.2m as per Section 2.4.4. (b) of the Australian standard AS2890.1.
- c) The cars shall be located entirely within the site while use the intercom/traffic access control. In this regard location of the intercom/ access control shall be designed to comply with the above requirement. The location of the intercom/access control shall not conflict with the vehicular manoeuvring.
- d) Written verification from a suitably qualified traffic engineer shall be obtained, stating that the amended basement plans comply with the above requirements.
- The Traffic engineer's written verification and the amended plans shall be submitted to and approved by Registered Certifier.

(Reason: To ensure carparking layout comply with Australian standard AS2890.1. and to improve the safety.)

58. DACCZ02- Parking Layout

Parking layout shall comply with Australian standard AS2890.1 and AS2890.6. In this regard detail plan showing all necessary dimension shall be submitted to and approved by the Council or registered certifier.

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

(Reason: To ensure parking layouts comply with Australian Standard AS2890.1 and AS2890.6.)

59. DACCZ03- Ramp gradients

Circulation ramp grades and transitions shall comply with Section 2.5.3 of the Australian Standards AS2890.1. In this regard detail longitudinal section along ramp to a scale, shall be submitted to and approved by the Council or registered certifier.

Copy of the approved plan shall be submitted to Council.

(Reason: To ensure the access ramp comply with Australian Standard AS2890.1.)

60. DACCZ04- Headroom clearance

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

NOTE: The headroom clearance above each accessible space and adjacent shared area, measured from the level of the dedicated space shall be a minimum of 2,500 mm as per Section 2.4 of AS2890.6.

(Reason: To ensure the access ramps comply with Australian Standard AS2890.1:2004 and AS2890.6)

61. DACCZ05- Stormwater Disposal



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

- The proposed stormwater system shall be generally in accordance with the stormwater concept plans prepared by Telford Civil, Project No. 23081, Drawing No. 000 (Issue A, dated 14/04/2023), 101 (Issue C, dated 13/11/2023), 102 (Issue C, dated 13/11/2023), 103 (Issue D, dated 01/12/2023), 104 (Issue B, dated 13/11/2023), 105 (Issue A, dated 14/04/2023) & 106 (Issue B, dated 05/10/2023).
- Stormwater plans shall be modified to comply with architectural plans.
- iii. The development has been identified as requiring an on-site stormwater detention (OSD) system, which has formed part of the development consent. Therefore, in order to satisfy the drainage requirements for the building, any construction certificate for the building shall include the construction of the OSD system. In this regard, design and construction details of the OSD system demonstrating compliance with the development consent, Upper Parramatta River Catchment Trust "On-Site Detention Handbook" (3rd Edition), and Council's DCP shall be submitted to the Registered Certifier prior to the issue of a construction certificate. The following shall also be addressed:
 - a) The OSD system shall be designed with a Site Storage Requirement (SSR) of 470 m³/Ha and a Permissible Site Discharge (PSD) of 80 L/s/Ha. Cross and long-sections (drawn to a suitable scale) and proposed construction materials of all OSD systems and full orifice details shall be provided.
 - b) Stormwater runoff from the manoeuvring area in the basement shall undergo some form of industrial standard primary treatment/separation prior to disposal into stormwater drainage system. In this regard, stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.
 - c) The roof drainage (inclusive of gutters and downpipes) and internal drainage system shall be designed to capture and convey the 1% AEP storm event (5 minute storm).
 - d) Stair access shall be provided to the OSD basin.
 - All access pits to the discharge control pit and overflow pit for the OSD basin shall be 900 x 900 mm in size with double (2/900 x 450) hinged grates with a child-proof safety lock.
 - The class of the access pits shall comply with AS3996.
 - g) OSD basin's discharge control pit and overflow pit shall be installed with step irons in accordance with AS1657.
 - h) One-half of the base of the OSD discharge control pit shall have a sump adjacent to the orifice plate. The other half of the base shall have a dry stepping platform.
 - i) A note shall be added clearly stating all retaining walls forming the above ground OSD basin shall be wholly located within private property and must be constructed of leak-proof, watertight solid (i.e. Masonry/Brick). Boundary walls between private properties or building walls shall not be used as OSD basin walls.
 - A certificate from a Registered Structural Engineer certifying the structural adequacy of the retaining walls forming the OSD basin shall be provided.
 - k) A minimum 10,000 Litre rainwater reuse system shall be provided for the development. It shall be located outside the extent of the OSD basin and connected to all toilets in the development, the cold water tap that supplies each laundry machine and at least one outdoor tap for irrigation purposes. All roof water shall be conveyed to the rainwater reuse system. Overflow pipe from the rainwater reuse system shall be adequately sized and conveyed to the HED Control chamber in the OSD basin.
 - I) Pit 11 shall have internal dimensions of at least 600 mm square.
 - m) The boundary pit (Pit 1) shall be a silt arrestor pit.



n) Any annotations in red on the stamped concept drawing shall be incorporated.

(Reason: To prevent localised flooding)

62. DACCZ06- Drainage design – Modification of Council's stormwater drainage system

Detailed design for the proposed modification to Council's stormwater drainage system shall be submitted to and approved by Cumberland Council's Executive Manager Development and Building. In this regard,

- a) A detailed survey that includes all features including but not limited to property boundaries, kerb and gutter, road pavement, driveways, footpaths, buildings, walls, stairs and other structures, trees, finished ground surface types, the drainage system, service covers, pits and poles is required.
- Exact location and details of the existing Council's stormwater pipe traversing Merrylands Road (in front of No. 41 Merrylands Road) shall be provided.
- c) All stormwater pipes within the road reserve shall be at least Class 4, minimum 375 mm diameter reinforced concrete pipes (RCPs) with minimum 1% fall and at least 500 mm cover.
- d) As per the annotated stormwater management plan referenced in this DA Consent, the stormwater pit in front of No. 41 Merrylands Road, Merrylands shall be rebuilt and the stormwater pipeline traversing Merrylands Road shall be reconstructed to comply with the above and Council's requirements.
- e) The alignment and levels of all underground services in the vicinity of the Council stormwater pipe modification works are to be plotted on to the survey.
- f) A full scaled long section of the stormwater drainage system from the boundary pit (Bdy Pit 1) to the stormwater kerb inlet pit on the opposite of Merrylands Road, indicating the existing surface levels, cover, design levels of the pipe, surface and invert levels of all pits, location of all stormwater pits and the location and level of all service lines that are in the vicinity of the works shall be submitted.
- g) Back water prevention shall be provided in the stormwater pit that is located before the connection to Council's pipe.
- h) Details shall be designed in consultation with Council's engineering section at no cost to Council.

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

63. DACCZ07-Basement drainage system

The basement carpark shall incorporate a basement stormwater pump out system. The basement drainage shall comply with Council's Development Control Plan. In this regard,

- i) Two pump units being installed, the capacity of each being calculated on the basis of a hundred year storm recurrence interval and a storm duration of 5 (five) minutes, but not to exceed permissible site discharge rate, one pump acting in reserve capacity.
- ii) The two pumps being designed to work on an alternate basis to ensure that both pumps receive equal usage and neither pump remains continuously idle.
- iii) A holding well being provided within the basement, of sufficient capacity to store the discharge based on a 1% AEP storm duration of ninety minutes. In addition to this an above ground storage shall be provided up to a 1% AEP, 12 hours storm duration. The pump-out system shall incorporate a sump of approx. 1 m x 1m size and 300 mm deep to house the pumps to provide priming at start of the pump operation and prevent cavitation.
- iv) The pump out system is to be independent of any gravity drainage lines, except at the property boundary where a grated surface pit is to be constructed from which a connection will be permitted to the gravity drainage system. The invert levels of the pipes in the grated surface pit are to be such that the outlet from the pump out system is above the inlet of the gravity system. Alternatively, the outflow from the pump-out system can be directed separately into the OSD



- system with the provision of a stilling pit/chamber, prior to being directed into High-Early Discharge (HED) control pit.
- Storage areas and areas used for purposes other than car parking or access aisles are to be constructed a minimum of 100 mm freeboard above the top water level.
- vi) The contributing catchment area to the pump out system is to be limited to the access ramp area only and subsoil drainage. The exposed area of the driveway/ramp that generates runoff leading into the basement pump-out system must not exceed 60 m² or 5% of the basement area, whichever is less.
- vii) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
- viii) Details of suitable measures to immediately alert the owners of the building (including when the building is not occupied) that a pump failure has occurred.
- ix) The Location of a "pump failure warning sign" and flashing strobe light shall be indicated on the Drawing.
- Submission of full hydraulic details and pump manufacturers specifications and switching system including a plot of the System Curve against the Pump Curve.

Plans and design calculations along with certification from the certified stormwater engineer indicating that the design complies with the above requirements are to be submitted to the satisfaction of the Registered Certifier prior to issue of the Construction Certificate.

(Reason: To prevent localised flooding and ensure satisfactory stormwater disposal)

64. DACCZ08 - Footpath Design Levels

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

When lodging the 'Application for Property Boundary Line Levels' fees are payable in accordance with Council's adopted fees and charges.

Unless an alternative specific design is submitted and approved by Council, the footpath levels adjoining the site shall generally be as follows:

- a) The internal driveway levels shall be designed to meet Council's footpath verge levels such that a maximum cross fall of 2.5% is achieved where the footpath meets the driveway.
- b) The level of the boundary line as it crosses the driveway shall incorporate a cross fall equivalent to the general longitudinal grade of the street.
- c) Any required adjustments shall be included in the plans and submitted for approval under Section 138 of the Roads Act 1993 prior to the release of the Construction Certificate.

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

(Reason: Public infrastructure)

65. DACCZ09 - Vehicular Crossings, Redundant Vehicular Crossings and other Works

A separate Council approval is required. The applicant must lodge an application (available from Council's Customer Services Centre or from Council's website) and pay the appropriate fees and charges.

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

Driveway Setbacks - A minimum of 1.0m clear setback from side property boundary to driveway shall be provided and must be perpendicular to the street frontage.



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

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

66. DAPCA01 - Appointment of Principal Certifier

No work shall commence in connection with this Development Consent until:

- a) A construction certificate for the building work has been obtained from a Certifier.
- b) the person having the benefit of the development consent has:
 - appointed a principal certifier for the building work, and
 - (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
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) The person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case
- e) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - (ii) notified the principal certifier of such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(Reason: Statutory requirements)

67. DAPCA02 - Home Building Compensation Fund

No residential building work within the meaning of the Home Building Act 1989 may commence until:

- A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and is in force, where such a contract is required under that Act;
- b) The Principal Certifier is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder);
- If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner-builder permit required under the Home Building Act 1989;
- d) Written notice of the following information has been provided to Council;
 - In the case of work for which a principal contractor is required to be appointed:
 - The name and licence number of the principal contractor, and
 - The name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989,
 - ii. In the case of work to be done by an owner-builder:
 - · The name of the owner-builder, and
 - If the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

Where Council is not the Principal Certifier, the Principal Certifier is responsible for notifying Council of the above matters.

Where arrangements for doing residential building work change while the work is in progress so that the above information becomes out of date, the Principal Certifier (if not Council) must provide Council with written notice of the updated information.

(Reason: Statutory requirement)

68. DAPCA03 - Site Safety Fencing

Site fencing to a minimum height of 1.8m shall be erected before the commencement of any work and be maintained throughout the duration of works to exclude public access to the site.

(Reason: Statutory requirement and health and safety)



69. DAPCA04 - Principal Certifier Sign

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

- shows the name, address and telephone number of the Principal Certifier;
- shows the name and address of the principal contractor (if any) and a telephone number on which that person may be contacted outside of work hours.
- stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained whilst ever the work is being carried out and must be removed when the work has been completed.

(Reason: Statutory requirement)

70. DAPCA05 - Sydney Water Tap in Approvals

The approved plans must be submitted through the Sydney Water 'Tap in' portal to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water 'Tap in' customers will receive an approval receipt. For further details please refer to Sydney Water's web site at www.sydneywater.com.au/tapin or call1300 082 746.

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

(Reason: Statutory requirement)

71. 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)

72. DAPCB04 - Removal of Trees

The following trees are approved for removal:

Species	Location
Camelia sasanqua X1	Within property boundary
Cupressus sempervirens x6	Within property boundary
Howea fosteriana x1	Within property boundary

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

73. DAPCZ01- Drainage construction

Modification to Council's stormwater drainage system (including the relocation of any structures and services) shall be completed to Council's satisfaction at no cost to Council. In this regard,

- A separate construction approval shall be obtained from Council's Engineering Section prior to the commencement of any works.
- Council's inspections will be required for the works related to the proposed connection to Council's stormwater drainage system at following stages:
 - Initial inspection to discuss concept and site conditions/constraints prior to commencement of the drainage works.
 - After the excavation of culvert/pipeline trenches.
 - iii) After the laying of all culvert/pipes prior to backfilling.



Cumberland Local Planning Panel Meeting 14 February 2024

- iv) After the formwork for pits prior to pouring concrete.
- v) After the completion of all pits and connection points.
- c) A minimum of 48 hours' notice shall be given to Council to inspect works. Inspections may be arranged by telephoning Council's Engineering Administration Section during office hours.
- d) Work is not to proceed until the works are inspected and approved by Council.

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



Conditions which must be satisfied during any development work

74. DADWA01 - Construction Hours

Construction and all related activities including the delivery of materials to the site may only take place between the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. No work is to occur on Sundays and public holidays.

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 7.00am and 6.00pm Monday to Friday, excluding public holidays.

Note: Construction hours may also be regulated through State Legislation and Policies, and any works need to comply with these requirements.

(Reason: To minimise impacts on neighbouring properties)

75. DADWA02 - Dust Control

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

- a) 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 shade cloth or a similar material at least 2m high and secured to a chain wire fence or in a manner otherwise directed by Cumberland City Council.
- b) As and when directed by Council, measures identified below are to be implemented to control the emission of dust:
 - Erection and regular maintenance of dust screens around the perimeter of the site for the duration of the work.
 - Dust must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
 - Soil and material stockpiles are to be kept damp or covered.
 - Stockpiles of soil or other materials are to be placed away from drainage lines, gutters or stormwater pits or inlets.
 - Stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining on site for more than 24 hours.

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

76. 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)

77. DADWA05 - Construction Management Plan

All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan. A copy of the Plan must be kept on site at all times and made available to the Principal Certifier or Council on request.

(Reason: Compliance with condition of consent)

78. 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)

79. DADWA07 - General Site Requirements during Demolition and Construction

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

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



- c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- d) No blasting is to be carried out at any time during construction of the building.
- e) Care must be taken during demolition/ excavation/ building/ construction to prevent any damage to adjoining buildings.
- f) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- g) Any demolition and excess construction materials are to be recycled wherever practicable.
- h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- i) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- j) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- k) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- m) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- 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.)

79. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity)

80. 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)

81. 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.

Validation shall take place by one or both of the following methods:

 Provision of documentation from the supplier certifying that the material is not contaminated based upon analyses of the material for the known past history of the site from where the material



was sourced; and/or

Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995)
 Sampling Design Guidelines.

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

82. DADWA17 - Notification of New Contamination Evidence

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 Council.

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.

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

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

83. DADWA19 - Excavation Pump-out

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

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

Results of water testing shall be provided to Council or, if a validation report is required, within that report. Where water is disposed of by alternate means, details of the off-site disposal shall be provided to Council or, if a validation report is required, included within that report.

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

(Reason: Environmental amenity)

84. DADWA20 - Road and Footpath Opening Permit

Section 138 of the *Roads Act 1993* provides that a person must not carry out a work in, on or over a public road (which includes the verge / footpath area); dig up or disturb the surface; remove or interfere with a structure, work or tree on a public road; or pump water into a road without the consent or the appropriate roads authority Should such work be required within a road for which Council is the roads authority, the applicant is to apply for Road and Footpath Opening Permit. A permit is to be obtained prior to any works within the public road taking place.

Road and Footpath Opening Permits do not include driveways, laybacks and major stormwater drainage construction, which are covered by a separate application process.

(Reason: Maintain public asset)

85. DADWB01 - Arborist Inspections

Prior to the commencement of works the applicant must engage a suitably qualified and experienced arborist (Australian Qualification Framework Level 5 or above) to assess the impact of the proposed works and ensure tree protection conditions of this consent, and recommendations of the endorsed arborist report are complied with throughout the duration of the development. This requires the arborist



supervising works/attending the site during critical stages of excavation and construction works within the vicinity of tree/s to be retained and is to record the following information:

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

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

86. DADWB02 - Tree Protection

To minimise impacts on trees to be retained, no fill shall be placed and no building materials shall be stored under the drip lines of trees to be retained.

(Reason: Tree preservation)

87. 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)

88. 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)

89. DADWC03 - Progress Survey - Major Development

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

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

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

(Reason: To ensure compliance with approved plans)

90. DADWC06- Air Conditioning Units

Air conditioning units are to be located to the ground level of the side or rear yards or within basement garages and not within the frontages of the property. Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the building. The air conditioning shall be appropriately noise attenuated, not exceed a background noise of more than 5dba measured from habitable room from adjoining and appropriately screened.

(Reason: To ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings)

91. DADWC07 - Switchboards/Service Panels

Switchboards and/or service panels for utilities are not to be attached to the front facades/elevations of the building(s).



(Reason: To ensure that switchboards and service panels are appropriately located)

92. DADWC08 - Anti-Graffiti Coatings

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

(Reason: To minimise the opportunity for graffiti)

93. DADWC10 - 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)

94. DADWC15 - Mechanical Ventilation

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

(Reason: To ensure compliance with ventilation standards)

95. DADWC16 - 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)

96. DADWZ01- Inspection of Stormwater Drainage and On-Site Stormwater Detention Works

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

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

(Reason: To ensure work complies with the design standard and maintain quality of works.)

97. DADWZ02- Installation of basement pump out alarm

A warning system shall be provided to alert occupants of the building that a basement pump out failure as occurred, which could cause flooding. As a minimum, the system should include:

- A flashing light with warning sign at each pedestrian and vehicular entrance into the basement from outside the building; and
- A warning system, such as an audible alarm with flashing light and warning sign installed within a common area or areas of the building.

(Reason: Safety)



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

98. DAOCA01 - Occupation Certificate (section 6.9 of the Act)

A person must not commence occupation or use of the whole or any part of a new building or change the use of the whole building or any part of an existing building, unless an Occupation Certificate has been issued in relation to the building or part.

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

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

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

(Reason: Statutory requirement)

99. 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)

100. 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 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).

101. DAOCA04 - Engineers Certificate

A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Principal 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)

102. DAOCA05 - Height

The maximum height of the proposed development shall be A.H.D. 38.150. A survey report is to be provided to the Principal Certifier prior to the issue of any occupation certificate confirming that the building does not exceed this height. The exceedance in building height must be limited to non-habitable structures including the lift over-run and concrete roof slab.

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

103. DAOCA06 - Adaptable Housing

A signed checklist as per Appendix A of AS4299-1995 confirming that two units (Units 8 and 13) have achieved the required level of adaptability (Adaptable Class "A" or "B") shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

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

104. DAOCA08 - Certification of Engineering Works

Prior to the issue of an Occupation Certificate, the following documents must be submitted to the Principal Certifier and Council.

Work as executed drawings for completed engineering works from a registered surveyor.



- A Certificate from a qualified practising professional engineer with the Engineers Australia
 membership under the appropriate professional category, that certifies the following matters have
 been constructed in accordance with the approved plans:
 - a) the stormwater drainage system, and/or
 - b) the car parking arrangement and area including circulating ramps, and/or
 - c) any related footpath works, and/or
 - d) the basement mechanical pump and/or
 - e) the proposed driveway and layback, and/or

(Reason: Asset management)

105. DAOCA11 - Civil Works on the Footway

The following works are to be carried out at the applicant's expense and to Council's satisfaction prior to the issue of any occupation certificate:

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

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

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

106. DAOCA12 - Construction of Concrete Footpath

A concrete footpath shall be constructed adjacent to the front and side of the property as per Council's requirements at no cost to Council.

Footpath surface treatment and paving details shall comply with relevant Council's standards. Details shall be obtained from Council Engineering Section.

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

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

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

107. DAOCA13 - Construction of Concrete Kerb and Gutter

Standard 150mm high concrete kerb with gutter shall be constructed to replace the damaged sections adjacent to the front of the property.

The above works must be completed prior to the issuing of any Occupation Certificate.

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

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

108. DAOCB01 - Mechanical Ventilation - Compliance

Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, certification must be provided to the satisfaction of the Principal Certifier confirming that the system has been designed, installed and has been tested to show it is operating in accordance with the *National Construction Code 2019*.

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

109. DAOCB04 - Acoustic Verification Report

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

 All recommendations contained in the DA acoustic report prepared by Rodney Stevens Acoustics Pty Ltd, dated 03 April 2023 referenced R230128R1 Rev 0 have been implemented,



and

b) The project specific noise criteria established in the DA acoustic report and any other noise and vibration criteria specified in this consent are being complied with.

*Note: Suitably qualified Acoustic Consultant being a consultant who holds a current member grade of the Australian Acoustical Society.

(Reason: To protect residential amenity)

110. DAOCB05 - Site Validation (no auditor engaged)

Prior to the issue of any Occupation Certificate a Site Validation Report is to be prepared by a suitably qualified environmental consultant in accordance with the *Contaminated Land Management Act 1997* and any relevant guidelines endorsed by the NSW EPA, and a copy submitted to the Principal Certifying Authority. The Validation Report is to satisfactorily document the following:

- a) Confirmation that the site has been remediated and validated in accordance with the recommendations set out within the Remedial Action Plan (RAP) prepared by Geotechnical Consultants Australia Pty Ltd dated 30th October 2023 referenced E23172-1 Final version, and the guidelines that are in force from time to time under the Contaminated Land Management Act 1997.
- b) Details of any approved variations to the RAP made by a suitably qualified environmental consultant and a copy of the revised RAP provided to Council. Note: Where the variation alters the approved development consent plans, appropriate prior approval from Council must be sought for the changes.
- Verification that the site is suitable for the proposed approved use with clear justification.

(Reason: To ensure controls are in place for contamination management in accordance with SEPP - Resilience and Hazards 2021).

111. DAOCB06 - Monitoring of Field Parameters

Results of the monitoring of field parameters such as soil, groundwater, surface water, dust or noise measurements shall be made available to Council on request throughout the remediation and construction works.

(Reason: To ensure Council is informed as to monitoring of field parameters in the event of an incident)

112. DAOCB07 - Site Audit Statement

The Principal Certifier must not issue any Occupation Certificate for the use unless a copy of the Section A Site Audit Statement has been submitted to Council and complies with the following:

- a) The Section A Site Audit Statement must be obtained from a NSW Environment Protection Authority accredited Site Auditor who has considered all aspects of the site investigation, remediation and validation works.
- b) The Site Audit Statement must confirm that the site has been remediated in accordance with the approved Remedial Action Plan submitted with this application and clearly state that site is suitable for the proposed use.
- c) Where the Site Audit statement will be subject to conditions that require ongoing review by Cumberland City Council, these must be reviewed and approved in writing by Council before the Site Audit Statement is issued.
- d) In circumstances where the Site Audit Statement conditions (if applicable) are not consistent with the consent, the development must not proceed until the inconsistency has been resolved to the satisfaction of Council (such as via a s4.55 modification of the consent pursuant to the provisions of the Environmental Planning & Assessment Act 1979).

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

113. DAOCC02 - Affordable Rental Housing - Restriction as to User and Positive Covenants

For a period of at least 15 years from the date of the issue of the Occupation Certificate:

- a) Units 2, 3, 6, 7, 8, 11 and 13 must be used for the purpose of affordable housing as defined in clause 13(1) of State Environmental Planning Policy (Housing) 2021; and
- b) All accommodation that is used for affordable housing shall be managed by a registered community housing provider. Details of the registered community housing provider agreement shall be provided to Council prior to occupation of the premises.

A restriction as to user shall be registered on the title to the property under Section 88E of the



Conveyancing Act prior to the issue of an Occupation Certificate, to give effect to part (a) of this condition. Such restriction shall not be revoked or modified without the approval of Council. The rental amount of the affordable units is to meet the requirement of clause 13(1) of State Environmental Planning Policy (Housing) 2021.

(Reason: Ensure compliance with State Environmental Planning Policy (Housing) 2021

114. DAOCF01 - Landscape

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

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

(Reason: Landscape certification)

115. DAOCF05 - Unpaved Verge Area

The unpaved verge area shall be turfed.

(Reason: To comply with Council's requirements.

116. DAOCG01 - Certification of the Constructed Stormwater Drainage System

The constructed stormwater drainage system shall be certified by a qualified practising professional engineer with the Engineers Australia membership, as being in accordance with Council's Development Control Plan and relevant policies

(Reason: Adequate stormwater management)

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

Prior to the issue of an Occupation Certificate, a positive covenant and/or a restriction as to user shall be created under section 88B and/or section 88E of the *Conveyancing Act 1919* to the satisfaction of Council for requiring the ongoing retention, maintenance and operation of the stormwater system inclusive of any on-site stormwater detention system. Council shall be identified as the authority with power to release, vary or modify the covenant / restriction.

(Reason: Compliance and adequate maintenance of drainage system)

118. DAOCH03 - OSD Identification Plate

Prior to the issue of an Occupation Certificate, the applicant shall install an identification plate near or on the control structure of the on-site stormwater detention (OSD) system that advises the registered proprietor of their responsibility to maintain the OSD facility and to not tamper with it in any manner without the written consent of Council. The wording and plate shall be in accordance with Council's requirements.

(Reason: To promote the ongoing maintenance of the OSD system)

119. DAOCH04 - Evidence of Consolidation

The existing allotments shall be consolidated into a single lot. Evidence that the plan of consolidation has been registered must be provided to the Principal Certifier prior to the issue of the Occupation Certificate.

(Reason: Information)

120. 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)



121. DAOCZ01 - Line Marking

All parking spaces shall be signposted and line-marked in accordance with the endorsed plans and AS2890.1 and AS2890.6. Directional arrows for internal circulation shall be prominently displayed on the pavement on approaches to and within the carpark. The entry/exit driveway shall be indicated with appropriate signage and line marking to avoid conflict at the driveway.

(Reason: To ensure safety and compliance with Australian Standards AS2890.1 & AS2890.6)

122. DAOCZ02 - Accessible Parking Space

Where disabled parking space and shared zone are provided, they shall comply with AS2890.6. A bollard is to be provided at the shared zone in accordance with AS2890.6. Details demonstrating compliance are to be submitted to the Registered Certifier prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance with Australian Standards AS2890.6)

123. DAOCZ03 - Wheel Stops

Wheel stops shall be provided at appropriate parking locations and in accordance with AS2890.1.

(Reason: To ensure compliance with Australian Standards AS2890.1)

124. DAOCZ04- Structural Engineering Certificate

The applicant shall submit a certificate of adequacy from a Registered Structural Engineer verifying that the works as detailed on the approved plans for the OSD basin and pump out tank have been completed under his/her supervision and that the design is adequate to support the anticipated design loads. The certificate shall be submitted to Council with the works-as-executed plan.

(Reason: to ensure the construction is structurally adequate.)

125. DAOCZ05- Maintenance Schedule for On-Site Detention (OSD) stormwater System

A maintenance schedule for the stormwater and On-site Stormwater Detention system including a sketch plan of the components forming the sites stormwater drainage and On-Site-Detention system shall be submitted. The maintenance schedule shall be prepared by a suitably qualified and practising Engineer and shall be in accordance with Council's requirements.

126. DAOCZ06 - On-Site Stormwater Detention (OSD) Calculation Sheets

The On-site stormwater detention design summary calculation sheet using the Work-As-Executed levels shall be provided to Council.

(Reason: to ensure OSD system is compliant.)

127. DAOCZ07 - On-Site Stormwater Detention (OSD) area warning sign

The applicant shall provide a standard OSD area warning sign within any above ground basin area in accordance with Council's requirements.

(Reason: To provide warning that the stormwater may rise and cause ponding)

128. DAOCZ08- Clearance Letter for modification to Council's stormwater drainage system

Registered Certifier shall ensure a clearance letter from Cumberland City Council's Executive Manager Development and Building has been obtained for the modification to Council's stormwater drainage system.

(Reason: to ensure that modification to Council's stormwater drainage system is carried out in accordance with Council's requirements.)

129. DAOCZ09- Installation of Confined Spaces Sign and Step Irons

Confined Spaces Sign and step irons at 300 mm centres (in accordance with AS1657) shall be provided to each access point of the pump out tank in the basement.

(Reason: To ensure safety and access.)

130. DAOCZ10- Certification for Installation of Rainwater Reuse System

A certificate of compliance for the rainwater reuse system shall be issued to the Registered Certifier stating that each dwelling has been installed with a minimum 5,000 Litre rainwater reuse system and





has been connected to all toilets in the development, the cold water tap that supplies each laundry machine and at least one outdoor tap for irrigation purposes as per the approval.

(Reason: To ensure compliance with Council's requirements.)

131. DAOCZ11- Certification for Installation of Pump out System in Basement

A certificate of compliance for the pump out drainage system of the basement level shall be issued to the Registered Certifier by the pump installers stating that the pump out system has been installed to operate in accordance with Council's requirements and approved drawings.

(Reason: To ensure pump out system has been installed and is operational.)



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

132. DASCA04(b) - Application for Strata Subdivision Certificate

An application for a Strata Subdivision Certificate of the Residential stratum lot must be lodged with Council (or as required by the EP&A Act 1979) for approval to enable the subdivision plans to be submitted for registration with NSW Land Registry Services.

Note: In accordance with s.6.5(3) of the Environmental Planning and Assessment Act 1979, a certifier that issues a Subdivision Certificate must be Council unless an environmental planning instrument permits a registered certifier to issue a certificate. No environmental planning instrument applying to Cumberland permits a registered surveyor to issue a Subdivision Certificate.

(Reason: To comply with statutory requirements).

133. DASCA05(b) - Section 73 Compliance Certificate from Sydney Water

A section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the Subdivision Certificate confirming satisfactory arrangements have been made for the provision of water and sewer services. An application must be made through Sydney Water or an authorised Water Servicing Coordinator (WSC). Please refer to Sydney Water's website to learn more about applying through an authorised WSC or Sydney Water.

The original Section 73 Certificate must be provided to Council/ certifier prior to the issue of Subdivision Certificate.

(Reason: To comply with statutory requirements).

134. DASCZ01 - Provision of Services for Subdivision

The applicant is to ensure all services including water, electricity, telephone and gas are provided, located and certified by a registered surveyor on a copy of the final plan of subdivision. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

(Reason: To ensure that utility services have been provided to the newly created lots.)



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

135. DAOUA08 - Waste & Recycling Collection

Garbage and recycling must not be placed on the kerbside for collection more than one hour before the scheduled collection time. Bins and containers shall be removed from the kerbside within 24 hours after collection takes place and returned to the designated waste storage area.

The garbage and recyclable storage and bins must be adequate to contain the volume and type of garbage and recyclable matter generated on the premises between collection times. All garbage and recyclable matter must be enclosed in the waste bins with lids completely closed at all times.

(Reason: To regulate noise and garbage collection arrangements)

136. DAOUA10 - Removal of Litter and Graffiti

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

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

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

137. DAOUA30 - Use for Affordable Housing

Units 2, 3, 6, 7, 8, 11 and 13 must be used for the purpose of affordable housing under *State Environmental Planning Policy (Housing) 2021* and managed by a registered community housing provider for a period of at least 15 years from the date of the issue of the Occupation Certificate.

(Reason: Ensure the correct number of units are maintained as affordable housing for no less than 15 years)

138. DAOUB01 - Annual Fire Safety Statement

An Annual Fire Safety Statement Pursuant to Part 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 shall be issued by or on behalf of the owner of a building to the effect that-

- each essential fire safety measure specified in the statement has been assessed by an
 accredited practitioner (fire safety) as capable of performing for an essential fire safety
 measure specified in the fire safety schedule-to a standard no less than that specified in the
 schedule, and
- b) the building has been inspected by an accredited practitioner (fire safety) and was found, when it was inspected, to be in a condition that did not disclose grounds for a prosecution under Part 15 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

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 Fire and Rescue New South Wales; and
- (b) Prominently displayed in the building.

(Reason: Fire safety)

139. DAOUC14 - General Noise Emission Criteria

- Cumulative 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).
- Background noise monitoring for the purpose of ensuring compliance with the NPfl must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfl.
- An LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15



minute (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:

- The noise level and the background noise level shall both be measured with all external doors and windows of the affected residence closed.
- Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.
- Consideration must be given to any annoying characteristics of the noise in accordance with Fact Sheet C of the NPfl.

(Reason: To protect residential amenity)

140. DAOUC15 - Noise - Residential buildings

The air conditioner/s must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:

- emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - before 7.00am and after 10.00pm on any other day; and
- b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

(Reason: To protect residential amenity)

141. 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.

Any changes to the Waste Management Plan shall be approved by Council.

(Reason: To protect the environment)

142. DAOUD02- Landscape Maintenance - General

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

(Reason: Safety and landscape amenity)

143. DAOUE02 - Visitor Parking Restriction

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

(Reason: Compliance)

144. DAOUE03 - Parking

At least 22 car parking spaces numbered and line marked in accordance with the endorsed plan, are to be made available at all times for vehicles associated with the occupation/use of the premise.

(Reason: Access to required car parking spaces)

145. DAOUE04 - Vehicle Access

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

(Reason: Traffic and pedestrian safety)

146. DAOUZ01 - Convex safety mirror

Convex safety mirrors shall be provided as per the approved plans to improve the sight distance within the basement. In this regard,

a) Convex safety mirrors shall be maintained in good condition at all times.



(Reason: to improve the sight distance.)

147. DAOUZ02 - Rainwater harvesting and reuse

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.

(Reason: to ensure rainwater harvesting and reuse system is maintained)

148. DAOUZ03 - Water treatment device for stormwater runoff in basement

The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent treatment of stormwater runoff from the manoeuvring areas in the basement must be maintained in good operating order at all times.

(Reason: to ensure water treatment device is maintained)

149. DAOUZ04 - Sight Lines within Carpark

The required sight lines to pedestrians and other vehicles in and around the development and entrance(s) are not to be obstructed by structures.

(Reason: To maintain unobstructed sight distance for motorists & pedestrians.)



Advisory Notes

150. 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 it is recommended that you contact Dial Before You Dig before excavating or erecting structures 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 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.



151. 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 should contact Telstra's Network Integrity Team.

152. DAANN03 - Dividing Fences

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under that 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 can provide mediation services.

153. DAANN07 - Owner Builders

Under the *Home Building Act 1989*, any property owner who intends undertaking construction work to a dwelling or dual occupancy over the value of \$10,000 (inclusive of GST) must obtain an owner-builder permit from the NSW Fair Trading.

154. DAANN08 - Process for Modification

The plans and/or conditions of this Consent are binding and may only be modified upon approval of an application under s.4.55 of the *Environmental Planning and Assessment Act, 1979*. A modification application shall be accompanied by the appropriate fee, application form and required information. You are not to commence any action, works or the like on the requested modification until Council issues an amended consent.

155. DAANN09 - Review of Determination

In accordance with the provisions of Section 8.2 of the *Environmental Planning and Assessment Act* 1979, you can request a review of a determination not relating to a complying development certificate, application for designated development or application for Crown development. A review application may not be determined after the period within which any appeal may be made to the Court if no appeal was made. To determine a review application within that time limit, the application must be submitted well in advance of the appeal right timeframe. A fee as per Council's current Pricing Policy, Fees and Charges, is payable for a review application.

156. DAANN10 - Right of Appeal

Section 8.7 and 8.10 of the *Environmental Planning and Assessment Act 1979*, gives the applicant the right of appeal to the Land and Environment Court within six months after the date the decision appealed against is notified or registered on the NSW Planning Portal occurs.



157. DAANN12 - Works/Construction Zones

All development sites, more than 2 storey, require a 'Works Zone' application. The applicant must apply to Council and pay the respective minimum one (1) week application fees. Provision of a Works Zone is subject to approval by the Cumberland Traffic Committee. The length of works zone approved will be determined by Council.

158. DAANN13 - Work Health and Safety

For information regarding, codes of practice and guidelines regarding demolition and construction work, visit the SafeWork NSW.

159. 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 that Act.

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

160. DAANN17 - Critical Stage Inspections - General

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: 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)

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

The following critical stage inspections must be carried out:

- a) after the commencement of the excavation for, and before the placement of, the first footing:
- prior to covering of fire protection at service penetrations to building elements that are required to resist internal fire or smoke spread, inspection of a minimum of one of each type of protection method for each type of service, on each storey of the building comprising the building work;
- prior to covering the junction of any internal fire-resisting construction bounding a soleoccupancy unit, and any other building element required to resist internal fire spread, inspection of a minimum of 30% of sole-occupancy units on each storey of the building containing sole-occupancy units;
- d) Prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within a building;
- e) Prior to covering any stormwater drainage connections; and
- f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The Principal Certifier may nominate additional inspections which need to be carried out.

Prior to issuing an Occupation Certificate or Subdivision Certificate the Principal Certifier must be satisfied that the work has been inspected on the above occasions.

The last critical stage inspection must be carried out by the Principal Certifier. Earlier critical stage inspections may be carried out by the Principal Certifier or, if the Principal Certifier agrees, by another certifier.

For each inspection the principal contractor or owner-builder must notify the Principal Certifier at least 48 hours before each required inspection needs to be carried out.

(Reason: Statutory Requirements)

162. DAANN22 - Obtaining a Construction Certificate for Building Work

This Development Consent does not constitute approval to carry out construction work.



Cumberland Local Planning Panel Meeting 14 February 2024

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)

DOCUMENTS ASSOCIATED WITH REPORT LPP002/24

Attachment 2

Appendix A - State Environmental Planning Policy - Housing 2021



Appendix A - State Environ	menta	l Plan	ning P	Policy (Housing) 2021
Requirement	Yes	No	N/A	Comment
Part 2 Development for affordable housing	ı			
Division 1 In-fill affordable housing				
16 Development to which Division applies				Pesidential flat buildings are
(1) This Division applies to residential	\boxtimes			Residential flat buildings are permitted with consent in the R4
development if—				zone as per the Cumberland LEP
(a) the development is permitted with				2021.
consent under another environmental				
planning instrument, and (b) at least 20% of the gross floor area of				7 Units will be used for the purpose
the building resulting from the development	\boxtimes	$ \sqcup $		of affordable housing. The total GFA
will be used for the purposes of affordable				for the 7 units is 493.31sqm
housing, and				equating to 33% of the gross floor
				area of the building.
(c) for development on land in the Greater				
Sydney region, Newcastle region or	\boxtimes			The site is located in the Greater
Wollongong region—all or part of the				Sydney Region and within an
development is within an accessible area, and				accessible area. The applicant has provided sufficient information/
(d) for development on other land—all or				evidence to conclude the subject site
part of the development is within 800m	ш	$ \sqcup $	\boxtimes	is within an accessible area.
walking distance of land within 1 or more of				
the following zones or an equivalent land use zone—				
(ia) Zone E1 Local Centre,				
(ib) Zone MU1 Mixed Use,				
(i) Zone B1 Neighbourhood Centre,(ii) Zone B2 Local Centre,				
(iii) Zone B4 Mixed Use.				
` '				
17 Floor space ratio (1) The maximum floor space ratio for				
development to which this Division applies				
is the maximum permissible floor space				
ratio for residential accommodation on the				
land plus an additional floor space ratio of— (a) if the maximum permissible floor space	\boxtimes			The maximum floor space is 0.8:1
ratio is 2.5:1 or less—		J		(1,021.84sqm) as per the
(i) if at least 50% of the gross floor area of			\boxtimes	Cumberland LEP 2021.
the building resulting from the development will be used for affordable housing—0.5:1,				
or				7 units proposed for use of
(ii) if less than 50% of the gross floor area	\boxtimes			affordable housing = 477.3 sqm
of the building will be used for affordable				(33%)
housing—Y:1, where—				
AH is the percentage of the gross floor area				Site area = 1277.3 sqm
of the building that is used for affordable				FSR permitted = 0.8:1 (1021.84
housing. Y= AH + 100				sqm) Provided = 1436.5
1- All + 100				1436.5/1277.3 = 1.125:1
				1.125-0.8 = .325 (33%)
(2) The additional floor space ratio must be	\boxtimes			1436.5 x 33% = 474.04 sqm
used for the purposes of affordable housing.				



	_	_	
18 Non-discretionary development standards—the Act, s 4.15 (1) The object of this section is to identify development standards for particular matters relating to development for the purposes of in-fill affordable housing that, if			Noted
complied with, prevent the consent authority from requiring more onerous standards for the matters.			
(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies—			
(a) a minimum site area of 450m2,	\boxtimes		1,277.3 sqm
(b) for a development application made by a social housing provider—at least 35m2 of landscaped area per dwelling,		\boxtimes	Required landscape area = 383 sqm Provided = 408.3 (32%)
(c) if paragraph (b) does not apply—at least 30% of the site area is landscaped area,(d) a deep soil zone on at least 15% of the	\boxtimes		
site area, where— (i) each deep soil zone has minimum dimensions of 3m, and	\boxtimes		Required DSZ = 191.5sqm Provided =229.2 sqm (17.9%)
(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,	\boxtimes		
(e) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between			Yes- At least 82% of the dwellings (14 units) will receive at least 3 hours of direct solar access between
9am and 3pm at mid-winter, (f) for a development application made by a social housing provider for development on land in an accessible area— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, or (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, or (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,			9am and 3pm at midwinter.
(g) if paragraph (f) does not apply— (i) for each dwelling containing 1			3 x 1 br= 1.5
bedroom—at least 0.5 parking spaces, or (ii) for each dwelling containing 2			13 x 2br = 13 1 x 3br = 1.5
bedrooms—at least 1 parking space, or (iii) for each dwelling containing at least 3			Visitors (as required by the DCP) =
bedrooms—at least 1.5 parking spaces, (h) for development for the purposes of residential flat buildings—the minimum			4.25 Total of 20.25 car spaces required –
internal area specified in the Apartment Design Guide for each type of apartment,			the proposal provides 22 car spaces-which complies.
(i) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum			
floor area specified in the Low Rise Housing Diversity Design Guide,		\boxtimes	



(i) if accessor to (b) and (i) do not cont. the				
(j) if paragraphs (h) and (i) do not apply, the following minimum floor areas—				
(i) for each dwelling containing 1				
bedroom—65m2, or				
(ii) for each dwelling containing 2				
bedrooms—90m2, or				
(iii) for each dwelling containing at least 3				
bedrooms—115m2 plus 12m2 for each				
bedroom in addition to 3 bedrooms.				
19 Design requirements				
(1) Development consent must not be				
granted to development to which this				
Division applies unless the consent				
authority has considered the following, to				
the extent to which they are not inconsistent				
with this Policy—				
(a) the Seniors Living Policy: Urban Design Guidelines for Infill Development published	$ \sqcup $	$ \sqcup $	\boxtimes	
by the Department of Infrastructure,				
Planning and Natural Resources in March				
2004,				
(b) for development for the purposes of			\boxtimes	
dual occupancies, manor houses or multi				
dwelling housing (terraces)—the Low Rise				
Housing Diversity Design Guide.				
(2) Subsection (1) does not apply to				Noted
development to which State Environmental				
Planning Policy No 65—Design Quality of				
Residential Apartment Development				
applies.				
(3) Development consent must not be granted to development to which this				
Division applies unless the consent				
authority has considered whether the design	_	_	_	Satisfactory, as the locality is
of the residential development is compatible	\boxtimes			undergoing a transition from low rise
with—	_			housing to high rise housing and
(a) the desirable elements of the character	\boxtimes	$ \sqcup $	\sqcup	also a range of development types
of the local area, or				as per Cumberland Local
(b) for precincts undergoing transition—the				Environmental Plan 2021. See
desired future character of the precinct.				Assessment Report for full detail.
20 Continued application of SEPP 65 Nothing in this Policy affects the application				Noted, a separate Sepp 65
of State Environmental Planning Policy No	\boxtimes	\sqcup	ш	Assessment has been made.
65—Design Quality of Residential				Assessment has been made.
Apartment Development to residential				
development to which this Division applies.				
21 Must be used for affordable housing				
for at least 15 years				
(1) Development consent must not be				
granted under this Division unless the				
consent authority is satisfied that for a				
period of at least 15 years commencing on				
the day an occupation certificate is issued—				The applicant has confirmed in their
(a) the affordable housing component of	\boxtimes	$ \sqcup $		The applicant has confirmed in their
the residential development will be used for affordable housing, and				Statement of Environmental Effects that the proposal is intended that the
(b) the affordable housing component will				units nominated for affordable
be managed by a registered community	\boxtimes			housing be managed by a Housing
housing provider.				Provider for a period of at least 15



Cumberland Local Planning Panel Meeting 14 February 2024

(2) Subsection (1) does not apply to development on land owned by a relevant				years. This will be conditioned as a condition of consent.
authority or to a development application made by, or on behalf of, a public authority.				
(3) In this section—				
affordable housing component, in relation to		П		Noted.
development to which this Division applies,	_	_		
means the dwellings used for the purposes of affordable housing in accordance with				
section 16(1)(b).				
22 Subdivision permitted with consent				
Land on which development has been			\square	No Subdivision is sought under this
carried out under this Division may be		_		application
subdivided with development consent.				

DOCUMENTS ASSOCIATED WITH REPORT LPP002/24

Attachment 3 Appendix B - Apartment Design Guide Assessment



APPENDIX B - APARTMENT DESIGN GUIDE COMPLIANCE TABLE

On 14 December 2023 SEPP 65 was repealed with no savings or transitional provisions preserving the operation of State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development (SEPP 65). Despite this, a comprehensive merit assessment against the SEPP 65 and Apartment Design Guide (ADG) controls is provided below.

ADG design quality principle	Response
	•
1. Context and neighborhood character	The area is zoned to accommodate new development, including residential flat building that is a permitted type of development within the R4 zone. The existing character of the streetscape is in transition where existing dwelling houses are being replaced with higher densities development, such as residential flat buildings. The proposed development satisfies Cumberland LEP 2021 objectives in that it will provide a variety of housing type within a high-density environment. The siting of development has been appropriately designed to minimise any potential overshadowing and visual privacy impact to the adjoining properties by maintaining a buffer area at the rear and side boundaries for communal open space.
2. Built form and scale	The development application is seeking consent for a part 3 part 4 storey residential flat building over basement car parking. The building has been designed to correspond with the existing landform. At grade communal open space will assist in softening the built form and minimise any potential overshadowing and visual privacy impact to the adjoining properties.
3. Density	The subject site is well located with respect to existing public transport and community facilities. The proposal complies with the permitted FSR. The design of the development provides for appropriate separation between dwellings, supplemented by privacy treatment to balconies and windows where necessary.
4. Sustainability	A BASIX Certificate has been submitted and the building meets the required energy and water efficiency targets.
5. Landscape	Compliant landscape area has been provided, which will provide appropriate level of amenity to the residents. and consistent with the environmental surrounds of the subject site.
6. Amenity	The proposal is considered to generally comply with the ADG and CDCP 2021 which contains numerous amenity controls. The development is considered to provide an appropriate level of amenity for future residents.
7. Safety	Safe and secure access has been provided from the respective units.
8. Housing diversity and social interaction	The apartment mix is considered to be satisfactory. The specifics of the building are: • 3 x 1 bedroom apartments (17.6%) • 13 x 2 bedroom apartments (76.4%) • 1 x 3 bedroom apartments (5.88%) The number of adaptable units proposed is considered satisfactory with the provision of associated accessible car spaces.
9. Aesthetics	The residential flat building has an attractive contemporary appearance and utilises building elements that provide individuality to the development without compromising the streetscape or detracting from the appearance of existing surrounding development.



No.	Control	Comments	Comp	liance	
	- SETTING THE DEVELOPMENT				
3A	Site Analysis		Yes	No	N/A
3A-1	Site analysis illustrates that design de opportunities and constraints of the site of to the surrounding context.	\boxtimes			
3B	Orientation		Yes	No	N/A
3B-1	Building types and layouts respond to optimising solar access within the develo	pment.	\boxtimes		
3B-2	Overshadowing of neighbouring properties is minimised during mid-winter.	Considered satisfactory. A shadow analysis provided which indicates that the neighbouring properties will be able to receive a minimum of 2 hours direct sunlight.	\boxtimes		
3C	Public Domain Interface		Yes	No	N/A
3C-1	Transition between private and public domain is achieved without compromising safety and security.	Direct street access is provided to the lobby from the street. Transition considered satisfactory			
3C-2	Amenity of the public domain is retained and enhanced.	The front setback areas are adequately landscaped. Building façades are considered satisfactory.	\boxtimes		
3D	Communal and Public Open Space	•	Yes	No	N/A
3D-1	An adequate area of communal open residential amenity and to provide opport	\boxtimes			
	Design Criteria Communal open space has a minimum area equal to 25% of the site. Required: 1277.3 x .25 = 319.33 sqm	Provided = 395.9 sqm (31%) Majority provided along the northern boundary (rear).			
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).	The COS areas would receive the min. 2 hours direct sunlight, mid-winter.	\boxtimes		
3D-2	Communal open space is designed to respond to site conditions and be attractive		\boxtimes		
3D-3	Communal open space is designed to ma		\boxtimes		
3D-4	Public open space, where provided, is re and uses of the neighbourhood.	sponsive to the existing pattern			\boxtimes
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.	Deep soil areas are provided to the sides and rear which incorporates tree planting and landscaping.	\boxtimes		
	Design Criteria Deep soil zones are to meet the following minimum requirements:	Provided: 270 sqm (21.1%) with min. 3m dimension.	\boxtimes		



	Site area	Minimum dimensions	Deep soil zone (% of site area)				
	less than 650m ²						
	650m ² - 1,500m ²	3m					
	greater than 1,500m ²	6m	7%				
	greater than 1,500m ² with significant existing tree cover	6m					
		v 1077 (2				
	Required: 15% = 191.6 sqm	X 12//.	sqm				
3F	Visual Privacy				Yes	No	N/A
3F-1				es are shared equitably between able levels of external and internal			
	Design Criteria Separation be balconies is pr	etween ovided to	ensure visu				
	privacy is achie separation dist the side and	ances fro	om buildings	to Northern Boundary (rear) as Required = 6m	\boxtimes		
	follows: Building height	Habitable rooms an balconie	e Non- id habitable s rooms	Provided = 8.23m Eastern and Western			
	up to 12m (4 storeys)	6m	3m	Boundary			
	up to 25m (5-8 storeys) 9m	4.5m	Required = 6m Provided = Minimum 4.5m to			
	over 25m (9+ storeys)	12m	6m	section of the habitable			
	Note			rooms' external walls on			
	Note: Separation dist	ances be	tween buildin	Level 1 and 2.		\boxtimes	
	on the same	site sh	nould combi	ne Given that these rooms have			
	required buildin on the type of re		tions dependi	been designed with recessed north/south facing windows			
	Gallery access						
	treated as h measuring priva			visual privacy will be			
	between neight			reasonably maintained and therefore considered satisfactory.			
				Communal Open Space on			
				Level 3 provides a compliant separation of 6m from all the side boundaries.			
				South Boundary: (Front) A compliant 6m setback is provided.			
3F-2	Site and buil increase privac						
	access to ligh outlook and vie and private ope	ws from h					
3G	Pedestrian Ac		I Entries		Yes	No	N/A
3G-1	Building entries	and peo	destrian acce				
	connects to an domain.	nd addres	sses the pub	ic the site and building are legible and well-defined.		Ш	



3G-2	Access, entries and pathways are accessible and easy to identify.	All access, entries and pathways are accessible.	\boxtimes		
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.			\boxtimes
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.	The location of the vehicular access is considered to be the most ideal for the site and will provide a safe access point for vehicles away from the proposed pedestrian access points to the site.	\boxtimes		
3J	Bicycle and Car Parking		Yes	No	N/A
3J-1	Car parking is provided based on prometropolitan Sydney and centres in region Design Criteria		\boxtimes		
21-2	For development in the following locations: • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre, The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.	Parking is to be provided in accordance with the SEPP (Housing) 2021. Refer to the Appendix A for detail.			
3J-2	Parking and facilities are provided for other modes of transport.	As above.	\boxtimes		
3J-3	Car park design and access is safe and secure	Basement access is secure via a security door.	\boxtimes		
3J-4	Visual and environmental impacts of underground car parking are minimised.	Entries to basement level parking considered satisfactory.	\boxtimes		
3J-5	Visual and environmental impacts of on-				\boxtimes
3J-6	Visual and environmental impacts of aboare minimised.	ve ground enclosed car parking			\boxtimes
	- DESIGNING THE BUILDING				
4A	Solar and Daylight Access		Yes	No	N/A
4A-1	To optimise the number of apartments rooms, primary windows and private ope		\boxtimes		



	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.	Living rooms of at least 14/17 units (82.3%) achieve at least 2 hours of solar access between 9:00am and 3:00pm on 21 June			
		Required: 70% x 17 units = 11.9 units minimum		\boxtimes		
		A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	<15% units receive no direct sunlight between 9:00am to 3:00pm on 21 June.			
		Maximum: 15% x 17 units = 2.55 units maximum				
4A-2	Daylight sunlight is Courtyard windows source in	Satisfactory.		\boxtimes		
4A-3			control, particularly for warmer	\boxtimes		
4B	Natural \	Yes	No	N/A		
4B-1	All habita	ble rooms are naturally ventilate	ed.	\boxtimes		
4B-2	The layou apartment ventilation		Satisfactory.	\boxtimes		
4B-3		ber of apartments with natural comfortable indoor environment	cross ventilation is maximised to	\boxtimes		
	Design C At least naturally nine store at ten sto be cross of the ba	criteria 60% of apartments are cross ventilated in the first eys of the building. Apartments reys or greater are deemed to ventilated only if any enclosure lconies at these levels allows a natural ventilation and cannot	13 out of 17 units or 76% of units achieve cross ventilation.			
	Overall de through	l: 60% x 17 = 10.2 units epth of a cross-over or cross- apartment does not exceed asured glass line to glass line.	None proposed.			
4C	Ceiling H			Yes	No	N/A
4C-1			ventilation and daylight access.	\boxtimes		
		d from finished floor level to ceiling level, minimum ceiling	2.7m- floor to ceiling height	\boxtimes		



	Minimum ceiling I	height 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				
	higher ceiling:					
4C-2		t increases the sense of sp rtioned rooms.	pace in apartments and provides	\boxtimes		
4C-3		hts contribute to the uilding use over the life of	The proposal is for a residential flat building and ceiling heights provided are acceptable.			\boxtimes
4D		ize and Layout		Yes	No	N/A
4D-1		rooms within an apartment gh standard of amenity.	is functional, well organised and	\boxtimes		
	Design Crite					
	Apartment type Studio 1 bedroom 2 bedroom 3 bedroom The minimum only one bathrooms internal area in the dedrooms internal area in the dedrooms in the dedroom	35m ² 50m ² 70m ² 90m ² n internal areas include bathroom. Additional increase the minimum	minimum internal areas with the exception of Unit 05 (2 bedroom unit) which provides an internal area of 67 sqm (requires 70 sqm). However, this minor variation is considered acceptable given the overall design incorporates a functional and well organised layout with appropriate room sizes and provides a reasonable level of residential amenity.			
	window in an minimum glas 10% of the	external wall with a total ss area of not less than floor area of the room. air may not be borrowed	adequate access to daylight and ventilation.			
4D-2		I performance of the aparti	ment is maximised.	\boxtimes		
		ria m depths are limited to a 2.5 x the ceiling height.	All units comply.	\boxtimes		
	In open plan dining and ki	layouts (where the living, tchen are combined) the bitable room depth is 8m	All units comply			



4D-3	Apartment layouts are designed to accommodate a variety of household activities and needs.	old [\leq		
	Design Criteria Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space). All units comply.		\boxtimes		
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space). All units comply.		\times		
	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.		$ \boxtimes $		
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.		\boxtimes		
4E	Private Open Space and Balconies		es	No	N/A
4E-1	Apartments provide appropriately sized private open space and balcon to enhance residential amenity.	es [\times		
	primary balconies as follows: Dwelling	0	\boxtimes		
	For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.	os r	\boxtimes		
4E-2	Primary private open space and balconies are appropriately located to enhance liveability for residents. All POS balconies are located off living rooms with me having a westerly, easterly northerly aspect.	ost r	☒		
4E-3	overall architectural form and detail of the building. contribute to the over architectural form and detail the building.	nd rall [2 of	☒		
4E-4	Design maximises safety, avoid changes in levels and avoid opportunities for climbing and falls. All POS and balconies hat been designed to maximise safety.	60 6		\boxtimes	
4F	Common Circulation and Spaces	Y	es	No	N/A
4F-1	Common circulation spaces achieve good amenity and properly servi	ce r	\leq	П	
	the number of apartments.				
	No more than 12 apartments should be provided off a circulation core on a single level. Maximum 5 units per floor a proposed.		\boxtimes		
	For buildings of 10 storeys and over, the maximum number of apartments				\boxtimes



	sharing a single lift is 40.				
4F-2		ote safety and provide for social	\boxtimes		
4G	Storage		Yes	No	N/A
4G-1	Adequate, well designed storage is	provided in each apartment.			
	Design Criteria In addition to storage in kitche bathrooms and bedrooms, the follow storage is provided: Dwelling type Storage size volume Studio apartments 4m³ 1 bedroom apartments 6m³ 2 bedroom apartments 8m³ 3+ bedroom apartments 10m³ At least 50% of the required storage to be located within the apartment.	units. In addition, each unit is provided with internal storage within the units with storage for each unit exceeding the minimum requirements. The storage areas are in addition to the kitchens, bathrooms and bedroom storage.			
4G-2	individual apartments.	cated, accessible and nominated for	\boxtimes		
4H	Acoustic Privacy		Yes	No	N/A
4H-1		the sitting of buildings and building		_	
4H-2	layout.				
411-2	Noise impacts are mitigated within apartments through layout and acoustic treatments.				
4J	Noise and Pollution		Yes	No	N/A
4J-1					
4J-2	0.1.1.1				
4K	Apartment Mix	·	Yes	No	N/A
4K-1			\boxtimes		
4K-2	The apartment mix is distributed to s	suitable locations within the building.	\boxtimes		
4L	Ground Floor Apartments		Yes	No	N/A
4L-1	Street frontage activity is maximised where ground floor apartments are located. Ground level apartments facing overlook public spaces and would provide an appropriate presentation to the public domain and would also provide an appropriate level of security and activity.				
4L-2	residents.	ts delivers amenity and safety for			
4M	Façades				N/A
4M-1	Building facades provide visual interest along the street while respecting the character of the local area.	The proposed façades provide visual interest along the street frontage and respect the local character.			
4M-2	Building functions are expressed by the façade.	The building functions are expressed by the façade division and design.	\boxtimes		



4N	Roof Design		Yes	No	N/A
4N-1	Roof treatments are integrated into the building design and positively respond to the street.	Roof features add interest to the overall built form.	\boxtimes		
4N-2	Opportunities to use roof space for residential accommodation and open space are maximised.	Satisfactory			
4N-3	Roof design incorporates sustainability features.	Considered satisfactory.			\boxtimes
40	Landscape Design		Yes	No	N/A
40-1	Landscape design is viable and sustainable.	The landscape plans were assessed by Council's Landscaping and Tree Management Officer and considered satisfactory.			
40-2	Landscape design contributes to the streetscape and amenity.	Landscaping enhances amenity of the COS, POS's and streetscape.	\boxtimes		
4P	Planting on Structures	·	Yes	No	N/A
4P-1	Appropriate soil profiles are provide		\boxtimes		
4P-2	Plant growth is optimised with appro	priate selection and maintenance.			
4P-3	Planting on structures contributes to and public open spaces.	the quality and amenity of communal			
4Q	Universal Design		Yes	No	N/A
4Q-1	Universal design features are inclu flexible housing for all community m	ded in apartment design to promote embers.	\boxtimes		
	Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features	Conditions imposed for 20% of total apartments to achieve the Liveable Housing Guideline's silver level universal design.			
4Q-2	A variety of apartments with adapta		П		
4Q-3		d accommodate a range of lifestyle			
4R	Adaptive Reuse		Yes	No	N/A
4R-1		re contemporary and complementary sense of place.			\boxtimes
4R-2		al amenity while not precluding future			\boxtimes
48	Mixed Use		Yes	No	N/A
4S-1	provide active street frontages that				\boxtimes
4S-2	Residential levels of the building ar and safety and amenity is maximise	e integrated within the development, d for residents.			\boxtimes
4T	Awnings and Signage		Yes	No	N/A
4T-1	Awnings are well located and compl design.	ement and integrate with the building			\boxtimes
4T-2	Signage responds to the context an	d desired streetscape character.			\boxtimes
4U	Energy Efficiency		Yes	No	N/A
4U-1	Development incorporates passive	•	\boxtimes		
4U-2	Development incorporates passive in winter and reduce heat transfer in	solar design to optimise heat storage in summer.	\boxtimes		
4U-3	Adequate natural ventilation minimises the need for mechanical ventilation.				
4V	Water Management and Conserva	ation	Yes	No	N/A
4V-1	Potable water use is minimised.				
4V-2	Urban stormwater is treated on site	before being discharged to receiving			\boxtimes



4V-3	Flood management systems are integrated into site design.			\boxtimes
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.	\boxtimes		
4W-2	Domestic waste is minimised by providing safe and convenient source separation and recycling.	\boxtimes		
4X	Building Maintenance	Yes	No	N/A
4X-1	Building design detail provides protection from weathering.	\boxtimes		
4X-2	Systems and access enable ease of maintenance.	$\overline{\boxtimes}$		
4X-3	Material selection reduces ongoing maintenance costs.	$\overline{\square}$		

DOCUMENTS ASSOCIATED WITH REPORT LPP002/24

Attachment 4

Appendix C - Cumberland Local Environmental Plan 2021 Assessment



APPENDIX C CUMBERLAND LOCAL ENVIRONMENTAL PLAN 2021 COMPLIANCE TABLE

Clause	Yes	No	N/A	Comment
2.3 Zone objectives and Land Use Table	\boxtimes			The subject site is zoned R4 High Density Residential pursuant to CLEP 2021.
				The proposed development is defined as a <i>residential flat building</i> , which is permissible with consent in the R4 zone.
				The proposed development is considered to be consistent with the R4 zone objectives as it provides a variety of housing types, satisfying the needs of the community within a high density residential environment.
2.6 Subdivision – consent requirements			\boxtimes	Strata subdivision is not proposed under this application.
2.7 Demolition requires development consent	\boxtimes			The proposal is seeking consent for demolition of the on-site structures which is permissible with consent
4.3 Height of buildings				In accordance with the Height of Buildings Map accompanying CLEP 2021, a maximum 11m building height is permitted for the site. The development proposes a 4 storey building, with the majority of the development complying with the prescribed height control, with the exception of the concrete roof slab and lift overrun.
				The maximum height of the proposed residential flat building is 11.65 metres as follows:
		\boxtimes		- 11.65m to the lift over-run (5.9%); - 11.15 m to the concrete roof slab (1.36%).
				The Applicant has submitted a written request in accordance with Clause 4.6 of CLEP 2021 to vary the building height development standard.
				The exceedance in building height is supported in this instance, having regard to the circumstances of the case. Refer to further discussion in main body of report.



Clause	Yes	No	N/A	Comment
4.4 Floor space ratio				In accordance with the Floor Space Ratio map accompanying Cumberland LEP 2021, the maximum permitted Floor Space Ratio (FSR) is 0.8:1 which equates to a maximum gross floor area of 1021.84 sqm
	\boxtimes			Site area = 1277.3 sqm
				The development proposes 33% of the GFA as affordable housing, and is therefore permitted an additional GFA of 0.33:1, allowing for a total FSR of 1.13:1.
				The development provides a total GFA of 1,436.5 sqm that equates to a total FSR of 1.13:1, which complies with the maximum FSR of 1.33:1 under the Housing SEPP 2021.
				Total allowable FSR: • 0.8:1 (1,021.84 sqm) under CLEP and • 0.33.1:1 additional permitted under Clause 17 Housing SEPP 2021.
4.6 Exceptions to development standards		П		A written request in accordance with Clause 4.6 of CLEP 2021 to vary the building height development standard was submitted.
				The exceedance in building height is supported in this instance, having regard to the circumstances of the case. Refer to the discussion in the body of the report.
5.10 Heritage Conservation			⊠	Subject site is neither listed as an item of local heritage significance nor is located within the vicinity of a heritage item. There are heritage listed items within the wider vicinity of the site. The site is separated from local heritage items by adjoining properties and Merrylands Road, and as such, the development is considered to have negligible impacts on the items.
5.21 Flood Planning			×	The subject site not identified as being flood affected or on flood liable land.



Clause	Yes	No	N/A	Comment
6.1 Acid Sulfate soils			⊠	The site is not identified as affected by acid sulfate soils.
6.2 Earthworks	\boxtimes			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 has been assessed by Council's Development Engineer and no objections were raised. Suitable earthwork-related conditions are imposed ensuring measures are made to satisfy the objectives of this clause.
6.4 Essential Services	⊠			Council is satisfied that adequate arrangements for the supply of water and electricity, the disposal and management of sewage, stormwater drainage and suitable vehicular access can be made available when required. Council's Development Engineer and Endeavour Energy have reviewed the proposal and raised no objections subject to conditions.
6.7 Stormwater management				Council's Development Engineer has found the stormwater plans and calculations submitted with the application to be satisfactory.
				The proposal has been assessed by Council's Development Engineer and no stormwater management objections were raised. Suitable stormwater management related conditions are imposed.
6.9 Salinity				The site is identified as having a moderate salinity potential. Conditions are imposed ensuring measures are made to satisfy the objectives of this clause.
6.12 Urban Heat				The proposed development incorporates landscape elements and trees along the rear and side boundaries of the site to mitigate urban heat. Living spaces are connected to private balconies and courtyard which provide shelter from the sun and a BASIX Certificate has been submitted to ensure energy efficiency measures are incorporated.





Clause	Yes	No	N/A	Comment
				The proposed development is considered to be satisfactory with regard to the provisions of this clause.

DOCUMENTS ASSOCIATED WITH REPORT LPP002/24

Attachment 5

Appendix D - Cumberland Development Control Plan 2021 Assessment



Appendix D Cumberland Development Control Plan 2021 Assessment

Relevant C			Compliance with Requirements	Consistency Objectives
	eneral Controls			
	Subdivision			
	ntial flat building, multi-dwell nt and mixed-use developme			Yes
	oment sites involving more the late of the consolidated.	nan	The development will require consolidation of 2 lots into 1. A condition of consent will be imposed accordingly.	
in the devel	ng parcels of land not includ opment site shall be capable nomically developed and e isolation.	e of	The amalgamation of 45 and 47 Merrylands Road will not result in the isolation of adjoining sites.	
	Residential Flat Buildings			
This Part a Environmer accordance with the des design guid	applies to residential flat the plan 2021. All resident with SEPP 65 and the Apasign quality principles outlined ance outlines in the ADG (continues in the ADG)	ial f artmo ed in or eq	ing development under the Cumberland Local lat building development will be assessed in ent Design Guide (ADG) and must be consistent SEPP 65 and the objectives, design criteria and uivalent). ADG takes precedence over the DCP, e controls, the ADG prevails.	Noted.
	ntial flat building developm vided in accordance with Tasetbacks. No less than 6m or			
setbacks (min)	correspond with the existing prevalent building setback or with emerging setbacks in areas undergoing transition		A 6m front setback is provided which complies.	Yes
Seconda ry street setbacks (min)	2m for laneways and 4m for other roads			
Side setback (min)	3m		Refer to ADG assessment- The side setbacks are provided in accordance with the ADG.	
Rear setback (min)	Up to four storeys: 20% the length of the site, or 6m, whichever is greater Five storeys or more: 30% the length of the site		8.23m is provided, which complies.	
Site area	1,000m²			
Street frontage	24m			
deep soil pla	Basements allow for areas anting. cticable, basement walls	not	The basement walls are setback 3m from the western boundary side boundary, and 775mm from the site's eastern boundary. The development proposes a minor variation to the 1.2m requirement to the eastern boundary, however, the development provide adequate provision for landscaping and deep soil planting.	No, but considered
minimum s	the side boundary shall he etback of 1.2m from the so allow planting.		Further, the basement does not result in overall bulk and scale and development provides a satisfactory street presentation.	acceptable or merits.

Page 1 of 6



Planning Assessment Report

3.3 Car parking Refer to Part G3 of this DCP, or section 3J- 1 of the ADG for car parking provision requirements.	Refer to Part G3 of this DCP assessment below.	Yes
Part B5 - Adaptable Housing and Housing	na Mix	
2.1 Adaptable housing	The proposed development provides two adaptable units.	Yes
Required: 2 (for 10-20 dwellings)	·	
2.2 Housing mix		
A minimum 10% mix of one bedroom/studio dwellings and a minimum 10% mix of three plus-bedroom dwelling types shall be provided, with the balance provided as two bedroom dwellings. An alternate mix of dwelling types may be	1 bedroom = 3 Units 2 Bedroom = 13 Units 3 bedroom = 1 Units	Satisfactory
considered by Council where the Applicant can demonstrate that the local demographic statistics indicates otherwise. Specific details would need to be provided with the development application to support this.	17.6% of 1 bedroom and 6% of 3 bedroom units are proposed. The variation is acceptable noting the applicant has indicated that the proposed mix is driven by market demand.	
Part F2-9 - Merrylands Station Precinct (East)	
2.1 Pedestrian connections and laneways	•	Not Applicable
2.2 Setbacks Front building setbacks are to be in accordance with Figure 3.	The site is not identified by figure 3 for building setback controls	Not Applicable
2.3 Ground level uses For new development along Railway Terrace between Merrylands Road and Smythe Street ground floor uses are to be active and non-residential with at-grade pedestrian access.	The site is not located on Railway Terrace.	Not Applicable
Part G3 - Traffic, Parking, Transport and	Access (Vehicle)	
3. Parking Rates Development is to provide on-site parking in accordance with the following minimum rates in Table 1. Where a parking rate has not been specified in the table, the Guide to Traffic Generating Developments shall be used to calculate the parking requirements for the proposed development. Alternatively, a parking study may be used to determine the parking, subject to prior approval by Council. Additional parking objectives and controls are provided in Section 4 of this DCP.	3 x 1 bedroom = 3 car spaces 13 x 2 bedroom = 13 car space 1 x 3 bedroom = 1.5 car spaces 17 Visitor x 0.25 = 4.25 17 units/ 3 = 5.7 Bicycle spaces Required = A total of 22 residential spaces are required. Proposed parking: 22 residential car spaces (inclusive of 2 accessible car space) and 4 visitor spaces are provided, which complies.	Yes
Car Parking Studio, 1–2-bedroom dwellings: 1 space / dwelling 3 or more bedroom dwellings: 1.5 spaces /dwelling Visitor: 0.25 space / dwelling Bicycle parking: 1 bicycle space/3 units Dental = 1x3 =3	The proposal has been reviewed by Council's Engineering Section and is considered satisfactory subject to conditions.	

Page 2 of 6



Planning Assessment Report

Section 4.1 – Parking and site access		
O1 - Minimise visual and environmental impacts of car parking and access.	Satisfactory design.	Yes
C1 - Only one driveway crossover shall be permitted per residential property where the property frontage is less than 15m.	One crossover provided along the eastern boundary.	
C7- Driveways, car parking shall comply with AS 2890 – Parking Facilities.	Council's Development Engineer has raised no issue with vehicle manoeuvring within the basement levels subject to conditions of consent.	
4.3 Basement parking		
O1- Basement Parking shall be safe, well designed and located within the building footprint	Council's Development Engineer has raised no issue with the basement design subject to condition, should the consent be granted.	Yes.
C1. Basement garages and driveways shall be permitted in accordance with the relevant Australian Standards. Where slope conditions require a basement, the area of the basement shall not significantly exceed the area required to meet the car parking and access requirements for the development.		
C3. Basement parking shall not unreasonably increase the bulk and scale of development.	Satisfactory design.	Yes
C6. Basement parking manoeuvring shall ensure that vehicles can enter and exit in a forward direction.	Council's Engineer has raised no issues with vehicle manoeuvring within the basement level subject to conditions of consent.	Yes
Part G4 – Stormwater and Drainage 2.2 Method of stormwater disposal from	Vos Councillo Douglanment Engineer has	Yes
the site	Yes – Council's Development Engineer has raised no objection to stormwater drainage subject to conditions of consent.	res
C1. All stormwater collecting as a result of the carrying out of development under this DCP must be directed by a gravity fed or charged system to: (a) a public drainage system, or (b) an inter-allotment drainage system, or (c) an on-site disposal system.		
2.6 Flood Risk Management		
C1. The proposed development does not result in any increased risk to human life and does not increase the potential flood affectation on other development or properties.	The site is not a flood control lot. No issue was raised by Council's Development Engineer.	Yes

Page 3 of 6



Planning Assessment Report

C8. The proposed development shall		
comply with Council's Flood Risk		
Management Policy.		
2.7 Water Sensitive Urban Design, water		
quality and water re-use		
Water reuse		
C5. For all developments (excluding	As above	
single dwellings and dual occupancies),		
rainwater tanks or a water reuse device	BASIX Certificate was submitted with the	Yes
shall be incorporated into the stormwater	application which requires water sensitive	
drainage system with a minimum storage	measures to be installed.	
size of 5,000 litres (for site area less than		
1500m2) and 10,000 litres (for site area		
greater than 1500m2).		
C10. The ESCP shall be in accordance		
with the standards outlined in Managing	Suitable conditions can be imposed to ensure	
Urban Stormwater: Soils and Construction	compliance in any consent.	
by the NSW Department of Housing.		
Part CE Sustainability Biadiyavaity and	Environmental Managament	
Part G5 - Sustainability, Biodiversity and 2.1 Groundwater	Recommended suitable contamination,	Yes, subject to
2.1 Stoutiuwater	groundwater and dewatering related conditions	conditions.
C1. Operating practices and technology,	can be imposed, should the consent be granted.	conditions.
including dewatering, shall not	can be imposed, should the consent be granted.	
contaminate groundwater or adversely		
impact on adjoining properties and		
infrastructure. Any dewatering activities		
may require concurrence from the NSW		
Government. Any application to discharge		
ground and surface water to Council's		
stormwater system must be accompanied		
by a Dewatering Management Plan.		
2.3 Land contamination		Yes
C1. Prior to the submission of a		
development application, an assessment		
is to be made by the applicant under	Council's Environmental Health Officer has	
Clause 7 of SEPP No. 55 as to whether	raised no objection to the development with	
the subject land is contaminated prepared	respect to contamination subject to conditions.	
in accordance with the relevant		
Department of Planning, Industry and		
Environment Guidelines and the Guideline		
to Asbestos Management in Cumberland		
Council 2018.		
C2 In accordance with Clause 7 (4) of		
C2. In accordance with Clause 7 (1) of		
SEPP No. 55 Council will not consent to		
development unless it has considered		
whether land is contaminated, and if the land is contaminated is suitable for the		
proposed purpose or is satisfied that the		
land will be appropriately remediated.		
Where land is proposed to be subject to		
remediation, adequate documentation is		
to be submitted to Council supporting the		
to be submitted to Council supporting the categorisation.	ina	
to be submitted to Council supporting the	ing Council's Tree Officer has raised no issue.	Yes, subject to

Page 4 of 6



Planning Assessment Report

C1. The following are not considered to be		
substantive criteria for tree removal:		
· flower, leaf or fruit fall causing nuisance;		
 to increase general natural light; 		
to enhance views;		
to reduce shade created by a tree;		
· tree not suiting existing or proposed		
landscape;		
unsubstantiated fear of tree failure;		
a tree being too large or high; and		
to increase direct sunlight onto solar		
panels or pool heating apparatus	There are an electional transmitting or fearther	Vaa
2.2 Tree management and proposed	There are no significant trees within or fronting	Yes
development	the subject site.	
C1. Development shall be designed to		
incorporate existing trees that are		
identified as being suitable for retention,		
with adequate setbacks to any works and		
protection measures stipulated in		
accordance with AS 4970-2009 to ensure		
their long-term survival.		
2.3 Landscaping	A landscape concept plan prepared by a	Yes
3	suitably qualified professional was submitted.	
C1. Where a landscape plan is required, it		
shall be prepared by an appropriately		
qualified person such as an experienced		
Landscape Architect/Landscape		
Designer. The landscape plan shall be		
prepared at a minimum scale of 1:100, be		
fully documented with the inclusion of a		
plant schedule and show sufficient detail		
to enable construction.		
Part G8 Waste Management		
3.3 Residential & 3.3 Commercial		
C1. The waste service requirements for	The development application has been	Yes
residential developments shall comply	reviewed by Council's Waste Management	
with Table 2.	Officer who has advised that the proposed WMP	
	is generally satisfactory subject to conditions,	
	should consent be granted.	
OOO I am doo and the door to be and		
C28. Low rise medium density housing	Wests stores are seeded to the	
	Waste storage areas are provided in the	
and residential flat building developments	Waste storage areas are provided in the basement level.	
and residential flat building developments must provide a bulky household waste	basement level.	
and residential flat building developments must provide a bulky household waste storage area and needs to be that is	basement level. Council's Senior Waste Officer has raised no	
and residential flat building developments must provide a bulky household waste storage area and needs to be that is located adjacent to the communal bin	basement level. Council's Senior Waste Officer has raised no objection to the development subject to	
and residential flat building developments must provide a bulky household waste storage area and needs to be that is located adjacent to the communal bin storage area. The area must be designed	basement level. Council's Senior Waste Officer has raised no	
and residential flat building developments must provide a bulky household waste storage area and needs to be that is located adjacent to the communal bin	basement level. Council's Senior Waste Officer has raised no objection to the development subject to	
and residential flat building developments must provide a bulky household waste storage area and needs to be that is located adjacent to the communal bin storage area. The area must be designed	basement level. Council's Senior Waste Officer has raised no objection to the development subject to	
and residential flat building developments must provide a bulky household waste storage area and needs to be that is located adjacent to the communal bin storage area. The area must be designed to accommodate storage of unwanted	basement level. Council's Senior Waste Officer has raised no objection to the development subject to	
and residential flat building developments must provide a bulky household waste storage area and needs to be that is located adjacent to the communal bin storage area. The area must be designed to accommodate storage of unwanted bulky household waste such as	basement level. Council's Senior Waste Officer has raised no objection to the development subject to conditions of consent.	
and residential flat building developments must provide a bulky household waste storage area and needs to be that is located adjacent to the communal bin storage area. The area must be designed to accommodate storage of unwanted bulky household waste such as mattresses, furniture, cardboards, appliances and other goods to be	basement level. Council's Senior Waste Officer has raised no objection to the development subject to conditions of consent. Based on the above, the proposed waste management facilities are considered	
and residential flat building developments must provide a bulky household waste storage area and needs to be that is located adjacent to the communal bin storage area. The area must be designed to accommodate storage of unwanted bulky household waste such as mattresses, furniture, cardboards,	basement level. Council's Senior Waste Officer has raised no objection to the development subject to conditions of consent. Based on the above, the proposed waste	

Page 5 of 6



Cumberland Local Planning Panel Meeting 14 February 2024

Planning Assessment Report

3.4 Waste chute and service room requirements C1. Residential flat buildings containing 4 or more storeys require a system for the transportation of waste from each floor level to the waste and recycling collection room(s). This is in the form of a waste chute system.	The development provides a waste chute Yes system.
3.6 Collection area requirements C1. All developments must allocate a suitable collection point for collection of waste and recycling bins from either inside the development (on-site) or from kerbside (off-site).	Sufficient space is available for kerb side Yes collection.

Page 6 of 6

DOCUMENTS ASSOCIATED WITH REPORT LPP002/24

Attachment 6 Clause 4.6 Variation Request





Clause 4.6 Variation







CONTENTS

CLAUSE 4.6 DEPARTURE	3
BACKGROUND TO THE DEPARTURE	3
RELEVANT CASE LAW	5
ADDRESS OF CLAUSE 4.6 PROVISIONS	7
CLAUSE 4.6(3)(A) - COMPLIANCE UNREASONABLE AND UNNECESSARY CLAUSE 4.6(3)(B) - SUFFICIENT ENVIRONMENTAL PLANNING	8
GROUNDS CLAUSE 4.6(4) ZONE OBJECTIVES & THE PUBLIC INTEREST	10 11
CONCLUSION	13

Clause 4.6 Variation: Height 45-47 Merrylands Road, Merrylands PAGE 2





CLAUSE 4.6 DEPARTURE

BACKGROUND TO THE DEPARTURE

This Clause 4.6 variation has been prepared in support of a development application for the construction of a residential flat building pursuant to Chapter 2 Affordable Housing of the SEPP (Housing) 2021, at 45-47 Merrylands Road, Merrylands. A detailed description of the development is provided within the submitted Statement of Environmental Effects prepared by Think Planners.

The proposal is non-compliant with Clause 4.3 – Height of Buildings that stipulates that the height of a building is not to exceed 11m on the subject site. It is noted that the residential flat building predominantly complies with the 11m maximum building height requirement, however the only portion of the building that exceeds the maximum building height is limited to non-habitable structures including the lift over-run and concrete roof slab and as such do not comply with Clause 4.3. This is reflected by the 3D height planes provided below and reflects the minor breach to the concrete roof slab by up to 150mm and lift over-run by up to 650mm.

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Figure 1: 3D height planes (Source: Architectural Plans – DA-470)

Clause 4.6 Variation: Height 45-47 Merrylands Road, Merrylands







Clause 4.3 of the Cumberland Local Environmental Plan 2021 stipulates a maximum building height of 11m for the site.

The extent of departure is as follows:

- Small portions of the concrete roof slab are over the height limit by up to 150mm or (1.36%) at the highest point).
- The departure also relates to the lift over-run that breaches by 650mm which equates to 5.9%.

The non-compliance to the height control is in part a result of applying the affordable housing bonus under the SEPP (Housing) 2021, which permits greater FSR, and in the process of accommodating additional floor space, the development encroaches upon the prescribed height limit given the additional floor that also is collocated with the communal open space area.

The design of the building ensures that all habitable floor spaces are contained below the maximum building height line which indicates that the variation is not simply a means of achieving additional development yield on the site (beyond the bonus FSR permitted under the Housing SEPP), but a site specific design response. In this case, the variation stems primarily from the overrun, which is a direct result of providing access requirements to service the building and access to the rooftop communal open space and the upper most level. The concrete roof element that exceeds is a function of the additional units at the upper level owing to the additional GFA permitted and the 4 storey component being slightly higher than the 3 storey component contemplated by the 11m height standard. Noting this is only at the rear where it is not easily 'read' in the streetscape.

In addition to the clear environmental planning benefit of permitting greater affordable rental housing (development is pursuant to Chapter 2 Affordable Housing of the SEPP 2021), the minor variation is not considered to impact the compatibility of the development with the character of the locality, given that the building form is contained below the maximum permitted height control. Furthermore, the lift over-run which slightly exceeds the height control is recessed and considering the encroachment by the concrete roof slap is negligible, the minor variation to the built form will not be visually prominent when viewing the building from the street level.

Therefore a 3 storey form, with recessed upper level, presents to Merrylands Road consistent with the intent of the building height limit.

Furthermore, the development will have minimal visual privacy and overshadowing impacts to adjoining properties given that the encroachment to the height control is limited to a small portion of the concrete roof slab and recessed lift over-run and that the majority of the shadows falling onto the southern street frontage to Merrylands Road.

Clause 4.6 Variation: Height 45-47 Merrylands Road, Merrylands PAGE 4





RELEVANT CASE LAW

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

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

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

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

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- including that 'the development standard has been virtually abandoned or destroyed by the Councils own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable'
- The proposal is required to be in 'the public interest'.

Clause 4.6 Variation: Height 45-47 Merrylands Road, Merrylands PAGE 5







In relation to the current proposal the keys are:

- Demonstrating that the development remains consistent with the objectives of the maximum building height control and on that basis that compliance is unreasonable or unnecessary;
- Demonstrating consistency with the R4 zoning;
- Demonstrating there are sufficient environmental planning grounds to vary the standard; and
- Satisfying the relevant provisions of Clause 4.6.

Clause 4.6 Variation: Height 45-47 Merrylands Road, Merrylands PAGE 6





ADDRESS OF CLAUSE 4.6 PROVISIONS

Clause 4.6 of the Cumberland Local Environmental Plan 2021 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 Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and
- (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

Clause 4.6 does not restrain the consent authority's discretion as to the numerical extent of the departure from the development standard. Each of the relevant provisions of Clause 4.6 are addressed in turn below.

Clause 4.6 Variation: Height 45-47 Merrylands Road, Merrylands PAGE 7





CLAUSE 4.6(3)(A) - COMPLIANCE UNREASONABLE AND UNNECESSARY

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.

Underlying Objectives are Satisfied

In Wehbe v Pittwater it was set out that compliance can be considered unreasonable or unnecessary where:

(i) The objectives of the standard are achieved notwithstanding non-compliance with the standard

It is considered that this approach can be followed in this instance. The objectives of the building height development standard are stated as:

- (1) The objectives of this clause are as follows—
- (a) to establish a maximum height of buildings to enable appropriate development density,
- (b) to ensure that the height of buildings is compatible with the character of the locality,
- (c) to minimise the visual impact of development,
- (d) to ensure sufficient solar access and privacy for neighbouring properties.

The proposal remains consistent with the objectives based on the following:

• In relation to objective (a) the minor non-compliance to the roof elements located at the rear of the building and will not be perceivable from the street level. As such, the minor variation will not unduly increase the perceived density of the development. It is further noted that the breach of the development standard is a direct result of applying the affordable housing bonus under the SEPP (Housing) 2021, which permits greater FSR. The judgement in Abdul-Rahman v Strathfield Council [2014] NSWLEC 1237 confirmed that the provision of affordable housing was considered an environmental planning ground which justified the exceedance of a development standard (building height). Hence in the context of 'appropriate development density' the proposal is compliant with the FSR (having regard to the bonus for affordable housing) and the additional FSR does necessitate a minor breach to the height standard. Therefore, application remains consistent with the intention of objective (a) despite the minor departure to the upper level.

Clause 4.6 Variation: Height 45-47 Merrylands Road, Merrylands PAGE 8





- In relation to objective (b) the minor non-compliance to the roof elements
 located at the rear of the building will not be visible from the street level where
 a 3 storey form is maintained at the street frontage with the additional 7m-13m
 setback from the street downplaying the bulk and scale. As such the variation
 will have a minimal impact on the character of the locality. Therefore, the area
 of non-compliance has no bearing on the consistency of the proposal with
 objective b;
- In relation to objective (c) the minor non-compliance to the roof elements located at the rear of the building will not be visible from the street level, and as such, the variation will have a minimal impact on the visual impact of the development. Therefore, the area of non-compliance has no bearing on the consistency of the proposal with objective c;
- In relation to objective (d) due to the minor nature of the variation, it will not have any adverse impacts on solar access or privacy for neighbouring properties. In this regard it is noted:
 - The variation will not lead to a reduction in solar penetration on site or to adjoining properties nor will it lead to sunlight loss or overshadowing.
 Refer to the shadow diagrams for detail.
 - The proposed variation will not lead to a reduction in privacy of neighbouring properties, given the variation is from the roof form and that the development complies with the visual separation requirements under the ADG.

As outlined above the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances.

> Clause 4.6 Variation: Height 45-47 Merrylands Road, Merrylands PAGE 9





CLAUSE 4.6(3)(B) - SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS

Pain J held in *Four2Five vs Ashfield Council* [2015] NSWLEC 90 that to satisfy clause 4.6(3)(b), a clause 4.6 variation must do more than demonstrate that the development meets the objectives of the development standard and the zone – it must also demonstrate that there are other environmental planning grounds that justify contravening the development standard, being grounds that are specific to the site. Pursuant to clause 4.6(3)(b) of the LEP, there are sufficient environmental planning grounds to justify the variation to the development standard. We note that the below points demonstrate suitable environmental planning grounds exist to justify contravening the height development standard:

- The design of the building ensures that all habitable floor spaces are contained below the maximum building height line which indicates that the variation is not simply a means of achieving additional development yield on the site, but a site specific design response. In this case, the variation stems from the overrun, which is a direct result of providing access requirements to service the building.
- The non-compliance to the height control is a direct result of applying the affordable housing bonus under the SEPP (Housing) 2021, which permits greater FSR, and in the process of accommodating additional floor space, the development encroaches upon the prescribed height limit. Therefore the breach facilitates the delivery of affordable housing on the site that would otherwise not be possible as the 2 units at the upper level would need to be removed to achieve compliance.
- The height breach, arising from the additional permitted FSR for affordable housing, is appropriate and demonstrates environmental planning grounds through the delivery of affordable housing and this aligns directly with the Objects of the Environmental Planning and Assessment Act 1979- notably:

The objects of this Act are as follows-

- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- In accordance with the Court's findings in Abdul-Rahman v Strathfield Council [2014] NSWLEC 1237 [52], this approach, whereby additional height is provided to accommodate additional FSR, can be properly considered as an environmental planning ground within the meaning of CI 4.6.
- Social and affordable housing reforms: The NSW Government has announced new measures to boost the supply of affordable and social housing in the state. The proposed changes include amendments to the existing in-fill affordable housing provisions under the Housing SEPP to introduce a new floor space bonus of 30 per cent and a height bonus of 30 per cent for residential

Clause 4.6 Variation: Height 45-47 Merrylands Road, Merrylands PAGE 10





developments with at least 15 per cent affordable housing (note: affordable housing gross floor area is required to be used for affordable housing purposes for a minimum period of 15 years). The proposed changes by the NSW government demonstrates the need for a height bonus to accompany a floor space ratio bonus. Under the proposed legislation the development would receive a 30 percent height bonus and would comply with the maximum building height requirement. Although the reforms are not yet in place and currently carry no legislative power, the changes indicate the NSW Government's vision for affordable housing and will deal with the need to provide some additional height above the LEP minimum to facilitate affordable housing. This is precisely what is proposed by this scheme and therefore the height breach facilitates the affordable housing which is appropriate and demonstrates suitable environmental planning grounds.

The minor variation is not considered to impact the compatibility of the development with the character of the locality, given that the majority of the proposed building form is contained below the maximum permitted height control, and the top level which exceeds the height control is recessed to the rear of the site and will not be visible when viewing the building from the street level.

Therefore, the current proposal is a preferred outcome from an environmental planning perspective and demonstrates that there is merit in varying the height control to achieve the delivery of affordable rental housing on the site which demonstrates sufficient environmental planning grounds to support the departure.

CLAUSE 4.6(4) ZONE OBJECTIVES & THE PUBLIC INTEREST

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 height control.

In addition, the proposal is consistent with the objectives of the R4 zone:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that non-residential land uses are located in a setting that minimises impacts on the amenity of a high density residential environment.

Clause 4.6 Variation: Height 45-47 Merrylands Road, Merrylands PAGE 11







 To encourage residential development that maintains the amenity of the surrounding area.

Consistency with the objectives is evident as the proposal ensures that the high density nature of the zone is retained and there is not a significant change to the character of the locality. In addition, the proposal complements and enhances the local streetscape by virtue of the careful siting of the development.

As addressed previously the proposal presents as a 3 storey form when viewed from the street. It is understood that the concurrence of the Director-General can be assumed in the current circumstances.

In addition, the proposal complements and enhances the local streetscape by virtue of the careful siting of the development.

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

CLAUSE 4.6(5)

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

- a) The contravention of the height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal and consistency of the development with the standard across the entirely of the site area.
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal as the proposal is consistent with the underlying objectives of the control.

Strict compliance with the prescriptive height requirement is unreasonable and unnecessary in the context of the proposal and its unique circumstances.

The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The design response aligns with the intent of the control and provides for an appropriate transition to the adjoining properties.

Clause 4.6 Variation: Height 45-47 Merrylands Road, Merrylands PAGE 12





CONCLUSION

Strict compliance with the prescriptive height requirement is unreasonable and unnecessary in the context of the proposal and its circumstances.

The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts.

The proposal will not have any adverse effect on the surrounding locality, which will be characterised by residential development of comparable height and character. The proposal promotes the economic use and development of the land consistent with its zone and purpose.

The variation is well founded and demonstrates the relevant matters set out under Clause 4.6 having regard to the provisions of Clause 4.6 and recent case law and taking into account the absence of adverse environmental, social or economic impacts, it is requested that Council and the planning panel support the development proposal.

Clause 4.6 Variation: Height 45-47 Merrylands Road, Merrylands PAGE 13

DOCUMENTS ASSOCIATED WITH REPORT LPP002/24

Attachment 7 Architectural Plans



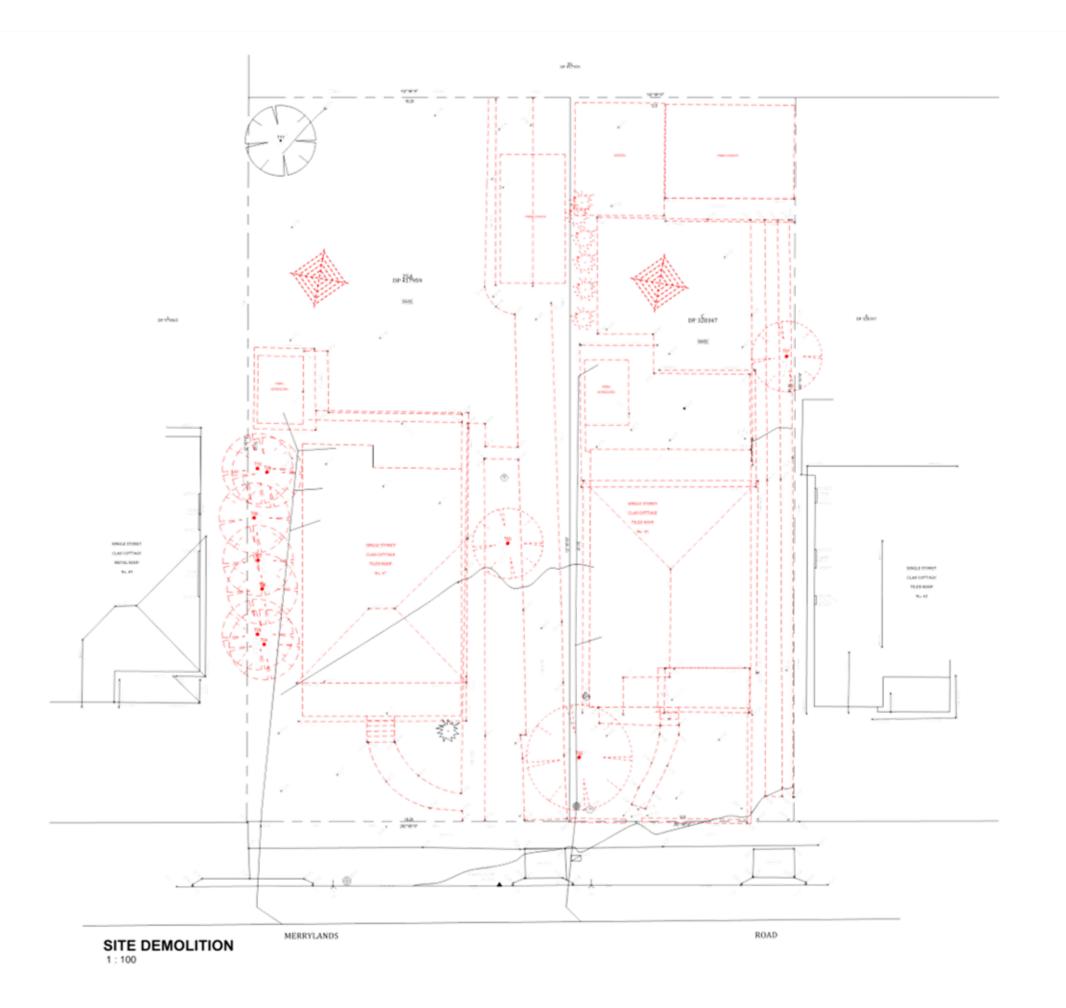
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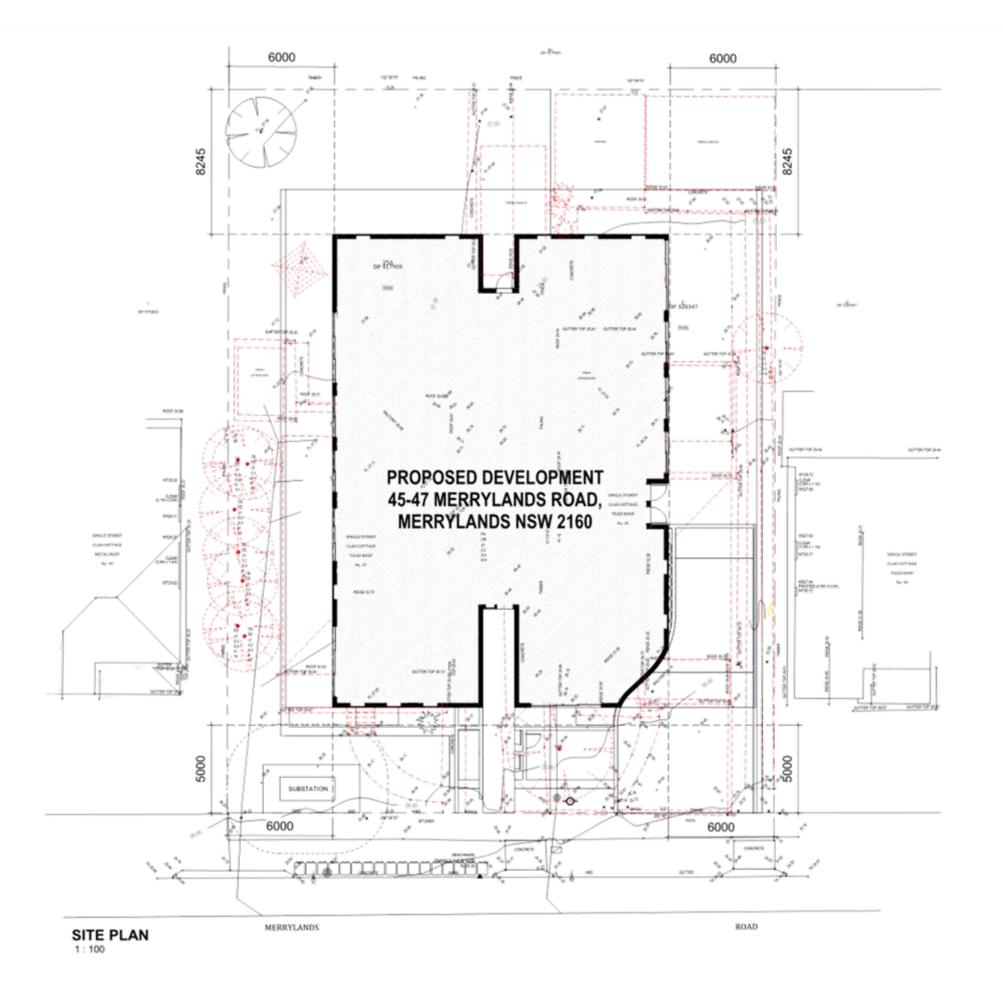
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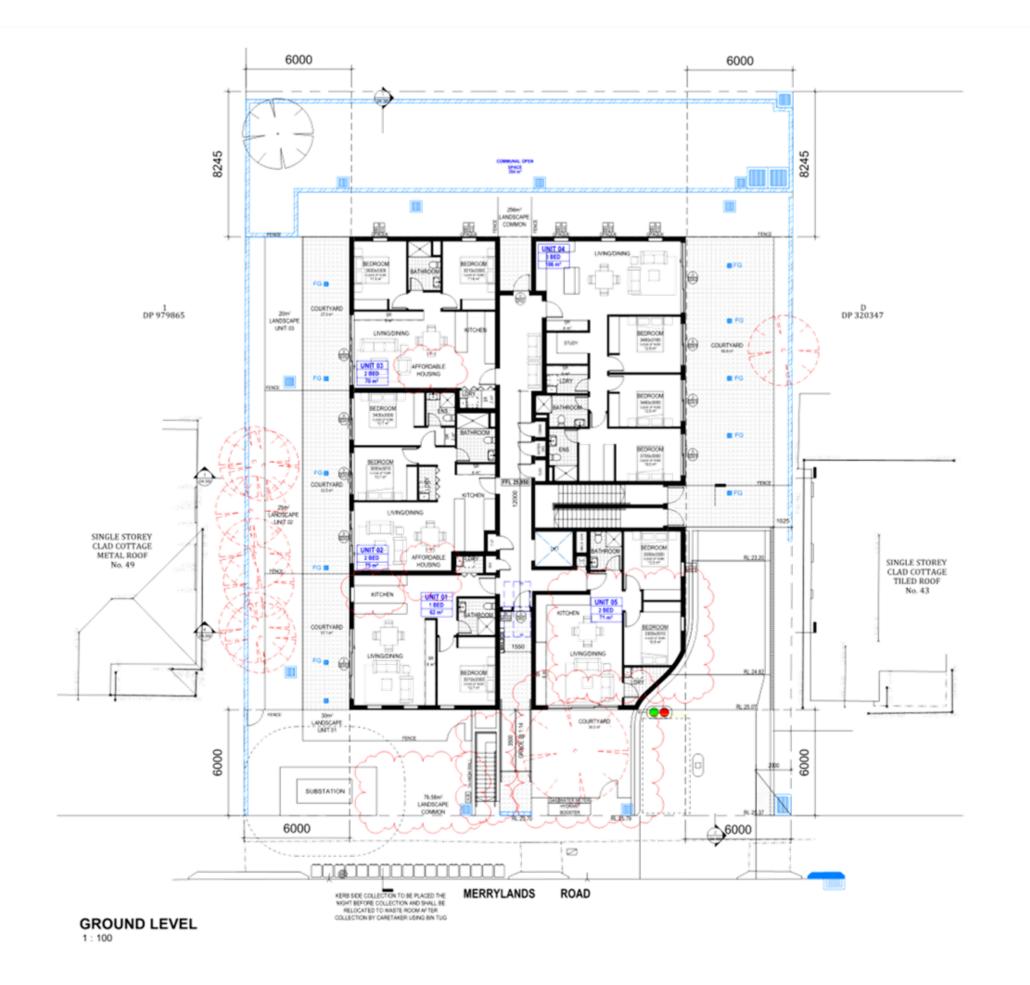


BASEMENT LEVEL

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FOR DEVELOPMENT APPLICATION NOT TO BE USED SURING CONSTRUCTION SAEED AL CHRABI & MUHEMMED AL JABRY 30119 ADDRESS. 45-47 MERRYLANDS ROAD, MERRYLANDS CUMBERLAND COUNCIL BASEMENT FLOOR PLAN 30230











FOR DEVELOPMENT APPLICATION NOT TO BE USED SURING CONSTRUCTION SAEED AL CHRABI & MUHEMMED AL JABRY 30119 ADDRESS. 45-47 MERRYLANDS ROAD, MERRYLANDS CUMBERLAND COUNCIL LEVEL 1 - FLOOR PLAN 30230

LEVEL 1

LPP002/24 – Attachment 7





LEVEL 2 1:100 FOR DEVELOPMENT APPLICATION NOT TO BE USED SURING CONSTRUCTION SAEED AL CHRABI & MUHEMMED AL JABRY 30119 ADDRESS. 45-47 MERRYLANDS ROAD, MERRYLANDS CUMBERLAND COUNCIL LEVEL 2 - FLOOR PLAN 30230







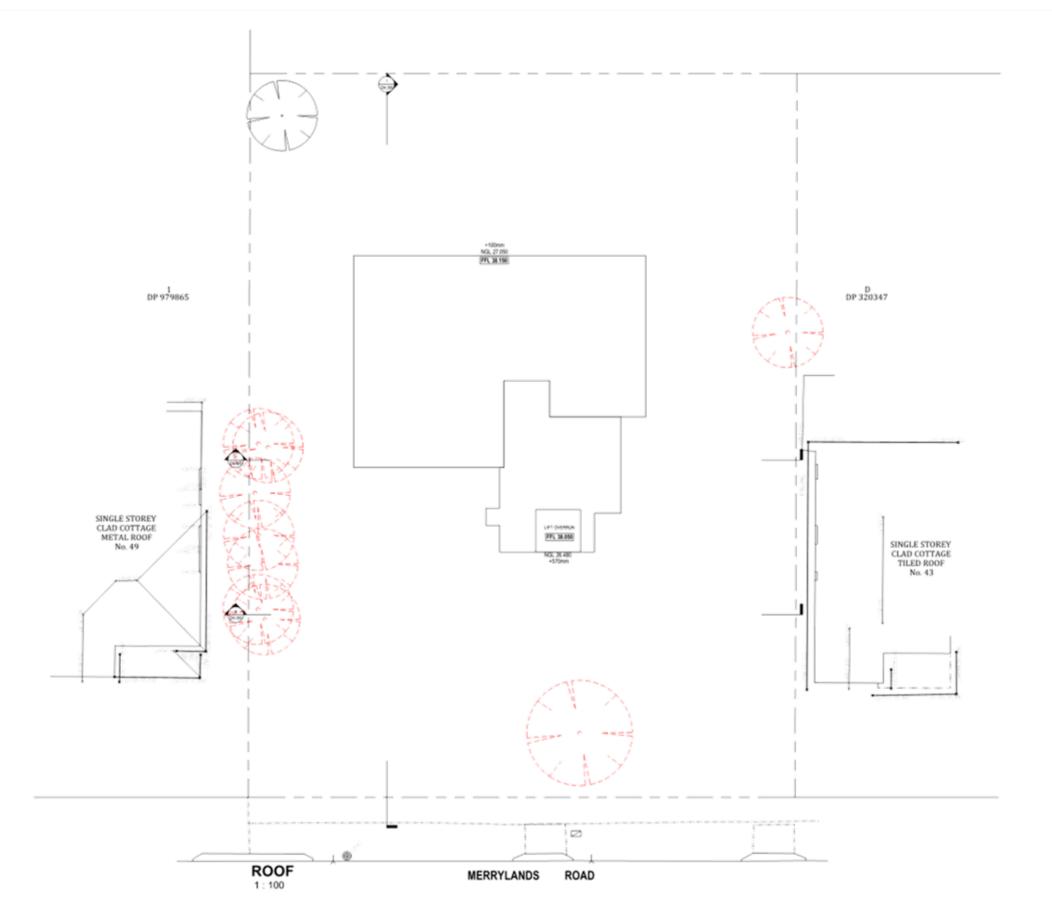
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LEVEL 3 - FLOOR PLAN

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30230



MATERIAL & COLOUR SCHEDULE



FACEBRICK - PGH COASTAL HAMPTONS OR SIMILAR TO EXT. WALL



FACEBRICK - PGH NERO OR SIMILAR TO EXT. WALL



CLADDING - JAMES HARDI DARK CLADDING OR SIMILAR



POWDER COATED ALUMINIUM WINDOWS & DOORS - COLORBOND NIGHTSKY OR SIMILAR



RENDER & PAINT - DULUX BLACK OR



SCREENING - ALUMINIUM TIMBER LOUVRED SCREENING OR SIMILAR

RENDER & PAINT - DULUX LEXICON WHITE OR SIMILAR TO EXT. WALLS AND BALUSTRADES



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WEST ELEVATION

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LPP002/24 – Attachment 7



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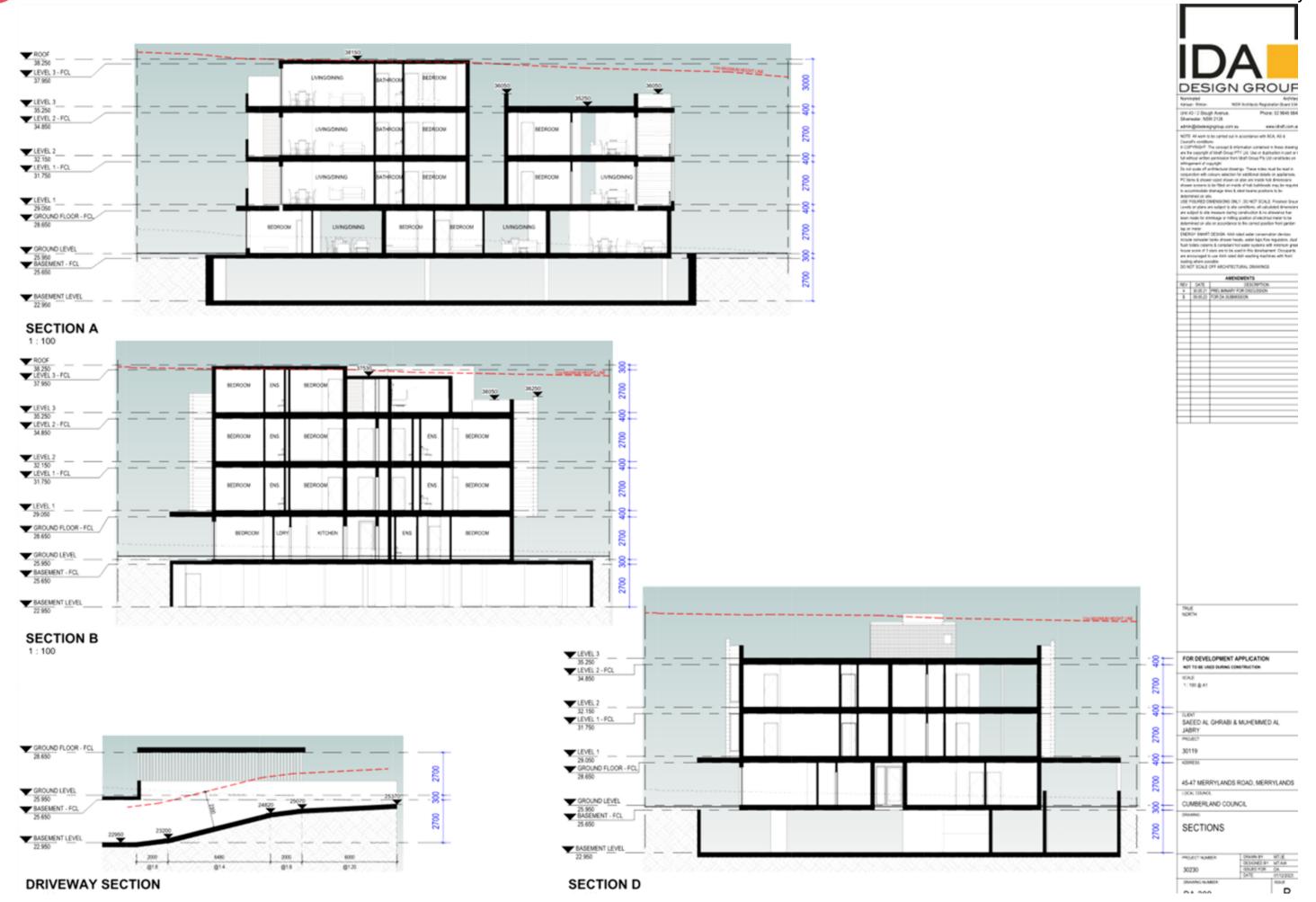


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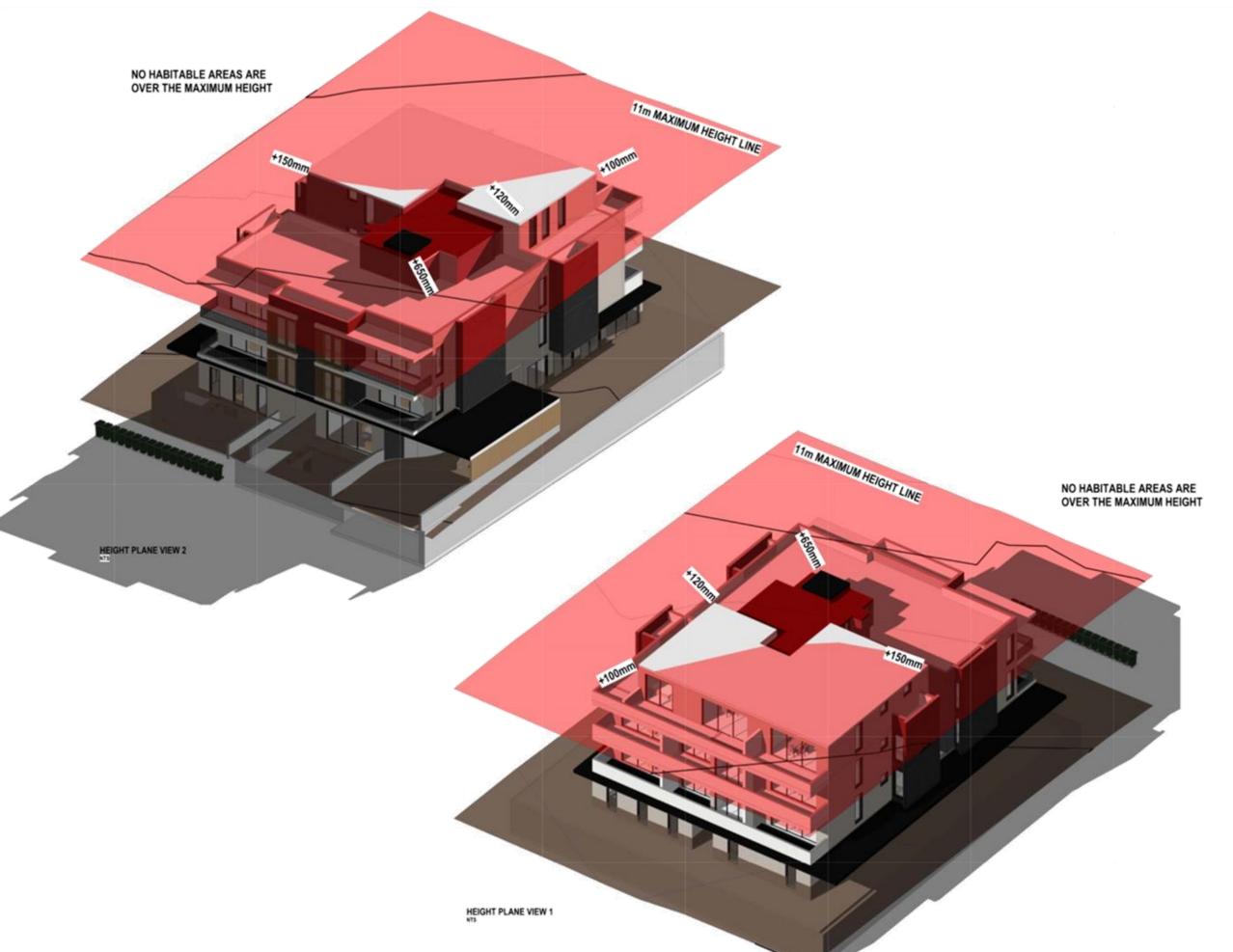
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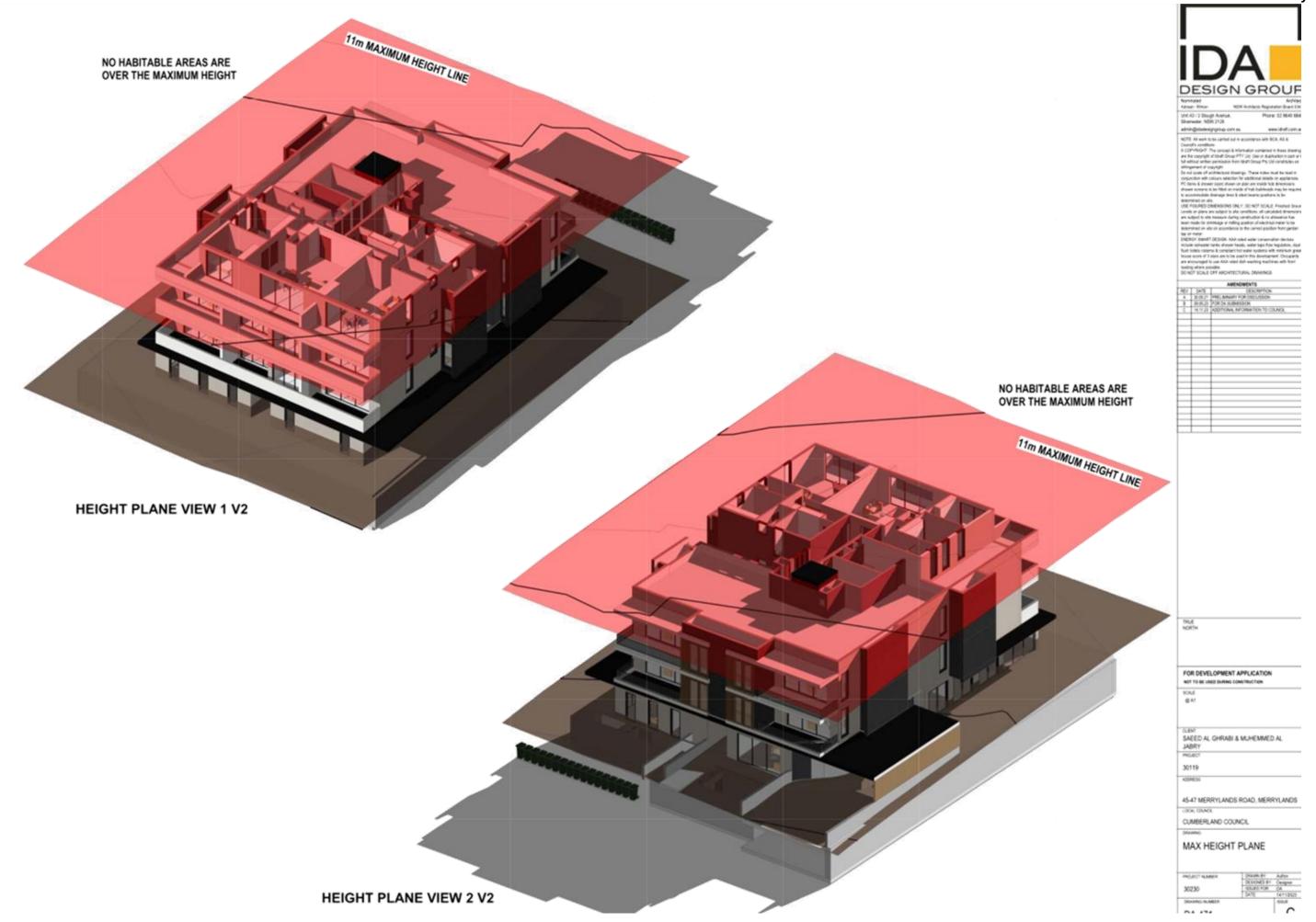
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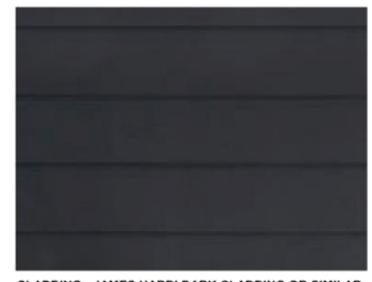
MATERIAL & COLOUR SCHEDULE



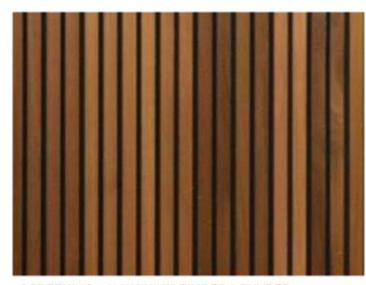
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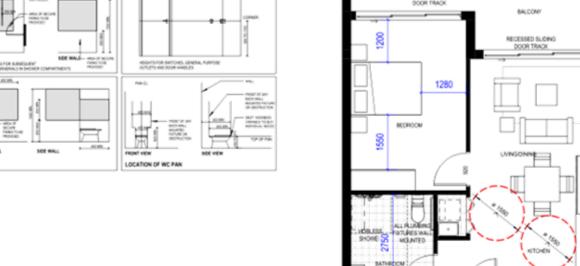
CUMBERLAND COUNCIL MATERIAL SCHEDULE

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30119 ADDRESS.

45-47 MERRYLANDS ROAD, MERRYLANDS

CUMBERLAND COUNCIL

ADAPTATION DETAILS

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GROUND LEVEL



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LEVEL 2 1:200







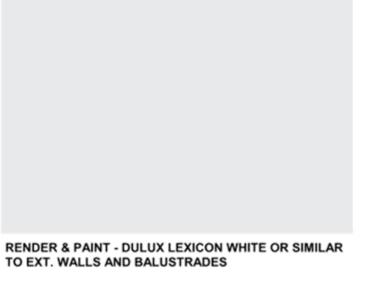
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POWDER COATED ALUMINIUM WINDOWS & DOORS - COLORBOND NIGHTSKY OR SIMILAR



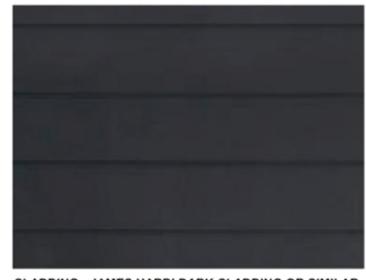
MATERIAL & COLOUR SCHEDULE



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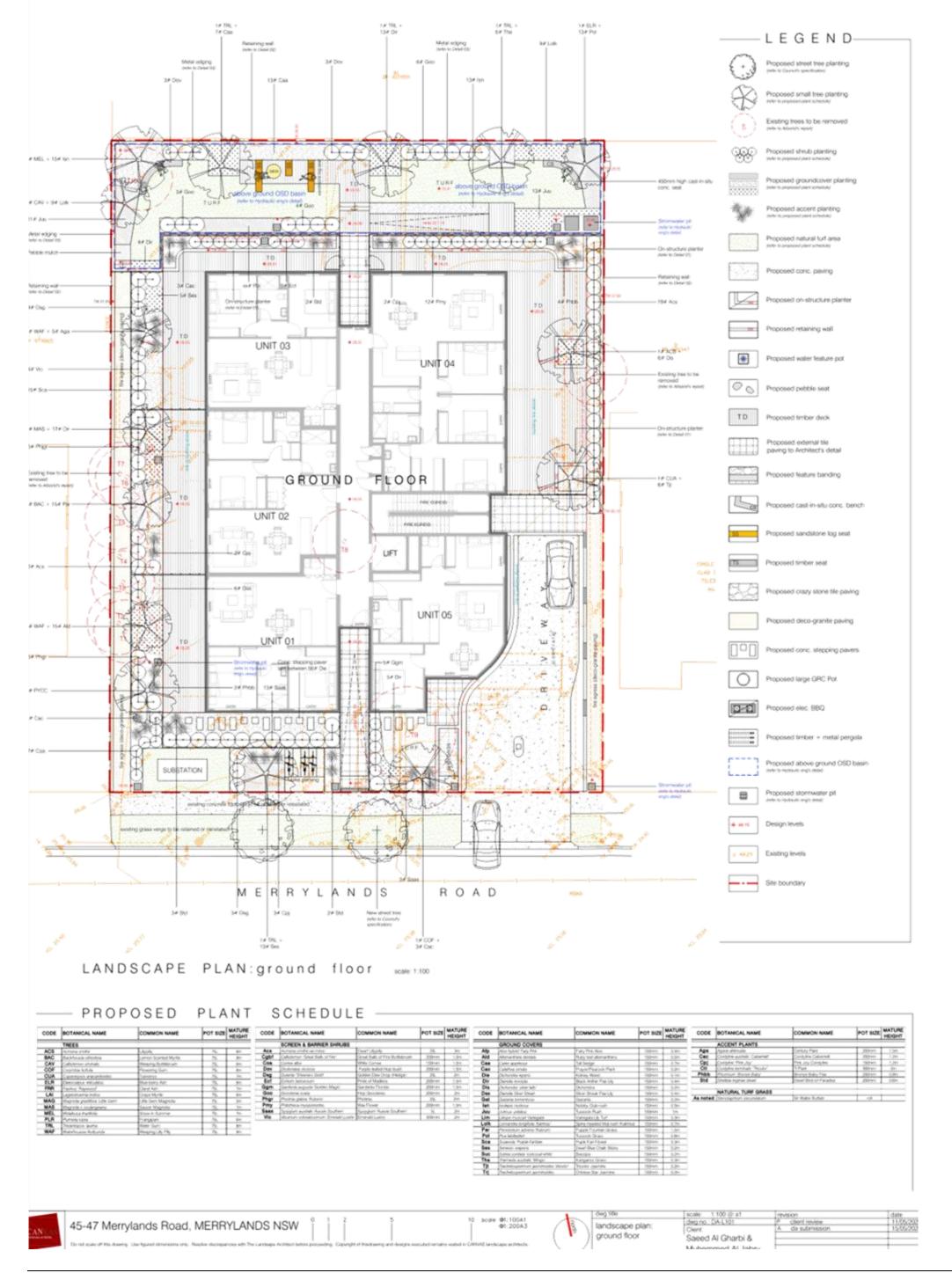


LPP002/24 – Attachment 7 Page 397

DOCUMENTS ASSOCIATED WITH REPORT LPP002/24

Attachment 8
Landscape Plans





LPP002/24 – Attachment 8 Page 401





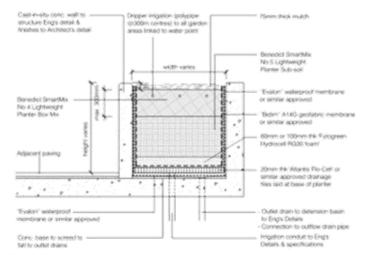
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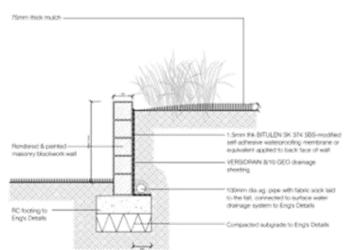
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LPP002/24 – Attachment 8 Page 402

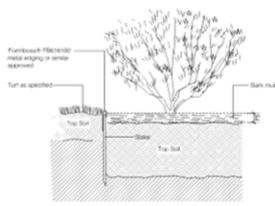


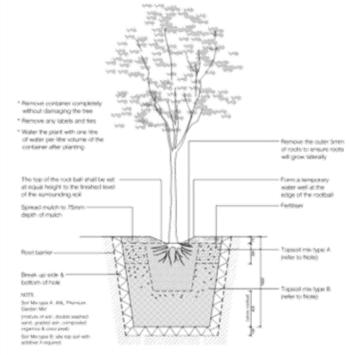


TYPICAL DETAIL 01: on-structure planter



TYPICAL DETAIL 02: masonry retaining wall wall wall and the same to the same t





TYPICAL DETAIL 04: tree planting

PROPOSED PLANTING & SAMPLE PLAY ITEMS IMAGE PALETTE

MAINTENANCE PROGRAM

The typical range of maintenance tasks required over a 12 month period is summarised in the table.

Any information provided in the table must be assessed in the light of the weather and general site conditions. For example, watering frequency depends on the soil drainage and rainfall; fertiliser type and frequency. needs to be adjusted to suit the plant requirements and the soil fertility

MULCH
Mulch will need be topped up periodically to maintain a min. depth of
75mm. Mulch should be kept at least 50mm away from plant stems to reduce the rick of collar rot. WEEDS
Weeds in mulched beds will need to be controlled by hand pulling or by

the use of non residual herbicides. When using herbicides be very careful to avoid spray drifting onto valuable plants, the smallest contact with the chemicals can cause damage.

PLANT MAINTENANCE Deep watering

eep watering once or twice a week is more beneficial to plants than frequent light watering. Frequent watering will produce shallow roots and make the plant less stable and susceptible to drought. Maintain moisture to the bottom of the rootball for the first 3 months. To help safeguard plants remove labels immediately after planting. Where plants are susceptible to damage by vehicles to pedestrians, maintain protective fences until plants are well established Replace dead plants fortnightly until such time as alternative maintenance procedures are in places.

LAWN MAINTENANCE Once lawn has been established, carry out watering and fertilising as suggested in the typical maintenance program. In summer, through watering, two or three times each week will encourage roots to go deeper in search of water. Mow grass as required to maintain an even tidy appearance.

						freq	menty.					
Maintenance Task	(accept	(accept	March	3	heps	*	1	August	September	Occuber	Scharle	December
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45-47 Merrylands Road, MERRYLANDS NSW

landscape typical details & maintenance schedule

Saeed Al Gharbi & Michamonari XI Yaha

Page 403 LPP002/24 - Attachment 8

DOCUMENTS ASSOCIATED WITH REPORT LPP002/24

Attachment 9
Shadow Diagrams





LPP002/24 – Attachment 9 Page 407





GROUND LEVEL



LEVEL 1 1:200



LEVEL 2 1:200







LPP002/24 – Attachment 9



Item No: LPP003/24

DEVELOPMENT APPLICATION - DARUGA AVENUE, PEMULWUY

Directorate: Environment and Planning

Responsible Officer: Executive Manager Development and Building

Application accepted	Friday 14 July 2023.			
Applicant	Cityscape Planning + Projects.			
Owner	Cumberland City Council and The Trust Company Limited.			
Application No.	DA2023/0354.			
Description of Land	Daruga Avenue Pemulwuy being:			
	Lot 202 in DP 1121844.			
	Lot 669 in DP 1148337.			
	Part Lot 901 in DP 1078814 being 2 Foundation Place			
	Pemulwuy.			
	Part Clunies Ross Road Reserve.			
Proposed	Construction of Prospect Hill pathway to lookout and			
Development	associated landscaping.			
Site Area	The site the subject of the works occupies 9,528.4 square			
	metres.			
Zoning	Cumberland Local Environmental Plan 2021:			
	C2 - Environmental Conservation Zone for Lot 202 in DP			
	1121844. Small portion of lot not zoned.			
	RE1 - Public Recreation Zone for Lot 669 in DP 1148337.			
	The following land is zoned IN1 General Industrial under State			
	Environmental Planning Policy (Industry and Employment)			
	2021 Chapter 2 - Western Sydney Employment Area.			
	in a square state and a square s			
	Clunies Ross Road Reserve.			
	 Lot 901 in 1078814 being 2 Foundation Place. 			
Disclosure of political	Nil disclosure.			
donations and gifts				
Cost of Works	\$3,521,100.00.			
Heritage	Yes - Number 101662 being Prospect Hill which is a State			
	Heritage listing.			
Principal Development	Not applicable for the site.			
Standards				
Issues	Nil.			

SUMMARY:

1. Development Application Number 2023/0354 for the construction of the Prospect Hill pathway to a new lookout and associated landscaping was accepted by Council on Friday 14 July 2023.



- 2. The application was publicly notified to occupants and owners of the adjoining properties for a period of twenty nine (29) days between Thursday 31 August and Thursday 28 September 2023. Council received 3 submissions to the development application, however 2 are from one objector.
- 3. The subject site is listed as a State heritage item within the Cumberland Local Environmental Plan 2021 being Prospect Hill Heritage Item I01662.
- 4. The development application is referred to the Panel as the development is occurring on land owned and managed by Cumberland City Council.
- 5. The development application is recommended for approval subject to conditions as recommended in the Council's assessment report.

REPORT:

Subject Site and Surrounding Area

Prospect Hill is located at Pemulwuy and has significant heritage value. The subject site is a large irregular shaped parcel of land situated between the industrial and residential areas of Pemulwuy.

The site comprises of four lots with the following property description:

- Lot 202 in DP 1121844.
- Lot 669 in DP 1148337.
- Part Lot 901 DP 1078814 being 2 Foundation Place.
- Part Clunies Ross Road Reserve.

The development site being that area the subject of development works has an irregular shape, occupies an area of 9,528.4 square metres and has a frontage of 60 metres to Reconciliation Rise to the south. The overall site area is considerably larger at 19,000 square metres being the wider area according to the statement of environmental effects.

While the site faces Reconciliation Rise, Council's property rating system has the site facing Daruga Avenue.

Prospect Hill is listed as a State Heritage Item (Number I01662) within the Cumberland Local Environmental Plan 2021 due to the significance of the area to the people of the Darug nation.

The site is situated on the summit of Prospect Hill with extensive panoramic views to the north, east and west. There are extensive residential areas to the north and east while industrial and warehouse developments predominate to the northwest, west and southwest.

Extensive clearing of trees has occurred within and adjacent to the site which is a result of former activities including agricultural and pastoral activities and quarrying. As a result, the site is relatively open. Notwithstanding this, there are small trees or shrubs scattered across the area.



Key site constraints

There are key site constraints that must be considered as follows:

- 1. Powerlines that cross through the site.
- 2. Easements passing through the site as follows:
 - Lot 202 in DP 1121844 Easements accommodating Endeavour Energy assets.
 - Road reserve incorporating part of Clunies Ross Street.
- 3. The site is identified as being bushfire prone possessing both Vegetation Buffer and Vegetation Category 3 lands as per the relevant mapping.

It is noted that the western part of the site is in private ownership. However, landowner consent has been submitted by the relevant party which authorises the making of the development application.

Vehicle access to the area is limited with the only parking area available along Reconciliation Rise and Butu Wargun Drive. The site has been cordoned off to prevent unauthorised access to the hilltop and to prevent antisocial activities occurring across the area.

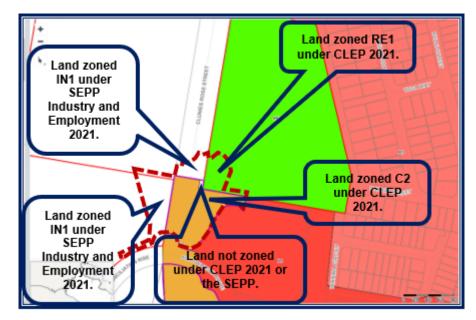
The location of the site is shown below with the general allotments affected by the development outlined in purple with the development site the subject of the works outlined in red.



The land zoning map under the Cumberland Local Environmental Plan 2021 is outlined below. There are two land parcels not zoned under the local planning instrument. Instead, the two parcels are zoned IN1 General Industrial under State Environmental Planning Policy (Industry and Employment) 2021 Chapter 2 - Western Sydney Employment Area.

It is also identified that a small portion of the site within Lot 202 in DP 1121844 with dimensions of approximately 4 metres x 12 metres is not zoned under the relevant planning instruments that apply to the site.





Photos of the site taken Sunday 27 August 2023 are attached below.













Description of The Development

Prospect Hill is listed on the State Heritage Register as an item of State Heritage Significance. The current condition of the park does not represent the significance of the site and area and upgrade works are essential to permit the site to be properly used.

On Wednesday 20 March 2019, Cumberland City Council adopted the "Prospect Hill Plan of Management" that provides for the framework for managing the land and outlines how the land is intended to be used, improved then maintained for the future.

The Plan of Management incorporated a Landscape Masterplan to illustrate the proposed improvements to the site and to facilitate the establishment of facilities for the users of the land (Page 62).

The Plan of Management has been prepared with extensive consultation and engagement with the local community and Aboriginal stakeholders.

The proposed development that forms the development application represents an initial development in the delivery of the broader Landscape Masterplan. The initial development focusses upon the area from Reconciliation Rise to the summit of Prospect Hill. It is expected that future development applications will be lodged for future development to permit the Masterplan to be fulfilled.

The Plan of Management is attached to the report for the consideration of the Panel.

The development application is consistent with the Plan of Management and proposes the following works:

- Establish a walking track along the ridgeline between the lookout at Prospect Hill and Reconciliation Rise.
- Construct unobtrusive viewing areas at Prospect Hill, looking south-east using low maintenance materials.
- Construct new pathways that are 2.5 metres wide to provide access to the "events and performance spaces, look out and summit knoll area.
- Provide seating at entry points, along pathways and at viewing points and provide a future ceremonial plaza and event space.
- Provide a low key and secure perimeter at the Reconciliation Rise entry to restrict existing unauthorised vehicle entry from that location.
- Removal of existing vegetation to allow for construction works to proceed.

Proposed Layout

The proposed layout is demonstrated as follows:

- A single shared path provides access to Prospect Hill from Reconciliation Rise.
- The pedestrian path to the lookout sweeps around a performance area and follows the contours of the hill up to the Ceremonial Plaza.



- The path then switches back to a landing which intersects with the stairs and sweeps on up to the base of the knoll.
- The path meets the ridgeline path at the base of the hill which wraps around the base of the knoll to the lookout.
- To the south of the knoll, a lookout platform is provided with topo scope signage and bench seating.
- In addition to the path, a stair access connects Reconciliation Rise to the performance space and a set of stairs connects the performance space to the base of the knoll.
- The site will be subjected to landscaping corresponding to site conditions and will be fenced off to prevent unauthorised access.

New building works

The following works are required:

- The entry area of Reconciliation Rise will be represented as a stone clad feature wall with place name signage, a gated entry with secure fencing and bench seating, drinking fountain and bin located outside the secure perimeter.
- The fencing and gate at this location will be a steel palisade type product and the space behind this entry area will be provided with feature basalt boulders.
- The pathways will be a mix of at-grade concrete finishes at the lower and upper levels of the site and elevated mesh to steel, walkways through the site midsections.
- The stairs are also provided with a concrete finish and the landings at these spaces will be an exposed aggregate finish.
- Galvanised hand rails are also provided to the stairs, elevated pathways and ramps together will tactile ground surface indicators at all required locations.
- Low retaining walls along the pathways can also perform a seating role to allow users to rest and contemplate views and the broader site experience including the event space and future ceremonial area.
- The lookout will feature an elevated platform of mesh to steel and will feature bench seating and steel balustrades along its perimeter.

Operations and Management

Prospect Hill is currently visited by various users including Aboriginal groups and school groups as part of teaching Aboriginal history and culture. It is also an important venue to the Aboriginal community for the annual NAIDOC Week and Reconciliation Day (3 May) events.

The development proposal is therefore only seeking to accommodate the existing activities and user groups and particularly the Aboriginal communities in a more functional manner that recognises and respects the cultural importance of the site.



Further, it is not intended as part of the initial stage of the development to attract more intensive or frequent use of the site. Generally only Council organised events will be taking place within the area. The Council events will be "invitation only" to the relevant user groups.

Access from Reconciliation Rise will therefore be restricted by the electronic gate and secure perimeter and access will be on a need only basis and formally requested basis through Council. On the days of events, the gates will be opened either electronically or by Council rangers between the hours of 6 am and 6 pm. At all other times, the area will remain closed to the general public. The practice will occur until the embellishment of the broader site is complete that will allow more public use.

History

A pre lodgement meeting was held with Council officers on Tuesday 30 May 2023 with the pre lodgement minutes being issued shortly after.

The development application was accepted by Council on Friday 14 July 2023 for determination.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Cityscape Planning and Projects which is dated June 2023.

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

Aboriginal Engagement and Programs

The development application was referred to Council's Aboriginal Engagement and Programs Officer for comment in relation to the Aboriginal Cultural Heritage Assessment Report submitted by Apex Archaeology. As per the comments of Thursday 5 October 2023, no objections are raised to the development application. Furthermore, there are no conditions recommended for any consent that may be issued.

Development Engineering

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

Environment and Health

The development application was referred to Council's Environment and Health Officer for comment who has advised that the development proposal is unsatisfactory on the



grounds that an acoustic report was not submitted to address any events occurring at the ceremonial area. However, there is no objection overall to the development and conditions are provided.

It should be noted that events when they do occur are seldom in nature and attracting very limited numbers within an area that is not located near residents. It is considered that an acoustic report is not required. However, the applicant will be required to submit a plan of management addressing how noise from any events held at the lookout are minimised / mitigated. This is addressed at draft Condition 7 for Panel consideration.

Parks and Open Space

The development application was referred to Council's Parks and Open Space Department for assessment. As per advice of Tuesday 5 September 2023:

- The proposal is consistent with the plan of management and delivers on what the plan seeks to undertake.
- The proposal is consistent with the objectives of the plan of management.
- The planting scheme is appropriate for the location and the planting aligns with the relevant objectives for regeneration of the site.
- The recommendations made in the accessibility report should be included into any consent issued.

No conditions are provided given the proposal being consistent with the Plan of Management for the site.

Property / Governance and Risk

The development application was referred to Council's Property, Governance and Risk Department. No objections were received in relation to the development application.

Tree Management

The development application was referred to Council's Tree Management Officer for comment who has advised that the development proposal is satisfactory subject to conditions.

Waste Management

The development application was referred to Council's Waste Management Officer for comment who has advised that the development is satisfactory. There are no objections to the proposed development and no conditions are required.

External Referrals

Endeavour Energy

Endeavour Energy has provided conditions addressing relevant concerns in relation to easements. All relevant conditions are included into the recommendation for Panel consideration.



Office of Environment and Heritage (Heritage)

The development application was initially considered as being Integrated Development and requiring a General Terms of Approval pursuant to Section 90 of the National Parks and Wildlife Act 1974 and Section 58 of the Heritage Act 1977.

As per correspondence of Friday 22 December 2023, there is no harm to Aboriginal objects arising from the development and an Aboriginal Heritage Impact Permit is not required. The development is not integrated development, and no general terms of approval is required. However general conditions are provided for any consent that may be issued.

New South Wales Police - Cumberland Local Area Command

The development application was referred to New South Wales Police - Cumberland Local Area Command for review. As per the comments of Tuesday 29 August 2023, the development application is supported subject to conditions.

Planning Comments

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

State Environmental Planning Policies

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

Policies:		
State Environmental	Relevant	Compliance with Requirements
Planning Policies (SEPPs)	Clause(s)	
• State Environmental	Chapter 2 -	There is a need to clear 1,094
Planning Policy	Vegetation in non	square metres of native vegetation
(Biodiversity and	Rural Areas.	across the site.
Conservation) 2021.		
		The area clearing threshold is 5,000 square metres for native vegetation due to the wider site occupying more than 10,000 square metres in area.
		Note: This is allowed for sites between 10,000 sq m and 40,000 sq m in size.
		The area clearing threshold is not exceeded and the site the subject of the works is not identified on the mapping as an area containing biodiversity significance.
		The development application includes the removal of small trees



	Chapter 6 - Water Catchments. Sydney Harbour Catchment.	and shrubs which are of limited ecological value. The vegetation will be replaced with improved endemic planting to enhance the local area. The proposal does not exceed the biodiversity offsets scheme threshold. Therefore, the proposed vegetation removal is considered acceptable. It is determined that given its location, a detailed assessment is not required given that there is no direct impact upon the catchment and no direct impact upon watercourses. As such, the development is acceptable under the new provisions that came into effect on Monday 21 November
		However, given that the site is situated on the summit of a hill, the development application includes the following protective features to protect catchments below the ridgeline during construction: • Vegetation swales, dispersion trenches and a stormwater management system appropriate for the location that connects to existing trunk drainage systems.
		Suitable sediment and erosion controls at locations where soil erosion could occur during construction.
State Environmental Planning Policy (Resilience and Hazards) 2021.	Chapter 2 - Coastal Management.	The subject site is not identified as a coastal wetland or 'land identified as "proximity area for coastal wetlands" or coastal management area. As such, no assessment of Chapter



Chapter 4 - Remediation of Land.

Part 4.6 - Contamination and remediation to be considered in determining development application.

Part 4.6.

Comments

The site and broader area have a long history of quarry activities commencing during the 1950s and concluding during the 1970s which raises the potential for contamination from refuelling of various plant and equipment on site at the time.

A preliminary site investigation has been conducted for the site with a report prepared by SESL Australia Reference Number J001516 and dated February 2019 identifying that the site was contaminated and requiring major remediation works.

A remediation action plan has been prepared by SESL Australia Reference Number J001516 and dated March 2019. It is determined that the most appropriate option available is for on site management to occur.

A validation report prepared by EDP Reference number S-00943.SRVR.001 and dated November 2022 states that remediation works have been completed the and site considered suitable for public open space use.

On the grounds that Council's Environment and Health Officer has raised no objection to the development in terms of land contamination issues, it is concluded that the development application is satisfactory under Part 4.6 of Chapter 4 of the State Policy.



State Environmental Planning Policy (Industry and Employment) 2021.	Chapter 2 Western Sydney Employment Area.	The land known as Clunies Ross Road Reserve and Lot 901 in 1078814 being 2 Foundation Place falls under Chapter 2 of the State Policy. A detailed assessment covering the land parcels as relevant is attached at Appendix A. It is determined that the relevant provisions are complied with. In addition: • The development is permissible with consent within the IN1 General Industrial zone that is applied to the land. • The heritage matters have been addressed with the Heritage Office of New South Wales.
	Chapter 3 Advertising and Signage.	 The relevant provisions are complied with. The entry area of Reconciliation Rise will be represented as a stone clad feature wall with place name signage and a gated entry with secure fencing. The proposed sign will read "Prospect Hill". The sign will have dimensions of 3.8 metres x 275 mm and having an area of 1.045 square metres. The sign read "Prospect Hill" being a geographical name of a locality. It is not advertising signage that promotes any good or service or an event and the wording is neither business or building identification signage. A detailed assessment is not required given that the sign specifies a geographical feature being a hill.



State Environmental Planning Policy (Sustainable Buildings) 2022		State Environmental Planning Policy (Sustainable Buildings) 2022 sets sustainability standards of buildings across NSW for residential and non-residential development. The Sustainable Buildings SEPP was notified on Thursday 29 August 2022 and came into effect on Sunday 1 October 2023 to allow for the relevant industry to adjust to the new standards. In accordance with the savings and transitional provisions of Clause 4.2 of the Sustainable Buildings SEPP 2022, this policy does not apply to the subject development application given timing of lodgement and acceptance.
State Environmental Planning Policy (Transport and Infrastructure) 2021.	Chapter 2 - Infrastructure. Clause 2.48	State Environmental Planning Policy (Transport and Infrastructure) 2021 is relevant to the development application as follows. Chapter 2 - Infrastructure. Determination of development applications (Subpart (2)) - Give written notice to electricity providers and take account of responses received within 21 days. Comment Given the presence of easements and various electricity assets managed and operated by Endeavour Energy, Council has referred the development application to Endeavour Energy for review. Endeavour Energy has provided conditions addressing relevant concerns in relation to easements. All relevant conditions are included into the recommendation for Panel consideration.



Local Environmental Plans

Cumberland Local Environmental Plan 2021

The provision of the Cumberland Local Environmental Plan 2021 is applicable to that part of the development occurring across Lot 202 in DP 1121844 and Lot 669 in DP 1148337. The development across the land parcels and different zonings achieves compliance with the key statutory requirements of the Cumberland Local Environmental Plan 2021 and the objectives of the following zones:

- C2 Environmental Conservation Zone for Lot 202 in DP 1121844.
- RE1 Public Recreation Zone for Lot 669 in DP 1148337.

Note: A small portion of land on Lot 202 in DP 1121844 does not have any zoning under any planning instrument with the area affected by between 48 and 60 square metres. Given the wording of Clause 2.4 of the Cumberland Local Environmental Plan 2021 which reads as:

Unzoned land

- (1) Development may be carried out on unzoned land only with development consent.
- (2) In deciding whether to grant development consent, the consent authority—
 - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
 - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

Council officers may consider the development across the affected area under Subclause 2(a) and 2(b) and apply the provisions accordingly as part of the assessment.

(a) Permissibility:

The proposed development as demonstrated by the Statement of Environmental Effects is defined as a Recreation Area which is defined as:

recreation area means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like, and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

A recreation area is a permissible development with consent across both zones. Coupled with the permissibility that is achieved for the IN1 General Industrial zone



under State Environmental Planning Policy (Industry and Employment) 2021 - Chapter 2 Western Sydney Employment Area, it is considered that the development across all four allotments is permissible with consent.

Given this finding, it is considered that the proposed development is permitted across that part of Lot 202 in DP 1121844 that is not zoned under any of the planning instruments that apply to the site.

The relevant matters to be considered under the Cumberland Local Environmental Plan 2021 and the applicable clauses for the proposed development are summarised below. A comprehensive LEP assessment is contained in Appendix B.

Cumberland LEP 2021 Compliance Table

DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION
4.3 Height of Buildings.	N/A	No building height requirements apply to the site and no formal buildings are to be constructed.
4.4 Floor Space Ratio.	N/A	No floor space ratio requirements apply to the affected land and no floor space ratio is generated by the proposed works.

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

There are no draft planning instruments that needs to be considered for the purpose of the development application.

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

The Cumberland Development Control Plan 2021 is relevant to the development proposal and the development has been assessed using the relevant controls. The development is found to comply with the relevant provisions. A detailed assessment is provided at Appendix C attached to the report for clarity.

Car parking requirements

A car park is not proposed to service the development and there are no car parking requirements for such developments. Council engineers have supported the development with conditions without the need for a car park.

The applicant has advised in a written statement dated Friday 20 October 2023 that given the State Heritage significance of the subject site, there is no likelihood that the Office of Environment and Heritage would issue an approval to a development proposal that sought to include a car park on the subject site.

On Page VI and VII of the Plan of Management, the Masterplan for the Prospect Hill area is suggesting the development of car parking with access from Clunies Ross Drive especially once the entire hill is developed to its full potential. The plan is not suggesting on site car parking to service the initial stages of the Prospect Hill redevelopment.



The development of future car parking is situated on another part of the site that does not form part of the current development application.

On this basis and, given that there is a long term masterplan in place for the hill, including the development of a future car park to service the area for the long term, the proposal to rely on the street car parking within the vicinity of the entry to the site is considered to be acceptable.

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

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

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

The proposed development raises no concerns as to the relevant matters arising from the Environmental Planning and Assessment Regulations 2021 (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 site is identified as being bushfire prone on the relevant Council bushfire prone areas map. As per the requirements of Clause 4.14 of the Environmental Planning and Assessment Act 1979, Council cannot consent to development unless it demonstrates that it conforms to the specifications and requirements of Planning for Bushfire Protection 2019 prepared by the NSW Rural Fire Service.

As demonstrated by the documents submitted, the site is not located close to major bushland areas and the bushfire prone status is largely related to smaller vegetation areas and grasses located across the site.

The development application is not proposing any buildings and there is no permanent onsite occupation occurring. In addition, the grasses and vegetation will be removed as part of the works which in turn will reduce any fire hazard.

The relevant legislation has been considered and it is determined that formal referral to the New South Wales bushfire brigade is not required because a building is not proposed.

It is considered that the development is suitable in the context of the site and surrounding locality and is consistent with the Prospect Hill Plan of Management dated March 2019.



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

Advertised (Website) 🛛	Mail 🔀	Sign 🖂	Not Required
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In accordance with Council's Notification requirements contained within the Cumberland Development Control Plan 2021, the proposal was publicly notified for a period of twenty nine (29) days between Thursday 31 August and Thursday 28 September 2023. During the notification period, Council received 3 submissions. The issues raised in the public submissions are summarised and commented on as follows:

Issue	Planner's Comment
The plans do not properly locate the site.	The information submitted including the
References to a geographical landmark	statement of environmental effects
should be made.	clearly outlines the location of the site.
Is the site part of the Masterplan?	The site is governed by the Prospect Hill Plan of Management. It is determined that the proposed development is consistent with the Plan of Management.
There is loud party noise from the top of	The development application has been
the hill and fireworks are often let off	referred to the Cumberland Local Area
which has set the grass on fire in the past.	Command for comment. The
We have made numerous complaints to	development application is supported
Police due to poor behaviour during the early hours of the morning. This includes	subject to conditions.
illegal drinking, drug taking and parties.	The proposed development will result in
	improvements being made and as such
	the issues raised are less likely to occur or would cease.

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

As per advice received from Council's Senior Contributions Advisor dated Wednesday 23 August 2023, a contribution is not payable for the development on the grounds that this is a Council development application.

Housing and Productivity Contribution (HPC)

In accordance with s7.24(4) of the Environmental Planning and Assessment Act, 1979 as amended by the Environmental Planning & Assessment Amendment (Housing and Productivity Contribution) Act 2023, the development is subject to the (Housing and Productivity Contribution) Act 2023.



In accordance with Part 2 of Schedule 5 of the Environment Planning & Assessment (Housing and Productivity Contribution) Order 2023 ('the Order'), the Order does not apply to a development consent granted to a pending development application (Pending DA).

A 'Pending DA' as per Schedule 1 of the Order and Schedule 6, part 9, s16 of the Regs 2021 is as follows:

- (a) a development application that is made, but not determined, before the commencement of this Order, or
- (b) a development application that is made and determined before the commencement of this Order, but has not been finally determined, or
- (c) an application for a complying development certificate that is made, but not determined, before the commencement of this Order.

The contribution would not apply to such an application for a lookout and associated pathways.

Disclosure of Political Donations and Gifts

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

CONCLUSION:

The proposed development is appropriately located within the following zones:

- C2 Environmental Conservation Zone for Lot 202 in DP 1121844.
- RE1 Public Recreation Zone for Lot 669 in DP 1148337.

Under the Cumberland Local Environmental Plan 2021.

• IN1 General Industrial for Clunies Ross Road Reserve and Lot 901 in 1078814 being 2 Foundation Place.

Under State Environmental Planning Policy (Industry and Employment) 2021 Chapter 2 - Western Sydney Employment Area.

The proposal is generally consistent with all statutory and non-statutory controls applying to the development. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

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



REPORT RECOMMENDATION:

- 1. That Development Application 2023/0354 on land at Lot 202 in DP 1121844, Lot 669 in DP 1148337, Part Lot 901 in DP 1078814 being 2 Foundation Place Pemulwuy and Part Clunies Ross Road Reserve for Construction of Prospect Hill pathway to lookout and associated landscaping be approved subject to conditions as provided in the attached Schedule.
- 2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

ATTACHMENTS

- 1. Draft Notice of Determination J.
- 2. Architectural Plans !
- 3. Stormwater/Engineering Plans J.
- 4. Redacted Submissions !
- 5. Cumberland City Council Prospect Hill Plan of Management March 2019 (Includes the Landscape Master Plan details)

 ...
- 6. Appendix A State Environmental Planning Policy (Industry and Employment) 2021 Assessment Table

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- 7. Appendix B Cumberland Local Environmental Plan 2021 Assessment Table &
- 8. Appendix C Cumberland Development Control Plan 2021 Assessment Table J.

DOCUMENTS ASSOCIATED WITH REPORT LPP003/24

Attachment 1 Draft Notice of Determination





DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the Environmental Planning and Assessment Act, 1979

Application No: DA2023/0354

Applicant: Cityscape Planning + Projects

PO Box 127

GLENBROOK NSW 2773

Property Description: Daruga Avenue being Lot 202 in DP 1121844, Lot 669 in DP 1148337,

Part Lot 901 in DP 1078814 being 2 Foundation Place and Part

Clunies Ross Road Reserve Pemulway.

Development: Construction of Prospect Hill pathway to lookout and associated

landscaping.

Determined by: Cumberland Local Planning Panel.

CONDITIONS OF CONSENT

General Conditions.

DAGCA01- General

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

(Reason: Advisory)

2. DAGCA02 - Approved Plans and Supporting Documents

The development must be carried out in accordance with the following endorsed plans and documents, except as otherwise provided by the conditions of this consent.

Reference/Dwg No	Title/Description	Prepared By	Date/s
Drawing Number DA- 2142-001 Issue A	Cover Sheet	Sturt Noble Associates	2/6/2023
Drawing Number DA- 2142-100 Issue B	Site plan Development Application	Sturt Noble Associates	2/6/2023
Drawing Number DA- 2142-101 Issue B	General Arrangement Plan 01 Development Application	Sturt Noble Associates	2/6/2023
Drawing Number DA- 2142-102 Issue B	General Arrangement Plan 02 Development Application	Sturt Noble Associates	2/6/2023
Drawing Number DA- 2142-103 Issue B	General Arrangement Plan 03 Development Application	Sturt Noble Associates	2/6/2023
Drawing Number DA- 2142-104 Issue B	General Arrangement Plan 04 Development Application	Sturt Noble Associates	2/6/2023
Drawing Number DA- 2142-301 Issue B	Planting Strategy	Sturt Noble Associates	8/6/2023
Drawing Number DA- 2142-302 Issue B	Materials and Finishes	Sturt Noble Associates	8/6/2023
Drawing Number DA- 2142-801 Issue A	Sections 01	Sturt Noble Associates	2/6/2023

LPP003/24 – Attachment 1 Page 431



Drawing Number DA- 2142-802 Issue A	Sections 02	Sturt Noble Associates	2/6/2023
Drawing Number DA- 2142-901 Issue A	Landscape Details 01	Sturt Noble Associates	2/6/2023
Drawing Number DA- 2142-902 Issue A	Landscape Details 02	Sturt Noble Associates	2/6/2023
Drawing Number DA- 2142-903 Issue A	Landscape Details 03	Sturt Noble Associates	2/6/2023
Drawing Number DA- 2142-904 Issue A	Landscape Details 04	Sturt Noble Associates	2/6/2023
C010 Revision P1	Cover Sheet	TTW	30/5/2023
C020 Revision P2	Notes and Legend Sheet	TTW	1/6/2023
C030 Revision P1	Existing Survey	TTW	30/5/2023
C040 Revision P1	Sediment and Erosion Control Plan	TTW	30/5/2023
C060 Revision P2	Site works and Stormwater Plan Sheet 1	TTW	1/6/2023
C070 Revision P1	Details Sheets 1	TTW	30/5/2023
Revision 2	Aboriginal Cultural Heritage Assessment Report	Apex Archaeology	8 May 2023
Reference Number 23021 Issue A	Access Report	Vista Access Architects	3/6/2023
Revision 2	Statement of Heritage Impact	Apex Archaeology	8 June 2023
S- 00943.LTEMP.001/C0 016 Revision V01	Long term Environmental management Plan	EDP	13 October 2023

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

3. DAGCZ01 - Conditions service authorities

The following conditions are to be complied with during construction works.

Heritage Office New South Wales

- a) An Aboriginal Cultural Heritage Management Plan shall be prepared to protect and manage the cultural values in consultation with the RAPs for the project.
- b) There shall be no works close to or adjacent to the Potential Archaeological Deposit associated with Site 45-5-2571.
- c) No Aboriginal objects may be harmed without an approval from Heritage New South Wales under the National Parks and Wildlife Act 1974.
- d) If any Aboriginal objects are discovered and or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:
 - Not further harm the objects.
 - Immediately cease all work at the particular location.
 - Secure the area so as to avoid further harm to the Aboriginal object(s).
 - Notify Environment Line as soon as practical by calling 131555 or emailing info@environment.nsw.gov.au <mailto:info@environment.nsw.gov.au> providing and details of the Aboriginal objects and its location.
 - Not recommence any work at the particular location unless authorised in writing by Heritage New South Wales.

LPP003/24 – Attachment 1 Page 432



- e) If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage New South Wales before work may continue.
- f) In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and New South Wales Police and Heritage New South Wales be contacted.

Endeavour Energy

- The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
- Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
- Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
- d) The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
- Before commencing any activity near overhead power lines the applicant must obtain advice from the Look Up and Live service.
- f) Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.
- applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.
- h) Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
- Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'.
- j) All encroachments and / or activities (works) within or affecting an easement, restriction, right of access or protected works (other than those approved / certified by Endeavour Energy's Customer Network Solutions Branch as part of an enquiry / application for load or asset relocation project and even if not part of the Development Application) must be referred to Endeavour Energy's Easements Officers for assessment and possible approval if they meet the minimum safety requirements and controls.

However please note that this does not constitute or imply the granting of approval by Endeavour Energy to any or all of the proposed encroachments and / or activities.

To resolve these matters the applicant shall make direct contact with Endeavour Energy's Easements Officers (who do not access to the NSW Planning Portal).

- k) To ensure an adequate connection, the applicant must engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development.
- The low voltage service conductor and customer connection point must comply with the 'Service and Installation Rules of NSW'.
- m) The planting of large / deep rooted trees near electricity infrastructure is opposed by Endeavour Energy. Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary, replaced by an alternative smaller planting. The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements.



Cumberland Police Area Command

- a) Bollards shall be used at access points to restrict vehicle access to the walking paths with details being shown on the construction certificate plans for approval by Council or the Registered Certifier.
- b) Directional signage shall be provided at access points to the site with details being shown on the construction certificate plans for approval by Council or the Registered Certifier.

(Reason: To comply with service authority requirements)

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

4. DAPDB09 - Tree Preservation

All street trees and trees on private property that are protected under Council's Development Control Plan and relevant policies, shall be retained and protected in accordance with AS 4970 - 2009 'Protection of Trees on Development Sites' during demolition and construction works except where Council's prior written consent has been obtained.

(Reason: Tree Preservation and Protection)

5. DAPDB12 - Sediment and Erosion Control measures

Prior to the commencement of works, the following measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project:

- a) A dish shaped diversion drain, or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.
- b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed in suitable locations below the construction area to reduce impacts on waterways.
- vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.
- d) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.
- A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed
 prior to commencement of any site works or activities, to prevent mud and dirt leaving the site
 and being deposited on the street.
- f) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations, which could lead to the discharge of materials into the stormwater drainage system or waterways.
- g) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway. Stockpiles shall be protected with adequate sediment controls.
- h) Such measures are to be maintained at all times to the satisfaction of Council and the Principal Certifier. Failure to do so may result in the issue of penalty notices.

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

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

A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to the Landcom's Managing Urban Stormwater: Soils and Construction - Volume 1, commonly known as the 'Blue Book'. All Erosion and sediment control measures at the site shall be in accordance with the erosion and sediment plans. A copy of the plan must be kept on-site at all times and made available to Council Officers on request.

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

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



7. DACCA01 - Plan of Management

A plan of management shall be submitted to Council for approval addressing but not limited to the following:

- Noise from events held at the event arena;
- b) Traffic management and access;
- Hours of operation;
- d) Complaints management.

The report should make recommendations as appropriate for limiting noise from the arena area.

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

8. DACCA02 - Application for a Construction Certificate

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

(Reason: Statutory requirement)

DACCA03 - Disabled Access & Facilities

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

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

10. 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 the 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 by Council.

11. DACCC06 - Separate Approval for Works in the Public Road (External Works) - Section 138 Roads Act

In accordance with Section 138 of the *Roads Act 1993* and prior to the issue of any Construction Certificate, the applicant must submit a Road and Footpath Opening Permit application that is accompanied by detailed plans. Written approval must be obtained from the appropriate road authority under the *Roads Act 1993* for any works in the road reserve prior to the commencement of works.

Where the work is likely to have an impact on the operation of an arterial road then a Road Occupancy Licence must be obtained from the relevant road authority. The application should be lodged at least 10 days prior to the planned commencement date.

(Reason: Protection of Public Assets and information)

12. DACCE02 - Construction Management Plan

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

- a) Actions and works proposed to ensure safe access to and from the site, including how the road and footpath area will be protected from building activities, plant and materials delivery, or static loads from cranes, concrete pumps and the like.
- b) The proposed method of loading and unloading excavation machines, building materials, formwork, and the erection of any part of the structure within the site.
- c) The proposed areas within the site to be used for a builder's site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.



- How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks
 of vehicles or plant and deposited on surrounding roadways.
- e) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve - the proposed method of support is to be designed by a Chartered Civil Engineer.
- f) A Soil and Water Management Plan detailing all sedimentation controls.

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

13. DACCF01 - Canopy Tree/s

To ensure the preservation of the landscape character of the area, the landscape plan submitted with the Construction Certificate application shall incorporate a canopy tree/s, to achieve a minimum 12 metre height at maturity and located on the site. The tree is to be supplied from a minimum 75 litre container and be maintained by the applicant until the tree is properly established.

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

14. DACCF02 - Landscape Maintenance Strategy

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

(Reason: Ensure landscape survival)

15. DACCF03 - Landscape Plan

A landscape plan prepared by a qualified landscape architect or landscape designer to a scale of 1:100 or 1:200, is to be submitted with the Construction Certificate application to the satisfaction of the Council or Registered Certifier. The landscape plan is to accord with the approved Landscape Concept Plan/s and satisfy the relevant conditions of this consent. Certification from the landscape architect or landscape designer that the landscape plan complies with this Development Consent is to be submitted to the Council or registered certifier prior to the issue/release of the Construction Certificate.

The plan must include the following information:

- · location of all existing and proposed landscape features including materials to be used;
- delineate and identify all trees to be retained, removed or transplanted;
- · proposed locations of stormwater pits and OSD locations; and
- detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity.

Consideration within the design shall be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development. The plan shall propose combination of tree planting for shade, mid height shrubs, lawn and ground covers and it shall also indicate that at least 50% of the overall number of trees and shrubs are species native to the region.

(Reason: Landscape quality)

16. DACCJ01 - Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate, a detailed stormwater drainage plan for the safe disposal of stormwater from the site shall be prepared in accordance with Council's Development Control Plan and relevant policies. The plan shall be submitted and approved by the Council or Registered Certifier.

The stormwater plan shall incorporate the following requirements.

- a. Runoff from the site shall be routed through a sediment trap pit before it is discharged into Council's drainage system. Such sediment traps pits shall have a 200 mm sump below the invert level of the outlet pipe.
- b. The runoff from the site must not exceed the rate of 80l/s/ha. If this limit exceeds



appropriate water quantity flow control measure, such as on-site detention (OSD) system, must be incorporated to control the outflow from the site.

- c. The total outflow from the site on to the street gutter system must not exceed 30l/s. if the outflow exceeds 30 l/s from the site must be discharged into the nearby stormwater pipe system. Discharging of flow exceeding 30l/s onto kerb & gutter is not permitted.
- d. Runoff from the site shall be routed through a sediment trap pit before it is discharged into Council's drainage system. Such sediment traps pits shall have a 200 mm sump below the invert level of the outlet pipe.
- The Stormwater plan shall be amended as per annotated requirements marked-up on the stormwater plan (if any).

Should any changes be required to the approved stormwater drainage plan, the amended design shall achieve equivalent performance standards in accordance with Council's Development Control Plan and relevant policies.

Please note that where the proposed design extends within the public road area, separate approval under section 138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of works.

(Reason: Stormwater management)

17. DACCJ03 - Certification of the Stormwater Drainage System Design

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Council's Development Control Plan and relevant policies and shall be submitted to the Council or Registered Certifier prior to the issue of the Construction Certificate.

Certification of the proposed stormwater design shall be obtained from a qualified practising professional engineer with the Engineers Australia membership and shall be submitted to the Council or Registered Certifier prior to the issue of the Construction Certificate.

(Reason: Adequate stormwater management)

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

18. DAPCA01 - Appointment of Principal Certifier

No work shall commence in connection with this Development Consent until:

- a) A construction certificate for the building work has been obtained from a Certifier.
- b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifier for the building work, and
 - given at least 2 days' notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building, and
- c) The principal certifier has, no later than 2 days before the building work commences:
 - (i) notified the Council of his or her appointment, and
 - notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) The person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case
- e) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - (ii) notified the principal certifier of such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

(Reason: Statutory requirements)



19. DAPCA03 - Site Safety Fencing

Site fencing to a minimum height of 1.8m shall be erected before the commencement of any work and be maintained throughout the duration of works to exclude public access to the site.

(Reasons: Statutory requirement and health and safety)

20. DAPCA04 - Principal Certifier Sign

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

- shows the name, address and telephone number of the Principal Certifier;
- shows the name and address of the principal contractor (if any) and a telephone number on which that person may be contacted outside of work hours.
- stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained whilst ever the work is being carried out and must be removed when the work has been completed.

(Reason: Statutory requirement)

21. DAPCA05 - Sydney Water Tap in Approvals

The approved plans must be submitted through the Sydney Water 'Tap in' portal to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water 'Tap in' customers will receive an approval receipt. For further details please refer to Sydney Water's web site at www.sydneywater.com.au/tapin or call1300 082 746.

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

(Reason: Statutory requirement)

22. DAPCA06 - Toilet Amenities for People Working at the Site

Suitable toilet amenities are to be provided at the work site at all times. If a temporary toilet is proposed, it must:-

- a) Have a hinged door capable of being fastened from both inside and outside,
- b) Be constructed of weatherproof material,
- c) Have a rigid and impervious floor; and
- d) Have a receptacle for, and supply of, deodorising fluid.

(Reason: To ensure suitable toilet amenities are provided for workers)

Conditions which must be satisfied during any development work.

23. DADWA01 - Construction Hours

Construction and all related activities including the delivery of materials to the site may only take place between the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. No work is to occur on Sundays and public holidays.

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 7.00am and 6.00pm Monday to Friday, excluding public holidays.

Note: Construction hours may also be regulated through State Legislation and Policies, and any works need to comply with these requirements.

(Reason: To minimise impacts on neighbouring properties)

24. DADWA02 - Dust Control

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



- a) 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 shade cloth or a similar material at least 2m high and secured to a chain wire fence or in a manner otherwise directed by Cumberland City Council.
- b) As and when directed by Council, measures identified below are to be implemented to control the emission of dust:
 - Erection and regular maintenance of dust screens around the perimeter of the site for the duration of the work.
 - Dust must be suppressed by means of a fine water spray. Water used for dust suppression
 must not be contaminated or allowed to enter the stormwater system.
 - · Soil and material stockpiles are to be kept damp or covered.
 - Stockpiles of soil or other materials are to be placed away from drainage lines, gutters or stormwater pits or inlets.
 - Stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining on site for more than 24 hours.

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

25. 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)

26. DADWA05 - Construction Management Plan

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

A copy of the Plan must be kept on site at all times and made available to the Principle Certifier or Council on request.

(Reason: Compliance with condition of consent)

27. 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)

28. DADWA07 - General Site Requirements during Construction

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

- a) A single entrance is permitted to service the site for 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.
- b) Any excess construction materials are to be recycled wherever practicable.
- c) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- d) 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.
- Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it.
- f) 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.



- g) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- Public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction unless prior separate approval from Council is obtained including payment of relevant fees.
- i) 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.

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

29. 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.

Validation shall take place by one or both of the following methods:

- Provision of documentation from the supplier certifying that the material is not contaminated based upon analyses of the material for the known past history of the site from where the material was sourced; and/or
- Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines

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

30. DADWA17 - Notification of New Contamination Evidence

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 Council.

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.

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

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

31. DADWA20 - Road and Footpath Opening Permit

Section 138 of the *Roads Act 1993* provides that a person must not carry out a work in, on or over a public road (which includes the verge / footpath area); dig up or disturb the surface; remove or interfere with a structure, work or tree on a public road; or pump water into a road without the consent or the appropriate roads authority Should such work be required within a road for which Council is the roads authority, the applicant is to apply for Road and Footpath Opening Permit. A permit is to be obtained prior to any works within the public road taking place.

Road and Footpath Opening Permits do not include driveways, laybacks and major stormwater drainage construction, which are covered by a separate application process.

(Reason: Maintain public asset)

32. DADWB02 - Tree Protection

To minimise impacts on trees to be retained, no fill shall be placed and no building materials shall be stored under the drip lines of trees to be retained.

(Reason: Tree preservation)



33. 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)

34. DADWZ01 - Protection of footpath paving, kerb and gutter

Protection must be provided for Council footpath paving, kerbing and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.

(Reason: To ensure protection of public asset.)

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

35. DAOCA01 - Occupation Certificate (section 6.9 of the Act)

A person must not commence occupation or use of the whole or any part of a new building or change the use of the whole building or any part of an existing building, unless an Occupation Certificate has been issued in relation to the building or part.

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

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

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

(Reason: Statutory requirement)

36. 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 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).

37. DAOCA11 - Civil Works on the Footway

The following works are to be carried out at the applicant's expense and to Council's satisfaction prior to the issue of any occupation certificate:

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

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

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

38. DAOCF01 - Landscape

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



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

(Reason: Landscape certification)

39. DAOCF05 - Unpaved Verge Area

The unpaved verge area shall be turfed.

(Reason: To comply with Council's requirements.

40. DAOCG01 - Certification of the Constructed Stormwater Drainage System

The constructed stormwater drainage system shall be certified by a qualified practising professional engineer with the Engineers Australia membership, as being in accordance with Council's Development Control Plan and relevant policies.

(Reason: Adequate stormwater management)

41. DAOCZ01 - Creation of Right of way/ carriageways

Prior to issue of occupation certificate, relevant and appropriate right of ways, right of carriageways, right of pedestrian access etc., and easements (various easements for different purposed, for access, use etc. including the drainage easement) shall be created wherever they are required and appropriate to allow the benefitting lots to enjoy the rights. In this regard, the easement and the right of ways / access way / pedestrian access etc shall be registered NSW Land Registry services (LRS) to ensure that the access right is in place.

Note: The document/instrument shall be submitted to Council for endorsement together with other relevant supporting documents prior to lodgement with the Land and Property Information Service of NSW.

(Reason: Provision of legal access right of ways across the site.)

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

42. DAOUA26 - Plan of Management

The use shall be operated and managed in accordance with the Plan of Management, to be prepared as part of Condition 7 of the development consent. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management. The Plan of Management may not be amended without the approval of Council.

(Reason: To protect residential amenity)

43. DAOUC14 - General Noise Emission Criteria

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

(Reason: To protect residential amenity)

44. <u>DAOUD02- Landscape Maintenance - General</u>

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

(Reason: Safety and landscape amenity)

Advisory Notes

45. 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 it is recommended that you contact Dial Before You Dig before excavating or erecting structures 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 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.



46. 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 should contact Telstra's Network Integrity Team.

47. DAANN08 - Process for Modification

The plans and/or conditions of this Consent are binding and may only be modified upon approval of an application under s.4.55 of the *Environmental Planning and Assessment Act, 1979*. A modification application shall be accompanied by the appropriate fee, application form and required information. You are not to commence any action, works or the like on the requested modification until Council issues an amended consent.

48. DAANN09 - Review of Determination

In accordance with the provisions of Section 8.2 of the *Environmental Planning and Assessment Act* 1979, you can request a review of a determination not relating to a complying development certificate, application for designated development or application for Crown development. A review application may not be determined after the period within which any appeal may be made to the Court if no appeal was made. To determine a review application within that time limit, the application must be submitted well in advance of the appeal right timeframe. A fee as per Council's current Pricing Policy, Fees and Charges, is payable for a review application.

49. DAANN10 - Right of Appeal

Section 8.7 and 8.10 of the *Environmental Planning and Assessment Act 1979*, gives the applicant the right of appeal to the Land and Environment Court within six months after the date the decision appealed against is notified or registered on the NSW Planning Portal occurs.

50. DAANN13 - Work Health and Safety

For information regarding, codes of practice and guidelines regarding demolition and construction work, visit the SafeWork NSW.



51. DAANN16 - Compliance with Disability Discrimination Act

This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the *Disability Discrimination Act 1992*, and the applicant/owner is advised to investigate their liability under that Act.

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

52. DAANN18 - Inspections for Building Work (Classes 1 or 10)

The following critical stage inspections must be carried out:

- a) After the excavation for, and prior to the placement of, any footings;
- b) Prior to pouring any in-situ reinforced concrete building element;
- c) Prior to covering of the framework for any floor, wall, roof or other building element;
- d) Prior to the covering waterproofing in any wet areas;
- e) Prior to covering any stormwater drainage connections; and
- f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The Principal Certifier may nominate additional inspections which need to be carried out.

Prior to issuing an Occupation Certificate or Subdivision Certificate, the Principal Certifier must be satisfied that the work has been inspected on the above occasions.

The last critical stage inspection must be carried out by the Principal Certifier. Earlier critical stage inspections may be carried out by the Principal Certifier or, if the Principal Certifier agrees, by another certifier.

For each inspection, the principal contractor or the owner-builder must notify the Principal Certifier at least 48 hours before each required inspection needs to be carried out.

(Reason: Statutory Requirements)

DOCUMENTS ASSOCIATED WITH REPORT LPP003/24

Attachment 2 Architectural Plans

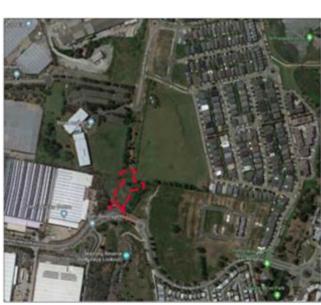


PROSPECT HILL - PATH TO LOOKOUT LANDSCAPE PLANS

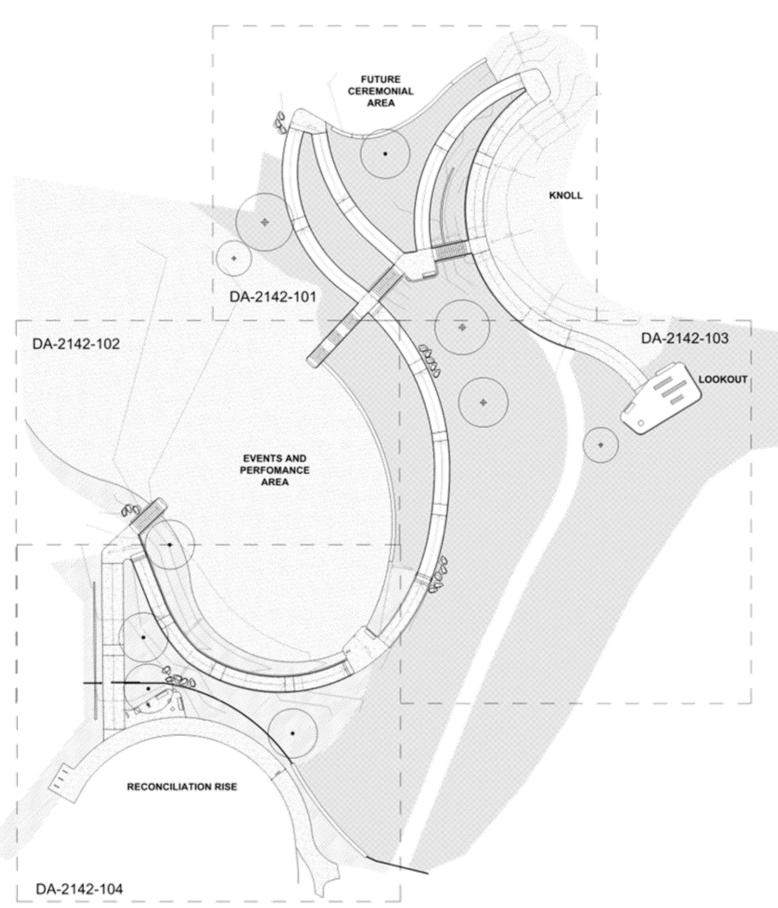
DEVELOPMENT APPLICATION

DRAWING SCHEDULE

DRAWING NO.	TITLE	SCALE
DA-2142-001	Cover sheet	N/A @ A1
DA-2142-100	Site Plan	1:250 @ A1
DA-2142-101	General Arrangement Plan 01	1:100 @ A1
DA-2142-102	General Arrangement Plan 02	1:100 @ A1
DA-2142-103	General Arrangement Plan 03	1:100 @ A1
DA-2142-104	General Arrangement Plan 04	1:100 @ A1
DA-2142-301	Planting Strategy	N/A @ A1
DA-2142-302	Materials & Finishes	N/A @ A1
DA-2142-801	Sections 01	As Shown @ A
DA-2142-802	Sections 02	As Shown @ A1
DA-2142-901	Landscape Details 01	As Shown @ A
DA-2142-902	Landscape Details 02	As Shown (2) A
DA-2142-903	Landscape Details 03	As Shown @ A
DA-2142-904	Landscape Details 04	As Shown @ A1







PRELIMINARY NOT FOR CONSTRUCTION

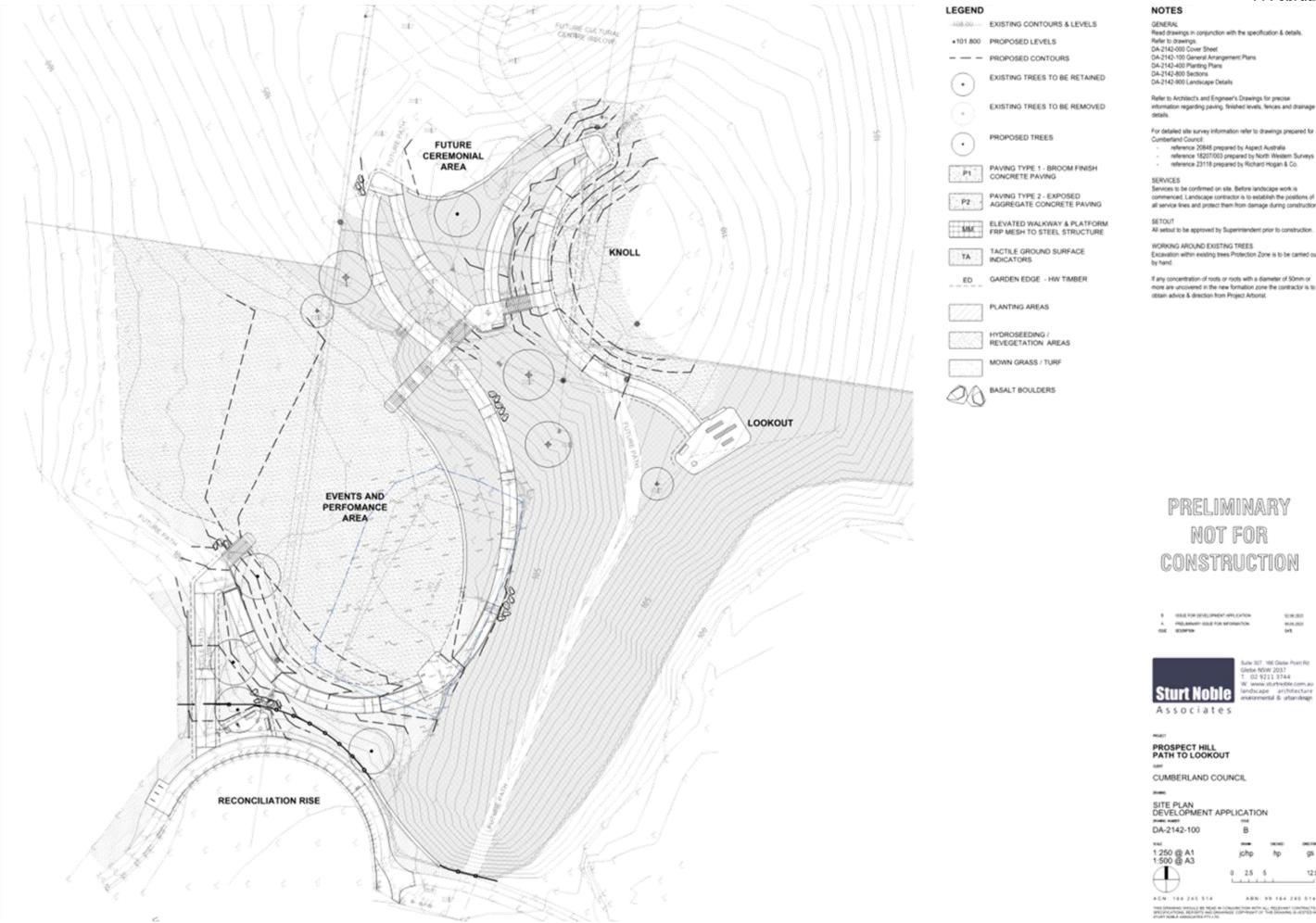
nte 307, 166 Glebe Point Rid lebe RSW 2037 02 9231 3744

PROSPECT HILL PATH TO LOOKOUT CUMBERLAND COUNCIL

COVER SHEET

DA-2142-001

SITE PLAN



Refer to Archidect's and Engineer's Drawings for precise information regarding paving, finished levels, fences and drainage details.

Services to be confirmed on site. Before landscape work is

commenced, Landscape contractor is to establish the positions of all service lines and protect them from damage during construction.

All selout to be approved by Superintendent prior to construction.

Excavation within existing trees Protection Zone is to be carried out

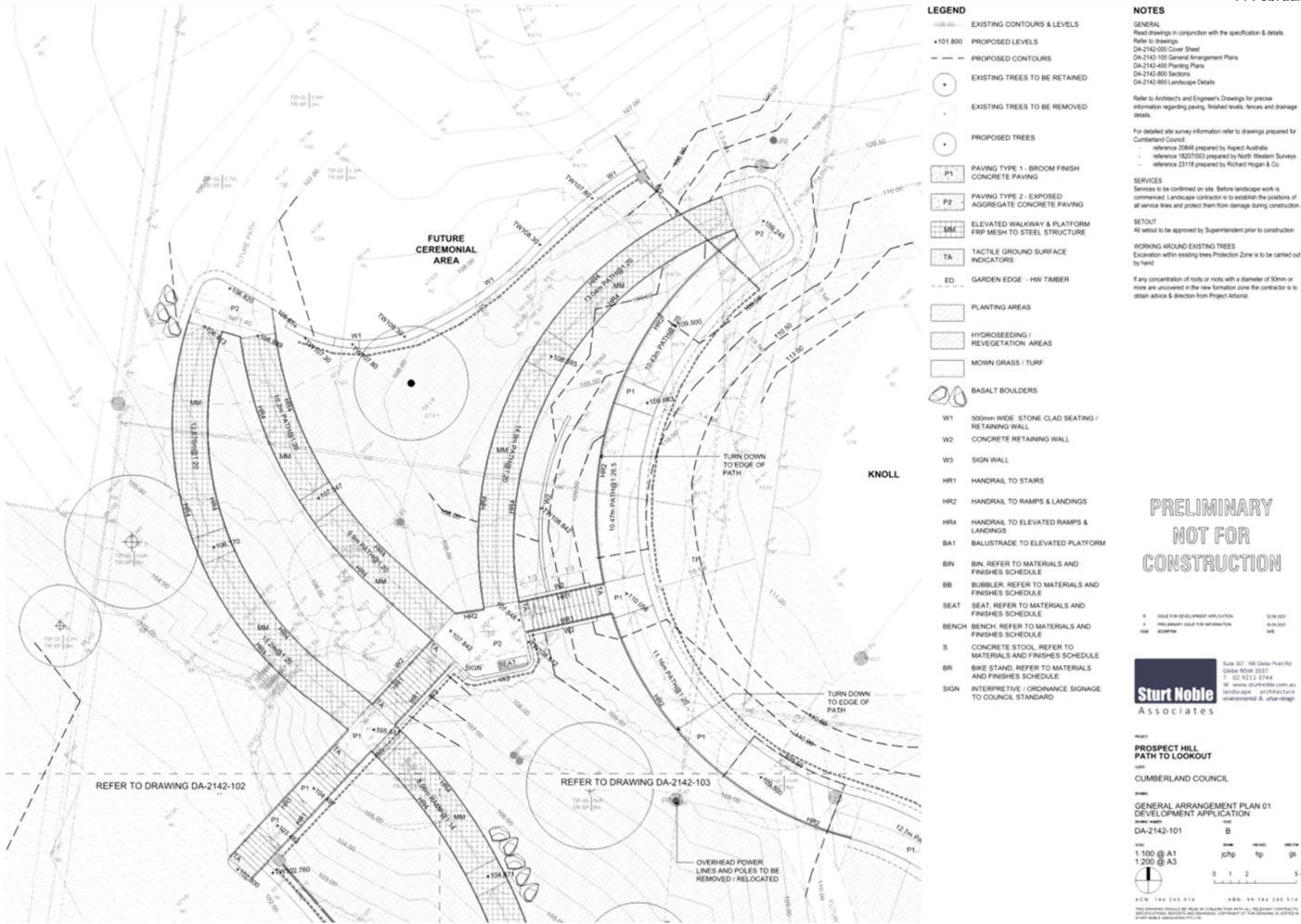
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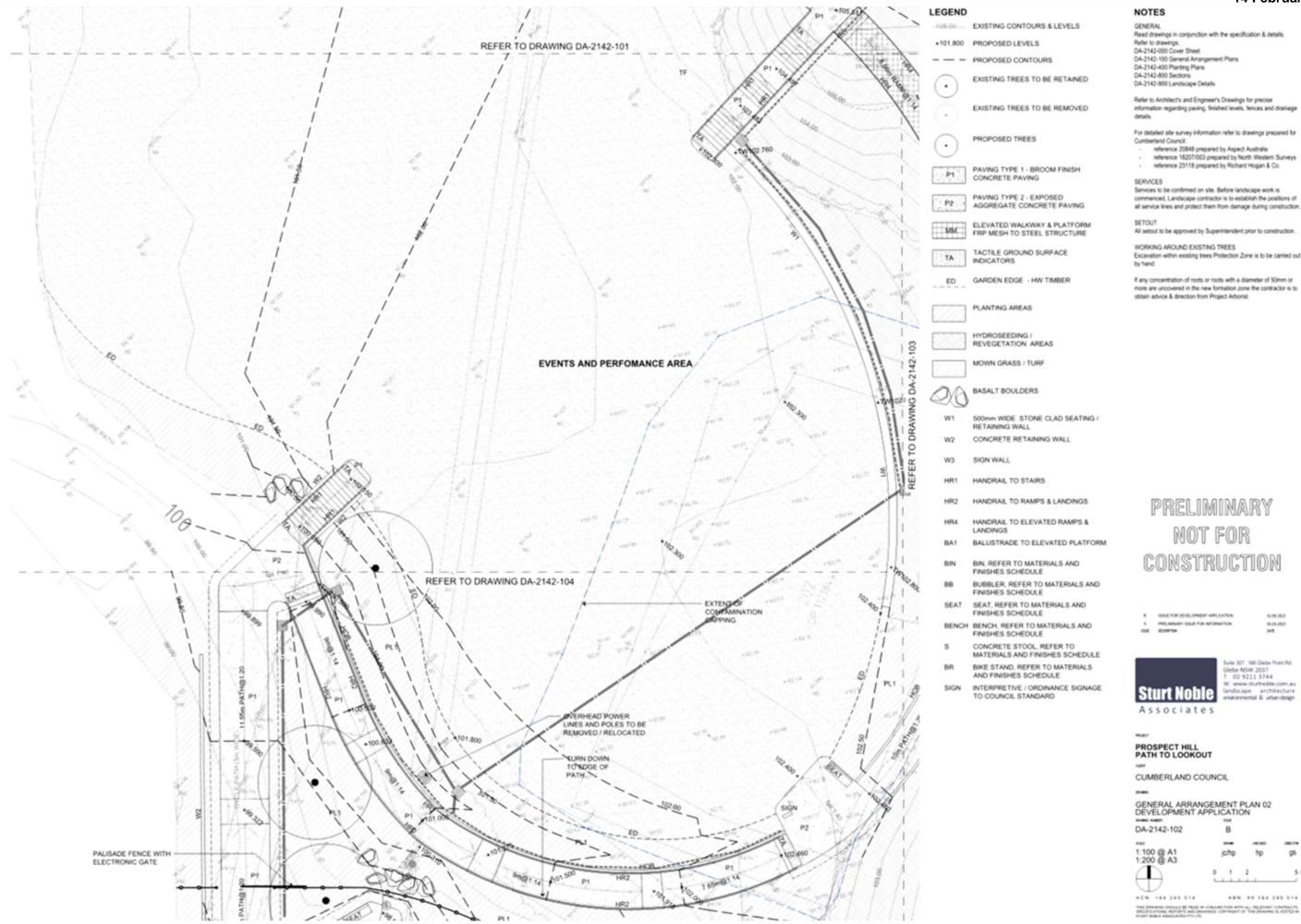
ule 307, 166 Glebe Point Rd Rebe NSW 2037 . 02 9231 3744 dscape: architecture ronnertal & urbandesign

SITE PLAN DEVELOPMENT APPLICATION

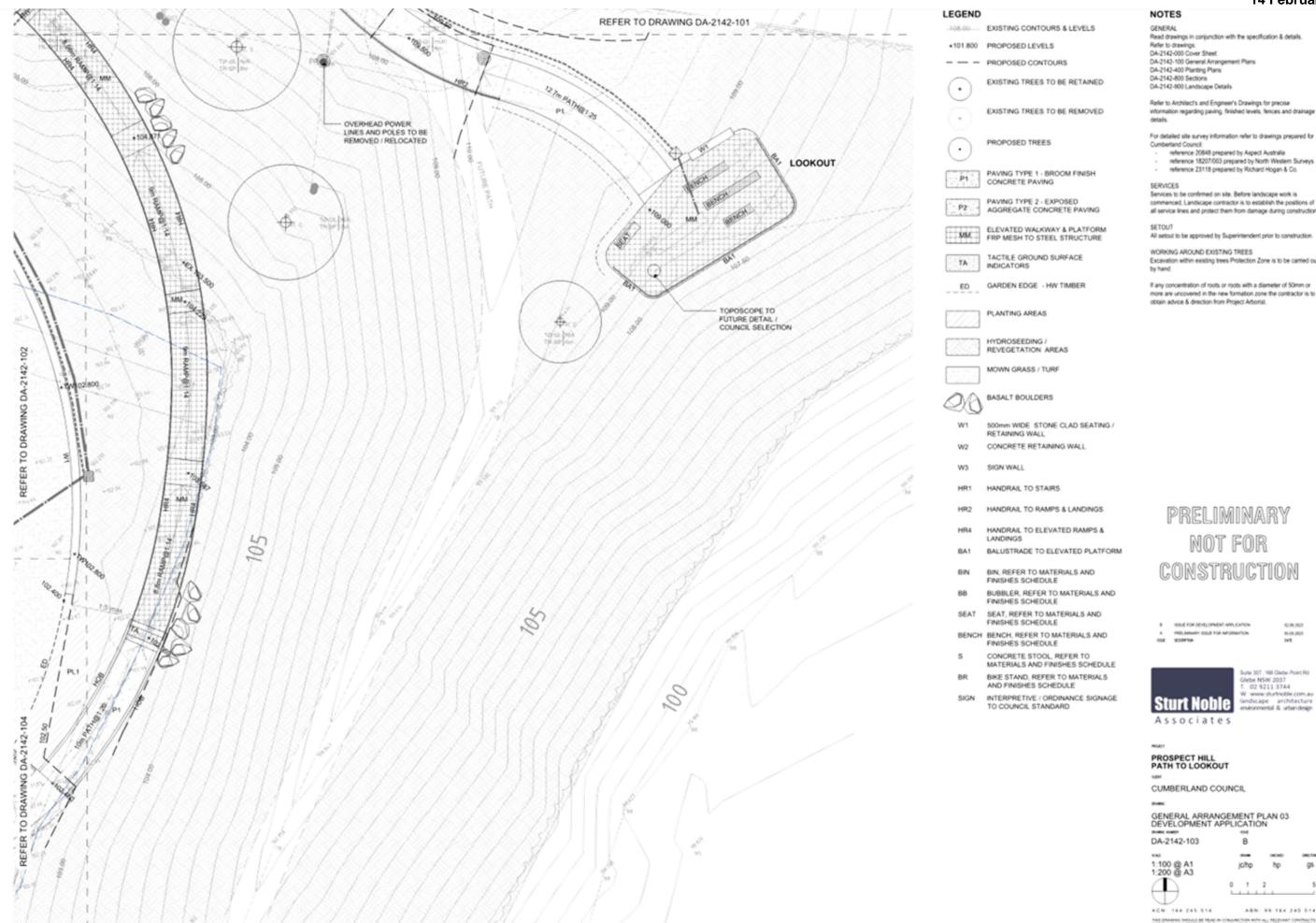
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LPP003/24 – Attachment 2



LPP003/24 – Attachment 2



For detailed site survey information refer to drawings prepared for

reference 20848 prepared by Aspect Australia reference 18207/003 prepared by North Western Surveys

reference 23118 prepared by Richard Hogan & Co.

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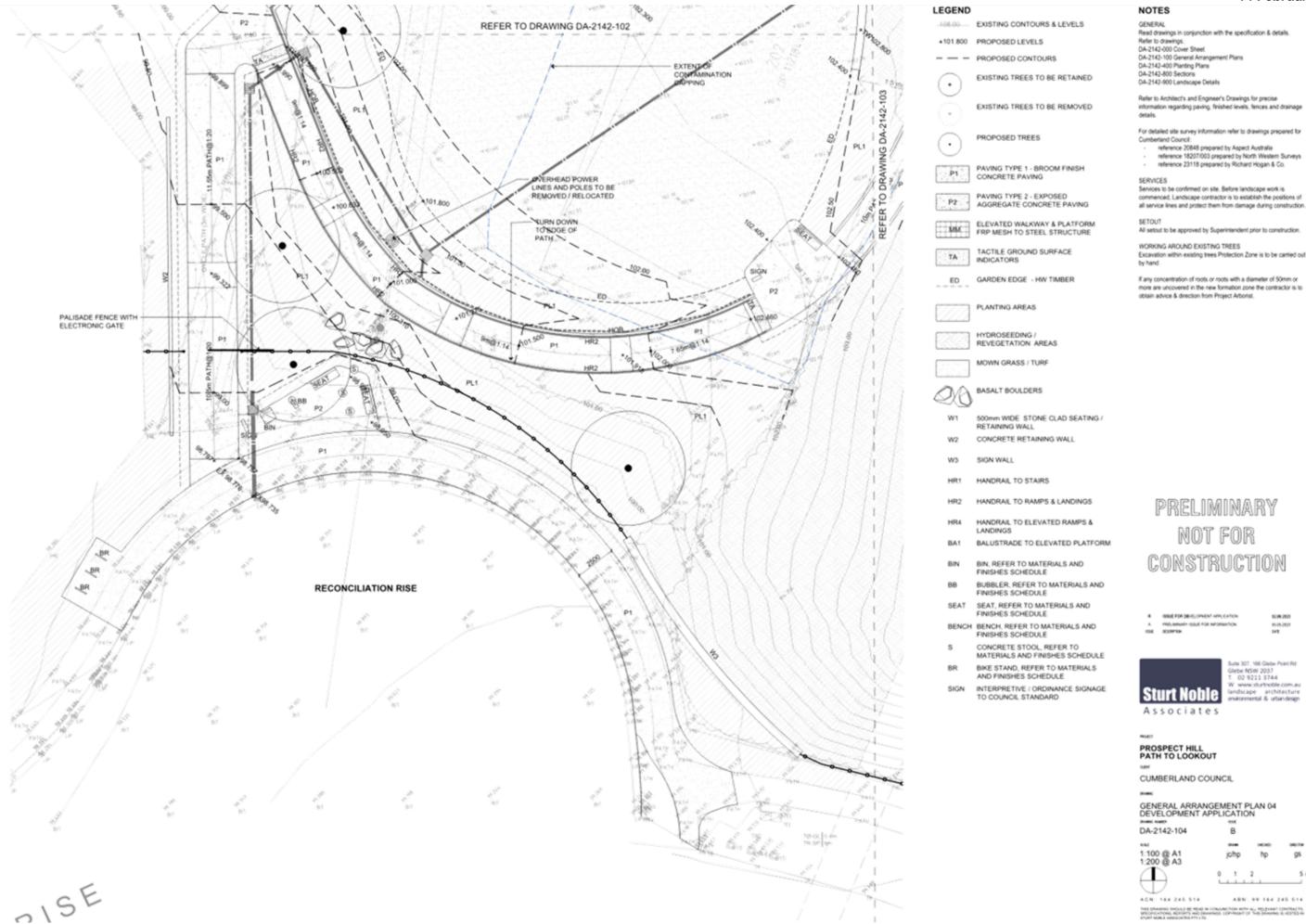
PRELIMINARY CONSTRUCTION



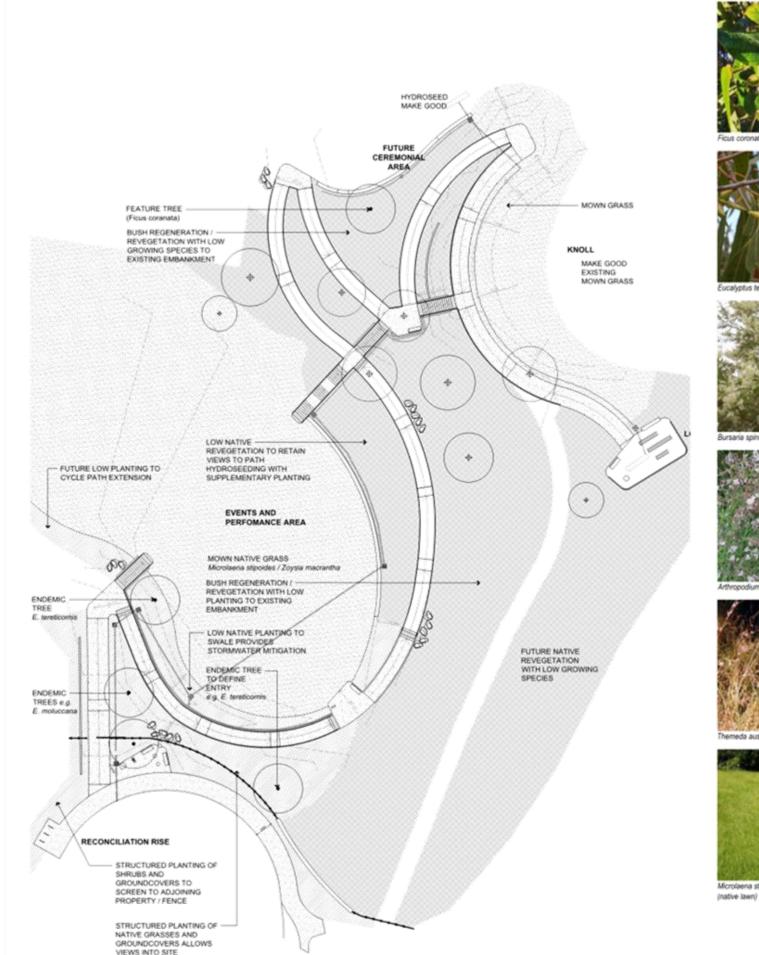
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GENERAL ARRANGEMENT PLAN 03 DEVELOPMENT APPLICATION

LPP003/24 - Attachment 2



LPP003/24 – Attachment 2



INDICATIVE PLANTING









LEGEND

PLANTING AREAS

PROPOSED TREES

EXISTING TREES TO BE RETAINED

EXISTING TREES TO BE REMOVED







Plant species for planting to entry zones and revegetation of the existing embankment areas are proposed to be selected from the plant community originally occuring on the site, Moist Shale Woodland.

Existing embankments proposed to be progressively revegetated using best practice bush regeneration methods, maintaining slope cover. Supplementary planting with provenance stock to increase plant diversity and cover.

New embankment planting areas and areas disturbed

during construction to be hydroseeded to stabilise and planted with provenance stock (tubestock) at typically 4 plants per m2.

Structured planting to entry and feature areas utilising plants selected from the Moist Shale Woodland community. Tree planting with advanced stock, 100

Feature tree adjacent to Ceremonial Plaza (Ficus coronata) TBC to Council selection.

PLANT SCHEDULE

Species	Common Name
FEATURE TREE	
Ficus coronata	Sandpaper Fig
CANOPY	
Éucalyptus tereticomis	Forest Red Gum
Eucalyphia moluccana	Grey Box
SMALL TREES	
Acacia implexa	Hickory Wattle
Acacia parramattensis subsp. parramattensis	
SHRUBS	
Breynia obiongfolia	Coffee Bush
Bursaria spinosa	Sweet Bursaria
Clerodendrum tomentosum	Hairy Clerodendrum
Oleana vacidula	Walaby Weed
Gigesbeckia orientalis subsp. orientalis	Indian Weed
GROUND LAYER	
Arthropodium milleforum	Plac Vanilla-lity
Brunoriella australis	Blue Trumpet
Cayratia clematides	Native Grape
Chellanthes sleberi subsp. sleberi	Mulga Fern
Cyperus gracilis	Slender Flat-sedge
Desmodium varians	Slender Tick-trefol
Dichondra repens	Kidney Weed
Echnopogon ovatue	Forest Hedgehog Gras
Einadia hastata	Berry Sattbush
Entolosia stricta	Wry Panic
Glycine clandestina	Twining Glycine
Lomandra multiflora subsp. multiflora	Many-flowered Mat-rus
Mcrolaena stpoides var. stpoides	Weeping Grass
Nyssanthes diffusa	Barbwire Weed
Oxalis perennens	Yellow Wood-sorrell
Solanum prinophyllum	Forest Nightshade
Therneda triandra	Kangaroo grass

NOTES

GENERAL GENERAL
Read drawings in conjunction with the specification & details.
Refer to drawings:
DA-2142-000 Cover Sheet.
DA-2142-000 General Arrangement Plans.
DA-2142-000 Planting Plans.

DA-2142-800 Sections DA-2142-900 Landscape Details

Refer to Architect's and Engineer's Drawings for precise information regarding paving, finished levels, fences and drainage

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WORKING AROUND EXISTING TREES Excavation within existing trees Protection Zone is to be carried out

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HAVE FOR DEVELOPMENT HER CATION



ebe NSW 2037 02 9211 3744 scape: architecture ormental & urbandesign

PROSPECT HILL PATH TO LOOKOUT

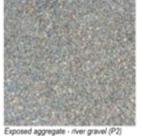
CUMBERLAND COUNCIL

PLANTING STRATEGY

DA-2142-301 N/A

FEATURE TREE	T
Ficus coronata	Sandpaper Fig.
CANOPY	
Éucalyptus tereticomis	Forest Red Gum
Eucalyptus moluccana	Grey Box
SMALL TREES	
Acacia implexa	Hickory Wattle
Acacia parramatiensis subsp. parramatiensis	Sydney Green Wattle
SHRUBS	
Breynia obiongfolia	Coffee Bush
Bursaria spinosa	Sweet Bursaria
Clerodendrum tomentosum	Hairy Clerodendrum
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GROUND LAYER	
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Brunoriella australis	Blue Trumpet
Cayratia clematidea	Native Grape
Chelanthes sleberi subsp. sleberi	Muiga Fern
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Echinopogon ovatus	Forest Hedgehog Gras
Einadia hastata	Berry Saftbush
Entologia stricta	Why Panic
Glycine clandestina	Twining Glycine
Lomandra multiflore subsp. multiflore	Many-flowered Mat-rus
Microlaena stipoides var. stipoides	Weeping Grass
Nyssenthes diffuse	Barbaire Weed
Oxalis perennans	Yellow Wood-sorrell
Solanum prinophyllum	Forest Nightshade
Therneda triandra	Kangaroo grass

INDICATIVE FINISHES



LEGEND

PAVING TYPE 1 - BROOM FINISH



PROPOSED TREES



EXISTING TREES TO BE RETAINED

EXISTING TREES TO BE REMOVED

ED GARDEN EDGE - HW TIMBER

PLANTING AREAS Refer to Planting Strategy



BASALT BOULDERS

STONE CLAD SEATING WALL Stone reflects the grey basalt from site CONCRETE RETAINING WALL

W3 SIGN WALL

one Clad to link to Marrong Reserve

HANDRAIL TO STAIRS GALVANISED STEEL HANDRAIL TO RAMPS & LANDINGS

HANDRAIL TO ELEVATED RAMPS Galvanised steel with kerb rails

BALLISTRADE TO ELEVATED PLATFORM

BIN SURROUND 240 litre to Council Standard BUBBLER, ACCESSIBLE To Council Standard

CLASSIC GALLERIA SEAT WITH ARMS Street Furniture Australia

BENCH CLASSIC GALLERIA SLIM BENCH Street Furniture Australia

BIKE STAND - SEMI HOOP Street Furniture Australia INTERPRETIVE / ORDINANCE SIGNAGE

TO COUNCIL STANDARD

NOTES

OA-2142-800 Sections DA-2142-900 Landscape Details

GENERAL GENERAL
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ARRONG RE

PRELIMINARY



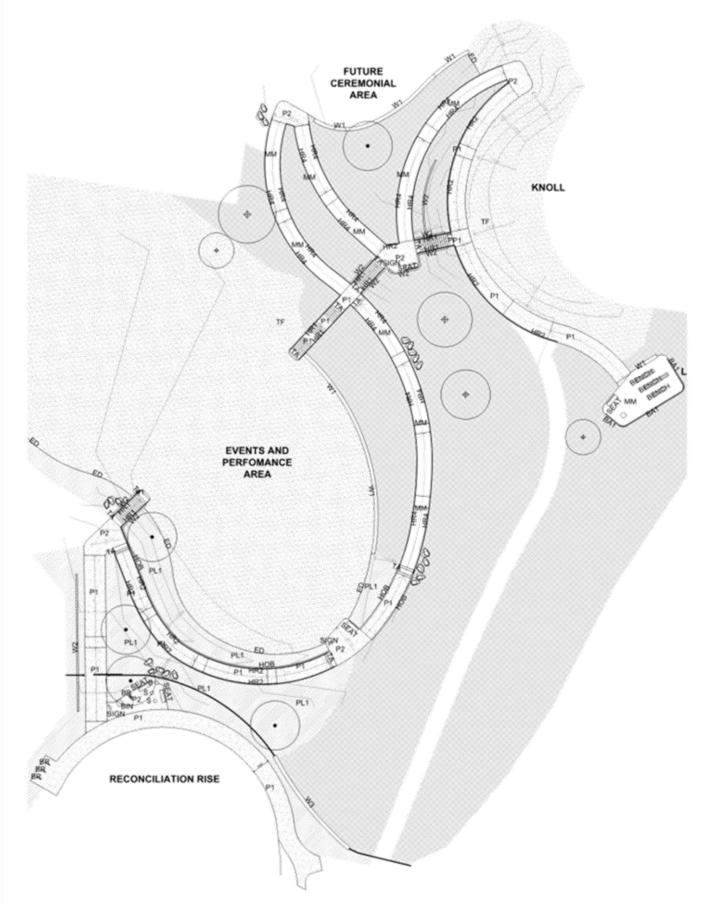
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PROSPECT HILL PATH TO LOOKOUT

CUMBERLAND COUNCIL

MATERIALS & FINISHES

DA-2142-302 N/A





RECONCILIATION RISE

KNOLL

SEAT WALL (W1)

PERFORMANCE AREA

LOOKOUT

Cumberland Local Planning Panel Meeting 14 February 2024



GENERAL.

GENERAL
Read drawings in conjunction with the specification & details.
Refer to drawings.
DA-2142-000 Cover Sheet
DA-2142-000 General Arrangement Plans
DA-2142-000 Planting Plans
DA-2142-800 Sections

DA-2142-900 Landscape Details

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Cumberland Council:

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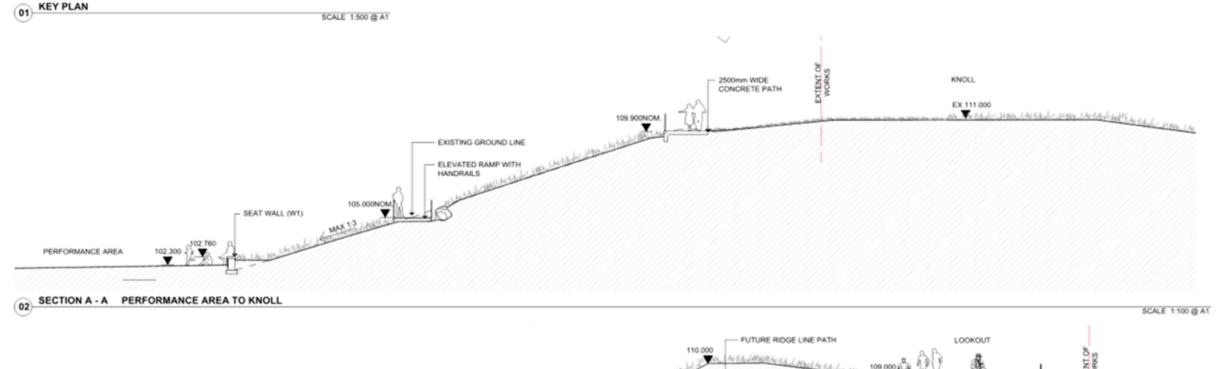
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PRELIMINARY



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PROSPECT HILL PATH TO LOOKOUT

CUMBERLAND COUNCIL

SECTIONS 01

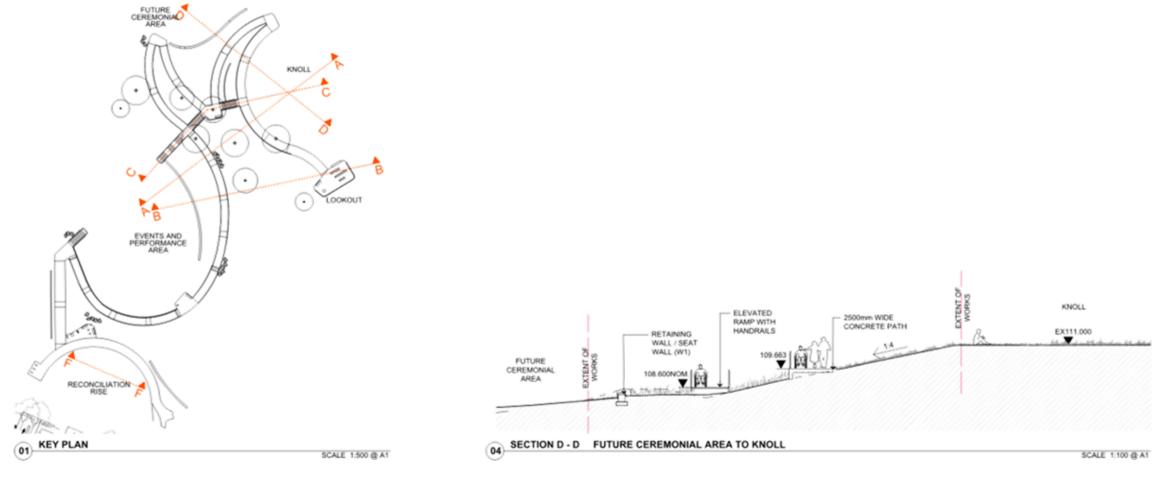
DA-2142-801

johp

03 SECTION B - B PERFORMANCE AREA TO LOOKOUT SCALE 1:100 @ A1

ELEVATED RAMP WITH





14 February 2024

NOTES

GENERAL

GENERAL.
Read drawings in conjunction with the specification & details.
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DA-2142-000 Cover Sheet.
DA-2142-100 General Arrangement Plans.
DA-2142-400 Planting Plans.

DA-2142-800 Sections DA-2142-900 Landscape Details

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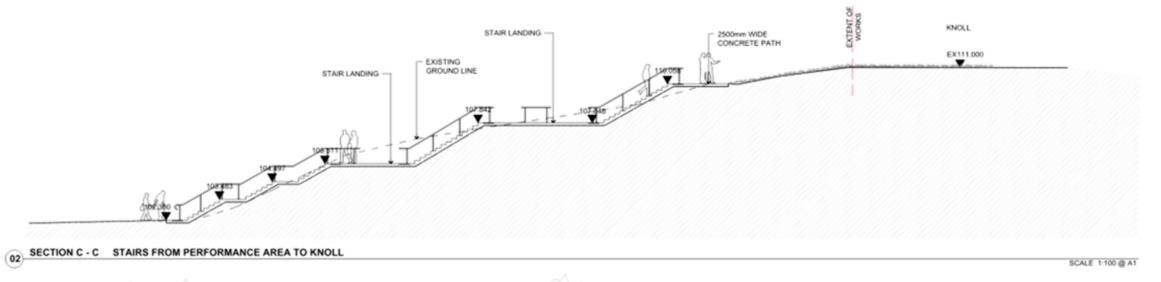
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STONE CLAD FEATURE WALL (W2)

SCALE 1:50 @ A1

PROSPECT HILL

SECURITY FENCE

WALKERSON BURNESH

PERFORMANCE AREA

PRELIMINARY

ebe NSW 2037 02 9211 3744 Sturt Noble dscape architecture ronnental & urbandesign

PROSPECT HILL PATH TO LOOKOUT

CUMBERLAND COUNCIL

SECTIONS 02

DA-2142-802

As Shown @ A1 johp

GATED ENTRY

(03) ELEVATION F - F ENTRY FROM RECONCILIATION RISE

ENTRY AREA WITH

SIGNAGE, SEATING, BINS AND BUBBLER



TREE PLANTING AS SPECIFED REFER TO PLANT SCHEDULE

75mm DEPTH MULCH AS SPECIFIED. DISH MULCH AROUND PLANT MAINTAINING TOMM SEPARATION AROUND STEM. TOP UP MULCH TO

MAINTAIN 75mm DEPTH THROUGHOUT THE MAINTENANCE PERIOD

300mm DEPTH 'A' HORIZON SOIL

(D2) AS SPECIFIED COMPACTED LIGHTLY IN 150mm LAYERS

SLOPE SIDES OF PLANTING HOLE AND RIP TO 150mm DEPTH

BACKFILL WITH CULTIVATED

SITE SOIL IN HEAVY CLAY SOILS ADD CLAY BREAKER.

REFER TO SPECIFICATION

1000 MIN

(01) TYPICAL TREE PLANTING

SET ROOTBALL ON UNDISTURBED BASE OF HOLE.

ENSURE TREE PIT DRAINS ADEQUATELY, PROVIDE FOR

SCALE 1:20 @ A1

DRAINAGE IN HEAVY CLAY

Cumberland Local Planning Panel Meeting 14 February 2024

NOTES

GENERAL

GENERAL
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QA-2142-000 Cover Sheet
QA-2142-000 General Arrangement Plans
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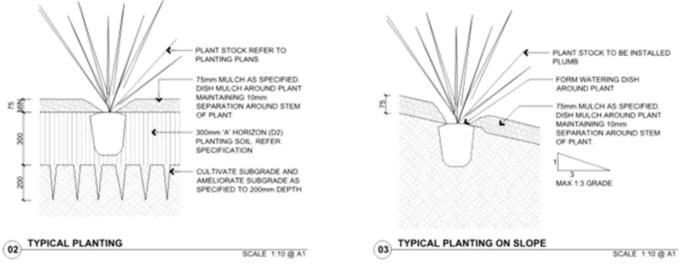
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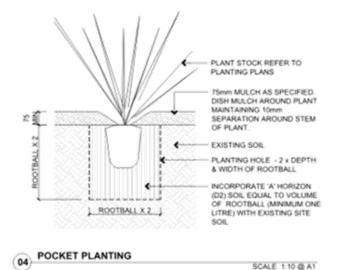
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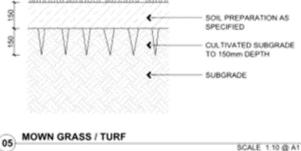
WORKING AROUND EXISTING TREES

Excavation within existing trees Protection Zone is to be carried out

If any concentration of roots or roots with a diameter of 50mm or more are uncovered in the new formation zone the contractor is to obtain advice & direction from Project Arborist.







NATIVE SEED MIX/TURF ROLL AS SPECIFIED NAMA SANANA MANA AMAN

PRELIMINARY

Sturt Noble

ebe NSW 2037 02 9211 3744 dscape: architecture connectal & urbandesign

PROSPECT HILL PATH TO LOOKOUT

CUMBERLAND COUNCIL

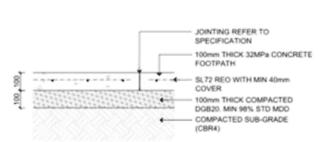
LANDSCAPE DETAILS 01

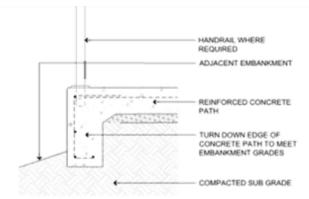
DA-2142-901

As Shown @ A1

Page 457 LPP003/24 - Attachment 2







SCALE 1:10 @ A1

DRAINAGE, REFER TO

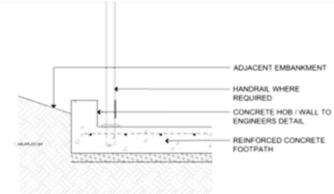
ENGINEERS DRAWING

FOOTING, REFER TO

DRAWING

ENGINEERS DRAWING COMPACTED SUBGRADE. REFER TO ENGINEERS

SCALE 1:10 @ A1

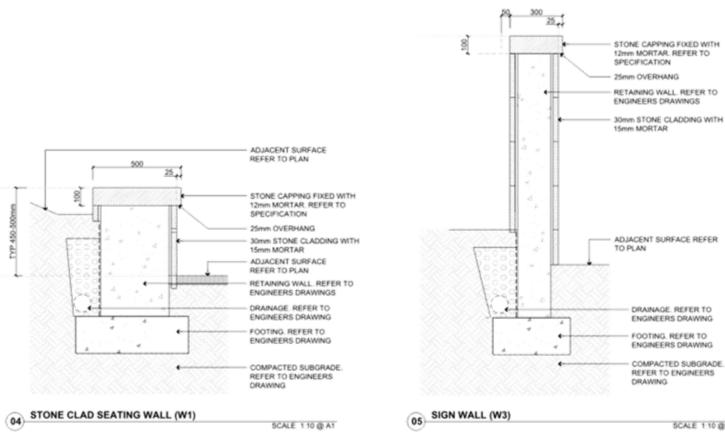


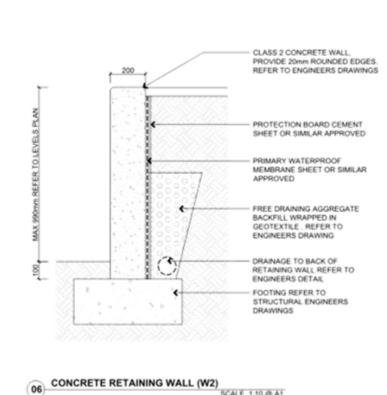
O1 CONCRETE PAVING (P1,P2)

SCALE 1:10 @ A1

02 TURN DOWN EDGE TO PATH

03 HOB EDGE TO PATH SCALE 1:10 @ A1





NOTES

GENERAL. Read drawings in conjunction with the specification & details. Refer to drawings. DA-2142-000 Cover Sheet. DA-2142-100 General Arrangement Plans DA-2142-400 Planting Plans

DA-2142-800 Sections DA-2142-900 Landscape Details

Refer to Architect's and Engineer's Drawings for precise information regarding paving, finished levels, fences and drainage details.

For detailed site survey information refer to drawings prepared for Cumberland Council:

reference 20848 prepared by Aspect Australia reference 18207/003 prepared by North Western Surveys

reference 23118 prepared by Richard Hogan & Co.

Services to be confirmed on site. Before landscape work is commenced, Landscape contractor is to establish the positions of all service lines and protect them from damage during construction.

All setout to be approved by Superintendent prior to construction.

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PRELIMINARY

Sturt Noble

ebe NSW 2037 02 9211 3744 ndscape architecture womental & urbandesign

PROSPECT HILL PATH TO LOOKOUT

CUMBERLAND COUNCIL

LANDSCAPE DETAILS 02

DA-2142-902 As Shown @ A1





Read drawings in conjunction with the specification & details.
Refer to crawings.

DA-2142-000 Cover Sheet

DA-2142-000 General Arrangement Plans

DA-2142-000 Planting Plans

DA-2142-800 Sections DA-2142-900 Landscape Details

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SCALE 1:10 @ A1

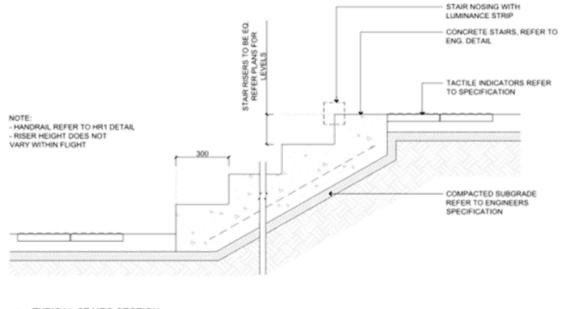
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(01) TYPICAL STAIRS PLAN SCALE 1:20 @ A1

300 600

← STAIR WALL

STAIR SECTION REFER TO

TACTILE INDICATORS REFER TO SPECIFICATION

LUMINANCE SAFETY STRIP

INSET INTO STAIR TREAD. REFER TO SPEC AND

INSET DETAIL 02/903

HANDRAIL REFER TO

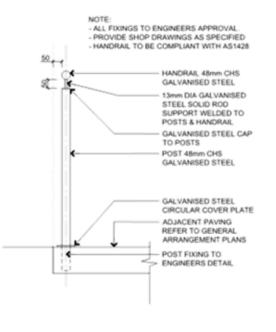
DETAIL 02/903

300 300 TREADS

600

02 TYPICAL STAIRS SECTION

- ALL FIXINGS TO ENGINEERS APPROVAL. - PROVIDE SHOP DRAWINGS AS SPECIFIED 1500 MAX - HANDRAIL TO BE COMPLIANT WITH AS1428.
- INTERMEDIATE UPRIGHTS TO BE EQUALLY PLAN SPACED WITH MAX SPACING 1500mm 300 150 HANDRAIL TERMINATION HANDRAIL UPRIGHT ONE STAIRS AND ADJACENT PAVING REFER TO TO GENERAL ARRANGEMENT PLANS FOR 100 150 RELEVANT DETAIL TACTILE INDICATORS REFER TO SPECIFICATION TACTILE INDICATORS 600 SECTION (03) HANDRAIL (HR1) SCALE 1:10 @ A1



SCALE 1:10 @ A1

04) HANDRAIL UPRIGHT (HR1)

PRELIMINARY CONSTRUCTION

Sturt Noble

ebe NSW 2037 02 9211 3744 dscape architecture ronnental & urbandesign

PROSPECT HILL PATH TO LOOKOUT

CUMBERLAND COUNCIL

LANDSCAPE DETAILS 03

DA-2142-903

As Shown @ A1

NOTES



Read drawings in conjunction with the specification & details. Refer to drawings. DA-2142-000 Cover Sheet.

DA-2142-100 General Arrangement Plans DA-2142-400 Planting Plans

DA-2142-800 Sections

DA-2142-900 Landscape Details

Refer to Architect's and Engineer's Drawings for precise information regarding paving, finished levels, fences and drainage

For detailed site survey information refer to drawings prepared for Cumberland Council:

reference 20848 prepared by Aspect Australia reference 18207/003 prepared by North Western Surveys

reference 23118 prepared by Richard Hogan & Co.

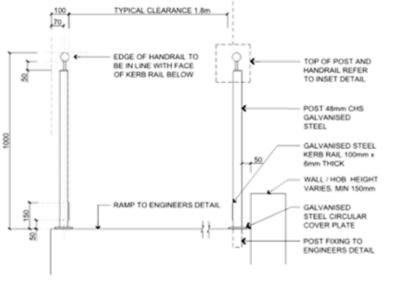
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01) RAMP HANDRAIL (HR2, HR4)

1:14 RAMP UP MAX 9m LONG LANDING MIN 1.2m LONG

150

02 RAMP HANDRAIL - SECTION SCALE 1:10 @ A1

NOTE: -- ALL FIXINGS TO

1500 MAX

1:14 RAMP UP MAX 9m LONG 300

PLAN

150

ENGINEERS APPROVAL - PROVIDE SHOP DRAWINGS AS SPECIFIED

INTERMEDIATE POSTS TO BE EQUALLY SPACED WITH MAX SPACING 1500mm

HANDRAIL TERMINATION

REFER TO DETAIL 05/903

UPRIGHT REFER TO

PAVING REFER TO TO GENERAL ARRANGEMENT PLANS

FOR RELEVANT DETAIL

TACTILE INDICATORS

DETAIL 04/904 GALVANISED STEEL KERB RAIL 100mm x 6mm.

THICK

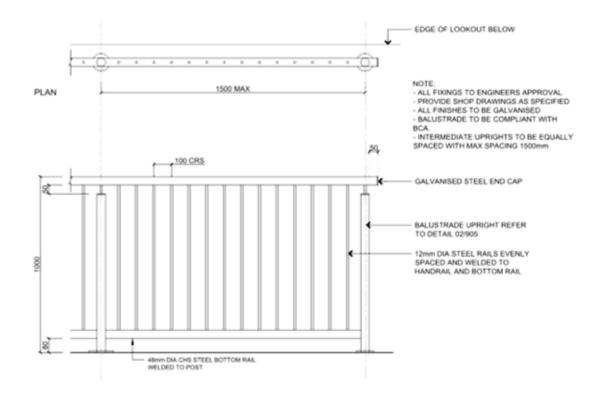
REFER TO

TACTILE INDICATORS 600

SPECIFICATION

HANDRAIL TO BE COMPLIANT WITH AS1428.

SCALE 1:10 @ A1



03 BALUSTRADE TO LOOKOUT (BA1) SCALE 1:10 @ A1

PRELIMINARY CONSTRUCTION

Sturt Noble

ebe NSW 2037 02 9211 3744 dscape architecture ronnental & urbandesign

PROSPECT HILL PATH TO LOOKOUT

CUMBERLAND COUNCIL

LANDSCAPE DETAILS 04

DA-2142-904

As Shown @ A1

DOCUMENTS ASSOCIATED WITH REPORT LPP003/24

Attachment 3 Stormwater/Engineering Plans



THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL RELEVANT NOTES ON DRAWING COT

PROSPECT HILL

CIVIL WORKS





DRAWING SHEET LIST				
DRAWING NO.	DRAWING TITLE			
C010	COVER SHEET			
C020	GENERAL NOTES SHEET			
C030	EXISTING SURVEY			
C848	SEDIMENT AND EROSION CONTROL PLAN			
C050	GENERAL ARRANGEMENT PLAN			
C060	SITEWORKS AND STORMWATER PLAN SHEET 1			
C676	DETAILS SHEET 1			

LOCALITY PLAN

M	
- 64	
AC.	
36	

STURT NOBLE ASSOCIATES



COVER SHEET

P1 C010

THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL RELEVANT NOTES ON DRAWING CO.



GENERAL NOTES

- Contractor must verify all dimensions and existing levels on site pri-to commencement of works. Any discrepancies to be reported to the
- Engletic

 2. Strp all logocil from the construction area. All strapped topsoil shall be disposed of draiter uriess directed otherwise.

 3. Males smooth connection with all existing works.

 4. Compact subgrade under buildings and poswements to maintum 98% standard maximum dry density in accordance with AS 1289.5.1.1.

 Compaction under buildings to extend 2m minimum beyond building footprint.
- feeligned.

 5. All work on public property, property which is to become public property, or any work which is to come under the composit of the Staukory Authority, the Contractor is to ensure that the drawings used for construction have been approved by all relevant authorities prior to commencement site.
- authorities prior to commencement site.

 All work on public property, property which is to become public property, or any work which is to come under the control of the Statutory Authority is to be carried out in accordance with the requirements of the research authority. The Control of said observations are obtained to the control of the research authority. Where the requirements of the Authority, Where the requirements of the Authority are different to the drawings and specifications, the quirements of the Authority shall be applicable For all temporary batters refer to geotechnical recommendation

REFERENCE DRAWINGS

Consultant	Dwg Title	Dwg No	Res	v Dete
STURT NOBLE	UNDSCAPE	9842142		17.0425
RHCO	SURMEY	2019	×	202

BOUNDARY AND EASEMENT NOTE

The property boundary and easement locations shown on Taylor Thomson Whiting drawing's have been based from information.

received from : No tourday internation scaled.
Refer achieved for boundary information and boundary or
Taylor Thomson Whitting makes no quarantees that the boundary or easement information shown is comed; Taylor Thomson Whitting will accept no liabilities for boundary inscouracies. The contractoribulider is advised to check/confirm all boundaries in relation to all proposed work prior to the commencement of construction. Boundary inaccuracies found are to be reported to the

SURVEY AND SERVICES INFORMATION

Origin of levels : SSN 146815 (RL71 517) Deturn of levels :: AND AUSTRALIAN HE Detum of levels: A HD AUSTRUMN HEIGHT DATUM
Coordinate system: MGC R
Survey prepared by: NORTH MESTERN SURVEYOR
Setout Points: CONTACT THE SURVEYOR

superintendent prior to construction starting.

Taylor Thomson Whitting does not guarantee that the survey informatic shown on these drawings is accurate and will accept no liability for any inaccuracies in the survey information provided to us from any cause

UNDERGROUND SERVICES - WARNING

The locations of underground services shown on Taylor Thomson Whitings drawings have been plated from diagrams provided by service authorities. This information has been prepared solely for the authorities own use and may not recessarily be updied or according

The position of services as recorded by the authority at the time of

Taylor Thomson Whitting does not guarantee that the services information shown on these drawings shows more than the presence or absence of services, and will accept no labelity for insocuracies in the services information shown from any cause whatsoever. The Contractor must confirm the exact location and extent of services prior to construction and notify any conflict with the drawings immediately to the Engineer/Superistanders.

Whiting plans do not indicate the presence of any

STORMWATER DRAINAGE NOTES

AEP for roof drainage to first external pit.
 AEP for paived and landscaped areas.

: Rainfall losses -Impervious areas: IL = 1.5 mm , CL = 0 mm/hr Pervious areas: IL = 28 mm , CL = 0.8 mm/hr

- 2. Pipes 300 dia and larger to be reinforced concrete Glass " 1 sproved opport and socket with noticer ring joins U.N.O." Pipes up to 300 dia may be sever grade -PVC with solvent weblief joins, subject to appoint by the engineer 6 Egulvalent strength VCP or FRP pipes may be used subject to azerotival?
- is approval. Precast pils may be used external to the building subject.

- to approve the first participants to be manufactured fitting where opens are test than 300 das.

 7 Mines subsed draws pass under floor states and verticular parents author of draws pass under floor states and verticular parenters. Instituted of IPC passes under floor states and other states of the states and covers shall conform with AS 3999-2006, and AS 1428. If you recess requirements.

 9 Pages are to be installed of in accordance with AS 3725. All bedding to the type IPC U.N.D.

 10 Care is to be taken with invent levels of stormwoder lines. Cardes shown are not to be received without general.
- Grades shown are not to be reduced without approved.

 All stormwater pipes to be 150 da at 1.5% min fati U.K.O.

 Subsoil drawns to be districted flexible uPYC U.N.O.

 Adopt invert levels for pipe installation (grades shown are

KERBING NOTES

Includes all kerbs, gutters, dish drains, crossings and edges.

- . All kerbs, guiters, dish drains and crossings to be constructed or minimum 75mm granular basecourse compacted to minimum 98% modified maximum dry density in accordance with AS 1289 5.2.1. Expansion pants (E.2) to be formed from 10mm compressible cork filter board for the full depth of the section and out to profile. Expansion prints to be located at drainage oits, on tangent points of curves and obsention at 12th centres except for ringingle leads where the expansion pints are to match the joint locations in slabs. 3 Westerned plane points to be into 3mm wide and located at 3m centres except for integral leads where weakened plane pints are to which the useful colonies is called.
- centres except for integral kertis where weakened plane joints are match the pirel locations in slabs. (Broomed Inshed to all ramped and vehicular crossings, all other kerbing or dish drains to be steel float finished.
- In the replacement of kerbs -Existing road pavement is to be sawout 900mm from to of guitter. Upon completion of new kerbs, new basecourse and surface is to be laid 900mm wide to match existing materials
- Existing kertis are to be completely removed where new kertis are shown.

CONCRETE FINISHING NOTES

- All exposed concrete pavements are to be broomed final All edges of the concrete pavement including keyed and downled joints are to be finished with an edging tool
- Concrete pavements with grades greater than 10 % shall be Carborundum to be added to all stair treads and ramped

DBYD SERVICES NOTE

"Public Service USBy information shown on plan has been compiled from information received from Dail Before Too Dig Inquiry, reference Names 5400668 Utiless specificity shown otherwise, this location and depth of service shown on this plan have not been verified.

SAFETY IN DESIGN

Contractor to refer to Appendix 8 of the Civil Specification for the Civil Risk and Solutions Register.

EXISTING SERVICES

EXISTING STRUCTURES

Contractor to be aware existing structures may exist within the site. To prevent damage to existing structure(s) and/or personnel, site works to be carried out as far as practicably possible from existing

Contractor to be aware existing trees exist within the site which need to be protected. To prevent damage to trees and/or personnel, site works to be cerned out as far as practicality possible from existing trees. Advice needs to be sought from Arborist and/or Landscape Architect, on measures required to protect trees

GROUNDWATER

EXCAVATIONS Deep excavations due to stormwater dramage works is required Contractor to ensure safe working procedures are in place for works. All excavations to be feroed off and bettern adequately supported to approved of deconstructal frames.

GROUND CONDITIONS

Contractor to be aware of the site geolechnical conditions. Refer to geolechnical report for details.

HAZARDOUS MATERIALS

Existing extension products is contaminated material may be present on othe Contractor to ensure all frazeroous materials are identified prior to commercing works. Safe working practices as per relevant authority to be adopted and appropriate IPIF to the used when handling all hazardous materials. Rufer to geotechnicalien/renmental. report for details.

CONFINED SPACES

Contractor to be aware of potential hazards due to working in confined spaces such as stormwater pits, trenches and/or fanis, Contractor to provide sale working methods and use appropriate PPE when entering confined spaces.

Contractor to be aware manual handling may be required during construction. Contractor to take appropriate measures to ensure manual handling procedures and assessments are in place prior to

WATER POLLUTION

Contractor to ensure appropriate measures are taken to prevent pollutards from coretruction works contaminating the surrounding environment,

SITE ACCESS/EGRESS

Contractor to be aware site works occur in close proximity to footpeths, and roadways. Contractor to erect appropriate berriers and signage to protect site personnel and public.

VEHICLE MOVEMENT

Contractor to supply and comply with traffic management plan and provide adequate site traffic control including a certified traffic marshall to supervise vehicle movements where necessary.

CIVIL SAFETY IN DESIGN

Taylor Thomson Whiting (NSW) Pty Ltd operates under Safe. Work Australia's Code of Conduct for the Safe Design of

Tritope Contractor's responsibility to review the hazards and risks identified during the design process to ensure a safe workplace is mantained for the construction, maintenance and eventual demotion of the civil infrastructure.

PIT SCHEDULE

NotiGrate size does not necessarily reflect pit size, refer pit type details, shown on detail sheets - C060 Final internal pit dimensions are to comply with AS3500

Type	Description	Cover (Clear Opening)	Number
A	Surface interpit	600 x 600 Class C galvanised mild steel grate hinged to frame	1,2,3,4,5, 6,7,11
*	Aunction pt:	600 ± 600 Class C cast iron cover with concrete infile	12

PAVEMENT LEGEND



FRP MICRO -MESH RAISED WALKNAY TO BE CESIGNED BY STRUCTURAL ENGINEER



TO BE DESIGNED ACCORDING TO GEOTECHNICAL REPORT

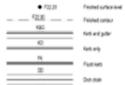
DUSTING SERVICES LEGEND EXISTING OVERHEAD ELECTRICAL EXISTING UNDERGROUND ELECTRICAL

EXISTING TELECOMMUNICATIONS - - EXISTING SEWER EXISTING WATER EXISTING STORMWATER

RETAINING WALLS

- Dramage shall be provided as shown on the dramage drawings. Backfiling shall be carried out after grout or concrete has reached a minimum strength of 0.85 fc. Backfilling shall be approved granular material compacted in layers not exceeding 200mm to 95%. Standard compacton unless noted otherwise. 3. Provide waterproofing to back of walls as specified or noted
- 3. Invoice waterproteing to back of walls as specified on or 4. Where relations waits rely on connecting structural stems for stability, do not backfill regimen the wait unities it is advocately proposed or the elements have been consist and here sufficient strength to withstand the bods. 5. For all temporary batters obtain gestachrical engineers recommendately.

SITEWORKS LEGEND



Hourtable leeb

Mountable integral leets with thickened edge Integral leets with thickene edge

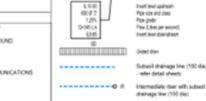
Stomwoler pit, flow direction and line with

Hegalian

Asphaltic concrete shall conform to AS2150 and the specification



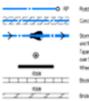




WK-TE

#+1E





- Q git; Resistant place pirt

Conceils encause dominater the Stomwater line with pipe type

Taper help to zero height over 500 min Wheeling

Blockwork retaining wall PAIR TO Broken esting and _____S/____Sorr.pint Neyed construction joint

E/ bonsonjor

c - g--- g--- Corted Social - Super Ref.

WORKS NEAR EXISTING SERVICES

WORKS NEAR EXISTING TREES

CIVIL SPECIFICATIONS

DRAWINGS TO BE READ IN CONJUNCTION WITH THE CIVIL SPECIFICATION, REFER APPENDIX A FOR INSPECTION HOLD POINTS HIGH PRESSURE GAS MAIN

RECAUTIONS ARE TO BE UNDERTAKEN TO ENSURE HIGH PRESSURE GAS MAIN IN THE VICINITY OF WORKS IS NOT

HIGH VOLTAGE ELECTRICAL CABLE PRECAUTIONS ARE TO BE UNDERTAKEN TO ENSURE H VOLTAGE CABLE IN THE VICINITY OF WORKS IS NOT DAM DURING CONSTRUCTION ACTIVITIES.



THIS DRAWING WUST BE

NOTE: DRAWINGS TO BE READ IN CONJUNCTION WITH THE CIVIL SPECIFICATION

STURT NOBLE ASSOCIATES

Structural PROSPECT HILL Civil Traffic

NOTES	&	LEGEND	SHEET

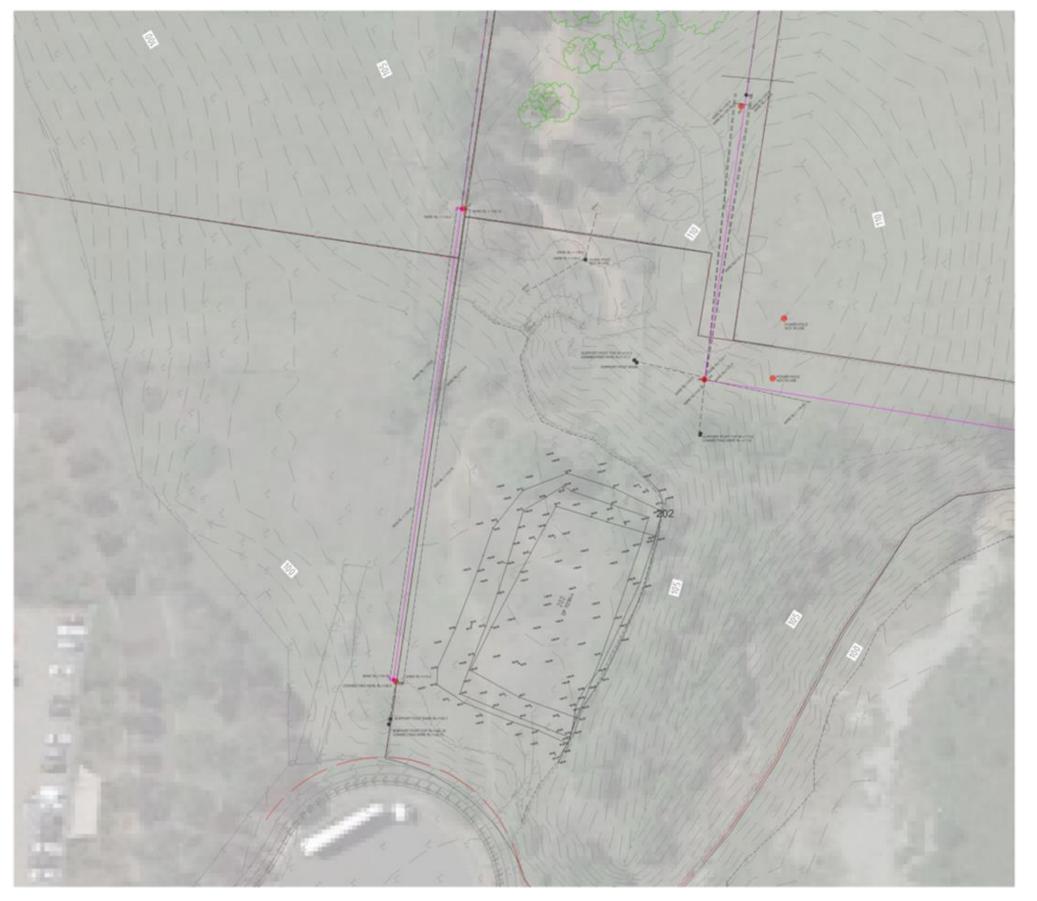
P2 C020

LPP003/24 - Attachment 3



White substitutes to be READ IN CONJUNCTION WITH ALL RELEVANT NOTES ON DRAWING COS





0 25 5 15 10 125 15 175 29

STURT NOBLE ASSOCIATES
SUITE 307, 166 GLEBE POINT ROAD, GLEBE NSW 2037

STURT NOBLE ASSOCIATES
SUITE 307, 166 GLEBE POINT ROAD, GLEBE NSW 2037

STURT NOBLE ASSOCIATES
SUITE 307, 166 GLEBE POINT ROAD, GLEBE NSW 2037

STURT NOBLE ASSOCIATES
SUITE 307, 166 GLEBE POINT ROAD, GLEBE NSW 2037

STURT NOBLE ASSOCIATES
SUITE 307, 166 GLEBE POINT ROAD, GLEBE NSW 2037

STURT NOBLE ASSOCIATES
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SUITE 307, 166 GLEBE POINT ROAD, GLEBE NSW 2037

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SUITE 307, 166 GLEBE POINT ROAD, GLEBE NSW 2037

STURT NOBLE ASSOCIATES
SUITE 307, 166 GLEBE POINT ROAD, GLEBE NSW 2037

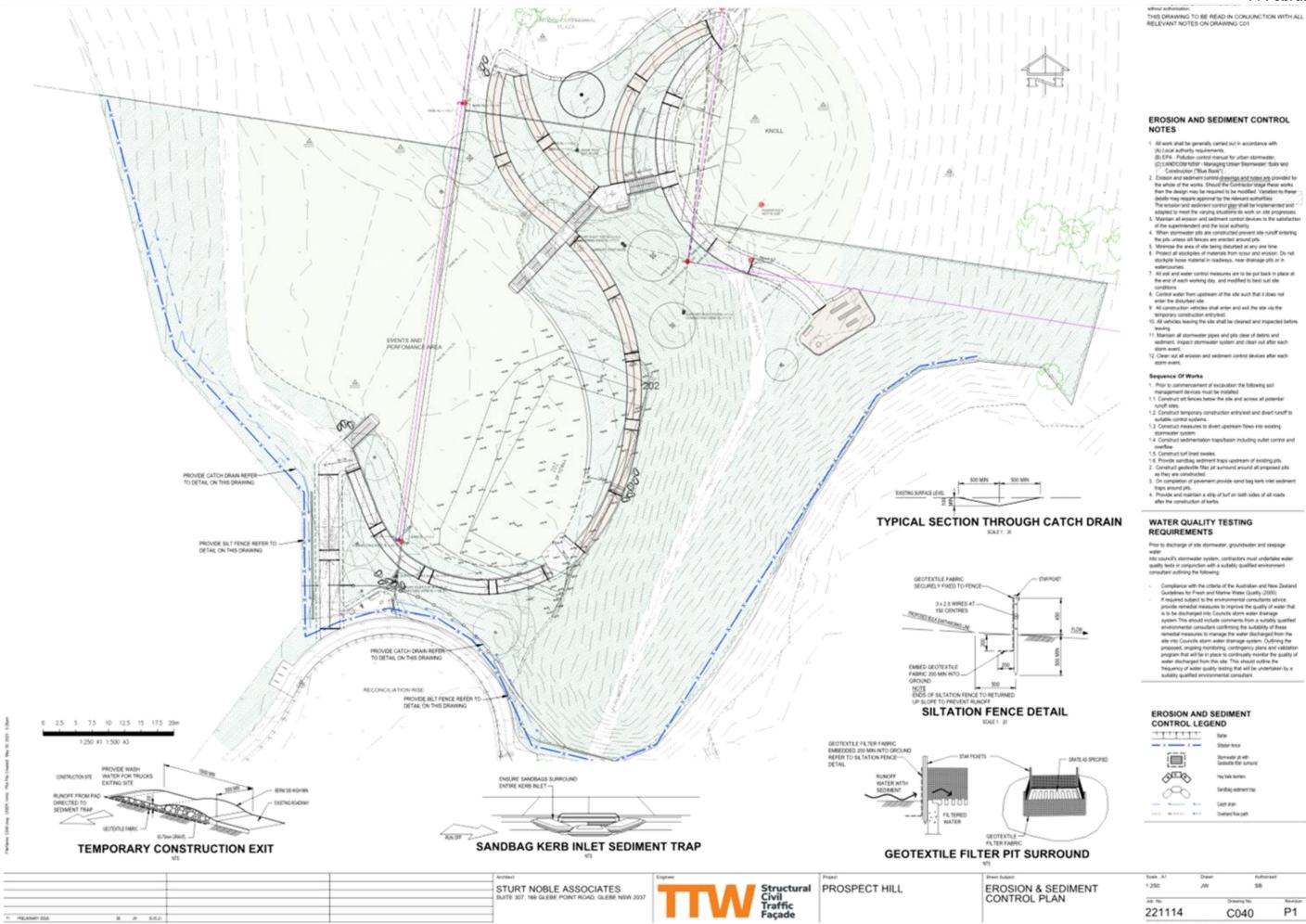
STURT NOBLE ASSOCIATES
SUITE 307, 166 GLEBE NSW 2037

STURT NOBLE ASSOCIATES
SUITE 307, 166 GLEBE NSW 2037

STURT NOBLE ASSOCIATES
SUITE 307, 166 GLEBE NSW 2037

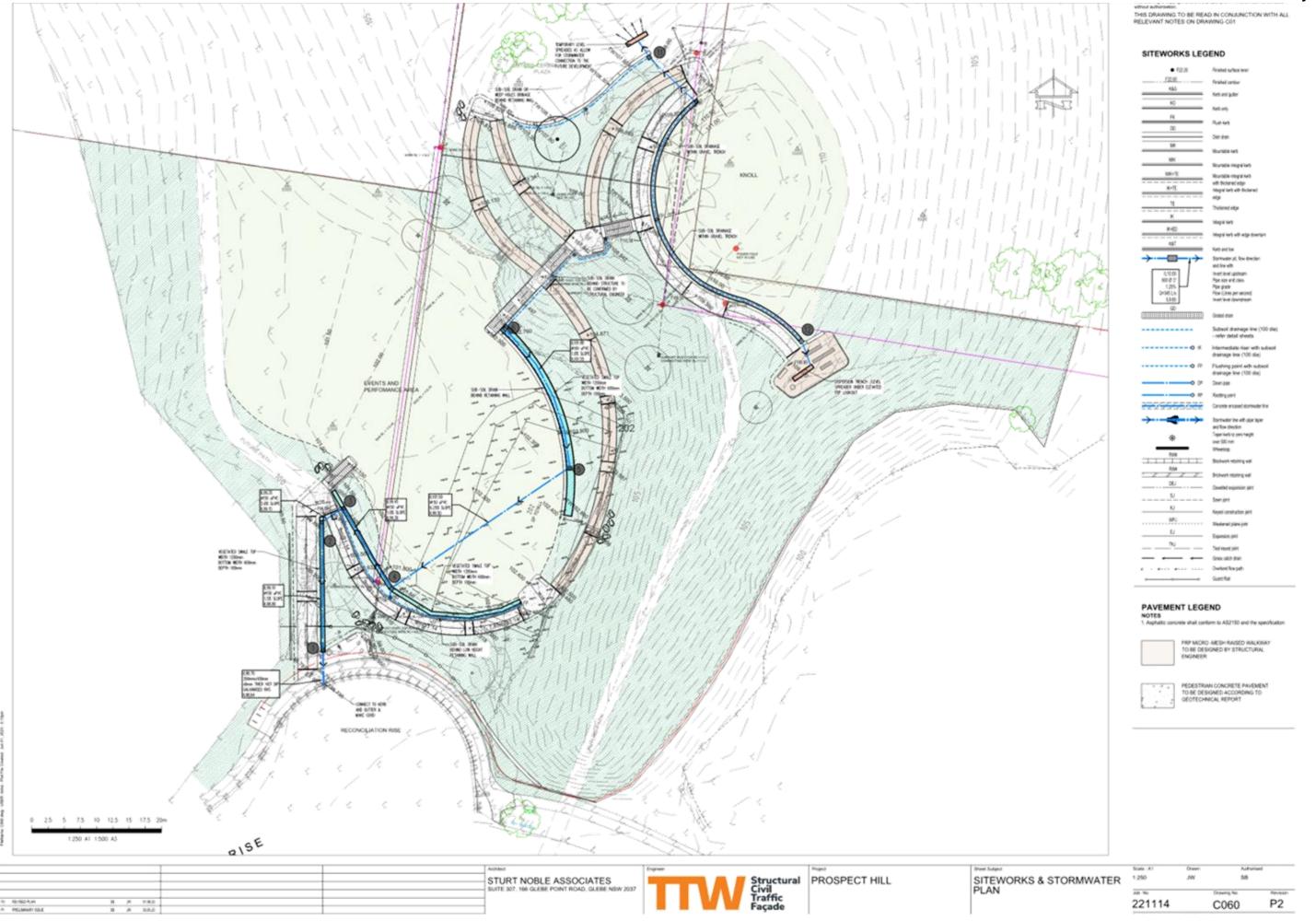
STURT NOBLE





LPP003/24 – Attachment 3

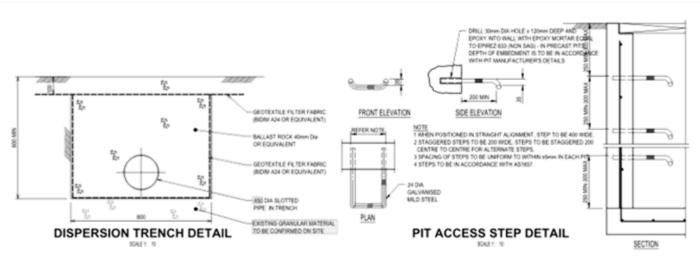


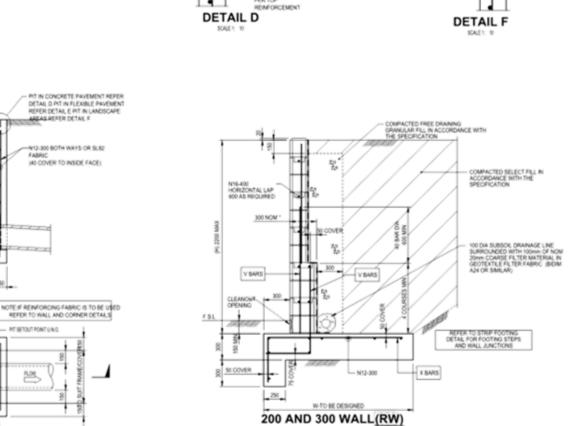


LPP003/24 – Attachment 3

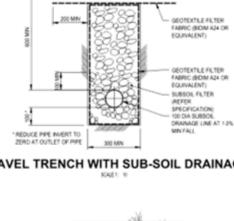


THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL RELEVANT NOTES ON DRAWING COIL LIGHT DUTY IN LANDSCAPED AND PEDESTRIAN AREAS HEAVY DUTY IN VEHICULAR PAYEMENTS AIR TIGHT CAST IRON OR BRASS SCREW OR BOLT DOWN CAP LIGHT DUTY IN LANDSCAPED AND PEDESTRIAN AREAS HEAVY DUTY IN YEHCULAR RAVEMENTS. AIR TIGHT CAST IRON OR BRASS SCREW OR BOLT DOWN CAP 300 ± 300 × 150 SWERGE PVC - 45' BEND 1 PECE TO THE SUB SOIL DRAINAGE LINE INTERMEDIATE RISER (IR) FLUSHING POINT (FP) SCALE 1 10 NOTE: SLOTTED RIGID PVC PIPE AND FITTINGS MAY BE USED NOTE: SLOTTED RIGID PVC PIPE AND RITTINGS MAY BE USED PAVENENT AS SPECIFIED-**EXISTING KERB & GUTTER** STORMWATER CONNECTION TRASH SCREEN DETAIL TO KERB AND GUTTER GEOTEXTILE FILTER FABRIC (BIDIN A24 OR - SOUNALENT) - SOUNALENT) GEOTEXTILE FILTER FABRIC (BIDM A24 OR EQUIVALENT) (REFER SPECIFICATION) GEOTEXTILE FILTER FABRIC (BIDM A24 OR EQUIVALENT) - GEOTEXTILE FILTER FABRIC (BIDM A24 OR - \$36803EPKYER SUBSOIL FLTER (REFER SPECIFICATION) 100 DIA SUBSOIL REFER REFERENCES DRAMAGE LINE AT 10% MIN FALL *REDUCE PIPE INVERT TO ZERO AT OUTLET OF PIPE SUBSOIL IN LANDSCAPED AREAS **GRAVEL TRENCH WITH SUB-SOIL DRAINAGE** DRAINAGE SWALE





2N12 TRIMMER BARS TO EXTEND 500 BEYOND PIT 1.2m L000 BAX2H NDE





PIT SETOUT POINT LING

FLOR

COVER TO INSIDE FACE!

DETAIL E

GRATE AND FRAME OR COVER AS SPECIFED IN SCHEDULE

REALUMO

SECTION SCALE 1 20

100 DIA x 3000 LONG SUBSOIL DRAINAGE STUB SURROUNDED WITH 100mm OF NOM 20mm COARSE FILTER MATERIAL WRAPPED IN GEOTEXTILE FILTER FABRIC (BDIM A24 OR SMILAR) TO EACH INLET PIPE

PROVIDE PIT ACCESS STEPS IF PIT DEEPER THAN 900 -REFER DETAIL

STURT NOBLE ASSOCIATES



MEANY DUTY JPVC TO BE CONNECTED TO THE SLB SOLT 1000 SCENE CHANGE LINE REFER SUBSOL BEDDING —DETALS

PROSPECT HILL

DETAIL SHEET 1

P1 221114 C070

DOCUMENTS ASSOCIATED WITH REPORT LPP003/24

Attachment 4 Redacted Submissions





Harley Pearman

From:

Sent:

Thursday, 28 September 2023 5:04 PM

To:

Records Department

Subject:

[EXTERNAL] DA2023/0354 - Submission

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

28th September 2023

Dear Sir/Madam,

Re: Submission DA2023/0354

Thank you providing the development plan application number DA2023/0354

We wish to lodge our submissions for above mentioned development application.

Construction of a lookout on top of prospect hill will cause the following issues:

Noise Issue:

Noise carries and public access to the lookout will mean noise at night-time causing disturbances during sleeping hours. Note we have bedrooms in front section of our house and at present when there is illegal access to the hill-top we get party noise.

We have called police for noise disturbances at times however, it is not considered life threating issue and we have too much noise disturbances through the night making it impossible to sleep.

The look-out will open the area for legal hangout and illegal drinking, taking drugs and parties.

Fire Hazard from illegal fireworks:

This will open the area for launching illegal fireworks which can cause fire on the hill area and depending on the wind direction there will be fire danger to our property.

1





Note, the grass hill has been lite-up from illegal fireworks on few occasions.

Prospect Hill is a heritage reserve linked to the first nation people and it should be protected from people drinking, partying , taking drugs and doing fireworks from here.

We look forward to hearing from you.

Yours sincerely,



Harley Pearman

From:

Sent:

Tuesday, 26 September 2023 9:27 PM

To:

Harley Pearman

Subject:

[EXTERNAL] Re: Location of the site within the red circle

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Harley

Thank you for the picture showing the location.

We are in the middle of

so it would be probably be close to 100 m.

We will send our submission as we currently have loud party noise from the top of the hill and fireworks are often let off from here which has set the grass and trees on fire .

We have made numerous complaints to police, especially in early hours of the morning. Unfortunately the noise travels quickly from the top to bottom.

official and the more transfer quietly more than the top to so

Thank you for assisting us understand the location.

Sent from Yahoo Mail for iPhone





Harley Pearman

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г	۰	u	٠	٠	٠	٠	

Sent: To: Thursday, 31 August 2023 5:51 PM

Records Department

Subject:

[EXTERNAL] Application # DA2023/0354

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I refer to letter from council with attached site plan development application regarding the above.

Please note it is my opinion so as to understand and appreciate the site plan by a resident there has to be a known reference point/s and/or some geographical identifiable location i.e, names known to residents of perhaps an existing landmark.

To further assist in an understanding of the site plan perhaps proximities and/or reference to named streets avenues or places.

The site plan has no identifiable markings known to residents.

Is the location 'Future Ceremonial Area' part of the Pemulwuy Hill Masterplan?

Is this application part of the Pemulwuy Hill Master Plan?

Perhaps an overlay on an overhead image or drawing of the area may assist in understanding the location.

I have accessed the portal application tracking however it has even less information.

Yours faithfully

Regards

DOCUMENTS ASSOCIATED WITH REPORT LPP003/24

Attachment 5

Cumberland City Council
Prospect Hill Plan of
Management March 2019
(Includes the Landscape Master
Plan details)





CUMBERLAND COUNCIL

Prospect Hill Plan of Management March 2019



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in collaboration







Prospect Hill Plan of Management March 2019

Prepared for

Cumberland Council



Adopted by Cumberland Council 20 March 2019



Prospect Hill

PLAN OF MANAGEMENT

Prepared For

Cumberland Council

Ву

Phillips Marler

in association with Parkland Planners

March 2019

Adopted by Cumberland Council 20 March 2019

Issue	Date	Description	By
1	13.07.18	Draft for Review	JM/SH
2	28.09.18	Draft for Review	JM/SH
3	05.10.18	Draft for Review	JM/SH
4	26.10.18	Draft for Public Exhibition	JM/SH
5	28.02.19	Final for Adoption	JM/SH
6	20.03.19	Final Adopted Revision	JM/SH



WELCOME TO COUNTRY

I would like to welcome you all to the traditional land of the Darug people. I am Auntie Mavis Halvorson and I am a Darug Elder.

I am a direct descendent of Maria Locke, one of the first Darug women mentioned in the histories of the colonists. I have lived on Darug land for all of my life. So have most of the Darug people, some of whom are here today.

My people lived in and on this land for thousands of years before the colonists came. We have never given up our land. It was taken from us. We still have a close relationship with our land.

I pay my respect of my ancestors and generations past. I pay my respects to my people who still live on this land.

Now many people from many lands have come to settle here.

On behalf of my ancestors and in honour of their memory, I acknowledge that this land is now home to many different people from different parts of the world. I hope that they learn to love this land and respect it.

I welcome you all to Darug land and encourage you all to look after the land, as it is precious not just to the Darug people but to all people.







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CONTENTS

WELCOME TO COUNTRY

ACKNOWLEDGEMENTS

ABBREVIATIONS

EXECUTIVE SUMMARY

1	INT	RODUCTION	. 1
	1.1	What Is A Plan Of Management?	1
	1.2	Land To Which This Plan Of Management Applies	1
	1.3	Significance of Prospect Hill	3
	1.4	Background to this Plan of Management	4
	1.5	Aims and objectives of this Plan of Management	4
	1.6	Process of preparing this Plan of Management	
	1.7	Contents of this Plan of Management	7
2	DES	CRIPTION OF PROSPECT HILL	11
	2.1	Location and context	11
	2.2	Cultural history of Prospect Hill	13
	2.3	Ownership and management	15
	2.4	Physical description	19
	2.5	Access and circulation	24
	2.6	Structures	26
	2.7	Activities at Prospect Hill	27
	2.8	Maintenance	29
	2.9	Financial management	29
3	PLA	NNING CONTEXT	31
	3.1	Introduction	31
	3.2	Planning context	
	3.3	Legislation applying to Prospect Hill	31
	3.4	Council plans and policies	37
4	BAS	IS FOR MANAGEMENT	39
	4.1	Introduction	39
	4.2	Values and roles of Prospect Hill	39
	4.3	Management objectives	44
	4.4	Vision for Prospect Hill	46
	4.5	Permitted uses and developments	47
	4.6	Leases, licences and other estates over community land	





	4.7	Acquisition and dedication of land	59
5	AC	ΓΙΟΝ PLAN	61
	5.1	Landscape Masterplan	61
	5.2	Action Plan	
6	IM	PLEMENTATION	77
	6.1	Management	77
	6.2	Funding sources	77
	6.3	Implementation of this Plan of Management	
	6.4	Reporting	
	6.5	Review of this Plan of Management	78
RE	FERI	NCES	79
Fig	ures		
Figu	ure 1	Land included in this Plan of Management	2
Figu	ure 2	Process of preparing this Plan of Management	6
Figu	ure 3	Location and context of Prospect Hill	12
Figu	ure 4	Land tenure – Prospect Hill	16
Figu	ure 5	Quarried areas at Prospect Hill	21
Figu	ure 6	Access and circulation	25
Figu	ure 7	Categorisation of Prospect Hill	35
	ure 8	Zoning of Prospect Hill	
Figu	ure 9	Landscape Masterplan for Prospect Hill	62
Tal	bles		
Tab	ole 1	Contents of a Plan of Management for community land	7
Tab	ole 2	Elements of a Management Plan for an Aboriginal Place	8
Tab	ole 3	Property details of Prospect Hill	17
Tab	ole 4	Key stakeholders in Prospect Hill	18
Tab	ole 5	Built structures and condition	26
Tab	ole 6	Strategic planning context of Prospect Hill	32
Tab	le 7	Roles of Prospect Hill	43
Tab	le 8	Strategic goals and outcomes for Cumberland	44



Cumberland Local Planning Panel Meeting 14 February 2024

Table	Objectives for management of Prospect Hill46
Table	Permissible uses and developments of Public Recreation and Environmental Conservation zones
Table	Authorised uses and developments at Prospect Hill
Table	Actions related to cultural values66
Table	Actions related to open space and recreation values71
Table	Actions related to environmental values74
Table	Management actions
Арре	dices
Α Α	ORIGINAL STAKEHOLDERS FORUM81
В	MMUNITY FORUM91
C F	BLIC HEARING REPORT97
D (FICE OF ENVIRONMENT AND HERITAGE
E H	TORY OF PROSPECT HILL
	NAME CONTEST



ACKNOWLEDGEMENTS

Cumberland Council

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Martha Jabour Public Art Co-ordinator
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Teresa Russo Crime Prevention Officer

Beatrice Sesay Capacity Building Officer (ATSICC Co-ordinator)

Attending representatives from the Aboriginal and Torres Strait Islander Consultative Committee and the local Aboriginal community

Aunty Sandra Lee Aunty Cleonie Quayle Uncle David Williams Jeanice Corso

Trudy Healey Lyn Leeson

Raelene Locke-Billedo

Paul Mackey Djon Mundine Julie Nixon Des Smith Chris Tobin Melissa Williams

Clr Greg Cummings - Mayor

ABBREVIATIONS

ATSICC Aboriginal and Torres Strait Islander Consultative Committee

LEP Local Environmental Plan LGA Local Government Area

OEH Office of Environment and Heritage

SHR State Heritage Register





PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS – PHILLIPS MARLER



EXECUTIVE SUMMARY

1 Introduction

This Plan of Management applies to land which includes part of the State Heritage Register (SHR) curtilage area for Prospect Hill, north of Butu Wargun Drive in Pemulwuy.

This Plan of Management applies to allotments currently classified as community land and road reserve under the jurisdiction of Cumberland Council, as well as portions of two privately owned adjacent properties which are within the State Heritage Registered curtilage area for Prospect Hill.

Prospect Hill is of significant cultural importance, especially to the people of the Darug nation.

Since early European exploration and settlement from 1788 Prospect Hill has undergone significant physical and cultural change.

Given its cultural and historic landscape importance, Prospect Hill – also known as Mar-Rong Reserve - was entered on the NSW State Heritage Register on 16 October 2003.

This Plan of Management will be an important supporting document for an application to the NSW Office of Environment and Heritage to declare Prospect Hill as an Aboriginal Place of Significance.

The process of preparing this Plan of Management is set out below.

Stages
INCEPTION
•
REVIEW BACKGROUND INFORMATION
•
COMMUNITY AND STAKEHOLDER ENGAGEMENT
•
PREPARE FINAL DRAFT PLAN OF MANAGEMENT
•
PUBLIC EXHIBITION for minimum of 42 days (including 28 days exhibition and 14 days for receipt of submissions)
•
ADOPTION
•
IMPLEMENTATION

2 Description of Prospect Hill

Key features of Prospect Hill are:

is a place significant to the Cannemegal-Warmuli Clan of the Darug Nation who were the traditional custodians of the area prior to the arrival of Europeans

the area of significant early interactions between Aboriginal people and European settlers

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER



Cumberland Local Planning Panel Meeting 14 February 2024

	a natural topographic feature rising to 112 metres in height above sea level, forming one of the highest points between the coast and the Blue Mountains
	a unique 360-degree view of Sydney from the top of the hill
	extensive grasslands on the eastern slopes.
Pro	spect Hill is largely undeveloped with few built structures as follows.

Structure	Description	Condition
Two water tanks	Concrete, metal	To be assessed
Fencing and gates	Chain wire fencing Metal gates	New, excellent condition
Stairs and hand rail	Wooden stairs with hand rail to traverse steep sections of the informal path to the top of the hill	Good

Prospect Hill is visited by Aboriginal groups for education of school children, and local residents who like to walk there for exercise and to enjoy the view. Prospect Hill is a significant venue to the Aboriginal community for annual NAIDOC Week and Reconciliation Day (3 May) events which attract increasing numbers of people including dignitaries and school children, from all over Sydney and further afield. Several Aboriginal Heritage Tours led by Aboriginal elders have been held in recent years. Prospect Hill is a site of focus for local schools as teachers are required to teach Aboriginal culture as a core part of the primary and high school curriculum concerning Australian heritage.

3 Planning context

The legislation most affecting use and management of Prospect Hill is the *Local Government Act 1993*, and the *Environmental Planning and Assessment Act 1979*.

Due to the cultural significance of Prospect Hill, Cumberland Council supports its categorisation as Area of Cultural Significance (Section 36D of the *Local Government Act 1993*). The land proposed to be categorised as Area of Cultural Significance.

Several plans control development within the SHR curtilage area for Prospect Hill:

Prospect Hill Conservation Management Plan 2005
Prospect Hill Heritage Landscape Study and Plan 2008
Prospect Hill Heritage Interpretation Plan 2009
Holroyd Development Control Plan (DCP) Part P 2013.

Land covered by this Plan of Management at Prospect Hill is zoned RE1 Public Recreation and E2 Environmental Conservation under the Holroyd Local Environmental Plan 2013. The Clunies Ross Street road closure and the two privately owned lots to the west are unzoned as they are subject to the SEPP (Western Sydney Employment Area) 2009.

4 Basis for Management

Values and roles of Prospect Hill are listed below.

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER



Value	Roles	
Cultural	Place for cultural celebration Place for cultural education Meeting place Reminder about past land uses – farming, , quarrying, scientific research Landmark	
Open space and recreation	Open space in an increasingly developed area Buffer between residential and commercial development Place for informal recreation	
Environmental	Environmental conservation Fauna habitat	

Council's objectives for management of Prospect Hill by value are outlined below.

Value	Objectives ¹		
Cultural	- Protect the integrity of the Prospect Hill State Heritage Registered Area		
	 Manage Prospect Hill according to the Conservation Management Plan, Heritage Landscape Study, and Heritage Interpretation Plan. 		
	 Research and document the history of the Prospect Hill State Heritage Registered Area and its role in the history of Sydney. 		
	 Educate the community on the history and role of the site. 		
	 Utilise the history of the site as a theme in its development. 		
	 Because the topography of the ridgeline lends itself to prime viewing, to locate these within the pedestrian network, consistent with the Prospect Hill Heritage Landscape Study and Plan, and the Prospect Hill Heritage Interpretation Plan. 		
	 Consult with local community groups to ensure that future development reflects the historical relevance of the past. 		
Open space and recreation	 Retain the open grass hill character as open space and preserve the distinctive ridgeline. 		
	 Improve the quality of open space area by replacing overhead transmission lines to underground cables or preferably to re-route electrical infrastructure around the outside of the open space area. 		
Environmental	 Maintain the prominence of Prospect Hill as a significant remnant geologic and topographic element. Site and design development at critical locations so that views o the ridgeline are maintained. 		
	 Retain and add to existing trees on Prospect Hill, consistent with the Prospect Hill Conservation Management Plan, thereby forming large stands of trees to provide a visual buffer to built form when viewed from the top of Prospect Hill. 		
	 Ensure continuation of green corridors from existing conservation areas through the riparian corridor and up onto Prospect Hill. 		

¹ Holroyd Development Control Plan Part P August 2013

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER

Ш



Th	e vision for Prospect Hill is to:
	create Prospect Hill as a site of cultural significance and interpretation for future generations retain the prominence of Prospect Hill as a significant geological and topographical site
0	enhance the site as a place for primarily reconciliation events
	create a safe place for the local community with green spaces and public facilities. be a place for local community – public safety, green space, facilities, activities and events
	interpret cultural heritage for future generations.

The primary considerations for future use of and development at Prospect Hill are its State Heritage Register listing, its categorisation of community land as Area of Cultural Significance under the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, and its potential to be declared as an Aboriginal Place.

5 Action Plan

Issues and other considerations set out in the action plan are:

Cultural issues	Open space and recreation issues
Access to ceremonial site	Pedestrian link to Marrong Reserve
Reconciliation Stone	Pedestrian and cycle links to and from adjoining residential and employment areas
Formal gathering and events	Viewing opportunities
Prospect Hill community group	Seating
Aboriginal Place	Butu Wargun Drive road closure
Name of Prospect Hill	Children's play opportunity
Anti-social behaviour	Environmental issues
Cultural centre	Planting and revegetation
Aboriginal community garden	Grassland
Vehicle access to cultural centre	Waste disposal
Community education and interpretation	Soil quality and contamination
Water tanks	Soil erosion
Caretaker's residence	Fauna habitats and wildlife corridors
Public art	Water Sensitive Urban Design (WSUD)
Visual	Management issues
	Land acquisition and community land
	Authorised vehicle access
	Funding



Cumberland Local Planning Panel Meeting 14 February 2024

Key	y proposed high priority and short-term actions and changes to Prospect Hill include to:
	make an application to the NSW Office of Environment and Heritage for Prospect Hill to be declared as an Aboriginal Place under the <i>National Parks and Wildlife Act 1974</i> .
	prepare a Management Plan for the Declared Aboriginal Place within 12 months of gazettal of the Aboriginal Place.
	erect a fence around the ceremonial site.
	relocate and place the Reconciliation Stone.
	obtain approval for construction of a cultural centre and associated gardens.
	establish a walking track along the ridgeline between the lookout at Prospect Hill and Reconciliation Rise.
	establish a walking track along the ridge line between the lookout at Prospect Hill, Warin Avenue and the Clunies Ross Street cul-de-sac.
	construct unobtrusive viewing areas at Prospect Hill, and south of the hill looking south-east using low maintenance materials.
	provide seating at entry points, along pathways and at viewing points.
	remove exotic vegetation such as pine trees and weeds.
	liaise with Aboriginal groups about planting of native species.
	provide bins for rubbish at entry points.
	negotiate with private land owners for Council to either manage or purchase by private treaty or



Landscape Masterplan





Prospect Hill Landscape Masterplan







Cumberland Local Planning Panel Meeting 14 February 2024

Formulate a Vision for the Precinct

- Create Prospect Hill as a site of cultural significance and interpretation for future generations
- Retain the prominence of Prospect HSI as a significant geological and topographical site.
- Enhance the site as a place for primarily Reconciliation events
- Create a safe place for the local community with green spaces and public facilities
- A place for local conversity public safety, green space, facilities, activities and events
- interpretation of cultural heritage for future generations

A. Topography, Geology and Soils.

- The crest of the hill to be retained

1. Cultural Control

- Consider the expressed with of the Continues of ATSIC controlling to create an Atomphal Cultural Centre at Prinspect Bill.
- building in the gully between the indigetimes to the north of the bill.
- County spaces for education and talks.
- Provide a space for Aberighal artwork and artistics:
- Consider a visual and suditory sensory
- Covered outdoor areas
- Furing for authorised vehicles

2. Caretokers Residence

1. Cultural elements

- 5 Rag poles to be located dose to the Reconciliation Scone
- Existing water tunks to be retained an site as part of pre-CSWO fabric of the site

Gurden for Aboriginal agriculture and education

- Complete and Inter-
- The gorden will be tensored on the slope Upper signes - both foots, traditional medicines
- Enery sopes areas of wheat, rice, traditional Reserving grains and radios grains for weaving

Pedestrian Bridge from Marrong Reserve to Prespect Nill

- Evalue the addition and was of soles.

6. Planting and Bevegetation

drian Access and Circu Emanche pedecoran access to ex

- Mans, constraint glanting of graces, shrubs, graund above top to lin in negative around cultural cerms. Scattered trees, shrubs and ground coordinately to wellern industrial boundary and reactes Suraw Street boundary.
- Representative of Minist Shale Woodland

- Views to remain open and unchanged on the creat of Prospect Hill to separate a the following vidas:
- Views to the cultural centreplace to be retained from the sour area of the site

- ite to locations within the proximity of the cultural control and occopied gardens and the playspace at the corner of Ducaw
- key and avoid locations in key vistos

7, Vehicle Access

- Link new outburst centre with whice access road from Curries Ross Street.
- Prioritive sonal law drop off and displiced parking under the centre.
- Design and construct off-road car parting in the Clunies Rose Street road reserve
- Continue seriole access to park via montenance gate on Worm-Avenue
- Provide maintenence/emergency vehicle access to peremonial place

X. Interpretation and Signage

- Signaps can be intrusted and should be assisted on the top of the hill or significant spaces, around the calculationaries.

Discreet, continuous security palsade fencing (2 line high) on the wastern slope of Prospect and should not at the base of the granted slope along the top of the quarried of a net not bewards the southern boundary.

- A low safety fence is required along the eactern edge of the north)
- Same across the NR should be open by day and closed at regit A 8.5m high pallade fence to be installed along the Surgal Street/

10. Formal Gathering and Svents

- The south-west guarried area is a natural amphitments for a and performances and should remain an open Bestive space.
- Above the outsure centre a constrained praise with powing. Tagpacks and a cetting for the Reconciliation Stone will be for formal event and serve as a forest cost is space from the building.

11. Butu Wargun Road Closure

- Cours to cordinar to Mark writing entering from Reconcillation
- Florit additional trees to enhance the space

- Orddrensplay and discovery is to be part of the Cultural Centre and
- Major pedietrian access should be formalised from Marriang Reserve and Custer Ross Street to Prospect Hill
- Connection of Reconciliation Rise and Clusters Rose Street up shared path along the . -Encourage passive recruetion and access to Prospect HS

increase connections and legicity of surrounding ones and walks suction the Prospect/Perculaksy area.

13. Amenitles

- Public tollets can be considered as part of the cultural carbin
- Planic shelters can be considered in the Aboriginal gardens Small structures to be avoided near or on the organ of the hill
- Pionic tables and scoring to be carefully praced on the HII to provided paints but not to clutter view lines.





Masterplan Objectives Prospect Hill Landscape Masterplan

Minor access to local planspace along easiers boundary close to Warin Street and Dorsel Street.

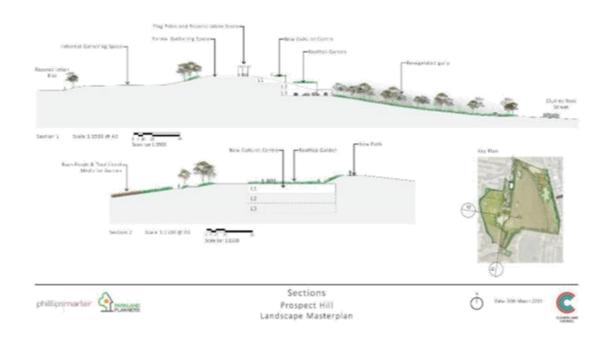
Accept via stage to connect the leaf Walk Receive with local plantage.





PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER VII







1 INTRODUCTION

1.1 What Is A Plan Of Management?

A Plan of Management is a statutory document which provides the framework for managing community land, and outlines how that land is intended to be used, improved and maintained into the future.

The Local Government Act 1993 requires Councils to prepare Plans of Management for all community land in their jurisdiction to ensure it is effectively managed.

This Plan of Management incorporates a Landscape Masterplan to illustrate proposed changes and to facilitate the establishment of facilities for the users of the land.

1.2 Land To Which This Plan Of Management Applies

This Plan of Management applies to land which includes part of the State Heritage Register (SHR) curtilage area for Prospect Hill, north of Butu Wargun Drive in Pemulwuy, as shown in Figure 1.

This Plan of Management applies to allotments currently classified as community land and road reserve under the jurisdiction of Cumberland Council, as well as portions of two adjacent properties which are within the State Heritage Registered curtilage area for Prospect Hill.



PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER



SHR Curtilage Area Property Boundarie

Figure 1 Land included in this Plan of Management

Legend:

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER





1.3 Significance of Prospect Hill

Prospect Hill is of significant cultural importance, especially to the people of the Darug nation.

Since early European exploration and settlement from 1788 Prospect Hill has undergone significant physical and cultural change.

Given its cultural and historic landscape importance, Prospect Hill – also known as Mar-Rong Reserve - was entered on the NSW State Heritage Register on 16 October 2003. The Statement of Significance reads:

The Prospect Hill area has state significance due to its unique combination of significant landscape features, potential archaeological site, and association with important historical phases. As a dolerite outcrop rising to a height of 117 metres above sea level, Prospect Hill is a rare geological and significant topographic feature providing expansive views across the Cumberland Plain (Ashton, 2000).

The site is significant as a major reference point for early explorers from 1788, and as the site of a number of the earliest farms in New South Wales, which were established in 1791 (Higginbotham, 2000). Prospect Hill is also associated with Aboriginal frontier warfare during the early days of the colony, and as the site of one of the first Aboriginal/ European reconciliation meetings held in 1805 involving Samuel Marsden and Prospect Aboriginal groups (Flynn 1997).

Through its ongoing pastoral and rural use, the site has the potential to provide archaeological evidence of early farming practice and settlement (Higginbotham 2000). The landscape of Prospect Hill is likely to be one of the only remaining areas of rural land within the local and regional area that has retained its long-term pastoral use since the earliest days of the colony.

Key	reatures of Prospect Hill are:
	is a place significant to the Cannemegal-Warmuli Clan of the Darug Nation who were the traditional custodians of the area prior to the arrival of Europeans
	the area of significant early interactions between Aboriginal people and European settlers
	a natural topographic feature rising to 112 metres in height above sea level, forming one of the highest points between the coast and the Blue Mountains
	a unique 360-degree view of Sydney from the top of the hill
	extensive grasslands on the eastern slopes.

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER



1.4 Background to this Plan of Management

Given the significance of Prospect Hill to the Aboriginal community, Cumberland Council's Aboriginal and Torres Strait Islander Consultative Committee (known as the ATSIC Committee) has expressed a strong desire for Prospect Hill to be declared an Aboriginal Place of Significance. These places are important to Aboriginal people for social, spiritual, historic and commemorative reasons. The ATSIC Committee approved the preparation of a Plan of Management and Landscape Masterplan for Prospect Hill at their meeting on 2 November 2016. At that meeting the ATSIC Committee wanted the following processes to commence:

- 1. The ATSIC Committee to support the preparation of a Plan of Management, incorporating a Landscape Masterplan for Prospect Hill
- 2. Consultation for the preparation of a Plan of Management and Landscape Masterplan for Prospect Hill is expected to include:
- a) Primary stakeholder workshops (ATSIC Committee and Council representatives)
- b) Public exhibition of the draft Plan of Management incorporating Landscape Masterplan
- c) Public hearing of the draft Plan of Management incorporating Landscape Masterplan
- d) NSW Office of Environment and Heritage
- e) The draft Plan of Management incorporating in the Action List, as a high priority item, that an application be made to the NSW Office of Environment and Heritage for Prospect Hill to be declared an Aboriginal Place
- 3. Adoption of the Plan of Management incorporating a Landscape Masterplan by Council
- 4. Apply to the NSW Office of Environment and Heritage for Prospect Hill to be declared an Aboriginal Place in consultation and as approved by Council's ATSIC Committee

This Plan of Management will be an important supporting document for an application to the NSW Office of Environment and Heritage to declare Prospect Hill as an Aboriginal Place of Significance.

This is the first Plan of Management to be prepared for Prospect Hill. It will complement the Draft Plan of Management for Marrong Reserve to the south which was prepared for Lend Lease in 2014, and the Lakewood Estate Riparian Corridor to the east adopted in 2018.

1.5 Aims and objectives of this Plan of Management

The primary objective of this Plan of Management is to guide the future management and development of Prospect Hill, while taking into account the cultural and physical significance of the

Cumberland Council's objectives and desired outcomes are to prepare a Plan of Management for

ro	spect Hill which:
J	meets the requirements of the <i>Local Government Act 1993</i> for management of community land and other relevant legislation.
J	includes clear and achievable management strategies which reflects Council's corporate and planning goals and policies.
7	reflects the values and desired outcomes of engagement with the Aboriginal community, local residents, and other stakeholders.

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- identifies and considers cultural heritage, environmental, open space and recreational values, and the balancing of such values.
- determines priorities for future assets, embellishment works, and maintenance requirements.
- includes a Landscape Masterplan which shows spatial actions.

1.6 Process of preparing this Plan of Management

The process of preparing this Plan of Management, consultations with stakeholders and the community, and documents produced at each stage, are shown in Figure 2.



Engagement with the community is an important part of the preparation of this Plan of Management. It allows the community the opportunity to have a say in the planning process and to contribute to the range of values, issues and desires when preparing the Plan of Management.

Cumberland Council began the community consultation process for this Plan of Management in March 2018. The consultation process is outlined in Figure 2.

Members of the Cumberland ATSIC Committee, as well as other interested Aboriginal people, attended an Aboriginal Stakeholders Forum on 5 April 2018. The outcomes of the Aboriginal Stakeholders Forum are in Appendix A.

A Community Forum attended by local residents was held in Pemulwuy on 3 May 2018. The outcomes of the Community Forum are in Appendix B.

The report of the public hearing held on 13 December 2018 is in Appendix C.

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Figure 2 Process of preparing this Plan of Management

СО	NSULTATIONS	STAGES	OUTPUTS
	Meeting with Council's Project Manager Site inspections with Council staff and ATSIC Committee members	INCEPTION	
		•	
	Review background reports, plans Meetings with Council staff	REVIEW BACKGROUND INFORMATION	
		•	
	Council staff workshop Council Advisory Committees: Aboriginal, Access Aboriginal Stakeholders Forum 5 April 2018	COMMUNITY AND STAKEHOLDER ENGAGEMENT	Presentations to Aboriginal Stakeholders Forum and Community Forum
	Community Forum 3 May 2018 Office of Environment and Heritage		Minutes of Forums
		•	
łeν	riew by Council staff	PREPARE DRAFT PLAN OF MANAGEMENT	Draft Plan of Management Draft Landscape Masterpla
		Ψ	
	Copy to Chief Executive of Office of Environment and Heritage Council letterhead and flyer posted to primary stakeholders, including Council's Aboriginal and Torres Strait Islander Consultative Committee, Local Aboriginal Land Council, NSW Heritage Council, NSW Office of Environment and Heritage Posters on site and at local shopping centre Flyers to local residents and businesses within 400 metres radius of the study area Letters/emails to community groups, residents and other stakeholders Notices placed in local newspapers Documents and plans on display at Council's customer service centres and libraries, and on Council's website Facebook post Public hearing / community meeting 13 Dec 18	PUBLIC EXHIBITION for 56 days (including statutory 28 days exhibition and 14 days for receipt of submissions)	Written submissions to Council Public hearing submissions and report
		•	
orc	solution by Cumberland Council with any sposed amendments as a result of Council's asideration of submissions	ADOPTION	Council report Plan of Management and Landscape Masterplan for Prospect Hill
		•	
		IMPLEMENTATION	

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Feedback from the Office of Environment and Heritage on the Draft Plan of Management is in Appendix D.

The Draft Plan of Management and Landscape Masterplan for Prospect Hill was placed on public exhibition for public comment for 56 days, which is longer than the 28 days for exhibition and 14 days for receipt of comments required by the *Local Government Act 1993*. The public exhibition began on Wednesday 28 November 2018 and ended on Tuesday 22 January 2019. The Draft Plan of Management and Landscape Masterplan were on display at Council's customer service centres and libraries, and on Council's website.

The public exhibition was publicised by:

Council letterhead and flyer posted to primary stakeholders, including Council's Aboriginal and Torres Strait Islander Consultative Committee, Local Aboriginal Land Council, NSW Heritage Council, NSW Office of Environment and Heritage
Posters placed on site and at the Pemulwuy shopping centre
Flyers distributed to local residents and businesses within 400 metres radius of the study area
Letters/emails to community groups, residents and other stakeholders
Notices placed in the Cumberland Council column in local newspapers: <i>Auburn Review</i> on 27 November 2018, and <i>Parramatta Advertiser</i> on 28 November 2018
Facebook post on 5 December 2018
News item in the Parramatta Advertiser on 9 January 2019.

A public hearing / community meeting was held on 13 December 2018 to receive submissions on the proposed categorisation of Prospect Hill as Area of Cultural Significance, and any other questions and comments about the Draft Plan of Management. The separate public hearing report contains the submissions and recommendation for categorisation as Area of Cultural Significance.

Submissions received from the public and organisations during the public exhibition and from the public hearing were considered, and appropriate changes made to finalise the Plan of Management following Council's resolution and consideration of submissions.

1.7 Contents of this Plan of Management

1.7.1 Local Government Act 1993

Requirements of the *Local Government Act 1993* for the contents of a Plan of Management, and where they can be found in this Plan, are listed in Table 1.

Table 1 Contents of a Plan of Management for community land

Requirement of the Local Government Act	How this plan satisfies the Act
A description of the condition of the land, and of any buildings or other mprovements on the land as at the date of adoption of the Plan of Management	Section 2

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER

7



Requirement of the Local Government Act	How this plan satisfies the Act
A description of the use of the land and any such buildings or improvements as at the date of adoption of the Plan of Management.	Section 2
Categorisation of community land	Section 3
Core objectives for management of the land.	Section 3
The purposes for which the land, and any such buildings or improvements, will be permitted to be used.	Section 4
The purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise.	Section 4
A description of the scale and intensity of any permitted use or development.	Section 4
Authorisation of leases, licences or other estates over community land.	Section 4
Objectives and performance targets.	Section 5
Means by which the plan's objectives and performance targets will be achieved.	Section 5
Means for assessing achievement of objectives and performance targets.	Section 5
Section 36D of the Local Government Act 1993 further requires in a Plan of Manag community land comprising Area of Cultural Significance:	ement for
A statement that the land is an Area of Cultural Significance because of the presence on the land of any item that the council considers to be of Aboriginal, historical or cultural significance.	Section 3
Categorisation as an Area of Cultural Significance	Section 3
Identify objectives, performance targets, and other matters that: - are designed to protect the area - take account of the features of the site identified by Council's resolution that declares the land is an Area of Cultural Significance	Section 5

1.7.2 Management Plan for an Aboriginal Place

This Plan of Management also includes some elements of a formal Management Plan for a declared Aboriginal Place (Office of Environment and Heritage, 2017). Other elements would be completed after further engagement with the Aboriginal community and OEH either at the same time or after the Aboriginal Place is gazetted.

Table 2 Elements of a Management Plan for an Aboriginal Place

	Element of a Management Plan	Where found in this Plan
1	A statement of cultural values of the Aboriginal Place, including whether it is a men's or women's site.	Section 4.2
2	Threats to the place, an assessment of risk of harm and ways in which significant threats will be treated.	- To be completed in a Management Plan if prepared
3	Other uses of the area ie. recreational, economic	Section 2.7

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER

8



	Element of a Management Plan	Where found in this Plan
4	Appropriate fire regimes	- To be completed in a Management Plan if prepared
5	Activities that may require Aboriginal Heritage Impact Permits issued under Part 6 of the National Parks and Wildlife Act 1974, and maps of where these activities are authorised under a permit.	- To be completed in a Management Plan if prepared
6	The treatment of culturally sensitive information in accordance with a section 161 notice.	- To be completed in a Management Plan if prepared
7	Ongoing management actions, who is responsible for doing them, and what consultation arrangements are needed.	Section 5.2 To be completed in a Management Plan if prepared
8	A process for periodic monitoring and recording of Aboriginal Place site conditions.	- To be completed in a Management Plan if prepared
9	Funding and resources	Section 6.2





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2 DESCRIPTION OF PROSPECT HILL

2.1 Location and context

Figure 3 shows the location of Prospect Hill at Pemulwuy in the Cumberland local government area. Prospect Hill is approximately 9 kilometres west of the Parramatta CBD, and 32 kilometres north-west of the Sydney CBD.

Land uses immediately adjoining Prospect Hill are Marrong Reserve to the south, employment lands to the west, and recent or pending residential development in Pemulwuy to the north and east.





East to Pemulwuy

Employment lands to the west





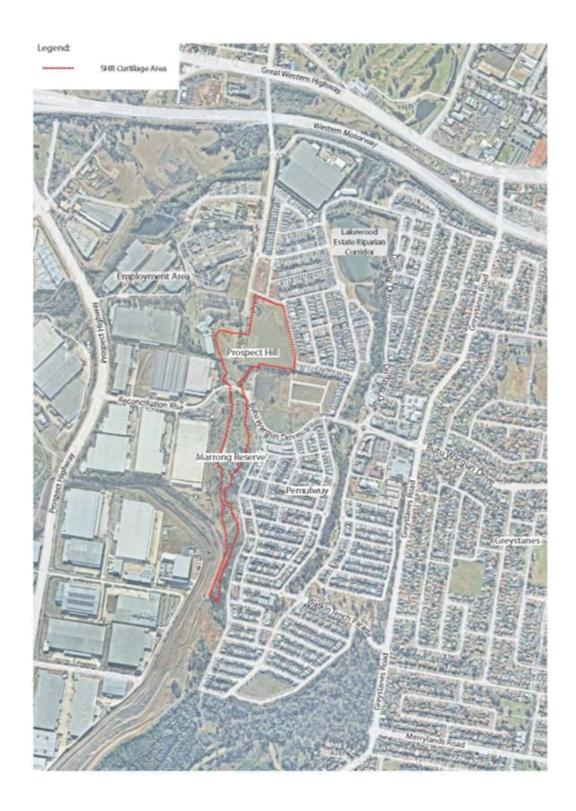
Marrong Reserve to the south

Looking north

Prospect Hill is part of an open space network that links into Prospect Creek and regional open space at Gipps Road and Hyland Road Regional Parklands.



Figure 3 Location and context of Prospect Hill





2.2 Cultural history of Prospect Hill

2.2.1 Indigenous context

The Cannemegal-Warmuli clan of the Darug nation has traditional ties to the land known as Prospect Hill.

Before 1788, Prospect Hill was an important marker, navigational element and vantage point in the landscape. Its Aboriginal name is recorded as Marrong or Mar-rong (Musecape Pty Ltd, 2009). Similarly, Conybeare Morrison (2005) suggested Prospect Hill was a major reference point for the Aboriginal people living on the Cumberland Plain, to whom it was known as Mar-rong or Mur-rong. Marrong can be partially interpreted as a pathway, route or way forward and may represent a landmark within a songline, or a significant way of passage across a landscape.



It is believed that indigenous groups remained for only short stays along the ridge, with more permanent camps occurring along Prospect Creek (Government Architects Office, 2008).

Traditionally, a peak or crest of a landform is culturally and spiritually a male centre of cultural activity associated with a vantage point, ceremonies and hunting; whereas a female centre of cultural activity is associated with watercourses, food gathering and the care of children. Some people, particularly traditional Aboriginal women, feel uncomfortable going to the top of Prospect Hill for cultural reasons.

The current significance of Prospect Hill as a place of reconciliation is signified by the Reconciliation Stone below.





2.2.2 European exploration and settlement

Historical events

A compilation of historical events relating to Prospect Hill since the first settlers discovered Prospect Hill in 1788 is in Appendix E.

Key	events in the history of Prospect Hill are as follows:
	1788: Governor Phillip and Surgeon John White lead an expedition party in search of fertile land, and on 26 April 1788 climb the hill. Phillip's account states that the exploration party saw from Prospect Hill 'for the first time since we landed Carmathen Hills (Blue Mountains) as likewise the hills to the southward.'
	1791: Governor Phillip provided 30-acre grants around the base of Prospect Hill on the southern and eastern sides to 13 ticket-of-leave convicts. The land is cleared for agriculture, which provokes organised resistance from local Aboriginal people.
	June 1802: Aboriginal resistance leader Pemulwuy was shot and killed. Pemulwuy's son Tedbury continued the resistance.
	3 May 1805: Reverend Samuel Marsden facilitated a meeting to reconcile the local Aboriginal clans and the soldiers and settlers, with Darug women and Prospect Hill settler John Kennedy acting as intermediaries.
	1808: First major land grant to William Lawson. 550 acres to the west of Prospect Hill which increases to 3,000 acres.
	1819: Lawson increases land holding and to 3000 acres buying surrounding grants
	1821: W. Lawson builds Veteran Hall on Prospect Hill
	1836-1837 Nelson Lawson inherits land and increases land holdings around the Prospect site. Builds Greystanes House on the slopes of Prospect Hill, just south of the SHR area.
	1880: Creation of Prospect Reservoir subsumes the majority of William Lawson's land.
	Mid 1800s: quarrying of the basalt plug at Prospect Hill was under way.
	1929 Veteran Hall demolished
	Early 1940s: Anecdotal reports indicate part of the site was used as a shooting range by allied soldiers during World War II.
	1946: The Commonwealth acquired land for the CSIRO site, with further acquisition in 1963.
	Early 1950s: sheep were pastured for research purposes on the CSIRO site
	2000: the CSIRO site is the primary research centre of the Division of Animal Production
	1999: SEPP 59 was gazetted, which rezoned land on hill's eastern side for regional open space and housing, for employment land to the west.
	2002: the former CSIRO site north of Nelson's Ridge was vacated and sold to Stockland.
	2003: Prospect Hill was entered on the NSW State Heritage Register in October.
	2016-17: following residential development in Pemulwuy, Stockland (2016) and Boral (2017) transferred land to Cumberland Council.
Hist	corical sites and items
Two	water tanks which were evident in the 1943 aerial photograph are on site.



2.3 Ownership and management

Figure 4 shows the land parcels included in this Plan of Management. Property details for these land parcels are listed in Table 3.

The total land area covered by this Plan of Management is approximately 6.7 hectares.

2.3.1 Council owned land

Cumberland Council owns three parcels of land in the study area: Lot 669 DP 1148337, Lot 202 DP 1028208, and the Clunies Ross Street Road Reserve. These Council-owned lots comprise some 83% of the study area.

2.3.2 Private land

SHR easement areas within adjacent allotments - Part Lot 107 DP 1028208 and Part Lot 901 DP 1078814 - are privately owned. Council intends to acquire these parcels at some time in the future to consolidate jurisdiction and to ensure consistent management of the SHR area.



Legend: Site Boundary SHR Curtilage Area Lot 669 DP 1148337 Road Reserve Pt Lot 107 DP 1028208 Pt Lot 901 DP 1078814 Pt Lot 202 DP 1121844 Prospect Hill

Figure 4 Land tenure - Prospect Hill



Table 3 Property details of Prospect Hill

Land parcel	Lot 669 DP 1148337	Part Lot 202 DP 1121844	Clunies Ross Street Road Reserve	Part Lot 107 DP 1028208	Part Lot 901 DP 1078814
Owner	Cumberland Council	Cumberland Council	Cumberland Council	PGL No 1 Pty Ltd	The Trust Company Limited
Subject approximate area (ha)	4.0980	0.5569	0.7879	0.9701	0.2707
Zoning	RE1 Public Recreation	E2 Environmental Conservation	SEPP (Western Sydney Employment Area) 2009	SEPP (Western Sydney Employment Area) 2009	SEPP (Western Sydney Employment Area) 2009
Easements		18m wide transmission line – P738713. 2m wide underground cables – DP 1058563.	Eastern side 18m wide 33 kv (overhead) transmission line.	1m wide underground cables – DP 1070244(P).	
Other encumbrances			Existing ø375 & ø450 stormwater drainage.	Restriction on the use of land associated with onsite detention of storm water - DP 1030744(J).	Restriction on the use of land "No clearing or construction allowed within the area designated without consent of the Authority benefited". This authority is Heritage Council of New South Wales – DP 1030744(H,V,N).
			Western side existing 11kv (overhead) transmission lines.	NSW Heritage Council has interest.	Right of carriageway variable width – DP 1040113(A).



2.3.3 Road reserves

The study area includes land designated as road reserve incorporating part of Clunies Ross Street as shown in Figure 4. This area does not have an identifying lot and Deposited Plan (DP) number. Resource allocation is required for maintenance.

The categorisation and inclusion of road reserves in a Plan of Management is not required under the *Local Government Act 1993*. However as road reserves require resources to manage and maintain them in a similar manner as though they are classified as community land they are included in this Plan. This Plan of Management recommends changing the road reserve to a community land title.

2.3.4 Easements

Part Lot 202 DP 1121844 is subject to a transmission line easement.

East and west side transmission line easements are required through the Clunies Ross Street road reserve to accommodate overhead power lines. They should be replaced by subgrade power cables or preferably re-routed around the outside of open space area and be addressed prior to the construction of a building, such as the proposed community centre, in order to align to the objectives of the open space area.

2.3.5 Covenants

The SHR area is dedicated for public park and reserve.

Covenants, encumbrances and other interests and restrictions on land use are listed in Table 3.

2.3.6 Key stakeholders

Several organisations have a responsibility and/or an interest in managing Prospect Hill as set out below.

Table 4 Key stakeholders in Prospect Hill

Stakeholder	Responsibility / interest in Prospect Hill
Aboriginal groups - Cannemegal-Warmuli Clan - Darug elders and people - Cumberland ATSIC Committee	 Traditional owners with cultural ties to the land Management and use Advice, management, approval
Cumberland Council	 Land owner Management Maintenance Funding Responsibility to acquire private land
Private land owners	- Land owners
Office of Environment and Heritage	 Administration and management of SHR Area Support, review and approvals regarding SHR Areas and Aboriginal Places Responsibility to acquire private land
Local residents	NeighboursUsers

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER

18



Stakeholder	Responsibility / interest in Prospect Hill
Heritage Council	- Land Responsibility
Upper Parramatta River Catchment Trust (Cumberland Council)	- Land Responsibility

2.4 Physical description

2.4.1 Climate

The long-term temperature and rainfall averages for Prospect Reservoir, the closest meteorological station to Prospect Hill, shows:

- ☐ a mean annual maximum temperature of 23.2°C, peaking above 27.0°C in December-February.
- mean annual minimum temperature of 12.3°C, with mean lowest temperatures below 10°C in May to September.
- mean annual rainfall of 872 mm with highest rainfall occurring in January to March.

2.4.2 Topography, geology and soils

Prospect Hill rises 112 metres above sea level, lying centrally in the Cumberland Plain. Panoramic views from the top of the hill are available east to the Sydney CBD, North Sydney, St Leonards, Chatswood and Parramatta; and north-east to Bella Vista homestead. On a clear day the Blue Mountains to the west and the Southern Highlands to the south can be seen from the peak of the study area.

Prospect Hill is Sydney's largest body of igneous rock. Conybeare Morrison (2005) identified that Prospect Hill is a Tertiary basalt or dolerite plug which produces rich black earths formed on the basaltic material of the chilled margin of the intrusion, with podsolised types formed on the Triassic series on the lower slopes. Soils on the Council-owned Lot 669 DP 1148337 and Lot 202 DP 1121844 are identified as 'Moderate Salinity Potential' in the Holroyd Local Environmental Plan 2013.







Prospect Hill is a free-standing knoll which is separated from Marrong Reserve to the south at a saddle by Butu Wargun Drive (Government Architects Office, 2008).



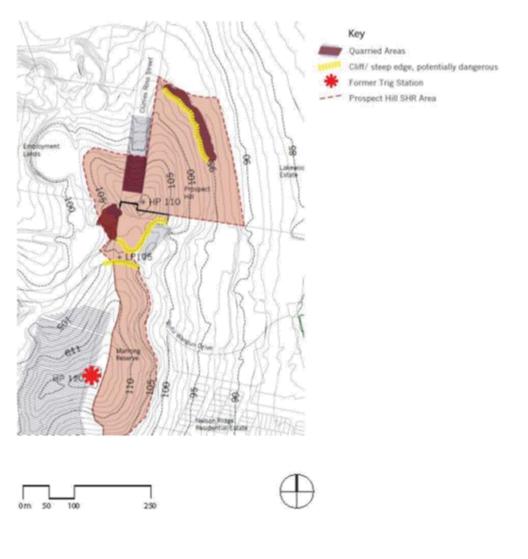
The topography has been drastically altered by quarrying activities. Prior quarrying carved out the Prospect Hill landform on several sides, with steep embankments and unstable slopes. Quarried areas are shown in Figure 5.



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Figure 5 Quarried areas at Prospect Hill







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21







Several ridgelines slope downhill from the crest of Prospect Hill, with the most significant ridgeline sloping in an approximately northerly direction at an average slope of 1:15. The average slope from the top of the hill to the eastern boundary is 1:10. Steep slopes have been formed by quarrying on the southern side of the hilltop. The western side of the study area is gently undulating to flat.

A preliminary site investigation of Lot 669 DP 1148337 was undertaken by Stockland Development Pty Ltd in 2016 and, with reference to the NSW Environment Protection Authority 'Guidelines for Consultants Reporting on Contaminated Sites' and Council's Contaminated Land Policy, the potential for contamination of Lot 669 was considered low without further need for investigation.

2.4.3 Hydrology and drainage

As the highest point in the vicinity, the north-south ridgeline of Prospect Hill diverts stormwater easterly and westerly respectively. Stormwater falling on Prospect Hill drains to the Greystanes Creek catchment which flows into the Parramatta River, the main tributary of Sydney Harbour.

2.4.4 Flora and fauna

Vegetation

The natural vegetation community within the Prospect Hill SHR Area is Moist Shale Woodland, which is a critically endangered ecological community under the Commonwealth *Environmental Protection and Biodiversity Act 1999* and an Endangered Ecological Community in the NSW *Biodiversity Conservation Act 2016*.

Moist Shale Woodland occurs where there is increased rainfall on clay soils derived from Wiannamatta Shale.

Canopy trees characteristic of Moist Shale Woodland include Spotted Gum (*Corymbia maculata*), Forest Red Gum (*Eucalyptus tereticornis*), and Grey Box (*Eucalyptus moluccana*), with smaller tree species including Hickory Wattle (*Acacia implexa*) and Sydney Green Wattle (*Acacia parramattensis subsp. parramattensis*).



The vegetation on Prospect Hill has been highly modified as a result of land clearing for previous agricultural, pastoral and quarrying activities. Today the vegetation is characterised by a row of planted trees adjacent to boundary lines, scattered shrubs, weeds, and extensive pasture grassland on the north-eastern slope.





Fauna

Kangaroos are frequently sighted at Prospect Hill and it is likely that other native species that have not been recorded are also present.

Introduced animals typical of urban environments are also known to inhabit Prospect Hill. Ongoing monitoring, treatment or control may occur from time to time in response to primary pests where possible, such as by implementing or extending fox abatement programs.

There are no known endangered fauna species associated with the site.

Fire regime

Fire is a natural and necessary part of the Australian landscape, particularly of the woodland forest and grassland typical of remnant vegetation in Prospect Hill.

Fires are an expression of anti-social behaviour by people who trespass on the site. The effects of a recent deliberately lit fire on vegetation at Prospect Hill is shown below. This behaviour is expected to diminish with the ongoing activation of the parkland area in line with proposed embellishments implemented as part of this plan and Landscape Masterplan.

Three are currently no Asset Protection Zones defined within the Prospect Hill curtilage area associated with the development of adjacent properties as recommended by the NSW Rural Fire Service.





2.5 Access and circulation

Figure 6 shows the current access points and circulation routes within Prospect Hill.

Vehicle and pedestrian access to Prospect Hill is limited due to inter-allotment gates and fencing on the site, and the adjoining road network. A 1.8 metre high chain wire fence and vehicle access gate has recently been installed along Warin Avenue.

Unauthorised pedestrian access through the fencing at the top of the hill is available from Reconciliation Rise, and from Warin Avenue/Durawi Street at the foot of the hill.

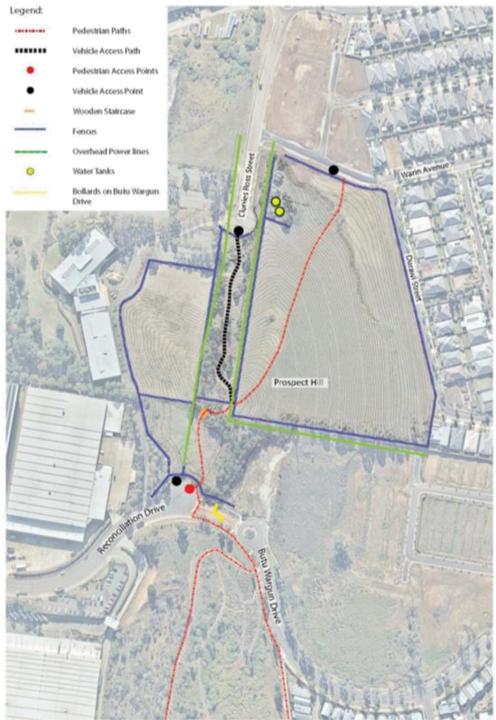
Gated vehicle access to Prospect Hill is available from Reconciliation Rise, Clunies Ross Street and Warin Avenue. Vehicle access via Butu Wargun Drive was recently prevented by Council installing temporary barriers on the roadway to discourage people accessing the hill area for anti-social activities.

Unformed paths with a set of wooden steps extend between the Reconciliation Rise entry point to the top of Prospect Hill.

The Holroyd Bike Plan shows an existing cycle route along Butu Wargun Drive. The nearest implemented cycle routes are located along Butu Wargun Drive and Reconciliation Rise, and Clunies Ross Street from the Wombat Street intersection.



Figure 6 Access and circulation





2.6 Structures

Prospect Hill is largely undeveloped with few built structures as follows.

Table 5 Built structures and condition

Structure	Description	Condition
Two water tanks	Concrete, metal	To be assessed

Fencing and gates	Chain wire fencing Metal gates	New, excellent condition



Stairs and Wooden stairs with Good hand rail to traverse steep sections of the informal path to the top of the hill



The physical condition of Prospect Hill has declined through activities such as quarrying and antisocial activities such as littering. Anti-social use of the area is evident from broken fencing, fire pits, littering and some illegal dumping. The ongoing development of passive recreational facilities and increased activation of the open space area is expected to diminish this behaviour over time.



Electricity power lines are located on the western and southern edges of Lot 669 DP 1148337, and on the eastern and western side of the road reserve at the cul-de-sac end of Clunies Ross Street. The power lines and fencing divide the site and visually detract from the integrity of the Prospect Hill SHR Area. A high pressure gas pipeline sign is located within Lot 202 behind the western and southern corner of Lot 669.

There is no known water or sewer infrastructure installed at the site. Drainage pits are located as part of surrounding road infrastructure.

2.7 Activities at Prospect Hill

Previous uses of Prospect Hill include agriculture, quarrying, and scientific research.

Today Prospect Hill is visited by Aboriginal groups for education of school children, and local residents who like to walk there for exercise and to enjoy the view.

The Prospect Hill area is the site of the first Aboriginal – European reconciliation held in Sydney. On 3 May 1805, a group of Aboriginal women together with a young free settler, John Kennedy, facilitated a meeting on Prospect Hill between the Aboriginal leaders of the Darug clan and European settlers headed by Rev John Marsden. This was the first recorded act of reconciliation between Indigenous people and Europeans in Australia, and brought about an end to the ongoing conflict in Parramatta and Prospect. At the Council meeting on 3 May 2011, Council resolved that an annual commemoration be organised to recognise this event and since then this event has been commemorated on 3rd May each year in a ceremony on Prospect Hill.

Prospect Hill is a significant venue to the Aboriginal community for annual NAIDOC Week and Reconciliation Day (3 May) events which attract increasing numbers of people including dignitaries and school children, from all over Sydney and further afield. Reconciliation Day has been commemorated at Prospect on 3 May every year since 2010.









Reconciliation Day Event 3 May 2018



Cumberland Aboriginal Heritage Tour 11 April 2018

The Discover Cumberland Aboriginal Heritage Tour took place on Friday 14 July 2017 to celebrate Aboriginal culture and history. The tour was part of the Cumberland Locale Festival: Stories of the People and Places of Cumberland and NAIDOC Week Program. The tour provided participants with the opportunity to discover the stories and places of Aboriginal cultural significance and heritage in Cumberland, including the site of the First Act of Reconciliation in NSW. The guided bus and walking tour across Cumberland from Auburn to Prospect Hill was led by Aboriginal tour guides who shared insightful knowledge about the history and cultural heritage of some of the significant places of Cumberland. The importance of the Aboriginal tradition was expressed through a Welcome to Country, Smoking Ceremonies, a sit down bush tucker buffet cuisine and cultural performances.

The Sydney Sacred Music Festival launch held at Prospect Hill in 2016 was a cultural event created in consultation and partnership with the Darug elders.

A Cumberland Aboriginal Heritage Tour that took place on 11 April 2016 was guided by Uncle David Williams and Aunty Jacinta Tobin.

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER

28



Prospect Hill is a site of focus for local schools as teachers are required to teach Aboriginal culture as a core part of the primary and high school curriculum concerning Australian heritage.

2.8 Maintenance

Maintenance of Prospect Hill currently includes replacement of damaged fences and gates, removal of litter, and mowing according to Council's Maintenance Service Levels.

2.9 Financial management

No income is currently derived from use of Prospect Hill.

General rate revenue is proportionally applied to the Capital Work Program over the long term.

Grant funding from the 2017/18 NSW Stronger Communities Fund is currently available to establish pathway access at Prospect Hill.

Funding is also available from developer contributions as part of the Section 94 Developer Contributions Plans, and grant funding as opportunities for grant funding arise.

Maintenance and capital costs are primarily part of operational service levels.





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3 PLANNING CONTEXT

3.1 Introduction

This section outlines the legislative and policy framework applying to Prospect Hill. Full versions of the legislation outlined below is found on-line at www.legislation.nsw.gov.au and www.austlii.edu.au.

Further information about Cumberland Council's corporate, strategic planning, and other plans and policies are available on Council's website at www.cumberland.nsw.gov.au.

3.2 Planning context

The planning context of Prospect Hill is shown in Table 6. The legislation most affecting use and management of Prospect Hill is the *Local Government Act 1993*, and the *Environmental Planning and Assessment Act 1979*.

Several plans control development within the SHR curtilage area for Prospect Hill:

Prospect Hill Conservation Management Plan 2005

Prospect Hill Conservation Management Plan 2005
Prospect Hill Heritage Landscape Study and Plan 2008
Prospect Hill Heritage Interpretation Plan 2009
Holroyd Development Control Plan (DCP) Part P 2013.

A summary of other relevant legislation and planning documents is in Appendix F.

This Plan of Management must be prepared in accordance with the provisions contained within other relevant legislation and policy guidelines, including but not limited to those listed in Table 6.

3.3 Legislation applying to Prospect Hill

3.3.1 Local Government Act 1993

Requirements of a Plan of Management for community land

Most of Prospect Hill is either owned by Cumberland Council or is dedicated for public park and reserve as a consequence of the positive covenant under the SHR listing. The Council-owned land is classified as community land under the *Local Government Act 1993*. Community land must be managed according to the provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*. Community land:

must have a Plan of Management prepared for it, which sets out guidelines for use and management of the land. Until a Plan of Management is adopted, the nature and use of the land must not change.
must be kept for the use of the general community, and must not be sold.
cannot be leased or licensed for a period of more than 21 years, or for 30 years with consent from the Minister.



Table 6 Strategic planning context of Prospect Hill

	Land use planning	Cultural heritage	Open space/ recreation planning	Environmental planning	Community planning	Access plannin
Common- wealth		Native Title Act 1993 Australia ICOMOS Burra Charter		Environmental Protection and Biodiversity Conservation Act 1999		Disability Discrimination Act 1992
NSW	Environmental Planning and Assessment Act 1979 SEPP 19: Bushland in Urban Areas Local Government Act 1993 Dividing Fences Act 1991 Roads Act 1993 SEPP (Infrastructure)	National Parks and Wildlife Act 1974 Heritage Act 1977 OEH Aboriginal Places Policy 2011 Guidelines for Developing Management Plans for Declared Aboriginal Places 2012	Greener Places (Draft) 2017 Companion Animals Act 1998 and Regulation 2008	Biodiversity Conservation Act 2016 Contaminated Land Management Act 1997 Noxious Weeds Act 1993 Pesticides Act 1999 Pesticides Regulation 2009 Rural Fires Act 1997		Anti- Discrimination Act 1977
Sydney	Directions for a Greater Sydney 2017-2056					
Regional	Revised Draft Central City District Plan					
Cumberland LGA	Holroyd Local Environmental Plan 2013 Holroyd Development Control Plan – Part P 2013	Holroyd Local Environmental Plan 2013 – Schedule 5	Cumberland Open Space and Recreation Strategy 2018 (in prep.) Holroyd Bike Plan		Cumberland Community Strategic Plan 2017-2027; and Delivery Program, Operational Plan	Cumberland Disability Inclusion Actio Plan 2017-202:

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER

32



	Land use planning	Cultural heritage	Open space/ recreation planning	Environmental planning	Community planning	Access planning
					Holroyd Cultural Plan 2015 Cumberland Culture and Activation Plan (in prep.) Cumberland Reconciliation Action Plan 2018-2021 (in prep.) Cumberland Public Art Guidelines	
Prospect Hill			Prospect Hill Plan of Ma	nagement		
		Heritage Interpretation Plan for Prospect Hill 2009 Prospect Hill Heritage Land- scape Study and Plan 2008 Prospect Hill Conservation Management Plan 2005		Citywide Bushland Management Plan 2007 Bushland Management Plan: Northern Residential Lands: Greystanes Estate 2003		



Categorisation

Due to the cultural significance of Prospect Hill, the Area of Cultural Significance category (Section 36D of the Local Government Act 1993) applies to Prospect Hill. This categorisation is confirmed by the recommendations of the public hearing report. The land categorised as Area of Cultural Significance is shown in Figure 7.

The basis for categorising land within Prospect Hill as Area of Cultural Significance is according to the guidelines set out in Clause 105 of the Local Government (General) Regulation 2005 as follows:

Land should be categorised as an Area of Cultural Significance under section 36 (4) of the Act if the land is:

- (a) an area of Aboriginal significance, because the land:
- (i) has been declared an Aboriginal place under section 84 of the National Parks and Wildlife Act 1974, or
- (ii) whether or not in an undisturbed state, is significant to Aboriginal people in terms of their traditional or contemporary cultures, or
- (iii) is of significance or interest because of Aboriginal associations, or
- (iv) displays physical evidence of Aboriginal occupation (for example, items or artefacts such as stone tools, weapons, engraving sites, sacred trees, sharpening grooves or other deposits, and objects or materials that relate to the settlement of the land or place), or
- (v) is associated with Aboriginal stories, or
- (vi) contains heritage items dating after European settlement that help to explain the relationship between Aboriginal people and later settlers, or
- (b) an area of aesthetic significance, by virtue of:
- (i) having strong visual or sensory appeal or cohesion, or
- (ii) including a significant landmark, or
- (iii) having creative or technical qualities, such as architectural excellence, or
- (c) an area of archaeological significance, because the area contains:
- (i) evidence of past human activity (for example, below-ground features such as building foundations, occupation deposits, features or artefacts or above-ground features such as buildings, works, industrial structures, and relics, whether intact or ruined), or
- (ii) any other deposit, object or material that relates to the settlement of the land, or
- (d) an area of historical significance, because of the importance of an association or position of the land in the evolving pattern of Australian cultural history, or
- (e) an area of technical or research significance, because of the area's contribution to an understanding of Australia's cultural history or environment, or
- (f) an area of social significance, because of the area's association with Aboriginal life after 1788 or the area's association with a contemporary community for social, spiritual or other reasons.



Figure 7 Categorisation of Prospect Hill





36



Leases, Licences and other Estates

PROSPECT HILL PLAN OF MANAGEMENT

PARKLAND PLANNERS - PHILLIPS MARLER

Leases, licences and other estates formalise the use of community land. Such activities should be compatible with any zoning or reservation; provide benefits, services or facilities for users of the land; and be authorised under the Plan of Management for the land. The terms and conditions of any authorisation should ensure proper management and maintenance of the area or facility, and that the interests of the Council and the public are protected.

A lease is normally required where exclusive control of all or part of an area is proposed. A licence may be granted where intermittent or short-term occupation of an area is proposed. The term "estate" is wide and includes many rights over land that can be granted. An estate is defined as an "interest, charge, right, title, claim, demand, lien and encumbrance, whether at law or in equity."

There are restrictions on the ability of Council to grant leases, licences and other estates over community land. Council may only grant a lease, licence or other estate if: the Plan of Management expressly authorises the lease. the purpose of the lease is consistent with the core objectives for the category of land. the lease is for a permitted purpose listed in the Local Government Act 1993. Refer to Section 4.7 for authorised leases, licences and other estates. **Environmental Planning and Assessment Act 1979** The Environmental Planning and Assessment Act 1979 (EPA Act) establishes the statutory planning framework for environmental and landuse planning in NSW through: State Environmental Planning Policies (SEPPs). Local Environmental Plans (LEPs). The Holroyd Local Environmental Plan 2013 applies to Prospect Hill. The EPA Act requires that "environmental impacts" are considered in land use planning and decision making. Such environmental impacts include Aboriginal heritage. Parts 3, 4 and 5 of the EPA Act, together with associated regulations, schedules and guidelines are most relevant to Aboriginal heritage. Parts 4 and 5 of the EPA Act also set out processes for approving development applications for structures and works on public and private land in the Cumberland local government area. 3.3.3 National Parks and Wildlife Act All Aboriginal sites in NSW are protected under the National Parks and Wildlife Act 1974, which is administered by the NSW Office of Environment and Heritage (OEH). Part 6 of the Act outlines specific protection for Aboriginal heritage as follows: s.84: the Minister for the Environment may declare any place that is or was of special significance with respect to Aboriginal culture, to be an Aboriginal place. s.86: penalties for harming or desecrating Aboriginal objects and places. s.87: defences to prosecution and exemptions, including the process of due diligence. s.89A: requirement to notify the Director-General when finding a new site. s.90: issue and use of Aboriginal Heritage Impact Permits. s.90Q: the role of the Aboriginal Heritage Information Management System (AHIMS).

LPP003/24 – Attachment 5 Page 531





Part 6: where harm to an Aboriginal object or place cannot be avoided, an Aboriginal Heritage Impact
Permit (AHIP) can be issued by the Chief Executive of OEH.

Part 6a, Division 1-3: the Director-General's right to issue stop-work orders, interim protection orders, and remediation directions.

Declaring an Aboriginal Place under Section 84 of the *National Parks and Wildlife Act 1974* is a way of recognising and legally protecting Aboriginal heritage on public and private land in NSW. The Office of Environment and Heritage assesses and recommends the declaration and gazettal of Aboriginal Places throughout NSW.

Given the inherent historical and cultural significance that characterises Prospect Hill, which includes the meeting of reconciliation in 1805, recognition under the State Heritage Register listing as well as the early planning and development by Cumberland Council, it has been anticipated that Prospect Hill would be the subject of an Aboriginal Place nomination.

Cumberland Council has prepared this Plan in consultation with Council's ATSIC Committee and representatives from the Local Aboriginal community. Council supports endorsement of Prospect Hill as a declared Aboriginal Place as a subsequent action of this Plan of Management.

3.3.4 Heritage Act 1977

Prospect Hill is listed on the State Heritage Register as an item of State Heritage Significance. An item on the SHR cannot be altered unless the Heritage Council of NSW has issued an approval, or an exemption from the need to obtain an approval has been granted.

The Prospect Hill Conservation Management Plan and the Prospect Hill Heritage Landscape Study and Plan have been endorsed by the Heritage Council.

A Section 60 application for alterations, approvals or exemptions is required by the Heritage Council as the consent authority.

3.4 Council plans and policies

3.4.1 Holroyd Local Environmental Plan 2013

Land covered by this Plan of Management at Prospect Hill is zoned RE1 Public Recreation and E2 Environmental Conservation. The Clunies Ross Street road closure and the two privately owned lots to the west are unzoned as they are subject to the SEPP (Western Sydney Employment Area) 2009.



Figure 8 Zoning of Prospect Hill



The Holroyd LEP 2013 recognises the State heritage significance of Prospect Hill through its listing in Schedule 5 Environmental Heritage of the LEP. Council-owned lots 669 and 202 at Prospect Hill are listed as Heritage Item-General in the Holroyd LEP 2013.

3.4.2 Holroyd Development Control Plan (DCP) Part P 2013

Part P of the Holroyd Development Control Plan 2013 sets out Council's objectives and design guidelines for the Prospect Hill State Heritage Registered Area (refer to Section 4.3).



4 BASIS FOR MANAGEMENT

4.1 Introduction

The Commonwealth, State, regional and local planning context applying to Prospect Hill was outlined in Section 3. This section draws on the previous section, and defines the specific roles and objectives for Prospect Hill, based on community values and management directions of Cumberland Council.

The needs and requirements of Cumberland Council (as land owners and managers), the Aboriginal community (as custodians of the land), residents (as neighbours and users of the land), and current and future visitors (as users of the land) are reflected in the recommended management actions in Section 5.

4.2 Values and roles of Prospect Hill

4.2.1 Introduction

The Cumberland and wider community value various aspects of Prospect Hill for different reasons. The Aboriginal community and local residents have expressed how the site is important and special to them by articulating their values during community engagement forums which have informed the preparation of this Plan of Management.

Using values as the basis of this Plan of Management ensures that this plan will be valid longer than one based on simply addressing issues. Issue-driven Plans of Management can quickly become out of date. Values change at a much slower pace than issues do. Values may remain constant for generations, therefore once values are documented, issues can easily be dealt with as they arise consistent with the values. New issues that arise over time very often cannot be dealt with easily unless a new Plan of Management is prepared.

By understanding the reasons why the community values Prospect Hill, the roles that the community expects the site to play in the future may be determined. This Plan of Management is based on protecting, conserving and enhancing the values of Prospect Hill. Desired outcomes, management strategies and actions which are consistent with these values have been developed.

4.2.2 Values of Prospect Hill

The stakeholder and community engagement process for this Plan of Management revealed a strong sense of connection with Prospect Hill, with the desire to ensure the protection of the site's cultural, open space, recreational and environmental values. Community values are also reflected in the description, history, and assessment of significance which accompany the State Heritage Area listing; and by stakeholder engagement conducted by the Government Architect's Office in 2008.

Aboriginal

These comments regarding aboriginal perspectives are based on consultation and communication with our local elder Aunty Sandra Lee (Darug) and as represented by Uncle David Williams (Bundjalung), during engagement with members of the Cumberland ATSIC Committee in 2018, and stakeholder engagement conducted by the Government Architect's Office in 2008.

There are numerous aspects to the Aboriginal cultural significance of Prospect Hill.



Prospect Hill is within the traditional area of the Cannemegal-Warmuli Clan, a tribe of the Darug nation.

Broadly Aboriginal people across Metropolitan Sydney and beyond see it as a destination and site for heritage preservation for all people, and want to have an ongoing say in its future. Indeed, first peoples internationally show interest in key sites of resistance. Our local ATSI elders have been leaders for many years in their work towards the site's preservation.

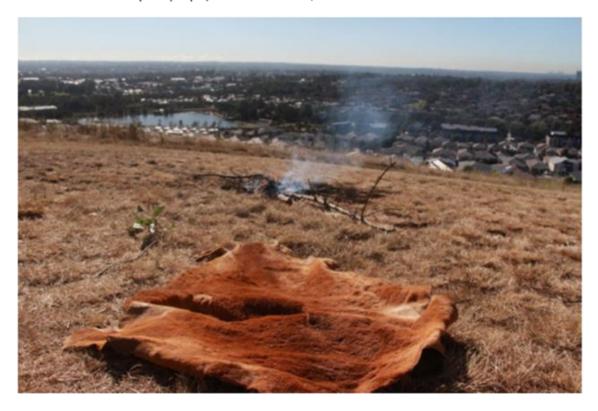
Prospect Hill is significant as a meeting place for Aboriginal people:

"It's a gathering place to acknowledge first people were present, what happened there, connect stories to there, and a gathering place for the locals and anybody else."

Melissa Williams, 2018

Members of Council's ATSIC Committee explained that Prospect Hill, particularly the top of the hill, is a sacred Aboriginal spiritual and ceremonial place as a men's area. As typical to many cultures worldwide, the tops of landforms are highly significant as survey and vantage points. Members note that Prospect Hill has been geographically altered by the removal of the original peak through quarrying and the building of a road that now divides the hill between Butu Wargun Drive and Reconciliation Rise.

The Sydney Sacred Music Festival launch in 2016 was a cultural event created in consultation and partnership with Darug elders. Our local Darug Elder Aunty Sandra Lee supported culturally respectful performances by William Barton, a specialist and highly renowned didgeridoo (yidaki) player and his mother Delmae Barton, accompanying with operatic vocals, who shared both modern and traditional themes of their country and people, the Murri's from Queensland.





The Prospect Hill area is important for Aboriginal interpretation which is reflected in Jacqui Douglas' 'Pemulwuy Park – The Big Hand' (August 2002). It was not supported in its proposed form within the Prospect Hill Heritage Interpretation Plan (Musecape, 2009) however it could be adapted by amending its form to better suit site parameters within the Prospect Hill open space.

The lower part of the hill is significant because of the former agricultural use, and use by allied soldiers during World War II.

The presence of crows flying around and sitting on the fences is spiritually significant and is reflected in the naming of Butu Wargun Drive which leads up to Prospect Hill. Butu Wargun, the Darug name for Crow, is the totem for the Bidjigal warrior Pemulwuy who united the clans from La Perouse to Prospect as he led the resistance against European settlers.

Prospect Hill is an educational place to the Aboriginal community and honouring significant Aboriginal people such as Pemulwuy is important to the Aboriginal community. Aboriginal elders teach children about Pemulwuy and other Aboriginal people, to inspire the younger generations. They want to teach local Aboriginal history and values to both Aboriginal and non-Aboriginal people. Prospect Hill is also a site of focus for local schools due to Aboriginal culture being a core part of the primary and high school curriculum concerning Australian heritage.

Aboriginal people want to be caretakers and custodians of the land to preserve it for future generations. They have expressed an interest for more active cultural experiences and participation in activities that cultivate a greater awareness of local Aboriginal heritage. Prospect Hill and Marrong Reserve and their association with Pemulwuy and European settlement have the potential to deliver meaningful themes in context with this significant heritage site.

The Aboriginal significance of Prospect Hill should be interpreted in consultation with Aboriginal people. Interpretive motifs and media for Aboriginal elements should be in harmony with Aboriginal cultural traditions and incorporate the possum motif, which is a local Darug totem, where appropriate.



There is potential for interpretation to be expressed through cultural tours and school groups in line with the establishment of facilities at the site.





There is a great opportunity for further cultural and heritage interpretation of the site working with aboriginal artist facilitators and elders. Collaborative landscape design with artist planner involvement could be considered.

Prospect Hill should be rehabilitated and named an Aboriginal Place.

Prospect Hill should be connected to other Aboriginal sites and local parks such as Marrong Reserve, Lakewood Estate Riparian Corridor, Prospect Creek corridor, and Gipps Road and Hyland Road Regional Parklands.

Vegetation communities should be pre-European where possible.

Aesthetic

Prospect Hill is Sydney's largest body of igneous rock, which rises to a prominent height of 112 metres above sea level and provides expansive panoramic views across the Cumberland Plan in all directions. Sydney city to the east and the Blue Mountains to the west are clearly visible.

The landscape of Prospect Hill retains an essential rural character, which is increasingly rare in the locality.

Archaeological

No archaeological relics or cultural objects have been identified in the Prospect Hill SHR Area. However, Prospect Hill SHR Area has archaeological potential for Aboriginal and early European settlement which should be considered in its management.

Historical

Prospect Hill is associated with important historical events, including:

an important orientation point for early explorers from 1788, including the first time the explorers saw the Blue Mountains
land grants made at its base in 1791 for establishment of some of the earliest farms in NSW. The original boundaries of some Crown grants (Lisk and Rowe) at Prospect Hill are evident.
Aboriginal frontier warfare against early settlers during the early days of the colony 1797-1802, culminating in the death of frontier leader Pemulwuy
a place of attempted reconciliation between Reverend Samuel Marsden and Prospect Aboriginal groups on 3 May 1805. The conference led to the end of the conflict for the Aboriginal clans around Parramatta and Prospect (Karskens, 1991).

Pasture grasses and plough furrows evident from early farms on Prospect Hill are of high national significance.

Technical/research

Through its continual pastoral and rural use since 1791 Prospect Hill has the potential to provide archaeological evidence of early historical settlement or agricultural techniques used (Higginbotham, 2000).

Materials quarried from the Prospect Hill quarry were used in major construction and road building projects in Sydney, including Woronora Dam, Sydney Opera House, Overseas Passenger Terminal at Circular Quay and the Cahill Expressway.



The former CSIRO Division of Animal Production located at the foot of Prospect Hill was used continually for agricultural research purposes for the sheep and wool industry from the early 1950s to the early 2000s. Scientists associated with the CSIRO facility include Dr. Ian Clunies Ross, naturalist Charles Darwin on his visit in January 1836 to observe the geology, and Professor T.W. Edgeworth David.

The former quarries are an outdoor classroom for education in geology and soils.

Social

The former quarry and the CSIRO site has significance and value to the former employees and their families, and for the scientists who carried out work which is of importance to Australia's cultural history (Perumal Murphy Wu, 2000).

Open space and recreation

Prospect Hill is a regional open space which is valued by the local community as a place to walk, reflect, and enjoy the views from the top of the hill.

Environmental

Prospect Hill and its distinctive ridgeline is:

- the headwater of the Greystanes Creek catchment
- ☐ a reminder of the original remnant Moist Shale Woodland vegetation
- an expanse of grassland.
- a place for nature-based recreation/ environmental studies.

The roles of Prospect Hill are its desired functions, and the ways in which the site may achieve the goals for areas of cultural significance and the open space system as a whole. The desired roles of Prospect Hill form the basis for making decisions about the future management of the site. The major roles of Prospect Hill are presented below.

Table 7 Roles of Prospect Hill

Value	Roles	
Cultural	Place for cultural celebration Place for cultural education Meeting place Reminder about past land uses – farming, quarrying, scientific research Landmark	
Open space and recreation	Open space in an increasingly developed area Buffer between residential and commercial development Place for Informal recreation	
Environmental	Environmental conservation Fauna habitat	

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER

43



4.3 Management objectives

The objectives for Prospect Hill relate to Council's management goals in the Cumberland Community Strategic Plan, zoning under the Holroyd Local Environmental Plan 2013, the core objectives for community land specified within the *Local Government Act 1993*, and Council's objectives for Prospect Hill in the Holroyd Development Control Plan – Part P 2013.

4.3.1 Cumberland Council vision, goals and outcomes

Council's vision for the future of Cumberland in its Community Strategic Plan 2017-27 is:

Welcome, Belong, Succeed

To achieve the vision, Council has set out strategic goals and outcomes relevant to Prospect Hill as follows:

Table 8 Strategic goals and outcomes for Cumberland

	Strategic goal	Outcomes	Activities	
1	A great place to live	We have positive connections within our local community through our local programs and services that reflect our unique identity	 Programs that provide access to arts and culture Events and activities reflect our diverse mix of cultural backgrounds 	
		We have high quality community facilities and spaces that fit our purposes	 Council helps foster the creative arts and culture 	
		We live healthy and active lifestyles	 Facilities and services promote healthy lifestyles 	
2	A safe accessible community	We feel safe in all areas of Cumberland at all times	 Safety is maintained in public areas through infrastructure and programs Continued strengthening of partner-ships with Council, local Police, RMS and community safety groups to address specific areas of safety 	
3	A clean and green community	We have great natural and green spaces that suit a variety of uses	 Green space is protected through policy there are strategies in place to ensure it is utilised in a sustainable way 	
		We value the environment and have measures in place to protect it	 Council embraces and champions sustainable practices for itself and in the community 	
		Our public places are clean and attractive	 Infrastructure in public places is well maintained to ensure community pride in them Waste collection practices reflect a commitment to having clean public spaces 	



4.3.2 Zoning

The Council-owned lots in the study area are zoned RE1 Public Recreation and E2 Environmental Conservation. The objectives of each zone are as follows.

Objectives of RE1 Public Recreation zone are to:
 enable land to be used for public open space or recreational purposes.
 provide for a range of recreational settings and activities and compatible land uses.
 protect and enhance the natural environment for recreational purposes.
 Objectives of the E2 Environmental Conservation zone are to:
 protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
 prevent development that could destroy, damage or otherwise have an adverse effect on those values.
 promote cultural interpretation and scientific study of the natural environment.

4.3.3 Core objectives for community land categorised as Area of Cultural Significance

The Local Government Act 1993 identifies core objectives for management of each category of community land. Council must manage the community land according to these core objectives. Any additional Council objectives for the land must comply with the core objectives established within the Act. The importance of the prescribed core objectives is to ensure that any activities or uses of the land are consistent with the core objectives for that category of land.

The core objectives for management of community land categorised as an Area of Cultural Significance (Section 36H of the *Local Government Act 1993*) are:

- (1) The core objectives for management of community land categorised as an Area of Cultural Significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.
- (2) Those conservation methods may include any or all of the following methods:
- (a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the Area of Cultural Significance,
- (b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material,
- (c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state,
- (d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact),
- (e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.



(3) A reference in subsection (2) to land includes a reference to any buildings erected on the land.

4.3.4 Council objectives for Prospect Hill

Council's objectives for management of Prospect Hill by value are outlined below.

Table 9 Objectives for management of Prospect Hill

Value	Objectives ²
Cultural	- Protect the integrity of the Prospect Hill State Heritage Registered Area
	 Manage Prospect Hill according to the Conservation Management Plan, Heritage Landscape Study, and Heritage Interpretation Plan.
	 Research and document the history of the Prospect Hill State Heritage Registered Area and its role in the history of Sydney.
	 Educate the community on the history and role of the site.
	 Utilise the history of the site as a theme in its development.
	 Because the topography of the ridgeline lends itself to prime viewing, to locate these within the pedestrian network, consistent with the Prospect Hill Heritage Landscape Study and Plan, and the Prospect Hill Heritage Interpretation Plan.
	 Consult with local community groups to ensure that future development reflects the historical relevance of the past.
Open space and recreation	 Retain the open grass hill character as open space and preserve the distinctive ridgeline.
	- Improve the quality of open space area by replacing overhead transmission lines to
	underground cables or preferably to re-route electrical infrastructure around the outside of the open space area.
Environmental	 Maintain the prominence of Prospect Hill as a significant remnant geologic and topographic element. Site and design development at critical locations so that views of the ridgeline are maintained.
	 Retain and add to existing trees on Prospect Hill, consistent with the Prospect Hill Conservation Management Plan, thereby forming large stands of trees to provide a visual buffer to built form when viewed from the top of Prospect Hill.
	 Ensure continuation of green corridors from existing conservation areas through the riparian corridor and up onto Prospect Hill.

4.4 Vision for Prospect Hill

The following sections of this document outline specific strategies and actions to address management issues consistent with the goals and objectives for Prospect Hill outlined above, and consistent with community values.

The vision for Prospect Hill is to:

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER

² Holroyd Development Control Plan Part P August 2013





	Create Prospect Hill as a site of cultural significance and interpretation for future generations
	Retain the prominence of Prospect Hill as a significant geological and topographical site
	Enhance the site as a place for primarily reconciliation events
0	Create a safe place for the local community with green spaces and public facilities.
	Be a place for local community – public safety, green space, facilities, activities and events
	Interpret cultural heritage for future generations.

4.5.1 Introduction

It is not possible to forecast every activity or structure that may occur at Prospect Hill in the future. New activities, elements and structures may be proposed in response to a proposal for use of the land, or because funding or another opportunity becomes available, or to address a need or management issue that may not be evident when preparing this Plan of Management.

In accordance with the Local Government Act 1993, Council must expressly authorise proposed activities and developments on community land. Such authorisation in a Plan of Management gives 'in principle' support for certain activities to proceed to the development assessment stage. However, this Plan does not in itself imply or grant consent for these activities.

Legislative requirements

Heritage and cultural significance

The primary considerations for future use of and development at Prospect Hill are its State Heritage Register listing, its categorisation of community land as Area of Cultural Significance under the Local Government Act 1993 and the Local Government (General) Regulation 2005, and its potential to be declared as an Aboriginal Place.

State Heritage Register listing

PARKLAND PLANNERS -- PHILLIPS MARLER

Future use and development at Prospect Hill should reflect its national to local cultural and historic landscape heritage significance.

The Minister for Planning granted Standard Exemptions for Works Requiring Heritage Council Approval³ under Section 57(1) of the Heritage Act 1977 on 11 July 2008 to streamline approval for works to heritage items. However the General Conditions state that the Standard Exemptions do not apply to anything affecting objects, places, items or sites of heritage significance to Aboriginal people or which could affect

tra	ditional access by Aboriginal per	ple.
The	standard exemptions relevant	o Prospect Hill apply to:
		adverse impact on heritage significance (No. 7)
1 He	ritage Council of NSW	
PRO	SPECT HILL PLAN OF MANAGEMENT	





	change of use (No. 9)
	new buildings (No. 10)
	temporary structures (No. 11)
	landscape maintenance (No. 12)
	signage (No. 13)
	safety and security (No. 16).
Cat	egorisation of community land
mu cat	cording to the Local Government Act 1993, uses and structures on land classified as community land st be consistent with the guidelines for each relevant category and the core objectives of the relevant egory. The guidelines and core objectives for the Area of Cultural Significance category which applies Prospect Hill were outlined above.
	activities which are consistent with the guidelines for categorisation as an Area of Cultural Significance, d which meet the core objectives of that categorisation, are expressly authorised by this Plan.
Suc	ch activities would include:
	traditional indigenous practices
	ceremonies
	conservation methods to retain and enhance cultural significance, including protective care and maintenance, restoration, reconstruction, adaptive reuse, and preservation.
	interpretation
	education.
Oth	ner legislation
	missible uses of and developments in Prospect Hill must also be in accordance with other relevant islation, particularly:
	the zoning under the Holroyd Local Environmental Plan 2013.
	development controls in the Holroyd Development Control Plan 2013 – Part P.
	uses for which leases, licences and other estates may be granted on community land under the <i>Local Government Act 1993</i> .
	Complying development in accordance with SEPP (Infrastructure) 2007.
	Commonwealth legislation.
Zon	ning
und	proposed uses, development and building works in this Plan of Management need to be permissible der the applicable zoning in the Holroyd Local Environmental Plan 2013, and assessed if required ough a Development and Building Application process consistent with the Environment Planning and sessment Act 1979.
	orks permitted under the RE1 Public Recreation and E2 Environmental Conservation zones are listed in ple 10.
PRO	SPECT HILL PLAN OF MANAGEMENT 48

LPP003/24 – Attachment 5 Page 543



Table 10 Permissible uses and developments of Public Recreation and Environmental Conservation zones

	RE1 Public Recreation	E2 Environmental Conservation
Permissible without development consent	Environmental protection works	Environmental protection works
Permissible with development consent	Centre-based child care facilities Community facilities	Building identification signs Business identification signs
	Environmental facilities Information and educational facilities Kiosks	Environmental facilities Information and educational facilities
	Recreation areas Recreation facilities (indoor) Recreation facilities (major) Recreation facilities (outdoor) Respite day care centres	Recreation areas
	Roads Signage Water Recreation structures	Roads
Prohibited		Business premises Hotel or motel accommodation Industries Multi dwelling housing Recreation facilities (major) Residential flat buildings
		Restricted premises Retail premises Seniors housing Service stations
	Any other development	Warehouse or distribution centres Any other development

Commonwealth legislation

Under the *Telecommunications Act 1997 (C'th)*, 'low impact' installations are permissible without Council approval.

4.5.3 Authorised uses and developments

The Holroyd Development Control Plan 2013 – Part P requires that future use, landscape interventions, heritage interpretation and vegetation management of the Prospect Hill State Heritage Registered Area is informed by and consistent with the following documents:

Prospect Hill Conservation	n Management Plan	(Conybeare	Morrison,	2005)

- Prospect Hill Heritage Landscape Study and Plan (NSW Government Architect's Office, 2008)
- ☐ Prospect Hill Heritage Interpretation Plan (MUSEcape, 2009).

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS – PHILLIPS MARLER



Principles

The principles for use and development of Prospect Hill are based on the policies of the Prospect Hill Conservation Management Plan (Conybeare Morrison, 2005), the Prospect Hill Heritage Landscape Study and Plan (Government Architect's Office, 2008), and from community engagement.

The key principles for future uses and development of Prospect Hill emphasised by the Aboriginal community are: ☐ respect for the cultural significance of Prospect Hill minimal structures and uncluttered in keeping with the cultural significance of Prospect Hill uses related to cultural events, education and interpretation. The local community said: allow access to and use by local residents mimimise impacts of activities at Prospect Hill on local residents. Objectives in the Prospect Hill Heritage Landscape Study and Plan (Government Architect's Office, 2008) are to: protect the integrity of Prospect Hill's crown and ridgeline minimise earthworks to protect remnant vegetation and seed bank Relevant policies in the Conservation Management Plan are: development (built or landscaped) should be sympathetic and visually sensitive to the significance of the Prospect Hill SHR Area. (CMP Policy 74, 75) structures (e.g. signs, furniture, bins, lights) or fabric introduced within the SHR Area should minimise

visual intrusion, conform to a high standard of design and be based on a well-considered system.

significance, (b) readily identifiable as such and (c) totally reversible where possible. (CMP Policy 94,

Authorised uses and developments

(CMP Policy 76)

95).

This Plan of Management authorises the following uses and developments at Prospect Hill:

new fabric built or landscaped in the Prospect Hill SHR Area must be (a) sympathetic to its

Table 11 Authorised uses and developments at Prospect Hill

Uses / activities	Developments / structures
Art, including painting, sculpture Barbecues – within the curtilage of the cultural centre only Bush fire hazard reduction Bush regeneration and rehabilitation Ceremonies such as Welcome to Country Conservation methods to retain and enhance cultural significance, including protective care and maintenance, restoration, reconstruction, adaptive reuse, and preservation	Art work – temporary and permanent Bicycle related storage facilities including bicycle rack Bins and other waste receptacles Bridges (walking, cycling, access for people with disabilities) Children's play equipment Community facilities Community gardens Cultural centre

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER



Cumberland Local Planning Panel Meeting 14 February 2024

Children's play

Cultivation and collection of bush foods and

medicines

Cultural events

Cycling

Delivering a public address or speech

Dog exercise (on-leash at all times with waste

picked up and disposed of off-site)

Earthworks

Easements to private property: temporary or permanent access across the site where appropriate and in compliance with the

requirements of the *Local Government Act 1993* and other relevant legislation and policy. Strict

controls on vegetation and land management may

be imposed.

Education (cultural, environmental and the like)

Entry during the day

Environmental protection works

Environmental management and monitoring

Filming, subject to Council approval

Filling or draining of land

Fire trails

Flora, fauna and archaeological surveys

Interpretation

Lighting fires for Aboriginal ceremonies

Motorised vehicle access (except maintenance and

emergency vehicles)

Nature study including birdwatching

Pest control (invertebrate and vertebrate)

Photography

Picnics

Running / jogging

Traditional Aboriginal practices

Walking

Drainage works: only where complementary to the natural drainage patterns on the land, and where essential to protect tracks, roads, services, or other

facilities on the land. Educational facilities Environmental facilities

Fencing

Food preparation and related facilities

Flagpoles or smart poles

Information boards and other facilities Irrigation and drainage structures and systems Landscaping, including landscape structures or

features

Lighting: where essential for public safety and the protection of assets while not affecting nocturnal animal habitat. Consider solar lighting options to improve sustainability and reduce energy costs.

Picnic tables and barbecues

Recreation areas

Recreation facilities (outdoor)

Refreshment kiosk/small cafe (but not restaurants)

Roads

Seating: selective placement of seating only along walking tracks and in lookout areas where suitable for

rest points and views.

Shelters and shade structures

Signage – directional, interpretive, regulatory

Toilets or rest rooms

Vehicle access and parking (emergency and authorised

vehicles only)

Viewing area / platform

Walking tracks and paths, boardwalks, ramps,

stairways, gates Water tanks

Work sheds or storage required in connection with the

maintenance of the land

Other uses/activities and developments/structures are permitted if they are consistent with this Plan of Management.

Proposed cultural centre

Members of the Cumberland ATSIC Committee have expressed their desire for an Aboriginal cultural centre to be established at Prospect Hill. Refer to the Landscape Masterplan for the proposed location and footprint of the centre.

The desired features of the cultural centre are:

spaces for educational classes and talks

u	sacred crest of the hill, and where the spirits line up.
	a low-slung two-storey building with materials of colours which are visually unobtrusive from the to of the hill





spaces to display Aboriginal artefacts and artwork
a visual and auditory sensory room
food preparation area / kitchenette / refreshment kiosk / small cafe
amenities for visitors
covered outdoor areas
parking for authorised vehicles.

A caretaker's residence could be possible adjacent to a new carpark in Lot 107 DP 1028208. The resident caretaker, who would ensure that the site is protected from wilful damage and treated with cultural respect, would contact Council's security contractor or Police should the need arise.

A garden for Aboriginal agriculture and education would complement the cultural centre building. The garden would be large enough to grow plants such as wheat, rice, traditional flowering grains, bush foods, traditional medicine plants, and native grasses for weaving.

Development approval

Proposed development and building works at Prospect Hill which are consistent with this Plan of Management (excluding activities permitted without development consent) would be subject to development and building applications in accordance with the *Environmental Planning and Assessment Act 1979* and the Holroyd Local Environmental Plan 2013. This Plan of Management would form an important part of the required development and building applications and approvals for the proposed activities and works.

Approvals for development works at Prospect Hill will be granted where endorsed by Council and the wider community, and when necessary approvals from other organisations have been obtained.

Development within the vicinity of the Prospect Hill State Heritage Register Area may require a Heritage Impact Assessment to accompany development applications⁴. The need for a heritage assessment is at the discretion of Council. If required, the Heritage Assessment shall be in accordance with the Prospect Hill Conservation Management Plan (Conybeare Morrison, 2005), Prospect Hill Heritage Landscape Study and Plan (NSW Government Architect's Office, 2008), and Prospect Hill Heritage Interpretation Plan (MUSEcape, 2009).

Where a broad Heritage Assessment of the interface between the Prospect Hill State Heritage Register Area and the adjoining sites has been undertaken, a Statement of Environmental Effects addressing this Heritage Assessment must be submitted with all Development Applications.

All approved activities requiring development consent would be subject to Council's standard conditions, approval processes, Pricing Policy and Fees and Charges if relevant. A temporary licence would need to be issued by Council as part of the approval process prior to Prospect Hill being used for such activities.

Discovery of cultural objects

Interested Aboriginal people would be invited to monitor clearing and preliminary ground work at Prospect Hill in the event that cultural objects are exposed during the works. If Aboriginal cultural material is unearthed, works are to be postponed to await archaeologist advice with any material archived as finally determined by ATSICC in consultation with the NSW Office of Environment and Heritage.

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS – PHILLIPS MARLER

⁴ Holroyd Development Control Plan 2013 – Part P





4.5.4

Restricted and prohibited activities

In the event that European archaeological evidence is unearthed during any works an archaeologist should visit the site to advise on potential significance and appropriate management procedures, and the Heritage Council should be notified under Section 146 of the *Heritage Act 1977*.

Act	ivities that are prohibited or restricted within Prospect Hill include, but are not limited to:
	camping
	circuses and carnivals
	clearing of native vegetation for views or for any other purpose
	clearing or construction on Part Lot 901 DP 1078814 without consent of the Heritage Council of New South Wales
	collection of rocks, soil, timber (alive or dead), or leaf litter without approval
	consumption of alcohol where indicated by ordinance regulations
	discharging of firearms
	dumping of any waste
	entry to the fenced area after sunset unless associated with an activity organised by an Aboriginal Trust group
	exercising dogs off the leash
	fireworks
	helicopter landings
	horse riding
	hunting
	lighting of fires, except for Aboriginal Welcome to Country and other ceremonies, and bush fire mitigation
	playing golf or golf practice
	radio and telecommunications devices: prohibit installation if possible, and consult with authorities
	on design, siting and installation of low impact facilities if required
	remote control vehicle operation including aircraft, cars and drones
	restriction on the use of Part Lot 107 DP 1028208 associated with onsite detention of storm water
	sporting activities including field archery
	unauthorised entry and use of motorised vehicles.
4.5	.5 Scale and intensity of future uses and development
The	scale and intensity of future uses and development at Prospect Hill is dependent on:
	the nature of the approved future uses and developments.
	the Landscape Masterplan for Prospect Hill (Figure 9).
	the carrying capacity of Prospect Hill.
	approved development applications.
	benchmarks for the scale and intensity of future uses and developments permissible at Prospect Hill be cultural considerations, and physical disturbance and damage to the site.

LPP003/24 – Attachment 5 Page 548





Members of the Darug nation, the Cumberland ATSIC Committee and the Deerubbin Local Aboriginal Land Council would be invited to monitor use of the site and bring any concerns to the attention of Council.

The physical impacts of activities and uses should be regularly monitored. Review of permissible activities and developments will occur if site monitoring shows any deterioration from the present condition of Prospect Hill resulting from those activities or developments.

Any works undertaken at Prospect Hill shall be undertaken to minimise disturbance to the site. Such

using materials which are visually sympathetic to the natural environment.
 incorporating pollution control measures into drainage systems to minimise debris, nutrients and other chemicals entering waterways.
 using and retaining on-site resources wherever possible.
 leaving acid sulfate soils undisturbed wherever possible.
 disposing of waste material off site and in a manner not affecting the natural vegetation or that encourages the spread of weeds.
 restoring areas following works to the maximum extent.
 encouraging service and utility suppliers to comply with the guidelines of this Plan, and to undertake community engagement where essential services are required.

It is intended that part of the site is fenced with palisade fencing with access gates to protect the culturally significant area at the top of the hill. Public access to the fenced area would be available during the day, with the gates closed at night except during cultural events and ceremonies.

Events such as the annual Reconciliation Day ceremony have the potential to attract hundreds of people. Such events will require an event management plan to be prepared and approved by Council.

Design considerations

Access

Access to new facilities on the site and any refurbishment of those structures will be provided according to Australian Standard 1428 (Parts 1-4) Design for Access and Mobility.

Access and seating for people with disabilities should comply with the Disability Discrimination Act and the Building Code of Australia.

Council recognises in the Holroyd Development Control Plan 2013 – Part P that difficult grades on Prospect Hill means that a desired maximum grade of 15% for walking tracks will not be achieved at Prospect Hill. As such, walking tracks up to Prospect Hill will only be provided to link with strategically located lookout points. The design and location of this path(s) is to be in accordance with the Prospect Hill Conservation Management Plan, Heritage Landscape Plan, and Heritage Interpretation Plan.

Access pathways will be constructed at grade as close to 1:20 as possible. Pedestrian paths will be a minimum 1.8 metres wide to allow two motorised wheelchairs to pass safely.

Structures

Minimal structures are permitted at the top of Prospect Hill to minimise visual and physical clutter and to protect the cultural significance.

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS -- PHILLIPS MARLER





Building envelopes should be consistent with the Holroyd Development Control Plan 2013.

Design, materials used and construction of proposed structures would be consistent with the guidelines in the Prospect Hill Heritage Landscape Study and Plan (Government Architect's Office, 2008).

Amenities

Public toilets can be considered as part of the cultural centre

Picnic shelters can be considered in the Aboriginal gardens.

Small structures to be avoided near or on the crown of the hill.

Picnic tables and seating to be carefully placed on the Hill to provide rest points but not to clutter viewlines.

Structures will require regular inspections and maintenance to keep them in a functional condition and to protect the safety of users.

Sustainable development

All facilities and infrastructure (new and renewed), and maintenance of the site will integrate sustainability principles in terms of energy use, life cycle costs, source material impacts, and Water Sensitive Urban Design (WSUD).

All new buildings and/or refurbishments of the site will be low-scale, and of architecture and built form appropriate to the heritage significance of the site and the local climate.

Landscaping

Landscaping will be consistent with the Holroyd Development Control Plan 2013 and the Prospect Hill Heritage Landscape Study and Plan (Government Architect's Office, 2008).

Public art

Public art should be expressed in a culturally respectful way. It should reflect the cultural themes of the place, be low key, and avoid locations in key vistas.

Interpretive installations and public art should be limited on the site to locations within the proximity of the cultural centre and associated gardens and the playspace at the corner of Warin Avenue and Durawi Street.

In terms of interpretation there is a clear sightline from the peak of the hill to an open area at the corner of Baraba Crescent and Nijong Drive, which is in close proximity to an archaeological artefact which has the potential as a site for artwork expression of female cultural values. This sightline has the potential to facilitate Aboriginal Heritage Tour interpretation.

Interpretation and Signage

Historic events and stories will be told through tours with Aboriginal people and interpretive signage to be combined with directional signage at the start of tracks.

Signage can be intrusive and should be avoided on the top of the hill or significant spaces around the cultural centre.





Boundary fencing

Discreet boundary fencing on the eastern slope of Prospect Hill should run at the base of the grassed slope along the top of the quarried cut and run towards the southern boundary.

Fencing to the north and west of the hill should follow the boundary at the Clunies Ross Street entry and run towards Reconciliation Drive.

A low safety fence is required along the eastern edge of the north/south ridgeline.

Gates across the hill should be open by day and closed at night.

4.6 Leases, licences and other estates over community land

4.6.1 What are leases and licences?

A lease will be typically required where exclusive use or control of all or part of Prospect Hill is desirable for effective management. A lease may also be required due to the scale of investment in facilities, the necessity for security measures, or where the relationship between a major user and facilities in the reserve justify such security of tenure.

Licences allow multiple and non-exclusive use of an area. A licence may be required where intermittent or short- term use or control of all or part of the reserve is proposed. A number of licences for different users can apply to the same area at the same time, provided there is no conflict of interest.

The definition of "estate", under Section 21 of the *Interpretation Act, 1987*, includes other rights over land, such as easements, including "interest, charge, right, title, claim, demand, lien and encumbrance, whether at law or in equity".

Leases and licences can be entered into by Council for public or private purposes, providing they are consistent with the major objectives of this Plan of Management.

4.6.2 Existing leases, licences and other estates

No leases or licenses currently apply to community land in Prospect Hill.

An easement for transmission lines applies to Part Lot 202 DP 1121844.

4.6.3 Future leases and licences

The Local Government Act 1993 requires that any lease, licence or other estate over community land is authorised by a Plan of Management. Leases, licences and other estates formalise the use of community land. Activities must be compatible with the zoning and categorisation of the land; and provide benefits, services, or facilities for users of the land. Terms and conditions of a lease, licence or other estate should reflect the interest of the Council, protect the public, and ensure proper management and maintenance.

Any future leases, licences or other estates of Prospect Hill are authorised by this Plan of Management, provided the proposed use is consistent with the permissible uses and structures listed in Section 4.6.

Leasing and licensing will be in accordance with Council's objectives and principles as outlined in its Community Strategic Plan. Depending on the nature of the proposed lease or licence, Council would develop specific objectives and requirements tailored to the proposed use.





in S	cupation of community land by leases, licences and other estates that apply to Prospect Hill are set out sections 46 and 47 of the <i>Local Government Act 1993</i> . In respect of community land in general and a cural area in particular, a lease, licence or other estate may only be granted over Prospect Hill for:
	a purpose expressly authorised in this Plan of Management.
	purposes which are consistent with the guidelines and core objectives for the Area of Cultural Significance category of the community land.
	activities appropriate to the current and future needs of the community in relation to a number of wide public purposes, including public recreation and physical and cultural development.
	for short-term casual purposes, including the playing of a musical instrument or singing for a fee or reward, engaging in a trade or business, delivering a public address, and filming for cinema or television. However, the use or occupation of community land for these short-term casual purposes is only permitted if the activity does not involve erecting a permanent building or structure.
	for the purpose of providing underground pipes, conduits or other connections to connect premises adjoining the community land to a Council facility or other public utility provider located on the land.
4.6	.4 Lease and licence periods
Act leas cat	e maximum period for leases and licences on community land allowable under the Local Government is 21 years, or 30 years if consent from the Minister is obtained (including any period for which the se or licence could be renewed by the exercise of an option) for purposes consistent with the egorisation and core objectives of the particular area of community land. Community land may only leased or licensed if public notice is given according to the requirements of the Local Government Act.
not sub	der Section 47, Council may grant a lease, licence or other estate exceeding five years if it gives public cice of the proposal to the owner, the public and all stakeholders, and invites and considers public emissions. If an objection to the proposal is made, Council may not grant a lease, licence or other ate without consent of the Minister for Local Government.
leas leas lice	proposed leases, licences and other estates of five years or less, Council must publicly advertise the oposal in the same way as for leases, licences and other estates over 5 years. Final approval of the se rests with Council, but the Minister for Local Government has the discretion to call in a proposed se and determine the matter in place of Council. However, some short-term and other types of leases, ences and other estates, such as providing underground pipes and connections, are exempt from the end to advertise.
4.6	.5 Sub-leasing
lan	dere a lease arrangement has been entered into with Council for community land, sub-leasing of the discontinuous must be in accordance with the requirements of Section 47C of the Local Government Act. Under a strong tion 47C, community land which is subject to a lease cannot be sub-let for a purpose other than:
	the purpose for which the land was to be used under the lease.
	refreshment kiosks, dances and private parties in the case where land is leased to a sporting club.
4.6	.6 Commercial uses
Cor	mmercial activities at Prospect Hill may operate with Council approval if they:
	complement the cultural values of Prospect Hill.
	do not impact on other values.
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LPP003/24 – Attachment 5 Page 552

PARKLAND PLANNERS - PHILLIPS MARLER





	support the use of Prospect Hill for low-key cultural and environmental education activities, such as guided walks, mobile food / beverage vans at special events.
	support or complement other permissible activities and developments.
	do not unduly impact on other users or on local residents.
	pose no threat to public safety.
	posals for commercial activities should be considered on their specific merits. Conditions should apply each case to ensure the above requirements are met.
Any	proposed commercial uses must be approved by the Cumberland ATSIC Committee.
4.6	.7 Short-term casual hire
	short-term casual hire of Prospect Hill will be in accordance with Section 24 and 25 of the Local vernment (General) Regulation 2005. To be considered as casual hire, activities must not:
	involve the erection of any building or structure of a permanent nature.
	continue for more than three consecutive days.
	continue to recur for a period of more than 12 months in the case of uses occurring more than once. Each occurrence must be no more than 3 consecutive days, not including Saturday and Sunday.
	es for short term, casual bookings will be in accordance with the fees and charges as published in mberland Council's current fees and charges schedule.
4.6	.8 Emergency purposes
Cor	mmunity land may be used for emergency purposes, including training, when the need arises.
4.6	.9 Leases and licences by tender
lice ma	tion 46A of the Act requires that Plans of Management must specify purposes for which a lease, once or other estate may be granted only by tender. A lease or licence for a term exceeding five years y be granted only by tender, unless it is granted to a non-profit organisation. However, Council may bly a tender process in respect to granting any particular lease, licence or estate.
Lea	ses and licences applying to Prospect Hill for which tenders must be called are for:
_	commercial activities. a period of five years or more.
4.6	.10 Private purposes
oth lice lice	tion 46 of the Local Government Act 1993 generally prevents Councils from granting leases, licences or ser estates over community land for private purposes. However, the Act does enable short-term casual ences to be issued by Councils for purposes prescribed by the Regulation. The purpose of the lease, ence or other estate must still be consistent with the core objectives for the Area of Cultural nificance category of community land.

LPP003/24 – Attachment 5 Page 553

PROSPECT HILL PLAN OF MANAGEMENT

PARKLAND PLANNERS - PHILLIPS MARLER





4.6.11 Exclusive occupation

Exclusive use of any area of community land is not desirable, as Prospect Hill should be available for use by anyone in the community. Exceptions are uses where the exclusion of the public is desirable for cultural reasons, security and public safety. Express authorisation is granted for a caretaker to live in a residence on the site.

The exclusive occupation or use of Prospect Hill is only permitted for the purposes of:
a lease, licence or other estate to which Sections 47 and 47A of the Act applies.
$\ \square$ a sub-lease or other title derived from the holder of such a lease, licence or other estate.
4.7 Acquisition and dedication of land
This Plan of Management applies to Prospect Hill within the boundary as shown in Figure 1. Additions to the boundaries of Prospect Hill may be possible through dedication of land or acquisition of suitable adjoining properties.
Cumberland Council has identified privately owned Part Lot 107 DP 1028208 and Part Lot 901 DP 1078814 for possible future acquisition because they are part of the Prospect Hill SHR Area.
Acquisition of part of all of any other adjoining properties will be considered, subject to appropriate allocation of funding.
Dedication of adjoining land to add to Prospect Hill may be accepted if the land:
supports the cultural heritage values and objectives outlined in this Plan.
☐ is at least in good condition.
□ is accessible.
Ongoing maintenance requirements of land dedications must also be considered





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5 ACTION PLAN

5.1 Landscape Masterplan

The Landscape Masterplan for Prospect Hill is in Figure 9. The Masterplan illustrates the works and actions in the following Action Plan that are proposed to be implemented to achieve the objectives and desired outcomes for Prospect Hill.

Key proposed high priority and short-term actions and changes to Prospect Hill include to:
 make an application to the NSW Office of Environment and Heritage for Prospect Hill to be declared as an Aboriginal Place under the National Parks and Wildlife Act 1974.
 prepare a Management Plan for the Declared Aboriginal Place within 12 months of gazettal of the Aboriginal Place.
 obtain approval for construction of a cultural centre and associated gardens.
 implement access path and lookout from Reconciliation Rise to the peak of Prospect Hill as located within the Landscape Masterplan.



Figure 9 Landscape Masterplan for Prospect Hill





Cumberland Local Planning Panel Meeting 14 February 2024

Formulate a Vision for the Precinct

- Create Prospect Hill as a site of cultural significance and interpretation for future generations
- Retain the prominence of Prospect till as a significant geological and topographical site.
- Enhance the site as a place for primarily Reconcilation events
- Onate a safe place for the local community with green spaces and public facilities
- A place for local community public safety, green space, facilities, activities and events
- interpretation of cultural heritage for future generations

A. Topography, Geology and Solls

- Ensure the tapography of the size soch natural and out remains no farther changes to sendrown to be considered.
- The creat of the hill to be received.

1. Cultural Centre

- Design for the initially undersolve, adopting sustainable principles
- Provide a space for Altoriginal artises's
- and arrefucts Consider a visual and auditory sensory

- Covered cultifour sines

2. Carretukors Residence

- The Reconcillation stone is a significant artisfact and will be located close to the calculal centre in the centerional place.
- 3 Reg poles to be isosted close to the Reconstrator Stone
- Deating water tanks to be retain site as part of pre-CSRG fabric of the site

4. Garden for Aberiginal agriculture and education

- Consider an interpretive, productive garden in association with the cultural The gurden will be bentaced on the plage
- Opper singes bosh foods, traditional medicines

- Explore the position and use of gates
- Make processor for writing mesonant or the bridge

- Scattered ciees, similar and ground case: plantings to western industrial boundary and eastern Curawi Screet boundary
- Representation of Moint State Woodland

- Week to the cultural centreplace to be retained from the southern area of the size

- Interpretise installations and public art should be limited on the size to locations within the proximity of the cultural centre and associated gardens and the planeaux at the conner of Durser Street.
- 7. Verbide Access

- Link new cultural central car part with whiche access mod from Curries Ross Street
- little shared path on western boundary of site for maintenance

sendory Fencing

- Gates across the hill should by they and closed at right
- A 0.8m high pallsade fence to be installed along the Durase Street Warth Asense boundary

- The south-west quarted area is a natural amphitheeste for e and performances and should remain an open flexible space.
- Asset the calculativeness or enterviend place with pasting, flagge and a setting for the Record section Stone will be for forms and are as a forest past, space from the building.

- Operat to continue to black vehicles entering from Reconcillation
- Maximum parlameter and male armos through the madicipues

Plant additional trees to enhance the space

- Ohldren play and discovery is to be part of the Caltural Certife and gardens
- Encourage passive recentlion and access to Prospect MSI
- Increase connections and legibility of sumounding sites and walks within the Prospect/Formulary area 13. Amenities

- Picoic shelters can be considered in the Aborgouic perilens
- Picola ruples and weating to be corefully placed on the init to provide real points but not to clutter view lines.







Designing for universal access is a key goal

western boundary of the site

Masterplan Objectives Prospect Hill Landscape Masterplan

Connection of Reconcillation Rise and Clames Ross Street via shared path along the

Minor access to local polyspace along eastern boundary dose to Warin Si Outsid Street

Access via chess to connect Durawi Wath Receive with local playspace

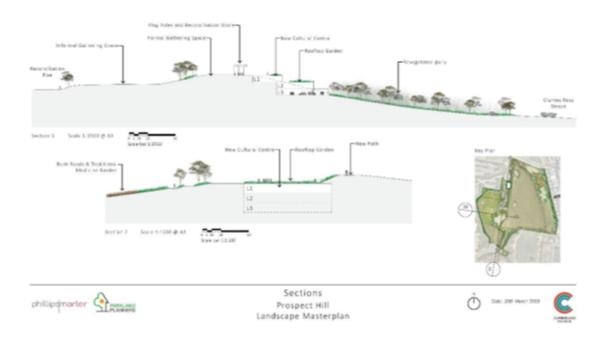


O Date: 20th March 2029



PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS -- PHILLIPS MARLER







5.2 Action Plan

5.2.1 Introduction

Actions required to realise the vision and to resolve management issues at Prospect Hill (consistent with the community's values for Prospect Hill) are presented in the following tables. Table headings are explained as follows:

Issue Consideration or problem to be addressed.

Objective Reflects the value of Prospect Hill, and provides direction for the action.

No. Actions numbered according to value, and management actions

C Cultural

Open Space and Recreation

E Environmental M Management

Action Specific task or action required to address issues, consistent with the strategy.

Priority Importance or urgency of the action:

High Short-term actions to be completed Medium Mid-term actions to be completed Low Long-term actions to be completed

Ongoing A continuing responsibility

Annually Action to be undertaken on a yearly basis

Responsibility Section within Council, or another organisation responsible for

implementing the action.

The Council Section or external organisation listed first in the Action Plans has the primary responsibility for implementing the action.

Responsibilities within Council for implementing actions are:

CD Community Development
EP Environment and Planning
FG Finance and Governance
PP People and Performance
WI Works and Infrastructure

Other organisations responsible for certain actions are:

ATSICC Aboriginal and Torres Strait Islander Consultative Committee

OEH Office of Environment and Heritage

Performance Target The desired outcome in implementing and achieving the action.

Monitoring Method How Council intends to measure its performance in implementing and

achieving the action over time.

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS – PHILLIPS MARLER



5.2.2 Actions for cultural values

Table 12 Actions related to cultural values

Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement
ceremonial heritage signific of Prospect Hill. Restrict undesir pedestrian and	Protect the Aboriginal heritage significance of Prospect Hill.	C.1	Remove existing chain-link boundary fences and gates.	High	Council WI	Existing fences and gates removed	Capital works program
	Restrict undesirable pedestrian and vehicle access to	C.2	Erect a palisade fence including gates around the ceremony site as shown on the Landscape Masterplan.	High	Council WI	Palisade fence and gates erected	Capital works program
		C.3	Open gates during the day, and close gates at night (except for authorised special events)	Ongoing	Council WI ATSICC	No damage to the site	Inspections
Reconciliation Stone	Relocate the Reconciliation Stone to Prospect Hill.	C.4	Relocate and place the Reconciliation Stone at Prospect Hill following the implementation of palisade fencing.	High	Council WI, CD ATSICC	Reconciliation Stone is relocated to desired location.	Agreement by ATSICC
Formal gathering and events	Provide for cultural gatherings and events	C.5	Establish a ceremonial plaza above the cultural centre site with paving, flagpoles and a setting for the Reconciliation Stone. This space will be for formal events and serve as a 'break out' space from the cultural centre after construction.	High	Council WI, CD ATSICC	Ceremonial plaza established	Ceremonies and events held
Prospect Hill community group	Establish a community group for stakeholders with an	C.6	Establish a Prospect Hill Elders Trust or similar interest group under Section 355 of the Local Government Act to liaise with the ATSICC through Council.	High	Council CD	Group is established	Council processes followed

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER



Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement
	interest in Prospect						
	Hill.	C.7	If this group is established, support supervision of educational work programs and rehabilitation schemes under the guidance of the Elders Trust.	Ongoing	Council CD	Education, work and rehabilitation programs are undertaken	Elders Trust feedback to ATSICC and Council
Aboriginal Place	Further recognise the significance of Prospect Hill to Aboriginal people.	C.8	Make an application to the NSW Office of Environment and Heritage for Prospect Hill to be declared as an Aboriginal Place under the National Parks and Wildlife Act 1974 in consultation with and as approved by Council's ATSIC Committee.	High	Council EP ATSICC	Prospect Hill is declared as an Aboriginal Place.	Written advice and gazettal of declaration from OEH
		C.9	Prepare a Management Plan for the Declared Aboriginal Place within 12 months of gazettal of the Aboriginal Place.	High	Council EP ATSICC OEH	Management Plan completed.	Council and ATSICC agreement. OEH approval
Name of Prospect Hill	Consider a dual name for Prospect Hill	C.10	Consult with all stakeholders about the possibility of changing the name of Prospect Hill to a dual name.	Medium	Council CD ATSICC	Consultation completed	Decision about dual name
		C.11	If agreed, apply to the Geographical Names Board to register the new name.	Medium	Council CD, WI	Dual name registered	Advice in writing from GNM
Anti-social behaviour	Restrict anti-social behaviour at Prospect Hill	C.12	Designate Prospect Hill as an alcohol-free zone.	Medium	Council CD	No consumption of alcohol at Prospect Hill	Reports to Council. Security patrols
Cultural centre	Establish a cultural centre to honour Pemulwuy; and tell the story of the site,	C.13	Obtain approvals to construct the cultural centre.	Medium	Council EP, WI, CD OEH	Development consent	Report to Council

67

LPP003/24 – Attachment 5 Page 562



Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement
	Aboriginal people and reconciliation.						
		C.14	Design and construct a cultural centre consistent with the Landscape Masterplan.	Medium	Council WI, CD	Construction complete	Construction certificate issued
Aboriginal community garden	Reflect traditional Aboriginal activities	C.15	Establish an Aboriginal community garden in association with the cultural centre as shown on the Landscape Masterplan. The garden will be terraced on the upper slopes for bush foods and traditional medicines. Wheat, rice, traditional flowering grains and native grasses for weaving would be grown on the lower slopes.	Medium	Council CD ATSICC	Garden established	Planting healthy and established
		C.16	Place interpretive signage at the garden.	Medium	Council CD ATSICC	Signage installed	Observation
Vehicle access to cultural centre	Cater for authorised vehicle access to Prospect Hill	C.17	Link the new cultural centre car park with a vehicle access road from Clunies Ross Street	Medium	Council WI	Vehicle access from Clunies Ross Street	Capital works program
		C.18	Provide small bus drop off and parking for people with disabilities under the centre and bus parking bays on Clunies Ross Street	Medium	Council WI	Bus parking constructed	Capital works program
		C.19	Design and construct off- road car parking at the Clunies Ross Street entry.	Medium	Council WI	Parking on the edge of the site	Capital works program
	Ensure adequate parking for people with disabilities is provided on site	C.20	Provide parking spaces for people with disabilities at the cultural centre and with access to the pedestrian bridge.	Medium	Council WI	Access for people with disabilities to the cultural centre and pedestrian bridge	Capital works program



Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement
	Minimise parking conflicts on local residents from visitors to Prospect Hill	C.21	Install signs to direct visitors to parking spaces in Clunies Ross Street and in Butu Wargun Drive west.	Medium	Council WI	Signs installed	Minimal visitor parking on local streets in Pemulwuy
Community Proveducation and interpretation	Provide a framework for interpretation Connect Prospect Hill with other culturally	C.22	Prepare an integrated interpretation plan covering Prospect Hill, Marrong Reserve, Lakewood Estate Riparian Corridor and further links through Prospect and Girraween Creeks as an integrated landscape and cultural experience.	Medium	Council CD ATSICC	Interpretation Plan prepared	Report to Council
	important places	C.23	Consider reinterpreting the Pemulwuy Park motif to fit and align with the bush food and medicine area of the cultural centre and/or the community accessible area of the park at lower Durawi Street.	Medium	Council CD ATSICC	Decision about reinterpretation of the Pemulwuy Park motif	Agreement among stakeholders
		C.24	Name the community area at Durawi Street Pemulwuy Park.	Medium	Council CD ATSICC	Name agreed	Agreement among stakeholders
C.25	C.25	Install interpretive signage at Prospect Hill, the Butu Wargun Drive west entry point, and at the Warin Avenue entry point.	Medium	Council CD, WI	Signage installed	Capital works program	
	C.26	Interpret the abandoned 19 th century quarry on the hillside of the former CSIRO site, the other former quarries on the site, and the WWII rifle target used by Allied soldiers.	Medium	Council CD, WI	Interpretation plan prepared and implemented	Agreement among stakeholders	



Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement
Water tanks	Retain historic items on site	C.27	Retain the water tanks on the site as part of the pre- CSIRO fabric of the site.	Low	Council WI	Water tanks remain on site	Observations
Caretaker's residence	Maximise the security of the cultural centre and garden	C.28	Consider the feasibility of a caretaker's residence at the Clunies Ross Street entry.	Low	Council CD, WI, EP ATSICC	Decision made about proceeding with caretaker's residence	Report to Council
Public art	Provide opportunities for indigenous cultural art	C.29	Seek opportunities for artists to work with Darug elders on permanent and temporary art, and performances.	Ongoing	Council CD ATSICC	Opportunities for permanent and temporary art, and performances	Art and performance activities
	indigenous detainees within corrective	C.30	Incorporate reconciliation imagery as desired by the Aboriginal community	Ongoing	Council CD ATSICC	Reconciliation imagery agreed and incorporated	Positive feedback from stakeholders
		C.31	Incorporate opportunities to participate in artwork programs that express the themes of reconciliation appropriate to Prospect Hill	Ongoing	Council CD ATSICC	Artwork programs held	Positive feedback from stakeholders
Visual	Protect the physical and visual curtilage to and from Prospect Hill SHR Area, including the skyline.	C.32	Place power poles and electricity lines underground.	Low	Council WI Electricity provider	Unimpeded view of the ridge line from the lower slopes.	Observations



5.2.3 Actions for open space and recreation values

Table 13 Actions related to open space and recreation values

Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement
to Marrong si Reserve o M p	Reconnect the significant landforms of Prospect Hill and Marrong Reserve for pedestrians, people with disabilities and wildlife	0.1	Establish a walking track along the ridgeline between the lookout at Prospect Hill and Reconciliation Rise.	High	Council WI	Walking track constructed	Capital works program
		0.2	Construct a steel pedestrian bridge over Butu Wargun Drive between Prospect Hill and Marrong Reserve.	Low	Council WI	Pedestrian bridge constructed	Capital works program
cycle links to and bit and from experit adjoining residential and employment areas Increas and le surror walks Prosporarea. Design	Encourage pedestrian and bicycle access to experience Prospect Hill. Increase connections and legibility of	0.3	Establish a walking track along the ridge line between the lookout at Prospect Hill, Warin Avenue and the Clunies Ross Street cul-de-sac. The design and location of this path is to be in accordance with the Prospect Hill Conservation Management Plan, Heritage Landscape Plan and Heritage Interpretation Plan.	High	Council WI	Walking track constructed	Capital works program
	surrounding sites and walks within the Prospect/Pemulwuy area.	0.4	Define shareway connections from the existing shareway routes through the Prospect Hill open space	Medium	Council WI	Shareway connections defined	Capital works program
	Design for universal access.	0.5	Provide bicycle parking rails or stands at the southern entry point at Reconciliation Rise and at the northern entry point at Clunies Ross Street.	Medium	Council WI	Bike parking provided	Use of bike parking



Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement
opportunities o e fr w	Optimise opportunities to experience the view from Prospect Hill while not impeding views from lower ground	0.6	Construct unobtrusive viewing areas at Prospect Hill, and south of the hill looking south-east using low maintenance materials recommended in the Prospect Hill Heritage Landscape Study and Plan (Government Architect's Office, 2008).	High	Council WI	Viewing areas constructed	Capital works program
	Views to remain open and unchanged on the crest of Prospect Hill to experience the historic vistas	ws to remain open I unchanged on crest of Prospect to experience the					
	Retain views to the cultural centre plaza to from the southern area of the site.						
	Enhance views north from Marrong Reserve.						
Seating	Provide opportunities for visitors to Prospect Hill to enjoy views, rest and reflect	0.7	Provide seating at entry points, along pathways and at viewing points.	High	Council WI ATSICC	Seating installed	Capital works program



Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement
Drive road crossover section between Butu Wargun Drive and Reconciliation Rise	between Butu Wargun Drive and	0.8	Replace concrete road barriers with feature barriers or removable bollards	Medium	Council WI	Concrete road barriers replaced	Positive feedback from community
	Maintain pedestrian, cycle access through	0.9	Upgrade crossover section with plaza style paving	Medium	Council WI	Paving installed	Positive feedback from community
		0.10	Plant additional trees to enhance the space.	Medium	Council WI	Trees planted and thriving	Inspections
Children's play opportunity	Provide opportunities for play and discovery for local and visiting children at Prospect Hill.	0.11	Engage with the local and Aboriginal community about a theme and design for a local indigenous/ natural children's playground at the foot of the slope close to Durawi Road.	Medium	Council WI, CD ATSICC	Agreement on theme design for playground	Playground design
		0.12	Construct the playground close to Durawi Road.	Medium	Council WI	Playground constructed	Positive feedback from local community
		0.13	Include play and discovery opportunities at the cultural centre and garden.	Medium	Council WI, CD	Play and discovery opportunities at cultural centre and garden	Positive feedback from cultural centre visitors



5.2.4 Actions for environmental values

Table 14 Actions related to environmental values

Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement
Planting and revegetation	Regenerate Moist Shale Woodland species to resemble	E.1	Retain remnant species of Moist Shale Woodland.	Ongoing	Council EP	Moist Shale Woodland species retained	Inspections
	the natural landscape prior to European settlement while	E.2	Retain tree planting on the southern fence line.	Ongoing	Council EP	Trees on southern fenceline retained	Inspections
	maintaining views. Regenerate existing	E.3	Remove exotic vegetation such as pine trees and weeds.	High	Council EP	Exotic vegetation removed	Council works program
	and plant Moist Shale Woodland species ranging from canopy	E.4	Liaise with Aboriginal groups about planting of native species.	High	Council EP ATSICC	Agreement about native species planting	Species list and planting plan
	trees to grass species as shown on the Landscape Masterplan,	E.5	Mass, structural planting of grasses, shrubs, ground covers (up to 1 m in height) around the cultural centre.	Medium	Council EP ATSICC	Plantings at cultural centre thriving	Council works program
	consistent with the Prospect Hill Heritage Landscape Study and Plan (Government	E.6	Plant scattered trees, shrubs and ground cover on western industrial boundary and eastern Durawi Street boundary.	Medium	Council EP ATSICC	Boundary plantings thriving	Council works program
	Architect's Office, 2008).	E.7	Boundary buffer planting on the western boundary and to the carpark.	Medium	Council EP ATSICC	Boundary plantings thriving	Council works program
		E.8	Involve the local and Aboriginal community in Bushcare activities.	Ongoing	Council EP ATSICC	Participation in Bushcare activities	Feedback from Aboriginal people



Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement
Grassland	Retain the rural character of the grassland at Prospect Hill	E.9	Erect rural safety fencing along the boundary of the SHR Area which is not palisade fenced.	Medium	Council WI	Rural safety fencing erected	Capital works program
Waste disposal Minimise litter Provide opportunities for disposal of rubbish		E.10	Provide bins for rubbish at entry points	High	Council WI	Bins installed	Capital works program
	E.11	Place temporary bins during events.	Ongoing	Council CD, WI	No litter left on site after events	Inspections	
Soil quality and contamination	Understand the extent of any soil contamination on the site	E.12	Undertake a geotechnical investigation into contamination of the site.	Medium	Council WI, EP	Geotechnical status of the site established	Geotechnical report
Soil erosion	Minimise soil erosion	E.13	Rehabilitate eroded areas.	Medium	Council WI, EP	Eroded areas rehabilitated	Report from soil scientist
Fauna habitats and wildlife corridors	Connect fauna habitats and wildlife corridors between Prospect Hill and adjoining areas	E.14	Integrate fauna access and crossings in all fencing and bridge works.	Medium	Council WI, EP	Fauna movement facilitated	Fauna movement monitoring
Water Sensitive Urban Design	Embrace Water Sensitive Urban Design principles on the site	E.15	Use Water Sensitive Urban Design principles in the design and operation of the cultural centre.	Medium	Council WI ATSICC	WSUD included in cultural centre design	Sustainability star rating of building
(WSUD)		E.16	Assess the structural integrity of the water tanks and whether they are suitable for future use for water storage.	Medium	Council WI	Condition and function of water tanks established	Report to Council



5.2.3 Management actions

Table 15 Management actions

Issue	Objective	No.	Action	Priority	Responsibility	Performance target	Method of measurement	
acquisition and community Hill open space are into public ownersh Facilitate public access to the State	Bring privately owned land in the Prospect Hill open space area into public ownership	M.1	Negotiate with private land owners for Council to either manage or purchase by private treaty or compulsory acquisition Part Lot 107 DP 1028208 and Part Lot 901 DP 1078814.	High	Council EP	Private land in the study area becomes public land	Land title documents	
		M.2	Place notices in the NSW Government Gazette dedicating all lands to community land as required.	Medium	Council EP	Dedication to community land	Gazette notices	
	Heritage Register land	Heritage Register land	M.3	Register the untitled Road Reserve.	Low	Council EP	Road reserve has land title	Land title documents
		M.4	Establish an easement for the electrical transmission and gas line.	Low	Council EP	Easement established	Land title documents	
		M.5	Remove the need for easements by re-routing essential infrastructure in consultation with essential service providers or if necessary, replace overhead transmission lines with subgrade cables, considered prior to the construction of a building.	Low	Council EP, IW	Infrastructure re- routed or replaced	Council works program	
Authorised vehicle access	Facilitate authorised vehicle access	M.6	Provide access points for maintenance and emergency vehicles off Clunies Ross Street and Reconciliation Rise.	Medium	Council IW	Access for maintenance and emergency vehicles	Positive feedback from authorised vehicle drivers	
Funding	Maximise funding available to implement the Plan of Management	M.7	Apply to sources of grant funding to implement recommended actions.	Ongoing	Council IW, CD, EP ATSICC	Funding received	Record of grant funding	

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER



6 IMPLEMENTATION

6.1 Management

Cumberland Council will continue to manage Prospect Hill, in partnership with key stakeholders, including the Aboriginal community and the wider Cumberland and local Pemulwuy community.

Aboriginal people want to be caretakers and custodians of the land to preserve it for future generations. Inclusive participation of the Aboriginal community in the care, management and maintenance of Prospect Hill will be encouraged. Such participation may be in the form of a Section 355 Committee, with expansion of an elders trust entity and potential for educational work programs.

6.2 Funding sources

6.2.1 Introduction

Funding is integral to implementing this Plan of Management. There are several approaches that Cumberland Council can take in funding the implementation of this Plan of Management. Council as land owner and manager is likely to fund most of the proposed improvements.

6.2.2 Council funding

General

The implementation of this Plan of Management is achieved through its linkage with Council's Community Strategic Plan, operational budgets, and capital works programs.

Funding arrangements for Prospect Hill need to address recurrent costs of management and maintenance, together with capital costs for new facilities or upgrading works. Council currently funds management and maintenance costs through its annual budget allocation, and uses capital funds and Section 94 funding for capital and non-recurrent works.

Staging of works will be necessary so Council can fulfil its overall funding obligations across the Cumberland local government area within the resources available to Council. Actions listed in the Action Plans have been prioritised, which will assist in preparing forward open space work programs and annual budgets. This Plan will therefore provide direction for future works at Prospect Hill.

Section 94 contributions

Council currently enters into planning agreements, or levies contributions or works in kind from developers towards the cost of upgrading facilities, including open space, to meet the needs of new development.

Partnerships

There is an opportunity to develop further partnerships with the Aboriginal community, residents, local community groups and interested people in relation to improvements and ongoing management, such as through a Bushcare program and by sponsorship from local businesses.

6.2.3 Grants

Commonwealth and State government grants are available to assist with capital works and improvement project costs at Prospect Hill. Council considers submitting applications for grants as funding opportunities from various agencies arise.



6.3 Implementation of this Plan of Management

Once Cumberland Council adopts this Plan of Management it is Council's responsibility to implement this Plan of Management. Council must only allow uses or developments that are in accordance with the principles and objectives of this Plan of Management.

Implementation of this Plan of Management will be monitored with the preparation of capital works programs and budgets scheduled in response to community expectations, user requirements, the availability of funding, and other circumstances as they arise. Performance standards and works programs for administration, maintenance and upgrading works are revised each year to meet allocated budgets and works priorities determined in Council's Resourcing Plan.

Funding for management of Prospect Hill will be sought from a range of government, Council, corporate and community sources on an ongoing basis.

6.4	Reporting
Cou	uncil will report on the progress of implementing this Plan of Management in the following ways
	council's Integrated Planning and Reporting framework
	achieved and proposed actions in its quarterly and annual reports.
	through the preparation of capital works and maintenance budgets.

6.5 Review of this Plan of Management

Review of this Plan of Management will be undertaken in line with the establishment of facilities, taking into account community expectations and the strategic planning objectives of Cumberland Council.

In accordance with the Local Government Act, updates to the Plan of Management will include consultation with the community, with their comments incorporated into the review process.

The Action Plan tables should be reviewed and revised within the framework of Council's budget, Capital Works Program, annual report, changing priorities, and availability of funding.



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Spackman and Mossop and Ian Perkins Consultancy Services (2003) *Bushland Management Plan: Northern Residential Lands: Greystanes Estate.*

Sturt Noble and Associates and Lend Lease (2015) Draft Plan of Management for Marrong Reserve Pemulwuy.

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A ABORIGINAL STAKEHOLDERS FORUM









Aboriginal Stakeholders Forum

Thursday 5 April 2018, 5:30pm -7:30pm

Cumberland Council, Merrylands Service Centre, Memorial Avenue, Merrylands

Attendance

Name	Organisation
Aunty Sandra Lee	Senior Local Darug Elder
Aunty Cleonie Quayle	Local Aboriginal Elder
Uncle David Williams	ATSICC - Chairperson - Local Aboriginal Elder
Jeanice Corso	ATSICC
Chris Haberecht	ATSICC
Trudy Healey	Western Sydney University
Lyn Leeson	ATSICC - Western Sydney Reconciliation
Raelene Locke-Billedo	ATSICC
Paul Mackey	Local Community Member
Djon Mundine	Local Aboriginal Community
Julie Nixon	ATSICC
Des Smith	Fairfield City Council - Aboriginal Project Officer
Chris Tobin	Local Darug Elder
Melissa Williams	Local Aboriginal Community - Western Sydney University
Clr Greg Cummings	Cumberland Council – Councillor – Mayor – ATSICC
Christine Deaner	Cumberland Council – Manager Open Space Planning and Design
Susan Miles	Cumberland Council – Senior Landscape Architect
Adam Ford	Cumberland Council – Landscape Architect
Beatrice Sesay	Cumberland Council – Capacity Building Officer
Julie Marler	Phillips Marler
Daniel Hughes	Phillips Marler
Sandy Hoy	Parkland Planners
APOLOGIES	
Uncle Rex Sorby	ATSICC
Joanne Buckskin	Local Government NSW - Senior Policy Officer (Aboriginal)
Aroha Grover	Blacktown City Council
Steve Randall	Deerubbin Local Aboriginal Land Council
Steven Ross	Parramatta City Council - Aboriginal and Torres Strait Islander Community Capacity Building Officer

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS – PHILLIPS MARLER



Smoking ceremony - Chris Tobin

Welcome to Country - Aunty Sandra Lee

Explanatory notes

Grateful thanks are extended to everyone who attended the forum for sharing their beliefs, thoughts and ideas.

Permission was sought from and granted by people attending to take photographs to recognise the significance of the coming together of the people at this forum.

Permission was sought from and granted by people attending to undertake an audio recording of the forum to reflect what was said as accurately as possible.

The summary notes from the meeting below list the key points made by people attending the forum. More detail can be obtained from the full transcript of the meeting.

Key points made about Prospect Hill

Name	Comment	Action/ outcome
Clr Greg Cummings	Prospect Hill is of national significance because of the meeting that took place on Prospect Hill-Marrong between the first nations people and the first settlers on 3 May 1805 to resolve the conflict between them.	All to note
Julie Nixon	The Prospect Hill Heritage Landscape Study and Plan should be a base for information about the site, because it is detailed, a lot of consultation and Council work went into the plan, and the Aboriginal community expected the actions contained in the Plan would be followed through.	The document is available in the Council library for reference. Adam Ford to distribute report to the ATSICC members
Uncle David Williams	Soil contamination of the hill is likely as shown by core samples for the CSIRO site, and chemicals used on the Boral site. Julie Nixon added that asbestos had been cleaned up recently.	All to note
Uncle David Williams	Uncle David has considered some safe locations for the reconciliation stone. He suggested all those interested go up to the hill to have a look, and Uncle David would point out those spots. As the hill is an Aboriginal spiritual place the stone should be located without "bricks and mortar" structures. The stone needs to be secured on the side closest to residents for surveillance so it won't be damaged.	Beatrice to organise a site visit
Clr Greg Cummings	This group should decide where the reconciliation stone should be located.	All to note
Clr Greg Cummings	The event on 3 May 1805 has been commemorated by Council since 2010. As a ceremonial place, the bottom border of the site should be palisade fenced so it could be open during the day and secured at night. The site needs to be secured because it is such a unique site. On special occasions it could be opened up for night viewing if the local Aboriginal community think that is appropriate. Viewing platforms could be considered if appropriate.	All to note
Clr Greg Cummings	It is an Aboriginal place and should be classified as such. The Darug women meeting with John Kennedy as a go-between for the white settlers and	All to note

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS – PHILLIPS MARLER



Name	Comment	Action/ outcome
	Reverend Marsden was a major turning point. The colonial war which Pemulwuy led lasted for 12 years, after which his son Tedbury continued the war. The Darug paid a penalty where over a three day conference it was agreed that 6 Darug warriors would be handed in to the white settlers. The warriors were identified, hunted down and exterminated.	
Lyn Leeson	The reconciliation imagery has to include the treaty, because some Aboriginal people ask why do we have to reconcile, it's a white man's crime.	All to note
Clr Greg Cummings	Darug People walked from Parramatta to Marrong.	All to note
Uncle David Williams	Prospect Hill is an educational place. Uncle David explains to school children that Pemulwuy was Australia's first gang leader, which they understand. Uncle David takes children from Juvenile Justice to the hill to explain that they have their own heroes, and that has turned their lives around because they have something to go on.	All to note
Uncle David Williams	The crows coming back to sit on the fence and fly around is spiritual.	All to note
Chris Tobin	The "reconciliation" is one-sided and hasn't happened yet. We don't manage our country, and pay rent to live here. It would be a mistake to name the hill something like Reconciliation Hill, put the stone in the middle, and make it about reconciliation because it hasn't happened yet.	All to note
Chris Tobin	Chris learned from an elderly lady that her husband remembers engravings on a rock before the hill was quarried.	All to note
Clr Greg Cummings	The hill is now at least 20 metres lower due to the quarry. The highest point is One Tree Hill (south of the study area) which has two trees on it. There would have plenty of Aboriginal engravings on the basalt.	All to note
Chris Tobin	Part community and mixed use of the hill, such as bike riding, would be disappointing. Because it's a high place I would not like to see rock concerts and other things there. Leave aboriginal cultural heritage as it is, and don't do shared uses, make money out of it, or build on it.	All to note
Uncle David Williams	People can get to the top of the hill as they have done to the highest point at the centre hill in Marrong. The top of the hill is all about ceremony and spiritual. We want to decide who does what there when the site is secure. We want Aboriginal people as caretakers, and for kids to learn about what happened. Aboriginal people are part of it and are connected to it.	All to note
Clr Greg Cummings	The lower part of the hill isn't very significant. The CSIRO grew crops and ran sheep on the lower part, and the American service personnel had a rifle range there during World War II.	All to note
	The local community, which has small backyards, could get involved with setting up an indigenous community garden on the lower part separate to the sacred area. It's up to the Darug to decide what happens, when it happens and how it happens on the hill.	
Julie Nixon	$\mbox{\bf A}$ cultural centre could be considered to tell the story of reconciliation and the history.	All to note
Clr Greg Cummings	A cultural centre could be below the ridge line and set in the gully to leave the sacred part of the hill sacred.	All to note

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS – PHILLIPS MARLER



Name	Comment	Action/ outcome
Uncle David Williams	The location of the cultural centre has to consider the high ground, line of vision, and the spirits have to line up, which would need to be physically shown.	All to note
Uncle David Williams	All the infrastructure, such as disability access, needs to be put in place. Build a steel bridge between Prospect Hill and Marrong for pedestrians and people using wheelchairs. Make sure anything vertical on the hill is not an eyesore. The bridge should be high enough for B-doubles to pass under.	All to note
Julie Nixon	Fencing should be protection from those seeking to do harm. The school fencing would be hard to drive vehicles through.	All to note
Chris Tobin	A caretaker is a good idea.	All to note
Julie Nixon	If vandals are slowed down that would help protect the place. Vandalism may be less likely with community ownership of the lower section, and education of school children.	All to note
Uncle David Williams	The ceremony site is most important. Uncle David indicated the desirable location of a fence around the ceremony site. Amenities blocks etc. can go on that level too.	All to note
Clr Greg Cummings	Butu Wargun Drive and Reconciliation Rise will not be open to through traffic due to resident complaints about anti-social behaviour. The height of the bridge could be low enough to allow emergency vehicles to pass through. Fire vehicles attend fires on Prospect Hill. If it is open during the day and closed at night, and secured for special ceremonies at night, you would have quite a significant site.	All to note
Lyn Leeson	A garden for aboriginal agriculture that included wheat and rice, and traditional flowering grains, would be wonderful. That would require people with knowledge of agriculture. The garden would be educational.	All to note
Aunty Sandra Lee	An aboriginal garden in full bloom is at the Grantham Estate at Seven Hills. It is an Aboriginal flag done in a circle in the middle and then the plants are growing all the way around it.	All to note
Chris Tobin	Themed talks on agriculture and the colonial wars could be held at the cultural centre.	All to note
Clr Greg Cummings	On one side of the hill is the catchment for Toongabbie Creek and the Parramatta River. On the other side is the catchment for Prospect Creek which flows into the Cooks River and Botany Bay.	All to note
Uncle David Williams	The hand theme was in the original interpretation plan and signified reconciliation. It would be under the flight path to attract visitors.	All to note
Julie Nixon	The size of the demonstration garden could be up to 3 times the size of this room, large enough for people to walk around and engage with the spaces.	All to note
Aunty Cleonie Quayle and Lyn Leeson	Weavers need grasses that could be grown in the garden. Weaving and gardening could be related to the cultural centre. Resources for aboriginal enterprises are seasonal and can be scarce.	All to note



Name	Comment	Action/ outcome
Uncle David Williams	A live-in caretaker is necessary, because the site is being opened up and people have phones, the spot is significant and a spiritual place as a men's area.	All to note
Uncle David Williams	The cultural centre would have instructional rooms and visual aids.	All to note
Aunty Cleonie Quayle	The cultural centre would be large enough to run educational programs.	All to note
Uncle David Williams	Partner with primary schools to give them tasks to do for a year, and then give other schools a turn. School children would learn why it was called Blackstown and the true enactment history.	All to note
Uncle David Williams and Julie Nixon	The cultural centre would be state of the art and include indoor areas and outdoor (garden, covered areas) areas.	All to note
Melissa Williams and Aunty Cleonie Quayle	The cultural centre needs to be a hybrid. Examples are the Karijini Visitor Centre in Tom Price WA mixed with something like the Campbelltown Arts Centre, and Tjapukai Aboriginal Cultural Park in Cairns which showcases the culture and they have a restaurant that cooks bush tucker.	All to note
Aunty Cleonie Quayle	Aboriginal people need a place to gather, and to just sit and yarn to hand down cultural knowledge such as teaching children to play the didgeridoo.	All to note
Julie Nixon and Melissa Williams	Want to display artefacts and artwork. Museum meets Library.	All to note
Julie Nixon	The list of landscape values in the document that the Government Architects Office prepared is very relevant. It says to use Prospect Hill as a cultural park, and involve all interested parties in the process, and provide framework for interpretation opportunities for indigenous public art. That section in particular is extremely important towards the cultural centre so please refer to that.	All to note
Julie Nixon	The cultural centre should have an aboriginal related sensory room, like the small sensory room at the National Maritime Museum which is a simple, relaxing, low-light area with lounge chairs and a screen showing fish swimming. The space allows people to take a quiet break.	All to note
Chris Tobin	It's useful for the plan of management to know that we still consider the whole country ours, it's just we don't get a say. We teach our kids to respect other peoples' beliefs. The process is to do all the planning and talking with other stakeholders. That's why that little special area will be appropriate for the rest of the community to allow us to have our way on that one.	All to note
Melissa Williams	Aboriginal people are giving over knowledge. When the knowledge is being given over, we need in the legal requirement that we have a co-creation set of rules in terms of ownership. When we talk about collecting information and we look at potentially a knowledge bank of that information, we need to make sure we've got rights built in, in terms of the ownership of that knowledge and it's in trust to the care takers of that knowledge being the local aboriginal elders. Those rules need to be built around this whole process. Taking a photograph of the aboriginal people in	Council and consultants to acknowledge in documents produced for the Plan of Management and Landscape

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER





Name	Comment	Action/ outcome
	the room, and them giving me their story and intellectual property in that photograph, means that under arts law they don't own the photo, the photographer owns it. It needs to say in the release forms of those to take pictures that it is co-created with the aboriginal person. Because this is quite new in terms of the English side of things getting into the legal instrument, we still need to build those rules and that language into this process so it's truly partnering with the aboriginal community.	Master Plan that the photographs taken during and after the meeting are co- created with each Aboriginal person in the photo.
Uncle David Williams	The fence is to keep people out, and to control that particular section of it. The original idea was for Parramatta Council to finish their walkways and paths up the tributaries. Come up Toongabbie Creek, across Prospect Hill, down Prospect Creek, and back at La Perouse.	All to note
Melissa Williams	It's very important that we talk about clan and country. We talk about the country Darug. The clan is a different concept. The Cannemegal-Warmuli Clan is the clan which this land is on. No clan can speak on behalf of another. They've got their own law structures, and we need to be mindful about how we approach the protocols in this process. There are also traditional owners versus members versus community members. All of that needs to be structured out in the language.	Council to resolve protocols about engaging with the Cannemegal-Warmuli Clan of the Darug Nation.
Chris Tobin	It was decided to show that reconciliation is progressing in our neighbourhood which is the former Holroyd. There were dual names on the specific areas and other things we got in our neighbourhood to show that's what that means, which shows that we're in partnership or reconciliation or reconciled. And Those things were taken from the Darug history and local clans and passed by this committee. When you're going somewhere like in the Americas you'll see the local red Indian name and also the English translation. Probably Marrong - Prospect Hill might be the name.	All to note
Melissa Williams	Suggestions for a name should be taken back to our consultation groups rather than coming up with a name now on the spot. We will then come back with a response.	People attending the meeting to consult with
Uncle David Williams	Everyone here tonight will talk to people they know and ask what they think. If they don't agree they may ring Beatrice and her community development team, or someone else.	their consultation groups about the matters raised at the meeting, and report back to the ATSICC meeting on 1 May 2018
Melissa Williams	We're in a very disenfranchised area. There's a lot of different aboriginals from bloodline countries but who are community people. The borders still aren't sorted.	All to note
Melissa Williams	We need a process about how we are going to carry out the cultural protocols. That needs to be clearly articulated because it's very important when milestones happen that people are very clear who was spoken to,	Council to resolve protocols about

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER



Name	Comment	Action/ outcome
	how they were spoken to, and what happened. That's how in aboriginal affairs we need to make sure it is clearly mapped. The ATSIC Committee will drive how it consults.	engaging with the Aboriginal community and the ATSIC Committee for the Plan of Management and Landscape Master Plan
Uncle David Williams	After discussion of points for and against, the senior elders of this country must agree to an idea or it doesn't go ahead. Local talent that's from country is preferred but if the talent can't be found we go further afield.	All to note
Djon Mundine	You have an incredible opportunity to do something different here. Honouring aboriginal people and honouring Pemulwuy would be something different to start with. You have a real opportunity where you've got a space that's untouched. When things are untouched in the rest of Sydney that means there will be a big housing development or blocks of units on it. You've got the time here to do something here that's really good. The idea of the Aboriginal cultural centre is amazing. The garden could be a large area of grown wild grasses or native grasses for weaving, weaving materials which needs to be on a reasonably large scale. It's a beautiful thing when you sit in an area of native in native grasses for both foods and for weaving materials. You have an incredible opportunity that's different to other places in Sydney where they've come up with false names for this aboriginal person and that aboriginal person around the harbour.	All to note
Chris Tobin	It would help people to understand that the first shots fired on Australian soil were at Prospect Hill. Settlers on the early farms were given a gun between the two of them. A mob of aboriginal arrived back home, the settlers got scared, shot at them, and then they burnt their huts which was a traditional sign of no, you've come along without asking. Governor Phillip had given 30 acres, and then 30 acre woodland and then the 30 acres for settlement. After the trouble with the settlers, he gave orders to cut down the bush for security reasons, so they could see the aboriginal people. That kind of story could be relayed at the cultural centre. It's also for other communities to know why this place is important as an aboriginal cultural place.	All to note
Uncle David Williams	Feedback about what has been discussed at this meeting will come back through the advisory group.	Provide feedback for the ATSIC Committee meeting on Tuesday 1 May
Melissa Williams	It is a special place. First and foremost, there's a spiritual connection and the honouring needs to take place as the prime. Commercial is second to that. It's a gathering place to acknowledge first people were present, what happened there, connect stories into there, and a gathering place for the locals and anybody else. And then from there, it's an opportunity to commercialise as well.	All to note

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS – PHILLIPS MARLER



Name	Comment	Action/ outcome
Paul Mackey	It's very important that you get the cultural garden in. It's a big yard and it's got to be the grasses. You have to do the signage as far as the bush is what the natives used them for, like the ones you can actually rub on for mosquito repellent. There's bush tomatoes, placards, displays that can actually teach us poor simple white folk who don't know much about it, so that gives a bit of education to them and it's a cultural walk for them along the way. You've got a lot of cultural signs and points and a bit of the local language and turn it into English so that people can understand and get a feeling for the land. I hear a few of you say my land, but the land owns you, you don't own the land.	All to note
Uncle David Williams	The women did most of the gardens. It was supposed to come up along Parramatta River, all the way up Toongabbie Creek, across the top. Our seniors told the white fellas what was what. They formulated their first pharmaceutical companies, powdered or liquefied it, and we got to buy it back. Once you get an idea, and that will be a base. When I stood on the top of the Grand Canyon and realised again how insignificant we all are. I've been to Ayers Rock, I've been to Katherine Gorge, all these places. And you get a message if you're not supposed to be there. That's how I want people to see the vision. We'll give Mount Rushmore a run for their money. I don't think small, I think big because this is a national picture.	All to note
Uncle David Williams	If you go to any sort of aboriginal place of significance, mother nature does all the work, we respect that.	All to note

The photograph below was co-created with people who attended the Aboriginal Stakeholder Forum:





Standing, left to right:

Daniel Hughes, Paul Healey, Julie Marler, Des Smith, Beatrice Sesay, Raelene Billedo, Jeanice Corso, Trudy Healey, Christopher Haberecht, Uncle David Williams, Susan Miles, Djon Mundine, Adam Ford.

Seated, left to right:

Julie Nixon, Aunty Sandra Lee, Melissa Williams, Aunty Cleonie Quayle



B COMMUNITY FORUM

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS — PHILLIPS MARLER









Meeting notes from Community Forum

Prospect Hill Plan of Management and Landscape Masterplan

Date: 03/05/18 6:00pm to 7:30pm

Location: Allan G. Ezzy Community Centre Hall, 1 Newport Street Pemulwuy

Attendance:

10 community members attended the Community Forum.

People attending from Cumberland Council and the consultant team:

Name	Organisation
Christine Deaner	Cumberland Council
Adam Ford	Cumberland Council
Susan Miles	Cumberland Council
Teresa Russo	Cumberland Council
Martha Jabour	Cumberland Council
Julie Marler	Phillips Marler
Georgia McDonald	Phillips Marler
Sandy Hoy	Parkland Planners

Introductions

Christine Deaner welcomed those attending on behalf of Cumberland Council.

Christine acknowledged the meeting was being held on Darug country.

Christine introduced Council staff and the consultant team.

Christine noted that 3 May is the anniversary of the first recorded attempt at reconciliation between the Darug people and settlers at Prospect Hill.

Sandy Hoy asked community members to introduce themselves.



Most people attending the Community Forum are local residents living in Pemulwuy. They have been residents of Pemulwuy ranging from 6 months, to one person whose family bought land in the 1940s and was raised in the area.

Initial concerns were raised about vandalism and safety.

Purpose of the Forum

Julie Marler explained that the purpose of the Forum is to establish the values and culture of Prospect Hill. Council is keen to consider all ideas and aspirations for Prospect Hill.

Agenda

Sandy outlined the agenda for the Forum.

Si

Site Ar	ea
Julie M	arler described Prospect Hill, with the main points:
	The boundary area was shown on a map
	Relationship between Marrong – Butu Wargun Drive – Prospect Hill
	Vegetation includes weeds
	Quarrying and man-made interventions over time
	Road blocked off
	Improved pedestrian access
	Plans are not prescribed just yet
Statem	ent of Significance
	ad the Statement of Significance for Prospect Hill in the State Heritage Register listing. Prospect Hil icant for many reasons including:
	Views and topography
	Site of Aboriginal use for generations
	Death of Pemulwuy happened on this site.

The Statement of Significance will influence the Plan of Management.

Contents of the Plan of Management

Sandy outlined the contents of the Plan of Management. The contents include values (what is important or special about an area) and the categorisation of community land.

Teresa Russo explained the background to anti-social activities at Prospect Hill and Marrong Reserve, and

ons	undertaken by Council in response:
	In the last 6-7 years Council has been working intensively to limit people loitering and starting fires.
	Council closed the road with bollards which are not permanent. Approval from Council's Traffic section is required to make the closure permanent.
	CCTV cameras were installed, but after 1 week were pulled down. The cameras are still there but will need to be relocated when the road is closed. The camera on Reconciliation Rise will be turned towards the gate to get footage of any entry.
	The gate at the Clunies Ross Street entrance has also been damaged. Council is working closely with property owners.
	Lighting has deterred young people.
	Issues on Driftway Drive have occurred since, so CCTV is needed there.

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER



	Use for barbecues seems to have quietened down.
	Police are doing extra patrols.
	Council is working with residents and has found this very helpful. Teresa left her business cards and asked the community members to get in touch with her if needed.
bollard	inity members are aware of anti-social behaviour at the top of the hill, but were not told when the swere installed. They asked that Council communicates with local residents about the road and anti-social behaviour.
Process	of preparing the Plan of Management and Landscape Masterplan
Julie ou	tlined the process of preparing the Plan of Management and Landscape Masterplan.
Discuss	ion
Points f	or discussion were:
	Values of Prospect Hill
	What's important or special about Prospect Hill?
	What does Prospect Hill mean to a local resident?
	Vision for Prospect Hill
	Opportunities for the site and for the Pemulwuy community
	Other issues
	ents and questions from community members, and responses from Council staff and the ants are as follows.
Site sig	nificance
	Appreciate the site is significant. Would like to see it as a place of reflection.
	A natural area representing the previous rural Cumberland Plain. Not much of the Cumberland Plain Woodland is left. Protect the site and link it to Prospect Reservoir.
	Make a place for local fauna. It could be brilliant if it was done right.
	Does any heritage significance apply off the hill?
Public a	access
	What would being open to the public look like? There are no plans just yet – Council wants to know how you want to use the site.
	It is a significant place for all people. The location is amazing, particularly the view. Being able to share it with others is special.
	Worried about the site being opened up for people's enjoyment. How to protect it being tarnished by people who don't respect it?
	We have seen fires being started in Marrong Reserve. Fortunately, a house has not been lost to fire yet.
Parklan	d vision
	Protect, manage and treat the space like a parkland.
	Want to take the kids there for walks.
	Appreciate the open space.
	The walk up the hill could be hazardous.
	Stockland told us it was going to be a park when we bought our property.
	The site is zoned as public recreation for open space/parkland.

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER



95

Day/ni	Day/night access				
	Put fencing and gates around the site.				
	Agree that it should be open to the public during the day, but would like to see it closed after dark.				
	Perfect place for gathering for fireworks.				
Open c	haracter/minimal structures on the hill top				
	The Reconciliation Day was great. Aboriginal elders don't want clutter.				
	Such a magnificent view up the top of the hill, which is better than at Marrong.				
	Doesn't want overuse with buildings, picnic tables, barbecues etc.				
	Keep the site as open as possible with minimal structures.				
	Somewhere to sit down with information about the past and the significance of the site, and to admire the view.				
	Any development should be subtle to preserve the significance.				
	Would want shade at the top.				
Vocata	tion.				
Vegeta □	Some park vegetation blocks the view.				
	Concerns about plants on the hill regarding erosion. Smaller vegetation/trees to prevent erosion.				
	Shrubs would not stop views.				
	to Prospect Hill				
	Neighbours don't want the hill opened to the whole world.				
_	Allow visitation to the hill while not impacting neighbours				
_	Preserving but allowing access for locals, and protecting their privacy in their residences.				
	Concerns about how people in adjacent streets would access the hill.				
	Encourage people to walk to the site instead of drive.				
	Funnelling off to different sides of the site so visitors and vehicles don't disturb the residents side streets.				
	Parking should be on the Clunies Ross side on employment lands, not on the residential side.				
	What council has learnt from surrounding areas should be considered				
	Would be nice to have green space, but need paths and roads to allow for use of space				
	Consider parking in the masterplan.				
	Would help to extend parking – people currently leave long vehicles in the street.				
Cultura	al centre				
	Attended Reconciliation Day today, and walked up there with Uncle David. He mentioned that they have plans to display Aboriginal heritage in a building. How will people access that building? Will it open the road there? Would rather it not be accessed via Butu Wargun Drive.				
	We have been talking to Uncle David and others about a building, but haven't worked out the details. What council decides to do with the road closure will help determine what we do.				
Playground					
	As views are mostly to the east, and much of the hill has overgrown vegetation and weeds, could a playground fit in?				
	A playground could be considered on the lower reaches of the hill. Not on top of the hill, but maybe lower down.				
	What about the other side of the ridge? Could be a playground be on the western/north side near the cultural centre as this would not impact the views.				
	Picnicking and the information centre will not block views to/from the hill.				

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER



	Consider a natural playground, picnic tables etc. on the western side, which would not disturb the view.				
Connecti	Connection to Marrong Reserve				
	Support for a connection to Marrong Reserve.				
j	A pedestrian bridge between Marrong Reserve and Prospect Hill was suggested by ATSICC. Access for people with disabilities and prams etc. could be via an access circuit, ramps. There are lots of ways to get up the hill and to navigate to/around the site. We don't want the community to be cut off. Edges should merge into the streets and connections.				
Grasslan	d				
	The grassland would be peaceful and pretty, especially looking down from the top of the hill.				
	Too much – we would lose calmness.				
	The lower parts of the site should also be protected.				
Cultural	connections				
	Great walks – connecting into larger cultural picture				
	Different councils are talking about wider cultural connections				
Closure of Butu Wargun Drive					
	Why is the road there? Why can't the connections be blocked off?				
1	Its appearance makes people think there is no ownership. The connection is challenging. Marrong Reserve is a good comparison, especially in terms of vegetation. A structure won't be built on top of the hill. There may be a solution with treatment of the road as a more natural connection.				
	The end of Marrong roadway could be extended for a Prospect Hill link.				
1	Temporary, removable bollards or bollards that sink into the road would allow Butu Wargun Drive to be closed to restrict night time access. Then the road would look less in your face or like a war zone.				
	We are considering an 'elegant' road closure as part of considering arrival at the site.				
Alcohol-	free zone				
	An alcohol-free zone would be worth talking about to combat antisocial behaviour. Alcohol is not desirable if it is a culturally significant site.				
Timefran	ne for public exhibition				
	When is the timeframe for public exhibition?				
	We are aiming for September, but there is a process to go through.				
With no	further comments or questions, the meeting finished at 7:20pm.				



C PUBLIC HEARING REPORT

The public hearing report was submitted to Cumberland Council on 28 February 2019.

An extract of the submissions made, and the assessment and recommendations made by the chair of the public hearing are set out below.

CONSIDERATION OF SUBMISSIONS

Introduction

Submissions

Ten local residents and community members attended the public hearing, and five written submissions from local residents and community members were made during the public exhibition period.

Most people who attended the public hearing and/or made a written submission which mentioned the proposed categorisation of community land either supported the proposal to categorise community land at Prospect Hill as Area of Cultural Significance, or did not have any objections.

The questions raised and submissions made are set out below.

Submissions about categorisation of Prospect Hill Support categorisation of Prospect Hill as Area of Cultural Significance I support the proposed community land classification The site is nationally significant No-one would disagree with the Area of Cultural Significance category It (categorisation as Area of Cultural Significance) should have been done sooner The Park category for the play space area is possible, but support the Area of Cultural Significance category to help with grant funding Will the Area of Cultural Significance categorisation help Council acquire the remaining land at Prospect Hill? Support categorisation of Prospect Hill as Park There is potential for the lower open space area adjacent to Warin Avenue and Durawi Street to be categorised as Park. Other submissions about the Draft Plan of Management

Other verbal and written submissions made in the public hearing or in response to the public exhibition of the Draft Plan of Management that do not relate to the categorisation of Prospect Hill are listed below for

Congratulate Council and stakeholders on their progress so far on negotiating and planning for this significant and prominent public asset, which is as historically, culturally and environmentally significant as Rookwood Cemetery at the eastern gateway of Cumberland Council's area

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER

Council's information:



When will implementation of the Plan of Management occur? What is the priority of actions?
How can people access the play space on the lower section of the hill? Concern about potential vehicle access. Unless the grass is slashed it is not easy to walk across.
Has the impact of increasing demand for parking associated with increasing use of Prospect Hill on local residents been considered? Has a traffic management plan been prepared?
Concern about above-ground parking on site. The site is a special place which has traditionally been accessed on foot. It is wrong to allocate the site for parking. Parking should occur on Clunies Ross Street and Reconciliation Rise. There is no justification in the Draft Plan of Management for parking. Look at alternative ways of providing parking.
Object strongly to wasting a small part of the site for exposed car parking, which can be provided inexpensively off site in nearby road reserves (I do not object to limited accessible parking under the proposed cultural building). Visitors without special needs should continue to approach the site on foot, as they have always done. Parking is not the best use of available funding cultural site.
There is not enough car parking space in Clunies Ross Street. Underground car parking is a brilliant concept.
Batu Wargun Drive Should be open. Our community needs more artery roads as we have thousands living in Pemulwuy with only 3 roads open. With the surrounding areas using Pemulwuy Marketplace and the roads as a shortcut, we need more open roads diverting traffic away from the three current streets open at the moment. Batu Wargun has been closed to the public and we cannot get our families up the hill. One is a very old lady and another has a disability. What is happening here?
Concern about losing the bus link between Reconciliation Rise and Butu Wargun Drive.
Suggest that the future 'ridgeline' pedestrian bridge be subject to a design/arts competition to encourage the best cultural/artistic/functional design for this prominent 'gateway/bridge'.
Where will the footpath at the bottom of Durawi Street be placed?
Will the proposed park for children have swings?
Access to the playground should be only during daylight hours because of the fence and gate. If the play space is open after dark residents are concerned about parking and anti-social behaviour and drinking of people hanging out there at night.
Concern is of breach of privacy from the park area proposed adjacent to Durawi Street. Patrons of the park will have direct view from an elevated height of properties on Durawi Street. It is noted that these properties have bedrooms and living areas facing the street.
This breach of privacy will be accompanied with security concerns due to the proposed 24 hour access to the park.
There will be increased traffic to Durawi Street, including parking on the street at all hours due to the proposed park. Durawi Street is a narrow one way street, and already there are significant breaches of drivers travelling the wrong way and/or speeding on the street.
Based on this, the submission is that the proposed park adjacent to Durawi Street be relocated to the Clunies Ross side of the hill, or scrapped altogether.
Will the park be lit at night?
How will grass fires be managed?
Concern about the impacts of the informal spaces on the western side on residents in terms of parking and anti-social behaviour.
What is the need to acquire lands currently under private ownership at Prospect Hill?
Should Marrong Reserve also be categorised as Area of Cultural Significance?

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS – PHILLIPS MARLER





Assessment of submissions about proposed categorisation

The State Heritage Area listing of Prospect Hill, supported by background information in the *Prospect Hill Conservation Management Plan*, affords an important cultural significance to Prospect Hill. For these reasons Prospect Hill was proposed to be categorised as Area of Cultural Significance in the Draft Plan of Management.

The verbal and written submissions received from local residents and community members at the public hearing and during the public exhibition demonstrated support for the categorisation of Area of Cultural Significance.

One community member suggested that the proposed playspace area on the lower open space area adjacent to Warin Avenue and Durawi Street could be categorised as Park. This is a valid suggestion, given the guideline for categorisation of community land as Park in the *Local Government (General)* Regulation 2005 is:

кед	guiation 2005 is:		
equ	nd which is, or proposed to be, improved by landscaping, gardens or the provision of non sporting uipment and facilities, and for uses which are mainly passive or active recreational, social, educational of cultural pursuits that not unduly intrude on the peaceful enjoyment of the land by others.	al	
Fur	ther, the core objectives for management of the Park category of community land are to:		
	encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities.		
	provide for passive recreational activities or pastimes and for the casual playing of games.		
	improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.		
In addition, Cumberland Council recognises that open space for passive recreation by the local community is limited on the northern side of Pemulwuy, and so a local park with playspace at this location and another on the Driftway Drive side of the Lakewood open space will provide an ideal distribution of play amenity within the locality.			
	balance, the Area of Cultural Significance category is the appropriate category for the whole study as of Prospect Hill because:		
	the whole study area is listed on the State Heritage Register. Any "encroachment" of other management objectives applying to parts of Prospect Hill dilutes its State Heritage Area significance	e.	
	the local community recognises its historic and cultural significance.		
	the categorisation of the proposed playspace area as Area of Cultural Significance would not preclu a playspace perhaps with an Aboriginal theme, with design and other cultural input from the local community, and otherwise in keeping with an area of cultural significance.	ide	
RE	COMMENDATIONS		
wri cat	sed on the representations and written submissions to the public hearing on 13 December 2018 and itten submissions made to Council by 22 January 2019, there is no compelling reason to change the egorisation of Area of Cultural Significance which was proposed in the Draft Prospect Hill Plan of inagement 2018.		
	recommendations to Cumberland Council regarding the proposed categorisation of community land espect Hill are that Council:	d in	
	note the verbal and written submissions made in Section 4.		
	SPECT HILL PLAN OF MANAGEMENT KLAND PLANNERS – PHILLIPS MARLER	99	

LPP003/24 – Attachment 5 Page 594



categorise the community land in Prospect Hill as Area of Cultural Significance as shown in Figure 7 of the publicly exhibited Draft Prospect Hill Plan of Management 2018, and shown in Figure 8 below.

Figure 8 Proposed categorisation of Prospect Hill



Source: Prospect Hill Draft Plan of Management 2018





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PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS — PHILLIPS MARLER



D OFFICE OF ENVIRONMENT AND HERITAGE



3/05/2019

Mr Adam Ford Landscape Architect Cumberland Council adam.ford@cumberland.nsw.gov.au

Dear Mr Ford,

Prospect Hill Draft Plan of Management - Heritage Division Response

Thank you for the opportunity to review and comment on the Prospect Hill Draft Plan of Management produced by Cumberland Council for areas included in State Heritage Register item No: 01662.

The Office of Environment and Heritage (OEH) welcomes Aboriginal Place proposals from community members. The Aboriginal Place Program helps protect and promote the cultural values of significant areas.

OEH highlights the following points for consideration for an Aboriginal Place proposal:

- . OEH will review an Aboriginal Place proposal as per the OEH Aboriginal Places Policy;
- This process involves OEH conducting an initial preliminary investigation into the values and significance of the proposal, followed by an assessment report;
- It is essential that all appropriate stakeholders are involved during the assessment process
 preceding any recommendation to the Minister that an area should be declared as an
 Aboriginal Place;
- A provisional Plan of Management is required to be developed for Aboriginal Place proposals before declaration;
- The proposed future uses and aspirations for the proposed area could require an Aboriginal Heritage Impact Permit (AHIP) if an Aboriginal Place is gazetted;
- Once an Aboriginal Place is gazetted, the landowner or proponent will need to assess their
 proposed uses/activities within the Aboriginal Place and determine whether they would harm
 or desecrate the Aboriginal Place as per Section 86(A) of the National Parks and Wildlife Act
 1974. If they are likely to harm an Aboriginal Place, this would need to be authorised by an
 AHIP.
- AHIP applications are assessed by OEH Communities and Greater Sydney Division.

OEH highlights the following points for consideration in relation to Prospect Hill SHR item No. 01662:

- If the values of a proposed Aboriginal Place are similar to the significance for which the SHR item is listed, then consideration needs to be given to the broader heritage values i.e. sightlines, views from highpoint, and historic associations in relation to the proposed works.
- The development of active and passive recreational space should take into consideration the historic values and significance for which the site is listed on the SHR, in the proposed works.
- Consideration needs to be given to the appropriate boundary of an Aboriginal Place within the context of the proposed works, as it would not be appropriate to have a carpark or function

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Page 2

- centre within and Aboriginal Place due to the level of protection and provisions under the National Parks and Wildlife Act 1974.
- The proposed works in the masterplan, not being considered minor in nature would require a section 60 application under the *Heritage Act 1977* to be submitted to Heritage Division for review to avoid any unacceptable adverse heritage impact on the aesthetic values of the State listed item from the proposed development of the site.
- OEH are highlighting the broader issues of the proposed works on an SHR item and potential Aboriginal Place proposal, not providing approval for these works in this letter.

If you have any queries in relation to the above, please contact Tim Olliver, Heritage Operations Officer, on 02 4927 3203.

Yours sincerely,

3/05/2019

MIRANDA FIRMAN Senior Team Leader

Regional Heritage Operations, Metro North

Heritage Division





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PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS – PHILLIPS MARLER



E HISTORY OF PROSPECT HILL

Prospect Hill is the site of the first Aboriginal – European reconciliation held in Sydney. On 3 May 1805, a group of Aboriginal women together with a young free settler, John Kennedy, facilitated a meeting on Prospect Hill between the Aboriginal leaders of the Darug clan and European settlers headed by Rev John Marsden. This was the first recorded act of reconciliation between Indigenous people and Europeans in Australia, and brought about an end to the ongoing conflict in Parramatta and Prospect. At the Council meeting on the 3rd May 2011, Council resolved that an annual commemoration be organised to recognise this event and since then this event has been commemorated on 3rd May each year in a ceremony on Prospect Hill.

Refer Chapter 1.3 Background Development from Prospect Hill Heritage Landscape Study and Plan, Government Architect's Office, April 2008.

Extract follows this page.



1.3 Background / Development History

The following is a summary of the development history of Prospect Hill and surrounding lands outlining the changes to the landscape, use and ownership over time. Historical moments have been grouped under broad categories which include; Aboriginal Occupation and Early European Land Explorations, Land Tenure, Industrial and Agricultural Development and Today. This historical summary has been collated from the CMP which should be referred to for greater detail. A timeline of key dates have been included at the end of this section as a quick reference source.

Aboriginal Occupation and Early European Land Explorations

Prospect Hill was used as a vantage point and navigational element for the Aborigines who moved through the area, referring to the place as 'Marrong'. It is believed that Indigenous groups remained for only short stays along the ridge; more permanent camps would have occurred along Prospect Creek.

With the arrival of the First Fleet in 1788, an early expedition party led by Captain Arthur Phillip came across Prospect Hill en route to the Blue Mountains in search of more fertile land. Prospect Hill quickly became a landmark reference point for the Europeans and the favourable conditions for agriculture and the presence of stone outcrops noted.

Land Tenure

In 1791, Governor Phillip began to offer 30 acre grants to time-expired convicts to settle, clear and farm the fertile land around the Prospect Hill SHR Area (south and east).

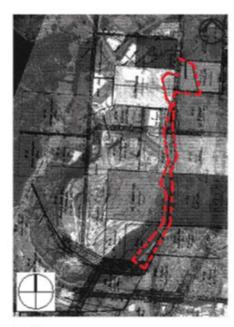
Organised Aboriginal resistance followed resulting in the death of Pemulwuy, a renowned Aboriginal resistance leader in 1802. This led to one of the first reconciliation conferences in 1805, ending fierce conflicts between settlers and Aborigines who were now protected by the Government and permitted to move freely through the land

The first major land grant of 550 acres was given to William Lawson in 1808 to the west of the Prospect Hill SHR Area which he increased to 3000 acres in subsequent years through the acquisition and consolidation of surrounding smaller land grants. Today the property lies predominantly under Prospect Reservoir; the house (Veteran Hall) and gardens have been demolished (1929).



Aboriginal occupation and Early European land Explorations. Map from 1791 by Dawes, showing order of early exploration with Prospect Hill noted

Ref: Conybeare Morrison, 2005, Prospect HII CMP



Land Tenure
Land Grants 1868 overlayed on aerial 2004
Ref: Conybeare Morrison, 2005, Prospect HII CMP

Prospect Hill Heritage Landscape Study and Plan April 2008

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PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS – PHILLIPS MARLER

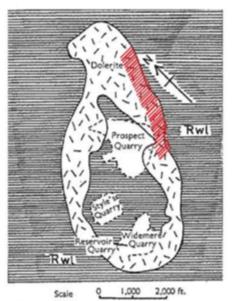


In 1836, Nelson Simmons Lawson inherited 75 acres to the east of Veteran Hall from his father, William Lawson. He too increased his land holdings to 475 acres by buying surrounding grants and named the estate Greystanes. 'Grey Stanes' is a Scottish term meaning 'grey stones' in response to the basalt outcrops found on Prospect Hill and reflecting Lawson's heritage. He built Greystanes House on the slopes of Prospect Hill just south of the SHR Area which was demolished in 1946, however the estates entry gates remain today. Between 1849-1936 the Greystanes Estate passed through the ownership and occupancy of several pioneering families

Industrial Development

It wasn't until the construction of Prospect Reservoir to the west of SHR Area in 1880 that the first major excavation of stone (basalt) began, although dolerite had previously been extracted to pave roads. Given the underlying geology of Prospect Hill in conjunction with the advancement of quarrying technology and access (rail and roads) a number of quarries were established, drastically changing the landscape in the area. Quarries and mining companies were bought and sold, company names changed and mergers occurred over the ensuing years between the four main established quarries including: Prospect, Widemere, Styles and Reservoir.

Some mining companies leased land from Government while others purchased the property from which they quarried, such as NSW Blue Metal Company (becomes BMI – Blue Metal Industries in 1978) who in 1936 bought Greystanes Estate. This company flourished as one of the largest quarries within the region, supplying aggregate and bituminous pavements for roads and other major structures around Sydney. In 1982 Boral Ltd acquired BMI which proved a significant move for its growth and future development, attaining the leading market position in building and construction materials. As the quarry neared the end of its economic growth after 100 years, Boral conducted an Asset Review of its landholdings (330 hectares) in 1998 with a view for future development of its site.



Prospect HII SHR Area

Industrial Development Location of the four Quarries at Prospect

Ref: Conybeare Morrison 2005, Prospect Hill, CMP

Prospect Hill Heritage Landscape Study and Plan April 2008



Agricultural Development

In addition to the quarry activities in the area, Prospect had also been used for agricultural and pastoral purposes since the early land grants given to ex-convicts. The Council for Scientific and Industrial Research Organisation (CSIRO) who were established in 1926 and responsible for research into the fields of primary, secondary and tertiary industry were in need of a rural laboratory complex and field station. Suitable land (48 hectares) was chosen at Prospect including the North Eastern corner of the SHR Area to conduct research into sheep, wool and improving the productivity / fertility of animals. Prior to the Commonwealth purchasing the site in 1947, the land had passed through various ownerships, from the original land grants, to surviving family members, quarry companies and the United States Military who briefly established a military camp in the closing years of WWII. In 2000, CSIRO decided to relocate all their research activities to other sites they owned. During CSIRO's 50 years of operation and ownership at Prospect, numerous scientific achievements were achieved in addition to the erection of 40 buildings (offices and laboratories) to the north western portion of the site and the creation of an artificial lake from the damming of Greystanes Creek.

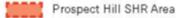
Today

In 1999, the State Government adopted State
Environment Planning Policy 59 which rezoned a number
of land holdings across Western Sydney for employment
and residential purposes including the Greystanes
Estate owned by Boral and the CSIRO lands. The
Prospect Hill SHR Area was predominantly designated as
public open space as part of the precinct plans for the
development of the SEPP 59 lands and is listed as an
item of State Significance (NSW Heritage Act 1977). The
redevelopment of these sites is currently in progress, the
extent to which will be discussed in the following pages.



Agricultural Development Outline of original Land Grants at the Former CSIRO site

Ref: Conybeare Morrison, 2005, Prospect Hill CMP



Prospect Hill Heritage Landscape Study and Plan April 2008



Expedition party led by Captain Arthur Phillip come across Prospect Hill en route to the Blue Mountains in search of more fertile land. Prospect Hill becomes a landmark reference point. Governor Phillip begins to settle time-expired convicts on 30 acre grants encircling Prospect Hill (east and south). Natural vegetation begins to be cleared for farming. Organised Aboriginal resistance to settlers commences. Aboriginal resistance leader, Pemulwuy of the Bediagal clan shot and killed. Reconciliation conference between local Aboriginal representatives and settlers led to the end of the conflicts. Aboriginal clans now under government protection. Reconciliation conference between local Aboriginal representatives and settlers led to the end of the conflicts. Aboriginal clans now under government protection. Reconciliation conference between local Aboriginal representatives and settlers led to the end of the conflicts. Aboriginal clans now under government protection. Reconciliation conference between local Aboriginal representatives and settlers led to the end of the conflicts. Aboriginal clans now under government protection. Reconciliation conference between local Aboriginal representatives and settlers led to the end of the conflicts. Aboriginal clans now under government protection. Reconciliation conference between local Aboriginal representatives and settlers led to the end of the conflicts. Aboriginal resistance to settlers and settlers led to the end of the conflicts. Reconciliation conference between local Aboriginal representatives and settlers led to the end of the conflicts. Reconciliation conference between local Aboriginal representatives and settlers led to the end of the conflicts. Reconciliation conference between local Aboriginal representatives and settlers led to the end of the end of the conflicts. Reconciliation conference between local Aboriginal representatives and settlers led to the end of the end of the conflicts. Reconciliation conference between local Aboriginal representati			
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Boral Limited acquire BMI, which proves a significant move for its growth and future development, attaining the leading market position in building and construction materials.			
1990 A portion of CSIRO's site (north) resumed for the construction of the M4 motorway.			
Prospect Hill listed on the Holroyd Local Environment Plan (Schedule 1 Heritage Items, Item No.69) and Holroyd Development Control Plan (No. 39 Heritage)			
Boral conducts an Asset Review of its landholdings (330 hectares) with a view to future redevelopment of the site as the quarry nears the end of its economic life after 100 years.			
State Government adopts State Environmental Planning Policy No. 59 which rezones Greystanes Estate owned by Boral and CSIRO lands for Employment and Residential Redevelopment.			
2000 CSIRO relocate research activities to other sites and sell their land holdings to Stockland Corporation who commence residential redevelopment.			
Boral Ltd. sell part of their Greystanes employment redevelopment project to Macquarie Goodman (1: hectares) and National Australia Bank Super Fund (5 hectares). Begin residential redevelopment in conjunction with Delfin Lend Lease (DLL). Deed of agreement between Boral and DLL signed August 2002.			
2003 Amendment to SEPP 59 which rezoned western portion of CSIRO land from Employment Lands Residential lands			

Prospect Hill Heritage Landscape Study and Plan April 2008

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PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER



F PLANNING CONTEXT

F.1 Commonwealth legislation

Native Title Act 1993

Native title may exist in places where native and indigenous people continue to follow their traditional laws and customs and have maintained a link to their country, and where it has not been extinguished or refused recognition because of acts done or allowed by government.

Native title may exist on vacant Crown land, or beaches, oceans, seas, reefs, rivers, creeks, swamps and other waters that are not privately owned.

This Act provides for the recognition and protection of native title, and establishes a mechanism for determining claims for native title.

Where a development is proposed native title should be investigated before the proposal proceeds.

Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is a legal framework to protect and manage nationally and internationally important flora and fauna, ecological communities and heritage places that are defined in the Act as matters of national environmental significance.

The Cumberland Plain Moist Shale Woodlands and Shale-Gravel Transition Forest is listed as a threatened ecological community under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999.*

Under this legislation any works and activities within Prospect Hill that have, may have or are likely to have a significant impact on matters of national significance are subject to strict controls. Any such works and activities require approval from the Federal Minister for the Environment, separate from and in addition to any State approvals required.

Disability Discrimination Act 1992

The Disability Discrimination Act 1992 is a Commonwealth Act that aims to eliminate, as far as possible, discrimination against people with disabilities in many areas, including access to premises. The Act also aims to promote recognition and acceptance in the community that people with disabilities have the same fundamental rights as the rest of the community.

The Act covers a range of areas including sport and recreation, and access to premises. The Act requires that people be able to access any building which the public is entitled to enter or use through the primary entrance used by the general public. It further requires that people should have access to any services and facilities provided in those buildings.

The NSW Anti-Discrimination Act 1997 also makes it unlawful to discriminate on the ground of disability.

F.2 State government legislation

Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EPA Act) establishes the statutory planning framework for environmental and land use planning in NSW through State Environmental Planning



Policies (SEPPs), Regional Environmental Plans (REPs) – now deemed SEPPS – and Local Environmental Plans (LEPs). The EPA Act also sets out processes for approving development applications for structures and works on public and private land in the Cumberland local government area.

State Environmental Planning Policy 19 – Bushland in Urban Areas

The Environmental Planning and Assessment Act 1979 made provision for the preparation of the State Environmental Planning Policy No. 19-Bushland in Urban Areas, in 1986.

While large tracts of land have been set aside on the outskirts of Sydney in National Parks, concern has been expressed at the decline in both quality and quantity of bushland in the Sydney Metropolitan Area. It is fortunate that a small portion of Sydney's natural bushland has been retained on public open space. SEPP 19 was designed to ensure that these areas are protected and preserved, and further urban bushland areas are retained in the Sydney Region. The Policy does not apply to land administered by the National Parks and Wildlife Service, State Forests of NSW, other statutory authorities, or privately owned bushland.

Under SEPP 19, bushland means land on which there is vegetation that is either a remainder of the natural vegetation of the land, or, if altered, is still representative of the structure and floristics of the natural vegetation. Section 8 of SEPP 19 applies to bushland zoned or reserved for public open space.

SEPP 19 generally aims to protect and preserve bushland in urban areas because of its natural heritage value, aesthetic value, and value as a recreational, educational and scientific resource.

The specific aims of SEPP 19 are to:

- protect the remnants of plant communities which were once characteristic of land now within an
 urban area.
- Retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term.
- Protect rare and endangered flora and fauna species.
- Protect habitats for native flora and fauna.
- Protect wildlife corridors and vegetation links with other nearby bushland.
- Protect bushland as a natural stabiliser of the soil surface.
- Protect bushland for its scenic value and to retain the unique visual identity of the landscape.
- Protect significant geological features.
- Protect existing landforms, such as natural drainage lines, watercourses and foreshores.
- Protect archaeological relics.
- Protect the recreational potential of bushland.
- Protect the educational potential of bushland.
- Maintain bushland in locations which are readily accessible to the community.
- Promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.

SEPP 19 states that Plans of Management shall be consistent with the aims of the Policy. In respect of the bushland to which it applies, a Plan of Management should describe and analyse the bushland, and specify measures to be taken to:

	implement the specific aims of the Policy.
	enable recreational use of the bushland.
J	reduce hazard from bushfire.

PROSPECT HILL PLAN OF MANAGEMENT PARKLAND PLANNERS - PHILLIPS MARLER



prevent degradation of bushland.
restore and regenerate degraded areas of bushland.

SEPP 19 also sets out matters that a consent authority must consider when assessing development within areas zoned for urban bushland or in an adjoining area.

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

The SEPP – Vegetation in Non-Rural Areas 2017 regulates clearing of native vegetation in urban local government areas, as well as urban environmental zones across the state, where clearing does not otherwise require development consent under the EPA Act.

State Environmental Planning Policy (Western Sydney Employment Area) 2009

Clause 19 states that as part of the study area is included in the Former CSIRO Site, Pemulwuy Employment Land Precinct Plan 2005 Cumberland Council as the consent authority must take the precinct plan into consideration when granting consent for development on land to which the SEPP applies.

Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* ensures a balanced approach to land management and biodiversity conservation in NSW, including ways to assess and manage the biodiversity impacts of development, a new State Environmental Planning Policy for impacts on native vegetation in urban areas, and a risk-based system for regulating human and business interactions with native plants and animals.

Protection of the Environment Operations Act 1997

This act aims to protect the environment in New South Wales from air, water and noise pollution through implementation of policies, licences, audits, notices and conditions.

Companion Animals Act 1998

The Companion Animals Act 1998 aims to promote responsible animal ownership in NSW. Under the Act, dogs in public places must be on a lead under the effective control of a competent person, except in a declared off-leash area. Dogs are prohibited within 10 metres of children's play areas, food preparation / consumption areas, and recreation areas where dogs are prohibited by the local authority. If a dog defecates in a public place, the dog owner must remove and dispose of it in a rubbish receptacle. The Act also outlines restrictions on domestic cats.

Noxious Weeds Act 1993

The Noxious Weeds Act 1993 allows for an invasive plant which has a detrimental impact on human or animal heath, the environment, or agriculture to be declared noxious. The main intent of the Act is to restrict the spread of weeds and to protect landholders from weed invasion.

Weeds may be declared noxious within a specific local government area, or across New South Wales. The decision to declare a plant as a weed can be revised as weed categories change over time.

Under the Act Cumberland Council is authorised to require land occupiers to control noxious weeds on a property. When an occupier fails to control weeds, Council may issue a notice for control of the weed. If an occupier fails to comply with the notice, Council may enter the property and destroy the weeds. Council may also issue a penalty notice or prosecution for offences under the Act.





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LPP003/24 – Attachment 5 Page 609

DOCUMENTS ASSOCIATED WITH REPORT LPP003/24

Attachment 6

Appendix A - State Environmental Planning Policy (Industry and Employment) 2021 Assessment Table



Appendix A State Environmental Planning Policy (Industry and Employment) 2021 Chapter 2 - Western Sydney Employment Area (Covers the land parcels affected by the relevant provisions)

Clause	Provision	Discussion
2.1	Aims of Chapter	It is considered that Objectives (e) and
	(1) This Chapter aims to protect and	(f) are complied with for the purpose of
	enhance the land to which this	the development application.
	Chapter applies (the Western	
	Sydney Employment Area) for	
	employment purposes.	
	(2) The particular aims of this Chapter	
	are as follows—	
	a) to promote economic	
	development and the creation of	
	employment in the Western	
	Sydney Employment Area by	
	providing for development	
	including major warehousing,	
	distribution, freight transport,	
	industrial, high technology and	
	research facilities,	
	b) to provide for the co-ordinated	
	planning and development of land	
	in the Western Sydney	
	Employment Area,	
	c) to rezone land for employment,	
	environmental conservation or	
	recreation purposes,	
	d) to improve certainty and	
	regulatory efficiency by providing	
	a consistent planning regime for	
	future development and	
	infrastructure provision in the	
	Western Sydney Employment	
	Area,	
	e) to ensure that development	
	occurs in a logical,	
	environmentally sensitive and	
	cost-effective manner and only	
	after a development control	
	plan (including specific	
	development controls) has	
	been prepared for the land	
	concerned,	
	f) to conserve and rehabilitate	
	areas that have a high	
	biodiversity or heritage or	



	areas of remnant vegetation. Land to which Chapter applies 1) Except as provided in subsection (2), this Chapter applies to the land identified on the Land Application Map. 2) This Chapter does not apply to the land marked "X" that is within the boundary of the land identified on the Land Application Map as the Broader Western Sydney Employment Area. Note—	The site the subject of the works is located within Precinct 10 - Greystanes Northern Employment Lands.
	Note—	
	The Land Application Map shows the subject land divided into the following precincts— a) Precinct 1 (Former Wonderland), b) Precinct 2 (Eastern Creek), c) Precinct 3 (Huntingwood), d) Precinct 4 (Raceway), e) Precinct 6 (Ropes Creek), f) Precinct 7 (Erskine Park Employment Lands), g) Precinct 8 (South of Sydney Catchment Authority Warragamba Pipelines), h) Precinct 9 (Quarantine Station), i) Precinct 10 (Greystanes Northern Employment Lands), j) Precinct 11 (Broader Western Sydney Employment Area), k) Precinct 12 (Mamre Road),	
2.4	Consent authority For the purposes of this Chapter, the consent authority for development of land to which this Chapter applies is, subject to the Act, the council (referred to in this Chapter as the relevant council) of the local government area in which the land is situated. Note— The approval of the Minister may also be required for the carrying out of development that is State significant	It is identified that the consent authority will be the Cumberland Local Planning Panel on the grounds that the development is occurring across Council owned and managed land.



development

Land use zones

The land use zones under this Chapter are as follows—

(a) IN1 General Industrial,

- (b) IN2 Light Industrial,
- (c) E2 Environmental Conservation,
- (d) SP2 Infrastructure,
- (e) RE1 Public Recreation,
- (f) RE2 Private Recreation.

2.10 Zone IN1 General Industrial 1 Objectives of zone

- To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space.
- To encourage employment opportunities along motorway corridors, including the M7 and M4.
- To minimise any adverse effect of industry on other land uses.
- To facilitate road network links to the M7 and M4 Motorways.
- To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment.
- To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employmentgenerating uses in the zone.

2 Permitted without consent Nil.

3 Permitted with consent

Building identification signs; Business identification signs; Depots; Environmental facilities; Environmental protection works; Food and drink premises; Freight transport facilities; Garden centres; Hardware and building supplies; Industrial retail outlets; Industrial training facilities;

purpose of Chapter 2.

The proposed development does not have any adverse impacts when considered against the relevant objectives.

The proposed development is considered to be a recreation area defined as a recreation area:

A recreation area is defined as:

"a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like, and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor)".

A recreation area is permitted with consent within the IN1 General Industrial zone under the planning instrument.



Industries (other than offensive or hazardous industries);
Neighbourhood shops; Places of public worship; Recreation areas;
Recreation facilities (indoor); Roads;
Service stations; Storage premises;
Transport depots; Truck depots;
Vehicle body repair workshops;
Vehicle repair stations; Warehouse or distribution centres.

4 Prohibited

Any development not specified in item 2 or 3.

2.19 Part 2.4 Principal Development Standards

Ecologically sustainable development

The consent authority must not grant consent to development on land to which this Chapter applies unless it is satisfied that the development contains measures designed to minimise—

- (a) the consumption of potable water, and
- (b) greenhouse gas emissions.

Public utility infrastructure

2.24

- (1) The consent authority must not grant consent to development on land to which this Chapter applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) In this section, public utility infrastructure includes infrastructure for any of the following—
 - (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the supply of natural gas,
 - (d) the disposal and management of sewage.

There are no concerns or issues in relation to compliance with Clause 2.19.

The development application is impacting associated easements within the site. The development has been referred to Endeavour Energy with advice to the effect that:

- The development is supported.
- Conditions are provided.
- The issues associated with the easements are capable of being addressed via conditions.



Part 2.30	(3) This section does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this section. Design principles In determining a development application that relates to land to which this Chapter applies, the consent authority must take into consideration whether or not— (a) the development is of a high	It is considered that the various works are complaint with Part 2.30.
	quality design, and (b) a variety of materials and external finishes for the external facades are incorporated, and (c) high quality landscaping is provided, and (d) the scale and character of the development is compatible with other employment-generating development in the precinct concerned.	
2.31	Preservation of trees or vegetation The amenity of the area must be preserved through the preservation of trees and other trees. This section applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this section by a development control plan made under Division 3.6 of the Act.	There are trees being removed to facilitate the development from the site but these are generally small or not native to the locality.
2.40	Earthworks Earthworks must not have detrimental impact upon the environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The consent authority must consider the effects of the earthworks upon and off the site, drainage patterns, catchments and heritage items.	Earthworks will be undertaken across the site and there is a requirement for cut and fill works. Earthworks will be required for the paths, stairs and lookout. The relevant reports have been assessed by the referral bodies with the development being assessed as being acceptable for the site.



2.42 Heritage Conservation

- Objectives The objectives of this section are as follows—
- a) to conserve the environmental heritage of the Western Sydney Employment Area,
- b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.
- c) to conserve archaeological sites,
- d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Development consent is required for any work on a heritage item or Aboriginal artefact.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this section 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 subsection applies regardless of whether a heritage management document is prepared under subsection (5) or a heritage conservation management plan is submitted under subsection (6).

- (5) **Heritage** assessment The consent authority may, before granting consent to development—
 - a) on land on which a heritage item is located, or
 - b) on land that is within a heritage conservation area, or
 - on land that is within the vicinity of land referred to in paragraph
 (a) or (b), require a heritage management document to be prepared that assesses the

The development application was initially considered as being Integrated Development and requiring a General Terms of Approval pursuant to Section 90 of the National Parks and Wildlife Act and Section 58 of the Heritage Act 1977.

As per correspondence of Friday 22 December 2023, there is no harm to Aboriginal objects arising from the development and an Aboriginal Heritage Impact Permit is not required. The development is not integrated development and no general terms of approval is required. However general conditions are provided for any consent that may be issued.



extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

- (7) Archaeological sites The consent authority must, before granting consent under this section to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)—
 - (a) notify the Heritage Council of its intention to grant consent, and
 - (b) take into consideration a response received from the Heritage Council within 28 days after the notice is sent.
- (8) Aboriginal places of heritage significance The consent authority must, before granting consent under this section to the carrying out of development in an Aboriginal place of heritage significance—
 - (a) consider the effect of the proposed development on the heritage significance of the place and an Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
 - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration a response received within 28 days after the notice is sent.
- (10) Conservation incentives The consent authority may grant consent



to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Chapter, if the consent authority is satisfied that—

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have a significant adverse effect on the amenity of the surrounding area.

2.44 Stormwater water quality and water sensitive design

(1) The objective of this section is to avoid or minimise the adverse impacts of stormwater on the land on which development is to be carried out, adjoining properties, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems.

Council's Drainage and Development Engineers has assessed the stormwater plans as being satisfactory subject to conditions.



- (2) Before granting development consent to development on land to which this Chapter applies, the consent authority must take into consideration whether—
 - (a) water sensitive design principles are incorporated into the design of the development, and
 - (b) riparian, stormwater and flooding measures are integrated, and
 - stormwater management (c) the system includes all reasonable management actions to avoid adverse impacts on the land to which the development is to be carried out, adjoining properties, riparian land, bushland, native waterways. groundwater dependent ecosystems and groundwater systems, and
 - (d) if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, riparian land, native bushland, waterways, groundwater dependent ecosystems and groundwater systems, and
 - (e) the development will have an adverse impact on—
 - (i) the water quality or quantity in a waterway, including the water entering the waterway, and
 - (ii) the natural flow regime, including groundwater flows to a waterway, and
 - (iii) the aquatic environment and riparian land (including aquatic and riparian species, communities, populations and habitats), and
 - (iv) the stability of the bed, banks and shore of a waterway, and
 - (f) the development includes measures to retain, rehabilitate and restore riparian land.
- (3) For the purposes of subsection (2)(a), the water sensitive design principles are as follows—



- (a) protection and enhancement of water quality, by improving the quality of stormwater runoff from catchments,
- (b) minimisation of harmful impacts of development on water balance and on surface and groundwater flow regimes,
- (c) integration of stormwater management systems into the landscape in a manner that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space, habitat improvement and recreational and visual amenity,
- (d) retention, where practical, of onsite stormwater for use as an alternative supply to mains water, groundwater or river water.

DOCUMENTS ASSOCIATED WITH REPORT LPP003/24

Attachment 7

Appendix B - Cumberland Local Environmental Plan 2021 Assessment Table



APPENDIX B Cumberland Local Environmental Plan 2021

Clause	Provision	Discussion
1.2	Aims of Plan	It is identified that the proposed
		development is acceptable under the
	(1) This Plan aims to make local	heading and the following subclauses:
	environmental planning provisions for	Cubalance 2/h)
	land in Cumberland in accordance with the relevant standard	Subclause 2(b). Subclause 2(d).
	environmental planning instrument	
	under section 3.20 of the Act.	Cubolause 2(c).
		It is also identified that the development
		is consistent with the 2019 Prospect Hill
		Plan of Management which supports
		the construction of a lookout at the
• •	Zana Objectives and Land Has	location.
2.3	Zone Objectives and Land Use Table	The development is compliant with all the stated objectives of both zones
	10010	given the works that are planned to
	There are two zones and two sets of	occur being a lookout and associated
	objectives applying to the site being:	works.
	Zone CO Endommental Bustonia	
	Zone C2 Environmental Protection objectives	
	<u>objectives</u>	
	To protect, manage and restore	
	areas of high ecological, scientific,	
	cultural or aesthetic values.	
	 To prevent development that 	
	could destroy, damage or	
	otherwise have an adverse effect on those values.	
	on those values.	
	Zone RE1 objectives	
	To enable land to be used for	
	public open space or recreation	
	purposes.To provide a range of recreational	
	settings and activities and	
	compatible land uses.	
	• To protect and enhance the	
	natural environment for	
	recreational purposes.	The assessed development to 1.5
	Permissibility	The proposed development is defined as a Recreation Area.
	Zone C2 - Environmental Protection.	as a Necreation Area.
	25.70 OZ ZITATIOTITIOTICAL I TOGOGOTI.	A recreation area is defined as:



Zone RE1 - Public Recreation zone. recreation area means a place used for outdoor recreation that is normally open to the public, and includes-(a) a children's playground, or (b) an area used for community sporting activities, or (c) a public park, reserve or garden or the like, and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor). A "recreation area" is permissible with consent within both the C2 Environmental protection RE1 and Public Recreation zone. 2.4 **Unzoned land** A small portion of land on Lot 202 in DP 1121844 does not have any zoning (1) Development may be carried out on under any planning instrument with the unzoned land only area affected by between 48 and 60 development consent. square metres. Given the wording of (2) In deciding whether to grant Clause 2.4, Council officers may development consent, the consent consider the development across the authority affected area under Subclause 2(a) and and apply the provisions (a) must consider whether accordingly as part of the assessment. the development will impact adjoining zoned land and, if so, Given that permissibility has been consider the objectives for established across all 4 allotments, it is development in the zones of the considered that permissibility may be established for that part of the land that adjoining land, and (b) must be satisfied that the is not zoned. development is appropriate and is compatible with permissible land It is also identified that the proposed consistent uses in any such adjoining land. development is Subclause 2(a) and 2(b) on the grounds that: The land that is not zoned is fully surrounded by land that is and permissibility of the development is established across all the identified land parcels. The development as a lookout is compatible with the Plan

LPP003/24 – Attachment 7 Page 626

Management applying to the site.



4.3 Height of Buildings (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. The height of a building is not specified. 4.4 Floor Space Ratio (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. The maximum floor space ratio for a building on the site is not specified. 4.6 Exceptions to development standards (3) Development consent must not be granted for 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.	
(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. The height of a building is not specified. Floor Space Ratio (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. The maximum floor space ratio for a building on the site is not specified. Exceptions to development standards (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.	location of the site is suitable appropriate for a lookout with imal or no impact across the nediate locality.
(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The height of a building is not specified. 4.4 Floor Space Ratio (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. The maximum floor space ratio for a building on the site is not specified. 4.6 Exceptions to development standards (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.	is no height limit placed across and affected by the Cumberland
Height of Buildings Map. The height of a building is not specified. 4.4 Floor Space Ratio (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. The maximum floor space ratio for a building on the site is not specified. 4.6 Exceptions to development standards (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 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.	Environmental Plan 2021.
4.4 Floor Space Ratio (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. The maximum floor space ratio for a building on the site is not specified. 4.6 Exceptions to development standards (3) Development consent must not be granted for 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 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.	r, no building is proposed. There concerns raised in relation to g height.
is not rewithin to a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The maximum floor space ratio for a building on the site is not specified. 4.6 Exceptions to development standards (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.	
a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. The maximum floor space ratio for a building on the site is not specified. Exceptions to development standards (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.	atter concerning floor space ratio required to be assessed for land
4.6 Exceptions to development standards (3) Development consent must not be granted for 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 by demonstrating: (a) that compliance with the development or unnecessary in the circumstances of the case, and (b) that there are sufficient environmental planning grounds to justify contravening the development standard.	the C2 and RE1 zone.
4.6 Exceptions to development standards (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.	
 (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. 	se 4.6 Variation is not required the concept development ation.
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.	
•	and is not earmarked to be
shows	no future land acquisition for the adjoining sites.
5.10 Heritage Conservation (5) Heritage assessment. The F signification combination combination in the F signification combination combina	Prospect Hill area has state



granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

- (7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act applies)—
- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

and association with important historical phases. As a dolerite outcrop rising to a height of 112 metres above sea level, Prospect Hill is a rare geological and significant topographic feature providing expansive views across the Cumberland Plain.

The site is significant as a major reference point for early explorers from 1788, and as the site of the earliest farms in New South Wales, which were established in 1791 (Higginbotham, 2000).

Prospect Hill is also associated with Aboriginal frontier warfare during the early days of the colony, and as the site of one of the first Aboriginal/European reconciliation meetings held in 1805 involving Samuel Marsden and Prospect Aboriginal groups (Flynn 1997).

Through its ongoing pastoral and rural use, the site has the potential to provide archaeological evidence of early farming practice and settlement (Higginbotham 2000).

The landscape of Prospect Hill is likely to be one of the only remaining areas of rural land within the local and regional area that has retained its long term pastoral use since the earliest days of the colony.

The Statement of Heritage Report prepared by APEX Archaeology dated June 2023 identifies that the development:

- Will not include demolition of any state heritage listed items within the study area.
- No fabric of significance or elements of landscape value will be removed.



- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
 - The proposed works will improve the visitor experience to Prospect Hill and provide safe, appropriate locations for cultural events including annual Reconciliation Day events and cultural performances.
 - The works area is located within a highly disturbed area and is unlikely to impact on archaeological deposits within the site.
 - All works are sited below the peak of the ridgeline to ensure no change occurs to the skyline formed by Prospect Hill, preserving views and vistas towards the hill from the surrounding area.
 - All new elements proposed will be of a high quality and have been designed to be sympathetic to the significance of Prospect Hill.
 - The proposed works are unlikely to impact on any significant native vegetation due to the high levels of disturbance present within the area and historical vegetation clearing.
 - The proposed works acknowledge the significance of the site to Aboriginal people in relation to Pemulwuy, who "united the tribes" which resulted in the Reconciliation meeting of 1805 and a cessation of hostilities between the Aboriginal communities and colonists around Parramatta and Prospect Hill.

The report makes the following two recommendations:

 An application for a Section 60 approval should be made to Heritage NSW prior to the commencement of the proposed Stage 1 works. The permit must be determined prior to any impact on site.



 Following the issue of a Section 60 approval, works on site should be undertaken in accordance with the methodologies included in this SoHI and any conditions of the approved permit.

The development application was initially considered as being Integrated Development and requiring a General Terms of Approval pursuant to Section 90 of the National Parks and Wildlife Act and Section 58 of the Heritage Act 1977.

As per correspondence of Friday 22 December 2023, there is no harm to Aboriginal objects arising from the development and an Aboriginal Heritage Impact Permit is not required. The development is not integrated development and no general terms of approval is required.

However general conditions are provided for any consent that may be issued. The conditions provided do not require a Section 60 Permit for the proposed works.

As such, the conditions provided by the Heritage Office will suffice for the development.

The development application has also been passed to:

- Council's Aboriginal Engagement and Programs Officer for assessment and referral to ATSIC Committees for assessment of Aboriginal importance.
- Cumberland Local Heritage Committee.

As per advice received:



		 Council's Aboriginal Engagement and Programs Officer has supported the development without the need for conditions.
		 The Cumberland Local Heritage Committee has raised no concerns to the development.
5.21	Flood planning	The site is not subject to flooding.
	(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the	However, the site is situated on the summit or crest of a hill and works occurring at this level has potential to impact areas lower down.
	(a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the	As such, detailed soil erosion and sedimentation plans have been submitted for assessment to ensure that catchments lower down on the hill are not adversely affected by the works that occur across the summit of Prospect Hill.

environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or

(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following

(a) the impact of the development on projected changes to flood behaviour as a result of climate

watercourses.

matters-



	change,	
	Change,	
	(b) the intended design and scale of buildings resulting from the development,	
	(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,	
	(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.	
6.2	Earthworks	Earthworks are required across the site
6.2	(3) Before granting development consent for earthworks, the consent authority must consider the following matters: (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or of the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	to facilitate the development. Excavation work is required for the following: Paths, steps and lookout. New landscaping. Development of the events area. Earthworks are limited to these areas. Excessive earthworks and deep excavation work is not required. Detailed soil erosion and sedimentation plans have been submitted for assessment to ensure that areas and drainage lines lower down on the hill are not adversely affected by the works that occur across the summit of Prospect Hill.
	(h) appropriate measures proposed to	
	avoid, minimise or mitigate the impacts of the development.	
6.4	Essential Services	The development will create very
	(1) Development consent must not be granted to development unless the	limited demands on infrastructure and services.
	g.aa to development amous the	



consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been make to make them available when required:

- a) the supply of water,
- b) the supply of electricity,
- the disposal and management of sewage,
- d) stormwater drainage or on-site conservation,
- e) suitable vehicular access.

6.12 Urban Heat

In deciding whether to grant development consent for the purposes of commercial premises, industries or residential accommodation, the consent authority must consider whether—

- (a) the facade and roof of the proposed building and paved surfaces are designed to reduce adverse effects of solar heat on the surrounding land, including private open space and the public domain, and
- (b) the awnings and eaves of the building are designed to provide shelter from the sun and improve public comfort at street level, and
- (c) the heating, ventilation and air conditioning systems of the building are designed to minimise the release of heat in the direction of private open space and the public domain, and
- (d) the development maximises the use of green infrastructure that is strategically designed and managed to support a good quality of life in an urban environment, and
- (e) the development accommodates

The development has been referred to Endeavour Energy with advice to the effect that:

- The development is supported.
- Conditions are provided.
- The issues associated with the easements are capable of being addressed via conditions.

The applicant has been provided a copy of the correspondence provided and has requested that the issues raised be addressed via conditions.

There are no specific concerns raised in relation to urban heat given location given that no building will be constructed.

New landscaping and the planting of new trees will be occurring which in turn will improve the general locality. The degree of landscaping is supported for the hill that presently lacks suitable shad trees.

LPP003/24 – Attachment 7





sufficient tree canopy, open space and deep soil zones to achieve urban cooling benefits, and	
(f) the building is designed to achieve high passive thermal performance.	

DOCUMENTS ASSOCIATED WITH REPORT LPP003/24

Attachment 8

Appendix C - Cumberland Development Control Plan 2021 Assessment Table

Yes



APPENDIX B CUMBERLAND DEVELOPMENT CONTROL PLAN 2021 Assessment Table

Chapter F1 - Precinct and Site Specific Development Controls Part F1-14 Pemulway Residential

(Only where relevant given the type of development proposed and location)

The eastern part of the development site is identified as being with the Pemulway South Sub Precinct and as such, the provisions as relevant will only apply to part of the development site. Part 2.2 O7 Allow for local open space It is considered that the that is accessible and well General relevant objective stated **Objectives** located, that promotes the use is complied with given the and enjoyment of local open development that space for both residents and proposed. the workforce, that may include elements of the natural environment, and that provides for active and passive

3.1 Public open space Controls

recreation.

Locate parks to achieve views from and towards Prospect Hill.

Locate parks for the amenity of the residents and to be easily accessed. Design parks for the site appropriate to their place and role. Design open spaces which:

- are generally edged by streets. Where this does not occur, the public/private interface shall be suitably delineated.
- are within an easy 5 minute walk from most residences.
- are well distributed and part of a public domain network.
- provide a distinctive focus for local neighbourhoods.
- allow for a range of passive recreational activities.
- are part of a hierarchical public domain network of parks and streets which interpret

The proposed lookout and associated infrastructure is consistent with the Plan of Management applying to the whole site.

Based upon all the referrals received, the development is compliant with the stated provisions.

Page 1 of 17



	points of difference within the site, related to topography, site features, orientation, and aspect; and • may be reinforced with associated community facilities. Landscape open space areas using anti-graffiti treatment and materials, including wall treatment to masonry surfaces.		
3.12 Trees and ecological habitats	Manage trees in accordance with Part G of this DCP. Ensure that the tree network and structure will provide a coherent wildlife corridor throughout the site from adjacent sites. Retain existing healthy trees unless there are clearly justifiable reasons for their removal and alternatives have been considered (see Part G). Retain where possible existing trees consist with Figure 1 (Pemulwuy South) and Figure 2 (Pemulwuy north), subject to future detailed design. With regard to the latter and in the interest of the development generally, retain as many trees as possible under the direction of a qualified arborist. Retain where possible trees located in areas depicted as public open space, especially where species from the Cumberland Plain Woodland and Sydney Coastal River Flat Forrest suite of species are to be preserved and augmented. For example, stands or groups of trees are located predominantly around the existing creek line, and are to be retained as part of the riparian zone adjacent to the creek where possible. Wherever possible, to use correct genotypes and collect	The development application has been assessed as being satisfactory Tree Management Officers.	Yes

Page 2 of 17



seed from the local trees. This applies throughout the public domain. In some locations, exotic species can be used for landscape accent and shade. Clear weeds and non-natives as part of a program to reestablish native plants.

Retain and add to existing trees on Prospect Hill, consistent with the Prospect Hill Conservation Management Plan, thereby forming large stands of trees to provide a visual buffer to development when viewed from the top of Prospect Hill.

Replace the predominant pine forestation of Pemulwuy with native planting. Preserve and protect any scarred tree located in Pemulwuy, in consultation with Aboriginal / Archaeological advice. Ensure tree species selection is consistent with Figure 1 (Pemulwuy North) and Figure 2 (Pemulwuy South).

Ensure that the hierarchy of street trees reflect the scale of the streets, design intent, safe usage of trees and building size. Retain scattered trees of landscape and ecological value in the private domain.

Apply the following process for tree selection and establishment for the site, whichever is the lesser:

select the most appropriate tree species based on the suitability of the site; in particular, species which are resilient to storm damage (given appropriate establishment and maintenance);



	 ensure that tree plantings mature with the highest possible root and structural strength by appropriate plant selection, procurement, site preparation, establishment and maintenance; and design the public domain to incorporate sufficient space to allow for tree establishment, where proposed. This includes the provision for the development of deep structural roots. Manage retained native trees within the public domain by integrating periodic hazard assessment (undertaken by a qualified arborist) with the implementation of appropriate arboricultural treatments to maintain tree hazard at acceptable levels. Ensure frequency of hazard assessments is 12 monthly or at a time when significant changes in the use of the site are proposed, whichever the lesser. 		
3.1.3 Prospect Hill State Heritage Register	Retain the open grass hill character as open space and preserve the distinctive ridgeline. Consult with local community groups to ensure that the future proposal reflects the historical relevance of the past. Because the topography of the ridgeline lends itself to prime viewing, to locate these within the pedestrian network, consistent with the Prospect Hill Heritage Landscape Study and Plan and the Prospect Hill Heritage Interpretation Plan controls.	The development is consistent with the relevant objectives stated and consistent with the relevant planning controls. The development is also consistent with the Plan of Management that applies to the development site.	Yes

Page 4 of 17



	Ensure all development within Prospect Hill is informed by the following documents: • Prospect Hill Conservation Management Plan (Conybeare Morrison; 2005). • Prospect Hill Heritage Landscape Study and Plan (NSW Government Architect's Office; 2008). Prospect Hill Heritage Interpretation Plan (MUSEcape; 2009).		
Prospect Hill Park	The provisions under Part 3.1.4 apply to the area south of Butu Wargan Drive. As such, the provisions do not need to be considered as they are addressed under Part 3.13 above.	This is noted only.	Noted.

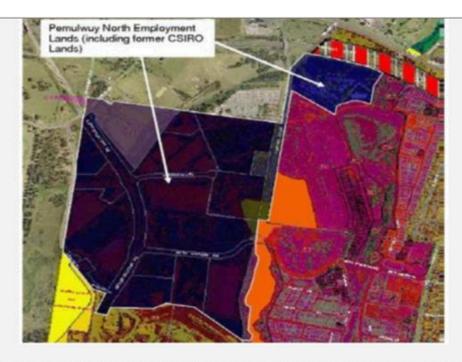
Chapter F3 - Industrial Site Specific Part F3-1 - Pemulway Northern Employment Lands

(Only where relevant given the type of development proposed and location)

Part F3-1 Pemulway Northern Employment Lands

Land to which this Part applies.

This Part relates only to the Pemulwuy North Employment Lands, the land shown in Figure 1. The entirety of the site is within Cumberland City. This DCP does not apply to the whole of the Greystanes Precinct that was defined in the State Environmental Planning Policy No. 59 - Central Western Sydney Economic and Employment Area (SEPP 59). Lands not included are: the residential land within Pemulwuy, parts of the Employment Lands in Blacktown LGA, and the 'Greystanes Southern Employment Lands' (as defined by the 20/07/2007 Part 3A Determination). Also, the southeast boundary of the former CSIRO lands has been redefined to reflect the landowners' intended uses for the lands here. Therefore, this Section of the DCP applies only to some of the employment component of the Greystanes Precinct that was defined in SEPP 59. It also includes the north-west corner industrial land (Lot 101 DP 851785I, Lot 9 DP 374325 and public road reserve) originally excluded from SEPP 59. It also includes the eastern half of Clunies Ross Street linking the two industrial lands, as this is part of the WSEA SEPP 2009 land.



As such, the provisions as relevant will only apply to part of the development based upon the mapping provided. To this effect, the provisions where relevant will only apply to the western part of the development site.

2.1	O	oie	ct	iν	e	s
		~,~	-		-	-

Objectives Achieve the principles of ESD through:

- provision of a range of new employment opportunities;
- efficient re-use of degraded land;
- proximity of local employment to workforce and the consequent benefits to the community such as reduced travel time, promotion of healthy lifestyles, reduced expenditure for transport;
- energy efficient design of employment developments;
- provision of public transport networks;
- implementation of sustainable practices, where practicable e.g. water efficiency and conservation measures to reduce water consumption, maintenance or improvement of water quality through a catchment management approach to the site and the control and

The relevant objectives Yes as highlighted in bold black are complied with.

Page 6 of 17



			1
	minimisation of air pollutant emissions;		
	efficient use of land to		
	minimise urban growth and		
	better utilise existing		
	infrastructure;		
	 promoting the use of appropriate and renewable 		
	source materials;		
	maintaining and		
	enhancing the significant		
	vegetation and habitat and protecting threatened		
	ecological communities;		
	and		
	recognising and		
	integrating significant cultural and		
	archaeological features /		
	aspects.		
	Continue existing employment;		
	Offer new job expertunities in		
	Offer new job opportunities in Western Sydney. The		
	accessibility of the site to a		
	regional road and public		
	transport network will assist in attracting new employment		
	generating industries.		
	Provide within the public		
	domain of the Pemulwuy		
	north employment lands:		
	riparian corridor;		
	water bodies;		
	 paths and cycleways; and roads. 		
Open space	C1 - Provide open space	The proposed lookout	Yes
provisions	generally in accordance with	and associated	
	the development concept set out in Figure 2. The public	landscape elements are consistent with the	
	domain should comprise:	relevant provisions	
	riparian corridor, water bodies,	stated.	
	paths and cycleways, and roads. The treatment of these		
	areas will be important in		
	creating a unique setting and		
	encouraging development		
	throughout the Estate. These areas are to be reflected in		
	subsequent development		
	CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC		

Page 7 of 17



	applications for the site and maintained as such.		
	C3 Open space may include elements of the natural environment and provide for active and passive recreation.		
	C4 - Retain and reinforce existing vegetation patterns through the Open space landscaping within public domain areas.		
	C5 - On the north-south wooded ridgeline, replace the pine plantation with new locally indigenous planting to protect the skyline.		
	C8 - Design accessible open space corridors to ensure the safety of pedestrians and cyclists using the corridors as thoroughfares.		
	C9 - Maintain and vegetate the riparian corridor in accordance with the agreement with the relevant State authority and to the satisfaction of Cumberland City Council.		
	C12 - Along the eastern ridgeline, plant to reinforce the topographical bounds of the employment area.		
2.5 Heritage	Subpart 2.5.2 - Archaeology. Protect site locations. Reflect Aboriginal occupation and history in the public areas.	The development application was initially considered as being Integrated Development and requiring a General Terms of Approval pursuant to Section 90 of	Yes
	Subpart 2.5.3 European cultural heritage. C1. Maintain the prominence of	the National Parks and Wildlife Act and Section 58 of the Heritage Act 1977.	
	Prospect Hill as a significant remnant geologic and topographic element. Site and design development so that	As per correspondence of Friday 22 December 2023, there is no harm to	

Page 8 of 17



views of the ridgeline are maintained.

C2. Maintain the views from Prospect Hill towards the Blue Mountains and St. Bartholomews, Prospect.

C3. Ensure that future use, landscape interventions. heritage interpretation and vegetation management of the Prospect Hill SHRA informed by and consistent with The Prospect Hill Conservation Management Plan (Conybeare Morrison: 2005), The Prospect Hill Heritage Landscape Study Plan (Government and Architect's Office: 2008) and the Prospect Hill Heritage Interpretation Plan 2009).

C4. Ensure that all development adjacent to the Prospect Hill State Heritage Register Area is accompanied by a Heritage Assessment with all Development Applications. The Heritage Assessment shall be in accordance with the three documents listed above under C2.

C5. In the instance where a broad Heritage Assessment of the interface between Prospect Hill State Heritage Register Area and the adjoining sites has been undertaken, submit Statement а of Environmental Effects addressing this Heritage all Assessment with Development Applications.

C6. Prepare management plans for open space and other public domain areas and identify how they will inform and educate the community and utilise the history of the site as

Aboriginal objects arising from the development and an Aboriginal Heritage Impact Permit is required. The development not integrated development and no general terms of approval is required. However general conditions are provided for any consent that may be issued.

On this basis, the development is determined as being acceptable under Part 2.5.

Page 9 of 17



	a theme of the redevelopment, using interpretative trails,		
	signage, environmental design		
2.6 Biodiversity	and other features. C1. Undertake a tree survey to identify and flag all significant trees on the site to be retained. C2. Prepare a bushland management plan prior to development which identifies areas to be revegetated, the species to be used and other detailed conservation area management issues. C3. Ensure tree removal is approved under Cumberland Local Environmental Plan 2021. C4. Ensure tree removal is subject to Arborist Assessment and recommendation.	The landscape plans submitted with the development application has been assessed in detail by Council's Tree Management Officer taking into account the relevant provisions. The development application is supported subject to conditions.	Yes
	C5. Use locally indigenous plant species, including threatened and regionally significant species in drainage areas, streetscapes, open spaces and landscaped areas. This will not only enhance biodiversity but will reduce water and fertiliser demand.		
	C6. Select plant species used in the development of the site from the 'Indigenous Plant List - Holroyd' from Table D2.1 of the BASIX Specifications.		
	C7. Retain existing canopy species typical of Grey Box Woodland unless significant harm is likely to result.		
	C8. Where possible, retain significant mature trees with high ecological value as habitat for the Grey Headed Flying Fox (e.g. Melaleuca swamps, Banksia woodlands,		

Page 10 of 17



mangroves and riparian woodlands).

C9. Avoid lopping or removing Grey Box Woodland canopy species greater than three metres tall.

C10. Collect and propagate seeds of locally indigenous species prior to development. Use these, hardened on site, in revegetating the open space corridors.

C11. Prohibit species other than locally indigenous species in the central ridgeline corridor and strongly discourage them in the service / open space corridors.

C12. Retain and enhance continuous canopy in the open space corridors to allow for possible squirrel glider movement onto the site.

C13. Retain and maintain hollow-bearing trees on site for their fauna habitat value wherever possible.

C14. Incorporate in the design of sites sufficient space to allow for tree establishment, where proposed. This includes the provision for the development of deep structural roots.

C15. Investigate the use of native grasses in service / open space corridors rather than kikuyu, couch or other conventional non-native grasses.



Chapter G - Miscellaneous Development Controls

Part G1 - Advertising & Signage

The entry area of Reconciliation Rise will be represented as a stone clad feature wall with place name signage, a gated entry with secure fencing. The proposed sign will read "Prospect Hill".

The sign will have dimensions of 3.8 metres x 275 mm and having an area of 1.045 square metres. The sign read "Prospect Hill" being a geographical name of a locality.

It is not advertising signage that promotes any good or service or an event and the wording is neither business or building identification signage.

A detailed assessment is not required given that the sign specifies a geographical feature being a hill and not advertising material.

being a nill and not advertising material.				
Part G3 - Traffic, Parking, Transport & Access (Vehicle)				
3. Parking rate	Development is to provide on-	A car parking rate is not	Yes	
	site parking in accordance	nominated for a public		
	with the following minimum	lookout.		
	rates in Table 1. Where a	Council anningers have		
	parking rate has not been	Council engineers have		
	specified in the table, the Guide to Traffic Generating	raised no objection to the development application		
	Developments shall be used	in relation to car parking.		
	to calculate the parking	in relation to car parking.		
	requirements for the proposed	The development is		
	development. Alternatively, a	supported subject to		
	parking study may be used to	conditions.		
	determine the parking, subject	GOTTGINGOTTO:		
	to prior approval by Council.			
	Additional parking objectives			
	and controls are provided in			
	Section 4 of this DCP.			
4.3 Basement	A basement car park is not proposed and as such, detailed assessment is			
parking	not required.			
4.6 Loading	C1. Loading bays for trucks	This is not required for the	N/A	
requirement for	and commercial vehicles shall	works proposed.		
commercial	be provided in accordance			
and industrial	with Table 2.			
development	C2. Loading/unloading areas	This is not required for the	N/A	
	shall be provided in	works proposed.		
	accordance with applicable			
	provisions of Australian			
	Standard (AS 2890). C3. Provide separation	This is not required for the	N/A	
	C3. Provide separation between parking and service	This is not required for the works proposed.	IN/A	
	areas (i.e. loading/unloading	works proposed.		
	areas).			
	C4. Locate and design service	This is not required for the	N/A	
	areas to facilitate convenient	works proposed.		
	and safe usage.	p. op ood.		

Page **12** of **17**



	C5. Loading docks shall be located so as to not: • interfere with visitor and • employee parking spaces; • interfere with pedestrians or vehicle circulation and access; and • result in delivery vehicles queuing on any public road, footway, laneway or service road.	This is not required for the works proposed.	N/A
	C6. A minimum of one loading space shall be provided internally within each industrial unit.	This is not required for the works proposed.	N/A
	C7. Loading areas shall be designed for the largest size vehicle accessing the site.	This is not required for the works proposed.	N/A
Part G4 - Stormy			
2.2 Method of stormwater disposal from the site	C1. All stormwater collecting as a result of the carrying out of development under this DCP must be directed by a gravity fed or charged system to: (a) a public drainage system, or (b) an inter-allotment drainage system, or (c) an on-site disposal system.	Stormwater drainage is assessed as being satisfactory by Council engineers.	Yes
2.6 Flood Risk Management	C1. The proposed development does not result in any increased risk to human life and does not increase the potential flood affectation on other development or properties.	The site is not prone to flooding given location.	Yes
	C7. The filling of flood prone land, where acceptable and permitted by this Part, must involve the extraction of the practical maximum quantity of fill material from that part of the site adjoining the waterway.	No filling of flood prone land is occurring.	Satisfactory.
	C8. The proposed development shall comply with Council's Flood Risk Management Policy.	Satisfactory.	Yes
2.7 Water Sensitive Urban Design,	Water Sensitive Urban Design (WSUD)	Council engineers have supported the development and means	Yes

Page 13 of 17



	0.4		
water quality	C1. All development	for stormwater	
and water re-	applications for sites of	management across the	
use	2,500m2, or more in area	site.	
	must be supported by a Water		
	Sensitive Urban Design		
	Strategy, prepared by a		
	qualified civil engineer with		
	suitable experience.		
	Water quality	Satisfactory.	Yes
		Satisfactory.	163
	C4. Water quality devices are		
	required to prevent pollutants		
	from commercial, industrial		
	developments and car parking		
	areas entering the waterways		
	in order to improve waterway		
	health and to develop and		
	maintain ecologically		
	sustainable waterways.		
Part G5 - Sustain	nability, Biodiversity & Enviror	nmental Management	
2.1	Deep excavation work that pen		evel will not be
Groundwater	occurring. As such, no detailed	assessment is required.	
2.3 Land	C1. Prior to the submission of	The development	Yes
contamination	a development application, an	application is determined	
	assessment is to be made by	as being acceptable in	
	the applicant under Clause 7	relation to issues of land	
	of SEPP No. 55 as to whether	contamination.	
	the subject land is		
	contaminated prepared in		
	accordance with the relevant		
	Department of Planning,		
	Industry and Environment		
	Guidelines and the Guideline		
	to Asbestos Management in Cumberland Council 2018.		
		As shows There are no	Vaa
	C2. In accordance with Clause	As above. There are no	Yes
	7 (1) of SEPP No. 55 Council	objections to the	
	will not consent to	development on land	
	development unless it has	contamination grounds.	
	considered whether land is		
	contaminated, and if the land		
	is contaminated is suitable for		
	the proposed purpose or is		
	satisfied that the land will be		
	appropriately remediated.		
	Where land is proposed to be		
	subject to remediation,		
	adequate documentation is to		
	be submitted to Council		
	supporting the categorisation.		
2.5 Biodiversity	C1. Development is to be sited		Yes
2.0 Diodiversity	and designed to minimise the		103
	impact on indigenous flora		

Page **14** of **17**



	and fauna, including canopy		
	trees and understorey		
	vegetation, and on remnant		
	native ground cover species.		
Part G7 - Tree M	anagement & Landscaping		
2.1	C1. The following are not	Council's Tree	Yes
Preservation of		Management Officer has	
trees	criteria for tree removal:	assessed in detail the	
	flower, leaf or fruit fall	impacts of the tree	
	causing nuisance;	removal across the site.	
	to increase general natural	It is determined that the	
	light;	development and	
	to enhance views; to reduce shade greated by	landscape plans	
	 to reduce shade created by a tree; 	submitted are	
	tree not suiting existing or	satisfactory.	
	proposed landscape;	,	
	 unsubstantiated fear of tree 		
	failure;		
	a tree being too large or		
	high; and		
	 to increase direct sunlight 		
	onto solar panels or pool		
	heating apparatus.		
	C2. SEPP (Vegetation in Non-	The development is	Yes
	Rural Areas) 2017 applies to	satisfactory when	
	all trees and vegetation defined as any woody	considered under the relevant State Policy.	
	defined as any woody perennial plant that is 4m or	relevant State Folicy.	
	greater in height, measured		
	from the base of the tree at		
	ground level to the highest		
	point of live foliage.		
2.2 Tree	C1. Development shall be		Yes
management	designed to incorporate		
and proposed	existing trees that are		
development	identified as being suitable for		
	retention, with adequate		
	setbacks to any works and protection measures		
	stipulated in accordance with		
	AS 4970-2009 to ensure their		
	long-term survival.		
	C2. Development proposals		N/A
	must consider existing trees		
	situated on adjacent		
	properties with adequate		
	setbacks to any works and		
	protection measures		
	stipulated in accordance with		
	AS4970-2009 to ensure their		
	long-term survival.		

Page 15 of 17



	C6. Trees assessed as having medium or high landscape significance retention value should be retained, with adequate setbacks to any development works to ensure their long-term survival.		Yes
	C7. Council may require an Arborist Report and/or Tree Protection Plan, to be prepared in accordance with Council's Submission Requirements for Consulting Arborists' Impact Assessment Report document and submitted with development applications when any existing trees are to be retained.		Yes
2.3 Landscaping	C1. Where a landscape plan is required, it shall be prepared by an appropriately qualified person such as an experienced Landscape Architect/Landscape Designer. The landscape plan shall be prepared at a minimum scale of 1:100, be fully documented with the inclusion of a plant schedule and show sufficient detail to enable construction.	The landscape plans submitted are assessed as being acceptable for approval.	Yes

Part G8 - Waste Management

There are no specific details addressing the form of development proposed. Council's Waste Management officers have reviewed the application and has raised no objection to the proposed works. Generally, no conditions are required.

Part G2 - Heritage (Only where relevant given the type of development proposed and location)

Part G2 - Heritage					
2.2.	C1 New development should	This is achieved. The	Yes		
Conservation	be consistent with the	New South Wales			
and	guidelines and policies of any	Heritage Office has raised			
development	relevant conservation plan	no objection to the			
work on	adopted by Council, and where	proposed development			
heritage	appropriate, with State	and has provided			
buildings	government requirements.	recommended conditions			
		for any consent that may			
	C5 All new development within	be issued.			
	the curtilage of a heritage item				

Page 16 of 17



is to be suitably located and retains the visual dominance of the heritage item, with minimal impact upon the fabric and significant landscaping associated with the item. C8 When undertaking any form of development, conservation, maintenance or construction works on a heritage item, the materials, colours, maintenance and construction techniques used shall be appropriate to the heritage item.	Satisfactory.	Yes
Curtilage development (Where relevant) C24 Where proposing development within the curtilage of a heritage item, the new development should be designed so that the heritage	Satisfactory.	Yes
item retains its visual prominence. C25 The colours and materials used within the new development shall be recessive and complement the colours and materials of the heritage item.	Satisfactory.	Yes
28 New development within the curtilage should not adversely impact upon the significant fabric of a heritage item.	The height of the development is acceptable for the location notwithstanding that there are no height limits attached to the site.	Yes



Item No: LPP004/24

DEVELOPMENT APPLICATION - 5 CUMBERLAND ROAD, AUBURN

Directorate: Environment and Planning

Responsible Officer: Executive Manager Development and Building

Application	19 September 2023
accepted	19 September 2023
Applicant	Mr P Perras
Owner	Mrs S B Rijal & Mr R Rijal
Application No.	DA2023/0519
Description of Land	5 Cumberland Road AUBURN NSW 2144
Proposed	Construction of a secondary dwelling under SEPP Housing 2021
Development	
Site Area	392m ²
Zoning	R2 Low Density Residential
Disclosure of	Nil disclosure
political donations	
and gifts	
Heritage	No - Subject site is not Heritage Listed or within a Heritage
	Conservation Area
Principal	Minimum Lot Size
Development	Permissible: 450m ²
Standards	Proposed: 392m ²
Issues	Minimum Lot size for detached secondary dwelling under SEPP
	Housing 2021

SUMMARY:

- Development Application No. DA2023/0519 was accepted on 19 September 2023 for the construction of a secondary dwelling under State Environmental Planning Policy (Housing) 2021 at 5 Cumberland Road Auburn NSW 2144.
- 2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 6 October 2023 and 20 October 2023. In response, nil (0) submissions were received.
- 3. The variations are as follows:

Control	Required	Proposed	% variation
Minimum Lot size	450m ²	392m ²	12.89 %
State Environmental Planning Policy (Housing) 2021			

4. The application is referred to the Panel as the proposal contravenes a development standard by more than 10%.



5. Approval of the application is recommended subject to the conditions as recommended in the Council's assessment report.

REPORT:

Subject Site and Surrounding Area

The site is legally defined as Lot 41 Sec B DP 3850 and is known as 5 Cumberland Road AUBURN NSW 2144. The site has an area of 392m2 and a frontage to Cumberland Road of 10.06m. The site is relatively flat in topography.

A site inspection of the premises was carried out on 21 December 2023, and it was confirmed that the site is currently occupied by a single storey dwelling, with ancillary attached and detached structures including a detached metal carport structure within the front setback, and a detached metal shed at the rear. The existing structures on site appear to have been built before the year of 1949 in accordance with Council's records. No trees are located within the subject site. There are two (2) trees located in front of the subject site, on council's nature strip. The site is not identified as a flood affected lot. A Sydney water sewer traverses the site towards the rear.

The existing developments adjoining the site include single storey dwelling developments with ancillary detached structures to the rear. The area consists of predominately low-density residential buildings, inclusive of one and two storey dwellings, secondary dwellings, and dual occupancy developments.



Figure 1 – Locality Plan of subject site (Source: IntraMaps)





Figure 2 – Aerial view of subject site (Source: NearMap)



Figure 3 – Street view of subject site





Figure 4: Rear of the subject site

Description of Proposal

Council received development application DA2023/0519 on 19 September 2023 seeking approval for construction of a secondary dwelling under SEPP Housing 2021. The detailed breakdown of the proposal is shown below:

Construction of:

- A single storey detached secondary dwelling consisting of:
 - A porch/entry;
 - Open Living / Dining area;
 - Kitchen/Laundry area;
 - Two (2) bedrooms; and
 - Bathroom/ensuite (servicing Bed 1)

Site History

No relevant or recent Environmental Planning and Assessment Act 1979 (EPA) orders or relevant historical approvals for the subject site.

Note: Council's records indicate that the existing primary dwelling was built prior to the year of 1949. Documentary evidence relating to Miscellaneous Property Matters dated 7/01/1988 has been located within Council's system displaying the existing carport structure located within the front setback.

Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects dated August 2023 in support of the application.

The applicant has also submitted a Clause 4.6 statement prepared by Camille Lattouf from Little Developer Co. dated 21 November 2023 which was received by Council on 22 November 2023 in support of the application. The variation request is in relation to the minimum lot size for a secondary dwelling under the SEPP (Housing) 2021.



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

Not Applicable. No internal referrals were required for this development application.

External Referrals

Sydney Water Corporation

Due to the presence of a sewer line traversing through the rear of the site the development application was referred to the Sydney Water Corporation for comments. Advice has been received by the relevant government authority (Sydney Water) on 23 October 2023. Sydney Water did not raise any objections to the proposed development subject to the recommended conditions including Sydney Water 'Tap In' Building Plan, Out of Scope Building Plan Approval and General Tree Planting Requirements.

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:

• State	Chapter 2 -	The development application does not include the
Environmental	Vegetation in	removal of trees.
Planning Policy	non Rural	
(Biodiversity	Areas	The proposal does not exceed the biodiversity
and		offsets scheme threshold. Therefore, the proposed
Conservation)		vegetation removal is considered acceptable.
2021	Chapter 6 - Water Catchments	The proposed development raises no issues as no impact on the Sydney Harbour Catchment is envisaged.
	Sydney Harbour Catchment	It is determined that given location, a detailed assessment is not required as there is no direct impact upon the catchment and no direct impact upon watercourses. As such, the development is acceptable under the new provisions that came into effect on Monday 21 November 2022.



•	State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 4 - Remediation of Land Part 4.6	Part 4.6 - Contamination and remediation to be considered in determining development application. A review of Council's files has revealed that the site has been historically used for residential purposes and there is no evidence to suggest that the site is contaminated or used for potentially contaminating activities. As such, it is considered that the development application is satisfactory under Part 4.6 of Chapter 4 of the State Policy.
•	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004		BASIX Certificate number 1414889S issued 16 August 2023 has been submitted and determined as being acceptable for approval.
•	State Environmental Planning Policy (Sustainable Buildings) 2022	Chapter 2 Standards for residential Development -BASIX	State Environmental Planning Policy (Sustainable Buildings) 2022 sets sustainability standards of buildings across NSW for residential and non-residential development. The Sustainable Buildings SEPP was notified on 29 August 2022 and came into effect on 1 October 2023 to allow for the relevant industry to adjust to the new standards. In accordance with the savings and transitional provisions of Clause 4.2 of the Sustainable Buildings SEPP 2022, this policy does not apply as the development application was submitted but not determined before 1 October 2023.

State Environmental Planning Policy (Housing) 2021

The application has been submitted under Chapter 3 Part 1 Division 2 of the SEPP (Housing) 2021. It should be noted that the proposal generally complies with the key planning controls contained within the SEPP (Housing) 2021, with the exception of Clause 53(2)(a) which states that for a detached secondary dwelling the development must have a minimum site area of 450m2.

Notwithstanding the variation noted above, the proposed development is considered acceptable from an environmental planning viewpoint and a comprehensive assessment against SEPP (Housing) 2021 and a discussion of the clause 4.6 request is provided below.



Relevant Clause	Planning Commentary	Compliance
	,	
This Part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument.	The subject site is zoned R2 Low Density Residential. This Part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument. As per the definitions of this division of the SEPP, a residential zone includes R2 Low Density Residential Zone. In this regard, a secondary dwelling is permissible under the provisions of SEPP (Housing) 2021.	Yes
51 A secondary dwelling cannot be subdivided from the subject lot	Subdivision is not proposed as part of the subject application.	Yes
52 (2) Development consent must not be granted for development to which this Part applies unless—	The proposed secondary dwelling is assessed against Division 2, Clause 52(2) of the SEPP (housing) 2021. Refer to the detailed assessment against all subclauses of Clause 52 below.	Yes
Subclause 2(a) Only one (1) primary dwelling and only one (1) secondary dwelling is permitted on the subject land	The application proposes one secondary dwelling at the rear of an existing primary dwelling.	Yes
Subclause 2(b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and	The site is on land zone R2 Low Density Residential. No FSR is applicable in land zoned R2 under the Cumberland Local Environmental Plan CLEP 2021.	Yes



Subclause 2(c) the total floor area of the secondary dwelling is— (i) >60 m2 or ii) (ii) the greater floor area permitted in another EPI	Proposed internal floor area of the secondary dwelling is 59.6m².	Yes
53(2)(a) Site area minimum of 450m ²	The site is subject to a minimum site area requirement of 450m². The proposed development has a site area of 392m², which is deficient by 58m² equating to a 12.89% variation to the minimum site area requirement. A written request to vary the development standard was submitted in accordance with clause 4.6(3)(a) and (b) of the Cumberland Local Environmental Plan 2021. Please see Clause 4.6 variation discussion below.	No – Please see Clause 4.6 discussion below.
53(2)(b) Same number of parking spaces as before	No changes to existing parking arrangements proposed as part of this application.	N/A

Clause 4.6 – Variation to Clause 53(2)(a) - Minimum Site Area

Clause 4.6 allows the consent authority to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. The consent authority may grant the exception as the Secretary's concurrence can be assumed where clause 4.6 is adopted as per the Department of Planning Circular PS 20-002, dated 05 May 2020.

As previously discussed, the application seeks to vary the minimum site area requirement of 450m2 for a detached secondary dwelling as required by Clause 53(2)(a) of State Environmental Planning Policy (Housing) 2021. The subject lot has a site area of 392m2 which varies the standard by 58m2, equating to a 12.89% variation.

A written request has been submitted to Council in accordance with clause 4.6(3)(a) and (b) of Cumberland LEP 2021 seeking to justify 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 standard.

The applicant has submitted a written request to vary the development standard for Minimum Site Area. Based on various case laws established by the Land and Environment Court of NSW such as Wehbe v Pittwater Council [2007] NSWLEC 827, Randwick City Council v Micaul Holdings Pty Ltd [2016] NSW LEC 7, Moskovich v



Waverley Council [2016] NSWLEC 1015, and Four2five P/L v Ashfield Council [2015] NSWLEC 9, a 3 part assessment framework for a variation request proposed under clause 4.6 has been considered and an assessment of the proposed variance, following the 3 part test is discussed in detail below.

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

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

The objectives of the R2 Low Density Residential zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage residential development that maintains the amenity of the surrounding area.
- To ensure that non-residential land uses are located in a setting that minimises impacts on the amenity of a low-density residential environment.

Applicant's justification:

The proposed development is for the purpose of a secondary dwelling, which is consistent with the suburban, low-density development usually permitted within the R2 Low Density Residential zone. The proposed development and lot size non-compliance raises no inconsistencies with the objectives of the R2 zone given it proposes a permissible land use and will contribute to the provision of local and affordable rental housing. It will not result in any conflict with the adjoining properties such as overshadowing, privacy, solar impacts and view impacts. Furthermore, the proposal is not visible from the streetscape and does not detract from the character of the urban fabric.

Planner's comment:

The proposal has been designed to positively contribute to the housing needs within the community and maintains adequate essential services and amenities. The proposal is consistent with the zone objectives, and complies with the permitted use of residential housing, due to its ability to help sustain the community's housing needs.

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

As no objectives are explicitly mentioned, the proposed development is to follow the principles of the SEPP (Housing) 2021. This is due to be being classified as a "development standard" as defined in section 1.4 of the Environmental Planning and Assessment Act. Clause 53 is not a development standard that has been expressly excluded from the operation of Clause 4.6. Accordingly, the principles of the SEPP (Housing) 2021 are as follows:



3. Principles of Policy

The principles of this Policy are as follows:

- (a) enabling the development of diverse housing types, including purpose-built rental housing,
- (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,
- (c) ensuring new housing development provides residents with a reasonable level of amenity,
- (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,
- (e) minimising adverse climate and environmental impacts of new housing development,
- (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,
- (g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,
- (h) mitigating the loss of existing affordable rental housing.

Applicant's justification:

The non-compliance with the Housing SEPP Minimum Lot Size control for secondary dwellings for the purpose of achieving appropriate housing needs is supported by the Cumberland Council Development Control Plan 2021. Furthermore, the proposed development aims to achieve the objects of the EP&A Act, including:

- Object of the EP&A Act to promote the orderly and economic use and development of land through the provision of housing in an appropriately zoned location,
- Object of the EP&A Act to promote good design and amenity of the built environment,
- Deliver more housing consistent with the Priorities of the Cumberland Council and its local housing strategy,
- Achieving the objectives of the Greater Sydney Region Plan 2018 and the Central City District Plan regarding the provision of housing supply, choice, and affordability in the right locations.

Despite the non-compliance with the standard, the proposed development will have a negligible impact on the surrounding development with respect to overshadowing, views, visual impact, and privacy due to the appropriate and considerate design of the secondary dwelling.



Planner's comment:

The likely intent of the development standard at clause 53(2)(a) is to ensure overdevelopment does not occur and residents of the subject development and surrounding sites are provided with a satisfactory level of amenity. Council is satisfied that the development adequately achieves these outcomes (with regard to building mass, siting, and amenity requirements) as detailed in the relevant planning instruments in the attachments to this report.

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

Applicant's justification:

The applicant maintains that in this instance, compliance with the lot size standard is considered unnecessary as the proposal is complementary to the existing character of the locality and is permissible under Council's DCP controls. The impacts of the proposed development are not greater than an otherwise strictly complying development. Therefore, it is considered that the proposed variation is not a major departure from the controls, or the desired development outcome envisaged by the planning controls.

The applicant proceeds to argue the following matters:

- With respect to the subject site, compliance with the 450sqm minimum lot size for a secondary dwelling standard is considered unnecessary in this case because the proposed development complies with the objectives of the subject development standard set by Council. The objectives of the development standards and the five tests under Wehbe v Pittwater Council have been addressed.
- The development is considered to have sufficient environmental planning grounds given the development complies with the objectives of the development standards and has no environmental impacts beyond what would be expected of a strictly complying development. It is also consistent with Council's minimum lot size of 380sqm.
- The development will be in the public interest because it raises no inconsistencies with the objectives of the R2 zone and complies with the objectives of the development standard and Council's DCP objectives for the comparable control. The proposed development is a permissible land use under the Housing SEPP, will contribute new affordable rental housing options and has been designed to minimise any conflict with the adjoining properties such as overshadowing, privacy, sunlight impacts and view impacts.
- The case also identifies that the outcome of the breach to a development standard does not necessarily need to be a neutral or better outcome, if the relevant environmental planning grounds to assess it against don't require such.
- With regard to bulk and scale, overshadowing, visual impact, and privacy the
 objective of the development standard is to maintain the prevailing suburban,
 low density character and amenity by limiting the height and scale of secondary
 dwelling development. The proposed development is otherwise consistent with



these controls, including Council's comparable control of 380sqm as a minimum lot size.

Planner's comment:

It is considered that the proposal is consistent with the desired low-density character of the area. The proposal provides a height, bulk and scale that is generally consistent with the relevant planning instruments, and the correlation between the building height and density is considered appropriate. As demonstrated in the attached assessment tables the development is compliant with the building mass, and amenity requirements of the relevant planning instruments. If the development were made to comply there would be no significant improvement with respect to the abovementioned characteristics. In this regard, Council considers compliance to be unnecessary in the circumstances of the case.

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

Applicant's justification:

The site is identified within the R2 Low Density Residential zoning under the Cumberland LEP 2021.

Development for the purposes of a 'secondary dwellings' are permitted under the Housing SEPP, as it is within the R2 zone under the Cumberland LEP 2011, a prescribed zone.

As set out by Clause 53(2) of the Housing SEPP, the minimum lot size for a secondary dwelling is 450sqm, contrary to Council's control, to which this proposal complies, of 380sqm.

The proposed development is comprised of one secondary dwelling development at the rear of the existing property.

The applicant proceeds to argue that there are sufficient environmental planning grounds to justify contravening standards:

- Cumberland Council does not provide any more onerous standards, but rather has a Development Control Plan provision (Part B, Clause 2.21, C7, Cumberland DCP 2021) which permits secondary dwellings that are detached on lots that are at least 380sqm. The proposed lot size is consistent with this control, and therefore Council's intent for where secondary dwellings are appropriate.
- The proposed development is considered to be in the public interest by increasing the supply of affordable secondary housing in a well-established location with good connectivity to services, transport and employment. Furthermore, the proposal is appropriately designed to ensure minimal significant or adverse impacts on the locality or adjacent properties. The proposal achieves the relevant controls under the Cumberland DCP 2021 and is therefore consistent with the relevant housing strategies and complies with



the objectives of the Clause. Below are the relevant objectives under the DCP and the zone.

- The proposed secondary dwelling design is appropriately integrated into the property, and is of a scale, size and design that is subservient to the existing primary dwelling. The proposal does not detract from the amenity of neighbouring dwellings. The functionality of the proposed development is not compromised by this non-compliance.
- The proposed development is for the purpose of a secondary dwelling, which is consistent with the suburban, low-density development permitted within the R2 Low Density Residential zone.
- The proposed development, and lot size non-compliance, raises no inconsistencies with the objectives of the R2 zone given it proposes a permissible land use, and will contribute to the provision of local and affordable rental housing. It will not result in any conflict with the adjoining properties such as overshadowing, privacy, solar impacts and view impacts. Furthermore, the proposal is not visible from the streetscape, and does not detract from the character of the urban fabric.

Planner's comment:

Council considers that the development will protect the amenity of residents within the development and the adjoining properties subject to conditions of consent. The bulk and scale of the development is such that surrounding properties will receive sufficient solar amenity.

Council's controls consider a lot of 380m² to be of suitable size to accommodate a secondary dwelling. This is a specific control contained in the CDCP2021, Part B, Section 2.21, C7 which states, "The minimum site area for a detached secondary dwelling shall not be less than 380m2."

Council considers the applicants justification to be well founded and the Lot to be appropriate in size (392m2) to accommodate the proposed development. On this basis, it is considered that there are sufficient environmental planning grounds to vary the standard.

Conclusion:

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

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



Local Environmental Plans

Cumberland Local Environmental Plan (LEP) 2021

The provision of the LEP is applicable to the development proposal. The development achieves compliance with the key statutory requirements of the LEP and the objectives of the R2 Low Density Residential Zone.

(a) Permissibility:

The proposed development is defined as a 'secondary dwelling'. It is noted that secondary dwellings are not permissible under the LEP. However, State Environmental Planning Policy (Housing) 2021 permits development for the purpose of a secondary dwelling on residential zoned land if development for the purpose of a dwelling house is permissible on the land and overrides the LEP in the event of any inconsistency.

In this regard, forms of development are permissible in the prescribed land use zone in accordance with the LEP and SEPP Housing.

The relevant matters to be considered under Cumberland LEP 2021 and a comprehensive assessment and compliance table is contained in Appendix A.

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

No proposed planning instruments applicable.

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

The Cumberland Development Control Plan 2021 (CDCP) provides guidance for the design and operation of development to achieve the aims and objectives of the Cumberland Local Environmental Plan 2021. A comprehensive assessment and compliance table is contained in Appendix B.

The proposed development complies with the provisions of the CDCP in full.

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 Regulation 2021 (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 are not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Accordingly, it is considered that the development is suitable in the context of the site and surrounding locality.

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

In accordance with Council's Notification requirements contained within the Cumberland Development Control Plan 2021, the proposal was publicly notified for a period of 14 days between 6 October 2023 and 20 October 2023. As a result of the public exhibition of the application, Council received nil (0) submissions.

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

It is considered that the development will have no significant adverse impacts on the public interest.

Cumberland Local Infrastructure Contributions Plan 2020

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

In accordance with the Contribution Plan a contribution is payable, pursuant to Section 7.11 of the EP&A Act, calculated on the cost of works. A total contribution of **\$10,625.00** would be payable prior to the issue of a Construction Certificate.

Housing And Productivity Contribution (HPC)

In accordance with s7.24 of the Environmental Planning and Assessment Act, 1979 as amended by the Environmental Planning and Assessment Amendment (Housing and Productivity Contribution) Act 2023, the development is subject to the (Housing and Productivity Contribution) Act 2023.

In accordance with Part 2 of Schedule 5 of the Environment Planning and Assessment (Housing and Productivity Contribution) Order 2023 ('the Order'), the Order does not apply to a development consent granted to a pending development application (Pending DA).

A 'Pending DA' as per Schedule 1 of the Order and s16 of the EP&A Reg 2021 is as follows:

- a) a development application that is made, but not determined, before the commencement of this Order, or
- b) a development application that is made and determined before the commencement of this Order, but has not been finally determined, or
- c) an application for a complying development certificate that is made, but not determined, before the commencement of this Order.



As the application was lodged on the 19 September 2023, the HPC provisions do not apply to this application.

Disclosure of Political Donations and Gifts

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

CONCLUSION:

The development application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Housing) 2021*, Cumberland LEP 2021, and Cumberland DCP 2021, and is considered to be satisfactory for approval subject to the conditions of the development consent.

Having regard to the assessment of the proposal from a merit perspective, Council is satisfied that the applicant have provided a sufficient Clause 4.6 variation in relation to the minimum site area.

The proposed development is appropriately located within the R2 – Low Density Residential Zone under the relevant provisions of the Cumberland LEP 2021.

Accordingly, the development has been responsibly designed and provides for acceptable levels of amenity for future residents. It is considered that the proposal successfully minimises adverse impacts on the amenity of neighbouring properties. Hence the development, irrespective of the departures noted above, is consistent with the intentions of Council's planning controls and represents a form of development contemplated by the relevant statutory and non-statutory controls applying to the land.

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

CONSULTATION:

There are no consultation processes for Council associated with this report.

FINANCIAL IMPLICATIONS:

There are no financial implications for Council associated with this report.

POLICY IMPLICATIONS:

There are no policy implications for Council associated with this report.

COMMUNICATION / PUBLICATIONS:

The final outcome of this matter will be notified in the newspaper. The objectors will also be notified in writing of the outcome.



REPORT RECOMMENDATION:

- 1. That the Clause 4.6 variation request to vary the minimum lot size for a secondary dwelling development standard, pursuant to the State Environmental Planning Policy (Housing) 2021, be supported.
- 2. That Development Application No. DA2023/0519 for construction of a secondary dwelling under SEPP Housing 2021 on land at 5 Cumberland Road AUBURN be Approved subject to conditions listed in the attached schedule.

ATTACHMENTS

- 1. Draft Notice of Determination <a>J
- 2. Architectural Plans J.
- 3. Clause 4.6 Variation 4.
- 4. Appendix A Cumberland LEP Assessment Table J.
- 5. Appendix B Cumberland DCP Assessment Table J.

DOCUMENTS ASSOCIATED WITH REPORT LPP004/24

Attachment 1 Draft Notice of Determination





DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the Environmental Planning and Assessment Act, 1979

Application No: DA2023/0519

Mr P Perras

Applicant: Suite 6/92 Bathurst Street

LIVERPOOL NSW 2170

Property Description: 5 Cumberland Road AUBURN NSW 2144,

Lot 41 Sec B DP 3850

Development: Construction of a secondary dwelling under SEPP Housing 2021

Determined by: Cumberland Local Planning Panel

CONDITIONS OF CONSENT

General Conditions

1. DAGCA01- General

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

(Reason: Advisory)

2. DAGCA02 - Approved Plans and Supporting Documents

The development must be carried out in accordance with the following endorsed plans and documents, except as otherwise provided by the conditions of this consent.

Reference/Dwg No	Title/Description	Prepared By	Date/s
Project No. 23112,	Site Plan	Perras Design Group	August 2023
Dwg. No.01 Rev A			
Project No. 23112,	Erosion and Sediment	Perras Design Group	August 2023
Dwg. No.02 Rev A	Control Plan		
Project No. 23112,	Floor Plan	Perras Design Group	August 2023
Dwg. No.04 Rev A			
Project No. 23112,	Roof/ Section Plan	Perras Design Group	August 2023
Dwg. No.05 Rev A			
Project No. 23112,	Elevations Plan	Perras Design Group	August 2023
Dwg. No.06 Rev A			
Project No. 23112,	Landscape Plan	Perras Design Group	August 2023
Dwg. No.07 Rev A			
Project No. 23112,	Schedule of External	Perras Design Group	August 2023
Dwg. No.9 Rev A	Colours and Finishes		
Cert. No. 1414889S	BASIX Certificate	Five Star NatHERS	16 August 2023
-	Waste Management	Perras Design Group	August 2023
	Plan		
CNR-60723	Correspondence and	Sydney Water	23 October 2023
	all conditions	Corporation	
	contained therein		

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



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

3. DACCA02 - Application for a Construction Certificate

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

(Reason: Statutory requirement)

4. 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 Council or Registered Certifier prior to the issue of a Construction Certificate.

(Reason: To ensure protection of adjoining properties)

5. 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. Council may use part or all of the deposit to carry out rectification work to Council's infrastructure that was damaged as a result of carrying out development works. Unused portions of the damage deposit can be refunded following the completion the issue of an Occupation Certificate and a written request to release the deposit.

(Reason: To protect Council infrastructure)

6. DACCB02 -Payment of Bonds, Fees and Long Service Levy

The Council or Registered 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)

7. DACCB03 - Section 7.11 Contribution

Prior to the issue of a Construction Certificate, a monetary contribution imposed under Section 7.11 of the *Environmental Planning and Assessment Act 1979* and the *Cumberland Local Infrastructure Contributions Plan 2020* is to be paid to Council. The amount of contribution payable is calculated at \$10,625.00. A copy of the *Cumberland Local Infrastructure Contributions Plan 2020* can be viewed on Council's website

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

8. DACCB05 - Fees to be paid to Council

Types of fees	Amount
Damage Deposit	\$2,145.00
Sect. 7.11 Contributions	\$10,625.00 + CPI
TOTAL	\$12,770.00 + CPI where applicable

Payment of the above fees shall be paid to Council in accordance with timing stipulated above. 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.

Note: In the event that the applicant does not apply for refund of bonds, Council will forfeit the bonds and it will be transferred to the Infrastructure Reserve 7 years after the completion of works in accordance with Construction Bonds Management Policy.

(Reason: Statutory requirement and information)



9. DACCB06 - Photographic Record of Council Property - Damage Deposit

Prior to demolition commencing and prior issue of a Construction Certificate, the applicant shall submit to Council a full photographic record of the condition of Council's assets (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 assets to ensure that you are not liable for any re-instalement works associated with that damage. However, if in the opinion of Council, the existing damage has worsened or any new damage arose during the course of demolition or construction work, Council may require either part or full re-instalement of its assets.

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)

10. 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 the 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 by Council.

11. DACCJ01 - Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate, a detailed stormwater drainage plan for the safe disposal of stormwater from the site shall be prepared in accordance with Council's Development Control Plan and relevant policies. The plan shall be submitted and approved by the Council or Registered Certifier.

Should any changes be required to the approved stormwater drainage plan, the amended design shall achieve equivalent performance standards in accordance with Council's Development Control Plan and relevant policies.

Please note that where the proposed design extends within the public road area, separate approval under section 138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of works.

(Reason: Stormwater management)

12. DACCJ03 - Certification of the Stormwater Drainage System Design

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Council's Development Control Plan and relevant policies and shall be submitted to the Council or Registered Certifier prior to the issue of the Construction Certificate.

Certification of the proposed stormwater design shall be obtained from a qualified practising professional engineer with the Engineers Australia membership and shall be submitted to the Council or Registered Certifier prior to the issue of the Construction Certificate.

(Reason: Adequate stormwater management)

13. DACCK06 - Retaining Walls

Retaining walls greater than 1.0m above the finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with any Construction Certificate application.

(Reason: To ensure safety and the proper design or retaining structures)



14. 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 Council or Registered Certifier.

(Reason: To ensure safety and the proper design or structural elements of the building)

15. DACCL02 - Telecommunications

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

(Reason: Ensure services are not disturbed)

16. DACCL03 - Adjustment to Telecommunications

The arrangements and costs associated with any adjustment/relocation of telecommunications infrastructure shall be borne in full by the applicant/developer.

(Reason: Ensure the applicant is responsible for costs associated with adjustments to Telecommunications infrastructure)



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

17. DAPCA01 - Appointment of Principal Certifier

No work shall commence in connection with this Development Consent until:

- a) A construction certificate for the building work has been obtained from a Certifier.
- b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifier for the building work, and
 - given at least 2 days' notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building, and
- c) The principal certifier has, no later than 2 days before the building work commences:
 - notified the Council of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) The person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case
- e) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - (ii) notified the principal certifier of such appointment, and
 - 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)

18. DAPCA02 - Home Building Compensation Fund

No residential building work within the meaning of the Home Building Act 1989 may commence until:

- a) A contract of insurance in accordance with Part 6 of the *Home Building Act 1989* is entered into and is in force, where such a contract is required under that Act;
- b) The Principal Certifier is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder);
- If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner-builder permit required under the Home Building Act 1989;
- d) Written notice of the following information has been provided to Council;
 - In the case of work for which a principal contractor is required to be appointed:
 - . The name and licence number of the principal contractor, and
 - The name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989,
 - ii. In the case of work to be done by an owner-builder:
 - . The name of the owner-builder, and
 - If the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

Where Council is not the Principal Certifier, the Principal Certifier is responsible for notifying Council of the above matters.

Where arrangements for doing residential building work change while the work is in progress so that the above information becomes out of date, the Principal Certifier (if not Council) must provide Council with written notice of the updated information.

(Reason: Statutory requirement)

DAPCA03 - Site Safety Fencing

Site fencing to a minimum height of 1.8m shall be erected before the commencement of any work and be maintained throughout the duration of works to exclude public access to the site.

(Reasons: Statutory requirement and health and safety)



20. DAPCA04 - Principal Certifier Sign

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

- shows the name, address and telephone number of the Principal Certifier;
- shows the name and address of the principal contractor (if any) and a telephone number on which that person may be contacted outside of work hours.
- · stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained whilst ever the work is being carried out and must be removed when the work has been completed.

(Reason: Statutory requirement)

21. DAPCA05 - Sydney Water Tap in Approvals

The approved plans must be submitted through the Sydney Water 'Tap in' portal to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water 'Tap in' customers will receive an approval receipt. For further details please refer to Sydney Water's web site at www.sydneywater.com.au/tapin or call1300 082 746.

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

(Reason: Statutory requirement)

22. DAPCA06 - Toilet Amenities for People Working at the Site

Suitable toilet amenities are to be provided at the work site at all times. If a temporary toilet is proposed, it must:-

- a) Have a hinged door capable of being fastened from both inside and outside,
- b) Be constructed of weatherproof material,
- c) Have a rigid and impervious floor; and
- d) Have a receptacle for, and supply of, deodorising fluid.

(Reason: To ensure suitable toilet amenities are provided for workers)



Conditions which must be satisfied during any development work

23. DADWA01 - Construction Hours

Construction and all related activities including the delivery of materials to the site may only take place between the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. No work is to occur on Sundays and public holidays.

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 7.00am and 6.00pm Monday to Friday, excluding public holidays.

Note: Construction hours may also be regulated through State Legislation and Policies, and any works need to comply with these requirements.

(Reason: To minimise impacts on neighbouring properties)

24. DADWA02 - Dust Control

Minor Works

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

- a) 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 shade cloth or a similar material at least 2m high and secured to a chain wire fence or in a manner otherwise directed by Cumberland City Council.
- b) As and when directed by Council, measures identified below are to be implemented to control the emission of dust:
 - Erection and regular maintenance of dust screens around the perimeter of the site for the duration of the work.
 - Dust must be suppressed by means of a fine water spray. Water used for dust suppression
 must not be contaminated or allowed to enter the stormwater system.
 - Soil and material stockpiles are to be kept damp or covered.
 - Stockpiles of soil or other materials are to be placed away from drainage lines, gutters or stormwater pits or inlets.
 - Stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining on site for more than 24 hours.

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

25. 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)

26. 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)

27. DADWA07 - General Site Requirements during Demolition and Construction

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

- a) All demolition is to be carried out in accordance with Australian Standards AS 2601-2001.
- b) Demolition must be carried out by a registered demolition contractor.
- c) A single entrance is permitted to service the site for demolition and construction. The footway and nature strip at the service entrance must be planked out with close boarded, hardwood timber footpath protection pads. The pad shall cover the entire width of the footpath opening for the full width of the fence.
- d) No blasting is to be carried out at any time during construction of the building.
- e) Care must be taken during demolition/ excavation/ building/ construction to prevent any



- damage to adjoining buildings.
- f) Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.
- g) Any demolition and excess construction materials are to be recycled wherever practicable.
- h) The disposal of construction and demolition waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- i) All waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the *Protection of the Environment Operations Act 1997*. All excavated material should be removed from the site in the approved manner and be disposed of lawfully to a tip or other authorised disposal area.
- j) Section 143 of the Protection of the Environment Operations Act 1997 requires waste to be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation.
- k) All materials on site or being delivered to the site are to generally be contained within the site. The requirements of the Protection of the Environment Operations Act 1997 must be complied with when placing/stockpiling loose material, disposing of concrete waste, or other activities likely to pollute drains or water courses.
- Details as to the method and location of disposal of demolition materials (weight dockets, receipts etc.) should be kept on site as evidence of approved methods of disposal and recycling.
- m) Any materials stored on site must be stored out of view or in such a manner so as not to cause unsightliness when viewed from nearby lands or roadways.
- 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.)

28. <u>DADWA10- Electricity and Telecommunication Connections - Secondary Dwellings and Dual Occupancies</u>

Where electricity and telecommunication connection is provided via an intermediate service pole within the front setback of the site, there may be one pole only for both dwellings.

(Reason: Environmental Amenity)

29. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity)

30. 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)

31. 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.

Validation shall take place by one or both of the following methods:

· Provision of documentation from the supplier certifying that the material is not contaminated



based upon analyses of the material for the known past history of the site from where the material was sourced; and/or

 Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines

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

32. DADWA17 - Notification of New Contamination Evidence

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 Council.

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.

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

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

33. DADWA20 - Road and Footpath Opening Permit

Section 138 of the *Roads Act 1993* provides that a person must not carry out a work in, on or over a public road (which includes the verge / footpath area); dig up or disturb the surface; remove or interfere with a structure, work or tree on a public road; or pump water into a road without the consent or the appropriate roads authority Should such work be required within a road for which Council is the roads authority, the applicant is to apply for Road and Footpath Opening Permit. A permit is to be obtained prior to any works within the public road taking place.

Road and Footpath Opening Permits do not include driveways, laybacks and major stormwater drainage construction, which are covered by a separate application process.

(Reason: Maintain public asset)

34. DADWB02 - Tree Protection

To minimise impacts on trees to be retained, no fill shall be placed and no building materials shall be stored under the drip lines of trees to be retained.

(Reason: Tree preservation)

35. DADWC01 - Obstruction of Road or Footpath

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless approved by Council.

(Reason: Protection of infrastructure, safety & information)

36. DADWC02 - Compliance with the National Construction Code

All building work must be carried out in accordance with the provisions of the National Construction Code (NCC).

(Reason: Prescribed statutory control)

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

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

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

Progress certificates in response to points (a) through to (c) shall be provided to the Council or the Principle Certifier at the time of carrying out relevant progress inspections. Under no circumstances





will work be allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the proposed works.

(Reason: To ensure compliance with approved plans)

38. DADWC06- Air Conditioning Units for Low and Medium Density Residential

Air conditioning units are to be located to the ground level of the side or rear yards or within basement garages and not within the frontages of the property. Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the building. The air conditioning shall be appropriately noise attenuated, not exceed a background noise of more than 5dba measured from habitable room from adjoining and appropriately screened.

(Reason: To ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings)

39. DADWC16 - Waste Management

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

(Reason: Compliance with approval)



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

40. DAOCA01 - Occupation Certificate (section 6.9 of the Act)

A person must not commence occupation or use of the whole or any part of a new building or change the use of the whole building or any part of an existing building, unless an Occupation Certificate has been issued in relation to the building or part.

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

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

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

(Reason: Statutory requirement)

41. 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)

42. 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 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).

43. DAOCA04 - Engineers Certificate

A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Principle Certifier. This certificate shall state that all foundation works/reinforced concrete/structural members have been carried out/erected in accordance with the Engineer's requirements and the relevant standards/codes.

(Reason: Structural certification)

44. DAOCA11 - Civil Works on the Footway

The following works are to be carried out at the applicant's expense and to Council's satisfaction prior to the issue of any occupation certificate:

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

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

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



45. DAOCG01 - Certification of the Constructed Stormwater Drainage System

The constructed stormwater drainage system shall be certified by a qualified practising professional engineer with the Engineers Australia membership, as being in accordance with Council's Development Control Plan and relevant policies

(Reason: Adequate stormwater management)



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

46. <u>DAOUC15 - Noise - Residential buildings</u>

The air conditioner/s/ mechanical ventilation systems/rainwater tank pumps must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:

- emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - · before 7.00am and after 10.00pm on any other day; and
- emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

(Reason: To protect residential amenity)

47. DAOUC31 - Secondary Dwelling

No separating fences shall be erected between the primary/principal and secondary dwellings on the subject site.

(Reason: To comply with the approved development)



Advisory Notes

48. DAANN01 - Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets it is recommended that you contact Dial Before You Dig before excavating or erecting structures 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 when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.



49. DAANN02 - Telecommunications Act 1997 (Commonwealth)

Telstra and its authorised contractors are the only companies that are permitted to conduct works on Telstra's mobile network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the *Criminal Code Act 1995 (Cth)* and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works, which may affect or impact on Telstra's assets in any way, you should contact Telstra's Network Integrity Team.

50. DAANN03 - Dividing Fences

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under that 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 can provide mediation services.

51. DAANN07 - Owner Builders

Under the *Home Building Act* 1989, any property owner who intends undertaking construction work to a dwelling or dual occupancy over the value of \$10,000 (inclusive of GST) must obtain an owner-builder permit from the NSW Fair Trading.

52. DAANN08 - Process for Modification

The plans and/or conditions of this Consent are binding and may only be modified upon approval of an application under s.4.55 of the *Environmental Planning and Assessment Act, 1979*. A modification application shall be accompanied by the appropriate fee, application form and required information. You are not to commence any action, works or the like on the requested modification until Council issues an amended consent.

53. DAANN09 - Review of Determination

In accordance with the provisions of Section 8.2 of the *Environmental Planning and Assessment Act* 1979, you can request a review of a determination not relating to a complying development certificate, application for designated development or application for Crown development. A review application may not be determined after the period within which any appeal may be made to the Court if no appeal was made. To determine a review application within that time limit, the application must be submitted well in advance of the appeal right timeframe. A fee as per Council's current Pricing Policy, Fees and Charges, is payable for a review application.

54. DAANN10 - Right of Appeal

Section 8.7 and 8.10 of the *Environmental Planning and Assessment Act* 1979, gives the applicant the right of appeal to the Land and Environment Court within six months after the date the decision appealed against is notified or registered on the NSW Planning Portal occurs.



55. DAANN12 - Works/Construction Zones

All development sites, more than 2 storey, require a 'Works Zone' application. The applicant must apply to Council and pay the respective minimum one (1) week application fees. Provision of a Works Zone is subject to approval by the Cumberland Traffic Committee. The length of works zone approved will be determined by Council.

56. DAANN13 - Work Health and Safety

For information regarding, codes of practice and guidelines regarding demolition and construction work, visit the SafeWork NSW.

57. DAANN17 - Critical Stage Inspections - General

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: 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)

58. DAANN18 - Inspections for Building Work (Classes 1 or 10)

The following critical stage inspections must be carried out:

- a) After the excavation for, and prior to the placement of, any footings;
- b) Prior to pouring any in-situ reinforced concrete building element;
- c) Prior to covering of the framework for any floor, wall, roof or other building element;
- d) Prior to the covering waterproofing in any wet areas;
- e) Prior to covering any stormwater drainage connections; and
- f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The Principal Certifier may nominate additional inspections which need to be carried out.

Prior to issuing an Occupation Certificate or Subdivision Certificate, the Principal Certifier must be satisfied that the work has been inspected on the above occasions.

The last critical stage inspection must be carried out by the Principal Certifier. Earlier critical stage inspections may be carried out by the Principal Certifier or, if the Principal Certifier agrees, by another certifier.

For each inspection, the principal contractor or the owner-builder must notify the Principal Certifier at least 48 hours before each required inspection needs to be carried out.

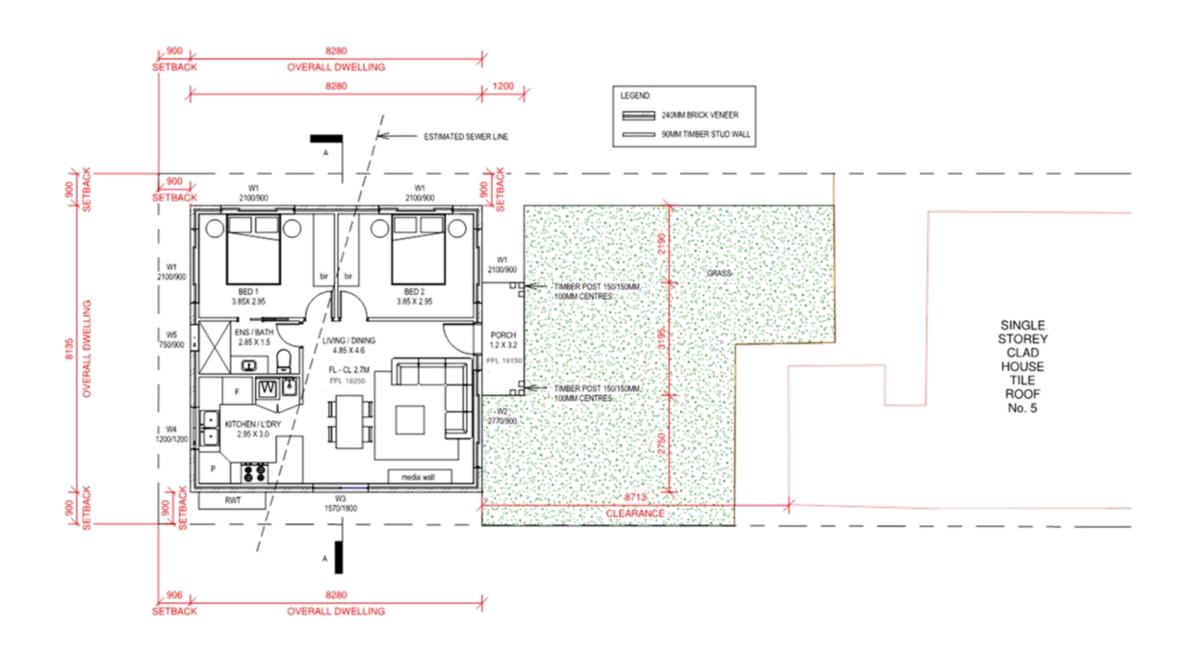
(Reason: Statutory Requirements)

DOCUMENTS ASSOCIATED WITH REPORT LPP004/24

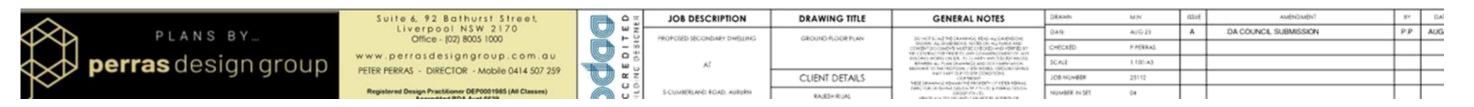
Attachment 2 Architectural Plans







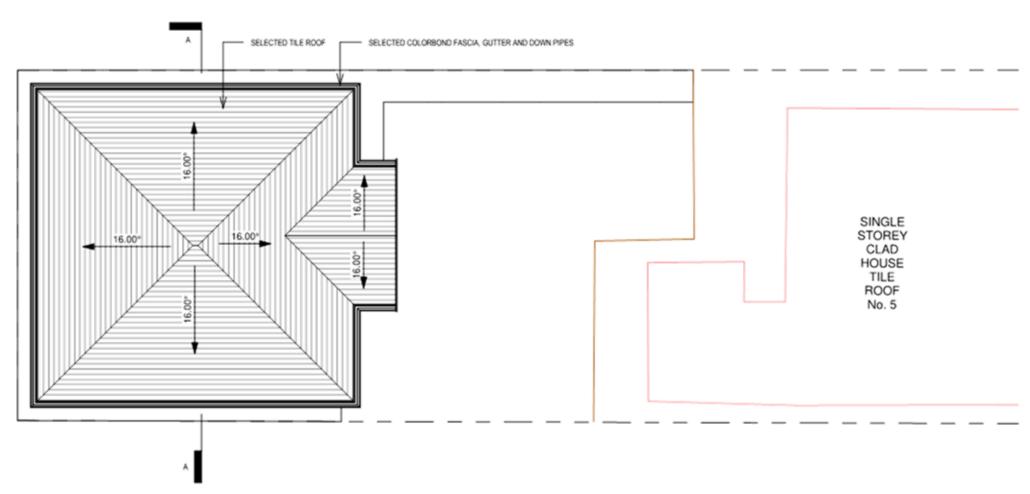
GROUND FLOOR PLAN SCALE 1:100

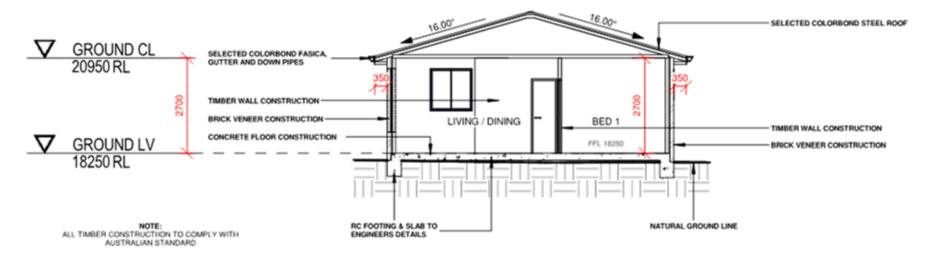






ROOF PLAN SCALE 1:100





SECTION A SCALE 1:100



Suite 6, 92 Bathurst Street, Liverpool NSW 2170 Office- (02) 8005 1000 vww.perrasdesigngroup.com.o

www.perrosdesigngroup.com.au PETER PERRAS - DIRECTOR - Mobile 0414 507 259

Registered Design Practitioner DEP0001985 (All Classes

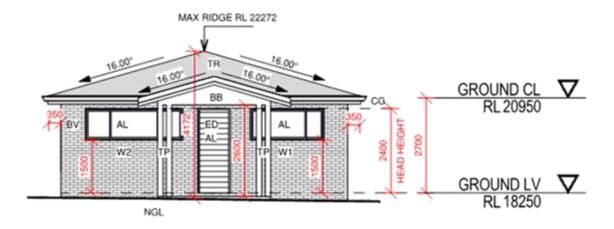


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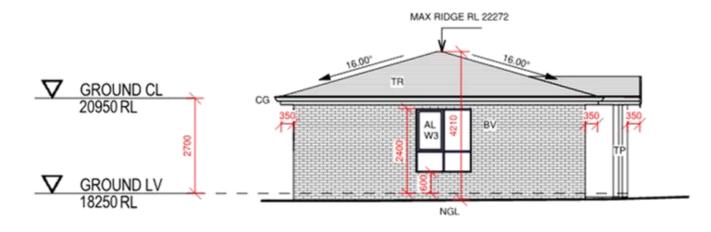


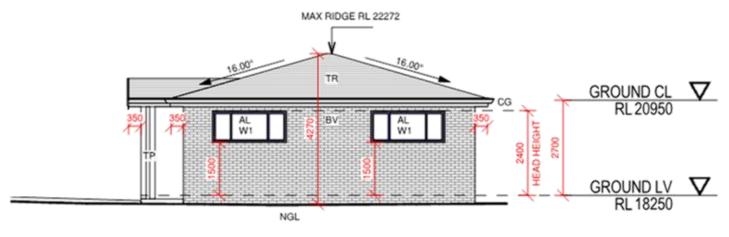


EAST ELEVATION SCALE 1:100



WEST ELEVATION **SCALE 1:100**





SOUTH ELEVATION SCALE 1:100

NORTH ELEVATION **SCALE 1:100**

LEGEND:

TR · SELECTED TILE ROOF
CG · COLORBOND FASCIA GUTTER & DOWN PIPES
BV- BRICK VENEER WITH FACE BRICK FINISH

BB - BLUEBOARD WALL WITH RENDER AND PAINT FINISH

TP - TIMBER POST WITH PAINT FINISH

AL - ALUMINIUM FRAMED WINDOWS, DOORS AND SLIDING DOORS

ED - ENTRY DOOR WITH TIMBER FINISH

NGL - NATURAL GROUND LINE

FOR ALL FINISHED PLEASE SEE COLOUR SCHEDULE



Suite 6, 92 Bathurst Street, Liverpool NSW 2170 Office - (02) 8005 1000 www.perrasdesigngroup.com.au

PETER PERRAS - DIRECTOR - Mobile 0414 507 259

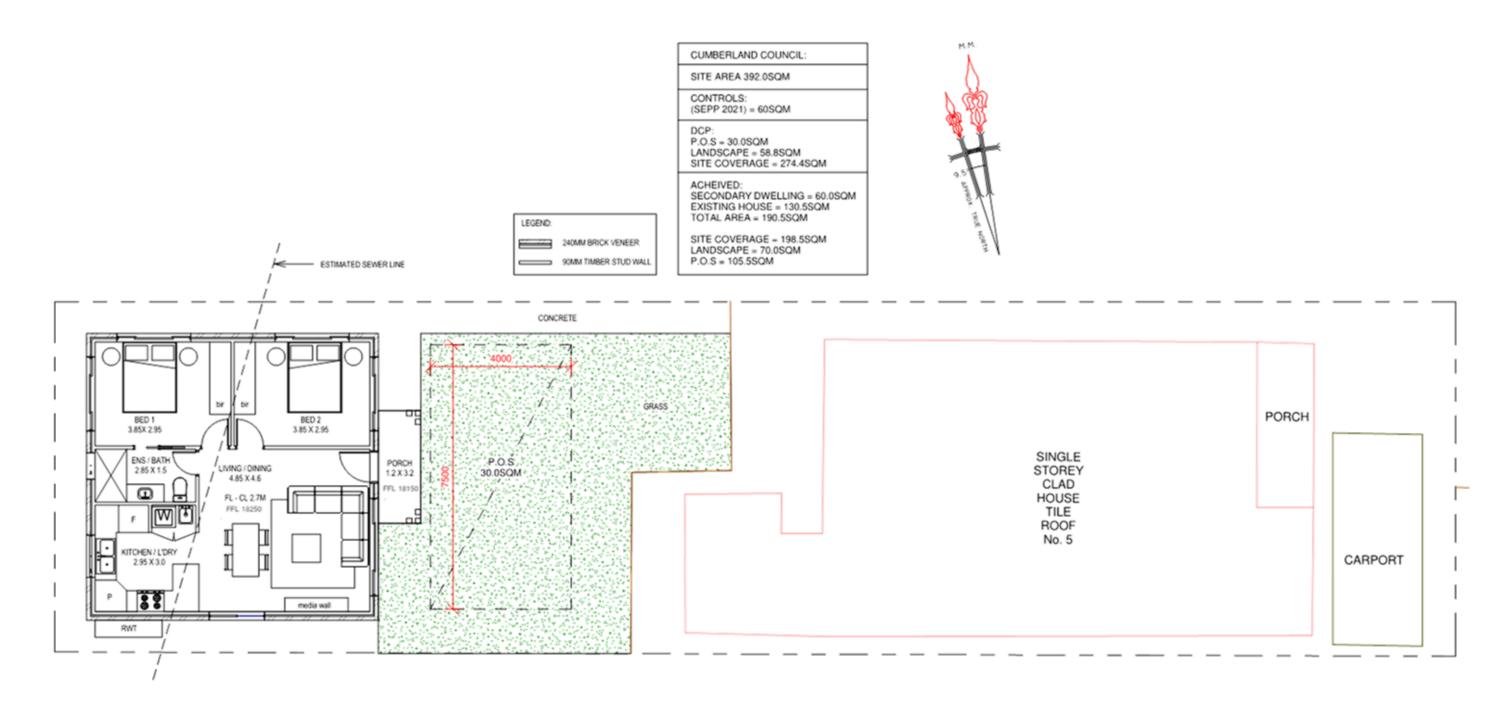
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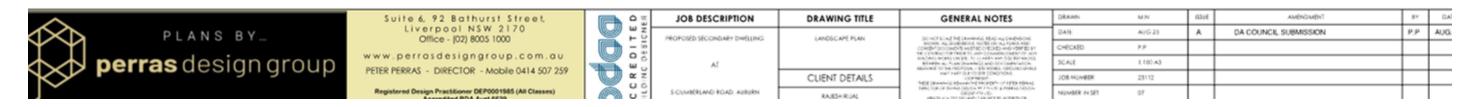
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LANDSCAPE PLAN SCALE 1:100





Single Dwelling

Certificate number: 1414889S

Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or comprying development certificate issued, for the proposed development, that BASIX commitments be completed with.

Water Commitments	Show on DA plans	Show on CC/CDC plans & speck	Certifier
Fixtures		-/	200
The applicant must install showerheads with a minimum rating of 4 stor <- 4.5 but <= 6 Limin plus spray force and/or coverage tests; in all showers in the development.		~	v
The applicant must instal a tolet flushing system with a morenum rating of 4 star in each tolet in the development.		~	
The applicant must install taps with a minimum rating of 5 star in the kitchen in the development.		~	
The applicant must motal basin taps with a minimum rating of 5 star in each between in the development.		~	
Alternative water			
Rain-ster tank			
The applicant must install a rain-valer tank of at least 1100 litres on the lette. This rain-valer tank must meet, and be installed in accordance with the requirements of all applicable regulatory authorities.		~	
The applicant must configure the nativater tank to collect rain runoff from at least 67 square metres of the roof area of the development revoluting the area of the roof which drains to any storm-vater tank or private dans.		~	
The applicant must connect the ram-later tank to:			
all tulets in the development		~	
 at reast one outdoor tap in the development (Note INDW Health does not recommend that rain-vater be used for human consumption in areas with potatrix violate supply;) 		~	-

Thermal Comfort Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier
General features			
The diveling must not have more than 2 storeys.		•	~
The conditioned floor area of the divelling must not exceed 300 square metres.	~	~	~
The divelling must not contain open measurable area exceeding 25 square metres	-	~	
The divelling must not contain third level habitable aftic norm.	~	~	~
Floor, walls and ceiling/roof	The Marie	ia - 880 - 11	DUI SE
The applicant must construct the flooriss, walls, and desing/reof of the divelling in accordance with the specifications listed in the fatire below.		~	~

Construction	Additional insulation required (R Value)	Other specifications
foor - concrete slab on ground	All .	
erdemal wall - brick veneer	2.06 (or 2.60 including construction)	atten.
ceiling and roof - flat ceiling : phohed roof	seling: 4 suis, roof following	unventiated; medium (solar absorptance 0.475-0.70)

DRUGE	7 Insulation specified in the Centificate must be installed in accordance with Part 3.12.1.1 of the fluiding Code of	AURERIA
pagement.		Printing to the Control of the Contr
[NONE]	 In some climate zones, insulation should be installed with due consideration of condensation and associated int 	teraction with adjoining building materials.

In some climate zones, insulatio			

Thermal Comfort Commitments	Show on OA plans	Show on CC/CDC plans & specs	Certifier
Windows, glazed doors and skylights			
The applicant must install the vindows, glassed doors and shading devices described in the table below, in accordance with the specifications listed in the table. Relevant overshadowing specifications must be satisfied for each vindow and glassed door.	~	~	
The diveling may have 1 skylight (<0.7 agues metres) unlich is not listed in the lable.	~	~	~
The following requirements must also be satisfied in relation to each window and glazed door. • For the following grass and frame types, the certifier check can be performed by visual inspection.	~	•	*
Atuminum single clear Atuminum double (ac) clear Trickers/P*C-fibregises single clear Trickers/P*C-fibregises double (ac) clear			

Windowlylated door no.	Maximum Reight (mm)	Maximum width (mm)	Type	Shading Device (Dimension within 1974)	Overshadneing
North facing		11			
W1	900	2100	aluminium, single, clear	eave 350 mm, 200 mm above head of vendow or glazed door	not overshadoved
WI	900	2100	aluminium, single, slear	save 300 mm, 200 mm above head of window or glazed door	not eventualloved
East facing					
W1	900	2100	aluminium, simple, clear	eave 350 mm, 200 mm above head of window or glazed door	not overshadoved
W2	900	2770	aluminium, single, clear	eave 350 mm, 200 mm above head of window or glazed duor	not overshadoved
South facing					
W3	1800	1670	pluminium, single, clear	eave 350 mm, 200 mm above head of window or glazed dear	not overshadoved
West facing	5				

Windowlylazed door no.	Maximum height (mm)	Maximum width (mm)	Type	Shading Device (Dimension within 19%)	Overshadowing
994	1200	1200	atuminium, single, clear	wave 350 mm, 200 mm above head of window or grazed door	not overshadoved
ws	900	750	aluminum, single, clear	ease 350 mm, 200 mm above head of window or glazed door	not overshadoved
W1	900	2100	aummun, singe, cear	eave 350 mm, 200 mm above head of window or glazed door	not overshadoved

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier
Hot water			
The applicant must metal the following but water system in the development, or a system with a higher energy rating; gas instantaneous with a performance of 5 stars.	~	~	-
Cooling system			
The applicant must install the following ocoling system, or a system with a higher energy rating, in at least 1 living area. 1-phase aeronolitioning, Energy rating, ESP 2.5 - 3.0		~	~
The bedrooms must not incorporate any cooling system, or any ducting which is designed to accommodate a cooling system.		•	~
Heating system			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area. 1-phase seconditioning, Energy rating, EER 2.5 - 3.0		~	-
The bedrooms must not incorporate any heating system, or any ducting which is designed to accommodate a heating system.		v	-
Ventilation			
The applicant must install the following exhaust systems in the development.			1
At least 1 Bathroom: individual fan, ducted to façade or roof. Operation control, manual sinitish on/off		~	~
Kitchen, individual fan, ducted to façade or roof. Operation control manual switch on off		-	-
Laundry natural ventilation only, or no laundry. Operation control inla		~	~
Artificial lighting			
The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light entiting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light entiting diode (LED) larger.			
+ at least 2 of the bedrooms / study: dedicated			
at least 1 of the living I driving rooms, dedicated.			1.5
		~	-
the kitchen, dedicated		~	~
PROCESSOR CONTRACTOR C	-	-	200

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier
al bathrooms bolets, dedicated.		~	
the laundly, dedicated.		~	-
- al halvays, dedusted			
Natural lighting			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	~	~	
The applicant must install a vindow and/or skylight in I ballycomis/balletix in the development for natural lighting.	-		-
Other			
The applicant must install a gas cocktop & electric oven in the kitchen of the dwelling.			
The applicant must install a fixed outstoor clothes drying line as part of the development.		~	
The applicant must install a fixed indicor or sheltered citities drying line as part of the development.		~	

In these commitments, "applicans" means the person carrying out the development.

Commitments identified with a paint the "their on Dis plans" column must be shown on the plans accompanying the development application for the proposed development (if a development application is to be lodged for the proposed development).

Commitments identified with a paint "their on COCDC plans and special column must be shown in the plans and specifications accompanying the application for a construct confidence.

Commitments stendified with a of in the "Certifier sheet" column must be certified by a certifying authority as having been fulfilled, before a final compation certificatecether interest final) for the development may be stoked.



Suite 6, 92 Bathurst Street, Liverpool NSW 2170 Office - (02) 8005 1000

www.perrasdesigngroup.com.au PETER PERRAS - DIRECTOR - Mobile 0414 507 259

Registered Design Practitioner DEP0001985 (All Classes)



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JOB DESCRIPTION

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DOCUMENTS ASSOCIATED WITH REPORT LPP004/24

Attachment 3
Clause 4.6 Variation







21 November 2023

Little Developer Co. camille@littledeveloperco.com.au

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

Attention: Mariam Abbas

RE: Application to vary the minimum lot size control under Clause 53(2)(a) of the State Environmental Planning Policy (Housing) 2021

Dear Mariam,

This letter has been prepared by Little Developer Co. on behalf of our client, Perras Design Group. The letter requests that Cumberland Council grant consent to the proposed development application for a secondary dwelling at the proposed Lot A, at 5 Cumberland Street, Auburn, despite the proposed development contravening the minimum lot size of 450sqm for a secondary dwelling under Clause 53(2)(a) of the *State Environmental Planning Policy* (Housing) 2021.

The request is considered to be reasonable and justifies that compliance with the standard is unnecessary on the grounds that:

- There are sufficient environmental grounds to justify the contravention of the development standards, namely the consistency with the relevant controls under the Cumberland Development Control Plan, which suggest a secondary dwelling is permissible on a lot size of 380sqm.
- The proposed development is in the public interest, as the objectives of the land use zone and the standards are both achieved notwithstanding the noncompliance.
- The proposal will not result in any significant or adverse environmental or amenity impacts on the surrounding area.
- The request satisfies the tests set by the Land and Environment Court for the justification and assessment of variations to development standards.

5 Cumberland Road, Auburn | Clause 4.6 Variation Request





1. INTRODUCTION

The site consists of a single lot at 5 Cumberland Road, Auburn in the Cumberland Council Local Government Area (LGA). The site has an area of 392m², and is legally identified as Lot 41, Section B in Deposited Plan 3850.

This Clause 4.6 variation request accompanies a development application made pursuant to Section 4.12 of the Environmental Planning and Assessment Act 1979 (EP&A Act) for demolition and construction of a secondary dwelling on the subject site.

Clause 4.6 of the Cumberland LEP 2021 provides Cumberland Council with a degree of flexibility in applying the standards to the proposed development, subject to a written request by the applicant justifying any contraventions and demonstrating that compliance is unreasonable or unnecessary in the circumstance of the case. In addition, the Land and Environment Court, in Wehbe v Pittwater Council (2007) NSW LEC 827, Winten Developments Pty Ltd v North Sydney Council (2001) NSW LEC 46 and Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118 has articulated principles and tests regarding the justification for, and assessment of, exceptions to development standards. The proposed development is assessed against the established principles at Section 4.

Minimum lot size

The Housing SEPP sets a minimum lot size of 450sqm for secondary dwelling development. The subject site has an area of 392 sqm, above the minimum 380sqm required for a detached dual occupancy under the Cumberland DCP. This equates to a variation of the SEPP of 12.5%, or 58sqm, noting however compliance with Council's own controls set out in Part B of the Cumberland DCP.

2. JUSTIFICATION FOR EXCEPTION TO THE STANDARDS

Clause 4.6 Exceptions to development standards of the Cumberland LEP 2021 provides Council with a degree of flexibility in applying development standards, including those set out in other planning instruments – in this case, being vary the minimum lot size control under Clause 53(2)(a) of the State Environmental Planning Policy (Housing) 2021. Council may approved this variation (Clause 4.6(1)) provided that: the standards are not excluded from this discretion (Clause 4.6(2)); particular planning outcomes are achieved (Clause 4.6(3)); and that certain procedural requirements are met (Clauses 4.6(4)).

Each of these matters is addressed below.

5 Cumberland Road, Auburn | Clause 4.6 Variation Request





2.1 Consistency with Objectives of the Clause

Clause 4.6(1) states:

"The objectives of this clause are as follows:

- a) To provide an appropriate degree of flexibility in applying certain development standards to particular development,
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances."

The non-compliance with the Housing SEPP Minimum Lot Size control for secondary dwellings is driven by the goal of achieving an appropriate housing outcome that is supported by Council through the adopted DCP. The proposed development aims to achieve the objects of the EP&A Act, including:

- Object of the EP&A Act to promote the orderly and economic use and development of land through the provision of housing in an appropriately zoned location,
- Object of the EP&A Act to promote good design and amenity of the built environment,
- Deliver more housing consistent with the Priorities of the Cumberland Council and its local housing strategy,
- Achieving the objectives of the Greater Sydney Region Plan 2018 and the Central City District Plan regarding the provision of housing supply, choice, and affordability in the right locations.

Despite the non-compliance with the standard, the proposed development will have a negligible impact on the surrounding development with respect to overshadowing, views, visual impact, and privacy due to the appropriate and considerate design of the secondary dwelling.

2.2 Matters for consideration

In deciding whether or not to grant consent, Council is required to satisfy itself that the request for the variation demonstrates that:

- There are sufficient environmental planning grounds to justify contravening the development standard (Clause 4.6(3)(b)); and
- The proposed development is in the public interest and consistent with the
 objectives of the standard and the zone in which the development is
 proposed to be carried out (Clause 4.6(4)(a)(ii)).

The clauses are addressed below.

5 Cumberland Road, Auburn | Clause 4.6 Variation Request





Clause 4.6(3)(b) - Environmental planning grounds

It is considered that there are sufficient environmental planning grounds to justify contravening the Minimum Lot Size development standard under the Housing SEPP. The development is considered to be consistent with the objectives of this control, being:

(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.

In this instance, Cumberland Council does not provide any more onerous standards, but rather has a Development Control Plan provision (Part B, Clause 2.21, C7, Cumberland DCP 2021) which permits secondary dwellings that are detached on lots that are at least 380sqm. The proposed lot size is consistent with this control, and therefore Council's intent for where secondary dwellings are appropriate.

Clause 4.6(4)(a)(ii) - the public interest

The proposed development is considered to be in the public interest because it is increasing the supply of affordable, secondary housing in a well established location with good connectivity to services, transport and employment. Furthermore, the proposal is appropriately designed to ensure minimal significant or adverse impacts on the locality or adjacent properties. The proposal achieves the relevant controls under the Cumberland DCP 2021, and is is therefore consistent with the relevant housing strategies and complies with the objectives of the Clause. Below are the relevant objectives under the DCP and the zone.

Objectives for secondary dwelling controls under the DCP

- Ensure a secondary dwelling is integrated with the design of the principal dwelling house, and is subservient in size, scale and nature to the principal dwelling house.
- Ensure secondary dwellings does not detract from the amenity of adjoining neighbours.
- Ensure that room sizes within secondary dwellings are functional, of sufficient size and cater for the intended use of the secondary dwelling.

As shown by the architectural drawings, the proposed secondary dwelling design is appropriately integrated into the property, and is of a scale, size and design that is subservient and secondary to the existing primary dwelling. The proposal does not detract from the amenity of neighbours, including with respect to privacy and solar access. The functionality of the proposed development is not compromised by this non-compliance.

5 Cumberland Road, Auburn | Clause 4.6 Variation Request





Objectives of the R2 Low Density Residential zone

The site is identified within the R2 Low Density Residential zone under the Cumberland LEP 2021. The objectives of the R2 zone are addressed below:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage residential development that maintains the amenity of the surrounding area.
- To ensure that non-residential land uses are located in a setting that minimises impacts on the amenity of a low-density residential environment.

The proposed development is for the purpose of a secondary dwelling, which is consistent with the suburban, low density development usually permitted within the R2 Low Density Residential zone.

The proposed development, and lot size non-compliance, raises no inconsistencies with the objectives of the R2 zone given it proposes a permissible land use, will contribute to the provision of local, affordable rental housing. It will not result in any conflict with the adjoining properties such as overshadowing, privacy, solar impacts and view impacts. Furthermore, the proposal is not visible from the streetscape. It does not detract from the character of the urban fabric.

2.3 Procedural Requirements

The procedural requirements of Clause 4.6 of Cumberland LEP 2021 are addressed below.

Clause 4.6(2)

Clause 4.6(2) states that "this clause does not apply to a development standard that is expressly excluded from the operation of this clause".

Clause 53(2) of the Housing SEPP is not expressively excluded from the operation of Clause 4.6 under the Cumberland LEP 2021.

Clause 4.6(3)

Clause 4.6 (3) requires a "written request from the applicant that seeks to justify the contravention of the development standard" that justifies "compliance with the development standard is unreasonable or unnecessary in the circumstances of the case".

This Clause 4.6 variation provides a written request to contravene the Housing SEPP Minimum Lot Size development standard. In this instance, compliance with the lot size standard is considered unnecessary as the proposal is

5 Cumberland Road, Auburn | Clause 4.6 Variation Request







complementary to the existing character of the locality, and is permissible under Council's own controls. The impacts of the proposed development are not greater than an otherwise strictly complying development. Therefore, it is considered that the proposed variation is not a major departure from the controls or the desired development outcome envisaged by the planning controls.

5 Cumberland Road, Auburn | Clause 4.6 Variation Request





Clause 4.6(4)(b)

Clause 4.6(4)(b) stipulates that Council must not grant consent to any variation unless the concurrence of the Secretary has been obtained.

Planning Circular no PS08–003 Variations to development standards (dated 9 May 2008) provides that the concurrence of the Secretary of the Department of Planning and Environment can be assumed where Councils have adopted Clause 4.6 of the Standard Instrument. As such, the final requirement identified above can be assumed to be satisfied.

3. JUSTIFICATION FOR FLOOR SPACE RATIO VARIATION

The site is identified within the *R2 Low Density Residential* zoning under the Cumberland LEP 2021.

Development for the purposes of a 'secondary dwellings' are permitted through the Housing SEPP, as it is within the R2 zone under the Cumberland LEP 2011, a prescribed zone.

As set out by Clause 53(2) of the Housing SEPP, the minimum lot size for a secondary dwelling is 450sqm, contrary to Council's control, to which this proposal complies, of 380sqm.

The proposed development is comprised of one secondary dwelling development at the rear of the existing property.

The proposed variation to the minimum lot size is a result of the following factors:

- Realising the development potential of the site in a manner that is consistent
 with the desired future character of this locality and the low density nature of
 this part of Auburn,
- Consistency with Council's DCP controls, which in this case contravene and are less onerous than the SEPP,
- Improving the design outcomes of the proposal and minimising amenity impacts on the site, and to neighbouring properties,
- Proposing a viable development and new housing that responds to the current need or increased affordable housing within our existing urban footprint.

4. THE LAND AND ENVIRONMENT COURT PRINCIPLES/TESTS

Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118 is discussed below at **Section 4.1** and addresses the correct approach to consider Clause 4.6 requests.

5 Cumberland Road, Auburn | Clause 4.6 Variation Request





Two landmark cases articulate the Court's view on reasonable arguments for, and assessment of, requests for exceptions to development standards. These are discussed further below at **Section 4.2** and **Section 4.3**.

4.1 Initial Action Pty Ltd v Woollahra Municipal Council (2018) NSWLEC 118

The procedural requirements of Clause 4.6 of Cumberland LEP 2021 are addressed below.

In his decision in *Initial Action Pty Ltd v Woollahra Municipal Council (2018)*NSWLEC 118, Chief Justice Preston clarified the correct interpretation of Clause
4.6 requests with regard to Cl 4.6 (4)(a)(i) and (ii). A Cl 4.6 requests must:

- Adequately address the matters required by subclause (3) that compliance
 with the development standard is unreasonable or unnecessary in the
 circumstances of the case (Cl 4.6(3)(a)), and that there are sufficient
 environmental planning grounds to justify contravening the development
 standard (Cl 4.6(3)(b)); and
- Demonstrate that the proposed development will be in the public interest because it is consistent with the objectives of the development standard (in this case, Cl. 4.4 Floor space ratio) and land use zone objectives (in this case, R2 Low Density Residential) (Cl 4.6 (4)(a)(ii)).

These matters are addressed below.

With respect to the subject site, compliance with the 450sqm minimum lot size for a secondary dwelling standard is considered unnecessary in this case because the proposed development complies with the objectives of the subject development standard set by Council. The objectives of the development standards are addressed at **Section 2.2** above. Refer also to the five tests under *Wehbe v Pittwater Council* at **Section 4.2** below.

The development is considered to have sufficient environmental planning grounds given the development complies with the objectives of the development standards (addressed at **Section 2.2** above) and has no environmental impacts beyond what would be expected of a strictly complying development. It is also consistent with Council's minimum lot size o 380sqm.

The development will be in the public interest because it raises no inconsistencies with the objectives of the R2 zone and complies with the objectives of the development standard and Council's DCP objectives for the comparable control. The proposed development is a permissible land use under the Housing SEPP, will contribute new affordable rental housing options and has been designed to minimise any conflict with the adjoining properties such as overshadowing, privacy, sunlight impacts and view impacts. Refer to **Section 2.2** above.

5 Cumberland Road, Auburn | Clause 4.6 Variation Request





The case also identifies that the outcome of the breach to a development standard does not necessarily need to be a neutral or better outcome, if the relevant environmental planning grounds to assess it against don't require such.

With regard to bulk and scale, overshadowing, visual impact, and privacy the objective of the development standard is to maintain the prevailing suburban, low density character and amenity by limiting the height and scale of secondary dwelling development. The proposed development is otherwise consistent with these controls, including Council's comparable control of 380sqm as a minimum lot size.

4.2 Wehbe v Pittwater Council (2007) NSW LEC 827

In his decision in *Wehbe v Pittwater Council (2007) NSW LEC 827*, Chief Justice Preston expressed the view that there are five different ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary. The five tests are considered in the table below.

i.	The objectives of the standards are achieved notwithstanding non-compliance with the standard	The proposed development complies with the objectives of the standard. The objectives of the standard are addressed at Section 2.2 above.
i.	The underlying objectives or purposes of the standard are not relevant to the development and therefore compliance is unnecessary	The underlying objectives of the standard are relevant to the development. However, as provided in this request, compliance with the standard is considered unnecessary in this case.
i.	The underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable	The underlying object or purpose of the standards would not be defeated or thwarted if compliance was required as the proposal is consistent with Council's DCP.
v.	The development standards have been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standards and hence compliance with the standard is unnecessary and unreasonable; and	This exception to development standards request does not rely on this reason.
v.	The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.	This exception to development standards request does not rely on this reason.

5 Cumberland Road, Auburn | Clause 4.6 Variation Request





4.3 Winten Developments Pty Ltd v North Sydney Council (2001) NSWLEC 46

The exception to development standard request is assessed below against the accepted test for the assessment of development standard variation established by Winten Developments Pty Ltd v North Sydney Council (2001) NSWLEC 46.

a)	Are the planning controls in question a development standard?	Yes, 53(2) of the Housing SEPP is a development standard.
b)	What is the underlying object or purpose of the standards?	The objectives of the standard are addressed at Section 2.2 above.
c)	Is compliance with the development standards unnecessary or unreasonable in the circumstances of the case?	Sections 2 and 3 demonstrate that compliance is unnecessary and unreasonable.
d)	Is compliance with the development standards consistent with the aims of the Policy (to provide flexibility in the application of development standards); and, in particular, does compliance with the development standards tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act 1979?	As demonstrated at Section 2 , compliance with the standards would be inconsistent with the objectives of Clause 4.6 and would hinder the attainment of the objects of the Act as discussed in Sections 2 , 3 and 4 of this request.
e)	Is the objection well founded?	The objection is well founded on the grounds that the non-compliance: Has been demonstrated not to raise any issues of State or regional planning significance; Achieves the objects of the EP&A Act and will provide positive social impacts to the Cumberland local area; Enables a development that reflects the prevailing low rise character of the local area.





5. SUMMARY

The development proposes to vary the minimum lot size prescribed for Secondary Dwellings under the Housing SEPP, resulting in a lot size that is over 12.5% (58sqm) less than the minimum lot size.

It is important to note:

- The applicant held previous discussions with Council planners including the Manager for Development and Senior Planner, to confirm the current approach.
- The Development Control Plan clearly encourages detached secondary dwellings on lots greater than 380 sqm in area.
- Council has approved other secondary dwellings on lots less than 380sqm, including at 62 Bridge Street, Westmead, 42 Chiswick Road, Auburn and 8 Hunt Street, Guildford West.

The proposed development, will not be out of character with surrounding dual dwellings and will be in context with the existing and future character of the area.

Additionally, the expected impacts of the proposed development on surrounding dwellings will not be noticeably different when compared to the impacts of a scheme under the Housing SEPP.

It is therefore considered that the exceedance on the floor space ratio development standard at 5 Cumberland Road, Auburn is permitted under *Clause 4.6 Exceptions to development standards* and it is requested Council grant development consent.

Please feel free to contact the undersigned on 0415710123 should you wish to discuss this assessment in detail, or email info@littledeveloperco.com.au.

Kind regards

Camille Lattouf

Urban Planner & Director

DOCUMENTS ASSOCIATED WITH REPORT LPP004/24

Attachment 4 Appendix A - Cumberland LEP Assessment Table



APPENDIX A - Cumberland Local Environmental Planning 2021

Cumberland Local Environmental Plan 2021 (CLEP 2021)			
Clause 1.2 Aims of Plan			
Is the development consistent with the aims of the LEP?	Yes, development proposal maintains consistent with the aims of the Cumberland Local Environmental Plan as follows:		
	 The proposal has been designed to positively contribute to the housing needs within the community and maintains adequate essential services and amenities. The proposed development complies with the Cumberland Local Environmental Plan and the Cumberland Development Control Plan in full, preserves the natural and built environments within Cumberland's Local Government Area, and does not result in adverse amenity impacts to neighbouring properties. 		
Is the proposed development permissible within the zone?	The subject site is zoned R2 Low Density Residential. This Part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument. As per the definitions of this division of the SEPP, a residential zone includes R2 Low Density Residential Zone.		
	In this regard, a secondary dwelling is permissible under the provisions of SEPP (Housing) 2021.		
Clause 2.3 Zone objectives and Land Use Table Is the development consistent with the Zone objectives?	Yes, development proposal is consistent with the relevant objectives of the R2 Low Density Residential Zone due to the following:		
	 The proposal is consistent with the zone objectives, and complies with the permitted use of residential housing, due to its ability to help sustain the community's housing needs and maintains adequate essential services and amenities for the subject residents, as well as the surrounding area. 		
Clause 2.7 Demolition	N/A – Demolitions is not proposed.		
The demolition of a building or work may be carried out only with development consent			
Clause 4.1 Minimum Lot size	N/A – Subdivision of the land is not proposed.		
Clause 4.1A Exceptions to minimum subdivision lot sizes for certain residential development.	N/A – Subdivision of the land is not proposed.		
Clause 4.1B Minimum Lot Size for Dual Occupancy and semi-detached dwellings is 550 square metres.	N/A – A dual occupancy is not proposed.		



Clause 4.3 Height of Buildings - 9m.	Yes – Proposed building height complies at 4.3m and is below the roof level of the existing primary dwelling within the site.
Class 4.4 Floor space ratio (FSR) – No FSR in R2 Zone	N/A – No FSR applies for development in the R2 zone.
Clause 5.10 Heritage Conservation.	N/A - Not a Heritage Item or in a Heritage Conservation Area.
Clause 5.21 Flood Planning	N/A – Site is not mapped as a flood-controlled lot.
Clause 6.1 Acid Sulphate Soils.	Yes - Class 5 acid sulphate soils affect the site. No further requirements.
Clause 6.2 Earthworks.	Yes – Excavation for the purpose of footings and foundation for the proposed secondary dwelling. The earthworks are not expected to disrupt and or have detrimental effect on the drainage patterns and soil stability on the site and in the locality.
Clause 6.4 Essential Services.	Yes – Suitable Conditions are recommended for adequate arrangements for the supply of water, electricity, management of sewage stormwater drainage and vehicular access.
Clause 6.5 Biodiversity.	N/A – Tree removal is not proposed. The site is not identified as containing any flora or fauna with any biodiversity significance.
Clause 6.6 Riparian land and watercourses	N/A - The site is not in close proximity to a watercourse. Additionally, the scope of the proposed works is not anticipated to impact any water bodies.
Clause 6.7 Stormwater management.	Yes – Concept stormwater plans submitted with the application. Standard conditions have been imposed to ensure stormwater is suitably managed.
Clause 6.12 Urban Heat.	Yes – It is considered proposed schedule of colors and external finishes is not envisaged to impact solar heat on surrounding land. Proposed awnings and eaves provide shelter from the sun. Cross ventilation will minimize the release of heat in the direction of private open space and the public domain. Significant landscaping is being maintained and no impacts to the existing tree canopy identified.

DOCUMENTS ASSOCIATED WITH REPORT LPP004/24

Attachment 5 Appendix B - Cumberland DCP Assessment Table



APPENDIX B - Cumberland DCP 2021

	Relevant Control	Compliance with Requirements	Consistency Objectives
	pment in Residential Zones		0.2,0000
Part B1 – Dwell 2.21 Secondary dwellings	Design and appearance: - Must not detract from the visual amenity of the development on the site and surrounding locality. - Attached or detached, design must compliment principal dwelling. - Not located forward of building line	Yes — The proposal is not considered to detract from the visual amenity of the development on site or surrounding locality due to being a single storey development and located within the rear of the site. Proposed detached secondary dwelling compliments the principle dwelling in regard to the construction, design and materials. Secondary dwelling is located behind the building line.	Yes
	Where outbuilding converted to secondary dwelling: - Comply with BCA/NCC.	N/A – No existing outbuildings are located within the site.	N/A
	- Comply with DCP. Site Area: Min 380m ²	Yes – Total site area is 392m².	Yes
	Height: 2 storeys and must not be higher than principal dwelling.	Yes – Single (1) storey proposed.	Yes
	Attics prohibited.	N/A – No attic is proposed.	N/A
	Floor to ceiling height: Not less than 2.4m and not greater than 2.7m.	Yes – The proposed secondary dwelling has a floor to ceiling height of 2.7m	Yes
	Where located above a garage facing a laneway, is permitted to be 1 storey above the garage.	N/A – The subject site does not face a laneway.	N/A
	Setbacks: - Secondary street (Corner site): 3m - Side: 900mm single storey/1.5m for 2 storeys - Rear Setback: 900mm single storey/3m for 2 storey	Yes – The proposed secondary dwelling is single storey. The proposed secondary dwelling provides the following setbacks: Northern side: 900mm Southern side: 900mm Western (rear) setback: 900mm	Yes
	Dwelling and bedroom size: Secondary dwelling not less then 25m² Minimum bedroom size, not less than 8m²	The proposed secondary dwelling has an internal floor area of 59.6m ² (excluding the patio).	Yes



		Proposed Bedroom 1 and bedroom 2 has an internal floor area of 11.3m ²	
	Orientation: - Living area face north where possible with window on northern elevation - POS for principal and secondary dwelling to have a northern orientation - POS of secondary dwelling to be directly accessible via POS.	Yes – The proposed bedrooms face north, and the living area faces East. POS utilise a northern orientation to maximise solar access. POS is shared between principal dwelling and secondary dwelling with direct access via living room areas.	Yes
	Privacy: The windows of living areas within 9m of the windows of living rooms (other than bedrooms) of adjacent dwellings be offset. In case of windows overlooking neighbouring private open space areas, windows shall be fixed obscure glazed or highlight window type with a minimum sill height of 1.5m above finished floor level. Balconies be semi recessed and/or screened. Screening shall be provided by durable fixed privacy screens, minimum 1.8m high and 75% obscured. First floor balconies max 12m² and not be located along side elevations.	Yes – All windows and openings proposed as part of the application maintain a sill height of 1.5m, are servicing low use areas, or provide sufficient setbacks between adjoining dwelling houses. No privacy concerns anticipated. Proposed secondary dwelling is single storey. No balcony proposed.	Yes
	<u>Site coverage</u> : - 450m² or less – max 70% - 451m² or greater – max 65%	Yes – Site coverage = 189.7m ² or 48.4%	Yes
	Deep Soil Zone: - 450m² or less – min 15% - 451m² or greater – min 20%	Yes – Landscape area = 69.9m ² or 17.8%	Yes
	Secondary dwelling must contain it's own kitchen, bathroom, living and bedroom. A common laundry can be provided.	Proposed secondary dwelling includes a kitchen, bathroom, family/living area, and two bedrooms.	Yes
	Landscaped Area: - POS to be shared and not separated via internal boundary fencing. - POS provided at ground level.	Yes – Proposed POS is located at ground level and is to be shared with the principal dwelling. No internal boundary fence is proposed. A Condition has been imposed to ensure no internal boundary fencing is erected.	Yes
Part G4 - Storm	water & Drainage		
2.2 Method of stormwater	C1. All stormwater collecting as a result of the carrying out of development under this DCP must be	Yes - This requirement is covered as a condition of consent.	Yes



disposal from the site	directed by a gravity fed or charged system to: (a) a public drainage system, or (b) an inter-allotment drainage system, or (c) an on-site disposal system.		
Part G5 - Susta	inability, Biodiversity & Environmental	Management	
2.5 Biodiversity	C1. Development is to be sited and designed to minimise the impact on indigenous flora and fauna, including canopy trees and understorey vegetation, and on remnant native ground cover species.	N/A – No tree removal proposed.	N/A
2.6 Energy efficiency and renewables	C1. New development shall implement energy efficient design and promote renewable energy sources through the inclusion of solar panels, skylights, cross ventilation and other such measures.	Yes – Development is to comply with BASIX requirements.	Yes
Part G7 - Tree I	Management & Landscaping		
2.1 Preservation of trees	C1. The following are not considered to be substantive criteria for tree removal: • flower, leaf or fruit fall causing nuisance; • to increase general natural light; • to enhance views; • to reduce shade created by a tree; • tree not suiting existing or proposed landscape; • unsubstantiated fear of tree failure; • a tree being too large or high; and • to increase direct sunlight onto solar panels or pool heating apparatus.	N/A – No tree removal proposed.	N/A
2.3 Landscaping	C1. Where a landscape plan is required, it shall be prepared by an appropriately qualified person such as	Yes – Landscape plan provided.	Yes



Part GR Wast	an experienced Landscape Architect/Landscape Designer. The landscape plan shall be prepared at a minimum scale of 1:100, be fully documented with the inclusion of a plant schedule and show sufficient detail to enable construction.		
3.3 Residential	C1. The waste service requirements for residential developments shall comply with Table 2.	Yes – Space for bin storage available on site.	Yes
3.6 Collection area requirements	C1. All developments must allocate a suitable collection point for collection of waste and recycling bins from either inside the development (on-site) or from kerbside (off-site).	Yes – kerb-side pickup is suitable for the subject site.	Yes





Item No: LPP005/24

DEVELOPMENT APPLICATION - 11 MOREE AVENUE, GREYSTANES

Directorate: Environment and Planning

Responsible Officer: Executive Manager Development and Building

Application accepted	10 October 2023
Applicant	M Makhoul
Owner	W Cui & L Chen
Application No.	DA2023/0591
Description of Land	11 Moree Avenue WESTMEAD NSW 2145, Lot 132 DP 13731
Proposed	Partial demolition and rear extension of existing heritage listed
Development	dwelling with attached carport.
Site Area	645m ²
Zoning	R2 Low Density Residential Zone
Disclosure of political	Nil disclosure
donations and gifts	
Heritage	Yes – Heritage Listed and within a Heritage Conservation Area
Principal Development	Height of Building
Standards	Permissible: 9m
	Proposed:6.3m
Issues	Heritage

SUMMARY:

- Development Application No. DA2023/0591 was accepted on 10 October 2023 for the partial demolition and rear extension of existing heritage listed dwelling with attached carport.
- 2. The application was publicly notified to occupants and owners of the adjoining properties for a period of 14 days between 19 October 2023 and 2 November 2023. In response, one submission in support of the subject application was received.
- 3. The application was publicly re-notified to occupants and owners of the adjoining properties for a period of 7 days between 29 November 2023 and 6 December 2023 due to the provision of amended plans. In response, no submissions were received.
- 4. The subject site is listed as a heritage item of local significance and is located within the Toohey's Palm Estate Group conservation area in the Cumberland Local Environmental Plan 2021 as Heritage Item no. I301. The heritage item is a Girraween, Inter-war bungalow.
- 5. The application is referred to the Panel as the proposal is considered to be contentious / sensitive development involving partial demolition of the rear of an existing dwelling of heritage significance, to facilitate a new rear extension.



6. The application is recommended for Approval subject to the conditions as recommended in the Council's assessment report.

REPORT:

Subject Site And Surrounding Area

The site forms Lot 132 in DP 13731 and is known as 11 Moree Avenue, Westmead. The site has an area of 645 square metres and has a frontage to MOREE AVENUE of 15.24m. The site has a fall of approximately 1.12m from front to rear.

A site inspection of the premises carried out on 18 October 2023 confirmed that the site is currently occupied by a one storey single dwelling, a detached garage and 4 trees.

The existing developments adjoining the site include detached single dwellings to the north, east and west and a school to the south.

The site contains a heritage item (No. I301), that being the Girraween, Inter-war bungalow. The house was built in 1928 and directly relates to the "Toohey's Palm Estate Subdivision and contains evidence of the pattern of residential development in the suburb of Westmead and within the broader Cumberland LGA. The building is aesthetically significant since the dwelling is largely an intact Inter-war Bungalow that makes a significant contribution to the character of the streetscape.



Figure 1 – Locality Plan of subject site



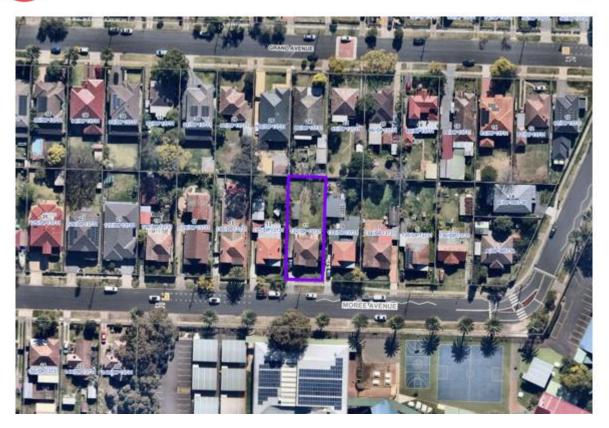


Figure 2 – Aerial view of subject site



Figure 3 – Street view of subject site 11 Moree Avenue Westmead





Figure 4 – Backyard of subject site as viewed from existing dwelling.

Description of The Development

Council has received a development application for partial demolition and rear extension of existing heritage listed dwelling with attached carport. which comprises of the following:

Demolition of the following structures:

- rear of the existing dwelling consisting of the rear veranda and the skillion roof directly above,
- 1 existing tree, and
- existing detached garage.

Alterations and additions to the rear of existing dwelling, which comprises of the following:

- 2 additional bedrooms,
- 1 additional bathroom,
- A new kitchen/dining/family area,
- A patio to the rear consisting of bbq area, and
- An attached carport on the western elevation of the proposed extension.



Applicants Supporting Statement

The applicant has provided a Statement of Environmental Effects prepared by Minto Planning Services dated 22 September 2023 and was received by Council on 25 September 2023 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 Engineering

The development application was referred to Council's Development Engineer for comments who has advised that the development proposal is satisfactory as the proposed development will not result in adverse flooding impacts to the subject site and adjoining properties and therefore can be supported subject to the recommended conditions of consent.

Building Surveying

The development application was referred to Council's Building Surveyor for comments who has advised that the development proposal is satisfactory as the proposed development complies with the relevant provisions of the National Construction Code 2019 and therefore can be supported subject to the recommended conditions of consent.

Tree Management

The development application was referred to Council's Tree Management Officer for comments who has advised that the development proposal is satisfactory as the proposed development does not result in adverse unreasonable impacts to any adjacent trees and therefore can be supported subject to the 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:



State Environmental	Relevant	Compliance with Requirements
Planning Policies (SEPPs)	Clause(s)	·
State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Chapter 2 - Vegetation in non Rural Areas.	The development application requires the removal of 1 tree which has been assessed by Council's Landscape and Tree officer as being acceptable, subject to conditions. The proposal does not exceed the biodiversity offsets scheme threshold. Therefore, the proposed vegetation removal is considered
	Chapter 6 - Water Catchments. Sydney Harbour Catchment.	acceptable. It is determined that given the location, a detailed assessment is not required given that there is no direct impact upon the catchment and no direct impact upon watercourses. As such, the development is acceptable under the new provisions that came into effect on Monday 21 November 2022.
State Environmental Planning Policy (Resilience and Hazards) 2021.	Chapter 2 - Coastal Management.	The subject site is not identified as a coastal wetland or 'land identified as "proximity area for coastal wetlands" or coastal management area.
	Chapter 3.	Potentially hazardous or potentially offensive development is not proposed.
	Chapter 4 - Remediation of Land. Part 4.6.	A review of Council's files has revealed that the site has been historically used for residential purposes and there is no evidence to suggest that the site is contaminated or used for potentially contaminating activities. Additionally, no excavation is proposed.
		As such, it is considered that the development application is satisfactory under Part 4.6 of Chapter 4 of the State Policy.
 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. 	Clause 6	BASIX Certificate number A506785 (dated 20 September 2023) has been submitted and determined as being acceptable for approval.



State Environmental Planning Policy (Sustainable Buildings) 2022	Clause 4.2	State Environmental Planning Policy (Sustainable Buildings) 2022 sets sustainability standards of buildings across NSW for residential and non-residential development. The Sustainable Buildings SEPP was notified on 29 August 2022 and came into effect on 1 October 2023 to allow for the relevant industry to adjust to the new standards. In accordance with the savings and transitional provisions of Clause 4.2 of the Sustainable Buildings SEPP 2022, this policy does not apply as the development application was submitted on 25 th September 2023 but not determined before 1 October 2023.
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Local Environmental Plans

Cumberland Local Environmental Plan 2021

The provision of the Cumberland Local Environmental Plan 2021 is applicable to the development proposal. It is noted that the development achieves compliance with the key statutory requirements of the Cumberland Local Environmental Plan 2021 and the objectives of the R2 Low Density Residential Zone.

(a) Permissibility:

The proposed development is defined as alteration and additions to a "Dwelling House" and is permissible in the R2 Low Density Residential Zone with consent.

"Dwelling House means a building containing only one dwelling".

The relevant matters to be considered under the Cumberland Local Environmental Plan 2021 and the applicable clauses for the proposed development are summarised below. A comprehensive LEP assessment is contained in Appendix A.

Cumberland LEP 2021 Compliance Table

Odifibeli	Odifiberiaria EET 2021 Oomplianee Table				
DEVELOPMENT STANDARD	COMPLIANCE	DISCUSSION			
4.1 Minimum Subdivision lot size: Required: 450m ²	N/A	N/A. There is no change to the existing subdivision pattern.			
4.3 Height of Buildings Max 9m	Yes	The maximum building height complies at 6.46m.			



4.4 Floor Space Ratio	N/A	N/A. There is no prescribed FSR applicable to the site zoned R2.
No FSR in R2 Zone		
4.6 Exceptions to Development Standards	N/A	N/A
5.10 Heritage Conservation		The proposed development contains a heritage item (I301) and is within the Toohey's Palm Estate Group conservation area. The proposed development is also in the vicinity of the heritage item (I295), which is Westmead Public School and heritage items (I300) and (I302), which are inter-war bungalows.
		The application has been supported by a Heritage Impact Statement prepared by Archnex Designs dated November 2023.
		The proposed development is not considered to result in any adverse impacts to the heritage significance of the subject heritage item and heritage conservation area as scale of the proposed development complement existing dwelling and proposed roof pitch is lower than existing roof ridge of the heritage item.
		Moreover, the proposed location of the carport is not considered to result in any adverse unreasonable impacts towards the heritage significance of the subject and adjoining properties as: - it is setback 20 metres from the front property boundary,
		- is not proposed to be attached to the heritage item, and
		- achieves similar setback to the setback of garage at 19 Moree Avenue (another neighbouring heritage item),



		which is also a part of the Toohey's Palm Estate Conservation Area.
		Additionally, the proposed development seeks to utilises materials that will complement heritage fabric of the existing heritage item and subject conservation area.
		In conclusion, the proposed development conserves the environmental heritage of Cumberland and is considered sympathetic to the heritage values and maintains the overall character of the conservation area by respecting the original built form, architectural style and low-density residential character of the area
5.21 Flood Planning		The site is flood affected by the 1% AEP. The proposed development has been reviewed by Council's Development Engineer, who has deemed it to be acceptable, subject to conditions.
6.1 Acid Sulphate Soils	N/A	The proposed development is not affected by Acid Sulphate Soils.
6.2 Earthworks	Yes	Minor earthworks are proposed to facilitate the construction of the alterations and additions. No adverse impacts are anticipated given the minor nature of the proposed development.
6.4 Essential Services	Yes	Suitable conditions are recommended for adequate arrangements for the supply of water, electricity, management of sewage stormwater drainage and vehicular access
6.5 Biodiversity	N/A	The removal of a tree is proposed however, it is considered exempt as per part G7 of the Cumberland DCP because the tree is within 2m of the existing building envelope and is less than 4 m tall.
6.7 Stormwater management	Yes	Conditions shall be imposed to ensure that the stormwater system is adequately managed.



6.12 Urban Heat	Yes	The site complies with the deep so		deep soil	
		zone	and	solar	access
		requiren	nents.		

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

The Cumberland Development Control Plan 2021 is relevant to the development proposal.

The development has been assessed against the following chapters:

- B1: Single Dwellings and Secondary Dwellings
- G2: Heritage
- G3: Traffic, Parking, Transport and Access (Vehicle)
- G4: Stormwater and Drainage
- G5: Sustainability, Biodiversity and Environmental Management
- G7: Tree Management and Landscaping
- G8: Waste Management

The proposed development complies with the provisions of Council's Cumberland DCP 2021 and is considered acceptable from an environmental planning view point.

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 2021 (EP&A Reg).

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

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

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

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

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

In accordance with Council's notification requirements contained within the Cumberland DCP 2021, the proposal was publicly notified for a period of 14 days between 19 October 2023 and 2 November 2023. The notification generated one submission in respect of the proposal. The issues raised in the public submissions are summarised and commented on as follows:



In accordance with Council's Notification requirements contained within the Cumberland DCP 2021, the proposal was publicly re-notified for a period of 7 days between 29 November 2023 and 6 December 2023 due to amendments to the proposed plans. The notification generated no submissions.

Heritage Committee

The Heritage Committee was notified of the Development Application for comment who has made no objection to the proposal.

Submissions summary table

Issue	Planner's Comment
Submitter supports the project as it does	Support is noted
not adversely affect the heritage item	
nor the Toohey's Palm Estate	
Conservation area.	

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

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

Cumberland Local Infrastructure Contributions Plan 2020

The development would not require the payment of contributions in accordance with Cumberland Local Infrastructure Contributions Plan 2020.

Housing And Productivity Contribution (HPC)

In accordance with Schedule 2 of the Order, the proposed development is exempt from the HPC as DA2023/0591 is seeking consent for partial demolition and rear extension of existing heritage listed dwelling with attached carport.

CONCLUSION:

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy (Sustainable Buildings) 2022, Cumberland LEP and Cumberland DCP and is considered to be satisfactory for approval, subject to conditions.

The proposed development is appropriately located within the R2 Low Density Residential Zone under the relevant provisions of the Cumberland LEP. The proposal is consistent with all statutory and non-statutory controls applying to the development. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.



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

CONSULTATION:

There are no consultation processes for Council associated with this report.

FINANCIAL IMPLICATIONS:

There are no financial implications for Council associated with this report.

POLICY IMPLICATIONS:

There are no policy implications for Council associated with this report.

COMMUNICATION / PUBLICATIONS:

The final outcome of this matter will be notified in the newspaper. The objectors will also be notified in writing of the outcome.

REPORT RECOMMENDATION:

- 1. That Development Application No. DA2023/0591 for partial demolition and rear extension of existing heritage listed dwelling with attached carport at 11 Moree Avenue WESTMEAD NSW 2145 be Approval subject to conditions listed in the attached schedule.
- 2. Persons whom have lodged a submission in respect to the application be notified of the determination of the application.

ATTACHMENTS

- 1. Draft Notice of Determination 4
- 2. Architectural Plans !
- 3. Submissions Received !
- 4. Cumberland LEP Assessment J.
- 5. Cumberland DCP Assessment 4
- 6. Heritage Impact Statement 4
- 7. Flood Impact Study 4.
- 8. BASIX Certificate !

DOCUMENTS ASSOCIATED WITH REPORT LPP005/24

Attachment 1 Draft Notice of Determination





DEVELOPMENT APPLICATION DRAFT CONDITIONS OF CONSENT

Under the Environmental Planning and Assessment Act, 1979

Application No: DA2023/0591

Applicant: M Makhoul PO Box 795

KINGS LANGLEY NSW 2147

Property Description: 11 Moree Avenue WESTMEAD NSW 2145,

Lot 132 DP 13731

Development: Partial demolition and rear extension of existing heritage listed

dwelling with attached carport.

Determined by: Cumberland Local Planning Panel

CONDITIONS OF CONSENT

General Conditions

1. DAGCA01- General

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

(Reason: Advisory)

2. DAGCA02 - Approved Plans and Supporting Documents

The development must be carried out in accordance with the following endorsed plans and documents, except as otherwise provided by the conditions of this consent.

Reference/Dwg No	Title/Description	Prepared By	Date/s
Project No. 202317 DWG No. DA 0.01 Rev B	Site Analysis Plan	Building Design & Technology Pty Ltd	21 November 2023
Project No. 202317 DWG No. DA 1.01 Rev A	Demolition Plan	Building Design & Technology Pty Ltd	11 September 2023
Project No. 202317 DWG No. DA 1.02 Rev B	Ground Floor Plan and Landscaped Area Plan	Building Design & Technology Pty Ltd	15 November 2023
Project No. 202317 DWG No. DA 1.03 Rev B	Roof Plan	Building Design & Technology Pty Ltd	15 November 2023
Project No. 202317 DWG No. DA 1.04 Rev B	Elevations	Building Design & Technology Pty Ltd	15 November 2023
Project No. 202317 DWG No. DA 1.05 Rev B	Sections	Building Design & Technology Pty Ltd	15 November 2023
Project No. 202317 DWG No. DA 1.06 Rev A	Coloured Elevations	Building Design & Technology Pty Ltd	17 November 2023
-	Statement of Heritage Impact	Archnex Designs	November 2023
20230312-DA-FL- REP-02 Rev 01	Flood Impact Study	Deboke Engineering Consultants	17 November 2023



-	Waste Management	Building Design and	18 September 2023
	Plan	Technology	
Cert. No. A506785	BASIX Certificate	Taylor Smith	20 September 2023
		Consulting	

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

3. 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)

4. DAGCZ02 - Sediment Control

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

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

5. DAGCZ03 - Service Relocation/ Adjustment

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

(Reason: to protect utility services)

6. DAGCZ04 – General Heritage

- a) The demolition works of the rear of the dwelling and the detached garage as approved under this application must be carried out in accordance with the endorsed plans and documents.
- b) The proposed works are to be carried out in a manner that mitigates demolition, alterations and new penetrations/fixings to the significant fabric of the existing building which is listed as a Heritage Item.
- Appropriately qualified tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works

(Reason: to ensure that the heritage item is adequately protected)



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

7. <u>DAPDA01 – Heritage – Submission of Photographic Survey</u>

Prior to the commencement of demolition of or alterations to the heritage item, a photographic survey must be submitted to Council. The photographic survey shall be prepared in accordance with the guidelines "Photographic Recording of Heritage Items Using Film or Digital Capture" published by the NSW Heritage Office.

(Reason: To provide an accurate record of the building)

8. DAPDB02 - Demolition - General

Notice in writing is to be given to Council within five working days (i.e. Monday to Friday exclusive of public holidays) prior to the commencement of any demolition work. Such written notice is to include:

- The date when demolition will commence:
- Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
- A copy of the notification issued to adjoining residents including the date the notice was delivered;
- The licence number of the demolisher;
- Relevant SafeWork licences, and
- Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.
- Demolition work is to be carried out in accordance with AS 2601-2001.
- · Demolition works are restricted as follows:
- Monday to Friday inclusive 7:00am 5:00pm
- Saturdays 7:00am 5:00pm
- · Sundays and Public Holidays No demolition work

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 7.00am and 6.00pm Monday to Friday, excluding public holidays.

The developer or demolition contractor must notify Council at least five working days before the commencement of any demolition work. The developer or demolition contractor must notify adjoining residents of the following:

- · The date when demolition will commence;
- Details of the name, address and business hours contact telephone number of the demolisher, contractor or developer;
- The telephone number of the SafeWork NSW Hotline.

Demolition work must not commence until Council has inspected the site and is satisfied that all predemolition conditions have been satisfied.

Within fourteen days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving tip as evidence of proper disposal.

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



9. DAPDB03 - Demolition - Asbestos

The developer or demolition contractor must notify Council at least five 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 following:

- 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 licence number of the asbestos removalist/s; and
- The telephone number of SafeWork NSW.

Standard commercially manufactured signs containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400m x 300mm are to be erected in prominent visible positions on the site during asbestos removal works. Barricades to prevent public access and prevent the escape of asbestos fibres must be installed prior to the commencement of asbestos removal works and remain in place until works are completed.

a) Asbestos to be removed by a licensed asbestos removalist.

All demolition and site works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current SafeWork NSW Class A Licence for friable asbestos removal where applicable or a Class B Licence for non-friable (bonded) asbestos removal. No asbestos products are to be re-used on site and asbestos laden skips/bins must not be left in any public place.

Note: To find a licensed asbestos removalist please visit SafeWork NSW website.

b) Compliance with applicable Legislation, Policies and Codes of Practice.

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

- Work Health and Safety Act 2011 & Work Health and Safety Regulation 2017;
- 'Code of Practice on how to safely remove asbestos' published by Safe Work Australia (dated July 2020).
- Safe Work Australia Code of Practice for the Management and Control of Asbestos in the Workplace [NOHSC:2018(2005)].

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

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

10. DAPDB07 - Site Safety Fencing - Demolition Only

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

(Reason: Public safety)

11. DAPDB08 - Demolition Inspections

Council (not a private certifier) must inspect the site prior to and after demolition works. Payment of the demolition inspection fee in accordance with Council's current fees and charges policy must be made to arrange the inspections.

After completion of demolition works, the applicant must notify Council within 7 days to assess the site and ensure compliance with AS2601-2001 - Demolition of Structures.

(Reason: To ensure compliance with the relevant legislation and to ensure



12. DAPDB09 - Tree Preservation

All street trees and trees on private property that are protected under Council's Development Control Plan and relevant policies, shall be retained and protected in accordance with AS 4970 - 2009 'Protection of Trees on Development Sites' during demolition and construction works except where Council's prior written consent has been obtained.

(Reason: Tree Preservation and Protection)

13. DAPDB12 - Sediment and Erosion Control measures

Prior to the commencement of works, the following measures are to be implemented on the site to assist with sedimentation control during the construction phase of the project:

- a) A dish shaped diversion drain, or similar structure will be constructed above the proposed building works to divert run-off to a stable discharge area such as dense ground cover. This diversion drain is to be lined with turf or otherwise stabilised.
- b) A sediment-trapping fence using a geotechnical fabric specifically designed for such purpose and installed to manufacturer's specifications is to be placed in suitable locations below the construction area to reduce impacts on waterways.
- vegetation and/or existing building structures will be cleared from the construction site only, other areas to remain undisturbed.
- d) Restricting vehicle access to one designated point and having these driveways adequately covered at all times with blue metal or the like.
- e) A vehicle wheel wash, cattle grid, wheel shaker or other appropriate device, shall be installed prior to commencement of any site works or activities, to prevent mud and dirt leaving the site and being deposited on the street.
- f) Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations, which could lead to the discharge of materials into the stormwater drainage system or waterways.
- g) Stockpiles of topsoil, sand, aggregate, soil or other material shall not be located on any drainage line or easement, natural watercourse, footpath or roadway. Stockpiles shall be protected with adequate sediment controls.
- The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding.
- Such measures are to be maintained at all times to the satisfaction of Council and the Principal Certifier. Failure to do so may result in the issue of penalty notices.

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



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

14. DACCA01 - Amendments to Approved Plans

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

The kitchen windows W5 and W6 shall be treated with fixed obscured glazing.

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

15. DACCA02 - Application for a Construction Certificate

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

(Reason: Statutory requirement)

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 Council or Registered 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. Council may use part or all of the deposit to carry out rectification work to Council's infrastructure that was damaged as a result of carrying out development works. Unused portions of the damage deposit can be refunded following the completion the issue of an Occupation Certificate and a written request to release the deposit.

(Reason: To protect Council infrastructure)

18. DACCB02 -Payment of Bonds, Fees and Long Service Levy

The Council or Registered 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

Types of fees	Amount	Payment timing
Demolition Inspections	\$553	Prior to CC
Damage Deposit	\$2,145	Prior to CC
TOTAL	\$2,698	

Payment of the above fees shall be paid to Council in accordance with timing stipulated above. 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.

Note: In the event that the applicant does not apply for refund of bonds, Council will forfeit the bonds and it will be transferred to the Infrastructure Reserve 7 years after the completion of works in accordance with Construction Bonds Management Policy.

(Reason: Statutory requirement and information)



20. DACCB06 - Photographic Record of Council Property - Damage Deposit

Prior to demolition commencing and prior issue of a Construction Certificate, the applicant shall submit to Council a full photographic record of the condition of Council's assets (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 assets 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 arose during the course of demolition or construction work, Council may require either part or full re-instatement of its assets.

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 the 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 by Council.

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

In accordance with Section 138 of the *Roads Act 1993* and prior to the issue of any Construction Certificate, the applicant must submit a Road and Footpath Opening Permit application that is accompanied by detailed plans. Written approval must be obtained from the appropriate road authority under the *Roads Act 1993* for any works in the road reserve prior to the commencement of works.

Where the work is likely to have an impact on the operation of an arterial road then a Road Occupancy Licence must be obtained from the relevant road authority. The application should be lodged at least 10 days prior to the planned commencement date.

(Reason: Protection of Public Assets and information)

23. DACCF01 - Canopy Tree/s

To ensure the preservation of the landscape character of the area, the landscape plan submitted with the Construction Certificate application shall incorporate a canopy tree/s, to achieve a minimum 8m height at maturity and located on the site. The tree is to be supplied from a minimum 45 litre container and be maintained by the applicant until the tree is properly established.

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

24. DACCF08 - Tree Planting

Minimum soil standards for plant sizer are provided in accordance with the Table below:

Tree Size	Height	Spread	Min Soil Area	Min Soil depth
Large trees	>12m	>8m	10 x 10	1.2m
Medium trees	8-12m	4-8m	6 x 6m	1.0m
Small trees	5-8m	<4m	3.5 x 3.5m	0.8m
Shrubs				0.5-0.6m
Turf				0.2m

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



25. DACCJ01 - Detailed Stormwater Drainage System Design

Prior to the issue of the Construction Certificate, a detailed stormwater drainage plan for the safe disposal of stormwater from the site shall be prepared in accordance with Council's Development Control Plan and relevant policies. The plan shall be submitted and approved by the Council or Registered Certifier.

Should any changes be required to the approved stormwater drainage plan, the amended design shall achieve equivalent performance standards in accordance with Council's Development Control Plan and relevant policies.

Please note that where the proposed design extends within the public road area, separate approval under section 138 of the *Roads Act 1993* must be obtained from Council prior to the commencement of works.

(Reason: Stormwater management)

26. DACCJ03 - Certification of the Stormwater Drainage System Design

The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Council's Development Control Plan and relevant policies and shall be submitted to the Council or Registered Certifier prior to the issue of the Construction Certificate.

Certification of the proposed stormwater design shall be obtained from a qualified practising professional engineer with the Engineers Australia membership and shall be submitted to the Council or Registered Certifier prior to the issue of the Construction Certificate.

(Reason: Adequate stormwater management)

27. DACCJ11 - Excavations Extending Below the Base of Footings of Adjoining Development

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

(Reason: To ensure the support for neighbouring buildings)

28. DACCK06 - Retaining Walls

Retaining walls greater than 1.0m above the finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with any Construction Certificate application.

(Reason: To ensure safety and the proper design or retaining structures)

29. 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 Council or Registered Certifier.

(Reason: To ensure safety and the proper design or structural elements of the building)

30. DACCL02 - Telecommunications

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

(Reason: Ensure services are not disturbed)



31. DACCL03 - Adjustment to Telecommunications

The arrangements and costs associated with any adjustment/relocation of telecommunications infrastructure shall be borne in full by the applicant/developer.

(Reason: Ensure the applicant is responsible for costs associated with adjustments to Telecommunications infrastructure)

32. DACCZ01 - Floor Levels

Floor levels shall comply with Flood Advice Letter and the flood study report prepared by deboke Engineering Consultants (Ref: 20230312-DA-FL-REP-02, Revision 01, Dated 17 November 2023). In this regard, the detailed plans showing the compliance o= above shall be submitted to and approved by Registered Certifier.

(Reason: to ensure flood levels comply with Flood Advice Letter and approved Flood Impact Assessment Report)

33. DACCZ02 - Hydraulic engineer's design certification

Written verification from suitably qualified hydraulic engineer shall be obtained, stating the following:

- a) Construction certificate plans comply with Council's flood advice letter and approved flood study report prepared by deboke Engineering Consultants (Ref: 20230312-DA-FL-REP-02, Revision 01, Dated 17 November 2023).
- b) All new works are designed in flood compatible materials to a minimum of the flood planning level, including the requirements for electrical equipment, power supply, wiring, GPO's etc.
- c) The floor levels have been deigned on piers with open subfloor underneath to allow for water flow underneath as per the approved flood study report. The construction certificate plans comply with the above requirements.
- d) Perimeter building walls around the subfloor do not impede the overland flow. The security infill around the perimeter of the building, within the flood affected area are pool type fence/ vertical louvres.
- e) Increase in stormwater depth for the post development overland flow path would not exceed 10mm.
- f) The development has no adverse impact on flood levels and/or adjoining properties.

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

(Reason: to ensure construction plans comply with the approved Flood Impact Assessment report and the Council's Flood Advice Letter)

34. DACCZ03 - Flood Risk Management

The Subject development shall comply with Council's Flood Risk Management Policy (CFRMP). In this regard,

- a) Supporting documents shall be prepared in order to ensure that the development complies with the controls for flood risk precinct nominated in the Appendix (page 6) of the CFRMP.
- b) Supporting documents shall be submitted to and approved by Registered Certifier.

(Reason: to reduce flood risk to the people and properties)



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

35. DAPCA01 - Appointment of Principal Certifier

No work shall commence in connection with this Development Consent until:

- a) A construction certificate for the building work has been obtained from a Certifier.
- b) the person having the benefit of the development consent has:
 - appointed a principal certifier for the building work, and
 - given at least 2 days' notice to the Council, and the principal certifier if not the Council, of the person's intention to commence the erection of the building, and
- c) The principal certifier has, no later than 2 days before the building work commences:
 - (i) notified the Council of his or her appointment, and
 - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) The person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case
- e) The person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - (ii) notified the principal certifier of such appointment, and
 - 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)

36. DAPCA02 - Home Building Compensation Fund

No residential building work within the meaning of the Home Building Act 1989 may commence until:

- A contract of insurance in accordance with Part 6 of the Home Building Act 1989 is entered into and is in force, where such a contract is required under that Act;
- b) The Principal Certifier is satisfied that the principal contractor for the work is the holder of the appropriate licence and is covered by the appropriate insurance, in each case if required by the Home Building Act 1989 (unless the work is to be carried out by an owner-builder);
- If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner-builder permit required under the Home Building Act 1989;
- d) Written notice of the following information has been provided to Council;
 - In the case of work for which a principal contractor is required to be appointed:
 - · The name and licence number of the principal contractor, and
 - The name of the insurer by which the work is insured under Part 6 of the Home Building Act 1989,
 - ii. In the case of work to be done by an owner-builder:
 - · The name of the owner-builder, and
 - If the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989, the number of the owner-builder permits.

Where Council is not the Principal Certifier, the Principal Certifier is responsible for notifying Council of the above matters.

Where arrangements for doing residential building work change while the work is in progress so that the above information becomes out of date, the Principal Certifier (if not Council) must provide Council with written notice of the updated information.

(Reason: Statutory requirement)

37. DAPCA03 - Site Safety Fencing

Site fencing to a minimum height of 1.8m shall be erected before the commencement of any work and be maintained throughout the duration of works to exclude public access to the site.

(Reasons: Statutory requirement and health and safety)



38. DAPCA04 - Principal Certifier Sign

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

- · shows the name, address and telephone number of the Principal Certifier;
- shows the name and address of the principal contractor (if any) and a telephone number on which that person may be contacted outside of work hours.
- stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained whilst ever the work is being carried out and must be removed when the work has been completed.

(Reason: Statutory requirement)

39. DAPCA05 - Sydney Water Tap in Approvals

The approved plans must be submitted through the Sydney Water 'Tap in' portal to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Sydney Water 'Tap in' customers will receive an approval receipt. For further details please refer to Sydney Water's web site at www.sydneywater.com.au/tapin or call1300 082 746.

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

(Reason: Statutory requirement)

40. 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:-

- 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)

41. DAPCB04 - Removal of Trees

The following trees are approved for removal:

Species	Location
Plumeria rubra	At the rear of the dwelling

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

42. DAPCB05 - Trunk Protection

To limit the potential for damage to trees to be retained, trunk protection measures must be installed in accordance with section 4.5.2 of AS 4970 - 2009 'Protection of Trees on Development Sites' for the following tree/s prior to the commencement of demolition, excavation or building works:

Species	Location
2 x Camellia japonica	Along the Eastern side of the existing dwelling

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)



43. DAPCC01 - Salinity

The applicant must advise the relevant public utility authorities of any potential 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

44. DADWA01 - Construction Hours

Construction and all related activities including the delivery of materials to the site may only take place between the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. No work is to occur on Sundays and public holidays.

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 7.00am and 6.00pm Monday to Friday, excluding public holidays.

Note: Construction hours may also be regulated through State Legislation and Policies, and any works need to comply with these requirements.

(Reason: To minimise impacts on neighbouring properties)

45. DADWA02 - Dust Control

Minor Works

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

- a) 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 shade cloth or a similar material at least 2m high and secured to a chain wire fence or in a manner otherwise directed by Cumberland City Council.
- b) As and when directed by Council, measures identified below are to be implemented to control the emission of dust:
 - Erection and regular maintenance of dust screens around the perimeter of the site for the duration of the work.
 - Dust must be suppressed by means of a fine water spray. Water used for dust suppression must not be contaminated or allowed to enter the stormwater system.
 - Soil and material stockpiles are to be kept damp or covered.
 - Stockpiles of soil or other materials are to be placed away from drainage lines, gutters or stormwater pits or inlets.
 - Stockpiles of contaminated soil shall be stored in a secure area and be covered if remaining on site for more than 24 hours.

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

46. 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)

47. DADWA05 - Construction Management Plan

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

A copy of the Plan must be kept on site at all times and made available to the Principle Certifier or Council on request.

(Reason: Compliance with condition of consent)

48. 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)



49. 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:

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

50. DADWA11 - Communication Cabling

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

(Reason: Environmental Amenity)



51. 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)

52. 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.

Validation shall take place by one or both of the following methods:

- Provision of documentation from the supplier certifying that the material is not contaminated based upon analyses of the material for the known past history of the site from where the material was sourced; and/or
- Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines

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

53. DADWA17 - Notification of New Contamination Evidence

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 Council.

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.

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

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

54. DADWA20 - Road and Footpath Opening Permit

Section 138 of the *Roads Act 1993* provides that a person must not carry out a work in, on or over a public road (which includes the verge / footpath area); dig up or disturb the surface; remove or interfere with a structure, work or tree on a public road; or pump water into a road without the consent or the appropriate roads authority Should such work be required within a road for which Council is the roads authority, the applicant is to apply for Road and Footpath Opening Permit. A permit is to be obtained prior to any works within the public road taking place.

Road and Footpath Opening Permits do not include driveways, laybacks and major stormwater drainage construction, which are covered by a separate application process.

(Reason: Maintain public asset)

55. DADWB02 - Tree Protection

To minimise impacts on trees to be retained, no fill shall be placed and no building materials shall be stored under the drip lines of trees to be retained.

(Reason: Tree preservation)



56. DADWB03 - Pruning Adjoining Trees

Subject to the adjoining owners consent, permission is granted for the selective pruning of overhanging branches from the following tree/s located on the adjoining property:

Species	Location
Magnolia soulangeana	Western fence line in #13 Moree Ave
	Westmead
Murraya paniculate hedge	Western fence line in #13 Moree Ave
	Westmead
Corymbia ficifolia Cvr	Western fence line in #13 Moree Ave
-	Westmead

This approval does not imply any right of entry onto a neighbouring property nor does it allow pruning beyond a common boundary. If compliance with AS 4373 - 2007 'Pruning of Amenity Trees' necessitates entry on to a neighbouring property, the applicant must negotiate such access with the tree owner. All pruning must be undertaken by an AQF Level 3 Arborist.

(Reason: Tree preservation and amenity of neighbouring property)

57. 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)

58. 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)

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

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

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

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

(Reason: To ensure compliance with approved plans)

60. DADWC05 - Salinity

The building and external walls are not to proceed past ground floor formwork/reinforcing level until such time as the Principle Certifier has confirmed that all required construction measures addressing salinity (as required by this consent and accompanying Construction Certificate) have been carried out.

(Reason: To ensure required construction measures addressing salinity are carried out)



61. DADWC06- Air Conditioning Units for Low and Medium Density Residential

Air conditioning units are to be located to the ground level of the side or rear yards or within basement garages and not within the frontages of the property. Air conditioning units are not to be visible from the street or public place and are not to obscure windows/window frames or architectural features of the building. The air conditioning shall be appropriately noise attenuated, not exceed a background noise of more than 5dba measured from habitable room from adjoining and appropriately screened.

(Reason: To ensure that air conditioning units associated with the development are appropriately located and do not detract from the appearance of the buildings)

62. DADWC07 - Switchboards/Service Panels

Switchboards and/or service panels for utilities are not to be attached to the front facades/elevations of the building(s).

(Reason: To ensure that switchboards and service panels are appropriately located)

63. DADWC11 - Heritage - No Demolition of Extra Fabric

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

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

(Reason: Heritage conservation)

64. DADWC16 - Waste Management

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

(Reason: Compliance with approval)



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

65. DAOCA01 - Occupation Certificate (section 6.9 of the Act)

A person must not commence occupation or use of the whole or any part of a new building or change the use of the whole building or any part of an existing building, unless an Occupation Certificate has been issued in relation to the building or part.

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

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

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

(Reason: Statutory requirement)

66. 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)

67. DAOCA04 - Engineers Certificate

A Structural Engineer's certificate from the supervising structural engineer responsible for the design shall be submitted to the Principle 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)

68. DAOCA08 - Certification of Engineering Works

Prior to the issue of an Occupation Certificate, the following documents must be submitted to the Principal Certifier and Council.

- Work as executed drawings for completed engineering works from a registered surveyor.
- A Certificate from a qualified practising professional engineer with the Engineers Australia
 membership under the appropriate professional category, that certifies the following matters
 have been constructed in accordance with the approved plans:
 - a) the stormwater drainage system, and/or

(Reason: Asset management)

69. DAOCA11 - Civil Works on the Footway

The following works are to be carried out at the applicant's expense and to Council's satisfaction prior to the issue of any occupation certificate:

- Reconstruct sections of cracked or defective footpath along the full frontage of the site, and/or
- b) Reconstruct existing public drainage pit/pipe system, and/or

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

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



70. DAOCA14 - Drainage System - Maintenance of Existing

Where elements of the existing drainage system is to be utilised, the existing drainage system shall be maintained clear of silt and accumulated debris. Silt and the like shall be removed, not flushed from the system.

A certificate shall be provided by a suitably qualified person (a licenced plumber or a person of equivalent or greater experience or qualification) to the satisfaction of the Principal Certifier, prior to the issue of any Occupation Certificate to confirm that the system is in good working order and adequate to accept additional flows.

(Reason: Maintenance and environment)

71. DAOCF01 - Landscape

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

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

(Reason: Landscape certification)

72. DAOCF04 - Street Tree

The applicant shall meet the full cost plant 25 litre (container size) tree. The tree is to be a Corymbia ficifolia Cvr (Flowering gum). The final location of the street tree shall be determined by Council. The tree shall be maintained by the applicant in a healthy and vigorous state for a period of 12 months from the date of planting or until established.

(Reason: Tree preservation and environmental amenity)

73. DAOCF05 - Unpaved Verge Area

The unpaved verge area shall be turfed.

(Reason: To comply with Council's requirements.

74. DAOCG01 - Certification of the Constructed Stormwater Drainage System

The constructed stormwater drainage system shall be certified by a qualified practising professional engineer with the Engineers Australia membership, as being in accordance with Council's Development Control Plan and relevant policies

(Reason: Adequate stormwater management)



75. DAOCZ01 - Works-as-Executed Plan

Prior to occupation of the building or issue of the occupation certificate, two (2) copies of the Works-as-Executed (W.A.E.) Plan prepared by a registered surveyor and certified by the design engineer shall be submitted to Council. The W.A.E. plan shall show (where applicable):

- i. Whether all works have been completed generally with the approved drainage plans.
- ii. Pier locations.
- iii. Subfloor areas.
- iv. Overland flow path.
- v. Clearance under the building.
- vi. Any departure from the approved plan and conditions.
- vii. Any additional work that has been undertaken.
- viii. Location, levels and sizes of pipes and pits.
- ix. Finished floor and finished surface levels. The location of finished levels should in general correspond with those shown on Council's approved drainage plan.

NOTE: The WAE surface level shall be taken after all landscaping has been completed. In this regard

 The above information is to be superimposed on a full sized copy of Council approved drainage plan and is to be submitted to Council.

(Reason: to account for minor variations and to ensure Council has the final details)

76. DAOCZ02 - Hydraulic engineer's flood certification

A written verification from suitably qualified hydraulic engineer shall be obtained, stating the following:

- Development complies with the Flood Advice letter and the flood study report prepared by deboke Engineering Consultants (Ref: 20230312-DA-FL-REP-02, Revision 01, Dated 17 November 2023).
- Perimeter building walls around the subfloor do not impede the overland flow under the subfloor area.
- Overland flow paths through the site are maintained as per the approved flood report.
- Increase in stormwater depth for the post development overland flow path would not exceed 10mm.
- e) The development has no adverse impact on flood levels and/or adjoining properties.

The written verification shall be submitted to and approved by the Registered Certifier.

(Reason: to ensure construction complies with the Flood Impact Assessment report and Council's Flood Advice Letter)

77. DAOCZ03 - Flood Evacuation Plan

Flood evacuation plan shall be prepared by suitably qualified person.

The documents showing the compliance with the above requirement shall be submitted to and approved by the Registered Certifier.

The evacuation plan shall be in force at all times.

(Reason: to ensure safety)



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

78. DAOUC15 - Noise - Residential buildings

The air conditioner/s/ mechanical ventilation systems/rainwater tank pumps must comply with the requirements of Protection of the Environment Operations (Noise Control) Regulation 2017 and shall not:

- emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - · before 7.00am and after 10.00pm on any other day; and
- b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.

(Reason: To protect residential amenity)

79. DAOUC30 - Privacy

All privacy measures shall be maintained throughout the lifetime of the development.

(Reason: Privacy)

80. DAOUD02- Landscape Maintenance - General

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

(Reason: Safety and landscape amenity)

81. DAOUZ01 - Boundary fencing flood affected areas

The site has been identified as a flood affected site in the 1% Annual Exceedance Probability (AEP) storm event. In this regard,

 Any new fence or modification to any existing boundary fence within the 1%AEP flood affected area(s) as identified in the approved flood report shall not impede the overland flow.

(Reason: to ensure overland flow is maintained)



Advisory Notes

82. 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 it is recommended that you contact Dial Before You Dig before excavating or erecting structures 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 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.



83. 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 should contact Telstra's Network Integrity Team.

84. DAANN03 - Dividing Fences

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under that 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 can provide mediation services.

85. DAANN07 - Owner Builders

Under the *Home Building Act* 1989, any property owner who intends undertaking construction work to a dwelling or dual occupancy over the value of \$10,000 (inclusive of GST) must obtain an owner-builder permit from the NSW Fair Trading.

86. DAANN08 - Process for Modification

The plans and/or conditions of this Consent are binding and may only be modified upon approval of an application under s.4.55 of the *Environmental Planning and Assessment Act, 1979*. A modification application shall be accompanied by the appropriate fee, application form and required information. You are not to commence any action, works or the like on the requested modification until Council issues an amended consent.

87. DAANN09 - Review of Determination

In accordance with the provisions of Section 8.2 of the *Environmental Planning and Assessment Act* 1979, you can request a review of a determination not relating to a complying development certificate, application for designated development or application for Crown development. A review application may not be determined after the period within which any appeal may be made to the Court if no appeal was made. To determine a review application within that time limit, the application must be submitted well in advance of the appeal right timeframe. A fee as per Council's current Pricing Policy, Fees and Charges, is payable for a review application.



88. DAANN10 - Right of Appeal

Section 8.7 and 8.10 of the *Environmental Planning and Assessment Act 1979*, gives the applicant the right of appeal to the Land and Environment Court within six months after the date the decision appealed against is notified or registered on the NSW Planning Portal occurs.

89. DAANN12 - Works/Construction Zones

All development sites, more than 2 storey, require a 'Works Zone' application. The applicant must apply to Council and pay the respective minimum one (1) week application fees. Provision of a Works Zone is subject to approval by the Cumberland Traffic Committee. The length of works zone approved will be determined by Council.

90. DAANN13 - Work Health and Safety

For information regarding, codes of practice and guidelines regarding demolition and construction work, visit the SafeWork NSW.

91. DAANN17 - Critical Stage Inspections - General

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: 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)

92. DAANN18 - Inspections for Building Work (Classes 1 or 10)

The following critical stage inspections must be carried out:

- a) After the excavation for, and prior to the placement of, any footings;
- b) Prior to pouring any in-situ reinforced concrete building element;
- c) Prior to covering of the framework for any floor, wall, roof or other building element;
- d) Prior to the covering waterproofing in any wet areas;
- e) Prior to covering any stormwater drainage connections; and
- f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The Principal Certifier may nominate additional inspections which need to be carried out.

Prior to issuing an Occupation Certificate or Subdivision Certificate, the Principal Certifier must be satisfied that the work has been inspected on the above occasions.

The last critical stage inspection must be carried out by the Principal Certifier. Earlier critical stage inspections may be carried out by the Principal Certifier or, if the Principal Certifier agrees, by another certifier.

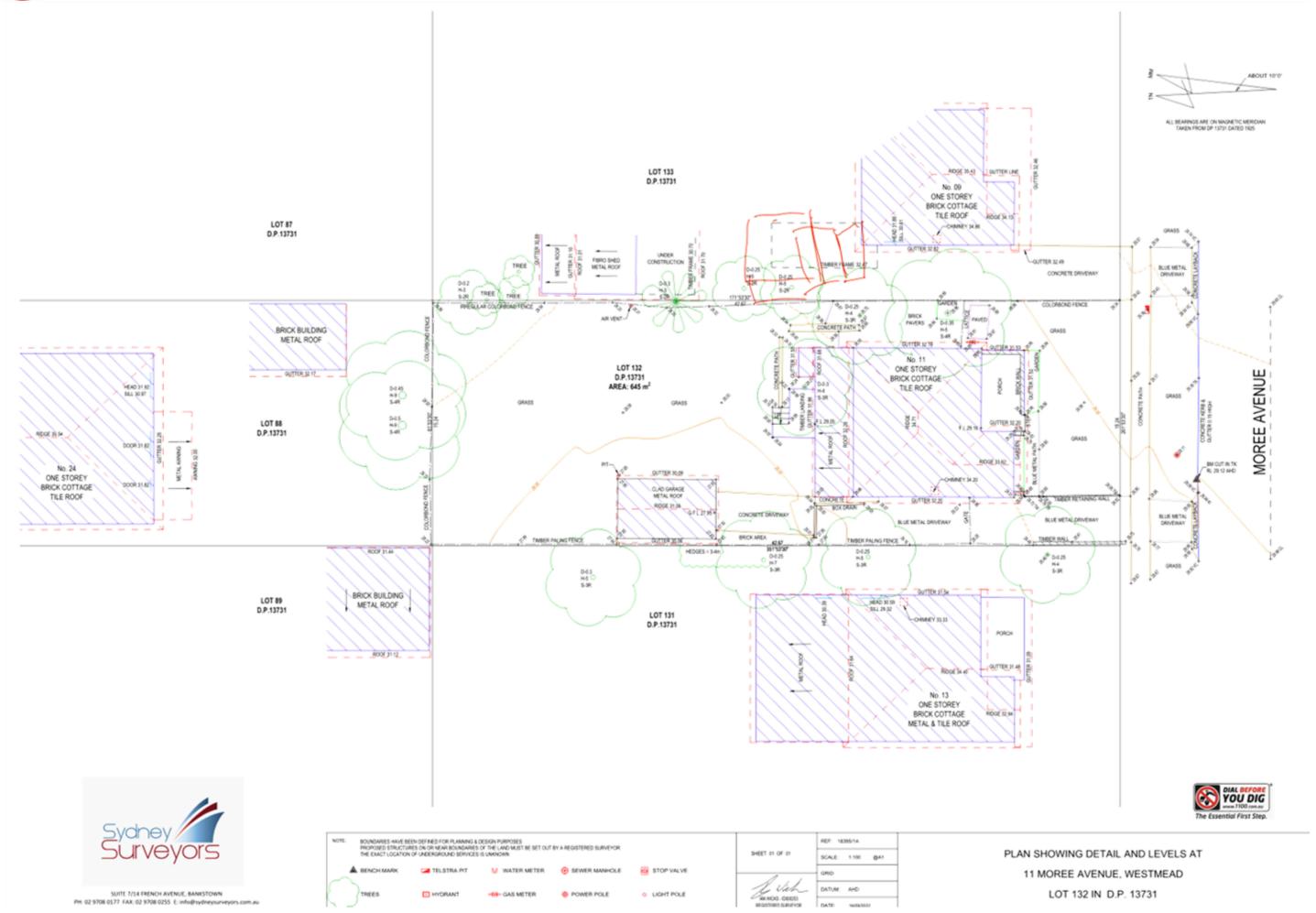
For each inspection, the principal contractor or the owner-builder must notify the Principal Certifier at least 48 hours before each required inspection needs to be carried out.

(Reason: Statutory Requirements)

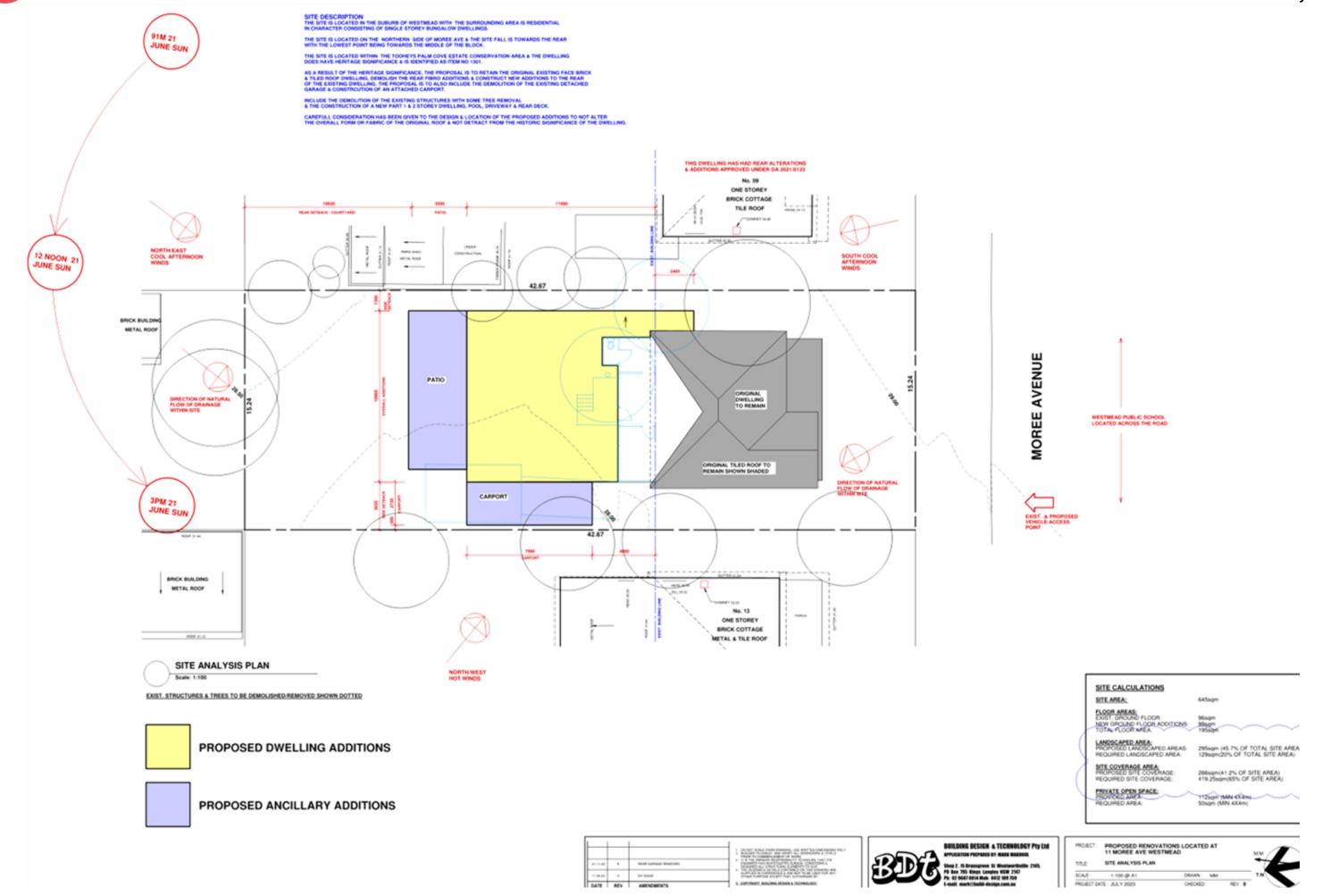
DOCUMENTS ASSOCIATED WITH REPORT LPP005/24

Attachment 2 Architectural Plans

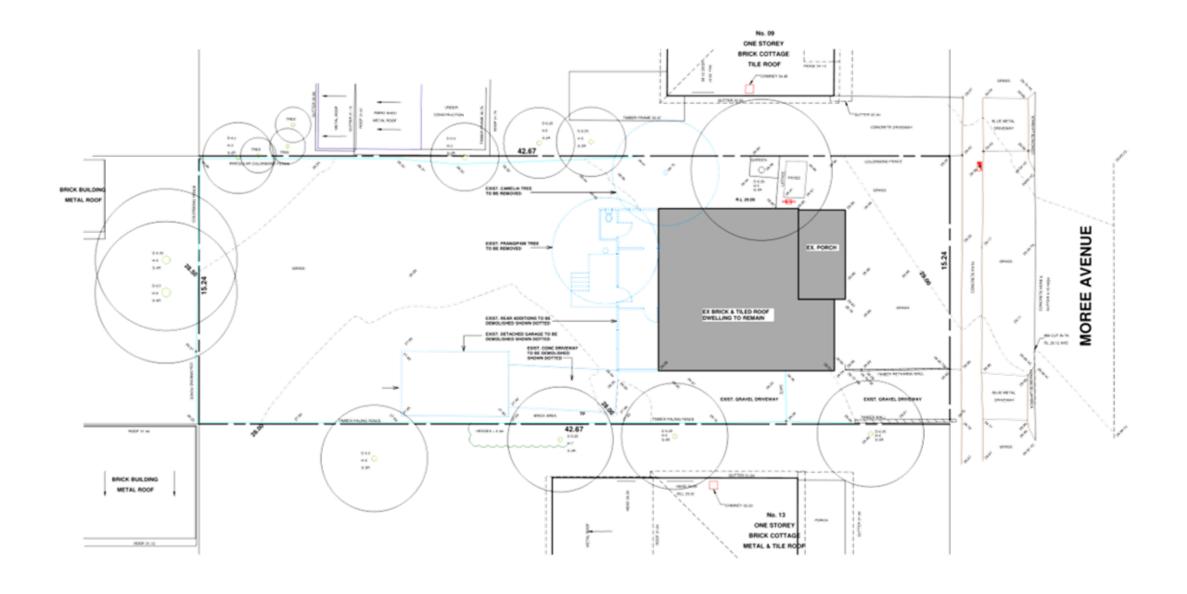












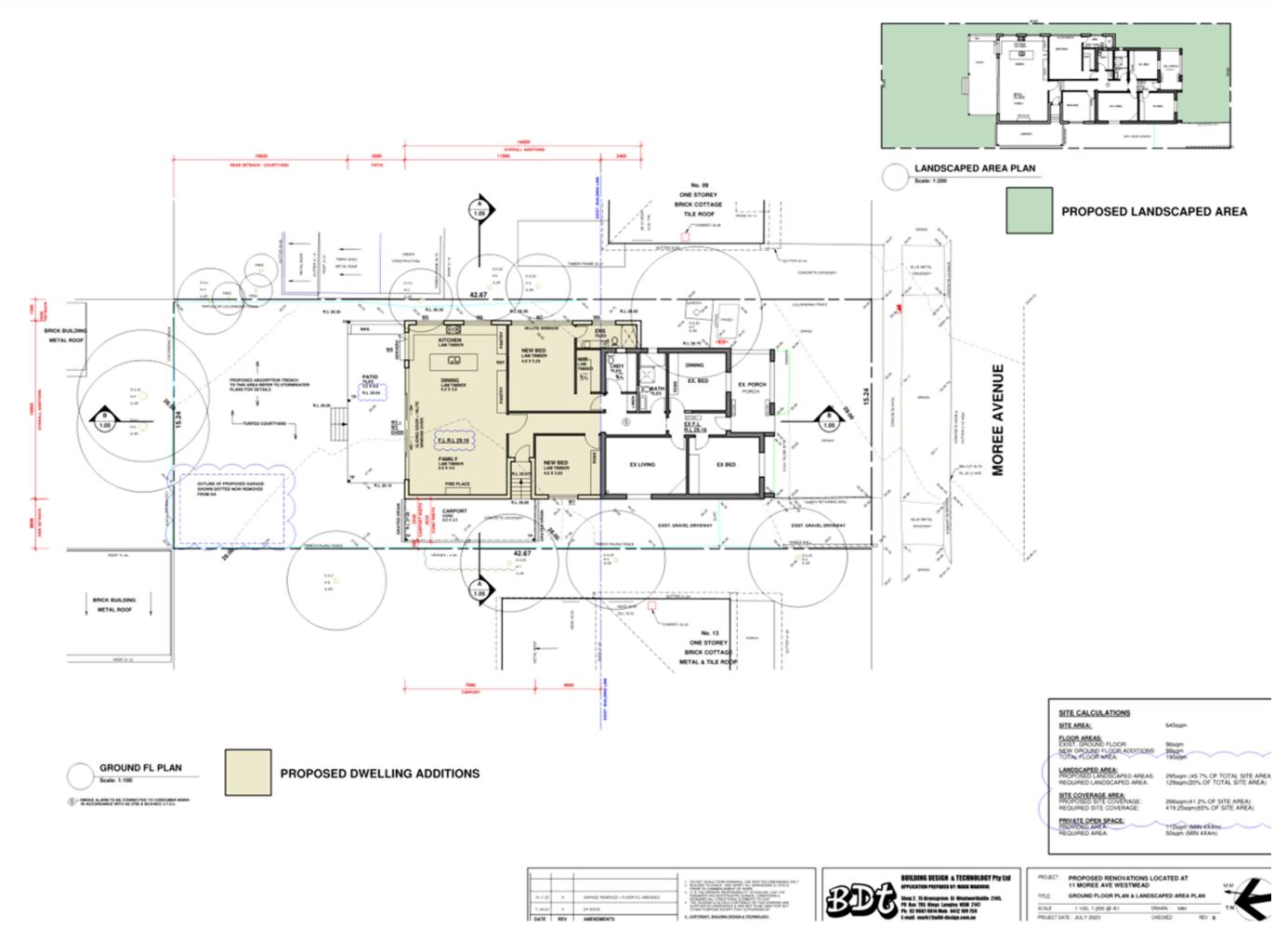




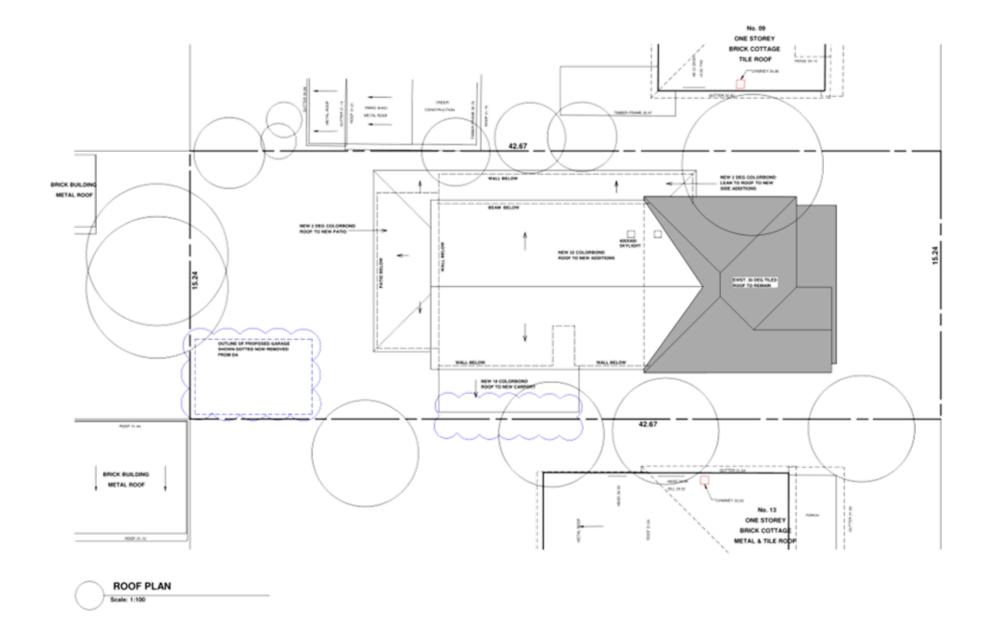












MOREE AVENUE





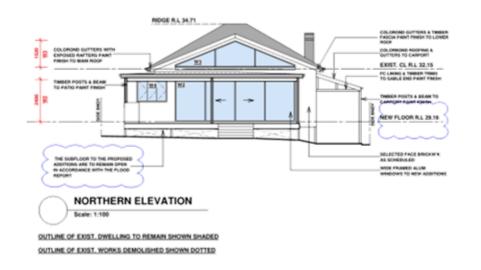


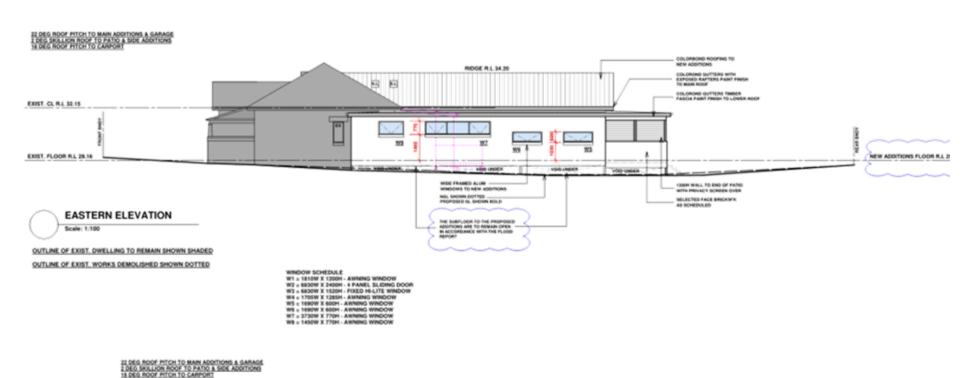


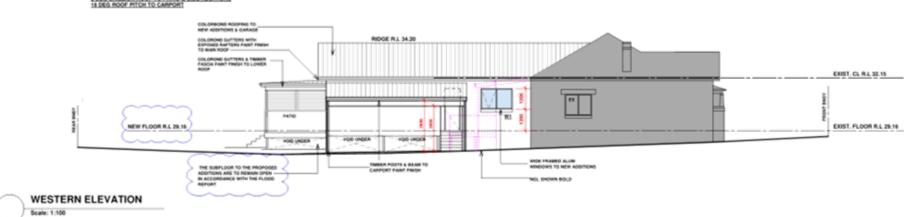


SOUTHERN ELEVATION
Scale: 1:100

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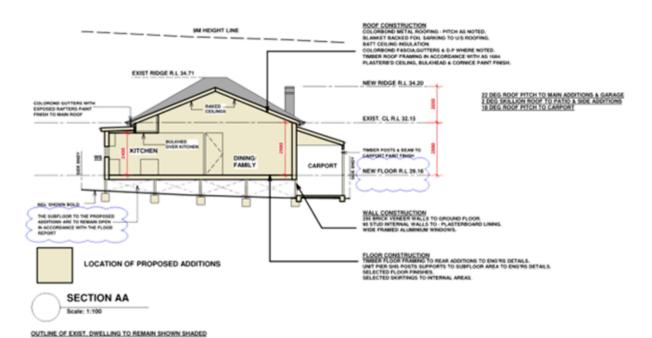
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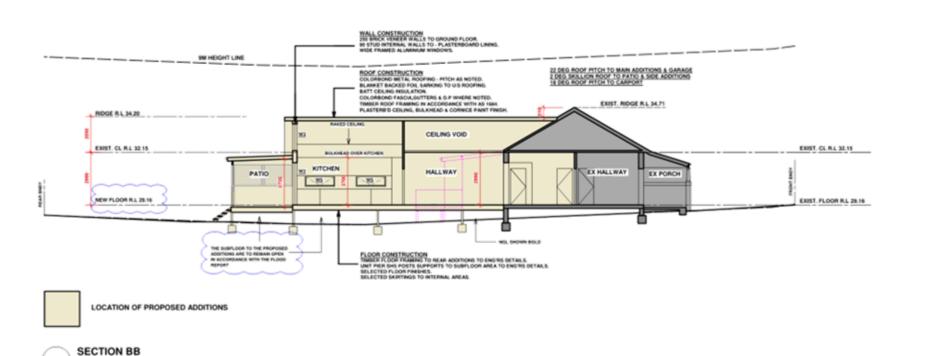












FINISHES & COLOUR LEGEND

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EXISTING FACE BRICK WALLS- TO REMAIN

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EXISTING EXPOSED RAFTERS = DULUX LIMED WHITE OR SIMILAR

EXISTING TIMBER FRAMED WINDOWS = DULUX LIMED WHITE OR SIMILAR

EXISTING GUTTERS = TO BE CHANGED TO COLORBOND SHALE GREY



COLORBOND SHALE GREY



EXIST MONIER MARSEILLE TERRACOTTA TILES- FLORENCE RED

NEW ADDITIONS

FACE BRICK WALLS- BOWRAL GERTRUDIS BROWN OR SIMILAR

COLORBOND CORRUGATED ROOFING» COLORBOND BUSHLAND

PROPOSED EXPOSED RAFTERS = DULUX LIMED WHITE OR SIMILAR

NEW GUTTERS = COLORBOND SHALE GREY

NEW ALUMINIUM FRAMED WINDOWS # POWEDERCOAT WHITE OR SIMILAR

FC CLADDING TO CARPORT GABLE END: COLORBOND SHALE GREY

TIMBER BARGE/ FASCIA TO CARPORT& GARAGE=

EXTERNAL POSTS & MOULDINGS # DULUX LIMED WHITE OR SIMILAR

NEW GARAGE DOOR = COLORBOND SHALE GREY



COLORBOND BUSHLAND





OUTLINE OF EXIST, DWELLING TO REMAIN SHOWN SHADED OUTLINE OF EXIST. WORKS DEMOLISHED SHOWN DOTTED





SOUTHERN ELEVATION



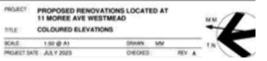
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DOCUMENTS ASSOCIATED WITH REPORT LPP005/24

Attachment 3 Submissions Received



From:

Sent: Thu, 2 Nov 2023 18:24:01 +1100

To: "Records Department" <council@cumberland.nsw.gov.au>

Subject: [EXTERNAL] Submission - DA2023/0591

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

2 November 2023

Attention: Angus Coventry Cumberland City Council Development and Building Team

Via email: council@cumberland.nsw.gov.au

RE: DA2023/0591 - 11 Moree Avenue, Westmead NSW 2145

Dear Angus,

We have taken the opportunity to view the plans and documentation for the abovementioned Development Application (DA).

We are the owners of the property at 9 Moree Avenue, Westmead, which is immediately adjacent to the property the subject of the DA.

As immediately adjacent neighbours, <u>we are supportive</u> of the owners' intention to improve the amenity and functionality of their residential family home through their proposed alterations and additions.

Like the owners of 11 Moree Avenue, we are also the proud owners of a heritage listed property within the Toohey's Palm Estate Group Conservation Area. We write **in support** of the proposal because we are of the view that it does not adversely impact the heritage significance of the listed heritage item, nor of the Toohey's Palm Estate Group Conservation Area. The proposal's design does not dominate the view of the heritage item from the streetscape and is of a scale and bulk that is sympathetic to the original heritage bungalow.

Yours sincerely,

DOCUMENTS ASSOCIATED WITH REPORT LPP005/24

Attachment 4 Cumberland LEP Assessment



APPENDIX A - Cumberland Local Environmental Planning 2021

Cumberland Local Environmental Plan 2021 (CLEP 2021)					
Clause 1.2 Is the development consistent with the aims of the LEP?	Yes – the proposed development complies with the aims of relevant aims of the Cumberland Local Environmental Plan as follows:				
	- The proposed development appropriately meets the needs of the community as it expands upon the existing footprint of the dwelling to provide expanded amenity for the subject property whilst at the same time, does not adversely impact the amenity of the local community.				
	- The proposed development respects the built and heritage of Cumberland as the alterations and additions compliment the existing heritage item and the heritage conservation area and does not detract from the heritage significance of both.				
	- Additionally, the proposed development complies with the Cumberland Local Environmental Plan and the Cumberland Development Control Plan in full and does not result in adverse amenity impacts to adjoining properties.				
Clause 2.3 Is the development consistent with the Zone objectives?	Yes – the proposed development complies with the relevant objectives of the R2 Low Density Residential Zone due to the following:				
	- The proposed development appropriately provides for the housing needs of the community within a Low Density residential environment as the proposal provides expanded amenity for the subject residents of the property and at the same time respects the character of the area.				
	- The proposed development maintains the amenity of the surrounding area as it complies with the site coverage, landscaped area, private open space and solar access requirements as per Part B1 of the Cumberland Development Control Plan. Additionally, the proposed development compliments the heritage significance of the subject and adjoining heritage items and the heritage conservation area that the property resides within.				
Clause 2.7 Demolition	Yes – Demolition of a portion of the rear of the existing dwelling as well as the existing detached				
The demolition of a building or work may be carried out only with development consent.	garage is proposed.				
Clause 4.1 Minimum Lot size.	N/A – subdivision of the land is not proposed.				



Clause 4.1A Exceptions to minimum subdivision lot sizes for certain residential development.	N/A – subdivision of the land is not proposed.
Clause 4.1B Minimum Lot Size for Dual Occupancy and semi-detached dwellings is 550 square metres.	N/A – a dual occupancy is not proposed.
Clause 4.3 Height of Buildings - 9m.	Yes - Building height of the proposed alteration and additions complies at 6.3m.
Class 4.4 Floor space ratio (FSR) – No FSR in R2 Zone	N/A – the site is within a R2 Low Density Residential Zone and thus Floor Space Ratio (FSR) does not apply.
Clause 5.10 Heritage Conservation.	The proposed development contains a heritage item (I301) and is within the Toohey's Palm Estate Group conservation area. The proposed development is also in the vicinity of the heritage item (I295), which is Westmead Public School and heritage items (I300) and (I302), which are inter-war bungalows.
	The application has been supported by a Heritage Impact Statement prepared by Archnex Designs dated November 2023.
	The proposed development is not considered to result in any adverse impacts to the heritage significance of the subject heritage item and heritage conservation area as scale of the proposed development complement existing dwelling and proposed roof pitch is lower than existing roof ridge of the heritage item.
	Moreover, the proposed location of the carport is not considered to result in any adverse unreasonable impacts towards the heritage significance of the subject and adjoining properties as:
	 it is setback 20 metres from the front property boundary, is not proposed to be attached to the heritage item, and achieves similar setback to the setback of garage at 19 Moree avenue (another neighbouring heritage item), which is also a part of the Toohey's Palm Estate Conservation Area.
	Additionally, the proposed development seeks to utilises materials that will complement heritage fabric of the existing heritage item and subject conservation area.
	In conclusion, the proposed development conserves the environmental heritage of Cumberland and is considered sympathetic to the heritage values and maintains the overall character of the conservation area by respecting the original built form, architectural style and low-density residential character of the area



Clause 5.21 Flood Planning.	The site is flood affected by the 1% AEP. The proposed development has been reviewed by the Council Development Engineer, who has deemed it to be acceptable, subject to the recommended conditions.
Clause 6.1 Acid Sulphate Soils.	N/A – the proposed development is not affected by Acid Sulphate Soils.
Clause 6.2 Earthworks.	Minor earthworks are proposed to facilitate the construction of the alterations and additions. No adverse impacts are anticipated given the minor nature of the proposed development.
Clause 6.4 Essential Services.	Suitable Conditions are recommended for adequate arrangements for the supply of water, electricity, management of sewage stormwater drainage and vehicular access
Clause 6.5 Biodiversity.	The removal of a tree is proposed however, it is exempt from requiring consent as it is considered exempt as per part G7 of the Cumberland DCP because the tree is within 2m of the existing building envelope.
Clause 6.7 Stormwater management.	Conditions are recommended to ensure that the stormwater system is adequately managed.
Clause 6.12 Urban Heat.	The site complies with the deep soil zone and solar access requirements.

DOCUMENTS ASSOCIATED WITH REPORT LPP005/24

Attachment 5 Cumberland DCP Assessment



Appendix B - Cumberland Development Control Plan

	Relevant Control	Compliance with Requirements	Consistency Objectives
Part B - Develo	opment in Residential Zones		
Part B1 – Dwel	ling Houses and Secondary Dwellings		
2.1 Setbacks	Min. 6 metre front setback. Dwellings shall align with the street.	No changes to existing 5.9m front setback are proposed.	N/A
	Balconies, porticos, entrances may protrude max 900mm.	No changes to the front façade are proposed.	N/A
	Min. 900mm side setback.	The proposed development complies as the eastern side setback is 1.3m whilst the western side setback is 3m.	Yes
	Rear Setbacks - Min. 8 metres.	The proposed development complies as the rear setback is proposed to be 10.6m.	Yes
2.2 Height	Max. 2 storeys.	The dwelling is proposed to remain as a single storey dwelling.	Yes
	Minimum floor to ceiling height: 2.7 metres.	No changes proposed to existing building. Minimum floor to ceiling heigh proposed to the rear extension (dining, kitchen and family area) is 2.7m.	Yes
2.4 Streetscape	An articulation zone shall be permitted in the front setback to the primary street frontage. The articulation zone is to be a maximum of 0.9m in depth. Building elements permitted in the articulation zone include: verandahs, porticos/entry features, bay windows, awnings, shade structure, window box treatment, balcony, patio, pergola, terrace, verandah or steps. The dwelling house entry shall be visible from the street and provide a sense of address. Windows and doors in facades facing the street shall be provided in a balanced manner and respond to the orientation and internal uses.	No alterations to the front façade are proposed as the proposed development entails the partial demolition of the rear of the existing heritage dwelling and a rear single storey extension with an attached carport on the western elevation that is setback 20m from the front property boundary.	N/A



### Materials and colours must reduce appearance of bulk. ### Materials and colours must reduce appearance of bulk. ### Als & adds - Materials must be compatible with the streetscape and character of its locality. Materials and colours must integrate with original structure. ### Als	Large areas of blank, minimally or poorly articulated walls are not acceptable. Measures to avoid this may include windows, awnings, sun shading devices, pergolas, or a recognisable increased setback to the upper storey.		
Therefore, the maximum site coverage allowed on the property is 451.1m². The development complies with this requirement as the proposed site coverage is 239.9m², which makes up 41.19% of the site. The non-built upon areas shall be landscaped and/or deep soil and provide for POS. 2.7 Landscaping - 450m² or greater - min 20% The site area is 645m². Therefore, the minimum deep soil zone required is 129m². The development complies with this requirement as the proposed deep soil zone is 291.1m², which makes up 36.4% of the site. The landscaped area shall be a deep soil zone. The majority of deep soil shall be located at rear in a continues area and shall extend across at least 50% of the rear boundary. Deep soil zone minimum width of 1 metre. Landscape area above structures shall not be considered deep soil zone. The POS has been located at the rear of the property.	appearance of bulk. Alts & adds - Materials must be compatible with the streetscape and character of its locality. Materials and colours must integrate with original	materials are compatible with the overall streetscape as well as the existing dwelling as it utilises materials that compliment the existing	Yes
Landscaped and/or deep soil and provide for POS. Deep soil zone minimum width of 1 metre. Landscape area above structures shall not be considered deep soil zone. POS must be provided at ground level and located at located at located at located at located and rear of dwelling. The POS has been located at level the rear of the property. Yes	- 451m ² or greater - max 65%	Therefore, the maximum site coverage allowed on the property is 451.1m². The development complies with this requirement as the proposed site coverage is 239.9m², which makes up 41.19% of the site.	
Landscaping - 451m² or greater - min 20% Therefore, the minimum deep soil zone required is 129m². The development complies with this requirement as the proposed deep soil zone is 291.1m², which makes up 36.4% of the site. The landscaped area shall be a deep soil zone. The majority of deep soil shall be located at rear in a continues area and shall extend across at least 50% of the rear boundary. Deep soil zone minimum width of 1 metre. Landscape area above structures shall not be considered deep soil zone. POS must be provided at ground level and located at the rear of the property. Therefore, the minimum deep soil zone is 291.1m² with this requirement as the proposed deep soil zone is 291.1m² which makes up 36.4% of the site. The landscaped area has been provided as a deep soil zone has been located at the rear. Yes N/A – none proposed. N/A The POS has been located at the rear of the property.	landscaped and/or deep soil and provide		Yes
zone. The majority of deep soil shall be located at rear in a continues area and shall extend across at least 50% of the rear boundary. Deep soil zone minimum width of 1 metre. Landscape area above structures shall not be considered deep soil zone. POS must be provided as a deep soil zone. The majority of the deep soil zone has been located at the rear. Yes N/A – none proposed. N/A The POS has been located at Yes		Therefore, the minimum deep soil zone required is 129m ² . The development complies with this requirement as the proposed deep soil zone is 291.1m ² , which makes up	Yes
at rear in a continues area and shall extend across at least 50% of the rear boundary. Deep soil zone minimum width of 1 metre. Landscape area above structures shall not be considered deep soil zone. POS must be provided at ground level and located side and rear of dwelling. Zone has been located at the rear. The deep soil zone has a minimum width of 1m. N/A – none proposed. N/A The POS has been located at Yes the rear of the property.			Yes
metre. minimum width of 1m. Landscape area above structures shall not be considered deep soil zone. N/A – none proposed. N/A POS must be provided at ground level and located side and rear of dwelling. The POS has been located at the rear of the property.	at rear in a continues area and shall extend across at least 50% of the rear	zone has been located at the	Yes
not be considered deep soil zone. 2.8 - Private Open Space POS must be provided at ground level and located side and rear of dwelling. The POS has been located at the rear of the property.			Yes
Open Space and located side and rear of dwelling. the rear of the property.		N/A – none proposed.	N/A
POS Area: The POS is 154.9m². Yes			Yes
- 450m² or less - min 30m²		The POS is 154.9m ² .	Yes



	 451m² or greater - min 50m². Dimensions of 4 metre in any direction. Note: 3 metres can be considered on lots 450m² or less. POS directly accessible from living area. POS be bounded by buildings, fencing or other screening devices. Incorporate dense landscaping that restricts views to a height of 1.8m. Additional POS should be provided in form of balcony or the like. Subject to site conditions and privacy considerations. 	The POS is bounded by the dwelling, the proposed garage and the existing boundary fencing. Additional POS is proposed in the form of a patio.	Yes
	POS areas face north, east or west to maximum amenity.	The POS faces north.	Yes
2.9 – Dwelling house mix	Dwelling Size: - 1 bedroom dwelling - min. 65m ² - 2 bedroom dwelling - min. 85m ² - 3 bedroom dwelling - min. 115m ² - 4 bedroom dwelling - min. 130m ²	The proposed number of bedrooms is 4. Therefore, the minimum dwelling size required is 130m². The proposed development complies with this requirement as the dwelling is proposed to have an expanded floor area of 199m².	Yes
	At least 1 living area be spacious and connect to POS area.	The plans submitted demonstrate compliance with this.	Yes
	Min 1 Master/double bedrooms with min. area of 12m² excluding built-in wardrobes. Single bedroom min. 10m² excluding built-in wardrobes.	The proposed additional bedrooms have the following areas. Master bedroom: 23.2m ² Single bedroom: 12.9m ²	Yes
2.10 - Visual and Acoustic Privacy	Site layout and building design must ensure windows do not result in direct or close view into windows, balconies or private open spaces of adjoining dwellings.	No overlooking impacts are anticipated towards the north. Western Elevation No overlooking impacts are anticipated from the bedroom window W1 as it is low use. No overlooking impacts anticipated from the patio towards the west as it has been suitably privacy screened. Eastern Elevation	Yes, subject to conditions



	No overlooking impacts are anticipated from the bathroom window W8 as it is low use. No overlooking impacts are anticipated from the bedroom window W7 as it is low use and proposed sill height is 1.46m from finished floor level. However, windows W6 and W5 are considered to result in overlooking impacts due to its use, as such conditions shall be imposed requiring that the kitchen windows W5 and W6 to be treated with fixed obscure glazing. No overlooking impacts are anticipated from the patio towards the east as it has been suitably privacy screened and to the west it is around 4m away from the side boundary.	
Windows to living rooms and main bedrooms shall be located to face the front and rear of the site.	Complies – the main living room window faces the rear of the site.	Yes
Windows to be located to not provide direct or close view into windows of habitable rooms and POS of adjoining dwellings.	Complies – no overlooking impacts are anticipated.	Yes
Building design elements and landscaping be designed to increase visual privacy.	Complies – the dwelling extension has been designed to increase visual privacy.	Yes
Windows of living rooms within 9 metres of adjoining living windows be offset.	N/A – living room window faces the rear.	N/A
Air conditioning, pool pump, ancillary elements etc must not exceed a background noise of more than 5dba measured from habitable room from adjoining dwelling.	This requirement is covered as a condition of consent as per condition no. 78.	Yes, subject to conditions
Balconies: First floor balconies maximum depth of 3 metres. Shall be semi recessed and/or screened with a 1.5 metre screen and 75% obscured. Orientated to face street or rear or a public domain. Not located along side wall elevations or corner of dwelling house (unless it faces street).	No overlooking impacts are anticipated from the patio towards the east as it has been suitably privacy screened and to the west it is around 4m away from the side boundary.	Yes



	- If located higher than 800mm above		
	ground level, privacy measures must be incorporated.		
2.11 Solar Access	Subject and adjoining property: Min. 3hrs of sunlight to one or more living areas of neighbouring dwellings in mid-winter between 8am and 4pm on 21 June. Min. 50% sunlight to POS between 8am and 4pm on 21 June.	The adjoining dwellings and their respective POS's will not be adversely shadowed as a single storey extension is proposed. Therefore, they will continue to achieve at least 3 hours of sunlight to their living area and private open space on 21 June.	Yes
		The living area and POS of the proposed development will receive 8 hours of sunlight between 8am and 4pm on 21 June	
	Habitable room windows have sufficient head and sill height to allow sun penetration into room.	The habitable room windows have sufficient head and sill height to allow solar penetration into the rooms as the living room has large sliding window doors at the rear as well as a large gable window directly above (W3). Additionally, the bedroom windows W1 and W7 have sill heights of 1.278m and 1.5m respectively.	Yes
	Where practical, living areas, kitchens and family be located north and non-habitable rooms be orientated south or west.	The living area is proposed to be located at the northern portion of the proposed extension to the dwelling.	Yes
	Increase building setbacks to maximise solar access and minimise overshadowing on adjoining properties.	Complies – the dwelling extension has been designed to maximise solar access to adjoining properties.	Yes
	Solar Collectors: - Proposed solar collectors achieve 3 hours solar access between 8am and 4pm on 21 June for proposed development. - Existing solar collectors of adjoining properties achieve 3 hours between 8am and 4pm in mid-winter. - Retain min. 3m² north facing roof space on adjoining properties for potential solar panel installation with unimpeded solar access between 8am to 4pm in mid-winter.	Complies – the adjoining dwellings to the east and west have no solar collectors however, the entire north facing roof of both dwellings will receive unlimited solar access between 8am and 4pm on 21 June.	Yes
2.12 Cross Ventilation	Rooms with high fixed ventilation openings such as bathrooms and laundries be situated south to act as	Complies – the bathroom is situated east.	Yes



	buffers to insulate the dwelling house from winter winds. Garages may also		
	useful as buffers on the southern and western sides.		
	Internal layout be designed with bathrooms, laundries and kitchens sited in a position that allows natural ventilation of the room through an openable window.	Complies – the internal layout has been designed to allow the bathroom and kitchen to receive natural ventilation via openable windows.	Yes
2.17 Cut and fill	 Developments be designed to integrate with the natural topography of the land. Cut and fill shall not create a detrimental impact on the overland flow of the site. 	The plans submitted demonstrate compliance with this.	Yes
	Sill: 300mm fill permitted within 900mm of side/rear boundaries. Maximum 600mm fill within buildings envelope. Where fill is more than 150mm deep shall not exceed 50% of landscaped area.	No fill is proposed.	N/A
	Cut: - Max 1m (excluding basements); - 450mm within 900mm of side/rear boundaries;	No cut is proposed	N/A
	Cut and fill must not impact on neighbouring amenity or result in a significant loss of mature trees.	No cut or fill is proposed	N/A
2.18 Car parking and site access	 Min 1 covered space / dwelling house Maximum of 2 covered spaces / dwelling house. Stacked parking may be provided only for use by the same dwelling. 	1 covered parking space has been proposed in the form of a carport to the west.	Yes
2.19 Garages and carports	Driveways and Manoeuvring areas to comply with AS2890.1.	This requirement is covered as a condition of consent.	Yes
Note: Garage and carports will comply with the provisions set out in Part G3 of this DCP. These controls are as follows	Carports: Not located in front of building line. Unless where site is not capable to located carport elsewhere. Open with a third of perimeter open. Can be located partially forward of building line within articulation zone. If located within 900mm of boundary, shall be constructed out of materials with minimal maintenance.	The carport is located 14.4m behind the front building line. As per the NCC, approximately 61.3% of the carport is open. The carport setback from the western property boundary is 500mm however the carport has been referred to Council's building surveyors who have deemed the carport to be acceptable as it complies with	Yes



		the National Construction Code.	
Part G – Miscel	laneous Development Controls		
Part G2 – Herita	age		
2.1 Development requirements for environmenta I heritage	 Contributory items are required to be retained. Development applications and their assisting documentation shall be prepared in accordance with the Burra Charter. 	The heritage item (that being the Girraween inter-war bungalow) is also located within conservation area and makes a positive contribution to the character of the streetscape.	Yes
		The majority of the existing dwelling house, including the front façade shall be retained as the proposed development entails a partial demolition of the rear of the existing heritage item and a single storey rear extension and the addition of a carport on the western elevation of the extension.	
		The Heritage Impact Statement states that the plans and documents have been prepared in accordance with the burra charter.	
		The proposed development preserves the integrity of the heritage item as the majority of the heritage item is to be retained. Additionally, the proposed development is sympathetic to the heritage item as the proposed development is a rear extension to that item, utilises colours and materials that complement the heritage item and the proposed roof height and pitch are lower than the existing roof.	
2.2 Conservation and development works on heritage items	New development should be consistent with the guidelines and policies of any relevant conservation plan adopted by Council, and where appropriate, with State government requirements.	N/A – no conservation plan	N/A



Ensure that conservation or maintenance works on a heritage item use materials, detailing, features, and design elements that are appropriate to the style and age of the heritage item	The proposed works utilises materials, colours, detailing, features and design elements that compliment the existing heritage item.	Yes
- Additions and/or extensions to heritage items: a) Are to be located and designed to complement the existing scale, character and amenity of the streetscape; b) Are not to dominate the appearance of the heritage item from the street; and c) Are to be consistent with the style of the heritage item.	The proposed extension does not adversely alter the appearance of the heritage item from the street and the proposed extension is considered to compliment the existing heritage item.	Yes
- Garages and carports are designed and located to ensure that they do not impact upon the appearance or fabric of the heritage item and its setting, and comfortably fit with the character of the area.	The carport does not impact upon the fabric and appearance of the heritage item and its setting as the carport is setback 20m from the front property boundary and utilises a roof pitch that is consistent with the existing roof pitch of the heritage item.	Yes
Residential alterations and additions - When undertaking extensions or alterations to a heritage item, the design of the proposed extensions or alterations should be compatible with the style of the heritage item and its height, scale and proportion. - In general, where an extension is proposed to a single storey dwelling, the extension should also be single storey and should be located to the side or rear of the property, so as not to affect the streetscape appearance of the item. - Any proposed roof extensions should be carefully designed to ensure that it is compatible with the original building. Roofs of additions should be consistent with the existing roof in terms of its form, pitch, eaves and ridge height, and should be in proportion to the existing building.	The proposed rear extension is recessive with the style of heritage item as the design of the proposed extension utilises colours, materials that compliment the existing colours and materials of the heritage item. The proposed extension maintains the dwelling as a single storey and is towards the rear, which is considered to not result in any adverse visual impacts to the street scape appearance. The roof extension compliments the existing roof and thus is compatible with the original building as the proposed roof of the extension is lower in height relative to the existing roof. Additionally, the proposed roof pitch is lower	Yes



	than the existing roof of the heritage item.	
Design details - The treatment of design details, such as verandah posts, doors or windows, on new extensions to heritage items should be sympathetic with those of the original building where possible. It may be appropriate to use a simpler version of the design details used in the original building, so that the new additions are in keeping with, yet still able to be differentiated, from the original structure.	The proposed windows on the side elevations are sympathetic with the existing windows on the side elevations of the existing dwelling as the windows utilise head heights that are similar to the head heights of the existing windows on the side elevations. Additionally, the materials and colours proposed below the bottom of the proposed windows are identical to the existing materials and colours directly below the bottom of the existing windows.	Yes
Garages and carports - When adding a new garage to a heritage item, open-sided carports are generally more acceptable and less intrusive than solid structures as they do not affect the fabric and streetscape appearance of the heritage item. - If a solid garage is proposed for a heritage item, the garage should be located away from (i.e. detached from) the main house structure. - Where possible, solid garages should be set back from the front, side and rear of the property boundary. - Garage or carport designs should use design detailing, materials and colours that refer to, and are compatible with, the original building.	A carport is proposed on the western elevation of the proposed extension. The carport is also setback 20m from the front property boundary. The carport has a side and rear setback of 500mm and 14m respectively. The proposed materials and colours complement the existing dwelling as the carport roof utilises the similar colour and material as the roof of the proposed addition to the dwelling. Additionally, the carport roof pitch is also the same roof pitch as the roof of the proposed addition to the dwelling.	Yes
Curtilage Development The colours and materials used within the new development shall be recessive and complement the colours and materials of the heritage item. The height of new buildings shall not exceed that of the original heritage building. Retention of the original streetscape facades is required, with extensions or redevelopment to be located to the rear of the property.	The proposed materials and colours are considered to complement the existing dwelling as the proposed development utilises colours and materials that do not detract from the existing heritage item. The majority of the existing landscaped area has been retained. The height of the proposed extension and the new garage	Yes



	Development should be compatible with the existing height, scale, massing and detailing and setbacks and orientation of existing development within the streetscape. New extensions should be recessive to the original building. Colours and materials should be carefully selected so that they do not visually dominate, or overly contrast with, that of the existing heritage item. New development shall utilise compatible colour schemes and materials with the original building. New development should be located to the side or rear of the heritage item and the original building should visually dominate. Development should minimise any changes to the significant fabric of the building and, in particular, to the streetscape appearance of the heritage item. Signage, lighting, materials and colours used should be unobtrusive and design of the building.	do not exceed the height of the existing structure. The front façade is proposed to be retained in its current form as the proposed development is to the rear of the existing heritage item. The proposed extension is recessive to the original dwelling as it is to the rear. The proposed extension does not visually dominate the appearance of the heritage item from the street. The proposed development does not alter the existing fabric and streetscape appearance of the heritage item.	Van
2.3 Specific development controls for Heritage Conservation Areas	General - The design of the building detailing, such as windows or doors, should be in keeping with the age and style of the building and to the overall character of the conservation area.	As discussed elsewhere in the report, the proposed materials and colours are considered to be acceptable as they compliment the existing dwelling. The proposed windows are also considered to be acceptable as they compliment the existing windows and fenestration. Additionally, the windows do not detract from the original built form, architectural style and character of the area as the windows are small in area and are similar to the existing windows of the existing dwelling.	Yes
	Garages - Open-sided carports or hardstand areas are preferred where new on-site parking is proposed. Where solid structures (ie enclosed garages) are proposed, these should g be located away from the main house structure. - Where solid structures (i.e. enclosed garages) are proposed, where possible, these should be setback from	A carport is proposed on the western elevation of the proposed extension. The proposed materials and colours complement the existing dwelling as the carport roof utilises the same colour and material as the roof of the proposed addition to the dwelling.	Yes



the front, side and rear of the property boundary.

Alterations, additions and extensions

- Where any alterations, additions or extensions are proposed to a building within a conservation area, these should:
 - a) Be carefully designed to continue the specific scale and form of the building and the overall character of the conservation area;
 - b) Consider the accurate reinstatement of building features and other works shown in historical photographs;
 - Avoid panting, rendering or reskinning of original brick walls; and
 - d) Make use of pavilions or skillion extensions.
- Additions or extensions to buildings within a conservation area should be located away from the street frontage and side boundaries and are to be designed to complement the materiality, scale, form, style of the building and character of the conservation area.

Additions are proposed to the existing dwelling, which is within a heritage conservation area.

The proposed extension to the dwelling is considered to compliment the overall form of the building and thus maintains the overall character of the conservation area as the proposed colours and materials are similar to the existing colours and materials of the heritage item. Additionally, the roof of the proposed extension has a lower height and roof pitch than the existing roof of the heritage item.

No panting, rendering or reskinning of original brick walls are proposed.

The proposed extension is located away from the street frontage as it is proposed to be an extension of the existing house towards the rear of the site.

The proposed setbacks are aloso compatible with the heritage conservation area as no changes to the front setback is proposed. Additionally, the side setbacks are similar to the side setbacks of adjacent dwellings. Moreover, the proposed rear setback is less than the rear setback of 15 and 17 Moree Avenue as they have rear setbacks of approximately 8m.

Additionally, the proposed extension makes use of a combination of a pavilion and skillion roof.



	Sitting, setbacks and garden area - Works within a heritage conservation area should maintain amenity and privacy of gardens. - Garages/carports should be placed in backyards and separate from existing buildings, where possible. - Works should respect any significant trees and gardens identified on the site.	The carport is located is proposed to be attached to the western elevation of the proposed extension and is separate from the existing heritage item as it is setback 20m from the front property boundary. The removal of one tree is proposed however, it is an exempt species as it is located within 2m of the building envelope.	Yes
	Streetscape character - New development should make reference to, and be sympathetic to the predominant: a) Height; b) Scale; c) Roof form, line and pitch d) Proportion; e) Setbacks f) Design details (including paraphets, vernadahs, awnings and string courses); and g) Features of adjoining development and or any adjacent conservation areas New development should be compatible with heritage items in terms of its scale and massing, overall bulk and composition. New buildings should not dominate their surroundings.	The proposed development does not adversely affect the streetscape character in terms of height, scale, roof form, roof pitch, proportion, setbacks and front façade. The proposed development is compatible with the heritage items in terms of bulk and scale and does not dominate its surroundings.	
	Conservation areas - Buildings located within the Fullagar Road Heritage Conservation Area, Toohey's Palm Estate Group Heritage Conservation Area, Granville Civic and Granville Residential Conservation Areas, and Blaxcell Conservation Area shall retain their original materials, features and detailing where appropriate and practical and support by a heritage impact statement.	Application has been supported by a HIS prepared by Archnex Designs. ThS HIS states that the materials that are proposed for the extension of the dwelling will maintain the heritage value of the existing dwelling, which is located within the Toohey's Palm Estate Group Heritage Conservation Area.	Yes
2.4 Specific controls for development in the vicinity of a heritage item	New dwellings on sites adjoining or in the vicinity of an item of environmental heritage shall be designed and constructed in a manner that does not detract from the historic significance of that item.	Complies – the proposed development does not detract from the heritage significant of the two adjacent heritage items in the form of dwelling houses to the east and west and the school to the south.	Yes



- The development shall be designed having regard to its environmental and built context, to the existing streetscape character and to any heritage items or conservation areas that may be located nearby.	The proposed development does not alter the streetscape character of the area as the proposed development is a rear extension of the heritage dwelling and no alterations to the front façade are proposed.	Yes
Streetscape character New development should make reference to, and be sympathetic to the predominant: h) Height; i) Scale; j) Roof form, line and pitch k) Proportion; l) Setbacks m) Design details (including paraphets, vernadahs, awnings and string courses); and n) Features of adjoining development and or any heritage items. New development should be compatible with heritage items in terms of its scale and massing, overall bulk and composition. New buildings should not dominate their surroundings. Window and door openings, building lines and building massing of new development should also be designed in the context of its adjoining development. Where a particular heritage character predominates within a street, the design of new development should be compatible with this heritage character.	As discussed above, the proposed development does not adversely affect the streetscape character in terms of height, scale, setbacks, roof form, roof pitch, proportion and front façade as the height of the proposed extension is lower than the predominant height of the dwellings within the heritage conservation area. Moreover, the proposed setbacks are either similar or less than the setbacks of the other dwellings within the heritage conservation area. Additionally, the roof form and pitch of the proposed extension is less than the roof form and pitch of existing dwellings. Also, no alterations to the front façade are proposed. The proposed development is compatible with the heritage items in terms of bulk and scale and does not dominate its surroundings. The proposed development does not alter the predominant heritage character of the street.	Yes
Setbacks and orientation - New development shall be carefully sited so that it is consistent with the predominant street and boundary setbacks. This may be varied where an increased or decreased front or side setback will assist in ensuring that a new development does not visually dominate any adjoining heritage items.	The proposed development is consistent with the existing boundary setbacks of adjoining heritage items in relation to the proposed western and eastern side setbacks. Also, no alterations to the existing front setback are proposed. Additionally, the proposed rear setback is less than the existing rear setbacks of 15 and 17 Moree Avenue.	Yes



	Sitting and location The siting of new development should not affect the structure of, or otherwise cause physical damage to, any heritage item. New development should be located so that it does not adversely impact upon the identified curtilage, setting or landscaping, solar access or any significant views to or from a heritage item.	The proposed development does not result in physical harm to any heritage items. The proposed development does not adversely impact on the curtilage, setting, landscaping, solar access or any significant views to and from the adjoining heritage items.	Yes
	- The design of the street elevation should be relatively uncomplicated and consist of simple forms that do not visually compete with the heritage item. - New development adjoining/adjacent to a heritage item should avoid incorporating large unbroken wall areas. - Where new development is necessarily larger than its surrounding development, the bulk can be reduced by breaking long walls into bays or by arranging the openings in the wall so that their size and shape reflect the structure and the openings of its neighbours. - Landscaping should be used to minimise the visual appearance of large wall areas in new development adjoining a heritage item. - Where new development is proposed adjoining a heritage item or conservation area, the development should incorporate the use of colours and materials that are recessive so that they do not visually dominate the heritage item. Darker colours and simple facade treatments can assist in minimising the visual impact of new development on adjoining heritage items. - Buildings in the vicinity of heritage items or conservation areas should use a style and material of fencing (and gates) that are appropriate to the age and style of the heritage item and/or to the character of the conservation area.	The proposed development does not visually compete with adjoining heritage items as the proposed setbacks are sympathetic to the existing setbacks of the other dwellings within the heritage conservation area. Additionally, the proposed carport is approximately in line with the garage of 19 Moree Avenue as it's garage is approximately 20 metres from the front property boundary. The proposed development does not propose unbroken wall areas and is no larger than the adjoining dwelling to the east. The proposed materials and colours complement the existing dwelling. No new fencing is proposed	Yes
2.5 Specific conservation area controls (2.5.4 Toohey's Palm Estate Group	Any proposed works on a building within this conservation area should be designed to retain and conserve all original detailing, design features and materials. Any proposed works on a building which has been identified as a heritage item within this conservation area should be designed to retain the	No changes to the front façade or the side curtilage of the existing dwelling are proposed. The proposed extension is single storey and located at the rear.	Yes



Conservation Area)	original front and side curtilage of the building, which is characteristic of buildings within this Conservation Area. - Where additions and extensions are proposed, these should be single storey only, and are to be located to the rear or side of the building so that they do not impact upon the presentation of the building from the street. - Where alterations and extensions are proposed, these should not alter the overall form or fabric of the roof. In general, roofs of single storey additions in this conservation area should be consistent with the existing roof in terms of form, pitch, eaves and ridge height.	The proposed extension does not visually dominate the appearance of the heritage item from the street as no alterations to the front façade are proposed. The proposed extension compliments the existing roof form, pitch and eaves as the existing roof as the proposed roof is lower in height and pitch than the existing roof.	
4.2 Garages and Carports	Carports: Not located in front of building line. Unless where site is not capable to located carport elsewhere. Open with a third of perimeter open. Can be located partially forward of building line within articulation zone. If located within 900mm of boundary, shall be constructed out of materials that require minimum maintenance.	The carport is located behind the front building line. As per the NCC, approximately 61.3% of the carport is open. The carport setback from the western property boundary is 500mm however the carport has been reviewed by the Council's building surveyors who have deemed the proposed carport to be acceptable.	Yes
Part G4 - Storm	water & Drainage		
2.2 Method of stormwater disposal from the site	C1. All stormwater collecting as a result of the carrying out of development under this DCP must be directed by a gravity fed or charged system to: (a) a public drainage system, or (b) an inter-allotment drainage system, or (c) an on-site disposal system.	No issues raised by Development Engineer.	Yes
2.6 Flood Risk Management	C1. The proposed development does not result in any increased risk to human life and does not increase the potential flood affectation on other development or properties.	The proposed development has been reviewed by the Council Development Engineer who has deemed it to be acceptable, subject to conditions.	Yes
	C7. The filling of flood prone land, where acceptable and permitted by this Part, must involve the extraction of the practical maximum quantity of fill material	No fill is proposed.	Yes



	from that part of the site adjoining the waterway.		
	C8. The proposed development shall comply with Council's Flood Risk Management Policy.	The proposed development has been reviewed by the Council Development Engineer who has deemed it to be acceptable, subject to conditions.	Yes
Part G5 - Susta	inability, Biodiversity & Environmental N	flanagement	
2.5 Biodiversity	C1. Development is to be sited and designed to minimise the impact on indigenous flora and fauna, including canopy trees and understorey vegetation, and on remnant native ground cover species.	The proposed development has been reviewed by the Council Tree Management Officer, who has deemed it to be acceptable, subject to conditions.	Yes
2.6 Energy efficiency and renewables	C1. New development shall implement energy efficient design and promote renewable energy sources through the inclusion of solar panels, skylights, cross ventilation and other such measures.	BASIX Certificate (Cert No. A506785) has been provided and is satisfactory.	Yes
Part G7 - Tree I	Management & Landscaping		
2.1 Preservation of trees	C1. The following are not considered to be substantive criteria for tree removal: • flower, leaf or fruit fall causing nuisance; • to increase general natural light; • to enhance views; • to reduce shade created by a tree; • tree not suiting existing or proposed landscape; • unsubstantiated fear of tree failure; • a tree being too large or high; and • to increase direct sunlight onto solar panels or pool heating apparatus.	The proposed development has been reviewed by the Council Tree Management Officer, who has deemed it to be acceptable, subject to conditions.	Yes, subject to conditions
2.2 Tree management and proposed development	C1. Development shall be designed to incorporate existing trees that are identified as being suitable for retention, with adequate setbacks to any works and protection measures stipulated in accordance with AS 4970-2009 to ensure their long-term survival. C2. Development proposals must consider existing trees situated on adjacent properties with adequate setbacks to any works and protection measures stipulated in accordance with AS4970-2009 to ensure their long-term survival.	The proposed development has been reviewed by the Council Tree Management Officer, who has deemed it to be acceptable, subject to conditions.	Yes



	C7. Council may require an Arborist Report and/or Tree Protection Plan, to be prepared in accordance with Council's Submission Requirements for Consulting Arborists' Impact Assessment Report document and submitted with development applications when any existing trees are to be retained.	Not required	N/A
2.3 Landscaping	C1. Where a landscape plan is required, it shall be prepared by an appropriately qualified person such as an experienced Landscape Architect/Landscape Designer. The landscape plan shall be prepared at a minimum scale of 1:100, be fully documented with the inclusion of a plant schedule and show sufficient detail to enable construction.	Landscape plan provided.	Yes
Part G8 – Wast	e Management		
3.3 Residential	C1. The waste service requirements for residential developments shall comply with Table 2.	Satisfactory.	Yes

DOCUMENTS ASSOCIATED WITH REPORT LPP005/24

Attachment 6 Heritage Impact Statement



Statement of Heritage Impact

11 Moree Avenue Westmead

for

Terry Cui



The Existing House From footpath

Prepared by:

Archnex Designs

Wentech Pty Ltd (ABN 310 735 41803) trading as Archnex Designs.

Amended November 2023

Email: archnex@bigpond.net.au 14 Winchcombe Ave, Haberfield N S W 2045

Phone: 0425 228176



11 Moree Street Westmead

Statement of Heritage Impact Table of Contents

Statement:

A.	Purpose of Statement	Page 1.
В.	Grounds of Statement	Page 1.
C.	Limits of Statement	Page 1.
D.	Location	Page 1.
E.	Context	Page 2.
F.	Proposed Development	Page 5.
G.	Heritage Impacts	Page 7.
H.	Conclusion	Page 13.
	Addendum	

Appendix: Documents

(i) 11 Moree Cumberland Heritage Inventory Sheet



Archnex Designs Wentech Pty Ltd (ABN 310 735 41803) trading as Archnex Designs. Heritage Building Consultants, Interior Designers

STATEMENT OF HERITAGE IMPACT [SoHI]:

Start Date: 28 August 2023

Premises: 11 Moree Avenue Westmead

Property Description: Lot 132, DP 13731

Prepared By: Greg Patch

B Sc Arch, B ARCH (Hons), M Herit Cons (Hons),

14 Winchcombe Ave, Haberfield NSW 2045

For: Terry Cui

A. PURPOSE OF STATEMENT

This statement has been prepared to assess potential heritage impacts of proposed alterations and additions to the above property.

B. GROUNDS OF STATEMENT

11 Moree Ave is listed as a heritage item and is also within a Heritage Conservation Area [HCA] and in the vicinity of heritage items. This has been established through a search of Schedule 5 of Cumberland LEP 2021 and Map HER 008.

C. LIMITS OF STATEMENT

This statement is based on the material at Part E and an inspection of the place in March 2023.

D. LOCATION



1. Location of 11 Moree Ave Westmead (Source: SIX Maps © NSW Lands 2023).

Email: archnex@bigpond.net.au 14 Winchcombe Ave, Haberfield N S W 2045 Phone: 0425 228176

11 Moree Ave Westmead- SoHI Issue: (Amended 17/11/23) Page: 1



E. CONTEXT.

E1. DOCUMENTARY

Inventory Sheet

The Cumberland City Council inventory sheet (see copy at the Appendix), prepared by Extent Heritage Pty Ltd (2019) gives the following statement of significance for the item:

The house at 11 Moree Avenue, Westmead is of local significance for its historic, aesthetic and representative values. The item is historically linked to the early subdivision of the Government Domain, which facilitated the residential development of Westmead following William Fullagar's acquisition of large tracts of land in the area. Built in 1928, the dwelling directly relates to the 'Toohey's Palm Estate' subdivision, purchased by John Toohey in 1911 and subdivided in 1925. The item was built as part of the planned subdivision of 'Toohey's Palm Estate' and provides evidence of the pattern of residential development in the suburb of Westmead and within the broader Cumberland LGA. The building is of aesthetic significance as a largely intact Inter-war bungalow that makes a positive contribution to the character of the streetscape. The item is a good representative example of the architectural style of dwellings constructed as part of the 'Toohey's Palm Estate' and remains an important element in the group of houses along Moree Avenue conservation area.

It ascribes a construction date of c.1928 based on a listing in the Sands Directory of 1929 when it was occupied by an E. Spencer and named "Girraween".

E2. PHYSICAL

The place was inspected on 28 March 2023, when the following photographs were taken:



2. Portion of Moree Ave from the west.



3. Subject property from opposite.



4. Streetscape to the west. Subject property.



5. Streetscape furher west.

The *Phoenix canaeriensis* street tree plantings evident in the above images are a noted characteristic of the Toohey's Palm Estate Group Conservation Area.

11 Moree Ave Westmead- SoHI Issue: (Amended 17/11/23) Page: 2





6. "Girraween" from the driveway entry.



7. -from the footpath, east.



8. Existing "Fibro" garage.



9. Outbuilding to rear of No. 9 Moree St.



10. Rear of garage and house from the backyard.



11. East setback from rear.



12. Rear of house from backyard.11 Moree Ave Westmead- SoHI



13. Driveway from in front of garage.

Issue: (Amended 17/11/23) Page: 3







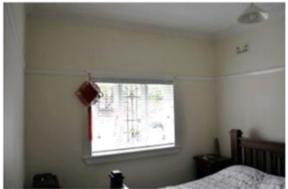
14. Stepped brick footings, commons as face-side wall. 15. Verandah windows and rendered precast lintel.



16. Front door/screen door.



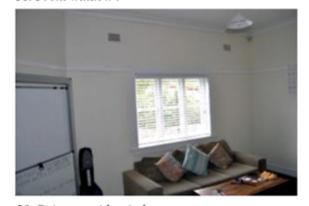
17. School opposite.



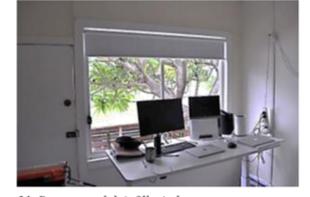
18. Front window.



19. Decorative fibrous plaster ceiling detail.



20. Driveway side window.

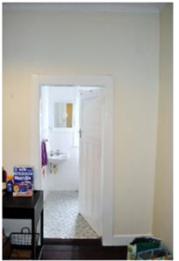


Page: 4

21. Rear verandah infill window

11 Moree Ave Westmead- SoHI Issue: (Amended 17/11/23)





22. Door to bathroom.



23. Arch to Kitchen.



24. Door to laundry.



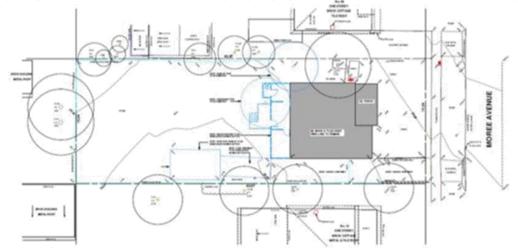
25. Bed/study to rear verandah.



26. Ledged & boarded door.

F. PROPOSED DEVELOPMENT

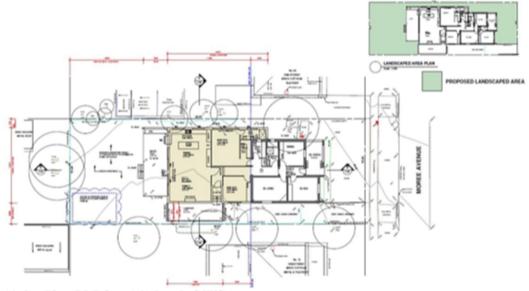
I have examined drawings Nos.202317/ DA1.01 to DA1.05 prepared by Building Design & Technology [BDT] and dated 15.11.23 (Rev B). They depict proposed alterations and additions to the subject premises:



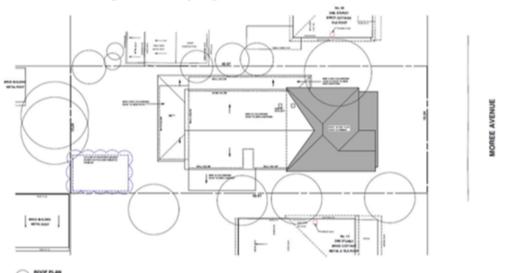
27. Demolition Plan (BDT dwg. 1.01 [NTS])

11 Moree Ave Westmead- SoHI Issue: (Amended 17/11/23) Page: 5





28. Site Plan (BDT dwg. 1.02 Rev. B. [NTS]).



29. Roof Plan (BDT dwg. -/1.03 Rev. B [NTS])



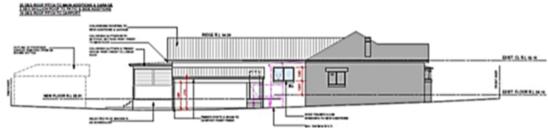
30. South Elevation (BDT dwg.-/1.04 [NTS])



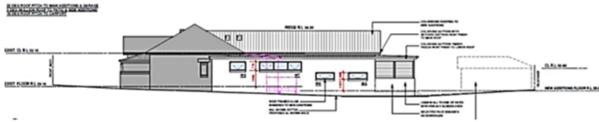
31. North Elevation (BDT dwg. -/1.04[NTS])

11 Moree Ave Westmead- SoHI Issue: (Amended 17/11/23) Page: 6

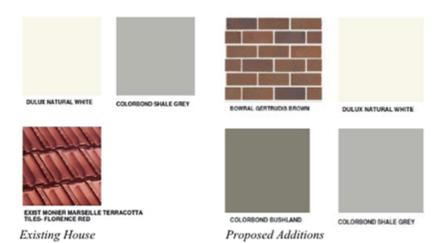




32. West Elevation (BDT dwg. -/1.04 Rev. B [NTS])



33. East Elevation (BDT dwg. -/1.04 Rev. B[NTS])



34. Proposed external materials, finishes and colours (see dwg. -/1.05 for detailed notes)

G. IMPACT OF THE PROPOSED DEVELOPMENT

The property, items within the vicinity and HCA are listed at:

Cumberland Local Environmental Plan 2021 Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item no
Westmead	Inter-war bungalow	5 Moree Avenue	Lot 135, DP 13731	Local	1298
Westmead	Inter-war bungalow	7 Moree Avenue	Lot 134, DP 13731	Local	1299
Westmead	Silver Grove, Inter-war bungalow	9 Moree Avenue	Lot 133, DP 13731	Local	1300
Westmead	Girraween, Inter-war bungalow	11 Moree Avenue	Lot 132, DP 13731	Local	I301
Westmead	Maxville, Inter-war bungalow	13 Moree Avenue	Lot 131, DP 13731	Local	I302
Westmead	Inter-war bungalow	15 Moree Avenue	Lot 130, DP 13731	Local	1303
Westmead	Inter-war bungalow	19 Moree Avenue	Lot 128, DP 13731	Local	I304

Part 2 Heritage conservation areas

Description Identification on heritage map Significance Item no

11 Moree Ave Westmead- SoHI Issue: (Amended 17/11/23) Page: 7



Cumberland Local Planning Panel Meeting 14 February 2024

Toohey's Palm Estate Group Conservation Area Shown as "Toohey's Palm Estate Group Conservation Area" Local C5

They are mapped as:



35. Extract Map HER_008 Subject property and Toohey's Palm Estate Heritage Conservation Area [HCA].

The relevant provisions of Cumberland LEP 2021 are:

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

Clause Comment

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Cumberland,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - (i) a heritage item,

The proposed development entails altering the exterior of a building that is a heritage item.

(ii) an Aboriginal object,

11 Moree Ave Westmead- SoHI Issue: (Amended 17/11/23) Page: 8



Cumberland Local Planning Panel Meeting 14 February 2024

(iii) a building, work, relic or tree within a heritage conservation area,

The proposed development entails altering the exterior of a building that is within an

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,

Nothing is specified in Sch. 5 in relation to the interior of the item.

- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
 - on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
 - on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

It is proposed to erect a building on land on which a heritage item is located, and which is within an HCA.

(3) When consent not required

However, development consent under this clause is not Consent is required. required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

11 Moree Ave Westmead- SoHI Issue: (Amended 17/11/23) Page: 9





- (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(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 significance of the item is recounted at p.2, above.

The proposed development will have no substantive impact on the stated significance.

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The development is to land on which a heritage item is located.

The development is to land that is within an HCA.

The development is to land that is within the vicinity of heritage items.

This document has been prepared having general regard to the guideline document "Statements of Heritage Impact" as published by HeritageNSW.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

The preparation of a Conservation Management Plan is not warranted by the nature of the proposed development.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance

The subject place is not identified as being of archaeological significance. It is, however, subject to the "at large" provisions of the NSW Heritage Act 1977 No 136.

The subject place is not identified as being of Aboriginal significance.

11 Moree Ave Westmead- SoHI Issue: (Amended 17/11/23) Page: 10



The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

The subject place is not identified as being of State significance.

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that: Conservation incentives are not sought.

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

Cumberland DCP - Part G - Miscellaneous Development Controls

2.5.4 Toohey's Palm Estate Group Conservation Area

The Moree Avenue bungalow group has local historic significance arising from the evidence it provides of the pattern of suburban development in Holroyd in the interwar period. Built as part of the Toohey's Palm Estate, a planned subdivision which used a distinctive pattern of palm tree street planting to give a unified

11 Moree Ave Westmead- SoHI Issue: (Amended 17/11/23) Page: 11



identity and character to the newly created group of allotments, these early residences retain much of their original character and fabric and thus provide evidence of the social, economic and architectural forces which accompanied the burgeoning of new residential development in this period.

Objective

Buildings located within the Toohey's Palm Estate Group Heritage Conservation Area shall retain their original materials, features and detailing.

Controls

Any proposed works on a building within this conservation area should be designed to retain and conserve all original detailing, design features and materials.

Comment: the original detailing, design features and materials of the house, *Girraween*, are retained (with the exception of the seemingly altered "fibro"-clad rear verandah).

Any proposed works on a building which has been identified as a heritage item within this conservation area should be designed to retain the original front and side curtilage of the building, which is characteristic of buildings within this Conservation Area.

Comment: the building is identified as heritage item N°. I301. The original front and side curtilage of the building is retained.

Where works are proposed to a building that is currently face brick, the building should remain unpainted or unrendered.

Comment: the existing face brick is to be retained unpainted.

Where additions and extensions are proposed, these should be single storey only, and are to be located to the rear or side of the building so that they do not impact upon the presentation of the building from the street.

Comment: the proposed alterations and additions are located behind the main body of the house and will not impinge on its presentation to the street.

Where alterations and extensions are proposed, these should not alter the overall form or fabric of the roof. In general, roofs of single storey additions in this conservation area should be consistent with the existing roof in terms of form, pitch, eaves and ridge height.

Comment: the proposed additions adopt a lesser pitch (22° vs ~30°) and material (Custom orb vs Marseilles tiles) than the existing roof to differentiate the proposed additions from the existing house in a manner that is traditionally the case.

2.2 Conservation and development works on heritage items

Objectives

Ensure that development does not damage the heritage item or heritage conservation area.

- a. Ensure development reinforces the established character of the item/conservation area through appropriate built form and design.
- b. Allow heritage items to be adaptively reused with minimal and acceptable changes to building fabric, with a proposal that shall incorporate the use of unobtrusive and well-designed signage, lighting and external treatments.

A. Controls

C1. New development should be consistent with the guidelines and policies of any relevant conservation plan adopted by Council, and where appropriate, with State government requirements.

Comment: there is no known conservation plan for the subject property.

11 Moree Ave Westmead- SoHI Issue: (Amended 17/11/23) Page: 12



Cumberland Local Planning Panel Meeting 14 February 2024

C2. New dwellings on sites occupied by an item of environmental heritage shall be designed and constructed in a manner that does not detract from the historic significance of that item or the area.

Comment: not applicable- the proposed development is alterations and additions to an existing house.

C3. Ensure that conservation or maintenance works on a heritage item use materials, detailing, features, and design elements that are appropriate to the style and age of the heritage item.

Comment: no works, apart from a change to the gutter colour and to the rear verandah is proposed to the existing house.

C4. Additions and/or extensions to heritage items:

- are to be located and designed to complement the existing scale, character and amenity of the streetscape;
- are not to dominate the appearance of the heritage item from the street; and
- are to [] consistent with the style of the heritage item.

Comment: the proposed alterations and additions are consistent with the above criteria.

C5. All new development within the curtilage of a heritage item is to be suitably located and retains the visual dominance of the heritage item, with minimal impact upon the fabric and significant landscaping associated with the item.

Comment: the visual prominence of the item will be maintained, with minimal impact on the fabric of the item.

The existing landscaping does not appear to be significant- see images 10-12, p3, above.

C6. Garages and carports are designed and located to ensure that they do not impact upon the appearance or fabric of the heritage item and its setting, and comfortably fit with the character of the area.

Comment: the proposed carport is a "lean-to" structure that is set back on the western side of the house, while the proposed garage is sited at the rear north-western corner of the allotment and will have minimal impact on the presentation of "Girraween" to the street, and on the HCA more broadly.

C7. Alterations or additions to existing commercial or civic heritage items are to be designed to respect the scale and form of the existing building and are located to have minimal visual impact from the street and on the significant fabric of the building.

Comment: not applicable.

H. CONCLUSION

The inventory material has revealed that "Girraween" was most probably built in c.1928 and shows "Californian Bungalow" influences in its design and fabric.

The proposed development seeks to improve the level of accommodation and amenity of the house in a manner that maintains the prominence of the existing house in views from the street, and of the conservation area more broadly.

In my opinion, there will be no adverse effects of the proposal on the significance and setting of the subject item, nor on the character of the Toohey's Palm Estate Group HCA and it is supportable in terms of potential heritage impacts.

Prepared by

Greg Patch

Heritage Consultant

11 Moree Ave Westmead- SoHI Issue: (Amended 17/11/23) Page: 13



11 Moree Street Westmead

Addendum to Statement of Heritage Impact

Cumberland Council RFI Ref: DA2023/0591 dated 27 October 2023

HERITAGE

1. The Heritage Impact Statement shall be amended to make reference to the Burra Charter and that the proposed plans have been prepared in accordance with the Burra Charter.

The relevant provision of the Burra Charter 2013 referred to in the HeritageNSW guidelines relating to Statements of Heritage Impact is:

Article 22. New work

22.1 New work such as additions or other changes to the place may be acceptable where it respects and does not distort or obscure the cultural significance of the place, [n]or detract from its interpretation and appreciation.

New work should respect the significance of a place through consideration of its siting, bulk, form, scale, character, colour, texture and material. Imitation should generally be avoided.

22.2 New work should be readily identifiable as such, but must respect and have minimal impact on the cultural significance of the place.

New work should be consistent with Articles 3, 5, 8, 15, 21 and 22.1.

The proposed new work is sited and is of a differentiated design such that it will not have adverse effects on the significance and interpretation of the place which is stated in the Cumberland DCP when viewed from the public domain as:

2.5.4 Toohey's Palm Estate Group Conservation Area

The Moree Avenue bungalow group has local historic significance arising from the evidence it provides of the pattern of suburban development in Holroyd in the interwar period. Built as part of the Toohey's Palm Estate, a planned subdivision which used a distinctive pattern of palm tree street planting to give a unified identity and character to the newly created group of allotments, these early residences retain much of their original character and fabric and thus provide evidence of the social, economic and architectural forces which accompanied the burgeoning of new residential development in this period.

The subject residence appears substantially intact, and the proposed alterations and additions are of a nature that is substantially differentiated from the fabric of the existing residence through the materials, finishes and colours to be employed, and will hence allow a proper interpretation of the proposed additions.

The Heritage Impact Statement shall be amended to go into more detail regarding the proposed removal
of the rear skillion roof and the brick base directly underneath and if those structures are considered part
of the Heritage Item or not. Extensive justification and evidence shall be provided.

The portion of the house referred to above appears to be part of the original fabric of the house:

SoHI Addendum 11 Moree Street Westmead Add 1





1943 Aerial Photograph. Subject property. The termination of the rear hips would suggest that the rear verandah is part of the original fabric of the house.



The rear of the house appears to be clad in asbestos containing "Fibrolite" panelling which was widely used for such elements in the late 1920s and up until the 1970s.



SoHI Addendum



Add 2

The basecourse brickwork has been partially rendered (suggesting it is not original) and part left as face.

11 Moree Street Westmead



Cumberland Local Planning Panel Meeting 14 February 2024

The deck addition appears to be of relatively recent construction as evidenced by the materials employed.

It is conventional in traditional house design and construction to have a hierarchy of detail, fabric and finishes that ranges from a higher quality street presentation to a more utilitarian nature towards the rear. It is also conventional to make alterations to the rear over time by way of additional accommodation and fitments as technology and household appliances become more numerous.

The proposed removal of the existing skillion-roofed portion of the house is yet a further manifestation of this trend and is consistent with a previous Cumberland Council approval for works to the adjoining residence at 9 Moree Avenue Westmead under DA2021/0133 dated 08 December 2021.

The Statement of Heritage Impact dated 28 August 2023, and this addendum should provide adequate recording of the existing house, including the rear skillion.

Prepared by:

Greg Patch

B Sc(Arch), B Arch(Hons), M HeritCons (Hons)

SoHI Addendum 11 Moree Street Westmead Add 3



Appendix: Documents

11 Moree St Westmead- SoHI App.





Heritage Inventory Sheet

Item Name	"Girrawee	"Girraween", Inter-war bungalow		
Recommended Name	'Girrawee	n' - Inter-\	War Bungalow	
Site Image				
Address	11 Moree Avenue, Westmead, NSW 2145			
Lot/Section/DP	132 - 13731			
Draft Cumberland LEP ID	1287			
Former LEP ID	1159 (Holr	oyd LEP)		
Heritage Conservation Area	Included, Toohey's Palm Estate Group Conservation Area			
Date Updated	February 2020			
Significance Level	LOCAL LOCAL			
Site Type	Level 1	Built		
	Level 2	Residen	itial Buildings (private)	

Heritage Study 2019 -- Extent Heritage Pty Ltd





Curtilage Map



Statement of Significance

The house at 11 Moree Avenue, Westmead is of local significance for its historic, aesthetic and representative values. The item is historically linked to the early subdivision of the Government Domain, which facilitated the residential development of Westmead following William Fullagar's acquisition of large tracts of land in the area. Built in 1928, the dwelling directly relates to the 'Toohey's Palm Estate' subdivision, purchased by John Toohey in 1911 and subdivided in 1925. The item was built as part of the planned subdivision of 'Toohey's Palm Estate' and provides evidence of the pattern of residential development in the suburb of Westmead and within the broader Cumberland LGA. The building is of aesthetic significance as a largely intact Inter-war bungalow that makes a positive contribution to the character of the streetscape. The item is a good representative example of the architectural style of dwellings constructed as part of the 'Toohey's Palm Estate' and remains an important element in the group of houses along Moree Avenue conservation area.

Criteria Assessment	
a) Historic	The item is historically significant for its relation to significant early subdivisions of Westmead. Built in 1928, the item directly relates to the 'Toohey's Palm Estate' subdivision, purchased by John Toohey in 1911 and subdivided in 1925. The item was built as part of the planned subdivision of 'Toohey's Palm Estate' and provides evidence of the pattern of residential development in the suburb of Westmead and within the broader Cumberland LGA.
b) Associative	The item does not meet this criterion.

Heritage Study 2019 - Extent Heritage Pty Ltd







c)	Aesthetic/Technical	The item is of aesthetic significance as a largely intact Inter-war bungalow that makes a positive contribution to the character of the streetscape.	
d)	Social	The item does not meet this criterion.	
e)	Scientific	The item does not meet this criterion.	
f)	Rarity	The item does not meet this criterion.	
g)	Representativeness	The item is a good representative example of its style, which, although slightly modified, remains an important element in the group of houses along Moree Avenue built on the 'Toohey's Palm Estate.'	

Physical Description

The subject building is a single storey 'L' shaped brick Inter-War bungalow with a hipped roof clad in terracotta tiles, with a small projecting gable to the western side. The roof has a single brick chimney. The gable end features a diamond brick detail at its centre.

The verandah roof is broken backed and continues along the width of the building, projecting just beyond the gable. The verandah roof is supported on brick piers topped with small cast concrete circular tapered columns. These columns are paired to support the verandah and are singular at the projecting gable. The verandah has a brick balustrade with rendered capping and a concrete floor. The sub-base is brick, rendered at the front and corbelled to the sides.

A group of three timber framed casement windows beneath the gable end have a concrete lintel and sloped brick sill. The central window in the group has leadlight detailing, with replaced windowpanes either side. Under the verandah is a pair of timber framed casements with a concrete lintel and sloped brick sill. The front door in the centre of the facade has a mottled glass top light and a security screen.

There are two openings on the eastern facade and one on the western facade. A fibro skillion at the rear of the building appears early and has a brick base. A detached fibro garage with a gable roof is located at the rear of the property. This is addressed by a concrete slab driveway on the western edge. The dwelling does not have any fencing located along the front boundary. The front yard is predominately an open grassed yard with many potted plants. The property appears to retain its early subdivision boundaries.

The building appears to be in a good condition and well maintained, having had certain elements repainted recently. The brickwork appears to have had the mortar joints repointed.

Condition	Good	Fair	Poor

Alterations and Additions

- Repainted gable end and verandah elements
- Repointed mortar joints of the front façade
- Some windowpanes replaced
- Fibro garage added in 1959

This item is relatively intact and is considered to have high integrity.

Integrity	High	Moderate	Low

* element detracts from the overall cultural significance of the place

Heritage Study 2019 - Extent Heritage Pty Ltd







Historical Notes	
Construction years	1928

The suburb of Westmead is bounded by the suburbs of Wentworthville to the west, Parramatta to the east, Northmead to the north and Mays Hill and Merrylands to the south. The southern half of Westmead, south of Westmead Station lies in the territory of the Cumberland Council.

Westmead originally formed part of the western portion of the Domain of Government House at Parramatta, which was laid out by Governor Philip in 1790. It originally comprised over 2000 acres of land established by Governor Macquarie as an administrative area for the penal colony and became a residential office for ten governors. By the 1850s the Domain became known as Parramatta Park. In 1859-1861, an extensive portion of the Domain was subdivided, and it was at this time that the suburb became known as Westmead ('West meadow'). The major landholder in the area was William Fullagar, a butcher and publican turned stock agent. Land was also allotted to James Houison, John Savery Rodd and George Oakes. These allotments comprised 50 acres, however, many of these individuals acquired multiple allotments. By the time of this subdivision, a number of main roads had been established including Hawkesbury Road, Pye Street, Oakes Street, Bridge Road, Good Street and Houison Street.

Westmead was relatively slow to develop, and it was only after the Westmead Railway Station was opened in 1883 that landowners began to subdivide in the area. By the 1920s, the station's facilities had improved and several estates such as Toohey's Palm Estate and Fullagar's Estate were further subdivided. By the late 1940s, the Westmead Housing Commission Estate was developed which comprised of 300 brick houses as well as a retail strip with 12 shops and a block of flats. Westmead owes much of its present street layout to the developments from this period.

The item is located on land which originally formed Portion 50 of the Government Domain subdivision, which occurred between 1859-1861 and was acquired by William Fullagar in 1861. In 1902, part of Lot 50 and Lot 51 of Fullagar's Estate comprising approximately 22 acres was purchased by George Terry. This land was later purchased by John Toohey in 1911. John Toohey subsequently subdivided the land in 1925, forming the 'Tooheys Palm Estate'. This established the present boundaries of the dwelling. Each Avenue was lined with Palm trees (*Phoenix canariensis*) at a distance of 50 feet apart. The municipal council carried out the kerbing and guttering of the estate on the condition that Mr Toohey concreted the footpaths. No expense was spared in making the Toohey's Palm Estate subdivision an attractive subdivision for prospective buyers.

In 1927, the property was purchased by Herbert Leslie Glover, an estate agent. A covenant was placed on the subdivision at this time required any building to cost not less than 450 pounds, be of stone and brick construction with slate or tiled roof, and to be set back 20 feet from the street. It was also during this time that council applied building regulations to the land use of properties in residential areas.

The house was constructed in 1928. The dwelling first appears in the Sands Directory in 1929, occupied by an E. Spencer and known as 'Girraween'. The dwelling remains in use as a private residence.





Recommendations					
Heritage Management		Existing Built and Landscape Elements		Future Development and Planning	
Maintain this item's heritage listing on the LEP.	x	Original fabric is highly significant and should be maintained.	x	12. Alterations and additions should respond to the existing pattern of development, with careful consideration of the setting (form, scale, bulk, setback and height).	x
2. Maintain this item's listing as part of the Heritage Conservation Area.	x	7. Unsympathetic alterations that detract from the cultural significance of the item should be removed.		13. New alterations and additions should respect the historic aesthetic/character of the item and area (e.g. paint scheme, materiality, style, landscape elements).	х
3. Consider delisting as an individual item from the LEP.		Maintain heritage landscape elements and schemes.		14. Future uses for this item should be compatible with its historical functions/ associations.	
4. Consider additional research to nominate this item for the State Heritage Register.		9. Maintain the existing setting of the heritage item, informed by the historic pattern of neighbouring development (form, scale, bulk, setback and height).	x		
5. The heritage curtilage for this item should be revised/reduced.		10. Maintain the historic aesthetic/character of the item and area (e.g. paint scheme, materiality, style, landscape elements).	x		
		11. The condition of this item is poor. Condition and maintenance should be monitored.			

Other recommendations and/or comments:

None.

Listings		
Heritage Listing	Listing Title	Listing Number
Heritage Act - State Heritage Register	N/A	-
Local Environmental Plan	'Girraween' - Inter-War Bungalow	1287
Heritage Study	'Girraween' - Inter-War Bungalow	1287
National Trust Australia Register	N/A	-







Previous Studies					
Туре	Author	Year	Title		
Heritage Study	Extent Heritage Pty Ltd	2019	Cumberland LGA Heritage Study		
Heritage Study	Graham Brooks and Associates Pty Ltd	1998	Holroyd Heritage Inventory Review		
Heritage Study	Neustein & Associates	1992	Holroyd Heritage Study		

Other References

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- City Plan Heritage 2017, Westmead Station (South Precinct) Heritage Study, City Plan Heritage, Sydney.
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- Levins, C 2010, Parramatta Park, retrieved 14 May 2019, https://dictionaryofsydney.org/entry/parramatta_park
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Limitations

- Access to all heritage items was limited to a visual inspection from the public domain. The interiors
 of buildings and inaccessible areas such as rear gardens were not assessed as part of this heritage
 study.
- 2. Condition and site modification assessment was limited to a visual inspection undertaken from the public domain.
- Unless additional research was required, historical research for all heritage items was based on an assessment of previous LGA heritage studies, the Thematic History (prepared by Extent Heritage, 2019) and existing information in former heritage listing sheets.

Heritage Study 2019 - Extent Heritage Pty Ltd







Additional Images



View to east elevation.



View to front façade.



Detail of front façade and west elevation.

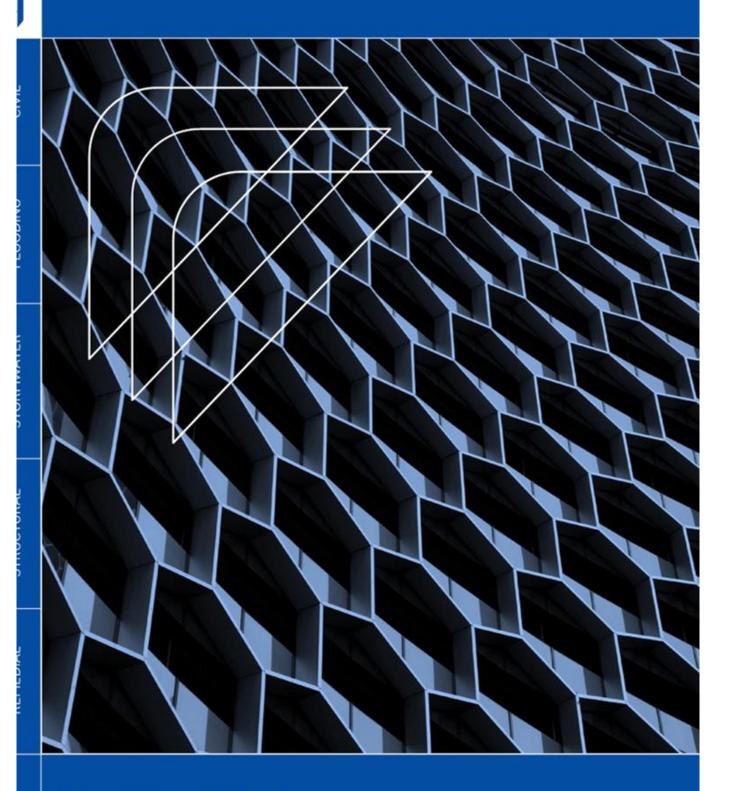


View from Moree Avenue.

DOCUMENTS ASSOCIATED WITH REPORT LPP005/24

Attachment 7
Flood Impact Study





Flood Impact Study

11 Moree Avenue Westmead 2145



Prepared For

Building Design & Technology





Document Control

Document Reference	20230312-DA-FL-REP-02
Development Type	Alterations And Additions
Document Type	Flood Impact Study
Author	Joseph Dagher
Approved By	Andrew Arida

REVISION HISTORY

Revision	Date	Description	Issued By	Approved Bu	Signature
01	17.11.2023	DA Approval	JD	AA	Alrde

DOCUMENT APPROVAL

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Page 1 of 41





Limitations

The sole purpose of this report and the associated services performed by Deboke Engineering Consultants Ptų Ltd is to provide an assessment of the overland flow at the subject site in accordance with the scope of services set out in the contract / quotation between Deboke Engineering Consultants Ptų Ltd and Building Design & Technology. That scope of works and services were defined by the requests of the Client, by the time and budgetary constraints imposed by the Client, and by the availability of access to the site.

Deboke Engineering Consultants Ptų Ltd derived the data in this report primarilų from a number of sources which included site inspections, correspondence regarding the proposal, examination of records in the public domain, interviews with individuals with information about the site or the project, and field explorations conducted on the dates indicated. The passage of time, manifestation of latent conditions or impacts of future events may require further examination / exploration of the site and subsequent data analyses, together with a re-evaluation of the findings, observations and conclusions expressed in this report.

In preparing this report, Deboke Engineering Consultants Ptų Ltd may have relied upon and presumed accurate certain information (or absence thereof) relative to the site. Except as otherwise stated in the report, Deboke Engineering Consultants Ptų Ltd has not attempted to verify the accuracy of completeness of any such information (including for example survey data supplied by others).

he findings, observations and conclusions expressed by Deboke Engineering Consultants Pty Ltd in this report are not and should not be considered an opinion concerning the completeness and accuracy of information supplied by others. No warranty or guarantee, whether express or implied, is made with respect to the data reported or to the findings, observations and conclusions expressed in this report. Further, such data, findings and conclusions are based solely upon site conditions, information and drawings supplied by the Client etc. in existence at the time of the investigation.

This report has been prepared on behalf of and for the exclusive use of the Client and is subject to and issued in connection with the provisions of the agreement between Deboke Engineering Consultants Ptų Ltd and the Client. Deboke Engineering Consultants Ptų Ltd accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report by any third party.



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Glossary

ANNUAL EXCEEDANCE PROBABILITY (AEP)

The chance of a flood of a given or a larger size occurring in any one year, usually expressed as a percentage.

AUSTRALIAN HEIGHT DATUM (AHD)

A common national surface level datum approximately corresponding to mean sea level.

AVERAGE RECURRENCE INTERVAL (ARI)

The long-term average number of years between the occurrence of a flood as big as or larger than the selected event.

CATCHMENT

The land area draining through the mainstream, as well as tributary streams, to a particular site. It always relates to an area above a specific location.

FLOOD

Relatively high stream flow which overtops the natural or artificial banks in any part of a stream, river, estuary, lake or dam, and/or local overland flooding associated with major drainage before entering a watercourse.

FLOOD LIABLE LAND OR FLOOD PRONE LAND

Land susceptible to flooding by the PMF.

FLOOD PLANNING LEVELS (FPLS)

Are the combinations of flood levels and freeboards selected for floodplain risk management purposes.

FREEBOARD

Is a factor of safety typically used in relation to the setting of floor levels.

HABITABLE ROOM

In Residential or commercial situation: an area used for offices or to store valuable possessions susceptible to damage in the event of a flood.

PEAK DISCHARGE

The maximum discharge occurring during a flood event.

PROBABLE MAXIMUM FLOOD

PMF is the largest flood that could conceivably occur at a location, usually estimated from probable maximum precipitation.

PROBABLE MAXIMUM PRECIPITATION (PMP)



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Page 3 of 41





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PMP is the greatest depth of precipitation for a given duration meteorologically possible over a given size storm area at a particular location at a particular time of the year.

RUNOFF

The amount of rainfall which ends up as stream flow. SoFACs

SoFACs

Statement of Facts and Contention



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Table of Contents

1	In	trodu	ction	8
	1.1	Ov	erview	8
	1.2	Pro	pject Objectives and Scope of Works	8
	1.3	Re	levant guidelines	8
2	Si	ite De	scription & Background Information	9
	2.1	Sit	e Description and Location	9
	2.2	Sit	e Inspection	9
	2.3	Pro	pposed Development	10
3	Αı	uthori	ties Requirements	10
	3.1	Cu	mberland Council	10
	3.2	Flo	ood Risk Precinct	11
	3.	2.1	Floor Levels	11
	3.	2.2	Building Components	11
	3.	2.3	Structural Soundness	11
	3.	2.4	Flood Affectation	11
	3.	2.5	Car Parking and Driveway Access	11
	3.	2.6	Evacuation	11
	3.	2.7	Management and Design	11
4	Н	ydrolo	ogų Modelling	12
	4.1	Ov	ecview	12
	4.2	Нų	drologų Setup	12
5	Н	ydrau	lic Modelling	12
	5.1	De	finition	12
	5.2	2D	Model Setup	13
	5.3	Lar	nd use	13
	5.4	Flo	ood Mitigation Measures	13
Ь	Н	uerby	lic Modelling	13
	6.1	De	sign Flood Modelling Results	13
7	Fl	ood R	isk Management Plan	14
	7.1	AR	R2019	14
	7.	1.1	General Flood Hazard Curves	14
	7.	1.2	Isolation, Effective Warning Time, Rate of Rise and Time of Day	15
	7.	1.3	Isolation	16



M: 0432 225 833

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Page 5 of 41





GEDOKE ENGINEERING CONSULTANTS

	7.1.	4 Effective Warning Time	16
	7.2	Preparation for a Flood Emergency	16
	7.3	Actions in the likelihood or during a Flood	17
	7.4	Other Sources of Flood Information	17
	7.4.	1 Observation of local rainfall or flood water	17
	7.4.2	2 The Bureau of Meteorology	17
	7.4.3	3 The NSW SES	17
	7.4.		
	7.4.5	5 Local Television and radio stations	18
	7.5	After the Flood	
	7.6	Emergency Contact Details	
	7.7	Flood Emergency Kit	18
	7.8	Integration with local flood and catchment plans	
8	Disc	cussion	19
٥	Con	elucion	10



M: 0432 225 833

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	a	U	1	U		ıaı	U	-

Table 1 Site Description Summary	9
Table 2 Model Land Use Roughenss & Losses	13
Table 3 Required Flood Planning levels	14
Table 4 Combined Hazard Curves - Vulnerability Thresholds	15
Table 5 Combined Hazard Curves - Vulnerability Thresholds Classified Limits	
Table 6 Emergency Contact Details	18
Table of Figures	
Table of Figures	
Figure 1 Site Locality	
Figure 2 Proposed Architectural Plans	
Figure 3 ARR2019 General Flood Hazard Curves	14



M: 0432 225 833

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1 Introduction

1.1 Overview

Deboke Engineering Consultants Ptų Ltd (Deboke) have prepared this flood impact study to support the proposed Development Application (DA) for the proposed Alterations and Additions development at 11 Moree Avenue Westmead 2145.

The following tasks were carried out:-

- Supplied documents and previous studies were reviewed;
- A flood study involving the set-up of a fully dynamic 1D/2D model is carried out to determine the peak discharges and the flood levels; and
- A site inspection was conducted to visually inspect the stormwater assets and general topography of the land.
- This report has been compiled.

1.2 Project Objectives and Scope of Works

Deboke have been engaged by Building Design & Technology to carry out the following scope and objectives.

- 1. Review supplied documents and councils information.
- 2. Develop a 1-D and 2-D model for the site under existing and proposed conditions using Tuflow.
- Prepare relevant flood maps including flood extents, depths, levels, velocities, hazards, and impacts.
- Propose mitigation measures to alleviate flooding impacts on surrounding properties and reduce the hazard on site.
- 5. Address the requirements of Council's relevant guidelines and DCP.
- 6. Comment on flood characteristics and model outcomes for the 1% AEP.

1.3 Relevant guidelines

This report has been prepared in accordance with the following guidelines and policies:

- Commonwealth of Australia (Geoscience Australia) (2019), Australian Rainfall and Runoff A Guide to Flood Estimation;
- NSW Department of Infrastructure, Planning and Natural Resources (2005), Floodplain Development Manual;
- Engineers Australia, Australian Rainfall & Runoff;
- Aerial Scanning Data (ALS) for the study area received from ELVIS Elevation Foundation Spatial Data;
- Cumberland Development Control Plan 2021;
- Flood Information Letter from Cumberland Council, Ref: EC 2023/0947;
- 7. Detailed Site Survey prepared by Sydney Surveyors, Ref. 18395/1A; and
- Architectural Plans prepared by Building Design & Technology Pty Ltd.

-1

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Page 8 of 41





2 Site Description & Background Information

2.1 Site Description and Location

Refer to Table 1 for the existing site description summary.

Table 1 Site Description Summary

Summary	Site Description
Address	11 Moree Avenue Westmead 2145
Lot/DP	Lot 132 DP 13731
Site Area	645m ²
LGA	CUMBERLAND
Land Zoning	R2 Low Density Residential
Existing Land Use	House
Council Flood Study	Upper Parramatta River Flood Study, Draft 8 by UPRCT Westmead Creek Overland Flood Study, by Lyall & Associates
Site Grading	The Site Approximately Grades 5.6% From East to West
Site Drainage	Overland Flooding is conveyed within Street

The site is bounded by adjoining buildings on the West, East and North boundary. The property fronts Moree Avenue. The existing lot is currently occupied with an existing structure.



Figure 1 Site Locality

2.2 Site Inspection

Deboke Conducted a site inspection and performed the following:

- A general observation of the existing site characteristics and street frontage.
- An identification and examination of the existing stormwater infrastructure within the site and its surrounding environment.



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Page 9 of 41





2.3 Proposed Development

The architectural drawings prepared by BUILDING DESIGN & TECHNOLOGY PTY LTD detail the proposed Alterations and Additions development.

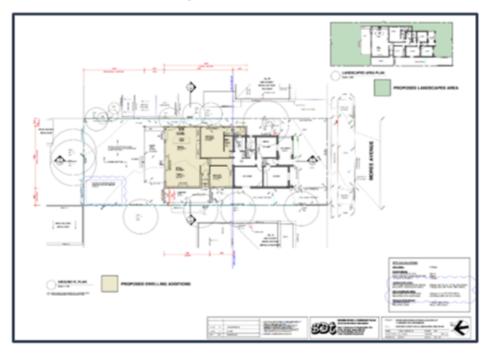


Figure 2 Proposed Architectural Plans

3 Authorities Requirements

3.1 Cumberland Council

Council's letter provided the following comments in relation to the flood affectation of the site and their requirements for the flood study.

The property seeking approval to develop is identified as likely to be affected by overland stormwater run-off from the local catchment. As per the Westmead Creek Overland Flood Study the site is subject to overland flooding.

A flood impact report addressing the criteria contained within Council's Local Development Control plan is required to be submitted. A detailed two dimensional hydraulic modelling analysis will be required to be carried out, in order to demonstrate to Council that there shall be no impacts on flood levels, flow velocities and flood behaviour/alteration along upstream and downstream properties as a result of the proposed development. In addition, the property survey plan (including the boundaries) prepared by a registered surveyor shall have to be used for the above modelling, analysis and reporting purposes.

The report shall present in details all expected impacts of the development due to flooding in the locality under existing and post development conditions and also identify proposed detailed measures to demonstrate no worsening flooding conditions elsewhere, which should be incorporated into the proposed development to mitigate any identified/perceived impacts.



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Page 10 of 41





3.2 Flood Risk Precinct

Controls have been outlined within the Cumberland council's Flood Risk Management Policy for each Flood Risk Precinct for all land identified as flood prone. The proposed site has been identified as medium risk and a Alterations and Additions development is being proposed. The policy adopted the Flood Planning Level as 0.5m above the 100-yr ARI flood level.

For the purpose of the Flood Risk Precinct, the proposed development falls under the "residential" land use categories. The following controls apply based on a Medium Flood Risk precinct.

3.2.1 Floor Levels

Habitable floor levels to be equal to or greater than the 100-yr flood level plus freeboard. Non habitable flood levels are to be greater than the 100-yr flood level plus 150mm; and

A restriction is to be placed on the title of the land, pursuant to S.88B of the Conveyancing Act, where the lowest habitable floor area is elevated more than 1.5m above finished ground level, confirming that the subfloor space is not to be enclosed.

3.2.2 Building Components

All structures to have flood compatible building components below the 100-yr flood level plus freeboard.

3.2.3 Structural Soundness

Engineers report to certify that the structure can withstand the forces of floodwater, debris, and buoyancy up to and including a 100-yr ARI flood plus freeboard.

3.2.4 Flood Affectation

Engineers report required to certify that the development will not increase flood affectation elsewhere, having regard to: (I) loss of flood storage; (ii) changes in flood levels, flows and velocities caused by alterations to flood flows; and (iii) the cumulative impact of multiple potential developments in the vicinity.

3.2.5 Car Parking and Driveway Access

Vehicles subject to velocities of 0.4m2/s or greater are considered as High hazard. The proposal shows the driveway to be raised to the flood planning level and not affected by flood extents and therefore will be protected from possible flood hazards and high velocities.

3.2.6 Evacuation

- Vertical evacuation within the proposed dwelling is potentially an appropriate evacuation strategy
 providing the first-floor levels are above the PMF flood levels.
- Applicant to demonstrate the development is consistent with any relevant flood evacuation strategy or similar plan; and
- Adequate flood warning is available to allow safe and orderly evacuation without increased reliance upon SES or other authorised emergency services personnel.

3.2.7 Management and Design

- Site Emergency Response Flood plan required where the site is affected by the 100-year ARI flood level, (except for single dwelling-houses);
- Applicant to demonstrate that area is available to store goods above the 100-year flood level plus freeboard; and

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Page 11 of 41





No storage of materials below the 100-year ARI flood level.

4 Hydrology Modelling

4.1 Overview

The Tuflow package was used for the local catchment. The previous flood study Results, council's flood information and the site survey have been used to create a base model and further modelling has been added to simulate the proposed Alterations and Additions. The Design peak flood discharges were obtained for the 25 minutes duration for the 1% AEP event.

4.2 Hydrology Setup

The following inputs were applied to the flood model:

- The onsite survey data was added to the existing model to provide an accurate base model for the flooding
- The proposed development was modelled and added onto the existing flood model to determine the effect on the flood plain.

5 Hydraulic Modelling

5.1 Definition

A hydraulic model converts runoff (traditionally from a hydrological model) into water levels and velocities throughout the major drainage/creek systems in the study area (known as the model 'domain', which includes the definition of both terrain and roughness). The model simulates the hydraulic behaviour of the water within the study area by accounting for flow in the major channels as well as potential overland flow paths, which develop when the capacity of the channels is exceeded. It relies on boundary conditions, which include the runoff hydrographs produced by the hydrologic model and the appropriate downstream boundary.

A 1D/2D fully dynamic hydraulic model was established for the study area. DRAINS (1D) and Tuflow, a dynamic hydraulic modelling system was used in this study. TUFLOW is used world-wide and has been shown to provide reliable, robust simulation of flood behaviour in urban and rural areas through a vast number of applications.

The model allows addition of a 2-Dimensional (2D) domain (representing the study area topography) to a 1-Dimensional (1D) network (representing the channels in the study area) with the two components dynamically coupled and solved simultaneously.

An important feature of the model is the ability to model the hydraulic structures in the 1D component rather than in the 2D domain. The benefit of this approach is that structure hydraulics are modelled more precisely than the approximate representation possible in a 2D domain.

Stormwater drainage pits, pipes and channels are represented in the model as 1-Dimensional elements which are dynamically linked to the water conveyed across the elevation grid.

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Page 12 of 41





5.2 2D Model Setup

The Two-dimensional (2D) hydraulic modelling was carried out to determine the flood behaviour in the study area. A grid size (2m x 2m) was deemed necessary to define the extent of the flooding through the subject site and developed areas. Additionally, a hi resolution surface of the site was developed using the site survey and imported into the Tuflow model to further details the existing terrain around the site.

5.3 Land use

The following table shows the 2D land-use roughness adopted.

Table 2 Model Land Use Roughenss & Losses

Land Use	Roughness
Road and Railway	0.02
Concrete Surface Channel	0.015
Well Maintained Grassed Cover e.g. Golf Course, Riverbed, Sand/Gravel	0.03
Grass/Lawns (Default for TUFLOW model)	0.045
Macrophytes	0.06
Medium Vegetated Area	0.07
Trees	0.08
Trees and Scrub	0.09
Mildly Dense Vegetation	0.12
Dense Vegetation	0.135
Duc Pipeline	0.1
Buildings	10
Water/Wetlands	0.035
Lightly Vegetated Area	0.05
Fenced Houses (Alternate Roughness)	0.08

5.4 Flood Mitigation Measures

The proposed development requires the following mitigation measures:

- Majority of the proposed extension is to be suspended with open subfloors, Refer to Appendix C for further information.
- Portion of existing terrain along the eastern boundary is to be cut down by 100mm to allow for additional flood storage area throughout the site.
- Any newly constructed boundary fences within the flood zone shall be modified to comply with Council's flood fence requirements as per Council's standard Drawing SD 8025.

These measures are required to alleviate flood impact on surrounding properties and allow the proposed development to maintain its existing form.

This proposed development will not have any negative influence on the current water regime. Refer to figure A3.11 in Appendix C for more information.

6 H\(\text{y}\)draulic Modelling

6.1 Design Flood Modelling Results

Design flood modelling was undertaken for the 1% AEP design flood event.

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Page 13 of 41





The flood level has been measured and summarized in flood maps. Refer to Appendix C for a summary of these results.

A breakdown of the required flood planning levels has been summarised in Table 3.

Table 3 Required Flood Planning Levels

Location	Flood Level	Flood Planning Level
Habitable FPL (of extension)	28.65	29.15
Non-Habitable FPL (of extension)	28.65	28.80

7 Flood Risk Management Plan

This section of the report outlines and discusses the measures to mitigate the flooding impacts on the proposed development and its users. These measures are specific to the subject site.

The purpose of this plan is:

- To address existing, future and continuing flood risks on the site;
- To establish a program for the implementation of the plan; and
- To allow the stakeholders of the site to adopt this plan.

7.1 ARR2019

7.1.1 General Flood Hazard Curves

When dealing with specific floodplain management or emergency management analysis there may be a clear need to use specific thresholds. However, particularly in a preliminary assessment of risks or as part of a constraints analysis such as might be applied as part of a strategic floodplain management assessment, there is also an acknowledged need for a combined set of hazard vulnerability curves, which can be used as a general classification of flood hazard on a floodplain. A suggested set of curves based on the referenced thresholds presented above is provided in Figure 3

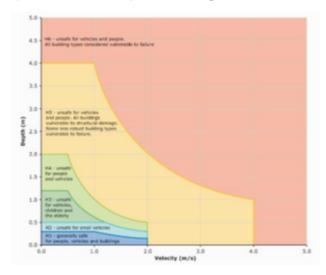


Figure 3 ARR2019 General Flood Hazard Curves



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Page 14 of 41





The combined flood hazard curves presented in Figure 3 set hazard thresholds that relate to the vulnerability of the community when interacting with floodwaters. The combined curves are divided into hazard classifications that relate to specific vulnerability thresholds as described in Table 4 below.

Table 4 Combined Hazard Curves - Vulnerability Thresholds

Hazard Vulnerabilitų Classification	Description
H1	Generally safe for vehicles, people and buildings.
H2	Unsafe for small vehicles.
Н3	Unsafe for vehicles, children and the elderly.
H4	Unsafe for vehicles and people.
Н5	Unsafe for vehicles and people. All buildings vulnerable to structural damage. Some less robust buildings subject to failure.
Н6	Unsafe for vehicles and people. All building types considered vulnerable to failure.

Table 5 Combined Hazard Curves - Vulnerability Thresholds Classified Limits

Hazard Vulnerabilitų Classification	Classification Limit (D and V in combination)	Limiting Still Water Depth (D)	Limiting Velocitų (V)
H1	D*V ≤ 0.3	0.3	2.0
H2	D*V ≤ 0.6	0.5	2.0
Н3	D*V ≤ 0.6	1.2	2.0
H4	D*V ≤ 1.0	2.0	2.0
H5	D*V ≤ 4.0	4.0	4.0
H6	D*V > 4.0	-	-

Importantly, the vulnerability thresholds identified in the flood hazard curves described above can be applied to the best description of flood behaviour available for a subject site. In this regard, the hazard curves can be applied equally to flood behaviour estimates from measured data, simpler 1D numerical modelling approaches, through to complex 2D model estimates with the level of accuracy and uncertainty of the flood hazard estimate linked to the method used to derive the flood behaviour estimate.

7.1.2 Isolation, Effective Warning Time, Rate of Rise and Time of Day

The effective warning time available to respond to a flood event, the rate of rise of floodwaters, the time of day a flood occurs, and isolation from safety by floodwaters and impassable terrain are all factors that may increase the potential for people to be exposed to hazardous flood situations. These factors are



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Page **15** of **41**



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important considerations that influence the vulnerability of communities to flooding and are important considerations in managing flood risk.

7.1.3 Isolation

As outlined in AEM Handbook 7 (AEMI, 2014), flooding can isolate parts of the landscape and cut-off evacuation routes to flood-free land. This can result in dangerous situations, because people may see the need to cross floodwaters to access services, employment or family members. Many flood fatalities result from the interactions of people, often in vehicles, with floodwaters. Any situation that increases people's need to cross floodwaters increases the likelihood of an injury or fatality.

AEM Handbook 7 recommends that the floodplain be classified by precinct or community based on flood emergency response categories. This classification is separate to the quantification of hazard outlined in this guideline and is addressed in the complementary Technical Flood Risk Management Guideline on Flood Emergency Response Classification of the Floodplain.

7.1.4 Effective Warning Time

As outlined in of AEM Handbook 7, effective warning time is the time available for people to undertake appropriate actions, such as lifting or transporting belongings and evacuating.

Lack of effective warning time can increase the potential for the exposure of people to hazardous flood situations. In contrast, having plenty of effective warning time provides the opportunity to reduce the exposure of people and their property to hazardous flood situations.

7.1.4.1 Rate of Rise

Rate of rise of floodwaters is discussed in AEM Handbook 7. A rapid rate of rise can lead to people evacuating being overtaken or cut off by rising floodwaters. It is often associated with high velocities but it can be an issue if access routes are affected by flooding.

7.1.4.2 Time of Day

The time of day influences where people are and what they are doing. This can influence their ability to receive any flood warnings and respond to a flood threat. Inability to receive and respond to a warning can increase the potential for people to be exposed to hazardous flood situations.

7.2 Preparation for a Flood Emergency

In preparation for a flood emergency, the following should be done:-

- Ensure all Residents and manager are aware of the flooding situation and that isolation and confinement to ground/first floor of the building is a real possibility;
- Encourage employees to participate in the development, implementation and review of future flood risk management plans;
- Keep an up-to-date list of emergency contact numbers in a prominent location;
- Incorporate flood awareness to the induction and training programs;
- Ensure that the manager will receive training in emergency procedures;
- The manager will maintain in their possession an up-to-date listing of the after hours contacts for the members of the Emergency committee;
- Maintain a record of all site attendance on a daily basis;
- Maintain a register of all visitors and contractors within the premises at any given point in time;
- Ensure that all records are copied and backed up on a daily basis;
- Identify those systems which can be shut down in the event of a flood emergency;

-

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Page 16 of 41





7.3 Actions in the likelihood or during a Flood

The following actions should be listed on the notice to be displayed on site at key locations.

- Manager to advise persons within the site of the likelihood of a flood, heavy rainfall and/or if a flood
 is occurring;
- The Manager will obtain the register of all people on site including residents and contractors;
- Try as much as practical to seal doors and openings on ground floor to minimise the damage to property and equipment;
- Contact the emergency services on 000 and the SES on 132500 alerting them to the situation;
- · Continue to monitor the local radio stations, generally the ABC, to keep updated on any flooding;
- Shut down computers and all non-essential equipment;
- Maintain contact with the emergency services;
- Do not permit anyone to leave the site by foot or vehicle;
- Have all personnel maintain a calm outlook;
- In the event of a medical emergency, contact the emergency services by phone 000 and advise them of the need for assisting and follow their instructions;
- Further shut down all system not required; and
- Maintain an ongoing count of persons at all times and report any missing.

7.4 Other Sources of Flood Information

7.4.1 Observation of local rainfall or flood water

An important indication of likely imminent flood activity would be intense local rainfall.

7.4.2 The Bureau of Meteorology

The Bureau of Meteorology does not prepare flood predictions for Clay Cliff or Parramatta River but does issue Severe Thunderstorm Warnings and Severe Weather Warnings for Sydney.

Severe Thunderstorm Warnings are issued together with maps indicating the current location and predicted path of thunderstorms. Severe Weather Warnings are for severe weather not related to thunderstorms, cyclones or fire, such as "east coast lows" or other causes of intense rainfall or storm surge.

These warnings are available at http://www.bom.gov.au/nsw/warnings/.

BoM also provides real time rain radar coverage for Sydney at http://bom.gov.au/products/IDR713.loop.shtml.

7.4.3 The NSW SES

The local SES unit, which operates a Facebook page for informing members of the public, flood warnings and local flood advice.

(https://www.facebook.com/NSWSESBlacktownUnit/).

These are issued on the basis of localised valley watch information for locations for which the BoM does not issue Flood Warnings. They normally predict which class of flooding (minor, moderate or major) will occur, and must not contradict any Flood Warnings provided by the BoM for gauges on the same river. Local Flood Advices are to be clearly identified as being issued by the SES.

-

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Page 17 of 41





7.4.4 Local Emergency Management

In the event of a local emergency, a Police Officer may be appointed by the District Emergency Operations Controller as the Local Emergency Operations Controller for the area. Local Emergency Operations Controller is responsible for emergency response operations.

7.4.5 Local Television and radio stations

Local television and radio stations would disseminate warnings from the Bureau of Meteorology, SES and other relevant sources.

7.5 After the Flood

Once the all clear has been given by the emergency services and the surrounding roads have been reopened, the following actions can occur:

- Do not enter floodwaters;
- Ensure that everyone is safe and accounted for;
- Undertake an assessment of any damage before occupying or allowing others to occupy the premises;
- Remove any debris and clean around all entrances, access points and flood storage area;
- Except when inundated, ensure that facilities such as computers, lights etc are functioning to enable activities to resume;
- If any electrical items have been inundated, these should be checked by an appropriately qualified electrician before use;
- · Consult with the emergency services and the SES to obtain feedback of the operation of the plan;
- As soon as possible after resumption of normal business, the Emergency Group will meet to debrief and establish any areas for review and change;
- · Amend the plan appropriately and issue replacement plans to common locations; and

7.6 Emergency Contact Details

The following contact list, or similar is to be kept on site at all times.

Table 6 Emergency Contact Details

Organisation	Telephone	Contact
State Emergency Services	132500	
Gas		
Sydney Water		
Fire Brigade	000	
Police	000	
Ambulance	000	
Electricity		

7.7 Flood Emergency Kit

For flooding emergencies, the following kit should be available and stored in a common refuge area:

-

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Page 18 of 41





- A portable radio and torch with fresh batteries;
- Candles and water proof matches;
- · Reasonable stocks of fresh water;
- A first aid kit and basic first aid knowledge; and
- Emergency contact details.

7.8 Integration with local flood and catchment plans

The operators of the site should obtain a copy of the latest local flood plan from Council. This plan may be subject to reviews on a regular basis, possibly every five (5) years.

The site's flood risk management plan should complement the local plan and is intended to give the stakeholders of the site an additional level of information on how to manage and respond to flooding within the site's boundaries.

The stakeholders should make themselves informed of the requirements and the procedures outlined in the local flood plan, which would generally be available from Council.

8 Discussion

This section of the report provides a review of the results and discusses Council's requirements as stated in the DCP.

- a) The proposed development does not have any adverse impacts on the flooding elsewhere in the floodplain. This can be seen in the flood impact map (difference between post and pre site conditions) which shows that the proposed development does not increase the flood levels and velocities elsewhere. This indicates that there is no change in the flood conveyance and no loss in flood storage.
- Majority of the proposed extension is to be suspended with open subfloors, Refer to Appendix C for further information.
- c) Portion of existing terrain along the eastern boundary is to be cut down by 100mm to allow for additional flood storage area throughout the site.
- The requirements of the DCP are implemented.

9 Conclusion

A detailed investigation on the flooding behaviour has been undertaken in the vicinity of the proposed development at 11 Moree Avenue Westmead 2145. Using a 1D/2D model, the study determined the flood behaviour for the 1% AEP design flood. The primary flood characteristics reported for the design events considered depths, levels, velocities, Flood level impact, and Flood Hazard Impact. The study has also defined the Provisional Flood Hazard for flood-affected areas and demonstrated an improvement of the hazard classification around the site.

The impact of the proposed development was assessed and was found to be inconsequential.

The flood maps are included under Appendix 3.

The study addresses Council's requirements as per the DCP. In our opinion, Council should allow the development in its current proposal.



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Page 19 of 41





Appendices

Appendix A - Site Survey

Appendix B - Architectural Plans

Appendix C - Flood Mapping

Appendix D - Flood Information from Council

Appendix E - Council's Flood Risk Precincts Matrix

Appendix F - Council's Standard Drawing SD 8025



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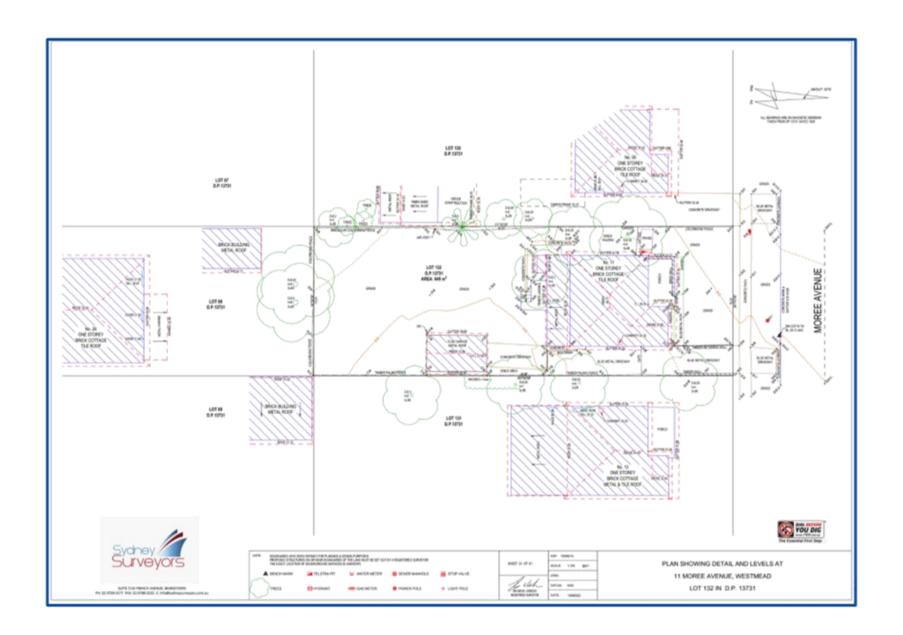
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Page 20 of 41



Appendix A Site Survey

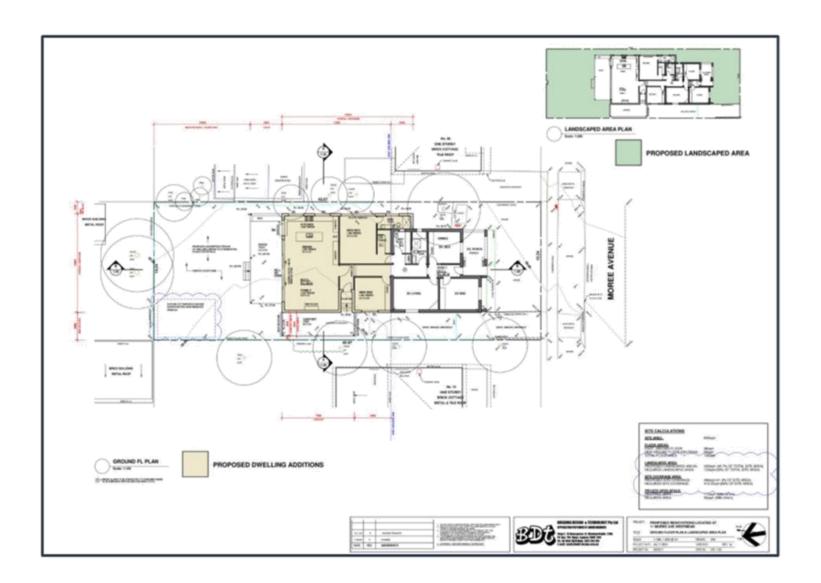






Appendix B Architectural Plans

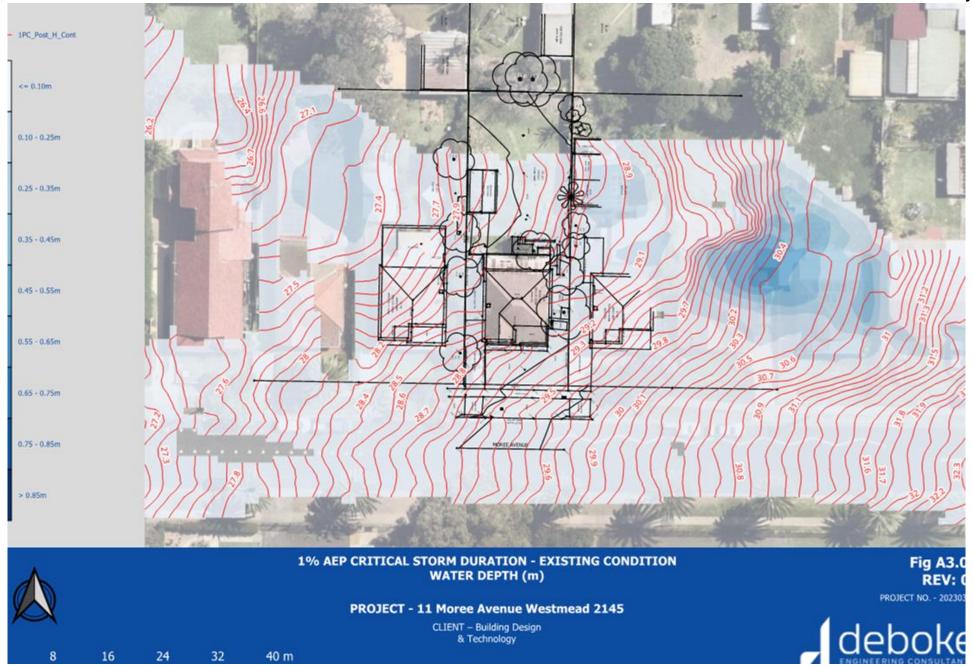






Appendix C Flood Mapping

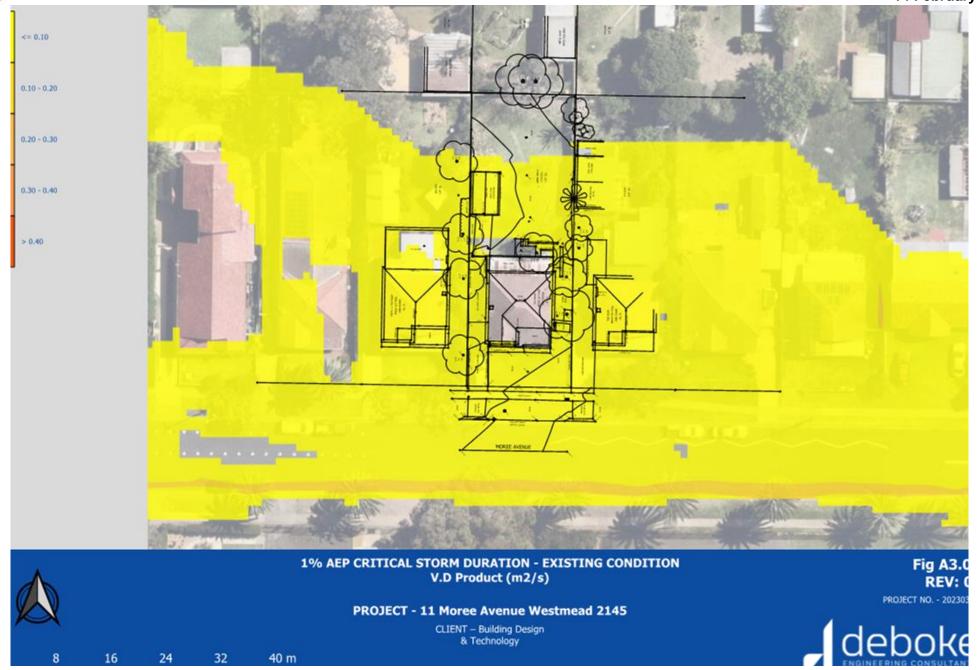




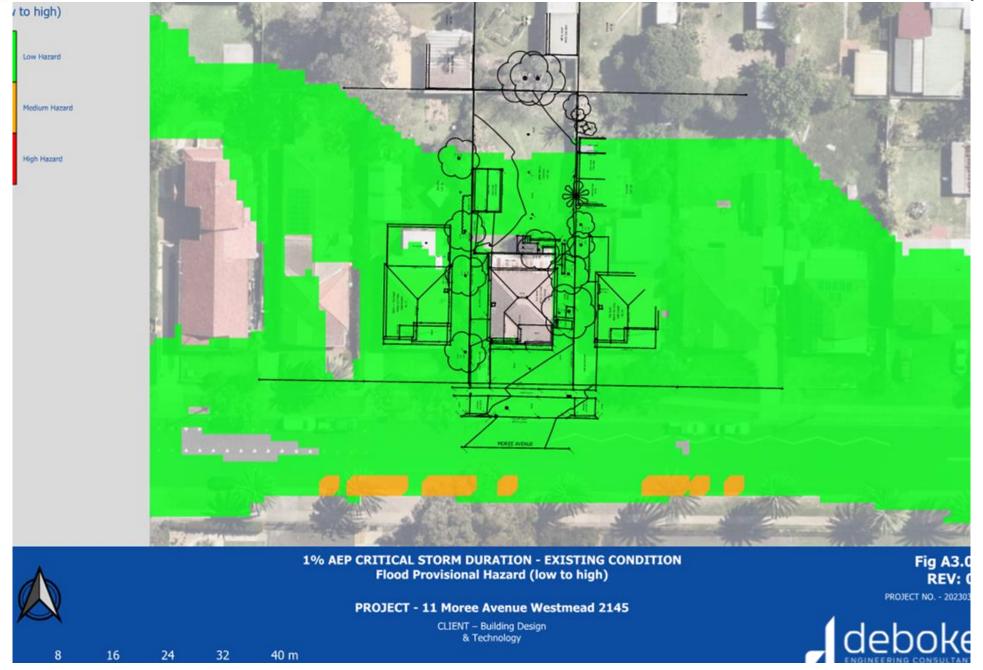








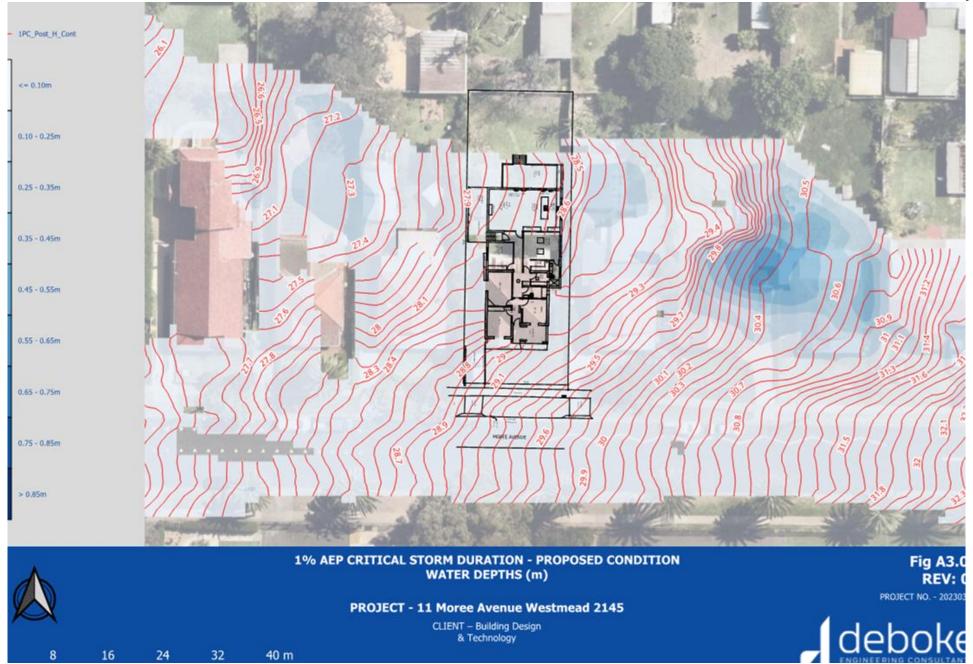








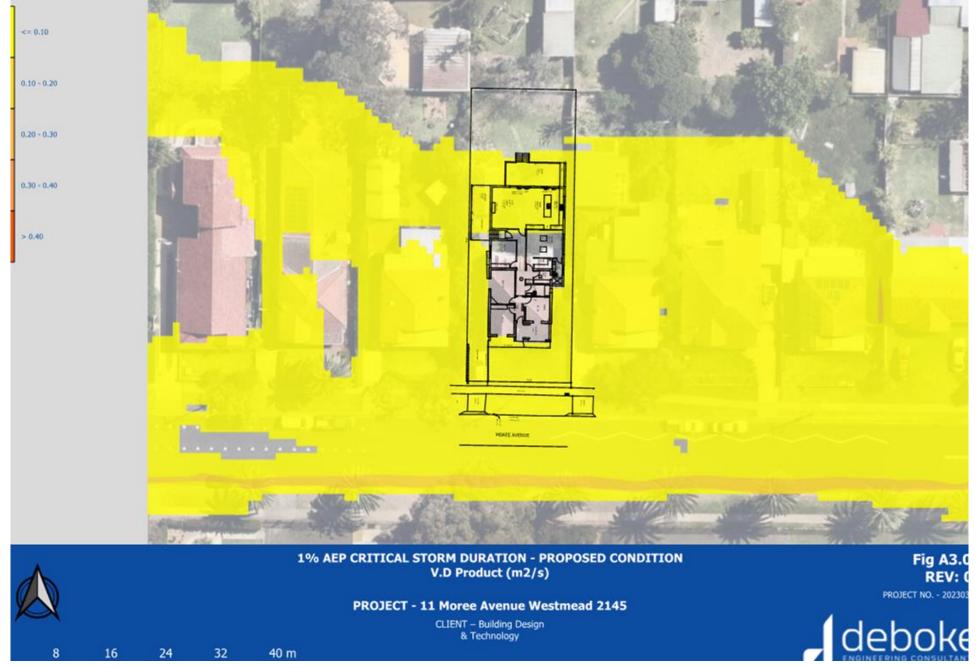




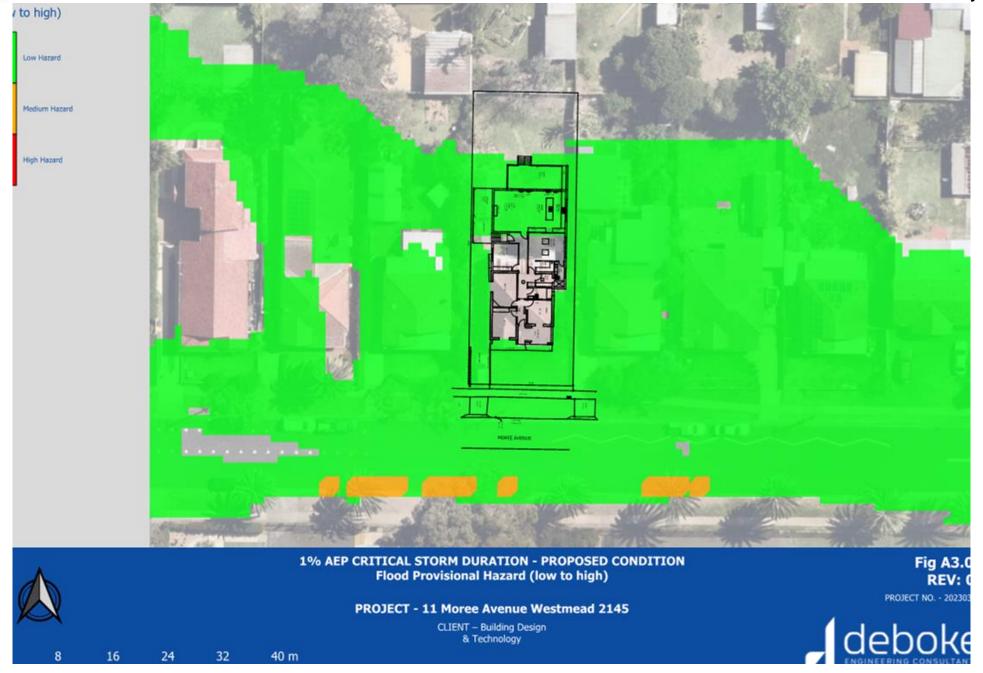




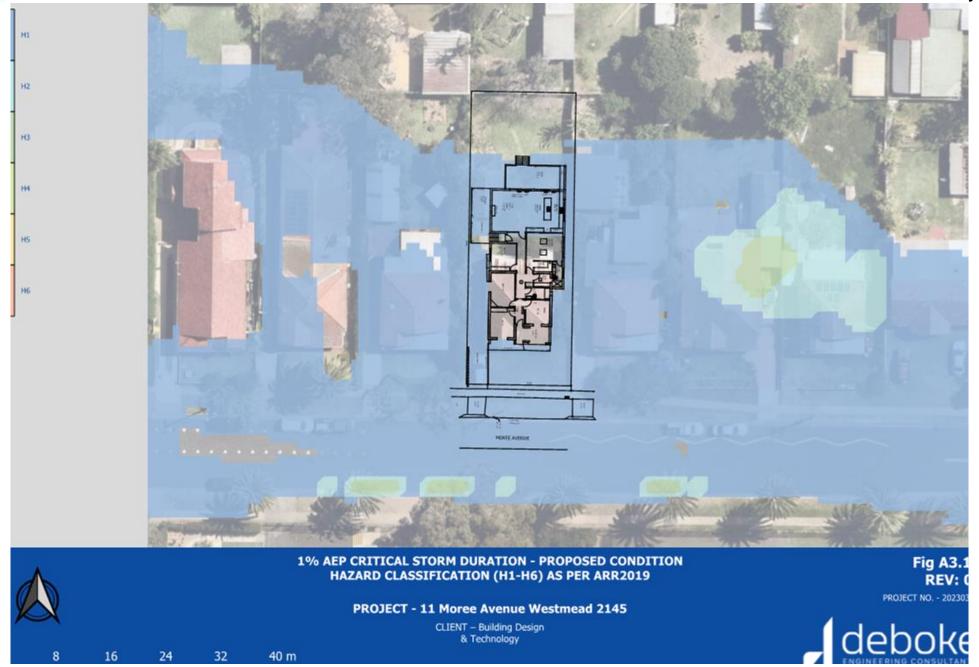






















Appendix D Flood Information from Council





Ref: EC2023/0947

06 October 2023

W Cui 11 Moree Avenue WESTMEAD NSW 2145

Dear Sir/Madam,

Subject: Flood Levels at 11 Moree Avenue WESTMEAD NSW 2145,

Lot 132 DP 13731

Application No: EC2023/0947

Property: 11 Moree Avenue WESTMEAD NSW 2145

Council refers to your request dated 5 October 2023 requesting flood information at the above property.

The above property is shown to be <u>affected</u> by the 1% Annual Exceedance Probability (AEP) flood, according to the information available to Council from the "Westmead Creek Overland Flood Study" prepared by Lyall & Associates Consulting Water Engineers in June 2017.

The 1% AEP flood level refers to a flood which has a 1% chance of being equalled or exceeded in any one year and this site has been assessed as <u>a medium flood risk</u>. It should be noted that a flood could occur that is more severe than the 1% AEP flood at any time.

The maximum 1% AEP flood level relevant to the subject property has been determined (see the attached plan) to Australian Height Datum (AHD) as follows:

1.	At location A	*	27.6 mAHD
2.	At location B	-	27.9 mAHD
3.	At location C	*	28.1 mAHD
4.	At location D	*	28.3 mAHD
5.	At location E	*	28.6 mAHD
6.	At location F	*	28.9 mAHD
7.	At location G		29.2 mAHD
8.	At location H	-	29.5 mAHD
9.	At location I		29.8 mAHD

The subject property has been identified as Flood Control lot. Under the SEPP (Exempt & Complying Development) 2008 Regulation 3.5(1), a Complying Development Certificate must not be issued for, "Development under this code must not be carried out on any part of a flood control lot, other than a part of the lot that the council or a professional engineer who specialises in hydraulic engineering has certified, for the purpose of the issue of the relevant complying development certificate, as not being any of the following:

16 Memorial Avenue, PO Box 42, Merrylands NSW 2160
T 02 8757 9000 E council@cumberland.nsw.gov.au W cumberland.nsw.gov.au

ABN 22 798 563 329

Welcome Belong Succeed



- a) a flood storage area,
- b) a floodway area,
- c) a flow path,
- d) a high hazard area,
- e) a high risk area.

Council has determined that part of the flood control lies in one of the five items above – **item A, B,** C; therefore, a CDC cannot be issued on this site. The identified flood items are represented by the darker area within the 1% AEP flood extent on the attached map. If the development is proposed within any part of this zone (dark blue area), a pre and post flood study must accompany the Development Application. Alternatively, if the development is proposed within the uncoloured and/or light blue areas (flood fringe zone), a CDC may be considered for this site. However, the surface flows must not be impeded (blocked) and the redevelopment shall allow the free movement of the flood around any proposed structure(s).

In all cases, flood level on adjacent properties shall not be increased. Supporting documentation is to accompany the development.

Minimum habitable floor levels shall be 0.5m above the flood level at the upstream side of the structure. Minimum non-habitable floor levels (garages, laundry, sheds, etc.) shall be 0.15m above the flood level at the upstream side of the structure. Interpolation between flood levels is allowed.

The relationship between these levels and the ground surface may be determined by a survey of the property undertaken by a Registered Surveyor.

It should be noted that where the development or redevelopment of the property is proposed, reference should be made to the relevant Development Control Plan with regard to flooding and drainage issues. Please include a copy of this letter and map with any Development Application that you may lodge with Council for the subject site.

For modelling purposes, the models (pre and post development flood study) shall be calibrated to Council's 1%AEP Flood levels (or interpolated levels) at least 10 metres upstream and downstream from the property boundaries. A 2D model is recommended for these purposes.

Note

The brown shaded area on the attached Map represents the flood waters with a depth of flow less than 100mm and does not attract any flood controls. It is presented on the flood map to show the continuity of flooding within the area. However, if development occurs within the brown areas, the structure shall not impede or divert flows to adjacent properties.

Flood levels are not static due to changing circumstances (e.g., revision of the flood model) and accordingly the above flood level is only valid for one year from the above date.

Should you have any further enquiries in this regard, please contact Luiza Atakulova, Planning Systems Support Officer during normal office hours, Monday to Friday on 8757 9955.

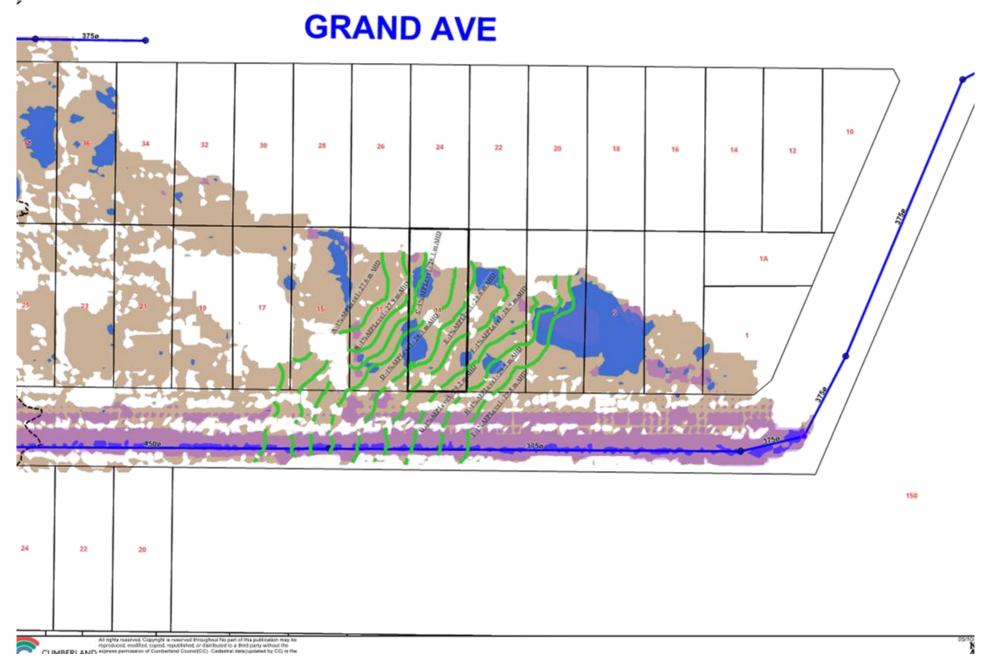
Yours sincerely,

Manisha Devarapalli

joniya. Deva negalli

STORMWATER ENGINEER







Appendix E Council's Flood Risk Precincts Matrix



								Flo	od I	Risk	Pre	cinc	ts (F	RP'	s)						
		Lo	w F	loo	d F	Risk			led	iun	n Fl	000	Ri	sk		Hi	gh	Flo	od	Risk	
Planning Consideration	Essential Community Facilities	Critical Utilities	Subdivision	Residential	Commercial & Industrial	Recreation & Non-Urban	Concessional Development	Essential Community Facilities	Critical Utilities	Subdivision	Residential	Commercial & Industrial	Recreation & Non-Urban	Concessional Development	Essential Community Facilities	Critical Utilities	Subdivision	Residential	Commercial & Industrial	Recreation & Non-Urban	Concessional Development
Floor Level		5									2,3,4	2,3	-	6						1	2,6
Building Components		2									ı	1	1	ž.						į.	ŧ
Structural Soundness		3									2	2	2	2						- 1	- 1
Flood Affectation		2								1	2	2	2	2						1	-1
Evacuation		2,4	*	3,4	4					*	3,4	3,4	1	3						ı	3
Management & Design		1.2.3	1	8		1 3				1	2.3.5	2.3.5	2.3.5	2,3,5						2.3.5	2,3,5

Not Relevant Unsuitable Land Use

Note: Filling of the site, where acceptable to Council, may change the FRP considered to determine the controls applied in the circumstances of individual applications.

Floor level

All floor levels to be equal to or greater than the 5 year ARI flood level plus freeboard unless justified by site specific assessment.

Floor levels of open car parking areas to be equal to or greater than the 20 year ARI flood plus freeboard. This may be achieved with a suspended floor which allows the continued passage of flood waters or filling if justified by a site specific assessment, as required with reference to flood affectation and other controls below. Enclosed car parking (e.g. garages or basement car parking) must be protected from the 100 year ARI flood.

3 Habitable floor levels to be equal to or greater than the 100 year ARI flood plus freeboard.

Below ground swimming pools should be free from inundation from storms up to the 5 year ARI. Where required, the private open space of a dwelling should be a usable outdoor recreation area which, during storm events equal to less than the 5 year ARI, is free from inundation by overland flows exceeding 50mm.

5 All floor levels to be equal to or greater than the probable maximum flood plus freeboard.

Floor levels to be as close to the design floor level (the level nominated above that would apply if not concessional development) as practical and no lower than the existing floor level when undertaking alterations or additions.

Note: The freeboard height in the Haslams Creek floodplain is variable primarily, due to the implications of sub-critical and super-critical flows caused by obstructions to the flowpath of flood waters, and can be determined by reference to a map and tables produced as part of the Haslams Creek FRMP and held in the offices of Council. The freeboard height for the Duck River and Cooks River floodplains is 0.5m.

Building components and method (Also see Table 7)

I All structures to have flood compatible building components below or at the 100 year ARI flood level.

2 All structures to have flood compatible building components below or at the PMF level.

Structural soundness

Engineers report to certify that any structure can withstand the forces of floodwater, debris and buoyancy up to and including a 100 year flood.

2 Applicant to demonstrate that any structure can withstand the forces of floodwater, debris and buoyancy up to and including a 100 year flood.

^{*} Refer to 'Management & Design' planning consideration for subdivision





Applicant to demonstrate that any structure can withstand the forces of floodwater, debris and buoyancy up to and including a PMF flood.

Flood affectation

- Engineers report required to certify that the development will not increase flood affectation elsewhere.
- The impact of the development on flooding elsewhere to be considered.

Note: When assessing flood affectation the following must be considered:

- 1. Loss of storage area in the floodplain (except for filling occurring up to the 20 year ARI.
- Changes in flood levels caused by alteration of conveyance of flood waters.
 Filling between the 20 year and 100 year ARI flood levels will not be permitted.

Evacuation

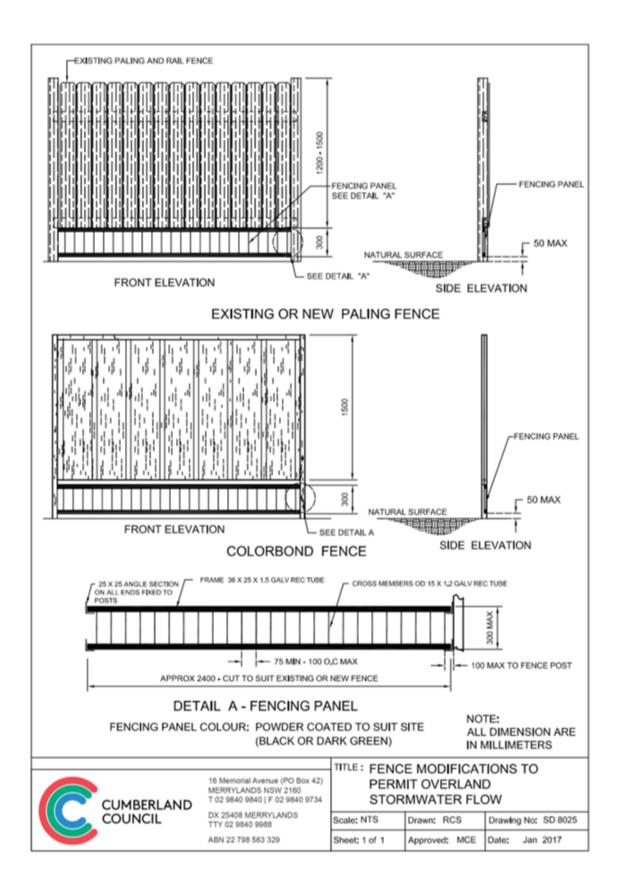
1	Reliable access for pedestrians required during a 5 year ARI flood.
2	Reliable access for pedestrians and vehicles required during a PMF flood.
3	Reliable access for pedestrians or vehicles is required from the dwelling, commencing at a minimum flood level equal to the lowest habitable floor level to an area of refuge above the PMF level, either on-site of off-site.
4	Applicant to demonstrate that the development is to be consistent with any relevant DISPLAN or flood evacuation strategy.

Man	agement and design
1	Applicant to demonstrate that potential development as a consequence of a subdivision proposal can be undertaken in accordance with this Part.
2	Site Emergency Response Flood plan required (except for single-dwelling houses) where floor levels are below the design floor level.
3	Applicant to demonstrate that area is available to store goods above the 100 year flood plus 0/5m (freeboard).
4	Applicant to demonstrate that area is available to store goods above the PMF flood plus 0.5m (freeboard).
5	No external storage of materials below design floor level which may cause pollution or be potentially hazardous during any flood.



Appendix F Council's Standard drawing SD 8025





DOCUMENTS ASSOCIATED WITH REPORT LPP005/24

Attachment 8
BASIX Certificate





page 1 /

BASIX Certificate

Building Sustainability Index www.basix.nsw.gov.au

Alterations and Additions

Certificate number: A506785

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Alterations and Additions Definitions" dated 06/10/2017 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary

Date of issue: Wednesday, 20, September 2023

To be valid, this certificate must be lodged within 3 months of the date of issue.



Description of project

Project address	
Project name	11 Moree Ave, Westmead
Street address	11 Moree Avenue Westmead 2145
Local Government Area	Cumberland Council
Plan type and number	Deposited Plan 13731
Lot number	132
Section number	
Project type	
Dwelling type	Separate dwelling house
Type of alteration and addition	My renovation work is valued at \$50,000 or more, and does not include a pool (and/or spa).

Certificate Prepared by (please complete before submitting to Council or PCA)

Name / Company Name: Taylor Smith Consulting

ABN (if applicable): 71860738382



ASIX Certificate number: A506785

Fixtures and systems	Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
ighting			
The applicant must ensure a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or ight-emitting-diode (LED) lamps.		~	~
ixtures			
The applicant must ensure new or altered showerheads have a flow rate no greater than 9 litres per minute or a 3 star water rating.		V	V
The applicant must ensure new or altered toilets have a flow rate no greater than 4 litres per average flush or a minimum 3 star water rating.		~	✓
The applicant must ensure new or altered taps have a flow rate no greater than 9 litres per minute or minimum 3 star water rating.		~	

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ASIX Certificate number: A506785

Construction nsulation requirements			Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
The applicant must construct the new or alter	ed construction (floor(s), walls, and ceilings/roofs) ation is not required where the area of new construction where insulation already exists.		~	~	V
Construction	Additional insulation required (R-value)	Other specifications			
suspended floor with enclosed subfloor: framed (R0.7).	R1.00 (down) (or R1.70 including construction)				
external wall: brick veneer	R1.16 (or R1.70 including construction)				
flat ceiling, pitched roof	ceiling: R2.45 (up), roof: foil backed blanket (55 mm)	medium (solar absorptance 0.475 - 0.70)			

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SIX Certificate number: A506785

Cumberland Local Planning Panel Meeting
14 February 2024

page 4 / 7

Blazing req	quirements						Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
indows an	nd glazed do	ors							
					nading devices, in accordance with each window and glazed door.	the specifications listed in the table below.	V	~	V
he following	requirements	must also	be satisfi	ed in relation	to each window and glazed door:			V	~
ave a U-valu	ue and a Solar	Heat Gair	n Coefficie	nt (SHGC) n		d glass may either match the description, or, e below. Total system U-values and SHGCs		✓	✓
ave a U-valu lust be calcu	ue and a Solar ulated in accord	Heat Gair dance with	n Coefficie n National	nt (SHGC) n Fenestration	o greater than that listed in the tabl	ar glazing, or toned/air gap/clear glazing must e below. Total system U-values and SHGCs . The description is provided for information		~	~
					each eave, pergola, verandah, baldhan 2400 mm above the sill.	cony or awning must be no more than 500 mm	✓	✓	~
ergolas with	polycarbonate	roof or si	imilar tran	slucent mate	erial must have a shading coefficien	t of less than 0.35.		V	~
					e window or glazed door above which must not be more than 50 mm.	ch they are situated, unless the pergola also		✓	✓
	ng buildings or ne 'overshadow				at and distance from the centre and	the base of the window and glazed door, as	✓	✓	✓
Vindows a	and glazed	doors g	lazing r	equiremer	nts				
	or Orientation		Oversha	dowing	Shading device	Frame and glass type			
0.		glass inc. frame (m2)	Height (m)	Distance (m)					
V1	W	2.17	0	0	eave/verandah/pergola/balcony >=450 mm	standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
V2	N	16.4	0	0	eave/verandah/pergola/balcony >=900 mm	standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			

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ASIX Certificate number: A506785

Glazing requ	irements						Show on DA Plans	Show on CC/CDC Plans & specs	Certifier Check
Window / door no.	Orientation	Area of glass inc. frame (m2)	Oversha Height (m)	dowing Distance (m)	Shading device	Frame and glass type			
W3	N	10.38	0	0	eave/verandah/pergola/balco	ny standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
W4	N	2.19	0	0	eave/verandah/pergola/balcol>=900 mm	,			
W5	E	1.01	1.51	1.3	eave/verandah/pergola/balco	ny standard aluminium, single clear, (or U-value: 7.63, SHGC: 0.75)			
W6	E	1.01	0	0	eave/verandah/pergola/balco	ny standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
W7	E	2.87	1.85	3.3	eave/verandah/pergola/balco				
W8	E	1.12	1.85	3.3	eave/verandah/pergola/balco >=450 mm	ny standard aluminium, single pyrolytic low-e, (U-value: 5.7, SHGC: 0.47)			
Skylights							'		
The applicant m	nust install th	e skylight	s in accor	dance with the	ne specifications listed in the tal	ble below.	V	V	V
The following re	quirements	must also	be satisfi	ed in relation	to each skylight:			V	V
Each skylight m he table below.		tch the de	escription,	or, have a U	l-value and a Solar Heat Gain (Coefficient (SHGC) no greater than that listed in		✓	✓
Skylights gl	azing requ	iiremen	ts						
Skylight numbe	er Area of g		Shading	device	Frame	and glass type			
S1	0.77		no shad	ing	timber,	double clear/air fill, (or U-value: 4.3, SHGC: 0.5)			
S2	0.77		no shad	ing	timber,	double clear/air fill, (or U-value: 4.3, SHGC: 0.5)			

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ASIX Certificate number: A506785

Legend

n these commitments, "applicant" means the person carrying out the development.

Commitments identified with a "\sqrt{"}" in the "Show on DA plans" column must be shown on the plans accompanying the development application for the proposed development (if a levelopment application is to be lodged for the proposed development).

Commitments identified with a "\sqrt" in the "Show on CC/CDC plans & specs" column must be shown in the plans and specifications accompanying the application for a construction sertificate / complying development certificate for the proposed development.

commitments identified with a "

" in the "Certifier check" column must be certified by a certifying authority as having been fulfilled, before a final occupation certificate for the levelopment may be issued.

anning, Industry & Environment Building Sustainability Index www.basix.nsw.gov.ai